

**AN ORDINANCE AMENDING CHAPTER 19.19 R-2A RESIDENTIAL INCREASED
OCCUPANCY OVERLAY DISTRICT**

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

Section 1. Whitewater Municipal Code Section 19.19.010 is hereby amended to read as follows:

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, while still providing quality housing for tenants.

Section 2. Whitewater Municipal Code Section 19.19.030 is hereby amended to read as follows:

19.19.030 Residential occupancy overlay district conditional uses.

A conditional use permit is required for four (4) or more 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 and shall include the following:

- A. Every dwelling unit must provide 400-sq. ft. of total habitable space for the first occupant and 330-sq. ft. for each additional occupant. Total habitable space is the sum of the floor area of the kitchen, living room, dining area, bathrooms and all bedrooms.
 - 1. Habitable Space for the purpose of this section, shall be the sum of the several floors of a building used for human occupancy, but not including unfinished-basements or basements that do not meet building code, garages, porches, breezeways and unfinished attics

EXAMPLE: A single family home with Five (5) unrelated individuals shall require a minimum of 1,720 square feet of habitable space. $(400 \text{ square feet} \times 1^{\text{st}} \text{ individual}) + (330 \text{ square feet} \times 4 \text{ additional individuals}) = 1,720 \text{ square feet of habitable space.}$

- B. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes (bedroom) by one occupant shall contain at minimum 80 square feet of floor spaces, and every room occupied for sleeping purposes by more than one occupant shall contain an additional 80 square feet of floor space for each occupant 18 years of age or over.

EXAMPLE: A room occupied for sleeping purposes by 2 unrelated individuals shall require a minimum room size of 160 square feet.

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.

Ordinance introduced by Councilmember _____, who moved its adoption.

Seconded by Councilmember _____.

AYES:

NOES:

ABSENT:

ADOPTED:

Cameron Clapper, City Manager

Michele R. Smith, City Clerk