

GENERAL ORDINANCE NO. 40-10

AN ORDINANCE
CREATING SECTION 24.08(2),
GREEN BAY MUNICIPAL CODE,
REGARDING FREQUENCY OF FIRE INSPECTIONS

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

SECTION 1. Section 24.08(2), Green Bay Municipal Code, is hereby created to read:

(2) Reduction in Fire Inspection Frequency. Pursuant to § Comm 14.01(11)(b)6., Wis. Adm. Code, the Fire Chief may reduce the frequency of fire prevention inspections of public buildings and places of employment that have passed 2 consecutive inspections from once in each non-overlapping 6-month period per calendar year to at least once per calendar year, provided the interval between those inspections does not exceed 15 months.

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin, this 7th day of December, 2010.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Chad J. Weininger
Clerk

GENERAL ORDINANCE NO. 41-10

AN ORDINANCE
AMENDING SECTION 27.101, AND
CREATING SECTION 27.616,
GREEN BAY MUNICIPAL CODE,
RELATING TO DEFINITIONS OF
CONTROLLED SUBSTANCES;
REGULATION OF SALVIA AND
SYNTHETIC CANNABINOID

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

SECTION 1. Section 27.101, Green Bay Municipal Code, is amended by adopting by reference Section 961.01, Wis. Stats., regarding definitions related to controlled substances.

SECTION 2. Section 27.616, Green Bay Municipal Code, is hereby created to read:

27.616 POSSESSION OF SYNTHETIC CANNABINOID OR SALVIA PROHIBITED.

(1) INTENT.

(a) The open sale of synthetic cannabinoid, commonly known as "K-2", "Spice", or by other street names, and the public consumption and use of so-called incense products and herbals is on the rise.

(b) Synthetic cannabinoid products have yet to be tested by the Federal Drug Administration and certified as safe for human consumption; and because they are sold as incense or potpourri, there is no health or quality assurance regulation to ensure these products are safe.

(c) The National Drug Intelligence Center of the U.S. Department of Justice indicates the adverse effects of synthetic cannabinoid, when smoked, include panic attacks, elevated pulse and blood pressure, intense hallucinations, and in some cases, seizures.

(d) Salvia divinorum ("Salvia"), when smoked, produces effects similar to that of marijuana or synthetic cannabinoid on the user.

(e) Regulation of synthetic cannabinoid and Salvia is necessary to promote the health, safety and welfare of the city.

(2) DEFINITIONS.

(a) "Salvia divinorum" means any plant material which contains the active chemical principle called salvinorin A.

(b) "Synthetic cannabinoid" includes the following chemicals, as identified by their common names: dimethylheptylpyran, "HU-210," "JWH-018," "CP-55940," "HU-331," "WIN 55,212-2," or any cannabinoid derivative designed to mimic the physical, psychological, intoxicating, narcotic or other effects of marijuana.

(3) PROHIBITION. No person may possess or attempt to possess Salvia divinorum or any synthetic cannabinoid without a valid prescription or order of a practitioner who is acting in the course of his or her professional practice.

(4) PENALTIES. Any person who shall violate any provision of this ordinance shall forfeit not less than \$1 or more than \$1,000 for each offense.

(5) SEVERABILITY. If any provision of this ordinance or the application to any person or circumstance is held invalid, the remainder of the ordinance or the application of such other provisions to other persons or circumstances shall not be affected.

SECTION 3. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this 7th day of December, 2010.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Chad J. Weininger
Clerk

PLANNING ORDINANCE NO. 2-10

AN ORDINANCE
AMENDING THE OFFICIAL MAP
OF THE CITY OF GREEN BAY TO
REMOVE 212 SOUTH VAN BUREN STREET
AND 213-215 SOUTH JACKSON STREET
FROM THE PROPOSED PARK DESIGNATION
FOR NAVARINO PARK
(OMA 10-02)

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

SECTION 1. The Official Map of the City of Green Bay, as created by Section 12.02, Green Bay Municipal Code, is hereby amended to remove 212 South Van Buren Street and 213-215 South Jackson Street from the proposed park designation for Navarino Park, as depicted on a map attached hereto and made a part of this ordinance as though fully set forth herein.

SECTION 2: This Official Map Amendment shall be subject to the following conditions:

a. Parcel Number 14-683 (212 S. Van Buren Street) and Parcel Number 14-696 (213-215 S. Jackson Street) be rezoned Public Institutional (PI) District to Low Density Residential (R1) District.

b. Revise OMA 09-01 recommended amendment to the Smart Growth 2022 Comprehensive Plan Future Land Use Map to reflect the proposed park designation as follows:

i. Adding to the “Park” classification and removing from the “Low/Medium Density Housing” classification the following parcels: 14-695, 14-694, 14-693, 14-692, 14-691, 14-690, 14-689, 14-688, 14-687, 14-686, 14-685, and 14-684.

ii. Adding to the “Low/Medium Density Housing” classification and removing from the “Park” classification the following parcels: 14-673, 14-672, 14-659, and 14-660.

SECTION 3. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 12.03, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this 7th day of December, 2010.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Chad J. Weininger
Clerk

LEGAL DESCRIPTION
FOR PROPERTY TO BE REMOVED
FROM PROPOSED PARK DESIGNATION
FOR NAVARINO PARK

212 South Van Buren Street

Plat of Astor, Lot 3, Block 52 (Parcel No. 14-683)

213-215 South Jackson Street

Plat of Astor, North 40 feet of Lot 10, Block 52 (Parcel No. 14-696)

ZONING ORDINANCE NO. 14-10

AN ORDINANCE
REZONING PROPERTY LOCATED AT
212 SOUTH VAN BUREN STREET
AND 213-215 SOUTH JACKSON STREET
FROM PUBLIC INSTITUTIONAL (PI) DISTRICT
TO LOW DENSITY RESIDENTIAL (R1) DISTRICT
(ZP 10-38)

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

SECTION 1. Section 13.01, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by rezoning the following described property from Public Institutional (PI) District to Low Density Residential (R1) District:

212 South Van Buren Street

Plat of Astor, Lot 3, Block 52 (Parcel No. 14-683)

213-215 South Jackson Street

Plat of Astor, North 40 feet of Lot 10, Block 52 (Parcel No. 14-696)

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. 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 7th day of December, 2010.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Chad J. Weininger
Clerk

ZONING ORDINANCE NO. 15-10

AN ORDINANCE
REZONING PROPERTY LOCATED AT
1124 N. MILITARY AVENUE FRONTAGE ROAD
FROM GENERAL COMMERCIAL (C1) DISTRICT
TO HIGHWAY COMMERCIAL (C2) DISTRICT
(ZP 08-46)

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

SECTION 1. Section 13.01, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by rezoning the following described property from General Commercial (C1) District to Highway Commercial (C2) District:

Lot 9 and the easterly 150 feet of Lot 10, Perkins Plaza (Parcel No. 6-2782)

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. 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 7th day of December, 2010.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Chad J. Weininger
Clerk

ZONING ORDINANCE NO. 16-10

AN ORDINANCE
REZONING PROPERTY LOCATED AT
1128 N. MILITARY AVENUE FRONTAGE ROAD
FROM GENERAL COMMERCIAL (C1) DISTRICT
TO HIGHWAY COMMERCIAL (C2) DISTRICT
(ZP 10-39)

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

SECTION 1. Section 13.01, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by rezoning the following described property from General Commercial (C1) District to Highway Commercial (C2) District:

Lot 10, except the easterly 150 feet, Perkins Plaza (Parcel No. 6-2783)

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. 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 7th day of December, 2010.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Chad J. Weininger
Clerk

ZONING ORDINANCE NO. 17-10

AN ORDINANCE
AMENDING ZONING ORDINANCE NO. 1-91
REDUCING THE GREEN SPACE STANDARDS
IN THE I-43 BUSINESS CENTER
(ZP 10-36)

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

SECTION 1. Zoning Ordinance No. 1-91, adopted February 18, 1991, is hereby amended to reduce the green space standards in the I-43 Business Center as follows:

Definitions

Best Management Practice or "BMP" means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize sediment or pollutants carried in runoff to City's municipal separate storm sewer systems (MS4) or waters of the State.

Bioretention Filter means a water quality practice that utilizes landscaping and soils to treat stormwater by collecting and then filtering it through a vegetated media.

Bioretention Parking Island means a type of best management practice (BMP) tool which uses required parking lot islands as a bioretention filter.

Bioswale means a type of best management practice (BMP) that uses landscape elements designed to remove silt and pollution from surface runoff water. They consist of a swaled drainage course with gently sloped sides (less than six percent) and filled with vegetation, compost, and/or riprap.

Cistern means a type of best management practice (BMP) that is used as the storage component of rainwater harvesting for later use in irrigation. On a smaller scale – rain barrels

Community Development Review Team (CDRT) means a group of professionals who conduct the administrative review of all site plan approval requests. Formerly DRT

Green Roof means a type of best management practice (BMP) that is also called a 'living roof' covered with vegetation. It can be located at or above grade, but in all cases the plants are not planted on the ground but

rather above parking areas, on roofs, or above interior occupied space. All green roofs contain a synthetic, high quality waterproof membrane, a drainage layer, soil layer, and plants. Green roofs are ideally low maintenance, and require minimal to no irrigation, fertilizer, and pesticides. *Green Space means* an area of land associated with and located on the same tract of land as a building or group of buildings in relation to which it serves to provide light and air or, scenic recreational, or similar purposes. Such space shall, in general, be available for entry and use by the occupants of the building or buildings involved but may include a limited proportion of space so located and treated as to enhance the amenity of the development by providing landscaping features screenings for the benefit of the occupants of those in neighboring areas, or a general appearance of openness. Green space may include, but shall not be limited to, lawns, decorative plantings, wooded areas, landscaping areas, green roofs, active and passive recreational areas, and water surfaces. It shall not include parking lots or other vehicular surfaces or accessory buildings.

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

Infiltration System means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

Infiltration Trench means a type of best management practice (BMP) that is used to manage stormwater runoff, prevent flooding and downstream erosion and improve water. It is a shallow excavated trench filled with gravel or crushed stone that is designed to infiltrate stormwater through permeable soils into the groundwater aquifer. (Must meet applicable WDNR standards)

Non-Structural Measure means a practice, technique, or measure to reduce the volume, peak flow rate, or pollutants in stormwater that does not require the design or installation of fixed stormwater management facilities.

Porous Surface means a type of best management practice (BMP) that is used as an infiltration body before water and particles reach the standard stormwater infrastructure. The permeable or porous surface enables water

to filter through while still allowing for surface parking and drive area. (Usually requires “Pre-treatment”)

Pre-Treatment means the treatment of stormwater prior to its discharge to wetlands, infiltration practices or the primary stormwater treatment practice in order to reduce pollutant loads to a level compatible with the capability of the primary practice.

Rain Garden means a type of best management practice (BMP) consisting of landscaped area designed with soils and plantings to intercept rainwater in order to slow stormwater runoff.

Stormwater Runoff means that portion of precipitation that does not soak into the soil and flows off the surface of the land and into the natural or artificial conveyance network.

Landscaping Standards

Purpose

To establish minimum requirements and standards for landscaping so as to achieve a park-like setting within the Interstate 43 Business Center. The landscape design and planting plan is to be an integral part of the site development plan.

Park-like Setting

The landscape plan should strive to not only enhance the appearance of the individual site, but should also attempt to enhance the overall appearance of the business center. Efforts should be made to integrate each new landscape plan with the natural conditions of the site and adjacent property’s landscape design. For consistency, a naturalistic design theme is preferred.

Elements of a naturalistic design are:

- 1) Canopy trees distributed over the entire site.
- 2) Meandering lawn spaces formed by masses of varied shrubs.
- 3) Occasional “accent” plants used in conjunction with masses of background plants to provide visual interest without being chaotic.
- 4) Use of gentle berming to break up the horizontal ground plane and emulate a naturally rolling terrain.
- 5) Grouping different varieties of plants so as to create a gentle transition from smaller to larger.
- 6) Landforms and masses of plant material should be used to screen visually obtrusive utilities and parking.
- 7) Appropriately sized and spaced foundation plantings to visually soften the building and provide human scale.
- 8) Native species

General Requirements

All landscaping plans will be review by the CDRT in conjunction with the overall site development plan. All vegetation used to satisfy the requirements of this section shall be indigenous to the appropriate hardiness zone and physical characteristic of the site. Landscaping features should be used so as to create a park-like appearance, while addressing the functional consideration of visual screening, land cooling, drainage, and other environmental factors.

Requirements are as follows:

- 1) As a part of the review process, a detailed landscape plan shall be supplied to the City as per Section 13-1800 (Site Plan Review) of the Green Bay Municipal Code. Landscaping plans will be review by the CDRT in conjunction with the overall site development plan.
- 2) Landscape Data - The following applicable landscaping data shall be included with the landscaping/site development plan. Any plans submitted without the following information will be returned.
 - a) North arrow
 - b) Scale
 - c) Setback lines
 - d) Area for future expansion delineated
 - e) Existing vegetation to remain
 - f) Existing vegetation to be removed
 - g) Planting schedule including:
 - i. Symbol definitions
 - ii. Quantities
 - iii. Common and botanical names
 - iv. Root specifications
 - v. Size of plant
 - vi. Seed mixes, rates of applications and mulching materials
 - vii. Plants drawn to mature size
 - viii. Typical sections of berms, fences, retaining walls, ponds, planter boxes,

Site Regulations

1) Implementation/Replacement

All approved landscaping is to be installed within one planting season for the landscaping/site development plan approval. Any vegetation which is shown on the approved landscaping/site development plan that dies, must be replaced within one planting season per approved landscaping/development plan.

2) Specific Zoning Standards – Listed below are two specific classifications standards based upon zoning and land use. The minimum standards are as follows

- a) *Office Uses* - Exclusive office – A (O-A), Exclusive Office – B (O-B), Entertainment District (O-e), Exclusive Lodging (L), Business related Retail (BR)
 - i. The number of trees shall be at least one per 5,500 square feet of greenspace.
 - ii. The number of shrubs shall be at least four per 1,000 square feet of green space.
 - iii. Greenspace shall be at least thirty-five (35) percent of the total lot area and consistent with the landscaping requirements of the I-43 Business Center Design Criteria.
 - iv. Total area of greenspace may be reduced to thirty (30) percent or to twenty-five (25) percent of the total area with the use of proper greenspace mitigation techniques (see below).

- b) *Manufacturing Uses* - Light Manufacturing (M)
 - i. The number of trees shall be at least one per 7,000 square feet of greenspace.
 - ii. The number of shrubs shall be at least three per 1,000 square feet of green space.
 - iii. Greenspace shall be at least thirty (30) percent of the total lot area and consistent with the landscaping requirements of the I-43 Business Center Design Criteria.
 - iv. Total area of greenspace may be reduced to twenty-five (25) percent or twenty (20) percent of the total area with the use of proper greenspace mitigation techniques (see below).

3) Landscaping Standards

- a) *Site Materials* - All lawn areas shall be seeded with appropriate “cool climate” seed mix, natural planting, mulched with straw or wood fiber, watered, and maintained to a point where there are no bare areas.

- b) *Landscaping and/or ground cover* – Any portion of a lot that is not occupied by a structure, parking, area, access way, or aisle shall be provided with all-season landscaping and/or vegetative ground cover.

- c) *Abutting a Public Right-of-Way* - All parking areas abutting a public right-of-way shall be screened by permanent, opaque landscaping, and/or decorative fencing, berming, or walls maintained at a height of not less than three (3) feet above the adjacent grade at a distance of not less than three (3) feet measured horizontally from the property line adjacent to the public right-of-way. Chain-link and cyclone fencing are prohibited.

- d) *Buffer* - Building foundations adjoining parking areas, walkways, or open space shall be planted with ornamental plant material, such as ornamental trees, flowering shrubs and perennials, and ground covers,
- e) *Off-Street Parking Areas* - Refer to City of Green Bay Zoning Ordinance, Chapter 13-1821 and 13-1822 with the following additional requirement: landscaping islands shall be provided for not less than 10 percent of the total parking lot area where the lots exceed 20,000 square feet in area. Such islands are suggested to be oriented perpendicular to the main entrance to the building.
- f) *Maintenance* - All maintenance shall be the responsibility of the property owner, including planting within one growing season.
- g) *Berm Standards* – Berm standards are as follows.
 - i. Berm must be constructed to a height of three (3) feet above the adjacent street grade.
 - ii. They must have a side slope of 3:1 with a top width of four (4) feet.
 - iii. A canopy tree must be planted at the thirty-five (35) foot intervals along the length of the berm.
 - iv. Canopy trees must be placed a minimum of 5 feet from the toe of the berm.
 - v. Berms must be planted using evergreen shrubs and trees, and other plant material specifically designed for the purpose of screening.
 - vi. Plantings must be placed at staggered intervals to maximize screening.
- h) *Credits for Preserving Existing Natural Cover* - The CRDT may take into consideration existing site circumstances that help meet the minimum requirements for canopy trees and ground cover. The issuance of these credits will be based upon preservation of existing natural vegetation which are of acceptable species, size, and location.

4) Greenspace Mitigation Techniques:

- a) The following techniques may be implemented to reduce the total required greenspace to twenty-five (25) percent in office uses (down from 35%) and reduced to twenty (20) percent in manufacturing uses (down from 30%).
- i. **On-site Stormwater Quality Techniques** – Where parking reduction is not a practicable alternative(see below), a site may use on-site stormwater quality techniques, also known as Best Management Practices (BMP's), which are approved by the City of Green Bay Director of Public Works or his/her designee. BMPs then shall be utilized to improve infiltration and reduce the amount of stormwater runoff caused by large quantities of impervious surface. Implementation of these BMP's also require the development and implementation of a maintenance plan and agreement per Chapter 30 – Stormwater Management of the Green Bay Municipal Code. Some innovative and employable non-structural measures or infiltration systems that act as a pre-treatment prior to entering a fixed stormwater feature include, but are not limited to:
 - a. Bioretention Parking Islands
 - b. Bioswale or vegetated swale
 - c. Green Roof (also known as a “Living Roof”)
 - d. Infiltration Trench
 - e. Porous Pavement or Pervious Pavers – maintenance agreement required.
 - f. Rain Garden
 - g. Any other appropriate means determined by the City of Green Bay Director of Public Works or his/her designee.
- b) The following techniques may be implemented to reduce the total required greenspace to thirty (30) percent in office uses (down from 35%) and reduced to twenty-five (25) percent in manufacturing uses (down from 30%). The following techniques are in order of preference.
- i. **Parking Area Reduction**** - If applicable, upon acknowledgment and documentation of unused parking spaces that meet or exceed the current minimum standards set forth in chapter 13-1700 of the Green Bay Municipal Code, a site may employ a reduction in the total amount of parking and transfer a portion or the entirety of that space to buildable square footage at a 1:2 ratio, up to a maximum greenspace reduction of five (5) percent, except those sites that provide full on-site stormwater BMP techniques listed above. (This section provides a modification to the present standards if it is possible to demonstrate a reduction below present ordinance requirements. This means that for every one square foot of parking area that can be converted to

buildable area, the site may use one additional square foot of greenspace for expansion space.

ii. **Increase in Aesthetics**** - Where neither parking reduction nor stormwater quality techniques are a practicable and effective alternative, but the site may increase the aesthetic value of the green space by increasing the following:

- a. *Number of trees per square feet of green space:* The increased percentage of trees shall be at least 10% more than was previously approved or at least 10% greater than current requirements for new developments. The minimum number of trees required in this mitigation technique shall not include street trees
- b. *Number of shrubs per square feet of green space:* The increased percentage of shrubs shall be at least 10% more than was previously approved or at least 10% greater than current requirements for new developments.

** Stormwater Capacity. This alternative shall only be utilized where the increase in impervious surface cover can first be handled by available capacity in a regional stormwater management feature or an on-site mitigation technique allowed by this ordinance.

- c) The reduction in required green space will be the largest associated with one of the above techniques that is fully implemented. Under no circumstances can two more techniques be combined to account for the full five or ten percent reduction.

Street Trees

- 1) The City will install and maintain all planting in the street right-of-way. Plantings will be done as sections of the business center become developed. Every effort will be made to create a consistent looking streetscape while striving to integrate it with each site's particulate planting scheme and functional requirements.
- 2) The cost of the street tree plantings will be assessed on a linear frontage foot basis assuming an average tree spacing of 45 feet. The Economic Development Authority may participate in the cost of street trees on a share basis.

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. 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 7th day of December, 2010.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Chad J. Weininger
Clerk