



CITY OF WHITEWATER PLAN AND ARCHITECTURAL REVIEW
COMMISSION

Agenda

June 13, 2016

City of Whitewater Municipal Building
Community Room

312 W. Whitewater St., Whitewater, Wisconsin

6:30 p.m.

1.	Call to order and Roll Call.
2.	Hold Election of Chairperson, Vice-Chairperson, Plan Commission Representative to the Community Development Authority, Plan Commission Representative to the Urban Forestry Committee, and Plan Commission Representative to the Technology Park Architectural Review Committee.
3.	Hearing of Citizen Comments. No formal Plan Commission Action will be taken during this meeting, although issues raised may become a part of a future agenda. 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 Plan Commission discusses that particular item.
4.	Review and approve the Plan Commission minutes of May 9, 2016.
5.	Hold a public hearing for consideration of a Conditional Use Permit (tavern and other places selling alcohol by the drink) for Lil' Debbie's Coyote Grill, Deborah A. Mischka (Agent), to serve beer and liquor (for a "Class B" Beer and Liquor License) by the bottle or glass at 132 W. Center Street, to include the outdoor café area.
6.	Hold a public hearing for consideration of a change of the District Zoning Map for the parcel in the Whitewater Business Park at the intersection of Universal Blvd. and Technology Drive (Tax Parcel number: Part of /WUP 00322 (New CSM) to enact an ordinance to change from WUTP (Whitewater University Technology Park) Zoning District to M-1 (General Manufacturing) Zoning District classification under Chapter 19.36 of the Zoning Ordinance of the City of Whitewater. The property is owned by the Whitewater CDA and the City of Whitewater.
7.	Hold a public hearing for the consideration of a Conditional Use Permit for a certified survey map for a division of the parcel of land located at 530 S. Gault Street for Whitewater Housing Services (Matt Kuehl).
8.	Hold a public hearing for a change of the City of Whitewater Ordinance regulations, to enact the proposed amendments to the City of Whitewater Municipal Code: Chapter 19, specifically Section 19.19 R-2A Residential Increased Occupancy Overlay District, addressing amendments to the R-2A Residential Increased Occupancy Overlay District.
9.	Hold a public hearing for a change of the City of Whitewater Ordinance regulations, to enact the proposed amendments to the City of Whitewater Municipal Code: Chapter 19, specifically Section

	19.54 Signage Regulations, addressing amendments to the Sign Ordinance.
10.	Information Items: a. Possible future agenda items. b. Next regular Plan Commission Meeting – July 11, 2016
11.	Adjournment.

Anyone requiring special arrangements is asked to call the Zoning and Planning Office 24 hours prior to the meeting. Those wishing to weigh in on any of the above-mentioned agenda items but unable to attend the meeting are asked to send their comments to c/o Neighborhood Services Director, 312 W. Whitewater Street, Whitewater, WI, 53190 or jwegner@whitewater-wi.gov.
The City of Whitewater website is: whitewater-wi.gov

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
May 9, 2016

**ABSTRACTS/SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL
ACTIONS OF THE PLAN AND ARCHITECTURAL REVIEW COMMISSION**

Call to order and roll call.

Chairperson Meyer called the meeting of the Plan and Architectural Review Commission to order at 6:30 p.m.

Present: Greg Meyer, Bruce Parker, Lynn Binnie, Kristine Zaballos, Sherry Stanek, Daniel Comfort, Tom Miller (Alternate). Absent: Tom Hinspater. Others: Wallace McDonell (City Attorney), Chris Munz-Pritchard (City Planner).

Hearing of Citizen Comments. No Comments.

Approval of the Plan Commission Minutes. Moved by Binnie and seconded by Stanek to approve the minutes of April 11, 2016. Aye: Binnie, Stanek, Parker, Zaballos, Miller, Meyer. No: None. Absent: Hinspater, Comfort (had not arrived yet). Motion approved.

Plan Commission Member Comfort arrived after roll call was taken (approximately 6:34 p.m.). *It was not noticed until late in the meeting that Comfort had arrived late, so Comfort was inadvertently left out of the roll call for three agenda items.

Public hearing for a Conditional Use Permit to allow for the keeping of horses at 509 S. Franklin Street for Thayer and Anne Coburn. Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard noted that the City amended 19.57.160 Keeping of horses as an accessory use. She reviewed her Planner Report and recommendations. Her recommendations were to have a fence, following the requirements of WI State Chapter 90; to have a manure plan; and to have no more than 3 horses.

Anne Coburn was present to answer any questions.

Plan Commission Member Binnie questioned the footage for the manure management plan. He thought we should go with how the ordinance is written.

City Planner Chris Munz-Pritchard stated that she would remove number 2a of her recommendations.

Moved by Stanek and seconded by Binnie to approve the conditional use permit to allow for keeping of horses at 509 S. Franklin Street for Thayer and Anne Coburn with the Planner recommendations as amended. (See attached Conditional Use Permit.) Aye: Stanek, Binnie, Parker, Zaballos, Miller, Meyer. No: None. *Comfort. Motion approved.

Public hearing for a Conditional Use Permit for a Certified Survey map for a division of land located in the Whitewater Business Park at the intersection of Universal Blvd. and Technology Drive for future saleability. Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard explained that this certified survey map will clear up an issue with part of the road being built on the property line. The certified survey map will come back to the Plan Commission for a rezone from WUTP (Whitewater University Tech Park) Zoning District to M-1 (General Manufacturing) Zoning District.

Plan Commission Member Parker, who is the Plan Commission Representative to the CDA, explained that Lot 1 of the proposed CSM is vacant farm land. The lot to the south is City garden and soccer field. There is a possible sale of Lot 1.

City Planner Chris Munz-Pritchard explained that when the parcel comes back for the rezoning, there may be more information about a potential buyer.

Chairperson Meyer closed the public hearing.

Moved by Binnie and seconded by Parker to recommend to the City Council to approve the Certified Survey Map for the division of land located in the Whitewater Business Park at the intersection of Universal Blvd. and Technology Drive. Aye: Binnie, Parker, Zaballos, Stanek, Miller, Meyer. No: None. * Comfort. Motion approved.

Hold a public hearing for consideration of a change of the District Zoning Map for the parcel at 707 W. Walworth Ave. (Tax Parcel # /HA 00001) to enact an ordinance to change from B-1 (Community Business) Zoning District to R-3 (Multi-family Residence) Zoning District classification under Chapter 19.21 of the Zoning Ordinance of the City of Whitewater. The owners of the property are Ronald B. Walenton and Rebecca R. Walenton. Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard explained that this is a request for a Zoning Map change, rezoning the property at 707 W. Walworth Ave. from B-1 to R-3. Currently the building is unoccupied. It was previously a daycare facility. The applicant is asking to rezone for multi-family. City Planner Munz-Pritchard read her recommendations. She noted that Municipal Code Section 19.21.030G states that conversion of existing structures resulting in more dwelling units requires a conditional use permit. This proposal will come back to the Plan Commission for a conditional use permit.

Jon Tanis was present to explain and answer questions. He stated that Pete Weston was preparing the plans. They would like to do six units, 4 one bedroom and 2 two bedroom. There would be no structural changes. They would be closing off interior doors and changing two exterior windows into doors. There are nine (9) parking stalls. If they needed more, there is a shed that could be removed for two more parking stalls. The smallest unit would be 580 sq. ft.

Plan Commission Member Zaballos stated that it was an appropriate use and it would be nice to have the building used again.

City Planner Munz-Pritchard stated that this would not be spot zoning as the parcel is connected on three sides by R-3 Zoning.

Chairperson Meyer closed the public hearing.

Moved by Binnie and Zaballos to recommend approval to the City Council the proposed rezone of the parcel at 707 W. Walworth Ave. (tax parcel # /HA 00001) to R-3 (Multi-family Residence) Zoning District. Aye: Binnie, Zaballos, Stanek, Parker, Miller, Meyer. No: None. *Comfort. Motion approved.

Hold a public hearing for the consideration of a Conditional Use Permit for the construction of a 1,750 sq. ft. (35' x 50') detached garage to be located at 647 W. Harper Street for Chris Thein. (This proposal is 950 sq. ft. more than the maximum size (800 sq. ft.) allowed for a detached accessory structure. Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard explained that an accessory structure was previously reviewed for this site in August of 2014. Since that time the Zoning Code was amended to add 19.18.030(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. City Planner Munz-Pritchard stated that these items will be met. She went through her recommendations including that the material/color and texture will match the house; the driveway must be enlarged so that it connects to both garage doors; and the applicant shall submit a statement affirming that the structure will not be used for a home occupation. This statement must be signed by both the applicant and the property owner.

Chairperson Greg Meyer worked up some numbers that might help the City Planner and the Plan Commission review requests for detached accessory structures. It was based on lot size.

City Attorney McDonell stated that there was no problem with the Plan Commission coming up with guidelines or policies to be used for reference. It should come back as an agenda item if the Plan Commission wants it to be a policy.

Plan Commission Member Stanek suggested that Greg Meyer's ideas get put on a future agenda and adopted as a policy.

There was no public comment. Chairperson Meyer closed the public hearing.

Plan Commission Member Parker asked about the elevations of the garage and having an issue with the long sloped roof. He would like to see the garage blend in with the residential area.

Chris Thein explained that they have a camper and need the height to have a manual door instead of slider doors. When vinyl siding was mentioned, they requested to use steel siding on the garage. It would be the same color as the house. They may in the future replace the roofing on the house with steel.

City Planner Chris Munz-Pritchard stated that she would remove “material” from her recommendation.

Moved by Binnie and seconded by Zaballos to approve the conditional use permit for the construction of a 1,750 sq. ft. detached garage to be located at 647 W. Harper Street for Chris Their subject to the City Planner recommendations. (See attached Conditional Use Permit.)
Aye: Binnie, Zaballos, Stanek, Parker, Miller, Comfort, Meyer. No: None. Motion approved.

Review of an ordinance amending chapter 19.19 R-2A Residential Increased Occupancy Overlay District. City Planner Chris Munz-Pritchard went through the recommended changes to the R-2A Residential Increased Occupancy Overlay District.

City Attorney McDonell recommended that the Plan Commission hold a class 2 public hearing for the amendments to the Zoning Ordinance and make recommendation to the City Council because there have been significant changes.

Moved by Comfort and Binnie to bring the changes back to the Plan Commission as a public hearing.
Aye: Comfort, Binnie, Zaballos, Stanek, Parker, Miller, Meyer. No: None. Motion approved.

Information Items:

- a. Possible future agenda items. Make a policy for figuring the square footage of Accessory Structures using Greg Meyer’s proposal to be approved at a future meeting.
- b. Next regular Plan Commission Meeting – June 13, 2016.

Moved by Zaballos and seconded by Stanek to adjourn. The motion was approved by unanimous voice vote. The meeting adjourned at approximately 7:30 p.m.

Chairperson Greg Meyer

M E M O R A N D U M

To: City of Whitewater Plan and Architectural Review Commission

From: Christine Munz-Pritchard City Planner

Date: June 13th 2016

Re: **Item #5** Proposed Conditional Use Permit to serve alcoholic beverages by the glass (tavern and other places selling alcohol by the drink) for Lil' Debbie's Coyote Grill, Deborah A. Mischka located at 132 W Center Street (for a "Class B" Beer and Liquor License).

Summary of Request	
Requested Approvals:	Conditional Use Permit for a "Class B" Beer and Liquor License. This will include the seasonal sidewalk café.
Location:	132 W Center Street
Current Land Use:	Restaurant
Proposed Land Use:	Same
Current Zoning:	B-2 Central Business
Proposed Zoning:	No change.
Comprehensive Plan's Future Land Use:	Central Business

Description of the Proposal:

This proposal is for a Conditional Use Permit to serve alcohol by the glass (for a "Class B" Beer and Liquor License). The site has been a restaurant; this is a change in owner for the establishment. No changes are proposed to the existing site plan, traffic flow, exterior lighting, or building exterior. The area will include the sidewalk café area. No information about hours of operation or maximum capacity have been provided by the applicant.



PLANNER'S RECOMMENDATIONS:

I recommend the Plan and Architectural Review Commission grant *conditional approval* for the requested Conditional Use Permit for a "Class B" Beer and Liquor License at 132 W Center Street, subject to findings on the following page, and subject to the following conditions of approval:

1. No modifications may be made to the site. The applicant shall submit a statement affirming that no changes will be made to the existing site plan, traffic flow, exterior lighting, or building exterior. This statement must be signed by both the applicant and the property owner.
2. If there are any changes planned for the existing site plan, traffic flow, exterior lighting, or building exterior, the applicant will need to provide a Site Plan showing all current and proposed structures, all current and proposed impervious surfaces, and all property lines.
 - a. The Site Plan shall be subject to approval by the City Building Inspector, City Engineer, and City Planner;
 - b. All development shall be consistent with the approved Site Plan, and shall be completed, inspected and approved by appropriate City Staff.
3. Establish maximum hours of operation, as approved by the Plan Commission.
4. Provide the maximum capacity and proof of information posted in establishment.
5. Any other conditions identified by the Plan 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: 132 W Center Street		
<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	Continuation of existing use.
2. Adequate utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.	Yes	All regulations are complied with.
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	All regulations are complied with.
4. The conditional use conforms to the purpose and intent of the city master (comprehensive) plan.	Yes	This is an existing use.
5. The conditional use and structures are consistent with sound planning and zoning principles.	Yes	This is an existing use.



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

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 13th day of June 2016 at 6:30 p.m. to hold a public hearing for consideration of a Conditional Use Permit (tavern and other places selling alcohol by the drink) for Lil' Debbie's Coyote Grill, Deborah A. Mischka (Agent), to serve beer and liquor (for a "Class B" Beer and Liquor License) by the bottle or glass at 132 W. Center Street, to include the outdoor café area.

The proposal is on file in the office of the Zoning Administrator 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 Munz-Pritchard, Neighborhood Services Director/City Planner

TaxKey	Owner1	Owner2	Address1	Address2	City	State	Zip
/OT 00009	MARY E KETTERHAGEN	KETTERHAGEN TRUST	1631 PEARSON CT		WHITEWATER	WI	53190-0000
/OT 00013	CITY OF WHITEWATER		312 W WHITEWATER ST		WHITEWATER	WI	53190-0000
/OT 00013A	LAND & WATER INVESTMENTS LLC		503 CENTER ST		LAKE GENEVA	WI	53147-0000
/OT 00014	DRILON LLC		168 W MAIN ST		WHITEWATER	WI	53190-0000
/OT 00017	HICKS SURVIVORS TRUST		N7934 HWY 89		WHITEWATER	WI	53190-0000
/OT 00018	KJN DEVELOPMENT LLC		W316 N622 HEATHER HILL		DELAFIELD	WI	53018-0000
/OT 00019	KJN DEVELOPMENT LLC		W316 N622 HEATHER HILL		DELAFIELD	WI	53018-0000
/OT 00020	TERRENCE L STRITZEL		W5524 TRI COUNTY RD.		WHITEWATER	WI	53190-0000
/OT 00021	DAVID E SAALSAA		184 W MAIN ST #3		WHITEWATER	WI	53190-0000
/OT 00022	RODERICK O DALEE	MARY M DALEE	PO BOX 660		WHITEWATER	WI	53190-0000
/OT 00026	ROBERT A SWEET		N7598 LARRY'S RD		WHITEWATER	WI	53190-0000
/OT 00027	LIVING WORD FELLOWSHIP OF WHITEWATER INC		212 W MAIN ST		WHITEWATER	WI	53190-0000
/OT 00053	FIRST CITIZENS STATE BANK		207 W MAIN ST		WHITEWATER	WI	53190-0000
/OT 00053A	FIRST CITIZENS STATE BANK		207 W MAIN ST		WHITEWATER	WI	53190-0000
/OT 00054	FIRST CITIZENS STATE BANK		207 W MAIN ST		WHITEWATER	WI	53190-0000
/OT 00055	FIRST CITIZENS STATE BANK		207 W MAIN ST		WHITEWATER	WI	53190-0000
/OT 00055A	FIRST CITIZENS STATE BANK		PO		WHITEWATER	WI	53190-0000
/OT 00056	FIRST CITIZENS STATE BANK		207 W MAIN ST		WHITEWATER	WI	53190-0000
/OT 00057	FIRST CITIZENS STATE BANK		207 W MAIN ST		WHITEWATER	WI	53190-0000
/OT 00059	FIRST CITIZENS STATE BANK		207 W MAIN ST		WHITEWATER	WI	53190-0000
/OT 00060	FIRST CITIZENS STATE BANK		207 W MAIN ST		WHITEWATER	WI	53190-0000
/OT 00061	FIRST CITIZENS STATE BANK		PO BOX 177		WHITEWATER	WI	53190-0000
/OT 00062	DONALD E LIGGETT TRUST		PO BOX 223061		PRINCEVILLE	HI	96722-0000
/OT 00065	TRIPLE J PROPERTIES LLC		543 A J ALLEN CIR	STE E 2	WALES	WI	53183-0000
/OT 00067	DIANE L TRAMPE		138 CENTER ST		WHITEWATER	WI	53190-0000
/OT 00068	FIRE STATION 1 LLC		138 W CENTER ST		WHITEWATER	WI	53190-0000
/OT 00069	CHERYL A BRESNAHAN	MICHAEL J BRESNAHAN JR	117 S SECOND ST		WHITEWATER	WI	53190-0000
/OT 00070	BLGL LLC		1691 MOUND VIEW PL		WHITEWATER	WI	53190-0000
/OT 00071	TRIPLE J PROPERTIES LLC		543 A J ALLEN CIR	STE E 2	WALES	WI	53183-0000
/OT 00072	JORGE ISLAS MARTINEZ		565 S FRANKLIN ST		WHITEWATER	WI	53190-0000
/OT 00073	KJN DEVELOPMENT LLC		W316 N622 HEATHER HILL		DELAFIELD	WI	53018-0000
/OT 00074	MARK O BERGEY	JEAN BERGEY	173 W MAIN ST		WHITEWATER	WI	53190-0000
/OT 00075	DLK ENTERPRISES INC		PO BOX 239		WHITEWATER	WI	53190-0000
/OT 00077	TRIPLE J PROPERTIES LLC		543 A J ALLEN CIR	STE E 2	WALES	WI	53183-0000
/OT 00078	RUSSELL R WALTON	KIM A WALTON	1005 W MAIN ST	STE C	WHITEWATER	WI	53190-0000
/OT 00079	LAKEVIEW CENTER LLC		147 W MAIN ST		WHITEWATER	WI	53190-0000
/OT 00080	AUREL BEZAT	DANIELA BEZAT	149 W MAIN ST		WHITEWATER	WI	53190-1903
/OT 00081	TRIPLE J PROPERTIES LLC		543 A J ALLEN CIR	STE E 2	WALES	WI	53183-0000
/OT 00082	TRIPLE J PROPERTIES LLC		543 A J ALLEN CIR	STE E 2	WALES	WI	53183-0000
/OT 00083	TRIPLE J PROPERTIES LLC		543 A J ALLEN CIR	STE E 2	WALES	WI	53183-0000
/OT 00084	BULLDOG INVESTMENTS LLC		109 S FIRST ST		WHITEWATER	WI	53190-0000
/OT 00126	HANTROPP PROPERTIES LLC	C/O STEFFEN & ROBYN HANTROPP	158 W WHITEWATER ST		WHITEWATER	WI	53190-0000
/OT 00068	FIRE STATION 1 LLC		138 W CENTER ST		WHITEWATER	WI	53190-0000
/OT 00069	CHERYL A BRESNAHAN	MICHAEL J BRESNAHAN JR	117 S SECOND ST		WHITEWATER	WI	53190-0000
/OT 00070	BLGL LLC		1691 MOUND VIEW PL		WHITEWATER	WI	53190-0000
/OT 00071	TRIPLE J PROPERTIES LLC		543 A J ALLEN CIR	STE E 2	WALES	WI	53183-0000
/OT 00072	JORGE ISLAS MARTINEZ		565 S FRANKLIN ST		WHITEWATER	WI	53190-0000
/OT 00073	KJN DEVELOPMENT LLC		W316 N622 HEATHER HILL		DELAFIELD	WI	53018-0000
/OT 00074	MARK O BERGEY	JEAN BERGEY	173 W MAIN ST		WHITEWATER	WI	53190-0000

/OT 00075	DLK ENTERPRISES INC		PO BOX 239		WHITEWATER	WI	53190-0000
/OT 00077	TRIPLE J PROPERTIES LLC		543 A J ALLEN CIR	STE E 2	WALES	WI	53183-0000
/OT 00078	RUSSELL R WALTON	KIM A WALTON	1005 W MAIN ST	STE C	WHITEWATER	WI	53190-0000
/OT 00079	LAKEVIEW CENTER LLC		147 W MAIN ST		WHITEWATER	WI	53190-0000
/OT 00080	AUREL BEZAT	DANIELA BEZAT	149 W MAIN ST		WHITEWATER	WI	53190-1903
/OT 00081	TRIPLE J PROPERTIES LLC		543 A J ALLEN CIR	STE E 2	WALES	WI	53183-0000
/OT 00082	TRIPLE J PROPERTIES LLC		543 A J ALLEN CIR	STE E 2	WALES	WI	53183-0000
/OT 00083	TRIPLE J PROPERTIES LLC		543 A J ALLEN CIR	STE E 2	WALES	WI	53183-0000
/OT 00084	BULLDOG INVESTMENTS LLC		109 S FIRST ST		WHITEWATER	WI	53190-0000
/OT 00126	HANTROPP PROPERTIES LLC	C/O STEFFEN & ROBYN HANTROPP	158 W WHITEWATER ST		WHITEWATER	WI	53190-0000
/OT 00127	HANTROPP PROPERTIES LLC	C/O STEFFEN & ROBYN HANTROPP	158 W WHITEWATER ST		WHITEWATER	WI	53190-0000
/OT 00129	DENNIS M KNOPP		323 S JANESVILLE ST		WHITEWATER	WI	53190-0000
/OT 00131	RODRIGUEZ PROPERTIES II LLC		N9707 N MCCORD RD		WHITEWATER	WI	53190-0000
/OT 00132	RODRIGUEZ PROPERTIES II LLC		N9707 N MCCORD RD		WHITEWATER	WI	53190-0000
/OT 00133	RODRIGUEZ PROPERTIES II LLC		N9707 N MCCORD RD		WHITEWATER	WI	53190-0000
/OT 00134	WAYNE A QUASS	MAUREEN C QUASS	972 W PECK ST		WHITEWATER	WI	53190-0000
/OT 00135	129-133 CENTER LLC		12648 E GLACIAL CREST DR		WHITEWATER	WI	53190-0000

/OT 00136	EDWARD W HAMILTON	ROXANNE A HAMILTON	PO BOX 736		WHITEWATER	WI	53190-0000
/OT 00137	EDWARD W HAMILTON	ROXANNE HAMILTON	PO BOX 736		WHITEWATER	WI	53190-0000
/OT 00138	TRIPLE J PROPERTIES LLC		543 A J ALLEN CIR	STE E 2	WALES	WI	53183-0000
/OT 00139	TRIPLE J PROPERTIES LLC		543 A J ALLEN CIR	STE E 2	WALES	WI	53183-0000
/OT 00140	CITY OF WHITEWATER		312 W WHITEWATER ST		WHITEWATER	WI	53190-0000
/OT 00141	WISCONSIN DAIRY SUPPLY CO TAX COMMISSIONER C.M.ST.P.& P. RR CO		PO BOX 239		WHITEWATER	WI	53190-0000
/OT 00141A	CITY OF WHITEWATER		312 W WHITEWATER ST		WHITEWATER	WI	53190-0000
/OT 00142	WISCONSIN DAIRY SUPPLY CO TAX COMMISSIONER C.M.ST.P.& P. RR CO		PO BOX 239		WHITEWATER	WI	53190-0000
/OT 00144	XURI PROPERTIES LLC		595 W34735 JERICO DR		EAGLE	WI	53119-0000
/OT 00145	WISCONSIN DAIRY SUPPLY CO TAX COMMISSIONER C.M.ST.P.& P. RR CO		PO BOX 239		WHITEWATER	WI	53190-0000
/OT 00169	WATERTOWN SAVINGS & LOAN	%ASSOCIATED BANK MS8227	433 MAIN ST		GREEN BAY	WI	54301-0000
/OT 00170	WHITEWATER POST OFFICE	US OF AMERICA	213 W CENTER ST		WHITEWATER	WI	53190-0000
/OT 00171	KELLY LAW BUILDING LLC		205 W CENTER ST		WHITEWATER	WI	53190-0000
/OT 00172	ROBERT R ARDELT		203 W CENTER ST		WHITEWATER	WI	53190-0000
/OT 00173	RODRIGUEZ PROPERTIES II LLC		N9707 N MCCORD RD		WHITEWATER	WI	53190-0000
/OT 00173A	CENTER STREET RENTALS LLC		W9597 BREIDSAN DR		WHITEWATER	WI	53190-0000
/OT 00173B	RODRIGUEZ PROPERTIES II LLC		N9707 N MCCORD RD		WHITEWATER	WI	53190-0000
/TR 00008	WISCONSIN DAIRY SUPPLY CO TAX COMMISSIONER C.M.ST.P.& P. RR CO		PO BOX 239		WHITEWATER	WI	53190-0000
/TR 00009	WISCONSIN DAIRY SUPPLY CO TAX COMMISSIONER C.M.ST.P.& P. RR CO		PO BOX 239		WHITEWATER	WI	53190-0000



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: 132 W. Center St.
Owner's Name: Lil' Debbie's Coyote Grill
Applicant's Name: Deborah A Mischka
Mailing Address: 132 W. Center St
Phone #: 262-472-0510 Email: NONE
Legal Description (Name of Subdivision, Block and Lot of other Legal Descriptions): _____

Existing and Proposed Uses:
Current Use of Property: Bar & Grill
Zoning District: _____
Proposed Use: Bar & Grill

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.

APPLICATION REQUIREMENTS

THE FOLLOWING INFORMATION MUST BE SUBMITTED IN ORDER TO CONSIDER THE APPLICATION COMPLETE:

1. Statement of use, including type of business with number of employees by shift.
2. Scaled plot plan with north arrow, showing proposed site and all site dimensions.
3. All buildings and structures: location, height, materials and building elevations.
4. Lighting plan: including location, height, type, orientation of all proposed outdoor lighting – both on poles and on buildings. Photometric plans may be required.
5. Elevation drawings or illustrations indicating the architectural treatment of all proposed buildings and structures.
6. Off-street parking: locations, layout, dimensions, circulation, landscaped areas, total number of stalls, elevation, curb and gutter.
7. Access: pedestrian, vehicular, service. Points of ingress and egress.
8. Loading: location, dimensions, number of spaces, internal circulation.
9. Landscaping: including location, size and type of all proposed planting materials.
10. Floor plans: of all proposed buildings and structures, including square footage.
11. Signage: location, height, dimensions, color, materials, lighting and copy area.
12. Grading /drainage plan of the proposed site.
13. Waste disposal facilities: storage facilities for the storage of trash and waste materials.
14. Outdoor storage, where permitted in the district: type, location, height of screening devices.

****Four (4) full size, Twenty (20) 11x17, and 1 Electronic Copy (include color where possible) site plan copies, drawn to scale and dimensioned.**

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.	This is an existing business that I am taking over. Everything will remain as is.
B. That utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.	//
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.	//
D. That the conditional use conforms to the purpose and intent of the city Master Plan.	//

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

Applicant's Signature: Deborah Mischka Date: 5-16-16
 Printed: Deborah Mischka

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 5-16-16. Received by: JW Receipt #: _____
- 2) Application is reviewed by staff members.
- 2) Class 1 Notice published in Official Newspaper on 5-26-16.
- 3) Notices of the Public Hearing mailed to property owners on 5-27-16.
- 4) Plan Commission holds the PUBLIC HEARING on 6-13-16. 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

Tips for Minimizing Your Development Review Costs: A Guide for Applicants

The City of Whitewater assigns its consultant costs associated with reviewing development proposals to the applicant requesting development approval. These costs can vary based on a number of factors. Many of these factors can at least be partially controlled by the applicant for development review. The City recognizes that we are in a time when the need to control costs is at the forefront of everyone's minds. The following guide is intended to assist applicants for City development approvals to understand what they can do to manage and minimize the costs associated with review of their applications. The tips included in this guide will almost always result in a less costly and quicker review of an application.

Meet with Neighborhoods Services Department before submitting an application

If you are planning on submitting an application for development review, one of the first things you should do is have a discussion with the City's Neighborhood Services Department. This can be accomplished either by dropping by the Neighborhood Services Department counter at City Hall, or by making an appointment with the Neighborhood Services Manager / City Planner. Before you make significant investments in your project, the Department can help you understand the feasibility of your proposal, what City plans and ordinances will apply, what type of review process will be required, and how to prepare a complete application.

Submit a complete and thorough application

One of the most important things you can do to make your review process less costly to you is to submit a complete, thorough, and well-organized application in accordance with City ordinance requirements. The City has checklists to help you make sure your application is complete. To help you prepare an application that has the right level of detail and information, assume that the people reviewing the application have never seen your property before, have no prior understanding of what you are proposing, and don't necessarily understand the reasons for your request.

For more complex or technical types of projects, strongly consider working with an experienced professional to help prepare your plans

Experienced professional engineers, land planners, architects, surveyors and landscape architects should be quite familiar with standard development review processes and expectations. They are also generally capable of preparing high-quality plans that will ultimately require less time (i.e., less cost for you) for the City's planning and engineering consultants to review, saving you money in the long run. Any project that includes significant site grading, stormwater management, or utility work; significant landscaping; or significant building remodeling or expansion generally requires professionals in the associated fields to help out.

For simpler projects, submit thorough, legible, and accurate plans

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1. Be drawn to a recognized scale and indicate what the scale is (e.g., 1 inch = 40 feet).
2. Include titles and dates on all submitted documents in case pieces of your application get separated.
3. Include clear and legible labels that identify streets, existing and proposed buildings, parking areas, and other site improvements.
4. Indicate what the property and improvements look like today versus what is being proposed for the future.
5. Accurately represent and label the dimensions of all lot lines, setbacks, pavement/parking areas, building heights, and any other pertinent project features.
6. Indicate the colors and materials of all existing and proposed site/building improvements.
7. Including color photos with your application is one inexpensive and accurate way to show the current condition of the site. Color catalog pages or paint chips can be included to show the appearance of proposed signs, light fixtures, fences, retaining walls, landscaping features, building materials, or other similar improvements.

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For more complex projects, submit your project for conceptual review

A conceptual review can be accomplished in several ways depending on the nature of your project and your desired outcomes.

1. Preliminary plans may be submitted to City staff and/or planning consultant for a quick, informal review. This will allow you to gauge initial reactions to your proposal and help you identify key issues;
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3. You can ask to be placed on a Plan and Architectural Review Commission meeting agenda to present and discuss preliminary plans with the Commission and gauge its reaction before formally submitting your development review application.

Overall, conceptual reviews almost always save time, money, stress, and frustration in the long run for everyone involved. For this reason, the City will absorb up to \$200 in consultant review costs for conceptual review of each project.

Hold a neighborhood meeting for larger and potentially more controversial Projects

If you believe your project falls into one or both of these two categories (City staff can help you decide), one way to help the formal development review process go more smoothly is to host a meeting for the neighbors and any other interested members of the community. This would happen before any Plan and Architectural Review Commission meeting and often before you even submit a formal development review application.

A neighborhood meeting will give you an opportunity to describe your proposal, respond to questions and concerns, and generally address issues in an environment that is less formal and potentially less emotional than a Plan and Architectural Review Commission meeting. Neighborhood meetings can help you build support for your project, understand others' perspectives on your proposals, clarify misunderstandings, and modify the project and alleviate public concerns before the Plan and Architectural Review Commission meetings. Please notify the Neighborhood Services Manager / City Planner of your neighborhood meeting date, time, and place; make sure all neighbors are fully aware (City staff can provide you a mailing list at no charge); and document the outcomes of the meeting to include with your application.

Typical City Planning Consultant Development Review Costs

The City often utilizes assistance from a planning consultant to analyze requests for land development approvals against City plans and ordinances and assist the City's Plan and Architectural Review Commission and City Council on decision making. Because it is the applicant who is generating the need for the service, the City's policy is to assign most consultant costs associated with such review to the applicant, as opposed to asking the general taxpayer to cover these costs.

The development review costs provided below represent the planning consultant's range of costs associated with each particular type of development review. This usually involves some initial analysis of the application well before the public meeting date, communication with the applicant at that time if there are key issues to resolve before the meeting, further analysis and preparation of a written report the week before the meeting, meeting attendance, and sometimes minor follow-up after the meeting. Costs vary depending on a wide range of factors, including the type of application, completeness and clarity of the development application, the size and complexity of the proposed development, the degree of cooperation from the applicant for further information, and the level of community interest. The City has a guide called "Tips for Minimizing Your Development Review Costs" with information on how the applicant can help control costs.

Type of Development Review Being Requested	Planning Consultant Review Cost Range
Minor Site/Building Plan (e.g., minor addition to building, parking lot expansion, small apartment, downtown building alterations)	
When land use is a permitted use in the zoning district, and for minor downtown building alterations	Up to \$600
When use also requires a conditional use permit, and for major downtown building alterations	\$700 to \$1,500
Major Site/Building Plan (e.g., new gas station/convenience store, new restaurant, supermarket, larger apartments, industrial building)	
When land use is a permitted use in the zoning district	\$700 to \$2,000
When land use also requires a conditional use permit	\$1,600 to \$12,000
Conditional Use Permit with no Site Plan Review (e.g., home occupation, sale of liquor request, substitution of use in existing building)	\$up to \$600
Rezoning	
To a standard (not PCD) zoning district	\$400 to \$2,000
To Planned Community Development zoning district, assuming complete GDP & SIP application submitted at same time	\$2,100 to \$12,000
Land Division	
Certified Survey Map	Up to \$300
Preliminary Subdivision Plat	\$1,500 to \$3,000
Final Plat (does not include any development agreement time)	\$500 to \$1,500
Annexation	\$200 to \$400

**Note: The City also retains a separate engineering consultant, who is typically involved in larger projects requiring stormwater management plans, major utility work, or complex parking or road access plans. Engineering costs are not included above, but will also be assigned to the development review applicant. The consultant planner and engineer closely coordinate their reviews to control costs.

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: _____

Applicant's Mailing Address: _____

Applicant's Phone Number: _____

Applicant's Email Address: _____

Project Information:

Name/Description of Development: _____

Address of Development Site: _____

Tax Key Number(s) of Site: _____

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.....\$ _____
- 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

Signature of Property Owner (if different)

Printed Name of Applicant/Petitioner

Printed Name of Property Owner (if different)

Date of Signature

Date of Signature

Bottled Alcohol
Locked Storage

Case Beer Storage

Walk-in Cooler
Beer Kegs

BAR

Entrance

Bottle Alcohol Shelf
Bottle Beer Cooler

Fryer | grill
Food Cooler

Food Freezer

Bottle Alcohol Shelf
Bottle Beer Cooler

M E M O R A N D U M

To: City of Whitewater Plan and Architectural Review Commission

From: Christine Munz-Pritchard City Planner

Date: June 13th 2016

Re: **Item # 6** Proposed Zoning Map Amendment from WUTP Whitewater University Technology Park to M-1 General Manufacturing District located at the intersection of Universal Blvd. and Technology Drive for future sale ability.

Summary of Request	
Requested Approvals:	Zoning Map Amendment
Location:	Whitewater Business Park at the intersection of Universal Blvd. and Technology Drive
Current Land Use:	Open Space / Technology Park
Proposed Land Use:	Technology Park
Current Zoning:	WUTP Whitewater University Technology Park
Proposed Zoning:	M-1 General Manufacturing District

Description of the Proposal:

The current zoning for this parcel is Whitewater University Technology Park District (WUTP District). The request is to change the zoning to General Manufacturing (M-1).

Current Zoning: WUTP Whitewater University Technology Park District

Proposed Zoning: M-1 General Manufacturing District

The lot sits in the Whitewater Business Park at the intersection of Universal Blvd. and Technology Drive. The Board reviewed and approved a CSM at the May 9th 2016 meeting. The CSM created a 5.077 acre lot located at the intersection of Universal Blvd. and Technology Drive. The lot is surrounded on three sides by M-1 with city owned land on the South side of the lot.

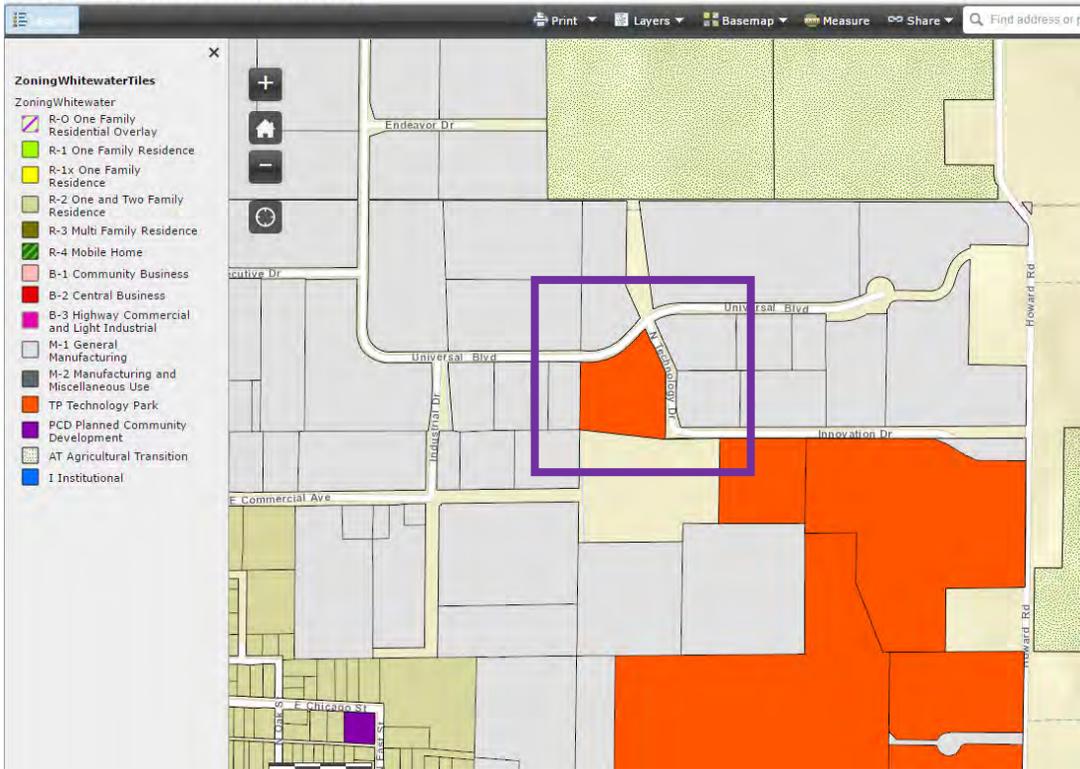
The Developer would like to construct a 40,000 square foot single story warehouse unit on the site. This building would be similar to the building located to the northeast of this site. The Developer currently owns and operates that facility. They have determined a need for additional space in the Business Park.

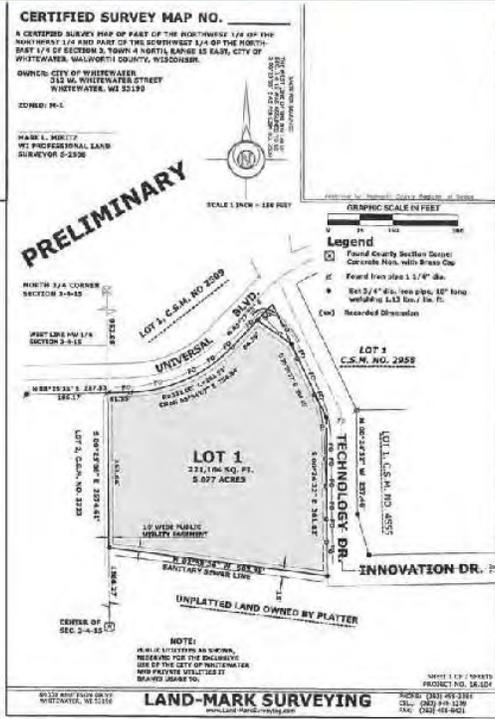
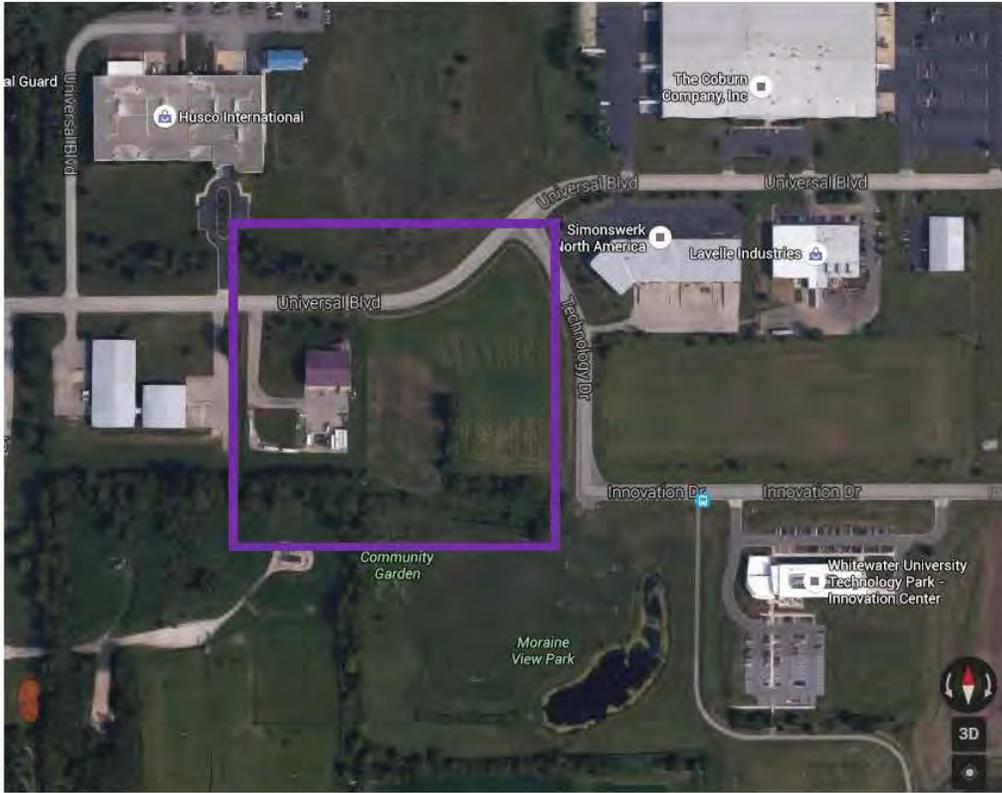
PLANNER'S RECOMMENDATIONS:

I recommend the Commission grant *conditional approval* for the requested to allow for a Zoning Map Amendment in the Whitewater Business Park at the intersection of Universal Blvd. and Technology Drive subject to the following conditions of approval:

1. Zoning Map Amendments and other changes to the Zoning Ordinance are addressed by Chapter 19.69.
2. Subsection 19.69.010 enables the Plan Commission to review and recommend, and the City Council to consider amendments to zoning district boundaries whenever the public necessity, general welfare or good zoning practice are accomplished.
3. Plans for the development shall be submitted to the City for plan review.
4. The Neighborhood Services Director may present the proposed building plans to the Plan Board as a non-actionable item.
5. Any other conditions identified by the Plan Commission.

City of Whitewater Zoning





MEMORANDUM

To: Chris Munz-Pritchard
Neighborhood Services Director

From: Patrick Cannon
Community Development Authority
Executive Director

Re: Request for Re-Zoning

Date: May 25, 2016

You recently requested some additional background information regarding the request to re-zone a parcel in the Business Park.

The parcel in question was approved last month via Certified Survey Map by the Plan Commission and City Council. It is approximately five acres of undeveloped land located south east of the intersection of Innovation Drive and Universal Blvd. The CDA has an accepted offer to sell this property to a developer.

The current zoning for this parcel is Whitewater University Technology Park District (WUTP District). The request is to change the zoning to General Manufacturing (M-1).

The Developer would like to construct a 40,000 square foot single story warehouse unit on the site. This building would be similar to the building located to the northeast of this site. The Developer currently owns and operates that facility. They have determined a need for additional space in the Business Park. The M-1 zoning would allow the site to be fully utilized for the warehousing functions. The WUTP zoning has too many restrictions to allow the highest and best use of the property for this business.

The parcels directly adjacent to this parcel are also zoned as M-1. This would make the zoning consistent throughout this portion of the Business Park. The property directly south of this parcel is a soccer complex which will serve as a natural buffer between this zoning and the balance of the Technology Park. The Technology Park Board is aware of the request and they have made no objections to the request.

I trust this will serve as sufficient justification for the request. If you have any additional questions, please feel free to contact me.

#6

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Plan Commission of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, will consider a change of the District Zoning Map for the following parcel to enact an ordinance to change from WUTP (Whitewater University Technology Park District) Zoning District to M-1 (General Manufacturing) Zoning District classification under Chapter 19.36 of the Zoning Ordinance of the City of Whitewater on the following area:

<u>Property Address:</u>	<u>Tax ID #:</u>	<u>Property Owner:</u>
Whitewater Business Park Intersection of Universal Blvd. & Technology Drive	Part of /WUP 00322 (New CSM)	Whitewater CDA/ City of Whitewater

NOTICE IS FURTHER GIVEN that the Plan Commission of the City of Whitewater will hold a public hearing in the Whitewater Municipal Building Community Room, 312 W. Whitewater Street, on Monday, June 13, 2016, at 6:30 p.m. to hear any person for or against said change. Opinions for or against said change may also be filed in writing.

The proposal is on file in the office of the Zoning Administrator, 312 W. Whitewater Street, and may be viewed during office hours of 8:00 a.m. to 5:00 p.m. Monday through Friday.

Michele Smith, City Clerk
By: Jane Wegner, Neighborhood Services Administrative Asst.

Dated: May 12, 2016

Publish: in "Whitewater Register"
on May 19, 2016, and May 26, 2016

**CITY OF WHITEWATER
PETITION FOR CHANGE OR AMENDMENT OF ZONING**

Whenever the public necessity, convenience, general welfare or good zoning practice require, the City Council may, by Ordinance, change the district boundaries or amend, change or supplement the regulations established by the Zoning Ordinance.

A change or amendment may be initiated by the City Council, the Plan Commission, or by a Petition of one or more of the owners, lessees, or authorized agents of the property within the area proposed to be changed.

PROCEDURE

1. File the Petition with the City Clerk. Filed on _____.
2. Class 2 Notices published in Official Newspaper on 5-19-16 & 5-26-16.
3. Notices of Public Hearing mailed to property owners on _____.
4. Plan Commission holds PUBLIC HEARING on 6-13-16.
They will hear comments of the Petitioner and comments of property owners. Comments may be made either in person or in writing.
5. At the conclusion of the Public Hearing, the Plan Commission makes a decision on the recommendation they will make to the City Council.
6. City Council consideration of the Plan Commission's recommendation and final decision on adoption of the ordinance making the change.

7. The Ordinance is effective upon passage and publication as provided by law.

PLEASE COMPLETE THE FOLLOWING APPLICATION. If there is more than one applicant for an area to be rezoned, add additional pages with the signatures of the owners, indicate their address and the date of signature.

Refer to Chapter 19.69 of the City of Whitewater Code of Ordinances, entitled CHANGES AND AMENDMENTS, for more information on application and protests of changes.

City of Whitewater
Application for Amendment to Zoning District or Ordinance

IDENTIFICATION AND INFORMATION ON APPLICANT(S):

Applicant's Name: Whitewater CDA Phone # 262 473 0148
Applicant's Address: 312 W. Whitewater St. Whitewater, WI 53190

Owner of Site, according to current property tax records (as of the date of the application):
Whitewater CDA/City of Whitewater

Street address of Property: Whitewater Business Park Intersection of Universal Blvd. & Technology Drive
Legal Description (Name of Subdivision, Block and Lot or other Legal Description):
CSM created on May 9, 2016

Agent or Representative assisting in the Application (Engineer, Architect, Attorney, etc.)

Name of Individual: Patrick Cannon Name of Firm: Whitewater CDA
Office Address: 312 W. Whitewater St Phone: 262 473 0148
Name of Contractor: N/A

Has either the applicant or the owner had any variances issued to them on any property? YES NO
If YES, please indicate the type of variance issued and indicate whether conditions have been complied with:

EXISTING AND PROPOSED USES:

Current Zoning District or Ordinance to be Amended:
Whitewater University Technology Park District (WUTP)

Proposed Zoning District or Ordinance
M-1 General Manufacturing District

Zoning District in which Property is located: M-1
Section of City Zoning Ordinance that identifies the proposed land use in the Zoning District in which the property is located:

PLANS TO ACCOMPANY APPLICATION

Applications for permits shall be accompanied by drawings of the proposed work, drawn to scale, showing, when necessary, floor plans, sections, elevations, structural details. Computations and stress diagrams as the building official may require.

PLOT PLAN

When required by the building official, there shall be submitted a plot plan in a form and size designated by the building official for filing permanently with the permit record, drawn to scale, with all dimension figures, showing accurately the size and exact location of all proposed new construction and the relation to other existing or proposed buildings or structures on the same lot, and other buildings or structures on adjoining property within 15 feet of the property lines. In the case of demolition, the plot plan shall show the buildings or structures to be demolished and the buildings or structures on the same lot that are to remain.

STANDARDS

STANDARD	APPLICANT'S EXPLANATION
A. The proposed amendment for future structure, addition, alteration or use will meet the minimum standards of this title for the district being proposed;	Yes
B. The Proposed development will be consistent with the adopted city master plan;	Yes
C. The proposed development will be compatible with and preserve the important natural features of the site;	Yes
D. The proposed use will not create a nuisance for neighboring uses, or unduly reduce the values of an adjoining property;	Yes

STANDARD	APPLICANT'S EXPLANATION
E. The proposed development will not create traffic circulation or parking problems;	Yes
F. The mass, volume, architectural features, materials and/or setback of proposed structures, additions or alterations will appear to be compatible with existing buildings in the immediate area;	Yes
G. Landmark structures on the National Register of Historic Places will be recognized as products of their own time. Alterations which have no historical basis will not be permitted;	N/A
H. The proposed structure, addition or alteration will not substantially reduce the availability of sunlight or solar access on adjoining properties.	N/A

CONDITIONS

The city of Whitewater Zoning Ordinance authorizes the Plan Commission to hold a public hearing and make recommendation to the City Council for the proposed changes (Section 19.69).


Applicant's Signature

5-10-16
Date

APPLICATION FEES:

Fee for Amendment to Zoning or Ordinance: \$200

Date Application Fee Received by City _____ Receipt No. _____

Received by J. Wegner

TO BE COMPLETED BY CODE ENFORCEMENT/ZONING OFFICE:

Date notice sent to owners of record of opposite & abutting properties: _____

Date set for public review before Plan & Architectural Review Board: _____

ACTION TAKEN:

Public Hearing: ___ Recommendation ___ Not Recommended by Plan & Architectural Review Commission

CONDITIONS PLACED UPON PERMIT BY PLAN AND ARCHITECTURAL REVIEW COMMISSION: _____

Signature of Plan Commission Chairman

Date

Tips for Minimizing Your Development Review Costs:

A Guide for Applicants

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3. You can ask to be placed on a Plan and Architectural Review Commission meeting agenda to present and discuss preliminary plans with the Commission and gauge its reaction before formally submitting your development review application.

Overall, conceptual reviews almost always save time, money, stress, and frustration in the long run for everyone involved. For this reason, the City will absorb up to \$200 in consultant review costs for conceptual review of each project.

Hold a neighborhood meeting for larger and potentially more controversial Projects

If you believe your project falls into one or both of these two categories (City staff can help you decide), one way to help the formal development review process go more smoothly is to host a meeting for the neighbors and any other interested members of the community. This would happen before any Plan and Architectural Review Commission meeting and often before you even submit a formal development review application.

A neighborhood meeting will give you an opportunity to describe your proposal, respond to questions and concerns, and generally address issues in an environment that is less formal and potentially less emotional than a Plan and Architectural Review Commission meeting. Neighborhood meetings can help you build support for your project, understand others' perspectives on your proposals, clarify misunderstandings, and modify the project and alleviate public concerns before the Plan and Architectural Review Commission meetings. Please notify the City Neighborhood Services Director of your neighborhood meeting date, time, and place; make sure all neighbors are fully aware (City staff can provide you a mailing list at no charge); and document the outcomes of the meeting to include with your application.

Typical City Planning Consultant Development Review Costs

The City often utilizes assistance from a planning consultant to analyze requests for land development approvals against City plans and ordinances and assist the City's Plan and Architectural Review Commission and City Council on decision making. Because it is the applicant who is generating the need for the service, the City's policy is to assign most consultant costs associated with such review to the applicant, as opposed to asking general taxpayer to cover these costs.

The development review costs provided below represent the planning consultant's range of costs associated with each particular type of development review. This usually involves some initial analysis of the application well before the public meeting date, communication with the applicant at that time if there are key issues to resolve before the meeting, further analysis and preparation of a written report the week before the meeting, meeting attendance, and sometimes minor follow-up after the meeting. Costs vary depending on a wide range of factors, including the type of application, completeness and clarity of the development application, the size and complexity of the proposed development, the degree of cooperation from the applicant for further information, and the level of community interest. The City has a guide called "Tips for Minimizing Your Development Review Costs" with information on how the applicant can help control costs.

Type of Development Review Being Requested	Planning Consultant Review Cost Range
Minor Site/Building Plan (e.g., minor addition to building, parking lot expansion, small apartment, downtown building alterations)	
When land use is a permitted use in the zoning district, and for minor downtown building alterations	Up to \$600
When use also requires a conditional use permit, and for major downtown building alterations	\$700 to \$1,500
Major Site/Building Plan (e.g., new gas station/convenience store, new restaurant, supermarket, larger apartments, industrial building)	
When land use is a permitted use in the zoning district	\$700 to \$2,000
When land use also requires a conditional use permit	\$1,600 to \$12,000
Conditional Use Permit with no Site Plan Review (e.g., home occupation, sale of liquor request, substitution of use in existing building)	\$up to \$600
Rezoning	
Standard (not PCD) zoning district	\$400 to \$2,000
Planned Community Development zoning district, assuming complete GDP & SIP application submitted at same time	\$2,100 to \$12,000
Land Division	
Final Survey Map	Up to \$300
Final Preliminary Subdivision Plat	\$1,500 to \$3,000
Final Plat (does not include any development agreement time)	\$500 to \$1,500
Annexation	\$200 to \$400
Note on Potential Additional Review Costs: The City also retains a separate engineering consultant, who is typically involved in larger projects requiring stormwater management plans, major utility work, or complex parking or road access plans. Engineering costs are not included above, but will also be assigned to the development review applicant. The consultant planner and engineer closely coordinate their reviews to control costs.	

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 -----

Applicant's Information:

Name of Applicant: Whitewater CDA
Applicant's Mailing Address: 312 W. Whitewater St.
Whitewater, WI 53190
Applicant's Phone Number: 262 473 0148
Applicant's Email Address: pcannon@whitewater-wi.gov

Project Information:

Name/Description of Development: Raab re zone request
Address of Development Site: Intersection of Universal Blvd. & Technology Drive
Tax Key Number(s) of Site: _____

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 City's Neighborhood Services Director -----

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.....\$ ZERO
- B. Expected Planning Consultant Review Cost\$ ZERO
- C. Total Cost Expected of Applicant (A+B)\$ Still Zero
- D. 25% of Total Cost, Due at Time of Application.....\$ 1/4 of Zero

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

Signature of Property Owner (if different)

Printed Name of Applicant/Petitioner

Printed Name of Property Owner (if different)

Date of Signature

Date of Signature

*CSM
Approved by
Plan Commission
5-9-16*

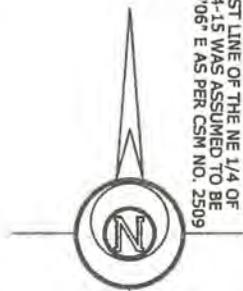
CERTIFIED SURVEY MAP NO. _____

A CERTIFIED SURVEY MAP OF PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 3, TOWN 4 NORTH, RANGE 15 EAST, CITY OF WHITEWATER, WALWORTH COUNTY, WISCONSIN.

OWNER: CITY OF WHITEWATER
312 W. WHITEWATER STREET
WHITEWATER, WI 53190

ZONED: M-1

Mark L. Miritz
MARK L. MIRITZ
WI PROFESSIONAL LAND
SURVEYOR S-2508
APRIL 19, 2016



BASIS FOR BEARINGS
THE WEST LINE OF THE NE 1/4 OF
SEC. 3-4-15 WAS ASSUMED TO BE
S 00°25'06" E AS PER CSM NO. 2509

SCALE 1 INCH = 150 FEET

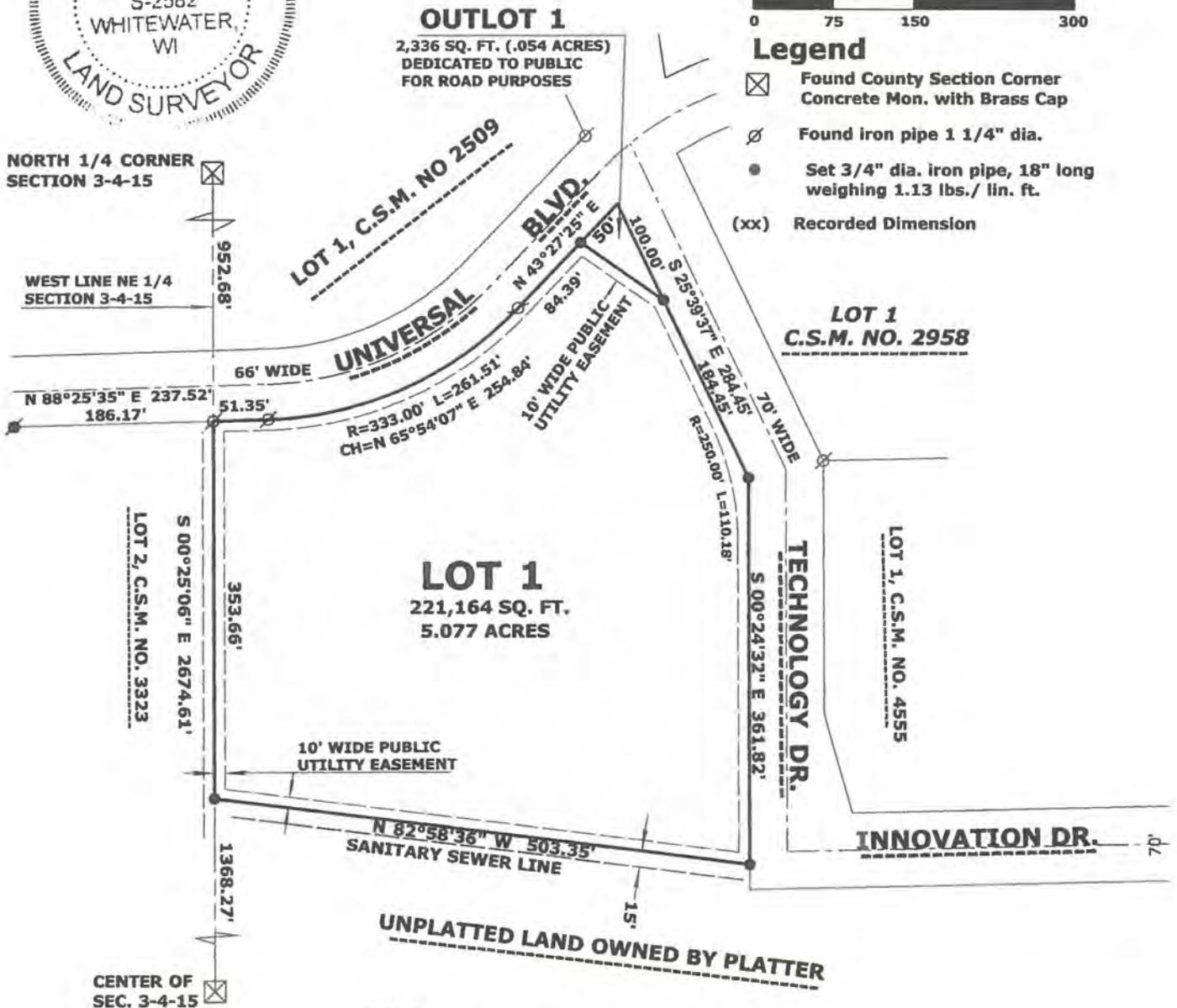
reserved for Walworth County Register of Deeds

GRAPHIC SCALE IN FEET



Legend

- ☒ Found County Section Corner Concrete Mon. with Brass Cap
- ⊘ Found iron pipe 1 1/4" dia.
- Set 3/4" dia. iron pipe, 18" long weighing 1.13 lbs./ lin. ft.
- (xx) Recorded Dimension



NOTE:
PUBLIC UTILITIES AS SHOWN,
RESERVED FOR THE EXCLUSIVE
USE OF THE CITY OF WHITEWATER
AND PRIVATE UTILITIES IT
GRANTS USAGE TO.

SHEET 1 OF 2 SHEETS
PROJECT NO. 16.104

N9330 KNUTESON DRIVE
WHITEWATER, WI 53190

LAND-MARK SURVEYING

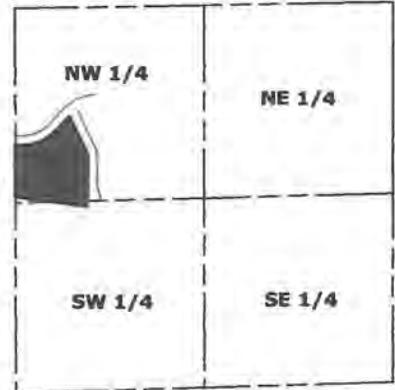
PHONE: (262) 495-3284
CELL: (262) 949-1239
www.Land-MarkSurveying.com

CERTIFIED SURVEY MAP NO. _____

VOL. _____, PAGES _____

A CERTIFIED SURVEY MAP OF PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 3, TOWN 4 NORTH, RANGE 15 EAST, CITY OF WHITEWATER, WALWORTH COUNTY, WISCONSIN.

LOCATION SKETCH
NORTHEAST 1/4 OF SECTION 3-4-15



SURVEYOR'S CERTIFICATE

I, MARK L. MIRITZ, REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT AT THE DIRECTION OF THE CITY OF WHITEWATER, OWNER, I HAVE SURVEYED THE PROPERTY HEREON DESCRIBED AND THAT THE CERTIFIED SURVEY MAP HEREON SHOWN IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION OF IT AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF SECTION 236.34 OF THE WISCONSIN STATE STATUTES, AND LOCAL REGULATIONS OF THE CITY OF WHITEWATER, WISCONSIN.

A CERTIFIED SURVEY MAP OF PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 3, TOWN 4 NORTH, RANGE 15 EAST, CITY OF WHITEWATER, WALWORTH COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH 1/4 CORNER OF SAID SECTION 3; THENCE S 00°25'06" E ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 3, 952.68 FEET TO THE POINT OF BEGINNING; THENCE N 88°25'35" E ALONG THE SOUTHERLY RIGHT-OF-WAY OF UNIVERSAL BOULEVARD 51.35 FEET; THENCE ALONG SAID RIGHT-OF-WAY ON A CURVE TO THE LEFT HAVING A RADIUS OF 333.00 FEET, A DELTA OF 44°59'43", AN ARC LENGTH OF 261.51 FEET, AND A CHORD WHICH BEARS N 65°54'07" E HAVING A CHORD DISTANCE OF 254.84 FEET; THENCE N 43°27'25" E ALONG SAID RIGHT-OF-WAY 134.39 FEET TO THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF TECHNOLOGY DRIVE; THENCE S 25°39'37" E ALONG THE WESTERLY RIGHT-OF-WAY OF TECHNOLOGY DRIVE 284.45 FEET; THENCE S 00°24'32" E ALONG TECHNOLOGY DRIVE 361.82 FEET; THENCE N 82°58'36" W 503.35 FEET TO THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 3; THENCE N 00°25'06" W ALONG THE WEST LINE OF THE NORTHEAST 1/4, 353.66 FEET TO THE POINT OF BEGINNING, AND CONTAINING 223,500 SQUARE FEET OR 5.131 ACRE(S) OF LAND, MORE OR LESS.

Mark L. Miritz
MARK L. MIRITZ
WI PROFESSIONAL LAND SURVEYOR S-2582
APRIL 19, 2016



OWNER'S CERTIFICATE

CITY OF WHITEWATER, OWNER, WE HEREBY CERTIFY THAT WE HAVE CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED, AND MAPPED AS REPRESENTED HEREON. WE ALSO CERTIFY THAT THIS MAP IS REQUIRED TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: CITY OF WHITEWATER, WISCONSIN.

CAMERON CLAPPER (CITY MANAGER)

MICHELE R. SMITH (CITY CLERK)

STATE OF WISCONSIN) SS
COUNTY OF WALWORTH)

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 201_____
THE ABOVE NAMED CITY OF WHITEWATER (CITY MANAGER) TO ME KNOWN TO BE PERSON
WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

_____, _____ COUNTY, WISCONSIN.
NOTARY PUBLIC
MY COMMISSION EXPIRES _____

CITY OF WHITEWATER APPROVAL

APPROVED BY THE CITY OF WHITEWATER PLAN AND ARCHITECTURAL REVIEW COMMISSION.

DATED THIS _____ DAY OF _____, 2016.

MICHELE R. SMITH, CITY CLERK

THIS INSTRUMENT DRAFTED BY MARK L. MIRITZ

SHEET 2 OF 2 SHEETS
PROJECT NO. 16.104

N9330 KNUTESON DRIVE
WHITEWATER, WI 53190

LAND-MARK SURVEYING
www.Land-MarkSurveying.com

PHONE: (262) 495-3284
CELL: (262) 949-1239

M E M O R A N D U M

To: City of Whitewater Plan and Architectural Review Commission

From: Christine Munz-Pritchard City Planner

Date: June 13th 2016

Re: **Item # 7 Review** Proposed a Certified Survey Map (CSM) for a lot division to create three (3) new buildable lots for Whitewater Housing Service LLC. (Matt Kuehl) at 530 S. Gault Street.

Summary of Request	
Requested Approvals:	CSM to create three (3) buildable lots
Location:	530 S. Gault Street
Current Land Use:	Open Space
Proposed Land Use:	Residential
Current Zoning:	R-3 Multi Family Residence
Proposed Zoning:	No change.
Comprehensive Plan's Future Land Use:	Central Area Neighborhood

Description of the Proposal:

A Certified Survey Map (CSM) is being proposed to create four (4) total lots, with three (3) new buildable lots. The lots sit on the corner of Gault and Caine Street. There is currently an existing residence on the lot located on Gault Street, at the North end of the CSM (Lot 1).

R-3	Proposed in Sq. Ft.	Required Sq. Ft.	Proposed Lot width Ft.	Required Lot width Ft.
Lot 1	10,885	8,000	66	66
Lot 2	11,875	8,000	72	66
Lot 3	11,875	8,000	72	66
Lot 4	40,281	8,000	169.98	66

The intention is to build single family homes. This is for the CSM not the construction of the homes.

PLANNER’S RECOMMENDATIONS:

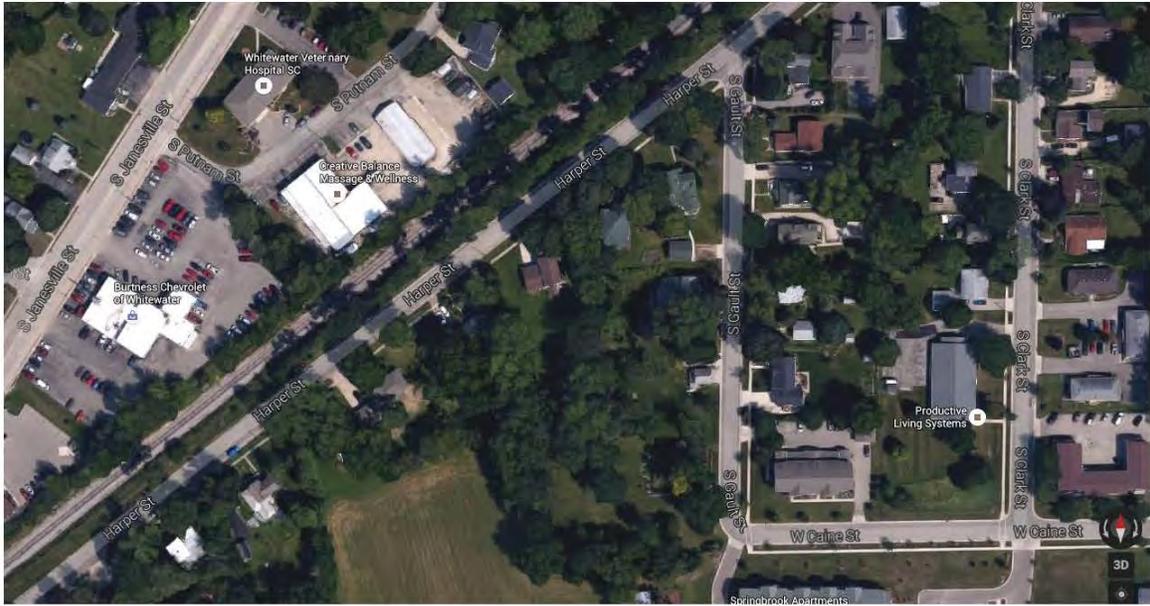
I recommend the Commission grant *conditional approval* for the requested to allow for a Certified Survey Map (CSM) at 530 S. Gault Street, subject to the following conditions of approval:

1. In the event that additional lot (or lots) are subdivided within the next seven (7) years of approval of this CUP the development shall fall under the regulations of a subdivision plat (18.04.046(c)(1)). The development shall be treated as a plat and shall meet all land requirements under chapter 18.04 of the City ordinance.
2. Any other conditions identified by the Plan 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: 530 S. Gault Street		
<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	This is for the CSM
2. Adequate utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.	Yes	This is for the CSM.
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	This is for the CSM.
4. The conditional use conforms to the purpose and intent of the city master (comprehensive) plan.	Yes	This is for the CSM.
5. The conditional use and structures are consistent with sound planning and zoning principles.	Yes	This is for the CSM.







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

www.whitewater-wi.gov
 Telephone: (262) 473-0540

NOTICE OF PUBLIC HEARING

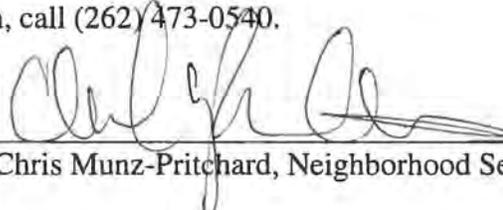
TO ALL INTERESTED PARTIES:

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 13th day of June 2016 at 6:30 p.m. to hold a public hearing for consideration of a Conditional Use Permit for a Certified Survey Map for a division of the parcel of land located at 530 S. Gault Street for Whitewater Housing Services (Matt Kuehl).

The proposal is on file in the office of the Zoning Administrator at 312 W. Whitewater Street and is open to public inspection during office hours Monday through Friday, 8:00 a.m. to 5:00 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 Munz-Pritchard, Neighborhood Services Director/City Planner

TaxKey	Owner1	Owner2	Address1	City	State	Zip
/A417300001	SPRINGBROOK APARTMENTS LLC		W7977 TERRITORIAL RD	DELAVAN	WI	53115-0000
/A420500001	LAND & WATER INVESTMENTS LLC		503 CENTER ST	LAKE GENEVA	WI	53147-0000
/A420500002	STREIB PROPERTIES LLC		503 CENTER ST	LAKE GENEVA	WI	53147-0000
/CA 00010A	TIMOTHY J GORMAN		522 S CLARK ST	WHITEWATER	WI	53190-0000
/CA 00011	ARDIS J BEHRENS		538 S CLARK ST	WHITEWATER	WI	53190-0000
/CA 00012	RUSSELL R WALTON	KIMBERLY A WALTON	211 S PRINCE ST	WHITEWATER	WI	53190-0000
/CA 00014	KENNETH LILLY	MARTHA LILLY	548 S CLARK ST	WHITEWATER	WI	53190-0000
/CA 00014A	INDEPENDENCE OF WISCONSIN INC	C/O VOLUNTEERS OF AMER	PO BOX 304	WAUKESHA	WI	53187-0000
/CA 00015	STREIB PROPERTIES LLC		503 CENTER ST	LAKE GENEVA	WI	53147-0000
/CA 00016	JOAN E KRAEGE		529 S GAULT ST	WHITEWATER	WI	53190-0000
/CA 00016A	DAVID R JACOBS		535 S GAULT ST	WHITEWATER	WI	53190-0000
/CA 00017	CHAPMAN RENTALS LLC		505 MEADOWVIEW LA	JOHNSON CREEK	WI	53038-0000
/CA 00018	RAYMOND STRITZEL TRUST		530 SOUTH JANESVILLE AVE	WHITEWATER	WI	53190-0000
/CA 00018A	DLLR PROPERTIES LLC		W2180 OAK RIDGE AVE	EAST TROY	WI	53120-0000
/CA 00021	WHITEWATER HOUSING SERVICES LLC		530 S GAULT ST	WHITEWATER	WI	53190-0000
/CA 00022	ALEJANDRO WENCE	GUADALUPE WENCE	557 W HARPER ST	WHITEWATER	WI	53190-0000
/HA 00002	RAYMOND P STRITZEL TRUST		530 S JANESVILLE AVE	WHITEWATER	WI	53190-0000
/HA 00005	ARTHUR MEISNER	SHIRLEY MEISNER	517 S PUTNAM ST	WHITEWATER	WI	53190-1731
/HA 00006	HARRIET J STRITZEL TRUST		530 S JANESVILLE AVE	WHITEWATER	WI	53190-0000
/HA 00007	RAYMOND P STRITZEL TRUST		530 S JANESVILLE AVE	WHITEWATER	WI	53190-0000
/HA 00008	RAYMOND P STRITZEL TRUST		530 S JANESVILLE AVE	WHITEWATER	WI	53190-0000
/WUP 00308	MEYER WHITEWATER FAMILY PROPERTY LLC		6775 BADGER RD	LAKE TOMAHAWK	WI	54539-0000
/WUP 00308A	M&T STRADINGER MANAGEMENT TRUST		W5608 SMILEY LN	FT ATKINSON	WI	53538-0000
/WUP 00309	HENRY A MEISNER		575 HARPER ST	WHITEWATER	WI	53190-0000
/CA 00020	171 N PRAIRIE LLC		N1190 CTY TK N	WHITEWATER	WI	53190-0000
/CA 00020A	MELVIN JUETTE	SHEILA JUETTE	549 W HARPER	WHITEWATER	WI	53190-0000



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: 530 S. Gault St

Owner's Name: Whitewater Housing Services LLC

Applicant's Name: "

Mailing Address: 110 N. 1st St, Whitewater, WI 53190

Phone #: 262-473-7300 Email: matt@dupmhousing.com

Legal Description (Name of Subdivision, Block and Lot of other Legal Descriptions): _____

See attached

Existing and Proposed Uses:

Current Use of Property: Residential

Zoning District: R-3

Proposed Use: Residential

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.

APPLICATION REQUIREMENTS

THE FOLLOWING INFORMATION MUST BE SUBMITTED IN ORDER TO CONSIDER THE APPLICATION COMPLETE:

1. Statement of use, including type of business with number of employees by shift.
2. Scaled plot plan with north arrow, showing proposed site and all site dimensions.
3. All buildings and structures: location, height, materials and building elevations.
4. Lighting plan: including location, height, type, orientation of all proposed outdoor lighting – both on poles and on buildings. Photometric plans may be required.
5. Elevation drawings or illustrations indicating the architectural treatment of all proposed buildings and structures.
6. Off-street parking: locations, layout, dimensions, circulation, landscaped areas, total number of stalls, elevation, curb and gutter.
7. Access: pedestrian, vehicular, service. Points of ingress and egress.
8. Loading: location, dimensions, number of spaces, internal circulation.
9. Landscaping: including location, size and type of all proposed planting materials.
10. Floor plans: of all proposed buildings and structures, including square footage.
11. Signage: location, height, dimensions, color, materials, lighting and copy area.
12. Grading /drainage plan of the proposed site.
13. Waste disposal facilities: storage facilities for the storage of trash and waste materials.
14. Outdoor storage, where permitted in the district: type, location, height of screening devices.

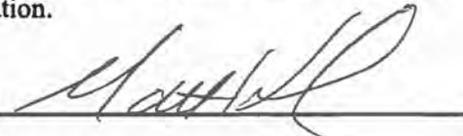
****Four (4) full size, Twenty (20) 11x17, and 1 Electronic Copy (include color where possible) site plan copies, drawn to scale and dimensioned.**

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.	Correct
B. That utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.	Correct
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.	Correct
D. That the conditional use conforms to the purpose and intent of the city Master Plan.	Correct

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

Applicant's Signature: 

Date: 4/25/16

Printed: Matt Deuel

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 5-19-16. Received by: J. Wegner Receipt #: 6.012531
- 2) Application is reviewed by staff members.
- 2) Class 1 Notice published in Official Newspaper on May 26, 2016.
- 3) Notices of the Public Hearing mailed to property owners on 5-27-16.
- 4) Plan Commission holds the PUBLIC HEARING on June 13, 2016. 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

Tips for Minimizing Your Development Review Costs: A Guide for Applicants

The City of Whitewater assigns its consultant costs associated with reviewing development proposals to the applicant requesting development approval. These costs can vary based on a number of factors. Many of these factors can at least be partially controlled by the applicant for development review. The City recognizes that we are in a time when the need to control costs is at the forefront of everyone's minds. The following guide is intended to assist applicants for City development approvals to understand what they can do to manage and minimize the costs associated with review of their applications. The tips included in this guide will almost always result in a less costly and quicker review of an application.

Meet with Neighborhoods Services Department before submitting an application

If you are planning on submitting an application for development review, one of the first things you should do is have a discussion with the City's Neighborhood Services Department. This can be accomplished either by dropping by the Neighborhood Services Department counter at City Hall, or by making an appointment with the Neighborhood Services Manager / City Planner. Before you make significant investments in your project, the Department can help you understand the feasibility of your proposal, what City plans and ordinances will apply, what type of review process will be required, and how to prepare a complete application.

Submit a complete and thorough application

One of the most important things you can do to make your review process less costly to you is to submit a complete, thorough, and well-organized application in accordance with City ordinance requirements. The City has checklists to help you make sure your application is complete. To help you prepare an application that has the right level of detail and information, assume that the people reviewing the application have never seen your property before, have no prior understanding of what you are proposing, and don't necessarily understand the reasons for your request.

For more complex or technical types of projects, strongly consider working with an experienced professional to help prepare your plans

Experienced professional engineers, land planners, architects, surveyors and landscape architects should be quite familiar with standard development review processes and expectations. They are also generally capable of preparing high-quality plans that will ultimately require less time (i.e., less cost for you) for the City's planning and engineering consultants to review, saving you money in the long run. Any project that includes significant site grading, stormwater management, or utility work; significant landscaping; or significant building remodeling or expansion generally requires professionals in the associated fields to help out.

For simpler projects, submit thorough, legible, and accurate plans

For less complicated proposals, it is certainly acceptable to prepare plans yourself rather than paying to have them prepared by a professional. However, keep in mind that even though the project may be less complex, the City's staff and consultants still need to ensure that your proposal meets all City requirements. Therefore, such plans must be prepared with care. Regardless of the complexity, all site, building, and floor plans should:

1. Be drawn to a recognized scale and indicate what the scale is (e.g., 1 inch = 40 feet).
2. Include titles and dates on all submitted documents in case pieces of your application get separated.
3. Include clear and legible labels that identify streets, existing and proposed buildings, parking areas, and other site improvements.
4. Indicate what the property and improvements look like today versus what is being proposed for the future.
5. Accurately represent and label the dimensions of all lot lines, setbacks, pavement/parking areas, building heights, and any other pertinent project features.
6. Indicate the colors and materials of all existing and proposed site/building improvements.
7. Including color photos with your application is one inexpensive and accurate way to show the current condition of the site. Color catalog pages or paint chips can be included to show the appearance of proposed signs, light fixtures, fences, retaining walls, landscaping features, building materials, or other similar improvements.

Submit your application well in advance of the Plan and Architectural Review Commission meeting

The City normally requires that a complete application be submitted four weeks in advance of the Commission meeting when it will be considered. The further in advance you can submit your application, the better for you and everyone involved in reviewing the project. Additional review time may give the City's consultant staff and staff an opportunity to communicate with you about potential issues with your project or application and allow you time to efficiently address those issues before the Plan and Architectural Review Commission meeting. Be sure to provide reliable contact information on your application form and be available to respond to such questions or requests in a timely manner.

For more complex projects, submit your project for conceptual review

A conceptual review can be accomplished in several ways depending on the nature of your project and your desired outcomes.

1. Preliminary plans may be submitted to City staff and/or planning consultant for a quick, informal review. This will allow you to gauge initial reactions to your proposal and help you identify key issues;
2. You may request a sit-down meeting with the Neighborhood Services Manager/ City Planner to review and more thoroughly discuss your proposal; and/or

3. You can ask to be placed on a Plan and Architectural Review Commission meeting agenda to present and discuss preliminary plans with the Commission and gauge its reaction before formally submitting your development review application.

Overall, conceptual reviews almost always save time, money, stress, and frustration in the long run for everyone involved. For this reason, the City will absorb up to \$200 in consultant review costs for conceptual review of each project.

Hold a neighborhood meeting for larger and potentially more controversial Projects

If you believe your project falls into one or both of these two categories (City staff can help you decide), one way to help the formal development review process go more smoothly is to host a meeting for the neighbors and any other interested members of the community. This would happen before any Plan and Architectural Review Commission meeting and often before you even submit a formal development review application.

A neighborhood meeting will give you an opportunity to describe your proposal, respond to questions and concerns, and generally address issues in an environment that is less formal and potentially less emotional than a Plan and Architectural Review Commission meeting. Neighborhood meetings can help you build support for your project, understand others' perspectives on your proposals, clarify misunderstandings, and modify the project and alleviate public concerns before the Plan and Architectural Review Commission meetings. Please notify the Neighborhood Services Manager / City Planner of your neighborhood meeting date, time, and place; make sure all neighbors are fully aware (City staff can provide you a mailing list at no charge); and document the outcomes of the meeting to include with your application.

Typical City Planning Consultant Development Review Costs

The City often utilizes assistance from a planning consultant to analyze requests for land development approvals against City plans and ordinances and assist the City's Plan and Architectural Review Commission and City Council on decision making. Because it is the applicant who is generating the need for the service, the City's policy is to assign most consultant costs associated with such review to the applicant, as opposed to asking the general taxpayer to cover these costs.

The development review costs provided below represent the planning consultant's range of costs associated with each particular type of development review. This usually involves some initial analysis of the application well before the public meeting date, communication with the applicant at that time if there are key issues to resolve before the meeting, further analysis and preparation of a written report the week before the meeting, meeting attendance, and sometimes minor follow-up after the meeting. Costs vary depending on a wide range of factors, including the type of application, completeness and clarity of the development application, the size and complexity of the proposed development, the degree of cooperation from the applicant for further information, and the level of community interest. The City has a guide called "Tips for Minimizing Your Development Review Costs" with information on how the applicant can help control costs.

Type of Development Review Being Requested	Planning Consultant Review Cost Range
Minor Site/Building Plan (e.g., minor addition to building, parking lot expansion, small apartment, downtown building alterations)	
When land use is a permitted use in the zoning district, and for minor downtown building alterations	Up to \$600
When use also requires a conditional use permit, and for major downtown building alterations	\$700 to \$1,500
Major Site/Building Plan (e.g., new gas station/convenience store, new restaurant, supermarket, larger apartments, industrial building)	
When land use is a permitted use in the zoning district	\$700 to \$2,000
When land use also requires a conditional use permit	\$1,600 to \$12,000
Conditional Use Permit with no Site Plan Review (e.g., home occupation, sale of liquor request, substitution of use in existing building)	\$up to \$600
Rezoning	
To a standard (not PCD) zoning district	\$400 to \$2,000
To Planned Community Development zoning district, assuming complete GDP & SIP application submitted at same time	\$2,100 to \$12,000
Land Division	
Certified Survey Map	Up to \$300
Preliminary Subdivision Plat	\$1,500 to \$3,000
Final Plat (does not include any development agreement time)	\$500 to \$1,500
Annexation	\$200 to \$400

****Note:** The City also retains a separate engineering consultant, who is typically involved in larger projects requiring stormwater management plans, major utility work, or complex parking or road access plans. Engineering costs are not included above, but will also be assigned to the development review applicant. The consultant planner and engineer closely coordinate their reviews to control costs.

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: Whitewater Housing Services LLC

Applicant's Mailing Address: 110 W. 1st St
Whitewater, WI 53190

Applicant's Phone Number: 262-473-7309

Applicant's Email Address: matt@suprehousing.com

Project Information:

Name/Description of Development: 530 Gault St

Address of Development Site: 530 Gault St

Tax Key Number(s) of Site: 1CA 00022

Property Owner Information (if different from applicant):

Name of Property Owner: Same as above

Property Owner's Mailing Address: Same as above

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.....\$ _____
- 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

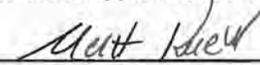
_____ **To be filled out by the Applicant and Property Owner** _____

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

Signature of Property Owner (if different)



Printed Name of Applicant/Petitioner

Printed Name of Property Owner (if different)



Date of Signature

Date of Signature

2015 Property Record | Walworth County, WI

*Assessed values not finalized until after Board of Review
Property information is valid as of 4/25/2016 9:29:57 AM*

Owner Address	
WHITEWATER HOUSING SERVICES LLC 530 S GAULT ST WHITEWATER, WI 53190	

Owner
WHITEWATER HOUSING SERVICES LLC

Property Information	
<u>Parcel ID:</u>	291-/CA 00021
<u>Document #</u>	P696788
<u>Tax Districts:</u>	
Sch Whitewater	

Property Description	
<i>For a complete legal description, see recorded document.</i>	
LOTS 3-8 BLK 3 & THAT PT. LOT 9 BLK 3 S OF N LN LOT 6 EXT. W. CAINE'S ADDITION CITY OF WHITEWATER	
<u>Municipality:</u>	291-City of Whitewater
<u>Property Address:</u>	530 S GAULT ST

Tax Information		Print Tax Bill
<u>Installment</u>	<u>Amount</u>	
<u>First:</u>	5,355.38	
<u>Second:</u>	1,570.93	
<u>Third:</u>	0.00	
<u>Total Tax Due:</u>	6,926.31	
<u>Base Tax:</u>	3,215.52	
<u>Special Assessment:</u>	3,903.44	
<u>Lottery Credit:</u>	118.99	
<u>First Dollar Credit:</u>	73.66	
<u>Amount Paid:</u>	6,926.31	
<i>(View payment history info below)</i>		
<u>Current Balance Due:</u>	0.00	
<u>Interest:</u>	0.00	
<u>Total Due:</u>	0.00	

Land Valuation				
<u>Code</u>	<u>Acres</u>	<u>Land</u>	<u>Impr.</u>	<u>Total</u>
1	1.65	\$76,700	\$76,600	\$153,300
	1.65	\$76,700	\$76,600	\$153,300
<u>Assessment Ratio:</u>			0.9809498740	
<u>Fair Market Value:</u>			156300.00	

Special Assessment Detail		
<u>Code</u>	<u>Description</u>	<u>Amount</u>
01	Water Main & Lateral Installations	1540.18
02	Sewer Main & Lateral Installation	1670.02
03S	Sidewalk	91.76
03CG	Curb & Gutter	601.48
		3903.44

Payment History						
<u>Date</u>	<u>Receipt</u>	<u>Amount</u>	<u>Interest</u>	<u>Penalty</u>	<u>Total</u>	
12/11/2015	912717	6926.31	0.00	0.00	6926.31	

*No data found for Delinquent Tax Summary in 2015

FARRIS, HANSEN & ASSOC. INC.

7 RIDGWAY COURT- P.O. BOX 437
ELKHORN, WISCONSIN 53121
PHONE (262) 723-2098
FAX (262) 723-5886

CERTIFIED SURVEY MAP NO. _____

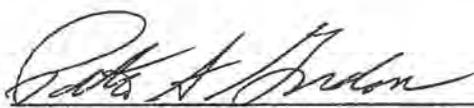
**A REDIVISION OF LOTS 3 THRU 8 AND PART OF LOT 9
BLOCK 3 OF CAINE'S ADDITION TO THE CITY OF WHITEWATER
LOCATED IN THE NE 1/4 OF THE NE 1/4 SECTION 8
TOWN 4 NORTH, RANGE 15 EAST
CITY OF WHITEWATER
WALWORTH COUNTY, WISCONSIN**

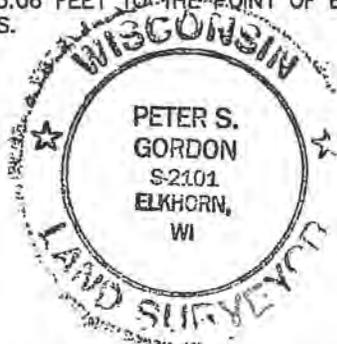
SURVEY CERTIFICATE

I HEREBY CERTIFY THAT AT THE DIRECTION OF WHITEWATER HOUSING SERVICES, LLC, OWNERS, AND IN FULL COMPLIANCE WITH THE PROVISIONS OF SECTION 236.34 OF WISCONSIN STATUTES, AND THE SUBDIVISION ORDINANCE FOR THE CITY OF WHITEWATER, WALWORTH COUNTY, WISCONSIN, I HAVE SURVEYED, DIVIDED, AND MAPPED THE FOLLOWING DESCRIBED LANDS AND THAT THIS MAP IS A TRUE REPRESENTATION OF THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND OF THE DIVISION THEREOF TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF:

A REDIVISION OF LOTS 3 THRU 8 AND PART OF LOT 9 OF CAINE'S ADDITION TO THE CITY OF WHITEWATER, LOCATED IN THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 8, TOWN 4 NORTH, RANGE 15 EAST, CITY OF WHITEWATER, WALWORTH COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 8 (T4N, R15E); THENCE N 87DG 52MIN 57SEC E, ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 8, 1798.41 FEET; THENCE S 00DEG 15MIN 49SEC W, 548.76 FEET TO THE NORTHEAST CORNER OF LOT 3 OF BLOCK 3 OF SAID CAINE'S ADDITION, ON THE WEST LINE OF GAULT STREET; THENCE CONTINUE S 00DEG 15MIN 49SEC W, ALONG GAULT STREET, 3798.98 FEET TO THE SOUTHEAST CORNER OF LOT 8 OF SAID BLOCK 3; THENCE S 87DEG 57MIN 34SEC W, 213.63 FEET TO THE SOUTHWEST CORNER OF LOT 8 OF SAID BLOCK 3; THENCE ALONG THE WEST LINE OF SAID CAINE'S ADDITION, N 11DEG 28MIN 55SEC W, 184.33 FEET; THENCE N 87DEG 57MIN 34SEC E, 86.12 FEET TO THE SOUTHWEST CORNER OF LOT 5 OF SAID BLOCK 3; THENCE N 00DEG 15MIN 49SEC E, 198.00 FEET TO THE NORTHEAST CORNER OF LOT 3 OF SAID BLOCK 3; THENCE N 87DEG 57MIN 34SEC E, 165.06 FEET TO THE POINT OF BEGINNING. CONTAINING 74,917 SQUARE FEET OF LAND (1.72 ACRES) MORE OR LESS.

DATED: APRIL 20 _____, 2016

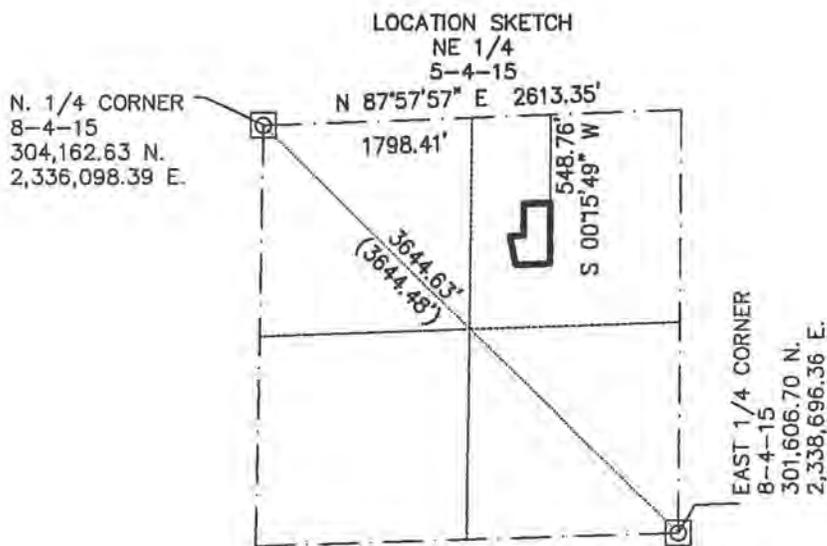

PETER S. GORDON PLS 2101



CITY OF WHITEWATER APPROVAL

APPROVED THIS ____ DAY OF _____, 2016 BY THE CITY OF WHITEWATER, WISCONSIN.

AUTHORIZED SIGNATURE FOR THE CITY OF WHITEWATER, WISCONSIN



THIS INSTRUMENT DRAFTED
BY PETER S. GORDON
PROJECT NO. 9463
DATED: 04-18-2016
SHEET 1 OF 3 SHEETS

CERTIFIED SURVEY MAP NO. _____

A REDIVISION OF LOTS 3 THRU 8 AND PART OF LOT 9
 BLOCK 3 OF CAINE'S ADDITION TO THE CITY OF WHITEWATER
 LOCATED IN THE NE 1/4 OF THE NE 1/4 SECTION 8
 TOWN 4 NORTH, RANGE 15 EAST
 CITY OF WHITEWATER
 WALWORTH COUNTY, WISCONSIN

LEGEND

- ⊗ = FOUND IRON PIPE STAKE, 1" DIA.
 - = FOUND IRON REBAR STAKE, 3/4" DIA.
 - = FOUND CONCRETE COUNTY MONUMENT
 - ⚓ = SET SOLID ROUND IRON BAR STAKE 1 5/16" X 30" X 4.60 LBS./FT.
 - (XXX) = RECORDED AS
- ALL OTHER CORNERS ARE SET REBAR STAKES 3/4" X 18" X 1.5 LBS/FT

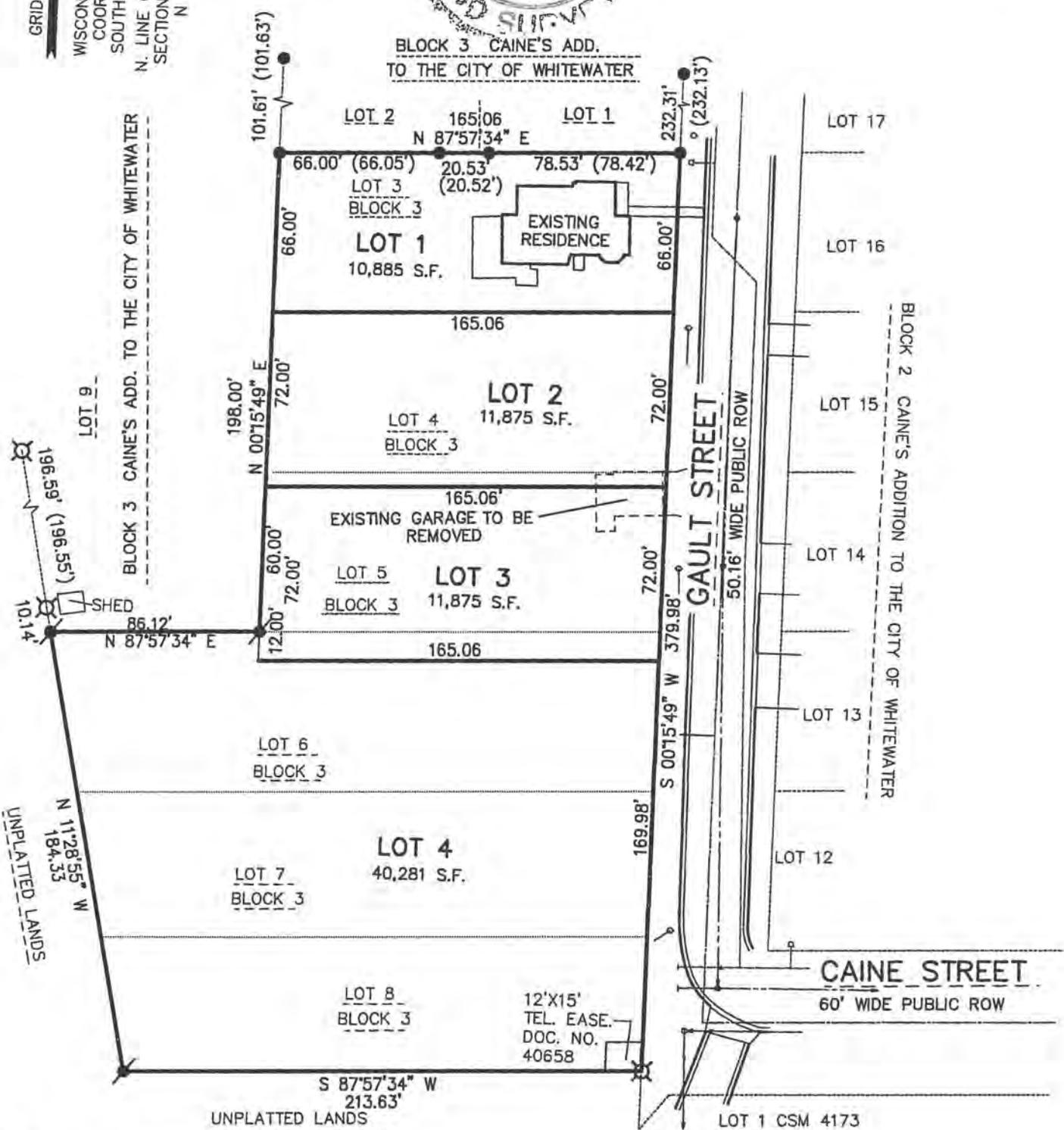
OWNER: WHITEWATER HOUSING SERVICES, LLC
 PO BOX 676
 WHITEWATER, WI. 53190

ZONING: R-3

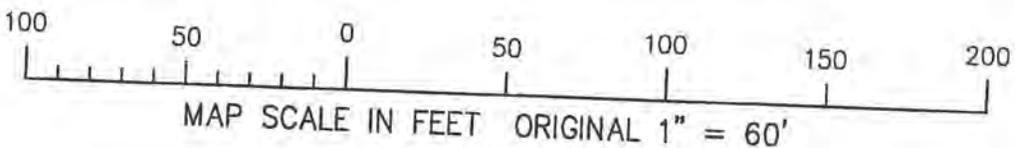


4/20/2016
Peter S. Gordon

GRID NORTH
 WISCONSIN STATE PLANE
 COORDINATE SYSTEM
 SOUTH ZONE (NAD-27)
 N. LINE OF THE NE 1/4 OF
 SECTION 08-4-15 BEARS
 N 87°52'57" E



THIS INSTRUMENT DRAFTED
 BY PETER S. GORDON
 PROJECT NO. 9463
 DATED: 04-18-2016
 SHEET 2 OF 2 SHEETS



CERTIFIED SURVEY MAP NO. _____

A REDIVISION OF LOTS 3 THRU 8 AND PART OF LOT 9
BLOCK 3 OF CAINE'S ADDITION TO THE CITY OF WHITEWATER
LOCATED IN THE NE 1/4 OF THE NE 1/4 SECTION 8
TOWN 4 NORTH, RANGE 15 EAST
CITY OF WHITEWATER
WALWORTH COUNTY, WISCONSIN

CONSENT OF CORPORATE OWNER

WHITEWATER HOUSING SERVICES, LLC, A LIMITED LIABILITY CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, OWNER OF THE ABOVE DESCRIBED LANDS, DOES HEREBY CERTIFY THAT SAID LLC CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, AND MAPPED AS REPRESENTED ON THIS MAP.
THIS MAP IS REQUIRED TO BE SUBMITTED TO THE CITY OF WHITEWATER FOR APPROVAL

IN WITNESS WHEREOF, THE SAID WHITEWATER HOUSING SERVICES, LLC HAS CAUSED THESE PRESENTS TO BE SIGNED BY

_____, ITS _____, AT _____, WISCONSIN AND ITS CORPORATE SEAL TO BE AFFIXED HERETO THIS _____ DAY OF _____, 2016.

MATHEW KUEHL AUTHORIZED REPRESENTATIVE FOR
WHITEWATER HOUSING SERVICES LLC

STATE OF WISCONSIN)
COUNTY OF WALWORTH) SS

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2016, _____ OF THE ABOVE NAMED MATHEW KUEHL, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND TO ME KNOWN TO BE SUCH OFFICER OF SAID CORPORATION, AND ACKNOWLEDGED THAT THEY EXECUTED THE FOREGOING INSTRUMENT AS SUCH OFFICER AS THE DEED OF SAID CORPORATION BY ITS AUTHORITY.

MY COMMISSION EXPIRES

NOTARY PUBLIC, _____, WISCONSIN



4/20/2016
[Handwritten Signature]

THIS INSTRUMENT DRAFTED
BY PETER S. GORDON
PROJECT NO. 9463
DATED: 04-18-2016
SHEET 3 OF 3 SHEETS

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Plan and Architectural Review Commission of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, will consider a change of the City of Whitewater Ordinance regulations, to enact the proposed amendments to the City of Whitewater Municipal Code: Chapter 19, specifically Section 19.19 R-2A Residential Increased Occupancy Overlay District, addressing amendments to the R-2A Residential Increased Occupancy Overlay District.

The proposed ordinance changes are on file in the office of the City Clerk and the document is open to public inspection during office hours Monday through Friday, 8:00 a.m. to 5:00 p.m.

NOTICE IS FURTHER GIVEN that the Plan and Architectural Review Commission of the City of Whitewater will hold a public hearing at the Municipal Building Community Room, 312 W. Whitewater Street, Whitewater, WI, on Monday, June 13, 2016, at 6:30 p.m. to hear any person for or against said change.

Dated: May 12, 2016

Publish: May 26, 2016 and June 2, 2016 (two times)
in the Whitewater Register

Michele Smith, City Clerk
By Jane Wegner, Plan Commission Clerk

AN ORDINANCE AMENDING CHAPTER 19.19 R-2 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 ~~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) 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: - hen bedrooms are being added as part of an internal remodeling or external addition, common space (square footage excluding basements, bedrooms, bathrooms, halls, and closets) must exceed 75 square feet per allowed unrelated resident.

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 or common hallways 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 square feet x 1st individual)+ (330 square feet x 4 additional individuals) = 1,720 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

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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 or age or over.

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

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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

Chapter 19.19 R-2A Residential Increased Occupancy Overlay District

Chapter 19.19 R-2A Residential Increased Occupancy Overlay District ... **Error! Bookmark not defined.**

19.19.010 Purpose and intent	1
19.19.015 Relationship to underlying zoning district classification.	1
19.19.020 Overlay zoning district application.	1
19.19.030 Residential occupancy overlay district permitted and conditional uses.....	1
19.19.050 Exceptions.....	2

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 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 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 19.19 R-2A Residential Increased Occupancy Overlay District

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.

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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 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 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)

R-2A Overlay Zoning

Plan Commission Date	TAX KEY	#	STREET	BEDROOMS	Conditional Use # of unrelated	SQ. FT. on record	A 400 + 350	B 400+330	SQ FT vs Required A	SQ FT vs Required B
07/14/2014	CL 00027	727	W. Center St.	4	6 unrelated	2880	2150	2050	730	830
08/11/2014	CL 00060	288	S. Janesville St.	4	4 unrelated	1550	1450	1390	100	160
09/08/2014	CL 00051	255	S. Prairie Street	3	5 unrelated	1842	1800	1720	42	122
10/13/2014	CL 00059	280	S. Janesville St.	4	5 unrelated	1647	1800	1720	-153	-73
10/13/2014	CL 00078	731	W. Peck St.	4	4 unrelated	1419	1450	1390	-31	29
01/12/2015	CL 00041	523	W. Center St.	5	5 unrelated	1982	1800	1720	182	262
03/09/2015	CL 00109	412	S. Janesville St.	4	4 unrelated	1572	1450	1390	122	182
06/08/2015	CL 00039	604	W. High St.	3	4 unrelated	1350	1450	1390	-100	-40
09/14/2015	CL 00040	531	W. Center St.	5	6 unrelated	3420	2150	2050	1270	1370

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Plan and Architectural Review Commission of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, will consider a change of the City of Whitewater Ordinance regulations, to enact the proposed amendments to the City of Whitewater Municipal Code: Chapter 19, specifically Section 19.54 Signage Regulations, addressing amendments to the Sign Ordinance.

The proposed ordinance changes are on file in the office of the City Clerk and the document is open to public inspection during office hours Monday through Friday, 8:00 a.m. to 5:00 p.m.

NOTICE IS FURTHER GIVEN that the Plan and Architectural Review Commission of the City of Whitewater will hold a public hearing at the Municipal Building Community Room, 312 W. Whitewater Street, Whitewater, WI, on Monday, June 13, 2016, at 6:30 p.m. to hear any person for or against said change.

Dated: April 21, 2016

Publish: May 26, 2016 and June 2, 2016 (two times)
in the Whitewater Register

Michele Smith, City Clerk
By Jane Wegner, Plan Commission Clerk

ORDINANCE No. _____
AN ORDINANCE AMENDING TITLE 19 REGARDING SIGNAGE REGULATIONS

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

SECTION 1. Whitewater Municipal Code Chapter 19.54, is hereby amended to read as follows:

19.54.010 Sign permits.

- A. The following sign uses and purposes are permitted in all zoning districts without the need for a sign permit. Such signs shall not count as part of the maximum permitted sign area as regulated by this ordinance:
1. Address numerals and identification signs not exceeding one square foot in area;
 2. Legal notices; Signs established by, or by order of, any governmental agency;
 3. Memorial signs and tablets displayed in cemeteries.
- B. No person shall erect, alter, or relocate within the city any sign without first obtaining a sign permit, except for the exceptions in subsections A of this section and as may be provided for elsewhere in this chapter.

19.54.020 Definitions and regulations specific to certain signs.

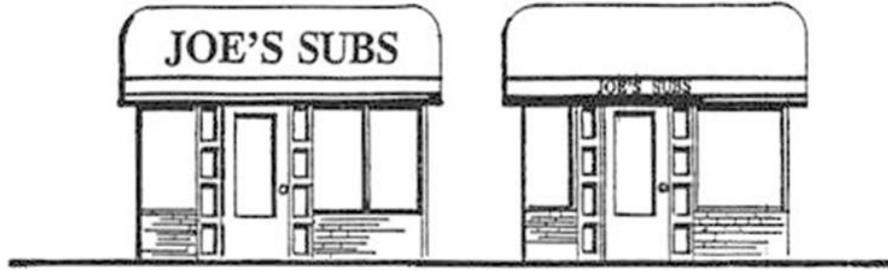
The following definitions shall be used by this chapter to assist in the establishment of clear cut signage regulations. In general, "sign purposes" refers to where or how a sign is used; "sign configurations" refers to the style of the sign; and "sign measurement" explains how the dimensions of a sign are determined.

- A. "Sign" means any object, device, display, structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including figures, letters, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, religious, fraternal or civic organization; also merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or scoreboards located on athletic fields. Definitions of particular functional, locational and structural types of signs are listed in this section. (Traffic control and other public agency signs located within a right-of-way are not included within this definition and are not regulated by the provisions of this chapter.)
- B. Sign Purposes.
1. "Advertising sign" means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is displayed. Advertising signs include billboards. (Refer to Section 19.54.030.)
 2. "Auxiliary sign" means a sign which provides special information such as price, hours of operation, or warning and which does not include brand names, or information regarding

product lines or services. It may contain a business logo if the logo is under one (1) square foot in area. Examples of such signs include directories of tenants in buildings, "no trespassing" signs, menu boards, and signs which list prices of gasoline. (Refer to Section 19.54.050E.)

3. "Business sign" means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, offered, or manufactured upon the premises where the sign is located. (Refer to Sections 19.54.050 and 19.54.052-Table B.)
4. "Community information sign" means an officially-designated sign which is limited to either the display of information of interest to the general community regarding scheduled public events and information of general interest to the residents of Whitewater, or signage located on scoreboards, fences or similar structures within the confines of publicly-owned (city, school district, university) athletic fields, courts, rinks or other active recreation facilities as approved by the parks and recreation board.
 - a. Community information signs shall be permitted per the discretion of the neighborhood services department. The city may revoke the designation of an approved community information sign if such sign fails to comply with the requirements of this chapter. Upon revocation, the owner of the sign shall have thirty (30) days to remove the sign at the owner's expense.
 - b. Such sign shall only display information regarding events and information of general interest to the residents of Whitewater. Copy which may be considered as advertising a product, private or restricted participation event, or activity for private profit shall be prohibited. This provision may be waived by conditional use for community information signs on lands owned by the public for recreational purposes, provided that the installation of the sign provides a benefit to a public or community organization.
 - c. Such sign may be located on private or public property.
 - d. Such sign shall conform to the visibility requirements of Chapter 19.51 and Illustration 2.
 - e. Maximum sign area shall be thirty-two (32) square feet, unless a larger sign is approved by the plan commission based on conditions unique to the placement of the sign or the required length of the message. Such sign shall not be counted as adding to the area of signage on the subject property for the purposes of regulating sign area per Section 19.54.050F.
5. Canopy and Awning Signs. The use of canopy and awning signs reduces the maximum number of wall sign by one (1). Canopy and awning signs are subject to the following provisions.
 - a. Surface Area: The sign surface area of a canopy or awning script/logo height shall be limited to twelve (12) inches, except a greater script/logo height may be approved by conditional use.

Illustrations A

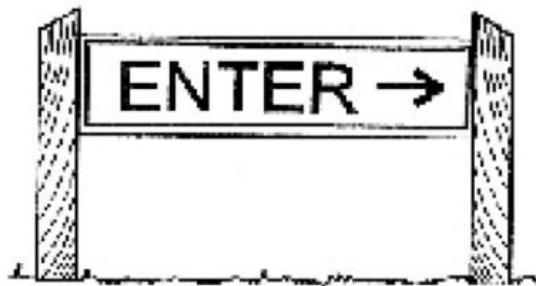


Awning and Canopy Signs

- b. Location:
 1. Canopies and awnings shall be constructed and erected so that the lowest portion of the projecting frame thereof shall be not less than eight (8) feet above the level of the sidewalk or public thoroughfare. Anything under eight (8) feet shall require a conditional use permit.
 2. No portion of the canopy or awning sign shall extend above or beyond the canopy or awning upon which it is attached. However, a sign may be hung beneath a canopy parallel to the building frontage so long as it and its structural components are no less than eight (8) feet above the ground immediately beneath the sign. Anything under eight (8) feet shall require a conditional use permit.
- c. Materials: Canopy and awning signs shall be made of either the material with which the canopy or awning is covered or other water proof materials affixed flush to the face of the canopy or awning, or be painted directly on the awning or canopy material with weather-resistant paint.

6. Directional Sign, Off-Premises. "Off-premises directional sign" means a sign which indicates only the name, direction, and/or distance of a business or activity. It may contain a business logo if the logo is under one square foot in area and approval only by conditional use. (Refer to Section 19.54.030.)

Illustration B



7. Directional Sign, On-Premises. "On-premises directional sign" means an information sign which has a purpose secondary to the use of the lot upon which it is located, including signs that indicate parking availability, entrances, particular buildings within a multi-building development, hours of operation, available merchandise in a drive-thru lane, and wall-mounted posters indicating particular movies in a theater. No sign with a commercial message legible from a public right-of-way or another property shall be

considered an on-premises directional sign. No on-premises directional sign shall be greater than nine (9) square feet in area.

8. "Sandwich board/pedestal sign" means a movable sign placed by hand outside the building while the business is open; removed at the time the business closes each day; self-supporting and stable even on windy days because of its design; used for the purpose of promoting special business offers and not as primary business signage; and meeting all applicable size, placement, and other requirements of this chapter (see Section 19.54.050K. in particular).

Illustrations C



9. "Group sign" means a sign displaying the collective name of a group of uses such as the title of a shopping center, office park, industrial park and/or their tenants or occupants. No sales or price information shall be permitted. Portions of the sign containing names of individual tenants shall be considered as part of the area of a group sign. Group signs shall only be permitted within developments serving two or more nonresidential tenants in spaces with separate outside customer doors, and shall limit information to the name of the development and/or its occupants. Group signs serving two or more occupants not located on the same lot, but within the same multi-building development, shall be located on one of the lots being served by the sign. Such signs shall not be considered an advertising sign as defined in this section. (Refer to Section 19.54.052-Table B for size and locational information.)
10. "Identification sign" means a sign indicating the name and/or address of the tenant of the residential unit or manager of the property located upon the residential premises where the sign is displayed. Such sign shall not exceed the allowed area:
 - a. For one to four units, three (3) square feet;
 - b. For up to eleven units, six (6) square feet;
 - c. Twelve units or more, thirty-two (32) square feet. (Refer to Section 19.54.052-Table B.)
11. "Temporary sign" means a sign or advertising display intended to be displayed for a period not exceeding a total of thirty (30) cumulative days within any twelve (12) month period (except as permitted by Section 19.54.060). Included in the definition of temporary signs are retailers' signs temporarily displayed for the purpose of informing the public of a sale or special offer (six (6) square feet maximum) or for the designation of a new building, promotion of a new development or announcement of a special event (thirty-two (32) square feet maximum). The zoning administrator reserves the right to remove signs which may be a nuisance. If a sign display area is permanent but the message

displayed is subject to periodic changes, that sign shall not be considered as temporary. A business shall be limited to no more than a total of thirty (30) cumulative days for displaying all temporary signs during any twelve(12) month period.

12. "Residential business sign" means a sign that is located in a residential district for a joint commercial/residential use which requires approval by the zoning administrator and to meet the requirements of Chapter 19.66. All signs must be monument style signs or arm/post type. (Refer to Section 19.54.052-Table B.)
13. "Commercial message" means any sign wording, logo or other representation which names, advertises or calls attention to a business, product, or service.

C. Sign Configurations.

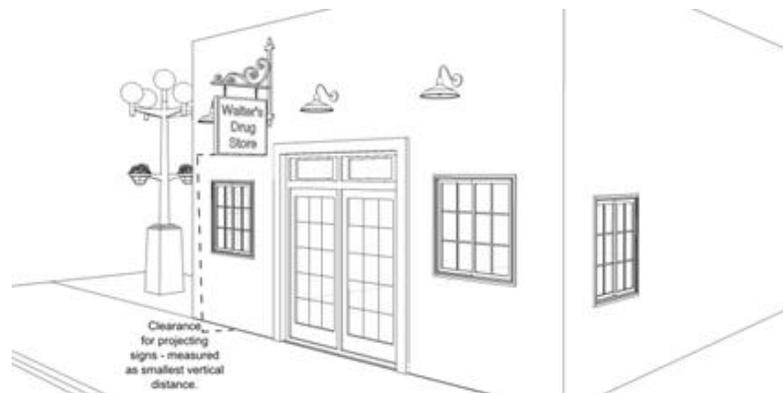
1. "Freestanding sign" means a self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground. This type of sign includes monument signs, pylon signs, arm/post(s) signs, and signs mounted on canopies over gasoline dispensing pumps. The base or support(s) of any and all freestanding signs shall be securely anchored to a concrete base or footing. The footing and related supporting structure of a freestanding sign, including bolts, flanges, brackets, etc., shall be concealed by the sign exterior, masonry covering, earth and permanent groundcover, or evergreen shrubs. (Refer to Sections 19.54.050D and 19.54.052-Table B.)
2. "Mobile/portable sign or banner" means a sign or banner mounted on a frame or chassis designed to be easily relocated, including vehicles and/or trailers which have a principal commercial use for signage, but not including any sandwich board/pedestal sign as defined in Section 19.54.020B(8). Mobile/portable signs or banners are prohibited unless approved by the zoning administrator for the purpose of recognizing a business opening, annual business anniversary, or community celebration. Where approved, such a sign shall not be in place for a period to exceed thirty days within any twelve-month period, shall not be erected more than thirty days before the event, shall be removed not more than five days after the completion of the event, and shall not exceed thirty-two square feet in area. A mobile or portable sign shall not be considered a temporary sign as defined in Section 19.54.020B11. or used for such a purpose, except as may be allowed by the zoning administrator.
3. "Monument sign" means a freestanding sign whose bottom edge is located within one foot of ground level or a ground-mounted pedestal. The base or support(s) of any and all monument signs shall be securely anchored to a concrete base or footing. The height of a monument sign shall not exceed that specified in Section 19.54.052 Table B, nor shall it be otherwise erected so that it impedes visibility for safe pedestrian and/or vehicular circulation. The footing and related supporting structure, including bolts, flanges, brackets, etc., shall be concealed by the sign exterior, masonry covering, earth and permanent groundcover, or evergreen shrubs. (Refer to Sections 19.54.040 and 19.54.052-Table B.,)

Illustrations D



4. "Projecting sign" means a sign, other than a wall sign, which is directly attached to and projects more than one foot from a building face, and is generally mounted perpendicular from the building face. The bottom edge of such sign shall be located a minimum of eight and one-half feet (8 ½) from the ground level directly under the sign. In no instance shall such sign be located closer than three (3) feet to the edge of a street curb, drive, or parking area. For maximum area and placement standards, see Section 19.54.052-Table B.

Illustration E



5. "Electronic message center sign" means a sign in a nonresidential zoning district which displays words, lines, graphic images, video recordings, or symbols that can electronically change to provide different information and/or animation, including a computer sign, electronic reader board sign, video display sign, or time and/or temperature sign, but not including a flashing sign, which is prohibited under Section 19.54.030A(3). For electronic message center sign standards, see Section 19.54.050K
6. "Pylon sign" means a freestanding sign, other than arm post type, erected upon one or more pylon or post. The base or support(s) of any and all pylon signs shall be securely anchored to a concrete base or footing. The height of a pylon sign shall be measured from the centerline elevation of the nearest road to the top of the sign. The height of a pylon sign shall not exceed twenty (20) feet. Pylon signs shall be erected so that the vertical distance between the bottom edge of the sign and the elevation of the centerline of the nearest road to said sign exceeds eight (8) feet. The footing and related supporting structure of a freestanding sign including bolts, flanges, brackets, etc., shall be concealed by the sign exterior, masonry covering, earth and permanent groundcover, or through the use of evergreen shrubs. (Refer to Section 19.54.052-Table B.)

Illustrations F

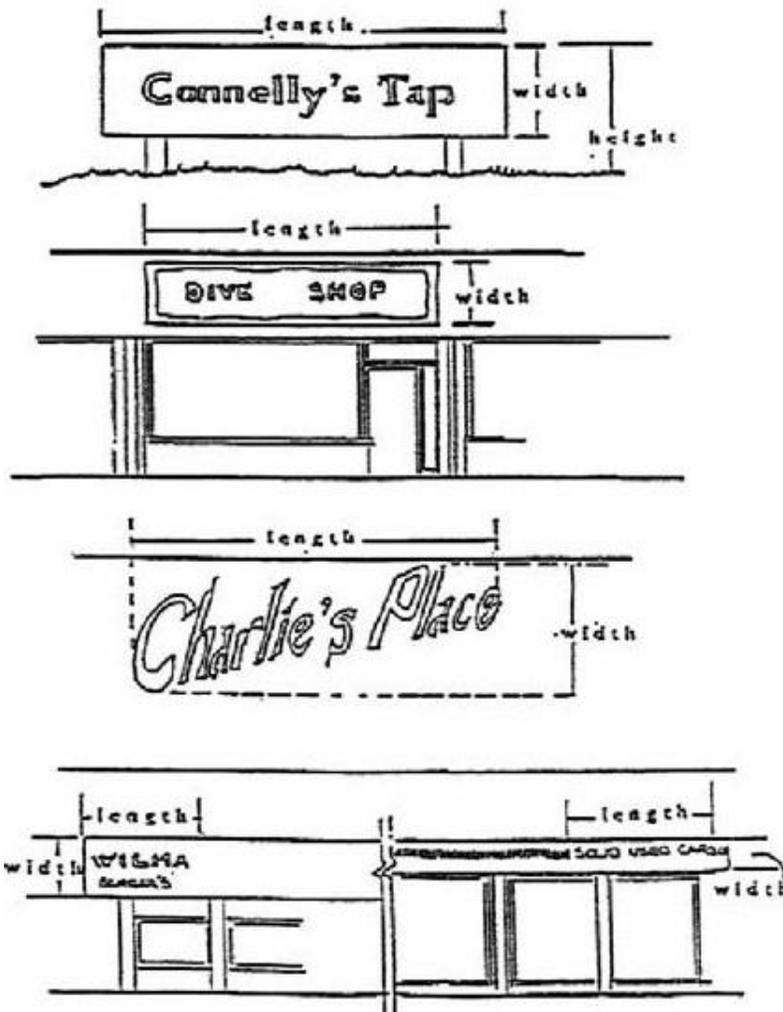


7. "Wall sign" means a sign mounted parallel to a building facade or other vertical building surface. Wall signs shall not extend beyond the edge of any wall or other surface to which they are mounted, nor shall they project more than twelve inches from its surface. The height of a wall sign shall be measured from the base of the building below the sign to the top of the sign face. The top of the sign shall be no higher than the nearest portion of the building to which it is mounted.
 8. "Canopy/awning sign" means a sign mounted to an awning or canopy, with said awning or canopy mounted to the side of the building. An awning/canopy sign shall be counted as a wall sign for purposes of this chapter. Script/logo height shall be limited to eight (8) inches, except a greater script/logo height may be approved by conditional use. (Refer to Sections 19.54.020B(5) and Illustrations A).
 9. "Arm/post(s) sign" means a freestanding sign mounted on a post with a bracket extending outward to support a sign by either hanging from the bracket or mounted on the bracket. The maximum size, height, and location of arm/post(s) signs shall be the same as for monument signs. (Refer to Section 19.54.052-Table B.)
 10. "Window sign" means a sign mounted on or within one (1) foot inside of a first-floor exterior window, with a primary intent to advertise a business or product within the premises.
- D. Sign Measurement.
1. "Ground level" means the average elevation of the ground upon which the sign supports are placed, except when the sign supports rest upon a berm or other area elevated above the surrounding ground. In such cases, the average elevation of the base of such berm or other area shall be considered as the ground level.
 2. Sign area shall be measured in the following manner:
 - a. In the case of a sign placed within a frame, or other structure, sign area consists of the entire surface area of the sign on which copy could be placed. The supporting structure or bracing of a sign shall not be counted as a part of the sign face area unless such structure or bracing is made a part of the sign's message. Where a sign has two (2) or more display faces, the combined total area of all faces shall be considered the sign face area.

- b. In the case of a sign whose message is fabricated together with the background which borders or frames that message, sign face area shall be the total area of the entire background.
- c. In the case of a sign whose message is applied to a background which provides no border or frame, sign face area shall be the area of the smallest rectangle which can encompass all words, letters, figures, emblems, and other elements of the sign message.
- d. Signs less than one (1) square foot in area are not regulated by this chapter.
- e. The following illustrations demonstrate how sign face area shall be determined.

Illustrations G

SIGN FACE



19.54.030 General signage regulations.

The regulations contained in this section apply to signs in all districts.

A. Sign Prohibitions and Limitations.

1. No sign shall use any word, phrase, symbol, shape, form or character in such manner as to interfere with moving traffic, including signs which incorporate typical street-type and/or traffic control-type signage designs and colors.
2. No fluttering, undulating, swinging, rotating or otherwise moving signs, pennants or other decoration shall be permitted except for electronic message center signs and time and/or temperature signs in nonresidential zoning districts.
3. No illuminated flashing signs shall be permitted. Electronic message center signs meeting the definition and requirements of this chapter shall not be considered illuminated flashing signs.
4. No illuminated sign shall be permitted unless the illumination is so designed that the lighting level does not affect adjacent property, pursuant to the standards in Section 19.57.150 (outdoor lighting standards). All illuminated signs shall comply with the state electrical code and Section 19.54.070B, and illumination shall be limited to one hour before the daily opening of the associated business and one hour after the daily closing of the associated business.
5. No mobile/portable signs or banners shall be permitted unless approved by the zoning administrator. Sign use and other regulations shall be as specified in Section 19.54.020D(2).
6. No off-premises directional signs shall be permitted for non-governmental or non-institutional uses or for any use outside of a public right-of-way; however, such signs, as well as city entrance signs, may be permitted within a public right-of-way, per subsection 19.54.030C. of this section, for government facilities, nonprofit, nonreligious community gathering spots, major economic centers such as the downtown and business park, and schools.
7. No advertising signs shall be permitted, except for certain community information signs as described in Sections 19.54.010B. and 19.54.020C(4).

Rationale. The adoption of subsection A(7). of this section reflects a formal finding of fact on the part of the city plan commission and city council that the prohibition of advertising signage furthers two compelling government interests:

- a. The general public interest of reducing visual clutter caused by advertising signage which the city has determined is a significant cause of unsafe traffic conditions; and
- b. The public interest served by furthering the implementation of the purposes of this chapter and the city comprehensive plan in terms of limiting the further spread of strip commercial development, of which advertising signs are a primary contributor. Furthermore, the city advocates this regulation leaves ample and adequate alternative channels of commercial speech communication for the messages portrayable on such advertising signs; namely, distributed print media, broadcast media, and point-of-purchase display, and is narrowly defined so as to limit the prohibition to commercial speech on exterior signage.

B. Sign Location Requirements.

1. No sign shall be erected or maintained at any location where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal or device.

2. No sign shall be located within a required buffer yard or within a permanently protected green space area (see Chapter 19.57), unless approved by the city.
 3. No sign shall be mounted on a roof.
 4. No sign, temporary or otherwise, shall be affixed to a tree or utility pole.
 5. Pylon signs other than arm/post are not permitted in any residential district.
- C. Private signs extending into the public right-of-way.
1. Any person desiring to place any private sign such that it will extend over or onto the public right-of-way shall first obtain a sign permit. In the granting of such a permit, the city may require the applicant to provide and maintain public liability insurance on the installation in an amount not less than fifty thousand (\$50,000) dollars protecting the city as its interests may appear as the result of any accident or injury for which it might become in any manner liable. In the event such insurance should be terminated for any reason, or the holder of any permit should fail to keep such insurance in force at any time, then the permit for the maintenance of such private sign shall be forthwith removed, or if not removed by the holder of the permit, then such private sign shall be removed or caused to be removed by the zoning administrator and the expense thereof shall be recovered from the holder of the permit.
 2. There is hereby established along each side of every public street, public alley, or public highway a fictional line five (5) feet distant and outward from the lot line and parallel with such street, alley, or public highway. No sign which, exclusive of supports, exceeds two hundred fifty (250) pounds in weight or has an area greater than forty (40) square feet shall be permitted to extend into the highway or over the highway or sidewalk area beyond such fictional line, except only where such private sign is to be placed over a substantial canopy or portico of such nature that the same will afford ample protection to the public from any possible injury from such private sign.
 3. In no event shall any sign regardless of size or weight extend into the public street, highway, or sidewalk area further than to within three (3) feet from the face of the curb or curb line as determined by the zoning administrator or be placed less than eight and one-half (8 ½) feet above the sidewalk or sidewalk grade.
 4. Except for sandwich board/pedestal signs, all private signs extending on or over public rights-of-way shall be adequately supported from buildings, posts, or other permanent supports located on private property. In no case shall sign posts or other permanent supports be permitted within the limits of a public street, alley or highway.
 5. The zoning administrator shall have the right, and it shall be the duty, to supervise the installation of any such private sign and also to inspect the same from time to time to ascertain whether or not the same is securely fastened and free from danger to the public. The building inspector shall have the right to require from time to time any repairs, extra supports or any other precautions necessary to protect the public safety, and in the event the owner fails to comply with any such requirements the permit for such private sign shall be revoked and the sign shall be removed.
 6. This subsection C shall not apply to signs erected by or for churches, service clubs, public or quasi-public organizations when such installations have been approved by the common council.

19.54.040 Sign regulations applicable to residential districts.

In all residential zoning districts, signage shall be permitted per the requirements of Sections 19.54.010 through 19.54.040 and 19.54.052 through 19.54.080 and per the following:

- A. Wall, monument, arm/post(s), and projecting signs (for certified historic properties) are permitted in residential zoning districts. Other forms of signage are prohibited.
- B. For each single-family lot, or two-family or multifamily lot containing four or fewer dwelling units, one (1) identification sign, not to exceed three (3) square feet in area, is permitted for each dwelling unit. Said identification sign may include one (1) or more of the following: name, address, and/or home occupation title.
- C. For each multifamily or institutional residential lot containing five (5) to eleven (11) dwelling units, one identification sign, not to exceed six (6) feet in area, shall be permitted. For each multifamily or institutional residential lot containing twelve (12) units or more, one identification sign not to exceed thirty-two (32) square feet is permitted. The sign shall indicate nothing more than the name and address of the premises and the name of the management company.
- D. Permanent subdivision identification signs are authorized if approved as part of a final plat submittal for a subdivision (per Title 18). Detailed plans of proposed signs must be submitted at the time of final plat review. Such sign shall comply with the visibility standards in Section 19.51.010 and as shown in Illustration 2, shall not exceed thirty-two (32) square feet in area or eight (8) feet in height, and shall not be a pylon sign.
- E. For all commercial uses permitted in residential districts, not including home occupations, one monument, wall, or arm/post(s) type sign per building, not to exceed thirty-two (32) square feet in area, is permitted. The sign shall indicate nothing more than the name and address of the premises and the schedule of service or other information relevant to the operation of the premises.
- F. For all institutional uses permitted in residential districts, sign sizes and types shall be the same as those applicable in the I Institutional zoning district per Section 19.54.052, except that pylon signs shall not be permitted.
- G. Temporary signs, after approval of the zoning administrator, are permitted per the requirements of Section 19.54.060. For more information, see Sections 19.54.020D. and 19.54.045.

19.54.045 Maximum sign sizes and types, Residential Districts.

- A. Signage regulations for residential districts. This table summarizes the sign regulations for the following zoning districts: R-1, R-1x, R-2, R-3, R-4. The more detailed requirements contained elsewhere in Chapter 19.54 shall also apply.

Table A

Zoning District	Type of Sign	Size	Location	Height	Exception	Total # of Signs
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R-1, R-1x, R-2	Identification	3 sq. ft.	Main entrance or street yard	6' max (for freestanding sign)	If planned residential development, different signage levels may be allowed by conditional use	1 per lot
	Conditional uses in Section 19.18.030	32 sq. ft.	Driveway or main sidewalk	8' max (for freestanding sign)	On-premises directional signs also allowed (9 sq. ft. max.)	1 per lot
R-3	Identification					
	1-4 units	3 sq. ft.		Main entrance or street yard 8' max	1 per unit for 1-4 unit buildings; 1 per lot for others	
	5-11 units	6 sq. ft.	8' max			
	12+ units	32 sq. ft.	8' max			
	On-premises Directional	9 sq. ft.	Driveway or main sidewalk	6' max (for freestanding sign)		
	Conditional uses in Section 19.21.030	32 sq. ft.	Main entrance or street yard	8' max	If planned residential development, different signage levels may be allowed by conditional use	1 per lot, except by CUP or PD
R-4	Identification	See R-3	See R-3	8' max		1 per development
	On-premises Directional	9 sq. ft.	Main entrance; each	6' max (for freestanding sign)		

			street			
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19.54.050 Sign regulations applicable to nonresidential districts.

In all nonresidential zoning districts, signage shall be permitted per the requirements of Sections 19.54.010 through 19.54.030 and 19.54.050 through 19.54.080 and per the following:

- A. The owners of multi-tenant properties shall allocate sign size to each business, in writing to the zoning administrator, up to a specified maximum for the entire property. All multi-tenant signs must be compatible in dimensions, in location, in design, in color and the same material, and shall be compatible with the appearance of the building and the surrounding area in the opinion of the property owner and the city.
- B. The total surface area of all business and identification signs on a lot shall not exceed the maximum permitted by Section 19.54.052-Table B.
- C. The number of business and group signs for a business use shall not exceed the numbers listed in Section 19.54.052-Table B. Signs allowed under Section 19.54.052-Table B may be placed on any facade facing a public street, except where otherwise specified in Section 19.54.052-Table B.
- D. Only one freestanding sign shall be permitted to be erected within the required street yard for each lot. Such sign may be either a business sign or a group sign. No lot shall be permitted more than one freestanding sign, except directional/auxiliary signs allowed by this chapter. All signs shall be located so that no part of the sign shall exceed the lot line set back from all lot lines as stated in Chapter 19.51 and Section 19.54.052-Table B, Auxiliary signs may only be permitted when specifically approved as part of the site plan review process. Said signage shall be calculated independently of the requirements of subsection A of this section, and shall not exceed fifty (50%) percent of the maximum permitted area.
- E. Maximum sign sizes for nonresidential districts shall be permitted per the requirements of the table of maximum sign sizes (see Section 19.54.052-Table B).
- F. Temporary signs are permitted per the requirements of Section 19.54.060.
- G. Signs carrying secondary advertising or media messages. Signs carrying secondary advertising media or messages, such as brand names or logos of products, are allowed as a conditional use, or as a permitted type of window sign subject to the percentage of window coverage and other applicable regulations of this chapter 19.54, but only where such signs are integral to the business being conducted on the property.
- H. Projecting signs are only permitted in the B-2 zoning district or if specifically authorized within a Specific Implementation Plan for a PD Planned Development District. (See Table 19.54.05.)
- I. Signs may be mounted on canopies over gasoline dispensing pumps, provided the sign message is limited only to the business name, logo, and price information. The maximum permitted sign area for any other freestanding sign on the lot shall be reduced by the total sign area on the canopy.
- J. Sandwich board/pedestal signs (see definition in Section 19.54.020B(8)).
 - 1. There shall be a maximum of one sandwich board/pedestal sign per business.
 - 2. Height shall not exceed five (5) feet (as measured when such sign is properly placed directly on the ground or sidewalk surface), width shall not exceed three (3) feet, and sign area shall not exceed six (6) square feet per side.

3. All sandwich board/pedestal signs shall be designed to be self-supporting and in such a manner to withstand the elements, including the ability to remain upright on windy days.
 4. No sandwich board/pedestal sign shall be illuminated in any manner (except via cordless power for not more than thirty (30) days in any calendar year), have more than two(2) sides, be placed off-premises (except where allowed on a sidewalk immediately adjacent to the business lot to which it relates), or be designed to resemble a public regulatory sign (such as a stop sign).
 5. All sandwich board/pedestal signs shall be placed directly on a ground surface or walkway surface.
 6. No sandwich board/pedestal sign shall be placed on a public sidewalk or shall otherwise extend onto or into a public right-of-way, except within the B-2 District or as may be specifically authorized in a specific implementation plan under PD zoning, a sandwich board/ pedestal sign may be placed within the public sidewalk or otherwise between the front of the building and the curb, provided that:
 - a. There is not adequate space available on the premises to place the sign on private property in a manner that is visible to the public.
 - b. The sign is placed directly in front of the business to which it is related.
 - c. No part of the sign is any closer than three feet from the face of the curb.
 - d. A minimum of four (4) feet in width of unobstructed travelway remains available in all directions on the sidewalk at all times.
 7. Placement of all sandwich board/pedestal signs shall meet all intersection visibility requirements in Section 19.54.050J(7), and shall otherwise not impede traffic visibility in the determination of the zoning administrator. This may require relocation and/or adjustments to height or design.
 8. All sandwich board/pedestal signs must be kept in good condition, as determined by the zoning administrator and per the construction and maintenance requirements of Section 19.54.070.
 9. Sandwich board/pedestal signs shall not count against the maximum area or number of signs allowed on a lot or for a business as specified in Section 19.54.0050J(1).
 10. Except where placed within the public right-of-way, sandwich board/pedestal signs that meet the requirements of this chapter may be used without the need for a sign permit.
- K. Electronic message center signs (see definition in Section 19.54.020D.5.).
1. The total length of the information cycle shall not be shorter than three (3) seconds nor longer than ten (10) seconds. Items of information may not be repeated at intervals that are short enough to cause an electronic message center sign to have the effect of a flashing sign. Traveling messages may travel no slower than 16 light columns per second and no faster than thirty-two (32) light columns per second.
 2. Except for signs that are less than ten (10) square feet in sign area, all electronic message center signs shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.
 3. The message display area shall be included when calculating permitted sign area for the type of sign (e.g., wall, monument) in the zoning district in which the sign is located.
 4. All electronic message center signs shall be maintained so as to be able to display messages in a complete and legible manner.

5. No electronic message center sign shall be allowed within any agricultural, conservancy, residential, or industrial zoning district; for any residential use regardless of zoning district; or positioned to be visible and within three hundred feet from any residential zoning district except by conditional use permit. Within the B-2 zoning district, electronic message center signs shall be allowed only by conditional use permit.

19.54.052 General Sign Regulations (not B-2 District).

Table summarizes the sign regulations for the following zoning districts: B-1, B-3, M-1, M-2, WUTP, AT, and I. The more detailed requirements contained elsewhere in Chapter 19.54 shall also apply.

General Sign Regulations (not B-2 District) Table B

Zoning District	Type of Sign	Size	Location	Height	Exception	Total # of Signs
AT B-1 B-3 I	Wall or window	10% (A) (C) Max 50 sq. ft.	Above or next to main building entrance or on street wall	First floor area	Use may substitute one additional wall sign for freestanding sign	1 per building, but see exception
	Wall for multi-tenant	10% (A) max (B)	Above or next to main business entrance or on street wall	First floor area	Location may vary by conditional use. Building name sign also allowed if total wall sign area <=10%	Same as number of tenants
	Freestanding	45% of the street frontage up to 100 sq. ft. per side on single occupant signs (E) A multi-occupant development,	In street yard, setback equal to height from any side yard lot line and 5' from street right-of-way line	20' max for pylon sign	Pylon sign allowed by conditional use only	1 per lot

		add 20 sq. ft. per additional occupant in a separated space, up to max of 160 sq. ft. per sideside				
	On-premises Directional 5-11 units	9 sq. ft. 6 sq. ft.	8' max	10' max for monument or arm/post(s) sign	Use may forego freestanding sign for one additional wall sign	See also Section 19.54.050

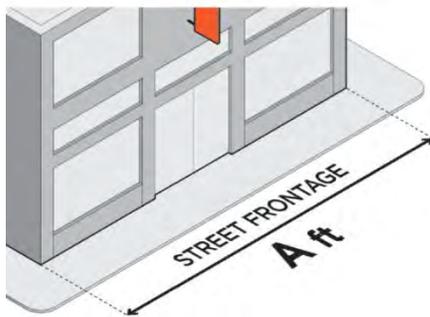
(Continuation of Table B)

Zoning District	Type of Sign	Size	Location	Height	Exception	Total # of Signs
M-1 M-2 WUTP	Wall or window (C) 12+ units	20% of wall area up to max of 100 sq. ft. 32 sq. ft.	Front wall (street address side) 8' max	6' max (for freestanding)		
	Freestanding, monument or arm/post only On-premises Directional	80 sq. ft. per side 9 sq. ft.	10' from any lot line Driveway or main sidewalk	First floor area	Corner lots may have second sign by conditional use	1 per building
	On-premises Directional Conditional uses in Section 19.21.030	9 sq. ft. 32 sq. ft.	Main entrance or street yard	10' max	Except as required in business park covenants	1 per lot
				6' max (for freestanding)		

NOTES:

- (A) Building wall area is determined by using the square footage of the exterior wall of the first floor area to be signed (including window and door openings).
- (B) Permitted wall signage shall be divided among each tenant space. Maximum total size equals ten percent (10%) of the first floor area of the building wall upon which the signs will be placed.
- (C) Window sign area cannot exceed one-third of each individual window glass area on or in which the window signs are located.
- (D) Signage for projects with a PD (Planned Development District) shall be as specified by the approved Specific Implementation Plan for each particular project. Sign requirements for PD districts shall generally be based on the signage requirements in the most comparable standard zoning district.
- (E) Calculating freestanding sign square foot. Sign area is the maximum size of the sign a business is allowed to display (up to 100 square feet). It is calculated using the width of the street frontage (A in illustration). Example: if the street frontage is 141 feet, then it is $141 \text{ feet} \times 45\% = 64 \text{ square feet}$ is the max size freestanding sign.

Illustration H



19.54.053 B-2 Central Business District Sign Regulations.

1. Each business in the B-2 district shall be permitted a maximum of two(2) permanent business signs, which may be any combination of the following sign configuration types: wall sign (includes awning/canopy sign), window sign, projecting sign, and freestanding sign, subject to the following qualifications:
 - a. For freestanding signs, see also the limitations in Section 19.54.050D.
 - b. Any number of window signs used shall count as only one sign in total against this maximum. If the only window signs used are those allowed under Section 19.54.050G., then such signs shall not count against this maximum.
 - c. Any sign for a business included within a group sign, as defined in Section 19.54.020B(9), shall count as one sign against the total number of permanent business signs permitted, except that for cases where a business has or shares more than one public building entrance, an additional group sign shall be permitted which indicates that and other businesses.
 - d. Sandwich board/pedestal signs, directional signs, auxiliary signs, and "ghost" signs not related to the current business operation shall not count against the total number of permanent business signs permitted.
2. For corner lots, permitted signage may be placed on either or both facades facing a public street.

- Pylon signs, internally illuminated signs, electronic message center signs, and restoration of "ghost" signs shall be allowed in the B-2 district by conditional use, except for sign face/component changes on pre-existing signs of these types, which instead may be accomplished through the site plan review process under Chapter 19.63.

Upon receipt of a completed Conditional Use Permit application for any such new sign in the B-2 district, the zoning administrator shall forward such application to the Downtown Whitewater Design Team. If the design team chooses to provide a recommendation, such recommendation must be provided in a timeframe that allows Plan and Architectural Review Commission action on the Conditional Use Permit request under the requirements of Chapter 19.66.

- Electronic message center signs shall meet the technical requirements of Section 19.54.050K. and shall not exceed twelve (12) square feet in area in the B-2 district.
- Internally illuminated signs in the B-2 district shall be designed and constructed with an opaque background and translucent letters or symbols, or with a colored background and lighter letters or symbols.
- Exposed neon tube signage, and other signage that uses another technology that is designed to replicate neon tube signs, is permitted within the B-2 district.
- In addition to meeting the requirements of Section 19.54.053, all exterior lighting of signage in the B-2 zoning district, regardless of wattage, shall use shielded lighting fixtures as that term is defined in Section 19.57.150. All wall-mounted exterior lights shall be mounted above the sign they are intending to illuminate and the illumination shall be directed exclusively towards the sign.
- No wall sign shall be painted directly on a masonry building surface.
- Within the B-2 district, the regulations listed in Table 19.54.05 3-Table C shall apply:

Table 19.54.053: B-2 Sign Regulations for Permanent Signs Table C

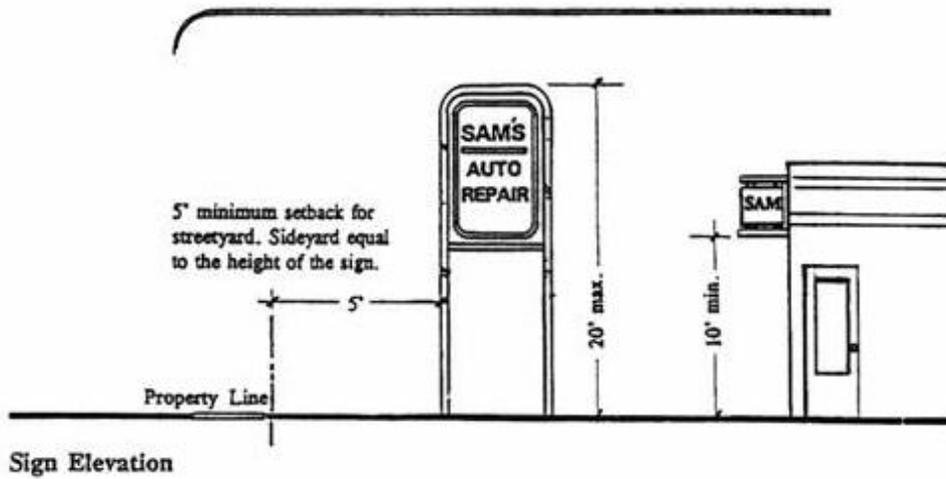
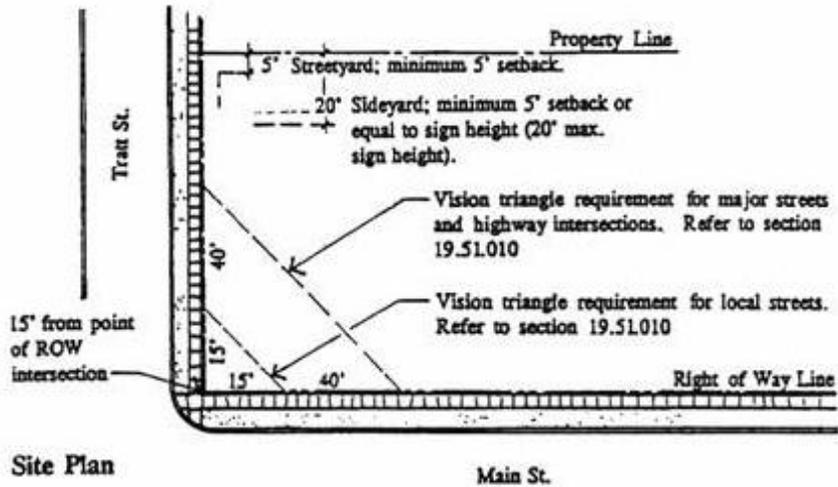
Type of Sign	Maximum Size	Location	Maximum Height
Wall Sign	50 square feet, max. 10% (A)	Within first floor area of building. Signs above first floor requires a Conditional Use Permit.	
Window Sign	1/3 of window area in or on which the sign is placed	Within first floor area of building. Signs above first floor requires a Conditional Use Permit.	
Projecting Sign	12 square feet per side	A minimum of 20 feet from any other projecting sign on another building	Within first floor area of building . Signs above first floor requires a Conditional Use Permit.
		No less than 8 ½ feet above ground	
		Within the street yard,	8 feet for monument or

Freestanding Sign	48 square feet per side	not less than 5 feet from street right-of-way line.	arm/post(s) sign
		Minimum setback from interior side yard lot line at least equal to sign height	16 feet for pylon sign (by conditional use only)
On-Premises Directional Sign	9 square feet per side	On private property	Max: 6 feet for freestanding
Type of Sign	Maximum Size	Location	Maximum Height

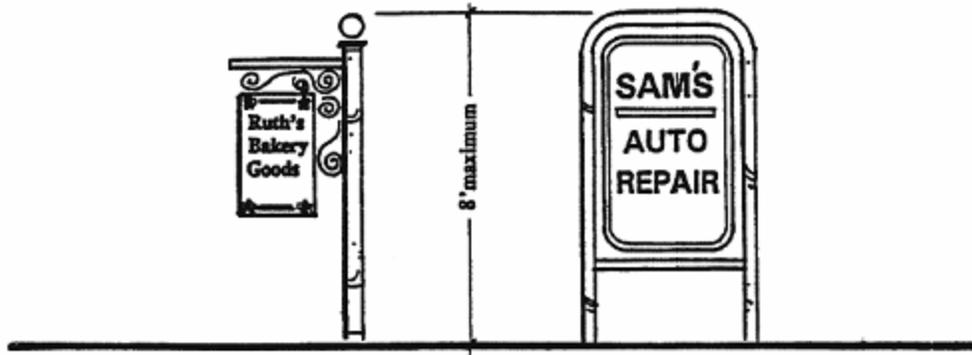
NOTES:

(A) The combined total area of all wall signs for all tenants shall not exceed ten (10%) percent of the first floor area of the façade upon which the signs are placed. First floor façade area is determined by calculating the square footage of the entire exterior wall of the first floor area of the façade to be signed (including window and door openings).

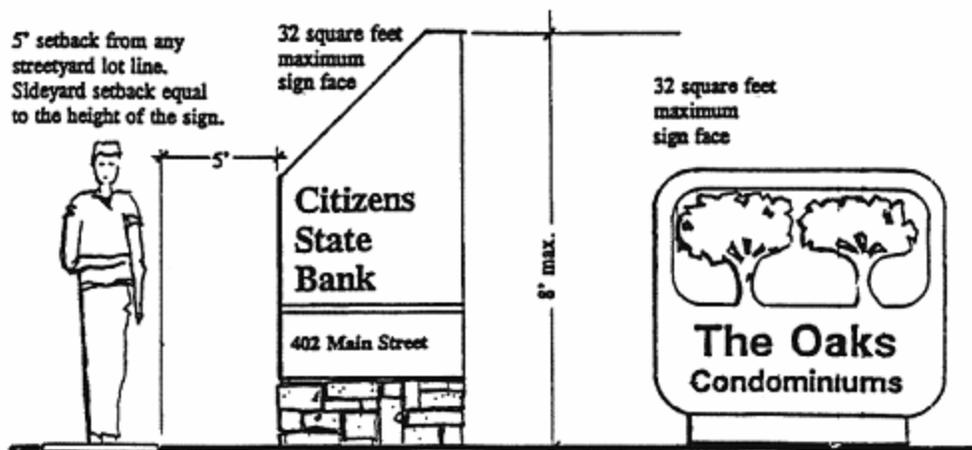
Illustrations F



Illustrations G



Arm/Post Type Signage



Monument Type Signage

19.54.060 Temporary signs.

Except as provided for in this section, only one (1) temporary sign may be displayed on a property at any one time. Except as provided by subsections A through E of this section, any one (1) lot is permitted to display a temporary sign for a maximum of thirty (30) days within any twelve (12) month period. Furthermore, any one (1) lot is limited to a maximum of two (2) temporary signs in any twelve (12) month period (temporary signs in subsections A, B, D and E are exempt from this restriction). Time limits are subject to review by the city. The following temporary signs are allowed:

- A. For each lot or leasable space: one "For Sale" and "For Rent" sign, not more than twelve (12) feet square in area, and no more than two (2) signs in total at any one (1) time (time limit subject to time of sale or lease and shall be removed within sixty(60) days of sale or lease).
- B. For construction on or development of a lot, one (1) sign not more than thirty-two (32) square feet in area, indicating the name of the contractors, engineers, architect, or products being used in the construction of a building, but only during the time that construction or development is actively underway (time limit subject to time of construction and shall be removed sixty (60) days after completion).

- C. For a temporary event of public interest such as a neighborhood garage sale or church fair, temporary signs, combined totaling not over thirty-two square (32) feet in area, located upon the site of the event are allowed. Also permitted are directional signs, each not more than four (4) square feet in area, showing only a directional arrow and the name of the event. Such signs shall not be erected more than thirty (30) days before the event and shall be removed not more than five (5) days after the completion of the event.
- D. For each real estate subdivision that has been approved in accordance with the city subdivision regulations, one temporary development project identification sign is permitted to be located on some portion of the subject subdivision. Each such sign shall be not more than thirty-two (32) square feet in area. One additional similar sign shall be permitted for each access point onto a collector or arterial street, or for each one hundred lots in the subdivision in excess of the original one hundred lots. These signs shall comply with the visibility standards of Chapter 19.51. These signs shall be permitted to remain within the subject subdivision until a time at which building permits have been issued for eighty (80%) percent or more of the lots in the subdivision.
- E. Political signs.
 - 1. Provisions in the Whitewater Municipal Code regulating the number of signs and the length of time a sign may be in place shall not apply to signs which carry solely a political message. There shall be no restriction regulating the number of signs carrying solely a political message or the length of time such signs are allowed.
 - 2. Provisions in the Whitewater Municipal Code regulating the size and shape of signs shall not apply to signs thirty-two (32) square feet and under in area, if the sign carries a solely political message and is located on a residential property during an election campaign period. The zoning administrator may require modification or removal of the sign, if necessary, for traffic or pedestrian safety. Also, size and shape regulations shall not apply during an election campaign period to political signs which are affixed to a permanent building and do not extend beyond the perimeter of the building, as long as said sign does not obstruct a window, door, fire escape, ventilation shaft, or other area which is required by an applicable building code to remain unobstructed.

Definitions. In this subsection, the following definitions shall apply:

 - a. "Election campaign period" means, in the case of an election for office, the period beginning on the first day for circulation of nomination papers by candidates, or the first day on which candidates would circulate nomination papers where papers would be required, and ending on the day of the election.
 - b. "Political message" means a message intended for a political purpose or a message which pertains to an issue of public policy of possible concern to the electorate, but does not include a message intended solely for a commercial purpose.
 - c. "Residential property" means property occupied or zoned to be occupied for residential purposes and other property abutting that property for which the owner or renter is responsible for the maintenance or care. If property is utilized for both residential and nonresidential purposes, "residential property" means only the portion of the property occupied or suitable to be occupied for residential purposes.

19.54.070 Construction and maintenance of signage.

- A. All signage within the jurisdiction of this chapter shall remain in a state of proper maintenance. (See subsection B of this section).
- B. Proper maintenance shall be the absence of sign material or loose materials (including peeling paint, sign message, paper or other material), the lack of excessive rust, the lack of excessive vibration or shaking, the proper illumination of all lighting originally approved and constructed for the sign, and the presence of the original structural integrity of the sign, its frame and other supports, its mounting, and all components thereof.
- C. The repainting, changing of parts, and preventive maintenance of signs which completely conform to the requirements of this chapter, and result in absolutely no change in the appearance of the sign from that originally approved, shall not be deemed alterations requiring a sign permit.
- D. Any signs which may be, or may hereafter become rotted, unsafe, or in a state which is not properly maintained shall be repaired or removed by the licensee or owner of the sign, or owner of the property upon which the sign stands upon notice of the zoning administrator.
- E. All permanent signs shall be constructed and mounted so as to withstand a wind pressure of thirty (30) pounds per square foot.
- F. Signage found to be in violation of the provisions of this chapter shall be subject to the provisions of Chapter 19.75.
- G. Closing businesses must remove their signs within 120 days of closing.

19.54.080 Nonconforming signs.

- A. Nonconforming Signs.
 - 1. Signs existing as of the effective date of the ordinance codified in this chapter (see Chapter 19.60) which do not conform to the provisions of this chapter, shall be nonconforming signs and shall be subject to the provisions of subsection B of this section. Nonconforming signs may be maintained. No nonconforming sign shall be altered or moved to a new location without being brought into compliance with the requirements of this chapter (see subsection B(1) of this section).
 - 2. Business signs on the premises of a nonconforming use or building may be continued per Section 19.54.040(B), but such signs shall not be allowed, nor shall expand in number, area, height or illumination. New signs, not to exceed the maximum allowable aggregate sign area may be erected only upon the complete removal of all other signs existing at the time of adoption of the ordinance codified in this chapter.
 - 3. Nonconforming signs shall be removed when the principal structure located on the premises undergoes a change of use, or shall be removed per subsection B of this section. Closing businesses must remove their signs within sixty days of closing.
 - 4. Signage not in compliance with the provisions of this section shall be subject to the provisions of subsection B of this section.
- B. Removal of Nonconforming Signs.
 - 1. Alteration of Signs.
 - a. For the purpose of this chapter, alteration of a sign is considered to be any change to the exterior appearance of any part of the sign, its frame, its supporting structure, or its lighting including changing the message (except for menu type/letter board signs),

symbols, color, material, height, location or any other alterations as determined by the zoning administrator.

- b. Altering a sign does not include maintaining the existing appearance of the sign or replacing the sign face or the supporting structure with identical materials, colors, and messages nor changing the message of a menu type/letter board sign.
 - 2. All signs found not to be in compliance with the provisions of this chapter shall be removed within thirty(30) days of receiving written notice of noncompliance and removal from the zoning administrator.
 - 3. The penalties of Chapter 19.75 shall be applicable to violations of the provisions of this chapter.
- C. Modification Sign Location/Height Requirement.
- 1. Location is required under Sections 19.54.030(B) and 19.54.052-Table C.
 - a. The above may be waived by the zoning administrator and/or the Plan and Architectural Review Commission, in instances where a hardship is created by this chapter for any freestanding sign existing at the time the ordinance codified in this chapter is adopted.
 - 2. The petitioner must demonstrate that compliance with location requirements for the freestanding sign will create a public safety hazard (such as visibility hazard) or result in a sign which is not possible because of building setbacks and/or other obstructions located near the public right-of-way, or is not clearly visible from pedestrian and/or vehicular traffic on nearby public rights-of-way.
 - 3. This modification shall not be applicable to limitations on types of signage, area of signage, color of signage, or other standards except location and height of signage.

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