

GENERAL ORDINANCE NO. 9-09

AN ORDINANCE
AMENDING CHAPTER 13,
GREEN BAY MUNICIPAL CODE,
REGARDING TRANSIENT RESIDENTIAL USES

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 13-300, Green Bay Municipal Code, is amended by adding the following definitions:

Corporate Retreat: 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.

Local Representative: 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.

Transient Residential Permit (TRP): 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: 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: A person who is entitled to occupancy at any Transient Residential Use.

Transient Room Tax: A fee based on the current hotel room tax for Brown County.

Transient Vacation Unit: 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.

SECTION 2. Section 13-1700, Table 17-2, Green Bay Municipal Code, is amended by adding Transient Residential Parking:

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	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

SECTION 3. Section 13-602, Table 6-1, Green Bay Municipal Code, is amended as follows:

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

Use	District				Dev.
	R-1	R-2	R-3	RR	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 Chapter 13-205	C	-	-	C	X

SECTION 4. Section 13-1602(j), Green Bay Municipal Code, regarding development standards for Transient Residential Uses is created as follows:

j. Transient Residential Use. 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.

SECTION 5. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 6. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this 3rd day of August, 2009.

APPROVED:

/s/ James J. Schmitt
Mayor

ATTEST:

/s/ Chad J. Weininger
Clerk

bc

First Reading: 3/19/09

Effective Date: 8/7/09