

**ABSTRACT/SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL  
ACTIONS OF THE COMMON COUNCIL OF THE CITY OF WHITEWATER,  
WALWORTH AND JEFFERSON COUNTIES, WISCONSIN.**

June 21, 2016.

The regular meeting of the Common Council was called to order at 6:30 p.m. by Council President Singer. It was moved by Binnie and seconded by Goettl to approve the Council Minutes of 6/7/16 and to acknowledge receipt and filing of the following: May, 2017 Financial Reports. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Allen. NOES: None. ABSENT: None. LEGAL COUNSEL PRESENT: None.

**PAYMENT OF INVOICES.** It was moved by Binnie and seconded by Goettl to approve payment of city invoices in the total sum of \$137,379.73. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Allen. NOES: None. ABSENT: None.

**STAFF REPORTS:** City Manager Clapper gave a very general update on the Center Street project and the George Street project.

**CITIZEN COMMENTS:** None.

**RESOLUTION AMENDING 2016 SALARY RESOLUTION.** With the pending Parks and Recreation management of the aquatic center, it is necessary to add the aquatic center positions to the City's Salary Resolution. Parks and Recreation Director Amundson indicated that lifeguards and water safety instructors, desk staff positions, and pay scale changes for certified instructors are proposed. Councilmember Binnie expressed concern over the rates moving up fast and noted some comparisons of the positions and their rates. Parks Director Amundson indicated that the desk staff will handle visitors, phone processing, and registration. Amundson indicated that the Parks and Recreation Department has no clerical support, and effective January 1, 2017 it is their intention to move park reservations, keys, etc. to be handled at the aquatic center location. This would be beneficial to the community in light of the increased hours clerical support would be available. Amundson would like the staff to convey that this will be a fun place to work and to project a positive image for the facility. Councilmember Binnie suggested grandparenting salaries, then starting newer employees out at a lower level. City Manager Clapper indicated that a Resolution will be forthcoming separating the aquatic center salaries from the city salaries and the budgets will be separate as everything is operating independently. **It was moved by Binnie and seconded by Goettl to approve the Salary Resolution, with the understanding that any action on additional desk staff not in the pay scale be delayed until further Council review.**

INSERT SALARY RESOLUTION

**COMPLIANCE MAINTENANCE RESOLUTION.**

**Resolution No. 2016-0621-02  
City of Whitewater  
Wisconsin Department of Natural Resources**

**Compliance Maintenance Annual Report Resolution  
2015**

WHEREAS, it is a requirement under a Wisconsin Pollutant Discharge Elimination System (WPDES) permit issued by the Wisconsin Department of Natural Resources to file a Compliance Maintenance Annual Report (CMAR) for its wastewater facilities under Wisconsin Administrative Code NR 208;

WHEREAS, it is necessary to acknowledge that the governing body has reviewed the CMAR;

WHEREAS, it is necessary to provide recommendations or an action plan for all CMAR section grades of "C" or less and/or an overall grade point average <3.00;

BE IT RESOLVED, the city council in the City of Whitewater informs the Department of Natural Resources that the 2015 CMAR was reviewed and this resolution was voted on as follows:

Resolution introduced by Councilmember Allen, who moved its adoption. Seconded by Councilmember Binnie. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Allen. NOES: None. ABSENT: None. ADOPTED: June 21, 2016.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**FIRST READING OF ORDINANCE CHANGING ZONING FOR TAX PARCEL /WUP 322 TO ENACT ORDINANCE CHANGING ZONING FROM WUTP (WHITEWATER UNIVERSITY TECHNOLOGY PARK) TO M-1 GENERAL MANUFACTURING.**

**AMENDING THE CITY OF WHITEWATER ZONING MAP AND ZONING CLASSIFICATION OF CERTAIN PROPERTY IN THE CITY OF WHITEWATER**

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, do pursuant to Municipal Code Chapter 19.69, hereby amend the zoning classification of the below-described property as set forth herein.

Section 1. Pursuant to Whitewater Municipal Code Chapter 19.69, the below described property is hereby rezoned to M-1 General Manufacturing District.

Address

Tax ID #

Whitewater University Tech Park

Vacant Land.

/WUP 00322

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

Section 3. This ordinance shall take effect upon passage and publication as provided by law. Ordinance introduced by Councilmember Binnie, who moved its adoption. Seconded by Councilmember Goettl. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Allen. NOES: None. ABSENT: None. FIRST READING APPROVED: June 21, 2016.

**FIRST READING OF ORDINANCE ENACTING PROPOSED AMENDMENTS TO CITY OF WHITEWATER MUNICIPAL CODE CHAPTER 19.19, R-2A “RESIDENTIAL INCREASED OCCUPANCY OVERLAY DISTRICT”**. Per City Planner Munz-Pritchard, issues exist with regard to the R-2A zoning in that it does not currently address the conversion of living space to additional bedrooms and it does not currently address the number of occupants allowed per bedroom. Recommended for addition to the ordinance was that every dwelling must provide 400 square feet of total habitable space for the first occupant and 330 square feet for each additional occupant. Habitable space is calculated by determining the floor area of the kitchen, living room, dining area, bathrooms and all bedrooms. Habitable space for the purposes of this section of the code shall be the sum of several floors of a building used for human occupancy, but not including unfinished basements or basements that do not meet building code; garages; porches; breezeways and unfinished attics.

Also, 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 space, and every room occupied for sleeping purposes by more than one occupant shall contain an additional 80 square feet of floor space for each occupant 18 years of age or older. (A room occupied for sleeping purposes by two unrelated individuals shall require a minimum room size of 160 square feet.)

Councilmember Goettl indicated that the term “occupants” needs to replace the term “students” as we refer to residents of properties. Goettl also indicated that with regard to the requirement of doubling the room size if there are two occupants in a bedroom, it may not be necessary to increase by this much space. Councilmember Goettl supported occupant rights, and indicated she believes an unfair standard is being proposed, indicating that some zoning practices appear to be social engineering where and how students reside. Councilmember Binnie indicated that the Plan Commission would appreciate having something specific to work with as they review cases.

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

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

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

19.19.010 Purpose and intent.

The purpose and intent of the residential occupancy overlay district is to allow increased occupancy in a focused area near campus where housing structures can accommodate higher occupancy, while still providing quality housing for tenants.

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

19.19.030 Residential occupancy overlay district conditional uses.

A conditional use permit is required for four (4) or more unrelated individuals. The conditional use permit shall take into consideration, among other issues, the size of the building and the original character of the building and shall include the following:

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

EXAMPLE: A single family home with Five (5) unrelated individuals shall require a minimum of 1,720 square feet of habitable space. (400 square feet x 1<sup>st</sup> 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 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.

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 Allen, who moved its adoption. Seconded by Councilmember Binnie. AYES: Wellnitz, Langnes, Grady, Binnie, Singer, Allen. NOES: Goettl. ABSENT: None. FIRST READING APPROVED: June 21, 2016.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**AMENDMENT TO CHAPTER 19.54 “SIGNAGE REGULATIONS”.**

**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:  
Chapter 19.54 SIGNAGE REGULATIONS .....**Error! Bookmark not defined.**

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**I. 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.

**II.**

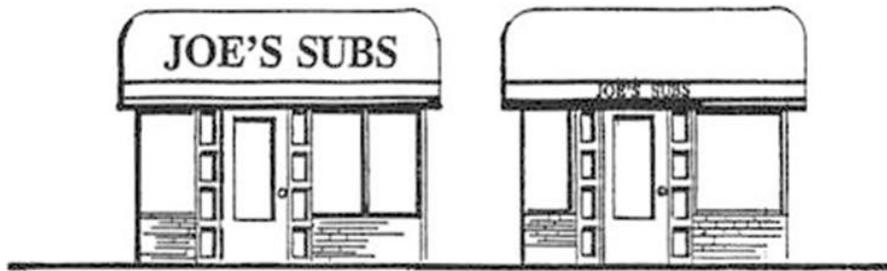
**19.54.020 Definitions and regulations specific to certain signs.**

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

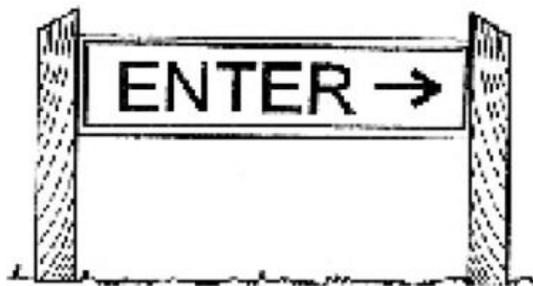
b. Location:

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:
- For one to four units, three (3) square feet;
  - For up to eleven units, six (6) square feet;
  - 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.)

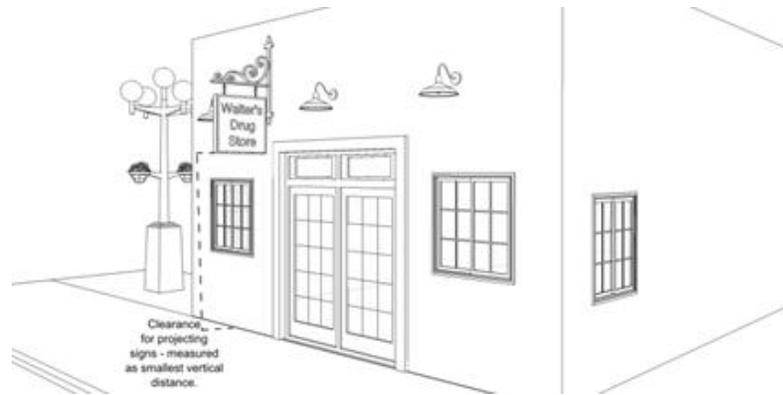
2. "Mobile/portable sign or banner" means a sign or banner mounted on a frame or chassis designed to be easily relocated, including vehicles and/or trailers which have a principal commercial use for signage, but not including any sandwich board/pedestal sign as defined in Section 19.54.020B(8). Mobile/portable 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.

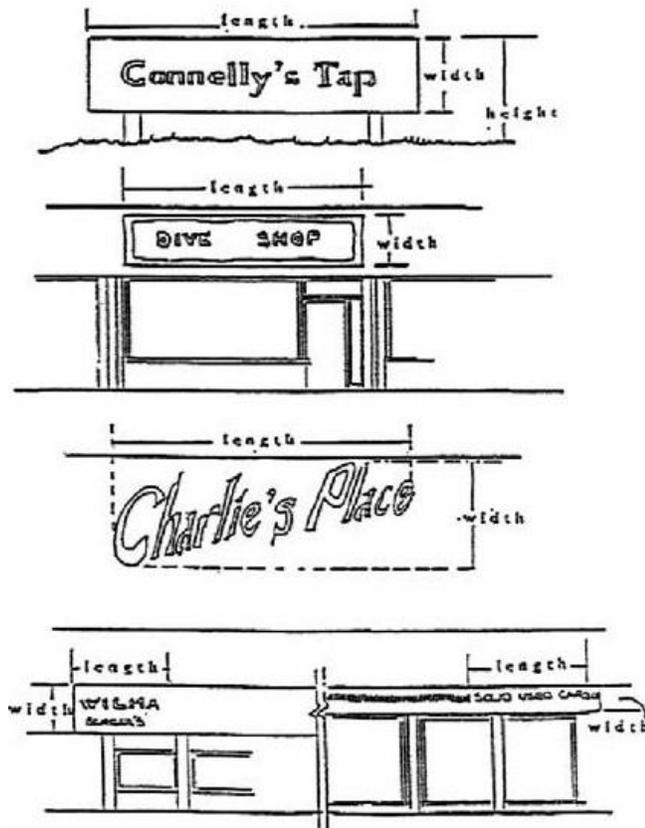
8. "Canopy/awning sign" means a sign mounted to an awning or canopy, with said awning or canopy mounted to the side of the building. An awning/canopy sign shall be counted as a wall sign for purposes of this chapter. Script/logo height shall be limited to eight (8) inches, except a greater script/logo 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



### III.

#### 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.

**IV. 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.

**V. 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
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 street	6' max (for freestanding sign)		

**VI. 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.

**VII. 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
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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, add 20 sq. ft. per additional occupant in a separated space, up to max of 160 sq. ft. per sideside	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
	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)

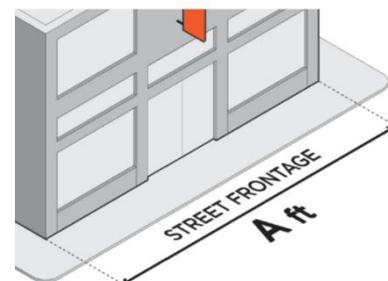
Zoning District	Type of Sign	Size	Location	Height	Exception	Total # of Signs
M-1 M-2 WUTP	Wall or window (C) 12+ units	20% of wall area up to max of 100 sq. ft. 32	Front wall (street address side) 8'	6' max (for freestanding )		

		sq. ft.	max			
	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 H). Example: if the street frontage is 141 feet, then it is 141 feet x 45% = 64 square feet is the max size freestanding sign.

Illustration H



**VIII. 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.
  3. 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.

4. 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.
5. 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.
6. 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.
7. 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.
8. No wall sign shall be painted directly on a masonry building surface.
9. 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

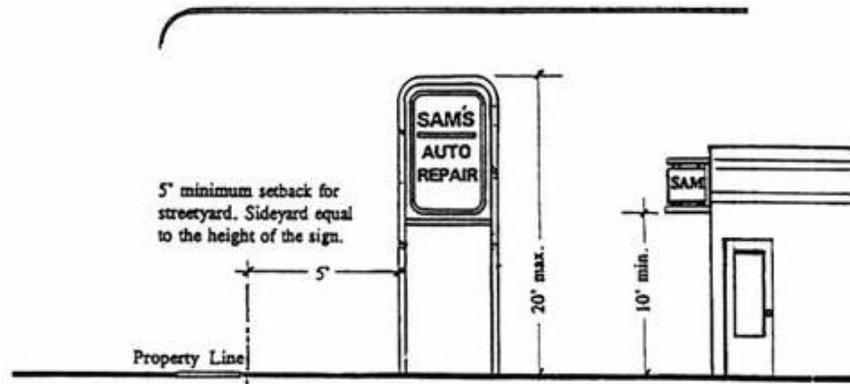
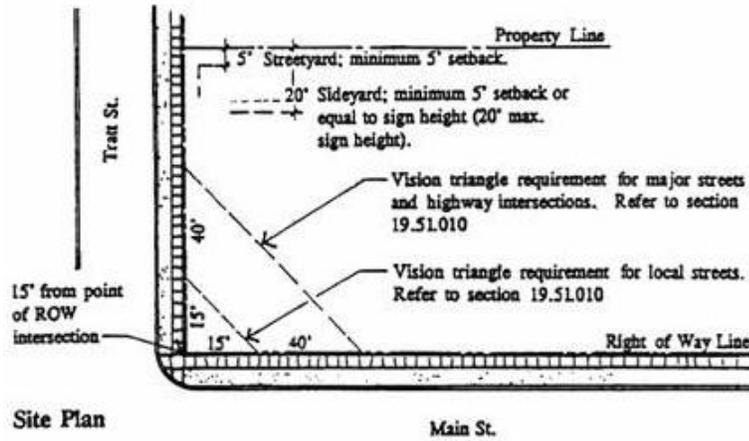
Type of Sign	Maximum Size	Location	Maximum Height
Wall Sign	50 square feet, max. 10% (A)	Within first floor area of building. Signs above first floor requires a Conditional Use Permit.	
Window Sign	1/3 of window area in or on which the sign is placed	Within first floor area of building. Signs above first 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	
Freestanding Sign	48 square feet per side	Within the street yard, not less than 5 feet from street right-of-way line.	8 feet for monument or 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

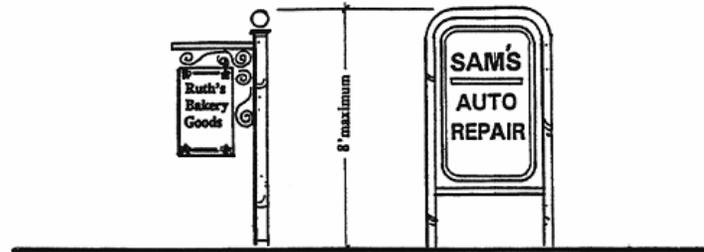
**NOTES:**

(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).

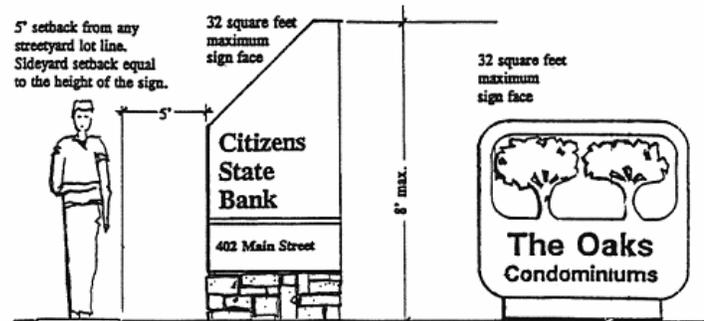
**Illustrations F**



Illustrations G



Arm/Post Type Signage



Monument Type Signage

**IX. 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.

**X.**

**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.

**XI. 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 Councilmember Grady, who moved its adoption. Seconded by Councilmember Goettl. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Allen. Noes: None. ABSENT: None. FIRST READING APPROVED: June 21, 2016.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

**RENEWAL OF ALCOHOL LICENSES.** It was moved by Binnie and seconded by Goettl to approve the renewal of the alcohol license applications as follows: Class “B” Beer and Class C Wine for Jimmy’s Italian Beef, James Migliorisi, Agent; Class “B” Beer License – April Kulovany, Agent; Raceway Food Mart II – Mohan Singh, Agent – Class “A” Beer License; and Taco Fresco – Amador Cortez, Agent – Class “B” Beer License and Class C Wine license. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Allen. NOES: None. ABSENT: None.

**BEER AND LIQUOR LICENSE FOR LIL’ DEBBIE’S COYOTE GRILL.** Deb Mischka, long-time employee of Coyote Grill, entered into an agreement with Dennis Salverson to purchase the business. It was moved by Binnie and seconded by Goettl to approve the issuance of the license for Coyote Grill to Lil’ Debbie’s Coyote Grill, Deb Mischka, Agent. (“Class B” Beer and Liquor). AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Allen. NOES: None. ABSENT: None.

**NORTH FRANKLIN STREET PARKING AND TRAFFIC CALMING MEASURES.** Residents of North Franklin Street were present to discuss the flow of traffic that has developed on N. Franklin Street, as well as the increased speeds. Although several residents indicated they would like to have stop signs added at Franklin Street’s intersection with the Fairhaven driveway entry, city staff stressed several times that the Department of Transportation’s Guide indicated that it is not advisable to use stop signs to slow traffic. Issues with visibility were discussed, as well as moving parking to the other side of the Street and/or amending parking restrictions to allow for a larger viewing area when leaving the Fairhaven entrance. Streets Superintendent Nass indicated that he would be willing to repaint the faded curb paint in an effort to prevent people from parking in areas close to the driveway. Speed bumps were suggested, and temporary speed bumps have already been purchased to be used on a trial basis. Neighbors were

present and made the following comments: Has a traffic count been completed: parking by permit only; make the street a one-way street. One resident noted that traffic has increased incredibly since the construction of East Starin Road. It was questioned whether Fairhaven even needed that access since they have ingress/egress at two additional locations. It was moved by Binnie and seconded by Allen to direct the city staff to draft an ordinance: 1) Moving parking to the opposite side of the Street; 2) Test the speed bumps (trial basis and request resident input after test); 3) Eliminate truck traffic. Increased signage was also requested. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Allen. NOES: None. ABSENT: None.

**CITY LOGO.** The city logo discussion was removed from the agenda at the request of City Manager Clapper.

**POLCO SOFTWARE.** Nick Mastronardi was present to inform council of his new software, POCOL, which is a civic engagement tool that solicits citizen input using voter registration data as its base. POLCO is based out of Whitewater's Innovation Center. The cost for the service would be \$250 per month (\$3000 per year). It was moved by Binnie and seconded by Singer to approve an agreement to subscribe to POLCO software, on a 12 month basis. (POLCO has given the City a 50% discount on the fees). AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Allen. NOES: None. ABSENT: None.

**NEIGHBORHOOD SERVICES OFFICER DUTIES AND TRAINING METHODS.** This item was removed from the agenda by the City Manager.

**DENIAL OF BEVERAGE OPERATOR'S LICENSE FOR THOMAS JOHN ALBRECHT.** The Alcohol Licensing Committee met to review the appeal filed by Thomas Albrecht regarding denial of his Beverage Operator's license. The Committee recommends upholding the denial. It was moved by Goettl and seconded by Langnes to uphold the denial of Thomas John Albrecht's beverage operator license. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Allen. NOES: None. ABSENT: None.

**WATER'S EDGE SOUTH SUBDIVISION ASPHALT INSTALLATION.** It was noted that Water's Edge South was required to place a second layer of asphalt on Streets in their subdivision. To date, it has not been done. City Manager Clapper indicated that city representatives have discussed this problem with the developer. The developer has agreed to install the asphalt this year. Councilmember Singer expressed concern over the sink holes in the neighborhood. Streets Superintendent Chuck Nass indicated that technically those are the fault of the City, as inadequate inspections were completed when the subdivision and streets were developed. Nass indicated it was a former employee's oversight, but did not provide recommendations for fixing the problem at this time.

**CAPITAL IMPROVEMENT PLAN.** City Manager Clapper presented a draft Capital Improvement Plan and a summary of projects. Planned for 2017 is election tabulation equipment, radio voter / digital conversion; Armory gym upgrades, Bike path extensions, Esterly Street and Franklin / Ann Street improvements, Janesville Street detention basin, Business Park detention basin, as well as other capital projects. Clapper indicated that there has been discussion of deferring Clay Street construction until 2020 has been discussed, with Milwaukee Street in 2019. Much discussion occurred, including concern about Milwaukee Street business owners who have been negatively affected by road construction several times in the past number of years, as well as the poor condition of Clay Street. Councilmember Allen objected to the delay of the Clay Street project, saying it is almost impassible. Conflicts with grants and flexibility with the grants were mentioned. Concerns about bike paths and their effect on parking were mentioned. The Fremont Street drainage problem was mentioned by City Manager Clapper. No action was taken. Additional information will be forthcoming with regard to the Capital Improvement Plan.

**STRAND TASK ORDER FOR ESTERLY AND CLAY STREETS.** It was moved by Binnie and seconded by Goettl to postpone action on the Strand Task order, pending clarification of the timing of the Milwaukee and Clay Street projects. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Allen. NOES: None. ABSENT: None.

**STRAND TASK ORDER FOR WATER SYSTEM STUDY.** It was moved by Binnie and seconded by Goettl to approve a task order with Strand Associates to complete a water system study. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Allen. NOES: None. ABSENT: None.

**WASTEWATER TREATMENT PLAN CHANGE ORDER NO. 3.** As work continues on the biological upgrade at the wastewater treatment plant, some items have come up that need to be addressed. We Energies has indicated they cannot feed power through switchgear they do not own. Because of this design, alternate approaches have been reviewed. It is recommended that the City become a “secondary” customer of We Energies instead of a “primary” customer. The total cost for this change order is \$295,288.52. This will leave the project contingency balance at \$1,573,872.62. Several councilmembers expressed concern about this oversight. Councilmember Goettl questioned how many of these change orders are there going to be? Councilmember Allen indicated that to a lay person, it sounds deceptive. Councilmember Singer questioned whether the cost would have been the same had this work been included in the project initially. Goettl indicated that this was a difficult project to approve anyway, and it is difficult to approve unexpected expenses. Wastewater Treatment Superintendent Reel indicated that the project still has contingency funds remaining. Goettl stated that the requests are items that should have been anticipated. Superintendent Reel informed the Council that additional change orders will be forthcoming. It was moved by Allen and seconded by Binnie to approve Change order number 3. AYES: Wellnitz, Grady, Binnie, Goettl, Singer, Allen. NOES: Langnes. ABSENT: None.

**ANN STREET DETENTION BASIN PROJECT.** It was moved by Allen and seconded by Binnie to authorize going to bid for the Ann Street detention basin project. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Allen. NOES: None. ABSENT: None.

**CITIZEN MEMBER TO COMMUNITY DEVELOPMENT AUTHORITY.** It was moved by Binnie and seconded by Singer to appoint Jim Winship as citizen member to the vacant CDA position. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Allen. NOES: None. ABSENT: None.

**STREET CLOSURE FOR 4<sup>TH</sup> OF JULY FESTIVITIES.** It was moved by Binnie and seconded by Goettl to close Streets and parking lots, as requested by the 4<sup>th</sup> of July Committee, to allow them to hold their annual festival. (The main street to be closed will be Whitewater Street). The periods of closure vary, but run from June 26 through July 4, 2016. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Allen. NOES: None. ABSENT: None.

**FUTURE AGENDA ITEMS.** No future agenda items were requested.

**EXECUTIVE SESSION.** It was moved by Singer and seconded by Goettl to adjourn to Closed Session, **to reconvene approximately 20 minutes after adjournment to closed session**, per Wisconsin Statutes 19.85(1)(e): “Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session”. **Item to be Discussed:** Discussion of the City of Whitewater offering incentives for a grocery store to locate in the City of Whitewater. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Allen. NOES: None. ABSENT: None. The regular portion of the meeting adjourned at 9:15 p.m.

At 10:25 p.m. the Council reconvened into Open Session.

**POSSIBLE ACTION RELATED TO THE CITY OF WHITEWATER OFFERING INCENTIVES FOR A GROCERY STORE TO LOCATE IN THE CITY OF WHITEWATER.** No action was taken on this item nor was any report given.

**ADJOURNMENT.** It was moved by Grady and seconded by Langnes to adjourn the meeting. AYES: Wellnitz, Langnes, Grady, Binnie, Goetl, Singer, Allen. NOES: None. ABSENT: None. The meeting adjourned at 10:25 p.m.

Respectfully submitted,

Michele R. Smith, Clerk