

ZONING ORDINANCE NO. 4-11

AN ORDINANCE  
AMENDING ZONING ORDINANCE NO. 11-00  
REGARDING A PLANNED UNIT DEVELOPMENT  
IN THE 1700 BLOCK OF SPARTAN ROAD  
(ZP 10-50)

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

**SECTION 1.** Pursuant to Section 13-108, Green Bay Municipal Code, together with the zoning map and statutory authority referred to therein, a Planned Unit Development is hereby amended on the following described property:

Being part of the Northeast  $\frac{1}{4}$  Southwest  $\frac{1}{4}$ , Section 25, Township 24 North, Range 21 East, City of Green Bay, Brown County, Wisconsin, more fully described as:

Commencing at the West  $\frac{1}{4}$  Corner, Section 24, Township 24 North, Range 21 East; thence S89°11'55"E, 1,464.17 feet; thence S00°48'04"W, 87.37 feet to the point of beginning; thence S18°47'51"W, 55.93 feet; thence S09°14'11"E, 89.70 feet; thence S03°41'41"W, 107.00 feet; thence N89°37'59"E, 30.20 feet; thence S28°14'52"E, 31.27 feet; thence S00°55'08"W, 248.13 feet; thence S35°03'48"W, 244.14 feet; thence N00°34'04"E, 256.62 feet; thence N89°12'25"W, 33.05 feet; thence N00°34'04"E, 365.31 feet; thence N89°19'34"W, 45.00 feet; thence N00°34'04"E, 97.73 feet; thence N87°28'36"E, 144.44 feet to the point of beginning (Parcel 1 on attached map).

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

A. Permitted Uses.

1. The only uses which may be established and/or maintained on the subject property are as follows:
  - a. One – 24 unit assisted living facility.
  - b. The facility shall also be licensed by the Wisconsin Department of Health and Human Services as a Community Based Residential Facility (CBRF).

- c. All other improvements identified on the approved plans, including, but not limited to, landscape and open space areas, utilities, parking areas, fences, and lighting.
- d. Development of the site shall be in general conformance with Exhibit C 1.0.

2. Any and all other uses of the subject property, other than these 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 ordinance of the City of Green Bay 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.

B. Setbacks. In no case shall setbacks be less than as follows:

1. Front Yard Setback (The intersection of Highland Center Drive and Spartan Road): Yard setbacks for all buildings and parking shall be no less than 15 feet from the property line.
2. Interior Yard Setback: East side yard setbacks for all buildings and paved areas shall be no less than 10 feet from the property line.
3. Rear Yard Setback: Yard setbacks for all buildings and paved areas shall be no less than 10 feet from the property line.

C. Landscaping. Landscape plans detailing size, location and material type, which is consistent with established planting practices, shall be submitted and approved by the Community Development Review Team during the final site plan approval. Landscaping shall be completed in whole once building construction has been completed and in general conformance with Exhibit C 1.1.

1. Landscape improvements for the entire area shall minimally conform to Section 13-1800, Section 5, Landscaping, Green Bay Municipal Code.
2. A landscape buffer shall be included west of the proposed parking lot consistent with Exhibit C 1.1.

- D. Stormwater Management and Grading Plan. If required under Chapter 30, Green Bay Municipal Code, a stormwater management plan shall be submitted to and approved by the City prior to the issuance of building permits.
- E. Environmentally Sensitive Areas. All environmentally sensitive areas and wetlands shall be clearly delineated to determine any potential impact on the development. The environmentally sensitive areas shall be protected as set forth by the City of Green Bay Municipal Code, Brown County, State of Wisconsin, and the United States Federal Government.
- F. Architecture. Architecture shall be in conformity with the concept elevation plans (attached Exhibit A2.0) and shall be reviewed and approved by the Community Development Review Team prior to the issuance of the final site plan.
- G. Parking. Thirteen (13) parking spaces are required and shall be improved as part of the initial construction.
1. All parking areas are to be paved bituminous or concrete and meet the design standards as required by Section 13-1714, Green Bay Municipal Code.
  2. Handicapped parking spaces shall be made available as outlined in the Wisconsin Handicapped Parking Requirements (ADAAG 4.1.2).
- H. Landscaping and Parking Maintenance. All maintenance and upkeep of landscaping, internal drives and parking areas within the Planned Unit Development (PUD) are the sole responsibility of the developer/owner.
- I. Signage.
1. All signage shall be aesthetically consistent with the architecture of the buildings and other signage on site.
  2. All signs on the subject property shall conform to Chapter 13-2007, Green Bay Municipal Code.

- J. Refuse & Ground Mechanicals. All refuse areas are to be enclosed within the principal structures within an enclosure that is consistent and complementary to the principal structures. All refuse areas, ground and building mechanicals shall be impervious to sight.
  
- K. Lighting. Lighting shall be regulated as set forth in Section 13-500, Section 7, Lighting, Green Bay Municipal Code, all lighting, including building mounted, parking lot and walkway lighting, shall be of the same family and shall complement the architecture of the buildings on site.

**SECTION 3.** 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.

**SECTION 4.** The provisions of this ordinance, including, without limitation, the granting of a conditional use permit and all obligation, 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 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 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 15<sup>th</sup> day of March, 2011.

APPROVED:

James J. Schmitt  
Mayor

ATTEST:

Lauri A. Marenger  
Clerk

ZONING ORDINANCE NO. 5-11

AN ORDINANCE  
REZONING PROPERTY LOCATED AT  
1667 AND 1673 MAIN STREET  
FROM GENERAL COMMERCIAL (C1) DISTRICT  
TO HIGHWAY COMMERCIAL (C2) DISTRICT  
(ZP 11-05)

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:

1667 Main Street

SMITH BROS ADDN LOT 6 EX ST IN 1692137  
Parcel No. 21-2548

1673 Main Street

SMITH BROS ADDN LOT 7 & LOT 8 EX J13514-30 EX ST IN 1692138 AS  
CORRECTED BY AFFIDAVIT IN 1734104  
Parcel No. 21-2549

**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 15th day of March, 2011.

APPROVED:

James J. Schmitt  
Mayor

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