

M E M O R A N D U M

To: City of Whitewater Plan and Architectural Review Commission

From: Chris Bennett, Director of Neighborhood Services

Date: January 9, 2022

Re: **Item # 5:** Public hearing for consideration of a Conditional Use Permit for a proposed Event Venue located at 183-187 W Main Street, Parcel ID#/OT 00070 for Stonegate Management LLC (Gregory Aprahamian).

Summary of Request	
Requested Approvals:	Conditional Use Permit for an event venue.
Location:	183-187 W. Main St.
Current Land Use:	Central Business
Proposed Land Use:	Central Business
Current Zoning:	B-2 – Central Business District
Proposed Zoning:	B-2 – Central Business District
Future Land Use, Comprehensive Plan:	Central Business

Description of the Proposal:

Greg Aprahamian is applying for a Conditional Use Permit for an event venue at 183-187 W. Main St. in Whitewater. The property is zoned B-2 – Central Business District.

Per the city’s B-2 zoning code taverns and other places selling alcoholic beverages by the drink require a CUP. Per Clerk Michele Smith Aprahamian has applied for a “Class B” beer and liquor license, which allows beer, wine and spirits to be served by the glass.

Aprahamian owns and is in the process of restoring the building at the listed address, which is colloquially known as the Bowers House.

Per ordinance 19.20.030 the PARC shall consider the following issues relevant to approval of this CUP –

1. Parking

Per ordinance 19.51.160, in order to encourage and stimulate the revitalization in the downtown

area of Whitewater, uses within the B-2 central business district are exempt from the minimum number of parking stalls required in this chapter, unless 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.

Per the parking calculation listed in 19.51.130, restaurants, bars and places of entertainment are required to provide one parking stall for each 200 square feet of primary floor area.

The primary floor area of the proposed venue is encompassed in the ballroom and bar area. The ballroom measures 2,517 square feet. The bar area is roughly 750 square feet. Rounding up to 2,600 square feet in the ballroom, and adding the roughly 750 square feet in the bar, gives a total of 3,350 square feet. Rounding up to 3,400 square feet this means the facility must allow for 17 parking spaces.

It is the opinion of representatives of the city's Public Works Department and Neighborhood Services Department that sufficient parking for the venue is available downtown.

The parking is provided for by municipal lots, shown on the enclosed map, and also by stalls on the street. The intersection where the Bowers House is marked on the map with a purple dot. There is a total of 153 available parking spots in lots A, B, F and I, all located within roughly three blocks of Bowers House.

2. Type of business

Per the City of Whitewater's 2010 Comprehensive Plan, which was updated in 2017, the Central Business district is to be centered in Whitewater's historic downtown area and accommodate pedestrian-oriented retail, service, office, community, institutional, and upper story housing.

Listed below is an excerpt from Chapter 7 of the Comprehensive Plan, which further details the parameters of the Central Business District.

1. Central Business

Description: This future land use designation is intended for pedestrian-oriented uses that are associated with Whitewater's historic downtown, such as commercial, office, institutional, and residential uses (with residential generally in upper stories).

Policies and Programs: The following policies and programs are recommended for this future land use designation in areas on Map 5 where this category is shown:

- a. The existing City zoning district that is most appropriate to implement this future land use designation is the B-2 Central Business District. PD Planned Development zoning may also be appropriate for redevelopment projects
- b. Advance the revitalization objectives, policies, and actions described in the City's Action Plan for Downtown Revitalization, as may be amended from time to time by the Plan and Architectural Review Commission and Common Council, in collaboration with the Community Development Authority.
- c. Preserve and enhance the character of the Central Business district by encouraging compatible new development and redevelopment. Refer to the Downtown Design

Guidelines to guide the redevelopment, rehabilitation, and construction of buildings in the downtown.

- d. Promote the use of first floor spaces for specialty retail, restaurants, and commercial service uses, and upper story spaces for housing and offices.
- e. Continue to promote the downtown as a commercial, civic, and social center of the community. Encourage commercial uses that are most appropriate to the downtown to locate or remain there, rather than in other commercial districts of the City.
- f. Work with downtown property owners and businesses to preserve and renovate historically significant buildings.
- g. Use marketing, investment, and incentive strategies to promote and retain specialty retail and dining business and services in the downtown, utilizing the 2008 Retail Coach study as a guide (see the Economic Development chapter).

Aprahamian is rehabilitating a historically significant building, and his intended conditional use of the building will serve to draw people to the historic downtown. The building will help promote downtown as the community's commercial, civic and social center. The use is appropriate for both the building and the downtown area. Any advertising Aprahamian does for the event venue will raise the area's profile, and adjacent business will likely benefit from any spill-over effect.

3. Signage

Signage is handled through the city's Neighborhood Services Department according to Chapter 19.54. Aprahamian will apply for a sign permit, when ready. If the matter requires a CUP the PARC will render judgement; barring that sign permits are approved in-house according to the ordinance.

4. Outdoor seating

Should Aprahamian desire a sidewalk café he will complete the Sidewalk Café Permit Application Form found on the city's web site. Neighborhood Services, Public Works and public safety are consulted, and the form is approved internally.

5. Provisions for avoiding noise and lighting nuisances

Per 19.58.060 the permitted maximum decibel level is a maximum instantaneous sound level reading (L_{max}) of 75 decibels and an equivalent continuous sound level of 60 decibels when measured for one minute.

A lighting plan was not required as part of the site plan review and approval process. Applicant will follow the provisions of 19.57.150 (Outdoor lighting standards) that apply to the building.

6. Buffering and fencing

19.57.140 details where screens and buffers are required. In this instance there is no need for a buffer yard or fencing.

7. Compatibility with the immediately surrounding neighborhood or district

As detailed above under point 22, the downtown area is meant to be a gathering place and a hub for people and commerce. Aprahamian's building will draw people to the downtown, when it is being used, and serve to heighten the area's profile. The building, once fully restored, will mirror other

buildings in Whitewater's downtown – many of which were previously restored by Aprahamian.

Planner's Recommendations

The city recommends the Plan and Architectural Review Commission approve the Conditional Use Permit application for Greg Aprahamian to operate an event venue at 183-187 W. Main St. in Whitewater. The application meets city ordinance and the project fits with the city's comprehensive plan.

The city recommends approval subject to the following conditions –

1. The conditional use permit shall run with the applicant and not the land. Any change in ownership/licensee (or operator) will require approval of a conditional use permit for the new owner/licensee (or operator) from the Plan Commission.
2. Applicant must adhere to city ordinances concerning lighting, landscaping and buffering. The applicant shall comply with all required City and building codes.
3. Applicant must include a Knox Box on the outside of the building.
4. Applicant must follow all city ordinances regarding signage.
5. Any dumpsters must be screened from view or out of sight. Outside storage is also not allowed, unless screened, per 19.57.140.
6. No environmental emissions are allowed.
7. Any truck deliveries must occur during weekdays.
8. All of the requirements of Chapter 19.51, traffic, parking and access, and Chapter 19.57, general performance standards, are to be met.
9. Approval is needed for a "Class B" Beer and Liquor License from the Alcohol Licensing Committee and the Common Council.
10. Any conditions stipulated by the Plan and Architectural Review Commission.

Suggested findings to be made by the Plan Commission

Conditional Use Permits are required to be reviewed in relation to a set of standard criteria presented in the Zoning Ordinance (Section 19.66.050). See the following page for suggested findings:

Analysis of Proposed Conditional Use Permit for: 183-187 W. Main St.		
<i>Conditional Use Permit Review Standards per Section 19.66.050:</i>		
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	There is no adverse effect on the surrounding area.
2. Adequate utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.	Yes	In compliance.
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	In compliance.
4. The conditional use conforms to the purpose and intent of the city master (comprehensive) plan.	Yes	The proposed use is consistent with the Comprehensive Plan.
5. The conditional use and structures are consistent with sound planning and zoning principles.	Yes	The project is consistent with the conditional use requirements of the B-2 district.



Neighborhood Services Department
Planning, Zoning, GIS, Code Enforcement
and Building Inspections

www.whitewater-wi.gov
(262) 473-0143

CONDITIONAL USE PERMIT APPLICATION

Address of Property: 183-187 W MAIN ST
Owner's Name: Stonegate Management LLC (GREGORY APRAHAMIAN)
Applicant's Name: GREGORY APRAHAMIAN
Mailing Address: 5107 W 305th SANDY BEACH RD
Phone #: (262) 352-9890 Email: gt.stonegate@gmail.com
Legal Description (Name of Subdivision, Block and Lot of other Legal Descriptions): WLY 52'
LOT 2 BLK 8 EXC SLY 72' OF WLY 52' & WLY 54' LOT 3 Block 8
OT 00070

Existing and Proposed Uses:

Current Use of Property: VACANT
Zoning District: B-2
Proposed Use: EVENT VENUE

NOTICE: The Plan Commission meetings are scheduled on the 2nd Monday of the month. All complete plans must be in by 4:00 p.m. four weeks prior to the meeting.

Conditions

The City of Whitewater Zoning Ordinance authorizes the Plan Commission to place conditions on approved conditional uses. "Conditions" such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, plantation, deed restrictions, highway access restrictions, increased yards or parking requirements may be affected. "Conditional Uses" may be subject to time limits or requirements for periodic review by staff.

STANDARDS FOR REVIEW AND APPROVAL

The Plan and Architectural Commission shall use the following standards when reviewing applications for conditional uses. The applicant is required to fill out the following items and explain how the proposed conditional use will meet the standard for approval.

STANDARD	APPLICANT'S EXPLANATION
A. That the establishment, maintenance, or operation of the Conditional Use will not create a nuisance for neighboring uses or substantially reduce value of other property.	PROPERTY IS VACANT AND IN NEED OF SUBSTANTIAL REPAIR. THIS PROPOSED USE WILL BE DONE IN ORDER TO MAKE PROPERTY USED & APPRECIATED FOR ITS HISTORICAL SIGNIFICANCE
B. That utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.	UPDATED WATER, SEWER, STORM WATER ELECTRIC & ASSOCIATED SIDEWALK CURB & ROAD REPAIR IS PART OF THIS RENOVATION.
C. That the conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted by this ordinance.	CATERERS, RESTAURANTS CURRENTLY ARE PERMITTED USE OF A B-2 ZONE PROPERTY. & TAVERNS & LIQUOR SELLING ARE FOR CONDITIONAL USE. THIS PROPOSAL OF AN EVENT CENTER FITS WITH IN THIS AREA OF A CONDITIONAL USE
D. That the conditional use conforms to the purpose and intent of the city Master Plan.	THE CITY PLAN IS TO BRING PEOPLE TO WHITEWATER & THE DOWNTOWN. THIS PLAN WILL HELP IN THIS EFFORT.

**Refer to Chapter 19.66 of the City of Whitewater Municipal Code, entitled CONDITIONAL USES, for more information.

Applicant's Signature: _____

Date: 12/10/22

Printed: GREGORY APRAHAMIAN

TO BE COMPLETED BY THE NEIGHBORHOOD SERVICES DEPARTMENT

- 1) Application was filed and the paid fee at least four weeks prior to the meeting. **\$100.00 fee** filed on _____. Received by: _____ Receipt #: _____
- 2) Application is reviewed by staff members.
- 2) Class 2 Notice published in Official Newspaper on Dec 22, 2022
- 3) Notices of the Public Hearing mailed to property owners on Dec 23, 2022
- 4) Plan Commission holds the PUBLIC HEARING on January 9, 2023 Public comments may also be submitted in person or in writing to City Staff.
- 5) At the conclusion of the Public Hearing, the Plan Commission will make a decision.

ACTION TAKEN:

Condition Use Permit: Granted _____ Not Granted _____ By the Plan and Architectural Review Commission

CONDITIONS PLACED UPON PERMIT BY PLAN AND ARCHITECTURAL REVIEW COMMISSION:

Signature of Plan Commission Chairperson

Date

Cost Recovery Certificate and Agreement

The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, and recreation specialists) to assist in the City's review of an application for development review coming before the Plan and Architectural Review Commission, Board of Zoning Appeals, and/or Common Council. In fact, most applications require some level of review by the City's planning consultant. City of Whitewater staff shall retain sole discretion in determining when and to what extent it is necessary to involve a professional consultant in the review of an application.

The submittal of an application or petition for development review by an applicant shall be construed as an agreement to pay for such professional review services associated with the application or petition. The City may apply the charges for these services to the applicant and/or property owner in accordance with this agreement. The City may delay acceptance of an application or petition (considering it incomplete), or may delay final action or approval of the associated proposal, until the applicant pays such fees or the specified percentage thereof. Development review fees that are assigned to the applicant, but that are not actually paid, may then be imposed by the City as a special charge on the affected property.

Section A: Background Information

----- To be filled out by the Applicant/Property Owner -----

Name of Applicant: GREGORY APRAHAMIAN

Applicant's Mailing Address: 5107 W305TH SANDY BEACH RD
MUKWONAGO, WI 53149

Applicant's Phone Number: (262) 352-9890

Applicant's Email Address: gt.stonegate@gmail.com

Project Information:

Name/Description of Development: BOWEN HOUSE / EVENT VENUE / APTS

Address of Development Site: 183-187 W MAIN ST

Tax Key Number(s) of Site: OT 00070

Property Owner Information (if different from applicant):

Name of Property Owner: _____

Property Owner's Mailing Address: _____

Section B: Applicant/Property Owner Cost Obligations

----- To be filled out by the Neighborhood Services Department -----

Under this agreement, the applicant shall be responsible for the costs indicated below. In the event the applicant fails to pay such costs, the responsibility shall pass to the property owner, if different. Costs may exceed those agreed to herein only by mutual agreement of the applicant, property owner, and City. If and when the City believes that actual costs incurred will exceed those listed below, for reasons not anticipated at the time of application or under the control of the City administration or consultants, the Neighborhood Services Director or his agent shall notify the applicant and property owner for their approval to exceed such initially agreed costs. If the applicant and property owner do not approve such additional costs, the City may, as permitted by law, consider the application withdrawn and/or suspend or terminate further review and consideration of the development application. In such case, the applicant and property owner shall be responsible for all consultant costs incurred up until that time.

- A. Application Fee.....\$ 100.00
- B. Expected Planning Consultant Review Cost\$ _____
- C. Total Cost Expected of Applicant (A+B)\$ _____
- D. 25% of Total Cost, Due at Time of Application.....\$ _____

E. Project Likely to Incur Additional Engineering or Other Consultant Review Costs? < Yes < No

The balance of the applicant’s costs, not due at time of application, shall be payable upon applicant receipt of one or more itemized invoices from the City. If the application fee plus actual planning and engineering consultant review costs end up being less than the 25% charged to the applicant at the time of application, the City shall refund the difference to the applicant.

Section C: Agreement Execution

----- To be filled out by the Applicant and Property Owner -----

The undersigned applicant and property owner agree to reimburse the City for all costs directly or indirectly associated with the consideration of the applicant’s proposal as indicated in this agreement, with 25% of such costs payable at the time of application and the remainder of such costs payable upon receipt of one or more invoices from the City following the execution of development review services associated with the application.

Signature of Applicant/Petitioner

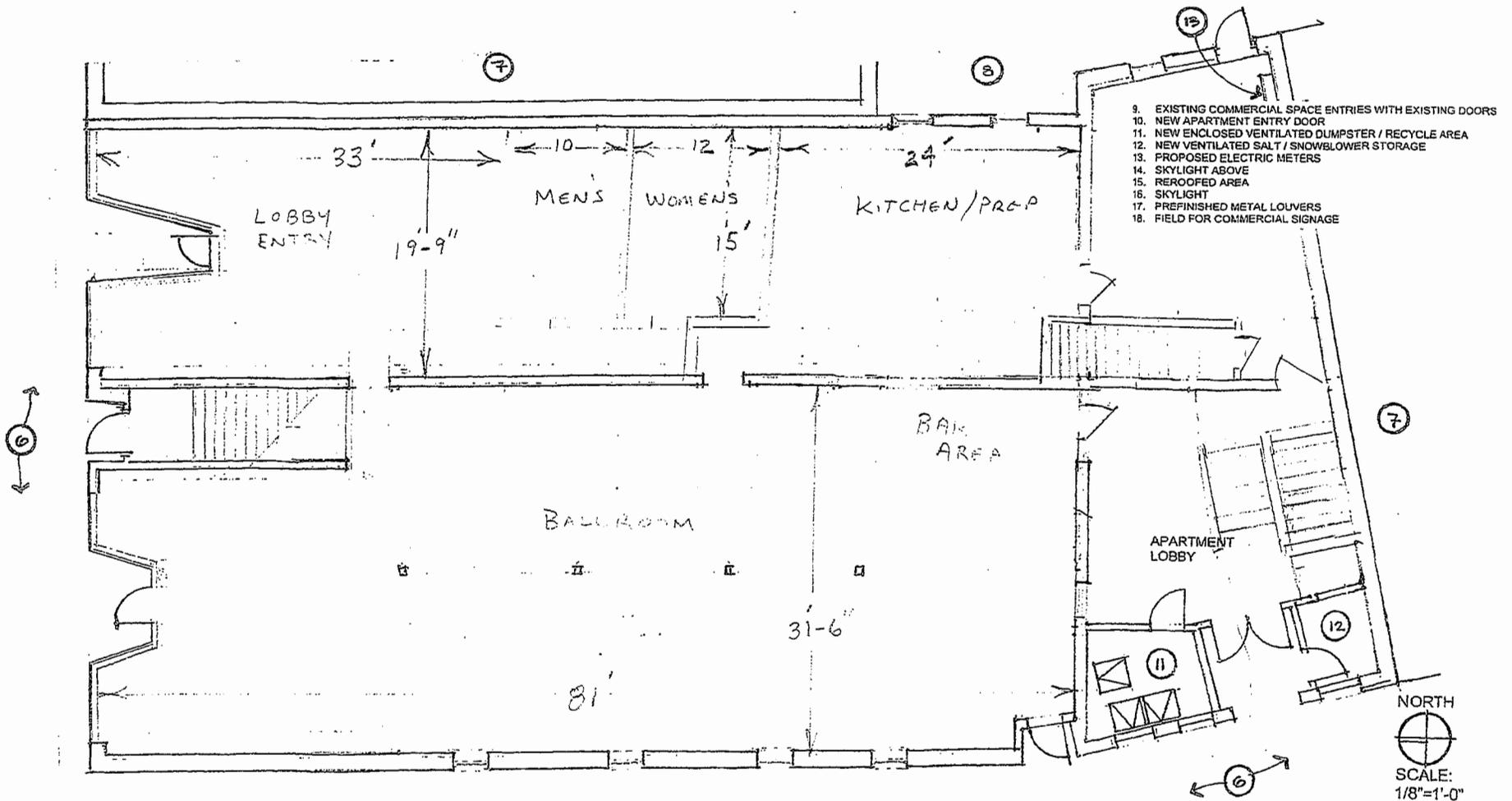
GREGORY APRAHAMIAN
Printed Name of Applicant/Petitioner

12/10/22
Date of Signature

Signature of Property Owner (if different)

Printed Name of Property Owner (if different)

Date of Signature



Notes:

1. EXISTING SHOP DOORS AND GLAZING TO REMAIN
2. EXISTING BRICK AND BRICK DETAILING WITH STONE SILLS TO REMAIN
3. EXISTING STONE WALL WITH ARCHED BRICK LINTELS AND STONE SILLS TO REMAIN
4. EXISTING DECORATIVE CORNICE TO BE REPAIRED AND REPAINTED
5. NEW WINDOWS IN EXISTING MASONRY OPENINGS WITH NEW PREFINISHED METAL SILL FLASHING AND REPAINTED EXISTING WOOD TRIM.
6. EXISTING CITY CONCRETE SIDEWALK PAVING AT GRADE
7. ADJACENT BUILDING
8. EXISTING OPEN COURTYARD

GROUND FLOOR PLAN

BOWERS HOUSE HOTEL

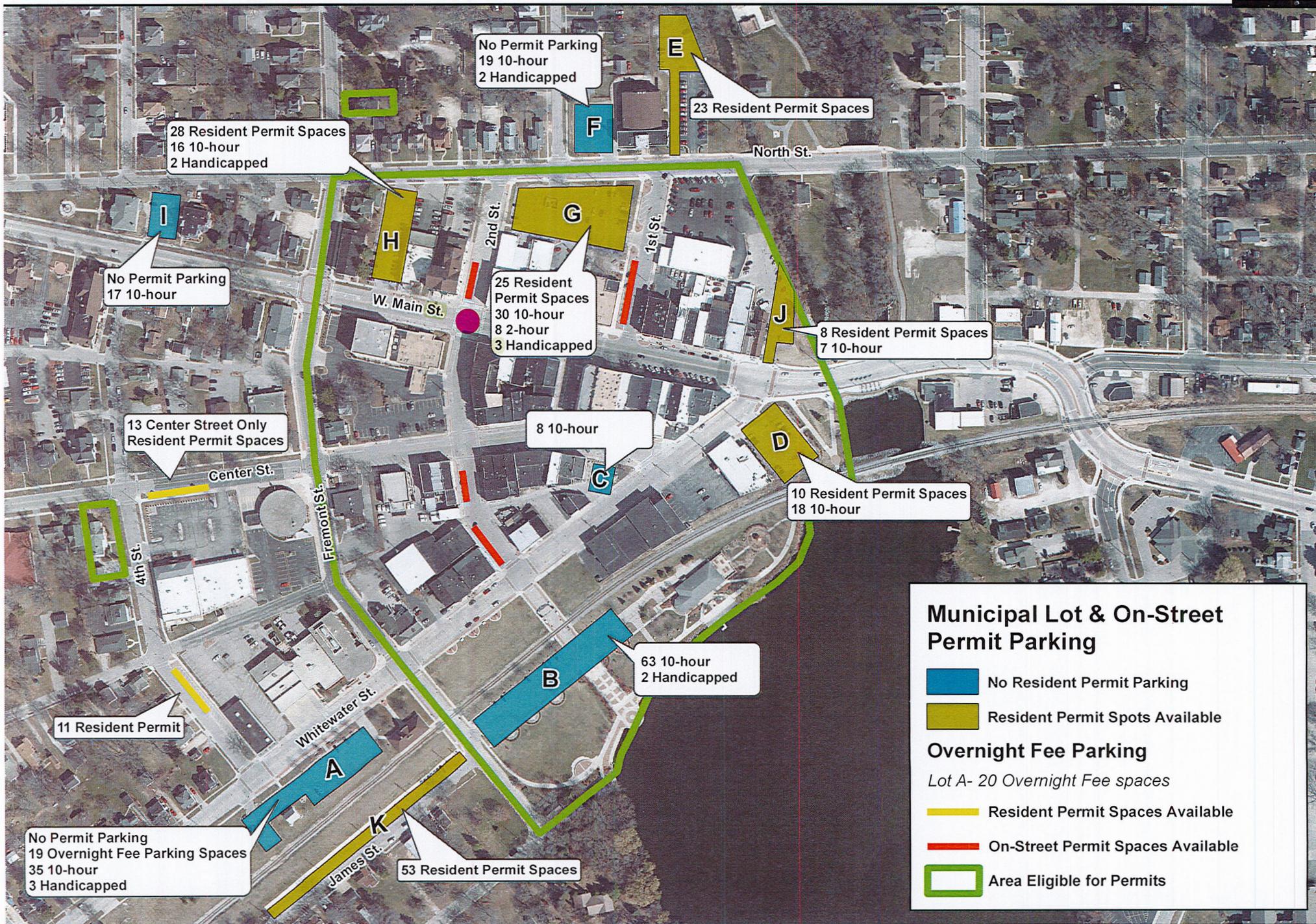
Apartment Alteration
 187 MAIN STREET
 WHITEWATER, WI. 53190
 September 12th, 2022

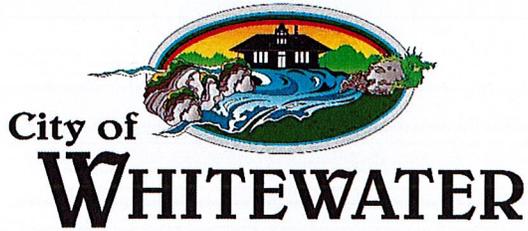


Michael Peine
 Architects
 Commercial - Industrial
 Design/Build Partnering

4877 N. ADVANCE AVE.
 WHITEWATER, WI 53191
 262.815.2519 Phone
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On-street and Municipal Lot Parking Downtown Whitewater





Neighborhood Services
Department
*Planning, Zoning, Code
Enforcement, GIS
and Building Inspection*
www.whitewater-wi.gov
Telephone: (262) 473-0540

NOTICE OF PUBLIC HEARING

TO ALL INTERESTED PARTIES:

A meeting of the PLAN AND ARCHITECTURAL REVIEW COMMISSION of the City of Whitewater will be held at the Municipal Building, Community Room, located at 312 W. Whitewater Street on the 9th day of January, 2023 at 6:00 p.m. to hold a public hearing for consideration of a Conditional Use Permit for a proposed Event Venue located at 183-187 W Main Street, Parcel ID#/OT 00070 for Stonegate Management LLC (Gregory Aprahamian).

The Site Plan Review Proposal is on file in the Neighborhood Services Office located at 312 W. Whitewater Street and is open to public inspection during office hours Monday through Friday, 8:00 a.m. to 4:30 p.m.

This meeting is open to the public. COMMENTS FOR, OR AGAINST THE PROPOSED PROJECT MAY BE SUBMITTED IN PERSON OR IN WRITING.

For information, call (262) 473-0540

Chris Bennett, Neighborhood Services Director

TaxKey	Owner1	Address1	City	State	Zip
/OT 00013	CITY OF WHITEWATER	312 W WHITEWATER ST	WHITEWATER	WI	53190
/OT 00013A	GREGORY APRAHAMIAN	S107 W30511 SANDY BEACH RD	MUKWONAGO	WI	53149
/OT 00014	DRILON LLC	168 W MAIN ST	WHITEWATER	WI	53190
/OT 00017	172 MAIN LLC	S107W30511 SANDY BEACH RD	MUKWONAGO	WI	53149
/OT 00018	WHITEWATER RENTALS LLC	S107W30511 SANDY BEACH RD	MUKWONAGO	WI	53149
/OT 00019	WHITEWATER RENTALS LLC	S107W30511 SANDY BEACH RD	MUKWONAGO	WI	53149
/OT 00020	WHITEWATER RENTALS LLC	S107W30511 SANDY BEACH RD	MUKWONAGO	WI	53149
/OT 00021	DAVID E SAALSAA	184 W MAIN ST #3	WHITEWATER	WI	53190
/OT 00022	CENTER STREET RENTALS LLC	W9597 BREIDSAN DR	WHITEWATER	WI	53191
/OT 00023	CITY OF WHITEWATER	312 W WHITEWATER ST	WHITEWATER	WI	53190
/OT 00024	CITY OF WHITEWATER	312 W WHITEWATER ST	WHITEWATER	WI	53190
/OT 00026	JERMAN PROPERTIES LLC	PO BOX 616	CAMBRIDGE	WI	53523
/OT 00027	LIVING WORD FELLOWSHIP OF WHITEWATER INC	212 W MAIN ST	WHITEWATER	WI	53190
/OT 00028	CITY OF WHITEWATER	312 W WHITEWATER ST	WHITEWATER	WI	53190
/OT 00053	FIRST CITIZENS STATE BANK	207 W MAIN ST	WHITEWATER	WI	53190
/OT 00053A	FIRST CITIZENS STATE BANK	207 W MAIN ST	WHITEWATER	WI	53190
/OT 00054	FIRST CITIZENS STATE BANK	207 W MAIN ST	WHITEWATER	WI	53190
/OT 00055	FIRST CITIZENS STATE BANK	207 W MAIN ST	WHITEWATER	WI	53190
/OT 00055A	FIRST CITIZENS STATE BANK	PO	WHITEWATER	WI	53190
/OT 00056	FIRST CITIZENS STATE BANK	207 W MAIN ST	WHITEWATER	WI	53190
/OT 00058	FIRST CITIZENS STATE BANK	PO BOX 177	WHITEWATER	WI	53190
/OT 00059	FIRST CITIZENS STATE BANK	207 W MAIN ST	WHITEWATER	WI	53190
/OT 00060	FIRST CITIZENS STATE BANK	207 W MAIN ST	WHITEWATER	WI	53190
/OT 00061	FIRST CITIZENS STATE BANK	PO BOX 177	WHITEWATER	WI	53190
/OT 00062	STEPHEN W FAIRCHILD	126 W CENTER ST	WHITEWATER	WI	53190
/OT 00065	STONEGATE MANAGEMENT LLC	S107 W30511 SANDY BEACH RD	MUKWONAGO	WI	53149
/OT 00067	DIANE L TRAMPE	138 CENTER ST	WHITEWATER	WI	53190
/OT 00068	FIRE STATION 1 LLC	138 W CENTER ST	WHITEWATER	WI	53190
/OT 00069	CHERYL A BRESNAHAN	117 S SECOND ST	WHITEWATER	WI	53190
/OT 00070	BOWERS HOUSE LLC	S107W30511 SANDY BEACH RD	MUKWONAGO	WI	53149
/OT 00071	WHITEWATER RENTALS LLC	S107W30511 SANDY BEACH RD	MUKWONAGO	WI	53149
/OT 00072	JORGE ISLAS MARTINEZ	565 S FRANKLIN ST	WHITEWATER	WI	53190
/OT 00073	MEXSAL LLC	565 S FRANKLIN ST	WHITEWATER	WI	53190

/OT 00074	HBCK LLC	2924 CANDLEWOOD DR	JANESVILLE	WI	53546
/OT 00075	DLK ENTERPRISES INC	PO BOX 239	WHITEWATER	WI	53190
/OT 00082	HAWKS NEST APARTMENTS LLC	9945 N VALLEY HILL DR	MEQUON	WI	53092
/OT 00083	HAWKS NEST APARTMENTS LLC	9945 N VALLEY HILL DR	MEQUON	WI	53092
/OT 00084	BULLDOG INVESTMENTS LLC	109 S FIRST ST	WHITEWATER	WI	53190
/OT 00131	RODRIGUEZ PROPERTIES II LLC	N9707 N MCCORD RD	WHITEWATER	WI	53190
/OT 00132	RODRIGUEZ PROPERTIES II LLC	N9707 N MCCORD RD	WHITEWATER	WI	53190
/OT 00133	RODRIGUEZ PROPERTIES II LLC	N9707 N MCCORD RD	WHITEWATER	WI	53190
/OT 00134	GOODDEN 135 LLC	S83 W32938 S OAK TREE CT	MUKWONAGO	WI	53149
/OT 00135	MIQJS LLC	11337 E COUNTY RD N	WHITEWATER	WI	53190
/OT 00136	MARIETTA RENTALS LLC	123 W CENTER ST	WHITEWATER	WI	53190
/OT 00137	MARIETTA RENTALS LLC	123 W CENTER ST	WHITEWATER	WI	53190
/OT 00138	WHITEWATER RENTALS LLC	S107W30511 SANDY BEACH RD	MUKWONAGO	WI	53149
/OT 00139	WHITEWATER RENTALS LLC	S107W30511 SANDY BEACH RD	MUKWONAGO	WI	53149
/OT 00140	CITY OF WHITEWATER	312 W WHITEWATER ST	WHITEWATER	WI	53190
/OT 00171	BUEHLER LAW OFFICE LLC	266 LAKEVIEW DR	WHITEWATER	WI	53190
/OT 00172	ROBERT R ARDELT	835 W WALWORTH AVE	WHITEWATER	WI	53190
/OT 00173	RODRIGUEZ PROPERTIES II LLC	N9707 N MCCORD RD	WHITEWATER	WI	53190

Chapter 19.30 - B-2 CENTRAL BUSINESS DISTRICT

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. No. 1914A, 2-18-2016)

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 nonrelated household sizes applicable in the R-1 and R-2 districts (see Section 19.09.520);
- OO. Existing residences must meet the following standards:
 1. A limit of three unrelated persons.
- PP. Any other similar uses not specifically listed above.

(Ord. No. 1914A, 2-18-2016)

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. No. 1914A, 2-18-2016)

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).



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 Section 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.

J. Laundromats or dry cleaning;

K. Hospitals;

L. Wholesale trade of durable and nondurable goods.

(Ord. No. 1914A, 2-18-2016; Ord. No. 2024A, § 1, 9-21-2021)

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. No. 1914A, 2-18-2016)

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. The fee will be recommended by the parks and recreation board and then approved by the common council. The fee will be on record at the city clerk's office. 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 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.

(Ord. No. 1914A, 2-18-2016)