

ZONING ORDINANCE NO. 11-11

AN ORDINANCE  
REZONING PROPERTY LOCATED AT  
535 AND 539 SOUTH CLAY STREET AND  
PART OF THE 1100 BLOCK OF EAST MASON STREET  
FROM LOW DENSITY RESIDENTIAL (R1) DISTRICT  
TO VARIED DENSITY RESIDENTIAL (R3) DISTRICT  
(ZP 11-31)

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 Low Density Residential (R1) District to Varied Density Residential (R3) District:

535 South Clay Street (Parcel No. 14-1096): PLAT OF ASTOR S 1/2 OF N 1/2 OF LOTS 27 & 28 BLK 107

539 South Clay Street (Parcel No. 14-1095): PLAT OF ASTOR N 50 FT OF S 120 FT OF LOTS 27 & 28 BLK 107

Part of 1100 Block of East Mason Street (Parcel No. 14-1094): PLAT OF ASTOR S 1/2 OF LOTS 27 & 28 EX N 50 FT & EX 1039 R 214 FOR ST BLK 107

**SECTION 2.** All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.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 20<sup>th</sup> day of September, 2011.

APPROVED:

James J. Schmitt  
Mayor

ATTEST:

Lauri A. Marenger  
Clerk

ZONING ORDINANCE NO. 12-11

AN ORDINANCE  
ZONING CERTAIN LANDS LOCATED  
IN THE 900 AND 1000 BLOCKS OF  
LOMBARDI AVENUE AND TONY CANADEO RUN  
AS A PLANNED UNIT DEVELOPMENT DISTRICT  
(ZP 11-32)

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:

Parcel No. 1-1841-C: PART OF LOT 9 MORRIS & BROMLEYS SUBD OF S1/2 PC 13 WSFR & PART OF PC 14 & 15 WSFR AS DESC IN 673 R 126 EX 669 R 91 & EX J1546-30 & EX J15079-24

Parcel No. 1-1841-C-2: LOT 2 OF 37 CSM 99 BNG PART OF LOT 9 MORRIS & BROMLEY'S SUBD OF S1/2 OF PC 13 WSFR & BNG PART OF PC 14 & 15 WSFR

Parcel No. 1-1841-K: LOT 1 OF 50 CSM 323 BNG PRT OF PC 15 WSFR

Parcel No. 1-1841-J-2: LOT 1 OF 52 CSM 161 BNG PRT OF PC 15 WSFR & PRT OF LOT 2 OF SD CSM DESC IN 2305190

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

A. PURPOSES AND INTENT. The purpose and intent of this Planned Unit Development (PUD) are established as follows.

1. Interim Measure. This PUD is designed as an interim measure in order to be responsive to the businesses that are currently present and the current economic climate that is creating challenges for these businesses. In particular, certain businesses are not visible from the arterial street, and the full development of the area that would draw additional customer traffic has not yet materialized. More sustainable solutions beyond the limited scope of this PUD should continue to be pursued by the businesses and property owners in and around the subject area.

2. Future Planning Necessary. The future development and enhancement of the Lombardi Avenue corridor should be planned in a collaborative manner, including the establishment of a brand and identity highlighting the unique offerings of this business district. The formation of a business association or even a formal Business Improvement District is strongly recommended. This PUD should then be built upon, updated, and expanded to reflect and implement the results of future planning efforts and stakeholder participation.
3. Existing Uses Conforming. The intent of this PUD is two-fold with regard to land uses. First, it establishes commercial uses as the desired form of new development and redevelopment. Such commercial uses should be generally consistent and compatible with the uses permissible in neighboring PUDs of a similar nature. Second, it recognizes, and establishes as conforming, the existing industrial land uses on the subject property. Until such time that market conditions allow for redevelopment to commercial use, the existing industrial 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. The land uses which may be established and/or maintained on the subject property are as follows:

1. Banks or other financial institutions.
2. General offices.
3. Cultural institutions.
4. General retail, personal services, and business services. Outdoor displays of merchandise are permitted subject to:
  - a. Display is not motor vehicles. (Vehicle sales uses are not permitted.)
  - b. Display is accessory to the principal use.
  - c. Display is within 10 feet of the main structure.
  - d. Display is not located in a required yard or parking area.
  - e. Display is not advertising.
  - f. Display does not involve storage of items not sold on site.
  - g. Display is maintained in a neat and orderly manner.
  - h. Display only allowed during regular business hours.
5. Restaurants and taverns or bars, including outdoor dining areas and indoor play areas. (Note that Zoning Petition 06-08 granted a conditional use to permit to allow for a restaurant or bar with entertainment including outdoor, live, or amplified music on Parcel No. 1-1841-J-2, Champion's Sports Bar and Grill. That conditional-use permit continues to be in effect.)
6. Theaters.
7. Indoor recreation facilities.
8. Accessory buildings and uses customarily incidental to any of the uses

when located on the same premises.

C. CONDITIONAL USES.

1. Outdoor commercial recreation areas
2. Hotels. (Note that Zoning Petition 06-08 granted a conditional use permit for a hotel on Parcel No. 1-1841-K, Cambria Suites. That conditional-use permit continues to be in effect.)
3. Drive-through facilities, except that a drive through facility shall not be permitted to face the street frontage under any circumstances.

D. USES OF PARCEL NO. 1-1841-C. Part of the intent of this PUD is to allow the ongoing maintenance of the existing uses of Parcel No. 1-1841-C (Hudson-Sharp, Saranac) and to also allow for the modification, alteration, or expansion of those uses without amending this ordinance. In addition to the potential land uses allowed under Sections 2.B and 2.C above, the existing uses of Parcel No. 1-1841-C may be maintained, modified, altered, or expanded in conformance with the underlying zoning district.

E. PROHIBITED USES. 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.

F. 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.

1. Parcel No. 1-1841-K. The maximum allowable building height on Parcel No. 1-1841-K (Cambria Suites) shall be 70 feet. (Zoning Petition 06-08)

G. OFF-PREMISE DIRECTIONAL SIGNAGE. In order to promote visibility for the existing businesses located on Tony Canadeo Run while the area is not yet fully developed, one off-premise directional sign shall be permitted for a one-year period in the location shown on Exhibit A. Such signage shall be limited and controlled in order to prevent a proliferation of off-premise directional signage and shall meet the following requirements:

1. The materials, color, appurtenant landscaping, and overall design shall be generally consistent with that shown in Exhibit B and shall also comply with the following requirements:

- a. The sign shall not mimic public directional signage design.
  - b. The sign design concept shall include complementary landscaping.
  - c. The sign base shall utilize vinyl, painted or coated metal, masonry, or stone to conceal any wooden posts and to increase durability.
2. The maximum area of the sign face shall be eight (8) square feet per side for a total of 16 square feet.
  3. Sign height shall not exceed six (6) feet.
  4. If lighted, the sign shall utilize external illumination.
  5. The sign shall be located on private property (outside of the right-of-way) and outside of any required vision corner.
  6. The sign may be located inside the front or side yard setback areas but shall be located so as to not obstruct traffic views of vehicles or pedestrians or in any way create a safety hazard.
  7. A written agreement between the owner(s) of Parcel No. 1-1841-C and those businesses identified on the sign shall be submitted with the sign permit application and maintained as long as the sign is present. An easement is the preferred form of agreement.
  8. If the timeframe of this PUD is not extended as described under Section 2.I, then the sign shall be removed at the time that the PUD expires, is rescinded, or is otherwise modified to affect the allowance for off-premise directional signage.

H. 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.

I. REVIEW AFTER ONE YEAR. After a period of approximately one year from the effective date of this PUD, the Plan Commission and City Council shall review the results and effectiveness of this PUD. To be included in this review are progress by the area businesses toward coordinating a planning or branding effort for the Lombardi Avenue corridor, and the results of allowing for the off-premise directional signage. Based on findings, the Plan Commission and City Council may at that time act to extend, remove, or otherwise modify this PUD ordinance, rescind this PUD ordinance, or require further study.

**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.

**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 20<sup>th</sup> day of September, 2011.

APPROVED:

James J. Schmitt  
Mayor

ATTEST:

Lauri A. Marenger  
Clerk