

GENERAL ORDINANCE NO. 3-11

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 TWO-HOUR PARKING 7:00 AM – 7:00 PM zone:

ELIZA STREET, south side, from Clay Street to Roosevelt Street

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

ELIZA STREET, south side, from Clay Street to Roosevelt Street

ROOSEVELT STREET, west side, from a point 70 feet north of Eliza Street to Eliza Street

ELIZA STREET, north side, from a point 75 feet west of Roosevelt Street to Roosevelt Street

WASHINGTON STREET, west side, from a point 37 feet south of Walnut Street to a point 60 feet north of Cherry Street

HARTUNG STREET, east side, from a point 40 feet south of Deckner Avenue to Deckner Avenue

HARTUNG STREET, east side, from Mason Street to Crooks Street

BELLEVUE STREET, both sides, from Louise Street to Foeller Drive

BELLEVUE STREET, east side, from Foeller Drive to Deckner Avenue

BELLEVUE STREET, west side, from a point 90 feet south
of Deckner Avenue to Deckner Avenue

SECTION 3. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following NO PARKING zones:

WASHINGTON STREET, west side, from a point 50 feet south of Walnut Street to a point 60 feet north of Cherry Street

HARTUNG STREET, east side, from Mason Street to Deckner Avenue

BELLEVUE STREET, both sides, from Louise Street to Deckner Avenue

SECTION 4. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the 15-MINUTE PARKING 7:00 AM – 7:00 PM MONDAY – FRIDAY zone:

WASHINGTON STREET, west side, from a point 90 feet south of Walnut Street to a point 50 feet south of Walnut Street

SECTION 5. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following 15-MINUTE PARKING 7:00 AM – 7:00 PM MONDAY - FRIDAY zone:

WASHINGTON STREET, west side, from a point 80 feet south of Walnut Street to a point 37 feet south of Walnut Street

SECTION 6. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following DISABLED PARKING zone:

WASHINGTON STREET, west side, from a point 128 feet south of Walnut Street to a point 80 feet south of Walnut Street

SECTION 7. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following TWO-HOUR PARKING 7:00 AM – 4:00 PM SCHOOL DAYS zones:

VAGABOND STREET, both sides, from Apple Tree Court to a point 60 feet north of Deckner Avenue

SPENCE STREET, both sides, from a point 600 feet south of Tilkens Street to Tilkens Street

SECTION 8. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following DISABLED PARKING zone:

WASHINGTON STREET, west side, in the 100 block of South Washington Street

SECTION 9. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following ONE-HOUR PARKING 7:00 AM – 4:00 PM SCHOOL DAYS zone:

HARTUNG STREET, east side, from Crooks Street to a point 40 feet south of Decker Avenue

SECTION 10. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following NO PARKING DURING SCHOOL HOURS zone:

DECKNER AVENUE, north side, from Hartung Street to a point 255 feet east of Hartung Street

SECTION 11. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following 30-MINUTE LOADING zone:

BELLEVUE STREET, west side, from Foeller Drive to a point 90 feet south of Deckner Avenue

SECTION 12. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 13. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this 1st day of March, 2011.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Lauri A. Marenger
Clerk

GENERAL ORDINANCE NO. 4-11

AN ORDINANCE
REPEALING AND RECREATING CHAPTER 7,
GREEN BAY MUNICIPAL CODE,
CLAIMS ADMINISTRATION PROCEDURE

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

SECTION 1. Chapter 7, Claims Administration Procedure, Green Bay Municipal Code, is repealed and recreated. A copy of the new Chapter 7 is attached hereto.

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 1st day of March, 2011.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Lauri A. Marenger
Clerk

CHAPTER 7

CLAIMS ADMINISTRATION PROCEDURE

- 7.01 Adoption of State Law
- 7.02 Adoption of Wisconsin Civil Jury Instructions
- 7.03 Definitions
- 7.04 Procedure

7.01 **ADOPTION OF STATE LAW.** All applicable state laws including, but not limited to, statutes of limitations, procedures, and other requirements pertaining to municipal claims and damages, as from time to time amended, changed, deleted, modified, or created, are hereby adopted by reference, made effective, and incorporated as if fully set forth herein. Any act required to be performed or prohibited by any laws so incorporated by reference is required or prohibited by this resolution.

7.02 **ADOPTION OF WISCONSIN CIVIL JURY INSTRUCTIONS.** All applicable Wisconsin Civil Jury Instructions, as promulgated by the Wisconsin Civil Jury Instructions' Committee, currently in effect or any subsequent additions thereto or deletions therefrom are hereby adopted by the City of Green Bay as guidelines upon which to determine whether to deny, settle, or pay any claim filed against the City of Green Bay as may be appropriate on a case-by-case basis.

7.03 **DEFINITIONS.**

(1) CLAIM means a correct, complete, and proper, in substance and form, itemized written statement of personal injury, wrongful death, or property damage in strict conformity with the requirements of State law, which sets forth with specificity and particularity the correct and complete name, home address, and telephone number of the claimant together with a specific and legally-sufficient description and itemization of the nature, kind, and type of injury and/or damage, the specific dollar amount of damages claimed, together with a full and accurate statement of the facts and circumstances upon which the claim is based, including the reasons for believing the City is liable therefore.

(2) (Rep. & Rec. GO 44-96) CITY CLAIMS COMMITTEE means those persons who, from time to time, are appointed and authorized by the Mayor of the City of Green Bay to serve for an indeterminate period on the Claims Committee and who are charged with the responsibility of coordinating and administering the City's claims procedure and all claims filed in a manner consistent with the provisions of this chapter and all other applicable laws. The City Claims Committee shall have the sole, complete, and final authority to deny, to settle, or to pay all claims in the amount of \$5,000.00 or less as defined in the manner set forth below. The City Claims Committee shall have the authority to recommend approval or denial of all claims in an amount greater than \$5,000.00 as defined in the manner set for the below to the Finance Committee and Common Council. The Claims Committee shall consist of two representatives of the City Attorney's Office and the Finance Director or his/her designee.

7.04 **PROCEDURE.** (Rep. & Rec. GO 4-97)

(1) Each and every claim of whatever kind or nature against the City shall be served upon the City Clerk, or his/her designee, by each aggrieved party or someone acting on his/her behalf in strict conformity with the time limits and manner required by State law. The City Clerk shall immediately forward such claim to the City Attorney, who

shall cause a file to be created and maintained for each claim received and shall retain and process the original claim as required by law.

(2) The City Attorney, or his/her designee, shall promptly notify the claimant of the receipt of such claim and request of the claimant such additional information as may be necessary to process the claim. Information on the circumstances surrounding the claim shall be sought from the department within the City against whom the claim is made, asking for a statement of facts from such department concerning the claim.

(3) Upon the receipt of requested information from the appropriate department and from the claimant, the Claims Committee shall meet and review the claim.

(4) The Claims Committee shall utilize the services of a claims investigator/adjuster from time to time as they deem appropriate. The reports of the investigator/adjuster shall be made available to the claimant upon request pursuant to §19.35, Wis. Stats.

(5) The Common Council of the City of Green Bay authorizes the City Claims Committee to meet and review all claims to make a recommendation to the Common Council for approval or denial. The Committee's recommendations shall be based on those principles of law as enunciated in the Wisconsin Civil Jury Instructions, State Statutes, or any other appropriate legal basis.

(6) Every month, the Claims Committee shall file a report with the City Clerk to be presented to the Finance Committee and then the Common Council describing all claims.

ZONING ORDINANCE NO. 2-11

AN ORDINANCE
REZONING PROPERTY LOCATED AT
2301 - 2421 N. IRWIN AVENUE
FROM GENERAL INDUSTRIAL (GI) DISTRICT
TO GENERAL COMMERCIAL (C1) DISTRICT
AND
1230 BAY BEACH ROAD
FROM GENERAL COMMERCIAL (C1) DISTRICT
TO GENERAL INDUSTRIAL (GI) DISTRICT
(ZP 11-04)

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 Industrial (GI) District to General Commercial (C1) District:

A parcel of land located in Private Claim 45, East Side of Fox River, City of Green Bay, Brown County, Wisconsin, more fully described as follows:

Commencing at the Brown County Surveyor Traverse Point CE46.4;
thence S61°49'06"E, 1025.60 feet to Brown County Traverse Point 41S7.1;
thence S49°54'37"W, 572.40 feet to the westerly right-of-way of North Irwin Avenue, also being the southeast corner of land described in Volume 934 Records, Page 275 (934R275), Brown County Records (BCR), the POINT OF BEGINNING;
thence S26°30'29"W, 398.52 feet along said westerly right-of-way to the northerly right-of-way of Webster Avenue;
thence N78°58'18"W, 114.72 feet along said northerly right-of-way;
thence 230.00 feet along the arc of a 1208.83 foot radius curve to the left, having a long chord which bears N 84°25'21"W, 229.65 feet along said northerly right-of-way;
thence N25°14'28"E, 488.29 feet;
thence N65°02'29"W, 53.20 feet;
thence N25°14'28"E, 16.48 feet along said southerly line of lands described in 934R275;
thence S64°39'47"E, 389.48 feet along said southerly line to the POINT OF BEGINNING.

SECTION 2. 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 General Industrial (GI) District:

A parcel of land located in Private Claim 45, East Side of Fox River, City of Green Bay, Brown County, Wisconsin, more fully described as follows:
Commencing at Brown County Surveyor Traverse Point CE46.4;
thence S61°49'06"E, 1025.60 feet to Brown County Traverse Point 41S7.1;
thence S49°54'37"W, 572.40 feet to the westerly right-of-way of North Irwin Avenue also being the southeast corner of lands described in Volume 934 Records, Page 275 (934R275), Brown County Records (BCR);
thence N64°39'47"W, 389.48 feet along the southerly line of lands described in 934R275 to the POINT OF BEGINNING:
thence continuing N64°39'47"W, 377.60 feet along said southerly line to the southwest corner of said 934R275;
thence N25°13'59"E, 226.27 feet along the westerly line of said 934R275;
thence S65°11'19"E, 288.14 feet;
thence S24°48'41"W, 38.00 feet;
thence S64°45'32"E, 89.21 feet;
thence S25°14'28"W, 191.07 feet to southerly line of lands described in 934R275, the POINT OF BEGINNING.

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 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this 1st day of March, 2011.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Lauri A. Marenger
Clerk

ZONING ORDINANCE NO. 3-11

AN ORDINANCE
ZONING CERTAIN LANDS LOCATED AT
THE INTERSECTION OF NORTH WEBSTER AVENUE,
NORTH IRWIN AVENUE AND BAY BEACH ROAD
AS A PLANNED UNIT DEVELOPMENT DISTRICT
(ZP 08-18)

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 District on the following described property:

A parcel of land located in Private Claim 45, East Side of Fox River, City of Green Bay, Brown County, Wisconsin more fully described as follows:

Commencing at Brown County Surveyor Traverse Point 41S7.1; thence N61°49'06"W, 1025.60 feet to Brown County Traverse Point CE46.4; thence S06°07'23"W, 55.57 feet to the southerly right of way of Bay Beach Road, the POINT OF BEGINNING; thence S64°46'01"E, 275.07 feet along said southerly right of way; thence 784.58 feet along the arc of a 492.50 feet radius curve to the right, having a long chord which bears S19°07'46"E, 704.21 feet along said southerly right of way to the westerly right of way of Irwin Avenue; thence S26°30'29"W, 415.44 feet along said westerly right of way to the northerly right of way of Webster Avenue; thence N78°58'18"W, 114.72 feet along said northerly right of way; thence 230.00 feet along the arc of a 1208.83 foot radius curve to the left, having a long chord which bears N84°25'21"W, 229.65 feet along said northerly right of way; thence N25°14'28"E, 488.29 feet; thence N65°02'29"W, 53.20 feet; thence N25°14'28"E, 207.55 feet; thence N64°45'32"W, 89.21 feet; thence N24°48'41"E, 38.00 feet; thence N65°11'19"W, 288.14 feet; thence N25°13'59"E, 292.71 feet to the southerly right of way of Bay Beach Road, the Point of Beginning. Said parcel contains 412,524 Square Feet (9.470 Acres) of land more or less. See Exhibit A for an illustration of the parcel.

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

- A. Intent. The intent of this Planned Unit Development (PUD) is to recognize, and establish as conforming, the unique mix of existing land uses on the subject property. These uses are suited to their particular locations and shall be allowed to continue and to be modified subject

to the limitations of this ordinance, the applicable requirements of the Green Bay Municipal code, and other applicable regulations.

B. Permitted Uses.

1. The land uses which may be established and/or maintained on Area 1 (see Exhibit B) of the subject property are as follows:
 - a. Commercial outdoor recreation with attractions such as go cart racing, miniature golf, bumper boats, paintball, outdoor climbing wall, batting cages, and other similar activities.
 - b. Accessory uses normally associated with the principal uses subject to the requirements of the Zoning Ordinance. Such accessory uses include, but are not necessarily limited to, indoor game room, ticket booth, and concessions.
2. The land uses which may be established and/or maintained on Area 2 (see Exhibit B) of the subject property are as follows:
 - a. Boat sales, repair, and storage.
 - b. Accessory uses normally associated with the principal uses subject to the requirements of the Zoning Ordinance.
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 Ordinance, 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. Modifications. The intent of this PUD is to generally establish the framework for the ongoing maintenance of the permitted uses of the property and to also allow for minor modifications to the site without amending this ordinance.

1. Minor Modification Defined. Minor site modifications may be authorized with site plan and building permit approval as applicable. Minor modifications shall be defined as construction of new buildings or structures, alterations to existing buildings or structures, race track or golf course alterations, driveway or parking lot alterations, signage or lighting modifications, other similar site modifications, or establishment of allowable accessory entertainment uses, any of which shall meet the following conditions:
 - a. It does not expand the outer limits of the use as authorized under this PUD.
 - b. It does not change, or interfere with the maintenance of, the permitted principal use of the property as authorized under this PUD.
 - c. It is consistent with, or an improvement upon, the architecture and overall design of the principal use as

authorized under this PUD.

2. Site modifications that require a site plan or building permit but exceed the definition of minor modification shall not be authorized without an amendment to this ordinance.

- D. Dimensional and Area Requirements. Dimensional and area requirements for principal and accessory structures on the subject property shall be as required in the C1 – General Commercial District as set forth in Section 13-800, Green Bay Municipal Code.
- E. Outdoor Storage and Display. Outdoor storage and display of boats are permitted in accordance with the requirements of the C2 – Highway Commercial District as set forth in Section 13-800, Green Bay Municipal Code. Exhibit B shows the areas of allowable, existing outdoor storage and display. Expansion beyond these locations requires site plan approval and compliance with current standards.
- F. Other Zoning Requirements. Where regulations are not specified by this ordinance, the applicable requirements of the Zoning Ordinance and Green Bay Municipal Code shall govern. Where zoning requirements are specific to a particular district, the regulations of the C1 – General Commercial District shall govern.

SECTION 3. The provisions of this ordinance, including, without limitation, the granting of a conditional use permit and 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 site plan (Exhibit 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 this ordinance, the Green Bay Municipal Code, and in agreement with the general spirit and intent of Exhibit B. Binding elements:

- A. The general location and arrangement of the principal land uses
- B. The outer limit of each existing principal land use as defined by Area 1 and Area 2

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 1st day of March, 2011.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Lauri A. Marenger
Clerk