

GENERAL ORDINANCE NO. 39-10

AN ORDINANCE
AMENDING CHAPTER 14,
GREEN BAY MUNICIPAL CODE,
SUBDIVISION AND PLATTING

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

SECTION 1. Section 14-203(b), Green Bay Municipal Code, is amended as follows:

14-203. Compliance.

- (b) Public Sewer and Water Required. (Cr. GO 28-02) ~~Prior to August 1, 2002, all existing~~ **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 section 14-725.**

SECTION 2. Section 14-204, Green Bay Municipal Code is amended as follows:

14-204. Review fees. The subdivider shall pay review fees to the City at the time a plat, CSM, or modification petition is submitted for review. A ~~schedule of fees~~ **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) ~~To assist in defraying the costs involved, the subdivider shall pay to the City of Green Bay all fees as hereinafter required:~~
- (1) ~~Certified Survey Map Review Fee. \$150 at the time of application.~~
 - (2) ~~Preliminary Plat Review Fee. \$150 at the time of application plus \$35 per lot/Outlot contained within the proposed subdivision.~~
 - (3) ~~Final Plat Review Fee. \$100 at the time of application.~~
 - (4) ~~Modification Request Fee. \$150 at the time of application.~~
 - (5) ~~Development Fee Deferment Request Fee. \$100.00 at the time of application for each deferment request from the development fees as specified in 14-800, Green Bay Municipal Code.~~

SECTION 3. Section 14-211, Green Bay Municipal Code, is amended to add the following 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.

Digital Format: A form of electronic computer file, such as PDF, CAD, TIF, GIF, JPEG, etc.

Fee Schedule: A list or table showing the current fixed fees for review and approval services.

SECTION 4. Sections 14-212(c) and (d), Green Bay Municipal Code, are amended as follows:

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:

- (c) **Urban Reserve District:** 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 section 13-605, Green Bay Municipal Code.**
- (d) **Payment of Fees:** 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.

SECTION 5. Section 14-302, Green Bay Municipal Code, is amended as follows:

14-302. Preliminary Plat submission overview.

- (a) Before submitting a Final Plat for approval, the subdivider shall submit the following to the Planning Department in the required **format** ~~number of copies~~ as noted. Refer to section 14-303 for additional details.
 - (1) A Preliminary Plat prepared by a Wisconsin Registered Land Surveyor (**digital format** ~~20 copies~~).
 - (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** ~~three copies~~).
 - (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** ~~three copies~~).
 - (4) A conceptual grading plan in compliance with section 14-208 of this ordinance prepared by a qualified professional (**digital format** ~~three copies~~).
 - (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** ~~three copies~~).

- (6) If required, a preliminary Area Development Plan (**hard copy or digital format ~~three~~ copies**).
 - (7) A request for City Action-Plan Commission form (**hard copy or digital format ~~two~~ copies**).
 - (8) A Land Division checklist (**hard copy or digital format ~~two~~ copies**).
 - (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) ~~six (6)~~** 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.

SECTION 6. Section 14-306, Green Bay Municipal Code, is amended as follows:

14-306. Final Plat submission overview.

- (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 number of copies** as noted. Refer to section 14-303 for additional details.
 - (1) A Final Plat prepared by a Wisconsin Registered Land Surveyor (**digital format ~~12~~ copies**)
 - (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 ~~three~~ copies**)
 - (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 ~~three~~ copies**)
 - (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 ~~three~~ copies**)
 - (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 ~~one~~ copy**)
 - (7) If none presently exists, an Area Development Plan (**hard copy or digital format ~~three~~ copies**)
 - (8) A Request for City Action form (**hard copy or digital format ~~two~~ copies**)
 - (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.

SECTION 7. Section 14-307, Green Bay Municipal Code, is hereby amended as follows:

14-307. Final expiration. If the subdivider fails to submit the Final Plat within **three (3)** ~~six (6)~~ 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. ~~Extensions may be granted for up to 24 months upon written request by the subdivider to, and approval by, the Planning Director or his/her designee.~~

SECTION 8. Section 14-308, Green Bay Municipal Code, is amended as follows:

14-308. Final review and decision. 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.

SECTION 9. Section 14-301, Green Bay Municipal Code, is amended as follows:

14-310. Final ~~partial~~ platting - Phasing. ~~If permitted by the Planning Director, an~~ **An** approved Preliminary Plat may be platted in phases with each phase encompassing only that portion of the approved Preliminary Plat ~~which the subdivider proposes to record at one (1) time;~~ however, it is required that each phase ~~receive a Final Plat and~~ be designated as a phase ~~on~~ of the approved Preliminary Plat. ~~The subsequent phases of the Final Plat shall be filed in accordance with the schedule set forth in the Development Agreement as adopted or amended by the Common Council.~~

SECTION 10. Section 14-313, Green Bay Municipal Code, is amended as follows:

14-313. Final certificates. 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.**

SECTION 11. Section 14-314, Green Bay Municipal Code, is amended as follows:

14-314. Recordation. 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 ~~thirty (30) days~~ **12 months** of its approval by the Planning Director, or his/her designee, and other approving agencies. Failure to record said Final Plat within ~~thirty (30) days~~ **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 ~~fifteen (15)~~ **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 12. Section 14-402, Green Bay Municipal Code, is amended as follows:

14-402. Certified Survey Map submission overview.

- (a) The subdivider shall submit the following to the Planning Department in the required **format number of copies** as noted. Refer to section 14-403 for additional details.
- (1) A CSM prepared by a Wisconsin Registered Land Surveyor (**digital format 20 copies**).
 - (2) If applicable based on Chapter 30 of the Green Bay Municipal Code, a stormwater management plan prepared by a Professional Engineer (**digital format three copies**).
 - (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 three copies**).
 - (4) If applicable, a grading plan in compliance with section 14-208 of this ordinance stamped and signed by a Professional Engineer (**digital format three copies**). 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 one copy**).
 - (6) If applicable, proof of Brown County approval of soil tests for POWTS (**hard copy or digital format one copy**).
 - (7) A request for City Action-Plan Commission form (**hard copy or digital format two copies**).
 - (8) A Land Division checklist (**hard copy or digital format two copies**).
 - (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.

SECTION 13. Section 14-405, Green Bay Municipal Code, is amended as follows:

14-405. Certified Survey Map certificates.

- (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.

SECTION 14. Section 14-406, Green Bay Municipal Code, is amended as follows:

14-406. Recordation. 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 fifteen (15) copies of the recorded CSM with 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 15. Section 14-407, Green Bay Municipal Code, is amended as follows:

14-407. Combination/Retracement Certified Survey Map submission. **When a Certified Survey Map is used to combine or retrace parcels and no new parcels are created,** the surveyor shall follow the Certified Survey Map (CSM) review procedure of this ordinance ~~when parcels are combined or retraced and no new lots are created.~~ 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 Six (6) copies** ~~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 ~~six (6) copies~~ **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.**

SECTION 16. Section 14-719, Green Bay Municipal Code, is amended as follows:

14-719. Street name suffix. The following suffix endings shall be permitted for the following street types:

- (a) Cul-de-sac = Place, Court
- (b) Curving Short Street = ~~Crescent~~ **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 17. Section 14-725, Green Bay Municipal Code, is amended as follows:

14-725. Non-sewered lots. 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, and** not served by public sewerage disposal facilities ~~prior to August 1, 2002,~~ 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.

SECTION 18. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 19. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 14.09, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin this 16th day of November, 2010.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Chad J. Weininger
Clerk