CHAPTER 13
ZONING ORDINANCE

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CHAPTER 13-100. INTRODUCTION

SECTION 1. GENERAL PROVISIONS

13-101. Title. This ordinance shall be known, cited, and referred to as the "Zoning Ordinance, City of Green Bay, Wisconsin," or "this ordinance."

13-102. Purpose. This ordinance is adopted for the following purposes:

(a) To implement the comprehensive plan of the City of Green Bay.

(b) To promote and protect the health, safety, morals, comfort, convenience, and general welfare of the community.

(c) To regulate lot coverage and the size and location of all structures so as to prevent overcrowding and to provide adequate light, air, sanitation, and drainage.

(d) To regulate population density and distribution so as to facilitate the provision of adequate public services and utilities.

(e) To regulate parking, loading, and access in order to promote the safety and efficiency of streets and highways.

(f) To secure safety from fire, flooding, pollution, contamination, and other dangers.

(g) To stabilize and protect property values.

(h) To preserve the natural scenic beauty of the City and to enhance the aesthetic desirability of the environment.

(i) To divide the City into districts within which the location, sizes, and uses of buildings and open space shall be regulated.

(j) To prohibit the use of buildings, structures, and lands that are incompatible with the intended use or development of lands within the specified districts.

(k) To provide regulations pertaining to pre-existing lots, structures, and uses that do not conform to provisions of this ordinance.

(l) To provide for the administration and enforcement of this ordinance and to provide penalties for the violation of this ordinance.

13-103. Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall not be construed to limit or repeal any other power now possessed by the City of Green Bay.

13-104. Application. From and after the effective date of the adoption of this ordinance, the use of all land and every building or portion of a building erected, altered, added to, or relocated and every use within a building or structure shall be in conformity with the provisions of this ordinance.

(a) Any existing building or structure and any existing use or properties not in conformity with the regulations of this ordinance shall be regarded as nonconforming but may be continued, extended, or changed in compliance with the provisions of Chapter 13-400.

(b) A nonconforming use in violation of the provisions of the zoning ordinance, which this ordinance supersedes, shall not be validated by the adoption of this ordinance unless it is in compliance in all respects.

13-105. Abrogation and greater restrictions. This ordinance does not repeal, rescind, or otherwise negate any easement, covenant, ordinance, rule, or other regulation that is legally enforceable, provided that where the regulations of this ordinance are either more or less restrictive than such easements, covenants, rules, or other agreements, the more restrictive standards or requirements shall prevail.

13-106. Severability. If any section, clause, provision, or portion of this ordinance is judged invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. If any application of this ordinance to a particular structure, land, or water is judged invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

13-107. Repeal. All ordinances or parts of ordinances in conflict with this zoning ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall become effective on August 19, 2006.

SECTION 2. DISTRICTS AND MAP

13-108. Establishment. (Amd. GO 17-08)

(a) Base districts. For the purposes of this ordinance, the City of Green Bay is divided into the following base zoning districts:

(1) R-1 Low Density Residential District
(2) R-2 Medium Density Residential District
(3) R-3 Varied Density Residential District
(4) RR Rural Residential District
(5) OR Office-Residential District
(6) NC Neighborhood Center District
(7) D Downtown District (D1 and D2)
(8) C1 General Commercial District
(9) C2 Highway Commercial District
(10) C3 Community Center Commercial District
(11) LI Light Industrial District
(12) GI General Industrial District
(13) BP Business Park District
(14) PI Public Institutional District
(15) CON Conservancy District
(16) TND Traditional Neighborhood Development District

(b) Overlay districts. The following overlay districts are hereby established:

(1) Shoreland-Wetland Overlay District
(2) Floodplain Overlay Districts (Floodway, Flood Fringe, and General Floodplain)
(3) Historic Districts designated under Chapter 13-1500
(4) Planned Unit Developments designated under Chapter 13-1900

13-109. District boundaries. The location and boundaries of the districts established by this ordinance are set forth on the Green Bay Zoning Map, which is hereby adopted by reference and declared to be a part of this ordinance. Supplemental maps, such as the Designated Floodplain Maps and the Historic District Maps, are also incorporated by reference.

(a) Amendments to the zoning map may be made from time to time as provided for in Chapter 13-200 of this ordinance. Such changes shall be made by the Zoning Administrator after the official adoption of the zoning amendment.

13-110. Rules for interpretation of district boundaries. Where uncertainty exists as to the boundaries of districts as shown on the zoning map, the following rules shall apply:

(a) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys, rivers, streams, or other bodies of water shall be construed to follow such centerlines.

(b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(c) Boundaries indicated as approximately following established municipal limits and City borders shall be construed as following such lines.

(d) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

(e) Where physical features, such as floodplains, are at variance with those shown on the Official Zoning Map or, in other circumstances, not covered by subdivisions (a) through (d) above, the Zoning Administrator shall interpret the district boundary.

13-111. Zoning of annexed land. Annexations to or consolidations with the City subsequent to the effective date of this ordinance shall be placed in the Rural Residential (RR) District unless the annexation ordinance temporarily places the land in another district. The Zoning Administrator shall evaluate and recommend a permanent classification to the Common Council. Annexations containing shorelands, wetlands, or floodplains shall comply with the provisions of the Shoreland-Wetland Overlay District (Chapter 13-1200) or the Floodplain Overlay Districts (Chapter 13-1300) of this ordinance, as applicable.

CHAPTER 13-200. ADMINISTRATION

SECTION 1. GENERAL PROVISIONS

13-201. Organization. The administration of this ordinance is hereby defined as follows:

(a) The Plan Commission and City Planning Department
Request for City action
Amendments.
Conditional uses

(b) The Office of the Zoning Administrator
Issuance of zoning certificates
Licensing

(c) The Zoning Board of Appeals
Appeals
Variances

(d) Historic Preservation Commission

(e) Fees/penalties

SECTION 2. GREEN BAY PLAN COMMISSION

13-202. Establishment of the City Plan Commission. The City Plan Commission is established to promote and administer all planning functions required by Wisconsin State Statute, Wis. Stat. 62.23.

(a) Composition. The Plan Commission shall consist of seven members: one alderperson and six citizens. The members shall be persons whose experience and qualifications are of such kind and nature as to prepare them to discharge the duties required of them.

(b) Alderperson Member. The alderperson member shall be appointed by the Mayor at the first meeting of the Common Council held after the spring election and shall serve for the balance of his/her term in office.

(c) Citizen Members. The Mayor shall appoint six citizen members. The first terms shall be staggered, one for one year, two for two years, and one for three years, respectively, from the succeeding first day of May. Thereafter, annually during April, members shall be appointed for a term of three years.

(d) Authority. The City Plan Commission shall, subject to the usual contractual and employment practices of the City, have the power and authority to employ experts and staff, pay for their services, and pay such other expenses as may be necessary and proper from the appropriation made for such Commission by the Common Council or from other monies placed at its disposal by gift, grant, or otherwise. The Council may, however, adopt rules for the expenditures of such funds.

(e) Removal. The Commission may call for the removal of its members per Section 1.05 of the Green Bay Municipal Code. The City Council shall take the appropriate action as deemed necessary.

(f) Vacancy. Should any vacancy occur among the members by reason of death, resignation, disability, removal, or otherwise, immediate notice thereof shall be given to the Mayor and Common Council, and the Council shall appoint a replacement. Should any vacancy occur among the officers, the vacant office shall be filled in accordance with the Plan Commission rules, such officer to serve the unexpired term of the office in which such vacancy shall occur.

(g) Officers. The Plan Commission shall elect a chair, vice-chair, and secretary from among its members. The Zoning Administrator shall serve as the secretary of the City Plan Commission, and the City Planning staff shall act as the agent of the Plan Commission in carrying out its duties.

(h) Functions of the Plan Commission. The City Planning Department is responsible for administering all planning functions required by state statute. The Plan Commission is authorized to perform the following functions:

(1) Rules and public record. The Plan Commission shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings, and recommendations.
(2) Comprehensive plan and official controls. The Plan Commission shall cooperate with the Zoning Administrator and other Planning Department staff in preparing and recommending to the Common Council for adoption or amendment comprehensive plans and recommendations for plan implementation in the form of official controls and other measures.
(3) Administration of ordinance. The Plan Commission shall provide assistance to the Common Council and Planning Department staff in the administration of this ordinance.
(4) Rezoning, conditional use permits. The Plan Commission shall review, hold public hearings, and make recommendations to the Common Council on all applications for zoning amendments and conditional use permits using the criteria established in this chapter.
(5) Official Map and other regulations. The Plan Commission shall prepare and recommend the following documents to the Common Council:
   a. An Official Map in accordance with Wis. Stats. 62.23.
   b. A zoning district plan and regulations in accordance with Wis. Stats. 62.23.
   c. Land division and subdivision regulations in accordance with Wis. Stats. 236.45.

13-203. Request for City action. (Amd. GO 17-08) Those wishing to obtain approval through the Green Bay Plan Commission shall first complete a "Request for City Action" and a detailed letter of intent. Such actions include, but are not limited to, rezoning of property, conditional uses and amendments, Planned Unit Developments, city and extraterritorial subdivision of land, city and extraterritorial subdivision variance, development district map amendments, Official Map amendments, plats of right-of-way, discontinuance of public easement, street name changes, declaring city property surplus, vacation of a street/alley/pedestrian walkway, and/or others as applicable. The application for City action is available in the office of the Planning Department. Such application and letter of intent shall be completed in full and submitted with the appropriate fee to the City Clerk for placement on an available City Council meeting.

13-204. Zoning amendments. The Common Council may, by ordinance, change or supplement the regulations established by this ordinance or amendments to this ordinance.
(a) Initiation
(1) Proposed text amendments may be initiated by the Common Council, City Plan Commission, property owner, or resident of the City.
(2) Proposed map amendments may be initiated by the City Council, City Plan Commission, or the owner or owner's designated agent of the particular property to be rezoned.
(b) Amendments
(1) Application by property owner or resident. A property owner or resident wishing to amend the text of this ordinance shall meet with Planning Department staff to discuss the proposed amendment and may then file an application form with the City Clerk accompanied by a nonrefundable application fee as may be established by the Council from time to time by resolution to cover costs of public notice and administrative review.
(2) A neighborhood meeting may be required by staff as part of a zoning amendment. The coordination and costs of such meeting shall be the responsibility of the petitioner.
(3) Action by Plan Commission. After review and consideration of the amendment, the Plan Commission shall forward its recommendations to the Common Council.
(4) Public hearing. The Common Council or the Plan Commission, upon designation by the Common Council, shall hold a public hearing with a Class 2 public notice. The notice shall be published at least two times prior to the hearing. In case of a protest against such change, duly signed and acknowledged either by:
   a. The owners of 20% or more of the land included in such proposed change;

b. The owners of 20% or more of the land immediately adjacent and extending 100 feet therefrom; or

c. The owners of 20% or more of the land directly opposite thereto extending 100' from the street frontage of such opposite land, such amendment shall not become effective unless approved by a 3/4 vote of the members of the Council.

(5) Action by Common Council. Council action to approve the amendment shall be done by ordinance.

(6) Reapplication time-period. The Plan Commission will not consider any application of a property owner or owner's designated agent for a zoning map amendment within a one (1) year period following a denial of the same request by the Common Council, except that the Plan Commission may permit a new application if the request is significantly altered or at the discretion of the Zoning Administrator for a different zoning district or for amended property boundaries.

(c) Additional requirements in floodplain districts. Map or text amendments that affect property in floodplain districts shall comply with the requirements of Sections 13-1325 and 13-1326 of this ordinance.

13-205. Conditional uses.

(a) Definition. There are certain uses which, because of their unique characteristics, cannot be properly classified in a particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such conditional uses fall into two categories:

(1) Uses publicly operated or traditionally affected with a public interest.

(2) Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

(b) Initiation

(1) Proposed conditional use permits may be initiated by the Common Council, City Plan Commission, or the owner or owner's designated agent of the particular property requesting the conditional use permit.

(c) Conditional use permit

(1) Application by property owner or resident. A property owner or resident wishing to receive a conditional use permit shall meet with Planning Department staff to discuss the proposed CUP and may then file an application form with the Planning Department accompanied by a nonrefundable application fee as may be established by the Council from time to time by resolution to cover costs of public notice and administrative review.

(2) A neighborhood meeting may be required by staff as part of a conditional use. The coordination and costs of such meeting shall be the responsibility of the petitioner.

(3) Action by Plan Commission. After review and consideration of the CUP request, the Plan Commission shall forward its recommendations to the Common Council.

(4) Public hearing. The Common Council or Plan Commission, by designation of the Common Council, shall hold a public hearing with public notice.

(5) Action by Common Council. Council action to approve the CUP shall be done by resolution.

(6) Reapplication time-period. (Cr. GO 17-08) The Plan Commission will not consider any application of a property owner or owner's designated agent for a conditional use permit within a one (1) year period following a denial of the same request by the Common Council, except that the Plan Commission may permit a new application if the request is significantly altered or at the discretion of the Zoning Administrator for a different use or for amended property boundaries.

(d) Findings and recommendations. For each requested conditional use, the Plan Commission shall report to the Council its findings and recommendations, including the stipulations of additional

conditions and guarantees that each condition will be complied with when they are deemed necessary for the protection of public interest.

(1) In case of a protest against the CUP, duly signed and acknowledged either by:

a. The owners of 20% or more of the land included in such proposed CUP;

b. The owners of 20% or more of the land immediately adjacent and extending 100 feet therefrom; or

c. The owners of 20% or more of the land directly opposite thereto, extending 100' from the street frontage of such opposite land, such CUP shall not become effective unless approved by a 3/4 vote of the members of the Council.

(e) Standards. Conditional use approval may be recommended by the Plan Commission with reasonable consideration of the following:

(1) The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.

(2) The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

(3) The conditional use, its exterior architectural design, and functional plan of any proposed structure will not be injurious to the use of other property in the immediate vicinity nor substantially diminish or impair property values within the surrounding neighborhood.

(4) Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.

(5) Adequate measures have been or will be taken to provide ingress and egress and so designed as to minimize traffic congestion.

(6) The conditional use shall have adequate parking facilities as specified in Chapter 13-1700.

(7) The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located and all other applicable City ordinances.

(f) Conditions and guarantees. Prior to the granting of any conditional use, the Plan Commission may recommend such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the use as deemed necessary to protect the public interest and comply with the standards in subsection (e) above. In all cases in which conditional uses are granted, the Council may require such evidence and guarantees as it determines are necessary as proof that the stipulated conditions are being complied with.

(g) Expiration of conditional use approval. If construction has not begun or if the conditional use has not been established within twelve (12) months of the approval date, the conditional use shall expire. Furthermore, if the use ceases to exist or ceases to be conducted for a period of twelve (12) consecutive months, conditional use approval shall expire.

SECTION 3. ZONING ADMINISTRATION

13-206. Zoning administrator. The Zoning Administrator is responsible for interpreting and administering this ordinance. The Zoning Administrator or designee shall:

(a) Issue all zoning certificates and maintain records thereof.

(b) Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of all federal, state, and local codes.

(c) Maintain permanent and current records, including, but not limited to, all maps, including floodplain maps and all water surface profiles, amendments, conditional uses, variances, appeals, and applications.

(d) Provide and maintain public records relative to all matters arising out of this chapter.

(e) Receive, file, and forward to the Zoning Board of Appeals all completed applications for appeals, variances, or other matters on which the Zoning Board of Appeals is required to act under this ordinance.

(f) Initiate, direct, and review, from time to time, a study of the provisions of this chapter and make recommendations to the Plan Commission.

(g) Submit copies of applications for amendments, variances, and appeals to the floodplain regulations and floodplain maps to the appropriate District Office of the Wisconsin Department of Natural Resources, the Federal Insurance Administration, and the Federal Insurance and Hazard Mitigation Office.

(h) Submit copies of any adopted amendments and any decisions by the Zoning Board of Appeals on appeals and variances to the floodplain regulations and floodplain maps, any case-by-case analyses of proposals in floodplain areas, and an annual summary report of the number and types of zoning actions taken to the appropriate District Office of the Wisconsin Department of Natural Resources.

(i) The Zoning Administrator shall enforce this chapter pursuant to Wis. Stats. 62.23 (7)(e) where necessary to protect the health, safety, and welfare of the community.

(j) The Zoning Administrator shall determine the validity of uses, conditional uses, and dimensional considerations when it is unclear of the status of a subject property.

13-207. Certificate of zoning. It shall be unlawful to occupy or use any building, structure, or premises unless a certificate of zoning has been issued by the Zoning Administrator. A certificate of zoning shall not be issued unless the use of the building or premises is in compliance with all applicable provisions of this chapter. A certificate of zoning should be invalid if the use is not completed within one year of its issuance, change in zoning, or change in use.

13-208. Certification of home-based occupations. (Amd. GO 36-09) Those home-based occupations authorized by conditional-use permit shall be required to obtain a home-based occupation certificate from the City, subject to payment of a filing fee as established by City Council resolution. Home-based occupation certificates are not transferable. The certificate shall be renewed annually if required by the conditional-use permit approval, at which time the home-based occupation shall be subject to inspection to ensure code compliance. All nonconforming home-based occupations existing prior to the date of adoption of this ordinance may continue, but the use shall not expand, be rebuilt, relocated, replaced, or altered without being brought into compliance with this chapter.

SECTION 4. ZONING BOARD OF APPEALS

13-209. Establishment of Zoning Board of Appeals. The Zoning Board of Appeals is established for the purpose of hearing appeals and applications and granting variances and exceptions to the provisions of this ordinance in harmony with the purpose and intent of this ordinance.

(a) Composition. The Zoning Board of Appeals shall consist of five (5) members appointed by the Mayor and subject to confirmation by the Common Council for terms of three (3) years, except that of those first appointed, one shall serve for one year, two for two years, and two for three years.

(b) Removal. The members of the board shall be removable by the Mayor for cause upon written charges and after public hearing. The remaining members shall elect one member as chairperson. Vacancies shall be filled for the remainder of the unexpired terms of members whose seats become vacant.

(c) Alternate members. The Mayor shall appoint two alternative members in addition to the five regular members for staggered 3-year terms. The Mayor shall annually designate one of the alternates as the first alternate member and the other as the second alternate member. The first alternate member shall act only when a regular member is absent or abstains. The second alternate member may act only when the first alternate is unable to act or is already sitting or acting.

(d) Organization. The Zoning Board of Appeals shall organize and adopt rules of procedure for its own governance in accordance with the provisions of this chapter.

(1) Meetings shall be held at the call of the chairman and shall be open to the public.

(2) Minutes of the proceedings and a record of all actions shall be kept by the Board showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Board and shall be a public record.

(3) (Amd. GO 30-12) If a quorum is present, the concurring vote of two-thirds or more of the members present of the Board shall be necessary to correct an error, grant a variance, make an interpretation, and permit a temporary, unclassified, or substituted use.

13-210. Jurisdiction of Zoning Board of Appeals. The Zoning Board of Appeals is hereby vested with the following jurisdiction and authority:

(a) Appeals. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this ordinance.

(b) Variances. To hear and act upon applications for specific variances from the terms provided in this chapter.

(c) Other matters. To hear and act upon all other matters referred to it upon which it is required to act under this chapter.

(d) Assistance. The Board may request assistance from other City officers, departments, commissions, and boards.

(e) Oaths. The chairman may administer oaths and compel the attendance of witnesses.

13-211. Appeals. Appeals to the Zoning Board of Appeals may, upon formal application, be taken by any person aggrieved by or affected by a decision of the Zoning Administrator or any other administrative official charged with administering and enforcing this chapter. Such appeals shall be governed by the following provisions:

(a) Procedure.

(1) A petition shall be filed with the Zoning Administrator and transmitted to the Zoning Board of Appeals. An appeal shall stay all legal proceedings of the action appealed unless a stay would cause imminent peril to life or property.

(2) The officer whose action is appealed shall submit a written report to the board that describes the reasons for the action and send a representative to the appeal hearing to comment.

(3) The board shall establish a reasonable time for the hearing of the appeal and give public notice thereof. The board shall render a decision on the appeal within a reasonable time.

(4) The board may reverse or affirm, wholly or partially, or may modify the order, requirement, decision, or determination as appropriate.

13-212. Variances. The Zoning Board of Appeals may, upon denial of a site plan as required in Chapter 13-1800 and submission of a formal application, grant a variance from the dimensional standards of this ordinance where an applicant convincingly demonstrates that literal enforcement of the provisions of the chapter will result in practical difficulty or unnecessary hardship on the applicant.

(a) Procedure. An application for a variance shall be filed with the Zoning Administrator and transmitted to the Zoning Board of Appeals. Prior to making a determination with respect to a variance request, the Board shall hold a public hearing and provide, by mail, written notice to the petitioner and to owners of property immediately surrounding and within at least 100 feet of the property in question, exclusive of streets and alleys, as listed in the office of the City Assessor.

(b) Findings. No variance shall be granted by the Board unless it finds that the following facts and conditions exist and so indicates in the minutes of its proceedings.

(1) Preservation of intent. A variance would not be inconsistent with the spirit, purpose, and intent of the regulations for the district in which it is requested.

(2) Exceptional circumstances. Exceptional, extraordinary, or unusual circumstances or conditions apply to the lot or intended use that do not apply generally to other properties or

uses in the same district, and the variance is not of so general or recurrent a nature to suggest that the zoning ordinance should be changed.

(3) Preservation of property rights. The variance is necessary for the preservation and enjoyment of the same substantial property rights which are possessed by other properties in the same district and vicinity.

(4) Absence of detriment. The variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the spirit, purpose, and intent of this chapter or the public interest.

(5) Hardship. The alleged difficulty in complying with the municipal code is not self-imposed nor is it based solely on economic grounds.

(6) Conditions may be placed upon any variance.

13-213. Finality of decisions of Zoning Board of Appeals. All decisions and findings of the Zoning Board of Appeals, on appeal or upon application for a variance after a hearing, shall in all instances be final administrative determinations and shall be subject to review by court as may be provided by law.

(a) Expiration of variance. If construction has not begun or if the variance has not been acted upon within twelve (12) months of the approval date, the variance shall expire.

(b) If the use ceases to exist or ceases to be conducted for a period of twelve (12) consecutive months, the variance shall expire.

SECTION 5. HISTORIC PRESERVATION

13.214. **Purpose and intent.** It is hereby declared a matter of public policy that the protection, enhancement, perpetuation, and use of improvements or sites of special character or special architectural or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety, and welfare of the people. The purpose of this section is to:

(a) Effect and accomplish the protection, enhancement, and perpetuation of such improvements, sites, and districts which represent or reflect elements of the City's cultural, social, economic, political, and architectural history.

(b) Safeguard the City's historic and cultural heritage as embodied and reflected in such historic structures, sites, and districts.

(c) Foster civic pride in the notable accomplishments of the past.

(d) Stabilize and improve property values.

(e) Protect and enhance the City's attractions to residents, tourists, and visitors and serve as a support and stimulus to business and industry.

(f) Improve and enhance the visual and aesthetic character of the City.

(g) Educate the public regarding the need and desirability of a City historic preservation program and its enhancement of the quality of life.

13-215. Historic Preservation Commission composition. A Historic Preservation Commission is hereby created, consisting of seven members. Of the membership and if available in the community, one shall be a registered architect, one shall be a historian, one shall be a licensed real estate broker, one shall be an alderperson, and three shall be citizen members. Each member shall have, to the highest extent practicable, a known interest in historic preservation. The Mayor shall appoint the commissioners, subject to confirmation by the Common Council. Of the initial members so appointed, two shall serve a term of one year, two shall serve a term of two years, and three shall serve a term of three years. Thereafter, the term for each member shall be three years.

13-216. Historic structure, historic site, and historic district designation criteria. For purposes of this ordinance, an historic structure, historic site, or historic district designation may be placed on any site, natural

or improved, including any building, improvement, or structure located thereon or any area of particular historic, architectural, archeological, or cultural significance to the City, such as historic structures, sites, or districts which:

(a) Exemplify or reflect the broad cultural, political, economic, or social history of the nation, state, or community; or

(b) Are identified with historic personages or with important events in national, state, or local history; or

(c) Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or

(d) Are representative of the notable work of a master builder, designer, or architect who influenced his age; or

(e) Have yielded, or may be likely to yield, information important to prehistory or history.

The Commission may adopt specific operating guidelines for historic structure, historic site, and historic district designation.

13-217. Powers and duties of Historic Preservation Commission. The authority and activities of the Commission shall be advisory, and it shall act in a cooperative capacity and rely upon voluntary compliance. The basic function of the Commission shall be the development of public support and the location and identification of historic sites, historic structures, and historic districts. The duties of the Commission shall be to:

(a) Develop appropriate criteria and standards for identifying and evaluating neighborhoods, areas, places, structures, and improvements within the City which have distinctive character of special historic, aesthetic, architectural, archaeological, or cultural interest or value and might be classified as historic sites, structures, or districts.

(b) Conduct studies and surveys of neighborhoods, areas, places, structures, and improvements within the City for the purpose of determining those of a distinctive character or special historic, aesthetic, architectural, archaeological, or cultural interest or value and of compiling appropriate descriptions, facts, lists, and files.

(c) Promote public education, interest, and support for the preservation and enhancement of such historic sites, structures, or districts.

(d) Cooperate with and advise the Common Council and other agencies and departments of government with regard to such matters as may be appropriate with respect to historic sites, structures, or districts.

(e) Cooperate with and enlist assistance from the National Trust for Historic Preservation, the State Historical Society, the County Historical Society, and other agencies, groups, or individuals active in the field of historic and cultural preservation.

(f) Work on a voluntary basis with the owners of historic sites and structures advising them on the benefits, problems, and techniques of preservation and encouraging their participation in preservation activities.

(g) Designate, with the approval of the Common Council, those neighborhoods, areas, places, structures, and improvements of special historic, aesthetic, architectural, archeological, or cultural significance as historic sites, structures, or districts of the City and nominate those neighborhoods, areas, places, structures, and improvements of special historic, aesthetic, architectural, archeological, or cultural significance to the National Register of Historic Places if appropriate.

SECTION 6. FEES AND ENFORCEMENT

13-218. Fees. A schedule of fees shall be established and may be amended from time to time by the Common Council for all permits, appeals, or other applications filed under the terms of this chapter.

13-219. Violations. It shall be unlawful to use or improve any structure, land, or water in violation of any of the provisions of this ordinance. In case of any violation, the Common Council, the Zoning Administrator, the Plan Commission, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this ordinance or cause a structure to be vacated or removed.

(a) Remedial action. Whenever an order of the Zoning Administrator has not been complied with or where written agreements for compliance have not been made by the property owner within 15 days after written notice has been mailed to the owner, resident agent, or occupant of the premises, the Common Council, the Zoning Administrator, or the City Attorney shall initiate appropriate legal action or proceedings to prohibit such owner, agent, or occupant from using such structure, land, or water.

(b) Enforcement by injunction. Compliance with the provisions of this ordinance may also be enforced by injunction order at the suit of the City or one or more owners of real estate situated within an area affected by the regulations of this ordinance.

(c) Declared nuisances. Any building erected, structurally altered, or placed on a lot or any use carried on in violation of the provisions of this ordinance is hereby declared to be a nuisance per se, and the City may apply to any court of competent jurisdiction to restrain or abate such nuisance.

13-220. Penalties. Any person who violates any provision of this ordinance shall be subject to a penalty as provided in Section 40.05, Green Bay Municipal Code. Each day a violation exists or continues shall constitute a separate violation.

CHAPTER 13-300. DEFINITIONS

SECTION 1. GENERAL PROVISIONS

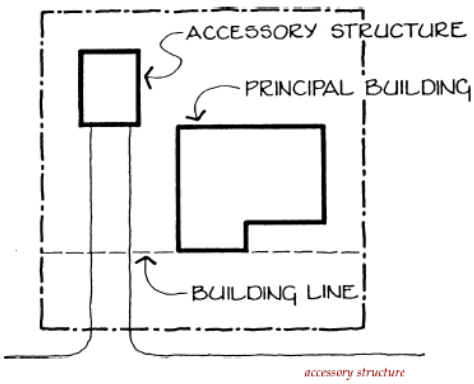
13-301. Rules of Construction. In the construction of this zoning ordinance, the following rules shall be observed and applied, except where the context clearly indicates otherwise:

(1) The present tense shall include the future.
(2) The singular number shall include the plural and the plural the singular.
(3) The word "shall" is mandatory and not discretionary.
(4) The word "may" is permissive.
(5) The word "building" includes the word "structure."
(6) The words "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
(7) The word "lot" shall mean "zoning lot" unless otherwise specified in this ordinance.
(8) The words "lot," "parcel," or "premises" may be used interchangeably.
(9) All stated and measured distances shall be taken to the nearest integral foot. If a fraction is one-half (½) foot or less, the integral foot next below shall be taken.

SECTION 2. DEFINITIONS

13-302. General Definitions. Unless otherwise expressly stated or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for the purposes of this zoning ordinance, have the meanings indicated. All words and phrases not defined shall have their common meaning. Definitions of land uses listed in this ordinance are listed in Section 13-303. Definitions of signs are listed in Section 13-304.

Accessory building: A subordinate building or a portion of the main building, the use of which is clearly incidental to that of the main building and which is located on the same lot as the main building. See the following graphic.



Graphic Courtesy of the American Planning Association

Accessory use:. A use on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure.

Adaptive reuse: A change in use from that for which a structure was originally intended. Such a change provides for the continued utility of the structure without significantly altering the form and character of the original structure.

ADT: Average daily traffic volumes of vehicles on a street.

Affordable housing: Housing in which mortgage, amortization, taxes, insurance, and condominium and association fees, if any, constitute no more than 30 percent of gross annual household income for a family earning 80 percent of the region's median income. In the case of dwelling units for rent, housing that is affordable means housing for which the rent and utilities constitute no more than 30 percent of gross annual household income for a family earning 80 percent of the region's median income.

Alley: A public or private way typically less than 20 feet wide and permanently reserved as a means of access to abutting property.

Annexation: The act or process of adding land to a governmental unit, usually an incorporated place, by an ordinance, court order, or other legal action.

Antenna: Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including, but not limited to, directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

Apartment: See "Multiple-family dwelling."

Area, Building: See "Building coverage."

Area, Lot: The total horizontal area within the lot lines of a lot.

Basement: That portion of a dwelling below the first floor or ground floor with its entire floor below grade.

Boathouse: A permanent structure used for the storage of watercraft and associated materials, including all structures which are totally enclosed and have roofs or walls or any combination of structural parts.

Building: A structure having a roof supported by columns or walls for shelter, support, or enclosure of persons, animals, or chattels. When separated by division walls from the ground up and without openings, each portion of such structure shall be deemed a separate building.

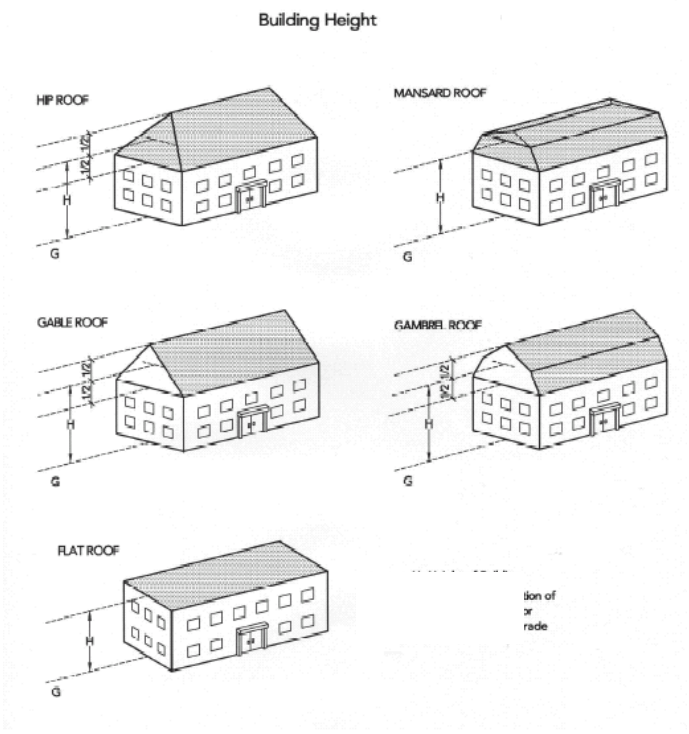
Building Alteration: (Cr. GO 42-10) Changes to structural parts, mechanical equipment, or location of openings, but does not increase the overall area of the building.

Building coverage: The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot, generally expressed as a percentage of lot area.

Building entry: The doorway into a building along with the architectural treatments that accompany it.

Building façade: The entire area of a building facing or side extending from the roof or parapet to the ground and from one corner of the building to another.

Building height: The vertical distance measured from the curb level to the mid-height of the roof surface on a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and ridge for gable, hip, and gambrel roofs. For buildings set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building, provided its distance from the street line is not less than the height of such grade above the established curb level. See the following graphic example.



Building scale: The relationship between the mass of a building and its surroundings, including the width of street, open space, and mass of surrounding buildings. Mass is determined by the three-dimensional bulk of a structure: height, width, and depth.

Certificate of zoning: A document that acknowledges that a use, structure, building, or lot either complies with or is nonconforming to the provisions of the zoning code or is an authorized variance or modification therefrom.

Channel: Natural or artificial water course of perceptible extent with definite bed and banks to confine and conduct continuously or periodically flowing water.

Channel flow: That water which is flowing within the limits of the defined channel.

Class II public notice: Publication of a public hearing notice pursuant to Wis. Stats. Ch. 985.

Co-location: Location of multiple antennas of more than one commercial wireless communication service provider or governmental entity on a single tower or structure.

Columbarium: A building for the entombment of the cremated remains of human bodies as a part of a cemetery.

Commercial motor vehicle: A truck, van, or commercial vehicle with less than 10,000 lbs. gross vehicle weight rating.

Community Development Review Team (CDRT): A group of professionals who conduct the administrative review of all site plan approval requests.

Conditional use: Uses which, because of their unique characteristics, cannot be properly classified in a particular district or districts without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.

Corporate Retreat: (Cr. GO 9-09) A single-family dwelling unit which is provided with or without monetary compensation by a business, company or corporation, including a non-profit corporation, to any transient residential occupant, including, but not limited to, agents, customers, clients, consultants, employees, directors, executives or shareholders of the business, company or corporation.

Council: (Cr. GO 1-11) The City of Green Bay Common Council.

Crematorium: A facility within either a funeral home or a cemetery for the cremation of bodies.

Curb cut: A curb break or a place or way provided for the purpose of gaining vehicular access between a street and abutting property.

Curb level: The mean level of the established curb in front of the building. Where no such curb has been established, the City Engineer shall establish such curb level for the purpose of these regulations.

Density: The number of dwelling units permitted on a site, customarily expressed as dwelling units per acre of buildable area.

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 substantial improvements to buildings, structures, or accessory structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation, or drilling operations; and the storage, deposition, or extraction of materials.

Development standard: Supplemental regulations that address the unique characteristics of certain land uses.

Drainage system: One or more artificial ditches, tile drains, or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

Driveway: An access for vehicles between a roadway and a parking space, garage, dwelling, or other structure.

Dwelling unit: One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family, with separate toilets and facilities for cooking and sleeping from any other dwelling unit.

Eagle III Rescue: (Cr. GO 1-11) Critical care trained personnel prepared for all types of medical emergencies comprised of ground, fixed wing, and helicopter unit transportation.

Environmental control facility: Any facility, temporary or permanent, which is reasonably expected to abate, reduce, or aid in the prevention, measurement, control, or monitoring of noise, air, or water pollutants, solid waste, and thermal pollution, radiation, or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptance pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

Equalized Assessed Value: (Cr. GO 5-08) The value of the real property therein as determined by the Department of Revenue under Wisconsin Statutes 70.57.

Erosion: The detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.

Erosion control measure: A practice or combination of practices to control erosion and attendant pollution.

Erosion control plan: A written description of the number, locations, sizes, and other pertinent information of erosion control measures designed to meet the requirements of this ordinance, submitted by the applicant for review and approval by the Director of Public Works or Building Inspection Superintendent.

Family: A group of two (2) or more persons related by blood, marriage, adoption, or foster care arrangement living together as a single housekeeping unit or a group of not more than three (3) adults not so related maintaining a common household.

Federal Aviation Administration (FAA): (Cr. GO 1-11) An agency of the United States Department of Transportation with authority to regulate and oversee all aspects of civil aviation in the U.S.

Fence: An enclosure or barrier, such as wooden posts, wire, iron, masonry or other manufactured material or combination of materials, erected to enclose, screen, or separate areas.

Fixed houseboat: A structure not actually used for navigation which extends beyond the ordinary high-water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spud poles attached to the bed of the waterway.

Flood: A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.

Flood, Regional: A flood determined by the State Department of Natural Resources and the Federal Insurance Administration in the flood insurance study for the City dated May 2, 1977, which is representative of large floods known to have occurred generally in Wisconsin and reasonably characteristic of what can be expected to occur on a particular stream. The regional flood generally has an average frequency on the order of the 100-year recurrence interval flood determined from an analysis of floods on a particular stream and other streams in the same general region.

Flood, Standard Project: A hypothetical flood projected by the U. S. Army Corps of Engineers, Division of Environmental Protection, or the City Engineering Office representing the critical flood runoff volume and peak discharge that may be expected from the most severe combination of meteorological and hydrologic conditions that are considered reasonably characteristic of the geographical region involved, excluding extremely rare combinations.

Flood delineation. Based on the channel of the river or stream and those portions of the adjoining floodplains which are reasonably required to carry and discharge the regional flood without any measurable increases in flood heights.

Flood frequency: A means of expressing the probability of flood occurrences as determined from statistical analysis of representative stream flow records. The frequency of a particular stage of discharge is usually expressed as occurring once in a specified number of years.

Floodplain: Land adjacent to a body of water which has been or may hereafter be covered by flood water, including, but not limited to, the regional flood.

Floodplain storage capacity: The volume of space above an area of floodplain land that can be occupied by floodwater of a given stage at a given time regardless of whether the water is moving.

Flood profile: A graph of a longitudinal profile showing the relationship of the water surface elevation of a flood event to a location that generally is expressed as a distance upstream from a designated point on a stream or river.

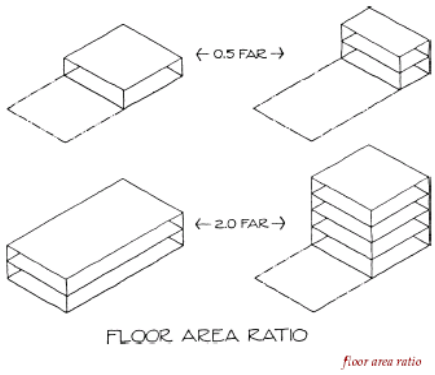
Floodproofing: A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages to properties, water, and sanitary facilities and structures and contents of buildings in a flood hazard area.

Flood protection elevations: That elevation which corresponds to a point not less than 2' above the water surface profile associated with the regional flood plus any increases attributable to encroachments in the floodway.

Floodway: The channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the flood water or flood flows of any river or stream, including, but not limited to, flood flows associated with the regional flood.

Floor area ratio (FAR): The gross floor area of all buildings or structures on a lot divided by the total lot area. See the following graphic example.

$$\text{FAR} = \frac{\text{Total Building Square Footage}}{}$$



Graphic Courtesy of the American Planning Association

Garage, Private: See "Accessory uses."

Grid-intertie Solar System: (Cr. GO 9-12) A photovoltaic solar system that is connected to an electric circuit served by an electric utility company.

Gross acre: An acre of land (43,560 sq. ft.) that includes street rights-of-way and other publicly-dedicated improvements, such as parks, open space, and stormwater detention and retention facilities.

Gross floor area: The sum of the gross horizontal area of a floor or several floors of a building or structure measured from the exterior face of exterior walls or the centerline of a wall separating two buildings or

structures, not including uninhabitable attics or basements, underground parking, uncovered steps or decks, and exterior balconies.

Ground floor: That level of a dwelling below the first floor located on a site with a sloping or multi-level grade and which has a portion of its floor line at grade.

Height of building: See "Building height."

Historic Preservation Commission: A city commission empowered to enforce the regulations of the historic preservation ordinance.

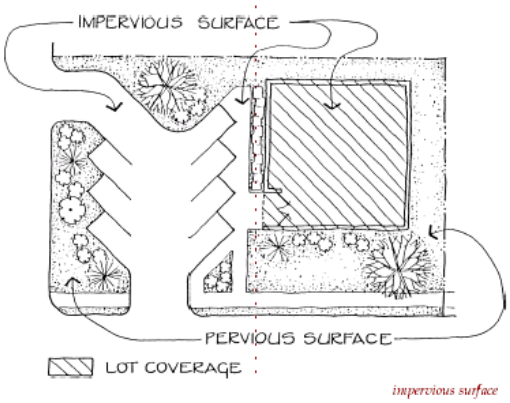
Home-based occupation: (Amd. GO 36-09) The use of a home in a residential zoning district that is clearly incidental to and secondary to the use of a dwelling unit by only persons residing in said home.

Home occupation certificate: See "License for home occupation."

Homeless family: A group of two or more related individuals who are homeless individuals.

Homeless individual: An individual who lacks a fixed, regular, and adequate night-time residence (without regard to whether the individual is a member of a family) or an individual whose primary night-time residence is a supervised public or privately-operated shelter designed to provide temporary living accommodations. Temporary living accommodations include welfare hotels, congregate shelters, dormitories, and transitional housing.

Impervious surface: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes semi-impervious surfaces, such as compacted clay or gravel, as well as conventional street or alley surfaces, roofs, sidewalks, drives, parking lots, and similar improvements. See graphic example.



Graphic Courtesy of the American Planning Association

In-fill Lot: Any vacant lot or parcel within developed areas of the city where at least 80 percent of the land within a 1,000 foot radius of the site has been developed, and where water, sewer, streets, schools and fire protection have already been provided. Lots that have private restrictions or housing covenants that outline a general style of housing are not considered infill lots.

Land development activity: The construction of buildings, roads, parking lots, paved storage areas, and similar facilities.

Land-disturbing construction activity: Any manmade change of the land surface, including removing vegetative cover, excavating, filling, and grading but not including agricultural land uses, such as planting, growing, cultivating, and harvesting of crops, growing and tending of gardens, harvesting of trees, and landscaping modifications.

Landowner: Any person(s) holding title to or having interest in land.

License of home occupation: A certificate (renewed annually) certifying that a use within a residential structure is in compliance with the regulations of the municipal code.

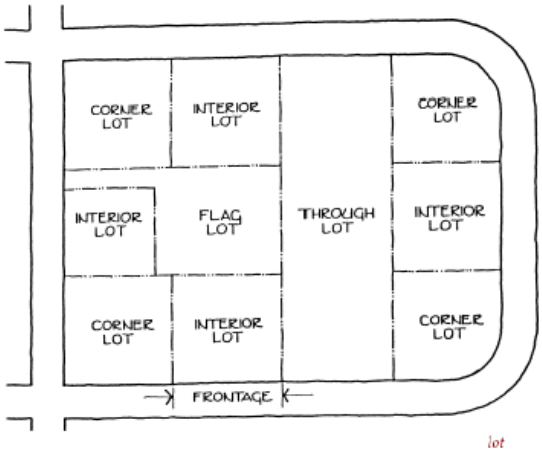
Local Representative: (Cr. GO 9-09) A property owner or his or her designee who permanently resides within the City of Green Bay or a licensed property management company with a physically staffed office within the City of Green Bay who manages a Transient Residential Use.

Lot: Land occupied or to be occupied by a building and its accessory building, including such open spaces as are required under this chapter, having its principal frontage upon a public street or officially approved place. See the following graphic.

Lot, Corner: A lot abutting two or more streets at their intersection or two parts of the same street forming an interior angle of less than 135 degrees. See the following graphic.

Lot, Interior: A lot other than a corner lot. See the following graphic.

Lot, Through: An interior lot having frontage on two streets. See the following graphic.

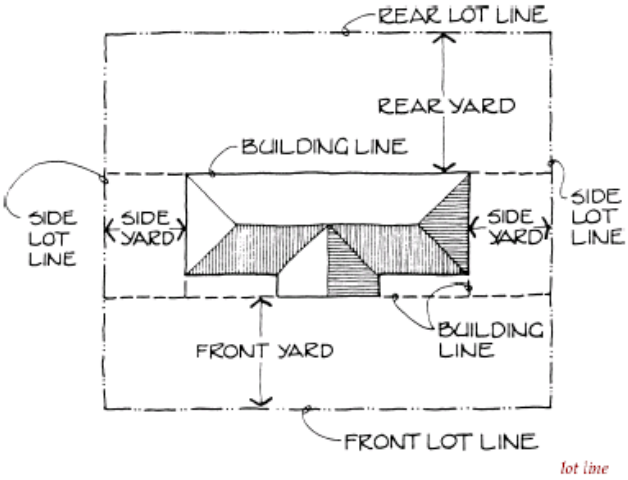


Graphic Courtesy of the American Planning Association

Lot line: A line dividing one lot from an adjoining lot, public place, or public right-of-way, including any of the following:

1. Front lot line. The street frontage shall be the front lot line. On a corner lot, the front lot line shall be along the same street as the front lot line of the immediately adjacent interior lot or, if adjacent to two or more interior lots, the street frontage with the smallest dimension. See the following graphic.
2. Rear lot line. The lot line most closely opposite the front lot line. A triangular lot has two side lot lines but no rear lot line. For any other irregularly shaped lot, the rear lot line is any lot line that is nearly opposite the front lot line. See the following graphic.

3. Side lot line. Any lot line that is neither a front nor a rear lot line. See the following graphic.



Graphic Courtesy of the American Planning Association

Lot width: The distance between a side lot line and another side lot line or a side street lot line, measured at the front setback.

Meteorological tower (met tower): (Cr. GO 1-11) is defined to include the tower, base plate, anchors, and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

Monument: A structure erected to commemorate and/or a memorial perpetuating the memory of a person or event.

Motor vehicle, Commercial: A vehicle, which is intended to be self-propelled, including, but not limited to, automobiles, trucks, recreational vehicles, watercraft, and all-terrain vehicles greater than 10,000 lbs.

Motor vehicle, Residential: (Amd. GO 14-11) A vehicle, which is intended to be self-propelled, including, but not limited to, automobiles, vans, trucks, and motorcycles as listed below:

1. Passenger vehicle, compact. Any passenger vehicle that does not exceed 6 feet in width and/or 15 feet in length.
2. Passenger vehicle. Private passenger vehicle properly licensed and operable of less than 10,000 lbs gross vehicle weight rating.
3. Trucks and commercial vehicles. A truck, van, or commercial vehicle with less than 10,000 lbs gross vehicle weight rating.
4. Recreational vehicle. An operable vehicle primarily used for leisure activities, including, but not limited to, motor home, camper trailers, boats with or without trailers, utility trailers, all-terrain vehicles, snowmobiles and like motorized and non-motorized vehicles.

Navigable waters: Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under Wis. Stats. 14.26(2)(d), not withstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under Wis. Stats. 61.351 or 62.221 and Wis. Admin. Code Ch. NR 117 do not apply to lands adjacent to farm drainage ditches if:

1. Such lands are not adjacent to a natural navigable stream or river;
2. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
3. Such lands are maintained in non-structural agricultural use.

Net acre: An acre of land excluding street rights-of-way and other publicly-dedicated improvements, such as parks, open space, and stormwater detention and retention facilities.

Net floor area: The horizontal area of a floor or several floors of a building or structure, excluding those areas not directly devoted to the principal or accessory use of the building or structure, such as restroom, permanent storage areas, stairwells and ramps, loading facilities, mechanical rooms, and vents or shafts devoted to elevators, wiring, or mechanical equipment.

Nonconforming lot: A lot which does not comply with lot width or lot area requirements of the municipal code.

Nonconforming structure: Buildings and structures that do not meet the setback, height, or other dimensional or density requirements of this ordinance for permitted uses in the zoning district in which they are located.

Nonconforming use: A use lawfully in existence on the effective date of the adoption of this ordinance and not conforming to the regulations of the zoning district in which it is situated.

Nonstructural Alteration: (Cr. GO 5-08) Ordinary repairs that include, but are not limited to, external painting; decorating; paneling; the repair or replacement of doors, windows, nonbearing walls, fixtures, heating and cooling components, wiring, plumbing, roofing, and other nonstructural components.

Off-grid Solar System: (Cr. GO 9-12) A photovoltaic solar system in which the circuits energized by the solar system are not electrically connected in any way to electric circuits that are served by an electric utility company

Open space, Common: Squares, greens, neighborhood parks, community parks, greenways, and other open space owned and maintained by the City, by a homeowners association, or by other organizations for recreation or natural resource protection and generally accessible to the public.

Ordinary high water 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.

Overlay district: A zoning district that restricts or modifies uses permitted in the underlying zoning district.

Parking Lot Alteration: (Cr. GO 42-10) Modifications to parking areas that does not increase the limits of the existing parking lot and includes the following:

1. Patch: Re-striping, crack filling, seal coating as general maintenance of existing parking areas, including filling in, removal and replacement of up to 500 square feet of pavement.

2. Resurfacing: Existing surfaces that are removed above the base course and repaved with no expansion of the parking area.

3. Rehabilitation: Existing parking areas are pulverized and compacted in place with pavement being added on top of the new base material with no expansion of the parking area.

4. Reconstruction: Existing pavement and base course are removed with the sub-base being re-compacted to allow for pavement or base course and pavement being placed with no expansion of the parking area.

5. New Construction: Virgin soil or exposed soil is modified to allow for the construction of a parking area.

Permitted use: Any use which is or may be lawfully established in a particular district(s), provided it conforms to all the regulations and requirements applicable to that district(s) or any use determined by the Zoning Administrator to be substantially similar to a permitted use.

Photovoltaic System: (Cr. GO 9-12) An active solar energy system that converts solar energy directly into electricity or another energy form

Plan Commission: A city commission established to promote and administer all planning functions required by Wisconsin State Statute, Wis. Stat. 62.23.

Pond: Any naturally occurring or manmade body of water that retains or detains the natural flow of water. This definition does not include ponds used for or are a part of a stormwater management plan, as regulated in Chapter 30 of the Green Bay Municipal Code.

Pool: Any constructed or prefabricated structure either temporary (installed for a duration of less than seven days) or permanent (installed for a duration of seven days or more), either above ground or in-ground and containing or normally capable of containing water that is primarily for the purpose of wading, swimming, or other recreation use. This definition excludes hot tubs, spas, and ponds.

Prohibited use: Any use in a particular district(s) that does not conform to the regulations and requirements applicable to that district(s) or any use determined by the Zoning Administrator to not be substantially similar to a permitted use.

Queuing: The use of one travel lane on local streets with parking (usually an intermittent parking pattern) on both sides.

Right-of-Way: A public or private area that allows for the passage of people or goods. Rights-of-way include, but are not limited to, passageways, such as waterways, freeways, streets, bike paths, alleys, and walkways. A public right-of-way is a right-of-way dedicated or deeded to the public or condemned by the public for public use under the control of a public agency.

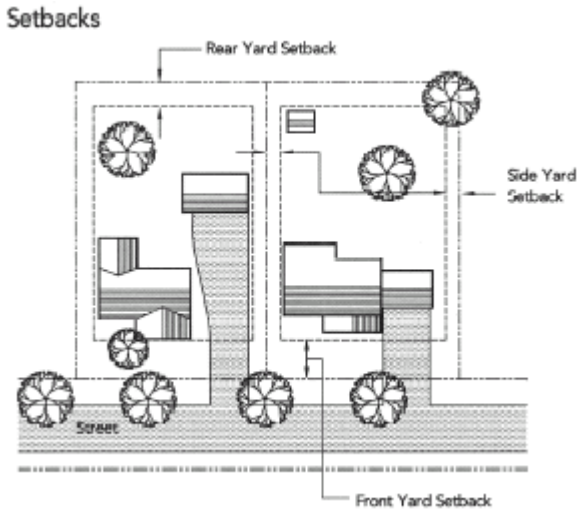
Rotor diameter: (Cr. GO 1-11) The cross sectional dimension of the circle swept by the rotating blades.

Runoff: The rainfall, snowmelt, or irrigation water flowing over the ground surface.

Setback, Front yard and corner side yard: The space between the setback line of the building or use and the street right-of-way line. See the following graphic.

Setback, Rear yard: The space between the rear yard setback line of the building or use and the rear lot line. Where an alley exists, minimum horizontal distance may be measured from the centerline of the alley. A rear yard adjoining a public street is considered a corner side yard. See the following graphic.

Setback, Side yard: The space between the side line of the building or use and the side lot lines unless the side line of the building or use is on a corner lot, in which case it shall be a corner side yard setback. See the following graphic.



Shadow flicker: (Cr. GO 1-11) The visible flicker of light when rotating blades of the small wind energy system cast shadows on the ground and nearby structures causing a repeating pattern of light and shadow.

Shorelands: Lands with the following distances from the ordinary high water mark of navigable waters: 1,000 feet from a lake, pond, or flowage and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

Sidewalk: That portion of a public street right-of-way or public easement that is paved or otherwise surfaced and intended for pedestrian use.

Site: The entire area included in the legal description of the land on which a land-disturbing or land-development activity is proposed.

Site area: The total horizontal area included within the property lines of a site devoted to or intended for a use or occupied by a structure or a group of structures.

Small wind energy system owner: (Cr. GO 1-11) The individual or entity that intends to own and operate the small wind energy system in accordance with this ordinance.

Small wind energy system: (Cr. GO 1-11) A wind energy system that
1. is used to generate electricity;
2. has a nameplate capacity of 100 kilowatts or less; and
3. has a total height of 170 feet or less.

Solar Energy: (Cr. GO 9-12) Active radiant energy (direct, diffuse, and reflected) received from the sun

Spa (hot tub): Any hydro-massage pool or tub for recreational or therapeutic use designed for immersion of users that may or may not be equipped with a filter, heater, and motor driven blower.

Specified anatomical areas*:* (See Adult Entertainment Establishment under "Commercial Recreation and Entertainment")

1. Less than completely and opaquely covered: human genitals, pubic region; buttock; female breast below a point immediately above the top of the areola.
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Stadium: (Cr. GO 16-08) A permanent or semi-permanent facility that conducts events and has designated seating for spectators.

Stormwater management plan: A written description of the number, locations, sizes, and other pertinent information of stormwater control measures designed to meet the requirements of the municipal code submitted by the applicant for review and approval by the Director of Public Works.

Story: That portion of a building included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, the space between the floor and the ceiling next above it.

Story, Half: That portion of a building between the eaves and ridge lines of a pitched roof which may or may not be used for tenant purposes.

Street: A strip of land including the entire right-of-way, publicly- or privately-owned, serving as a means of vehicular travel and furnishing access to abutting properties which may also be used to provide space for sewers, public utilities, shade trees, and sidewalks. A street is typically more than 20 feet wide.

Structural Alteration: (Cr. GO 5-08) Any change which would alter the supporting structures or members of a building or structures, such as bearing walls, columns, beams or girders.

Terrace area: The space between the street pavement and the sidewalk, if any, excluding the driveway apron, often landscaped with grass and street trees.

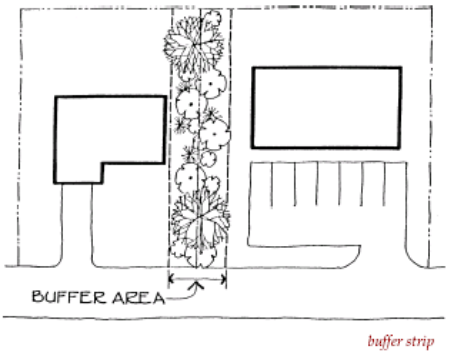
The Austin Straubel International Airport Zoning Ordinance: (Cr. GO 1-11) Brown County Code of Ordinances, Chapter 24, Airport Zoning Districts.

Total height (Small Wind Energy Systems): (Cr. GO 1-11) The vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

Tower: Any pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

Traditional neighborhood: A compact, mixed-use neighborhood where residential, commercial, and civic buildings are within close proximity to each other.

Transitional yard: An area used as a visual and noise separation/buffer of intensive uses from less intensive uses. See the following graphic.



Graphic Courtesy of the American Planning Association

Transient Residential Permit (TRP): (Cr. GO 9-09) A permit issued by the City of Green Bay Clerk to the Local Representative for compliance with a Conditional-Use Permit for a Transient Residential Use.

Transient Residential Use: (Cr. GO 9-09) A single-family dwelling unit in which a private home-owner's paying guests or a corporate retreat's guests are entitled to occupancy for a period less than twenty-eight (28) consecutive calendar days.

Transient Residential Occupant: (Cr. GO 9-09) A person who is entitled to occupancy at any Transient Residential Use.

Transient Room Tax: (Cr. GO 9-09) A fee based on the current hotel room tax for Brown County.

Transient Vacation Unit: (Cr. GO 9-09) A dwelling unit which is provided for compensation to transient occupants for less than 28 consecutive calendar days, other than a bed and breakfast. For the purposes of this definition, compensation includes, but is not limited to, monetary payment, services or labor of employees.

Unbuildable area: The area of a property upon which structures or parking are not permitted due to natural features and required setbacks. The following natural features, when present within a parcel, constitute unbuildable area:

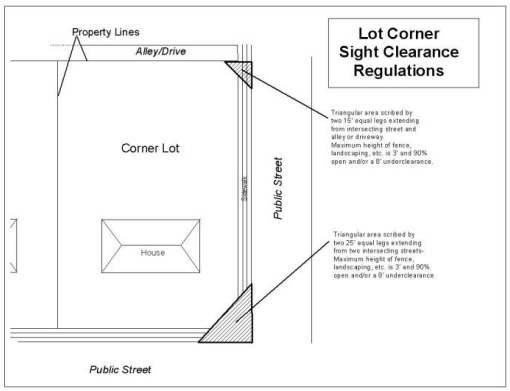
1. Floodways, as defined.
2. Navigable waters.
3. Slopes of 20% or greater. (Gradients between 20% and 30% may be used for construction if acceptable engineering solutions are presented to and accepted by the Department of Public Works.)
4. Wetlands.
5. Required setback areas.

Underlying zoning: That district existing at the time the overlay zoning is adopted or as subsequently amended.

Unnecessary hardship: Circumstances where special conditions which were not self-created affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage height, or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

Variance: An authorization granted by the Zoning Board of Appeals to construct or alter a building or structure in a manner that deviates from the dimensional standards of this ordinance.

Vision triangle (sight clearance): Triangular area enclosing an isosceles triangle scribed by two 25' equal legs extended each way from the vertex of two intersecting streets, such corner determined by projecting the curb lines out to where they meet, or the triangular area enclosing an isosceles triangle scribed by two 15' equal legs extended each way from the vertex of an intersecting street and alley or two alleys, such corner determined by projecting the curb lines out to where they meet. See the following graphic.



Waste collection area: Facilities or areas intended for the temporary retention of garbage, recyclable materials, and other refuse awaiting collection. Waste collection areas consist of dumpsters, bins, and/or trash cans, visually screened from horizontal view from a public street or an adjoining property with fencing or vegetation, and not located within the minimum front or side yards of a property.

Wetlands: Those areas where water is at, near, or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

Wetland alteration: Any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures, or dike and dam construction in a wetland area.

Wind energy system: (Cr. GO 1-11) Equipment that converts and then stores or transfers energy from the wind into usable forms of energy [as defined by Wis. Stat. § 66.0403(1)(m)]. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, inverter, batteries or other component used in the system, including free standing and roof mounted systems.

Wind generator: (Cr. GO 1-11) Blades and associated mechanical and electrical conversion components mounted on top of the tower.

Zoning administrator: That person(s) designated to and responsible for interpreting and administering this ordinance.

13-303. Land Use Definitions. This section defines each land use listed in the use tables of the various zoning districts in the order they appear in the tables. General definitions are listed in Section 13-302. Definitions of signs are listed in Section 13-304.

Residential Uses

Single-family detached dwelling: A separate and detached one-family residence on a single lot designed and arranged for use by one family or household. See the following graphic.

Two-family dwelling, duplex: A separate or detached two-family residence on a single lot, the first and second floors of which are each designed and arranged for use by one family. This type of dwelling is commonly referred to as an upper/lower duplex. See the following graphic.

Two-family dwelling, semi-detached: A dwelling within a building containing two attached dwelling units which share a common wall. The dwelling units may be located on the same lot or on separate lots, with the common wall at the lot line. See the following graphic.

Single-family attached dwelling, townhouse: A one-family dwelling unit with an individual private entrance which is part of a structure containing more than two dwelling units attached horizontally in a linear arrangement and having a totally exposed front and rear wall to be used for access, light, and ventilation. See the following graphic.

Multiple family dwelling: A building containing three or more dwelling units. Also known as apartment house/apartment building. This type of dwelling typically, but not always, has a common/shared entrance. See the following graphic.

Carriage-house dwelling: An additional dwelling unit subordinate to the principal dwelling on the lot and located above a detached garage.

Live-work unit: A dwelling unit in combination with a shop, office, studio, or other workspace within the same unit where the resident occupant both lives and works.

Congregate Living Uses

Rooming house, boarding house: A building that provides a dwelling space to be occupied by four or more individuals who are unrelated and do not constitute a family or by a family and two or more unrelated individuals. A fee is paid to the leaseholder or owner for occupancy for usually longer than one night, and common facilities may be shared, including toilet and kitchen. If, in addition to a room, the leaseholder or owner, as part of the fee for services, provides meals, then the building is considered a boarding house. A rooming/boarding house may be considered a dormitory as defined and regulated within this code.

Community living arrangement: (Amd. GO 1-10) A facility licensed, operated, or permitted by the State of Wisconsin that is either:

1. A facility where four or more children reside and are provided with care and maintenance by persons other than a relative or guardian. This definition includes foster homes, treatment foster homes, community living arrangements for children, and residential childcare centers as defined by Wisconsin State Statute, but does not include educational institutions, public agencies, hospitals, maternity homes, nursing homes, or sanitariums.
2. A facility where three or more adults not related to the operator reside and are typically provided with care, treatment, or services above the level of room service, which may include prescribed personal care. This definition includes Community Living Arrangements (CLAs), Community Based Residential Facilities (CBRFs), and Adult Family Homes (AFHs) as defined by Wisconsin State Statutes, but does not include transitional housing, nursing homes, prisons, jails, correctional facilities, convents, monasteries/seminaries, or educational institutions and related student housing.

Shelter facility: A temporary place of lodging for homeless individuals or homeless families. A shelter facility may be considered a dormitory as defined and regulated within this code.

Transitional housing: A premises, other than a community living arrangement or community based residential facility, for the temporary placement of persons on parole, extended supervision, or probation in a controlled environment, including supervision or monitoring. A transitional housing facility may be considered a dormitory as defined and regulated within this code.

Dormitory: A communal-type living arrangement of four or more persons not related by blood, adoption, or marriage who share common sleeping areas, kitchen, bath, or restroom facilities. This definition includes, but is not limited to, shelter facilities, educational facility housing, rooming houses, boarding or lodging houses, community living arrangements, community based residential facilities, migrant housing, seminary, or similar institution.

Fraternity, sorority: A building used as group living quarters for students of a college, university, or seminary who are members of a fraternity, sorority, or other group that has been officially recognized by the college, university, or seminary. A fraternity/sorority may be considered a dormitory as defined and regulated within this code.

Convent, monastery, seminary, and religious retreat*:* A building or group of buildings that serves as the primary dwelling and place of work and worship for members of a religious order. A convent, monastery, seminary, and religious retreat may be considered a dormitory as defined and regulated within this code.

Nursing home, assisted living*:* A building or complex of buildings where four or more persons who are not related to the operator or administrator reside, receive care or treatment and, because or their mental or physical condition, require access to 24-hour nursing services, including limited nursing care, intermediate level nursing care, and skilled nursing services, as defined in Wis. Stats. 50.01. A nursing home/assisted living facility may be considered a dormitory as defined and regulated within this code.

Educational Uses

School, elementary, or secondary*:* A public, parochial, or private school which provides an educational program for one or more grades between kindergarten and grade 12 and which is commonly known as an elementary school, grade school, middle school, junior high school, or high school.

College, university: An educational institution authorized by the state to award associate, baccalaureate, or higher degrees or any campus of the state vocational, technical, or adult education system.

School, specialty, or personal instruction: A business, professional, trade, or other specialty school, including, but not limited to, a school offering instruction in music, art, dance, martial arts, GED preparation, computer use or programming, or cosmetology.

Daycare home/daycare center, preschool: A facility that provides supervision and care of preschool age children on a regular basis for periods less than 12 hours per day. Daycare or preschool facilities are licensed by the State of Wisconsin Department of Heath and Family Services and classified as one of the following:

1. Family daycare home: A dwelling unit licensed as a daycare center by the Wisconsin Department of Heath and Family Services where care is provided for up to eight children at one time.
2. Group daycare center, preschool: A program licensed to provide care for nine or more children at one time.

Adult daycare home: (Cr. GO 1-10) A residential dwelling where services are provided for part of a day in a group setting to adults who need assistance with activities of daily living, supervision, or protection. Services may include personal care and supervision, provision of meals, medical care, medication administration, transportation, and activities designed to meet physical, social, and leisure time needs. Such facilities are not licensed by the State of Wisconsin, but may be certified by the state.

Institutional and Civic Uses

Cemetery*:* A place for the internment of the dead, divided into burial lots subdivided in a cemetery plat in accordance with Wis. Stats Sec 157.07, and may also include mausoleum or columbarium and also allow a crematorium as an associated use.

Community center, neighborhood center*:* A building used as a place of meeting, recreation, or social activity catering primarily to the surrounding area or neighborhood. The center may be owned or leased

by a public agency or nonprofit organization and is generally open to the public for daily use or scheduled events.

Cultural institution*:* An institution that displays or preserves objects of interest of the arts or sciences. This term includes, but is not limited to, a museum, gallery, or planetarium.

Hospital*:* A state-licensed institution providing primary health services and medical, psychiatric, or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other physical or mental conditions. Also included are related accessory uses or facilities, such as laboratories, outpatient facilities, and training, research, and administrative services for patients and employees.

Clinic, healthcare facility: A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis. Also included are related accessory uses, such as emergency treatment facilities, diagnostic services, training, administration, and other services to outpatients, employees, or visitors.

Library*:* A public, nonprofit facility in which books, manuscripts, computers, films, or similar materials are kept for use by or loan to patrons but not normally offered for sale.

Park, playground, recreational center*:* A public, noncommercial park, playground, or open space, including any park buildings or other structures. This term does not include commercial recreation facilities.

Religious institution, place of worship*:* A facility where people regularly assemble for religious worship and any incidental religious education which is maintained and controlled by a religious body. This term does not include an elementary, secondary, or specialty school or college.

Office Uses

General office*:* Use of a building for administrative, executive, professional, research, or similar organizations having only limited contact with the public. A general office is characterized by a low proportion of vehicle trips attributable to visitors or clients in relationship to employees. Examples include, but are not limited to, firms providing architectural, computer software consulting, data management, engineering, interior design, graphic design, real estate, insurance, investment, or legal services.

Government office*:* An administrative, clerical, or public contact office of a government agency, including a postal facility, together with incidental storage and maintenance of the agency's vehicles.

Bank, financial institution*:* A financial institution that is open to the public and engaged in deposit banking and that performs the related functions of making loans, investments, and fiduciary activities. The bank may be in a freestanding building or contained in an office building with other uses and with or without a drive-up window.

Medical office, clinic*:* An establishment providing diagnostic and outpatient medical, dental, chiropractic, or similar therapeutic care on a routine basis. Such facility may be staffed by physical or mental healthcare professionals who provide specialized diagnostic, testing, physical therapy, or treatment services, including clerical and administrative services, to persons for periods of less than 24 hours.

Artist's studio*:* Workspace for artists, artisans, or craftspersons who are engaged in the creation, teaching, or performance of the fine and applied arts and also allows the sale of fine and applied art products as an associated use.

Commercial Uses - Accommodation and Food Service Uses

Bed and breakfast*:* A lodging establishment that rents rooms for short periods of time to the public, provides meal(s) to renters, and is the operator's place of residence.

Hotel, inn*:* A building containing rooming units providing temporary lodging accommodations to the general public, with rooms having access to the outside through an interior hallway connected to the main lobby of the building and which may provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities. A hotel shall not include any use which could be defined as a motel.

Motel: A building containing rooming units designed primarily for providing sleeping accommodations for transient lodgers, with rooms having a separate entrance providing direct access to the outside and with automobile parking located adjacent to or near sleeping rooms.

Restaurant*:* A commercial establishment open to the public where food and beverages are prepared, served, and consumed and where food sales constitute the majority of gross sales. A restaurant may include a drive-thru lane for food pickup by vehicle only where specified in a specific zoning district as "restaurant with drive-thru."

Tavern, bar*:* An establishment serving alcoholic beverages primarily for consumption on the premises and where food or packaged alcoholic beverages may be served or sold only as accessory to the primary use.

Service Businesses

Personal service business*:* An establishment providing services which are of a recurring and personal nature to individuals that produce minimal off-site impacts. This term includes, but is not limited to, the following uses:

- Barber and beauty shops.
- Dry-cleaning pickup station.
- Interior decorating/upholstery.
- Locksmith.
- Shoe repair.
- Tanning salon.
- Tailor shop.
- Tattoo or body piercing establishment.
- Watch repair and other small goods repair.

Business service*:* An establishment primarily providing services to businesses or individual businesspeople on a fee or contract basis, including, but not limited to:

- Business equipment and furniture sales or rental.
- Copy center, excluding offset printing and publishing.
- Commercial photography studio.
- Mailing and packaging service.

Building maintenance, janitorial service*:* An establishment providing routine maintenance of buildings, including, but not limited to, window washing, building cleaning, pest extermination, or disinfecting service.

Catering service: A business that prepares food and beverages to be delivered off premises for consumption at a social, business, or civic function and may also provide service at the function.

Day labor agency*:* An establishment engaged in the temporary employment of persons on a daily basis where persons wait on the premises for work assignments.

Funeral home*:* A building used for funeral services, including display of the deceased at a wake for family and friends; embalming and other services in preparation for burial; cremation; storage and sale of caskets, urns, and other funeral supplies for burial or cremation. A funeral home may also include a funeral chapel.

Furniture and appliance rental and leasing*:* An establishment that rents or leases furniture, electronics, small appliances, major appliances, or other household items, including incidental storage and maintenance of such items.

Laundromat*:* A facility that provides washing and drying machines, usually coin-operated, to patrons for cleaning clothes and other fabrics.

Material Recovery Facility (Minor): (Cr. GO 8-09) An establishment for the collection and processing (separation and/or recovery) of materials onsite from products that include, but are not limited to, electronics, computers, televisions, household appliances, monitors, printers, CD/DVD players to be distributed for future reuse.

Printing and publishing establishment*:* An establishment providing custom reproduction of written or graphic materials for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint and facsimile sending and receiving, pre-press services and offset printing, binding, and packaging.

Small appliance repair service*:* An establishment that repairs or services household goods, furniture, appliances, or lawn and garden equipment but not motor vehicles.

Tool/equipment rental facility*:* An establishment that rents tools, lawn and garden equipment, party supplies, and similar goods and equipment, including incidental storage and maintenance of such items.

Animal hospital, veterinary clinic*:* An establishment providing medical and surgical treatment of domestic animals, including grooming and boarding for not more than 30 days if incidental to the medical care.

Animal grooming facility*:* An establishment where domestic animals are bathed, clipped, or combed, including boarding for not more than 48 hours incidental to the grooming services.

Animal boarding facility, kennel, animal shelter. An establishment in which more than two dogs or three cats or any combination thereof may be kept for boarding, breeding, safekeeping, convalescence, placement, sale, or humane disposal.

Retail Sales

Auto Title Loan Business: (Cr. GO 20-09) Any person licensed pursuant to Sec. 138.09 and Sec. 218.05, Wis. Stats., who makes a loan that is secured by an interest, other than a purchase money security interest, where the title of an automobile, motorcycle, any motor vehicle or titled vehicle is used as collateral.

General retail*:* The retail sale of products, sometimes with provision of related services, to the general public that produce minimal off-site impacts. General retail sales include, but are not limited to, the following:

- Antiques and collectibles store .
- Art gallery.
- Bicycle sales and repair.
- Book store, music store.
- Clothing and accessories.
- Drugstore, pharmacy.
- Electronics and appliance sales and repair.
- Florists.
- Food store, including grocery, bakery, butcher shop, and delicatessen.
- Jewelry store.
- Hardware store.
- Liquor store.
- News stands, magazine sales.
- Photographic equipment and supplies.
- Picture framing.
- Sporting goods store.
- Stationery store.
- Tobacco store.
- Video rental or sales.

Antiques and collectibles store*:* A retail establishment that displays and sells cultural or collectible objects, such as stamps, coins, sports memorabilia, and art works.

Building material sales*:* An establishment that sells or rents building supplies, construction equipment, or home decorating fixtures and accessories. This term includes a lumberyard or home improvement center and may include outdoor storage or tool and equipment sales or rental.

Contractor showroom or workshop*:* Office of a contractor, builder, painter, etc. that includes an enclosed showroom for display of samples, appliances, supplies, and other materials used in the business and/or an enclosed workshop for limited assembly or preparation of building materials.

Currency exchange*:* An establishment, other than a bank, trust company, savings bank, savings and loan association, credit union, or other financial institution, that exchanges common currencies, sells money orders or cashiers checks, and cashes checks as its principal business activity.

Firearms sales and service*:* Any business that sells or services firearms and ammunition as its primary sale item.

Garden supply store*:* An establishment for outdoor retail sale of plants, lawn furniture, playground equipment, and garden supplies.

Garden supply store, greenhouse*:* Retail business whose principal activity is the selling of plants and garden supplies, which may have outside storage, growing, or display, and which may include sales of lawn furniture and playground equipment.

Pawnshop: Any business that loans or advances money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the depositor, while also selling such items to the public by acting as a consignment or secondhand store.

Payday Loan Businesses: (Cr. GO 11-06) A payday loan business is any person licensed pursuant to §218.05, Wis. Stats., or a person licensed pursuant to §138.09, Wis. Stats., who accepts a check, holds the

check for a period of time before negotiating or presenting the check for payment, and pays to the issuer an agreed-upon amount of cash or who refinances or consolidated such a transaction.

Secondhand store, consignment store*:* A retail establishment that sells used merchandise, such as clothing, furniture, books, shoes, or household appliances, on consignment or a retail store that sells used merchandise donated to a charitable, tax exempt organization that also sorts, cleans, and marks goods for resale.

Commercial Recreation and Entertainment

Adult entertainment establishment*:* An establishment providing nude dancing or other live or recorded performances that depict, describe, or relate to specified sexual activities: human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation, or sodomy; fondling or other erotic touching of specified anatomical areas. Adult entertainment establishments include, but are not limited to, the following uses.

1. Adult bookstore. An establishment having as a substantial or significant portion of its stock and trade in books, magazines, other periodicals, videotapes, compact disks, and/or other electronic media which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined herein.
2. Adult motion picture theater. An enclosed building or outdoor land area used for the viewing of films or videos at which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined herein for observation by patrons therein.
3. Adult bath house. An establishment or business which provides the service of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the State of Wisconsin and which establishment provides to its patrons an opportunity for engaging in specified sexual activities as defined in this ordinance.
4. Adult motel. A hotel, motel, or similar commercial establishment which:
   a. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
   b. Offers a sleeping room for rent for a period of time that is less than 10 hours; or
   c. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.
5. Adult modeling studio. An establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing, or otherwise.
6. Adult body painting studio. An establishment or business wherein patrons are afforded an opportunity to paint images on a body which is wholly or partially nude. For purposes of this ordinance, the adult body painting studio shall not be deemed to include a tattoo parlor.
7. Adult cabaret. An establishment or business which features male and/or female topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers.
8. Adult novelty shop. An establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on or designed for specified sexual activities as defined herein or stimulating such activity.

Boat landing. A facility providing space for the launching and landing of watercraft.

Convention center*:* A commercial facility used for assemblies or meetings of the members or representatives of groups, including exhibition space and catering and food service facilities.

Health club, fitness center*:* An establishment for the conduct of indoor sports and exercise activities, along with related locker and shower rooms, offices and classrooms, and where use is offered on a membership basis.

Indoor recreation facility*:* A facility for the indoor conduct, viewing, or participation in recreational activities. This term includes, but is not limited to, an indoor driving range, volleyball court, tennis court, bowling alley, ice or roller skating rink, swimming pool, billiard hall, or basketball court.

Marina*:* A facility providing mooring of recreational boats, including piers, anchorage areas, launching facilities, boat storage areas, boat sales, service and rentals, and accessory facilities, such as sale of accessories, food, fuel, and fishing supplies for boating patrons. This term does not include a ship terminal used for freight.

Nightclub*:* An establishment dispensing alcoholic beverages for consumption on the premises and in which dancing and musical entertainment are permitted and may also include sales of food. This use does not include adult entertainment facilities.

Outdoor commercial recreation facility*:* A facility for outdoor conduct, viewing, or participation in recreational activities, which may include one or more structures. This term includes, but is not limited to, a golf facility, tennis, basketball or volleyball court, soccer, baseball or football field, sporting club, amusement park, miniature golf course, or water park.

Campground: An area to be used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters of any kind.

Theater, assembly hall*:* A facility for presenting motion pictures or live performances for patrons. This term includes an outdoor stage, band shell, or amphitheater but does not include an adult entertainment establishment.

Vehicle Services

Automobile rental: An establishment where contracts are prepared or reservations accepted for the rental or leasing of automobiles and other motor vehicles, including incidental storage.

Automobile sales*:* An establishment providing wholesale and retail sales or leasing of new or used automobiles, motorcycles, trucks, trailers, boats, or outdoor recreational vehicles, including outdoor sales area, incidental storage and maintenance and warranty repair work, or other repair service conducted as an accessory use.

Carwash*:* An establishment where washing, drying, polishing, or vacuuming of an automobile is done by service personnel, the driver, or by automated machinery.

Convenience store*:* An establishment where motor fuel products or other minor accessories are retailed directly to the public on the premises, in combination with sale of items typically found in a convenience market or supermarket.

Drive-through facility: A facility consisting of a driveway and window, opening, canopy, or other facilities used for serving patrons seated in an automobile. Drive-through facilities may be associated with principal uses, such as restaurants, banks, or drugstores, or may be free-standing, such as coffee kiosks, ATMs, etc.

Fueling/gas/service station: An establishment where the primary use is the sale of gasoline or any other motor fuel, motor oil, or other minor accessories directly to the public on the premises.

Motor vehicle repair, major: An establishment that performs major repairs to motor vehicles, engines, or trailers, including all services found in a minor repair establishment, as well as rebuilding or reconditioning of whole vehicles, body frame and fender straightening and painting, and rust-proofing.

Motor vehicle repair, minor: An establishment that may or may not include fuel sales and convenience market, while also performing minor repairs to motor vehicles. Such minor repairs may include muffler replacement, oil changing, lubrication, tire repair and replacement, wheel alignment, brake repair, suspension repair, minor engine repair, transmission repair, radiator flushing and repair, and other activities except rebuilding or reconditioning of whole vehicles, body frame and fender straightening, or painting.

Parking lot: An off-street open area used for parking of operable motor vehicles for limited periods of time. A parking lot can be the principal use of the lot or accessory to a commercial, office, residential, or other use. It may be available to the public or reserved for employees, residents, or visitors.

Parking structure*:* A structure of one or more levels or floors used for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in an underground parking garage) or partially or totally above grade. The structure can be the principal use of the lot or accessory to a commercial, office, multiple-family residential, or other use.

Production, Processing, and Storage Uses

Agriculture*:* The use of land for the production of plants, animals, or horticultural products, including farming, dairying, pasturage agriculture, horticulture, floriculture, and animal and poultry husbandry, and the necessary accessory uses for storing the products. Agriculture shall not include animal feedlot operations.

Limited production and processing: Small-scale activities that are compatible with retail sales and services. These uses produce minimal off-site impacts due to their limited nature and scale. Limited production and processing includes, but is not limited to, the following uses:

- Apparel and other finished products made from fabrics.
- Boat building and repair.
- Computers and accessories, including circuit boards and software.
- Electronic components and accessories.
- Film, video, and audio production.
- Food and beverage products, not including live slaughter, grain milling, cereal, vegetable oil, or vinegar production.
- Precision medical and optical goods.
- Signs, including electric and neon signs.
- Watches and clocks.
- Wood crafting and carving.
- Wood furniture and upholstery.

Light industrial uses*:* Low impact uses which produce little or no noise, odor, vibration, glare, or other objectionable influences and which have little or no adverse effect on surrounding properties. Light industrial uses generally do not include processing of raw materials or production of primary materials. This term includes, but is not limited to, the production or processing of the following:

- Apparel and other finished products made from fabrics.
- Computers and accessories, including circuit boards and software.

- Electronic components and accessories.
- Food and beverage products, not including live slaughter, grain milling, cereal, vegetable oil, or vinegar production.
- Furniture and fixtures, not including metal working.
- Household appliances and components, not including metal working.
- Measuring, analyzing, and controlling instruments.
- Musical instruments.
- Office and commercial equipment.
- Pharmaceuticals, health and beauty products.
- Precision machined products, including jewelry.
- Printing and publishing, including distribution.
- Signs, including electric and neon signs.
- Sporting and athletic goods.
- Telecommunications products.

General industrial uses: General industrial uses include metal working and other uses which have the potential to produce greater amounts of noise, odor, vibration, glare, or other objectionable influences than light industrial uses and which may have an adverse effect on surrounding properties. General industrial uses may include processing of raw materials or production of primary materials. This term includes, but is not limited to, the production or processing of the following:

- Electrical equipment, such as motors and generators, lighting, wiring and transmission, and distribution equipment.
- Fabricated metal products, such as cans and shipping containers, cutlery, hand tools, and general hardware.
- Fabricated plastic and rubber products, except tires and inner tubes.
- Glass and glass products, ceramics, china and earthenware, such as dishes and kitchenware.
- Gypsum, drywall, and plaster products.
- Latex paints.
- Lumber and wood products, including plywood.
- Machinery and equipment, such as engines and turbines, farm, lawn, and garden equipment, heating, cooling, and refrigeration equipment, and machine tools.
- Metal-working, such as stamping, welding, machining, extruding, engraving, plating, grinding, polishing, cleaning, and heat treating.
- Textiles and fabrics.

Heavy industrial uses: Heavy industrial uses include high impact and outdoor uses which are likely to have a substantial adverse effect on the environment or on surrounding properties and which require careful site selection to ensure compatibility with the surrounding area. These uses often include processing of extracted or raw materials and production of primary materials. This term includes, but is not limited to, the production or processing of the following:

- Animals or poultry (slaughter or processing).
- Asphalt, paving, and roofing materials.
- Battery manufacture and reprocessing.
- Chemicals and chemical products, including ammonia, chlorine, household cleaners, detergent, and fertilizer.
- Oil-based paints, varnishes, lacquers, and enamels.
- Petroleum and coal products, not including mining or extraction.
- Plastics and synthetic resins and fibers.
- Primary metals, including steelworks, rolling and finishing mills, foundries.
- Pulp or paper products.
- Sand and gravel, not including mining or extraction.

- Tanned hides and leather.
- Tires and inner tubes.

Concrete, asphalt, and rock crushing facility: A use in which the principal activity is the processing, handling, sale and transport of concrete, asphalt, rock, brick, cement, or other similar paving or building materials.

Contractor yard: An establishment providing general contracting or building construction services, including outdoor storage of machinery or equipment.

Dry cleaning establishment, commercial laundry: An establishment that launders or dry cleans fabric, textiles, wearing apparel, or similar articles, including drop-off of articles by customers or cleaning of articles dropped off at other locations.

Research and development facility: An establishment which conducts research, development, or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale or laboratories conducting educational or medical research or testing.

Material Recovery Facility (Major): (Amd. GO 8-09) A facility for the deposit, sorting, or batching, but not processing, of post-consumer recyclable materials, including limited compacting or crushing of recyclable materials.

Auto salvage yard, scrap yard: A facility where scrap or salvage materials, including used motor vehicles, are sorted, stored, dismantled, assembled, and distributed, including wholesale and retail sales of such materials. Scrap or salvage materials include, but are not limited to, scrap iron and other metals, paper, rags, rubber tires, bottles, plastics, and aluminum cans.

Self-service storage facility: A facility consisting of individual self-contained storage units or spaces leased to individuals, organizations, or businesses for storage of personal or business property.

Wholesale and distribution facility: An establishment providing storage, movement, or sale of merchandise and bulk goods, including mail order and catalog sales, importing, wholesale or retail sales of goods received by the establishment but not sale of goods for individual consumption.

Transportation Uses

Ground transportation service: An establishment that stores, maintains, or dispatches public transit vehicles, human service vehicles used for the transportation of elderly or handicapped persons, school buses, taxis, or tow trucks.

Motor freight terminal: A facility for truck-based freight service and operations, including, but not limited to, local pickup, local sorting and terminal operations, line-haul loading and unloading, destination sorting, terminal operations, and local delivery.

Package delivery service: A facility which transports individual packages for expedited delivery in single rear axle straight trucks or smaller vehicles where no single item weighs over 150 pounds.

Railroad switching yards and freight terminal: A facility for the operation of a line-haul or short-line freight railroad.

Ship terminal or docking facility: A facility for the docking, loading, or unloading of ships, barges, or boats that primarily transport freight.

Public Service and Utility Uses

Public safety/service facility: A government facility for public safety, service, and emergency services, including a facility that provides police or fire protection and public-related services.

Sewage treatment plant: A facility which collects, treats, and disposes of water-borne sewage generated within a given service area.

Wireless communications facilities: Any system of antennas, wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electronic waves external to or attached to the exterior of any structure. This definition also includes all accessory equipment and/or structures which contribute to and are subordinate and secondary to the transmission or reception of electronic waves.

1. Wireless communications facilities, attached: Wireless communication facilities that are affixed to existing support structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition. See also "Wireless communication support structures."
2. Wireless communications facilities, freestanding: Wireless communication facilities that are not affixed to existing support structures but are mounted on the ground and not supported in any way by a structure.

Wireless communication support structures: Any exterior structure whether freestanding or mounted on a building or structure that facilitates the broadcast transmission of commercial radio, telephone, or television communication signals. Support structures within this definition include, but are not limited to, monopole towers, lattice towers, light poles, wood poles, guyed towers, or other structures whether or not they appear to be something other than a support structure.

Solid waste disposal facility: A facility for the disposal or storage of solid waste material, including garbage, trash, construction debris, and other kinds of organic or inorganic refuse by dumping, burial, incineration, or any other similar means.

Substation/distribution equipment: A facility other than a transmission tower enclosed or outdoor that aids in the distribution of a utility, including, but not limited to, electric power or telephone service or in the transmission of voice, data, text, internet, sound, or video between network termination points.

Yard waste site, municipal: A facility for collection, storage, and composting of vegetative matter resulting from landscape maintenance.

Accessory and Temporary Uses

Home-based occupation: (Amd. GO 36-09) An occupation that is conducted by a person on the same lot (in a residential district) where such person resides and is limited in extent, secondary, and incidental to the residential use of the lot.

Garage, private: A detached accessory building or portion of a main building housing not more than four motor vehicles of the occupants of the premises, including no more than one commercial vehicle with a capacity of no more than two tons.

Garage: A building or portion of a main building designed or used for parking, storage, service, repair, or sale of motor vehicles. See also Parking Structure under "Vehicle Services."

Outdoor display: The display of goods for sale or rental outside of an enclosed building.

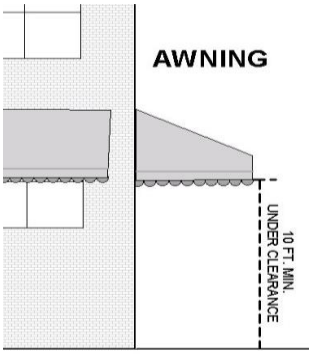
Seasonal market: A temporary facility used to conduct retail trade for a period not exceeding 90 days in a calendar year.

Concrete/batch plant, temporary: A facility that produces or processes concrete or asphalt only for use in a particular construction project and only for the duration of that project.

13-304. Sign definitions. This section defines sign types and sign-related words listed in Chapter 13-2000, Signs. General definitions are listed in Section 13-302. Definitions of land uses listed in this ordinance are listed in Section 13-303.

Animated sign: Any sign that utilizes movement, change of lighting, or electronic lettering to depict action, create messages, or special effects.

Awning: A roof-like shelter projecting from and supported wholly by the exterior wall of a building and constructed of non-rigid materials on a supporting framework. See the following graphic.



Awning sign: A sign incorporated into or attached to an awning or canopy.

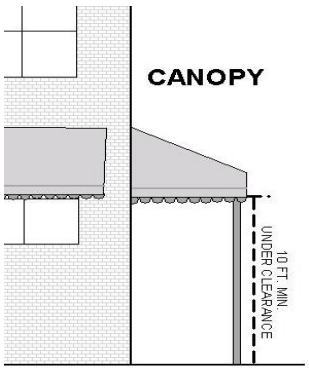
Billboard sign: A sign which directs attention to a business, product, service, or activity not conducted, sold, or offered upon the premises where such sign is located. Also termed "off-premises advertising sign."

Bulletin board sign: A permanently anchored sign with changeable letters used to indicate upcoming events or programs, typically in association with a church, park, school, or other institutional building.

Business Flags: (Cr. GO 23-10) A wall-mounted flag made of a durable fabric that contains graphics limited to business name, logo and advertising used to promote products and services for the premises.

Business sign: A sign that identifies the business, product, service, or activity that is sold or offered upon the premises where such sign is located. A business sign may be a wall sign, a free-standing sign, marquee sign, projecting sign, or other sign type.

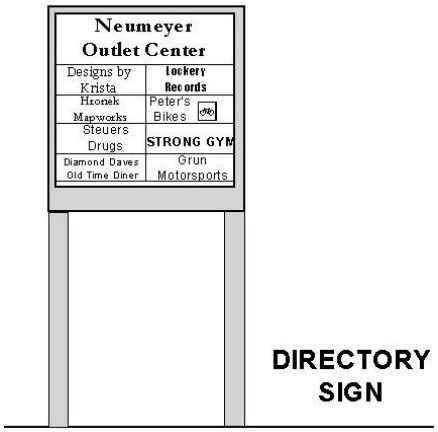
Canopy: A structure, other than an awning, made of non-rigid material on a supporting framework attached to a building and supported by the ground. See the following graphic.



Changeable copy sign: (Amd. GO 13-09) Any on-premise sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. Such sign shall not include any sign considered to be an animated sign. A readerboard sign is to be considered a changeable copy sign.

Directional sign: A sign which serves primarily to direct people to the location of a place, area, or activity.

Directory sign: A sign which serves as a common or collective identification for a group of businesses or occupations operating on the same property or planned development. See the following graphic.



Flags: Flags, symbols, or crests of nations or any organization of nations, states, and cities, fraternal, religious, and civic institutions.

Flashing sign: An illuminated sign, the illumination of which is not kept constant in intensity at all times when in use.

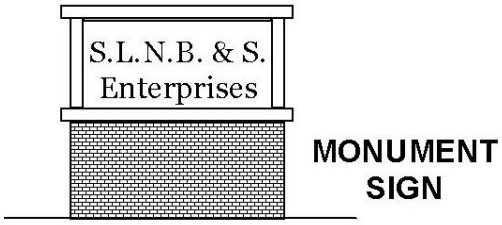
Freestanding sign: Any sign supported by uprights, poles, or braces placed upon the ground or a sign placed directly on the ground and not attached to any building. Freestanding signs include, but are not limited to, monument, pylon, and portable signs.

Illuminated sign: A sign having characters, letters, figures, designs, or outlines illuminated by electric lighting or luminous tubes as a part of the sign.

Logo: A name, symbol, or trademark or a company or establishment encompassed in one individual graphic.

Marquee sign: A permanent roof-like structure or canopy of rigid materials supported by and extended from the façade of a building.

Monument sign: A type of freestanding sign where at least three-fourths (3/4) of the horizontal length of the sign is permanently fixed to a decorative base, the full horizontal length of which is anchored to the ground. See the following graphic.



Multiple message signs: (Cr. GO 13-09) A "billboard sign" or "off premise advertising sign" which automatically changes message or copy electronically or by the movement or rotation of panels or slats. This includes, but is not necessarily limited to, signs known as tri-vision billboards, electronic variable message signs, and digital billboards.

Nameplate sign: A sign which states the name and/or address of the occupant of the lot where the sign is located.

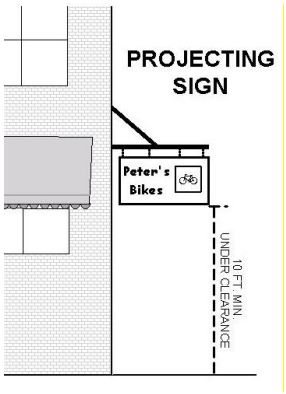
Nit: (Cr. GO 2-08) A luminance unit equal to one candle per square meter measured perpendicular to the rays from the source.

Political sign: A sign which announces a candidate as seeking public political office and/or which conveys political issues and expressions of noncommercial individual speech.

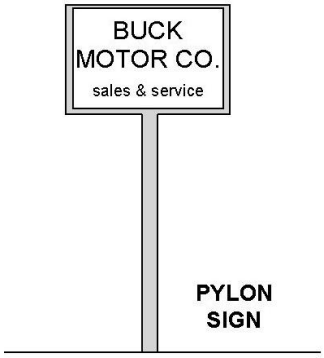
Portable sign: A type of temporary sign designed to be moved from one location to another and which is not permanently attached to the ground, sales display device, or structure. Portable signs include, but are not limited to:

- Signs with chassis or support constructed without wheels.
- Signs designed to be transported by trailer or wheels.
- Menu- and sandwich-board signs.
- Signs mounted or painted on a vehicle for advertising purposes, parked and visible from the public right-of-way (except for signs identifying the related business when the vehicle is being used in the normal day-to-day operations of that business).

Projecting sign: A sign which is attached to a building or structure and extends more than 18 inches beyond the line of the building or structure or that part of the building or structure to which it is attached. See the following graphic.



Pylon sign: A type of freestanding sign erected on shafts, posts, walls, or piers that are solidly affixed to the ground and not attached to a building. A pylon sign shall be considered as one sign though it may have two or more faces. See the following graphic.



Revolving or rotating sign: Any sign or portion of a sign which moves in a revolving 360-degree motion.

Roof sign: A sign which is mounted on the roof of a building or which projects above the top of the wall of a building with a flat, gambrel, gable, or hip roof or the deck line of a building with a mansard roof.

Sandwich Board: (Cr. GO 31-08) A movable temporary sign that is self-supporting, A-shaped and freestanding with only two (2) visible sides that are situated adjacent to a business, typically on a sidewalk.

Sign: A name, identification, description, display, illustration, or device which is affixed to or mounted on a building, a structure, or the ground and which directs attention to an object, product, place, activity, person, institution, organization, or business. The term "sign" includes sign supports.

Sign area: The size of the sign face area calculated as specified in Section 13.2004(g).

Sign face: The surface of the sign upon, against, or through which the message of the sign is exhibited.

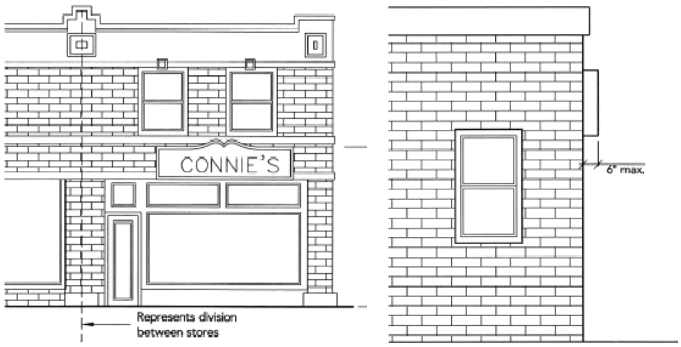
Sign structure: A structure, including the supports, uprights, bracing, and framework that supports or is capable of supporting a sign.

Temporary sign: Any sign, balloon, banner, blimp, flag, free-standing sign, pennant, poster, readerboard, or advertising display which is intended to be displayed for a limited period of time.

Video Display Sign: (Amd. GO 13-09) An on-premise sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement; the presentation of pictorials or graphics displayed in a progression of frames, which give the illusion of motion, including, but not limited to, the illusion of moving objects, moving patterns or band of light, or expanding or contracting shapes.

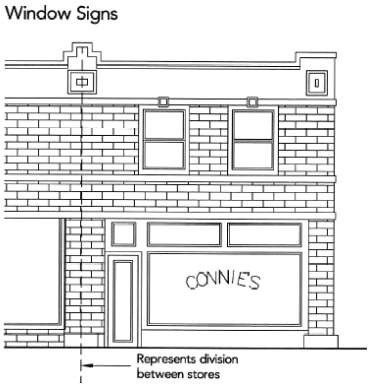
Wall sign: A sign which is attached to or painted on the wall of a building, with the sign face in a plane parallel to the plane of the building wall and extending no more than 18 inches from the face of such wall. See the following graphic.

WALL SIGN



Window sign: Any sign, lettering, pictures, symbols, or combination thereof designed to communicate information about a business, product, service, or activity which is placed upon a window and meant to be visible from the exterior of the building. See the following graphic.

WINDOW SIGN



CHAPTER 13-400. NONCONFORMITIES
(Rep. & Rec. GO 5-08)

13-401. Intent. Situations may occur where an existing lot, structure, or use does not conform to the requirements contained in this ordinance. The purpose of this chapter is to establish regulations governing nonconforming lots, structures, and uses and, further, to:

(a) Allow nonconforming lots to be used for single-family dwellings and accessory structures.

(b) To permit nonconformities to continue until removed or corrected but not to encourage the continuance of the nonconformity.

13-402. Nonconforming use. A nonconforming use of land or structure which lawfully existed prior to the adoption or amendment of this ordinance that makes such use illegal may be continued subject to the following provisions:

(a) Change in tenancy, ownership, or management. The tenancy, ownership or management of a nonconforming use may be changed, provided that the nonconforming use is not enlarged or changed to a more intensive use.

(b) Change or substitution of use. A nonconforming use may be changed to a conforming use or the Plan Commission may permit a nonconforming use to be changed to a less intensive nonconforming use. Once the change has been effected, the use shall not revert back to the prior nonconforming use.

(c) Enlargement. A nonconforming use shall not be enlarged, increased, or extended to occupy a greater area of land or structure than was occupied as of the effective date of this ordinance.

(d) Relocation. A nonconforming use shall not be moved in whole or in part to any other portion of the lot or structure than was occupied as of the effective date of this ordinance.

(e) Discontinuance. A nonconforming use which has been discontinued for a period of twelve (12) months shall not be reestablished, and any future use of the land or primary structure shall conform to the provisions of this ordinance.

(f) Damage or destruction. A primary structure containing a nonconforming use which is damaged by fire, explosion, flood, accident, or other causes to the extent of more than fifty (50) percent of its equalized assessed value shall not be restored or rebuilt except in conformance with the provisions of this ordinance. Legal conforming accessory structures may be restored or rebuilt provided the primary structure containing a nonconforming use is not damage or destroyed as described above and provided the accessory structure meets all aspects of the municipal code.

(g) Repairs and nonstructural alterations. Ordinary repairs and nonstructural alterations may be made to structures containing nonconforming uses. Ordinary repairs and nonstructural alterations include internal and external painting; decorating; paneling; the repair or replacement of doors, windows, nonbearing walls, fixtures, heating and cooling components, wiring, plumbing, roofing and other nonstructural components; and the maintenance, repair, or replacement of existing private sewage and water supply systems or connections to public utilities to a value of which does not exceed fifty percent (50%) of the equalized assessed value of the building or structure at the time the first permit is issued. Subsequent permits shall draw down from the fifty percent (50%) value established at the time the first permit was issued. For the purpose of this section, repairs shall include the replacement of storage tanks where the safety of operation of the installation requires such replacement and other replacements of or substitutions for machinery or equipment not involving structural alterations to the building or structure.

(h) Structural alterations and additions. When a building or structure contains a nonconforming use, structural alterations and additions are only permitted when the use of the entire building or structure is changed to a use which conforms to all the regulations of the zoning district in which it is located.

(i) Establishment of nonconforming status. The burden of proof that a legally permitted nonconforming use existed at the time of the adoption of this ordinance shall be the responsibility of the property owner.

13-403. Nonconforming structures. Nonconforming structures are existing buildings and structures that were lawfully constructed but do not meet the current setback, height, or other dimensional or density requirements of this ordinance for permitted uses in the zoning district in which they are located. A nonconforming structure may be maintained and repaired, subject to the provisions of this section.

(a) Repairs and nonstructural alterations. Ordinary repairs and nonstructural alterations may be made to nonconforming structures. Ordinary repairs and nonstructural alterations include internal and external painting; decorating; paneling; the repair or replacement of doors, windows, nonbearing walls, fixtures, heating and cooling components, wiring, plumbing, roofing and other nonstructural components; and the maintenance, repair, or replacement of existing private sewage and water supply systems or connections to public utilities. For the purpose of this section, repairs shall include the replacement of storage tanks where the safety of operation of the installation requires such replacement and other replacements of or substitutions for machinery or equipment not involving structural alterations to the building or structure.

(b) Structural alterations. Structural alterations made to existing nonconforming structures are permitted provided that the value of such alteration does not exceed fifty percent (50%) of the equalized assessed value of the building or structure at the time the first permit was issued. Subsequent permits shall draw down from the fifty percent (50%) value established at the time the first permit was issued.

(c) Additions or expansion. Additions or expansions may be made to a nonconforming structure provided that such additions or expansions do not increase the degree of nonconformity of the structure and are in compliance with the following requirements:

(1) All applicable setback requirements of this ordinance shall be met.
(2) All applicable parking and loading requirements for the use occupying the structure's addition or expansion shall be met.
(3) The process of adding onto an existing nonconforming structure shall not be used to effectuate replacement of that structure where replacement would not otherwise be allowed under the provisions of this ordinance.
(4) An addition may be made to a nonconforming structure only if the existing structure is in sound condition.
(5) The addition or multiple additions shall not surround or encase the existing structure in such a way as to replace that structure.

(d) Relocation. A nonconforming structures may be moved in whole or in part to any other location on the same or any other lot, so long as the structure comes into compliance with all of the regulations of the district in which it is to be relocated.

(e) Damage or destruction. (Rep. & Rec. GO 30-08) A nonconforming structure which is damaged on or after March 2, 2006, by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation may be restored or rebuilt to its size, location, and use that it had immediately before the damage or destruction occurred, except that it may be constructed larger in size to the extent required to comply with applicable state or federal requirements. Such reconstruction shall start within one (1) year from the date of damage or destruction and diligently pursued to completion.

13-404. Nonconforming lots. A lot which does not comply with lot width or lot area requirements may nonetheless be used for a permitted use, provided that:

(a) The lot has been legally created.

(b) The lot is in separate ownership from abutting lands. If abutting lands are under the same ownership as the nonconforming lot, the contiguous parcels shall be replatted to meet minimum lot area and lot width requirements.

(c) All structures comply with the setback, lot coverage, height, parking, access, and other requirements of the district insofar as practical, subject to the approval of the Zoning Administrator or, if appealed, the Zoning Board of Appeals.

13-405. Nonconforming characteristics. If a use, whether permitted, conditional, or nonconforming, has nonconforming characteristics, including parking, lighting, noise, and other matters, the use shall not be expanded until the nonconforming characteristics are brought into conformance with the provisions of this ordinance.

13-406. Additional requirements in Floodplain Districts. See Chapter 13-1300.

13-407. Nonconforming parking lots. (Cr. GO 42-10) Nonconforming parking lots are parking areas that were lawfully constructed but do not meet the current dimensional and/or interior lot landscaping requirements of this ordinance for primary or accessory uses in the zoning district in which they are located. A nonconforming parking lot may be maintained and repaired subject to the provisions of this section.

(a) Maintenance and repair. Ordinary maintenance and repair may be made to nonconforming parking lots including patching and resurfacing.

(b) Rehabilitation, reconstruction, or expansions shall not be made to existing nonconforming parking lots without prior approval compliant with this code, except those listed Section 13-1802(d).

CHAPTER 13-500. GENERAL REGULATIONS

SECTION 1. GENERAL PROVISIONS

13-501. Purpose. The purpose of this section is to provide regulations of general applicability for property throughout the City, to promote the orderly development of use of land, to protect the natural environment, and to minimize conflicts among land uses.

13-502. Applicability. The regulations set forth in this chapter apply to all structures and all land uses, except as otherwise provided in this Ordinance.

13-503. Essential uses. The following uses, being essential for the operation of any zoning district, are permitted in any district: wires, cables, conduits, vaults, pipelines, or any other similar equipment of a public utility, except as otherwise provided in this ordinance or other federal, state, or local regulation.

SECTION 2. LOT CONTROLS

13-504. Minimum lot area. Lot area requirements shall be as specified in the applicable zoning district in which a zoning lot is located. No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements identified within this Ordinance.

13-505. Street frontage. Each lot shall have frontage on a public street at a width satisfying the requirements specified for each zoning district. In the case of a condominium, unified shopping center, cluster development or Planned Unit Development, the entire site shall be considered one zoning lot.

13-506. Limit of one principal residential structure per zoning lot. Except in the case of cluster developments, condominium developments, Planned Unit Developments or traditional neighborhood developments, no more than one principal building shall be located on a zoning lot in any residential district.

13-507. Lots containing two or more zoning classifications. Where a lot is bisected by one or more zoning district boundary lines, land in the more restrictive district shall not be included as part of the required yards or minimum lot area for any structures or uses not allowed in that district.

SECTION 3. YARD CONTROLS

13-508. Required setbacks. Setback requirements shall be as specified in the applicable zoning district, except as otherwise provided in Chapter 13-400, Nonconformities.

13-509. Permitted setback encroachments.

(a) All required setbacks shall remain open and unobstructed, except for the following permitted obstructions. In no case, however, shall the identified permitted obstructions be located closer than one foot to a property line, except for fences. The vision triangle shall be regulated by the standards in Chapter 13-510.

(1) Air conditioning, heating, ventilation or other mechanical equipment, subject to the screening requirements in Chapter 13-1815, located only within rear or side yards and no closer than one-half (½) the applicable setback to a side or rear property line.

(2) Awnings, cornices, canopies, eaves, and other ornamental features, projecting not more than three feet into a yard.

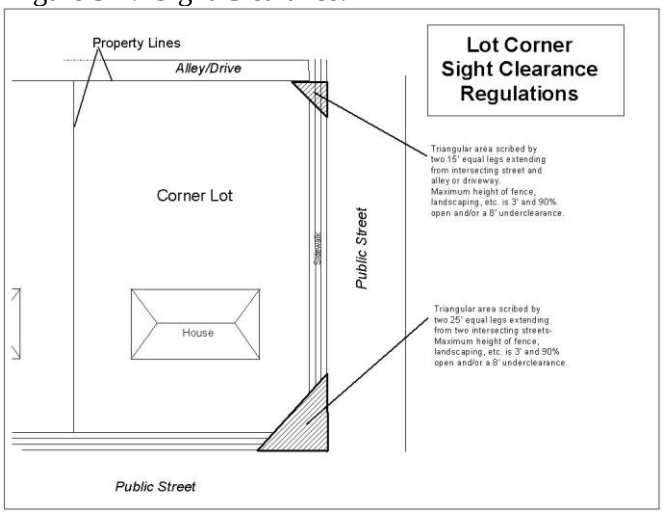
(3) Chimneys, fire escapes, uncovered stairs, ramps and necessary landings, bay windows no closer than one-half (½) the applicable setback to a side or rear property line.
(4) Containers for the storage of household refuse, compost, or firewood if screened from view.
(5) Fences in compliance with Chapter 13-521.
(6) Light fixtures, lampposts, and flagpoles.
(7) Recreational playground equipment.
(8) Signs in compliance with the provisions of Chapter 13-2000, Signs.
(9) Walkways and steps not exceeding four feet in width.
(10) Landscaping as not to infringe on the vision triangle as regulated in 13-510.
(11) Covered porches are permitted in the front setback compliant with the conditional use permit requirements found in 13-205.

13-510. Vision triangle clearance.

(a) Within the vision triangle, defined as the triangular area defined by two 15-foot legs extending from intersecting street and alley or driveway, and the triangular area, defined as the triangular area defined by two 25-foot legs extending from two intersecting streets, the following clearances shall be observed:

(1) No obstructions shall be permitted except for landscape materials and fences as regulated in this section.
(2) Shrubs and other under-story vegetation shall not exceed three (3) feet in height and shall be largely see-through, defined as no more than 10 percent solid.
(3) All new trees and existing deciduous trees shall be kept free of branches up to a height of at least eight (8) feet above the ground or 60 percent of their overall height, whichever is less, provided that trees are located so as not to create a traffic hazard. Coniferous (evergreen) trees shall be avoided
(4) Fences shall not exceed three (3) feet in height and shall be largely see-through, defined as no more than 10 percent solid.

Figure 5-1. Sight Clearance.



13-511. Corner lots. On a corner lot, one of the lot lines that abuts the street shall be considered a front lot line, and the other shall be considered a corner side lot line. Establishment of the front lot line shall be based on the orientation of the existing or proposed building.

13-512. Through lots. On a through lot, both lot lines that abut the street shall be considered front lot lines. The required front setback shall be provided and maintained along each front lot line.

13-513. Transitional yard setback requirements.

(a) Front yards. Where the front yard of a nonresidential district adjoins or is opposite to a residential district, the minimum front yard setback of the residential district shall apply to the nonresidential district. The setback area shall be landscaped as specified in Section 13-1820 through 13-1825.

(b) Side or rear yards. Where the interior side yard or rear yard of a nonresidential district adjoins the side or rear yard of a residential district, the minimum side or rear yard setback within the nonresidential district shall be ten feet. The setback area shall be landscaped as specified in Section 13-1820 through 13-1825.

13-514. Building height.

(a) In general. The building height limitations established in each separate zoning district shall apply to all buildings and structures, with the exception of the following:

(1) Church steeples, spires, or belfries.
(2) Chimneys or flues.
(3) Cupolas and domes which do not contain useable space.
(4) Flagpoles.
(5) Mechanical or electrical equipment.
(6) Monuments.
(7) Parapet walls extending not more than three (3) feet above the limiting height of the building.
(8) Television antennas not exceeding twenty (20) feet.
(9) Towers, poles, or other structures for essential services.
(10) Water towers.

(b) Measurement. Building height shall be measured from the average elevation of the finished lot grade at the front of the building to the mid-height of the structure on a flat or shed roof, the deck line of a mansard roof, or the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs.

(c) Limits. No excluded roof equipment or structural element extending beyond the defined height of a building may occupy more than twenty-five (25) percent of the roof area.

SECTION 4. PROTECTION OF NATURAL FEATURES

13-515. Protection of natural features.

(a) In general. All developments shall be located so as to preserve the natural features of the site, to avoid areas of environmental sensitivity, to minimize the creation of impervious surface area, and to minimize negative impacts on the alteration of the natural environment.

(b) Unbuildable area. The following natural features when present within a parcel constitute unbuildable area. No development, grading or filling, alteration of the natural character of the land, or construction of buildings, structures, or parking shall occur within these areas.

(1) Floodways, as defined in this ordinance.
(2) Navigable waters, as defined in this ordinance.
(3) Slopes of 20 percent or greater. Gradients between 20 percent and 30 percent may be used for construction if acceptable engineering solutions acceptable to a Professional Engineer and the Zoning Administrator.
(4) Wetlands, as defined in this ordinance and in Section 404, Clear Water Act.

(c) Preservation areas. The following areas shall be preserved as undeveloped open space to the extent consistent with the reasonable utilization of land and in accordance with applicable federal, state, or local regulations:

(1) Vegetated areas. Significant trees or plant communities, including remnant stands of native trees or plant communities that are rare to the area or of particular landscape significance.

(2) Steep slope areas. Development on slopes of twelve (12) percent and less than twenty (20) percent shall be subject to the following conditions:

a. The foundation and underlying material of any structure shall be adequate for the slope condition and soil type.

b. The proposed development will not result in soil erosion, flooding, severe scarring, reduced water quality, inadequate drainage control, or other problems.

c. The proposed development will not cause erosion or slope instability to neighboring property or cause structural damage to neighboring structures.

d. The proposed development will preserve significant natural features by minimizing disturbance to existing topographical forms.

e. The City may require that a property be rezoned and developed as a Planned Unit Development to utilize flexible development standards to preserve steep slopes.

(3) Habitats of threatened or endangered wildlife as identified on federal or state lists, including, but not limited to, the federal Endangered Species Act and the Natural Heritage Inventory.

(d) Mitigation. Where preservation is not consistent with the reasonable utilization of land, the City may require mitigation through replacement of the resource or similar resource on the site, restoration of former natural amenities to the site, or other reasonable measures to protect or enhance the natural features of the land.

(e) Waterway Setback. (Cr. GO 16-10) There shall be a building setback of 50 feet from the bulkhead line or ordinary high water mark, whichever provides the greater landward distance, of all waterways within the City of Green Bay, as described on Map C of Section 13.2013(c)(3). There shall be no building, or alteration of existing buildings, within such setback area. These areas shall include, but are not limited to:

(1) Green Bay shore and islands
(2) Fox River
(3) East River
(4) Baird Creek, including South Branch
(5) Beaver Dam Creek
(6) Duck Creek
(7) Ellis Creek
(8) Mahon Creek
(9) Willow Creek, including North Branch
(10) All other navigable waterways not listed above.

SECTION 5. ACCESSORY USES AND STRUCTURES

13-516. General requirements.

(a) Accessory uses and structures shall comply with the following standards and all other applicable regulations of this ordinance:

(1) No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal use to which it is accessory.

(2) The accessory use or structure shall be incidental to and customarily associated with the principal use or structure.

(3) The accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure served.

(4) The accessory use or structure shall contribute to the comfort, convenience, or necessity of the occupants of the principal use or structure served.

(5) The accessory use or structure shall be located on the same zoning lot as the principal use or structure, except for accessory off-street parking and loading facilities, subject to the provisions of Chapter 13-1700, Off-Street Parking and Loading.

(6) The accessory use or structure shall not be injurious to the use and enjoyment of the surrounding properties.

13-517. Accessory buildings. In all districts, the design and construction of any accessory building, such as garages, carports, or storage buildings, shall be similar to or compatible with the design and construction of the principal building. The exterior building materials, roof style, and colors shall be similar to the main building

13-518. Private outdoor recreation courts. All private outdoor recreation courts, such as tennis or basketball courts, are subject to the following standards:

(a) The court is not operated as a business or private club except when allowed as a permitted home occupation.

(b) The court shall not be located in any required front yard or side yard and must be set back at least five (5) feet from any property line, including any walks, paved areas, or related structures.

13-519 Recreational Vehicle Parking. (Rep. & Rec. GO 14-11) Recreational vehicles may be parked on any property within the city only under the following conditions:

(a) Recreational vehicles may be located to the front, side, and rear of a principal structure and shall not be located in a required setback, in accordance with this ordinance.

(b) Recreational vehicles shall be parked upon a paved off-street parking area in accordance with this ordinance.

(c) A maximum of 2 recreational vehicles may be permitted to park per residential tax parcel.

(d) Recreational vehicles are permitted to be parked in a garage as part of a primary structure and/or a permitted accessory building.

(e) Recreational vehicles shall not be utilized for living, sleeping, or housekeeping.

(f) Recreational vehicles shall not be parked for a period to exceed one year.

(g) Recreational vehicles must be operational and owned by and registered to the owner of the property and must bear current license registrations as applicable.

(h) Recreational vehicles shall not interfere with vehicular line of sight, the public right-of-way, or interfere with pedestrian traffic.

(i) Recreational vehicles may be used as onsite offices in conjunction with construction work provided they shall be removed upon completion of construction. Such vehicles may be occupied twenty-four (24) hours a day for onsite security but shall not be used as a residence.

13-520. Antennas and meteorological equipment.

(a) In general. Radio and television transmitting and receiving antennas, dish-type antennas, and meteorological sensing equipments is permitted on the roof of a permitted building or may be ground-mounted under the following conditions.

(b) Installation and placement requirements. In addition to applicable building and electrical code requirements, all such equipment shall meet the following standards:

(1) Equipment may be constructed to a maximum height of 20 feet above the allowable height limitations of the district.
(2) Not more than one (1) antenna exceeding the allowable height limit of the district shall be allowed on any residentially-zoned property.
(3) Antennas shall be located with at least five feet of vertical and horizontal clearance from the nearest overhead electrical power line that serves other properties.
(4) Mechanical equipment on a roof shall not take up more than 25 percent of the roof area.
(5) Antennas shall be set back from any public right-of-way or easement line a distance equal to or greater than the height above ground of the antenna.
(6) Necessary guy wires and other supportive devices shall be located at least six feet from any property line.

(7) Placement of antennas at nonresidential properties is allowed, subject to the screening requirements identified in Chapter 13-1820 – 13-1825, Landscaping.

(8) Mechanical equipment shall be screened from view with suitable fencing or screening.

(9) Antennas shall also be subject to the provisions of Section 15.81, Television and Radio Receiving and Transmitting Antennas, covering construction, setbacks, etc.

(c) Regulation of Residential Satellite Dishes. (Cr. GO 3-06) All residential facilities shall be designed to minimize the visual impact to the largest extent feasible, considering technological requirements, by means of placement and screening to be compatible with existing architectural elements and building materials and other site characteristics.

(1) To the extent feasible, antennas and satellite dishes shall not be installed in a location where they are in clear view from the public right-of-way.

(2) Such facilities shall be located to the largest extent possible in areas where the adverse impacts on the community are minimal.

(3) Support facilities shall be constructed out of non-reflective materials and shall be screened from view by using landscaping or materials and colors consistent with the surrounding site.

(4) Attached antennas shall be painted and/or textured to match the existing support structure.

This ordinance shall not apply to satellite dishes less than one meter (39 inches) in diameter.

SECTION 6. FENCES

13-521. Fence location and height. Fences may be erected, placed, or maintained in any yard along or adjacent to a lot line in accordance with the requirements identified in this section. The owner shall be responsible for properly locating all property lines before construction of any fence.

(a) Height.

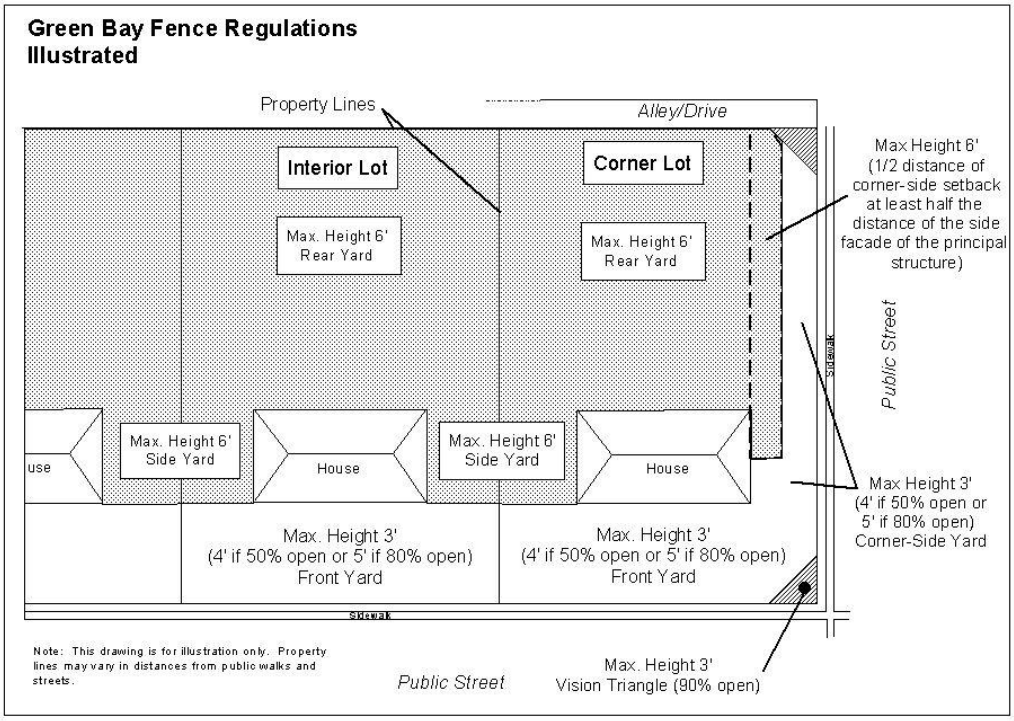
(1) Residential zoning districts. The maximum height of a fence or wall within required side and rear setbacks in a residential zoning district shall not exceed six (6) feet. Fences around pools shall not exceed eight (8) feet. The maximum height of a solid fence or wall within a required front yard or corner side yard setback shall not exceed three (3) feet. Such front yard or corner side yard fences may be increased to a maximum height of four (4) feet if open, decorative, ornamental fencing materials that are less than fifty (50) percent opaque are used or to a maximum height of five (5) feet if open, decorative, ornamental fencing materials that are less than twenty (20) percent opaque are used. When the fence extends beyond at least half the distance of the primary building's side facade, the fence height may increase to six (6) feet provided the fence is constructed not closer than ½ the applicable corner side yard setback.

(2) Nonresidential zoning districts. The maximum height of a fence or wall shall not exceed eight (8) feet except in required front or corner side yard setbacks where the maximum height of a solid fence or wall shall not exceed three (3) feet.

(3) In the case of grade separation, such as the division of properties by a retaining wall, fence height shall be determined based on measurement from the average point between highest and lowest grade.

(4) Fences or walls shall comply with the vision triangle requirements of Chapter 13-510.

Figure 5-2. Maximum Fence Height.



(b) Materials and construction.

(1) Walls and fences shall be constructed of high quality materials, such as decorative blocks, brick, stone, treated wood, wrought iron, chain link and plastic.

(2) No fence shall have sharp or pointed pickets dangerous to life or limb.

(3) Hedges shall be trimmed or confined to the property on which they are planted.

(4) No fence or other structure containing barbed wire or other dangerous material shall be placed on residentially-zoned property or within four (4) feet of any public street, sidewalk, or alley.

(5) (Amd. GO 35-10) Fences shall be constructed so that the structural supporting elements are located on the side which is visible to the fence owner (inside) so that the structure/supporting elements of the fence are less visible to adjoining properties and public rights-of-way.

(c) Breaks for connections. Breaks in the length of a perimeter wall shall be made to provide for required pedestrian connections to the perimeter of a site or to adjacent development.

SECTION 7. TEMPORARY USES

13-522. Permitted temporary uses and structures.

(a) The following temporary uses and structures shall be permitted in all zoning districts, except as otherwise specified below, provided such temporary use or structure shall receive a temporary use permit designating that it complies with the regulations of the zoning district in which it is located and all other applicable regulations of this ordinance.

(1) Rummage sales. Rummage sales shall be limited to a total of no more than 3 events for a total of 9(9)days of operation per calendar year at any residential location.

(2) Construction sites. Storage of building materials and equipment or temporary buildings for construction purposes may be located on the site under construction for the duration of the construction or for a period of one (1) year, whichever is less. Planning and zoning staff may grant extensions to this time limit for good cause shown.

(3) Amusement events. Temporary amusement events, including the erection of tents for such events, may be allowed as a temporary use for a maximum of fifteen (15) days per calendar year.
(4) Outdoor dining. Outdoor dining shall be permitted as a temporary accessory use to a primary use of a restaurant provided said use it conducted wholly on private property. In no case, however, shall the public right-of-way or any public property be utilized for outdoor dining without the appropriate agency or Common Council approval.
(5) Promotional activities involving outdoor sales and display. Promotional activities, including outdoor sales and display, may be allowed as a temporary use in nonresidential districts for a maximum of thirty (30) days per calendar year. Such sales and display may also be conducted within a tent or other temporary structure.
(6) Seasonal outdoor sale of agricultural products. The seasonal outdoor sale of agricultural products, including, but not limited to, produce, plants, and Christmas trees, may be allowed as a temporary use. In no case, however, shall the public right-of-way or any public property be utilized for the sale and display of such items without the appropriate agency or Common Council approval.
(7) Additional temporary uses. All other temporary uses or structures are prohibited unless application is made to the Planning Department, which may allow other temporary uses and structures for a maximum of fifteen (15) days per calendar year, provided that staff determines that the proposed temporary use or structure is substantially similar to a temporary use or structure listed above.

SECTION 8. LIGHTING

13-523. Exterior site lighting.

(a) In general**.** These regulations recognize the benefits of site lighting as it increases safety, enhances nighttime character, and helps provide security. However, inappropriate and poorly designed or installed lighting often causes unsafe and unpleasant conditions and may infringe on the rights of private property owners. This exterior site lighting regulation is designed to eliminate problems associated with glare, as well as to minimize light trespass and spillover on adjacent properties and streets.

(b) Applicability. The following regulations shall apply to all exterior lighting, be it residential or nonresidential in nature, within the City of Green Bay.

(c) Exceptions. The following lighting types shall be exempt from the following regulations:

(1) Public street lighting which shall conform to the standards established by the State Department of Transportation, Brown County Highway Department, and the City of Green Bay Department of Public Works.
(2) Residential uses are permitted to use low-intensity (70 watts or less per bulb) incandescent or fluorescent lighting mounted on the buildings or as landscape accents. Any high-intensity (more than 70 watts per bulb) incandescent, fluorescent, or high intensity discharge lighting shall be prohibited unless a lighting plan is submitted and approved, per Section (d) below.
(3) Aviation lighting used exclusively for aviation purposes per Federal Aviation Administration. Heliport lighting shall be turned off when the heliport is not in use.
(4) Holiday lighting at or below 7 watts per bulb.
(5) Approved historic light fixtures consistent with the character of the historic district or structure and with the approval of the Historic Preservation Commission.
(6) Residential lights at a light level of 0.25 foot-candles or less at the property line.
(7) Lighting associated with or considered to be signage.
(8) Existing exterior lighting that does not meet the standards of this section shall be considered legal nonconforming until such time as it is replaced or altered.

13-524. Exterior lighting plan required.

(a) Whenever exterior lighting is installed or modified and whenever a site undergoes site plan review, a lighting plan may be required at the discretion of the Inspection Superintendent. An exterior lighting plan may be required if the Zoning Administrator believes lighting from structures like tennis courts, swimming pools, sheds may encroach on neighboring ingle and two family properties. This plan may be required to include the following information:

(1) Proposed light fixture details which depict the height, design, method of shielding, and proposed candlepower of the light source.
(2) Photometric plan which shows proposed intensity of illumination in foot-candle values distributed across the site in a grid-like fashion. This grid should be overlaid on the site plan or at a minimum be the same scale as the site plan.

13-525. Lighting standards applying to all light sources.

(a) The following standards are required for all exterior lighting:

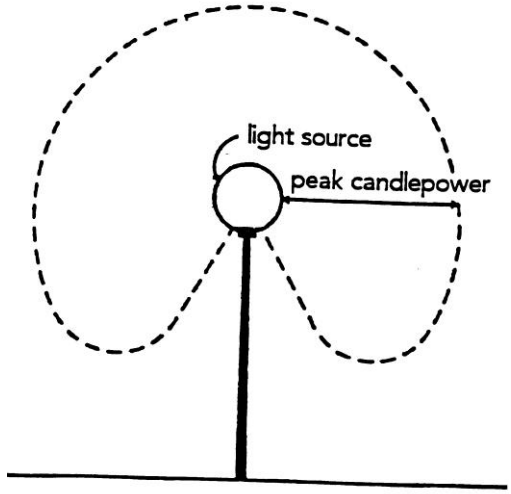
(1) All cut-off light fixtures shall be designed with a hood that shields the light source and shall be directed downwards at all times.
(2) No flickering or flashing lights shall be permitted, other than holiday lighting exempted in Chapter 13-523 (c)(4) above.
(3) Flood lights are not permitted in front yards, except as permitted by Chapter 13-2000, Signage Code.
(4) Flashing, flickering, moving, and/or other lighting which is a nuisance or which may distract motorists, such as red, amber, or green lights closer than 300 feet from a traffic signal, is prohibited.
(5) Lighting levels shall be measured in foot-candles with a direct reading portable light meter. Readings shall be taken at heights between six (6) inches to six (6) feet above ground level at a position facing the light source. Measurements shall be made after dark with the light sources in operation and then again with the light sources off. The difference between these two (2) readings shall be compared to the maximum permitted illumination. This procedure will eliminate the effects of moonlight and other ambient light.

13-526. Standards for building-mounted lights. Building-mounted lights shall be of the cut-off variety. The light sources shall be hooded and directed downward at all times. Non-shielded light sources shall only be permitted for security purposes provided the illumination at the nearest property line(s) does not exceed the maximum permitted under Chapter 13-527.

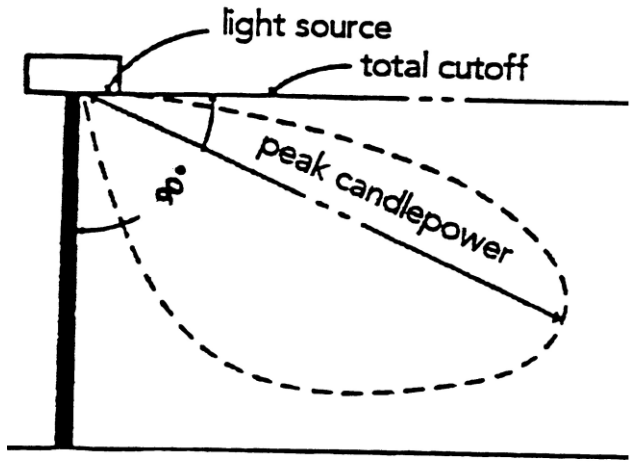
13-527. Standards for pole lights.

(a) The maximum permitted light pole height is dependent upon the amount of cut-off provided in order to minimize glare onto adjacent properties and the public right-of-way.

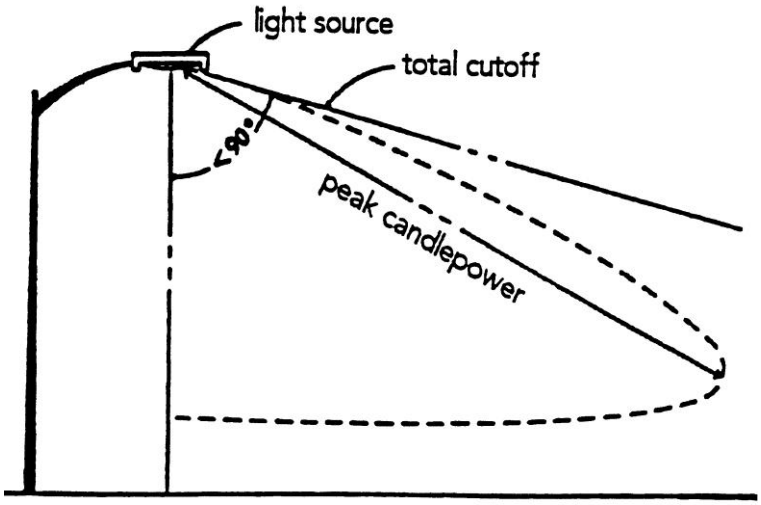
(1) When the light source is non-cutoff:
    a. Maximum permitted illumination as measured at property lines abutting residential districts shall be 0.25 foot-candle.
    b. Maximum permitted illumination as measured at the property lines abutting nonresidential districts or the public right-of-way shall be 0.5 foot-candle.
    c. Maximum permitted pole height shall be fifteen (15) feet as measured to the bottom of the light fixture. (See the following graphic.)



(2) When the light source has semi-cutoff of an angle greater than or equal to ninety (90) degrees:
   a. Maximum permitted illumination as measured at property lines abutting residential districts shall be 0.5 foot-candle.
   b. Maximum permitted illumination as measured at the property lines abutting nonresidential districts or the public right-of-way shall be 1.0 foot-candle.
   c. Maximum permitted pole height shall be twenty-five (25) feet as measured to the bottom of the light fixture. (See the following graphic.)



(3) When the light source has full cut-off of an angle less than ninety (90) degrees and the light source is completely shielded from the direct view of an observer at five (5) feet above the ground, at the point where the cut-off angle intersects the ground:
   a. Maximum permitted illumination as measured at property lines abutting residential and nonresidential districts or the public right-of-way shall be 1.0 foot-candle.
   b. Maximum permitted pole height shall be forty (40) feet as measured to the bottom of the light fixture. (See the following graphic.)



13-528. Lighting requiring a conditional use permit.

(a) (Rep. & Rec. GO 16-08) The following lighting types shall require a conditional use permit as regulated in Chapter 13-205, Conditional Uses:

(1) Temporary special event lighting.

(2) Outdoor recreation lighting.

a. A pole and pole supports used in the lighting of an outdoor recreational/stadium lighting facility shall not be placed closer to a private property line than the mounting height of the lights.

b. All poles and pole supports shall meet the standards as specified in Section 15.81, Green Bay Municipal Code.

c. All lighting shall meet the requirements of Chapter 13-500, Green Bay Municipal Code.

d. All unused outdoor recreation/stadium lighting facilities and/or support structures shall be removed within 12 months of the cessation of operations at the site unless the Plan Commission approves a time extension. In the event that an outdoor recreation/stadium lighting facilities and/or support structures is not removed within 12 months of the cessation of operations at a site, the outdoor recreation/stadium lighting facilities and/or support structures may be removed by the City and the costs assessed against the property.

e. Stadium facilities within the park system are exempt from this requirement.

(3) Other lighting as deemed appropriate by the Inspection Superintendent.

SECTION 9. REGULATION OF POOLS, PONDS, AND SPAS

13-529. Purpose. Regulation of pools, ponds, and spas are established to ensure that the establishment of pools, ponds, and spas do not affect the safety, health, or welfare of the residents or the community and do not annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of others.

13-530. Permit required. No construction of a pool intended as a permanent installation, a pond, or spa shall begin unless a permit has been obtained and the fee paid in accordance with the fee provisions of this chapter. The application for such permit shall be accompanied by a site plan showing the size, location, and description of the property.

13-531. Requirements.

(a) Setback. Permanent above-ground or in-ground pools, ponds, or spas shall maintain a minimum front yard setback of 25' and a rear and side yard setback of 10' from adjoining property, subject to properly granted variance under Chapter 13-200, Administration. In determining this setback for above-ground pools, ponds, or spas with permanent fencing or decks, any deck or similar structure shall be considered part of the pool, pond, or spa.

(b) Fencing. All pools, ponds, or spas requiring a permit shall be encompassed by fencing as provided under this subsection. A variance to maximum fence height may be granted under the procedures of Chapter 13-200, Administration. However, under no circumstance may the minimum fence height requirements of this subsection be varied.

(1) Structural Requirements. All fences under this subsection shall be constructed in such a manner as to comply with the requirements of Chapter 13-521 or variance and the requirements of this subsection.
   a. The fence must be able to withstand 200 pounds of force in any direction.
   b. The fence shall be so constructed and designed so as to prevent penetration of an object greater than 6" in diameter.
   c. All such fences shall be constructed with a locking door or gate which complies with all other height and structural requirements of this section.

(2) Permanent in-ground pools, ponds, or spas. Permanent in-ground pools, ponds, or spas, subject to Chapter 13-521, shall be encompassed by a free-standing fence not less than 48" nor more than 96" from the ground level. Such fence shall be no less than 3' from the pool, pond, or spa at its nearest point. The fence shall comply with subsection (b)(1) above.

(3) Above-ground pools. Above-ground pools, ponds, or spas shall be encompassed by fencing which complies with one or any combination of options listed below and complies with subsection 1 of this section.
   a. A fence in compliance with subsection 2 of this section.
   b. A fence within 3' of the pool, pond, or spa and not less than 48" nor more than 96" from ground level.
   c. A fence attached to a deck or walkway, provided such fence is at least 36" above the surface of the deck or walkway and complies with this section.
   d. A pool wall not less than 48" from ground level, provided steps, ladders, or other means of pool access are removed when the pool is not in use.

(4) Exceptions. Fencing shall not be required if the following are provided.
   a. Pools, ponds, or spas with locking and solid structural covers. Such covers shall be in place whenever the pool, pond, or spa is not in use and/or unsupervised by an adult.
   b. Pools, ponds, or spas completely enclosed within a building.
   c. As determined by the Zoning Administrator that the pool, pond, or spa does not affect the safety, health, or welfare of the residents or the community and does not annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of others.

13-532. Operation of residential pools.

(a) Public swimming pools, ponds, or spas prohibited in residential areas. No person shall operate a public pool, pond, or spa on any premises zoned residential. The operation of a public pool, pond, or spa on residential premises is declared to be a public nuisance.

(b) Interference with enjoyment of property rights prohibited. No pool, pond, or spa shall be so located, designed, operated, or maintained as to interfere unduly with the enjoyment of property rights of owners of property adjoining the pool, pond, or spa or located in the neighborhood.

SECTION 10. GENERAL PERFORMANCE STANDARDS

13-533. Purpose. Performance standards are established to minimize conflicts among land uses, to preserve the use and enjoyment of property, and to protect the public health, safety, and welfare. These standards shall apply to all uses of land or structures and are in addition to any requirements applying to specific zoning districts.

13-534. In general. No use or structure shall be operated or occupied so as to constitute a dangerous, injurious, or noxious condition because of fire, explosion, or other hazard, noise, vibration, smoke, dust, fumes, odor, or other air pollution, light, glare, heat, cold, dampness, electrical disturbance, liquid, or solid refuse or waste, water or soil pollution, or other substance or condition. No use or structure shall unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities. In addition, no use or structure shall be operated or occupied in a manner not in compliance with any performance standard contained in this article or with any other applicable regulation.

13-535. Review by other agencies. In determining compliance with the performance standards of this article, planning and zoning staff may refer any matter to such governmental agencies or other entities as deemed necessary to obtain their review and comments as to such compliance.

13-536. Glare and heat.

(a) In general. No use or structure shall be operated or occupied as to create glare or heat from high temperature processes, such as welding or metallurgical refining, in such an amount or to such a degree or intensity as to constitute a hazardous condition or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities or otherwise as to create a public nuisance.

(b) Specific standard. Uses producing glare or heat shall be performed within a completely enclosed building in such a manner as to make such glare or heat completely imperceptible from any point along the property line.

13-537. Vibration.

(a) In general. No use or structure shall be operated or occupied as to vibrate in such an amount or to such a degree or intensity as to constitute a hazardous condition or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities or otherwise as to create a public nuisance.

(b) Specific standards. Uses creating vibration shall comply with the performance standards identified in Table 5-3, Maximum Permitted Vibration, and shall be conducted in such a manner as to make such vibration completely imperceptible from any point along a non-industrial zoning district boundary line. Vibration shall be measured at any point along a property line with a three (3) point component measuring system recognized as a standard for such purpose and shall be expressed as displacement in inches.

Table 5-3. Maximum permitted vibration.

Frequency in Cycles per Second	Maximum Vibration Displacement in Inches
Under 10	.0008
10 – 19	.0005
20 – 29	.0002
30 – 39	.0002
40 and over	.0001

13-538. Noise.

(a) In general. No use or structure shall be operated or occupied as to create noise in such an amount or with such recurrence or at such time of day as to constitute a hazardous condition or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities or otherwise as to create a public nuisance.

(b) Specific standards. All uses shall comply with the standards governing noise as regulated by the local, state, or other designated agency.

13-539. Odor emissions.

(a) In general. No use or structure shall be operated or occupied as to create odor in such an amount or to such degree as to constitute a hazardous condition or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities or otherwise as to create a public nuisance.

(b) Specific standards. All uses shall comply with the standards governing odor emissions as regulated by the local, state, or other designated agency and with the requirements identified as follows:

(1) Venting of odors, gas, and fumes shall be located a minimum of ten (10) feet above grade and shall be directed away from residential uses.

(2) On property within or adjacent to any non-industrial zoning district, uses producing odorous matter in such quantities as to be readily detectable so as to cause annoyance or discomfort from any point along the property line shall be prohibited.

13-540. Air emissions.

(a) In general. No use or structure shall be operated or occupied as to create the emission of smoke, particulate matter, noxious gas, or other air emission in such an amount or to such degree as to constitute a hazardous condition or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities or otherwise as to create a public nuisance.

(b) Specific standards. All uses shall comply with the standards governing air emissions as regulated by the local, state, or other designated agency.

13-541. Explosive and flammable materials.

(a) In general. No use or structure involving the manufacture, storage, or use of explosive or flammable materials shall be operated or occupied as to constitute a hazardous condition or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities or otherwise as to create a public nuisance.

(b) Specific standards. All uses involving the manufacture, storage, or use of explosive or flammable materials shall comply with all pertinent regulations, including, but not limited to, the state and local building code.

13-542. Hazardous materials.

(a) In general. No use or structure involving hazardous materials shall be operated or occupied as to constitute a hazardous condition or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities or otherwise as to create a public nuisance.

(b) Specific standards. All uses shall comply with the standards governing air emissions as regulated by the local, state, or other designated agency.

13-543. Direct discharge of waste.

(a) In general. No use or structure shall be operated or occupied as to discharge waste material in such an amount as to constitute a hazardous condition or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities or otherwise as to create a public nuisance.

(b) Specific standards. All uses shall comply with the standards governing air emissions as regulated by the local, state, or other designated agency.

13-544. Water pollution.

(a) In general. No use or structure shall be operated or occupied as to create water pollution in such an amount as to constitute a hazardous condition or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities or otherwise as to create a public nuisance.

(b) Specific standards. All uses shall comply with the standards governing water pollution as regulated by the local, state, or other designated agency.

SECTION 11. CONSTRUCTION SITE EROSION CONTROL.

13-545. Statutory Authorization. This ordinance is adopted pursuant to the authorization in §62.234, Wis. Stats.

13-546. Finding of Fact, Purpose, and Title.

(a) Finding of Fact. The City finds runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of the State and this City.

(b) Purpose. It is the purpose of this ordinance to preserve the natural resources; to protect the quality of the waters of the State and the City; and to protect and promote the health, safety, and welfare of the people, to the extent practicable by minimizing the amount of sediment and other pollutants carried by runoff or discharged from construction sites to lakes, streams, and wetlands.

(c) Title. This section shall be known as the "Construction Site Erosion Control Ordinance for the City of Green Bay, Wisconsin."

13-547 Application of Ordinance. This ordinance applies to land-disturbing construction and land-developing activities on lands within the boundaries and jurisdiction of the City. All State funded or conducted construction is exempt from this ordinance.

13-548. Definitions. The definitions for this section shall be as set forth in Chapter 13-300, Green Bay Municipal Code.

13-549 Design Criteria, Standards, and Specifications for Erosion Control Measurers. All erosion control measures required to comply with this ordinance shall meet the design criteria, standards, and specifications for the erosion control measures based on accepted design criteria, standards, and specifications identified in the latest edition of the Department of Natural Resources' Wisconsin Construction Site Best Management Practice Handbook and by the Director of Public Works or Building Inspection Superintendent.

13-550 Maintenance of Erosion Control Measurers. All sedimentation basins and other erosion control measures necessary to meet the requirements of this ordinance shall be maintained by the applicant or subsequent landowner during the period of land-disturbance and land-development of the site in a satisfactory manner to ensure adequate performance and to prevent nuisance conditions. Maintenance of erosion control measures shall meet the standards identified in the latest edition of the Department of Natural Resources' Wisconsin Construction Site Best Management Practice Handbook and by the Director of Public Works or Building Inspection Superintendent.

13-551. Control of Erosion and Pollutants During Land-Disturbance and Development.

(a) Applicability. This section applies to the following types of land development or land-disturbing construction activities:

(1) Those requiring a subdivision plat approval or the construction of houses or commercial, industrial, or institutional buildings on lots of approved subdivision plats.

(2) Those requiring a certified survey approval or the construction of houses or commercial, industrial, or institutional buildings on lots of approved certified surveys.

(3) Those involving grading, removal of protective ground cover or vegetation, excavation, land filling, or other land-disturbing construction activity affecting a surface area of 4,000 sq. ft. or more.

(4) Those involving excavation or filling, or a combination of excavation and filling, affecting 400 cu. yds. or more of dirt, sand, or other excavation or fill material.

(5) Those involving street, highway, road, or bridge construction, enlargement, relocation, or reconstruction.

(6) Those involving the laying, repairing, replacing, or enlarging of an underground pipe, wire, cable, or facility for a distance of 300' or more.

(b) Requirements. The following requirements shall be made on all sites described in sub. (a):

(1) Site Dewatering. Water pumped from the site shall be treated by temporary sedimentation basins or other appropriate controls designed and used to remove particles of 100 microns or greater for the highest dewatering pumping rate. If the water is demonstrated to have no particles greater than 100 microns during dewatering operations, then no control is needed before discharge, except as determined by the Director of Public Works or Building Inspection Superintendent. Water may not be discharged in a manner that causes erosion of the site or receiving channels.

(2) Waste and Material Disposal. All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be properly disposed and not allowed to be carried by runoff into a receiving channel or storm sewer system.

(3) Tracking. Each site shall have graveled roads, access drives, and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed before the end of each workday.

(4) Drain Inlet Protection. All storm drain inlets shall be protected with a straw bale, filter fabric, or equivalent barrier meeting accepted design criteria, standards, and specifications.

(5) Site Erosion Control. The following criteria apply only to land development or land-disturbing construction activities that result in runoff leaving the site:

a. Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described below in par. c.(iii). Sheetflow runoff from adjacent areas greater than 10,000 sq. ft. in area shall also be diverted around disturbed areas, unless shown to have resultant runoff velocities of less than 0.5'/sec. across the disturbed

area for the set of one year design storms. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.

b. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.

c. Runoff from the entire disturbed area on the site shall be controlled by meeting either sub. (i) and (ii) or (i) and (iii).

(i) All disturbed ground left inactive for 15 or more days shall be stabilized by mulching, temporary or permanent seeding, sodding, covering with tarps, or equivalent control measures. Seeding and sodding may only be used from May 1 to September 15 of any year. If temporary seeding is used, a permanent cover shall also be required as part of the final site stabilization.

(ii) For sites with 10 or more acres disturbed at one time, or if a channel originates in the disturbed area, one or more sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least 1% of the area draining to the basin and at least 3' of depth and constructed in accordance with accepted design specifications identified in the latest edition of the Department of Natural Resources' Wisconsin Construction Site Best Management Practice Handbook. Sediment shall be removed to maintain a depth of 3'. The basin shall be designed to trap sediment greater than 15 microns in size, based on the set of 1-year design storms having duration from 0.5 to 24 hours. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.

(iii) For sites with less than 10 acres disturbed at one time, filter fences, straw bales, or equivalent control measures shall be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel.

NOTE: Runoff from sites or slopes of 12% or more may require additional or different control methods which are not listed in c. above.

d. Any soil or dirt storage piles containing more than 10 cu. yds. of material should not be located with a downslope drainage length of less than 25' to a roadway or drainage channel. If remaining for 15 days or more, they shall be stabilized by mulching, vegetative cover, tarps, or other means. Erosion from piles which will be in existence for less than 15 days shall be controlled by placing straw bales or filter fence barriers around the pile. In-street utility repair or construction, soil or dirt storage piles located closer than 25' of a roadway or drainage channel must be covered with tarps or suitable alternative control, if exposed for more than 15 days, and the storm drain inlets must be protected with straw bale or other appropriate filtering barriers.

13-552. Permit Application, Erosion Control Plan, and Permit Issuance for Building and Site Development. No landowner or land user may commence a land-disturbance construction or land-development activity subject to this ordinance without receiving prior approval of an erosion control plan for the site and a permit from the Building Inspection Superintendent. At least one landowner or land user controlling or using the site and desiring to undertake a land-disturbing construction or land-developing activity subject to this ordinance shall submit an application for a permit and an erosion control plan and pay an application fee to the Building Inspection Superintendent. By submitting an application, the applicant is authorizing the Building Inspection Superintendent to enter the site to obtain information required for the review of the erosion control plan.

(a) Content of the Erosion Control Plan for Land-Disturbing Construction and Land-Developing Activities Covering One or More Acres.

(1) Existing Site Map. A map of existing site conditions on a scale of at least 1" equals 100' showing the site and immediately adjacent areas:

a. Site boundaries and adjacent lands which accurately identify site location;

b. Lakes, streams, wetlands, channels, ditches, and other water courses on the site and adjacent lands;

c. Location of the 100-year floodplain/floodfringe and floodway.

d. Identification of the predominant soil types;

e. Location and general identification of the vegetative cover;

f. Location and dimensions of stormwater drainage systems and natural drainage patterns on and immediately adjacent to the site;

g. Locations and dimensions of utilities, structures, roads, highways, and paving; and

h. Site topography at a contour interval not to exceed 5'.

(2) Plan of Final Site Conditions. A plan of final site conditions at the same scale as the existing site map showing the site changes.

(3) Site Construction Plan. A site construction plan including:

a. Location and dimensions of all proposed land-disturbing construction or land-developing activities;

b. Locations and dimensions of all temporary soil or dirt stockpiles;

c. Locations and dimensions of all construction site erosion control measures necessary to meet the requirements of this ordinance;

d. Schedule of anticipated starting and completion date of each land-disturbing construction or land-developing activity, including the installation of construction site erosion control measures needed to meet the requirements of this ordinance; and

e. Provisions for maintenance of the construction site erosion control measures during construction.

(b) Content of Erosion Control Plan Statement for Land-Disturbing Construction and Land Developing Activities Covering Less than One Acre, but Meeting the Applicability Requirements Stated in Sub. (7)(a). An erosion control plan statement (with simple map, See Exhibit "A") shall be submitted to briefly describe the site (i.e., percent of slope, soil type, existing vegetation, etc.) and erosion controls (including the site development schedule) that will be used to meet the requirements of the ordinance.

(c) Review of Erosion Control Plan. Within 45 days of receipt of the application, erosion control plan, and fee for sites covering one or more acres, or within 10 days of receipt of the application, erosion control plan statement, and fee, for sites covering less than one acre; the Building Inspection Superintendent shall review the application and erosion control plan to determine if the requirements of this ordinance are met. The Building Inspection Superintendent may request comments from other departments or agencies. If the requirements of this ordinance are met, the Building Inspection Superintendent shall approve the plan, inform the applicant, and issue a permit. If the conditions are not met, the Building Inspection Superintendent shall inform the applicant in writing and may either require needed information or disapprove the plan. Within 30 days of receipt of needed information, the Building Inspection Superintendent shall again determine if the plan meets the requirements of this ordinance. If the plan is disapproved, the Building Inspection Superintendent shall inform the applicant in writing of the reasons for the disapproval.

(d) Permits.

(1) Duration. Permits shall be valid for a period of 180 days or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Building Inspection Superintendent may extend the period one or more times for up to an additional 180 days. The Building Inspection Superintendent may require additional erosion control measures as a condition of the extension if they are necessary to meet the requirements of this ordinance.

(2) Surety Bond. As a condition of approval and issuance of the permit, the Building Inspection Superintendent may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion control plan and any permit conditions.

(3) Permit Conditions. All permits shall require the permittee to:

a. Notify the Building Inspection Superintendent within 48 hours of commencing any land-disturbing construction or land-development activity.

b. Notify the Building Inspection Superintendent of completion of any erosion control measures within seven days after their installation.

c. Obtain permission in writing from the Building Inspection Superintendent prior to modifying the erosion control plan.

d. Install all erosion control measures as identified in the approved erosion control plan.

e. Maintain all road drainage systems, stormwater drainage systems, control measures, and other facilities identified in the erosion control plan.

f. Repair any siltation or erosion damage to adjoining surfaces and drainageways resulting from land-developing construction or land-disturbing activities.

g. Inspect the construction erosion control measures after each rain of 0.5" or more and at least once each week and make needed repairs.

h. Allow the Building Inspection Superintendent to enter the site for the purpose of inspecting compliance with the erosion control plan or for performing any work necessary to bring the site into compliance with the erosion control plan.

i. Keep a copy of the approved erosion control plan on the site.

13-553. Permit Application, Erosion C ontrol Plan, and Permit Issuance for Certain Right-of-Way and Public Utility Easement Projects. Land-disturbing construction or land-development activity involving streets, alleys, bridges, or an underground pipe, cable, or facility may not commence construction without an approved erosion control plan and a permit issued by the Director of Public Works.

(a) Erosion Control Plan. The erosion control plan shall be detailed enough to describe those activities necessary to comply with the requirements of this ordinance and must include a statement describing the erosion control measures to be undertaken, whether or not there will be materials stockpiled; and if so, where, a construction schedule, and a simple site map of the construction.

(1) Public Works Contracts. The erosion control plan required by this ordinance for contracts awarded by the Department of Public Works, with the exception of material stockpiles, shall be developed by either the Department of Public Works or the contractor, with the contract documents spelling out the responsible party. Plans prepared by the Department of Public Works shall be made part of the contract specifications and documents. The portion of the plan for material stockpiles shall be developed by the contractor. Erosion control plans developed by the contractor shall be processed in accordance with par. 2.

(2) Other Work. For construction work by private contractors within the public right-of-way or public utility easement, the erosion control plan shall be submitted to the Department of Public Works - Engineering Division as part of the permit process. Within 10 working days after receipt, the Department shall have reviewed the plan to determine if the requirements of the ordinance have been met. The Department shall either approve the plan and issue the permit, if all requirements are met, or notify the applicant with the reasons for the disapproval of the erosion control plan and what must be done to correct it. Within seven working days after resubmittal, the Department shall either approve the plan or again notify the applicant, repeating the approval process.

(b) Permit Duration. The permit shall be valid for a period of 90 days for excavation work or 180 days for occupancy of the right-of-way.

13-554. Inspection.

(a) The Building Inspection Division shall inspect site development and building construction sites for which it has issued permits to ensure compliance with the erosion control plan. If land-disturbing construction or land-development activities are being carried out without a permit, the Building Inspection Division shall enter the land pursuant to the provisions of §§66.122 and 66.123, Wis. Stats.

(b) The Department of Public Works - Engineering Division shall inspect construction work for which it has issued permits to ensure compliance with the erosion control plan.

13-555. Enforcement.

(a) Building, Site Development, and Services not let to Public Works Contract.

(1) The Building Inspection Superintendent shall post a stop-work order if:

a. Any land-disturbing construction or land-developing activity regulated under this ordinance is being undertaken without a permit;

b. The erosion control plan is not being implemented in a good faith manner; or

c. The conditions of the permit are not being met.

(2) If the permittee does not cease the activity or comply with the erosion control plan or permit conditions within 10 days, the Building Inspection Superintendent shall revoke the permit.

(3) If the landowner or land user, where no permit has been issued, does not cease the activity within 10 days, the Building Inspection Superintendent shall request the City Attorney to obtain a cease and desist order.

(4) The Building Inspection Superintendent or the Board of Appeals may retract the stop-work order or the revocation.

(5) Ten days after posting a stop-work order, the Building Inspection Superintendent may issue a notice of intent to the permittee or landowner or land user of the Building Inspection Superintendent's intent to perform work necessary to comply with this ordinance. The Building Inspection Superintendent may go on the land and commence the work after 14 days from issuing the notice of intent. The costs of the work performed by the Building Inspection Superintendent, plus interest, shall be billed to the permittee or the landowner. In the event a permittee or landowner fails to pay the amount due, the City Clerk shall enter the amount due on the tax rolls and collect as a special charge against the property pursuant to §66.60(16), Wis. Stats.

6. Compliance with the provisions of this ordinance may also be enforced by injunction, abatement of nuisance, or other available and appropriate remedies.

7. No building occupancy permit may be issued if any provision herein is not complied with.

(b) Right-of-Way and Public Utility Easements; Public Works Contract.

(1) The Director of Public Works shall order construction halted if:

a. The activity regulated under this ordinance is undertaken without a permit;

b. The erosion control plan is not being implemented in a good faith manner; or

c. The conditions of the permit are not being met.

(2) After the Director of Public Works notifies the offender of non-compliance, the Director shall take whatever steps are necessary to enforce the plan, including, but not limited to, having the permittee make corrections, using its own forces, or engaging other contractors. The cost of such work by other contractors, plus interest, shall be billed to the permittee.

13-556. Penalty. Any person who shall violate any provisions of this ordinance or any rule, regulation, or order made hereunder shall be subject to a forfeiture of not less than $10 nor more than $500 and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.

13-557. Appeals.

(a) Building and Site Development.

(1) Board of Appeals. The Board of Appeals created pursuant to §13-209, Green Bay Municipal Code, pursuant to §62.23(7)(e), Wis. Stats.:

a. Shall hear and decide appeals where it is alleged that there is error in any order, decision, or determination made by the Building Inspection Superintendent in administering this ordinance;

b. Upon appeal, may authorize variances from the provisions of this ordinance which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary non-financial hardship; and

c. Shall use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals and authorizing variances.

(2) Who May Appeal. Any applicant, permittee, landowner, or land user may appeal any order, decision, or determination made by the Building Inspection Superintendent in administering this ordinance.

(b) Right-of-Way and Public Utility Easements. Any applicant or permittee may appeal any order, decision, or determination made by the Director of Public Works in administering this ordinance by giving written notice to the Director. The Improvement and Service Committee shall hear the appeal and forward its recommendation to the Common Council for final action.

CHAPTER 13-600. RESIDENTIAL DISTRICTS

SECTION 1. GENERAL PROVISIONS

13-601. Purpose. The residential districts are established to preserve and enhance the quality of living in residential neighborhoods, to regulate structures and uses which may affect the character or desirability of residential areas, to encourage a variety of dwelling types and locations and a range of population densities consistent with the City's comprehensive plan, and to ensure adequate light, air, privacy, and open space. The residential districts and their purposes are as follows:

(a) R-1 Low-Density Residential District provides an environment of predominantly single-family dwellings on moderately sized lots. Infill development is encouraged on lots that are consistent in size and dimensions with the predominant lot size and type on adjacent parcels. Two-family dwellings are permitted in limited numbers, consistent with the goals of promoting affordable housing and encouraging a variety of housing sizes and types in each neighborhood.

(b) R-2 Medium-Density Residential District is established to provide an environment of moderate-density single- and two-family dwellings, townhouses, and small multifamily buildings that are designed to be compatible with their neighbors.

(c) R-3 Varied Density Residential District is established to provide for an environment of moderate- to high-density attached and multifamily housing designed to present an attractive appearance to neighboring streets and adjacent uses, to include sufficient private and semi-private outdoor space, and to be well integrated into their surroundings.

(d) RR Rural Residential District is established to provide for limited large-lot development in areas of the City not yet served by public utilities, as defined by the Urban Reserve District (a municipal service district). In these areas, the intent is to facilitate future urban development in a cost-effective manner that allows for logical street connections and open space protection. In areas served by public utilities, the RR district provides a low-density residential environment and allows for the option of conservation subdivision design.

13-602. Principal uses for the residential districts.

(a) In general. Table 6-1, Principal Uses in the Residential Districts, lists all permitted and conditional uses allowed in the residential districts.

(b) Permitted uses. Uses specified with a "P" are permitted in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish or modify a permitted use, excluding single-family residential uses, shall obtain a zoning certificate for such use as specified in Chapter 13-200, Administration.

(c) Conditional uses. Uses specified with a "C" are allowed as a conditional use in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish or expand a conditional use shall obtain a conditional use permit for such use as specified in Chapter 13-200, Administration. Condominiums are permitted in all residential districts per State Statute 703.

(d) Prohibited uses. Any use not listed as either "P" (permitted) or "C" (conditional) in a particular district or any use not determined by the Zoning Administrator to be substantially similar to a use listed as permitted or conditional shall be prohibited in that district. Such determination shall be made in the manner provided for in Chapter 13-200, Administration, governing determination of substantially similar uses.

(e) Specific development standards. Permitted and conditional uses specified with an "x" under the Specific Development Standards column shall be subject to the standards identified in Chapter 13-1600, Specific Development Standards.

Table 6-1. Principal Uses in the Residential Districts.

Use	District R-1	District R-2	District R-3	District RR	Dev. Stds.
Residential Uses					
Dwellings					
Single-family dwelling, detached	P	P	C	P	x
Two-family dwelling – duplex	C	P	P		x
Two-family dwelling - semi-detached	C	P	P		x
Single-family attached dwelling, townhouse	C	C	P	-	x
Multiple-family dwelling, three or four units	-	C	P	-	x
Multiple-family dwelling, more than four units	-	-	P	-	
Carriage-house	C	-	-	C	x
Live-work unit	C	C	C	P	x
Transient Residential Uses with a Conditional-Use Permit as required in Ch. 13-205 (Cr. GO 9-09)	C	-	-	C	x
Congregate Living (Amd. GO 1-10)					
Rooming house, boarding house	C	C	P	-	x
Community living arrangement:					
serving three to eight persons	P*	P*	P*	P*	x
serving nine to 15 persons	C	C	P*	-	x
serving 16 or more persons	-	-	C	-	x
Dormitory	-	C	C	-	x
Fraternity, sorority house	C	C	C	-	x
Convent, monastery, seminary	C	P	P	-	x
Nursing home, assisted living	-	-	C	-	x
Transitional facility	-	-	C	-	
*A conditional-use permit may be required for Community Living Arrangement uses per the Development Standards (Section 13-1603)					
Educational Uses (Amd. GO 23-06)					
Adult daycare home	C	P	P	-	x
Family daycare home (8 or fewer children)	P	P	P	P	x
Group daycare center, preschool (9 or more children)	-	C	P	-	x
Institutional and Civic Uses					
Cemetery	C	C	C	P	
Community center, neighborhood center	C	C	C	-	x
Cultural institution	C	C	C	-	x
Library	C	P	P	-	x
Religious institution, place of worship	C	P	P	C	x
Public park, playground, recreation center	P	P	P	P	
Existing School, elementary or secondary* (Cr. GO 34-09)	C	C	C	-	x
*"Existing" means those elementary and secondary schools existing and in operation prior to the effective date of the Zoning Code: August 19, 2006					

Commercial and Production Uses					
Bed and breakfast	C	C	P	C	x
Personal service (≤2,500 sq. ft in floor area)	C	C	C	-	x
General retail sales (≤2,500 sq. ft in floor area)	C	C	C	-	x
Outdoor commercial recreation	C	C	C	C	x
Agriculture	C	C	C	P	
Campground	-	-	-	P	x
Public Service and Utility Uses					
Public safety/service facility	P	P	P	P	x
Telecommunication tower, wireless comm. facility.	-	C	C	C	x
Utility buildings and substations	C	C	C	C	x

Note: P = Permitted Use; C = Conditional Use

13-603. Site design considerations. Development of land within the residential districts shall follow established standards for traffic circulation, landscape design, and other considerations as specified in Chapter 13-1600, Specific Development Standards, and Chapter 18, Site Plan Review.

13-604. Lot dimension and building bulk requirements. Lot area and setback requirements shall be as specified in Table 6-2, Lot Dimension and Setback Requirements.

Table 6-2. Lot Dimension and Setback Requirements, Residential Districts

	RR	R-1	R-2	R-3
Minimum Lot Area (sq. ft.)				
Single-Family Detached Dwelling	10,000 [a]	7,500	5,000	5,000
Duplex (per building)		7,500	5,000	5,000
Semi-Detached Dwelling (per lot)	-	6,000	4,000	4,000
Single-Family Attached	-	-	2,500 or 15/ac (the lesser) [d]	2,500 or 15/ac (the lesser) [d]
Multifamily Dwelling (per unit)	-	-	see 13-607	see 13-607
All Other Uses (per lot):		10,000	10,000	10,000
Minimum Lot Width (feet)				
Single-Family Detached Dwelling	75	75	45	45
Duplex (per building)		75	45	45
Semi-Detached Dwelling (per lot)	-	40	30	30
Single-Family Attached	-		25	20
Multifamily Dwelling (per building)	-		40	40
Minimum Building Width (feet)		see note b		
Maximum Height (feet/stories)	35/2.5[g]	35/2.5[g]	35/3[g]	45/4[g]
Building Setback Requirements (feet)				
Front Yard	20 [c,h]	15 [c,h]	15 [c,h]	15 [c,h]
Side Yard [e, f,i,j]	6/8 ea.	6/8 ea.	6 ea.	10 ea.
Rear Yard	25	25	25	25
Garages (attached)	25	20	20	20

Notes to Table 6-2:

a. For lots in the RR district without City services, minimum lot area shall be 10 acres. Other lot dimensions shall be as specified in Table 6-2. See Section 13-605.
b. The minimum building width on any side shall be at least twenty-five (25) feet, not including any entryways or other structures that do not run the full length of the building.
c. Where at least fifty (50) percent of the front footage of any block is built up with principal structures, the front yard setback for new structures shall be equal to the average of the existing structures, except that any structure which is set back twenty (20) percent more or less than the average may be discounted from the formula.
d. If townhouses are developed on parcels where only the land immediately beneath each dwelling unit constitutes an individually-described lot and all other land constitutes common properties, the density requirement rather than the minimum lot size shall apply to the entire parcel.
e. Side yards setbacks shall apply to the ends of attached or semi-detached dwellings.
f. Corner properties: The side façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street. If no structure exists on the adjacent property, the setback shall be a minimum of ½ the required front yard setback of the subject property's zoning district.
g. Heights of structures may be increased with a conditional use permit as permitted in 13-205.
h. Covered porches are permitted in the front setback compliant with the conditional use permit requirements found in 13-205.
i. Lots containing less than 60 feet of public street frontage may have a side yard reduction to 6 feet for primary buildings.
j. 6 feet for a single story, 8 feet for a story and a half or greater.

13-605. Unserviced lots, RR District. All lots developed without city sewer and public water service shall meet the following standards:

(a) Lots, houses, and other structures, driveways, and any new streets shall be located in compliance with the comprehensive plan and any more detailed area plans for future roads, utilities, and drainage.

(b) The Planning Commission may require a sketch plan showing how the entire tract could be divided when city services become available. Lots and buildings shall be sited and streets shall be laid out to facilitate future subdivision.

(c) (Amd. GO 38-08) The 10-acre limit in the RR District may be reduced subject to the following development standards:

(1) It is relatively similar to other existing parcels in the area.
(2) An area development plan is submitted and approved for the remaining property and the parcel being created.
(3) All efforts should be taken to insure that the existing home and lot will:
    a. Comply with future setbacks.
    b. Fit with the surrounding future development and the parcels future development.
    c. Provides for existing utilities, septic and well currently servicing the home.
(4) Lot size will be determined by the Planning Commission based on a reasonable determination of the area development plan and future lot lines.
(5) Remnant parcel shall not be less than 10 acres.
(6) The maximum lot to be created should not be greater than 2.5 acres.
(7) The land division should meet all remaining standards of Ch. 14, Subdivision and Platting, Green Bay Municipal Code.

13-606. Lot area requirement, R-2 District. The lot area requirement for multifamily uses in the R-2 District is two thousand (2,000) square feet per one bedroom dwelling unit plus five hundred

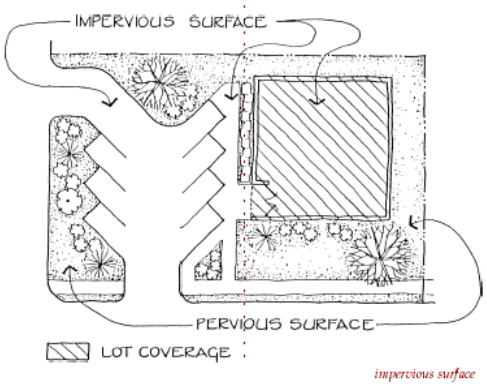
(500) square feet for each additional bedroom within the dwelling unit. In the case of boarding homes, dormitories, hospitals, and other residential facilities, the area requirement shall be one thousand (1,000) square feet for each resident occupancy of the structure.

13-607. Lot area requirement, R-3 District. The lot area requirement for multifamily uses in the R-3 District is one thousand five hundred (1,500) square feet per one bedroom dwelling unit plus five hundred (500) square feet for each additional bedroom within the dwelling unit. In the case of boarding homes, dormitories, hospitals, and other residential facilities, the area requirement shall be one thousand (1,000) square feet for each resident occupancy of the structure.

13-608. Housing density bonus, R-3 District. In the R-3 District, sites of three (3) acres or more should include at least two of the following housing types: multifamily apartments of 3 or 4 units, multifamily apartments of 5 or more units, senior apartments, townhouses, duplexes, and semi-detached dwellings. For such developments, the number of units permitted may be increased by up to ten (10) percent above the maximum number of units specified in Section 13-607, if the following requirements are met:

(a) Two or more of the above-listed housing types are provided.
(b) Each housing type may comprise no less than 10 percent of the total number of units.

13-609. Maximum impervious surface coverage. Impervious surface, including all buildings, drives, and other paved areas, shall not cover more than forty (40) percent of any zoning lot located in the RR District, fifty (50) percent of any zoning lot located in the R1, sixty (60) percent of any zoning lot in the R2 Districts, or seventy (70) percent of any zoning lot in the R3 District. See the following graphic.



13-610. Planned unit developments and traditional neighborhood developments. A Planned Unit Development or traditional neighborhood development plan may be submitted for consideration within any residential district, subject to the requirements and standards established in Chapter 13-1900, Planned Unit Developments, and Chapter 13-1400, TND District.

13-611. Parking and loading requirements. Parking and loading requirements for uses in the residential districts shall be as set forth in Chapter 13-1700, Off-Street Parking and Loading.

13-612 Signs. Sign requirements for uses in the residential districts shall be as specified in Chapter 13-2000, Signs.

SECTION 2. ACCESSORY USES AND STRUCTURES

13-613. General requirements. Accessory uses and structures in the residential districts shall comply with the following standards and all other applicable regulations of this ordinance:

(a) No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal use to which it is accessory.

(b) The accessory use or structure shall be incidental to and customarily associated with the principal use or structure served.

(c) The accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure served.

(d) The accessory use or structure shall contribute to the comfort, convenience, or necessity of the occupants of the principal use or structure served.

(e) The accessory use or structure shall be located on the same zoning lot as the principal use or structure.

13-614. Permitted accessory uses.

Table 6-3. Permitted Nonresidential Accessory Uses in the Residential Districts

Use	RR	R1, R2	R3	Dev. Stds.
Uses Accessory to Dwellings				
Antennas, satellite dishes, and similar equipment as regulated by Chapter 13-1600.	P	P	P	X
Boarding or renting of rooms to not more than two (2) persons	P	P	P	
Buildings temporarily located for construction purposes	P	P	P	
Fences	P	P	P	X
Gardening and other horticultural uses	P	P	P	
Home-based occupations (Amd. GO 36-09)	P	P	P	X
Private garages, carports, and parking spaces	P	P	P	
Private swimming pools, tennis courts, indoor exercise facilities, community meeting rooms, and other recreational facilities that are operated for the sole use and convenience of the residents of the principal use and their guests.	P	P	P	X
Tool houses, sheds, and similar buildings	P	P	P	-
Parking, structured			P	X
Outdoor kennel or exercise run for household pets	P	P	-	X
Retail, office, or service uses designed for residents of a multifamily building or complex of limited size and wholly contained within the principal structure			P	X
On parcels of 10 acres or more, keeping of domestic animals, such as horses or ponies, sheep, goats, or domestic fowl, provided that no more than one horse, pony, sheep, goat, or similar large farm animal may be kept per acre of property. Animal feedlot operations and pig farms are not permitted. Barns and pens for domestic animals are permitted.	P	-	-	X
Uses Accessory to Nonresidential Uses				
Antennas, satellite dishes, and similar equipment	P	P	P	X
Parking (surface)	P	P	P	
Parking (structured)		C	P	X
Signs, as regulated by Chapter 13-2000, Signs.	P	P	P	
Small wind energy system (Cr. GO 1-11)	C	C	C	X
Solar Energy System (Cr. GO 9-12)	P	C	P	X
Telecommunication facilities	C	C	C	X
Waste and recycling storage	P	P	P	X

Note: P = Permitted Use; C = Conditional Use

13-615. Residential accessory buildings.

(a) In general. In all residential districts, the design and construction of any garage, carport, or storage building shall be similar to or compatible with the design and construction of the main building. The exterior building materials, roof style, and colors shall be similar to the main building or shall be commonly associated with residential construction.

(b) Attached structures. An accessory structure shall be considered attached and an integral part of the principal structure when it is connected by an enclosed passageway. Such structures shall be subject to the following requirements:

(1) The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located.
(2) In no case shall the total floor area of an attached garage, carport, or other accessory structure exceed the ground floor area of the principal building located on the same lot.
(3) Attached garages may not exceed the height of the principal structure.

(c) Detached structures. Detached accessory structures shall be permitted in residential districts in accordance with the requirements shown in Table 6-4 and as follows:

(1) Detached accessory structures shall be located to the side or rear of the principal building and are not permitted within the required front yard or within a side yard abutting a street.
(2) The maximum size may be increased upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.
(3) Structures with a metal exterior finish exceeding 120 square feet shall be permitted only by conditional use permit.
(4) No more than thirty (30) percent of the required rear yard area may be covered by accessory structures.
(5) Distance between structures shall be measured from wall to wall.

Table 6-4. Requirements for detached accessory structures, residential districts (Amd. GO 25-09)

Use	One- or two-family residential use	Townhouse or multifamily residential use	RR District, 10 acres or more
Number of Structures Allowed	2	1 per unit	2
Maximum Size- 1st structure	1,000 sq. ft./dwelling unit	10 percent of lot area*	2,000 sq. ft.
Maximum Size- 2nd structure	150 sq.ft.	150 sq.ft.	1,000 sq. ft.
Maximum Height [c]	16 feet[d]	16 feet[d]	20 feet[d]
Maximum Side Wall Height [c]	10 feet	10 feet	10 feet
Required Setbacks			
Front yard[e]	55 feet	55 feet	55 feet
Side yard [a, e]	4 feet	10 feet	15 feet
Rear yard [b, e]	4 feet	10 feet	15 feet
Between structures	3 feet	3 feet	3 feet

Notes to Table 6-4

a. One- and two-family lots less than sixty (60) feet in width only require a two-and-a-half (2-½) foot side yard for detached accessory structures.
b. One- and two-family lots less than ninety (90) feet in depth only require a two-and-a-half (2-½) foot rear yard for detached accessory structures.

c. Maximum height and maximum side wall height may be increased to a height no greater than that of the principal structure located on the same lot provided the accessory structure is used as a carriage-house dwelling.
d. Heights of structures may be increased with a conditional use permit as permitted in 13-205.
e. A corner yard setback may be reduced where at least 50% of the front footage of any block is built up with principal structures, the corner yard setback for new structures shall be equal to the average of the existing structures, except that any structure which is setback 20% more or less than the average may be discounted from the formula. In no case shall the setback be less than 15 feet and shall only apply to corner lots of two intersection rights-of-way.

CHAPTER 13-700. MIXED-USE DISTRICTS

SECTION 1. GENERAL PROVISIONS

13-701. Purpose. The mixed-use districts are established to encourage a mix of compatible land uses in a variety of locations and scales in order to create more vital and walkable activity centers within neighborhoods and the downtown and consistent with the City's comprehensive plan. The mixed-use districts are as follows:

(a) The Office-Residential (OR) District is a transitional mixed-use district intended for edges of downtown or segments of commercial corridors where there is some development pressure to convert residential uses to offices. Small office and service establishments are permitted as of right in compliance with specific design standards, while larger or more intense office, service, or limited retail would be allowed by conditional use permit.

(b) The Neighborhood Center (NC) District is intended to apply to small neighborhood commercial nodes and to encourage development that is transit-oriented, which is supportive of and supported by public transit. Permitted uses include limited size retail, office, and service uses, attached and multifamily housing, and supportive civic uses, such as daycare.

(c) The Downtown (D) District is designed specifically for the downtown core on both sides of the Fox River, permitting a full range of high-intensity uses: retail, multifamily housing, offices, entertainment, and civic uses. It is divided into two sub-districts (D1 and D2) with differing maximum heights and floor area ratios to recognize the distinctly different building types and character of development found in the central business district, the Broadway District, and the Olde Main Street District.

13-702. Principal uses for the mixed-use districts.

(a) In general. Table 7-1, Principal Uses in the Mixed-Use Districts, lists all permitted and conditional uses allowed in the mixed-use districts.

(b) Permitted uses. Uses specified with a "P" are permitted in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish or modify a permitted use, excluding single-family residential uses, shall obtain a zoning certificate for such use as specified in Chapter 13-200, Administration. Condominiums are permitted in all mixed use districts per State Statute 703.

(c) Conditional uses. Uses specified with a "C" are allowed as a conditional use in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish or expand a conditional use shall obtain a conditional use permit for such use as specified in Chapter 13-200, Administration.

(d) Prohibited uses. Any use not listed as either "P" (permitted) or "C" (conditional) in a particular district or any use not determined by the Zoning Administrator to be substantially similar to a use listed as permitted or conditional shall be prohibited in that district. Such determination shall be made in the manner provided for in Chapter 13-200, Administration, governing determination of substantially similar uses.

(e) Specific development standards. Permitted and conditional uses specified with an "x" under the Development Standards column shall be subject to the standards identified in Chapter 13-1600, Development Standards.

Table 7-1. Principal Uses in the Mixed-Use Districts

Use	OR	NC	D	Dev. Stds.
Residential Uses				
Dwellings				
Single-family dwelling, detached	C	-	-	
Two-family dwelling, duplex or semi-detached	C	-	-	
Attached single-family dwelling, townhouse	P	P	P	
Multiple-family dwelling	P	P	P	
Carriage-house dwelling	P	P	-	
Live-work unit	P	P	P	
Congregate Living (Amd. GO 1-10)				
Rooming house, boarding house, shelter facility	C	C	C	x
Community living arrangement:				
serving three to eight persons	P*	P*	-	x
serving nine or more persons	C	C	C	x
*A conditional-use permit may be required for Community Living Arrangement uses per the Development Standards (Section 13-1603)				
Dormitory	C	C	-	x
Fraternity, sorority house	C	C	-	x
Convent, monastery, seminary	C	-	C	x
Nursing home, assisted living	C	C	C	x
Transitional facility	-	-	C	
Educational Uses				
School, elementary or secondary	P	P	P	x
College, university, etc.	P	P	P	x
School, specialty or personal instruction	P	P	P	x
Adult/family daycare home (8 or fewer children)	P	P	P	x
Group daycare center, preschool (9 or more children)	P	P	P	x
Institutional and Civic Uses				
Cemetery		-	-	
Community center, neighborhood center	P	P	P	
Cultural Institution	P	P	P	x
Library	P	P	P	
Public park, playground, recreational center	P	P	P	
Religious institution, place of worship	P	P	P	x
Clinic, healthcare facility	P	P	P	x
Public Service and Utilities				
Public safety/service facility	P	P	P	x
Telecommunication facility, wireless comm.. facility	C	C	C	x
Governmental buildings and structures	P	P	P	
Public utility buildings and structures	C	C	C	

Use	OR	NC	D	Dev. Stds.
Offices				
General office	P	P	P	
Government office	P	P	P	
Bank or other financial institution (drive-through is C)	P	P	P	X
Medical office, clinic	P	P	P	
Artist's studio	P	P	P	
Commercial				
Accommodation and Food Service Uses				
Bed and breakfast	P	P	P	X
Hotel, inn	-	P	P	
Motel	-	-	C	
Restaurant,* not including drive-through	P	P	P	
Restaurant with drive-through	-	C	C	X
Tavern, bar *	C	C	P	
Service businesses				
Personal service**	P	P	P	
Business service**	P	P	P	
Building maintenance, janitorial service	-	P	P	
Catering service	P	P	P	
Day labor agency	-	-	C	X
Funeral home	P	P	P	
Furniture and appliance rental and leasing	-	P	P	
Laundromat	-	P	P	
Printing and publishing establishment	-	P	P	
Small appliance repair service	P	P	P	
Tool/equipment rental facility	-	P	P	
Animal hospital, veterinary clinic	P	P	P	X
Animal grooming establishment	P	P	P	X
Retail Sales				
General retail sales **	C	P	P	
Building material sales	-	-	C	
Contractor showroom	-	C	P	
Currency exchange	-	-	C	
Firearms sales and service	-	C	P	X
Greenhouse, lawn and garden supply store	-	P	P	X
Pawnshop	-	-	C	
Secondhand goods store, consignment store	C	P	P	
Production, Processing, and Storage Uses (Cr. GO 6-12)				
Limited production and processing	-	-	C	X

Use	OR	NC	D	Dev. Stds.
Commercial Recreation and Entertainment				
Convention center	-	-	P	
Health club, fitness center	-	P	P	
Indoor recreation (bowling, billiards, etc.)	-	C	P	
Restaurant or bar with entertainment, nightclub*	-	-	C	
Theater, assembly hall	-	P	P	X
Vehicle services				
Automobile rental	-	C	C	X
Automobile sales – new or used	-	-	C	X
Carwash	-	C	C	X
Convenience store	-	C	C	X
Fueling/gas/service station	-	C	C	X
Motor vehicle repair, minor		C	C	X
Parking structure (principal use)	-	-	C	
Surface parking lot (principal use)	C	C	C	

Note: P = Permitted Use; C = Conditional Use

* Any establishment at which primarily alcoholic beverages are served must also meet the requirements of the Green Bay Municipal Code, Chapter 6 – Licenses & Permits.

** See definitions section for complete list of uses.

13-703. Combination of uses on a lot. Any permitted and conditional uses may be combined on a parcel or within a building, provided that all uses meet all other applicable provisions of this ordinance, including any specific development standards.

13-704. Use restrictions.

(a) In mixed-use buildings, residential uses shall not be permitted on the ground floor fronting the primary public street.

(b) Warehousing areas accessory to retail sales shall be limited to 30 percent of gross floor area.

(c) Drive-through uses, whether primary or accessory, are not allowed except by conditional use permit.

13-705. Enclosed building requirement. All business activities, except for off-street parking and loading, shall take place within completely enclosed buildings, except as provided in (a) through (c) below.

(a) Outdoor sales and display. Retail merchandise may be displayed on a temporary basis on the sidewalk immediately in front of the principal building or elsewhere on the site, provided that such display does not interfere with pedestrian or vehicle traffic or encroach upon landscaped areas. The following uses may include permanent outdoor sales and display, in compliance with the Specific Development Standards for such uses:

(1) Automobile sales and rental

(2) Garden supply store

(b) Outdoor dining areas. Outdoor dining areas may be allowed as a seasonal temporary use, in compliance with the Specific Development Standards for such uses.

(c) Outdoor speakers. Outdoor speakers shall not be audible from a residential use or residential district boundary.

13-706. Site design considerations. Development of land within the mixed-use districts shall follow the following standards, as well as those specified in Chapter 13-1600, Specific Development Standards, and Chapter 13-1800, Site Plan Review.

(a) If a structure originally designed for commercial use is converted wholly or partially to residential use, the elements of traditional storefront design, where present, shall be retained. These include door and window openings, display windows, intermediate cornice lines, sign bands, awnings, arcades, and primary entrances facing the public street.

(b) Building materials. All building facades shall be designed with architecturally-finished materials. Durable materials, such as masonry or stucco, shall be used on all street-facing facades. Metal pole barn structures are prohibited.

(c) All subsequent additions and outbuildings constructed after the erection of an original building or buildings shall be constructed of comparable materials and designed in a manner consistent with the original design unless the entire building is being renovated.

(d) Signs shall be placed so as not to obscure the architectural features of the principal building and shall be designed to be compatible in materials, size, and appearance with the principal building.

13-707. Dimensional and area requirements. Lot area and setback requirements shall be as specified in Table 7-2.

Table 7-2. Dimensional and Area Requirements, Mixed-Use Districts

	OR	NC	D
Minimum Lot Area (sq. ft.)			
Single-Family Attached and Live-Work Units	2,500 per unit		2,000 per unit
Multifamily Dwelling (per unit)	2,000 per unit	1,500 per unit	1,000 per unit
Nonresidential or Mixed-Use	5,000	None	None
Floor Area Ratio – Minimum	0.3	0.5	1.0
Floor Area Ratio – Maximum	1.0	2.0	3.0 (D1) 8.0 (D2)
Maximum ground floor Area, retail, and service uses [a]	5,000 sf	5,000 sf	40,000 sf
Minimum Lot Width (feet)			
Single-Family Attached and Live-Work Units	24	24	24
Multifamily Dwelling	none	None	None
All Other Uses	50	None	None
Maximum Height (feet)	35[h]	35(45 by CU)	45 (D1)[h] none (D2)
Minimum Building Width	see note b		
Maximum Impervious Surface Coverage	60%	80%	100%
Setbacks – Residential Uses			
Front Yard Minimum	15 [c]	15 [c]	10 [c]
Front Yard Maximum	25	25	20
Side Yard [d,e]	16 (total) 6 min.	12 (total)	12 (total)
Rear Yard	25	25	25
Setbacks – Nonresidential and Mixed-Uses			
Front Yard minimum	none	None	None
Front Yard maximum [f]	20	20	15

	OR	NC	D
Side Yard	6	6 [g]	6 [g]
Rear Yard	6	6 [g]	6 [g]

Notes to Table 7-2:

a. Maximum ground floor area for retail or service uses may be exceeded as a conditional use.
b. For residential structures, the minimum building width on any side shall be at least twenty-two (22) feet, not including any entryways or other structures that do not run the full length of the building.
c. Where at least fifty (50) percent of the front footage of any block (from intersecting street to intersecting street) is built up with principal structures, the front yard setback for new structures shall be equal to the average of the existing structures, except that any structure which is set back twenty (20) percent more or less than the average may be discounted from the formula.
d. Side yards are required only for dwelling units on the ends of townhouse buildings. Minimum size is one-half of the total distance shown in the table.
e. Corner properties: The side façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street. If no structure exists on the adjacent property, the setback shall be a minimum of ½ the required front yard setback of the subject property's zoning district.
f. At least 60 percent of the front façade must fall between the maximum setback and minimum setback lines.
g. In the NC and D Districts, side and rear yards shall be required when a nonresidential use adjoins a side yard or rear yard of a residential property or as necessary to provide access for deliveries, loading, etc.
h. Heights of structures may be increased with a conditional use permit as permitted in 13-205.

13-708. Planned unit developments and traditional neighborhood developments. A Planned Unit Development or traditional neighborhood development plan may be submitted for consideration within any mixed-use district, subject to the requirements and standards established in Chapter 13-1900, Planned Unit Development Standards, and Chapter 13-1400, TND District.

13-709. Parking and loading requirements. Parking and loading requirements for uses in the mixed-use districts shall be as set forth in Chapter 13-1700, Off-Street Parking and Loading, and in the requirements for the individual mixed-use districts.

13-710. Signs. Sign requirements for uses in the mixed-use districts shall be as specified in Chapter 13-2000, Signs.

SECTION 2. ACCESSORY USES AND STRUCTURES

13-711. General requirements. Accessory uses and structures in the mixed-use districts shall comply with the following standards and all other applicable regulations of this ordinance:

(a) No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal use to which it is accessory.

(b) The accessory use or structure shall be incidental to and customarily associated with the principal use or structure served.

(c) The accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure served.

(d) The accessory use or structure shall contribute to the comfort, convenience, or necessity of the occupants of the principal use or structure served.

(e) The accessory use or structure shall be located on the same zoning lot as the principal use or structure.

13-712. Residential accessory buildings. The standards applicable to accessory buildings in the residential districts shall apply (Chapter 13-600).

13-713. Nonresidential accessory buildings.

(a) Attached structures. An accessory structure shall be considered attached and an integral part of the principal structure when it is connected by an enclosed passageway or common wall. Such structures shall be subject to the following requirements:

(1) The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located.

(2) In no case shall the total floor area of an attached garage, carport, or other accessory structure exceed the ground floor area of the principal building located on the same lot.

(3) The structure shall not exceed the height of the principal building to which it is attached.

(b) Detached structures. Detached accessory structures shall be permitted in mixed-use districts in accordance with the requirements shown in Table 7-3 and as follows:

(1) Detached accessory structures shall be located to the side or rear of the principal building and are not permitted within the required front yard or within a side yard abutting a street, except that a surface parking lot or structure may be located within a side yard.

(2) The structure shall meet the required rear and side yard setbacks for a principal structure, as established for the zoning district in which it is located.

(3) The total floor area of a detached accessory building shall not exceed the ground floor area of the principal building located on the same lot.

(4) The maximum size of a detached accessory building may be increased by up to twenty-five (25) percent upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.

(5) Structures with a metal exterior finish exceeding 120 square feet shall be permitted only by conditional use permit.

13-714. Permitted accessory uses. Permitted accessory uses are as shown in Table 7-3.

Table 7-3. Permitted Accessory Uses in the Mixed-Use Districts

Use	OR	NC	D	Dev. Stds.
Uses Accessory to Dwellings				
Antennas, satellite dishes, and similar equipment as regulated by Chapter 13-1600	P	P	P	
Boarding or renting of rooms to not more than two (2) persons	P	P	P	
Fences	P	P	P	X
Gardening and other horticultural uses	P	P	-	
Home-based occupations (Amd. GO 36-02)	P	P	P	X
Outdoor kennel or exercise run	P	P	-	X
Private garages, carports, and parking spaces	P	P	P	

Private swimming pools, tennis courts, indoor exercise facilities, community meeting rooms, and other recreational facilities that are operated for the sole use and convenience of the residents of the principal use and their guests	P	P	C	
Small Wind Energy System (Cr. GO 1-11) (Amd. GO 7-12)	C	C	C	X
Solar Energy Systems (Cr. GO 9-12)	C	C	P	X
Tool houses, sheds, and similar buildings	P	P	P	-
Uses Accessory to Nonresidential Uses				
Antennas, satellite dishes and similar equipment	P	P	P	X
Carwash (automatic) when accessory to an auto service station in compliance with Chapter 13-1600.	-	C	C	X
Music (outdoor live or amplified music)	-	-	C	X
Off-street loading docks	C	P	P	X
Outdoor display of vehicles			C	X
Outdoor commercial recreation	-	C	C	X
Outdoor sales, display, and storage	see Section 13-705			X
Parking (surface)	P	P	P	
Parking (structured)		C	P	X
Parking and storage of vehicles licensed to a business	P	P	P	X
Signs, as regulated by Chapter 13-2000	P	P	P	
Small Wind Energy System (Cr. GO 1-11)	C	C	C	X
Solar Energy System (Cr. GO 9-12)	C	C	P	X
Telecommunication facilities	C	C	C	X
Warehousing, incidental repair, or processing necessary to conduct a permitted principal use, conducted within principal building, not exceeding 25% of total floor area	-	P	P	X
Waste and recycling storage	P	P	P	X

CHAPTER 13-800. COMMERCIAL DISTRICTS

SECTION 1. GENERAL PROVISIONS

13-801. Purpose. The commercial districts are established to provide a range of goods and services for City residents within the City's existing commercial corridors and districts, to promote employment opportunities and the adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas. In all of the commercial districts, consideration should be given to building and site design to provide for efficient and well-integrated use of land, to ensure compatibility with adjacent zoning districts, to control traffic, and to improve the pedestrian environment. The commercial districts are as follows:

(a) C1 General Commercial is intended for use along the City's primary commercial corridors where moderate-intensity retail, office, and service uses are planned. Businesses that typically involve outdoor display, storage, and/or sales, motor vehicle repair, and other intensive or outdoor uses are discouraged.

(b) C2 Highway Commercial is intended for use in locations along the City's commercial corridors where automobile-oriented businesses already dominate or are planned. Businesses that typically involve outdoor display, storage, and/or sales, motor vehicle repair, and other intensive or outdoor uses should locate in this district.

(c) C3 Community Center Commercial is intended to provide for major commercial districts that serve a significant segment of the City's population. It is characterized by businesses that are major traffic generators requiring access from major thoroughfares, such as shopping centers and "big box" retail establishments. While these businesses are usually characterized by indoor operations, certain permitted uses may include limited outdoor activities.

13-802. Principal uses for the commercial districts.

(a) In general. Table 8-1 lists all permitted and conditional uses allowed in the commercial districts.

(b) Permitted uses. Uses specified with a "P" are permitted in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish or modify a permitted use shall obtain a zoning certificate for such use as specified in Chapter 13-200, Administration.

(c) Conditional uses. Uses specified with a "C" are allowed as a conditional use in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish or expand a conditional use shall obtain a conditional use permit for such use as specified in Chapter 13-200, Administration. Condominiums are permitted in all commercial districts per State Statute 703.

(d) Prohibited uses. Any use not listed as either "P" (permitted) or "C" (conditional) in a particular district or any use not determined by the Zoning Administrator to be substantially similar to a use listed as permitted or conditional shall be prohibited in that district. Such determination shall be made in the manner provided for in Chapter 13-200, Administration, governing determination of substantially similar uses.

(e) Specific development standards. Permitted and conditional uses specified with an "x" under the Development Standards column shall be subject to the standards identified in Chapter 13-1600, Development Standards.

Table 8-1. Principal Uses in the Commercial Districts

Use	C1	C2	C3	Dev. Stds.
Office Uses				
General office	P	P	P	
Government office	P	P	P	
Bank or other financial institution	P	P	P	
Medical office, clinic	P	P	P	
Artist's studio	P	P	P	
Commercial Uses				
Accommodation and Food Service Uses				
Bed and breakfast	P	P	P	X
Hotel, inn	C	P	P	
Motel	-	C	C	
Restaurant,* not including drive-through	P	P	P	
Restaurant* with drive-through	C	P	P	X
Tavern, bar *	C	C	P	X
Service Businesses				
Personal service**	P	P	P	
Business service**	P	P	P	
Building maintenance, janitorial service	P	P	P	
Catering service	P	P	P	
Day labor agency	C	C	C	X
Funeral home, crematory	P	P	P	
Furniture and appliance rental and leasing	P	P	P	
Laundromat	P	P	P	
Pet grooming establishment	P	P	P	
Printing and publishing establishment	P	P	P	
Small appliance repair service	P	P	P	
Tool/equipment rental facility	P	P	P	
Animal hospital, veterinary clinic	P	P	P	X
Animal grooming establishment	P	P	P	X
Animal boarding facility, kennel	P	P	P	X
Material Recovery Facility (Minor) (Cr. GO 8-09)	C	C	-	
Retail Sales				
Auto Title Loan Business (Cr. GO 20-09)	C	C	C	X
General retail sales **	P	P	P	
Building material sales	C	P	P	
Contractor showroom	P	P	P	
Currency exchange	-	C	C	
Firearms sales and service	P	C	C	X
Greenhouse, garden supply store	C	P	P	X
Pawnshop	P	P	P	
Payday Loan Business (Cr. GO 11-06)	C	C	C	X

Use	C1	C2	C3	Dev. Stds.
Pet store	P	P	P	
Secondhand goods store, consignment store	C	P	P	
Production, Processing, and Storage Uses (Cr. GO 6-12)				
Limited production and processing	C	C	C	X
Commercial Recreation and Entertainment				
Convention center	-	-	-	
Health clubs, fitness centers	-	P	P	
Indoor recreational facility	P	P	P	
Marina	-	C	C	
Outdoor commercial recreation area	-	C	C	X
Restaurant or bar with entertainment, nightclub*	C	-	C	
Theater, assembly hall	P	-	P	X
Vehicle Services				
Automobile rental	-	P	C	X
Automobile sales – used or new	-	P	C	X
Carwash	-	P	C	X
Convenience store	-	P	C	
Fuel/gas/service station	-	P	C	X
Motor vehicle repair, major		P	C	X
Motor vehicle repair, minor	C	P	C	X
Parking structure (principal use)	C	C	P	
Surface parking lot (principal use)	C	C	C	
Drive-through facility	P	P	P	X
Health clubs, fitness centers (Cr. GO 37-09)	P	P	P	
Residential Uses				
Dwellings* **				
Single-family dwelling, detached	-	-	-	
Two-family dwelling, duplex or semi-detached	-	-	-	
Attached single-family dwelling, townhouse	-	-	-	
Multiple-family dwelling	P	P	P	
Carriage-house dwelling	-	-	-	
Live-work unit	P	P	P	X
Congregate Living (Amd. GO 1-10)				
Community living arrangement	C	C	-	X
Dormitory	C	C	-	X
Nursing homes, assisted living	C	C	-	
Educational Uses				
School, grades K-12	C	-	C	X

Use	C1	C2	C3	Dev. Stds.
College, university, etc.	C	-	C	X
School, specialty or personal instruction, etc.	C		C	X
Adult/family daycare facility (8 or fewer children)	P	P	P	X
Group daycare facility (9 or more children)	P	P	P	X

Institutional and Civic Uses				
Cemetery	-	-	-	
Community center	P	P	P	
Cultural institution	P	P	P	X
Library	P	P	P	X
Park, playground, recreational center	P	P	P	
Religious institution, place of worship	P	P	P	X
Clinic, healthcare facility	P	P	P	
Public Service and Utilities				
Public safety/service facility	P	P	P	
Telecommunication tower, wireless comm. facility	C	C	C	X

Note: P = Permitted Use; C = Conditional Use

* Any establishment at which primarily alcoholic beverages are served must also meet the requirements of Green Bay Municipal Code, Chapter 6, Licenses & Permits.
** See definitions section for complete list of uses.
*** Only located above the ground floor.

13-803. Combination of uses on a lot. Any permitted and conditional uses may be combined on a parcel or within a building, provided that all uses meet all other applicable provisions of this ordinance, including any specific development standards. More than one principal building on a lot may be permitted as a conditional use, subject to the standards of Chapter 13-1800, Site Plan Review.

13-804. Use restrictions.

(a) In mixed-use buildings, residential uses shall not be permitted on the ground floor fronting the primary public street.

(b) Warehousing areas accessory to retail sales shall be limited to 40 percent of gross floor area.

(c) Outdoor dining areas. Outdoor dining areas may be allowed as a seasonal temporary use, in compliance with the development standards for such uses.

(d) Outdoor speakers. Outdoor speakers shall not be audible from a residential use or residential district boundary.

13-805. Outdoor storage and display, C1 and C3 Districts

(a) In the C1 and C3 Districts, outdoor storage, sales, or display are permitted only when accessory to the following uses:

(1) Greenhouse, garden supply store

(2) Building material sales

(b) Where permitted, outdoor storage shall be completely screened from any adjacent street, sidewalk, public walkway, public park, or residential property, in compliance with Chapter 13-1820. Outdoor sales and display areas shall be separated from any adjacent street, sidewalk, or public walkway by a low landscaped screen, in compliance with Chapter 13-1814.

(c) Temporary display. Retail merchandise may be displayed on a temporary basis when accessory to a permitted or conditional use. Display areas may be located on the sidewalk immediately in front of the principal building or elsewhere on the site, provided that such display does not interfere with pedestrian or vehicle traffic in conflict with other sections of the municipal code or encroach upon landscaped areas. A temporary use permit shall be required, as specified in Chapter 13-500.

13-806. Outdoor storage and display, C2 District.

(a) In the C2 District, outdoor storage, sales, or display are permitted only when accessory to the following uses:

(1) Building material sales

(2) Auto service station, in compliance with Chapter 13-1600, Specific Development Standards

(3) Automobile rental or sales

(4) Sales and/or service of watercraft, recreational vehicles, and agricultural equipment

(5) Outdoor commercial recreation

(b) Where permitted, outdoor storage shall be completely screened from any adjacent street, sidewalk, public walkway, public park, or residential property, in compliance with Chapter 13-1820. Outdoor sales and display areas shall be separated from any adjacent street, sidewalk, or public walkway by a low landscaped screen, in compliance with Chapter 13-1814.

(c) Temporary display. Retail merchandise may be displayed on a temporary basis when accessory to a permitted or conditional use. Display areas may be located on the sidewalk immediately in front of the principal building or elsewhere on the site, provided that such display does not interfere with pedestrian or vehicle traffic in conflict with other sections of the municipal code or encroach upon landscaped areas. A temporary use permit shall be required, as specified in Chapter 13-500.

13-807. Site design considerations. Development of land within the commercial districts shall follow the following standards, as well as those specified in Chapter 13-1600, Specific Development Standards, and Chapter 13-1800, Site Plan Review.

(a) Building materials. All building facades shall be designed with architecturally-finished materials. Durable materials, such as masonry or stucco, shall be used on all street-facing facades. Metal pole barn structures are prohibited.

(b) All subsequent additions and outbuildings constructed after the erection of an original building or buildings shall be constructed of comparable materials and designed in a manner consistent with the original design, unless the entire building is being renovated.

13-808. Parking and loading requirements. Parking and loading requirements for uses in the commercial districts shall be as set forth in Chapter 13-1700, Off-Street Parking and Loading.

13-809. Signs. Sign requirements for uses in the commercial districts shall be as specified in Chapter 13-2000, Signs.

SECTION 2. DIMENSIONAL STANDARDS

13-810. Dimensional and area requirements. Lot area and setback requirements shall be as specified in Table 8-2.

Table 8-2. Dimensional and Area Requirements, Commercial Districts (Amd. GO 13-07)

	C1	C2	C3
Minimum Lot Area (sq. ft.)[d]	5,000	10,000	10,000
Floor Area Ratio - Minimum	0.1[e]	0.1[e]	0.1[e]
Maximum Height (feet)	35[c]	35[c]	35[c]
Maximum Impervious Surface Coverage (Amd. GO 42-09)	80%	80%	80%
Building Setbacks			
Front Yard minimum	15	15	15
Side Yard	6[a b]	6[a b]	6[a b]
Rear Yard	6[b]	6[b]	6[b]

Notes to Table 8-2

a. Corner properties: The side façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street. If no structure exists on the adjacent property, the setback shall be a minimum of ½ the required front yard setback of the subject property's zoning district.
b. Side and rear yards shall be required when a nonresidential use adjoins a side yard of a residential property or as necessary to provide access for deliveries, loading, etc.
c. Heights of structures may be increased with a conditional use permit as permitted in 13-205.
d. A minimum 75 feet of public street frontage is required.
e. Surface parking lots (principal use) approved through conditional-use permit shall not be required to meet the Floor Area Ratio – Minimum.

SECTION 3. ACCESSORY USES AND STRUCTURES

13-811. General requirements. Accessory uses and structures in the commercial districts shall comply with the following standards and all other applicable regulations of this ordinance:

(a) No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal use to which it is accessory.

(b) The accessory use or structure shall be incidental to and customarily associated with the principal use or structure served.

(c) The accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure served.

(d) The accessory use or structure shall contribute to the comfort, convenience, or necessity of the occupants of the principal use or structure served.

(e) The accessory use or structure shall be located on the same zoning lot as the principal use or structure.

13-812. Residential accessory buildings. The standards applicable to accessory buildings in the residential districts shall apply (Chapter 13-600).

13-813. Nonresidential accessory buildings.

(a) Attached structures. An accessory structure shall be considered attached and an integral part of the principal structure when it is connected by an enclosed passageway. Such structures shall be subject to the following requirements:

(1) The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located.

(2) In no case shall the total floor area of an attached garage, carport, or other accessory structure exceed the ground floor area of the principal building located on the same lot.

(3) The structure shall not exceed the height of the principal building to which it is attached.

(b) Detached structures. Detached accessory structures shall be permitted in commercial districts in accordance with the requirements shown in Table 8-3 and as follows:

(1) Detached accessory structures shall be located to the side or rear of the principal building and are not permitted within the required front yard or within a side yard abutting a street, except that a surface parking lot or structure may be located within a side yard.

(2) The structure shall meet the required rear and side yard setbacks for a principal structure, as established for the zoning district in which it is located.

(3) The total floor area of a detached accessory building shall not exceed the ground floor area of the principal building located on the same lot.

(4) The maximum size of a detached accessory building may be increased by up to twenty-five (25) percent upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.

(5) Structures with a metal exterior finish exceeding 120 square feet shall be permitted only by conditional use permit.

(6) No detached accessory building shall be located closer than three (3) feet from the principal building. Distance between structures shall be measured from wall to wall.

13-814. Permitted nonresidential accessory uses. Permitted accessory uses are as shown in Table 8-3.

Table 8-3. Permitted Accessory Uses in the Commercial Districts

Use	C1	C2	C3	Dev. Stds.
Uses Accessory to Dwellings				
Antennas, satellite dishes, and similar equipment as regulated by Chapter 13-1600	P	P	P	
Boarding or renting of rooms to not more than two (2) persons	P	P	P	
Fences	P	P	P	X
Gardening and other horticultural uses	-	-	-	
Home-based occupations (Amd. GO 26-02)	P	P	P	X
Private garages, carports, and parking spaces	P	P	P	
Private swimming pools, tennis courts, indoor exercise facilities, community meeting rooms, and other recreational facilities that are operated for the sole use and convenience of the residents of the principal use and their guests	P	P	C	
Solar Energy Systems (Cr. GO 9-12)	P	P	P	X
Tool houses, sheds, and similar buildings	P	P	P	
Outdoor kennel or exercise run	-	-	-	
Uses Accessory to Nonresidential Uses				

Use	C1	C2	C3	Dev. Stds.
Antennas, satellite dishes, and similar equipment	P	P	P	X
Carwash (automatic) when accessory to a service station in compliance with Chapter 13-1600		C	C	X
Music (outdoor live or amplified music)	C	C	C	
Off-street loading docks	C	P	P	X
Outdoor display of vehicles		P	C	X
Outdoor commercial recreation	C	C	C	X
Outdoor sales, display, and storage	*	**	*	X
Parking (surface)	P	P	P	
Parking (structured)		C	P	X
Parking and storage of vehicles licensed to a business	P	P	P	X
Signs, as regulated by Chapter 13-2000	P	P	P	
Small Wind Energy System (Cr. GO 1-11)	C	C	C	X
Solar Energy Systems (Cr. GO 9-12)	P	P	P	X
Telecommunication facilities	C	C	C	X
Warehousing, incidental repair, or processing necessary to conduct a permitted principal use, conducted within the principal building, not exceeding 40 percent of total floor area		P	P	X
Waste and recycling storage	P	P	P	X

* See Section 13-805, Outdoor Storage and Display, C1 and C3 Districts
** See Section 13-806, Outdoor Storage and Display, C2 District

CHAPTER 13-900. INDUSTRIAL DISTRICTS

SECTION 1. GENERAL PROVISIONS

13-901. Purpose. The industrial districts are established to provide locations for land uses engaged in the production, processing, assembly, manufacturing, packaging, wholesaling, warehousing, or distribution of goods and materials. Regulations for the industrial districts are established to promote industrial development and to maintain and improve compatibility with surrounding areas. In addition to industrial uses, limited commercial uses, parking facilities, public services, and utilities are allowed. The industrial and employment districts are as follows:

(a) LI Light Industrial. This district is intended to allow industrial operations and activities in combination with limited commercial uses in older industrial corridors that were developed with a mix of uses in medium-sized buildings with limited outdoor storage. The district is designed to include warehousing, wholesaling, shipping, and related activities, limited manufacturing, and a range of commercial uses.

(b) GI General Industrial. This district accommodates high-intensity industry and often includes very large structures, extensive exterior storage and exterior mechanical or equipment operations. It accommodates uses that require large or isolated sites or rail or port service. Most sites within the GI District have already been developed. Where possible, the GI District should be separated from residential neighborhoods. Standards for screening and buffering of these operations should be enhanced where feasible.

(c) BP Business Park. This district provides sites for modern industry, research and development, and associated office and commercial uses in a park-like environment characterized by high standards of building and site design. It is based on the existing I-43 Business Park standards, with applicability to similar environments elsewhere in City.

13-902. Principal uses for the industrial districts.

(a) In general. Table 9-1 lists all permitted and conditional uses allowed in the industrial districts.

(b) Permitted uses. Uses specified with a "P" are permitted in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish or modify a permitted use, excluding single-family residential uses, shall obtain a zoning certificate for such use, as specified in Chapter 13-200, Administration. Condominiums are permitted in all industrial districts per State Statute 703.

(c) Conditional uses. Uses specified with a "C" are allowed as a conditional use in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish or expand a conditional use shall obtain a conditional use permit for such use, as specified in Chapter 13-200, Administration.

(d) Prohibited uses. Any use not listed as either "P" (permitted) or "C" (conditional) in a particular district or any use not determined by the Zoning Administrator to be substantially similar to a use listed as permitted or conditional shall be prohibited in that district. Such determination shall be made in the manner provided for in Chapter 13-200, Administration, governing determination of substantially similar uses.

(e) Specific development standards. Permitted and conditional uses specified with an "x" under the Development Standards column shall be subject to the standards identified in Chapter 13-1600, Development Standards.

Table 9-1. Principal Uses in the Industrial Districts

Use	LI	GI	BP	Dev. Stds.
Production, Processing, and Storage				
Agricultural uses	P	P	P	
Limited production and processing	P	P	P	x
Light industrial uses	P	P	P	
General industrial uses	-	P	-	
Heavy industrial uses	-	C	-	
Concrete, asphalt, and rock crushing facility	-	C	-	x
Contractor yard	P	P	-	
Dry cleaning establishment, commercial laundry	P	P	P	
Research and development facility	P	P	P	
Material Recovery Facility (Major) (Amd. GO 8-09)	-	P	-	
Auto salvage yard, scrap yard	-	C	-	x
Self service storage facility	C	P	-	x
Wholesale and distribution facility	P	-	P	
Material Recovery Facility (Minor) (Cr. GO 8-09)	P	-	P	x
Transportation Uses				
Ground transportation service	P	P	-	
Motor freight terminal	P	P	C	x
Package delivery service	P	P	P	
Railroad switching yards and freight terminal	-	P	-	
Ship terminal or docking facility	P	P	-	
Public Service and Utility Uses				
Public safety/service facility	P	P	P	
Sewage treatment plant	-	C	-	x
Telecommunication tower, wireless com. facility	C	C	C	x
Solid waste disposal facility	-	C	-	x
Substation/distribution equipment	-	C	-	
Yard waste site, municipal	-	C	-	
Office and Mixed Uses				
General office	P	P	P	
Government office	P	P	P	
Bank or other financial institution	-	-	P	
Clinic, healthcare facility	-	-	P	
Artist's studio	P	-	P	
Dwelling in conjunction with business	C	C	C	x
Live-work unit	C	C	C	x
Commercial Uses				
Accommodation and Food Service Uses				
Restaurant,* not including drive-through	-	-	P	x
Restaurant* with drive-through	-	-	C	x

Use	LI	GI	BP	Dev. Stds.
Service Businesses				
Personal service**	C	-	P	
Business service**	P	P	P	
Building maintenance, janitorial service	P	P	P	
Catering service	P	-	P	
Printing and publishing establishment	P	P	P	
Small appliance repair service	P	-	-	
Tool/equipment rental facility	P	-	-	
Animal hospital, veterinary clinic	P	-	P	x
Animal grooming establishment	P	-	-	
Animal boarding facility, kennel	P	-	-	x
Retail Sales				
General retail sales **	C	C	C	
Building material sales	P	P		
Contractor showroom	P	P	P	
Firearms sales and service	C	C	C	
Greenhouse, garden supply store	C	-	-	
Pawnshop	C	-	-	
Commercial Recreation and Entertainment				
Adult entertainment	C	C	-	x
Health clubs, fitness centers	P	-	P	x
Indoor recreational facility	P			
Marina	C	C	-	
Outdoor commercial recreation area	-	-	C	x
Vehicle Services				
Automobile rental	P	P	C	x
Convenience store	C	C	C	
Fuel/gas/service station	C	C	C	x
Motor vehicle repair, major	C	C	C	
Motor vehicle repair, minor	C	C	C	
Surface parking lot (principal use)	P	P	-	
Drive-through facility	-	-	P	x
Educational Uses				
School, specialty or personal instruction, etc.	C	-	C	x
Group daycare center, preschool (9 or more children)	C	-	P	x

Note: P = Permitted Use; C = Conditional Use

* Any establishment at which primarily alcoholic beverages are served must also meet the requirements of Green Bay Municipal Code, Chapter 6 – Licenses & Permits.

** See Land Use Definitions section for complete list of uses.

13-903. Use restrictions.

(a) Retail sales, service, and repair. Retail sales, service, and repair shall be prohibited in all industrial districts except those specifically listed in Table 9-1 or where such activity is accessory to the permitted principal use. Accessory retail uses shall be limited to a maximum of 20 percent of the overall gross floor area occupied by the primary business, up to a maximum of 2,000 square feet.

(b) Outdoor speakers. Outdoor speakers shall not be audible from a residential district boundary.

13-904. Outdoor storage and display.

(a) Outdoor storage, sales or display are not permitted in the Business Park (BP) District.

(b) In the Light Industrial and General Industrial districts, outdoor storage shall be completely screened from any adjacent street, sidewalk, public walkway, public park, or residential property, in compliance with Chapter 13-1820, Site Plan Review. Outdoor sales and display areas shall be separated from any adjacent street, sidewalk, or public walkway by a low landscaped screen, in compliance with Chapter 13-1814, Site Plan Review.

13-905. Site design considerations. Development of land within the industrial districts shall follow the following standards, as well as those specified in Chapter 13-1600, Specific Development Standards, and Chapter 13-1800, Site Plan Review.

(a) Building materials. All building facades shall be designed with architecturally-finished materials. Durable materials, such as masonry or stucco, shall be used on all street-facing facades.

(b) All subsequent additions and outbuildings constructed after the erection of an original building or buildings shall be constructed of comparable materials and designed in a manner consistent with the original design, unless the entire building is being renovated.

(c) Service areas shall be screened with an approved combination of berms, landscaping, and walls or fences architecturally complementary to the principal building.

(d) Loading docks shall be located and screened so as to minimize the visibility from any street.

13-906. Parking and loading requirements. Parking and loading requirements for uses in the industrial districts shall be as set forth in Chapter 13-1700, Off-Street Parking.

13-907. Signs. Sign requirements for uses in the industrial districts shall be as specified in Chapter 13-2000, Signs.

SECTION 2. DIMENSIONAL STANDARDS

13-908. Dimensional and area requirements. Lot area and setback requirements shall be as specified in Table 9-2.

Table 9-2. Dimensional and Area Requirements, Industrial Districts

	LI	GI	BP
Minimum Lot Area (sq. ft.)[d]	10,000 sf	20,000 sf	20,000 sf
Maximum Floor Area Ratio	none	none	0.75
Maximum Height (feet)	35 [a]	35 [a] (none by CU)	35 [a] (none by CU)
Maximum Impervious Surface Coverage	80%	80%	70%
Building Setbacks			
Front Yard minimum	none	none	15
Side Yard	6 [b c]	6 [b c]	10[b]
Rear Yard	6 [c]	6 [c]	15

Notes to Table 9-2

a. Smokestacks, water towers, and similar structures may exceed the maximum height limit as specified by conditional use.
b. Corner properties: The side façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street. If no structure exists on the adjacent property, the setback shall be a minimum of ½ the required front yard setback of the subject property's zoning district.
c. Side and rear yards shall be required when a nonresidential use adjoins a side yard of a residential district or as determined necessary by the Zoning Administrator to provide access for deliveries, loading, etc.
d. A minimum 75 feet of public street frontage is required.

SECTION 3. ACCESSORY USES AND STRUCTURES

13-909. General requirements. Accessory uses and structures in the industrial districts shall comply with the following standards and all other applicable regulations of this ordinance:

(a) No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal use to which it is accessory.

(b) The accessory use or structure shall be incidental to and customarily associated with the principal use or structure served.

(c) The accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure served.

(d) The accessory use or structure shall contribute to the comfort, convenience, or necessity of the occupants of the principal use or structure served.

(e) The accessory use or structure shall be located on the same zoning lot as the principal use or structure.

13-910. Accessory buildings.

(a) Attached structures. An accessory structure shall be considered attached and an integral part of the principal structure when it is connected by an enclosed passageway. Such structures shall be subject to the following requirements:

(1) The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located.

(2) In no case shall the total floor area of an attached garage, carport, or other accessory structure exceed the ground floor area of the principal building located on the same lot.

(3) The structure shall not exceed the height of the principal building to which it is attached.

(b) Detached structures. Detached accessory structures shall be permitted in industrial districts in accordance with the requirements shown in Table 9-3 and as follows:

(1) Detached accessory structures shall be located to the side or rear of the principal building and are not permitted within the required front yard or within a side yard abutting a street, except that a surface parking lot or parking structure may be located within a side yard.

(2) The structure shall meet the required rear and side yard setbacks for a principal structure, as established for the zoning district in which it is located.

(3) The total floor area of a detached accessory building shall not exceed the ground floor area of the principal building located on the same lot, except by conditional use.

(4) No detached accessory building shall be located closer than three (3) feet from the principal building. Distance between structures shall be measured from wall to wall.

13-911. Permitted accessory uses. Permitted accessory uses are as shown in Table 9-3.

Table 9-3. Permitted Accessory Uses in the Industrial Districts

Use	LI	GI	BP	Dev. Stds.
Antennas, satellite dishes, and similar equipment	P	P	P	X
Carwash (automatic) when accessory to a service station in compliance with Chapter 13-1600	C	C	C	X
Music (outdoor live or amplified music)	C	C	C	
Off-street loading docks	P	P	P	
Outdoor display of vehicles	C	C	C	X
Outdoor commercial recreation	C	C	C	X
Outdoor sales, display, and storage	P	P	-	X
Parking (surface)	P	P	P	
Parking (structured)	P	P	P	
Parking and storage of vehicles licensed to a business	P	P	P	X
Signs, as regulated by Chapter 13-2000	P	P	P	
Small Wind Energy System (Cr. GO 1-11)	C	C	C	X
Solar Energy Systems (Cr. GO 9-12)	P	P	P	X
Telecommunication facilities	C	C	C	X
Warehousing, incidental repair, or processing necessary to conduct a permitted principal use, conducted within the principal building, not exceeding 40 percent of total floor area	P	P	P	X
Waste and recycling storage	P	P	P	X

CHAPTER 13-1000. PUBLIC INSTITUTIONAL DISTRICT

SECTION 1. GENERAL PROVISIONS

13-1001. Purpose. The Public Institutional District (PI) is intended to provide for a district for public and civic buildings and large institutional uses that otherwise may not fit into other zoning districts because of their specialized land use needs and public purpose. This designation serves as a notice to those owning or buying land in proximity to publicly-owned land, which is not ordinarily subject to the regulations of this ordinance.

13-1002. Principal uses.

(a) In general. Table 10-1, Principal Uses in the Public Institutional District, lists all permitted and conditional uses.

(b) Permitted uses. Uses specified with a "P" are permitted in the district where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish or modify a permitted use, excluding single-family residential uses, shall obtain a zoning certificate for such use, as specified in Chapter 13-200, Administration.

(c) Conditional uses. Uses specified with a "C" are allowed as a conditional use in the district where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish or expand a conditional use shall obtain a conditional use permit for such use, as specified in Chapter 13-200, Administration.

(d) Prohibited uses. Any use not listed as either "P" (permitted) or "C" (conditional) in a particular district or any use not determined by the Zoning Administrator to be substantially similar to a use listed as permitted or conditional shall be prohibited in that district. Such determination shall be made in the manner provided for in Chapter 13-200, Administration, governing determination of substantially similar use.

(e) Specific development standards. Permitted and conditional uses specified with an "x" under the Development Standards column shall be subject to the standards identified in Chapter 13-1600, Development Standards.

Table 10-1. Principal Uses in the Public Institutional District

Use	Public Inst.	Dev. Stds.
Institutional and Civic Uses		
Cemetery	P	
Community center, neighborhood center	P	
Cultural institution	C	x
Library	P	x
Public park, playground, recreation center, or other recreational facility	P	
Religious institution, place of worship	P/C[1]	x
Hospital	C	x
Clinic, healthcare facility	C	x
Government office	P	
Other public or semi-public facilities not listed in this table	C	
Educational and Health Care Uses		
School, elementary or secondary	P	x
College, university	C	x
Public Service and Utility Uses		
Public safety/service facility	P	
Solid waste disposal facility	P	
Substation/distribution equipment	P	
Sewage treatment plant	P	
Telecommunication tower, wireless comm. facility	C	x
Yard waste site, municipal	P	

[1] Any facility with seating capacity of greater than 600 persons in the sanctuary or main activity area shall be a conditional use. Such facility shall be located with access to an arterial or collector street.

13-1003. Dimensional standards. Lot area and setback requirements shall be as specified in Table 10-2.

Table 10-2. Dimensional and Area Requirements, Public Institutional District

	PI District
Minimum Lot Area (sq. ft.)	10,000 sf [a]
Minimum Lot Width	80 ft [a]
Maximum Height (feet)	note b
Maximum Impervious Surface Coverage	note b
Building Setbacks – minimum:	
Front Yard	15
Side Yard[c]	10
Rear Yard	15

a. Public utility well sites, pump stations, substations, and similar uses involving no major structure are exempt from the minimum lot area and lot width requirements.
b. Building height and impervious coverage shall not exceed that permitted in the most restrictive abutting district.
c. Corner properties: The side façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street. If no structure exists on the adjacent property, no less than half of the front setback applies.

13-1004. Special Provisions. The following provisions apply to changes in status of land zoned PI or acquired for public use.

(a) If any land zoned PI is sold, conveyed, or transferred to any nongovernmental entity, the buyer or transferee must submit an application requesting the City to rezone the land in accordance with Chapter 13-200, Administration.

(b) Land acquired by a government, public or quasi-public agency, or public school district shall retain its existing zoning designation until such time as the zoning map is amended to designate such land as a Public Institutional District.

13-1005. Parking and loading requirements. Parking and loading requirements for uses in the Public Institutional District shall be as set forth in Chapter 13-1700, Off-Street Parking and Loading.

13-1006. Signs. Sign requirements for uses in the Public Institutional District shall be as set forth in Chapter 13-2000, Signs.

SECTION 2. ACCESSORY USES AND STRUCTURES

13-1007. General requirements.

(a) Accessory uses and structures in the Public Institutional District shall comply with the following standards and all other applicable regulations of this ordinance:

(1) No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal use to which it is accessory.
(2) The accessory use or structure shall be incidental to and customarily associated with the principal use or structure served.
(3) The accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure served.
(4) The accessory use or structure shall contribute to the comfort, convenience, or necessity of the occupants of the principal use or structure served.
(5) The accessory use or structure shall be located on the same zoning lot as the principal use or structure.

13-1008. Accessory buildings.

(a) Attached structures. An accessory structure shall be considered attached and an integral part of the principal structure when it is connected by an enclosed passageway. Such structures shall be subject to the following requirements:

(1) The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located.
(2) In no case shall the total floor area of an attached garage, carport, or other accessory structure exceed the ground floor area of the principal building located on the same lot.
(3) The structure shall not exceed the height of the principal building to which it is attached.

(b) Detached structures. Detached accessory structures shall be permitted in accordance with the requirements shown in Table 10-3 and as follows:

(1) Detached accessory structures shall be located to the side or rear of the principal building and are not permitted within the required front yard or within a side yard abutting a street, except that a surface parking lot or structure may be located within a side yard.
(2) The structure shall meet the required rear and side yard setbacks as established for the zoning district in which it is located.
(3) The total floor area of a detached accessory building shall not exceed the ground floor area of the principal building located on the same lot.
(4) The maximum size of a detached accessory building may be increased by up to twenty-five (25) percent upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.
(5) Structures with a metal exterior finish exceeding 120 square feet shall be permitted only by conditional use permit.
(6) No detached accessory building shall be located closer than three (3) feet from the principal building. Distance between structures shall be measured from wall to wall.

13-1009. Permitted accessory uses. Permitted accessory uses are as shown in Table 10-3.

Table 10-3. Permitted Accessory Uses in the Public Institutional District

		Dev. Stds.
Antennas, satellite dishes, and similar equipment	P	
Off-street loading docks	P	
Outdoor recreation facilities	P	
Parking (surface)	P	
Parking (structured)	P	
Signs, as regulated by Chapter 13-2000, Signs	P	
Small Wind Energy Systems (Cr. GO 1-11)	C	X
Solar Energy Systems (Cr. GO 9-12)	P	X
Storage within enclosed buildings	P	
Telecommunication facilities	P	
Waste and recycling storage	P	

CHAPTER 13-1100. CONSERVANCY DISTRICT

SECTION 1. GENERAL PROVISIONS

13-1101. Purpose. The Conservancy District is established to promote the preservation of open space and natural and scenic features and may also be used to preserve watercourses, floodplains, wetlands, and stormwater management facilities.

13-1102. Permitted Uses.

(a) In general. Table 11-1, Principal Uses in the Conservancy District, lists all permitted and conditional uses.

(b) Permitted uses. Uses specified with a "P" are permitted in the district where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish or modify a permitted use, excluding single-family residential uses, shall obtain a zoning certificate for such use, as specified in Chapter 13-200, Administration.

(c) Conditional uses. Uses specified with a "C" are allowed as a conditional use in the district where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish or expand a conditional use shall obtain a conditional use permit for such use, as specified in Chapter 13-200, Administration.

(d) Prohibited uses. Any use not listed as either "P" (permitted) or "C" (conditional) in a particular district or any use not determined by the Zoning Administrator to be substantially similar to a use listed as permitted or conditional shall be prohibited in that district. Such determination shall be made in the manner provided for in Chapter 13-200, Administration, governing determination of substantially similar use.

(e) Specific development standards. Permitted and conditional uses specified with an "x" under the Development Standards column shall be subject to the standards identified in Chapter 13-1600, Development Standards.

Table 11-1. Principal Uses in the Conservancy District

Use		Dev. Stds.
Agriculture, forestry, fishing, and recreation	P	
Agricultural uses that do not involve the use of fertilizer, including field crops, specialty crops, and similar uses but not livestock or animal husbandry	P	
Forest nurseries, tree and forest product gathering	P	
Fish hatcheries and preserves	C	
Hunting, trapping, and game propagation	P	
Campgrounds, public or private	P	x
Arboreta, wildlife preserves, botanical gardens, trails for non-motorized use, and similar non-intensive or passive recreational facilities	C	
Public Service and Utility Uses		
Docks, piers, and boat landings	P	
Drainage ditches, canals, irrigation systems, and stormwater management facilities	P	
Pipelines for natural gas, water supply, etc.	C	
Public utilities, streets, roads, and bridges	P	
Substation/distribution equipment	C	
Telecommunication tower, wireless communication facility	C	x

13-1103. Dimensional Standards. Because the permitted and conditional uses in the Conservancy District are generally not conducted in buildings, no minimum lot area is specified. The following setbacks and coverage limits shall be required.

(a) Waterway setback. All buildings and structures, except for road, bridge and utility crossings, docks, piers, boat landings, or drainage structures, shall be set back a minimum of fifty (50) feet from the bulkhead line or ordinary high water mark, whichever provides the greater landward distance, of all navigable waterways, including, but not limited to:

(1) Green Bay shore and islands
(2) Fox River
(3) East River
(4) Baird Creek, including South Branch
(5) Beaver Dam Creek
(6) Duck Creek
(7) Ellis Creek
(8) Mahon Creek
(9) Willow Creek, including North Branch

(b) Impervious coverage. Impervious coverage within the Conservancy District shall be limited to thirty-five (35) percent of any parcel.

(c) Building setbacks. All buildings and structures, including parking, with the exception of road, bridge and utility crossings, or drainage structures, shall be set back the following distances from lot boundaries:

(1) Front yard: 25 feet
(2) Side yard: 15 feet
(3) Rear yard: 25 feet.
(d) Minimum lot width: 50 feet

SECTION 2. ACCESSORY USES AND STRUCTURES

13-1104. General requirements. Accessory uses and structures in the Conservancy District shall comply with the following standards and all other applicable regulations of this ordinance:

(a) No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal use to which it is accessory.

(b) The accessory use or structure shall be incidental to and customarily associated with the principal use or structure served.

(c) The accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure served.

(d) The accessory use or structure shall contribute to the comfort, convenience, or necessity of the principal use or structure served.

(e) The accessory use or structure shall be located on the same zoning lot as the principal use or structure.

13-1105. Accessory buildings.

(a) Attached structures. An accessory structure shall be considered attached and an integral part of the principal structure when it is connected by an enclosed passageway. Such structures shall be subject to the following requirements:

(1) The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located.
(2) In no case shall the total floor area of an attached garage, carport, or other accessory structure exceed the ground floor area of the principal building located on the same lot.
(3) The structure shall not exceed the height of the principal building to which it is attached.

(b) Detached structures. Detached accessory structures shall be permitted in accordance with the requirements shown in Table 11-2 and as follows:

(1) Detached accessory structures shall be located to the side or rear of the principal building and are not permitted within the required front yard or within a side yard abutting a street, except that a surface parking lot or structure may be located within a side yard.
(2) The structure shall meet the required rear and side yard setbacks for a principal structure.
(3) The total floor area of a detached accessory building shall not exceed the ground floor area of the principal building located on the same lot.
(4) The maximum size of a detached accessory building may be increased by up to twenty-five (25) percent upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.
(5) Structures with a metal exterior finish exceeding 120 square feet shall be permitted only by conditional use permit.
(6) No detached accessory building shall be located closer than three (3) feet from the principal building. Distance between structures shall be measured from wall to wall.

13-1106. Accessory Uses. Permitted accessory uses are shown in Table 11-2.

Table 11-2. Permitted Accessory Uses in the Conservancy District

Antennas, satellite dishes, and similar equipment	P
Outdoor recreation facilities	C
Parking, surface	C
Storage or other accessory buildings customarily associated with a principal use	C
Signs, as regulated in Chapter 13-2000, Signs	P

CHAPTER 13-1200. SHORELAND-WETLAND OVERLAY DISTRICT

SECTION 1. GENERAL PROVISIONS

13-1201. Statutory Authorization. This ordinance, adopted pursuant to the authorization in Wis. Stats. 62.23, 62.231, 87.30, and 144.26, Wis. Admin. Code Subsection NR 117.06(3), requires all cities to enact shoreland-wetland ordinances subject to DNR approval and in strict conformity with Wis. Admin. Code Ch. NR 117.

13-1202. Purposes. Uncontrolled use of the shoreland-wetlands and pollution of the navigable waters of the City would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The shoreland-wetland overlay zone is, therefore, intended to:

(a) Promote the public health, safety, convenience, and general welfare.

(b) Maintain the storm and flood water storage capacity of wetlands.

(c) Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters.

(d) Protect fish, their spawning grounds, other aquatic life, and wildlife by preserving wetlands and other aquatic habitat.

(e) Prohibit certain uses detrimental to the shoreland-wetland area.

(f) Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling, and other earth-moving activities.

13-1203. Interpretation. In the interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the City. If an ordinance provision is unclear, the provision shall be interpreted in light of the Wis. Admin. Code Ch. NR 117 standards in effect on the date of the adoption of this ordinance or the most recent text amendment to this ordinance.

13-1204. Annexed or attached areas. The Brown County Shoreland Zoning provisions in effect on the date of annexation or attachment remain in effect administered by the City for all areas annexed or attached by the City after May 7, 1982. These annexed or attached lands are described on the City's Official Map. The Brown County Shoreland Zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the Zoning Administrator.

SECTION 2. ZONING DISTRICT DESIGNATION

13-1205. Shoreland-wetland zoning maps. The following maps are hereby adopted and made part of this ordinance and are on file in the office of the City Clerk:

(a) Wisconsin Wetland Inventory Maps stamped "FINAL" on October 21, 1987.

(b) City of Green Bay Wetland Map dated March 7, 1988.

(c) City of Green Bay Floodplain Zoning Maps adopted in the Floodplain Overlay Zoning Ordinance, Green Bay Municipal Code.

(d) United State Geological Survey Quadrangle Maps dated 1982 or our most recently adopted Quadrangle Maps.

13-1206. District boundaries.

(a) In general. The shoreland-wetland zoning district shall be an overlay district and shall include all wetlands in the City which are two acres or more and which are specifically shown on the City of Green Bay Wetland Map and the final Wisconsin Wetland Inventory Map and which are:

(1) Within 1,000 feet of the ordinary high water mark of navigable lakes, ponds, or flowages. Lakes, ponds, or flowages in the City shall be presumed to be navigable if they are shown on the

United States Geological Survey Quadrangle Maps or other zoning base maps listed under Section 13-1205.

(2) Within 300 feet of the ordinary high water mark of navigable rivers or streams or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey Quadrangle Maps or other zoning base maps listed under Section 13-1205. Adopted floodplain zoning maps shall be used to determine the extent of floodplain areas.

(b) Determination of navigability. Determinations of navigability and ordinary high water mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the Department of Natural Resources (DNR) for a final determination of navigability or ordinary high water mark.

(c) Discrepancies. When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official zoning maps and actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the appropriate district office of the Department of Natural Resources to determine if the shoreland-wetland district boundary, as mapped, is in error. If DNR staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator may immediately grant or deny a zoning permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors shown on the official shoreland-wetland zoning maps, the Zoning Administrator shall be responsible for initiating a map amendment within a reasonable period.

(d) Exemptions. The following types of wetlands are not subject to this ordinance:

(1) Wetlands which were filled prior to October 21, 1987, the date on which the City received final wetland inventory maps, in a manner which affects their wetland characteristics to the extent that the area can no longer be defined as wetlands.

(2) Wetlands located between the original ordinary high water mark and a bulkhead line established prior to May 7, 1982, under Wis. Stats. 30.11.

SECTION 3. USE REGULATIONS

13-1207. Permitted uses. Only the following uses are permitted, subject to the provisions of Wis. Stats. Chs. 30 and 31 and the provisions of other local, state, and federal laws, if applicable:

(a) Hiking, fishing, trapping, hunting, swimming, snowmobiling, and boating.

(b) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.

(c) The practice of silviculture, including the planting, thinning, and harvesting of timber, and limited temporary water level stabilization measures to alleviate abnormally wet or dry conditions which would have an adverse impact on the conduct of silvicultural activities if not corrected.

(d) The pasturing of livestock and the construction and maintenance of fences, including limited filling and excavating necessary for fence construction and maintenance.

(e) The cultivation of agricultural crops if cultivation can be accomplished without wetland alterations, except for the maintenance and repair of existing farm drainage ditches or of other existing agricultural drainage systems (such as tiling) to restore the functional drainage of existing agricultural lands. The minimum amount of filling necessary to dispose of dredged spoil is allowed, provided that filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible.

(f) The construction and maintenance of a nonresidential building provided that:

(1) The building is used solely in conjunction with the raising of waterfowl, minnows, or other wetland or aquatic animals or used solely for some other purpose which is compatible with wetland preservation.

(2) The building cannot, as a practical matter, be located outside of the wetland.

(3) The building does not exceed 500 square feet in floor area.

(4) Only limited filling and excavating necessary to provide structural support for the building shall be allowed.

(g) The construction and maintenance of piers, docks, walkways, observation decks, and trail bridges, including limited filling and excavating necessary for the installation of pilings.

(h) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural, and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game farms and wildlife preserves, and public boat launching ramps, provided that:

(1) Only limited filling and excavating necessary for the development of boat launching ramps, swimming beaches, or the construction of park shelters or similar structures shall be allowed.

(2) Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game farms, and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

(i) Construction and maintenance of electric and telephone transmission lines, water and gas distribution lines, sewage collection lines, and construction and maintenance of railroad lines, provided that:

(1) These facilities cannot, as a practical matter, be located outside of the wetland.

(2) Only limited filling or excavating necessary for construction or maintenance shall be allowed.

(3) Construction or maintenance shall be performed so as to minimize adverse impacts upon the natural functions of the shoreland-wetland.

(j) Construction and maintenance of roads as necessary for the continuity of the City street system, essential utility and emergency services, or access to uses permitted under this subsection, provided that:

(1) The road cannot, as a practical matter, be located outside of the wetland.

(2) The road is designed and constructed to minimize the adverse impact upon the natural functions of the shoreland-wetland, as listed in Section 13-1210 (3).

(3). The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use.

(4) Road construction activities are carried out only in the immediate area of the road bed.

(5) Any wetland alteration shall only be the minimum necessary to accommodate construction or maintenance of the road.

(k) Installation and maintenance of sealed tiles for the purpose of draining lands outside of the shoreland-wetland zoning district, provided that such installation or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the shoreland-wetland.

(l) Maintenance, repair, replacement, and reconstruction of existing highways and bridges, including limited excavating and filling necessary for these functions.

(m) The maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible.

13-1208. Prohibited uses. The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high water mark of any navigable waters are prohibited.

13-1209. Nonconforming uses. This ordinance shall not limit the repair, reconstruction, renovation, remodeling, or expansion of a nonconforming structure in existence on the effective date of this ordinance or of any environmental control facility in existence on May 7, 1982, related to such a structure. All other modifications to nonconforming structures are subject to 62.23(7)(h), Wis. Stats., which limits total lifetime structural repairs and alterations to 50 percent of current equalized assessed value. All other standards of Chapter 13-400, Nonconformities, shall apply.

SECTION 4. AMENDMENTS

13-1210. Amending shoreland-wetland zoning regulations. The City may alter, supplement, or change the district boundaries and the regulations contained in this ordinance in accordance with the requirements of Wis. Stats., 62.23(7)(d)2., Wis. Admin. Code NR 117, and the following:

(a) A copy of each proposed text or map amendment shall be submitted to the appropriate district office of the DNR within five days of the submission of the proposed amendment to the Plan Commission.

(b) The appropriate district office of the DNR shall be provided with written notice of any public hearing at least 10 days prior to such hearing.

(c) In order to ensure that this ordinance will remain consistent with the shoreland protection objectives of Wis. Stats 144.26, the City Council may not rezone a wetland in a shoreland-wetland zoning district where the proposed rezoning may result in a significant adverse impact upon any of the following shoreland-wetland functions:

(1) Storm and flood water storage capacity.
(2) Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland.
(3) Filtering or storage sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable water.
(4) Shoreline protection against erosion.
(5) Fish spawning, breeding, nursery, or feeding grounds.
(6) Wildlife habitat.
(7) Areas of special recreational, scenic, or scientific interest, including scarce wetland types and habitat of endangered species.

(d) Where the district office of the DNR determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in the preceding Subsection (3), the DNR shall notify the City of its determination either prior to or during the public hearing held on the proposed amendment.

(e) The appropriate district office of the DNR shall be provided with:

(1) A copy of the recommendation and report, if any, of the Plan Commission on a proposed text or map amendment within 10 days after the submission of those recommendations to the City Council.
(2) Written notice of the action on the proposed text or map amendment within 10 days after the action is taken.

(f) If the DNR notifies the Plan Commission in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in 13-1210(3) of this ordinance, that proposed amendment, if approved by the City, shall not become effective until more than 30 days have elapsed since written notice of City approval was mailed to the DNR. If within the 30-day period the DNR notifies the City that it intends to adopt a superseding shoreland-wetland zoning ordinance for the City, as provided by Wis. Stats. 62.231(6), the proposed amendment shall not become effective until the ordinance adoption procedure under Wis. Stats. 62.231(6) is completed or otherwise terminated.

CHAPTER 13-1300. FLOODPLAIN OVERLAY DISTRICT

(Rep. & Rec. GO 26-09)

SECTION 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, STATEMENT OF PURPOSE, TITLE AND DEFINITION

13-1301. Statutory authorization. This ordinance is adopted pursuant to the authorization in Wis. Stats. 62.23, and the requirements of 87.30, Stats.

13-1302. Finding of fact. Uncontrolled development and use of the floodplains, rivers, or streams of this municipality would impair the public health, safety, convenience, general welfare and tax base.

13-1303. Statement of purpose. This ordinance is intended to regulate floodplain development to:

(a) Protect life, health and property;
(b) Minimize expenditures of public funds for flood control projects;
(c) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
(d) Minimize business interruptions and other economic disruptions;
(e) Minimize damage to public facilities in the floodplain;
(f) Minimize the occurrence of future flood blight areas in the floodplain;
(g) Discourage the victimization of unwary land and homebuyers;
(h) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
(i) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

13-1304. Title. This ordinance shall be known as the Floodplain Zoning Ordinance for the City of Green Bay, Wisconsin.

13-1305. 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.

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.

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.

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, i.e., below ground level, on all sides.

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, 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.

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, tent or other mobile recreational vehicle.

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.

CRAWLWAY 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, but has a permeable floor which allows the infiltration of precipitation.

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.

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

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - 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

EXPANSION TO EXISTING MOBILE/MANUFACTURED HOME PARK - 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 if concrete pads.

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 special flood hazard areas (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:

(a) The overflow or rise of inland waters,
(b) The rapid accumulation or runoff of surface waters from any source,
(c) The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior, or
(d) 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 insure 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 water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)

FLOOD STORAGE - Those floodplain areas where storage of floodwaters has been taken into account 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.

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

HEARING NOTICE - Publication or posting meeting the requirements of Ch. 985, 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.

HISTORIC STRUCTURE - Any structure that is either:

(a) 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,
(b) 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,
(c) 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
(d) 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.

INCREASE IN REGIONAL FLOOD HEIGHT - A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 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.

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

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 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."

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

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 - For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

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.)

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 MAPS - Those maps, adopted and made part of this ordinance, as described in chapter 13-1307, which have been approved by the Department and FEMA based on the Brown County Flood Insurance Study (FIS), dated August 18, 2009, volume numbers 55009CV001A, 55009CV002A, and 55009CV003A.

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.

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 Commerce, 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.

REASONABLY SAFE FROM FLOODING - Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area 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.

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.

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

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.

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.

SECTION 2. GENERAL PROVISIONS

13-1306. Areas to be regulated. This ordinance regulates all areas that would be covered by the regional flood or base flood.

Note: Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A-Zones on the Flood Insurance Rate Map.

13-1307. Official maps & revisions. The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Planning Department for the City of Green Bay. If more than one map or revision is referenced, the most restrictive information shall apply.

OFFICIAL MAPS : Based on the Brown County Flood Insurance Study (FIS), dated August 18, 2009, volume numbers 55009CV001A, 55009CV002A, and 55009CV003A.

(a) Brown County Flood Insurance Rate Map (FIRM), panel numbers (55009C0142F, 55009C0144F, 55009C0161F, 55009C0162F, 55009C0163F, 55009C0164F, 55009C0166F, 55009C0167F, 55009C0168F, 55009C0169F, 55009C0183F, 55009C0184F, 55009C0186F,

55009C0187F, 55009C0188F, 55009C0189F, 55009C0191F, 55009C0192F, 55009C0193F, 55009C0194F, 55009C0215F, 55009C0232F, 55009C0251F, 55009C0252F, 55009C0256F, 55009C0257F, 55009C0276F, 55009C0277F, 55009C0281F, and 55009C0282F) dated August 18, 2009; with corresponding profiles that are based on the FIS.

SECTION 3. ESTABLISHEMENT OF DISTRICTS

13-1309. Districts defined. The regional floodplain areas are divided into three 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.

(b) The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway.

(c) The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood.

13-1310. Locating floodplain boundaries. Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs (a) or (b) below. If a significant difference exists, the map shall be amended according to Section 10. The Zoning Administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not 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 and for initiating any map amendments required under this section. Disputes between the Zoning Administrator and an applicant over the district boundary line shall be settled according to the standards of chapter 13-1341(c) and the criteria in (a) and (b) below.

(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, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the Department.

Note: Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to chapter 13-1345 (f).

13-1311. Removal of lands from floodplain. Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two (2) feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Section 10.

Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).

13-1312. Compliance. Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

13-1313. 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), 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, Stats., applies.

13-1314. Abrogation and greater restrictions.

(a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under Wis. Stats. 61.23, which relate to floodplains. If another ordinance is more restrictive than this ordinance, that 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.

13-1315. 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.

13-1316. Warning and disclaimer of liability. The flood protection standards in this ordinance are based on engineering experience and scientific 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. Nor does this ordinance 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.

13-1317. 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.

13-1318. 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 the 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 location of the floodway.

13-1319. General Development Standards. The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. 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.

SECTION 4. GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

13-1320 Hydraulic and hydrologic analyses.

(a) Except as allowed in par. (c) below, no floodplain development shall:

(1) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
(2) Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot.

(b) The Zoning Administrator shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of par. (c) are met.

(c) Obstructions or increases equal to or greater than 0.01 foot 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 10.

Note: This section refers to obstructions or increases in base flood elevations as shown on the officially adopted FIRM or other adopted map. Any such alterations must be reviewed and approved by FEMA and the DNR.

13-1321 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 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, the Zoning Administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required.

13-1322. 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 floodway lines, water surface profiles, BFE's established in the FIS, or other data from the officially adopted FIRM, or other floodplain zoning maps or the floodplain zoning ordinance are made according to Section 10.

13-1323. Public or private campgrounds. Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

(a) The campground is approved by the Department of Health Services.

(b) A land use permit for the campground is issued by the Zoning Administrator.

(c) The character of the river system and the elevation of the campground is such that a 72-hour warning of an impending flood can be given to all campground occupants.

(d) 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 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.

(e) 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 sub. (d) - to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations.

(f) Only camping units are allowed.

(g) The camping units may not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.
(h) 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 for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section.
(i) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.
(j) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either Section 5 or Section 6 for the floodplain district in which the structure is located.
(k) 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.
(l) All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

SECTION 5. FLOODWAY DISTRICT.

13-1324. Applicability. This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to chapter 13-1334.

13-1325. Permitted Uses. The following open space uses are allowed in the floodway district and the floodway areas of the general floodplain district, if they are not prohibited by any other ordinance; they meet the standards in chapters 13-1326 and 13-1327; and all permits or certificates have been issued according to chapter 13-1339:

(a) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
(b) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
(c) 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 chapter 13-1326 (d).
(d) Uses or structures accessory to open space uses, or classified as historic structures that comply with chapters 13-1326 and 13-1327.
(e) Extraction of sand, gravel or other materials that comply with chapter 13-1326 (d).
(f) 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, Stats.
(g) Public utilities, streets and bridges that comply with chapter 13-1326 (c).

13-1326. Standards for developments in floodway areas.

(a) General
  (1) Any development in floodway areas shall comply with Section 4 and have a low flood damage potential.
  (2) Applicants shall provide the following data to determine the effects of the proposal according to chapter 13-1320.
    a. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or

b. An analysis calculating the effects of this proposal on regional flood height.

(3) The Zoning Administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for par. (2) above.

(b) Structures. Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

(1) The structure is not designed for human habitation and does not have a high flood damage potential.

(2) It must be anchored to resist flotation, collapse, and lateral movement;

(3) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

(4) It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

(c) Public utilities, streets, and bridges. Public utilities, streets and bridges may be allowed by permit, if:

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

(2) Construction meets the development standards of chapter 13-1320.

(d) Fills or deposition of materials. Fills or deposition of materials may be allowed by permit, if:

(1) The requirements of chapter 13-1320 are met;

(2) No material is deposited in the navigable channel unless a permit is issued by the Department pursuant to ch. 30, 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 the other requirements of this section are met;

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

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

13-1327. Prohibited uses. All uses not listed as permitted uses in chapter 13-1325 are prohibited, including the following uses:

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

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

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

(d) 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. COMM 83, Wis. Adm. Code;

(e) 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;

(f) Any solid or hazardous waste disposal sites;

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

(h) 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.

SECTION 6. FLOOD FRINGE DISTRICT (FF).

13-1328. Applicability. This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to chapter 13-1334.

13-1329. Permitted and conditional uses. Any structure, land use, or development is allowed in the floodfringe district if the standards in chapter 13-1330 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in chapter 13-1339 have been issued.

13-1330 Standards for development in flood fringe areas. All of the provisions of chapter 13-1320 shall apply, in addition to the following requirements, according to the use requested.

(a) Residential uses. Any structure or building used for human habitation, commercial activities, or other use by the public shall meet or exceed the following standards:

(1) The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation (which is a point 2 feet above the regional flood elevation) on fill. The fill elevation shall be 1 foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The department may authorize other floodproofing measures where existing streets or sewer lines are at elevations which make compliance impractical, provided the Zoning Board of Appeals grants a variance due to dimensional restrictions. In addition, the side slopes of fill placed for the purpose of elevating structures shall meet the following requirements.

a. The side slopes of a fill area shall be tapered back to the grade of the neighboring property at a maximum 3:1 slope.

b. A minimum two foot wide stormwater drainage area shall be constructed and maintained as such along the entire length of the side lot lines.

c. If adequate space does not exist for 3:1 side slopes and the required stormwater drainage, then a retaining wall with a maximum height of two feet may be incorporated into the side slope. In such cases, the required two foot stormwater drainage area shall be maintained and the slopes of remaining fill areas shall not exceed 3:1.

d. Retaining walls shall be constructed of durable, decorative materials and shall be maintained in good repair.

(2) All new construction and substantial improvements of structures with basements within A Zones shall be designed so that any basement area, together with attendant utilities and sanitary facilities below the floodproofed design level, is watertight with walls that are impermeable to the passage of water without human intervention.

a. Basement walls (including sealed structural glass block windows) shall be built with the capacity to resist hydrostatic and hydrodynamic loads and the effects of buoyancy resulting from flooding which is 2 feet above the 100-year frequency flood and shall be designed so that minimal structural damage will occur if this design is exceeded.

b. Under this provision, the bottom of the lowest basement openings, such as doors and non-sealed windows, must be placed at least 2 feet above the 100-year regional flood elevation.

c. The area surrounding the entire foundation must be filled to at least 1 foot above the 100-year regional flood line for a distance of 15 feet beyond the limits of the structure.

d. Basements constructed in accordance with this subsection shall not be used for sleeping purposes.

(3) A registered professional engineer or architect shall certify that the standards herein provided are incorporated in the building plans and specifications. This certification shall

include the specific elevation (in relation to mean sea level) to which the structure is floodproofed.

(4) The building inspector or authorized representative shall make or require inspections of the basement construction work to ascertain compliance with the above provisions.

(5) Except as provided in par. (6) below, contiguous dry land access shall be provided from a structure or building to land which is outside of the floodplain so that any such structure shall be accessible by rescue and relief vehicles during the regional flood. Contiguous dry land access means a road with a surface above the regional flood elevation and wide enough for rescue and relief vehicles.

(6) In existing developments where existing streets or sewer lines are at elevations which make dry land access impractical, the City may permit development where access roads are at or below the regional flood elevation, if:

a. The City has written assurance from appropriate emergency service agencies that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event.

b. The municipality has a natural disaster plan approved by Wisconsin Emergency Management and the Department.

(7) The basement floor elevation shall not be more than five (5) feet below the regional flood elevation.

(b) Accessory structures or uses.

(1) Except as provided in par. (2), an accessory structure which is not connected to a principal structure may be constructed with its lowest floor at or above the regional flood elevation

(2) An accessory structure which is not connected to the principal structure and which is less than 600 square feet in size and valued at less than $10,000 may be constructed with its lowest floor no more than two feet below the regional flood elevation if it is subject to flood velocities of no more than two feet per second and it meets all of the provisions of chapter 13-1326 (b) (1),(2),(3) and (4) and chapter 13-1330 (e).

(c) Commercial uses. Any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of chapter 13-1330 (a). Subject to the requirements of chapter 13-1330 (e), 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.

(d) Manufacturing and industrial uses. Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other floodproofing measures in chapter 13-1343. Subject to the requirements of chapter 13-1330 (e), 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.

(e) 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 chapter 13-1343. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(f) Public utilities, streets and bridges. All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

(1) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with chapter 13-1343 to the flood protection elevation;

(2) 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.

(g) Sewage systems. All on-site sewage disposal systems shall be floodproofed, pursuant to chapter 13-1343, to the flood protection elevation and shall meet the provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.

(h) Wells. All wells shall be floodproofed, pursuant to chapter 13-1343, to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

(i) Solid waste disposal sites. Disposal of solid or hazardous waste is prohibited in floodfringe areas.

(j) Deposition of materials. Any deposited material must meet all the provisions of this ordinance.

(k) Manufactured homes.

(1) 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.

(2) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

a. have the lowest floor elevated to the flood protection elevation; and

b. be anchored so they do not float, collapse or move laterally during a flood

(3) 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 chapter 13-1330 (a).

(l) Mobile recreational vehicles. All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in chapter 13-1330 (k) (2) and (3). 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.

SECTION 7. GENERAL FLOODPLAIN DISTRICT (GFP).

13-1331. Applicability. The provisions for this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and floodfringe districts shall be delineated when adequate data is available.

13-1332. Permitted uses.

(a) Pursuant to chapter 13-1334, it shall be determined whether the proposed use is located within a floodway or floodfringe area.

(b) Those uses permitted in floodway (chapter 13-1325) and floodfringe areas (chapter 13-1329) are allowed within the general floodplain district, according to the standards of chapter 13-1333, provided that all permits or certificates required under chapter 13-1339 have been issued.

13.1333. Standards for development in the general floodplain district. Section 5 applies to floodway areas, Section 6 applies to floodfringe areas. The rest of this ordinance applies to either district.

13-1334. Determining floodway and flood fringe limits. Upon receiving an application for development within the general floodplain district, 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 floodproofing measures;

(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 typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information;

(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) Profile showing the slope of the bottom of the channel or flow line of the stream;

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

(c) Transmit one copy of the information described in pars. (a) and (b) to the Department Regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of chapter 13-1339 (b)(3) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

SECTION 8. NONCONFORMING USES

13-1335. General.

(a) Applicability. If these standards conform with s. 62.23(7)(h), Stats., they 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.

(b) 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:

(1) 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. Ordinary maintenance repairs are not considered an extension, modification or addition; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure. 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 in order to provide safe ingress and egress to the principal structure.

(2) 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;

(3) 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;

(4) 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 chapter 13-1330 (a). The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

(5) Except as provided in 13-1335 (b)(6), 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.

(6) For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the nonflood disaster, provided that the nonconforming building will meet all of the minimum requirements under applicable FEMA regulations (44 CFR Part 60), or the regulations promulgated thereunder.

(7) A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with chapter 13-1326 (a), flood resistant materials are used, and construction practices and floodproofing methods that comply with chapter 13-1343 are used.

13-1336. Floodway Areas.

(a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:

(1) Has been granted a permit or variance which meets all ordinance requirements;

(2) Meets the requirements of chapter 13-1335;

(3) Will not increase the obstruction to flood flows or regional flood height;

(4) Any addition to the existing structure shall be floodproofed, pursuant to chapter 13-1343, by means other than the use of fill, to the flood protection elevation;

(5) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

a. 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;

b. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

c. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

d. The use must be limited to parking or limited storage.

(b) 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 a floodway area. 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 and ch. COMM 83, Wis. Adm. Code.

(c) No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.

13-1337. Floodfringe Areas.

(a) 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 the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in chapter 13-1330, except where chapter 13-1337 (b) is applicable.

(b) Where compliance with the provisions of chapter 13-1337 (a) 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 chapter 13-1341, may grant a variance from those provisions of chapter 13-1337 (a) 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:
   (1) No floor is allowed below the regional flood elevation for residential or commercial structures;
   (2) Human lives are not endangered;
   (3) Public facilities, such as water or sewer, will not be installed;
   (4) Flood depths will not exceed two feet;
   (5) Flood velocities will not exceed two feet per second; and
   (6) The structure will not be used for storage of materials as described in chapter 13-1330(e).

(c) If neither the provisions of paragraphs (a) and (b) above can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe, if the addition:
   (1) Meets all other regulations and will be granted by permit or variance;
   (2) Does not exceed 60 square feet in area; and
   (3) In combination with other previous modifications or additions to the building, does not equal or exceed 50% of the present equalized assessed value of the building.

(d) 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 and ch. COMM 83, Wis. Adm. Code.

(e) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance and ch. NR 811 and NR 812, Wis. Adm. Code.

SECTION 9. ADMINISTRATION

13-1338. Applicability. Where a Zoning Administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under ss. 62.23(7), Stats., these officials shall also administer this ordinance.

13-1339. Zoning Administrator.

(a) The Zoning Administrator is authorized to administer this ordinance and shall have the following duties and powers:
   (1) 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.
   (2) Issue permits and inspect properties for compliance with provisions of this ordinance, and issue certificates of compliance where appropriate.

(3) Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.
(4) Keep records of all official actions such as:
   a. All permits issued, inspections made, and work approved;
   b. Documentation of certified lowest floor and regional flood elevations for floodplain development;
   c. Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
   d. All substantial damage assessment reports for floodplain structures.
(5) Submit copies of the following items to the Department Regional office:
   a. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
   b. Copies of any case-by-case analyses, and any other information required by the Department including an annual summary of the number and types of floodplain zoning actions taken.
   c. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

Note: Information on conducting substantial damage assessments is available on the DNR website – http://dnr.wi.gov/org/water/wm/dsfm/flood/index.htm

(6) 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.
(7) Submit copies of text and map amendments and biennial reports to the FEMA Regional office.

(b) Land Use Permit. A land use permit shall be obtained before any new development or any structural repair 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:
(1) General Information.
   a. Name and address of the applicant, property owner and contractor;
   b. Legal description, proposed use, and whether it is new construction or a modification;
(2) Site development plan. A site plan drawn to scale shall be submitted with the permit application form and shall contain:
   a. Location, dimensions, area and elevation of the lot;
   b. Location of the ordinary highwater mark of any abutting navigable waterways;
   c. Location of any structures with distances measured from the lot lines and street center lines;
   d. Location of any existing or proposed on-site sewage systems or private water supply systems;
   e. Location and elevation of existing or future access roads;
   f. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
   g. 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);
   h. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of Section 5 or Section 6 are met; and

i. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to chapter 13-1320. This may include any of the information noted in chapter 13-1326 (a).

(3) Data requirements to analyze development. The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in s. 236, Stats., and other proposed developments exceeding 5 acres in area or where the estimated cost exceeds $125,000. The applicant shall provide:

a. An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;

b. A map showing location and details of vehicular access to lands outside the floodplain; and

c. A surface drainage plan showing how flood damage will be minimized.

Note: The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.

(4) Expiration. All permits issued under the authority of this ordinance shall expire 1 year after issuance unless extended by the Zoning Administrator.

(c) 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:

(1) 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;

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

(3) 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;

(4) 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 floodproofing measures meet the requirements of chapter 13-1343.

(d) Other permits. The applicant must secure all necessary permits from federal, state, and local agencies, including 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.

(e) Compliance. Where the information in this section is required to be provided, that information will be gathered by the applicant complying with the building permit requirements of Chapter 15, the site plan requirements of Chapter 13, and the stormwater requirements of Chapter 30 of the Green Bay Municipal Code.

13-1340. Zoning Agency.

(a) The Planning Department shall:

(1) oversee the functions of the office of the Zoning Administrator; and

(2) review and advise the Governing body on all proposed amendments to this ordinance, maps and text.

(b) This zoning agency shall not:

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

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

13-1341. Zoning Board of Appeals. The Zoning Board of Appeals, created under s. 62.23(7)(e), Stats., is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The Zoning Administrator may not be the secretary of the Board.

(a) Powers and duties. The Zoning Board of Appeals shall:

(1) 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.

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

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

(b) Appeals to the Board.

(1) Appeals to the board 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, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.

(2) Application Materials

a. When applying for a variance, the applicant shall provide site and building plans in sufficient detail to allow the Board to evaluate whether the criteria for granting a variance can be met.

b. When a variance to the minimum floodproofing standards established by chapter 13-1326 or 13-1330 is requested, in addition to the plans and certifications submitted by a registered professional engineer or architect under chapter 13-1343, the following shall also be prepared by a qualified professional (e.g., surveyor, engineer, architect, other construction professional, etc.) and submitted by the applicant.

1. The basic anticipated drainage pattern that would be expected to provide positive drainage throughout the subject area.
2. How surface drainage would reach storm sewers within the road right-of-way or any other available stormwater facilities.
3. Whether back yard drains or sewers would be required.
4. Design details for the side slopes of fill areas that are treated in any way other than by grading to a slope no steeper than 3:1 (e.g., retaining walls, terracing, etc.).

(3) Notice and hearing for appeals including variances.

a. Notice - The board shall:

1. Fix a reasonable time for the hearing;
2. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing;
3. 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.

b. Hearing - Any party may appear in person or by agent. The board shall:

1. Resolve boundary disputes according to chapter 13-1341 (a) (2).
2. Decide variance applications according to chapter 13-1341 (a) (3).
3. Decide appeals of permit denials according to chapter 13-1342.

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

a. Be made within a reasonable time;

b. Be sent to the Department Regional office within 10 days of the decision;

c. Be a written determination signed by the chairman or secretary of the Board;
d. State the specific facts which are the basis for the Board's decision;
e. 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;
f. 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 proceedings.

(c) Boundary disputes. The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:
(1) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
(2) In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.
(3) If the boundary is incorrectly mapped, the Board should inform the Planning Department or the person contesting the boundary location to petition the governing body for a map amendment according to chapters 13-1345 and 13-1346.

(d) Variance.
(1) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
a. Literal enforcement of the ordinance provisions will cause unnecessary hardship;
b. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
c. The variance is not contrary to the public interest; and
d. The variance is consistent with the purpose of this ordinance in chapter 13-1303.
(2) In addition to the criteria in par. (1), to qualify for a variance under FEMA regulations, the following criteria must be met:
a. The variance may not cause any increase in the regional flood elevation;
b. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;
c. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.
(3) A variance shall not:
a. Grant, extend or increase any use prohibited in the zoning district.
b. Be granted for a hardship based solely on an economic gain or loss.
c. Be granted for a hardship which is self-created.
d. Damage the rights or property values of other persons in the area.
e. Allow actions without the amendments to this ordinance or map(s) required in chapter 13-1345.
f. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
g. Deviate from the fill area side slope requirements found in Chapter 13-1330(a)(1)a-d. These standards provide sufficient flexibility as adopted. If a lot is too small to provide the reasonable side slopes required by this ordinance, then other alternatives should be pursued such as acquiring additional property, modifying the design of the habitable structures, or coordinating construction with neighboring properties to raise the finished grade of several lots.

(4) When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record.

13-1342. To review appeals of permit denials.

(a) The Planning Department (chapter 13-1340) or Zoning Board of Appeals shall review all data related to the appeal. This may include:
   (1) Permit application data listed in chapter 13-1339 (b).
   (2) Floodway/floodfringe determination data in chapter 13-1334.
   (3) Data listed in chapter 13-1326 (a) (2) where the applicant has not submitted this information to the Zoning Administrator.
   (4) Other data submitted with the application, or submitted to the Zoning Board of Appeals with the appeal.

(b) For appeals of all denied permits the Zoning Board of Appeals shall:
   (1) Follow the procedures of chapter 13-1341;
   (2) Consider recommendations from the City departments of Inspections, Planning, and Engineering; and
   (3) Either uphold the denial or grant the appeal.

(c) For appeals concerning increases in regional flood elevation the Board shall:
   (1) Uphold the denial where the Zoning Board of Appeals agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.
   (2) Grant the appeal where the Zoning Board of Appeals agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.

13-1343. Floodproofing.

(a) No permit or variance shall be issued 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 the flood protection elevation. Such plans and certifications shall be submitted for review at the time of permit or variance application.

(b) Floodproofing measures shall be designed to:
   (1) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
   (2) Protect structures to the flood protection elevation;
   (3) Anchor structures to foundations to resist flotation and lateral movement; and
   (4) Insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.

(c) Floodproofing measures could include:
   (1) Reinforcing walls and floors to resist rupture or collapse caused by water pressure or floating debris.
   (2) Adding mass or weight to prevent flotation.
   (3) Placing essential utilities above the flood protection elevation.
   (4) Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.
   (5) Constructing water supply wells and waste treatment systems to prevent the entry of flood waters.
   (6) Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

13-1344. Public Information.

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

SECTION 10. AMENDMENTS

13-1345. General. The governing body may change or supplement the floodplain zoning district boundaries and this ordinance in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:

(a) Any change to the official floodplain zoning map, including the floodway line or boundary of any floodplain area.
(b) Correction of discrepancies between the water surface profiles and floodplain zoning maps.
(c) Any fill in the floodplain 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.
(d) Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.
(e) 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.
(f) 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.

Note: Consult the FEMA web site - www.fema.gov - for the map change fee schedule.

13-1346. Procedures. Ordinance amendments may be made upon petition of any interested party according to the provisions of s. 62.23, Stats. Such petitions shall include all necessary data required by chapters 13-1334 and 13-1339 (b).

(a) The proposed amendment shall be referred to the Planning Department 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, Stats.
(b) No amendments shall become effective until reviewed and approved by the Department.
(c) All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, 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.
(d) For amendments in areas with no water surface profiles, the Planning Department or Zoning Board of Appeals shall consider data submitted by the Department, the Zoning Administrator's visual on-site inspections and other available information. (See chapter 13-1310.)

SECTION 11. ENFORCEMENT AND PENALTIES

13-1347. General. 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 less than $ 10.00 and not more than $ 500.00, 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, Stats.

CHAPTER 13-1400. TRADITIONAL NEIGHBORHOOD DEVELOPMENT

SECTION 1. GENERAL PROVISIONS

13-1401. Title. This subchapter shall be known as the "Traditional Neighborhood Development Ordinance of the City of Green Bay." It may be cited as the "TND Ordinance of the City of Green Bay."

13-1402. Intent. This subchapter is enacted pursuant to Wis. Statutes Section 62.23 and 66.1027. Its purpose is to allow the optional development and redevelopment of land in Green Bay consistent with the design principles of traditional neighborhoods. A traditional neighborhood:

(a) Is compact and is designed for the human scale.

(b) Provides a mix of uses, including residential, commercial, civic, and open space uses, in close proximity to one another within the neighborhood.

(c) Provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes.

(d) Incorporates a system of relatively narrow, interconnected streets with sidewalks, as well as access to bicycle and transit routes, offering multiple routes for motorists, pedestrians, and bicyclists and provides for the connections of those streets to existing and future developments.

(e) Retains existing buildings with historical or architectural features that enhance the visual character of the community.

(f) Incorporates significant environmental features into the design.

(g) Is consistent with the City of Green Bay Comprehensive Plan.

13-1403. Applicability. This ordinance applies as an alternative set of standards for development or redevelopment on sites of 5 acres or more if it is within the Urban Service or Urban Expansion Districts and is contiguous to existing development and 15 acres or more if it is within the Urban Service or Urban Expansion Districts and is noncontiguous to existing development.

13-1404. Interpretation. Development shall be planned, reviewed, and carried out in conformance with all municipal, state, and other laws and regulations. However, if there is a conflict between the provisions of this subchapter and other provisions of the zoning or subdivision sections of the Green Bay Municipal Code, this subchapter shall take precedence.

SECTION 2. APPLICATION AND APPROVAL PROCESS

13-1405. General requirements. Prior to the issuance of any permits for development within a Traditional Neighborhood Development, the following steps shall be completed according to the procedures outlined in this section:

(a) The applicant shall have had an initial consultation with Planning Department staff.

(b) A conceptual plan and a zoning map amendment to a TND District shall be approved by the Common Council.

(c) A final plan shall be approved by the Plan Commission.

13-1406. Initial conference. Before submitting an application for a TND District zoning map amendment, the applicant shall schedule an appointment and meet with Planning staff to discuss the procedure for approval of a TND project, including submittal requirements and design standards. Statements made at the consultation are not legally binding.

13-1407. Conceptual and final plan review process. Following the initial conference, the applicant shall submit a conceptual plan to the Planning Department together with an application for a zoning map amendment to a Traditional Neighborhood Development District.

(a) The Plan Commission shall consider the zoning map amendment request and consider a recommendation for approval or disapproval of a zoning map amendment and conceptual plan. The Plan Commission shall then recommend the Common Council to either:

(1) Approve the conceptual plan and zoning map amendment.
(2) Approve the conceptual plan and zoning map amendment with modifications.
(3) Deny the conceptual plan and zoning map amendment.
(4) Table the petition and refer it to staff or another government body.

(b) The Common Council shall receive the recommendation from the Plan Commission and a report from Planning staff recommending approval, disapproval, or approval with specified modifications. The Council shall hold a public hearing to consider the zoning map amendment with public notice, as required under Chapter 13-200. Upon due consideration, the Council shall either:

(1) Approve the conceptual plan and zoning map amendment.
(2) Approve the conceptual plan and zoning map amendment with modifications.
(3) Deny the conceptual plan and zoning map amendment.
(4) Table the petition and refer it to staff or another government body.

(c) The purpose of the final plan is to establish a detailed development proposal. The final plan can be proposed, reviewed, and acted upon as a whole or in part or phases.

(1) Within 12 months following the zoning map amendment, the applicant shall submit a final plan to the Plan Commission at least 21 days prior to the Plan Commission meeting at which final review is requested. If not submitted within such a timeframe, the zoning map amendment shall be revoked, the conceptual plan approval shall be deemed to be revoked, and the applicant must reapply.
(2) Following a review of the final plan, the Plan Commission shall express its approval or disapproval and state its reasons for rejection.

13-1408. Conceptual plan requirements. The purpose of the conceptual plan is to establish the intent, density, and intensity of the proposed development. The conceptual plan shall include the following:

(a) A general location map of suitable scale which shows the location of the property within the community and adjacent parcels, including locations of any public streets, railroads, major streams or rivers, and other major features within 1,000 feet of the site.

(b) A site inventory and analysis of suitable scale to identify site assets or resources and constraints, including, but not limited to, floodplains, environmentally sensitive areas, wetlands and soils classified as “poorly drained” or “very poorly drained,” soils with bedrock at or within 42 inches of the surface, utility easements, steep slopes, and environmental contamination.

(c) A conceptual site plan of suitable scale which indicates topography in 2-foot contours, indicating proposed features and existing site features and uses to remain. These should include:

(1) All contemplated land uses within the tract, along with the proposed intensity of use: density of residential development, height, and approximate floor area of nonresidential development.
(2) Proposed location of all principal structures and associated parking areas.
(3) Proposed streets and circulation systems (pedestrian, bicycle, auto, transit) and their relation to existing or proposed streets, routes, and path networks outside of the site.
(4) Proposed parks and open space, along with a general indication of their use (park, square, greenway, preserve, etc.)
(5) Proposed landscape material and existing trees and landscape material to remain.

(d) A conceptual stormwater management plan identifying the proposed patterns of major stormwater runoff, locations of stormwater infiltration areas, and other significant stormwater best management practices.

(e) Identification of the primary architectural style(s) of the development conveyed through drawings or images of typical proposed building elevations for primary building types.

(f) A written report providing general information about the site conditions, development objectives, and the covenants, easements, or agreements which will be used to manage and maintain the proposed development.

(g) Identification of the developer if different from owner.

(h) For phased development, a conceptual plan indicating the successive phases of development.

(i) Any other documents and supporting information deemed necessary by the Planning staff.

(j) A legal description of the property prepared by a professional surveyor or engineer.

13-1409. Final plan requirements. The final plan shall include the following:

(a) All data set forth in Chapter 13-1408 above.

(b) Natural drainage patterns and water resources, including streams and drainage swales, ponds, and lakes, wetlands and floodplains, subject to 100-year flood frequency and proposed major changes in the above.

(c) Total number and type of dwelling units, including affordable units.

(d) A site plan, including proposed topographic contours at 2-foot intervals, with the following information:

(1) The location of proposed structures and existing structures that will remain, with height and gross floor area noted.

(2) The location of street and pedestrian lighting, including lamp intensity and height.

(3) The location and function of proposed open space.

(4) The circulation system indicating pedestrian, bicycle, and motor vehicle movement systems, including existing and proposed public streets or rights-of-way; transit stops; easements or other reservations of land on the site; the location and dimensions of existing and proposed curb cuts, off-street parking, and loading spaces, including service access for receiving and trash removal; sidewalks and other walkways.

(5) Location of all trees, shrubs, and groundcover proposed or existing to remain on the site.

(e) A stormwater management plan for the site, as required by Chapter 30 of the Green Bay Municipal Code.

(f) Detailed elevations of all proposed commercial buildings and typical elevations of residential buildings. Scaled elevations should identify all signs; building materials; the location, height, and material for screening walls and fences, including outdoor trash storage areas; electrical, mechanical, and gas metering equipment; storage areas for trash and recyclable materials; and rooftop equipment.

(g) A utilities plan showing underground and above ground lines and structures for sanitary sewers, electricity, gas, telecommunications, etc.

(h) A written report which completely describes the proposal and indicates covenants or agreements that will influence the use and maintenance of the proposed development. The report also shall describe the analysis of site conditions and the development objectives.

(i) Any other information deemed necessary by the Zoning Administrator in order to evaluate plans.

13-1410. Amendments to the final plan.

(a) Minor changes. Minor changes to the final plan adopted by the Plan Commission may be approved by the Planning Department, provided that the changes do not involve:

(1) Increases or decreases of less than ten percent (10%) in the floor area of structures or number of dwelling units or the area designated as open space.

(2) Changes to the street layout or circulation pattern that would eliminate a street or path segment or an intersection.

(3) Changes to primary architectural style(s) as shown.

(4) Alteration of any conditions attached or modifications to the conceptual plan made by the Common Council.

(5) Any other changes that, in the opinion of Planning staff, depart from the original concept or intent of the conceptual plan.

(b) Major changes. A major change to a final plan shall require approval by a majority vote of all members of the Common Council.

13-1411. Subdivision of land. If the Traditional Neighborhood Development involves the subdivision of land as defined in the subdivision ordinance, the applicant shall submit all required land division documents in accordance with the requirements of the Subdivision and Platting Code and Wisconsin Statutes Chapter 236. If there is a conflict between the design standards of the subdivision ordinance and the design guidelines of this ordinance, the provisions of this ordinance shall apply.

13-1412. Ownership and maintenance of public space. Provisions shall be made for the ownership and maintenance of streets, squares, parks, open space, and other public spaces in a Traditional Neighborhood Development by dedication to the City or management by an entity, such as a homeowners association or neighborhood association approved by the Common Council.

13-1413. Recording of documents. The following documents shall be filed by the applicant in the County Register of Deeds Office within ten (10) days after approval of the document by the Common Council: a certified copy of the zoning ordinance amendment designating a tract of land as a Traditional Neighborhood Development, the conceptual plan, and the final plan.

SECTION 3. TND DESIGN STANDARDS

13-1414. Permitted uses. In order to achieve the proximity necessary to make neighborhoods walkable, it is important to mix land uses. A traditional neighborhood development shall consist of the following components: a residential area, a mixed-use area, and open space, as specified below.

13-1415. Residential area.

(a) In general. The TND shall include a residential area in which the following uses are permitted. For infill development, the required mix of residential uses may be satisfied by existing residential uses adjacent to the TND site.

(1) Single-family detached dwellings at a density of at least four and no more than eight units per net acre.

(2) Single-family attached dwellings, including duplexes, townhouses, rowhouses, at a density of at least 8 and no more than 15 units per net acre.

(3) Multifamily dwellings, including senior housing, at a density of at least 10 and no more than 20 units per net acre.

(4) Community living arrangements and assisted living facilities with a conditional use permit. The status of each use in terms of density and housing type shall be determined based on the findings for the conditional use permit.

(b) Required mix. A minimum of two housing types from this list must be present in any TND. Single-family detached dwellings shall constitute a maximum of 70 percent of the dwelling units.

(c) Bonus units. For each affordable housing unit provided under this section, one additional dwelling unit shall be permitted, up to a maximum 15 percent increase in dwelling units.

13-1416. Mixed-use area.

(a) In general. A TND shall include a mixed use area containing commercial, civic, residential, and open space uses as identified below. For infill development, this requirement may be satisfied by existing commercial, civic, and open space uses, provided that these are located within a one-half-mile radius of all proposed dwellings.

(1) Commercial uses. Individual businesses shall not exceed 10,000 square feet in size except as a conditional use.
   a. Food services (grocery stores, butcher shops, bakeries, and other specialty food stores, restaurants, not including drive-throughs, cafes, coffee shops, bars or taverns, ice cream or candy shops, and similar uses.
   b. General retail.
   c. Services, such as daycare centers, music, dance or exercise studios, offices, including professional and medical offices, barber, hair salon, dry cleaning, repairs of small goods, such as shoes, electronics, or similar items.
   d. Accommodations, including bed and breakfast establishments, small hotel, or inn.
(2) Residential uses, including those listed under Section 13-1415 above, with the exception of single-family detached dwellings and also including the following:
   a. Residential units located above or to the rear of commercial uses.
   b. Live-work units that combine a residence and workplace.
(3) Civic or institutional uses, including the following:
   a. Municipal offices, fire and police stations, libraries, museums, community meeting facilities, and post offices.
   b. Transit shelters.
   c. Places of worship.
   d. Educational facilities.
(4) Open space uses
   a. Central square.
   b. Neighborhood park.
   c. Playground.
   d. Natural/open space area.

(b) Density and intensity. Density ranges and required mix of single-family and multifamily dwelling units are as specified in Chapter 13-1415. Additionally, dwellings constructed as part of mixed-use buildings are permitted in addition to the maximum density authorized above, up to an increase of 10 percent in total dwelling units within the TND.

(c) Maximum area. The total land area devoted to nonresidential development, including ground floor commercial or office uses, civic buildings, and parking areas, shall not exceed 25 percent of the gross acreage of the TND.

13-1417. Open space area.

(a) In general. At least 20 percent of the gross acreage of the TND shall be designated as open space, which may include undevelopable areas, such as steep slopes and wetlands and stormwater detention and retention basins. For infill sites, this requirement may be reduced to a minimum of 10 percent and may be waived if such a site is within one mile of a neighborhood or community park. Open space areas may include:

(1) Environmental corridors, greenways.
(2) Protected natural areas.
(3) Neighborhood and community parks, squares, plazas, and playing fields.
(4) Streams, ponds, and other water bodies.
(5) Open spaces do not include required setback areas and rights-of-ways but may include (1)-(4) above.

(b) Common open space. At least 25 percent of the open space area must be common open space available for public use. At least 90 percent of all dwellings shall be located within one-half mile of such common open space.

13-1418. Stormwater management. The design and development of the traditional neighborhood development should minimize off-site stormwater runoff, promote onsite filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be maintained/protected to the maximum extent practicable. New development and redevelopment shall meet the requirements of Chapter 30 of the Green Bay Municipal Code.

13-1419. Dimensional standards. Minimum and maximum dimensions are as shown in Table 14-1. The standards in Table 14-1 are applicable to buildings in both the Mixed Residential and Mixed Use areas.

(a) Block and lot size diversity. Street layouts should provide for perimeter blocks that are generally in the range of 200-400 feet deep by 400-800 feet long. A variety of lot sizes should be provided to facilitate housing diversity and choice and meet the projected requirements of people with different housing needs.

(b) Lot widths. Lot widths should create a relatively symmetrical street cross-section that reinforces the public space of the street as a simple, unified public space. Similar lot sizes and housing types should generally be located on opposite sides of a street.

(c) Standards for garages. Garages may be placed on a single-family detached residential lot either within the principal building or an accessory building, meeting the following requirements:

(1) The total of all accessory buildings, including attached or detached garages, shall not exceed 1,000 square feet of gross floor area and shall not be located within the front yard setback area. An accessory building shall be located a minimum of 6 feet from rear and side lot lines, except that where an alley is present no setback from the alley right-of-way is required.

(2) An attached garage shall be recessed a distance of at least 10 feet behind the primary facade of the house.

Table 14-1: Dimensional Standards, Traditional Neighborhood Development

	Min. lot size	**Min. lot width**	**Front yard setback**	**Rear yard setback** [a]	**Side yard setback** [b, e]	**Height** [d]
			Min - Max	Minimum	Minimum	Min - Max
Single-family detached	5,000 SF	50	10 - 25	25	6 (two) or 10 (one – ZLL)	1 – 2.5 stories / 35’
Two-family/attached residences	2,000 SF/unit	25 per unit	10 - 25	25	10 (end units)	1 – 2.5 stories / 35’
Multifamily residences	1,500/unit, min 4,000 SF	80	5 - 25	15	10	2-4 stories / 45’
Nonresidential or mixed use	5,000	50	0 - 10	n/a	6[c]	2-4 stories / 45’
Civic (institutional, rec.) buildings	5,000	50	0 - 25	n/a	10	2-4 stories / 45’

Notes:

a. Where an alley is present, half of the alley's right-of-way width shall be counted toward the rear setback.
b. A minimum side yard setback of 6 feet shall be provided for single-family detached dwellings or a single side yard of 10 feet for semi-detached single-family dwellings. A minimum side yard setback of 10 feet shall be provided for end-unit attached dwellings. For semi-detached single-family dwellings, a reciprocal access easement shall be recorded for both lots. All semi-detached single-family dwellings, townhouses, and other attached dwellings shall have pedestrian access to the rear yard through means other than the principal structure.
c. No side yards are required along interior lot lines, except as otherwise specified in the building code, except that if walls of structures facing such interior lot lines contain windows or other openings, yards of not less than six (6) feet shall be provided. Side and rear yards of at least six (6) feet shall be required when a nonresidential use adjoins a side yard of a residential property.
d. See Chapter 13-1429 (1) for exceptions to maximum height.
e. Corner properties: The side façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street. If no structure exists on the adjacent property, no less than half of the front setback applies.

SECTION 4. CIRCULATION STANDARDS.

13-1420. Objectives. The circulation system shall:

(a) Allow for multiple modes of transportation.

(b) Provide functional and visual links within the residential, mixed-use, and open space areas of the TND.

(c) Provide multiple connections to existing and proposed external development.

(d) Provide adequate traffic capacity.

(e) Provide multiple connections to pedestrian and bicycle routes, including off-street bicycle or multi-use paths.

(f) Control through traffic.

(g) Limit lot access to streets of lower traffic volumes.

(h) Promote safe and efficient mobility through the TND.

13-1421. Pedestrian circulation. Convenient pedestrian circulation systems that minimize pedestrian-motor vehicle conflicts shall be provided continuously throughout the TND. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced. All streets, except for alleys, shall be bordered by sidewalks on both sides in accordance with the specifications listed in Table 14-2. The following provisions also apply:

(a) Sidewalks in residential areas. Clear and well-lighted sidewalks at least 5 feet in width, depending on projected pedestrian traffic, shall connect all dwelling entrances to the adjacent public sidewalk.

(b) Sidewalks in mixed use areas. Clear and well-lighted walkways at least 5 feet in width shall connect all building entrances to the adjacent public sidewalk and associated parking areas.

(c) Disabled accessibility. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.

(d) Crosswalks. Intersections of sidewalks with streets shall be designed with clearly defined edges. Crosswalks shall be well-lit and clearly marked with contrasting paving material at the edges or with striping.

13-1422. Bicycle circulation. Bicycle circulation shall be accommodated on streets and/or dedicated bicycle paths. Any existing or planned bicycle routes through the site shall be preserved or developed. Bicycle facilities may include off-street paths (generally shared with pedestrians and other

non-motorized uses) and/or separate striped 4-foot bicycle lanes on streets. If a bicycle lane is combined with a parking lane, the combined width should be 14 feet.

13-1423. Transit access. Where public transit service is available or planned, convenient access to transit stops shall be provided. Transit shelters, where provided, shall be well-lighted and placed in highly visible locations that provide security through surveillance.

13-1424. Motor vehicle circulation. Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features, such as "queuing streets," curb extensions, traffic circles, and medians, may be used to encourage slow traffic speeds.

13-1425. Street hierarchy.

(a) In general. Each street within a TND shall be classified according to the following hierarchy:

(1) Arterial streets should not bisect a TND but may border a TND.

(2) Collector. This street provides access to mixed-use areas and is also part of the City's major street network.

(3) Subcollector. This street provides primary access to residential properties and connects streets of higher and lower function, and it may provide access to community facilities, such as schools.

(4) Local street. This street provides primary access to residential properties.

(5) Alley. This street provides primary access to residential garages and commercial parking areas. It is typically used where street frontages are narrow, where the primary street width is narrow and limited on-street parking is provided, or to provide delivery access and access to commercial parking.

(b) Street design. Table 14-2 is provided as a general guide to street design in the TND. Street and right-of-way widths shall be reviewed by City staff as part of the concept plan review and shall be approved as part of the final plan.

Table 14-2: Street Design Guidelines for Traditional Neighborhood Development

	Collector	**Sub-Collector**	**Local Street**	**Alley**
Typical Average Daily Trips	750 or more	250 – 750	Less than 250	N/A
Right-of-way	76-88 feet	48 -72 feet	50 - 60 feet	12-16 feet
Auto travel lanes	2 or 3 @ 12 feet	2 @ 10 feet	2 @ 10'	2 @ 8 feet or 1 @ 12 feet (1-way)
Bicycle lanes (may be required where needed)	6 feet next to parking lane	4 feet without parking or 6 feet next to parking lane	None	None
Parking	Both sides, 9 feet	One or both sides, 9 feet	One or both sides, 9 feet	None (access to drives and garages)
Curb and gutter	Required	Required	Required	Not required
Planting strips	Both sides, min. 6 feet	Both sides, min. 6 feet	Both sides, min. 6 feet	None
Sidewalks	Both sides @ 5 feet min.	Both sides @ 5 feet	Both sides @ 5 feet	None

13-1426. Parking requirements. Parking areas for shared or community use should be encouraged. In addition:

(a) In the mixed-use area, any parking lot shall be located at the rear or side of a building. If located at the side, screening shall be provided, as specified in Chapter 13-1432.

(b) A parking lot or parking garage shall not be located adjacent to or opposite a street intersection.

(c) In the mixed-use area, a commercial use shall provide one parking space for every 300 square feet of gross floor area or portion thereof. Parking may be provided in shared or community lots within 1,000 feet of the site.

(d) In the mixed-use and residential areas, 1.5 off-street parking spaces shall be provided for each dwelling unit, with the exception of senior housing and secondary dwelling units, which shall provide one space per unit, and live-work units, which shall provide two spaces per unit.

(e) On-street parking directly adjacent to a building may apply toward the minimum parking requirements for that building.

(f) Surface parking lots or garages shall provide at least one bicycle parking space for every 10 motor vehicle parking spaces. Bicycle parking shall consist of a rack of acceptable design in a well-lit location, preferably sheltered.

(g) Service access. Direct access to service and loading dock areas for service vehicles should be provided, while avoiding movement through parking areas to the greatest extent possible. Alleys may be used to provide service access.

(h) Paving. Reduction of impervious surfaces through the use of interlocking pavers is strongly encouraged for remote parking lots or those used infrequently.

SECTION 5. ARCHITECTURAL STANDARDS.

13-1427. Purpose of architectural standards. A variety of architectural and design features and building materials is encouraged to give each building or group of buildings a distinct character, as well as sensitivity to the surrounding context.

13-1428. Standards for existing structures.

(a) Existing structures, if determined to be historic or architecturally-significant, shall be protected from demolition as part of a Traditional Neighborhood Development. Determination of historic significance shall be made by the Historic Preservation Commission.

(b) The U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Properties shall be used as the criteria for renovating historic or architecturally-significant structures.

(c) Additions to existing structures shall maintain setbacks, building proportions, roof and cornice lines, façade divisions, rhythm and proportion of openings, building materials, and colors that are similar to and compatible with the existing structure.

13-1429. Standards for new structures.

(a) Building height. To create a visually unified streetwall, buildings should be no more than 30 percent taller or shorter than the average building height on the block.

(b) Entries and facades.

(1) The architectural features, materials, and the articulation of a facade of a building shall be continued on all sides visible from a public street.

(2) The front or principal facade of the principal building on any lot shall face a public street and shall not be oriented to face directly toward a parking lot.

(3) Buildings of more than 30 feet in width shall be divided into smaller regular increments through articulation of the façade. This can be achieved through variations in materials, detailing, roof lines, and elements, such as arcades, awnings, windows, and balconies.

(4) The ground level of any multi-story, commercial, and mixed-use structure shall be visually distinct from the upper stories through the use of an intermediate cornice line, sign band, awning or arcade, or a change in building materials, texture, or detailing.

(5) Porches, pent roofs, roof overhangs, hooded front doors, or similar architectural elements shall be used to define the front entrance to all residences or multifamily buildings.

(c) Residential uses at street level should generally be set back far enough from the street to provide a private yard area between the sidewalk and the front door. Landscaping, steps, porches, grade changes, and low ornamental fences or walls may be used to provide increased privacy and livability for first floor units.

(d) For commercial or mixed-use buildings, a minimum of 30 percent of the front facade on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior.

SECTION 6. SITE DESIGN STANDARDS.

13-1430. Lighting standards.

(a) Street lighting shall be provided on both sides of all streets at intervals of no greater than 75 feet. Generally, more smaller lights, as opposed to fewer high-intensity lights, should be used. Street lighting design shall meet the minimum standards developed by the Department of Public Works.

(b) Exterior lighting shall be directed downward in order to reduce glare onto adjacent properties, per Chapter 5, General Regulations.

13-1431. Standards for exterior signage. Sign number, size, height, and location in the TND District shall meet the requirements of the Neighborhood Center District. A comprehensive sign program shall be developed for the entire Traditional Neighborhood Development that establishes a uniform sign theme. Signs shall share a common palette of sizes, shapes, materials, and lettering styles.

13-1432. Landscaping and screening standards.

(a) In general. Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger well-placed contiguous planting areas shall be preferred to smaller disconnected areas.

(b) Height and opacity. Where screening is required by this ordinance, it shall be at least 3 feet in height unless otherwise specified. Required screening shall be at least 50 percent opaque throughout the year.

(c) Components. Required screening shall be satisfied by one or a combination of the following:

(1) A decorative fence not less than 50 percent opaque behind a continuous landscaped area.

(2) A masonry wall.

(3) A hedge.

13-1433. Street trees. A minimum of one deciduous canopy tree per 35 feet of street frontage or fraction thereof shall be required. Trees may be clustered and need not be evenly spaced. Trees should preferably be located within a planting strip between the sidewalk and the curb, within a landscaped median strip, or in tree wells installed in pavement or concrete.

13-1434. Parking area landscaping and screening. (Amd. GO 17-08) All parking and loading areas fronting public streets and sidewalks shall be landscaped in accordance with the requirements of Chapter113-1800 of this ordinance. All parking and loading areas abutting residential districts shall be landscaped in accordance with Chapter 13-1800 of this ordinance. Parking area interior landscaping shall conform to the requirements of Chapter 13-1800 of this ordinance. Parking area landscaping can include turf grass, native grasses, or other perennial flowering plants, vines, shrubs, or trees. Such spaces may also include architectural features, such as benches, kiosks, or bicycle parking.

CHAPTER 13-1500. HISTORIC STRUCTURES, SITES, AND DISTRICT REGULATIONS

13-1501. Purpose and intent. It is hereby declared a matter of public policy that the protection, enhancement, perpetuation, and use of improvements or sites of special character or special architectural or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety, and welfare of the people. The purpose of this section is to:

(a) Protect, enhance, and perpetuate such improvements, sites, and districts which represent or reflect elements of the City's cultural, social, economic, political, and architectural history.

(b) Safeguard the City's historic and cultural heritage, as embodied and reflected in such historic structures, sites, and districts.

(c) Foster civic pride in the notable accomplishments of the past.

(d) Stabilize and improve property values.

(e) Protect and enhance the City's historic districts, structures, and sites for the benefit of residents, tourists, and visitors and serve as a support and stimulus to business and industry.

13-1502. Designation of historic structures, sites, and districts. Pursuant to the provisions of Wis. Stats. 62.23(7)(m), the Historic Preservation Commission may after notice and public hearing designate a structure, site, or district as historic.

(a) Standards for designation. The designation may be applied to any area of particular historic, architectural, archeological, or cultural significance to the City, including those that:

(1) Exemplify or reflect the broad cultural, political, economic, or social history of the nation, state, or community.

(2) Are identified with historic personages or with important events in national, state, or local history.

(3) Embody the distinguishing characteristics of architectural types or specimens inherently valuable for the study of a period or periods, styles, methods, or construction or of indigenous materials or craftsmanship.

(4) Are representative of the notable works of master builders, designers, or architects who influenced their age.

(5) Have yielded or may be likely to yield information important to history or prehistory.

(6) Historic structures and sites which are on the National or State Register of Historic Places shall be designated as a City historic structure or site.

(b) Exemptions. The property of bona fide churches that is used for religious purposes is exempt from any provision of this section which may have a coercive effect upon the practice of religion. Relief from such coercive provision may be obtained by application for a variance to the Historic Preservation Commission.

13-1503. Procedure for nomination and designation of historic structures, sites, and districts. The Historic Preservation Commission may after notice and public hearing nominate to the Common Council parcels for historic structure, site or district designation, or recommend rescinding such designation previously made upon application of the criteria herein. No such nomination or recommendation shall be final until approved by the Common Council. The procedure for designation of an historic district may be initiated by the Historic Preservation Commission or by property owners wishing to be included within an historic district.

(a) The Commission shall notify the owners of record, as listed in the office of the City Assessor, of all properties proposed for designation or inclusion within a proposed district and all properties within one hundred (100) feet of the proposed site or district's boundaries. These owners may confer with the Commission prior to final action on the designation.

(b) The Commission shall notify all Council members of the proposed district, the Mayor, Director of Public Works, Parks and Recreation Department, Building Inspections Superintendent,

Zoning Administrator, and Planning Director. Each may respond to the Commission with its comments on the proposed designation at or prior to the hearing.

(c) The Commission shall conduct the public hearing. It may call witnesses, including experts, and may subpoena such witnesses and records as it deems necessary. The Commission may view the properties in question and direct the conduct of an independent investigation into the proposed designation or rescission.

(d) After the close of the public hearing, the Commission shall make and forward a recommendation to the Common Council. The owners of record of the above-referenced properties shall be notified in writing by the Commission of the date, time, and place the Common Council will act on its recommendation.

(e) The Common Council shall approve or deny the recommendation of the Commission.

(f) Designation on official zoning map. Upon approval by the Common Council of any nomination or recommendation of the Commission, the historic structure, site, or district shall be designated as such on or removed from the City's official zoning map.

13-1504. Recognition of historic structures and sites. At such time as an historic structure or site has been properly designated and approved in accordance with this section, the Commission may allow and/or cause to be prepared and erected on such structure or site a suitable plaque identifying the structure or site and placed so as to be easily visible to passing pedestrians.

(a) In the case of an historic structure, the plaque shall state the accepted name of the structure, the date of its construction, and other information deemed appropriate by the Commission and acceptable to the owner.

(b) In the case of an historic site that is not the site of an historic structure, the plaque shall state the common name of the site and such other information deemed appropriate by the Commission.

13-1505. Historic districts are overlay districts. A designated historic district shall be considered an overlay district that is in addition to the underlying base zoning. Provisions for specific uses within the base district(s) may be modified, and specific guidelines for design review may be added through the historic district preservation plan, as provided in Chapter 13-1506.

13-1506. Creation of historic district preservation plan. In conjunction with the creation of an historic district, the Historic Preservation Commission, with the assistance of the Planning Department, shall prepare an historic preservation plan for the district. The plan shall include the following:

(a) A statement of preservation objectives.

(b) A cultural and architectural analysis supporting the historic significance of the area and any specific guidelines for development.

(c) An inventory of buildings that contribute to the distinctive architectural or special historic character of the district as a whole (contributing buildings) and buildings that do not so contribute (non-contributing buildings).

(d) Guidelines applicable to renovation of existing buildings and structures, to any new construction, and to site improvements within the district. The general guidelines in Chapter 13-1509 should be supplemented with more specific guidelines based upon the cultural and architectural character of the district.

13-1507. Review of construction, reconstruction, or alteration. No owner or person in charge of an historic site, historic structure, or site within an historic district shall construct or alter any part of the structure or site, and no building permit shall be issued for the structure or site until design review has been completed and a recommendation has been issued by the Historic Preservation Commission.

(a) Intent. Design review is advisory in nature. The intent of design review is to provide an opportunity for the Commission to advise applicants on preferred approaches to renovation or

rehabilitation of existing buildings, new construction, and other alterations to property. The general guidelines in Chapters 13-1509 and 1510 and any specific guidelines developed for the historic district in question shall be used in design review.

(b) Applicability. The following applications for historic sites or structures or within historic districts shall be subject to design review.

(1) Applications which involve modification of the physical configuration of a property, such as the erection of a new building, the demolition of an existing building, or the expansion of an existing building.

(2) Applications that involve a change in the exterior appearance of a property, such as roofing, siding, window replacement, fencing, paving, or signage.

(3) Any other application requiring a building permit from the Department of Inspections, with the exception of interior alterations that will not change the exterior appearance of the structure.

(c) Maintenance and repairs permitted. Ordinary exterior maintenance, painting, and repairs may be undertaken without a review and recommendation by the Historic Preservation Commission, provided that:

(1) The work involves repairs to existing features of an historic structure or site or replacement of elements of a structure with materials similar in appearance, and

(2) Provided that the work does not change the exterior appearance of the structure or site.

(d) Building permit required. (Cr. GO 31-09) A building permit is required for applications as listed in Section 13-1507(b) that are subject to design review.

13-1508. Design review procedures.

(a) Any application for a permit from the Department of Inspections shall also be filed with the Historic Preservation Commission.

(b) As part of the application, the applicant shall submit a detailed description of the proposed construction, reconstruction, or alteration, together with any architectural drawings if those services have been utilized by the applicant, along with a description of the construction or alteration sufficient to enable the HPC to evaluate the final appearance of the structure.

(c) Design review shall be conducted concurrent with site plan review, as specified in Chapter 18, Site Plan Review, when site plan review is required.

(d) After the filing of any application, the HPC shall issue a recommendation. The recommendation shall serve as a nonbinding recommendation only. During the period of review, the Commission will work with the applicant to preserve the historical attributes of the building, structure, or site.

13-1509. Guidelines for renovation of existing buildings. The HPC will consider the following factors in arriving at its recommendation:

(a) Whether there is a change in use that requires minimal change to the defining characteristics of the building and its site and environment.

(b) Whether the historic character of the property will be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property should be avoided.

(c) Each property shall be recognized as a physical record of its time, place, and use and maintaining features and architectural elements of the period shall be encouraged.

(d) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property should be preserved.

(e) Deteriorated historical features should be repaired rather than replaced, where feasible. Where replacement is necessary, the new feature should match the old in design, color, texture and other visual qualities, and, where possible, materials.

(f) The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest methods possible. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials should not be used.

(g) New additions, exterior alterations, or related new construction should not destroy historic materials that characterize the property. The new work should be differentiated from the old and should be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

(h) New additions and adjacent or related new construction should be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(i) The "Secretary of the Interior's Standards for Rehabilitation" (36 CFR 67 and 68 as amended).

13-1510. Guidelines for new structures and additions. The following elements should be visually compatible with the contributing buildings and environment to which they are visually related and with the architectural style(s) of the district, where applicable:

(a) Building height.

(b) Building volume and massing.

(c) On the street elevation of a building, the proportion between the width and height in the facade.

(d) The proportions and relationships between doors and windows in the street facade.

(e) The directional expression of the street façade (horizontal or vertical expression).

(f) Exterior building materials.

(g) Roof design and shape.

(h) Landscape plan, off-street parking and drives, fencing, and other aspects of site design.

13-1511. Standards for approval of demolition or recommendation of preservation. The following standards shall be considered:

(a) Whether the building or structure is of such architectural or historic significance that its demolition would be detrimental to the public interest.

(b) Whether the structure, when in an historic district, although not itself an historic structure, contributes to the distinctive character of the historic district as a whole and, therefore, demolition would be detrimental to the public interest.

(c) Whether the demolition of the structure would be contrary to the objectives of the Historic Preservation Plan for the applicable historic district, where applicable.

(d) Whether the structure is of such old, unusual, or uncommon design, texture, and/or material that it could not be reproduced or could be reproduced only with great difficulty and/or expense.

(e) Whether the structure is in such a deteriorated condition that it is not structurally or economically feasible to preserve or restore it, provided that any hardship or difficulty claimed by the owner, which is self-created or the result of any failure to maintain the structure in good repair, cannot qualify as a basis for the issuance of a demolition permit.

(f) Whether the denial of the application would deny the owner of the structure all economically-viable use of the property.

13-1512. Interim control within historic districts. No building permit shall be issued by the Building Inspection Superintendent for alteration, construction, demolition, or removal of any property or structure within a proposed historic district from the date of the first notice of public hearing by the Historic Preservation Commission until final disposition by the HPC or Common Council, unless such action is authorized by formal resolution of the Common Council as necessary for public health, welfare, or safety. The period of delay shall not exceed ninety (90) days.

CHAPTER 13-1600. LAND USE DEVELOPMENT STANDARDS

13-1601. Development standards. Specific development standards are established as supplemental regulations that address the unique characteristics of certain land uses. The standards and conditions listed below apply to both permitted and conditional uses, in addition to all other applicable regulations of this ordinance. Standards shall apply in all zoning districts where the use in question is allowed, except where specific districts are specified. Initial residential designs shall be submitted to the Community Development Review Team (CDRT), as established in 13-1804, to determine the compliance with the requirements listed below. In the event that an issue cannot be resolved between the applicant and the CDRT, the applicant will be directed to make application to the Plan Commission for review and consideration.

13-1602. Residential uses.

(a) Single-family detached dwelling in all residential districts:

(1) No parking shall be located in the front yard or between the front façade and the street except on a permitted driveway providing access to parking areas beyond the front yard.

(2) The primary entrance shall be located on the façade fronting a public street.

(3) Single-family homes shall be designed to reflect the general architectural style of surrounding buildings on the block, including front yard depth, height and roof pitch, primary materials, façade detailing, and size and placement of window and door openings. Renderings of all buildings elevations designs must be complimentary with the neighborhoods. This requirement shall only apply under the in-fill lot definition.

(b) Two-family dwelling, duplex in R-1 Residential Districts:

(1) No parking shall be located in the front yard or between the front façade and the street except on a permitted driveway providing access to parking areas beyond the front yard.

(2) Access to the second dwelling unit shall be either through a common hallway with one front entrance or by means of a separate entrance. The primary entrance shall be located on the façade fronting a public street.

(3) New housing types should be introduced in limited quantities to increase diversity and housing choice, not to replace whole blocks of existing housing. Therefore, no duplex shall be constructed and no single-family dwelling shall be converted to a duplex within a distance of three hundred (300) feet from any other two-family or multifamily dwelling located within the same block without a conditional use permit.

(4) Duplexes shall be designed to reflect the general architectural style of surrounding buildings on the block, including front yard depth, height and roof pitch, primary materials, façade detailing, and size and placement of window and door openings. Renderings of all buildings elevations designs must be complimentary with the neighborhoods. This requirement shall only apply under the in-fill lot definition.

(c) Two-family dwelling, semi-detached, in the R-1 and R-2 Residential Districts:

(1) No parking shall be located in the front yard or between the front façade and the street except on a permitted driveway providing access to parking areas beyond the front yard.

(2) If the primary entrance of a structure is not facing the street, the Planning Director may choose to require its location face a public street.

(3) New housing types should be introduced in limited quantities to increase diversity and housing choice, not to replace whole blocks of existing housing. Therefore, no semi-detached dwelling shall be constructed and no single-family dwelling shall be converted to a semi-detached dwelling within a distance of three hundred (300) feet from any other two-family or multifamily dwelling located within the same block.

(4) Semi-detached dwellings shall be designed to reflect the general architectural style of surrounding buildings on the block, including front yard depth, height and roof pitch, primary

materials, façade detailing, and size and placement of window and door openings. Exact replication of attributes of existing buildings is not expected, but rather sensitivity to neighborhood context.

(d) Single-family attached dwelling (townhouse) in the R-1 and R-2 Residential Districts:

(1) A maximum of six units shall be permitted within a single building.

(2) Townhouses shall have sufficient frontage per Table 6-2. No parking shall be located in the front yard or between the front façade and the street.

(3) If the primary entrance of a structure is not facing the street, the Planning Director may choose to require its location face a public street.

(4) New housing types should be introduced in limited quantities to increase diversity and housing choice, not to replace whole blocks of existing housing. Therefore, no more than one-quarter of the lineal frontage of a block may be converted to townhouse units, and no further townhouse development is permitted once this threshold is reached.

(5) Townhouse units shall be designed to reflect the general architectural style of surrounding buildings on the block, including front yard depth, height and roof pitch, primary materials, façade detailing, and size and placement of window and door openings. Exact replication of attributes of existing buildings is not expected, but rather sensitivity to neighborhood context.

(6) Common open space for use by all residents or private open space adjacent to each unit shall be provided. Such open space shall comprise of a minimum of 1,500 square feet per unit.

(e) Single-family attached dwelling (townhouse) in the R-3 Residential District:

(1) A maximum of eight units shall be permitted within a single building.

(2) Townhouse dwellings shall have sufficient frontage per Table 6-2. No parking shall be located in the front yard or between the front façade and the street.

(3) If the primary entrance of a structure is not facing the street, the Planning Director may choose to require its location face a public street.

(4) Common open space for use by all residents or private open space adjacent to each unit shall be provided. Such open space shall comprise of a minimum of 1,500 square feet per unit.

(f) Multiple-family dwelling in the R-2 Residential District:

(1) No more than four units shall be permitted on a single lot.

(2) No parking shall be located in the front yard or between the front façade and the street.

(3) If the primary entrance of a structure is not facing the street, the Planning Director may choose to require its location face a public street.

(g) Carriage-house dwelling in all residential districts:

(1) A carriage-house dwelling unit shall be located above a detached garage that is accessory to a single-family detached dwelling and located within the rear yard.

(2) Any exterior changes or additions for a carriage-house dwelling shall be constructed of similar materials and shall be architecturally compatible with the main (principal) building.

(3) The dwelling unit may not contain more than thirty (30) percent of the total floor area on the zoning lot.

(4) There shall be a total of no more than one carriage-house dwelling on a zoning lot.

(5) The minimum lot area shall be 2,500 square feet greater than the minimum lot area required for the main (principal) building in the zoning district.

(6) A detached garage with a carriage-house dwelling shall meet all requirements for accessory buildings. If walls of a carriage-house dwelling facing interior lot lines contain windows or other openings, the wall shall be set back at least four (4) feet from the lot line.

(7) There shall be an unobstructed walkway leading from the public street to the carriage-house dwelling.

(8) At least one dwelling unit on the zoning lot shall be owner-occupied.

(9) A site plan and a building plan shall be submitted to the Plan Commission at the time of application for review and approval.

(h) Live-work unit in all residential districts:

(1) The work space component shall be located on the first floor or basement of the building, with an entrance facing the primary abutting public street.

(2) The dwelling unit component shall be located above or behind the work space and shall maintain a separate entrance located on the front or side facade and accessible from the primary abutting public street.

(3) The office or business component of the unit shall not exceed thirty (30) percent of the total gross floor area of the unit.

(4) A total of two off-street parking spaces shall be provided for a live-work unit, located to the rear of the unit or underground/enclosed.

(5) The size and nature of the work space shall be limited so that the building type may be governed by residential building codes. An increase in size or intensity beyond the specified limit on floor area would require the building to be classified as a mixed-use building.

(6) The business component of the building may include offices, small service establishments, home crafts which are typically considered accessory to a dwelling unit, or limited retailing (by appointment only) associated with fine arts, crafts, or personal services. It may not include a wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business, or auto service or repair for any vehicles other than those registered to residents of the property.

(7) The business of the live-work unit must be conducted by a person who resides on the same lot. In no case shall the business employ more than two workers who live outside of the live-work unit.

(i) Dwelling in conjunction with business in all industrial districts:

(1) There shall be a total of no more than one dwelling in conjunction with business on a zoning lot.

(2) The minimum lot area shall be 5,000 square feet greater than the minimum lot area required for the principal use in the zoning district.

(3) Only an employee who is a watchman of the principal use, including his/her family, shall be permitted to reside in the dwelling unit.

(4) Access to the dwelling shall be by means of separate individual entrance from that of the principal use. Said access shall be made available to the city's public safety agencies, such as EMS, police, and fire, and approved by the City Council during conditional use permit review.

(5) A total of two off-street parking spaces shall be provided for a live-work unit, located to the rear of the unit or underground/enclosed.

(6) A site plan and a building plan shall be submitted to the Plan Commission at the time of application for review and approval

(j) Transient Residential Use. (Cr. GO 9-09) Transient Residential Uses are incompatible with the purpose of residential neighborhoods and one of the fundamental goals of planning and zoning is protecting residential neighborhoods. Therefore, while transient residential properties may provide additional lodging opportunities for visitors, such use is commercial in nature and can have a significant adverse impact on the appearance, safety and general welfare of surrounding neighborhoods. These impacts include, but are not limited to, increased noise, traffic, overcrowding, lack of parking and general deterioration of the basic nature, purpose and quality of a residential neighborhood.

(1) Once Conditional Use approval has been granted by the Green Bay Common Council, the local representative shall obtain a Conditional Use Permit (CUP), meeting the provisions of this ordinance. The local representative shall document the names, home addresses and phone numbers of the occupants, the vehicle license plate numbers of all vehicles used by the occupants, and the date of the occupancy period. The above information must be available for

City inspection upon request. The local representative must be authorized by the owner of the dwelling to respond to occupant and neighborhood questions, concerns and complaints.

(2) The occupancy period for any CUP shall be less than 28 consecutive calendar days.

(3) The number of occupants in any Transient Residential Use shall not exceed the limits set forth in the State of Wisconsin Uniform Dwelling Code and other applicable County and City of Green Bay housing regulations for residential structures based on the number of bedrooms within the unit. Each TRP shall specify the maximum number of occupants allowed.

(4) A CUP is issued to a specific owner of a Transient Residential Use. No person or entity shall hold more than one CUP. The CUP shall be terminated when the permit holder sells or transfers the real property which was offered for Transient Residential Use, except for a change in ownership where the title is held in survivorship, or transfers on the owner's death.

(5) Availability of the Transient Residential Use to the public shall not be advertised on site.

(6) The administrative permit holder and/or registrant shall collect and remit the Transient Room Tax to the Clerk of the City of Green Bay.

(7) The Conditional Use Permit shall be visible from the exterior and shall contain the following information:

a. The name and telephone number of the local representative and/or the property owner.
b. Contact information for City Hall and the Police Department in the City of Green Bay.
c. The maximum number of dwelling occupants permitted to stay in the dwelling.
d. The maximum number of vehicles allowed to be parked on the property.
e. The number and location of on-site parking spaces.

(8) The Transient Residential Use shall not violate any applicable conditions, covenants, or other restrictions on real property.

(9) Each operation shall comply with the provisions of the City of Green Bay/Brown County Health Department as well as all State and County laws governing food-handling establishments. The operation must meet the standards found in Wisconsin Administrative Code HFS 195 regarding Hotels, Motels and tourist rooming houses. Alcohol may not be sold on site.

(10) Any CUP granted by the City may be subject to review on a yearly basis or when the Planning Director or Plan Commission has reason to believe that the regulations are not being adhered to or that there are problems associated with the Transient Residential Use and/or CUP that warrant review by the Plan Commission and the Green Bay Common Council.

(11) No Recreational Vehicle (RV), camper, tent or any other temporary lodging arrangement shall be permitted on site for the purpose of providing accommodations for occupants and/or guests of a Transient Residential Use.

(12) Any outdoor event shall last no longer than one day and shall be limited to the hours of 8:00 a.m. to 10:00 p.m. Any activities on the Transient Residential Use sites shall be in compliance with the noise regulations of the City of Green Bay Municipal Code.

(13) Violations: Failure to comply with the CUP or Transient Room Tax requirements shall constitute a violation of the provisions of this section. Disturbances or nuisances caused by the tenants of an approved Transient Residential Use which violate the City Municipal Code or State law shall also constitute a violation. Penalties for each violation shall be imposed in an amount not to exceed $500, including court costs, and may result in permit suspension or revocation.

(14) In the event of an application for a CUP for a Transient Residential Use, the following standards shall be considered by the Plan Commission and Common Council in evaluating each application:

a. The applicant does not have any previous violations with regards to a Transient Residential Permit (TRP).

b. The applicant does not have any outstanding citations issued from the City of Green Bay.
c. The density or amount of any other Transient Residential Uses operating under a Conditional Use Permit previously issued by the Common Council within 500' of the applicant's property.
d. City Inspection records and police calls for all properties owned by the applicant are acceptable.
e. The applicant can clearly demonstrate an intent and ability to comply with the provisions of Transient Residential Use as required in Chapter 13, Zoning Code.
f. An operational plan is provided by the applicant detailing the Transient Residential Use and accommodations.
g. The applicant has conducted a neighborhood meeting, prior to making application to the Plan Commission, by inviting neighbors within 500 feet of the subject site and the applicable neighborhood association has been noticed. Those invited to the neighborhood meeting must be noticed not less than 14 days prior to the meeting.
h. Applications for Conditional Use Permits and full submittals to the Plan Commission must be made not less than two weeks prior to the next available Plan Commission meeting.

13-1603. Congregate living uses.

(a) Rooming house, boarding house in all districts:

(1) The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits, and bathrooms.

(2) All new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings.

(3) An appropriate transition area between the use and adjacent property shall be required and to include landscaping, screening, and other site improvements consistent with the character of the neighborhood.

(4) A rooming/boarding house may be considered a dormitory as defined and regulated within this code.

(b) Community living arrangements in all districts: (Amd. GO 1-10)

(1) Intent. It is the intent and purpose of these regulations to avoid discrimination against disabled persons by maintaining the residential character and desirability of the neighborhoods in which community living arrangements may locate. These regulations are intended to avoid the undue concentration of community living arrangements, as such concentrations may alter the residential character and desirability of a neighborhood and thus defeat the purpose of providing community living housing opportunities in a residential neighborhood setting. It is the nature of community living arrangements as business operations within residential neighborhoods, not the disabled individuals who occupy community living arrangements, that necessitate these regulations. Such facilities impact a residential neighborhood like a "business operation" in that they may include higher levels of non-resident traffic due to staffing, shift changes, and various other service providers, may require state licensing, and may be subject to special regulations administrated by state agencies. The following standards are established consistent with Ch. 62.23(7)(i), Wis. Stats.

(2) No community living arrangement may be established within 2,500 feet of any other such facility except with a conditional use permit. Note that 2,500 feet is not a density standard or minimum separation distance, but rather is a determinant for whether the conditional use process will be applied.

(3) Community living arrangements shall be permitted under the standard above as long as their total capacity within any aldermanic district does not exceed 25 or one percent (1%) of the

population of that district, whichever is greater. When that capacity is reached, no additional community living arrangements shall be permitted within that district until their capacity is reduced or the district's population increases, thus changing the ratio.

(4) Community living arrangements shall be permitted under the standards above as long as their total capacity does not exceed one percent (1%) of the City's total population. When that total capacity is reached, no additional community living arrangements shall be permitted within the City until their capacity is reduced or the City's population increases, thus changing the ratio.

(5) In accordance with Ch. 62.23(7)(i), Wis. Stats., in all cases where a community living arrangement has capacity for eight (8) or fewer persons being served by the program, meets the criteria listed in sections (2) through (4) above, and is licensed, operated, or permitted under the authority of the Department of Health Services or the Department of Children and Families, that facility is entitled to locate in any residential zone without being required to obtain a conditional use permit.

(6) In reviewing a conditional use permit for a community living arrangement, the Plan Commission and Common Council shall consider the following.

a. The character and use of surrounding buildings, the density of nearby community living arrangements, and the potential impact of the proposed facility on the character and desirability of the surrounding neighborhood. Such facilities should not be permitted where proposed building architecture (assuming new construction) does not fit in with the surrounding neighborhood or where the density of such facilities (regardless of whether it is new construction or conversion of an existing building) will negatively impact the neighborhood.

b. The proximity of the proposed facility to essential services and infrastructure such as police and fire protection, pedestrian paths, transit stops, park facilities, and the like. Such facilities should not be permitted where essential services or infrastructure are not present or planned for improvement or construction.

c. Whether granting the conditional use permit will provide disabled persons with reasonable accommodation for housing as defined by the Americans with Disabilities Act (ADA) and Fair Housing Act-Amended (FHAA). Such facilities should not be denied a conditional use permit if they are needed to provide reasonable accommodation.

d. Whether any conditions of approval are needed to address the compatibility of the use as a business operation with the character of the residential neighborhood. Such conditions shall not be discriminatory toward disabled residents of a community living arrangement.

(7) Based on the resident capacity, community living arrangements shall provide adequate living space in compliance with the most restrictive of the dormitory standards of this Ordinance (Section 13-1603(c)), the city Housing Code (Chapter 23 GBMC), and applicable state administrative codes.

(8) A community living arrangement may be considered a dormitory as defined and regulated within this code.

(c) Dormitory in all districts:

(1) Onsite services shall be for residents of the facility only.

(2) The maximum number of persons occupying the building shall not exceed four per bedroom with 50 sq. ft. of sleeping area per resident, except that more than four individuals may be allowed per room if all said individuals are related by blood, marriage, or adoption. Rooms shall consist of enclosed places having walls that extend from the ceiling to the floor and an entry door.

(3) One bath and restroom facility for every eight individuals residing in the dormitory. The bath and restroom facility shall be located so that no individual is required to pass through a sleeping room other than their own in order to access the bath and restroom facility.
(4) One kitchen and dining area for every 10 individuals residing in the dormitory.
(5) One laundry facility consisting of a minimum of one clothes washer, one clothes dryer, and a washbasin for every 10 individuals residing in the dormitory.
(6) One common use area/lounge of at least 600 sq. ft. in size for relaxation and recreation of the occupants for every 10 individuals residing in the dormitory.
(7) If the dormitory use ceases for a period of 12 months or more, the conditional use approval will no longer be in effect. If construction and occupancy has not been completed and established within 12 months of the date of approval, the conditional use status of the property shall no longer be in effect. In the event of a natural disaster or emergency situation, as determined by the City of Green Bay, these regulations may be suspended for a term of not more than 12 months.
(d) Fraternity, sorority:
(1) The maximum number of persons occupying the building shall not exceed four per bedroom.
(2) Onsite services shall be for residents of the facility only.
(3) If located outside of the campus boundary, the use shall be located in an existing structure designed and built as a single- or two-family dwelling or a new structure that meets the height, density, and setback requirement for a two-family dwelling.
(4) A fraternity/sorority may be considered a dormitory as defined and regulated within this code.
(e) Convent, monastery, seminary: The use shall be subject to the same requirements for maximum number of residents and minimum lot area as multifamily developments located in the same zoning district.
(f) Nursing home, assisted living:
(1) A facility that is located within a predominantly residential or mixed-use area shall have direct access to a collector or higher classification street.
(2) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings.
(3) The site shall contain a minimum of one hundred fifty (150) square feet of greenspace per resident, consisting of outdoor seating areas, gardens, and/or recreational facilities. Public parks or plazas within three hundred (300) feet of the site may be used to meet this requirement.
(4) An appropriate transition area between the use and adjacent property may be required and to include landscaping, screening, and other site improvements consistent with the character of the neighborhood.
(5) A nursing home may be considered a dormitory as defined and regulated within this code.

13-1604. Educational uses.
(a) School, elementary or secondary:
(1) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings.
(2) An appropriate transition area, as required by this code, between the use and adjacent property is required to include landscaping, screening, and other site improvements consistent with the character of the neighborhood.
(3) A facility that is located within a predominantly residential or mixed-use area shall have direct access to a collector or higher classification street.

(b) College, university: Any new college or university or expansion of an existing college or university shall submit a master plan that shall describe proposed physical development for at least a 10-year period and shall include a description of proposed development phases and plans, estimated dates of construction, and anticipated interim uses of property.

(c) School, specialty or personal instruction:

(1) Except in the industrial districts, all activities shall be conducted within an enclosed building.

(2) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings.

(3) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.

(d) Adult/family daycare home

(1) Any daycare center must meet the requirements specified in the Bureau of Regulation and Licensing manual, as well as other applicable codes.

(2) The operator must reside in the dwelling unit in which the daycare home is located.

(e) Group daycare center, preschool

(1) Any daycare center must meet the requirements specified in the Bureau of Regulation and Licensing manual, as well as other applicable codes.

(2) In all residential districts, the use may either be located in a nonresidential structure existing on the effective date of this ordinance or designed and integrated into a new residential development but not located in a new freestanding nonresidential building.

(3) A designated area shall be provided for short-term parking of vehicles for drop-off and pickup of children. The designated area may be on-street or off-street but shall be located as close as practical to the principal entrance of the building and shall be connected to the building by a sidewalk.

13-1605. Institutional and civic uses.

(a) Clinic, healthcare facility in NC or OR districts:

(1) A facility that is located within a predominantly residential or mixed-use area shall have direct access to a collector or higher classification street.

(2) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings.

(3) An appropriate transition area between the use and adjacent property may be required and to include landscaping, screening, and other site improvements consistent with the character of the neighborhood.

(b) Community center, neighborhood center:

(1) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings.

(2) An appropriate transition area, as required by this code, between the use and adjacent property is required to include landscaping, screening, and other site improvements consistent with the character of the neighborhood.

(3) A facility that is located within a predominantly residential or mixed-use area shall have direct access to a collector or higher classification street.

(c) Cultural institution: Any use established after the effective date of this ordinance shall be located with access to an arterial or collector street.

(d) Hospital: Any new hospital or expansion of an existing hospital shall submit a master plan that shall describe proposed physical development for at least a 10-year period and shall include a description of proposed development phases and plans, estimated dates of construction, and anticipated interim uses of property. Any use established after the effective date of this ordinance shall be located with access to an arterial or collector street.

(e) Library: Any use established after the effective date of this ordinance shall be located with access to an arterial or collector street.

(f) Religious institution, place of worship: Any facility with seating capacity of greater than 600 persons in the sanctuary or main activity area shall be a conditional use. Such facility shall be located with access to an arterial or collector street.

13-1606. Commercial Uses.

(a) Adult entertainment establishment:

(1) No more than one adult entertainment establishment shall be located on any one parcel, and such establishment shall be at least one thousand five hundred (1,500) feet from any other adult establishment.

(2) No adult establishment shall be permitted within one thousand (1,000) feet of the following:
   a. A residential or mixed-use district.
   b. An historic site or district identified on the National Register of Historic Places or by the Historic Preservation Commission as specified in this chapter.
   c. A public or private elementary or secondary school, licensed nursery school, or daycare center.
   d. A religious institution or place of worship.
   e. A public park or parkway.

(3) Signs advertising any of the aforementioned adult uses shall conform with the requirements of Chapter 13-2000, Signs, of this ordinance, with the following exceptions:
   a. No tower or portable signs or billboards shall be permitted on the premises.
   b. (Amd. GO 9-07) Signs will inform only of the establishment name and address and will not depict human silhouettes or forms, specified sexual activities and/or specified anatomical areas, as defined in the ordinance.
   c. There shall be no flashing or traveling lights located outside of the building..
   d. The location and wording of such sign shall be shown on the site plan and submitted along with the request for conditional use.

(4) Parking required under Chapter 13-1700, Off-Street Parking & Loading, of this ordinance shall be provided in a lighted area. Location of parking shall be shown on the site plan and submitted along with the request for conditional use.

(5) Lighting shall be provided so as to illuminate the entire exterior of the building. Lighting fixtures and levels shall be shown on the site plan and submitted along with the request for conditional use.

(6) There shall be no display windows on the premises.

(7) The owner and/or operator of the adult establishment shall agree to comply with all federal, state, and local laws and ordinances, including obscenity, liquor, and cabaret laws, and shall further ensure that minors are not permitted on the premises. Solicitation for purposes of prostitution shall be strictly prohibited.

(8) In the case of adult cabarets, they shall be compliance with Section 27.02 of the Green Bay Municipal Code relating to noise, and the hours of operation for such establishments shall be limited to the same hours of operation for bars and taverns within that community within which the district is located.

(9) The owner of the parcel upon which the adult entertainment use is to be established and the operator and owner of the establishment shall appear in person before the Plan Commission.

(b) Animal boarding facility, kennel in all districts except the L-1 district:

(1) Animal boarding facilities shall be required to be soundproofed to ensure that the noise levels associated with the use do not interfere with the health, welfare, and safety of adjoining properties.

(2) All runs, exercise areas, and enclosures/kennels shall be located within a completely enclosed building.

(c) Animal grooming establishment in all districts except the L-1 district:

(1) Animal grooming establishments shall be required to be soundproofed to ensure that the noise levels associated with the use do not interfere with the health, welfare, and safety of adjoining properties.

(2) All runs, exercise areas, and enclosures/kennels shall be located within a completely enclosed building.

(d) Animal hospital, veterinary clinic in all districts except the L-1 district:

(1) Animal hospitals and veterinary clinics shall be required to be soundproofed to ensure that the noise levels associated with the use do not interfere with the health, welfare, and safety of adjoining properties.

(2) All runs, exercise areas, and enclosures/kennels shall be located within a completely enclosed building.

(e) Automobile sales/rentals:

(1) The lot or area shall be provided with a permanent, durable, and dustless paved surface and shall be graded and drained so as to dispose of all surface water accumulated within the area.

(2) Vehicular access to the outdoor sales/display area shall be at least thirty (30) feet from the intersection of any two (2) streets.

(3) All repairs shall be conducted within a completely enclosed building.

(4) The minimum lot area shall be fifteen thousand (15,000) square feet. A site plan shall be submitted showing the layout of the vehicles for sale or rent, employee parking, and customer parking.

(f) Banks with drive-through facilities: see "drive-throughs" under Transportation and Utilities.

(g) Bed and Breakfast:

(1) Exteriors of preexisting dwelling units shall retain the residential character of the building prior to conversion for use as a bed and breakfast.

(2) The addition of exterior entrances for the purpose of serving guest rooms is prohibited.

(3) Signs advertising the establishment are those permitted in residential districts.

(4) Parking for guest renters shall be provided to the side or rear of the lot with landscaping and screening consistent with the regulation of this code. Access to the guest parking area shall be from driveways from public streets. Use of alleys for guest parking is prohibited.

(5) A bed and breakfast establishment may be considered a dormitory as defined and regulated within this code.

(h) Building material sales in mixed-use districts: Outdoor sales and storage shall be screened from any permitted or conditional residential use by a landscaped buffer strip at least 10 feet in width and landscaped according to the standards of Chapter 13-1800, Site Plan Review.

(i) Campground: Any proposed campground shall submit a master plan that shall describe proposed physical development for a site and shall include a description of proposed development phases and plans, estimated dates of construction, and anticipated interim uses of property. Any campground established after the effective date of this ordinance shall provide a minimum of five acres of land and be located with access to an arterial or collector street.

(j) Carwash:

(1) The carwash shall be completely enclosed when not in operation.

(2) Any access drive shall be located at least thirty (30) feet from any public street intersection, measured from the interior curb line commencing at the intersection of the street.

(3) Any carwash line exit shall be at least thirty (30) feet distant from any street line.

(4) Sound from any speakers used on the premises shall not be audible at the boundary of any surrounding residential district or on any residential property.

(5) Water from the carwash shall not drain across any sidewalk or into a public right-of-way.

(k) Day labor agency: A waiting area for clients shall be provided which shall be available to clients one hour prior to the posted opening of the use and shall include toilet facilities.

(l) Drive-through facility:

(1) Drive-through elements shall not be located between the front façade of the principal building and the street.
(2) Plans for onsite circulation and driveway locations shall be reviewed as part of the conditional use review process. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern. Adequate queuing lane space shall be provided without interfering with onsite parking/circulation.
(3) Alley access to drive-through lanes is prohibited on any block containing a residential or office-residence district, except for commercial deliveries when approved by the city engineer.
(4) Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.
(5) Sound from any speakers used on the premises shall not be audible at the boundary of any surrounding residential district or on any residential property.
(6) An emergency exit lane shall be provided for users queuing through the drive-through lane(s) without interfering with onsite parking/circulation

(m) Firearms sales and service in all districts:
(1) Firearms sales and service establishments shall be protected by a security system, as found acceptable by the City of Green Bay Police Department.
(2) All sales and service of firearms shall be conducted within a completely enclosed building.
(3) All accessory uses, such as firing ranges and shooting galleries, if provided, shall be in completely enclosed buildings under circumstances that weapons can be fired so as not to endanger any person or property and that the projectile is protected from leaving the structure, as found acceptable by the Green Bay Police Department.
(4) Firearms sales and service establishments shall meet all other requirements of the municipal code.

(n) Garden supply store/greenhouse, commercial districts:
(1) The storage or display of any materials or products shall meet all setback requirements of a structure.
(2) All loading and parking shall be provided off-street.
(3) The storage of any soil, fertilizer, or other loose, unpackaged materials shall be contained so as to prevent any effects on adjacent uses.

(o) Garden supply store/greenhouse in mixed-use districts:
(1) There shall be no exterior storage of bulk materials, such as dirt, sand, gravel, and building materials.
(2) There shall be no growing of materials for sale onsite.

(p) General retail in residential districts: A small general retail business may be combined with a residential use or conducted in a freestanding building of the traditional storefront type, provided the following conditions are met:
(1) Maximum gross floor area devoted to the use shall not exceed 2,500 square feet.
(2) The use shall occupy a corner property. Any freestanding building developed on such a property shall have a maximum setback of 10 feet from each right-of-way line.
(3) No retail or service business shall be constructed and no residential building shall be wholly or partially converted to such a use within a distance of three hundred (300) feet from any other retail or service business. No more than one retail or service business shall be located within the same block.
(4) Two off-street parking spaces shall be provided in addition to those required for any residential use. Off-street parking shall not be located between the principal building and the street.

(q) Health clubs in all industrial districts:

(1) Health clubs within industrial districts shall only be accessory to the primary permitted use and not be a primary use in themselves.
(2) The health club shall be for employees of the principal use and not be open to the public.
(3) The health club shall be accessed through a principal structure onsite and shall not be a stand-alone structure.

(r) Motor vehicle repair/service station in all mixed-use and commercial districts, as well as in the BP district:

(1) All vehicle repairs shall be conducted in a completely enclosed building.
(2) Inoperable and/or unlicensed vehicles or equipment typically stored or displayed in a salvage yard or "junkyard" shall not be visible to the public.

(s) Outdoor commercial recreation area:

(1) A minimum twenty-five (25) foot setback area maintained as open space shall be provided along the perimeter of the site wherever it abuts a residential property.
(2) If the use will be available to the general public, an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate shall serve the site.
(3) The site shall be designed in such a way as to minimize the effects of lighting and noise on surrounding properties.
(4) If the use will be available to the general public, ease of access to the site by automobiles, transit, bicycles, and pedestrians shall be considered as a factor in the review of any development proposal.

(t) Personal service business in residential districts: A small personal service business may be combined with a residential use or conducted in a freestanding building of the storefront type, provided the following conditions are met:

(1) Maximum gross floor area devoted to the use shall not exceed 2,500 square feet.
(2) The use shall occupy a corner property. Any freestanding building developed on such a property shall have a maximum setback of 10 feet from each right-of-way line.
(3) No retail or service business shall be constructed and no residential building shall be wholly or partially converted to such a use within a distance of three hundred (300) feet from any other retail or service business. No more than one retail or service business shall be located within the same block.
(4) Two off-street parking spaces shall be provided in addition to those required for any residential use. Off-street parking shall not be located between the principal building and the street.

(u) Restaurants with drive-through facilities: see "drive-throughs" under Transportation and Utilities.

(v) Payday Loan Businesses and Auto Title Loan Businesses: (Amd. GO 20-09)

(1) It is the purpose of this ordinance to regulate the hours of operation on all payday loan businesses and auto title loan businesses. The majority of existing payday loan businesses and auto title loan businesses are located near residential areas where business hours may impact the residents of the area. Payday loan businesses and auto title loan businesses, like other financial businesses, do not provide services that must be available at hours other than normal business hours. This ordinance is deemed for the benefit of the health, safety, and welfare of the public. No payday loan business or auto title loan business may be open between the hours of 9:00 PM and 6:00 AM.
(2) Payday loan businesses and auto title loan businesses allowed as a conditional use, provided no other payday loan business or auto title loan business is located within 5,000 feet, and no payday loan business or auto title loan business shall be allowed within 150 feet of any residential district.

13-1607. Production, processing, and storage uses.

(a) Auto salvage:

(1) Auto salvage uses shall be located on sites which are suitable from a topographic standpoint, so that development at the ground elevation up to a point 400 horizontal feet away will be adequately screened with fences and buffer areas surrounding the use.

(2) All material not stored in a completely enclosed building shall be enclosed with a solid fence which is 6 to 10 feet high and located on or inward from the established setback lines.

(3) No materials shall be placed on the property that would exceed a height equal to the vertical plane extending from the top of the approved fence.

(4) Hours of outside activity shall be limited to 7:00 a.m. until 8:00 p.m. and shall follow the City's noise regulations as detailed in Chapter 27, Green Bay Municipal Code.

(b) (Amd. GO 6-12) Limited production and processing in commercial and downtown districts: Limited production and processing may be approved as a principal use in the D1, D2, C1, C2, and C3 districts and may include wholesale and off-premise sales.

(1) Such uses shall be considered permitted uses when they do not exceed 1,200 square feet of gross floor area and include a retail or office component equal to at least 15 percent of the floor area of the use.

(2) Such uses may be approved with a conditional-use permit when they are greater than 1,200 square feet but do not exceed 10,000 square feet of gross floor area; and if found by the Plan Commission and Common Council to be consistent with the following development standards:

a. The intent for this use allowance is to encourage the adaptive use of existing downtown and commercial buildings and to encourage limited infill development of new structures. Such uses shall fit with their surrounding context in terms of intensity and scale of the use, functional character, and architectural character. Such uses shall have a positive image from the street frontage. While not necessarily required, preference will be given to locating such uses in existing buildings. In terms of functional character, such use in a D1 or D2 district, for example, should include display areas, a visible office presence, or some attraction or interaction with pedestrian traffic like a tour or retail outlet.

b. The intent for this use allowance is to not displace viable retail, office, or other permitted commercial, residential, or mixed uses from the downtown or commercial districts. Limited production and processing uses should be approved only where more typical downtown or commercial uses are not expected to compete for the same space.

c. The intent for this use allowance is for production and processing that have little to no external impacts and that are found to be compatible with the downtown or commercial environment. Such uses shall only be approved if they are found to have adequate parking and loading areas and to not have negative impacts on surrounding properties in terms of traffic, noise, odor, vibration, heat, glare, and the like. Impacts on any nearby residential uses will be considered in particular.

d. Limited production and processing uses should be approved only when their location in a downtown or commercial district is necessitated or reasonably expected due to the presence of other elements of that same business in a downtown or commercial district, whether on-site or off-site, such as offices, retail sales, or consumption of finished products.

(c) Self-service storage facility:

(1) No commercial transactions shall be permitted other than the rental of storage units.

(2) No more than one unit shall be accessed directly from the public street.

(3) Plans for onsite circulation and driveway locations shall be reviewed as part of the conditional use review process. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern

(d) Material Recovery Facility (Minor) (Cr. GO 8-09):

(1) No outdoor storage is permitted.
(2) All portions of the operation shall be located within a building.
(3) All applicable ordinances regarding noise and lighting shall be met within the Municipal Code.

13-1608. Public service and utility uses.

(a) Public safety/service facility:
(1) Must provide parking, as set forth in Chapter 13-1700, Off-Street Parking and Loading Facilities.
(2) Vehicular access to the site shall be from a collector or arterial street to ensure adequate traffic capacity.
(3) Must provide pedestrian access to the site.
(4) Transitional yards shall be required per Chapter 13-1800, Site Plan Review, wherein the nonresidential site is considered a "nonresidential district" for purposes of establishing minimum setback distances from opposite and adjacent residential zoning districts.
(5) A site plan showing site layout and front, side, and rear elevation drawings of the proposed building, as well as location and design of external signage and lighting, shall be furnished with architectural features specified in order to determine compatibility with uses permitted in this district.
(b) Wireless communication facilities and/or support structures:
(1) A proposal for a new wireless communication facilities and/or support structures shall not be approved unless the City Council finds that the telecommunications equipment planned for the proposed facilities cannot be accommodated on an existing or approved wireless communication support structure within a 1-mile search radius due to one or more of the following reasons, as documented by a qualified and licensed professional engineer:
   a. The planned equipment would exceed the structural capacity of the existing or approved wireless communication support structure, and it cannot be reinforced, modified, or replaced to accommodate equivalent equipment.
   b. The planned equipment would cause interference affecting the usability of other existing or planned equipment at the wireless communication facilities and/or support structures.
   c. Existing or approved wireless communication support structures within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably.
(2) Any proposed commercial wireless communication support structure shall be designed to accommodate both the applicant's antennas and comparable antennas for at least two additional users, as well as be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights.
(3) Design. Proposed or modified wireless communication facilities and/or support structures shall blend in with the surrounding environment, except as may be required by rules of the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC). Any associated utility buildings must also blend in with the character of the district in which it is located.
(4) Setbacks. Wireless communication facilities and/or support structures shall conform to the setback requirements of the underlying zoning.
(5) Signage. The use of any portion of a wireless communication facilities and/or support structures for signs other than warning or equipment signs is prohibited.
(6) Lighting. Wireless communication facilities and/or support structures shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the FAA or other federal or state authority for a particular wireless communication facilities and/or support structures.
(7) Security and Landscaping. Ground-mounted equipment and utility buildings shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the character of the surrounding neighborhood. The base of the

wireless communication support structure shall be secured so that it is not accessible by the general public.

(8) Abandonment.

a. All unused wireless communication facilities and/or support structures shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the Plan Commission. If leased property, a copy of the signed lease which requires the applicant to remove the wireless communication facilities and/or support structures upon cessation of operations at the site shall be submitted at the time of application. In the event that a wireless communication facilities and/or support structures is not removed within 12 months of the cessation of operations at a site, the wireless communication facilities and/or support structures may be removed by the City and the costs assessed against the property.

b. Unused portions of wireless communication support structures above a manufactured connection shall be removed within six months of the time of antenna relocation. The replacement of portions of a wireless communication support structure previously removed requires the issuance of a new conditional use permit.

(9) Interference. The wireless communication facilities and/or support structures shall be shielded, filtered, and grounded in a manner consistent with FCC and Electronic Industries Association guidelines so as to minimize the possibility of interference with locally-received transmissions. Additionally, the owner of said facilities shall execute an agreement holding the City harmless for any interference.

(10) Obstruction marking and airport zoning. All wireless communication facilities and/or support structures shall comply with the "Obstruction Marking and Lighting" requirements of the FAA in cooperation with the FCC. Written verification from the FAA of its obstruction marking requirements is required.

(11) Airport zone. If applicable, written verification of compliance with the Austin Straubel International Airport Zoning Ordinance is required.

(12) Municipal sites. The siting and design of wireless communication facilities and/or support structures on municipal property shall be consistent with the character of the area and other zoning requirements. Facilities shall not be located in conservancy areas but may be located in active recreation areas, major playfields, municipal parks, and maintenance facilities. Any application for a wireless communication facilities and/or support structures site within a park shall go before the Park and Recreation Committee, and applications for other municipal property shall go before the Improvement and Services Committee.

(13) Existing wireless communication facilities and/or support structures. Any structural modification to an existing wireless communication facilities and/or support structures must meet the requirements set forth in this section.

(14) Data sharing. The following data shall be submitted to the Planning Department and updated in a timely manner:

a. Parcel number and address where the wireless communication facilities and/or support structures are to be located.

b. Wireless communication support structure owners' and agents' contact information.

c. Number of tenants using wireless communication support structure and lease space available.

d. Wireless communication facilities and/or support structures elevations (in feet).

e. Wireless communication support structure type (monopole, lattice, etc.) and antenna technology on structure (cellular, PCS, etc.).

13-1609. Accessory uses. (Amd. GO 36-09)

(a) Home-based occupation.

(1) Home-based occupations may include small professional offices, service establishments, musical instruction, or home crafts which are typically considered accessory to a dwelling unit.
(2) A home-based occupation shall not involve the conduct of a retail or wholesale business, a manufacturing business, a commercial food service requiring a license, or auto service or repair for any vehicles other than those registered to residents of the property.
(3) A home-based occupation shall be carried on wholly within the main building or within a permitted accessory building.
(4) Exterior alterations or modifications that change the residential character or appearance of the dwelling, any accessory buildings, or the property itself shall be prohibited.
(5) No person other than residents of the principal dwelling may be employed in the home-based occupation.
(6) Service occupations shall serve no more than two parties at a time where a party is defined as one client or a group of no more than four individuals representing one client. A party is also defined as one family.
(7) There shall be no exterior storage of equipment or supplies associated with the home-based occupation. Neither an enclosed trailer nor an open trailer that is empty shall be considered "equipment" and may be parked outside in compliance with section 13-1724.
(8) The required off-street parking area provided for the principal use shall not be reduced or made unusable by the home-based occupation. There shall be parking of no more than one motor vehicle (not exceeding 10,000 pounds) associated with the home-based occupation, and parking of vehicles and trailers shall comply with Section 13-1724.
(9) There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat, or glare at or beyond the property line.
(10) The operation of the home occupation, as it is apparent to adjacent residential uses, shall begin no earlier than 7:00 a.m. and end no later than 9:00 p.m.
(11) Shipment and delivery of products, merchandise, or supplies shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. and shall occur only in single rear-axle straight-trucks or smaller vehicles normally used to serve residential neighborhoods.
(12) A home-based occupation may have an identification sign conforming to the standards for signs in residential districts, as specified in Chapter 13-2000, Signs.
(13) The use of a dwelling unit for a home-based occupation shall be clearly incidental and subordinate to its use for residential purposes by including no more than 25% of the habitable floor area of the dwelling unit in the conduct of the home-based occupation.
(14) Any home-based occupation that exceeds the standards of this section is permitted only through a conditional use permit, as outlined in Chapter 13-200, Administration.
(15) No home-based occupation shall be permitted or approved as a conditional use that is found to impair the character of the residential neighborhood or that is found to pose a risk to health or safety in excess of that which is common to a residential neighborhood. Examples of such conditions may include, but are not necessarily limited to, the following:
    a. Business activities or uses that generate excessive traffic relative to the type of street that it fronts upon and the level of traffic that existed prior to the home-based occupation.
    b. Business activities or uses that regularly require parking on the street.
    c. Business activities or uses that involve the presence of non-resident individuals from potentially dangerous populations such as individuals under arrest, on parole, under extended supervision or probation, or registered as sex offenders.
    d. Business activities or uses that create a greater risk of disease, fire, explosion, or other hazard.

13-1610. Development Standards – Small Wind Energy System. (Cr. GO 1-11)

(a) Standards

(1) Multiple free standing or roof mounted wind energy systems may be permitted per parcel under a Conditional Use Permit compliant with Chapter 13-200 Green Bay Zoning Code.

(2) Met towers shall be permitted under the same standards, permit requirements, permit and abandonment procedures as a small wind energy system.

(3) Height Limitations

a. The overall height of any free standing small wind energy system may be permitted to supersede zoning district height standards but shall not exceed 170 feet in total height.

b. Roof mounted wind energy systems shall be integrated, to the extent possible, into the design of the structure that it is being attached to and shall not exceed the height requirement of the zoning district.

(4) Setbacks: A wind tower for a small wind system shall be setback a distance equal to its total height from:

a. Any public road right of way, unless written permission is granted by the governmental entity with jurisdiction over the road;

b. Any overhead utility lines, unless written permission is granted by the affected utility;

c. All property lines within residentially zoned districts.

d. All property lines within or adjacent to commercial or industrial zoned areas, unless written permission granted from the affected property owners.

(5) Sound/Noise Level: On-site small wind energy systems shall comply with Chapter 27.201(2), Public Peace and Good Order, Regulation of Noise Limitations, Green Bay Municipal Code. Sound pressure levels may be exceeded during short term events such as utility outages and/or severe wind storms. All small wind energy systems shall be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limits of the rotor.

(6) Access:

a. All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.

b. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public at a minimum height of 8 feet above the ground.

(7) Electrical Wires: All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, shall be located underground.

(8) Lighting: A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.

(9) Appearance, Color, and Finish: The wind generator and tower shall remain painted or finished in the color or finish that was originally applied by the manufacturer, unless approved in the building permit. All portions of the wind energy system shall be a non-reflective, non obtrusive color. Only monopole towers are permitted. The appearance of the turbine, tower and any other related components shall be maintained throughout the life of the wind energy system pursuant to industry standards.

(10) Shadow Flicker: Small wind energy systems shall be sited in a manner that does not result in significant shadow flicker impacts. The applicant has the burden of proving that the shadow flicker will not have significant adverse impact on neighboring or adjacent uses. Potential shadow flicker will be addressed either through siting or mitigation measures.

(11) Signs: All signs shall be prohibited, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited. Systems shall not be used for displaying any advertising.

(12) The applicant shall notice Eagle III Rescue of any free-standing small wind energy system.

(13) All small wind energy system towers more than 50' tall require a height permit from the Airport Director.

(14) Before construction, the applicant shall check to determine if the proposal meets the reporting criteria of Code of Federal Regulation (CFR) Title 14, Part 77.13; and if required, notify the Federal Aviation Administration (FAA) using their Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) website:
https://oeaaa.faa.gov/oeaaa/external/portal.jsp
The FAA's notice criteria tool is at:
https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm
If the proposal meets FAA reporting criteria, the City of Green Bay will table action on approving the proposal until the FAA airspace study is complete, and the FAA has issued a final Letter of Determination of no hazard to air navigation.

(15) Code Compliance.
a. A small wind energy system including tower shall comply with all applicable state construction and electrical codes, and the National Electrical Code.
b. Small wind energy systems that connect to the electric utility shall comply with the Public Service Commission of Wisconsin's Rule 119, "Rules for Interconnecting Distributed Generation Facilities."

(b) Site Plan Review and Building Permit Requirements.

(1) All applications for permits shall comply with the requirements of Chapter 13-1800 Site Plan Review, and a building permit shall be required for the installation of a small wind energy system.

(2) The site plan application shall include but not limited to the following:
a. Property lines and physical dimensions of the property
b. Location, dimensions, and types of existing major structures on the property
c. Location of the proposed wind system tower
d. The right-of-way of any public road that is contiguous with the property
e. Location of any overhead utility lines
f. Wind system specifications, including manufacturer and model, rotor diameter, tower height
g. Tower foundation blueprints or drawings
h. Tower blueprint or drawing
i. Details of any support or structural components.
j. An ambient sound sample and the manufacturer's sound report
k. Insurance. A person seeking a building permit to erect a small wind energy system shall provide evidence, in the form of a certificate of insurance satisfactory to the city, showing general liability insurance coverage for the installation and operation of the system under a standard homeowner's or standard business owner's insurance policy, separate and distinct from any insurance requirements of a public utility.

(c) Abandonment

(1) A small wind energy system that is out-of-service for a continuous 12-month period will be deemed to have been abandoned. The Zoning Administrator may issue a Notice of Abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. The Zoning Administrator shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the small wind energy system has not been abandoned.

(2) If the small wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the facility at the owner's sole expense within 3 months of receipt of Notice of Abandonment. If the owner fails to remove the wind generator from the tower, the Administrator may pursue a legal action to have the wind generator removed at the owner's expense.

13-1611. Development Standards – Solar Energy Systems. (Cr. GO 9-12)

(a) Height and Setback Requirements
  (1) Multiple ground-mounted and/or roof mounted solar energy systems may be permitted per parcel compliant with the standards of the zoning district they are allowed in.
  (2) Height Limitations
    a. Building or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district.
    b. Ground or pole-mounted solar energy systems shall not exceed 16 feet in height when oriented at maximum tilt.
  (3) No solar energy system, at full tilt parallel to the ground, shall encroach into a required setback and shall not cause the property's total area of ground covered to exceed the maximum impervious coverage for the district in which the system is located. Ground-mounted systems impervious coverage shall be calculated by using the total square footage of the panel face.
  (4) Ground-mounted and or pole-mounted solar energy systems shall not be allowed in residential districts between the front of the building and the public right-of-way without a conditional-use permit.
(b) Ground-mounted Solar Energy System
  (1) All electrical wires associated with a solar energy system, other than wires necessary to connect the system, grounding wires, etc. shall be located underground.
  (2) A ground-mounted solar energy system must comply with the accessory structure restrictions contained in the zoning district where the solar energy system is installed.
  (3) All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
(c) Roof-mounted Solar Energy System
  (1) The collector surface and mounting devices for roof-mounted solar systems shall not extend beyond the exterior perimeter of the building roof and shall not exceed the highest point of the roof line on which the system is mounted or built. Flat roof systems are permitted and will require screening consistent with this ordinance to minimize the overall height of systems. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building roof on a side yard exposure.
  (2) The solar system must blend into the building on which the system is mounted by being sufficiently setback from public right-of-ways or screened from view from the right-of-way, or by using a surface collector color that blends into the roof or wall color of the building as seen from the public right-of-way.
(d) Code Compliance
  (1) A solar energy system shall comply with all applicable state and local construction, electrical and plumbing codes, where applicable.
  (2) Solar energy systems that connect to the electric utility shall comply with the Public Service Commission of Wisconsin's Rule 119, "Rules for Interconnecting Distributed Generation Facilities."
  (3) The design of the Solar Energy System shall conform to applicable industry standards.
  (4) No grid-intertie photovoltaic system shall be installed until evidence has been given to the Green Bay Building Inspection Department that the owner has submitted notification to Wisconsin Public Service Corporation of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.
(e) Site Plan Review and Building Plan and Permit Requirements
  (1) All applications for permits shall comply with the requirements of Chapter 13-1800 Site Plan Review, building plans and a building permit shall be required for the installation of a solar energy system.

(2) The site plan application shall include but not be limited to the following:

a. Property lines and physical dimensions of the property.
b. Location, dimensions, and types of existing major structures on the property.
c. Location of the proposed solar energy system(s) and any overhead utility lines.
d. The right-of-way of any public road that is contiguous with the property.
e. Solar energy system mounting plan and details of any support or structural components.
f. A written description of solar panel tracking mechanism and a detailed layout of orientation limits.

(f) Abandonment

(1) A solar energy system that is out-of-service for a continuous 12-month period will be deemed to have been abandoned. The Zoning Administrator may issue a Notice of Abandonment to the owner of a solar energy system that is deemed to have been abandoned. The owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. The Zoning Administrator shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the solar energy system has not been abandoned.

(2) If the solar energy system is determined to be abandoned, the owner of the solar energy system shall remove the facility at the owner's sole expense within 3 months of receipt of Notice of Abandonment. If the owner fails to remove the solar energy system, the Administrator may pursue a legal action to have the system removed at the owner's expense.

CHAPTER 13-1700. OFF-STREET PARKING, DRIVES, AND LOADING

SECTION 1. GENERAL PROVISIONS

13-1701. Purpose. Parking and loading regulations are established to alleviate or prevent congestion of the public right-of-way, to provide for the parking and loading needs of uses and structures, to enhance the compatibility between parking and loading areas and their surroundings, and to regulate the number, design, maintenance, and location of required off-street parking and loading spaces and access driveways and aisles.

13-1702. Change of use. When the use of a building or site is changed or the intensity of use is increased through the addition of dwelling units, gross floor area, capacity, or other unit of measurement used for determining parking and loading requirements, parking and loading facilities shall be provided for such change or intensification of use as specified in Table 17-2.

13-1703. Existing facilities. Existing parking and loading facilities shall not be reduced below the requirements for a similar new use or, if less than the requirements for a similar new use, they shall not be reduced further.

13-1704. Use limitations. (Amd. GO 26-11) Required parking and loading spaces and the driveways providing access to them shall not be used for storage, display, sales, rental, or repair of motor vehicles or other goods or for the storage of inoperable vehicles or snow. Notwithstanding other provisions of this ordinance, any residentially-permitted vehicle shall be permitted to park in the front yard, side yard, or rear yard setbacks of any single-family or two-family dwellings on the days games are played in Green Bay by professional football teams of the National Football League. The Director of Planning and/or Director of Public Works may permit residential vehicles to be parked on the front, side, and rear yard of single- and two-family dwellings during the day of a special event held at Lambeau Field when the event is expected to exceed an estimated attendance of 20,000 or more individuals.

SECTION 2. DRIVEWAYS

13-1705. Residential driveways. The following regulations apply to single- and two-family residential uses. (Amd. GO 22-07)

(a) (Amd. GO 7-10) (Amd. GO 8-12) The maximum width of any driveway at the curb line shall be no greater than 30 feet and symmetrically tapered to a driveway width at the sidewalk section or property line no greater than 25 feet. Driveway stalls may be allowed up to 10 feet in width and an additional two feet may be provided beyond either side of the garage door for two stall or larger attached garages. For attached single stall garages 10 feet or less in width, the driveway may be expanded up to 8 feet beyond the garage door opening, but shall not be located in front of the primary entrance to the residence and shall be consistent with this Section and Section 13-1709. The widened portion of the driveway must be tapered into the driveway at the property line over a distance of 5 feet or more. In no case shall the maximum driveway width be greater than 50 percent of the lot frontage.

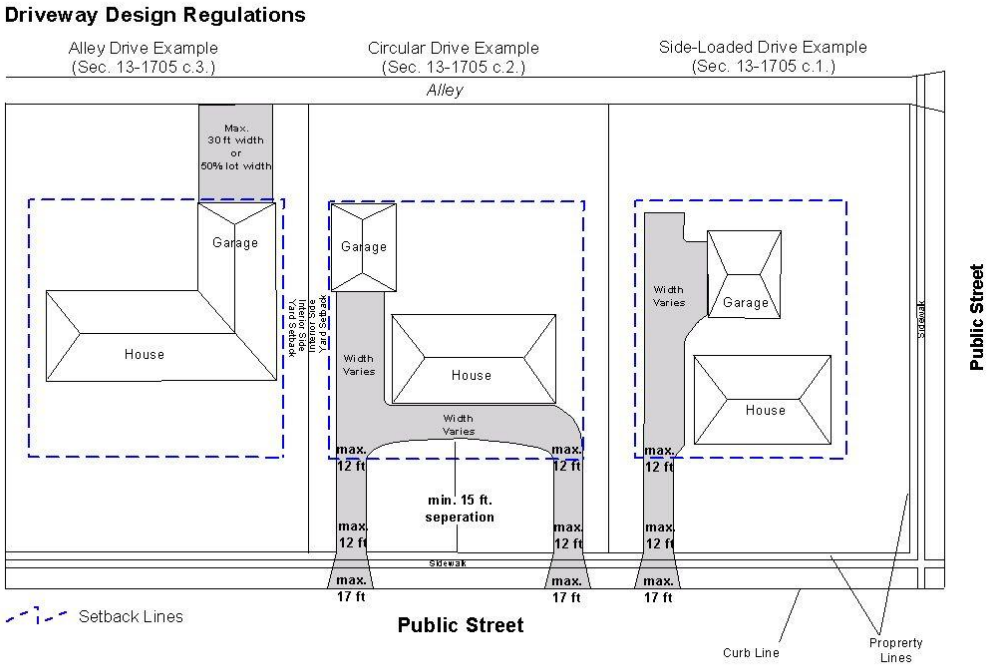
(b) Driveways shall lead directly to a garage opening or parking space unless it is a drive as specified below.

(c) Driveways may be designed as one of the following:

(1) Side-loading drives: The driveway shall not be located within the side yard setback. The curb cut shall not be greater than 17 feet in width and shall taper over no more than 5 feet to a maximum of 12 feet in width within the front yard setback. The driveway width may extend to the width of the garage opening once outside the front yard setback.

(2) Circular drives: The driveway shall not be located within the side yard setback. The curb cut shall not be greater than 17 feet in width and shall taper over no more than 5 feet to a maximum of 12 feet in width within the front yard setback. The top of the inner arc of the drive shall be located a minimum of 15 feet from the right-of-way line or front property line. The interior area between the drive and the street must be appropriately landscaped.

(3) Alley drives: The driveway may extend to the garage opening or may extend into the lot for 30 feet in width and 40 feet in depth, but in no case shall it extend into the side yard setbacks. In no case shall the driveway width be greater than 50 percent of the lot width.



(d) Number of driveways.

(1) A maximum of one 2-way driveway or one 1-way driveways for single-family uses shall be permitted from each street right-of-way to which a lot or parcel has frontage, subject to the driveway design regulations specified herein.

(2) A maximum of one driveway per dwelling unit is permitted for two-family uses, subject to the driveway design regulations specified herein.

13-1706. Nonresidential and multifamily driveways. The following regulations apply to all nonresidential and mixed uses, as well as multifamily and single-family attached uses.

(a) Double or two-way drives.

PRIMARY USE OF DRIVE	MAXIMUM WIDTH AT PROPERTY AND SETBACK LINE	MAXIMUM WIDTH AT CURB LINE
Autos and Single Axle Trucks	20 feet	30 feet
Semi-Trailers	25 feet	35 feet

(b) One-way drives

PRIMARY USE OF DRIVE	MAXIMUM WIDTH AT PROPERTY AND SETBACK LINE	MAXIMUM WIDTH AT CURB LINE
All	15 feet	25 feet

(c) Safe design. A curb or safety island may be required between adjacent driveways, between the property line and curb line, or between the property line and the building.

(d) Corner lots. The driveway approaches measured along the curb line shall not be less than 25 feet from the intersection of the street right-of-way lines on a corner lot or 35 feet from the point of intersection of the face of the curbs, whichever is greater.

(e) Number of driveways. A maximum of one two-way driveway or two one-way driveways shall be permitted from each street right-of-way to which a lot or parcel has frontage, except under the following circumstances:

(1) Multiple two-way driveways may be permitted on one street frontage provided the distance between the driveway centerlines is no less than 200 feet.

(2) Mixed two-way and one-way driveways may be permitted on one street frontage provided the distance between the driveway centerlines is no less than 200 feet.

(3) Additional driveways shall be permitted if necessary for the public safety and convenience and with the written permission of the Director of Public Works.

(f) Distances between curb openings.

(1) On the same parcel - The minimum distance between one-way driveways at the curb line shall be no less than 15 feet.

(2) On adjoining parcels - Where two adjoining driveways abut, the maximum opening at the curb shall be the maximum for a single driveway, as shown in 13-1706 (a) and (b). Both parcels must share the driveway.

(g) Traffic may be restricted as to direction of flow.

(1) Every driveway approved for one-directional movement only shall be equipped with a sign indicating to motorists its direction.

(2) Driveways shall be constructed and signs for directional movement of traffic shall be constructed and installed in accordance with City of Green Bay Standard Specifications and Construction Standards for Public Works.

(h) Driveways which have been abandoned and are not included on the approved site plan shall be removed, in their entirety, to the setback line and replaced at the property owner's expense with full height curb and sidewalk (where applicable).

SECTION 3. OFF-STREET PARKING

13-1707. Where required. Off-street parking meeting the standards of this chapter shall be required in all zoning districts, except in the Downtown Zoning District, in which off-street parking for nonresidential uses may be reduced to f**ifty (50)** percent of the total number of stalls required if less than 1,500 feet from an off-street parking facility.

13-1708. Location. Required parking and loading spaces shall be located on the same lot or development site as the use served except under the following provisions and with the approval of the City Council.

(a) Reasonable and improved access shall be provided from the off-site parking facilities to the use being served.

(b) Off-site parking for multiple-family dwellings shall be located no less than one hundred (100) feet from any normally used entrance of the use being served.

(c) Off-site parking for nonresidential uses shall be located no less than one thousand (1,000) feet from the main entrance of the principal use being served, with the exception of employee parking where a shuttle service is provided, as specified in Section 13-1723.

(d) The site used for off-site parking shall be under the same ownership as the principal use being served or under public ownership, or the use of the parking facilities shall be protected by a recorded instrument acceptable to the city.

13-1709. Setbacks for parking areas. Parking areas shall be set back from lot lines in compliance with the following:

(a) Front and corner side yards. Parking areas shall not be located within a required front or corner side yard.

(1) In the Residential and Mixed-Use Districts, parking shall not be located between the front façade of the principal building and the street.

(b) Interior side yards

(1) Residential uses: Parking areas shall be permitted within required interior side yards, with a minimum setback of two and one-half (2.5) feet from the side lot line.

(2) Nonresidential uses: Parking areas shall not be located within a required interior side yard.

(c) Rear yards

(1) Residential uses: Parking areas shall be permitted within two and one-half (2.5) feet of the required rear yards, unless on an alley, which does not require a setback.

(2) Nonresidential use: Parking areas shall not be located within a required rear yard.

(d) Parking perimeter buffers. Parking in any yard abutting a public street or walkway shall be separated from the street or walkway by a landscaped buffer strip meeting the requirements of Section 13-1822. Parking areas and parking lots abutting residential uses in residential districts shall be separated by a perimeter landscape buffer meeting the requirements of Section 13-1820.

13-1710. Calculation of requirements. Calculating the number of spaces required shall be in accordance with the following:

(a) Gross floor area. The term "gross floor area" (GFA) for the purpose of calculating the number of off-street parking spaces required includes the sum of the gross horizontal area of a floor or several floors of a building or structure measured from the exterior face of exterior walls or the centerline of a wall separating two buildings or structures, not including uninhabitable attics or basements, underground parking, uncovered steps or decks, and exterior balconies.

(b) In churches and other places of public assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each 24 inches of such seating shall be counted as one seat for the purpose of this subdivision.

(c) In cases where parking requirements are based on "capacity" of persons, capacity shall be based on the maximum number of persons that may occupy a place, as determined by the building code. Maximum capacity shall be posted within the establishment. Both indoor and outdoor seating are included in maximum capacity.

(d) When calculating the number of off-street parking spaces results in a fraction, each fraction of one half (1/2) or more shall require another space.

(e) Except in shopping centers or where joint parking requirements have been approved, if a structure or site contains two or more uses, each use shall be calculated separately in determining the total off-street parking spaces required.

(f) In cases where future potential uses of a building may generate additional parking demand, the city may require a proof of parking plan for the site showing how the anticipated parking demand will be met. The city may permit the additional land area that would be required for anticipated parking to be placed in reserve as landscaped open space until needed.

SECTION 4. PARKING AREA DESIGN AND MAINTENANCE

13-1711. Submission of parking plan. Any application for a building permit or zoning certificate requiring or including the provision of off-street parking shall include a parking plan. Said plan shall be drawn to scale and fully dimensioned showing parking facilities to be provided in compliance with this ordinance.

13-1712. Access to parking spaces. Each required off-street parking space shall open directly to an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to the parking space, as shown in Table 17-1, Minimum Parking Space and Aisle Dimensions, except where accessory to residential uses of up to four (4) units.

13-1713. Maneuvering area. All parking areas except those serving one- and two-family dwellings on local streets shall be designed so that cars shall not be required to back into the street. If deemed necessary for traffic safety, turn-around areas may be required.

13-1714. Surfacing.

(a) In general. All open off-street parking areas, all driveways leading to such parking areas, and all other areas upon which motor vehicles may be located shall be surfaced with a dustless all-weather hard surface material capable of carrying a wheel load of four thousand (4,000) pounds. Acceptable surfacing materials shall include asphalt, concrete, brick, cement pavers, or similar material installed and maintained per industry standards.

(b) Residential drives may contain a grass center provided that the areas on which the vehicle's wheels touch are a minimum of 12 to 18 inches in width.

13-1715. Marking of parking spaces. All parking areas containing four (4) or more spaces or containing angled parking shall have the parking spaces and aisles clearly marked on the pavement using paint or other approved marking devices approved by the City Engineer. Such markings shall be maintained in a clearly legible condition.

13-1716. Size.

(a) In general. The minimum dimensions for required parking spaces are stated in Table 17-1, Minimum Parking Space and Aisle Dimensions, and shown in Figure 17-1, Minimum Parking Dimensions Diagram.

(1) For parking areas containing ten (10) or fewer parking spaces, all required spaces shall comply with the minimum dimensions for standard spaces.
(2) For parking areas containing more than ten (10) parking spaces, at least seventy-five (75) percent of the required parking spaces shall comply with the minimum dimensions for standard spaces. The remaining spaces shall comply with the minimum dimensions for compact spaces.
(3) Compact spaces shall be clearly labeled as such. Minimum dimensions are exclusive of access drives or aisles, ramps, or columns.

13-1717. General maintenance. Parking areas and driveways shall be kept free of dirt, dust, debris, and waste. In winter months, required parking areas shall be cleared of snow within a reasonable time.

13-1718. Accessible parking. Accessible parking spaces for the disabled shall be provided as required by the International Building Code.

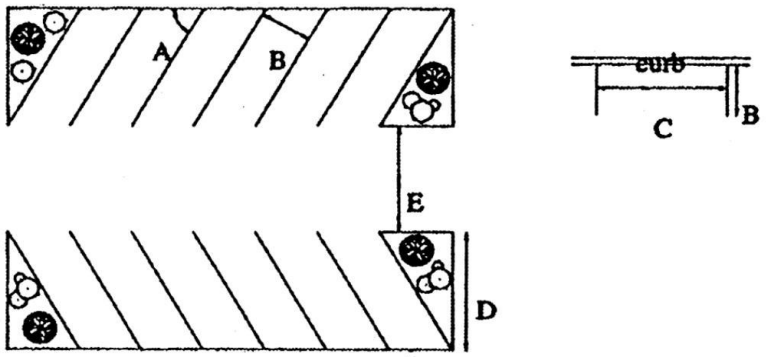
Table 17-1 Minimum Parking Space and Aisle Dimensions

Angle (A)	Width (B) *	Curb Length (C)	Stall Depth (D) **	1-Way Aisle Width (E)	2-Way Aisle Width (E)
0 (Parallel)	9’	22	8’6”	14’	22’
45°	9’	12’	18’9”	14’	22’
60°	9’	9’10”	19’10”	18’	22’
90°	9’	8’6”	18’	20’	22’

* Subcompact spaces may account for up to 20 percent of the total parking area required. They may be reduced in size to a width of 8’ and a stall depth of 12 percent less than (D) above and must be grouped and signed appropriately

** Parking spaces that use an appropriately sized curb overhang over a landscaped island or buffer may be reduced in depth by 1’6”. A concrete curb or other means shall be provided to prevent parked vehicles from damaging plant materials.

Figure 17-1. Minimum parking dimensions diagram



SECTION 5. SPECIFIC OFF-STREET PARKING REQUIREMENTS

13-1719. Parking requirements.

(a) In general. Accessory off-street parking shall be provided as specified in Table 17-2, Specific Off-street Parking Requirements, except as otherwise specified in this chapter.

(b) Where on-street parking spaces exist adjacent to the use in question, these spaces may be counted toward the total amount of off-street parking required.

(c) In addition to the requirements in Table 17-2, one (1) parking space shall be provided for each commercial vehicle or vehicle necessary for the operation of the use that is maintained on the premises.

(d) Parking spaces for uses with multiple components, such as hotels with dining and conference facilities, shall be based on the sum of the parking requirements of the separate components.

(e) Where a parking study is required, the study shall be performed by a qualified transportation engineer or transportation planner. The study shall contain information on the anticipated number of employees, customers, visitors, clients, shifts, events, or deliveries to the use and may refer to other studies or similar situations elsewhere.

(f) Buildings built on speculation or not initially occupied due to an unknown use shall be required to provide one (1) stall per two hundred (200) gross square feet.

Table 17-2: Specific Off-Street Parking Requirements (Amd. GO 31-06)

Use	Minimum Parking Requirement	Notes
Residential Uses		
Dwellings		
Single-family dwelling, detached (60' lot width or greater)	2 spaces per dwelling unit, including a minimum of 2 enclosed (garage) spaces	
Single-family dwelling detached (less than 60' of lot width)	2 spaces per dwelling unit, including a minimum of 1 enclosed (garage) space	
Two-family dwelling	2 spaces per dwelling unit, including a minimum of 1 enclosed (garage) space	
Single-family attached dwelling	2 spaces per dwelling unit, including a minimum of 1 enclosed (garage) space	
Multiple-family dwelling	1 space per 1-bedroom unit 2 spaces per 2-bedroom or larger unit plus 1 visitor space per 4 units	
Senior (elderly) housing	1 space per dwelling unit	If senior housing may be converted to general housing in the future, proof of additional parking shall be required
Carriage house	1 space per dwelling unit	
Live-work unit	2 spaces per dwelling unit	At least one of the required spaces shall be accessible for client parking
Mobile home park	2 spaces per dwelling unit	
Transient Residential Parking (Cr. GO 9-09)	1 space for each 3 persons of dwelling occupancy	A site plan shall be submitted with an application for a Transient Residential Permit, which identifies the location of the required off-street parking. Exceptions to this requirement are detailed in Ch. 13-1704 Off-Street Parking, Drives and Loading
Congregate Living		
Rooming house, boarding house	1 space per room plus one space for each fulltime staff equivalent	
Community living arrangement	1 space per employee on the largest shift plus 1 visitor space for every 4 residents based on capacity	
Dormitories, student housing, fraternity, sorority house	To be determined by Zoning Administrator based on parking study	Parking study required

Use	Minimum Parking Requirement	Notes
Convent, monastery	1 space per 3 beds plus 1 space per employee on the largest shift	Parking study required
Nursing home, assisted living	1 space per 4 beds plus 3 spaces per 4 employees on the largest shift	A plan to manage parking during shift changes shall be provided to the Zoning Administrator
Educational Uses		
Adult/family daycare home	1 drop-off space	Drop-off space may be on street adjacent to residence with permission of the City Engineer
Group daycare center, preschool	1 space per employee plus 1 space per 7 students based on capacity or 1 space per 10 students if an off-street drop-off and pickup space is provided	
School, grades K-12	1 space per staff member plus 1 space per 5 students of legal driving age based on design capacity	Existing schools not meeting this standard may be required to develop a parking management plan but shall not be required to add the minimum number of spaces
College or university, other adult learning center	To be determined by Zoning Administrator based on parking study	Parking study required
Trade school, arts school, dance school, etc.	1 space per staff member plus 1 space per 5 students based on capacity. If students are expected to drive, parking shall be determined by Zoning Administrator based on parking study.	
Institutional and Civic Uses		
Community center, neighborhood center, cultural institution, library	Parking equal to 30 percent of the capacity of persons	
Cemetery	10 spaces per interment based upon maximum number per hour or as determined by Zoning Administrator	
Hospital	To be determined by Zoning Administrator based on parking study but not less than 1 space per 3 beds based on capacity	Parking study required
Playing field, public	1 space per each four (4) persons of maximum design capacity	
Religious institution, place of worship	1 space per each 6 seats based on design capacity of the main assembly hall	Additional facilities may require additional parking, as determined by Zoning Administrator

Use	Minimum Parking Requirement	Notes
Public Service and Utilities		
Governmental and public utility buildings and structures	1 space per employee plus visitor parking as determined by Zoning Administrator	
Commercial Uses		
Offices		
General office, government office, bank, financial institution, medical office, clinic	1 space per 300 sq. ft. of the first 8,000 sq. ft. GFA; 1 space per 1,000 sq. ft. GFA in excess of 8,000 sq. ft.	
Artist's studio	1 space per 500 sq. ft. GFA devoted to sales or display	
Accommodation and Food Service		
Bed and breakfast	1 space per guest room in addition to dwelling unit requirements	
Hotel, inn, motel	1 space per guest room plus additional spaces as needed for meeting or restaurant facilities	Additional facilities may require additional parking, as determined by Zoning Administrator
Restaurant, with or without drive-through; tavern or bar	1 space per 3 customer seats or each 100 sq. ft. of interior space (the greater) plus 1 space per 200 sq. ft. exterior seating area. Drive-throughs shall require queuing space for at least 3 vehicles in advance of the menu board and 3 vehicles between the menu board and pickup window.	
Service businesses		
Personal service businesses not individually listed	1 spaces per 250 sq. ft. GFA plus 1 space per 1,000 sq. ft. outside sales or display area	Includes any service uses not specifically listed in this table
Barber shop/beauty salon	2 spaces per work station plus 2 spaces per 3 employees	
Funeral home	1 space per each 5 seats in the main assembly room plus 1 space for each 250 square feet of GFLA not used for seating	
Veterinary clinic	6 spaces per veterinarian	
Retail		
General retail sales, shopping center	1 space per 250 sq. ft. GFA plus 1 space per 1,000 sq. ft. outside sales or display area	Includes any retail uses not specifically listed in this table

Automobile Services		
Automobile rental	1 space per 250 sq. ft. of GFA plus adequate storage space for rental vehicles maintained on site	
Motor vehicle repair, major or minor, service station, convenience store	1 space per 250 sq. ft. of GFA used for sales or customer service plus 2 spaces per service bay	Service bay shall not be counted as a parking space
Commercial Recreation and Entertainment		
Auditorium, theater, convention center, stadium, ballpark, outdoor sport arena	1 space per each 4 seats based on design capacity	
Nightclub	1 space per 3 customer seats or each 100 sq. ft. of interior space (the greater)	
Bowling alley	5 spaces per lane plus parking equal to 30% of the capacity of persons for related uses, such as dining or entertainment	
Golf course	5 spaces per hole plus parking equal to 30% of the capacity of persons for related uses, such as dining	
Playing field, athletic field	1 space per each four (4) persons of maximum design capacity	Parking study may be required for large or multiple-use facilities
Skating rink, hockey rink	1 space per 150 square feet of rink area	
Sports and health facility	1 space per 250 square feet GFA plus 2 spaces per tennis or racquetball court plus additional spaces as required for swimming pools, etc.	
Swimming pool	1 space per 150 square feet of pool area	
Production, Processing, and Storage		
Industrial uses, including limited production and processing, light industrial, general industrial, and other industrial uses not specified below	1 space per 1,000 sq. ft. GFA up to 20,000 sq. ft. plus 1 space per 2,000 sq. ft. GFA in excess of 20,000 sq. ft., <u>or</u> per 5 regular employees, whichever is greater.	Customer/visitor parking may also be required
Contractor office and showroom, self-service storage facility, wholesale and distribution facility	1 space per 300 sq. ft. GFA of office, sales, or display area plus 1 space per 3,000 sq. ft. of storage area	
Self-service storage facility	1 space per 300 sq. ft. GFA of office or sales area plus 1 space per individual storage facility	

Wholesaling, warehousing, and distribution	1 space per 300 sq. ft. GFA of office or sales area plus 1 space per 3,000 sq. ft. of storage area	
Other industrial activities that are conducted largely out-of-doors, including concrete, asphalt, and rock crushing facility, scrap yard, recycling, etc.	2 spaces per 3 employees on the largest shift, based on maximum planned employment	
Public Service and Utilities		
Communication facilities	As approved by CUP	
Government or public utility buildings and structures	To be determined by Zoning Administrator and based on type of use (offices, storage, production)	
Street and equipment maintenance facility, waste disposal or transfer unit.	1 space per 300 of GFA of office or sales area plus 1 space per 3,000 sq. ft. of storage or maintenance area.	
Other public service or utilities uses	As approved by CUP.	

13-1720. Shared parking. The City Council may, after receiving recommendations from the Planning Commission, approve the use of a required off-street parking area for more than one principal use on the same or an adjacent or opposite (directly across the street) development site if the following conditions are met.

(a) Entertainment uses. Up to seventy (70) percent of the parking facilities required for a theatre, bowling alley, bar, nightclub, or tavern may be supplied by off-street parking facilities provided for primarily daytime uses, as specified below.

(b) Nighttime or Sunday uses. Up to seventy (70) of the off-street parking facilities required for any use specified below as primarily daytime uses may be supplied by the parking facilities provided for the following nighttime or Sunday uses: auditoriums incidental to a public or parochial school, churches, bowling alleys, theatres, bars, nightclubs or taverns (excluding those with restaurants), or multifamily apartments.

(c) School auditorium and church uses. Up to seventy (70) of the parking facilities required by this section for a church or an auditorium incidental to a public or parochial school may be supplied by the parking facilities provided by uses specified below as primarily daytime uses.

(d) Daytime uses. For the purpose of this section, the following uses are considered as primarily daytime uses: banks, offices, retail stores, personal service shops, service and repair shops, manufacturing, wholesale, and similar uses.

(e) The use for which application is being made for joint parking shall be located within one thousand (1,000) feet of the use providing the parking facilities.

(f) The applicant shall show that there is no substantial conflict in the principal operating hours of the buildings or uses for which joint parking is proposed.

(g) A legally binding instrument, executed by the parties concerned, for joint use of off-street parking facilities shall be approved by the City Attorney and filed with the city within sixty (60) days after city approval of the joint parking use.

13-1721. Valet parking. Up to fifty (50) percent of the off-street parking for restaurants, hotels, and theaters existing on the effective date of this ordinance may be fulfilled by maintaining a valet parking service for customers. The valet service shall provide service to and from the main entrance. A

passenger loading area, as approved by the City Engineer, shall be provided near the main entrance. The parking area shall be located no farther than one thousand (1,000) feet from the main entrance.

13-1722. Bicycle parking.

(a) In general. A minimum of four (4) bicycle parking spaces may be provided in lieu of not more than one (1) required automobile parking space.

(b) Location. Bicycle parking spaces and racks shall be located in a convenient and visible area no farther from the principal entrance to the building served than the closest automobile parking space. With the permission of the City Engineer, bicycle parking may be located in the public right-of-way.

(c) Design. Bicycle parking shall consist of a bike rack designed so that the bicycle frame can be locked to the rack. Bike rack design shall be subject to the approval of the City Engineer.

(d) Covered spaces. If accessory automobile parking spaces are covered, bicycle parking spaces shall also be covered.

13-1723. Employee parking. Retail and service businesses and major institutions, such as hospitals, are encouraged to provide designated employee parking. Such parking may be in a remote location at a greater distance than the one thousand (1,000) foot minimum specified in Section 13-1708, provided that shuttle service is provided. Employee parking meeting this requirement shall be counted toward the minimum parking requirement specified in Table 17-2.

13-1724. Parking of commercial vehicles and commercial trailers in residential districts. (Amd. GO 36-09) The intent of this section is to preserve the orderly appearance of, and to allow the quiet enjoyment of, residential neighborhoods while allowing reasonable flexibility for parking of business-related vehicles. Specifically, this applies to such motor vehicles that are drive off site by a resident occupant but are kept on the residential premises when not in use. The allowances and standards in this section shall apply to the following types of vehicles: (1) commercial trucks, tractors, vans, pickups, or other motor vehicles not exceeding 10,000 pounds gross vehicle weight; and (2) commercial trailers capable of being trailed behind the commercial motor vehicle that is allowed to be parked on the premises by this section.

(a) Engines of commercial vehicles may not run continuously. A 30-minute engine warm-up time shall be permitted immediately prior to the commercial vehicle and/or any other motorized equipment leaving the premises. The warm-up period shall begin no earlier than 6:00 a.m. and end no later than 10:00 p.m.

(b) The vehicle or trailer shall be parked only upon a paved off-street parking area or pad constructed in accordance with the off-street parking requirements of this ordinance.

(c) Commercial trailers parked outside in residential districts shall be fully enclosed. Open-sided trailers parked outside in residential districts shall be emptied when not in transport. This section is not intended to restrict commercial trailers from being parked inside permitted garages in residential districts.

(d) Commercial trailers parked in residential districts shall be actually trailed and transported from the property no less than once per week. The intent of this requirement is to prevent the use of a trailer for long-term storage, for use as a structure, for use as permanent advertising, and the like.

SECTION 6. OFF-STREET LOADING

13-1725. Requirements. Off-street loading space shall be provided for any nonresidential use which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles and which will have a GFA of five thousand (5,000) square feet or more, according to the following minimum standards:

(a) The off-street loading requirement for buildings with less than 20,000 square feet GFA may be satisfied by the designation of a loading zone area on the site. This loading zone area shall be separate

from any required off-street parking area, and access to it shall not conflict with automobile or pedestrian circulation within the site.

(b) Buildings with 20,001 to 50,000 square feet of GFA shall provide 1 loading space.

(c) Buildings with 50,001 to 100,000 square feet of GFA shall provide 2 loading spaces.

(d) Buildings with 101,000 or more square feet of GFA shall provide 1 additional loading space per additional 300,000 sq. ft.

13-1726. Size and location

(a) Semi-trailer spaces shall be at least 55 feet in length, 10 feet in width, and 14 feet in height, plus necessary additional maneuvering space.

(b) No loading space shall be located in a front yard or at the front of a building. Loading spaces shall not be located between any building and a public street unless provided with adequate screening and landscaping, in compliance with Chapter 13-1800.

(c) Spaces shall be at least fifty (50) feet from the property line of any residential property or residentially-zoned property.

(d) All loading spaces and driveways shall be surfaced with a dustless all-weather material meeting the standards for off-street parking areas and driveways and subject to the approval of the City Engineer.

CHAPTER 13-1800. SITE PLAN REVIEW

SECTION 1. GENERAL PROVISIONS

13-1801. Purpose. The purpose of the site plan review process is to encourage quality development in the City of Green Bay that reflects the goals set forth in the City of Green Bay Comprehensive Plan, while allowing flexibility in the design process. The comprehensive plan recommends better integration of diverse land uses and transportation modes through improved standards for site planning and design, including standards for building and parking placement, pedestrian connections, signage, and landscape improvements.

13-1802. Applicability. Site plan review shall apply to all new construction, remodeling, or expansion or change of uses, with the following exceptions:

(a) The use is established in an existing building that has received site plan approval, and the establishment of the use does not alter the approved site plan for the property.

(b) Proposed modifications are strictly related to the interior of the building.

(c) Modifications, additions, or enlargements to a building which do not increase the gross floor area by more than 500 square feet or 10 percent, whichever is less, and which do not require a variance from the provisions of this ordinance.

(d) (Rep. & Rec. GO 42-10) Existing parking areas that are patched and/or resurfaced are not required to file a site plan. Existing parking areas up to 500 sq. ft. may be rehabilitated or reconstructed in a one-year period without a site plan.

(e) Grading or site preparation that results in minor modifications to the existing site, as approved by the City Engineer.

(f) Construction, alteration of expansion of a public right-of-way, or any part thereof.

SECTION 2. PLAN REQUIREMENTS AND REVIEW PROCESS

13-1803. Site plan requirements.

(a) In general. Except in those instances specified in Section 13-1802, site plan approval is required prior to issuance of a building permit for any proposed construction or issuance of a zoning certificate for any proposed use. When a site plan is required in support of a request for conditional use permit or variance approval, the plan shall also be subject to the requirements of this chapter.

(b) Required information. All site plans shall be drawn to scale and shall contain the following information, unless otherwise specifically waived by the Zoning Administrator or his or her designated representative:

(1) Project name, location, developer, and designer of the project.

(2) Date of plan preparation, scale, and north arrow.

(3) A map showing the location of any railroads, major streams or rivers, wetlands, environmentally sensitive areas, and public streets in the vicinity of the site.

(4) Property dimensions and boundaries.

(5) Location, identification, and dimensions of existing and proposed:

a. Topography of the site and adjacent areas within 50 feet by contour lines at intervals of not more than five (5) feet.

b. Public rights-of-way and easements.

c. Onsite parking facilities, drives, and walkways, including direction of traffic flow, excludes one and two family developments.

d. Buildings and structures, including gross and useable floor area (categorized as interior or exterior uses).

e. Service areas and loading docks, excludes one and two family developments.

f. Freestanding signs, light fixtures, fences, and other site furnishings, excludes one and two family developments.
g. Stormwater management facilities, including ponds, drainageways, and drainage patterns, with directional arrows showing the proposed flow of stormwater runoff from the site.
h. Landscaping materials, including sizes and locations.
i. Renderings of all building elevations, including colors to be used, signage, and listing of finish materials (samples of exterior finish materials may be required). This requirement shall only apply under the in-fill lot definition.
j. Site statistics, including gross square footage of both site and buildings, floor area ratio, percentage of impervious surface, and parking calculations.
k. All other information deemed necessary by the Zoning Administrator, but will not include additional restrictions or information that is not already specified in the zoning code..

(6) When a site is to be developed in stages, the plan should indicate the ultimate development of the site and proposed developmental phases.

13-1804. Administrative site plan review.

(a) In general. The Community Development Review Team (CDRT) shall conduct the administrative review of all site plan approval requests. All findings and decisions of the CDRT shall be final, subject to appeal to the Zoning Board of Appeals or Planning Commission and City Council, as specified in Chapter 2, Administration.

(b) Required findings. The Community Development Review Team shall make each of the following findings before approving a site plan approval request:

(1) The site plan conforms to all applicable standards within this chapter.
(2) The site plan conforms to all applicable regulations of this ordinance and is consistent with the applicable policies of the comprehensive plan.
(3) The site plan is consistent with any applicable functional or special area plans or development objectives adopted by the City Council.
(4) The site plan minimizes any adverse effects of property in the immediate vicinity and minimizes congestion of the public streets.

(c) Conditions of site plan approval. The CDRT may impose conditions on any proposed site plan and require such guarantees as it deems necessary for the protection of the public interest and to ensure compliance with the standards and purposes of this ordinance, the applicable policies of the Land Use Plan, and any special land use plans adopted by the City Council.

(d) Changes to approved site plan. An approved site plan may not be changed, modified, or altered in any manner without the approval of the city. If the Zoning Administrator determines that such changes are minor in nature, a revised site plan may not be required. In all other cases, a revised site plan shall be re-submitted for consideration by the CDRT.

(e) Expiration of approved site plan. Unless a written extension request is submitted to and approved by the Zoning Administrator , an approved site plan shall expire upon either of the following conditions:

(1) A new site plan for the property is submitted to and approved by the Community Development Review Team.
(2) A building permit has not been issued within two (2) years from the date of site plan approval.

(f) Inspection and enforcement. Before issuing a certificate of occupancy and/or zoning certificate for any use not exempted under Chapter 13-1802, the Zoning Administrator shall conduct an inspection to determine compliance with the conditions set forth on the approved site plan for the project. A temporary certificate of occupancy may be issued without completion of all elements on the site plan, provided written assurance is given that all improvements will be completed when feasible.

SECTION 3. BUILDING AND SITE DESIGN GUIDELINES

13-1805. Purposes and applicability. The following guidelines shall be used in site plan review, as applicable. Alternative methods may be proposed for achieving the intent of the guidelines.

13-1806. Building context. New development in the Mixed-Use and R1 Districts should relate to the design of adjacent historic or traditional buildings in scale and character where these are present. This can be achieved by maintaining similar setbacks, façade divisions, roof lines, massing, rhythm and proportions of openings, and compatible building materials and colors. Historic architectural styles need not be replicated. Rather, a sensitivity to context is encouraged.

13-1807. Building entries. Primary building entries shall be oriented to create a visually attractive streetscape and to reinforce and support pedestrian access. Building entrances shall be clearly defined and highly visible by featuring elements, such as canopies or porticos, overhangs, arches, recesses or projections, peaked roof forms, outdoor patios, or other distinguishing features. Entrances shall be located as follows:

(a) Primary building entrances on all buildings should face the primary abutting public street or walkway or be linked to that street by a clearly defined and visible walkway or courtyard. Additional secondary entrances may be oriented to a secondary street or parking area. Entries should be clearly visible and identifiable from the street.

(b) Multi-tenant building. At least fifty percent (50%) of a building's "active" wall shall be oriented toward the primary abutting street(s). The "active" wall shall be the side of the building containing the majority of storefronts, customer entrances, and windows.

(c) Exceptions. Industrial uses or buildings which have only vehicle bays and/or service doors with infrequent nonpublic access to equipment, storage, or similar rooms (e.g., self-serve carwashes) shall be exempt from this standard.

13-1808. Building placement. In the Mixed-Use Districts, pedestrian-oriented commercial district buildings should be placed as close to the sidewalk as practical. At intersections, buildings should "hold the corner." That is, have street facades at or near the sidewalks of both streets, while maintaining the established vision triangle, as specified in Section 13-510.

13-1809. Building facades. Facades shall provide architectural interest and variety to a building, while avoiding the effect of single, long, or massive walls. The following guidelines should be followed in designing facades:

(a) Ground floor facades that face public streets or pedestrian walkways shall have features, such as arcades, display windows, entry areas, awnings, or other such features for no less than forty percent (40%) of the horizontal length of the façade.

(b) Wall articulation. No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding thirty (30) feet without including at least one (1) of the following: change in plane, change in texture or masonry pattern, windows, or an equivalent element that subdivides the wall into human scale proportions.

(c) Four-sided design. All sides of the building shall include materials and design characteristics similar to and compatible with those on the front.

(d) Windows. Building facades shall contain windows at the ground floor or first floor in order to create visual interest.

(e) Building materials. All building facades shall be designed with architecturally-finished materials. Durable materials, such as masonry or stucco, shall be used on all street-facing facades. All subsequent additions and outbuildings constructed after the erection of an original building or buildings shall be constructed of comparable materials and designed in a manner consistent with the original design, unless the entire building is being renovated.

(f) Exceptions. Industrial uses or buildings which have only vehicle bays and/or service doors with infrequent nonpublic access to equipment, storage, or similar rooms (e.g., self-serve carwashes) shall be exempt from standards 13-1807 and 13-1809 in this subsection.

13-1810. Parking structures. The exterior design of parking structures shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view.

13-1811. Signage. Signage should be integrated as an architectural element with attention given to the color, materials, scale, and orientation of all proposed signs in relation to the overall design of the building and to each other, as well as complying with the sign regulations specified in Chapter 13-2000.

13-1812. Site layout guidelines.

(a) Existing site features. Site design should respect and incorporate existing topography and natural features, such as hillsides, wooded areas, and greenways. Important vistas and viewpoints, both from the site and into the site, should be protected and enhanced.

(b) Crime prevention through environmental design. Site plans should employ best practices to increase natural surveillance and visibility, to control and guide movement on the site, and to distinguish between public and nonpublic spaces.

(c) Shadowing and wind. Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties and to minimize the generation of wind currents at ground level.

13-1813. Service, loading, and storage areas.

(a) Placement and orientation. Loading, delivery, and service bays should be oriented away from existing residences and public streets to the extent feasible.

(b) Setback from street. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within twenty (20) feet of any public street or public sidewalk.

(c) Screening. Trash receptacles and dumpsters, trash recycling containers, and loading docks shall be fully enclosed and screened with walls and/or fences at least six (6) feet in height and 90 percent impervious to sight.

(d) Design. Architectural elements, materials, colors and design of screening walls, coverings, and/or fences shall be compatible with those used as predominant materials, colors, and elements on the building or landscaping.

13-1814. Outdoor sales and display areas. Outdoor sales and display areas shall be separated from any adjacent street, sidewalk, or public walkway by a landscaped frontage strip at least 5 feet wide.

13-1815. Mechanical/utility equipment for all uses except single-family or two-family homes.

(a) In general. For all uses except single-family or two-family homes, mechanical/utility screening shall be an integral part of the building structure and architecture and shall not give the appearance of being "tacked on" to exterior surfaces.

(b) Roof-mounted equipment. Roof-mounted equipment shall be screened, preferably by parapet walls. Building materials for screening roof-mounted equipment shall be identical to or substantially similar to the façade of the building on which such items are located. Screening shall be an integral part of the building's architectural design.

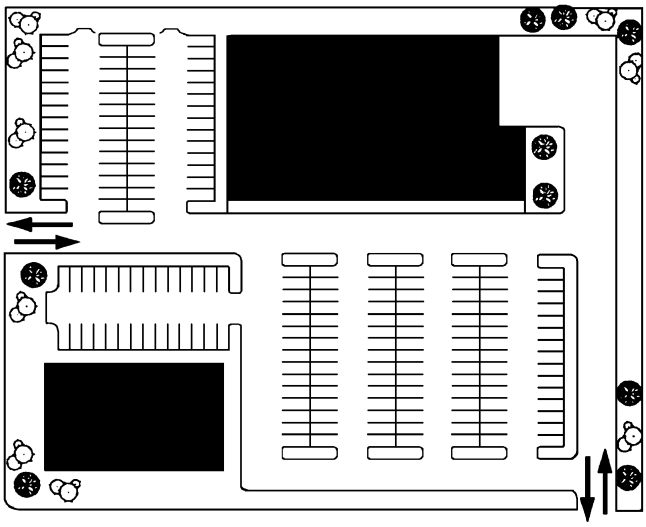
(c) Ground-mounted equipment. Ground-mounted equipment shall be screened by a decorative wall constructed of materials compatible with the overall architectural design of the development and softened with landscaping.

SECTION 4. ACCESS, CIRCULATION AND PARKING

13-1816. Vehicular access.

(a) In general. Site plans should create a roadway system that provides for safe, convenient, and efficient vehicular access and minimizes conflicts with pedestrians. For nonresidential developments, primary access should be from streets designed to handle higher traffic volumes, rather than from streets whose primary purpose is to serve residential areas.

(b) Entrances and exits. All entrances and exits should be designed to facilitate efficient and safe traffic flow for both in-bound and out-bound traffic. Except for single-family and two-family uses, all vehicular traffic must enter and exit in a forward motion. See the figure in this section illustrating a site with efficient separation between access drives and parking areas.



(c) Internal traffic circulation. Internal traffic circulation patterns should be easily understood, allow for efficient movement of traffic, and be designed so as to reduce the potential for traffic accidents or conflicts with pedestrians. Parking spaces that require backing into an entrance or exit drive are discouraged. Where multiple parcels are sharing access, private access easements shall be recorded.

(d) Traffic control. Appropriate traffic control devices shall be installed for all public and private developments before, during, and after construction. Fabrication and installation of traffic control devices shall conform to the standards of the Federal Manual on Unified Traffic Control Devices (MUTCD).

(e) Snow storage and removal. Adequate areas for snow storage should be provided onsite in order to eliminate the utilization of access drives and parking areas for such purposes. Snow storage should not interfere with access drives, parking areas, or adjacent property.

(f) Service and delivery access. Access for service and delivery vehicles should be provided and should not conflict with pedestrian or general vehicle use of the site. Access points for such vehicles should be as direct a route as possible to service and loading areas while avoiding movement through parking areas.

13-1817. Pedestrians.

(a) In general. Site plans should create a safe, continuous pedestrian network, as required by federal and state code, which offers clear circulation paths from the street(s) and parking areas to building entries.

(b) Walkway connections. Continuous pedestrian walkways shall be provided from building entries to the public sidewalk or right-of-way, parking areas, transit stops, and adjacent properties, as appropriate.

(c) Walkway width. Onsite pedestrian walkways and sidewalks shall be a minimum of five (5) feet wide, except that walkways adjacent to a parking area where cars may overhang the walkway shall be a minimum of seven (7) feet wide.

(d) Clearly marked walkways. At each point that the onsite pedestrian walkway system crosses a parking lot or internal street or driveway, the walkway or crosswalk shall be clearly marked through the use of a change in color, texture, or height.

13-1818. Transit. Vehicular and pedestrian connections shall be provided to any transit points, existing or planned, within or adjacent to a development.

13-1819. Parking location. In the Residential and Mixed-Use Districts, except for permitted driveways, off-street parking areas shall not be located in front yard areas or between the front façade of the principal building and the abutting street. Parking areas are encouraged to be located to the rear of the building and may be located in side yards with appropriate screening.

SECTION 5. LANDSCAPING

13-1820. Perimeter landscape buffers. Buffers shall be used to provide visual and noise separation of intensive uses from less intensive uses. Buffer landscaping shall be provided as follows:

(a) Non-residential or multifamily uses in residential districts: At least 10 feet wide abutting residential uses (at least fifteen (15) feet wide if the nonresidential use is two (2) stories or more). Large nonresidential buildings (25,000 square feet or greater) shall provide a buffer yard at least 20 feet wide. Nonresidential buildings with service areas or mechanicals oriented toward residential uses shall provide a buffer yard of 20 feet or more depending on the intensity of the development.

(b) Nonresidential or multifamily uses in commercial or industrial districts: At least fifteen (15) feet wide abutting residential uses in residential districts (at least twenty (20) feet wide if the nonresidential use is two (2) stories or more). Large nonresidential buildings (25,000 square feet or greater) shall provide a buffer yard at least twenty-five (25) feet wide.

(c) Buffer design

(1) Buffer areas shall consist of either a masonry wall, fence, berm, or hedge or combination that forms a screen a minimum of 4 feet in height, a maximum of 6 feet in height, and not less than 90 percent opaque on a year-round basis. Screening located along front and corner side yards are limited to 4 feet in height and not less than 90 percent opaque on a year-round basis and which effectually blocks automobile headlights from trespass on adjacent property.

(2) Buffers shall be landscaped with at least one (1) tree and five (5) shrubs for every 50 linear feet.

(3) Buffers may be interrupted for necessary pedestrian and vehicle access.

13-1821. Interior parking lot landscaping. The purpose of interior parking lot landscaping is to minimize the expansive appearance of parking lots and provide shaded parking areas. Landscaping shall consist of planting islands and medians comprising the required planting area specified under item (1) below.

(a) Planting area.

(1) At least ten (10) percent of the interior area of parking lots with more than twenty-five (25) spaces shall be devoted to landscape planting areas.

(2) Shade trees shall be provided within the interior of parking lots areas in accordance with the following table:

Number of Parking Spaces	Minimum Required Tree Planting
0 – 24	None required
25 – 100	1 tree per 10 spaces
101+	1 tree per 15 spaces

(b) Landscape islands.

(1) Landscape islands shall be provided at the end of each parking row and within the row of parking spaces so that there are no more than fifteen (15) consecutive parking spaces without a landscape island.

(2) Landscape islands shall have minimum interior dimensions of at least ten (10) feet in width and fifteen (15) feet in length.

(3) Landscape islands shall be planted with ground cover or sod and a minimum of one (1) shade/deciduous tree.

(c) Landscape medians. Parking lots with more than 100 spaces shall be divided into at least two smaller areas by landscape medians.

(1) Landscape medians shall be a minimum of eight (8) feet wide or fourteen (14) to eighteen (18) feet wide with a pedestrian walk.

(2) Landscape medians shall have a minimum of one (1) shade tree per forty (40) lineal feet along the length of the median and shall contain mulch or irrigated grass.

(d) General Compliance. (Cr. GO 42-10) For existing parking lots that currently do not comply with the interior lot landscaping as of the adoption of this ordinance, such landscaping shall be provided when any one of the following occurs:

(1) Any new construction of a parking lot must comply with the current requirements of this ordinance.

(2) Existing approved parking areas that are either rehabilitated or reconstructed are required to replace existing approved interior lot landscaping or provide a total of 5% interior lot landscaping.

(3) When an existing approved parking lot is expanded by 25% or greater than 7,500 sq. ft. in total surface area, the entire parking area shall be brought into compliance with the requirements of this ordinance. All expanded areas are considered cumulative.

(4) Re-striping, patching, resurfacing of an existing parking area shall not be subject to this requirement.

13-1822. Perimeter parking lot landscaping. Parking area edges shall be screened from public streets and sidewalks, public open space, and adjacent properties. The perimeter of parking areas shall be screened from residential uses by:

(a) A landscaped frontage strip at least 5 feet wide along the public street or sidewalk. If a parking area contains over 100 spaces, the minimum required yard shall be increased to 8 feet in width.

(b) Screening consisting of either a masonry wall, fence, berm, or hedge or combination that forms a screen a minimum of 4 feet in height, a maximum of 6 feet in height (6-8' in industrial districts), and not less than 90 percent opaque on a year-round basis. Screening located along front and corner side yards are limited to 4 feet in height and not less than 90 percent opaque on a year-round basis and which effectually blocks automobile headlights from trespass on adjacent property.

(c) Trees shall be planted at a minimum of one (1) shade tree per forty (40) lineal feet within the frontage strip.

13-1823. Building foundation landscaping. Building foundations adjoining parking areas, walkways, or open space shall be planted with ornamental plant material, such as ornamental trees, flowering shrubs and perennials, and ground covers, with the exception of buildings that have facades flush with the sidewalk, i.e., downtown or storefronts.

13-1824. Plant materials.

(a) In general**.** A reasonable attempt shall be made to preserve as many existing trees as is practicable and to incorporate them into the site plan.

(1) All required landscaping shall emphasize the use of native species or plants that are proven adaptable to the climate but are not invasive on native species.

(2) Each area required to be landscaped shall be covered in live material. Live material includes trees, shrubs, ground cover, and sod. Areas not covered in live material may be covered by mulch, rock, or other natural materials. Exposed gravel, aggregate rock, or concrete shall only be used where drainage and/or soil conditions require a non-irrigated and/or hard surface pan at finished grade adjoining a building foundation.
(3) Tree species mix. Any one species of trees shall not make up more than fifty percent (50%) of the total tree plantings for the property.
(4) Minimum sizes. All required trees shall meet the following minimum size requirements:

Tree/Plant	**Minimum Required Size**
Deciduous trees	Two (2) inch caliper
Ornamental deciduous trees	One and one-half (1-½) inch caliper
Evergreen trees	Six (6) feet in height
Shrubs	Five (5) gallon container size

13-1825. Maintenance and installation of materials. Installation and maintenance of all landscape materials shall comply with the following standards:

(a) All landscape materials shall be installed to current industry standards.
(b) An adequate water supply shall be indicated in the site plan.
(c) All required landscaping and screening features shall be kept free of refuse and debris.
(d) Maintenance and replacement of landscape materials shall be the responsibility of the applicant or property owner, including the maintenance of any trees planted in the public right-of-way.

SECTION 6: LIGHTING

13-1826. Exterior site lighting. Exterior site lighting shall be regulated as set forth in Chapter 13-500, General Regulations.

CHAPTER 13-1900. PLANNED UNIT DEVELOPMENT STANDARDS

SECTION 1. GENERAL PROVISIONS

13-1901. Purpose. The Planned Unit Development District is established as a means to facilitate the development of land in an integrated and innovative fashion, to allow for flexibility in site design, and to encourage development that is sensitive to environmental, cultural, and economic considerations. Approval of a Planned Unit Development District shall result in the creation of an overlay to the base zoning district, with specific requirements and standards that are unique to the planned development.

13-1902. Identified objectives. When reviewing requests for approval of a Planned Unit Development, the city shall consider whether the objectives listed below will be served or achieved. Planned unit developments should not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved.

(a) Accommodation of housing of all types with convenient access to commercial facilities.

(b) Promotion of integrated land uses allowing for a mixture of residential, commercial, and public facilities along corridors and in transitional areas.

(c) Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches.

(d) Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities.

(e) Preservation of historic buildings, structures, or landscape features through adaptive reuse of public or private preservation of land.

(f) Provision of more adequate, usable, and suitably located open space, recreational amenities, and other public facilities than would otherwise be provided under conventional land development techniques.

(g) Coordination of architectural styles and building forms to achieve greater compatibility with surrounding land uses.

(h) Creation of more efficient provision of public utilities and services, lessened demand on transportation, and the promotion of energy resource conservation.

13-1903. Relationship to other applicable regulations.

(a) In general. A Planned Unit Development shall comply with all standards, procedures, and regulations of this ordinance that are applicable to the individual uses within the development and to the site plan review standards in Chapter 13-1800, Site Plan Review, except as otherwise provided in this chapter.

(1) Platting requirement. All land within a Planned Unit Development shall be platted into one or more lots in compliance with the requirements of the subdivision and platting regulations. The development plan for the Planned Unit Development shall include the necessary information to serve as a preliminary plat for the development.

(b) Permitted uses. The PUD shall identify all proposed land uses, and those uses shall become permitted uses upon the approval of the Planned Unit Development by the Common Council.

(1) Placement of structures. More than one principal building may be placed on a platted lot within a Planned Unit Development. The appearance and compatibility of buildings in relation to one another, other site elements, and surrounding development shall be considered in the review process.

(2) Floor area and height. The PUD may provide for an increase in the maximum gross floor area, floor area ratio, and/or maximum building height allowed in the base zoning district for the purpose of promoting project integration and additional site amenities.

(3) Building setbacks. The PUD may provide for a reduction in or elimination of required setbacks in the base zoning district, provided that a landscaped setback area of the minimum width established for the base zoning district is maintained along the periphery of the PUD.
(4) Lot requirements. The City Council may authorize reductions in the area and width of individual lots within a PUD from that required for the base zoning district, provided that such reductions are compensated for by an equivalent amount of open space elsewhere in the Planned Unit Development. Such open space shall not include areas designated as public or private streets. The plan may increase the maximum density beyond that permitted in the base zoning district for the purpose of promoting an integrated project with a variety of housing types and additional site amenities.
(5) Open space. For all PUDs, at least 20 percent of the project area not within street rights-of-way shall be preserved as protected open space. Such open space must be available to the residents, tenants, or customers of the PUD for recreational purposes or similar benefit. Land reserved for stormwater detention facilities and other required site improvements shall not be applied to this requirement. Open space shall be designed to meet the needs of residents of the PUD and the surrounding neighborhoods to the extent practicable for parks, playgrounds, playing fields, and other recreational facilities.
(6) Street layout. The PUD should maintain the existing street grid where present and restore the street grid where it has been disrupted. In newly developing areas, streets shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible. All streets shall terminate at other streets, at public land, or at an environmentally sensitive area as defined by Brown County, except that local streets may terminate in stub streets when those will be connected to other streets in future phases of the development or adjacent developments.
(7) Other exceptions. As part of PUD approval, the City Council is authorized to approve other exceptions to the zoning controls applicable to the base zoning district. Such exceptions shall only be granted when they are clearly warranted to achieve the objectives identified in Chapter 13-1902.

13-1904. Preliminary application procedure. Any person having a legal or equitable interest in a property may file a development plan application for a Planned Unit Development. The application shall be filed with the Planning Department on an approved form and with a preliminary plan, as described in Chapter 13-1905.

13-1905. Preliminary plan required.

(a) Upon application of a PUD, the developer of a Planned Unit Development project shall meet with the Planning Department staff to review a preliminary plan for the project prior to submittal of a final development plan for approval. Statements made at the consultation are not legally binding. The meeting is intended to ensure that the developer is aware of the community's standards and policies for the Planned Unit Development. The preliminary plan shall be legibly drawn to a scale of not less than 1” equals 200’ and shall include the following minimum information:

(1) Name and address of the recorded owner of development.
(2) Name of developer if different from owner.
(3) Name of individual responsible for preparation of the preliminary plan.
(4) North arrow, graphic scale, and the date of the drawing.
(5) Tract boundaries and a statement of the total acreage of the tract.
(6) Significant physical features within the tract, including existing 2' contours, watercourses, ponds, lakes, and wetlands and proposed changes in those features.
(7) All contemplated land uses within the tract.

(8) An indicator of the contemplated intensity of use, i.e., gross floor area and number of prospective tenants in office, commercial, and recreational development and gross density in residential development.
(9) Existing buildings that may affect the proposed development and proposed location of all principal structures and associated parking areas.
(10) Proposed circulation systems (pedestrian, bicycle, auto, transit) by type and how they relate to the existing network outside this site.
(11) Existing rights-of-way and easements which may affect the PUD project.
(12) In the case of plans which call for development in phases, a map at an appropriate scale showing the phases of development.
(13) Any other documents and supporting information deemed necessary by the Planning Department staff.

13-1906. Preliminary plan review.

(a) Planning staff shall review the preliminary plan to determine whether the plan adequately achieves the following objectives:

(1) Adequate property controls are established to protect the individual owner's rights and property values and to define legal responsibilities for maintenance and upkeep.
(2) The internal circulation plan and access points to surrounding streets are adequate for the safety and convenience of the project residents and the general public.
(3) A sufficient amount of usable open space is provided.
(4) The architectural design of the project is compatible with the surrounding area.
(5) The project will not place a burden on existing municipal infrastructure, including utility and drainage systems.
(6) The development schedule ensures a logical development of the site, protecting the interests of project residents and the general public.
(7) The Planned Unit Development is in reasonable compliance with the intent and purpose of the comprehensive plan.
(8) Other health, safety, and welfare considerations as deemed appropriate by Planning staff;

(b) The preliminary plan may be submitted for review by other departments, agencies, or third parties as may be deemed necessary by Planning staff. Such departments, agencies, or third parties may include Department of Public Works, school districts, public utilities, or adjacent land owners.

(c) Planning staff shall compile a list of recommended or required revisions that shall be incorporated in the final development plan.

SECTION 2. FINAL PLAN

13-1907. Submission of final plan.

(a) In general. The applicant shall revise the preliminary plan as provided in Chapter 13-1905 and submit a final plan for approval by the Plan Commission and Common Council. The final application shall include a narrative statement, site plan, building plans and elevations, applicable fee as set from time to time by the Common Council, and any other information requested by the Planning Department, the Plan Commission, or Common Council. The final application shall include two full copies of all plans plus two 11" x 17" copies of all plans.

(b) Narrative statement. A written narrative of the proposed development indicating the following information in a format to be provided by the Planning Department.

(1) Evidence that the applicant has sufficient property control to carry out the Planned Unit Development project.
(2) How the proposed development meets the identified objectives of this chapter.
(3) Development schedule showing the timing and phasing of the proposed development.

(4) A summary of the total number of units of each residential use, the acreage devoted to all land uses, and the overall net density of the development.
(5) A summary of the use, height, and gross floor area of all buildings.
(6) Architectural design standards that will be implemented as part of the development.
(7) The anticipated market which the development is intended to serve.
(8) The form of ownership and maintenance of all common open space, recreational facilities, and other common areas intended for the exclusive use of the residence.
(9) List of proposed protective covenants, easements, or restrictions to be imposed to protect open space and other identified resources.
(10) Any variances, modifications, or waivers requested from the development standards of this chapter and the reasons for the request.

(c) Site plan information and contents. The site plan submitted in support of a development plan shall include the following information, unless specifically waived by the Zoning Administrator prior to submittal.

(1) All information provided in the preliminary plan.
(2) Name of proposed development. Names shall not duplicate nor too closely resemble names of existing subdivisions or developments.
(3) Location of boundary lines in relation to known section, quarter-section, or quarter-quarter-section lines comprising a legal description of the property.
(4) Natural drainage patterns and water resources, including wetland, floodplains, streams, drainage swales, ponds, and lakes and proposed changes to these.
(5) Proposed lot coverage of buildings and structures.
(6) Approximate gross and net floor areas by use.
(7) Architectural renderings and elevations of structures and improvements.
(8) Specifications of structural finish materials.
(9) Total amount of open space, both improved and unimproved.
(10) All existing streets, including streets reserved on the Official Map or adjoining the site, including names, right-of-way widths, and pavement width.
(11) Proposed circulation systems by type and the proposed width of rights-of-way and pavement width.
(12) All existing sanitary and storm sewers, water lines, fire hydrants, utility transmission lines, bridges, railroads, etc. within the project boundaries.
(13) A description of the proposed system for drainage, water supply, sewage disposal, and power and communication lines.
(14) Location, width, and purpose of existing easements and utility rights-of-way within the PUD.
(15) Proposed covenants, grants of easements, or other restrictions to be imposed upon the use of land and structures.
(16) In the case of plans which call for development in stages, a map at an appropriate scale showing the successive phases and a schedule of time within which applications for final approval of all parts of the development are intended to be filled.
(17) A general landscaping plan, as required by Chapter 13-1800, Site Plan Review.

13-1908. Plan Commission review. The Plan Commission shall review each complete application for a Planned Unit Development and may suspend the rules to hear from the developer or any other interested party. The Plan Commission shall make a recommendation for approval, conditions for approval, or denial of the PUD to the Common Council.

13-1909. Council action.

(a) The Common Council shall make the final decision regarding all applications for Planned Unit Development approval. Upon approval of the development plan, the official zoning map shall be amended to designate the property as a "PUD" overlay district.

(b) Established conditions of approval. The Common Council may establish any reasonable conditions of approval they determine are necessary to mitigate adverse impacts of the development, to protect neighboring properties, and to achieve the objectives of this chapter.

13-1910. Phasing of development. Phasing of a Planned Unit Development shall be permitted, provided that each individual phase is designed and developed to exist as an independent unit and that the construction and improvement of common open space and site amenities shown on the development plan proceeds at the same rate as the construction of dwellings and other permitted land uses. Any violation of this provision shall authorize the City Council to hold a public hearing to review the status of the Planned Unit Development and impose any remedies it deems appropriate, including, but not limited to, revocation of permits, issuance of construction orders, or issuance of citations for failure to comply with such orders.

13-1911. Expiration of approval. The Planned Unit Development shall remain valid for a period of one (1) year from the date of approval, unless a longer time-period has been agreed to by the Council. If construction has not commenced during this period, the Planned Unit Development shall be considered void and the overlay designation removed, unless a petition for a time extension has been granted by the Council. Any extension requests shall be submitted in writing to the Common Council at least thirty (30) days prior to expiration of the approval and shall describe reasons for the delay in construction of the project.

13-1912. Plan consistency. The City shall withhold approval of any final plat, site plan, or building permit required for a Planned Unit Development if the proposal is inconsistent with the development plan as approved, except as provided below:

(a) Minor revisions. Minor changes may be authorized by the Community Development Review Team if required by engineering or other circumstances not foreseen at the time the development plan was approved. Changes are minor if the change does not cause:

(1) A change in the use or character of the development.
(2) An increase in overall coverage of structures.
(3) An increase in the intensity of use.
(4) An increase in the problems of traffic circulation and public utilities.
(5) A reduction in approved open space.
(6) A reduction of off-street parking/loading spaces.
(7) A reduction in required pavement widths.

(b) Major revisions. All changes that are not minor shall require an amendment or repeal of the original PUD and approval of a revised development plan, in accordance with this chapter.

CHAPTER 13-2000. SIGNS

SECTION 1. GENERAL PROVISIONS

13-2001. Purpose. This section provides standards for the erection and maintenance of signs. The general purpose of these standards is to allow effective signage that is compatible with its surroundings and appropriate to the planned character of each zoning district, to promote an attractive environment by minimizing visual clutter and confusion, to minimize adverse effects on nearby property, and to preserve the City's distinctive cultural and historic geographic districts or neighborhoods from the potential adverse effects of inappropriate signage.

13-2002. Scope of regulations. The sign regulations set forth in this chapter regulate sign heights, area, placement, illumination, and timing. All new signs developed within the city shall be required to meet the standards established in this chapter, except where otherwise specifically noted.

13-2003. General provisions.

(a) Applicability. The sign regulations set forth in this chapter shall apply to all structures and all land uses, except as otherwise provided in this ordinance. All signs allowed by this chapter shall be limited to on-premise signs, except where otherwise specifically noted.

(b) Compliance required. No sign on private property shall be installed or changed in any manner without compliance with the regulations stated herein. Routine maintenance shall not be subject to this section.

(c) Prohibited signs. These regulations are intended to be exclusionary. Any sign not specifically listed shall be prohibited. Additionally, the following sign types are prohibited:

(1) Illuminated signs giving off intermittent, flashing, or rotating beams, with the exception of chaser signs in windows, as specified in Section 13-2018.
(2) Signs painted on buildings, except that existing painted signs may be retained as long as they are kept in good condition and shall be repainted, removed, or painted out when they are not so maintained.
(3) Signs painted on or attached to rocks, trees, or other natural objects.
(4) Signs attached to utility poles.
(5) Signs that create a safety hazard by obstructing the clear view of pedestrians or vehicles or which obscure officials signs or signals.
(6) Signs or sign structures which resemble or conflict with traffic-control signs or devices which may mislead or confuse persons traveling on public streets or which create a traffic hazard.

13-2004. General sign standards. The following standards shall apply to all signs, including off-premises signs, where permitted.

(a) Permit required. All signs, except exempt signs as listed in Chapter 13-2005, shall be required to submit a site plan, sign details, and other information, as regulated in Chapter 13-1800, to the office of the Zoning Administrator for review of compliance with all applicable codes.

(b) Construction requirements. All signs shall be constructed and maintained in accordance with the applicable provisions of the Uniform Building and Electrical Codes. Permanent freestanding signs shall have self-supporting structures erected on and permanently attached to a concrete foundation. Wall signs shall be placed on walls that are designed and constructed with sufficient strength to support such signage. Wall signs painted directly on a building are permitted if a cash deposit or security bond is deposited with the application for permit to equal the cost of appropriate removal of said sign if it is not maintained or is abandoned.

(c) Mounting of signs. All signs shall be securely mounted or displayed in one of the following manners:

(1) Flat against a building or wall.

(2) Back-to-back in pairs or otherwise arranged in such a manner that the back of the signs will be screened from public view.

(3) Otherwise mounted so that the backs of all signs showing to public view, including all parts of the sign structure, shall be painted a dark or neutral color.

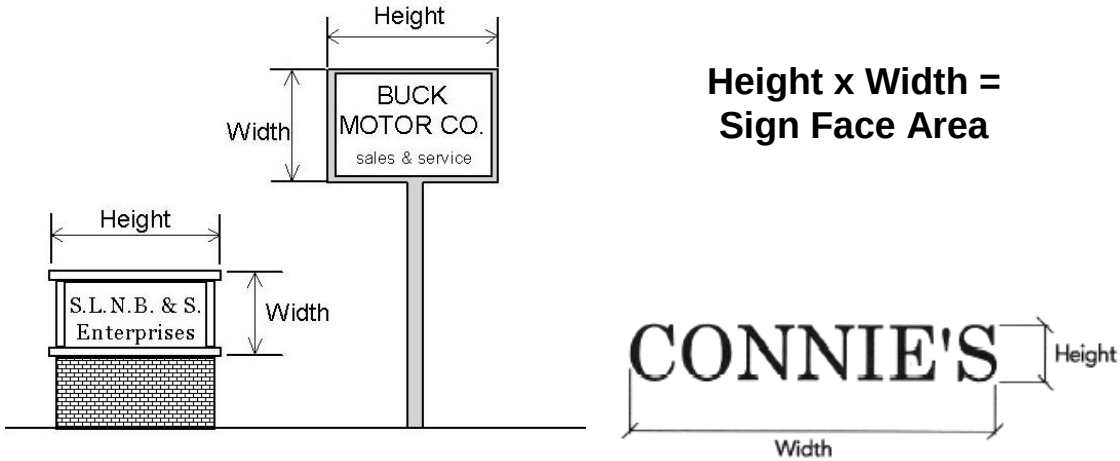
(d) Maintenance and repair. All signs shall be kept in good repair and free from peeling paint, rusted, damaged, or rotted supports, framework, or other material, broken or missing faces, or missing letters.

(e) Illumination. Signs may be illuminated unless specifically prohibited in this chapter. No sign shall be either directly or indirectly illuminated in such a manner as to affect adversely the use and enjoyment of nearby property or to obscure the vision of motorists. The source of illumination shall not be visible from adjacent properties or any public street or walkway.

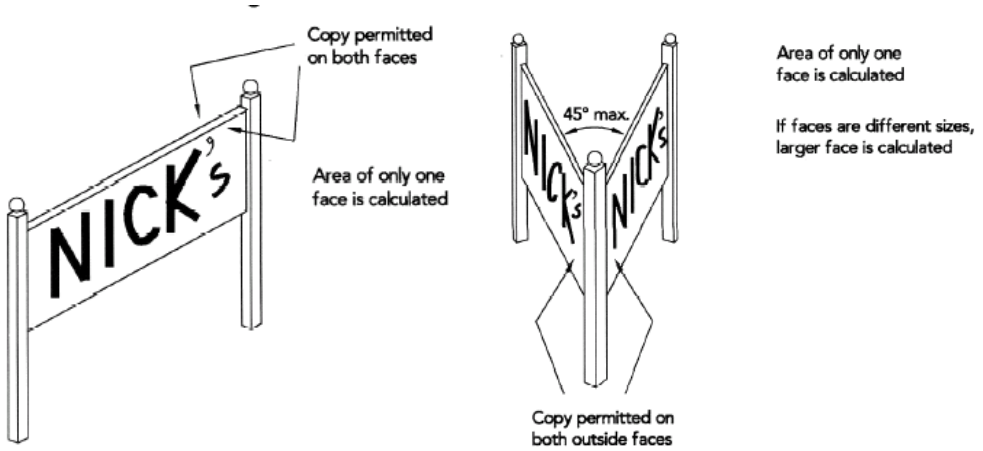
(f) Safety obstructions. No sign shall be placed or installed that obstructs access to fire escapes or required windows, doors, exits, or standpipes. Additionally, no sign shall be placed within the twenty-five (25) or fifteen (15) foot sight-distance triangle required at all intersections (see Chapter 13-510).

(g) Unsafe and unlawful signs. If the Zoning Administrator shall find that any sign regulated under this chapter is unsafe or insecure or has been constructed or erected in violation of the provisions of this chapter, a written notice shall be given to the property owner. In the event the property owner fails to remove or alter the sign so as to comply with the standards set forth in this chapter within thirty (30) days after such notice, the sign in violation may be removed or altered to comply by the Zoning Administrator, with costs assigned to the property owner. The Zoning Administrator shall refuse to issue a permit under this chapter to anyone for any sign that would pose an immediate peril to persons or property.

(h) Computation of sign face area. The entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure. If the sign is composed of individual letters or symbols using the wall, awning, canopy, or window as the background with no added decoration, the total sign area shall be calculated by measuring the area within a single continuous perimeter parallelogram that encloses the extreme limits of the message.



(i) Sign faces. Signs, including off-premises signs, may display no more than two (2) sign faces on opposite sides of the sign. Maximum sign area shall be computed based on the square footage of one side of any double-faced sign. When two sides of a double faced sign are located not more than 36 inches apart at the narrowest point and diverge at no greater than 45º, the gross sign area shall include only one of the sides, whichever is greater.



(j) Sign height. The maximum height of a sign shall be measured from the average grade level below the sign to the topmost point of the sign or sign structure.

(k) Setback. All freestanding signs shall be set back as regulated within this chapter. The setback of a sign shall be measured from the property line to the supporting frame, mast, pole, or base of the sign. No sign or part thereof shall extend over a property line except as otherwise permitted over a public right-of-way, such as a projecting sign attached to a building. Signs permitted to extend over a public right-of-way shall not extend closer than 18" to the back of the street curb and shall have a minimum of ten (10) feet of under-clearance.

(l) Abandoned signs. All signs and any framing, trim, or molding, but not including the supporting structure, shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted or when rental or compensation is no longer provided if said sign is of the off-premise type. If the owner or lessee fails to remove it, the Building Inspector shall give the owner a 60-day written notice to remove it. Upon failure to comply with this notice, the Building Inspector or his duly authorized representative may remove the sign at the cost to the sign owner.

13-2005. Exempt signs. The following signs are permitted in any zoning district without obtaining a permit, as specified in Section 13-2004 (a). However, all signs must comply with all other general sign regulations established in Section 13-2004. These signs shall not be applied toward the maximum sign allowance specified for a property, except as otherwise indicated in this subsection.

(a) House numbers and nameplates. (Amd. GO 36-09) Residential and professional house numbers and nameplates not exceeding one (1) square foot in area per building identifying the owner or occupant of a property or name of a permitted home-based occupation.

(b) Art work. Graphic designs and displays that do not include a commercial message. Such displays shall not obstruct the vision triangle at intersections and shall not be located within or over any public right-of-way.

(c) Construction signs. Two (2) construction signs per construction project not exceeding fifty (50) square feet in sign area per sign. Such signs may be erected no more than five (5) days prior to construction, shall be confined to the construction site, and shall be removed no more than sixty (60) days after completion of construction.

(d) Directional signs. Directional signs not exceeding six (6) square feet in a commercial, mixed-use, or industrial district or three (3) square feet in a residential district displayed strictly for the direction, safety, or convenience of the public, including signs which identify restrooms, parking area entrances or exits, loading areas, addresses, or similar noncommercial information. Sign height shall not exceed six (6) feet.

(e) Flags. Flags, including official government flags, emblems, or temporary displays of a patriotic, religious, charitable, or other civic character, may be displayed provided that such signs are not placed in the public right-of-way.

(f) Interior signs. Signs located within the interior of any building or stadium or within an enclosed lobby or court of any building that are not visible from the public right-of-way. Such signs must comply with the structural, electrical, or materials specifications required by this chapter or the building code.

(g) Memorial signs. Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible material, provided no such memorial sign shall exceed four (4) square feet in area.

(h) Historic plaques. Plaques or name plates identifying historic buildings, structures, or districts, provided no such historic plaque shall exceed four (4) square feet in area.

(i) Plaques. One (1) religious symbol, commemorative plaque, or identification emblem, provided no such symbol, plaque, or emblem shall exceed four (4) square feet in area and provided all such symbols, plaques, and emblems shall be placed flat against a building.

(j) Public signs. Public signs, street signs, warning signs, railroad crossing signs, emergency signs, or signs of public service companies for the purpose of promoting safety.

(k) Political signs. Political message signs on behalf of candidates for public office or measures on election ballots, provided that no such sign be located within one hundred (100) feet of any polling site or placed within the public right-of-way or sight triangle. Such signs may not exceed sixteen (16) square feet in area in nonresidential districts or eleven (11) square feet in area in residential districts. Such signs shall be removed within ten (10) days after the election.

(l) Temporary sales signs. Temporary sales signs not exceeding eight (8) square feet and limited to two signs per property.

(1) Signs shall be located on private property where the sale is conducted and shall be set back five (5) feet from all property lines and out of the sight triangle.

(2) Such signs may be erected for periods not exceeding three (3) days and shall be removed at the end of the sale.

(3) Sandwich Board Signs. (Cr. GO 31-08)

a. Uses. A sandwich board sign may be permitted within the City right-of-way for parcels with frontage along the following zoning districts: Downtown One and Two (D1, D2), General Commercial (C1), Neighborhood Center (NC), Office/Residential (OR), Public Institutional (PI), and must meet the following standards.

b. Dimensional/Design Standards:

1. Area. Sign face area shall not exceed 12 square feet per sign face.
2. Width. Sign face width shall not exceed 3 feet measured at the widest point of the sign face.
3. Height. Sign height shall not exceed 4 feet measured from the ground to the top of the sign.
4. Ballast. A ballast shall be installed at the base of a sandwich board sign to ensure stability in windy conditions.
5. Portability. Signs shall be truly portable and shall not be permanently affixed to any structure or sidewalk.
6. Color/Illumination. The sign shall not be painted traffic yellow or construction zone orange, nor shall it be reflective, fluorescent or illuminated.
7. Signs shall not resemble or contain any MUTCD-compliant traffic control devices in size, shape, message, or color.

8. A maximum of one sandwich board sign per individual business shall be permitted. No supplemental sign, notice, flag, balloon or other decoration shall be attached to the sign.
9. The sandwich board shall be manufactured to a professional standard of construction, finish and graphics; be fabricated of sign grade wood or metal and be free standing and self-supporting and not be affixed to or mounted on wheels.
10. The sign shall be fold-over or breakaway in design, as to not be capable of producing serious injury to pedestrians, bicyclists, and motorists.
11. The sign shall be maintained in good repair.

c. Placement:
   1. Sidewalk Width. (Amd. GO 19-09) Signs shall be placed only on sidewalks where a minimum 5 foot clear sidewalk is maintained. The sign may be placed on the sidewalk fronting the place of business directly adjacent to the property line or building façade.
   2. Removal. Sandwich board signs may be displayed only during the period a business is open to the public and shall be removed at close of business each sign. Sandwich board signs shall not be placed in such a way as to interfere with snowplowing of the streets. The area around the sandwich board sign shall be free of snow and ice and shall be placed on the ground at all times. Sandwich board signs shall not be placed on snow banks. Businesses that utilize sandwich board signs will hold the City harmless from damage to the signs due to snow removal.
   3. Location. Signs shall be located according to the following standards:
      a) No sandwich board sign shall be placed within 10 linear feet of another sandwich board sign, measured from the base of each sign. Sandwich board signs shall not be located adjacent to a bus stop nor in any manner interfere with passengers boarding or alighting from a transit vehicle. The sign shall not obstruct drivers' sight lines and shall be placed a minimum of 25 feet from an intersection.
      b) Signs shall be located in the following portions of the sidewalk, to be determined by the Department of Public Works staff based on accessibility and safety standards, including location and proximity of doorways, width of tree plot, maximum distance between pedestrian obstacles, location of crosswalks, and other physical features of the location that affect accessibility and safety.
      c) Signs shall be placed a minimum of 48 inches from all obstructions within the sidewalk right-of-way, including newspaper boxes, outdoor tables/seating, trees and tree grates, bicycle racks, trash receptacles and any other item impeding pedestrian or wheelchair movement. Signs shall be placed a minimum of 10 feet from a building corner of pedestrian crosswalk. Signs shall not be closer than 2 feet from the face of the street curb.
      d) Signs shall not block or interfere with any permanent or temporary traffic control devices.
   4. ADA Compliance. Sign placement shall meet all Americans with Disabilities Act (ADA) requirements.

d. Enforcement. More than two violations of the sandwich board sign standards in one calendar year shall result in the removal of the sandwich board. A new sandwich board sign shall not be permitted for the business for a minimum of 12 months from the date of the sign permit revocation.

(m) Temporary civic signs. Temporary signs pertaining to public or civic events or advertising displays not exceeding sixteen (16) square feet in area to be displayed for a limited period of time not to exceed forty-five (45) days.

(n) Vehicular signs. Signs on vehicles operated in the normal course of business, which is not primarily the display of signs.

13-2006. Nonconforming signs.

(a) Determination of nonconforming status. Any sign located within the city limits as of the date of adoption of this ordinance or located in an area annexed to the city thereafter which does not conform to these provisions may be considered a nonconforming sign if it meets the following requirements:

(1) The sign was covered by a sign permit when erected if a permit was required at that time.

(2) If no sign permit was required for the sign in question and the sign complied in all respects with applicable ordinances on the date of construction or installation.

(b) Continuation of nonconforming status. A nonconforming sign shall maintain its nonconforming status provided that:

(1) The sign is not relocated.

(2) The sign is not replaced.

(3) No structural modification of the sign shall occur, except for changing of copy and normal maintenance or where such modification will bring the sign closer to compliance with the provisions of this section.

(c) Loss of nonconforming status. Any changes not in compliance with subsection (b) above shall result in loss of nonconforming status.

SECTION 2. SIGNS PERMITTED IN DISTRICTS

13-2007. Signs permitted in residential districts. The following signs shall be permitted in the Residential 1 (R-1), Residential 2 (R-2), Residential 3 (R-3), and Rural Residential (RR) districts.

(a) Multifamily building identity signs. A multifamily building or building complex may display the following signs:

(1) One wall identification sign per building not exceeding eight (8) square feet which may be illuminated.

(2) One monument or free-standing sign per building complex not exceeding twenty (20) square feet in area and ten (10) feet in height, which may be illuminated.

(b) Neighborhood identification signs and gateway markers. A sign, masonry wall, landscaping, and similar decorative materials or features may be combined to form a display for neighborhood, district, subdivision, or tract identification, provided that the sign area of such display does not exceed sixteen (16) square feet. Signs may be illuminated.

(c) Institutional identity signs. Institutional and civic uses, schools, dormitories, nursing homes, and other congregate living arrangements, as listed in Table 6-1, may display the following signs:

(1) One wall identification sign not exceeding sixteen (16) square feet which may be illuminated. On a corner lot, two such signs are permitted per building if facing both streets.

(2) One monument or free-standing sign not exceeding fifty (50) square feet in area and ten (10) feet in height which may be illuminated.

(d) Commercial and production signs. Commercial and production uses permitted in residential districts, as listed in Table 6-1, may display the following signs:

(1) One wall identification sign not exceeding sixteen (16) square feet which may be illuminated. On a corner lot, two such signs are permitted per building.

(2) One monument or free-standing sign not exceeding thirty-two (32) square feet in area and ten (10) feet in height which may be illuminated.

(e) Real estate signs. Non-illuminated real estate signs not exceeding six (6) square feet in area for single-family residential properties or thirty-two (32) square feet in area for multifamily or nonresidential properties advertising only the sale, rental, or lease of the premises, provided that:

(1) Only one such sign is displayed per parcel. On a corner lot, two such signs are permitted if facing both streets.

(2) Signs shall be set back at least ten (10) feet from the curb or edge of pavement.

(3) Signs shall be removed within thirty (30) days after the completion of the advertised sale or lease.

13-2008. Signs permitted in mixed-use districts. The following signs shall be permitted in the Office Residential (OR), Neighborhood Center (NC), Downtown 1 (D1), Downtown 2 (D2), and Traditional Neighborhood Development (TND) districts.

(a) All exempt signs as listed in Section 13-2005. Sign authorization is required for all other signs.

(b) Temporary signs as specified in Section 13-2014.

(c) Illumination of signs is permitted. Flashing illumination and rotation of signs are not permitted.

(d) No signs are permitted over public right-of-way except for those with special restrictions.

(e) Signs attached to buildings are permitted on front, side, or rear walls.

Table 20-1

	OR, NC & TND	D
Signage		
Types of signs allowed		
Wall signs	Yes	
Projecting signs	Yes	
Awning, canopy, and marquee signs	Yes	
Window signs	Yes	
Roof signs	No	
Pole/pylon sign	Yes	
Monument sign	Yes	
Signs attached to buildings		
Max. attached total sign area (combination of all wall and awning signs; does not include window signs): [b]	100 sq. ft.	400 sq. ft./1,000 sq. ft. department store [a]
Maximum number of attached signs	1 wall sign and 1 awning sign per building wall facing street + 1 department store identity sign. [a] In a multi-tenant building, one wall and one awning sign per business.	
Wall signs: maximum area per sign	50 sq. ft.	200 sq. ft./1,000 sq. ft. department store [a]
Wall signs: maximum height	Sign support structure shall not extend more than 18 inches above roof/cornice.	
Window signs: maximum number, area	1 per window not exceeding 50% of window area	
Awning, canopy signs: maximum area	50% of area	
Projecting signs: maximum area	25 sq. ft.	
Lighting of signs	Yes	
Free-standing signs		
Max. freestanding sign area [b]	100 sq. ft.	300 sq. ft./1,000 sq. ft. department store [a]
Maximum number	1 per street frontage	
Maximum area per sign	50 sq. ft.	150 sq. ft.
Maximum height of sign	Pole: 20 ft. Monument: 6 ft.	Pole: 30 ft. Monument: 6 ft.
Minimum clearance	10 ft.	
Minimum setback	0 ft	
Lighting of signs	Yes	

Notes:

[a] A department store is defined as a business having 50,000 sq. ft. or more of floor space which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed, enclosed, and are exhibited to be sold directly to the customer to whom the goods and services are furnished. A department store may provide an identity sign attached to the primary building as detailed in Table 20-1.

[b] Sign's total maximum area may be increased when used on parcels of property with public street frontages over 200 ft. at the rate of 0.75 sq. ft. per linear foot of street frontage beyond 200 ft. This rate of increased sign area applies to total sign area allotment.

13-2009. Specific standards for signs in mixed-use districts. The following standards are intended to ensure that signs are designed to enhance and complement the historic character of buildings within the central business district and other neighborhood business districts where signs are placed on existing buildings.

(a) Compatibility. Signs should be positioned so they are an integral design feature of the building and so they complement and enhance the building's architectural features. Signs should not obscure or destroy architectural details, such as stone arches, glass transom panels, or decorative brickwork. Signs may be placed:

(1) In the horizontal lintel above the storefront windows.
(2) Within window glass, provided that no more than 25 percent of the window is obscured.
(3) Projecting from the building.
(4) As part of an awning.
(5) In areas where signs were historically attached, as determined by the Historic Preservation Commission.

(b) Wall sign design. Wall signs should generally be rectangular. In most cases, the edges of signs shall include a raised border that sets the sign apart from the building. Individual raised letters set onto the sign area surface are also preferred.

(c) Colors. Sign colors shall coordinate with the building façade to which the sign is attached.

(d) Materials. Signs and sign letters should generally be made of wood or metal that is in keeping with the corresponding historic period of the building.

13-2010. Signs permitted in commercial districts. The following signs shall be permitted in the General Commercial (C1), Highway Commercial (C2), and Community Center Commercial (C3) districts:

(a) All exempt signs as listed in Section 13-2005. Sign authorization is required for all other signs.

(b) Temporary signs as specified in Section 13-2014.

(c) Illumination of signs is permitted. Flashing illumination and rotation of signs are not permitted.

(d) Signs are not permitted adjacent to residentially-zoned areas.
(e) No signs are permitted over public rights-of-way except for those with special restrictions.
(f) Signs attached to buildings are permitted on front, side, or rear walls.

Table 20-2

	C1	C2	C3
Signage			
Types of signs allowed			
Wall signs	Yes		
Projecting signs	Yes (Amd. GO 3-12)		
Awning, canopy, and marquee signs	Yes		
Window signs	Yes		
Roof signs	No		
Monument sign	Yes		
Pole/pylon sign	Yes		
Signs attached to buildings			
Max. attached sign area: (combination of all wall and awning signs; does not include window signs) [c]	400 sq. ft./1,000 sq. ft. department store [a]	400 sq. ft.	400 sq. ft. small shopping center/640 sq. ft. large shopping center [b]
Maximum number of attached signs	1 wall sign and 1 awning sign per building wall facing street. In a multi-tenant building, one wall and one awning sign per business. + 1 department store identity sign [a]	1 wall sign and 1 awning sign per building wall facing street. In a multi-tenant building, one wall and one awning sign per business.	1 wall sign and 1 awning sign per building wall facing street. In a multi-tenant building, one wall and one awning sign per business.
Wall signs: maximum area per sign	200sq. ft. /1,000 sq. ft. department store [a]	200 sq. ft.	4 sq. ft. per 1 ft. building frontage
Wall signs: maximum height	Sign support structure shall not extend more than 18 inches above roof/cornice.		
Window signs: maximum number, area	1 per window not exceeding 50% of window area		
Awning, canopy signs: maximum area	50% of area		
Lighting of signs	Yes		
Free-standing signs			
Max. freestanding sign area [c]	300 sq. ft.		400 sq. ft. small shopping center/640 sq. ft. large shopping center [b]
Maximum number of signs	1 per street frontage		
Maximum area per sign	150 sq. ft.		200 sq. ft. small shopping center/320 sq. ft. large shopping center [b]
Maximum height of sign	Pole: 30 ft. Monument: 6 ft.		Pole: 40 ft. small shopping center / 50 ft. large shopping center [b] Monument: 6 ft.
Minimum clearance	10 ft.		
Minimum setback	0 ft		
Lighting of signs	Yes		

Notes:

[a] A department store is defined as a business having 50,000 sq. ft. or more of floor space which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed, enclosed, and are exhibited to be sold directly to the customer to whom the goods and services are furnished. A department store may provide an identity sign attached to the primary building, as detailed in Table 20-2.

[b] A small (under 10 stores) or large center (10 stores or more) is defined as a group of individual parcels and/or businesses comprising a general area bounded by natural features, roadways, municipal boundaries, common zoning lines, etc. that is a special or exclusive type of planned commercial/ business area designed and equipped to accommodate a community of businesses providing necessary facilities and services in attractive surroundings among compatible neighbors, which may be promoted by private developers, community organizations, or government organizations. A shopping center may provide an identity sign on private property at each major entrance to the park from a primary arterial, expressway, or freeway.

[c] Sign's total maximum area may be increased when used on parcels of property with public street frontages over 200 ft. at the rate of 0.75 sq. ft. per linear foot of street frontage beyond 200 ft. This rate of increased sign area applies to total sign area allotment.

13-2011. Signs permitted in industrial districts. The following signs shall be permitted in the Light Industrial (LI), General Industrial (GI), and Business Park (BP) districts.

(a) All exempt signs as listed in Section 13-2005. Sign authorization is required for all other signs.

(b) Temporary signs as specified in Section 13-2014.

(c) In the I-43 Business Park, the Protective Covenants and Design Criteria for signage shall take precedence over the regulations in this section.

(d) Illumination of signs is permitted. Flashing illumination and rotation of signs are not permitted.

(e) Signs are not permitted adjacent to residentially-zoned areas.

(f) No signs are permitted over public rights-of-way except for those with special restrictions.

(g) Signs attached to buildings are permitted on front, side, or rear walls.

Table 20-3

	LI & GI	BP
Signage		
Types of signs allowed		
Wall signs	Yes	
Projecting signs	No	
Awning, canopy, and marquee signs	Yes	
Window signs	Yes	
Roof signs	No	
Monument sign	Yes	
Pole/pylon sign	Yes	
Signs attached to buildings		
Max. attached sign area (combination of all wall and awning signs; does not include window signs) [b]	400 sq. ft.	
Maximum number of attached signs	1 wall and 1 awning sign per street frontage. In a multi-tenant building, 1 wall and 1 awning sign per business.	
Wall signs: maximum area per sign	200 sq. ft.	
Wall signs: maximum height	Sign support structure shall not extend more than 18 inches above roof/cornice.	
Window signs: maximum number, area	1 per window not exceeding 50% of window area	
Awning, canopy signs: maximum area	50% of area	
Lighting of signs	Yes	

Free-standing signs		
Types of signs allowed		
Monument sign	Yes	
Pole/pylon sign	Yes	
Sign requirements		
Max. free-standing sign area [b]	300 sq. ft.	300 sq. ft.+ 320 sq. ft. Business Park Identity [a]
Maximum number of signs	1 per street frontage	1 per street frontage + 1 Business Park identity [a]
Maximum area per sign	150 sq. ft.	150 sq. ft./320 sq. ft. Business Park identity [a]
Maximum height of sign	Pole: 30 ft. Monument: 6 ft.	Pole: 30 ft./50 ft. Business Park identity [a] Monument: 6 ft.
Minimum clearance	10 ft	
Minimum setback	10 ft	
Lighting of signs	Yes	

Notes:

[a] A business park is defined as a group of individual parcels comprising a general area bounded by natural features, roadways, municipal boundaries, common zoning lines, etc. that is a special or exclusive type of planned industrial and business area designed and equipped to accommodate a community of businesses providing necessary facilities and services in attractive surroundings among compatible neighbors which may be promoted by private developers, community organizations, or government organizations. A business park may provide a business park identity sign on private property at each major entrance to the park from a primary arterial, expressway, or freeway.

[b] Sign's total maximum area may be increased when used on parcels of property with public street frontages over 200 ft. at the rate of 0.75 sq. ft. per linear foot of street frontage beyond 200 ft. This rate of increased sign area applies to total sign area allotment.

13-2012. Signs permitted in the Public Institutional and Conservancy districts. Within the Public Institutional and Conservancy Districts, the following signs shall be permitted:

(a) All exempt signs, as listed in Section 13-2005.

(b) All signs permitted in residential districts, as listed in Section 13-2007.

(c) Temporary signs, as listed in Section 13-2014.

(d) Illumination of signs is permitted. Flashing illumination and rotation of signs are not permitted.

(e) No signs are permitted over public rights-of-way except for those with special restrictions.

(f) Signs attached to buildings are permitted on front, side, or rear walls.

Table 20-4

	PI [a]	CON
Signage		
Types of signs allowed		
Wall signs	Yes	No
Projecting signs	Yes	No
Awning, canopy, and marquee signs	Yes	No
Window signs	Yes	Yes
Roof signs	No	No
Monument sign	Yes	Yes
Pole/pylon sign	Yes	Yes
Signs attached to buildings		
Max. attached sign area: (combination of all wall and awning signs; does not include window signs) [b]	400 sq. ft.	N/A
Maximum number of attached signs	1 wall sign and 1 awning sign per building wall facing street. In a multi-tenant building, 1 wall and 1 awning sign per business.	N/A
Wall signs: maximum area per sign	200sq. ft.	N/A
Wall signs: maximum height	Sign support structure shall not extend more than 18 inches above roof/cornice.	N/A
Window signs: maximum number, area	1 per window not exceeding 50% of window area	
Awning, canopy signs: maximum area	50% of area	
Lighting of signs	Yes	No
Free-standing signs		
Max. freestanding sign area [b]	300 sq. ft.	
Maximum number of signs	1 per street frontage	
Maximum area per sign	150 sq. ft.	
Maximum height of sign	Pole: 30 ft. Monument: 6 ft.	
Minimum clearance	10 ft.	
Minimum setback	0 ft	
Lighting of signs	Yes	No

Notes:

[a] Due to their proximity to potentially incompatible uses, signage for the following Public Institutional uses shall be regulated as specified below:

1. Schools, elementary or secondary, shall be allowed signage as regulated in Chapter 13-2015.
2. Religious institutions and places of worship shall be allowed signage as regulated in Chapter 13-2016.
3. Telecommunication towers and wireless communication facilities are allowed only incidental/exempt signage.
4. Hospital signage greater than what's allowed in Table 20-4 shall be established through the development of its master plan.
5. College, university signage greater than what's allowed in Table 20-4 shall be established through the development of their master plan.

[b] Sign's total maximum area may be increased when used on parcels of property with public street frontages over 200 ft. at the rate of 0.75 sq. ft. per linear foot of street frontage beyond 200 ft. This rate of increased sign area applies to total sign area allotment.

SECTION 3. OFF-PREMISES ADVERTISING

13-2013. Off-premises advertising signs.

(a) Background. In enacting this chapter, special notice has been taken of the often competing viewpoints of citizens and the sign industry, particularly that portion of the industry engaged in billboard operations. Frequently, the citizens' right to an unobstructed view has been pitted against the right of the sign industry and its clients to do business, promoting a "winner takes all" situation in resolving conflicts. This chapter has been designed to protect and accommodate both concerns. In arriving at these compromises, every possible consideration has been afforded the public interest, individual property and business rights, and the need for signs and outdoor advertising. Compromise obviously implies mutual concessions and/or losses. It also suggests mutual gains and benefits. It is further the intent of this chapter that its burdens and benefits be fairly and rationally distributed among all parties involved.

(b) Purpose. This chapter is enacted to provide minimum standards to protect the life, health, safety, property, welfare, convenience, and enjoyment of the general public by regulation and controlling the design, quality of materials, construction, erection, location, electrification, lighting, use, and maintenance of all outdoor advertising signs and sign structures. The purposes of this chapter are to make Green Bay safer by eliminating or reducing safety hazards, to contribute to the development and maintenance of an attractive visual environment while facilitating the communication of messages to the public, and to protect the safety and efficiency of the city's transportation network.

(c) Permitted locations. Off-premises advertising signs shall be permitted only in the following locations, meeting the spacing requirements of this chapter:

(1) The C1 General Commercial and C2 Highway Commercial Districts.

(2) The LI Limited Industrial District and the GI General Industrial.

(d) Prohibited locations. Off-premises advertising signs shall be prohibited in the following locations even when located within the permitted zones, as listed in Chapter 13-2013 (c):

(1) Off-premise signs shall not be located within the front yard setbacks where such setbacks are established.

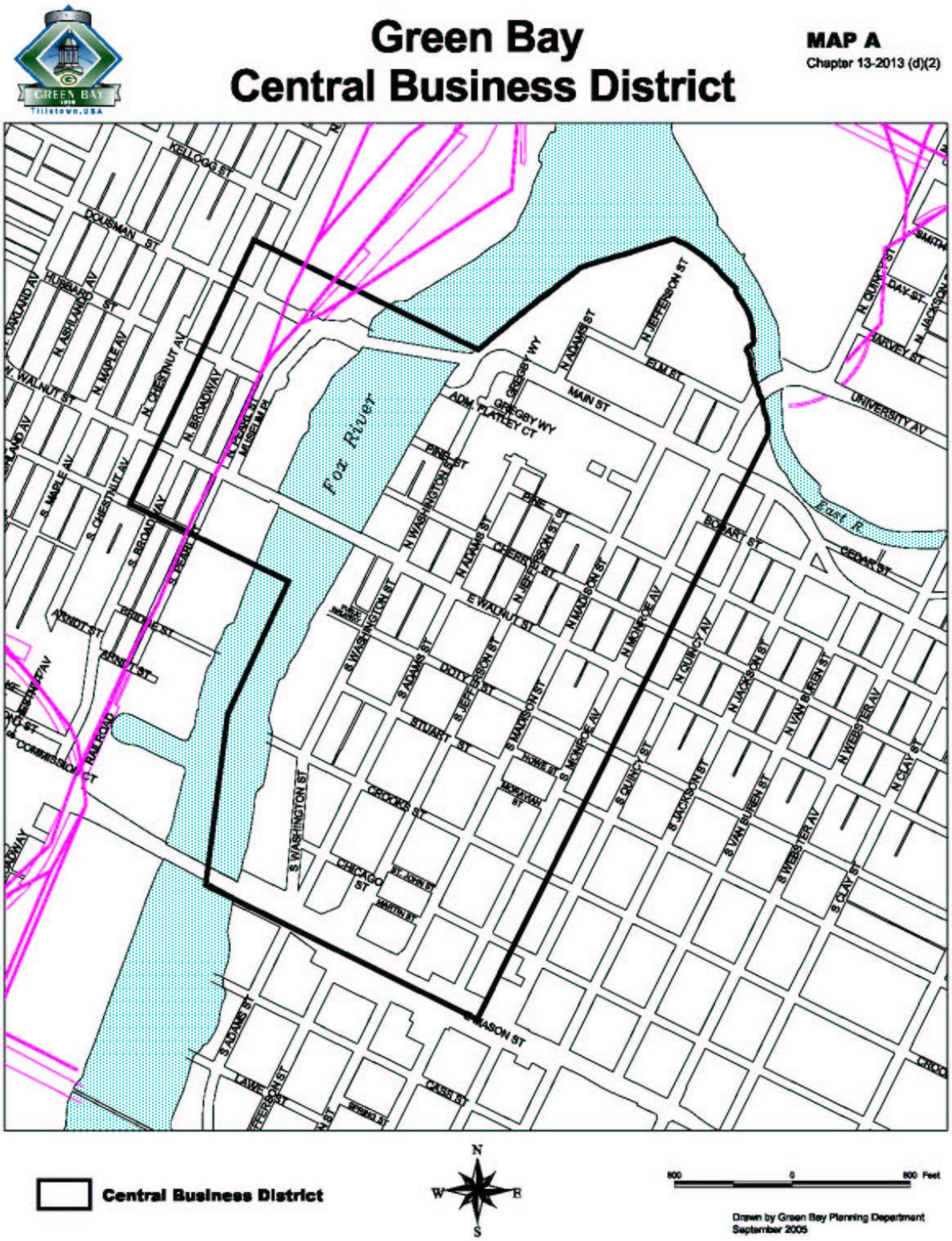
(2) For purposes of preserving the publicly-adopted redevelopment of the central business district, including significant public pedestrian-scale improvements and amenities, off-premise signs shall not be permitted within the boundaries of the central business district identified on Map "A" or the first parallel public street, whichever is greater. See map at end of chapter.

(3) For purposes of public safety of users of waterways and to provide for the beautification of areas contiguous to various water courses within the city, no off-premise signs shall be located closer than 500' from the waterway shore bank (bulkhead or floodway line) of a river,

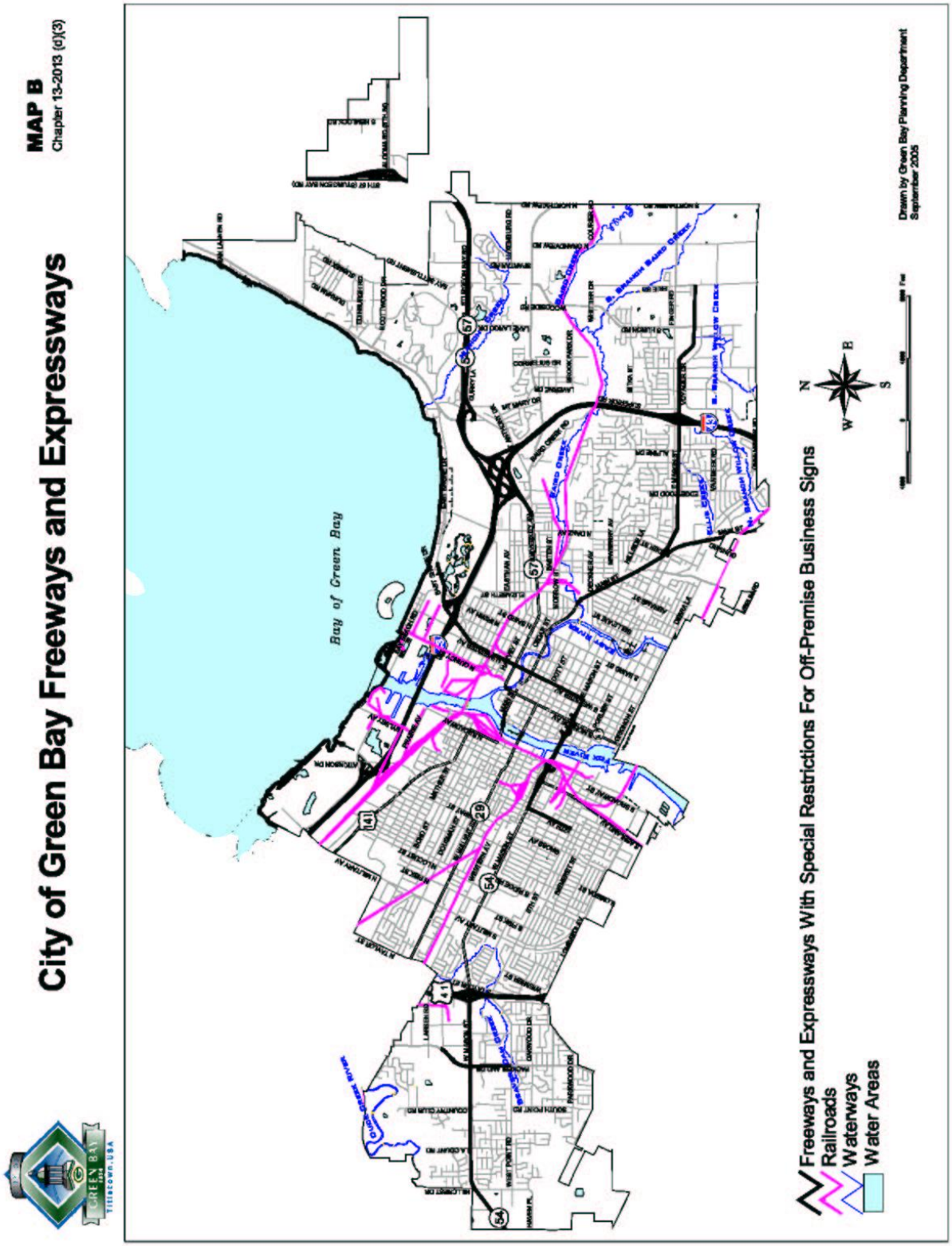
bay, or waterfront identified on Map “C” or the first parallel public street, whichever is greater. See map at end of chapter.

(4) For purposes of preserving the natural value and views of the many unique historic and natural areas within the city, no off-premise signs shall be located closer than 500' from the established historic districts and natural areas identified on Map “D” or the first parallel public street, whichever is greater. See map at end of chapter.

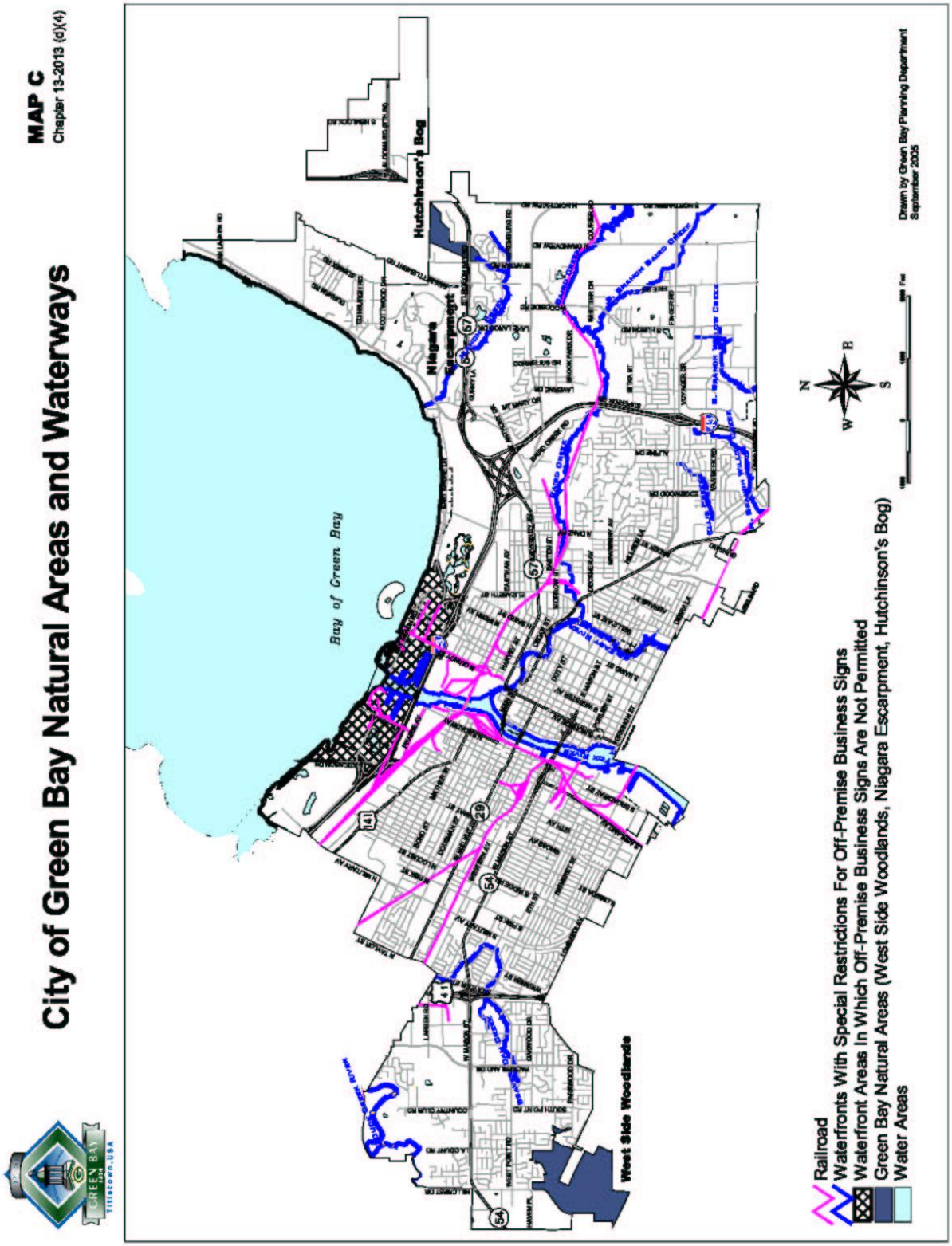
Map A: Green Bay Central Business District



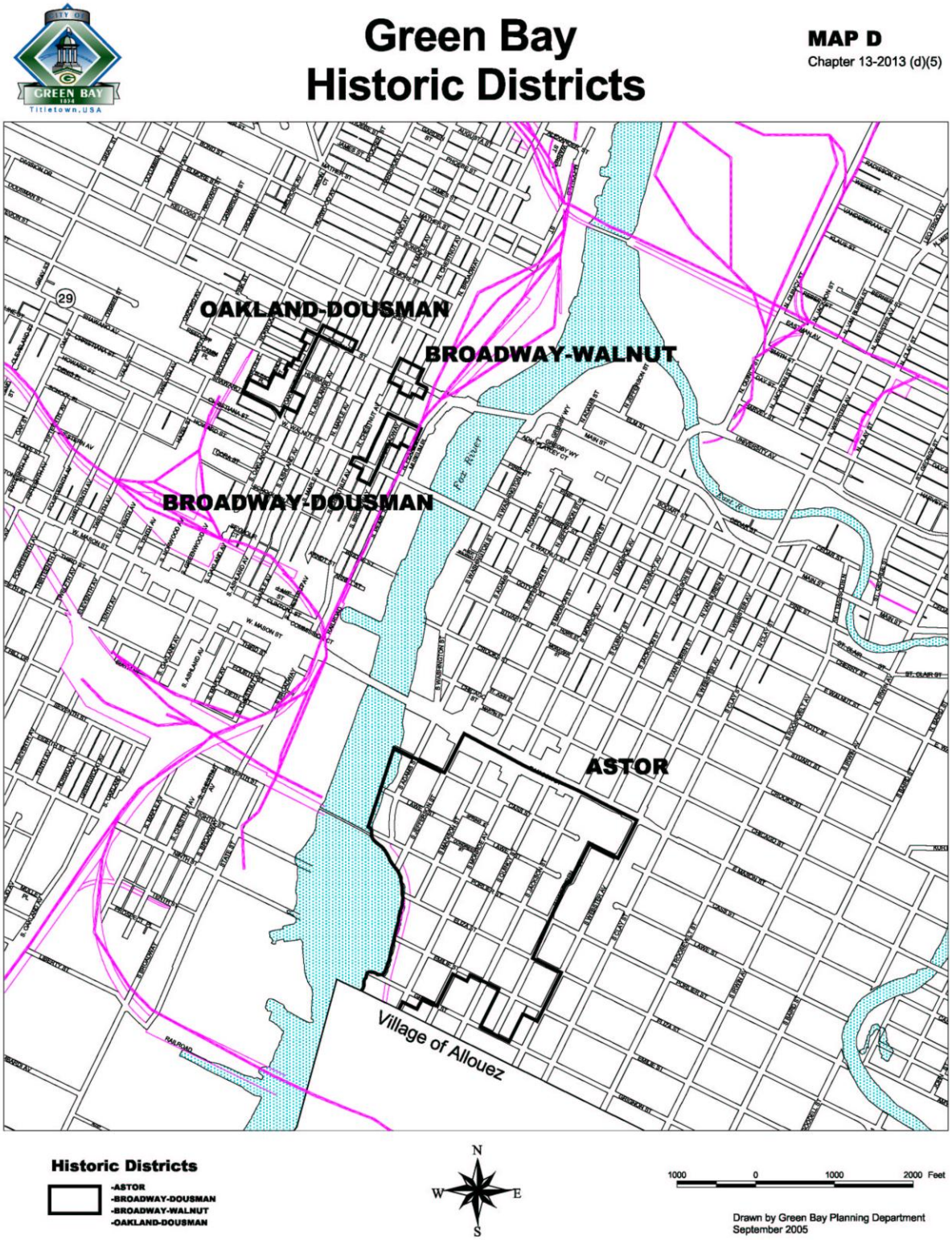
Map B: City of Green Bay Freeways and Expressways



Map C: City of Green Bay Natural Areas and Waterways



Map D: Green Bay Historic Districts



(e) Exceptions to prohibited locations. The restrictions identified in Chapter 13-2013 (d) shall not apply to the following areas:

(1) Area west of the Fox River to Broadway.

(2) Area immediately adjacent and advertising to West Mason Street (Tilleman Bridge structure).

(3) Area adjacent to and north of the East River, to include both sides of Main Street between the alley west of Webster Avenue easterly to Elizabeth Street.

(4) Off-premise signs may be mounted on or flat against a wall of an intermediate building which prevents said signs from being directed toward said river, bay, historic, or natural area identified in Chapter 13-2013 (d), provided said signs shall be removed if and when said intermediate building is removed.

(f) Existing signs. Existing off-premises advertising signs that do not meet the size and location standards may remain in place and not be considered nonconforming uses. However, a new sign may not be permitted unless it replaces the existing sign that does not meet the size and location standards. All new signs shall meet the requirements of this chapter.

(g) Spacing limitations. Off-premises advertising signs shall maintain the following separation distances:

(1) (Amd. GO 13-09) Off-premise signs shall not be located within fifty (50) feet of residential district boundaries, school property, or public parks and parkways (including those so designated on the Official Map) if said signs are perpendicular to or facing away from such uses. This distance increases to two hundred (200) feet if signs are facing (oriented with message side parallel) said uses. These distances also increase for multiple message signs per Section 13-2013(i), Green Bay Municipal Code.

(2) No sign built within 100 feet of an intersection shall have less than 10 feet of underclearance, unless erected on or against an existing building. Off-premise business signs shall not be located within the front yard setbacks where such setbacks are established.

(3) A minimum of three hundred fifty (350) feet between off-premise signs, as viewed from any main travel direction of the same street, and in the same direction, except for signs adjacent to freeways and expressways. Spacing shall be measured in a lineal direction on the same side of the street. "Back-to-back" mounting of such signs is acceptable, as are signs mounted on or flat against opposite parallel walls of a building.

a. Off-premise signs adjacent to freeways and expressways shall be spaced a minimum of seven hundred fifty (750) feet apart, measured in a lineal direction on the same side of the freeway or expressway.

(h) General requirements.

(1) Off-premise signs shall be considered a principal use of the property on which they are located and shall not project over the right-of-way.

(2) No more than two off-premise signs are permitted on the same zoning lot. Furthermore, such off-premise signs shall be limited to one sign for each of two approach directions of traffic.

(3) Signs shall not exceed seven hundred (700) sq. ft. in total area per sign face or 300 sq. ft. if applied directly to walls.

(4) Signs shall not exceed thirty (30) feet in height. Sign height shall be measured from average height at road grade elevation to the highest point of the sign.

(i) Multiple message sign operation. (Amd. GO 13-09) Multiple message signs are permitted as a conditional use. To be considered for a conditional use permit, such signs must meet all regulations of this chapter and the following:

(1) Standards for multiple message signs.

a. The transition time, or the time it takes to change the message (electronically, via louver rotation, or other means), shall be one second or less.

b. The time the message remains in a fixed position shall be eight seconds or more, and movement or animation is prohibited.
c. Audio speakers and all forms of pyrotechnics are prohibited.
d. Electronic multiple message signs (digital billboards) shall be equipped with automatic dimming capability, and light produced by such signs shall not exceed 0.3 foot candles over ambient light levels. The ambient light reading is taken at least 30 minutes past sunset with the sign turned off or displaying all black copy. The fully lit reading is taken with the sign displaying all white copy. Measurement of light levels should be taken perpendicular to the face of the sign, and the following distances should be used as guidelines to determine where to take measurements:
   i. 100 square foot or smaller sign to be measured 100 feet from source
   ii. Greater than 100 to 350 square foot sign to be measured 150 feet from source
   iii. Greater than 350 to 650 square foot sign to be measured 200 feet from source
   iv. Greater than 650 to 700 square foot sign to be measured 250 feet from source
e. Spill-over light exceeding 0.2 foot candles as measured at a residential property line is prohibited.

(2) Mitigation of multiple message signs. Since the maximum number of off-premise signs permitted in the City is fixed at the number in the current sign inventory, and because multiple message signs can display multiple messages, a new multiple message sign (whether new construction or sign replacement) shall be mitigated. In addition to meeting the requirements of subpar. (j), a new multiple message sign must earn at least 5 mitigation points per sign face. One or more existing billboards will be removed as part of the mitigation process.
a. Mitigation points can be earned in the following ways. Note that points are assessed and required per sign face.
   i. Five (5) points per sign face for the removal of a billboard that is nonconforming due to location in the CBD, a natural area, or a historic district
   ii. Four (4) points per sign face for the removal of any other nonconforming billboard
   iii. Three (3) points per sign face for the removal of a conforming billboard that is capable in its existing structural condition of safely supporting a multiple message sign of the same area as the existing sign face
   iv. Two (2) points per sign face for the removal of any other existing billboard that is not capable in its existing structural condition of safely supporting a multiple message sign of the same area as the existing sign face
   v. One (1) additional point per sign face for the removal of a billboard visible from a street or highway with a functional classification of Interstate, Freeway, or Principal Arterial
   vii. No points are awarded for the replacement of an existing billboard (While a digital billboard may be approved where an existing static sign has been removed from a conforming location, this sign removal does not count toward the required mitigation points. The points must be obtained from other sign sites.)
b. A mitigation plan shall be submitted for review by the Planning Department, and more than one new multiple message sign may be included in a single mitigation plan. The cumulative points earned for sign removal may be applied to multiple signs within a single mitigation plan and sign permit application. However, any excess points remaining are not carried over or "banked" for future applications. In other words, mitigation points will not be tracked beyond a single sign project which may involve multiple new signs. The reason for this is to avoid conflicts between mitigation points and the existing cap on the total number of allowable off-premise signs.

c. If the cumulative result of a sign project and mitigation plan is a net reduction in signs, then the maximum allowable number of off-premise signs for the City as a whole will be reduced immediately. This means that signs removed under a mitigation plan can only be replaced with the multiple message sign(s) being mitigated. They cannot be replaced with other signs in the future.

(3) Permitted locations of multiple message signs

a. Sign message must be directed to a state or federal highway, or a designated connecting highway, as mapped by the Wisconsin Department of Transportation in accordance with Ch. 84.02(12), Wis. Stats.

b. Signs with a variable message face visible to drivers approaching an intersection, where drivers must also watch for cross traffic, bikes, and/or pedestrians, must comply with the following setbacks from that intersection as measured from the street right-of-way line.

i. 100 square foot or smaller sign to be set back at least 100 feet

ii. Greater than 100 to 350 square foot sign to be set back at least 150 feet

iii. Greater than 350 to 650 square foot sign to be set back at least 200 feet

iv. Greater than 650 to 700 square foot sign to be set back at least 500 feet

c. Such signs shall not be located within one hundred (100) feet of residential district boundaries, school property, or public parks and parkways (including those so designated on the Official Map) if said signs are perpendicular to or facing away from such uses. This distance increases to four hundred (400) feet if signs are facing (oriented with message side parallel) said uses.

(4) Hazard abatement.

a. If the Director of Public Works or his/her designee finds that an electronic multiple message sign (digital billboard) is causing interference with the visibility or effectiveness of a traffic signal or control, the sign shall be turned off without delay.

b. If the Director of Public Works or his/her designee finds that an electronic multiple message sign (digital billboard) is malfunctioning in a fashion that creates a hazardous glare or other traffic hazard, the sign shall be turned off without delay.

c. In such a situation, the owner of the sign must then meet with City staff to determine how to rectify the situation, and the sign shall not be turned back on without City staff approval.

d. Each sign owner is to maintain up-to-date contact information with the Department of Public Works for such purposes. The contact information is to provide 24-7 (24 hour per day, 7 days per week) access to a person or persons that is/are available at all times to respond to a hazardous sign situation.

(5) Standard conditions of approval. The following are the minimum conditions of approval that shall be applied to the conditional use permit. Other appropriate conditions of approval may also be required by the Plan Commission and City Council.

a. A site plan and applicable permit applications (sign permit, electrical permit, building permit) shall be required for erecting a new multiple message sign or for converting an existing static display sign to a multiple message sign.

b. The sign permit application shall not be valid unless approved by the Director of Public Works or his/her designee (Traffic Engineer).

c. A mitigation plan shall be submitted for review and approval by the Planning Department.

d. If the US Department of Transportation, Federal Highway Administration concludes before June 1, 2010 that digital billboards or their particular operation are detrimental to traffic safety, then the hazard posed by this sign shall be resolved. If the hazard can be effectively resolved by adjusting the brightness, length of display, or other such performance issue, then this shall be allowed as the course of action. If the hazard cannot

be effectively resolved by adjusting the performance of the sign, then the sign shall be removed and may be replaced with an approvable sign.

e. The Department of Public Works shall be provided with the means to turn off a digital billboard in the case of hazardous glare, interference with the visibility or effectiveness of a traffic signal or control, or other traffic hazard caused by the sign.

(j) Inventory of off-premise signs. The inventory of all existing and permitted off-premise signs and sign sites shall be the number of signs and sign sites then legally permitted or in existence as of August 19, 1986, and shall represent the maximum number of off-premise signs and sign sites permitted within the City of Green Bay.

(1) All off-premise signs and sign sites authorized as of August 19, 1986, but not constructed as of August 19, 1987, shall be removed from the inventory of off-premise outdoor advertising signs and shall correspondingly reduce the number of signs permitted within the City of Green Bay.

(2) (Amd. GO 13-09) Any sign removed after August 19, 1986, which is not replaced in compliance with this ordinance or any sign ordered to be removed by order of a court of competent jurisdiction after August 19, 1986, shall be removed from the inventory and correspondingly reduce the number of signs and sign sites permitted within the City of Green Bay. Based on an updated inventory as of March 1, 2009, the maximum number of signs and sign sites permitted was 85.

(3) Any replacement sign, pursuant to this subsection, shall comply with all applicable ordinances for the location and construction of said sign.

a. Any sign removed pursuant to this subsection may be replaced by a sign that does not exceed the cumulative square footage of the sign that it is replacing.

b. Any sign replaced shall be reconstructed within one year after the issuance of the wrecking permit for the sign that it is replacing.

c. (Amd. GO 13-09) In no event shall the replacement of a sign(s) result in more sign site(s) than the number of sign sites identified in the inventory of August 19, 1986, or as updated under this section.

(4) Any sign acquired by the City of Green Bay or any other governmental authority may be replaced by the sign owner within one year after the date that the City acquires the sign.

a. For purposes of this subsection, the date of acquisition in condemnation cases shall be the date on which the jurisdictional offer is issued for the acquisition of that sign.

b. In all other cases, the date of acquisition shall be the date on which the property owner accepts the government body's offer to purchase such sign.

c. No sign shall be replaced pursuant to this subsection unless the owner has complied with all applicable ordinances for the location and construction of said sign.

(k) Application for a permit. The application for off-premise sign permits shall contain all information, drawings, and specifications necessary to fully advise the Inspection Department of the City of Green Bay of the type, size, shape, location, zone, construction, and materials of the proposed sign and the building structure or premises upon which it is to be placed. No building permit shall be issued for a replacement sign until all conditions of the wrecking permit have been fully complied with.

(l) Additional information needed. When applying for a billboard permit, the billboard operator/owner shall, in addition to the above, furnish the following information at the time of permit application:

(1) The location of the proposed sign in relation to the property lines and any building, fence, or other structure on the property on a site plan.

(2) The location of the proposed sign in relation to the property lines and any building, fence, or other structure on the property on a site plan.

(3) The distance to the nearest off-premise outdoor advertising sign.

(4) An affidavit from the property owner authorizing erection of the sign or an executed lease agreement without disclosing the terms of the lease or the lease rent.

(5) A professional engineer's certificate.

SECTION 4. SPECIAL SIGNS

13-2014. Temporary signs. Temporary signs shall be allowed in excess of the sign limitations for permanent signs, in compliance with the following:

(a) Temporary signs shall be permitted only in mixed-use, commercial, and industrial districts or in residential districts in conjunction with a new subdivision.

(b) Signs shall comply with the setback provisions for monument or ground/pylon signs in each zoning district.

(c) Signs shall be limited to thirty-two (32) square feet in total area per property.

(d) Signs shall require a permit from the Zoning Administrator for each location and time-period.

(e) Signs shall be located on the property the advertising pertains to, unless for a civic or public event which may project over the right-of-way with city approval.

(f) Signs shall be limited to a maximum of three (3) periods per year per property (defined by a single Property Identification Number). Each period not to exceed thirty (30) days.

(g) All pennants, streamers, banners, and other forms of temporary signs must be maintained and not frayed, torn, or tattered.

(h) No more than two (2) banners, balloons, flags, or posters shall be permitted at one time on a property, subject to the time limitations under (f) above. Balloons and other aerial devices may not exceed fifty (50) feet in height.

(i) No more than one readerboard or other portable ground sign shall be permitted at one time on a property, subject to the time limitations under (f) above.

(j) (Cr. GO 24-10) Video display signs shall be allowed as temporary signs as permitted in Sections 13-2014 and 13-2021(a) and (b), Green Bay Municipal Code.

13-2015. Elementary or secondary school signage. (Amd. GO 47-07) Elementary and secondary school signs are regulated as follows:

(a) One ground-mounted monument sign is permitted per street frontage, and one sign attached to a building is permitted per building façade facing a public street.

(b) Ground-mounted signs shall be no larger than 6 ft. in height and contain no more than 50 sq. ft. of sign area (per side). Signs attached to a building shall not have any support structures extending more than 18 inches above roof/cornice and shall contain no more than 32 sq. ft. of sign area.

(c) The ground/monument sign shall be architecturally compatible with the school and have a 1- to 4-foot masonry base of similar building materials and/or an earth berm.

(d) The horizontal measurement of the ground sign must be greater than the vertical measurement.

(e) Ground-mounted signs shall be set back not less than 15 feet from any property line.

(f) Architectural details compatible with the school design may not exceed 16 inches above the maximum height.

(g) The ground-mounted sign is to be limited to school name, logo, and address.

(h) Four lines of readerboard are permitted on the ground-mounted signage, not to be greater than 80 percent of the sign area. Letters contained within the readerboard shall not be less than 6 inches in height. No additional exterior readerboards and/or changeable copy will be permitted on site.

(i) The readerboard shall be limited to advertising for onsite activities. No off-site advertising shall be permitted.

(j) (Rep. & Rec. GO 47-07) Electric signage is permitted subject to:

(1) No sign shall conflict with the visibility of any traffic signal as determined by the City's Traffic Engineer.

(2) Electronic message signs shall occupy no more than 50 percent of the face of the ground sign area.

(3) No such sign shall be illuminated that is greater than necessary for adequate visibility. Message center signs that are found to be too bright shall be modified with the instruction of the City.

(4) An electronic message sign shall not operate beyond 10:00 PM.

(5) An electronic message sign shall not face a residentially-zoned property.

(6) Messages shall not repeat in intervals of less than four seconds nor last longer than 10 seconds. Individual messages may last longer than 10 seconds. Rotating signs shall be limited to a maximum of eight revolutions per minute and shall not flash or have traveling bulb effects.

(7) No chasing lights are permitted.

(k) A detailed landscape plan is required with a landscape area sufficient to cover an area extending not less than 3 feet past any part of the ground-mounted sign. The landscape plan is subject to Planning staff approval.

(l) Elementary and secondary school signs may be illuminated.

13-2016. Religious institution and place of worship signage. Religious institution and place of worship signs are regulated as follows:

(a) One ground-mounted sign is permitted per street frontage, and one sign attached to a building is permitted per building façade facing a public street.

(b) Ground-mounted pole/pylon signs shall be no greater than 10 ft. in height with 3 ft. of under-clearance, and ground-mounted monument signs shall be no greater than 6 ft. in height and contain no more than 50 sq. ft. of sign area (per side). Signs attached to a building shall not have any support structures extending more than 18 inches above roof/cornice and shall contain no more than 32 sq. ft. of sign area.

(c) Ground-mounted signs shall be set back no less than 15 feet from any property line.

(d) Up to 50 percent of the permitted area of a permitted sign may be changeable copy "readerboard."

(e) Religious institution and place of worship signs may be illuminated.

13-2017. Subdivision development signs. Two temporary signs in any zone in connection with the marketing of lots or structures in a subdivision, subject to the following conditions:

(a) Permit required. Requests for subdivision development signs shall be required to submit a site plan, sign details, and other information, as regulated in Chapter 13-1800, to the office of the Zoning Administrator for review of compliance with all applicable codes. No fee will be required.

(b) Time limit. Such permits may be issued until 80 percent of the lots have been sold, or less than 5 lots remain in the subdivision, after which said signs shall be removed.

(c) Text, content. The temporary subdivision sign may contain advertising in connection with the name of the subdivision, development firm, building contractor, real estate firm, and may refer to materials, appliances, supplies, and building trades used in connection with the dwelling units or services provided by the developer. Said signs may be illuminated.

(d) Location. Any subdivision development sign shall comply with all applicable setback requirements for the zoning district in which the property is located.

(e) Height and size. Signs shall be no greater than 10 ft. in height with 3 ft. of under-clearance. Maximum sign area shall not exceed a total of 320 sq. ft. The maximum area of each individual sign shall not exceed 160 sq. ft.

13-2018. Chaser signs. Chaser signs are to be used only as window signs or signs inside a building in the Mixed-Use, Commercial, and Industrial Districts, with the following restrictions:

(a) Signs shall not exceed forty (40) by forty-eight (48) inches in size.

(b) Signs placed in windows shall not exceed fifty percent (50%) of the window area.

(c) Sign illumination shall not exceed 10 watts.

13-2019. Changeable copy signs. Changeable copy signs may be incorporated within or used as institutional identity signs in any district in compliance with the following restrictions.

(a) (Rep. & Rec. GO 2-08) Changeable copy signs shall not be utilized as a stand-alone sign and shall be incorporated into or attached to a primary business identification sign so that separation between the two signs is limited to one (1) foot.

(b) The changing sign shall not exceed the following size limitations:

Total Sign Face, One Side	Portion Allowed to be Changing
Less than 24 sq. ft.	Up to 8 sq. ft.
24 sq. ft. to 96 sq. ft.	33% of total sign area
More than 96 sq. ft.	32 sq. ft. or less

(c) The changing sign message shall consist of letters and numbers only. For changing signs, automatic copy shall not change more than six times per minute.

(d) Color may not be red, green, or amber if sign is located in the front setback unless deemed by the Department of Public Works not to cause a traffic hazard.

13-2020. Trailer- or mobile-mounted signs. Trailer or mobile signs mounted on a vehicle are permitted for a total of four weeks per year, provided no one period exceeds two weeks, and:

(a) Each permit is to be issued to a single parcel or identifiable shopping center and not each business therein.

(b) Such signs may be located in the front yard setback area if it is not within 15' of an intersecting street or driveway to preserve sight distance. A nuisance is not otherwise created under Ch. 28, Public Nuisance, Green Bay Municipal Code

(c) A site plan accompanies application illustration location.

(d) Construction and electrical codes of the city shall apply to the extent applicable.

13-2021. Video Display Signs. (Cr. GO 2-08) Video display signs may be incorporated within or used as signs in compliance with the following restrictions:

(a) The sign must be located on the site of the use identified or advertised by the sign.

(b) Video display signs shall be only permitted in the C1, C2, C3, D1, D2, BP, LI, or GI Zoning Districts.

(c) The sign area of video display signs shall be no greater than 50% of the attached or free-standing sign area allowances for the district in which they are located.

(d) Video display signs shall not be utilized as a stand-alone sign and shall be incorporated into or attached to a primary business identification sign so that separation between the two signs is limited to one foot (1').

(e) The sign must not exceed a maximum illumination of 5,000 nits (candles per square meter) during daylight hours and a maximum of 500 nits (candles per square meter) between dusk to dawn as measured from the sign's face at maximum brightness.

(f) Video display signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower illumination level for the time period of one half-hour before sunset and one half-hour after sunrise.

(g) No sign shall conflict with the visibility of any traffic signal as determined by the City's Traffic Engineer.

(h) Video display sign messages shall not change more than six (6) times per minute.

(i) Messages shall not repeat in intervals of less than four (4) seconds nor have a single animation that lasts longer than ten (10) seconds. Individual static messages may last longer than ten (10) seconds.

(j) Audio speakers or any form of pyrotechnics are prohibited in association with video display signs.

(k) No video display sign shall be located within 100' or directly face a residentially-zoned property.

(l) No video display sign shall be located within 100' of another video display sign.

13-2022. Business Flags. (Cr. GO 23-10) Business Flags may be used with the following restrictions:

(a) Business Flags may be permitted in the following zoning districts: Downtown One and Two (D1, D2), General Commercial (C1), Neighborhood Center (NC), Office/Residential (OR), Public/Institutional (PI); and must meet the following standards:

(1) Sign face area shall not exceed twenty (20) square feet per side (a 4 foot by 5 foot sign).

(2) A 7-foot underclearance for all flags shall be maintained and shall not significantly interrupt or block the pedestrian zone along a public sidewalk.

(3) All Business Flags shall be securely mounted to the wall of the primary structure and shall not exceed the height of the highest point of the primary structure. Mounting may be directly against the face of the building, but at no more than a 90 degree angle measured from the top of the building. Business Flags shall not be mounted to the ground.

(4) Business Flags shall not be colored traffic yellow, construction zone orange, or reflective in nature. Symbols that are similar to traffic control devices, i.e., octagon, similar to STOP, YIELD signs, etc are prohibited.

(5) A maximum of one Business Flag is permitted per every 15 feet of building frontage.

(6) Business Flags shall be manufactured to a professional standard of construction, finish, graphics, and shall be maintained in good repair.

(7) Business Flags shall not obstruct drivers' sight lines and shall be placed a minimum of 25 feet, measured from the right-of-way, from an intersection.

(8) Business Flags may extend into the right-of-way with approval by the City, but signs shall not be closer than 2 feet from the face of the street curb.

(9) A sign permit and associated fee is not applicable to Business Flags.

CHAPTER 13-2100. SPECIAL PURPOSE DISTRICTS
(CR. GO 11-09)

SECTION 1. GENERAL PROVISIONS

13-2101. Purpose. Special purpose districts are established to address planning and land use issues and opportunities that go beyond the general purposes of the city's conventional zoning districts. They are narrowly constructed for the special purposes and unique circumstances defined in the purpose statement for each district and are only to be applied to the unique areas of the city that align with the stated purpose and siting criteria. The special purpose districts are as follows:

(a) The Special Purpose-Residential Light Industrial (S-RLI) District is a mixed-use district, meaning that it is intended to encourage a mix of compatible land uses in a variety of locations and scales in order to preserve and enhance the vitality of the neighborhood. The overall intent for land uses in the S-RLI District is to allow the continuation and limited expansion of existing single- and two- family residential uses, to allow the addition of attached or accessory residential uses (live-work unit, dwelling in conjunction with a business, etc.) where they enhance the vitality of a commercial or industrial use, to allow very limited new residential uses, and to allow a carefully selected set of commercial and light industrial uses that will be compatible with the existing and anticipated housing in the area. Other compatible uses may also be allowed where they are consistent with the overall purpose of the District. Because of the wide range of uses particular to the S-RLI mixed-use District, careful site design and adherence to the applicable land use performance standards (refer to Chapter 13-500, Section 9) are especially important. The S-RLI District is not an overlay zone, but rather completely replaces the underlying zoning where it is adopted. Overlay zones could then be applied in addition to the S-RLI District.

(1) Siting Criteria. The S-RLI District may be applied to neighborhoods with the following characteristics:

a. A wide array of land uses, from single-family residential to commercial and light industrial, intermixed within close proximity to each other
b. Close proximity to an intensive industrial or manufacturing area imparting to the mixed-use neighborhood significant potential for commercial and industrial redevelopment over the long term
c. Signs of decline at the time of rezoning which might include blighted properties, increased crime, decreased owner-occupancy, and the like, that need to be immediately addressed for reasons of protecting public health, safety, and welfare and for stabilizing property values
d. Very old housing stock, much of which pre-dates zoning, but with a substantial proportion that has been well-maintained
e. Geographic isolation due to natural features and transportation corridors, such as arterial streets and railroads, which limit to some extent service provision and amenities

(2) In addition, the purpose of the S-RLI District is:

a. To be applied as an intermediate measure due to the near-term infeasibility of public redevelopment. While redevelopment for commercial and light industrial uses remains as the long range plan, public funding is not available in the foreseeable future. Certain features of this District are intended to preserve the ability to allow for such redevelopment should it become feasible in the future while not penalizing the property owners that wish to continue using existing properties.
b. To encourage home ownership and owner-occupancy by making existing one- and two-family residential properties conforming uses that can be maintained and rebuilt subject to the requirements of this Chapter, and in some cases, expanded. However, the S-RLI District does not affect the Floodplain Zoning (refer to Chapter 13-1300) that may also

apply. Structures and uses in the S-RLI District that are nonconforming due to the presence of floodplain must comply with the applicable Floodplain Zoning regulations.

c. To encourage and preserve commercial and light industrial redevelopment as a long term strategy by limiting new residential construction and by recognizing the right of commercial and industrial uses to operate within the established land use performance standards for glare, heat, vibration, noise, odor, air quality, explosion/fire hazard, waste discharge, and pollution.
d. To support the vitality of the neighborhood by allowing for quality, affordable housing to be located within walking distance of employment opportunities.
e. To encourage innovative site and building design that allows for a unique mix of land uses in a way that does not lead to land use conflicts.

13-2102. Principal uses for the special purpose districts.

(a) In general. Table 21-1, Principal Uses in the Special Purpose Districts, lists all permitted and conditional uses allowed in the special purpose districts.

(b) Permitted uses. Uses specified with a "P" are permitted in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish or modify a permitted use, excluding existing single-family residential uses, shall obtain a zoning certificate for such use as specified in Chapter 13-200, Administration. Condominiums are permitted in all districts where residential uses are allowed per State Statute 703.

(c) Conditional uses. Uses specified with a "C" are allowed as a conditional use in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish or expand a conditional use shall obtain a conditional use permit for such use as specified in Chapter 13-200, Administration.

(d) Prohibited uses. Any use not listed as either "P" (permitted) or "C" (conditional) in a particular district or any use not determined by the Zoning Administrator to be substantially similar to a use listed as permitted or conditional shall be prohibited in that district. Such determination shall be made in the manner provided for in Chapter 13-200, Administration, governing determination of substantially similar uses.

(e) Specific development standards. Permitted and conditional uses specified with an "X" under the Development Standards column shall be subject to the standards identified in this Chapter and in Chapter 13-1600, Development Standards.

Table 21-1. Principle Uses in the Special Purpose Districts

Use **Residential Uses**	**S-RLI**	**Dev. Stds.**
Dwellings		
Existing single-family dwelling, detached	P	X
New single-family dwelling, detached	C	X (same as R1)
Existing two-family dwelling, duplex or semi-detached	P	X
New two-family dwelling, duplex or semi-detached	C	X (same as R1)
Multiple-family dwelling	-	
Single-family attached dwelling, townhouse	C	X
Carriage house dwelling	P	X
Live-work unit	P	X

Dwelling in conjunction with business	P	X
Congregate Living Uses	-	
Institutional and Civic Uses		
Community center	P	
Public park	P	
Religious institution	P	X
Clinic, medical office, healthcare facility	C	X (same as OR)
Educational Uses		
Family daycare home (8 or fewer children)	C	X
Group daycare center (9 or more children)	C	X
All other educational uses	-	
Public Service and Utilities		
Public safety/service facility	P	X
Telecommunication facility	C	X
Governmental buildings and structures	P	
Substation/distribution equipment	C	
Office Uses		
General office	P	
Government office	P	
Bank or other financial institution	-	
Artist's studio	P	
Commercial Uses		
Accommodation and Food Service		
Restaurant,* not including drive-through	P	
Restaurant,* including drive through	-	
Tavern, bar*	C	
Service Businesses		
Personal service**	C	
Business service**	P	
Building maintenance, janitorial service	P	
Catering service	P	
Laundromat	P	
Printing and publishing establishment	P	
Small appliance repair service	P	
Tool/equipment rental facility	P	
Animal hospital, veterinary clinic	P	X
Animal grooming establishment	P	X
Animal boarding facility, kennel	P	X
Retail Sales		
General retail sales**	C	

Building material sales	P	
Contractor showroom	P	
Firearms sales and service	C	X
Greenhouse, garden supply store	C	
Pawnshop	C	
Commercial Recreation and Entertainment Uses	-	
Vehicle Services		
Automobile rental	P	X
Automobile sales	-	
Convenience store	C	
Fuel/gas/service station	C	X
Motor vehicle repair, major	C	X
Motor vehicle repair, minor	C	X
Surface parking lot (principal use)	P	X
Drive-through facility (as an accessory)	C	X
Production, Processing, and Storage		
Agricultural uses	-	
Limited production and processing (as accessory to retail sales)**	P	X
Light industrial uses**	P	
General industrial uses**	-	
Heavy industrial uses**	-	
Concrete, asphalt, and rock crushing facility	-	
Contractor yard	C	
Dry cleaning establishment, commercial laundry	P	
Research and development facility	P	
Recycling facility	-	
Auto salvage yard, scrap yard	-	
Self service storage facility	C	X
Wholesale and distribution facility	P	
Transportation Uses		
Ground transportation service	P	
Motor freight terminal	C	
Package delivery service	P	
Railroad switching yards and freight terminal	-	
Ship terminal or docking facility	-	

Note: P = Permitted Use; C = Conditional Use

* Any establishment at which primarily alcoholic beverages are served must also meet the requirements of the Green Bay Municipal Code, Chapter 6 – Licenses & Permits.

** See definitions section for list of uses.

13-2103. S-RLI District Policy – The Right of Industry. The City of Green Bay permits properly conducted industrial operations. Owners of property and residents in areas zoned S-RLI should expect that they will be subject to conditions arising from such industrial operations. Conditions may include, but are not limited to exposure to: noise, lights, vehicle traffic including heavy trucks, occasional dust, occasional vibration, late and early hours of operation, and the like. The conditions described may

occur as a result of any industrial operation which is in conformance with accepted customs, standards, laws, and regulations. Residents in areas zoned S-RLI should be prepared to accept such conditions as a normal and necessary aspect of living in an area with a history of industrial land uses and an active industrial sector. This policy does not exempt any land use from meeting the performance standards of the Zoning Ordinance, the prohibitions of the Nuisance Ordinance, the applicable conditions of site plan or permit approval, the applicable regulations of the WDNR or EPA, or any other applicable law.

13-2104. Combination of uses on a lot.

(a) S-RLI District. (Amd. GO 36-09) Combination of uses may be allowed in the S-RLI District. If the principle or primary use is other than a one- or two-family residence, permitted and conditional uses may be combined on a parcel or within a building, provided that all uses meet all other applicable provisions of this ordinance, including any specific development standards. Combination of uses where the principle or primary use of a parcel or building is a one- or two-family residence is only permissible for the specific mixed uses allowed by this Chapter: live-work unit or home-based occupation.

13-2105. Use restrictions in S-RLI District.

(a) Regulation of transitional land uses.
  (1) Residential lots resulting from new land divisions or lot combinations shall not exceed 10,000 square feet in order to preserve land for commercial and industrial uses.
  (2) The conversion of commercial or industrial buildings to residential is not permitted, except where a commercial or industrial use is maintained in the building and the residential use is permissible as a live-work unit or dwelling in conjunction with a business.
  (3) The conversion of commercial or industrial buildings to residential is not permitted, except that such a building with residential architecture may be approved for conversion back to a residential use with conditional use permit approval.
  (4) The conversion of residential buildings to allowed commercial or industrial uses may be permissible if the change in use complies with Building Code requirements and all other applicable regulations.

(b) Expansion of existing residential uses.
  (1) Expansion of existing residential is limited to a maximum of 500 square feet (gross floor area) as a permitted use. A conditional use is required if larger.
  (2) Expansion of an existing residence shall not be permitted unless the existing structure is in good repair and in compliance with all applicable requirements of the Building Code. Expansion may be permitted concurrently with rehabilitation and improvements that will bring the entire structure into code compliance and a condition of good repair.

(c) Definition and standards for new residential uses.
  (1) "New" residential use shall be defined as any of the following:
  a. Construction of a dwelling (regardless of the type) where the parcel had been vacant prior to April 25, 2009 (effective date of this ordinance).
  b. Construction or rehabilitation of a dwelling where the existing dwelling has fallen into a state of disrepair to the point that it has been subject to a raze order issued by the City
  c. Construction of a dwelling on a parcel that became vacant after the effective date of this ordinance and remained vacant for more than twelve months.
  (2) Other residential uses not defined as a "new" residential uses shall be defined as "existing" residential uses. It is intended that an existing residential use can be entirely reconstructed without losing its status as existing residential as long as the property is not vacant for more than 12 months, has not been subject to a raze order issued by the City, and can be modified, repaired, or reconstructed in compliance with all other applicable codes and ordinances.

(3) New residential uses may only be granted a conditional use if the Plan Commission and City Council find that:
    a. The residential use is located in a predominantly residential area
    b. The residential use will not adversely affect commercial and industrial uses in the area
    c. The residential use will not be subject to excessive noise, smoke, dust, noxious odor, toxic materials, safety hazards, or other adverse impacts from current or previous commercial or manufacturing uses
    d. The residential use will not impair the future use or development of commercial and manufacturing zoning lots.
(4) New residential uses shall fit in with the scale and design of surrounding residential uses.
(5) A copy of the "Right of Industry Policy" shall be provided by the owner/seller to the buyer and occupants of new residential uses in advance of purchase and occupancy.
(6) Consistent with the purpose of this District, owner-occupancy of new single-family and (at least one unit of) new two-family residential uses is preferred, but not required, and may be taken into consideration in deciding the conditional use.
(7) For new single- and two-family dwellings, the minimum building width on any side shall be at least twenty-two (22) feet, not including any entryways or other structures that do not run the full length of the building.

13-2106. Outdoor storage in S-RLI District.

(a) Outdoor storage shall be completely screened from any adjacent street, sidewalk, public walkway, public park, or residential property, in compliance with the screening requirements of this Chapter.

(b) Temporary retail display. Retail merchandise may be displayed on a temporary basis when accessory to a permitted or conditional use. Display areas may be located on the sidewalk immediately in front of the principal building or elsewhere on the site, provided that such display does not interfere with pedestrian or vehicle traffic in conflict with other sections of the municipal code or encroach upon landscaped areas. A temporary use permit shall be required, as specified in Chapter 13-500.

13-2107. Site design considerations in S-RLI District.

(a) Development of land within the S-RLI District shall follow these standards, as well as those specified in Chapter 13-1600, Land Use Development Standards, and Chapter 13-1800, Site Plan Review.

(1) Nonresidential building materials. All nonresidential building facades shall be designed with architecturally-finished materials. Durable materials, such as masonry or stucco, shall be used on all street-facing facades.
(2) All subsequent additions and outbuildings constructed after the erection of an original building or buildings shall be constructed of comparable materials and designed in a manner consistent with the original design, unless the entire building is being renovated.
(3) Service areas shall be screened with an approved combination of berms, landscaping, and walls or fences architecturally complementary to the principal building.
(4) Loading docks shall be located and screened so as to minimize the visibility from any street.
(5) Signs shall be placed so as not to obscure the architectural features of the principal building and shall be designed to be compatible in materials, size, and appearance with the principal building.

(b) Buffers and screening. Due to the intensity of the mixed-uses in this District, buffering and screening are particularly important to manage potential land use conflicts. But because of the existing lot sizes and densities, space for buffering is very limited. For this reason, a screening approach is required as a minimum standard, but buffering is also permitted and encouraged. In order to require buffers or screens more frequently and to allow for narrower buffers that better fit the sites in this

neighborhood, these regulations replace the landscape buffer requirements found in Section 13-1820 and the parking lot perimeter landscaping requirements found in Section 13-1822. Sections 13-1821, 1823, 1824, and 1825 still apply.

(1) Screening is required around new development that involves a Vehicle Service Use, a Production, Processing, and Storage Use, a Transportation Use, or a parking area for any non-residential use, any of which that abuts a residential use on a separate parcel that is either directly adjacent or directly across the street or alley within the S-RLI District. The screening required under this section needs only to extend along those property boundaries where the residential use adjoins or is directly across the street or alley.

a. In the application of this provision, "new development" is defined as any of the following:
   i. New construction or reconstruction of buildings or other structures
   ii. Expansion or structural alteration of buildings or other structures that are visible from residential property within the S-RLI District
   iii. Expansion or reconstruction of parking areas that are visible from residential property within the S-RLI District
   iv. Erection or replacement of mechanical equipment that is visible from residential property within the S-RLI District

b. Buffer or Screen Depth: No minimum depth is required, but where landscaping materials are used, the depth shall provide adequate space to sustain the long term health and growth of the plantings (no less than five feet).

(2) As part of the conditional use process, buffers or screens may be required around residential development that abuts commercial or industrial use on a separate parcel within the S-RLI District and that requires a conditional use permit (new residential construction or expansions that exceed 500 sq. ft.).

(3) Screen design

a. Screens shall consist of either a masonry wall, fence, berm, or hedge (or a combination of these) that forms a screen a minimum of 4 feet in height, a maximum of 6 feet in height, and not less than 90 percent opaque on a year-round basis. Screening located along front and corner side yards is limited to 4 feet in height and not less than 90 percent opaque on a year-round basis and which effectually blocks automobile headlights from trespass on adjacent property.

b. Screens that include landscaping are encouraged where there is adequate space on the site, with at least one (1) tree and five (5) shrubs for every 50 linear feet recommended.

c. Because buffers are not required in the S-RLI District, fencing, if used, shall be constructed of visually appealing materials that do not detract from the value of adjacent residential properties. Woven wire (i.e., chain link, cyclone, etc.) or sheet metal fencing are not permitted for screening. Any metal fencing used for screening shall be of a decorative variety. Board on board fencing, masonry walls, berms, and landscape buffers are preferred.

d. Screening may be interrupted for necessary pedestrian and vehicle access.

e. If a compliant screen is already present on the abutting property, the new screen on the subject property should complement the existing screen, and the requirements may be reduced accordingly. For example, back-to-back fences or walls are not necessary, but landscaping clusters may be added to enhance an existing berm, fence, or wall.

(4) Proposed buffer/screen design shall be submitted on a site plan, and Community Development Review Team review may be required as determined by the Zoning Administrator.

(c) Note that the S-RLI District will be considered a "residential district" when determining whether development outside of this District but adjacent to a residential use must comply with the buffering requirements of 13-1709, 13-1820, or 13-1822.

13-2108. Parking and loading requirements in S-RLI District. Parking and loading requirements for uses in the S-RLI District shall be as set forth in Chapter 13-1700, Off-Street Parking.

13-2109. Signs in S-RLI District. Sign requirements for uses in the S-RLI District shall be as specified for the other mixed-use districts (OR, NC and TND) in Chapter 13-2000, Signs.

SECTION 2. DIMENSIONAL STANDARDS

13-2110. Dimensional and area requirements in S-RLI District. Lot area and setback requirements shall be as specified in Table 21-2.

Table 21-2. Dimensional and Area Requirements, S-RLI District

Minimum Lot Area (sq. ft.)	
Single-Family Detached Dwelling	5,000
Duplex (per building)	5,000
Single-Family Attached and Live-Work Units	2,500 per unit
Multi-Family Dwelling (per unit)	2,000 per unit
Nonresidential or Mixed-Use	5,000
Production, Processing, and Storage or Transportation Use	10,000
Minimum Lot Width (ft.)	
Single-Family Attached and Live-Work Units	24
Production, Processing, and Storage or Transportation Use	75
All Other Uses	50
Maximum Height (feet) [g]	35
Minimum Building Width [a]	See note a
Maximum Impervious Surface Coverage	80%
Setbacks – Existing Residential Uses (feet)	
Front Yard Minimum [b,h]	See note b
Side Yard Minimum [c]	2.5
Rear Yard Minimum	6
Setbacks – New Residential Uses (feet)	
Front Yard Minimum [b,h]	15
Side Yard Minimum [c,d]	12 (total)/2.5 min. (see note i)
Rear Yard Minimum	15
Setbacks – Nonresidential and Mixed Uses (feet)	
Front Yard Minimum	None
Front Yard Maximum [e]	20
Side Yard Minimum [f]	6
Rear Yard Minimum [f]	6

Notes to Table 21-2:

a. The minimum building width on any side shall be at least twenty-two (22) feet, not including any entryways or other structures that do not run the full length of the building.
b. Where at least fifty (50) percent of the front footage of any block (from intersecting street to intersecting street) is built up with principal structures, the front yard setback for new structures

shall be equal to the average of the existing structures, except that any structure which is set back twenty (20) percent more or less than the average may be discounted from the formula.

c. Side yards are required only for dwelling units on the ends of townhouse buildings. Minimum size is one-half of the total distance shown in the table.
d. Corner properties: The side façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street. If no structure exists on the adjacent property, the setback shall be a minimum of ½ the required front yard setback of the subject property's zoning district.
e. At least 60 percent of the front façade must fall between the maximum setback and minimum setback lines.
f. Side and rear yards shall be required when a nonresidential use adjoins a side yard or rear yard of a residential property or as necessary to provide access for deliveries, loading, etc.
g. Heights of structures may be increased with a conditional use permit as permitted in 13-205. Smokestacks, water towers, and similar structures may exceed the maximum height limit as specified by conditional use.
h. Covered porches are permitted in the front setback compliant with the conditional use permit requirements found in 13-205.
i. Where required, side yards shall add up to a total of no less than 12 feet, but shall also be no less than 2.5 feet on any one side.

SECTION 3. ACCESSORY USES AND STRUCTURES

13-2111. General requirements in S-RLI District. Accessory uses and structures in the S-RLI District shall comply with the following standards and all other applicable regulations of this ordinance:

(a) No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal use to which it is accessory.

(b) The accessory use or structure shall be incidental to and customarily associated with the principal use or structure served.

(c) The accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure served.

(d) The accessory use or structure shall contribute to the comfort, convenience, or necessity of the occupants of the principal use or structure served.

(e) The accessory use or structure shall be located on the same zoning lot as the principal use or structure.

13-2112. Residential accessory buildings in S-RLI District. The standards applicable to accessory buildings in the Residential Districts shall apply (Chapter 13-600).

13-2113. Nonresidential accessory buildings in S-RLI District.

(a) Attached structures. An accessory structure shall be considered attached and an integral part of the principal structure when it is connected by an enclosed passageway or common wall. Such structures shall be subject to the following requirements:

(1) The structure shall meet the required yard setbacks for a principal structure, as established for the zoning district in which it is located.
(2) In no case shall the total floor area of an attached garage, carport, or other accessory structure exceed the ground floor area of the principal building located on the same lot.
(3) The structure shall not exceed the height of the principal building to which it is attached.

(b) Detached structures. Detached accessory structures shall be permitted in the S-RLI District in accordance with the requirements shown in Table 21-3 and as follows:

(1) Detached accessory structures shall be located to the side or rear of the principal building and are not permitted within the required front yard or within a side yard abutting a street, except that a surface parking lot or structure may be located within a side yard.
(2) The structure shall meet the required rear and side yard setbacks for a principal structure, as established for the zoning district in which it is located.
(3) The total floor area of a detached accessory building shall not exceed the ground floor area of the principal building located on the same lot, except by conditional use.
(4) No detached accessory building shall be located closer than three (3) feet from the principal building. Distance between structures shall be measured from wall to wall.

Table 21-3. Permitted Accessory Uses in the S-RLI District

Use	S-RLI	Dev. Stds.
Uses Accessory to Dwellings		
Antennas, satellite dishes, and similar equipment as regulated by Chapter 13-1600	P	X
Boarding or renting of rooms to not more than two (2) persons	P	
Fences	P	X
Gardening and other horticultural uses	P	
Home-based occupations (Amd. GO 36-09)	P	X
Private garages, carports, and parking spaces	P	
Private swimming pools, tennis courts, indoor exercise facilities, community meeting rooms, and other recreational facilities that are operated for the sole use and convenience of the residents of the principal use and their guests	P	
Tool houses, sheds, and similar buildings	P	
Outdoor kennel or exercise run	P	X
Uses Accessory to Nonresidential and Mixed Uses		
Antennas, satellite dishes and similar equipment	P	X
Carwash (automatic) when accessory to an auto service station in compliance with Chapter 13-1600.	C	X
Off-street loading docks	P	X
Outdoor display of vehicles	C	X
Outdoor sales, display, and storage (See regulations of this District)	P	X
Parking (surface)	P	
Parking (structured)	-	
Parking and storage of vehicles licensed to a business	P	
Rooming/boarding house as accessory to religious institution	C	X
Signs, as regulated by Chapter 13-2000	P	X
Telecommunication facilities	C	X
Warehousing, incidental repair, or processing necessary to conduct a permitted principal use, conducted within principal building, not exceeding 25% of total floor area	P	
Waste and recycling storage	P	X