

**CITY OF WHITEWATER
COMMON COUNCIL AGENDA**

Common Council Meeting

Tuesday, September 1, 2015 - 6:30 p.m.

City of Whitewater Municipal Building Community Room
312 W. Whitewater Street, Whitewater, Wisconsin

AMENDED on 8/31/2015 at 2:15 p.m.

Added to Executive Session:

***Negotiation of Agreement for Whitewater Aquatic Center**

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE.

CONSENT AGENDA:

CA-A	Approval of Payment of City Invoices processed through 8/26/15.	P. 1
CA-B	Expedited Approval of the Following Items, per City Staff Recommendation: R-1	P. 5

STAFF REPORTS: None.

HEARING OF CITIZEN COMMENTS. No formal Common Council Action will be taken during this meeting although issues raised may become a part of a future agenda. Participants are allotted a three minute speaking period. Specific items listed on the agenda may not be discussed at this time; however citizens are invited to speak to those specific issues at the time the Council discusses that particular item.

RESOLUTIONS:

*R-1	Requesting Exemption from Jefferson County Library Tax. (Library Director Request).	P. 5
R-2	Amendment No. 6 to 2015 Salary Resolution (to adjust certain Police Department salaries). (City Manager Request).	P. 8

ORDINANCES – First Reading

O-1	Ordinance amending Title 19, the Zoning Ordinance of the City of Whitewater , including but not limited to, amendments to the following Chapters and Sections : Section 19.06.170: Related to private onsite waste treatment systems. Section 19.09.170: Concerning corner lot definition.	P. 19
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Section 19.09.250:	Concerning the definition of a two-family dwelling or duplex.
Section 19.09.191:	Concerning the definition of driveways.
Section 19.09.230:	Concerning the definition of a multifamily dwelling.
Section 19.09.451:	Concerning the definition of a corner lot.
Section 19.09.540:	Concerning the definition of a parking space or a parking stall.
Section 19.09.585:	Concerning the definition of a private sewage system.
Section 19.09.775:	Concerning the definition of unnecessary hardship.
Section 19.09.850:	Concerning the definition of a rear yard.
Section 19.09.880:	Concerning the definition of a rear street yard.
Section 19.09.881:	Concerning the definition of a street front yard.
Section 19.09.890:	Concerning the definition of a corner lot yard.
Section 19.15.030:	Concerning the number of accessory structures and the front and side yard setback for accessory structures allowed as conditional uses in R-1 districts.
Section 19.15.040:	Concerning nonconforming lot areas in the R-1 district.
Section 19.15.070:	Concerning the maximum impervious area lot coverage in the R-1 district.
Section 19.15.090:	Concerning the procedure for establishing park fees.
Section 19.16.021:	Concerning the maximum impervious area lot coverage in the R-1X district.
Section 19.16.040:	Concerning yard requirements in the R-1X district.
Section 19.16.050:	Concerning the procedure for establishing park fees.
Section 19.18.030:	Concerning conditional uses that allow accessory structures in the R-2 zoning district.
Section 19.18.040:	Concerning nonconforming lots in the one and two family R-2 zoning district.
Section 19.18.050:	Concerning nonconforming lots in the R-2 zoning district.
Section 19.18.060:	Concerning yard requirements in the R-2 zoning district.
Section 19.18.070:	Concerning impervious area lot coverage in the R-2 zoning district.
Section 19.18.090:	Concerning the procedure for establishing park fees.

Section 19.21.030:	Concerning accessory structures allowed as conditional uses in the R-3 zoning district.
Section 19.21.040:	Concerning lot area requirements in the R-3 multifamily residence district.
Section 19.21.060:	Concerning yard requirements in the R-3 zoning district.
Section 19.21.070:	Concerning lot coverage in the R-3 zoning district.
Section 19.21.090:	Concerning the procedure for establishing park fees.
Section 19.22.015:	Concerning storm water requirements for the R-3A zoning district.
Section 19.22.040:	Concerning required lot area in the R-3A zoning district.
Section 19.24.090:	Concerning the procedure for establishing park fees.
Section 19.27.020:	Concerning regulation of existing residences in the B-1 community business district.
Section 19.27.030:	Concerning regulation of new residential uses as conditional uses in the B-1 community business district.
Section 19.27.100:	Concerning the procedure for establishing park fees.
Section 19.28.030:	Concerning the number of bathrooms required in certain residential units in the B-1A zoning district.
Section 19.30.020:	Concerning adding a maximum limit of three unrelated residents allowed to reside in existing residential units in the Central Business District.
Section 19.30.050:	Concerning the procedure for establishing park fees.
Section 19.33.100:	Concerning the procedure for establishing park fees.
Section 19.39.070:	Concerning the procedure for establishing park fees.
Section 19.51.040:	Concerning surfacing requirements for driveways, and driveway setbacks.
Section 19.51.050:	Concerning size, location, maintenance, and surface material of parking spaces.
Section 19.51.080:	Concerning front, side and rear yard parking limitations including the number of vehicles allowed in the front yard and side yard areas.
Section 19.51.130:	Concerning number of parking stalls – general requirements.
Section 19.51.140:	Concerning number of parking stalls – combination uses.
Chapter 19.74:	Cost recovery of professional consultant fees.

For reference purposes, the Chapters in the Zoning Ordinance are titled as follows:

Chapter 19.03:	Title, Authority and Purpose
Chapter 19.06:	General Provisions
Chapter 19.09:	Definitions
Chapter 19.12:	Zoning Districts
Chapter 19.15:	R-1 One-Family Residence District
Chapter 19.16:	R-1X District
Chapter 19.18:	R-2 One- and Two-Family Residence District
Chapter 19.19:	R-2A Residential Occupancy Overlay District
Chapter 19.21:	R-3 Multifamily Residence District
Chapter 19.22:	R-3A University Residential Density Overlay District
Chapter 19.24:	R-4 Mobile Home District
Chapter 19.25:	R-O Non-Family Residential Restriction Overlay District
Chapter 19.27:	B-1 Community Business District
Chapter 19.28:	B-1A University Mixed-Use Neighborhood Overlay District
Chapter 19.30:	B-2 Central Business District
Chapter 19.31:	B-2A Downtown Housing Overlay District
Chapter 19.33:	B-3 Highway Commercial and Light Industrial District
Chapter 19.36:	M-1 General Manufacturing District
Chapter 19.37:	M-2 Manufacturing and Miscellaneous Use District
Chapter 19.38:	Whitewater University Technology Park District (WUTP District)
Chapter 19.39:	PD Planned Development District
Chapter 19.42:	AT Agricultural Transition District
Chapter 19.45:	C-1 Shoreland Wetland District
Chapter 19.451:	C-2 Nonshoreland Wetland District
Chapter 19.46:	Floodplain Regulations
Chapter 19.461:	FWW Floodway/Wetland District
Chapter 19.48	I Institutional District
Chapter 19.485	Large Retail and Commercial Service Development Standards
Chapter 19.49:	Wellhead Protection

	Chapter 19.51: Traffic, Parking and Access Chapter 19.54: Signage Regulations Chapter 19.55: Wireless Telecommunications Facilities Chapter 19.57: General Performance Standards Chapter 19.58: Noise Restrictions Chapter 19.60: Nonconforming Uses, Structures and Lots Chapter 19.63: Plan Review Chapter 19.66: Conditional Uses Chapter 19.69: Changes and Amendments Chapter 19.72: Board of Zoning Appeals Chapter 19.75: Administration and Enforcement	
O-2	Authorizing the addition of an alternate board member position to Library Board. (Councilmember Grady request).	P. 158

ORDINANCES – Second Reading

O-3	Ordinance to impose the R-2A Residential Overlay District zoning classification under Chapter 19.19 of the Zoning Ordinance of the City of Whitewater for 531 W. Center Street (Tax ID CL 00040) for Randall Aschbrenner (Property Owners Gordon and Jill Backman).	P. 159
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CONSIDERATIONS:

C-1	Springsted presentation of Classification and Compensation Study process. (City Manager Request).	n/a
C-2	Discussion and possible direction regarding decorations in front yards of residences. (Councilmember Grady request).	n/a
C-3	Presentation of Capital Improvement Plan and request for input regarding the same. (Asst. City Manager Request).	P. 165
C-4	Approval of Task Order with Strand Associates relating to the Ann St. detention basin. (Asst. City Manager Request).	P. 199
C-5	Councilmember requests for Future Agenda Items.	n/a
C-6	EXECUTIVE SESSION. Adjourn to Closed Session, NOT TO RECONVENE , per Wisconsin Statutes 19.85(1)(e) “Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session” and 19.85(1)(c) (c) “Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.” Item to be discussed: Presentation and discussion of proposed compensation rates for select represented and unrepresented employees. <u>Negotiation of Agreement for Whitewater Aquatic Center.</u>	n/a

Anyone requiring special arrangements is asked to call the Office of the City Manager / City Clerk at least 72 hours prior to the meeting.

***Items denoted with asterisks will be approved on the Consent Agenda unless any council member requests that it be removed for individual discussion.**

Report Criteria:

Detail report.
Invoices with totals above \$0.00 included.
Paid and unpaid invoices included.

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
ANICH LUMBER & HARDWAR CO, AJ						
1601	ANICH LUMBER & HARDWAR C	21675S	PARKS/TREE GUARDS	09/02/2015	52.00	100-53270-295
Total ANICH LUMBER & HARDWAR CO, AJ:					52.00	
BALL, RICHARD						
1033	BALL, RICHARD	36792	STREET/MATS & TOWELS	09/02/2015	132.65	100-53230-340
1033	BALL, RICHARD	36818	WASTEWATER/SHOP TOWELS	09/02/2015	74.15	620-62840-340
Total BALL, RICHARD:					206.80	
CONCRETE SPECIALTIES CO						
5637	CONCRETE SPECIALTIES CO	053370	WASTEWATER/INLETS	09/02/2015	756.00	620-62810-823
Total CONCRETE SPECIALTIES CO:					756.00	
DALEE WATER CONDITIONING						
208	DALEE WATER CONDITIONING	208-090215	FIRE/WATER & SALT	09/02/2015	54.80	100-52200-340
Total DALEE WATER CONDITIONING:					54.80	
DARLEY FIRE EQUIPMENT						
7402	DARLEY FIRE EQUIPMENT	17200505	FIRE/OPERATING SUPPLIES	09/02/2015	1,028.49	100-52200-340
7402	DARLEY FIRE EQUIPMENT	17200594	FIRE/VEHICLE MAINTENANCE	09/02/2015	130.00	100-52200-241
Total DARLEY FIRE EQUIPMENT:					1,158.49	
DIVERSIFIED BENEFIT SVC INC						
4192	DIVERSIFIED BENEFIT SVC INC	206771	FINANCE/AUGUST SVC	09/02/2015	321.29	100-51500-217
Total DIVERSIFIED BENEFIT SVC INC:					321.29	
DONOHUE & ASSOCIATES INC						
7077	DONOHUE & ASSOCIATES INC	12730-13	WASTEWATER/INV #13 DESIGN	09/02/2015	118,984.51	620-62820-219
Total DONOHUE & ASSOCIATES INC:					118,984.51	
GABBEY, ROBERT						
1945	GABBEY, ROBERT	SEPT 2015	FIRE/CELL PHONE REIMBURSE	09/02/2015	20.00	100-52200-225
Total GABBEY, ROBERT:					20.00	
GREAT LAKES TV SEAL INC						
4752	GREAT LAKES TV SEAL INC	17045	WASTEWATER/2015 TELEVISIN	09/02/2015	15,589.57	620-62810-823
Total GREAT LAKES TV SEAL INC:					15,589.57	
H & H FIRE PROTECTION LLC						
120	H & H FIRE PROTECTION LLC	11999	FIRE/EXTINGUISHER REPAIRS	09/02/2015	61.85	100-52200-340
Total H & H FIRE PROTECTION LLC:					61.85	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
HARRISON WILLIAMS MCDONNELL						
62	HARRISON WILLIAMS MCDONN	203967	LEGAL/GEORGE ST DOCUMEN	09/02/2015	30.00	100-51300-212
Total HARRISON WILLIAMS MCDONNELL:					30.00	
HAUSZ BROTHERS INC						
7488	HAUSZ BROTHERS INC	11355	STREET/JANESVILLE SIDEWAL	09/02/2015	273.11	100-53300-405
7488	HAUSZ BROTHERS INC	11355	WASTEWATER/ACCESS DRIVE	09/02/2015	1,105.36	620-62810-823
Total HAUSZ BROTHERS INC:					1,378.47	
JOHN DEERE FINANCIAL						
6276	JOHN DEERE FINANCIAL	IC19097A	PARKS/#75 REPAIRS	09/02/2015	369.65	100-53270-242
6276	JOHN DEERE FINANCIAL	IC19534	WASTEWATER/OIL FILTER	09/02/2015	20.44	620-62860-355
6276	JOHN DEERE FINANCIAL	IC19551	WASTEWATER/RTV 900 OIL & F	09/02/2015	78.85	620-62860-355
6276	JOHN DEERE FINANCIAL	IC19556	PARKS/BLADE BOLT	09/02/2015	72.15	100-53270-242
6276	JOHN DEERE FINANCIAL	IC19677	WASTEWATER/WHEEL	09/02/2015	249.95	620-62860-355
Total JOHN DEERE FINANCIAL:					791.04	
KB SHARPENING SERVICES INC						
110	KB SHARPENING SERVICES IN	86111	STORMWATER/BLADES	09/02/2015	15.00	630-63600-352
110	KB SHARPENING SERVICES IN	86205	STORMWATER/BLADES	09/02/2015	75.00	630-63600-352
110	KB SHARPENING SERVICES IN	86356	STORMWATER/CHIPPER KNIFE	09/02/2015	48.00	630-63600-352
Total KB SHARPENING SERVICES INC:					138.00	
LINCOLN CONTRACTORS SUPP INC						
165	LINCOLN CONTRACTORS SUP	214699	PARKS/ATHLETIC FIELDSTRIP	09/02/2015	269.40	100-53270-340
Total LINCOLN CONTRACTORS SUPP INC:					269.40	
PETE'S TIRE SERVICE INC						
727	PETE'S TIRE SERVICE INC	70882	STORMWATER/#46 REPAIRS	09/02/2015	75.00	630-63600-352
727	PETE'S TIRE SERVICE INC	70888	WASTEWATER/#27 REPAIRS	09/02/2015	405.00	620-62830-355
Total PETE'S TIRE SERVICE INC:					480.00	
ROCK RIVER LABORATORY INC						
257	ROCK RIVER LABORATORY IN	S34264	WASTEWATER/CONTRACTUAL	09/02/2015	48.00	620-62890-295
Total ROCK RIVER LABORATORY INC:					48.00	
SCOTT CONSTRUCTION INC						
6233	SCOTT CONSTRUCTION INC	97649MB	STREET/SEASONAL COLD PAT	09/02/2015	5,019.75	100-53300-405
Total SCOTT CONSTRUCTION INC:					5,019.75	
STA-LITE CORP						
102	STA-LITE CORP	5683	BIRGE FT/LIGHTS	09/02/2015	219.00	452-57500-820
Total STA-LITE CORP:					219.00	
TRIEBOLD OUTDOOR POWER LLC						
418	TRIEBOLD OUTDOOR POWER	IC19808	FIRE/EQUIPMENT REPAIRS	09/02/2015	1,100.00	100-52200-242
418	TRIEBOLD OUTDOOR POWER	WC05447	FIRE/EQUIPMENT REPAIRS	09/02/2015	216.43	100-52200-242
418	TRIEBOLD OUTDOOR POWER	WC05454	FIRE/EQUIPMENT REPAIRS	09/02/2015	144.24	100-52200-242

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
Total TRIEBOLD OUTDOOR POWER LLC:					1,460.67	
TULLY, TIMOTHY J						
495	TULLY, TIMOTHY J	626862	REC/FLAG FOOTBALL SUPPLIE	09/02/2015	207.50	248-55110-342
Total TULLY, TIMOTHY J:					207.50	
US TANKER-FIRE APPARATUS INC						
690	US TANKER-FIRE APPARATUS I	00304	FIRE/VEHICLE MAINTENANCE	09/02/2015	1,853.15	100-52200-241
Total US TANKER-FIRE APPARATUS INC:					1,853.15	
UW WHITEWATER						
8	UW WHITEWATER	22633	STREET/OPERATING SUPPLIE	09/02/2015	2.00	100-53420-340
8	UW WHITEWATER	22633	STREET/ELECTRICAL SUPPLIE	09/02/2015	10.10	100-53420-340
8	UW WHITEWATER	22633	WASTEWATER/PAPER TOWEL	09/02/2015	37.91	620-62840-340
8	UW WHITEWATER	22633	WASTEWATER/FLAG	09/02/2015	15.23	620-62840-340
8	UW WHITEWATER	22633	PARKS/CLEANING SUPPLIES	09/02/2015	63.54	100-53270-340
8	UW WHITEWATER	22633	GEN BLDG/JANITORIAL SUPPLI	09/02/2015	283.53	100-51600-340
8	UW WHITEWATER	22633	GEN BLDG/JANITORIAL SUPPLI	09/02/2015	135.07	100-51600-340
8	UW WHITEWATER	22633	GEN BLDG/JANITORIAL SUPPLI	09/02/2015	151.14	100-51600-340
8	UW WHITEWATER	22633	INNOVATION CTR/FLAGS	09/02/2015	28.36	920-56500-250
8	UW WHITEWATER	22633	GEN BLDG/ELECTRICAL SUPPL	09/02/2015	8.66	100-51600-340
8	UW WHITEWATER	22633	GEN BLDG/SUPPLIES	09/02/2015	67.70	100-51600-340
Total UW WHITEWATER:					803.24	
WALMART COMMUNITY						
1507	WALMART COMMUNITY	1507-090215	CRIME PREVENTION/NAT'L NIT	09/02/2015	11.20	100-25212
1507	WALMART COMMUNITY	1507-090215	GEN ADMN/PAPER TOWELS &	09/02/2015	27.89	100-51400-340
1507	WALMART COMMUNITY	1507-090215	POLICE PATROL/NAT'L NITE O	09/02/2015	31.60	100-52110-340
1507	WALMART COMMUNITY	1507-090215	NEIGHBORHOOD SVC/SELF LO	09/02/2015	6.97	100-52400-340
1507	WALMART COMMUNITY	1507-090215	LIBRARY/OFFICE SUPPLIES	09/02/2015	38.99	220-55110-310
1507	WALMART COMMUNITY	1507-090215	LIBRARY/ADULT PROGRAM SU	09/02/2015	44.42	220-55110-341
1507	WALMART COMMUNITY	1507-090215	LIBRARY/JUVENILE PROGRAM	09/02/2015	52.42	220-55110-342
1507	WALMART COMMUNITY	1507-090215	WASTEWATER/OPERATING SU	09/02/2015	31.17	620-62840-340
1507	WALMART COMMUNITY	1507-090215	WASTEWATER/ICE	09/02/2015	12.56	620-62870-340
Total WALMART COMMUNITY:					257.22	
WAUKESHA CO TECH COLLEGE						
536	WAUKESHA CO TECH COLLEG	S0593922	FIRE/HOUK CERTIFICATION	09/02/2015	80.00	100-52200-211
536	WAUKESHA CO TECH COLLEG	S0593922	FIRE/WILDE TUITION & MATERI	09/02/2015	85.26	100-52200-211
Total WAUKESHA CO TECH COLLEGE:					165.26	
WHITEWATER GLASS CO INC						
408	WHITEWATER GLASS CO INC	7-14-15	PARKS/TEMPERED GLASS	09/02/2015	131.35	100-53270-245
408	WHITEWATER GLASS CO INC	7-21-15	POLICE VEHICLE/#22 WINDSHI	09/02/2015	261.16	100-53230-354
Total WHITEWATER GLASS CO INC:					392.51	
WHITEWATER LIMESTONE II LLC						
20	WHITEWATER LIMESTONE II LL	939	STREET/LIMESTONE	09/02/2015	23.51	100-53300-405
Total WHITEWATER LIMESTONE II LLC:					23.51	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
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Grand Totals: 150,742.03

Dated: _____08/26/2015_____

Finance Director: _____DOUG SAUBERT_____

Report Criteria:

- Detail report.
 - Invoices with totals above \$0.00 included.
 - Paid and unpaid invoices included.
-



Jefferson County
Finance Department
311 S. Center Ave. Room 109
Jefferson, WI 53549
Telephone (920) 674-7434
Fax (920) 674-7368

Brian L. Lamers, CPA
Finance Director

Cindy Diestelmann
Jayne Hintzmann
Donna Miller
Tamara L. Worzalla, CPA

August 14, 2015

Municipal Libraries in Jefferson County:

This letter is a reminder to all municipal libraries in Jefferson County that your village or city must tax and appropriate a minimum amount to your library fund for 2016 expenditures in order to qualify for an exemption from the Jefferson County library tax. I have enclosed a spreadsheet that lists the **MINIMUM APPROPRIATION** for each of you to qualify for this exemption. *Note that if your municipality is situated in two counties, you must also coordinate this calculation with that other county.*

I have also summarized below how this calculation is made:

From Wisconsin Statutes 43.64

1. Divide the amount of tax levied by the county for public library service in the prior year by the equalized valuation of property in that area of the county that was subject to the county property tax levy for public library services in the prior year.
2. Multiply the amount determined above by the equalized valuation of property in the city, village, town, or school district for the current year.

Your municipal governing body must also pass a resolution annually requesting an exemption from the county library tax. Section 43.64 of the Wisconsin Statutes requires this procedure to avoid double taxation of your municipality for library purposes.

The County Clerk's office calculates the tax assessment in the middle of November. Please have your resolution acted upon and mailed to arrive by November 1st. If it not on file when the tax assessment is calculated, your municipality will be taxed as required by Wisconsin Statutes.

An electronic copy of the sample resolution is available if you would like to receive it.

If you have any problems or questions concerning this issue, please feel free to contact me at 920-674-7142.

Sincerely,

Brian Lamers, CPA
Finance Director
Jefferson County

Resolution Requesting Exemption from County Library Tax

WHEREAS the Jefferson County Board has established a county library service and levies a county library tax as authorized under Section 43.57 (3) of the Wisconsin Statutes, and

WHEREAS Section 43.64 (2) (b) of the Wisconsin Statutes provides that a village or city is exempt from the county library tax if it levies a tax for public library service and appropriates and expends for a library fund as defined by s.43.52 (1) during the year for which the county tax levy is made a sum at least equal to the county library tax rate in the prior year multiplied by the equalized valuation of the property in the city or village for the current year, and

WHEREAS the (city/village) of _____ will, in 2016, appropriate and expend an amount in excess of that calculated above,

NOW THEREFORE BE IT RESOLVED that the (city/village) of _____ hereby requests of the Jefferson County Board of Supervisors that the (city/village) of _____ be exempted from the payment of any tax for the support of the County Library Service as provided in Section 43.64 (2).

BE IT FURTHER RESOLVED that copies of this resolution be forwarded by the city/village clerk to the following parties:

ADMINISTRATOR
Jefferson County Library Council
Dwight Foster Public Library
209 Merchants Avenue
Fort Atkinson, WI 53538

COUNTY CLERK
311 S. Center Ave, Room 109
Jefferson, WI 53549

Fiscal Note:

Estimated Municipal 2016 Library Appropriation \$ _____

Date Passed: _____

Vote: _____

Authorized Signature

Title of Person Signing

Jefferson County Library Exemption Minimum

Prior year rate for Library Levy = (2014 equalized value, 2015 budget)	0.000337764		(2016 Budget Year)
	<u>2015 EQUALIZED VALUE</u>		<u>MINIMUM TO EXEMPT 2015</u>
Village of Cambridge**	5,369,500	\$	1,814
Village of Johnson Creek	192,551,800	\$	65,037
Village of Palmyra	111,660,800	\$	37,715
City of Fort Atkinson	852,762,700	\$	288,033
City of Jefferson	461,912,900	\$	156,018
City of Lake Mills	464,676,800	\$	156,951
City of Waterloo	191,322,200	\$	64,622
City of Watertown **	771,115,400	\$	260,455
City of Whitewater **	50,231,500	\$	16,966
	<u>3,101,603,600</u>		

** These municipalities have residents in multiple Counties, therefore there are additional aggregate full values that need to be added to their municipal values to determine their needed appropriations.



City of Whitewater Council Agenda Item Information Sheet

MEETING DATE: 09/01/15

ITEM: 2015 Salary Resolution Amendment 6

PRESENTER: City Manager

PREVIOUS ACTION, IF ANY: None.

SUMMARY OF ITEM BEING PRESENTED:

With the recent resignation of Captain Brian Uhl and the retirement of Lieutenant Tim Gray, there is an opportunity to reorganize certain positions in the Whitewater Police Department. This salary resolution reflects changes in wages that are meant to accompany the position changes.

Schedule II Proposed Changes:

1. Support Services Manager – Change the assigned pay grade from Grade D to Grade E to reflect additional supervisory responsibilities resulting from proposed changes within the police department.

Schedule IV Proposed Changes:

1. Communications Coordinator – Increase the hourly rate across all steps by 1.97% to reflect the increase in supervisory responsibility in the position. Additional supervisory responsibilities were added to this position in 2013. The title would also change to Communications Supervisor.

Schedule VI Proposed Changes:

1. Captain – Reduce the annual salary for the captain position from \$83,268.20 to \$79,837.59, a reduction of \$3,430.61.
2. Sergeant – Eliminate the sergeant position, a reduction of \$195,659.52.
3. Detective Sergeant – Eliminate the detective sergeant position, a reduction of \$67,558.
4. Lieutenant – Reduce the annual salary for the lieutenant position from \$79,353.67 to \$67,830.40, a reduction of \$11,523.27.
5. Lieutenant – Change the total number of positions from one (1) to four (4) at an annual salary of \$67,830.40 each. This would equal a total annual cost of \$271,321.60.
6. Detective Lieutenant – Add a detective lieutenant position with an annual salary of \$70,262.57.

BUDGET IMPACT, IF ANY: No additional cost or savings is expected as a result of these changes. The table below illustrates this point.

Proposed Changes	# of Positions	Payroll Impact	
		Increased Cost	Decreased Cost
Captain Wage Reduction	1		\$3,430.61
Sergeant Elimination (\$65,219.84 * 3)	3		\$195,659.52
Detective Sergeant Elimination	1		\$67,558.40
Lieutenant Wage Reduction	1		\$11,523.27
Addition of three (3) new Lieutenants	3	\$203,491.20	
Detective Lieutenant Addition	1	\$70,262.57	
Support Services Manager Grade Change	1	\$2,627.24	
Communications Coordinator Rate Increase	1	\$1,790.79	
Totals:		\$278,171.80	\$278,171.80

STAFF RECOMMENDATION: The City Manager recommends approval.

ATTACHMENT(S) INCLUDED (If none, please state):

PD distribution list of position duties for each of the five (5) new lieutenant positions.

Proposed PD organization chart

2015 Salary Resolution Amendment 6

FOR MORE INFORMATION CONTACT:

Cameron Clapper, cclapper@whitewater-wi.gov, 262-473-0100.

ALL LIEUTENANT DUTIES
Assignments
ACCREDITATION: Collect and secure annual assigned accreditation proofs as directed by Capt. ◊
BUDGET: Involvement with budget allocation and future budgetary needs ◊
CITIZEN COMPLAINTS: Lieutenant will take, investigate citizen complaints then forward a memo to the Captain for review and analysis. Captain will retain the annual citizen complaint reports and forward to Chief for the final disposition. ◊
CREDIT CARD: Monthly review and allocation of budgetary funds to use towards purchases. IE: supplies, weapons, ammunition, radar, PBT, etc ◊
DISCIPLINE: Effectively recommend and administer verbal and letters of written reprimand; significant discipline and/or termination forwarded to captain/chief. Capt/Chief will ensure discipline is entered into the Discipline Matrix. ◊
PARKING MEDIATION: Lieutenant will mediate parking tickets as needed ◊
PAYROLL APPROVAL: Review and approve assigned personnel's timesheets through dashboard.◊
MENTORING: Oversee promotional mentoring program that is completed with all newly promoted personnel (Detective/Lt). ◊
REPORT PROCESSING: Review reports completed on shift for quality and completeness. Lieutenant will review, approve and close reports. Final overview will be with the Captain. ◊
SCHEDULING: Lieutenants will schedule/update/maintain their assigned personnel's work schedule to accommodate comp / vacation / bereavement / training. All sworn time off slips will be turned into the "in basket" to be processed in date order; if arrive on the same date seniority will prevail. ◊
TRAINING: Lieutenants will assess and coordinate training needs of their assigned personnel to include facilitating registering, scheduling and requesting hotel accommodations through support services manager. ◊
DAYSHIFT LIEUTENANT DUTIES
Assignments
FIELD TRAINING: Annually review FTO program, recruit schedule, oversight of new hires after out of FTO program; review monthly supervisory evaluations. Lt will oversee FTO program to include facilitating FTO training letter outlining how schedule adjusts with FTO and end of the FTO training letter. Will select FTO trainers and create training schedule for FTO. Administrative oversight, reviewing completed DOR's, facilitate and attend meetings for periodic review of FTO training with field trainers and final approval. File all completed DOR's and corresponding records in secure storage.◊
FLEET MAINTENANCE: Facilitate annual bid of squad cars change over. Work with fleet maintenance officer to get squads transitioned and outfitted with necessary equipment. ◊
PAYROLL APPROVAL: FINAL review and approval of all patrol timesheets through dashboard, ensuring all that weren't approved by supervisors are reviewed and approved. ◊
SCHEDULE COORDINATOR: Maintain annual schedule for department, to include the creation of the annual work schedule (with shift modifications) annual shift sign-ups, annual shift movement request and vacation assignments as vacancies occur. Lieutenant will manage overall schedule oversight, but will be supported by co-Lieutenants and command staff for daily time-off requests. ◊
SPECIAL EVENTS: Oversee special events to include coordinating operational needs, approving permits and road closures and parade routes with city streets department and securing needed equipment and personnel needs. Special Events may include but not limited to Memorial Day Parade, 4th of July Parade, Homecoming Parade, 1/2 Marathon, Christmas Parade, etc. ◊
SECONDSHIFT LIEUTENANT DUTIES
Assignments
BADGER TRACKS/MDC COORDINATOR: Oversight of the overall system, ensuring all citations have been transmitted, address any software issues, working with IT. DOT EARS for voiding tickets through website with CC to Courts and Support Services. ◊
K9 INSPECTIONS: 1. Conduct monthly inspections of the canine and the canine patrol vehicle. 2. Conduct periodic inspection of the kennels wherever such kennels are located. 3. Maintain current medical records, dog licenses, and present medical status of the canine. 4. Ensure that the canine is seen annually by an approved veterinarian. The ordering of K9 sudo drugs will handled by administrative command staff.◊
KEY MANAGEMENT SYSTEM: Keeper of department keys to include electronic fobs and cards, master keys and overall key management system. ◊
RADIOS: Inventory and maintain portable and squad radios. ◊
Traffic Safety Grants: Participate in annual traffic safety grants. ◊
THIRDSHIFT LIEUTENANT DUTIES
Assignments
PURSUIITS: Temporarily collect and review pursuits and notification of pursuits to the State.◊
TASER DOWNLOADS: Download Taser information ◊
TRAINING COORDINATOR: Coordinate annual training meetings, set training agendas. Oversight of training coordinators/instructors to ensure state certification remains up to date. Maintain department training requests (spreadsheet). Facilitate department wide training mandates. Documentation of training attended in the in-house training record system, keeping all department training records updated and be the point of contact with state for ACAIS (Traininig & Standards) record keeping. Post core trainings sign-ups as they occur and ensure all assigned personnel attended (ensure training is added to training attendance records). Facilitate Core Training Committee develops the years training outline, committee includes Capt, core instructors, and UW training sergeant. Coordinate trainings through Deer Creek. ◊
USE OF FORCE: Temporarily collect, review and retain use of force reports. ◊
WEAPON OVERSIGHT: Weapons room inspection and maintain inventory lists (all equipment list) ◊
SWINGSHIFT LIEUTENANT DUTIES
Assignments
BULLISTIC VEST GRANT: Maintain annual bullistic vest grant. \$350.00 of vests are allocated through department budget, the grant will match 50% of the vest expense. ◊
JAIL INSPECTOR COORDINATOR: Manages and facilitates monthly and annual jail inspections. Will handle or delegate daily inspections of the jail in accordance with department policy and accreditation mandates. ◊
INSPECTION: Unusual occurrence inspections in weapons room. ◊
TAVERN INSPECTIONS: Receive tavern inspection list from the City Clerk. Sgts assign personnel to handle LE portion of inspections (tax stamp, cigarette stamp, alcohol license) during shift with on-duty personnel. ◊
DETECTIVE LIEUTENANT DUTIES
Assignments
CRIME PREVENTION: Oversee crime prevention officer coordinator, assist JO with budget and management of crime prevention funds and programs. ◊
COURT COORDINATOR: COURT COORDINATOR: Provide officers with new court dates/when municipal court dates are full. Issue dismissal letters. Point of contact with municipal court conflict and circuit court clerk for court conflicts and swearing to criminal complaints over the phone. Manage Court paperwork, signing paperwork at the DA's office, court binder.Updated Personnel list to DA offices, municipal court and city attorney. Document is in admin/court and is listed as DA roster list. Working in conjunction with Support Services staff on court appearances, closed court dates, etc. ◊
DRUG DROP BOX: Maintain drug drop box, creating bi-weekly cycle to empty. Work with evidence custodians to ensure storage is adequate and ensure he/she is overseeing the disposal. Facilitate annual purging of collected drugs with state. ◊
SCHEDULE ON-CALL: Coordinate and manage on-call hours and corresponding flex hours earned. ◊

PERSONNEL ASSIGNMENTS

Assignments

AXON - REIF: Temporary oversight and maintenance and ordering of Axon Units ◊

BIKE PATROL - GEMPLER: Oversight of bike patrol, coordinate bike patrol OT operations for special events, budget, bike maintenance, equipment, etc. ◊

KEY SYSTEM - BOYD: Keri Key System; security doors; update yearly with new holidays reference automatic locking schedule. Oversee key management system; assign keys, order keys/pegs, manage software and repair issues ◊

LIVESCAN AFIS - BOYD: Fingerprint system, manage software, point of contact for fingerprint errors. Facilitate ordering fingerprint cards and supplies. ◊

OPEN RECORDS - BOYD: Address open record requests; burn CD's, radio transmissions, 911 calls, etc. DVR video tapes: to listen, monitor and copy video tapes from DVR's for officers & attorneys ◊

RADAR UNITS - REIF: Maintenance and ordering of Radar/Lidar units ◊

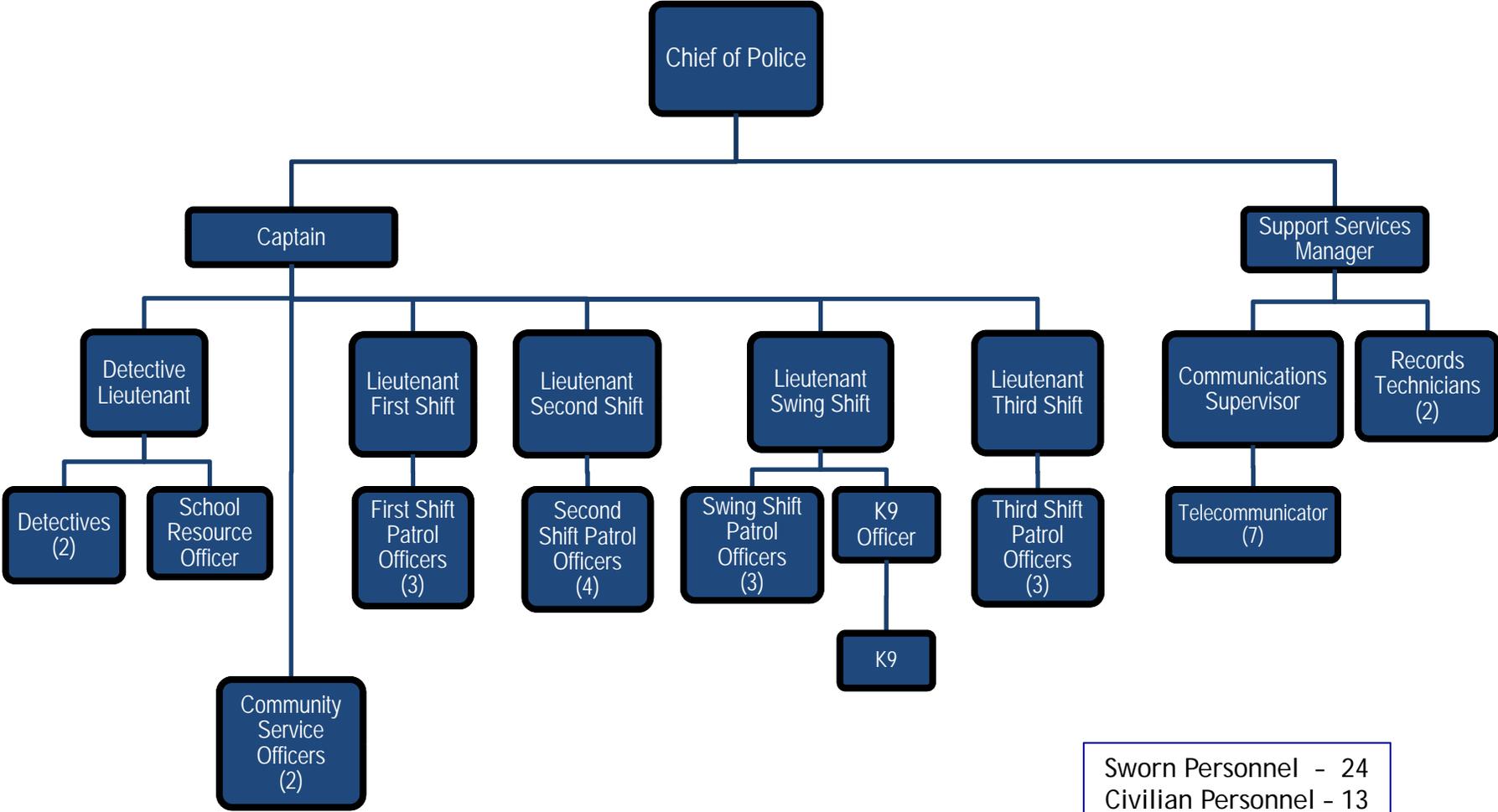
RECORDINGS - LENTZ: All 911 calls, radio traffic and booking video needed for patrol ◊

RMS PRO PHOENIX-COMMUNICATIONS BRIDGE - BOYD/LENTZ

SQUAD MAINTENANCE - HINTZ: scheduling maintenance, inspections. ◊

SUPPLIES - KOLB: Ordering operational supplies; PBT tubes ◊

WHITEWATER POLICE DEPARTMENT ORGANIZATIONAL CHART



Sworn Personnel	- 24
Civilian Personnel	- 13
Total	37

City of Whitewater
2015 Salary Resolution
Amendment 6

WHEREAS, the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, set forth the wage and salary schedule for employees for 2015, in which wages are established.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, that the following ranges and numbers of employees in the 2015 Wage and Salary Schedule are hereby adopted pursuant to Wisconsin Statutes: and

BE IT FURTHER RESOLVED that the contents of this resolution shall supersede such previously adopted schedules where the subject matter between the two shall be in conflict, and the changes contained herein shall be effective beginning September 1, 2015.

Schedule I

Administrative Positions

Position	# of Positions	Effective	Salary
City Manager	1	01/01/2015	93,636.00
Chief of Police	1	01/01/2015	91,419.95
Municipal Judge	1	01/01/2015	20,571.34
City Attorney	1	01/01/2015	55,200.04

Schedule II

**Administrative Positions
Effective 08/24/2015**

Pay Grade	# of Positions	Classification Titles	Pay Grade	# of Positions	Classification Titles
A	3/4	Senior Coordinator (Part-Time)	E	1	Community TV/Media Services Manager
	2	Administrative Assistant II - Records Technician		1	Recreation & Community Events Programmer
	1	Recreation Program Coordinator		1	Support Services Manager
	1	Administrative Assistant I - Utilities	F	1	City Clerk
B	1	Accounting Technician II - Utilities	G	0	
	1	Accounting Technician II - Payroll & Accounts Payable	H	1	Neighborhood Services Director
	1	Administrative Assistant I - Neighborhood Services	I	1	Chief Information Officer
	1	Executive Assistant	J	1	Water Superintendent
	1	Deputy Clerk		1	Streets, Parks & Forestry Superintendent
	1/2	Clerk of Court (Part-time)		1	Parks & Recreation Director
C	1	GIS Technician		1	Wastewater Treatment Plant Superintendent
D	1	Finance Support Services Manager	K	1	Assistant City Manager
	3/4	Human Resources Coordinator	L	1	Finance Director
	1	CDA - Economic Development Specialist			

Schedule II
Administrative Positions
Effective 01/01/2015

Pay Grade		Steps				
		1	2	3	4	5
A*	Hourly Wage	15.69	16.17	16.86	17.58	18.27
	2080 Hours	32,635.20	33,633.60	35,068.80	36,566.40	38,001.60
B*	Hourly Wage	16.81	17.58	18.33	19.09	19.86
	2080 Hours	34,964.80	36,566.40	38,126.40	39,707.20	41,308.80
C	Salary	37,997.67	39,724.02	41,450.63	43,178.77	44,905.38
D	Salary	41,035.72	42,901.58	44,764.81	46,630.41	48,497.84
E	Salary	45,036.56	47,083.24	49,129.65	51,177.62	53,225.31
F	Salary	48,556.79	50,763.76	52,969.68	55,178.21	57,383.86
G	Salary	52,076.76	54,444.55	56,811.02	59,175.92	61,543.71
H	Salary	55,596.99	58,122.72	60,651.06	63,175.23	65,705.12
I	Salary	59,115.92	61,803.50	64,489.53	67,176.08	69,863.66
J	Salary	62,634.59	65,481.43	68,329.83	71,175.37	74,023.51
K	Salary	66,156.12	69,162.20	72,169.87	75,174.66	78,182.30
L	Salary	69,675.06	72,841.70	76,009.90	79,175.50	82,344.75

*Non-Exempt Positions

Schedule III
Library Positions
Effective 01/01/2015

Pay Grade	# of Positions	Classification Titles	Steps				
			1	2	3	4	5
A1*	2	Customer Service Associate	12.52	13.08	13.66	13.66	13.66
A2*	5	Customer Service Specialist	13.60	14.22	14.85	15.45	16.08
A3*	3	Technical Services Specialist	15.45	16.18	16.87	17.57	18.27
	3	Outreach Services Specialist	15.45	16.18	16.87	17.57	18.27
A4	1	Youth Educational Services Librarian	37,997.67	39,724.28	41,450.63	43,178.77	44,905.38
A5	1	Assistant Library Director	48,556.79	50,763.76	52,969.68	55,173.21	57,383.86
A6	1	Library Director	62,634.59	65,481.43	68,329.83	71,175.37	74,023.51

*Non-Exempt Positions

Schedule IV
Whitewater Police Department Communications Center
Effective 08/24/2015

Position	# of Positions	Steps			
		1	2	3	4
Communications Coordinator	1	19.98	21.03	22.14	22.38
2080 Hours		41,558.40	43,742.40	46,051.20	46,550.40
Dispatch/Records Communications Aide	7	17.63	18.53	19.51	19.72
6 @ 1947 Hours	6	34,325.61	36,077.91	37,985.97	38,394.84
1 @ 976 Hours	1	17,206.88	18,085.28	19,041.76	19,246.72

Schedule V
Public Works Department
Effective 01/01/2015

Pay Grade	Classification Titles	Steps					
		1	2	3	4	5	6
		0-11 mos	12-23 mos	24-35 mos	36-47 mos	48-59 mos	60+ mos
A	Lab Assistant	10.20	10.42	10.65	10.88	11.11	11.34
B	Custodian/Groundskeeper	15.72	16.32	16.91	17.48	18.07	18.66
	1040 Hours	16,348.80	16,972.80	17,586.40	18,179.20	18,792.80	19,406.40
C	Laborer II	18.37	18.96	19.55	20.13	20.74	21.31
	2080 Hours	38,209.60	39,436.80	40,664.00	41,870.40	43,139.20	44,324.80
D	Building Maintenance	20.56	21.17	21.73	22.35	22.92	23.51
	2080 Hours	42,764.80	44,033.60	45,198.40	46,488.00	47,673.60	48,900.80
	1560 Hours	32,073.60	33,025.20	33,898.80	34,866.00	35,755.20	36,675.60
E	Engineering Technician	23.01	23.52	24.03	24.55	25.06	25.59
	Laborer I						
	Laborer I - Mechanic						
	Code Enforcement/Building Maintenance						
	Water Operator - no certification						
	Wastewater Operator - no certification						
	Wastewater Operator/Lab Technician - no certification						
2080 Hours	47,860.80	48,921.60	49,982.40	51,064.00	52,124.80	53,227.20	
F	Additional \$0.20 per hour above Pay Grade E upon successful completion and receipt of Grade I certification and one sub grade.						
G	Additional \$0.79 per hour above Pay Grade E upon successful completion and receipt of Grade II and Grade II sub grades required by Wisconsin Administrative Code for the City of Whitewater Wastewater Utility.						
H	Additional \$1.06 per hour above Pay Grade E upon successful completion and receipt of Grade IV and Grade IV sub grades required by Wisconsin Administrative Code for the City of Whitewater Wastewater Utility.						
I	Additional \$1.56 per hour above Pay Grade E for the position of Lab Manager/Operator.						

Schedule VI

Whitewater Police Department

Position	# of Positions	Effective	Hours	Hourly Wage	Salary
Captain	1	01/01/2015	2080	-	82,339.30
Lieutenant	1	01/01/2015	2080	-	78,180.96
Sergeant	3	01/01/2015	2008	32.00	64,256.00
Detective Sergeant	1	01/01/2015	2080	32.00	66,560.00
Detective	2	01/01/2015	2080	30.48	63,398.40
Juvenile Officer	1	01/01/2015	2080	30.48	63,398.40
Patrol Officer I	14	01/01/2015	2008	29.03	58,292.24
Patrol Officer II		01/01/2015	2008	27.59	55,400.72
Patrol Officer III		01/01/2015	2008	26.22	52,649.76
Patrol Officer IV		01/01/2015	2008	24.75	49,698.00

Position	# of Positions	Effective	Hours	Hourly Wage	Salary
Captain	1	08/24/2015	2080	-	79,837.59
Lieutenant	4	08/24/2015	2080	33.78	67,830.40
Detective Lieutenant	1	08/24/2015	2080	33.78	70,262.57
Sergeant	0	08/24/2015	2008	32.48	65,219.84
Detective Sergeant	0	08/24/2015	2080	32.48	67,558.40
Detective	2	07/01/2015	2080	30.94	64,355.20
Juvenile Officer	1	07/01/2015	2080	30.94	64,355.20
Patrol Officer I	14	07/01/2015	2008	29.47	59,175.76
Patrol Officer II		07/01/2015	2008	28.00	56,224.00
Patrol Officer III		07/01/2015	2008	26.61	53,432.88
Patrol Officer IV		07/01/2015	2008	25.12	50,440.96

Schedule VII
Fire-Rescue
Effective 07/01/2015

Position	# of Positions (Volunteer)	Hourly Wage
Fire-Inspector	3	15.00
Volunteer Fire	42	12.00
EMS Assistant Chief	1	17.00
EMS Captain		14.00
EMS Lieutenant	4	13.00
Rescue Squad EMT's	45	
Non-Transport		12.00
Transport Driver		16.00
Transport Basic		17.50
Transport Intermediate		20.00
Transport Intermediate		2.00
Fire Chief	1	19.00
1st Assistant Fire Chief	1	17.00
2nd Assistant Fire Chief	1	17.00
Fire Equipment Maintenance		100.00/month stipend + add \$1.00 to regular hourly rate
EMS Equipment Maintenance		100.00/month stipend + add \$1.00 to regular hourly rate
Fire Apparatus/Equipment Checks		50.00/month stipend + add \$1.00 to regular hourly rate
Technical Rescue Equipment Maintenance		25.00/month stipend + add \$1.00 to regular hourly rate

Schedule VIII

Part-Time Employees

Position	# of Positions	Effective	Hourly Wage
Community Service Officer	2	01/01/2015	10.75
Neighborhood Services Officer	2	01/01/2015	10.75

Schedule VIII

Part-Time Seasonal Positions

Effective 01/01/2015

Classification Titles	Steps				
	1	2	3	4	5
Election Inspectors	10.00	10.00	10.00	10.00	10.00
Chief Election Inspectors	12.00	12.00	12.00	12.00	12.00
Cable TV Camera Operators	7.25	7.50	8.00	8.75	9.75
Activity Leaders	9.25	9.50	10.00	10.50	11.50
Program Attendants	7.25	7.50	7.75	8.00	8.25
Certified Instructors	10.00	11.00	12.00	13.00	15.00
Activity Instructors	7.75	8.00	8.25	8.50	8.75
Sports Officials	20.00	21.00	22.00	24.00	25.00
WIAA Sports Officials	35.00	35.00	35.00	35.00	35.00
Seasonal Laborer	7.25	7.50	8.00	8.75	9.75

Resolution introduced by Councilmember _____, who moved its adoption.
 Seconded by Councilmember _____.

- AYES:
- NOES:
- ABSENT:
- ADOPTED:

 Cameron Clapper, City Manager

 Michele R Smith, City Clerk



City of Whitewater Council Agenda Item Information Sheet

MEETING DATE: **8/4/2015**

ITEM: **Chapter 19 Amendments (Zoning Rewrite)**

PRESENTER: **City Planner**

PREVIOUS ACTION, IF ANY: **The Common Council adopted initial Chapter 19 Amendments (Zoning Rewrite) on May 20th 2014.**

SUMMARY OF ITEM BEING PRESENTED: **Changes to Chapter 19 appear in red. This include but are not limited to: Parking changes to Chapter 19.51 and the zoning districts, scrivener's errors, and clarifying changes by adding examples and charts.**

BUDGET IMPACT, IF ANY: **N/A**

BOARD, COMMISSION, OR COMMITTEE RECOMMENDATION, IF ANY: **The Plan and Architectural Review Commission took action to recommend approval on July 13th 2015.**

STAFF RECOMMENDATION: **N/A**

RECOMMENDED MOTION: **N/A**

ATTACHMENT(S) INCLUDED (If none, please state):

Condensed version of Chapter 19

FOR MORE INFORMATION CONTACT:

Chris Munz-Pritchard, cmunz-pritchard@whitewater-wi.gov, 262-473-0143.

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Chapter 19.06 GENERAL PROVISIONS

Chapter 19.06 GENERAL PROVISIONS.....	2
19.06.010 Jurisdiction.	2
19.06.020 Plan and architectural review commission--Created.....	3
19.06.030 Plan and architectural review commission--Qualifications and functions.....	3
19.06.040 Plan and architectural review commission--Architectural function.....	3
19.06.050 Plan and architectural review commission--Organization.	3
19.06.060 Compliance required.	4
19.06.065 Municipalities and state agencies regulated.	4
19.06.070 Use restrictions.....	4
19.06.080 Accessory uses and structures.	4
19.06.090 Unclassified or unspecified areas.....	4
19.06.100 Temporary uses.	4
19.06.110 Height modifications.	5
19.06.120 Yard modifications.....	5
19.06.130 Reduction or joint use.	7
19.06.140 Lots to abut street and frontage.	7
19.06.150 Structures to be located on a lot.	7
19.06.160 Lots on undedicated portion of street.....	7
19.06.170 Private sewer and water service.	7
19.06.180 Average street yards.	7
19.06.190 Lots abutting more restrictive districts.....	8
19.06.200 Animal raising.	8

19.06.010 Jurisdiction.

The jurisdiction of this title shall include all lands and water within the corporate limits of the city.

(Ord. 994 § 2.1, 1982).

19.06.020 Plan and architectural review commission--Created.

There is created a city plan and architectural review commission which shall consist of the chairman of the park and recreation board or designee, a councilmember, and five citizens of the city. In addition thereto, there shall be three citizen alternate members, any of which may be called upon to serve in the absence of any one of the citizen members of the commission. There shall also be one alternate city councilmember. The city councilmember may only serve in absence of the appointed city councilmember and shall not act as a replacement for a citizen member of the commission. All the citizen members shall be residents of Whitewater.

Citizen members shall be persons of recognized experience and qualification. The city manager and the zoning administrator shall be nonvoting ex officio members of the commission. The councilmember shall be elected by a two-thirds vote of the council.

(Ord. 1651A § 1, 2007; Ord. 1215 § 1, 1991; Ord. 994 § 2.2(part), 1982).

19.06.030 Plan and architectural review commission--Qualifications and functions.

The city plan and architectural review commission shall have the qualifications and perform the functions required by this code and the Wisconsin Statutes, Section 62.23. The council or city manager may, at their discretion, request that new members of the plan and architectural review commission receive instructions regarding the standards, rules, and regulations to be applied by the commission.

(Ord. 994 § 2.2(part), 1982).

19.06.040 Plan and architectural review commission--Architectural function.

The city plan and architectural review commission is empowered with the architectural function as provided in Chapter 19.63, for the purpose of promoting compatible development, aesthetics, historic preservation, and stability of property values. The aesthetic review function of the city plan and architectural review commission shall be:

- a) limited to any guidelines established by the City for reviewing aesthetic decisions and
- b) intended to ensure compatibility between new buildings and their surrounding built environment.

(Ord. 994 § 2.2(part), 1982).

19.06.050 Plan and architectural review commission--Organization.

The city plan and architectural review commission shall organize and adopt rules for its own governing in accordance with the provisions of this code and Wisconsin Statutes.

- A. Officers shall be elected from the membership for terms of one (1) year.
- B. Meetings shall be held at the call of the chairman or when requested by the zoning administrator and shall be open to the public.
- C. Minutes shall be kept showing all actions taken and shall be a public record.
- D. Quorums shall be five (5) members, and all actions shall require the concurring vote of at least four (4) members.
- E. Alternate members shall be voting members of the commission in cases when any of the original seven members are absent or abstaining from a vote.

(Ord. 994 § 2.2(part), 1982).

19.06.060 Compliance required.

All structures and uses of structures, land or water, and any development as defined in this title, shall comply with this title and all other applicable local, county, state and federal regulations. (Ord. 1060 § 9, 1985).

19.06.065 Municipalities and state agencies regulated.

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this title and obtain all required permits. State agencies are required to comply if Section 13.48(13) of the Wisconsin Statutes applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt from compliance when Section 30.12(4)(a) of the Wisconsin Statutes applies.

(Ord. 1196 § 1(part), 1990).

19.06.070 Use restrictions.

Only those principal uses specified for a district, their essential services, and the uses noted in this chapter shall be permitted in that district.

(Ord. 994 § 2.4(part), 1982).

19.06.080 Accessory uses and structures.

Accessory uses and structures are permitted but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade or industry except home occupations as defined. Accessory uses and structures include gardening, storage, parking areas, private swimming pools, private emergency shelters and communications structures and similar uses and structures.

(Ord. 1082 § 1, 1986).

19.06.090 Unclassified or unspecified areas.

- A. Uses that are not specifically listed as a permitted use within a district but that are similar in character or impact to other permitted uses may be authorized by interpretation of the zoning administrator.
- B. If a determination cannot be made by the zoning administrator, an unclassified or unspecified use may be permitted by the board of zoning appeals, provided that the use is found to be consistent with the intent of this title.

(Ord. 994 § 2.4(B), 1982).

19.06.100 Temporary uses.

Temporary uses and structures, such as produce stands, real estate sales field offices, or shelters for materials and equipment being used in the construction of a permanent structure, and similar uses and structures, may be permitted by the zoning administrator for periods not to exceed one

year. Establishing a temporary use for longer periods shall require approval of the plan commission.
(Ord. 994 § 2.4(C), 1982).

19.06.110 Height modifications.

The district height limitations stipulated elsewhere in this title may be exceeded, but such modification shall be in accord with the following:

- A. Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, shall not exceed in height their distance from the lot line nearest the projection and shall not exceed one hundred feet in height.
- B. Essential services, utilities, observation towers, water towers and electric power and conventional (wired) telephonic communication transmission towers are exempt from the height limitations of this title. Wireless telecommunications facilities, as defined in Chapter 19.09, shall meet the height limitations established in Chapter 19.55.
- C. Residential satellite dishes less than thirty-six (36) inches in diameter, residential television antennas, and amateur radio facilities may exceed applicable district building height requirements by no greater than ten feet.
- D. Public or semipublic facilities, such as schools, churches, libraries, governmental offices and stations, may be erected to a height of sixty (60) feet, exclusive of architectural projections, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirements.

(Ord. 1499 § 1, 2001; Ord. 1364 § 1, 1997; Ord. 1082 § 2, 1986; Ord. 994 § 2.5(A), 1982).

19.06.120 Yard modifications.

The yard requirements stipulated elsewhere in this title may be modified as follows:

- A. Uncovered stairs, landings and fire escapes may project into any yard but not to exceed six feet and not closer than ten(10) feet to any lot line (unless allowed under Chapter 19.30).
- B. Architectural projections, such as chimneys, flues, gutters, sills, eaves, belt courses and ornaments, may project into any required yard, but such projection shall not exceed three (3) feet.
- C. Residential fences and walls are permitted either within or on the property line. Fences and walls shall not exceed a height of six (6) feet in the side yard or rear yard area and shall not exceed a height of four (4) feet in the required street yard. All driveway openings abutting a public right-of-way shall have a fifteen-foot (15) free vision triangle set back from both sides of the driveway. (Similar to Section 19.51.010). The finished face of the fence shall face outward to the street (for the front yard) and toward the outer perimeter for side and rear yard fences.
- D. Security Fences. Within the B-3 and M-1 districts, security fences are permitted within the side and rear yard areas. Such fences shall be designed to enclose the entire area for security and shall not exceed ten feet in height. Barbed wire is permitted only on security fences at least six (6) feet above established grade levels.
- E. Swimming Pools and Swimming Pool Fencing. For the purpose of this chapter, "pool" shall include swimming pools, hot tubs, whirlpools or other similar devices, but shall not include:

- a. storable swimming or wading pools having a diameter of 18 feet or less and a wall height of 24 inches or less and which are constructed in such a way as to be readily disassembled for storage and reassembled to original integrity; or
- b. storable swimming or wading pools with nonmetallic inflatable walls regardless of dimension.

All temporary swimming pools shall be removed and stored by November 1. Swimming pools shall not be allowed in front yards. Swimming pools on side or in backyards shall be a minimum of 15 feet from the property line. All swimming pools shall be covered and ladders removed when not in use.

- F. Pools within the scope of this section which are not enclosed within a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool. Such fence or wall shall not be less than six (6) feet in height and shall be so constructed as not to have voids, holes or openings larger than six (6) inches in one dimension. Gates or doors shall be kept locked (which includes the use of self-locking devices) while the pool is not in actual use.

The pool enclosure may be omitted:

- a. for portable pools installed above ground that have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of 36 inches high on the top, or if the side walls are unobstructed and a minimum of 36 inches high; such pool must have secure access by use of self-closing/self-latching gates.
- b. for aboveground pools in which the wall height is at least 48 inches and if the only access to the pool is provided by a ladder or steps, provided that the ladder or steps shall be capable of being secured, locked or removed to prevent access.

- G. Detached accessory structures in residential districts are permitted in side and rear yards unless otherwise noted in the zoning district. The detached accessory structures shall not be closer than ten (10) feet to the principal structure, shall not exceed fifteen (15) feet in height, shall not be larger than ten (10%) percent of the side and rear yard lot area (open space) and shall not exceed eight hundred (800) square feet in size. Detached accessory structures shall not be closer than five (5) feet to any lot line nor ten (10) feet to any alley line. Any proposed detached accessory structure which is larger than the requirements of this section may be allowed but shall require a conditional use permit. To determine the size on corner lots, the side street yard shall be counted as part of the side and rear area. In non-residential districts the size and location of detached accessory structures shall be treated as conditional uses when the square footage exceeds 800 square feet.

- H. Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this title.

- I. Landscaping and vegetation are exempt from the yard requirements of this title except that landscaping and vegetation shall not extend over any public right-of-way within ten (10) feet of the ground level.

- J. All decks are to maintain a setback from a property line of no less than the front yard and side yard required setback of the zoning district in which they are located and must be a minimum of fifteen (15) feet from any rear lot line.

(Ord. 1364 §§ 2 and 3, 1997; Ord. 1313 § 1, 1995; Ord. 1166 § 1, 1989; Ord. 1165, 1989; Ord. 1082 § 3, 1986; Ord. 994 § 2.5(B), 1982).

19.06.130 Reduction or joint use.

No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this title. No part of any lot, yard, parking area, or other space required for structure or use shall be used for any other structure or use.

(Ord. 994 § 2.6, 1982).

19.06.140 Lots to abut street and frontage.

All lots shall abut upon a public street, and each lot shall have a minimum frontage at the street line of thirty (30) feet. This requirement may be waived under Planned Development (PD) provisions of this title.

(Ord. 994 § 2.7, 1982).

19.06.150 Structures to be located on a lot.

Only one (1) principal structure shall be located, erected or moved onto a lot (except for the M-1 and M-2 districts). This requirement may be waived as a conditional use under the highway commercial and light industrial district (B-3) or Planned Development (PD) provisions of this title.

(Ord. 1452 § 2, 2000; Ord. 1316 § 1, 1995; Ord. 1082 § 4, 1986).

19.06.160 Lots on undedicated portion of street.

No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width.

(Ord. 994 § 2.9, 1982).

19.06.170 Private sewer and water service.

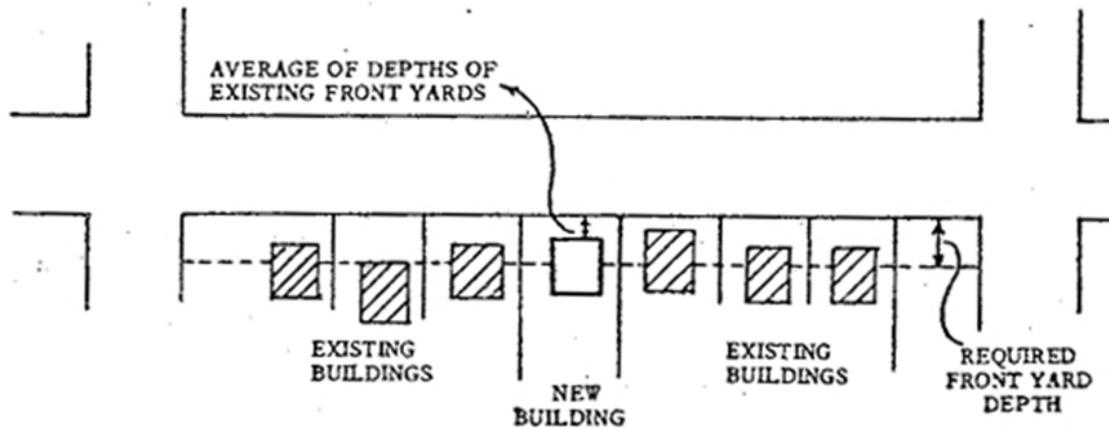
Where public sewerage service is not available, the width and area of all lots shall be sufficient to permit the use of an ~~on-site sewage disposal system~~ Private onsite waste treatment system (POWTS) designed in accordance with Section H63 of the Wisconsin Administrative Code. Any structure or use proposing to be served by ~~private sewer~~ POWTS and water service shall be considered as conditional use within any district.

(Ord. 994 § 2.10, 1982). Note: Chapter ~~H 63~~ H63 was created as an emergency rule effective 6-21-80; section H 62.20 as it existed on June 30, 1983 was renumbered to chapter ILHR 83. Chapter ILHR 83 was renumbered chapter Comm 83 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, February, 1997, No. 494. Chapter Comm 83 as it existed on June 30, 2000 was repealed and a new chapter Comm 83 was created, Register, April, 2000, No. 532, eff. 7-1-00. Chapter Comm 83

19.06.180 Average street yards.

A property owner may decrease the required street yard in any residential or business district to the average of the existing street yards of the adjacent structures on each side. Where the setback of existing adjacent structures is greater than setbacks required by this code, the setback for the

intervening lot shall be determined by the average of the setback of the structures on each side. On corner lots, the required setback shall be determined by averaging the setback of the adjacent structure with the required setback of the district in which it is located. The setback of any structure may be increased or decreased by a conditional use permit if there are substantial reasons to vary from the requirements of the district. (Ord. 1446 § 1, 2000: Ord. 994 § 2.11, 1982).



19.06.190 Lots abutting more restrictive districts.

Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards on the less restrictive district shall be modified for a distance of not more than one hundred (100) feet from the district boundary line so as to equal the average of the street yards required in both districts. (Ord. 994 § 2.12, 1982).

19.06.200 Animal raising.

The raising of animals shall be permitted in any zoning district in compliance with Title 9 of this code. (Ord. 994 § 2.13, 1982).

Chapter 19.09 DEFINITIONS

Chapter 19.09 DEFINITIONS 9

19.09.010 Generally. 15

19.09.015 A Zones. 15

19.09.020 Accessory use or structure..... 15

19.09.025 Adult-oriented establishments..... 15

19.09.030 Alley..... 17

19.09.035 Alternative support structure..... 17

19.09.040 Apartment-style building. 17

19.09.050 Arterial street..... 17

19.09.055 Base flood..... 18

19.09.060 Basement. 18

19.09.063 Bed and breakfast establishment..... 18

19.09.064 Bedroom 18

19.09.065 Block. 18

19.09.070 Building..... 18

19.09.080 Building, accessory. 19

19.09.090 Building area. 19

19.09.100 Building height..... 19

19.09.110 Building, principal..... 19

19.09.113 Building scale..... 19

19.09.114 Bulkhead line..... 19

19.09.115 Campground..... 19

19.09.116 Camping unit..... 20

19.09.117 Certificate of compliance. 20

19.09.120 Classes of notice..... 20

19.09.125 Channel..... 20

19.09.128 Co-location..... 20

19.09.130 Commercial use..... 20

19.09.140	Commonly owned open space.....	20
19.09.150	Community living arrangements.....	21
19.09.155	Comprehensive (master) plan.....	21
19.09.160	Conditional uses.....	21
19.09.170	Corner lot.....	21
19.09.171	Crawlways or crawlspace.....	21
19.09.173	Day care center, adult.....	21
19.09.177	Day care center, child.....	22
19.09.178	Deck.....	22
19.09.180	Development.....	22
19.09.185	District, basic.....	22
19.09.190	Drive-in establishment.....	22
19.09.191	Driveway.....	22
19.09.195	Dryland access.....	23
19.09.200	Dwelling.....	23
19.09.210	Dwelling, attached.....	23
19.09.220	Dwelling, detached.....	23
19.09.230	Dwelling, multiple-family.....	23
19.09.240	Dwelling, single-family.....	23
19.09.250	Dwelling, two-family.....	23
19.09.260	Dwelling unit.....	24
19.09.270	Dwelling unit, efficiency.....	24
19.09.275	Encroachment.....	24
19.09.280	Essential services.....	24
19.09.285	Existing manufactured home park or subdivision.....	24
19.09.286	Expansion to existing mobile/manufactured home park.....	24
19.09.290	Family.....	25
19.09.295	Federal Emergency Management Agency.....	25
19.09.296	Flood frequency.....	25
19.09.300	First floor.....	25
19.09.305	Flood.....	25

19.09.306 Flood Insurance Rate Map.	25
19.09.307 Flood Insurance Study.....	26
19.09.310 Flood Hazard Boundary Map.....	26
19.09.312 Flood profile.....	26
19.09.314 Flood protection elevation.....	26
19.09.315 Floodplain.....	26
19.09.316 Flood stage.	27
19.09.318 Floodlands.	27
19.09.320 Floodfringe.....	27
19.09.321 Floodplain island.	27
19.09.322 Floodproofing.....	27
19.09.323 Floodplain management.	28
19.09.324 Floodway.....	28
19.09.326 Flood storage.	28
19.09.330 Fraternity or sorority house.....	28
19.09.333 Freeboard.....	28
19.09.335 Freestanding wireless telecommunications facility.....	28
19.09.340 Garage, private.	29
19.09.350 Garage, public or commercial.	29
19.09.360 Group lodging facilities.....	29
19.09.370 Group lodging house.	29
19.09.375 Habitable structure.	29
19.09.376 Hearing notice.	29
19.09.377 High flood damage potential.	30
19.09.380 Historic landmark.....	30
19.09.385 Historic structure.	30
19.09.390 Household occupation or home occupation.	30
19.09.400 Incidental repairs.	31
19.09.401 Increase in regional flood height.....	31
19.09.403 Land use.	31
19.09.405 Letter of Map Change (LOMC).	31

19.09.410	Living rooms.	31
19.09.420	Loading area.	31
19.09.430	Lodginghouse.	32
19.09.440	Lodging rooms.	32
19.09.450	Lot.	32
19.09.460	Lot coverage.	32
19.09.455	Lot width.	33
19.09.457	Major subdivision.	33
19.09.458	Manufactured home.	33
19.09.460	Maximum lot coverage.	33
19.09.470	Minor structures.	33
19.09.475	Minor subdivision.	33
19.09.480	Mobile home.	34
19.09.490	Mobile home park.	34
19.09.495	Mobile recreational vehicle.	34
19.09.500	Modular home.	34
19.09.501	Motor vehicles.	34
19.09.502	Municipality or municipal.	34
19.09.504	National geodetic vertical datum.	35
19.09.505	Navigable water.	35
19.09.507	Neighborhood development plan.	35
19.09.508	New construction.	35
19.09.510	Nonconforming structure.	35
19.09.511	Nonconforming use.	36
19.09.520	Non-family household.	36
19.09.521	Obstruction to flow.	36
19.09.522	Official floodplain zoning map.	36
19.09.524	Open space use.	36
19.09.525	Ordinary high water mark.	37
19.09.527	Outdoor lighting fixture.	37
19.09.528	Overlay Permission Area Map.	37

19.09.529	Overlay Zoning District	37
19.09.530	Parking lot.	37
19.09.540	Parking space or parking stall.	37
19.09.550	Parties of interest.	38
19.09.555	Person.	38
19.09.560	Planting screen.	38
19.09.570	Principal use or structure.	38
19.09.580	Private club or lodge.	38
19.09.585	Private sewage system.	38
19.09.590	Professional home offices.	39
19.09.600	Professional offices.	39
19.09.602	Public utilities.	39
19.09.604	Reach.	39
19.09.605	Reasonably safe from flooding.	39
19.09.608	Regional flood.	39
19.09.609	Start of construction.	40
19.09.610	Story.	40
19.09.620	Public or semipublic uses.	40
19.09.623	Shielded light fixture.	40
19.09.625	Shorelands.	41
19.09.630	Sign.	41
19.09.640	Sign, directional.	41
19.09.650	Sign, nonaccessory.	41
19.09.660	Street.	41
19.09.670	Street line.	41
19.09.680	Structural alterations.	42
19.09.690	Structure.	42
19.09.700	Structure, accessory.	42
19.09.710	Structure, permanent.	42
19.09.720	Structure, principal.	42
19.09.730	Structure, temporary.	42

19.09.732	Substantial damage.....	42
19.09.735	Substantial improvement.....	43
19.09.740	Tourist home.	43
19.09.750	Townhouse.	43
19.09.760	Townhouse dwelling units.	43
19.09.770	Trailer camp.	43
19.09.775	Unnecessary hardship.....	43
19.09.780	Usable open space.	44
19.09.790	Use, accessory.	44
19.09.800	Use, legal nonconforming.	44
19.09.810	Use, permitted.	44
19.09.820	Use, principal.	44
19.09.830	Utilities.....	44
19.09.833	Variance.	45
19.09.834	Vehicle.	45
19.09.835	Violation.....	45
19.09.836	Watershed.....	45
19.09.837	Water surface profile.....	45
19.09.838	Well.....	45
19.09.839	Wetland.	46
19.09.840	Wireless telecommunications facility.	46
19.09.841	Wireless telecommunications support facility.	46
19.09.845	Yard.....	46
19.09.850	Yard, rear.....	46
19.09.860	Yard, shore.	47
19.09.870	Yard, side.	47
19.09.880	Yard, street (front yard).....	48

19.09.010 Generally.

For the purposes of this title, the definitions set out in this chapter shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and directory. (Ord. 994 § 12.0(part), 1982).

19.09.015 A Zones.

"A Zones" means areas of potential flooding shown on the "Flood Insurance Rate Map" or "Flood Hazard Boundary Map" which would be inundated by the regional flood as defined in this title. These zones may be numbered as A0, A1 to A99, or be unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

(Ord. 1060 § 10(part), 1985).

19.09.020 Accessory use or structure.

"Accessory use or structure" means a use or detached structure subordinate to the principal use of structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use of the principal structure.

(Ord. 994 § 12.0(part), 1982).

19.09.025 Adult-oriented establishments.

A. "Adult-oriented establishments" shall include the following:

1. "Adult bath house" means an establishment or business which provides the service of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the State of Wisconsin and which establishment provides to its customers an opportunity for engaging in specified sexual activities as defined in this section.
2. "Adult body painting studio" means an establishment or business wherein customers are afforded an opportunity to paint images on a body which is wholly or partially nude.
3. "Adult bookstore" means an establishment having as a substantial or significant portion of its stock and trade in books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein. The term includes an establishment having as its stock in trade, for sale, rent, trade, lease, inspection or viewing, books, films, video cassettes, compact discs, digital video discs, computers or computer programs in any format, motion pictures, magazines or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specific sexual activities or specified anatomical areas, and in conjunction therewith have facilities for the presentation of adult entertainment, including adult-oriented videotapes, films, motion pictures or other offered entertainment for observation by customers therein. The term includes a commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration, instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities."

4. "Adult cabaret" means a nightclub, dance hall, bar, restaurant, or similar commercial establishment that regularly features:
 - a. Persons who appear in a state of nudity or semi-nudity; or
 - b. Live performances that are characterized by sexual activities; or
 - c. Films, motion pictures, videocassettes, slides, or other photographic or computer reproductions or depictions that are characterized by the depiction or description of sexual activities or nudity.
5. "Adult entertainment" means any exhibition of any motion pictures, live performance, display or dance of any type, wherein a significant or substantial portion of such performance is distinguished or characterized by an emphasis on any actual or simulated performance of specified sexual activities, the exhibition and viewing of specified anatomical areas, or the removal of articles of clothing to reveal specified anatomical areas.
6. "Adult mini-motion picture theater" means an enclosed building with a capacity for less than fifty customers, including establishments that have coin-operated video or motion picture booths, used for presenting material distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein for observation by customers therein.
7. "Adult motel" means a hotel, motel, or similar commercial establishment which:
 - a. Offers accommodations to the public for any form of consideration; provides customers with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
 - b. Offers a sleeping room for rent for a period of time that is less than ten hours; or
 - c. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.
8. "Adult motion picture theater" means an enclosed building with a capacity of fifty or more persons at which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by customers therein.
9. "Adult motion picture theater (outdoor)" means a parcel of land from which individuals may view a motion picture presented out of doors which presents material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activity or specified anatomical areas for observation by customers.
10. "Adult novelty shop" means an establishment or business having as a substantial or significant portion of its stock and trade in novelty or similar items which are distinguished or characterized by their emphasis on specified sexual activities or specified anatomical areas or for simulation of the foregoing.
11. "Miscellaneous adult-oriented establishment" means an establishment which includes, but is not limited to, adult bookstores, adult motion picture theaters, outdoor adult motion picture theaters, adult mini-motion theaters, adult theaters, adult bath houses, adult body painting studios, adult motels, adult novelty shops or adult cabarets, sexual encounter centers, escort agencies, establishments featuring live sexually explicit performances, and any premises to which public customers or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common area of the premises for the purposes of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a customer or

a member, whether or not such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect. An adult-oriented establishment further includes, without being limited to, any adult entertainment studio or any premises that is physically arranged and used as such whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

B. "Adult-oriented establishment" shall not include:

1. Theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic, social or political merit are offered on a regular basis; and in which the predominant business or attraction is not the offering of entertainment which is intended for the sexual interests or titillation of customers; and where the establishment is not distinguished by an emphasis on or the advertising or promotion of nude or semi-nude performances; or
2. Any public or private school, as defined in Chapter 115, Wis. Stats., when instructing pupils as part of its curriculum.

(Ord. 1614A § 1, 2006).

19.09.030 Alley.

"Alley" means a special public right-of-way affording only secondary access to abutting properties.

(Ord. 994 § 12.0(part), 1982).

19.09.035 Alternative support structure.

"Alternative support structure" means a water tower, silo, utility pole, light pole, smokestack, electrical transmission tower, building or other similar structure of at least fifty feet in height, and used as a structural base, stand, pedestal, or physical support for one or more wireless telecommunications facilities.

(Ord. 1499 § 3(part), 2001).

19.09.040 Apartment-style building.

"Apartment-style building" means a building containing three (3) or more attached dwelling units with a majority of the units having primary access from a common entranceway or hallway. Units may be attached either vertically or horizontally.

(Ord. 994 § 12.0(part), 1982).

19.09.050 Arterial street.

"Arterial street" means a public street or highway used or intended to be used primarily for fast or heavy through traffic. For the purpose of this title, arterial streets shall include all county, state and federal highways.

(Ord. 994 § 12.0(part), 1982).

19.09.055 Base flood.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year, as published by the Federal Emergency Management Agency (FEMA) as part of a Flood Insurance Study (FIS) and depicted on a Flood Insurance Rate Map (FIRM). (Ord. 1600 § 1(part), 2006).

19.09.060 Basement.

"Basement" means that portion of any structure located partly below the average lot grade, which if occupied for living purposes shall be counted as a story for purpose of height measurement. (Ord. 994 § 12.0(part), 1982).

19.09.063 Bed and breakfast establishment.

"Bed and breakfast establishment" means a place of temporary lodging that provides eight or fewer sleeping rooms for paying lodgers, allows a maximum individual lodger stay of one month, provides meals only to paying lodgers, also serves as the principal residence for the operator/owner (who shall live on the premises at all times when the establishment is active), and meets all requirements of DHS 197 of the Wisconsin Administrative Code. Does not include "tourist homes," "lodginghouses," or "group lodging houses" defined elsewhere in this chapter. (Ord. 1580A § 1(part), 2005).

19.09.064 Bedroom

For the purpose of defining the number of occupiable bedrooms in a residential unit, a "bedroom" shall:

- a. Meet all applicable building codes.
- b. Be at least 100 net square feet for a 1-person bedroom or 125 net square feet for a two-person bedroom.
- c. Contain a closet not included in the net square feet.
- d. When added as part of a new remodeling or addition, be consistent with the function and appearance of the interior of the residential unit.

19.09.065 Block.

A "block" means a unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development. (Ord. 1511 § 1(part), 2002).

19.09.070 Building.

"Building" means any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials. (Ord. 994 § 12.0(part), 1982).

19.09.080 Building, accessory.

"Accessory building" means a building or portion of building used for a purpose customarily incident to the permitted principal use of the lot, and located on the same lot as the principal use. (Ord. 994 § 12.0(part), 1982).

19.09.090 Building area.

"Building area" means the total living area bounded by the exterior walls of a building at the floor levels, but not including basement, garages, porches, breezeways and unfinished attics. (Ord. 994 § 12.0(part), 1982).

19.09.100 Building height.

"Building height" means the vertical distance measured from the main elevation of the finished lot grade along the street yard face of the structure to the mid-point between the eave and highest point of the roof, not including ornamental features or architectural projections. (Ord. 994 § 12.0(part), 1982).

19.09.110 Building, principal.

"Principal building" means the building on a lot in which is conducted the principal use as permitted on such lot by the regulations of the district in which it is located. (Ord. 994 § 12.0(part), 1982).

19.09.113 Building scale.

"Building scale" means the relationship between the mass of a building and its surroundings, including streets, open spaces, and surrounding buildings. Mass is the three-dimensional bulk of a structure: height, width, and depth. (Ord. 1511 § 1(part), 2002).

19.09.114 Bulkhead line.

"Bulkhead line" means a geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to Section 30.11, Wisconsin Statutes and which allows limited filling between this bulkhead line and the original ordinary high-water mark, except where such filling is prohibited by the floodway provisions of this title. (Ord. 1600 § 1(part), 2006).

19.09.115 Campground.

"Campground" means any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four (4) or more camping units, or which is advertised or represented as a camping area. (Ord. 1600 § 1(part), 2006).

19.09.116 Camping unit.

"Camping unit" means any portable device, no more than four ~~hundred~~ ~~hundred~~ (400) square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent, or other mobile recreational vehicle.

(Ord. 1600 § 1(part), 2006).

19.09.117 Certificate of compliance.

"Certificate of compliance" means a certification that the construction and the use of land or a building, the elevation of fill, or the lowest floor of a structure is in compliance with all of the floodplain provisions of this title.

(Ord. 1600 § 1(part), 2006).

19.09.120 Classes of notice.

References in this title to Class 1 and Class 2 notices refer to Chapter 985 of the Wisconsin Statutes.

(Ord. 994 § 12.0(part), 1982).

19.09.125 Channel.

"Channel" means the floodlands normally occupied by a stream of water under average annual high-water flow conditions while confined within general well-established banks.

(Ord. 1060 § 10(part), 1985).

19.09.128 Co-location.

"Co-location" means the clustering of multiple antennas, dishes or similar telecommunications facilities or devices operated by different service providers but located on a single, freestanding wireless telecommunications facility or alternative support structure.

(Ord. 1499 § 3(part), 2001).

19.09.130 Commercial use.

"Commercial use" means and refers to activity carried out for pecuniary gain.

(Ord. 994 § 12.0(part), 1982).

19.09.140 Commonly owned open space.

"Commonly owned open space" means publicly or privately owned undeveloped open space intended for aesthetic, recreational or other conservation purpose, to be used by the owners or residents of a particular development or the public in general.

(Ord. 994 § 12.0(part), 1982).

19.09.150 Community living arrangements.

"Community living arrangements" means a group lodging facility licensed or operated or permitted under the authority of the Wisconsin Department of Health Services (see Section 46.03(22), Wisconsin Statutes) where three or more unrelated persons reside, and in which care, treatment or services above the level of room and board but less than skilled nursing care is provided to persons residing in the facility. Such care, treatment or services are provided as a major function of the facility. Child care facilities, nursing homes, hospitals, prisons, jails, foster family homes which are the primary domiciles of a foster parent and four or fewer children are not "community living arrangements" for purposes of this title.

(Ord. 994 § 12.0(part), 1982).

19.09.155 Comprehensive (master) plan.

"Comprehensive (master) plan" means the plan for the physical development of the city, also called a master plan or comprehensive plan, adopted by the city pursuant to Wisconsin Statutes, Sections 62.23 and/or 66.1001, including proposals for future land use, transportation, urban redevelopment and public facilities.

(Ord. 1511 § 1(part), 2002).

19.09.160 Conditional uses.

"Conditional uses" means uses of a special nature as to make impractical their complete predetermination as a use in a district.

(Ord. 994 § 12.0(part), 1982).

~~19.09.170 Corner lot.~~

~~"Corner lot" means a lot abutting two or more streets at their intersection, provided that the corner of such intersection shall have an angle of one hundred thirty-five degrees or less, measured on the lot side. For the purpose of determining yard requirements, the front yard shall be the yard where the main door of the principal structure faces the street addressed.~~

~~(Ord. 994 § 12.0(part), 1982).~~

19.09.171 Crawlways or crawlspace.

"Crawlways or crawlspace" means an enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

(Ord. 1600 § 1(part), 2006).

19.09.173 Day care center, adult.

"Day care center, adult" means a facility operated for the purpose of providing care, protection, and guidance to adults during normal business hours and with no overnight facilities.

(Ord. 1452 § 3(part), 2000).

19.09.177 Day care center, child.

"Day care center, child" means a state licensed facility where a person or persons, other than a relative or legal guardian, provides paid care and supervision for four or more children under seven years of age, for less than twenty-four hours a day.

(Ord. 1452 § 3(part), 2000).

19.09.178 Deck.

"Deck" means an unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

(Ord. 1600 § 1(part), 2006).

19.09.180 Development.

"Development" means any manmade change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements to buildings, other structures, or accessory uses, the placement of mobile homes, mining, dredging, filling, grading, paving, excavation or drilling operations, or deposition of materials.

(Ord. 994 § 12.0(part), 1982).

19.09.185 District, basic.

"Basic district" means a part or parts of the city for which the regulations of this chapter governing the use and location of land and buildings are uniform.

(Ord. 1060 § 10(part), 1985).

19.09.190 Drive-in establishment.

"Drive-in establishment" means a building and the lot on which it is situated, or a portion thereof which is used for off-street quick-service business purposes catering primarily to automobile trade wherein the customer is served directly at the automobile or the automobile is parked temporarily and the customer is served from a counter or pass-through window. Drive-in food service establishments may contain very limited seating accommodations for walk-up customers.

(Ord. 994 § 12.0(part), 1982).

19.09.191 Driveway

An improved access which is used primarily to connect off-street parking spaces to the public right-of-way. All areas intended to be utilized as driveways and parking areas shall be surfaced with asphalt or concrete to control dust and drainage. The use of bricks, gravel or pavers will require a permit. In all cases, permeable or pervious materials are preferred. Plans for surfacing and drainage of driveways shall be submitted to the City for review and approval.

~~An improved access which is used primarily to connect off-street parking spaces to the public right-of-way. All areas intended to be utilized as a driveway shall be surfaced with materials to control dust and drainage, except in the case of farm dwellings and operations. In all cases,~~

~~permeable or pervious materials are preferred. Plans for surfacing and drainage of driveways shall be submitted to the City for review and approval.~~

19.09.195 Dryland access.

"Dryland access" means a vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land which is outside the floodplain, such as a road with its surface above the regional flood elevation and wide enough to accommodate wheeled vehicles.

(Ord. 1196 § 1(part), 1990).

19.09.200 Dwelling.

"Dwelling" means a building or part of a building, containing one or more dwelling units and also containing other directly associated elements such as hallways, storage areas or common laundry facilities. For purposes of this title, the term "dwelling" does not include group lodging facilities.

(Ord. 994 § 12.0(part), 1982).

19.09.210 Dwelling, attached.

"Attached dwelling" means a dwelling attached to another dwelling unit by having any portion of any roof, any wall, or any floor in common with another dwelling unit.

(Ord. 994 § 12.0(part), 1982).

19.09.220 Dwelling, detached.

"Detached dwelling" means a dwelling separated from another dwelling unit and not having any portion of any roof, any wall, or any floor in common with another dwelling unit.

(Ord. 994 § 12.0(part), 1982).

19.09.230 Dwelling, multiple-family.

"Multiple-family dwelling" means a dwelling having ~~more than two~~three (3) or more attached dwelling units, and includes both apartment and townhouse-style buildings.

(Ord. 994 § 12.0(part), 1982).

19.09.240 Dwelling, single-family.

"Single-family dwelling" means a detached dwelling having one dwelling unit.

(Ord. 994 § 12.0(part), 1982).

19.09.250 Dwelling, two-family or Duplex.

"Two-family dwelling or Duplex" means a dwelling having two (2) attached dwelling units.

(Ord. 994 § 12.0(part), 1982).

19.09.260 Dwelling unit.

"Dwelling unit" means an area of or within a dwelling that is designed, occupied or intended to be occupied by a family (or by a non-family household) as permitted by this title as a separate living quarters with private kitchen, sanitary, sleeping and living quarters within the dwelling unit. Quarters are within the dwelling unit if they are within the same contiguous area. Kitchen quarters in a dwelling must be designed and outfitted to have, at a minimum, a refrigerator, stove and range, kitchen sink and cabinet facilities.
(Ord. 994 § 12.0(part), 1982).

19.09.270 Dwelling unit, efficiency.

"Efficiency dwelling unit" means a dwelling unit within a dwelling that has two or more attached units and having not more than one habitable room in addition to kitchen and sanitary facilities.
(Ord. 994 § 12.0(part), 1982).

19.09.275 Encroachment.

"Encroachment" means any fill, structure, equipment, building, use or development in the floodway.
(Ord. 1600 § 1(part), 2006).

19.09.280 Essential services.

"Essential services" means services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, television, steam, water, sanitary sewerage, storm water drainage, and conventional, non-wireless telephonic communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catchbasins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings, wireless telecommunications facilities, or wireless telecommunications support facilities.
(Ord. 1499 § 2, 2001: Ord. 994 § 12.0(part), 1982).

19.09.285 Existing manufactured home park or subdivision.

"Existing manufactured home park or subdivision" means a parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before January 1, 2006. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
(Ord. 1600 § 1(part), 2006).

19.09.286 Expansion to existing mobile/manufactured home park.

"Expansion to existing mobile/manufactured home park" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are

to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
(Ord. 1600 § 1(part), 2006).

19.09.290 Family.

"Family" means an individual or a group of two or more individuals who are related by blood, marriage, adoption, domestic partnership, or civil union, (limited to immediate family members, grandparents, aunts, uncles, nieces, nephews, and first cousins) together with not more than two additional persons not so related (with the exception of the R-O overlay district), living as a single household in a dwelling unit. (For the purposes of this title, "family" includes "non-family households.")
(Ord. 994 § 12.0(part), 1982).

19.09.295 Federal Emergency Management Agency.

"Federal Emergency Management Agency" means the federal agency that administers the National Flood Insurance Program. Also referred to as FEMA.
(Ord. 1600 § 1(part), 2006).

19.09.296 Flood frequency.

"Flood frequency" means the probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent chance of occurring in any given year.
(Ord. 1600 § 1(part), 2006).

19.09.300 First floor.

"First floor" means that floor located at ground level and having one-half or more of its windows above the lot grade at the building line.
(Ord. 994 § 12.0(part), 1982).

19.09.305 Flood.

"Flood" means a general and temporary condition of partial or complete inundation of normally dry land caused by the overflow or rise of inland waters; or the rapid accumulation or runoff of surface waters from any source; or inundation caused by waves or currents of water exceeding cyclical levels along the shores of Lake Michigan or Lake Superior; or a sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
(Ord. 1196 § 1(part), 1990).

19.09.306 Flood Insurance Rate Map.

"Flood Insurance Rate Map" means a map of a community on which the Federal Insurance and Mitigation Administration has delineated both special flood hazard areas (the floodplain) and the

risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency. Also referred to as FIRM.
(Ord. 1600 § 1(part), 2006).

19.09.307 Flood Insurance Study.

"Flood Insurance Study" means a technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood, provides both flood insurance rate zones and base flood elevations, and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program (NFIP).

(Ord. 1600 § 1(part), 2006).

19.09.310 Flood Hazard Boundary Map.

"Flood Hazard Boundary Map" means a map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

(Ord. 1600 § 1(part), 2006; Ord. 994 § 12.0(part), 1982).

19.09.312 Flood profile.

"Flood profile" means a graph showing the relationship of the floodwater surface elevation of a flood event of a specified recurrence interval to the stream bed and other significant natural and manmade features along a stream.

(Ord. 1060 § 10(part), 1985).

19.09.314 Flood protection elevation.

"Flood protection elevation" means a point two feet above the water surface elevation of the one-hundred-year recurrence interval flood. This safety factor, also called "freeboard," is intended to compensate for the many unknown factors that contribute to flood heights greater than those computed. Such unknown factors may include ice jams, debris accumulation, wave action, and obstruction of bridge openings.

(Ord. 1060 § 10(part), 1985).

19.09.315 Floodplain.

"Floodplain" means land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

(Ord. 1600 § 1(part), 2006).

19.09.316 Flood stage.

"Flood stage" means the elevation of the floodwater surface above an officially established datum plan, which is Mean Sea Level 1929 Adjustment.
(Ord. 1060 § 10(part), 1985).

19.09.318 Floodlands.

For the purpose of this title, the "floodlands" are all lands contained in the "regional flood" or one-hundred-year recurrence interval flood.
(Ord. 1600 § 1(part), 2006; Ord. 1196 § 1(part), 1990).

19.09.320 Floodfringe.

"Floodfringe" means that a portion of the one-hundred-year recurrence interval floodplain located beyond the limits of the floodway. The floodfringe is generally associated with standing water rather than rapidly flowing water.
(Ord. 1600 § 1(part), 2006; Ord. 1196 § 1(part), 1990).

19.09.321 Floodplain island.

"Floodplain island" means a natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
(Ord. 1600 § 1(part), 2006).

19.09.322 Floodproofing.

"Floodproofing" means measures designed to prevent and reduce flood damage for those uses which cannot be removed from, or which, of necessity, must be erected in the floodplain, ranging from structural modifications through installation of special equipment or materials to operation and management safeguards, such as the following: reinforcing of basement walls; underpinning of floors; permanent sealing of all exterior openings; use of masonry construction; erection of permanent watertight bulkheads, shutters and doors; treatment of exposed timbers; elevation of flood-vulnerable utilities; use of waterproof cement; adequate fuse protection; sealing of basement walls; installation of sump pumps; placement of automatic swing check valves; installation of sealtight windows and doors; installation of wire-reinforced glass; location and elevation of valuable items; waterproofing, disconnecting, elevation or removal of all electric equipment; avoidance of the use of flood-vulnerable areas; temporary removal or waterproofing of merchandise; operation of emergency pump equipment; closing of backwater sewer valves; placement of plugs and flood drain pipes; placement of movable watertight bulkheads; and the shoring of weak walls or structures. Floodproofing of structures shall be extended at least to a point two feet above the elevation of the regional flood. Any structure that is located entirely or partially below the flood protection elevation shall be anchored to protect it from larger floods.
(Ord. 1060 § 10(part), 1985).

19.09.323 Floodplain management.

"Floodplain management" means policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

(Ord. 1600 § 1(part), 2006).

19.09.324 Floodway.

"Floodway" means a designated portion of the one-hundred-year recurrence interval flood that will safely convey the regulatory flood discharge into small, acceptable upstream and downstream increases, limited in Wisconsin to 0.01 foot unless special legal measures are provided. The floodway, which includes the channel, is that portion of the floodplain needed to convey the regional flood discharges and is not suited for human habitation. All fill, structures and other development that would impair floodwater conveyance by adversely increasing flood stages or velocities or would itself be subject to flood damage should be prohibited in the floodway.

(Ord. 1196 § 1(part), 1990).

19.09.326 Flood storage.

"Flood storage" means those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

(Ord. 1600 § 1(part), 2006).

19.09.330 Fraternity or sorority house.

"Fraternity or sorority house" means a building containing sleeping rooms, bathrooms, common rooms and a central kitchen and dining room maintained exclusively for fraternity or sorority members and their guests or visitors and affiliated with an institution of higher learning.

(Ord. 1668A § 1, 2007; Ord. 994 § 12.0(part), 1982).

19.09.333 Freeboard.

"Freeboard" means a safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

(Ord. 1600 § 1(part), 2006).

19.09.335 Freestanding wireless telecommunications facility.

"Freestanding wireless telecommunications facility" means a self-supporting telecommunications tower or other self-supporting wireless telecommunications facility that is not mounted, or otherwise attached to, an alternative support structure. A tower using guy wires shall be considered a freestanding wireless telecommunications facility.

(Ord. 1499 § 3(part), 2001).

19.09.340 Garage, private.

"Private garage" means a structure primarily intended for and used for the enclosed storage or shelter of the private motor vehicles of the families resident upon the premises. Carports shall be considered garages within this definition.

(Ord. 994 § 12.0(part), 1982).

19.09.350 Garage, public or commercial.

"Public or commercial garage" means any garage not falling within the definition of a "private garage" as established in this chapter.

(Ord. 994 § 12.0(part), 1982).

19.09.360 Group lodging facilities.

"Group lodging facilities" means buildings or parts of buildings designed, occupied or intended to be occupied as living quarters on a basis other than described in this ordinance under the defined terms: dwelling, dwelling unit, hotel or motel.

(Ord. 994 § 12.0(part), 1982).

19.09.370 Group lodging house.

"Group lodging house" means a group lodging facility containing several lodging rooms without kitchen facilities that are offered for rent or comparable compensation on a monthly or longer basis. Meals or access to common meal preparation facilities may be offered as part of the service to occupants. Facilities commonly known as dormitories are group lodging houses for purposes of this title.

(Ord. 994 § 12.0(part), 1982).

19.09.375 Habitable structure.

"Habitable structure" means any structure or portion thereof used or designed for human habitation.

(Ord. 1600 § 1(part), 2006).

19.09.376 Hearing notice.

"Hearing notice" means a publication or posting meeting the requirements of Chapter 985, Statutes. For appeals, a Class 1 notice, published once at least one week (seven days) before the hearing, is required. For all zoning ordinance text and map amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (seven days) before the hearing, is required.

(Ord. 1600 § 1(part), 2006).

19.09.377 High flood damage potential.

"High flood damage potential" means damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

(Ord. 1600 § 1(part), 2006).

19.09.380 Historic landmark.

"Historic landmark" means any building or structure which has a special historic, architectural or cultural interest, significance or value as part of the heritage, development or cultural characteristics of the city, state or nation and which has been designated as a landmark under this title.

(Ord. 994 § 12.0(part), 1982).

19.09.385 Historic structure.

For the purposes of the floodplain regulations in this title, "historic structure" means any structure that is either: listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register, certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior, or by the Secretary of the Interior in states without approved programs.

(Ord. 1600 § 1(part), 2006).

19.09.390 Household occupation or home occupation.

"Household occupation" or "home occupation" means an occupation for gain or support that is traditionally or customarily conducted within a residential building by resident occupants, and which meets all of the following criteria:

- A. Home occupation is incidental to the principal residential use of the premises.
- B. Space used for the home occupation(s) does not exceed either twenty-five percent of the usable floor area of the principal building or fifty percent of an accessory building.
- C. No article or service shall be sold or offered for sale on the premises except articles or services that are produced by such occupation.
- D. There shall be no exterior alterations that change the character of the dwelling or accessory building, or exterior evidence of the home occupation, other than permitted signage under Chapter 19.54.
- E. There shall not be more than one employee other than members of the resident family.
- F. No home occupation shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference, or any other nuisance not normally associated with the average residential use in the district.

G. There shall be no exterior display or storage of any materials, supplies, equipment, or product produced or used by such occupation.
(Ord. 1605A § 1, 2006: Ord. 994 § 12.0(part), 1982).

19.09.400 Incidental repairs.

"Incidental repairs" are not considered structural repairs, modifications, or additions; incidental repairs include internal and external painting, decoration, paneling, and the replacement of doors, windows, and other nonstructural components.
(Ord. 994 § 12.0(part), 1982).

19.09.401 Increase in regional flood height.

"Increase in regional flood height" means a calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
(Ord. 1600 § 1(part), 2006).

19.09.403 Land use.

For the purposes of the floodplain regulations in this title, "land use" means any nonstructural use made of unimproved or improved real estate.
(Ord. 1600 § 1(part), 2006: Ord. 1452 § 3(part), 2000).

19.09.405 Letter of Map Change (LOMC).

"Letter of Map Change" or "LOMC" means official notification from the Federal Emergency Management Agency (FEMA) that a Flood Hazard Boundary Map or Flood Insurance Rate Map has been amended.
(Ord. 1600 § 1(part), 2006: Ord. 1060 § 10(part), 1985).

19.09.410 Living rooms.

"Living rooms" means all rooms within a dwelling except closets, foyers, storage areas, utility rooms and bathrooms.
(Ord. 994 § 12.0(part), 1982).

19.09.420 Loading area.

"Loading area" means a completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
(Ord. 994 § 12.0(part), 1982).

19.09.430 Lodginghouse.

"Lodginghouse" means a building other than a hotel, restaurant or a dormitory where lodging is regularly furnished by prearrangement for a definite period for compensation for six (6) or more persons not members of a family, but not exceeding twelve (12) persons (individual) and not open to transient customers. A lodginghouse shall maintain a minimum green space area of three hundred fifty (350) square feet per allowed occupant.
(Ord. 1364 § 4, 1997; Ord. 994 § 12.0(part), 1982).

19.09.440 Lodging rooms.

"Lodging rooms" means rooms within group lodging facilities that are rented as sleeping and living quarters, or spaces within a suite of rooms in a group lodging facility that provide sleeping accommodations. For purposes of this title any lodging room that is designed or intended to be occupied by one (1) or two (2) persons shall be counted as one lodging room.
(Ord. 994 § 12.0(part), 1982).

19.09.450 Lot.

"Lot" means a single parcel of contiguous land abutting and having frontage on a public street, being a part of a platted recorded subdivision, or recorded Certified Survey Map (CSM), or a parcel of land for which the deed is recorded with the respective county register of deeds occupied or intended to be occupied by a principal structure or principal group of structures or use and sufficient in size to meet the lot width, lot frontage, lot area, yard parking area, and other open space provisions of this title.

19.09.451 Lot, Corner

"Corner Lot" means a lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the side lot lines to the foremost point of the lot (or an extension of the lot where it has been rounded by a street radius) at an interior angle of less than 135 degrees.

19.09.460–452 Lot coverage.

"Maximum lot coverage" is the total buildable area that can be occupied by principal, accessory structures, parking areas, drives, sidewalks and similar at-grade structures.
(Ord. 994 § 12.0(part), 1982).

19.09.453 Lot, Through

"Through Lot" means a lot that abuts on a street at the front of the lot and abuts on a street at the rear of the lot. A Condition Use Permit (CUP) is required for select fencing and accessory structures in the rear lot of through lots.

19.09.455 Lot width.

"Lot width" means the horizontal distance between side lot lines as measured at the minimum front yard setback required in the zoning district in which the lot is located or through a recorded final plat or certified survey map.

(Ord. 1511 § 1(part), 2002).

19.09.457 Major subdivision.

"Major subdivision" means the division of a lot or parcel, or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where a single act of division creates five or more parcels or building sites, each less than five (5) acres in size; or an act of division results in the creation of five (5) or more parcels or building sites by successive divisions within a period of five (5) years, where at least five (5) of the parcels or sites are less than one (1) and one-half (1.5) acres in size in the M-I general manufacturing district, or less than five (5) acres in size in all other zoning districts.

(Ord. 1600 § 1(part), 2006; Ord. 1580A § 1(part), 2005).

19.09.458 Manufactured home.

"Manufactured home" means a type of single-family dwelling as defined in Wisconsin Statutes, Section 101.91(2), fabricated in an off-site manufacturing facility for installation or assembly at the building site, and bearing a Department of Housing and Urban Development (HUD) label or insignia certifying that it was built in compliance with the Federal Manufactured Home Construction and Safety Standards under 42 U.S.C. Chapter 70 Sections 5401 to 5426. For the purposes of the floodplain regulations in this title only, the term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

(Ord. 1600 § 1(part), 2006; Ord. 1511 § 1(part), 2002).

19.09.460 Maximum lot coverage.

"Maximum lot coverage" is the total buildable area that can be occupied by principal accessory structures. Parking area, drives, sidewalks and similar at-grade structures shall not be included when figuring maximum lot coverage.

(Ord. 994 § 12.0(part), 1982).

19.09.470 Minor structures.

"Minor structures" are small structures, less than 6' in height and less than 100 square feet in area (such as doghouses, birdhouses, small storage sheds, play structures, mailboxes, or similar structures) and are either permanently affixed to a foundation or portable.

(Ord. 994 § 12.0(part), 1982).

19.09.475 Minor subdivision.

"Minor subdivision" is a division of land into four (4) or fewer parcels, each of which is less than 5 acres in size (this is customarily accomplished by certified survey map).

19.09.480 Mobile home.

"Mobile home" means a transportable factory built structure as is defined in Wisconsin Statutes Section 101.91(2)(k), designed for long term occupancy by one family and built prior to June 15, 1976, the effective date of the Federal Manufactured Home Construction and Safety Standards Act. A mobile home is not considered to be a type of single-family dwelling for the purposes of this title.

(Ord. 1600 § 1(part), 2006; Ord. 994 § 12.0(part), 1982).

19.09.490 Mobile home park.

"Mobile home park" means a site with required improvements and utilities for the long-term parking of mobile homes, which may include services and facilities for the residents.

(Ord. 994 § 12.0(part), 1982).

19.09.495 Mobile recreational vehicle.

"Mobile recreational vehicle" means a vehicle which is built on a single chassis; is four (400) hundred square feet or less when measured at the largest horizontal projection; is designed to be self-propelled; is carried or permanently towable by a licensed, light-duty vehicle; is licensed for highway use if registration is required; and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of a "mobile recreational vehicle." Also referred to as "Recreational Vehicle" or "RV."

(Ord. 1600 § 1(part), 2006).

19.09.500 Modular home.

"Modular home" means a dwelling unit which meets all regulations for conventional construction, sections of which are built in a factory and joined on a permanent foundation.

(Ord. 994 § 12.0(part), 1982).

19.09.501 Motor vehicles.

"Motor vehicle" means a vehicle, including a combination of two or more vehicles or an articulated vehicle, which is self-propelled, except a vehicle operated exclusively on a rail.

"Motor vehicle" includes, without limitation, a commercial motor vehicle or a vehicle which is propelled by electric power obtained from overhead trolley wires but not operated on rails. A snowmobile and an all-terrain vehicle shall only be considered motor vehicles for purposes made specifically applicable by ordinance.

(Ord. 1364 § 5, 1997).

19.09.502 Municipality or municipal.

"Municipality" or "municipal" means the City of Whitewater, Wisconsin. Also referred to as "City."

(Ord. 1600 § 1(part), 2006).

19.09.504 National geodetic vertical datum.

"National Geodetic Vertical Datum" or NGVD means elevations referenced to mean sea level datum, 1929 adjustment.

(Ord. 1600 § 1(part), 2006).

19.09.505 Navigable water.

"Navigable water" means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. The Wisconsin Supreme Court has declared navigable all bodies of water with a bed differentiated from adjacent uplands and with levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [Muench v. Public Service Commission, 261 Wis. 492 (1952), and DeGaynor and Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975)]

For the purpose of this title, rivers and streams will be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps until such time that the Wisconsin Department of Natural Resources has made a determination that the waterway is not, in fact, navigable.

(Ord. 1196 § 1(part), 1990).

19.09.507 Neighborhood development plan.

"Neighborhood development plan" means a city, developer, or property owner prepared plan for the future development of a part of the community, and including the proposed land use pattern, zoning, street alignments, lot patterns, locations of utilities and public buildings, parks, open spaces, environmental corridors, trails, and a development phasing timetable.

(Ord. 1511 § 1(part), 2002).

19.09.508 New construction.

For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of the original floodplain zoning regulations adopted by the city and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map (FIRM) or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

(Ord. 1600 § 1(part), 2006).

19.09.510 Nonconforming structure.

A "nonconforming structure" means a structure, or portion thereof, that was legally established prior to the effective date of this title, or subsequent amendments thereto, which does not

conform with one or more of the dimensional requirements applicable within the zoning district in which the structure is located.

(Ord. 1600 § 1(part), 2006; Ord. 994 § 12.0(part), 1982).

19.09.511 Nonconforming use.

A "nonconforming use" means an active and actual use of land, structure, or both that was legally established prior to the effective date of this title, or subsequent amendments thereto, which has continued the same use to the present, and which does not conform to the use regulations applicable within the zoning district in which the use is located. Also referred to as "nonconforming land use."

(Ord. 1600 § 1(part), 2006).

19.09.520 Non-family household.

"Non-family household" means a group of individuals who do not constitute a family under the terms of this title and who live as a single household in a dwelling unit. This definition is intended to facilitate application of regulations that ensure the right of quiet enjoyment of each property owner, or resident of their home. The constant or consistent presence of visitors to a particular residence can constitute the equivalent of additional persons living there, for land use purposes, regardless if they are listed as residents on a lease or deed, if the "quiet enjoyment" of others' property rights is affected. For the purposes of this section, actions that affect quiet enjoyment shall include actions by occupants or visitors which unreasonably disturb other property owners' or occupants' enjoyment of their premises.

(Ord. 994 § 12.0(part), 1982).

(Ord. No. 1689A, 6-17-2008; Ord. No. 1694A, 8-5-2008)

19.09.521 Obstruction to flow.

"Obstruction to flow" means any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

(Ord. 1600 § 1(part), 2006).

19.09.522 Official floodplain zoning map.

"Official floodplain zoning map" means that map, adopted and made part of this title, as described in Section 19.46.010(E)(2), which has been approved by the Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA).

(Ord. 1600 § 1(part), 2006).

19.09.524 Open space use.

"Open space use" means those land uses having a relatively low flood damage potential, and not involving structures when in a floodplain.

(Ord. 1600 § 1(part), 2006).

19.09.525 Ordinary high water mark.

"Ordinary high water mark" means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

(Ord. 1196 § 1(part), 1990).

19.09.527 Outdoor lighting fixture.

"Outdoor lighting fixture" means an outdoor artificial illuminating device, either permanent or portable, used for illumination or advertisement of parking lots, architecture, signage, landscaping, entryways, or areas requiring security.

(Ord. 1452 § 3(part), 2000).

19.09.528 Overlay Permission Area Map

A "overlay permission area map" depicting the boundary lines within which applications are allowed for changing the zoning district designation to that of a specific overlay zone (with the exception of the R-O overlay district)

19.09.529 Overlay Zoning District

An "overly zoning district" is type of zoning district that offers alternative regulations for an existing zoning district. The properties which can apply for an overlay zoning district map change are limited by boundaries as depicted in an Overlay Permission Area Map (with the exception of the R-O overlay which is applicable anywhere within the City). The procedures for changing and amending a property to overlay zoning status are described in section 19.69 and in each of the overlay districts.

19.09.530 Parking lot.

"Parking lot" means a structure or premises containing parking spaces open to the public. Curb cut openings shall be designed to facilitate traffic safety and pedestrian movement.

(Ord. 994 § 12.0(part), 1982).

19.09.540 Parking space or parking stall.

"Parking space" or "parking stall" ~~means a graded and paved area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley except as additionally provided for in Section 19.50.010. All areas intended to be utilized as parking areas and driveways and parking areas shall be surfaced with asphalt or concrete to control dust and drainage. The use of bricks, gravel or pavers will require a permit. In all cases, permeable or pervious materials are preferred. Plans for surfacing and drainage of stalls and driveways shall be submitted to the City for review and approval.~~ means a graded and paved area of not less than one hundred eighty (180) 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 except as additionally provided for in Section 19.50.010. All areas intended to be utilized as parking areas and

~~driveways shall be surfaced with materials to control dust and drainage, except in the case of farm dwellings and operations. In all cases, permeable or pervious materials are preferred. Plans for surfacing and drainage of stalls and driveways shall be submitted to the City for review and approval.~~

(Ord. 994 § 12.0(part), 1982).

19.09.550 Parties of interest.

"Parties of interest" includes all abutting property owners, all property owners within three hundred (300) feet, and all property owners of opposite frontage. For purposes of this title, property ownership shall be determined from property tax billing records available within municipal records at the time the notification is sent.

(Ord. 994 § 12.0(part), 1982).

19.09.555 Person.

"Person" means an individual, or group of individuals, corporation, partnership, association, municipality or state agency.

(Ord. 1600 § 1(part), 2006).

19.09.560 Planting screen.

"Planting screen" means an arrangement of living vegetation reaching an anticipated height of four feet or more, which may or may not be accompanied by materials used to construct fences and the like, which is intended to provide a reasonable separation of vision between abutting lots or the lot and the street line.

(Ord. 994 § 12.0(part), 1982).

19.09.570 Principal use or structure.

"Principal use or structure" means a use or structure specified as a principal use under the district regulations of this title; such uses or structures must occur or be built prior to or concurrently with any accessory uses or structures.

(Ord. 994 § 12.0(part), 1982).

19.09.580 Private club or lodge.

"Private club or lodge" means a structure or grounds used for regular or periodic meetings or gatherings of a group of persons organized for a nonprofit purpose, but not groups organized to render a service customarily carried on as a business.

(Ord. 994 § 12.0(part), 1982).

19.09.585 Private sewage system.

"Private sewage system" or "~~Private onsite waste treatment system (POWTS)~~" means a sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption

field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure. Also referred to as "septic system" or "private on-site waste treatment system."

(Ord. 1600 § 1(part), 2006).

19.09.590 Professional home offices.

"Professional home offices" means residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, real estate and insurance offices, registered land surveyors, lawyers, artists, teachers, authors, musicians or other recognized professions, used to conduct their professions, where the office does not exceed one-half of the area of only one floor of the residence and only one nonresident person is employed.

(Ord. 994 § 12.0(part), 1982).

19.09.600 Professional offices.

"Professional offices" means doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, real estate and insurance offices, registered land surveyors, lawyers, artists, teachers, authors, musicians or other recognized professions not able to meet professional home office requirements.

(Ord. 994 § 12.0(part), 1982).

19.09.602 Public utilities.

"Public utilities" means those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer, and storm sewer.

(Ord. 1600 § 1(part), 2006).

19.09.604 Reach.

"Reach" means longitudinal segment of a stream, generally including those floodlands wherein flood stages are primarily and commonly controlled by the same manmade or natural obstructions to flow.

(Ord. 1060 § 10(part), 1985).

19.09.605 Reasonably safe from flooding.

"Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

(Ord. 1600 § 1(part), 2006; Ord. 1580A § 1(part), 2005).

19.09.608 Regional flood.

"Regional flood" means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics. The flood frequency of the regional flood is once in

every one hundred (100) years; this means that in any given year, there is a one percent chance that the regional flood may occur or be exceeded. During a typical thirty-year mortgage period, the regional flood has a twenty-six-(26%) percent chance of occurrence.
(Ord. 1060 § 10(part), 1985).

19.09.609 Start of construction.

"Start of construction" means the date the building or zoning permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within six months of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured or mobile home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
(Ord. 1600 § 1(part), 2006).

19.09.610 Story.

"Story" means that portion of a building included between the surface of a floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having one-half or more of its height above grade shall be deemed a story for purposes of height regulation.
(Ord. 994 § 12.0(part), 1982).

19.09.620 Public or semipublic uses.

For purposes of this title, the following uses shall be considered "public and semipublic uses": government office buildings, fire and police stations, public garages, libraries, museums, community centers, churches, cemeteries, public and private elementary and secondary schools, colleges and universities, and similar uses not specifically listed but similar in character.
(Ord. 994 § 12.0(part), 1982).

19.09.623 Shielded light fixture.

"Shielded light fixture" means an outdoor lighting fixture which through design is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected at least fifteen degrees below a horizontal plane running through the lowest point on the fixture where light is emitted. Except for ground and sign mounted light fixtures, that horizontal plane shall be parallel to the surface of the ground.
(Ord. 1452 § 3(part), 2000).

19.09.625 Shorelands.

"Shorelands" are those lands lying within the following distances from the ordinary high water mark of navigable waters: one thousand feet from a lake, pond or flowage; and three hundred (300) feet from a river or stream; or to the landward side of the floodplain, whichever distance is greater. Shorelands shall not include those lands adjacent to farm drainage ditches where

- a. such lands are not adjacent to a navigable stream or river;
- b. those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching or had no previous stream history; and
- c. such lands are maintained in nonstructural agricultural use.

(Ord. 1196 § 1(part), 1990).

19.09.630 Sign.

"Sign" means any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, pictures, symbols, trade names or trademarks by which anything is made known, and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product, located outside a structure or incorporated into the structure or in windows, and which are visible from any public street or highway.

(Ord. 994 § 12.0(part), 1982).

19.09.640 Sign, directional.

"Directional sign" means a sign intended solely for the purpose of directing patrons or customers to an establishment off the main-traveled road, and not including promotional advertising unnecessary to such directional purpose.

(Ord. 994 § 12.0(part), 1982).

19.09.650 Sign, nonaccessory.

"Nonaccessory sign" means a sign related to commercial or similar activities other than those actually engaged in on the site on which such nonaccessory sign is located.

(Ord. 994 § 12.0(part), 1982).

19.09.660 Street.

"Street" means a public right-of-way not less than sixty (60) feet wide providing primary access to abutting properties. Existing streets with rights-of-way less than sixty feet shall also be included in this definition.

(Ord. 994 § 12.0(part), 1982).

19.09.670 Street line.

"Street line" means a dividing line between a lot, tract, or parcel of land and a contiguous street.

(Ord. 994 § 12.0(part), 1982).

19.09.680 Structural alterations.

"Structural alterations" means the erection, strengthening, removal or other change of the supporting elements of a building or structure. Such elements shall include, but shall not be limited to, footings, foundations, bearing walls, columns, beams, girders, joists and decking. The enlargement of an existing building or structure shall be considered a structural alteration for the purpose of this title.

(Ord. 994 § 12.0(part), 1982).

19.09.690 Structure.

"Structure" means any erection or construction, above or below grade, to form a shelter, enclosure, retainer, container, support or decoration, such as, but not limited to, buildings, towers, tanks, masts, poles, booms, signs, sculpture, carports, tents, machinery and equipment (excluding driveways and on-grade parking lots).

(Ord. 994 § 12.0(part), 1982).

19.09.700 Structure, accessory.

"Accessory structure" means a structure or portion of a structure customarily incident to any permitted principal use of such lot and located on the same lot as such principal use.

(Ord. 994 § 12.0(part), 1982).

19.09.710 Structure, permanent.

"Permanent structure" means a structure placed on or in the ground or attached to another structure in a fixed and determined position, and intended to remain in place for a period more than nine months.

(Ord. 994 § 12.0(part), 1982).

19.09.720 Structure, principal.

"Principal structure" means a structure used or intended to be used for the principal use as permitted on such lot by the regulations of the district in which it is located.

(Ord. 994 § 12.0(part), 1982).

19.09.730 Structure, temporary.

"Temporary structure" means any structure other than a permanent structure.

(Ord. 994 § 12.0(part), 1982).

19.09.732 Substantial damage.

"Substantial damage" means damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty (50%) percent of the equalized assessed value of the structure before the damage occurred.

(Ord. 1600 § 1(part), 2006).

19.09.735 Substantial improvement.

"Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the present equalized assessed value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. The term does not, however, include either:

- a. any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
- b. any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places.

Ordinary maintenance repairs are not considered structural repairs, modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows and other nonstructural components.

(Ord. 1060 § 10(part), 1985).

19.09.740 Tourist home.

"Tourist home" means a building in which lodging, with or without meals, is offered to transient guests for compensation and having no more than five sleeping rooms for this purpose, with no cooking facilities in any such individual room or apartment.

(Ord. 994 § 12.0(part), 1982).

19.09.750 Townhouse.

"Townhouse" means a building having three or more attached dwelling units with each unit having separate primary ground level access to the outside, each unit having a first floor at ground level, and the units being attached by vertical common walls.

(Ord. 994 § 12.0(part), 1982).

19.09.760 Townhouse dwelling units.

"Townhouse dwelling units" means attached single-family dwellings having direct outside access from each unit. Units may be attached either vertically or horizontally.

(Ord. 994 § 12.0(part), 1982).

19.09.770 Trailer camp.

"Trailer camp" means any tract or parcel of land upon which two or more trailers, camp cabins, house cars, or other mobile homes are located, or trailer or camp sites are provided for the purpose of either temporary or permanent habitation.

(Ord. 994 § 12.0(part), 1982).

19.09.775 Unnecessary hardship.

"Unnecessary hardship" is that circumstance where special conditions, which are not self-created, affect a particular property and make strict conformity with the restrictions governing

dimensional standards (such as lot area, lot width, setbacks, yard requirements, or building height) unnecessarily burdensome or unreasonable in light of the purpose of the ordinance. ~~Unnecessary hardship is present only where, in the absence of a variance, no feasible use can be made of the property.~~
(Ord. 1196 § 1(part), 1990).

19.09.780 Usable open space.

"Usable open space" means land used for recreation, resource protection, amenity or buffers, is freely accessible to all residents, and is protected by the provisions of this title to ensure that it remains in such uses. Usable open space does not include land occupied by buildings, roads, road right-of-ways or drives, nor does it include the yards of single, two-family or multifamily dwellings used for parking areas.
(Ord. 994 § 12.0(part), 1982).

19.09.790 Use, accessory.

"Accessory use" means a use customarily incident to the permitted principal use of property and on the same lot as the principal permitted use.
(Ord. 994 § 12.0(part), 1982).

19.09.800 Use, legal nonconforming.

"Legal nonconforming use" means a use not in compliance with the regulations of this title, but which existed lawfully in April, 1982.
(Ord. 994 § 12.0(part), 1982).

19.09.810 Use, permitted.

"Permitted use" means that utilization of land by occupancy, activity, building or other structure which is specifically enumerated as permissible by the regulations of the zoning district in which the land is located.
(Ord. 994 § 12.0(part), 1982).

19.09.820 Use, principal.

"Principal use" means the main or primary use of property or structures as permitted on such lot by the regulations of the district in which it is located.
(Ord. 994 § 12.0(part), 1982).

19.09.830 Utilities.

"Utilities" means public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.
(Ord. 994 § 12.0(part), 1982).

19.09.833 Variance.

"Variance" means an authorization granted by the zoning board of appeals to construct, alter, or use a building or structure in a manner that deviates from the dimensional standards of this title. A variance may not permit the use of a property that is otherwise prohibited by the ordinance codified in this title or allow floodland construction that is not protected to the flood protection elevation.

(Ord. 1196 § 1(part), 1990).

19.09.834 Vehicle.

"Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except railroad trains. A snowmobile or an all terrain vehicle (ATV) shall not be considered a vehicle except for purposes made specifically applicable by ordinance.

(Ord. 1364 § 6, 1997).

19.09.835 Violation.

With respect to the floodplain regulations of this chapter, "violation" means the failure of a structure or other development to be fully compliant with the floodplain zoning provisions of this title. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

(Ord. 1600 § 1(part), 2006).

19.09.836 Watershed.

"Watershed" means the entire region contributing runoff or surface water to a watercourse or body of water.

(Ord. 1600 § 1(part), 2006: Ord. 1196 § 1(part), 1990).

19.09.837 Water surface profile.

"Water surface profile" means a graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

(Ord. 1600 § 1(part), 2006: Ord. 1499 § 3(part), 2001).

19.09.838 Well.

"Well" means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

(Ord. 1600 § 1(part), 2006: Ord. 1499 § 3(part), 2001).

19.09.839 Wetland.

"Wetland" means an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

(Ord. 1600 § 1(part), 2006).

19.09.840 Wireless telecommunications facility.

"Wireless telecommunications facility" means a facility that consists of or includes one or more antennas, antenna arrays, telecommunications towers, microwave relay systems, satellite dish antennas of at least thirty-six inches in diameter, or other similar communications devices used for transmitting, receiving, or relaying radio, microwave, digital, cellular, or other wireless telecommunications signals. For the purposes of this title, wireless telecommunications facilities shall not include conventional, non-wireless telephone poles (unless also serving as an alternative support structure), residential satellite dishes less than thirty-six inches in diameter, residential television antennas, and amateur radio facilities.

(Ord. 1600 § 1(part), 2006; Ord. 994 § 12.0(part), 1982).

19.09.841 Wireless telecommunications support facility.

"Wireless telecommunications support facility" means any and all ancillary structures, mechanicals, shelters, devices, or equipment, other than attached antennas, that are incidental or accessory to the operation of a wireless telecommunications facility.

(Ord. 1600 § 1(part), 2006).

19.09.845 Yard.

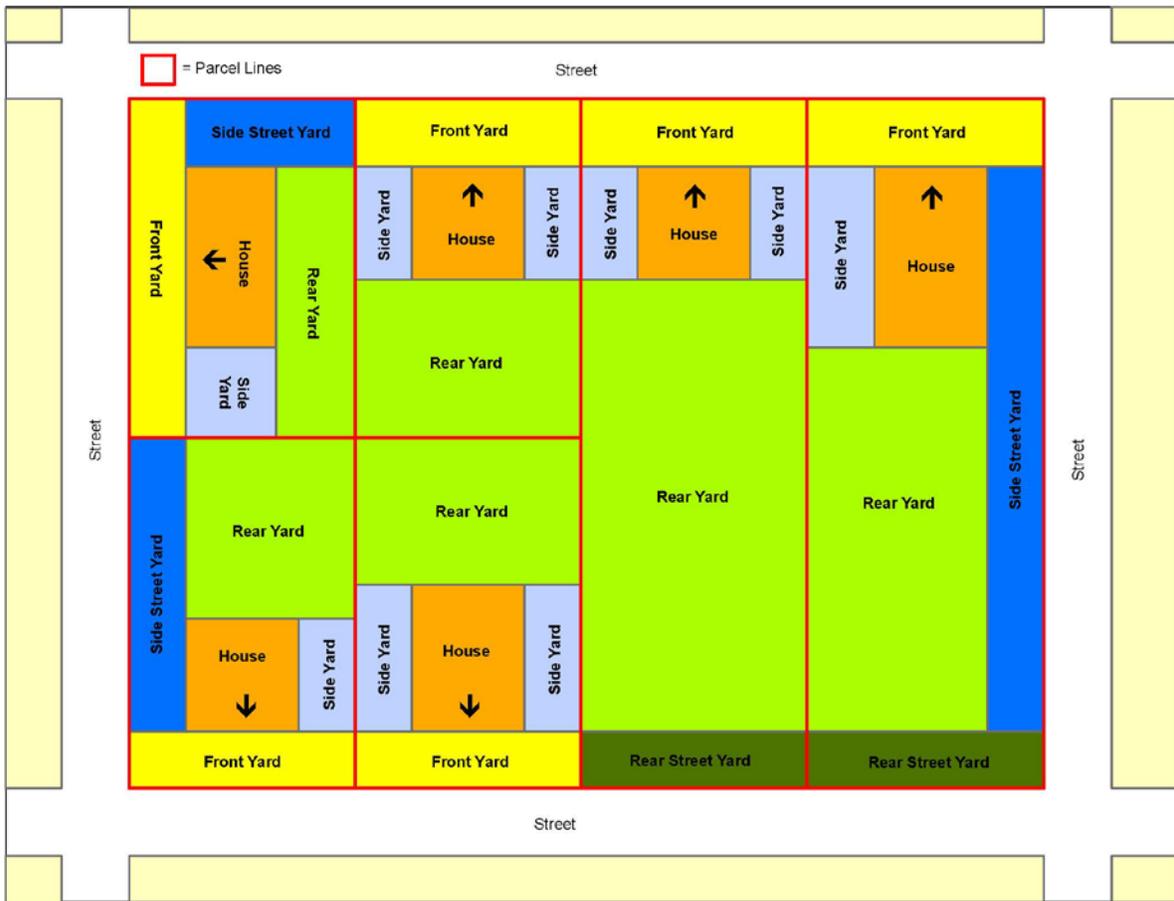
"Yard" means the space on the same lot with a principal structure, between such structure and the street line and the lot lines, unoccupied and unobstructed from the ground upward except for vegetation, and with the exception of allowed accessory structures.

(Ord. 1600 § 1(part), 2006).

19.09.850 Yard, rear.

"Rear yard" means a yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure-, subject to the following (a) as to corner Lots, the rear yard shall exclude the portion of the lot constituting the side street yard; and (b) as to Through Lots, use of the structures otherwise permitted in a Rear Yard shall be restricted to that portion of the Rear Yard lying between the rear of the principal structure and the rear street yard.

(Ord. 994 § 12.0(part), 1982).



19.09.860 Yard, shore.

"Shore yard" means a yard extending across the full width or depth of a lot, the depth of which shall be the minimum horizontal distance between a line intersecting both side lots at the same angle and containing the point of the high-water elevation of a pond, stream or lake nearest the principal structure and a line parallel thereto containing the point of the principal structure nearest the high-water line.

(Ord. 994 § 12.0(part), 1982).

19.09.870 Yard, side.

"Side yard" means a yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.

(Ord. 994 § 12.0(part), 1982).

19.09.880 Yard, Rear Street

“Rear Street Yard” means a yard extending the full width of the lot on Through Lots, the depth of which shall be the minimum horizontal distance between the line of the street abutting the rear of the lot and a line drawn parallel thereto at a horizontal distance equal to the minimum required street yard set back for the district in which such lot is located.

19.09.880-881 Yard, street (front-Front yardYard).

"Street ~~yard~~-Yard or ~~front-Front yard~~Yard" means a yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway ~~line and a line parallel thereto through the nearest point of the principal structure.~~ Corner lots shall have two such yards abutting the front of the lot and a line parallel through the nearest point of the front of the principal structure. Corner Lots shall have two (2) Street Yards, a Front Street Yard and a Side Street Yard. Through Lot shall have a front Street Yard and a Rear Street Yard. .

(Ord. 994 § 12.0(part), 1982).

Chapter 19.12 ZONING DISTRICTS

Chapter 19.12 ZONING DISTRICTS	49
19.12.010 Districts--Established.	49
19.12.020 Districts--Boundaries.	50
19.12.030 Vacation of streets and alleys.....	50
19.12.040 Annexations and consolidations.....	50
19.12.050 Zoning map.	51

19.12.010 Districts--Established.

For the purpose of this title, the city is divided into the following zoning districts:

R-1	One-family residence district
R-1x	One-family residence district
R-2	One and two-family residence district
R-2A	Residential occupancy overlay district
R-3	Multifamily residence district
R-3A	University residential density west overlay district
R-4	Mobile home district
R-O	Non-Family Residential Restriction Overlay District
B-1	General business district
B-1A	University mixed-use neighborhood overlay district
B-2	Central business district
B-2A	Downtown housing overlay district
B-3	Commercial service and light manufacturing district
M-1	General manufacturing district
M-2	Manufacturing and miscellaneous use district
WUTP	Whitewater University Technology Park District
PD	Planned development district
AT	Agricultural transition district
I	Institutional district
C-1	Shoreland wetland district
C-2	Nonshoreland wetland district

FW	Floodway district
FWW	Floodway/wetland district
FFO	Floodplain fringe overlay district.

(Ord. 1196 § 1(part), 1990).

19.12.020 Districts--Boundaries.

A. Boundaries of all districts shall be as shown on the map entitled "Zoning Map, City of Whitewater, Wisconsin," which accompanies and is a part of the ordinance codified in this title. The district boundaries in all districts, except the C-1 shoreland wetland district, the C-2 nonshoreland wetland district, FW floodway district, the FWW floodway/wetland district, and the FFO floodplain fringe overlay district, shall be construed to follow: corporate limits; U.S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, easements, and railroad rights-of-way or such lines extended.

B. Boundaries of the FW floodway district and ~~the~~ boundaries of the FFO floodplain fringe overlay district shall be determined by the floodland limits shown on the map entitled, "Flood Hazard Investigation--Whitewater Creek, Spring Brook-City of Whitewater," dated May 1979, which accompanies and is made a part of the ordinance codified in this title, and are superseded by more current versions of that map. The flood stages, under floodway conditions, contained in the Flood Hazard Investigation map were developed from technical data contained in the "Flood Insurance Study--City of Whitewater, Walworth County, Wisconsin," published by the Federal Emergency Management Agency (FEMA) and dated December 1, 1981 and are superseded by more current versions of that map. The information contained in the flood insurance study is further illustrated in FEMA "Floodway and Flood Boundary Map" and "Flood Insurance Rate Map," both maps dated June 1, 1982 and are superseded by more current versions of that map. Where a conflict exists between the floodland limits as shown on the flood hazard investigation map and actual field conditions, the elevations from the one hundred year recurrence interval flood profile shall be the governing factor in locating the regulatory floodland limits.

Boundaries of the C-1 shoreland wetland district, the C-2 nonshoreland wetland district, and the FWW floodway/wetland district are based on the Wisconsin Wetland Inventory Maps for the City of Whitewater, dated July 2, 1987, and stamped "FINAL." The C-1 district includes all shoreland wetlands, five acres or greater in area shown on those maps. (Ord. 1196 § 1(part), 1990).

19.12.030 Vacation of streets and alleys.

Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

(Ord. 994 § 3.3, 1982).

19.12.040 Annexations and consolidations.

A. Annexations to or consolidations with the city subsequent to June 24, 1982, the effective date of the ordinance codified in this title shall be placed in the AT agricultural transition district, unless the annexation ordinance temporarily places the land in another district. Within one

year, the city plan commission shall evaluate and recommend a permanent classification to the common council.

B. Annexations containing floodlands and shorelands shall be governed in the following manner:

1. Annexations containing floodlands shall be governed by the provisions of the Walworth County floodplain zoning ordinance until such time that the Wisconsin Department of Natural Resources (DNR) certifies that amendments to the City of Whitewater zoning ordinance meet the requirements of Chapter NR 116 of the Wisconsin Administrative Code.
2. Annexations containing shorelands. Pursuant to Section 59.692 of the Wisconsin Statutes, any annexation of land after May 7, 1982, which lies within shorelands, as defined in this title, shall be governed by the provisions of the Walworth County shoreland zoning ordinance until such time that the City of Whitewater adopts an ordinance which is at least as restrictive as the Walworth County shoreland zoning ordinance. Said regulations shall be administered and enforced by the City of Whitewater building inspector.

(Ord. 1196 § 1(part), 1990).

19.12.050 Zoning map.

A certified copy of the zoning map shall be adopted and approved with the text as part of this title, and shall bear upon its face the attestation of the city manager and city clerk and shall be available to the public in the office of the city clerk. Changes thereafter to the districts shall be entered and attested on this certified copy.

(Ord. 994 § 3.5, 1982).

Chapter 19.15 R-1 ONE-FAMILY RESIDENCE DISTRICT

Chapter 19.15 R-1 ONE-FAMILY RESIDENCE DISTRICT	52
19.15.010 Purpose.....	52
19.15.020 Permitted uses.	52
19.15.030 Conditional uses.....	52
19.15.040 Lot area.....	54
19.15.050 Lot width.	54
19.15.060 Yard Requirements.....	54
19.15.070 Lot Coverage.....	54
19.15.080 Building height.....	54
19.15.090 Park fees.....	54

19.15.010 Purpose.

The R-1 one-family residence district is established to stabilize and protect the essential characteristics of low-density residential areas. A non-family household in R-1 shall be limited to three (3) unrelated persons unless otherwise modified by an overlay district. (Ord. 994 § 3.6(part), 1982).

19.15.020 Permitted uses.

Permitted uses in the R-1 district include:

- A. One-family detached dwellings;
- B. The second or greater wireless telecommunications facility located on an alternative support structure already supporting a wireless telecommunications facility or on a pre-existing wireless telecommunications facility, with wireless telecommunications support facilities allowed as permitted accessory uses, all per the requirements of Chapter 19.55
- C. Home occupations/professional home offices for non-retail goods and services (defined in this district as businesses that do not require customer access).

(Ord. 1499 § 4, 2001; 1149 § 1, 1988; Ord. 994 § 3.6(A), 1982).

19.15.030 Conditional uses.

Conditional uses in the R-1 district include:

- A. Public and semipublic uses, to include public and private schools; churches and religious institutions; government facilities; active recreational parks; museums, hospitals, public transportation terminals, and similar uses;

- B. Planned residential developments such as townhouses, condominiums and cluster housing. In order to allow increasing the intensity of use, the plan commission may allow as a conditional use the following variations from the district requirements:
 1. In an approved planned residential development, each dwelling structure need not have an individual lot or parcel having the requisite size and dimensions normally required in the districts. However, the size and the entire development parcel divided by the number of dwellings shall be equal to or larger than the minimum lot area for the district where the site is located,
 2. The yard requirements between buildings shall be fixed by the plan commission. Building setbacks from the perimeter of the site shall comply with the front yard, rear yard and side yard requirements of the district,
 3. Private streets may be approved to serve uses within the site, provided that the site proposed for PD has frontage on a public street;
- C. Home occupations/professional home offices. (Subject to issuance of zoning permit.)
- D. The first wireless telecommunications facility located on an alternative support structure only, per the requirements of Chapter 19.55.
- E. Real estate sales offices, subject to the following requirements:
 1. May only be placed within a major subdivision with twenty (20) or more lots;
 2. Shall occupy a maximum of one (1) building within any major subdivision;
 3. Shall be a temporary use to be removed or converted to a permitted use in the district no later than ninety (90) days from the date when ninety (90%) percent of the lots or units within the subdivision or development are initially sold or leased, or five (5) years from the date of initial establishment of the use, whichever comes first;
 4. Before a building permit is issued, a deposit or other financial guarantee with a value of not less than two thousand (\$2,000) dollars shall be required, with such deposit or guarantee released by the city once the sales office is removed or converted to a permitted use in the district;
 5. Shall not exceed seven hundred fifty square (750) feet in floor area devoted to the sales office and related uses open to the public;
 6. Shall be compatible in character, materials, placement, and design with other existing and planned buildings within the subdivision;
 7. Signage shall be in accordance with standards for conditional uses in the district, per Section 19.54.052 of this title.

F. Bed and breakfast establishments.

G. Keeping of horses, subject to the standards in Section 19.57.160 of this title.

H. One (1) accessory structure may be located in the front or side yard if the following requirements are met.

1. Minimum front yard setback of the accessory structure must be fifty (50) feet

2. Minimum side yard setback of the accessory structure must be ten (10) feet, or corner lot, twenty-five (25) feet

G-I.

(Ord. 1589A § 1, 2005; Ord. 1580A § 2, 2005; Ord. 1499 § 5, 2001; Ord. 1149 § 5, 1988; Ord. 1082 § 5, 1986; Ord. 994 § 3.6(B), 1982).

19.15.040 Lot area.

Minimum lot area in the R-1 district is ten thousand (10,000) square feet.

A. Nonconforming lots that do not meet the minimum lot area above may be considered as a buildable lot if it:

a. Meets all other standards including 19.60.050.

b. Is reviewed and approved by the City plan and architectural review commission.

(Ord. 1174 § 1, 1990; Ord. 994 § 3.6(C), 1982).

19.15.050 Lot width.

Minimum lot width in the R-1 district is eighty (80) feet.

(Ord. 994 § 3.6(D), 1982).

19.15.060 Yard Requirements.

Minimum yard requirements in the R-1 district are as follows:

A. Front, twenty-five (25) feet; not more than 40% of the front yard may be an impervious surface except as a conditional use.

B. Side, ten (10) feet, corner lot, twenty-five (25) feet; ~~not more than 40% of the front yard may be an impervious surface except as a conditional use.~~

C. Rear, thirty (30) feet; ~~not more than 40% of the front yard may be an impervious surface except as a conditional use.~~

D. Shore, seventy-five (75) feet; ~~not more than 40% of the yard may be an impervious surface.~~

(Ord. 994 § 3.6(E), 1982).

19.15.070 Lot Coverage.

Maximum impervious area lot coverage in the R-1 district is thirty (30%) percent, unless a lower percentage is required by the stormwater ordinance. Any lot with over thirty (30%) percent impervious surface requires approval by the Neighborhood Services Department.

~~Maximum lot coverage in the R-1 district is thirty (30%) percent.~~

(Ord. 994 § 3.6(F), 1982).

19.15.080 Building height.

Maximum building height in the R-1 district is two and one-half (2.5) stories or thirty-five (35) feet.

(Ord. 994 § 3.6(G), 1982).

19.15.090 Park fees.

All residential development shall be subject to a park acquisition fee per dwelling unit and a park improvement fee per dwelling unit, payable before a building permit is issued. The fee will be established by the Parks and Recreation Board then approved by the Common Council. Fee will

be on record at the City Clerks office. The park acquisition fee may be reduced if sufficient land area was provided for park purposes at the time of subdivision, based on the calculations in section 18.04.030(a)(1) of the Whitewater Municipal Code.

~~All residential development shall be subject to a park acquisition fee of \$214.00 per dwelling unit and a park improvement fee of \$505.00 per dwelling unit, payable before a building permit is issued. The park acquisition fee may be reduced if sufficient land area was provided for park purposes at the time of subdivision, based on the calculations in section 18.04.030(a)(1) of the Whitewater Municipal Code. The fee amounts shall be set by the City Council.~~

Chapter 19.16 R-1X DISTRICT

Chapter 19.16 R-1X DISTRICT	56
19.16.005 Purpose.....	56
19.16.010 R-1x district provisions--Applicability.	56
19.16.020 Lot area.....	56
19.16.021 Lot coverage.....	56
19.16.030 Lot width.	56
19.16.040 Yard requirements.	57
19.16.050 Park fees.	57

19.16.005 Purpose.

The R-1x one-family residence district is established to stabilize and protect the essential characteristics of residential areas. A non-family household in R-1X shall be limited to three (3) unrelated persons unless otherwise modified by an overlay district. (Ord. 994 § 3.6(part), 1982).

19.16.010 R-1x district provisions--Applicability.

All of the provisions of the R-1 district not in conflict with the requirements of this chapter shall apply in the R-1X district.
(Ord. 1174 § 2(part), 1990).

19.16.020 Lot area.

Minimum lot area in the R-1X district is twelve (12,000) thousand square feet.
(Ord. 1174 § 2(part), 1990).

19.16.021 Maximum Lot coverage.

Maximum lot coverage by building in the R-1X district shall be twenty (20%) percent-, unless a lower percentage is required by the stormwater ordinance. Any lot with over twenty (20%) percent impervious surface requires approval by the Neighborhood Services Department.
(Ord. 1364 § 7, 1997).

19.16.030 Lot width.

Minimum lot width in the R-1X district is one hundred (100) feet.
(Ord. 1174 § 2(part), 1990).

19.16.040 Yard requirements.

Minimum yard requirements in the R-1X district are:

- A. Front, thirty (30) feet; not more than 40% of the yard may be an impervious surface except as a conditional use.
- ~~B. Side, fifteen feet (15); corner lot, thirty (30) feet; not more than 40% of the yard may be an impervious surface except as a conditional use.~~
- ~~B. Rear, thirty (30) feet; not more than 40% of the yard may be an impervious surface except as a conditional use.~~
- ~~C. Shore, seventy-five (75) feet; not more than 40% of the yard may be an impervious surface except as a conditional use.~~
- C. (Ord. 1174 § 2(part), 1990).

19.16.050 Park fees.

~~All residential development shall be subject to a park acquisition fee per dwelling unit and a park improvement fee per dwelling unit, payable before a building permit is issued. The fee will be established by the Parks and Recreation Board then approved by the Common Council. Fee will be on record at the City Clerks office. The park acquisition fee may be reduced if sufficient land area was provided for park purposes at the time of subdivision, based on the calculations in section 18.04.030(a)(1) of the Whitewater Municipal Code.~~

~~All residential development shall be subject to a park acquisition fee of \$214.00 per dwelling unit and a park improvement fee of \$505.00 per dwelling unit, payable before a building permit is issued. The park acquisition fee may also be reduced if sufficient land area was provided for park purposes at the time of subdivision, based on the calculations in section 18.04.030(a)(1) of the Whitewater Municipal Code. The fee amounts shall be set by the City Council.~~

Chapter 19.18 R-2 ONE- AND TWO-FAMILY RESIDENCE DISTRICT

Chapter 19.18 R-2 ONE- AND TWO-FAMILY RESIDENCE DISTRICT.....	58
19.18.010 Purpose.....	58
19.18.020 Permitted uses.....	58
19.18.030 Conditional uses.....	58
19.18.040 Lot area.....	59
19.18.050 Lot width.....	60
19.18.060 Yard requirements.....	60
19.18.065 Off-street Parking.....	60
19.18.070 Lot coverage.....	60
19.18.080 Building height.....	61
19.18.090 Park fees.....	61

19.18.010 Purpose.

The R-2 two-family residence district is established to provide medium-density residential areas. A non-family household in R-2 shall be limited to three (3) unrelated persons. (Ord. 994 § 3.7(part), 1982).

19.18.020 Permitted uses.

Permitted uses in the R-2 district include:

- A. One-family detached dwellings;
- B. Two-family attached dwellings (except for conversions of single-family to two family dwellings);
- C. Home occupations/professional home offices for non-retail goods and services (defined in this district as businesses that do not require customer access);
- D. The second or greater wireless telecommunications facility located on an alternative support structure already supporting a wireless telecommunications facility or on a pre-existing wireless telecommunications facility, with wireless telecommunications support facilities allowed as permitted accessory uses, all per the requirements of Chapter 19.55.

(Ord. 1499 § 6, 2001; Ord. 1174 § 3(A), 1990; Ord. 1149 § 2, 1988; Ord. 994 § 3.7(A), 1982).

19.18.030 Conditional uses.

Conditional uses in the R-2 district include:

- A. Attached townhouse dwellings, up to four (4) units per building: minimum lot area requirements for such uses shall be regulated by Chapter 19.21;
- B. Conversion of existing single-family dwellings to two-family attached dwellings;

- C. Public and semipublic uses;
- D. Home occupations/professional home offices for retail goods and services (defined in this district as businesses requiring customer access),
- E. The first wireless telecommunications facility located on an alternative support structure only, per the requirements of Chapter 19.55;
- F. Real estate sales offices, subject to the following requirements:
 1. May only be placed within a major subdivision with twenty (20) or more lots or a multiple-family residential development with forty (40) or more dwelling units,
 2. Shall occupy a maximum of one building within any major subdivision, or one unit within any multiple-family residential development,
 3. Shall be a temporary use to be removed or converted to a permitted use in the district no later than ninety (90) days from the date when ninety (90%) percent of the lots or units within the subdivision or development are initially sold or leased, or five (5) years from the date of initial establishment of the use, whichever comes first,
 4. Before a building permit is issued, a deposit or other financial guarantee with a value of not less than two thousand (\$2,000) dollars shall be required, with such deposit or guarantee released by the city once the sales office is removed or converted to a permitted use in the district,
 5. Shall not exceed seven hundred fifty (750) square feet in floor area devoted to the sales office and related uses open to the public,
 6. Shall be compatible in character, materials, placement, and design with other existing and planned buildings within the subdivision or development,
 7. Signage shall be in accordance with standards for conditional uses in the district, per Section 19.54.052 of this title;
- G. Bed and breakfast establishments;

H. Keeping of horses, subject to the standards in Section 19.57.160 of this title.

I. One (1) accessory structure may be located in the front or side yard if the following requirements are met.

1. Minimum front yard setback of the accessory structure must be fifty (50) feet
2. Minimum side yard setback of the accessory structure must be ten (10) feet, or corner lot, twenty-five (25) feet

H.

(Ord. 1589A § 2, 2005; Ord. 1580A § 3, 2005; Ord. 1499 § 7, 2001; Ord. 1299 § 1, 1994; Ord. 1174 § 3(B), 1990; Ord. 1149 § 6, 1988; Ord. 1082 § 6, 1986; Ord. 994 § 3.7(b), 1982).

19.18.040 Lot area.

Minimum lot area in the R-2 district is:

- A. Eight thousand (8,000) square feet for single-family;
- B. Twelve thousand (12,000) square feet for two-family.

(Ord. 1174 § 3(C), 1990; Ord. 994 § 3.7(C), 1982).

C. Nonconforming lots that do not meet the minimum lot area above may be considered as a buildable lot if it:

- a. Meets all other standards including 19.60.050.
- b. Is reviewed and approved by the City plan and architectural review commission.

—:

19.18.050 Lot width.

Minimum lot width in the R-2 district is:

- A. Sixty-six (66) feet for all lots of record at the time of adoption of the ordinance codified in this section;
- B. Seventy (70) feet for all new single-family development after the adoption of the ordinance codified in this section;
- C. One hundred (100) feet for all duplexes developed after the adoption of the ordinance codified in this section.
- D. Nonconforming lots that do not meet the minimum lot width above may be considered as a buildable lot if it:
 - a. Meets all other standards including 19.60.050.
 - b. Is reviewed and approved by the City plan and architectural review commission.

~~C.~~

(Ord. 1174 § 3(D), 1990; Ord. 994 § 3.7(D), 1982).

19.18.060 Yard requirements.

Minimum yard requirements in the R-2 district are:

- A. Front, twenty-five (25) feet; (not more than 40% of the yard may be an impervious surface)
- B. Side, ten (10) feet for one family, fifteen (15) feet for two family and multifamily; corner lots, twenty-five (25) feet ~~(not more than 40% of the yard may be an impervious surface);~~
- C. Rear, thirty (30) feet ~~(not more than 40% of the yard may be an impervious surface);~~
- D. Shore, seventy-five (75) feet. ~~(not more than 40% of the yard may be an impervious surface);~~
- E. For all structures larger than a one-family dwelling unit, the building setback standards established in the R-3 multifamily residence district shall apply.

(Ord. 1174 § 3E, 1990; Ord. 994 § 3.7(E), 1982).

(Ord. 1174 § 3E, 1990; Ord. 994 § 3.7(E), 1982).

19.18.065 Off-street Parking.

Off-street parking, including both surface parking and enclosed parking, shall conform to City guidelines for parking areas which include materials, access, visibility, potential impact on abutting properties, drainage, stormwater management, screening, and economic viability of the associated use.

19.18.070 Lot coverage.

Maximum impervious area lot coverage in the R-2 district is forty (40%) percent, unless a lower percentage is required by the stormwater ordinance. Any lot with over forty (40%) percent impervious surface requires approval by the Neighborhood Services Department.

~~Maximum lot coverage in the R-2 district is thirty (30%) percent.~~

(Ord. 994 § 3.7(F), 1982).

19.18.080 Building height.

Maximum building height in the R-2 district is thirty-five (35) feet, or two and one-half stories. (Ord. 994 § 3.7(G), 1982).

19.18.090 Park fees.

All residential development shall be subject to a park acquisition fee per dwelling unit and a park improvement fee per dwelling unit, payable before a building permit is issued. The fee will be established by the Parks and Recreation Board then approved by the Common Council. Fee will be on record at the City Clerks office. The park acquisition fee may be reduced if sufficient land area was provided for park purposes at the time of subdivision, based on the calculations in section 18.04.030(a)(1) of the Whitewater Municipal Code.

~~All residential development shall be subject to a park acquisition fee of \$214.00 per dwelling unit and a park improvement fee of \$505.00 per dwelling unit, payable before a building permit is issued. The park acquisition fee may be reduced if sufficient land area was provided for park purposes at the time of subdivision, based on the calculations in Section 18.04.030(a)(1) of the Whitewater Municipal Code. The fee amounts shall be set by the City Council.~~

Chapter 19.19 R-2A Residential Increased Occupancy Overlay District

Chapter 19.19 R-2A Residential Increased Occupancy Overlay District.....	62
19.19.010 Purpose and intent.	62
19.19.015 Relationship to underlying zoning district classification.	62
19.19.020 Overlay zoning district application.	62
19.19.030 Residential occupancy overlay district permitted and conditional uses.....	62
19.19.050 Exceptions.	63

19.19.010 Purpose and intent.

The purpose and intent of the residential occupancy overlay district is to allow increased occupancy in a focused area near campus where housing structures can accommodate higher occupancy.

19.19.015 Relationship to underlying zoning district classification.

Requirements for permitted uses, conditional uses, lot area, lot width, yards, off-street parking, lot coverage, building height, signage, and park fees remain the same as the underlying zoning district to which the overlay zoning is applied unless specifically described in this overlay district.

19.19.020 Overlay zoning district application.

Applicants must apply for a zoning map district change within the Overlay Map Permission Area for the R-2A designation. No party other than the owner of the property or agents of the owner may apply for the R-2A university residential density overlay zoning. Permission will require conformance with the requirements established for the duties of the zoning administrator (section 19.75.060) Applications may also require a conditional use permit. This overlay district is restricted to structures that were in existence as of the adoption date of the creation of this overlay district. Procedures for zoning changes and amendments are further elaborated in section 19.69.

19.19.030 Residential occupancy overlay district permitted and conditional uses.

Three (3) unrelated occupants are a permitted use in the R-2A overlay district with no conditional use permit required. A conditional use permit is required for four (4) or five (5) unrelated individuals. The conditional use permit shall take into consideration, among other issues, the size of the building and the original character of the building when bedrooms are

being added as part of an internal remodeling or external addition. Occupancy by more than five (5) unrelated individuals requires both a conditional use permit and one of the following:

- A. Proof that within 2 years of the granting of the zoning permit request a certification, that the property meets the requirements of the Wisconsin Rental Unit Efficiency Standards (Wis. Stat. §101.122), has been recorded (The Wisconsin Rental Weatherization Program), or
- B. Filing with the City a sworn statement by a state-certified rental weatherization inspector that the property meets the State of Wisconsin Rental Unit Efficiency Standards.

19.19.050 Exceptions.

The limitations in this district overlay for maximum occupancy and parking shall not apply to community living arrangements allowed by federal and state law (such as foster homes and adult family homes for the disabled) and those allowed under Wis. Stats. § 62.23 (7) (i) (Ord. No. 1788A, § 1, 6-1-2010)

Chapter 19.21 R-3 MULTIFAMILY RESIDENCE DISTRICT

<u>Chapter 19.06 GENERAL PROVISIONS.....</u>	<u>2</u>
<u>19.06.010 Jurisdiction.....</u>	<u>2</u>
<u>19.06.020 Plan and architectural review commission--Created.....</u>	<u>3</u>
<u>19.06.030 Plan and architectural review commission--Qualifications and functions.....</u>	<u>3</u>
<u>19.06.040 Plan and architectural review commission--Architectural function.....</u>	<u>3</u>
<u>19.06.050 Plan and architectural review commission--Organization.....</u>	<u>3</u>
<u>19.06.060 Compliance required.....</u>	<u>4</u>
<u>19.06.065 Municipalities and state agencies regulated.....</u>	<u>4</u>
<u>19.06.070 Use restrictions.....</u>	<u>4</u>
<u>19.06.080 Accessory uses and structures.....</u>	<u>4</u>
<u>19.06.090 Unclassified or unspecified areas.....</u>	<u>4</u>
<u>19.06.100 Temporary uses.....</u>	<u>4</u>
<u>19.06.110 Height modifications.....</u>	<u>5</u>
<u>19.06.120 Yard modifications.....</u>	<u>5</u>
<u>19.06.130 Reduction or joint use.....</u>	<u>7</u>
<u>19.06.140 Lots to abut street and frontage.....</u>	<u>7</u>
<u>19.06.150 Structures to be located on a lot.....</u>	<u>7</u>
<u>19.06.160 Lots on undedicated portion of street.....</u>	<u>7</u>
<u>19.06.170 Private sewer and water service.....</u>	<u>7</u>
<u>19.06.180 Average street yards.....</u>	<u>7</u>
<u>19.06.190 Lots abutting more restrictive districts.....</u>	<u>8</u>
<u>19.06.200 Animal raising.....</u>	<u>8</u>
<u>Chapter 19.09 DEFINITIONS.....</u>	<u>9</u>
<u>19.09.010 Generally.....</u>	<u>15</u>
<u>19.09.015 A Zones.....</u>	<u>15</u>
<u>19.09.020 Accessory use or structure.....</u>	<u>15</u>
<u>19.09.025 Adult-oriented establishments.....</u>	<u>15</u>
<u>19.09.030 Alley.....</u>	<u>17</u>

<u>19.09.035 Alternative support structure.....</u>	<u>17</u>
<u>19.09.040 Apartment-style building.....</u>	<u>17</u>
<u>19.09.050 Arterial street.....</u>	<u>17</u>
<u>19.09.055 Base flood.....</u>	<u>18</u>
<u>19.09.060 Basement.....</u>	<u>18</u>
<u>19.09.063 Bed and breakfast establishment.....</u>	<u>18</u>
<u>19.09.064 Bedroom.....</u>	<u>18</u>
<u>19.09.065 Block.....</u>	<u>18</u>
<u>19.09.070 Building.....</u>	<u>18</u>
<u>19.09.080 Building, accessory.....</u>	<u>19</u>
<u>19.09.090 Building area.....</u>	<u>19</u>
<u>19.09.100 Building height.....</u>	<u>19</u>
<u>19.09.110 Building, principal.....</u>	<u>19</u>
<u>19.09.113 Building scale.....</u>	<u>19</u>
<u>19.09.114 Bulkhead line.....</u>	<u>19</u>
<u>19.09.115 Campground.....</u>	<u>19</u>
<u>19.09.116 Camping unit.....</u>	<u>20</u>
<u>19.09.117 Certificate of compliance.....</u>	<u>20</u>
<u>19.09.120 Classes of notice.....</u>	<u>20</u>
<u>19.09.125 Channel.....</u>	<u>20</u>
<u>19.09.128 Co-location.....</u>	<u>20</u>
<u>19.09.130 Commercial use.....</u>	<u>20</u>
<u>19.09.140 Commonly owned open space.....</u>	<u>20</u>
<u>19.09.150 Community living arrangements.....</u>	<u>21</u>
<u>19.09.155 Comprehensive (master) plan.....</u>	<u>21</u>
<u>19.09.160 Conditional uses.....</u>	<u>21</u>
<u>19.09.171 Crawlways or crawlspace.....</u>	<u>21</u>
<u>19.09.173 Day care center, adult.....</u>	<u>21</u>
<u>19.09.177 Day care center, child.....</u>	<u>22</u>
<u>19.09.178 Deck.....</u>	<u>22</u>
<u>19.09.180 Development.....</u>	<u>22</u>

<u>19.09.185 District, basic.....</u>	<u>22</u>
<u>19.09.190 Drive-in establishment.....</u>	<u>22</u>
<u>19.09.191 Driveway.....</u>	<u>22</u>
<u>19.09.195 Dryland access.....</u>	<u>23</u>
<u>19.09.200 Dwelling.....</u>	<u>23</u>
<u>19.09.210 Dwelling, attached.....</u>	<u>23</u>
<u>19.09.220 Dwelling, detached.....</u>	<u>23</u>
<u>19.09.230 Dwelling, multiple-family.....</u>	<u>23</u>
<u>19.09.240 Dwelling, single-family.....</u>	<u>23</u>
<u>19.09.250 Dwelling, two-family or Duplex.....</u>	<u>23</u>
<u>19.09.260 Dwelling unit.....</u>	<u>24</u>
<u>19.09.270 Dwelling unit, efficiency.....</u>	<u>24</u>
<u>19.09.275 Encroachment.....</u>	<u>24</u>
<u>19.09.280 Essential services.....</u>	<u>24</u>
<u>19.09.285 Existing manufactured home park or subdivision.....</u>	<u>24</u>
<u>19.09.286 Expansion to existing mobile/manufactured home park.....</u>	<u>24</u>
<u>19.09.290 Family.....</u>	<u>25</u>
<u>19.09.295 Federal Emergency Management Agency.....</u>	<u>25</u>
<u>19.09.296 Flood frequency.....</u>	<u>25</u>
<u>19.09.300 First floor.....</u>	<u>25</u>
<u>19.09.305 Flood.....</u>	<u>25</u>
<u>19.09.306 Flood Insurance Rate Map.....</u>	<u>25</u>
<u>19.09.307 Flood Insurance Study.....</u>	<u>26</u>
<u>19.09.310 Flood Hazard Boundary Map.....</u>	<u>26</u>
<u>19.09.312 Flood profile.....</u>	<u>26</u>
<u>19.09.314 Flood protection elevation.....</u>	<u>26</u>
<u>19.09.315 Floodplain.....</u>	<u>26</u>
<u>19.09.316 Flood stage.....</u>	<u>27</u>
<u>19.09.318 Floodlands.....</u>	<u>27</u>
<u>19.09.320 Floodfringe.....</u>	<u>27</u>
<u>19.09.321 Floodplain island.....</u>	<u>27</u>

<u>19.09.322 Floodproofing.....</u>	<u>27</u>
<u>19.09.323 Floodplain management.....</u>	<u>28</u>
<u>19.09.324 Floodway.....</u>	<u>28</u>
<u>19.09.326 Flood storage.....</u>	<u>28</u>
<u>19.09.330 Fraternity or sorority house.....</u>	<u>28</u>
<u>19.09.333 Freeboard.....</u>	<u>28</u>
<u>19.09.335 Freestanding wireless telecommunications facility.....</u>	<u>28</u>
<u>19.09.340 Garage, private.....</u>	<u>29</u>
<u>19.09.350 Garage, public or commercial.....</u>	<u>29</u>
<u>19.09.360 Group lodging facilities.....</u>	<u>29</u>
<u>19.09.370 Group lodging house.....</u>	<u>29</u>
<u>19.09.375 Habitable structure.....</u>	<u>29</u>
<u>19.09.376 Hearing notice.....</u>	<u>29</u>
<u>19.09.377 High flood damage potential.....</u>	<u>30</u>
<u>19.09.380 Historic landmark.....</u>	<u>30</u>
<u>19.09.385 Historic structure.....</u>	<u>30</u>
<u>19.09.390 Household occupation or home occupation.....</u>	<u>30</u>
<u>19.09.400 Incidental repairs.....</u>	<u>31</u>
<u>19.09.401 Increase in regional flood height.....</u>	<u>31</u>
<u>19.09.403 Land use.....</u>	<u>31</u>
<u>19.09.405 Letter of Map Change (LOMC).....</u>	<u>31</u>
<u>19.09.410 Living rooms.....</u>	<u>31</u>
<u>19.09.420 Loading area.....</u>	<u>31</u>
<u>19.09.430 Lodginghouse.....</u>	<u>32</u>
<u>19.09.440 Lodging rooms.....</u>	<u>32</u>
<u>19.09.450 Lot.....</u>	<u>32</u>
<u>19.09.451 Lot, Corner.....</u>	<u>32</u>
<u>19.09.452 Lot coverage.....</u>	<u>32</u>
<u>19.09.453 Lot, Through.....</u>	<u>32</u>
<u>19.09.455 Lot width.....</u>	<u>33</u>
<u>19.09.457 Major subdivision.....</u>	<u>33</u>

<u>19.09.458</u>	<u>Manufactured home.....</u>	<u>33</u>
<u>19.09.460</u>	<u>Maximum lot coverage.....</u>	<u>33</u>
<u>19.09.470</u>	<u>Minor structures.</u>	<u>33</u>
<u>19.09.475</u>	<u>Minor subdivision.</u>	<u>33</u>
<u>19.09.480</u>	<u>Mobile home.</u>	<u>34</u>
<u>19.09.490</u>	<u>Mobile home park.</u>	<u>34</u>
<u>19.09.495</u>	<u>Mobile recreational vehicle.....</u>	<u>34</u>
<u>19.09.500</u>	<u>Modular home.</u>	<u>34</u>
<u>19.09.501</u>	<u>Motor vehicles.....</u>	<u>34</u>
<u>19.09.502</u>	<u>Municipality or municipal.....</u>	<u>34</u>
<u>19.09.504</u>	<u>National geodetic vertical datum.....</u>	<u>35</u>
<u>19.09.505</u>	<u>Navigable water.....</u>	<u>35</u>
<u>19.09.507</u>	<u>Neighborhood development plan.....</u>	<u>35</u>
<u>19.09.508</u>	<u>New construction.</u>	<u>35</u>
<u>19.09.510</u>	<u>Nonconforming structure.</u>	<u>35</u>
<u>19.09.511</u>	<u>Nonconforming use.</u>	<u>36</u>
<u>19.09.520</u>	<u>Non-family household.....</u>	<u>36</u>
<u>19.09.521</u>	<u>Obstruction to flow.....</u>	<u>36</u>
<u>19.09.522</u>	<u>Official floodplain zoning map.</u>	<u>36</u>
<u>19.09.524</u>	<u>Open space use.</u>	<u>36</u>
<u>19.09.525</u>	<u>Ordinary high water mark.</u>	<u>37</u>
<u>19.09.527</u>	<u>Outdoor lighting fixture.</u>	<u>37</u>
<u>19.09.528</u>	<u>Overlay Permission Area Map</u>	<u>37</u>
<u>19.09.529</u>	<u>Overlay Zoning District</u>	<u>37</u>
<u>19.09.530</u>	<u>Parking lot.</u>	<u>37</u>
<u>19.09.540</u>	<u>Parking space or parking stall.</u>	<u>37</u>
<u>19.09.550</u>	<u>Parties of interest.....</u>	<u>38</u>
<u>19.09.555</u>	<u>Person.....</u>	<u>38</u>
<u>19.09.560</u>	<u>Planting screen.</u>	<u>38</u>
<u>19.09.570</u>	<u>Principal use or structure.....</u>	<u>38</u>
<u>19.09.580</u>	<u>Private club or lodge.</u>	<u>38</u>

<u>19.09.585 Private sewage system.....</u>	<u>38</u>
<u>19.09.590 Professional home offices.</u>	<u>39</u>
<u>19.09.600 Professional offices.</u>	<u>39</u>
<u>19.09.602 Public utilities.....</u>	<u>39</u>
<u>19.09.604 Reach.....</u>	<u>39</u>
<u>19.09.605 Reasonably safe from flooding.</u>	<u>39</u>
<u>19.09.608 Regional flood.....</u>	<u>39</u>
<u>19.09.609 Start of construction.</u>	<u>40</u>
<u>19.09.610 Story.....</u>	<u>40</u>
<u>19.09.620 Public or semipublic uses.....</u>	<u>40</u>
<u>19.09.623 Shielded light fixture.....</u>	<u>40</u>
<u>19.09.625 Shorelands.....</u>	<u>41</u>
<u>19.09.630 Sign.....</u>	<u>41</u>
<u>19.09.640 Sign, directional.</u>	<u>41</u>
<u>19.09.650 Sign, nonaccessory.....</u>	<u>41</u>
<u>19.09.660 Street.....</u>	<u>41</u>
<u>19.09.670 Street line.....</u>	<u>41</u>
<u>19.09.680 Structural alterations.</u>	<u>42</u>
<u>19.09.690 Structure.....</u>	<u>42</u>
<u>19.09.700 Structure, accessory.....</u>	<u>42</u>
<u>19.09.710 Structure, permanent.</u>	<u>42</u>
<u>19.09.720 Structure, principal.....</u>	<u>42</u>
<u>19.09.730 Structure, temporary.....</u>	<u>42</u>
<u>19.09.732 Substantial damage.....</u>	<u>42</u>
<u>19.09.735 Substantial improvement.....</u>	<u>43</u>
<u>19.09.740 Tourist home.</u>	<u>43</u>
<u>19.09.750 Townhouse.....</u>	<u>43</u>
<u>19.09.760 Townhouse dwelling units.</u>	<u>43</u>
<u>19.09.770 Trailer camp.....</u>	<u>43</u>
<u>19.09.775 Unnecessary hardship.....</u>	<u>43</u>
<u>19.09.780 Usable open space.</u>	<u>44</u>

19.09.790 Use, accessory.	44
19.09.800 Use, legal nonconforming.	44
19.09.810 Use, permitted.	44
19.09.820 Use, principal.	44
19.09.830 Utilities.	44
19.09.833 Variance.	45
19.09.834 Vehicle.	45
19.09.835 Violation.	45
19.09.836 Watershed.	45
19.09.837 Water surface profile.	45
19.09.838 Well.	45
19.09.839 Wetland.	46
19.09.840 Wireless telecommunications facility.	46
19.09.841 Wireless telecommunications support facility.	46
19.09.845 Yard.	46
19.09.850 Yard, rear.	46
19.09.860 Yard, shore.	47
19.09.870 Yard, side.	47
19.09.880 Yard, Rear Street.	48
19.09.881 Yard, street (Front Yard).	48
Chapter 19.12 ZONING DISTRICTS	49
19.12.010 Districts--Established.	49
19.12.020 Districts--Boundaries.	50
19.12.030 Vacation of streets and alleys.	50
19.12.040 Annexations and consolidations.	50
19.12.050 Zoning map.	51
Chapter 19.15 R-1 ONE-FAMILY RESIDENCE DISTRICT	52
19.15.010 Purpose.	52
19.15.020 Permitted uses.	52
19.15.030 Conditional uses.	52
19.15.040 Lot area.	54

19.15.050 Lot width.....	54
19.15.060 Yard Requirements.....	54
19.15.070 Lot Coverage.....	54
19.15.080 Building height.....	54
19.15.090 Park fees.....	54
Chapter 19.16 R-1X DISTRICT.....	56
19.16.005 Purpose.....	56
19.16.010 R-1x district provisions--Applicability.....	56
19.16.020 Lot area.....	56
19.16.021 Maximum Lot coverage.....	56
19.16.030 Lot width.....	56
19.16.040 Yard requirements.....	57
19.16.050 Park fees.....	57
Chapter 19.18 R-2 ONE- AND TWO-FAMILY RESIDENCE DISTRICT.....	58
19.18.010 Purpose.....	58
19.18.020 Permitted uses.....	58
19.18.030 Conditional uses.....	58
19.18.040 Lot area.....	59
19.18.050 Lot width.....	60
19.18.060 Yard requirements.....	60
19.18.065 Off-street Parking.....	60
19.18.070 Lot coverage.....	60
19.18.080 Building height.....	61
19.18.090 Park fees.....	61
Chapter 19.19 R-2A Residential Increased Occupancy Overlay District.....	62
19.19.010 Purpose and intent.....	62
19.19.015 Relationship to underlying zoning district classification.....	62
19.19.020 Overlay zoning district application.....	62
19.19.030 Residential occupancy overlay district permitted and conditional uses.....	62
19.19.050 Exceptions.....	63
Chapter 19.21 R-3 MULTIFAMILY RESIDENCE DISTRICT.....	64

19.21.010 Purpose.....	75
19.21.020 Permitted uses.	75
19.21.030 Conditional uses.....	75
19.21.040 Lot area.....	76
19.21.050 Lot width.	77
19.21.060 Yard Requirements.....	78
19.21.070 Lot coverage.....	78
19.21.080 Building height.....	78
19.21.090 Park fees.....	78
Chapter 19.22 R-3A University Residential Density Overlay District.....	80
19.22.010 Purpose and intent.	80
19.22.015 Relationship to underlying zoning district classification.	80
19.22.020 Overlay district application.....	80
19.22.030 University residential density overlay district permitted and conditional uses.....	80
19.22.040 Lot area.....	81
19.22.050 Exceptions.	82
Chapter 19.27 B-1 COMMUNITY BUSINESS DISTRICT.....	84
19.27.010 Purpose.....	84
19.27.020 Permitted uses.	84
19.27.025 Permitted accessory uses.....	85
19.27.030 Conditional uses.....	86
19.27.040 Lot area.....	87
19.27.050 Lot width.	87
19.27.060 Yard requirements.....	87
19.27.070 Lot coverage.....	88
19.27.080 Building height.....	88
19.27.090 Plan review.....	88
19.27.100 Park fees.....	89
Chapter 19.28 B-1A University Mixed-Use Neighborhood Overlay District.....	90
19.28.010 Purpose and intent.	101
19.28.015 Relationship to underlying zoning district classification.	101

<u>19.28.020 Overlay district application.</u>	101
<u>19.28.030 University mixed-use neighborhood overlay district permitted and conditional uses.</u>	101
.....	101
<u>Chapter 19.30 B-2 CENTRAL BUSINESS DISTRICT*</u>	102
<u>19.30.010 Purpose.</u>	102
<u>19.30.020 Permitted uses.</u>	102
<u>19.30.025 Permitted accessory uses.</u>	103
<u>19.30.030 Conditional uses.</u>	104
<u>19.30.040 Architectural design standards.</u>	105
<u>19.30.050 Park fees.</u>	105
<u>Chapter 19.45 C-1 SHORELAND WETLAND OVERLAY DISTRICT</u>	109
<u>19.45.010 Purpose.</u>	109
<u>19.45.020 Permitted uses.</u>	109
<u>19.45.030 Conditional uses.</u>	110
<u>19.45.040 Prohibited uses.</u>	111
<u>Chapter 19.451 C-2 NONSHORELAND WETLAND OVERLAY DISTRICT</u>	112
<u>19.451.010 Purpose.</u>	112
<u>19.451.020 Permitted uses.</u>	112
<u>19.451.030 Conditional uses.</u>	113
<u>19.451.040 Prohibited uses.</u>	114
<u>Chapter 19.485 LARGE RETAIL AND COMMERCIAL SERVICE DEVELOPMENT STANDARDS</u>	115
<u>19.485.010 Title.</u>	115
<u>19.485.020 Description.</u>	115
<u>19.485.030 Conditional use permit or PD approval required.</u>	115
<u>19.485.040 Regulations.</u>	116
<u>Chapter 19.49 WELLHEAD PROTECTION</u>	122
<u>19.49.010 Title.</u>	122
<u>19.49.020 Purpose and authority.</u>	122
<u>19.49.030 Applicability.</u>	122
<u>19.49.040 Definitions.</u>	123

19.49.050 Wellhead protection area.....	123
19.49.060 Enforcement.....	125
Chapter 19.51 TRAFFIC, PARKING AND ACCESS.....	126
19.51.010 Intersection visibility requirements.....	126
19.51.020 Loading requirements.....	127
19.51.030 Parking requirements--Generally.....	127
19.51.040 Adequate access--Driveways.....	128
19.51.050 Size, location, maintenance, and surface material of parking spaces.....	128
19.51.060 Lighting of parking areas.....	129
19.51.070 Buffer screening of on-grade parking areas.....	129
19.51.080 Front, side, and rear yard parking limitation.....	129
19.51.090 Designated parking areas.....	130
19.51.100 Landscaped islands for parking bays.....	130
19.51.110 Surfacing of parking areas.....	130
19.51.120 Curbs and barriers.....	131
19.51.130 Number of parking stalls--General requirements.....	131
19.51.135 Number of parking stalls—Review Commission.....	133
19.51.140 Number of parking stalls--Combination uses.....	134
19.51.150 Number of parking stalls--Uses not listed.....	134
19.51.160 Parking exemption in B-2 central business district and the B-1A University mixed-use overlay district.....	134
19.51.170 Computation of required parking area.....	134
19.51.180 Truck, trailer, mobile home and equipment parking restrictions.....	135
19.51.190 Highway access limitations.....	135
Chapter 19.74: Cost Recovery of Professional Consultant Fees and Charges.....	137
Chapter 19.21 R-3 MULTIFAMILY RESIDENCE DISTRICT.....	80
19.21.010 Purpose.....	80
19.21.020 Permitted uses.....	80
19.21.030 Conditional uses.....	80
19.21.040 Lot area.....	81
19.21.050 Lot width.....	82

19.21.060 Yard Requirements.....	82
19.21.065 Off street Parking.....	82
19.21.070 Lot coverage.....	82
19.21.080 Building height.....	83
19.21.090 Park fees.....	83

19.21.010 Purpose.

The R-3 multifamily residence district is established to provide high-density residential areas, and to allow mixing of certain compatible land uses. A non-family household in R-3 shall be limited to five (5) unrelated persons.
(Ord. 994 § 3.8(part), 1982).

19.21.020 Permitted uses.

Permitted uses in the R-3 district include:

- A. One-family detached dwellings;
- B. Two-family attached dwellings (new construction);
- C. Multi-family dwellings and attached dwellings, up to four units per building. "Attached dwelling" means a one-family dwelling attached to two or more one-family dwellings by common vertical walls;
- D. Home occupations/professional home offices for non-retail (goods and services for businesses that do not require customer access);
- E. The second or greater wireless telecommunications facility located on an alternative support structure already supporting a wireless telecommunications facility or on a pre-existing wireless telecommunications facility, with wireless telecommunications support facilities allowed as permitted accessory uses, all per the requirements of Chapter 19.55.

(Ord. 1499 § 8, 2001; 1174 § 4A, 1990; Ord. 1149 § 3, 1988; Ord. 994 § 3.8(A), 1982).

19.21.030 Conditional uses.

Conditional uses in the R-3 district include:

- A. Professional business offices in a building where the principal use is residential;
- B. Multifamily dwellings and attached dwellings, over four (4) units (new construction only); and two-family attached dwellings (existing construction).

~~C.~~ Walk-in type retail trade (food stores, bookstores, gift shops, galleries, beauty shops and similar uses) located in a building where the principal use is residential and fronts on an arterial street;

~~D.C.~~ (Conditional use approval under this provision shall be granted for a specified use. Any subsequent change in use or expansion shall require additional conditional use approval.)

~~E.D.~~ Fraternity or sorority houses and group lodging facilities;

~~F.E.~~ Any building over forty (40) feet;

~~G.F.~~ Planned developments (see Section 19.15.030);

~~H.G.~~ Conversions of existing structures resulting in more dwelling units

~~I.H.~~ Conversion of existing units with less than 5 bedrooms to 5 or more bedrooms.

~~J.I.~~ Dwelling units with occupancy of six (6) or more unrelated persons

~~K.J.~~ Public and semipublic uses;

~~L.K.~~ Home occupations/professional home office for retail goods and services (businesses requiring customer access),

~~M.L.~~ Bed and breakfast establishments;

~~N.M.~~ The first wireless telecommunications facility located on an alternative support structure only, per the requirements of Chapter 19.55;

~~O.N.~~ Real estate sales offices, subject to the following requirements:

1. May only be placed within a major subdivision with twenty (20) or more lots or a multiple-family residential development with forty or more dwelling units,
2. Shall occupy a maximum of one (1) building within any major subdivision, or one (1) unit within any multiple-family residential development,
3. Shall be a temporary use to be removed or converted to a permitted use in the district no later than ninety days from the date when ninety percent of the lots or units within the subdivision or development are initially sold or leased, or five years from the date of initial establishment of the use, whichever comes first,
4. Before a building permit is issued, a deposit or other financial guarantee with a value of not less than two thousand (\$2,000) dollars shall be required, with such deposit or guarantee released by the city once the sales office is removed or converted to a permitted use in the district,
5. Shall not exceed seven hundred fifty (750) square feet in floor area devoted to the sales office and related uses open to the public,
6. Shall be compatible in character, materials, placement, and design with other existing and planned buildings within the subdivision or development,
7. Signage shall be in accordance with standards for conditional uses in the district, per Section 19.54.052 of this title.

O. One (1) accessory structure may be located in the front or side yard if the following requirements are met.

1. Minimum front yard setback of the accessory structure must be fifty (50) feet

2. Minimum side yard setback of the accessory structure must be ten (10) feet, or corner lot, twenty-five (25) feet

(Ord. 1668A § 2, 2007; Ord. 1580A §§ 4, 5, 2005; Ord. 1499 § 9, 2001; Ord. 1174 § 4B, 1990; Ord. 1149 § 7, 1988; Ord. 994 § 3.8(B), 1982).

19.21.040 Lot area.

A. Minimum lot area in the R-3 district for One-family and Two-family is as follows:

-1. One-family	8,000 square feet;
2. Two-family	12,000 square feet;
3. Multifamily—	15,000 square feet;—

3. Nonconforming lots for a one-family or two-family that do not meet the minimum lot area above may be considered as a buildable lot if it:

a. Meets all other standards including 19.60.050.

b. Is reviewed and approved by the City plan and architectural review commission.

~~Provided, however, that minimum parcel sizes for multifamily dwellings and group lodging facilities may be increased if the following ratios indicate a larger parcel size.~~

~~B. Ratios to determine minimum parcel size, (to be used if operation of the table indicates parcel size in excess of twelve thousand square feet):~~

B. Minimum lot area in the R-3 district for Multifamily is as follows:

- a. Multifamily lot size is 15,000 square feet; there shall be higher minimum lot requirement for higher density multifamily residence.
- b. Minimum lots for higher density residence are determined by adding the number units. The unit square footage requirements is determined by the number of bedrooms per unit.

<u>Type of Unit</u>	<u>Square Feet</u>
<u>Efficiency</u>	<u>2,000</u>
<u>One-bedroom</u>	<u>2,500</u>
<u>Two-bedroom</u>	<u>3,000</u>
<u>Three-bedroom and over</u>	<u>3,500 plus 300 additional square feet (sq ft) for each bedroom over three</u>

EXAMPLE A

A Multifamily of Two (2) One-bedroom (2,500 sq ft * 2 = 5,000 sq ft) + Two Efficiency (2,000 sq ft * 2 = 4,000 sq ft) = a total of 9,000 sq ft. Example A does not meet the thresh hold to be considered as a higher density multifamily residence there for the minimum lot requirements is 15,000 square feet.

EXAMPLE B

A Multifamily of Three (3) Five-bedroom (4,100 sq ft * 3 = 12,300 sq ft) + Two (2) two-bedroom (3,000 sq ft * 2 = 6,000 sq ft) = a total of 18,300 sq ft. Example B is higher than the minimum thresh hold of 15,000 square feet there for the minimum square footage is now 18,300 sq ft.

C. Minimum lot area for group lodging facilities will be set in conditional use review. (Ord. 1174 § 4C, 1990; Ord. 994 § 3.8(C), 1982).

19.21.050 Lot width.

Minimum lot width in the R-3 district is:

- A. One-family and two-family dwellings, sixty-six (66) feet for all improved lots existing at the time of adoption of the ordinance codified in this section;
 - B. One family, sixty-six (66) feet for all new single-family dwellings constructed after the adoption of the ordinance codified in this section;
 - C. Two-family, eighty (80) feet for all newly constructed two-family dwellings;
 - D. Multifamily dwellings, one hundred (100) feet.
- (Ord. 1174 § 4D, 1990; Ord. 994 § 3.8(D), 1982).

19.21.060 Yard Requirements.

- A. Front, thirty (30) feet first floor; (not more than 40% of the yard may be an impervious surface)
 - B. Side, fifteen (15) feet; corner lots twenty-five (25) feet. ~~(not more than 40% of the yard may be an impervious surface);~~
 - C. Rear, thirty (30) feet; ~~(not more than 40% of the yard may be an impervious surface);~~
 - D. Shore, seventy-five (75) feet; ~~(not more than 40% of the yard may be an impervious surface);~~
- (Ord. 1174 § 4E, 1990; Ord. 994 § 3.8(E), 1982).

19.21.070 Lot coverage.

- A. Three hundred fifty (350) square feet of usable open space shall be required for each dwelling unit for structures with two (2) or more units.
A. EXAMPLE: A four (4) Unit building is required to have 1,400 square feet of usable open space.
 - B. Usable Open Space. Usable open space is that part of the ground level of a zoning lot, other than in a required front or corner side yard, which is unoccupied by driveways, drive aisles, service drives, off-street parking spaces and/or loading berths and is unobstructed to the sky. This space of minimum prescribed dimension shall be available to all occupants of the building and shall be usable for greenery, drying yards, recreational space, gardening and other leisure activities normally carried on outdoors. Where and to the extent prescribed in these regulations, balconies and roof areas, designed and improved for outdoor activities, may also be considered as usable open space. The usable open space shall be planned as an assemblage or singularly designed area that maximizes the size for open space usage. The only exception to this standard is where the required open space is designed to be a part of the individual living units in the form of patios or decks.
C. Lot coverage in the R-3 district needs approval by the City Engineering.
 - B.—
- (Ord. 1174 § 4F, 1990; Ord. 994 § 3.8(F), 1982).

19.21.080 Building height.

Maximum building height in the R-3 district is forty-five (45) feet. The maximum building height is also subject to fire safety limitations. The maximum building height may be increased under the provisions of a conditional use permit.
(Ord. 994 § 3.8(G), 1982).

19.21.090 Park fees.

All residential development shall be subject to a park acquisition fee per dwelling unit and a park improvement fee per dwelling unit, payable before a building permit is issued. The fee will be established by the Parks and Recreation Board then approved by the Common Council. Fee will be on record at the City Clerks office. The park acquisition fee may be reduced if sufficient land

area was provided for park purposes at the time of subdivision, based on the calculations in section 18.04.030(a)(1) of the Whitewater Municipal Code.

~~All residential development shall be subject to a park acquisition fee of \$214.00 per dwelling unit and a park improvement fee of \$505.00 per dwelling unit, payable before a building permit is issued. The park acquisition fee may be reduced if sufficient land area was provided for park purposes at the time of subdivision, based on the calculations in section 18.04.030(a)(1) of the Whitewater Municipal Code. The fee amounts shall be set by the City Council.~~

Chapter 19.22 R-3A University Residential Density Overlay District

Chapter 19.22 R-3A University Residential Density Overlay District.....	80
19.22.010 Purpose and intent.	80
19.22.015 Relationship to underlying zoning district classification.	80
19.22.020 Overlay district application.	80
19.22.030 University residential density overlay district permitted and conditional uses.....	80
19.22.040 Lot area.....	81
19.22.050 Exceptions.	82

19.22.010 Purpose and intent.

The purpose and intent of the university residential density overlay district is to allow increased density for new housing in a focused area near campus, and therefore reduce the impact of student housing on lower density neighborhoods.

19.22.015 Relationship to underlying zoning district classification.

Requirements for permitted uses, conditional uses, lot width, yards, building height, signage, [storm water](#) and park fees remain the same as the underlying zoning district to which the overlay zoning is applied unless specifically described in this overlay district. At least 10% of the lot should be usable open space.

19.22.020 Overlay district application.

Applicants must apply for a zoning map district change within the Overlay Map Permission Area for the R-3A designation. To the extent there is a conflict between the restrictions or requirements associated with the district, the requirements that most restrictively limit the use of the site shall apply. No party other than the owner of the property or agents of the owner may apply for the R-3A [universityUniversity](#) residential density overlay zoning. Permission will require conformance with the requirements established for the duties of the zoning administrator (section 19.75.061) Applications may also require a conditional use permit. Procedures for zoning changes and amendments are further elaborated in section 19.69.

19.22.030 University residential density overlay district permitted and conditional uses.

Within this district, a multifamily building with up to sixteen units is a permitted use for new construction. More than 16 units per building and up to 32 units per building may be requested as a conditional use. Among other issues, conditional use permits should consider long term impacts of the proposal on the surrounding area. More than 32 units per building are not allowed in the district but may be considered as part of a PD district. Architectural quality shall be

subject to the review of the plan and architectural review commission and include consideration of any design and planning criteria as established by the City, for buildings in this zoning district.

19.22.040 Lot area.

The minimum lot area in the R-3A district is shown is as follows:

- ~~1. One family ————— 6,400 square feet.~~
- ~~2. Two family ————— 9,600 square feet.~~
- ~~3. Multifamily ————— 12,000 square feet.~~

A. Minimum lot area in the R-3A district for One-family and Two-family is as follows:

<u>1. One-family</u>	<u>6,400 square feet;</u>
<u>2. Two-family</u>	<u>9,600 square feet;</u>

- 3. Nonconforming lots for a one-family or two-family that do not meet the minimum lot area above may be considered as a buildable lot if it:
 - a. Meets all other standards including 19.60.050.
 - b. Is reviewed and approved by the City plan and architectural review commission.

B. Minimum lot area in the R-3A district for Multifamily is as follows:

- a. Multifamily lot size is 12,000 square feet, there shall be a higher minimum lot requirement for higher density multifamily residence.
- b. Minimum lots for higher density residence are determined by adding the number units. The unit square footage requirements is determined by the number of bedrooms per unit.

<u>Type of Unit</u>	<u>Square Feet</u>
<u>Efficiency</u>	<u>1,600</u>
<u>One-bedroom</u>	<u>2,000</u>
<u>Two-bedroom</u>	<u>2,400</u>
<u>Three-bedroom and over</u>	<u>2,800 plus 240 additional square feet (sq ft) for each bedroom over three</u>

EXAMPLE A

A Multifamily of Two (2) One-bedroom (2,000 sq ft * 2 = 4,000 sq ft) + Two Efficiency (1,600 sq ft * 2 = 3200 sq ft) = a total of 7,200 sq ft. Example A does not meet the thresh hold to be considered as a higher density multifamily residence there for the minimum lot requirements is 15,000 square feet.

EXAMPLE B

A Multifamily of Three (3) Five-bedroom (3,280 sq ft * 3 = 9,840 sq ft) + Two (2) two-bedroom (2,400 sq ft * 2 = 4,800 sq ft) = a total of 14,640 sq ft. Example B is higher than the minimum thresh hold of 12,000 square feet there for the minimum square footage is now 14,640 sq ft.

C. Minimum lot area for group lodging facilities will be set in conditional use review.
(Ord. 1174 § 4C, 1990; Ord. 994 § 3.8(C), 1982).

~~The minimum parcel sizes for multifamily dwellings and group lodging facilities shall be increased if the following ratios indicate a larger parcel size. The ratios to determine minimum parcel size, (to be used if operation of the table indicates parcel size in excess of twelve thousand square feet) shall be required on a per unit basis as follows (based upon a reduction of 20% of the comparable standards indicated in R-3):~~

TYPE OF UNIT	SQUARE FEET
1. Efficiency	1,600 square feet.
2. One bedroom	2,000 square feet
3. Two bedroom	2,400 square feet
4. Three bedroom and over	2,800 square feet plus 240 square feet for each bedroom over three

19.22.050 Exceptions.

This limitation shall not apply to community living arrangements allowed by federal and state law (such as foster homes and adult family homes for the disabled) and those allowed under Wis. Stats. § 62.23.

(Ord. No. 1788A, § 1, 6-1-2010 (7)(I))

Chapter 19.27 B-1 COMMUNITY BUSINESS DISTRICT

Chapter 19.27 B-1 COMMUNITY BUSINESS DISTRICT.....	84
19.27.010 Purpose.....	84
19.27.020 Permitted uses.....	84
19.27.025 Permitted accessory uses.....	85
19.27.030 Conditional uses.....	86
19.27.040 Lot area.....	87
19.27.050 Lot width.....	87
19.27.060 Yard requirements.....	87
19.27.070 Lot coverage.....	88
19.27.080 Building height.....	88
19.27.090 Plan review.....	88
19.27.100 Park fees.....	89

19.27.010 Purpose.

The B-1 community business district is established to accommodate retail shopping and service needs in a manner compatible with the desired community character. The district should be located in relative proximity to residential areas and major traffic routes.

(Ord. 1452 § 1(part), § 4(part), 2000; Ord. 994 § 3.10(part), 1982).

19.27.020 Permitted uses.

Permitted uses in the B-1 district include:

- A. Art, music and school supply stores and galleries;
- B. Antique, hobby and craft shops;
- C. Automotive and related parts stores, without servicing;
- D. Hotels and motels;
- E. Small appliance repair stores, computer or software sales and service;
- F. Barbershops and beauty parlors;
- G. Banks and other financial institutions without drive-through facilities;
- H. Camera and photographic supply stores;
- I. Caterers;
- J. Clothing and shoe stores and repair shops;
- K. Clinics, medical and dental;
- L. Department stores;
- M. Drugstores;

- N. Florist shops;
- O. Food and convenience stores without gasoline pumps;
- P. Furniture stores;
- Q. Hardware stores;
- R. Insurance agencies;
- S. Jewelry stores;
- T. Liquor stores without drive-through facilities;
- U. Meat markets;
- V. Resale shops;
- W. Paint, wallpaper, interior decorating and floor covering stores;
- X. Professional offices;
- Y. Restaurants without drive-through facilities;
- Z. Self-service laundries and drycleaning establishments;
- AA. Sporting goods stores;
- BB. Stationery stores, retail office supply stores;
- CC. Variety stores;
- DD. Movie theaters;
- EE. Charitable or nonprofit institutions and facilities;
- FF. Tourist homes and bed and breakfasts;
- GG. Existing residences ~~regulated by R-2 dimensional standards~~ must meet the following standards
- ~~GG.HH. 1. limited to no more than three (3) unrelated persons. ;~~
- ~~HH. New residential uses meeting the standards of the R-3 district, when mixed with permitted uses in a unified project;~~
- II. Any other similar uses not specifically listed above that are consistent with the purpose of this district;
- JJ. The second or greater wireless telecommunications facility located on an alternative support structure already supporting a wireless telecommunications facility or on a pre-existing wireless telecommunications facility, per the requirements of Chapter 19.55.
(Ord. 1499 § 12, 2001; 1452 § 1(part), § 4(part), 2000; Ord. 994 § 3.10(A), 1982).
- KK. Light assembly uses including electronics, pottery, printing, contractor shops (heating, electrical, plumbing, general contracting) provided that there are no significant environmental emissions (odor and waste)

19.27.025 Permitted accessory uses.

Permitted accessory uses in the B-1 district include:

- A. Garages for storage of vehicles, equipment or materials in conjunction with operation of the principal use on the lot;
- B. Off-street parking and loading areas, subject to landscaping and screening requirements where applicable;
- C. Outside storage and trash dumpsters where located outside of the required yards in Section 19.27.060 of this chapter and enclosed by a decorative opaque fence, wall or landscaping designed to provide a total visual screen;
- D. Outside display of merchandise, which may be subject to limitations as part of site plan review;

- E. Outside display and temporary storage of motor vehicles where the principal use on the lot includes the sale, repair or servicing of such motor vehicles. No vehicle in inoperable condition shall be stored for greater than thirty days;
- F. Up to two vending machines for dispensing of a product, but only if accessory to a commercial business use. Vending machines may be lit only when the principal use on the lot is in operation, unless such machines are screened from the public right-of-way and adjacent properties;
- G. Outdoor seating for restaurants within designated areas;
- H. Temporary retail uses, such as seasonal and special event sales, subject to the approval of the zoning administrator, who may set specific time and area limitations;
- I. Essential services;
- J. Wireless telecommunications support facilities, per the requirements of Chapter 19.55. (Ord. 1499 § 13, 2001; 1452 § 1(part), § 4(part), 2000).

19.27.030 Conditional uses.

Conditional uses in the B-1 district include:

- A. Entertainment establishments, including clubs, but excluding adult entertainment;
- B. All uses with drive-in and drive-through facilities; (for which the conditions shall, among other issues, maintain visual continuity and attractive pedestrian movement along the street fronts);
- C. Automobile and small engine vehicle sales or rental facilities, including incidental repair and service within the principal building;
- D. Automobile repair and service within the principal building;
- E. Car washes;
- F. Private recreation uses;
- G. Public and semipublic uses;
- H. Taverns and other places selling alcoholic beverages by the drink; for which consideration shall be given but is not limited to conditions regarding, the following issues:
 1. parking
 2. type of business
 3. signage
 4. outdoor seating
 5. provisions for avoiding noise and lighting nuisances
 6. buffering and fencing consistency;
 7. compatibility with the immediately surrounding neighborhood or district
- ~~I. New residential uses meeting the standards of the R-3 district, when mixed with conditional uses in a unified project;~~
- ~~H.~~ Light assembly/retail uses not permitted elsewhere in this district. Subject to the following restrictions:
 1. No environmental emission (noise, odor, waste),
 2. All truck delivery during weekdays,
 3. All of the requirements of Chapter 19.51, Traffic, Parking and Access, and Chapter 19.57, General Performance Standards, to be met;
- ~~K.~~J. Gasoline service stations, including incidental repair and service within the principal building;
- ~~L.~~K. Day care centers, adult and child;

~~M.L.~~ Funeral homes and crematory services;

~~N.M.~~ Veterinary clinics, provided that no service including animal boarding is offered outdoors;

~~O.N.~~ More than one principal structure on a lot;

~~P.O.~~ Large retail and commercial service developments, as described and regulated in Chapter 19.485.

P. The first wireless telecommunications facility located on an alternative support structure only, per the requirements of Chapter 19.55.

Q. New residential construction or existing residential modification resulting in addition of units or bedrooms. The residential must meet the following standards:

1. A limited of four (4) unrelated persons.

2. Three hundred fifty (350) square feet of usable open space shall be required for each dwelling unit for structures with two (2) or more units.

3. Number of parking spaces is determined using the R-3 parking regulations for the residential units.

4. First Floor Residents may be permitted if it meets the following standards.

a. The Unit is ADA compliant

b. Any residential units access must:

i. Exit from the rear of the principal structure or

ii. a main street access which must be through a common entryway used by a non-residential use.

c. The units shall not occupy more than forty (40%) percent of the first floor.

~~Q.~~

(Ord. 1499 § 14, 2001; 1452 § 1(part), § 4(part), 2000; Ord. 1379 § 1, 1997; Ord. 1314 § 1, 1995; Ord. 1296 § 2(part), 1994; Ord. 994 § 13.10(B), 1982).

(Ord. No. 1796A, § 1, 8-3-2010)

19.27.040 Lot area.

Minimum lot area in the B-1 district is seven thousand (7,000) square feet for lots existing at the time of adoption of the ordinance codified in this chapter, and fifteen thousand (15,000) square feet for all other lots.

(Ord. 1452 § 1(part), § 4(part), 2000; Ord. 994 § 3.10(C), 1982).

19.27.050 Lot width.

Minimum lot width in the B-1 district is fifty (50) feet

(Ord. 1452 § 1(part), § 4(part), 2000; Ord. 994 § 3.19(D), 1982).

19.27.060 Yard requirements.

Minimum required yards for principal buildings, outside storage, and dumpsters in the B-1 district are:

A. Front and street side, fifteen (15) feet (but may be greater if needed to meet fire safety requirements);

- B. Interior side, ten (10) feet, except that no side yard will be required for buildings designed for common wall construction;
- C. Rear, twenty (20) feet, except the rear yard setback to any railroad right-of-way shall be at least fifteen (15) feet under a conditional use;
- D. Shore yard, seventy-five (75) feet;
- E. Any yard abutting a residential district or residential use, thirty (30) feet or the height of the nearest principal building or structure on the lot being developed, whichever is greater. Such yards shall be subject to the landscape buffer yard requirements of Section 19.57.140, except where abutting a railroad right-of-way with the approval of the plan and architectural review commission;
- F. There shall be ~~nono parking areas, circulation drives or~~ accessory buildings within the required front yard setback.
(Ord. 1460 § 2, 2000; Ord. 1452 § 1(part), § 4(part), 2000; Ord. 994 § 3.10(E), 1982).

19.27.070 Lot coverage.

There is no maximum percentage lot coverage for buildings with the exception of the provisions needed for landscape, circulation, and other site planning considerations. Building size, coverage, and locations must still conform to the other regulations including stormwater management. Landscape and environmental features shall follow principles of sustainability and environmental quality and locate landscape elements in highly visible locations, especially in the fronts of buildings, and should include canopy trees, understory and/or evergreen trees, and shrubs.

(Ord. 1452 § 1(part), § 4(part), 2000: Ord. 994 § 3.10(F), 1982).

19.27.080 Building height.

Maximum building height in the B-1 district is five (5) stories or 100 feet (whichever is greater), with the exception that the maximum building height is three (3) stories within 100' of a residential use or a property zoned as a residential district. The maximum building height is also subject to fire safety limitations. The maximum building height may be increased under the provisions of a conditional use permit which will include, but is not limited to, consideration of issues regarding shadows cast by buildings, views, impacts on neighbors, and microclimate.

(Ord. 1580A § 7, 2005: Ord. 1452 § 1(part), § 4(part), 2000: Ord. 994 § 3.10(G), 1982).

19.27.090 Plan review.

Plan review in accordance with Chapter 19.63 shall be required for any development in the B-1 district. Building design shall be consistent with the recommendations of the city's comprehensive (master) plan; contribute to the uniqueness and character of the neighborhood, district and community; and include materials, colors, styles and features tailored to the building's site and context. Substantial modifications to standardized prototype and corporate franchise designs may be required to meet these criteria. Landscaping shall be consistent with the recommendations of the city's comprehensive (master) plan; generous in quantity; aesthetically pleasing; appropriate to the site, community and region; and in accordance with accepted professional standards.

(Ord. 1452 § 1(part), § 4(part), 2000: Ord. 994 § 3.10(H), 1982).

19.27.100 Park fees.

All residential development shall be subject to a park acquisition fee per dwelling unit and a park improvement fee per dwelling unit, payable before a building permit is issued.

~~All residential development shall be subject to a park acquisition fee of \$214.00 per dwelling unit and a park improvement fee of \$505.00 per dwelling unit, payable before a building permit is issued.~~

The amount of these fees may be reduced by any fee amount previously paid or credited at the time of subdivision, or by fifty percent (50%) if the new housing units are created as a result of the conversion or remodeling of a preexisting building. The park acquisition fee may also be reduced if sufficient land area was provided for park purposes at the time of subdivision, based on the calculations in section 18.04.030(a)(1) of the Whitewater Municipal Code. The fee amounts shall be set by the City Council. The fee will be established by the Parks and Recreation Board then approved by the Common Council. Fee will be on record at the City Clerks office.

Chapter 19.28 B-1A University Mixed-Use Neighborhood Overlay District

<u>Chapter 19.06 GENERAL PROVISIONS.....</u>	<u>2</u>
<u>19.06.010 Jurisdiction.....</u>	<u>2</u>
<u>19.06.020 Plan and architectural review commission--Created.....</u>	<u>3</u>
<u>19.06.030 Plan and architectural review commission--Qualifications and functions.....</u>	<u>3</u>
<u>19.06.040 Plan and architectural review commission--Architectural function.....</u>	<u>3</u>
<u>19.06.050 Plan and architectural review commission--Organization.....</u>	<u>3</u>
<u>19.06.060 Compliance required.....</u>	<u>4</u>
<u>19.06.065 Municipalities and state agencies regulated.....</u>	<u>4</u>
<u>19.06.070 Use restrictions.....</u>	<u>4</u>
<u>19.06.080 Accessory uses and structures.....</u>	<u>4</u>
<u>19.06.090 Unclassified or unspecified areas.....</u>	<u>4</u>
<u>19.06.100 Temporary uses.....</u>	<u>4</u>
<u>19.06.110 Height modifications.....</u>	<u>5</u>
<u>19.06.120 Yard modifications.....</u>	<u>5</u>
<u>19.06.130 Reduction or joint use.....</u>	<u>7</u>
<u>19.06.140 Lots to abut street and frontage.....</u>	<u>7</u>
<u>19.06.150 Structures to be located on a lot.....</u>	<u>7</u>
<u>19.06.160 Lots on undedicated portion of street.....</u>	<u>7</u>
<u>19.06.170 Private sewer and water service.....</u>	<u>7</u>
<u>19.06.180 Average street yards.....</u>	<u>7</u>
<u>19.06.190 Lots abutting more restrictive districts.....</u>	<u>8</u>
<u>19.06.200 Animal raising.....</u>	<u>8</u>
<u>Chapter 19.09 DEFINITIONS.....</u>	<u>9</u>
<u>19.09.010 Generally.....</u>	<u>15</u>
<u>19.09.015 A Zones.....</u>	<u>15</u>
<u>19.09.020 Accessory use or structure.....</u>	<u>15</u>
<u>19.09.025 Adult-oriented establishments.....</u>	<u>15</u>
<u>19.09.030 Alley.....</u>	<u>17</u>

<u>19.09.035 Alternative support structure.....</u>	<u>17</u>
<u>19.09.040 Apartment-style building.....</u>	<u>17</u>
<u>19.09.050 Arterial street.....</u>	<u>17</u>
<u>19.09.055 Base flood.....</u>	<u>18</u>
<u>19.09.060 Basement.....</u>	<u>18</u>
<u>19.09.063 Bed and breakfast establishment.....</u>	<u>18</u>
<u>19.09.064 Bedroom.....</u>	<u>18</u>
<u>19.09.065 Block.....</u>	<u>18</u>
<u>19.09.070 Building.....</u>	<u>18</u>
<u>19.09.080 Building, accessory.....</u>	<u>19</u>
<u>19.09.090 Building area.....</u>	<u>19</u>
<u>19.09.100 Building height.....</u>	<u>19</u>
<u>19.09.110 Building, principal.....</u>	<u>19</u>
<u>19.09.113 Building scale.....</u>	<u>19</u>
<u>19.09.114 Bulkhead line.....</u>	<u>19</u>
<u>19.09.115 Campground.....</u>	<u>19</u>
<u>19.09.116 Camping unit.....</u>	<u>20</u>
<u>19.09.117 Certificate of compliance.....</u>	<u>20</u>
<u>19.09.120 Classes of notice.....</u>	<u>20</u>
<u>19.09.125 Channel.....</u>	<u>20</u>
<u>19.09.128 Co-location.....</u>	<u>20</u>
<u>19.09.130 Commercial use.....</u>	<u>20</u>
<u>19.09.140 Commonly owned open space.....</u>	<u>20</u>
<u>19.09.150 Community living arrangements.....</u>	<u>21</u>
<u>19.09.155 Comprehensive (master) plan.....</u>	<u>21</u>
<u>19.09.160 Conditional uses.....</u>	<u>21</u>
<u>19.09.171 Crawlways or crawlspace.....</u>	<u>21</u>
<u>19.09.173 Day care center, adult.....</u>	<u>21</u>
<u>19.09.177 Day care center, child.....</u>	<u>22</u>
<u>19.09.178 Deck.....</u>	<u>22</u>
<u>19.09.180 Development.....</u>	<u>22</u>

<u>19.09.185 District, basic.....</u>	<u>22</u>
<u>19.09.190 Drive-in establishment.</u>	<u>22</u>
<u>19.09.191 Driveway.....</u>	<u>22</u>
<u>19.09.195 Dryland access.....</u>	<u>23</u>
<u>19.09.200 Dwelling.....</u>	<u>23</u>
<u>19.09.210 Dwelling, attached.....</u>	<u>23</u>
<u>19.09.220 Dwelling, detached.....</u>	<u>23</u>
<u>19.09.230 Dwelling, multiple-family.....</u>	<u>23</u>
<u>19.09.240 Dwelling, single-family.....</u>	<u>23</u>
<u>19.09.250 Dwelling, two-family or Duplex.</u>	<u>23</u>
<u>19.09.260 Dwelling unit.....</u>	<u>24</u>
<u>19.09.270 Dwelling unit, efficiency.....</u>	<u>24</u>
<u>19.09.275 Encroachment.....</u>	<u>24</u>
<u>19.09.280 Essential services.....</u>	<u>24</u>
<u>19.09.285 Existing manufactured home park or subdivision.....</u>	<u>24</u>
<u>19.09.286 Expansion to existing mobile/manufactured home park.</u>	<u>24</u>
<u>19.09.290 Family.....</u>	<u>25</u>
<u>19.09.295 Federal Emergency Management Agency.</u>	<u>25</u>
<u>19.09.296 Flood frequency.....</u>	<u>25</u>
<u>19.09.300 First floor.....</u>	<u>25</u>
<u>19.09.305 Flood.....</u>	<u>25</u>
<u>19.09.306 Flood Insurance Rate Map.</u>	<u>25</u>
<u>19.09.307 Flood Insurance Study.....</u>	<u>26</u>
<u>19.09.310 Flood Hazard Boundary Map.....</u>	<u>26</u>
<u>19.09.312 Flood profile.....</u>	<u>26</u>
<u>19.09.314 Flood protection elevation.....</u>	<u>26</u>
<u>19.09.315 Floodplain.....</u>	<u>26</u>
<u>19.09.316 Flood stage.</u>	<u>27</u>
<u>19.09.318 Floodlands.</u>	<u>27</u>
<u>19.09.320 Floodfringe.....</u>	<u>27</u>
<u>19.09.321 Floodplain island.</u>	<u>27</u>

<u>19.09.322 Floodproofing.....</u>	<u>27</u>
<u>19.09.323 Floodplain management.....</u>	<u>28</u>
<u>19.09.324 Floodway.....</u>	<u>28</u>
<u>19.09.326 Flood storage.....</u>	<u>28</u>
<u>19.09.330 Fraternity or sorority house.....</u>	<u>28</u>
<u>19.09.333 Freeboard.....</u>	<u>28</u>
<u>19.09.335 Freestanding wireless telecommunications facility.....</u>	<u>28</u>
<u>19.09.340 Garage, private.....</u>	<u>29</u>
<u>19.09.350 Garage, public or commercial.....</u>	<u>29</u>
<u>19.09.360 Group lodging facilities.....</u>	<u>29</u>
<u>19.09.370 Group lodging house.....</u>	<u>29</u>
<u>19.09.375 Habitable structure.....</u>	<u>29</u>
<u>19.09.376 Hearing notice.....</u>	<u>29</u>
<u>19.09.377 High flood damage potential.....</u>	<u>30</u>
<u>19.09.380 Historic landmark.....</u>	<u>30</u>
<u>19.09.385 Historic structure.....</u>	<u>30</u>
<u>19.09.390 Household occupation or home occupation.....</u>	<u>30</u>
<u>19.09.400 Incidental repairs.....</u>	<u>31</u>
<u>19.09.401 Increase in regional flood height.....</u>	<u>31</u>
<u>19.09.403 Land use.....</u>	<u>31</u>
<u>19.09.405 Letter of Map Change (LOMC).....</u>	<u>31</u>
<u>19.09.410 Living rooms.....</u>	<u>31</u>
<u>19.09.420 Loading area.....</u>	<u>31</u>
<u>19.09.430 Lodginghouse.....</u>	<u>32</u>
<u>19.09.440 Lodging rooms.....</u>	<u>32</u>
<u>19.09.450 Lot.....</u>	<u>32</u>
<u>19.09.451 Lot, Corner.....</u>	<u>32</u>
<u>19.09.452 Lot coverage.....</u>	<u>32</u>
<u>19.09.453 Lot, Through.....</u>	<u>32</u>
<u>19.09.455 Lot width.....</u>	<u>33</u>
<u>19.09.457 Major subdivision.....</u>	<u>33</u>

<u>19.09.458</u>	<u>Manufactured home.....</u>	<u>33</u>
<u>19.09.460</u>	<u>Maximum lot coverage.....</u>	<u>33</u>
<u>19.09.470</u>	<u>Minor structures.</u>	<u>33</u>
<u>19.09.475</u>	<u>Minor subdivision.</u>	<u>33</u>
<u>19.09.480</u>	<u>Mobile home.</u>	<u>34</u>
<u>19.09.490</u>	<u>Mobile home park.</u>	<u>34</u>
<u>19.09.495</u>	<u>Mobile recreational vehicle.....</u>	<u>34</u>
<u>19.09.500</u>	<u>Modular home.</u>	<u>34</u>
<u>19.09.501</u>	<u>Motor vehicles.....</u>	<u>34</u>
<u>19.09.502</u>	<u>Municipality or municipal.....</u>	<u>34</u>
<u>19.09.504</u>	<u>National geodetic vertical datum.....</u>	<u>35</u>
<u>19.09.505</u>	<u>Navigable water.....</u>	<u>35</u>
<u>19.09.507</u>	<u>Neighborhood development plan.....</u>	<u>35</u>
<u>19.09.508</u>	<u>New construction.</u>	<u>35</u>
<u>19.09.510</u>	<u>Nonconforming structure.</u>	<u>35</u>
<u>19.09.511</u>	<u>Nonconforming use.</u>	<u>36</u>
<u>19.09.520</u>	<u>Non-family household.....</u>	<u>36</u>
<u>19.09.521</u>	<u>Obstruction to flow.....</u>	<u>36</u>
<u>19.09.522</u>	<u>Official floodplain zoning map.</u>	<u>36</u>
<u>19.09.524</u>	<u>Open space use.</u>	<u>36</u>
<u>19.09.525</u>	<u>Ordinary high water mark.</u>	<u>37</u>
<u>19.09.527</u>	<u>Outdoor lighting fixture.</u>	<u>37</u>
<u>19.09.528</u>	<u>Overlay Permission Area Map</u>	<u>37</u>
<u>19.09.529</u>	<u>Overlay Zoning District</u>	<u>37</u>
<u>19.09.530</u>	<u>Parking lot.</u>	<u>37</u>
<u>19.09.540</u>	<u>Parking space or parking stall.</u>	<u>37</u>
<u>19.09.550</u>	<u>Parties of interest.....</u>	<u>38</u>
<u>19.09.555</u>	<u>Person.....</u>	<u>38</u>
<u>19.09.560</u>	<u>Planting screen.</u>	<u>38</u>
<u>19.09.570</u>	<u>Principal use or structure.....</u>	<u>38</u>
<u>19.09.580</u>	<u>Private club or lodge.</u>	<u>38</u>

<u>19.09.585 Private sewage system.....</u>	<u>38</u>
<u>19.09.590 Professional home offices.</u>	<u>39</u>
<u>19.09.600 Professional offices.</u>	<u>39</u>
<u>19.09.602 Public utilities.....</u>	<u>39</u>
<u>19.09.604 Reach.....</u>	<u>39</u>
<u>19.09.605 Reasonably safe from flooding.</u>	<u>39</u>
<u>19.09.608 Regional flood.....</u>	<u>39</u>
<u>19.09.609 Start of construction.</u>	<u>40</u>
<u>19.09.610 Story.....</u>	<u>40</u>
<u>19.09.620 Public or semipublic uses.....</u>	<u>40</u>
<u>19.09.623 Shielded light fixture.....</u>	<u>40</u>
<u>19.09.625 Shorelands.....</u>	<u>41</u>
<u>19.09.630 Sign.....</u>	<u>41</u>
<u>19.09.640 Sign, directional.</u>	<u>41</u>
<u>19.09.650 Sign, nonaccessory.....</u>	<u>41</u>
<u>19.09.660 Street.....</u>	<u>41</u>
<u>19.09.670 Street line.....</u>	<u>41</u>
<u>19.09.680 Structural alterations.</u>	<u>42</u>
<u>19.09.690 Structure.....</u>	<u>42</u>
<u>19.09.700 Structure, accessory.....</u>	<u>42</u>
<u>19.09.710 Structure, permanent.</u>	<u>42</u>
<u>19.09.720 Structure, principal.....</u>	<u>42</u>
<u>19.09.730 Structure, temporary.....</u>	<u>42</u>
<u>19.09.732 Substantial damage.....</u>	<u>42</u>
<u>19.09.735 Substantial improvement.....</u>	<u>43</u>
<u>19.09.740 Tourist home.</u>	<u>43</u>
<u>19.09.750 Townhouse.....</u>	<u>43</u>
<u>19.09.760 Townhouse dwelling units.</u>	<u>43</u>
<u>19.09.770 Trailer camp.....</u>	<u>43</u>
<u>19.09.775 Unnecessary hardship.....</u>	<u>43</u>
<u>19.09.780 Usable open space.</u>	<u>44</u>

19.09.790 Use, accessory.	44
19.09.800 Use, legal nonconforming.	44
19.09.810 Use, permitted.	44
19.09.820 Use, principal.	44
19.09.830 Utilities.	44
19.09.833 Variance.	45
19.09.834 Vehicle.	45
19.09.835 Violation.	45
19.09.836 Watershed.	45
19.09.837 Water surface profile.	45
19.09.838 Well.	45
19.09.839 Wetland.	46
19.09.840 Wireless telecommunications facility.	46
19.09.841 Wireless telecommunications support facility.	46
19.09.845 Yard.	46
19.09.850 Yard, rear.	46
19.09.860 Yard, shore.	47
19.09.870 Yard, side.	47
19.09.880 Yard, Rear Street.	48
19.09.881 Yard, street (Front Yard).	48
Chapter 19.12 ZONING DISTRICTS	49
19.12.010 Districts--Established.	49
19.12.020 Districts--Boundaries.	50
19.12.030 Vacation of streets and alleys.	50
19.12.040 Annexations and consolidations.	50
19.12.050 Zoning map.	51
Chapter 19.15 R-1 ONE-FAMILY RESIDENCE DISTRICT	52
19.15.010 Purpose.	52
19.15.020 Permitted uses.	52
19.15.030 Conditional uses.	52
19.15.040 Lot area.	54

19.15.050 Lot width.....	54
19.15.060 Yard Requirements.....	54
19.15.070 Lot Coverage.....	54
19.15.080 Building height.....	54
19.15.090 Park fees.....	54
Chapter 19.16 R-1X DISTRICT.....	56
19.16.005 Purpose.....	56
19.16.010 R-1x district provisions--Applicability.....	56
19.16.020 Lot area.....	56
19.16.021 Maximum Lot coverage.....	56
19.16.030 Lot width.....	56
19.16.040 Yard requirements.....	57
19.16.050 Park fees.....	57
Chapter 19.18 R-2 ONE- AND TWO-FAMILY RESIDENCE DISTRICT.....	58
19.18.010 Purpose.....	58
19.18.020 Permitted uses.....	58
19.18.030 Conditional uses.....	58
19.18.040 Lot area.....	59
19.18.050 Lot width.....	60
19.18.060 Yard requirements.....	60
19.18.065 Off-street Parking.....	60
19.18.070 Lot coverage.....	60
19.18.080 Building height.....	61
19.18.090 Park fees.....	61
Chapter 19.19 R-2A Residential Increased Occupancy Overlay District.....	62
19.19.010 Purpose and intent.....	62
19.19.015 Relationship to underlying zoning district classification.....	62
19.19.020 Overlay zoning district application.....	62
19.19.030 Residential occupancy overlay district permitted and conditional uses.....	62
19.19.050 Exceptions.....	63
Chapter 19.21 R-3 MULTIFAMILY RESIDENCE DISTRICT.....	64

19.21.010 Purpose.....	75
19.21.020 Permitted uses.	75
19.21.030 Conditional uses.....	75
19.21.040 Lot area.....	76
19.21.050 Lot width.	77
19.21.060 Yard Requirements.....	78
19.21.070 Lot coverage.....	78
19.21.080 Building height.....	78
19.21.090 Park fees.....	78
Chapter 19.22 R-3A University Residential Density Overlay District.....	80
19.22.010 Purpose and intent.	80
19.22.015 Relationship to underlying zoning district classification.	80
19.22.020 Overlay district application.....	80
19.22.030 University residential density overlay district permitted and conditional uses.....	80
19.22.040 Lot area.....	81
19.22.050 Exceptions.	82
Chapter 19.27 B-1 COMMUNITY BUSINESS DISTRICT.....	84
19.27.010 Purpose.....	84
19.27.020 Permitted uses.	84
19.27.025 Permitted accessory uses.....	85
19.27.030 Conditional uses.....	86
19.27.040 Lot area.....	87
19.27.050 Lot width.	87
19.27.060 Yard requirements.....	87
19.27.070 Lot coverage.....	88
19.27.080 Building height.....	88
19.27.090 Plan review.....	88
19.27.100 Park fees.....	89
Chapter 19.28 B-1A University Mixed-Use Neighborhood Overlay District.....	90
19.28.010 Purpose and intent.	101
19.28.015 Relationship to underlying zoning district classification.	101

<u>19.28.020 Overlay district application.</u>	101
<u>19.28.030 University mixed-use neighborhood overlay district permitted and conditional uses.</u>	101
.....	101
<u>Chapter 19.30 B-2 CENTRAL BUSINESS DISTRICT*</u>	102
<u>19.30.010 Purpose.</u>	102
<u>19.30.020 Permitted uses.</u>	102
<u>19.30.025 Permitted accessory uses.</u>	103
<u>19.30.030 Conditional uses.</u>	104
<u>19.30.040 Architectural design standards.</u>	105
<u>19.30.050 Park fees.</u>	105
<u>Chapter 19.45 C-1 SHORELAND WETLAND OVERLAY DISTRICT</u>	109
<u>19.45.010 Purpose.</u>	109
<u>19.45.020 Permitted uses.</u>	109
<u>19.45.030 Conditional uses.</u>	110
<u>19.45.040 Prohibited uses.</u>	111
<u>Chapter 19.451 C-2 NONSHORELAND WETLAND OVERLAY DISTRICT</u>	112
<u>19.451.010 Purpose.</u>	112
<u>19.451.020 Permitted uses.</u>	112
<u>19.451.030 Conditional uses.</u>	113
<u>19.451.040 Prohibited uses.</u>	114
<u>Chapter 19.485 LARGE RETAIL AND COMMERCIAL SERVICE DEVELOPMENT STANDARDS</u>	115
<u>19.485.010 Title.</u>	115
<u>19.485.020 Description.</u>	115
<u>19.485.030 Conditional use permit or PD approval required.</u>	115
<u>19.485.040 Regulations.</u>	116
<u>Chapter 19.49 WELLHEAD PROTECTION</u>	122
<u>19.49.010 Title.</u>	122
<u>19.49.020 Purpose and authority.</u>	122
<u>19.49.030 Applicability.</u>	122
<u>19.49.040 Definitions.</u>	123

19.49.050 Wellhead protection area.....	123
19.49.060 Enforcement.....	125
Chapter 19.51 TRAFFIC, PARKING AND ACCESS.....	126
19.51.010 Intersection visibility requirements.....	126
19.51.020 Loading requirements.....	127
19.51.030 Parking requirements--Generally.....	127
19.51.040 Adequate access--Driveways.....	128
19.51.050 Size, location, maintenance, and surface material of parking spaces.....	128
19.51.060 Lighting of parking areas.....	129
19.51.070 Buffer screening of on-grade parking areas.....	129
19.51.080 Front, side, and rear yard parking limitation.....	129
19.51.090 Designated parking areas.....	130
19.51.100 Landscaped islands for parking bays.....	130
19.51.110 Surfacing of parking areas.....	130
19.51.120 Curbs and barriers.....	131
19.51.130 Number of parking stalls--General requirements.....	131
19.51.135 Number of parking stalls—Review Commission.....	133
19.51.140 Number of parking stalls--Combination uses.....	134
19.51.150 Number of parking stalls--Uses not listed.....	134
19.51.160 Parking exemption in B-2 central business district and the B-1A University mixed-use overlay district.....	134
19.51.170 Computation of required parking area.....	134
19.51.180 Truck, trailer, mobile home and equipment parking restrictions.....	135
19.51.190 Highway access limitations.....	135
Chapter 19.74: Cost Recovery of Professional Consultant Fees and Charges.....	137
Chapter 19.28 B-1A University Mixed-Use Neighborhood Overlay District.....	96
19.28.010 Purpose and intent.....	96
19.28.015 Relationship to underlying zoning district classification.....	96
19.28.020 Overlay district application.....	96
19.28.030 University mixed-use neighborhood overlay district permitted and conditional uses.....	96

19.28.010 Purpose and intent.

The purpose and intent of the university mixed-use neighborhood overlay district is to provide multi-family housing options within an active, pedestrian friendly neighborhood, and with residential units located on upper floors while the ground level contains non-residential uses. Development and uses should attract university students on a daily basis and provide year-round activities to encourage students to remain in the City on weekends and summers. The district provides an opportunity for mixed housing and commercial uses, serving both students and adjacent residents.

19.28.015 Relationship to underlying zoning district classification.

Requirements for permitted uses, conditional uses, lot area, lot width, yards, lot coverage, building height, signage, and park fees remain the same as the underlying zoning district to which the overlay zoning is applied unless specifically described in this overlay district.

19.28.020 Overlay district application.

Applicants must apply for a zoning map district change within the Overlay Map Permission Area for the B-1A designation. No party other than the owner of the property or agents of the owner may apply for the B-1A university mixed-use neighborhood overlay zoning. Applications may also require a conditional use permit. Procedures for zoning changes and amendments are further elaborated in section 19.69.

19.28.030 University mixed-use neighborhood overlay district permitted and conditional uses.

Within this district, In addition to the permitted and conditional uses for B-1 a multifamily residential building or a mixed-use building:

- a) Up to twelve (12) residential units is a permitted use for new construction
- b) More than twelve (12) residential units per building and up to twenty-four (24) residential units per building may be requested as a conditional use.
- c) More than twenty-four (24) residential units per building are not allowed in the district.
- d) Residential units shall be limited to no more than four (4) bedrooms ~~and have a minimum of two (2) bathrooms.~~
- e) Architectural quality shall be subject to the review of the plan and architectural review commission and include application of any architectural standards as established by the City, for buildings in this zoning district.

Chapter 19.30 B-2 CENTRAL BUSINESS DISTRICT*

Chapter 19.30 B-2 CENTRAL BUSINESS DISTRICT*	102
19.30.010 Purpose.....	102
19.30.020 Permitted uses.	102
19.30.025 Permitted accessory uses.....	103
19.30.030 Conditional uses.....	104
19.30.040 Architectural design standards.....	105
19.30.050 Park fees.....	105

* Prior ordinance history: Ords. 994, 1296 and 1481.

19.30.010 Purpose.

The B-2 district is established in the city's historic downtown area to accommodate retail, service, office, community, and support residential uses for citywide and regional benefit, and to advance the city's downtown revitalization objectives as expressed in adopted city plans. (Ord. 1611A § 1(part), 2006).

19.30.020 Permitted uses.

Permitted uses in the B-2 district include:

- A. Art and school supply stores;
- B. Arts and crafts galleries;
- C. Automotive parts sales stores, automobile sales lot and show rooms and lots;
- D. Antique or collectible shops;
- E. Bakeries or candy stores, with products for sale on premises only;
- F. Catalog and e-commerce sales outlets;
- G. Hotels and motels;
- H. Appliance repair stores, including computer sales and service;
- I. Barbershops, day spas, and beauty parlors;
- J. Banks and other financial institutions;
- K. Bookstores, stationery stores, retail office supply stores, and newsstands;
- L. Caterers;
- M. Clothing and shoe sales and repair shops;
- N. Clinics, medical and dental;
- O. Coffee shops;
- P. Cultural arts centers and museums;
- Q. Department stores;
- R. Drug stores;

- S. Florist or garden shops;
 - T. Gift shops;
 - U. Grocery stores;
 - V. Hardware stores;
 - W. Insurance, real estate, or similar agencies;
 - X. Interior decorating shops;
 - Y. Jewelry stores;
 - Z. Paint stores;
 - AA. Offices;
 - BB. Post offices;
 - CC. Public parking lots;
 - DD. Restaurants, ice cream shops, and cafes;
 - EE. Sporting goods shops;
 - FF. Tourist information and hospitality centers;
 - GG. Toy stores;
 - HH. Travel agencies;
 - II. Variety stores;
 - JJ. Dance studios;
 - KK. Movie theaters;
 - LL. Charitable or nonprofit institutions and facilities;
 - MM. Tourist homes and bed and breakfasts;
 - NN. Residential uses above the first floor, limited to non-~~family-related~~ household sizes applicable in the R-1 and R-2 districts (see Section 19.09.520);
 - R. Existing residences regulated by R-2 standards; must meet the following standards:
 - 1. A limited of three (3) unrelated persons.
 - OO. _____
 - PP. OO. _____ Any other similar uses not specifically listed above.
- (Ord. 1611A § 1(part), 2006).

19.30.025 Permitted accessory uses.

Permitted accessory uses in the B-2 district include:

- A. Garages for storage of vehicles, equipment or materials in conjunction with operation of the principal use on the lot;
- B. Off-street parking and loading areas, subject to landscaping and screening requirements where applicable;
- C. Outside storage or trash dumpsters where enclosed by a decorative opaque fence, wall and/or landscaping designed to provide a total visual screen;
- D. Outside display and temporary storage of motor vehicles where the principal use on the lot includes the sale, repair, or servicing of such motor vehicles. No vehicle in an inoperable condition shall be stored outdoors for greater than thirty days;
- E. Outdoor seating for restaurants, coffee shops, cafes, taverns, or similar uses, within areas designated by site plan review or other city approval processes;
- F. Essential services.

(Ord. 1611A § 1(part), 2006).

19.30.030 Conditional uses.

Conditional uses in the B-2 district include:

- A. Drive-in or drive-through type establishments;
- B. Entertainment establishments, not including adult entertainment establishments;
- C. Taverns and other places selling alcoholic beverages by the drink; including expansion of existing uses for which consideration shall be given but is not limited to, conditions regarding the following issues:
 - 1. parking
 - 2. type of business
 - 3. signage
 - 4. outdoor seating
 - 5. provisions for avoiding noise and lighting nuisances
 - 6. buffering and fencing
 - 7. compatibility with the immediately surrounding neighborhood or district
- D. Liquor or tobacco stores;
- E. Public and semipublic uses, except for parking;
- F. Automotive servicing and repairs;
- G. First floor residential uses are allowed as a conditional use; except as provided below:

- 1. First floor residential uses are prohibited in any building located in the area within the boundary of Whitewater Creek on the east (prohibited on west side of creek only), North Street on the north (prohibited on south side of street only), Fremont Street on the west (prohibited on east side of street only), Whitewater Street on the south (prohibited on north side of street only), and the portion of West Main Street from the intersection of Whitewater Street east to the Whitewater Creek (prohibited on north side of street only).

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H. Light industrial/retail uses such as:

- 1. Electronics,
- 2. Pottery,
- 3. Craft/woodwork,
- 4. Printing,

5. Contractor shops (heating, electrical, plumbing, general contractor office),
 6. Lumberyards,
 7. Other similar uses,
- I. Conditional uses in the B-2 district are subject to the following restrictions:
1. No outside storage, unless screened as to Chapter 19.57.140.
 2. No environmental emission.
 3. All truck delivery during weekdays.
 4. All dumpster locations outdoors must be screened by a fence and landscaping,
 5. All of the requirements of Chapter 19.51, Traffic, Parking and Access, and Chapter 19.57, General Performance Standards, to be met.
- I. Laundromats or dry cleaning.
 - J. Hospitals.
 - K. Wholesale trade of durable and nondurable goods.

(Ord. 1611A § 1(part), 2006).

(Ord. No. 1681A, 5-20-2008)

19.30.040 Architectural design standards.

Within the B-2 district, there shall be no minimum required ordinance design and dimensional standards or setbacks. This is being done to allow the most flexibility in the reuse and redevelopment of the downtown. Because of the lack of predefined architectural design standards, all proposed construction and remodeling activities requiring a zoning permit shall require the design review and approval of the city plan and architectural review commission in compliance with Chapter 19.63, Plan Review.

Also within the B-2 district, all uses are exempted from the parking requirements of Section 19.51.130, except if off-street parking is specifically required for a particular conditional use under Section 19.30.030.

(Ord. 1611A § 1(part), 2006).

19.30.050 Park fees.

All residential development shall be subject to a park acquisition fee per dwelling unit and a park improvement fee per dwelling unit, payable before a building permit is issued. All residential development shall be subject to a park acquisition fee of \$214.00 per dwelling unit and a park improvement fee of \$505.00 per dwelling unit, payable before a building permit is issued. The amount of these fees may be reduced by any fee amount previously paid or credited at the time of subdivision, or by fifty percent (50%) if the new housing units are created as a result of the conversion or remodeling of a preexisting building. The park acquisition fee may also be reduced if sufficient land area was provided for park purposes at the time of subdivision, based on the calculations in Section 18.04.030(a)(1) of the Whitewater Municipal Code. The fee amounts shall be set by the City Council. -The fee will be established by the Parks and Recreation Board then approved by the Common Council. Fee will be on record at the City Clerks office.

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Chapter 19.45 C-1 SHORELAND WETLAND OVERLAY DISTRICT

Chapter 19.45 C-1 SHORELAND WETLAND DISTRICT.....	109
19.45.010 Purpose.....	109
19.45.020 Permitted uses.....	109
19.45.030 Conditional uses.....	110
19.45.040 Prohibited uses.....	111

19.45.010 Purpose.

The C-1 shoreland wetland district is intended to preserve, protect, and enhance the ponds, streams, and wetland areas within the shoreland jurisdiction of the city. The preservation, protection, and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve water quality, both ground and surface; prevent flood damage; control storm water runoff; protect stream banks from erosion; protect groundwater recharge and discharge areas; protect wildlife habitat; protect native plant communities; avoid the location of structures on soils which are generally not suitable for use; and protect the water-based recreation resources of the city.

The C-1 shoreland wetland district, as shown on the zoning map, includes all wetlands within the shorelands, as defined in this title, in the city. The boundaries were determined from the Wisconsin Wetland Inventory Map for the City of Whitewater, dated July 2, 1987, and stamped "FINAL."

(Ord. 1196 § 1(part), 1990).

19.45.020 Permitted uses.

Permitted uses in the C-1 district are limited to the following:

- A. Hiking, fishing, trapping, swimming and boating, unless prohibited by other laws and ordinances;
- B. Harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops, and that does not involve filling, flooding, draining, dredging, ditching, tiling, or excavating;
- C. Silviculture, including the planting, thinning, and harvesting of timber, provided that no filling, flooding, draining, dredging, ditching, tiling, or excavating is done except for temporary water level stabilization measures to alleviate abnormally wet or dry conditions which would have an adverse impact on silvicultural activities if not corrected;
- D. Construction and maintenance of fences;
- E. Agricultural crops and grazing provided that they do not involve extension of cultivated areas, extension of or creation of new drainage systems, and further provided that they do not substantially disturb or impair the natural fauna, flora, topography, or water regimen;

- F. Ditching, tiling, dredging, excavating, or filling done to maintain or repair an existing drainage system only to the extent necessary to maintain the level of drainage required to continue the existing use;
 - G. The construction and maintenance of piers, docks, and walkways, including those built on pilings;
 - H. The maintenance, repair, replacement, and reconstruction of existing streets, roads, and bridges.
- (Ord. 1196 § 1(part), 1990).

19.45.030 Conditional uses.

The following uses are conditional uses in the C-1 shoreland wetland district and may be permitted as specified. The city plan commission shall transmit a copy of each application for a conditional use in the C-1 shoreland wetland district to the Wisconsin Department of Natural Resources (DNR) at least ten days prior to the public hearing. Final action on the application shall not be taken for thirty days or until the DNR has made its recommendation, whichever comes first. A copy of all C-1 shoreland wetland district conditional use permits shall be transmitted to the DNR within ten (10) days following the decision:

- A. The construction of streets which are necessary for the continuity of the city street system, necessary for the provision of essential utility and public safety services, or necessary to provide access to permitted open space uses in the C-1 district; provided that:
 - 1. The street cannot as a practical matter be located outside the conservancy district;
 - 2. The street is designed and constructed to minimize adverse impact upon the natural functions of the wetland as listed in Section 11.1308(B) of the Wisconsin Statutes;
 - 3. The street is designed and constructed with the minimum cross-section practical to serve the intended use;
 - 4. The street construction activities are carried out in the immediate area of the roadbed only; and
 - 5. Any filling, flooding, draining, dredging, ditching, tiling, or excavating that is done must be necessary for the construction or maintenance of the street.
- B. The construction and maintenance of nonresidential buildings used solely in conjunction with raising of waterfowl, minnows, or other wetland or aquatic animals or used solely for some other purpose which is compatible with wetland preservation, provided that:
 - 1. The building cannot as a practical matter be located outside the conservancy district;
 - 2. The building is not designed for human habitation and does not exceed five hundred square feet in area; and
 - 3. Only limited filling or excavating necessary to provide structural support is conducted.
- C. The establishment and development of public and private parks and recreation areas, recreation trails, public boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves, and private habitat areas; provided, that:
 - 1. Any private recreation or wildlife habitat area must be exclusively for that purpose;
 - 2. No filling is to be done; and
 - 3. Ditching, excavating, dredging, dike and dam construction may be done in wildlife refuges, game preserves, and private wildlife habitat areas, but only for the purpose of improving wildlife habitat or to otherwise enhance the value of a wetland or other natural resource.

- D. The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities; provided, that:
 - 1. The transmission and distribution lines and related facilities cannot as a practical matter be located outside the conservancy district; and
 - 2. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the construction or maintenance of the utility, and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the conservancy area.
- E. The construction and maintenance of railroad lines; provided, that:
 - 1. The railroad lines cannot as a practical matter be located outside the conservancy district; and
 - 2. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the construction or maintenance of the railroad, and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the conservancy area.

(Ord. 1196 § 1(part), 1990).

19.45.040 Prohibited uses.

Any use not listed as a permitted use or a conditional use is prohibited unless the C-1 district lands concerned are first rezoned into another district. Furthermore, the use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary highwater mark of any navigable water are prohibited.

(Ord. 1196 § 1(part), 1990).

Chapter 19.451 C-2 NONSHORELAND WETLAND OVERLAY DISTRICT

Chapter 19.451 C-2 NONSHORELAND WETLAND DISTRICT	112
19.451.010 Purpose.....	112
19.451.020 Permitted uses.	112
19.451.030 Conditional uses.....	113
19.451.040 Prohibited uses.....	114

19.451.010 Purpose.

The C-2 nonshoreland wetland district is intended to preserve, protect, and enhance the ponds, streams, and wetland areas of the city located beyond the statutorily defined limits of shorelands. The preservation, protection, and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve water quality, both ground and surface; prevent flood damage; control storm water runoff; protect stream banks from erosion; protect groundwater recharge and discharge areas; protect wildlife habitat; protect native plant communities; avoid the location of structures on soils which are generally not suitable for use; and protect the water-based recreation resources of the city.

The C-2 nonshoreland wetland district, as shown on the zoning map, includes those wetlands not located within the shoreland jurisdiction in the city. The boundaries were initially determined from the Wisconsin Wetland Inventory Map for the City of Whitewater, dated July 2, 1987, and stamped "FINAL."

(Ord. 1196 § 1(part), 1990).

19.451.020 Permitted uses.

Permitted uses in the C-2 district are limited to the following:

- A. Hiking, fishing, trapping, swimming and boating, unless prohibited by other laws and ordinances;
- B. Harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops, and that does not involve filling, flooding, draining, dredging, ditching, tiling, or excavating;
- C. Silviculture, including the planting, thinning, and harvesting of timber; provided, that no filling, flooding, draining, dredging, ditching, tiling, or excavating is done except for temporary water level stabilization measures to alleviate abnormally wet or dry conditions which would have an adverse impact on silvicultural activities if not corrected;
- D. Construction and maintenance of fences;
- E. Agricultural crops and grazing; provided, that they do not involve extension of cultivated areas, extension of or creation of new drainage systems; and further provided, that they do not substantially disturb or impair the natural fauna, flora, topography, or water regimen;

- F. Ditching, tiling, dredging, excavating, or filling done to maintain or repair an existing drainage system only to the extent necessary to maintain the level of drainage required to continue the existing use;
 - G. The construction and maintenance of piers, docks, and walkways, including those built on pilings;
 - H. The maintenance, repair, replacement, and reconstruction of existing streets, roads, and bridges.
- (Ord. 1196 § 1(part), 1990).

19.451.030 Conditional uses.

The following uses are conditional uses in the C-2 nonshoreland wetland district and may be permitted as specified:

- A. The construction of streets which are necessary for the continuity of the city street system, necessary for the provision of essential utility and public safety services, or necessary to provide access to permitted open space uses in the C-2 district; provided, that:
 - 1. The street cannot as a practical matter be located outside the conservancy district;
 - 2. The street is designed and constructed to minimize adverse impact upon the natural functions of the wetland as listed in Section 11.1308(B) of the Wisconsin Statutes;
 - 3. The street is designed and constructed with the minimum cross-section practical to serve the intended use;
 - 4. The street construction activities are carried out in the immediate area of the roadbed only; and
 - 5. Any filling, flooding, draining, dredging, ditching, tiling, or excavating that is done must be necessary for the construction or maintenance of the street.
- B. The construction and maintenance of nonresidential buildings used solely in conjunction with raising of waterfowl, minnows, or other wetland or aquatic animals or used solely for some other purpose which is compatible with wetland preservation; provided, that:
 - 1. The building cannot as a practical matter be located outside the conservancy district;
 - 2. The building is not designed for human habitation and does not exceed five hundred square feet in area; and
 - 3. Only limited filling or excavating necessary to provide structural support is conducted.
- C. The establishment and development of public and private parks and recreation areas, recreation trails, public boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves, and private habitat areas; provided, that:
 - 1. Any private recreation or wildlife habitat area must be exclusively for that purpose;
 - 2. No filling is to be done; and
 - 3. Ditching, excavating, dredging, dike and dam construction may be done in wildlife refuges, game preserves, and private wildlife habitat areas, but only for the purpose of improving wildlife habitat or to otherwise enhance the value of a wetland or other natural resource.
- D. The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities; provided, that:
 - 1. The transmission and distribution lines and related facilities cannot as a practical matter be located outside the conservancy district; and
 - 2. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the construction or maintenance of the utility, and must be done in a manner designed to

minimize flooding and other adverse impacts upon the natural functions of the conservancy area.

E. The construction and maintenance of railroad lines; provided, that:

1. The railroad lines cannot as a practical matter be located outside the conservancy district; and
2. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the construction or maintenance of the railroad, and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the conservancy area.

(Ord. 1196 § 1(part), 1990).

19.451.040 Prohibited uses.

Any use not listed as a permitted use or a conditional use is prohibited unless the C-2 district lands concerned are first rezoned into another district. Furthermore, the use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high water mark of any navigable water are prohibited.

(Ord. 1196 § 1(part), 1990).

Chapter 19.485 LARGE RETAIL AND COMMERCIAL SERVICE DEVELOPMENT STANDARDS

Chapter 19.485 LARGE RETAIL AND COMMERCIAL SERVICE DEVELOPMENT STANDARDS.....	115
19.485.010 Title.....	115
19.485.020 Description.....	115
19.485.030 Conditional use permit or PD approval required.....	115
19.485.040 Regulations.....	116

19.485.010 Title.

This section shall be known, cited, and referred to as the large retail and commercial service development chapter.

(Ord. No. 1796A, § 3, 8-3-2010)

19.485.020 Description.

A large retail and commercial service development is a development comprised of one (1) or more contiguous parcels or building sites for a single retail or commercial service enterprise or for multiple such enterprises within which the total combined floor and surface area of all indoor retail and/or commercial activities, associated enclosed or outdoor storage, and associated outdoor display exceeds fifty thousand (50,000) square feet.

The requirements of Chapter 19.485 are applicable to any new, altered or expanded establishment or group of establishments that meet or exceed the above floor and surface area threshold, where a complete application for conditional use permit or PD zoning is filed after the effective date of this chapter.

(Ord. No. 1796A, § 3, 8-3-2010)

19.485.030 Conditional use permit or PD approval required.

A. Aside from where allowed under an approved PD district, large retail and commercial service developments shall require a conditional use permit within any district in which they are allowed per other chapters in this title. All additions to structures, parking, or storage areas that are part of an approved large retail and commercial service development shall require an amendment to the conditional use permit or the previously approved PD plans, per the associated requirements for such amendments in this title.

- B. Subsequent changes to individual land uses listed as permitted uses within the applicable zoning district (for example, a new tenant in a pre-existing retail space) are permitted without amendment to the associated large retail and commercial development conditional use permit or PD specific implementation plan, unless said conditional use permit or PD plan placed restrictions on such change of use.
 - C. Subsequent individual land uses following initial approval of the development allowed only by conditional use permit in the zoning district or approved PD specific implementation plan may be allowed only under a subsequent conditional use permit for the specific use, regardless of whether said use entails modifications to the building and/or site layout.
- (Ord. No. 1796A, § 3, 8-3-2010)

19.485.040 Regulations.

In addition to applicable zoning district standards and other applicable standards of this title, each large retail and commercial service development shall meet the following additional standards, as may be applicable given the size of each such development:

- A. Traffic Impact Analysis. A traffic impact analysis is required when a development reaches or exceeds the defined threshold for such an analysis outlined in Figure 19.485(2), and may be required by the city director of public works for projects below that threshold if there is initial evidence to suggest that existing roads in the area may not be adequate to accommodate additional traffic demands.
The traffic impact analysis shall be completed in accordance with standards approved by the city director of public works, or where he/she does not approve a particular standard, with the most current revision of the Traffic Impact Analysis Guidelines published by the State of Wisconsin Department of Transportation. Where the traffic impact analysis indicates that the proposed development may cause off-site public roads, intersections, or interchanges to function below level of service (LOS) D, then the city may deny the application, may require a size reduction in the proposed development, and/or may require the developer to construct and/or pay for required off-site improvements to achieve LOS D for a planning horizon of a minimum of ten years following full build-out of the development. All such developments shall have direct access to an arterial or collector street. Vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; access drive entry throat length, width, design, location, and number; traffic control devices; and/or sidewalks. The site design shall provide direct transportation connections to adjacent land uses and sites if required by the city.
- B. Economic and Fiscal Impact Analysis. An economic and fiscal impact analysis is required in accordance with the data requirements established by the City. In addition:
 - 1. The analysis shall identify and assess the economic and fiscal impacts on the city.
 - 2. The analysis shall propose measures to mitigate adverse impacts and/or maximize positive impacts, including provision of infrastructure or public service improvements sufficient to support the development. Any adverse impacts that cannot be mitigated shall be identified. Mitigation measures to be implemented by the applicant shall be identified.

3. If required by the zoning administrator, the applicant shall provide the necessary funding to the city to hire a consultant of the city's choice, with appropriate experience to complete and present an objective economic and fiscal impact analysis to the city.

C. Detailed Neighborhood Plan. A detailed neighborhood plan is required in accordance with requirements established by the City. Such neighborhood plan shall cover any undeveloped areas within a one-thousand-five-hundred (1,500) foot distance from the boundaries of the development site (except where a lesser distance is approved by the zoning administrator). The detailed neighborhood plan must be completed by the city or applicant prior to the application for conditional use permit or rezoning, and submitted or referenced with such application. The detailed neighborhood plan shall include a map of sufficient detail to establish the potential future mix and development of land uses based on the city's comprehensive plan and the relationship of surrounding lands to the large retail and commercial service development with regard to provision of streets, driveways, bicycle/pedestrian routes, utilities, stormwater management, landscape transitions, setbacks, and community design and character, and general layout, all in a manner that is consistent with the city's comprehensive plan.

D. Facilities and Associated Features. The following requirements are applicable when a large retail and commercial service development reaches or exceeds the defined threshold for such facilities and associated features outlined in Figure 19.485(2):

1. Building Location. Wherever practical, as determined by the plan and architectural review commission based on the particular setting, the primary building within the development shall be located close to the public street, including parking to the side or rear of that building. Where such primary building is proposed to be distant from the public street, the commission may require that the overall development design include smaller buildings on pads or outlots closer to the street. All buildings on outlots shall have an orientation and architectural quality that relates to the primary building. Placement and orientation of all buildings must facilitate appropriate land use transitions and appropriate traffic flow to adjoining roads and to neighboring commercial areas, commercial sites, and neighborhoods, and must forward community character objectives described in the city's comprehensive plan. Also see Subsection 19.485.040E.7. below for requirements associated with the location of parking lots.
2. Building Materials. Exterior building materials shall be of comparable aesthetic quality on all sides. Building materials such as glass, brick, stone, tinted and decorative concrete block are preferred, with wood, stucco, and exterior insulation and finish systems (EIFS) also permitted, as determined appropriate by the plan and architectural review commission. Decorative architectural metal with concealed fasteners or decorative tilt-up concrete panels may be approved only if integral to the overall design of the building. Windows shall be prominently incorporated into the building design for both aesthetic and daylighting effect.
3. Building Design. The building exterior shall complement other buildings in the vicinity (except those buildings identified for redevelopment), and shall meet the following:
 - a. The building shall employ varying facade setbacks, heights, roof treatments, doorways, window openings, and other structural or decorative elements appropriate to the size and scale of the building and to add architectural interest.

- b. Ground floor facades that face public streets shall have some combination of features (such as display windows, entry areas, awnings, or other such features) that are oriented to pedestrians and create a smaller scale, street-friendly character. f. The integration of windows into building design is required. Windows shall be transparent glass wherever the plan and architectural review commission determines it practical. The use of blinds, or display windows shall be acceptable where there is a determination that opacity is required. Backlighting of such windows may be required in such instances.
4. Building Entrances. Public building entrances shall be clearly defined and highly visible on the building's exterior design, and shall be emphasized by, and be the focal point for, on-site traffic flow patterns. Two or more of the following design features shall be incorporated into all public building entrances: canopies or porticos, overhangs, projections, arcades, peaked roof forms, arches, or outdoor patios.
5. Screening.
- a. All ground-mounted and wall-mounted mechanical equipment, refuse containers and any permitted outdoor storage shall be fully concealed from on-site and off-site ground-level views, with materials identical to those used on the building exterior facades.
 - b. All rooftop mechanical equipment shall be screened by parapets, upper stories, and/or strategic placement relative to exterior walls or roofs, so as to not be visible from public streets adjacent or within one thousand feet of the subject property.
 - c. Loading docks shall be completely screened from surrounding public streets and properties. Said screening may be accomplished through loading areas internal to buildings, screen walls which match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations.
 - d. Gates and fencing may be used for security and access, but not for screening, and they shall be of high aesthetic quality. Decorative metal picket fencing and screening is acceptable. Chain link, wire mesh, or wood fencing is unacceptable, except that decorative, heavy-duty wood gates may be used.
6. Parking.
- a. All parking lots shall be designed in accordance with Chapter 19.51 of this title.
 - b. Parking lots in which the number of spaces significantly exceeds the minimum number of parking spaces required for the specific use or uses in Section 19.51.130 shall be allowed only with specific and reasonable justification provided by the applicant within the application.
 - c. Parking lots shall be designed to create distinct parking subareas through use of landscaped and curbed medians and islands, a minimum of ten (10) feet in width from back-of-curb to back-of-curb. Each landscaped island shall be a minimum of three hundred sixty square (360) feet in landscaped area.
 - d. Wherever site conditions allow, the plan and architectural review commission may require some or all parking to be oriented to the side and/or rear of the primary building within the development, allowing the building to be located closer to the public street. Applicants proposing to locate the majority of parking between the primary building and the public street shall submit information along with their application identifying the reasons why more or all parking may not be located to the

side or rear of the principal building, either through a change in parking location, change in building location, or both.

- e. Wherever site conditions allow, the plan and architectural review commission may require some or all parking to be shared with surrounding uses and/or the provision of cross-easements for customers to access adjacent parking areas without circulation through surrounding streets.
7. Bicycle and Pedestrian Facilities.
 - a. The entire development shall provide for safe pedestrian and bicycle access to all uses within the development, connections to existing and planned public sidewalks and other pedestrian and bicycle facilities, and connections to adjacent properties.
 - b. Pedestrian walkways shall be provided from all building entrances to existing or planned public sidewalks or other pedestrian and bicycle facilities. The minimum width for sidewalks adjacent to buildings shall be eight (8) feet; and the minimum width for sidewalks elsewhere in the development shall be five (5) feet.
 - c. Sidewalks internal to the development shall have adjoining landscaping along at least fifty (50%) percent of their length, and may be required to be provided with pedestrian-scale lighting.
 - d. Crosswalks within parking and driveway areas shall be distinguished from driving surfaces to enhance pedestrian safety by using different pavement materials, color, and/or texture in combination with signage.
 - e. The development shall provide secure, attractive, integrated bicycle parking.
 8. Central Areas and Features. Each development exceeding eighty thousand (80,000) square feet in floor area (per the measurement method in Section 19.485.020) shall provide central area(s) or feature(s) such as a patio/seating area, pedestrian plaza with benches, outdoor playground area, water feature, and/or another such deliberately designated outdoor area or focal point that adequately enhance the development or community. Such area shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the primary building and remainder of the site, and maintained over the life of the development.
 9. Cart Returns. A minimum of one two-hundred (200) square-foot cart return area (corral) shall be provided for every one hundred (100) parking spaces. Cart corrals shall be of durable, non-rusting, all-season construction, and shall be designed and colored to be compatible with the building and parking lot light standards. There shall be no exterior cart return or cart storage areas located within twenty-five (25) feet of any building.
 10. Outdoor Display Areas. Exterior sales and display areas--whether permanent or seasonal--shall be permitted only where clearly depicted on the approved site plan associated with the development. All exterior display areas shall be separated from motor vehicle routes by a physical barrier visible to drivers and pedestrians, and by a minimum of ten (10) feet. Display areas on sidewalks directly in front of buildings building must maintain a minimum walkway width of eight (8) feet between the display items and any vehicle drives.
 11. Outdoor Storage Uses and Areas. Exterior storage structures or uses, including the parking or storage of service vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, forklifts, trash, recyclables, and all other items shall be permitted only where clearly depicted and labeled on the approved site plan. Such outdoor storage uses and areas shall be appropriately screened as required by Title 19.

12. Landscaping. On-site landscaping shall be provided at time of building occupancy (except as allowed under Section 19.66.060), shall meet all applicable landscaping guidelines approved by the city council or plan and architectural review commission, and shall be maintained per the requirements of such guidelines and Title 19 over the life of the development.
13. Lighting. On-site exterior lighting shall meet all the standards of Title 19. In addition, the color and design of pole lighting standards shall be compatible with the primary building in the development and the public lighting in the area, and shall be uniform throughout the entire development site.
14. Signage. In addition to meeting the applicable requirements of Title 19, a signage plan for all exterior signage shall provide for coordinated and complementary exterior sign locations, configurations, and colors throughout the development. Combined signs for multiple users may be required instead of multiple individual signs. The city may require the use of muted corporate colors on signage if proposed colors are not compatible with the city's design objectives for the area.
15. Environmental Sustainability, Natural Resources Protection, and Stormwater Management. Natural resources shall be protected in accordance with Title 19. In general, existing natural features shall be integrated into the site design as a site and community amenity. Each project shall meet the erosion control and stormwater management standards found in Title 16 of the Municipal Code and other applicable city ordinances.

Each development shall intentionally incorporate into site and building design elements that contribute to the long-term environmental sustainability of the development and the city, as such terms are described in the city's comprehensive plan. Each development shall provide at least one-half of the following sustainability features:

- a. Reuse an existing, previously developed building and/or site.
- b. Utilize one or more rain gardens or bioswales, as described in the City of Whitewater Landscaping Guidelines, to capture and manage stormwater.
- c. Install a green roof or roof-top garden.
- d. Incorporate stormwater management facilities that are designed to both serve their primary function and appear as natural features that can serve as attractive focal points for the development.
- e. Install native/naturalized landscaping that minimizes requirements for irrigation/watering and provides natural habitat.
- f. Install systems that allow for the capture and later use of rainwater to water landscaping and for other permitted functions.
- g. Deliberately design/retrofit the primary building with energy efficient systems, such as lighting, refrigeration, and HVAC systems.
- h. Integrate solar, geothermal, wind, or other on-site energy generation into the site and/or building design.
- i. Utilize paving and/or roof materials with a solar reflectance index of at least twenty-nine (29) for a minimum of fifty (50%) percent of the combined pavement and roof area on the site.
- j. Purchase a minimum of fifty(50%) percent of the development's energy from renewable sources, such as wind or solar.

- k. Recycle of a minimum of seventy-five (75%) percent of the waste generated during building/site construction.
 - l. Utilize a minimum of twenty-five (25%) percent recycled materials for building construction.
 - m. Utilize a minimum of fifty (50%) percent regional materials for building construction (extracted, harvested, or recovered, and manufacturing from within five hundred miles of the development site).
 - n. No more than two (2) additional sustainability features not listed above but approved by the plan and architectural review commission to meet the city's sustainability objectives, not including any feature already required by another section of this chapter.
16. Vacation of Existing Buildings in Large Retail and Commercial Service Developments.
- a. Where any large retail or commercial service development that has fifty thousand or more square feet of floor area is vacated because the commercial use (sale of goods or merchandise at the building) conducted thereon is being relocated to a different building or discontinued, the party shall be subject to the following provisions:
 - i. The party that vacated the site shall not impose limits on the type of reuse of the vacated site through conditions of sale or lease.
 - ii. The development agreement for the new development at the new site shall include provisions therein whereby the developer of the new site commits to the requirements contained herein.
 - b. In addition to the above, any building within large retail or commercial service development that has twenty thousand or more square feet of floor area and is vacated for any reason shall be subject to the following provisions:
 - i. The owner must file with the city a written statement as to the names, phone numbers, and addresses for all persons who are in control of the property and building and other data as required by the City.
17. Development Agreement. The developer shall enter into a development agreement with the city which shall include the payment of all utilities, including, but not limited to, stormwater, sanitary sewer, and street infrastructure. Off-site improvements may also be required as part of the development agreement.
18. Exceptions. In the event the applicant desires a deviation or exception from the requirements of this section, the applicant shall present justification for such deviation or exception, including, but not limited to, preexisting conditions on a redevelopment site, which may be approved or denied by the plan and architectural review commission.

Chapter 19.49 WELLHEAD PROTECTION

Chapter 19.49 WELLHEAD PROTECTION.....	122
19.49.010 Title.....	122
19.49.020 Purpose and authority.....	122
19.49.030 Applicability.....	122
19.49.040 Definitions.....	123
19.49.050 Wellhead protection area.....	123
19.49.060 Enforcement.....	125

19.49.010 Title.

This section shall be known, cited and referred to as the "Wellhead Protection Ordinance" (hereinafter "WHP ordinance").

(Ord. 1383 § 1(part), 1997).

19.49.020 Purpose and authority.

- A. The residents of the City of Whitewater (hereinafter "the city") depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of the WHP ordinance codified in this chapter is to protect the city's municipal water supply and areas from which city wells draw water, and to promote the public health, safety and general welfare of the residents of the city.
- B. These regulations are established pursuant to the authority granted by the Wisconsin Legislature in 1983, Wisconsin Act 410 (effective May 11, 1984), which specifically added groundwater protection to the statutory authorization for municipal planning and zoning in order to protect the public health, safety and welfare. Areas appropriate for protection in the WHP are established in the wellhead protection plan ("the plan") for City of Whitewater, Wisconsin, dated September 1996 and prepared by Strand Associates, Inc. The Plan document is incorporated herein by this reference, and a copy is on file in the office of the city clerk.

(Ord. 1383 § 1(part), 1997).

19.49.030 Applicability.

The regulations specified in the WHP ordinance codified in this chapter shall apply only to lands within those portions of the five (5) year time of travel zones (hereinafter sometimes "TOT") of Well No. 9 shown on the wellhead protection map (see Exhibit A in Appendix D of WHP) (hereinafter "the map"), which areas also lie within the city corporate limits.

(Ord. 1383 § 1(part), 1997).

19.49.040 Definitions.

As used in this chapter:

1. "Aquifer" means a saturated, permeable geologic formation that contains and will yield significant quantities of water.
2. "Cone of depression" means the area around a well, in which the water level has been lowered at least one-tenth of a foot by pumping of the well.
3. "Existing facilities which may cause or threaten to cause environmental pollution" means existing facilities which may cause or threaten to cause environmental pollution within the corporate limits of the city's well No. 9 recharge area which include but are not limited to the Wisconsin Department of Natural Resources' draft list of "Inventory of Sites or Facilities Which may Cause or Threaten to Cause Environmental Pollution," and Department of Industry, Labor and Human Relations list of "Leaking Underground Storage Tanks" (hereinafter "LUST's") and the Registry of Waste Disposal Sites in Wisconsin, all of which are incorporated herein by reference, together with future amendments thereto, as if fully set forth.
4. "Five Year Time of Travel (TOT)" The five year TOT is a portion of the recharge area, the outer boundary of which it is determined or estimated that groundwater and potential contaminants will take five years to reach a pumping well. The five year TOT for Whitewater's municipal well No. 9 is established based on the uniform flow equation. The TOT area is shown on the map. The TOT area shown on the map is hereinafter referred to as "the TOT."
5. "Groundwater divide" means ridge in the water table, or potentiometric surface, from which groundwater moves away at right angles in both directions. Line of highest hydraulic head in the water table or potentiometric surface.
6. "Groundwater protection overlay district" shall be defined as that area within the TOT shown on the map attached as Exhibit A and incorporated herein by reference as if fully set forth.
7. "Recharge area" means area in which water reaches the zone of saturation by surface infiltration and encompasses all areas or features that supply groundwater recharge to a well.
8. "Wellhead protection area" means those proportions of the TOT which lie within the City of Whitewater corporate limits.
(Ord. 1383 § 1(part), 1997).

19.49.050 Wellhead protection area.

- A. Intent. The area to be protected is the Whitewater wellhead protection area (hereinafter "WPA") (as determined by the plan) contained within the city boundary limits. These areas are designated on the map. These lands are subject to land use and development restrictions because of their close proximity to the TOT and the corresponding high threat of contamination.
- B. Permitted Uses. The following are the only permitted uses within the WPA:
 1. Any existing use, even though listed on prohibited uses, below, located within such areas to the extent that use currently exists, subject to the requirements for existing prohibited uses, subsection E of this section below;

2. Those uses permitted under Whitewater zoning code consistent with the zoning map, as amended by action of the Whitewater city council and which are not prohibited under subsection C of this section below.
- C. Prohibited Uses. The following uses, if created after the adoption of the WHP ordinance codified in this chapter, are prohibited uses within the wellhead protection area designated on the map. These uses are prohibited based on the high probability that activities routinely associated with these uses (storage, use and handling of potential pollutants) will cause groundwater contamination. Uses not listed are not considered permitted uses.
1. Underground storage tanks of any size;
 2. Septage and/or sludge spreading;
 3. Animal waste land spreading;
 4. Animal waste facilities;
 5. Animal confinement facilities;
 6. Gas stations;
 7. Vehicle repair establishments, including auto body repair;
 8. Printing and duplicating businesses;
 9. Bus or truck terminals;
 10. Repair shops;
 11. Landfills or waste disposal facilities;
 12. Wastewater treatment facilities;
 13. Spray wastewater facilities;
 14. Junk yards or auto salvage yards;
 15. Bulk fertilizer and/or pesticide facilities;
 16. Asphalt products manufacturing;
 17. Dry-cleaning businesses;
 18. Salt storage;
 19. Electroplating facilities;
 20. Exterminating businesses;
 21. Paint and coating manufacturing;
 22. Hazardous and/or toxic materials storage;
 23. Hazardous and/or toxic waste facilities;
 24. Radioactive waste facilities;
 25. Recycling facilities;
 26. Cemeteries.
- D. Where any of the uses listed in subsection C of this section above exist within the WPA on the effective date of the ordinance codified in this chapter, owners of these facilities will be allowed to upgrade such uses to facilitate or enhance groundwater protection. Plans for the proposed upgrade must be approved by the plan commission, and the appropriate permit issued by the city building inspector/zoning administrator's office prior to any work being initiated. Expansion of the prohibited use may be allowed with approval of the planning commission.
- E. Requirements for Existing Prohibited Uses, Section 19.49.050C Above.
1. Such uses shall provide copies of all federal, state and local facility operation approvals or certificate to the city zoning administrator and ongoing environmental monitoring results to the city director of public works.

2. Such uses shall provide additional environmental or safety structures/monitoring as deemed necessary by the city, which may include but are not limited to stormwater runoff management and monitoring.
3. Such uses shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.
4. Such uses shall have the responsibility of devising and filing with the city a contingency plan satisfactory to the city zoning administrator for the immediate notification of city officials in the event of an emergency.

(Ord. 1383 § 1(part), 1997).

19.49.060 Enforcement.

- A. In the event the individual and/or facility engaging in permitted use(s) under this chapter causes the release of any contaminants which endangers the WPA, the activity causing said release shall immediately cease and a cleanup satisfactory to the city shall occur.
- B. The individual/facility causing the release of contaminants shall be responsible for all costs of cleanup. The costs of cleanup shall include, but not be limited to, city consultant fees, at the invoice amount plus administrative costs for oversight, review and documentation.
 1. The cost of city employees' time associated in any way with the cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the city representing the city's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits;
 2. The cost of city equipment employed;
 3. The cost of mileage reimbursed to city employees attributed to the cleanup.
- C. Following any such discharge the city may require additional test monitoring and/or bonds/sureties as it deems necessary and reasonable.
- D. Penalties for noncompliance shall be provided pursuant to Section 19.75.080 of this code.

(Ord. 1383 § 1(part), 1997).

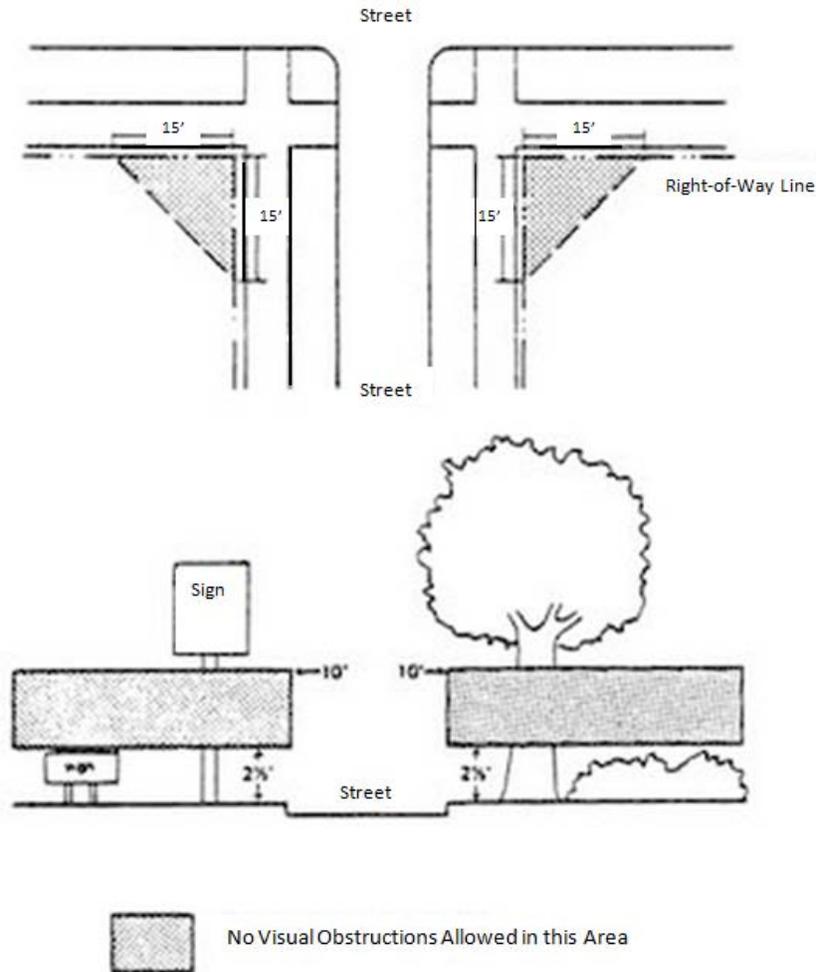
Chapter 19.51 TRAFFIC, PARKING AND ACCESS

Chapter 19.51 TRAFFIC, PARKING AND ACCESS.....	126
19.51.010 Intersection visibility requirements.....	126
19.51.020 Loading requirements.....	127
19.51.030 Parking requirements--Generally.....	127
19.51.040 Adequate access--Driveways.....	128
19.51.050 Size, location, and surface material of parking spaces.....	128
19.51.060 Lighting of parking areas.....	129
19.51.070 Buffer screening of on-grade parking areas.....	129
19.51.080 Front, side, and rear yard parking limitation.....	129
19.51.090 Designated parking areas.....	130
19.51.100 Landscaped islands for parking bays.....	130
19.51.110 Surfacing of parking areas.....	130
19.51.120 Curbs and barriers.....	131
19.51.130 Number of parking stalls--General requirements.....	131
<u>19.51.135 Number of parking stalls-- Review Commission</u>	
19.51.140 Number of parking stalls--Combination uses.....	134
19.51.150 Number of parking stalls--Uses not listed.....	134
19.51.160 Parking exemption in B-2 central business district and the B-1A University mixed-use overlay district.....	134
19.51.170 Computation of required parking area.....	134
19.51.180 Truck, trailer, mobile home and equipment parking restrictions.....	135
19.51.190 Highway access limitations.....	135

19.51.010 Intersection visibility requirements.

- A. At all intersections of streets or alleys, no fence, hedge, wall, sign or other structure shall be erected, placed, planted or allowed to grow in such a manner as to collectively impede more than fifteen percent of the vision area between a height of two and one-half (2 ½) feet and ten (10) feet above the established curb level of the intersection of streets or alleys in the area bounded by the right-of-way lines and a line joining points along the right-of-way fifteen feet from the point of intersection. (Refer to diagram below.)

B. In the case of major streets and highways intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to forty (40) feet.



(Ord. 994 § 4.1, 1982).

19.51.020 Loading requirements.

In all districts except the B-2 central business district, adequate loading areas shall be provided so that all vehicles loading, maneuvering to do so, or unloading, are completely off the public ways, except alleys.

(Ord. 994 § 4.2, 1982).

19.51.030 Parking requirements--Generally.

In all districts, and in connection with every use, there shall be provided at the time any building is erected, enlarged, extended, increased, or use is changed, off-street parking stalls for all vehicles in accordance with Sections 19.51.040 through 19.51.180.

(Ord. 994 § 4.3(part), 1982).

19.51.040 Adequate access--Driveways.

- A. Adequate access to a public street shall be provided for each parking space, and driveways shall be at least ten (10) feet wide for parking areas for less than ten (10) vehicles, and at least two ten-foot lanes for parking lots for ten or more vehicles, except as otherwise provided in Section 19.51.050(A)(2).
- B. Driveways shall not exceed twenty-four (24) feet in width at the street right-of-way line, except as otherwise determined by the plan and architectural review commission during site plan review.
- C. No driveway may be closer than three (3) feet to an abutting property line, except where two adjacent lots have a common driveway then the three (3) foot minimum distance shall not apply. Common, shared, and cross-access driveways between adjacent lots are permitted, provided that such driveways are established by recorded easement that may not be removed except by approval of the city or as otherwise permitted by law (such as non-conforming use o, prescriptive easements). -
- D. All areas intended to be utilized as a driveway shall be surfaced with asphalt or concrete with materials to control dust and drainage, except in the case of farm dwellings and operations unless otherwise permitted in the zoning district, or approved by the Planning Commission under a Conditional Use Permit (CUP) or permitted by Neighborhood Services. In all cases, permeable or pervious materials are preferred. Plans for surfacing and drainage of driveways shall be submitted to the City for review and approval.
- a. All drivesway regardless of material shall have a driveway apron and meet the standard of 19.51.050 C.

(Ord. 1452 § 6(part), 2000; Ord. 994 § 4.3(A), 1982).

19.51.050 Size, location, ~~and maintenance, and~~ surface material of parking spaces.

- A. The size of each parking space shall be at least nine (9) feet wide and not less than one hundred eighty (180) square feet exclusive of the space required for ingress and egress, except as follows:
1. End parking spaces may be seven and one-half (7 ½) feet wide and not less than one hundred fifty (150) square feet.
 2. Interior parking spaces may be eight and one-half (8 ½) feet wide and not less than one hundred fifty (150) square feet, provided that internal driveways providing two-way access to parking spaces are not less than twenty-four (24) feet in width.
 - ~~3.~~ All areas intended to be utilized as parking shall be surfaced with ~~materials to control dust~~hard surfaces and drainage, except in the case of farm dwellings and operations. —Location shall be on the same lot as the principal use or not over six hundred (600) feet from the principal use and follow 19.51.140. In all cases, permeable or pervious materials are preferred. Plans for surfacing and drainage of parking shall be submitted to the City for review and approval. Curb cut openings shall be a minimum of five feet from the side yard property line in all districts.

- B. All driveway parking areas shall be surfaced with asphalt or concrete (unless otherwise permitted in the zoning district, or approved by the Planning Commission under a Conditional Use Permit (CUP) or permitted by Neighborhood Services):
1. For new driveway and parking areas, such surfacing shall be completed within 9 months of the site plan or parking lot plan approval or in accordance with the timeline established in the site plans. Driveway shall be paved within nine (9) months of installation of the permanent street.
 2. In the event of neglect or migration of sediment the owner shall be given notice and required to make the necessary corrections to bring the driveway up to compliance.

C. Driveway Aprons

The driveway apron is defined as the area between the sidewalk and the curb. The apron shall be installed from the street curb to the sidewalk. When there is no sidewalk, the apron shall extend a minimum of 6 feet from the back of the curb towards the property. Paved aprons shall be installed:

1. At such time that the property gravel becomes a nuisance in street right-of-way.

D. Driveway Maintenance Requirements

1. All property owners shall be responsible for the long-term maintenance of the driveway and related drainage. In the event of neglect or migration of sediment the owner shall be given notice and required to make the necessary corrections to bring the driveway up to compliance.

(Ord. 1452 § 6(part), 2000: Ord. 994 § 4.3(B), 1982).

19.51.060 Lighting of parking areas.

Lights provided in any parking area shall be regulated by the standards in Section 19.57.150. (Ord. 1452 § 6(part), 2000: Ord. 994 § 4.3(C), 1982).

19.51.070 Buffer screening of on-grade parking areas.

When a required off-street parking area for five (5) or more vehicles is located within fifteen (15) feet of any lot line or public right-of-way line in any district, a buffer yard or screen shall be required in accordance with Section 19.57.140 of this title, except where the adjoining property also contains a parking lot within fifteen (15) feet of the shared lot line.

(Ord. 1452 § 6(part), 2000: Ord. 1364 § 11, 1997: Ord. 994 § 4.3(D), 1982).

19.51.080 Front, side, and rear yard parking limitation.

~~A.~~ In all residential districts, except as provided in subsections B, C and D below, or as otherwise allowed by a previously granted zoning permit, not more than three (3) vehicles shall be parked in any combination of the front or side yard area. In no case shall vehicles be parked closer than three (3) feet to any abutting property line (except for shared parking areas for which a zoning permit has been granted) or any lawn or landscaped area. All parking

must take place in legally established and maintained parking areas or driveways. ~~outside of any required vehicular circulation areas.~~

A. A legally established two-family dwelling may have up to six (6) vehicles parked in any combination of the front and side yard area. Up to eight (8) vehicles parked in any combination may be permitted through a Conditional Use Permit (CUP) if the property can meet all stormwater requirements, buffer screening and any other requirements deemed necessary by the Plan and Architectural Review Commission.

~~B.~~

B. In the R-3 Multifamily Residence District, except for legally established two-family dwellings or otherwise allowed by a zoning permit, not more than ~~five~~six (6) vehicles may be parked in any combination of the front or side yard area. Newly constructed or reconstructed properties as of the date of this chapter may have no more than three (3) vehicles in front and side yards.

~~C.~~

C. The number of vehicles allowed within front and side yard areas of lots occupied by single family residences may be increased to one per licensed driver legally occupying the property, not to exceed five (5) vehicles.

~~D.~~

(Ord. 1082 § 8, 1986).

(Ord. No. 1688A, 6-17-2008; Ord. No. 1715A, 2-3-2009)

19.51.090 Designated parking areas.

Vehicle parking shall only be permitted in designated parking areas approved in the issuance of a zoning permit. Expansion of existing parking areas requires issuance of an approved zoning permit.

(Ord. 994 § 4.3(F), 1982).

19.51.100 Landscaped islands for parking bays.

Landscaped islands shall be required at the ends of parking bays to clearly define lane and turning patterns, except in the M-1 district.

(Ord. 994 § 4.3(G), 1982).

19.51.110 Surfacing of parking areas.

All areas intended to be utilized for off-street parking areas shall be graded and surfaced with materials to control dust and drainage per city requirements for stormwater management. Hard surfaces shall be required for all multifamily residential and nonresidential uses, except that areas primarily used for parking of construction vehicles and related equipment may be surfaced with gravel if approved by conditional use permit. In all cases, permeable or pervious materials are preferred. Plans for surfacing and drainage of off-street parking areas shall be submitted to the City for review and approval. Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked. (Ord 1482 § 1-, 2001: Ord. 1364 § 12, 1997: Ord. 994 § 4.3(H), 1982).

19.51.120 Curbs and barriers.

Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines or required sidewalks.

(Ord. 994 § 4.3(I), 1982).

19.51.130 Number of parking stalls--General requirements.

The minimum number of parking stalls required is as follows:

<u>Districts</u>	<u>Minimum</u>	<u>Maximum</u>
<u>R-1</u>	<u>2 stalls</u>	<u>Must follow 19.51.080. Not to exceed the impervious surface regulation (19.15.70)</u>
<u>R-1X</u>	<u>2 stalls</u>	<u>Must follow 19.51.080. Not to exceed the impervious surface regulation (19.16.021)</u>
<u>R-2</u>	<u>2 stalls for each dwelling unit</u>	<u>Must follow 19.51.080. Not to exceed the impervious surface regulation (19.18.70)</u>
<u>R-2A</u>	<u>85% per Bedroom</u>	<u>Must follow 19.51.080. Not to exceed the impervious surface regulation (19.18.70)</u>
<u>R-3</u>	<u>80% per Bedroom</u>	<u>Not to exceed the impervious surface regulation (19.21.70)</u>
<u>R-3A</u>	<u>65% per Bedroom</u>	<u>Not to exceed the impervious surface regulation (19.21.70)</u>
<u>B-1A</u>	<u>65% per Bedroom</u>	<u>Not to exceed the impervious surface regulation (19.27.70)</u>
<u>B-2</u>		<u>Uses within the B-2 central business district are exempted from this requirement, except if specifically required for a particular conditional use in that district under Section 19.30.030</u>

Note: Efficiency Units shall count as 1 Bedroom. All minimum requirements are to be rounded up when calculating EXAMPLE: in the R-2A if you have an allowable occupancy of 5 non-related then 5 * 85%= 4.25 so 5 stall is the minimum.

Uses within the B-2 central business district are exempted from this requirement, except if specifically required for a particular conditional use in that district under Section 19.30.030—	—
Single family dwellings—	2 stalls—
Mobile homes—	2 stalls for each dwelling unit—
Duplex and multifamily dwellings—	—
Efficiency/one bedroom—	1 stalls for each dwelling unit—
Two to three bedrooms—	2 stalls for each dwelling unit—
Four or more bedrooms—	3 stalls for each dwelling unit—
Hotels, motels—	1 stall for each guest room plus 1 stall for each 2 employees working per shift—
Sororities, fraternities, dormitories, boardinghouses and similar group dwelling quarters—	1 stall for each 2 persons plus 1 stall for each 3 employees working per shift—
Nursing homes—	1 stall for each 5 beds plus 1 stall for each 2 employees working per shift—
Medical and dental clinics and offices—	3 stalls for each doctor plus 1 stall for each 2 employees—
Churches, theaters, community centers, and other places of public assembly—	1 stall for each 5 seats—
Schools (elementary and secondary)—	2 for each classroom—
Restaurants, bars, places of entertainment—	1 stall for each 200 square feet of primary floor area—
Retail and service, commercial—	1 stall for each 250 square feet of primary floor area—
Manufacturing and processing plants, laboratories and warehouses—	1 stall for each 2 employees per working shift—
Financial institutions; business, governmental and professional offices—	1 stall for each 300 square feet of primary floor area—

<u>Use</u>	<u>Minimum</u>
<u>Hotels, motels</u>	<u>1 stall for each guest room plus 1 stall for each 2 employees working per shift</u>
<u>Sororities, fraternities, dormitories, boardinghouses and similar group-dwelling quarters</u>	<u>1 stall for each 2 persons plus 1 stall for each 3 employees working per shift</u>
<u>Nursing homes</u>	<u>1 stall for each 5 beds plus 1 stall for each 2 employees working per shift</u>
<u>Medical and dental clinics and offices</u>	<u>3 stalls for each doctor plus 1 stall for each 2 employees</u>
<u>Churches, theaters, community centers, and other places of public assembly</u>	<u>1 stall for each 5 seats</u>
<u>Schools (elementary and secondary)</u>	<u>2 for each classroom</u>
<u>Restaurants, bars, places of entertainment</u>	<u>1 stall for each 200 square feet of primary floor area</u>
<u>Retail and service, commercial</u>	<u>1 stall for each 250 square feet of primary floor area</u>
<u>Manufacturing and processing plants, laboratories and warehouses</u>	<u>1 stall for each 2 employees per working shift</u>
<u>Financial institutions; business, governmental and professional offices</u>	<u>1 stall for each 300 square feet of primary floor area</u>

~~The number of required parking spaces shall never exceed the number of occupants allowed under Section 19.09.520.~~

19.51.135 Number of parking stalls—Review Commission.

- A.** A party may apply to the plan and architectural review commission for a permit allowing less than the number of stalls required herein, but not less than ~~one stall per residential unit or~~ one stall per five hundred (500) square feet of primary floor area for retail and commercial service uses.
- B.** The commission may grant such a permit if it is not against the best interest of the public.
- C.** Even if a permit is granted, the applicant shall be required to have sufficient land and a plan to install the maximum required stalls under this section should it become necessary, except within the PD -zoning district.
- D.** The permit may be revoked at any time by the commission upon notice and hearing if good cause is shown for the revocation of the permit. Within a PD District only, adjacent on-street parking may apply toward the minimum parking requirements, if approved by the plan commission.

(Ord. 1611A § 2, 2006; Ord. 1511 § 3, 2002; Ord. 1187 § 1, 1990; Ord. 1082 § 9, 1986; Ord. 944 § 4.3(J), 1982).

19.51.140 Number of parking stalls--Combination uses.

A. Joint Use of Parking Spaces.

- 1. A parking allocation plan showing all jointly used parking shall be submitted prior to approval of the conditional use permit by the approval authority and shall be kept on file in the department of Neighborhood Services.**
- 2. A reciprocal parking easement in a form satisfactory to the City shall be executed by the parties involved and by the owner of the property where the spaces are located and shall be kept on file with the City. Such agreement shall ensure the continued availability of the number of spaces designated for joint use.**
- 3. Location shall be on the same lot as the principal use or not over six hundred (600) feet from the principal use. Such parking areas shall be in the same ownership as the principal use or leased on a long-term basis (more than five (5) years).**

B. Combinations of any of the uses listed in Section 19.51.130 shall provide the total of the number of stalls required for each individual use.

(Ord. 994 § 4.3(K), 1982).

19.51.150 Number of parking stalls--Uses not listed.

In the case of structures or uses not mentioned in Section 19.51.130, the provision for a use which is similar shall apply.

(Ord. 994 § 4.3(L), 1982).

19.51.160 Parking exemption in B-2 central business district and the B-1A University mixed-use overlay district.

In order to encourage and stimulate the revitalization in the downtown area of Whitewater, uses within the B-2 central business district and the B-1A University mixed-use overlay district are exempted from the minimum number of parking stalls required in this chapter, except if specifically required for a particular conditional use in that district under Section 19.30.030.

Where parking is voluntarily provided or required for a particular use listed in Section 19.30.030, it shall meet the development standards of this section.

(Ord. 1611A § 3, 2006; Ord. 994 § 4.3(M), 1982).

19.51.170 Computation of required parking area.

In determining required parking area ratios, the floor measurement shall be taken to include only service, sales and office space, and shall not include warehouse, utility and other accessory space which do not generate parking demand.

(Ord. 994 § 4.3 (N), 1982).

19.51.180 Truck, trailer, mobile home and equipment parking restrictions.

No truck, commercial trailer, house or camper trailer, motor home, boat trailer, trailers for all terrain vehicles (ATVs) or snowmobiles, or other vehicular equipment or implements of a commercial, agricultural or industrial nature, shall be parked regularly in any zoning district other than B-1, B-3, M-1 and AT districts, except as hereinafter specifically provided for as follows:

- A. One panel or pickup truck, exceeding three-quarter ton but not exceeding one and one-half tons, shall be permitted;
- B. The unenclosed parking of either one unoccupied house trailer, motor home, or one unoccupied camp trailer in the side and rear yard, provided that the motor home, house trailer or camp trailer is parked at least five feet from the lot lines; motor homes shall also abide by all restrictions relating to motor vehicle parking;
- C. Camper trailers and boats shall be permitted to park in front yards for the purposes of loading, unloading and servicing for a period of three days;
- D. Boat trailers, trailers for all terrain vehicles (ATVs) or snowmobiles, and all other private residential type trailers shall be permitted to park in the side and rear yard only.
- E. The Neighborhood Services Manager may issue a permit to a person with a disability allowing a boat (25 feet or less in length) and a boat trailer to be parked in the front yard driveway of their residence from April through November. A person shall be considered a person with a disability if they have been issued a current disabled parking identification permit by the Wisconsin Department of Transportation. In addition, an individual shall be considered a person with a disability if they provide the Neighborhood Services Manager with a statement by a health care specialist verifying that the party needs a front yard boat parking permit, for a stated period of time, to allow that person reasonable access to their boat and trailer.

(Ord. 1381 § 1, 1997; Ord. 994 § 4.3(O), 1982).

19.51.190 Highway access limitations.

- A. No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, nor to any controlled-access arterial street without permission of the highway agency that has access-control jurisdiction.
- B. No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:
 1. Freeways, interstate highways and their interchanges or turning lanes, nor to intersecting or interchanging streets within one thousand five hundred feet of the most remote end of the taper of the turning lanes;
 2. Arterial streets intersecting another arterial street within one hundred feet of the intersection of the right-of-way lines;
 3. Within fifty (50) feet of street right of way lines intersecting other street right of way lines. Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways (see Section 19.51.010, traffic visibility);

4. Temporary access to the above rights-of-way may be granted by the city plan commission after review.
(Ord. 1446 § 2, 2000; Ord. 994 § 4.4, 1982).

Chapter 19.74: Cost Recovery of Professional Consultant Fees and Charges

- A. The City and authorized City bodies, commissions, boards, committees, officers, and employees may retain the services of professional consultants (including, but not limited to, planners, engineers, architects, attorneys, environmental specialists, and recreation specialists) to assist in the review of applications related to developments, zoning permit approvals, rezone petitions, conditional use applications (or other zoning related requests) including, but not limited to, those being reviewed for consideration of approval by the Director of Neighborhood Services and those coming before the Plan and Architectural Review Commission, the Board of Zoning Appeals, the Whitewater University Technology Park Architectural Review Committee and/or the Common Council for review.
- B. As part of the application process, the applicant shall be required to agree, in writing, to pay for said professional fees in accordance with policies in effect that are approved from time to time by the Common Council. The City may delay final action or approval of the associated request, until the applicant pays such fees or the required percentage thereof. Review fees that are charged to the applicant, but that are not paid, may then be imposed by the City as a special charge on the affected property.

ORDINANCE No. _____
AN ORDINANCE AMENDING SECTION 2.56.010 CONCERNING ALTERNATE
MEMBERSHIP OF THE LIBRARY BOARD

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, do ordain as follows:

SECTION 1. Whitewater Municipal Code Chapter 2.56, Section 2.56.010 is hereby amended to read as follows:

The library board shall consist of seven members who shall be appointed pursuant to the terms of Whitewater Municipal Ordinance Chapter 2.12 and whose appointments shall be confirmed by the common council. In addition thereto, there shall be one citizen alternate member, who may be called upon to serve in the absence of any one of the citizen members of the commission. There shall also be one alternate city councilmember. The city councilmember may only serve in absence of the appointed city councilmember and shall not act as a replacement for a citizen member of the commission. Members shall be residents of the municipality, except that not more than two members may be residents of towns adjacent to the municipality. Upon their first appointment, the members shall be divided as follows: Three members shall serve for three years, two members shall serve for two years and one to serve from one year from May first in the year of their appointment. Each regular appointment shall be for a term of three years. The appointing authority shall appoint as one of the members a school district administrator, or his or her representative, to represent the public school district or districts in which the public library is located. Not more than one member of the municipal governing body shall be a member of the library board.

Ordinance introduced by Council Member _____, who moved its adoption.

Seconded by Council Member _____.

AYES:
NOES:
ABSENT:
ADOPTED:

Cameron Clapper, City Manager

Michele R. Smith, City Clerk



City of Whitewater Council Agenda Item Information Sheet

MEETING DATE: **8/18/2015**

ITEM: **531 W Center Street**

PRESENTER: **City Planner**

PREVIOUS ACTION, IF ANY: **None.**

SUMMARY OF ITEM BEING PRESENTED: **Proposed Conditional Use Permit and Zoning Map Amendment to Impose the R-2A Residential Overlay District Zoning and to Enable up to Six (6) Unrelated Persons in a Residence per Section 19.19 at 531 W Center Street for RLA Properties LLC (Randall Aschbrenner).**

BUDGET IMPACT, IF ANY: **N/A**

BOARD, COMMISSION, OR COMMITTEE RECOMMENDATION, IF ANY: **The Plan and Architectural Review Commission took action to recommend approval of the R-2A rezone on August 10th 2015.**

STAFF RECOMMENDATION: **N/A**

RECOMMENDED MOTION: **N/A**

ATTACHMENT(S) INCLUDED (If none, please state):
Planners Report

FOR MORE INFORMATION CONTACT:
Chris Munz-Pritchard, cmunz-pritchard@whitewater-wi.gov, 262-473-0143.

To: City of Whitewater Plan and Architectural Review Commission

From: Christine Munz-Pritchard, City Planner

Date: August 10th 2015

Re: **Item # 7 & 8** Proposed Zoning Map Amendment to Impose the R-2A Residential Overlay District Zoning and to Enable up to Six (6) Unrelated Persons in a Residence per Section 19.19 at 531 W Center Street for RLA Properties LLC (Randall Aschbrenner).

Summary of Request		
Requested Approvals:	Zoning Map Amendment to Add the R-2A Overlay District and up to Six (6) Unrelated Persons in a Residence	
Location:	531 W Center Street	
Current Land Use:	R-2 One and Two Family Residential	
Proposed Land Use:	Same, but with up to 6 unrelated individuals	
Current Zoning:	R-2 One and Two Family Residential	
Proposed Zoning:	R-2A Overlay District over the Current R-2 Zoning District	
Comprehensive Plan's Future Land Use:	Central Area Neighborhood	
Surrounding Zoning and Current Land Uses:		
Northwest:		Northeast:
R-2 One & Two-Family Residence District		R-2 One & Two-Family Residence District
	Subject Property	
Southwest:		Southeast:
R-2 One & Two-Family Residence District		R-2 One & Two-Family Residence District

Description of the Proposal:

The existing dwelling is a single (one) family residence. This proposal involves a request to amend the Zoning Map to add the R-2A Residential Overlay zoning district to the existing R-2 zoning district and to approve a Conditional Use Permit to increase the number of permitted unrelated individuals in a non-family household from three (3) to six (6).

The R-2A Residential Overlay district is established by Chapter 19.19 of the Zoning Ordinance. Adopting the R-2A Residential Overlay district enables the consideration of a Conditional Use Permit, which if approved, would increase the number of permitted unrelated individuals in a non-family household three (3) to six (6).

The residence is a Single-family residential with 6 bedrooms and 2 bathrooms. Existing Lot size is 11,310 sq ft. The principal structure will have no building modifications. An existing garage will be removed to make more parking available.

PLANNER'S RECOMMENDATIONS:

I recommend that the Plan and Architectural Review Commission recommend approval of the proposed Zoning Map Amendment to add the R-2A overlay zoning district and six (6) non-related individuals to the subject property, subject to the finding presented below.

SUGGESTED FINDING TO BE MADE BY THE PLAN COMMISSION

1. Parking stalls will be required under 19.51.130. Parking stalls and driveway are to be hard surfaced with concrete or asphalt.
2. 19.19.030 over five (5) unrelated shall provide one of the following: Proof that within 2 years of the granting of the zoning permit request a certification that the property meets the requirements of the Wisconsin Rental Weatherization Program or a statement by a state-certified rental weatherization inspection states that it meets the state of Wisconsin rental unit efficiency standard.
3. Inspection to show the existing 6 bedrooms by the City Building Inspector.
4. Any other conditions identified by City Staff or the Plan Commission.

Analysis of Proposed Conditional Use Permit for: 731 W Peck Street

Conditional Use Permit Review Standards per Section 19.66.050:

STANDARD	EVALUATION	COMMENTS
1. The establishment, maintenance, or operation of the conditional use will not create a nuisance for neighboring uses or substantially reduce the values of property.	Yes	This project will involve no exterior building modifications.
2. Adequate utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.	Yes	Parking is being changed to accommodate the increased non related occupancy.
3. The conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted in this ordinance or through variance.	Yes	No exemptions or variances are being requested.
4. The conditional use conforms to the purpose and intent of the city master (comprehensive) plan.	Yes	The proposal does not change the single family use of the property.
5. The conditional use and structures are consistent with sound planning and zoning principles.	Yes	The project is consistent with the use and density requirements of the R-2A District and the Comprehensive Plan.



**AN ORDINANCE IMPOSING THE R-2A
RESIDENTIAL OCCUPANCY OVERLAY DISTRICT
ZONING CLASSIFICATION FOR CERTAIN PROPERTY
IN THE CITY OF WHITEWATER
531 W. Center Street – Tax Parcel No. /CL 00040**

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, do, pursuant to Municipal Code Section 19.69, hereby impose the R-2A Residential Occupancy Overlay District Zoning classification (19.19) on the below property:

Section 1: The R-2A Residential Occupancy Overlay District Zoning classification is hereby imposed upon:

<u>Address</u>	<u>Tax ID#</u>
531 W. Center Street	/CL 00040 – Gordon and Jill Backman

Section 2: The official zoning map of the City of Whitewater is hereby amended to show the above action.

Section 3: This ordinance shall take effect upon passage and publication as provided by law.

Ordinance introduced by Councilmember _____, who moved its adoption. Seconded by Councilmember _____.

AYES:

NOES:

Cameron Clapper, City Manager

ABSENT:

Michele R. Smith, City Clerk

ADOPTED:



City of Whitewater Council Agenda Item Information Sheet

MEETING DATE: **08/18/15**

ITEM: **Capital Improvement Plan Update – 2016 Projects**

PRESENTER: **Assistant City Manager**

PREVIOUS ACTION, IF ANY: **At the June 16, 2015, council meeting, staff presented an update on the city's 2015 Capital Improvement Plan (CIP).**

SUMMARY OF ITEM BEING PRESENTED:

Staff is presenting an update on the city's Capital Improvement Plan. The focus of this presentation will be on planned projects in 2016.

In order to be considered for inclusion in the schedule for capital improvements, a project must be non-recurring (occurs once every five (5) years or less often) and must meet or exceed a cost threshold of \$5,000. Any department can submit a capital project for consideration as long as it meets the above criteria.

BUDGET IMPACT, IF ANY: **N/A**

BOARD, COMMISSION, OR COMMITTEE RECOMMENDATION, IF ANY: **N/A**

STAFF RECOMMENDATION: **N/A**

ATTACHMENT(S) INCLUDED (If none, please state):

Capital Improvement Plan Update, 2016 Projects Summary Sheets

FOR MORE INFORMATION CONTACT:

Christopher McDonell, cmcdonell@whitewater-wi.gov, 262-443-4458.

City of Whitewater Capital Improvement Program 2015-2024

Dept.	Project	Funding Source	Summary Page	2016	2017	2018	2019	2020	Beyond 2020
Fire	SBA-35 @ \$6,000 each-5 each year	GF		\$ -	\$ -	\$ 30,000	\$ 30,000	\$ 30,000	
Fire	Thermal Imaging Camera-7 @ \$14,000 each-Start 2018	GF				\$ 14,000	\$ 14,000	\$ 14,000	
Fire	Extractor----Jaws of Life	GF					\$ 18,000		
				\$ -	\$ -	\$ 44,000	\$ 62,000	\$ 44,000	\$ -
Cable	Camcorder 1 Replacement	CTVF			\$ 5,000				
Cable	Camcorder 2 Replacement	CTVF				\$ 5,000			
				\$ -	\$ 5,000	\$ 5,000	\$ -	\$ -	\$ -
Admin	Voting Equipment	GF			\$ 20,000				
				\$ -	\$ 20,000	\$ -	\$ -	\$ -	\$ -
Police	AR-15 Rifle Optics	GF		\$ 6,300					
Police	Gas Masks	GF		\$ 5,800					
Police	Recorder Upgrade	GF		\$ 22,000					
Police	Evidence Garage	CIF		\$ 60,000					
Police	IR Tactical Equipment	GF			\$ 5,000				
Police	Radio Voter or Digital P25 Conversion	GF			\$ 49,000				
Police	Speed Board	GF				\$ 5,000			
Police	Duty Pistol Replacement	GF				\$ 13,750			
Police	WISCOM and LAW Radio Channels	GF				\$ 29,000			
Police	Police Department Garage Expansion	CIF				\$ 225,000			
Police	Tasers	GF				\$ 8,000			
Police	Uninterruptible Power Supply	GF					\$ 38,000		
Police	Radios (Squad Cars)	GF						\$ 28,000	
				\$ 94,100	\$ 54,000	\$ 280,750	\$ 38,000	\$ 28,000	\$ -
Library	Library Expansion	G.O.		\$ -	\$ -	\$ 8,000,000	\$ -		
				\$ -	\$ -	\$ 8,000,000	\$ -	\$ -	\$ -
Facilities	Cravath Lakefront Center - Replace Tables	BRF		\$ 5,000					
Facilities	Municipal Building Keyless Entry	CIF		\$ 35,000					
Facilities	Cravath Lakefront Center - Replace Chairs	GF				\$ 5,000			
Facilities	Armory - Replace South Gym Interior Doors	BRF				\$ 10,000			
Facilities	City Hall - Replace Carpet & Flooring	BRF					\$ 15,000		
P&R	Walworth Avenue 2nd Dog Friendly Site	CIF		\$ 6,000					
P&R	Starin Park Wayfinding, Trash, & Recycling	CIF		\$ 24,000					
P&R	Aquatic Plant Harvester	CIF		\$ 125,000					
P&R	Starin Park - Outdoor Fitness Equipment	CIF		\$ 20,000					
P&R	Cravath - Fencing near Railroad Tracks	CIF		\$ 25,000					
P&R	Starin Park Splash Pad	G.O.			\$ 50,000	\$ 350,000			
P&R	Cravath - Amphitheater & Shade Structure	G.O.			\$ 400,000				
P&R	Trippe Lake Park - Parking Lot off Coburn Lane	CIF				\$ 75,000			
P&R	Effigy Mount Preserve - Kiosk	PLDF				\$ 10,000			
P&R	Minneiska Park - Playground	PLDF				\$ 30,000			
P&R	Moraine View Park - Bark Park Relocation/Addition	PLDF					\$ 10,000		
P&R	Moraine View Park - Playground Improvements	PLDF					\$ 40,000		
P&R	Skyway Park - Park Shelter	PLDF							\$ 7,500

Dept.	Project	Funding Source	Summary Page	2016	2017	2018	2019	2020	Beyond 2020
Bike Paths									
P&R	W Walworth - Hwy 12 to S Franklin (1.7 miles)	CIF		\$ 34,000					
P&R	Indian Mound - W Walworth to W Main (.54 miles)	CIF		\$ 10,800					
P&R	S Elizabeth to W Main (.76 miles)	CIF		\$ 15,200					
P&R	N Newcomb - E Milwaukee to E Executive (.62 miles)	CIF		\$ 12,400					
P&R	E Bluff - Elkhorn To Howard (.66 miles)	CIF		\$ 13,200					
P&R	N Fremont - W North to E Schwager (.8 miles)	CIF		\$ 16,000			\$ 138,800		
P&R	S Wisconsin - Willis Ray to Tripp Lake Park (.76 miles)	CIF		\$ 15,200					
P&R	Tratt - W Main to Bloomingfield (1.1 miles)	CIF			\$ 22,000				
P&R	W Main Traffic Study I (W Main - Indian Mound to S Franklin)	CIF			\$ 50,000				
Shared Use Paths									
P&R	S Ardmore Street Extension (.07 miles)	CIF		\$ 14,000					
P&R	East Clay St. Connector Path (.05 miles)	CIF		\$ 9,000					
P&R	Shaw Court Ext Path	CIF				\$ 80,784			
P&R	Waters Edge Path Ext to WHS	CIF					\$ 325,000		
				\$ 381,816	\$ 524,017	\$ 562,802	\$ 530,819	\$ 2,020	\$ 218,000

Streets	Center/Boone/Summit	G.O.		\$ 813,300					
Streets	George St (North to terminus)	G.O.		\$ 771,935					
Streets	Asphalt Paving Machine	CIF		\$ 75,000					
Streets	Skidsteer	CIF		\$ 50,000					
Streets	STH 59 ROW Acquisition (Newcomb to Sunrise Ln.)	CIF		\$ 130,000					
Streets	Franklin Street/Ann Street Stormwater	WWC			\$ 633,415				
Streets	Clay St. (Dann to Roundabout)	G.O.			\$ 989,488				
Streets	Esterly St. (Milwaukee to Clay)	G.O.			\$ 159,300				
Streets	Milwaukee & Newcomb Intersection	G.O.					\$ 87,500		
Streets	Milwaukee St. (Newcomb to Roundabout)	G.O.					\$ 99,410		
				\$ 1,840,235	\$ 1,782,203	\$ -	\$ -	\$ 186,910	\$ -

Waste	Center/Boone/Summit	REV		\$ 381,650					
Waste	George St (North to terminus)	REV		\$ 471,250					
Waste	Manway Entry Construction/Storage Digester	WWC		\$ 48,000					
Waste	Oak Lift Station Control Upgrade	WWC		\$ 23,000					
Waste	Additional Truck With Lift Gate	SOA		\$ 30,000					
Waste	Engineering Services WWTP	CWF		\$ 211,600					
Waste	Facility Upgrades (RBC Replacement)	CWF		\$ 7,180,890	\$ 10,053,243	\$ 2,154,267			
Waste	Franklin Street/Ann Street Stormwater	G.O.			\$ 422,110				
Waste	Clay St. (Dann to Roundabout)	G.O.			\$ 374,214				
Waste	Esterly St. (Milwaukee to Clay)	G.O.			\$ 109,900				
Waste	Collection System Flow Monitoring Equipment	WWC			\$ 12,500				
Waste	Biogas Sphere Coating	WWC				\$ 170,000			
Waste	Vehicle #20 Replacement	WWC					\$ 85,000		
Waste	Digester Coatings	WWC					\$ 290,000	\$ 290,000	\$ 290,000
Waste	Vanderlip Lift Station Upgrade	WWC					\$ 650,000		
Waste	Milwaukee & Newcomb Intersection	N/A						\$ 385,000	
Waste	Milwaukee St. (Newcomb to City Limits)	REV						\$ 488,750	
				\$ 8,346,390	\$ 10,971,967	\$ 2,324,267	\$ 1,025,000	\$ 1,163,750	\$ 290,000

Dept.	Project	Funding Source	Summary Page	2016	2017	2018	2019	2020	Beyond 2020
Water	Center/Boone/Summit	REV		\$ 449,750					
Water	George St (North to terminus)	REV		\$ 357,549					
Water	Replace Truck #13	WUF		\$ 27,000					
Water	Water System Modeling/Study	WUF		\$ 30,000					
Water	Industrial Drive watermain replacement (12" water main)	WUF		\$ 20,000					
Water	Tonka filter repairs on well #9 airwash	WUF		\$ 27,000					
Water	Clay St. (Dann to Roundabout)	N/A			\$ 755,460				
Water	Esterly St. (Milwaukee to Clay)	WUF			\$ 94,750				
Water	Franklin Street/Ann Street Stormwater	REV			\$ 399,800				
Water	Well #5 Rehab	WUF			\$ 90,000				
Water	Milwaukee & Newcomb Intersection	WUF						\$ 308,750	
Water	Milwaukee St. (Newcomb to Roundabout)	REV						\$ 461,250	
				\$ 911,299	\$ 1,340,010	\$ -	\$ -	\$ 770,000	\$ -

Storm	Center/Boone/Summit	REV		\$ 242,350					
Storm	George St (North to terminus)	REV		\$ 173,910					
Storm	Ann Street Detention Basin	G.O.,GRNT		\$ 197,000					
Storm	Clay St. (Dann to Roundabout)	REV			\$ 491,844				
Storm	Esterly St. (Milwaukee to Clay)	REV			\$ 34,975				
Storm	Franklin Street/Ann Street Stormwater	G.O.			\$ 513,200				
				\$ 613,260	\$ 1,040,019	\$ -	\$ -	\$ -	\$ -

Grand Total for All Departments:

\$ 12,187,100	\$ 15,737,216	\$ 11,216,819	\$ 1,655,819	\$ 2,194,680	\$ 508,000
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***CDA ITEMS WOULD NOT PROCEED WITHOUT AN AGREEMENT WITH A PRIVATE DEVELOPER**

CDA	TIF #5 (Loop Road, Indian Mound Intersection, Pearson Lane Intersection, TWLTL)	Dev. Agrmnt/		\$ 4,440,000					
CDA	TIF #5 CDA TIF Incentives	Borrowing		\$ 1,000,000					
CDA	TIF #6 (Road Improvements, Public Utilities)	Dev. Agrmnt/		\$ 2,650,000					
CDA	TIF #6 CDA TIF Incentives	Borrowing		\$ 750,000					
				\$ 8,840,000	\$ -				

Project Title: AR-15 Rifle Optics

Description & Scope: Purchase of eight (8) AR-15 Rifle Optic scopes for the city's long-barrel rifles

Purpose & Need: Rifles are used during high risk operations or when longer range accuracy is needed. The optics on the AR-15 rifles enhances the overall precision of the weapons, especially during low light operations. Price includes optical sight, batteries, and mounting hardware.

Impact on Future Operating Budget:

External Funding Sources Available: There are no known grants or outside funding sources available.

Project Cost Summary

Expense Category	FY16	FY17	FY18	FY19-26	Total CIP
Construction					0
Planning/Engineering					0
Equipment	6,300				6,300
Maintenance					0
Technology					0
Other Expenses					0
Subtotal	6,300	0	0	0	6,300

Funding Source Summary

Funding Source	FY16	FY17	FY18	FY19-24	Total Source
General Fund	6,300				6,300
Subtotal	6,300	0	0	0	6,300



Project Title: Gas Masks

Description & Scope: Purchase of thirty (30) gas masks to protect officers when chemical control agents are deployed during riots or tactical operations

Purpose & Need: Current gas masks are approximately 13-14 years old and their life expectancy is 10 years. New models have low profile design with better ventilation, are compatible with modern rifle sighting systems and Nuclear, Biological and Chemical (NBC) protective suits, and are hydration compatible. Life expectancy approximately 10 years.

External Funding Sources Available: There are no known grants or outside funding sources available.

Project Cost Summary

Expense Category	FY16	FY17	FY18	FY19-26	Total CIP
Construction					0
Planning/Engineering					0
Equipment	5,800				5,800
Maintenance					0
Land/R.O.W.					0
Technology					0
Other Expenses					0
Subtotal	5,800	0	0	0	5,800

Funding Source Summary

Funding Source	FY16	FY17	FY18	FY19-26	Total Source
General Fund	5,800				5,800
					0
Subtotal	5,800	0	0	0	5,800



Project Title: Recorder Upgrade

Description & Scope: Upgrade HigherGround recorder for ability to capture phone, radio, text, GIS, video, and photo.

Purpose & Need: The current HigherGround recorder operates on Microsoft Windows XP. Microsoft will no longer offer any patches for software operating on this platform. Upgrade will be based upon the latest Microsoft server/operating system and will meet the future need to capture incoming data via text, GIS, video, etc... Upgrade will provide for redaction capabilities and for restrictions of information release such as juveniles, HIPPA, etc... Also provides quality assurance program, recording overlay, reporting and capture of incoming data in a variety of formats enabling compatibility with future 911 expectations.

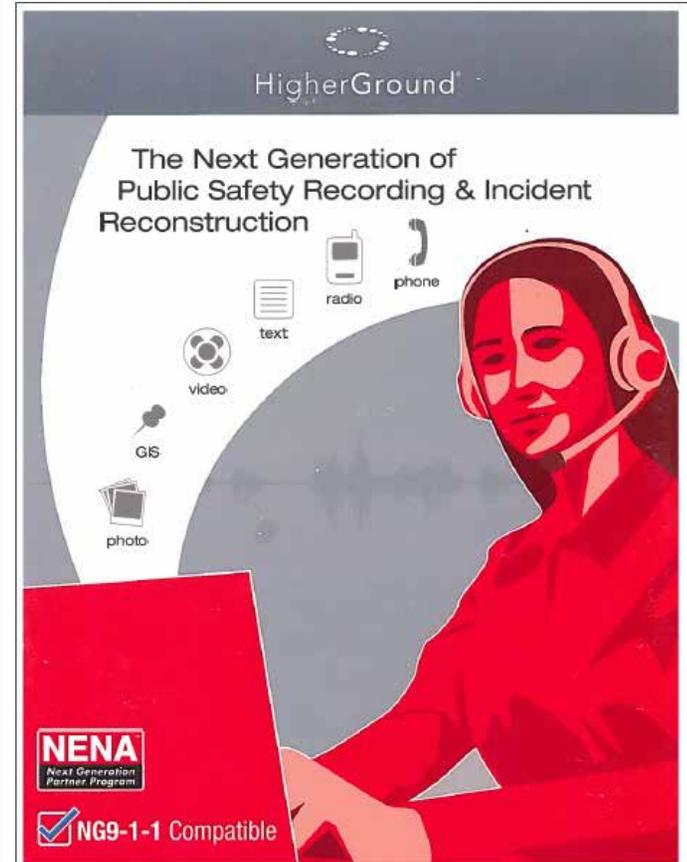
External Funding Sources Available: There are no known grants or outside funding sources available. If Communication Bridge is implemented a funding may come from UW-Police Services.

Project Cost Summary

Expense Category	FY16	FY17	FY18	FY19-26	Total CIP
Equipment					0
Maintenance					0
Technology	22,000				22,000
Subtotal	22,000	0	0	0	22,000

Funding Source Summary

Funding Source	FY16	FY17	FY18	FY19-26	Total Source
General Fund	22,000				22,000
Subtotal	22,000	0	0	0	22,000



Project Title: Evidence Garage (Revised)

Description: 40 x 60 covered building, furniture and equipment for seized vehicles, large/bulky evidence and long-term evidence storage pending final court disposition.

Scope: Site work and ground prep, cement floor, building and materials, overhead doors, garage openers, and electrical

Purpose: To house and process the overflow, bulky/large, and long-term evidence and seized vehicles.

Need: The department currently uses the basement evidence room and the garage at the police department to store the majority of evidence. A one stall garage at the city maintenance facility is used to store bulky and long-term evidence and seized vehicles are kept on the exterior grounds. Due to the age and condition of the garage, evidence has been lost to rodent and water damage. Additionally, the size of the garage is not adequate to store more than one vehicle, thus seized vehicles must remain outside during inclement weather. A court seizure can be lengthy, which adds to the depreciation of the value of the vehicles. In the past, the department has been forced to rent space at storage facilities and use jail cells to store bulky items and large quantities of evidence.

Impact on Future Operating Budget: Maintaining seized vehicles in an enclosed and secure garage will notably impact the valuable of the vehicles as well as ensure the security and condition of valuable evidence. If additional space becomes available at the municipal building, this structure could be utilized by the streets department.

External Funding Sources Available: \$5,000 will come from seizure funds.

Evidence Garage-evidence and seized vehicles.
Anticipated purchase date 2016

\$60,000



Evidence garage at the city maintenance facility with seized vehicles shown outside



Evidence garage at the city maintenance facility

Project Title: Cravath Lakefront Community Center – Replace Tables

Description & Scope: Purchase of sixteen (16) 6' round tables. Prices for tables vary from \$130 to \$326 depending on the quality. The facility currently has 6' round tables that are original to the building and are in need of replacement.

Purpose & Need: Need to replace the tables as the existing tables are showing wear and losing edging.

Impact on Future Operating Budget: It is the hope that a revolving fund for facility maintenance purchase a set quantity of tables each year for use in city facilities.

External Funding Sources Available: N/A



Project Cost Summary

Expense Category	FY16	FY17	FY18	FY19-26	Total CIP
Construction					0
Planning/Engineering					0
Equipment	5,000				5,000
Maintenance					0
Land/R.O.W.					0
Technology					0
Other Expenses					0
Subtotal	5,000	0	0	0	5,000

Funding Source Summary

Funding Source	FY16	FY17	FY18	FY19-26	Total Source
General Fund	5,000				5,000
					0
Subtotal	5,000	0	0	0	5,000

Project Title: Municipal Building Keyless Entry

Description & Scope: A number of city departments have inquired about keyless entry for the municipal building. We have had a couple of vendors take a look at the building to provide quotes.

Purpose & Need: Would increase building security measures and allow us to remove former employees from the system rather than collect keys. In 2014 this was done at the Innovation Center and has worked well in that application.

Impact on Future Operating Budget: N/A

External Funding Sources Available:

Project Cost Summary

Expense Category	FY16	FY17	FY18	FY19-26	Total CIP
Construction					0
Planning/Engineering					0
Equipment	35,000				35,000
Maintenance					0
Land/R.O.W.					0
Technology					0
Other Expenses					0
Subtotal	35,000	0	0	0	35,000

Funding Source Summary

Funding Source	FY16	FY17	FY18	FY19-26	Total Source
G.O. Bonds	35,000				35,000
					0
Subtotal	35,000	0	0	0	35,000



Project Title: Walworth Avenue 2nd Dog Friendly Site

Description & Scope: A request from the public was made to formalize the intersection of Walworth Ave and Indian Mound Parkway and the bridge into a pet friendly exercise area.

Purpose & Need: This would provide the city with an ADA compliant pet exercise area and encourage a recreational aspect to this location currently used by many residents. It would include a gate allowing public access, access for city vehicles and farm equipment while improving the aesthetics of this location.

Impact on Future Operating Budget: N/A

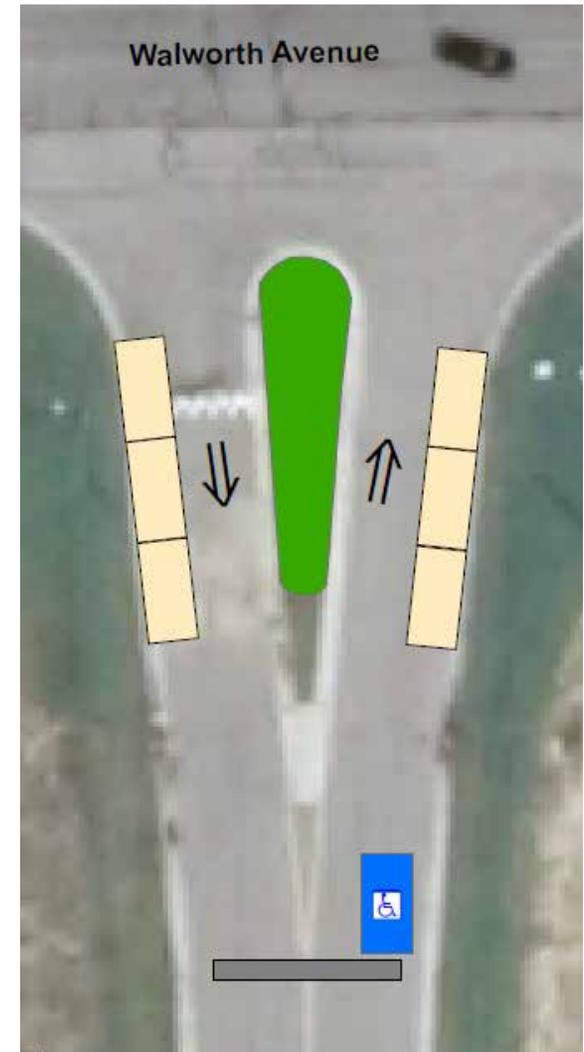
External Funding Sources Available:

Project Cost Summary

Expense Category	FY16	FY17	FY18	FY19-26	Total CIP
Construction					0
Planning/Engineering					0
Equipment	6,000				6,000
Maintenance					0
Land/R.O.W.					0
Technology					0
Other Expenses					0
Subtotal	6,000	0	0	0	6,000

Funding Source Summary

Funding Source	FY16	FY17	FY18	FY19-26	Total Source
G.O. Bonds	6,000				6,000
					0
Subtotal	6,000	0	0	0	6,000



Project Title: Starin Park Wayfinding, Trash, & Recycling

Description & Scope: Eight tournaments that brought 128 teams to Whitewater in 2015 were held in Starin Park. A need for way finding signage within the park and improved trash and recycling receptacles were two of the takeaways from comments received and staff review of operations

Purpose & Need: Wayfinding signs will direct visitors to resources within the park and having larger trash containers will assist in holding large events and aid staff in trash removal.

Impact on Future Operating Budget: N/A

External Funding Sources Available:

Project Cost Summary

Expense Category	FY16	FY17	FY18	FY19-26	Total CIP
Construction					0
Planning/Engineering					0
Equipment	24,000				24,000
Maintenance					0
Land/R.O.W.					0
Technology					0
Other Expenses					0
Subtotal	24,000	0	0	0	24,000

Funding Source Summary

Funding Source	FY16	FY17	FY18	FY19-26	Total Source
G.O. Bonds	24,000				24,000
					0
Subtotal	24,000	0	0	0	24,000



Project Title: Aquatic Plant Harvester

Description & Scope: We currently contract with an outside vendor for harvesting services and budget \$22,545 for these services annually.

Purpose & Need: The contractor's harvester needs 30" of water to effectively cut aquatic plants. Aquarius Systems of North Prairie, WI has developed a harvester that operates in 18" of water.

Impact on Future Operating Budget: To move this work in-house it would require an operator of the harvester which would be a seasonal staff member (120 hours @ \$9.75) and trucking which would require a full-time DPW staff with CDL (120 hours). Over a 10 year period the City would save just under \$30,000 but would also improve our ability to more frequently harvest and harvest more of both lakes.

External Funding Sources Available:



Project Cost Summary

Expense Category	FY15	FY16	FY17	FY18	FY19-26	Total CIP
Construction						0
Planning/Engineering						0
Equipment		125,000				125,000
Maintenance						0
Land/R.O.W.						0
Technology						0
Other Expenses						0
Subtotal	0	125,000	0	0	0	125,000

Funding Source Summary

Funding Source	FY15	FY16	FY17	FY18	FY19-26	Total Source
G.O. Bonds		125,000				125,000
						0
Subtotal	0	125,000	0	0	0	125,000

Analysis of In-house Harvesting vs. Contracting

	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025		Totals
Contracting	\$22,545	\$23,221	\$23,918	\$24,636	\$25,375	\$26,136	\$26,920	\$27,728	\$28,559	\$29,416		\$258,453
Harvester	\$125,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		\$125,000
Operator (120 hours @ \$9.75)	\$1,170	\$1,205	\$1,241	\$1,278	\$1,317	\$1,356	\$1,397	\$1,439	\$1,482	\$1,527		\$13,413
Trucking (120 hours @ \$35)	\$4,200	\$4,326	\$4,456	\$4,589	\$4,727	\$4,869	\$5,015	\$5,165	\$5,320	\$5,480		\$48,148
Maintenance (3% of equip cost)	\$3,750	\$3,863	\$3,978	\$4,098	\$4,221	\$4,347	\$4,478	\$4,612	\$4,750	\$4,893		\$42,990
	\$134,120	\$9,394	\$9,675	\$9,966	\$10,265	\$10,573	\$10,890	\$11,216	\$11,553	\$11,900		\$229,551

\$28,903

Project Title: Starin Park – outdoor fitness equipment

Description & Scope: A growing trend is outdoor fitness equipment in a park setting. This equipment functions just as standard fitness center equipment, however, is designed to even handle the Wisconsin winter weather.

Purpose & Need: This equipment could be installed around the playground at Starin Park to serve those watching young children play on the traditional equipment or serve as another fitness opportunity for Seniors in the Park.

Impact on Future Operating Budget: The equipment would require replacement in 20 years.

External Funding Sources Available:



Project Cost Summary

Expense Category	FY16	FY17	FY18	FY19-26	Total CIP
Construction					0
Planning/Engineering					0
Equipment	20,000				20,000
Maintenance					0
Land/R.O.W.					0
Technology					0
Other Expenses					0
Subtotal	20,000	0	0	0	20,000

Funding Source Summary

Funding Source	FY16	FY17	FY18	FY19-26	Total Source
Parkland Development Fund	20,000				20,000
					0
Subtotal	20,000	0	0	0	20,000

Project Title: Cravath Lakefront Park - fence

Description & Scope: The construction of a decorative fence in Cravath Lakefront Park that serves as a barrier to the railroad tracks would reduce the need to install orange snow fence and provide a more ascetic amenity.

Purpose & Need: The fence would separate the railroad tracks from the active areas of the park.

Impact on Future Operating Budget: The fence would require occasional maintenance similar to ball park fencing.

External Funding Sources Available:

Project Cost Summary

Expense Category	FY16	FY17	FY18	FY19-26	Total CIP
Construction					0
Planning/Engineering					0
Equipment	25,000				25,000
Maintenance					0
Land/R.O.W.					0
Technology					0
Other Expenses					0
Subtotal	25,000	0	0	0	25,000

Funding Source Summary

Funding Source	FY16	FY17	FY18	FY19-26	Total Source
Capital Improvement Fund	25,000				25,000
					0
Subtotal	25,000	0	0	0	25,000



Project Title: Starin Park Splash Pad

Description & Scope: A large number of communities have installed splash pads in the past 5 years. This would include communities in our area including Milton, Janesville, DeForest, Fitchburg, etc.

Purpose & Need: These are facilities designed for young families and would provide a tremendous amenity for our residents.

Impact on Future Operating Budget: There would be additional cost in maintaining the facility, water and energy costs as well as long-term equipment replacement expenses. These are not facilities that are staffed with lifeguards.

External Funding Sources Available:

Project Cost Summary

Expense Category	FY15	FY16	FY17	FY18	FY19-26	Total CIP
Construction				350,000		350,000
Planning/Engineering			50,000			50,000
Equipment						0
Maintenance						0
Land/R.O.W.						0
Technology						0
Other Expenses						0
Subtotal	0	0	50,000	350,000	0	400,000

Funding Source Summary

Funding Source	FY15	FY16	FY17	FY18	FY19-26	Total Source
G.O. Bonds			50,000	350,000		400,000
						0
Subtotal	0	0	50,000	350,000	0	400,000



CIF Projects - Cost estimates & priority

Project YR	Street	Project Scope	Cost Breakdown				*Total Cost
			Sewer	Water	Storm	Street	
Priority listed:							
2016	George Street	North Street to Cul-de-sac	\$471,250	\$357,549	\$173,910	\$771,935	\$1,774,644
2016	Center/Boone/Summit	Center (Franklin-Summit), Boone (High-Dead End), Su	\$381,650	\$449,750	\$242,350	\$813,300	\$1,887,000
2017	Franklin St & Ann St	Whitewater/Church St to Ann St. stormwater outfall	\$422,110	\$399,800	\$513,200	\$633,415	\$1,969,000
2017	Clay Street	Dann St to Roundabout	\$374,214	\$755,460	\$491,844	\$989,488	\$2,611,000
2017	Esterly Street	Milwaukee St to Clay St	\$109,900	\$94,750	\$34,975	\$159,300	\$399,000
2020	Milwaukee St	Newcomb to Roundabout	\$488,750	\$461,250	\$0	\$99,410	\$1,049,000
2020	Milwaukee St	Milwaukee & Newcomb Intersection	\$385,000	\$308,750	\$0	\$87,500	\$781,000

***All total costs include 25% for contingencies and technical services**

Project Title: Blaw Knox / Ingersoll-Rand PF5510

Description & Scope: These funds would be used to purchase a used asphalt paving machine. This unit will be large enough to do a 12' paving area, yet be able to go down to a 4' - 6' path.

Purpose & Need: With the addition of the quad truck, which we are able to get four times more asphalt on than with our 5 yard dump trucks, we are finding that we can do larger and more asphalt paving repairs for the City. In past years, we would have a contractor fix the larger patches that we are now doing ourselves. The paver would insure us a smooth paved repair, instead of the sometime rough ride we now get by doing the large repairs by hand.

Impact on Future Operating Budget: The only impact on future budgets will be through the DPW equipment replacement fund. This unit will go into our equipment listing and will be programmed for replacement in 10-15 years, depending on the used unit we are able to purchase.

External Funding Sources Available: There are not any external funding sources available for the City to purchase this used equipment.



Project Cost Summary

Expense Category	FY15	FY16	FY17	FY18	FY19-24	Total CIP
Purchasing Equipment		75,000				75,000
Subtotal		75,000				75,000

Funding Source Summary

Funding Source	FY15	FY16	FY17	FY18	FY19-24	Total Source
CIP Money		75,000				75,000
Subtotal		75,000				75,000

Project Title: Demo Bobcat Skid Steer Loader

Description & Scope: This would be a demo skid steer from this past year. It will be replacing a 21 year old skid steer that we will be trading in on this unit.

Purpose & Need: The skid steer is used for every season. It is a very needed piece of equipment and is used for every aspect of our daily operations. This unit is used by all DPW departments and utilities. I do not believe there is a week that goes by when a skid steer is not out in the public doing a wide variety of jobs.

Impact on Future Operating Budget: Purchasing this demo unit this year would also allow us to get into a program where for \$1000.00 each year, we could get a brand new skid steer; thus eliminating the need to purchase these units in the future. The money for replacement would come out of our yearly budget dollars from the different areas that this unit is used in.

External Funding Sources Available: We will trade in our oldest skid steer which is 21 years old. It has many hours on it and is not comfortable for staff to drive in cold weather; due to the unit being purchased without heat.



Project Cost Summary

Expense Category	FY15	FY16	FY17	FY18	FY19-24	Total CIP
Purchasing Equipment		41,000				41,000
Subtotal		41,000				41,000

Funding Source Summary

Funding Source	FY15	FY16	FY17	FY18	FY19-24	Total Source
CIP Money		41,000				41,000
Subtotal		41,000				41,000

Project Title: STH 59 (Newcomb to Sunrise Ln.) Property Acquisition

Description & Scope: WisDOT plans to reconstruct this portion of STH 59 in 2020. It is the city's responsibility to purchase the necessary easements and right-of-way for the project. The City has contracted with MSA Professionals to conduct the work.

Purpose & Need: The street will be widened between Newcomb Street and the roundabout to allow parking on both sides of the road.

Impact on Future Operating Budget: All costs associated with this project, including property valuation and acquisition, will be reimbursed 100% by WisDOT.



Expense Category	FY16	FY17	FY18	FY19-26	Total CIP
Construction					0
Planning/Engineering					0
Equipment					0
Maintenance					0
Land/R.O.W.	130,000				130,000
Technology					0
Other Expenses					0
Subtotal	130,000			0	130,000

Funding Source Summary

Funding Source	FY16	FY17	FY18	FY19-26	Total Source
CIF	130000				130,000
Subtotal	130,000	0	0	0	130,000

Project Title: Digester Storage Tank Manway Installation

Description & Scope: Since the installation of the aluminum dome cover (2010) on the storage tank we have been unable to safely gain entry into this tank for routine cleaning and inspection. The quoted work would provide for the installation of a 30" ductile iron manway to allow for safe and efficient entry into the tank. The work will include site excavation, restoration and paving as needed. In addition to the storage tank we have two digesters with similar concerns for safe entry. Over the course of three years we would like to install a manway in each tank.

Purpose & Need: Without proper access routine maintenance and inspection will not occur. The manway will also provide for a more efficient means of routing temporary piping during cleaning events. It is our hope that we can add one of these access points per year over 3 years to improve access for safety during periodic maintenance.

Impact on Future Operating Budget: The city will install one entrance in 2015 and two in 2016.

External Funding Sources Available: None

Project Cost Summary

Funding	FY15	FY16	FY17	FY18	FY19-26	Total CIP
Operating Cost						
WW Capital Improvement Account	24000	48,000				48,000
SRRF						
ERF						
Clean Water Fund						
Subtotal	24000	48,000	0	0	0	72,000



Digester Complex



Biosolids storage tank

Project Title: Oak Street lift station control upgrade

Description & Scope: The controls at this lift station were installed in 1988. This upgrade will include a new PLC controller, new local operator interface and all ancillary electrical components with the goal being reliable service for another 20yrs.

Purpose & Need: Current programming and controls do not allow the level of data collection and trending that has become standard in the industry and at Whitewater. In addition, the current controller has seen diminishing capabilities for support and repair. This updated system will allow staff to more quickly identify mechanical issues and plan for a more efficient response if needed.

Impact on Future Operating Budget: Per received quotes the cost for this work is anticipated to be \$23,000.00.

External Funding Sources Available: None

Project Cost Summary

Funding	FY16	FY17	FY18	FY19	FY20-26	Total CIP
Operating Cost						
Capital Improvement	23,000					23,000
SRRF						
ERF						
Clean Water Fund						
Subtotal			0	0	0	23,000



Exterior view



Interior view

Project Title: Pickup truck w/lift gate

Description & Scope: The Utility is looking to purchase a new pickup truck with a lift gate that will be used for routine tasks at our facility, lift stations, land application sites and other utility business.

Purpose & Need: It is not uncommon for the utility to use our department car for purposes that are mechanical in nature or have staff unload and load one of our emergency service trucks several times in one day to meet varied uses. In some cases we simply have to wait to complete tasks until a vehicle is available. Having an additional pickup will provide for more efficiency and safety though the addition of a lift gate.

Impact on Future Operating Budget: Quotes for a new 3/4T pickup truck w/lift gate are approx. \$30,000.00. Pricing and final purchasing will be done through the State of WI purchasing system.

External Funding Sources Available: None



Project Cost Summary

Funding	FY16	FY17	FY18	FY19	FY20-26	Total CIP
Operating Cost						
Capital Improvement	30,000					30,000
SRRF						
ERF						
Clean Water Fund						
Subtotal	30,000	0	0	0	0	30,000

Project Title: Design and bid engineering services for facility upgrade

Description & Scope: Design and bid engineering services will be required throughout our facility upgrade project. It is anticipated that Donohue and Associates of Sheboygan, WI will be selected to do this work. This contract will include a user rate study, Clean Water Fund (CWF) loan submittal and assistance, full design engineering and specifications development.

Purpose & Need: Design and engineering services are required to develop complete plans and specifications needed for submittal to the WDNR for approval.

Impact on Future Operating Budget: The estimated amount for this work is shown below. Though this amount is reimbursable under the CWF program reimbursements do not occur until after award of the construction contract. Therefore the City will be required to finance this total amount in the short term. Construction contract award is slated for June/July of 2015.

External Funding Sources Available: State of WI CWF loan program



Project Cost Summary

Funding	FY16	FY17	FY18	FY19-26	Total CIP
Operating Cost					
Capital Improvement					
SRRF					
ERF					
Clean Water Fund	211,600				
Subtotal	211,600	0	0	0	#REF!

Project Title: Construction of Biological Upgrade at Wastewater Utility

Description & Scope: These project costs will be incurred after the bid opening in mid 2015. It will include a construction services contract with our engineer along with a construction contract with the approved and selected general contractor. Those contracts will be in place until project completion.

Purpose & Need: The biological and infrastructure upgrades are driven by failing treatment units, hydraulic limitation, future flexibilities and equipment that has reached the end of its useful life. Per WDNR guidance publically owned treatment works (POTWs) are to go through a Facility Planning process for a design period of 20 years. For Whitewater it will have been 35 years upon project completion. This project will carrier the City through the next 20 years and beyond with incorporation of future design options. This project will not eliminate future phosphorus compliance issues nor does it include upgrades to the digester complex should the proposed Biogas Utilization Project not come to fruition. The project timeline is tentatively scheduled to be from July of 2015 to July of 2017.

Impact on Future Operating Budget: The estimated amount for this work is shown below. These funds will be reimbursed to the City by the State of WI Clean Water Fund Loan Program over the course of construction. Current interest rates are subsidized at a 25% saving vs. prime interest rates. Currently this percent is 2.625%. Loan term is 20 years.

External Funding Sources Available: State of WI CWF loan program.

Project Cost Summary

Funding	FY16	FY17	FY18	FY19-26	Total CIP
Operating Cost					
Capital Improvement					
SRRF					
ERF					
Clean Water Fund	7,180,890	10,053,243	2,154,267		
Subtotal	7,180,890	10,053,243	2,154,267	0	19,388,400



Project Title: Replace Truck #13

Description & Scope: Purchase of a ½ ton full size regular cab with 4 wheel drive pickup truck

Purpose & Need: Truck #13 is a 2000 Ford F150. The body has extensive rusting and holes. At its last routine service, it was noted that the body mounts were rusted and dangerous, floorboards are rusted out, and suspension is in poor condition.

Impact on Future Operating Budget: None

External Funding Sources Available: None

Project Cost Summary

Expense Category	FY16	FY17	FY18	FY19-26	Total CIP
Construction					0
Planning/Engineering					0
Equipment	27,000				27,000
Maintenance					0
Land/R.O.W.					0
Technology					0
Other Expenses					0
Subtotal	27,000	0	0	0	27,000

Funding Source Summary

Funding Source	FY16	FY17	FY18	FY19-26	Total Source
Water Utility Fund	27,000				27,000
					0
Subtotal	27,000	0	0	0	27,000

Project Title: Water System Modeling Study

Description & Scope: City would hire an engineering firm to conduct the study.

Purpose & Need: The last system modeling was conducted in 1965. These studies are a best practice and it is recommended that communities update their studies every five (5) years.

This study will be the first step in determining replacement of our Starin Park water tower, it will provide information on what infrastructure will need to be replaced, if anything is undersized, will help determine needed improvements based on different growth scenarios, as well as additional beneficial information.

Impact on Future Operating Budget: None

External Funding Sources Available: None

Project Cost Summary

Expense Category	FY16	FY17	FY18	FY19-26	Total CIP
Construction					0
Planning/Engineering	30,000				30,000
Subtotal	30,000	0	0	0	30,000

Funding Source Summary

Funding Source	FY16	FY17	FY18	FY19-26	Total Source
Water Utility Fund	30,000				30,000
					0
Subtotal	30,000	0	0	0	30,000

Project Title: Industrial Drive Water Main Replacement

Description & Scope: The section of water main that continually breaks is only about 100 lf. Therefore; we have budgeted to replace this 100' section with a pipe that will withstand the acidic soil.

Purpose & Need: This water main was installed in acidic soil and has an extensive break history. So much, that is has been turned off after the last time is has broken. This main is tied directly into well #8; therefore, with it shut off, water going to this area must travel a different route to Newcomb St. and back into Executive Dr.

Impact on Future Operating Budget: None

External Funding Sources Available: None

Project Cost Summary

Expense Category	FY16	FY17	FY18	FY19-26	Total CIP
Construction	20,000				20,000
Planning/Engineering					0
Equipment					0
Subtotal	20,000	0	0	0	20,000

Funding Source Summary

Funding Source	FY16	FY17	FY18	FY19-26	Total Source
Water Utility Fund	27,000				27,000
					0
Subtotal	27,000	0	0	0	27,000

Project Title: Tonka filter repairs on wells #9 and #7 airwash

Description & Scope: Will replace entire blower at #7. At well #9 we must dig down to the air pipe and filter nozzles to replace air pipe and manifolding. Included in the price is repair kits for pneumatic valves.

Purpose & Need: One of the processes, Simi-wash, in well #9 currently does not operate due to normal wear. This process introduces air into the backwash process to help scour and clean the filter media. At well #7, the Simi-wash system also does not work due to the blower motor needing replacement.

Impact on Future Operating Budget: None

External Funding Sources Available: None

Project Cost Summary

Expense Category	FY16	FY17	FY18	FY19-26	Total CIP
Construction					0
Planning/Engineering					0
Equipment	27,000				27,000
Maintenance					0
Land/R.O.W.					0
Technology					0
Other Expenses					0
Subtotal	27,000	0	0	0	27,000

Funding Source Summary

Funding Source	FY16	FY17	FY18	FY19-26	Total Source
Water Utility Fund	27,000				27,000
					0
Subtotal	27,000	0	0	0	27,000

Project Title: Ann Street Detention Basin

Description & Scope: The Ann Street basin will involve construction of a new wet basin located southeast of the intersection of Franklin Street and Ann Street on the north side of the Cravath Lake.

Purpose & Need: The goal of the basin is to reduce non point source pollutant discharge and help reduce total suspended solids (TSS) loadings.

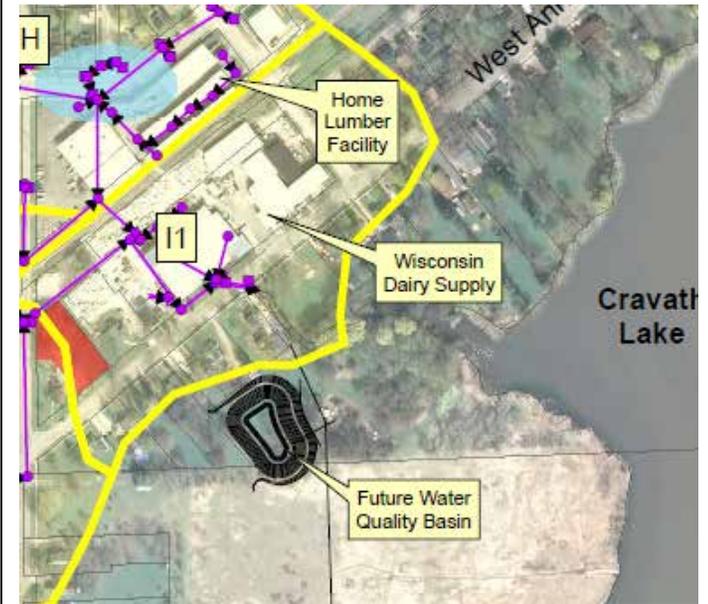
External Funding Sources Available: The City applied for a DNR grant to fund this project. If awarded the grant, it would be recommended to include this project in the bid for the Franklin St./Ann St. stormwater project.

Project Cost Summary

Expense Category	FY16	FY17	FY18	FY19-26	Total CIP
Construction	167,450				167,450
Planning/Engineering	29,550				29,550
Equipment					0
Maintenance					0
Land/R.O.W.					0
Technology					0
Other Expenses					0
Subtotal	197,000	0	0	0	197,000

Funding Source Summary

Funding Source	FY16	FY17	FY18	FY19-26	Total Source
DNR Grant	98,500				98,500
State Trust Fund/Local Bank	98,500				
					0
Subtotal	197,000	0	0	0	197,000



Project Title: TIF #5 Expansion- Road Construction; Public Facilities

Description & Scope: TIF #5 will require the installation of several road projects. These include but are not limited to a new loop road, re-alignment of the intersections of Business 12 and both Indian Mound Parkway and Pearson Lane. The draft plan includes a continuous turn land (TWLTL) on Business 12. Due to the cost/scope of the project coupled with the limited expenditure period remaining in the TIF district, phasing of the project may be considered.

Purpose & Need: Address the need for additional commercial/retail space and the expansion for the TIF district for future growth.

Impact on Future Operating Budget: The growth will have an impact on city services. It will add additional street mileage, storm sewer, traffic, and sanitary sewer needs all associated with the growth of the area.

External Funding Sources Available: Various Enterprise Funds may be analyzed as a potential source of revenues for funding the projects. Revenue Bonds may also be considered for the project.

Expense Category	FY16	FY17	FY18	FY19	FY20-26	Total CIP
Construction	4,300,000					4,300,000
Planning/Engineering	100,000					100,000
Land/R.O.W.						0
Other Expenses						0
Subtotal	4,400,000	0	0	0	0	4,400,000

Funding Source Summary

Funding Source	FY16	FY17	FY18	FY19	FY20-26	Total Source
G.O. Bonds	2,650,000					2,650,000
Revenue Bonds	0					
Enterprise Funds	1,750,000					1,750,000
Subtotal	4,400,000	0	0	0	0	4,400,000

Project Title: TIF #6 Expansion- Single Family Home Project

Description & Scope: TIF #6's single family home project utilizes the lands north of HWY 12 along the western edge of the TIF. This is approximately 33 acres of developable lands. It is estimated that approximately 100 new residences could be constructed. Due to the current market conditions, the project could be phased to allow for growth on an incremental basis. Initially, an engineer's estimate of the costs is needed to determine the feasibility of the project.

Purpose & Need: Address the need for additional mid range single family homes with potential for some limited neighborhood commercial/retail space.

Impact on Future Operating Budget: The growth will have an impact on city services. It will add additional street mileage, storm sewer, traffic, and sanitary sewer needs all associated with the growth of the area.

External Funding Sources Available: Various Enterprise Funds may be analyzed as a potential source of revenues for funding the projects.

Project Cost Summary

Expense Category	FY16	FY17	FY18	FY19	FY20-26	Total CIP
Construction		1,000,000	1,500,000			2,500,000
Planning/Engineering	150,000					150,000
Land/R.O.W.						0
Other Expenses						0
Subtotal	150,000	1,000,000	1,500,000	0	0	2,650,000

Funding Source Summary

Funding Source	FY16	FY17	FY18	FY19	FY20-26	Total Source
G.O. Bonds	150,000	1,000,000	1,500,000			2,650,000
Revenue Bonds	0					
Enterprise Funds	0					0
Subtotal	150,000	1,000,000	1,500,000	0	0	2,650,000



City of Whitewater Council Agenda Item Information Sheet

MEETING DATE: 9/1/2015

ITEM: Ann Street Detention Basin - Strand Task Order Approval

PRESENTER: Assistant City Manager

PREVIOUS ACTION, IF ANY: None

SUMMARY OF ITEM BEING PRESENTED:

This project will involve the design and construction of a new wet detention basin located on lands to be purchased by the city. The basin will be located southeast of the intersection of South Franklin Street and West Ann Street on the northwest side of Cravath Lake. Similar to the recently completed ponds on E. Clay Street, James Street, and Bloomingfield Drive, the goal of the basin is to reduce nonpoint source pollutant discharge and help reduce total suspended solids (TSS) loadings.

The city has received a DNR grant for this project which will cover half of the project cost, including land acquisition, engineering, and construction costs, up to \$98,500. We estimate the total project cost at \$197,000, which is included in the city's 2016 Capital Improvement Plan (CIP).

Strand Associates has provided staff with a Task Order for design and bidding services. The scope of services is attached for your review.

BUDGET IMPACT, IF ANY

Strand Associates will be compensated on an hourly rate basis plus expenses at a not-to-exceed fee of \$27,000. The DNR grant will cover up to half of the engineering costs.

BOARD, COMMISSION, OR COMMITTEE RECOMMENDATION, IF ANY: None

STAFF RECOMMENDATION: Staff recommends approving Task Order No. 15-05

RECOMMENDED MOTION: To approve Strand Associates Task Order No. 15-05 for design, bidding, and construction services for the construction of a wet detention basin.

ATTACHMENT(S) INCLUDED (If none, please state that) Task Order No. No. 15-05, Project Scope Exhibit

FOR MORE INFORMATION CONTACT:

Chris McDonell, cmcdonell@whitewater-wi.gov, 262.473.0139

Task Order No. 15-05
City of Whitewater, Wisconsin (OWNER)
and Strand Associates, Inc.⁹⁰ (ENGINEER)
Pursuant to Technical Services Agreement dated February 8, 2012

Project Information

Project Name: Ann Street Detention Basin

Project Description: Construction of wet detention basin on property to be acquired by OWNER; property located at 443 West Ann Street.

Services Description: Design services, bidding-related services, and construction-related services.

Scope of Services

ENGINEER will provide the following services to OWNER.

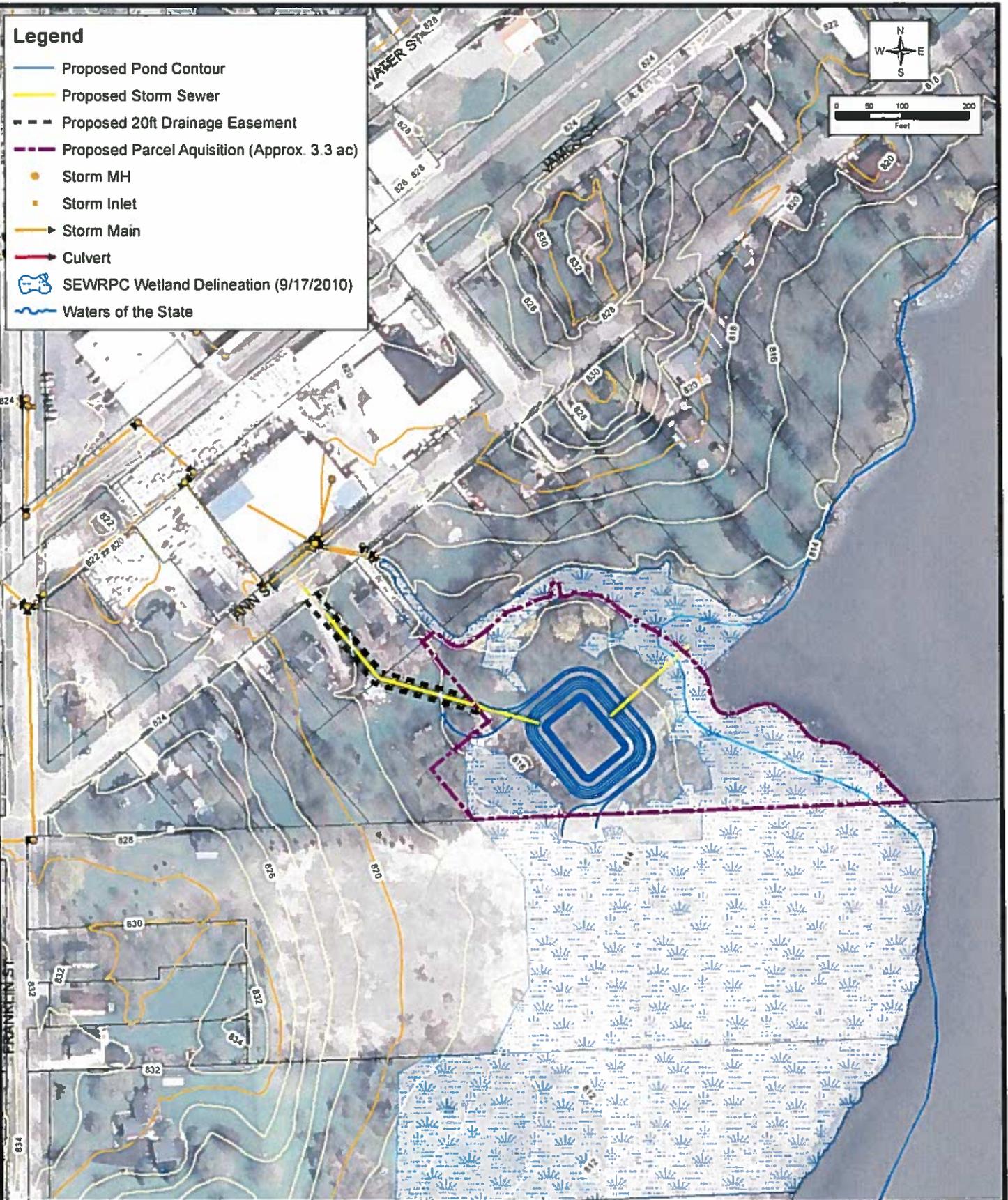
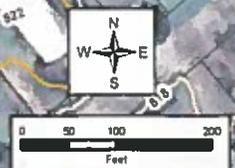
Design Services

1. Prepare topographic survey of the 443 West Ann Street property.
2. Assist OWNER with selection of geotechnical engineering consultant.
3. Perform pollutant load modeling of the wet detention basin to estimate the total suspended solids and total phosphorus loading reductions of the proposed basin.
4. Prepare site plan and grading plan for the proposed wet detention basin. The wet detention basin will be designed in accordance with the Wisconsin Department of Natural Resources (WDNR) Conservation Practice Standard 1001.
5. Design new connecting storm sewers and show on the plan and profile sheet.
6. Prepare erosion control plans, restoration plans, and miscellaneous details.
7. Assess the probable environmental impacts of the project and assist OWNER in obtaining necessary local, state, and federal permits for construction of the project including WDNR Notice of Intent Permit Coverage. The required wetland delineation will be provided by OWNER.
8. Review project details with OWNER.
9. Prepare bidding documents using Engineers Joint Contract Documents Committee C-700 Standard General Conditions of the Construction Contract, 2007 edition, technical specifications, and engineering drawings.
10. Assist OWNER with grant administration services related to project funding through the WDNR Stormwater Management Grant Program.

Path: S:\MAD\1400-1499\1407\01\Stormwater Grant\2014\Ann Street Detention Basin\Grant Base Files\Attachment B - Ann Street Basin 8x11.mxd
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Legend

- Proposed Pond Contour
- Proposed Storm Sewer
- Proposed 20ft Drainage Easement
- Proposed Parcel Aquisition (Approx. 3.3 ac)
- Storm MH
- Storm Inlet
- Storm Main
- Culvert
- SEWRPC Wetland Delineation (9/17/2010)
- Waters of the State



ANN STREET WET DETENTION BASIN

UNPS CONSTRUCTION GRANT APPLICATION
CITY OF WHITEWATER
WALWORTH COUNTY, WISCONSIN



ATTACHMENT B

1407.701
202 of 202