



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

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

ZONING REWRITE STEERING COMMITTEE Agenda

City of Whitewater Municipal Building
Community Room
312 W. Whitewater St., Whitewater, Wisconsin
September 19th, 2012
6:00 – 8:00 p.m.

1. Discuss the joint Plan Commission and Common Council meeting
2. Discuss proposed text changes.
3. Next steps

Anyone requiring special arrangements is asked to call the Neighborhood Service 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 Latisha Birkeland, 312 W. Whitewater Street, Whitewater, WI, 53190 or lbirkeland@whitewater-wi.gov.

ZONING CHANGE KEY

1. Text additions:

Red text with double underline, line on left side to mark text addition
Red text with double underline, line on left side to mark text addition

2. Text deletion

~~Red text with strike-through, line on left to mark text deletion~~

3. Text emphasis for discussion

Yellow highlight indicates an issue that might be worthy of special attention and may include (a) an unchanged issue or (b) a new item that involves more critical changes.

4. Hyperlinks

Text from original ordinance which indicates a hyperlink but no text change
Text from original ordinance which indicates a hyperlink but no text change

1 *For statutory provisions pertaining to planning in general, see WSA § 62.23; for provisions
2 specifically authorizing broad zoning powers, see WSA § 62.23(7).

3
4
5 **Chapters:** [LW1]

6 19.03 Title, Authority and Purpose

7 19.06 General Provisions

8 19.09 Definitions

9 19.12 Zoning Districts

10 19.15 R-1 One-Family Residence District

11 19.16 R-1X District

12 19.18 R-2 One- and Two-Family Residence District

13 19.19 R-2A Residential Occupancy Overlay District

14 19.21 R-3 Multifamily Residence District

15 19.22 R-3A University Residential Density West Overlay District

16 19.23 R-3A University Residential Density South Overlay District

17 19.24 R-4 Mobile Home District

18 19.25 R-O Non-Family Residential Restriction Overlay District

19 19.27 B-1 Community Business District

20 19.28 B-1A University Mixed-Use Neighborhood Overlay District

21 19.30 B-2 Central Business District

22 19.31 B-2A Downtown Housing Overlay District

23 19.33 B-3 Highway Commercial and Light Industrial District

24 19.36 M-1 General Manufacturing District

25 19.37 M-2 Manufacturing and Miscellaneous Use District

26 19.38 Whitewater University Technology Park District (WUTP District)

27 19.39 PCD Planned Community Development District

28 19.42 AT Agricultural Transition District

29 19.45 C-1 Shoreland Wetland District

30 19.451 C-2 Nonshoreland Wetland District

31 19.46 Floodplain Regulations

32 19.461 FWW Floodway/Wetland District

33 19.48 I Institutional District

34 19.485 Large Retail and Commercial Service Development Standards

35 19.49 Wellhead Protection

36 19.51 Traffic, Parking and Access

37 19.54 Signage Regulations

38 19.55 Wireless Telecommunications Facilities

39 19.57 General Performance Standards

40 19.58 Noise Restrictions

41 19.60 Nonconforming Uses, Structures and Lots

42 19.63 Plan Review

43 19.66 Conditional Uses

44 19.69 Changes and Amendments

45 19.72 Board of Zoning Appeals
46 19.75 Administration and Enforcement

47
48 **Chapter 19.03 TITLE, AUTHORITY AND PURPOSE**

49 Sections:

50 [19.03.010 Title.](#)

51 [19.03.020 Authority.](#)

52 [19.03.030 Purpose.](#)

53 [19.03.040 Intent.](#)

54 [19.03.050 Abrogation and greater restrictions.](#)

55 [19.03.060 Interpretation.](#)

56 [19.03.070 Severability and nonliability.](#)

57 [19.03.080 Effective date.](#)

58

59 **19.03.010 Title.**

60 This title shall be known as, referred to, or cited as the "zoning ordinance, City of Whitewater,
61 Wisconsin."

62 (Ord. 994 § 1.1, 1982).

63

64 **19.03.020 Authority.**

65 The regulations are adopted under the authority granted by Article XI, Section 3, Wisconsin
66 Constitution and Sections 62.23, 62.231, 66.01, 87.30 and 144.26 of the Wisconsin Statutes and
67 amendments thereto.

68 (Ord. 1196 § 1(part), 1990: Ord. 1060 § 5, 1985).

69

70 **19.03.030 Purpose.**

71 The purpose of this title is to promote the health, safety, and general welfare of this
72 community.

73 (Ord. 994 § 1.3, 1982).

74

75 **19.03.040 Intent.**

76 It is the general intent of this title to regulate and restrict the use of all structures, lands and
77 waters; regulate and restrict lot coverage, population distribution and density, and the size and
78 location of all structures so as to lessen congestion and promote the safety and efficiency of the
79 streets and highways; secure safety from fire, flooding, panic and other dangers; prevent flood
80 damage to persons and property, and minimize expenditures for flood relief and flood control
81 projects; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid
82 undue population concentration; facilitate the adequate provision of public facilities and
83 utilities; stabilize and protect property values; further the appropriate use of land and
84 conservation of natural resources; preserve and promote the beauty of the community; and
85 implement the community's master plan or plan components. It is further intended to provide
86 for the administration and enforcement of this title and to provide penalties for its violation.

87 (Ord. 60 § 6, 1985).

88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131

19.03.050 Abrogation and greater restrictions.

Except as specifically provided in the enacting ordinance, it is not intended by this title to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, or permits previously adopted or issued pursuant to laws. However, wherever this title imposes greater restrictions, the provisions of this title shall govern.
(Ord. 994 § 1.5, 1982).

19.03.060 Interpretation.

In their interpretation and application, the provisions of this title shall be held to be minimum requirements and shall be liberally construed in favor of the city and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
(Ord. 994 § 1.6, 1982).

19.03.070 Severability and nonliability.

- A. If any section, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.
- B. If any application of this chapter to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water not specifically included in said judgment.
- C. The city does not guarantee, warrant or represent that only those areas designated as floodlands will be subject to periodic inundation and hereby asserts that there is no liability on the part of the common council, its agencies or employees for any flood damages, sanitation problems or structural damages that may occur as a result of reliance upon and conformance with this chapter.
(Ord. 1060 § 8, 1985).

19.03.080 Effective date.

This title was effective on June 24, 1982.
(Ord. 1060 § 7, 1985; Ord. 994 § 1.7, 1982).

Chapter 19.06 GENERAL PROVISIONS

Sections:

- [19.06.010 Jurisdiction.](#)
- [19.06.020 Plan and architectural review commission--Created.](#)
- [19.06.030 Plan and architectural review commission--Qualifications and functions.](#)
- [19.06.040 Plan and architectural review commission--Architectural function.](#)
- [19.06.050 Plan and architectural review commission--Organization.](#)
- [19.06.060 Compliance required.](#)
- [19.06.065 Municipalities and state agencies regulated.](#)
- [19.06.070 Use restrictions.](#)
- [19.06.080 Accessory uses and structures.](#)

- 132 [19.06.090 Unclassified or unspecified areas.](#)
- 133 [19.06.100 Temporary uses.](#)
- 134 [19.06.110 Height modifications.](#)
- 135 [19.06.120 Yard modifications.](#)
- 136 [19.06.130 Reduction or joint use.](#)
- 137 [19.06.140 Lots to abut street and frontage.](#)
- 138 [19.06.150 Structures to be located on a lot.](#)
- 139 [19.06.160 Lots on undedicated portion of street.](#)
- 140 [19.06.170 Private sewer and water service.](#)
- 141 [19.06.180 Average street yards.](#)
- 142 [19.06.190 Lots abutting more restrictive districts.](#)
- 143 [19.06.200 Animal raising.](#)

144
145 **19.06.010 Jurisdiction.**

146 The jurisdiction of this title shall include all lands and water within the corporate limits of the
147 city.
148 (Ord. 994 § 2.1, 1982).

149
150 **19.06.020 Plan and architectural review commission--Created.**

151 There is created a city plan and architectural review commission which shall consist of the
152 chairman of the park and recreation board or designee, a councilmember, and five citizens of
153 the city. In addition thereto, there shall be three citizen alternate members, any of which may
154 be called upon to serve in the absence of any one of the citizen members of the commission.
155 There shall also be one alternate city councilmember. The city councilmember may only serve
156 in absence of the appointed city councilmember and shall not act as a replacement for a citizen
157 member of the commission. All the citizen members shall be residents of Whitewater. A
158 majority of the total membership shall own land in the city. Citizen members shall be persons of
159 recognized experience and qualification. The city manager and the city planner shall be
160 nonvoting ex officio members of the commission. The councilmember shall be elected by a two-
161 thirds vote of the council.
162 (Ord. 1651A § 1, 2007: Ord. 1215 § 1, 1991: Ord. 994 § 2.2(part), 1982).

163
164 **19.06.030 Plan and architectural review commission--Qualifications and functions.**

165 The city plan and architectural review commission shall have the qualifications and perform the
166 functions required by this code and the Wisconsin Statutes, Section 62.23. The council or
167 mayor may, at their discretion, request that new members of the plan and architectural review
168 commission receive instructions regarding the standards, rules, and regulations to be applied by
169 the commission.
170 (Ord. 994 § 2.2(part), 1982).

171
172 **19.06.040 Plan and architectural review commission--Architectural function.**

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

176 of the of the city plan and architectural review commission shall be (a) limited to any guidelines
177 established by the City for reviewing aesthetic decisions and (b) intended to ensure
178 compatibility between new buildings and their surrounding built environment.

179 (Ord. 994 § 2.2(part), 1982).

180
181 **19.06.050 Plan and architectural review commission--Organization.**

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

184 A. Officers shall be elected from the membership for terms of one year.

185 B. Meetings shall be held at the call of the chairman or when requested by the zoning
186 administrator and shall be open to the public.

187 C. Minutes shall be kept showing all actions taken and shall be a public record.

188 D. Quorums shall be five members, and all actions shall require the concurring vote of at least
189 four members.

190 E. Alternate members shall be voting members of the commission in cases when any of the
191 original seven members are absent or abstaining from a vote.

192 (Ord. 994 § 2.2(part), 1982).

193
194 **19.06.060 Compliance required.**

195 All structures and uses of structures, land or water, and any development as defined in this
196 title, shall comply with this title and all other applicable local, county, state and federal
197 regulations.

198 (Ord. 1060 § 9, 1985).

199
200 **19.06.065 Municipalities and state agencies regulated.**

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

207 (Ord. 1196 § 1(part), 1990).

208
209 **19.06.070 Use restrictions.**

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

212 (Ord. 994 § 2.4(part), 1982).

213
214 **19.06.080 Accessory uses and structures.**

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

220 (Ord. 1082 § 1, 1986).

221

222 **19.06.090 Unclassified or unspecified areas.**

223 A. Uses that are not specifically listed as a permitted use within a district but that are similar in
224 character or impact to other permitted uses may be authorized by interpretation of the zoning
225 administrator.

226 B. If a determination cannot be made by the zoning administrator, as an unclassified or
227 unspecified use may be permitted by the board of zoning appeals, provided that the use is
228 found to be consistent with the intent of this title.

229 (Ord. 994 § 2.4(B), 1982).

230

231 **19.06.100 Temporary uses.**

232 Temporary uses and structures, such as produce stands, real estate sales field offices, or
233 shelters for materials and equipment being used in the construction of a permanent structure,
234 and similar uses and structures, may be permitted by the zoning administrator for periods not
235 to exceed one year. Establishing a temporary use for longer periods shall require approval of
236 the plan commission.

237 (Ord. 994 § 2.4(C), 1982).

238

239 **19.06.110 Height modifications.**

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

242 A. Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues and
243 chimneys, shall not exceed in height their distance from the lot line nearest the projection and
244 shall not exceed one hundred feet in height.

245 B. Essential services, utilities, observation towers, water towers and electric power and
246 conventional (wired) telephonic communication transmission towers are exempt from the
247 height limitations of this title. Wireless telecommunications facilities, as defined in Chapter
248 19.09, shall meet the height limitations established in Chapter 19.55.

249 C. Residential satellite dishes less than thirty-six inches in diameter, residential television
250 antennas, and amateur radio facilities may exceed applicable district building height
251 requirements by no greater than ten feet.

252 D. Public or semipublic facilities, such as schools, churches, libraries, governmental offices and
253 stations, may be erected to a height of sixty feet, exclusive of architectural projections,
254 provided all required yards are increased not less than one foot for each foot the structure
255 exceeds the district's maximum height requirements.

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

257

258 **19.06.120 Yard modifications.**

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

260 A. Uncovered stairs, landings and fire escapes may project into any yard but not to exceed six
261 feet and not closer than ten feet to any lot line (excepting Section 19.30.030).

262 B. Architectural projections, such as chimneys, flues, gutters, sills, eaves, belt courses and
263 ornaments, may project into any required yard, but such projection shall not exceed three feet.

264 C. Residential fences and walls are permitted either within or on the property line. Fences and
265 walls shall not exceed a height of six feet in the side yard or rear yard area and shall not exceed
266 a height of four feet in the required street yard. All driveway openings abutting a public right-
267 of-way shall have a fifteen-foot free vision triangle set back from both sides of the driveway.
268 (Similar to Section 19.51.010).

269 D. Security Fences. Within the B-3 and M-1 districts, security fences are permitted within the
270 side and rear yard areas. Such fences shall be designed to enclose the entire area for security
271 and shall not exceed ten feet in height. Barbed wire is permitted only on security fences at least
272 six feet above established grade levels.

273 E. Swimming Pool Fencing. Any public or private swimming pool shall be completely enclosed
274 within a fence at least four feet in height.

275 F. Detached accessory structures are permitted in side and rear yards only. They shall not be
276 closer than ten feet to the principal structure, shall not exceed fifteen feet in height, shall not
277 be larger than ten percent of the side and rear yard lot area (open space) and in no case shall
278 exceed eight hundred square feet in size. Detached accessory structures shall not be closer than
279 five feet to any lot line nor ten feet to any alley line. Any proposed detached accessory
280 structure which is larger than the requirements of this section may be allowed but shall require
281 a conditional use permit. To determine the size on corner lots, the side street yard shall be
282 counted as part of the side and rear area.

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

285 H. Landscaping and vegetation are exempt from the yard requirements of this title except that
286 landscaping and vegetation shall not extend over any public right-of-way within ten feet of the
287 ground level.

288 I. All decks are to maintain a setback from a property line of no less than the front yard and
289 side yard required setback of the zoning district in which they are located and must be a
290 minimum of fifteen feet from any rear lot line.

291 (Ord. 1364 §§ 2 and 3, 1997; Ord. 1313 § 1, 1995; Ord. 1166 § 1, 1989; Ord. 1165, 1989; Ord.
292 1082 § 3, 1986; Ord. 994 § 2.5(B), 1982).

293

294 **19.06.130 Reduction or joint use.**

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

298 (Ord. 994 § 2.6, 1982).

299

300 **19.06.140 Lots to abut street and frontage.**

301 All lots shall abut upon a public street, and each lot shall have a minimum frontage at the street
302 line of thirty feet. This requirement may be waived under planned ~~residential~~ development
303 (~~PRD~~) and ~~planned community~~ development (PCD) provisions of this title.

304 (Ord. 994 § 2.7, 1982).

305

306 **19.06.150 Structures to be located on a lot.**

307 Only one principal structure shall be located, erected or moved onto a lot. This requirement
308 may be waived as a conditional use under the highway commercial and light industrial district
309 (B-3), planned residential development (PRD) and planned community development (PCD)
310 provisions of this title.
311 (Ord. 1452 § 2, 2000: Ord. 1316 § 1, 1995: Ord. 1082 § 4, 1986).

312
313 **19.06.160 Lots on undedicated portion of street.**
314 No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion
315 of its proposed width.
316 (Ord. 994 § 2.9, 1982).

317
318 **19.06.170 Private sewer and water service.**
319 Where public sewerage service is not available, the width and area of all lots shall be sufficient
320 to permit the use of an on-site sewage disposal system designed in accordance with Section
321 H63 of the Wisconsin Administrative Code. Any structure or use proposing to be served by
322 private sewer and water service shall be considered as conditional use within any district.
323 (Ord. 994 § 2.10, 1982).

324
325 **19.06.180 Average street yards.**
326 A property owner may decrease the required street yard in any residential or business district
327 to the average of the existing street yards of the adjacent structures on each side. Where the
328 setback of existing adjacent structures is greater than setbacks required by this code, the
329 setback for the intervening lot shall be determined by the average of the setback of the
330 structures on each side. On corner lots, the required setback shall be determined by averaging
331 the setback of the adjacent structure with the required setback of the district in which it is
332 located. The setback of any structure may be increased or decreased by a conditional use
333 permit if there are substantial reasons to vary from the requirements of the district.
334 (Ord. 1446 § 1, 2000: Ord. 994 § 2.11, 1982).

335
336 **19.06.190 Lots abutting more restrictive districts.**
337 Lots abutting more restrictive districts boundaries shall provide side and rear yards not less
338 than those required in the more restrictive abutting district. The street yards on the less
339 restrictive district shall be modified for a distance of not more than one hundred feet from the
340 district boundary line so as to equal the average of the street yards required in both districts.
341 (Ord. 994 § 2.12, 1982).

342
343 **19.06.200 Animal raising.**
344 The raising of animals shall be permitted in any zoning district in compliance with Title 9 of this
345 code.
346 (Ord. 994 § 2.13, 1982).

347
348 **Chapter 19.09 DEFINITIONS**

349 Sections:
350 [19.09.010 Generally.](#)

351 [19.09.015 A Zones.](#)
352 [19.09.020 Accessory use or structure.](#)
353 [19.09.025 Adult-oriented establishments.](#)
354 [19.09.030 Alley.](#)
355 [19.09.035 Alternative support structure.](#)
356 [19.09.040 Apartment-style building.](#)
357 [19.09.050 Arterial street.](#)
358 [19.09.055 Base flood.](#)
359 [19.09.060 Basement.](#)
360 [19.09.063 Bed and breakfast establishment.](#)
361 [19.09.065 Block.](#)
362 [19.09.070 Building.](#)
363 [19.09.080 Building, accessory.](#)
364 [19.09.090 Building area.](#)
365 [19.09.100 Building height.](#)
366 [19.09.110 Building, principal.](#)
367 [19.09.113 Building scale.](#)
368 [19.09.114 Bulkhead line.](#)
369 [19.09.115 Campground.](#)
370 [19.09.116 Camping unit.](#)
371 [19.09.117 Certificate of compliance.](#)
372 [19.09.120 Classes of notice.](#)
373 [19.09.125 Channel.](#)
374 [19.09.128 Co-location.](#)
375 [19.09.130 Commercial use.](#)
376 [19.09.140 Commonly owned open space.](#)
377 [19.09.150 Community living arrangements.](#)
378 [19.09.155 Comprehensive \(master\) plan.](#)
379 [19.09.160 Conditional uses.](#)
380 [19.09.170 Corner lot.](#)
381 [19.09.171 Crawlways or crawlspace.](#)
382 [19.09.173 Day care center, adult.](#)
383 [19.09.177 Day care center, child.](#)
384 [19.09.178 Deck.](#)
385 [19.09.180 Development.](#)
386 [19.09.185 District, basic.](#)
387 [19.09.190 Drive-in establishment.](#)
388 [19.09.191 Driveway](#)
389 [19.09.195 Dryland access.](#)
390 [19.09.200 Dwelling.](#)
391 [19.09.210 Dwelling, attached.](#)
392 [19.09.220 Dwelling, detached.](#)
393 [19.09.230 Dwelling, multiple-family.](#)
394 [19.09.240 Dwelling, single-family.](#)

395 [19.09.250 Dwelling, two-family.](#)
396 [19.09.260 Dwelling unit.](#)
397 [19.09.270 Dwelling unit, efficiency.](#)
398 [19.09.275 Encroachment.](#)
399 [19.09.280 Essential services.](#)
400 [19.09.285 Existing manufactured home park or subdivision.](#)
401 [19.09.286 Expansion to existing mobile/manufactured home park.](#)
402 [19.09.290 Family.](#)
403 [19.09.295 Federal Emergency Management Agency.](#)
404 [19.09.296 Flood frequency.](#)
405 [19.09.300 First floor.](#)
406 [19.09.305 Flood.](#)
407 [19.09.306 Flood Insurance Rate Map.](#)
408 [19.09.307 Flood Insurance Study.](#)
409 [19.09.310 Flood Hazard Boundary Map.](#)
410 [19.09.312 Flood profile.](#)
411 [19.09.314 Flood protection elevation.](#)
412 [19.09.315 Floodplain.](#)
413 [19.09.316 Flood stage.](#)
414 [19.09.318 Floodlands.](#)
415 [19.09.320 Floodfringe.](#)
416 [19.09.321 Floodplain island.](#)
417 [19.09.322 Floodproofing.](#)
418 [19.09.323 Floodplain management.](#)
419 [19.09.324 Floodway.](#)
420 [19.09.326 Flood storage.](#)
421 [19.09.330 Fraternity or sorority house.](#)
422 [19.09.333 Freeboard.](#)
423 [19.09.335 Freestanding wireless telecommunications facility.](#)
424 [19.09.340 Garage, private.](#)
425 [19.09.350 Garage, public or commercial.](#)
426 [19.09.360 Group lodging facilities.](#)
427 [19.09.370 Group lodging house.](#)
428 [19.09.375 Habitable structure.](#)
429 [19.09.376 Hearing notice.](#)
430 [19.09.377 High flood damage potential.](#)
431 [19.09.380 Historic landmark.](#)
432 [19.09.385 Historic structure.](#)
433 [19.09.390 Household occupation or home occupation.](#)
434 [19.09.400 Incidental repairs.](#)
435 [19.09.401 Increase in regional flood height.](#)
436 [19.09.403 Land use.](#)
437 [19.09.405 Letter of Map Change \(LOMC\).](#)
438 [19.09.410 Living rooms.](#)

439 [19.09.420 Loading area.](#)
440 [19.09.430 Lodginghouse.](#)
441 [19.09.440 Lodging rooms.](#)
442 [19.09.450 Lot.](#)
443 [19.09.455 Lot width.](#)
444 [19.09.457 Major subdivision.](#)
445 [19.09.458 Manufactured home.](#)
446 [19.09.460 Maximum lot coverage.](#)
447 [19.09.470 Minor structures.](#)
448 [19.09.480 Mobile home.](#)
449 [19.09.490 Mobile home park.](#)
450 [19.09.495 Mobile recreational vehicle.](#)
451 [19.09.500 Modular home.](#)
452 [19.09.501 Motor vehicles.](#)
453 [19.09.502 Municipality or municipal.](#)
454 [19.09.504 National geodetic vertical datum.](#)
455 [19.09.505 Navigable water.](#)
456 [19.09.507 Neighborhood development plan.](#)
457 [19.09.508 New construction.](#)
458 [19.09.510 Nonconforming structure.](#)
459 [19.09.511 Nonconforming use.](#)
460 [19.09.520 Non-family household.](#)
461 [19.09.521 Obstruction to flow.](#)
462 [19.09.522 Official floodplain zoning map.](#)
463 [19.09.524 Open space use.](#)
464 [19.09.525 Ordinary high water mark.](#)
465 [19.09.527 Outdoor lighting fixture.](#)
466 **[19.09.528 Overlay Permission Area Map](#)**
467 **[19.09.529 Overlay Zoning District](#)**
468 [19.09.530 Parking lot.](#)
469 [19.09.540 Parking space or parking stall.](#)
470 [19.09.550 Parties of interest.](#)
471 [19.09.555 Person.](#)
472 [19.09.560 Planting screen.](#)
473 [19.09.570 Principal use or structure.](#)
474 [19.09.580 Private club or lodge.](#)
475 [19.09.585 Private sewage system.](#)
476 [19.09.590 Professional home offices.](#)
477 [19.09.600 Professional offices.](#)
478 [19.09.602 Public utilities.](#)
479 [19.09.604 Reach.](#)
480 [19.09.605 Reasonably safe from flooding.](#)
481 [19.09.608 Regional flood.](#)
482 [19.09.609 Start of construction.](#)

483 [19.09.610 Story.](#)
484 [19.09.620 Public or semipublic uses.](#)
485 [19.09.623 Shielded light fixture.](#)
486 [19.09.625 Shorelands.](#)
487 [19.09.630 Sign.](#)
488 [19.09.640 Sign, directional.](#)
489 [19.09.650 Sign, nonaccessory.](#)
490 [19.09.660 Street.](#)
491 [19.09.670 Street line.](#)
492 [19.09.680 Structural alterations.](#)
493 [19.09.690 Structure.](#)
494 [19.09.700 Structure, accessory.](#)
495 [19.09.710 Structure, permanent.](#)
496 [19.09.720 Structure, principal.](#)
497 [19.09.730 Structure, temporary.](#)
498 [19.09.732 Substantial damage.](#)
499 [19.09.735 Substantial improvement.](#)
500 [19.09.740 Tourist home.](#)
501 [19.09.750 Townhouse ~~style building.~~](#)
502 [19.09.760 Townhouse ~~style dwelling units.~~](#)
503 [19.09.765 Traditional Neighborhood Development \(TND\).](#)
504 [19.09.770 Trailer camp.](#)
505 [19.09.775 Unnecessary hardship.](#)
506 [19.09.780 Usable open space.](#)
507 [19.09.790 Use, accessory.](#)
508 [19.09.800 Use, legal nonconforming.](#)
509 [19.09.810 Use, permitted.](#)
510 [19.09.820 Use, principal.](#)
511 [19.09.830 Utilities.](#)
512 [19.09.833 Variance.](#)
513 [19.09.834 Vehicle.](#)
514 [19.09.835 Violation.](#)
515 [19.09.836 Watershed.](#)
516 [19.09.837 Water surface profile.](#)
517 [19.09.838 Well.](#)
518 [19.09.839 Wetland.](#)
519 [19.09.840 Wireless telecommunications facility.](#)
520 [19.09.841 Wireless telecommunications support facility.](#)
521 [19.09.845 Yard.](#)
522 [19.09.850 Yard, rear.](#)
523 [19.09.860 Yard, shore.](#)
524 [19.09.870 Yard, side.](#)
525 [19.09.880 Yard, street \(front yard\).](#)

526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569

19.09.010 Generally.

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

19.09.015 A Zones.

"A Zones" means areas of potential flooding shown on the "Flood Insurance Rate Map" or "Flood Hazard Boundary Map" which would be inundated by the regional flood as defined in this title. These zones may be numbered as A0, A1 to A99, or be unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area. (Ord. 1060 § 10(part), 1985).

19.09.020 Accessory use or structure.

"Accessory use or structure" means a use or detached structure subordinate to the principal use of structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use of the principal structure. (Ord. 994 § 12.0(part), 1982).

19.09.025 Adult-oriented establishments.

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

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

614 common area of the premises for the purposes of viewing adult-oriented motion pictures, or
615 wherein an entertainer provides adult entertainment to a member of the public, a customer or
616 a member, whether or not such adult entertainment is held, conducted, operated or
617 maintained for profit, direct or indirect. An adult-oriented establishment further includes,
618 without being limited to, any adult entertainment studio or any premises that is physically
619 arranged and used as such whether advertised or represented as an adult entertainment
620 studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or
621 any other term of like import.

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

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

631 (Ord. 1614A § 1, 2006).

632

633 **19.09.030 Alley.**

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

636 (Ord. 994 § 12.0(part), 1982).

637

638 **19.09.035 Alternative support structure.**

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

643 (Ord. 1499 § 3(part), 2001).

644

645 **19.09.040 Apartment-style building.**

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

649 (Ord. 994 § 12.0(part), 1982).

650

651 **19.09.050 Arterial street.**

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

655 (Ord. 994 § 12.0(part), 1982).

656

657 **19.09.055 Base flood.**

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

662

663 **19.09.060 Basement.**

664 "Basement" means that portion of any structure located partly below the average lot grade,
665 which if occupied for living purposes shall be counted as a story for purpose of height
666 measurement.

667 (Ord. 994 § 12.0(part), 1982).

668

669 **19.09.063 Bed and breakfast establishment.**

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

676 (Ord. 1580A § 1(part), 2005).

677

678 **19.09.065 Block.**

679 A "block" means a unit of land bounded by streets or by a combination of streets and public
680 land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

681 (Ord. 1511 § 1(part), 2002).

682

683 **19.09.070 Building.**

684 "Building" means any structure having a roof supported by columns or walls used or intended
685 to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials.

686 (Ord. 994 § 12.0(part), 1982).

687

688 **19.09.080 Building, accessory.**

689 "Accessory building" means a building or portion of building used for a purpose customarily
690 incident to the permitted principal use of the lot, and located on the same lot as the principal
691 use.

692 (Ord. 994 § 12.0(part), 1982).

693

694 **19.09.090 Building area.**

695 "Building area" means the total living area bounded by the exterior walls of a building at the
696 floor levels, but not including basement, garages, porches, breezeways and unfinished attics.

697 (Ord. 994 § 12.0(part), 1982).

698

699 **19.09.100 Building height.**

700 "Building height" means the vertical distance measured from the main elevation of the finished lot grade
701 along the street yard face of the structure to the mid-point between the eave and highest point of the
702 roof, not including ornamental features or architectural projections. highest level between the eaves
703 and ridges of gable, gambrel, hip and pitch roofs; or to the deck line of mansard roofs.
704 (Ord. 994 § 12.0(part), 1982).

705

706 **19.09.110 Building, principal.**

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

710

711 **19.09.113 Building scale.**

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

716

717 **19.09.114 Bulkhead line.**

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

723

724 **19.09.115 Campground.**

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

729

730 **19.09.116 Camping unit.**

731 "Camping unit" means any portable device, no more than four hundred square feet in area, used as a
732 temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck,
733 tent, or other mobile recreational vehicle.
734 (Ord. 1600 § 1(part), 2006).

735

736 **19.09.117 Certificate of compliance.**

737 "Certificate of compliance" means a certification that the construction and the use of land or a building,
738 the elevation of fill, or the lowest floor of a structure is in compliance with all of the floodplain
739 provisions of this title.
740 (Ord. 1600 § 1(part), 2006).

741

742 **19.09.120 Classes of notice.**

743 References in this title to Class 1 and Class 2 notices refer to Chapter 985 of the Wisconsin Statutes.
744 (Ord. 994 § 12.0(part), 1982).

745
746 **19.09.125 Channel.**
747 "Channel" means the floodlands normally occupied by a stream of water under average annual high-
748 water flow conditions while confined within general well-established banks.
749 (Ord. 1060 § 10(part), 1985).
750
751 **19.09.128 Co-location.**
752 "Co-location" means the clustering of multiple antennas, dishes or similar telecommunications facilities
753 or devices operated by different service providers but located on a single, freestanding wireless
754 telecommunications facility or alternative support structure.
755 (Ord. 1499 § 3(part), 2001).
756
757 **19.09.130 Commercial use.**
758 "Commercial use" means and refers to activity carried out for pecuniary gain.
759 (Ord. 994 § 12.0(part), 1982).
760
761 **19.09.140 Commonly owned open space.**
762 "Commonly owned open space" means publicly or privately owned undeveloped open space intended
763 for aesthetic, recreational or other conservation purpose, to be used by the owners or residents of a
764 particular development or the public in general.
765 (Ord. 994 § 12.0(part), 1982).
766
767 **19.09.150 Community living arrangements.**
768 "Community living arrangements" means a group lodging facility licensed or operated or permitted
769 under the authority of the Wisconsin Department of Health and Social Services (see Section 46.03(22),
770 Wisconsin Statutes) where three or more unrelated persons reside, and in which care, treatment or
771 services above the level of room and board but less than skilled nursing care is provided to persons
772 residing in the facility. Such care, treatment or services are provided as a major function of the facility.
773 Child care facilities, nursing homes, hospitals, prisons, jails, foster family homes which are the primary
774 domiciles of a foster parent and four or fewer children are not "community living arrangements" for
775 purposes of this title.
776 (Ord. 994 § 12.0(part), 1982).
777
778 **19.09.155 Comprehensive (master) plan.**
779 "Comprehensive (master) plan" means the plan for the physical development of the city, also called a
780 master plan or comprehensive plan, adopted by the city pursuant to Wisconsin Statutes, Sections 62.23
781 and/or 66.1001, including proposals for future land use, transportation, urban redevelopment and
782 public facilities.
783 (Ord. 1511 § 1(part), 2002).
784
785 **19.09.160 Conditional uses.**
786 "Conditional uses" means uses of a special nature as to make impractical their complete
787 predetermination as a use in a district.
788 (Ord. 994 § 12.0(part), 1982).
789
790 **19.09.170 Corner lot.**

791 "Corner lot" means a lot abutting two or more streets at their intersection, provided that the corner of
792 such intersection shall have an angle of one hundred thirty-five degrees or less, measured on the lot
793 side. For the purpose of determining yard requirements, the front yard shall be the yard where the main
794 door of the principal structure faces the street addressed.
795 (Ord. 994 § 12.0(part), 1982).

796

797 **19.09.171 Crawlways or crawlspace.**

798 "Crawlways or crawlspace" means an enclosed area below the first usable floor of a building, generally
799 less than five feet in height, used for access to plumbing and electrical utilities.
800 (Ord. 1600 § 1(part), 2006).

801

802 **19.09.173 Day care center, adult.**

803 "Day care center, adult" means a facility operated for the purpose of providing care, protection, and
804 guidance to adults during normal business hours and with no overnight facilities.
805 (Ord. 1452 § 3(part), 2000).

806

807 **19.09.177 Day care center, child.**

808 "Day care center, child" means a state licensed facility where a person or persons, other than a relative
809 or legal guardian, provides paid care and supervision for four or more children under seven years of age,
810 for less than twenty-four hours a day.
811 (Ord. 1452 § 3(part), 2000).

812

813 **19.09.178 Deck.**

814 "Deck" means an unenclosed exterior structure that has no roof or sides, but has a permeable floor
815 which allows the infiltration of precipitation.
816 (Ord. 1600 § 1(part), 2006).

817

818 **19.09.180 Development.**

819 "Development" means any manmade change to improved or unimproved real estate, including but not
820 limited to construction of or additions or substantial improvements to buildings, other structures, or
821 accessory uses, the placement of mobile homes, mining, dredging, filling, grading, paving, excavation or
822 drilling operations, or deposition of materials.
823 (Ord. 994 § 12.0(part), 1982).

824

825 **19.09.185 District, basic.**

826 "Basic district" means a part or parts of the city for which the regulations of this chapter governing the
827 use and location of land and buildings are uniform.
828 (Ord. 1060 § 10(part), 1985).

829

830 **19.09.190 Drive-in establishment.**

831 "Drive-in establishment" means a building and the lot on which it is situated, or a portion thereof which
832 is used for off-street quick-service business purposes catering primarily to automobile trade wherein the
833 customer is served directly at the automobile or the automobile is parked temporarily and the customer
834 is served from a counter or pass-through window. Drive-in food service establishments may contain very
835 limited seating accommodations for walk-up customers.
836 (Ord. 994 § 12.0(part), 1982).

837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882

19.09.191 Driveway

An improved access which is used primarily to connect off-street parking spaces to the public right-of-way. Areas intended to be utilized as driveways shall be surfaced with bituminous or concrete to control dust and drainage, except in the case of farm dwellings and operations. Plans for surfacing and drainage of driveways shall be submitted to the City Engineer for his review and approval.

19.09.195 Dryland access.

"Dryland access" means a vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land which is outside the floodplain, such as a road with its surface above the regional flood elevation and wide enough to accommodate wheeled vehicles.
(Ord. 1196 § 1(part), 1990).

19.09.200 Dwelling.

"Dwelling" means a building or part of a building, containing one or more dwelling units and also containing other directly associated elements such as hallways, storage areas or common laundry facilities. For purposes of this title, the term "dwelling" does not include group lodging facilities.
(Ord. 994 § 12.0(part), 1982).

19.09.210 Dwelling, attached.

"Attached dwelling" means a dwelling attached to another dwelling unit by having any portion of any roof, any wall, or any floor in common with another dwelling unit.
(Ord. 994 § 12.0(part), 1982).

19.09.220 Dwelling, detached.

"Detached dwelling" means a dwelling separated from another dwelling unit and not having any portion of any roof, any wall, or any floor in common with another dwelling unit.
(Ord. 994 § 12.0(part), 1982).

19.09.230 Dwelling, multiple-family.

"Multiple-family dwelling" means a dwelling having more than two attached dwelling units, and includes both apartment and townhouse-style buildings.
(Ord. 994 § 12.0(part), 1982).

19.09.240 Dwelling, single-family.

"Single-family dwelling" means a detached dwelling having one dwelling unit.
(Ord. 994 § 12.0(part), 1982).

19.09.250 Dwelling, two-family.

"Two-family dwelling" means a dwelling having two attached dwelling units.
(Ord. 994 § 12.0(part), 1982).

19.09.260 Dwelling unit.

"Dwelling unit" means an area of or within a dwelling that is designed, occupied or intended to be occupied by a family (or by a non-family household) as permitted by this title as a separate living quarters with private kitchen, sanitary, sleeping and living quarters within the dwelling unit. Quarters

883 are within the dwelling unit if they are within the same contiguous area. Kitchen quarters in a dwelling
884 must be designed and outfitted to have, at a minimum, a refrigerator, stove and range, kitchen sink and
885 cabinet facilities.

886 (Ord. 994 § 12.0(part), 1982).

887

888 **19.09.270 Dwelling unit, efficiency.**

889 "Efficiency dwelling unit" means a dwelling unit within a dwelling that has two or more attached units
890 and having not more than one habitable room in addition to kitchen and sanitary facilities.

891 (Ord. 994 § 12.0(part), 1982).

892

893 **19.09.275 Encroachment.**

894 "Encroachment" means any fill, structure, equipment, building, use or development in the floodway.

895 (Ord. 1600 § 1(part), 2006).

896

897 **19.09.280 Essential services.**

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

906 (Ord. 1499 § 2, 2001: Ord. 994 § 12.0(part), 1982).

907

908 **19.09.285 Existing manufactured home park or subdivision.**

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

913 (Ord. 1600 § 1(part), 2006).

914

915 **19.09.286 Expansion to existing mobile/manufactured home park.**

916 "Expansion to existing mobile/manufactured home park" means the preparation of additional sites by
917 the construction of facilities for servicing the lots on which the manufactured homes are to be affixed.
918 This includes installation of utilities, construction of streets and either final site grading, or the pouring of
919 concrete pads.

920 (Ord. 1600 § 1(part), 2006).

921

922 **19.09.290 Family.**

923 "Family" means an individual or a group of two or more individuals who are related by blood, marriage
924 ~~or~~ adoption, common law, civil union, or equivalent social connection, (limited to immediate family
925 members, grandparents, aunts, uncles, nieces, nephews, and first cousins) together with not more than
926 two additional persons not so related, living as a single household in a dwelling unit. (For the purposes
927 of this title, "family" includes "non-family households.")

928 (Ord. 994 § 12.0(part), 1982).

929

930 **19.09.295 Federal Emergency Management Agency.**

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

934

935 **19.09.296 Flood frequency.**

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

940

941 **19.09.300 First floor.**

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

945

946 **19.09.305 Flood.**

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

954

955 **19.09.306 Flood Insurance Rate Map.**

956 "Flood Insurance Rate Map" means a map of a community on which the Federal Insurance
957 Administration has delineated both special flood hazard areas (the floodplain) and the risk premium
958 zones applicable to the community. This map can only be amended by the Federal Emergency
959 Management Agency. Also referred to as FIRM.
960 (Ord. 1600 § 1(part), 2006).

961

962 **19.09.307 Flood Insurance Study.**

963 "Flood Insurance Study" means a technical engineering examination, evaluation, and determination of
964 the local flood hazard areas. It provides maps designating those areas affected by the regional flood,
965 provides both flood insurance rate zones and base flood elevations, and may provide floodway lines.
966 The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate
967 Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the
968 insurance aspects of the National Flood Insurance Program (NFIP).
969 (Ord. 1600 § 1(part), 2006).

970

971 **19.09.310 Flood Hazard Boundary Map.**

972 "Flood Hazard Boundary Map" means a map designating approximate flood hazard areas. Flood hazard
973 areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood

974 elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood
975 Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
976 (Ord. 1600 § 1(part), 2006: Ord. 994 § 12.0(part), 1982).

977
978 **19.09.312 Flood profile.**
979 "Flood profile" means a graph showing the relationship of the floodwater surface elevation of a flood
980 event of a specified recurrence interval to the stream bed and other significant natural and manmade
981 features along a stream.
982 (Ord. 1060 § 10(part), 1985).

983
984 **19.09.314 Flood protection elevation.**
985 "Flood protection elevation" means a point two feet above the water surface elevation of the one-
986 hundred-year recurrence interval flood. This safety factor, also called "freeboard," is intended to
987 compensate for the many unknown factors that contribute to flood heights greater than those
988 computed. Such unknown factors may include ice jams, debris accumulation, wave action, and
989 obstruction of bridge openings.
990 (Ord. 1060 § 10(part), 1985).

991
992 **19.09.315 Floodplain.**
993 "Floodplain" means land which has been or may be covered by flood water during the regional flood. It
994 includes the floodway and the floodfringe, and may include other designated floodplain areas for
995 regulatory purposes.
996 (Ord. 1600 § 1(part), 2006).

997
998 **19.09.316 Flood stage.**
999 "Flood stage" means the elevation of the floodwater surface above an officially established datum plan,
1000 which is Mean Sea Level 1929 Adjustment.
1001 (Ord. 1060 § 10(part), 1985).

1002
1003 **19.09.318 Floodlands.**
1004 For the purpose of this title, the "floodlands" are all lands contained in the "regional flood" or one-
1005 hundred-year recurrence interval flood.
1006 (Ord. 1600 § 1(part), 2006: Ord. 1196 § 1(part), 1990).

1007
1008 **19.09.320 Floodfringe.**
1009 "Floodfringe" means that a portion of the one-hundred-year recurrence interval floodplain located
1010 beyond the limits of the floodway. The floodfringe is generally associated with standing water rather
1011 than rapidly flowing water.
1012 (Ord. 1600 § 1(part), 2006: Ord. 1196 § 1(part), 1990).

1013
1014 **19.09.321 Floodplain island.**
1015 "Floodplain island" means a natural geologic land formation within the floodplain that is surrounded,
1016 but not covered, by floodwater during the regional flood.
1017 (Ord. 1600 § 1(part), 2006).

1018
1019 **19.09.322 Floodproofing.**

1020 "Floodproofing" means measures designed to prevent and reduce flood damage for those uses which
1021 cannot be removed from, or which, of necessity, must be erected in the floodplain, ranging from
1022 structural modifications through installation of special equipment or materials to operation and
1023 management safeguards, such as the following: reinforcing of basement walls; underpinning of floors;
1024 permanent sealing of all exterior openings; use of masonry construction; erection of permanent
1025 watertight bulkheads, shutters and doors; treatment of exposed timbers; elevation of flood-vulnerable
1026 utilities; use of waterproof cement; adequate fuse protection; sealing of basement walls; installation of
1027 sump pumps; placement of automatic swing check valves; installation of sealtight windows and doors;
1028 installation of wire-reinforced glass; location and elevation of valuable items; waterproofing,
1029 disconnecting, elevation or removal of all electric equipment; avoidance of the use of flood-vulnerable
1030 areas; temporary removal or waterproofing of merchandise; operation of emergency pump equipment;
1031 closing of backwater sewer valves; placement of plugs and flood drain pipes; placement of movable
1032 watertight bulkheads; and the shoring of weak walls or structures. Floodproofing of structures shall be
1033 extended at least to a point two feet above the elevation of the regional flood. Any structure that is
1034 located entirely or partially below the flood protection elevation shall be anchored to protect it from
1035 larger floods.

1036 (Ord. 1060 § 10(part), 1985).

1037

1038 **19.09.323 Floodplain management.**

1039 "Floodplain management" means policy and procedures to insure wise use of floodplains, including
1040 mapping and engineering, mitigation, education, and administration and enforcement of floodplain
1041 regulations.

1042 (Ord. 1600 § 1(part), 2006).

1043

1044 **19.09.324 Floodway.**

1045 "Floodway" means a designated portion of the one-hundred-year recurrence interval flood that will
1046 safely convey the regulatory flood discharge into small, acceptable upstream and downstream increases,
1047 limited in Wisconsin to 0.01 foot unless special legal measures are provided. The floodway, which
1048 includes the channel, is that portion of the floodplain needed to convey the regional flood discharges
1049 and is not suited for human habitation. All fill, structures and other development that would impair
1050 floodwater conveyance by adversely increasing flood stages or velocities or would itself be subject to
1051 flood damage should be prohibited in the floodway.

1052 (Ord. 1196 § 1(part), 1990).

1053

1054 **19.09.326 Flood storage.**

1055 "Flood storage" means those floodplain areas where storage of floodwaters has been taken into account
1056 during analysis in reducing the regional flood discharge.

1057 (Ord. 1600 § 1(part), 2006).

1058

1059 **19.09.330 Fraternity or sorority house.**

1060 "Fraternity or sorority house" means a building containing sleeping rooms, bathrooms, common rooms
1061 and a central kitchen and dining room maintained exclusively for fraternity or sorority members and
1062 their guests or visitors and affiliated with an institution of higher learning.

1063 (Ord. 1668A § 1, 2007; Ord. 994 § 12.0(part), 1982).

1064

1065 **19.09.333 Freeboard.**

1066 "Freeboard" means a safety factor expressed in terms of a specified number of feet above a calculated
1067 flood level. Freeboard compensates for any factors that cause flood heights greater than those
1068 calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and
1069 floodways, the effects of watershed urbanization, loss of flood storage areas due to development and
1070 aggregation of the river or stream bed.

1071 (Ord. 1600 § 1(part), 2006).

1072

1073 **19.09.335 Freestanding wireless telecommunications facility.**

1074 "Freestanding wireless communications facility" means a self-supporting telecommunications tower or
1075 other self-supporting wireless telecommunications facility that is not mounted, or otherwise attached
1076 to, an alternative support structure. A tower using guy wires shall be considered a freestanding wireless
1077 telecommunications facility.

1078 (Ord. 1499 § 3(part), 2001).

1079

1080 **19.09.340 Garage, private.**

1081 "Private garage" means a structure primarily intended for and used for the enclosed storage or shelter
1082 of the private motor vehicles of the families resident upon the premises. Carports shall be considered
1083 garages within this definition.

1084 (Ord. 994 § 12.0(part), 1982).

1085

1086 **19.09.350 Garage, public or commercial.**

1087 "Public or commercial garage" means any garage not falling within the definition of a "private garage" as
1088 established in this chapter.

1089 (Ord. 994 § 12.0(part), 1982).

1090

1091 **19.09.360 Group lodging facilities.**

1092 "Group lodging facilities" means buildings or parts of buildings designed, occupied or intended to be
1093 occupied as living quarters on a basis other than described in this ordinance under the defined terms:
1094 dwelling, dwelling unit, hotel or motel.

1095 (Ord. 994 § 12.0(part), 1982).

1096

1097 **19.09.370 Group lodging house.**

1098 "Group lodging house" means a group lodging facility containing several lodging rooms without kitchen
1099 facilities that are offered for rent or comparable compensation on a monthly or longer basis. Meals or
1100 access to common meal preparation facilities may be offered as part of the service to occupants.
1101 Facilities commonly known as dormitories are group lodging houses for purposes of this title.

1102 (Ord. 994 § 12.0(part), 1982).

1103

1104 **19.09.375 Habitable structure.**

1105 "Habitable structure" means any structure or portion thereof used or designed for human habitation.

1106 (Ord. 1600 § 1(part), 2006).

1107

1108 **19.09.376 Hearing notice.**

1109 "Hearing notice" means a publication or posting meeting the requirements of Chapter 985, Statutes. For
1110 appeals, a Class 1 notice, published once at least one week (seven days) before the hearing, is required.

1111 For all zoning ordinance text and map amendments, a Class 2 notice, published twice, once each week
1112 consecutively, the last at least a week (seven days) before the hearing, is required.
1113 (Ord. 1600 § 1(part), 2006).

1114
1115 **19.09.377 High flood damage potential.**

1116 "High flood damage potential" means damage that could result from flooding that includes any danger
1117 to life or health or any significant economic loss to a structure or building and its contents.
1118 (Ord. 1600 § 1(part), 2006).

1119
1120 **19.09.380 Historic landmark.**

1121 "Historic landmark" means any building or structure which has a special historic, architectural or cultural
1122 interest, significance or value as part of the heritage, development or cultural characteristics of the city,
1123 state or nation and which has been designated as a landmark under this title.
1124 (Ord. 994 § 12.0(part), 1982).

1125
1126 **19.09.385 Historic structure.**

1127 For the purposes of the floodplain regulations in this title, "historic structure" means any structure that
1128 is either: listed individually in the National Register of Historic Places or preliminarily determined by the
1129 Secretary of the Interior as meeting the requirements for individual listing on the National Register,
1130 certified or preliminarily determined by the Secretary of the Interior as contributing to the historical
1131 significance of a registered historic district or a district preliminarily determined by the Secretary to
1132 qualify as a registered historic district; individually listed on a state inventory of historic places in states
1133 with historic preservation programs which have been approved by the Secretary of the Interior; or
1134 individually listed on a local inventory of historic places in communities with historic preservation
1135 programs that have been certified either by an approved state program, as determined by the Secretary
1136 of the Interior, or by the Secretary of the Interior in states without approved programs.
1137 (Ord. 1600 § 1(part), 2006).

1138
1139 **19.09.390 Household occupation or home occupation.**

1140 "Household occupation" or "home occupation" means an occupation for gain or support that is
1141 traditionally or customarily conducted within a residential building by resident occupants, and which
1142 meets all of the following criteria:

- 1143 A. Home occupation is incidental to the principal residential use of the premises.
- 1144 B. Space used for the home occupation does not exceed either twenty-five percent of the usable floor
1145 area of the principal building or fifty percent of an accessory building.
- 1146 C. No article or service shall be sold or offered for sale on the premises except articles or services that
1147 are produced by such occupation.
- 1148 D. There shall be no exterior alterations that change the character of the dwelling or accessory
1149 building, or exterior evidence of the home occupation, other than permitted signage under Chapter
1150 19.54.
- 1151 E. There shall not be more than one employee other than members of the resident family.
- 1152 F. No home occupation shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small
1153 electrical interference, or any other nuisance not normally associated with the average residential use in
1154 the district.
- 1155 G. There shall be no exterior display or storage of any materials, supplies, equipment, or product
1156 produced or used by such occupation.

1157 (Ord. 1605A § 1, 2006: Ord. 994 § 12.0(part), 1982).

1158
1159 **19.09.400 Incidental repairs.**
1160 "Incidental repairs" are not considered structural repairs, modifications, or additions; incidental repairs
1161 include internal and external painting, decoration, paneling, and the replacement of doors, windows,
1162 and other nonstructural components.
1163 (Ord. 994 § 12.0(part), 1982).
1164
1165 **19.09.401 Increase in regional flood height.**
1166 "Increase in regional flood height" means a calculated upward rise in the regional flood elevation, equal
1167 to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions
1168 which is directly attributable to development in the floodplain but not attributable to manipulation of
1169 mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
1170 (Ord. 1600 § 1(part), 2006).
1171
1172 **19.09.403 Land use.**
1173 For the purposes of the floodplain regulations in this title, "use" means any nonstructural use made of
1174 unimproved or improved real estate.
1175 (Ord. 1600 § 1(part), 2006: Ord. 1452 § 3(part), 2000).
1176
1177 **19.09.405 Letter of Map Change (LOMC).**
1178 "Letter of Map Change" or "LOMC" means official notification from the Federal Emergency Management
1179 Agency (FEMA) that a Flood Hazard Boundary Map or Flood Insurance Rate Map has been amended.
1180 (Ord. 1600 § 1(part), 2006: Ord. 1060 § 10(part), 1985).
1181
1182 **19.09.410 Living rooms.**
1183 "Living rooms" means all rooms within a dwelling except closets, foyers, storage areas, utility rooms and
1184 bathrooms.
1185 (Ord. 994 § 12.0(part), 1982).
1186
1187 **19.09.420 Loading area.**
1188 "Loading area" means a completely off-street space or berth on the same lot for the loading or
1189 unloading of freight carriers, having adequate ingress and egress to a public street or alley.
1190 (Ord. 994 § 12.0(part), 1982).
1191
1192 **19.09.430 Lodginghouse.**
1193 "Lodginghouse" means a building other than a hotel, restaurant or a dormitory where lodging is
1194 regularly furnished by prearrangement for a definite period for compensation for six or more persons
1195 not members of a family, but not exceeding twelve persons (individual) and not open to transient
1196 customers. A lodginghouse shall maintain a minimum green space area of three hundred fifty square
1197 feet per allowed occupant.
1198 (Ord. 1364 § 4, 1997: Ord. 994 § 12.0(part), 1982).
1199
1200 **19.09.440 Lodging rooms.**
1201 "Lodging rooms" means rooms within group lodging facilities that are rented as sleeping and living
1202 quarters, or spaces within a suite of rooms in a group lodging facility that provide sleeping

1203 accommodations. For purposes of this title any lodging room that is designed or intended to be
1204 occupied by one or two persons shall be counted as one lodging room.
1205 (Ord. 994 § 12.0(part), 1982).

1206
1207 **19.09.450 Lot.**

1208 "Lot" means a single parcel of contiguous land abutting and having frontage on a public street, being a
1209 part of a platted recorded subdivision or a parcel of land for which the deed is recorded, with the
1210 respective county register of deeds on or before June 24, 1982, the effective date of the ordinance
1211 codified in this title, occupied or intended to be occupied by a principal structure or principal group of
1212 structures or use and sufficient in size to meet the lot width, lot frontage, lot area, yard parking area,
1213 and other open space provisions of this title.

1214 Lot Types

1215 **GRAPHIC LINK:**[Click here](#)

1216 (Ord. 994 § 12.0(part), 1982).

1217
1218 **19.09.455 Lot width.**

1219 "Lot width" means the horizontal distance between side lot lines as measured at the minimum front
1220 yard setback required in the zoning district in which the lot is located or through a recorder final plat or
1221 certified survey map.

1222 (Ord. 1511 § 1(part), 2002).

1223
1224 **19.09.457 Major subdivision.**

1225 "Major subdivision" means the division of a lot or parcel, or tract of land by the owners thereof, or their
1226 agents, for the purpose of transfer of ownership or building development where a single act of division
1227 creates five or more parcels or building sites, each less than five acres in size; or an act of division results
1228 in the creation of five or more parcels or building sites by successive divisions within a period of five
1229 years, where at least five of the parcels or sites are less than one and one-half acres in size in the M-I
1230 general manufacturing district, or less than five acres in size in all other zoning districts.

1231 (Ord. 1600 § 1(part), 2006; Ord. 1580A § 1(part), 2005).

1232
1233 **19.09.458 Manufactured home.**

1234 "Manufactured home" means a type of single-family dwelling as defined in Wisconsin Statutes, Section
1235 101.91(2), fabricated in an off-site manufacturing facility for installation or assembly at the building site,
1236 and bearing a Department of Housing and Urban Development (HUD) label or insignia certifying that it
1237 was built in compliance with the Federal Manufactured Housing Construction Standards under 42 U.S.C.
1238 Sections 5401 to 5426. For the purposes of the floodplain regulations in this title only, the term
1239 "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

1240 (Ord. 1600 § 1(part), 2006; Ord. 1511 § 1(part), 2002).

1241
1242 **19.09.460 Maximum lot coverage.**

1243 "Maximum lot coverage" is the total buildable area that can be occupied by principal accessory
1244 structures. Parking areas, drives, sidewalks and similar at-grade structures shall not be included when
1245 figuring maximum lot coverage.

1246 (Ord. 994 § 12.0(part), 1982).

1247
1248 **19.09.470 Minor structures.**

1249 "Minor structures" meets all regulations for conventional construction, sections of which are built in a
1250 factory and joined on a permanent foundation.
1251 (Ord. 994 § 12.0(part), 1982).

1252

1253 **19.09.480 Mobile home.**

1254 "Mobile home" means a transportable factory built structure as is defined in Wisconsin Statutes Section
1255 101.91(2)(k), designed for long term occupancy by one family and built prior to June 15, 1976, the
1256 effective date of the Federal Manufactured Housing Construction and Safety Standards Act. A mobile
1257 home is not considered to be a type of single-family dwelling for the purposes of this title.
1258 (Ord. 1600 § 1(part), 2006: Ord. 994 § 12.0(part), 1982).

1259

1260 **19.09.490 Mobile home park.**

1261 "Mobile home park" means a site with required improvements and utilities for the long-term parking of
1262 mobile homes, which may include services and facilities for the residents.
1263 (Ord. 994 § 12.0(part), 1982).

1264

1265 **19.09.495 Mobile recreational vehicle.**

1266 "Mobile recreational vehicle" means a vehicle which is built on a single chassis; is four hundred square
1267 feet or less when measured at the largest horizontal projection; is designed to be self-propelled; is
1268 carried or permanently towable by a licensed, light-duty vehicle; is licensed for highway use if
1269 registration is required; and is designed primarily not for use as a permanent dwelling, but as temporary
1270 living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or
1271 carried onto a parcel of land, but do not remain capable of being towed or carried, including park model
1272 homes, do not fall within the definition of a "mobile recreational vehicle." Also referred to as
1273 "Recreational Vehicle" or "RV."
1274 (Ord. 1600 § 1(part), 2006).

1275

1276 **19.09.500 Modular home.**

1277 "Modular home" means a dwelling unit which meets all regulations for conventional construction,
1278 sections of which are built in a factory and joined on a permanent foundation.
1279 (Ord. 994 § 12.0(part), 1982).

1280

1281 **19.09.501 Motor vehicles.**

1282 "Motor vehicle" means a vehicle, including a combination of two or more vehicles or an articulated
1283 vehicle, which is self-propelled, except a vehicle operated exclusively on a rail. "Motor vehicle" includes,
1284 without limitation, a commercial motor vehicle or a vehicle which is propelled by electric power
1285 obtained from overhead trolley wires but not operated on rails. A snowmobile and an all-terrain vehicle
1286 shall only be considered motor vehicles for purposes made specifically applicable by ordinance.
1287 (Ord. 1364 § 5, 1997).

1288

1289 **19.09.502 Municipality or municipal.**

1290 "Municipality" or "municipal" means the City of Whitewater, Wisconsin. Also referred to as "City."
1291 (Ord. 1600 § 1(part), 2006).

1292

1293 **19.09.504 National geodetic vertical datum.**

1294 "National geodetic vertical datum" or NGVD means elevations referenced to mean sea level datum,
1295 1929 adjustment.
1296 (Ord. 1600 § 1(part), 2006).

1297
1298 **19.09.505 Navigable water.**
1299 "Navigable water" means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all
1300 rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state,
1301 including the Wisconsin portion of boundary waters, which are navigable under the laws of this state.
1302 The Wisconsin Supreme Court has declared navigable all bodies of water with a bed differentiated from
1303 adjacent uplands and with levels or flow sufficient to support navigation by a recreational craft of the
1304 shallowest draft on an annually recurring basis. [Muench v. Public Service Commission, 261 Wis. 492
1305 (1952), and DeGaynor and Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975)]

1306
1307 For the purpose of this title, rivers and streams will be presumed to be navigable if they are designated
1308 as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps
1309 until such time that the Wisconsin Department of Natural Resources has made a determination that the
1310 waterway is not, in fact, navigable.
1311 (Ord. 1196 § 1(part), 1990).

1312
1313 **19.09.507 Neighborhood development plan.**
1314 "Neighborhood development plan" means a city, developer, or property owner prepared plan for the
1315 future development of a part of the community, and including the proposed land use pattern, zoning,
1316 street alignments, lot patterns, locations of utilities and public buildings, parks, open spaces,
1317 environmental corridors, trails, and a development phasing timetable.
1318 (Ord. 1511 § 1(part), 2002).

1319
1320 **19.09.508 New construction.**
1321 For floodplain management purposes, "new construction" means structures for which the start of
1322 construction commenced on or after the effective date of the original floodplain zoning regulations
1323 adopted by the city and includes any subsequent improvements to such structures. For the purpose of
1324 determining flood insurance rates, it includes any structures for which the "start of construction"
1325 commenced on or after the effective date of an initial Flood Insurance Rate Map (FIRM) or after
1326 December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
1327 (Ord. 1600 § 1(part), 2006).

1328
1329 **19.09.510 Nonconforming structure.**
1330 A "nonconforming structure" means a structure, or portion thereof, that was legally established prior to
1331 the effective date of this title, or subsequent amendments thereto, which does not conform with one or
1332 more of the dimensional requirements applicable within the zoning district in which the structure is
1333 located.
1334 (Ord. 1600 § 1(part), 2006: Ord. 994 § 12.0(part), 1982).

1335
1336 **19.09.511 Nonconforming use.**
1337 A "nonconforming use" means an active and actual use of land, structure, or both that was legally
1338 established prior to the effective ~~datadate~~ of this title, or subsequent amendments thereto, which has
1339 continued the same use to the present, and which does not conform to the use regulations applicable
1340 within the zoning district in which the use is located. Also referred to as "nonconforming land use."

1341 (Ord. 1600 § 1(part), 2006).

1342

1343 **19.09.520 Non-family household.**

1344 "Non-family household" means a group of individuals who do not constitute a family under the terms of
1345 this title and who live as a single household in a dwelling unit. Within the R-1 and R-2 districts, a non-
1346 family household shall be limited to three unrelated persons. Within the R-3 district, a non-family
1347 household shall be limited to five unrelated persons. This section is meant to ensure the right of quiet
1348 enjoyment of each property owner, or resident of their home. **The constant or consistent presence of**
1349 **visitors to a particular residence can constitute the equivalent of additional persons living there, for land**
1350 **use purposes, regardless if they are listed as residents on a lease or deed, if the "quiet enjoyment" of**
1351 **others' property rights is affected. For the purposes of this section, quiet enjoyment shall mean actions**
1352 **by occupants or visitors which unreasonably disturb other property owners' or occupants' enjoyment of**
1353 **their premises.**

1354 (Ord. 994 § 12.0(part), 1982).

1355 (Ord. No. 1689A, 6-17-2008; Ord. No. 1694A, 8-5-2008)

1356

1357 **19.09.521 Obstruction to flow.**

1358 "Obstruction to flow" means any development which blocks the conveyance of floodwaters such that
1359 this development alone or together with any future development will cause an increase in regional flood
1360 height.

1361 (Ord. 1600 § 1(part), 2006).

1362

1363 **19.09.522 Official floodplain zoning map.**

1364 "Official floodplain zoning map" means that map, adopted and made part of this title, as described in
1365 Section 19.46.010(E)(2), which has been approved by the Department of Natural Resources and the
1366 Federal Emergency Management Agency (FEMA).

1367 (Ord. 1600 § 1(part), 2006).

1368

1369 **19.09.524 Open space use.**

1370 "Open space use" means those land uses having a relatively low flood damage potential, and not
1371 involving structures when in a floodplain.

1372 (Ord. 1600 § 1(part), 2006).

1373

1374 **19.09.525 Ordinary high water mark.**

1375 "Ordinary high water mark" means the point on the bank or shore up to which the presence and action
1376 of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or
1377 prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized
1378 characteristics.

1379 (Ord. 1196 § 1(part), 1990).

1380

1381 **19.09.526 Original bedroom.**

1382 **"Original bedroom" is any space in the conditioned area of the original structure, per a building permit**
1383 **at the time of construction, which is 100 square feet or greater in size, has a closet, and which is located**
1384 **along an exterior wall, but not including the following: hall; bathroom; kitchen; living room; dining**
1385 **room; family room; laundry room. City staff may make exceptions if a room, by its design, cannot**
1386 **function as a bedroom. Cross reference to 14.05.340?**

1387
1388
1389
1390
1391
1392
1393
1394
1395
1396
1397
1398
1399
1400
1401
1402
1403
1404
1405
1406
1407
1408
1409
1410
1411
1412
1413
1414
1415
1416
1417
1418
1419
1420
1421
1422
1423
1424
1425
1426
1427
1428
1429
1430
1431

19.09.527 Outdoor lighting fixture.

"Outdoor lighting fixture" means an outdoor artificial illuminating device, either permanent or portable, used for illumination or advertisement of parking lots, architecture, signage, landscaping, entryways, or areas requiring security.
(Ord. 1452 § 3(part), 2000).

19.09.528 Overlay Permission Area Map

A map depicting the boundary lines within which applications may be allowed for changing the zoning district designation to that of a specific overlay zone

19.09.529 Overlay Zoning District

A type of zoning district that offers alternative regulations for an existing zoning district. The properties which can apply for an overlay zoning district map change may be limited by boundaries as depicted in an Overlay Permission Area Map.

19.09.530 Parking lot.

"Parking lot" means a structure or premises containing parking spaces open to the public. Curb cut openings shall be designed to facilitate traffic safety and pedestrian movement.
(Ord. 994 § 12.0(part), 1982).

19.09.540 Parking space or parking stall.

"Parking space" or "parking stall" means a graded and paved area of not less than one hundred eighty square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley except as additionally provided for in Section 19.50.010. Areas intended to be utilized for parking and driveways shall be surfaced with bituminous or concrete to control dust and drainage, except in the case of farm dwellings and operations. Plans for surfacing and drainage of stalls and driveways for five or more vehicles shall be submitted to the City Engineer for his review. Curb cut openings shall be a minimum of five feet from the side yard property line in all districts.
(Ord. 994 § 12.0(part), 1982).

19.09.550 Parties of interest.

"Parties of interest" includes all abutting property owners, all property owners within three hundred feet, and all property owners of opposite frontage. For purposes of this title, property ownership shall be determined from property tax billing records available within municipal records at the time the notification is sent.
(Ord. 994 § 12.0(part), 1982).

19.09.555 Person.

"Person" means an individual, or group of individuals, corporation, partnership, association, municipality or state agency.
(Ord. 1600 § 1(part), 2006).

19.09.560 Planting screen.

1432 "Planting screen" means an arrangement of living vegetation reaching an anticipated height of four feet
1433 or more, which may or may not be accompanied by materials used to construct fences and the like,
1434 which is intended to provide a reasonable separation of vision between abutting lots or the lot and the
1435 street line.

1436 (Ord. 994 § 12.0(part), 1982).

1437

1438 **19.09.570 Principal use or structure.**

1439 "Principal use or structure" means a use or structure specified as a principal use under the district
1440 regulations of this title; such uses or structures must occur or be built prior to or concurrently with any
1441 accessory uses or structures.

1442 (Ord. 994 § 12.0(part), 1982).

1443

1444 **19.09.580 Private club or lodge.**

1445 "Private club or lodge" means a structure or grounds used for regular or periodic meetings or gatherings
1446 of a group of persons organized for a nonprofit purpose, but not groups organized to render a service
1447 customarily carried on as a business.

1448 (Ord. 994 § 12.0(part), 1982).

1449

1450 **19.09.585 Private sewage system.**

1451 "Private sewage system" means a sewage treatment and disposal system serving one structure with a
1452 septic tank and soil absorption field located on the same parcel as the structure. It also means an
1453 alternative sewage system approved by the Department of Commerce, including a substitute for the
1454 septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system
1455 located on a different parcel than the structure. Also referred to as "septic system" or "private on-site
1456 waste treatment system."

1457 (Ord. 1600 § 1(part), 2006).

1458

1459 **19.09.590 Professional home offices.**

1460 "Professional home offices" means residences of doctors of medicine, practitioners, dentists, clergymen,
1461 architects, landscape architects, professional engineers, real estate and insurance offices, registered
1462 land surveyors, lawyers, artists, teachers, authors, musicians or other recognized professions, used to
1463 conduct their professions, where the office does not exceed one-half of the area of only one floor of the
1464 residence and only one nonresident person is employed.

1465 (Ord. 994 § 12.0(part), 1982).

1466

1467 **19.09.600 Professional offices.**

1468 "Professional offices" means doctors of medicine, practitioners, dentists, clergymen, architects,
1469 landscape architects, professional engineers, real estate and insurance offices, registered land
1470 surveyors, lawyers, artists, teachers, authors, musicians or other recognized professions not able to
1471 meet professional home office requirements.

1472 (Ord. 994 § 12.0(part), 1982).

1473

1474 **19.09.602 Public utilities.**

1475 "Public utilities" means those utilities using underground or overhead transmission lines such as electric,
1476 telephone and telegraph, and distribution and collection systems such as water, sanitary sewer, and
1477 storm sewer.

1478 (Ord. 1600 § 1(part), 2006).

1479
1480 **19.09.604 Reach.**
1481 "Reach" means longitudinal segment of a stream, generally including those floodlands wherein flood
1482 stages are primarily and commonly controlled by the same manmade or natural obstructions to flow.
1483 (Ord. 1060 § 10(part), 1985).
1484
1485 **19.09.605 Reasonably safe from flooding.**
1486 "Reasonably safe from flooding" means base flood waters will not inundate the land or damage
1487 structures to be removed from the special flood hazard area and that any subsurface waters related to
1488 the base flood will not damage existing or proposed buildings.
1489 (Ord. 1600 § 1(part), 2006; Ord. 1580A § 1(part), 2005).
1490
1491 **19.09.608 Regional flood.**
1492 "Regional flood" means a flood determined to be representative of large floods known to have generally
1493 occurred in Wisconsin and which may be expected to occur on a particular stream because of like
1494 physical characteristics. The flood frequency of the regional flood is once in every one hundred years;
1495 this means that in any given year, there is a one percent chance that the regional flood may occur or be
1496 exceeded. During a typical thirty-year mortgage period, the regional flood has a twenty-six-percent
1497 chance of occurrence.
1498 (Ord. 1060 § 10(part), 1985).
1499
1500 **19.09.609 Start of construction.**
1501 "Start of construction" means the date the building or zoning permit was issued, provided the actual
1502 start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement
1503 was within six months of the permit date. The actual start means either the first placement of
1504 permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the
1505 construction of columns, or any work beyond initial excavation, or the placement of a manufactured or
1506 mobile home on a foundation. Permanent construction does not include land preparation, such as
1507 clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it
1508 include excavation for a basement, footings, piers or foundations or the erection of temporary forms,
1509 nor does it include the installation on the property of accessory buildings, such as garages or sheds not
1510 occupied as dwelling units or not part of the main structure. For an alteration, the actual start of
1511 construction means the first alteration of any wall, ceiling, floor or other structural part of a building,
1512 whether or not that alteration affects the external dimensions of the building.
1513 (Ord. 1600 § 1(part), 2006).
1514
1515 **19.09.610 Story.**
1516 "Story" means that portion of a building included between the surface of a floor and the surface of the
1517 floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next
1518 above it. A basement or cellar having one-half or more of its height above grade shall be deemed a story
1519 for purposes of height regulation.
1520 (Ord. 994 § 12.0(part), 1982).
1521
1522 **19.09.620 Public or semipublic uses.**
1523 For purposes of this title, the following uses shall be considered "public and semipublic uses":
1524 government office buildings, fire and police stations, public garages, libraries, museums, community

1525 centers, churches, cemeteries, public and private elementary and secondary schools, colleges and
1526 universities, and similar uses not specifically listed but similar in character.
1527 (Ord. 994 § 12.0(part), 1982).

1528
1529 **19.09.623 Shielded light fixture.**

1530 "Shielded light fixture" means an outdoor lighting fixture which through design is shielded in such a
1531 manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture,
1532 are projected at least fifteen degrees below a horizontal plane running through the lowest point on the
1533 fixture where light is emitted. Except for ground and sign mounted light fixtures, that horizontal plane
1534 shall be parallel to the surface of the ground.
1535 (Ord. 1452 § 3(part), 2000).

1536
1537 **19.09.625 Shorelands.**

1538 "Shorelands" are those lands lying within the following distances from the ordinary high water mark of
1539 navigable waters: one thousand feet from a lake, pond or flowage; and three hundred feet from a river
1540 or stream; or to the landward side of the floodplain, whichever distance is greater. Shorelands shall not
1541 include those lands adjacent to farm drainage ditches where (a) such lands are not adjacent to a
1542 navigable stream or river; (b) those parts of such drainage ditches adjacent to such lands were not
1543 navigable streams before ditching or had no previous stream history; and (c) such lands are maintained
1544 in nonstructural agricultural use.
1545 (Ord. 1196 § 1(part), 1990).

1546
1547 **19.09.630 Sign.**

1548 "Sign" means any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs,
1549 pictures, symbols, trade names or trademarks by which anything is made known, and which are used to
1550 advertise or promote an individual, firm, association, corporation, profession, business, commodity or
1551 product, and which are visible from any public street or highway on the outside of buildings.
1552 (Ord. 994 § 12.0(part), 1982).

1553
1554 **19.09.640 Sign, directional.**

1555 "Directional sign" means a sign intended solely for the purpose of directing patrons or customers to an
1556 establishment off the main-traveled road, and not including promotional advertising unnecessary to
1557 such directional purpose.
1558 (Ord. 994 § 12.0(part), 1982).

1559
1560 **19.09.650 Sign, nonaccessory.**

1561 "Nonaccessory sign" means a sign related to commercial or similar activities other than those actually
1562 engaged in on the site on which such nonaccessory sign is located.
1563 (Ord. 994 § 12.0(part), 1982).

1564
1565 **19.09.660 Street.**

1566 "Street" means a public right-of-way not less than sixty feet wide providing primary access to abutting
1567 properties. Existing streets with rights-of-way less than sixty feet shall also be included in this definition.
1568 (Ord. 994 § 12.0(part), 1982).

1569
1570 **19.09.670 Street line.**

1571 "Street line" means a dividing line between a lot, tract, or parcel of land and a contiguous street.
1572 (Ord. 994 § 12.0(part), 1982).

1573

1574 **19.09.680 Structural alterations.**

1575 "Structural alterations" means the erection, strengthening, removal or other change of the supporting
1576 elements of a building or structure. Such elements shall include, but shall not be limited to, footings,
1577 foundations, bearing walls, columns, beams, girders, joists and decking. The enlargement of an existing
1578 building or structure shall be considered a structural alteration for the purpose of this title.
1579 (Ord. 994 § 12.0(part), 1982).

1580

1581 **19.09.690 Structure.**

1582 "Structure" means any erection or construction, above or below grade, to form a shelter, enclosure,
1583 retainer, container, support or decoration, such as, but not limited to, buildings, towers, tanks, masts,
1584 poles, booms, signs, sculpture, carports, tents, machinery and equipment (excluding driveways and on-
1585 grade parking lots).
1586 (Ord. 994 § 12.0(part), 1982).

1587

1588 **19.09.700 Structure, accessory.**

1589 "Accessory structure" means a structure or portion of a structure customarily incident to any permitted
1590 principal use of such lot and located on the same lot as such principal use.
1591 (Ord. 994 § 12.0(part), 1982).

1592

1593 **19.09.710 Structure, permanent.**

1594 "Permanent structure" means a structure placed on or in the ground or attached to another structure in
1595 a fixed and determined position, and intended to remain in place for a period more than nine months.
1596 (Ord. 994 § 12.0(part), 1982).

1597

1598 **19.09.720 Structure, principal.**

1599 "Principal structure" means a structure used or intended to be used for the principal use as permitted
1600 on such lot by the regulations of the district in which it is located.
1601 (Ord. 994 § 12.0(part), 1982).

1602

1603 **19.09.730 Structure, temporary.**

1604 "Temporary structure" means any structure other than a permanent structure.
1605 (Ord. 994 § 12.0(part), 1982).

1606

1607 **19.09.732 Substantial damage.**

1608 "Substantial damage" means damage of any origin sustained by a structure, whereby the cost of
1609 restoring the structure to its pre-damaged condition would equal or exceed fifty percent of the
1610 equalized assessed value of the structure before the damage occurred.
1611 (Ord. 1600 § 1(part), 2006).

1612

1613 **19.09.735 Substantial improvement.**

1614 "Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of
1615 which equals or exceeds fifty percent of the present equalized assessed value of the structure either
1616 before the improvement or repair is started or, if the structure has been damaged and is being restored,

1617 before the damage occurred. The term does not, however, include either: (a) any project for
1618 improvement of a structure to comply with existing state or local health, sanitary or safety code
1619 specifications which are solely necessary to assure safe living conditions, or (b) any alteration of a
1620 structure or site documented as deserving preservation by the Wisconsin State Historical Society or
1621 listed on the National Register of Historic Places. Ordinary maintenance repairs are not considered
1622 structural repairs, modifications or additions; such ordinary maintenance repairs include internal and
1623 external painting, decorating, paneling, and the replacement of doors, windows and other nonstructural
1624 components.
1625 (Ord. 1060 § 10(part), 1985).

1626
1627 **19.09.740 Tourist home.**
1628 "Tourist home" means a building in which lodging, with or without meals, is offered to transient guests
1629 for compensation and having no more than five sleeping rooms for this purpose, with no cooking
1630 facilities in any such individual room or apartment.
1631 (Ord. 994 § 12.0(part), 1982).

1632
1633 **19.09.750 Townhouse style building.**
1634 "Townhouse ~~style building~~" means a building having three or more attached dwelling units with each
1635 unit having separate primary ground level access to the outside, each unit has a first floor at ground
1636 level, and the units are attached by vertical common walls. ~~Units may be attached either vertically or~~
1637 ~~horizontally.~~
1638 (Ord. 994 § 12.0(part), 1982).

1639
1640 **19.09.760 Townhouse style dwelling units.**
1641 "Townhouse style dwelling units" means attached single-family dwellings having direct outside access
1642 from each unit. Units may be attached either vertically or horizontally.
1643 (Ord. 994 § 12.0(part), 1982).

1644
1645 **19.09.765 Traditional Neighborhood Development (TND).**
1646 "Traditional Neighborhood Development" means a compact, mixed-use neighborhood where
1647 residential, commercial and civic buildings are within close proximity to each other; with interconnected
1648 pedestrian and vehicular circulation and public open space systems; and with careful attention to the
1649 design, layout, and relationships between different land uses.
1650 (Ord. 1511 § 1(part), 2002).

1651
1652 **19.09.770 Trailer camp.**
1653 "Trailer camp" means any tract or parcel of land upon which two or more trailers, camp cabins, house
1654 cars, or other mobile homes are located, or trailer or camp sites are provided for the purpose of either
1655 temporary or permanent habitation.
1656 (Ord. 994 § 12.0(part), 1982).

1657
1658 **19.09.775 Unnecessary hardship.**
1659 "Unnecessary hardship" is that circumstance where special conditions, which are not self-created, affect
1660 a particular property and make strict conformity with the restrictions governing dimensional standards
1661 (such as lot area, lot width, setbacks, yard requirements, or building height) unnecessarily burdensome
1662 or unreasonable in light of the purpose of the ordinance. Unnecessary hardship is present only where, in
1663 the absence of a variance, no feasible use can be made of the property.

1664 (Ord. 1196 § 1(part), 1990).

1665

1666 **19.09.780 Usable open space.**

1667 "Usable open space" means land used for recreation, resource protection, amenity or buffers, is freely
1668 accessible to all residents, and is protected by the provisions of this title to ensure that it remains in such
1669 uses. Usable open space does not include land occupied by buildings, roads, road right-of-ways or
1670 drives, nor does it include the yards of single, two-family or multifamily dwellings used for parking areas.
1671 (Ord. 994 § 12.0(part), 1982).

1672

1673 **19.09.790 Use, accessory.**

1674 "Accessory use" means a use customarily incident to the permitted principal use of property and on the
1675 same lot as the principal permitted use.
1676 (Ord. 994 § 12.0(part), 1982).

1677

1678 **19.09.800 Use, legal nonconforming.**

1679 "Legal nonconforming use" means a use not in compliance with the regulations of this title, but which
1680 existed lawfully in April, 1982.
1681 (Ord. 994 § 12.0(part), 1982).

1682

1683 **19.09.810 Use, permitted.**

1684 "Permitted use" means that utilization of land by occupancy, activity, building or other structure which is
1685 specifically enumerated as permissible by the regulations of the zoning district in which the land is
1686 located.
1687 (Ord. 994 § 12.0(part), 1982).

1688

1689 **19.09.820 Use, principal.**

1690 "Principal use" means the main or primary use of property or structures as permitted on such lot by the
1691 regulations of the district in which it is located.
1692 (Ord. 994 § 12.0(part), 1982).

1693

1694 **19.09.830 Utilities.**

1695 "Utilities" means public and private facilities such as water wells, water and sewage pumping stations,
1696 water storage tanks, power and communication transmission lines, electrical power substations, static
1697 transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation
1698 stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and
1699 storage yards.
1700 (Ord. 994 § 12.0(part), 1982).

1701

1702 **19.09.833 Variance.**

1703 "Variance" means an authorization granted by the zoning board of appeals to construct, alter, or use a
1704 building or structure in a manner that deviates from the dimensional standards of this title. A variance
1705 may not permit the use of a property that is otherwise prohibited by the ordinance codified in this title
1706 or allow floodland construction that is not protected to the flood protection elevation.
1707 (Ord. 1196 § 1(part), 1990).

1708

1709 **19.09.834 Vehicle.**

1710 "Vehicle" means every device in, upon or by which any person or property is or may be transported or
1711 drawn upon a highway, except railroad trains. A snowmobile shall not be considered a vehicle except for
1712 purposes made specifically applicable by ordinance.
1713 (Ord. 1364 § 6, 1997).

1714
1715 **19.09.835 Violation.**

1716 With respect to the floodplain regulations of this chapter, "violation" means the failure of a structure or
1717 other development to be fully compliant with the floodplain zoning provisions of this title. A structure or
1718 other development without required permits, lowest floor elevation documentation, floodproofing
1719 certificates or required floodway encroachment calculations is presumed to be in violation until such
1720 time as that documentation is provided.
1721 (Ord. 1600 § 1(part), 2006).

1722
1723 **19.09.836 Watershed.**

1724 "Watershed" means the entire region contributing runoff or surface water to a watercourse or body of
1725 water.
1726 (Ord. 1600 § 1(part), 2006: Ord. 1196 § 1(part), 1990).

1727
1728 **19.09.837 Water surface profile.**

1729 "Water surface profile" means a graphical representation showing the elevation of the water surface of
1730 a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface
1731 profile of the regional flood is used in regulating floodplain areas.
1732 (Ord. 1600 § 1(part), 2006: Ord. 1499 § 3(part), 2001).

1733
1734 **19.09.838 Well.**

1735 "Well" means an excavation opening in the ground made by digging, boring, drilling, driving or other
1736 methods, to obtain groundwater regardless of its intended use.
1737 (Ord. 1600 § 1(part), 2006: Ord. 1499 § 3(part), 2001).

1738
1739 **19.09.839 Wetland.**

1740 "Wetland" means an area where water is at, near, or above the land surface long enough to be capable
1741 of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.
1742 (Ord. 1600 § 1(part), 2006).

1743
1744 **19.09.840 Wireless telecommunications facility.**

1745 "Wireless telecommunications facility" means a facility that consists of or includes one or more
1746 antennas, antenna arrays, telecommunications towers, microwave relay systems, satellite dish antennas
1747 of at least thirty-six inches in diameter, or other similar communications devices used for transmitting,
1748 receiving, or relaying radio, microwave, digital, cellular, or other wireless telecommunications signals.
1749 For the purposes of this title, wireless telecommunications facilities shall not include conventional, non-
1750 wireless telephone poles (unless also serving as an alternative support structure), residential satellite
1751 dishes less than thirty-six inches in diameter, residential television antennas, and amateur radio
1752 facilities.
1753 (Ord. 1600 § 1(part), 2006: Ord. 994 § 12.0(part), 1982).

1754
1755 **19.09.841 Wireless telecommunications support facility.**

1756 "Wireless telecommunications support facility" means any and all ancillary structures, mechanicals,
1757 shelters, devices, or equipment, other than attached antennas, that are incidental or accessory to the
1758 operation of a wireless telecommunications facility.
1759 (Ord. 1600 § 1(part), 2006).

1760
1761 **19.09.845 Yard.**

1762 "Yard" means the space on the same lot with a principal structure, between such structure and the
1763 street line and the lot lines, unoccupied and unobstructed from the ground upward except for
1764 vegetation, and with the exception of allowed accessory structures.
1765 (Ord. 1600 § 1(part), 2006).

1766
1767 **19.09.850 Yard, rear.**

1768 "Rear yard" means a yard extending across the full width of the lot, the depth of which shall be the
1769 minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest
1770 point of the principal structure.
1771 (Ord. 994 § 12.0(part), 1982).

1772
1773 **19.09.860 Yard, shore.**

1774 "Shore yard" means a yard extending across the full width or depth of a lot, the depth of which shall be
1775 the minimum horizontal distance between a line intersecting both side lots at the same angle and
1776 containing the point of the high-water elevation of a pond, stream or lake nearest the principal structure
1777 and a line parallel thereto containing the point of the principal structure nearest the high-water line.
1778 (Ord. 994 § 12.0(part), 1982).

1779
1780 **19.09.870 Yard, side.**

1781 "Side yard" means a yard extending from the street yard to the rear yard of the lot, the width of which
1782 shall be the minimum horizontal distance between the side lot line and a line parallel thereto through
1783 the nearest point of the principal structure.
1784 (Ord. 994 § 12.0(part), 1982).

1785
1786 **19.09.880 Yard, street (front yard).**

1787 "Street yard (front yard)" means a yard extending across the full width of the lot, the depth of which
1788 shall be the minimum horizontal distance between the existing or proposed street or highway line and a
1789 line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such
1790 yards.
1791 (Ord. 994 § 12.0(part), 1982).

1792
1793
1794 **Title 19 ZONING***

1795
1796 _____
1797

1798 **Chapter 19.12 ZONING DISTRICTS**

1799 Sections:

1800 [19.12.010 Districts--Established.](#)

1801 [19.12.020 Districts--Boundaries.](#)

1802 [19.12.030 Vacation of streets and alleys.](#)

1803 [19.12.040 Annexations and consolidations.](#)

1804 [19.12.050 Zoning map.](#)

1805

1806 **19.12.010 Districts--Established.**

1807 For the purpose of this title, the city is divided into the following zoning districts:

1808 TABLE INSET_[LW2]:

1809

R-1	One-family residence district
R-2	One and two-family residence district
<u>R-2A</u>	<u>Residential occupancy overlay district</u>
R-3	Multifamily residence district
<u>R-3A</u>	<u>University residential density west overlay district</u>
<u>R-3B</u>	<u>University residential density south overlay district</u>
R-4	Mobile home district
<u>R-O</u>	<u>Non-Family Residential Restriction Overlay District</u>
B-1	General business district
<u>B-1A</u>	<u>University mixed-use neighborhood overlay district</u>
B-2	Central business district
<u>B-2A</u>	<u>Downtown housing overlay district</u>
B-3	Commercial service and light manufacturing district
M-1	General manufacturing district
<u>PCDPDD</u>	Planned community development district
AT	Agricultural transition district
I	Institutional district
C-1	Shoreland wetland district
C-2	Nonshoreland wetland district
FW	Floodway district
FWW	Floodway/wetland district
FFO	Floodplain fringe overlay district.

1810 (Ord. 1196 § 1(part), 1990).

1811

1812 **19.12.020 Districts--Boundaries.**

1813 A. Boundaries of all districts shall be as shown on the map entitled "Zoning Map, City of Whitewater,

1814 Wisconsin," which accompanies and is a part of the ordinance codified in this title. The district

1815 boundaries in all districts, except the C-1 shoreland wetland district, the C-2 nonshoreland wetland
1816 district, FW floodway district, the FWW floodway/wetland district, and the FFO floodplain fringe overlay
1817 district, shall be construed to follow: corporate limits; U.S. Public Land Survey lines; lot or property lines;
1818 centerlines of streets, highways, alleys, easements, and railroad rights-of-way or such lines extended.

1819 B. Boundaries of the FW floodway district shall be determined by use of the scale contained on the
1820 map. The boundaries of the FFO floodplain fringe overlay district shall be determined by the floodland
1821 limits shown on the map entitled, "Flood Hazard Investigation--Whitewater Creek, Spring Brook-City of
1822 Whitewater," dated May 1979, which accompanies and is made a part of the ordinance codified in this
1823 title. The flood stages, under floodway conditions, contained in the Flood Hazard Investigation map
1824 were developed from technical data contained in the "Flood Insurance Study--City of Whitewater,
1825 Walworth County, Wisconsin," published by the Federal Emergency Management Agency (FEMA) and
1826 dated December 1, 1981. The information contained in the flood insurance study is further illustrated in
1827 FEMA "Floodway and Flood Boundary Map" and "Flood Insurance Rate Map," both maps dated June 1,
1828 1982. Where a conflict exists between the floodland limits as shown on the flood hazard investigation
1829 map and actual field conditions, the elevations from the one hundred year recurrence interval flood
1830 profile shall be the governing factor in locating the regulatory floodland limits.

1831 C. Boundaries of the C-1 shoreland wetland district, the C-2 nonshoreland wetland district, and the
1832 FWW floodway/wetland district are based on the Wisconsin Wetland Inventory Maps for the City of
1833 Whitewater, dated July 2, 1987, and stamped "FINAL." The C-1 district includes all shoreland wetlands,
1834 five acres or greater in area shown on those maps.
1835 (Ord. 1196 § 1(part), 1990).

1836

1837 **19.12.030 Vacation of streets and alleys.**

1838 Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same
1839 district as the abutting side to which the vacated land reverts.
1840 (Ord. 994 § 3.3, 1982).

1841

1842 **19.12.040 Annexations and consolidations.**

1843 A. Annexations to or consolidations with the city subsequent to June 24, 1982, the effective date of the
1844 ordinance codified in this title shall be placed in the AT agricultural transition district, unless the
1845 annexation ordinance temporarily places the land in another district. Within one year, the city plan
1846 commission shall evaluate and recommend a permanent classification to the common council.

1847 B. Annexations containing floodlands and shorelands shall be governed in the following manner:

1848 1. Annexations containing floodlands shall be governed by the provisions of the Walworth County
1849 floodplain zoning ordinance until such time that the Wisconsin Department of Natural Resources (DNR)
1850 certifies that amendments to the City of Whitewater zoning ordinance meet the requirements of
1851 Chapter NR 116 of the Wisconsin Administrative Code.

1852 2. Annexations containing shorelands. Pursuant to Section 59.971(7) of the Wisconsin Statutes, any
1853 annexation of land after May 7, 1982, which lies within shorelands, as defined in this title, shall be
1854 governed by the provisions of the Walworth County shoreland zoning ordinance until such time that the
1855 City of Whitewater adopts an ordinance which is at least as restrictive as the Walworth County
1856 shoreland zoning ordinance. Said regulations shall be administered and enforced by the City of
1857 Whitewater building inspector.

1858 (Ord. 1196 § 1(part), 1990).

1859

1860 **19.12.050 Zoning map.**

1861 A certified copy of the zoning map shall be adopted and approved with the text as part of this title, and
1862 shall bear upon its face the attestation of the city manager and city clerk and shall be available to the
1863 public in the office of the city clerk. Changes thereafter to the districts shall be entered and attested on
1864 this certified copy.
1865 (Ord. 994 § 3.5, 1982).

1866
1867

1868 **Chapter 19.15 R-1 ONE-FAMILY RESIDENCE DISTRICT**

1869 Sections:

- 1870 [19.15.010 Purpose.](#)
- 1871 [19.15.020 Permitted uses.](#)
- 1872 [19.15.030 Conditional uses.](#)
- 1873 [19.15.040 Lot area.](#)
- 1874 [19.15.050 Lot width.](#)
- 1875 [19.15.060 Yards.](#)
- 1876 [19.15.065 Parking](#)
- 1877 [19.15.070 Coverage.](#)
- 1878 [19.15.080 Building height.](#)
- 1879 [19.15.090 Park fees.](#)

1880

1881 **19.15.010 Purpose.**

1882 The R-1 one-family residence district is established to stabilize and protect the essential characteristics
1883 of low-density residential areas. A non-family household in R-1 shall be limited to three unrelated
1884 persons.

1885 (Ord. 994 § 3.6(part), 1982).

1886

1887 **19.15.020 Permitted uses.**

1888 Permitted uses in the R-1 district include:

- 1889 A. One-family detached dwellings;
- 1890 B. The second or greater wireless telecommunications facility located on an alternative support
1891 structure already supporting a wireless telecommunications facility or on a pre-existing wireless
1892 telecommunications facility, with wireless telecommunications support facilities allowed as permitted
1893 accessory uses, all per the requirements of Chapter 19.55.
1894 (Ord. 1499 § 4, 2001; 1149 § 1, 1988; Ord. 994 § 3.6(A), 1982).

1895

1896 **19.15.030 Conditional uses.**

1897 Conditional uses in the R-1 district include:

- 1898 A. Public and semipublic uses, to include public and private schools; churches and religious institutions;
1899 government facilities; active recreational parks; museums, hospitals, public transportation terminals,
1900 and similar uses;
- 1901 B. Planned residential developments such as townhouses, condominiums and cluster housing. In order
1902 to allow increasing the intensity of use, the plan commission may allow as a conditional use the
1903 following variations from the district requirements:
 - 1904 1. In an approved planned residential development, each dwelling structure need not have an
1905 individual lot or parcel having the requisite size and dimensions normally required in the districts.
1906 However, the size and the entire development parcel divided by the number of dwellings shall be equal
1907 to or larger than the minimum lot area for the district where the site is located,

1908 2. The yard requirements between buildings shall be fixed by the plan commission. Building setbacks
1909 from the perimeter of the site shall comply with the front yard, rear yard and side yard requirements of
1910 the district,
1911 3. Private streets may be approved to serve uses within the site, provided that the site proposed for
1912 ~~PRD~~ has frontage on a public street;
1913 C. Home occupations/professional home offices. (Subject to issuance of zoning permit.)
1914 D. The first wireless telecommunications facility located on an alternative support structure only, per
1915 the requirements of Chapter 19.55.
1916 E. Real estate sales offices, subject to the following requirements:
1917 1. May only be placed within a major subdivision with twenty or more lots;
1918 2. Shall occupy a maximum of one building within any major subdivision;
1919 3. Shall be a temporary use to be removed or converted to a permitted use in the district no later than
1920 ninety days from the date when ninety percent of the lots or units within the subdivision or
1921 development are initially sold or leased, or five years from the date of initial establishment of the use,
1922 whichever comes first;
1923 4. Before a building permit is issued, a deposit or other financial guarantee with a value of not less than
1924 two thousand dollars shall be required, with such deposit or guarantee released by the city once the
1925 sales office is removed or converted to a permitted use in the district;
1926 5. Shall not exceed seven hundred fifty square feet in floor area devoted to the sales office and related
1927 uses open to the public;
1928 6. Shall be compatible in character, materials, placement, and design with other existing and planned
1929 buildings within the subdivision;
1930 7. Signage shall be in accordance with standards for conditional uses in the district, per Section
1931 19.54.052 of this title.
1932 F. Bed and breakfast establishments.
1933 G. Keeping of horses, subject to the standards in Section 19.57.160 of this title.
1934 (Ord. 1589A § 1, 2005; Ord. 1580A § 2, 2005; Ord. 1499 § 5, 2001; Ord. 1149 § 5, 1988; Ord. 1082 § 5,
1935 1986; Ord. 994 § 3.6(B), 1982).
1936
1937 **19.15.040 Lot area.**
1938 Minimum lot area in the R-1 district is ten thousand square feet.
1939 (Ord. 1174 § 1, 1990; Ord. 994 § 3.6(C), 1982).
1940
1941 **19.15.050 Lot width.**
1942 Minimum lot width in the R-1 district is eighty feet.
1943 (Ord. 994 § 3.6(D), 1982).
1944
1945 **19.15.060 Yards.**
1946 Minimum yard requirements in the R-1 district are as follows:
1947 A. Front, twenty-five feet;
1948 B. Side, ten feet, corner lot, twenty-five feet;
1949 C. Rear, thirty feet;
1950 D. Shore, seventy-five feet.
1951 (Ord. 994 § 3.6(E), 1982).
1952
1953 **19.15.065 Parking**

1954 Parking spaces permitted for units with R-1 zoning shall be limited to the total number of occupants
1955 within the housing unit, with a maximum of three vehicles parked in any combination of the front and
1956 side yards. Driveway areas cannot exceed 24' in width. This maximum width is, inclusive of any outdoor
1957 parking areas served by the driveway. Any width in excess of 12' feet will be counted towards allowable
1958 parking areas with an allowance of 200 square feet for each parking space. For example, a driveway 20'
1959 wide and 100 feet long would be considered to include 800 square feet (100x8) of parking area which
1960 would be sufficient for 4 parking spaces. A fifth space would be allowed an additional 200 square feet in
1961 addition to the driveway area.
1962

1963
1964 **19.15.070 Coverage.**

1965 Maximum lot coverage in the R-1 district is thirty percent.
1966 (Ord. 994 § 3.6(F), 1982).
1967

1968 **19.15.080 Building height.**

1969 Maximum building height in the R-1 district is two and one-half stories or thirty-five feet.
1970 (Ord. 994 § 3.6(G), 1982).
1971

1972 **19.15.090 Park fees.**

1973 All residential development shall be subject to a park acquisition fee of two hundred fourteen dollars
1974 per dwelling unit and a park improvement fee of five hundred five dollars per dwelling unit, payable
1975 before a building permit is issued. The amount of these fees may be reduced by any fee amount
1976 previously paid or credited at the time of subdivision. The park acquisition fee may also be reduced if
1977 sufficient land area was provided for park purposes at the time of subdivision, based on the calculations
1978 in section 18.04.030(a)(1) of the Whitewater Municipal Code. The fee amounts shall be adjusted during
1979 the first quarter of each year by a percentage equal to the rate of consumer inflation based on the
1980 percent of yearly change for the previous year for the Milwaukee metropolitan area, as reported by the
1981 U.S. Department of Labor, Bureau of Labor Statistics.
1982 (Ord. 1481 § 1, 2001).
1983

1984
1985 **Chapter 19.16 R-1X DISTRICT**

1986 Sections:

1987 [19.16.010 R-1 district provisions--Applicability.](#)

1988 [19.16.020 Lot area.](#)

1989 [19.16.021 Maximum lot coverage.](#)

1990 [19.16.030 Lot width.](#)

1991 [19.16.040 Yards.](#)

1992 [19.16.040 Parking](#)

1993 [19.16.050 Park fees.](#)
1994

1995 **19.16.010 R-1 district provisions--Applicability.**

1996 All of the provisions of the R-1 district not in conflict with the requirements of this chapter shall apply in
1997 the R-1X district.
1998 (Ord. 1174 § 2(part), 1990).
1999

2000 **19.16.020 Lot area.**

2001 Minimum lot area in the R-1X district is twelve thousand square feet.

2002 (Ord. 1174 § 2(part), 1990).

2003

2004 **19.16.021 Maximum lot coverage.**

2005 Maximum lot coverage by buildings in the R-1X district shall be twenty percent.

2006 (Ord. 1364 § 7, 1997).

2007

2008 **19.16.030 Lot width.**

2009 Minimum lot width in the R-1X district is one hundred feet.

2010 (Ord. 1174 § 2(part), 1990).

2011

2012 **19.16.040 Yards.**

2013 Minimum yard requirements in the R-1X district are:

2014 A. Front, thirty feet;

2015 B. Side, fifteen feet; corner lot, thirty feet;

2016 C. Rear, thirty feet;

2017 D. Shore, seventy-five feet.

2018 (Ord. 1174 § 2(part), 1990).

2019

2020 **19.16.045 Parking**

2021 Parking spaces permitted for units with R-1X zoning shall be limited to the total number of occupants
2022 within the housing unit, with a maximum of three vehicles parked in any combination of the front and
2023 side yards. Driveway areas cannot exceed 24' in width. This maximum width is, inclusive of any outdoor
2024 parking areas served by the driveway. Any width in excess of 12' feet will be counted towards allowable
2025 parking areas with an allowance of 200 square feet for each parking space. For example, a driveway 20'
2026 wide and 100 feet long would be considered to include 800 square feet (100x8) of parking area which
2027 would be sufficient for 4 parking spaces. A fifth space would be allowed an additional 200 square feet in
2028 addition to the driveway area.

2029

2030 **19.16.050 Park fees.**

2031 All residential development shall be subject to a park acquisition fee of two hundred fourteen dollars
2032 per dwelling unit and a park improvement fee of five hundred five dollars per dwelling unit, payable
2033 before a building permit is issued. The amount of these fees may be reduced by any fee amount
2034 previously paid or credited at the time of subdivision. The park acquisition fee may also be reduced if
2035 sufficient land area was provided for park purposes at the time of subdivision, based on the calculations
2036 in section 18.04.030(a)(1) of the Whitewater Municipal Code. The fee amounts shall be adjusted during
2037 the first quarter of each year by a percentage equal to the rate of consumer inflation based on the
2038 percent of yearly change for the previous year for the Milwaukee metropolitan area, as reported by the
2039 U.S. Department of Labor, Bureau of Labor Statistics.

2040 (Ord. 1481 § 2, 2001).

2041

2042

2043 **Chapter 19.18 R-2 ONE- AND TWO-FAMILY RESIDENCE DISTRICT**

2044 Sections:

2045 19.18.010 Purpose.

2046 19.18.020 Permitted uses.

2047 19.18.030 Conditional uses.

2048 19.18.040 Lot area.

2049 19.18.050 Lot width.

- 2050 [19.18.060 Yard requirements.](#)
- 2051 [19.18.065 Parking](#)
- 2052 [19.18.070 Lot coverage.](#)
- 2053 [19.18.080 Building height.](#)
- 2054 [19.18.090 Park fees.](#)

2055

2056 **19.18.010 Purpose.**

2057 The R-2 two-family residence district is established to provide medium-density residential areas. A

2058 non-family household in R-2 shall be limited to three unrelated persons.

2059 (Ord. 994 § 3.7(part), 1982).

2060

2061 **19.18.020 Permitted uses.**

2062 Permitted uses in the R-2 district include:

- 2063 A. One-family detached dwellings;
- 2064 B. Two-family attached dwellings;
- 2065 C. Home occupations/professional home offices for non-retail goods and services (defined in this
- 2066 district as businesses that do not require customer access);
- 2067 D. The second or greater wireless telecommunications facility located on an alternative support
- 2068 structure already supporting a wireless telecommunications facility or on a pre-existing wireless
- 2069 telecommunications facility, with wireless telecommunications support facilities allowed as permitted
- 2070 accessory uses, all per the requirements of Chapter 19.55.
- 2071 (Ord. 1499 § 6, 2001; Ord. 1174 § 3(A), 1990; Ord. 1149 § 2, 1988; Ord. 994 § 3.7(A), 1982).

2072

2073 **19.18.030 Conditional uses.**

2074 Conditional uses in the R-2 district include:

- 2075 A. Attached townhouse ~~and condominium~~ dwellings, up to four units per building: minimum lot area
- 2076 requirements for such uses shall be regulated by Chapter 19.21;
- 2077 B. Two-family attached dwellings (new construction only);
- 2078 C. Planned residential developments (See Section 19.15.030);
- 2079 D. Public and semipublic uses;
- 2080 E. Home occupations/professional home offices for retail goods and services (defined in this district as
- 2081 businesses requiring customer access), conditions for hours of operation and parking;
- 2082 F. The first wireless telecommunications facility located on an alternative support structure only, per
- 2083 the requirements of Chapter 19.55;
- 2084 G. Real estate sales offices, subject to the following requirements:
- 2085 1. May only be placed within a major subdivision with twenty or more lots or a multiple-family
- 2086 residential development with forty or more dwelling units,
- 2087 2. Shall occupy a maximum of one building within any major subdivision, or one unit within any
- 2088 multiple-family residential development,
- 2089 3. Shall be a temporary use to be removed or converted to a permitted use in the district no later than
- 2090 ninety days from the date when ninety percent of the lots or units within the subdivision or
- 2091 development are initially sold or leased, or five years from the date of initial establishment of the use,
- 2092 whichever comes first,
- 2093 4. Before a building permit is issued, a deposit or other financial guarantee with a value of not less than
- 2094 two thousand dollars shall be required, with such deposit or guarantee released by the city once the
- 2095 sales office is removed or converted to a permitted use in the district,
- 2096 5. Shall not exceed seven hundred fifty square feet in floor area devoted to the sales office and related
- 2097 uses open to the public,

- 2098 6. Shall be compatible in character, materials, placement, and design with other existing and planned
2099 buildings within the subdivision or development,
2100 7. Signage shall be in accordance with standards for conditional uses in the district, per Section
2101 19.54.052 of this title;
2102 H. Bed and breakfast establishments;
2103 I. Keeping of horses, subject to the standards in Section 19.57.160 of this title.
2104 (Ord. 1589A § 2, 2005; Ord. 1580A § 3, 2005; Ord. 1499 § 7, 2001; Ord. 1299 § 1, 1994; Ord. 1174 § 3(B),
2105 1990; Ord. 1149 § 6, 1988; Ord. 1082 § 6, 1986; Ord. 994 § 3.7(b), 1982).

2106

2107 **19.18.040 Lot area.**

2108 Minimum lot area in the R-2 district is:

- 2109 A. Eight thousand square feet for single-family;
2110 B. Twelve thousand square feet for two-family.
2111 (Ord. 1174 § 3(C), 1990; Ord. 994 § 3.7(C), 1982).

2112

2113 **19.18.050 Lot width.**

2114 Minimum lot width in the R-2 district is:

- 2115 A. Sixty-six feet for all lots of record at the time of adoption of the ordinance codified in this section;
2116 B. Seventy feet for all new single-family development after the adoption of the ordinance codified in
2117 this section;
2118 C. One hundred feet for all duplexes developed after the adoption of the ordinance codified in this
2119 section.
2120 (Ord. 1174 § 3(D), 1990; Ord. 994 § 3.7(D), 1982).

2121

2122 **19.18.060 Yard requirements.**

2123 Minimum yard requirements in the R-2 district are:

- 2124 A. Front, twenty-five feet;
2125 B. Side, ten feet for one family, fifteen feet for two family and multifamily; corner lots, twenty-five feet;
2126 C. Rear, thirty feet;
2127 D. Shore, seventy-five feet;
2128 E. For all structures larger than a one-family dwelling unit, the building setback standards established in
2129 the R-3 multifamily residence district shall apply.
2130 (Ord. 1174 § 3E, 1990; Ord. 994 § 3.7(E), 1982).

2131

2132 **19.18.065 Parking**

2133 Parking spaces permitted for units with R-2 zoning shall be limited to the total number of occupants
2134 within the housing unit, with a maximum of six vehicles parked in any combination of the front and side
2135 yards. Driveway areas cannot exceed 24' in width. This maximum width is inclusive of any outdoor
2136 parking areas served by the driveway as follows: any width in excess of 12' feet will be counted towards
2137 allowable parking areas with an allowance of 200 square feet for each parking space. For example, a
2138 driveway 20' wide and 100 feet long would be considered to include 800 square feet (100x8) of parking
2139 area which would be sufficient for 4 parking spaces. If a fifth space is allowed for the units, an
2140 additional 200 square feet of parking area could be developed in addition to the driveway area.

2141

2142 **19.18.070 Lot coverage.**

2143 Maximum lot coverage in the R-2 district is thirty percent.

2144 (Ord. 994 § 3.7(F), 1982).

2145
2146
2147
2148
2149
2150
2151
2152
2153
2154
2155
2156
2157
2158
2159
2160
2161
2162
2163
2164
2165
2166
2167
2168
2169
2170
2171
2172
2173
2174
2175
2176
2177
2178
2179
2180
2181
2182
2183
2184
2185
2186
2187
2188
2189
2190
2191
2192

19.18.080 Building height.

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

19.18.090 Park fees.

All residential development shall be subject to a park acquisition fee of two hundred fourteen dollars per dwelling unit and a park improvement fee of five hundred five dollars per dwelling unit, payable before a building permit is issued. The amount of these fees may be reduced by any fee amount previously paid or credited at the time of subdivision. The park acquisition fee may also be reduced if sufficient land area was provided for park purposes at the time of subdivision, based on the calculations in section 18.04.030(a)(1) of the Whitewater Municipal Code. The fee amounts shall be adjusted during the first quarter of each year by a percentage equal to the rate of consumer inflation based on the percent of yearly change for the previous year for the Milwaukee metropolitan area, as reported by the U.S. Department of Labor, Bureau of Labor Statistics.
(Ord. 1481 § 3, 2001: Ord. 1174 § 3F, 1990).

Chapter 19.19 R-2A Residential Occupancy Overlay District

Sections:

- 19.19.010 Purpose and intent.
- 19.19.020 Overlay district application.
- 19.19.030 Non-family residential overlay district permissions and conditions.
- 19.19.040 Parking.
- 19.19.050 Exceptions.

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 the occupancy based on number of original bedrooms.

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. Within the R-2A overlay district, three unrelated individuals will be permitted without additional conditions. Additional conditions are required for four to five unrelated individuals. To the extent there is a conflict between the restrictions or requirements associated with the district, the requirements that most restrictively limit the use of the site shall apply. No party other than the owner of the property may apply for the R-2A residential occupancy overlay zoning. Permission will require conformance with the requirements established for the duties of the Zoning Administrator or Neighborhood Services Manager (section 19.75.061) Applications may also require a conditional use permit.

19.19.030 Residential occupancy overlay district permissions and conditions.

Three unrelated occupants are permitted in the R-2A overlay district with no additional restrictions or conditional use required. Permission for more than two three unrelated individuals, but no more than five unrelated individuals requires conformance with the requirements established for the duties of the Zoning Administrator or Neighborhood Services Manager (section 19.75.061)

2193 **19.19.040 Parking**
2194 Parking spaces permitted for units with the R-2A overlay zoning shall be limited to the total number of
2195 occupants within the housing unit, with a maximum of five vehicles parked in any combination of the
2196 front and side yards. This maximum width is inclusive of any outdoor parking areas served by the
2197 driveway as follows: any width in excess of 12' feet will be counted towards allowable parking areas
2198 with an allowance of 200 square feet for each parking space. For example, a driveway 20' wide and 100
2199 feet long would be considered to include 800 square feet (100x8) of parking area which would be
2200 sufficient for 4 parking spaces. If a fifth space is allowed for the units, an additional 200 square feet of
2201 parking area could be developed in addition to the driveway area.

2202
2203 **19.19.050 Exceptions.**
2204 The limitations in this district overlay for maximum occupancy and parking shall not apply to community
2205 living arrangements allowed by federal and state law (such as foster homes and adult family homes for
2206 the disabled) and those allowed under Wis. Stats. § 62.23.
2207 (Ord. No. 1788A, § 1, 6-1-2010)
2208
2209

2210
2211 **Chapter 19.21 R-3 MULTIFAMILY RESIDENCE DISTRICT**

- 2212 Sections:
2213 19.21.010 Purpose.
2214 19.21.020 Permitted uses.
2215 19.21.030 Conditional uses.
2216 19.21.040 Lot area.
2217 19.21.050 Lot width.
2218 19.21.060 Yard Requirements.
2219 19.21.065 Parking
2220 19.21.070 Lot coverage.
2221 19.21.080 Building height.
2222 19.21.090 Park fees.
2223

2224 **19.21.010 Purpose.**
2225 The R-3 multifamily residence district is established to provide high-density residential areas, and to
2226 allow mixing of certain compatible land uses. A non-family household in R-3 shall be limited to five
2227 unrelated persons.
2228 (Ord. 994 § 3.8(part), 1982).
2229

2230 **19.21.020 Permitted uses.**
2231 Permitted uses in the R-3 district include:
2232 A. One-family detached dwellings;
2233 B. Two-family attached dwellings (new construction);
2234 C. Multi-family dwellings and Attached dwellings, up to four units per building. Minimum lot area
2235 requirements for such uses shall be regulated by Chapter 19.21. "Attached dwelling" means a one-family
2236 dwellling attached to two or more one-family dwellings by common vertical walls;
2237 D. Home occupations/professional home offices for non-retail (goods and services for businesses that
2238 do not require customer access);
2239 ED. The second or greater wireless telecommunications facility located on an alternative support
2240 structure already supporting a wireless telecommunications facility or on a pre-existing wireless

2241 telecommunications facility, with wireless telecommunications support facilities allowed as permitted
2242 accessory uses, all per the requirements of Chapter 19.55.
2243 (Ord. 1499 § 8, 2001; 1174 § 4A, 1990; Ord. 1149 § 3, 1988; Ord. 994 § 3.8(A), 1982).

2244
2245 **19.21.030 Conditional uses.**

2246 Conditional uses in the R-3 district include:

- 2247 A. Professional business offices in a building where the principal use is residential;
 - 2248 B. Multifamily dwellings and attached dwellings, over four units, new construction only;
 - 2249 C. Walk-in type retail trade (food stores, bookstores, gift shops, galleries, beauty shops and similar
2250 uses) located in a building where the principal use is residential and fronts on an arterial street;
2251 (Conditional use approval under this provision shall be granted for a specified use. Any subsequent
2252 change in use or expansion shall require additional conditional use approval.)
 - 2253 D. Fraternity or sorority houses and group lodging facilities;
 - 2254 E. Any building over ~~three stories or~~ forty feet;
 - 2255 F. Planned residential developments (see Section 19.15.030);
 - 2256 G. Conversions of existing structures resulting in more than four dwelling units; and conversion of
2257 existing units with less than 5 bedrooms to 5 or more bedrooms.
 - 2258 H. Public and semipublic uses;
 - 2259 I. Home occupations/professional home office for retail goods and services (businesses requiring
2260 customer access), in one and two family dwellings conditions for hours of operation and parking;
 - 2261 J. Bed and breakfast establishments;
 - 2262 K. The first wireless telecommunications facility located on an alternative support structure only, per
2263 the requirements of Chapter 19.55;
 - 2264 L. Real estate sales offices, subject to the following requirements:
 - 2265 1. May only be placed within a major subdivision with twenty or more lots or a multiple-family
2266 residential development with forty or more dwelling units,
 - 2267 2. Shall occupy a maximum of one building within any major subdivision, or one unit within any
2268 multiple-family residential development,
 - 2269 3. Shall be a temporary use to be removed or converted to a permitted use in the district no later than
2270 ninety days from the date when ninety percent of the lots or units within the subdivision or
2271 development are initially sold or leased, or five years from the date of initial establishment of the use,
2272 whichever comes first,
 - 2273 4. Before a building permit is issued, a deposit or other financial guarantee with a value of not less than
2274 two thousand dollars shall be required, with such deposit or guarantee released by the city once the
2275 sales office is removed or converted to a permitted use in the district,
 - 2276 5. Shall not exceed seven hundred fifty square feet in floor area devoted to the sales office and related
2277 uses open to the public,
 - 2278 6. Shall be compatible in character, materials, placement, and design with other existing and planned
2279 buildings within the subdivision or development,
 - 2280 7. Signage shall be in accordance with standards for conditional uses in the district, per Section
2281 19.54.052 of this title.
- 2282 (Ord. 1668A § 2, 2007; Ord. 1580A §§ 4, 5, 2005; Ord. 1499 § 9, 2001; Ord. 1174 § 4B, 1990; Ord. 1149 §
2283 7, 1988; Ord. 994 § 3.8(B), 1982).

2284
2285 **19.21.040 Lot area.**

- 2286 A. Minimum lot area in the R-3 district is as follows:
2287 TABLE INSET:

2288

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

2289 Provided, however, that minimum parcel sizes for multifamily dwellings and group lodging facilities may
2290 be increased if the following ratios indicate a larger parcel size.

2291 B. Ratios to determine minimum parcel size, (to be used if operation of the table indicates parcel size in
2292 excess of twelve thousand square feet):

2293 TABLE INSET:

2294

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

2295 C. Minimum lot area for group lodging facilities will be set in conditional use review.
2296 (Ord. 1174 § 4C, 1990; Ord. 994 § 3.8(C), 1982).

2297

2298 **19.21.050 Lot width.**

2299 Minimum lot width in the R-3 district is:

2300 A. One-family and two-family dwellings, sixty-six feet for all improved lots existing at the time of
2301 adoption of the ordinance codified in this section;

2302 B. One family, sixty-six feet for all new single-family dwellings constructed after the adoption of the
2303 ordinance codified in this section;

2304 C. Two-family, eighty-feet for all newly constructed two-family dwellings;

2305 D. Multifamily dwellings, one hundred feet.

2306 (Ord. 1174 § 4D, 1990; Ord. 994 § 3.8(D), 1982).

2307

2308 **19.21.060 Yard Requirements.**

2309 A. Front, thirty feet first floor;

2310 B. Side, fifteen feet; corner lots twenty-five feet;

2311 C. Rear, thirty feet;

2312 D. Shore, seventy-five feet;

2313 E. Modifications to Minimum Required Yards. All structures within the R-3 district will be further
2314 required to comply with the sky exposure plane setback requirements (see graph attached to the
2315 ordinance codified in this section).

2316 (Ord. 1174 § 4E, 1990; Ord. 994 § 3.8(E), 1982).

2317

2318 **19.21.065 Parking**

2319 Parking spaces permitted for units with R-3 zoning shall be limited to the total number of occupants
2320 within the housing unit, with a maximum of five vehicles parked in combination in the front and side
2321 yards. This maximum width is inclusive of any outdoor parking areas served by the driveway as follows:
2322 any width in excess of 12' feet will be counted towards allowable parking areas with an allowance of 200
2323 square feet for each parking space. For example, a driveway 20' wide and 100 feet long would be
2324 considered to include 800 square feet (100x8) of parking area which would be sufficient for 4 parking
2325 spaces. If a fifth space is allowed for the units, an additional 200 square feet of parking area could be
2326 developed in addition to the driveway area.

2327

2328 **19.21.070 Lot coverage.**

2329 A. Three hundred fifty square feet of usable open space shall be required for each dwelling unit for
2330 structures with two or more units.

2331 B. Usable Open Space. Usable open space is that part of the ground level of a zoning lot, other than in a
2332 required front or corner side yard, which is unoccupied by driveways, drive aisles, service drives, off-
2333 street parking spaces and/or loading berths and is unobstructed to the sky. This space of minimum
2334 prescribed dimension shall be available to all occupants of the building and shall be usable for greenery,
2335 drying yards, recreational space, gardening and other leisure activities normally carried on outdoors.
2336 Where and to the extent prescribed in these regulations, balconies and roof areas, designed and
2337 improved for outdoor activities, may also be considered as usable open space. The usable open space
2338 shall be planned as an assemblage or singularly designed area that maximizes the size for open space
2339 usage. The only exception to this standard is where the required open space is designed to be a part of
2340 the individual living units in the form of patios or decks.

2341 (Ord. 1174 § 4F, 1990: Ord. 994 § 3.8(F), 1982).

2342

2343 **19.21.080 Building height.**

2344 Maximum building height in the R-3 district is forty-five feet ~~or four stories~~.

2345 (Ord. 994 § 3.8(G), 1982).

2346

2347 **19.21.090 Park fees.**

2348 All residential development shall be subject to a park acquisition fee of two hundred fourteen dollars
2349 per dwelling unit and a park improvement fee of five hundred five dollars per dwelling unit, payable
2350 before a building permit is issued. The amount of these fees may be reduced by any fee amount
2351 previously paid or credited at the time of subdivision. The park acquisition fee may also be reduced if
2352 sufficient land area was provided for park purposes at the time of subdivision, based on the calculations
2353 in section 18.04.030(a)(1) of the Whitewater Municipal Code. The fee amounts shall be adjusted during
2354 the first quarter of each year by a percentage equal to the rate of consumer inflation based on the
2355 percent of yearly change for the previous year for the Milwaukee metropolitan area, as reported by the
2356 U.S. Department of Labor, Bureau of Labor Statistics.

2357 (Ord. 1481 § 4, 2001: Ord. 1174 § 4G, 1990).

2358

2359

2360 **Chapter 19.22 R-3A University Residential Density West Overlay District**

2361 Sections:

2362 19.22.010 Purpose and intent.

2363 19.22.020 Overlay district application.

2364 19.22.030 Non-family residential overlay district permissions and conditions.

2365 19.22.040 Parking.

2366 19.22.050 Exceptions.

2367
2368
2369
2370
2371
2372
2373
2374
2375
2376
2377
2378
2379
2380
2381
2382
2383
2384
2385
2386
2387
2388
2389
2390
2391
2392
2393
2394
2395
2396
2397
2398
2399
2400
2401
2402
2403
2404
2405
2406
2407
2408
2409
2410
2411
2412
2413

19.22.010 Purpose and intent.

The purpose and intent of the university residential density west overlay district is to allow increased density for new housing in a focused area near campus, and therefore reduce the impact of student housing on lower density neighborhoods. In addition, long term use of such buildings for non-student housing is also a significant issue and, consequently, some conditions have been established to facilitate use of the units for families.

19.22.020 Overlay district application.

Applicants must apply for a zoning map district change within the Overlay Map Permission Area for the R-3A designation. Within the R-3A overlay, density may be increased to eight multi-family units per building for new construction. Minimum lot area requirements for such uses shall be regulated by Chapter 19.21. **[OR STRIKE OUT MINIMUM LOT AREA IN ORDER TO PROMOTE COMPACT DEVELOPMENT AND RELY ON THE CONDITIONAL USE TO REGULATE LOT SIZE]** To the extent there is a conflict between the restrictions or requirements associated with the district, the requirements that most restrictively limit the use of the site shall apply. No party other than the owner of the property may apply for the R-3A university residential density west overlay zoning. **Permission will require conformance with the requirements established for the duties of the Zoning Administrator or Neighborhood Services Manager (section 19.75.061) Applications may also require a conditional use permit.**

19.22.030 University residential density west overlay district permissions and conditions.

The maximum density allowed in the R-3A overlay is eight units per building for new construction. Units shall be limited to no more than four bedrooms and have a minimum of two bathrooms. Architectural quality shall be subject to the architectural review of the plan and architectural commission and include application of any- architectural standards as established by the City, for buildings in this zoning district..

19.22.040 Parking

Parking spaces permitted for units with the R-3A overlay zoning shall be a maximum of four spaces per unit or one space per bedroom, whichever is less. Parking shall be underground or covered in the rear yard except as part of the driveway. Driveway areas cannot exceed 24' in width and may include surface parking within the driveway. This maximum width is inclusive of any outdoor parking areas served by the driveway as follows: any width in excess of 12' feet will be counted towards allowable parking areas with an allowance of 200 square feet for each parking space. For example, a driveway 20' wide and 100 feet long would be considered to include 800 square feet (100x8) of parking area which would be sufficient for 4 parking spaces. If a fifth space is allowed for the units, an additional 200 square feet of parking area could be developed in addition to the driveway area.

19.22.050 Exceptions.

This limitation shall not apply to community living arrangements allowed by federal and state law (such as foster homes and adult family homes for the disabled) and those allowed under Wis. Stats. § 62.23. (Ord. No. 1788A, § 1, 6-1-2010)

Chapter 19.23 R-3B University Residential Density South Overlay District

Sections:

19.23.010 Purpose and intent.

2414 19.23.020 Overlay district application.
2415 19.23.030 Non-family residential overlay district permissions and conditions.
2416 19.23.040 Parking.
2417 19.23.050 Exceptions.

2418
2419 **19.23.010 Purpose and intent.**

2420 The purpose and intent of the university residential density south overlay district is to allow increased
2421 density for new housing in a focused area near campus, and therefore reduce the impact of student
2422 housing on lower density neighborhoods. In addition, long term use of such buildings for non-student
2423 housing is also a significant issue and, consequently, some conditions have been established to facilitate
2424 use of the units for families.

2425
2426 **19.23.020 Overlay district application.**

2427 Applicants must apply for a zoning map district change within the Overlay Map Permission Area for the
2428 R-3B designation. Within the R-3B overlay, density may be increased to eight multi-family units per
2429 building for new construction. Minimum lot area requirements are regulated by Chapter 19.21. **[OR**
2430 **STRIKE OUT MINIMUM LOT AREA IN ORDER TO PROMOTE COMPACT DEVELOPMENT AND RELY ON**
2431 **THE CONDITIONAL USE TO REGULATE LOT SIZE]** To the extent there is a conflict between the
2432 restrictions or requirements associated with the district, the requirements that most restrictively limit
2433 the use of the site shall apply. No party other than the owner of the property may apply for the R-3B
2434 university residential density south overlay zoning. **Permission will require conformance with the**
2435 **requirements established for the duties of the Zoning Administrator or Neighborhood Services Manager**
2436 **(section 19.75.061) Applications may also require a conditional use permit.**

2437
2438 **19.23.030 University residential density west overlay district permissions and conditions.**

2439 The maximum density allowed in the R-3B overlay is eight units per building for new construction. Units
2440 shall be limited to no more than four bedrooms and have a minimum of two bathrooms. High quality
2441 architectural standards shall be provided for all buildings.

2442
2443 **19.23.040 Parking**

2444 Parking spaces permitted for units with the R-3B overlay zoning shall be a maximum of four spaces per
2445 unit or one space per bedroom, whichever is less. Parking shall be underground or covered in the rear
2446 yard except as part of the driveway. Driveway areas cannot exceed 24' in width and may include surface
2447 parking within the driveway. This maximum width is inclusive of any outdoor parking areas served by
2448 the driveway as follows: any width in excess of 12' feet will be counted towards allowable parking areas
2449 with an allowance of 200 square feet for each parking space. For example, a driveway 20' wide and 100
2450 feet long would be considered to include 800 square feet (100x8) of parking area which would be
2451 sufficient for 4 parking spaces. If a fifth space is allowed for the units, an additional 200 square feet of
2452 parking area could be developed in addition to the driveway area.

2453
2454 **19.23.050 Exceptions.**

2455 This limitation shall not apply to community living arrangements allowed by federal and state law (such
2456 as foster homes and adult family homes for the disabled) and those allowed under Wis. Stats. § 62.23.
2457 (Ord. No. 1788A, § 1, 6-1-2010)

2458
2459

2460
2461
2462
2463
2464
2465
2466
2467
2468
2469
2470
2471
2472
2473
2474
2475
2476
2477
2478
2479
2480
2481
2482
2483
2484
2485
2486
2487
2488
2489
2490
2491
2492
2493
2494
2495
2496
2497
2498
2499
2500
2501
2502
2503
2504
2505
2506
2507

Chapter 19.24 R-4 MOBILE HOME DISTRICT

Sections:

- [19.24.010 Purpose.](#)
- [19.24.020 Permitted uses.](#)
- [19.24.030 Conditional uses.](#)
- [19.24.040 Lot area.](#)
- [19.24.050 Lot width.](#)
- [19.24.060 Yard requirements.](#)
- [19.24.065 Parking](#)
- [19.24.070 Lot coverage.](#)
- [19.24.080 Wrecked or damaged homes.](#)
- [19.24.090 Park fees.](#)

19.24.010 Purpose.

The R-4 mobile home district is established to provide areas for placing mobile homes and associated service facilities.
(Ord. 994 § 3.9(part), 1982).

19.24.020 Permitted uses.

Permitted uses in the R-4 district include:

- A. Single-family mobile home dwellings, and the sanitary, washing, recreational, and office facilities to service mobile home dwellings;
- B. The second or greater wireless telecommunications facility located on an alternative support structure already supporting a wireless telecommunications facility or on a pre-existing wireless telecommunications facility, with wireless telecommunications support facilities allowed as permitted accessory uses, all per the requirements of Chapter 19.55.
(Ord. 1499 § 10, 2001; Ord. 1149 § 4, 1988; Ord. 994 § 3.9(A), 1982).

19.24.030 Conditional uses.

Conditional uses in the R-4 district include:

- A. Public and semipublic uses;
- B. Home occupations;
- C. The fire wireless telecommunications facility located on an alternative support structure only, per the requirements of Chapter 19.55;
- D. Real estate sales offices, subject to the following requirements:
 - 1. May only be placed within a manufactured or mobile home development with twenty or more home sites,
 - 2. Shall occupy a maximum of one building within any mobile home development,
 - 3. Shall be a temporary use to be removed or converted to a permitted use in the district no later than ninety days from the date when ninety percent of the lots or units within the subdivision or development are initially sold or leased, or five years from the date of initial establishment of the use, whichever comes first,
 - 4. Before a building permit is issued, a deposit or other financial guarantee with a value of not less than two thousand dollars shall be required, with such deposit or guarantee released by the city once the sales office is removed or converted to a permitted use in the district,
 - 5. Shall not exceed seven hundred fifty square feet in floor area devoted to the sales office and related uses open to the public,

2508 6. Shall be compatible in character, materials, placement, and design with other existing and planned
2509 buildings within the development,

2510 7. Signage shall be in accordance with standards in the district, per Section 19.54.052 of this title.
2511 (Ord. 1580A § 6, 2005; Ord. 1499 § 11, 2001; Ord. 1149 § 8, 1988; Ord. § 3.9(B), 1982).

2512

2513 **19.24.040 Lot area.**

2514 Minimum lot area in the R-4 district is:

2515 A. Exterior boundaries, four acres;

2516 B. Mobile home space, three thousand, six hundred square feet.

2517

2518 **19.24.050 Lot width.**

2519 Minimum lot width in the R-4 district is:

2520 A. Exterior boundaries, two hundred feet;

2521 B. Mobile home space, thirty-six feet.

2522 (Ord. 994 § 3.9(D), 1982).

2523

2524 **19.24.060 Yard requirements.** Minimum yard requirements in the R-4 district are:

2525 TABLE INSET:

2526

	<u>Front</u>	<u>Side</u>	<u>Rear</u>
A. Exterior boundaries	30	30	30
B. Interior boundaries	10	10	10

2527 (Ord. 994 § 3.9(E), 1982).

2528

2529

2530 **19.24.065 Parking**

2531 Parking spaces permitted for units with R-4 zoning shall be limited to three spaces per unit. Driveway
2532 areas cannot exceed 24' in width. This maximum width is inclusive of any outdoor parking areas served
2533 by the driveway. This maximum width is inclusive of any outdoor parking areas served by the driveway
2534 as follows: any width in excess of 12' feet will be counted towards allowable parking areas with an
2535 allowance of 200 square feet for each parking space. For example, a driveway 20' wide and 100 feet
2536 long would be considered to include 800 square feet (100x8) of parking area which would be sufficient
2537 for 4 parking spaces. If a fifth space is allowed for the units, an additional 200 square feet of parking
2538 area could be developed in addition to the driveway area.

2539

2540 **19.24.070 Lot coverage.**

2541 Maximum lot coverage in the R-4 district is as follows:

2542 The mobile home dwelling unit shall not occupy more than fifty percent of the mobile home space.

2543 (Ord. 994 § 3.9(F), 1982).

2544

2545 **19.24.080 Wrecked or damaged homes.**

2546 Wrecked, damaged or dilapidated mobile homes shall not be kept or stored on a lot in a mobile home
2547 park. The health officer shall determine if a mobile home is damaged or dilapidated to a point which
2548 makes such mobile home unfit for human occupancy on either a temporary or permanent basis.

2549 Whenever such a determination is made, the mobile home shall be vacated and removed from the
2550 premises by the owner of the lot within thirty days of formal notice by the health officer.

2551 (Ord. 994 § 3.9(G), 1982).

2552

2553 **19.24.090 Park fees.**

2554 All residential development shall be subject to a park acquisition fee of two hundred fourteen dollars
2555 per dwelling unit and a park improvement fee of five hundred five dollars per dwelling unit, payable
2556 before a building permit is issued. The amount of these fees may be reduced by any fee amount
2557 previously paid or credited at the time of subdivision. The park acquisition fee may also be reduced if
2558 sufficient land area was provided for park purposes at the time of subdivision, based on the calculations
2559 in section 18.04.030(a)(1) of the Whitewater Municipal Code. The fee amounts shall be adjusted during
2560 the first quarter of each year by a percentage equal to the rate of consumer inflation based on the
2561 percent of yearly change for the previous year for the Milwaukee metropolitan area, as reported by the
2562 U.S. Department of Labor, Bureau of Labor Statistics.

2563 (Ord. 1481 § 5, 2001).

2564

2565 **Chapter 19.25 R-O NON-FAMILY RESIDENTIAL RESTRICTION OVERLAY DISTRICT**

2566 Sections:

2567 [19.25.010 Purpose and intent.](#)

2568 [19.25.020 Overlay district application.](#)

2569 [19.25.030 Non-family residential overlay district additional restrictions.](#)

2570 [19.25.035 Parking](#)

2571 [19.25.040 Exceptions.](#)

2572 [19.25.050 Non-conforming use and registration.](#)

2573

2574 **19.25.010 Purpose and intent.**

2575 The purpose and intent of the non-family residential overlay district is to stabilize and protect property
2576 values and to provide a mechanism to protect, preserve, and enhance essential characteristics of low-
2577 density single-family residential areas, in particular, areas where due to economic factors and housing
2578 pressure in the immediate area there is the potential for the reduction of family-occupied residences,
2579 and therefore the loss of the single-family character of the neighborhood which will potentially lead to
2580 overcrowding, undue population concentration and lower property values.

2581 (Ord. No. 1788A, § 1, 6-1-2010)

2582

2583 **19.25.020 Overlay district application.**

2584 [There is no separate Overlay Permission Area Map for the R-O overlay. Applications for the R-O](#)
2585 [district may be made in any residential zoning district.](#) The restrictions set forth herein are in
2586 addition to the restrictions and requirements of the basic district applicable to a particular site. To the
2587 extent there is a conflict between the restrictions or requirements associated with the district, the
2588 requirements that most restrictively limit the use of the site shall apply. No party other than the owner
2589 of the property may initiate an action for the imposition of R-O non-family residential zoning on any
2590 particular property if such a petition has been made within the previous twelve months.

2591 (Ord. No. 1788A, § 1, 6-1-2010)

2592

2593 **19.25.030 Non-family residential overlay district additional restrictions.**

2594 In all non-family residential overlay districts, the non-family household limitation set forth in
2595 Whitewater Municipal Ordinance [Section] 19.09.520 is reduced from three to two. Therefore, in any
2596 non-family residential overlay district, a non-family household shall be limited to two unrelated persons.
2597 (Ord. No. 1788A, § 1, 6-1-2010)

2598
2599 **19.25.035 Parking**

2600 Parking spaces permitted for units with R-O zoning shall be limited to the number of parking spaces
2601 allowed for the underlying zoning. Driveway areas cannot exceed 24' in width.

2602
2603 **19.25.040 Exceptions.**

2604 This limitation shall not apply to community living arrangements allowed by federal and state law (such
2605 as foster homes and adult family homes for the disabled) and, in particular, those allowed under Wis.
2606 Stats. § 62.23.

2607 (Ord. No. 1788A, § 1, 6-1-2010)

2608
2609 **19.25.050 Non-conforming use and registration.**

2610 In order to assist the enforcement of this zoning classification, the owner of any property claiming non-
2611 conforming use status regarding the unrelated persons limitation imposed by R-O zoning shall register
2612 with the city clerk on a form provided by the clerk within ninety days of the imposition of the zoning on
2613 the property. The information required on the registration form shall include the history of the property
2614 that supports its designation as a non-conforming use which shall include the three letter initials and
2615 dates of residency of current tenants (or most recent tenants if not currently occupied), and the three
2616 letter initials and dates of residency of all tenants who resided at the premises for the last one hundred
2617 twenty days. The party claiming the non-conforming use status shall also have a continuing requirement
2618 to update the registration information to provide the initials of current tenants. Failure to register within
2619 ninety days of the imposition of the R-O zoning classification shall cause the non-conforming use status
2620 to terminate. The city shall mail a notice of this requirement to the address on the property's real estate
2621 tax statement within fifteen days of the imposition of the zoning on the property. The non-conforming
2622 use status of any property under this chapter will be subject to the provisions contained in City of
2623 Whitewater Ordinance [Section] 19.60.010, existing non-conforming uses.

2624 (Ord. No. 1788A, § 1, 6-1-2010)

2625
2626 **Chapter 19.27 B-1 COMMUNITY BUSINESS DISTRICT**

2627 Sections:

2628 [19.27.010 Purpose.](#)

2629 [19.27.020 Permitted uses.](#)

2630 [19.27.025 Permitted accessory uses.](#)

2631 [19.27.030 Conditional uses.](#)

2632 [19.27.040 Lot area.](#)

2633 [19.27.050 Lot width.](#)

2634 [19.27.060 Yard requirements.](#)

2635 [19.27.070 Lot coverage.](#)

2636 [19.27.080 Building height.](#)

2637 [19.27.090 Plan review.](#)

2638 [19.27.100 Park fees.](#)

2639
2640 **19.27.010 Purpose.**

2641 The B-1 community business district is established to accommodate retail shopping and service needs in
2642 a manner compatible with the desired community character. The district should be located in relative

2643 proximity to residential areas and major traffic routes. High quality site layout, building design, and
2644 landscaping is required.
2645 (Ord. 1452 § 1(part), § 4(part), 2000: Ord. 994 § 3.10(part), 1982).

2646

2647 **19.27.020 Permitted uses.**

2648 Permitted uses in the B-1 district include:

2649 A. Art, music and school supply stores and galleries;

2650 B. Antique, hobby and craft shops;

2651 C. Automotive and related parts stores, without servicing;

2652 D. Hotels and motels;

2653 E. Small appliance repair stores;

2654 F. Barbershops and beauty parlors;

2655 G. Banks and other financial institutions without drive-through facilities;

2656 H. Camera and photographic supply stores;

2657 I. Caterers;

2658 J. Clothing and shoe stores and repair shops;

2659 K. Clinics, medical and dental;

2660 L. Department stores;

2661 M. Drugstores;

2662 N. Florist shops;

2663 O. Food and convenience stores without gasoline pumps;

2664 P. Furniture stores;

2665 Q. Hardware stores;

2666 R. Insurance agencies;

2667 S. Jewelry stores;

2668 T. Liquor stores without drive-through facilities;

2669 U. Meat markets;

2670 V. Resale shops;

2671 W. Paint, wallpaper, interior decorating and floor covering stores;

2672 X. Professional offices;

2673 Y. Restaurants without drive-through facilities;

2674 Z. Self-service laundries and drycleaning establishments;

2675 AA. Sporting goods stores;

2676 BB. Stationery stores;

2677 CC. Variety stores;

2678 DD. Movie theaters;

2679 EE. Charitable or nonprofit institutions and facilities;

2680 FF. Tourist homes;

2681 GG. Existing residences regulated by R-2 dimensional standards;

2682 HH. New residential uses meeting the standards of the R-3 district, when mixed with permitted uses in a
2683 unified project;

2684 II##. Any other similar uses not specifically listed above that are consistent with the purpose of this
2685 district;

2686 JJ#. The second or greater wireless telecommunications facility located on an alternative support
2687 structure already supporting a wireless telecommunications facility or on a pre-existing wireless
2688 telecommunications facility, per the requirements of Chapter 19.55.

2689 (Ord. 1499 § 12, 2001; 1452 § 1(part), § 4(part), 2000: Ord. 994 § 3.10(A), 1982).

2690

2691 **19.27.025 Permitted accessory uses.**

2692 Permitted accessory uses in the B-1 district include:

- 2693 A. Garages for storage of vehicles, equipment or materials in conjunction with operation of the
2694 principal use on the lot;
- 2695 B. Off-street parking and loading areas, subject to landscaping and screening requirements where
2696 applicable;
- 2697 C. Outside storage and trash Dumpsters where located outside of the required yards in Section
2698 19.27.060 of this chapter and enclosed by a decorative opaque fence, wall or landscaping designed to
2699 provide a total visual screen;
- 2700 D. Outside display of merchandise, which may be subject to limitations as part of site plan review;
- 2701 E. Outside display and temporary storage of motor vehicles where the principal use on the lot includes
2702 the sale, repair or servicing of such motor vehicles. No vehicle in inoperable condition shall be stored for
2703 greater than thirty days;
- 2704 F. Up to two vending machines for dispensing of a product, but only if accessory to a commercial
2705 business use. Vending machines may be lit only when the principal use on the lot is in operation, unless
2706 such machines are screened from the public right-of-way and adjacent properties;
- 2707 G. Outdoor seating for restaurants within designated areas;
- 2708 H. Temporary retail uses, such as seasonal and special event sales, subject to the approval of the zoning
2709 administrator, who may set specific time and area limitations;
- 2710 I. Essential services;
- 2711 J. Wireless telecommunications support facilities, per the requirements of Chapter 19.55.
2712 (Ord. 1499 § 13, 2001; 1452 § 1(part), § 4(part), 2000).

2713

2714

2715 **19.27.030 Conditional uses.**

2716 Conditional uses in the B-1 district include:

- 2717 A. Entertainment establishments, including dancehalls and clubs;
- 2718 B. All uses with drive-in and drive-through facilities;
- 2719 C. Automobile and small engine vehicle sales or rental facilities, including incidental repair and service
2720 within the principal building;
- 2721 D. Automobile repair and service within the principal building;
- 2722 E. Car washes;
- 2723 F. Private recreation uses;
- 2724 G. Public and semipublic uses;
- 2725 H. Taverns and other places selling alcoholic beverages by the drink, the following conditions shall be
2726 considered:
- 2727 1. parking
- 2728 2. type of business
- 2729 3. signage
- 2730 4. outdoor seating
- 2731 5. provisions for avoiding noise and lighting nuisances
- 2732 6. buffering and fencing;
- 2733 I. New residential uses meeting the standards of the R-3 district, when mixed with conditional
2734 commercial-uses in a unified project;
- 2735 J. 1. Light assembly/retail uses such as:
- 2736 a. Electronics,

- 2737 b. Pottery,
2738 c. Printing,
2739 d. Contractor shops (heating, electrical, plumbing, general contractor office),
2740 e. Other similar uses,
2741 2. Subject to the following restrictions:
2742 a. No environmental emission (noise, odor, waste),
2743 b. All truck delivery during weekdays,
2744 c. All of the requirements of Chapter 19.51, Traffic, Parking and Access, and Chapter 19.57, General
2745 Performance Standards, to be met;
2746 K. Gasoline service stations, including incidental repair and service within the principal building;
2747 L. Day care centers, adult and child;
2748 M. Funeral homes and crematory services;
2749 N. Veterinary clinics, provided that no service including animal boarding is offered outdoors;
2750 O. More than one principal structure on a lot;
2751 P. Large retail and commercial service developments, as described and regulated in Chapter 19.485.
2752 Q. The first wireless telecommunications facility located on an alternative support structure only, per
2753 the requirements of Chapter 19.55.
2754 (Ord. 1499 § 14, 2001; 1452 § 1(part), § 4(part), 2000: Ord. 1379 § 1, 1997; Ord. 1314 § 1, 1995; Ord.
2755 1296 § 2(part), 1994; Ord. 994 § 13.10(B), 1982).
2756 (Ord. No. 1796A, § 1, 8-3-2010)

2757

2758 **19.27.040 Lot area.**

2759 Minimum lot area in the B-1 district is seven thousand square feet for lots existing at the time of
2760 adoption of the ordinance codified in this chapter, and fifteen thousand square feet for all other lots.
2761 (Ord. 1452 § 1(part), § 4(part), 2000: Ord. 994 § 3.10(C), 1982).

2762

2763 **19.27.050 Lot width.**

2764 Minimum lot width in the B-1 district is sixty feet for lots existing at the time of adoption of the
2765 ordinance codified in this chapter, and one hundred feet for all other lots.
2766 (Ord. 1452 § 1(part), § 4(part), 2000: Ord. 994 § 3.19(D), 1982).

2767

2768 **19.27.060 Yard requirements.**

2769 Minimum required yards for principal buildings, outside storage, and Dumpsters in the B-1 district are:

- 2770 A. Front and street side, ~~thirty~~ thirty-five feet;
2771 B. Interior side, ten feet, except that no side yard will be required for buildings designed for common
2772 wall construction;
2773 C. Rear, twenty feet, except the rear yard setback to any railroad right-of-way shall be at least fifteen
2774 feet under a conditional use;
2775 D. Shore yard, seventy-five feet;
2776 E. Any yard abutting a residential district or residential use, thirty feet or the height of the nearest
2777 principal building or structure on the lot being developed, whichever is greater. Such yards shall be
2778 subject to the landscape buffer yard requirements of Section 19.57.140, except where abutting a
2779 railroad right-of-way with the approval of the plan and architectural review commission;
2780 F. There shall be no parking areas, circulation drives or accessory buildings within the required front
2781 yard.
2782 (Ord. 1460 § 2, 2000; Ord. 1452 § 1(part), § 4(part), 2000; Ord. 994 § 3.10(E), 1982).

2783

2784 ~~**19.27.060 Yard requirements.**~~
2785 ~~Minimum required yards for principal buildings, outside storage, and Dumpsters in the B-1 district are:~~
2786 ~~A. Front and street side, thirty feet;~~
2787 ~~B. Interior side, ten feet, except that no side yard will be required for buildings designed for common~~
2788 ~~wall construction;~~
2789 ~~C. Rear, twenty feet, except the rear yard setback to any railroad right-of-way shall be at least fifteen~~
2790 ~~feet under a conditional use;~~
2791 ~~D. Shore yard, seventy-five feet;~~
2792 ~~E. Any yard abutting a residential district or residential use, thirty feet or the height of the nearest~~
2793 ~~principal building or structure on the lot being developed, whichever is greater. Such yards shall be~~
2794 ~~subject to the landscape buffer yard requirements of Section 19.57.140, except where abutting a~~
2795 ~~railroad right-of-way with the approval of the plan and architectural review commission;~~
2796 ~~F. There shall be no parking areas, circulation drives or accessory buildings within the required front~~
2797 ~~yard.~~
2798 ~~(Ord. 1460 § 2, 2000; Ord. 1452 § 1(part), § 4(part), 2000; Ord. 994 § 3.10(E), 1982).~~

2799
2800 **19.27.070 Lot coverage.**

2801 Maximum building lot coverage in the B-1 district is fifty percent. Minimum landscaped surface area is
2802 thirty percent. The plan and architectural review commission may reduce the minimum landscaped
2803 surface area by up to ten percent if the project provides plantings in highly visible locations and includes
2804 ten canopy trees, twenty understory and/or evergreen trees, and sixty-four shrubs per acre, or fraction
2805 thereof.
2806 (Ord. 1452 § 1(part), § 4(part), 2000: Ord. 994 § 3.10(F), 1982).

2807
2808 **19.27.080 Building height.**

2809 Maximum building height in the B-1 district is three stories or forty-five feet, whichever is less.
2810 (Ord. 1580A § 7, 2005: Ord. 1452 § 1(part), § 4(part), 2000: Ord. 994 § 3.10(G), 1982).

2811
2812 **19.27.090 Plan review.**

2813 Plan review in accordance with Chapter 19.63 shall be required for any development in the B-1 district.
2814 Building design shall be consistent with the recommendations of the city's comprehensive (master) plan;
2815 contribute to the uniqueness and character of the neighborhood, district and community; and include
2816 materials, colors, styles and features tailored to the building's site and context. Substantial modifications
2817 to standardized prototype and corporate franchise designs may be required to meet these criteria.
2818 Landscaping shall be consistent with the recommendations of the city's comprehensive (master) plan;
2819 generous in quantity; aesthetically pleasing; appropriate to the site, community and region; and in
2820 accordance with a plan prepared by a registered landscape architect or designer.
2821 (Ord. 1452 § 1(part), § 4(part), 2000: Ord. 994 § 3.10(H), 1982).

2822
2823 **19.27.100 Park fees.**

2824 All residential development shall be subject to a park acquisition fee of two hundred fourteen dollars
2825 per dwelling unit, payable before a building permit is issued. The amount of these fees may be reduced
2826 by any fee amount previously paid or credited at the time of subdivision. The park acquisition fee may
2827 also be reduced if sufficient land area was provided for park purposes at the time of subdivision. The
2828 park acquisition fee may also be reduced if sufficient land area was provided for park purposes at the
2829 time of subdivision, based on the calculations in section 18.04.030(a)(1) of the Whitewater Municipal
2830 Code. The fee amounts shall be adjusted during the first quarter of each year by a percentage equal to

2831 the rate of consumer inflation based on the percent of yearly change from the previous year for the
2832 Milwaukee metropolitan area, as reported by the U.S. Department of Labor, Bureau of Labor Statistics.
2833 (Ord. 1481 § 6, 2001).

2834
2835

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

Sections:

19.28.010 Purpose and intent.

19.28.020 Overlay district application.

19.28.030 Non-family residential overlay district permissions and conditions.

19.28.040 Parking.

2842

19.28.010 Purpose and intent.

2843 The purpose and intent of the university mixed-use neighborhood overlay district is to provide multi-
2844 family housing options within an active, pedestrian friendly neighborhood. Development and uses
2845 should attract university students on a daily basis and provide year-round activities to encourage
2846 students to remain in the City on weekends and summers. The district provides an opportunity for
2847 mixed housing and commercial uses, serving both students and adjacent residents.

2849

2850

19.28.020 Overlay district application.

2851 Applicants must apply for a zoning map district change within the Overlay Map Permission Area for the
2852 B-1A designation. Within the B-1A overlay, density is permitted up to eight multi-family units per
2853 building for new construction. Minimum lot area requirements for such uses shall be regulated by
2854 Chapter 19.21. **[OR STRIKE OUT MINIMUM LOT AREA IN ORDER TO PROMOTE COMPACT**
2855 **DEVELOPMENT AND RELY ON THE CONDITIONAL USE TO REGULATE LOT SIZE]** To the extent there is a
2856 conflict between the restrictions or requirements associated with the district, the requirements that
2857 most restrictively limit the use of the site shall apply. No party other than the owner of the property
2858 may apply for the B-1A university mixed-use neighborhood overlay zoning. Each property may be
2859 reviewed on an annual basis by the City Neighborhood Services staff. **Permission will require**
2860 **conformance with the requirements established for the duties of the Zoning Administrator or**
2861 **Neighborhood Services Manager (section 19.75.061) Applications may also require a conditional use**
2862 **permit.**

2864

19.28.030 University mixed-use neighborhood overlay district permissions and conditions.

2865 The maximum density allowed in the B-1A overlay is eight units per building for new construction. Units
2866 shall be limited to no more than four bedrooms and have a minimum of two bathrooms. Ground floor
2867 uses shall be non-residential. High quality site planning and architectural standards shall be provided for
2868 all sites and buildings. Quality open space features should be integrated into the district to serve as an
2869 amenity.

2870

2871

19.28.040 Parking

2872 Parking spaces permitted for units with the B-1A overlay zoning shall be a maximum of four spaces per
2873 unit. Parking shall be underground or covered in the rear yard or side yard.

2874

2875

2876

2877

2878

Chapter 19.30 B-2 CENTRAL BUSINESS DISTRICT*

2879 Sections:
2880 [19.30.010 Purpose.](#)
2881 [19.30.020 Permitted uses.](#)
2882 [19.30.025 Permitted accessory uses.](#)
2883 [19.30.030 Conditional uses.](#)
2884 [19.30.040 Development standards.](#)
2885 [19.30.050 Park fees.](#)
2886 * Prior ordinance history: Ords. 994, 1296 and 1481.

2887

2888 **19.30.010 Purpose.**

2889 The B-2 district is established in the city's historic downtown area to accommodate retail, service, office,
2890 community, and support residential uses for citywide and regional benefit; and to advance the city's
2891 downtown revitalization objectives as expressed in adopted city plans.
2892 (Ord. 1611A § 1(part), 2006).

2893

2894 **19.30.020 Permitted uses.**

2895 Permitted uses in the B-2 district include:

- 2896 A. Art and school supply stores;
- 2897 B. Arts and crafts galleries;
- 2898 C. Automotive parts sales stores, automobile sales lot and show rooms and lots;
- 2899 D. Antique or collectible shops;
- 2900 E. Bakeries or candy stores, with products for sale on premises only;
- 2901 F. Catalog and e-commerce sales outlets;
- 2902 G. Hotels and motels;
- 2903 H. Appliance repair stores;
- 2904 I. Barbershops, day spas, and beauty parlors;
- 2905 J. Banks and other financial institutions;
- 2906 K. Bookstores, stationery stores, and newsstands;
- 2907 L. Caterers;
- 2908 M. Clothing and shoe sales and repair shops;
- 2909 N. Clinics, medical and dental;
- 2910 O. Coffee shops;
- 2911 P. Cultural arts centers and museums;
- 2912 Q. Department stores;
- 2913 R. Drug stores;
- 2914 S. Florist or garden shops;
- 2915 T. Gift shops;
- 2916 U. Grocery stores;
- 2917 V. Hardware stores;
- 2918 W. Insurance, real estate, or similar agencies;
- 2919 X. Interior decorating shops;
- 2920 Y. Jewelry stores;
- 2921 Z. Paint stores;
- 2922 AA. Offices;
- 2923 BB. Post offices;
- 2924 CC. Public parking lots;
- 2925 DD. Restaurants, ice cream shops, and cafes;
- 2926 EE. Sporting goods shops;

2927 FF. Tourist information and hospitality centers;
2928 GG. Toy stores;
2929 HH. Travel agencies;
2930 II. Variety stores;
2931 JJ. Dance studios;
2932 KK. Movie theaters;
2933 LL. Charitable or nonprofit institutions and facilities; MM. Tourist homes and bed and breakfasts;
2934 NN. Residential uses above the first floor, limited to non-family household sizes applicable in the R-1
2935 and R-2 districts (see Section 19.09.520);
2936 OO. Existing residences regulated by R-2 standards;
2937 PP. Any other similar uses not specifically listed above.
2938 (Ord. 1611A § 1(part), 2006).

2939
2940 **19.30.025 Permitted accessory uses.**

2941 Permitted accessory uses in the B-2 district include:
2942 A. Garages for storage of vehicles, equipment or materials in conjunction with operation of the
2943 principal use on the lot;
2944 B. Off-street parking and loading areas, subject to landscaping and screening requirements where
2945 applicable;
2946 C. Outside storage or trash dumpsters where enclosed by a decorative opaque fence, wall and/or
2947 landscaping designed to provide a total visual screen;
2948 D. Outside display and temporary storage of motor vehicles where the principal use on the lot includes
2949 the sale, repair, or servicing of such motor vehicles. No vehicle in an inoperable condition shall be stored
2950 outdoors for greater than thirty days;
2951 E. Outdoor seating for restaurants, coffee shops, cafes, taverns, or similar uses, within areas designated
2952 by site plan review or other city approval processes;
2953 F. Essential services.
2954 (Ord. 1611A § 1(part), 2006).

2955
2956 **19.30.030 Conditional uses.**

2957 Conditional uses in the B-2 district include:
2958 A. Drive-in or drive-through type establishments;
2959 B. Entertainment establishments, not including adult entertainment establishments;
2960 C. Taverns and other places selling alcoholic beverages by the drink, including expansion of existing
2961 uses; the following conditions shall be considered:
2962 1. parking
2963 2. type of business
2964 3. signage
2965 4. outdoor seating
2966 5. provisions for avoiding noise and lighting nuisances
2967 6. buffering and fencing;
2968 D. Liquor or tobacco stores;
2969 E. Public and semipublic uses, except for parking;
2970 F. Automotive servicing and repairs;
2971 G. First floor residential uses are allowed as a conditional use; except as provided below:
2972 First floor residential uses are prohibited in any building located in the area within the boundary of
2973 Whitewater Creek on the east (prohibited on west side of creek only), North Street on the north

2974 (prohibited on south side of street only), Fremont Street on the west (prohibited on east side of street
2975 only), Whitewater Street on the south (prohibited on north side of street only), and the portion of West
2976 Main Street from the intersection of Whitewater Street east to the Whitewater Creek (prohibited on
2977 north side of street only).

2978 H. Light industrial/retail uses such as:

- 2979 1. Electronics,
- 2980 2. Pottery,
- 2981 3. Craft/woodwork,
- 2982 4. Printing,
- 2983 5. Contractor shops (heating, electrical, plumbing, general contractor office),
- 2984 6. Lumberyards,
- 2985 7. Other similar uses,

2986

2987 Subject to the following restrictions:

- 2988 1. No outside storage, unless screened as to Chapter 19.57,
- 2989 2. No environmental emission,
- 2990 3. All truck delivery during weekdays,
- 2991 4. All dumpster locations outdoors must be screened by a fence and landscaping,
- 2992 5. All of the requirements of Chapter 19.51, Traffic, Parking and Access, and Chapter 19.57, General
2993 Performance Standards, to be met;
2994 I. Laundromats or dry cleaning;
2995 J. Hospitals;
2996 K. Wholesale trade of durable and nondurable goods.
2997 (Ord. 1611A § 1(part), 2006).
2998 (Ord. No. 1681A, 5-20-2008)

2999

3000 **19.30.040 ~~Development~~ Architectural design standards.**

3001 Within the B-2 district, there shall be no minimum required ordinance design and dimensional standards
3002 or setbacks. This is being done to allow the most flexibility in the reuse and redevelopment of the
3003 downtown. Because of the lack of predefined architectural design ordinance development standards, all
3004 proposed construction and remodeling activities requiring a zoning permit shall require the design
3005 review and approval of the city plan and architectural review commission in compliance with Chapter
3006 19.63, Plan Review. Also within the B-2 district, all uses are exempted from the parking requirements of
3007 Section 19.51.130, except if off-street parking is specifically required for a particular conditional use
3008 under Section 19.30.030.

3009 (Ord. 1611A § 1(part), 2006).

3010

3011 **19.30.050 Park fees.**

3012 All residential development shall be subject to a park acquisition fee of \$214.00 per dwelling unit and a
3013 park improvement fee of \$505.00 per dwelling unit, payable before a building permit is issued. The
3014 amount of these fees may be reduced by any fee amount previously paid or credited at the time of
3015 subdivision, or by fifty percent (50%) if the new housing units are created as a result of the conversion or
3016 remodeling of a preexisting building. The park acquisition fee may also be reduced if sufficient land area
3017 was provided for park purposes at the time of subdivision, based on the calculations in Section
3018 18.04.030(a)(1) of the Whitewater Municipal Code. The fee amounts shall be adjusted during the first
3019 quarter of each year by a percentage equal to the rate of consumer inflation based on the percent of

3020 yearly change for the previous year for the Milwaukee metropolitan area, as reported by the U.S.
3021 Department of Labor, Bureau of Labor Statistics.
3022 (Ord. 1611A § 1(part), 2006).

3023

3024 **Chapter 19.31 B-2A Downtown Housing Overlay District**

3025 Sections:

3026 19.31.010 Purpose and intent.

3027 19.31.020 Overlay district application.

3028 19.31.030 Non-family residential overlay district permissions and conditions.

3029 19.31.040 Parking.

3030

3031 **19.31.010 Purpose and intent.**

3032 The purpose and intent of downtown housing overlay district is to provide multi-family housing options
3033 adjacent to downtown that can spur additional investment in the area.

3034

3035 **19.31.020 Overlay district application.**

3036 Within the B-2A overlay, density is permitted up to four multi-family units per building for new
3037 construction. Minimum lot area requirements for such uses shall be regulated by Chapter 19.21. . **[OR**
3038 **STRIKE OUT MINIMUM LOT AREA IN ORDER TO PROMOTE COMPACT DEVELOPMENT AND RELY ON**
3039 **THE CONDITIONAL USE TO REGULATE LOT SIZE]** To the extent there is a conflict between the
3040 restrictions or requirements associated with the district, the requirements that most restrictively limit
3041 the use of the site shall apply. No party other than the owner of the property may apply for the B-2A
3042 downtown housing overlay zoning. Permission will require conformance with the requirements
3043 established for the duties of the Zoning Administrator or Neighborhood Services Manager (section
3044 19.75.061) Applications may also require a conditional use permit.

3045

3046 **19.31.030 Downtown housing overlay district permissions and conditions.**

3047 The maximum density allowed in the B-2A overlay is four units per building for new construction. Units
3048 shall be limited to no more than four bedrooms, have a minimum of two bathrooms, and have individual
3049 entries. In addition, long term use of such buildings for non-student housing is also a significant issue
3050 and, consequently, some conditions have been established to facilitate use of the units for families.
3051 High quality site planning and architectural standards shall be provided for all sites and buildings.
3052 Quality open space features, or garden yards, should be integrated to serve as an amenity for residents.

3053

3054 **19.31.040 Parking**

3055 Parking spaces permitted for units with the B-2A overlay zoning shall be a maximum of two spaces per
3056 unit. Parking shall be underground or covered in the rear or side yard.

3057

3058

3059

3060 **Chapter 19.33 B-3 HIGHWAY COMMERCIAL AND LIGHT INDUSTRIAL DISTRICT**

3061 Sections:

3062 19.33.010 Purpose.

3063 19.33.020 Permitted uses.

3064 19.33.025 Permitted accessory uses.

3065 19.33.030 Conditional uses.

3066 19.33.040 Lot area.

3067 19.33.050 Lot width.

3068 19.33.060 Yard requirements.

- 3069 [19.33.070 Lot coverage.](#)
- 3070 [19.33.080 Building height.](#)
- 3071 [19.33.090 Plan review.](#)
- 3072 [19.33.100 Park fees.](#)

3073

3074 **19.33.010 Purpose.**

3075 The B-3 highway commercial and light industrial district is established to accommodate nonnuisance
3076 type industrial commercial uses that are highway oriented or have large land area requirements. To
3077 ensure a minimum of disruption to residential neighborhoods, no development within this district shall
3078 take direct access to a local residential street, except by conditional use permit. High quality site layout,
3079 building design and landscaping is required.
3080 (Ord. 1452 § 1(part), § 5(part), 2000: Ord. 994 § 3.12(part), 1982).

3081

3082 **19.33.020 Permitted uses.**

3083 Permitted uses in the B-3 district include:

- 3084 A. All uses listed as permitted uses in the B-1 district;
- 3085 B. Agricultural services;
- 3086 C. General contracting shops;
- 3087 D. Lumberyards, building supply stores, and greenhouses;
- 3088 E. Private recreation facilities;
- 3089 F. Mini-warehouses;
- 3090 G. Public and semipublic uses;
- 3091 H. Other similar uses not specifically listed in this section that are consistent with the purpose of this
3092 district;
- 3093 I. The second or greater wireless telecommunications facility located on an alternative support
3094 structure already supporting a wireless telecommunications facility or on a pre-existing wireless
3095 telecommunications facility, per the requirements of Chapter 19.55.
3096 (Ord. 1499 § 15, 2001; Ord. 1452 § 1(part), § 5(part), 2000: Ord. 1082 § 7, 1986; Ord. 994 § 3.12(A),
3097 1982).

3098

3099 **19.33.025 Permitted accessory uses.**

3100 Permitted accessory uses in the B-3 district include:

- 3101 A. Garages for storage of vehicles, equipment or materials in conjunction with operation of the
3102 principal use on the lot;
- 3103 B. Off-street parking and loading areas, subject to landscaping and screening requirements if
3104 applicable;
- 3105 C. Outside storage and trash Dumpsters, which may be subject to screening as part of site plan review;
- 3106 D. Outside display of merchandise, which may be subject to limitations as part of site plan review;
- 3107 E. Outside display and temporary storage of motor vehicles where the principal use on the lot includes
3108 the sale, repair, or servicing of such motor vehicles. No vehicle in inoperable condition shall be stored
3109 for greater than thirty days;
- 3110 F. Outdoor seating for restaurants within designated areas;
- 3111 G. Temporary retail uses, such as seasonal and special event sales, subject to the approval of the zoning
3112 administrator, who may require specific time and area limitations;
- 3113 H. Vending machines for dispensing of a product, but only if accessory to a commercial business use. If
3114 more than two vending machines are accessory to one business use, such vending machines shall be
3115 screened from the public right-of-way and adjacent properties. Vending machines may be lit only when

3116 the principal use on the lot is in operation, unless such machines are completely screened from the
3117 public right-of-way and adjacent properties;
3118 I. Essential services;
3119 J. Wireless telecommunications support facilities, per the requirements of Chapter 19.55.
3120 (Ord. 1499 § 16, 2001; 1452 § 1(part), § 5(part), 2000).

3121

3122 **19.33.030 Conditional uses.**

3123 Conditional uses in the B-3 district include:

3124 A. Taverns and other establishments selling alcoholic beverages by the drink; the following conditions
3125 shall be considered:

3126 1. parking

3127 2. type of business

3128 3. signage

3129 4. outdoor seating

3130 5. provisions for avoiding noise and lighting nuisances

3131 6. buffering and fencing;

3132 B. All uses with drive-through facilities;

3133 C. More than one principal structure on a lot;

3134 D. New residential uses in conformance with the standards of the R-3 multifamily residence district;

3135 E. Automobile repair and service within a principal or accessory building;

3136 F. Automobile, boat, trailer and small engine vehicle sales and rental facilities, including incidental
3137 repair and service within a principal or accessory building;

3138 G. Car washes;

3139 H. Entertainment establishments, including dancehalls and clubs;

3140 I. Funeral homes and crematory services;

3141 J. Gasoline service stations, including incidental repair and service within the principal building;

3142 K. Light industry;

3143 L. Motor freight transportation;

3144 M. Veterinary clinics, provided that no service including animal boarding is offered outdoors;

3145 N. Warehousing;

3146 O. Wholesale trade of durable and nondurable goods;

3147 P. Large retail and commercial service developments, as described and regulated in Chapter 19.485.

3148 Q. All nonresidential uses with vehicular access onto a local (not a collector or arterial) street that is
3149 intended to provide access to mostly residential uses;

3150 R. The first wireless telecommunications facility located on an alternative support structure only, per
3151 the requirements of Chapter 19.55.

3152 (Ord. 1499 § 17, 2001; 1452 § 1(part), § 5(part), 2000: Ord. 1380 § 1, 1997; Ord. 994 § 3.12(B), 1982).

3153 (Ord. No. 1796A, § 2, 8-3-2010)

3154

3155 **19.33.040 Lot area.**

3156 Minimum lot area in the B-3 district is ten thousand square feet for lots existing at the time of adoption
3157 of the ordinance codified in this chapter, and fifteen thousand square feet for all other lots.

3158 (Ord. 1452 § 1(part), § 5(part), 2000: Ord. 994 § 3.12(C), 1982).

3159

3160 **19.33.050 Lot width.**

3161 Minimum lot width in the B-3 district is one hundred feet.

3162 (Ord. 1452 § 1(part), § 5(part), 2000: Ord. 994 § 3.12(D), 1982).

3163
3164 **19.33.060 Yard requirements.**
3165 Minimum required yards for principal buildings, outside storage, and Dumpsters in the B-3 district are:
3166 A. Front and street side, thirty feet;
3167 B. Interior side, fifteen feet;
3168 C. Rear, thirty feet, except the rear yard setback to any railroad right-of-way shall be fifteen feet under
3169 a conditional use;
3170 D. Shore yard, seventy-five feet;
3171 E. Any yard abutting a residential district or use, thirty feet or the height of the nearest principal
3172 building or structure being developed, whichever is greater. Such yards shall be subject to the landscape
3173 buffer yard requirements of Section 19.57.140, except where abutting a railroad right-of-way with the
3174 approval of the plan and architectural review commission.
3175 (Ord. 1460 § 1, 2000; Ord. 1452 § 1(part), § 5(part), 2000: Ord. 994 § 3.12(E), 1982).

3176
3177 **19.33.070 Lot coverage.**
3178 Maximum building lot coverage in the B-3 district is fifty percent. Minimum landscaped surface area is
3179 twenty percent. The plan and architectural review commission may reduce the minimum landscaped
3180 surface area by up to ten percent if the project provides plantings in highly visible locations and includes
3181 eight canopy trees, sixteen understory and/or evergreen trees, and forty-eight shrubs per acre, or
3182 fraction thereof.
3183 (Ord. 1452 § 1(part), § 5(part), 2000: Ord. 994 § 3.12(F), 1982).

3184
3185 **19.33.080 Building height.**
3186 Maximum building height in the B-3 district is three stories or forty-five feet, whichever is less.
3187 (Ord. 1452 § 1(part), § 5(part), 2000: Ord. 994 § 3.12(G), 1982).

3188
3189 **19.33.090 Plan review.**
3190 Plan review in accordance with Chapter 19.63 shall be required for any development in the B-3 district.
3191 Building design shall be consistent with the recommendations of the city's comprehensive (master) plan
3192 and include materials, colors, styles, and features tailored to the building's site and context. Landscaping
3193 shall be consistent with the recommendations of the city's comprehensive (master) plan; appropriate to
3194 the site, community and region; and in accordance with a plan prepared by a registered landscape
3195 architect or designer.
3196 (Ord. 1452 § 1(part), § 5(part), 2000: Ord. 994 § 3.12(H), 1982).

3197
3198 **19.33.100 Park fees.**
3199 All residential development shall be subject to a park acquisition fee of two hundred fourteen dollars)
3200 per dwelling unit and a park improvement fee of five hundred five dollars per dwelling unit, payable
3201 before a building permit is issued. The amount of these fees may be reduced by any fee amount
3202 previously paid or credited at the time of subdivision. The park acquisition fee may also be reduced if
3203 sufficient land area was provided for park purposes at the time of subdivision, based on the calculations
3204 in section 18.04.030(a)(1) of the Whitewater Municipal Code. The fee amounts shall be adjusted during
3205 the first quarter for each year by a percentage equal to the rate of consumer inflation based on the
3206 percent of yearly change for the previous year for the Milwaukee metropolitan area, as report by the
3207 U.S. Department of Labor, Bureau of Labor Statistics.
3208 (Ord. 1481 § 8, 2001).

3209
3210
3211
3212
3213
3214
3215
3216
3217
3218
3219
3220
3221
3222
3223
3224
3225
3226
3227
3228
3229
3230
3231
3232
3233
3234
3235
3236
3237
3238
3239
3240
3241
3242
3243
3244
3245
3246
3247
3248
3249
3250
3251
3252
3253
3254
3255
3256

Chapter 19.36 M-1 GENERAL MANUFACTURING DISTRICT

Sections:

- [19.36.010 Purpose.](#)
- [19.36.020 Permitted uses.](#)
- [19.36.030 Conditional uses.](#)
- [19.36.040 Lot area.](#)
- [19.36.050 Lot width.](#)
- [19.36.060 Yard requirements.](#)
- [19.36.070 Lot coverage.](#)
- [19.36.080 Building height.](#)
- [19.36.090 Buffer screening.](#)

19.36.010 Purpose.

The M-1 general manufacturing district is established to accommodate a wide range of industrial uses, and to preserve and protect lands for future industrial use. (Ord. 994 § 3.13(part), 1982).

19.36.020 Permitted uses.

- Permitted uses in the M-1 district include:
- A. Manufacturing, fabrication, packing, packaging and assembly of products from furs, glass, leather, metals, paper, plaster, plastics, textiles, clays and woods, and similar materials;
 - B. Freight terminals, truck servicing and parking, warehousing and inside storage;
 - C. Research facilities;
 - D. Offices;
 - E. Retail sales and services that are incidental to a manufacturing or warehousing use;
 - F. Public and semipublic uses;
 - G. Salvage yards;
 - H. Any similar uses not specifically listed that can comply with the performance standards listed in Chapter 19.57;
 - I. The second or greater wireless telecommunications facility located on an alternative support structure already supporting a wireless telecommunications facility or on a pre-existing wireless telecommunications facility, with wireless telecommunications support facilities allowed as permitted accessory uses, all per the requirements of Chapter 19.55. (Ord. 1499 § 18, 2001; Ord. 994 § 3.13(A), 1982).

19.36.030 Conditional uses.

- Conditional uses in the M-1 district include:
- A. More than one principal structure on a lot;
 - B. Wireless telecommunications facilities, per the requirements of Chapter 19.55. (Ord. 1499 § 19, 2001; Ord. 1315 § 1, 1995; Ord. 994 § 3.13(B), 1982).

19.36.040 Lot area.

Minimum lot area in the M-1 district is twenty thousand square feet. (Ord. 994 § 3.13(C), 1982).

19.36.050 Lot width.

3257 Minimum lot width in the M-1 district is one hundred fifty feet.
3258 (Ord. 994 § 3.13(D), 1982).

3259

3260 **19.36.060 Yard requirements.**

3261 Minimum yard requirements for the M-1 district are:

3262 A. Front, thirty feet;

3263 B. Side, fifteen feet, corner lots thirty feet;

3264 C. Rear, thirty feet, except the rear yard setback to any railroad right-of-way shall be at least fifteen
3265 feet under a conditional use;

3266 D. Shore, seventy-five feet.

3267 (Ord. 1460 § 3, 2000; Ord. 994 § 3.13(E), 1982).

3268

3269 **19.36.070 Lot coverage.**

3270 Maximum lot coverage in the M-1 district is fifty percent.

3271 (Ord. 994 § 3.13(F), 1982).

3272

3273 **19.36.080 Building height.**

3274 Maximum building height in the M-1 district is three stories or forty-five feet.

3275 (Ord. 994 § 3.13(G), 1982).

3276

3277 **19.36.090 Buffer screening.**

3278 Where the M-1 district boundaries adjoin any residential district boundary, a screen or buffer yard as
3279 described in Section 19.57.140 shall be required. This provision shall be applied to new construction and
3280 alterations to existing structures or uses that result in an increase in the level of nuisance. Only the area
3281 of the nuisance shall require screening.

3282 (Ord. 994 § 3.13(H), 1982).

3283

3284

3285 **Chapter 19.37 M-2 MANUFACTURING AND MISCELLANEOUS USE DISTRICT**

3286 Sections:

3287 [19.37.010 Purpose.](#)

3288 [19.37.020 Permitted uses.](#)

3289 [19.37.030 Conditional uses.](#)

3290 [19.37.040 Lot area.](#)

3291 [19.37.050 Lot width.](#)

3292 [19.37.060 Yard requirements.](#)

3293 [19.37.070 Lot coverage.](#)

3294 [19.37.080 Building height.](#)

3295 [19.37.090 Buffer screening.](#)

3296

3297 **19.37.010 Purpose.**

3298 The M-2 manufacturing and miscellaneous use district is established to accommodate a wide range of
3299 industrial uses, to preserve and protect lands for future industrial use, and to provide an opportunity for
3300 miscellaneous uses set forth herein which are not specifically allowed in other districts. Adult-oriented
3301 establishments shall only be allowed in the M-2 district.

3302 (Ord. 1613A § 1(part), 2006).

3303

3304 **19.37.020 Permitted uses.**

3305 Permitted uses in M-2 district include:
3306 A. All uses listed as permitted uses in the M-1 district;
3307 B. Adult-oriented establishments as defined in Section 19.09.025.
3308 (Ord. 1613A § 1(part), 2006).

3309
3310 **19.37.030 Conditional uses.**

3311 Conditional uses in the M-2 district include:
3312 A. All uses listed as conditional uses in the M-1 district.
3313 (Ord. 1613A § 1(part), 2006).

3314
3315 **19.37.040 Lot area.**

3316 Minimum lot area in the M-2 district is twenty thousand square feet. The plan commission can
3317 decrease the minimum lot area for adult-oriented establishments if it finds that a decrease is
3318 appropriate.
3319 (Ord. 1613A § 1(part), 2006).

3320
3321 **19.37.050 Lot width.**

3322 Minimum lot width in the M-2 district is one hundred fifty feet. The plan commission can
3323 decrease the minimum lot width for adult-oriented establishments if it finds that a decrease is
3324 appropriate.
3325 (Ord. 1613A § 1(part), 2006).

3326
3327 **19.37.060 Yard requirements.**

3328 Minimum yard requirements for the M-2 district are:
3329 A. Front, thirty feet;
3330 B. Side, fifteen feet; corner lots, thirty feet;
3331 C. Rear, thirty feet, except the rear yard setback to any railroad right-of-way shall be at least fifteen
3332 feet under a condition use;
3333 D. Shore, seventy-five feet.
3334 (Ord. 1613A § 1(part), 2006).

3335
3336 **19.37.070 Lot coverage.**

3337 Maximum lot coverage in the M-2 district is fifty percent.
3338 (Ord. 1613A § 1(part), 2006).

3339
3340 **19.37.080 Building height.**

3341 Maximum building height in the M-2 district is three stories or forty-five feet.
3342 (Ord. 1613A § 1(part), 2006).

3343
3344 **19.37.090 Buffer screening.**

3345 Where the M-2 district boundaries adjoin any residential district boundary, a screen or buffer
3346 yard as described in Section 19.57.140 shall be required. This provision shall be applied to new
3347 construction and alterations to existing structures or uses that result in an increase in the level of
3348 nuisance. Only the area of the nuisance shall require screening.
3349 (Ord. 1613A § 1(part), 2006).

3350
3351
3352
3353
3354
3355
3356
3357
3358
3359
3360
3361
3362
3363
3364
3365
3366
3367
3368
3369
3370
3371
3372
3373
3374
3375
3376
3377
3378
3379
3380
3381
3382
3383
3384
3385
3386
3387
3388
3389
3390
3391
3392
3393
3394
3395
3396
3397

Chapter 19.38 WHITEWATER UNIVERSITY TECHNOLOGY PARK DISTRICT (WUTP DISTRICT)

- [19.38.010 Purpose.](#)
- [19.38.020 Creation of architectural review committee.](#)
- [19.38.030 Permitted uses.](#)
- [19.38.040 Conditional uses.](#)
- [19.38.050 Lot area and lot width requirements.](#)
- [19.38.060 Floor area ratio.](#)
- [19.38.070 Yard requirements.](#)
- [19.38.090 Lot coverage.](#)
- [19.38.100 Building height.](#)
- [19.38.110 Development standards.](#)

19.38.010 Purpose.

The WUTP district is established to provide an aesthetically attractive working environment exclusively for and conducive to the development and protection of offices; research, testing, and development institutions; and certain specialized manufacturing establishments compatible with an office and research setting, all of a non-nuisance-type and public parks. The essential purpose of this district is to achieve development which is practical, feasible and economical and an asset to the owners, neighbors and the community and to promote and maintain desirable economic development activities in a park like setting with well designed sites and buildings.
(Ord. No. 1747A, § 1, 9-15-2009)

19.38.020 Creation of architectural review committee.

Upon the mapping of any WUTP district, there shall be established an architectural review committee for the district. No building or improvements shall be erected, placed or altered on any building site in the technology park until the plans and use for such building or improvements, including site plans, landscaping plans, building plans, and specifications have been approved by the WUTP architectural review committee (ARC). Zoning permit applicants in the WUTP district are subject to all plan review requirements set forth in Chapter 19.63 of the Whitewater Municipal Code. The plan and architectural review commission's functions under Chapter 19.63 shall be delegated to the architectural review commission. The ARC shall consist of one city council member, a member of the plan and architectural review commission of the City of Whitewater to be appointed annually by the plan commission, the City Manager of the City of Whitewater, the Chancellor of the University of Wisconsin-Whitewater, two members appointed by the Chancellor of the University of Wisconsin-Whitewater, two citizens of the City of Whitewater appointed by the city council of the City of Whitewater, and one member of the community development authority of the City of Whitewater to be appointed by the CDA. The ARC shall organize and adopt rules for its own governance. Officers shall be elected from the membership for terms of one year. Meetings shall be open to the public unless closed for appropriate legal reasons, and shall be held at the call of the chairman. Minutes shall be kept showing actions taken, and shall be a public record. Quorum shall be five members, and all actions shall require the concurring vote of at least five members. In cases where the ARC has not been formed or is unable to act on the matter, all actions normally assigned to the ARC shall be reassigned to the City of Whitewater Plan and Architectural Review Commission. The City of Whitewater Plan and Architectural Review Commission shall retain the exclusive authority to grant and review or deny conditional use permits in the WUTP district, where required.
(Ord. No. 1747A, § 1, 9-15-2009)

3398

3399 **19.38.030 Permitted uses.**

3400 Permitted uses in the WUTP district include:

- 3401 1. Production, or processing, cleaning, servicing, testing or repair of materials, goods or products,
3402 limited to the following uses, products, components, or circumstances:
- 3403 a. Electronic and electrical products and instruments, such as transistors, semiconductors, small
3404 computers, scanners, monitors and compact communication devices.
 - 3405 b. High technology products related to the fields of physics, oceanography, astrophysics, metallurgy,
3406 chemistry, biology, or other scientific field offered for study at the University of Wisconsin-Whitewater.
 - 3407 c. Laser technology, radiology, X-ray and ultrasound products, manufacturing and assembly.
 - 3408 d. Medical and dental supplies.
 - 3409 e. Optical, fiber optical and photographic products and equipment.
 - 3410 f. Orthopedic and medical appliances, such as artificial limbs, brace supports and stretchers.
 - 3411 g. Products related to process design, process simulation, computer hardware and software
3412 development, and safety engineering.
 - 3413 h. Scientific and precision instruments and components, including robotics.
- 3414 2. Research, development and testing laboratories, including testing facilities and equipment.
- 3415 3. Business and professional offices.
- 3416 4. Pilot plants or other facilities for the testing of manufacturing, processing or fabrication methods, or
3417 for the testing of products or materials.
- 3418 5. Telecommunication centers (not including wireless telecommunication facilities as regulated in
3419 Section 19.55).
- 3420 6. Accessory uses, (which shall be accessory uses to principal use on-site), including the following:
- 3421 a. Educational or training centers or institutions.
 - 3422 b. Nursery schools or day care centers for children of employees on the site.
 - 3423 c. Temporary buildings for construction purposes, for a period not to exceed the duration of such
3424 construction.
 - 3425 d. Reproduction processes related to a primary function including printing, blueprinting, photostating,
3426 lithographing, engraving, stereotyping, publishing and bookbinding.
 - 3427 e. Wholesaling of goods and merchandise manufactured or produced on the premises.
 - 3428 f. The generation of power via a local energy system, with the primary purpose of supplying energy to
3429 the principal use being conducted on the lot.
 - 3430 g. The fabrication of products in conjunction with a research, development, or testing laboratory as the
3431 principal use.
 - 3432 h. Garages for storage of vehicles, equipment or materials in conjunction with operation of the
3433 principal use on the lot;
 - 3434 i. Off-street parking and loading areas, subject to landscaping and screening requirements where
3435 applicable;
 - 3436 j. Trash dumpsters where located outside of the required yards in Section 19.38.080 of this chapter and
3437 enclosed by a decorative opaque fence, wall or landscaping designed to provide a total visual screen;
 - 3438 k. Outdoor seating for restaurants within designated areas;
 - 3439 l. Outdoor eating and recreation areas;
 - 3440 m. Essential services;
 - 3441 n. Health clubs, banks and other financial institutions, medical, dental and optical clinics, barbershops,
3442 beauty parlors, or similar retail establishments;
 - 3443 o. Conference centers.
- 3444 7. Restaurants, without drive-up or drive-through service.
- 3445 8. Colleges and universities (not including housing or residential uses).

3446 9. Public parks and public recreation use facilities, including but not limited to Morraine View Park and
3447 the planned athletic facilities, trail and possible playground therein.
3448 (Ord. No. 1747A, § 1, 9-15-2009)

3449

3450 **19.38.040 Conditional uses.**

3451 Conditional uses in the WUTP district include:

3452 1. Parking facilities, open and accessory, for the storage of private passenger automobiles only, when
3453 located elsewhere than on the same zoning lot as the principal use served.

3454 2. Public utility and public service uses as follows:

3455 a. Bus turnarounds (off-street), bus transfer points.

3456 b. Electric substations.

3457 c. Gas regulator stations, mixing stations and gate stations.

3458 d. Radio, television, and telecommunication towers and wireless telecommunication facilities meeting
3459 the standards of Section 19.55.

3460 e. Railroad passenger stations.

3461 f. Railroad rights-of-way.

3462 g. Sewerage system lift stations.

3463 h. Telephone exchanges, microwave relay towers, telephone transmission equipment buildings and
3464 service yards.

3465 i. Electric generator which serves a principal use located on the zoning lot and is capable of providing
3466 electricity for off-site use provided:

3467 i. The electric output is less than three thousand kilowatts and said generator is operated no more than
3468 two hundred hours per year;

3469 ii. The location of every generator shall be not less than twenty feet from any zoning lot which permits
3470 residential uses; and,

3471 iii. Said generator shall be located and screened so as to reduce the visual impact of the generator from
3472 neighboring property and to be compatible with neighboring structures and the character of the
3473 community. This may include screening with materials similar in appearance to those used for the
3474 principal structure on the zoning lot, and landscaping or fencing as approved by the architectural review
3475 committee.

3476 j. Water pumping stations and reservoirs.

3477 3. Any production, or processing, cleaning, servicing, testing or repair of materials, goods or products,
3478 limited to the following uses, products, components, or circumstances:

3479 a. Cameras and other photographic equipment.

3480 b. Ceramic products, such as pottery, figurines and small glazed tiles.

3481 c. Cosmetics and toiletries, drugs, perfumes, and perfumed soaps.

3482 d. Drugs and pharmaceutical products.

3483 e. Electrical appliances, such as lighting fixtures, irons, fans and toasters.

3484 f. Electrical equipment assembly, such as home radio and television receivers and home movie
3485 equipment, but not including electrical machinery.

3486 g. Electrical supplies manufacturing and assembly, such as wire and cable assembly, switches, lamps,
3487 insulation and dry cell batteries.

3488 h. Products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork,
3489 feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious and semiprecious stones,
3490 rubber, shell, wood (but not including a planing mill) and yarn.

3491 i. Products related to material research and development in such areas as prepared glass, ceramics,
3492 carbon fiber, metals, textiles, polymers, plastics, chemical foams and inorganic chemicals such as liquid
3493 crystals, and synthetic fuels.

- 3494 j. Small-scale products (finished weight not exceeding fifty pounds) related to energy, environmental,
3495 telecommunications, or satellite applications.
- 3496 k. Small-scale products (finished weight not exceeding fifty pounds) related to the resource industries
3497 of agriculture and food production, forestry, petrochemicals and mining.
- 3498 l. Specific products not listed above but similar in intent and character and which may be defined as
3499 being produced or assembled manually or by a light industrial process by virtue of the use of only light
3500 machinery; being conducted entirely within enclosed substantially constructed buildings; in which the
3501 open area around such buildings is not used for storage of raw materials or manufactured products, or
3502 for any industrial purpose other than loading and unloading operations; which are not noxious or
3503 offensive by reason of emission of smoke, dust, fumes, odors, noise, or vibrations beyond the confines
3504 of the building.
- 3505 5. Outside storage areas, subject to the development standards in Section 19.38.110.
- 3506 6. Day care centers.
- 3507 (Ord. No. 1747A, § 1, 9-15-2009)
- 3508

3509 **19.38.050 Lot area and lot width requirements.**

3510 In the WUTP district, there shall be provided a lot area of not less than one acre and a lot width
3511 of not less than one hundred feet.

3512 (Ord. No. 1747A, § 1, 9-15-2009)

3513

3514 **19.38.060 Floor area ratio.**

3515 In the WUTP district, the floor area ratio shall not exceed 1.5.

3516 (Ord. No. 1747A, § 1, 9-15-2009)

3517

3518 **19.38.070 Yard requirements.**

3519 Minimum required yards for principal buildings, outside storage areas, parking lots, and
3520 dumpsters in the WUTP district are:

- 3521 1. Front yard--Twenty-five feet, except fifty feet on any roadway with a right-of-way of eighty feet or
3522 greater existing at the time of development or as indicated on the city's official map.
- 3523 2. Side yard--Each side, fifteen feet. On corner lots, fifty feet for side yard adjoining an arterial highway
3524 and twenty-five feet for side yard adjoining other streets.
- 3525 3. Rear yard--Thirty feet.
- 3526 4. Environmental corridor or wetland yard. Adjacent to any mapped environmental corridor, as defined
3527 by the Southeastern Wisconsin Regional Planning Commission, or a delineated wetland as approved by
3528 the agency with jurisdiction--Thirty feet.
- 3529 5. Parking lots and associated circulation drive aisles may extend into normal interior side or rear yard
3530 setbacks, but not into front or street side yard setbacks.

3531 (Ord. No. 1747A, § 1, 9-15-2009)

3532

3533 **19.38.090 Lot coverage.**

3534 Minimum landscaped surface area is thirty percent.

3535 (Ord. No. 1747A, § 1, 9-15-2009)

3536

3537 **19.38.100 Building height.**

3538 Maximum building height in the WUTP district is four stories or sixty feet, whichever is less,
3539 except as may be otherwise approved by the architectural review committee upon the finding that such
3540 increased height will not be detrimental to the character of the park or adjoining buildings and uses.

3541 (Ord. No. 1747A, § 1, 9-15-2009)

3542

3543 **19.38.110 Development standards.**

3544 In the WUTP district, the following development standards shall apply, in addition to any
3545 standards that may be required by covenant:

3546 1. Building design and materials. The exterior appearance of any building constructed in this district
3547 shall be compatible with that of adjoining structures within the district, especially as it relates to
3548 rooflines and building materials. Permitted materials shall include masonry, concrete, stone, Exterior
3549 Insulation and Finish System (EIFS), Dry-vit, glass, and decorative architectural grade metal as a design
3550 detail, except where other quality materials are also allowed by the architectural review committee.

3551 2. Accessory off-street parking and loading. Accessory off-street parking lots, loading berths, and access
3552 driveways shall be located, designed and improved so as to provide for safe and convenient access from
3553 adjoining streets, safe and convenient circulation within the site, and an aesthetically pleasing site
3554 design. Parking lots and access driveways shall be designed and located so that such facilities do not
3555 provide a direct unlandscaped view from the street to the parking lot or access driveway.

3556 3. Landscaping and site development. To provide a park-like setting, all lots shall be landscaped,
3557 including the provision of canopy-type shade trees. Where possible, all existing mature, healthy trees
3558 shall be retained and protected during construction as per City of Whitewater Forestry Guidelines. All
3559 land areas not covered by buildings, structures, storage areas, parking lots, loading areas and driveways,
3560 shall be landscaped and maintained. Landscaping shall mean decorative plazas, mounds, pools or the
3561 planting of grass, shrubs, trees and other plant materials or other comparable surface cover.

3562 4. Storage areas. All storage, except for licensed motor vehicles in operable condition, shall be within
3563 completely enclosed buildings or effectively screened from adjoining properties and public rights-of-way
3564 by an opaque screening wall or fence with such wall or fence not less than six feet nor more than eight
3565 feet in height, and no materials stored shall exceed the height of such screening wall or fence. All
3566 outside storage areas shall be located to the rear of buildings and shall be limited to not more than five
3567 percent of the total lot area. Landscaping shall be required on the outside of the opaque screen wall or
3568 fence.

3569 5. Signs. All signs shall meet applicable standards in Chapter 19.54, and the specific requirements set
3570 forth for the M-1 district in the table contained in 19.54.052.

3571 a. No ground sign shall exceed a maximum height of eight feet and a maximum gross area of forty-eight
3572 square feet. All ground signs shall be incorporated in the landscape plan, including the provision of plant
3573 materials at the base of such signs.

3574 6. Prohibited site uses. No use shall be so conducted as to cause the harmful discharge of any waste
3575 materials into or upon the ground, into or within any sanitary or storm sewer system, into or within any
3576 water system or water, or into the atmosphere. All uses shall be conducted in such a manner so as to
3577 preclude any nuisance, hazard, or commonly recognized offensive conditions or characteristics,
3578 including creation or emission of dust, gas, smoke, noise, fumes, odors, vibrations, particulate matter,
3579 chemical compounds, electrical disturbance, humidity, heat, cold, glare, or night illumination. Prior to
3580 issuance of a zoning permit or occupancy permit, the zoning administrator may require evidence that
3581 adequate controls, measures, or devices have been provided to ensure and protect the public interest,
3582 health, comfort, convenience, safety, and general welfare from such nuisance, hazard, or offensive
3583 condition.

3584 7. Uses required to be enclosed. All business, servicing, or processing shall be conducted within
3585 completely enclosed buildings, except for the following:

3586 a. Off-street parking and off-street loading;

3587 b. Drive-up service windows for banks and other financial institutions.

3588 8. Truck parking. Parking of trucks as an accessory use, when used in the operation of a permitted
3589 business, shall be limited to vehicles of not over one and one-half tons of capacity when located within
3590 one hundred fifty feet of a residential district boundary line.
3591 (Ord. No. 1747A, § 1, 9-15-2009)

3592
3593

3594 **Chapter 19.39 ~~PCDPD~~ PLANNED ~~COMMUNITY~~ DEVELOPMENT DISTRICT***

3595 Sections:

3596 [19.39.010 Purpose and intent.](#)

3597 [19.39.020 Permitted uses.](#)

3598 [19.39.030 Lot, building, yard and parking requirements.](#)

3599 [19.39.040 Proposed developments--Criteria for approval.](#)

3600 [19.39.050 Procedures for rezoning, general development plan, and specific implementation plan approval.](#)

3601 [19.39.055 Design standards for traditional neighborhood developments \(~~PCDPD~~-TND\).](#)

3602 [19.39.060 Modifications and changes.](#)

3603 [19.39.070 Park fees.](#)

3604 * Prior Ordinance History: Ords. 994, 1452, and 1481.

3605

3606 **19.39.010 Purpose and intent.**

3607 A. The planned ~~community~~-development (~~PD~~) district is established to promote improved
3608 environmental design and innovative uses of land in the city. To this intent, this district allows variation
3609 in the relationship of uses, structures and open spaces in developments conceived and implemented as
3610 cohesive, unified projects.

3611 B. The ~~PD~~ District is intended to allow desirable innovative development activities that demonstrate
3612 cohesive site planning. This district is not intended solely to simply circumvent the intent of other zoning
3613 districts, or seek variance from other district regulations.

3614 C. ~~The following design principles are encouraged when developing a PD district. The principles reflect~~
3615 ~~the character of a traditional neighborhood. The Traditional Neighborhood Development (TND) option~~
3616 ~~of the PCD District is intended to promote the development and redevelopment of land consistent with~~
3617 ~~the design principles of traditional neighborhoods. Lands developed under the traditional neighborhood~~
3618 ~~option of the PCD District shall be labeled as PCD-TND on the zoning map. Specifically, a traditional~~
3619 ~~neighborhood development:~~

3620 1. ~~Is~~Incorporates compact design;

3621 2. ~~Is~~ Designed for the human scale (sizes of buildings in proportion to sizes of people);

3622 3. Provides a mix of uses, including residential, commercial, civic, and public open space uses in close
3623 proximity to one another;

3624 4. Provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and
3625 incomes;

3626 5. Incorporates a system of relatively narrow, interconnected streets and blocks, with sidewalks and
3627 paths that offer multiple routes for motorists, pedestrians, and bicyclists within and through the
3628 neighborhood;

3629 6. Retains, to the extent reasonably practical, existing buildings with historical or architectural features
3630 that enhance the visual character of the community and create a sense of continuity along street faces
3631 and around blocks;

3632 7. Incorporates significant environmental features into the design; and

3633 8. Is consistent with the City of Whitewater's comprehensive (master) plan.

3634 (Ord. 1511 § 2(part), 2002).

3635

3636 **19.39.020 Permitted uses.**

3637 In the PD District, any permitted or conditional use in any of the other districts in this title, or
3638 mix of uses, may be permitted subject to the criteria listed below. ~~Within a PCD-TND District, the~~ mix of
3639 permitted uses shall be further defined by Section 19.39.055(A). Any plans, uses, or requirements
3640 approved by the city as part of a PD general development plan or specific implementation plan shall be
3641 construed to be and enforced as part of this title.
3642 (Ord. 1511 § 2(part), 2002).

3643
3644 **19.39.030 Lot, building, yard and parking requirements.**

3645 In the PD District, there shall be no specified lot area, lot width, yard, height, parking or open
3646 space requirements. ~~Recommendations to be discussed are Within a PCD-TND District, the lot, building,~~
3647 ~~yard, and parking requirements shall be further~~ defined by Sections 19.39.055(AB) through (G). Any lot,
3648 building, yard, or parking requirements approved by the city as part of a PD general development plan
3649 or specific implementation plan shall be construed to be and enforced as part of this title.
3650 (Ord. 1511 § 2(part), 2002).

3651
3652 **19.39.040 Proposed developments--Criteria for approval.**

3653 As a basis for determining the acceptability of applications for rezoning to the PD District, the
3654 following criteria shall be applied to the proposed development:

3655 A. The proposed development shall be compatible with the physical nature of the site with particular
3656 concern for preserving natural features, existing vegetation and topography and compatible with the
3657 visual character of the surrounding buildings in the neighborhood or district context.

3658 B. The proposed development shall be an asset to the community aesthetically. The buildings and uses
3659 shall blend in with the surrounding neighborhood.

3660 C. The proposed development shall not create a traffic or parking demand incompatible with existing or
3661 proposed facilities. The width and location of streets, other paving and lighting should be appropriate to
3662 the uses proposed. In no case shall standards be less than those necessary to insure public safety as
3663 determined by the city.

3664 D. The proposed development shall not place avoidable stress on the city's water supply, sanitary
3665 sewer and storm water drainage systems.

3666 E. The proposed development shall make adequate provisions for the permanent preservation and
3667 maintenance of open space.

3668 ~~F. For a PCD-TND development, the minimum zoning district area shall be five acres and the design~~
3669 ~~shall meet the requirements of Section 19.39.055.~~

3670 (Ord. 1511 § 2(part), 2002).

3671
3672 **19.39.050 Procedures for rezoning, general development plan, and specific implementation**
3673 **plan approval.**

3674 A. Step 1: Procedure for Rezoning.

3675 1. The procedure for rezoning to the PD District shall be the same as for any other zoning district
3676 change (see Chapter 19.69), except that in addition, twenty copies of a general development plan shall
3677 be submitted to and approved by the city council following a recommendation by the plan commission.
3678 The general development plan of the proposed project shall include the following.

3679 a. A site inventory and analysis map with topography at two foot contours to identify site assets,
3680 resources, and constraints, including but not limited to floodplains, wetlands, soils with limitations for
3681 building development, utility easements, slopes greater than fifteen percent, and existing trees over
3682 four inches in diameter;

- 3683 b. A conceptual site plan or neighborhood development plan, at a scale of no less than one inch equals
3684 one hundred feet, which indicates existing and proposed building outlines, location of streets,
3685 driveways, parking areas, sidewalks and bicycle paths, service access areas for receiving material and
3686 trash removal, and other impervious surfaces;
- 3687 c. A utility feasibility analysis, including a map showing the general locations of proposed public utility
3688 connections;
- 3689 d. The location of recreational and open space areas reserved or dedicated to the public;
- 3690 e. A conceptual landscape plan showing general locations and types of proposed landscaping, including
3691 maintenance of existing vegetation where appropriate;
- 3692 f. A phasing plan, where applicable;
- 3693 g. A conceptual stormwater management plan identifying the proposed patterns of major stormwater
3694 run-off, locations of stormwater infiltration areas, and other significant stormwater management
3695 features;
- 3696 h. Typical proposed budding elevations identifying the architectural style(s) of the development;
- 3697 i. A written report that provides general information about the site conditions, development objectives,
3698 covenants, conservation easements, or agreements that will influence the use and maintenance of the
3699 proposed development may be required for larger or more complex projects;
- 3700 j. Any other data required by the plan commission in order to evaluate the development.
- 3701 2. Upon city council approval and adoption of the general development plan and associated zoning
3702 change to the PD District ~~or PCD-TND-District~~, all plans submitted as well as other commitments,
3703 conditions of approval, restrictions and other factors pertinent to assuring that the project will be
3704 carried out as presented, shall be filed with the zoning administrator and shall be referred to in regard
3705 to enforcement or modification of the general development plan.
- 3706 3. If applicant does not submit and have approved at least one specific implementation plan for a
3707 planned ~~community~~ development within two years of city approval of a rezoning to the planned
3708 ~~community~~ development district ~~or PCD-TND-District~~, the previously approved general development
3709 plan shall be considered null and void. A new petition and approval process shall be required to obtain
3710 approval of the same or a revised general development plan.
- 3711 B. Step 2: Specific Implementation Plan Approval.
- 3712 1. Detailed plans, described below under the Specific Implementation Plan (SIP) submittal
3713 requirements, are not required to be submitted at the time the PDD ~~or PCD-TND~~ zoning is approved;
3714 however, the GDP and SIP review process may be combined and made faster by doing so. Before any
3715 building permit is issued, the plan commission shall review and approve an SIP. If the approved GDP
3716 specified that development of the site would proceed in phases, the plan commission may approve an
3717 SIP covering only a portion of the previously approved GDP area. The applicant shall file twenty copies of
3718 the SIP with the plan commission. In addition to meeting all application requirements for plan review
3719 under Section 19.63.020, the SIP application shall include the following:
- 3720 a. Where a land division or lot consolidation is proposed, a final plat or CSM of the entire development
3721 area included in the SIP, meeting all requirements of Chapter 18, the city's land division and subdivision
3722 regulations;
- 3723 b. For multi-lot PD's, a detailed neighborhood development plan showing the arrangement, design, and
3724 uses of different lots, buildings, driveways, parking areas, parks and open spaces, and paths.
- 3725 c. Typical elevations or detailed design standards for single- and two-family residential buildings and
3726 detailed elevations of all proposed non-residential, mixed use, and multi-family residential buildings.
3727 Such detailed elevations shall meet the requirements of Section 19.63.020 and identify all wall signs; the
3728 percentage of ground floor commercial facade in windows; and the location, height and materials for
3729 screening walls and fences, including those proposed to surround outdoor trash and recyclable storage
3730 areas, electrical, mechanical and gas metering equipment, and rooftop equipment; where building

3731 construction is not imminent, detailed design standards that will apply to all non-residential buildings
3732 may substitute for detailed elevations, if approved by the zoning administrator;
3733 d. Signage plans demonstrating a unified or compatible sign design theme for major signage in the
3734 ~~PDD-TND~~;
3735 e. A detailed storm water management and erosion control plan;
3736 f. Arrangements, bylaws, provisions or covenants which govern the organizational structure, use,
3737 architectural standards, maintenance and continued protection of the planned ~~community~~
3738 development.
3739 2. At a regular meeting, the plan commission shall approve, conditionally approve with changes
3740 consistent with the approved general development plan, or reject the SIP. An SIP for a ~~PCDD-TND~~
3741 development that is consistent with the GDP and meets other applicable ordinance provisions shall be
3742 entitled to approval or conditional approval. A final plat or certified survey map associated with the
3743 development may also be subject to city council approval under the provisions of Chapter 18. Upon final
3744 approval of the SIP, it shall be filed with the zoning administrator, and shall be referred to in regard to
3745 enforcement of modification of the development plans. All covenants, restrictions or contractual
3746 agreements with the city shall be recorded with the register of deeds before final issuance of building
3747 permits.
3748 3. If an applicant does not commence construction within one year after city approval of an SIP for a
3749 planned ~~community~~ development ~~or PCD-TND development~~, or complete construction within two years
3750 of approval of the SIP, the previously approved SIP shall be considered null and void; except where the
3751 plan commission approves an alternative phasing plan with the SIP. A new petition and approval process
3752 shall be required to obtain SIP approval.
3753 (Ord. 1511 § 2(part), 2002).

3754
3755 **19.39.055 Design standards ~~for traditional neighborhood developments (PCD-TND districts).~~**

3756 ~~PCDD-TND~~ developments that meet the following design standards and any other applicable
3757 ordinance provisions shall be entitled to approval or conditional approval:

3758 A. ~~Allowed-Required~~ Mix of Uses. A traditional neighborhood development ~~should~~shall consist~~should~~
3759 consist of a mix of residential uses, a mixed use area, and open space areas as provided below:

3760 1. Allowed Mix of Residential Uses. A mix of two or more of the following uses ~~are encouraged~~shall be
3761 proposed within the ~~PCDD-TND~~:

3762 a. Single-family Detached Dwellings. Minimum lot size ~~shall~~should be four thousand five hundred
3763 square feet. Minimum lot width ~~shall~~should be forty-five feet with an attached garage and forty feet
3764 with a detached garage. Dwellings within condominium developments ~~shall~~should be subject to similar
3765 density standards.

3766 b. Single-family attached dwellings, including duplexes, townhouses, and row houses. Minimum lot size
3767 ~~shall~~equals three thousand five hundred square feet per dwelling unit. Minimum lot width ~~shall~~should
3768 equal thirty feet per dwelling unit. Dwellings within condominium developments ~~shall~~should be subject
3769 to similar density standards.

3770 c. Multi-family dwellings, including senior housing. Minimum lot size ~~shall~~equals one thousand two
3771 hundred fifty square feet for each efficiency dwelling unit, with an additional two hundred fifty square
3772 feet of lot area required for each additional bedroom in the dwelling unit.

3773 d. "Special needs" housing, including community living arrangements and assisted living facilities on
3774 lots of suitable size to accommodate the project.

3775 2. Allowed Mixed-Use Area. A mixed-use area ~~is encouraged~~shall be included within the PCD-TND. At
3776 ~~least ninety percent of the residences within the PCD-TND shall be within 1/4 mile from a mixed use~~
3777 ~~area within or outside of the project. The total gross land area of nonresidential development uses,~~
3778 ~~including off-street parking areas, shall not exceed twenty-five percent of the area of the entire PCD-~~

3779 | ~~TND~~. A mixed-use area ~~should within the PCD-TND shall~~ include a mix ~~of~~ two or more of the following
3780 uses:

3781 a. Commercial uses, such as services, retail, restaurants, and accommodations. Individual businesses
3782 | ~~should shall~~ not exceed six thousand square feet each in primary floor area.

3783 b. Attached residential dwellings, including single-family attached, multi-family, second-story
3784 residential units, live/work units, and "special needs" housing.

3785 c. Civic or institutional uses, such as municipal offices, libraries, post offices, places of worship, and
3786 educational facilities.

3787 d. Small open space areas, such as a central square, neighborhood park, or playground.

3788 | 3. Open Space Area. Protected common open space, in public or private ownership, ~~should shall~~
3789 ~~be should be~~ incorporated into the ~~PCD-TND~~. At least ~~fifteen-ten~~ percent of the gross land area of the

3790 ~~PCDPDD-TND must should~~ remain as permanently protected common open space, not including private
3791 yards. Large outdoor recreation areas should generally be located at the periphery ~~along streets~~ of the

3792 ~~PCDPDD-TND~~ rather than a central, ~~less accessible~~, location. Open spaces may include environmental
3793 corridors, other protected natural areas, parks, or stormwater facilities. At least ninety percent of the

3794 residences within the ~~PCDPDD-TND should shall~~ be within one-fourth mile from a protected common
3795 open space area ~~or central neighborhood feature~~. The ~~PCDPDD-TND is shall be subject is subject~~ to all city
3796 parkland dedication and fee requirements.

3797 | B. Stormwater Management. The design and development of the ~~PCDPDD-TND~~ shall meet the
3798 requirements of the city's stormwater management ordinance and demonstrate the following
3799 principles:

3800 1. Minimize off-site stormwater runoff;
3801 2. Promote on-site filtration;

3802 3. Utilize natural stormwater management systems wherever practical;

3803 4. Utilize stormwater management Best Management Practices (BMPs);

3804 5. Minimize the discharge of pollutants to ground and surface water; and

3805 6. Maintain and protect natural topography and existing land cover to the extent reasonably
3806 practicable.

3807 C. Lot and Block Design Standards.

3808 | 1. Block and Lot Size Diversity. Street layouts ~~should shall~~ provide for perimeter blocks that are a
3809 maximum of four hundred feet deep and eight hundred feet long. A variety of lot sizes in accordance
3810 with subsection (A)(1) shall be provided to facilitate housing choice and meet the requirements of
3811 people with different housing needs.

3812 2. Building Setbacks.

3813

3814

3815

Table 1: Building Setbacks

TABLE INSET:

Use Area	Maximum Front Yard Setback	Minimum Building Separation
Mixed Residential Area	25 feet	150 feet ²
Mixed Use Area	15 feet ¹	150 feet ²

3816 | 1 Commercial, civic or institutional buildings should generally abut the sidewalks in the mixed-
3817 use area.

3818 | 2 Minimum building separation standards shall substitute for required side and rear lot
3819 setbacks.

3820 | D. Circulation Standards. The circulation system ~~shall should~~ allow for different modes of
3821 transportation, provide functional and visual links among the residential areas, mixed-use area, and

3822 | open space areas within the ~~PCDPDD-TND~~; connect to existing and proposed development outside the
 3823 | ~~PCDPDD-TND~~; provide adequate traffic capacity, provide connected pedestrian and bicycle routes
 3824 | including off-street paths or bicycle lanes on streets; control through traffic; limit direct lot access on
 3825 | streets with higher expected traffic volumes; and promote safe and efficient mobility, throughout the
 3826 | neighborhood. More specific design standards that ~~shall~~should be met are as follows:

3827 | 1. Pedestrian Circulation. Convenient and continuous pedestrian circulation systems, including
 3828 | walkways and paths, that minimize pedestrian-motor vehicle conflicts are encouraged ~~shall be provided~~
 3829 | throughout the ~~PCDPDD-TND~~ through the following design characteristics:

3830 | a. Where feasible, any existing pedestrian routes through the site ~~shall~~should be preserved and
 3831 | enhanced.

3832 | b. All streets, except for alleys, ~~should~~shall be bordered by sidewalks on both sides in accordance with
 3833 | the specifications listed in Table 2.

3834 | c. Clear and well lighted walkways ~~should~~shall connect building entrances to the adjacent public
 3835 | sidewalk and to associated parking areas.

3836 | d. Sidewalks and walkways ~~should~~shall comply with the applicable requirements of the Americans with
 3837 | Disabilities Act.

3838 | e. Intersections of sidewalks with streets ~~should~~shall be designed with clearly defined edges.
 3839 | Crosswalks ~~should~~shall be well lit and clearly marked with contrasting paving materials at the edges,
 3840 | raised pavement or with striping. Curb bulb-outs, median refuges, and other related techniques should
 3841 | also be incorporated along collector streets and at key intersections to shorten the pedestrian-crossing
 3842 | distance.

3843 | f. Where necessary to maintain the continuity of the pedestrian circulation system, between-lot
 3844 | walkways or paths may be required.

3845 | 2. Bicycle Circulation. Facilities for bicycle travel ~~should~~shall be included in the project, and may include
 3846 | off-street bicycle paths (generally shared with pedestrians and other non-motorized users), separate
 3847 | striped, bicycle lanes on streets per Table 2, signed bicycle routes, or some combination. Any existing
 3848 | bicycle routes through the site ~~shall~~should be preserved, enhanced, or relocated if necessary. Selected
 3849 | bicycle routes and facilities ~~should~~shall implement the recommendations in the City of Whitewater
 3850 | comprehensive bikeway plan. The developer may be required to dedicate land or easements and
 3851 | construct bicycle and pedestrian facilities.

3852 | 3. Motor Vehicle Circulation. Motor vehicle circulation ~~should~~shall be designed to minimize conflicts
 3853 | with pedestrians and bicycles. Traffic calming features such as curb extensions, traffic circles, and
 3854 | medians are encouraged slow traffic speeds on local streets.

3855 | a. Street Hierarchy. Arterial streets should generally not bisect a ~~PCDPDD-TND~~. Other streets within a
 3856 | ~~PCDPDD-TND~~ ~~should~~shall be classified as follows: Collector streets are intended to be used to carry
 3857 | traffic from minor streets to arterial streets, include the principal entrance street to a residential
 3858 | development, and may be subject to access controls. Minor streets are intended to be used primarily for
 3859 | access to abutting properties, and are usually not subject to access controls. Alleys are special public
 3860 | ways affording secondary access to abutting properties.

3861 | b. Minimum Street Design Standards. Minimum street design standards for a ~~PCDPDD-TND~~ ~~should~~shall
 3862 | be in accordance with Table 2 and the graphic that follows.

3863 | Table 2: Minimum Street Design Requirements ~~in a Traditional Neighborhood Development~~
 3864 | TABLE INSET:

3865 |

Type of Street	Street Width, curb-face to curb-face feet	Curb & Gutter	Street Terrace	Sidewalks	Bicycle Lanes
----------------	---	---------------	----------------	-----------	---------------

Collector Street	36 (2-sided parking)	Both sides, 2 feet wide	Both sides, min. 8 feet wide	Both sides, min. 5 feet wide*	Where required, add 4 foot wide lanes
	320 (1-sided parking)				
	24 (no parking)				
Minor Street	3628 (2-sided parking)	Both sides, 2 feet wide	Both sides, min. 6 feet wide	Both sides, min. 5 feet wide*	None
	3226 (1-sided parking)				
	240 (no parking)				
Alley	2014 (no parking)	None	None	None	None

*The city also requires one foot between the edge of the sidewalk and the property line.

3866
3867
3868
3869
3870
3871
3872
3873
3874
3875
3876
3877
3878
3879
3880
3881
3882
3883
3884
3885
3886
3887
3888
3889

GRAPHIC LINK: [Click here](#)

c. Street Layout. The ~~PCDPDD-TND~~ should maintain the existing street grid, where present, and restore any disrupted street grid where feasible. The orientation of streets ~~shall~~should enhance the visual impact of common open spaces and prominent buildings, create lots that facilitate passive solar design, minimize street gradients, and minimize the use of double frontage lots. All streets ~~shall~~should extend through the development or terminate at other streets, except minor streets may temporarily "dead end" when such streets act as connections to future phases or other sites outside the ~~PCDPDD-TND~~ and may permanently terminate in a cul-de-sac only where there will be a through connection via a pedestrian way or bicycle path at the terminus.

d. Parking Requirements. All ~~PCDPDD-TNDs~~ shall meet the parking requirements of Section 19.51.130; the city may allow adjacent on-street parking to apply toward the minimum parking requirements. Off-street parking lots for shared or community use are encouraged. For multi-family buildings and in the required mixed-use area, off-street parking lots may not be adjacent to or opposite from a street intersection and shall be located to the rear or sides of buildings. If located to the side of a building, screening from the public street ~~shall~~should be provided as specified in Section 19.57.150. All businesses, civic uses, and multi-family residences ~~shall~~should provide adequate bicycle parking areas and facilities to serve their expected customer or resident base.

e. Service Access. All ~~PCDPDD-TNDs~~ ~~shall~~should meet the loading requirements of Section 19.51.020. In addition, site and neighborhood development plans ~~shall~~should provide a direct route to service or loading dock areas, while minimizing the movement of loading vehicles through parking areas.

f. Paving. All ~~PCDPDD-TNDs~~ ~~shall~~should meet the parking lot surfacing requirements of Section 19.51.110. In addition, reduction of impervious surfaces through the use of interlocking pavers is strongly encouraged for areas such as remote parking lots and parking areas for periodic uses.

3890 g. Parking area landscaping and screening. All parking and loading areas fronting and within fifteen feet
3891 of public street rights-of-way, residential districts, or residential uses ~~shall~~should meet the screening
3892 requirements of Section 19.57.140. The corners of parking lots, "islands," and all other areas not used
3893 for parking or vehicular circulation ~~shall~~should be landscaped and curbed. Such spaces may also include
3894 architectural features such as benches, kiosks or bicycle parking. Parking lots containing more than 30
3895 spaces ~~shall~~should be broken up into smaller pods including not more than 30 spaces each, with the
3896 pods separated from another by landscaped areas or buildings.

3897 E. Architectural Standards. A variety of architectural features and building materials is encouraged to
3898 give each building or group of buildings a distinct character, while maintaining a compatible design
3899 theme throughout the ~~PCDPDD-TND~~. More specific design standards that ~~shall~~should be met are as
3900 follows:

3901 1. Existing Structures. Existing structures, if determined to be historic, architecturally, or culturally
3902 significant, ~~shall~~should be protected from demolition or encroachment by incompatible structures or
3903 land development, to the extent reasonably practical. The U.S. Secretary of the Interior's Standards for
3904 Rehabilitation of Historic Properties ~~shall~~should be used as the criteria for renovating historic or
3905 architecturally significant structures.

3906 2. New Structures.

3907 a. Height. New structures within a ~~PCDPDD-TND~~ ~~shall~~should be no more than three stories for single-
3908 family detached dwellings and attached dwellings, and six stories for commercial, multi-family dwellings,
3909 or mixed use buildings. Buildings within the mixed use area ~~shall~~should additionally meet the standards
3910 depicted in Figure 3.

3911 **GRAPHIC LINK:**[Click here](#)

3912 b. Entries and Facades. Similar architectural features, materials, and the articulation of a building
3913 facade ~~shall~~should be continued on all sides visible from a public street. The front facade of the principal
3914 building shall face onto the street yard of a public street, not directly toward a parking lot. As buildings
3915 are moved closer to the street and to each other, special attention should be paid to design details,
3916 house details, and landscaping. Compatible building designs or guidelines ~~shall~~should be followed for
3917 new structures on opposite sides of the same street. Porches, pent roofs, roof overhangs, hooded front
3918 doors or other similar architectural elements shall define the front entrance to all residences. For
3919 nonresidential buildings, a minimum of fifty percent of the public street facade(s) on the ground floor
3920 shall be transparent, consisting of window or door openings.

3921 3. Garages. Residential garages shall either be set back a minimum of four feet to the rear of the main
3922 front facade of the dwelling structure (not including porches or other projections) or utilize side-entry
3923 layout to ensure that the garage does not dominate the view from the street, per the standards
3924 illustrated in Figure 4. Varied garage setbacks along alleys are encouraged to create a more interesting
3925 streetscape and avoid cramped, monotonous, and claustrophobic alleys.

3926 **GRAPHIC LINK:**[Click here](#)

3927 4. Signage. Business signs, entrance monuments, and other major signs within a ~~PCDPDD-TND~~ ~~should~~
3928 ~~shall~~ share a common or compatible style, which may be demonstrated by similarities in sizes, shapes,
3929 and/or materials. In addition, all signage for mixed residential areas ~~shall~~should meet the technical
3930 requirements of Chapter 19.54 applicable to the R-3 District and all signage for other areas in the
3931 ~~PCDPDD-TND~~ ~~shall~~should meet the technical requirements applicable to the B-2 District, except that the
3932 maximum height of a freestanding sign ~~shall~~should be six feet and the maximum area of a freestanding
3933 sign ~~shall~~should be thirty-two feet.

3934 5. Exterior Lighting and Utilities. The styles of proposed street and private lot lighting ~~shall~~should be
3935 compatible with one another. All exterior lighting within the ~~PCDPDD-TND~~ ~~shall~~should meet the
3936 technical lighting requirements of Section 19.57.150. Street lighting ~~shall~~should be provided on both
3937 sides of all streets at intervals of no greater than seventy-five feet. More, smaller street lights as

3938 | opposed to fewer, high intensity lights, ~~are encouraged~~~~should be used~~. All new public and private utility
3939 | installations ~~shall~~~~should~~ be underground.

3940 | F. Landscaping and Screening Standards. Overall composition and location of landscaping ~~shall~~~~should~~
3941 | complement the scale of the development and its surroundings. In general, larger, well placed
3942 | contiguous planting areas ~~are~~~~shall be preferred~~~~are preferred~~ to smaller, disconnected areas. More
3943 | specific landscape standards ~~that shall be met~~ are as follows:

3944 | 1. Street Trees. An average, minimum of one deciduous tree per thirty-five feet of public street
3945 | frontage ~~shall be required~~. Street tree placements may be clustered or adjusted to achieve a particular
3946 | design objective or account for curb openings, street lighting, and other obstructions. Trees should
3947 | preferably be located between the sidewalk and the curb, within the landscaped area of a boulevard, or
3948 | in tree wells installed in pavement or concrete. If placement of street trees within the right-of-way will
3949 | interfere with pre-existing utility lines, trees may be planted within the private street yard adjacent to
3950 | the sidewalk.

3951 | 2. Landscape Materials. All plant materials ~~shall~~~~should~~ meet the minimum standards set forth by the
3952 | American National Standards Institute in ANSI Z60.1 American Standard for Nursery Stock. Landscape
3953 | species ~~shall~~~~should~~ be indigenous or proven adaptable to the climate, but ~~shall~~~~should~~ not be invasive.

3954 | 3. Minimum Planting Size. Minimum size at time of planting ~~shall~~~~should~~ be as specified in Table 3.

3955 | Table 3: Minimum Size Standards for Landscaping

3956 | TABLE INSET:

3957

Plant Type	Minimum Size at Time of Planting
Evergreen tree	4 feet in height
Deciduous canopy tree	2 inch caliper 1 (street trees may be 1.5 inch)
Small deciduous/ ornamental tree	1.5 inch caliper 1 or 4 feet in height
Evergreen or deciduous shrubs	2 feet unless mature height is less than 4 feet

3958 | Note:1 For the purpose of caliper size, the diameter of the tree ~~shall~~~~should~~ be measured 6 inches above
3959 | ground level.

3960 | 4. Landscape Screening. Where screening is required by this ordinance, it ~~shall~~~~should~~ meet the
3961 | requirements of Section 19.57.140.
3962 | (Ord. 1511 § 2(part), 2002).

3963

3964 | **19.39.060 Modifications and changes.**

3965 | Any subsequent change of use of any parcel of land or addition or modification of any approved
3966 | development plans ~~shall~~~~should~~ be submitted to the plan commission for approval. Minor changes can
3967 | be granted by the plan commission. Major changes that involve changes to the general intent of the
3968 | project as expressed in the approved GDP shall be made by the city council as specified in Chapter
3969 | 19.69. A conditional use permit will be required if the total building coverage of a new or remodeled
3970 | single-family detached dwelling, including the garage, exceeds sixty percent of the lot area within a
3971 | ~~PCDPDD-TND~~ District.

3972 | (Ord. 1511 § 2(part), 2002).

3973

3974 | **19.39.070 Park fees.**

3975 | All residential development shall be subject to a park acquisition fee of two hundred fourteen
3976 | dollars per dwelling unit in 2001 and a park improvement fee of five hundred five dollars per dwelling

3977 unit in 2001, payable before a building permit is issued. The amount of these fees may be reduced by
3978 any fee amount previously paid or credited at the time of subdivision. The park acquisition fee may also
3979 be reduced if sufficient land area was provided for park purposes at the time of subdivision, based on
3980 the calculations in section 18.04.030(a)(1) of the Whitewater Municipal Code. The fee amounts shall be
3981 adjusted during the first quarter of each year by a percentage equal to the rate of consumer inflation
3982 based on the percent of yearly change for the previous year for the Milwaukee metropolitan area, as
3983 reported by the U.S. Department of Labor, Bureau of Labor Statistics.
3984 (Ord. 1511 § 2(part), 2002).

3985

3986

3987 **Chapter 19.42 AT AGRICULTURAL TRANSITION DISTRICT**

3988 Sections:

3989 [19.42.010 Purpose.](#)

3990 [19.42.020 Permitted uses.](#)

3991 [19.42.030 Conditional uses.](#)

3992 [19.42.040 Lot area.](#)

3993 [19.42.050 Yard requirements.](#)

3994 [19.42.060 Building height.](#)

3995 [19.42.070 Existing residences.](#)

3996

3997 **19.42.010 Purpose.**

3998 The purposes of the AT agricultural transition district are to provide for the orderly transition of
3999 agricultural land to other uses in areas planned for eventual city expansion. This district is generally
4000 intended to apply to lands located in the city where such lands are predominantly in agricultural or open
4001 space use but where conversion to nonagricultural use is expected to occur in the ~~forseable~~foreseeable
4002 future.

4003 (Ord. 994 § 3.15(part), 1982).

4004

4005 **19.42.020 Permitted uses.**

4006 Permitted uses in the AT district include:

4007 A. Dairying, floriculture, orchards, plant nurseries, truck farming, sod farming, horticulture, grazing,
4008 greenhouses, forest and game management, livestock and poultry raising (except for commercial
4009 operations), road-side stands not exceeding one per farm, and similar agricultural uses;

4010 B. Two single-family dwelling units for resident owner/operators and their children, siblings, and
4011 parents or laborers principally engaged in conducting a permitted or approved conditional use;

4012 C. The second or greater wireless telecommunications facility located on an alternative support
4013 structure already supporting a wireless telecommunications facility or on a pre-existing wireless
4014 telecommunications facility, per the requirements of Chapter 19.55.

4015 (Ord. 1499 § 20, 2001; 994 § 3.15(A), 1982).

4016

4017 **19.42.030 Conditional uses.**

4018 Conditional uses in the AT district include:

4019 A. Fish and fur farms, beekeeping, commercial livestock and poultry operations, livestock sales
4020 facilities, veterinary services for farm animals, and similar agricultural uses;

4021 B. Housing for seasonal farm laborers;

4022 C. Airports;

4023 D. Mineral extraction;

4024 E. More than two single-family dwelling units for residential owner/operators and their children and
4025 parents or laborers principally engaged in conducting a permitted approved conditional use;
4026 F. The first wireless telecommunications facility located on an alternative support structure only, per
4027 the requirements of Chapter 19.55.
4028 (Ord. 1499 § 21, 2001; 994 § 3.15(B), 1982).

4029
4030 **19.42.040 Lot area.**

4031 Minimum lot area in the AT district is as follows:

- 4032 A. Farm units, minimum thirty-five acres;
4033 B. Additional farm-related housing, minimum twenty thousand square feet.
4034 (Ord. 994 § 3.15(C), 1982).

4035
4036 **19.42.050 Yard requirements.**

4037 Minimum yard requirements for the AT district are as follows:

- 4038 A. Additional farm-related housing shall comply with the provisions of the R-1 residential district;
4039 B. Farm buildings:
4040 1. Side yard, minimum fifty feet;
4041 2. Rear yard, minimum fifty feet.
4042 (Ord. 994 § 3.15(D), 1982).

4043
4044 **19.42.060 Building height.**

4045 Maximum building height for the AT district is two times their distance from adjacent lot lines.
4046 (Ord. 994 § 3.15(E), 1982).

4047
4048 **19.42.070 Existing residences.**

4049 Pre-existing residences in the agricultural transition district that do not conform to district
4050 standards may be continued in residential use and are not subject to the limitations of Chapter 19.60,
4051 Nonconforming Uses.
4052 (Ord. 994 § 3.15(F), 1982).

4053
4054 **Chapter 19.45 C-1 SHORELAND WETLAND DISTRICT**

4055 Sections:

- 4056 [19.45.010 Purpose.](#)
4057 [19.45.020 Permitted uses.](#)
4058 [19.45.030 Conditional uses.](#)
4059 [19.45.040 Prohibited uses.](#)

4060
4061 **19.45.010 Purpose.**

4062 The 6-1 shoreland wetland district is intended to preserve, protect, and enhance the ponds,
4063 streams, and wetland areas within the shoreland jurisdiction of the city. The preservation, protection,
4064 and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and
4065 improve water quality, both ground and surface; prevent flood damage; control storm water runoff;
4066 protect stream banks from erosion; protect groundwater recharge and discharge areas; protect wildlife
4067 habitat; protect native plant communities; avoid the location of structures on soils which are generally
4068 not suitable for use; and protect the water-based recreation resources of the city.

4069 The C-1 shoreland wetland district, as shown on the zoning map, includes all wetlands within the
4070 shorelands, as defined in this title, in the city. The boundaries were determined from the Wisconsin
4071 Wetland Inventory Map for the City of Whitewater, dated July 2, 1987, and stamped "FINAL."
4072 (Ord. 1196 § 1(part), 1990).

4073
4074 **19.45.020 Permitted uses.**

4075 Permitted uses in the C-1 district are limited to the following:

- 4076 A. Hiking, fishing, trapping, swimming and boating, unless prohibited by other laws and ordinances;
- 4077 B. Harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds,
4078 in a manner that is not injurious to the natural reproduction of such crops, and that does not involve
4079 filling, flooding, draining, dredging, ditching, tiling, or excavating;
- 4080 C. Silviculture, including the planting, thinning, and harvesting of timber, provided that no filling,
4081 flooding, draining, dredging, ditching, tiling, or excavating is done except for temporary water level
4082 stabilization measures to alleviate abnormally wet or dry conditions which would have an adverse
4083 impact on silvicultural activities if not corrected;
- 4084 D. Construction and maintenance of fences;
- 4085 E. Agricultural crops and grazing provided that they do not involve extension of cultivated areas,
4086 extension of or creation of new drainage systems, and further provided that they do not substantially
4087 disturb or impair the natural fauna, flora, topography, or water regimen;
- 4088 F. Ditching, tiling, dredging, excavating, or filling done to maintain or repair an existing drainage system
4089 only to the extent necessary to maintain the level of drainage required to continue the existing use;
- 4090 G. The construction and maintenance of piers, docks, and walkways, including those built on pilings;
- 4091 H. The maintenance, repair, replacement, and reconstruction of existing streets, roads, and bridges.
4092 (Ord. 1196 § 1(part), 1990).

4093
4094 **19.45.030 Conditional uses.**

4095 The following uses are conditional uses in the C-1 shoreland wetland district and may be
4096 permitted as specified. The city plan commission shall transmit a copy of each application for a
4097 conditional use in the C-1 shoreland wetland district to the Wisconsin Department of Natural Resources
4098 (DNR) at least ten days prior to the public hearing. Final action on the application shall not be taken for
4099 thirty days or until the DMR has made its recommendation, whichever comes first. A copy of all C-1
4100 shoreland wetland district conditional use permits shall be transmitted to the DMR within ten days
4101 following the decision:

- 4102 A. The construction of streets which are necessary for the continuity of the city street system,
4103 necessary for the provision of essential utility and public safety services, or necessary to provide access
4104 to permitted open space uses in the C-1 district; provided that:
 - 4105 1. The street cannot as a practical matter be located outside the conservancy district;
 - 4106 2. The street is designed and constructed to minimize adverse impact upon the natural functions of the
4107 wetland as listed in Section 11.1308(B) of the Wisconsin Statutes;
 - 4108 3. The street is designed and constructed with the minimum cross-section practical to serve the
4109 intended use;
 - 4110 4. The street construction activities are carried out in the immediate area of the roadbed only; and
 - 4111 5. Any filling, flooding, draining, dredging, ditching, tiling, or excavating that is done must be necessary
4112 for the construction or maintenance of the street.
- 4113 B. The construction and maintenance of nonresidential buildings used solely in conjunction with raising
4114 of waterfowl, minnows, or other wetland or aquatic animals or used solely for some other purpose
4115 which is compatible with wetland preservation, provided that:

- 4116 1. The building cannot as a practical matter be located outside the conservancy district;
4117 2. The building is not designed for human habitation and does not exceed five hundred square feet in
4118 area; and
4119 3. Only limited filling or excavating necessary to provide structural support is conducted.
4120 C. The establishment and development of public and private parks and recreation areas, recreation
4121 trails, public boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife
4122 refuges, game preserves, and private habitat areas; provided, that:
4123 1. Any private recreation or wildlife habitat area must be exclusively for that purpose;
4124 2. No filling is to be done; and
4125 3. Ditching, excavating, dredging, dike and dam construction may be done in wildlife refuges, game
4126 preserves, and private wildlife habitat areas, but only for the purpose of improving wildlife habitat or to
4127 otherwise enhance the value of a wetland or other natural resource.
4128 D. The construction and maintenance of electric, gas, telephone, water and sewer transmission and
4129 distribution lines, and related facilities; provided, that:
4130 1. The transmission and distribution lines and related facilities cannot as a practical matter be located
4131 outside the conservancy district; and
4132 2. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the
4133 construction or maintenance of the utility, and must be done in a manner designed to minimize flooding
4134 and other adverse impacts upon the natural functions of the conservancy area.
4135 E. The construction and maintenance of railroad lines; provided, that:
4136 1. The railroad lines cannot as a practical matter be located outside the conservancy district; and
4137 2. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the
4138 construction or maintenance of the railroad, and must be done in a manner designed to minimize
4139 flooding and other adverse impacts upon the natural functions of the conservancy area.
4140 (Ord. 1196 § 1(part), 1990).

4141
4142 **19.45.040 Prohibited uses.**

4143 Any use not listed as a permitted use or a conditional use is prohibited unless the C-1 district
4144 lands concerned are first rezoned into another district. Furthermore, the use of a boathouse for human
4145 habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary
4146 highwater mark of any navigable water are prohibited.
4147 (Ord. 1196 § 1(part), 1990).

4148
4149 **Chapter 19.451 C-2 NONSHORELAND WETLAND DISTRICT**

- 4150 Sections:
4151 [19.451.010 Purpose.](#)
4152 [19.451.020 Permitted uses.](#)
4153 [19.451.030 Conditional uses.](#)
4154 [19.451.040 Prohibited uses.](#)

4155
4156 **19.451.010 Purpose.**

4157 The C-2 nonshoreland wetland district is intended to preserve, protect, and enhance the ponds,
4158 streams, and wetland areas of the city located beyond the statutorily defined limits of shorelands. The
4159 preservation, protection, and enhancement of these areas will serve to maintain safe and healthful
4160 conditions; maintain and improve water quality, both ground and surface; prevent flood damage;
4161 control storm water runoff; protect stream banks from erosion; protect groundwater recharge and
4162 discharge areas; protect wildlife habitat; protect native plant communities; avoid the location of

4163 structures on soils which are generally not suitable for use; and protect the water-based recreation
4164 resources of the city.

4165 The C-2 nonshoreland wetland district, as shown on the zoning map, includes those wetlands
4166 not located within the shoreland jurisdiction in the city. The boundaries were initially determined from
4167 the Wisconsin Wetland Inventory Map for the City of Whitewater, dated July 2, 1987, and stamped
4168 "FINAL."
4169 (Ord. 1196 § 1(part), 1990).

4170

4171 **19.451.020 Permitted uses.**

4172 Permitted uses in the C-2 district are limited to the following:

- 4173 A. Hiking, fishing, trapping, swimming and boating, unless prohibited by other laws and ordinances;
- 4174 B. Harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds,
4175 in a manner that is not injurious to the natural reproduction of such crops, and that does not involve
4176 filling, flooding, draining, dredging, ditching, tiling, or excavating;
- 4177 C. Silviculture, including the planting, thinning, and harvesting of timber; provided, that no filling,
4178 flooding, draining, dredging, ditching, tiling, or excavating is done except for temporary water level
4179 stabilization measures to alleviate abnormally wet or dry conditions which would have an adverse
4180 impact on silvicultural activities if not corrected;
- 4181 D. Construction and maintenance of fences;
- 4182 E. Agricultural crops and grazing; provided, that they do not involve extension of cultivated areas,
4183 extension of or creation of new drainage systems; and further provided, that they do not substantially
4184 disturb or impair the natural fauna, flora, topography, or water regimen;
- 4185 F. Ditching, tiling, dredging, excavating, or filling done to maintain or repair an existing drainage system
4186 only to the extent necessary to maintain the level of drainage required to continue the existing use;
- 4187 G. The construction and maintenance of piers, docks, and walkways, including those built on pilings;
- 4188 H. The maintenance, repair, replacement, and reconstruction of existing streets, roads, and bridges.
4189 (Ord. 1196 § 1(part), 1990).

4190

4191 **19.451.030 Conditional uses.**

4192 The following uses are conditional uses in the C-2 nonshoreland wetland district and may be
4193 permitted as specified:

- 4194 A. The construction of streets which are necessary for the continuity of the city street system,
4195 necessary for the provision of essential utility and public safety services, or necessary to provide access
4196 to permitted open space uses in the C-2 district; provided, that:
 - 4197 1. The street cannot as a practical matter be located outside the conservancy district;
 - 4198 2. The street is designed and constructed to minimize adverse impact upon the natural functions of the
4199 wetland as listed in Section 11.1308(B) of the Wisconsin Statutes;
 - 4200 3. The street is designed and constructed with the minimum cross-section practical to serve the
4201 intended use;
 - 4202 4. The street construction activities are carried out in the immediate area of the roadbed only; and
 - 4203 5. Any filling, flooding, draining, dredging, ditching, tiling, or excavating that is done must be necessary
4204 for the construction or maintenance of the street.
- 4205 B. The construction and maintenance of nonresidential buildings used solely in conjunction with raising
4206 of waterfowl, minnows, or other wetland or aquatic animals or used solely for some other purpose
4207 which is compatible with wetland preservation; provided, that:
 - 4208 1. The building cannot as a practical matter be located outside the conservancy district;

- 4209 2. The building is not designed for human habitation and does not exceed five hundred square feet in
4210 area; and
- 4211 3. Only limited filling or excavating necessary to provide structural support is conducted.
- 4212 C. The establishment and development of public and private parks and recreation areas, recreation
4213 trails, public boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife
4214 refugeesrefuges, game preserves, and private habitat areas; provided, that:
- 4215 1. Any private recreation or wildlife habitat area must be exclusively for that purpose;
- 4216 2. No filling is to be done; and
- 4217 3. Ditching, excavating, dredging, dike and dam construction may be done in wildlife refuges, game
4218 preserves, and private wildlife habitat areas, but only for the purpose of improving wildlife habitat or to
4219 otherwise enhance the value of a wetland or other natural resource.
- 4220 D. The construction and maintenance of electric, gas, telephone, water and sewer transmission and
4221 distribution lines, and related facilities; provided, that:
- 4222 1. The transmission and distribution lines and related facilities cannot as a practical matter be located
4223 outside the conservancy district; and
- 4224 2. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the
4225 construction or maintenance of the utility, and must be done in a manner designed to minimize flooding
4226 and other adverse impacts upon the natural functions of the conservancy area.
- 4227 E. The construction and maintenance of railroad lines; provided, that:
- 4228 1. The railroad lines cannot as a practical matter be located outside the conservancy district; and
- 4229 2. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the
4230 construction or maintenance of the railroad, and must be done in a manner designed to minimize
4231 flooding and other adverse impacts upon the natural functions of the conservancy area.
4232 (Ord. 1196 § 1(part), 1990).

4233

4234 **19.451.040 Prohibited uses.**

4235 Any use not listed as a permitted use or a conditional use is prohibited unless the C-2 district
4236 lands concerned are first rezoned into another district. Furthermore, the use of a boathouse for human
4237 habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary
4238 high water mark of any navigable water are prohibited.
4239 (Ord. 1196 § 1(part), 1990).

4240

4241 **Chapter 19.46 FLOODPLAIN REGULATIONS***

4242

4243

4244 ***Editor's note:** Ord. No. 1724A, § 1, adopted April 8, 2009, repealed the former Ch. 19.46, and
4245 enacted a new Ch. 19.46. Prior to inclusion of said ordinance, Ch. 19.46, pertained to similar subject
4246 matter. See also the Code Comparative Table and Disposition List.

- 4247
- 4248
- 4249 Sections:
- 4250 [19.46.010 Statutory authorization, finding of fact, statement of purpose, title and general provisions.](#)
- 4251 [19.46.020 General standards applicable to all floodplain districts.](#)
- 4252 [19.46.030 Floodway district \(FW\).](#)
- 4253 [19.46.040 Floodfringe district \(FF\).](#)
- 4254 [19.46.050 Other floodplain districts.](#)
- 4255 [19.46.060 Nonconforming uses.](#)
- 4256 [19.46.070 Administration.](#)
- 4257 [19.46.080 Amendments.](#)

4258 [19.46.090 Enforcement and penalties.](#)

4259 [19.46.100 Definitions.](#)

4260

4261 **19.46.010 Statutory authorization, finding of fact, statement of purpose, title and general**
4262 **provisions.**

4263 A. Statutory authorization. This chapter is adopted pursuant to the authorization in ss. 61.35 and 62.23,
4264 for villages and cities; 59.69, 59.692, and 59.694 for counties; and the requirements in s. 87.30, Stats.

4265 B. Finding of fact. Uncontrolled development and use of the floodplains and rivers of this municipality
4266 would impair the public health, safety, convenience, general welfare and tax base.

4267 C. Statement of purpose. This chapter is intended to regulate floodplain development to:

4268 1. Protect life, health and property;

4269 2. Minimize expenditures of public funds for flood control projects;

4270 3. Minimize rescue and relief efforts undertaken at the expense of the taxpayers;

4271 4. Minimize business interruptions and other economic disruptions;

4272 5. Minimize damage to public facilities in the floodplain;

4273 6. Minimize the occurrence of future flood blight areas in the floodplain;

4274 7. Discourage the victimization of unwary land and homebuyers;

4275 8. Prevent increases in flood heights that could increase flood damage and result in conflicts between
4276 property owners; and

4277 9. Discourage development in a floodplain if there is any practicable alternative to locate the activity,
4278 use or structure outside of the floodplain.

4279 D. Title. This chapter shall be known as the Floodplain Zoning Ordinance for the City of Whitewater,
4280 Wisconsin.

4281 E. General provisions.

4282 1. Areas to be regulated. This chapter regulates all areas that would be covered by the regional flood or
4283 base flood.

4284 Note: Base flood elevations are derived from the flood profiles in the Flood Insurance Study.
4285 Regional flood elevations may be derived from other studies. Areas covered by the base flood are
4286 identified as A-Zones on the Flood Insurance Rate Map.

4287 2. Official maps and revisions. The boundaries of all floodplain districts are designated as floodplains or
4288 A-Zones on the maps listed below and the revisions in the City of Whitewater Floodplain Appendix. Any
4289 change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance
4290 Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No
4291 changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the
4292 DNR. These maps and revisions are on file in the office of the Public Works Department, City of
4293 Whitewater. If more than one map or revision is referenced, the most restrictive information shall apply.

4294 Official maps: Based on the FIS.

4295 a. For Jefferson County Flood Insurance Rate Maps (FIRM), panel numbers 55055C0432E, 55055C0451E
4296 and 55055C0455E, dated June 2, 2009, with corresponding profiles based on the Flood Insurance Study
4297 (FIS) dated June 2, 2009 volume number 55055CV000A;

4298 b. For Walworth County Flood Insurance Rate Maps (FIRM), panel numbers 55127C0009D,
4299 55127C0017D, 55127C0028D, and 55127C0029D, dated October 2, 2009, with corresponding profiles
4300 based on the Flood Insurance Study (FIS) dated October 2, 2009, volume number 55127CV000A.

4301 3. Establishment of districts. The regional floodplain areas are divided into three districts as follows:

4302 a. The floodway district (FW) is the channel of a river or stream and those portions of the floodplain
4303 adjoining the channel required to carry the regional floodwaters.

4304 b. The floodfringe district (FF) is that portion of the floodplain between the regional flood limits and the
4305 floodway.

4306 c. The general floodplain district (GFP) is those areas that have been or may be covered by floodwater
4307 during the regional flood.

4308 d. The flood storage district (FSD) is that area of the floodplain where storage of floodwaters is
4309 calculated to reduce the regional flood discharge.

4310 4. Locating floodplain boundaries. Discrepancies between boundaries on the official floodplain zoning
4311 map and actual field conditions shall be resolved using the criteria in subsections a. or b. below. If a
4312 significant difference exists, the map shall be amended according to section 19.46.080. The zoning
4313 administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit,
4314 whether or not a map amendment is required. The zoning administrator shall be responsible for
4315 documenting actual pre-development field conditions and the basis upon which the district boundary
4316 was determined and for initiating any map amendments required under this section. Disputes between
4317 the zoning administrator and an applicant over the district boundary line shall be settled according to
4318 subsection 19.46.070C.3. and the criteria in a. and b. below.

4319 a. If flood profiles exist, the map scale and the profile elevations shall determine the district boundary.
4320 The regional or base flood elevations shall govern if there are any discrepancies.

4321 b. Where flood profiles do not exist, the location of the boundary shall be determined by the map
4322 scale, visual on-site inspection and any information provided by the department.

4323 Note: Where the flood profiles are based on established base flood elevations from a FIRM,
4324 FEMA must also approve any map amendment pursuant to subsection 19.46.080A.6.

4325 5. Removal of lands from floodplain. Compliance with the provisions of this chapter shall not be
4326 grounds for removing land from the floodplain unless it is filled at least two feet above the regional or
4327 base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended
4328 pursuant to section 19.46.080.

4329 Note: This procedure does not remove the requirements for the mandatory purchase of flood
4330 insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).

4331 6. Compliance. Any development or use within the areas regulated by this chapter shall be in
4332 compliance with the terms of this chapter, and other applicable local, state, and federal regulations.

4333 7. Municipalities and state agencies regulated. Unless specifically exempted by law, all cities, villages,
4334 towns, and counties are required to comply with this chapter and obtain all necessary permits. State
4335 agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction,
4336 maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation
4337 is exempt when s. 30.2022, Stats., applies.

4338 8. Abrogation and greater restrictions.

4339 a. This chapter supersedes all the provisions of any municipal zoning ordinance enacted under ss.
4340 59.69, 59.692 or 59.694 for counties; s. 62.23 for cities; or s. 61.35 for villages; or s. 87.30, Stats., which
4341 relate to floodplains. If another ordinance is more restrictive than this chapter, that ordinance shall
4342 continue in full force and effect to the extent of the greater restrictions, but not otherwise.

4343 b. This chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants
4344 or easements. If this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

4345 9. Interpretation. In their interpretation and application, the provisions of this chapter are the
4346 minimum requirements liberally construed in favor of the governing body and are not a limitation on or
4347 repeal of any other powers granted by the Wisconsin Statutes. If a provision of this chapter, required by
4348 ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in
4349 effect on the date of the adoption of this chapter or in effect on the date of the most recent text
4350 amendment to this chapter.

4351 10. Warning and disclaimer of liability. The flood protection standards in this chapter are based on
4352 engineering experience and scientific research. Larger floods may occur or the flood height may be
4353 increased by man-made or natural causes. This chapter does not imply or guarantee that nonfloodplain

4354 areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this chapter
4355 create liability on the part of, or a cause of action against, the municipality or any officer or employee
4356 thereof for any flood damage that may result from reliance on this chapter.

4357 11. Severability. Should any portion of this chapter be declared unconstitutional or invalid by a court of
4358 competent jurisdiction, the remainder of this chapter shall not be affected.

4359 12. Annexed areas for cities and villages. The Walworth and Jefferson County floodplain zoning
4360 provisions in effect on the date of annexation shall remain in effect and shall be enforced by the
4361 municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets
4362 the requirements of ch. NR 116, Wis. Adm. Code and the National Flood Insurance Program (NFIP).
4363 These annexed lands are described on the municipality's official zoning map. County floodplain zoning
4364 provisions are incorporated by reference for the purpose of administering this section and are on file in
4365 the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional
4366 flood elevation and the location of the floodway.

4367 13. General development standards. The community shall review all permit applications to determine
4368 whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a
4369 floodprone area, all new construction and substantial improvements shall be designed or modified and
4370 adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from
4371 hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be
4372 constructed by methods and practices that minimize flood damages; and be constructed with electrical,
4373 heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed
4374 and/or located so as to prevent water from entering or accumulating within the components during
4375 conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All
4376 subdivision proposals (including manufactured home parks) shall include regional flood elevation and
4377 floodway data for any development that meets the subdivision definition of this chapter.

4378 Ord. No. 1724A, § 1(1.0), 4-8-2009; Ord. No. 1741A, § 1, 8-4-2009)

4379

4380 **19.46.020 General standards applicable to all floodplain districts.**

4381 A. Hydraulic and hydrologic analyses.

4382 1. Except as allowed in subsection 3. below, no floodplain development shall:

4383 a. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with
4384 other development, increasing regional flood height; or

4385 b. Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot.

4386 2. The zoning administrator shall deny permits if it is determined the proposed development will
4387 obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM
4388 or other adopted map, unless the provisions of subsection 3. are met.

4389 3. Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments
4390 are made to this chapter, the official floodplain zoning maps, floodway lines and water surface profiles,
4391 in accordance with section 19.46.080.

4392 Note: This section refers to obstructions or increases in base flood elevations as shown on the
4393 officially adopted FIRM or other adopted map. Any such alterations must be reviewed and approved by
4394 FEMA and the DNR.

4395 B. Watercourse alterations. No land use permit to alter or relocate a watercourse in a mapped
4396 floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the
4397 department and FEMA regional offices and required the applicant to secure all necessary state and
4398 federal permits. The flood carrying capacity of any altered or relocated watercourse shall be maintained.

4399 As soon as is practicable, but not later than six months after the date of the watercourse
4400 alteration or relocation, the zoning administrator shall notify FEMA of the changes by submitting

4401 appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise
4402 the FIRM, risk premium rates and floodplain management regulations as required.

4403 C. Chapter 30. 31, Wis. Stats., development. Development which requires a permit from the
4404 department, under chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and
4405 navigational aids, may be allowed if the necessary permits are obtained and amendments to the
4406 floodway lines, water surface profiles, BFE's established in the FIS, or other data from the officially
4407 adopted FIRM, or other floodplain zoning maps or the floodplain zoning ordinance are made according
4408 to section 19.24.080.

4409 D. Public or private campgrounds. Public or private campgrounds shall have a low flood damage
4410 potential and shall meet the following provisions:

4411 1. The campground is approved by the Department of Health and Family Services.
4412 2. A land use permit for the campground is issued by the zoning administrator.
4413 3. The character of the river system and the elevation of the campground is such that a seventy-two-
4414 hour warning of an impending flood can be given to all campground occupants.
4415 4. There is an adequate flood warning procedure for the campground that offers the minimum notice
4416 required under this section to all persons in the campground. This procedure shall include a written
4417 agreement between the campground owner, the municipal emergency government coordinator and the
4418 chief law enforcement official which specifies the flood elevation at which evacuation shall occur,
4419 personnel responsible for monitoring flood elevations, types of warning systems to be used and the
4420 procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the
4421 evacuation.
4422 5. This agreement shall be for no more than one calendar year, at which time the agreement shall be
4423 reviewed and updated - by the officials identified in subsection 4. - to remain in compliance with all
4424 applicable regulations, including those of the state department of health and family services and all
4425 other applicable regulations.
4426 6. Only camping units are allowed.
4427 7. The camping units may not occupy any site in the campground for more than one hundred eighty
4428 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum
4429 of twenty-four hours.
4430 8. All camping units that remain on site for more than thirty days shall be issued a limited authorization
4431 by the campground operator, a written copy of which is kept on file at the campground. Such
4432 authorization shall allow placement of a camping unit for a period not to exceed one hundred eighty
4433 days and shall ensure compliance with all the provisions of this section.
4434 9. The municipality shall monitor the limited authorizations issued by the campground operator to
4435 assure compliance with the terms of this section.
4436 10. All camping units that remain in place for more than one hundred eighty consecutive days must
4437 meet the applicable requirements in either section 19.46.030 or section 19.46.040 for the floodplain
4438 district in which the structure is located.
4439 11. The campground shall have signs clearly posted at all entrances warning of the flood hazard and the
4440 procedures for evacuation when a flood warning is issued.
4441 12. All service facilities, including but not limited to refuse collection, electrical service, natural gas
4442 lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or
4443 floodproofed to the flood protection elevation.
4444 (Ord. No. 1724A, § 1(2.0), 4-8-2009)

4445
4446 **19.46.030 Floodway district (FW).**
4447 A. Applicability. This section applies to all floodway areas on the floodplain zoning maps and those
4448 identified pursuant to subsection 19.46.050A.4.

4449 B. Permitted uses. The following open space uses are allowed in the floodway district and the floodway
4450 areas of the general floodplain district, if
4451 - They are not prohibited by any other ordinance;
4452 - They meet the standards in subsection 19.46.030C. and 19.46.030D.; and
4453 - All permits or certificates have been issued according to subsection 19.46.070A.:

- 4454 1. Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop
4455 harvesting.
- 4456 2. Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport
4457 landing strips.
- 4458 3. Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds,
4459 boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries,
4460 shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails,
4461 subject to the fill limitations of subsection 19.46.030C.4.
- 4462 4. Uses or structures accessory to open space uses, or classified as historic structures that comply with
4463 subsections 19.46.030C. and 19.46.030C.4.
- 4464 5. Extraction of sand, gravel or other materials that comply with subsection 19.46.030C.4.
- 4465 6. Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts,
4466 navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30, 31,
4467 Stats.
- 4468 7. Public utilities, streets and bridges that comply with subsection 19.46.030C.3.

4469 C. Standards for developments in floodway areas.

- 4470 1. General.
 - 4471 a. Any development in floodway areas shall comply with section 19.46.020 and have a low flood
4472 damage potential.
 - 4473 b. Applicants shall provide the following data to determine the effects of the proposal according to
4474 subsection 19.46.020A.:
 - 4475 i. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the
4476 proposed development will obstruct flow; or
 - 4477 ii. An analysis calculating the effects of this proposal on regional flood height.
 - 4478 c. The zoning administrator shall deny the permit application if the project will increase flood
4479 elevations upstream or downstream 0.01 foot or more, based on the data submitted for subsection b.
4480 above.
- 4481 2. Structures. Structures accessory to permanent open space uses or functionally dependent on a
4482 waterfront location may be allowed by permit if the structures comply with the following criteria:
 - 4483 a. The structure is not designed for human habitation and does not have a high flood damage potential;
 - 4484 b. it must be anchored to resist flotation, collapse and lateral movement;
 - 4485 c. mechanical and utility equipment must be elevated or floodproofed to or above the flood protection
4486 elevation; and
 - 4487 d. it must not obstruct the flow of flood waters or cause any increase in flood levels during the
4488 occurrence of the regional flood.
- 4489 3. Public utilities, streets and bridges. Public utilities, streets and bridges may be allowed by permit, if:
 - 4490 a. Adequate floodproofing measures are provided to the flood protection elevation; and
 - 4491 b. Construction meets the development standards of subsection 19.46.020A.
- 4492 4. Fills or deposition of materials. Fills or deposition of materials may be allowed by permit, if:
 - 4493 a. The requirements of subsection 19.46.020A. are met;
 - 4494 b. No material is deposited in the navigable channel unless a permit is issued by the Department
4495 pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act,

4496 Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this
4497 section are met;
4498 c. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or
4499 bulkheading; and
4500 d. The fill is not classified as a solid or hazardous material.
4501 D. Prohibited uses. All uses not listed as permitted uses in subsection 19.46.020B. are prohibited,
4502 including the following uses:
4503 1. Habitable structures, structures with high flood damage potential, or those not associated with
4504 permanent open-space uses;
4505 2. Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or
4506 human, animal, plant, fish or other aquatic life;
4507 3. Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
4508 4. Any private or public sewage systems, except portable latrines that are removed prior to flooding
4509 and systems associated with recreational areas and Department-approved campgrounds that meet the
4510 applicable provisions of local ordinances and ch. COMM 83, Wis. Adm. Code;
4511 5. Any public or private wells which are used to obtain potable water, except those for recreational
4512 areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;
4513 6. Any solid or hazardous waste disposal sites;
4514 7. Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis.
4515 Adm. Code;
4516 8. Any sanitary sewer or water supply lines, except those to service existing or proposed development
4517 located outside the floodway which complies with the regulations for the floodplain area occupied.
4518 (Ord. No. 1724A, § 1(3.0), 4-8-2009)

4519

4520 **19.46.040 Floodfringe district (FF).**

4521 A. Applicability. This section applies to all floodfringe areas shown on the floodplain zoning maps and
4522 those identified pursuant to subsection 19.46.050A.4.

4523 B. Permitted uses. Any structure, land use, or development is allowed in the floodfringe district if the
4524 standards in subsection 19.46.040C. are met, the use is not prohibited by this or any other ordinance or
4525 regulation and all permits or certificates specified in subsection 19.46.070A. have been issued.

4526 C. Standards for development in floodfringe areas. Subsection 19.46.020A. shall apply in addition to the
4527 following requirements according to the use requested.

4528 1. Residential uses. Any habitable structure, including a manufactured home, which is to be erected,
4529 constructed, reconstructed, altered, or moved into the floodfringe area, shall meet or exceed the
4530 following standards;

4531 a. The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood
4532 protection elevation on fill. The fill shall be one foot or more above the regional flood elevation
4533 extending at least fifteen feet beyond the limits of the structure. The department may authorize other
4534 floodproofing measures if the elevations of existing streets or sewer lines makes compliance impractical;

4535 b. The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to
4536 the flood protection elevation. No basement or crawlway floor is allowed below the regional flood
4537 elevation;

4538 c. Contiguous dryland access shall be provided from a structure to land outside of the floodplain,
4539 except as provided in subsection d.

4540 d. In developments where existing street or sewer line elevations make compliance with subsection c.
4541 impractical, the municipality may permit new development and substantial improvements where access
4542 roads are at or below the regional flood elevation, if:

4543 i. The municipality has written assurance from police, fire and emergency services that rescue and
4544 relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
4545 ii. The municipality has a natural disaster plan approved by Wisconsin Emergency Management and the
4546 Department.

4547 2. Accessory structures or uses.

4548 a. Except as provided in subsection b., an accessory structure which is not connected to a principal
4549 structure may be constructed with its lowest floor at or above the regional flood elevation.

4550 b. An accessory structure which is not connected to the principal structure and which is less than six
4551 hundred square feet in size and valued at less than \$10,000.00 may be constructed with its lowest floor
4552 no more than two feet below the regional flood elevation if it is subject to flood velocities of no more
4553 than two feet per second and it meets all of the provisions of sections 3.3 (2) (a), (b), (c) and (d) and 4.3
4554 (5) below.

4555 3. Commercial uses. Any commercial structure which is erected, altered or moved into the floodfringe
4556 area shall meet the requirements of subsection 19.46.040C.1. Subject to the requirements of section
4557 19.46.040C.5., storage yards, surface parking lots and other such uses may be placed at lower elevations
4558 if an adequate warning system exists to protect life and property.

4559 4. Manufacturing and industrial uses. Any manufacturing or industrial structure which is erected,
4560 altered or moved into the floodfringe area shall be protected to the flood protection elevation using fill,
4561 levees, floodwalls, or other floodproofing measures in subsection 19.46.070E. Subject to the
4562 requirements of subsection 19.46.040C.E., storage yards, surface parking lots and other such uses may
4563 be placed at lower elevations if an adequate warning system exists to protect life and property.

4564 5. Storage of materials. Materials that are buoyant, flammable, explosive, or injurious to property,
4565 water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection
4566 elevation or floodproofed in compliance with subsection 19.46.070E. Adequate measures shall be taken
4567 to ensure that such materials will not enter the water body during flooding.

4568 6. Public utilities, streets and bridges. All utilities, streets and bridges shall be designed to be
4569 compatible with comprehensive floodplain development plans; and

4570 a. When failure of public utilities, streets and bridges would endanger public health or safety, or where
4571 such facilities are deemed essential, construction of and substantial improvements to such facilities may
4572 only be permitted if they are floodproofed in compliance with subsection 19.46.070E. to the flood
4573 protection elevation;

4574 b. Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to
4575 withstand flood forces to the regional flood elevation.

4576 7. Sewage systems. All on-site sewage disposal systems shall be floodproofed, pursuant to subsection
4577 19.46.070E., to the flood protection elevation and shall meet the provisions of all local ordinances and
4578 ch. COMM 83, Wis. Adm. Code.

4579 8. Wells. All wells shall be floodproofed, pursuant to subsection 19.46.070E., to the flood protection
4580 elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

4581 9. Solid waste disposal sites. Disposal of solid or hazardous waste is prohibited in floodfringe areas.

4582 10. Deposition of materials. Any deposited material must meet all the provisions of this chapter.

4583 11. Manufactured homes.

4584 a. Owners or operators of all manufactured home parks and subdivisions shall provide adequate
4585 surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan,
4586 indicating vehicular access and escape routes, with local emergency management authorities.

4587 b. In existing manufactured home parks, all new homes, replacement homes on existing pads, and
4588 substantially improved homes shall:

4589 i. Have the lowest floor elevated to the flood protection elevation; and
4590 ii. Be anchored so they do not float, collapse or move laterally during a flood.

4591 c. Outside of existing manufactured home parks, including new manufactured home parks and all single
4592 units outside of existing parks, all new, replacement and substantially improved manufactured homes
4593 shall meet the residential development standards for the floodfringe in subsection 19.46.040C.1.

4594 12. Mobile recreational vehicles. All mobile recreational vehicles that are on site for one hundred
4595 eighty consecutive days or more or are not fully licensed and ready for highway use shall meet the
4596 elevation and anchoring requirements in subsections 19.46.040C.11.b. and c. A mobile recreational
4597 vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by
4598 quick-disconnect utilities and security devices and has no permanently attached additions.
4599 (Ord. No. 1724A, § 1(4.0), 4-8-2009)

4600

4601 **19.46.050 Other floodplain districts.**

4602 Other floodplain districts may be established under the ordinance and reflected on the
4603 floodplain zoning map. These districts may include general floodplain districts and flood storage
4604 districts.

4605 A. General floodplain district (GFP).

4606 1. Applicability. The provisions for this district shall apply to all floodplains for which flood profiles are
4607 not available or where flood profiles are available but floodways have not been delineated. Floodway
4608 and floodfringe districts shall be delineated when adequate data is available.

4609 2. Permitted uses. Pursuant to subsection 19.46.050A.4., it shall be determined whether the proposed
4610 use is located within a floodway or floodfringe area. Those uses permitted in floodway (subsection
4611 19.46.030B.) and floodfringe areas (subsection 19.46.040B) are allowed within the general floodplain
4612 district, according to the standards of subsection 19.46.050C., provided that all permits or certificates
4613 required under subsection 19.46.070A. have been issued.

4614 3. Standards for development in the general floodplain district. Section 19.46.030 applies to floodway
4615 areas, section 19.46.040 applies to floodfringe areas. The rest of this chapter applies to either district.

4616 4. Determining floodway and floodfringe limits. Upon receiving an application for development within
4617 the general floodplain district, the zoning administrator shall:

4618 a. Require the applicant to submit two copies of an aerial photograph or a plan which shows the
4619 proposed development with respect to the general floodplain district limits, stream channel, and
4620 existing floodplain developments, along with a legal description of the property, fill limits and
4621 elevations, building floor elevations and floodproofing measures;

4622 b. Require the applicant to furnish any of the following information deemed necessary by the
4623 department to evaluate the effects of the proposal upon flood height and flood flows, regional flood
4624 elevation and to determine floodway boundaries:

4625 i. A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the
4626 channel, the cross-sectional area to be occupied by the proposed development, and all historic high
4627 water information;

4628 ii. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage
4629 elevations; size, location and layout of all proposed and existing structures on the site; location and
4630 elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;

4631 iii. Profile showing the slope of the bottom of the channel or flow line of the stream;

4632 iv. Specifications for building construction and materials, floodproofing, filling, dredging, channel
4633 improvement, storage, water supply and sanitary facilities.

4634 c. Transmit one copy of the information described in subsections 1. and 2. to the department regional
4635 office along with a written request for technical assistance to establish regional flood elevations and,
4636 where applicable, floodway data. Where the provisions of subsection 19.46.070A.2.c. apply, the
4637 applicant shall provide all required information and computations to delineate floodway boundaries and
4638 the effects of the project on flood elevations.

4639 B. Flood storage district. The flood storage district delineates that portion of the floodplain where
4640 storage of floodwaters has been taken into account and is relied upon to reduce the regional flood
4641 discharge. The district protects the flood storage areas and assures that any development in the storage
4642 areas will not decrease the effective flood storage capacity which would cause higher flood elevations.
4643 1. Applicability. The provisions of this section apply to all areas within the flood storage district (FSD),
4644 as shown on the official floodplain zoning maps.
4645 2. Permitted uses. Any use or development which occurs in a flood storage district must meet the
4646 applicable requirements in subsection 19.46.040C.
4647 3. Standards for development in flood storage districts.
4648 a. Development in a flood storage district shall not cause an increase equal or greater than 0.01 of a
4649 foot in the height of the regional flood.
4650 b. No development shall be allowed which removes flood storage volume unless an equal volume of
4651 storage as defined by the pre-development ground surface and the regional flood elevation shall be
4652 provided in the immediate area of the proposed development to compensate for the volume of storage
4653 which is lost, (compensatory storage). Excavation below the groundwater table is not considered to
4654 provide an equal volume of storage.
4655 c. If compensatory storage cannot be provided, the area may not be developed unless the entire area
4656 zoned as flood storage district - on this waterway - is rezoned to the floodfringe district. This must
4657 include a revision to the floodplain study and map done for the waterway to revert to the higher
4658 regional flood discharge calculated without flood plain storage, as per section 19.46.080A. of this
4659 chapter.
4660 d. No area may be removed from the flood storage district unless it can be shown that the area has
4661 been filled to the flood protection elevation and is contiguous to other lands lying outside of the
4662 floodplain.
4663 (Ord. No. 1724A, § 1(5.0), 4-8-2009)

4664
4665 **19.46.060 Nonconforming uses.**

4666 A. General.

4667 1. Applicability. If these standards conform with s. 59.69(10), Stats., for counties or s. 62.23(7)(h),
4668 Stats., for cities and villages, they shall apply to all modifications or additions to any nonconforming use
4669 or structure and to the use of any structure or premises which was lawful before the passage of this
4670 chapter or any amendment thereto.
4671 2. The existing lawful use of a structure or its accessory use which is not in conformity with the
4672 provisions of this chapter may continue subject to the following conditions:
4673 a. No modifications or additions to a nonconforming use or structure shall be permitted unless they
4674 comply with this chapter. The words "modification" and "addition" include, but are not limited to, any
4675 alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use,
4676 structure or accessory structure or use. Ordinary maintenance repairs are not considered an extension,
4677 modification or addition; these include painting, decorating, paneling and the replacement of doors,
4678 windows and other nonstructural components and the maintenance, repair or replacement of existing
4679 private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs
4680 do not include any costs associated with the repair of a damaged structure.

4681 The construction of a deck that does not exceed two hundred square feet and that is adjacent to
4682 the exterior wall of a principal structure is not an extension, modification or addition. The roof of the
4683 structure may extend over a portion of the deck in order to provide safe ingress and egress to the
4684 principal structure.

4685 b. If a nonconforming use or the use of a nonconforming structure is discontinued for twelve
4686 consecutive months, it is no longer permitted and any future use of the property, and any structure or
4687 building thereon, shall conform to the applicable requirements of this chapter;
4688 c. The municipality shall keep a record which lists all nonconforming uses and nonconforming
4689 structures, their present equalized assessed value, the cost of all modifications or additions which have
4690 been permitted, and the percentage of the structure's total current value those modifications represent;
4691 d. No modification or addition to any nonconforming structure or any structure with a nonconforming
4692 use, which over the life of the structure would equal or exceed fifty percent of its present equalized
4693 assessed value, shall be allowed unless the entire structure is permanently changed to a conforming
4694 structure with a conforming use in compliance with the applicable requirements of this chapter.
4695 Contiguous dry land access must be provided for residential and commercial uses in compliance with
4696 subsection 19.46.040C.1. The costs of elevating a nonconforming building or a building with a
4697 nonconforming use to the flood protection elevation are excluded from the fifty percent provisions of
4698 this subsection;
4699 e. i. Except as provided in subsection ii., if any nonconforming structure or any structure with a
4700 nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or
4701 rebuilt unless the use and the structure meet the current ordinance requirements. A structure is
4702 considered substantially damaged if the total cost to restore the structure to its pre-damaged condition
4703 equals or exceeds fifty percent of the structure's present equalized assessed value.
4704 ii. For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or
4705 reconstruction of any such nonconforming building may be permitted in order to restore it after the
4706 nonflood disaster, provided that the nonconforming building will meet all of the minimum requirements
4707 under applicable FEMA regulations (44 CFR Part 60), or the regulations promulgated thereunder.
4708 f. A nonconforming historic structure may be altered if the alteration will not preclude the structures
4709 continued designation as a historic structure, the alteration will comply with subsection 19.46.030C.1.,
4710 flood resistant materials are used, and construction practices and floodproofing methods that comply
4711 with subsection 19.46.070E. are used.

4712 B. Floodway areas.

4713 1. No modification or addition shall be allowed to any nonconforming structure or any structure with a
4714 nonconforming use in a floodway area, unless such modification or addition:

4715 a. Has been granted a permit or variance which meets all ordinance requirements;
4716 b. Meets the requirements of 19.46.060A.;
4717 c. Will not increase the obstruction to flood flows or regional flood height;
4718 d. Any addition to the existing structure shall be floodproofed, pursuant to subsection 19.46.070E., by
4719 means other than the use of fill, to the flood protection elevation;
4720 e. If any part of the foundation below the flood protection elevation is enclosed, the following
4721 standards shall apply:

4722 i. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient
4723 entry and exit of flood waters without human intervention. A minimum of two openings must be
4724 provided with a minimum net area of at least one square inch for every one square foot of the enclosed
4725 area. The lowest part of the opening can be no more than twelve inches above the adjacent grade;
4726 ii. The parts of the foundation located below the flood protection elevation must be constructed of
4727 flood-resistant materials;
4728 iii. Mechanical and utility equipment must be elevated or floodproofed to or above the flood
4729 protection elevation; and
4730 iv. The use must be limited to parking or limited storage.

4731 2. No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system,
4732 except where an addition has been ordered by a government agency to correct a hazard to public

4733 health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-
4734 site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal
4735 ordinances and ch. COMM 83, Wis. Adm. Code.

4736 3. No new well or modification to an existing well used to obtain potable water shall be allowed in a
4737 floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet
4738 the applicable requirements of all municipal ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.

4739 C. Floodfringe areas.

4740 1. No modification or addition shall be allowed to any nonconforming structure or any structure with a
4741 nonconforming use unless such modification or addition has been granted a permit or variance by the
4742 municipality, and the modification or addition shall be placed on fill or floodproofed to the flood
4743 protection elevation in compliance with the standards for that particular use in subsections 19.46.040C
4744 and 19.46.070E., except where subsection 19.46.060C.2. is applicable.

4745 2. Where compliance with the provisions of subsection 1. would result in unnecessary hardship and
4746 only where the structure will not be used for human habitation or be associated with a high flood
4747 damage potential, the board of adjustment/appeals, using the procedures established in subsection
4748 19.46.070C., may grant a variance from those provisions of subsection 1. for modifications or additions,
4749 using the criteria listed below. Modifications or additions which are protected to elevations lower than
4750 the flood protection elevation may be permitted if:

4751 a. No floor is allowed below the regional flood elevation for residential or commercial structures;

4752 b. Human lives are not endangered;

4753 c. Public facilities, such as water or sewer, will not be installed;

4754 d. Flood depths will not exceed two feet;

4755 e. Flood velocities will not exceed two feet per second; and

4756 f. The structure will not be used for storage of materials as described in subsection 19.46.040.6.

4757 3. If neither the provisions of subsection 1. or 2. above can be met, one addition to an existing room in
4758 a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe, if
4759 the addition:

4760 a. Meets all other regulations and will be granted by permit or variance;

4761 b. Does not exceed sixty square feet in area; and

4762 c. In combination with other previous modifications or additions to the building, does not equal or
4763 exceed fifty percent of the present equalized assessed value of the building.

4764 4. All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a
4765 private sewage disposal system shall meet all the applicable provisions of all local ordinances and ch.
4766 COMM 83, Wis. Adm. Code.

4767 5. All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable
4768 provisions of this chapter and ch. NR 811 and NR 812, Wis. Adm. Code.

4769 D. Flood storage areas. No modifications or additions shall be allowed to any nonconforming structure
4770 in a flood storage area unless the standards outlined in 5.2(3) are met.

4771 (Ord. No. 1724A, § 1(6.0), 4-8-2009)

4772

4773 **19.46.070 Administration.**

4774 Where a zoning administrator, planning agency or a board of adjustment/appeals has already
4775 been appointed to administer a zoning ordinance adopted under ss. 59.69, 59.692 or 62.23(7), Stats.,
4776 these officials shall also administer this chapter.

4777 A. Zoning administrator.

4778 1. The zoning administrator is authorized to administer this chapter and shall have the following duties
4779 and powers:

- 4780 a. Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals,
4781 and assure that the regional flood elevation for the proposed development is shown on all permit
4782 applications.
- 4783 b. Issue permits and inspect properties for compliance with provisions of this chapter, and issue
4784 certificates of compliance where appropriate.
- 4785 c. Inspect all damaged floodplain structures and perform a substantial damage assessment to
4786 determine if substantial damage to the structures has occurred.
- 4787 d. Keep records of all official actions such as:
- 4788 i. All permits issued, inspections made, and work approved;
- 4789 ii. Documentation of certified lowest floor and regional flood elevations for floodplain development;
- 4790 iii. Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and
4791 structures including changes, appeals, variances and amendments.
- 4792 iv. All substantial damage assessment reports for floodplain structures.
- 4793 e. Submit copies of the following items to the department regional office:
- 4794 i. Within ten days of the decision, a copy of any decisions on variances, appeals for map or text
4795 interpretations, and map or text amendments;
- 4796 ii. Copies of any case-by-case analyses, and any other information required by the department
4797 including an annual summary of the number and types of floodplain zoning actions taken.
- 4798 iii. Copies of substantial damage assessments performed and all related correspondence concerning
4799 the assessments.
- 4800 iv. Investigate, prepare reports, and report violations of this chapter to the municipal zoning agency
4801 and attorney for prosecution. Copies of the reports shall also be sent to the department regional office.
- 4802 g. Submit copies of text and map amendments and biennial reports to the FEMA regional office.
- 4803 2. Land use permit. A land use permit shall be obtained before any new development or any repair or
4804 change in the use of a building or structure, including sewer and water facilities, may be initiated.
4805 Application to the zoning administrator shall include:
- 4806 a. General information.
- 4807 i. Name and address of the applicant, property owner and contractor;
- 4808 ii. Legal description, proposed use, and whether it is new construction or a modification;
- 4809 b. Site development plan. A site plan drawn to scale shall be submitted with the permit application
4810 form and shall contain:
- 4811 i. Location, dimensions, area and elevation of the lot;
- 4812 ii. Location of the ordinary highwater mark of any abutting navigable waterways;
- 4813 iii. Location of any structures with distances measured from the lot lines and street center lines;
- 4814 iv. Location of any existing or proposed on-site sewage systems or private water supply systems;
- 4815 v. Location and elevation of existing or future access roads;
- 4816 vi. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
- 4817 vii. The elevation of the lowest floor of proposed buildings and any fill using vertical datum from the
4818 adopted study - either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum
4819 (NAVD);
- 4820 viii. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the
4821 development and to determine whether or not the requirements of sections 19.46.030 or 19.46.040 are
4822 met; and
- 4823 ix. Data to determine if the proposed development will cause an obstruction to flow or an increase in
4824 regional flood height or discharge according to subsection 19.46.020A. This may include any of the
4825 information noted in subsection 19.46.030C.1.
- 4826 c. Data requirements to analyze developments.

4827 i. The applicant shall provide all survey data and computations required to show the effects of the
4828 project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision"
4829 is defined in s. 236, Stats., and other proposed developments exceeding five acres in area or where the
4830 estimated cost exceeds \$125,000.00. The applicant shall provide:

- 4831 (A) An analysis of the effect of the development on the regional flood profile, velocity of flow and
- 4832 floodplain storage capacity;
- 4833 (B) A map showing location and details of vehicular access to lands outside the floodplain; and
- 4834 (C) A surface drainage plan showing how flood damage will be minimized.

4835 The estimated cost of the proposal shall include all structural development, landscaping, access
4836 and road development, utilities, and other pertinent items, but need not include land costs.

4837 d. Expiration. All permits issued under the authority of this chapter shall expire three hundred sixty-five
4838 days after issuance.

4839 3. Certificate of compliance. No land shall be occupied or used, and no building which is hereafter
4840 constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a
4841 certificate of compliance is issued by the zoning administrator, except where no permit is required,
4842 subject to the following provisions:

- 4843 a. The certificate of compliance shall show that the building or premises or part thereof, and the
- 4844 proposed use, conform to the provisions of this chapter;
- 4845 b. Application for such certificate shall be concurrent with the application for a permit;
- 4846 c. If all ordinance provisions are met, the certificate of compliance shall be issued within ten days after
- 4847 written notification that the permitted work is completed;
- 4848 d. The applicant shall submit a certification signed by a registered professional engineer or registered
- 4849 land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit
- 4850 issued. Floodproofing measures also require certification by a registered professional engineer or
- 4851 registered architect that floodproofing measures meet the requirements of subsection 19.46.070E.

4852 4. Other permits. The applicant must secure all necessary permits from federal, state, and local
4853 agencies, including those required by the U.S. Army Corps of Engineers under s. 404 of the Federal
4854 Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

4855 B. Zoning agency.

- 4856 1. The City of Whitewater Plan and Architectural review commission shall:
- 4857 a. Oversee the functions of the office of the zoning administrator; and
- 4858 b. Review and advise the governing body on all proposed amendments to this chapter, maps and text.
- 4859 2. This zoning agency shall not:
- 4860 a. Grant variances to the terms of the ordinance in place of action by the board of adjustment/appeals;
- 4861 or
- 4862 b. Amend the text or zoning maps in place of official action by the governing body.
- 4863 C. Board of adjustment/appeals. The board of adjustment/appeals, created under s. 59.694, Stats., for
- 4864 counties or s. 62.23(7)(e), Stats., for cities or villages, is hereby authorized or shall be appointed to act
- 4865 for the purposes of this chapter. The board shall exercise the powers conferred by Wisconsin Statutes
- 4866 and adopt rules for the conduct of business. The zoning administrator may not be the secretary of the
- 4867 board.
- 4868 1. Powers and duties. The board of adjustment/appeals shall:
- 4869 a. Appeals -- Hear and decide appeals where it is alleged there is an error in any order, requirement,
- 4870 decision or determination made by an administrative official in the enforcement or administration of
- 4871 this chapter.
- 4872 b. Boundary disputes -- Hear and decide disputes concerning the district boundaries shown on the
- 4873 official floodplain zoning map.
- 4874 c. Variances -- Hear and decide, upon appeal, variances from the ordinance standards.

- 4875 2. Appeals to the board.
- 4876 a. Appeals to the board may be taken by any person aggrieved, or by any officer or department of the
- 4877 municipality affected by any decision of the zoning administrator or other administrative officer. Such
- 4878 appeal shall be taken within thirty days unless otherwise provided by the rules of the board, by filing
- 4879 with the official whose decision is in question, and with the board, a notice of appeal specifying the
- 4880 reasons for the appeal. The official whose decision is in question shall transmit to the board all records
- 4881 regarding the matter appealed.
- 4882 b. Notice and hearing for appeals including variances.
- 4883 i. Notice -- The board shall:
- 4884 (A) Fix a reasonable time for the hearing;
- 4885 (B) Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and
- 4886 subject of the hearing;
- 4887 (C) Assure that notice shall be mailed to the parties in interest and the department regional office at
- 4888 least ten days in advance of the hearing.
- 4889 ii. Hearing -- Any party may appear in person or by agent. The board shall:
- 4890 (A) Resolve boundary disputes according to subsection 19.46.070C.3.
- 4891 (B) Decide variance applications according to subsection 19.46.070C.4.
- 4892 (C) Decide appeals of permit denials according to subsection 19.46.070D.
- 4893 c. Decision: The final decision regarding the appeal or variance application shall:
- 4894 i. Be made within a reasonable time;
- 4895 ii. Be sent to the department regional office within ten days of the decision;
- 4896 iii. Be a written determination signed by the chairman or secretary of the board;
- 4897 iv. State the specific facts which are the basis for the board's decision;
- 4898 v. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in
- 4899 whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application;
- 4900 vi. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in
- 4901 the case of a variance, clearly stated in the recorded minutes of the board proceedings.
- 4902 3. Boundary disputes. The following procedure shall be used by the board in hearing disputes
- 4903 concerning floodplain district boundaries:
- 4904 a. If a floodplain district boundary is established by approximate or detailed floodplain studies, the
- 4905 flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be
- 4906 examined.
- 4907 b. In all cases, the person contesting the boundary location shall be given a reasonable opportunity to
- 4908 present arguments and technical evidence to the board.
- 4909 c. If the boundary is incorrectly mapped, the board should inform the zoning committee or the person
- 4910 contesting the boundary location to petition the governing body for a map amendment according to
- 4911 section 19.46.080.
- 4912 4. Variance.
- 4913 a. The board may, upon appeal, grant a variance from the standards of this chapter if an applicant
- 4914 convincingly demonstrates that:
- 4915 i. Literal enforcement of the ordinance provisions will cause unnecessary hardship;
- 4916 ii. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not
- 4917 common to adjacent lots or premises. In such case the ordinance or map must be amended;
- 4918 iii. The variance is not contrary to the public interest; and
- 4919 iv. The variance is consistent with the purpose of this chapter in subsection 19.46.010C.
- 4920 b. In addition to the criteria in subsection a., to qualify for a variance under FEMA regulations, the
- 4921 following criteria must be met:
- 4922 i. The variance may not cause any increase in the regional flood elevation;

- 4923 ii. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing
4924 structures constructed below the RFE;
- 4925 iii. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum
4926 relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for
4927 rescue and relief efforts and shall not be contrary to the purpose of the ordinance.
- 4928 c. A variance shall not:
- 4929 i. Grant, extend or increase any use prohibited in the zoning district.
- 4930 ii. Be granted for a hardship based solely on an economic gain or loss.
- 4931 iii. Be granted for a hardship which is self-created.
- 4932 iv. Damage the rights or property values of other persons in the area.
- 4933 v. Allow actions without the amendments to this chapter or map(s) required in subsection 19.46.090A.
- 4934 vi. Allow any alteration of an historic structure, including its use, which would preclude its continued
4935 designation as an historic structure.
- 4936 d. When a floodplain variance is granted the board shall notify the applicant in writing that it may
4937 increase flood insurance premiums and risks to life and property. A copy shall be maintained with the
4938 variance record.
- 4939 (D) To review appeals of permit denials.
- 4940 1. The zoning agency (s. 7.2) or board shall review all data related to the appeal. This may include:
- 4941 a. Permit application data listed in subsection 19.46.070A.2.
- 4942 b. Floodway/floodfringe determination data in subsection 19.46.050A.4.
- 4943 c. Data listed in subsection 19.46.030C.1.b. where the applicant has not submitted this information to
4944 the zoning administrator.
- 4945 d. Other data submitted with the application, or submitted to the board with the appeal.
- 4946 2. For appeals of all denied permits the board shall:
- 4947 a. Follow the procedures of subsection 19.46.010C.;
- 4948 b. Consider zoning agency recommendations; and
- 4949 c. Either uphold the denial or grant the appeal.
- 4950 3. For appeals concerning increases in regional flood elevation the board shall:
- 4951 a. Uphold the denial where the board agrees with the data showing an increase in flood elevation.
4952 Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and
4953 map and all appropriate legal arrangements are made with all adversely affected property owners.
- 4954 b. Grant the appeal where the board agrees that the data properly demonstrates that the project does
4955 not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.
- 4956 E. Floodproofing.
- 4957 1. No permit or variance shall be issued until the applicant submits a plan certified by a registered
4958 professional engineer or architect that the floodproofing measures will protect the structure or
4959 development to the flood protection elevation.
- 4960 2. Floodproofing measures shall be designed to:
- 4961 a. Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood
4962 factors;
- 4963 b. Protect structures to the flood protection elevation;
- 4964 c. Anchor structures to foundations to resist flotation and lateral movement; and
- 4965 d. Insure that structural walls and floors are watertight to the flood protection elevation, and the
4966 interior remains completely dry during flooding without human intervention.
- 4967 3. Floodproofing measures could include:
- 4968 a. Reinforcing walls and floors to resist rupture or collapse caused by water pressure or floating debris.
- 4969 b. Adding mass or weight to prevent flotation.
- 4970 c. Placing essential utilities above the flood protection elevation.

- 4971 d. Installing surface or subsurface drainage systems to relieve foundation wall and basement floor
4972 pressures.
4973 e. Constructing water supply wells and waste treatment systems to prevent the entry of flood waters.
4974 f. Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.
4975 F. Public information.
4976 1. Place marks on structures to show the depth of inundation during the regional flood.
4977 2. All maps, engineering data and regulations shall be available and widely distributed.
4978 3. All real estate transfers should show what floodplain zoning district any real property is in.
4979 (Ord. No. 1724A, § 1(7.0), 4-8-2009)

4980

4981 **19.46.080 Amendments.**

- 4982 A. General. The governing body may change or supplement the floodplain zoning district boundaries
4983 and this chapter in the manner provided by law. Actions which require an amendment include, but are
4984 not limited to, the following:
4985 1. Any change to the official floodplain zoning map, including the floodway line or boundary of any
4986 floodplain area.
4987 2. Correction of discrepancies between the water surface profiles and floodplain zoning maps.
4988 3. Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood
4989 protection elevation and is contiguous to land lying outside the floodplain.
4990 4. Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or
4991 more.
4992 5. Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or
4993 otherwise required by law, or for changes by the municipality.
4994 6. All channel relocations and changes to the maps to alter floodway lines or to remove an area from
4995 the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior
4996 approval by FEMA.

4997 Note: Consult the FEMA web site -- www.fema.gov -- for the map change fee schedule.

- 4998 B. Procedures. Ordinance amendments may be made upon petition of any interested party according
4999 to the provisions of s. 62.23, Stats., for cities and villages, or 59.69, Stats., for counties. Such petitions
5000 shall include all necessary data required by subsections 19.46.050A.4. and 19.46.070A.2.
5001 1. The proposed amendment shall be referred to the zoning agency for a public hearing and
5002 recommendation to the governing body. The amendment and notice of public hearing shall be
5003 submitted to the department regional office for review prior to the hearing. The amendment procedure
5004 shall comply with the provisions of s. 62.23, Stats., for cities and villages or s. 59.69, Stats., for counties.
5005 2. No amendments shall become effective until reviewed and approved by the department.
5006 3. All persons petitioning for a map amendment that obstructs flow, increasing regional flood height
5007 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all
5008 adversely affected property owners and notify local units of government before the amendment can be
5009 approved by the governing body.
5010 4. For amendments in areas with no water surface profiles, the zoning agency or board shall consider
5011 data submitted by the department, the zoning administrator's visual on-site inspections and other
5012 available information. (See subsection 19.46.010E.4.)
5013 (Ord. No. 1724A, § 1(8.0), 4-8-2009)

5014

5015 **19.46.090 Enforcement and penalties.**

5016 Any violation of the provisions of this chapter by any person shall be unlawful and shall be
5017 referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall,

5018 upon conviction, forfeit to the municipality a penalty of not less than \$200.00 and not more than
5019 \$300.00, together with a taxable cost of such action. Each day of continued violation shall constitute a
5020 separate offense. Every violation of this chapter is a public nuisance and the creation may be enjoined
5021 and the maintenance may be abated by action at suit of the municipality, the state, or any citizen
5022 thereof pursuant to s. 87.30, Stats.
5023 (Ord. No. 1724A, § 1(9.0), 4-8-2009)

5024

5025 **19.46.100 Definitions.**

5026 Unless specifically defined, words and phrases in this chapter shall have their common law
5027 meaning and shall be applied in accordance with their common usage. Words used in the present tense
5028 include the future, the singular number includes the plural and the plural number includes the singular.
5029 The word "may" is permissive, "shall" is mandatory and is not discretionary.

5030 1) "A Zones" means those areas shown on the official floodplain zoning map which would be inundated
5031 by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may
5032 not be reflective of flood profiles, depending on the availability of data for a given area.

5033 2) "Accessory structure or use" means a facility, structure, building or use which is accessory or
5034 incidental to the principal use of a property, structure or building.

5035 3) "Base flood" means the flood having a one percent chance of being equaled or exceeded in any
5036 given year, as published by FEMA as part of a FIS and depicted on a FIRM.

5037 4) "Basement" means any enclosed area of a building having its floor sub-grade, i.e., below ground
5038 level, on all sides.

5039 5) "Building." See Structure.

5040 6) "Bulkhead line" means a geographic line along a reach of navigable water that has been adopted by
5041 a municipal ordinance and approved by the department pursuant to s. 30.11, Stats., and which allows
5042 limited filling between this bulkhead line and the original ordinary highwater mark, except where such
5043 filling is prohibited by the floodway provisions of this chapter.

5044 7) "Campground" means any parcel of land which is designed, maintained, intended or used for the
5045 purpose of providing sites for nonpermanent overnight use by four or more camping units, or which is
5046 advertised or represented as a camping area.

5047 8) "Camping unit" means any portable device, no more than four hundred square feet in area, used as
5048 a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pickup truck,
5049 tent or other mobile recreational vehicle.

5050 9) "Certificate of compliance" means a certification that the construction and the use of land or a
5051 building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions
5052 of this chapter.

5053 10) "Channel" means a natural or artificial watercourse with definite bed and banks to confine and
5054 conduct normal flow of water.

5055 11) "Crawlways" or "crawl space" means an enclosed area below the first usable floor of a building,
5056 generally less than five feet in height, used for access to plumbing and electrical utilities.

5057 12) "Deck" means an unenclosed exterior structure that has no roof or sides, but has a permeable floor
5058 which allows the infiltration of precipitation.

5059 13) "Department" means the Wisconsin Department of Natural Resources.

5060 14) "Development" means any artificial change to improved or unimproved real estate, including, but
5061 not limited to, the construction of buildings, structures or accessory structures; the construction of
5062 additions or alterations to buildings, structures or accessory structures; the repair of any damaged
5063 structure or the improvement or renovation of any structure, regardless of percentage of damage or
5064 improvement; the placement of buildings or structures; subdivision layout and site preparation; mining,
5065 dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction

5066 of materials or equipment; and the installation, repair or removal of public or private sewage disposal
5067 systems or water supply facilities.

5068 15) "Dryland access" means a vehicular access route which is above the regional flood elevation and
5069 which connects land located in the floodplain to land outside the floodplain, such as a road with its
5070 surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

5071 16) "Encroachment" means any fill, structure, equipment, building, use or development in the
5072 floodway.

5073 17) "Existing manufactured home park or subdivision" means a parcel of land, divided into two or more
5074 manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is
5075 completed before the effective date of this chapter. At a minimum, this would include the installation of
5076 utilities, the construction of streets and either final site grading or the pouring of concrete pads.

5077 18) "Expansion to existing mobile/manufactured home park" means the preparation of additional sites
5078 by the construction of facilities for servicing the lots on which the manufactured homes are to be
5079 affixed. This includes installation of utilities, construction of streets and either final site grading, or the
5080 pouring if concrete pads.

5081 19) "Federal Emergency Management Agency (FEMA)" means the federal agency that administers the
5082 National Flood Insurance Program.

5083 20) "Flood insurance rate map" (FIRM) means a map of a community on which the Federal Insurance
5084 Administration has delineated both special flood hazard areas (the floodplain) and the risk premium
5085 zones applicable to the community. This map can only be amended by the Federal Emergency
5086 Management Agency.

5087 21) "Flood" or "flooding" means A general and temporary condition of partial or complete inundation
5088 of normally dry land areas caused by one of the following conditions:
5089 The overflow or rise of inland waters,
5090 The rapid accumulation or runoff of surface waters from any source,
5091 The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the
5092 shore of Lake Michigan or Lake Superior, or
5093 The sudden increase caused by an unusually high water level in a natural body of water, accompanied by
5094 a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual
5095 event.

5096 22) "Flood frequency" means the probability of a flood occurrence which is determined from statistical
5097 analyses. The frequency of a particular flood event is usually expressed as occurring, on the average,
5098 once in a specified number of years or as a percent (%) chance of occurring in any given year.

5099 23) "Floodfringe" means that portion of the floodplain outside of the floodway which is covered by
5100 flood waters during the regional flood and associated with standing water rather than flowing water.

5101 24) "Flood hazard boundary map" means a map designating approximate flood hazard areas. Flood
5102 hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional
5103 flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National
5104 Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate
5105 Map.

5106 25) "Flood insurance study" means a technical engineering examination, evaluation, and determination
5107 of the local flood hazard areas. It provides maps designating those areas affected by the regional flood
5108 and provides both flood insurance rate zones and base flood elevations and may provide floodway lines.
5109 The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate
5110 Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the
5111 insurance aspects of the National Flood Insurance Program.

- 5112 26) "Floodplain" means land which has been or may be covered by flood water during the regional
5113 flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas
5114 for regulatory purposes.
- 5115 27) "Floodplain island" means a natural geologic land formation within the floodplain that is
5116 surrounded, but not covered, by floodwater during the regional flood.
- 5117 28) "Floodplain management" means policy and procedures to insure wise use of floodplains, including
5118 mapping and engineering, mitigation, education, and administration and enforcement of floodplain
5119 regulations.
- 5120 29) "Flood profile" means a graph or a longitudinal profile line showing the relationship of the water
5121 surface elevation of a flood event to locations of land surface elevations along a stream or river.
- 5122 30) "Floodproofing" means any combination of structural provisions, changes or adjustments to
5123 properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for
5124 the purpose of reducing or eliminating flood damage.
- 5125 31) "Flood protection elevation" means an elevation of two feet of freeboard above the water surface
5126 profile elevation designated for the regional flood. (Also see: Freeboard.)
- 5127 32) "Flood storage" means those floodplain areas where storage of floodwaters has been taken into
5128 account during analysis in reducing the regional flood discharge.
- 5129 33) "Floodway" means the channel of a river or stream and those portions of the floodplain adjoining
5130 the channel required to carry the regional flood discharge.
- 5131 34) "Freeboard" means a safety factor expressed in terms of a specified number of feet above a
5132 calculated flood level. Freeboard compensates for any factors that cause flood heights greater than
5133 those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings
5134 and floodways, the effects of watershed urbanization, loss of flood storage areas due to development
5135 and aggregation of the river or stream bed.
- 5136 35) "Habitable structure" means any structure or portion thereof used or designed for human
5137 habitation.
- 5138 36) "Hearing notice" means publication or posting meeting the requirements of Ch. 985, Stats. For
5139 appeals, a Class 1 notice, published once at least one week (seven days) before the hearing, is required.
5140 For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week
5141 consecutively, the last at least a week (seven days) before the hearing. Local ordinances or bylaws may
5142 require additional notice, exceeding these minimums.
- 5143 37) "High flood damage potential" means damage that could result from flooding that includes any
5144 danger to life or health or any significant economic loss to a structure or building and its contents.
- 5145 38) "Historic structure" means any structure that is either:
5146 Listed individually in the National Register of Historic Places or preliminarily determined by the
5147 Secretary of the Interior as meeting the requirements for individual listing on the National Register,
5148 Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical
5149 significance of a registered historic district or a district preliminarily determined by the Secretary to
5150 qualify as a registered historic district,
5151 Individually listed on a state inventory of historic places in states with historic preservation programs
5152 which have been approved by the Secretary of the Interior, or
5153 Individually listed on a local inventory of historic places in communities with historic preservation
5154 programs that have been certified either by an approved state program, as determined by the Secretary
5155 of the Interior; or by the Secretary of the Interior in states without approved programs.
- 5156 39) "Increase in regional flood height" means a calculated upward rise in the regional flood elevation,
5157 equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed
5158 conditions which is directly attributable to development in the floodplain but not attributable to

5159 manipulation of mathematical variables such as roughness factors, expansion and contraction
5160 coefficients and discharge.

5161 40) "Land use" means any nonstructural use made of unimproved or improved real estate. (Also see
5162 development.)

5163 41) "Manufactured home" means a structure transportable in one or more sections, which is built on a
5164 permanent chassis and is designed to be used with or without a permanent foundation when connected
5165 to required utilities. The term "manufactured home" includes a mobile home but does not include a
5166 "mobile recreational vehicle."

5167 42) "Mobile recreational vehicle" means a vehicle which is built on a single chassis, four hundred
5168 square feet or less when measured at the largest horizontal projection, designed to be self-propelled,
5169 carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if
5170 registration is required and is designed primarily not for use as a permanent dwelling, but as temporary
5171 living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or
5172 carried onto a parcel of land, but do not remain capable of being towed or carried, including park model
5173 homes, do not fall within the definition of "mobile recreational vehicles."

5174 43) "Municipality" or "municipal" means the county, city or village governmental units enacting,
5175 administering and enforcing this zoning ordinance.

5176 44) "NAVD" or "North American Vertical Datum" means Elevations referenced to mean sea level
5177 datum, 1988 adjustment.

5178 45) "NGVD" or "National Geodetic Vertical Datum" means Elevations referenced to mean sea level
5179 datum, 1929 adjustment.

5180 46) "New construction" means for floodplain management purposes, "new construction" means
5181 structures for which the start of construction commenced on or after the effective date of floodplain
5182 zoning regulations adopted by this community and includes any subsequent improvements to such
5183 structures. For the purpose of determining flood insurance rates, it includes any structures for which the
5184 "start of construction" commenced on or after the effective date of an initial FIRM or after December
5185 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

5186 47) "Nonconforming structure" means an existing lawful structure or building which is not in
5187 conformity with the dimensional or structural requirements of this chapter for the area of the floodplain
5188 which it occupies. (For example, an existing residential structure in the floodfringe district is a
5189 conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure
5190 is nonconforming.)

5191 48) "Nonconforming use" means an existing lawful use or accessory use of a structure or building which
5192 is not in conformity with the provisions of this chapter for the area of the floodplain which it occupies.
5193 (Such as a residence in the floodway.)

5194 49) "Obstruction to flow" means any development which blocks the conveyance of floodwaters such
5195 that this development alone or together with any future development will cause an increase in regional
5196 flood height.

5197 50) "Official floodplain zoning map" means that map, adopted and made part of this chapter, as
5198 described in subsection 19.46.010E.2., which has been approved by the department and FEMA.

5199 51) "Open space use" means those uses having a relatively low flood damage potential and not
5200 involving structures.

5201 52) "Ordinary highwater mark" means the point on the bank or shore up to which the presence and
5202 action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or
5203 prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized
5204 characteristic.

5205 53) "Person" means an individual, or group of individuals, corporation, partnership, association,
5206 municipality or state agency.

5207 54) "Private sewage system" means a sewage treatment and disposal system serving one structure
5208 with a septic tank and soil absorption field located on the same parcel as the structure. It also means an
5209 alternative sewage system approved by the Department of Commerce, including a substitute for the
5210 septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system
5211 located on a different parcel than the structure.

5212 55) "Public utilities" means those utilities using underground or overhead transmission lines such as
5213 electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer
5214 and storm sewer.

5215 56) "Reasonably safe from flooding" means base flood waters will not inundate the land or damage
5216 structures to be removed from the special flood hazard area and that any subsurface waters related to
5217 the base flood will not damage existing or proposed buildings.

5218 57) "Regional flood" means a flood determined to be representative of large floods known to have
5219 occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or
5220 exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

5221 58) "Start of construction" means the date the building permit was issued, provided the actual start of
5222 construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was
5223 within one hundred eighty days of the permit date. The actual start means either the first placement of
5224 permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the
5225 construction of columns, or any work beyond initial excavation, or the placement of a manufactured
5226 home on a foundation. Permanent construction does not include land preparation, such as clearing,
5227 grading and filling, nor does it include the installation of streets and/or walkways, nor does it include
5228 excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does
5229 it include the installation on the property of accessory buildings, such as garages or sheds not occupied
5230 as dwelling units or not part of the main structure. For an alteration, the actual start of construction
5231 means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not
5232 that alteration affects the external dimensions of the building.

5233 59) "Structure" means any manmade object with form, shape and utility, either permanently or
5234 temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not
5235 limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

5236 60) "Subdivision" means has the meaning given in s. 236.02(12), Wis. Stats.

5237 61) "Substantial damage" means damage of any origin sustained by a structure, whereby the cost of
5238 restoring the structure to its pre-damaged condition would equal or exceed fifty percent of the
5239 equalized assessed value of the structure before the damage occurred.

5240 62) "Unnecessary hardship" means where special conditions affecting a particular property, which
5241 were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage,
5242 height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

5243 63) "Variance" means an authorization by the board of adjustment or appeals for the construction or
5244 maintenance of a building or structure in a manner which is inconsistent with dimensional standards
5245 (not uses) contained in the floodplain zoning ordinance.

5246 64) "Violation" means the failure of a structure or other development to be fully compliant with the
5247 floodplain zoning ordinance. A structure or other development without required permits, lowest floor
5248 elevation documentation, floodproofing certificates or required floodway encroachment calculations is
5249 presumed to be in violation until such time as that documentation is provided.

5250 65) "Watershed" means the entire region contributing runoff or surface water to a watercourse or
5251 body of water.

5252 66) "Water surface profile" means a graphical representation showing the elevation of the water
5253 surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A
5254 water surface profile of the regional flood is used in regulating floodplain areas.

5255 67) "Well" means an excavation opening in the ground made by digging, boring, drilling, driving or
5256 other methods, to obtain groundwater regardless.
5257 (Ord. No. 1724A, § 1(10.0), 4-8-2009)
5258

5259 **Chapter 19.461 FWW FLOODWAY/WETLAND DISTRICT**

5260 Sections:

5261 [19.461.010 Purpose.](#)

5262 [19.461.020 Permitted uses.](#)

5263 [19.461.030 Conditional uses.](#)

5264 [19.461.040 Maintenance of drainageways.](#)

5265 [19.461.050 Dumping and filling prohibited.](#)

5266 [19.461.060 Dangerous materials storage prohibited.](#)

5267 [19.461.070 Incompatible use prohibited.](#)

5268 [19.461.080 Mobile homes prohibited.](#)
5269

5270 **19.461.010 Purpose.**

5271 The FWW floodway/wetland district is intended to preserve, protect, and enhance the ponds,
5272 streams, and wetland areas within the floodplains of the city. The preservation, protection, and
5273 enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve
5274 water quality, both ground and surface; prevent flood damage; control stormwater runoff; protect
5275 stream banks from erosion; protect groundwater recharge and discharge areas; protect wildlife habitat;
5276 protect native plant communities; avoid the location of structures on soils which are generally not
5277 suitable for use; and protect the water-based recreation resources of the city. In delineating the FWW
5278 district, the effects of development within the associated floodfringe shall be computed, as regulated
5279 under Chapter 19.46 of this title. No floodway/wetland district changes shall be permitted that are not
5280 consistent with the wetland preservation shoreland protection objectives of Section 144.26 of the
5281 Wisconsin Statutes as set forth in Section 19.69.066(B) of this code.

5282 The FWW floodway/wetland district, as shown on the zoning map, includes those wetlands that
5283 are shown on the Wisconsin Wetland Inventory Map for the City of Whitewater, dated July 2, 1987, and
5284 stamped "FINAL;" which are also shown within the one hundred-year recurrence interval floodplain as
5285 shown on the official Floodplain Zoning Map.
5286 (Ord. 1600 § 4, 2006; Ord. 1196 § 1(part), 1990).
5287

5288 **19.461.020 Permitted uses.**

5289 Permitted uses in the FWW district are limited to the following:

- 5290 A. Hiking, fishing, trapping, swimming and boating, unless prohibited by other laws and ordinances;
5291 B. Harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds,
5292 in a manner that is not injurious to the natural reproduction of such crops, and that does not involve
5293 filling, flooding, draining, dredging, ditching, tiling, or excavating;
5294 C. Silviculture, including the planting, thinning, and harvesting of timber, provided that no filling,
5295 flooding, draining, dredging, ditching, tiling, or excavating is done except for temporary water level
5296 stabilization measures to alleviate abnormally wet or dry conditions which would have an adverse
5297 impact on silvicultural activities if not corrected;
5298 D. Agricultural crops and grazing provided that they do not involve extension of cultivated areas,
5299 extension of or creation of new drainage systems, and further provided that they do not substantially
5300 disturb or impair the natural fauna, flora, topography, or water regimen;
5301 E. Ditching, tiling, dredging, excavating, or filling done to maintain or repair an existing drainage system
5302 only to the extent necessary to maintain the level of drainage required to continue the existing use;
5303 F. The construction and maintenance of piers, docks, and walkways, including those built on pilings;

5304 G. The maintenance, repair, replacement, and reconstruction of existing streets, roads, and bridges.
5305 (Ord. 1196 § 1(part), 1990).

5306

5307 **19.461.030 Conditional uses.**

5308 The following uses are conditional uses in the FWW floodway/wetland district and may be
5309 permitted as specified. The city plan commission shall transmit a copy of each application for a
5310 conditional use in the FWW floodway/wetland district to the Wisconsin Department of Natural
5311 Resources (DNR) at least ten days prior to the public hearing. Final action on the application shall not be
5312 taken for thirty days or until the DMR has made its recommendation, whichever comes first. A copy of
5313 all FWW Floodway/wetland district conditional use permits shall be transmitted to the DMR within ten
5314 days following the decision:

5315 A. The construction of streets which are necessary for the continuity of the city street system,
5316 necessary for the provision of essential utility and public safety services, or necessary to provide access
5317 to permitted open space uses in the FWW district; provided, that:

- 5318 1. The street cannot as a practical matter be located outside the conservancy district;
- 5319 2. The street is designed and constructed to minimize adverse impact upon the natural functions of the
5320 wetland as listed in Section 19.69.066(B) of this code;
- 5321 3. The street is designed and constructed with the minimum cross-section practical to serve the
5322 intended use;
- 5323 4. The street construction activities are carried out in the immediate area of the roadbed only; and
- 5324 5. Any filling, flooding, draining, dredging, ditching, tiling, or excavating that is done must be necessary
5325 for the construction or maintenance of the street. Filling in the FWW district shall not be permitted if
5326 the effect will be to increase flood stage by 0.01 foot or more, except as otherwise provided in this
5327 chapter.

5328 B. The establishment and development of public and private parks and recreation areas, recreation
5329 trails, public boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife
5330 refuges, game preserves, and private habitat areas; provided, that:

- 5331 1. Any private recreation or wildlife habitat area must be exclusively for that purpose;
- 5332 2. No structures shall be erected;
- 5333 3. No filling is to be done; and
- 5334 4. Ditching, excavating, dredging, dike and dam construction may be done in wildlife refuges, game
5335 preserves, and private wildlife habitat areas, but only for the purpose of improving wildlife habitat or to
5336 otherwise enhance the value of a wetland or other natural resource.

5337 C. The construction and maintenance of fences; provided, that:

- 5338 1. All fences shall have at least fifty percent of their surface area open for free passage of light, air, and
5339 floodwaters; and
- 5340 2. All fences shall be firmly anchored to prevent them from floating away and restricting bridge
5341 openings.

5342 D. The construction and maintenance of electric, gas, telephone, water and sewer transmission and
5343 distribution lines, and related facilities; provided, that:

- 5344 1. The transmission and distribution lines and related facilities cannot as a practical matter be located
5345 outside the floodway/wetland district;
- 5346 2. All utilities shall be firmly anchored to prevent flotation;
- 5347 3. All utilities shall be floodproofed to an elevation at least two feet above the 100-year recurrence
5348 interval flood, and shall be designed to eliminate or minimize infiltration of floodwater into the utility;
5349 and
- 5350 4. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the
5351 construction or maintenance of the utility, and must be done in a manner designed to minimize flooding

5352 and other adverse impacts upon the natural functions of the conservancy area. Filling in the FWW
5353 district shall not be permitted if the effect will be to increase flood stage by 0.01 foot or more, except as
5354 otherwise provided in this chapter.

5355 E. The construction and maintenance of railroad lines; provided, that:

5356 1. The railroad lines cannot as a practical matter be located outside the conservancy district; and

5357 2. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the
5358 construction or maintenance of the railroad, and must be done in a manner designed to minimize
5359 flooding and other adverse impacts upon the natural functions of the conservancy area.

5360 (Ord. 1196 § 1(part), 1990).

5361

5362 **19.461.040 Maintenance of drainageways.**

5363 No development in the FWW floodway/wetland district shall adversely affect the channels,
5364 floodways, or shorelands of Whitewater Creek, Spring Brook, any tributaries thereto, drainage ditches,
5365 or other lands lying outside the floodlands.

5366 (Ord. 1196 § 1(part), 1990).

5367

5368 **19.461.050 Dumping and filling prohibited.**

5369 Lands lying within the FWW floodway/wetland district shall not be used for dumping or be filled.

5370 (Ord. 1196 § 1(part), 1990).

5371

5372 **19.461.060 Dangerous materials storage prohibited.**

5373 Lands lying within the FWW floodway/wetland district shall not be used for the storage of
5374 materials that are buoyant, flammable, explosive, or injurious to human, animal, or plant life.

5375 (Ord. 1196 § 1(part), 1990).

5376

5377 **19.461.070 Incompatible use prohibited.**

5378 A. Lands lying within the FWW floodway/wetland district shall not be used for any solid waste disposal
5379 site or onsite soil absorption sanitary sewerage system site, or the construction of any well which is used
5380 to obtain water for ultimate human consumption. Sewage treatment plants and treatment ponds shall
5381 not be constructed in the FWW floodway/wetland district.

5382 B. Any use not listed as a permitted use or a conditional use in the FWW floodway/wetland district is
5383 prohibited unless the FWW district lands concerned are first rezoned into another district. Furthermore,
5384 the use of a boathouse for human habitation and the construction or placement of a boathouse or fixed
5385 houseboat below the ordinary highwater mark of any navigable water are prohibited.

5386 (Ord. 1196 § 1(part), 1990).

5387

5388 **19.461.080 Mobile homes prohibited.**

5389 No mobile home, manufactured home, mobile home park, or trailer camp shall be placed or
5390 moved onto lands lying in the FWW floodway/wetland district.

5391 (Ord. 1196 § 1(part), 1990).

5392

5393 **Chapter 19.48 | INSTITUTIONAL DISTRICT**

5394 Sections:

5395 [19.48.010 Purpose.](#)

5396 [19.48.020 Permitted uses.](#)

5397 [19.48.030 Conditional uses.](#)

5398 [19.48.040 Lot area.](#)

5399 [19.48.050 Lot width.](#)

- 5400 [19.48.060 Building height.](#)
- 5401 [19.48.070 Yard requirements.](#)
- 5402 [19.48.080 Number of structures on one lot.](#)

5403

5404 **19.48.010 Purpose.**

5405 The I institutional district is established to provide a community review and approval process for
5406 certain institutional uses that have a potential impact on surrounding land uses and/or the city as a
5407 whole.
5408 (Ord. 1364 § 8, 1997; Ord. 994 § 3.17(part), 1982).

5409

5410 **19.48.020 Permitted uses.**

5411 Permitted uses in the I district include:

5412 A. Colleges;

5413 B. Universities and their associated residential, educational and service facilities. Except that new
5414 structures and/or exterior remodeling of existing structures which are within one hundred fifty feet of
5415 any other zoning district boundary (includes surface parking areas for more than twenty vehicles) shall
5416 be a conditional use as indicated below. The uses stated in Section 19.48.030 shall be conditional uses;

5417 C. The second or greater wireless telecommunication facility located on an alternative support
5418 structure already supporting a wireless telecommunications facility or on a pre-existing wireless
5419 telecommunications facility, with wireless telecommunications support facilities allowed as permitted
5420 accessory uses, all per the requirements of Chapter 19.55.
5421 (Ord. 1499 § 22, 2001; 1364 § 9, 1997; Ord. 994 § 3.17(A), 1982).

5422

5423 **19.48.030 Conditional uses.**

5424 Conditional uses in the I district include:

5425 A. New structures and/or exterior remodeling or existing structures within one hundred fifty feet of
5426 any other zoning district boundary (includes surface parking areas for more than twenty vehicles);

5427 B. Gymnasiums, sport stadiums, auditoriums, and similar places of general public assembly;

5428 C. Parking structures and surface parking areas for more than one hundred vehicles;

5429 D. The first wireless telecommunications facility located on an alternative support structure only, per
5430 the requirements of Chapter 19.55;

5431 E. Fraternity or sorority houses.
5432 (Ord. 1668A § 3, 2007; Ord. 1499 § 23, 2001; Ord. 994 § 3.17(B), 1982).

5433

5434 **19.48.040 Lot area.**

5435 Minimum total lot area in the I district is one acre.
5436 (Ord. 994 § 3.17(C), 1982).

5437

5438 **19.48.050 Lot width.**

5439 Minimum lot width in the I district is one hundred twenty feet.
5440 (Ord. 994 § 3.17(D), 1982).

5441

5442 **19.48.060 Building height.**

5443 Maximum building height in the institutional district shall be sixty feet. Mechanical penthouses
5444 shall be excluded from the building height restrictions listed herein if they comply with the following
5445 limitations:

5446 A. Penthouses shall be no taller than the highest floor to floor height in the building.

5447 B. Penthouses shall be set back from the public street building facade of the building equal to the
5448 height of the penthouse.

5449 C. The penthouse floor area, including vertical circulation spaces leading to the penthouse, shall be no
5450 greater than ten percent of the ground floor building footprint.
5451 (Ord. 1673A § 1, 2008; Ord. 994 § 3.17(E), 1982).

5452

5453 **19.48.070 Yard requirements.**

5454 Minimum yard requirements in the I district are:

5455 A. Any street yard facing any zoning district other than the institutional district shall be no less than
5456 twenty-five feet, measured from the right-of-way, or one-half of the total height of the building,
5457 whichever is greater. Any street yard within an institutional district facing yards in an institutional
5458 district shall not be less than twenty-five feet, measured from the right-of-way. The building setback
5459 shall not in any event encroach on the intersection visibility requirements set forth in Whitewater
5460 Municipal Code, Section 19.51.010;

5461 B. Street yard for off-street parking--fifteen feet;

5462 C. Side yard shall be thirty feet or equal to the height of the structure, whichever is greater;

5463 D. Rear yard--thirty-five feet or equal to the height of the structure, whichever is greater.

5464 (Ord. 1673A § 2, 2008; Ord. 1364 § 10, 1997; Ord. 994 § 3.17(F), 1982).

5465

5466 **19.48.080 Number of structures on one lot.**

5467 Within the I district, more than one principal structure may be located on a lot (see Section
5468 19.06.150).

5469 (Ord. 994 § 3.17(G), 1982).

5470

5471 **Chapter 19.485 LARGE RETAIL AND COMMERCIAL SERVICE DEVELOPMENT STANDARDS**

5472 Sections:

5473 [19.485.010 Title.](#)

5474 [19.485.020 Description.](#)

5475 [19.485.030 Conditional use permit or PCD approval required.](#)

5476 [19.485.040 Regulations.](#)

5477

5478 **19.485.010 Title.**

5479 This section shall be known, cited, and referred to as the large retail and commercial service
5480 development chapter.

5481 (Ord. No. 1796A, § 3, 8-3-2010)

5482

5483 **19.485.020 Description.**

5484 A large retail and commercial service development is a development comprised of one or more
5485 contiguous parcels or building sites for a single retail or commercial service enterprise or for multiple
5486 such enterprises within which the total combined floor and surface area of all indoor retail and/or
5487 commercial activities, associated enclosed or outdoor storage, and associated outdoor display exceeds
5488 twenty thousand square feet. The requirements of Chapter 19.485 are applicable to any new, altered or
5489 expanded establishment or group of establishments that meet or exceed the above floor and surface
5490 area threshold, where a complete application for conditional use permit or PCD zoning is filed after the
5491 effective date of this chapter. The vacant building provisions set forth in Subsection 19.485.040F.18.
5492 shall also apply to large retail and commercial service developments that were constructed prior to the
5493 effective date of this chapter.

5494 (Ord. No. 1796A, § 3, 8-3-2010)

5495

5496 **19.485.030 Conditional use permit or PCD approval required.**

5497 A. Aside from where allowed under an approved PCD district, large retail and commercial service
5498 developments shall require a conditional use permit within any district in which they are allowed per
5499 other chapters in this title. All additions to structures, parking, or storage areas that are part of an
5500 approved large retail and commercial service development shall require an amendment to the
5501 conditional use permit or the previously approved PCD plans, per the associated requirements for such
5502 amendments in this title.

5503 B. Subsequent changes to individual land uses listed as permitted uses within the applicable zoning
5504 district (for example, a new tenant in a pre-existing retail space) are permitted without amendment to
5505 the associated large retail and commercial development conditional use permit or PCD specific
5506 implementation plan, unless said conditional use permit or PCD plan placed restrictions on such change
5507 of use.

5508 C. Subsequent individual land uses following initial approval of the development allowed only by
5509 conditional use permit in the zoning district or approved PCD specific implementation plan may be
5510 allowed only under a subsequent conditional use permit for the specific use, regardless of whether said
5511 use entails modifications to the building and/or site layout.

5512 (Ord. No. 1796A, § 3, 8-3-2010)

5513

5514 **19.485.040 Regulations.**

5515 In addition to applicable zoning district standards and other applicable standards of this title,
5516 each large retail and commercial service development shall meet the following additional standards, as
5517 may be applicable given the size of each such development:

5518 A. Large Retail and Commercial Service Development Questionnaire. A large retail and commercial
5519 service development questionnaire shall be fully completed when a development reaches or exceeds
5520 the defined threshold for such a questionnaire established in Figure 19.485(2). The completed large
5521 retail and commercial service development questionnaire shall specifically address compatibility with
5522 the city's comprehensive plan and detailed neighborhood, recreation, and other applicable plans, and
5523 follow the format included as Figure 19.485(3), subject to amendments by the zoning administrator as
5524 appropriate, and with attachments included as the administrator determines necessary.

5525 B. Traffic Impact Analysis. A traffic impact analysis is required when a development reaches or exceeds
5526 the defined threshold for such an analysis outlined in Figure 19.485(2), and may be required by the city
5527 director of public works for projects below that threshold if there is initial evidence to suggest that
5528 existing roads in the area may not be adequate to accommodate additional traffic demands. The traffic
5529 impact analysis shall be completed in accordance with standards approved by the city director of public
5530 works, or where he/she does not approve a particular standard, with the most current revision of the
5531 Traffic Impact Analysis Guidelines published by the State of Wisconsin Department of Transportation.
5532 Where the traffic impact analysis indicates that the proposed development may cause off-site public
5533 roads, intersections, or interchanges to function below level of service (LOS) D, then the city may deny
5534 the application, may require a size reduction in the proposed development, and/or may require the
5535 developer to construct and/or pay for required off-site improvements to achieve LOS D for a planning
5536 horizon of a minimum of ten years following full build-out of the development. All such developments
5537 shall have direct access to an arterial or collector street. Vehicle access shall be designed to
5538 accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing
5539 pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; access
5540 drive entry throat length, width, design, location, and number; traffic control devices; and/or sidewalks.

5541 The site design shall provide direct transportation connections to adjacent land uses and sites if required
5542 by the city.

5543 C. Economic and Fiscal Impact Analysis. An economic and fiscal impact analysis is required when a
5544 development reaches or exceeds the defined threshold for such an analysis outlined in Figure 19.485(2).
5545 The economic and fiscal impact analysis shall include all of the items identified in Figure 19.485(4) and
5546 meet the following requirements:

5547 1. The analysis shall identify and assess the economic and fiscal impacts on the city.

5548 2. The analysis shall propose measures to mitigate adverse impacts and/or maximize positive impacts,
5549 including provision of infrastructure or public service improvements sufficient to support the
5550 development. Any adverse impacts that cannot be mitigated shall be identified. Mitigation measures to
5551 be implemented by the applicant shall be identified.

5552 3. If required by the zoning administrator, the applicant shall provide the necessary funding to the city
5553 to hire a consultant of the city's choice, with appropriate experience to complete and present an
5554 objective economic and fiscal impact analysis to the city.

5555 D. Detailed Neighborhood Plan. A detailed neighborhood plan is required when a development reaches
5556 or exceeds the defined threshold for such a plan outlined in Figure 19.485(2). Such neighborhood plan
5557 shall cover any undeveloped areas within a one-thousand-five-hundred-foot radius from the boundaries
5558 of the development site (except where a lesser radius is approved by the zoning administrator) and be
5559 prepared to a recognized scale. The detailed neighborhood plan must be completed by the city or
5560 applicant prior to the application for conditional use permit or rezoning, and submitted or referenced
5561 with such application. The detailed neighborhood plan shall include a map of sufficient detail to
5562 establish the potential future mix and development of land uses based on the city's comprehensive plan
5563 and the relationship of surrounding lands to the large retail and commercial service development with
5564 regard to provision of streets, driveways, bicycle/pedestrian routes, utilities, stormwater management,
5565 landscape transitions, setbacks, and community design and character, and general layout, all in a
5566 manner that is consistent with the city's comprehensive plan.

5567 E. Facilities and Associated Features. The following requirements are applicable when a large retail and
5568 commercial service development reaches or exceeds the defined threshold for such facilities and
5569 associated features outlined in Figure 19.485(2):

5570 1. Building Location. Wherever practical, as determined by the plan and architectural review
5571 commission based on the particular setting, the primary building within the development shall be
5572 located close to the public street, including parking to the side or rear of that building. Where such
5573 primary building is proposed to be distant from the public street, the commission may require that the
5574 overall development design include smaller buildings on pads or outlots closer to the street. All buildings
5575 on outlots shall have an orientation and architectural quality that relates to the primary building.
5576 Placement and orientation of all buildings must facilitate appropriate land use transitions and
5577 appropriate traffic flow to adjoining roads and to neighboring commercial areas, commercial sites, and
5578 neighborhoods, and must forward community character objectives described in the city's
5579 comprehensive plan. Also see Subsection 19.485.040E.7. below for requirements associated with the
5580 location of parking lots.

5581 2. Building Materials. Exterior building materials shall be of comparable aesthetic quality on all sides.
5582 Building materials such as glass, brick, stone, tinted and decorative concrete block are preferred, with
5583 wood, stucco, and exterior insulation and finish systems (EIFS) also permitted, as determined
5584 appropriate by the plan and architectural review commission. Decorative architectural metal with
5585 concealed fasteners or decorative tilt-up concrete panels may be approved only if integral to the overall
5586 design of the building. Windows shall be prominently incorporated into the building design for both
5587 aesthetic and daylighting effect.

5588 3. Building Design. The building exterior shall complement other buildings in the vicinity (except those
5589 buildings identified for redevelopment), and shall meet the following:
5590 a. The building shall employ varying facade setbacks, heights, roof treatments, doorways, window
5591 openings, and other structural or decorative elements to reduce apparent size and scale of the building
5592 and to add architectural interest.
5593 b. A minimum of twenty percent of the building's facades that are visible from a public street shall
5594 employ actual facade protrusions or recesses with a depth of at least six feet. No uninterrupted facade
5595 without protrusions or recesses shall extend more than one hundred feet in length.
5596 c. A minimum of twenty percent of all of the combined linear roof eave or parapet lines of the
5597 structure shall employ differences in height, with such differences being six feet or more as measured
5598 eave to eave or parapet to parapet.
5599 d. Roofs with particular slopes may be required to complement existing buildings in the vicinity or
5600 otherwise establish a particular aesthetic objective.
5601 e. Ground floor facades that face public streets shall have some combination of arcades (a series of
5602 outdoor spaces located under a roof or overhang and supported by columns or arches), display
5603 windows, entry areas, awnings, or other such features along no less than fifty percent of the horizontal
5604 length of such facades.
5605 f. The integration of windows into building design is required. Windows shall be transparent glass
5606 wherever the plan and architectural review commission determines it practical. The use of blinds,
5607 spandrel (reflecting) glass, or display windows shall be acceptable where there is a determination that
5608 opacity is required. Backlighting of such windows may be required in such instances.
5609 g. Building facades that are visible to the public shall include a repeating pattern that includes no less
5610 than three of the following elements: (i) color change, (ii) texture change, (iii) material modular change,
5611 (iv) expression of architectural or structural bay through a change in plane no less than twenty-four
5612 inches in width, such as an offset, reveal or projecting rib. At least one of these elements shall repeat
5613 horizontally.
5614 4. Building Entrances. Public building entrances shall be clearly defined and highly visible on the
5615 building's exterior design, and shall be emphasized by, and be the focal point for, on-site traffic flow
5616 patterns. Two or more of the following design features shall be incorporated into all public building
5617 entrances: canopies or porticos, overhangs, projections, arcades, peaked roof forms, arches, or outdoor
5618 patios.
5619 5. Building Colors. Building facade colors shall be non-reflective, subtle, neutral, or earth tone. The use
5620 of high intensity colors, metallic colors, fluorescent colors or black on facades shall be prohibited.
5621 Building trim and architectural accent elements may feature bright colors or black, but such colors shall
5622 be muted, not metallic, not fluorescent, and not specific to particular uses or tenants. Standard
5623 corporate and trademark colors shall be permitted only on signage, unless such corporate colors meet
5624 the preceding building facade color standards.
5625 6. Screening.
5626 a. All ground-mounted and wall-mounted mechanical equipment, refuse containers and any permitted
5627 outdoor storage shall be fully concealed from on-site and off-site ground-level views, with materials
5628 identical to those used on the building exterior facades.
5629 b. All rooftop mechanical equipment shall be screened by parapets, upper stories, and/or strategic
5630 placement relative to exterior walls or roofs, so as to not be visible from public streets adjacent or
5631 within one thousand feet of the subject property.
5632 c. Loading docks shall be completely screened from surrounding public streets and properties. Said
5633 screening may be accomplished through loading areas internal to buildings, screen walls which match
5634 the building exterior in materials and design, fully opaque landscaping at time of planting, or
5635 combinations.

5636 d. Gates and fencing may be used for security and access, but not for screening, and they shall be of
5637 high aesthetic quality. Decorative metal picket fencing and screening is acceptable. Chain link, wire
5638 mesh, or wood fencing is unacceptable, except that decorative, heavy-duty wood gates may be used.

5639 7. Parking.

5640 a. All parking lots shall be designed in accordance with Chapter 19.51 of this title.

5641 b. Parking lots in which the number of spaces significantly exceeds the minimum number of parking
5642 spaces required for the specific use or uses in Section 19.51.130 shall be allowed only with specific and
5643 reasonable justification provided by the applicant within the application.

5644 c. Parking lots shall be designed to create distinct parking areas of not more than one hundred twenty
5645 parking stalls each through use of landscaped and curbed medians and islands, a minimum of ten feet in
5646 width from back-of-curb to back-of-curb. Each landscaped island shall be a minimum of three hundred
5647 sixty square feet in landscaped area; and landscaped islands shall be spaced at intervals no greater than
5648 one island per every twenty spaces in that aisle. Each landscaped island shall be planted with a
5649 minimum of one deciduous tree.

5650 d. Wherever site conditions allow, the plan and architectural review commission may require some or
5651 all parking to be oriented to the side and/or rear of the primary building within the development,
5652 allowing the building to be located closer to the public street. Applicants proposing to locate the
5653 majority of parking between the primary building and the public street shall submit information along
5654 with their application identifying the reasons why more or all parking may not be located to the side or
5655 rear of the principal building, either through a change in parking location, change in building location, or
5656 both.

5657 8. Bicycle and Pedestrian Facilities.

5658 a. The entire development shall provide for safe pedestrian and bicycle access to all uses within the
5659 development, connections to existing and planned public sidewalks and other pedestrian and bicycle
5660 facilities, and connections to adjacent properties.

5661 b. Pedestrian walkways shall be provided from all building entrances to existing or planned public
5662 sidewalks or other pedestrian and bicycle facilities. The minimum width for sidewalks adjacent to
5663 buildings shall be eight feet; and the minimum width for sidewalks elsewhere in the development shall
5664 be five feet.

5665 c. Sidewalks internal to the development shall have adjoining landscaping along at least fifty percent of
5666 their length, and may be required to be provided with pedestrian-scale lighting.

5667 d. Crosswalks within parking and driveway areas shall be distinguished from driving surfaces to
5668 enhance pedestrian safety by using different pavement materials, color, and/or texture in combination
5669 with signage.

5670 e. The development shall provide secure, attractive, integrated bicycle parking. For developments with
5671 fewer than one hundred motor vehicle parking stalls, the minimum number of bicycle parking spaces
5672 shall not be less than ten percent of the number vehicle parking stalls. For developments with one
5673 hundred or more motor vehicle parking stalls, the minimum number of bicycle parking spaces shall not
5674 be less than five percent of the number of motor vehicle parking stalls. The inverted U-type bike rack is
5675 the preferred design, except where the city or applicant is attempting to advance a particular design
5676 theme for the area. Each inverted U may count as two bicycle parking spaces.

5677 f. All bicycle parking racks shall be located within fifty feet of the main building entrance (except where
5678 secondary bicycle parking areas are located close to a separate employee entrance) and placed in a
5679 visible, well-lit, hard-surfaced, and accessible location at least thirty inches from the nearest building
5680 wall. At least one-half of all bicycle parking spaces shall be covered by a building canopy, arcade, or
5681 other shelter.

5682 g. The development shall provide exterior pedestrian furniture in appropriate locations at a minimum
5683 rate of one seat for every twenty thousand square feet of floor area (per the measurement method in

5684 Section 19.485.020). In addition, a minimum of four seats shall be located within the store, with a clear
5685 view through exit doors to a passenger pick-up or drop-off area.

5686 9. Central Areas and Features. Each development exceeding eighty thousand square feet in floor area
5687 (per the measurement method in Section 19.485.020) shall provide central area(s) or feature(s) such as
5688 a patio/seating area, pedestrian plaza with benches, outdoor playground area, water feature, and/or
5689 another such deliberately designated outdoor area or focal point that adequately enhance the
5690 development or community. Such area shall be openly accessible to the public, connected to the public
5691 and private sidewalk system, designed with materials compatible with the primary building and
5692 remainder of the site, and maintained over the life of the development.

5693 10. Cart Returns. A minimum of one two-hundred-square-foot cart return area (corral) shall be
5694 provided for every one hundred parking spaces. Cart corrals shall be of durable, non-rusting, all-season
5695 construction, and shall be designed and colored to be compatible with the building and parking lot light
5696 standards. There shall be no exterior cart return or cart storage areas located within twenty-five feet of
5697 any building.

5698 11. Outdoor Display Areas. Exterior sales and display areas--whether permanent or seasonal--shall be
5699 permitted only where clearly depicted on the approved site plan associated with the development. All
5700 exterior display areas shall be separated from motor vehicle routes by a physical barrier visible to drivers
5701 and pedestrians, and by a minimum of ten feet. Display areas on sidewalks directly in front of buildings
5702 building must maintain a minimum walkway width of eight feet between the display items and any
5703 vehicle drives.

5704 12. Outdoor Storage Uses and Areas. Exterior storage structures or uses, including the parking or
5705 storage of service vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, fork
5706 lifts, trash, recyclables, and all other items shall be permitted only where clearly depicted and labeled on
5707 the approved site plan. Such outdoor storage uses and areas shall be appropriately screened as required
5708 by Title 19.

5709 13. Landscaping. On-site landscaping shall be provided at time of building occupancy (except as
5710 allowed under Section 19.66.060), shall meet all applicable landscaping guidelines approved by the city
5711 council or plan and architectural review commission, and shall be maintained per the requirements of
5712 such guidelines and Title 19 over the life of the development.

5713 14. Lighting. On-site exterior lighting shall meet all the standards of Title 19. In addition, the color and
5714 design of pole lighting standards shall be compatible with the primary building in the development and
5715 the public lighting in the area, and shall be uniform throughout the entire development site.

5716 15. Signage. In addition to meeting the applicable requirements of Title 19, a signage plan for all
5717 exterior signage shall provide for coordinated and complementary exterior sign locations,
5718 configurations, and colors throughout the development. Combined signs for multiple users may be
5719 required instead of multiple individual signs. The city may require the use of muted corporate colors on
5720 signage if proposed colors are not compatible with the city's design objectives for the area.

5721 16. Environmental Sustainability, Natural Resources Protection, and Stormwater Management. Natural
5722 resources shall be protected in accordance with Title 19. In general, existing natural features shall be
5723 integrated into the site design as a site and community amenity. Each project shall meet the erosion
5724 control and stormwater management standards found in Title 16 of the Municipal Code and other
5725 applicable city ordinances.

5726 Each development shall intentionally incorporate into site and building design elements that
5727 contribute to the long-term environmental sustainability of the development and the city, as such terms
5728 are described in the city's comprehensive plan. Each development shall provide at least one-half of the
5729 following sustainability features:

5730 a. Reuse an existing, previously developed building and/or site.

- 5731 b. Utilize one or more rain gardens or bioswales, as described in the City of Whitewater Landscaping
- 5732 Guidelines, to capture and manage stormwater.
- 5733 c. Install a green roof or roof-top garden.
- 5734 d. Incorporate stormwater management facilities that are designed to both serve their primary
- 5735 function and appear as natural features that can serve as attractive focal points for the development.
- 5736 e. Install native/naturalized landscaping that minimizes requirements for irrigation/watering and
- 5737 provides natural habitat.
- 5738 f. Install systems that allow for the capture and later use of rainwater to water landscaping and for
- 5739 other permitted functions.
- 5740 g. Deliberately design/retrofit the primary building with energy efficient systems, such as lighting,
- 5741 refrigeration, and HVAC systems.
- 5742 h. Integrate solar, geothermal, wind, or other on-site energy generation into the site and/or building
- 5743 design.
- 5744 i. Utilize paving and/or roof materials with a solar reflectance index of at least twenty-nine for a
- 5745 minimum of fifty percent of the combined pavement and roof area on the site.
- 5746 j. Purchase a minimum of fifty percent of the development's energy from renewable sources, such as
- 5747 wind or solar.
- 5748 k. Recycle of a minimum of seventy-five percent of the waste generated during building/site
- 5749 construction.
- 5750 l. Utilize a minimum of twenty-five percent recycled materials for building construction.
- 5751 m. Utilize a minimum of fifty percent regional materials for building construction (extracted, harvested,
- 5752 or recovered, and manufacturing from within five hundred miles of the development site).
- 5753 n. No more than two additional sustainability features not listed above but approved by the plan and
- 5754 architectural review commission to meet the city's sustainability objectives, not including any feature
- 5755 already required by another section of this chapter.
- 5756 17. Vacation of Existing Buildings in Large Retail and Commercial Service Developments.
- 5757 a. Where any large retail or commercial service development that has fifty thousand or more square
- 5758 feet of floor area is vacated because the commercial use (sale of goods or merchandise at the building)
- 5759 conducted thereon is being relocated to a different building, the party shall be subject to the following
- 5760 provisions:
- 5761 i. The party that vacated the site shall not impose limits on the type of reuse of the vacated site
- 5762 through conditions of sale or lease.
- 5763 ii. The development agreement for the new development at the new site shall include provisions
- 5764 therein whereby the developer of the new site commits to the requirements contained herein.
- 5765 b. In addition to the above, any building within large retail or commercial service development that has
- 5766 twenty thousand or more square feet of floor area and is vacated for any reason shall be subject to the
- 5767 following provisions:
- 5768 i. The owner must file with the city a written statement as to the names, phone numbers, and
- 5769 addresses for all persons who are in control of the property and building.
- 5770 ii. The owner shall be required to meet the requirements defined in Figure 19.485(1), based on the
- 5771 amount of time the building remains vacant:

Figure 19.485(1): Steps for Addressing Building Vacancy

TABLE INSET:

Period of Time Building is Vacant	Requirement
-----------------------------------	-------------

Within 1 Year of Vacancy	Install a fire department Knox Box for annual fire inspection.
Within 3 Years of Vacancy	City may require owner to paint the building a neutral color.
Within 5 Years of Vacancy	City may require the removal of all hard surfaces, with the exception of the main driveway and fire lane around the building, restore the former hard-surfaced areas with black dirt and grass, or any combination of the above.

5775 iii. Within the first quarter of each year of vacancy, the owner shall provide the zoning administrator
5776 with a statement as to the condition of the building and prospects for removal or re-occupancy of the
5777 building(s).

5778 iv. At any time following vacancy, the city may utilize other enforcement options available to it to
5779 ensure property maintenance and upkeep of the building and site.

5780 v. Temporary occupancy of the building(s) and/or the exterior grounds for period of three hundred
5781 sixty-five consecutive days or less shall not be considered to remove the vacancy status of the building
5782 under this section.

5783 18. Development Agreement. The developer shall enter into a development agreement with the city
5784 which shall include the payment of all utilities, including, but not limited to, stormwater, sanitary sewer,
5785 and street infrastructure. Off-site improvements may also be required as part of the development
5786 agreement.

5787 19. Exceptions. In the event the applicant desires a deviation or exception from the requirements of
5788 this section, the applicant shall present justification for such deviation or exception, including, but not
5789 limited to, preexisting conditions on a redevelopment site, which may be approved or denied by the
5790 plan and architectural review commission.

5791 Figure 19.485(2): Thresholds for Large Retail and Commercial Service Development Requirements

5792 TABLE INSET:

5793

Requirement	Large Scale Retail and Commercial Development Threshold (per measurement method in Section 19.485.020)
Complete compatibility report (fits city's comprehensive plan and/or other adopted plans?)	>20,000 sq. ft.
Complete questionnaire	>20,000 sq. ft.
Provide required facilities and associated features (materials, landscape, etc.)	>20,000 sq. ft.
3rd-party traffic impact analysis required	>50,000 sq. ft.
3rd-party economic and fiscal impact analysis required	>80,000 sq. ft.

Detailed neighborhood plan required	>80,000 sq. ft.
-------------------------------------	-----------------

5794 Figure 19.485(3): Large Retail and Commercial Service Development Questionnaire
5795 TABLE INSET:
5796

Person filling out this form	
Address	
Phone number	
Date	
I. Project Contacts	
Property owner	
Property owner representative	
Developer	
Developer representative	
Prime contractor representative	
Civil engineering representative	
Architectural representative	
Land planner representative	
Landscape architect representative	
Exterior lighting representative	

5797 TABLE INSET:
5798

II. Existing Site Conditions		
A. Total Site Area (inclusive of all areas within parcel boundary):	_____ acres	_____ s.f.
B. Environmental Corridor Components:	_____ acres	_____ s.f.
Surface Water	_____ acres	_____ s.f.
Wetlands	_____ acres	_____ s.f.
100-Year Floodplain	_____ acres	_____ s.f.
Steep Slopes (equal to or greater than 12%)	_____ acres	_____ s.f.

5799
5800

--	--	--

TABLE INSET:

III. Relationship to Adopted Plans and Policies. Describe how the proposed development is compatible with the following:	
A. City of Whitewater Comprehensive Plan:	
Future Land Use Map	
Future Transportation Plan Map	
Future Community Facilities Plan Map	
Applicable Goals, Policies and Objectives	
Agricultural, Natural, and Cultural Resources Chapter	
Economic Development Chapter	
Sustainability Provisions	
Other Applicable Provisions of Comprehensive Plan	
B. City Park and Open Space Plan	
C. Detailed Neighborhood Plan Covering Area	
D. Intergovernmental Agreements	
E. Wisconsin DOT Plans and Policies	
F. Wisconsin DNR Plans and Policies	
G. Other Pertinent Plans and Policies as Indicated by City	

5801
5802

TABLE INSET:

IV. Proposed Development Characteristics			
A. General Description of Proposed Development and Land Use Mix:			
B. Proposed Modifications to Existing Site Conditions:			
Total Site	Acres to be Converted	Acres Not to be Converted	Total
Surface Water Areas			
Wetland Areas			
Floodplain Areas			

Steep Slopes (12%+)			
Woodland Areas			
Total Environmental Corridor			
Crop and Livestock Operation Areas			
Other Open Areas			
Total Existing Development Area			
Existing Building Coverage Area			
Existing Paved Area			
Existing Lawn and Landscaped Area			

5803 TABLE INSET:
5804

C. Proposed Development Areas:		
Total Site Area	_____ sq. ft.	_____ acres
Area of Building Footprint	_____ sq. ft.	_____ acres
Area of Total Paving	_____ sq. ft.	_____ acres
Area of Pervious Paving	_____ sq. ft.	_____ acres
Area of Lawn & Landscaping (not storm)	_____ sq. ft.	_____ acres
Area of Stormwater Management	_____ sq. ft.	_____ acres
Area of Impervious Surface	_____ sq. ft.	_____ acres
Area of Semi-Pervious Surface	_____ sq. ft.	_____ acres
Area of Pervious Surface	_____ sq. ft.	_____ acres
Total Building Floor Area	_____ sq. ft.	
First Floor Building Area	_____ sq. ft.	
Upper Floor Building Area	_____ sq. ft.	
Useable Basement Area	_____ sq. ft.	

5805 Figure 19.485(4): Economic and Fiscal Impact Analysis Requirements
5806 TABLE INSET:
5807

1. For the project, estimate the following:
a. Types of jobs created.
b. Number of full-time (40 hrs/wk) and part time (less than 40 hrs/wk) jobs created.

c. The impact of the project on the overall local job market at year one and year five.
2. Estimate the amount of City and Walworth/Jefferson County labor to be used in the construction of the project and in permanent employment.
3. Include an analysis indicating the market proposed for the project and the area from which patrons will be attracted.
4. Evaluate the impact of the proposed project on commercial and/or retail vacancy rates in the proposed market area.
5. Estimate to what extent, if any, the proposed project would increase or reduce the proposed market area's economic base by eliminating existing businesses, creating new ones, or allowing existing ones to expand.
6. Compare and evaluate the projected costs and benefits to the community resulting from the project including:
a. Projected costs arising from increased demand for and required improvements to public services and infrastructure.
b. Value of improvements to public services and infrastructure to be provided by the project.
c. Projected property tax revenues to be generated by the project in the first year, after five years, and at build-out.
d. Projected impact of the project in the first five years on land values (both residential and commercial) and potential direct and indirect increase or loss in property tax revenues.
7. Projected lifespan of building(s) and reuse opportunities should the proposed use(s) vacate the building(s) in the future.

5808 (Ord. No. 1796A, § 3, 8-3-2010)

5809

5810 **Chapter 19.49 WELLHEAD PROTECTION**

5811 Sections:

5812 [19.49.010 Title.](#)

5813 [19.49.020 Purpose and authority.](#)

5814 [19.49.030 Applicability.](#)

5815 [19.49.040 Definitions.](#)

5816 [19.49.050 Wellhead protection area.](#)

5817 [19.49.060 Enforcement.](#)

5818

5819 **19.49.010 Title.**

5820 This section shall be known, cited and referred to as the "wellhead protection ordinance"
5821 (hereinafter "WHP ordinance").

5822 (Ord. 1383 § 1(part), 1997).

5823

5824 **19.49.020 Purpose and authority.**

5825 A. The residents of the City of Whitewater (hereinafter "the city") depend exclusively on groundwater
5826 for a safe drinking water supply. Certain land use practices and activities can seriously threaten or
5827 degrade groundwater quality. The purpose of the WHP ordinance codified in this chapter is to protect
5828 the city's municipal water supply and areas from which city wells draw water, and to promote the public
5829 health, safety and general welfare of the residents of the city.

5830 B. These regulations are established pursuant to the authority granted by the Wisconsin Legislature in
5831 1983, Wisconsin Act 410 (effective May 11, 1984), which specifically added groundwater protection to
5832 the statutory authorization for municipal planning and zoning in order to protect the public health,
5833 safety and welfare. Areas appropriate for protection in the WHP are established in the wellhead
5834 protection plan ("the plan") for City of Whitewater, Wisconsin, dated September 1996 and prepared by
5835 Strand Associates, Inc. The Plan document is incorporated herein by this reference, and a copy is on file
5836 in the office of the city clerk.
5837 (Ord. 1383 § 1(part), 1997).

5838

5839 **19.49.030 Applicability.**

5840 The regulations specified in the WHP ordinance codified in this chapter shall apply only to lands
5841 within those portions of the five-year time of travel zones (hereinafter sometimes "TOT") of Well No. 9
5842 shown on the wellhead protection map (see Exhibit A in Appendix D of WHP) (hereinafter "the map"),
5843 which areas also lie within the city corporate limits.
5844 (Ord. 1383 § 1(part), 1997).

5845

5846 **19.49.040 Definitions.**

5847 As used in this chapter:

5848 "Aquifer" means a saturated, permeable geologic formation that contains and will yield
5849 significant quantities of water.

5850 "Cone of depression" means the area around a well, in which the water level has been lowered
5851 at least one-tenth of a foot by pumping of the well.

5852 "Existing facilities which may cause or threaten to cause environmental pollution" means
5853 existing facilities which may cause or threaten to cause environmental pollution within the corporate
5854 limits of the city's well No. 9 recharge area which include but are not limited to the Wisconsin
5855 Department of Natural Resources' draft list of "Inventory of Sites or Facilities Which may Cause or
5856 Threaten to Cause Environmental Pollution," and Department of Industry, Labor and Human Relations
5857 list of "Leaking Underground Storage Tanks" (hereinafter "LUST's") and the Registry of Waste Disposal
5858 Sites in Wisconsin, all of which are incorporated herein by reference, together with future amendments
5859 thereto, as if fully set forth.

5860 "Five Year Time of Travel (TOT)." The five year TOT is a portion of the recharge area, the outer
5861 boundary of which it is determined or estimated that groundwater and potential contaminants will take
5862 five years to reach a pumping well. The five year TOT for Whitewater's municipal well No. 9 is
5863 established based on the uniform flow equation. The TOT area is shown on the map. The TOT area
5864 shown on the map is hereinafter referred to as "the TOT."

5865 "Groundwater divide" means ridge in the water table, or potentiometric surface, from which
5866 groundwater moves away at right angles in both directions. Line of highest hydraulic head in the water
5867 table or potentiometric surface.

5868 "Groundwater protection overlay district" shall be defined as that area within the TOT shown on
5869 the map attached as Exhibit A and incorporated herein by reference as if fully set forth.

5870 "Recharge area" means area in which water reaches the zone of saturation by surface
5871 infiltration and encompasses all areas or features that supply groundwater recharge to a well.

5872 "Wellhead protection area" means those proportions of the TOT which lie within the City of
5873 Whitewater corporate limits.
5874 (Ord. 1383 § 1(part), 1997).

5875

5876 **19.49.050 Wellhead protection area.**

5877 A. Intent. The area to be protected is the Whitewater wellhead protection area (hereinafter "WPA") (as
5878 determined by the plan) contained within the city boundary limits. These areas are designated on the
5879 map. These lands are subject to land use and development restrictions because of their close proximity
5880 to the TOT and the corresponding high threat of contamination.

5881 B. Permitted Uses. The following are the only permitted uses within the WPA:

5882 1. Any existing use, even though listed on prohibited uses, below, located within such areas to the
5883 extent that use currently exists, subject to the requirements for existing prohibited uses, subsection E of
5884 this section below;

5885 2. Those uses permitted under Whitewater zoning code consistent with the zoning map, as amended
5886 by action of the Whitewater city council and which are not prohibited under subsection C of this section
5887 below.

5888 C. Prohibited Uses. The following uses, if created after the adoption of the WHP ordinance codified in
5889 this chapter, are prohibited uses within the wellhead protection area designated on the map. These uses
5890 are prohibited based on the high probability that activities routinely associated with these uses (storage,
5891 use and handling of potential pollutants) will cause groundwater contamination. Uses not listed are not
5892 considered permitted uses.

- 5893 1. Underground storage tanks of any size;
- 5894 2. Septage and/or sludge spreading;
- 5895 3. Animal waste land spreading;
- 5896 4. Animal waste facilities;
- 5897 5. Animal confinement facilities;
- 5898 6. Gas stations;
- 5899 7. Vehicle repair establishments, including auto body repair;
- 5900 8. Printing and duplicating businesses;
- 5901 9. Bus or truck terminals;
- 5902 10. Repair shops;
- 5903 11. Landfills or waste disposal facilities;
- 5904 12. Wastewater treatment facilities;
- 5905 13. Spray wastewater facilities;
- 5906 14. Junk yards or auto salvage yards;
- 5907 15. Bulk fertilizer and/or pesticide facilities;
- 5908 16. Asphalt products manufacturing;
- 5909 17. Dry-cleaning businesses;
- 5910 18. Salt storage;
- 5911 19. Electroplating facilities;
- 5912 20. Exterminating businesses;
- 5913 21. Paint and coating manufacturing;
- 5914 22. Hazardous and/or toxic materials storage;
- 5915 23. Hazardous and/or toxic waste facilities;
- 5916 24. Radioactive waste facilities;
- 5917 25. Recycling facilities;
- 5918 26. Cemeteries.

5919 D. Where any of the uses listed in subsection C of this section above exist within the WPA on the
5920 effective date of the ordinance codified in this chapter, owners of these facilities will be allowed to
5921 upgrade such uses to facilitate or enhance groundwater protection. Plans for the proposed upgrade
5922 must be approved by the plan commission, and the appropriate permit issued by the city building
5923 inspector/zoning administrator's office prior to any work being initiated. Expansion of the prohibited use
5924 may be allowed with approval of the planning commission.

5925 E. Requirements for Existing Prohibited Uses, Section 19.49.050C Above.

5926 1. Such uses shall provide copies of all federal, state and local facility operation approvals or certificate
5927 to the city zoning administrator and ongoing environmental monitoring results to the city director of
5928 public works.

5929 2. Such uses shall provide additional environmental or safety structures/monitoring as deemed
5930 necessary by the city, which may include but are not limited to stormwater runoff management and
5931 monitoring.

5932 3. Such uses shall replace equipment or expand in a manner that improves the existing environmental
5933 and safety technologies already in existence.

5934 4. Such uses shall have the responsibility of devising and filing with the city a contingency plan
5935 satisfactory to the city zoning administrator for the immediate notification of city officials in the event of
5936 an emergency.

5937 (Ord. 1383 § 1(part), 1997).

5938

5939 **19.49.060 Enforcement.**

5940 A. In the event the individual and/or facility engaging in permitted use(s) under this chapter causes the
5941 release of any contaminants which endangers the WPA, the activity causing said release shall
5942 immediately cease and a cleanup satisfactory to the city shall occur.

5943 B. The individual/facility causing the release of contaminants shall be responsible for all costs of
5944 cleanup. The costs of cleanup shall include, but not be limited to, city consultant fees, at the invoice
5945 amount plus administrative costs for oversight, review and documentation.

5946 1. The cost of city employees' time associated in any way with the cleanup based on the hourly rate
5947 paid to the employee multiplied by a factor determined by the city representing the city's cost for
5948 expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits;

5949 2. The cost of city equipment employed;

5950 3. The cost of mileage reimbursed to city employees attributed to the cleanup.

5951 C. Following any such discharge the city may require additional test monitoring and/or bonds/sureties
5952 as it deems necessary and reasonable.

5953 D. Penalties for noncompliance shall be provided pursuant to Section 19.75.080 of this code.

5954 (Ord. 1383 § 1(part), 1997).

5955

5956 **Chapter 19.51 TRAFFIC, PARKING AND ACCESS**

5957 Sections:

5958 [19.51.010 Intersection visibility requirements.](#)

5959 [19.51.020 Loading requirements.](#)

5960 [19.51.030 Parking requirements--Generally.](#)

5961 [19.51.040 Adequate access--Driveways.](#)

5962 [19.51.050 Size, ~~and~~ location, and surface material of parking spaces.](#)

5963 [19.51.060 Lighting of parking areas.](#)

5964 [19.51.070 Buffer screening of on-grade parking areas.](#)

5965 [19.51.080 Front and side yard parking limitation.](#)

5966 [19.51.090 Designated parking areas.](#)

5967 [19.51.100 Landscaped islands for parking bays.](#)

- 5968 [19.51.110 Surfacing of parking areas.](#)
5969 [19.51.120 Curbs and barriers.](#)
5970 [19.51.130 Number of parking stalls--General requirements.](#)
5971 [19.51.140 Number of parking stalls--Combination uses.](#)
5972 [19.51.150 Number of parking stalls--Uses not listed.](#)
5973 [19.51.160 Parking exemption in B-2 central business district.](#)
5974 [19.51.170 Computation of required parking area.](#)
5975 [19.51.180 Truck, trailer, ~~mobilehome~~mobile home and equipment parking restrictions.](#)

5976 **NOTE; BOAT STORAGE EXEMPTION NEEDS TO BE ADDED**

5977 [19.51.190 Highway access limitations.](#)

5978 **19.51.010 Intersection visibility requirements.**

5979 A. At all intersections of streets or alleys, no fence, hedge, wall, sign or other structure shall be erected,
5980 placed, planted or allowed to grow in such a manner as to collectively impede more than fifteen percent
5981 of the vision area between a height of two and one-half feet and ten feet above the established curb
5982 level of the intersection of streets or alleys in the area bounded by the right-of-way lines and a line
5983 joining points along the right-of-way fifteen feet from the point of intersection. (Refer to diagram
5984 below.)

5985 B. In the case of major streets and highways intersecting with other arterial streets or railways, the
5986 corner cutoff distances establishing the triangular vision clearance space shall be increased to forty feet.

5987 **GRAPHIC LINK:**[Click here](#)

5988 (Ord. 994 § 4.1, 1982).

5989

5990 **19.51.020 Loading requirements.**

5991 In all districts except the B-2 central business district, adequate loading areas shall be provided
5992 so that all vehicles loading, maneuvering to do so, or unloading, are completely off the public ways,
5993 except alleys.

5994 (Ord. 994 § 4.2, 1982).

5995

5996 **19.51.030 Parking requirements--Generally.**

5997 In all districts, and in connection with every use, there shall be provided at the time any building
5998 is erected, enlarged, extended, increased, or use is changed, off-street parking stalls for all vehicles in
5999 accordance with Sections 19.51.040 through 19.51.180.

6000 (Ord. 994 § 4.3(part), 1982).

6001

6002 **19.51.040 Adequate access--Driveways.**

6003 Adequate access to a public street shall be provided for each parking space, and driveways shall
6004 be at least ten feet wide for parking areas for less than ten vehicles, and at least two ten-foot lanes for
6005 parking lots for ten or more vehicles, except as otherwise provided in Section 19.51.050(A)(2).
6006 Driveways shall not exceed twenty-four feet in width at the street right-of-way line, except as otherwise
6007 determined by the plan and architectural review commission during site plan review. No driveway may
6008 be closer than three feet to an abutting property line, except where two adjacent lots have a common
6009 driveway then the three-foot minimum distance shall not apply. Common, shared, and cross-access
6010 driveways between adjacent lots are permitted, provided that such driveways are established by
6011 recorded easement that may not be removed except by approval of the city. All areas intended to be

6012 utilized as a driveway shall be surfaced with bituminous or concrete to control dust and drainage, except

6013 in the case of farm dwellings and operations. Plans for surfacing and drainage of driveways shall be
6014 submitted to the City Engineer for his review and approval.
6015 (Ord. 1452 § 6(part), 2000: Ord. 994 § 4.3(A), 1982).

6016
6017 **19.51.050 Size, ~~and~~ location, and surface material of parking spaces.**
6018 A. The size of each parking space shall be nine feet wide and not less than one hundred eighty square
6019 feet exclusive of the space required for ingress and egress, except as follows:
6020 1. End parking spaces may be seven and one-half feet wide and not less than one hundred fifty square
6021 feet.
6022 2. Interior parking spaces may be eight and one-half feet wide and not less than one hundred fifty
6023 square feet, provided that internal driveways providing two-way access to parking spaces are not less
6024 than twenty-four feet in width.
6025 3. All areas intended to be utilized for parking shall be surfaced with bituminous or concrete to control
6026 dust and drainage, except in the case of farm dwellings and operations. Plans for surfacing and drainage
6027 of parking stalls for five or more vehicles shall be submitted to the City Engineer for his review. Curb cut
6028 openings shall be a minimum of five feet from the side yard property line in all districts.
6029 (Ord. 1452 § 6(part), 2000: Ord. 994 § 4.3(B), 1982).

6030
6031 **19.51.060 Lighting of parking areas.**
6032 Lights provided in any parking area shall be regulated by the standards in Section 19.57.150.
6033 (Ord. 1452 § 6(part), 2000: Ord. 994 § 4.3(C), 1982).

6034
6035 **19.51.070 Buffer screening of on-grade parking areas.**
6036 When a required off-street parking area for five or more vehicles is located within fifteen feet of
6037 any lot line or public right-of-way line in any district, a buffer yard or screen shall be required in
6038 accordance with Section 19.57.140 of this title, except where the adjoining property also contains a
6039 parking lot within fifteen feet of the shared lot line.
6040 (Ord. 1452 § 6(part), 2000: Ord. 1364 § 11, 1997: Ord. 994 § 4.3(D), 1982).

6041
6042 **19.51.080 Front and side yard parking limitation.**
6043 A. In all residential districts, except as provided in subsections B, C and D below, or as otherwise
6044 allowed by a previously granted zoning permit, not more than three vehicles shall be parked in any
6045 combination of the front or side yard area. In no case shall vehicles be parked closer than three feet to
6046 any abutting property line (except for shared parking areas for which a zoning permit has been granted)
6047 or any lawn or landscaped area. All parking must take place in legally established, surfaced, and
6048 maintained parking areas or driveways outside of any required vehicular circulation areas.
6049 B. A legally established two-family dwelling may have up to six vehicles parked in any combination of
6050 the front and side yard area.
6051 C. In the R-3 Multifamily Residence District, except for legally established two-family dwellings or
6052 otherwise allowed by a zoning permit, **not more than five vehicles may be parked in any combination of**
6053 **the front or side yard area.** Newly constructed or reconstructed properties as of the date of this chapter
6054 may have no more than three vehicles in front and side yards.
6055 D. The number of vehicles allowed within front and side yard areas of lots occupied by single family
6056 residences may be increased to one per licensed driver legally occupying the property, not to exceed
6057 five vehicles.
6058 (Ord. 1082 § 8, 1986).
6059 (Ord. No. 1688A, 6-17-2008; Ord. No. 1715A, 2-3-2009)

6060
6061
6062
6063
6064
6065
6066
6067
6068
6069
6070
6071
6072
6073
6074
6075
6076
6077
6078
6079
6080
6081
6082
6083
6084
6085
6086
6087

19.51.090 Designated parking areas.

Vehicle parking shall only be permitted in designated parking areas approved in the issuance of a zoning permit. Expansion of existing parking areas requires issuance of an approved zoning permit. (Ord. 994 § 4.3(F), 1982).

19.51.100 Landscaped islands for parking bays.

Landscaped islands shall be required at the ends of parking bays to clearly define lane and turning patterns, except in the M-1 district. (Ord. 994 § 4.3(G), 1982).

19.51.110 Surfacing of parking areas.

All off-street parking areas shall be graded and surfaced with bituminous or concrete to control so as to be dust-free and properly drained drainage per city requirements for stormwater management. Hard surfaces shall be required for all multifamily residential and nonresidential uses, except that areas primarily used for parking of construction vehicles and related equipment may be surfaced with gravel if approved by conditional use permit. Any parking area for more than five vehicles shall have the aisles and spaces clearly marked. (Ord 1482 § 1-, 2001: Ord. 1364 § 12, 1997: Ord. 994 § 4.3(H), 1982).

19.51.120 Curbs and barriers.

Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines or required sidewalks. (Ord. 994 § 4.3(I), 1982).

19.51.130 Number of parking stalls--General requirements.

The minimum number of parking stalls required is as follows:

TABLE INSET:

Uses within the B-2 central business district are exempted from this requirement, except if specifically required for a particular conditional use in that district under Section 19.30.030	
Single-family dwellings	2 stalls
Mobile homes	2 stalls for each dwelling unit
Duplex and multifamily dwellings	
Efficiency/one bedroom	2 <u>1</u> stalls for each dwelling unit
Two <u>to three</u> bedrooms	3 <u>2</u> stalls for each dwelling unit
Three <u>Four</u> or more bedrooms	4 <u>3</u> stalls for each dwelling unit

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

6088 The number of required parking spaces shall never exceed the number of occupants allowed
6089 under Section 19.09.520. A party may apply to the plan and architectural review commission for a
6090 permit allowing less than the number of stalls required herein, but not less than one stall per residential
6091 unit or one stall per five hundred square feet of primary floor area for retail and commercial service
6092 uses. The commission may grant such a permit if it is not against the best interest of the public. Even if a
6093 permit is granted, the applicant shall be required to have sufficient land and a plan to install the
6094 maximum required stalls under this section should it become necessary, except within the PCD-TND
6095 zoning district. The permit may be revoked at any time by the commission upon notice and hearing if
6096 good cause is shown for the revocation of the permit. Within a PCD-TND District only, adjacent on-street
6097 parking may apply toward the minimum parking requirements, if approved by the plan commission.
6098 (Ord. 1611A § 2, 2006; Ord. 1511 § 3, 2002; Ord. 1187 § 1, 1990; Ord. 1082 § 9, 1986; Ord. 944 § 4.3(J),
6099 1982).

6100

6101 **19.51.140 Number of parking stalls--Combination uses.**

6102 Combinations of any of the uses listed in Section 19.51.130 shall provide the total of the number
6103 of stalls required for each individual use.
6104 (Ord. 994 § 4.3(K), 1982).

6105
6106 **19.51.150 Number of parking stalls--Uses not listed.**

6107 In the case of structures or uses not mentioned in Section 19.51.130, the provision for a use
6108 which is similar shall apply.
6109 (Ord. 994 § 4.3(L), 1982).

6110
6111 **19.51.160 Parking exemption in B-2 central business district and the B-1A University mixed-**
6112 **use overlay district.**

6113 In order to encourage and stimulate the revitalization in the downtown area of Whitewater,
6114 uses within the B-2 central business district are exempted from the minimum number of parking stalls
6115 required in this chapter, except if specifically required for a particular conditional use in that district
6116 under Section 19.30.030. Where parking is voluntarily provided or required for a particular use listed in
6117 Section 19.30.030, it shall meet the development standards of this section.
6118 (Ord. 1611A § 3, 2006: Ord. 994 § 4.3(M), 1982).

6119
6120 **19.51.170 Computation of required parking area.**

6121 In determining required parking area ratios, the floor measurement shall be taken to include
6122 only service, sales and office space, and shall not include warehouse, utility and other accessory space
6123 which do not generate parking demand.
6124 (Ord. 994 § 4.3 (N), 1982).

6125
6126 **19.51.180 Truck, trailer, mobilehome mobile home and equipment parking restrictions.**

6127 No truck, commercial trailer, house or camper trailer, motor home, boat trailer, snowmobile
6128 trailer, or other vehicular equipment or implements of a commercial, agricultural or industrial nature,
6129 shall be parked regularly in any zoning district other than B-1, B-3, M-1 and AT districts, except as
6130 hereinafter specifically provided for as follows:

- 6131 A. One panel or pickup truck, exceeding three-quarter ton but not exceeding one and one-half tons,
6132 shall be permitted;
- 6133 B. The unenclosed parking of either one unoccupied house trailer, motor home, or one unoccupied
6134 camp trailer in the side and rear yard, provided that the motor home, house trailer or camp trailer is
6135 parked at least five feet from the lot lines; motor homes shall also abide by all restrictions relating to
6136 motor vehicle parking;
- 6137 C. Camper trailers and boats shall be permitted to park in front yards for the purposes of loading,
6138 unloading and servicing for a period of three days;
- 6139 D. Boat trailers, snowmobile trailers and all other private residential type trailers shall be permitted to
6140 park in the side and rear yard only.
6141 (Ord. 1381 § 1, 1997: Ord. 994 § 4.3(O), 1982).

6142
6143 **19.51.190 Highway access limitations.**

- 6144 A. No direct private access shall be permitted to the existing or proposed rights-of-way of expressways,
6145 nor to any controlled-access arterial street without permission of the highway agency that has access-
6146 control jurisdiction.
- 6147 B. No direct public or private access shall be permitted to the existing or proposed rights-of-way of the
6148 following:

- 6149 1. Freeways, interstate highways and their interchanges or turning lanes, nor to intersecting or
6150 interchanging streets within one thousand five hundred feet of the most remote end of the taper of the
6151 turning lanes;
6152 2. Arterial streets intersecting another arterial street within one hundred feet of the intersection of the
6153 right-of-way lines;
6154 3. Within fifty feet of street right of way lines intersecting other street right of way lines. Access
6155 barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers, shall be erected to
6156 prevent unauthorized vehicular ingress or egress to the above specified streets or highways (see Section
6157 19.51.010, traffic visibility);
6158 4. Temporary access to the above rights-of-way may be granted by the city plan commission after
6159 review.
6160 (Ord. 1446 § 2, 2000; Ord. 994 § 4.4, 1982).

6161

6162 **Chapter 19.54 SIGNAGE REGULATIONS**

6163 Sections:

6164 [19.54.010 Sign permits.](#)

6165 [19.54.020 Definitions and regulations specific to certain signs.](#)

6166 [19.54.030 General signage regulations.](#)

6167 [19.54.040 Sign regulations applicable to residential districts.](#)

6168 [19.54.050 Sign regulations applicable to nonresidential districts.](#)

6169 [19.54.052 Maximum sign sizes and types.](#)

6170 [19.54.060 Temporary signs.](#)

6171 [19.54.070 Construction and maintenance of signage.](#)

6172 [19.54.080 Nonconforming signs.](#)

6173

6174 **19.54.010 Sign permits.**

6175 A. The following sign uses and purposes are permitted in all zoning districts without the need for a sign
6176 permit. Such signs shall not count as part of the maximum permitted sign area as regulated by Section
6177 19.54.052:

- 6178 1. Address numerals and identification signs not exceeding one square foot in area;
6179 2. Legal notices;
6180 3. Signs established by, or by order of, any governmental agency;
6181 4. Memorial signs and tablets displayed in cemeteries.

6182 B. Community information signs shall be permitted only as a conditional use within all zoning districts
6183 and upon any property within the jurisdiction of the city. As such, the review of a request for the
6184 erection of a community information sign shall comply with the requirements of Section 19.54.020C.4.
6185 The proposed size, configuration, and design of the sign shall be described as part of the conditional use
6186 requirements. As a conditional use, the city may revoke the designation of an approved community
6187 information sign if such sign fails to comply with the requirements of this chapter. Such action shall
6188 proceed per the requirements of Chapter 19.75. Upon revocation, the owner of the sign shall have thirty
6189 days to remove the sign at the owner's expense.

6190 C. No person shall erect, alter, or relocate within the city any sign without first obtaining a sign permit,
6191 except for the exceptions in subsections A. and B. of this section, and as may be provided for elsewhere
6192 in this chapter.

6193 (Ord. 1263 § 1(part), 1993).

6194 (Ord. No. 1746A, § 3, 9-15-2009)

6195

6196 **19.54.020 Definitions and regulations specific to certain signs.**

6197 A. The following definitions shall be used by this chapter to assist in the establishment of clear cut
6198 signage regulations. In general, "sign purposes" refers to where or how a sign is used; "sign
6199 configurations" refers to the style of the sign; and "sign measurement" explains how the dimensions of a
6200 sign are determined.

6201 B. "Sign" means any object, device, display, structure, or part thereof, situated outdoors, which is used
6202 to advertise, identify, display, direct or attract attention to an object, person, institution, organization,
6203 business, product, service, event, or location by any means, including figures, letters, figures, designs,
6204 symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of
6205 any nation, organization of nations, state, city, religious, fraternal or civic organization; also merchandise
6206 and pictures or models of products or services incorporated in a window display, works of art which in
6207 no way identify a product, or scoreboards located on athletic fields. Definitions of particular functional,
6208 locational and structural types of signs are listed in this section. (Traffic control and other public agency
6209 signs located within a right-of-way are not included within this definition and are not regulated by the
6210 provisions of this chapter.)

6211 C. Sign Purposes.

6212 1. "Advertising sign" means a sign which directs attention to a business, commodity, service, or
6213 entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is
6214 displayed. Advertising signs include billboards. (Refer to Section 19.54.030.)

6215 2. "Auxiliary sign" means a sign which provides special information such as price, hours of operation, or
6216 warning and which does not include brand names, or information regarding product lines or services. It
6217 may contain a business logo if the logo is under one square foot in area. Examples of such signs include
6218 directories of tenants in buildings, "no trespassing" signs, menu boards, and signs which list prices of
6219 gasoline. (Refer to Section 19.54.050(E).)

6220 3. "Business sign" means a sign which directs attention to a business, commodity, service, or
6221 entertainment conducted, sold, offered, or manufactured upon the premises where the sign is located.
6222 (Refer to Sections 19.54.050 and 19.54.052.)

6223 4. "Community information sign" means an officially-designated sign which is limited to either the
6224 display of information of interest to the general community regarding scheduled public events and
6225 information of general interest to the residents of Whitewater, or signage located on scoreboards,
6226 fences or similar structures within the confines of publicly-owned (city, school district, university)
6227 athletic fields, courts, rinks or other active recreation facilities as approved by the park and recreation
6228 board. (Refer to Section 19.54.010B.)

6229 a. Such sign shall only display information regarding events and information of general interest to the
6230 residents of Whitewater. Copy which may be considered as advertising a product, private or restricted
6231 participation event, or activity for private profit shall be prohibited. This provision may be waived by
6232 conditional use for community information signs on lands owned by the public for recreational
6233 purposes, provided that the installation of the sign provides a benefit to a public or community
6234 organization.

6235 b. Such sign may be located on private or public property.

6236 c. Such sign shall conform to the visibility requirements of Chapter 19.51 and Illustration 2.

6237 d. Maximum sign area shall be thirty-two square feet, unless a larger sign is approved by the plan
6238 commission based on conditions unique to the placement of the sign or the required length of the
6239 message. Such sign shall not be counted as adding to the area of signage on the subject property for the
6240 purposes of regulating sign area per Section 19.54.050(F).

6241 5. Directional Sign, Off-Premises. "Off-premises directional sign" means a sign which indicates only the
6242 name, direction, and/or distance of a business or activity. It may contain a business logo if the logo is
6243 under one square foot in area and approval only by conditional use. (Refer to Section 19.54.030.)

6244 6. Directional Sign, On-Premises. "On-premises directional sign" means an information sign which has a
6245 purpose secondary to the use of the lot upon which it is located, including signs that indicate parking
6246 availability, entrances, particular buildings within a multi-building development, hours of operation,
6247 available merchandise in a drive-through lane, and wall-mounted posters indicating particular movies in
6248 a theater. No sign with a commercial message legible from a public right-of-way or another property
6249 shall be considered an on-premises directional sign. No on-premises directional sign shall be greater
6250 than nine square feet in area.

6251 7. "Sandwich board/pedestal sign" means a movable sign placed by hand outside the building while the
6252 business is open; removed at the time the business closes each day; self-supporting and stable even on
6253 windy days because of its design; used for the purpose of promoting special business offers and not as
6254 primary business signage; and meeting all applicable size, placement, and other requirements of this
6255 chapter (see Section 19.54.050K. in particular).

6256 8. "Group sign" means a sign displaying the collective name of a group of uses such as the title of a
6257 shopping center, office park, industrial park and/or their tenants or occupants. No sales or price
6258 information shall be permitted. Portions of the sign containing names of individual tenants shall be
6259 considered as part of the area of a group sign. Group signs shall only be permitted within developments
6260 serving two or more nonresidential tenants in spaces with separate outside customer doors, and shall
6261 limit information to the name of the development and/or its occupants. Group signs serving two or
6262 more occupants not located on the same lot, but within the same multi-building development, shall be
6263 located on one of the lots being served by the sign. Such signs shall not be considered an advertising
6264 sign as defined in this section. (Refer to Section 19.54.052 for size and locational information.)

6265 9. "Identification sign" means a sign indicating the name and/or address of the tenant of the residential
6266 unit or manager of the property located upon the residential premises where the sign is displayed. Such
6267 sign shall not exceed the allowed area:

6268 a. For one to four units, three square feet;
6269 b. For up to eleven units, six square feet;
6270 c. Twelve units or more, thirty-two square feet. (Refer to Section 19.54.052.)

6271 10. "Temporary sign" means a sign or advertising display intended to be displayed for a period not
6272 exceeding a total of thirty cumulative days within any twelve-month period (except as permitted by
6273 Section 19.54.060). Included in the definition of temporary signs are retailers' signs temporarily
6274 displayed for the purpose of informing the public of a sale or special offer (six square feet maximum) or
6275 for the designation of a new building, promotion of a new development or announcement of a special
6276 event (thirty-two square feet maximum). If a sign display area is permanent but the message displayed
6277 is subject to periodic changes, that sign shall not be considered as temporary. A business shall be limited
6278 to no more than a total of thirty cumulative days for displaying all temporary signs during any twelve-
6279 month period.

6280 11. "Residential business sign" means a sign that is located in a residential district for a joint
6281 commercial/residential use which requires approval by the zoning administrator and to meet the
6282 requirements of Chapter 19.66. All signs must be monument style signs or arm/post type. (Refer to
6283 Illustrations 2 and 3, and Section 19.54.052.)

6284 12. "Commercial message" means any sign wording, logo or other representation that names,
6285 advertises or calls attention to a business, product, or service.

6286 D. Sign Configurations.

6287 1. "Freestanding sign" means a self-supporting sign resting on or supported by means of poles,
6288 standards, or any other type of base on the ground. This type of sign includes monument signs, pylon
6289 signs, arm/post(s) signs, and signs mounted on canopies over gasoline dispensing pumps. The base or
6290 support(s) of any and all freestanding signs shall be securely anchored to a concrete base or footing. The
6291 footing and related supporting structure of a freestanding sign, including bolts, flanges, brackets, etc.,

6292 shall be concealed by the sign exterior, masonry covering, earth and permanent groundcover, or
6293 evergreen shrubs. (Refer to subsection E. of this section and Sections 19.54.050 and 19.54.052.)

6294 2. "Mobile/portable sign or banner" means a sign or banner mounted on a frame or chassis designed to
6295 be easily relocated, including vehicles and/or trailers which have a principal commercial use for signage,
6296 but not including any sandwich board/pedestal sign as defined in Section 19.54.020C.7. Mobile/portable
6297 signs or banners are prohibited unless approved by the zoning administrator for the purpose of
6298 recognizing a business opening, annual business anniversary, or community celebration. Where
6299 approved, such a sign shall not be in place for a period to exceed thirty days within any twelve-month
6300 period, shall not be erected more than thirty days before the event, shall be removed not more than five
6301 days after the completion of the event, and shall not exceed thirty-two square feet in area. A mobile or
6302 portable sign shall not be considered a temporary sign as defined in Section 19.54.020C.9. or used for
6303 such a purpose, except as may be allowed by the zoning administrator.

6304 3. "Monument sign" means a freestanding sign whose bottom edge is located within one foot of
6305 ground level or a ground-mounted pedestal. The base or support(s) of any and all monument signs shall
6306 be securely anchored to a concrete base or footing. The height of a monument sign shall not exceed that
6307 specified in Section 19.52.052, nor shall it be otherwise erected so that it impedes visibility for safe
6308 pedestrian and/or vehicular circulation. The footing and related supporting structure, including bolts,
6309 flanges, brackets, etc., shall be concealed by the sign exterior, masonry covering, earth and permanent
6310 groundcover, or evergreen shrubs. (Refer to Sections 19.54.040 and 19.54.052, and Illustrations 2 and
6311 3.)

6312 4. "Projecting sign" means a sign, other than a wall sign, which is directly attached to and projects more
6313 than one foot from a building face, and is generally mounted perpendicular from the building face. The
6314 bottom edge of such sign shall be located a minimum of eight and one-half feet from the ground level
6315 directly under the sign. In no instance shall such sign be located closer than three feet to the edge of a
6316 street curb, drive, or parking area. For maximum area and placement standards, see Section 19.54.052.

6317 5. "Electronic message center sign" means a sign in a nonresidential zoning district which displays
6318 words, lines, graphic images, video recordings, or symbols that can electronically change to provide
6319 different information and/or animation, including a computer sign, electronic reader board sign, video
6320 display sign, or time and/or temperature sign, but not including a flashing sign, which is prohibited
6321 under Section 19.54.030A.3. For electronic message center sign standards, see Section 19.54.050L.

6322 6. "Pylon sign" means a freestanding sign, other than arm post type, erected upon one or more pylon
6323 or post. The base or support(s) of any and all pylon signs shall be securely anchored to a concrete base
6324 or footing. The height of a pylon sign shall be measured from the centerline elevation of the nearest
6325 road to the top of the sign. The height of a pylon sign shall not exceed twenty feet. Pylon signs shall be
6326 erected so that the vertical distance between the bottom edge of the sign and the elevation of the
6327 centerline of the nearest road to said sign exceeds eight feet. The footing and related supporting
6328 structure of a freestanding sign including bolts, flanges, brackets, etc., shall be concealed by the sign
6329 exterior, masonry covering, earth and permanent groundcover, or through the use of evergreen shrubs.
6330 (Refer to Section 19.54.052 and Illustrations 2 and 3.)

6331 7. "Wall sign" means a sign mounted parallel to a building facade or other vertical building surface.
6332 Wall signs shall not extend beyond the edge of any wall or other surface to which they are mounted, nor
6333 shall they project more than twelve inches from its surface. The height of a wall sign shall be measured
6334 from the base of the building below the sign to the top of the sign face. The top of the sign shall be no
6335 higher than the nearest portion of the building to which it is mounted.

6336 8. "Awning/canopy sign" means a sign mounted to an awning or canopy, with said awning or canopy
6337 mounted to the side of the building. An awning/canopy sign shall be counted as a wall sign for purposes
6338 of this chapter. Script/logo height shall be limited to eight inches, except that a greater script/logo
6339 height may be approved by conditional use.

6340 9. "Arm/post(s) sign" means a freestanding sign mounted on a post with a bracket extending outward
6341 to support a sign by either hanging from the bracket or mounted on the bracket. The maximum size,
6342 height, and location of arm/post(s) signs shall be the same as for monument signs. (See Illustration 3
6343 and Section 19.54.052.)

6344 10. "Window sign" means a sign mounted on or within one foot inside of a first-floor exterior window,
6345 with a primary intent to advertise a business or product within the premises.

6346 E. Sign Measurement.

6347 1. "Ground level" means the average elevation of the ground upon which the sign supports are placed,
6348 except when the sign supports rest upon a berm or other area elevated above the surrounding ground.
6349 In such cases, the average elevation of the base of such berm or other area shall be considered as the
6350 ground level.

6351 2. Sign area shall be measured in the following manner:

6352 a. In the case of a sign placed within a frame, or other structure, sign area consists of the entire surface
6353 area of the sign on which copy could be placed. The supporting structure or bracing of a sign shall not be
6354 counted as a part of the sign face area unless such structure or bracing is made a part of the sign's
6355 message. Where a sign has two or more display faces, the combined total area of all faces shall be
6356 considered the sign face area.

6357 b. In the case of a sign whose message is fabricated together with the background which borders or
6358 frames that message, sign face area shall be the total area of the entire background.

6359 c. In the case of a sign whose message is applied to a background which provides no border or frame,
6360 sign face area shall be the area of the smallest rectangle which can encompass all words, letters, figures,
6361 emblems, and other elements of the sign message.

6362 d. Signs less than one square foot in area are not regulated by this chapter.

6363 e. The following illustrations demonstrate how sign face area shall be determined.

6364 Illustration 1

6365 **GRAPHIC LINK:** [Click here](#)

6366 (Ord. 1577A §§ 1--5, 2005; Ord. 1452 §§ 9, 10, 2000; Ord. 1263 § 1(part), 1993).

6367 (Ord. No. 1746A, §§ 4--9, 9-15-2009)

6368

6369 **19.54.030 General signage regulations.**

6370 The regulations contained in this section apply to signs in all districts.

6371 A. Sign Prohibitions and Limitations.

6372 1. No sign shall use any word, phrase, symbol, shape, form or character in such manner as to interfere
6373 with moving traffic, including signs which incorporate typical street-type and/or traffic control-type
6374 signage designs and colors.

6375 2. No fluttering, undulating, swinging, rotating or otherwise moving signs, pennants or other
6376 decoration shall be permitted except for electronic message center signs and time and/or temperature
6377 signs in nonresidential zoning districts.

6378 3. No illuminated flashing signs shall be permitted. Electronic message center signs meeting the
6379 definition and requirements of this chapter shall not be considered illuminated flashing signs.

6380 4. No illuminated sign shall be permitted unless the illumination is so designed that the lighting level
6381 does not affect adjacent property, pursuant to the standards in Section 19.57.150. All illuminated signs
6382 shall comply with the state electrical code and Section 19.54.070B., and illumination shall be limited to
6383 one hour before the daily opening of the associated business and one hour after the daily closing of the
6384 associated business.

6385 5. No mobile/portable signs or banners shall be permitted unless approved by the zoning
6386 administrator. Sign use and other regulations shall be as specified in Section 19.54.020D.2.

6387 6. No off-premises directional signs shall be permitted for nongovernmental or noninstitutional uses or
6388 for any use outside of a public right-of-way; however, such signs, as well as city entrance signs, may be
6389 permitted within a public right-of-way, per subsection B.5. of this section, for government facilities,
6390 nonprofit, nonreligious community gathering spots, major economic centers such as the downtown and
6391 business park, and schools.

6392 7. No advertising signs shall be permitted, except for certain community information signs as described
6393 in Sections 19.54.010B. and 19.54.020C.4.

6394 Rationale. The adoption of subsection A.7. of this section reflects a formal finding of fact on the
6395 part of the city plan commission and city council that the prohibition of advertising signage furthers two
6396 compelling government interests: 1) the general public interest of reducing visual clutter caused by
6397 advertising signage which the city has determined is a significant cause of unsafe traffic conditions; and
6398 2) the public interest served by furthering the implementation of the purposes of this chapter and the
6399 city comprehensive master plan in terms of limiting the further spread of strip commercial
6400 development, of which advertising signs are a primary contributor. Furthermore, the city advocates that
6401 this regulation leaves ample and adequate alternative channels of commercial speech communication
6402 for the messages portrayable on such advertising signs; namely, distributed print media, broadcast
6403 media, and point-of-purchase display, and is narrowly defined so as to limit the prohibition to
6404 commercial speech on exterior signage.

6405 B. Sign Location Requirements.

6406 1. No sign shall be erected or maintained at any location where by reason of its position, wording,
6407 illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be
6408 confused with, any authorized traffic control sign, signal or device.

6409 2. No sign shall be located within a required bufferyard or within a permanently protected green space
6410 area (see Chapter 19.57), unless approved by the city.

6411 3. No sign shall be mounted on a roof.

6412 4. No sign, temporary or otherwise, shall be affixed to a tree or utility pole.

6413 5. Private signs shall be allowed within road right-of-way lines only per the regulations of the city public
6414 works department, and per Section 19.54.030C. below.

6415 6. Pylon signs other than arm/post are not permitted in any residential district.

6416 C. Private signs extending into the public right-of-way.

6417 1. Any person desiring to place any sign such that it will extend over or onto the public right-of-way
6418 shall first obtain a sign permit. In the granting of such a permit, the city may require the applicant to
6419 provide and maintain public liability insurance on the installation in an amount not less than fifty
6420 thousand dollars protecting the city as its interests may appear as the result of any accident or injury for
6421 which it might become in any manner liable. In the event that such insurance should be terminated for
6422 any reason, or that the holder of any permit should fail to keep such insurance in force at any time, then
6423 the permit for the maintenance of such sign shall be forthwith removed, or if not removed by the holder
6424 of the permit, then such sign shall be removed or caused to be removed by the zoning administrator and
6425 the expense thereof shall be recovered from the holder of the permit.

6426 2. There is hereby established along each side of every public street, public alley, or public highway a
6427 fictional line five feet distant and outward from the lot line and parallel with such street, alley, or public
6428 highway. No sign which, exclusive of supports, exceeds two hundred fifty pounds in weight or has an
6429 area greater than forty square feet shall be permitted to extend into the highway or over the highway or
6430 sidewalk area beyond such fictional line, except only where such sign is to be placed over a substantial
6431 canopy or portico of such nature that the same will afford ample protection to the public from any
6432 possible injury from such sign.

6433 3. In no event shall any sign regardless of size or weight extend into the public street, highway, or
6434 sidewalk area further than to within three feet from the face of the curb or curb line as determined by

6435 the zoning administrator or be placed less than eight and one-half feet above the sidewalk or sidewalk
6436 grade.

6437 4. Except for sandwich board/pedestal signs, all private signs extending on or over public rights-of-way
6438 shall be adequately supported from buildings, posts, or other permanent supports located on private
6439 property. In no case shall sign posts or other permanent supports be permitted within the limits of a
6440 public street, alley or highway.

6441 5. The zoning administrator shall have the right, and it shall be his duty, to supervise the installation of
6442 any such sign and also to inspect the same from time to time to ascertain whether or not the same is
6443 securely fastened and free from danger to the public. The building inspector shall have the right to
6444 require from time to time any repairs, extra supports or any other precautions necessary to protect the
6445 public safety, and in the event the owner fails to comply with any such requirements the permit for such
6446 sign shall be revoked and the sign shall be removed.

6447 6. This subsection C. shall not apply to signs erected by or for churches, service clubs, public or quasi-
6448 public organizations when such installations have been approved by the common council.
6449 (Ord. 1577A § 6, 2005; Ord. 1452 § 11, 2000; Ord. 1263 § 1(part), 1993).
6450 (Ord. No. 1746A, §§ 10--12, 9-15-2009)

6451

6452 **19.54.040 Sign regulations applicable to residential districts.**

6453 In all residential zoning districts, signage shall be permitted per the requirements of Sections
6454 19.54.010 through 19.54.040 and 19.54.052 through 19.54.080 and per the following:

6455 A. Wall, monument, arm/post(s), and projecting signs (for certified historic properties) are permitted in
6456 residential zoning districts. Other forms of signage are prohibited.

6457 B. For each single-family lot, or two-family or multifamily lot containing four or fewer dwelling units,
6458 one identification sign, not to exceed three square feet in area, is permitted for each dwelling unit. Said
6459 identification sign may include one or more of the following: name, address, and/or home occupation
6460 title.

6461 C. For each multifamily or institutional residential lot containing five to eleven dwelling units, one
6462 identification sign, not to exceed six feet in area, shall be permitted. For each multifamily or institutional
6463 residential lot containing twelve units or more, one identification sign not to exceed thirty-two square
6464 feet is permitted. The sign shall indicate nothing more than the name and address of the premises and
6465 the name of the management company.

6466 D. Permanent subdivision identification signs are authorized if approved as part of a final plat submittal
6467 for a subdivision (per Title 18). Detailed plans of proposed signs must be submitted at the time of final
6468 plat review. Such sign shall comply with the visibility standards in Section 19.51.010 and as shown in
6469 Illustration 2, shall not exceed thirty-two square feet in area or eight feet in height, and shall not be a
6470 pylon sign.

6471 E. For all commercial uses permitted in residential districts, not including home occupations, one
6472 monument, wall, or arm/post(s) type sign per building, not to exceed thirty-two square feet in area, is
6473 permitted. The sign shall indicate nothing more than the name and address of the premises and the
6474 schedule of service or other information relevant to the operation of the premises.

6475 F. For all institutional uses permitted in residential districts, sign sizes and types shall be the same as
6476 those applicable in the I Institutional zoning district per Section 19.54.052, except that pylon signs shall
6477 not be permitted.

6478 G. Temporary signs, after approval of the zoning administrator, are permitted per the requirements of
6479 Section 19.54.060.

6480 H. For more information, see Sections 19.54.020D. and 19.54.052.
6481 (Ord. 1577A § 7, 2005; Ord. 1452 § 12, 2000; Ord. 1263 § 1(part), 1993).

6482

6483 **19.54.050 Sign regulations applicable to nonresidential districts.**

6484 In all nonresidential zoning districts, signage shall be permitted per the requirements of Sections
6485 19.54.010 through 19.54.030 and 19.54.050 through 19.54.080 and per the following:

6486 A. The owners of multitenant properties shall allocate sign size to each business, in writing to the
6487 zoning administrator, up to a specified maximum for the entire property. All multitenant signs must be
6488 compatible in dimensions, in location, in design, in color and the same material, and shall be compatible
6489 with the appearance of the building and the surrounding area in the opinion of the property owner and
6490 the city.

6491 B. The total surface area of all business and identification signs on a lot shall not exceed the maximum
6492 permitted by Section 19.54.052.

6493 C. The number of business and group signs for a business use shall not exceed the numbers listed in
6494 Section 19.54.052. Signs allowed under Section 19.54.052 may be placed on any facade facing a public
6495 street, except where otherwise specified in Section 19.54.052.

6496 D. Only one freestanding sign shall be permitted to be erected within the required street yard for each
6497 lot. Such sign may be either a business sign or a group sign. No lot shall be permitted more than one
6498 freestanding sign, except directional/auxiliary signs allowed by this chapter. All signs shall be located so
6499 that no part of the sign shall exceed the lot line set back from all lot lines as stated in Chapter 19.51 and
6500 Section 19.54.052, Illustration 2, or impede visibility (refer to Chapter 19.51).

6501 E. Auxiliary signs may only be permitted when specifically approved as part of the site plan review
6502 process. Said signage shall be calculated independently of the requirements of subsection A of this
6503 section, and shall not exceed fifty percent of the maximum permitted area.

6504 F. Maximum sign sizes for nonresidential districts shall be permitted per the requirements of the table
6505 of maximum sign sizes (see Section 19.54.052).

6506 G. Temporary signs are permitted per the requirements of Section 19.54.060.

6507 H. Signs carrying secondary advertising messages. Signs carrying secondary advertising media or
6508 messages, such as brand names or logos of products, are allowed as a conditional use, or as a permitted
6509 type of window sign subject to the percentage of window coverage and other applicable regulations of
6510 this chapter, but only where such signs are integral to the business being conducted on the property.

6511 I. Projecting signs are only permitted in the B-2 zoning district or if specifically authorized within a
6512 Specific Implementation Plan for a PCD Planned Community Development district. (See Section
6513 19.52.052.)

6514 J. Signs may be mounted on canopies over gasoline dispensing pumps, provided that the sign message
6515 is limited only to the business name, logo, and price information. The maximum permitted sign area for
6516 any other freestanding sign on the lot shall be reduced by the total sign area on the canopy.

6517 K. Sandwich board/pedestal signs (see definition in Section 19.54.020C.7).

6518 1. There shall be a maximum of one sandwich board/pedestal sign per business.

6519 2. Height shall not exceed five feet (as measured when such sign is properly placed directly on the
6520 ground or sidewalk surface), width shall not exceed three feet, and sign area shall not exceed six square
6521 feet per side.

6522 4. All sandwich board/pedestal signs shall be designed to be self-supporting and in such a manner to
6523 withstand the elements, including the ability to remain upright on windy days.

6524 5. No sandwich board/pedestal sign shall be illuminated in any manner (except via cordless power for
6525 not more than thirty days in any calendar year), have more than two sides, be placed off-premises
6526 (except where allowed on a sidewalk immediately adjacent to the business lot to which it relates), or be
6527 designed to resemble a public regulatory sign (such as a stop sign).

6528 7. All sandwich board/pedestal signs shall be placed directly on a ground surface or walkway surface.

6529 8. No sandwich board/pedestal sign shall be placed on a public sidewalk or shall otherwise extend onto
6530 or into a public right-of-way, except that within the B-2 district or as may be specifically authorized in a

6531 specific implementation plan under PCD zoning, a sandwich board/ pedestal sign may be placed within
 6532 the public sidewalk or otherwise between the front of the building and the curb, provided that:
 6533 a. There is not adequate space available on the premises to place the sign on private property in a
 6534 manner that is visible to the public.
 6535 b. The sign is placed directly in front of the business to which it is related.
 6536 c. No part of the sign is any closer than three feet from the face of the curb.
 6537 d. A minimum of four feet in width of unobstructed travelway remains available in all directions on the
 6538 sidewalk at all times.
 6539 9. Placement of all sandwich board/pedestal signs shall meet all intersection visibility requirements in
 6540 Section 19.51.010, and shall otherwise not impede traffic visibility in the determination of the zoning
 6541 administrator. This may require relocation and/or adjustments to height or design.
 6542 10. All sandwich board/pedestal signs must be kept in good condition, as determined by the zoning
 6543 administrator and per the maintenance requirements of Section 19.54.070.
 6544 11. Sandwich board/pedestal signs shall not count against the maximum area or number of signs
 6545 allowed on a lot or for a business as specified in Section 19.54.070.
 6546 12. Except where placed within the public right-of-way, sandwich board/pedestal signs that meet the
 6547 requirements of this chapter may be used without the need for a sign permit.
 6548 L. Electronic message center signs (see definition in Section 19.54.020D.5.).
 6549 1. The total length of the information cycle shall not be shorter than three seconds nor longer than ten
 6550 seconds. Items of information may not be repeated at intervals that are short enough to cause an
 6551 electronic message center sign to have the effect of a flashing sign. Traveling messages may travel no
 6552 slower than 16 light columns per second and no faster than thirty-two light columns per second.
 6553 2. Except for signs that are less than ten square feet in sign area, all electronic message center signs
 6554 shall be equipped with photosensitive equipment that automatically adjusts the brightness and contrast
 6555 of the sign in direct relation to the ambient outdoor illumination.
 6556 3. The message display area shall be included when calculating permitted sign area for the type of sign
 6557 (e.g., wall, monument) in the zoning district in which the sign is located.
 6558 4. All electronic message center signs shall be maintained so as to be able to display messages in a
 6559 complete and legible manner.
 6560 5. No electronic message center sign shall be allowed within any agricultural, conservancy, residential,
 6561 or industrial zoning district; for any residential use regardless of zoning district; or positioned to be
 6562 visible and within three hundred feet from any residential zoning district except by conditional use
 6563 permit. Within the B-2 zoning district, electronic message center signs shall be allowed only by
 6564 conditional use permit.
 6565 (Ord. 1619A § 4, 2006; Ord. 1577A § 8, 2005; Ord. 1452 §§ 13, 14, 2000; Ord. 1269 § 1, 1993; Ord. 1263
 6566 § 1(part), 1993).
 6567 (Ord. No. 1618B, § 4, 12-19-2006); Ord. No. 1746A, §§ 13--16, 9-15-2009)

19.54.052 Maximum sign sizes and types.

A. Signage regulations for most zoning districts. Table 19.54.052(1) summarizes the sign regulations for the following zoning districts: R-1, R-1x, R-2, R-3, R-4, 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.

Table 19.54.052(1):
 General Sign Regulations (not B-2 district)

TABLE INSET:

	Type of Sign	Size	Location	Height	Exception	Total # of
--	--------------	------	----------	--------	-----------	------------

Zoning District						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	1 per lot, except by CUP or PRD

					use	
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)		
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	100 sq. ft. per side; for a multi-occupant development, add 20 sq. ft. per additional occupant in a separated space, up to max of 160 sq. ft./side	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

				monument or arm/post(s) sign	forego freestanding sign for one additional wall sign	Section 19.54.050
	On-premises Directional	9 sq. ft.		6' max (for freestanding)		
M-1, M-2, WUTP	Wall or window (C)	20% of wall area up to max of 100 sq. ft.	Front wall (street address side)	First floor area	Corner lots may have second sign by conditional use	1 per building
	Freestanding , monument or arm/post only	80 sq. ft. per side	10' from any lot line	10' max	Except as required in business park covenants	1 per lot
	On-premises Directional	9 sq. ft.		6' max (for freestanding)		

6577 NOTES:

6578 (A) Building wall area is determined by using the square footage of the exterior wall of the first floor
6579 area to be signed (including window and door openings).

6580 (B) Permitted wall signage shall be divided among each tenant space. Maximum total size equals ten
6581 percent of the first floor area of the building wall upon which the signs will be placed.

6582 (C) Window sign area cannot exceed one-third of each individual window glass area on or in which the
6583 window signs are located.

6584 (D) Signage for projects with a PCD planned community development district shall be as specified by the
6585 approved specific implementation plan for each particular project. Sign requirements for PCD districts
6586 shall generally be based on the signage requirements in the most comparable standard zoning district.

6587 B. B-2 central business district sign regulations.

6588 1. Each business in the B-2 district shall be permitted a maximum of two permanent business signs,
6589 which may be any combination of the following sign configuration types: wall sign (includes
6590 awning/canopy sign), window sign, projecting sign, and freestanding sign, subject to the following
6591 qualifications:

6592 a. For freestanding signs, see also the limitations in Section 19.54.050D.

6593 b. Any number of window signs used shall count as only one sign in total against this maximum. If the
6594 only window signs used are those allowed under Section 19.54.050H., then such signs shall not count
6595 against this maximum.

6596 c. Any sign for a business included within a group sign, as defined in Section 19.54.020C., shall count as
6597 one sign against the total number of permanent business signs permitted, except that for cases where a

- 6598 business has or shares more than one public building entrance, an additional group sign shall be
 6599 permitted which indicates that and other businesses.
- 6600 d. Sandwich board/pedestal signs, directional signs, auxiliary signs, and "ghost" signs not related to the
 6601 current business operation shall not count against the total number of permanent business signs
 6602 permitted.
- 6603 2. For corner lots, permitted signage may be placed on either or both facades facing a public street.
- 6604 3. Pylon signs, internally illuminated signs, electronic message center signs, and restoration of "ghost"
 6605 signs shall be allowed in the B-2 district by conditional use, except for sign face/component changes on
 6606 pre-existing signs of these types, which instead may be accomplished through the site plan review
 6607 process under Chapter 19.63. Upon receipt of a completed conditional use permit application for any
 6608 such new sign in the B-2 district, the zoning administrator shall forward such application to the
 6609 Downtown Whitewater Design Team. If the design team chooses to provide a recommendation, such
 6610 recommendation must be provided in a timeframe that allows plan and architectural review commission
 6611 action on the conditional use permit request under the requirements of Chapter 19.66.
- 6612 4. Electronic message center signs shall meet the technical requirements of Section 19.54.050L., and
 6613 shall not exceed twelve square feet in area in the B-2 district.
- 6614 5. Internally illuminated signs in the B-2 district shall be designed and constructed with an opaque
 6615 background and translucent letters or symbols, or with a colored background and lighter letters or
 6616 symbols.
- 6617 6. Exposed neon tube signage, and other signage that uses another technology that is designed to
 6618 replicate neon tube signs, is permitted within the B-2 district.
- 6619 7. In addition to meeting the requirements of Section 19.57.150, all exterior lighting of signage in the B-
 6620 2 zoning district, regardless of wattage, shall use shielded lighting fixtures as that term is defined in
 6621 Section 19.09.623. All wall-mounted exterior lights shall be mounted above the sign they are intending
 6622 to illuminate and the illumination shall be directed exclusively towards the sign.
- 6623 8. No wall sign shall be painted directly on a masonry building surface.
- 6624 9. Within the B-2 district, the regulations listed in Table 19.54.052(2) shall apply:
 6625 Table 19.54.052(2): B-2 Sign Regulations for Permanent Signs

6626 TABLE INSET:
 6627

Type of Sign	Maximum Size	Location	Maximum Height
Wall Sign	50 square feet, max. 10% (A)	Within first floor area of building	
Window Sign	1/3 of window area in or on which the sign is placed	Within first floor area of building	
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
		No less than 8 ½ feet above ground	
		Within the street yard, not less than 5 feet from	8 feet for monument or arm/post(s) sign

Freestanding Sign	48 square feet per side	street right-of-way line.	
		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

6628 NOTES:

6629 (A) The combined total area of all wall signs for all tenants shall not exceed ten percent of the first floor
6630 area of the façade upon which the signs are placed. First floor façade area is determined by calculating
6631 the square footage of the entire exterior wall of the first floor area of the façade to be signed (including
6632 window and door openings).

6633 (Ord. 1577A § 9, 2005; Ord. 1452 § 15, 2000; Ord. 1364 § 13, 1997; Ord. 1269 § 2, 1993; Ord. 1263 §
6634 1(part), 1993).

6635 (Ord. No. 1746A, § 17, 9-15-2009)

6636 [Illustration 2](#)

6637 **GRAPHIC LINK:**[Click here](#)

6638 [Illustration 3](#)

6639 **GRAPHIC LINK:**[Click here](#)

6640

6641 **19.54.060 Temporary signs.**

6642 Except as provided for in this section, only one temporary sign may be displayed on a property
6643 at any one time. Except as provided by subsections A through E of this section, any one lot is permitted
6644 to display a temporary sign for a maximum of thirty days within any twelve-month period. Furthermore,
6645 any one lot is limited to a maximum of two temporary signs in any twelve-month period (temporary
6646 signs in subsections A, B, D and E are exempt from this restriction). Time limits are subject to review by
6647 the city. The following temporary signs are allowed:

6648 A. For each lot or leasable space: one "For Sale" and "For Rent" sign, not more than twelve feet square
6649 in area, and no more than two signs in total at any one time (time limit subject to time of sale or lease
6650 and shall be removed within sixty days of sale or lease).

6651 B. For construction on or development of a lot, one sign not more than thirty-two square feet in area,
6652 indicating the name of the contractors, engineers, architect, or products being used in the construction
6653 of a building, but only during the time that construction or development is actively underway (time limit
6654 subject to time of construction and shall be removed sixty days after completion).

6655 C. For a temporary event of public interest such as a neighborhood garage sale or church fair,
6656 temporary signs, combined totaling not over thirty-two square feet in area, located upon the site of the
6657 event are allowed. Also permitted are directional signs, each not more than four square feet in area,
6658 showing only a directional arrow and the name of the event. Such signs shall not be erected more than
6659 thirty days before the event and shall be removed not more than five days after the completion of the
6660 event.

6661 D. For each real estate subdivision that has been approved in accordance with the city subdivision
6662 regulations, one temporary development project identification sign is permitted to be located on some
6663 portion of the subject subdivision. Each such sign shall be not more than thirty-two square feet in area.

6664 One additional similar sign shall be permitted for each access point onto a collector or arterial street, or
6665 for each one hundred lots in the subdivision in excess of the original one hundred lots. These signs shall
6666 comply with the visibility standards of Chapter 19.51. These signs shall be permitted to remain within
6667 the subject subdivision until a time at which building permits have been issued for eighty percent or
6668 more of the lots in the subdivision.

6669 E. Political signs.

6670 1. Provisions in the Whitewater Municipal Code regulating the number of signs and the length of time a
6671 sign may be in place shall not apply to signs which carry solely a political message. There shall be no
6672 restriction regulating the number of signs carrying solely a political message or the length of time such
6673 signs are allowed.

6674 2. Provisions in the Whitewater Municipal Code regulating the size and shape of signs shall not apply to
6675 signs thirty-two square feet and under in area, if the sign carries a solely political message and is located
6676 on a residential property during an election campaign period. The zoning administrator may require
6677 modification or removal of the sign, if necessary, for traffic or pedestrian safety. Also, size and shape
6678 regulations shall not apply during an election campaign period to political signs which are affixed to a
6679 permanent building and do not extend beyond the perimeter of the building, as long as said sign does
6680 not obstruct a window, door, fire escape, ventilation shaft, or other area which is required by an
6681 applicable building code to remain unobstructed.

6682 Definitions. In this subsection, the following definitions shall apply:

6683 a. "Election campaign period" means, in the case of an election for office, the period beginning on the
6684 first day for circulation of nomination papers by candidates, or the first day on which candidates would
6685 circulate nomination papers were papers to be required, and ending on the day of the election.

6686 b. "Political message" means a message intended for a political purpose or a message which pertains to
6687 an issue of public policy of possible concern to the electorate, but does not include a message intended
6688 solely for a commercial purpose.

6689 c. "Residential property" means property occupied or zoned to be occupied for residential purposes
6690 and other property abutting that property for which the owner or renter is responsible for the
6691 maintenance or care. If property is utilized for both residential and nonresidential purposes, "residential
6692 property" means only the portion of the property occupied or suitable to be occupied for residential
6693 purposes.

6694 (Ord. 1577A § 10, 2005; Ord. 1452 §§ 16, 17, 2000; Ord. 1263 § 1(part), 1993).

6695

6696 **19.54.070 Construction and maintenance of signage.**

6697 A. All signage within the jurisdiction of this chapter shall remain in a state of proper maintenance. (See
6698 subsection B of this section).

6699 B. Proper maintenance shall be the absence of sign material or loose materials (including peeling paint,
6700 sign message, paper or other material), the lack of excessive rust, the lack of excessive vibration or
6701 shaking, the proper illumination of all lighting originally approved and constructed for the sign, and the
6702 presence of the original structural integrity of the sign, its frame and other supports, its mounting, and
6703 all components thereof.

6704 C. The repainting, changing of parts, and preventive maintenance of signs which completely conform to
6705 the requirements of this chapter, and result in absolutely no change in the appearance of the sign from
6706 that originally approved, shall not be deemed alterations requiring a sign permit.

6707 D. Any signs which may be, or may hereafter become rotted, unsafe, or in a state which is not properly
6708 maintained shall be repaired or removed by the licensee or owner of the sign, or owner of the property
6709 upon which the sign stands upon notice of the zoning administrator.

6710 E. All permanent signs shall be constructed and mounted so as to withstand a wind pressure of thirty
6711 pounds per square foot.

6712 F. Signage found to be in violation of the provisions of this chapter shall be subject to the provisions of
6713 Chapter 19.75.
6714 (Ord. 1577A § 11, 2005; Ord. 1263 § 1(part), 1993).

6715

6716 **19.54.080 Nonconforming signs.**

6717 A. Nonconforming Signs.

6718 1. Signs existing as of the effective date of the ordinance codified in this chapter (see Chapter 19.60)
6719 which do not conform to the provisions of this chapter, shall be nonconforming signs and shall be
6720 subject to the provisions of subsection B of this section. Nonconforming signs may be maintained. No
6721 nonconforming sign shall be altered or moved to a new location without being brought into compliance
6722 with the requirements of this chapter (see subsection (B)(1) of this section).

6723 2. Business signs on the premises of a nonconforming use or building may be continued per Section
6724 19.54.040(B), but such signs shall not be allowed, nor shall expand in number, area, height or
6725 illumination. New signs, not to exceed the maximum allowable aggregate sign area may be erected only
6726 upon the complete removal of all other signs existing at the time of adoption of the ordinance codified
6727 in this chapter.

6728 3. Nonconforming signs shall be removed when the principal structure located on the premises
6729 undergoes a change of use, or shall be removed per subsection B of this section. Closing businesses
6730 must remove their signs within sixty days of closing.

6731 4. Signage not in compliance with the provisions of this section shall be subject to the provisions of
6732 subsection B of this section.

6733 B. Removal of Nonconforming Signs.

6734 1. Alteration of Signs.

6735 a. For the purpose of this chapter, alteration of a sign is considered to be any change to the exterior
6736 appearance of any part of the sign, its frame, its supporting structure, or its lighting including changing
6737 the message (except for menu type/letter board signs), symbols, color, material, height, location or any
6738 other alterations as determined by the zoning administrator.

6739 b. Altering a sign does not include maintaining the existing appearance of the sign or replacing the sign
6740 face or the supporting structure with identical materials, colors, and messages nor changing the
6741 message of a menu type/letter board sign.

6742 2. All signs found not to be in compliance with the provisions of this chapter shall be removed within
6743 thirty days of receiving written notice of noncompliance and removal from the zoning administrator.

6744 3. The penalties of Chapter 19.75 shall be applicable to violations of the provisions of this chapter.

6745 C. Modification Sign Location/Height Requirement.

6746 1. Location is required under Sections 19.54.030(B) and 19.54.052.

6747 a. The above may be waived by the zoning administrator and/or the plan and architectural review
6748 commission, in instances where a hardship is created by this chapter for any freestanding sign existing at
6749 the time the ordinance codified in this chapter is adopted.

6750 2. The petitioner must demonstrate that compliance with location requirements for the freestanding
6751 sign will create a public safety hazard (such as visibility hazard) or result in a sign which is not possible
6752 because of building setbacks and/or other obstructions located near the public right-of-way, or is not
6753 clearly visible from pedestrian and/or vehicular traffic on nearby public rights-of-way.

6754 3. This modification shall not be applicable to limitations on types of signage, area of signage, color of
6755 signage, or other standards except location and height of signage.

6756 (Ord. 1263 § 1(part), 1993).

6757

6758 **Chapter 19.55 WIRELESS TELECOMMUNICATIONS FACILITIES**

- 6759 **Sections:**
- 6760 [19.55.010 Purpose.](#)
- 6761 [19.55.020 Applicability.](#)
- 6762 [19.55.030 Areas where wireless telecommunication facilities allowed.](#)
- 6763 [19.55.040 Type of approval required.](#)
- 6764 [19.55.050 Required application submittal information.](#)
- 6765 [19.55.060 Co-location and use of alternative support structures.](#)
- 6766 [19.55.070 Structural, design and aesthetic standards.](#)
- 6767 [19.55.080 Abandonment and removal.](#)
- 6768 [19.55.090 Compliance.](#)

6770 **19.55.010 Purpose.**

6771 The purpose of this chapter is to provide a thorough and consistent set of standards for the
6772 siting and installation of wireless communications facilities in the various zoning districts in which they
6773 may be allowed, and more generally to protect the public health, safety, welfare, aesthetics and natural
6774 environment of the city in such a manner that does not unduly interfere with the placement and
6775 construction of said facilities. More specifically, the intent of this chapter is to:

- 6776 A. Mitigate the potential for adverse visual impacts caused by wireless telecommunications facilities
6777 through design and siting, standards.
- 6778 B. Ensure that a business environment characterized by high service quality, competition and non-
6779 discrimination prevails with regard to wireless telecommunication services in a manner consistent with
6780 the Federal Telecommunications Act of 1996.
- 6781 C. Establish a clear process for obtaining necessary permits for wireless telecommunications facilities
6782 that adequately protect the interests of the citizens of the city while minimizing the burden of
6783 compliance to service providers.
- 6784 D. Protect environmentally and aesthetically sensitive areas of the city by restricting the design, height,
6785 location and operation of wireless telecommunications facilities in these areas, and by promoting their
6786 disguise, camouflage, screening or other design treatments intended to minimize their obtrusiveness.
- 6787 E. Encourage use of multiple-antenna alternative support structures such as buildings and water towers
6788 as an alternative to stand-alone, single-use, single-provider structures, and require good-faith attempts
6789 for co-location of facilities.
6790 (Ord. 1499 § 24(part), 2001).

6791

6792 **19.55.020 Applicability.**

6793 The requirements of this chapter shall apply to all new wireless telecommunications facilities
6794 that had not received a building permit prior to adoption of this chapter. Wireless telecommunications
6795 facilities, which pre-exist this chapter, or have been legally permitted prior to its adoption, shall not be
6796 required to meet the requirements contained herein. This chapter is not intended to regulate residential
6797 satellite dishes that are thirty-six inches or less in diameter, residential television antennas, or amateur
6798 radio facilities, which instead are regulated under Section 19.06.110. This chapter shall not be construed
6799 as to override additional or more stringent Federal or State of Wisconsin requirements, including but
6800 not limited to any regulations or restrictions imposed by the State Bureau of Aeronautics, the Federal
6801 Communications Commission (FCC), or the Federal Aviation Administration (FAA).
6802 (Ord. 1499 § 24(part), 2001).

6803

6804 **19.55.030 Areas where wireless telecommunication facilities allowed.**

6805 Chapter 19.15 to Chapter 19.48 identify the zoning districts in which wireless
6806 telecommunications facilities may be allowed, and what types of facilities are allowed as permitted or
6807 conditional uses. In no case shall a wireless telecommunications facility be located in or on districts or

6808 sites listed on the State or National Register of Historic Places, or within environmental corridors,
6809 wetlands, floodplains, or critical species habitats mapped by the Southeastern Wisconsin Regional
6810 Planning Commission, Wisconsin Department of Natural Resources, or through more detailed field
6811 surveys.
6812 (Ord. 1499 § 24(part), 2001).

6813

6814 **19.55.040 Type of approval required.**

6815 In zoning districts where they are allowed, the first wireless telecommunications facility to be
6816 located on an alternative support structure and all new freestanding wireless communication facilities
6817 shall require a conditional use permit, and shall meet the standards in this chapter and Chapter 19.66 to
6818 obtain approval. In zoning districts where they are allowed, the second or greater wireless
6819 telecommunications facility to be located on an alternative support structure already supporting a
6820 wireless telecommunications facility or on a pre-existing wireless telecommunications facility shall be
6821 allowed as a permitted use, except that any addition or extension to an existing wireless
6822 telecommunications facility that adds more than ten feet to the overall height of the existing facility or
6823 alternative support structure shall require a conditional use permit. In zoning districts where wireless
6824 telecommunication facilities are allowed, wireless telecommunication support facilities shall be allowed
6825 as permitted accessory uses upon the establishment of the principal facility. All wireless
6826 telecommunication facilities and wireless telecommunication support facilities shall be subject to plan
6827 review in accordance with Chapter 19.63.
6828 (Ord. 1499 § 24(part), 2001).

6829

6830 **19.55.050 Required application submittal information.**

6831 With the application for plan review or conditional use permit for a wireless
6832 telecommunications facility, the petitioner, shall submit all information required under Section
6833 19.63.020, along with the following additional information:

6834 A. The identity, legal status, signature and contact information of the carrier, service provider,
6835 petitioner, and landowner.

6836 B. FCC license and registration numbers if applicable.

6837 C. A report prepared by a Wisconsin licensed engineer certifying the structural design of the
6838 telecommunications facility of a new freestanding wireless telecommunications facility as proposed and
6839 its physical ability to accommodate, either initially or at some time in the future, a total of at least three
6840 antenna arrays for separate providers.

6841 D. In the case of a leased site, a lease agreement, option or binding lease instrument which does not
6842 preclude the lessee from entering into sub-leases on the site at market rates with another co-locating
6843 provider(s) and includes the legal description and amount of property lease.

6844 E. For a proposed wireless telecommunications facility within a one-mile radius of an airport, copies of
6845 an Affidavit of Notification indicating that the airport operator and airport property owner have been
6846 notified via certified mail, along with copies of the determination of no hazard from the FAA or any
6847 other finds of the Wisconsin State Bureau of Aeronautics, such as they may apply.

6848 F. Proof of a satisfactory level of liability insurance coverage, with the City of Whitewater listed as an
6849 additional named insured party.

6850 G. Certified statement and map prepared by a licensed radio frequency engineer showing the coverage
6851 area of the proposed facility.

6852 H. For a wireless telecommunications facility that requires a conditional use permit, a feasibility
6853 analysis that identifies at least three alternative sites, pre-existing freestanding wireless
6854 telecommunications facilities, and/or alternative support structures that could technically support a

6855 comparable level of service. The intent of this analysis is to present options to minimize the number,
6856 size, and adverse environmental impacts of wireless telecommunications facilities. The analysis shall
6857 specifically address the potential for co-location on pre-existing freestanding wireless
6858 telecommunications facilities and the use of alternative support structures. It shall also explain the
6859 rationale for selection of the proposed site in view of the relative merits of the alternative. Approval of
6860 the project is subject to the plan and architectural review commission's determination that the chosen
6861 site is more advantageous than any other alternative site that is both technically feasible and available
6862 for use. The plan and architectural review commission may choose to independently verify the findings
6863 of the analysis at the applicant's expense.

6864 I. For a wireless telecommunications facility that requires a conditional use permit, a performance
6865 bond in the amount of twenty thousand dollars naming the city as obligee, as security for the potential
6866 future removal of abandoned or inactivated facilities.

6867 J. For a wireless telecommunications facility that would be set back from any property line or, principal
6868 building a distance less than the height of the facility, including the height of any alternative support
6869 structure, an analysis prepared by a licensed structural engineer demonstrating that the facility would
6870 not pose a threat to the public, existing principal buildings or adjacent properties in the event of failure.

6871 K. The amount and location of any fuel proposed to be stored on site.

6872 L. Any other information that the zoning administrator may deem necessary.
6873 (Ord. 1499 § 24(part), 2001).

6874

6875 **19.55.060 Co-location and use of alternative support structures.**

6876 A. In its review of alternative sites considered by the petitioner, the plan and architectural review
6877 commission shall prioritize reasonable alternatives that involve co-locating the new facility on an
6878 existing freestanding wireless telecommunications facility or locating the new facility on an alternative
6879 support structure, such as a tall building, water tower, smokestack, or electrical transmission tower. Co-
6880 location or use of an alternative support structure shall not be required on any facility or structure not
6881 structurally designed to accommodate a new wireless telecommunications facility.

6882 B. All freestanding wireless telecommunication facilities issued a conditional use permit after the
6883 effective date of this chapter, known hereinafter as "host facilities," shall make available space for the
6884 co-location of telecommunications antennas or antenna arrays for at least two additional competing
6885 wireless telecommunications providers, including space for wireless telecommunication support
6886 facilities. This requirement does not apply if the owner or operator of the host facility can demonstrate,
6887 to the satisfaction of the plan and architectural review commission, that the placement of the additional
6888 antennas or equipment would impair or disrupt, for a significant period of time, the service provided by
6889 the host facility.

6890 C. Where a wireless telecommunication facility provider proposes to utilize an alternative support
6891 structure, the provider shall make available space for the co-location of telecommunications antennas
6892 or antenna arrays for at least two additional competing wireless telecommunications providers to the
6893 extent practical, and shall thereafter be considered a host facility. If the plan and architectural review
6894 commission determines based on evidence supplied by the applicant that the proposed facility or
6895 alternative support structure is not structurally sound or not otherwise appropriate for additional
6896 antennas or arrays, the commission may waive this requirement.

6897 D. All new wireless telecommunication facilities and sites shall be designed to promote sharing of both
6898 tower space and ancillary facilities such as access roads, parking areas, buildings, and utilities.

6899 E. The owner or operator of the host facility shall make co-location space reasonably available to other
6900 competing providers at prevailing market lease rates for the industry. Failure to comply with this
6901 provision shall be grounds for revocation of the conditional use permit.

6902 F. Alternative support structures must be at least fifty feet in height to be considered for the addition
6903 of a wireless telecommunication facility, not including the height of any architectural projections. The
6904 plan, and architectural review commission may deny the placement of numerous wireless
6905 telecommunication facilities on a single alternative support structure if it determines that such
6906 placement would have a negative aesthetic, architectural, public safety, or operational impact.
6907 G. Wireless telecommunications facilities located on alternative support structures shall be considered
6908 accessory uses.
6909 (Ord. 1499 § 24(part), 2001).

6910

6911 **19.55.070 Structural, design and aesthetic standards.**

6912 All wireless telecommunications facilities shall be designed and sited in such a manner to
6913 minimize or avoid adverse safety, aesthetic or environmental effects per the following requirements:

6914 A. Compliance with all applicable restrictions. All wireless telecommunications facilities shall comply
6915 with all city, state and federal regulations, restrictions, codes, standards and power density limits,
6916 including other city zoning ordinance standards.

6917 B. Materials. Wireless telecommunications facilities shall be constructed of metal or other non-
6918 flammable material, and freestanding facilities shall be self supporting monopoles or lattice towers,
6919 unless otherwise permitted by the plan and architectural review commission. Material color shall blend
6920 with surroundings.

6921 C. Placement. All wireless telecommunications facilities and support facilities shall be located and
6922 installed in such a manner to minimize disturbance to, take advantage of, or locate behind existing
6923 topography and vegetation to minimize visual impact on surrounding properties and public rights-of-
6924 way. No wireless telecommunication facility shall be placed in a location that would physically obstruct
6925 or otherwise interfere with the full use of other wireless telecommunication facilities, residential
6926 satellite dishes, residential television or radio antennas, or amateur radio facilities.

6927 D. Setback. The minimum setback of a new wireless telecommunications facility from all property lines
6928 and principal buildings on the site shall equal the height of the wireless telecommunications facility,
6929 including the height of any alternative support structure. A reduced setback below this minimum may be
6930 considered by the plan and architectural review commission based on submittal of a structural
6931 engineering analysis demonstrating that the facility would not pose a threat to the public, existing
6932 principal buildings, or adjacent properties in the event of failure. All wireless telecommunications
6933 support facilities shall be set back from property lines the same distance as required for principal
6934 buildings in the zoning district.

6935 E. Height. The maximum height above existing grade for any freestanding wireless telecommunications
6936 facility, including all antennas, shall be two hundred and fifty feet. Any wireless telecommunications
6937 facility mounted on an alternative support structure may extend no greater than fifty feet above the
6938 height of an alternative support structure that is less than two hundred feet in height, or no greater than
6939 ten feet above the height of an alternative support structure that is two hundred feet in height or
6940 greater. The plan and architectural review commission may approve waivers to such height limitations if
6941 necessary to facilitate co-location of facilities.

6942 F. Wireless telecommunications support facilities. All wireless telecommunications support facilities
6943 shall be located within enclosed buildings or fully screened rooftop locations. Such accessory buildings
6944 shall not exceed fifteen feet in height and twelve hundred square feet in area, unless otherwise
6945 permitted by the plan and architectural review commission to facilitate co-location. The design and
6946 exterior surfacing of all such buildings or rooftop screening structures shall be in harmony with the
6947 existing or desired architecture for the area. The exterior walls of all such buildings shall be masonry,
6948 stone, stucco, pre-cast, concrete or other similar surface.

6949 G. Signage. No commercial message or signage shall be allowed at or on any wireless
6950 telecommunications facility, wireless telecommunications support facility, or site used for a wireless
6951 telecommunications facility.

6952 H. Driveways. Access driveways shall be surfaced in accordance with the requirements of Section
6953 19.51.110.

6954 I. Landscaping and Fencing. The site including the wireless telecommunications facility shall be
6955 attractively landscaped, with particular emphasis on landscaping near buildings, tower foundations, and
6956 driveways. New vegetation for screening purposes shall be a minimum of five feet in height upon
6957 planting and shall be located on the outside of any required fencing. The base of all freestanding
6958 wireless telecommunications facilities shall be enclosed with security fencing, unless the applicant
6959 provides other acceptable improvements designed to secure the base of the facility (tower) from public
6960 access.

6961 (Ord. 1499 § 24(part), 2001).

6962

6963 **19.55.080 Abandonment and removal.**

6964 Any wireless telecommunications facility not continuously operating for a period of twelve
6965 months shall be considered abandoned and shall be removed (along with its wireless
6966 telecommunication support facilities) within ninety days of receiving an order to remove from the
6967 zoning administrator. The cost of removal and site restoration shall be borne entirely by the permit
6968 holder. In the event that the permit holder fails to remove the facility, the city may cash the required
6969 performance bond and remove the facility and all support facilities itself.

6970 (Ord. 1499 § 24(part), 2001).

6971

6972 **19.55.090 Compliance.**

6973 A. All wireless telecommunications facilities granted site plan or conditional use permit approval after
6974 the effective date of this chapter shall remain in compliance with approved plans, conditions of
6975 approval, the provisions of this chapter as they existed at the time of permit approval, and applicable
6976 standards of Sections 19.63.100 and 19.66.050. The permit holder shall be responsible for the continued
6977 maintenance and/or replacement of all buildings, fencing, landscaping and other site improvements.

6978 B. The permit holder for all wireless telecommunications facilities granted conditional use permit
6979 approval after the effective date of this chapter shall file an annual report with the zoning administrator
6980 demonstrating continued compliance with approved plans, conditions of approval, the provisions of this
6981 chapter as they existed at the time of permit approval, and the standards of Sections 19.63.100 and
6982 19.66.050. The petitioner shall also demonstrate that the term of any performance bond or liability
6983 insurance policy required under Section 19.55.050 shall remain in effect for at least two years from the
6984 date the annual report is submitted. Such report shall be filed within thirty days of the original month of
6985 conditional use permit approval.

6986 C. Failure to comply with subsections A and B above may be grounds for revocation of the permit,
6987 penalties pursuant to Section 19.75.080, or both.

6988 (Ord. 1499 § 24(part), 2001).

6989

6990 **Chapter 19.57 GENERAL PERFORMANCE STANDARDS**

6991 Sections:

6992 [19.57.010 Compliance with standards required.](#)

6993 [19.57.020 Air pollution prohibited.](#)

6994 [19.57.030 Fire and explosive hazards--Location--Safety precautions.](#)

6995 [19.57.040 Glare and heat restrictions.](#)

6996 [19.57.050 Liquid or solid wastes--Storage and discharge restrictions.](#)

- 6997 [19.57.060 Noise restrictions.](#)
- 6998 [19.57.070 Vibration.](#)
- 6999 [19.57.080 Odors.](#)
- 7000 [19.57.090 Radioactivity and electrical disturbances.](#)
- 7001 [19.57.100 Uses and land suitability.](#)
- 7002 [19.57.110 Topography preservation conditions.](#)
- 7003 [19.57.130 Minimum usable floor area.](#)
- 7004 [19.57.140 Required screens and buffers.](#)
- 7005 [19.57.150 Outdoor lighting standards.](#)
- 7006 [19.57.160 Keeping of horses as a residential accessory use.](#)

7007

19.57.010 Compliance with standards required.

7008 All land uses and activities, unless otherwise specified, in the City of Whitewater established
7009 after June 24, 1982, the effective date of the ordinance codified in this title, shall comply with the
7010 standards set out in this chapter.
7011 (Ord. 994 § 6.1, 1982).
7012

7013

19.57.020 Air pollution prohibited.

7014 No activity shall emit any fly ash, dust, fumes, vapors, mists or gases in such quantities as to
7015 cause soiling, or danger to the health of persons, animals, vegetation or other forms of property.
7016 (Ord. 994 § 6.2, 1982).
7017

7018

19.57.030 Fire and explosive hazards--Location--Safety precautions.

7019 All activities involving the manufacturing, utilization, processing or storage of flammable and
7020 explosive materials shall be provided with adequate safety devices against the hazard of fire and
7021 explosion, and with adequate firefighting and fire-suppression equipment and devices that are standard
7022 in the industry. Such activities shall be located and managed in a manner so as not to endanger any
7023 adjoining properties or the public in general.
7024 (Ord. 994 § 6.3, 1982).
7025

7026

19.57.040 Glare and heat restrictions.

7027 No activity shall emit glare or heat that is visible or measurable outside its premises, except
7028 activities in the industrial district which may emit direct or sky-reflected glare which shall not be visible
7029 outside the district. All operations producing intense glare or heat shall be conducted within a
7030 completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside
7031 their premises.
7032 (Ord. 994 § 6.4, 1982).
7033

7034

19.57.050 Liquid or solid wastes--Storage and discharge restrictions.

7035 No activity shall discharge at any point onto any land or into any water or public sewer any
7036 materials of such nature, quantity, noxiousness, toxicity or temperature which can contaminate, pollute
7037 or harm the quantity or quality of any water supply, can cause the emission of dangerous or offensive
7038 elements, can overload the existing municipal utilities, or can injure or damage persons or property. No
7039 such wastes shall be stored in the city for a period longer than three months.
7040 (Ord. 994 § 6.5, 1982).
7041

7042

19.57.060 Noise restrictions.

7043 A. No activity shall produce a sound-level extending outside its premises that exceeds the following:
7044

7045 TABLE INSET:
7046

<u>Octave Band Frequency (Cycles Per Second)</u>	<u>Sound Level (Decibels)</u>
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1,200	46
1,200 to 2,400	40
2,400 to 4,800	34
Above 4,800	32

7047 B. All noise shall be so muffled or otherwise controlled as not to become objectionable due to
7048 intermittance, duration, beat frequency, impulse character, periodic character or shrillness. Sirens,
7049 whistles, horns, power speakers and bells which are maintained and utilized solely to serve a public
7050 emergency purpose are exempt from the sound-level standards of this title.
7051 (Ord. 994 § 6.6, 1982).

7052
7053 **19.57.070 Vibration.**

7054 No activity shall emit vibrations which are discernible without instruments outside its premises.
7055 (Ord. 994 § 6.7, 1982).

7056
7057 **19.57.080 Odors.**

7058 No activity shall emit any odorous matter of such nature or quantity to be offensive, obnoxious
7059 or unhealthful outside their premises.
7060 (Ord. 994 § 6.8, 1982).

7061
7062 **19.57.090 Radioactivity and electrical disturbances.**

7063 No activity shall emit radioactivity or electrical disturbances outside its premises that are
7064 dangerous or adversely affect the use of neighboring premises.
7065 (Ord. 994 § 6.9, 1982).

7066
7067 **19.57.100 Uses and land suitability.**

7068 No land shall be used or structure erected where the land is held unsuitable for such use or
7069 structure by the city zoning administrator or plan commission by reason of flooding, concentrated
7070 runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, erosion
7071 susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and
7072 general welfare of this community. In applying this provision, the city may deny or condition the
7073 granting of a zoning permit. The city shall, in writing, recite the particular facts upon which it bases its
7074 conclusion that the land is not suitable for certain uses. The applicant shall have the opportunity to

7075 present evidence contesting such unsuitability to the board of zoning appeals in compliance with the
 7076 requirements of Chapter 19.72.
 7077 (Ord. 994 § 6.10, 1982).

7078
 7079 **19.57.110 Topography preservation conditions.**

7080 In order to preserve the natural topography as much as possible and in order to protect against
 7081 danger and damage caused by manmade changes in the existing topography, no lots nor portions of lots
 7082 nor any parcels of land shall be excavated or filled unless the following conditions are met:

7083 A. If a difference in grade between two adjacent lots along a lot line is to be not greater at any point
 7084 than two feet, this difference in levels may be sloped toward or away from the lot line at a gradient of
 7085 one foot vertical to two feet horizontal, and as soon as practicable must be covered adequately with
 7086 topsoil and sodded or seeded to prevent erosion so as to assure acceptable restoration; or, a
 7087 satisfactory retaining wall of stone, concrete or other suitable masonry material shall be constructed to
 7088 retain the higher ground. Within a single lot, any excavation or fill not exceeding two feet vertical shall
 7089 also be treated in this same manner.

7090 B. If a difference in grade between two adjacent lots along a lot line, or wholly within a single lot, is to
 7091 be greater than two feet at any point, the following procedure shall govern:

7092 1. No slope to be covered with sod, grass seed or other natural plant material may exceed a gradient of
 7093 one foot vertical to two feet horizontal;

7094 2. A slope covered with a stone riprap construction may not exceed a gradient of one foot vertical to
 7095 one foot horizontal;

7096 3. A difference in adjacent grades may be held by an approved type of retaining wall which is also
 7097 protected for safety.

7098 C. Alterations to existing drainage ways or water flows that would cause material detriment to
 7099 adjoining property shall not be permitted.

7100 (Ord. 994 § 6.11, 1982).

7101
 7102 **19.57.130 Minimum usable floor area.**

7103 A. Within the city, no dwelling unit shall be constructed or remodeled to have less living area than the
 7104 following minimum standards:

7105 TABLE INSET:

7106

<u>Dwelling Unit Type</u>	<u>Minimum Usable Floor Area</u>
One-family detached dwellings	800 square feet with no less than 500 square feet on first floor if more than one story;
Two-family dwellings	1,500 square feet with no less than 600 square feet per family;
Townhouse-style attached single-family	800 square feet;

Multifamily:	
Efficiency apartment	400 square feet;
One-bedroom apartment	500 square feet;
Two-bedroom apartment	800 square feet;
Three or more bedroom apartment	1,000 square feet;
Mobile homes	400 square feet;

7107 B. For the purpose of this section, "floor area" shall be the sum of the several floors of a building used
7108 for human occupancy or use, as measured from the interior faces of the walls, but not including
7109 basement, garages, porches, breezeways of common hallways and unfinished attics.
7110 (Ord. 994 § 6.13, 1982).

7111

7112 **19.57.140 Required screens and buffers.**

7113 Where screens or buffers are required by this title or by the plan and architectural review
7114 commission to reduce the impact of proposed uses on adjacent properties, the following standards shall
7115 be followed. Buffer yards and screens may be required jointly or separately.

7116 A. Landscaped Buffer Yards.

7117 1. Buffer yards are horizontal separations along lot lines that are intended to increase the physical
7118 separation between uses. The width of the required buffer yard shall be determined by the plan and
7119 architectural review commission or zoning administrator. The minimum width shall be the greater of ten
7120 feet or the width of the required yard abutting a less intensive zoning district, if a specific buffer yard
7121 requirement is established in a particular zoning district.

7122 2. All buffer yards shall be attractively landscaped with a minimum of two canopy/shade trees, five
7123 understory evergreen trees and twelve shrubs planted for every one hundred feet of buffer yard length.
7124 A substitute treatment incorporating plantings and/or a decorative fence or wall is acceptable if
7125 approved by the plan and architectural review commission. All buffer yards shall be kept free of debris;
7126 and noxious weeds. No structure, activity, storage of materials, parking of vehicles or loading shall be
7127 permitted in a buffer yard, except emergency, cross, and pedestrian access. Maintenance of buffer yards
7128 shall be the continuing obligation of the owner of the property.

7129 B. Screens.

7130 1. Screens and barriers located in a limited space, ten feet or less, intended to perform a buffering
7131 effect, particularly for noise reduction or visual screening. Screens may consist of existing or planted
7132 vegetation, fences, walls, earth berms, or similar techniques. Plant screens shall be sufficient to provide
7133 a year-round screen within two years of installation. Walls or earth berms shall be required where noise
7134 reduction is necessary.

7135 2. Screen plantings shall be permanently maintained by the owner of the property, and any plant
7136 materials which do not live shall be replaced within six months.

7137 3. The height of walls and fences shall be regulated by the provisions of Section 19.06.120.
7138 (Ord. 1452 § 7, 2000; Ord. 994 § 6.14, 1982).

7139

7140 **19.57.150 Outdoor lighting standards.**

7141 A. Purpose. The purpose of this section is to provide for adequate and safe lighting of private property,
7142 while limiting light spillover and glare onto adjacent properties and public streets. Such limitations are
7143 intended to prevent the creation of nuisances, promote traffic safety, conserve energy, preserve the
7144 area's dark sky and support astronomy.

7145 B. Applicability. This section shall be applied to the installation of all new and replacement private
7146 outdoor lighting fixtures. Outdoor lighting fixtures legally installed prior to the effective date of the
7147 ordinance codified in this chapter shall not be required to comply with these outdoor lighting standards;
7148 however, any replacement of the lighting fixtures shall comply with all outdoor lighting standards as set
7149 forth in this section.

7150 C. Required Lighting Plan. Where a development requires site plan review under Chapter 19.63, all
7151 outdoor lighting fixtures shall be depicted and described on the required site plan or on a separate
7152 lighting plan. The zoning administrator may also require the following information:

7153 1. A catalog page, cut sheet or photograph of the outdoor lighting fixture(s) including the mounting
7154 method and light cutoff angles;

7155 2. A photometric plot plan, drawn to the same scale as the site plan, and indicating the location of all
7156 lighting fixtures proposed, mounting and/or installation height in feet, the average illumination level (in
7157 footcandles) within the parking lot, and illumination levels at regular intervals around the site and at
7158 property lines.

7159 D. Maximum Luminaire Height. The maximum permitted luminaire height shall be thirty-five feet in all
7160 commercial, industrial and institutional districts, and twenty-five feet in all residential districts. The
7161 height of both the pole and base shall be considered in the measurement of luminaire height.

7162 E. Maximum Illumination Levels. Average illumination levels within parking lots shall not exceed 1.0
7163 footcandle within residential districts, and 2.5 footcandles within all other districts. The illumination
7164 level at any property line shall not exceed 0.5 footcandles above the ambient lighting conditions on a
7165 cloudless night where the property adjoins land in a residential district, and 2.0 footcandles above the
7166 ambient lighting conditions on a cloudless night where the property adjoins land in any other zoning
7167 district. The plan and architectural review commission may agree to allow greater lighting levels based
7168 on specific and reasonable written justification provided by the applicant. In no instance shall a
7169 commercial outdoor lighting fixture be mounted or oriented such that the lighting element is visible
7170 from a property in a residential district.

7171 F. Use of Shielded Light Fixtures. All outdoor lighting fixtures shall be shielded as defined in Section
7172 19.09.623, except incandescent fixtures of one hundred fifty watts or less, other sources of seventy
7173 watts or less, lighting within public street rights-of-way and lighting required for a specialized security or
7174 safety purpose. No searchlights shall be permitted.

7175 G. Types of Light Source. All outdoor lighting fixtures shall have high pressure sodium (HPS), low
7176 pressure sodium (LPS), incandescent or fluorescent light sources, except that in cases where true color
7177 rendition is required (including display lots and certain outdoor recreational uses), white lights such as
7178 metal halide shall be permitted. No new mercury vapor lighting fixtures shall be installed, and no
7179 replacement equipment or bulbs for preexisting mercury vapor lighting fixtures shall be installed after
7180 January 1, 2001. No flickering or flashing lights shall be permitted, except low wattage seasonal lighting
7181 between November 1st and January 31st and lighting required for a specialized security or safety
7182 purpose.

7183 H. Location. No exterior light fixture shall be located within any required landscape bufferyard or within
7184 three feet of any property line.

7185 I. Hours of Illumination. Within one hour after closing of the store, completion of the final work shift, or
7186 completion of specific activities associated with an institutional use, only building mounted security
7187 lighting and up to twenty-five percent of all other outdoor lighting fixtures may remain illuminated.

7188 J. Exterior Lighting for Outdoor Recreational Uses. Ball diamonds, playing fields, golf driving ranges,
7189 tennis courts, parks and similar outdoor recreational uses may be exempted from one or more of the
7190 outdoor lighting standards of this section if approved by the plan and architectural review commission
7191 through site plan review.

7192 K. Street Lighting. Street lighting shall conform to the standards set forth by the state for state and
7193 federal highways, appropriate county for county highways and the city for city streets and highways.
7194 (Ord. 1452 § 8, 2000).

7195

7196 **19.57.160 Keeping of horses as a residential accessory use.**

7197 Horses may be kept as an accessory use only in certain residential zoning districts, upon the
7198 granting of a conditional use permit, and subject to the following standards:

7199 A. The lot on which the horses will be kept and exercised shall be not less than two acres in total area.

7200 B. For each horse kept on the lot, there shall be a minimum of one acre of open land usable for horse
7201 exercise and manure management. Such open land may not include lands in wetlands or woodlands,
7202 with over a twelve-percent slope, or within seventy-five feet of navigable waters or wetlands.

7203 C. Outdoor horse containment areas, including, but not limited to barns and exercise areas, shall be
7204 completely enclosed, shall be a minimum of twenty feet from any other lot, and shall meet the
7205 standards of Wisconsin Statutes Chapter 90. D. The keeping of horses shall not be for commercial
7206 purposes, such as the commercial stabling of horses.

7207 E. The use shall meet and maintain any other specific conditions of conditional use permit approval
7208 that relate to the protection of human, animal, or environmental health, or the character of the
7209 surrounding neighborhood or publicly owned lands.

7210 (Ord. 1589A § 3, 2005).

7211

7212 **Chapter 19.58 NOISE RESTRICTIONS**

7213 Sections:

7214 [19.58.010 Policy, purpose, title, and scope.](#)

7215 [19.58.020 Definitions.](#)

7216 [19.58.030 Exemptions to this chapter.](#)

7217 [19.58.040 Residential noise.](#)

7218 [19.58.050 General noise disturbance prohibited.](#)

7219 [19.58.060 Maximum permissible sound levels by land use category.](#)

7220 [19.58.070 Emergency signaling devices.](#)

7221 [19.58.080 Specific activities prohibited.](#)

7222 [19.58.090 Sound equipment and sound-amplifying equipment.](#)

7223 [19.58.100 Motorized vehicles.](#)

7224 [19.58.110 Construction.](#)

7225 [19.58.120 Nonemergency signaling devices.](#)

7226 [19.58.130 Animals and birds.](#)

7227 [19.58.140 Enforcement.](#)

7228 [19.58.150 Noise variances.](#)

7229 [19.58.160 Penalty.](#)

7230

7231 **19.58.010 Policy, purpose, title, and scope.**

7232 A. Statement of Public Policy. The city council finds and declares that:

7233 1. Excessive noise is a serious hazard to the public health and welfare and the quality of life in a close
7234 urban society.

7235 2. A substantial body of science and technology exists by which excessive noise can be substantially
7236 abated without serious inconvenience to the public.

- 7237 3. Certain of the noise-producing equipment in this community is essential to the quality of life herein
7238 and should be allowed to continue at reasonable levels with moderate regulation.
- 7239 4. Each person has a right to an environment reasonably free from noise which jeopardizes health or
7240 welfare or unnecessarily degrades the quality of life.
- 7241 5. It is the declared policy of this city to promote an environment free from excessive noise, otherwise
7242 properly called "noise pollution," which unnecessarily jeopardizes the health and welfare and degrades
7243 the quality of the lives of the residents of this community, without unduly prohibiting, limiting or
7244 otherwise regulating the function of certain noise-producing equipment which is not amenable to such
7245 controls and yet is essential to the economy and quality of life of the community.
- 7246 B. Purpose, Title and Scope.
- 7247 1. The purpose of this chapter is to establish standards for the control of noise pollution in the city by
7248 setting maximum permissible sound levels for various activities, to protect the public health, safety and
7249 general welfare.
- 7250 2. This chapter may be cited as the "Noise Control Ordinance of the City of Whitewater."
- 7251 3. This chapter shall apply to the control of all noise originating within the limits of the city, except
7252 where either (a) a state or federal agency has adopted a standard or rule and has so preempted the
7253 regulation of noise from a particular source as to render this chapter inapplicable thereto; or (b) the city
7254 council has determined that, by reason of public acceptance of the activity producing a particular noise
7255 or noises, such noise is deemed acceptable to the residents of this city.
7256 (Ord. 1310 § 2(part), 1995).

- 7257
- 7258 **19.58.020 Definitions.**
- 7259 Unless otherwise expressly stated or the context clearly indicates a different intention, the
7260 following terms shall have the meanings shown. Definitions of technical terms used in this chapter
7261 which are not herein defined shall be in conformance with the standard ANSI § 1.1-1994, Acoustical
7262 Terminology.
- 7263 "Ambient noise level" means the composite of noise from all sources near and far. In this
7264 context, the ambient noise level constitutes the normal or existing level of environmental noise at a
7265 given location and time.
- 7266 "A-weighted sound level" means the sound level in decibels as measured on a sound-level meter
7267 using the A-weighting network. The level so read is designated dB(A) or dBA.
- 7268 "Construction" means any site preparation, assembly, substantial repair, alteration, similar
7269 action, for or of public or private rights-of-way, structures, utilities or similar property or similar activity
7270 upon public or private structures or land.
- 7271 "Continuous sound" means sound which is of a steady and uninterrupted nature of a specified
7272 time period. For the purpose of this title, the minimum time period shall be one hour.
- 7273 "Daytime" means the hours between seven a.m. and ten p.m. on any given day.
- 7274 "Decibel" means a unit for measuring the amplitude of sound, equal to twenty times the
7275 logarithm to the base ten of the ratio of the pressure of the sound measured to the referenced pressure,
7276 which is twenty micropascals.
- 7277 "Emergency work" means any work performed for the purpose of preventing or alleviating the
7278 physical trauma or property damage threatened or caused by an emergency.
- 7279 "Enforcement office(r)" means the city employee and/or police officer having lead responsibility
7280 for enforcing this chapter; and, the city employee/police officer having responsibility for making noise
7281 surveys, noise analyses, noise investigations and for the administration of this chapter.
- 7282 "Equivalent sound level (Leq)" means the average sound level measured over a stated period of
7283 time. For the purpose of this chapter, the averaging time shall be one minute.

7284 "Fixed noise source" means a stationary device which creates sounds while fixed or motionless,
7285 including but not limited to residential, agricultural, industrial and commercial machinery and
7286 equipment, pumps, fans, compressors, air conditioners and refrigeration equipment.

7287 "Impulse sound" means sound of short duration, usually less than one second, with an abrupt
7288 onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts,
7289 and the discharge of firearms.

7290 "Intermittent sound" means sound which is not continuous or which is of a cyclic or repetitive
7291 nature.

7292 "Intrusive noise" means that noise which intrudes over and above the existing ambient noise at
7293 a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency
7294 and time of occurrence, and tonal or informational content as well as the prevailing ambient noise level.

7295 "Leq" means see equivalent sound level.

7296 "Lmax" means the maximum instantaneous sound level reading.

7297 "Mobile noise source" means any noise source other than a fixed noise source.

7298 "Nighttime" means the hours between ten p.m. and seven a.m. on any given day.

7299 "Noise disturbance" means any noise exceeding the noise-level limits for a designated land-use
7300 category specified in Table 1 or 2.

7301 "Noise sensitive area" means any area designated by the planning commission for the purpose
7302 of ensuring exceptional quiet.

7303 "Public right-of-way" means any street, avenue, boulevard, highway, bikeway, sidewalk or alley
7304 or similar place which is owned or controlled by a government entity.

7305 "Public space" means any real property or structures thereon which are owned or controlled by
7306 a governmental entity.

7307 "Pure tone" means any sound which can be judged as audible as a single pitch or a set of single
7308 pitches by the enforcement officer or police officer.

7309 "Real property boundary" means an imaginary line along the ground surface, and its vertical
7310 extension, which separates the real property owned by one person from that owned by another person,
7311 but not including intra-building real property divisions.

7312 "Sound-amplifying equipment" means any machine or device for the amplification of the human
7313 voice, music, or any other sound. Sound-amplifying equipment, as used in this title, shall not be
7314 construed as including standard automobile radios when used and heard only by occupant(s) of the
7315 vehicle in which installed, or warning devices on authorized emergency vehicles, or horns or other
7316 warning devices on other vehicles used only for traffic safety purposes. This definition shall include
7317 remotely located loudspeakers attached to and/or operated from a vehicle.

7318 "Sound-level meter" means an instrument, including a microphone, an amplifier, and an output
7319 meter for the measurement of sound levels, which meets or exceeds the requirements for Type 2
7320 meters in American National Standards Institute specifications for sound-level meters, S1.4-1971.

7321 "Vibration perception threshold" means the minimum ground-borne or structure-borne
7322 vibrational motion necessary to cause a normal person to be aware of the vibration by such direct
7323 means as, but not limited to, sensation by touch or visual observation of moving objects. The perception
7324 threshold shall be presumed to be a motion velocity of .001 inches per second over the range of one to
7325 one hundred Hz.

7326 "Weekday" means any day, Monday through Friday, which is not a legal holiday.
7327 (Ord. 1310 § 2(part), 1995).

7328

7329 **19.58.030 Exemptions to this chapter.**

7330 The provisions of this chapter shall not apply to:

7331 A. The emission of sound for the purpose of alerting persons to the existence of an emergency;

- 7332 B. The emission of sound in the performance of emergency work;
- 7333 C. Noncommercial public speaking and public assembly activities conducted on any private property,
- 7334 public space, or public right-of-way, except those activities controlled by Sections 19.58.040, 19.58.090
- 7335 and 19.58.100;
- 7336 D. Agricultural activities, exclusive of those involving the ownership or possession of animals or birds;
- 7337 E. Rail and air transportation and public mass transportation vehicles;
- 7338 F. The emission of sound in connection with activities conducted at Warhawk Stadium during events
- 7339 permitted by the city;
- 7340 G. The emission of sound in the discharge of weapons or in fireworks displays licensed by the city
- 7341 council;
- 7342 H. The emission of sound in the operation of snow removal equipment;
- 7343 I. Parades or processions for which a parade permit has been issued by the city;
- 7344 J. Residential garbage collection activities as contracted for by the city;
- 7345 K. The emission of sound in the operation of yard maintenance equipment.
- 7346 (Ord. 1310 § 2(part), 1995).

7347

7348 **19.58.040 Residential noise.**

- 7349 A. Residential noise disturbances (even if the residence is located in a commercial district) shall be
- 7350 governed by this section and shall not be subject to the sound levels established in Section 19.58.060.
- 7351 B. No person shall make, allow or assist in making any noise from a residence or residential yard which
- 7352 is likely to unreasonably disturb the peace and quiet of any person outside of the residence.
- 7353 C. For the purpose of this section:
- 7354 1. It is not necessary to prove that any particular person was disturbed by the noise.
- 7355 2. A resident of a premises is in violation of allowing a noise disturbance at the premises under this
- 7356 section if noise in violation of this section is emitted from a residence and the authorities are unable to
- 7357 gain entry to the premises or sufficient information to identify the actual parties at the premises at the
- 7358 time of the disturbance.
- 7359 3. All residents of a residential unit who are at the premises at the time of a noise disturbance are
- 7360 deemed to have allowed the disturbance.
- 7361 (Ord. 1310 § 2(part), 1995).

7362

7363 **19.58.050 General noise disturbance prohibited.**

7364 No person shall make, continue, or cause to be made or continued, except as permitted, any

7365 noise disturbance as defined in this chapter, or any noise in excess of the limits for such noise

7366 established in this chapter.

7367 (Ord. 1310 § 2(part), 1995).

7368

7369 **19.58.060 Maximum permissible sound levels by land use category.**

7370 A. Maximum Permissible Sound Levels. With the exception of sound levels elsewhere specifically

7371 authorized or allowed in this chapter, the following are the maximum permissible sound levels allowed

7372 at the real property boundary of the source of offending noise. No person shall produce or allow the

7373 production of noise in excess of that specified in Table 1 or 2.

7374 TABLE 1 SOUND LEVEL LIMITS FOR DAYTIME

7375 (7 p.m. - 10 p.m.) in dBA

7376 TABLE INSET:

7377

<u>Zoning Category</u>	<u>L_{max}</u>	<u>Leq (1)</u>
------------------------	------------------------	----------------

		<u>min.)</u>
B-1, B-2, AT and I (except where such operations are adjacent to residential districts)	85	75
B-3 and PCD (except residential PCD and where such operations are adjacent to residential districts)	85	75
M-1 (except where such operations are adjacent to residential districts)	85	75
B-1, B-2, B-3 PCD (when adjacent to residential districts)	75	60
All other nonresidential categories	75	60

TABLE 2 SOUND LEVEL LIMITS FOR NIGHTTIME HOURS in dBA

TABLE INSET:

<u>Zoning Category</u>	<u>Lmax</u>	<u>Leq (1 min.)</u>
B-1, B-2, AT and I (except where such operations are adjacent to residential districts)	75	60
B-3 and PCD (except residential PCD and where such operations are adjacent to residential districts)	75	65
M-1 (except where such operations are adjacent to residential districts)	85	70
B-1, B-2, B-3 PCD (when adjacent to residential districts)	75	60
All other nonresidential categories	75	60

For the purpose of this chapter, sound levels in excess of the dBA listed in Table 1 or 2 above shall be deemed a violation.
(Ord. 1310 § 2(part), 1995).

19.58.070 Emergency signaling devices.

A. No person shall operate or permit the intentional sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling device, except for emergency purposes or for testing, as provided in subsection B of this section.

B. Testing of a stationary emergency signaling device shall occur at the same time of day each time the test is performed, but not before nine a.m. or after four p.m. Any such testing shall use only the minimum cycle test time.

(Ord. 1310 § 2(part), 1995).

19.58.080 Specific activities prohibited.

7395 A. Loading and Unloading. No person shall so load, unload, open, close or handle boxes, crates,
7396 containers, building materials, garbage cans or similar objects between the hours of seven p.m. and
7397 seven a.m. the following morning as to create a noise disturbance across a residential real property
7398 boundary or within a noise sensitive area. This section shall not apply to activities covered by Section
7399 19.58.110.

7400 B. Vehicle or Motorboat Repairs and Testing. No person shall repair, rebuild, modify or test any motor
7401 vehicle in a public or private place out of doors or within a noise sensitive area between the hours of ten
7402 p.m. and seven a.m. the following day.
7403 (Ord. 1310 § 2(part), 1995).

7404

7405 **19.58.090 Sound equipment and sound-amplifying equipment.**

7406 A. No person shall so operate, play or permit the operation or playing of any sound equipment so as:

- 7407 1. To create a noise disturbance across a residential real property boundary or outdoors within a noise
7408 sensitive area;
7409 2. To create a noise disturbance fifty feet from the device, when operated in or on a motor vehicle on a
7410 public right-of-way or public space, or in a boat on public waters.

7411 B. Sound Equipment.

7412 1. No person shall use, operate or cause to be used or operated any sound equipment, upon the public
7413 streets or in any building or upon any premises, public or private, if the sound therefrom is plainly
7414 audible from any public street or public place within the city.

7415 2. Sound equipment shall not include:

- 7416 a. Equipment used for public health and safety purposes;
7417 b. Church or clock carillons, bells or chimes;
7418 c. Automobile radios, tape decks or players, or other standard automobile equipment used and
7419 intended for the use and enjoyment of the occupants, provided the sound emitting therefrom is not
7420 audible for more than fifty feet from the vehicle;
7421 d. Recorded music used in a nonresidential district in conjunction with a civil or religious celebration;
7422 e. Live music provided, sponsored or funded, in whole or in part, by a governmental entity.

7423 (Ord. 1310 § 2(part), 1995).

7424 (Ord. No. 1682A, § 1, 5-20-2008)

7425

7426 **19.58.100 Motorized vehicles.**

7427 A. No person shall operate the engine providing motive power or an auxiliary engine, of a motor
7428 vehicle with a manufacturer's gross vehicle weight rating of ten thousand pounds or more for a
7429 consecutive period longer than twenty minutes while such vehicle is standing and located within one
7430 hundred fifty feet of property zoned and used for residential purposes except where such vehicle is
7431 standing within a completely enclosed structure and does not create a noise disturbance across a real
7432 property boundary as defined in Section 19.58.060 of this chapter unless approved by a conditional use
7433 permit. This section shall not apply to delivery or pickup vehicles that require the operation of the
7434 engine to unload or load their vending loads.

7435 B. No person shall operate within the speed limits specified in this section either a motor vehicle, or a
7436 combination of vehicles of a type subject to registration, at any time or under any condition of grade,
7437 load, acceleration or deceleration in such manner as to exceed the noise limit listed hereinbelow for the
7438 category of motor vehicle, based on the legal speed limit, posted or not, of the road or way on which
7439 operated, such noise to be measured at a distance of no more than fifty feet from the center line of
7440 travel under test procedures established by subsection C of this section. In the event the distance of the
7441 measuring instrument from center line of travel is less than fifty feet, such listed noise limits shall be
7442 corrected to reflect the equivalent noise limits for the actual distance.

7443 TABLE INSET:
7444

	Noise Limit in Relation <u>to Legal Speed Limit</u>	
	<u>35 MPH or Less</u>	<u>Over 35 MPH</u>
<u>Type of Vehicle</u>		
1. Any motor vehicle with a manufacturer's gross vehicle weight rating of 10,000 lbs. or more and any combination of vehicles towed by such motor vehicle	88 dB(A)	92 dB(A)
2. Any motorcycle.	82 dB(A)	86 dB(A)
3. Any motor vehicle and any combination of motor vehicle.	76 dB(A)	82 dB(A)

7445 This section applies to the total noise from a vehicle or combination of vehicles and shall not be
7446 construed as limiting or precluding the enforcement of any other provisions of this code relating to
7447 motor vehicle mufflers or noise control.

7448 C. The measurement of sound or noise shall be made with a Type 1 or 2 sound level meter meeting the
7449 standards prescribed by the American National Standards Institute or its successor body. The instrument
7450 shall be calibrated and maintained in good working order. Measurements recorded shall be taken so as
7451 to provide a proper representation of the noise source. The microphone during measurement shall be
7452 positioned so as not to create any unnatural enhancement or attenuation of the measured noise. A
7453 windscreen for the microphone shall be used when required.

7454 D. No person shall modify the exhaust system of a motor vehicle or motorcycle by installation of a
7455 muffler cut-out or bypass, and no person shall operate a motor vehicle or motorcycle which has been so
7456 modified. A motor vehicle so operated shall be deemed equipped with a muffler which emits excessive
7457 and unusual noise and which is not in good working order.

7458 E. 1. No person shall operate a recreational vehicle or permit the operation of one or more recreation
7459 vehicles, individually or in a group or in an organized racing event, on public or private property in such a
7460 manner that the sound level resulting from such operation exceeds:

7461 Seventy-three dBA for any total of three minutes in any continuous one-hour period, or exceeds
7462 ninety dBA for any period of time during such operation. Sound levels which exceed the limits herein
7463 described at the real property boundary of the source property shall be deemed a noise disturbance.

7464 2. Notwithstanding Section 19.58.030 of this chapter, no person shall permit the conducting of any part
7465 of an organized racing event which involves contest between or among recreational vehicles on public
7466 or private property between the hours of ten thirty p.m. and ten a.m. the following morning.
7467 (Ord. 1310 § 2(part), 1995).

7468
7469 **19.58.110 Construction.**

7470 A. This chapter shall not prohibit the operation of any tools or equipment in public or private
7471 construction, drilling, demolition work, or in maintenance work between the hours of seven a.m. and
7472 nine p.m. Additional hours of construction may be granted by the zoning administrator or his designee.
7473 B. The terms of this section shall not apply to emergency work or repair work performed by or for
7474 governmental entities or public service utilities.
7475 (Ord. 1310 § 2(part), 1995).

7476

7477 **19.58.120 Nonemergency signaling devices.**

7478 A. No person shall operate or permit the sounding of any stationary bell, chime, siren, whistle or similar
7479 device, intended primarily for nonemergency purposes, from any place, for more than one minute in
7480 any hourly period.

7481 B. Devices used in conjunction with the places of religious worship shall be exempt from compliance
7482 with this section.

7483 C. Exemptions for sound sources covered by this section, but not exempted under subsection B of this
7484 section, may be granted under the procedure set forth in Section 19.58.150.

7485 (Ord. 1310 § 2(part), 1995).

7486

7487 **19.58.130 Animals and birds.**

7488 No person shall own, possess or harbor any animal or bird which frequently or for continued
7489 duration emits sounds native to the species which are a noise disturbance across a residential real
7490 property boundary, or within a noise sensitive area.

7491 (Ord. 1310 § 2(part), 1995).

7492

7493 **19.58.140 Enforcement.**

7494 A. The noise control program established by this chapter shall be implemented, administered and
7495 enforced by the zoning department and police department.

7496 B. The provisions of this chapter which prohibit the making, continuing, or causing the making or
7497 continuing across a real property boundary or within a noise sensitive area, shall be enforced upon
7498 receipt of complaint made or filed with the city officials by a person disturbed by such noise disturbance
7499 or by direction of the chief of police or his or her designee. Certification by an official charged with
7500 enforcement of provisions of this chapter that such complaint was made shall be sufficient to establish
7501 the fact of such complaint.

7502 C. Noise and vibration measurements shall be made in compliance with generally accepted practices
7503 and procedures. The zoning administrator shall prepare, and make available upon request, a "Code of
7504 Recommended Practices" for the measurement of noise and vibration.

7505 D. To implement and enforce this chapter the zoning department and police department shall have the
7506 additional power to:

7507 1. Conduct research, monitoring, and other studies related to sound;

7508 2. Conduct programs of public education regarding the causes, effects and general methods of
7509 abatement and control of noise, as well as the actions prohibited by this chapter and the procedures for
7510 reporting violations;

7511 3. Coordinate the noise control activities of all municipal departments;

7512 4. Review public and private projects, including those subject to mandatory review or approval by
7513 other departments, for compliance with this chapter, if these projects are likely to cause sound in
7514 violation of this chapter;

- 7515 5. Upon presentation of proper credentials, enter and inspect any private property or place, any time
7516 when granted permission by the owner resident or by some other person with apparent authority to act
7517 for the owner;
- 7518 6. Issue noise variances pursuant to the provisions of Section 19.58.150;
- 7519 7. Prepare recommendations for consideration by the city council, after publication of notice and
7520 public hearing, for establishing the boundaries of noise sensitive areas.
- 7521 E. All departments and agencies of the city shall carry out their programs in furtherance of the policy of
7522 this chapter.
7523 (Ord. 1310 § 2(part), 1995).

7524

7525 **19.58.150 Noise variances.**

- 7526 A. Any person who cannot comply with provisions of this noise ordinance due to technological
7527 limitations or in cases of significant hardship, may apply for a conditional use permit in accordance with
7528 Chapter 19.66 of this code. Through this process, the governing body may grant a conditional use permit
7529 to exceed the provisions of this chapter for a specific period of time.
- 7530 B. During this period of time, the operators of the nonconforming noise source must make every
7531 reasonable attempt to come into compliance with this chapter. Should total compliance not become
7532 feasible at the time the conditional use permit expires, the operator of the source must demonstrate to
7533 the satisfaction of the governing body that a good faith effort has been made to come into compliance.
7534 If a good faith effort is demonstrated to the satisfaction of the governing body, the governing body may,
7535 at its discretion, extend the conditional use permit for an additional period of time.
7536 (Ord. 1310 § 2(part), 1995).

7537

7538 **19.58.160 Penalty.**

- 7539 Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be
7540 subject to a penalty of not less than one hundred fifty dollars or more than three hundred dollars for the
7541 first offense; and for the second offense within one year shall be subject to a penalty of not less than
7542 two hundred dollars or more than four hundred dollars; and for the third and subsequent offenses
7543 within one year, not less than three hundred dollars or more than five hundred dollars, together with
7544 the costs of prosecution.
7545 (Ord. 1430 § 2, 1999; Ord. 1364 § 14, 1997).

7546

7547 **Chapter 19.60 NONCONFORMING USES, STRUCTURES AND LOTS**

7548 **Sections:**

- 7549 [19.60.010 Existing nonconforming uses.](#)
- 7550 [19.60.020 Existing nonconforming structures.](#)
- 7551 [19.60.030 Discontinuance or replacement of nonconforming use or structure.](#)
- 7552 [19.60.040 Changes and substitutions.](#)
- 7553 [19.60.045 Floodland nonconforming uses and structures.](#)
- 7554 [19.60.046 Wetland nonconforming uses and structures.](#)
- 7555 [19.60.050 Nonconforming lots.](#)

7556

7557 **19.60.010 Existing nonconforming uses.**

- 7558 The lawful nonconforming use of a structure, land or water existing prior to June 24, 1982, the
7559 effective date of this title, may be continued although the use does not conform with the provisions of
7560 this title; however:

7561 A. Only that portion of the land or water in actual use may be so continued, and any associated
7562 structures may not be extended, enlarged, reconstructed, substituted, moved or structurally altered
7563 except as otherwise permitted by the provisions of this title;

7564 B. Substitution of new uses or equipment may be permitted by the board of zoning appeals if such use
7565 or equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.
7566 (Ord. 994 § 7.1, 1982).

7567
7568 **19.60.020 Existing nonconforming structures.**

7569 Any lawful nonconforming structure existing prior to June 24, 1982, the effective date of this
7570 title, may be continued although its size or location does not conform with the lot width, lot area, yard,
7571 height, parking and loading and access provisions of this title; however, it shall not be extended,
7572 enlarged, moved or structurally altered except when required to do so by law or order, or so as to
7573 comply with the provisions of this title. Normal maintenance is permitted. This provision shall not be
7574 interpreted to disallow the extension or enlargement of a structure in respect to those dimensions that
7575 are or may still be in conformance with this title so long as such extensions or enlargements do not
7576 thereby create additional nonconforming dimensions or increase the nonconformance with respect to
7577 parking and loading and access. Any extension or enlargement of a nonconforming structure is subject
7578 to review and approval of the plan and architectural review commission in accordance with Chapter
7579 19.63 of this title.
7580 (Ord. 994 § 7.2, 1982).

7581
7582 **19.60.030 Discontinuance or replacement of nonconforming use or structure.**

7583 A. If such nonconforming use or structure is discontinued or terminated for a period of twelve months,
7584 any future use of the structures, land or water shall conform to the provisions of this title.

7585 B. When a nonconforming use or structure is damaged or destroyed, it may be restored if completed
7586 within one year from damage occurring.

7587 C. Time extensions may be granted by the plan and architectural review commission in accordance with
7588 Chapter 19.63.
7589 (Ord. 994 § 7.3, 1982).

7590
7591 **19.60.040 Changes and substitutions.**

7592 Once a nonconforming use or structure has been changed to conform, it shall not revert back to
7593 a nonconforming use or structure. Once the board of zoning appeals has permitted the substitution of a
7594 more-restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose
7595 the original status as a legal nonconforming use and become subject to all the conditions required by
7596 the board of zoning appeals.
7597 (Ord. 994 § 7.4, 1982).

7598
7599 **19.60.045 Floodland nonconforming uses and structures.**

7600 Floodland nonconforming uses and structures shall be regulated under the provisions of Section
7601 19.46.060 of this title.
7602 (Ord. 1600 § 5, 2006; Ord. 1060 § 17, 1935).

7603
7604 **19.60.046 Wetland nonconforming uses and structures.**

7605 Notwithstanding Section 62.23(7)(h) of the Wisconsin Statutes, the repair, reconstruction,
7606 renovating, remodeling or expansion of a legal nonconforming structure, or any environmental control
7607 facility related to a legal nonconforming structure, located in the C-1 shoreland wetland district and in

7608 existence at the time of adoption or subsequent amendment of the ordinance codified in this title is
7609 permitted pursuant to Section 62.231(5) of the Wisconsin Statutes.
7610 (Ord. 1196 § 1(part), 1990).

7611

7612 **19.60.050 Nonconforming lots.**

7613 A lot which does not contain sufficient area to conform to the dimensional requirements of this
7614 title but which is at least thirty feet wide and four thousand square feet in area may be used as a
7615 building site provided that the use is permitted in the zoning district, providing the lot is of record in the
7616 county register of deeds' office prior to the effective date or amendment of the ordinance codified in
7617 this title, and providing that all other requirements for the district in which it is located can be met.
7618 Establishment of a use or structure on a nonconforming lot shall be reviewed and approved by the city
7619 plan and architectural review commission in accordance with Chapter 19.63.
7620 (Ord. 994 § 7.5, 1982).

7621

7622 **Chapter 19.63 PLAN REVIEW**

7623 Sections:

7624 [19.63.010 Zoning permit--Purpose--Required when.](#)

7625 [19.63.012 Certificate of compliance--Purpose--Required when.](#)

7626 [19.63.014 Other permits.](#)

7627 [19.63.020 Plan review--Application requirements.](#)

7628 [19.63.030 Zoning permit application--Review by zoning administrator.](#)

7629 [19.63.040 Zoning permit application--Review by plan and architectural review commission, when.](#)

7630 [19.63.050 Developments automatically requiring approval by plan and architectural review commission.](#)

7631 [19.63.060 Review procedures.](#)

7632 [19.63.070 Notification of public hearing.](#)

7633 [19.63.080 Conditions attached to approvals when.](#)

7634 [19.63.090 Professional services--Consultation--Preparation of plans.](#)

7635 [19.63.100 Plan review guidelines.](#)

7636 [19.63.110 Zoning permit--Issuance conditions--Modification restrictions.](#)

7637 [19.63.120 Appeals procedure.](#)

7638

7639 **19.63.010 Zoning permit--Purpose--Required when.**

7640 For the purposes of assuring compliance with the standards and intent of this title and of
7641 promoting compatible development and preservation of the unique character of the city, no structure
7642 shall be erected, constructed, altered, demolished or moved and no land or building shall be changed in
7643 use without the issuance of an approved zoning permit. Zoning permits shall not be required for minor
7644 structures, incidental repairs, interior structural alterations and/or changes not resulting in an increase
7645 in intensity.

7646 Notwithstanding the aforesaid exemption, no floodland structure or improvement shall be
7647 exempt from obtaining a zoning permit.

7648 (Ord. 1060 § 18, 1985).

7649

7650 **19.63.012 Certificate of compliance--Purpose--Required when.**

7651 For the purpose of assuring compliance with the standards and intent of this title and of
7652 assuring sound floodplain development, no undeveloped land within the floodland districts shall be
7653 developed, occupied or used, and no structure hereafter erected, altered, moved or substantially
7654 improved shall be occupied until the applicant submits to the zoning administrator a certification by a
7655 registered professional engineer or land surveyor that the floodplain regulations set forth in this title
7656 have been fully complied with. Such certification shall include the first-floor elevation of any structure
7657 erected on the site.

7658 (Ord. 1060 § 19, 1985).

7659

7660 **19.63.014 Other permits.**

7661 It is the responsibility of a permit applicant to secure all other necessary permits required by any
7662 state, federal or local agency. This includes, but is not limited to, a water use permit pursuant to
7663 Chapters 30 and 31 of the Wisconsin Statutes or a wetland fill permit pursuant to Section 404 of the
7664 Federal Water Pollution Control Act.

7665 (Ord. 1060 § 20, 1985).

7666

7667 **19.63.020 Plan review--Application requirements.**

7668 Applications for plan review shall be made to zoning administrator at least ten days prior to the
7669 plan and architectural review committee meeting at which the plan is to be considered, and shall
7670 include the following information to be considered complete. The zoning administrator or plan and
7671 architectural review commission may reduce the information requirements where deemed appropriate.

7672 Twenty complete sets of all required plan materials shall be required unless the applicant receives prior
7673 written approval from city staff that fewer copies, and/or an electronic/digital submission of materials
7674 will be considered adequate for the purposes of meeting the submission deadlines.

7675 A. Names, phone numbers, and addresses of the applicant, owner of the site, architect, professional
7676 engineer, contractor and all other individuals responsible for preparation of plan materials;

7677 B. Identification of the subject site by lot, block and recorded subdivision, or by metes and bounds;

7678 C. Description of the existing and proposed use or operation of the structure or site, number of
7679 employees, building lot coverage, landscaped surface ratio, residential density and existing zoning;

7680 D. Building elevations and exterior architectural drawings, including enough detail to show the
7681 proposed building style, exterior materials, colors, mechanicals and lighting;

7682 E. Site plans drawn to a scale not less than fifty feet to the inch, showing:

7683 1. The natural features of the site, including water bodies, wetlands, floodplains, environmental
7684 corridors, trees with trunks greater than four inches in diameter, existing drainage patterns, and
7685 topography at two foot intervals,

7686 2. The location and dimensions of proposed and existing structures in relation to street and property
7687 lines, including buildings, Dumpsters, signs, mechanicals, walls and fences,

7688 3. The location, dimensions and arrangement of all open spaces, yards, and landscape plantings and
7689 buffer yards, including the species and size at time of planting for all landscaping,

7690 4. The location, arrangement and capacity of all areas used for vehicle and pedestrian access, off-street
7691 parking, off-street loading and unloading, including methods for screening,

7692 5. The capacity and arrangement of all buildings used or intended to be used for dwelling purposes,

7693 6. The proposed location and other characteristics of all outdoor lighting fixtures, pursuant to Section
7694 19.57.150(C),

7695 7. The location and size of all existing and proposed utilities and all related easements,

7696 8. The location of any proposed stormwater management facilities, including proposed drainage
7697 patterns and detention/retention facilities where required;

7698 F. Other information deemed necessary by the zoning administrator or the plan and architectural
7699 review commission to fully assess the impacts of a proposed project.

7700 (Ord. 1452 § 18, 2000: Ord. 994 § 8.2, 1982).

7701

7702 **19.63.030 Zoning permit application--Review by zoning administrator.**

7703 The zoning administrator shall review zoning permit applications for the proposed structure,
7704 addition, alteration or use to assure that the plan meets the minimum standards of this title for the

7705 district in which it is located. The zoning administrator shall grant, deny or refer to the plan and
7706 architectural review commission within ~~fifteen~~ten calendar days of receiving the completed zoning
7707 permit application.
7708 (Ord. 994 § 8.3, 1982).

7709
7710 **19.63.040 Zoning permit application--Review by plan and architectural review commission,**
7711 **when.**

7712 If the zoning administrator, at his or her discretion, finds that an application for a zoning permit
7713 has characteristics that should have broader public review or special conditions attached in order to
7714 preserve the intent of this title, the zoning administrator may require that such an application require
7715 review and approval of the plan and architectural review commission.
7716 (Ord. 994 § 8.4(A), 1982).

7717
7718 **19.63.050 Developments automatically requiring approval by plan and architectural review**
7719 **commission.**

7720 The following developments automatically require approval by the plan and architectural review
7721 commission:

- 7722 A. All applications for zoning permits proposing exterior modifications of structures in the B-2 central
7723 business district, except minor remodeling or use changes;
- 7724 B. All applications for zoning permits for major remodeling or conversion of existing buildings that will
7725 increase the number of dwelling units;
- 7726 C. All applications for zoning permits proposing any exterior modifications to structures that are listed
7727 on the National Register of Historic Places. This review requirement shall also extend to properties
7728 immediately adjoining national register landmarks;
- 7729 D. Establishment of a use or structure on a nonconforming lot (see Section 19.60.050);
- 7730 E. Developments proposing driveway access within one hundred feet of the centerline of intersecting
7731 streets in the B-1 and B-3 districts. This is to be applied only to arterial streets and local streets
7732 intersecting arterial streets.
7733 (Ord. 994 § 8.4(B), 1982).

7734
7735 **19.63.060 Review procedures.**

- 7736 A. The zoning administrator shall transmit all applications requiring commission review and approval to
7737 the plan and architectural review commission. The plan and architectural review commission shall
7738 review the applications at their next scheduled meeting. The application shall be reviewed for
7739 compliance with the plan review guidelines, and a permit shall be granted, denied, or conditionally
7740 granted within thirty days of the date of application. A simple majority approval of the plan and
7741 architectural review commission constitutes final action.
- 7742 B. The applicant may request a conceptual review by the plan and architectural review commission
7743 prior to filing a formal application for plan review.
7744 (Ord. 994 § 8.4(C), 1982).

7745
7746 **19.63.070 Notification of public hearing.**

7747 The city plan architectural review commission shall notify the applicant of the scheduled hearing
7748 by mail at least five mailing days prior to the hearing date. The commission may require that Class 1
7749 notice be given if deemed appropriate.
7750 (Ord. 994 § 8.4(D), 1982).

7751
7752
7753
7754
7755
7756
7757
7758
7759
7760

19.63.080 Conditions attached to approvals when.

A. Conditions on approval may include landscaping, modification to architectural design, type of construction, operational controls, sureties, or deed restrictions upon the plan and architectural review of commission's findings that these are necessary to fulfill the purpose and intent of this title. Also, as a condition of the issuance of a temporary occupancy permit, the plan commission may require that the developer post a deposit for the completion of the site improvements which have been approved by the commission. The amount of the deposit shall be in accordance with the following schedule:

TABLE INSET:

Conversion	1 to 2 family	\$200.00
	2 to 3 family	500.00
	Multifamily \$500.00 + 50.00 per unit,	
	\$1000.00 maximum	
New	Multifamily \$500.00 + 100.00 per unit,	
	\$2000.00 maximum	
Addition/New	Commercial \$500.00 - \$1000.00	

7761
7762
7763
7764
7765
7766
7767
7768
7769

B. The required deposit shall be released at the time all required site improvements have been completed and approved by the building inspector/zoning administrator. Fifty dollars shall be retained by the city as an additional fee for the issuance of the temporary occupancy permit prior to completion of the site improvements. If the site improvements are not completed by the time of the expiration of the temporary occupancy permit, and the occupancy permit has not been renewed or extended, the entire deposit shall be forfeited to the city. These provisions are in addition to all of the other enforcement provisions and remedies in the Whitewater Municipal Code. (Ord. 1129 § 1, 1988).

7770
7771
7772
7773
7774
7775

19.63.090 Professional services--Consultation--Preparation of plans.

The plan and architectural review commission may consult professional services when it is deemed necessary. The commission may also require that plans submitted for review be certified by an architect, historic preservationist, site planner, engineer, or other appropriate professional meeting the approval of the plan and architectural review commission. (Ord. 994 § 8.4(F), 1982).

7776
7777

19.63.100 Plan review guidelines.

As the basis for determining the acceptability of an application for a zoning permit, the plan and architectural review commission shall apply the following criteria:

7780
7781
7782
7783
7784
7785
7786

- A. The proposed structure, addition, alteration or use will meet the minimum standards of this title for the district in which it is located;
- B. The proposed development will be consistent with the adopted city master plan;
- C. The proposed development will be compatible with and preserve the important natural features of the site;
- D. The proposed use will not create a nuisance for neighboring uses, or unduly reduce the values of an adjoining property;

- 7787 E. The proposed development will not create traffic circulation or parking problems;
7788 F. The mass, volume, architectural features, materials and/or setback of proposed structures, additions
7789 or alternations will appear to be compatible with existing buildings in the immediate area;
7790 G. Landmark structures on the National Register of Historic Places will be recognized as products of
7791 their own time. Alterations which have no historical basis will not be permitted;
7792 H. The proposed structure, addition or alteration will not substantially reduce the availability of
7793 sunlight or solar access on adjoining properties.
7794 (Ord. 994 § 8.4(G), 1982).

7795

7796 **19.63.110 Zoning permit--Issuance conditions--Modification restrictions.**

7797 A. Issuance of Zoning Permit. A zoning permit shall be issued to applicant, stating the official action of
7798 the zoning administrator or the plan and architectural review commission, and shall be filed in the office
7799 of the zoning administrator and referred to for enforcement of this title. Approved zoning permits shall
7800 expire in six months unless substantial work has commenced and is continuing in a progressive,
7801 workmanlike manner. Extensions may be granted by the approving authority.

7802 1. If the project is conditionally approved, the zoning permit shall be issued subject to the conditions.

7803 2. If the project is disapproved, the applicant may modify the proposal and resubmit.

7804 B. Modification of Plans Approved by the Plan and Architectural Review Commission. Minor
7805 modifications to plans approved for issuance of a zoning permit may be approved by the zoning
7806 administrator. Any major modification in approved plans or alteration of conditions must be approved
7807 by the plan and architectural review commission in compliance with procedures listed above.

7808 (Ord. 994 § 8.5, 1982).

7809

7810 **19.63.120 Appeals procedure.**

7811 Appeals from decisions of the city plan and architectural review commission in its plan-review
7812 function may be appealed to the board of zoning appeals if filed with the city clerk within thirty days of
7813 the date of decision. The appeal shall be governed by the procedures in Chapter 19.72 of this title.

7814 (Ord. 1364 § 15, 1997; Ord. 1082 § 10, 1986; Ord. 994 § 8.6, 1982).

7815 Steps for Review of Zoning Permit

7816 **GRAPHIC LINK:** [Click here](#)

7817

7818 **Chapter 19.66 CONDITIONAL USES**

7819 Sections:

7820 [19.66.010 Issuance of conditional use permits authorized when.](#)

7821 [19.66.020 Application for permit.](#)

7822 [19.66.030 Hearings.](#)

7823 [19.66.040 Notification to property owners.](#)

7824 [19.66.050 Standards for review and approval.](#)

7825 [19.66.060 Additional conditions authorized when.](#)

7826 [19.66.070 Time limits and periodic review.](#)

7827 [19.66.080 No exemption from all other requirements.](#)

7828 [19.66.090 Determination of approval or disapproval.](#)

7829 [19.66.100 Recordkeeping requirements.](#)

7830 [19.66.110 Appeals procedure.](#)

7831

7832 **DISCUSSION POINT: TIMELINE ISSUES**

7833

7834 **19.66.010 Issuance of conditional use permits authorized when.**

7835 The city plan and architectural review commission may authorize the zoning administrator to
7836 issue a zoning permit for conditional uses after review and a public hearing, provided that such
7837 conditional uses and structures are in accordance with the purpose and intent of this title, are consistent
7838 with sound planning and zoning principles, and are found to be not hazardous, harmful, offensive or
7839 otherwise adverse to the environment or the value of the neighborhood or the community.
7840 (Ord. 1364 § 16, 1997; Ord. 994 § 9.1, 1982).

7841

7842 **19.66.020 Application for permit.**

7843 Applications for zoning permits for conditional uses shall be made to the zoning administrator
7844 on forms furnished by the zoning administrator, and shall include the information required by Section
7845 19.63.020.
7846 (Ord. 994 § 9.2, 1982).

7847

7848 **19.66.030 Hearings.**

7849 The city plan and architectural review commission shall hold a public hearing upon each
7850 conditional use application, giving Class 1 notice.
7851 (Ord. 994 § 9.3, 1982).

7852

7853 **19.66.040 Notification to property owners.**

7854 Notice of the hearing shall be given to owners of record of properties abutting and within three
7855 hundred feet of the property that is involved in the application, and to other persons who are
7856 determined by the zoning administrator to be parties of interest. Unintentional failure to accomplish
7857 these notifications shall not invalidate the procedures.
7858 (Ord. 994 § 9.4, 1982).

7859

7860 **19.66.050 Standards for review and approval.**

7861 The plan commission shall use the following standards when reviewing applications for
7862 conditional use:

7863 A. That the establishment, maintenance, or operation of the conditional use will not create a nuisance
7864 for neighboring uses or substantially reduce the values of other property.

7865 B. That adequate utilities, access roads, parking drainage, landscaping and other necessary site
7866 improvements are being provided.

7867 C. That the conditional use conforms to all applicable regulations of the district in which it is located,
7868 unless otherwise specifically exempted in this ordinance. Where a variance is required, the plan
7869 commission may condition their approval on the subsequent approval of the variance.

7870 D. That the conditional use conforms to the purpose and intent of the city master plan.

7871 E. The conditional use and structures are consistent with sound planning and zoning principles.

7872 (Ord. 1364 § 17, 1997; Ord. 994 § 9.5(part), 1982).

7873

7874 **19.66.060 Additional conditions authorized when.**

7875 A. Conditions, such as landscaping, architectural design, type of construction, construction
7876 commencement and completion dates, sureties, lighting, fencing, planting screens, operational control,
7877 hours of operation, improved traffic circulation, added restrictions, highway access restrictions,
7878 increased yards, or parking requirements, may be permitted by the plan and architectural review
7879 commission upon its finding that these are necessary to fulfill the purpose and intent of this title. Also,
7880 as a condition of the issuance of a temporary occupancy permit, the plan commission may require that

7881 the developer post a deposit for a completion of the site improvements which have been approved by
 7882 the commission. The amount of the deposit shall be in accordance with the following schedule:

7883 TABLE INSET:

7884

Conversion	1 to family	\$200.00
"	2 to 3 family	500.00
"	Multifamily \$500.00 + 50.00 per unit,	
	\$1000 maximum	
New	Multifamily \$500.00 + 100.00 per unit,	
	\$2000.00 maximum	
Addition/New	Commercial \$500.00 - \$1000.00	

7885 B. The required deposit shall be released at the time all required site improvements have been
 7886 completed and approved by the building inspector/zoning administrator. Fifty dollars shall be retained
 7887 by the city as an additional fee for the issuance of the temporary occupancy permit prior to completion
 7888 of the site improvements. If the site improvements are not completed by the time of the expiration of
 7889 the temporary occupancy permit, and the occupancy permit has not been renewed or extended, the
 7890 entire deposit shall be forfeited to the city. These provisions are in addition to all of the other
 7891 enforcement provisions and remedies in the Whitewater Municipal Code.
 7892 (Ord. 1130 § 1, 1988).

7893

7894 **19.66.070 Time limits and periodic review.**

7895 If an applicant does not commence construction within one year after city approval of a
 7896 conditional use permit, or complete construction according to all specified plans and conditions within
 7897 two years after city approval, the previously approved conditional use permit shall be considered null
 7898 and void. Conditional uses may be subject to time limits or requirements for periodic reviews where
 7899 such requirements relate to review standards.
 7900 (Ord. 1452 § 21, 2000: Ord. 994 § 9.5(part), 1982).

7901

7902 **19.66.080 No exemption from all other requirements.**

7903 Compliance with all other provisions of this title, such as lot width and area, yards, height,
 7904 parking, loading, traffic and highway access, shall be required, unless otherwise specifically exempted in
 7905 this title, of all conditional uses. Variances shall only be granted as provided in Chapter 19.69.
 7906 (Ord. 994 § 9.5(part), 1982).

7907

7908 **19.66.090 Determination of approval or disapproval.**

7909 Following the public hearing and review of the conditional use application, the plan and
 7910 architectural review commission shall approve, disapprove or further conditionally approve the
 7911 application. A simple majority approval by the plan commission constitutes final approval of the
 7912 conditional use.
 7913 (Ord. 994 § 9.5(part), 1982).

7914

7915 **19.66.100 Recordkeeping requirements.**

7916 Records of all plan and architectural review commission actions approving conditional uses shall
7917 be maintained by the zoning administrator, and shall be referred to in regard to enforcement and
7918 modification of conditional use approvals.
7919 (Ord. 994 § 9.5(part), 1982).

7920
7921 **19.66.110 Appeals procedure.**
7922 Decisions of the city plan and architectural review commission in its conditional use review
7923 function may be appealed to the board of zoning appeals if filed with the city clerk within thirty days of
7924 the date of decision. The appeal shall be governed by the procedures in Chapter 19.72 of this title.
7925 (Ord. 1364 § 18, 1997; Ord. 1082 § 11, 1986).

7926 Steps for Review of Conditional Uses
7927 **GRAPHIC LINK:**[Click here](#)

7928
7929 **Chapter 19.69 CHANGES AND AMENDMENTS**

7930 Sections:
7931 [19.69.010 City council authority.](#)
7932 [19.69.020 Who may initiate.](#)
7933 [19.69.030 Petitions--Contents and filing.](#)
7934 [19.69.040 Review and recommendation--Plan commission authority.](#)
7935 [19.69.050 Hearing--Notice to property owners.](#)
7936 [19.69.060 City council vote on proposed change or amendment.](#)
7937 [19.69.065 Floodland district boundary changes limited.](#)
7938 [19.69.066 Amendments to the C-1 and FWW districts.](#)
7939 [19.69.070 Protests against change or amendment.](#)

7940
7941 **19.69.010 City council authority.**
7942 Whenever the public necessity, convenience, general welfare or good zoning practice require,
7943 the city council may, by ordinance, change the district boundaries or amend, change or supplement the
7944 regulations established by this title or amendments thereto. Such change or amendment shall be subject
7945 to the review and recommendation of the city plan commission.
7946 (Ord. 994 § 10.1, 1982).

7947
7948 **19.69.020 Who may initiate.**
7949 A change or amendment may be initiated by the city council or any member thereof, the city
7950 plan commission, or by a petition of one or more of the owners, lessees, or authorized agents of the
7951 lessees of property within the area proposed to be changed.
7952 (Ord. 1159 § 1, 1989; Ord. 994 § 10.2, 1982).
7953 (Ord. No. 1690A, § 1, 6-17-2008)

7954
7955 **19.69.030 Petitions--Contents and filing.**
7956 Petitions for any change to the district boundaries or amendments to the regulations shall be
7957 filed with the city clerk, describe the premises to be rezoned or the regulations to be amended, list the
7958 reasons justifying the petition, specify the proposed use, and have attached the following:
7959 A. Plot plan, drawn to a scale of one inch equals one hundred feet, showing the area proposed to be
7960 rezoned, its locations, its dimensions, the location and classification of adjacent zoning districts, and the
7961 location and existing use of all properties within three hundred feet of the area proposed to be rezoned;
7962 B. Owners' names and addresses of all properties lying within three hundred feet of the area proposed
7963 to be rezoned;

7964 C. Additional information required by the city plan commission or city council.
7965 (Ord. 994 § 10.3, 1982).

7966
7967 **19.69.040 Review and recommendation--Plan commission authority.**

7968 The city plan commission shall review all proposed changes and amendments within the
7969 corporate limits, conduct a public hearing (with Class 2 notice), and shall recommend that the petition
7970 be granted as requested, modified, or denied.
7971 (Ord. 994 § 10.4, 1982).

7972
7973 **19.69.050 Hearing--Notice to property owners.**

7974 Notice of the hearing shall be given to all owners of record of properties abutting and within
7975 three hundred feet of the property that is involved in the application, and to other persons who are
7976 determined by the zoning administrator to be parties of interest. Unintentional failure to accomplish
7977 these notifications shall not invalidate the procedures.
7978 (Ord. 994 § 10.5, 1982).

7979
7980 **19.69.060 City council vote on proposed change or amendment.**

7981 Following such hearing and after consideration of the city plan commission's recommendations,
7982 the city council shall vote on the passage of the proposed change or amendment. City council action on
7983 the zoning change must take place within thirty days of the plan commission's recommendations.
7984 (Ord. 1159 § 2, 1989; Ord. 994 § 10.6, 1982).

7985
7986 **19.69.065 Floodland district boundary changes limited.**

7987 The common council shall not permit changes to the floodland district boundaries that are
7988 inconsistent with the purpose and intent of this chapter, in conflict with the applicable rules and
7989 regulations of the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency
7990 Management Agency (FEMA), or inconsistent with the provisions of Chapter 19.46.
7991 (Ord. 1600 § 7, 2006; Ord. 1196 § 1(part), 1990).

7992
7993 **19.69.066 Amendments to the C-1 and FWW districts.**

7994 Amendments to wetland zoning districts shall be reviewed by the Wisconsin Department of
7995 Natural Resources in accordance with the following procedures:

7996 A. The city shall transmit a notice of any change (text or map) in the C-1 or FWW districts to the
7997 Wisconsin Department of Natural Resources (DNR). Notice requirements shall be as follows:

- 7998 1. A copy of every petition for a text or map change mailed within five days of filing with the city
7999 manager;
8000 2. At least ten days prior notice of any public hearing on a C-1 or FWW zoning amendment;
8001 3. Notice of a city plan commission recommendation no later than ten days following the
8002 recommendation;
8003 4. Notice of a common council decision no later than ten days following the decision.

8004 B. No wetland in a C-1 or FWW district shall be rezoned if the rezoning may result in a significant
8005 adverse impact on storm or floodwater storage capacity; maintenance of dry season streamflow, the
8006 discharge of groundwater from the wetland to another area, or the flow of groundwater through a
8007 wetland; filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would
8008 otherwise drain into navigable waters; shoreline protection against soil erosion; fish spawning; breeding,
8009 nursery or feeding grounds; wildlife; habitat; or areas of special recreational, scenic or scientific interest,
8010 including scarce wetland types.

8011 C. If the DNR has notified the city plan commission that an amendment to the C-1 or FWW district may
8012 have a significant adverse impact upon any of the criteria listed in subsection B above, that amendment,
8013 if approved by the common council, shall contain the following provision:
8014 "This amendment shall not take effect until more than 30 days have elapsed since written notice of the
8015 Common Council's approval of this amendment was mailed to the Department of Natural Resources.
8016 During that 30-day period, the Department of Natural Resources may notify the Common Council that it
8017 will adopt a superseding shore land ordinance for the City pursuant to Section 62.231 of the Wisconsin
8018 Statutes. If the Department does so notify the Common Council, the effect of this amendment shall be
8019 stayed until the Section 61.231 adoption procedure is completed or otherwise terminated."
8020 (Ord. 1196 § 1(part), 1990).

8021
8022 **19.69.070 Protests against change or amendment.**

8023 A. In the event of a protest against such district change or amendment to the regulations of this title,
8024 duly signed and acknowledged by the owners of twenty percent or more either of the areas of land
8025 included in such proposed change, or by the owners of twenty percent or more of the land immediately
8026 adjacent extending one hundred feet therefrom, or by the owners of twenty percent or more of the land
8027 directly opposite thereto extending one hundred feet from the street frontage of such opposite land,
8028 such changes or amendments shall not become effective except by the favorable vote of three-fourths
8029 of the members of the council voting on the proposed change. (See Section 66.23(7)(d)(2), Wisconsin
8030 Statutes.)

8031 B. Protests against changes or amendments may also be filed by a petition duly signed by at least two
8032 hundred resident landowners in the city. In case of such a protest, such changes or amendments shall
8033 not become effective except by the favorable vote of three-fourths of the members of the council voting
8034 on the proposed change.
8035 (Ord. 994 § 10.7, 1982).

8036 Steps for Zoning Amendment

8037 **GRAPHIC LINK:** [Click here](#)

8038

8039 **Chapter 19.72 BOARD OF ZONING APPEALS**

8040 Sections:

8041 [19.72.010 Established--Purpose.](#)

8042 [19.72.020 Membership, appointment and officers.](#)

8043 [19.72.030 Organization--Meetings--Voting.](#)

8044 [19.72.040 Powers and duties.](#)

8045 [19.72.050 Application for appeal--Contents and filing time.](#)

8046 [19.72.060 Hearing--Time and conduct.](#)

8047 [19.72.070 Hearing--Notice to property owners.](#)

8048 [19.72.075 Hearings--Notice to DNR.](#)

8049 [19.72.080 Findings prerequisite to grant of variance.](#)

8050 [19.72.085 Wetland and floodland mapping disputes.](#)

8051 [19.72.090 Board decisions guided by title provisions.](#)

8052 [19.72.100 Decisions--Time limit--Additional conditions--Expiration and extensions.](#)

8053 [19.72.110 Notice to floodland variance applicants.](#)

8054

8055 **19.72.010 Established--Purpose.**

8056 There is established a board of zoning appeals for the city for the purpose of hearing appeals
8057 and applications, and granting variances and exceptions to the provisions of this title in harmony with
8058 the purpose and intent of this title.

8059 (Ord. 994 § 11.1, 1982).

8060
8061
8062
8063
8064
8065
8066
8067
8068
8069
8070
8071
8072
8073
8074
8075
8076
8077
8078
8079
8080
8081
8082
8083
8084
8085
8086
8087
8088
8089
8090
8091
8092
8093
8094
8095
8096
8097
8098
8099
8100
8101
8102
8103
8104
8105
8106

19.72.020 Membership, appointment and officers.

Membership and appointment procedures for the zoning board of appeals shall be provided in Section 62.23(7)(e)2, Wisconsin Statutes, except that the city manager shall perform the duties designated as those of the mayor; the term of designations of chairman shall be one year, and the city clerk or designee shall serve as recording secretary. Members of the Common Council and/or the Plan Commission may not serve as members of the zoning board of appeals. (Ord. 994 § 11.2, 1982).

19.72.030 Organization--Meetings--Voting.

- A. The board of zoning appeals shall organize and adopt rules of procedures for its own government in accordance with the provisions of this title.
 - B. Meetings shall be called by the secretary on behalf of the chairman, and shall be open to the public, except as otherwise allowed under Section 19.85, Wisconsin Statutes.
 - C. Minutes of the proceedings and a record of all actions shall be kept by the secretary, showing the vote of each member upon each question, the reasons for the board's determination and its finding of facts. These records shall be immediately filed in the office of the board and shall be a public record.
 - D. The concurring vote of four members of the board shall be necessary to correct an error, grant a variance, make an interpretation, and permit a utility, temporary, unclassified or substituted use.
 - E. A quorum shall be four members of the board.
- (Ord. 994 § 11.3, 1982).

19.72.040 Powers and duties.

- The board of zoning appeals shall have the following powers:
- A. Appeals. To hear or decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator, or by the city plan and architectural review commission in its plan review or conditional use review function;
 - B. Variances. To hear and grant applications for variances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this title shall be observed and the public health, safety, welfare, and justice are secured. Use variances shall not be granted;
 - C. Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses, provided no structural alterations are to be made. Whenever the board permits such a substitution, the use may not thereafter be changed without application;
 - D. Unclassified Uses. To hear and grant applications for unclassified and unspecified uses, where a clear determination cannot be made by the zoning administrator, provided that such uses are similar in character to the principal uses permitted in the districts;
 - E. Interpretations. To hear and decide applications for interpretations of the zoning regulations and the location of the boundaries of the zoning districts after review and recommendation by the city plan commission. Pursuant to the procedure set forth in Section 19.72.085 of this chapter, the board of appeals may determine the location of disrupted floodland boundaries;
 - F. Assistance. The board of zoning appeals may request assistance from other municipal officers, departments, boards and commissions, or may seek outside professional opinion and pay for same, provided funds for such consultation services are made available by the city council;
 - G. Oaths. The chairman may administer oaths and compel the attendance of witnesses.
 - H. Floodplain Regulations. The board of zoning appeals has responsibilities related to the city's floodplain regulations as specified in Section 19.46.070(C) of this title.

8107 (Ord. 1600 § 8(part), 2006: Ord. 1060 § 23, 1985).

8108

8109 **19.72.050 Application for appeal--Contents and filing time.**

8110 A. Appeals from the decision of the zoning administrator concerning the literal enforcement of this title
8111 may be made by any person aggrieved, or by an officer, department, commission, or bureau of the city.
8112 Such appeals shall be filed with the secretary within fifteen days after the date of written notice of
8113 decision or order of the zoning administrator. Such appeals and applications shall include the following:

- 8114 1. Name and address of the appellant or applicant and all abutting and opposite property owners on
8115 record, and owners within three hundred feet of the property in question;
8116 2. Site plan as required under Chapter 19.63 of this title;
8117 3. Additional information required by the board of zoning appeals or by other chapters in this title, such
8118 as Chapter 19.46 of this title.

8119 B. The right to an appeals hearing shall be contingent upon applicant's prepayment or costs of
8120 publication and mailing of notices required by the ordinance codified in this title, as computed and billed
8121 by the secretary, prior to the time set for hearing.

8122 (Ord. 1600 § 8(part), 2006: Ord. 994 § 11.5, 1982).

8123

8124 **19.72.060 Hearing--Time and conduct.**

8125 The board of zoning appeals shall fix a reasonable time and place for the hearing, give public
8126 notice thereof at least ten days prior to the hearing by publication as a Class 2 notice, and shall give due
8127 notice to the zoning administrator and the city plan commission, and the parties specified in Section
8128 19.72.070. At the hearing, the appellant or applicant may appear in person, by agent, or attorney.
8129 (Ord. 994 § 11.6, 1982).

8130

8131 **19.72.070 Hearing--Notice to property owners.**

8132 Notice of the hearing shall be given to all owners of record of properties abutting and within
8133 three hundred feet of the property that is involved in the application, and to other persons who are
8134 determined by the zoning administrator to be parties of interest. Unintentional failure to accomplish
8135 these notifications shall not invalidate the procedures.

8136 (Ord. 994 § 11.7, 1982).

8137

8138 **19.72.075 Hearings--Notice to DNR.**

8139 The zoning board of appeals shall transmit a copy of each application for a variance to wetland
8140 regulations in the C-1 and FWW districts or to floodland regulations Chapter 19.46 and a copy of all
8141 appeals in these districts, to the Wisconsin Department of Natural Resources (DNR) for review and
8142 comment at least ten days prior to any public hearing. Final action on the application shall not be taken
8143 for thirty days or until the DNR has made its recommendation, whichever comes first. A copy of all
8144 decisions relating to shoreland wetland regulation or to floodland regulations, and a copy of all decisions
8145 relating to shoreland wetland and floodland appeals, shall be transmitted to the DNR within ten days of
8146 the date of such decision.

8147 (Ord. 1600 § 8(part), 2006: Ord. 1196 § 1(part), 1990).

8148

8149 **19.72.080 Findings prerequisite to grant of variance.**

8150 No variance to the provisions of this title shall be granted by the board unless it finds beyond a
8151 reasonable doubt that all of the following facts and conditions exist, and so indicates in the minutes of
8152 its proceedings:

- 8153 A. The particular physical surroundings, shape, or topographical conditions of the specific property
8154 involved would result in a particular hardship upon the owner as distinguished from a mere
8155 inconvenience, if the strict letter of the regulations were to be carried out;
- 8156 B. The conditions upon which the application for a variance is based would not be applicable generally
8157 to other property within the same zoning classification;
- 8158 C. The purpose of the variance is not based exclusively upon a desire for economic or other material
8159 gain by the applicant or owner;
- 8160 D. The hardship is not one that is self-created;
- 8161 E. The proposed variance will not impair an adequate supply of light and air to adjacent property or
8162 substantially increase the congestion in the public streets, or increase the danger of fire, or endanger
8163 the public safety, or substantially diminish or impair property values within the neighborhoods;
- 8164 F. The proposed variance will not have the effect of permitting a use which is not otherwise permitted
8165 in the district;
- 8166 G. No variance shall be granted in a floodland district where not in compliance with Section
8167 19.46.070(C)(4) of this title.
8168 (Ord. 1600 § 8(part), 2006: Ord. 1060 § 24, 1985).

8169

8170 **19.72.085 Wetland and floodland mapping disputes.**

8171 The following procedure shall be used in settling disputes of wetland and floodland boundaries:

- 8172 A. Wetland Disputes. Whenever the board of appeals is asked to interpret a C-1, C-2 or FWW district
8173 boundary where an apparent discrepancy exists between the city's Final Wetland Inventory Map and
8174 actual field conditions, the city shall contact the Wisconsin Department of Natural Resources (DNR) to
8175 determine if the wetland inventory map is in error. If the DNR staff concurs that the particular area was
8176 incorrectly mapped as a wetland, the board of appeals shall direct the city plan commission to initiate
8177 appropriate action to rezone the property within a reasonable amount of time.
- 8178 B. Floodland Disputes. Whenever the board of appeals is asked to interpret a floodland boundary
8179 where an apparent discrepancy exists between the federal Flood Insurance Study and actual field
8180 conditions, the procedure specified in Section 19.46.070(C)(3) of this title shall be used.
8181 (Ord. 1600 § 8(part), 2006: Ord. 1196 § 1(part), 1990).

8182

8183 **19.72.090 Board decisions guided by title provisions.**

8184 In deciding applications for appeals of administrative interpretations, for substitutions, and for
8185 approvals of unclassified uses, the board shall be guided by the intent of this title.
8186 (Ord. 994 § 11.9, 1982).

8187

8188 **19.72.100 Decisions--Time limit--Additional conditions--Expiration and extensions.**

- 8189 A. The board of zoning appeals shall decide all appeals and applications within thirty days after the final
8190 hearing, and shall transmit a signed copy of the board's decision to the appellant or applicant, zoning
8191 administrator, and city plan commission.
- 8192 B. Conditions may be placed upon any zoning permit ordered or authorized by this board.
- 8193 C. Variances, substitutions or zoning permits acted upon by the board shall expire within six months
8194 unless substantial work has commenced pursuant to such grant. Extension may be granted by decision
8195 of the board.
8196 (Ord. 994 § 11.10, 1982).

8197 Steps for Appeals to Board of Zoning Appeals

8198 **GRAPHIC LINK:** [Click here](#)

8199
8200
8201
8202
8203
8204
8205
8206
8207
8208
8209
8210
8211
8212
8213
8214
8215
8216
8217
8218
8219
8220
8221
8222
8223
8224
8225
8226
8227
8228
8229
8230
8231
8232
8233
8234
8235
8236
8237
8238
8239
8240
8241
8242
8243
8244
8245
8246
8247

19.72.110 Notice to floodland variance applicants.

Applicants receiving variances in floodland districts shall be notified, in writing, by the board of appeals that increased flood insurance premiums and threat to life and property may result from the granting of the variance. The board shall keep a copy of the notification in its files.
(Ord. 1196 § 1(part), 1990).

Chapter 19.75 ADMINISTRATION AND ENFORCEMENT

Sections:

- [19.75.010 Introduction to Chapter 19.75.](#)
- [19.75.020 Zoning administrator--Office created--Powers and duties generally.](#)
- [19.75.030 Zoning administrator--Ordinance interpretation duties.](#)
- [19.75.035 Public information.](#)
- [19.75.040 Zoning administrator--Permit issuance duties.](#)
- [19.75.050 Certificate of zoning compliance requirements.](#)
- [19.75.060 Zoning administrator--Inspection of properties for compliance--City attorney duties.](#)
- [19.75.070 City manager's administrative responsibilities.](#)
- [19.75.080 Unlawful activities designated--Penalties--Additional remedies.](#)

19.75.010 Introduction to Chapter 19.75.

Chapter 19.75 deals with the administrative responsibilities of the zoning administrator, recordkeeping responsibilities of the city manager, and with compliance inspection and enforcement under this title. It should be recognized that the city plan commission and the board of zoning appeals have administrative responsibilities as well, and these are prescribed elsewhere in this title.
(Ord. 994 § 12.1, 1982).

19.75.020 Zoning administrator--Office created--Powers and duties generally.

- A. The office of zoning administrator is hereby created. The zoning administrator is the administrative and enforcement officer for the provisions of this Title 19.
- B. The duties of the zoning administrator shall be to:
 1. Issue interpretations of the zoning ordinance codified in this title, and make and maintain records thereof;
 2. Issue all zoning permits and make and maintain records thereof;
 3. Issue all certificates of zoning compliance, and make and maintain records thereof;
 4. Conduct inspections to determine compliance with the terms of this title;
 5. Record the lowest floor elevations of all structures erected, moved, altered or improved in the floodland districts;
 6. Maintain permanent and current records of activities under this title, including, but not limited to all maps, amendments, conditional use records, variance records, appeal records, and applications ~~therefor~~therefore;
 7. Provide a public information program relative to all matters arising out of this title;
 8. Receive, file and forward to the city clerk all applications for amendments to this title;
 9. Receive, file and forward to the plan commission all applications for amendments to this title and applications for plan and architectural review;
 10. Receive, file and forward to the board of zoning appeals all applications for appeals, variances or other matters on which the board of zoning appeals is required to act under this title. See also Section 19.72.050 allowing appeals to be filed with the board secretary;
 11. Initiate enforcement activities, and participate in such enforcement activities in relation to existing or potential violations of this title;

- 8248 12. Initiate studies of the provisions of this title, and make recommendations to the plan commission at
8249 appropriate intervals or upon request;
8250 13. Attend meetings of the plan commission and the board of zoning appeals;
8251 14. Perform such activities as are reasonably required to conduct the responsibilities enumerated
8252 herein, and respond to requests or directives from supervising officials of the city.
8253 (Ord. 1060 § 26, 1985).

8254

8255 **19.75.030 Zoning administrator--Ordinance interpretation duties.**

8256 A. A primary duty of the zoning administrator is interpretation of the ordinance codified in this title.
8257 The zoning administrator shall respond expeditiously to requests for clarification and interpretation. The
8258 administrator is encouraged to seek counsel of the city attorney in making such interpretations.

8259 B. Informal and unwritten interpretations by the zoning administrator are not binding upon the city
8260 government, nor are those written interpretations that are expressly stated not to be binding. The
8261 zoning administrator shall have sole authority to decide when an interpretation shall be put in writing,
8262 except that the administrator shall make response to duly filed permit applications.

8263 C. Written interpretations by the zoning administrator are binding upon the city unless they are
8264 expressly made nonbinding. The written interpretation placed on this title by the zoning administrator
8265 shall be the official city interpretation unless that interpretation is retracted or revised in writing by the
8266 zoning administrator, or until it is reversed or modified by order of the board of zoning appeals or by a
8267 court.

8268 D. Written interpretations by the zoning administrator may be appealed to the board of zoning appeals
8269 as provided in Section 62.23(7)(e), 7, Wisconsin Statutes, and in Chapter 19.72.
8270 (Ord. 994 § 12.3, 1982).

8271

8272 **19.75.035 Public information.**

8273 To the fullest extent possible, the zoning administrator shall make available to the public all
8274 reports and documents concerning the city comprehensive plan and any component thereof. In
8275 addition, available information in the form of reports, bulletins, maps, and engineering data shall be
8276 readily available and widely distributed. The plan commission may set fees necessary to recover the
8277 costs of providing information to the public. Where useful, the zoning administrator, or his agent, may
8278 set marks on bridges or buildings or other markers which show the depth of the 100-year recurrence
8279 interval flood; or may set markers delineating the boundaries of wetlands.
8280 (Ord. 1196 § 1(part), 1990).

8281

8282 **19.75.040 Zoning administrator--Permit issuance duties.**

8283 A. Most types of land use change that are regulated by this title require a permit to be issued before
8284 the change may be legally undertaken. (See Chapter 19.63, Plan Review.) The zoning administrator's
8285 decision whether to issue a zoning permit is an interpretation decision in which the terms of this title are
8286 applied to a projected land use as described in the permit application and accompanying documents.
8287 When a permit is issued, the city is communicating its official statement that the land use described in
8288 the permit application is deemed to be legal under this title as Title 19 stands at that time. A permit that
8289 is issued does not, by itself, vest a right to complete the land use change. Changes in law or ordinance
8290 may have the effect of cancelling city approval if these occur before the project is far enough toward
8291 consummation to have a vested right to proceed to completion. A permit that is issued applies only to
8292 the development project as it is specifically described in the application. Permits may be time-limited in
8293 their duration to allow a re-review of prevailing conditions.

- 8294 B. 1. Every application for a zoning permit shall contain the information required in Section 19.63.020,
8295 on plan review application requirements. The administrator may also require evidence of compliance
8296 with other applicable laws or ordinances as a condition precedent to the issuance of a zoning permit.
8297 2. Any permit obtained through material misrepresentation shall be null and void.
- 8298 C. 1. Coincident with the issuing of a permit, the zoning administrator shall prepare a card, certifying
8299 that a permit has been issued. This card shall bear the same number as the permit and shall identify the
8300 construction and premises covered by the permit. This card shall be posted in a conspicuous place on
8301 the premises during construction and no construction shall be commenced until this card has been
8302 posted.
- 8303 2. If the zoning administrator deems it appropriate, conditions may be placed on the permit. The
8304 permit card shall spell out the Title 19 requirements as applied by the zoning administrator to the
8305 development proposal. A full set of conditions shall be retained by the zoning administrator and a
8306 summary of pertinent parts shall be communicated in writing to the owner, agents and contractors.
- 8307 D. When a fully completed permit application is submitted and is then denied by the zoning
8308 administrator, the denial and the reasons for the denial shall be recorded in the records of the zoning
8309 office, and this decision shall be appealable under subsection D of Section 19.75.030. Permit denials that
8310 are done without presentation of a fully completed application and the issuance of a denial on that
8311 application are not appealable.
- 8312 E. Issuance of a permit is equivalent to a written interpretation decision and is appealable as provided
8313 in subsection D of Section 19.75.030.
- 8314 F. Where a development requires a uniform state building permit, the zoning permit may take the form
8315 of inscription of zoning approval on the building permit and description of pertinent conditions in the
8316 file and on the permit placard.
8317 (Ord. 994 § 12.4, 1982).

8318

8319 **19.75.050 Certificate of zoning compliance requirements.**

8320 No building or addition thereto constructed after June 24, 1982, the effective date of this Title
8321 19, and no addition to a previously existing building shall be occupied, and no land (except that used for
8322 garden purposes, or for public recreation purposes and without buildings or structures), which is vacant
8323 on June 24, 1982, shall be used for any purpose until a certificate of zoning compliance has been issued
8324 by the zoning administrator. No use shall be changed until the certificate of zoning compliance has been
8325 issued by the zoning administrator. The application for and processing of a request for such a certificate
8326 shall be the same as for a zoning permit. A certificate of zoning compliance shall state that the uses of
8327 the property are legal under the zoning ordinance, either by expressed terms of the ordinance, or as a
8328 matter of nonconforming usage. Conditions or qualifications may be appended.
8329 (Ord. 994 § 12.5, 1982).

8330

8331 **19.75.060 Zoning administrator or Neighborhood Services manager--Inspection of properties**
8332 **for zoning compliance--City attorney duties.**

- 8333 A. It shall be the duty of the zoning administrator to inspect or cause to be inspected all properties for
8334 which a zoning permit has been issued to determine whether the development of land use change that
8335 was the subject of the permit has occurred in full compliance with this title. The acceptance by an
8336 applicant of a zoning permit grants consent to the zoning administrator to make such inspections as are
8337 reasonably necessary to determine compliance.
- 8338 B. It shall also be the duty of the zoning administrator to inspect or cause to be inspected all properties
8339 within the jurisdiction of this title for compliance with the terms of this title. Inspections may be at
8340 random, under a routine pattern, as a follow-up to permit issuance, or upon complaint or inquiry. Based

8341 on the possible violation, the zoning administrator may direct the neighborhood services manager to
8342 inspect the property.

8343 C. Where facts obtained from inspection or by other means lead the zoning administrator to conclude
8344 that a violation of this title probably exists, the zoning administrator or neighborhood services manager
8345 shall create an evidentiary file documenting the basis for this conclusion. After completion and review of
8346 this file, the zoning administrator or neighborhood services manager may take the following initial
8347 enforcement actions on his own motion:

8348 1. Communicate in person, by letter, or telephone, with the owner, the architect, contractors, or other
8349 relevant parties, expressing the conclusion that a violation probably exists, requesting information,
8350 requesting that the parties review the compliance question, and that they communicate with the zoning
8351 administrator on this matter within a specified time appropriate to the circumstances.

8352 2. Where the zoning administrator deems it appropriate to prevent further construction or alteration, a
8353 stop-work order may be issued by the administrator. This order shall be prominently posted on the
8354 property and mailed to relevant parties, and it shall demand that work violating this title be halted
8355 immediately and shall advise its readers and recipients to contact the zoning administrator's office.

8356 3. Where the zoning administrator deems it appropriate, he may issue a citation for a zoning ordinance
8357 violation, under the city's citation ordinance.

8358 4. All written communications, including stop-work orders, shall have an expressed time limit for
8359 contact with the zoning office, and shall advise that the matter will be turned over to the city attorney
8360 for legal action on that date unless the matter has been resolved.

8361 D. Where enforcement actions described in subsection C above have not satisfied the zoning
8362 administrator that the property and its usage have been made to comply, the evidentiary file and all
8363 correspondence shall be turned over to the city attorney. The city attorney shall review the file. The
8364 attorney may require an evidentiary hearing before making a prosecutorial decision. If the file is deemed
8365 by the city attorney not to show a probable violation, the city attorney shall so indicate in an
8366 explanatory letter, and pertinent parties shall be so notified. If the city attorney does not so conclude,
8367 the attorney shall immediately issue a letter to the violating parties and other pertinent individuals
8368 establishing a specific timetable for compliance to be accomplished and specifying that legal action will
8369 be taken if compliance is not accomplished within the time period specified. If the deadline is not met,
8370 the attorney shall institute prosecution by lawsuit requesting injunctive relief or forfeiture or both. The
8371 attorney may also prosecute a nuisance action and/or may refer the matter to the district attorney for
8372 possible violation of state law or code, as the facts may indicate.

8373 E. Formal decisions by the zoning administrator or by the city attorney on probable violations are
8374 administrative determinations made in the course of enforcing this title, and are capable of appeal to
8375 the board of zoning appeals pursuant to Section 66.23(7), Wisconsin Statutes.

8376 F. The city police department shall have enforcement authority concerning all of the provisions of Title
8377 19. This shall include, but not be limited to, issuance of citations for zoning ordinance violations under
8378 the city's citation ordinance.

8379 (Ord. 1382 § 1, 1997; Ord. 994 § 12.6, 1982).

8380

8381 **19.75.061 Zoning administrator or Neighborhood Services manager--Inspection of properties**
8382 **for occupancy compliance--City attorney duties.**

8383 A. It shall be the duty of the zoning administrator or neighborhood services manager to inspect
8384 properties for A. It shall be the duty of the zoning administrator or neighborhood services manager to
8385 inspect properties for which a complaint has been filed to determine whether the permitted occupancy
8386 is in full compliance with this title for districts R-O, R-1, R-2, R-2A, R-3, R-3A, and R-3B of this title. The
8387 acceptance by an applicant of a zoning permit grants consent to the zoning administrator or

8388 neighborhood services manager to make such inspections as are reasonably necessary to determine
8389 compliance.
8390 B. Investigation will include address verification, ~~and~~ lease verification, and the need for the owner to
8391 comply with the City's rental permit program.
8392 C. Inspections may include a site visit to request a lease from the tenants. Inspections will be due to a
8393 complaint or inquiry. Based on the possible violation, the zoning administrator may direct the
8394 neighborhood services manager to inspect the property.
8395 D. Where facts obtained from inspection, or by other means, lead the zoning administrator or
8396 neighborhood services manager to conclude that a violation of occupancy probably exists, the zoning
8397 administrator or neighborhood services manager shall create an evidentiary file documenting the basis
8398 for this conclusion. After completion and review of this file, the zoning administrator or neighborhood
8399 services manager may take the following initial enforcement actions on his own motion:
8400 1. Communicate in person, by letter, or telephone, with the property owner requesting information,
8401 requesting that the parties review the compliance question, and that they communicate with the zoning
8402 administrator on this matter within a specified time appropriate to the circumstances.
8403 2. Where the zoning administrator deems it appropriate, he may issue a citation for a zoning ordinance
8404 violation, under the city's citation ordinance.
8405 E. Formal decisions by the zoning administrator or by the city attorney on probable violations are
8406 administrative determinations made in the course of enforcing this title, and are capable of appeal to
8407 the board of zoning appeals pursuant to Section 66.23(7), Wisconsin Statutes.
8408 (Ord. 1382 § 1, 1997; Ord. 994 § 12.6, 1982).

8410
8411 **19.75.070 City manager's administrative responsibilities.**

8412 A. It shall be the duty of the city manager, or of other city officials and staff as determined by the city
8413 manager, to provide the plan commission and the board of zoning appeals with staff services to assure
8414 that all meetings are fully noticed and conducted in accordance with procedural requirements of the
8415 Wisconsin planning and zoning statute (Section 62.23(7), Wisconsin Statutes), the open meeting law and
8416 the public record law. Similarly, the city manager or delegated public official shall maintain all minutes,
8417 proceedings and records of the plan commission and board of zoning appeals in full compliance with the
8418 public record requirements of state planning and zoning law and the open meeting and public record
8419 laws of the State of Wisconsin.
8420 B. The city manager is the appointing officer for the zoning administrator. The city manager shall not,
8421 however, dictate the outcome of interpretation or permit decisions or enforcement decisions by the
8422 administrator. The city manager, if affected by any decision of the zoning administrator, shall have the
8423 right to appeal the administrator's decision to the board of zoning appeals, pursuant to Section
8424 62.23(7)(e)4, Wisconsin Statutes.
8425 C. It shall be the duty of the city manager and zoning administrator to establish and maintain a system
8426 of records on land usage, coordinating records of permits, decisions of the plan commission and board
8427 of zoning appeals, city council, land subdivision records, city-required covenants, development
8428 conditions and contracts, etc., so as to provide city officials and citizens with reasonably full access to all
8429 the regulatory matters pertaining to particular parcels.
8430 (Ord. 994 § 12.7, 1982).

8431
8432 **19.75.080 Unlawful activities designated--Penalties--Additional remedies.**

8433 A. The following activities shall constitute violations of this title, and shall subject those responsible to
8434 penalties as listed below.

8435 It is a violation of Title 19 to:
8436 1. Establish or cause to be established any usage of land or premises or any structure which does not
8437 fully comply with the terms of this title, or to aid or abet in such activity: Fifty to two hundred fifty
8438 dollars;
8439 2. Failure to request and obtain a zoning permit for a land use or a land use change that requires such a
8440 permit under this title: Fifty to two hundred fifty dollars; (Double permit fees if a permit is subsequently
8441 requested.) In cases where a permit is subsequently requested, the standard permit fee shall be
8442 doubled;
8443 3. Fail to comply with a stop-work order duly issued by the zoning administrator: Two hundred fifty
8444 dollars.
8445 B. Each day of a known violation shall constitute a separate offense.
8446 C. In addition to the remedies specified above, adjacent or neighboring property owners may institute
8447 appropriate actions or proceedings to prevent, enjoin, abate, remove or correct structural or land use
8448 activities that are or will be in violation of this title, or to prevent or abate activities or conditions that
8449 constitute nuisances.
8450 D. In addition to any other penalties or remedies available, the city or any landowner within three
8451 hundred feet of the property, may maintain an action for injunctive relief to restrain any violation of the
8452 density and use limitations set forth in Section 19.09.520 and/or to enforce compliance with Section
8453 19.09.520, upon a showing that a person has engaged in, or is about to engage in, an act or practice
8454 constituting a violation of that section.
8455 (Ord. 994 § 12.8, 1982).
8456 (Ord. No. 1695A, 8-5-2008)
8457
8458
8459

8460

ZONING MAP OVERLAY PERMISSION AREA MAP

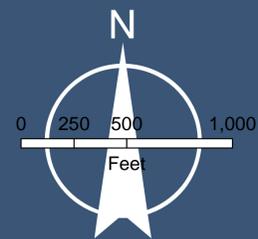
CITY OF WHITEWATER
WISCONSIN

OVERLAY PERMISSION AREAS

-  Proposed B-1 Overlay
-  Proposed B-2 Overlay
-  Proposed R-2 Overlay
-  Proposed R-3 Overlay

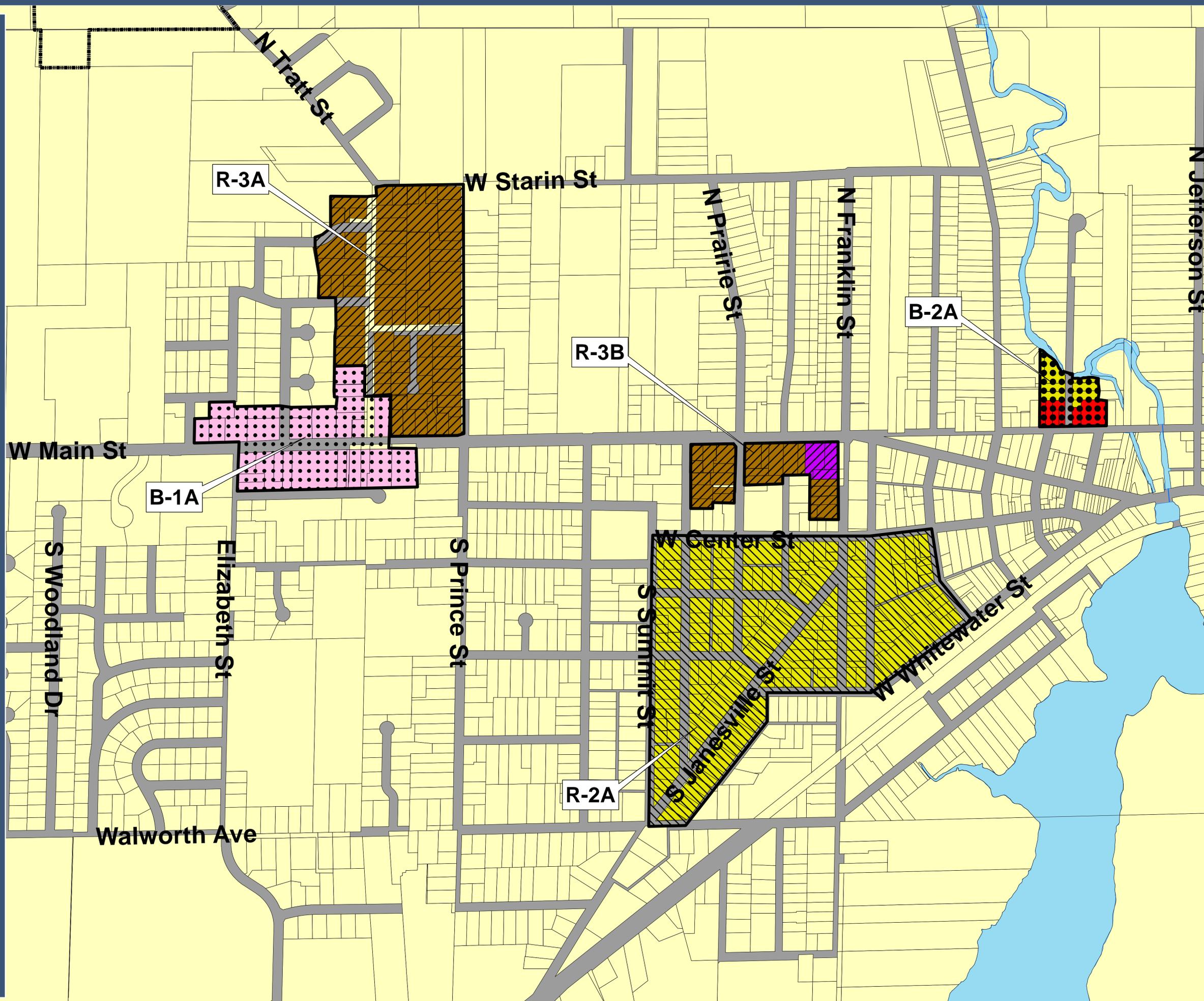
ZONING UNDERLYING OVERLAY PERMISSION AREAS

-  B-1
-  B-2
-  PCD
-  R-2
-  R-3



1 in = 400 ft

GRAEF



User: 1686 Date Saved: 9/10/2012 4:23:11 P.M. Path: L:\Jobs\2011\201108\GIS\Map\Current_Zoning\GRAEF_Overlay_09072012.mxd