

CHAPTER 14

SUBDIVISION AND PLATTING

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CHAPTER 14-100. INTRODUCTION

14-101. Title. This ordinance shall be known as, cited and referred to as the “Subdivision and Platting Ordinance, City of Green Bay, Wisconsin”, or “this ordinance.”

14-102. Authority. In accordance with the authority granted by §236.45 Wis. Stats. and for the purposes listed in §§236.01 and 236.45 Wis. Stats., the Common Council of the City of Green Bay, Wisconsin does ordain as follows. The regulations of this ordinance shall be administered by the City or its designated agency, the Plan Commission. The Planning Department Director, or his/her designee shall make approval and/or denial of subdivisions and Certified Survey Maps (CSMs).

14-103. Purpose. This ordinance is adopted for the following purposes:

- (a) To promote the public health, safety, comfort, convenience, prosperity and general welfare; to conserve, protect and enhance property and property value; and to secure the most appropriate use of land throughout the City and its extraterritorial platting jurisdiction.
- (b) To provide for implementation of the Green Bay Smart Growth 2022 comprehensive plan.
- (c) To promote orderly growth and development; to further the orderly layout and use of land; to afford adequate, safe, convenient means of traffic circulation for the public; to lessen congestion in the streets, highways and parkways; to provide for proper ingress and egress; to provide for adequate light and air; to facilitate adequate but economical provisions for water, sewerage and other public improvements; and to safeguard the public against flood damage.
- (d) To prescribe reasonable rules and regulations governing the subdivision and platting of land, the preparation of plats, the location, width, and course of streets, highways and parkways, the installation of utilities, street pavements and other essential improvements; the provision of necessary public grounds for schools, parks, playgrounds, greenways, and other public open spaces; and to promote proper installation of monuments on subdivided land and conveyance by accurate legal description.
- (e) To establish procedures for submission, approval, and recording of plats; to provide the means for enforcement; and to provide penalties for violations.

14-104. Abrogation and greater restrictions. It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

14-105. 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.

14-106. Severability. If any section, portion, or provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is adjudged invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

14-107. Repeal. All other ordinances or parts of ordinances of the City inconsistent or conflicting with this ordinance, to the extent of the inconsistency only, are hereby repealed. This ordinance shall take effect on March 28, 2009.

CHAPTER 14-200 ADMINISTRATION

SECTION 1. GENERAL PROVISIONS

14-201. Applicability. The regulations shall apply to the following:

- (a) Subdivisions: Any division of land within the incorporated area of the City or its extraterritorial platting jurisdiction which results in a subdivision as defined by this ordinance shall be surveyed and a plat shall be approved and recorded as required by the State Statutes and this ordinance.
- (b) Land Divisions: Any division of land within the incorporated area of the City or its extraterritorial platting jurisdiction which results in a land division as defined by this ordinance shall be surveyed and a Certified Survey Map (CSM) of such division approved and recorded as required by the State Statutes and this ordinance.
- (c) Replats: When a replat of a recorded subdivision or part thereof is proposed, the subdivision shall be approved in accordance with the State Statutes and this ordinance. If areas dedicated to the public are to be vacated or altered, the provisions of §§236.36 through 236.445, Wis. Stats. shall apply.
- (d) Extraterritorial Review: The City will exercise extraterritorial review authority when a land division or subdivision within the extraterritorial area meets one or more of the following characteristics.
 - (1) The division results in the creation of five or more parcels, at least one of which is five acres or less in size.
 - (2) The division is a successive land division which results in creating a fifth or higher lot from an original parcel of land within the last five years.
 - (3) The division would result in the alteration or re-division of a recorded CSM or subdivision plat previously approved by the City of Green Bay.

14-202. Exceptions. This ordinance shall not apply to the following:

- (a) Transfers of interest in land by will or pursuant to court order.
- (b) Leases for a term not to exceed 10 years, mortgages, or easements.
- (c) The sale or exchange of land, if additional lots are not thereby created and lots resulting are not reduced below the minimum size required by this chapter or other applicable laws or ordinances, provided:
 - (1) A non-conforming lot may not be reduced below its present size, and
 - (2) A non-conforming lot may be increased in size without meeting the minimum size requirements of the City's Zoning Ordinance.
- (d) (Cr. GO 43-93) The provisions of Chapter 157, Wis. Stats., relating to cemeteries and burial sites preservation. Upon discovery or notice of a burial site, the subdivider, his agents, assigns, or developer shall stop the project immediately and shall be solely responsible for any costs associated with or actions required under the provisions of §157.70, Wis. Stats.
- (e) Assessors plats made under §70.27, Wis. Stats.
- (f) Condominium conversions of existing structures where no additional dwelling units, building sites, or lot equivalents are being created.
- (g) A division of land resulting in parcels greater than ten acres in area.

14-203. Compliance.

- (a) No person, firm, or corporation shall divide any land within the jurisdictional limits of this ordinance that results in a subdivision, land division, or a replat as defined herein; neither shall such subdivision, land division, or replat be entitled to recording nor street laid or public

improvement made to land, without compliance with all requirements of this ordinance and all other pertinent ordinances, regulations, resolutions, or plans which are adopted by the City and with the following:

- (1) The provisions of Chapters 236 and 703 Wisconsin Statutes, except that this ordinance shall take precedence where it is more restrictive or where higher standards are imposed.
 - (2) The rules of the Wisconsin Department of Commerce – Safety and Buildings Division.
 - (3) The rules of the Division of Highways, Wisconsin Department of Transportation contained in Chapter Trans 233, Wis. Adm. Code for subdivisions that abut a state trunk highway or connecting street.
 - (4) The applicable rules of the Wisconsin Department of Natural Resources and the U.S. Army Corp of Engineers.
 - (5) Chapter 157 Wisconsin Statutes regarding disturbance of burial sites.
 - (6) All applicable local and county regulations including zoning, floodplain, sanitary, building, and official mapping ordinances.
 - (7) Brown County Sewage Plan, current edition.
 - (9) The City of Green Bay Smart Growth 2022 Comprehensive Plan.
 - (9) Chapter 30, Green Bay Municipal Code - Stormwater Management.
- (b) Public Sewer and Water Required. (Cr. GO 28-02; Amd. GO 39-10) All lots under the jurisdiction and applicability of this ordinance shall be connected to public sewer and water systems before any occupancy permits are granted, with the exception of those lots that comply with the requirements of Sec. 14-725.
- (c) Urban Reserve District. No new subdivision plats or CSMs shall be approved in those areas outside of the City's developable area as specified by the City's Comprehensive Plan as amended. This unplattable area shall be known as the Urban Reserve District. Exceptions to this prohibition may be allowed where the Zoning Ordinance permits existing homesteads/farmsteads in a Rural Residential district to be split from the parent parcel under the conditions specified by that Ordinance.
- (d) Soil Conditions. The soil conditions for lots with Private Onsite Wastewater Treatment Systems shall meet the requirements of COMM 83 Wis. Admin. Code, as evaluated by soil tests conducted under the requirements of COMM 85, Wis. Admin. Code, and verified by the Brown County Zoning Administrator.
- (e) Successive Divisions. Where it is not practicable to require that a Final Plat of a subdivision created by successive divisions be filed in accordance with this chapter, the Common Council may in lieu thereof order an assessor's plat to be made under Wisconsin Statutes and may assess the cost thereof as provided by §236.31, Wis. Stats. Regardless of the type of plat filed, any such subdivision shall comply with this chapter to the extent that it may be reasonably applied.

14.204. Review fees. (Amd. GO 39-10) The subdivider shall pay review fees to the City at the time a plat, CSM, or modification petition is submitted for review. A fee schedule shall be established, and may be amended by resolution of the Common Council, for all plats, CSMs, and modification petitions. All fees shall apply to the City's extraterritorial platting jurisdiction. Requests for deferment of Development Fees shall be submitted to the Improvement & Service Committee and/or Park Committee for review and consideration.

- (a) All fees paid to the City for CSM reviews, Preliminary Plat reviews, Final Plat reviews, and modifications shall also apply to the City's extraterritorial platting jurisdiction.

14-205. Checklist. The "City of Green Bay Land Division Checklist" shall be completed and submitted to the Planning Department as part of the submittal for a land division and/or subdivision plat.

14-206. Survey monuments and accuracy.

- (a) Monumentation. Before final approval of any subdivision or land division under the jurisdiction of this ordinance, the owner shall cause to be installed survey monuments placed in accordance with the requirements of §236.15, Wis. Stats. Alternative approaches to monumentation include the following.
 - (1) The requirement to place monuments may be waived for a reasonable period of time in accordance with §236.15(1)(h), Wis. Stats. If state plat approval is required, a waiver must be obtained from the City and the Wisconsin Department of Administration (WDOA). If it is a municipal plat or CSM, then a waiver must be obtained from the Director of Public Works or his/her designee. In all cases, installation of monuments shall be conducted in compliance with the policies and other requirements of the Department of Public Works.
 - (2) The timetable and financial assurance for installation of monuments may be addressed in the terms of a development agreement, but in the case of a plat that requires state approval, this does not relieve the subdivider from the requirement to obtain a waiver from WDOA in accordance with §236.15(1)(h), Wis. Stats.
 - (3) If the required waivers are obtained, the installation of monuments may be phased in compliance with the policies and other requirements of the Department of Public Works. This is intended to reduce the chance that monuments installed will be disturbed during the development construction process.
 - (4) If the installation of monuments is delayed or phased, the City may require a surety bond or other cash equivalent be provided by the subdivider to cover the cost of monumentation should the subdivider fail to complete the work or fail to meet the required level of accuracy.
- (b) Accuracy. All plats and CSMs shall meet all the surveying and accuracy requirements of §236.15, Wis. Stats.

14-207. Final Wisconsin county coordinate system for Brown County. All plats and CSMs shall comply in all respects with the requirements of §236.18, Wis. Stats. All distances and bearings shall be referenced directly to the Wisconsin County Coordinate System for Brown County.

14-208. Grading plan. In order to ensure positive drainage of subdivided lands and to prevent health, aesthetic, or other problems related to ponding (i.e., pooling, flooding) outside of approved stormwater facility areas, a detailed grading plan shall be submitted to the Planning Department as a required part of the Preliminary and Final Plat or CSM submissions. In the preparation of the grading plan, the designer must consider the existing topography of the development and its relationship with adjacent properties. Grading plans may be progressively developed over the course of the plat or CSM review process as specified below, and must conform to the following standards:

- (a) Conceptual grading plan. A conceptual grading plan shall be developed and submitted in conjunction with the Preliminary Plat or CSM (if required) and shall demonstrate:
 - (1) The basic anticipated drainage pattern that would be expected to provide positive drainage throughout the development.
 - (2) How surface drainage would reach storm sewers within the road right-of-way.
 - (3) Whether back yard drains or sewers would be required.
 - (4) Where stormwater facilities could be located and how stormwater will reach those facilities.
- (b) Pre-final grading plan. A pre-final grading plan shall be developed and submitted in conjunction with the initial submission of the Final Plat. It may also be submitted at any time before submission of the Final Plat at the option of the subdivider. The pre-final grading plan is

considered a draft of the final grading plan and shall include the following minimum information:

- (1) A drainage plan for each block or group of lots within the subdivision as well as the surrounding areas within a reasonable distance beyond the subdivision limits. The drainage plan shall ensure that water will flow from any point within a lot to a street right-of-way, a natural or constructed drainage right-of-way or easement, or a storm sewer system.
 - (2) Existing and proposed contours at vertical intervals of not more than two (2) feet. Elevations shall be marked on such contours based on City Datum.
 - (3) Cut and fill areas shall be identified.
 - (4) Final grade elevations to be maintained along all side and rear lot lines.
 - (5) The first floor elevation for the primary structure on each lot shall be established such that the grading of a lot does not conflict with the overall grading or drainage plan for the block or the subdivision. First floor elevations can be modified after the approval of the final grading plan provided sound engineering documentation is provided to the City Departments of Public Works and Planning and the Inspection Division.
- (c) Final grading plan. The final grading plan shall be developed and submitted in conjunction with the Final Plat. Final grading plans shall include at a minimum the same information required of pre-final grading plans and shall also meet the following additional requirements.
- (1) All final grading plans shall be designed and prepared by a qualified professional and shall be stamped and signed by a registered engineer in the State of Wisconsin.
 - (2) Minor modifications to approved final grading plans can be made, should field conditions warrant, upon written request to and approval by the Director of Public Works or his/her designee.
- (d) All grading plans (conceptual, pre-final, and final) shall be referenced to City Datum.
- (e) Minimum and maximum slopes.
- (1) Yard drainage shall be 1% minimum to public drainage facilities.
 - (2) All public drainage rear yard swales and roadside ditches shall have a minimum of a 1% swale gradient.
 - (3) When practicable, all rear and side yard swales shall be centered on property lines.
 - (4) The maximum side slope of areas that may collect water is 5:1.
 - (5) The first 20' back from a residential house shall be graded to a maximum of 5%. The remaining rear yard shall have a maximum of 8%, except when the lot includes approaches to approved detention/retention facilities. Only in extreme cases, with approval by the City Engineer, the last 10' may be graded to a 4:1 slope.
 - (6) All side yard slopes shall be between 1% and 25% (4:1.)
 - (7) The slope between the front edge of sidewalk and back of curb (terrace area) shall be a minimum 2%, maximum 4% (i.e., 1/4" to 1/2" per foot).
 - (8) Modifications to the slope requirements can be made upon written request to and approval by the Director of Public Works or his/her designee.
- (f) Drainage swales shall be provided along rear and side yards of proposed buildings or parcels.
- (1) The minimum distance between a rear yard swale and a residential house is 25' (measured from the top of slope/break point).
 - (2) The distance between a rear or side yard swale and an accessory building shall be 5' minimum (measured from the top of slope/break point).
- (g) Grading operations must be coordinated with all private and public utility locations and is the responsibility of the developer.

- (h) All utility crossings, including culverts, shall have a minimum 30" cover from the top of the utility to the finished grade. Modifications to the minimum cover requirement can be made upon written request to and approval by the Director of Public Works or his/her designee.
- (i) The difference between the top of foundation elevation of a structure and the adjacent outside finished grade must be a minimum of 6" for residential areas.
- (j) Other design requirements may be applicable, such as retaining walls or terracing of the property, depending on the land plan and site topography. The City Engineer must approve each special design feature before its incorporation into the plans.
- (k) If berms are included in the grading plan of a subdivision, they must meet the following standards:
 - (1) Maximum height of 4 feet (unless otherwise approved by the City Engineer).
 - (2) Maximum slope of 3:1.
 - (3) Construction in a way that does not impede or restrict surface water drainage.
 - (4) Possible requirement of gaps or culverts in the berms to accommodate drainage.
- (l) All grading plans shall coordinate with surrounding elevations by meeting the following requirements:
 - (1) Match existing grades at the property lines with a slope not to exceed 5:1, unless an approved grading plan or a proposed established street grade exists for the future development of adjacent properties indicates different elevations.
 - (2) Match all proposed and established street grade plans on file with the City Engineer.
- (m) All grading plans shall accommodate the drainage patterns of adjacent properties unless an alternative approach is approved by the City Engineer.
- (n) All rights-of-way shall allow for emergency overflow in the case of large storm events or plugged inlet or storm systems.

14-209. Land unsuitable for building. No land shall be subdivided for residential, commercial, industrial, or institutional use which is determined to be unsuitable for the proposed use by the Plan Commission or Common Council for reasons of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision, land division, or of the municipality. Neither shall land be subdivided so as to render an entire lot unsuitable for residential, commercial, industrial, or institutional use. In addition:

- (a) Floodlands. Subdivided lots shall have at least fifty (50%) percent of the minimum required lot area, based upon the respective zoning district, at least two (2) feet above the elevation of the 100-year recurrence interval flood.
- (b) Steep slopes.
 - (1) Buildable areas of lots shall have at least fifty (50%) percent of the minimum required lot area, based upon the respective zoning district, in slopes of less than twelve (12%) percent.
 - (2) Lands having a slope of twelve (12%) percent or greater shall be identified as Environmentally Sensitive Areas (ESAs) if they are located within another ESA feature as defined by the current edition of the Brown County Sewage Plan.
 - (3) Lands having a slope of twenty (20%) percent or greater and located within another ESA feature shall be identified as ESAs with a 20-foot top-of-ridge/bottom-of-ridge setback as defined by the current edition of the Brown County Sewage Plan.
 - (4) Approval to build in a steep slope (ranging from 20%-30%) shall require both the review of Brown County to build within an ESA, and the submittal of an approvable geotechnical study to the Department of Public Works. Note that the City of Green Bay Zoning Ordinance includes specific provisions regulating the development of slopes over

12%. Identification of ESAs and the other specific requirements of this ordinance are all that are required in this regard at the time of land division approval.

- (5) In no case shall construction be allowed on slopes of thirty (30%) percent or greater.
- (c) Navigable waters shall have a 100-foot setback identified as an ESA, unless a professional flood study is submitted to the Department of Public Works and approved. In this case, the setback shall be reduced to either 75 feet from the Ordinary High Water Mark, or 50 feet from the floodway line, whichever is greater. ESA requirements for adjacent/connecting steep slopes also apply as defined by the current edition of the Brown County Sewage Plan.
- (d) Reserve strips may not be created by any division of land.
- (e) The Plan Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for residential, commercial, industrial, or institutional use and shall afford the subdivider an opportunity to present evidence regarding such unsuitability if he or she so desires. Thereafter, the Plan Commission may affirm, modify, or withdraw its determination of unsuitability.
- (f) Whenever a filed subdivision or CSM contains land mapped as floodplain which is immediately adjoining an open stream or watercourse, such plat shall be subject to the provisions of the zoning, building, and housing codes for floodways and floodplains.
- (g) Where there is reason to believe that a subdivision or CSM contains an archeological site, a reasonable effort shall be made to inventory and protect or preserve the artifacts, and an archeological site inventory may be required by the Planning Director or his/her designee.
- (1) If an archeological site is discovered after construction has commenced, construction activities that may disturb the archeological site shall cease until an inventory is complete.
- (2) In compliance with §157.70, Wis. Stats., burial sites shall not be disturbed.
- (3) If required, an archeological site inventory shall be consistent in content and form with the "Wisconsin Archeological Site Inventory Form" and shall be filed with the city and with the Wisconsin Office of the State Archeologist.

14-210. Existing flora. The subdivider is strongly encouraged to protect and retain healthy trees and other beneficial vegetation already established within a subdivision or land division to the mutual agreement of the City and subdivider. The City Forester may be consulted for assistance. Any flora identified for protection and preservation during construction should be so protected or preserved in accordance with sound conservation practices, possibly including the preservation of trees by well islands or retaining walls whenever abutting grades are altered.

SECTION 2. DEFINITIONS

14-211. Definitions and rules of construction. The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. When not inconsistent with the context, words used in the present tense include the future, and words in the singular number include the plural number. The word "shall" is always mandatory. The word "may" is permissive.

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

Arterial Street: A major street or parkway designed for carrying a large volume of through traffic in the area; normally controlled by traffic signs and signals.

Association. All unit owners of a condominium acting as a group, either through a non-stock, non-profit corporation or an unincorporated association in accordance with its bylaws and declaration.

Attached or Semi-attached Development: Single-family dwellings arranged on individual lots as either detached structures with one or more side walls on a side property line.

Block: Land surrounded on all sides by streets or other transportation or utility rights-of-way, or by physical barriers such as bodies of water or public open spaces. The exterior boundary of a block shall be defined as the right-of-way/property line as opposed to the curb line, center line, or other constructed feature.

Cash Sum (or Cash Equivalent): A cash payment or alternative financing arrangement (such as a bond or irrevocable letter of credit) deemed acceptable to the City Finance Director.

Certified Survey Map (CSM): A map of the division of land prepared in accordance with §236.34, Wis. Stats.

Certified Survey Map, Combination or Retracement: A map of the combination of land prepared in accordance with §236.34, Wis. Stats.

City: The City of Green Bay.

Collector Street: A minor street or parkway that collects traffic from local streets and channels it to other areas of the city and to arterial streets. A collector street has higher traffic volume than a local street with through access and relatively few stop or yield signs.

Commission or Plan Commission: The City of Green Bay Plan Commission.

Comprehensive Plan: The adopted long range plan for the city of Green Bay as defined by §66.1001, Wis. Stats. that sets forth (in words, maps, illustrations, and/or tables) goals, policies, and guidelines intended to direct the present and future physical, social, and economic development that occurs within its planning jurisdiction and that includes a unified physical design for the public and private development of land and water.

Condominium. Property subject to a condominium declaration established under Ch. 703, Wis. Stats., Condominium Ownership Act.

Condominium Plat: A map representing a tract of land, showing the boundaries and location of lots, lot equivalents, and streets, providing for individual ownership of space with an individual interest in the land or interest in common with other owners.

Condominium Unit. A part of a condominium intended for any type of independent use, including one or more cubicles of air at one or more levels of space or one or more rooms or enclosed spaces located on one or more floors in a building.

Conservation Area: Land set aside in a conservation subdivision for the preservation of significant natural resources, remnant landscapes, open space, and visual aesthetics or buffering.

Conservation-by-Design or Conservation Subdivision: Developments characterized by common open space and clustered compact lots that protect farmland and/or natural resources while allowing for the maximum number of residences under current zoning and subdivision regulations.

Council or Common Council: The governing body of the City of Green Bay.

Cul-de-sac: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.

Dead End Street: A street that is connected to another street at one end without a provision for vehicles turning around, but which is intended to ultimately connect to another street at the closed end.

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.

Digital Format: (Cr. GO 39-10) A form of electronic computer file, such as PDF, CAD, TIF, GIF, JPEG, etc.

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

Easement: A grant by a property owner to the use of land by the public, a corporation, or persons for specific purposes such as the construction of utilities, drainageways, and private streets.

Environmentally Sensitive Area (ESA): As defined in the current edition of the Brown County Sewage Plan, portions of the landscape, including valuable natural resource features that should be protected from intensive development. ESAs shall include all lakes, rivers, streams, wetlands, floodways, and certain other significant and unique natural resource features. ESAs shall also include a setback or buffer from these features. Furthermore, areas of steep slopes (slopes 12% or greater) when located wholly or partially within these natural resource features shall also be included as an ESA.

Extraterritorial Platting Jurisdiction: The power of the City of Green Bay to review land divisions in unincorporated areas up to three miles beyond the city limits.

Fee Schedule: (Cr. GO 39-10) A list or table showing the current fixed fees for review and approval services.

Final Plat: All or part of a subdivision in substantial conformance with the revised Preliminary Plat, prepared by a land surveyor in accordance with this ordinance and the statutes of the State of Wisconsin.

Flag Lot: A lot that has access to a public right-of-way where the lot frontage is equal to or less than half of the overall lot width.

Gradient: The rate of vertical change of a ground surface expressed as a percentage figure and determined by dividing the vertical distance by the horizontal distance.

Grading plan: An engineered document that shows existing and proposed elevations that are required to be obtained during earthmoving operations for land division or development. A grading plan is an important element in preventing property damage, flooding, standing water and areas susceptible to erosion. Conceptual and pre-final grading plans may be prepared by a qualified professional other than a Professional Engineer, and final grading plans shall be stamped and signed by a Professional Engineer.

Greenway: Linear parks and paths for walking and bicycling that will be improved and extended to link neighborhoods and major parks, protect streams and other environmentally sensitive areas, and provide outdoor recreation and education.

Half Street: A street bordering one or more property lines of a tract of land in which the subdivider has allocated a part of the ultimate right-of-way width.

Land Division: Any division of a lot, parcel or tract of land by the owner thereof or by his agent for the purpose of sale, ownership transfer, or building development where the act of division creates four or fewer parcels or building sites, any one of which is ten acres or less in area.

Limited Access Expressway or Freeway: A traffic way to or from which owners or occupants of abutting property or lands and other persons have no legal right of access except at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

Local Government Unit: Any county, municipality, village, town, city, or other general-purpose political subdivision.

Local Street: A street with a minimum right-of-way width that is designated to carry residential traffic within neighborhoods and designed for short trips at low speeds.

Lot: A continuous parcel of land in identical ownership throughout, bounded by other lots or streets, and used or set aside and available for use as the site of one or more buildings or other definite purpose.

Lot Equivalent. An area of land in a condominium encompassing an individual condominium unit or encompassing adjoining yard areas that will be associated with that unit or set of units (in an occupancy or appearance sense) in a manner equivalent to a lot for a comparable non-condominium development within the same zoning district.

Lot Frontage: The distance for which the front boundary line of the lot and the street line are coincident.

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.

Net Residential Acreage: The total residential acreage within a plat or CSM excluding street right-of-way and other publicly dedicated improvements such as parks, open space, and stormwater detention and retention facilities.

Official Map: That map of the city, village, or town legally establishing and showing thereon streets, highways, parkways, greenways, conservancies, parks, and playgrounds and the exterior lines of planned new streets, highways, parkways, greenways, conservancies, parks, or playgrounds as provided by statute.

Open Space: That portion of the conservation subdivision that has been set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of an approved legal instrument.

Outlot: A lot depicted on a final subdivision plat which does not meet the requirements of this ordinance for lots of record, intended as open space or other use, for which no building permit shall be issued unless the outlot is brought into conformance with requirements for lots of record.

Parkway: An arterial or collector road that is highly landscaped and includes sidewalks, on-road lanes or off-road paths for bicycling, and decorative lighting. Adjacent private landscaping should generally be improved and coordinated with the public landscaping.

Pedestrian Way: A dedicated public right-of-way through a block that is intended and suitable for pedestrian use.

Plat: A map prepared for the purpose of recording a subdivision.

Preliminary Plat: A map showing the required and other salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.

Principal Structure. Structure housing the land use activity that is primary or predominant on the site. A structure that includes or is a residential house, apartment, or condominium unit as a principal structure for a residential use.

Public Improvement: Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, sidewalk, pedestrian way, or other facility which benefits the public.

Public Utility: Utilities that are subject to city acceptance for operation and maintenance. For purposes of this ordinance, public utilities include water lines, sanitary sewer lines, storm sewer lines, storm ponds, or any other service deemed to be in the public interest.

Public Utility Transmission Line: Public electric, gas, communication, water, or other lines, the function of which is to transmit over long distances that service, commodity, or energy source provided by such public utility.

Qualified Professional: With respect to erosion control plans, preliminary stormwater management plans, conceptual grading plans, and pre-final grading plans, individuals who may prepare such plans including, but not necessarily limited to, registered land surveyors, licensed landscape architects, or other stormwater or construction professionals. Note that final stormwater management plans and final grading plans shall be stamped and signed by Professional Engineers.

Record or Recordation: With respect to a Final Plat or CSM, the process of filing the document with the Register of Deeds.

Recorded Plat: A Final Plat, including all of the certificates of approval required by the City of Green Bay, the statutes of the State of Wisconsin, and recorded in the Brown County Register of Deeds office.

Replat: The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot, or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot, or outlot is not a replat.

Retracement Survey: A CSM that identifies the boundaries of an existing parcel and establishes a convenient legal description of record for title conveyances, lot combinations, etc.

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.

Roadway. The portion of the street which is surveyed and available for vehicular traffic.

Service Drive: A minor public street which is parallel to and adjacent to a major thoroughfare and which provides access to abutting properties and restricts access to the major thoroughfare.

Sewage Disposal System, Individual: On-site means for disposing and treating human and domestic waste, such as a septic tank and soil absorption system or other system, allowed by state and city regulations; used where authorized by the city when access to the municipal sewer system is not required or feasible. Also known as a Private Onsite Wastewater Treatment System (POWTS).

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

Smart Growth: Development that promotes compact, mixed uses that offer a high quality living and working environment, and encourages a choice of travel modes including walking, cycling, and transit, while protecting environmental features and resources.

Solar Access Orientation: The ability to receive sunlight across real property for any solar energy device, oriented in an east-west direction with a 10° variation to the northwest and 25° variation to the southwest.

Street: A strip of land, including the entire right-of-way, public 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 may be designated a street, parkway, avenue, highway, road, boulevard, lane, or throughway, but not a driveway providing direct access to buildings.

Subdivider: The individual or entity which causes land to be subdivided for himself, itself, or others.

Subdivision: Any division of a lot, parcel, or tract of land by the owner thereof or by his agent for the purpose of sale, ownership transfer, or building development where:

- a. The act of division creates five or more parcels or building sites, any one of which is ten acres or less in area; or
- b. Five or more parcels or building sites ten acres each or less in area are created by successive divisions within five years.

Surveyor: A land surveyor duly registered in the State of Wisconsin.

Thoroughfare. A street with a high degree of continuity including collector streets, major arterial streets, and limited access highways.

Traditional Neighborhood Design (TND): A development that exhibits several of the following characteristics: alleys, streets laid out in a grid system, buildings within close proximity to each other that are oriented to the street, front porches on houses, pedestrian orientation, compatible mixed land uses, village squares and greens.

Urban Expansion District: Those areas of the City, as designated in the Residential Development Policy, which are located on the fringe of developed areas of the City and may have practical service or may be served with additional expenditure.

Urban Reserve District: Those areas of the City, as designated in the Residential Development Policy, which will not be opened up for development due to their distance from the urbanized and serviced area of the City.

Urban Service District: Those areas of the City, as designated in the Residential Development Policy, which are already fully serviced by urban facilities and are within the developable area of the Comprehensive Plan.

Wetland buffer: Areas that surround and protect a wetland from adverse impacts to its functions and values.

SECTION 3. GREEN BAY DEVELOPMENT DISTRICTS

14-212. Green Bay Development Policy. The Residential Development Policy was adopted to promote neighborhood lot infilling and to more equitably charge developers for the lot-related services provided primarily for those newly created lots. This Development Policy divides the City into three “development districts” to promote development in a prioritized fashion according to projected population and land use needs. Those districts and corresponding requirements are as follows:

- (a) **Urban Service District:** Those areas of the City in which infilling is encouraged because they are already fully serviced by urban facilities, are within one mile of an existing neighborhood park, and are within the City’s developable area as designated in the Comprehensive Plan. Development requirements for land divisions within this district are:
 - (1) Cash Bonds for interior lot drainage and grading. Refer to 14-801(c) of this ordinance.
 - (2) Cash Payments for street trees and street lights. Refer to 14-801(d) of this ordinance.
 - (3) Cash Sums (or Cash Equivalents) for street, sewer and water improvements adjacent to the land division at rates paid in accordance to the City’s Special Assessment Ordinance. Refer to 14-801(e) of this ordinance.

- (b) **Urban Expansion District:** Those areas of the City which are located on the fringe of the Urban Service District and are already partially served and/or may be fully served with minimal additional facilities expansion and are within the City’s developable area as designated in the Comprehensive Plan. Development requirements for land divisions within this district are:
 - (1) Cash Bonds for interior lot drainage and grading. Refer to 14-801(c) of this ordinance.
 - (2) Cash Payments for street trees and street lights. Refer to 14-801(d) of this ordinance.
 - (3) Cash Sums (or Cash Equivalents) for street, sewer and water improvements adjacent to the land division, and all costs incurred by the City to extend those improvements to the development, including supporting systems, in the amount as determined by the Director

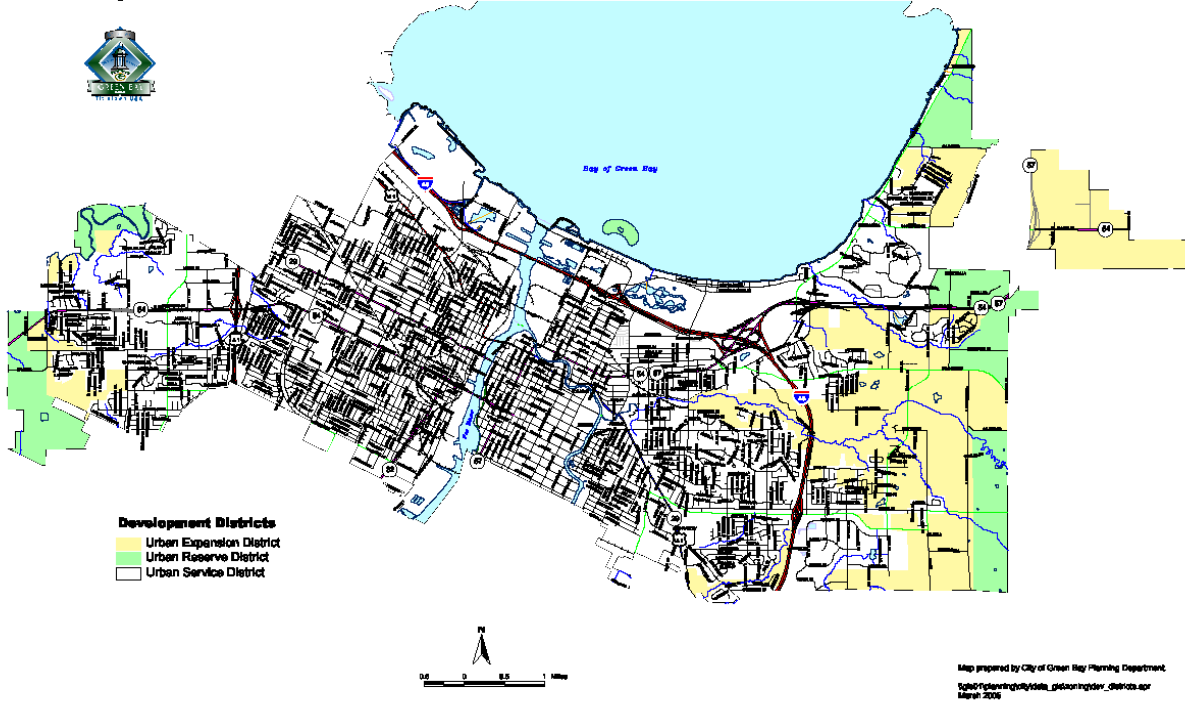
of Public Works and Water Utility General Manager. Refer to 14-801(e) of this ordinance.

- (c) **Urban Reserve District:** (Amd. GO 39-10) Those areas of the City in which land divisions are not allowed due to their distance from the urbanized and serviced area of the City, with the exception of those lands that meet the requirements of Sec. 13-605, Green Bay Municipal Code.
- (d) **Payment of Fees:** (Amd. GO 39-10) The above mentioned development fees and any other related City fees shall be paid prior to the City giving final approval of any plat or Certified Survey Map (CSM) submitted for approval. The plat may be developed in phases as approved by the City of Green Bay Planning Director or his/her designee. Payment of fees and the amount of security required shall be limited to the phase of the plat currently being constructed. Prior to construction of subsequent phases, the developer shall apply for an updated calculation of development fees. To encourage the development of property adjacent to existing streets within the Urban Service and Urban Expansion Districts, development fees for pavement, sanitary sewer, storm sewers, street lighting, and water main improvements shall not be required for the improvements that occur within the public street right-of-way of an existing street that has been open to traffic prior to March 16, 1982.

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Insert Development District Map

City of Green Bay
2005 Development Districts



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SECTION 4. VIOLATIONS, PENALTIES AND MODIFICATIONS OF REGULATIONS

14-213. Violations. No subdivider or agent of any parcel of land located in a proposed subdivision or land division shall transfer or sell such parcel before a plat of such subdivision or a Certified Survey Map (CSM) has been approved by the Planning Director, or his/her designee, in accordance with this ordinance, and has been recorded with the Register of Deeds for Brown County, Wisconsin.

- (a) It shall be a violation of this ordinance to subdivide any lot or parcel of land by the use of metes and bounds description for sale, transfer, or lease when such actions are under the jurisdiction and applicability of this ordinance.
- (b) Note that offers to purchase or contracts to convey unrecorded lots or parts of land prior to formal submittal of a Preliminary Plat, Final Plat, or CSM are done at the risk of all parties involved.
- (c) The City shall not issue any building permit relating to any parcel of land forming all or any part of lands included in a subdivision, CSM, land division, or replat originally submitted to the City until the Final Plat or final CSM has been recorded and until all improvements required by the City have been installed, unless the applicable development agreement specifies otherwise.
- (d) No building permit shall be issued for the construction of any building or structure located on a lot or parcel subdivided or sold in violation of this chapter.

14-214. Penalties. Any person, firm, or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than \$25 nor more than \$500 and the costs of prosecution for each violation, and in default of payment of such forfeiture and the costs shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days. This forfeiture shall be imposed for each lot or parcel created by the subdivision. Each day a violation exists or continues shall constitute a separate offense. Compliance therewith may also be enforced by injunction order at the suit of the City or the owner or owners of real estate within the district affected by the regulations of this chapter as provided by law. The Planning Director or his/her designee shall enforce the provisions of this Chapter.

14-215. Modifications of regulations. When the Plan Commission and Common Council find that extraordinary hardship or injustice will result from strict compliance with this ordinance, the terms may vary to the extent deemed necessary and proper to grant relief, provided that the modification meets the following standards:

- (a) The modification is due to physical features of the site or its location.
- (b) The modification is the least deviation from this ordinance, which will mitigate the hardship.
- (c) The modification is not detrimental to the public interest and is in keeping with the general spirit and intent of this ordinance.
- (d) Modifications may also be granted for a complete community or neighborhood unit that provides adequate public spaces and improvement for the circulation, recreation, light, air, and service needs when fully developed and populated.
- (e) The requirement of filing and recording the plat or survey shall not be waived.
- (f) Any modification thus granted shall be entered in the minutes of the Council, along with the reasons, which, in the opinion of the Council, justified the modification.

CHAPTER 14-300 SUBDIVISION & PLATTING PROCEDURES

SECTION 1. PRELIMINARY PLAT

14-301. Preliminary Consultation. Before filing a Preliminary Plat for approval, the subdivider may consult the Plan Commission staff for advice and assistance. This step is strongly recommended, and a sketch plan of the proposed subdivision may be provided for preliminary consultation.

14-302. Preliminary Plat submission overview. (Amd. GO 39-10)

- (a) Before submitting a Final Plat for approval, the subdivider shall submit the following to the Planning Department in the required format as noted. Refer to section 14-303 for additional details.
 - (1) A Preliminary Plat prepared by a Wisconsin Registered Land Surveyor (digital format).
 - (2) If applicable based on Chapter 30 of the Green Bay Municipal Code, a preliminary stormwater management plan prepared by a qualified professional (digital format).
 - (3) If applicable based on Chapter 34 of the Green Bay Municipal Code, a preliminary construction site erosion control plan prepared by a qualified professional (digital format).
 - (4) A conceptual grading plan in compliance with section 14-208 of this ordinance prepared by a qualified professional (digital format).
 - (5) If lands are to be dedicated to the public and the City has reason to believe they are contaminated, a phase one Environmental Assessment of the lands to be dedicated (hard copy or digital format).
 - (6) If required, a preliminary Area Development Plan (hard copy or digital format).
 - (7) A request for City Action-Plan Commission form (hard copy or digital format).
 - (8) A Land Division checklist (hard copy or digital format).
 - (9) Necessary fees.
 - (10) CD, DVD, or USB containing the required digital files (PDF, CAD, TIF, GIF, etc.) listed above. The petitioner may also submit the appropriate information via email to the City of Green Bay Planning Department. Media drives shall be returned to the petitioner upon request.
- (b) The Preliminary Plat shall be prepared in accordance with this ordinance, and shall comply with the procedures for approval of plats as set forth in Ch. 236, Wis. Stats. and this ordinance.
- (c) Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat is submitted within three (3) months of Preliminary Plat approval and conforms substantially to the Preliminary Plat layout as indicated in §236.11(1)(b) and §236.11(1)(c), Wis. Stats., and all conditions imposed as part of the Preliminary Plat approval have been satisfied, the Final Plat shall be entitled to approval with respect to such layout.

14-303. Preliminary Plat requirements. A Preliminary Plat shall be required for all subdivisions and comply in all respects with the requirements of Ch. 236, Wis. Stats. and with the design standards set forth in this ordinance. The proposed plat shall be prepared on reproducible paper of good quality at a scale of not more than one hundred (100) feet to the inch.

- (a) The Preliminary Plat shall show correctly on its face the following information:
 - (1) Title or name under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously recorded plat, unless the plat is an addition by the

- same owner to a previously recorded plat and is so stated on the plat.
- (2) Property location of the proposed subdivision by recorded private claim, government lot, quarter section, township, range, county, and state.
 - (3) Date, scale, and north arrow.
 - (4) Names, addresses, and telephone numbers of the owner, subdivider, and land surveyor preparing the plat.
 - (5) Entire area contiguous to the proposed plat owned or controlled by the subdivider, even though only a portion of said area is proposed for immediate development. This requirement may be waived at the discretion of the Planning director or his/her designee, and shall be waived if an Area Development Plan has been adopted for such lands.
 - (6) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey or a corner of a recorded private claim and the total acreage encompassed thereby.
 - (7) Locations of all existing property boundary lines, structures (including the use and setback dimensions to existing and proposed property lines), driveways, lakes, streams and water courses, marshes, wetlands, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto.
 - (8) Delineation of all wetlands, shoreland/wetlands, isolated natural areas (e.g., rock outcrops, wooded areas, etc.) and Environmentally Sensitive Areas consistent with Brown County and WDNR methodology as applicable. Concurrence by the appropriate agency on the locations of wetland and ESA boundaries will be required by the Planning Department as part of the Final Plat review. Agency concurrence may be documented on the Final Plat or by separate correspondence.
 - (9) Location, right-of-way width, and names of all existing and proposed streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
 - (10) Location and names of any adjacent subdivisions, parks and cemeteries and owners of record of abutting platted and unplatted lands.
 - (11) Location, size, of any existing sanitary or storm sewers, culverts and drain pipes, the location of public and private manholes, catch basins, hydrants, within the exterior boundaries of the plat or immediately adjacent thereto.
 - (12) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat. If property reserved for common use is located within the subdivision, provisions and plans for its use and maintenance shall be submitted with the plat. A note shall be placed on the face of the plat noting ownership and maintenance of all common use areas and that deed restrictions are on file at the Brown County Register of Deeds office.
 - (13) Special restrictions required by the City and any other agency relating to access control along public ways, the provision of planting strips, access restrictions, reservation of wetlands and environmental corridors, more restrictive yard requirements, or special restrictions for environmentally significant areas.
 - (14) Corporate limit lines within the exterior boundaries of the plat or immediately adjacent thereto.
 - (15) Proposed contours (as shown on the grading plan) at vertical intervals of not more than two (2) feet. Elevations shall be marked on such contours based on City Datum.
 - (16) Normal and high-water elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet

- therefrom, all to City Datum.
- (17) Floodplain and shoreland boundaries and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood.
 - (18) Meander lines if a subdivision borders a lake or stream shore. The distances and bearings of a meander line shall be shown. The meander lines shall not be established less than twenty (20) feet back from the ordinary high water mark of the lake or from the bank of the stream.
 - (19) Tabulation of gross area, street area, other dedicated and reserved area, net subdivided area, number of lots, number of dwelling units.
 - (20) A statement on the face of the plat that conforms substantially with the following: City of Green Bay zoning and building approvals are required prior to commencing construction of buildings, structures, drives, or parking areas, and may also be required prior to commencing grading, excavation, filling, or other land disturbing activity.
- (b) The Preliminary Plat submission shall also include the following, as applicable, and may be shown on the face of the plat or as attachments or supplements, as appropriate:
- (1) Soil types, slopes 12% or greater and their boundaries, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Natural Resource Conservation Service.
 - (2) Where the subdivision will not be served by public sanitary sewer service, proof of compliance with chapter Comm 85 of the Wisconsin Administrative Code. Soil tests shall be reviewed and approved by Brown County, and proof of compliance may be submitted after approval of the Preliminary Plat, but must be submitted at some point prior to submission of the Final Plat.
 - (3) A preliminary stormwater management plan per Green Bay Municipal Code Chapter 30 and Chs. NR 151 and NR 216, Wis. Adm. Code.
 - (4) A preliminary construction site erosion control plan per Green Bay Municipal Code Chapter 34.
 - (5) A conceptual grading plan in accordance with section 14-208 of this ordinance. To ensure compliance with the established grading plan, a covenant shall be included in the plat referring to and requiring compliance with the grading plan. A pre-final grading plan may also be submitted at this stage of plat review, but is not required until the time of final plat submission.
 - (6) (Cr. GO 43-93) Prior to Preliminary Plat approval, the developer will, at their expense, conduct a Phase One Environmental Assessment of such areas dedicated for public use if the City has reason to believe that such lands are contaminated. Such Phase One study by the developer may be waived upon proof by owner of a previous Phase One Environmental Assessment of such area acceptable to the City, or may be waived upon determination by the Director of Public Works and the Director of Parks, Recreation, and Forestry, or their designees, that contamination is not probable.
 - (7) An Area Development Plan (ADP) for the vicinity of the subdivision if no ADP has been previously adopted by the City. In order to determine how a proposed development will relate to and integrate with surrounding land uses, the Planning Department may require that the subdivider prepare and submit an ADP that includes areas beyond the boundary of the proposed subdivision. The purpose of an ADP is to ensure cohesive development of a larger area with consideration to street and utility connections, land use compatibility, community character, the provision of community services, and an overall

pattern of orderly growth. The ADP shall include an area determined by the Planning Department and as guided by the comprehensive plan, Official Map, or other applicable plan. The ADP shall, as applicable:

- a. Indicate the coordination and location of infrastructure.
 - b. Identify primary vehicular and pedestrian circulation patterns.
 - c. Identify master stormwater management elements for the planning area.
- (8) Vision corners, if required, which shall be dedicated to the City, but not by easement.
- (c) Additional information. Where the Planning Director, or his/her designee, or the Department of Public Works Director needs additional information relative to a particular problem presented by a proposed development in order to review the Preliminary Plat, they shall have the authority to request in writing such information from the subdivider.

14-304. Preliminary review and decision. The Planning Director or his/her designee shall approve, conditionally approve, or reject such plat within sixty (60) days of the date of the filing of a complete Preliminary Plat submission with the Planning Department. By agreement with the subdivider, the review time may be extended at the discretion of the Planning Director or his/her designee. The subdivider shall be notified in writing by the Planning Department of any conditions of approval or the reasons for rejection.

14-305. Preliminary Plat amendment. The subdivider shall be allowed to submit one (1) revision to a Preliminary Plat prior to a completed review and decision. The review shall follow the same Preliminary Plat procedure, except for the fee, unless the revised plat would result in a higher fee. In that case the subdivider must pay the difference. There is not a refund for revised plats that would result in a lower fee. Preliminary Plat amendments shall not be allowed after a preliminary review and decision is made, or if the amendment is, in the opinion of the Planning Director, of such scope as to constitute a new plat, in which case it shall be refiled.

SECTION 2. FINAL PLAT

14-306. Final Plat submission overview. (Amd. GO 39-10)

- (a) The subdivider may submit a Final Plat once a Preliminary Plat has been recommended for approval. The subdivider shall submit the following to the Planning Department in the required format as noted. Refer to section 14-303 for additional details.
- (1) A Final Plat prepared by a Wisconsin Registered Land Surveyor (digital format)
 - (2) If applicable based on Chapter 30 of the Green Bay Municipal Code, a final stormwater management plan prepared by a Professional Engineer (digital format)
 - (3) If applicable based on Chapter 34 of the Green Bay Municipal Code, a final construction site erosion control plan prepared by a qualified professional (digital format)
 - (4) A pre-final grading plan and a final grading plan in compliance with section 14-208 of this ordinance with the final grading plan stamped and signed by a Professional Engineer (digital format)
 - (5) If applicable, agency concurrence on the location of wetland and ESA boundaries (one copy)
 - (6) If applicable, proof of Brown County approval of soil tests for POWTS (hard copy or digital format)
 - (7) If none presently exists, an Area Development Plan (hard copy or digital format)

- (8) A Request for City Action form (hard copy or digital format)
 - (9) Necessary fees
 - (10) CD, DVD, or USB containing the required digital files (PDF, CAD, TIF, GIF, etc.) listed above. The subdivider may also submit the appropriate information via email to the City of Green Bay Planning Department. Media drives shall be returned to the petitioner upon request.
- (b) The Final Plat shall be prepared in accordance with this ordinance and shall comply with the procedures for approval of plats found in Ch. 236, Wis. Stats., and shall meet the conditions of approval of the Preliminary Plat.

14-307. Final expiration. (Amd. GO 39-10) If the subdivider fails to submit the Final Plat within thirty-six (36) months of the approval of the Preliminary Plat by the Planning Director, or his/her designee, the subdivider is required to recommence the entire procedure for Preliminary Plat approval.

14-308. Final review and decision. (Amd. GO 39-10) The Planning Department shall examine the Final Plat as to its conformance with the approved Preliminary Plat, and any conditions of approval of the Preliminary Plat, this ordinance, and all applicable ordinances, rules, regulations, comprehensive plans, and comprehensive plan components that may affect it. The City of Green Bay shall determine if a final plat “substantially conforms” to the preliminary plat. The Planning Director, or his/her designee, shall approve, conditionally approve, or reject the plat within sixty (60) days of the date of the filing of a complete Final Plat submittal with the Planning Department. By agreement with the subdivider, the review time may be extended at the discretion of the Planning director or his/her designee. The subdivider shall be notified in writing by the Planning Department of any conditions of approval or the reasons for rejection.

14-309. Final Plat amendment. The subdivider shall be allowed to submit one (1) revision to a Final Plat prior to a completed review and decision. The review shall follow the same Final Plat procedure, except for the fee, unless the revised plat would result in a higher fee. In that case the subdivider must pay the difference. There is not a refund for revised plats that would result in a lower fee. Final Plat amendments shall not be allowed after a final review and decision is made, or if the amendment is, in the opinion of the Planning Director, of such scope as to constitute a new plat, in which case it shall be refiled.

14-310. Final platting - phasing. (Amd. GO 39-10) An approved Preliminary Plat may be platted in phases with each phase encompassing only that portion of the approved Preliminary Plat; however, it is required that each phase be designated as a phase on the approved Preliminary Plat.

14-311. Final Plat requirements. A Final Plat prepared by a land surveyor registered in the State of Wisconsin shall be required for all subdivisions and shall comply in all respects with the requirements of Ch. 236, Wis. Stats. In addition, the Final Plat shall comply with the design standards set forth in this ordinance and shall be prepared on reproducible paper of good quality at a scale of not more than one hundred (100) feet to the inch. The Final Plat shall show correctly on its face the information required by §§236.20 and 236.21, Wis. Stats. and the requirements of this ordinance, and shall satisfactorily comply with the conditions of approval of the Preliminary Plat. Where the Planning Director or Department of Public Works Director finds that additional information is required relative to a particular problem presented by the proposed subdivision in review of the Final Plat, they shall have the authority to request in writing such information from the subdivider.

14-312. Final property owners association. The legal instruments creating a property owners association for the ownership and/or maintenance of common lands shall be filed with the Final Plat.

14-313. Final certificates. (Amd. GO 39-10) All Final Plats shall provide all the certificates required by §236.21, Wis. Stats., and the surveyor shall certify that he or she has fully complied with all the provisions of this ordinance. The plat shall also include a certificate of approval from the City of Green Bay with a signature line for the Planning Director or his/her designee.

14-314. Recordation. (Amd. GO 39-10) The Final Plat shall only be recorded with the Brown County Register of Deeds after the certificates of the Wisconsin Department of Administration, of the Common Council, of the surveyor, and those certificates required by §236.25, Wis. Stats. are placed on the plat. The plat shall be recorded within twelve (12) months of its approval by the Planning Director, or his/her designee, and other approving agencies. Failure to record said Final Plat within twelve (12) months of its approval by the Planning Director, or his/her designee, and other approving agencies requires the subdivider to recommence the entire procedure for Final Plat approval. The subdivider shall file the appropriate number of copies of the recorded Final Plat with the Planning Department. The number of copies shall be determined by the City and listed with the fee schedule.

SECTION 3. REPLAT

14-315. Replat submission. The replat of all or part of a recorded subdivision shall comply with 236.36 through 236.445 of the Wisconsin Statutes. The subdivider shall then follow the Preliminary Plat and Final Plat review procedure of this ordinance.

CHAPTER 14-400 LAND DIVISION PROCEDURES

SECTION 1. CERTIFIED SURVEY MAP

14-401. Preliminary Consultation. Before filing a Certified Survey Map (CSM) for approval, the subdivider may consult the Plan Commission staff for advice and assistance. This step is strongly recommended, and a sketch plan of the proposed land division may be provided for preliminary consultation.

14-402. Certified Survey Map submission overview. (Amd. GO 39-10)

- (a) The subdivider shall submit the following to the Planning Department in the required format as noted. Refer to section 14-403 for additional details.
- (1) A CSM prepared by a Wisconsin Registered Land Surveyor (digital format).
 - (2) If applicable based on Chapter 30 of the Green Bay Municipal Code, a stormwater management plan prepared by a Professional Engineer (digital format).
 - (3) If applicable based on Chapter 34 of the Green Bay Municipal Code, a construction site erosion control plan prepared by a qualified professional (digital format).
 - (4) If applicable, a grading plan in compliance with section 14-208 of this ordinance stamped and signed by a Professional Engineer (digital format). Conceptual and pre-final grading plans may also be submitted prior to a final grading plan, and may be prepared by a qualified professional.
 - (5) If applicable, agency concurrence on the location of wetland and ESA boundaries (hard copy or digital format)
 - (6) If applicable, proof of Brown County approval of soil tests for POWTS (hard copy or digital format)
 - (7) A request for City Action-Plan Commission form (hard copy or digital format).
 - (8) A Land Division checklist (hard copy or digital format).
 - (9) Necessary fees.
 - (10) CD, DVD, or USB containing the required digital files (PDF, CAD, TIF, GIF, etc.) listed above. The subdivider may also submit the appropriate information via email to the City of Green Bay Planning Department. Media drives shall be returned to the petitioner upon request.
- (b) The CSM shall be prepared and approved in accordance with this ordinance and §236.34, Wis. Stats.

14-403. Certified Survey Map requirements. A CSM shall be required for all land divisions and comply in all respects with the requirements of Ch. 236, Wis. Stats. and with the design standards set forth in this ordinance. The CSM shall be prepared on reproducible paper of good quality at a scale not more than five hundred (500) feet to the inch.

- (a) The CSM shall show correctly on its face, in addition to the information required by §§236.15(1), 236.21 and 236.34, Wis. Stats., the following:
- (1) Date, scale, and north arrow.
 - (2) Names, addresses, and telephone numbers of the owner, subdivider, and surveyor preparing the CSM.
 - (3) Entire area contiguous to the proposed land division owned or controlled by the subdivider, even though only a portion of said area is proposed for immediate development. This requirement may be waived at the discretion of the Planning director

or his/her designee, and shall be waived if an Area Development Plan has been adopted for such lands.

- (4) A statement that conforms substantially to the following:
 - a. This Certified Survey Map is a (portion or all) of tax parcel number ____.
 - b. The property owner(s) of record is/are ____.
 - c. This Certified Survey Map is contained wholly within the property described in the following recorded instrument(s) ____.
 - d. City of Green Bay zoning and building approvals are required prior to commencing construction of buildings, structures, drives, or parking areas, and may also be required prior to commencing grading, excavation, filling, or other land disturbing activity.
- (5) Exact length and bearing of the exterior boundaries of the proposed land division referenced to a corner established in the U.S. Public Land Survey or recorded private claim and the total acreage encompassed thereby.
- (6) Locations of all existing property boundary lines, structures, including the use and setback dimensions to existing and/or proposed property lines, drives, lakes, streams and water courses, marshes, wetlands, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto.
- (7) Delineation of all wetlands, shoreland/wetlands, isolated natural areas (e.g., rock outcrops, wooded areas, etc.) and Environmentally Sensitive Areas consistent with Brown County and WDNR methodology as applicable. Concurrence by the appropriate agency on the locations of wetland and ESA boundaries will be required by the Planning Department as part of the CSM review. Agency concurrence may be documented on the CSM or by separate correspondence..
- (8) Location, right-of-way width, exact lengths and bearings, centerlines, and names of all existing and proposed streets, alleys, or other public ways, easements, railroad, and utility rights-of-way, and all section and quarter section lines within the exterior boundaries of the CSM or immediately adjacent thereto.
- (9) Location and names of any adjacent subdivisions, parks, and cemeteries and owners of record of abutting platted and unplatted lands.
- (10) Normal and high-water elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the CSM or located within one hundred (100) feet therefrom, all to City Datum.
- (11) Floodplain and shoreland boundaries and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood.
- (12) Meander lines if a land division borders a lake or stream shore. The distances and bearings of a meander line shall be shown. The meander lines shall not be established less than twenty (20) feet back from the ordinary high water mark of the lake or from the bank of the stream.
- (13) A note on the CSM noting ownership and maintenance obligations of all drainage swales, easements, retention and detention ponds or other facilities shall be required.
- (14) Special restrictions required by the City and any other agency relating to access control along public ways, the provision of planting strips, access restrictions, reservation of wetlands and environmental corridors, more restrictive yard requirements, or special restrictions for environmentally significant areas.
- (15) All new lots being created shall be drawn to full scale without break lines. Multiple pages may be used to illustrate each lot. If multiple pages are used to illustrate lots, the cover page of the CSM shall still show the entire exterior boundary of the proposed CSM at whatever scale is necessary.

- (16) Tabulation of gross area, street area, other dedicated and reserved area, net subdivided area, number of lots, number of dwelling units.
- (17) Vision corners, if required, which shall be dedicated but not by easement.
- (b) Easements. Recorded easements shown on the CSM shall list the document number in the easement area shown on the map. If the easement is proposed with the CSM, an accompanying statement shall be shown on the CSM naming the party(s) benefiting from the easement(s). Any proposed easements required that are not benefiting a public utility, shall be granted by a separate document recorded with the Brown County Register of Deeds prior to the recording of the CSM, and the document number data shall be shown on the CSM.
- (c) The CSM submission shall also include the following, as applicable, and may be shown on the face of the CSM or as attachments or supplements, as appropriate:
 - (1) Where the land division will not be served by public sanitary sewer service, proof of compliance with chapter Comm 85 of the Wisconsin Administrative Code. Soil tests shall be reviewed and approved by Brown County, and proof of compliance may be submitted after initial approval of the CSM, but must be submitted at some point prior to submission of the final CSM for City signature.
 - (2) A stormwater management plan per Green Bay Municipal Code Chapter 30 and Chs. NR 151 and NR 216, Wis. Adm. Code.
 - (3) A construction site erosion control plan per Green Bay Municipal Code Chapter 34.
 - (4) A grading plan in accordance with section 14-208 of this ordinance. To ensure compliance with the established grading plan, a covenant shall be included in the plat referring to and requiring compliance with the grading plan.
- (d) Additional information. Where the City needs additional information relative to a particular problem presented by the proposed Certified Survey Map, it shall have the authority to request in writing such information from the subdivider.
- (e) Public dedications shall be approved and accepted by the Council.

14-404. Certified Survey Map review and approval. The Planning Director, or his/her designee, shall approve, conditionally approve, or reject such plat within forty (40) days of the date of the filing of a complete CSM submittal with the Planning Department. By agreement with the subdivider, the review time may be extended at the discretion of the Planning director or his/her designee. The subdivider shall be notified in writing by the Planning Department of any conditions of approval or the reasons for rejection.

14-405. Certified Survey Map certificates. (Amd. GO 39-10)

- (a) The Surveyor shall certify on the CSM that he or she has fully complied with all the provisions of this ordinance.
- (b) The Planning Department, after a recommendation by the reviewing agencies, shall certify its approval on the CSM. The CSM shall include a certificate of approval from the City of Green Bay with a signature line for the Planning Director or his/her designee.
- (c) The dedication of streets and other public areas shall require the owner's certificates and mortgagee's certificates in substantially the same form as required by §236.21(2)(a), Wis. Stats.
- (d) The City Clerk shall certify upon the face of the map that all special assessments or other City charges imposed upon the realty described therein are paid before the map is filed.

14-406. Recordation. (Amd. GO 39-10) The CSM shall only be recorded with the Brown County Register of Deeds after the certificates are completed and signed. The CSM shall be recorded within ninety (90) days of its approval by the Planning Director, or his/her designee, and other approving agencies. Extensions may be granted for up to six months upon written request by the subdivider to, and approval by, the Planning Department. The subdivider shall file the appropriate number of copies of the recorded CSM with the Planning Department. The number of copies shall be determined by the City and listed with the fee schedule.

SECTION 2. COMBINATION/RETRACEMENT CERTIFIED SURVEY MAP

14-407. Combination/Retracement Certified Survey Map submission. (Amd. GO 39-10) When a Certified Survey Map (CSM) is used to combine or retrace parcels and no new parcels are created, the surveyor shall follow the CSM review procedure of this ordinance. This section is created to provide for the use of a CSM to show the boundaries of an existing parcel and establish a convenient legal description of record for title conveyance, etc. A CSM may be used to identify and locate existing parcels of record

- (a) The Retracement/Combination CSM must meet the following requirements:
 - (1) A digital copy of the preliminary CSM shall be submitted to the Planning Department for review.
 - (2) The map shall be prepared in accordance with §236.34, Wis. Stats., and shall comply with the surveying and mapping requirements of this ordinance.
 - (3) All existing and proposed parkway designations shall be shown, per the City's Official Map.
 - (4) The retracement CSM shall be headed "CERTIFIED SURVEY MAP" and subhead "RETRACEMENT OF LAND DESCRIBED IN VOLUME/JACKET ___ PAGE/IMAGE ___, DOCUMENT NUMBER ___"; or the combination CSM shall be headed "CERTIFIED SURVEY MAP" and subhead "COMBINATION OF LAND DESCRIBED IN VOLUME/JACKET ___ PAGE/IMAGE ___, DOCUMENT NUMBER ___".
 - (5) The CSM shall include a certificate of approval from the City of Green Bay with a signature line for the Planning Director.
 - (6) The map shall not create additional lots that are not of record.
 - (7) The surveyor's certificate shall include the statement "This Certified Survey Map is not a division of property but solely a combination (or a retracement) and depiction of the land boundaries recorded in Volume/Page ___ or Jacket/Image ___, Brown County Records".
- (b) Development fees are not calculated for combination or retracement CSMs.
- (c) The combination or retracement CSM shall be filed and recorded with the Register of Deeds of Brown County within 30 days of the date of the CSM approval and all certificates shall be complete and signed prior to recording. The volume and page number of the recording file shall be noted on the final approval and the appropriate number of the recorded CSM shall be forwarded to the Planning Department for final distribution. The number of copies shall be determined by the City and listed with the fee schedule.

CHAPTER 14-500 CONDOMINIUMS

14-500. Condominiums. This ordinance applies to the division of land where condominium ownership is involved and where the division will result in two or more building sites, lot equivalents, or separate principal structures on any parcel. A condominium plat prepared by a land surveyor registered in Wisconsin is required for all condominium plats or any amendments or expansions thereof, where an amendment is a change to a previously recorded condominium plat, and an expansion is the creation of additional units in a previously recorded condominium plat.

- (a) It is the intent of these regulations, consistent with Chapter 703, Wis. Stats., that projects utilizing the condominium form of ownership shall be subject to no more or no less restrictive rules than are projects that are physically equivalent and that utilize other forms of ownership.
- (b) Timing of review.
 - (1) Review of condominium instruments shall be conducted within 10 working days following complete submission of a condominium plat and related instruments to the Planning Department.
 - (2) Where the Planning Director or his/her designee finds that the review cannot be completed within 10 working days due to the complexity of the submission, including but not limited to utility coordination, engineering design, ESAs, or other such issues that complicate the proposed development, the Planning Director or his/her designee shall submit to the subdivider a request for an extension of the review period for a reasonable period of time not to exceed 60 days. Such request shall not be unreasonably denied by the subdivider.
 - (3) If more than 60 days are needed to review the condominium plat and related instruments, then the review time may be reasonably extended by agreement with the subdivider.
 - (4) In the event the review is not completed within this period, or as reasonably extended, the condominium instrument is approved for recording.
- (c) Prior to approval, such condominium instruments shall comply in all respects with the requirements of §§703.095, 703.11(2)(a), (c), and (d), 703.11(3) and (4), 703.275(5), and 703.28(1m), Wis. Stats., and, based on the number of lot equivalents, shall be reviewed and approved or denied in the same manner either as a land division as set forth in Chapter 14-400 of this ordinance, or as a subdivision plat as set forth in Chapter 14-300 of this ordinance.
- (d) With regard to features that may be dedicated to the public (e.g., streets, rights-of-way, etc.) and provision of public services and utilities, such plat shall comply with the design standards, improvements, and all other requirements of this ordinance that would otherwise apply to Certified Survey Maps (CSMs) and subdivision plats, including, but not limited to, those set forth in Chapters 14-700 and 14-800.
- (e) Condominium conversions of existing structures where no additional dwelling units, building sites, or lot equivalents are being created are exempt from this ordinance.

CHAPTER 14-600 CONSERVATION SUBDIVISION

SECTION 1. PURPOSES

14-601. Purposes. Conservation-by-Design, or conservation subdivisions, may be approved in the City for the following reasons:

- (a) To provide for the preservation of greenspace as a nonstructural stormwater runoff and watershed protection measure.
- (b) To provide a residential zoning district that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land.
- (c) To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands, and wildlife habitat.
- (d) To permit clustering of houses and structures on less environmentally sensitive soils, which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
- (e) To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
- (f) To promote interconnected greenways and corridors throughout the community and contiguous greenspace with adjacent jurisdictions.
- (g) To encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places, and encouraging use of parks and community facilities as focal points in the neighborhood.
- (h) To encourage street designs that reduce traffic speeds and reliance on main arteries.
- (i) To promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connecting to surrounding areas, businesses, and facilities to reduce reliance on automobiles.
- (j) To conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and view of open space.
- (k) To preserve important historic and archaeological sites.

SECTION 2. GENERAL REGULATIONS

14-602. Applicability of regulations. Conservation Subdivisions are available in the following zoning districts: RR, R-1, R-2, and R-3. The applicant shall comply with all other provisions of the Zoning Ordinance and all other applicable laws, except those that are incompatible with the provisions contained herein.

14-603. Ownership of development site. The tract of land to be subdivided may be held in single and separate ownership or in multiple ownerships. If held in multiple ownerships, however, the site shall be developed according to a single plan with common authority and common responsibility.

14-604. Housing density determination. The maximum number of lots in the Conservation Subdivision shall be calculated by dividing the net acreage of the parcel of land by the minimum lot size specified in the underlying zoning. In making this calculation, the following shall not be included in the net acreage of the parcel:

- (a) Slopes over 30 percent of at least 5,000 square feet contiguous area.
- (b) The 100-year floodplain.
- (c) Bodies of open water over 5,000 square feet contiguous area.
- (d) Wetlands that meet the definition of the Army Corps of Engineers pursuant to the Clean Water Act and WDNR.
- (e) Anticipated right-of-way needs for roads and utilities.

14-605. Development standards. The following minimum standards in Table 6-1 are established for conservation subdivision development:

Table 6-1: Conservation Subdivision Development Standards

Minimum Tract Size	10 Acres
Minimum Lot Size	6,000 sq. ft.
Minimum Rear Yard Setback	20 ft.
All Other Setbacks	per the underlying zoning
Minimum Lot Width	60 ft.
Minimum Access Easement to Open Space	10 ft.
Minimum Open Space Area Required	40% of the Gross Land Area

SECTION 3. APPLICATION REQUIREMENTS

14-606. Site analysis map required. Concurrent with the submission of a conceptual site plan, the applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed open space will meet the requirements of this ordinance. The preliminary site plan shall include the following features:

- (a) Property boundaries and the planned location of protected open space.
- (b) All streams, rivers, lakes, wetlands and other hydrologic features; general vegetation characteristics; general soil types; and topographic contours of no less than 2-foot intervals.
- (c) All primary and secondary conservation areas labeled by type, as described in Section 4 below.
- (d) Existing roads and structures; and potential connections with existing greenspace and trails.

14-607. Open space management plan required. An open space management plan, as described in Section 4 below, shall be prepared and submitted prior to the issuance of a land disturbance permit.

14-608. Instrument of permanent protection required. An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described in Section 4 below, shall be placed on the open space concurrent with the issuance of a land disturbance permit.

14-609. Other requirements. The application shall adhere to all other applicable requirements of the zoning district and this ordinance.

SECTION 4. OPEN SPACE

14-610. Standards to determine open space.

- (a) The preserved open space shall include a minimum of 40% of the gross parcel area.
- (b) The following are considered primary conservation areas and shall be included within the open space, unless the applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this ordinance.
 - (1) The regulatory 100-year floodplain.
 - (2) Surface water buffer zones consistent with the Brown County definition of ESAs .
 - (3) Slopes above 25% of at least 5,000 square feet contiguous area.
 - (4) Wetlands that meet the definition used by the Army Corps of Engineers and the Wisconsin Department of Natural Resources.
 - (5) Populations of endangered or threatened species, or habitat for such species, and archaeological sites, cemeteries, and burial grounds.
 - (6) Important historic sites.
- (c) The following are considered secondary conservation areas and may be included within the open Space area:
 - (1) Existing healthy, native forests of at least one acre contiguous area.
 - (2) Individual existing healthy trees greater than 8 inches DBH (diameter at breast height).
 - (3) Other significant natural features such as ridge lines, peaks, and rock outcroppings, particularly those that can be seen from public roads.
 - (4) Prime agricultural lands of at least five acres contiguous area.
 - (5) Existing trails that connect the tract to neighboring areas.
 - (6) All other types of green space that have not necessarily been enumerated, but that do not conflict with areas specifically excluded.
- (d) Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 40% minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the open space.
- (e) At least 50% of the open space shall be in a continuous tract. The open space should adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.
- (f) The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the open space.

14-611. Permitted uses of open space. Uses of open space may include the following:

- (a) Conservation of natural, archaeological or historical resources.
- (b) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas.
- (c) Walking or bicycle trails, provided they are constructed of porous paving materials; passive recreation areas.
- (d) Active recreation areas (e.g., playgrounds, play fields, hard courts, picnic areas, shelters, etc.), provided that they are limited to no more that 10 percent of the total open space and are not located within Primary Conservation Areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected open space.

- (e) Agriculture, horticulture, silviculture or pasture uses, provided that all applicable Best Management Practices are used to minimize environmental impacts, and such activities are not conducted within Primary Conservation Areas; nonstructural stormwater management practices; easements for drainage, access, and underground utility lines; or other conservation-oriented uses compatible with the purposes of this ordinance.

14-612. Prohibited uses of open space. Golf courses, roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections; agricultural and forestry activities not conducted according to accepted Best Management Practices; and other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.

14-613. Ownership and management of open space.

- (a) Ownership of open space. The applicant must identify the owner of the open space who is responsible for maintaining the open space and facilities located thereon. If a homeowners association is the owner, membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. If a homeowners association is the owner, the homeowners association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the open space and any facilities located thereon shall be borne by the owner.
- (b) Management plan. Applicant shall submit a plan for management of open space and common facilities (“Plan”) that:
 - (1) Allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements.
 - (2) Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and outlines the means by which such funding will be obtained or provided.
 - (3) Provides that any changes to the Plan be approved by the Green Bay Plan Commission for enforcement of the Plan.
- (c) In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the City of Green Bay may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner, homeowner’s association, or to the individual property owners that make up the homeowner’s association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

14-614. Legal instrument for permanent protection. The open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the applicant chooses to place on the use of the open space. The instrument shall be one of the following:

- (a) A permanent conservation easement in favor of either:
 - (1) A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence, and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions.

- (2) A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance. If the entity accepting the easement is not the City of Green Bay, then a third right of enforcement favoring City of Green Bay shall be included in the easement.
- (b) A permanent restrictive covenant for conservation purposes in favor of a governmental entity.
- (c) An equivalent legal tool that provides permanent protection, if approved by the City of Green Bay.

CHAPTER 14-700 DESIGN REQUIREMENTS

SECTION 1. STREETS

14-701. Streets, highways and parkways.

- (a) Streets shall be designed (e.g., as to arrangement, character, extent, width, grade, etc.) and located in relation to the following:
 - (1) All applicable officially adopted plans including the Official Map.
 - (2) Existing and planned streets.
 - (3) Topographic considerations, drainage, and other natural features, in order to produce usable lots and streets of reasonable gradient.
 - (4) The public convenience and safety.
 - (5) The future circulation needs of nearby lands.
 - (6) The proposed uses of the land to be served by such streets.
 - (7) The right-of-way width as determined by the Official Map and this section. Additional widths and setback controls may apply for specific streets by separate ordinance or by §82.50, Wis. Stats., within the extraterritorial platting jurisdiction.
- (b) The arrangement of streets to promote solar orientation and other sustainable design features is encouraged.

14-702. Streets to conform to city plans. Street layouts, widths, grades and locations shall conform to the Official Map and the Smart Growth 2022 Comprehensive Plan.

14-703. Street arrangement.

- (a) Arterial streets shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community retail areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of arterial streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
- (b) Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the arterial street and highway system and shall be properly related to the multimodal transportation system, to special traffic generators such as schools, churches, and retail centers and other concentrations of population, and to the major streets to which they connect.
- (c) Local streets shall be arranged to conform to the topography, to discourage high volume use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide for safe and convenient access to abutting property.
- (d) Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Council may require a frontage street, approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land.

14-704. Street right-of-way and width. The right-of-way of all streets shall be of the width specified on the Official Map or Smart Growth 2022 Comprehensive Plan, or if no width is specified there, they shall be not less than the width specified in Table 7-1:

Table 7-1: Street and Right-of-Way Width

Type	Right-of-Way (feet)	Street/Alley Clear Width (feet)
Arterial Street	80-100	48-52
Collector Street	70-80	40-44
Residential Collector	60-70	36-40
Local Street	60	30
Cul- de-sac	50	30
Alley		12-30

14-705. Street grades. Maximum street grades shall conform to the following specifications, except where otherwise approved by this ordinance or other ordinances:

Arterial Street	5%
Collector Street	7%
Minor (Local) Street	8%
Streets shorter than 500 Feet	8%

14-706. Visibility requirements. Clear visibility within the street and setback areas measured along the centerline of such street shall be not less than specified below, except where otherwise approved by the Council:

Arterial Street	400 feet
Collector Street	350 feet
Local Street	200 feet

14-707. Curvature of centerline. The minimum radius of curvature on the centerline shall be as specified below, except where otherwise approved by the Council:

Arterial Street	300 feet
Collector Street	200 feet
Local Street	100 feet

14-708. Reverse curves. A tangent at least 100' long shall be introduced between reverse curves on major and collector streets.

14-709. Corner lots. Property lines at street intersections shall be rounded with a radius of 12' or greater where the Council considers it necessary, unless such 12' radius is deemed not necessary by the Planning and Public Works Departments. Cut-offs or chords may be permitted in place of rounded corners.

14-710. Curved lot frontages. Arc distances, when appropriate for lot frontages on curved rights-of-way, shall be provided for municipal assessment purposes.

14-711. Cul-de-sacs or streets with one end permanently closed.

- (a) Requirements. Streets designed to have one end permanently closed shall not exceed 500 feet in length from the centerline of the intersecting street to center of turnaround, and shall provide a turnaround with a minimum right-of-way radius of 55' at its terminus and a minimum of 30' radii at the approach to the turnaround. A temporary cul-de-sac may be placed at the end of a street that

will be extended, and in such cases, provision shall be made for reversion of the excess turnaround right-of-way to the adjoining properties when the street is extended.

- (b) Possible exceptions. Cul-de-sacs exceeding 500 feet in length may be allowed in one of the following ways.
 - (1) Cul-de-sacs of no more than 750 feet may be permitted with approval of the Planning, Public Works, and Fire Departments as part of the land division review process, but only when all of the following are found to apply:
 - a. ESAs or other natural features of the land dictate a street design that requires cul-de-sacs, especially when conservation subdivision design is being applied.
 - b. There is no realistic opportunity or substantial benefit to providing connectivity with adjacent existing or planned streets.
 - c. Efficient service delivery and infrastructure extension are not harmed.
 - d. Public safety is adequately protected.
 - (2) Cul-de-sacs exceeding 500 feet that cannot be approved by staff based on the criteria above may only be permitted if granted a modification by the Plan Commission and Council.

14-712. Median Strips. Median Strips or reserve strips controlling access to streets shall be prohibited except where required by the City under conditions approved by the Common Council.

14-713. Half streets or streets with less than full right-of-way width. The following shall apply when an entire right of way has not been dedicated:

- (a) Where a half street has been previously dedicated adjacent to a subdivision, the remaining half of the street shall be dedicated by the subdivider.
- (b) Where no half street adjacent to a subdivision exists, dedication of half streets shall not be approved unless the remaining portion appears as a mapped future street on the Official Map.
- (c) Where a lot or lots is/are to be created on or connected by a right-of-way which is not dedicated to its full required width, a covenant shall appear on the plat stating that public access and utilities to the lot or lots shall be withheld until the full street width is dedicated.
- (d) Unless the acquisition is in the City's interest and shown on the Official Map, the City shall not accept the dedication, nor shall the City honor the request for street or utility improvements.

14-714. Frontage streets or roads. Where a frontage street has been provided, the Plan Commission may require that such a street be located at a distance from the major street or easement. Such distances shall be determined with due regard for the requirements of approach grades and future grade separation. The space between the frontage street and major street or easement may be designed and used as suitable and appropriate for the following:

- (a) Park purposes.
- (b) Motor vehicle parking, business or industry, in appropriate zones.
- (c) Other provisions for the adequate protection of residential properties and the separation of through and local traffic.

14-715. Intersections. Streets shall intersect as nearly as possible at right angles. Not more than two (2) streets shall intersect at one (1) point unless approved by the Plan Commission.

14-716. Street jogs. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided. Where streets intersect arterials, their alignment shall be continuous.

14-717. Parkways. Where parkways or special types of streets are involved, the Plan Commission may apply special standards to be followed in their design, following recommendations from the Smart Growth 2022 Comprehensive Plan.

14-718. Primary street naming. The following shall be followed when determining new street names:

- (a) Any street, which is the reasonable continuation of an existing street within the city's boundary, shall bear the same name.
- (b) If the topography or other permanent features render the continuation of the actual roadway impossible, and if such nomenclature is apt to produce confusion, the street shall not carry the same name as the street to which it may be geometrically aligned.
- (c) Any proposed street name that has already been used elsewhere in Brown County shall not be used.
- (d) Any proposed street which bears a confusing name similar to another street name in Brown County, shall not be used.
- (e) Any proposed street name that may cause confusion or may be difficult to spell or pronounce shall not be used.
- (f) Any proposed street name that is unsuitable because of connotation shall not be used.
- (g) New street names in the City of Green Bay, proposed after August 1, 2002, shall not exceed 13 characters in length. Each space between words in the street name shall count as one character. Prefixes and suffixes to the street name, such as "North", "South", "Street", "Drive", and "Lane", shall not be counted.

14-719. Street name suffix. (Amd. GO 39-10) The following suffix endings shall be permitted for the following street types:

- (a) Cul-de-sac = Place, Court
- (b) Curving Short Street = Crescent, Way, Lane, Circle
- (c) Straight Short Street = Terrace, Row, Lane
- (d) Curving Long Street = Drive, Road
- (e) Straight Long Street = Street, Avenue
- (f) The term "boulevard" shall be reserved for streets, which because of street breadth, continuous median planting, or monumental character, are to be especially designated.

SECTION 2. BLOCKS, PEDESTRIAN WAYS, AND LOTS

14-720. Blocks, pedestrian ways, and lots. The size shape and orientation of blocks, pedestrian ways, and lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Block lengths in residential areas shall not exceed 1,500 feet.

14-721. Pedestrian ways between blocks. Where deemed essential to provide circulation or access to schools, shopping centers, transportation, and other community facilities, the developer shall dedicate pedestrian ways not less than fifteen (15) feet wide through the center of blocks more than 900 feet long and/or at the end of cul-de-sacs.

- (a) The developer shall construct the pedestrian way at the time streets are constructed in new developments. The pedestrian way shall be made of concrete and be six (6) feet wide and designed according to City sidewalk standards.
- (b) Maintenance within the pedestrian way shall be the responsibility of adjacent property owners.

14-722. Pedestrian ways adjacent to greenways, parks, and playgrounds. Where deemed essential to provide circulation or access to greenways, parks, and playgrounds, the developer shall dedicate pedestrian ways not less than thirty (30) feet wide between lots adjacent to parks.

- (a) The developer shall construct the pedestrian way at the time streets are constructed in new developments. The pedestrian way shall be made of asphalt and be ten (10) feet wide, unless otherwise instructed by the Green Bay Parks, Recreation & Forestry Department.
- (b) Maintenance within the pedestrian way shall be the responsibility of the Green Bay Parks, Recreation & Forestry Department.

14-723. Sidewalks/pedestrian corridors: Sidewalks or other pedestrian corridors shall be provided on new streets and in new subdivisions in accordance with this section and Table 7-2. To the extent that a new subdivision will impact pedestrian needs on nearby existing streets, the requirements of Table 7-2 for existing streets may be applied if required by the Common Council.

Table 7-2. Sidewalk/Pedestrian Corridor Requirements

Planned Land Use (and Density)	Type of Street	Sidewalk Requirements for New Streets	Sidewalk Requirements for Existing Streets
Commercial and Industrial	All Streets	Both sides.	Both sides.
Residential (All Densities)	Arterial Streets	Both sides.	Both sides.
Single-Family Residential (All Densities)	Collector Streets	Both sides.	Both sides preferred, at least one side required.
Multi-Family Residential (All Densities)	Collector Streets	Both sides.	Both sides.
Residential (More than Four Units per Acre)	Local Streets	Both sides.	Both sides preferred, at least one side required.
Residential (One to Four Units per Acre)	Local Streets	Both sides preferred, at least one side required.	One side preferred, at least a four foot shoulder on both sides required.
Residential (Less than One Unit per Acre)	Local Streets	One side preferred, at least a four foot shoulder on both sides required.	One side preferred, at least a four foot shoulder on both sides required.
Areas within Two Blocks of a School	Local Streets	Both sides.	Both sides preferred, at least one side required.

(Adapted from: *Wisconsin Pedestrian Planning Guidance*, Wisconsin Department of Transportation)

- (a) Possible Exceptions
 - (1) Sidewalks may be omitted on one side of new streets where that side clearly cannot be developed and where there are not existing or anticipated uses that would generate pedestrian trips on that side.
 - (2) Where there are frontage or service roads, the sidewalk adjacent to the main road may be eliminated and replaced by a sidewalk adjacent to the frontage or service road on the side away from the main road.
 - (3) For rural roads not likely to serve development, a shoulder at least four feet in width, preferably eight feet on primary highways, should be provided. Surface material should provide a stable, mud-free walking surface.

- (4) A multi-use path or trail system within a subdivision, such as a conservation-by-design subdivision, may be substituted for required sidewalks if such a path is open to the public and connects at two ends to a public sidewalk or multi-use path when available.
- (b) Effort should be made to add sidewalks where they do not exist and to complete missing links. Sidewalk connections and crosswalks at major intersections should be completed in coordination with new development.
- (c) Sidewalks should be a minimum of five feet wide in residential areas and wider in commercial areas, where an eight to ten-foot walking corridor from street curb to building face may be required. Sidewalks internal to parking areas shall comply with the requirements of the Zoning Ordinance.
- (d) Sidewalk Installation. This ordinance shall supersede the “New Land Division” provisions of the “City of Green Bay Sidewalk Installation Policy.”
 - (1) The cost to construct sidewalks shall be paid by the adjacent property owners and/or the subdivider. For sidewalks or pedestrian ways to be installed at the time of street construction, this cost shall be included in the required development fees (cash sum or cash equivalent) or may be addressed through the development agreement as applicable.
 - (2) Sidewalks abutting residential lots or development sites shall be installed concurrently with the construction of the abutting housing units up to the time of at least 50% build-out of the subdivision or land division. A housing unit shall not be occupied until the abutting sidewalk is installed and an occupancy permit is granted. When more than 50% of the anticipated housing units have been constructed, the City Council may order the installation of the rest of the required sidewalks.
 - (3) The Planning and Public Works Departments may require as a condition of Final Plat approval that certain sidewalks or other pedestrian ways be installed at the time of street construction, including, but not necessarily limited to:
 - a. Sidewalk radii at block corners including curb cuts and detectable warning surfaces in compliance with Department of Public Works requirements.
 - b. Multi-use paths or trails being approved as an alternative to the minimum sidewalk requirements.
 - c. Sidewalks along collector or arterials streets within the subdivision, portions of sidewalks not abutting residential lots or building sites, or other similar key pedestrian linkages.
 - d. Mid-block or park access pedestrian ways shall be installed at the time of street construction in accordance with Sections 14-721 and 14-722.
 - (4) Street frontages where sidewalks are required shall be shown on the face of the CSM or plat, and the following restrictive covenant shall also be placed on the CSM or plat.
 - a. Where the locations of sidewalks have been graphically designated on the CSM or plat, the following restrictive covenant shall be used: Concrete sidewalks shall be installed as shown on this CSM/subdivision plat. Sidewalks shall be installed in front of lots abutting the locations shown at the time the lots are developed and prior to receiving an occupancy permit or as directed by the Common Council of the City of Green Bay.
 - b. Where the locations of sidewalks have not been graphically designated on the CSM or plat, the following restrictive covenant shall be used: Concrete sidewalks shall be installed on (side of street/both) side(s) of (street) from (limit) to (limit). Sidewalks shall be installed in front of lots abutting (street) at the time the lots are developed and prior to receiving an occupancy permit or as directed by the Common Council of the City of Green Bay.

14-724. Lots. Lot size, width, depth, shape, and orientation shall be appropriate for the location of the plat or Certified Survey Map (CSM), for the type of development and use proposed. The use of “green” or sustainable development features are encouraged such as promoting solar access with lot layout, employing infill or redevelopment, using pervious or semi-pervious paving or other appropriate alternative stormwater management features, enhancing walkability or other alternative modes of transportation, following the principles of LEED-ND (Neighborhood Design), and the like.

- (a) Minimum lot size and setbacks shall conform to the requirements of the City Zoning Ordinance in direct relationship to the zoning district for the proposed lot.
- (b) Any easement or combination of adjacent easements that are greater than twenty (20) feet wide shall not be considered in determining minimum lot area.
- (c) Any portion of a lot having a width of less than 30 feet shall not be considered in determining the minimum lot area.
- (d) Side lot lines shall be substantially at right angles or radial to the public street rights-of-way.
- (e) The depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the City Zoning Ordinance.
- (f) All existing lots shall be connected to public sewer and water systems before any occupancy permits are granted.
- (g) Lots of varying width shall be divided with more than 50 percent of their maximum width measured as public street frontage, excluding those divided on cul-de-sacs.
- (h) Division or re-division of existing platted lots. Existing lots located in a clearly defined block of previously platted lots may be divided or re-divided, reducing lot width and area, provided:
 - (1) They are not less than the average lot width and area of those lots located on both sides of the street within a distance of 300 feet from the corners of the proposed lots.
 - (2) Each lot has at least 50 feet in frontage and 5,000 square feet in area.

14-725. Non-sewered lots. (Amd. GO 39-10) Residential lots not served by public sewerage disposal facilities are limited to one single-family dwelling and one on-site sewage disposal system and shall comply with Ch. COMM 83, Wis. Admin. Code, and all other applicable state, county, and local requirements. All lots created prior to August 1, 2002, not served by public sewerage disposal facilities shall have a minimum lot area of 40,000 sq. ft. and a minimum street frontage of 100 feet measured along the right-of-way of a public street.

14-726. Lot combination. Pending installation of public sewers, the minimum lot area and the minimum lot width may be provided through the use of two or more lots if suitable lot combinations are designated on the recorded Final Plat or CSM. The following restrictive covenant shall be placed on the document in such cases:

- (a) Lots ___ and ___ shall remain under the same ownership until such time as these lots are serviced by, and the existing homes are connected to, public sanitary sewer and water.

14-727. Lot frontage. All lots shall abut on a public street.

- (a) Street frontage for lots on cul-de-sac bulbs or the outer radius of a curved street shall be a minimum of 50 feet.
- (b) Street frontage for lots designed for attached or semi-detached structures shall be a minimum of 40 feet.
- (c) Street frontage for lots designed for attached or semi-detached structures on cul-de-sac bulbs or the outer radius of a curved street shall be a minimum 25 feet.
- (d) Corner lots shall have sufficient width to provide usable rear yards and to permit full building setbacks as set forth in the Zoning Ordinance and other regulations.

14-728. Double frontage lots. Double frontage lots shall not be permitted, except where desirable to provide separation of residential development from traffic arterials or inharmonious uses, or to overcome disadvantages of topography or situation. Double frontage lots shall have no right of access to the abutting traffic arterial, but shall be provided access through the lesser street. A planting screen easement of at least 20 feet shall be established between the residential lots and the abutting traffic arterial or inharmonious use.

14-729. Statement for lots designed for attached or semi-detached structures. The following restrictive covenants shall be placed on the face of all CSMs and subdivision plats with lots designed for attached or semi-detached structures:

- (a) When lots designed for attached or semi-detached structures are created, matters of mutual concern to the adjacent property owners, due to construction, catastrophe, and maintenance, shall be guarded against by private covenants and deed restrictions and the approving authorities shall not be held responsible for same.
- (b) Building permits are limited to the development of attached or semi-detached structures on Lots ___ through ___ inclusive, unless two adjoining lots are combined and used as a single lot for the construction of a single-family dwelling unit. In this case, an odd number of lots may not be left as a series of consecutive lots.

14-730. Attached dwelling unit utilities. When attached dwelling units are created, the plans, specifications, and construction of such buildings shall require the installation and construction of separate sewer, water, and other utility services to each dwelling unit.

14-731. Lots on municipal boundaries. Lots shall always follow municipal boundaries rather than cross municipal boundaries.

14-732. Further land divisions. Further division of lots containing 100 feet of frontage or less, presently abutting existing improved streets, shall not be permitted.

SECTION 3. EASEMENTS

14-733. Surface water drainage easements. The rear of each lot and the sides of each lot specified within the area shall be graded by the subdivider and maintained by the property owner to provide for the adequate drainage of surface water. The drainage statement shall be contained in the restrictive covenants. The subdivider shall have the opportunity to justify certain easements not to be so used, which shall be approved by the Council.

14-734. Storm water easements. Where a land division is traversed by a water course, drainage way, channel, or stream, a storm water easement or drainage right-of-way shall be provided of sufficient width and conforming substantially to the floodway line of such water course. Grading or construction adequate for such purpose may be required. Wherever possible, drainage shall be maintained by an open channel with landscaped banks and of adequate width for maximum potential volume of flow as determined by the City of Green Bay. Such improvements shall be guaranteed prior to approval of the Final Plat. If a potential flood hazard elevation has been determined by the Council, such shall be included on the Final Plat, requiring that buildings adjacent to a floodplain shall be flood-proofed to the flood protection elevation.

14-735. Tree-planting easements. If deemed necessary by the Planning, Public Works, or Parks, Recreation, and Forestry Department, an eight foot tree-planting easement shall be provided on the front or side of each lot fronting or siding on a local street. This option is reserved for unusual circumstances where the dedicated right-of-way is not of adequate width or in other way not suitable to allow for planting of street trees. (Normally, space for tree planting will be provided within the street right-of-way.) A tree-planting easement shall be contained in the restrictive covenants and on the face of the plat. Where such easement is provided, no portion of the street shall be used for tree planting unless authorized by the Park Committee because such easement is deemed unsuitable.

14-736. Planting screen easements. A planting screen easement of at least 20 feet shall be required on double frontage lots. The easement shall have no right of access, along the lines of double frontage residential lots abutting traffic arteries or other inharmonious use. This easement may coincide with a utility easement, and in such cases, shall identify specific planting areas that do not conflict with the utilities.

14-737. Utility easements. Utility easements across lots or centered on rear or side lot lines shall be provided where required by the City and as requested by the utility agencies. Utility easements shall be a minimum 6 feet wide on each side of the lot line, or a total of 12 feet wide, unless otherwise specified.

14-738. Public utility transmission easements. Where existing prior to the submission for approval of any land division map not being part of such map, public utility transmission easements shall be labeled on the final map with the name of the holder of the easement and shall be dimensioned as to the full width or established use width as obtained from the utility involved. Those lots affected by the conditions of the easement agreement shall be listed in a special note on the face of the final map; and if the easement agreement is recorded, the volume, page, and document number shall be included in such note. In addition, where transmission easements are occupied by above-ground transmission facilities, the following information shall be indicated on the final map:

- (a) The location of all poles or towers in the easement lying within the boundary lines of the map.
- (b) The location of the first pole or tower within the easement lying outside the boundary lines of the map.

14-739. Sewer service covenant. A covenant shall be required on all plats and Certified Survey Maps (CSMs) to be sewerred, stating that building permits shall be withheld until the State has approved the sewer extension to the lots therein.

SECTION 4. PRIVATE ASSOCIATIONS FOR THE COMMON OWNERSHIP OF PARKS, GREENWAYS, CONSERVANCIES, AND OPEN SPACES

14-740. Purpose for privately-owned park and open space. The preservation and protection of privately-owned park and open space in conjunction with residential development supplement the availability of public park and open space benefitting residents, and provide recreational potential and use of lands which may not be suitable for building purposes.

14-741. Applicability. This section shall apply to residentially zoned lands intended to be used as permanent parks or open space in conjunction with approved and recorded subdivisions containing 20 or more building lots and at least 20 or more acres of land exclusive of public street dedication.

14-742. Permitted uses. Non-residential uses of a non-profit cultural or recreational character are permitted to the extent they are intended primarily to serve the residents of the associated subdivision.

14-743. Standards and criteria.

- (a) The private park or open space shall be located with regard to convenience, accessibility, and aesthetics for the residents of the development and with regard to natural features such as topography.
- (b) The private park or open space shall be of a size, location, and character suitable for its purpose, shall be acceptable to the Plan Commission and Council as a private park or open space, shall be at least one acre in area, and shall provide for municipal access for emergency or maintenance duties as necessary.

14-744. Responsibilities of ownership and maintenance of private park and open space areas.

- (a) The park or open space shall be legally reserved for use by all of the residents and/or owners of the subdivision.
- (b) The park or open space shall be legally improved, maintained, and directed by an established homeowners association or equivalent acceptable to the City and shall be recorded with the plat to ensure perpetual care, responsibility, and purpose of the common open space. The legal instrument, as required, may include, but is not limited to, the following:
 - (1) Legally creating an automatic membership, nonprofit homeowners association.
 - (2) Placing title to the common property in the homeowners association or giving definite assurance that it automatically will be so placed within a reasonable and definite time.
 - (3) Appropriately limiting the uses of the common property.
 - (4) Giving each lot owner the right to the use and enjoyment of the common property.
 - (5) Placing responsibility for operation and maintenance of the common property, including responsibility for taxes and assessments incurred by the common property, in the homeowners association. If, in the opinion of the Council, the common open space is not being maintained in a satisfactory manner, the City shall reserve the right of access to the common open space and shall reserve the right to maintain the common open space. The cost of such maintenance, plus a 10 percent collection fee, shall be assessed the members of the homeowners association, and if not paid within the calendar year due, shall constitute a lien on the individual property or properties.
 - (6) Placing an association charge on each lot in a manner which will:
 - a. Assure sufficient association funds.
 - b. Provide adequate safeguards for the lot owners against undesirably high charges.
 - c. Give each lot owner voting rights in the association.

SECTION 5. PUBLIC SITES, PARKS, GREENWAYS, CONSERVANCIES, AND OPEN SPACES

14-745. Reservation of public sites and open spaces. In order that adequate open space and sites for public uses and thoroughfares may be properly located and preserved as the community develops, the following provisions are established:

- (a) Preliminary Plat to accommodate planned public spaces. Whenever a tract to be subdivided includes a proposed street, highway, drainageway, floodplain, parkway, or other public way, or a proposed site for a park, playground, school, or other public use as indicated on the Official Map or the comprehensive plan, such space shall be suitably incorporated by the developer into the subdivision plat after the proper determination of its necessity by the Council and the appropriate body or other public agency involved in the acquisition and/or use of each site.
- (b) School, park, and playground sites. Unless appropriate provision for dedication or donation of school, park, or playground sites has been made by the City of Green Bay in a previous action, as in the case of a large-scale development involving multiple land uses, any required school sites, parks, or playgrounds shall be acquired by the school district or the City of Green Bay.
- (c) Intent regarding minor revisions. The locations of planned public ways and public sites are designated on the Official Map or comprehensive plan to varying degrees of precision and accuracy based on the information and tools available at the time. The City acknowledges that as development takes place, minor adjustments to the precise locations of public ways and public sites may be necessary based on construction plans, site conditions, and change over time. Such minor changes can be approved as part of the land division review process, at the discretion of the applicable City department(s), without requiring an amendment to the Official Map or comprehensive plan. Where such changes are substantial, a revision to the Official Map and/or comprehensive plan will be required.

14-746. Acquisition of land for public use. Land may be acquired for public school sites, parks, playgrounds, or other public recreation areas or for other public purposes as provided by law and the following procedures:

- (a) If potential public areas are included within a plat, the Commission shall refer the plat to the public body concerned with acquisition for its consideration and report. The Commission may propose alternate areas for such acquisition and shall allow the public body concerned 30 days to reply. If affirmative, the reply of the public body shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition.
- (b) Upon receipt of an affirmative report, the Commission shall notify the property owner and shall designate on the Preliminary and Final Plats that area proposed to be acquired by the public body. Such area shall also be recommended for placement on the Official Map.
- (c) The acquisition of land reserved on the Preliminary or Final Plat for acquisition by a public agency shall be instituted by such public agency within 18 months of written notification from the owner of the property that the owner intends to develop it. Such a letter of intent shall be accompanied by a sketch plan of the proposed development and a tentative schedule of development. Failure of the public agency to institute acquisition within the prescribed 18 months shall result in the removal of the "reserved" designation from the property involved and in the freeing of the property for development. "Reserved" designation on the Official Map shall also be recommended to be removed if the public agency fails to institute acquisition.

14-747. Dedication of land for public use.

- (a) When the Final Plat of a subdivision has been approved by the appropriate public bodies, and all other required approvals are obtained and the plat is recorded, such approval shall constitute acceptance for the purpose designated on the plat of all lands shown as dedicated to the public, including street dedications, unless a development agreement specifies otherwise. Whenever a Preliminary Plat includes a proposed dedication of land to public use and the Commission and Council find that such land is not required or not suitable for public use, the Council may either refuse to approve such dedication or require the rearrangement of the proposed subdivision to provide for a more suitable dedication of land for public use.

- (b) In the case of major thoroughfares lying within the plat, the subdivider may dedicate the right-of-way width in excess of that required to directly serve the subdivision and claim credit for the area of such land in the related parkland dedication required under this ordinance.

14-748. Mandatory dedication of parklands or fee in lieu of dedication. Under the authority granted by §236.45(6), Wis. Stats., and in order that adequate open space and sites for public uses may be properly located and preserved as the community develops, and in order that the cost of providing the neighborhood park, recreational sites, and open space necessary to serve the additional persons in the subdivision development may be most equitably apportioned on the basis of the additional need created by the development, the following provisions are established for divisions of land within the Urban Expansion District (or Urban Reserve District when a land division is permitted by a modification granted by the Common Council):

- (a) Applicability. The provisions of this section shall apply to all residential subdivisions and Certified Survey Maps (CSMs) of both single and multiple-family dwellings, including subsequent replatting of subdivisions and CSMs of both single and multi-family dwellings within the Urban Expansion District. The provisions shall not apply to:
 - (1) Combination or retracement CSMs.
 - (2) Subdivisions or CSMs within industrial or commercial zoning districts.
- (b) Requirement. Before a Final Plat or other land division under the applicability of this Chapter will be approved, the subdivider shall dedicate parklands or pay fees in lieu of dedication as specified below. The amount of parkland dedication or payment required shall bear a rational relationship to the need for parkland resulting from the subdivision and will be proportional to the need.
 - (1) Dedication of parklands
 - a. In exercising the parkland dedication option, the subdivider shall provide and dedicate to the public adequate land within the City limits to provide for a recreational area to meet the needs of the subdivision in a location feasible and compatible with the comprehensive plan and the Official Map.
 - b. The proposed dedication shall be reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location. On this basis, the City has the sole discretion to approve or deny the proposed dedication.
 - c. The Department of Parks, Recreation, and Forestry will determine the proportionate need being met by the dedication based on an accepted service standard for parklands and park facilities.
 - (2) Payment of fees in lieu of dedication (parkland development fees) shall be required where parkland dedication is not feasible or compatible with the comprehensive plan or Official Map, or where the payment of fees in lieu of dedication is preferred at the discretion of the City.
 - a. In exercising the payment of fees in lieu of dedication option, the subdivider shall provide cash payment of parkland development fees for the acquisition or initial improvement of land for public parks.
 - b. Improvement of land for public parks includes grading, landscaping, installation of utilities, construction of sidewalks, installation of playground equipment, and construction or installation of restroom facilities in accordance with §236.45(6), Wis. Stats.
 - c. Amount: The standard parkland development fee shall be set per residential dwelling unit in accordance with the current *Green Bay Park, Recreation, and Forestry Fee and Charges Schedule*.

- d. Review: The parkland development fee shall be reviewed by the Park Committee and the City Council at least every two years.
 - e. Proceeds of such payments shall be deposited in a separate nonlapsing City account and shall be used only for acquisition or initial improvement of land for public parks with priority given to lands within one mile of the boundary of the subdivision.
- (3) Combination of dedication and payment of fees in lieu of dedication. Where approved by the Department of Parks, Recreation, and Forestry, a combination of parkland dedication and payment of fees in lieu of dedication may be used to meet the need generated by the land division for parkland acquisition and initial improvement of parklands.
- (c) Reservation of potential sites. In addition to the requirements for the dedication of parklands or the payment of fees in lieu of dedication, reservation of public sites may also be required under the provisions found in Sections 14-745 through 14-747 and may be cause for the reduction of parkland dedication requirements or parkland development fees.
- (d) Credit for private open space. When private open space for park and recreational purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision, partial credit not to exceed 50% may be given against the requirement of land dedication or payment of fees in lieu thereof if the Common Council finds that it is in the public interest to do so, and that all the following standards are met:
- (1) That yards, court areas, setbacks, and other open areas required to be maintained by the Zoning and Building Ordinances and regulations shall not be included in the computation of such private open space.
 - (2) That the private ownership and maintenance of the open space is adequately provided for by recorded written agreement, conveyance, or restrictions.
 - (3) That the use of the private open space is restricted for park and recreational purposes by recorded covenant which runs with the land in favor of the future owners of property and which cannot be defeated or eliminated without the consent of the City or its successors.
 - (4) That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location.

CHAPTER 14-800 REQUIRED PUBLIC IMPROVEMENTS

SECTION 1. GENERAL REQUIREMENTS

14-801. Development fees for public improvements.

- (a) Before a Final Plat or other land division created in accordance with this ordinance shall be approved, the subdivider shall meet the following requirements with respect to the installation of the listed facilities in the designated districts. Said districts are portrayed on a map entitled, "Residential Development Districts," which is made a part of this ordinance as though fully set out herein. Said map shall be on file with the Planning Department. No request by the owner for public improvements in a subdivision or for real estate described in a plat or Certified Survey Map (CSM) shall be acted on unless the owner of such real estate has recorded such plat or CSM with the Register of Deeds for Brown County, as specified by the Director of Public Works in the year prior to installation of such public improvements. Public improvements shall include but not be necessarily limited to the following:
- (1) Sanitary sewers.
 - (2) Storm sewers.
 - (3) Water mains.
 - (4) Streets.
 - (5) Grading and stormwater management.
 - (6) Street trees and street lights.
- (b) A subdivider or developer may request authorization to enter into a development agreement for the design and construction of infrastructure improvements.
- (c) Cash bond. For all subdivisions and land divisions created within the City of Green Bay, the subdivider shall provide a cash bond amount sufficient to ensure the City will be reimbursed for the expenses it may incur for completing the following items if they are not completed by the developer:
- (1) Interior lot and block drainage. A cash bond, in an amount determined by the Director of Public Works, shall be filed for adequate storm facilities to provide surface water drainage for interior lot and block improvements in accordance with the final grading plan.
 - (2) Grading. A cash bond, in an amount determined by the Director of Public Works, shall be filed for grading the street right-of-way to grades established by the Director of Public Works. The cash bond may be waived if the subdivider concludes such grading prior to recording the land division.
- (d) Cash payments. For all subdivisions and land divisions created within the City of Green Bay, the subdivider shall pay, in cash, an amount sufficient to cover those expenses that would be incurred by the City in providing the following improvements:
- (1) Street trees. A cash payment, in an amount determined by the Director of Parks, Recreation, and Forestry, shall be paid for trees of such varieties, size, number, and location as designated by the Director of Parks, Recreation, and Forestry.
 - (2) Street lights. A cash payment, in an amount determined by the Director of Public Works, shall be paid for streetlights at locations specified by the Director of Public Works.

- (e) Cash sum or cash equivalent. For all subdivisions and land divisions created within the City of Green Bay, the subdivider shall pay a cash sum or arrange a cash equivalent (a cash payment or alternative financing arrangement acceptable to the City Finance Director) based on the year of actual construction of the improvements in an amount sufficient to cover those expenses that would be incurred by the City in providing the following required improvements with respect to the City's development districts. These development districts are designated as identified on the most current map entitled "Green Bay Development Districts," which is made a part of this ordinance as though fully set out herein. Said map shall be on file with the Planning Department.
 - (1) Street and sewer improvements.
 - a. Urban Service District. A cash sum or cash equivalent, in an amount determined by the Director of Public Works in accordance with the special assessment ordinance, shall be paid for the street and sewer improvements adjacent to the land division. The costs shall be based on the year of actual construction of the improvements.
 - b. Urban Expansion District. A cash sum or cash equivalent, in an amount determined by the Director of Public Works, shall be paid for the total cost of all street and sewer improvements required to serve the land divisions including improvements adjacent to the land division.
 - (2) Water main improvements. The costs shall be based on the year of actual construction of the improvements.
 - a. Urban Service District. A cash sum or cash equivalent, in an amount determined by the General Manager, Water Department, in accordance with the special assessment ordinance, shall be paid for the water main improvements adjacent to the land division.
 - b. Urban Expansion District. A cash sum or cash equivalent, in an amount determined by the General Manager, Water Department, shall be paid for the total cost of all water main improvements required to serve the land division, including improvements adjacent to the land division.

14-802. Development fee postponement.

- (a) Development fees for required improvements, as specified in section 14-801, may be postponed if it is determined by the Common Council that such postponement is in the best interest of the City. A notation of any such postponement shall be placed on the face of the affected plat or CSM.
- (b) The owner, heirs, or assigns of any property for which development fees for required improvements have been postponed shall be required to pay those fees at such time as these improvements are deemed necessary by the City. These postponed development fees shall be paid in accordance with the assessment rate prevalent at the time the improvements are scheduled for construction or installation.
- (c) Requests to postpone development fees for required street trees shall be reviewed by the Park Committee for a recommendation to the Common Council. Requests to postpone development fees for required street lights, street and sewer improvements, and water main improvements shall be reviewed by the Improvement and Service Committee for a recommendation to the Common Council.
- (d) Development fees for pavement, sanitary sewer, storm sewers, street lighting, and water main improvements shall not be required for the improvements that occur within the public street right-of-way of an existing street that has been open to traffic prior to March 16, 1982.

14-803. Development fee refunds.

- (a) Development fees as specified in section 14-801 are not refundable for recorded CSMs.
- (b) Development fees as specified in section 14-801 are not refundable for recorded plats, unless the plat, including all public street rights-of-way, are vacated in accordance with §§236.40, 236.41, 236.42, 236.43, and 236.44, Wis. Stats.