

GENERAL ORDINANCE NO. 38-10

AN ORDINANCE  
AMENDING SECTION 29.208,  
GREEN BAY MUNICIPAL CODE,  
RELATING TO PARKING REGULATIONS

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

**SECTION 1.** Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following NO PARKING zone:

CHICAGO STREET, north side, from Adams Street to a point 90 feet east of Adams Street

**SECTION 2.** Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO PARKING zones:

CHICAGO STREET, north side, from Adams Street to a point 40 feet east of Adams Street

SOUTH MADISON STREET, west side, from a point 50 feet south of Cass Street to Cass Street

**SECTION 3.** Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO PARKING LOADING ONLY zone:

MATHER STREET, south side, from a point 70 feet east of Alma Street to a point 110 feet east of Alma Street

**SECTION 4.** Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following FOUR-HOUR PARKING 7:00 AM – 4:00 PM zone:

SOUTH MADISON STREET, west side, from a point 215 feet north of Lawe Street to a point 50 feet south of Cass Street

**SECTION 5.** All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

**SECTION 6.** This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this 3<sup>rd</sup> day of November, 2010.

APPROVED:

James J. Schmitt  
Mayor

ATTEST:

Chad J. Weininger  
Clerk

ZONING ORDINANCE NO. 13-10

AN ORDINANCE  
ZONING CERTAIN LANDS LOCATED  
AT THE INTERSECTION OF WEST MASON STREET,  
SOUTH FISK STREET, AND SHIRLEY STREET AS A  
PLANNED UNIT DEVELOPMENT DISTRICT  
(ZP 08-39)

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

**SECTION 1.** Section 13-108, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by establishing a Planned Unit Development (PUD) District on the following described property:

Parcel No. 6-322-D-2:

PLAT OF ROY'S ACRES NLY 120 FT OF LOT 1 & NLY 120 FT OF WLY 30 FT OF LOT 2 & EX ST IN J24157-43 & E 34.85 FT OF N 120 FT OF LOT 2 & W 28 FT OF N 195.14 FT OF LOT 3 EX 1828249.

Parcel No. 6-322-D:

PLAT OF ROY'S ACRES PART OF LOTS 1 & 2 DESC IN 1828248. Parcel 6-322-D-1: PLAT OF ROY'S ACRES S 87.14 FT OF N 262.14 FT OF LOT 1.

Parcel No. 6-324-C:

PLAT OF ROY'S ACRES S 67 FT OF N 262.14 FT OF LOT 2 & S 67 FT OF N 262.14 FT OF W 28 FT OF LOT 3 LYG S OF S/L OF W MASON ST & N OF N/L OF SHIRLEY ST EXTENDED & N 20.17 FT OF S 87.14 FT OF W 64.85 FT OF LOT 2 & PRT LOT 3 DESC IN 1828249.

**SECTION 2.** Pursuant to Section 13-1900, et seq., Green Bay Municipal Code, as they apply, the following conditions are imposed:

- A. Regulation of Existing Use. In accordance with the provisions of the Zoning Code, Chapter 13, Green Bay Municipal Code, which already apply to this property, the existing land use shall be regulated as follows:

1. The parking of vehicles for sale will not be expanded beyond the areas of the property where it was previously allowed (Parcel No. 6-322-D-2 and the north 20 feet of the east 28 feet of Parcel No. 6-324-C) without first making the site improvements specified by this PUD.
2. During periods of demolition and construction activities and with permission from the Planning Director or his/her designee, vehicles for sale may be temporarily parked beyond the areas of the property where it was previously allowed, including during activities related to moving or altering the fence along the east property line in accordance with this PUD.
3. **The existing fence on the east property line shall be moved/modified as shown in Exhibit B as soon as practicable once it is no longer necessary for the safety and security of the construction site.**

B. Permitted Uses.

1. The only principal use which may be established and/or maintained on the subject property is automobile sales, not including the sale of semi trucks. The maximum number of vehicles for sale which may be parked on this property is established in Section D, Parking.
2. The only accessory uses which may be established and/or maintained on the subject property are as follows:
  - a. Minor motor vehicle repair as an accessory to automobile sales, not including semi truck repair, subject to the applicable development standards found in Chapter 13-1600, Green Bay Municipal Code.
  - b. Washing of vehicles for sale or repair. This does not include a commercial or publicly available carwash. Cars associated with the automobile sales or repair use may be washed on the site subject to all applicable laws and regulations.

- c. Antennas, satellite dishes, and similar equipment, subject to the requirements of the Zoning Code.
  - d. Signs as regulated by the Zoning Code.
  - e. Waste and recycling storage, subject to the requirements of the Zoning Code. Any outdoor storage of waste or recycling shall be screened from view. Exposed materials used to construct the screen shall be similar in appearance to materials used for the exterior building walls. Colors of the screen shall match those of the building. All exterior entrances to a screened storage or trash area shall be provided with a gate or door of similar design to that of the screen.
3. Any and all other uses of the subject property, other than the uses permitted pursuant to the provisions of Section 2 or appurtenant thereto which are or may otherwise be permitted under the applicable provisions of the Zoning Code, Chapter 13, Green Bay Municipal Code, as now or hereafter amended, are hereby expressly prohibited and shall not be established and/or maintained without specific amendment to this ordinance made as required by law.

C. Setbacks. Minimum setbacks for building and parking areas on the subject property shall be regulated as follows:

1. West Mason Street Setback. This shall be considered the front yard, and the minimum setback shall be established at 10 feet from the property line.
2. South Fisk Street Setback. This shall be considered a corner side yard, and the minimum setback shall be established at 7.5 feet from the property line.
3. Shirley Street Setback. This shall be considered a transitional rear yard, and the minimum setback shall be established at 15 feet from the property line.

4. East Property Line Setback. This shall be considered an interior side yard, and no minimum setback is required as the adjoining use is also commercial.
- D. Parking. All parking on the subject property shall be regulated as set forth in Section 13-1700, Green Bay Municipal Code, per the requirements for the automobile sales and vehicle repair land uses of the subject property. In addition, the following shall apply:
1. No more vehicles for sale shall be parked on the site than are allowable based on subtracting the number of spaces required for employee and customer parking from the total number of parking spaces on the site.
  2. No less than four employee and customer parking spaces shall be provided on the site. More spaces may be required based on Section 13-1700, Green Bay Municipal Code.
  3. Customer parking spaces shall be available for customers and shall not be filled with vehicles for sale.
  4. All parking areas and drives are to be paved with bituminous asphalt or concrete.
- E. Building Architecture. The building on the subject property shall comply with the applicable standards for building facades established in Section 13-1809, Green Bay Municipal Code, and shall be substantially consistent with the building elevations attached as Exhibit A. In addition, the following shall apply:
1. All colors, materials, finishes and building forms shall be coordinated in a consistent manner on all facades.
  2. All exterior walls shall be finished with brick, natural stone, decorative face concrete block, glass curtain walls, concrete panels, metal composite material, pre-finished architectural metal wall panel, and other materials as approved during final site plan review.

3. No wall facing Mason or Fisk Street shall contain more than 50% E.F.I.S. or more than 25% metal wall panel (not including metal composite material). No wall facing Shirley Street or visible from a residential zoning district shall contain more than 50% metal wall panel.
  4. Architectural metal roofing is permissible for accent only.
  5. Any metal exterior shall include a minimum of a 20 year warranty on the finish, at least 24 gauge metal, totally concealed fasteners, base plates, and end trim.
  6. All mechanical equipment, including roof-mounted, shall be enclosed or screened from view as part of the overall architectural design.
- F. Landscaping. All landscaping on the subject property shall be regulated as set forth in Section 13-1800, Green Bay Municipal Code, with the following additions and exceptions.
1. Parking lot interior green space of at least 1,000 square feet in area shall be provided. Where interior landscape islands are not planted with trees, decorative planters shall be established and maintained with vegetation. At least one planting in each planter shall be capable of growing to a height of 6 feet above the paved surface of the parking lot.
  2. The landscape buffer along Shirley Street shall be constructed as shown in the site plan (Exhibit B) including the berm/fence combination and landscape materials **of at least 6 feet tall**.
  3. The existing, healthy trees on the property should be preserved if possible and practicable.
- G. Fencing.
1. Any fence along the east property line shall be pervious to sight and no more than six feet in height in order to provide clear separation between the two properties but to also allow for visibility through the fence. This fence shall not extend closer than 15 feet to the right-of-way along Shirley Street or Mason Street.

2. The fence in the residential buffer/transitional yard shall be board-on-board construction of a durable material such as cedar or PVC simulated wood.
  3. **Directional Signage.** The north end of the fence on the east property line shall include a sign (or two signs) of no more than three square feet in total area that indicates the two businesses and which direction to turn from Mason Street for each business. This signage shall comply in all other respects with the requirements for directional signs in the Zoning Code.
- H. **Signage.** All signs on the subject property shall be regulated as set forth in Section 13-2000, Green Bay Municipal Code, per the C2 – Highway Commercial District requirements.
- I. **Maximum Impervious Surface Requirement.** The maximum impervious surface coverage on the subject property shall be 80%.
- J. **Lighting.** All lighting on the subject property shall be regulated as set forth in Section 13-500, Green Bay Municipal Code.
- K. **Stormwater Management.** A stormwater management plan meeting the standards established by the City’s Department of Public Works shall be submitted to and approved by the City prior to the issuance of building permits if necessary. (See Chapter 30, Green Bay Municipal Code.)
- L. **Parcels Combined.** Prior to commencing construction, either the subject parcels shall be combined, or a restrictive covenant shall be recorded to ensure the future combination of the subject parcels upon completion of the environmental clean-up. If a portion of the parcels are combined to facilitate the start of construction, then such a covenant shall also be required in that case. In no case will a building be permitted to cross a property line, and easements or agreements may be required for the approval of a site plan where more than one parcel is involved.
- M. **Other Zoning Requirements.** Where regulations are not specified by this ordinance, the regulations of the C2 – Highway Commercial District shall govern other applicable aspects of zoning for the subject property.

**SECTION 3.** The provisions of this ordinance, including, without limitation, all obligations, conditions, restrictions, and limitations related thereto shall run with and be jointly and severally binding upon the fee simple owner and the beneficial owner of all or any portion of the subject property. All obligations, requirements, and rights of the owner shall run with the land and shall automatically be assigned to be binding upon and inure to the benefit of its successors and assigns, including, but not limited to, any entity acquiring any financial interest in the subject property and/or any subsequent owner and/or beneficial owner of all or any portion of the subject property.

**SECTION 4.** Each exhibit which is attached to this ordinance is deemed to be and is expressly made a part of and incorporated into this ordinance to the same extent as if each such exhibit and the plans identified therein had been set forth in its entirety in the body of this ordinance. The following aspects of the attached elevations and site plan (Exhibits A and B) shall be binding elements of this PUD. All other components are an expression of intent, are subject to site plan review, and may be modified in compliance with the Green Bay Municipal Code and in agreement with the general spirit and intent of this PUD and the attachments.

- A. Construction of the building on this site shall be substantially consistent with the building elevations shown in Exhibit A.
- B. The location and design of the transitional yard and buffer along the south property line/Shirley Street as shown by Exhibit B.
- C. The orientation and general location of the building as shown by Exhibit B.
- D. The business access points being limited to Fisk and Mason Streets with access to Shirley Street being private only (not for the use of customers), **which shall be signed as such.**

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

**SECTION 6.** In addition to all other remedies available to the City of Green Bay, the City may decline to issue any building or other permits otherwise required by any ordinance of this City while any violation of this ordinance remains uncured.

**SECTION 7.** If any provision in this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such a decision shall not affect the validity of any other provision of this ordinance. It is hereby declared to be the intention of the City of Green Bay that all provisions of this ordinance are separable.

**SECTION 8.** This zoning ordinance shall expire three years after the date of Council approval only if construction in accordance with this PUD has not commenced by that date. In such event, the applicable regulations will revert to the underlying zoning. If construction commences in accordance with this PUD prior to the expiration, then this PUD shall continue to govern.

**SECTION 9.** Prior to the adoption of this of this ordinance, a neighborhood meeting shall be held between the property owners and the neighbors to come to an agreement on the details of the site plan; the results of this neighborhood meeting must be reported out at the November 3, 2010, Council meeting.

**SECTION 10.** This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this 3rd day of November, 2010.

APPROVED:

James J. Schmitt  
Mayor

ATTEST

Chad J. Weininger  
Clerk