

# Town of Green Bay Zoning Ordinance



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Town of Green Bay

Zoning Ordinance

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## **Section I. Title and Authority**

### **A. Title**

This ordinance shall be known, cited, and referred to as: THE TOWN OF GREEN BAY ZONING ORDINANCE, BROWN COUNTY, WISCONSIN.

### **B. Authority**

The Town of Green Bay, pursuant to Section 60.29 (41), 60.18 (12), 60.74, 61.35, 62.23 and 66.058 of the Wisconsin Statutes, hereby enacts a zoning ordinance to read as follows:

## **Section II. Intent, Purpose and Severability**

### **A. Intent**

This ordinance is intended to promote the orderly development of the community.

### **B. Purpose**

The Zoning Ordinance of the Town of Green Bay, Brown County, Wisconsin, is adopted for the following purposes: to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote and to protect the public health, safety, comfort, convenience and general welfare; to provide adequate standards of light, air and open space; to maintain the aesthetic appearances and scenic values of the Town; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and to foster a more rational pattern of relationship between residential, business, commercial, and manufacturing uses for the mutual benefit of all.

### **C. Severability**

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

If any application of this ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

## Section III. Definitions

### A. General

For the purpose of this ordinance, words used in the present tense shall include the future; words used in the singular number shall include the plural number and the plural the singular; and masculine gender includes feminine and neuter.

The word 'shall' is mandatory and not discretionary. The word 'may' is permissive.

The word 'lot' shall include the words 'piece', 'parcel', and 'plats'; the word 'building' includes all other structures of every kind regardless of similarity to buildings; and the phrase 'used for' shall include the phrases 'arranged for', 'designed for', 'intended for', 'maintained for', and 'occupied for'.

All 'measured distances' shall be to the nearest 'integral foot'. If a fraction is one half foot or less, the next 'integral foot' below shall be taken.

Any words not herein defined shall be construed as defined in other respective state, county, and town codes.

### B. Words Defined

Certain words and terms in this ordinance are to be interpreted as defined herein:

1. **Accessory Building or Use.** A building or use which is:
  - a. Conducted or located on the same zoning lot as the principal building or use served, except as may be specifically provided elsewhere in this ordinance;
  - b. Clearly incidental to, subordinate in purpose to, and serves the principal use; and
  - c. Either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.
  - d. "Accessory use" for purposes of the farmland preservation ordinance means any of the following land uses on a farm:
    1. A building, structure, or improvement that is an integral part of, or is incidental to an agricultural use.
    2. An activity or business operation that is an integral part of, or incidental to, an agricultural use.
    3. A farm residence, including normal residential appurtenances.
    4. A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
      - a) It is conducted on a farm by an owner or operator of that farm.
      - b) It requires no buildings, structures, or improvements other than those described in par. 1 or 3.
      - c) It employs no more than 4 full-time employees annually.
      - d) It does not impair or limit the current or future agricultural use of the farm or other protected farmland.

- e) Permitted Accessory Buildings shall not be erected prior to the erection of the Principal Building to which they are accessory, except that utility trailers or truck bodies may be permitted by the Zoning Administrator as a temporary use at a construction site for a period time not to exceed one (1) year from the date of the start of construction.
- f) The following shall not be used as Accessory Buildings in any district, except the I-1 General Industrial District: Includes, but not limited to, boats, truck bodies, Manufactured Homes Mobile Homes, buses, railroad cars, shipping containers, trucks, motor vehicles, and trailers.
  - (a) Shipping Containers are allowed for the storage of Fireworks, per ATF Regulations, in the B-1 Community Business district only.

2. **Advertising Device.** Any advertising sign, billboard, statuary, or poster panel which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed; but does not include those advertising signs, billboards, or poster panels which direct attention to the business on the premises or to a brand name of a product or commodity with which the business is specifically identified and which is sold on the premises.
3. **Agricultural Use.** Any of the following activities conducted for the purpose of producing an income or livelihood:
  - (a) Crop or forage production.
  - (b) Keeping livestock.
  - (c) Beekeeping.
  - (d) Nursery, sod, or Christmas tree production.
  - (e) Floriculture.
  - (f) Aquaculture.
  - (g) Fur farming.
  - (h) Forest management.
  - (i) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
4. **Agriculture.** The science and practice of the cultivation of the soil.
  - (a) **Exclusive Agriculture.** Farm land that is eligible to be enrolled in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
  - (b) **General Agriculture.** Farm land that is not eligible to be enrolled in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
5. **Agriculture-related use.** A facility, whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purpose:
  - (a) Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to farms, including farms in the farmland preservation zoning district.
  - (b) Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the farmland preservation zoning district.
  - (c) Slaughtering livestock, including livestock from farms in the farmland preservation zoning district.

- (d) Marketing livestock to or from farms, including farms, including farms in the farmland preservation zoning district.
- (e) Processing agricultural by-products or wastes received directly from farms, including farms in the farmland preservation zoning district.

6. **Agriculture Warehouse.** A building used exclusively for storing agricultural products.

7. **Airport.** Any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.

8. **Alley.** A public or private right-of-way primarily designed to serve as secondary access to abutting properties.

9. **Artificial Lakes.** Man-made, large excavated bodies of water not used for agricultural purposes.

10. **Auto Wrecking Yard.** Any premises on which more than one (1) automotive vehicle, not in running or operating condition, or parts thereof, are stored in the open in the Rural Residential zone and more than two (2) automotive vehicles in all the other zones.

11. **Basement.** That portion of any structure located partly underground and having more than one-half (1/2) of its height below the finished lot grade.

12. **Bed and Breakfast Establishment.** Bed and Breakfast Establishment means any place of lodging that provides 8 or fewer rooms for rent to no more than a total of 20 tourists or other transients for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

13. **Beekeeping.** Keeping bees for the purpose of producing an income or livelihood.

14. **Block.** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways or municipal boundary lines.

15. **Boarding House (Lodging House).** A building or premises, other than a hotel, containing lodging rooms accommodating for compensation, four (4) or more persons not of the keeper's family. Lodging may be provided with or without meals.

16. **Building.** Any structure built, used, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind, and which is permanently affixed to the land. When a building is divided into separate parts by un-pierced fire or party walls extending continuously from the ground through all stories to and above the roof, each part shall be deemed a separate building.

17. **Building Accessory.** A subordinate building or portion of a principal building, the use of which is incidental and customary to that of the principal building, where an accessory building shall comply in all respects with the requirements of this ordinance applicable to the principal building.

- a. Permitted Accessory Buildings shall not be erected prior to the erection of the Principal Building to which they are accessory, except that utility trailers or truck bodies may be permitted by the Zoning Administrator as a temporary use at a construction site for a period time not to exceed one (1) year from the date of the start of construction.
- b. The following shall not be used as Accessory Buildings in any district, except the I-1 General Industrial District: Includes, but not limited to, boats, truck bodies, Manufactured Homes Mobile Homes, buses, railroad cars, shipping containers, trucks, motor vehicles, and trailers.
  - 1) Shipping Containers are allowed for the storage of Fireworks, per ATF Regulations, in the B-1 Community Business district only.

18. **Building, Attached.** One which is joined to another dwelling at one or more sides by a party wall or walls.
19. **Building, Detached.** One which is entirely surrounded by open space on the same lot.
20. **Building Height.** The vertical distance measured from the average elevation of the finished lot grade at the front of the building to the highest point of a ceiling in the case of a flat roof, to the deckline of a mansard roof and to the average height between the eaves and the ridge of a gable, hip, or gambrel roof.
21. **Building Setback Line.** A line located a stated distance from and parallel with a lot line or street right-of-way, including the nearest point to which a lot line or center line of a building may be erected.
22. **Building, Temporary.** Any building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed. Manufactured homes used as residences shall not be classified as temporary buildings. They are further defined in definition Number 84 and Number 85.
23. **Campground.** A tract or parcel of land on which space is provided for camping. Includes day and overnight camping.
24. **Canopy. (Marquee).** A roof-like structure projecting from a wall and supported in whole or in part by vertical supports from the ground and erected primarily to provide shelter from the weather.
25. **Capacity in Persons of an Establishment or Use.** The maximum number of persons that can avail themselves of the services (or goods) of such establishment at any one time, with reasonable safety and comfort, as determined by the Building Code or as may be determined by the Building Inspector.
26. **Clinic, Medical, or Dental.** An organization of specializing physicians or dentists, or both, who have their offices in a common building. A clinic shall not include in-patient care.
27. **Club.** An association of persons for some common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business. All organizations shall be recognized clubs or fraternities.
28. **Commercial Feedlots.** An agriculture enterprise where livestock is purchased and raised and then sold to a buyer, feedlot, or slaughter house.
29. **Common ownership.** For purposes of the farmland preservation ordinance, means ownership by the same person or persons. "Common ownership" includes land owned by the same individual, married couple, joint tenants, tenants in common, corporation, LLC, partnership, estate or trust. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.
30. **Community Based Residential Facility.** A place where three (3) or more unrelated adults reside, in which care, treatment or services above the level of room and board, but not including nursing care, are provided to persons residing in the facility as a primary function of the facility and licensed by the Department of Health and Social Services under Section 50.01, Wisconsin Statutes.
31. **Contiguous.** Adjacent to or sharing a common boundary. "Contiguous" land includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of-way. Parcels are not "contiguous" if they meet only at a single point.
32. **Corner Side.** A yard extending along a side lot line from front yard to rear yard when said side lot line is parallel with a street right-of-way line.
33. **Conditional Use.** Uses of a special nature as to make impractical their predetermination as a principal use in a respective zone district.
34. **Day Care Center, Group.** An establishment for the care and supervision of nine (9) or more children under seven (7) years old for more than four (4) and less than twenty-four (24) hours a day for more than ten (10) days a month.

35. **Day Care Home, Family.** An establishment for the care and supervision of one (1) to eight (8) children under seven (7) years old for more than four (4) and less than twenty-four (24) hours a day for more than ten (10) days a month.

36. **Drive-in Business.** An establishment with street access, which provides no interior seating or service; or an establishment which allows for interior seating or service but the majority of its business is conducted in the following manner:

- (a) by means of a service window;
- (b) in-car service; and
- (c) restaurant or confectionaries with carry-out counter

37. **Dwelling.** A building, or portion thereof, excluding a manufactured home, hotel, motel, boarding houses, and trailers designed or used exclusively for residential occupancy.

38. **Dwelling Unit.** One (1) or more rooms which are arranged, designed or used as living quarters for one (1) family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each dwelling unit.

39. **Dwelling, Single-Family.** A building designed for and occupied exclusively by one (1) family and meeting the building requirements as set forth in Section IV., K.

40. **Dwelling, Two-Family.** A building designed for and occupied exclusively by two (2) families and meeting the building requirements as set forth in Section IV., K.

41. **Dwelling, Multiple-Family.** A building, or portion thereof, containing three (3) or more dwelling units.

42. **Employee or Staff Member, Full Time.** A person who works full time at the building or use regulated. For computation of the sum of employees at a use scheduling more than one shift, the sum shall be based on the maximum number of employees at any one shift working at least thirty (30) hours per week.

43. **Establishment Business.** A place of business carrying out operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot.

44. **Family.** Any member or individual related by blood, adoption, marriage, or not to exceed two (2) persons not so related, living together on the premises as a single housekeeping unit, including any domestic servant.

45. **Farm.** All land under common ownership that is primarily devoted to agricultural use. For purposes of this definition, land is deemed to be primarily devoted to agriculture use if any of the following apply:

- (a) The land produces at least \$6,000 in annual gross farm revenues to its owner or renter, regardless of whether a majority of the land area is an agricultural use.
- (b) A majority of the land area is in agricultural use.

46. **Farm Ponds.** Man-made excavated bodies of water used for agricultural purposes.

47. **Farm Residences.** Any of the following structures that is located on a farm:

- (a) A single-family or duplex residence that is the only residential structure on the farm or is occupied by any of the following:
  1. An owner or operator of the farm.
  2. A parent or child or an owner or operator of the farm.
  3. An individual who earns more than 50 percent of his or her gross income from the farm.
- (b) A migrant labor camp that is certified under s. 103.92

48. **Floor Area** (For determining floor area ratio). The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The floor area of a building shall include basement floor area, elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), penthouse, attic space having headroom of seven (7) feet ten (10) inches or more, interior balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses. However, any space

devoted to off-street parking or loading shall not be included in floor area. The floor area of structures devoted to bulk storage of materials - including, but not limited to, grain elevators and petroleum storage tanks - shall be determined on the basis of height in feet; i.e., ten (10) feet in height shall equal one (1) floor.

49. **Floor Area** (For determining off-street parking and loading requirements). Shall mean the sum of the gross horizontal areas of the several floors of the building or portion thereof, devoted to such use, including accessory storage area, located within selling or working space, such as counters, racks or closets, and any basement floor area devoted to retailing activities to the production or processing of goods, or to business or professional offices. However, floor area for the purposes of measurement for off-street parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

50. **Frontage.** The length of all the property fronting on one (1) side of a street between two (2) nearest intersecting streets, measured along the line of the street, or if dead ended, then all property abutting on one (1) side between an intersecting street and the dead end of the street.

51. **Frontage, Zoning Lot.** The length of all the property of such zoning lot fronting on a street, measured between side lot lines.

52. **Fur Farm.** Agricultural operation where the major income is derived from the selling or sale of fur bearing animals and/or pelts.

53. **Garage, Private.** An accessory to the main building which provides for the storage of motor vehicles and in which no occupation, business, or service for profit is carried on.

54. **Garage, Public and Storage.** Any building or premises, other than a private garage, where motor driven vehicles are equipped, repaired, serviced, hired, sold, or stored.

55. **Grade.** The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

56. **Granny Flat.** An apartment with a kitchen, living room, bedroom, and bathroom separate from the rest of the house; to be used by family members. It cannot be rented out.

57. **Gross Floor Area.** The sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior faces of exterior walls or from the center line of party walls separating two (2) buildings.

58. **Gross Farm Revenue.** Gross receipts from agricultural uses, less the cost or other basis of livestock, or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. "Gross farm revenue" includes receipts accruing to a renter, but does not include rent paid to the land owner.

59. **Group Home.** Community living arrangements for the care and maintenance of five (5) to eight (8) children under eighteen (18) years of age, which are licensed child welfare agencies, as set forth in Wisconsin State Statutes 48.602(5).

60. **Hard Surfaced.** A driveway or parking lot surfaced with concrete, bituminous paving or crushed stone.

61. **Health and Medical Institutions.** Institutions or organizations which provide specialized in-patient or out-patient medical and dental care.

62. **Hedge.** A dense row of shrubs, etc., forming a boundary, fence, or barrier.

63. **Home Occupation.** An accessory use of a dwelling carried on by a member or members of the immediate family residing on the premises. The use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists. No storage or display of material, goods, supplies, or equipment related to the operation shall be visible from the outside of any structure located on the premises.

64. **Hotel.** A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with or without cooking facilities in any individual room or apartment.
65. **Incompatible Use.** A use or service which is unsuitable for direct association with certain other uses because it is contradictory, incongruous, or discordant.
66. **Industrial Park.** A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or government organizations.
67. **Junk (or Salvage) Yard.** An area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A junk or salvage yard includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.
68. **Kennels, Outdoor.** A lot or building in which three (3) or more dogs or four (4) or more cats or other animals at least two (2) months of age are kept commercially for board and/or propagation, training or sales, or other uses, all of which are conducted on the property itself.
69. **Kennels, Indoor.** A building in which three (3) or more dogs or four (4) or more cats or other animals at least two (2) months of age are kept commercially for board, and/or propagation, training or sales, or other uses, all of which are conducted within the building itself.
70. **Livestock.** Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.
71. **Lot.** A parcel of land having a width and depth sufficient to provide the space necessary for one (1) principal building and its accessory building together with the open spaces required by this ordinance and abutting on a public street.
72. **Lot of Record.** A lot which is part of a subdivision, the plat of which has been recorded in the Office of the Register of Deeds of Brown County; or a parcel of land, the deed to which was recorded in the Office of said Register of Deeds prior to the adoption of this ordinance, and certified survey maps approved and recorded in the Register of Deeds Office of Brown County.
73. **Lot of Record, Non-Conforming.** A lot of record which does not meet the lot requirements for area and zoning lot frontage of its zoning district.
74. **Lot, Corner.** A lot located at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.
75. **Lot, Depth of.** The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.
76. **Lot Area, Gross.** The area of a horizontal plane bounded by the front, side and rear lot lines, but not including any area occupied by the waters of a duly recorded lake or river and/or public right-of-way.
77. **Lot, Interior.** A lot other than a corner or reversed corner lot.
78. **Lot Line, Front.** That boundary of a lot which is along an existing or dedicated public street, or where no public street exists, along a public way.
79. **Lot, Line, Rear.** That boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line.
80. **Lot Line, Side.** Any boundary of a lot which is not a front lot line or a rear lot line.
81. **Lot, Reversed Corner.** A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.
82. **Lot, Through.** A lot having a pair of opposite lot lines along two (2) more or less parallel public streets, and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.
83. **Lot Width.** The horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first thirty (30) feet of lot depth immediately in back of the front yard setback line.

84. **Manufactured Home (Class I).** A structure, transportable in one or more sections built on a permanent chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in it, and is certified and labeled as a manufactured home under 42 U.S.C. Sections 5401 to 5426. For purposes of this ordinance, a manufactured home Class I shall be considered a single-family or two-family home when meeting the requirements of Section IV, J and , therefore, may locate in any district permitting such use.

85. **Manufactured Home (Class II).** A structure, transportable in one or more sections built on a permanent chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes plumbing, heating, air conditioning, and electrical systems contained in it, and built prior to the enactment of the Federal Manufactured Construction and Safety Standards Act of 1974, which became effective July 15, 1976.

86. **Manufactured Home Park.** Any park, court, campsite, lot, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location of accommodations for two or more manufacture homes, and shall include all facilities used or intended for use as part of the equipment thereof. Manufactured home parks shall not include automobile or manufactured home sale lots on which unoccupied manufactured homes are parked for purposes of inspection and sale.

87. **Motel.** An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient automobile tourists. A motel furnishes customary hotel services, such as maid service and laundering of linens, telephone and secretarial or desk living and sleeping accommodations are occupied or designed for occupancy by persons other than transient automobile tourists.

88. **Motor Vehicles.** A self-propelled device used or intended to be used for the transportation of freight or passengers upon a street or highway, except a device used exclusively upon stationary rail or tracks.

89. **Non-conforming Building.** A building which is used in a manner that does not conform with the regulations of the use district in which the building is located.

90. **Non-conforming Use.** Any use of land, buildings, or structures, lawful at the time of the enactment of this ordinance, which does not comply with all of the regulations of the use district in which the building is located.

91. **Open Space Parcel.** A parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.

92. **Parking Space.** A graded and surfaced area of not less than two hundred (200) square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley, exclusive of passageways, driveways, or other means of circulation of access.

93. **Person.** An individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.

94. **Planned Development.** A tract of land which contains or will contain two (2) or more principal buildings, developed under single ownership or control; the development of which is unique and intended to permit diversification and variation in the relationship of uses and structures and open space for developments conceived and implemented as comprehensive and unified projects.

95. **Prime farmland.** Means all of the following:

- An area with a class I or class II land capability classification as identified by the Natural Resources Conservation Service of the United States Department of Agriculture.
- Land, other than land described in par. (a), which is identified as prime farmland in the county's certified farmland preservation plan.

96. **Prior Nonconforming Use.** For purposes of the farmland preservation ordinance, means a land use that does not comply with the farmland preservation zoning ordinances, but which lawfully existed prior to the application of this ordinance.

97. **Professional Office (Except Health Care).** The office of a member of recognized profession including the offices of ministers, architects, professional engineers, lawyers, and such other similar professional occupations; including the office of a charitable organization and including also an insurance or financial institution which conducts its activities principally by mail.

98. **Professional Office, Health Care.** The office of a member of a recognized health care professional licensed by Wisconsin State Statute Chapters 441, 446 to 449.

99. **Protected farmland.** Land that is any of the following:

- (a) Located in a farmland preservation zoning district certified under ch. 91, Wis. Stats.
- (b) Covered by a farmland preservation agreement under ch. 91, Wis. Stats.
- (c) Covered by an agricultural conservation easement under ch. 93.73, Wis. Stats.
- (d) Otherwise legally protected from nonagricultural development.

100. **Recreational Site.** A recreational site is a place, usually outdoors, that is designed, developed, or designated for leisure activities, purpose of exercise, relaxation, and enjoyment as defined in Wisconsin Statute 895.52(1)(g). It can be a park, a beach, a trail, or any other area where people engage in activities which may include hiking, camping, water sports, or agricultural tourism activities.

101. **Recreational Vehicle.** A vehicle primarily used for leisure activities including, but not limited to: trailers; boats with or without trailers; all-terrain vehicles and snowmobiles. For the purpose of this code, recreational vehicles do not include four-wheel drive cars or trucks and motorcycles.

102. **Retail.** Sale of commodities and services directly to customers when such commodities and services are used or consumed by the customer and not purchased primarily for purpose of resale.

103. **Restaurant, Drive-in.** A restaurant with one of the following characteristics:

- (a) No interior seating; or
- (b) Interior seating, with in-car service.

103. **Right-of-Way.**

- (a) A strip of land occupied or intended to be occupied for a special use. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.
- (b) The usage of the term right-of-way for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lot or parcels adjoining such right-of-way and not included within the dimension or areas of such lots or parcels.

104. **Roadside Stand.** A structure not permanently fixed to the ground that is readily removable in its entirety, covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than three hundred (300) square feet in ground area and limited to ten (10) feet maximum height.

105. **Sanitary Landfill.** Disposal of refuse on land without creating a nuisance or hazard to public health or safety, by utilizing the principles of engineering to confine the refuse to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at more frequent intervals.

106. **Satellite Dish Antenna.** A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs, and satellite microwave antennas.

107. **Setback.** The minimum horizontal distance between the line of a building or structure and the front property line.

108. **Setback Area.** The minimum horizontal area between the front, side and/ or rear line of the building or use, including porches, and the lot lines, or street right-of-way lines.

109. **Setback, Corner Side Yard.** The minimum horizontal distance between the side line of the building or use that runs perpendicular to a fronting street, and the side right-of-way line perpendicular to the fronting street.

110. **Setback, Front Yard.** The minimum horizontal distance between the front line of the building or use and the street right-of-way line.

111. **Setback Lines.** Lines established adjacent to lot lines or street right-of-way lines for the purpose of defining limits within which any or certain buildings, structures, or uses may not be constructed, maintained or carried on, except as shown herein.

112. **Setback, Rear Yard.** The minimum horizontal distance between the back line of the building or use and the rear lot lines.

113. **Setback, Side Yard.** The minimum horizontal distance between the side line of the building or structure and the side lot lines; unless the side line of the building or structure is parallel to a street, whereas it shall be a corner side yard setback.

114. **Shipping Containers.** Is a container with strength suitable to withstand shipment, storage, and handling. Shipping containers range from large reusable steel boxes to ubiquitous corrugated boxes.

115. **Sign.** A name, identification, description, display, or illustration which is affixed to, or represented directly or indirectly upon, a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person institution, organization, or business. However, a sign shall not include any display of official court or public office notices nor shall it include the flag, emblem, or insignia of a nation, political unit, school, or religious group. A sign shall not include a sign located completely within an enclosed building unless the content shall so indicate.

116. **Sign, Advertising.** A sign which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

117. **Sign, Business.** A sign which directs attention to a business or profession conducted, or to a commodity, service or entertainment sold or offered, upon the premises where such sign is located or to which it is affixed.

118. **Slaughterhouse.** A building or portion thereof used in the conducting of a business enterprise where animals are butchered or where animals or parts thereof are processed, cut, or altered.

119. **Solar Energy System.** A free-standing solar energy system that constitutes the principal use of the property or that exceeds the limitations established for a free-standing energy system as an accessory use.

120. **Solar Energy System, Building-Mounted.** An accessory use that is the installation of equipment mounted on a building or incorporated into the exterior building materials that uses sunlight to produce electricity or provide heat or water to a building.

121. **Solar Energy System, Free-Standing.** An accessory use that is the installation of equipment mounted on the ground that uses sunlight to produce electricity or provide heat or hot water to a building.

122. **Stand.** A stand, tent, cart, pushcart, permanent and/or non-permanent structure from which direct sales are conducted. A person shall also be deemed to have a stand, although there is no structure associated therewith, whenever a person remains in any one location for more than 15 minutes. No stand will be allowed on public property or thoroughfare.

123. **Stockfarm.** An agricultural operation, usually non-dairying in nature where livestock is raised to the required age or weight for slaughterhouse purposes or for sale to commercial feedlots.

124. **Story.** That part of a building between any floor and the floor next above and, if there be no floor above, then the ceiling floor. A basement is a story if its ceiling is five (5) feet or more above the level from which the height of the building is measured, or if it is used for business purposes, or if it contains any dwelling units other than one (1) dwelling unit for the care taker of the premises.

125. **Street.** A public or private right-of-way which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designated, but does not include driveways to buildings.

126. **Structure.** Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having permanent location on the ground.

127. **Structural Alteration.** Any change, other than incidental repairs which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.

128. **Subdivision.** For purposes of this ordinance, Subdivision is a division of a lot, parcel or tract of land by the owner thereof or the owners agent for the purpose of sale or of building development, where:

- (a) The act of division creates four or more parcels or building sites of three acres each or less in area; or
- (b) Four or more parcels or building sites of three acres each or less in area are created by successive divisions within a period of ten years.

129. **Town.** The Town of Green Bay.

130. **Town Board.** The governing body of the Town of Green Bay.

131. **Town Zoning Administrator.** The Administrator appointed by the Town Board to administer and enforce the provisions of the Zoning Ordinance.

132. **Use, Principal.** The main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be permitted, conditional or non-conforming.

133. **Use, Permitted.** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and standards of such district.

134. **Use, Conditional.** A use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration, in each case of the impact of such use upon neighboring land, and of the public need for the particular use of the particular location, such conditional use may or may not be granted, subject to the terms of this ordinance.

## **Section IV. General Provisions**

### **A. Jurisdiction**

The jurisdiction of this ordinance shall include all lands and waters within the Town of Green Bay.

### **B. Existing Ordinance**

Restriction or requirements with respect to buildings or land or both which appear in other ordinances of the Town of Green Bay or are established by federal, state, or county laws, and which are greater than those set forth herein shall take precedence over those herein. Otherwise the provisions of this ordinance shall apply.

### **C. Building and Uses**

1. The use of buildings hereafter erected, enlarged, converted, structurally altered, rebuilt or moved; and existing land shall be used only for purposes as specified in this ordinance. Furthermore, land building uses shall be in compliance with the regulations as established herein for each district.
2. All principal structures shall be located on a lot; and only one principal structure shall be located, erected or moved onto a lot in the Rural Residential and Estate Residential zones.
3. Permitted, permitted accessory uses, and conditional uses are limited to the uses indicated for the respective zone district.
4. Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of this ordinance shall provide a lot or parcel of land in accordance with the lot size requirements of the district within which it is located. In any Residence, on a lot of record on the effective date of this ordinance and which is a non-conforming lot, a single-family dwelling may be constructed provided all other requirements of this ordinance are in compliance. However, whereas regardless of the size of the lot, provided all other requirements of this ordinance are complied with; however, where two (2) or more contiguous substandard recorded lots are in common ownership and are of such size as to constitute at least one (1) conforming "zoning lot", such lots or portions thereof shall be considered as being maintained in common ownership after the effective date of this ordinance for zoning purposes.
5. Where an accessory building is part of the main building or is substantially attached hereto, the side yard and rear yard requirements for the main buildings shall be applied to the accessory buildings.
6. The height and area regulations shall not apply to accessory buildings designated as farm structures. However, the farm structure shall be located on a minimum farm site of ten (10) acres. Farm accessory buildings shall not be closer than twenty-five (25) feet to any lot line.
7. Not more than one (1) accessory building shall be located on a lot, in addition to the garage, in the R-R Zone.

8. The cumulative square footage of accessory buildings located on a lot within the R-R Zone shall not exceed twelve hundred (1,200) square feet. An accessory building with a square footage of greater than twelve hundred (1,200) square feet may be allowed as a conditional use.
9. Detached accessory buildings shall not exceed eighteen (18) feet in height or the height of the principal building or structure, whichever is less in the R-R Zone.
10. On reversed corner lots, all accessory buildings shall conform to the existing setback lines on both streets, and on the rear lot line, it shall conform to the side yard requirements of the Zoning District. No accessory building shall be erected in or encroach upon the required side yard of a corner lot which is adjacent to the street, nor upon the required side yard of a reversed corner lot which is adjacent to the street.
11. Detached accessory buildings or structures shall be located no closer to any other accessory or principal building than ten (10) feet.
12. When a building containing a non-conforming use is damaged by fire, explosion, act of God, or the public enemy to the extent of more than sixty (60) percent of its current local assessed value, it definitely shall not be restored, except in conformity with the regulations of the district in which it is located. Total structural repairs or alterations in any non-conforming use shall not, during its life, exceed sixty (60) percent of the current local assessed value.
13. Where the Town Zoning Administrator has issued a building permit, pursuant to the provisions of this ordinance, such permit shall become null and void unless work thereon is completed within two (2) years of the date of the issuance of such permit by the Town Zoning Administrator.
14. Where a building permit for a building or structure has been issued in accordance with the law prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, the said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further may, upon completion, be occupied under a certificate of occupancy by the use for which originally designed and subject thereafter to the provisions of Section XXI.

## **D. Area Regulations**

1. Lot size shall comply with the required regulations of the established district. A lot of public record as of the date of this ordinance that is a non-conforming lot is not required to comply with the lot requirements for area and zoning lot frontage of its zoning district.
2. No building permit shall be issued for a lot that abuts on half a street. Said permit shall be issued only after the entire street right-of-way has been dedicated.

## **E. Height Regulations**

1. Except as otherwise provided in this ordinance, the height of any building hereafter erected, converted, enlarged, or structurally altered shall be in compliance with the regulations established herein for the district in which such building is located.
2. Accessory farm buildings, belfries, windmills, chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, silos, scenery lofts, tanks, water towers, ornamental towers, spires, wireless television or broad casting towers, masts or aerials, public water towers, telephone, telegraph and power transmission poles and lines, microwave radio relay structures and necessary mechanical appurtenances are hereby exempted from the height regulations of this ordinance.
3. Churches, schools, hospitals, sanitariums, and other public and quasi-public buildings may be erected to a height not exceeding sixty (60) feet, provided the front, side and rear yard required in the district in which the building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.

## **F. Front, Side, and Rear Yard Regulations**

1. No front yard shall be used for open storage of boats, vehicles, or any other equipment, except for vehicular parking or driveways. All open storage areas shall be properly landscaped.
2. The storage of one (1) unoccupied recreational vehicle in operable condition is allowed in a residential district when said vehicle is stored in a garage, or behind the principal building and not in a front or side yard setback area, unless it is under five (5) feet in height, at which time it is permitted in the side yard setback area.
  - a. Storage of said recreational vehicle may also be stored as follows for temporary periods:
    - (1) Within the side yard setback between May 1 and the second Tuesday in September, a unit so parked may have the drawbar projecting into the front yard setback.
3. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or any other open space required for another building.
4. Buildings on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard, provided that the setback requirements on both streets are complied with; and further provided that no accessory building shall extend within the setback line on either street.
5. Detached accessory buildings may be located in the rear yard, or the side yard of a main building provided such accessory building will meet district requirements.

## **G. Fences, Walls, and Hedges**

1. A fence, wall, hedge, or shrubbery may be erected, placed, maintained, or grown along a lot line within the Rural Residential District or adjacent property thereto to a height not exceeding six (6) feet above the ground level. No fence, wall, hedge, or shrubbery which is located in a required front or corner side yard shall exceed a height of three (3) feet. In a required rear yard, the height of fences, walls, and hedges shall not exceed six (6) feet.
2. No fence, wall, hedge, or shrubbery shall be erected, placed, maintained, or grown along a lot line on any non-residentially zoned property, adjacent to residentially zoned property to a height exceeding eight (8) feet.
3. In any district, no fence, wall, hedge, or shrubbery shall be erected, constructed, maintained, or grown to a height exceeding three (3) feet above the street grade nearest thereto within twenty-five (25) feet of the intersection of any street lines or street lines projected, or to any height of less than three (3) feet if it is determined by the Zoning Administrator that such a height interferes with safe, clear, visual distance along any roadway.

## **H. Parking Standards**

1. Parking areas may be located in any yard space for commercial and industrial uses and in any yard but the front yard for other uses, but shall not be closer than ten (10) feet to any street line. No parking space or area shall be permitted within five (5) feet of a property line in a side yard.
2. Each parking space shall not be less than two hundred (200) square feet, exclusive of the space required for ingress and egress. Minimum width of the parking space shall be ten (10) feet.
3. Where parking facilities are permitted on land other than the zoning lot on which the building or use is served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory.
4. All off-street parking areas for more than ten (10) vehicles shall be graded and surfaced so as to be dust free and properly drained and shall have the aisles and spaces clearly marked.
5. All parking areas and appurtenant passageways and driveways serving commercial uses shall be illuminated adequately from the hours of sunset to sunrise when the use is in operation. Adequate shielding shall be provided by commercial uses to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights.
6. Where a building permit has been issued prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this ordinance.
7. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, floor areas, seating capacity or other units of measurement specified herein for the required parking or loading facilities as required herein shall be provided for such increase in intensity to use and for at least fifty (50) percent of any existing deficiency in parking or loading facilities.

8. None of the off-street facilities as required in this ordinance shall be required for any existing building or use, unless said building or use shall be enlarged, in which case the provisions of this ordinance shall apply only to the enlarged portion of the building or use.

## **I. Off-Street Loading**

In all districts, loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that all vehicles need not back into or from any public way.

## **J. Public Improvements:**

1. No proposed development that includes any infrastructure to be dedicated to the Town will be approved until a development agreement acceptable to the Town Board has been executed.
2. The following minimum standards for new town roads are hereby adopted by the Town:
  - a. Minimum width of seventh (70) feet;
  - b. Minimum pavement width of twenty-four (24) feet
  - c. Twenty-eight (28) foot roadbed sub-base;
  - d. Ten (10) inch breaker run;
  - e. Six (6) inches of gravel as per the specifications required by the State of Wisconsin Department of Transportation;
  - f. A course coat of 1 ½ inches of compacted blacktop and 1 ½ inches of a final coat of compacted blacktop within a one (1) year period;
  - g. Pavement shall consist of not less than three (3) inches of compacted blacktop;
  - h. Engineered drainage plan designed according to the Town's specifications or subject to the approval of the Town Board;
  - i. Finished elevation not less than twelve (12) inches above existing contours;
  - j. Inspection to be performed by a professional Engineer approved by the Town Board, both before and after the surface is blacktopped;
  - k. There will be no Building Permits granted until the road is finished to the above specifications, with the exception of item 6 (above), if a Performance Bond for the cost of blacktopping is given to the Town. If said road is not completed within 16 months, the Town of Green Bay shall utilize the Performance Bond to complete the road;
  - l. The Town Board will not accept any proposed dedication of a road to the Town unless the proposed road conforms to the above standards. All roads must be completed according to the prescribed specifications set forth by the Town of Green Bay and then dedicated to the Town once this criteria has been met;
  - m. Culverts are required for all driveways. It must be a minimum of eighteen inches (18") diameter and made of steel or concrete or plastic. Driveways must lean away from the road edge and into the lot a minimum of four (4) feet. Driveways should have a one foot in three foot (1' in 3') slope at culvert ends. These standards may be modified in the applicable driveway and culvert permit.
  - n. These road specifications apply to all zoning districts within the Town of Green Bay.

## **K. Residential Dwelling Standards**

All single-family and two-family residential dwellings shall meet the following requirements as set forth in this section. Any home not meeting the requirements of this section shall be treated as a manufactured home Class II and may only be placed in a manufacture home park pursuant to Section XV, Manufactured Housing Parks as set forth in this ordinance.

1. **Minimum Floor Area.** The minimum floor area for every dwelling shall be eight hundred fifty (850) square feet, excluding the area of garage or carport.
2. **Roof Overhang.** All main buildings shall have a minimum pitch of 2.5 inches per twelve (12) inches of run, with a minimum twelve (12) inch roof overhang on each of the dwelling's perimeter walls, such that the overhang is architecturally integrated into the design of the dwelling.
3. **Roofing Material.** All main buildings and all detached garages or carports located on a lot shall have a roof surface of wood shakes, asphalt, composition or wood shingles, clay, concrete, metal tiles, slate, or built-up gravel materials, or metal roofing system. Smooth or corrugated sheets of metal, fiberglass, plastic, or its equivalent, shall be prohibited.
4. **Siding Materials.**
  - a. All main buildings and all detached garages located on a lot shall have exterior siding material consisting of either wood, masonry, concrete, stucco, masonite, aluminum, vinyl, metal lap or ribbed sheets of metal. The exterior siding material shall extend to ground level except that, when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation.
  - b. The following and similar materials shall be prohibited as siding: smooth or corrugated sheets of metal, fiberglass, plastic and any materials having a highly reflective or high gloss finish.
5. **Foundation.** All dwellings shall have a properly engineered, permanently attached means of support meeting the manufacturer's installation requirements and all applicable building codes. In the event that a manufactured home does not utilize a perimeter load bearing foundation, any space between ground level and siding shall be enclosed with permanent, non-load bearing concrete or masonry having a foundation-like appearance.
6. **Minimum Width.** The minimum width of a dwelling shall be twenty (20) feet.
7. **Wheels and Axles.** All tow bars, wheels and axles shall be removed when the dwelling is installed on a residential lot.

## **L. Solar Energy Systems as Accessory Uses**

1. Building-Mounted Solar Energy Systems are allowed as an accessory use on the following conditions:
  - a. No portion of a panel used to collect solar energy may extend beyond the roof surface or the wall surface to which it is attached.
  - b. The solar energy system shall comply with the maximum height requirements of the zoning district in which the building is located.

- c. The panels of the solar energy system that are mounted on a pitched roof may be either fixed or movable and may be placed at an angle to optimize efficiency of the system.
- d. The solar energy system may be mounted on the façade of a commercial building provided the installation does not project more than four feet from the face of the wall.
- e. All solar panels shall be certified by one of the following: Underwriters Laboratories, Inc.; National Renewable Energy Laboratory; Solar Rating and Certification Corporation; or other recognized body as approved by the Town Board.
- f. If the Town determines that more than fifty percent of the panels (measured by total area) have not been operational for a continuous period of twelve months, the solar panels shall be removed.

2. Free-Standing Solar Energy Systems are allowed as an accessory use on the following conditions:

- a. The surface area of the solar energy system shall not exceed 150 square feet when located in any residential district. There is no maximum surface area in all other districts. The surface area of the solar energy system shall not be included when determining the total accessory structure area allowed on the lot.
- b. There shall be no more than one Free-Standing Solar Energy system when located in any residential district. There is no maximum number in all other districts.
- c. The solar energy system shall meet the maximum height restriction for an accessory structure for the zoning district in which it is located.
- d. The solar energy system shall meet all setback requirements for an accessory structure for the district in which it is located.
- e. All solar panels shall be certified by one of the following: Underwriters Laboratories, Inc.; National Renewable Energy Laboratory; Solar Rating and Certification Corporation; or other recognized body as approved by the Town Board.
- f. If the Town determines that more than fifty percent of the panels (measured by total area) have not been operational for a continuous period of twelve months, the solar panels shall be removed.

#### **M. Certified Survey Maps.**

All certified survey maps submitted to the Town will be reviewed for compliance with the standards contained within this zoning ordinance prior to approval by the town.

## **Section V. Establishment of Zones**

### **A. Zone District**

For the purpose of this ordinance, the Town of Green Bay, Brown County, Wisconsin is hereby divided into the following zoning districts:

R-R Rural Residential  
R-2 Residential  
E-R Estate Residential  
M-1 Multi-Family  
A-1 Exclusive Agriculture  
A-2 General Agriculture  
B-1 Community Business District  
L-1 Light Industrial  
I-1 General Industrial District  
P-R Planned Residential Development

### **B. Zoning Map**

The location and boundaries of the districts established by this ordinance are set forth on the Zoning map, entitled "Zoning District Map for the Town of Green Bay, Brown County, Wisconsin, which are incorporated herein and hereby made a part of this ordinance. The said map, together with everything shownthereon and all amendments thereto, shall be as much a part of this ordinance as though fully set forth and described herein.

### **C. Zone Boundaries**

The following rules shall apply with respect to the boundaries of the various districts as shown on the Zoning District Map.

1. District boundary lines are the centerlines of highways, streets, alleys, and pavements; or right-of-way lines of railroads, toll roads, and expressways; or section, division of section, tract, and lot lines; or such lines extended, unless otherwise indicated.
2. In areas not subdivided into lots and blocks; wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the center line of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section, or division lines, or centerlines of streets and highways, or railroad rights-of-way, unless otherwise indicated.
3. Where a district boundary line divides a lot in single ownership on the effective date of this ordinance, the Board of Adjustment, after due hearing, may extend the regulations for either portion of such lot.

#### **D. Exempted Uses**

The following uses are exempted by this ordinance and permitted in any zone district: poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar distributing equipment for telephone or other communications; and electric power, gas, water and sewer lines, provided that the installation shall conform to the Federal Communication Commission and Federal Aviation Agency rules and regulations, and other authorities having jurisdiction. However, radio and television transmission and booster towers are subject to the regulations prescribed for such uses in the Rural Residential and Estate Residential Districts.

#### **E. Restricted Uses**

Sanitary landfills and solid waste disposal sites are not permitted in any zone in the Town of Green Bay including, but not restricted to: RR, ER, M-1, A-1, A-2, B-1, I-1, and P-R Zones.

## **Section VI. R-R Rural Residential**

The following regulations shall apply to R-R Districts:

### **A. Permitted Uses**

1. Agriculture, dairying, floriculture, forestry, greenhouses, horticulture, nurseries, orchards.
  - a. 1 ½ Acres per animal unit with a minimum of 3 Acres required.
2. Parks, recreational sites.
3. Single-family dwellings.
4. Transmission lines, substations, telephone and telegraph lines, public utility installation.
5. Satellite dish antennas less than twelve (12) feet in diameter.

### **B. Permitted Accessory Uses**

1. Additional structures necessary for the continuation of the farming operation.
2. Private carports and driveways.
3. Detached private garages less than twelve hundred (1,200) square feet in size.
4. Home occupation.
5. Tool houses, sheds and other similar buildings used for the storage of common supplies.
6. Conservatories and greenhouses for plants, provided such activity is not used for wholesale or retail trade beyond the limitations of a home occupation.

### **C. Conditional Uses**

1. Colleges, universities, schools (elementary, junior high, and senior high), hospitals, sanitariums, churches, and other religious institutions.
2. Micro-wave relay towers and Amateur Radio Towers and Commercial Telecommunication Towers.
3. Private garages greater than twelve hundred (1,200) square feet in size.

4. Artificial Lakes and Pond.
5. Granny Flats.
6. Bed and Breakfast Establishments. When issuing a Conditional Use Permit for a "Bed and Breakfast Establishment," the State of Wisconsin standards set forth in "Chapter ATCP 73 Bed and Breakfast Establishments" shall be utilized as a guide, in addition to the Town of Green Bay's standards and regulations.

#### **D. Lot Requirement Without Public Sewer**

1. Area - 40,000 square feet.
2. Zoning lot frontage - 100 feet minimum.
  - a. Such minimum lot frontage may be measured at the building setback line if said lot is located on the outer radius of a curved street or a cul-de-sac. In no case shall the lot frontage measured at the right-of-way line of a cul-de-sac or curved street be less than seventy-five (75) feet.

#### **E. Lot Requirement With Public Sewer**

1. Area - 10,000 square feet.
2. Zoning lot frontage - 75 feet minimum.
  - a. Such minimum lot frontage may be measured at the building setback line if said lot is located on the outer radius of a street such as a cul-de-sac. In no case shall lot frontage measured at the right-of-way line of a cul-de-sac or curved street be less than sixty (60) feet.

#### **F. Height Regulations**

1. Farm structures - sixty (60) feet maximum.<sup>1</sup>
2. Principal Residential dwellings - thirty-five (35) feet maximum.<sup>2</sup>
3. Accessory residential uses - twenty-five (25) feet or height of principal structure whichever is smaller.

#### **G. Building Setbacks**

1. Front yard, corner side yard, and rear yard, when it abuts on a street, shall have a setback in accordance with those prescribed in the Brown County Highway Setback Ordinance. However, in no case, shall it be less than twenty-five (25) feet.
2. Side yard and rear yard, when not abutting a street, shall have a minimum setback of ten (10) feet.

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<sup>1</sup> Except as provided by Section IV, Subsection E, Height Regulations

<sup>2</sup> Except as provided by Section IV, Subsection E, Height Regulations

- a. Exceptions: Existing lots of record with street frontage of sixty (60) feet or less in width may have a minimum side yard setback of five (5) feet.

#### **H. Building Size**

Minimum size of a residential dwelling shall be eight hundred fifty (850) square feet.<sup>3</sup>

#### **I. Accessory Building**

Accessory uses shall conform to district requirements and those set forth in Section IV, Subsection C, Building and Uses.

#### **J. Parking**

Parking shall conform to the requirements as set forth in Section XVIII, Off-Street Parking Requirements.

#### **K. Signs**

Signs shall be regulated as set forth in Section XVII, Sign Regulations.

#### **L. Other Requirements**

1. All future residential dwellings connected with a farming operation shall be located on a separate lot containing a minimum of forty thousand (40,000) square feet and one hundred (100) feet of lot frontage.
2. Other structures or buildings allowed within the R-R District shall meet the requirements of the district and remaining sections of the Zoning Ordinance as determined by the Town Zoning Administrator.

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<sup>3</sup> Except as provided in Section IV, Subsection E, Height Regulations  
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## **Section VII. R-2 Residential**

The following regulations shall apply to R-2 Districts:

### **A. Permitted Uses**

1. Parks, recreational sites.
2. Single-family dwellings.
3. Two-family dwellings.
4. Transmission lines, substations, telephone and telegraph lines, public utility installation.
5. Satellite dish antennas less than twelve (12) feet in diameter.

### **B. Permitted Accessory Uses**

1. Private carports and driveways.
2. Detached private garages less than twelve hundred (1,200) square feet in size.
3. Home occupations.
4. Tool houses, sheds, and other similar buildings used for the storage of common supplies.
5. Conservatories and greenhouses for plants, provided such activity is not used for wholesale or retail trade beyond the limitations of a home occupation.

### **C. Conditional Uses**

1. Colleges, universities, schools (elementary, junior high, and senior high), hospitals, sanitariums, churches, and other religious institutions.
2. Micro-wave relay towers and Amateur Radio Towers and Commercial Telecommunication Towers.
3. Private garages greater than twelve hundred (1,200) square feet in size.
4. Artificial Lakes and Ponds
5. Granny Flats.
6. Bed and Breakfast Establishments. When issuing a Conditional Use Permit for a "Bed and Breakfast Establishment," the State of Wisconsin standards set forth in "Chapter ATCP 73 Bed and Breakfast Establishments" shall be utilized as a guide, in addition to the Town of Green Bay's standards and regulations.

## **D. Lot Requirements With Public Sewer**

1. Lot Area - Twelve thousand (12,000) square feet minimum.
2. Zoning Lot Frontage - Ninety (90) feet minimum.
  - a. Such minimum lot frontage may be measured at the building setback line if said lot is located on the outer radius of a street such as a cul-de-sac. In no case shall lot frontage measured at the right-of-way line of a cul-de-sac or curved street be less than sixty (60) feet.

## **E. Lot Requirements Without Public Sewer**

1. Area - Forty thousand (40,000) square feet minimum.
2. Zoning Lot Frontage - One hundred (100) feet minimum.
  - a. Such minimum lot frontage may be measured at the building setback line if said lot is located on the outer radius of a curved street or a cul-de-sac. In no case shall the lot frontage measured at the right-of-way line of a cul-de-sac or curved street be less than seventy-five (75) feet.

## **F. Height Regulations**

1. Principle Residential dwellings - thirty-five (35) feet maximum<sup>4</sup>.
2. Accessory Residential uses - twenty-five (25) feet or height of principle structure, whichever is smaller.

## **G. Building Setbacks**

1. Front yard, corner side yard, and rear yard, when it abuts on a street, shall have a setback in accordance with those prescribed in the Brown County Highway Setback Ordinance. However, in no case shall it be less than twenty-five (25) feet.
2. Side yard and rear yard, when not abutting on a street, shall have a minimum setback of ten (10) feet.

## **H. Building Size**

Minimum size of a residential dwelling shall be eight hundred fifty (850) square feet.

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<sup>4</sup> Except as provided in Section IV, Subsection E, Height Regulations  
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## **I. Accessory Building**

Accessory uses shall conform to district requirements and those set forth in Section IV, Subsection C, Building and Uses.

## **J. Parking**

Parking shall conform to the requirements as set forth in Section XVIII, Off-Street Parking Requirements.

## **K. Signs**

Signs shall be regulated as set forth in Section XVII, Sign Regulations.

## **Section VIII. E-R Estate Residential**

The following regulations shall apply in E-R Districts.

### **A. Permitted Uses**

1. Agriculture, dairying, floriculture, forestry, general farming, grazing, greenhouses, horticulture, livestock raising, nurseries, orchards, pasturage, poultry raising, riding academies and stables, truck farming, and wildlife sanctuaries.
  - a. 1 ½ Acres per animal unit with a minimum of 3 Acres required.
2. Agricultural warehouses.
3. Parks, recreational sites and golf courses.
4. Single-family dwellings.
5. Transmission lines, substations, telephone and telegraph lines, public utility installation.

### **B. Permitted Accessory Uses**

1. Roadside stands, provided the structure does not cover more than three hundred (300) square feet in ground area and does not exceed ten (10) feet in height.
2. Additional structures necessary for the continuance of the farming operation.
3. Private garages, carports, and driveways.
4. Home occupations.
5. Tool houses, sheds and other similar buildings used for the storage of common supplies.
6. Conservatories and greenhouses for plants, provided such activity is not used for wholesale or retail trade beyond the limitations of a home occupation.
7. Satellite dish antennas, less than twelve (12) feet in diameter.

### **C. Conditional Use**

1. Airfields, airports, and heliports.
2. Colleges, universities, schools, (elementary, junior high and senior high), hospitals, sanitariums, churches, and other religious institutions.
3. Cemeteries. All burials in the Town of Green Bay must be done in an established cemetery.
4. Commercial feedlots and stock farms.
5. Town sanitary landfills and town solid waste disposal sites.
6. Micro-wave relay towers and Amateur Radio Towers and Commercial Telecommunication Towers.
7. Cable television installation.
8. Artificial lakes and Ponds.
9. Earth excavations.
10. Granny Flats.
11. Bed and Breakfast Establishments. When issuing a Conditional Use Permit for a "Bed and Breakfast Establishment," the State of Wisconsin standards set forth in "Chapter ATCP 73 Bed and Breakfast Establishments" shall be utilized as a guide, in addition to the Town of Green Bay's standards and regulations.

### **D. Lot Requirement Without Public Sewer**

1. Area - forty thousand (40,000) square feet minimum.
2. Zoning lot frontage - one hundred (100) feet minimum.
  - a. Such minimum lot frontage may be measured at the building setback line if said lot is located on the outer radius of a curved street or a cul-de-sac.  
In no case shall the lot frontage measured at the right-of-way line of a cul-de-sac or curved street be less than seventy-five (75) feet.

### **E. Lot Requirement With Public Sewer**

1. Area - ten thousand (10,000) square feet.
2. Zoning lot frontage - seventy-five (75) feet minimum.
  - a. Such minimum lot frontage may be measured at the building setback line if said lot is located on the outer radius of a street such as a cul-de-sac. In no case shall lot frontage measured at the right-of-way line of a cul-de-sac or curved street be less than sixty (60) feet.

## **F. Height Regulations**

1. Farm structures - Sixty (60) feet maximum.<sup>5</sup>
2. Residential dwelling - Thirty-five (35) feet maximum.<sup>6</sup>

## **G. Building Setbacks**

1. Front yard, corner side yard, and rear yard, when it abuts on a street, shall have a setback in accordance with those prescribed in the Brown County Highway Setback Ordinance. However, in no case shall it be less than twenty-five (25) feet.
2. Side yard and rear yard, when not abutting a street, shall have a minimum setback of ten (10) feet.

## **H. Building Size**

Minimum size of a residential dwelling shall be eight hundred fifty (850) square feet ground floor area.

## **I. Accessory Building**

Accessory uses shall conform to district requirements and those set forth in Section IV, Subsection C, Building Uses.

## **J. Parking**

Parking shall conform to district requirements and those set forth in Section XVIII, Off-Street Parking Requirements.

## **K. Signs**

Signs shall be regulated as set forth in Section XVII, Sign Regulations.

## **L. Other Requirements**

1. All future residential dwellings connected with a farming operation shall be located on a separate lot containing a minimum of forty thousand (40,000) square feet and one hundred (100) feet of lot frontage.
2. Other structures or buildings allowed within the E-R District shall meet the requirements of the district and remaining sections of the zoning ordinance as determined by the Town Zoning Administrator.

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<sup>5</sup> Except as provided by Section IV, Subsection E, Height Regulations

<sup>6</sup> Except as provided by Section IV, Subsection E, Height Regulations

## **Section IX. Multi-Family District**

### **A. Permitted Uses**

1. Any use permitted in the R-2 Residential District.
2. Apartment houses.
3. Boarding or lodging houses.
4. Day care centers.
5. Nursery schools.

### **B. Permitted Accessory Uses**

1. Accessory buildings and uses customarily incidental to any of the above structures when located on the same lot and not involving the conduct of a retail business.
2. Additional structures necessary for the continuance of the farming operation.
3. Private garages, carports, and driveways.
4. Home occupations.
5. Toolhouses, sheds and other similar buildings used for the storage of common supplies.
6. Conservatories and greenhouses for plants, provided such activity is not used for wholesale or retail trade beyond the limitations of a home occupation.
7. Satellite dishes less than twelve (12) feet in diameter.

### **C. Conditional Use**

1. Colleges, universities, schools (elementary, junior high and senior high), hospitals, sanitariums, churches, and other religious institutions.
2. Community based residential facility.
3. Manufactured home parks.
4. Artificial Lakes and Ponds.
5. Micro-wave relay towers and Amateur Radio Towers and Commercial Telecommunication Towers.
6. Granny Flats.

7. Bed and Breakfast Establishments. When issuing a Conditional Use Permit for a "Bed and Breakfast Establishment," the State of Wisconsin standards set forth in "Chapter ATCP 73 Bed and Breakfast Establishments" shall be utilized as a guide, in addition to the Town of Green Bay's standards and regulations.

## **D. Lot Requirement**

1. Area - forty thousand (40,000) square feet minimum.
2. Zoning lot frontage - one hundred (100) feet minimum.

## **E. Height Regulations**

1. Residential dwellings - thirty-five (35) feet maximum.<sup>7</sup>

## **F. Building Setbacks**

1. Front yard, corner side yard, and rear yard, when it abuts on a street, shall have a setback in accordance with those prescribed in the Brown County Highway Setback Ordinance. However, in no case shall it be less than twenty-five (25) feet.
2. Side yard shall have a minimum setback of ten (10) feet.
3. The rear yard, when not abutting on a street, shall have a minimum setback of twenty (20) feet for the principle structure and ten (10) feet for the accessory building.

## **G. Building Size**

1. Minimum size of a residential dwelling shall be eight hundred fifty (850) square feet ground floor area.
2. The total area above grade occupied by the building, accessory buildings, and car stalls or parking places shall not exceed fifty (50) percent of the total area of the lot on which they are located.

## **H. Accessory Building**

Accessory uses shall conform to district requirements and those set forth in Section IV, Subsection C, Building Uses.

## **I. Parking**

Parking shall conform to the requirements as set forth in Section XVIII, Off-Street Parking Requirements.

## **J. Signs**

Signs shall be regulated as set forth in Section XVII, Sign Regulations.

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<sup>7</sup> Except as provided by Section IV, Subsection E, Height Regulations  
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## **Section X. A-1 Exclusive Agriculture**

The purpose of this District is to maintain highly productive agricultural lands in food and fiber production by effectively limiting encroachment of non-agricultural development, minimizing land use conflicts among incompatible uses, and minimizing public service and facility costs normally associated with non-agricultural development. The District is intended to comply with the standards contained in Chapter 91 of the Wisconsin Statutes to permit eligible landowners to receive tax credits and includes lands identified for agricultural preservation in the Brown County Farmland Preservation Plan.

### **A. Permitted Uses**

1. Agricultural Uses: Any of the following activities conducted for the purpose of producing an income or livelihood:
  - a. Crop or forage production, including vineyards.
  - b. Keeping livestock.
  - c. Beekeeping.
  - d. Nursery, sod, or Christmas tree productions.
  - e. Floriculture.
  - f. Aquaculture.
  - g. Fur farming.
  - h. Forest management.
  - i. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
  - j. Any other use that DATCP, by rule, identifies as an agricultural use.
2. Accessory Uses:
  - a. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use, including, but not limited to:
  - b. A facility used to store or process raw agricultural commodities, all of which are produced on the farm.
  - c. A facility used to keep livestock on the farm.
  - d. A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.

- e. A facility used to store or process inputs primarily for agricultural uses on the farm.
- f. A manure digester, bio-fuel facility or other facility that produces energy primarily from materials grown or produced on the farm, primarily for use on the farm.
- g. A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.
- h. An activity or business operation that is an integral part of, or is incidental to, an agricultural use.
- i. One farm resident per lot.
- j. A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of the farm, that requires no buildings, structures, or improvements other than those described in subsections (1) and (3), that employs no more than four full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.
- k. Any other use DATCP, by rule, identifies as an accessory use.

- 3. Undeveloped natural resource and open space areas.
- 4. A transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.
- 5. Residences, regardless of occupancy, existing as of January 1, 2014.
- 6. Other uses identified by DATCP rule.

## **B. Conditional Uses**

- 1. Agricultural-related uses:
  - a. An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products or facility for processing agricultural wastes.
  - b. Any other use that DATCP, by rule, identifies as an agricultural-related use.
- 2. Transportation, communication, pipeline, electric transmission, utility, or drainage uses, if all of the following apply:
  - a. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
  - b. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

- c. The use is reasonably designed to minimize conversion of land at and around the site of the use, from agricultural use or open space use.
- d. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- e. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

3. Governmental, institutional, religious, or nonprofit community uses, if all of the following apply:

- 1. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
- 2. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
- 3. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
- 4. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- 5. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

4. Nonmetallic mineral extraction if all of the following apply:

- a. The operation complies with Subchapter 1 of Chapter 295, Wisconsin Statutes, and rules promulgated under that Subchapter, with applicable provisions of local ordinances under Wis. Stat. § 295.13 or Wis. Stat. § 295.14, and with any applicable requirements of the Department of Transportation concerning the restoration of nonmetallic sites.
- b. The operation and its location in the district are consistent with the purposes of the farmland preservation zoning district.
- c. The operation and its location in the district are reasonable and appropriate, considering alternative locations outside of the district, or are specifically approved under state or federal law.
- d. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
- e. The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

- f. The owner agrees to restore the land to agricultural use, consistent with any required reclamation plan, when extraction is completed.
5. Oil and gas exploration or production that is licensed by the Department of Natural Resources under Subchapter 11 of Chapter 295, Wisconsin Statutes.

### **C. Lot Requirements**

1. Zoning lot frontage - one hundred (100) feet minimum.

### **D. Height Regulations**

1. Farm structures - sixty (60) feet maximum  
(except as provided by Section IV, Subsection E, Height Regulations).
2. Residential dwellings - thirty-five (35) feet maximum  
(except as provided by Section IV, Subsection E, Height Regulations).

### **E. Building Setbacks**

1. Front yard, corner side yard, and rear yard, when it abuts on a street, shall have a setback in accordance with those prescribed in the Brown County Highway Setback Ordinance. However, in no case shall it be less than twenty-five (25) feet.
2. Side yard and rear yard, when not abutting a street, shall have a minimum setback of ten (10) feet.

### **F. Building Size**

Minimum size of a residential dwelling shall be eight hundred fifty (850) square feet.

### **G. Accessory Building**

Accessory uses shall conform to district requirements and those set forth in Section IV, Subsection C, Building Uses.

### **H. Parking**

Parking shall conform to the requirements as set forth in Section XVIII, Off-Street Parking Requirements.

### **I. Signs**

Signs shall be regulated as set forth in Section XVII, Sign Regulations.

## **J. Other Provisions and Requirements**

1. Other structures or buildings allowed within the Agriculture District shall meet the requirements of the district and remaining articles of the zoning Ordinance as determined by the Town Zoning Administrator.
2. Preexisting residences or buildings located in areas subject to zoning under this section which do not conform to the regulations of this section may continue their preexisting use and are exempted from any limitations imposed or authorized under Wisconsin State Statutes s. 60.61(1), as required by s. 92.43(3) for prior nonconforming uses.
3. Re-zoning land out of a Farmland Preservation Zoning District:
  - a. The Town may not rezone land out of a certified farmland preservation zoning district unless the Town finds all of the following in writing, after a public hearing, as part of the official record of the rezoning, before granting the rezone:
    - (1) The rezoned land is better suited for a use not allowed in the farm-land preservation zoning district.
    - (2) The rezoning is consistent with the comprehensive plan, adopted by the Town, which is in effect at the time of the rezoning.
    - (3) The rezoning is substantially consistent with the Brown County Farmland Preservation Plan, certified under ch. 91, Wis. Stats, which is in effect at the time of the rezoning.
    - (4) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
  - b. Subsection (1) does not apply to any of the following:
    - (1) A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under ch. 91, Wis. Stats.
    - (2) A rezoning that makes the farmland preservation zoning ordinance map more consistent with the Brown County Farmland Preservation Plan Map, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
    - (3) By March 1 of each year, the Town shall provide to the Wisconsin Department of Agriculture, Trade, and Consumer Protection and Brown County a report of the number of acres that the Town has rezoned out of the A-1 Exclusive Agriculture zoning district under sub. (1) during the previous year and a map that clearly shows the location of those acres.
    - (4) If the Town fails to comply with sub. (2), the Wisconsin Department of Agriculture, Trade, and Consumer Protection may withdraw the certification granted under s. 91.06, 2007 stats., or under s. 91.36 for the Town's farm-land preservation zoning ordinance.

## **Section XI. A-2 General Agriculture**

The following regulations shall apply in A-2 Districts.

### **A. Permitted Uses**

1. Agriculture, dairying, floriculture, forestry, general farming, grazing, green houses, hatcheries, horticulture, livestock raising, nurseries, orchards, pad docks, pasturage, poultry raising, truck farming, game farms, wildlife sanctuaries, and game preserves.
2. Commercial feedlots and stock farms.
3. Single-family dwellings.
4. Farm ponds.
5. Transmission lines, substations, telephone and telegraph lines, public utility installation, radio and television stations and towers, public streets, street rights-of-way, and street improvements.
6. Riding academies and stables, which do not conflict with agricultural use and/ or are found necessary in light of alternative locations available for such uses.
7. Beekeeping, provided the hives are located minimum of 300 feet from any property line.

### **B. Permitted Accessory Uses**

1. Roadside stands, provided the structure does not cover more than three hundred (300) square feet in ground area and does not exceed ten (10) feet in height.
2. Additional structures necessary for the continuance of the farming operation.
3. Home occupations.
4. Private garages, carports, and driveways.
5. Satellite dish antennas.
6. Toolhouses, sheds, and other similar buildings used for the storage of common supplies.

### **C. Conditional Use**

1. Artificial lakes.
2. Colleges, universities, schools (elementary, junior high, and senior high), hospitals, sanitariums, churches, and other religious institutions, provided that they are religious, institutional or governmental uses which do not conflict with agricultural use.
3. Airfields, airports, and heliports, provided that they are public uses.
4. Cemeteries, if religious or institutional.
5. Microwave relay towers and Amateur Radio Towers and Commercial Telecommunication Towers.
6. Cable television installation.
7. Agricultural warehouses, which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses, or which are incidental to the farm operation.
8. Parks, recreational sites and golf courses, if they are public (governmental) facilities.
9. Railroad right-of-way, not including switching, storage, freight yards, or siding, which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses.
10. Earth excavations, which are public (governmental) or facilities incidental to the farm operation.
11. Granny Flats.

## **D. Lot Requirements**

1. Zoning lot frontage – one hundred (100) feet minimum.
  - a. Exception: Farm operator, parents and children of the farm operator may locate a single-family dwelling on a separate lot containing a minimum of forty thousand (40,000) square feet with one hundred feet minimum frontage.

## **E. Height Regulations**

1. Farm structures - sixty (60) feet maximum. Except as provided by Section IV, Subsection E, Height Regulations.
2. Residential dwellings - thirty-five (35) feet maximum.<sup>8</sup>

## **F. Building Setbacks**

1. Front yard, corner side yard, and rear yard, when it abuts on a street, shall have a setback in accordance with those prescribed in the Brown County Highway Setback Ordinance. However, in no case shall it be less than twenty- five (25) feet.
2. Side yard and rear yard, when not abutting a street, shall have a minimum setback of ten (10) feet.

## **G. Building Size**

Minimum size of a residential dwelling shall be eight hundred fifty (850) square feet.

## **H. Accessory Building**

Accessory uses shall conform to district requirements and those set forth in Section IV, Subsection C, Building Uses.

## **I. Parking**

Parking shall conform to the requirements as set forth in Section XVIII, Off-Street Parking Requirements.

## **J. Signs**

Signs shall be regulated as set forth in Section XVII, Sign Regulations.

## **K. Other Provisions and Requirements**

1. Farm dwellings and related structures which remain after farm consolidation may be separated from the farm parcel on a lot containing a minimum of forty thousand (40,000) square feet and one hundred (100) feet of lot frontage.
2. Other structures or buildings allowed within the Agriculture District shall meet the requirements of the district and remaining articles of the zoning Ordinance as determined by the Town Zoning Administrator.

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<sup>8</sup> Except as provided by Section IV, Subsection E, Height Regulations  
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3. Preexisting residences or buildings located in areas subject to zoning under this section which do not conform to the regulations of this section may continue their preexisting use and are exempted from any limitations imposed or authorized under Section 59.97(10) of the Wisconsin State Statutes and Section IV, C 12 of this ordinance.

## **Section XII. B-1 Community Business District**

The Community Business District is intended to serve the retail and service needs of nearby residential areas with a wide range of products and services for both daily and occasional shopping. The following regulations shall apply in the B-1 Districts.

### **A. Permitted Uses**

Uses permitted in the B-1 District are subject to the following conditions:

1. Dwelling units and rooming units are not permitted below the second floor, except as the residence of the owner or operator of a business on the premises.
2. Establishments of the "drive-in" type offering goods or services directly to customers waiting in parked motor vehicles are allowed only by conditional use permit.
3. The unenclosed parking of trucks as an accessory use, when used in the conduct of a permitted business listed hereafter in this section shall be limited to vehicles of not over one and one-half (1-1/2) tons capacity when located within seventy-five (75) feet of a Residence District boundary line.

The following uses are permitted in the B-1 District:

1. Antique shops.
2. Art and school supply stores.
3. Art shops or galleries, but not including auction rooms.
4. Automobile accessory stores.
5. Bakeries - room or rooms, containing the baking process shall not exceed a total of five thousand (5,000) square feet in area.
6. Banks and financial institutions.
7. Barber shops.
8. Beauty parlors.
9. Bicycle sales, rental, and repair stores.
10. Blueprinting and photostating.
11. Boat showrooms and sales.

12. Book and stationary stores.
13. Business machine sales and service.
14. Camera and photographic supply stores.
15. Candy and ice cream stores.
16. Carpet and rug stores, retail sales only.
17. Catering establishments.
18. Child day care centers.
19. China and glassware stores.
20. Clothing and costume rental stores.
21. Clubs and lodges, nonprofit and fraternal.
22. Coin and stamp stores.
23. Computer and data processing services.
24. Custom dressmaking.
25. Department stores.
26. Drug stores.
27. Dry cleaning establishments, not engaged in wholesale processing.
28. Dry goods stores.
29. Eating and drinking places, excluding drive-ins and establishments primarily engaged in carry-out services.
30. Electrical and household appliance stores, including radio and television sales.
31. Electrical showrooms and shops.
32. Employment agencies.
33. Florist shops.
34. Food stores, grocery stores, meat markets, bakeries and delicatessens.
35. Frozen food stores, including locker rental in conjunction therewith.

36. Furniture stores, including upholstering when conducted as part of the retail operations and secondary to the principal use.
37. Furrier shops, including the incidental storage and conditioning of furs.
38. Garden supply, tool, and seed stores.
39. Gift shops.
40. Hardware stores.
41. Hobby shops, for retail of items to be assembled or used away from the premises.
42. Household appliances, office equipment and other small machine sales and service.
43. Interior decorating shops, including upholstering and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and secondary to the principal use.
44. Insurance agencies.
45. Jewelry stores, including watch and clock repair.
46. Laboratories, medical and dental.
47. Laboratories, medical and dental, research and testing.
48. Launderettes, automatic, self-service only, or hand laundries employing not more than two (2) persons in addition to one (1) owner or manager.
49. Leather goods and luggage stores.
50. Libraries.
51. Liquor stores, packaged goods.
52. Locksmith shops.
53. Medical and dental clinics.
54. Meeting halls.
55. Millinery shops.
56. Miscellaneous personal services.

57. Miscellaneous repair shops.
58. Miscellaneous shopping goods stores.
59. Motor vehicle and automotive parts and supplies.
60. Musical instrument sales and repair.
61. Newspaper distribution agencies for home delivery and retail trade.
62. Nurseries, lawn and garden supply stores.
63. Nursing and personal care facilities.
64. Office machine sales and servicing.
65. Offices, business, professional and governmental.
66. Office supply stores.
67. Optician sales, retail.
68. Orthopedic and medical appliance stores.
69. Paint and wallpaper stores.
70. Pet shops.
71. Phonograph record and sheet music stores.
72. Photography studios, including the development of film and pictures, when conducted as part of the retail business on the premises.
73. Picture framing, when conducted for retail trade on the premises only.
74. Plumbing showrooms and shops.
75. Post offices.
76. Publishing and printing.
77. Radio and television sales, servicing, and repair shops.
78. Radio and television stations and studios.
79. Real estate offices.
80. Recording studios.
81. Residential care group homes.
82. Restaurants - including the serving of alcoholic beverages.

83. Schools - dance, music, and business.
84. Security brokers.
85. Sewing machine sales and service - household appliances only.
86. Shoe, clothing, and hat repair stores.
87. Shoe stores.
88. Sporting goods stores.
89. Tailor shops.
90. Taverns.
91. Taxidermists.
92. Telegraph offices.
93. Telephone booths and coin telephones.
94. Ticket agencies, amusement.
95. Tobacco shops.
96. Toy shops.
97. Travel bureaus and transportation ticket offices.
98. Undertaking establishments and funeral parlors.
99. Used merchandise stores.
100. Variety stores.
101. Wearing apparel shops and accessories.
102. Accessory uses, incidental to, and on the same zoning lot as the principal use.

## **B. Conditional Uses**

The following conditional uses may be allowed in the B-1 District, subject to the provisions of Section XXII, Subsection J:

1. Amusement establishments - archery ranges, bowling alleys, shooting galleries, game rooms, swimming pools, skating rinks, and other similar amusement facilities.
2. Animal hospitals, veterinary services, and kennels.
3. Auction rooms.
4. Automotive repair shops.
5. Automotive rental and leasing.
6. Automotive services.
7. Building material products sales.
8. Car wash.
9. Dry cleaning establishments employing more than four (4) persons.
10. Dwelling units and rooming units, above the ground level.
11. Eating and drinking establishments primarily engaged in drive-in and carryout service.
12. Farm machinery and equipment sales.
13. Greenhouses, commercial.
14. Hotels, motels.
15. Mail order houses.
16. Manufactured home sales.
17. Motor vehicle sales.
18. Off-premises signs are not allowed.
19. Parking garages or structures, other than accessory, for the storage of private passenger automobiles only.
20. Parking lots, open and other than accessory.
21. Recreational and utility trailer dealers.
22. Schools, commercial and trade.
23. Wood cabinetmaking.

24. Stands.
25. Storage facilities.

## **C. Lot Requirements**

With public sewer:

1. Area - ten thousand (10,000) square feet minimum.
2. Zoning lot frontage - seventy-five (75) feet minimum.

Without public sewer:

1. Area - forty thousand (40,000) square feet minimum.
2. Zoning lot frontage - one hundred (100) feet minimum.

## **D. Height Regulations**

All structures - thirty-five (35) feet maximum, except as provided by Section IV, Subsection E, Heights Regulations.

## **E. Building Setbacks**

1. Front yard, corner side yard, and rear yard, when it abuts on a street, shall have a setback in accordance with those prescribed in the Brown County Highway Setback Ordinance. However, in no case shall it be less than twenty-five (25) feet.
2. Side yard shall have a minimum setback of ten (10) feet.
3. Rear yard, when not abutting a street, shall have a minimum setback of fifteen (15) feet.

## **F. Accessory Building**

All accessory buildings hereinafter constructed in the B-1 District shall meet the district requirements and those identified in Section IV, Subsection C, Building Uses.

## **G. Parking**

Parking shall conform to the requirements as set forth in Section XVIII, Off-Street Parking Requirements.

## **H. Signs**

Signs shall be regulated as set forth in Section XVII, Sign Regulations.

## **I. Other Requirements**

Additional structures and buildings allowed in the B-1 Community Business District shall meet the regulations of this district and other sections of the Zoning Ordinance as determined by the Town Zoning Administrator.

## **Section XIII. LI-Light Industrial District**

The LI - Light Industrial District - is designed to accommodate those industrial and business activities which, by their character, should not pose a threat to the environment from potential accidents, spillage, or normal business operational practices. The lands located within this zoning classification are fragile in nature, and need more protection than most locations in the Town.

### **A. Permitted Uses**

Uses allowed in the LI District are subject to the following conditions:

1. All storage within three hundred (300) feet of a R-R Residence District - except motor vehicles in operable condition - shall be within completely enclosed buildings or effectively screened by shrubbery or a solid wall or fence (including solid entrance and exit gates) not less than six (6) feet nor more than eight (8) feet in height.
2. The unenclosed parking of trucks as an accessory use, when used in the conduct of a permitted business listed hereafter in this section, shall be limited to vehicles of not over one and one half (1-1/2) tons capacity when located within seventy-five (75) feet of a Residence District boundary line.
3. The Town may require site renovations and design requirements to ensure adequate environmental protection.

The following uses are permitted in the LI District:

1. Any use allowed in the B-1 Community Business Zone except permitted uses 10, 11, 27, 28, 38, 48, 57, 59, 62, 69, 70, 74, 76, 91, and conditional uses 2, 4, 6, 8, 9, 12, 13, 17, 19, and 20. These uses may be allowed as conditional uses after determination by the Town Plan Commission under Section XIII, B.1.
2. Building materials sales and storage.
3. Offices.
4. Utility Substations.
5. Warehousing.
6. Woodworking and wood products storage.

### **B. Conditional Uses**

The following conditional uses may be allowed in the LI District:

1. Other uses to be determined by the Town Plan Commission to be similar in nature to the permitted uses listed above and deemed to have no potential for environmental hazard.

## **C. Lot Requirements**

With public sewer:

1. Area - fifteen thousand (15,000) square feet minimum.
2. Zoning lot frontage - one hundred (100) feet minimum.

Without sewer:

1. Area - forty thousand (40,000) square feet minimum.
2. Zoning lot frontage - one hundred (100) feet minimum.

## **D. Height Regulations**

Principal structures - sixty (60) feet maximum, except as provided by Section IV, Subsection E, Height Regulations.

## **E. Building Setbacks**

1. Front yard, corner side yard, and rear yard, when it abuts on a street, shall have a setback in accordance with those prescribed in the Brown County Highway Setback Ordinance. However, in no case shall it be less than twenty-five (25) feet.
2. Side yard shall have a minimum setback of ten (10) feet.
3. Rear yard, when not abutting on a street shall have a minimum setback of twenty (20) feet.
4. Where a side or rear lot line in an LI District coincides with a side or rear lot line in an adjacent Residence District, a yard shall be provided along such side or rear lot line not less than thirty (30) feet in depth and shall contain landscaping and planting suitable to provide an effective screen.

## **F. Accessory Buildings**

All accessory buildings hereinafter constructed in the LI District shall meet the district requirements and those identified in Section IV, Subsection C. Building and Uses.

## **G. Parking**

Parking shall conform to requirements as set forth in Section XVIII, Off-Street Parking Requirements.

## **H. Signs**

Signs shall be regulated as set forth in Section XVII, Regulation of Signs.

## **I. Other Requirements**

1. The Town may add other conditions to rezoning request to insure adequate environmental safeguards due to the fragile nature of the lands located within this zoning district.

## **Section XIV. I-1 General Industrial District**

The I-1 General Industrial District is designed to accommodate those industrial activities which, by their character, should be relatively remote from residential and business development and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission and transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter, or glare or heat.

### **A. Permitted Uses**

Uses permitted in the I-1 District are subject to the following conditions:

1. Dwelling units and lodging rooms - other than custodian's quarters - are not permitted.
2. All business, servicing, or processing, within three hundred (300) feet of a Residence or Business District shall be conducted within completely enclosed buildings.
3. All storage within three hundred (300) feet of a R-R Residence District - except of motor vehicles in operable condition - shall be within completely enclosed buildings or effectively screened by shrubbery or a solid wall or fence (including solid entrance and exit gates) not less than six (6) feet nor more than eight (8) feet in height.
4. The unenclosed parking of trucks as an accessory use, when used in the conduct of a permitted business listed hereafter in this section shall be limited to vehicles of not over one and one half (1-1/2) tons capacity when located within seventy-five (75) feet of a Residence District boundary line.

The following uses are permitted in the I-1 District:

1. Accessory uses, incidental to, and on the same lot as the principal use.
2. Bakeries.
3. Bedding manufacturing.
4. Boot and shoe manufacturing.
5. Bottling companies.
6. Brick and structural clay products manufacture.
7. Building materials sales and storage.
8. Carpet manufacturing.

9. Cartage facilities.
10. Cloth products manufacturing.
11. Contractors, architects, and engineering offices, shops, and yards.
12. Cosmetic production.
13. Dairy products.
14. Electronic and scientific precision instrument manufacturing.
15. Electroplating.
16. Feed mills.
17. Feed and seed sales.
18. Food manufacture, packaging, and processing.
19. Freight terminals.
20. Glass products production and sales.
21. Grain storage and processing.
22. Graphite products manufacture.
23. Greenhouses, wholesale.
24. Laboratories, research and testing.
25. Laundries.
26. Light machinery products - appliances, business machines, etc.
27. Lithographing.
28. Lodges and offices of labor organizations.
29. Machine shop.
30. Mail order house.
31. Medical and dental clinics.
32. Metal stamping.

33. Musical instruments manufacture.
34. Orthopedic and medical appliance manufacture.
35. Paper products manufacture.
36. Parking lots, other than accessory, and subject to the provision of the Off-Street Parking Ordinance.
37. Printing and publishing establishments.
38. Public utility and service uses.
39. Radio and television stations and towers.
40. Rope, cord, and twine manufacture.
41. Rubber processing and manufacture.
42. Sign manufacture.
43. Sporting goods manufacture.
44. Trade schools.
45. Warehouses.
46. Wastewater treatment plants, municipal.
47. Wearing apparel manufacture.
48. Welding shop.
49. Woodworking and wood products.
50. Any use allowed in the B-1 Community Business District.

## **B. Conditional Uses**

The following conditional uses may be allowed in the I-1 District:

1. Abrasive manufacture.
2. Airports and commercial heliports, including aircraft landing fields, runways, flightstrips, and flying schools, together with hangars, terminal buildings, and other auxiliary facilities.

3. Auto wrecking yard.
4. Heavy machinery production.
5. Off-premises signs are not allowed.
6. Other manufacturing, assembling, processing, storage, or commercial uses determined by the Plan Commission to be of the same general character as the uses permitted in Subsection A, above.
7. Paint products manufacture.
8. Petroleum products storage or processing.
9. Plastics manufacture.
10. Steel manufacture.

## **C. Lot Requirements**

### With public sewer:

1. Area - ten thousand (10,000) square feet minimum.
2. Zoning lot frontage - seventy-five (75) feet minimum.

### Without public sewer:

1. Area - forty thousand (40,000) square feet minimum.
2. Zoning lot frontage - one hundred (100) feet minimum.

## **D. Height Regulations**

Principal structures - sixty (60) feet maximum, except as provided by Section IV, Subsection E, Height Regulations.

## **E. Building Setbacks**

1. Front yard, corner side yard, and rear yard, when it abuts on a street, shall have a setback in accordance with those prescribed in the Brown County Highway Setback Ordinance. However, in no case shall it be less than twenty-five (25) feet.

2. Side yard shall have a minimum setback of ten (10) feet.
3. Rear yard, when not abutting on a street, shall have a minimum setback of twenty (20) feet.
4. Where a side or rear lot line in an I-1 District coincides with a side or rear lot line in an adjacent Residence District, a yard shall be provided along such side or rear lot line not less than thirty (30) feet in depth and shall contain landscaping and planting suitable to provide an effective screen.

## **F. Accessory Buildings**

All accessory buildings hereinafter constructed in the I-1 District shall meet the district requirements and those identified in Section IV, Subsection C, Building and Uses.

## **G. Parking**

Parking shall conform to requirements as set forth in Section XVIII, Off-Street Parking Requirements.

## **H. Signs**

Signs shall be regulated as set forth in Section XVII, Sign Regulations.

## **I. Other Requirements**

No use shall be established, maintained, or conducted in any I-1 District that causes any of the following:

1. Dissemination of excessive noise, vibration, odor, dust, smoke, observation gas or fumes, or other atmospheric pollutants beyond the boundaries of the immediate site of the building in which such use is conducted.
2. Hazard of fire or explosion or other physical hazard to any person, building or vegetation.
3. A harmful discharge of waste material.

## **Section XV. Planned Residential Development**

### **A. Application to Existing Use Districts**

This section shall operate as an overlay zoning district and thereby as an alternative to the permitted uses and regulations applicable only to the following existing districts:

R-R Rural Residential; R-2 Residential; E-R Estate Residential; and M-1 Multi-Family. This section shall be applicable only to those lands which are hereby and may hereafter be zoned Planned Residential Development District by the Town Board. Basic underlying zoning requirements for land zoned as a Planned Residential Development District shall continue in full force and effect and be solely applicable until such time as the Town Board shall grant final approval as hereinafter provided. All Subdivisions, as defined in this Ordinance, shall be governed by this Section, and shall be developed as Planned Residential Developments.

### **B. Purpose**

The purposes of the Planned Residential Development District and the regulations applicable to the same are to encourage and provide means for effecting desirable and quality development by permitting greater flexibility and design freedom than that permitted under the basic district regulations, and to accomplish a well-balanced, aesthetically satisfying Town and economically desirable development of building sites within a Planned Residential Development District.

These regulations are established to permit latitude in the development of the building site if such development is found to be in accordance with the purpose, spirit and intent of this Ordinance and is found not to be hazardous, harmful, offensive, or otherwise adverse to the environment, property values or the character of the neighborhood or the health, safety and welfare of the community. It is intended to permit and encourage diversification, variation and imagination in the relationship of uses, structures, open spaces and heights of structures for developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relationship to public services, and to encourage and facilitate preservation of open space and other natural features, such as woodlands, floodplains and wetlands. It is further intended to encourage the provision of open space and recreational facilities in conjunction with residential development, to encourage a uniqueness in architectural design, and to encourage a variety of living environments and an agreeable mixture of housing types.

### **C. Uses Permitted**

1. Basic Zoning Uses. The following uses are permitted in a Planned Residential Development District upon obtaining all necessary approvals required under this ordinance:

a. All uses permitted under the basic zoning regulations applicable to the zoning district in which the particular property is located.

- b. Where a building site is situated in more than one use district, all uses permitted under the basic zoning regulations of one district may be extended into the adjacent district, but only under the condition that the maximum area of such extension shall not exceed an area computed to be fifty percent (50%) of the smaller of the areas of the portion of the property located in either district.
- c. Such additional uses, or mixture of uses, as are recommended by the Planning Commission and approved by the Town Board.
- d. Building Restrictions. When all necessary approvals required under this ordinance are obtained, the building height, size and floor area, lot size, setback, side and rear yard, density and open space requirements under the basic zoning regulations shall not be applicable, but rather such requirements as are made a part of the approved final plan, shall be construed to be and shall be enforced as part of this ordinance.

## **D. Definitions**

- 1. **Basic Zoning Regulations.** "Basic Zoning Regulations" means such zoning regulations as are applicable to the use district other than the regulations set forth in this section.
- 2. **Building Site.** A "Building Site" is a tract of land not divided by public streets or into lots, excepting for single-family dwelling purposes and which will not be subdivided, or where the tract of land, if so divided, is in single ownership or is owned by a condominium group. (The site must be located on a public street or highway.)
- 3. **Comprehensive Plan.** Shall mean the official guide for the physical, social and economic growth of the Town of Green Bay, which is now or may hereafter be in effect.
- 4. **Density.** Shall mean the number of dwelling units permitted per square foot of land area or number of dwelling units permitted per acre of land area and, in all cases, the projected population of the Planned Residential Development District.
- 5. **Developer.** The owner(s) of the building site for which an application for Planned Residential Development overlay zoning is submitted.
- 6. **Final Plan.** Shall mean the proposal for development of a planned residential development district, including a plat of subdivision (if any), all covenants, easements and other conditions relating to use, location and bulk of buildings, density of development, common open space and public facilities. The plan shall include such information as required by Subsections F(5) and G herein.

7. **Open Space.** Shall mean a parcel or parcels of land or an area of water, or a combination thereof, within the site designated for Planned Residential Development District and designated and intended for the use or enjoyment of residents of the planned development.
  - a. Improved Open Space. Shall mean the above parcels and any structure or improvements which are placed upon such parcels (i.e., restrooms, tennis courts, ball diamonds, etc.).
  - b. Unimproved Open Space. Shall mean open space kept free of structures or improvements, except for hiking, horseback riding, bicycle trails, ponds, picnic areas and nature parks.
8. **Planned Residential Development District.** Shall mean an area of land controlled by a single owner, corporation or other legal entity, to be developed as a single entity for a number of dwelling units, single-family, two-family or multiple-family, including but not limited to open spaces, landscaping, accessory buildings, parking areas and appurtenant structures, and is hereafter referred to herein as PRD.
9. **Pre-application Conference.** The initial meeting between the developer and the Town Board, at which time the developer shall present the sketch plan. The Town Board shall at the conclusion of such conference pass a resolution either: encouraging the developer to submit an application for PRD overlay zoning; or advising the developer that the proposed PRD is not consistent with the community's standards and posture on Planned Residential Development and thereupon recommending that no application for such project be submitted at that time.
10. **Preliminary Plan.** Shall mean the preliminary drawings and other required information described in Subsection F(5) herein, indicating the proposed manner and/or layout of the PRD to be submitted to the Green Bay Town Plan Commission.
11. The Procedure For Application and Approval of a Planned Residential District consists of three steps:
  - a. Pre-Application Conference as defined herein below.
  - b. Preliminary Approval as defined herein below.
  - c. Final Approval as defined herein below.

## **E. Pre-application Conference**

Prior to filing an application for PRD, the developer shall arrange a pre-application conference with the Town Board. This conference can be arranged by contacting the Town Clerk of the Town of Green Bay, in writing, requesting that such conference be placed upon the agenda of the Town Board. The primary purpose of the pre-application conference is to provide the developer with an opportunity to obtain information and guidance as to the general suitability of the proposed PRD for the area for which it is proposed, and its conformity to the provisions of this chapter before the developer incurs substantial expense in the preparation of plans, surveys and other required data.

1. The pre-application conference shall be held at either a regularly scheduled or special Town Board meeting.
2. Not less than ten (10) days prior to the Town Board meeting/pre-application conference, the developer shall submit three copies of a sketch plan of the proposed PRD.
3. The sketch plan submitted to the Town Clerk shall contain the following:
  - a. A written statement containing: the major planning assumption; the objectives of the proposed development; the development concept; the benefits that will accrue from the development to the community at large, its residents, and the neighbors of the proposed development.
  - b. Name and address of the developer. If the developer is a partnership, then the names and addresses of all partners shall be provided. If the developer is a corporation, then the names and addresses of all of the shareholders, directors, and officers shall be provided.
  - c. Name and address of the recorded owner of the property if different from the developer.
  - d. Names and addresses of all property owners within a three hundred (300) foot peripheral strip surrounding the proposed PRD.
  - e. Name, address and telephone number of the firm or individual responsible for preparation of the sketch plan.
  - f. A map drawn to a scale of not less than one inch (1") equals one hundred (100) feet containing a north arrow, graphic scale, the date of the drawing, tract boundaries, a statement of the total acreage of the tract, the proposed location of all principle structures and associated parking areas.
  - g. A statement concerning the significant physical features within the tract, including existing two (2) feet contours, water courses, ponds, lakes, and wetlands. This statement shall also address any proposed major changes in those features.

- h. A statement discussing all contemplated land uses within the PRD.
- i. A statement describing the zoning district(s) containing the PRD and within three hundred (300) feet adjacent to the proposed PRD.
- j. A statement describing all existing buildings that may affect the current and future development of the tract.
- k. A statement discussing the pedestrian, bicycle, auto, mass transit or other circulation systems both within and outside the site.
- l. A statement concerning existing rights-of-way and easements which may affect the PRD project.
- m. If the developer's PRD plan calls for development in stages, then a map drawn to a scale of not less than one inch (1") equals one hundred feet (100') showing the successive stages of development.
- n. Any other documents and supporting information deemed necessary by the developer or the Town Board.

4. The pre-application conference may be adjourned or continued as the Town Board deems necessary to acquire further information. At the conclusion of the pre- application conference, the Town Board shall pass one of the following three resolutions:

- a. A resolution recommending that an application be submitted to the Green Bay Town Plan Commission; or
- b. A resolution recommending that an application not be submitted to the Green Bay Town Plan Commission; or
- c. A resolution that further information and data be gathered and that a revised sketch plan be submitted along with a request for a subsequent preapplication conference.
- d. Any such resolution passed by the Town Board at the conclusion of the pre- application conference is advisory only and is not binding upon any further act or determination by the developer, Town Plan Commission or the Town Board concerning any subsequent application for PRD.

## **F. Preliminary Approval**

Preliminary approval consists of approval of the proposed project in principle only. It shall be determined in accord with the following procedures:

1. **Notice, Fee and Public Access Filing Requirement.** A person desiring to develop a particular site as a Planned Residential Development District shall pay the required fee and shall apply to the Zoning Administrator on such forms as provided by the Town; the application shall contain the names, mailing addresses and telephone numbers of the owners and developers and a description of the development site. Appropriate supporting documents and maps, as required in Subsection F (5) herein, shall be filed with the application. In addition, a true, complete, and legible free public access copy of the application and all supporting documents and maps submitted by the developer, shall be prepared and filed with the Town Zoning Administrator by the developer, at the developer's expense. This free public access documentation shall be available to the public at the Town Hall, Town School or such other location within the Town of Green Bay as directed by the Zoning Administrator. The purpose of this provision is to promote public awareness and enhance public participation in the preliminary approval and final approval hearings. As such, the developer's obligation to prepare and file an extra copy of all supporting documents and maps submitted in support of developer's application for free public access continues until final approval or denial of approval of the proposed Planned Residential Development District. Interested members of the public seeking access to this public copy of the proposed Planned Residential Development District documentation may contact the Zoning Administrator for information as to its location and availability for inspection.
2. **Public Notice of Town Plan Commission.** The Zoning Administrator shall inform the Town Plan Commission of such desire and shall secure a date for an initial meeting between the developer and the Town Plan Commission and shall notify such developer of such date.
3. **Public Notice of Town Plan Commission meeting.** All Town Plan Commission meetings conducted pursuant to this subsection shall be preceded by public notice posted in three (3) conspicuous places within the Town by the Town Plan Commission not less than seventy-two (72) hours prior to such meeting(s). In addition, the developer shall, at the developer's expense, mail written notice by certified or registered mail to all property owners of those properties located within the three hundred (300) foot periphery surrounding the building site to be developed not less than fourteen (14) days prior to the initial Town Plan Commission meeting. The written notice issued by the developer shall include the name, address, and telephone number of the developer's representative who shall be prepared to provide interested parties with copies of the sketch plan, application, preliminary plan and any other document(s) submitted or to be submitted to the Town Plan Commission at, or

prior to, the public hearing. Copies of any such documentation shall be provided to interested members of the public by the developer upon request, provided however, the developer may charge the requesting party the reasonable cost of duplication of any such requested item, and may require that the requesting party pay the cost of duplication in advance of duplicating and providing the requested copies. The developer shall file a copy of the written notice and the mail certification receipts with the Town Plan Commission at or prior to the commencement of the meeting. Failure of the developer to timely file the notice copy or the mail receipts with the Town Plan Commission shall result in adjournment of such meeting until such time as this requirement shall be satisfied.

4. Town Plan Commission Recommendation. The Town Plan Commission, upon concluding such meetings as the Commission may require with the developer, shall report in writing such proposed project development to the Town Board, together with its recommendation for either approval or disapproval of the same. Such report and recommendations of the Town Plan Commission shall be made to the Town Board no later than four (4) months from the date of the filing of the application with the Zoning Administration and receipt of any required supportive information by the Town Plan Commission. The Town Plan Commission's 'report', as required herein, shall include: a complete copy of all documents, maps, and other items submitted by the developer to the Town Plan Commission, as well as copies of all Town Plan Commission meeting minutes containing any reference or information concerning the PRD application. A recommendation of approval by the Town Plan Commission shall in no way be binding on the Town Board. The Town Board shall either approve or disapprove the proposed development project, with or without modification within four (4) months of its receipt of the Town Plan Commission recommendation. Any such approval shall be a preliminary approval only and shall not bind the Town Board regarding final approval.
5. Information Required. The following information shall be provided by the developer in adequate detail to satisfy the Town Plan Commission for its report and recommendation regarding preliminary approval:
  - a. A statement describing the general character of the intended development.
  - b. An accurate map of the project area drawn at a scale of no less than one sixteenth (1/16) inch equals one (1) foot, showing the nature, use and character of abutting properties prepared by a registered surveyor.
  - c. Four (4) copies of a general development plan of the proposed project drawn at a scale no less than one sixteenth (1/16) inch equals one (1) foot, including addenda showing the following information in sufficient detail to make possible the evaluation of the criteria for approval as set forth in subparagraphs 1, 2, 3, 4 and 6 of Subsection I of this section:
    - (1) Tract boundaries and a statement of the total acreage of the tract;

- (2) Significant physical features within the tract, including existing two (2) feet contours, watercourses, drainage, ponds, lakes and wetlands and any proposed major changes in those features;
- (3) Zoning District(s) on and within four hundred (400) feet adjacent to the proposed project;
- (4) Property lines (if any) within the proposed project;
- (5) All contemplated land uses within the tract;
- (6) An indicator of the contemplated intensity of use; i.e., gross density in residential or recreational development;
- (7) Number and type of dwelling units;
- (8) Existing buildings that may affect future development and proposed location of all principle structures and associated parking areas;
- (9) Proposed lot coverage of buildings and structures;
- (10) Proposed circulation systems (pedestrian, bicycle, auto, mass transit) by type, how they relate to the existing network outside this site;
- (11) Existing rights-of-way and easements which may affect the PRD project;
- (12) In the case of plans which call for development in stages, a map at an appropriate scale showing the successive stages;
- (13) The location of sanitary and storm sewer lines, water mains, fire hydrants and lighting;
- (14) The location of recreational and open space areas and areas reserved or dedicated for public uses, such as schools, park, etc.;
- (15) Description of proposed system for drainage;
- (16) General landscape treatment.

- d. Appropriate statistical data on the size of the development, residential density, ratio of various land uses, economic analysis of the development and any other data pertinent to the evaluation under the criteria of subparagraphs 1, 2, 3, 4 and 6 of Subsection I of this section.
- e. Architectural drawings and sketches illustrating the design, character and appearance of all proposed structures.

- f. General outline of intended organizational structure related to property owner's association, deed restrictions and private provision of common services, if any.
- g. Economic feasibility and impact report shall be required by the Town Plan Commission to provide satisfactory evidence of: the developer's financial capability; the project's economic feasibility; the availability of adequate financing; and that the project will not adversely affect the economic prosperity of the Town or the values of surrounding properties.

6. Town Board Preliminary Approval. The Town Board shall act to approve, approve with conditions or disapprove the Town Plan Commission's recommendation regarding preliminary approval of the PRD. The Town Board shall conduct its hearings with regard to preliminary approval pursuant to Subsection H and I of this article.
7. Amendment of Preliminary Approval. The recommendation of the Town Plan Commission and the preliminary approval of the Town Board shall be based on and include as conditions thereto the building, site and operational plans for the development as approved, as well as all other commitments offered or required with regard to project value, character or other factors pertinent to an assurance that the proposed development will be carried out as presented in the approved plans. Detailed construction time and the approval of such preliminary plan shall be conditioned upon the subsequent submittal and approval of more specific and detailed plans. Any subsequent change or addition to the plans or use shall first be submitted to the Town Plan Commission and if, in the opinion of the Town Plan Commission, such change or addition constitutes a substantial alteration of the original plan, it shall within forty-five (45) days make an appropriate recommendation to the Town Board relating to an amendment of the preliminary approval.

## **G. Final Approval**

1. Petition for Final Approval. When the Town Board has issued its preliminary approval of the proposed plan, then the developer may file with the Town Clerk a petition executed by the owner of the property to be developed, or his/ her agent, for the final approval, stating that the developer seeks to develop such property under the provisions of this section. Such petition shall include:
  - a. The names, mailing addresses and telephone numbers of any additional owners and developers of the development site, and the names of owners and developers listed on the application who no longer have an interest in the project, in the event there has been a change in owners or developers since the date of the application.
  - b. An accurate topographical map showing topographical data at two (2) foot intervals and extending within one hundred (100) feet beyond the exterior boundaries of the site, showing all public rights-of-way and all buildings accurately located within one hundred (100) feet of the exterior boundaries of such site. Such map shall contain all available utilities, including drainage and the capacities thereof and high water elevations along rivers.
  - c. A plot plan at a scale of one sixteenth (1/16) inch equals one (1) foot showing the location, type and size of every proposed structure and its proposed use; also driveways, driveway access roads, parking facilities, lighting appliances, recreation areas, loading docks, open spaces, screening, fencing, and landscaped areas and utility easements.

- d. A statistical table showing the size of the site in square feet, the acreage (exclusive of public streets), proposed population densities and open area (both in square feet and as a percentage of the project area).
- e. Architectural drawings of all buildings and structures and sketches showing the design characteristics and treatment of exterior elevations and typical floor plans of proposed structures.
- f. A table showing the approximate costs of structures.
- g. A statement showing the starting and completion dates of the project.
- h. Evidence that all conditions attached to the preliminary approval by the Town Board have been fully satisfied.
- i. Any other pertinent data, statements, drawings or plans which may be required by the Town Board.

2. Town Board Action on Final Approval. Petitions for Final Approval shall be acted upon by the Town Board as follows:

- a. Within ninety (90) days of receipt of the Petition for Final Approval and all required information, the Town Board shall pass one of the following three resolutions:
  - (1) A resolution granting the developer final approval which includes all of the plans, specifications, blueprints, conditions, commitments, agreed methods of operation, and all other terms applicable to the project, either setting those matters out in detail within such resolution or incorporating same into such resolution by reference, such that the resolution will encompass all of the matters, representations, covenants and agreements which resulted in the grant of final approval; or
  - (2) A resolution denying the developer final approval; or
  - (3) A resolution requiring the developer to submit further information such that the Town Board may take further action upon final approval.
- b. If the Town Board has not acted by resolution granting or denying the Petition for Final Approval within ninety (90) days of the date upon which all required information has been received, the Petition for Final Approval shall be deemed to have been denied.
- c. A Planned Residential Development District shall not be granted final approval if a protest against the Petition for Final Approval is presented to the Town Board prior to or at the public hearing on final approval, unless the resolution granting final approval is adopted by not less than a three-fourths (3/4) vote of the Town Board. To be effective, the protest must be written, signed and acknowledged by at least fifty percent (50%) of the owners of the property within a three hundred (300) foot periphery surrounding the building site.

3. Appeal of Final Action by Town Board upon Petition for Final Approval. Any person or persons, jointly or severally, aggrieved by the decision of the Town Board concerning final approval, may within thirty (30) days after any such final action by the Town Board (including expiration of the ninety (90) day period for action upon final approval), commence

an action in the Circuit Court seeking the remedy available by certiorari.

- a. The Court shall not stay proceedings upon the decision appealed from, but may upon application, on notice to the Town Board and on due cause shown, grant a Restraining Order.
- b. The Town Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof.
- c. If necessary for the proper disposition of the matter, the Court may take evidence, or appoint a referee to take evidence and report findings of fact and conclusions of law as it directs, which shall constitute a part of the proceedings upon which the determination of the Court shall be made.
- d. The Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.
- e. Costs shall not be allowed against the Town Board unless it shall appear to the Court that the Town Board acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.
- f. All issues in a proceeding under this section shall have preference over all other civil actions and proceedings according to law.

## **H. Town Board Hearings**

The Town Board shall hold public hearings regarding preliminary approval, amendment of preliminary approval, and final approval. Notice of all such hearings shall be provided by the developer at the developer's expense as follows:

1. Notice of all such Town Board hearings shall be published as a Class II Notice.
2. Notice by certified or registered mail shall be mailed by the developer to all property owners of those properties within the three hundred (300) foot periphery surrounding the building site to be developed not less than fourteen (14) days prior to the initial public hearing at each step of the process including preliminary approval, amended preliminary approval, final approval and amendment of final approval.
3. The notice shall contain the date, time and location of the Town Board hearing. It shall also contain the name and address of the developer, a brief description of the nature of the development and legal description of the property to be developed. The notice shall also refer interested parties to the name, address and telephone number of the developer's representative who shall be prepared to provide interested parties with the opportunity to examine and review the sketch plan, any subsequent change or addition to the preliminary or final plans for the development, and any other document(s) submitted or to be submitted to the Town Board at or prior to the public hearing. Copies of any such documentation shall be provided to interested members of the public by the developer upon request, provided however the developer may charge there requesting party the reasonable cost of duplication of any such requested item, and may require that the requesting party pay the cost of duplication in advance of duplicating and providing the requested copies. All such requested documentation shall be delivered, or made available for pickup by the requesting party at an appropriate location within Brown County, not later than seventy-two (72) hours following the developer's receipt of an oral or written request for same. The requesting party shall

determine the method of acquisition (either pick-up or delivery), however, upon electing delivery, the developer may charge and the requesting party shall pay the reasonable cost of delivery at the same time the reasonable cost of duplication is paid.

4. All certifications of publication, a copy of the mailed notice and certified mail receipts shall be filed with the Town Clerk by the developer at or before the Town Board hearing on these matters.

## **I. Criteria for Approval**

As a basis for determining the acceptability of a Planned Residential Development proposal, the following criteria shall be applied by the Town Plan Commission and Town Board to the development plan with specific consideration as to whether or not it is consistent with the spirit and intent of this ordinance, has been prepared with competent professional advice and guidance, and produces significant benefits to the Town's citizens and the general public in terms of environmental design.

1. Character and Intensity of Land Use. The uses proposed and their intensity and arrangement on the building site shall be of a visual, aesthetic and operational character which:
  - a. Is compatible with the physical nature of the site, with particular concern for preservation of natural features, tree growth and open space.
  - b. Would produce an attractive environment of sustained aesthetic and eco logic desirability, economic stability and functional practicality compatible with the general development plans for the area as established by the Town.
  - c. Would not adversely affect the anticipated provision for school, sewer, water, snow removal, garbage pick-up, fire protection or other municipal services.
  - d. Would provide sufficient and accessible off-street parking and loading facilities in the amounts specified in Section XVIII, Off-Street Parking Zoning Requirements.
2. Landscaping of Parking Areas. The parking site shall be planned to provide a desirable transition from the streetscape and to provide for adequate landscaping, pedestrian movement and parking areas. In keeping with this purpose, the following design standards shall be set forth:
  - a. Where natural or existing topographic features contributed to the beauty and utility of a development, consideration shall be given to their preservation. Modification to topographic features should only occur where it contributes to good appearance and is environmentally sound.
  - b. Plant material shall be selected for interest in its structure, texture, color and for its ultimate growth. Further, it is recommended that native materials be employed for their ability to tolerate the prevailing climate including foreseeable adverse conditions.
  - c. In locations where plant materials will be susceptible to injury by pedestrians and/or motor vehicles, appropriate curbs, tree guards or other protective devices shall be employed.
  - d. Parking areas shall be arranged so as to prevent through traffic to other parking areas.

- e. Parking areas shall be screened from adjacent structures, roads and traffic arteries with hedges, dense planting, earth berms, changes in grade or walls, except where parking areas are designed as an intricate part of the street.
- f. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
- g. All parking areas shall be adequately lighted. All such lighting shall be so arranged as to direct the light away from adjoining residences.
- h. All off-street loading and unloading areas shall be paved, and the design thereof approved by the Town Plan Commission.
- i. All parking areas and off-street loading and unloading areas shall be graded and drained so as to dispose of all surface water without erosion, flooding and other inconveniences.

3. Engineering Design Standards. The width of rights-of-way, width and location of street or other paving, requirements for outdoor lighting, locating of sanitary and storm sewer and water lines and provision for drainage and other similar environmental engineering considerations shall be based upon a determination as to the appropriate standards necessary to insure the public safety and welfare. Under appropriate circumstances, the Town Board may condition its preliminary approval upon the results of studies of the proposed development's engineering design standards, by an independent engineering firm, retained upon bid by the Town Board. In such event, the developer shall deposit with the Town Treasurer the selected engineering firm's total bid price, within five (5) days of receipt of written notice of the acceptable bid price. Default of the developer with regard to timely deposit of such sum, shall constitute the developer's withdrawal of its application for PRD. However, the developer may request a special hearing before the Town Board to question and to be advised as to the appropriateness of the circumstances giving rise to the requested independent study. However, provided the Town Board shall have appropriately solicited bids and shall have selected the lowest responsible bidder, there shall be no further discussion with regard to the bid price previously deemed acceptable by the Town Board.

4. Preservation and Maintenance of Open Space. Adequate provision shall be made for the permanent preservation and maintenance of common "open space" and rights-of-way either by private reservation or dedication to the public.

- a. In the case of private reservation, the open area to be reserved shall be protected against building development by conveying to the Town, as part of the conditions for project approval, an open space easement over such open areas restricting the areas against any further building or use, except as is consistent with that of providing landscaped open space for the aesthetic and recreational satisfaction of the surrounding residences. Buildings or uses for noncommercial recreational or cultural purposes compatible with the open space objective may be permitted only where specifically authorized as part of the development plan, or subsequently with the express approval of the Town Board following the recommendation of any such building, site and operational plans by the Town Plan Commission.
- b. In the case of roadways and other rights-of-way which are not dedicated to the public, as part of the conditions for project approval, there shall be granted to the Town such easements over the same as may be necessary to enable the Town to provide suitable and adequate fire protection, sanitary and storm sewer, water and other required municipal services to the project area.

- c. The care and maintenance of such open space reservations and rights-of-way shall be assured, either by establishment of appropriate management organization for the project or by agreement with the Town for establishment of a special service district for the project area on the basis of which the Town shall provide the necessary maintenance service and levy the cost thereof as a special assessment on the tax bills of properties within the project area. In any case, the Town shall have the right to carry out and levy an assessment for the cost of any maintenance which it feels necessary if it is not otherwise taken care of to the satisfaction of the Town. The manner of assuring maintenance and assessing such cost to individual properties shall be determined prior to the approval of the final project plans and shall be included in the title to each property.
- d. Ownership and tax liability of private open space reservations and rights-of-way shall be established in a manner acceptable to the Town and made a part of the conditions of the plan approval.

5. Additional factors and requirements to be considered by the Town Plan Commission and Town Board.

- a. The applicable provisions of the Town's Comprehensive Plan as it pertains to schools, water supply, sewage treatment systems, highway and street alignments, environmental integrity and other public facilities where appropriate.
- b. Land with unsafe or hazardous conditions such as open quarries, unconsolidated fill, floodplains or steep slopes shall not be developed unless the plan provides for adequate safeguards.
- c. The physical layout and form of all structures and streets shall be designed with regard to the topography and natural features of the site, the effects of prevailing winds, seasonal temperatures, and hours of sunlight. All housing shall be sited to as to enhance privacy and ensure natural light for all principle rooms.
- d. Whether the housing and other facilities adjacent or closest to the boundaries of the PRD are designed so as to be harmonious with neighboring areas.
- e. Economic feasibility of the project including not only initial construction and sale but in addition, all future maintenance and care of the PRD shall be examined and assured by escrow, performance bond or adequate surety.
- f. Proper accommodation of pedestrian traffic including providing such sidewalks, walkways, and bicycle paths as may be necessary for the safety and convenience of pedestrian and cyclist traffic within project boundaries.
- g. What, if any arrangements must be made to accommodate pedestrian traffic outside the project boundaries to assure the safety and convenience of pedestrian and cyclist traffic expected to be generated by the PRD.
- h. Does the proposed plan of the PRD as designed, minimize the disturbance to the natural environment and preserve natural site amenities such as topography, trees and groundcover, natural bodies of water, and other natural features.
- i. Heights of structures.

- j. Auto parking facilities.
- k. Screening and fencing.
- l. Landscaping.
- m. Setbacks.
- n. Open space reservations.
- o. The site itself as it relates to neighborhood environment, compatibility to existing neighborhood use, and general neighborhood characteristics.
- p. Nature and use of the proposed structures and their design, architecture and the materials to be used.
- q. Highway access to the site, number of openings and location of same.
- r. Traffic generation, number of vehicles parked and rate of turnover per hour.
- s. Drainage.
- t. Capacities required for sewer, water and other necessary utilities.
- u. Educational capacity capabilities (number of families and school load).
- v. Economic impact on the Town, its inducements, attractions and detractions.
- w. Lighting.
- x. Proposed methods and hours of operation.
- y. Comparison of open space as required by the underlying basic zones with that of the proposed project.
- z. Operational control, security, management.
- aa. Commencement and completion dates.
- bb. Highway dedication.
- cc. Deed restrictions, escrows, insurance and sureties deemed necessary to protect the health, safety and welfare of the Town, its residents or the general public.
- dd. The financial capability of the developer.
- ee. The historical development experience and practices of the developer.
- ff. The developer's historical business experience and practices.
- gg. The character, apparent abilities and qualifications of the developer as provided by credible references.

- hh. Consider the current effect(s) of the proposed PRD upon the immediate surrounding area.
- ii. Consider any future effect(s) the PRD may have upon future development of the area surrounding the PRD and whether the land surrounding the proposed PRD can be planned in coordination with the proposed PRD.
- jj. Whether or not an exception from the Zoning Ordinance District requirements and limitations is warranted by virtue of the design and amenities incorporated into the PRD's final plan.
- kk. Whether the developer, its general contractor or subcontractors have sufficient liability insurance, escrowed funds, bonding, or other surety to fully cover and indemnify potentially affected property owners and the Town for damage(s) to property incurred during and as a result of the developer's planned construction activity within the PRD.
- ll. Such other limitation, conditions, or special requirements, as may be deemed necessary to protect the health, safety, and welfare of the Town, its residents, or the general public.

6. **Implementation Schedule.** The developer shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Town Plan Commission and the Town Board, including suitable provisions (and the Town may require the furnishing of a suitable and sufficient performance bond) for assurance that each phase could and should be brought to completion in a manner which shall not result in adverse effect upon the community as a result of termination at the end of any phase.

## **J. General Provisions**

- 1. **Engineering Design Standards.** Normal standards or operational policy regarding right-of-way widths, provision of sidewalks, street lighting and similar environmental design criteria shall not be mandatory in a planned development, but precise standards satisfactory to the Town, pursuant to the criteria for approval as set forth in Subsection I of this article, shall be made a part of the approval plan and shall be enforceable as a part of this ordinance.
- 2. **Approvals.** The developer shall develop the site in accordance with the terms and conditions of development presented to and approved by the Town Board. Any changes or additions by the developer to the original approved development site, structures, or plans of operation shall require resubmittal and recommendation by the Town Plan Commission, and approved by the Town Board. Provided however, the Town Board reserves the right to amend the grant of final approval to add or delete any conditions, commitments, or guarantees, as may be permitted by law, when circumstances dictate that the public health, safety, or general welfare will be adversely affected in the absence of such amendment or under circumstances where the grant of final approval excluding such amendment(s) was the product of fraud, mistake or excusable neglect.
- 3. **Rescinding Approval.** Failure to comply with the conditions, commitments, guarantees, or the recommendations established in the final approval of such development project, including any subsequent amendment(s) thereto, shall be cause for rescinding the approval of the same. Upon notice given by the Zoning Administrator, the developer then shall be required to appear before the Town Board at its next public meeting, to explain any such failure to comply. The Town Board at such meeting shall determine whether or not the developer shall have failed to comply and, if there has been such a failure, may either:

- a. Rescind its approval, whereupon such rescission and cessation of all rights and privileges of the developer, including the right to complete the construction or to construct any building or other structure or improvement, shall become effective on the thirty-first (31st) day following mailing by certified mail to the developer at his/her last known address of a written notice of such rescission; or
- b. Adjourn such discussion at the Town Board meeting for a period not to exceed sixty-five (65) days to enable the developer to comply; whereupon, if the developer is then in substantial compliance and has then established to the reasonable satisfaction of the Town Board that there will be compliance in the future, the rights and privileges of the developer shall continue for such period of time that there shall be such compliance; but, if the developer is not then in substantial compliance, or does not establish to the reasonable satisfaction of the Town Board that there will be compliance in the future, the Town Board will proceed in accordance with subparagraph a, immediately above.
- c. Nothing contained herein shall preclude, and the Town Board herein specifically reserves the right to seek such ex parte restraining orders or temporary injunctions, whether prohibitory, preventative, mandatory or affirmative, as may be necessary to avoid irreparable loss or damage, restrain against continuing harm, or maintain the status quo until the issues can be resolved on the merits.

## **K. Interpretation**

In the interpretation and application of this article, the provisions set forth hereinabove shall be held to be minimum requirements and shall be liberally construed in favor of the Town of Green Bay and shall not be deemed a limitation or repeal of any other power granted to the Town of Green Bay by the Wisconsin Statutes. Any development hereunder shall be planned, reviewed and carried out in conformance with all municipal, state and other laws and regulations. The provisions of this section or of any PRD plan given final approval under this section, shall take precedence and be controlling when there is conflict between such provision and any other provision of the Town of Green Bay Zoning Ordinance.

## **Article XVI. Manufactured Housing Parks**

This article shall regulate the parking, location, and maintaining of all manufactured homes and manufactured home parks.

Manufactured home parks shall be allowed as Conditional Uses in the RR-Rural Residence and R2-Single Family Residence Zones.

Manufactured home parks shall be prohibited in all other zoning districts within the Town of Green Bay.

### **A. Definitions**

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

1. **Manufactured Home - Class I.** A structure, transportable in one or more sections built on a permanent chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in it, and is certified and labeled as a manufactured home under 42 U.S.C. Sections 5401 to 5426. For purposes of this ordinance, a manufactured home Class I shall be considered a single-family or two-family home when meeting the requirements of Section IV, I and, therefore, may locate in any district permitting such use.
2. **Manufactured Home - Class II.** A structure transportable in one or more sections built on a permanent chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it, and built prior to the enactment of the Federal Manufactured Construction and Safety Standards Act of 1974, which became effective July 15, 1976.
3. **Manufactured Home Park.** Any park, court, campsite, lot, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for two or more manufactured homes and shall include all facilities used or intended for use as part of the equipment thereof. Manufactured home park shall not include automobile or manufactured home sales lots on which unoccupied manufactured homes are parked for purposes of inspection and sale.
4. **Unit.** One (1) manufactured home.
5. **Non-Dependent Unit.** A manufactured home that has a bath or shower and toilet facilities.
6. **Dependent Unit.** A manufactured home which does not have a bath or shower and toilet facilities.
7. **Space.** A plat of ground in a manufactured home park designed for the location of only one (1) manufactured home.
8. **Person.** Shall be construed to include an individual, partnership, firm, company, corporation, whether tenant, owner, lessee, or other agent, heir or assignee.

9. **Pad.** A concrete slab or its equivalent, as determined by the Town Building Inspector, constructed on the manufactured home space for the purpose of accommodating water and sanitary connections for a manufactured home.
10. **Occupied Area.** That portion of an individual manufactured home space which is covered by a manufactured home and its accessory structures.
11. **Park Management.** The person who owns or has charge, care or control of the manufactured home park.

## **B. License for Manufactured Home Park: Application and Issuance**

1. No person shall establish, operate or maintain or permit to be established, operated or maintained upon any property owned, leased or controlled by him/ her, a manufactured home park within the limits of the Town of Green Bay without first securing a license for each park from the Town Board, pursuant to this chapter. Such license shall expire at the close of the calendar year issued, but may be renewed under the provisions of this chapter for additional periods of one (1) year.
2. The application of such license or renewal thereof shall be approved by the Town Board. Before a license is issued, an applicant shall pay an annual fee of Five Hundred (\$500.00) Dollars and, in addition thereto, each applicant for an original or renewal license shall file with the Town Clerk a bond in the sum of One Thousand (\$1,000.00) Dollars for each fifty (50) manufactured home spaces or fraction thereof, guaranteeing the collection by the licensee of the monthly parking permit fees as provided in this Ordinance and the compliance of the licensee and the park management with the provisions of this Ordinance. Such bond shall also be for the use and benefit and may be prosecuted and recovered had thereon by any person who may be injured or damaged by reason of the licensee violating any provision of this Ordinance. The annual license shall be subject to renewal by the Town Board, provided that said licensee has abided by the requirements of this Ordinance or the laws or regulations of the State of Wisconsin relating to manufactured home parks and their operation, and particularly with reference to laws or ordinances relating to health, sanitation, refuse disposal, fire hazard, morals, or nuisances.
3. The application for a license or a renewal thereof shall be made on forms furnished by the Town Clerk and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by him to construct or maintain the manufactured home park and make the application) and such legal description of the premises upon which the manufactured home park is or will be located as will readily identify and definitely locate the premises. The initial application for any existing, new or revised manufactured home park shall be accompanied by five (5) copies of the park plan showing the following, either existing or as proposed:
  - a. The extent and area for park purposes.
  - b. Roadway and driveways.
  - c. Location and designation of dependent and independent manufactured home spaces.

- d. Location of service building indicating the number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by occupants of the manufactured home park.
- e. Complete layout of storm, sanitary and water systems for service building and spaces.
- f. Method and plan of garbage removal.
- g. Plan for electrical or gas lighting of spaces.
- h. Interest of applicant in proposed manufactured home park or extension thereof. If owner of tract is a person other than applicant, a duly verified statement by the owner that applicant is authorized by him/her to construct and maintain the proposed park, addition, modification, or extension, and make the application.

### **C. Revocation and Suspension**

The Town Board may suspend or revoke a license after a hearing held pursuant to Section 66.058 (2)(d), Wisconsin Statutes.

### **D. Location of Manufactured Home Parks**

An application for the construction of a manufactured home park shall be considered only when its proposed location is within a district zoned to permit this type of use.

### **E. Manufactured Home Park Plan**

- 1. Manufactured home spaces shall be clearly defined and shall consist of a minimum of eleven thousand two hundred fifty (11,250) square feet and a width of not less than forty (40) feet measured at right angles from the side lot line of each space when served by public sanitary sewer, and a minimum of forty thousand (40,000) square feet and a width of not less than one hundred (100) feet when not served by public sanitary sewer. The park shall be arranged so that all spaces shall face or abut on a roadway of not less than thirty (30) feet in width, giving easy access from all spaces to a public street. Such roadways shall be paved with asphalt or concrete and maintained in good condition, provided for adequate storm water drainage, said drainage to be determined by the Town Manager. The roadways shall be well lighted and shall not be obstructed.
- 2. The park shall be so laid out that no dependent unit shall be further than two hundred (200) feet from the toilets and service building, provided for herein, and walkways to such buildings shall be paved and well lighted.
- 3. Electrical service to manufactured home spaces shall conform to the regulations set forth in the Wisconsin State Electrical Code, incorporated herein by reference as though in full set forth.
- 4. All manufactured homes within a manufactured park shall be parked within the designated spaces.

5. For the protection of abutting property owners, as well as manufactured homeowners, a twenty-five (25) foot buffer strip shall be provided within all property lines of the site. Said buffer strip to be used for the planting of shrubbery and trees and shall be exclusive of the manufactured home spaces. A decorative fence, in accordance with the off-street parking ordinance may, if so desired, be substituted for the rear and interior twenty-five (25) foot buffer strip.
6. Each manufactured home space shall provide a front and rear yard setback of ten (10) feet and a side yard setback of ten (10) feet. The above setbacks shall be seeded and landscaped and in no case shall they be used for off-street parking or be occupied by a manufactured home and/or its necessary buildings, except for the following:
  - a. Structures for utility outlets and garages serving more than one (1) space may be located within the side or rear setback of the common lot line.
  - b. The hitch used for pulling the manufactured home may protrude into the front yard setback.
7. One (1) off-street parking stall shall be provided within each manufactured home space, said stall to be in accordance with Section E (6).
8. There shall be constructed on each manufactured home space a concrete pad, or its equivalent, as determined by the Town Building Inspector to be used for the accommodation of necessary water and sanitary connections.
9. A minimum of two hundred (200) square feet per manufactured home space, exclusive of the minimum herein provided for individual manufactured home spaces and buffer strip, as indicated in E (5) and (6) above, shall be required for the express purpose of providing open space and recreational area for the residents of the manufactured home park.
10. In no case shall a manufactured home and its accessory buildings occupy more than thirty-six (36) percent of a space.
11. All manufactured homes in manufactured home parks shall be skirted, unless the unit is placed within one (1) foot vertically of the stand with soil and other material completely closing such space from view and entry by rodents and vermin. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards.
12. No person shall construct, alter, add to or alter any structure attachment or building in a manufactured home park or in a manufactured home space without a permit from the Town Building Inspector. Construction on or addition or alteration to the exterior of a manufactured home shall be of the same type of construction and materials as the manufactured home affected. This subsection shall not apply to addition of awnings, antennae or skirting to manufactured homes. Accessory structures on manufactured home spaces shall comply with all setback side yard and rear yard requirements for manufactured home units.

## **F. Sanitarian Regulations**

All manufactured home parks shall conform to the sanitarian and health regulations as set forth by the State of Wisconsin and Brown County.

## **G. Operation of Manufactured Home Parks: Responsibility of Park Management**

1. In every manufactured home park there shall be located an office of the attendant or person in charge of said park. A copy of the park license and of this Ordinance shall be posted therein and the park register shall at all times be kept in said office.
2. The attendant or person in charge and the park licensee shall operate the park in compliance with this Ordinance and regulations and ordinances of the town and state and their agents or officers and shall have the following duties:
  - a. Maintain a register of all park occupants, to be open at all times to inspection by state, federal, and municipal officers, which shall show:
    - (1) Names and addresses of all owners and occupants of each manufactured home.
    - (2) Number of children of school age.
    - (3) State of legal residence.
    - (4) Dates of entrance and departure of each manufactured home.
    - (5) Make, model, year, and serial number or license number of each manufactured home and towing or other motor vehicles and state, territory or country issuing such licenses.
    - (6) Place of employment of each occupant, if any.
  - b. Notify park occupants of the provisions of this Ordinance and inform them of their duties and responsibilities and report promptly to the proper authorities any violations of this Ordinance or any other violations of law which may come to their attention.
  - c. Notify the health officer immediately of any suspected communicable or contagious disease within the park.
  - d. Supervise the placement of each manufactured home on its stand which includes securing its stability and installing all utility connections and tie-downs.
  - e. Maintain park grounds, buildings and structures free of insect and rodent harborage and infestation and accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
  - f. Maintain the park free from growth of noxious weeds.

## **H. Variances**

The requirements of Section E (1), (5), (6), (7), (8), (9), and (10) shall not apply to manufactured home parks existing prior to the adoption of this Ordinance. All provisions of this Ordinance, however, shall apply to additions of new manufactured home parks.

## **Section XVII. Regulation of Signs**

### **A. Purpose of Sign Regulations**

The purpose of this section is to promote and protect the public safety, comfort, convenience and general welfare by the orderly placement and erection of signs and billboards in the Town of Green Bay.

**1. Definitions.** The following definitions shall apply to this Section:

- a. **Sign** – A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, produce, place, activity, person, institution, organization, or business. Signs located completely within an enclosed building and not exposed to view from a street are not considered signs. Each display surface of a sign or sign face is considered a sign.
- b. **Sign Area** – The space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure; or, where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers or design.
- c. **Sign Face** – The entire display surface area of a sign upon, against, or through which copy is placed.
- d. **Freestanding** – A sign erected and maintained on a freestanding frame, mast, or pole not attached to any building, and not including ground-mounted signs.
- e. **Ground-Mounted Sign** – A sign that extends from the ground or has support that places the bottom of the sign less than two feet from the ground.
- f. **Highway Sign** – A freestanding sign, Integral Sign, or Ground-Mounted Sign that is erected and maintained within the view of motorists who are driving on a state or interstate highway.
- g. **Integral** – A sign that is embedded, extruded, or carved into the material of a building façade. A sign made of bronze, brushed stainless steel or aluminum, or similar material attached to the building façade.
- h. **Portable Sign** – Any structure without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled, or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.
- i. **Temporary Sign** – A banner, pennant, poster, or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials and is intended to be displayed for a limited period of time.
- j. **Window Sign** – A sign that is attached to or located within three feet of the interior of a window and can be seen through the window from the exterior of the structure.

- k. Billboard – See Off-premise signs.
- l. Changeable Message Sign – A sign, such as a manual, electronic or electrically controlled time and temperature sign, message center or reader board, whether electronic, electric or manual, where copy changes. Any sign may be, or include as part of it, a changeable message sign.
- m. Off-Premise Sign – A sign which advertises goods, products, facilities or services not on the premises where the sign is located or directs persons to a different location from where the sign is located.
- 2. **Sign Permit.** No sign other than a Temporary Sign may be constructed, installed, or erected within the Town without a Sign Permit issued by the Town Board. The fee for a Sign Permit shall be as set forth by separate resolution.

### 3. Signs in Residential Districts (R-R, R-2, E-R, M-1).

- a. Allowed Sign Types:
  - i. Ground-Mounted Signs
  - ii. Portable Signs
  - iii. Temporary Signs
  - iv. Window Signs (non-illuminated)
- b. Dimensional Restrictions.
  - i. No sign face may exceed 6 square feet in area.
  - ii. Signs other than building-mounted signs may not exceed 6 feet in height above the ground, measured to the top of the sign structure.
  - iii. Building-mounted signs must be flush mounted and must not project above the roof line.
  - iv. Signs may not be located within road right-of-way or otherwise located in a manner that obstructs road vision.
  - v. No more than:
    - One (1) Permitted sign is allowed on each lot.
    - Three (3) Temporary signs are allowed on each lot.

### 4. Signs in Business & Industrial Districts (B-1, L-1, I-1).

- a. Allowed Sign Types:
  - i. Freestanding Signs
  - ii. Ground-Mounted Signs

- iii. Highway Signs
- iv. Integral Signs
- v. Portable Signs
- vi. Window Signs
- vii. Changeable Message Sign
- viii. Temporary Signs

b. Dimensional Restrictions.

- i. The total of all sign faces on a lot may not exceed 64 square feet, regardless of the number of signs located on the lot.
- ii. Signs other than building-mounted signs may not exceed 18 feet in height above the ground, measured to the top of the sign structure.
- iii. Building-mounted signs must be flush mounted and must not project above the roof line.
- iv. Signs may not be located within road right-of-way or otherwise located in a manner that obstructs road vision.
- v. No more than:
  - three permitted signs are allowed on each lot.
  - unlimited Temporary signs are allowed on each lot.

c. Special Restrictions for Highway Signs.

- i. Notwithstanding the forgoing restrictions in the Business & Industrial Districts, the following restrictions apply to Highway Signs:
  - 1. No sign may exceed 672 square feet per face.
  - 2. Minimum sign spacing on town roads is 500 feet.
  - 3. Highway signs may not exceed 30 feet in height.
  - 4. Highway signs must be placed on a permanent foundation.

**5. Signs in Agricultural Districts (A-1, A-2).**

a. Allowed Sign Types:

- i. Freestanding Signs
- ii. Ground-Mounted Signs
- iii. Integral Signs

- iv. Portable Signs
- v. Temporary Signs
- vi. Window Signs

b. Dimensional Restrictions.

- i. No sign face may exceed 32 square feet in area.
- ii. Signs other than building-mounted signs may not exceed 10 feet in height above the ground, measured to the top of the sign structure.
- iii. Building-mounted signs must be flush mounted and must not project above the roof line.
- iv. Signs may not be located within road right-of-way or otherwise located in a manner that obstructs road vision.
- v. No more than 4 signs are allowed on each lot.

**6. Temporary Signs.**

- a. Temporary signs are allowed in all districts, but not to exceed the following number of temporary signs per lot:
  - i. R-R, R-2, E-R, M-1: three.
  - ii. B-1, L-1, I-1: unlimited.
  - iii. A-1, A-2: unlimited.
- b. Sign face shall be no larger than 64 square feet on any lot at any time. No Temporary Sign may be displayed for a continuous period exceeding 120 days per year.

**7. Illumination.** Signs that are illuminated must be effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled ways of any nearby public way in such an intensity or brilliance as to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle.

**8. Indemnification.** By applying for a Sign Permit, all persons engaged in the erection and maintenance of the sign, including the applicant, shall indemnify, defend, and hold harmless the Town, its officers, agents, and employees from and against any and all third-party claims arising out of the installation or maintenance of the sign, or otherwise related to the sign.t

**9. Abandoned Signs.** No sign in the Town may be abandoned by the owner. Any sign or billboard not properly and reasonably maintained by the owner shall be removed by the owner within thirty days of receipt of a written notice from the Town. Failure to remove an abandoned sign within that period shall cause the Town to remove the sign after an additional ten-day written notice is mailed to the owner. Removal expenses

will be charged to the owner of the sign or to the owner of the land where the sign is located. In the event removal costs are unpaid, they may be charged against the property as a special charge.

- 10. Off-premises signs.** All off-premises signs are prohibited in the Town of Green Bay regardless of the nature, size and location.
- 11. Alteration or relocation.** No sign or billboard in the Town of Green Bay shall hereafter be altered, rebuilt, enlarged, extended or relocated, except in conformity with the provisions of this chapter. The changing of movable parts of signs that are designed to be changed or the repainting of display matter in conformity shall not be deemed to be alterations within the meaning of this chapter.
- 12. Nonconforming Signs.**
  - A. Notification of nonconformity.** The Town shall survey the Town for signs which do not conform to the requirements of this article. Upon determination that a sign is a nonconforming sign, the Town shall use reasonable efforts to notify, either personally or in writing, the user or owner of the property on which the sign is located.
  - B. Nonconforming signs.** Any sign located within the Town limits on the date of adoption of this chapter which does not conform to these provisions is eligible for characterization as a nonconforming sign and is permitted, provided that it also meets the following requirements:
    - (1) The sign was covered by a sign permit, or a permit was issued prior to the date of adoption of this chapter, if one was required.
    - (2) If no sign permit was required for the sign in question and the sign was in all respects in compliance with applicable law on the date of construction or installation.
  - C. Continuation of nonconforming status.** A nonconforming sign shall maintain its nonconforming designation, provided that:
    - (1) No structural modification of a nonconforming sign is permitted, except where such modification will result in having the effect of bringing such sign more in compliance with the requirements of this article, except for changing of copy and normal maintenance.
    - (2) The sign is not relocated.
    - (3) The sign is not replaced.
    - (4) The total structural repairs or alterations to such a nonconforming sign shall not, during its life, exceed 50% of the assessed value of said sign existing at the time it became nonconforming.
  - D. Loss of nonconforming status.** Any changes, except provided in Subsection C(1), (2), (3) and (4), shall result in the loss of nonconforming status.

**13. Abandoned Signs; deteriorated or dilapidated signs.**

- A. A sign or sign message shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted or when rental or compensation is no longer provided if said sign is of the off-premises type. If the owner or lessee fails to remove it, the Town shall give the owner 60 days' written notice to remove it. Upon failure to comply with this notice, the Town, or its duly authorized representative, may remove the sign at cost to the sign owner.
- B. The Town shall cause to be removed any deteriorated or dilapidated signs under the provisions of 66.0413, Wis. Stats.

**14. Remedies.**

- A. The remedies in this section for violations, or for failure to comply with the provisions of this article, whether civil, criminal, or for sign removal, shall be cumulative and shall be in addition to any other remedy provided by law.
- B. Violation or failure to comply with the provisions of this article is unlawful. Any sign erected without a permit shall be removed at the owner's expense or brought into compliance within 30 days of written notification of the Zoning Administrator. In the event that the owner does not remove the sign or bring it into compliance, the Town may order removal at the owner's expense.
- C. This section shall not preclude the Town from taking any appropriate action to prevent or remove a violation of this article.

## Section XVIII. Off-Street Parking and Loading Requirements

### A. General Requirements - Off-Street Parking

1. **Location.** All parking spaces required to serve buildings or uses erected or established after the effective date of this ordinance shall be located on the same zoning lot as the building or use served, except that parking spaces to serve business or industrial buildings or uses may be located within three hundred (300) feet, if such spaces are permitted in such zone.
  - a. Off-street parking spaces may be located in any yard, except in the required front yard setback or corner side yards in residential districts. Enclosed buildings and carports containing off-street parking shall be subject to the applicable yard requirements.
2. **Size.** Each required off-street parking space shall be at least nine (9) feet in width measured at right angles to the center of car, as parked, and at least twenty (20) feet in length, exclusive of access drives or aisles, ramps, or columns. Aisles shall be not less than twenty-four (24) feet wide for ninety (90) degree parking, fifteen (15) feet wide for forty-five (45) degree parking (angle shall be measured between center line of parking space and center line of aisle), and twelve (12) feet wide for parallel parking. For parallel parking, the length of the parking space shall be increased to twenty-three (23) feet.
3. **Access.** All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.
4. **Collective Provision.** Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements. No parking spaces or portion thereof shall serve as a required space for more than one use, unless otherwise authorized by the Plan Commission.
5. **Computation.** When determination of the number of off-street parking spaces required by this ordinance results in a requirement of a fractional space, any fraction of one half (1/2) or less may be disregarded, while a fraction in excess of one half (1/2) shall be counted as one (1) parking space. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.
6. **Utilization.** Required accessory off-street parking facilities provided for uses listed in Part B of this Section shall be solely for the parking of passenger automobiles of patrons, occupants, or employees of such uses, except as may otherwise be provided for the parking of trucks in the granting of conditional uses.

7. **Design and Maintenance.**

- a. **Plan.** Except for residential uses, the design of parking lots or areas shall be subject to the approval of the Zoning Administrator.
- b. **Drainage and grade.** All parking areas shall have adequate drainage and shall be provided with bumper guards where required by grade.
- c. **Surfacing and marking of parking lots.** All off-street parking lots shall be provided with blacktop or concrete surfacing and shall be maintained at all times in such a manner as to prevent the release of dust and to be free of dust, trash, and debris.

- d. Screening and Landscaping. All open automobile parking areas containing more than three (3) parking spaces shall be effectively screened on each side adjoining or fronting any property situated in a Residence District or any institutional premises by a wall or fence.
- e. Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance.
- f. Signs. Accessory signs shall be permitted on parking areas in accordance with the provisions specified under the sign ordinance.
- g. Sales, Repair and Service. No sale, storage, repair work, or servicing of any kind shall be permitted in any parking facility, except by permission of the Town Board.

**8. Driveways.**

All driveways shall meet the following requirements:

- a. Maximum driveway opening at thirty-four (34) feet.
- b. Driveways shall be not less than twenty-five (25) feet apart. Also, all driveways must comply with applicable side yard setbacks in the relevant zoning district.
- c. In the case of a corner lot, access to the principal street shall be restricted to one (1) driveway, unless extraordinary circumstances are evident.
- d. All driveways are means by which vehicles travel between the street and approved parking spaces and are not to be considered for approved parking spaces.
- e. In no instance shall the total width of driveway openings serving the same parcel exceed one half (1/2) of the total lot frontage.

**9. Increased Use.**

- a. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement, required parking or loading facilities, as required herein, shall be provided for such increase in intensity of use, and for at least fifty (50) percent of any existing deficiency in parking or loading facilities.
- 10. **Changed Use.** Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be required for such new use.
- 11. **Damage or Destruction.** For any conforming or legally non-conforming building or use, which is in existence on the effective date of this ordinance, which subsequently thereto is damaged or destroyed by fire, collapse, explosion, or other cause, and which is reconstructed, re-established, or repaired, off-street parking or loading facilities shall be provided as required by this ordinance.

12. **Control of Off-Site Parking Facilities.** In cases where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory. Such possession may be either by deed or long-term lease, the term of such lease to be determined by the Board of Zoning Appeals; and such deed or lease shall be filed with the Recorder of Deeds of Brown County. The deed or lease shall require such owner or his/her heirs and assigns to maintain the required number of parking facilities for the duration of the use served or of the deed or lease, whichever shall terminate sooner.
13. **Submission of Plot Plan.** Any application for a building permit or for an occupancy certificate, where no building permit is required, shall include therewith a plot plan, drawn to scale and fully dimensioned, showing any off-street parking or loading facilities to be provided in compliance with this ordinance.
14. **Handicapped Parking Requirements.** All off-street parking lots shall adhere to Wisconsin Statutes 346.503 and 346.56 as to requiring handicapped parking.
15. **Existing Parking Facilities.** Accessory off-street parking facilities in existence on the effective date of this ordinance and located on the same lot as the building or use served shall not hereafter be reduced below the requirements for a similar new building or use under the provisions of this ordinance.

## **B. Specific Requirements - Off-Street Parking**

1. **Apartment Hotels.** One and one half (1-1/2) parking spaces shall be provided for each dwelling unit or lodging room and additional space as shall be required for supplemental uses.
2. **Educational (Non-Boarding) and Cultural Institutions.**
  - a. Elementary and middle schools. One (1) parking space shall be provided for each employee and adequate visitor space to be determined by the Board of Education.
  - b. Senior high schools. One (1) parking space shall be provided for each employee, and one parking space shall be provided for each five (5) students, based on the maximum number of students attending classes on the premises at any one time during any twenty-four (24) hour period.
  - c. Public libraries, art galleries, museum, and aquariums. One (1) space shall be provided for each two (2) employees plus additional parking space equal to fifty (50) percent of capacity in persons.
  - d. School auditoriums and gymnasiums. One (1) parking space shall be provided for each eight (8) seats.
  - e. Stadiums and grandstands. One (1) parking space shall be provided for each eight (8) seats.
  - f. Colleges, junior colleges, and universities. One (1) parking space shall be provided for each employee, and one (1) parking space shall be provided for each five (5) students, based on the maximum number of students attending classes on the premises at any one time during any twenty-four (24) hour period.

- g. Fraternities, sororities, and dormitories in conjunction with colleges, junior colleges, and universities. One (1) parking space shall be provided for each three (3) active members or dormitory residents, plus one (1) parking space for the manager.

### **3. Health and Medical Institutions.**

- a. Convalescent homes, nursing homes, rest homes, institutions for the care of the aged and for children, and for sanitariums. One (1) parking space shall be provided for each four (4) beds, plus one (1) parking space for each two (2) employees (other than staff doctors), plus one (1) parking space for each doctor assigned to the staff.
- b. Hospitals. One (1) parking space shall be provided for each four (4) hospital beds, plus one (1) parking space for each two (2) employees and doctors assigned to the staff.
- c. Group Homes. One (1) parking space for each four (4) occupants authorized and one (1) parking space for each employee on the maximum shift.
4. **Multiple-Family Dwellings.** One and one half (1-1/2) parking spaces shall be provided for each dwelling unit. In addition, there shall be provided one (1) guest parking space for each four (4) units in all multiple dwellings or fractions thereof.
5. **Philanthropic and Charitable Institutions.** One (1) parking space shall be provided for each employee, plus spaces adequate in number, as determined by the Plan Commission, to serve the public.
6. **Planned Developments.** Parking spaces shall be provided on the basis of the required spaces for each individual use.
7. **Public Utility and Service Uses.** One (1) parking space shall be provided for each two (2) employees, plus spaces adequate in number, as determined by the Plan Commission, to serve the public.
8. **Radio and Television Stations.** One (1) parking space shall be provided for each two (2) employees.

### **9. Religious Institutions.**

- a. Churches, chapels, temples, and synagogues. One (1) parking space shall be provided for each four (4) seats.
- b. Convents, seminaries, monasteries, rectories, parsonages, parish houses, and religious retreats. Parking space shall be provided in adequate number, as determined by the Plan Commission, to serve persons employed or residing on the premises, as well as for the visiting public.

### **10. Recreational.**

- a. Stadiums, ball parks, and other outdoor sports arenas. One (1) parking space for each four (4) permanent seats. Such parking shall be located no further than eight hundred (800) feet to the nearest corner of the property on which the place of assembly is located.
- b. Theaters, indoor sports arenas, and auditoriums, other than those incidental to schools. One (1) parking space for each four (4) seats, plus one (1) additional parking space for each two (2) employees on the maximum shift.

- c. Bowling alleys. Four (4) parking spaces per alley, plus additional requirements for other such uses as eating and drinking establishments.
- d. Dance halls, skating rinks, lodge halls, exhibition halls, without fixed seats. One (1) parking space for each eighty (80) square feet of usable floor area.
- e. Golf driving ranges or shooting ranges. One (1) parking space for each driving tee or shooter station.
- f. Miniature courses or putting greens. Two (2) parking spaces for each golf hole.
- g. Game and athletic courses. Two (2) parking spaces for each court.
- h. Golf courses. Eight (8) parking spaces per hole and one (1) for each thirty- five (35) square feet of gross floor area in principal building connected with the course, plus one (1) for each two hundred (200) square feet of gross floor area for adjoining accessory commercial uses.
- i. Swimming pools (other than those used in accessory uses with residential and commercial uses). One (1) parking space for every one hundred (100) square feet of pool area, one (1) parking space for each employee on the maximum shift. Customer pick-up and drop-off zone shall be provided on a curbed directional driveway with the parking zones behind the street setback area, said parking zone not to interfere with the other parking requirements.
- j. Marinas, harbors, and launching ramps. One (1) parking space for each boat berth, or on-site storage space. In addition, double length car-trailer spaces shall be required if launching ramp is available, per Plan Commission requirements.

11. **Rooming Houses.** One and one half (1-1/2) parking spaces shall be provided for each rooming unit plus one (1) parking space for the owner or manager.
12. **Single-Family Detached Dwellings.** Two (2) parking spaces shall be provided for each dwelling unit not to be located within the front yard setback.
13. **Two-Family Dwellings.** Two (2) parking spaces shall be provided for each dwelling unit not to be located within the front yard setback.
14. **Day Care Centers and Nursery Schools.** One (1) parking space for each eight (8) children authorized and one (1) parking space for each staff member; however, such parking requirement for children authorized may be reduced to one (1) parking space per ten (10) children; if a customer pick-up and drop-off zone is provided on a curbed directional driveway with the parking zones behind the street setback area, said parking zone not to interfere with the other parking requirements.
15. **Day Care Homes, Family.** One (1) parking space for each eight (8) children authorized and one (1) parking space for each staff member; however, if the staff resides in the home, the required spaces and driveway standards of a single- family home may apply, upon the discretion of the Plan Commission.

## **16. Commercial and Retail Service Uses.**

- a. Animal hospitals and kennels. Two (2) parking spaces shall be provided for each employee.
- b. Dry cleaning establishments, laundromats, and receiving stations. One (1) parking space shall be provided for each two (2) employees and every two automatic self-service units.
- c. Funeral homes and mortuaries. One (1) parking space for each five (5) seats or one hundred (100) square feet of floor area for each chapel or parlor, whichever is greater.
- d. Governmental buildings, United States, State, County and City. One (1) parking space for each two (2) employees, plus such additional space deemed necessary by the Plan Commission.
- e. Hotels. One (1) parking space shall be provided for each lodging room, plus one (1) parking space for each employee, plus additional spaces for affiliated uses, as required by this Ordinance.
- f. Medical and dental clinics. Three (3) parking spaces shall be provided for each staff member and regularly-visited doctor.
- g. Motels and rooming units. One and one half (1-1/2) parking spaces shall be provided for each dwelling unit or lodging room, plus one (1) parking space for each employee.
- h. Planned development. Parking facilities shall be provided on the basis of the required spaces for each individual use.
- i. Restaurants, taverns, supper clubs, cocktail lounges, and night clubs. Parking spaces equal in number to fifty (50) percent of the capacity in persons shall be provided, plus one (1) space for each employee.
- j. Retail stores and shopping centers. One (1) parking space shall be provided for each one hundred fifty (150) square feet of floor area.
- k. Schools - music, dance or business. One (1) parking space shall be provided for each two (2) employees, plus one (1) space for each five (5) students.
- l. Theaters, indoor. Parking spaces equal in number to fifty (50) percent of the seating capacity in persons shall be provided.
- m. Banks, savings and loan associations, and other financial institutions. One (1) space for each two hundred (200) square feet of gross floor area, plus one (1) parking space per employee on the maximum shift.
- n. Drive-in banks, savings and loan associations, and other financial institutions. Six (6) spaces for one (1) drive-in window, plus four (4) spaces for each additional drive-in window, in addition, one (1) parking space per employee on the maximum shift.
- o. Barber shops, beauty salons, and other similar personal service use. Two (2) spaces per operator's stations and one (1) space per employee on the maximum shift.

- p. Bus and motor coach depot or station. One (1) space per employee during maximum shift plus six (6) spaces per bus at peak loading capacity.
- q. Bus and motor coach service garage. One (1) parking space per employee on the maximum shift, plus suitable area for servicing and parking bus and motor coaches.
- r. Carry-out restaurants, confectionaries, and drive-in restaurants. One (1) parking space per fifty (50) square feet of net patron floor area, excluding restrooms, plus one (1) space per employee on the maximum shift, plus six stacked parking spaces for each vehicle service window.
- s. Automobile service station uses and automobile wash facilities. One (1) space per employee on the maximum shift and two (2) spaces per service stall or bay, plus three (3) stacked spaces per each fueling position, or car washing staff.
- t. Motor vehicles, machinery sales and repair garage. One (1) parking space for each four hundred (400) square feet of floor area, plus one (1) space per employee on the maximum shift.
- u. Shops repairing household appliances and equipment. One (1) parking space per two hundred (200) square feet of floor area, plus one (1) space per employee on the maximum shift.
- v. Furniture and large appliance store. One (1) parking space for each five hundred (500) square feet of gross floor area, plus one (1) parking space per employee on the maximum shift.
- w. Outdoor sales area, such as for new or used automobile, boat or trailer sales, lumber or building material yards, plant nurseries, or similar uses. One (1) parking space for each one thousand (1,000) square feet of uncovered sales area, plus one (1) parking space per employee on the maximum shift.
- x. General retail sales, including department stores not located in a shopping center. One (1) parking space per two hundred (200) square feet of gross floor area plus one (1) per employee on the maximum shift.
- y. Offices. Business, governmental, and professional offices (except health care, but including counseling services). One (1) parking space shall be provided for each three hundred (300) square feet of floor area for the first eight thousand (8,000) square feet of gross floor area. One (1) additional parking space shall be furnished for each seven hundred (700) square feet or fraction thereof for the next twelve thousand (12,000) square feet of total floor area and one (1) additional parking space shall be provided for each one thousand (1,000) square feet, or fraction thereof, for total area in excess of twenty thousand (20,000) square feet. One (1) parking space shall also be provided for each staff member or employee on the maximum shift.
- z. Cultural and community centers, such as libraries, art galleries, and museums. One (1) parking space for every three hundred (300) square feet or visitor use area, plus one (1) parking space for each one and five tenths (1.5) employees on the maximum shift.

aa. Businesses (Not Listed Above). One (1) parking space for each two (2) staffmembers of employees, plus such additional parking space, as may be required by the Plan Commission for customers or users.

**16. Industrial Districts and Uses, Unless Specifically Mentioned.** Off-street parking spaces accessory to uses allowed in the several Industrial Districts shall be provided in accordance with the following minimum requirements.

- a. For the uses listed hereunder, one (1) parking space shall be provided for everyone thousand (1,000) square feet of building area or for every two (2) employees, whichever constitutes the greater number of stalls:
  - (1) Air, motor, railroad, water freight terminals, and repair shops.
  - (2) Contractors' shops and yards.
  - (3) Greenhouses, wholesale.
  - (4) Mail order houses.
  - (5) Radio and television stations.
  - (6) Sewage treatment plants - municipal.
  - (7) Warehouses.
  - (8) Manufacturing establishments.
  - (9) Printing and publishing establishments.
  - (10) Any establishments for production, fabrication, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products.
  - (11) Building materials sales yards.
- b. In the Industrial District and for any industry, one (1) space for every one thousand (1,000) square feet of building area or for every two (2) employees, whichever constitutes the greater number of stalls. Industries operating more than one (1) shift must have additional spaces to provide for change of personnel at shift change time.

## **Section XIX. Artificial Lakes**

The following regulations shall apply to all artificial lakes hereinafter constructed or developed within the Town of Green Bay.

### **A. Location**

Artificial lakes shall be allowed as Conditional Uses in the Estate Residential and Agriculture Zones.

### **B. Permit**

1. The property owner, developer, or his/her assigned agent shall make application for an Excavation Permit to the Town Plan Commission prior to construction.
2. The Town Plan Commission shall review and approve the site plan before issuing the Excavation Permit.

### **C. Site Plans**

1. A map drawn at a minimum scale of one (1) inch = two hundred (200) feet showing the proposed lake size and the adjoining property within five hundred (500) feet of the site.
2. Layout of proposed residential lots and other buildings, if applicable.
3. The type of sanitary facilities to be installed, if residential development is to take place.
4. Source of water supply for residential dwellings and water level maintenance in the lake.
5. Surface drainage sources and topography.
6. Proposed roadways.

### **D. Other Requirements**

1. The constructed lake shall meet the requirements of the Brown County Water Law Codes.
2. Artificial lakes constructed adjacent to a navigable body of water shall comply with the regulations set forth by the Wisconsin State Statutes and the Department of Natural Resources.
3. If constructed as a fish or wildlife facility, it shall comply with the requirements and recommendations of the Soil Conservation Service, Agriculture Stabilization Conservation Service and the Department of Natural Resources.
4. The groundwater table in the surrounding area and adjacent to the lake shall be protected.
5. State permits shall be required if high capacity wells are drilled on the site.

6. The Division of Environmental Health requirements shall be met to insure proper safety of swimmers.
7. The perimeter of the lake shall be landscaped and seeded within six (6) months after completion of the excavation.
8. A performance bond shall be filed with the Town Board prior to the start of construction. Amount of bond per acre shall be specified by the Town Board of Green Bay.

## **Section XX. Earth Excavations**

The following regulations shall apply to all future and existing excavations of sand, gravel, stone, loam, dirt, and other earth products within the Town of Green Bay where applicable.

### **A. General**

1. All excavations of sand, gravel, clay, silt, loam, rock, stone, muck, dirt, soil, and other earthen materials, including but not limited to sand pits, gravel pits, and rock quarries shall require a conditional use permit issued pursuant to this ordinance.
2. All existing sites of excavation shall comply with this ordinance prior to any additional expansions or alterations of the existing site beyond the boundaries of the parcels of record on which excavation is taking place as of the date of the adoption of this ordinance.
3. The standards contained within this Section XX shall apply unless modified in the applicable conditional use permit.

### **B. Exemptions**

The following uses shall be exempt from the provisions of this ordinance.

1. Excavation and removal of less than five hundred (500) cubic yards over a period of one (1) year from any single parcel of land recorded in the Brown County Register of Deeds Office.
2. Necessary foundation and trench excavation only in connection with work on the premises for which a building permit has been issued.
3. Normal agricultural activities.
4. Landscaping or site preparation for building use.

### **C. Permit**

1. Application for a conditional use permit to excavate or remove earth material shall be made to the Green Bay Town Plan Commission by the property owner or his assigned agent. Forms shall be provided by the Town of Green Bay. The Town Plan Commission shall reach a decision within forty (40) days from the filing of the completed application form.
2. The application shall contain the required information as specified in Subsection D, Section XX of this ordinance prior to the issuance of an excavation permit.
3. Following submittal and approval of the excavation plan, the Town Zoning Administrator shall issue the permit. The permit shall be valid for one (1) year upon issuance.
4. Upon expiration of the permit, the Town Plan Commission shall inspect the site before issuing the permit. If the regulations have been complied with, the permit shall be reissued.

## **D. Site Plans**

The following information shall be required on a site plan prior to issuing an excavation permit.

1. ~~A map showing the location of the premises and the adjoining properties within five hundred (500) feet. The map shall be drawn at a scale not smaller than one (1) inch equals two hundred (200) feet.~~
2. ~~Contour intervals of the proposed site at intervals of twenty (20) feet when available.~~
3. ~~Existing and proposed drainage patterns of the site.~~
4. ~~Proposed regrading and revegetation of the site after completion of the excavating operation.~~
5. ~~Proposed truck and machinery access to the site.~~
6. ~~Types and location of temporary or permanent building to be erected on the site.~~
7. ~~Approximate amount of earth material to be excavated or removed at the site.~~
8. ~~Approximate number of trucks and other types of machinery to be used at the site.~~
9. ~~Designated hours of operation.~~

## **E. Trucks and Machinery**

1. ~~No fixed machinery shall be erected or maintained within two hundred (200) feet of any property or street line.~~
2. ~~Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding property.~~

## **F. Material Handling**

1. ~~No excavation shall take place within fifty (50) feet of any property line or one hundred (100) feet of the street line.~~
2. ~~No screening, sifting, washing, crushing, or other forms of processing shall be conducted upon the premises unless it is located more than five hundred (500) feet from a residential dwelling.~~

## **G. Excavation Site**

1. ~~The excavation of earth materials shall be allowed as Conditional Uses in the Rural Residential and Agriculture Zones.~~

## **H. Other Requirements**

1. ~~At all stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.~~

- ~~2. The premises shall be excavated and graded in conformity with the plan as approved. Any deviation from the plan shall be cause for the Town Board to revoke the permit upon the recommendations of the Town Plan Commission.~~
- ~~3. When excavating and removal operations are no longer used, as determined by the Town Plan Commission, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 3:1 (horizontal:vertical) unless waived by the Plan Commission. A layer of arable topsoil capable of supporting perennial grasses shall be spread over the excavated area except exposed rock surfaces to a minimum depth of four inches. The area shall be seeded with a perennial grass capable of survival in this climate and maintained until a uniform growth is established.~~
- ~~4. If the excavation site shall fall within a county floodplain, shoreland, or conservancy zone district, the regulations as set forth in the Shoreland Floodplain Protection Ordinance for Brown County shall apply.~~
- ~~5. Town Plan Commission members shall be allowed on the premises during scheduled operating hours for inspection purposes.~~
- ~~6. Any violation of this section shall be subject to the regulations of the Penalty Clause in Section XXIII, Violations and Penalties.~~
- ~~7. A performance bond of \$1,000 per acre shall be required of the excavator.~~

## **Section XXI. Mobile Tower Siting**

### **A. Title.**

This Section is entitled the Town of Green Bay Mobile Tower Siting Permit Regulations.

### **B. Purpose.**

The purpose of this ordinance is to regulate by zoning permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

### **C. Authority.**

The town board has the specific authority under ss. 62.23 and 66.0404, Wis. Stats., to adopt and enforce this ordinance.

### **D. Adoption of Ordinance.**

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation by zoning permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

### **E. Definitions.**

All definitions contained in s. 66.0404(1) are hereby incorporated by reference.

### **F. Subdivision and Numbering of this Ordinance.**

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

### **G. Siting and Construction of Any New Mobile Service Support Structure and Facilities.**

#### **1. Application Process.**

- a. A town zoning permit is required for the siting and construction of any new mobile service support structure and facilities. The siting and construction of any new mobile service

support structure and facilities is a conditional use in the town obtainable with this permit.

- b. A written permit application must be completed by any applicant and submitted in duplicate to the Town Clerk and Zoning Administrator. The application must contain the following information:
  1. The name and business address of, and the contact individual for, the applicant.
  2. The location of the proposed or affected support structure.
  3. The location of the proposed mobile service facility.
  4. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
  5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
  6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- b. A permit application will be provided by the town upon request to any applicant.
- c. If an applicant submits to the town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the town shall consider the application complete. If the town does not believe that the application is complete, the town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- d. Within 90 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 90-day period:
  1. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.

2. Make a final decision whether to approve or disapprove the application.
3. Notify the applicant, in writing, of its final decision.
4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

- e. The town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 1.b.6.
- f. If an applicant provides the town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.
- g. See Town of Green Bay Fee Schedule for applicable fee.

2. Limitations.

The Town Board may impose additional conditions on the permit pursuant to the Town of Green Bay Zoning Ordinance except for conditions prohibited by Wis. Stat. § 66.0404.

## **H. CLASS 1 COLLOCATION**

1. Application Process.
  - a. A town zoning permit is required for a class 1 collocation. A class 1 collocation is a conditional use in the town obtainable with this permit.
  - b. A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:
    1. The name and business address of, and the contact individual for, the applicant.
    2. The location of the proposed or affected support structure.
    3. The location of the proposed mobile service facility.
    4. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
    5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support

structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
  - c. A permit application will be provided by the town upon request to any applicant.
  - d. If an applicant submits to the town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the town shall consider the application complete. If the town does not believe that the application is complete, the town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
  - e. Within 90 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 90-day period:
    1. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.
    2. Make a final decision whether to approve or disapprove the application.
    3. Notify the applicant, in writing, of its final decision.
    4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
  - f. The town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under 1.b.6.
  - g. If an applicant provides the town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.
  - h. See Town of Green Bay Fee Schedule for applicable fee.

## 2. Limitations.

The Town Board may impose additional conditions on the permit pursuant to the Town of Green Bay Zoning Ordinance except for conditions prohibited by Wis. Stat. § 66.0404. In addition, the permit shall provide the following:

### **I. Class 2 Collocation**

#### 1. Application Process

- a. A town zoning permit is required for a class 2 collocation. A class 2 collocation is a permitted use in the town but still requires the issuance of the town permit.
- b. A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:
  1. The name and business address of, and the contact individual for, the applicant.
  2. The location of the proposed or affected support structure.
  3. The location of the proposed mobile service facility.
- c. A permit application will be provided by the town upon request to any applicant.
- d. A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject under the Town's Ordinances.
- e. If an applicant submits to the town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the town shall consider the application complete. If any of the required information is not in the application, the town shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- f. Within 45 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 45-day period:
  1. Make a final decision whether to approve or disapprove the application.
  2. Notify the applicant, in writing, of its final decision.
  3. If the application is approved, issue the applicant the relevant permit.
  4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

g. See Town of Green Bay Fee Schedule for applicable fee.

## **J. Penalty Provisions**

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$50 nor more than \$500, plus the applicable surcharges, assessments, costs, and attorneys' fees, for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town may seek injunctive relief from a court of record to enjoin further violations.

## **Section XXII. Administration and Enforcement**

This section of the ordinance shall set forth the requirements to adequately provide and develop the proper administration and enforcement of this ordinance.

### **A. General**

1. This ordinance shall provide for the position of Zoning Administrator, Zoning Board of Appeals, and Town Plan Commission.
2. This section shall provide the authority and necessary requirements for issuance of land use permits and occupation permits; variances, appeals, amendments, conditional uses, fees, and penalties.

### **B. Zoning Administration**

The Town Board of Green Bay shall appoint a Zoning Administrator. It will be the primary responsibility of the Zoning Administrator to administer and enforce this ordinance with the assistance of such other persons as the Town Board may direct. The Town of Green Bay Zoning Administrator shall have the following responsibilities and duties.

1. Issue all land use permits and make and maintain records thereof.
2. Issue all certificates of compliance and make and maintain records thereof.
3. Issue all rezoning certificates and make and maintain records thereof.
4. Conduct inspections of land use to determine compliance with the terms of this Ordinance.
5. Provide and maintain a public information bureau relative to all matters arising out of this ordinance.
6. Forward to the Town of Green Bay Plan Commission all applications for conditional uses and for amendments to this ordinance that are initially filed with the Office of the Zoning Administrator.
7. Forward to the Zoning Board of Appeals applications of appeals, variances, or other matters on which the Zoning Board of Appeals is required to pass under this ordinance.
8. Maintain permanent and current records of this ordinance including, but not limited to: all maps, amendments, conditional uses, variances, appeals, and applications thereof.
9. Initiate, direct, and review, from time to time, a study of the provisions of this ordinance, and to make reports of its recommendations to the Town Plan Commission.
10. If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, he shall consult with the Town Board and only with its advice and consent, shall thereafter notify, in writing, the person responsible for such violation and ordering the action necessary to correct it.
11. Issue a building permit for any new construction or alteration that is over \$2,500.00, but does not come under the jurisdiction of the building inspector (ex. Above ground pools).

12. All Certified Survey Maps will first go to the Zoning Administrator and he will collect the fees.

### **C. Board of Appeals**

1. A Board of Appeals is hereby established. The Board of Appeals shall consist of five (5) members appointed by the Town Chairman, subject to confirmation by the Town Board for three (3) years, except that of those first appointed, one (1) shall serve for one (1) year, two (2) for two (2) years, and two (2) for three (3) years. The members shall serve with compensation as set by the Town Board and shall be removable by the Town Chairperson for cause upon written charges and after public hearing. The Town Chairperson shall designate one of the members as Chairperson of the Board of Appeals. The Town Chairperson shall appoint an alternate member for a term of three (3) years who shall act with full power, only when a member of the Board of Appeals is absent or refuses to vote because of interest. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The Board of Appeals may employ a secretary and other employees.
2. The Board of Appeals shall adopt rules for its government and procedure. Meetings of the Board of Appeals shall be held at the call of the Chairperson of the Board of Appeals and at such other times as the Board of Appeals may determine. The Chairperson, or in his/her absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
3. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Appeals and shall be a public record.

Statements of the facts found by the Board shall be included in the minutes of each case heard or considered by it. The reason for recommending or denying an exception as provided in the ordinance shall also appear in the minutes. In every instance, a statement of the facts upon which such recommendations are based shall appear in the minutes.

4. Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Town of Green Bay affected by any decision of the Town Plan Commission or Town Zoning Administrator.

Such an appeal shall be made within thirty (30) days after the decision or the action complained of, by filing with the Town Zoning Administrator a notice of appeal specifying the grounds thereof. If the appeal is because of a grievance due to a decision by the Town Plan Commission, the Chairperson of the Plan Commission shall also receive a copy of the appeal.

5. The Zoning Administrator or Town Plan Commission shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Appeals shall fix a reasonable time for the hearing of appeals.
6. The Board of Appeals shall hold a public hearing on each appeal. Time, place, and purpose of the appeal shall be published as provided in the state law on planning and zoning and applicable to the Town of Green Bay.

7. Due notice of the hearing shall be given to parties of interest as well as owners of property located within one hundred (100) feet of the property in appeal. The Board shall reach decision within sixty (60) days from the filing of the appeal.
8. The Board of Appeals shall have the following powers:
  - a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator.
  - b. To hear and decide special exceptions to the terms of this ordinance upon which the Board of Appeals is required to pass.
  - c. Hear and pass upon the application for variance from the terms provided in this ordinance in the manner prescribed by and subject to the standards established herein.
9. Except as specifically provided, no action of the Board of Appeals shall have the effect of permitting in any district uses prohibited in such district.

In every case where a variance from these regulations has been granted by the Board of Appeals, the minutes of the Board shall affirmatively show in what particular and specific respects an "unnecessary hardship" or "practical difficulty" would have been created by the literal enforcement of the terms of this ordinance.

10. The Board of Appeals may reverse or affirm wholly or in part or may modify an order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Administrator. The concurring vote of four members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect any variation in the requirements of this ordinance.

## **D. Town Plan Commission**

The Town Plan Commission shall be the authorized planning agency and shall perform the duties of the Town Plan Commission as set forth in Section 62.23 of the Wisconsin Statutes.

1. **Jurisdiction.** The Green Bay Town Plan Commission shall carry out the following duties under this ordinance:
  - a. Review all applications for conditional uses and amendments to this ordinance and report said findings and recommendations to the Town Board in the manner designated by this ordinance for amendments and conditional uses.
  - b. Receive from the Zoning Administrator his/her recommendations as related to the effectiveness of this ordinance and report his/her conclusion and recommendations to the Green Bay Town Board.
  - c. Hear and decide matters upon which it is required to pass under this ordinance.
  - d. Review all Certified Survey Maps for their present zoning status and locate on the Town

Map.

**2. Meetings.**

- a. All meetings of the Town Plan Commission shall be held at the call of the Chairperson of the Commission and at such times as the Commission may determine.
- b. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall also keep records of its hearings and other official actions.

**3. Decisions.** All actions of the Town Plan Commission shall require the vote of a majority of the members of the Commission.

**4. Membership.**

- a. The Town Plan Commission shall consist of seven (7) members appointed by the Green Bay Town Chairperson and subject to confirmation by the Green Bay Town Board.
- b. Town Plan Commission members shall consist of not more than one (1) member of the Zoning Board of Appeals; and not more than two (2) members of the Green Bay Town Board. The remaining Plan Commission members shall be additional citizens of the Town of Green Bay.
- c. The term shall be for three (3) years, except that of those first appointed; two (2) shall serve for one (1) year; two (2) for two (2) years; and three (3) for three (3) years.
- d. The Town Plan Commission members shall be removable by the Town Board of Green Bay for cause upon written notice.
- e. Vacancies shall be filled for the unexpected terms of members. The Town Chairperson shall appoint personnel to fill the vacancies, subject to approval by the Town Board of Green Bay.

**E. Building Permit**

1. Building Permit Required - No person shall alter, in excess of \$2,000.00 value in any twelve- month period, build, add onto or alter any building within the scope of this ordinance without first obtaining a building permit for such work from the building inspector. Any structural changes or major changes to mechanical systems that involve extensions shall require permits. Restoration or repair of an installation to its previous code, compliant condition as determined by the building inspector is exempted from permit requirements. Re-roofing, finishing of interior and exterior surfaces, installation of cabinetry and nonstructural interior remodeling shall be exempted from permit requirements. All new dwellings will require the installation of drain tile. The moving, raising or wrecking of a building requires a permit.
2. Application for said building permit shall be made from the landowner or his/her authorized agent by contacting the Building Inspector.
3. Each building permit shall be accompanied by a site plan, or a certified survey map or plat in accordance with requirements as specified in Section XXII, Subsection G, Site Plans.

4. Each building permit applied for shall be granted or denied within a ten (10) day period from the date of application. Reason for denial of a building permit shall be forwarded in writing by the Town Zoning Administrator to the applicant.

## **F. Certificate of Compliance**

1. No vacant land shall be occupied or used and no building hereafter erected, altered or moved shall be occupied until a certificate of compliance shall have been issued by the Zoning Administrator. Such certificate shall show that the building or premises or part thereof and the proposed uses thereof are in conformity with the provisions of this ordinance. Such certificate shall be applied for when application is made for a building permit and shall be issued within ten (10) days after the completion of the work specified in such building permit application, but only if the building or premises and the proposed use thereof conform with all the requirements of this ordinance.

## **G. Site Plans**

1. All applicants for building permits for business, residential, and industrial uses shall be accompanied by the following:
  - a. A copy of the plat or certified survey map of the proposed building site.
  - b. A site plan, in duplicate, drawn at a minimum scale of one (1) inch to one hundred (100) feet showing the ground area, height, and bulk of building or structure, the building lines in relation to lot lines, the use to be made of the building, structure, or land; and such other information as may be required by the Town Plan Commission and Zoning Administrator for the proper enforcement of this ordinance.

## **H. Variances**

1. **Application.** An application for a variance shall be filed with the Board of Appeals. The application shall contain such information as the Board of Appeals, by rule, may require. Due notice of the hearing shall be given to parties of interest as well as owners of property located within one hundred (100) feet of the property in appeal. The Board shall reach a decision within sixty (60) days from the filing of the appeal.

Notice of the time and place of such public hearing shall be published as provided in the state law on planning and zoning and applicable to the Town of Green Bay.

2. **Standards of Variances.** The Zoning Board of Appeals shall not vary the regulations as set forth in H-1 above unless it shall make findings based upon the evidence presented to it in each specific case.

- a. Because of the particular physical surrounding, shape, or topographical condition of the specific property involved, a particular hardship to the owner would result as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.
- b. Conditions upon which a petition for a variation is based are unique to the property for

which the variance is sought and are not applicable, generally, to other property within the same zoning classification.

- c. Alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.
- d. Granting of the variation shall not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- e. Proposed variation shall not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property value within the neighborhood.

## **I. Amendments**

1. **Authority.** The Green Bay Town Board may, from time to time in the manner hereafter set forth, amend the regulations imposed in the districts and amend district boundary lines, provided that in all amendatory ordinances adopted under the authority of this section, due allowance shall be made for the intent purpose of said changes as per Section II of this ordinance.
2. **Initiation.** Amendments may be proposed by a governmental body, interested person, or organization.
3. **Application.** An application for an amendment shall be filed with the Town Plan Commission in such form and accompanied by such information as required by the Town Plan Commission. Said application shall be reviewed and a written recommendation submitted thereon, to the Town Board.
4. **Hearing Notices.** The Town Board shall hold a public hearing on each application for an amendment. Time, place, and purpose of the hearing shall be published as provided in the state law on planning and zoning and applicable to the Town of Green Bay. Due notice of the hearing shall be given to parties of interest, as well as owners of property located within one hundred (100) feet of the property in appeal. The Board shall reach a decision within sixty (60) days from the filing of the appeal.

### **5. Finding and Recommendation.**

- a. The Town Plan Commission shall make written findings of fact and shall submit the same, together with its recommendations, to the Town Board prior to the public hearing.
- b. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Town Zoning Board shall make findings based upon the evidence presented to it in each specific case with respect to the following matters.

Existing uses or property within the general area of the property in question. Zoning classification of property within the general area of the property in question. Suitability of the property in question to the uses permitted under the existing zoning classification.

Trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.

The Plan Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant.

The Plan Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant.

#### **6. Town Board Action.**

- a. The Town Board shall not act upon a proposed amendment to this ordinance until it shall have received a written report and recommendation from the Town Plan Commission on the proposed amendment.
- b. The Town Board may grant or deny any application for an amendment provided however, that in the event of a written protest against any proposed amendment to this ordinance, be duly signed and acknowledged by the owners of twenty (20) percent or more, either of the areas of the land included in such proposed change, or by the owners of twenty (20) percent or more of the land immediately adjacent, extending one hundred (100) feet therefrom, or by the owners of twenty (20) percent or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the unanimous vote of the full Town Board membership.
- c. If an application for a proposed amendment is not acted upon finally by the Town Board within ninety (90) days of the date upon which such application is received by the Town Board, it shall be deemed to have been denied.

The Town Board shall make a decision on the amendment within sixty (60) days from the filing of the application for rezoning.

#### **J. Conditional Uses**

1. **Purpose.** To place unique land use characteristics within favorable zoning districts to ease conflicts on neighboring lands and public need.
2. **Initiation.** Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable; may file an application to use such land for one or more of the conditional uses provided in this ordinance in the zoning district in which the land is located.
3. **Application.** The application for a conditional use shall be filed with the Green Bay Town Plan Commission on a form as prescribed by the Town of Green Bay. The application shall be accompanied by such plans and/or data prescribed by the Town Plan Commission and shall include a statement, in writing, by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in the respective zone districts. Such application shall be reviewed by the Town Plan Commission and a written recommendation submitted thereon to the Town Board.

4. **Hearing on Application.** Upon receipt in proper form of the written recommendation referred to in Subsection J., 3., the Town Board shall hold at least one (1) public hearing on the proposed conditional use. Due notice of the hearing shall be given to parties of interest as well as owners of property in appeal. The Board shall reach a decision within sixty (60) days from the filing of the appeal.
5. **Authorization.** For each application for a conditional use, the Town Plan Commission shall report to the Town Board its findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. The Board shall make a decision within sixty (60) days from the filing of the conditional use application.
6. **Conditions and Guarantees.** Before issuing a conditional use permit, the Town Plan Commission may recommend and the Town Board shall stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Section J. 5. above. In all cases in which conditional uses are granted, the Town Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

## **K. Fees**

Any application for an amendment or conditional use, filed by or on behalf of the owner or owners of the property affected, shall be accompanied by applicable fees. All variances and appeals shall be accompanied by applicable fees. All culvert permits shall be accompanied by applicable fees. All fees shall be paid to the Town Zoning Administrator. Please reference Town of Green Bay Fee Schedule.

The schedule of all fees is set and maintained at the direction of the Town Board. Fees by Amendment may change all fees. If there is a conflict in fees in the Zoning Ordinance and the fee schedule, the fee schedule will rule.

## **Section XXIII. Violations and Penalties**

A. Any building or structure hereafter erected, moved, or structurally altered or any use hereafter established in violation of any of the provisions of this ordinance, shall be deemed an unlawful building, structure, or use. The Zoning Administrator shall promptly report all such violations to the Town Board which shall bring action to enjoin the erection, moving or structural alteration of such building or the establishment of such use or to cause such building, structure, or use to be vacated or removed.

Any person, firm, or corporation who violates, disobeys, neglects, omits, or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance may be required, upon conviction, to forfeit not less than ten (\$10) dollars nor more than five hundred (\$500) dollars for each offense, together with the costs of prosecution, and may be imprisoned in the county jail of Brown County until said forfeiture and costs are paid, but not to exceed thirty (30) days for each violation. Each day that a violation continues to exist shall constitute a separate offense.

## **Section XXIV. Enforcement**

- A. It shall be the duty of the Zoning Administrator to enforce the provisions of this ordinance.
- B. No structure of any kind, including buildings, shall hereafter be erected, moved, or structurally altered until a land use permit therefor shall have been applied for and issued.

## **OVERLAY MODEL – ZONING DISTRICT**

### **Section XXV. Champion Area Overlay District**

The following model for Champion Area Overlay Ordinance language is recommended as an addition to the existing Town of Green Bay Zoning Ordinance. Through its design, the framework will assist the Town in guiding development and redevelopment activities in the Champion area. The design review standards referenced are attached.

#### **A. Purpose**

The purpose of this section is to protect the agricultural, scenic and peaceful rural character of the unincorporated Champion area in the Town of Green Bay. The Town identified these as key planning issues as part of the 2035 Comprehensive Plan, and considers protecting these important to maintaining a high quality of life, attracting visitors, and preserving agricultural economic vitality. Through the 2018 Comprehensive Plan Amendment process, the Town of Green Bay also anticipates these standards will help promote an overall character and identity to the community. As a result, the Town deems this ordinance necessary to protect the general health, safety and welfare of the community.

The Town will review development proposals in the Champion Area Overlay District through a site plan review process. The process will allow the Town and the applicant to work together on arriving at an appropriate design, with opportunities for public input along the way. The process will also establish clear timelines and expectations for all involved. The site plan set approval process will involve three steps that the applicant shall complete in individual succession:

#### **Town Approval Process Steps**

1. Pre-application conference Town Plan Commission Advisory review

**Reviewing Body** – Town Plan Commission

**Approval Method** – Advisory Review

2. Preliminary Approval

**Reviewing Body** - Town Plan Commission Recommendation of approval or

**Approval Method** – Recommendation of approval or disapproval to Town Board

3. Final Approval

**Reviewing Body** - Town Board

**Approval Method** – Final approval or final disapproval

The Champion Area Overlay Zoning District, along with the design guidelines, can provide a positive direction for property owners and developers interested in these areas. The intent is not to stop or even slow development but to guide development in a manner that creates high quality projects with environmental sensitivity and aesthetic compatibility with the surrounding rural image, and to allow all interested stakeholders opportunities to review proposed development.

**1. Exclusions.** The following exclusions to the Champion Area Overlay District requirements shall apply to these land uses and/or situations:

- a. Single-family residential uses. The Champion Area Overlay Zone Design Standards shall not apply to any permitted residential uses requiring a building or land use permit for single-family residential construction or expansion being requested for a single lot only. The underlying zoning requirements shall still apply
- b. Permitted agricultural or permitted accessory agricultural uses. The Champion Area Overlay Zone Design Standards shall not apply to any permitted agricultural uses or any permitted accessory agricultural uses requiring a building or land use permit for any construction or expansion. The underlying zoning requirements shall still apply.
- c. Permits issued prior to the ordinance date. The Champion Area Overlay Zone specific design standards and rules shall apply to new construction requiring a new building or land use permit from the Town. If the Town has issued a building or land use permit for construction prior to the date of adopting the Champion Area Overlay Zone Ordinance, the permit holder is not required to follow these standards retroactively, only what the Town required at the time of granting the permit. The underlying zoning requirements shall still apply.
- d. Land Divisions. The Champion Area Overlay Zone requirements do not apply to any land division process under Brown County's Chapter 21 Land Division and Subdivision Ordinance, which shall govern the land division process.

**2. Conflicting Requirements.** Within the designated Champion Area Overlay Zone, the regulations of this section shall apply in addition to the underlying zone requirements. Where the overlay zone requirements and the underlying zone requirements conflict, the overlay zone requirements shall rule.

## **B. Champion Area Overlay District**

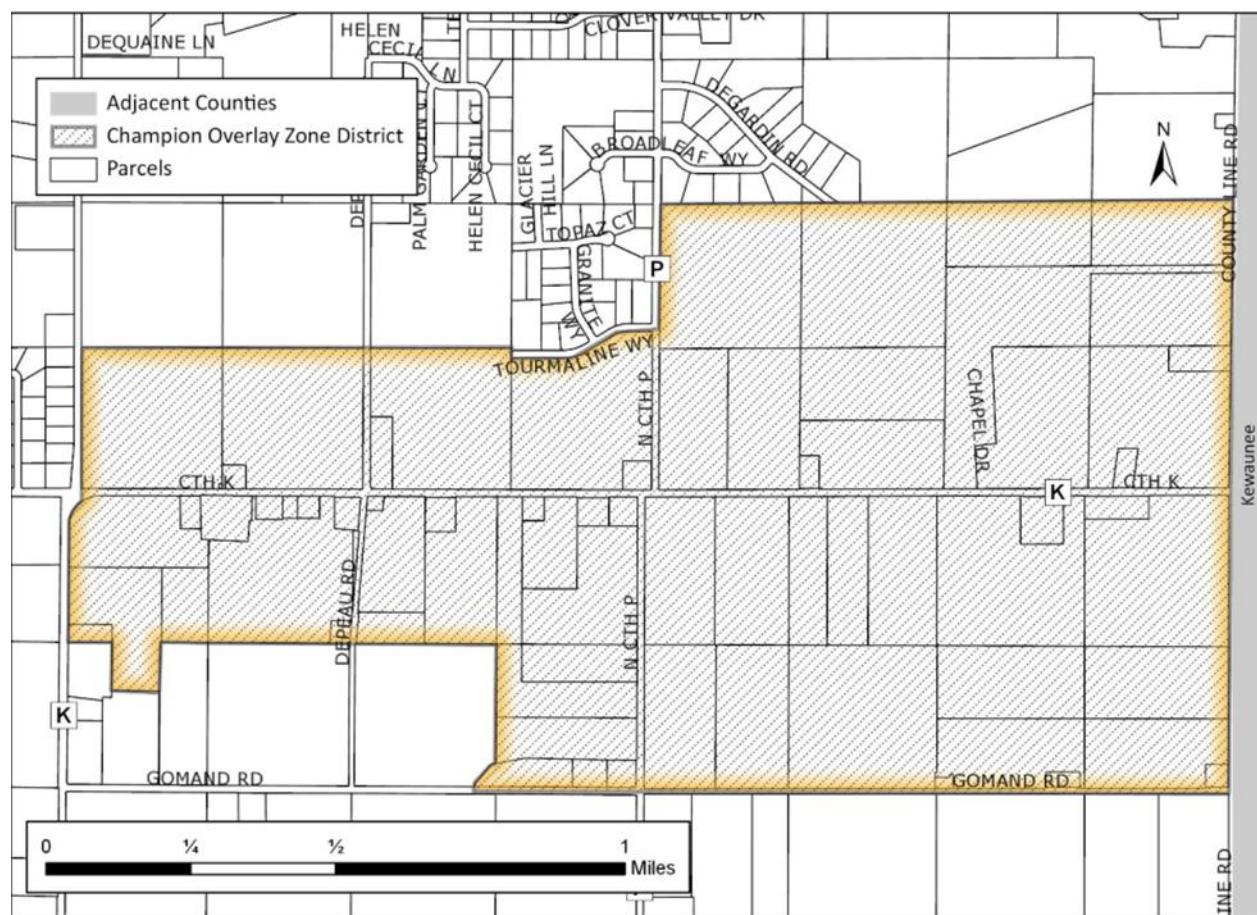
The Champion Area Overlay District encompasses the lands identified within the defined zone shown in Figure 24- 1.

If any persons have property divided by the defined limits of the Champion Area Overlay District, they are required to comply with the District's standards only for that segment of the property within the District.

Application of this District is intended to provide the framework for ensuring quality development in the unincorporated area of Champion, which the Town of Green Bay has deemed important to the scenic beauty, aesthetic character and charm of the Town. This District is placed over one or more standard zoning districts. The Planning Commission shall recommended proposed boundaries to the Town Board for final approval.

The regulations outlined in this section shall be considered equal to those in the underlying district. In cases where regulations conflict, the overlay zone requirements shall prevail.

Figure 24- 1: Champion Area Overlay Zone District



### **C. Definitions**

The following definitions shall be applied to this ordinance. Where not defined here, refer to the definitions in Section III of the Town zoning ordinance.

- 1. Applicant** – Any reference to the ‘applicant’ may include the property owner, or the property owner’s authorized agent, including, but not limited to, a builder, developer, consultant, or an architect.
- 2. Impervious Surfaces** – Impervious surfaces are any surfaces that water cannot infiltrate through.
- 3. May** – Signifies an item is permissive and discretionary.
- 4. Opaque** – Incapable of transmitting light.
- 5. Shall** – Signifies an item is mandatory and required by an adopted ordinance.
- 6. Should** – Signifies a guideline that is strongly encouraged.
- 7. Site Plan** – The plan an applicant will create and submit for Town review to ensure that the proposed site design and operation will complement the existing land uses in the Champion Area Overlay District.
- 8. Site Plan Set** – Any reference to the site plan set in this ordinance is intended to mean all the required plan documents as part of the application process: site plan; parking and circulation plan; landscape plan; architectural plan; utilities and infrastructure plan; and lighting plan.
- 9. Subsection** – Any reference to a subsection in this section is intended to refer to those within this section (XXIV) only.
- 10. Underlying Zone** – The base zone district as shown on the Town’s current zoning map, or the current adopted zone if the property has been rezoned more recently than the map has been updated.
- 11. Undue** – Unwarranted; excessive.

### **D. Uses Permitted**

1. The uses of the underlying standard zoning district shall remain in force. The overlay zone design standards and regulations will not apply to permitted agricultural uses, accessory agricultural uses, or individual single-family residential lots, either existing or proposed.
2. All other uses, whether permitted or conditional (special) in the underlying zoning shall be considered as a conditional (special) use as defined elsewhere in this ordinance. The

Planning Commission and Town Board shall consider whether the use itself is compatible or complementary with other development in the Champion Area Overlay District. The applicant will address any design-specific requirements through the site plan review process. Industrial uses are not permitted in the overlay district.

3. Any applicant seeking permits for a PRD Planned Residential Development in the Champion Area Overlay District shall follow the district requirements in this ordinance.

4. Storage facilities (commonly referred to as mini-warehouses or self-storage units) shall **not be permitted within the overlay district.**

#### **E. Pre-application Conference**

Prior to filing an application for a building permit for construction other than single-family residential or agricultural in the overlay zone, the applicant shall arrange a pre-application conference with the Town Plan Commission. The primary purpose of the pre-application conference is to provide the applicant with an opportunity to obtain information and guidance as to the general suitability of the proposal in the overlay area, and its conformity to the provisions of this chapter before the applicant incurs substantial expense in the preparation of plans, surveys and other required data.

The applicant will do the following:

1. Arrange a pre-application conference by contacting the Town Clerk of the Town of Green Bay, in writing, requesting that such conference be placed upon the agenda of the Town Plan Commission.

a. The pre-application conference shall be held at either a regularly scheduled or special Town Board meeting.

2. Not less than ten (10) days prior to the Town Plan Commission meeting/pre-application conference, the applicant shall submit three copies of a sketch site plan (at least 11"x17") of the proposed site. The sketch site plan shall include the following:

a. A written statement containing: the major planning assumption; the objectives of the proposed development; the development concept; the benefits that will accrue from the development to the community at large, its residents, and the neighbors of the proposed development.

b. Name and address of the applicant. If the applicant is a partnership, then the names and addresses of all partners shall be provided. If the applicant is a corporation, then the names and addresses of all of the shareholders, directors, and officers shall be provided.

- c. Name and address of the recorded owner of the property if different from the applicant, and the property owner's written authorization of the project.
- d. Names and addresses of all property owners within a three hundred (300) foot peripheral strip surrounding the proposed site. i. The applicant shall notify all the property owners with a letter postmarked not less than 10 days prior to the meeting date, and provide a certificate of mailing to the Town Clerk as part of the pre-application submittal.
- e. Name, address and telephone number of the firm or individual responsible for preparation of the sketch plan.
- f. A map drawn to a scale of not less than one inch (1") equals one hundred (100) feet containing a north arrow, graphic scale, the date of the drawing, tract boundaries, a statement of the total acreage of the tract, the proposed location of all principle structures and associated parking areas.
- g. A statement concerning the significant physical features within the site, including environmentally sensitive areas, water courses, ponds, lakes, and wetlands. This statement shall also address any proposed major changes in those features.
- h. A statement describing the site's underlying zoning district(s) and any other zoning district(s) within three hundred (300) feet adjacent site.
- i. A statement describing all existing buildings that may affect the current and future development of the tract.
- j. A statement discussing the pedestrian, bicycle, auto, mass transit or other circulation systems both within and outside the site.
- k. A statement concerning existing rights-of-way and easements which may affect site development.
- l. If the applicant's sketch site plan calls for development in stages, then a map drawn to a scale of not less than one inch (1") equals one hundred feet (100') shall show the successive stages of development.
- m. Any other documents and supporting information deemed necessary by the applicant or the Town Board.

#### **F. Preliminary Approval Process**

The Town Planning Commission will act as the review authority for the preliminary approval process.

**1. Preliminary Approval Application.** Following the pre-application conference with the Town, the applicant is eligible to apply for preliminary approval of the site design. The applicant has up through the Town Plan Commission hearing in the sixth month following the pre-application conference to complete the preliminary approval hearing (e.g. if the preapplication conference is in March, the applicant has up through the regularly scheduled September Plan Commission meeting to present the site plan for preliminary approval). Once an applicant is eligible for a preliminary approval, they must still follow all the procedures for getting on the Plan Commission Agenda.

**2. Notice, Fee and Public Access Filing Requirement.** The applicant shall apply to the Zoning Administrator on such forms as shall be provided by the Town and shall pay a fee of six hundred dollars (\$720.00).

- a. The applicant will also resubmit the names and addresses of all property owners within a three hundred (300) foot peripheral strip surrounding the proposed site. The applicant may use the same list they submitted for the pre-application conference, provided that the adjacent property owner list is still current.
- b. The required plan elements listed in Subsection H, and a written project narrative on how the proposed plan fulfills the criteria listed in Subsection (F) 6.
- c. In addition, a true, complete, and legible free public access copy of the application and all supporting documents and maps submitted by the applicant, shall be prepared and filed with the Town Zoning Administrator by the applicant, at the applicant's expense. This free public access documentation shall be available to the public at the Town Hall, Town School or such other location within the Town of Green Bay as directed by the Zoning Administrator. The purpose of this provision is to promote public awareness and enhance public participation in the preliminary approval and final approval hearings. As such, the applicant's obligation to prepare and file an extra copy of all supporting documents and maps submitted in support of their application for free public access continues until final approval or denial of approval of the proposed site plan. Interested members of the public seeking access to this public copy of the proposed site plan documentation may contact the Zoning Administrator or Town Clerk for information as to its location and availability for inspection.

**3. Notice to Town Plan Commission.** The Zoning Administrator shall inform the Town Plan Commission of such desire and shall secure a date for an initial meeting between the applicant and the Town Plan Commission and shall notify such applicant of such date.

**4. Public Notice of Town Plan Commission meeting.** All Town Plan Commission meetings conducted pursuant to this subsection shall be preceded by public notice posted in three (3) conspicuous places within the Town by the Town Plan Commission not less than 14 days prior to such meeting(s).

a. In addition, the applicant shall, at the applicant's expense, mail written notice by certified or registered mail to all property owners of those properties located within the three hundred (300) foot periphery surrounding the building site to be developed not less than fourteen (14) days prior to the initial Town Plan Commission meeting.

i. The written notice issued by the applicant shall include the name, address, and telephone number of the applicant's representative who shall be prepared to provide interested parties with copies of the sketch plan, application, preliminary plan and any other document(s) submitted or to be submitted to the Town Plan Commission at, or prior to, the public hearing.

ii. Copies of any such documentation shall be provided to interested members of the public by the applicant upon request, provided however, the applicant may charge the requesting party the reasonable cost of duplication of any such requested item, and may require that the requesting party pay the cost of duplication in advance of duplicating and providing the requested copies.

iii. The applicant shall file a copy of the written notice and the mail certification receipts with the Town Plan Commission at or prior to the commencement of the meeting. Failure of the applicant to timely file the notice copy or the mail receipts with the Town Plan Commission shall result in adjournment of such meeting until such time as this requirement shall be satisfied.

**5. Town Plan Commission Recommendation.** The Town Plan Commission shall conduct a public hearing on the proposed site plan and conditional use request in the Champion Area Overlay. Upon concluding discussion following the public hearing, the Commission shall do one of the following:

- a. Recommend to the Town Board to approve the application as presented;
- b. Recommend to the Town Board to approve the application with conditions;
- c. Recommend to the Town Board to deny the application; or
- d. Defer the matter for one meeting to allow for the receipt of additional information gathered by the applicant.

**6. Criteria for Review and Approval.** In addition to adherence to the design requirements, the Town Plan Commission shall consider the following criteria in forming its recommendation for the Town Board, and the Town Board shall consider as part of the final approval:

- a. Safety. That the proposed development should not create unsafe traffic conditions for pedestrians or vehicular travel, or undue public safety concerns.
- b. Consistency with the comprehensive plan. That the proposed site plan is consistent with the key planning issues and the Town of Green Bay Vision Statement in the 2035 Comprehensive plan.
- c. Site design, building architecture, and landscape architecture. That the proposed site plan set shall establish a high quality of design through the use of quality building and landscape materials, thoughtful site layout, and general compatibility with the rural surroundings.
- d. Control of nuisance impacts. That the proposed development will control nuisance impacts on itself and surrounding land uses including heat and glare, traffic congestion, noise, lighting and sign arrangement, prevent littering and trash accumulation, quality storm drainage, and other factors deemed to affect public health, safety, and general welfare.
- e. Impact on existing town infrastructure. That the applicant is anticipating the appropriate level of utilities and infrastructure on the site, and will not create new undue burdens on Town infrastructure.
- f. Adequacy, accessibility, and connectivity of circulation plan. That the parking and circulation plan demonstrate safe and appropriate connections, parking, and loading spaces throughout the plan for all site users.
- g. Protection and appropriate use of environmental features and topography to enhance the development. The applicant should design the site, where reasonable, to preserve and protect the natural features existing on the site, in addition to any environmentally sensitive area (ESA), shoreland, or wetland zoning requirements.

## **G. Final Approval Process**

The Town Board will act as the ultimate review authority for the site plan set final approval

1. **Timeline.** Following the preliminary approval process, the applicant is eligible to apply for final approval of the proposed site design. The applicant has sixty (60) days following

the Town Plan Commission meeting granting preliminary approval to appear before the Town Board for final approval.

**2. Written Request.** The applicant shall petition for final approval before the Town Board by submitting a written request to the Town Clerk.

**3. Public Notice of the Town Board Hearing.** All Town Plan Commission meetings conducted pursuant to this subsection shall be preceded by public notice posted in three (3) conspicuous places within the Town by the Town Plan Commission not less than 14 days prior to such meeting(s).

- a. In addition, the applicant shall, at the applicant's expense, mail written notice by certified or registered mail to all property owners of those properties located within the three hundred (300) foot periphery surrounding the building site to be developed not less than fourteen (14) days prior to the initial Town Plan Commission meeting.
- b. The written notice issued by the applicant shall include the name, address, and telephone number of the applicant's representative who shall be prepared to provide interested parties with copies of the sketch plan, application, preliminary plan and any other document(s) submitted or to be submitted to the Town Plan Commission at, or prior to, the public hearing.
- c. Copies of any such documentation shall be provided to interested members of the public by the applicant upon request, provided however, the applicant may charge the requesting party the reasonable cost of duplication of any such requested item, and may require that the requesting party pay the cost of duplication in advance of duplicating and providing the requested copies.
- d. The applicant shall file a copy of the written notice and the mail certification receipts with the Town Plan Commission at or prior to the commencement of the meeting. Failure of the applicant to timely file the notice copy or the mail receipts with the Town Plan Commission shall result in adjournment of such meeting until such time as this requirement shall be satisfied.

**4. Town Board Decision.** The Town Board shall conduct a public hearing on the proposed site plan application and conditional use permit in the Champion Area Overlay District for final approval. The Town Board will consider the submitted materials and how well they satisfy the approval criteria (Subsection (F) 6.). Upon concluding discussion following the public hearing, the Town Board shall do one of the following:

- a. Approve the application as presented;
- b. Approve the application with conditions;
- c. Deny the application.
- d. Defer the matter for one meeting to allow for the receipt of additional information gathered by the applicant.

**5. Building Permit.** Following the final approval of the site plan set, and, if any, completion of conditions, the applicant may apply for a building or land use permit, with the approved site plan set acting as the required documentation for showing site location and setbacks.

- a. Section XXI. E. applies to Town permit issuance.

## **H. General Approval Provisions**

**1. Completion of Site Improvements.** The applicant shall develop the site in accordance with the terms and conditions of development presented to and approved by the Town Board. Any changes or additions by the applicant to the original approved development site, structures, or plans of operation shall require resubmittal and recommendation by the Town Plan Commission, and approved by the Town Board. Provided however, the Town Board reserves the right to amend the grant of final approval to add or delete any conditions, commitments, or guarantees, as may be permitted by law, when circumstances dictate that the public health, safety, or general welfare will be adversely affected in the absence of such amendment or under circumstances where the grant of final approval excluding such amendment(s) was the product of fraud, mistake or excusable neglect.

- a. Before any building shall receive a certificate of occupancy, the owner, applicant, or authorized agent(s) shall have completed the improvements in accordance with the approved site plan and subdivision plat—subject, however, to weather conditions, governmental restrictions, strikes, or other causes beyond reasonable control. In such occurrences, the owner or applicant shall have substantially completed the necessary portion of improvements to provide all-weather access to buildings and all other improvements. This shall include but not be limited to completion of storm drains, paving of driveways and parking areas, landscaping, and screening necessary to protect the health, safety, and welfare of any users of the property. All improvements shall be completed if necessary to guarantee the safety of the site's users. In any event, all improvements will be accomplished in accordance with the approved site plan.

- b. The site plan and any amendments thereto, upon approval by the Town, shall be binding upon the owner, successors, and assigns. The site plan shall limit and control the issuance and validity of all building permits, and shall restrict and limit the construction, location, use, occupancy, and operation of all land and structures within the plan to all conditions, requirements, locations, and limitations set forth in the site plan.
- c. The owner shall maintain the site in conformance with the approved site plan set. All landscaping shall be maintained in conformance with the landscape plan and site plan. All landscaping shall be maintained in a neat, clean and healthy condition. This shall include proper pruning, mowing of lawns, weeding, removal of litter, and replacement of dead plants.
- d. No changes shall be made to the premises, which are the subject of a site plan, without prior approval of an amendment to the site plan according to the procedures for amendment in this section.
- e. It shall be unlawful to use or occupy a site, or place any improvement, structure, building, or vehicle on a site, in a manner that does not conform to the approved site plan. If the proposed redevelopment will significantly change the character of the development, or increase the external effects on adjacent property, as determined by the Zoning Administrator, the plan shall be presented to the Town Plan Commission for review. The Plan Commission shall review the plan using the criteria as found in Section XXIV (F) 6.

## **2. Amendments.**

- a. Any approved site plan set may be amended by the Town Plan Commission as provided in this section, or entirely withdrawn by the landowner. Any site plan set may be amended if the proposed change does not produce any of the following conditions as determined by the Town Zoning Administrator:
  - i. A significant change in the character of the development.
  - ii. A significant increase in the intensity of the use.
  - iii. An increase of problems related to circulation, safety, and provision of utilities.
  - iv. An intensification of the external effects on adjacent property.

- v. A reduction in building heights or setbacks, by as much as 10 percent of the setback distance at any given point, which would violate the Overlay Zone District requirements.
- vi. An increase in ground coverage by structures on the site by more than 10 percent of the site area.
- vii. A reduction in the amount of required off-street parking by no more than 10 percent of the total parking spaces.
- viii. Significant visual impact inconsistent with the character of the surrounding area.
- ix. No waivers of standards except as noted above.

b. The applicant must request an amendment in writing to the Town Zoning Administrator at least 21 days prior to the next regularly scheduled Town Plan Commission meeting, and follow the notice requirements in Subsection (F)4.

c. If the Town Zoning Administrator determines that the proposed amendments would produce any of the above conditions, the applicant shall restart the approval process with the pre-application process.

**3. Appeals.** Any person or persons, jointly or severally, aggrieved by the decision of the Town Board concerning final approval, may within thirty (30) days after any such final action by the Town Board (including expiration of the ninety (90) day period for action upon final approval), commence an action in the Circuit Court seeking the remedy available by certiorari.

- a. The Court shall not stay proceedings upon the decision appealed from, but may upon application, on notice to the Town Board and on due cause shown, grant a Restraining Order.
- b. The Town Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof.
- c. If necessary for the proper disposition of the matter, the Court may take evidence, or appoint a referee to take evidence and report findings of fact and conclusions of law as it directs, which shall constitute a part of the proceedings upon which the determination of the Court shall be made.

- d. The Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.
- e. Costs shall not be allowed against the Town Board unless it shall appear to the Court that the Town Board acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.
- f. All issues in a proceeding under this section shall have preference over all other civil actions and proceedings according to law.

**4. Phasing.** The applicant may show development in phases on the site plan set, where the applicant anticipates future work, but does not have details ready to submit for permits at the time of the current submittal. Refer to Subsection (H) 1.h. for more details on the phasing plan requirements.

## **H. Site Plan Set Design Review Requirements**

All uses proposed in the Champion Area Overlay District (with the exception of uses listed in Subsection (D) 1. shall be subject to Town review of site and design considerations as presented in the attached design review guidelines. The Plan Commission shall review the proposed design(s) and recommend preliminary approval or denial to the Town Board.

**Application Requirements.** The Town Plan Commission requires the following items to consider and review an application. The Plan Commission will not consider reviewing anything for approval until the applicant has submitted all required materials within the appropriate timeframe. Each of the required plans should be one to two pages in length (unless site size necessitates more for ease of review), and should be submitted as a complete set.

**1. Statement of Intent.** The statement of intent should detail what the applicant is requesting to do on this site, and how they will accomplish that. The applicant should also address the review and approval criteria in Subsection (F) 6, and how their proposal will address these items.

**2. Site plan.** The site plan shall be a scaled, dimensioned drawing (***drawn to an Engineer's Scale***) that shows the proposed site layout, and shall include the following items:

- a. Building footprint – The building footprint location, and footprint dimensions in feet.

b. Setbacks – The site plan shall display the setback distances for any building or structure on the site, and also show the setback “envelope” requirements for the entire site.

c. Site stats – The site plan shall include a data table that provides information including the following:

- i. Total acreage, and percentage totals of:
- ii. Pervious and impervious surface (in acres and square feet).
- iii. Landscaped area (in acres and square feet).
- iv. Building footprint area (in acres and square feet).

d. Parking table – A table showing required and provided parking spaces.

e. Trash enclosure location(s) – The site plan shall show the location of all trash enclosures, which shall be screened from public view and from adjacent properties with opaque materials.

f. Operation and maintenance details – The site plan shall at a minimum include:

- i. Intended hours of operation.
- ii. Hours of regularly scheduled deliveries and loading/unloading.

g. Parking and circulation – The site plan shall show the parking and circulation, and identify where vehicles and pedestrians enter and exit the site, and the location and dimensions of parking spaces and drive aisles. The plan should also identify:

- i. Emergency services access and circulation, include identifying the ingress and egress points in relation to the building footprint.
- ii. Loading/unloading areas identified and dimensioned. If semi-truck deliveries are regularly anticipated following construction, the plan shall also show truck circulation with turning radii, or shown on a supplemental sheet.

h. Ground/monument sign location – The site plan shall show the footprint location of the ground sign, including dimensions and setbacks from property line(s) and public right-of-way.

**3. Grading and utilities plan.** The grading and utilities plan shall be included in the set to show the proposed site changes and how they impact the surrounding area. This plan shall show:

- a. Grading – The plan shall show the proposed site grading in order to ensure that new construction won't create significant impacts offsite.
- b. Stormwater management – The plan should address stormwater runoff generated from the impervious surface, and show how the site will incorporate stormwater management features to prevent runoff. The applicant may incorporate stormwater management features into the landscaped areas and count that towards landscaped open space.
- c. Sanitary system - The plan shall show the proposed sanitary system location, and that the applicant has checked that the area has suitable soil conditions for that system. The system will need to be sized appropriately based on expected usage, which the applicant shall show in a table on the plan.
- d. Utilities - The plan should show how utilities will connect to the site, and to ensure those locations won't conflict with anything else in reaching the site.

**4. Landscaping and open space plan.** The landscaping and open space plan shall show the locations of all the landscaped areas, and through tables and diagrams identify the types of plants and materials planned for the site. The plan shall also show:

- a. Landscape buffer areas – The plan will identify these areas and dimensions, which will help demonstrate that the proposed site has adequate buffers.
- b. Preserved open space areas – The plan should also show any preserved open space on site, identifying those areas that will not be disturbed as part of the site construction and improvements.

**5. Architectural plan.** The architectural plan will establish the building design, and provide an opportunity to review the proposal prior to Town approval.

- a. Architectural elevations – The plan shall show all the elevations of the building, with dimensions.
- b. Materials and colors - The plan shall identify the building materials and colors.

c. Sign Locations - The plan shall identify the proposed sign locations. The Town will require sign permits as specified in Section XVII (D), and proposed signage will match the location shown on the architectural plans.

**6. Lighting Plan.** The lighting plan will identify the lighting locations on the site, and show the lighting photometrics for the whole site by foot-candle.

a. Light schedule – The plan shall also include the site's light schedule, and include the quantity and styles of lights.

**7. Phasing Plan – if necessary.**

a. In instances where future work is anticipated, but not yet detailed out, the applicant may submit a phasing plan showing phasing sequences and areas. If the initial site plan set is approved, the applicant may then in the future submit a

detailed site plan of the phased area(s) for review and approval, and will not need to modify other parts of the existing plan. The intent is to allow the applicant some certainty of the location and overall development framework, but to plan for the additional work as conditions suit.

b. When submitted in the future, the detailed site plan for the phased area shall comply with the underlying zone requirements in place at the time of current plan submission. The new site plan will match the phasing location(s) shown on the original existing approved site plan set.

c. If the site plan will not match the phasing area of the existing approved plan, the application shall be considered either a site plan amendment based on the criteria in Subsection (H) 2, or a brand new site plan set for that area, as determined by the Zoning Administrator.

## **I. Design Standards and Guidelines**

**1. Setbacks.** Buildings and parking lots in open areas of the Overlay District shall maintain a minimum 50' setback from the public right of way (landscaped buffer may be within the 50' setback). Sites with an existing wooded area screening at least 75% of the proposed building or parking lot may have the front setback reduced to 25' from the public right of way. New site landscaping does not count towards this setback reduction. Side and rear setbacks shall be 15' (or 5' with meeting Option 2 requirements) from the property line.

a. No telecommunications equipment shall be permitted closer than the established building setback.

- b. All building locations must be approved by the Town prior to the issuance of a building permit.
- c. A variance in the setback dimensions may be granted by the Town where necessary to preserve a particular view, sight line, conservancy area, environmental corridor or significant vegetation.

**2. Maximum Site Coverage.** The maximum amount of impervious surface coverage on an applicable site in the Champion Area Overlay District shall be 15% (impervious surface area/total site area).

a. Incentive – The applicant may have 20% impervious surface coverage with the inclusion of permeable pavement materials (as defined in the Wisconsin Department of Natural Resources Conservation Practice Standard – Permeable Pavement (1008), 2016). The permeable surface will not count towards the impermeable surface total, provided the grading and utilities plan demonstrates that the permeable area effectively mitigates the stormwater runoff.

- i. If pursuing this incentive, the grading and utilities plan shall provide details on the permeable surface, along with any provisions for required maintenance to keep the permeable area functional and effective.

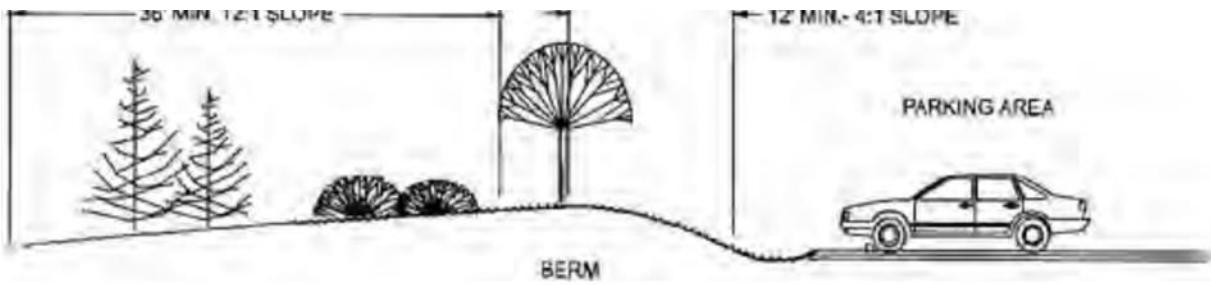
**3. Landscape Development Requirements.** All proposed development within the Champion Area Overlay District shall require a landscape plan, with the exception of singlefamily residential and agricultural land uses.

a. Consistent Materials - Landscape development should be consistent and blend with the adjoining landscape (i.e. meadow, prairie, windbreak, upland woods (woodlot), hedgerow, lowland woods, wetland, etc.).

b. Screening – Parking areas, service areas, loading docks, truck parking, outside storage and dumpster areas shall be screened from the public right of way, and any adjacent residential developments. Screening shall be accomplished with a minimum 8' high opaque screen. This screening may be accomplished by:

- i. Freestanding or attached wing walls or fences constructed of materials complimentary or the same as the primary construction materials found in the principal buildings.
- ii. Earth berms and/or landscaping dense enough to create a year-round opaque screen. Plant material used for screening these service areas may be considered part of the general Site Landscaping & Open Space landscape requirement.

**Figure 24- 2: Typical Berm cross-section**



shows gentle 12:1 slope on side of berm facing the public right of way. The 12:1 slope maintains a ground slope that matches the context of natural sloping open spaces generally found in the area.

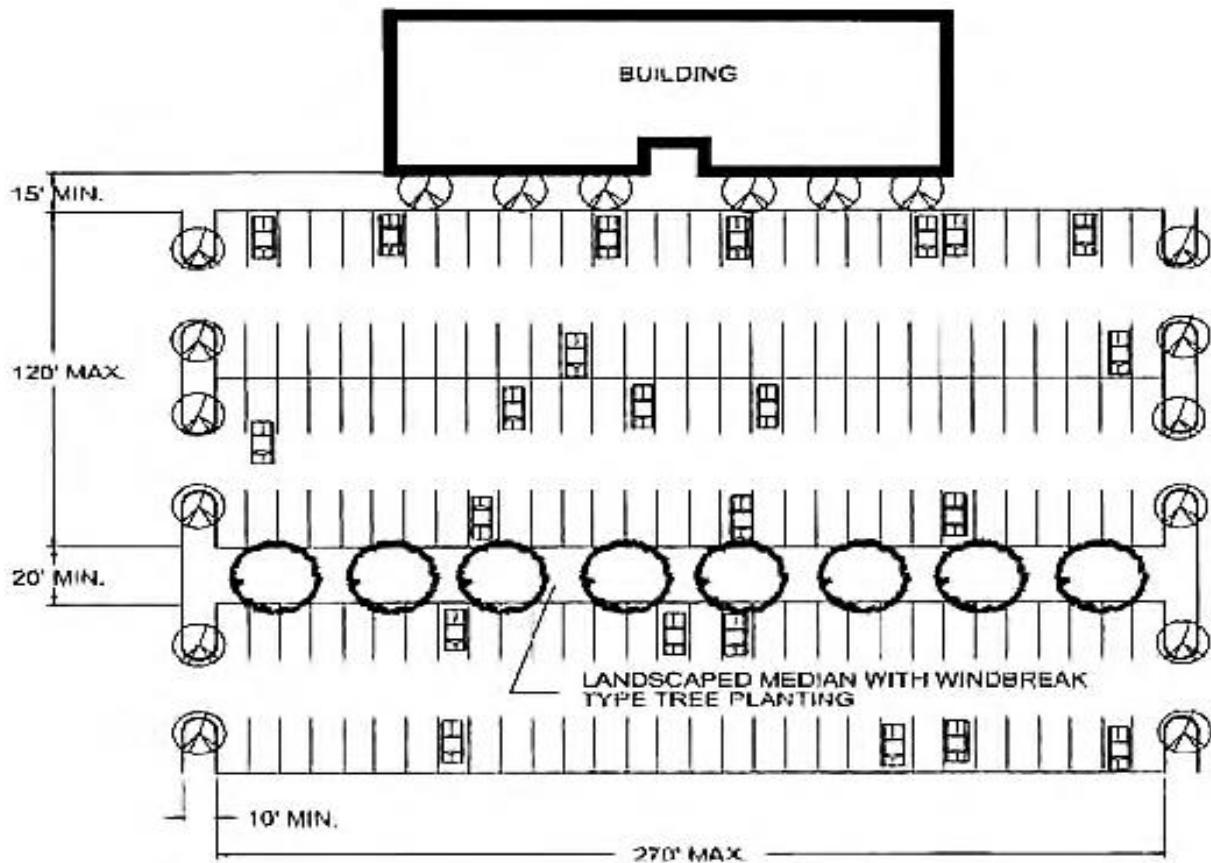
c. Parking Lot Landscaping and Screening - Parking lots shall be screened from the public right-of-way and adjacent properties utilizing landscaping and/or earth berms with a side slope no greater than 12:1 on the publicly visible side, 4:1 on the interior side, and a minimum height of 3' above the adjacent edge of the parking lot. Planting should complement the natural configuration of the berm with plant material. Plant material used for screening parking lots, excluding parking lot trees (paragraph ii below), shall be considered to be a portion of the general Landscape Development Requirements and Landscape Buffer requirements.

i. Parking Islands – A 20' wide planting "island" must be included in the parking lot area at a spacing of every 120' or every four (4) parking rows (Figure 24- 4). Each parking row shall terminate with a 10' wide parking island with one shade or ornamental tree (see also Figure 24- 4). The islands may have mulch or wood chips as a ground cover to reduce required maintenance.

ii. Parking Lot Trees - Parking lots shall have a minimum of one shade or ornamental tree for every 10 spaces. The landscape plan shall show the tree locations, and account for the required number of trees based on parking spaces provided. Where a parking lot has fewer than ten parking spaces, the applicant needs to provide at least one shade or ornamental tree. The parking lot tree requirement are in addition to the Site Landscaping and Buffer requirements.

iii. Parking Requirements – The parking requirements in the Champion Area Overlay District shall follow the Town's parking requirements outlined in Section XVIII.

Figure 24- 3: Typical Island Landscaping



d. Fences and Walls – The intent of this standard is to provide design standards and guidance for any fences or walls in the overlay district that are erected as part of new development/redevelopment for uses other than residential or agricultural. Where either a fence or wall is permitted as part of the landscape buffer area detailed in Figure 24-4, the design shall follow the regulations in Section IV, General Provisions; G). Fences, Walls, and Hedges of the Town's zoning ordinance.

e. Landscape Buffers – Landscaped buffers will provide separation between uses and the public right-of-way, and will also screen views by limiting visual clutter and distraction. Landscaped buffers are required in addition to the required property line setbacks; however, both may be combined together to be counted (e.g. a 50' setback may include a 20' landscape buffer within the setback). The applicant shall identify both areas on the landscape and site plan for easy identification. Figure 24- 4 lists the different landscape buffer requirements, based on what the buffer is adjacent to, such as a public right-of-way or adjacent property. Where landscaping falls into the vision corners at any driveways, those plantings may be grouped outside of the vision triangle. Figure 24- 5 displays the required minimum

- i. The landscape plan shall identify the buffer locations and widths. The landscape buffer plant material requirements are also listed in Figure 24- 4, and those requirements are per 100 lineal feet of property line. The intent of this is to allow some plant spacing flexibility while still creating a buffer along the property lines. Plant placement shall achieve a general screening of the property, and determined through the site plan set review process.
- ii. Any existing plants or trees in the identified landscape buffers may count towards the required plant materials provided they meet the minimum planting specifications.
- iii. Where existing vegetation achieves the equivalent amount of required planting units required by Figure 24- 4, or achieves a complete visual screening from the abutting property, the minimum buffer width may be reduced by 20% to incentivize keeping existing vegetation.

**Figure 24- 4 - Landscape Buffers**  
**Minimum Plant Materials Required for**  
**Each Buffer Yard Type (per 100 lineal**  
**feet of property line)**

**Figure 24- 4 - Landscape Buffers Minimum Plant Materials Required for Each Buffer**  
**Yard Type (per 100 lineal feet of property line)**

Buffer Yard Type	Minimum Width (Feet)	Trees		Shrubs			Fence (F), Berm (B), or Wall (W)				
		Canopy	Understory	Large	Medium	Small					
Buffer along adjacent property line	15	5	5	8	12	—	—				
Buffer along Town roads	15	2	2	6	8	6	F or W				
Buffer along CTH K and P	20	2	4	9	8	—	F or W				
Existing Open Space/Landscaped Areas	20% reduction with minimum of 10 feet	Any combination of trees or shrubs is acceptable where:					—				
		<ul style="list-style-type: none"> <li>• The existing vegetation provides at least the number of equivalent planting units required by this table; or</li> <li>• The existing vegetation provides complete visual screening from the abutting property.</li> </ul>									

*A dash ("—") means "not applicable."*

**Figure 24- 5 – Minimum Landscape Buffer Planting Specifications**

**Figure 24- 5 – Minimum Landscape Buffer Planting Specifications**

Landscape Feature	Minimum Caliper at the Time of Planting	Minimum Height at the Time of Planting	Minimum Planting Area
Trees	2 inches for single trunk trees	Not applicable except for multi-trunk trees, in which case the tree shall be a minimum of 6 feet in height at the time of planting	100 square feet
Small trees	1-1/2 inches for single trunk trees	6 feet for multi-trunk trees	25 square feet
Evergreen trees	Not applicable	3 feet	20 square feet
Large shrubs	Not applicable	2 feet	9 square feet
Small to medium shrubs	Not applicable	1 foot	8 square feet

f. Ongoing maintenance – The property owner shall be responsible to provide regular maintenance of landscaped areas, and replacement of dead plants as needed. The natural (non-landscaped) open space areas shall be free of trash and debris.

**4. Building Landscaping.** Building sites shall maintain building landscaping along any publicly visible side (such as visible from the public right-of-way, or adjacent to a parking area).

a. Applicability – The building landscaping requirements apply to any building that:

- i. Has a building footprint that exceeds 1,000 square feet; and
- ii. Is set back at least 20 feet from the side or rear property lines.

b. A minimum of one small or medium shrub is required for every two linear feet, and one understory tree is required for each 30 feet of exterior building perimeter. While the building's entire perimeter is counted, the landscaping only needs to be installed in publically visible areas.

c. Types and Locations – Building perimeter landscaping shall be installed in plant beds or raised planters. Plant beds shall be a minimum of ten feet wide; and planters a minimum of six feet wide and 18 inches tall. Parking lot islands located

within 20 feet of the building elevation may be counted towards building perimeter landscaping.

d. Building landscaping may be comprised of shrubs or ornamental plants in any combination, provided that at least 50 percent of the total required materials are shrubs.

e. Building landscaping may be planted in groupings so long as at least the minimum number of required plants is provided.

i. Measurement and quality of plant materials shall conform to the American Standard for Nursey Stock (ANSI Z60.1) published by AmericanHort.

**5. Preservation of Existing Vegetation** - Significant existing vegetation within all setback areas shall be preserved (i.e. wetlands, prairie vegetation, and woodlands). Significant existing vegetation within the buildable area of any commercial lot shall be preserved through careful and innovative site design, if feasible.

a. Trees greater than 8 inches in diameter (measured 4 feet above the ground) or special specimen trees, as identified by the Town are considered significant vegetation.

**6. Excavation & Site Grading.** No permanent excavation and/or site grading shall be allowed which has a slope exceeding 3:1 (horizontal measure: vertical measure), or does not have a protective vegetative cover to prevent erosion. Grading and excavation necessary for building construction shall be substantially completed within 18 months in the case of commercial development.

**7. Signage Location & Design.** Signage requirements in the Champion Area Overlay District will follow the definitions listed in the Town Zoning Ordinance in Section XVII (B). Where this subsection does not specify sign requirements, the Town will refer to Section XVII for any additional regulations.

a. The individual business identification signs (building mounted & free standing) shall have an area no greater than 150 square feet, and the top edge of such sign shall be no higher than the principal building's parapet. Individual businesses shall be allowed no more than two identification signs per building site. A "double-sided" sign, where the printed messages are arranged 180 degrees from each other (back to back) and mounted on the same supporting structure, shall be considered as one sign.

- b. Ground/monument signs are permitted, and shall follow the requirements in Section XVII (C). These requirements do not extend to billboard signs, which are not permitted.
- c. Sign area shall be considered to be the area graphically defined by color and/or a definitive border design. In the case of individual letters and/or logos painted on or attached to permanent buildings, the sign area shall be defined as the area of the smallest rectangle which can encompass the sign's verbiage and/or logo.
- d. Sign colors shall be complimentary to the hues of the principal building. Company logos may comprise 100% of the sign area. Signs may not have flashing light elements or be constructed of highly reflective materials.
- e. Lighting of building and/or free standing signs shall incorporate "cut off" lighting where the illumination source shall not be visible from the viewing roadway.
- f. Off premises advertising signs (temporary and permanent) shall not be allowed within the Champion Area Overlay District, including billboard signs.
- g. Animated signs of any type shall not be permitted in the Champion Area District Overlay.
- h. Temporary directional signage shall be permitted. Temporary signage shall also be permitted announcing "For Sale," "For Rent," "Garage Sale," Real Estate for Sale, Voting and Political Campaigns. Such signs shall be no greater than 12 square feet.
- i. Political signs shall follow Section XVII, E. 11(a) of the Town Zoning Code, that signs may not be erected earlier than thirty (30) days prior to the primary election, and shall be removed within fifteen (15) days following said general election.
- j. Temporary construction and/or development identification signs shall be allowed within the District, with a maximum of two signs per site. Such signs shall be no greater than 32 square feet.
- k. No rooftop sign shall be allowed in the District.

**8. Outdoor Storage and Display.** No outdoor display of products shall be allowed between the business location's principal or accessory building and the public right of way. This restriction shall not apply to "farmer's markets" and other agricultural uses (i.e. livestock, crops, farm implements).

**9. Outdoor Lighting.** All outdoor lighting, except agricultural and single-family residences, shall be full cut off fixtures where the illumination source (the bulb) is not be visible from

the public right of way. No site lighting (indicated by 0.0 foot-candles beyond the property line) shall spill onto an adjacent site, shown on the lighting photometric plan.

a. Low-intensity Fixtures— Any outdoor lighting fixture that has a maximum candle power of less than 1,000 candelas is exempt from these provisions, if equipped with an automatic device that shuts off the fixture between the hours of 11:00 p.m. and sunrise.

**10. Sight Lines.** Scenic vistas and sight lines to other special views particularly related to the Town of Green Bay, such as rivers, creeks, forests, public open space, conservancy areas, and large farms shall be maintained through careful building placement and landscape development.

**11. Architectural Treatment of Structures.** Structures within the Champion Overlay District should be designed with an "architectural character" that blends with the overall visual character of the rural context of its setting. This character can be stylized but shall, at a minimum, have the following elements:

- a. Buildings shall have a minimum 2:1 roof slope when the building's ground coverage is less than 10,000 sq. ft.
- b. Buildings greater than 10,000 sq. ft. shall have architecturally detailed elements strategically integrated into the building's facades to add detail and break the visual impact of large wall areas.
- c. Building height shall continue to adhere to underlying zone requirements, and to Section IV. General Provisions, E. Height Regulations.
- d. Building design shall account for the screening of any mechanical equipment, either ground-mounted or roof-mounted.

**12. Building Construction Materials.** No highly reflective surfaces for the main wall and/or roof systems shall be permitted.

- a. Building materials shall be compatible with the visual context and use customary in the Town of Green Bay and around the unincorporated Champion area. To the greatest extent possible, materials such as brick, stone and wood should be used, especially on facades visible to the public. Composite wall panels, curtain wall systems, decorative masonry and architecturally detailed prefabricated concrete wall panels shall be permitted in commercial areas.

b. Building colors shall be natural "earth tones," or subdued hues of blue, green or yellow. Building colors which sharply contrast with the natural colors of the landscape context shall be prohibited.

**13. Natural Storm Water Systems.** All stormwater runoff from any impervious surface should be retained on site. Storm water treatments may include swales, filter strips, ponds, or wetlands. Drainage should be directed into natural drainage channels and detention / retention ponds. Pond edges and drainage channels shall be protected from erosion by natural aquatic vegetation whenever possible. When storm water volumes and/or velocities indicate more substantial measures than planting are required to control erosion, limestone rip- rap may be used.

a. Stormwater management through landscaping – The applicant may count stormwater management areas towards landscaping requirements if the feature is able to incorporate the required plant material in a way that it will survive in those conditions.