CITY OF WHITEWATER
COMMON COUNCIL AGENDA
Common Council Meeting

Tuesday, March 1, 2016 - 6:30 p.m.

City of Whitewater Municipal Building Community Room
312 W. Whitewater St., Whitewater, WI 53190

AMENDED AGENDA AS OF 12:30 P.M. 2/25/16

THE FOLLOWING IS ADDED TO THE AGENDA:

CLOSED SESSION: Adjournment to Closed Session, **to reconvene approximately 10 minutes after adjournment to closed session** per Wisconsin Statutes 19.85(1)(e): "Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session",
Items to be Discussed: The proposed agreements with Don and Joann Wargowsky, Araceli Partida and Thayer A. Coburn and Anne E. Flemming-Coburn for acquisition of property interests for the Ann Street Basin project.
Reconvene into Open Session: Consideration of proposed agreements with Don and Joann Wargowsky, Araceli Partida and Thayer A. Coburn and Anne E. Flemming-Coburn for acquisition of property interests for the Ann Street Basin project.

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE.

CONSENT AGENDA:

CA-A	Approval of Council Minutes of 1/27/16, 2/2/16 and 2/18/16.	P. 1
CA-B	Approval of Payment of City Invoices processed through 2/24/16.	P. 493
CA-C	Acknowledgement of Receipt and Filing of the Following: *Fire – EMS Task Force Minutes of 1/20/16. *Irvin L. Young Library Board Minutes of 1/18/16.	P. 498
CA-D	Expedited Approval of the Following Items, per City Staff Recommendation: C-4, C-7, C-9	n/a

STAFF REPORTS:

Cable Coordinator	Report on Digital Storytelling Workshop.	n/a
City Manager	Update on Joint Review Board. (TIF action)	n/a

Finance Director	Update on George and Center Street projects borrowing from State Trust Fund.	n/a

HEARING OF CITIZEN COMMENTS. No formal Common Council Action will be taken during this meeting although issues raised may become a part of a future agenda. Participants are allotted a three minute speaking period. Specific items listed on the agenda may not be discussed at this time; however citizens are invited to speak to those specific issues at the time the Council discusses that particular item.

RESOLUTIONS:

R-1	2015 Budget Transfer Resolution.	P. 506

ORDINANCES – First Reading

O-1	Amendment to Floodplain Zoning Ordinance – Old Stone Mill Dam. (Neighborhood Services Director Request).	P. 510
O-2	Amendment to Chapter 19 as it relates to impervious surface regulations. (Neighborhood Services Director Request.	P. 512

ORDINANCES- Second Reading – None.

CONSIDERATIONS:

C-1	Developer presentation on proposed development project that would include a new Library. (City Manager Request).	P. 517
C-2	Action on request to hold April 19, 2016 council meeting on UWW campus (UW Ballroom). (Councilmember Goettl Request).	n/a
C-3	Discussion and possible direction on inclusion of waste receiving station in Clean Water Fund Loan.	P. 518
*C-4	Rescue Squad request for authorization to purchase cot loading mechanism at a cost of $25,000, to be funded via Hospital Fund. (Rescue Squad Request)	P. 536
C-5	Action on sewer backup claim filed by Lorenda Cedars and Robyn Schmaling, relating to property they own at 351 Summit Street. (Finance Director Request).	P. 538
C-6	• One-Year Extension of Strand Associates Technical Services Agreement • Approval of Construction-Related Services Contract with Strand Associates for Center/Summit/Boone Street Reconstruction • Approval of Construction-Related Services Contract with Strand Associates for George Street Reconstruction	P. 554
*C-7	Approval to dispose of Wastewater Utility Auction Items. (WWTP Supt. Request).	P. 572
C-8	Presentation and approval of quotes for sanitary sewer maintenance activities in 2016. (WWTP Supt. Request).	P. 574
*C-9	Authorization to purchase used pickup trucks and a van, funded through the equipment replacement fund. (Building Maintenance Use). (Streets Supt. Request).	P. 582
C-10	Councilmember Requests for Future Agenda Items.	n/a
C-11	**CLOSED SESSION:** Adjournment to Closed Session, **to reconvene approximately 10 minutes after adjournment to closed session** per Wisconsin Statutes 19.85(1)(e): "Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session",	

C-12	**Items to be Discussed:** The proposed agreements with Don and Joann Wargowsky, Araceli Partida and Thayer A. Coburn and Anne E. Flemming-Coburn for acquisition of property interests for the Ann Street Basin project.	
C-13	**Reconvene into Open Session:** Consideration of proposed agreements with Don and Joann Wargowsky, Araceli Partida and Thayer A. Coburn and Anne E. Flemming-Coburn for acquisition of property interests for the Ann Street Basin project.	
C-14	**EXECUTIVE SESSION**. Adjourn to Closed Session, NOT TO RECONVENE, pursuant to Chapter 19.81(1)(c) "Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility." Item to be Discussed: City Manager's Annual Performance Review.	n/a

Anyone requiring special arrangements is asked to call the Office of the City Manager / City Clerk at least 72 hours prior to the meeting.

***Items denoted with asterisks will be approved on the Consent Agenda unless any council member requests that it be removed for individual discussion.**

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

January 27, 2016

The special meeting of the Common Council was called to order at the Whitewater Innovation Center at 6:30 p.m. by Council President Singer. MEMBERS PRESENT: Wellnitz, Binnie, Goettl, Singer, Kidd, Grady (arrived at 6:35 p.m.). MEMBERS ABSENT: Langnes.

WASTEWATER TREATMENT PLANT PROJECT APPROVAL AND AUTHORIZATION TO EXECUTE CONTRACT WITH MIRON CONSTRUCTION. It was moved by Wellnitz and seconded by Binnie to approve the wastewater treatment plant construction project, and to authorize a contract with Miron Construction of Neenah, Wisconsin in the sum of $20.4 million for said improvements. AYES: Wellnitz, Grady, Binnie, Singer, Kidd. NOES: Goettl. ABSENT: Langnes.

ADJOURNMENT. It was moved by Goettl and seconded by Wellnitz to adjourn the meeting. Motion carried by unanimous voice vote. The meeting adjourned at 6:35 p.m.

Respectfully submitted,

Michele R. Smith,
City Clerk

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

February 2, 2016

The regular meeting of the Common Council was called to order at 6:30 p.m. by Council President Singer. MEMBERS PRESENT: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Kidd. MEMBERS ABSENT: None. LEGAL COUNSEL PRESENT: McDonell.

It was moved by Binnie and seconded by Goettl to acknowledge receipt and filing of the Zoning Code Rewrite Committee Minutes of December 8, 2015; Fire – EMS Task Force Minutes of December 11, 2015 and the Irvin L. Young Memorial Library Board Minutes of December 21, 2015. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: None.

PAYMENT OF INVOICES: It was moved by Binnie and seconded by Goettl to approve payment of city invoices in the total sum of $116,502.83. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: None.

STAFF REPORTS: School District representatives presented the State of the School Address, and Streets Superintendent Nass reported on the busing service that will go from Milwaukee to Janesville, stopping in Whitewater.

RESOLUTION RECOGNIZING INTERNATIONAL MIGRATORY BIRD DAY.

Resolution Designating

International Migratory Bird Day

Whereas, migratory birds are some of the most beautiful and easily observed wildlife that share our communities, and

Whereas, many citizens recognize and welcome migratory songbirds as symbolic harbingers of spring, and

Whereas, these migrant species also play an important economic role in our community, controlling insect pests and generating millions in recreational dollars statewide, and

Whereas, migratory birds and their habitats are declining throughout the Americas, facing a growing number of threats on their migration routes and in both their summer and winter homes, and

Whereas, public awareness and concern are crucial components of migratory bird conservation, and

Whereas, citizens enthusiastic about birds, informed about the threats they face, and empowered to help address those threats can directly contribute to maintaining health bird populations, and

Whereas, since 1993 International Migratory Bird Day (IMBD) has become a primary vehicle for focusing public attention on the nearly 350 species that travel between nesting habitats in our communities and throughout North America and their wintering grounds in South and Central America, Mexico, the Caribbean, and the southern U.S., and

Whereas, hundreds of thousands of people will observe IMBD, gathering in town squares, community centers, schools, parks, nature centers, and wildlife refuges to learn about birds, take action to conserve them, and simply to have fun, and

Whereas, while IMBD officially is held each year on the second Saturday in May, its observance is not limited to a single day, and planners are encouraged to schedule activities on the dates best suited to the presence of both migrants and celebrants, and

Whereas, IMBD is not only a day to foster appreciation for wild birds and to celebrate and support migratory bird conservation, but also a call to action.

Common Council

Now Therefore, the Common Council of the City of Whitewater Wisconsin, do hereby proclaim February 2, 2016 as

International Migratory Bird Day

in the City of Whitewater , and all citizens are urged to celebrate this observance and to support efforts to protect and conserve migratory birds and their habitats in our community and the world at large.

Resolution introduced by Councilmember Grady. Seconded by Councilmember Binnie. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: None. ADOPTED: February 2, 2016.

Cameron L. Clapper, City Manager Michele R. Smith, City Clerk

AMENDING STRUCTURE OF MEMBERSHIP ON PARKS AND RECREATION BOARD. As a result of the agreement to operate the Whitewater Aquatic Center, structure of the membership of the Parks and Recreation Board must be amended. A discussion regarding membership requirements to serve on the Board was discussed at length. Concerns raised were in-city residency requirements, the possibility of appointing a member with business experience, and number of school district representatives vs. resident representatives. Councilmember Singer recommended that the Committee consist of nine members. Councilmember Binnie noted that there were numerous corrections needed in the Parks and Recreation ordinance in general, and he requested that those corrections be incorporated. It was moved by Binnie and seconded by Goettl that the Parks and Recreation membership ordinance be brought back to Council. The Ordinance is to indicate that out of the five citizen members, at least three shall be residents of the City. The total number of members on the Board shall be nine. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: None.

AMENDING STRUCTURE OF CABLE TV COMMITTEE, BIRGE FOUNTAIN COMMITTEE, AND LANDMARKS COMMISSION. Councilmember Singer had asked that this item be brought forth to determine whether there was interest in removing council representation from these Committees. Discussion regarding the pros and cons of removing members was discussed. No formal action as taken, and matters relating to council representation on the Committees may be brought back at a later date.

AMENDMENTS TO ZONING ORDINANCE (TITLE 19). The Council-appointed zoning rewrite committee has been meeting to review the ordinance and to recommend changes.

AN ORDINANCE AMENDING CHAPTER 19 OF THE MUNICIPAL CODE.

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

Chapter 19 of the Municipal Code is hereby deleted in its entirety, and replaced with the following:

Chapter 19.03 TITLE, AUTHORITY AND PURPOSE 21

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19.03.020 Authority. 21

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I. 19.03.010 Title.

This title shall be known as, referred to, or cited as the "zoning ordinance, City of Whitewater, Wisconsin."
(Ord. 994 § 1.1, 1982).

II. 19.03.020 Authority.

The regulations are adopted under the authority granted by Article XI, Section 3, Wisconsin Constitution and Sections 62.23, 62.231, 66.0101, 87.30 59.692 and 281.31 of the Wisconsin Statutes and amendments thereto.
(Ord. 1196 § 1(part), 1990: Ord. 1060 § 5, 1985).

III. 19.03.030 Purpose.

The purpose of this title is to promote the health, safety, and general welfare of this community.
(Ord. 994 § 1.3, 1982).

IV. 19.03.040 Intent.

It is the general intent of this title to regulate and restrict the use of all structures, lands and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to lessen congestion and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; prevent flood damage to persons and property, and minimize expenditures for flood relief and flood control projects; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the community's Comprehensive plan or plan components. It is further intended to provide for the administration and enforcement of this title and to provide penalties for its violation.
(Ord. 60 § 6, 1985).

V. 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).

VI.

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).

VII.

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).

VIII.

19.03.080 Effective date.

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

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IX. 19.06.010 Jurisdiction.

The jurisdiction of this title shall include all lands and water within the corporate limits of the city.

(Ord. 994 § 2.1, 1982).

X. 19.06.020 Plan and architectural review commission--Created.

There is created a city plan and architectural review commission which shall consist of the chairman of the park and recreation board or designee, a councilmember, and five citizens of the city. In addition thereto, there shall be three citizen alternate members, any of which may be called upon to serve in the absence of any one of the citizen members of the commission. There shall also be one alternate city councilmember. The city councilmember may only serve in absence of the appointed city councilmember and shall not act as a replacement for a citizen member of the commission. All the citizen members shall be residents of Whitewater.

Citizen members shall be persons of recognized experience and qualification. The city manager and the zoning administrator shall be nonvoting ex officio members of the commission. The councilmember shall be elected by a two-thirds vote of the council.
(Ord. 1651A § 1, 2007: Ord. 1215 § 1, 1991: Ord. 994 § 2.2(part), 1982).

XI.

19.06.030 Plan and architectural review commission--Qualifications and functions.

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

XII.

19.06.040 Plan and architectural review commission--Architectural function.

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

a) limited to any guidelines established by the City for reviewing aesthetic decisions and
b) intended to ensure compatibility between new buildings and their surrounding built environment.

(Ord. 994 § 2.2(part), 1982).

XIII.

19.06.050 Plan and architectural review commission--Organization.

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

A. Officers shall be elected from the membership for terms of one (1) year.
B. Meetings shall be held at the call of the chairman or when requested by the zoning administrator and shall be open to the public.
C. Minutes shall be kept showing all actions taken and shall be a public record.
D. Quorums shall be five (5) members, and all actions shall require the concurring vote of at least four (4) members.
E. Alternate members shall be voting members of the commission in cases when any of the original seven members are absent or abstaining from a vote.

(Ord. 994 § 2.2(part), 1982).

XIV.

19.06.060 Compliance required.

All structures and uses of structures, land or water, and any development as defined in this title, shall comply with this title and all other applicable local, county, state and federal regulations.
(Ord. 1060 § 9, 1985).

XV.

19.06.065 Municipalities and state agencies regulated.

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this title and obtain all required permits. State agencies are required to comply if Section 13.48(13) of the Wisconsin Statutes applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt from compliance when Section 30.12(4)(a) of the Wisconsin Statutes applies.
(Ord. 1196 § 1(part), 1990).

XVI.

19.06.070 Use restrictions.

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

(Ord. 994 § 2.4(part), 1982).

XVII.

19.06.080 Accessory uses and structures.

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

(Ord. 1082 § 1, 1986).

XVIII.

XIX. 19.06.090 Unclassified or unspecified areas.

A. Uses that are not specifically listed as a permitted use within a district but that are similar in character or impact to other permitted uses may be authorized by interpretation of the zoning administrator.
B. If a determination cannot be made by the zoning administrator, an unclassified or unspecified use may be permitted by the board of zoning appeals, provided that the use is found to be consistent with the intent of this title.

(Ord. 994 § 2.4(B), 1982).

XX.

19.06.100 Temporary uses.

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

(Ord. 994 § 2.4(C), 1982).

XXI.

19.06.110 Height modifications.

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

A. Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, shall not exceed in height their distance from the lot line nearest the projection and shall not exceed one hundred feet in height.
B. Essential services, utilities, observation towers, water towers and electric power and conventional (wired) telephonic communication transmission towers are exempt from the height limitations of this title. Wireless telecommunications facilities, as defined in Chapter 19.09, shall meet the height limitations established in Chapter 19.55.
C. Residential satellite dishes less than thirty-six (36) inches in diameter, residential television antennas, and amateur radio facilities may exceed applicable district building height requirements by no greater than ten feet.
D. Public or semipublic facilities, such as schools, churches, libraries, governmental offices and stations, may be erected to a height of sixty (60) feet, exclusive of architectural projections, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirements.

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

XXII.

19.06.120 Yard modifications.

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

A. Uncovered stairs, landings and fire escapes may project into any yard but not to exceed six feet and not closer than ten(10) feet to any lot line (unless allowed under Chapter 19.30).

B. Architectural projections, such as chimneys, flues, gutters, sills, eaves, belt courses and ornaments, may project into any required yard, but such projection shall not exceed three (3) feet.

C. Residential fences and walls are permitted either within or on the property line. Fences and walls shall not exceed a height of six (6) feet in the side yard or rear yard area and shall not exceed a height of four (4) feet in the required street yard. All driveway openings abutting a public right-of-way shall have a fifteen-foot (15) free vision triangle set back from both sides of the driveway. (Similar to Section 19.51.010). The finished face of the fence shall face outward to the street (for the front yard) and toward the outer perimeter for side and rear yard fences.

D. Security Fences. Within the B-3 and M-1 districts, security fences are permitted within the side and rear yard areas. Such fences shall be designed to enclose the entire area for security and shall not exceed ten feet in height. Barbed wire is permitted only on security fences at least six (6) feet above established grade levels.

E. Swimming Pools and Swimming Pool Fencing. For the purpose of this chapter, "pool" shall include swimming pools, hot tubs, whirlpools or other similar devices, but shall not include:
   a. storable swimming or wading pools having a diameter of 18 feet or less and a wall height of 24 inches or less and which are constructed in such a way as to be readily disassembled for storage and reassembled to original integrity; or
   b. storable swimming or wading pools with nonmetallic inflatable walls regardless of dimension.

   All temporary swimming pools shall be removed and stored by November 1. Swimming pools shall not be allowed in front yards. Swimming pools on side or in backyards shall be a minimum of 15 feet from the property line. All swimming pools shall be covered and ladders removed when not in use.

F. Pools within the scope of this section which are not enclosed within a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool. Such fence or wall shall not be less than six (6) feet in height and shall be so constructed as not to have voids, holes or openings larger than six (6) inches in one dimension. Gates or doors shall be kept locked (which includes the use of self-locking devices) while the pool is not in actual use.

   The pool enclosure may be omitted:
   a. for portable pools installed above ground that have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of 36 inches high on the top, or if the side walls are unobstructed and a minimum of 36 inches high; such pool must have secure access by use of self-closing/self-latching gates.
   b. for aboveground pools in which the wall height is at least 48 inches and if the only access to the pool is provided by a ladder or steps, provided that the ladder or steps shall be capable of being secured, locked or removed to prevent access.

G. Detached accessory structures in residential districts are permitted in side and rear yards unless otherwise noted in the zoning district. The detached accessory structures shall not be closer than ten (10) feet to the principal structure, shall not exceed fifteen (15) feet in height, shall not be larger than ten percent (10%) of the side and rear yard lot area (open space) and shall not exceed eight hundred (800) square feet in size. Detached accessory structures shall not be closer than five (5) feet to any lot line nor ten (10) feet to any alley line. Any proposed detached accessory structure which is larger than the requirements of this section may be allowed but shall require a conditional use permit. To determine the size on corner lots, the side street yard shall be counted as part of the side and rear area. In non-residential districts the size and location of detached accessory structures shall be treated as conditional uses when the square footage exceeds 800 square feet.

H. Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this title.
I. Landscaping and vegetation are exempt from the yard requirements of this title except that landscaping and vegetation shall not extend over any public right-of-way within ten (10) feet of the ground level.
J. All decks are to maintain a setback from a property line of no less than the front yard and side yard required setback of the zoning district in which they are located and must be a minimum of fifteen (15) feet from any rear lot line.

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

XXIII. 19.06.130 Reduction or joint use.

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

(Ord. 994 § 2.6, 1982).

XXIV.

19.06.140 Lots to abut street and frontage.

All lots shall abut upon a public street, and each lot shall have a minimum frontage at the street line of thirty (30) feet. This requirement may be waived under Planned Development (PD) provisions of this title.

(Ord. 994 § 2.7, 1982).

XXV.

19.06.150 Structures to be located on a lot.

Only one (1) principal structure shall be located, erected or moved onto a lot (except for the M-1 and M-2 districts). This requirement may be waived as a conditional use under the highway commercial and light industrial district (B-3)or Planned Development (PD) provisions of this title.

(Ord. 1452 § 2, 2000: Ord. 1316 § 1, 1995: Ord. 1082 § 4, 1986).

XXVI.

19.06.160 Lots on undedicated portion of street.

No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width.

(Ord. 994 § 2.9, 1982).

XXVII.

19.06.170 Private sewer and water service.

Where public sewerage service is not available, the width and area of all lots shall be sufficient to permit the use of aprivate onsite waste treatment system (POWTS) designed in accordance with Section H63 of the Wisconsin Administrative Code. Any structure or use proposing to be served by a POWTS and private water service shall be considered as conditional use within any district.

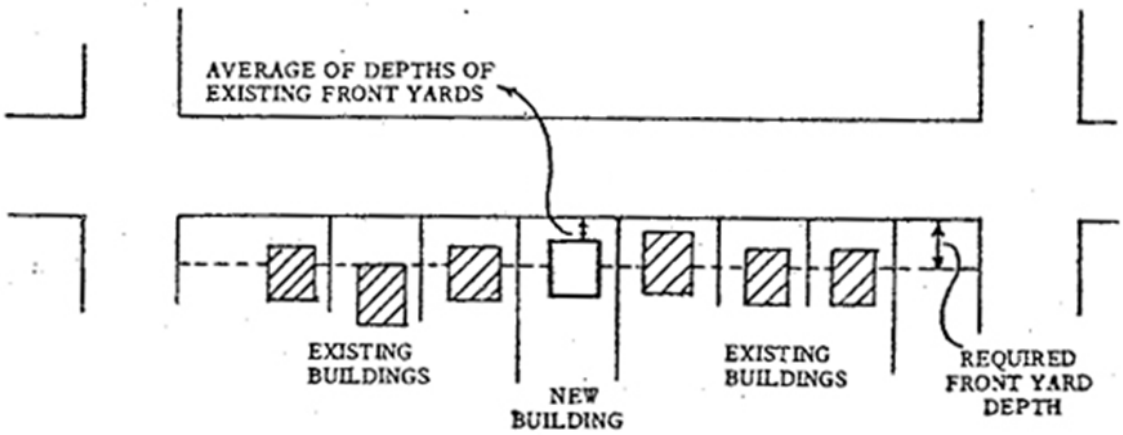
(Ord. 994 § 2.10, 1982). Note: Chapter *H 63* was created as an emergency rule effective 6-21-80; section H 62.20 as it existed on June 30, 1983 was renumbered to chapter ILHR 83. Chapter ILHR 83 was renumbered chapter Comm 83 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, February, 1997, No. 494. Chapter Comm 83 as it existed on June 30, 2000 was repealed and a new chapter Comm 83 was created, Register, April, 2000, No. 532, eff. 7-1-00. Chapter Comm 83

XXVIII.

19.06.180 Average street yards.

A property owner may decrease the required street yard in any residential or business district to the average of the existing street yards of the adjacent structures on each side. Where the setback of existing adjacent structures is greater than setbacks required by this code, the setback for the intervening lot shall be determined by the average of the setback of the structures on each side. On corner lots, the required setback shall be determined by averaging the setback of the adjacent

structure with the required setback of the district in which it is located. The setback of any structure may be increased or decreased by a conditional use permit if there are substantial reasons to vary from the requirements of the district.
(Ord. 1446 § 1, 2000: Ord. 994 § 2.11, 1982).



XXIX.

XXX. 19.06.190 Lots abutting more restrictive districts.

Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards on the less restrictive district shall be modified for a distance of not more than one hundred (100) feet from the district boundary line so as to equal the average of the street yards required in both districts.
(Ord. 994 § 2.12, 1982).

XXXI.

19.06.200 Animal raising.

The raising of animals shall be permitted in any zoning district in compliance with Title 9 of this code.
(Ord. 994 § 2.13, 1982).

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XXXII. 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).

XXXIII. 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).

XXXIV. 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).

XXXV. 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."
4. "Adult cabaret" means a nightclub, dance hall, bar, restaurant, or similar commercial establishment that regularly features:
    a. Persons who appear in a state of nudity or semi-nudity; or
    b. Live performances that are characterized by sexual activities; or
    c. Films, motion pictures, videocassettes, slides, or other photographic or computer reproductions or depictions that are characterized by the depiction or description of sexual activities or nudity.
5. "Adult entertainment" means any exhibition of any motion pictures, live performance, display or dance of any type, wherein a significant or substantial portion of such performance is distinguished or characterized by an emphasis on any actual or simulated performance of specified sexual activities, the exhibition and viewing of specified anatomical areas, or the removal of articles of clothing to reveal specified anatomical areas.
6. "Adult mini-motion picture theater" means an enclosed building with a capacity for less than fifty customers, including establishments that have coin-operated video or motion picture booths, used for presenting material distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein for observation by customers therein.
7. "Adult motel" means a hotel, motel, or similar commercial establishment which:
    a. Offers accommodations to the public for any form of consideration; provides customers with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
    b. Offers a sleeping room for rent for a period of time that is less than ten hours; or
    c. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.
8. "Adult motion picture theater" means an enclosed building with a capacity of fifty or more persons at which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by customers therein.
9. "Adult motion picture theater (outdoor)" means a parcel of land from which individuals may view a motion picture presented out of doors which presents material distinguished or

characterized by an emphasis on matter depicting, describing, or relating to specified sexual activity or specified anatomical areas for observation by customers.

10. "Adult novelty shop" means an establishment or business having as a substantial or significant portion of its stock and trade in novelty or similar items which are distinguished or characterized by their emphasis on specified sexual activities or specified anatomical areas or for simulation of the foregoing.
11. "Miscellaneous adult-oriented establishment" means an establishment which includes, but is not limited to, adult bookstores, adult motion picture theaters, outdoor adult motion picture theaters, adult mini-motion theaters, adult theaters, adult bath houses, adult body painting studios, adult motels, adult novelty shops or adult cabarets, sexual encounter centers, escort agencies, establishments featuring live sexually explicit performances, and any premises to which public customers or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common area of the premises for the purposes of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a customer or a member, whether or not such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect. An adult-oriented establishment further includes, without being limited to, any adult entertainment studio or any premises that is physically arranged and used as such whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

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

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

(Ord. 1614A § 1, 2006).

XXXVI.

19.09.030 Alley.

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

(Ord. 994 § 12.0(part), 1982).

XXXVII. 19.09.035 Alternative support structure.

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

(Ord. 1499 § 3(part), 2001).

XXXVIII.

19.09.040 Apartment-style building.

"Apartment-style building" means a building containing three (3) or more attached dwelling units with a majority of the units having primary access from a common entranceway or hallway. Units may be attached either vertically or horizontally.

(Ord. 994 § 12.0(part), 1982).

XXXIX.

19.09.050 Arterial street.

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

XL. (Ord. 994 § 12.0(part), 1982).19.09.055 Base flood.

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

XLI.

19.09.060 Basement.

"Basement" means that portion of any structure located partly below the average lot grade, which if occupied for living purposes shall be counted as a story for purpose of height measurement.
(Ord. 994 § 12.0(part), 1982).

XLII.

19.09.063 Bed and breakfast establishment.

"Bed and breakfast establishment" means a place of temporary lodging that provides eight or fewer sleeping rooms for paying lodgers, allows a maximum individual lodger stay of one month, provides meals only to paying lodgers, also serves as the principal residence for the operator/owner (who shall live on the premises at all times when the establishment is active), and meets all requirements of DHS 197 of the Wisconsin Administrative Code. Does not include "tourist homes," "lodginghouses," or "group lodging houses" defined elsewhere in this chapter.
(Ord. 1580A § 1(part), 2005).

XLIII. 19.09.064 Bedroom

For the purpose of defining the number of occupiable bedrooms in a residential unit, a "bedroom" shall:

a. Meet all applicable building codes.
b. Be at least 100 net square feet for a 1-person bedroom or 125 net square feet for a two-person bedroom.
c. Contain a closet not included in the net square feet.
d. When added as part of a new remodeling or addition, be consistent with the function and appearance of the interior of the residential unit.

XLIV.

19.09.065 Block.

A "block" means a unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.
(Ord. 1511 § 1(part), 2002).

XLV.

19.09.070 Building.

"Building" means any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials.
(Ord. 994 § 12.0(part), 1982).

XLVI.

19.09.080 Building, accessory.

"Accessory building" means a building or portion of building used for a purpose customarily incident to the permitted principal use of the lot, and located on the same lot as the principal use.
(Ord. 994 § 12.0(part), 1982).

XLVII.

19.09.090 Building area.

"Building area" means the total living area bounded by the exterior walls of a building at the floor levels, but not including basement, garages, porches, breezeways and unfinished attics.
(Ord. 994 § 12.0(part), 1982).

XLVIII. 19.09.100 Building height.

"Building height" means the vertical distance measured from the main elevation of the finished lot grade along the street yard face of the structure to the mid-point between the eave and highest point of the roof, not including ornamental features or architectural projections.
(Ord. 994 § 12.0(part), 1982).

XLIX.

19.09.110 Building, principal.

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

L.

19.09.113 Building scale.

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

LI. 19.09.114 Bulkhead line.

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

LII.

19.09.115 Campground.

"Campground" means any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four (4) or more camping units, or which is advertised or represented as a camping area.
(Ord. 1600 § 1(part), 2006).

LIII. 19.09.116 Camping unit.

"Camping unit" means any portable device, no more than four hundred (400) square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent, or other mobile recreational vehicle.
(Ord. 1600 § 1(part), 2006).

LIV.

19.09.117 Certificate of compliance.

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

LV.

19.09.120 Classes of notice.

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

LVI.

19.09.125 Channel.

"Channel" means the floodlands normally occupied by a stream of water under average annual high-water flow conditions while confined within general well-established banks.
(Ord. 1060 § 10(part), 1985).

LVII.

19.09.128 Co-location.

"Co-location" means the clustering of multiple antennas, dishes or similar telecommunications facilities or devices operated by different service providers but located on a single, freestanding wireless telecommunications facility or alternative support structure.
(Ord. 1499 § 3(part), 2001).

LVIII.

19.09.130 Commercial use.

"Commercial use" means and refers to activity carried out for pecuniary gain.
(Ord. 994 § 12.0(part), 1982).

LIX.

19.09.140 Commonly owned open space.

"Commonly owned open space" means publicly or privately owned undeveloped open space intended for aesthetic, recreational or other conservation purpose, to be used by the owners or residents of a particular development or the public in general.
(Ord. 994 § 12.0(part), 1982).

LX. 19.09.150 Community living arrangements.

"Community living arrangements" means a group lodging facility licensed or operated or permitted under the authority of the Wisconsin Department of Health Services (see Section 46.03(22), Wisconsin Statutes) where three or more unrelated persons reside, and in which care, treatment or services above the level of room and board but less than skilled nursing care is provided to persons residing in the facility. Such care, treatment or services are provided as a major function of the facility. Child care facilities, nursing homes, hospitals, prisons, jails, foster family homes which are the primary domiciles of a foster parent and four or fewer children are not "community living arrangements" for purposes of this title.
(Ord. 994 § 12.0(part), 1982).

LXI.

19.09.155 Comprehensive (master) plan.

"Comprehensive (master) plan" means the plan for the physical development of the city, also called a master plan or comprehensive plan, adopted by the city pursuant to Wisconsin Statutes, Sections 62.23 and/or 66.1001, including proposals for future land use, transportation, urban redevelopment and public facilities.
(Ord. 1511 § 1(part), 2002).

LXII.

19.09.160 Conditional uses.

"Conditional uses" means uses of a special nature as to make impractical their complete predetermination as a use in a district.
(Ord. 994 § 12.0(part), 1982).

LXIII.

19.09.171 Crawlways or crawlspace.

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

LXIV.

19.09.173 Day care center, adult.

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

LXV. 19.09.177 Day care center, child.

"Day care center, child" means a state licensed facility where a person or persons, other than a relative or legal guardian, provides paid care and supervision for four or more children under seven years of age, for less than twenty-four hours a day.

(Ord. 1452 § 3(part), 2000).

LXVI. 19.09.178 Deck.

"Deck" means an unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

(Ord. 1600 § 1(part), 2006).

LXVII. 19.09.180 Development.

"Development" means any manmade change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements to buildings, other structures, or accessory uses, the placement of mobile homes, mining, dredging, filling, grading, paving, excavation or drilling operations, or deposition of materials.

(Ord. 994 § 12.0(part), 1982).

LXVIII. 19.09.185 District, basic.

"Basic district" means a part or parts of the city for which the regulations of this chapter governing the use and location of land and buildings are uniform.

(Ord. 1060 § 10(part), 1985).

LXIX. 19.09.190 Drive-in establishment.

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

(Ord. 994 § 12.0(part), 1982).

LXX. 19.09.191 Driveway

An improved access which is used primarily to connect off-street parking spaces to the public right-of-way. All areas intended to be utilized as driveways and parking areas shall be surfaced with asphalt or concrete to control dust and drainage. The use of bricks, gravel or pavers will require a permit. Plans for surfacing and drainage of driveways shall be submitted to the City for review and approval.

LXXI. 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).

LXXII. 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).

LXXIII. 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).

LXXIV.

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).

LXXV.

19.09.230 Dwelling, multiple-family.

"Multiple-family dwelling" means a dwelling having three (3) or more attached dwelling units, and includes both apartment and townhouse-style buildings.
(Ord. 994 § 12.0(part), 1982).

LXXVI.

19.09.240 Dwelling, single-family.

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

LXXVII.

19.09.250 Dwelling, two-family or Duplex.

"Two-family dwelling" or "Duplex" means a dwelling having two (2) attached dwelling units.
(Ord. 994 § 12.0(part), 1982).

LXXVIII. 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 are within the dwelling unit if they are within the same contiguous area. Kitchen quarters in a dwelling must be designed and outfitted to have, at a minimum, a refrigerator, stove and range, kitchen sink and cabinet facilities.
(Ord. 994 § 12.0(part), 1982).

LXXIX.

19.09.270 Dwelling unit, efficiency.

"Efficiency dwelling unit" means a dwelling unit within a dwelling that has two or more attached units and having not more than one habitable room in addition to kitchen and sanitary facilities.
(Ord. 994 § 12.0(part), 1982).

LXXX.

19.09.275 Encroachment.

"Encroachment" means any fill, structure, equipment, building, use or development in the floodway.
(Ord. 1600 § 1(part), 2006).

LXXXI. 19.09.280 Essential services.

"Essential services" means services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, television, steam, water, sanitary sewerage, stormwater drainage, and conventional, non-wireless telephonic communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catchbasins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings, wireless telecommunications facilities, or wireless telecommunications support facilities.
(Ord. 1499 § 2, 2001: Ord. 994 § 12.0(part), 1982).

LXXXII.

19.09.285 Existing manufactured home park or subdivision.

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

(Ord. 1600 § 1(part), 2006).

LXXXIII.

19.09.286 Expansion to existing mobile/manufactured home park.

"Expansion to existing mobile/manufactured home park" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
(Ord. 1600 § 1(part), 2006).

LXXXIV.

19.09.290 Family.

"Family" means an individual or a group of two or more individuals who are related by blood, marriage, adoption, domestic partnership, or civil union, (limited to immediate family members, grandparents, aunts, uncles, nieces, nephews, and first cousins) together with not more than two additional persons not so related (with the exception of the R-O overlay district), living as a single household in a dwelling unit. (For the purposes of this title, "family" includes "non-family households.")
(Ord. 994 § 12.0(part), 1982).

LXXXV.

19.09.295 Federal Emergency Management Agency.

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

LXXXVI.

19.09.296 Flood frequency.

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

LXXXVII.

19.09.300 First floor.

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

LXXXVIII.

19.09.305 Flood.

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

LXXXIX.

19.09.306 Flood Insurance Rate Map.

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

XC.

19.09.307 Flood Insurance Study.

"Flood Insurance Study" means a technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected

by the regional flood, provides both flood insurance rate zones and base flood elevations, and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program (NFIP).
(Ord. 1600 § 1(part), 2006).

XCI.

19.09.310 Flood Hazard Boundary Map.

"Flood Hazard Boundary Map" means a map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
(Ord. 1600 § 1(part), 2006: Ord. 994 § 12.0(part), 1982).

XCII.

19.09.312 Flood profile.

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

XCIII.

19.09.314 Flood protection elevation.

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

XCIV. 19.09.315 Floodplain.

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

XCV. 19.09.316 Flood stage.

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

XCVI.

19.09.318 Floodlands.

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

XCVII. 19.09.320 Floodfringe.

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

XCVIII.

19.09.321 Floodplain island.

"Floodplain island" means a natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

(Ord. 1600 § 1(part), 2006).

XCIX.

19.09.322 Floodproofing.

"Floodproofing" means measures designed to prevent and reduce flood damage for those uses which cannot be removed from, or which, of necessity, must be erected in the floodplain, ranging from structural modifications through installation of special equipment or materials to operation and management safeguards, such as the following: reinforcing of basement walls; underpinning of floors; permanent sealing of all exterior openings; use of masonry construction; erection of permanent watertight bulkheads, shutters and doors; treatment of exposed timbers; elevation of flood-vulnerable utilities; use of waterproof cement; adequate fuse protection; sealing of basement walls; installation of sump pumps; placement of automatic swing check valves; installation of sealtight windows and doors; installation of wire-reinforced glass; location and elevation of valuable items; waterproofing, disconnecting, elevation or removal of all electric equipment; avoidance of the use of flood-vulnerable areas; temporary removal or waterproofing of merchandise; operation of emergency pump equipment; closing of backwater sewer valves; placement of plugs and flood drain pipes; placement of movable watertight bulkheads; and the shoring of weak walls or structures. Floodproofing of structures shall be extended at least to a point two feet above the elevation of the regional flood. Any structure that is located entirely or partially below the flood protection elevation shall be anchored to protect it from larger floods.
(Ord. 1060 § 10(part), 1985).

C.

19.09.323 Floodplain management.

"Floodplain management" means policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
(Ord. 1600 § 1(part), 2006).

CI. 19.09.324 Floodway.

"Floodway" means a designated portion of the one-hundred-year recurrence interval flood that will safely convey the regulatory flood discharge into small, acceptable upstream and downstream increases, limited in Wisconsin to 0.01 foot unless special legal measures are provided. The floodway, which includes the channel, is that portion of the floodplain needed to convey the regional flood discharges and is not suited for human habitation. All fill, structures and other development that would impair floodwater conveyance by adversely increasing flood stages or velocities or would itself be subject to flood damage should be prohibited in the floodway.
(Ord. 1196 § 1(part), 1990).

CII.

19.09.326 Flood storage.

"Flood storage" means those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
(Ord. 1600 § 1(part), 2006).

CIII.

19.09.330 Fraternity or sorority house.

"Fraternity or sorority house" means a building containing sleeping rooms, bathrooms, common rooms and a central kitchen and dining room maintained exclusively for fraternity or sorority members and their guests or visitors and affiliated with an institution of higher learning.
(Ord. 1668A § 1, 2007: Ord. 994 § 12.0(part), 1982).

CIV.

19.09.333 Freeboard.

"Freeboard" means a safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater

than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
(Ord. 1600 § 1(part), 2006).

CV.

19.09.335 Freestanding wireless telecommunications facility.

"Freestanding wireless telecommunications facility" means a self-supporting telecommunications tower or other self-supporting wireless telecommunications facility that is not mounted, or otherwise attached to, an alternative support structure. A tower using guy wires shall be considered a freestanding wireless telecommunications facility.
(Ord. 1499 § 3(part), 2001).

CVI.

19.09.340 Garage, private.

"Private garage" means a structure primarily intended for and used for the enclosed storage or shelter of the private motor vehicles of the families resident upon the premises. Carports shall be considered garages within this definition.
(Ord. 994 § 12.0(part), 1982).

CVII. 19.09.350 Garage, public or commercial.

"Public or commercial garage" means any garage not falling within the definition of a "private garage" as established in this chapter.
(Ord. 994 § 12.0(part), 1982).

CVIII. 19.09.360 Group lodging facilities.

"Group lodging facilities" means buildings or parts of buildings designed, occupied or intended to be occupied as living quarters on a basis other than described in this ordinance under the defined terms: dwelling, dwelling unit, hotel or motel.
(Ord. 994 § 12.0(part), 1982).

CIX.

19.09.370 Group lodging house.

"Group lodging house" means a group lodging facility containing several lodging rooms without kitchen facilities that are offered for rent or comparable compensation on a monthly or longer basis. Meals or access to common meal preparation facilities may be offered as part of the service to occupants. Facilities commonly known as dormitories are group lodging houses for purposes of this title.
(Ord. 994 § 12.0(part), 1982).

CX.

19.09.375 Habitable structure.

"Habitable structure" means any structure or portion thereof used or designed for human habitation.
(Ord. 1600 § 1(part), 2006).

CXI.

19.09.376 Hearing notice.

"Hearing notice" means a publication or posting meeting the requirements of Chapter 985, Statutes. For appeals, a Class 1 notice, published once at least one week (seven days) before the hearing, is required. For all zoning ordinance text and map amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (seven days) before the hearing, is required.
(Ord. 1600 § 1(part), 2006).

CXII.

19.09.377 High flood damage potential.

"High flood damage potential" means damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

(Ord. 1600 § 1(part), 2006).

CXIII.

19.09.380 Historic landmark.

"Historic landmark" means any building or structure which has a special historic, architectural or cultural interest, significance or value as part of the heritage, development or cultural characteristics of the city, state or nation and which has been designated as a landmark under this title.

(Ord. 994 § 12.0(part), 1982).

CXIV.

19.09.385 Historic structure.

For the purposes of the floodplain regulations in this title, "historic structure" means any structure that is either: listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register, certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior, or by the Secretary of the Interior in states without approved programs.

(Ord. 1600 § 1(part), 2006).

CXV.

19.09.390 Household occupation or home occupation.

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

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

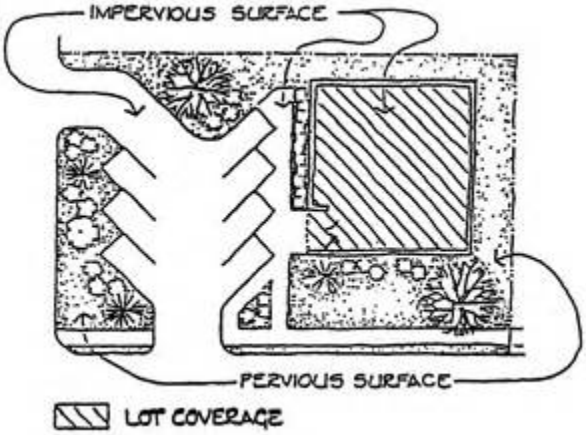
(Ord. 1605A § 1, 2006: Ord. 994 § 12.0(part), 1982).

CXVI.

19.09.395 Impervious Surface.

"Impervious Surface" is a surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water and increases both the amount and rate of

stormwater runoff. This includes but is not limited to streets, driveways, roofs, awnings, sidewalks, parking lots, patios, sheds, compacted aggregate and similar surfaces.



CXVII.

CXVIII. 19.09.400 Incidental repairs.

"Incidental repairs" are not considered structural repairs, modifications, or additions; incidental repairs include internal and external painting, decoration, paneling, and the replacement of doors, windows, and other nonstructural components.

(Ord. 994 § 12.0(part), 1982).

CXIX.

19.09.401 Increase in regional flood height.

"Increase in regional flood height" means a calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

(Ord. 1600 § 1(part), 2006).

CXX.

19.09.403 Land use.

For the purposes of the floodplain regulations in this title, "land use" means any nonstructural use made of unimproved or improved real estate.

(Ord. 1600 § 1(part), 2006: Ord. 1452 § 3(part), 2000).

CXXI. 19.09.405 Letter of Map Change (LOMC).

"Letter of Map Change" or "LOMC" means official notification from the Federal Emergency Management Agency (FEMA) that a Flood Hazard Boundary Map or Flood Insurance Rate Map has been amended.

(Ord. 1600 § 1(part), 2006: Ord. 1060 § 10(part), 1985).

CXXII.

19.09.410 Living rooms.

"Living rooms" means all rooms within a dwelling except closets, foyers, storage areas, utility rooms and bathrooms.

(Ord. 994 § 12.0(part), 1982).

CXXIII. 19.09.420 Loading area.

"Loading area" means a completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

(Ord. 994 § 12.0(part), 1982).

CXXIV.

CXXV. 19.09.430 Lodginghouse.

"Lodginghouse" means a building other than a hotel, restaurant or a dormitory where lodging is regularly furnished by prearrangement for a definite period for compensation for six (6) or more persons not members of a family, but not exceeding twelve (12) persons and not open to

transient customers. A lodginghouse shall maintain a minimum green space area of three hundred fifty (350) square feet per allowed occupant.
(Ord. 1364 § 4, 1997: Ord. 994 § 12.0(part), 1982).

CXXVI.

19.09.440 Lodging rooms.

"Lodging rooms" means rooms within group lodging facilities that are rented as sleeping and living quarters, or spaces within a suite of rooms in a group lodging facility that provide sleeping accommodations. For purposes of this title any lodging room that is designed or intended to be occupied by one (1) or two (2) persons shall be counted as one lodging room.
(Ord. 994 § 12.0(part), 1982).

CXXVII.

19.09.450 Lot.

"Lot" means a single parcel of contiguous land abutting and having frontage on a public street, being a part of a platted recorded subdivision, or recorded Certified Survey Map (CSM), or a parcel of land for which the deed is recorded with the respective county register of deeds occupied or intended to be occupied by a principal structure or principal group of structures or use and sufficient in size to meet the lot width, lot frontage, lot area, yard parking area, and other open space provisions of this title.

CXXVIII. 19.09.451 Lot, Corner

"Corner Lot" means a lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the side lot lines to the foremost point of the lot (or an extension of the lot where it has been rounded by a street radius) meet at an interior angle of less than 135 degrees.

CXXIX. 19.09.452 Lot coverage.

"Lot coverage" is the total buildable area that can be occupied by principal and accessory structures. Parking area, driveways, sidewalks and similar at-grade structures shall not be included when figuring lot coverage.
(Ord. 994 § 12.0(part), 1982).

CXXX. 19.09.453 Lot, Through

"Through Lot" means a lot that abuts on a street at the front of the lot and abuts on a street at the rear of the lot. A Conditional Use Permit (CUP) is required for fencing and accessory structures in the rear lot of through lots.

CXXXI. 19.09.455 Lot width.

"Lot width" means the horizontal distance between side lot lines as measured at the minimum front yard setback required in the zoning district in which the lot is located or through a recorded final plat or certified survey map.
(Ord. 1511 § 1(part), 2002).

CXXXII. 19.09.457 Major subdivision.

"Major subdivision" means the division of a lot or parcel, or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where a single act of division creates five or more parcels or building sites, each less than five (5) acres in size; or an act of division results in the creation of five (5) or more parcels or building sites by successive divisions within a period of five (5) years, where at least five (5) of the parcels or sites are less than one (1) and one-half (1.5) acres in size in the M-I general manufacturing district, or less than five (5) acres in size in all other zoning districts.
(Ord. 1600 § 1(part), 2006: Ord. 1580A § 1(part), 2005).

CXXXIII.

19.09.458 Manufactured home.

"Manufactured home" means a type of single-family dwelling as defined in Wisconsin Statutes, Section 101.91(2), fabricated in an off-site manufacturing facility for installation or assembly at the building site, and bearing a Department of Housing and Urban Development (HUD) label or insignia certifying that it was built in compliance with the Federal Manufactured Home Construction and Safety Standards under 42 U.S.C. Chapter 70 Sections 5401 to 5426. For the purposes of the floodplain regulations in this title only, the term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
(Ord. 1600 § 1(part), 2006: Ord. 1511 § 1(part), 2002).

CXXXIV.

CXXXV.

CXXXVI.19.09.470 Minor structures.

"Minor structures" are small structures, less than 6’ in height and less than 100 square feet in area (such as doghouses, birdhouses, small storage sheds, play structures, mailboxes, or similar structures) and are either permanently affixed to a foundation or portable.
(Ord. 994 § 12.0(part), 1982).

CXXXVII. 19.09.475 Minor subdivision.

“Minor subdivision” is a division of land into four (4) or fewer parcels, each of which is less than 5 acres in size (this is customarily accomplished by certified survey map).

CXXXVIII. 19.09.480 Mobile home.

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

CXXXIX.

19.09.490 Mobile home park.

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

CXL. 19.09.495 Mobile recreational vehicle.

"Mobile recreational vehicle" means a vehicle which is built on a single chassis; is four (400) hundred square feet or less when measured at the largest horizontal projection; is designed to be self-propelled; is carried or permanently towable by a licensed, light-duty vehicle; is licensed for highway use if registration is required; and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of a "mobile recreational vehicle." Also referred to as "Recreational Vehicle" or "RV."
(Ord. 1600 § 1(part), 2006).

CXLI.

19.09.500 Modular home.

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

CXLII.

19.09.501 Motor vehicles.

"Motor vehicle" means a vehicle, including a combination of two or more vehicles or an articulated vehicle, which is self-propelled, except a vehicle operated exclusively on a rail.

"Motor vehicle" includes, without limitation, a commercial motor vehicle or a vehicle which is propelled by electric power obtained from overhead trolley wires but not operated on rails. A snowmobile and an all-terrain vehicle shall only be considered motor vehicles for purposes made specifically applicable by ordinance.
(Ord. 1364 § 5, 1997).

CXLIII.

19.09.502 Municipality or municipal.

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

CXLIV.

19.09.504 National geodetic vertical datum.

"National Geodetic Vertical Datum" or NGVD means elevations referenced to mean sea level datum, 1929 adjustment.
(Ord. 1600 § 1(part), 2006).

CXLV.

19.09.505 Navigable water.

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

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

CXLVI. 19.09.507 Neighborhood development plan.

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

CXLVII. 19.09.508 New construction.

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

CXLVIII.

19.09.510 Nonconforming structure.

A "nonconforming structure" means a structure, or portion thereof, that was legally established prior to the effective date of this title, or subsequent amendments thereto, which does not

conform with one or more of the dimensional requirements applicable within the zoning district in which the structure is located.
(Ord. 1600 § 1(part), 2006: Ord. 994 § 12.0(part), 1982).

CXLIX.

19.09.511 Nonconforming use.

A "nonconforming use" means an active and actual use of land, structure, or both that was legally established prior to the effective date of this title, or subsequent amendments thereto, which has continued the same use to the present, and which does not conform to the use regulations applicable within the zoning district in which the use is located. Also referred to as "nonconforming land use."
(Ord. 1600 § 1(part), 2006).

CL.

19.09.520 Non-family household.

"Non-family household" means a group of individuals who do not constitute a family under the terms of this title and who live as a single household in a dwelling unit. This definition is intended to facilitate application of regulations that ensure the right of quiet enjoyment of each property owner, or resident of their home. The constant or consistent presence of visitors to a particular residence can constitute the equivalent of additional persons living there, for land use purposes, regardless if they are listed as residents on a lease or deed, if the "quiet enjoyment" of others' property rights is affected. For the purposes of this section, actions that affect quiet enjoyment shall include actions by occupants or visitors which unreasonably disturb other property owners' or occupants' enjoyment of their premises.
(Ord. 994 § 12.0(part), 1982).
(Ord. No. 1689A, 6-17-2008; Ord. No. 1694A, 8-5-2008)

CLI.

19.09.521 Obstruction to flow.

"Obstruction to flow" means any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
(Ord. 1600 § 1(part), 2006).

CLII. 19.09.522 Official floodplain zoning map.

"Official floodplain zoning map" means that map, adopted and made part of this title, as described in Section 19.46.010(E)(2), which has been approved by the Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA).
(Ord. 1600 § 1(part), 2006).

CLIII.

19.09.524 Open space use.

"Open space use" means those land uses having a relatively low flood damage potential, and not involving structures when in a floodplain.
(Ord. 1600 § 1(part), 2006).

CLIV. 19.09.525 Ordinary high water mark.

"Ordinary high water mark" means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.
(Ord. 1196 § 1(part), 1990).

CLV.

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).

CLVI. 19.09.528 Overlay Permission Area Map

A "overlay permission area map" depicting the boundary lines within which applications are allowed for changing the zoning district designation to that of a specific overlay zone (with the exception of the R-O overlay district)

CLVII. 19.09.529 Overlay Zoning District

An "overlay zoning district" is 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 are limited by boundaries as depicted in an Overlay Permission Area Map (with the exception of the R-O overlay which is applicable anywhere within the City). The procedures for changing and amending a property to overlay zoning status are described in section 19.69 and in each of the overlay districts.

CLVIII. 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).

CLIX. 19.09.540 Parking space or parking stall.

"Parking space" or "parking stall" means a graded and paved 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 19.51.010. All areas intended to be utilized as motor vehicle parking areas and motor vehicle driveways shall be surfaced with asphalt or concrete to control dust and drainage. The use of bricks, gravel or pavers will require a permit. Plans for surfacing and drainage of stalls and driveways shall be submitted to the City for review and approval.
(Ord. 994 § 12.0(part), 1982).

CLX. 19.09.550 Parties of interest.

"Parties of interest" includes all abutting property owners, all property owners within three hundred (300) 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).

CLXI. 19.09.555 Person.

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

CLXII. 19.09.560 Planting screen.

"Planting screen" means an arrangement of living vegetation reaching an anticipated height of four feet or more, which may or may not be accompanied by materials used to construct fences and the like, which is intended to provide a reasonable separation of vision between abutting lots or the lot and the street line.
(Ord. 994 § 12.0(part), 1982).

CLXIII. 19.09.570 Principal use or structure.

"Principal use or structure" means a use or structure specified as a principal use under the district regulations of this title; such uses or structures must occur or be built prior to or concurrently with any accessory uses or structures.
(Ord. 994 § 12.0(part), 1982).

CLXIV.

19.09.580 Private club or lodge.

"Private club or lodge" means a structure or grounds used for regular or periodic meetings or gatherings of a group of persons organized for a nonprofit purpose, but not groups organized to render a service customarily carried on as a business.
(Ord. 994 § 12.0(part), 1982).

CLXV.

19.09.585 Private sewage system.

"Private sewage system" or “Private onsite waste treatment system (POWTS)” means a sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure. Also referred to as "septic system".
(Ord. 1600 § 1(part), 2006).

CLXVI. 19.09.590 Professional home offices.

"Professional home offices" means residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, real estate and insurance offices, registered land surveyors, lawyers, artists, teachers, authors, musicians or other recognized professions, used to conduct their professions, where the office does not exceed one-half of the area of only one floor of the residence and only one nonresident person is employed.
(Ord. 994 § 12.0(part), 1982).

CLXVII. 19.09.600 Professional offices.

"Professional offices" means doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, real estate and insurance offices, registered land surveyors, lawyers, artists, teachers, authors, musicians or other recognized professions not able to meet professional home office requirements.
(Ord. 994 § 12.0(part), 1982).

CLXVIII.

19.09.602 Public utilities.

"Public utilities" means those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer, and storm sewer.
(Ord. 1600 § 1(part), 2006).

CLXIX.

19.09.604 Reach.

"Reach" means longitudinal segment of a stream, generally including those floodlands wherein flood stages are primarily and commonly controlled by the same manmade or natural obstructions to flow.
(Ord. 1060 § 10(part), 1985).

CLXX.

19.09.605 Reasonably safe from flooding.

"Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
(Ord. 1600 § 1(part), 2006: Ord. 1580A § 1(part), 2005).

CLXXI.

19.09.608 Regional flood.

"Regional flood" means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics. The flood frequency of the regional flood is once in

every one hundred (100) years; this means that in any given year, there is a one percent chance that the regional flood may occur or be exceeded. During a typical thirty-year mortgage period, the regional flood has a twenty-six (26%) percent chance of occurrence.
(Ord. 1060 § 10(part), 1985).

CLXXII. 19.09.609 Start of construction.

"Start of construction" means the date the building or zoning permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within six months of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured or mobile home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
(Ord. 1600 § 1(part), 2006).

CLXXIII. 19.09.610 Story.

"Story" means that portion of a building included between the surface of a floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having one-half or more of its height above grade shall be deemed a story for purposes of height regulation.
(Ord. 994 § 12.0(part), 1982).

CLXXIV. 19.09.620 Public or semipublic uses.

For purposes of this title, the following uses shall be considered "public and semipublic uses": government office buildings, fire and police stations, public garages, libraries, museums, community centers, churches, cemeteries, public and private elementary and secondary schools, colleges and universities, and similar uses not specifically listed but similar in character.
(Ord. 994 § 12.0(part), 1982).

CLXXV. 19.09.623 Shielded light fixture.

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

CLXXVI. 19.09.625 Shorelands.

"Shorelands" are those lands lying within the following distances from the ordinary high water mark of navigable waters: one thousand feet from a lake, pond or flowage; and three hundred (300) feet from a river or stream; or to the landward side of the floodplain, whichever distance is greater. Shorelands shall not include those lands adjacent to farm drainage ditches where

a. such lands are not adjacent to a navigable stream or river;
b. those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching or had no previous stream history; and
c. such lands are maintained in nonstructural agricultural use.

(Ord. 1196 § 1(part), 1990).

CLXXVII.

19.09.630 Sign.

"Sign" means any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, pictures, symbols, trade names or trademarks by which anything is made known, and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product, located outside a structure or incorporated into the structure or in windows, and which are visible from any public street or highway.
(Ord. 994 § 12.0(part), 1982).

CLXXVIII.

19.09.640 Sign, directional.

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

CLXXIX. 19.09.650 Sign, nonaccessory.

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

CLXXX.

19.09.660 Street.

"Street" means a public right-of-way not less than sixty (60) feet wide providing primary access to abutting properties. Existing streets with rights-of-way less than sixty feet shall also be included in this definition.
(Ord. 994 § 12.0(part), 1982).

CLXXXI.

19.09.670 Street line.

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

CLXXXII.

19.09.680 Structural alterations.

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

CLXXXIII.

19.09.690 Structure.

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

CLXXXIV.

19.09.700 Structure, accessory.

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

CLXXXV.

19.09.710 Structure, permanent.

"Permanent structure" means a structure placed on or in the ground or attached to another structure in a fixed and determined position, and intended to remain in place for a period more than nine months.

(Ord. 994 § 12.0(part), 1982).

CLXXXVI. 19.09.720 Structure, principal.

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

CLXXXVII. 19.09.730 Structure, temporary.

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

CLXXXVIII. 19.09.732 Substantial damage.

"Substantial damage" means damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the equalized assessed value of the structure before the damage occurred.
(Ord. 1600 § 1(part), 2006).

CLXXXIX. 19.09.735 Substantial improvement.

"Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the present equalized assessed value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. The term does not, however, include either:

a. any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
b. any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places.

Ordinary maintenance repairs are not considered structural repairs, modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows and other nonstructural components.
(Ord. 1060 § 10(part), 1985).

CXC. 19.09.740 Tourist home.

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

CXCI. 19.09.750 Townhouse.

"Townhouse" means a building having three or more attached dwelling units with each unit having separate primary ground level access to the outside, each unit having a first floor at ground level, and the units being attached by vertical common walls.
(Ord. 994 § 12.0(part), 1982).

CXCII. 19.09.760 Townhouse dwelling units.

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

CXCIII. 19.09.770 Trailer camp.

"Trailer camp" means any tract or parcel of land upon which two or more trailers, camp cabins, house cars, or other mobile homes are located, or trailer or camp sites are provided for the purpose of either temporary or permanent habitation.

(Ord. 994 § 12.0(part), 1982).

CXCIV.

19.09.775 Unnecessary hardship.

"Unnecessary hardship" is that circumstance where special conditions, which are not self-created, affect a particular property and make strict conformity with the restrictions governing dimensional standards (such as lot area, lot width, setbacks, yard requirements, or building height) unnecessarily burdensome or unreasonable in light of the purpose of the ordinance.
(Ord. 1196 § 1(part), 1990).

CXCV.

19.09.780 Usable open space.

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

CXCVI.

19.09.790 Use, accessory.

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

CXCVII.

19.09.800 Use, legal nonconforming.

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

CXCVIII. 19.09.810 Use, permitted.

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

CXCIX.

19.09.820 Use, principal.

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

CC.

19.09.830 Utilities.

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

CCI.

19.09.833 Variance.

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

CCII. 19.09.834 Vehicle.

"Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except railroad trains. A snowmobile or an all terrain vehicle (ATV) shall not be considered a vehicle except for purposes made specifically applicable by ordinance.

(Ord. 1364 § 6, 1997).

CCIII.

19.09.835 Violation.

With respect to the floodplain regulations of this chapter, "violation" means the failure of a structure or other development to be fully compliant with the floodplain zoning provisions of this title. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

(Ord. 1600 § 1(part), 2006).

CCIV.

19.09.836 Watershed.

"Watershed" means the entire region contributing runoff or surface water to a watercourse or body of water.

(Ord. 1600 § 1(part), 2006: Ord. 1196 § 1(part), 1990).

CCV.

19.09.837 Water surface profile.

"Water surface profile" means a graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

(Ord. 1600 § 1(part), 2006: Ord. 1499 § 3(part), 2001).

CCVI.

19.09.838 Well.

"Well" means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

(Ord. 1600 § 1(part), 2006: Ord. 1499 § 3(part), 2001).

CCVII.

19.09.839 Wetland.

"Wetland" means an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

(Ord. 1600 § 1(part), 2006).

CCVIII.

19.09.840 Wireless telecommunications facility.

"Wireless telecommunications facility" means a facility that consists of or includes one or more antennas, antenna arrays, telecommunications towers, microwave relay systems, satellite dish antennas of at least thirty-six (36) inches in diameter, or other similar communications devices used for transmitting, receiving, or relaying radio, microwave, digital, cellular, or other wireless telecommunications signals. For the purposes of this title, wireless telecommunications facilities shall not include conventional, non-wireless telephone poles (unless also serving as an alternative support structure), residential satellite dishes less than thirty-six (36) inches in diameter, residential television antennas, and amateur radio facilities.

(Ord. 1600 § 1(part), 2006: Ord. 994 § 12.0(part), 1982).

CCIX. 19.09.841 Wireless telecommunications support facility.

"Wireless telecommunications support facility" means any and all ancillary structures, mechanicals, shelters, devices, or equipment, other than attached antennas, that are incidental or accessory to the operation of a wireless telecommunications facility.

(Ord. 1600 § 1(part), 2006).

CCX.

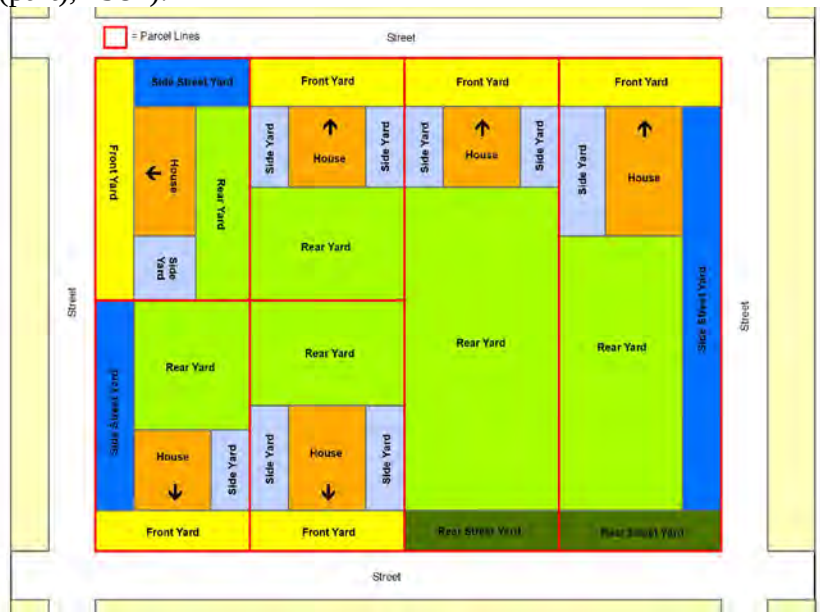
19.09.845 Yard.

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

CCXI.

19.09.850 Yard, rear.

"Rear yard" means a yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure, subject to the following (a) as to Corner Lots, the Rear Yard shall exclude the portion of the lot constituting the side street yard; and (b) as to Through Lots, use of the structures otherwise permitted in a Rear Yard shall be restricted to that portion of the Rear Yard lying between the rear of the principal structure and the rear street yard.
(Ord. 994 § 12.0(part), 1982).



CCXII.

19.09.860 Yard, shore.

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

CCXIII.

19.09.870 Yard, side.

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

CCXIV. 19.09.880 Yard, Rear Street

“Rear Street Yard” means a yard extending the full width of the lot on Through Lots, the depth of which shall be the minimum horizontal distance between the line of the street abutting the rear of the lot and a line drawn parallel thereto at a horizontal distance equal to the minimum required street yard set back for the district in which such lot is located.

CCXV.

CCXVI. 19.09.881 Yard, Street (Front Yard).

"Street Yard" or "Front Yard" means a yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway abutting the front of the lot and a line parallel through the nearest point of the front of the principal structure. Corner Lots shall have two (2) Street Yards, a Front Street Yard and a Side Street Yard. Through Lots shall have a front Street Yard and a Rear Street Yard. (Ord. 994 § 12.0(part), 1982).

Chapter 19.12 ZONING DISTRICTS

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CCXVII.

19.12.010 Districts--Established.

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

R-1	One-family residence district
R-1x	One-family residence district
R-2	One and two-family residence district
R-2A	Residential occupancy overlay district
R-3	Multifamily residence district
R-3A	University residential density overlay district
R-4	Mobile home district
R-O	Non-Family Residential Restriction Overlay District
B-1	General business district
B-1A	University mixed-use neighborhood overlay district
B-2	Central business district
B-2A	Downtown housing overlay district
B-3	Commercial service and light manufacturing district
M-1	General manufacturing district
M-2	Manufacturing and miscellaneous use district
WUTP	Whitewater University Technology Park District
PD	Planned 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.

(Ord. 1196 § 1(part), 1990).

CCXVIII.

19.12.020 Districts--Boundaries.

A. Boundaries of all districts shall be as shown on the map entitled "Zoning Map, City of Whitewater, Wisconsin," which accompanies and is a part of the ordinance codified in this title. The district boundaries in all districts, except the C-1 shoreland wetland district, the C-2 nonshoreland wetland district, FW floodway district, the FWW floodway/wetland district, and the FFO floodplain fringe overlay district, shall be construed to follow: corporate limits; U.S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, easements, and railroad rights-of-way or such lines extended.

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

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

CCXIX.

19.12.030 Vacation of streets and alleys.

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

CCXX.

19.12.040 Annexations and consolidations.

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

B. Annexations containing floodlands and shorelands shall be governed in the following manner:
   1. Annexations containing floodlands shall be governed by the provisions of the Walworth County floodplain zoning ordinance until such time that the Wisconsin Department of Natural Resources (DNR) certifies that amendments to the City of Whitewater zoning ordinance meet the requirements of Chapter NR 116 of the Wisconsin Administrative Code.
   2. Annexations containing shorelands. Pursuant to Section 59.692 of the Wisconsin Statutes, any annexation of land after May 7, 1982, which lies within shorelands, as defined in this title, shall be governed by the provisions of the Walworth County

shoreland zoning ordinance until such time that the City of Whitewater adopts an ordinance which is at least as restrictive as the Walworth County shoreland zoning ordinance. Said regulations shall be administered and enforced by the City of Whitewater building inspector.

(Ord. 1196 § 1(part), 1990).

CCXXI.

19.12.050 Zoning map.

A certified copy of the zoning map shall be adopted and approved with the text as part of this title, and shall bear upon its face the attestation of the city manager and city clerk and shall be available to the public in the office of the city clerk. Changes thereafter to the districts shall be entered and attested on this certified copy.

(Ord. 994 § 3.5, 1982).

Chapter 19.15 R-1 ONE-FAMILY RESIDENCE DISTRICT

Chapter 19.15 R-1 ONE-FAMILY RESIDENCE DISTRICT 64
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CCXXII. 19.15.010 Purpose.

The R-1 one-family residence district is established to stabilize and protect the essential characteristics of low-density residential areas.

(Ord. 994 § 3.6(part), 1982).

CCXXIII.

19.15.020 Permitted uses.

Permitted uses in the R-1 district include:

A. One-family detached 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

C. Home occupations/professional home offices for non-retail goods and services (defined in this district as businesses that do not require customer access).

D. A non-family household in R-1 shall be limited to three (3) unrelated persons unless otherwise modified by an overlay district.

(Ord. 1499 § 4, 2001; 1149 § 1, 1988; Ord. 994 § 3.6(A), 1982).

CCXXIV.

19.15.030 Conditional uses.

Conditional uses in the R-1 district include:

A. Public and semipublic uses, to include public and private schools; churches and religious institutions; government facilities; active recreational parks; museums, hospitals, public transportation terminals, and similar uses;

B. Planned residential developments such as townhouses, condominiums and cluster housing. In order to allow increasing the intensity of use, the plan commission may allow as a conditional use the following variations from the district requirements:

1. In an approved planned residential development, each dwelling structure need not have an individual lot or parcel having the requisite size and dimensions normally required in the districts. However, the size and the entire development parcel divided by the number of dwellings shall be equal to or larger than the minimum lot area for the district where the site is located,

2. The yard requirements between buildings shall be fixed by the plan commission. Building setbacks from the perimeter of the site shall comply with the front yard, rear yard and side yard requirements of the district,
3. Private streets may be approved to serve uses within the site, provided that the site proposed for PD has frontage on a public street;

C. Home occupations/professional home offices. (Subject to issuance of zoning permit.)
D. The first wireless telecommunications facility located on an alternative support structure only, per the requirements of Chapter 19.55.
E. Real estate sales offices, subject to the following requirements:
1. May only be placed within a major subdivision with twenty (20) or more lots;
2. Shall occupy a maximum of one (1) building within any major subdivision;
3. Shall be a temporary use to be removed or converted to a permitted use in the district no later than ninety (90) days from the date when ninety (90%) percent of the lots or units within the subdivision or development are initially sold or leased, or five (5) 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 ($2,000) 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 (750) feet in floor area devoted to the sales office and related uses open to the public;
6. Shall be compatible in character, materials, placement, and design with other existing and planned buildings within the subdivision;
7. Signage shall be in accordance with standards for conditional uses in the district, per Section 19.54.052 of this title.

F. Bed and breakfast establishments.
G. Keeping of horses, subject to the standards in Section 19.57.160 of this title.
H. One (1) accessory structure may be located in the front or side yard if the following requirements are met.
1. Minimum front yard setback of the accessory structure must be fifty (50) feet
2. Minimum side yard setback of the accessory structure must be ten (10) feet, or corner lot, twenty-five (25) feet

(Ord. 1589A § 1, 2005; Ord. 1580A § 2, 2005; Ord. 1499 § 5, 2001; Ord. 1149 § 5, 1988; Ord. 1082 § 5, 1986; Ord. 994 § 3.6(B), 1982).

CCXXV.

19.15.040 Lot area.

Minimum lot area in the R-1 district is ten thousand (10,000) square feet.

A. A nonconforming lot that does not meet the minimum lot area above may be considered as a buildable lot if it:
a. Meets all other standards including 19.60.050.
b. Is reviewed and approved by the City plan and architectural review commission.

(Ord. 1174 § 1, 1990: Ord. 994 § 3.6(C), 1982).

CCXXVI.

19.15.050 Lot width.

Minimum lot width in the R-1 district is eighty (80) feet.

(Ord. 994 § 3.6(D), 1982).

CCXXVII.

19.15.060 Yard Requirements.

Minimum yard requirements in the R-1 district are as follows:

A. Front, twenty-five (25) feet; not more than 40% of the front yard may be an impervious surface except as a conditional use.

B. Side, ten (10) feet, corner lot, twenty-five (25) feet;
C. Rear, thirty (30) feet; not more than 40% of the rear yard may be an impervious surface except as a conditional use.
D. Shore, seventy-five (75) feet. All Shoreland shall be in compliance with Chapter 19.46, and in addition may require DNR approval.

(Ord. 994 § 3.6(E), 1982).

CCXXVIII. 19.15.070 Lot Coverage.

A. Maximum lot coverage (principal and accessory structures) in the R-1 district is thirty (30%) percent.
B. Maximum impervious surface: The following chart shall be used to determine the maximum percent of allowed impervious surface to determine the threshold for stormwater mitigation plan requirements on lots in the R-1 District.

Maximum Impervious Surface.	
Less than 7,000 sq ft	65%
7,000 sq ft to 8,499 sq ft	60%
8,500 sq ft to 9,999sq ft	55%
10,000 sq ft and over	50%

Percentage of impervious surface shall be calculated by taking the total surface area of the existing and proposed impervious surface and dividing it by the total lot area (note the minimum lot requirement for new lots in R-1 is 10,000 sq ft).

C. Lots calculated over the maximum allowed impervious surface require the Neighborhood Service Director approval of a Stormwater Management Plan. Property owners shall work with Neighborhood Services to develop a practical site specific Stormwater Management Plan that allows for flexibility in the use of stormwater treatment device including rain barrels, rain gardens and etc. Applicants may appeal the Neighborhood Services Director's decision to the Plan and Architectural Review Commission.
    a. Pre-engineered lots may be developed without management plans if mitigation has been accounted for during design of the lot.
    b. The Neighborhood Services Department and Plan and Architectural Review Commission shall take into account surrounding topography when reviewing the necessary stormwater mitigation.
    c. Property owners may also apply for a conditional use permit which may exempt properties from the requirement of a stormwater management plan.
D. The principles and standards set forth in the City of Whitewater Erosion Control and Stormwater Management Requirements policy which includes the City's Stormwater Management Ordinance (Chapter 16.16) and the City's Construction Site Control Ordinance (16.18), shall be used as a guide by the property owner and staff for drafting and reviewing stormwater management plans. The Neighborhood Services Department shall develop written guidelines and policies to be used in development and review of stormwater mitigation plans.

(Ord. 994 § 3.6(F), 1982).

CCXXIX. 19.15.080 Building height.

Maximum building height in the R-1 district is two and one-half (2.5) stories or thirty-five (35) feet.

(Ord. 994 § 3.6(G), 1982).

CCXXX.

19.15.090 Park fees.

All residential development shall be subject to a park acquisition fee per dwelling unit and a park improvement fee per dwelling unit, payable before a building permit is issued. The fee will be recommended by the Parks and Recreation Board then approved by the Common Council. The fee will be on record at the City Clerk's office. The park acquisition fee may 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.

Chapter 19.16 R-1X DISTRICT

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CCXXXI.19.16.005 Purpose.

The R-1X one-family residence district is established to stabilize and protect the essential characteristics of residential areas. (Ord. 994 § 3.6(part), 1982).

CCXXXII.

19.16.010 R-1X district provisions--Applicability.

All of the provisions of the R-1 district not in conflict with the requirements of this chapter shall apply in the R-1X district. A non-family household in R-1X shall be limited to three (3) unrelated persons unless otherwise modified by an overlay district.
(Ord. 1174 § 2(part), 1990).

CCXXXIII.

19.16.020 Lot area.

Minimum lot area in the R-1X district is twelve (12,000) thousand square feet.
(Ord. 1174 § 2(part), 1990).

CCXXXIV.

19.16.021 Maximum Lot coverage.

Maximum lot coverage by building in the R-1X district shall be twenty (20%) percent.
(Ord. 1364 § 7, 1997).

CCXXXV.

19.16.030 Lot width.

Minimum lot width in the R-1X district is one hundred (100) feet.
(Ord. 1174 § 2(part), 1990).

CCXXXVI. 19.16.040 Yard requirements.

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

A. Front, thirty (30) feet; not more than 40% of the front yard may be an impervious surface except as a conditional use.
B. Side, fifteen feet (15); corner lot, thirty (30) feet.
C. Rear, thirty (30) feet; not more than 40% of the yard may be an impervious surface except as a conditional use
D. Shore, seventy-five (75) feet. All Shoreland shall be in compliance with Chapter 19.46 and in addition may require DNR approval.

(Ord. 1174 § 2(part), 1990).

CCXXXVII.

19.16.050 Park fees.

All residential development shall be subject to a park acquisition fee per dwelling unit and a park improvement fee per dwelling unit, payable before a building permit is issued. The fee will be

recommended by the Parks and Recreation Board and then approved by the Common Council. The fee will be on record at the City Clerk's office. The park acquisition fee may 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.

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CCXXXVIII. 19.18.010 Purpose.

The R-2 two-family residence district is established to provide medium-density residential areas. (Ord. 994 § 3.7(part), 1982).

CCXXXIX.

19.18.020 Permitted uses.

Permitted uses in the R-2 district include:

A. One-family detached dwellings;
B. Two-family attached dwellings (except for conversions of single-family to two family dwellings);
C. Home occupations/professional home offices for non-retail goods and services (defined in this district as businesses that do not require customer access)
D. A non-family household in R-2 shall be limited to three (3) unrelated persons.
E. 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 § 6, 2001; Ord. 1174 § 3(A), 1990; Ord. 1149 § 2, 1988; Ord. 994 § 3.7(A), 1982).

CCXL. 19.18.030 Conditional uses.

Conditional uses in the R-2 district include:

A. Attached townhouse dwellings, up to four (4) units per building: minimum lot area requirements for such uses shall be regulated by Chapter 19.21;
B. Conversion of existing single-family dwellings to two-family attached dwellings;
C. Public and semipublic uses;
D. Home occupations/professional home offices for retail goods and services (defined in this district as businesses requiring customer access),
E. The first wireless telecommunications facility located on an alternative support structure only, per the requirements of Chapter 19.55;
F. Real estate sales offices, subject to the following requirements:

1. May only be placed within a major subdivision with twenty (20) or more lots or a multiple-family residential development with forty (40) or more dwelling units,
2. Shall occupy a maximum of one building within any major subdivision, or one unit within any multiple-family residential development,
3. Shall be a temporary use to be removed or converted to a permitted use in the district no later than ninety (90) days from the date when ninety (90%) percent of the lots or units within the subdivision or development are initially sold or leased, or five (5) 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 ($2,000) 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 (750) square feet in floor area devoted to the sales office and related uses open to the public,
6. Shall be compatible in character, materials, placement, and design with other existing and planned buildings within the subdivision or development,
7. Signage shall be in accordance with standards for conditional uses in the district, per Section 19.54.052 of this title;

G. Bed and breakfast establishments;
H. Keeping of horses, subject to the standards in Section 19.57.160 of this title.
I. One (1) accessory structure may be located in the front or side yard if the following requirements are met.
   1. Minimum front yard setback of the accessory structure must be fifty (50) feet
   2. Minimum side yard setback of the accessory structure must be ten (10) feet, or corner lot, twenty-five (25) feet

(Ord. 1589A § 2, 2005; Ord. 1580A § 3, 2005; Ord. 1499 § 7, 2001; Ord. 1299 § 1, 1994; Ord. 1174 § 3(B), 1990; Ord. 1149 § 6, 1988; Ord. 1082 § 6, 1986; Ord. 994 § 3.7(b), 1982).

CCXLI. 19.18.040 Lot area.

Minimum lot area in the R-2 district is:

A. Eight thousand (8,000) square feet for single-family;
B. Twelve thousand (12,000) square feet for two-family.

(Ord. 1174 § 3(C), 1990: Ord. 994 § 3.7(C), 1982).

C. A nonconforming lot that does not meet the minimum lot area above may be considered as a buildable lot if it:
   a. Meets all other standards including 19.60.050.
   b. Is reviewed and approved by the City plan and architectural review commission.

CCXLII. 19.18.050 Lot width.

Minimum lot width in the R-2 district is:

A. Sixty-six (66) feet for all lots of record at the time of adoption of the ordinance codified in this section;
B. Seventy (70) feet for all new single-family development after the adoption of the ordinance codified in this section;
C. One hundred (100) feet for all duplexes developed after the adoption of the ordinance codified in this section.
D. A nonconforming lot that does not meet the minimum lot width above may be considered as a buildable lot if it:
   a. Meets all other standards including 19.60.050.

b. Is reviewed and approved by the City plan and architectural review commission.

(Ord. 1174 § 3(D), 1990: Ord. 994 § 3.7(D), 1982).

CCXLIII. 19.18.060 Yard requirements.

Minimum yard requirements in the R-2 district are:

A. Front, twenty-five (25) feet; (not more than 40% of the front yard may be an impervious surface except by conditional use permit)
B. Side, ten (10) feet for one family, fifteen (15) feet for two family and multifamily; corner lots, twenty-five (25) feet
C. Rear, thirty (30) feet(not more than 40% of the yard may be an impervious surface except as a conditional use.);
D. Shore, seventy-five (75) feet. All Shoreland shall be in compliance with Chapter 19.46, and in addition may require DNR approval.
E. For all structures larger than a one-family dwelling unit, the building setback standards established in the R-3 multifamily residence district shall apply.

(Ord. 1174 § 3E, 1990: Ord. 994 § 3.7(E), 1982).

(Ord. 1174 § 3E, 1990: Ord. 994 § 3.7(E), 1982).

CCXLIV. 19.18.065 Off-street Parking.

Off-street parking, including both surface parking and enclosed parking, shall conform to City guidelines for parking areas which include materials, access, visibility, potential impact on abutting properties, drainage, stormwater management, screening, and economic viability of the associated use.

CCXLV. 19.18.070 Lot coverage.

A. Maximum lot coverage (principal and accessory structures) in the R-2 district is thirty (30%) percent.
B. Maximum impervious surface: The following chart shall be used to determine the maximum percent of allowed impervious surface to determine the threshold for stormwater mitigation plan requirements on lots in the R-2 District.

Maximum Impervious Surface.	
Less than 7,000 sq ft	65%
7,000 sq ft to 8,499 sq ft	60%
8,500 sq ft to 9,999sq ft	55%
10,000 sq ft and over	50%

Percentage of impervious surface shall be calculated by taking the total surface area of the existing and proposed impervious surface and dividing it by the total lot area (note the minimum lot requirement for new lots in R-2 is 8,000 sq ft for single-family and 12,000 square feet for two-family).

C. Lots calculated over the maximum allowed impervious surface require the Neighborhood Service Director approval of a Stormwater Management Plan. Property owners shall work with Neighborhood Services to develop a practical site specific Stormwater Management Plan that allows for flexibility in the use of stormwater treatment device including rain barrels, rain gardens and etc. Applicants may appeal the Neighborhood Services Director's decision to the Plan and Architectural Review Commission.
    d. Pre-engineered lots may be developed without management plans if mitigation has been accounted for during design of the lot.

e. The Neighborhood Services Department and Plan and Architectural Review Commission shall take into account surrounding topography when reviewing the necessary stormwater mitigation.
f. Property owners may also apply for a conditional use permit which may exempt properties from the requirement of a stormwater management plan.

D. The principles and standards set forth in the City of Whitewater Erosion Control and Stormwater Management Requirements policy which includes the City's Stormwater Management Ordinance (Chapter 16.16) and the City's Construction Site Control Ordinance (16.18), shall be used as a guide by the property owner and staff for drafting and reviewing stormwater management plans. The Neighborhood Services Department shall develop written guidelines and policies to be used in development and review of stormwater mitigation plans.

(Ord. 994 § 3.7(F), 1982).

CCXLVI.

19.18.080 Building height.

Maximum building height in the R-2 district is thirty-five (35) feet, or two and one-half stories. (Ord. 994 § 3.7(G), 1982).

CCXLVII.

19.18.090 Park fees.

All residential development shall be subject to a park acquisition fee per dwelling unit and a park improvement fee per dwelling unit, payable before a building permit is issued. The fee will be recommended by the Parks and Recreation Board and then approved by the Common Council. The fee will be on record at the City Clerk's office. The park acquisition fee may 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.

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CCXLVIII. 19.19.010 Purpose and intent.

The purpose and intent of the residential occupancy overlay district is to allow increased occupancy in a focused area near campus where housing structures can accommodate higher occupancy.

CCXLIX. 19.19.015 Relationship to underlying zoning district classification.

Requirements for permitted uses, conditional uses, lot area, lot width, yards, off-street parking, lot coverage, building height, signage, and park fees remain the same as the underlying zoning district to which the overlay zoning is applied unless specifically described in this overlay district.

CCL. 19.19.020 Overlay zoning district application.

Applicants must apply for a zoning map district change within the Overlay Map Permission Area for the R-2A designation. No party other than the owner of the property or agents of the owner may apply for the R-2A university residential density overlay zoning. Permission will require conformance with the requirements established for the duties of the zoning administrator (section 19.75.060) Applications may also require a conditional use permit. This overlay district is restricted to structures that were in existence as of the adoption date of the creation of this overlay district. Procedures for zoning changes and amendments are further elaborated in section 19.69.

CCLI.

CCLII. 19.19.030 Residential occupancy overlay district permitted and conditional uses.

Three (3) unrelated occupants are a permitted use in the R-2A overlay district with no conditional use permit required. A conditional use permit is required for four (4) or more unrelated individuals. The conditional use permit shall take into consideration, among other issues, the size of the building and the original character of the building when bedrooms are being added as part of an internal remodeling or external addition. Occupancy by more than five (5) unrelated individuals requires both a conditional use permit and one of the following:

A. Proof that within 2 years of the granting of the zoning permit request a certification, that the property meets the requirements of the Wisconsin Rental Unit Efficiency Standards (Wis. Stat. §101.122), has been recorded (The Wisconsin Rental Weatherization Program), or
B. Filing with the City a sworn statement by a state-certified rental weatherization inspector that the property meets the State of Wisconsin Rental Unit Efficiency Standards.

CCLIII. 19.19.050 Exceptions.

The limitations in this district overlay for maximum occupancy and parking shall not apply to community living arrangements allowed by federal and state law (such as foster homes and adult family homes for the disabled) and those allowed under Wis. Stats. § 62.23 (7) (i)
(Ord. No. 1788A, § 1, 6-1-2010)

Chapter 19.21 R-3 MULTIFAMILY RESIDENCE DISTRICT

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CCLIV. 19.21.010 Purpose.

The R-3 multifamily residence district is established to provide high-density residential areas, and to allow mixing of certain compatible land uses.

(Ord. 994 § 3.8(part), 1982).

CCLV.

19.21.020 Permitted uses.

Permitted uses in the R-3 district include:

A. One-family detached dwellings;
B. Two-family attached dwellings (new construction);
C. Multi-family dwellings and attached dwellings, up to four units per building. "Attached dwelling" means a one-family dwelling attached to two or more one-family dwellings by common vertical walls;
D. A non-family household in R-3 shall be limited to five (5) unrelated persons.
E. Home occupations/professional home offices for non-retail (goods and services for businesses that do not require customer access);
F. 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 § 8, 2001; 1174 § 4A, 1990: Ord. 1149 § 3, 1988; Ord. 994 § 3.8(A), 1982).

CCLVI.

CCLVII. 19.21.030 Conditional uses.

Conditional uses in the R-3 district include:

A. Professional business offices in a building where the principal use is residential;
B. Multifamily dwellings and attached dwellings, over four (4) units (new construction only); and two-family attached dwellings (existing construction).
C. Walk-in type retail trade (food stores, bookstores, gift shops, galleries, beauty shops and similar uses) located in a building where the principal use is residential and fronts on an arterial street;

a. Conditional use approval under this provision shall be granted for a specified use. Any subsequent change in use or expansion shall require additional conditional use approval.

D. Fraternity or sorority houses and group lodging facilities;
E. Any building over forty (40) feet;
F. Planned developments (see Section 19.15.030);
G. Conversions of existing structures resulting in more dwelling units
H. Conversion of existing units with less than 5 bedrooms to 5 or more bedrooms.
I. Dwelling units with occupancy of six (6) or more unrelated persons
J. Public and semipublic uses;
K. Home occupations/professional home office for retail goods and services (businesses requiring customer access),
L. Bed and breakfast establishments;
M. The first wireless telecommunications facility located on an alternative support structure only, per the requirements of Chapter 19.55;
N. Real estate sales offices, subject to the following requirements:
   1. May only be placed within a major subdivision with twenty (20) or more lots or a multiple-family residential development with forty (40) or more dwelling units,
   2. Shall occupy a maximum of one (1) building within any major subdivision, or one (1) unit within any multiple-family residential development,
   3. Shall be a temporary use to be removed or converted to a permitted use in the district no later than ninety (90) 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 ($2,000) 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 (750) square feet in floor area devoted to the sales office and related uses open to the public,
   6. Shall be compatible in character, materials, placement, and design with other existing and planned buildings within the subdivision or development,
   7. Signage shall be in accordance with standards for conditional uses in the district, per Section 19.54.052 of this title.

O. One (1) accessory structure may be located in the front or side yard if the following requirements are met.
   1. Minimum front yard setback of the accessory structure must be fifty (50) feet
   2. Minimum side yard setback of the accessory structure must be ten (10) feet, or corner lot, twenty-five (25) feet

   (Ord. 1668A § 2, 2007; Ord. 1580A §§ 4, 5, 2005; Ord. 1499 § 9, 2001; Ord. 1174 § 4B, 1990; Ord. 1149 § 7, 1988; Ord. 994 § 3.8(B), 1982).

CCLVIII.

19.21.040 Lot area.

A. Minimum lot area in the R-3 district for One-family and Two-family is as follows:

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

3. A nonconforming lot for a one-family or two-family residence that does not meet the minimum lot area above may be considered as a buildable lot if it:
   a. Meets all other standards including 19.60.050.

b. Is reviewed and approved by the City plan and architectural review commission.

B. Minimum lot area in the R-3 district for Multifamily is as follows:
   a. Multifamily lot size is 15,000 square feet; there shall be a higher minimum lot requirement for a higher density multifamily residence.
   b. Minimum lot size for higher density residence is determined by the number of units. The unit square footage requirement is determined by the number of bedrooms per unit.

Type of Unit	Square Feet
Efficiency	2,000
One-bedroom	2,500
Two-bedroom	3,000
Three-bedroom and over	3,500 plus 300 additional square feet (sq ft) for each bedroom over three

EXAMPLE A

A Multifamily of Two (2) One-bedroom (2,500 sq ft * 2 = 5,000 sq ft) + Two Efficiency (2,000 sq ft * 2 = 4,000 sq ft) = a total of 9,000 sq ft. Example A does not meet the threshold to be considered as a higher density multifamily residence; therefore, the minimum lot requirement is 15,000 square feet.

EXAMPLE B

A Multifamily of Three (3) Five-bedroom (4,100 sq ft * 3 = 12,300 sq ft) + Two (2) two-bedroom (3,000 sq ft * 2 = 6,000 sq ft) = a total of 18,300 sq ft. Example B is higher than the minimum threshold of 15,000 square feet; therefore, the minimum square footage is now 18,300 sq ft.

C. Minimum lot area for group lodging facilities will be set in conditional use review.

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

CCLIX.

19.21.050 Lot width.

Minimum lot width in the R-3 district is:

A. One-family and two-family dwellings, sixty-six (66) feet for all improved lots existing at the time of adoption of the ordinance codified in this section;
B. One family, sixty-six (66) feet for all new single-family dwellings constructed after the adoption of the ordinance codified in this section;
C. Two-family, eighty (80) feet for all newly constructed two-family dwellings;
D. Multifamily dwellings, one hundred (100) feet.

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

CCLX.

19.21.060 Yard Requirements.

A. Front, thirty (30) feet first floor.
B. Side, fifteen (15) feet; corner lots twenty-five (25) feet.
C. Rear, thirty (30) feet.
D. Shore, seventy-five (75) feet. All Shoreland shall be in compliance with Chapter 19.46, and in addition may require DNR approval.

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

CCLXI. 19.21.070 Lot coverage.

A. Three hundred fifty (350) square feet of usable open space shall be required for each dwelling unit for structures with two (2) or more units.
    1. Usable Open Space. Usable open space is that part of the ground level of a zoning lot, other than in a required front or corner side yard, which is unoccupied by driveways, drive aisles, service drives, off-street parking spaces and/or loading berths and is unobstructed to the sky. This space of minimum prescribed dimension shall be available to all occupants of the building and shall be usable for greenery, drying yards, recreational space, gardening and other leisure activities normally carried on outdoors. Where and to the extent prescribed in these regulations, balconies and roof areas, designed and improved for outdoor activities, may also be considered as usable open space. The usable open space shall be planned as an assemblage or singularly designed area that maximizes the size for open space usage.
    2. EXAMPLE: A four (4) Unit building is required to have 1,400 square feet of usable open space
B. The maximum impervious surface:
    1. One-family & Two-family shall follow the standards of the R-2 district.
    2. Multifamily: Reviewed by Engineering staff and approval by the Neighborhood Services Department or the Plan and Architectural Review Commission shall be required.
C. The principles and standards set forth in the City of Whitewater Erosion Control and Stormwater Management Requirements policy which includes the City's Stormwater Management Ordinance (Chapter 16.16) and the City's Construction Site Control Ordinance (16.18), shall be used as a guide by the property owner and staff for drafting and reviewing Stormwater Management plans.

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

CCLXII. 19.21.080 Building height.

Maximum building height in the R-3 district is forty-five (45) feet. The maximum building height is also subject to fire safety limitations. The maximum building height may be increased under the provisions of a conditional use permit.
(Ord. 994 § 3.8(G), 1982).

CCLXIII. 19.21.090 Park fees.

All residential development shall be subject to a park acquisition fee per dwelling unit and a park improvement fee per dwelling unit, payable before a building permit is issued. The fee will be recommended by the Parks and Recreation Board and then approved by the Common Council. The fee will be on record at the City Clerk's office. The park acquisition fee may 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.

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CCLXIV. 19.22.010 Purpose and intent.

The purpose and intent of the university residential density 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.

CCLXV. 19.22.015 Relationship to underlying zoning district classification.

Requirements for permitted uses, conditional uses, lot width, yards, building height, signage, stormwater and park fees remain the same as the underlying zoning district to which the overlay zoning is applied unless specifically described in this overlay district. At least 10% of the lot should be usable open space.

CCLXVI. 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. 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 or agents of the owner may apply for the R-3A University residential density overlay zoning. Permission will require conformance with the requirements established for the duties of the zoning administrator (section 19.75.061) Applications may also require a conditional use permit. Procedures for zoning changes and amendments are further elaborated in section 19.69.

CCLXVII. 19.22.030 University residential density overlay district permitted and conditional uses.

Within this district, a multifamily building with up to sixteen units is a permitted use for new construction. More than 16 units per building and up to 32 units per building may be requested as a conditional use. Among other issues, conditional use permits should consider long term impacts of the proposal on the surrounding area. More than 32 units per building are not allowed in the district but may be considered as part of a PD district. Architectural quality shall be subject to the review of the plan and architectural review commission and include consideration of any design and planning criteria as established by the City, for buildings in this zoning district.

CCLXVIII. 19.22.040 Lot area.

The minimum lot area in the R-3A district is shown is as follows:

A. Minimum lot area in the R-3A district for One-family and Two-family is as follows:

1. One-family	6,400 square feet;

2. Two-family	9,600 square feet;

3. A nonconforming lot for a one-family or two-family that does not meet the minimum lot area above may be considered as a buildable lot if it:
    a. Meets all other standards including 19.60.050.
    b. Is reviewed and approved by the City plan and architectural review commission.

B. Minimum lot area in the R-3A district for Multifamily is as follows:
    a. Multifamily lot size is 12,000 square feet, there shall be a higher minimum lot requirement for a higher density multifamily residence.
    b. Minimum lot size for a higher density residence is determined by adding the number of units. The unit square footage requirement is determined by the number of bedrooms per unit.

Type of Unit	Square Feet
Efficiency	1,600
One-bedroom	2,000
Two-bedroom	2,400
Three-bedroom and over	2,800 plus 240 additional square feet (sq ft) for each bedroom over three

EXAMPLE A
A Multifamily of Two (2) One-bedroom (2,000 sq ft * 2 = 4,000 sq ft) + Two Efficiency (1,600 sq ft * 2 = 3200 sq ft) = a total of 7,200 sq ft. Example A does not meet the threshold to be considered as a higher density multifamily residence; therefore, the minimum lot requirement is 15,000 square feet.

EXAMPLE B
A Multifamily of Three (3) Five-bedroom (3,280 sq ft * 3 = 9,840 sq ft) + Two (2) two-bedroom (2,400 sq ft * 2 = 4,800 sq ft) = a total of 14,640 sq ft. Example B is higher than the minimum threshold of 12,000 square feet; therefore, the minimum square footage is now 14,640 sq ft.

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

CCLXIX. 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 (7)(I))

Chapter 19.24 R-4 MOBILE HOME DISTRICT

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CCLXX. 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).

CCLXXI. 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).

C. Home occupations/professional home offices for non-retail goods and services (defined in this district as businesses that do not require customer access).

CCLXXII. 19.24.030 Conditional uses.

Conditional uses in the R-4 district include:

A. Public and semipublic uses;
B. Home occupations/professional home office for retail goods and services (businesses requiring customer access);
C. The first 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 (20) or more home sites,
    2. Shall occupy a maximum of one (1) 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 (5) 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 ($2,000) 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 ($750) square feet in floor area devoted to the sales office and related uses open to the public,
6. Shall be compatible in character, materials, placement, and design with other existing and planned buildings within the development,
7. Signage shall be in accordance with standards in the district, per Section 19.54.052 of this title.

(Ord. 1580A § 6, 2005; Ord. 1499 § 11, 2001; Ord. 1149 § 8, 1988; Ord. § 3.9(B), 1982).

CCLXXIII.

19.24.040 Lot area.

Minimum lot area in the R-4 district is:

A. Exterior boundaries, four (4) acres;

B. Mobile home space, three thousand, six hundred (3,600) square feet.

CCLXXIV.

19.24.050 Lot width.

Minimum lot width in the R-4 district is:

A. Exterior boundaries, two hundred (200) feet;

B. Mobile home space, thirty-six (36) feet.

(Ord. 994 § 3.9(D), 1982).

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

	Front	Side	Rear
A. Exterior boundaries	30	30	30
B. Interior boundaries	10	10	10

(Ord. 994 § 3.9(E), 1982).

CCLXXV.

19.24.070 Lot coverage.

Maximum lot coverage in the R-4 district is as follows: The mobile home dwelling unit shall not occupy more than fifty percent (50%) of the mobile home space.

(Ord. 994 § 3.9(F), 1982).

CCLXXVI.

19.24.080 Wrecked or damaged homes.

Wrecked, damaged or dilapidated mobile homes shall not be kept or stored on a lot in a mobile home park. The Zoning Administrator shall determine if a mobile home is damaged or dilapidated to a point which makes such mobile home unfit for human occupancy on either a temporary or permanent basis. Whenever such a determination is made, the mobile home shall be vacated and removed from the premises by the owner of the lot within thirty days of formal notice by the Zoning Administrator.

(Ord. 994 § 3.9(G), 1982).

CCLXXVII.

19.24.090 Park fees.

All residential development shall be subject to a park acquisition fee per dwelling unit and a park improvement fee per dwelling unit, payable before a building permit is issued. The fee will be recommended by the Parks and Recreation Board and then approved by the Common Council. The fee will be on record at the City Clerk's office. The park acquisition fee may 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.

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

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CCLXXVIII. 19.25.010 Purpose and intent.

The purpose and intent of the non-family residential overlay district is to stabilize and protect property values and to provide a mechanism to protect, preserve, and enhance essential characteristics of low-density single-family residential areas, in particular, areas where due to economic factors and housing pressure in the immediate area there is the potential for the reduction of family-occupied residences, and therefore the loss of the single-family character of the neighborhood which will potentially lead to overcrowding, undue population concentration and lower property values.
(Ord. No. 1788A, § 1, 6-1-2010)

CCLXXIX.

19.25.020 Overlay district application.

There is no separate Overlay Permission Area Map for the R-O overlay. Applications for the R-O district may be made in any residential zoning district. The restrictions set forth herein are in addition to the restrictions and requirements of the basic district applicable to a particular site. 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. Except as noted in this chapter, an R-O overlay request may be initiated by the City Council or any member thereof, the City Plan Commission, or by petition of one or more of the owners, lessees, or authorized agents of the lessees or owners of the property within the area proposed to be included within the R-O overlay district. No party other than the owner of the property may initiate an action for the imposition of R-O non-family residential zoning on any particular property if such a petition has been made within the previous twelve (12) months. Procedures for zoning changes and amendments are further elaborated in section 19.69 (Ord. No. 1788A, § 1, 6-1-2010)

CCLXXX.

19.25.030 Non-family residential overlay district additional restrictions.

In all non-family residential overlay districts, the non-family household limitation set forth in Whitewater Municipal Ordinance [Section] 19.15.010 is reduced from three (3) to two (2). Therefore, in any non-family residential overlay district, a non-family household shall be limited to two unrelated persons.
(Ord. No. 1788A, § 1, 6-1-2010)

CCLXXXI. 19.25.035 Parking

Parking spaces permitted for units with R-O zoning shall be limited to the number of parking spaces allowed for the underlying zoning.

CCLXXXII.

19.25.040 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, in particular, those allowed under Wis. Stats. § 62.23.(7)(i)
(Ord. No. 1788A, § 1, 6-1-2010

CCLXXXIII.

19.25.050 Non-conforming use and registration.

Properties that qualify as legal non-conforming uses shall be allowed to continue the use subject to the provisions contained in City of Whitewater Ordinance Section 19.60.010. The non-conforming use status of any property under this chapter will be subject to the provisions contained in City of Whitewater Ordinance [Section] 19.60.010, existing non-conforming uses.

Properties that qualify as legal non-conforming uses under this chapter shall be allowed to continue the use subject to the provisions contained in City of Whitewater Code Chapter 19.60 Nonconforming Uses, Structures and Lots.

(Ord. No. 1788A, § 1, 6-1-2010)

Chapter 19.27 B-1 COMMUNITY BUSINESS DISTRICT

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CCLXXXIV. 19.27.010 Purpose.

The B-1 community business district is established to accommodate retail shopping and service needs in a manner compatible with the desired community character. The district should be located in relative proximity to residential areas and major traffic routes.
(Ord. 1452 § 1(part), § 4(part), 2000: Ord. 994 § 3.10(part), 1982).

CCLXXXV. 19.27.020 Permitted uses.

Permitted uses in the B-1 district include:

A. Art, music and school supply stores and galleries;
B. Antique, hobby and craft shops;
C. Automotive and related parts stores, without servicing;
D. Hotels and motels;
E. Small appliance repair stores, computer or software sales and service;
F. Barbershops and beauty parlors;
G. Banks and other financial institutions without drive-through facilities;
H. Camera and photographic supply stores;
I. Caterers;
J. Clothing and shoe stores and repair shops;
K. Clinics, medical and dental;
L. Department stores;
M. Drugstores;
N. Florist shops;
O. Food and convenience stores without gasoline pumps;
P. Furniture stores;
Q. Hardware stores;
R. Insurance agencies;
S. Jewelry stores;

T. Liquor stores without drive-through facilities;
U. Meat markets;
V. Resale shops;
W. Paint, wallpaper, interior decorating and floor covering stores;
X. Professional offices;
Y. Restaurants without drive-through facilities;
Z. Self-service laundries and drycleaning establishments;
AA. Sporting goods stores;
BB. Stationery stores, retail office supply stores;
CC. Variety stores;
DD. Movie theaters;
EE. Charitable or nonprofit institutions and facilities;
FF. Tourist homes and bed and breakfasts;
GG. Existing residences must meet the following standards
    1. Limited to no more than four (4) unrelated persons.
    2. Number of parking spaces is determined using the R-3 parking regulations for the residential units.
HH. Any other similar uses not specifically listed above that are consistent with the purpose of this district;
II. 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, per the requirements of Chapter 19.55.

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

JJ. Light assembly uses including electronics, pottery, printing, contractor shops (heating, electrical, plumbing, general contracting) provided that there are no significant environmental emissions (odor and waste)

CCLXXXVI.

19.27.025 Permitted accessory uses.

Permitted accessory uses in the B-1 district include:

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

(Ord. 1499 § 13, 2001; 1452 § 1(part), § 4(part), 2000).

CCLXXXVII.

19.27.030 Conditional uses.

Conditional uses in the B-1 district include:

A. Entertainment establishments, including clubs, but excluding adult entertainment;
B. All uses with drive-in and drive-through facilities; (for which the conditions shall, among other issues, maintain visual continuity and attractive pedestrian movement along the street fronts);
C. Automobile and small engine vehicle sales or rental facilities, including incidental repair and service within the principal building;
D. Automobile repair and service within the principal building;
E. Car washes;
F. Private recreation uses;
G. Public and semipublic uses;
H. Taverns and other places selling alcoholic beverages by the drink; for which consideration shall be given but is not limited to conditions regarding, the following issues:
    1. parking
    2. type of business
    3. signage
    4. outdoor seating
    5. provisions for avoiding noise and lighting nuisances
    6. buffering and fencing consistency;
    7. compatibility with the immediately surrounding neighborhood or district
I. Light assembly/retail uses not permitted elsewhere in this district. Subject to the following restrictions:
    1. No environmental emission (noise, odor, waste),
    2. All truck delivery during weekdays,
    3. All of the requirements of Chapter 19.51, Traffic, Parking and Access, and Chapter 19.57, General Performance Standards, to be met;
J. Gasoline service stations, including incidental repair and service within the principal building;
K. Day care centers, adult and child;
L. Funeral homes and crematory services;
M. Veterinary clinics, provided that no service including animal boarding is offered outdoors;
N. More than one principal structure on a lot;
O. Large retail and commercial service developments, as described and regulated in Chapter 19.485.
P. The first wireless telecommunications facility located on an alternative support structure only, per the requirements of Chapter 19.55.
Q. New residential construction or existing residential modification resulting in addition of units or bedrooms. The residential unit must meet the following standards:
    1. A limit of four (4) unrelated persons.
    2. Three hundred fifty (350) square feet of usable open space shall be required for each dwelling unit for structures with two (2) or more units.
    3. Number of parking spaces is determined using the R-3 parking regulations for the residential units.
    4. A first floor residential unit may be permitted if it meets the following standards.
        a. The Unit is ADA compliant
        b. Any residential unit access must:
            i. Exit from the rear of the principal structure or

ii. Have a main street access which must be through a common entryway used by a non-residential use.

c. Not occupy more than fifty percent (50%) of the first floor.

(Ord. 1499 § 14, 2001; 1452 § 1(part), § 4(part), 2000: Ord. 1379 § 1, 1997; Ord. 1314 § 1, 1995; Ord. 1296 § 2(part), 1994; Ord. 994 § 13.10(B), 1982).
(Ord. No. 1796A, § 1, 8-3-2010)

CCLXXXVIII.

19.27.040 Lot area.

Minimum lot area in the B-1 district is seven thousand (7,000) square feet for lots existing at the time of adoption of the ordinance codified in this chapter, and fifteen thousand (15,000) square feet for all other lots.
(Ord. 1452 § 1(part), § 4(part), 2000: Ord. 994 § 3.10(C), 1982).

CCLXXXIX.

19.27.050 Lot width.

Minimum lot width in the B-1 district is fifty (50) feet
(Ord. 1452 § 1(part), § 4(part), 2000: Ord. 994 § 3.19(D), 1982).

CCXC.

19.27.060 Yard requirements.

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

A. Front and street side, fifteen (15) feet (but may be greater if needed to meet fire safety requirements);
B. Interior side, ten (10) feet, except that no side yard will be required for buildings designed for common wall construction;
C. Rear, twenty (20) feet, except the rear yard setback to any railroad right-of-way shall be at least fifteen (15) feet under a conditional use;
D. Shore yard, seventy-five (75) feet. All Shoreland shall be in compliance with Chapter 19.46 and in addition may require DNR approval.
E. Any yard abutting a residential district or residential use, thirty (30) feet or the height of the nearest principal building or structure on the lot being developed, whichever is greater. Such yards shall be subject to the landscape buffer yard requirements of Section 19.57.140, except where abutting a railroad right-of-way with the approval of the plan and architectural review commission;
F. There shall be no accessory buildings within the required front yard setback.

(Ord. 1460 § 2, 2000; Ord. 1452 § 1(part), § 4(part), 2000; Ord. 994 § 3.10(E), 1982).

CCXCI.

19.27.070 Lot coverage.

There is no maximum percentage lot coverage for buildings with the exception of the provisions needed for landscape, circulation, and other site planning considerations. Building size, coverage, and locations must still conform to the other regulations including stormwater management. Landscape and environmental features shall follow principles of sustainability and environmental quality and locate landscape elements in highly visible locations, especially in the fronts of buildings, and should include canopy trees, understory and/or evergreen trees, and shrubs.
(Ord. 1452 § 1(part), § 4(part), 2000: Ord. 994 § 3.10(F), 1982).

19.27.080 Building height.

Maximum building height in the B-1 district is five (5) stories or 100 feet (whichever is greater), with the exception that the maximum building height is three (3) stories within 100' of a residential use or a property zoned as a residential district. The maximum building height is also subject to fire safety limitations. The maximum building height may be increased under the

provisions of a conditional use permit which will include, but is not limited to, consideration of issues regarding shadows cast by buildings, views, impacts on neighbors, and microclimate.
(Ord. 1580A § 7, 2005: Ord. 1452 § 1(part), § 4(part), 2000: Ord. 994 § 3.10(G), 1982).

CCXCII.

19.27.090 Plan review.

Plan review in accordance with Chapter 19.63 shall be required for any development in the B-1 district. Building design shall be consistent with the recommendations of the city's comprehensive (master) plan; contribute to the uniqueness and character of the neighborhood, district and community; and include materials, colors, styles and features tailored to the building's site and context. Substantial modifications to standardized prototype and corporate franchise designs may be required to meet these criteria. Landscaping shall be consistent with the recommendations of the city's comprehensive (master) plan; generous in quantity; aesthetically pleasing; appropriate to the site, community and region; and in accordance with accepted professional standards.
(Ord. 1452 § 1(part), § 4(part), 2000: Ord. 994 § 3.10(H), 1982).

CCXCIII.

19.27.100 Park fees.

All residential development shall be subject to a park acquisition fee per dwelling unit and a park improvement fee per dwelling unit, payable before a building permit is issued.
The amount of these fees may be reduced by any fee amount previously paid or credited at the time of subdivision, or by fifty percent (50%) if the new housing units are created as a result of the conversion or remodeling of a preexisting building. The park acquisition fee may also be reduced if sufficient land area was provided for park purposes at the time of subdivision, based on the calculations in section 18.04.030(a)(1) of the Whitewater Municipal Code. The fee amounts shall be set by the City Council. The fee will be recommended by the Parks and Recreation Board and then approved by the Common Council. The fee will be on record at the City Clerk’s office.

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CCXCIV.19.28.010 Purpose and intent.

The purpose and intent of the university mixed-use neighborhood overlay district is to provide multi-family housing options within an active, pedestrian friendly neighborhood, and with residential units located on upper floors while the ground level contains non-residential uses. Development and uses should attract university students on a daily basis and provide year-round activities to encourage students to remain in the City on weekends and summers. The district provides an opportunity for mixed housing and commercial uses, serving both students and adjacent residents.

CCXCV. 19.28.015 Relationship to underlying zoning district classification.

Requirements for permitted uses, conditional uses, lot area, lot width, yards, lot coverage, building height, signage, and park fees remain the same as the underlying zoning district to which the overlay zoning is applied unless specifically described in this overlay district.

CCXCVI.19.28.020 Overlay district application.

Applicants must apply for a zoning map district change within the Overlay Map Permission Area for the B-1A designation. No party other than the owner of the property or agents of the owner may apply for the B-1A university mixed-use neighborhood overlay zoning. Applications may also require a conditional use permit. Procedures for zoning changes and amendments are further elaborated in section 19.69.

CCXCVII.
19.28.030 University mixed-use neighborhood overlay district permitted and conditional uses.

Within this district, In addition to the permitted and conditional uses for B-1 a multifamily residential building or a mixed-use building:

a) Up to twelve (12) residential units is a permitted use for new construction
b) More than twelve (12) residential units per building and up to twenty-four (24) residential units per building may be requested as a conditional use.
c) More than twenty-four (24) residential units per building are not allowed in the district.
d) Residential units shall be limited to no more than four (4) bedrooms.
e) Architectural quality shall be subject to the review of the plan and architectural review commission and include application of any architectural standards as established by the City, for buildings in this zoning district.

Chapter 19.30 B-2 CENTRAL BUSINESS DISTRICT*

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* Prior ordinance history: Ords. 994, 1296 and 1481.

CCXCVIII.

19.30.010 Purpose.

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

CCXCIX.

19.30.020 Permitted uses.

Permitted uses in the B-2 district include:

A. Art and school supply stores;
B. Arts and crafts galleries;
C. Automotive parts sales stores, automobile sales lot and show rooms and lots;
D. Antique or collectible shops;
E. Bakeries or candy stores, with products for sale on premises only;
F. Catalog and e-commerce sales outlets;
G. Hotels and motels;
H. Appliance repair stores, including computer sales and service;
I. Barbershops, day spas, and beauty parlors;
J. Banks and other financial institutions;
K. Bookstores, stationery stores, retail office supply stores, and newsstands;
L. Caterers;
M. Clothing and shoe sales and repair shops;
N. Clinics, medical and dental;
O. Coffee shops;
P. Cultural arts centers and museums;
Q. Department stores;
R. Drug stores;
S. Florist or garden shops;
T. Gift shops;
U. Grocery stores;
V. Hardware stores;
W. Insurance, real estate, or similar agencies;
X. Interior decorating shops;

Y. Jewelry stores;
Z. Paint stores;
AA. Offices;
BB. Post offices;
CC. Public parking lots;
DD. Restaurants, ice cream shops, and cafes;
EE. Sporting goods shops;
FF. Tourist information and hospitality centers;
GG. Toy stores;
HH. Travel agencies;
II. Variety stores;
JJ. Dance studios;
KK. Movie theaters;
LL. Charitable or nonprofit institutions and facilities;
MM. Tourist homes and bed and breakfasts;
NN. Residential uses above the first floor, limited to non-related household sizes applicable in the R-1 and R-2 districts (see Section 19.09.520);
OO. Existing residences must meet the following standards:
    1. A limit of three (3) unrelated persons.
PP. Any other similar uses not specifically listed above.

(Ord. 1611A § 1(part), 2006).

CCC.

19.30.025 Permitted accessory uses.

Permitted accessory uses in the B-2 district include:

A. Garages for storage of vehicles, equipment or materials in conjunction with operation of the principal use on the lot;
B. Off-street parking and loading areas, subject to landscaping and screening requirements where applicable;
C. Outside storage or trash dumpsters where enclosed by a decorative opaque fence, wall and/or landscaping designed to provide a total visual screen;
D. Outside display and temporary storage of motor vehicles where the principal use on the lot includes the sale, repair, or servicing of such motor vehicles. No vehicle in an inoperable condition shall be stored outdoors for greater than thirty days;
E. Outdoor seating for restaurants, coffee shops, cafes, taverns, or similar uses, within areas designated by site plan review or other city approval processes;
F. Essential services.

(Ord. 1611A § 1(part), 2006).

CCCI.

19.30.030 Conditional uses.

Conditional uses in the B-2 district include:

A. Drive-in or drive-through type establishments;
B. Entertainment establishments, not including adult entertainment establishments;
C. Taverns and other places selling alcoholic beverages by the drink; including expansion of existing uses for which consideration shall be given but is not limited to, conditions regarding the following issues:
    1. parking
    2. type of business
    3. signage
    4. outdoor seating
    5. provisions for avoiding noise and lighting nuisances
    6. buffering and fencing

7. compatibility with the immediately surrounding neighborhood or district

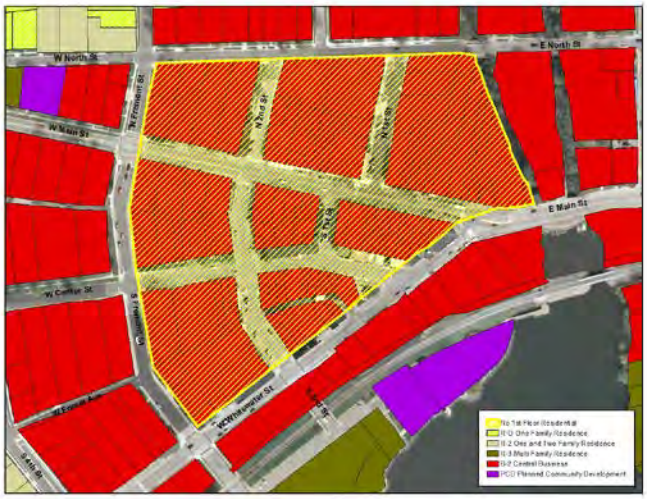
D. Liquor or tobacco stores;

E. Public and semipublic uses, except for parking;

F. Automotive servicing and repairs;

G. First floor residential uses are allowed as a conditional use; except as provided below:

1. First floor residential uses are prohibited in any building located in the area within the boundary of Whitewater Creek on the east (prohibited on west side of creek only), North Street on the north (prohibited on south side of street only), Fremont Street on the west (prohibited on east side of street only), Whitewater Street on the south (prohibited on north side of street only), and the portion of West Main Street from the intersection of Whitewater Street east to the Whitewater Creek (prohibited on north side of street only).



H. Light industrial/retail uses such as:

1. Electronics,
2. Pottery,
3. Craft/woodwork,
4. Printing,
5. Contractor shops (heating, electrical, plumbing, general contractor office),
6. Lumberyards,
7. Other similar uses,

I. Conditional uses in the B-2 district are subject to the following restrictions:

1. No outside storage, unless screened as to Chapter 19.57.140.
2. No environmental emission.
3. All truck delivery during weekdays.
4. All dumpster locations outdoors must be screened by a fence and landscaping,
5. All of the requirements of Chapter 19.51, Traffic, Parking and Access, and Chapter 19.57, General Performance Standards, to be met.

I. Laundromats or dry cleaning.

J. Hospitals.

K. Wholesale trade of durable and nondurable goods.

(Ord. 1611A § 1(part), 2006).

(Ord. No. 1681A, 5-20-2008)

CCCII. 19.30.040 Architectural design standards.

Within the B-2 district, there shall be no minimum required ordinance design and dimensional standards or setbacks. This is being done to allow the most flexibility in the reuse and

redevelopment of the downtown. Because of the lack of predefined architectural design standards, all proposed construction and remodeling activities requiring a zoning permit shall require the design review and approval of the city plan and architectural review commission in compliance with Chapter 19.63, Plan Review.

Also within the B-2 district, all uses are exempted from the parking requirements of Section 19.51.130, except if off-street parking is specifically required for a particular conditional use under Section 19.30.030.
(Ord. 1611A § 1(part), 2006).

CCCIII. 19.30.050 Park fees.

All residential development shall be subject to a park acquisition fee per dwelling unit and a park improvement fee per dwelling unit, payable before a building permit is issued. The fee will be recommended by the Parks and Recreation Board and then approved by the Common Council. The fee will be on record at the City Clerk's office. The amount of these fees may be reduced by any fee amount previously paid or credited at the time of subdivision, or by fifty percent (50%) if the new housing units are created as a result of the conversion or remodeling of a preexisting building. The park acquisition fee may also be reduced if sufficient land area was provided for park purposes at the time of subdivision, based on the calculations in Section 18.04.030(a)(1) of the Whitewater Municipal Code. The fee amounts shall be set by the City Council.

Chapter 19.31 B-2A Downtown Housing Overlay District

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CCCIV. 19.31.010 Purpose and intent.

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

CCCV. 19.31.015 Relationship to underlying zoning district classification.

Requirements for permitted uses, conditional uses, lot area, lot width, yards, lot coverage, building height, signage, and park fees remain the same as the underlying zoning district to which the overlay zoning is applied unless specifically described in this overlay district.

CCCVI. 19.31.020 Overlay district application.

Applicants must apply for a zoning map district change within the Overlay Map Permission Area for the B-2A designation. No party other than the owner of the property or agents of the owner may apply for the B-2A downtown housing overlay zoning. Permission will require conformance with the requirements established for the duties of the zoning administrator (section 19.75.061) Applications may also require a conditional use permit. Procedures for zoning changes and amendments are further elaborated in section 19.69

CCCVII. 19.31.030 Downtown housing overlay district permitted and conditional uses

Multi-family buildings with up to four units per building are a permitted use for new construction provided that the units shall be limited to no more than four bedrooms, have a minimum of two bathrooms, and have individual entries. Multi-family building plans shall demonstrate the inclusion or availability of adequate parking for the occupants and building users. In addition, the design of such units shall be reviewed by the Plan and Architectural Review Commission as limited to the following issues: the design can easily accommodate both student and non-student housing; the design exemplifies high quality site planning and architecture; quality open space features, or garden yards are integrated to serve as an amenity for residents.

CCCVIII. 19.31.040 Off-street Parking.

Off-street parking, including both surface parking and enclosed parking, shall conform to the following guidelines and shall be reviewed as part of submitted site plans:

A. All parking areas must be hard surfaced with materials to control dust and drainage, such as asphalt, concrete, brick, or pavers. Gravel is not permitted. Access, drainage and stormwater management must be considered.
B. Consideration must be given to the visibility and potential impact on abutting properties. Attractive landscaping and screening/fencing must be installed to block light pollution.

C. If there are three or more unrelated individuals living in a dwelling, parking must be striped, numbered, assigned, and curb stops or bollards shall be included along the edge of the surface parking area.

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CCCIX.

19.33.010 Purpose.

The B-3 highway commercial and light industrial district is established to accommodate nonnuisance type industrial commercial uses that are highway oriented or have large land area requirements. To ensure a minimum of disruption to residential neighborhoods, no development within this district shall take direct access to a local residential street, except by conditional use permit.

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

CCCX.

19.33.020 Permitted uses.

Permitted uses in the B-3 district include:

A. All uses listed as permitted uses in the B-1 district(19.27.020);
B. Agricultural services;
C. General contracting shops;
D. Lumberyards, building supply stores, and greenhouses;
E. Private recreation facilities;
F. Mini-warehouses;
G. Public and semipublic uses;
H. Other similar uses not specifically listed in this section that are consistent with the purpose of this district;
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, per the requirements of Chapter 19.55.

(Ord. 1499 § 15, 2001; Ord. 1452 § 1(part), § 5(part), 2000: Ord. 1082 § 7, 1986; Ord. 994 § 3.12(A), 1982).

CCCXI.

19.33.025 Permitted accessory uses.

Permitted accessory uses in the B-3 district include:

A. Garages for storage of vehicles, equipment or materials in conjunction with operation of the principal use on the lot;
B. Off-street parking and loading areas, subject to landscaping and screening requirements if applicable;
C. Outside storage and trash dumpsters, which may be subject to screening as part of site plan review;
D. Outside display of merchandise, which may be subject to limitations as part of site plan review;
E. Outside display and temporary storage of motor vehicles where the principal use on the lot includes the sale, repair, or servicing of such motor vehicles. No vehicle in inoperable condition shall be stored for greater than thirty days;
F. Outdoor seating for restaurants within designated areas;
G. Temporary retail uses, such as seasonal and special event sales, subject to the approval of the zoning administrator, who may require specific time and area limitations;
H. Vending machines for dispensing of a product, but only if accessory to a commercial business use. If more than two vending machines are accessory to one business use, such vending machines shall be screened from the public right-of-way and adjacent properties. Vending machines may be lit only when the principal use on the lot is in operation, unless such machines are completely screened from the public right-of-way and adjacent properties;
I. Essential services;
J. Wireless telecommunications support facilities, per the requirements of Chapter 19.55.

(Ord. 1499 § 16, 2001; 1452 § 1(part), § 5(part), 2000).

CCCXII.

19.33.030 Conditional uses.

Conditional uses in the B-3 district include:

A. Taverns and other establishments selling alcoholic beverages by the drink; for which consideration shall be given but is not limited to, conditions regarding the following issues:
    1. parking
    2. type of business
    3. signage
    4. outdoor seating
    5. provisions for avoiding noise and lighting nuisances
    6. buffering and fencing
    7. compatibility with the immediately surrounding neighborhood or district
B. All uses with drive-through facilities;
C. More than one principal structure on a lot;
D. New and existing residential uses in conformance with the standards of the R-3 multifamily residence district;
E. Automobile repair and service within a principal or accessory building;
F. Automobile, boat, trailer and small engine vehicle sales and rental facilities, including incidental repair and service within a principal or accessory building;
G. Car washes;
H. Entertainment establishments, including clubs, but excluding adult entertainment;
I. Funeral homes and crematory services;
J. Gasoline service stations, including incidental repair and service within the principal building;
K. Light industry;
L. Motor freight transportation;
M. Veterinary clinics, provided that no service including animal boarding is offered outdoors;
N. Warehousing;

O. Wholesale trade of durable and nondurable goods;
P. Large retail and commercial service developments, as described and regulated in Chapter 19.485.
Q. Light manufacturing and retail uses
R. All nonresidential uses with vehicular access onto a local (not a collector or arterial) street that is intended to provide access to mostly residential uses;
S. The first wireless telecommunications facility located on an alternative support structure only, per the requirements of Chapter 19.55.

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

(Ord. No. 1796A, § 2, 8-3-2010)

CCCXIII.

19.33.040 Lot area.

Minimum lot area in the B-3 district is ten thousand (10,000) square feet.

CCCXIV.

19.33.050 Lot width.

Minimum lot width in the B-3 district is one hundred (100) feet.

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

CCCXV.

19.33.060 Yard requirements.

Minimum required yards for principal buildings, outside storage, and dumpsters in the B-3 district are:

A. Front and street side, fifteen (15) feet (but may be greater if needed to meet fire safety requirements);
B. Interior side, fifteen (15) feet; (but may be greater if needed to meet fire safety requirements);
C. Rear, twenty (20) feet, except the rear yard setback to any railroad right-of-way shall be fifteen (15) feet under a conditional use; (but may be greater if needed to meet fire safety requirements);
D. Shore yard, seventy-five (75) feet. All Shoreland shall be in compliance with Chapter 19.46, and in addition may require DNR approval.
E. Any yard abutting a residential district or use, thirty (30) feet or the height of the nearest principal building or structure being developed, whichever is greater. Such yards shall be subject to the landscape buffer yard requirements of Section 19.57.140, except where abutting a railroad right-of-way with the approval of the plan and architectural review commission.

(Ord. 1460 § 1, 2000; Ord. 1452 § 1(part), § 5(part), 2000: Ord. 994 § 3.12(E), 1982).

CCCXVI.19.33.070 Lot coverage.

There is no maximum percentage lot coverage for buildings with the exception of the provisions needed for landscape, circulation, and other site planning considerations. Building size, coverage, and locations must still conform to the other regulations including stormwater management. Landscape and environmental features shall follow principles of sustainability and environmental quality and shall locate landscape elements in highly visible locations, especially in the fronts of buildings, and should include canopy trees, understory and/or evergreen trees, and shrubs.

CCCXVII.

19.33.080 Building height.

Maximum building height in the B-3 district is five (5) stories or 100 feet (whichever is greater), with the exception that the maximum building height is three (3) stories within 100’ of a residential use or property zoned as a residential district.

The maximum building height is also subject to fire safety limitations. The maximum building height may be increased under the provisions of a conditional use permit which will include, but is not limited to, consideration of issues regarding shadows cast by buildings, views, impacts on neighbors, and microclimate.
(Ord. 1452 § 1(part), § 5(part), 2000: Ord. 994 § 3.12(G), 1982).

CCCXVIII. 19.33.090 Plan review.

Plan review in accordance with Chapter 19.63 shall be required for any development in the B-3 district. Building design shall be consistent with the recommendations of the city's comprehensive (master) plan and include materials, colors, styles, and features tailored to the building's site and context. Landscaping shall be consistent with the recommendations of the city's comprehensive (master) plan; appropriate to the site, community and region; and in accordance with accepted professional standards.
(Ord. 1452 § 1(part), § 5(part), 2000: Ord. 994 § 3.12(H), 1982).

CCCXIX.

19.33.100 Park fees.

All residential development shall be subject to a park acquisition fee per dwelling unit and a park improvement fee per dwelling unit, payable before a building permit is issued. The fee will be recommended by the Parks and Recreation Board and then approved by the Common Council. The fee will be on record at the City Clerk’s office. The amount of these fees may be reduced by any fee amount previously paid or credited at the time of subdivision, or by fifty percent (50%) if the new housing units are created as a result of the conversion or remodeling of a preexisting building. The park acquisition fee may also be reduced if sufficient land area was provided for park purposes at the time of subdivision, based on the calculations in section 18.04.030(a)(1) of the Whitewater Municipal Code.

Chapter 19.36 M-1 GENERAL MANUFACTURING DISTRICT

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CCCXX. 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).

CCCXXI.

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 linked to a manufacturing or warehousing use;
F. More than one principal structure on a lot when the additional building is a material and direct part of the primary business;
G. Any similar uses not specifically listed that can comply with the performance standards listed in Chapter 19.57;
H. 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).

CCCXXII.

19.36.030 Conditional uses.

Conditional uses in the M-1 district include:

A. Wireless telecommunications facilities, per the requirements of Chapter 19.55. (Ord. 1499 § 19, 2001; Ord. 1315 § 1, 1995: Ord. 994 § 3.13(B), 1982).
B. Salvage yards;
C. Day care facilities

CCCXXIII. 19.36.040 Lot area.

Minimum lot area in the M-1 district is twenty thousand (20,000) square feet.
(Ord. 994 § 3.13(C), 1982).

CCCXXIV.

19.36.050 Lot width.

Minimum lot width in the M-1 district is one hundred fifty (150) feet.
(Ord. 994 § 3.13(D), 1982).

CCCXXV.

19.36.060 Yard requirements.

Minimum yard requirements for the M-1 district are:

A. Front, thirty (30) feet;
B. Side, fifteen (15) feet, corner lots thirty (30) feet;
C. Rear, thirty (30) feet, except the rear yard setback to any railroad right-of-way shall be at least fifteen (15) feet under a conditional use;
D. Shore, seventy-five (75) feet. All Shoreland shall be in compliance with Chapter 19.46, and in addition may require DNR approval.

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

CCCXXVI.

19.36.070 Lot coverage.

There is no maximum percentage lot coverage for buildings with the exception of the provisions needed for landscape, circulation, and other site planning considerations. . Building size, coverage, and locations must still conform to the other regulations including stormwater management. Landscape and environmental features shall follow principles of sustainability and environmental quality and shall locate landscape elements in highly visible locations, especially in the fronts of buildings, and should include canopy trees, understory and/or evergreen trees, and shrubs.

(Ord. 994 § 3.13(F), 1982).

CCCXXVII.

19.36.080 Building height.

Maximum building height in the M-1 district is 100 feet, with the exception that the maximum building height is three stories within 100’ of a residential use or a property zoned as a residential district.

The maximum building height is also subject to fire safety limitations. The maximum building height may be increased under the provisions of a conditional use permit which will include, but is not limited to, consideration of issues regarding shadows cast by buildings, views, impacts on neighbors, and microclimate.
(Ord. 994 § 3.13(G), 1982).

CCCXXVIII. 19.36.090 Buffer screening.

Where the M-1 district boundaries adjoin any residential district boundary, a screen or buffer yard as described in Section 19.57.140 shall be required. This provision shall be applied to new construction and alterations to existing structures or uses that result in an increase in the level of nuisance. Only the area of the nuisance shall require screening.
(Ord. 994 § 3.13(H), 1982).

CCCXXIX. 19.36.100 Architectural review.

No building or improvements shall be erected, placed or altered on any building site in an M-1 district park until the plans and use for such building or improvements (including site plans, landscaping plans, accommodation of environmental features, building plans, and specifications) have been approved through the architectural review process. The plan and architectural review

commission's functions under Chapter 19.63 shall be delegated to the Community Development Authority or its designee as approved by the City Council.

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CCCXXX.

19.37.010 Purpose.

The M-2 manufacturing and miscellaneous use district is established to accommodate a wide range of industrial uses, to preserve and protect lands for future industrial use, and to provide an opportunity for miscellaneous uses set forth herein which are not specifically allowed in other districts. Adult-oriented establishments shall only be allowed in the M-2 district.
(Ord. 1613A § 1(part), 2006).

CCCXXXI.

19.37.020 Permitted uses.

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

CCCXXXII.

19.37.030 Conditional uses.

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

CCCXXXIII. 19.37.040 Lot area.

Minimum lot area in the M-2 district is twenty thousand (20,000) square feet. The Community Development Authority can decrease the minimum lot area for adult-oriented establishments if it finds that a decrease is appropriate.
(Ord. 1613A § 1(part), 2006).

CCCXXXIV.

19.37.050 Lot width.

Minimum lot width in the M-2 district is one hundred fifty (150) feet. The Community Development Authority can decrease the minimum lot width for adult-oriented establishments if it finds that a decrease is appropriate.
(Ord. 1613A § 1(part), 2006).

19.37.060 Yard requirements.

Minimum yard requirements for the M-2 district are:

A. Front, thirty (30) feet;
B. Side, fifteen (15) feet; corner lots, thirty (30) feet;
C. Rear, thirty (30) feet, except the rear yard setback to any railroad right-of-way shall be at least fifteen (15) feet under a condition use;
D. Shore, seventy-five (75) feet. All Shoreland shall be in compliance with Chapter 19.46, and in addition may require DNR approval. (Ord. 1613A § 1(part), 2006).

CCCXXXV. 19.37.070 Lot coverage.

There is no maximum percentage lot coverage for buildings with the exception of the provisions needed for landscape, circulation, and other site planning considerations. Building size, coverage, and locations must still conform to the other regulations including stormwater management. Landscape and environmental features shall follow principles of sustainability and environmental quality and shall locate landscape elements in highly visible locations, especially in the fronts of buildings, and should include canopy trees, understory and/or evergreen trees, and shrubs.

CCCXXXVI. 19.37.080 Building height.

Maximum building height in the M-2 district is 100 feet, with the exception that the maximum building height is three stories within 100’ of a residential use or a property zoned as a residential district. The maximum building height is also subject to fire safety limitations. The maximum building height may be increased under the provisions of a conditional use permit which will include, but is not limited to, consideration of issues regarding shadows cast by buildings, views, impacts on neighbors, and microclimate.
(Ord. 1613A § 1(part), 2006).

CCCXXXVII. 19.37.090 Buffer screening.

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

CCCXXXVIII. 19.37.100 Architectural review.

No building or improvements shall be erected, placed or altered on any building site in an M-2 district park until the plans and use for such building or improvements (including site plans, landscaping plans, accommodation of environmental features, building plans, and specifications) have been approved through the architectural review process. The plan and architectural review commission's functions under Chapter 19.63 shall be delegated to the Community Development Authority or its designee as approved by the City Council.

Chapter 19.38 WHITEWATER UNIVERSITY TECHNOLOGY PARK DISTRICT (WUTP DISTRICT)

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CCCXXXIX. 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)

CCCXL.

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 (2) members appointed by the Chancellor of the University of Wisconsin-Whitewater, two (2) 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 (5) members, and all actions shall require the concurring vote of at least five (5) 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)

CCCXLI.

19.38.030 Permitted uses.

Permitted uses in the WUTP district include:

1. Production, or processing, cleaning, servicing, testing or repair of materials, goods or products, limited to the following uses, products, components, or circumstances:
   a. Electronic and electrical products and instruments, such as transistors, semiconductors, small computers, scanners, monitors and compact communication devices.
   b. High technology products related to the fields of physics, oceanography, astrophysics, metallurgy, chemistry, biology, or other scientific field offered for study at the University of Wisconsin-Whitewater.
   c. Laser technology, radiology, X-ray and ultrasound products, manufacturing and assembly.
   d. Medical and dental supplies.
   e. Optical, fiber optical and photographic products and equipment.
   f. Orthopedic and medical appliances, such as artificial limbs, brace supports and stretchers.
   g. Products related to process design, process simulation, computer hardware and software development, and safety engineering.
   h. Scientific and precision instruments and components, including robotics.
2. Research, development and testing laboratories, including testing facilities and equipment.
3. Business and professional offices.
4. Pilot plants or other facilities for the testing of manufacturing, processing or fabrication methods, or for the testing of products or materials.
5. Telecommunication centers (not including wireless telecommunication facilities as regulated in Section 19.55).
6. Accessory uses, (which shall be accessory uses to principal use on-site), including the following:
   a. Educational or training centers or institutions.
   b. Nursery schools or day care centers for children of employees on the site.
   c. Temporary buildings for construction purposes, for a period not to exceed the duration of such construction.
   d. Reproduction processes related to a primary function including printing, blueprinting, photostating, lithographing, engraving, stereotyping, publishing and bookbinding.
   e. Wholesaling of goods and merchandise manufactured or produced on the premises.
   f. The generation of power via a local energy system, with the primary purpose of supplying energy to the principal use being conducted on the lot.

g. The fabrication of products in conjunction with a research, development, or testing laboratory as the principal use.
h. Garages for storage of vehicles, equipment or materials in conjunction with operation of the principal use on the lot;
i. Off-street parking and loading areas, subject to landscaping and screening requirements where applicable;
j. Trash dumpsters where located outside of the required yards in Section 19.38.070 of this chapter and enclosed by a decorative opaque fence, wall or landscaping designed to provide a total visual screen;
k. Outdoor seating for restaurants within designated areas;
l. Outdoor eating and recreation areas;
m. Essential services;
n. Health clubs, banks and other financial institutions, medical, dental and optical clinics, barbershops, beauty parlors, or similar retail establishments;
o. Conference centers.

7. Restaurants, without drive-up or drive-through service.
8. Colleges and universities (not including housing or residential uses).
9. Public parks and public recreation use facilities, including but not limited to Morraine View Park and the planned athletic facilities, trail and possible playground therein.

(Ord. No. 1747A, § 1, 9-15-2009)

CCCXLII. 19.38.040 Conditional uses.

Conditional uses in the WUTP district include:

1. Parking facilities, open and accessory, for the storage of private passenger automobiles only, when located elsewhere than on the same zoning lot as the principal use served.
2. Public utility and public service uses as follows:
   a. Bus turnarounds (off-street), bus transfer points.
   b. Electric substations.
   c. Gas regulator stations, mixing stations and gate stations.
   d. Radio, television, and telecommunication towers and wireless telecommunication facilities meeting the standards of Section 19.55.
   e. Railroad passenger stations.
   f. Railroad rights-of-way.
   g. Sewerage system lift stations.
   h. Telephone exchanges, microwave relay towers, telephone transmission equipment buildings and service yards.
   i. Electric generator which serves a principal use located on the zoning lot and is capable of providing electricity for off-site use provided:
      a) The electric output is less than three thousand kilowatts and said generator is operated no more than two hundred (200) hours per year;
      b) The location of every generator shall be not less than twenty (20) feet from any zoning lot which permits residential uses; and,
      c) Said generator shall be located and screened so as to reduce the visual impact of the generator from neighboring property and to be compatible with neighboring structures and the character of the community. This may include screening with materials similar in appearance to those used for the principal structure on the zoning lot, and landscaping or fencing as approved by the architectural review committee.
   j. Water pumping stations and reservoirs.
3. Any production, or processing, cleaning, servicing, testing or repair of materials, goods or products, limited to the following uses, products, components, or circumstances:
   a. Cameras and other photographic equipment.

b. Ceramic products, such as pottery, figurines and small glazed tiles.
c. Cosmetics and toiletries, drugs, perfumes, and perfumed soaps.
d. Drugs and pharmaceutical products.
e. Electrical appliances, such as lighting fixtures, irons, fans and toasters.
f. Electrical equipment assembly, such as home radio and television receivers and home movie equipment, but not including electrical machinery.
g. Electrical supplies manufacturing and assembly, such as wire and cable assembly, switches, lamps, insulation and dry cell batteries.
h. Products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious and semiprecious stones, rubber, shell, wood (but not including a planing mill) and yarn.
i. Products related to material research and development in such areas as prepared glass, ceramics, carbon fiber, metals, textiles, polymers, plastics, chemical foams and inorganic chemicals such as liquid crystals, and synthetic fuels.
j. Small-scale products (finished weight not exceeding fifty pounds) related to energy, environmental, telecommunications, or satellite applications.
k. Small-scale products (finished weight not exceeding fifty (50) pounds) related to the resource industries of agriculture and food production, forestry, petrochemicals and mining.
l. Specific products not listed above but similar in intent and character and which may be defined as being produced or assembled manually or by a light industrial process by virtue of the use of only light machinery; being conducted entirely within enclosed substantially constructed buildings; in which the open area around such buildings is not used for storage of raw materials or manufactured products, or for any industrial purpose other than loading and unloading operations; which are not noxious or offensive by reason of emission of smoke, dust, fumes, odors, noise, or vibrations beyond the confines of the building.

4. Outside storage areas, subject to the development standards in Section 19.38.110.
5. Day care centers.
6. Other uses substantially consistent with or linked to the goals of the WUTP including retail sales and services and food and beverage sales and services.

(Ord. No. 1747A, § 1, 9-15-2009)

CCCXLIII.

CCCXLIV. 19.38.050 Lot area and lot width requirements.

In the WUTP district, there shall be provided a lot area of not less than one (1) acre and a lot width of not less than one hundred (100) feet.

(Ord. No. 1747A, § 1, 9-15-2009)

CCCXLV.

CCCXLVI. 19.38.060 Floor area ratio.

In the WUTP district, the floor area ratio shall not exceed 3.0.

(Ord. No. 1747A, § 1, 9-15-2009)

CCCXLVII.

CCCXLVIII. 19.38.070 Yard requirements.

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

1. Front yard Twenty-five (25) feet, except as indicated on the city's official map.
2. Side yard--Each side, fifteen (15) feet. On corner lots, twenty-five (25) feet for side yard adjoining an arterial highway and twenty-five feet for side yard adjoining other streets.
3. Rear yard-Thirty (30) feet.

4. Environmental corridor or wetland yard. Adjacent to any mapped environmental corridor, as defined by the Southeastern Wisconsin Regional Planning Commission, or a delineated wetland as approved by the agency with jurisdiction—Thirty (30) feet.
5. Parking lots and associated circulation drive aisles may extend into normal interior side or rear yard setbacks, but not into front or street side yard setbacks.

(Ord. No. 1747A, § 1, 9-15-2009)

CCCXLIX.

19.38.090 Lot coverage.

There is no maximum percentage lot coverage for buildings with the exception of the provisions needed for landscape, circulation, and other site planning considerations. Building size, coverage, and locations must still conform to the other regulations including stormwater management. Landscape and environmental features shall follow principles of sustainability and environmental quality and shall locate landscape elements in highly visible locations, especially in the fronts of buildings, and should include canopy trees, understory and/or evergreen trees, and shrubs.

(Ord. No. 1747A, § 1, 9-15-2009)

CCCL.

CCCLI. 19.38.100 Building height.

Maximum building height in the WUTP district is 100 feet, except as may be otherwise approved by the architectural review committee upon the finding that such increased height will not be detrimental to the character of the park or adjoining buildings and uses.

(Ord. No. 1747A, § 1, 9-15-2009)

CCCLII.

CCCLIII. 19.38.110 Development standards.

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

1. Building design and materials. The exterior appearance of any building constructed in this district shall be compatible with that of adjoining structures within the district, especially as it relates to rooflines and building materials. Permitted materials shall include masonry, concrete, stone, Exterior Insulation and Finish System (EIFS), Dry-vit, glass, and decorative architectural grade metal as a design detail, except where other quality materials are also allowed by the architectural review committee.
2. Accessory off-street parking and loading. Accessory off-street parking lots, loading berths, and access driveways shall be located, designed and improved so as to provide for safe and convenient access from adjoining streets, safe and convenient circulation within the site, and an aesthetically pleasing site design. Parking lots and access driveways shall be designed and located so that such facilities do not provide a direct unlandscaped view from the street to the parking lot or access driveway.
3. Landscaping and site development. To provide a park-like setting, all lots shall be landscaped, including the provision of canopy-type shade trees. When adjacent, connected, or within 30 feet of an environmental corridor or environmental corridor buffer : all existing mature, healthy trees shall be retained and protected , where possible, during construction as per City of Whitewater Forestry Guidelines. All land areas not covered by buildings, structures, storage areas, parking lots, loading areas and driveways, shall be landscaped and maintained. Landscaping shall mean decorative plazas, mounds, environmental preserves, enhancements of wetlands, stormwater features designed as landscape enhancements, features incorporated into the landscape for the purpose of improving sustainability of the site, pools or the planting of grass, shrubs, trees and other plant materials or other comparable surface cover.
4. Storage areas. All storage, except for licensed motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened from adjoining properties and

public rights-of-way by an opaque screening wall or fence with such wall or fence not less than six (6) feet nor more than eight feet in height, and no materials stored shall exceed the height of such screening wall or fence. All outside storage areas shall be located to the rear of buildings and shall be limited to not more than five percent (5%) of the total lot area. Landscaping shall be required on the outside of the opaque screen wall or fence.

5. Signs. All signs shall meet applicable standards in Chapter 19.54, and the specific requirements set forth for the M-1 district in the table contained in 19.54.052.
    a. No ground sign shall exceed a maximum height of eight feet and a maximum gross area of forty-eight (48) square feet. All ground signs shall be incorporated in the landscape plan, including the provision of plant materials at the base of such signs.
6. Prohibited site uses. No use shall be so conducted as to cause the harmful discharge of any waste materials into or upon the ground, into or within any sanitary or storm sewer system, into or within any water system or water, or into the atmosphere. All uses shall be conducted in such a manner so as to preclude any nuisance, hazard, or commonly recognized offensive conditions or characteristics, including creation or emission of dust, gas, smoke, noise, fumes, odors, vibrations, particulate matter, chemical compounds, electrical disturbance, humidity, heat, cold, glare, or night illumination.
7. Uses required to be enclosed. All business, servicing, or processing shall be conducted within completely enclosed buildings, except for the following:
    a. Off-street parking and off-street loading;
    b. Drive-up service windows for banks and other financial institutions.
8. Truck parking. Parking of trucks as an accessory use, when used in the operation of a permitted business, shall be limited to vehicles of not over one and one-half tons of capacity when located within one hundred fifty (150) feet of a residential district boundary line.

(Ord. No. 1747A, § 1, 9-15-2009)

Chapter 19.39 PD PLANNED DEVELOPMENT DISTRICT*

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

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CCCLIV.

19.39.010 Purpose and intent.

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

B. The PD District is intended to allow desirable innovative development activities that demonstrate cohesive site planning, higher quality urban design, architectural design, and public places. This district is also intended to facilitate developments which would add substantially to the net economic value of the community (as determined by measuring the expected short-term and long-term costs and revenues). This district is not intended solely to simply circumvent the intent of other zoning districts, or to seek variance from other district regulations, or to avoid practices consistent with the general health and social and economic value of the neighborhood or immediate context.

C. New residential development shall follow the occupancy regulations of the underlying zoning district unless expressly modified by the PD district.

CCCLV.

19.39.020 Permitted uses.

In the PD District, any permitted or conditional use in any of the other districts in this title, or mix of uses, may be permitted subject to the criteria listed below. Any plans, uses, or requirements approved by the city as part of a PD general development plan or specific implementation plan shall be construed to be and enforced as part of this title.
(Ord. 1511 § 2(part), 2002).

Permitted uses, subject to the criteria listed below, also include large retail and commercial service developments (with 80,000 square feet or more on the ground floor). All large format retail developments shall address the issues in Chapter 19.485 for Large Retail and Commercial Service Development Standards, and shall include, as part of the PD, specific plans for short-term and long-term redevelopment of the PD if and when the initial retail development should

diminish in economic activity and value. Diminishment of economic activity and value shall include:

a. vacancy of 25% or more of the primary buildings,
b. new uses of the primary buildings which result in a significant reduction of property value, and
c. new uses which result in a material decrease in use of the buildings by customers and thereby reduce the viability of surrounding economic activities.

Such plans should be achievable with no significant cost to the City and in a manner that protects the economic value of adjacent development.

CCCLVI. 19.39.030 Lot, building, yard and parking requirements.

In the PD District, there shall be no specified lot area, lot width, yard, height, parking or open space requirements. Recommendations to be discussed are defined by Sections 19.39.040. Any lot, building, yard, or parking requirements approved by the city as part of a PD general development plan or specific implementation plan shall be construed to be and enforced as part of this title.

(Ord. 1511 § 2(part), 2002).

CCCLVII.

CCCLVIII. 19.39.040 Proposed developments--issues for consideration.

As a basis for determining the acceptability of applications for rezoning to the PD District, the following criteria shall be considered in the review of the proposed development. These issues are not mandatory guidelines nor requirements, but issues to be discussed and considered by all parties involved in the PD review and approval process and subject to negotiation and variations for each individual proposal and components of proposals:

A. Compatibility with vegetation and topography and with the visual character of the surrounding buildings in the neighborhood or district context .
B. The value of the proposed project to the community aesthetically and the way in which the buildings blend, harmonize, improve, and/or complement the surrounding neighborhood.
C. Impact on traffic or parking with regard to the surrounding area, proposed facilities, the width and location of streets, the appropriateness of paving and lighting relative to proposed uses and the surrounding area, and public safety as determined by the city.
D. Impact of the proposed development upon the city's water supply, sanitary sewer and stormwater drainage systems.
E. Impact of the proposed development on existing businesses in the immediate area as well as other businesses outside the immediate area that are likely to be impacted by the new development.
F. Provisions for the long-term preservation and maintenance of open space.
G. Compactness of the development.
H. Integration of different uses, including residential, commercial, civic, and open space; the desirable proximity of uses to one another; the degree to which the mix of uses accommodates the needs of a variety of people, ages, and social groups
I. Preservation and/or reuse of existing buildings and buildings with historical or architectural features that enhance the visual character of the community.
J. Incorporation of significant environmental features into the design; and
K. General consistency with the City of Whitewater's comprehensive (master) plan.

(Ord. 1511 § 2(part), 2002).

CCCLIX. 19.39.050 Procedures for rezoning, general development plan (GDP), and specific implementation plan (SIP) approval.

Step 1: Procedure for Rezoning.

1. The procedure for rezoning to the PD District shall be the same as for any other zoning district change (see Chapter 19.69), except that in addition, twenty copies of a general

development plan (GDP) shall be submitted to and approved by the city council following a recommendation by the plan commission. The general development plan of the proposed project shall include the following.

a. A site inventory and analysis map with topography at two foot contours to identify site assets, resources, and constraints, including but not limited to floodplains, wetlands, soils with limitations for building development, utility easements, slopes greater than fifteen percent, and existing trees over four inches in diameter;
b. A conceptual site plan or neighborhood development plan, at a scale of no less than one inch equals one hundred feet, which indicates proposed building outlines within the context of the surrounding streets and blocks, location of streets, options (if any) for cross-easements, driveways, parking areas (including options, if any, for shared parking), sidewalks and bicycle paths, service access areas for receiving material and trash removal, and other impervious surfaces;
c. A utility feasibility analysis, including a map showing the general locations of proposed public utility connections;
d. The location of recreational and open space areas reserved or dedicated to the public;
e. A conceptual landscape plan showing general locations and types of proposed landscaping, including maintenance of existing vegetation where appropriate;
f. A phasing plan, where applicable;
g. A conceptual stormwater management plan identifying the proposed patterns of major stormwater run-off, locations of stormwater infiltration areas, and other significant stormwater management features;
h. Typical proposed building elevations identifying the architectural style(s) of the development shown in the context of street elevations that depict several of the buildings on each side of the proposed building ;
i. A written report that provides general information about the site conditions, development objectives, covenants, conservation easements, or agreements that will influence the use and maintenance of the proposed development may be required for larger or more complex projects;
j. Any other data required by the plan commission in order to evaluate the development.

2. Upon city council approval and adoption of the general development plan and associated zoning change to the PD District, all plans submitted as well as other commitments, conditions of approval, restrictions and other factors pertinent to assuring that the project will be carried out as presented, shall be filed with the zoning administrator and shall be referred to in regard to enforcement or modification of the general development plan.
3. If applicant does not submit and have approved at least one specific implementation plan for a planned development within two years of city approval of a rezoning to the planned development District, the previously approved general development plan shall be considered null and void. A new petition and approval process shall be required to obtain approval of the same or a revised general development plan.

Step 2: Specific Implementation Plan Approval.

1. Detailed plans, described below under the Specific Implementation Plan (SIP) submittal requirements, are not required to be submitted at the time the PD zoning is approved; however, the GDP and SIP review process may be combined and made faster by doing so. Before any building permit is issued, the plan commission shall review and approve a SIP. If the approved GDP specified that development of the site would proceed in phases, the plan commission may approve an SIP covering only a portion of the previously approved GDP area. The applicant shall file twenty copies of the SIP with the plan

commission. In addition to meeting all application requirements for plan review under Section 19.63.020, the SIP application shall include the following:

a. Where a land division or lot consolidation is proposed, a final plat or Certified Survey Map (CSM) of the entire development area included in the SIP, meeting all requirements of Chapter 18, the city's land division and subdivision regulations;
b. For multi-lot PD's, a detailed neighborhood development plan showing the arrangement, design, and uses of different lots, buildings, driveways, parking areas, parks and open spaces, and paths.
c. Typical elevations or detailed design standards for single- and two-family residential buildings and detailed elevations of all proposed non-residential, mixed use, and multi-family residential buildings. Such detailed elevations shall meet the requirements of Section 19.63.020 and identify all wall signs; the percentage of ground floor commercial facade in windows; and the location, height and materials for screening walls and fences, including those proposed to surround outdoor trash and recyclable storage areas, electrical, mechanical and gas metering equipment, and rooftop equipment; where building construction is not imminent, detailed design standards that will apply to all non-residential buildings may substitute for detailed elevations, if approved by the zoning administrator;
d. Signage plans demonstrating a unified or compatible sign design theme for major signage in the PD;
e. A detailed stormwater management and erosion control plan;
f. Arrangements, bylaws, provisions or covenants which govern the organizational structure, use, architectural standards, maintenance and continued protection of the planned development.

2. At a regular meeting, the plan commission shall approve, conditionally approve with changes consistent with the approved general development plan, or reject the SIP. An SIP for a PD development that is consistent with the GDP and meets other applicable ordinance provisions shall be entitled to approval or conditional approval. A final plat or certified survey map associated with the development may also be subject to city council approval under the provisions of Chapter 18. Upon final approval of the SIP, it shall be filed with the zoning administrator, and shall be referred to in regard to enforcement of modification of the development plans. All covenants, restrictions or contractual agreements with the city shall be recorded with the register of deeds before final issuance of building permits.
3. If an applicant does not commence construction within one year after city approval of an SIP for a planned development, or complete construction within two years of approval of the SIP, the previously approved SIP shall be considered null and void; except where the plan commission approves an alternative phasing plan with the SIP. A new petition and approval process shall be required to obtain SIP approval.

(Ord. 1511 § 2(part), 2002).

CCCLX. 19.39.060 Modifications and changes.

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

(Ord. 1511 § 2(part), 2002).

CCCLXI. 19.39.070 Park fees.

All residential development shall be subject to a park acquisition fee per dwelling unit and a park improvement fee per dwelling unit, payable before a building permit is issued. The fee will be recommended by the Parks and Recreation Board and then approved by the Common Council. The fee will be on record at the City Clerk's office. The amount of these fees may be reduced by any fee amount previously paid or credited at the time of subdivision, or by fifty percent (50%) if the new housing units are created as a result of the conversion or remodeling of a preexisting building. The park acquisition fee may also be reduced if sufficient land area was provided for park purposes at the time of subdivision, based on the calculations in section 18.04.030(a)(1) of the Whitewater Municipal Code. The fee amounts shall be set by the City Council.

Chapter 19.42 AT AGRICULTURAL TRANSITION DISTRICT

Chapter 19.42 AT AGRICULTURAL TRANSITION DISTRICT 119
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CCCLXII.

19.42.010 Purpose.

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

(Ord. 994 § 3.15(part), 1982).

CCCLXIII.

19.42.020 Permitted uses.

Permitted uses in the AT district include:

A. Dairying, floriculture, orchards, plant nurseries, truck farming, sod farming, horticulture, grazing, greenhouses, forest and game management, livestock and poultry raising (except for commercial operations), road-side stands not exceeding one per farm, and similar agricultural uses;
B. Two single-family dwelling units for resident owner/operators and their children, siblings, and parents or laborers principally engaged in conducting a permitted or approved conditional use;
C. 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, per the requirements of Chapter 19.55.

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

CCCLXIV.

19.42.030 Conditional uses.

Conditional uses in the AT district include:

A. Fish and fur farms, beekeeping, commercial livestock and poultry operations, livestock sales facilities, veterinary services for farm animals, and similar agricultural uses;
B. Housing for seasonal farm laborers;
C. Airports;
D. Mineral extraction;
E. More than two (2) single-family dwelling units for residential owner/operators and their children, siblings, and parents or laborers principally engaged in conducting a permitted approved conditional use;

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

(Ord. 1499 § 21, 2001; 994 § 3.15(B), 1982).

CCCLXV.

19.42.040 Lot area.

Minimum lot area in the AT district is as follows:

A. Farm units, minimum thirty-five (35) acres;

B. Additional farm-related housing, minimum twenty thousand square feet.

(Ord. 994 § 3.15(C), 1982).

CCCLXVI.

19.42.050 Yard requirements.

Minimum yard requirements for the AT district are as follows:

A. Additional farm-related housing shall comply with the provisions of the R-1 residential district;

B. Farm buildings:

1. Side yard, minimum fifty (50)feet;
2. Rear yard, minimum fifty (50) feet.

(Ord. 994 § 3.15(D), 1982).

CCCLXVII.

19.42.060 Building height.

Maximum building height for the AT district is two times their distance from adjacent lot lines.

(Ord. 994 § 3.15(E), 1982).

CCCLXVIII.

19.42.070 Existing residences.

Pre-existing residences in the agricultural transition district that do not conform to district standards may be continued in residential use and are not subject to the limitations of Chapter 19.60, Nonconforming Uses.

(Ord. 994 § 3.15(F), 1982).

Chapter 19.45 C-1 SHORELAND WETLAND OVERLAY DISTRICT

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CCCLXIX. 19.45.010 Purpose.

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

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

CCCLXX. 19.45.020 Permitted uses.

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

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

(Ord. 1196 § 1(part), 1990).

CCCLXXI.

19.45.030 Conditional uses.

The following uses are conditional uses in the C-1 shoreland wetland district and may be permitted as specified. The city plan commission shall transmit a copy of each application for a conditional use in the C-1 shoreland wetland district to the Wisconsin Department of Natural Resources (DNR) at least ten days prior to the public hearing. Final action on the application shall not be taken for thirty days or until the DNR has made its recommendation, whichever comes first. A copy of all C-1 shoreland wetland district conditional use permits shall be transmitted to the DNR within ten (10) days following the decision:

A. The construction of streets which are necessary for the continuity of the city street system, necessary for the provision of essential utility and public safety services, or necessary to provide access to permitted open space uses in the C-1 district; provided that:
   1. The street cannot as a practical matter be located outside the conservancy district;
   2. The street is designed and constructed to minimize adverse impact upon the natural functions of the wetland as listed in Section 11.1308(B) of the Wisconsin Statutes;
   3. The street is designed and constructed with the minimum cross-section practical to serve the intended use;
   4. The street construction activities are carried out in the immediate area of the roadbed only; and
   5. Any filling, flooding, draining, dredging, ditching, tiling, or excavating that is done must be necessary for the construction or maintenance of the street.

B. The construction and maintenance of nonresidential buildings used solely in conjunction with raising of waterfowl, minnows, or other wetland or aquatic animals or used solely for some other purpose which is compatible with wetland preservation, provided that:
   1. The building cannot as a practical matter be located outside the conservancy district;
   2. The building is not designed for human habitation and does not exceed five hundred square feet in area; and
   3. Only limited filling or excavating necessary to provide structural support is conducted.

C. The establishment and development of public and private parks and recreation areas, recreation trails, public boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves, and private habitat areas; provided, that:
   1. Any private recreation or wildlife habitat area must be exclusively for that purpose;
   2. No filling is to be done; and
   3. Ditching, excavating, dredging, dike and dam construction may be done in wildlife refuges, game preserves, and private wildlife habitat areas, but only for the purpose of improving wildlife habitat or to otherwise enhance the value of a wetland or other natural resource.

D. The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities; provided, that:
   1. The transmission and distribution lines and related facilities cannot as a practical matter be located outside the conservancy district; and
   2. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the construction or maintenance of the utility, and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the conservancy area.

E. The construction and maintenance of railroad lines; provided, that:
   1. The railroad lines cannot as a practical matter be located outside the conservancy district; and

2. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the construction or maintenance of the railroad, and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the conservancy area.

(Ord. 1196 § 1(part), 1990).

CCCLXXII.

19.45.040 Prohibited uses.

Any use not listed as a permitted use or a conditional use is prohibited unless the C-1 district lands concerned are first rezoned into another district. Furthermore, the use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary highwater mark of any navigable water are prohibited.

(Ord. 1196 § 1(part), 1990).

Chapter 19.451 C-2 NONSHORELAND WETLAND OVERLAY DISTRICT

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CCCLXXIII. 19.451.010 Purpose.

The C-2 nonshoreland wetland district is intended to preserve, protect, and enhance the ponds, streams, and wetland areas of the city located beyond the statutorily defined limits of shorelands. The preservation, protection, and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve water quality, both ground and surface; prevent flood damage; control stormwater runoff; protect stream banks from erosion; protect groundwater recharge and discharge areas; protect wildlife habitat; protect native plant communities; avoid the location of structures on soils which are generally not suitable for use; and protect the water-based recreation resources of the city.

The C-2 nonshoreland wetland district, as shown on the zoning map, includes those wetlands not located within the shoreland jurisdiction in the city. The boundaries were initially determined from the Wisconsin Wetland Inventory Map for the City of Whitewater, dated July 2, 1987, and stamped "FINAL."

(Ord. 1196 § 1(part), 1990).

CCCLXXIV. 19.451.020 Permitted uses.

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

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

(Ord. 1196 § 1(part), 1990).

CCCLXXV.

19.451.030 Conditional uses.

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

A. The construction of streets which are necessary for the continuity of the city street system, necessary for the provision of essential utility and public safety services, or necessary to provide access to permitted open space uses in the C-2 district; provided, that:
   1. The street cannot as a practical matter be located outside the conservancy district;
   2. The street is designed and constructed to minimize adverse impact upon the natural functions of the wetland as listed in Section 11.1308(B) of the Wisconsin Statutes;
   3. The street is designed and constructed with the minimum cross-section practical to serve the intended use;
   4. The street construction activities are carried out in the immediate area of the roadbed only; and
   5. Any filling, flooding, draining, dredging, ditching, tiling, or excavating that is done must be necessary for the construction or maintenance of the street.

B. The construction and maintenance of nonresidential buildings used solely in conjunction with raising of waterfowl, minnows, or other wetland or aquatic animals or used solely for some other purpose which is compatible with wetland preservation; provided, that:
   1. The building cannot as a practical matter be located outside the conservancy district;
   2. The building is not designed for human habitation and does not exceed five hundred square feet in area; and
   3. Only limited filling or excavating necessary to provide structural support is conducted.

C. The establishment and development of public and private parks and recreation areas, recreation trails, public boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves, and private habitat areas; provided, that:
   1. Any private recreation or wildlife habitat area must be exclusively for that purpose;
   2. No filling is to be done; and
   3. Ditching, excavating, dredging, dike and dam construction may be done in wildlife refuges, game preserves, and private wildlife habitat areas, but only for the purpose of improving wildlife habitat or to otherwise enhance the value of a wetland or other natural resource.

D. The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities; provided, that:
   1. The transmission and distribution lines and related facilities cannot as a practical matter be located outside the conservancy district; and
   2. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the construction or maintenance of the utility, and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the conservancy area.

E. The construction and maintenance of railroad lines; provided, that:
   1. The railroad lines cannot as a practical matter be located outside the conservancy district; and
   2. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the construction or maintenance of the railroad, and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the conservancy area.

(Ord. 1196 § 1(part), 1990).

CCCLXXVI.

19.451.040 Prohibited uses.

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

Chapter 19.46 FLOODPLAIN REGULATIONS*

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

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CCCLXXVII. 19.46.010 Statutory authorization, finding of fact, statement of purpose, title and general provisions.

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

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

C. Statement of purpose. This chapter is intended to regulate floodplain development to:
   1. Protect life, health and property;
   2. Minimize expenditures of public funds for flood control projects;
   3. Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
   4. Minimize business interruptions and other economic disruptions;
   5. Minimize damage to public facilities in the floodplain;
   6. Minimize the occurrence of future flood blight areas in the floodplain;
   7. Discourage the victimization of unwary land and homebuyers;
   8. Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
   9. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

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

E. General provisions.

1. Areas to be regulated. This chapter regulates all areas that would be covered by the regional flood or base flood.
    a. Note: Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A-Zones on the Flood Insurance Rate Map.
2. Official maps and revisions. The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and the revisions in the City of Whitewater Floodplain Appendix. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and the Federal Emergency Management Agency (FEMA) before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file with the City of Whitewater. If more than one map or revision is referenced, the most restrictive information shall apply.
   Official maps: Based on the FIS.
    a. For Jefferson County Flood Insurance Rate Maps (FIRM), panel numbers 55055C0432F, 55055C0434F, 55055C0451F, 55055C0452F, 55055C0453F, 55055C0454F with corresponding profiles based on Flood Insurance Study (FIS) dated 2-4-15 volume numbers 55055CV001B and 55055CV002B.; updated maps with revised panel numbers may be available.
    b. For Walworth County Flood Insurance Rate Maps (FIRM), panel numbersFlood Insurance Rate Map (FIRM), panel numbers 55127C0009E, 55127C0017E, 55127C0028E and 55127C0029E dated 09/03/2014; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated 09/03/14, Volume No. 55127CV000B; updated maps with revised panel numbers may be available.
3. Establishment of districts. The regional floodplain areas are divided into three districts as follows:
    a. The floodway district (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.
    b. The floodfringe district (FF) is that portion of the floodplain between the regional flood limits and the floodway.
    c. The general floodplain district (GFP) is those areas that have been or may be covered by floodwater during the regional flood.
    d. The flood storage district (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.
4. Locating floodplain boundaries. Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in subsections a. or b. below. If a significant difference exists, the map shall be amended according to section 19.46.080. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to subsection 19.46.070C.3 and the criteria in a. and b. below.

a. If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
b. Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the the City of Whitewater.

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

5. Removal of lands from floodplain. Compliance with the provisions of this chapter shall not be grounds for removing land from the floodplain unless it is filled at least two(2) feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to section 19.46.080.
    a. Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).
6. Compliance. Any development or use within the areas regulated by this chapter shall be in compliance with the terms of this chapter, and other applicable local, state, and federal regulations.
7. Municipalities and state agencies regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this chapter and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation (Wis DOT) is exempt when s. 30.2022, Stats., applies.
8. Abrogation and greater restrictions.
    a. This chapter supersedes all the provisions of any municipal zoning ordinance enacted under ss. 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 relate to floodplains. If another ordinance is more restrictive than this chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
    b. This chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this chapter imposes greater restrictions, the provisions of this chapter shall prevail.
9. Interpretation. In their interpretation and application, the provisions of this chapter are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this chapter, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this chapter or in effect on the date of the most recent text amendment to this chapter.
10. Warning and disclaimer of liability. The flood protection standards in this chapter are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This chapter does not imply or guarantee that nonfloodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this chapter create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this chapter.
11. Severability. Should any portion of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

12. Annexed areas for cities and villages. The Walworth and Jefferson County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.
13. General development standards. The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a floodprone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this chapter.

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

CCCLXXVIII.

19.46.020 General standards applicable to all floodplain districts.

A. Hydraulic and hydrologic analyses.
   1. Except as allowed in subsection 3. below, no floodplain development shall:
      a. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
      b. Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot.
   2. The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of subsection 3. are met.
   3. Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this chapter, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with section 19.46.080.

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

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

As soon as is practicable, but not later than six (6) months after the date of the watercourse alteration or relocation, the zoning administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required.

C. Chapter 30 (Navigable Waters, Harbors and Navigation) and 31 (Regulation of Dams and Bridges Affecting Navigable Waters), Wis. Stats., development.

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

D. Public or private campgrounds. Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:
   1. The campground is approved by the Department of Health Services and other state agencies with regulatory authority regarding campgrounds.
   2. A land use permit for the campground is issued by the zoning administrator.
   3. The character of the river system and the elevation of the campground is such that a seventy-two-hour warning of an impending flood can be given to all campground occupants.
   4. There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.
   5. This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in subsection 4. - to remain in compliance with all applicable regulations, including those of the state department of health and family services and all other applicable regulations.
   6. Only camping units are allowed.
   7. The camping units may not occupy any site in the campground for more than one hundred eighty (180) consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of twenty-four hours.
   8. All camping units that remain on site for more than thirty (30) days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed one hundred eighty days and shall ensure compliance with all the provisions of this section.
   9. The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.
   10. All camping units that remain in place for more than one hundred eighty consecutive days must meet the applicable requirements in either section 19.46.030 or section 19.46.040 for the floodplain district in which the structure is located.

11. The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.
12. All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

(Ord. No. 1724A, § 1(2.0), 4-8-2009)

CCCLXXIX. 19.46.030 Floodway district (FW).

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

B. Permitted uses. The following open space uses are allowed in the floodway district and the floodway areas of the general floodplain district, if

- They are not prohibited by any other ordinance;
- They meet the standards in subsection 19.46.030C. and 19.46.030D.; and
- All permits or certificates have been issued according to subsection 19.46.070A.:

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

C. Standards for developments in floodway areas.

1. General.
   a. Any development in floodway areas shall comply with section 19.46.020 and have a low flood damage potential.
   b. Applicants shall provide the following data to determine the effects of the proposal according to subsection 19.46.020A.:
      i. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
      ii. An analysis calculating the effects of this proposal on regional flood height.
   c. The zoning administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for subsection b. above.
2. Structures. Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:
   a. The structure is not designed for human habitation and does not have a high flood damage potential;
   b. it must be anchored to resist flotation, collapse and lateral movement;

c. mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
d. it must not obstruct the flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

3. Public utilities, streets and bridges. Public utilities, streets and bridges may be allowed by permit, if:
   a. Adequate floodproofing measures are provided to the flood protection elevation; and
   b. Construction meets the development standards of subsection 19.46.020A.
4. Fills or deposition of materials. Fills or deposition of materials may be allowed by permit, if:
   a. The requirements of subsection 19.46.020A. are met;
   b. No material is deposited in the navigable channel unless a permit is issued by the DNR pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act (Clean Water Act), Amendments of 1972, 33 U.S.C. 1344 (Permits for dredged or fill material) has been issued, if applicable, and the other requirements of this section are met;
   c. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
   d. The fill is not classified as a solid or hazardous material.

D. Prohibited uses. All uses not listed as permitted uses in subsection 19.46.020B. are prohibited, including the following uses:
1. Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
2. Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
3. Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
4. Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. COMM 83, Wis. Adm. Code;
5. Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;
6. Any solid or hazardous waste disposal sites;
7. Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code;
8. Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

(Ord. No. 1724A, § 1(3.0), 4-8-2009)

CCCLXXX.

19.46.040 Floodfringe district (FF).

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

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

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

1. Residential uses. Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area, shall meet or exceed the following standards;
    a. The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one foot or more above the regional flood elevation extending at least fifteen (15) feet beyond the limits of the structure. The department may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance impractical;
    b. The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
    c. Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subsection d.
    d. In developments where existing street or sewer line elevations make compliance with subsection c. impractical, the municipality may permit new development and substantial improvements where access roads are at or below the regional flood elevation, if:
        i. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
        ii. The municipality has a natural disaster plan approved by Wisconsin Emergency Management and the Department.
2. Accessory structures or uses.
    a. Except as provided in subsection b., an accessory structure which is not connected to a principal structure may be constructed with its lowest floor at or above the regional flood elevation.
    b. An accessory structure which is not connected to the principal structure and which is less than six hundred (600) square feet in size and valued at less than $10,000.00 may be constructed with its lowest floor no more than two feet below the regional flood elevation if it is subject to flood velocities of no more 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 (5) below.
3. Commercial uses. Any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of subsection 19.46.040C.1. Subject to the requirements of section 19.46.040C.5., storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
4. Manufacturing and industrial uses. Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other floodproofing measures in subsection 19.46.070E. Subject to the requirements of subsection 19.46.040C.E., storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
5. Storage of materials. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with subsection 19.46.070E. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

6. Public utilities, streets and bridges. All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and
    a. When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with subsection 19.46.070E. to the flood protection elevation;
    b. Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
7. Sewage systems. All on-site sewage disposal systems shall be floodproofed, pursuant to subsection 19.46.070E., to the flood protection elevation and shall meet the provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.
8. Wells. All wells shall be floodproofed, pursuant to subsection 19.46.070E., to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.
9. Solid waste disposal sites. Disposal of solid or hazardous waste is prohibited in floodfringe areas.
10. Deposition of materials. Any deposited material must meet all the provisions of this chapter.
11. Manufactured homes.

a. Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
    b. In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
        i. Have the lowest floor elevated to the flood protection elevation; and
        ii. Be anchored so they do not float, collapse or move laterally during a flood.
    c. Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in subsection 19.46.040C.1.
12. Mobile recreational vehicles. All mobile recreational vehicles that are on site for one hundred eighty consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in subsections 19.46.040C.11.b. and c. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

(Ord. No. 1724A, § 1(4.0), 4-8-2009)

CCCLXXXI.

19.46.050 Other floodplain districts.

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

A. General floodplain district (GFP).
    1. Applicability. The provisions for this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and floodfringe districts shall be delineated when adequate data is available.
    2. Permitted uses. Pursuant to subsection 19.46.050A.4., it shall be determined whether the proposed use is located within a floodway or floodfringe area. Those uses permitted in

floodway (subsection 19.46.030B.) and floodfringe areas (subsection 19.46.040B) are allowed within the general floodplain district, according to the standards of subsection 19.46.050C., provided that all permits or certificates required under subsection 19.46.070A. have been issued.

3. Standards for development in the general floodplain district. Section 19.46.030 applies to floodway areas, section 19.46.040 applies to floodfringe areas. The rest of this chapter applies to either district.
4. Determining floodway and floodfringe limits. Upon receiving an application for development within the general floodplain district, the zoning administrator shall:
    a. Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and floodproofing measures;
    b. Require the applicant to furnish any of the following information deemed necessary by the department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:
        i. A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information;
        ii. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
        iii. Profile showing the slope of the bottom of the channel or flow line of the stream;
        iv. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.
    c. Transmit one copy of the information described in subsections 1. and 2. to the department regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of subsection 19.46.070A.2.c. apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

B. Flood storage district. The flood storage district delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The district protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood storage capacity which would cause higher flood elevations.
    1. Applicability. The provisions of this section apply to all areas within the flood storage district (FSD), as shown on the official floodplain zoning maps.
    2. Permitted uses. Any use or development which occurs in a flood storage district must meet the applicable requirements in subsection 19.46.040C.
    3. Standards for development in flood storage districts.
        a. Development in a flood storage district shall not cause an increase equal or greater than 0.01 of a foot in the height of the regional flood.
        b. No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the pre-development ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost, (compensatory

storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.

c. If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as flood storage district - on this waterway - is rezoned to the floodfringe district. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without flood plain storage, as per section 19.46.080A. of this chapter.

d. No area may be removed from the flood storage district unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.

(Ord. No. 1724A, § 1(5.0), 4-8-2009)

CCCLXXXII.

19.46.060 Nonconforming uses.

A. General.

1. Applicability. If these standards conform with s. 59.69(10), Stats., for counties or s. 62.23(7)(h), Stats., for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this chapter or any amendment thereto.
2. The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this chapter may continue subject to the following conditions:
   a. No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this chapter. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modification or addition; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure.
   a. The construction of a deck that does not exceed two hundred (200) square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.
   b. If a nonconforming use or the use of a nonconforming structure is discontinued for twelve consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this chapter;
   c. The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
   d. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed fifty (50%) percent of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this chapter. Contiguous dry land access must be provided for residential and commercial uses in compliance with subsection 19.46.040C.1. The costs of elevating a nonconforming building or a

building with a nonconforming use to the flood protection elevation are excluded from the fifty percent provisions of this subsection;

i. Except as provided in subsection ii., if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds fifty percent of the structure's present equalized assessed value.

ii. For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the nonflood disaster, provided that the nonconforming building will meet all of the minimum requirements under applicable FEMA regulations (44 CFR Part 60), or the regulations promulgated thereunder.

e. A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with subsection 19.46.030C.1., flood resistant materials are used, and construction practices and floodproofing methods that comply with subsection 19.46.070E. are used.

B. Floodway areas.

1. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:
   a. Has been granted a permit or variance which meets all ordinance requirements;
   b. Meets the requirements of 19.46.060A.;
   c. Will not increase the obstruction to flood flows or regional flood height;
   d. Any addition to the existing structure shall be floodproofed, pursuant to subsection 19.46.070E., by means other than the use of fill, to the flood protection elevation;
   b. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
      i. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than twelve inches above the adjacent grade;
      ii. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
      iii. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
      iv. The use must be limited to parking or limited storage.
2. No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and ch. COMM 83, Wis. Adm. Code.
3. No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.

C. Floodfringe areas.

1. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in subsections 19.46.040C and 19.46.070E., except where subsection 19.46.060C.2. is applicable.
2. Where compliance with the provisions of subsection 1. would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the board of adjustment/appeals, using the procedures established in subsection 19.46.070C., may grant a variance from those provisions of subsection 1. for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
    a. No floor is allowed below the regional flood elevation for residential or commercial structures;
    b. Human lives are not endangered;
    c. Public facilities, such as water or sewer, will not be installed;
    d. Flood depths will not exceed two feet;
    e. Flood velocities will not exceed two feet per second; and
    f. The structure will not be used for storage of materials as described in subsection 19.46.040.6.
3. If neither the provisions of subsection 1. or 2. above can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe, if the addition:
    a. Meets all other regulations and will be granted by permit or variance;
    b. Does not exceed sixty square feet in area; and
    c. In combination with other previous modifications or additions to the building, does not equal or exceed fifty percent of the present equalized assessed value of the building.
4. All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.
5. All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this chapter and ch. NR 811 and NR 812, Wis. Adm. Code.
6. Flood storage areas. No modifications or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in 5.2(3) are met.

(Ord. No. 1724A, § 1(6.0), 4-8-2009)

CCCLXXXIII.

19.46.070 Administration.

Where a zoning administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under ss. 59.69, 59.692 or 62.23(7), Stats., these officials shall also administer this chapter.

A. Zoning administrator.

1. The zoning administrator is authorized to administer this chapter and shall have the following duties and powers:
    a. Advice applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.

b. Issue permits and inspect properties for compliance with provisions of this chapter, and issue certificates of compliance where appropriate.
c. Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.
d. Keep records of all official actions such as:
    i. All permits issued, inspections made, and work approved;
    ii. Documentation of certified lowest floor and regional flood elevations for floodplain development;
    iii. Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
    iv. All substantial damage assessment reports for floodplain structures.
e. Submit copies of the following items to the DNR regional office:
    i. Within ten (10) days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
    ii. Copies of any case-by-case analyses, and any other information required by the department including an annual summary of the number and types of floodplain zoning actions taken.
    iii. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
    iv. Investigate, prepare reports, and report violations of this chapter to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the department regional office.
f. Submit copies of text and map amendments and biennial reports to the FEMA regional office.

2. Land use permit. A land use permit shall be obtained before any new development or any repair or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:
    a. General information.
        i. Name and address of the applicant, property owner and contractor;
        ii. Legal description, proposed use, and whether it is new construction or a modification;
    b. Site development plan. A site plan drawn to scale shall be submitted with the permit application form and shall contain:
        i. Location, dimensions, area and elevation of the lot;
        ii. Location of the ordinary highwater mark of any abutting navigable waterways;
        iii. Location of any structures with distances measured from the lot lines and street center lines;
        iv. Location of any existing or proposed on-site sewage systems or private water supply systems;
        v. Location and elevation of existing or future access roads;
        vi. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
        vii. The elevation of the lowest floor of proposed buildings and any fill using vertical datum from the adopted study - either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
        viii. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of sections 19.46.030 or 19.46.040 are met; and

ix. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to subsection 19.46.020A. This may include any of the information noted in subsection 19.46.030C.1.

c. Data requirements to analyze developments.

i. The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in s. 236, Stats., and other proposed developments exceeding five acres in area or where the estimated cost exceeds $125,000.00. The applicant shall provide:

- An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;
- A map showing location and details of vehicular access to lands outside the floodplain; and
- A surface drainage plan showing how flood damage will be minimized.
- The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.

d. Expiration. All permits issued under the authority of this chapter shall expire three hundred sixty-five (365) days after issuance.

3. Certificate of compliance. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:
   a. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this chapter;
   b. Application for such certificate shall be concurrent with the application for a permit;
   c. If all ordinance provisions are met, the certificate of compliance shall be issued within ten days after written notification that the permitted work is completed;
   d. The applicant shall submit a certification signed by a registered professional engineer or registered land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or registered architect that floodproofing measures meet the requirements of subsection 19.46.070E.
4. Other permits. The applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

B. Zoning agency.
   1. The City of Whitewater Plan and Architectural review commission shall:
      a. Oversee the functions of the office of the zoning administrator; and
      b. Review and advise the governing body on all proposed amendments to this chapter, maps and text.
   2. This zoning agency shall not:
      a. Grant variances to the terms of the ordinance in place of action by the board of adjustment/appeals; or
      b. Amend the text or zoning maps in place of official action by the governing body.

C. Board of adjustment/appeals. The board of adjustment/appeals, created under s. 59.694, Stats., for counties or s. 62.23(7)(e), Stats., for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this chapter. The board shall exercise the powers

conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator may not be the secretary of the board.

1. Powers and duties. The board of adjustment/appeals shall:
    a. Appeals -- Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this chapter.
    b. Boundary disputes -- Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.
    c. Variances -- Hear and decide, upon appeal, variances from the ordinance standards.
2. Appeals to the board.
    a. Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within thirty days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.
    b. Notice and hearing for appeals including variances.
        i. Notice -- The board shall:
            - Fix a reasonable time for the hearing;
            - Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing;
            - Assure that notice shall be mailed to the parties in interest and the department regional office at least ten days in advance of the hearing.
        ii. Hearing -- Any party may appear in person or by agent. The board shall:
            - Resolve boundary disputes according to subsection 19.46.070C.3.
            - Decide variance applications according to subsection 19.46.070C.4.
            - Decide appeals of permit denials according to subsection 19.46.070D.
    c. Decision: The final decision regarding the appeal or variance application shall:
        i. Be made within a reasonable time;
        ii. Be sent to the department regional office within ten days of the decision;
        iii. Be a written determination signed by the chairman or secretary of the board;
        iv. State the specific facts which are the basis for the board's decision;
        v. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application;
        vi. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the board proceedings.
3. Boundary disputes. The following procedure shall be used by the board in hearing disputes concerning floodplain district boundaries:
    a. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
    b. In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the board.

c. If the boundary is incorrectly mapped, the board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to section 19.46.080.

4. Variance.
    a. The board may, upon appeal, grant a variance from the standards of this chapter if an applicant convincingly demonstrates that:
        i. Literal enforcement of the ordinance provisions will cause unnecessary hardship;
        ii. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
        iii. The variance is not contrary to the public interest; and
        iv. The variance is consistent with the purpose of this chapter in subsection 19.46.010C.
    b. In addition to the criteria in subsection a., to qualify for a variance under FEMA regulations, the following criteria must be met:
        i. The variance may not cause any increase in the regional flood elevation;
        ii. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;
        iii. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.
    c. A variance shall not:
        i. Grant, extend or increase any use prohibited in the zoning district.
        ii. Be granted for a hardship based solely on an economic gain or loss.
        iii. Be granted for a hardship which is self-created.
        iv. Damage the rights or property values of other persons in the area.
        v. Allow actions without the amendments to this chapter or map(s) required in subsection 19.46.090A.
        vi. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
    d. When a floodplain variance is granted the board shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record.

D. To review appeals of permit denials.

1. The zoning agency (s. 7.2) or board shall review all data related to the appeal. This may include:
    a. Permit application data listed in subsection 19.46.070A.2.
    b. Floodway/floodfringe determination data in subsection 19.46.050A.4.
    c. Data listed in subsection 19.46.030C.1.b. where the applicant has not submitted this information to the zoning administrator.
    d. Other data submitted with the application, or submitted to the board with the appeal.
2. For appeals of all denied permits the board shall:
    a. Follow the procedures of subsection 19.46.010C.;
    b. Consider zoning agency recommendations; and
    c. Either uphold the denial or grant the appeal.
3. For appeals concerning increases in regional flood elevation the board shall:

a. Uphold the denial where the board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.
b. Grant the appeal where the board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.

E. Floodproofing.

1. No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation.
2. Floodproofing measures shall be designed to:
    a. Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
    b. Protect structures to the flood protection elevation;
    c. Anchor structures to foundations to resist flotation and lateral movement; and
    d. Insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.
3. Floodproofing measures could include:
    a. Reinforcing walls and floors to resist rupture or collapse caused by water pressure or floating debris.
    b. Adding mass or weight to prevent flotation.
    c. Placing essential utilities above the flood protection elevation.
    d. Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.
    e. Constructing water supply wells and waste treatment systems to prevent the entry of flood waters.
    b. Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

F. Public information.

1. Place marks on structures to show the depth of inundation during the regional flood.
2. All maps, engineering data and regulations shall be available and widely distributed.
3. All real estate transfers should show what floodplain zoning district any real property is in.

(Ord. No. 1724A, § 1(7.0), 4-8-2009)

CCCLXXXIV.

19.46.080 Amendments.

A. General. The governing body may change or supplement the floodplain zoning district boundaries and this chapter in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:

1. Any change to the official floodplain zoning map, including the floodway line or boundary of any floodplain area.
2. Correction of discrepancies between the water surface profiles and floodplain zoning maps.
3. Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
4. Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.

5. Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality.
6. All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

Note: Consult the FEMA web site -- www.fema.gov -- for the map change fee schedule.

B. Procedures. Ordinance amendments may be made upon petition of any interested party according to the provisions of s. 62.23, Stats., for cities and villages, or 59.69, Stats., for counties. Such petitions shall include all necessary data required by subsections 19.46.050A.4. and 19.46.070A.2.

1. The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the department regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats., for cities and villages or s. 59.69, Stats., for counties.
2. No amendments shall become effective until reviewed and approved by the department.
3. All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.
4. For amendments in areas with no water surface profiles, the zoning agency or board shall consider data submitted by the department, the zoning administrator's visual on-site inspections and other available information. (See subsection 19.46.010E.4.)

(Ord. No. 1724A, § 1(8.0), 4-8-2009)

CCCLXXXV.

19.46.090 Enforcement and penalties.

Any violation of the provisions of this chapter by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than $200.00 and not more than $300.00, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this chapter is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

(Ord. No. 1724A, § 1(9.0), 4-8-2009)

CCCLXXXVI.

19.46.100 Definitions.

Unless specifically defined, words and phrases in this chapter shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

1. "A Zones" means those areas shown on the official floodplain zoning map which would be inundated by the regional flood. These areas may be numbered or 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.
2. "Accessory structure or use" means a facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
3. "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
4. "Basement" means any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.

5. "Building." See Structure.
6. "Bulkhead line" means a geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this chapter.
7. "Campground" means any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four or more camping units, or which is advertised or represented as a camping area.
8. "Camping unit" means any portable device, no more than four hundred square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pickup truck, tent or other mobile recreational vehicle.
9. "Certificate of compliance" means a certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this chapter.
10. "Channel" means a natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
11. "Crawlways" or "crawl space" means an enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.
12. "Deck" means an unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
13. "Department" means the Wisconsin Department of Natural Resources.
14. "Development" means any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
15. "Dryland access" means a vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
16. "Encroachment" means any fill, structure, equipment, building, use or development in the floodway.
17. "Existing manufactured home park or subdivision" means a parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this chapter. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
18. "Expansion to existing mobile/manufactured home park" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
19. "Federal Emergency Management Agency (FEMA)" means the federal agency that administers the National Flood Insurance Program.

20. "Flood insurance rate map" (FIRM) means a map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
21. "Flood" or "flooding" means A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
    - The overflow or rise of inland waters,
    - The rapid accumulation or runoff of surface waters from any source,
    - The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior, or
    - The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
22. "Flood frequency" means the probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.
23. "Floodfringe" means that portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
24. "Flood hazard boundary map" means a map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
25. "Flood insurance study" means a technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
26. "Floodplain" means land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.
27. "Floodplain island" means a natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
28. "Floodplain management" means policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
29. "Flood profile" means a graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
30. "Floodproofing" means any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
31. "Flood protection elevation" means an elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: Freeboard.)

32. "Flood storage" means those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
33. "Floodway" means the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
34. "Freeboard" means a safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
35. "Habitable structure" means any structure or portion thereof used or designed for human habitation.
36. "Hearing notice" means publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (seven days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (seven days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
37. "High flood damage potential" means damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
38. "Historic structure" means any structure that is either:
    - Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register,
    - Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district,
    - Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or
    - Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
39. "Increase in regional flood height" means a calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
40. "Land use" means any nonstructural use made of unimproved or improved real estate. (Also see development.)
41. "Manufactured home" means a structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
42. "Mobile recreational vehicle" means a vehicle which is built on a single chassis, four hundred square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain

capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

43. "Municipality" or "municipal" means the county, city or village governmental units enacting, administering and enforcing this zoning ordinance.
44. "NAVD" or "North American Vertical Datum" means Elevations referenced to mean sea level datum, 1988 adjustment.
45. "NGVD" or "National Geodetic Vertical Datum" means Elevations referenced to mean sea level datum, 1929 adjustment.
46. "New construction" means for floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
47. "Nonconforming structure" means an existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this chapter for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
48. "Nonconforming use" means an existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this chapter for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
49. "Obstruction to flow" means any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
50. "Official floodplain zoning map" means that map, adopted and made part of this chapter, as described in subsection 19.46.010E.2., which has been approved by the department and FEMA.
51. "Open space use" means those uses having a relatively low flood damage potential and not involving structures.
52. "Ordinary highwater mark" means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
53. "Person" means an individual, or group of individuals, corporation, partnership, association, municipality or state agency.
54. "Private sewage system" means a sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.
55. "Public utilities" means those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
56. "Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
57. "Regional flood" means a flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being

equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

58. "Start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
59. "Structure" means any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
60. "Subdivision" means has the meaning given in s. 236.02(12), Wis. Stats.
61. "Substantial damage" means damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent of the equalized assessed value of the structure before the damage occurred.
62. "Unnecessary hardship" means where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.
63. "Variance" means an authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
64. "Violation" means the failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
65. "Watershed" means the entire region contributing runoff or surface water to a watercourse or body of water.
66. "Water surface profile" means a graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
67. "Well" means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless.

(Ord. No. 1724A, § 1(10.0), 4-8-2009)

Chapter 19.461 FWW FLOODWAY/WETLAND DISTRICT

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CCCLXXXVII. 19.461.010 Purpose.

The FWW floodway/wetland district is intended to preserve, protect, and enhance the ponds, streams, and wetland areas within the floodplains of the city. The preservation, protection, and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve water quality, both ground and surface; prevent flood damage; control stormwater runoff; protect stream banks from erosion; protect groundwater recharge and discharge areas; protect wildlife habitat; protect native plant communities; avoid the location of structures on soils which are generally not suitable for use; and protect the water-based recreation resources of the city. In delineating the FWW district, the effects of development within the associated floodfringe shall be computed, as regulated under Chapter 19.46 of this title. No floodway/wetland district changes shall be permitted that are not consistent with the wetland preservation shoreland protection objectives of Section 144.26 of the Wisconsin Statutes as set forth in Section 19.69.066(B) of this code.

The FWW floodway/wetland district, as shown on the zoning map, includes those wetlands that are shown on the Wisconsin Wetland Inventory Map for the City of Whitewater, dated July 2, 1987, and stamped "FINAL;" which are also shown within the one hundred-year recurrence interval floodplain as shown on the official Floodplain Zoning Map.
(Ord. 1600 § 4, 2006: Ord. 1196 § 1(part), 1990).

CCCLXXXVIII. 19.461.020 Permitted uses.

Permitted uses in the FWW district are limited to the following:

A. Hiking, fishing, trapping, swimming and boating, unless prohibited by other laws and ordinances;
B. Harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops, and that does not involve filling, flooding, draining, dredging, ditching, tiling, or excavating;
C. Silviculture, including the planting, thinning, and harvesting of timber, provided that no filling, flooding, draining, dredging, ditching, tiling, or excavating is done except for temporary water level stabilization measures to alleviate abnormally wet or dry conditions which would have an adverse impact on silvicultural activities if not corrected;

D. Agricultural crops and grazing provided that they do not involve extension of cultivated areas, extension of or creation of new drainage systems, and further provided that they do not substantially disturb or impair the natural fauna, flora, topography, or water regimen;
E. Ditching, tiling, dredging, excavating, or filling done to maintain or repair an existing drainage system only to the extent necessary to maintain the level of drainage required to continue the existing use;
F. The construction and maintenance of piers, docks, and walkways, including those built on pilings;
G. The maintenance, repair, replacement, and reconstruction of existing streets, roads, and bridges.

(Ord. 1196 § 1(part), 1990).

CCCLXXXIX.

19.461.030 Conditional uses.

The following uses are conditional uses in the FWW floodway/wetland district and may be permitted as specified. The city plan commission shall transmit a copy of each application for a conditional use in the FWW floodway/wetland district to the Wisconsin Department of Natural Resources (DNR) at least ten (10) days prior to the public hearing. Final action on the application shall not be taken for thirty (30) days or until the DNR has made its recommendation, whichever comes first. A copy of all FWW Floodway/wetland district conditional use permits shall be transmitted to the DNR within ten (10) days following the decision:

A. The construction of streets which are necessary for the continuity of the city street system, necessary for the provision of essential utility and public safety services, or necessary to provide access to permitted open space uses in the FWW district; provided, that:
    1. The street cannot as a practical matter be located outside the conservancy district;
    2. The street is designed and constructed to minimize adverse impact upon the natural functions of the wetland as listed in Section 19.69.066(B) of this code;
    3. The street is designed and constructed with the minimum cross-section practical to serve the intended use;
    4. The street construction activities are carried out in the immediate area of the roadbed only; and
    5. Any filling, flooding, draining, dredging, ditching, tiling, or excavating that is done must be necessary for the construction or maintenance of the street. Filling in the FWW district shall not be permitted if the effect will be to increase flood stage by 0.01 foot or more, except as otherwise provided in this chapter.
B. The establishment and development of public and private parks and recreation areas, recreation trails, public boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves, and private habitat areas; provided, that:
    1. Any private recreation or wildlife habitat area must be exclusively for that purpose;
    2. No structures shall be erected;
    3. No filling is to be done; and
    4. Ditching, excavating, dredging, dike and dam construction may be done in wildlife refuges, game preserves, and private wildlife habitat areas, but only for the purpose of improving wildlife habitat or to otherwise enhance the value of a wetland or other natural resource.
C. The construction and maintenance of fences; provided, that:
    1. All fences shall have at least fifty (50%) percent of their surface area open for free passage of light, air, and floodwaters; and
    2. All fences shall be firmly anchored to prevent them from floating away and restricting bridge openings.

D. The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities; provided, that:
   1. The transmission and distribution lines and related facilities cannot as a practical matter be located outside the floodway/wetland district;
   2. All utilities shall be firmly anchored to prevent flotation;
   3. All utilities shall be floodproofed to an elevation at least two (2) feet above the 100-year recurrence interval flood, and shall be designed to eliminate or minimize infiltration of floodwater into the utility; and
   4. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the construction or maintenance of the utility, and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the conservancy area. Filling in the FWW district shall not be permitted if the effect will be to increase flood stage by 0.01 foot or more, except as otherwise provided in this chapter.

E. The construction and maintenance of railroad lines; provided, that:
   1. The railroad lines cannot as a practical matter be located outside the conservancy district; and
   2. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the construction or maintenance of the railroad, and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the conservancy area.

(Ord. 1196 § 1(part), 1990).

CCCXC.

19.461.040 Maintenance of drainageways.

No development in the FWW floodway/wetland district shall adversely affect the channels, floodways, or shorelands of Whitewater Creek, Spring Brook, any tributaries thereto, drainage ditches, or other lands lying outside the floodlands.

(Ord. 1196 § 1(part), 1990).

CCCXCI.

19.461.050 Dumping and filling prohibited.

Lands lying within the FWW floodway/wetland district shall not be used for dumping or be filled.

(Ord. 1196 § 1(part), 1990).

CCCXCII.

19.461.060 Dangerous materials storage prohibited.

Lands lying within the FWW floodway/wetland district shall not be used for the storage of materials that are buoyant, flammable, explosive, or injurious to human, animal, or plant life.

(Ord. 1196 § 1(part), 1990).

CCCXCIII.

19.461.070 Incompatible use prohibited.

A. Lands lying within the FWW floodway/wetland district shall not be used for any solid waste disposal site or onsite soil absorption sanitary sewerage system site, or the construction of any well which is used to obtain water for ultimate human consumption. Sewage treatment plants and treatment ponds shall not be constructed in the FWW floodway/wetland district.

B. Any use not listed as a permitted use or a conditional use in the FWW floodway/wetland district is prohibited unless the FWW district lands concerned are first rezoned into another district. Furthermore, the use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary highwater mark of any navigable water are prohibited.

(Ord. 1196 § 1(part), 1990).

CCCXCIV. 19.461.080 Mobile homes prohibited.

No mobile home, manufactured home, mobile home park, or trailer camp shall be placed or moved onto lands lying in the FWW floodway/wetland district.
(Ord. 1196 § 1(part), 1990).

Chapter 19.48 I INSTITUTIONAL DISTRICT

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CCCXCV.

19.48.010 Purpose.

The I institutional district is established to provide a community review and approval process for certain institutional uses that have a potential impact on surrounding land uses and/or the city as a whole.

(Ord. 1364 § 8, 1997: Ord. 994 § 3.17(part), 1982).

CCCXCVI.

19.48.020 Permitted uses.

Permitted uses in the I district include:

A. Colleges;

B. Universities and their associated residential, educational and service facilities, except that new structures and/or exterior remodeling of existing structures which are within one hundred fifty feet of any other zoning district boundary (includes surface parking areas for more than twenty vehicles) shall be a conditional use as indicated below. The uses stated in Section 19.48.030 shall be conditional uses;

C. The second or greater wireless telecommunication 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 § 22, 2001; 1364 § 9, 1997: Ord. 994 § 3.17(A), 1982).

CCCXCVII.

19.48.030 Conditional uses.

Conditional uses in the I district include:

A. New structures and/or exterior remodeling or existing structures within one hundred fifty (150) feet of any other zoning district boundary (includes surface parking areas for more than twenty vehicles);

B. Gymnasiums, sport stadiums, auditoriums, and similar places of general public assembly;

C. Parking structures and surface parking areas for more than one hundred vehicles;

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

E. Fraternity or sorority houses.

(Ord. 1668A § 3, 2007; Ord. 1499 § 23, 2001; Ord. 994 § 3.17(B), 1982).

CCCXCVIII.

19.48.040 Lot area.

Minimum total lot area in the I district is one (1) acre.
(Ord. 994 § 3.17(C), 1982).

CCCXCIX.

19.48.050 Lot width.

Minimum lot width in the I district is one hundred twenty (120) feet.
(Ord. 994 § 3.17(D), 1982).

CD.

19.48.060 Building height.

Maximum building height in the institutional district shall be one hundred (100) feet. Mechanical penthouses shall be excluded from the building height restrictions listed herein if they comply with the following limitations:

A. Penthouses shall be no taller than the highest floor to floor height in the building.
B. Penthouses shall be set back from the public street building facade of the building equal to the height of the penthouse.
C. The penthouse floor area, including vertical circulation spaces leading to the penthouse, shall be no greater than ten (10%) percent of the ground floor building footprint.
(Ord. 1673A § 1, 2008: Ord. 994 § 3.17(E), 1982).
D. The maximum building height is also subject to fire safety limitations. The maximum building height may be increased under the provisions of a conditional use permit which will include, but is not limited to, consideration of issues regarding shadows cast by buildings, views, impacts on neighbors, and microclimate.

CDI.

19.48.070 Yard requirements.

Minimum yard requirements in the I district are:

A. Any street yard facing any zoning district other than the institutional district shall be no less than twenty-five (25) feet, measured from the right-of-way, or one-half of the total height of the building, whichever is greater. Any street yard within an institutional district facing yards in an institutional district shall not be less than twenty-five (25) feet, measured from the right-of-way. The building setback shall not in any event encroach on the intersection visibility requirements set forth in Whitewater Municipal Code, Section 19.51.010;
B. Street yard for off-street parking—fifteen (15) feet;
C. Side yard shall be thirty (30) feet or equal to the height of the structure, whichever is greater;
D. Rear yard--thirty-five (35) feet or equal to the height of the structure, whichever is greater.
E. Shore yard, seventy-five (75) feet. All Shoreland shall be in compliance with Chapter 19.46, and in addition may require DNR approval.

(Ord. 1673A § 2, 2008; Ord. 1364 § 10, 1997: Ord. 994 § 3.17(F), 1982).

CDII.

19.48.080 Number of structures on one lot.

Within the I district, more than one (1) principal structure may be located on a lot (see Section 19.06.150).
(Ord. 994 § 3.17(G), 1982).

Chapter 19.485 LARGE RETAIL AND COMMERCIAL SERVICE DEVELOPMENT STANDARDS

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CDIII. 19.485.010 Title.

This section shall be known, cited, and referred to as the large retail and commercial service development chapter.

(Ord. No. 1796A, § 3, 8-3-2010)

CDIV. 19.485.020 Description.

A large retail and commercial service development is a development comprised of one (1) or more contiguous parcels or building sites for a single retail or commercial service enterprise or for multiple such enterprises within which the total combined floor and surface area of all indoor retail and/or commercial activities, associated enclosed or outdoor storage, and associated outdoor display exceeds fifty thousand (50,000) square feet**.**

The requirements of Chapter 19.485 are applicable to any new, altered or expanded establishment or group of establishments that meet or exceed the above floor and surface area threshold, where a complete application for conditional use permit or PD zoning is filed after the effective date of this chapter.

(Ord. No. 1796A, § 3, 8-3-2010)

CDV. 19.485.030 Conditional use permit or PD approval required.

A. Aside from where allowed under an approved PD district, large retail and commercial service developments shall require a conditional use permit within any district in which they are allowed per other chapters in this title. All additions to structures, parking, or storage areas that are part of an approved large retail and commercial service development shall require an amendment to the conditional use permit or the previously approved PD plans, per the associated requirements for such amendments in this title.
B. Subsequent changes to individual land uses listed as permitted uses within the applicable zoning district (for example, a new tenant in a pre-existing retail space) are permitted without amendment to the associated large retail and commercial development conditional use permit or PD specific implementation plan, unless said conditional use permit or PD plan placed restrictions on such change of use.
C. Subsequent individual land uses following initial approval of the development allowed only by conditional use permit in the zoning district or approved PD specific implementation plan may be allowed only under a subsequent conditional use permit for the specific use, regardless of whether said use entails modifications to the building and/or site layout.

(Ord. No. 1796A, § 3, 8-3-2010)

19.485.040 Regulations.

In addition to applicable zoning district standards and other applicable standards of this title, each large retail and commercial service development shall meet the following additional standards, as may be applicable given the size of each such development:

A. Traffic Impact Analysis. A traffic impact analysis is required when a development reaches or exceeds the defined threshold for such an analysis outlined in Figure 19.485(2), and may be required by the city director of public works for projects below that threshold if there is initial evidence to suggest that existing roads in the area may not be adequate to accommodate additional traffic demands.
The traffic impact analysis shall be completed in accordance with standards approved by the city director of public works, or where he/she does not approve a particular standard, with the most current revision of the Traffic Impact Analysis Guidelines published by the State of Wisconsin Department of Transportation. Where the traffic impact analysis indicates that the proposed development may cause off-site public roads, intersections, or interchanges to function below level of service (LOS) D, then the city may deny the application, may require a size reduction in the proposed development, and/or may require the developer to construct and/or pay for required off-site improvements to achieve LOS D for a planning horizon of a minimum of ten years following full build-out of the development. All such developments shall have direct access to an arterial or collector street. Vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; access drive entry throat length, width, design, location, and number; traffic control devices; and/or sidewalks. The site design shall provide direct transportation connections to adjacent land uses and sites if required by the city.

B. Economic and Fiscal Impact Analysis. An economic and fiscal impact analysis is required in accordance with the data requirements established by the City. In addition:
   1. The analysis shall identify and assess the economic and fiscal impacts on the city.
   2. The analysis shall propose measures to mitigate adverse impacts and/or maximize positive impacts, including provision of infrastructure or public service improvements sufficient to support the development. Any adverse impacts that cannot be mitigated shall be identified. Mitigation measures to be implemented by the applicant shall be identified.
   3. If required by the zoning administrator, the applicant shall provide the necessary funding to the city to hire a consultant of the city's choice, with appropriate experience to complete and present an objective economic and fiscal impact analysis to the city.

C. Detailed Neighborhood Plan. A detailed neighborhood plan is required in accordance with requirements established by the City. Such neighborhood plan shall cover any undeveloped areas within a one-thousand-five-hundred (1,500) foot distance from the boundaries of the development site (except where a lesser distance is approved by the zoning administrator). The detailed neighborhood plan must be completed by the city or applicant prior to the application for conditional use permit or rezoning, and submitted or referenced with such application. The detailed neighborhood plan shall include a map of sufficient detail to establish the potential future mix and development of land uses based on the city's comprehensive plan and the relationship of surrounding lands to the large retail and commercial service development with regard to provision of streets, driveways, bicycle/pedestrian routes, utilities, stormwater management, landscape transitions, setbacks,

and community design and character, and general layout, all in a manner that is consistent with the city's comprehensive plan.

D. Facilities and Associated Features. The following requirements are applicable when a large retail and commercial service development reaches or exceeds the defined threshold for such facilities and associated features outlined in Figure 19.485(2):
   1. Building Location. Wherever practical, as determined by the plan and architectural review commission based on the particular setting, the primary building within the development shall be located close to the public street, including parking to the side or rear of that building. Where such primary building is proposed to be distant from the public street, the commission may require that the overall development design include smaller buildings on pads or outlots closer to the street. All buildings on outlots shall have an orientation and architectural quality that relates to the primary building. Placement and orientation of all buildings must facilitate appropriate land use transitions and appropriate traffic flow to adjoining roads and to neighboring commercial areas, commercial sites, and neighborhoods, and must forward community character objectives described in the city's comprehensive plan. Also see Subsection 19.485.040E.7. below for requirements associated with the location of parking lots.
   2. Building Materials. Exterior building materials shall be of comparable aesthetic quality on all sides. Building materials such as glass, brick, stone, tinted and decorative concrete block are preferred, with wood, stucco, and exterior insulation and finish systems (EIFS) also permitted, as determined appropriate by the plan and architectural review commission. Decorative architectural metal with concealed fasteners or decorative tilt-up concrete panels may be approved only if integral to the overall design of the building. Windows shall be prominently incorporated into the building design for both aesthetic and daylighting effect.
   3. Building Design. The building exterior shall complement other buildings in the vicinity (except those buildings identified for redevelopment), and shall meet the following:
      a. The building shall employ varying facade setbacks, heights, roof treatments, doorways, window openings, and other structural or decorative elements appropriate to the size and scale of the building and to add architectural interest.
      b. Ground floor facades that face public streets shall have some combination of features (such as display windows, entry areas, awnings, or other such features) that are oriented to pedestrians and create a smaller scale, street-friendly character. f. The integration of windows into building design is required. Windows shall be transparent glass wherever the plan and architectural review commission determines it practical. The use of blinds, or display windows shall be acceptable where there is a determination that opacity is required. Backlighting of such windows may be required in such instances.
   4. Building Entrances. Public building entrances shall be clearly defined and highly visible on the building's exterior design, and shall be emphasized by, and be the focal point for, on-site traffic flow patterns. Two or more of the following design features shall be incorporated into all public building entrances: canopies or porticos, overhangs, projections, arcades, peaked roof forms, arches, or outdoor patios.
   5. Screening.
      a. All ground-mounted and wall-mounted mechanical equipment, refuse containers and any permitted outdoor storage shall be fully concealed from on-site and off-site ground-level views, with materials identical to those used on the building exterior facades.

b. All rooftop mechanical equipment shall be screened by parapets, upper stories, and/or strategic placement relative to exterior walls or roofs, so as to not be visible from public streets adjacent or within one thousand feet of the subject property.
c. Loading docks shall be completely screened from surrounding public streets and properties. Said screening may be accomplished through loading areas internal to buildings, screen walls which match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations.
d. Gates and fencing may be used for security and access, but not for screening, and they shall be of high aesthetic quality. Decorative metal picket fencing and screening is acceptable. Chain link, wire mesh, or wood fencing is unacceptable, except that decorative, heavy-duty wood gates may be used.

6. Parking.
   a. All parking lots shall be designed in accordance with Chapter 19.51 of this title.
   b. Parking lots in which the number of spaces significantly exceeds the minimum number of parking spaces required for the specific use or uses in Section 19.51.130 shall be allowed only with specific and reasonable justification provided by the applicant within the application.
   c. Parking lots shall be designed to create distinct parking subareas through use of landscaped and curbed medians and islands, a minimum of ten (10) feet in width from back-of-curb to back-of-curb. Each landscaped island shall be a minimum of three hundred sixty square (360) feet in landscaped area.
   d. Wherever site conditions allow, the plan and architectural review commission may require some or all parking to be oriented to the side and/or rear of the primary building within the development, allowing the building to be located closer to the public street. Applicants proposing to locate the majority of parking between the primary building and the public street shall submit information along with their application identifying the reasons why more or all parking may not be located to the side or rear of the principal building, either through a change in parking location, change in building location, or both.
   e. Wherever site conditions allow, the plan and architectural review commission may require some or all parking to be shared with surrounding uses and/or the provision of cross-easements for customers to access adjacent parking areas without circulation through surrounding streets.
7. Bicycle and Pedestrian Facilities.
   a. The entire development shall provide for safe pedestrian and bicycle access to all uses within the development, connections to existing and planned public sidewalks and other pedestrian and bicycle facilities, and connections to adjacent properties.
   b. Pedestrian walkways shall be provided from all building entrances to existing or planned public sidewalks or other pedestrian and bicycle facilities. The minimum width for sidewalks adjacent to buildings shall be eight (8) feet; and the minimum width for sidewalks elsewhere in the development shall be five (5) feet.
   c. Sidewalks internal to the development shall have adjoining landscaping along at least fifty (50%) percent of their length, and may be required to be provided with pedestrian-scale lighting.
   d. Crosswalks within parking and driveway areas shall be distinguished from driving surfaces to enhance pedestrian safety by using different pavement materials, color, and/or texture in combination with signage.
   e. The development shall provide secure, attractive, integrated bicycle parking.
8. Central Areas and Features. Each development exceeding eighty thousand (80,000) square feet in floor area (per the measurement method in Section 19.485.020) shall

provide central area(s) or feature(s) such as a patio/seating area, pedestrian plaza with benches, outdoor playground area, water feature, and/or another such deliberately designated outdoor area or focal point that adequately enhance the development or community. Such area shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the primary building and remainder of the site, and maintained over the life of the development.

9. Cart Returns. A minimum of one two-hundred (200) square-foot cart return area (corral) shall be provided for every one hundred (100) parking spaces. Cart corrals shall be of durable, non-rusting, all-season construction, and shall be designed and colored to be compatible with the building and parking lot light standards. There shall be no exterior cart return or cart storage areas located within twenty-five (25) feet of any building.
10. Outdoor Display Areas. Exterior sales and display areas--whether permanent or seasonal--shall be permitted only where clearly depicted on the approved site plan associated with the development. All exterior display areas shall be separated from motor vehicle routes by a physical barrier visible to drivers and pedestrians, and by a minimum of ten (10) feet. Display areas on sidewalks directly in front of buildings building must maintain a minimum walkway width of eight (8) feet between the display items and any vehicle drives.
11. Outdoor Storage Uses and Areas. Exterior storage structures or uses, including the parking or storage of service vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, forklifts, trash, recyclables, and all other items shall be permitted only where clearly depicted and labeled on the approved site plan. Such outdoor storage uses and areas shall be appropriately screened as required by Title 19.
12. Landscaping. On-site landscaping shall be provided at time of building occupancy (except as allowed under Section 19.66.060), shall meet all applicable landscaping guidelines approved by the city council or plan and architectural review commission, and shall be maintained per the requirements of such guidelines and Title 19 over the life of the development.
13. Lighting. On-site exterior lighting shall meet all the standards of Title 19. In addition, the color and design of pole lighting standards shall be compatible with the primary building in the development and the public lighting in the area, and shall be uniform throughout the entire development site.
14. Signage. In addition to meeting the applicable requirements of Title 19, a signage plan for all exterior signage shall provide for coordinated and complementary exterior sign locations, configurations, and colors throughout the development. Combined signs for multiple users may be required instead of multiple individual signs. The city may require the use of muted corporate colors on signage if proposed colors are not compatible with the city's design objectives for the area.
15. Environmental Sustainability, Natural Resources Protection, and Stormwater Management. Natural resources shall be protected in accordance with Title 19. In general, existing natural features shall be integrated into the site design as a site and community amenity. Each project shall meet the erosion control and stormwater management standards found in Title 16 of the Municipal Code and other applicable city ordinances.

    Each development shall intentionally incorporate into site and building design elements that contribute to the long-term environmental sustainability of the development and the city, as such terms are described in the city's comprehensive plan. Each development shall provide at least one-half of the following sustainability features:

    a. Reuse an existing, previously developed building and/or site.

b. Utilize one or more rain gardens or bioswales, as described in the City of Whitewater Landscaping Guidelines, to capture and manage stormwater.
c. Install a green roof or roof-top garden.
d. Incorporate stormwater management facilities that are designed to both serve their primary function and appear as natural features that can serve as attractive focal points for the development.
e. Install native/naturalized landscaping that minimizes requirements for irrigation/watering and provides natural habitat.
f. Install systems that allow for the capture and later use of rainwater to water landscaping and for other permitted functions.
g. Deliberately design/retrofit the primary building with energy efficient systems, such as lighting, refrigeration, and HVAC systems.
h. Integrate solar, geothermal, wind, or other on-site energy generation into the site and/or building design.
i. Utilize paving and/or roof materials with a solar reflectance index of at least twenty-nine (29) for a minimum of fifty (50%) percent of the combined pavement and roof area on the site.
j. Purchase a minimum of fifty(50%) percent of the development's energy from renewable sources, such as wind or solar.
k. Recycle of a minimum of seventy-five (75%) percent of the waste generated during building/site construction.
l. Utilize a minimum of twenty-five (25%) percent recycled materials for building construction.
m. Utilize a minimum of fifty (50%) percent regional materials for building construction (extracted, harvested, or recovered, and manufacturing from within five hundred miles of the development site).
n. No more than two (2) additional sustainability features not listed above but approved by the plan and architectural review commission to meet the city's sustainability objectives, not including any feature already required by another section of this chapter.

16. Vacation of Existing Buildings in Large Retail and Commercial Service Developments.
    a. Where any large retail or commercial service development that has fifty thousand or more square feet of floor area is vacated because the commercial use (sale of goods or merchandise at the building) conducted thereon is being relocated to a different building or discontinued, the party shall be subject to the following provisions:
        i. The party that vacated the site shall not impose limits on the type of reuse of the vacated site through conditions of sale or lease.
        ii. The development agreement for the new development at the new site shall include provisions therein whereby the developer of the new site commits to the requirements contained herein.
    b. In addition to the above, any building within large retail or commercial service development that has twenty thousand or more square feet of floor area and is vacated for any reason shall be subject to the following provisions:
        i. The owner must file with the city a written statement as to the names, phone numbers, and addresses for all persons who are in control of the property and building and other data as required by the City.
17. Development Agreement. The developer shall enter into a development agreement with the city which shall include the payment of all utilities, including, but not limited to,

stormwater, sanitary sewer, and street infrastructure. Off-site improvements may also be required as part of the development agreement.

18. Exceptions. In the event the applicant desires a deviation or exception from the requirements of this section, the applicant shall present justification for such deviation or exception, including, but not limited to, preexisting conditions on a redevelopment site, which may be approved or denied by the plan and architectural review commission.

Chapter 19.49 WELLHEAD PROTECTION

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CDVII.

19.49.010 Title.

This section shall be known, cited and referred to as the "Wellhead Protection Ordinance" (hereinafter "WHP ordinance").
(Ord. 1383 § 1(part), 1997).

CDVIII. 19.49.020 Purpose and authority.

A. The residents of the City of Whitewater (hereinafter "the city") depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of the WHP ordinance codified in this chapter is to protect the city's municipal water supply and areas from which city wells draw water, and to promote the public health, safety and general welfare of the residents of the city.
B. These regulations are established pursuant to the authority granted by the Wisconsin Legislature in 1983, Wisconsin Act 410 (effective May 11, 1984), which specifically added groundwater protection to the statutory authorization for municipal planning and zoning in order to protect the public health, safety and welfare. Areas appropriate for protection in the WHP are established in the wellhead protection plan ("the plan") for City of Whitewater, Wisconsin, dated September 1996 and prepared by Strand Associates, Inc. The Plan document is incorporated herein by this reference, and a copy is on file in the office of the city clerk.
(Ord. 1383 § 1(part), 1997).

CDIX.

19.49.030 Applicability.

The regulations specified in the WHP ordinance codified in this chapter shall apply only to lands within those portions of the five (5) year time of travel zones (hereinafter sometimes "TOT") of Well No. 9 shown on the wellhead protection map (see Exhibit A in Appendix D of WHP) (hereinafter "the map"), which areas also lie within the city corporate limits.
(Ord. 1383 § 1(part), 1997).

CDX.

19.49.040 Definitions.

As used in this chapter:
1. "Aquifer" means a saturated, permeable geologic formation that contains and will yield significant quantities of water.
2. "Cone of depression" means the area around a well, in which the water level has been lowered at least one-tenth of a foot by pumping of the well.

3. "Existing facilities which may cause or threaten to cause environmental pollution" means existing facilities which may cause or threaten to cause environmental pollution within the corporate limits of the city's well No. 9 recharge area which include but are not limited to the Wisconsin Department of Natural Resources' draft list of "Inventory of Sites or Facilities Which may Cause or Threaten to Cause Environmental Pollution," and Department of Industry, Labor and Human Relations list of "Leaking Underground Storage Tanks" (hereinafter "LUST's") and the Registry of Waste Disposal Sites in Wisconsin, all of which are incorporated herein by reference, together with future amendments thereto, as if fully set forth.
4. "Five Year Time of Travel (TOT)" The five year TOT is a portion of the recharge area, the outer boundary of which it is determined or estimated that groundwater and potential contaminants will take five years to reach a pumping well. The five year TOT for Whitewater's municipal well No. 9 is established based on the uniform flow equation. The TOT area is shown on the map. The TOT area shown on the map is hereinafter referred to as "the TOT."
5. "Groundwater divide" means ridge in the water table, or potentiometric surface, from which groundwater moves away at right angles in both directions. Line of highest hydraulic head in the water table or potentiometric surface.
6. "Groundwater protection overlay district" shall be defined as that area within the TOT shown on the map attached as Exhibit A and incorporated herein by reference as if fully set forth.
7. "Recharge area" means area in which water reaches the zone of saturation by surface infiltration and encompasses all areas or features that supply groundwater recharge to a well.
8. "Wellhead protection area" means those proportions of the TOT which lie within the City of Whitewater corporate limits.

(Ord. 1383 § 1(part), 1997).

CDXI.

19.49.050 Wellhead protection area.

A. Intent. The area to be protected is the Whitewater wellhead protection area (hereinafter "WPA") (as determined by the plan) contained within the city boundary limits. These areas are designated on the map. These lands are subject to land use and development restrictions because of their close proximity to the TOT and the corresponding high threat of contamination.

B. Permitted Uses. The following are the only permitted uses within the WPA:
   1. Any existing use, even though listed on prohibited uses, below, located within such areas to the extent that use currently exists, subject to the requirements for existing prohibited uses, subsection E of this section below;
   2. Those uses permitted under Whitewater zoning code consistent with the zoning map, as amended by action of the Whitewater city council and which are not prohibited under subsection C of this section below.

C. Prohibited Uses. The following uses, if created after the adoption of the WHP ordinance codified in this chapter, are prohibited uses within the wellhead protection area designated on the map. These uses are prohibited based on the high probability that activities routinely associated with these uses (storage, use and handling of potential pollutants) will cause groundwater contamination. Uses not listed are not considered permitted uses.
   1. Underground storage tanks of any size;
   2. Septage and/or sludge spreading;
   3. Animal waste land spreading;
   4. Animal waste facilities;
   5. Animal confinement facilities;
   6. Gas stations;

7. Vehicle repair establishments, including auto body repair;
8. Printing and duplicating businesses;
9. Bus or truck terminals;
10. Repair shops;
11. Landfills or waste disposal facilities;
12. Wastewater treatment facilities;
13. Spray wastewater facilities;
14. Junk yards or auto salvage yards;
15. Bulk fertilizer and/or pesticide facilities;
16. Asphalt products manufacturing;
17. Dry-cleaning businesses;
18. Salt storage;
19. Electroplating facilities;
20. Exterminating businesses;
21. Paint and coating manufacturing;
22. Hazardous and/or toxic materials storage;
23. Hazardous and/or toxic waste facilities;
24. Radioactive waste facilities;
25. Recycling facilities;
26. Cemeteries.

D. Where any of the uses listed in subsection C of this section above exist within the WPA on the effective date of the ordinance codified in this chapter, owners of these facilities will be allowed to upgrade such uses to facilitate or enhance groundwater protection. Plans for the proposed upgrade must be approved by the plan commission, and the appropriate permit issued by the city building inspector/zoning administrator's office prior to any work being initiated. Expansion of the prohibited use may be allowed with approval of the planning commission.

E. Requirements for Existing Prohibited Uses, Section 19.49.050C Above.
1. Such uses shall provide copies of all federal, state and local facility operation approvals or certificate to the city zoning administrator and ongoing environmental monitoring results to the city director of public works.
2. Such uses shall provide additional environmental or safety structures/monitoring as deemed necessary by the city, which may include but are not limited to stormwater runoff management and monitoring.
3. Such uses shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.
4. Such uses shall have the responsibility of devising and filing with the city a contingency plan satisfactory to the city zoning administrator for the immediate notification of city officials in the event of an emergency.

(Ord. 1383 § 1(part), 1997).

CDXII.

19.49.060 Enforcement.

A. In the event the individual and/or facility engaging in permitted use(s) under this chapter causes the release of any contaminants which endangers the WPA, the activity causing said release shall immediately cease and a cleanup satisfactory to the city shall occur.

B. The individual/facility causing the release of contaminants shall be responsible for all costs of cleanup. The costs of cleanup shall include, but not be limited to, city consultant fees, at the invoice amount plus administrative costs for oversight, review and documentation.
1. The cost of city employees' time associated in any way with the cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the city

representing the city's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits;

2. The cost of city equipment employed;
3. The cost of mileage reimbursed to city employees attributed to the cleanup.

C. Following any such discharge the city may require additional test monitoring and/or bonds/sureties as it deems necessary and reasonable.

D. Penalties for noncompliance shall be provided pursuant to Section 19.75.080 of this code.

(Ord. 1383 § 1(part), 1997).

Chapter 19.51 TRAFFIC, PARKING AND ACCESS

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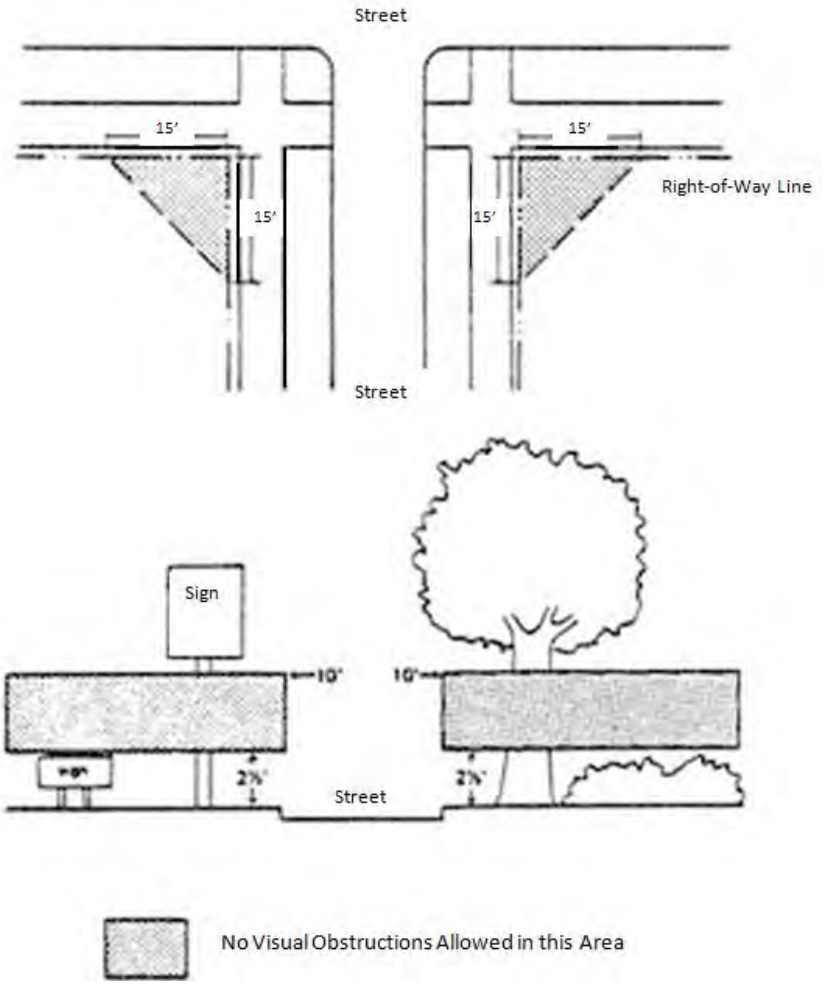
CDXIII. 19.51.010 Intersection visibility requirements.

A. At all intersections of streets or alleys, no fence, hedge, wall, sign or other structure shall be erected, placed, planted or allowed to grow in such a manner as to collectively impede more than fifteen percent of the vision area between a height of two and one-half (2 ½) feet and ten (10) feet above the established curb level of the intersection of streets or alleys in the area bounded by the right-of-way lines and a line joining points along the right-of-way fifteen feet from the point of intersection. (Refer to diagram below.)

B. In the case of major streets and highways intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to forty (40) feet.



(Ord. 994 § 4.1, 1982).

CDXIV.

19.51.020 Loading requirements.

In all districts except the B-2 central business district, adequate loading areas shall be provided so that all vehicles loading, maneuvering to do so, or unloading, are completely off the public ways, except alleys.

(Ord. 994 § 4.2, 1982).

CDXV.

19.51.030 Parking requirements--Generally.

In all districts, and in connection with every use, there shall be provided at the time any building is erected, enlarged, extended, increased, or use is changed, off-street parking stalls for all vehicles in accordance with Sections 19.51.040 through 19.51.180.

(Ord. 994 § 4.3(part), 1982).

CDXVI.

19.51.040 Adequate access--Driveways.

A. Adequate access to a public street shall be provided for each parking space, and driveways shall be at least ten (10) feet wide for parking areas for less than ten (10) vehicles, and at least two ten-foot lanes for parking lots for ten or more vehicles, except as otherwise provided in Section 19.51.050(A)(2).

B. Driveways shall not exceed twenty-four (24) feet in width at the street right-of-way line, except as otherwise determined by the plan and architectural review commission during site plan review.

C. No driveway may be closer than three (3) feet to an abutting property line, except where two adjacent lots have a common driveway then the three (3) foot minimum distance shall not apply. Common, shared, and cross-access driveways between adjacent lots are permitted,

provided that such driveways are established by recorded easement that may not be removed except by approval of the city or as otherwise permitted by law (such as non-conforming use or prescriptive easements).

D. All areas intended to be utilized as a driveway shall be surfaced with asphalt or concrete unless otherwise permitted in the zoning district, or approved by the Planning Commission under a Conditional Use Permit (CUP) or permitted by Neighborhood Services. Plans for surfacing and drainage of driveways shall be submitted to the City for review and approval.
    a. All driveways regardless of material shall have a driveway apron and meet the standard of 19.51.050 C.

(Ord. 1452 § 6(part), 2000: Ord. 994 § 4.3(A), 1982).

CDXVII.

19.51.050 Size, location, maintenance, and surface material of parking spaces.

A. The size of each parking space shall be at least nine (9) feet wide and not less than one hundred eighty (180) square feet exclusive of the space required for ingress and egress, except as follows:
    1. End parking spaces may be seven and one-half (7 ½) feet wide and not less than one hundred fifty (150) square feet.
    2. Interior parking spaces may be eight and one-half (8 ½) feet wide and not less than one hundred fifty (150) square feet, provided that internal driveways providing two-way access to parking spaces are not less than twenty-four (24) feet in width.

B. Location shall be on the same lot as the principal use or not over six hundred (600) feet from the principal use and comply with 19.51.140. All driveway and parking areas shall be surfaced with asphalt or concrete to control dust and drainage (unless otherwise permitted in the zoning district, or approved by the Plan Commission under a Conditional Use Permit (CUP) or permitted by Neighborhood Services):
    1. For new driveway and parking areas, such surfacing shall be completed within 9 months of the approved site plan or parking lot plan approval or in accordance with the timeline established in the approved site plans. The driveway shall be paved within nine (9) months of installation of the permanent street.
    2. In the event of neglect or migration of sediment the owner shall be given notice and required to make the necessary corrections to bring the driveway up to compliance.

C. Driveway Aprons

    The driveway apron is defined as the area between the sidewalk and the curb. The apron shall be installed from the street curb to the sidewalk. When there is no sidewalk, the apron shall extend a minimum of 6 feet from the back of the curb towards the property. Paved aprons shall be installed:
    1. At such time that the property gravel regularly spreads into the street right-of-way as determined by the Neighborhood Service Department, or Public Works Department.

D. Driveway Maintenance Requirements
    1. All property owners shall be responsible for the long-term maintenance of the driveway and related drainage. In the event of neglect or migration of sediment the owner shall be given notice and required to make the necessary corrections to bring the driveway into compliance.

(Ord. 1452 § 6(part), 2000: Ord. 994 § 4.3(B), 1982).

CDXVIII.

19.51.060 Lighting of parking areas.

Lights provided in any parking area shall be regulated by the standards in Section 19.57.150.
(Ord. 1452 § 6(part), 2000: Ord. 994 § 4.3(C), 1982).

CDXIX.

19.51.070 Buffer screening of on-grade parking areas.

When a required off-street parking area for five (5) or more vehicles is located within fifteen (15) feet of any lot line or public right-of-way line in any district, a buffer yard or screen shall be required in accordance with Section 19.57.140 of this title, except where the adjoining property also contains a parking lot within fifteen (15) feet of the shared lot line.

(Ord. 1452 § 6(part), 2000: Ord. 1364 § 11, 1997: Ord. 994 § 4.3(D), 1982).

CDXX.

19.51.080 Front, side, and rear yard parking limitation.

A. In all residential districts, except as provided in subsections B, C, D and E below, or as otherwise allowed by a previously granted zoning permit, not more than three (3) vehicles shall be parked in any combination of the front or side yard area.
B. In no case shall vehicles be parked closer than three (3) feet to any abutting property line (except for shared parking areas for which a zoning permit has been granted) or any lawn or landscaped area. All parking must take place in legally established and maintained parking areas or driveways.
C. A legally established two-family dwelling may have up to six (6) vehicles parked (outside) on a lot, with no more than 4 outside located in the rear yard.. Up to eight (8) vehicles parked in any combination may be permitted through a Conditional Use Permit (CUP) if the property can meet the conditional use standards and stormwater requirements, buffer screening and any other requirements deemed necessary by the Plan and Architectural Review Commission.
D. In the R-3 Multifamily Residence District, except for legally established two-family dwellings or otherwise allowed by a zoning permit, not more than six (6) vehicles may be parked (outside) in any combination of the front or side yard area (except as allowed by a conditional use permit). Newly constructed or reconstructed properties as of the date of this chapter may have no more than three (3) vehicles in front and side yards (except as allowed by a conditional use permit).
E. The number of vehicles allowed within front and side yard areas of lots occupied by single family residences may be increased to one per licensed driver legally occupying the property, not to exceed five (5) vehicles with no more than 4 located outside in the rear lot. Vehicles in any combination may be permitted through a Conditional Use Permit (CUP) if the property can meet all stormwater requirements, buffer screening and any other requirements deemed necessary by the Plan and Architectural Review Commission.

(Ord. 1082 § 8, 1986).

(Ord. No. 1688A, 6-17-2008; Ord. No. 1715A, 2-3-2009)

CDXXI.

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).

CDXXII.

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).

CDXXIII.

19.51.110 Surfacing of parking areas.

All areas intended to be utilized for off-street parking areas shall be graded and surfaced with materials to control dust and 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. In all cases, permeable or pervious materials are preferred. Plans for surfacing and drainage of off-street parking areas shall be submitted to the City for review and approval. Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked. (Ord 1482 § 1-, 2001: Ord. 1364 § 12, 1997: Ord. 994 § 4.3(H), 1982).

CDXXIV. 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).

CDXXV. 19.51.130 Number of parking stalls--General requirements.

The minimum number of parking stalls required is as follows:

Districts	Minimum	Maximum
R-1	2 stalls	Must follow 19.51.080. may not exceed the impervious surface regulation (19.18.060)
R-1X	2 stalls	Must follow 19.51.080. Not to exceed the impervious surface regulation (19.16.040)
R-2	2 stalls for each dwelling unit	Must follow 19.51.080. Not to exceed the impervious surface regulation (19.18.060)
R-2A	85% per Bedroom	Must follow 19.51.080. Not to exceed the impervious surface regulation (19.18.060). The number of bedrooms that are used for calculating for the minimum parking stalls shall not exceed the number of permitted unrelated occupants.
R-3	80% per Bedroom	Not to exceed the impervious surface regulation (19.21.060)
R-3A	65% per Bedroom	Not to exceed the impervious surface regulation (19.21.060)
B-1A	65% per Bedroom	Not to exceed the impervious surface regulation (19.27.060)
B-2		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

Note: Efficiency Units shall count as 1 Bedroom. All minimum requirements are to be rounded up when calculating. EXAMPLE: To determine the minimum number of parking stalls for a 12bedroom multifamily residence in the R-3, 12 * 80% = 9.6, which is rounded up to 10 stalls.

Use	Minimum
Hotels, motels	1 stall for each guest room plus 1 stall for each 2 employees working per shift
Sororities, fraternities, dormitories, boardinghouses and similar group-dwelling	1 stall for each 2 persons plus 1 stall for each 3 employees working per shift

quarters	
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

CDXXVI. 19.51.135 Number of parking stalls—Review Commission.

A. A party may apply to the plan and architectural review commission for a permit allowing less than the number of stalls required herein, but not less thanone stall per five hundred (500) square feet of primary floor area for retail and commercial service uses.
B. The commission may grant such a permit if it is not against the best interest of the public.
C. Even if a permit is granted, the applicant shall be required to have sufficient land and a plan to install the maximum required stalls under this section should it become necessary, except within the PD zoning district.
D. The permit may be revoked at any time by the commission upon notice and hearing if good cause is shown for the revocation of the permit. Within a PD District only, adjacent on-street parking may apply toward the minimum parking requirements, if approved by the plan commission.

(Ord. 1611A § 2, 2006; Ord. 1511 § 3, 2002; Ord. 1187 § 1, 1990; Ord. 1082 § 9, 1986: Ord. 944 § 4.3(J), 1982).

CDXXVII. 19.51.140 Number of parking stalls--Combination uses.

A. Joint Use of Parking Spaces.
   1. A parking allocation plan showing all jointly used parking shall be submitted prior to approval of the conditional use permit by the approval authority and shall be kept on file in the department of Neighborhood Services.
   2. A reciprocal parking easement in a form satisfactory to the City shall be executed by the parties involved and by the owner of the property where the spaces are located and shall be kept on file with the City. Such agreement shall ensure the continued availability of the number of spaces designated for joint use.
   3. Location shall be on the same lot as the principal use or not over six hundred (600) feet from the principal use. Such parking areas shall be in the same ownership as the principal use or leased on a long-term basis (more than five (5) years).

B. Combinations of any of the uses listed in Section 19.51.130 shall provide the total of the number of stalls required for each individual use.

(Ord. 994 § 4.3(K), 1982).

CDXXVIII.

19.51.150 Number of parking stalls--Uses not listed.

In the case of structures or uses not mentioned in Section 19.51.130, the provision for a use which is similar shall apply.

(Ord. 994 § 4.3(L), 1982).

CDXXIX.

19.51.160 Parking exemption in B-2 central business district and the B-1A University mixed-use overlay district.

In order to encourage and stimulate the revitalization in the downtown area of Whitewater, uses within the B-2 central business district and the B-1A University mixed-use overlay district are exempted from the minimum number of parking stalls required in this chapter, except if specifically required for a particular conditional use in that district under Section 19.30.030. Where parking is voluntarily provided or required for a particular use listed in Section 19.30.030, it shall meet the development standards of this section.

(Ord. 1611A § 3, 2006: Ord. 994 § 4.3(M), 1982).

CDXXX.

19.51.170 Computation of required parking area.

In determining required parking area ratios, the floor measurement shall be taken to include only service, sales and office space, and shall not include warehouse, utility and other accessory space which do not generate parking demand.

(Ord. 994 § 4.3 (N), 1982).

CDXXXI.

19.51.180 Truck, trailer, mobile home and equipment parking restrictions.

No truck, commercial trailer, house or camper trailer, motor home, boat trailer, trailers for all terrain vehicles (ATVs) or snowmobiles, or other vehicular equipment or implements of a commercial, agricultural or industrial nature, shall be parked regularly in any zoning district other than B-1, B-3, M-1 and AT districts, except as hereinafter specifically provided for as follows:

A. One panel or pickup truck, exceeding three-quarter ton but not exceeding one and one-half tons, shall be permitted;
B. The unenclosed parking of either one unoccupied house trailer, motor home, or one unoccupied camp trailer in the side and rear yard, provided that the motor home, house trailer or camp trailer is parked at least five feet from the lot lines; motor homes shall also abide by all restrictions relating to motor vehicle parking;
C. Camper trailers and boats shall be permitted to park in front yards for the purposes of loading, unloading and servicing for a period of three days;
D. Boat trailers, trailers for all terrain vehicles (ATVs) or snowmobiles, and all other private residential type trailers shall be permitted to park in the side and rear yard only.
E. The Neighborhood Services Manager may issue a permit to a person with a disability allowing a boat (25 feet or less in length) and a boat trailer to be parked in the front yard driveway of their residence from April through November. A person shall be considered a person with a disability if they have been issued a current disabled parking identification permit by the Wisconsin Department of Transportation. In addition, an individual shall be considered a person with a disability if they provide the Neighborhood Services Manager with a statement by a health care specialist verifying that the party needs a front yard boat parking permit, for a stated period of time, to allow that person reasonable access to their boat and trailer.

(Ord. 1381 § 1, 1997: Ord. 994 § 4.3(O), 1982).

CDXXXII.

19.51.190 Highway access limitations.

A. No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, nor to any controlled-access arterial street without permission of the highway agency that has access-control jurisdiction.

B. No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:

1. Freeways, interstate highways and their interchanges or turning lanes, nor to intersecting or interchanging streets within one thousand five hundred feet of the most remote end of the taper of the turning lanes;
2. Arterial streets intersecting another arterial street within one hundred feet of the intersection of the right-of-way lines;
3. Within fifty (50) feet of street right of way lines intersecting other street right of way lines. Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways (see Section 19.51.010, traffic visibility);
4. Temporary access to the above rights-of-way may be granted by the city plan commission after review.

(Ord. 1446 § 2, 2000; Ord. 994 § 4.4, 1982).

Chapter 19.54 SIGNAGE REGULATIONS

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CDXXXIII. 19.54.010 Sign permits.

A. The following sign uses and purposes are permitted in all zoning districts without the need for a sign permit. Such signs shall not count as part of the maximum permitted sign area as regulated by Section 19.54.052:
   1. Address numerals and identification signs not exceeding one square foot in area;
   2. Legal notices;
   3. Signs established by, or by order of, any governmental agency;
   4. Memorial signs and tablets displayed in cemeteries.

B. Community information signs shall be permitted only as a conditional use within all zoning districts and upon any property within the jurisdiction of the city. As such, the review of a request for the erection of a community information sign shall comply with the requirements of Section 19.54.020C.4. The proposed size, configuration, and design of the sign shall be described as part of the conditional use requirements. As a conditional use, the city may revoke the designation of an approved community information sign if such sign fails to comply with the requirements of this chapter. Such action shall proceed per the requirements of Chapter 19.75. Upon revocation, the owner of the sign shall have thirty days to remove the sign at the owner's expense.

C. No person shall erect, alter, or relocate within the city any sign without first obtaining a sign permit, except for the exceptions in subsections A. and B. of this section, and as may be provided for elsewhere in this chapter.

(Ord. 1263 § 1(part), 1993).

(Ord. No. 1746A, § 3, 9-15-2009)

CDXXXIV.

19.54.020 Definitions and regulations specific to certain signs.

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

A. "Sign" means any object, device, display, structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means,

including figures, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, religious, fraternal or civic organization; also merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or scoreboards located on athletic fields. Definitions of particular functional, locational and structural types of signs are listed in this section. (Traffic control and other public agency signs located within a right-of-way are not included within this definition and are not regulated by the provisions of this chapter.)

B. Sign Purposes.

1. "Advertising sign" means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is displayed. Advertising signs include billboards. (Refer to Section 19.54.030.)
2. "Auxiliary sign" means a sign which provides special information such as price, hours of operation, or warning and which does not include brand names, or information regarding product lines or services. It may contain a business logo if the logo is under one square foot in area. Examples of such signs include directories of tenants in buildings, "no trespassing" signs, menu boards, and signs which list prices of gasoline. (Refer to Section 19.54.050(E).)
3. "Business sign" means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, offered, or manufactured upon the premises where the sign is located. (Refer to Sections 19.54.050 and 19.54.052.)
4. "Community information sign" means an officially-designated sign which is limited to either the display of information of interest to the general community regarding scheduled public events and information of general interest to the residents of Whitewater, or signage located on scoreboards, fences or similar structures within the confines of publicly-owned (city, school district, university) athletic fields, courts, rinks or other active recreation facilities as approved by the parks and recreation board. (Refer to Section 19.54.010B.)
    a. Such sign shall only display information regarding events and information of general interest to the residents of Whitewater. Copy which may be considered as advertising a product, private or restricted participation event, or activity for private profit shall be prohibited. This provision may be waived by conditional use for community information signs on lands owned by the public for recreational purposes, provided that the installation of the sign provides a benefit to a public or community organization.
    b. Such sign may be located on private or public property.
    c. Such sign shall conform to the visibility requirements of Chapter 19.51 and Illustration 2.
    d. Maximum sign area shall be thirty-two square feet, unless a larger sign is approved by the plan commission based on conditions unique to the placement of the sign or the required length of the message. Such sign shall not be counted as adding to the area of signage on the subject property for the purposes of regulating sign area per Section 19.54.050(F).
5. Directional Sign, Off-Premises. "Off-premises directional sign" means a sign which indicates only the name, direction, and/or distance of a business or activity. It may contain a business logo if the logo is under one square foot in area and approval only by conditional use. (Refer to Section 19.54.030.)
6. Directional Sign, On-Premises. "On-premises directional sign" means an information sign which has a purpose secondary to the use of the lot upon which it is located,

including signs that indicate parking availability, entrances, particular buildings within a multi-building development, hours of operation, available merchandise in a drive-through lane, and wall-mounted posters indicating particular movies in a theater. No sign with a commercial message legible from a public right-of-way or another property shall be considered an on-premises directional sign. No on-premises directional sign shall be greater than nine square feet in area.

7. "Sandwich board/pedestal sign" means a movable sign placed by hand outside the building while the business is open; removed at the time the business closes each day; self-supporting and stable even on windy days because of its design; used for the purpose of promoting special business offers and not as primary business signage; and meeting all applicable size, placement, and other requirements of this chapter (see Section 19.54.050K. in particular).
8. "Group sign" means a sign displaying the collective name of a group of uses such as the title of a shopping center, office park, industrial park and/or their tenants or occupants. No sales or price information shall be permitted. Portions of the sign containing names of individual tenants shall be considered as part of the area of a group sign. Group signs shall only be permitted within developments serving two or more nonresidential tenants in spaces with separate outside customer doors, and shall limit information to the name of the development and/or its occupants. Group signs serving two or more occupants not located on the same lot, but within the same multi-building development, shall be located on one of the lots being served by the sign. Such signs shall not be considered an advertising sign as defined in this section. (Refer to Section 19.54.052 for size and locational information.)
9. "Identification sign" means a sign indicating the name and/or address of the tenant of the residential unit or manager of the property located upon the residential premises where the sign is displayed. Such sign shall not exceed the allowed area:
    a. For one to four units, three square feet;
    b. For up to eleven units, six square feet;
    c. Twelve units or more, thirty-two square feet. (Refer to Section 19.54.052.)
10. "Temporary sign" means a sign or advertising display intended to be displayed for a period not exceeding a total of thirty cumulative days within any twelve-month period (except as permitted by Section 19.54.060). Included in the definition of temporary signs are retailers' signs temporarily displayed for the purpose of informing the public of a sale or special offer (six square feet maximum) or for the designation of a new building, promotion of a new development or announcement of a special event (thirty-two square feet maximum). If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be considered as temporary. A business shall be limited to no more than a total of thirty cumulative days for displaying all temporary signs during any twelve-month period.
11. "Residential business sign" means a sign that is located in a residential district for a joint commercial/residential use which requires approval by the zoning administrator and to meet the requirements of Chapter 19.66. All signs must be monument style signs or arm/post type. (Refer to Illustrations 2 and 3, and Section 19.54.052.)
12. "Commercial message" means any sign wording, logo or other representation that names, advertises or calls attention to a business, product, or service.

C. Sign Configurations.

1. "Freestanding sign" means a self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground. This type of sign includes monument signs, pylon signs, arm/post(s) signs, and signs mounted on canopies over gasoline dispensing pumps. The base or support(s) of any and all freestanding signs shall

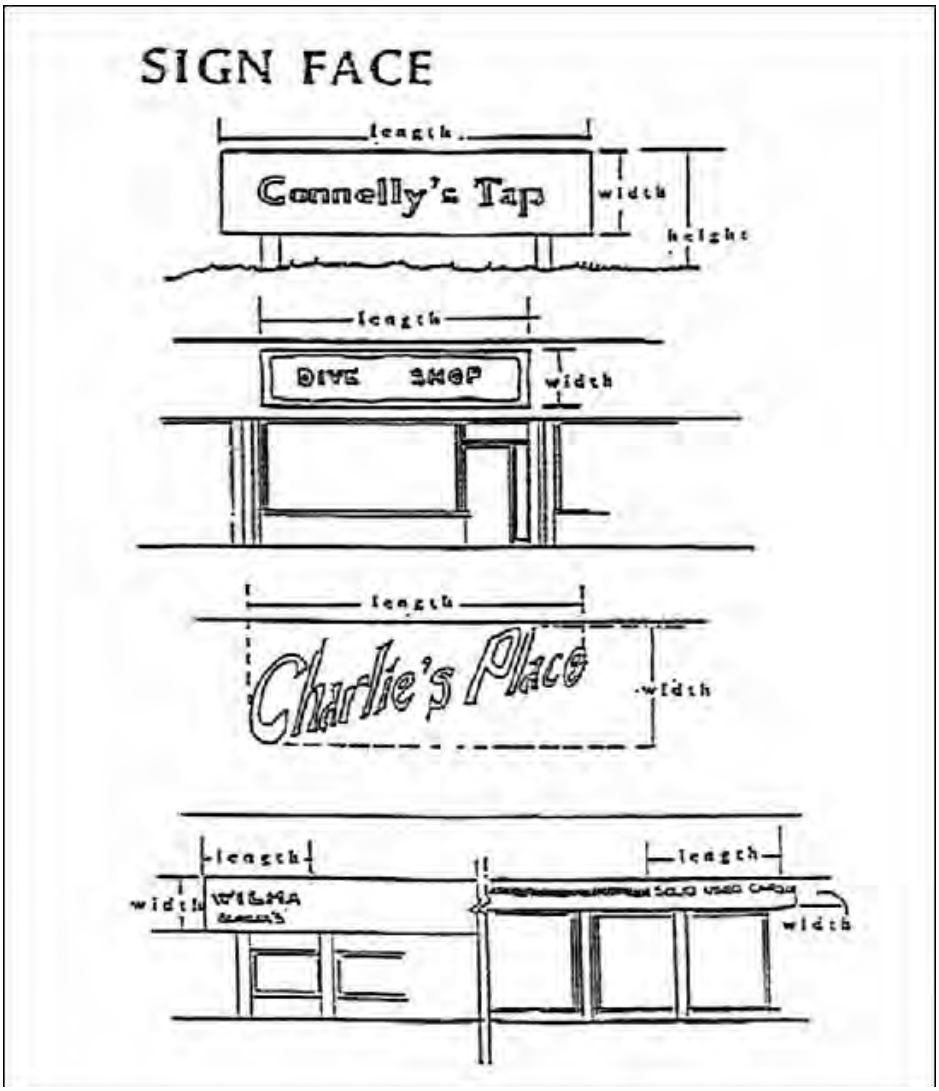
be securely anchored to a concrete base or footing. The footing and related supporting structure of a freestanding sign, including bolts, flanges, brackets, etc., shall be concealed by the sign exterior, masonry covering, earth and permanent groundcover, or evergreen shrubs. (Refer to subsection E. of this section and Sections 19.54.050 and 19.54.052.)

2. "Mobile/portable sign or banner" means a sign or banner mounted on a frame or chassis designed to be easily relocated, including vehicles and/or trailers which have a principal commercial use for signage, but not including any sandwich board/pedestal sign as defined in Section 19.54.020C.7. Mobile/portable signs or banners are prohibited unless approved by the zoning administrator for the purpose of recognizing a business opening, annual business anniversary, or community celebration. Where approved, such a sign shall not be in place for a period to exceed thirty days within any twelve-month period, shall not be erected more than thirty days before the event, shall be removed not more than five days after the completion of the event, and shall not exceed thirty-two square feet in area. A mobile or portable sign shall not be considered a temporary sign as defined in Section 19.54.020C.9. or used for such a purpose, except as may be allowed by the zoning administrator.
3. "Monument sign" means a freestanding sign whose bottom edge is located within one foot of ground level or a ground-mounted pedestal. The base or support(s) of any and all monument signs shall be securely anchored to a concrete base or footing. The height of a monument sign shall not exceed that specified in Section 19.52.052, nor shall it be otherwise erected so that it impedes visibility for safe pedestrian and/or vehicular circulation. The footing and related supporting structure, including bolts, flanges, brackets, etc., shall be concealed by the sign exterior, masonry covering, earth and permanent groundcover, or evergreen shrubs. (Refer to Sections 19.54.040 and 19.54.052, and Illustrations 2 and 3.)
4. "Projecting sign" means a sign, other than a wall sign, which is directly attached to and projects more than one foot from a building face, and is generally mounted perpendicular from the building face. The bottom edge of such sign shall be located a minimum of eight and one-half feet from the ground level directly under the sign. In no instance shall such sign be located closer than three feet to the edge of a street curb, drive, or parking area. For maximum area and placement standards, see Section 19.54.052.
5. "Electronic message center sign" means a sign in a nonresidential zoning district which displays words, lines, graphic images, video recordings, or symbols that can electronically change to provide different information and/or animation, including a computer sign, electronic reader board sign, video display sign, or time and/or temperature sign, but not including a flashing sign, which is prohibited under Section 19.54.030A.3. For electronic message center sign standards, see Section 19.54.050L.
6. "Pylon sign" means a freestanding sign, other than arm post type, erected upon one or more pylon or post. The base or support(s) of any and all pylon signs shall be securely anchored to a concrete base or footing. The height of a pylon sign shall be measured from the centerline elevation of the nearest road to the top of the sign. The height of a pylon sign shall not exceed twenty (20) feet. Pylon signs shall be erected so that the vertical distance between the bottom edge of the sign and the elevation of the centerline of the nearest road to said sign exceeds eight feet. The footing and related supporting structure of a freestanding sign including bolts, flanges, brackets, etc., shall be concealed by the sign exterior, masonry covering, earth and permanent groundcover, or through the use of evergreen shrubs. (Refer to Section 19.54.052 and Illustrations 2 and 3.)
7. "Wall sign" means a sign mounted parallel to a building facade or other vertical building surface. Wall signs shall not extend beyond the edge of any wall or other surface to which they are mounted, nor shall they project more than twelve inches from its surface.

The height of a wall sign shall be measured from the base of the building below the sign to the top of the sign face. The top of the sign shall be no higher than the nearest portion of the building to which it is mounted.

8. "Awning/canopy sign" means a sign mounted to an awning or canopy, with said awning or canopy mounted to the side of the building. An awning/canopy sign shall be counted as a wall sign for purposes of this chapter. Script/logo height shall be limited to eight inches, except that a greater script/logo height may be approved by conditional use.
9. "Arm/post(s) sign" means a freestanding sign mounted on a post with a bracket extending outward to support a sign by either hanging from the bracket or mounted on the bracket. The maximum size, height, and location of arm/post(s) signs shall be the same as for monument signs. (See Illustration 3 and Section 19.54.052.)
10. "Window sign" means a sign mounted on or within one foot inside of a first-floor exterior window, with a primary intent to advertise a business or product within the premises.

D. Sign Measurement.
   1. "Ground level" means the average elevation of the ground upon which the sign supports are placed, except when the sign supports rest upon a berm or other area elevated above the surrounding ground. In such cases, the average elevation of the base of such berm or other area shall be considered as the ground level.
   2. Sign area shall be measured in the following manner:
      a. In the case of a sign placed within a frame, or other structure, sign area consists of the entire surface area of the sign on which copy could be placed. The supporting structure or bracing of a sign shall not be counted as a part of the sign face area unless such structure or bracing is made a part of the sign's message. Where a sign has two or more display faces, the combined total area of all faces shall be considered the sign face area.
      b. In the case of a sign whose message is fabricated together with the background which borders or frames that message, sign face area shall be the total area of the entire background.
      c. In the case of a sign whose message is applied to a background which provides no border or frame, sign face area shall be the area of the smallest rectangle which can encompass all words, letters, figures, emblems, and other elements of the sign message.
      d. Signs less than one square foot in area are not regulated by this chapter.
      e. The following illustrations demonstrate how sign face area shall be determined.



(Ord. 1577A §§ 1--5, 2005; Ord. 1452 §§ 9, 10, 2000; Ord. 1263 § 1(part), 1993).
(Ord. No. 1746A, §§ 4--9, 9-15-2009)

CDXXXV.

19.54.030 General signage regulations.

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

A. Sign Prohibitions and Limitations.

1. No sign shall use any word, phrase, symbol, shape, form or character in such manner as to interfere with moving traffic, including signs which incorporate typical street-type and/or traffic control-type signage designs and colors.
2. No fluttering, undulating, swinging, rotating or otherwise moving signs, pennants or other decoration shall be permitted except for electronic message center signs and time and/or temperature signs in nonresidential zoning districts.
3. No illuminated flashing signs shall be permitted. Electronic message center signs meeting the definition and requirements of this chapter shall not be considered illuminated flashing signs.
4. No illuminated sign shall be permitted unless the illumination is so designed that the lighting level does not affect adjacent property, pursuant to the standards in Section 19.57.150. All illuminated signs shall comply with the state electrical code and Section 19.54.070B., and illumination shall be limited to one hour before the daily opening of the associated business and one hour after the daily closing of the associated business.

5. No mobile/portable signs or banners shall be permitted unless approved by the zoning administrator. Sign use and other regulations shall be as specified in Section 19.54.020D.2.
6. No off-premises directional signs shall be permitted for nongovernmental or noninstitutional uses or for any use outside of a public right-of-way; however, such signs, as well as city entrance signs, may be permitted within a public right-of-way, per subsection B.5. of this section, for government facilities, nonprofit, nonreligious community gathering spots, major economic centers such as the downtown and business park, and schools.
7. No advertising signs shall be permitted, except for certain community information signs as described in Sections 19.54.010B. and 19.54.020C.4.
   Rationale. The adoption of subsection A.7. of this section reflects a formal finding of fact on the part of the city plan commission and city council that the prohibition of advertising signage furthers two compelling government interests:
   a. The general public interest of reducing visual clutter caused by advertising signage which the city has determined is a significant cause of unsafe traffic conditions; and
   b. The public interest served by furthering the implementation of the purposes of this chapter and the city comprehensive plan in terms of limiting the further spread of strip commercial development, of which advertising signs are a primary contributor. Furthermore, the city advocates that this regulation leaves ample and adequate alternative channels of commercial speech communication for the messages portrayable on such advertising signs; namely, distributed print media, broadcast media, and point-of-purchase display, and is narrowly defined so as to limit the prohibition to commercial speech on exterior signage.

B. Sign Location Requirements.
1. No sign shall be erected or maintained at any location where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal or device.
2. No sign shall be located within a required bufferyard or within a permanently protected green space area (see Chapter 19.57), unless approved by the city.
3. No sign shall be mounted on a roof.
4. No sign, temporary or otherwise, shall be affixed to a tree or utility pole.
5. Private signs shall be allowed within road right-of-way lines only per the regulations of the city public works department, and per Section 19.54.030C. below.
6. Pylon signs other than arm/post are not permitted in any residential district.

C. Private signs extending into the public right-of-way.
1. Any person desiring to place any sign such that it will extend over or onto the public right-of-way shall first obtain a sign permit. In the granting of such a permit, the city may require the applicant to provide and maintain public liability insurance on the installation in an amount not less than fifty thousand ($50,000) dollars protecting the city as its interests may appear as the result of any accident or injury for which it might become in any manner liable. In the event that such insurance should be terminated for any reason, or that the holder of any permit should fail to keep such insurance in force at any time, then the permit for the maintenance of such sign shall be forthwith removed, or if not removed by the holder of the permit, then such sign shall be removed or caused to be removed by the zoning administrator and the expense thereof shall be recovered from the holder of the permit.

2. There is hereby established along each side of every public street, public alley, or public highway a fictional line five (5) feet distant and outward from the lot line and parallel with such street, alley, or public highway. No sign which, exclusive of supports, exceeds two hundred fifty (250) pounds in weight or has an area greater than forty (40) square feet shall be permitted to extend into the highway or over the highway or sidewalk area beyond such fictional line, except only where such sign is to be placed over a substantial canopy or portico of such nature that the same will afford ample protection to the public from any possible injury from such sign.
3. In no event shall any sign regardless of size or weight extend into the public street, highway, or sidewalk area further than to within three feet from the face of the curb or curb line as determined by the zoning administrator or be placed less than eight and one-half (8 ½) feet above the sidewalk or sidewalk grade.
4. Except for sandwich board/pedestal signs, all private signs extending on or over public rights-of-way shall be adequately supported from buildings, posts, or other permanent supports located on private property. In no case shall sign posts or other permanent supports be permitted within the limits of a public street, alley or highway.
5. The zoning administrator shall have the right, and it shall be his duty, to supervise the installation of any such sign and also to inspect the same from time to time to ascertain whether or not the same is securely fastened and free from danger to the public. The building inspector shall have the right to require from time to time any repairs, extra supports or any other precautions necessary to protect the public safety, and in the event the owner fails to comply with any such requirements the permit for such sign shall be revoked and the sign shall be removed.
6. This subsection C. shall not apply to signs erected by or for churches, service clubs, public or quasi-public organizations when such installations have been approved by the common council.

(Ord. 1577A § 6, 2005; Ord. 1452 § 11, 2000; Ord. 1263 § 1(part), 1993).

(Ord. No. 1746A, §§ 10--12, 9-15-2009)

CDXXXVI.

19.54.040 Sign regulations applicable to residential districts.

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

A. Wall, monument, arm/post(s), and projecting signs (for certified historic properties) are permitted in residential zoning districts. Other forms of signage are prohibited.
B. For each single-family lot, or two-family or multifamily lot containing four or fewer dwelling units, one identification sign, not to exceed three (3) square feet in area, is permitted for each dwelling unit. Said identification sign may include one or more of the following: name, address, and/or home occupation title.
C. For each multifamily or institutional residential lot containing five (5) to eleven (11) dwelling units, one identification sign, not to exceed six (6) feet in area, shall be permitted. For each multifamily or institutional residential lot containing twelve units or more, one identification sign not to exceed thirty-two (32) square feet is permitted. The sign shall indicate nothing more than the name and address of the premises and the name of the management company.
D. Permanent subdivision identification signs are authorized if approved as part of a final plat submittal for a subdivision (per Title 18). Detailed plans of proposed signs must be submitted at the time of final plat review. Such sign shall comply with the visibility standards in Section 19.51.010 and as shown in Illustration 2, shall not exceed thirty-two (32) square feet in area or eight feet in height, and shall not be a pylon sign.

E. For all commercial uses permitted in residential districts, not including home occupations, one monument, wall, or arm/post(s) type sign per building, not to exceed thirty-two (32) square feet in area, is permitted. The sign shall indicate nothing more than the name and address of the premises and the schedule of service or other information relevant to the operation of the premises.
F. For all institutional uses permitted in residential districts, sign sizes and types shall be the same as those applicable in the I Institutional zoning district per Section 19.54.052, except that pylon signs shall not be permitted.
G. Temporary signs, after approval of the zoning administrator, are permitted per the requirements of Section 19.54.060. For more information, see Sections 19.54.020D. and 19.54.052.

(Ord. 1577A § 7, 2005: Ord. 1452 § 12, 2000; Ord. 1263 § 1(part), 1993).

CDXXXVII. 19.54.050 Sign regulations applicable to nonresidential districts.

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

A. The owners of multitenant properties shall allocate sign size to each business, in writing to the zoning administrator, up to a specified maximum for the entire property. All multitenant signs must be compatible in dimensions, in location, in design, in color and the same material, and shall be compatible with the appearance of the building and the surrounding area in the opinion of the property owner and the city.
B. The total surface area of all business and identification signs on a lot shall not exceed the maximum permitted by Section 19.54.052.
C. The number of business and group signs for a business use shall not exceed the numbers listed in Section 19.54.052. Signs allowed under Section 19.54.052 may be placed on any facade facing a public street, except where otherwise specified in Section 19.54.052.
D. Only one freestanding sign shall be permitted to be erected within the required street yard for each lot. Such sign may be either a business sign or a group sign. No lot shall be permitted more than one freestanding sign, except directional/auxiliary signs allowed by this chapter. All signs shall be located so that no part of the sign shall exceed the lot line set back from all lot lines as stated in Chapter 19.51 and Section 19.54.052, Illustration 2, or impede visibility (refer to Chapter 19.51).
E. Auxiliary signs may only be permitted when specifically approved as part of the site plan review process. Said signage shall be calculated independently of the requirements of subsection A of this section, and shall not exceed fifty (50%) percent of the maximum permitted area.
F. Maximum sign sizes for nonresidential districts shall be permitted per the requirements of the table of maximum sign sizes (see Section 19.54.052).
G. Temporary signs are permitted per the requirements of Section 19.54.060.
H. Signs carrying secondary advertising messages. Signs carrying secondary advertising media or messages, such as brand names or logos of products, are allowed as a conditional use, or as a permitted type of window sign subject to the percentage of window coverage and other applicable regulations of this chapter, but only where such signs are integral to the business being conducted on the property.
I. Projecting signs are only permitted in the B-2 zoning district or if specifically authorized within a Specific Implementation Plan for a PD Planned Development district. (See Section 19.52.052.)
J. Signs may be mounted on canopies over gasoline dispensing pumps, provided that the sign message is limited only to the business name, logo, and price information. The maximum

permitted sign area for any other freestanding sign on the lot shall be reduced by the total sign area on the canopy.

K. Sandwich board/pedestal signs (see definition in Section 19.54.020C.7).
   1. There shall be a maximum of one sandwich board/pedestal sign per business.
   2. Height shall not exceed five (5) feet (as measured when such sign is properly placed directly on the ground or sidewalk surface), width shall not exceed three (3) feet, and sign area shall not exceed six (6) square feet per side.
   3. All sandwich board/pedestal signs shall be designed to be self-supporting and in such a manner to withstand the elements, including the ability to remain upright on windy days.
   4. No sandwich board/pedestal sign shall be illuminated in any manner (except via cordless power for not more than thirty days in any calendar year), have more than two sides, be placed off-premises (except where allowed on a sidewalk immediately adjacent to the business lot to which it relates), or be designed to resemble a public regulatory sign (such as a stop sign).
   5. All sandwich board/pedestal signs shall be placed directly on a ground surface or walkway surface.
   6. No sandwich board/pedestal sign shall be placed on a public sidewalk or shall otherwise extend onto or into a public right-of-way, except that within the B-2 district or as may be specifically authorized in a specific implementation plan under PD zoning, a sandwich board/ pedestal sign may be placed within the public sidewalk or otherwise between the front of the building and the curb, provided that:
      a. There is not adequate space available on the premises to place the sign on private property in a manner that is visible to the public.
      b. The sign is placed directly in front of the business to which it is related.
      c. No part of the sign is any closer than three feet from the face of the curb.
      d. A minimum of four (4) feet in width of unobstructed travelway remains available in all directions on the sidewalk at all times.
   7. Placement of all sandwich board/pedestal signs shall meet all intersection visibility requirements in Section 19.51.010, and shall otherwise not impede traffic visibility in the determination of the zoning administrator. This may require relocation and/or adjustments to height or design.
   8. All sandwich board/pedestal signs must be kept in good condition, as determined by the zoning administrator and per the maintenance requirements of Section 19.54.070.
   9. Sandwich board/pedestal signs shall not count against the maximum area or number of signs allowed on a lot or for a business as specified in Section 19.54.070.
   10. Except where placed within the public right-of-way, sandwich board/pedestal signs that meet the requirements of this chapter may be used without the need for a sign permit.

L. Electronic message center signs (see definition in Section 19.54.020D.5.).
   1. The total length of the information cycle shall not be shorter than three seconds nor longer than ten (10) seconds. Items of information may not be repeated at intervals that are short enough to cause an electronic message center sign to have the effect of a flashing sign. Traveling messages may travel no slower than 16 light columns per second and no faster than thirty-two (32) light columns per second.
   2. Except for signs that are less than ten square feet in sign area, all electronic message center signs shall be equipped with photosensitive equipment that automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.
   3. The message display area shall be included when calculating permitted sign area for the type of sign (e.g., wall, monument) in the zoning district in which the sign is located.

4. All electronic message center signs shall be maintained so as to be able to display messages in a complete and legible manner.
5. No electronic message center sign shall be allowed within any agricultural, conservancy, residential, or industrial zoning district; for any residential use regardless of zoning district; or positioned to be visible and within three hundred feet from any residential zoning district except by conditional use permit. Within the B-2 zoning district, electronic message center signs shall be allowed only by conditional use permit.

(Ord. 1619A § 4, 2006; Ord. 1577A § 8, 2005; Ord. 1452 §§ 13, 14, 2000; Ord. 1269 § 1, 1993; Ord. 1263 § 1(part), 1993).

(Ord. No. 1618B, § 4, 12-19-2006); Ord. No. 1746A, §§ 13--16, 9-15-2009)

CDXXXVIII.

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)

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

			sidewalk	sign)		
	Conditional uses in Section 19.21.030	32 sq. ft.	Main entrance or street yard	8' max	If planned residential development, different signage levels may be allowed by conditional use	1 per lot, except by CUP or PD
R-4	Identification	See R-3	See R-3	8' max		1 per development
	On-premises Directional	9 sq. ft.	Main entrance; each street	6' max (for freestanding sign)		
AT, B-1, B-3, B-2 B-2A 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	In street yard, setback equal to height from any side yard lot line and 5'	20' max for pylon sign	Pylon sign allowed by conditional use only	1 per lot

		a separated space, up to max of 160 sq. ft./side	from street right-of-way line			
				10' max for monument or arm/post(s) sign	Use may forego freestanding sign for one additional wall sign	See also Section 19.54.050
	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)		

NOTES:

(A) Building wall area is determined by using the square footage of the exterior wall of the first floor area to be signed (including window and door openings).

(B) Permitted wall signage shall be divided among each tenant space. Maximum total size equals ten percent (10%) of the first floor area of the building wall upon which the signs will be placed.

(C) Window sign area cannot exceed one-third of each individual window glass area on or in which the window signs are located.

(D) Signage for projects with a PD planned development district shall be as specified by the approved specific implementation plan for each particular project. Sign requirements for PD districts shall generally be based on the signage requirements in the most comparable standard zoning district.

B. B-2 central business district sign regulations.

1. Each business in the B-2 district shall be permitted a maximum of two permanent business signs, which may be any combination of the following sign configuration types: wall sign (includes awning/canopy sign), window sign, projecting sign, and freestanding sign, subject to the following qualifications:

a. For freestanding signs, see also the limitations in Section 19.54.050D.

b. Any number of window signs used shall count as only one sign in total against this maximum. If the only window signs used are those allowed under Section 19.54.050H., then such signs shall not count against this maximum.
c. Any sign for a business included within a group sign, as defined in Section 19.54.020C., shall count as one sign against the total number of permanent business signs permitted, except that for cases where a business has or shares more than one public building entrance, an additional group sign shall be permitted which indicates that and other businesses.
d. Sandwich board/pedestal signs, directional signs, auxiliary signs, and "ghost" signs not related to the current business operation shall not count against the total number of permanent business signs permitted.

2. For corner lots, permitted signage may be placed on either or both facades facing a public street.
3. Pylon signs, internally illuminated signs, electronic message center signs, and restoration of "ghost" signs shall be allowed in the B-2 district by conditional use, except for sign face/component changes on pre-existing signs of these types, which instead may be accomplished through the site plan review process under Chapter 19.63. Upon receipt of a completed conditional use permit application for any such new sign in the B-2 district, the zoning administrator shall forward such application to the Downtown Whitewater Design Team. If the design team chooses to provide a recommendation, such recommendation must be provided in a timeframe that allows plan and architectural review commission action on the conditional use permit request under the requirements of Chapter 19.66.
4. Electronic message center signs shall meet the technical requirements of Section 19.54.050L., and shall not exceed twelve square feet in area in the B-2 district.
5. Internally illuminated signs in the B-2 district shall be designed and constructed with an opaque background and translucent letters or symbols, or with a colored background and lighter letters or symbols.
6. Exposed neon tube signage, and other signage that uses another technology that is designed to replicate neon tube signs, is permitted within the B-2 district.
7. In addition to meeting the requirements of Section 19.57.150, all exterior lighting of signage in the B-2 zoning district, regardless of wattage, shall use shielded lighting fixtures as that term is defined in Section 19.09.623. All wall-mounted exterior lights shall be mounted above the sign they are intending to illuminate and the illumination shall be directed exclusively towards the sign.
8. No wall sign shall be painted directly on a masonry building surface.
9. Within the B-2 district, the regulations listed in Table 19.54.052(2) shall apply:

Table 19.54.052(2): B-2 Sign Regulations for Permanent Signs

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	
		A minimum of 20 feet from any other projecting	Within first floor

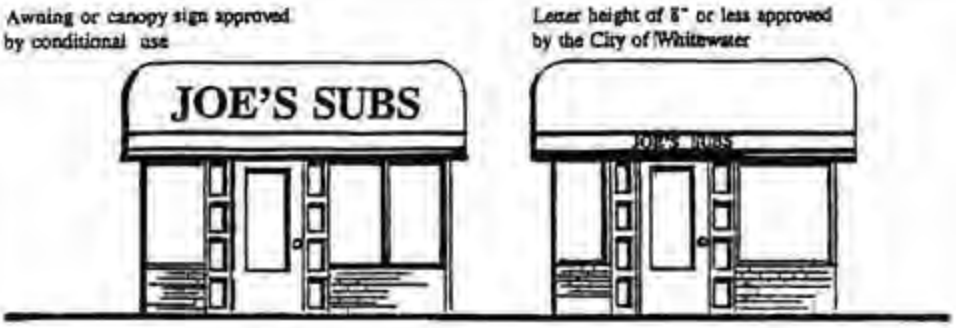
Projecting Sign	12 square feet per side	sign on another building	area of building
		No less than 8 ½ feet above ground	
Freestanding Sign	48 square feet per side	Within the street yard, not less than 5 feet from street right-of-way line.	8 feet for monument or arm/post(s) sign
		Minimum setback from interior side yard lot line at least equal to sign height	16 feet for pylon sign (by conditional use only)
On-Premises Directional Sign	9 square feet per side	On private property	Max: 6 feet for freestanding
Type of Sign	Maximum Size	Location	Maximum Height

NOTES:

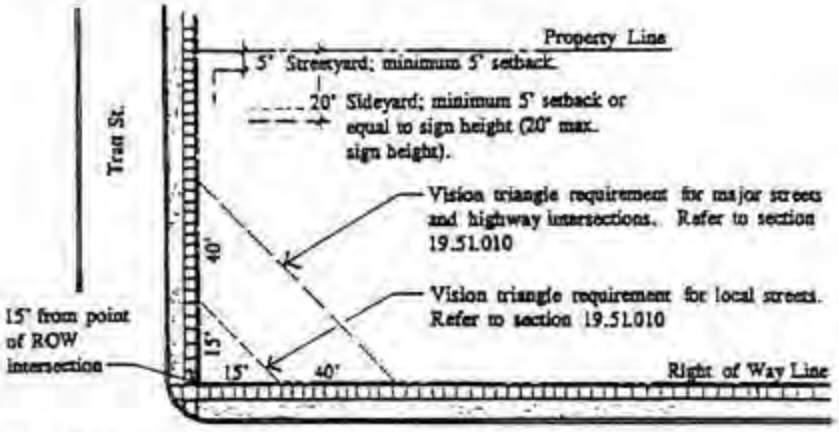
(A) The combined total area of all wall signs for all tenants shall not exceed ten (10%) percent of the first floor area of the façade upon which the signs are placed. First floor façade area is determined by calculating the square footage of the entire exterior wall of the first floor area of the façade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

(Ord. 1577A § 9, 2005: Ord. 1452 § 15, 2000; Ord. 1364 § 13, 1997; Ord. 1269 § 2, 1993; Ord. 1263 § 1(part), 1993).

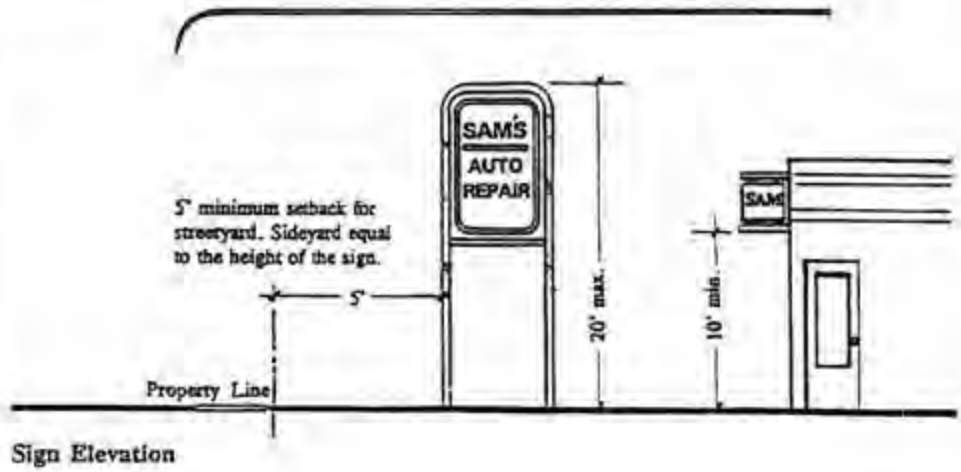
(Ord. No. 1746A, § 17, 9-15-2009)



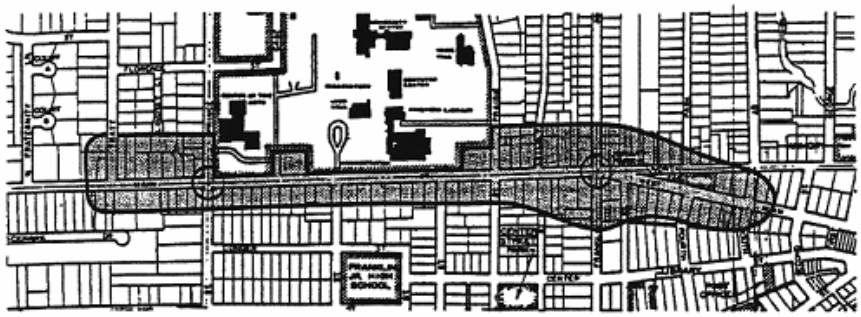
Awning and Canopy Signs



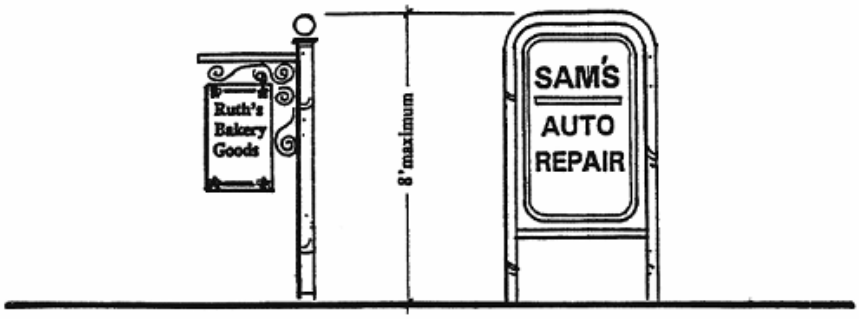
Site Plan



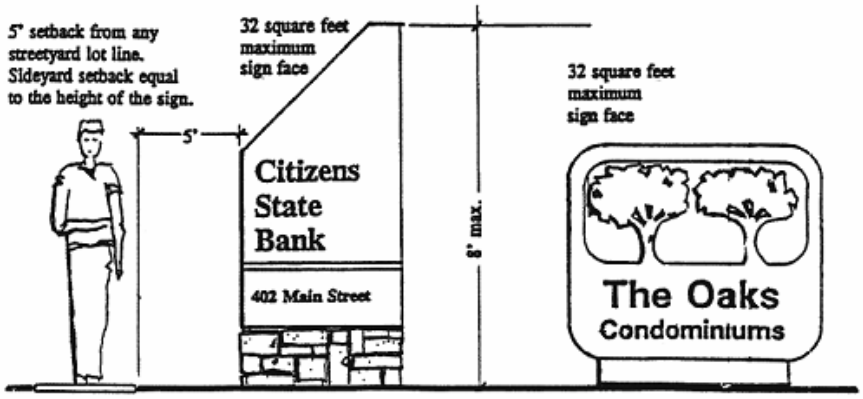
Sign Elevation



Residential/Business Signage Area
West Main Street from Fremont Street to Tratt Street, fronting on Main Street and all other residential properties.



Arm/Post Type Signage



Monument Type Signage

CDXXXIX.

19.54.060 Temporary signs.

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

A. For each lot or leasable space: one "For Sale" and "For Rent" sign, not more than twelve (12) feet square in area, and no more than two signs in total at any one time (time limit subject to time of sale or lease and shall be removed within sixty days of sale or lease).

B. For construction on or development of a lot, one sign not more than thirty-two (32) square feet in area, indicating the name of the contractors, engineers, architect, or products being used in the construction of a building, but only during the time that construction or

development is actively underway (time limit subject to time of construction and shall be removed sixty (60) days after completion).

C. For a temporary event of public interest such as a neighborhood garage sale or church fair, temporary signs, combined totaling not over thirty-two square (32) feet in area, located upon the site of the event are allowed. Also permitted are directional signs, each not more than four square feet in area, showing only a directional arrow and the name of the event. Such signs shall not be erected more than thirty days before the event and shall be removed not more than five (5) days after the completion of the event.

D. For each real estate subdivision that has been approved in accordance with the city subdivision regulations, one temporary development project identification sign is permitted to be located on some portion of the subject subdivision. Each such sign shall be not more than thirty-two (32) square feet in area. One additional similar sign shall be permitted for each access point onto a collector or arterial street, or for each one hundred lots in the subdivision in excess of the original one hundred lots. These signs shall comply with the visibility standards of Chapter 19.51. These signs shall be permitted to remain within the subject subdivision until a time at which building permits have been issued for eighty (80%) percent or more of the lots in the subdivision.

E. Political signs.

1. Provisions in the Whitewater Municipal Code regulating the number of signs and the length of time a sign may be in place shall not apply to signs which carry solely a political message. There shall be no restriction regulating the number of signs carrying solely a political message or the length of time such signs are allowed.
2. Provisions in the Whitewater Municipal Code regulating the size and shape of signs shall not apply to signs thirty-two (32) square feet and under in area, if the sign carries a solely political message and is located on a residential property during an election campaign period. The zoning administrator may require modification or removal of the sign, if necessary, for traffic or pedestrian safety. Also, size and shape regulations shall not apply during an election campaign period to political signs which are affixed to a permanent building and do not extend beyond the perimeter of the building, as long as said sign does not obstruct a window, door, fire escape, ventilation shaft, or other area which is required by an applicable building code to remain unobstructed.

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

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

(Ord. 1577A § 10, 2005: Ord. 1452 §§ 16, 17, 2000; Ord. 1263 § 1(part), 1993).

19.54.070 Construction and maintenance of signage.

A. All signage within the jurisdiction of this chapter shall remain in a state of proper maintenance. (See subsection B of this section).

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

(Ord. 1577A § 11, 2005; Ord. 1263 § 1(part), 1993).

CDXLI.

19.54.080 Nonconforming signs.

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

B. Removal of Nonconforming Signs.
   1. Alteration of Signs.
      a. For the purpose of this chapter, alteration of a sign is considered to be any change to the exterior appearance of any part of the sign, its frame, its supporting structure, or its lighting including changing the message (except for menu type/letter board signs), symbols, color, material, height, location or any other alterations as determined by the zoning administrator.
      b. Altering a sign does not include maintaining the existing appearance of the sign or replacing the sign face or the supporting structure with identical materials, colors, and messages nor changing the message of a menu type/letter board sign.
   2. All signs found not to be in compliance with the provisions of this chapter shall be removed within thirty days of receiving written notice of noncompliance and removal from the zoning administrator.

3. The penalties of Chapter 19.75 shall be applicable to violations of the provisions of this chapter.

C. Modification Sign Location/Height Requirement.
   1. Location is required under Sections 19.54.030(B) and 19.54.052.
      a. The above may be waived by the zoning administrator and/or the plan and architectural review commission, in instances where a hardship is created by this chapter for any freestanding sign existing at the time the ordinance codified in this chapter is adopted.
   2. The petitioner must demonstrate that compliance with location requirements for the freestanding sign will create a public safety hazard (such as visibility hazard) or result in a sign which is not possible because of building setbacks and/or other obstructions located near the public right-of-way, or is not clearly visible from pedestrian and/or vehicular traffic on nearby public rights-of-way.
   3. This modification shall not be applicable to limitations on types of signage, area of signage, color of signage, or other standards except location and height of signage.

(Ord. 1263 § 1(part), 1993).

Chapter 19.55 WIRELESS TELECOMMUNICATIONS FACILITIES

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CDXLII.

19.55.010 Purpose.

The purpose of this chapter is to provide a thorough and consistent set of standards for the siting and installation of wireless communications facilities in the various zoning districts in which they may be allowed, and more generally to protect the public health, safety, welfare, aesthetics and natural environment of the city in such a manner that does not unduly interfere with the placement and construction of said facilities. More specifically, the intent of this chapter is to:

A. Mitigate the potential for adverse visual impacts caused by wireless telecommunications facilities through design and siting standards.
B. Ensure that a business environment characterized by high service quality, competition and non-discrimination prevails with regard to wireless telecommunication services in a manner consistent with the Federal Telecommunications Act of 1996.
C. Establish a clear process for obtaining necessary permits for wireless telecommunications facilities that adequately protect the interests of the citizens of the city while minimizing the burden of compliance to service providers.
D. Protect environmentally and aesthetically sensitive areas of the city by restricting the design, height, location and operation of wireless telecommunications facilities in these areas, and by promoting their disguise, camouflage, screening or other design treatments intended to minimize their obtrusiveness.
E. Encourage use of multiple-antenna alternative support structures such as buildings and water towers as an alternative to stand-alone, single-use, single-provider structures, and require good-faith attempts for co-location of facilities.

(Ord. 1499 § 24(part), 2001).

CDXLIII.

19.55.020 Applicability.

The requirements of this chapter shall apply to all new wireless telecommunications facilities that had not received a building permit prior to adoption of this chapter. Wireless telecommunications facilities, which pre-exist this chapter, or have been legally permitted prior to its adoption, shall not be required to meet the requirements contained herein. This chapter is not intended to regulate residential satellite dishes that are thirty-six (36) inches or less in diameter, residential television antennas, or amateur radio facilities, which instead are regulated

under Section 19.06.110. This chapter shall not be construed as to override additional or more stringent Federal or State of Wisconsin requirements, including but not limited to any regulations or restrictions imposed by the State Bureau of Aeronautics, the Federal Communications Commission (FCC), or the Federal Aviation Administration (FAA).
(Ord. 1499 § 24(part), 2001).

CDXLIV.

19.55.030 Areas where wireless telecommunication facilities allowed.

Chapter 19.15 to Chapter 19.48 identify the zoning districts in which wireless telecommunications facilities may be allowed, and what types of facilities are allowed as permitted or conditional uses. In no case shall a wireless telecommunications facility be located in or on districts or sites listed on the State or National Register of Historic Places, or within environmental corridors, wetlands, floodplains, or critical species habitats mapped by the Southeastern Wisconsin Regional Planning Commission, Wisconsin Department of Natural Resources, or through more detailed field surveys.
(Ord. 1499 § 24(part), 2001).

CDXLV.

19.55.040 Type of approval required.

In zoning districts where they are allowed, the first wireless telecommunications facility to be located on an alternative support structure and all new freestanding wireless communication facilities shall require a conditional use permit, and shall meet the standards in this chapter and Chapter 19.66 to obtain approval. In zoning districts where they are allowed, the second or greater wireless telecommunications facility to be located on an alternative support structure already supporting a wireless telecommunications facility or on a pre-existing wireless telecommunications facility shall be allowed as a permitted use, except that any addition or extension to an existing wireless telecommunications facility that adds more than ten (10) feet to the overall height of the existing facility or alternative support structure shall require a conditional use permit. In zoning districts where wireless telecommunication facilities are allowed, wireless telecommunication support facilities shall be allowed as permitted accessory uses upon the establishment of the principal facility. All wireless telecommunication facilities and wireless telecommunication support facilities shall be subject to plan review in accordance with Chapter 19.63.
(Ord. 1499 § 24(part), 2001).

CDXLVI.

19.55.050 Required application submittal information.

With the application for plan review or conditional use permit for a wireless telecommunications facility, the petitioner shall submit all information required under Section 19.63.020, along with the following additional information:

A. The identity, legal status, signature and contact information of the carrier, service provider, petitioner, and landowner.
B. FCC license and registration numbers if applicable.
C. A report prepared by a Wisconsin licensed engineer certifying the structural design of the telecommunications facility of a new freestanding wireless telecommunications facility as proposed and its physical ability to accommodate, either initially or at some time in the future, a total of at least three (3) antenna arrays for separate providers.
D. In the case of a leased site, a lease agreement, option or binding lease instrument which does not preclude the lessee from entering into sub-leases on the site at market rates with another co-locating provider(s) and includes the legal description and amount of property lease.
E. For a proposed wireless telecommunications facility within a one-mile radius of an airport, copies of an Affidavit of Notification indicating that the airport operator and airport property owner have been notified via certified mail, along with copies of the determination of no

hazard from the FAA or any other finds of the Wisconsin State Bureau of Aeronautics, such as they may apply.

F. Proof of a satisfactory level of liability insurance coverage, with the City of Whitewater listed as an additional named insured party.

G. Certified statement and map prepared by a licensed radio frequency engineer showing the coverage area of the proposed facility.

H. For a wireless telecommunications facility that requires a conditional use permit, a feasibility analysis that identifies at least three alternative sites, pre-existing freestanding wireless telecommunications facilities, and/or alternative support structures that could technically support a comparable level of service. The intent of this analysis is to present options to minimize the number, size, and adverse environmental impacts of wireless telecommunications facilities. The analysis shall specifically address the potential for co-location on pre-existing freestanding wireless telecommunications facilities and the use of alternative support structures. It shall also explain the rationale for selection of the proposed site in view of the relative merits of the alternatives. Approval of the project is subject to the plan and architectural review commission's determination that the chosen site is more advantageous than any other alternative site that is both technically feasible and available for use. The plan and architectural review commission may choose to independently verify the findings of the analysis at the applicant's expense.

I. For a wireless telecommunications facility that requires a conditional use permit, a performance bond in the amount of twenty thousand dollars naming the city as obligee, as security for the potential future removal of abandoned or inactivated facilities.

J. For a wireless telecommunications facility that would be set back from any property line or, principal building a distance less than the height of the facility, including the height of any alternative support structure, an analysis prepared by a licensed structural engineer demonstrating that the facility would not pose a threat to the public, existing principal buildings or adjacent properties in the event of failure.

K. The amount and location of any fuel proposed to be stored on site.

L. Any other information that the zoning administrator may deem necessary.

(Ord. 1499 § 24(part), 2001).

CDXLVII.

19.55.060 Co-location and use of alternative support structures.

A. In its review of alternative sites considered by the petitioner, the plan and architectural review commission shall prioritize reasonable alternatives that involve co-locating the new facility on an existing freestanding wireless telecommunications facility or locating the new facility on an alternative support structure, such as a tall building, water tower, smokestack, or electrical transmission tower. Co-location or use of an alternative support structure shall not be required on any facility or structure not structurally designed to accommodate a new wireless telecommunications facility.

B. All freestanding wireless telecommunication facilities issued a conditional use permit after the effective date of this chapter, known hereinafter as "host facilities," shall make available space for the co-location of telecommunications antennas or antenna arrays for at least two additional competing wireless telecommunications providers, including space for wireless telecommunication support facilities. This requirement does not apply if the owner or operator of the host facility can demonstrate, to the satisfaction of the plan and architectural review commission, that the placement of the additional antennas or equipment would impair or disrupt, for a significant period of time, the service provided by the host facility.

C. Where a wireless telecommunication facility provider proposes to utilize an alternative support structure, the provider shall make available space for the co-location of telecommunications antennas or antenna arrays for at least two additional competing wireless

telecommunications providers to the extent practical, and shall thereafter be considered a host facility. If the plan and architectural review commission determines based on evidence supplied by the applicant that the proposed facility or alternative support structure is not structurally sound or not otherwise appropriate for additional antennas or arrays, the commission may waive this requirement.

D. All new wireless telecommunication facilities and sites shall be designed to promote sharing of both tower space and ancillary facilities such as access roads, parking areas, buildings, and utilities.

E. The owner or operator of the host facility shall make co-location space reasonably available to other competing providers at prevailing market lease rates for the industry. Failure to comply with this provision shall be grounds for revocation of the conditional use permit.

F. Alternative support structures must be at least fifty feet in height to be considered for the addition of a wireless telecommunication facility, not including the height of any architectural projections. The plan and architectural review commission may deny the placement of numerous wireless telecommunication facilities on a single alternative support structure if it determines that such placement would have a negative aesthetic, architectural, public safety, or operational impact.

G. Wireless telecommunications facilities located on alternative support structures shall be considered accessory uses.

(Ord. 1499 § 24(part), 2001).

CDXLVIII.

19.55.070 Structural, design and aesthetic standards.

All wireless telecommunications facilities shall be designed and sited in such a manner to minimize or avoid adverse safety, aesthetic or environmental effects per the following requirements:

A. Compliance with all applicable restrictions. All wireless telecommunications facilities shall comply with all City, State and Federal regulations, restrictions, codes, standards and power density limits, including other city zoning ordinance standards.

B. Materials. Wireless telecommunications facilities shall be constructed of metal or other non-flammable material, and freestanding facilities shall be self supporting monopoles or lattice towers, unless otherwise permitted by the plan and architectural review commission. Material color shall blend with surroundings.

C. Placement. All wireless telecommunications facilities and support facilities shall be located and installed in such a manner to minimize disturbance to, take advantage of, or locate behind existing topography and vegetation to minimize visual impact on surrounding properties and public rights-of-way. No wireless telecommunication facility shall be placed in a location that would physically obstruct or otherwise interfere with the full use of other wireless telecommunication facilities, residential satellite dishes, residential television or radio antennas, or amateur radio facilities.

D. Setback. The minimum setback of a new wireless telecommunications facility from all property lines and principal buildings on the site shall equal the height of the wireless telecommunications facility, including the height of any alternative support structure. A reduced setback below this minimum may be considered by the plan and architectural review commission based on submittal of a structural engineering analysis demonstrating that the facility would not pose a threat to the public, existing principal buildings, or adjacent properties in the event of failure. All wireless telecommunications support facilities shall be set back from property lines the same distance as required for principal buildings in the zoning district.

E. Height. The maximum height above existing grade for any freestanding wireless telecommunications facility, including all antennas, shall be two hundred and fifty feet. Any

wireless telecommunications facility mounted on an alternative support structure may extend no greater than fifty feet above the height of an alternative support structure that is less than two hundred (200) feet in height, or no greater than ten feet above the height of an alternative support structure that is two hundred feet in height or greater. The plan and architectural review commission may approve waivers to such height limitations if necessary to facilitate co-location of facilities.

F. Wireless telecommunications support facilities. All wireless telecommunications support facilities shall be located within enclosed buildings or fully screened rooftop locations. Such accessory buildings shall not exceed fifteen (15) feet in height and twelve hundred square feet in area, unless otherwise permitted by the plan and architectural review commission to facilitate co-location. The design and exterior surfacing of all such buildings or rooftop screening structures shall be in harmony with the existing or desired architecture for the area. The exterior walls of all such buildings shall be masonry, stone, stucco, pre-cast, concrete or other similar surface.

G. Signage. No commercial message or signage shall be allowed at or on any wireless telecommunications facility, wireless telecommunications support facility, or site used for a wireless telecommunications facility.

H. Driveways. Access driveways shall be surfaced in accordance with the requirements of Section 19.51.110.

I. Landscaping and Fencing. The site including the wireless telecommunications facility shall be attractively landscaped, with particular emphasis on landscaping near buildings, tower foundations, and driveways. New vegetation for screening purposes shall be a minimum of five feet in height upon planting and shall be located on the outside of any required fencing. The base of all freestanding wireless telecommunications facilities shall be enclosed with security fencing, unless the applicant provides other acceptable improvements designed to secure the base of the facility (tower) from public access.

(Ord. 1499 § 24(part), 2001).

CDXLIX.

19.55.080 Abandonment and removal.

Any wireless telecommunications facility not continuously operating for a period of twelve months shall be considered abandoned and shall be removed (along with its wireless telecommunication support facilities) within ninety days of receiving an order to remove from the zoning administrator. The cost of removal and site restoration shall be borne entirely by the permit holder. In the event that the permit holder fails to remove the facility, the city may cash the required performance bond and remove the facility and all support facilities itself.

(Ord. 1499 § 24(part), 2001).

CDL.

19.55.090 Compliance.

A. All wireless telecommunications facilities granted site plan or conditional use permit approval after the effective date of this chapter shall remain in compliance with approved plans, conditions of approval, the provisions of this chapter as they existed at the time or permit approval, and applicable standards of Sections 19.63.100 and 19.66.050. The permit holder shall be responsible for the continued maintenance and/or replacement of all buildings, fencing, landscaping and other site improvements.

B. The permit holder for all wireless telecommunications facilities granted conditional use permit approval after the effective date of this chapter shall file an annual report with the zoning administrator demonstrating continued compliance with approved plans, conditions of approval, the provisions of this chapter as they existed at the time of permit approval, and the standards of Sections 19.63.100 and 19.66.050. The petitioner shall also demonstrate that the term of any performance bond or liability insurance policy required under Section 19.55.050 shall remain in effect for at least two years from the date the annual report is submitted. Such

report shall be filed within thirty days of the original month of conditional use permit approval.

C. Failure to comply with subsections A and B above may be grounds for revocation of the permit, penalties pursuant to Section 19.75.080, or both.

(Ord. 1499 § 24(part), 2001).

Chapter 19.57 GENERAL PERFORMANCE STANDARDS

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CDLI.

19.57.010 Compliance with standards required.

All land uses and activities, unless otherwise specified, in the City of Whitewater established after June 24, 1982, the effective date of the ordinance codified in this title, shall comply with the standards set out in this chapter.
(Ord. 994 § 6.1, 1982).

CDLII.

19.57.020 Air pollution prohibited.

No activity shall emit any fly ash, dust, fumes, vapors, mists or gases in such quantities as to cause soiling, or danger to the health of persons, animals, vegetation or other forms of property.
(Ord. 994 § 6.2, 1982).

CDLIII.

19.57.030 Fire and explosive hazards--Location--Safety precautions.

All activities involving the manufacturing, utilization, processing or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion, and with adequate firefighting and fire-suppression equipment and devices that are standard in the industry. Such activities shall be located and managed in a manner so as not to endanger any adjoining properties or the public in general.
(Ord. 994 § 6.3, 1982).

CDLIV.

19.57.040 Glare and heat restrictions.

No activity shall emit glare or heat that is visible or measurable outside its premises, except activities in the M-1, M-2 or WUTP districts which may emit direct or sky-reflected glare which

shall not be visible outside the district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.
(Ord. 994 § 6.4, 1982).

CDLV.

19.57.050 Liquid or solid wastes--Storage and discharge restrictions.

No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity or temperature which can contaminate, pollute or harm the quantity or quality of any water supply, can cause the emission of dangerous or offensive elements, can overload the existing municipal utilities, or can injure or damage persons or property. No such wastes shall be stored in the city for a period longer than three (3) months.
(Ord. 994 § 6.5, 1982).

CDLVI.

19.57.060 Noise restrictions.

A. No activity shall produce a sound-level extending outside its premises that exceeds the following:

Octave Band Frequency (Cycles Per Second)	Sound Level (Decibels)
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

B. All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittance, duration, beat frequency, impulse character, periodic character or shrillness. Sirens, whistles, horns, power speakers and bells which are maintained and utilized solely to serve a public emergency purpose are exempt from the sound-level standards of this title. (Ord. 994 § 6.6, 1982).

CDLVII.

19.57.070 Vibration.

No activity shall emit vibrations which are discernible without instruments outside its premises.
(Ord. 994 § 6.7, 1982).

CDLVIII.

19.57.080 Odors.

No activity shall emit any odorous matter of such nature or quantity to be offensive, obnoxious or unhealthful outside their premises.
(Ord. 994 § 6.8, 1982).

CDLIX.

19.57.090 Radioactivity and electrical disturbances.

No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.
(Ord. 994 § 6.9, 1982).

CDLX. 19.57.100 Uses and land suitability.

No land shall be used or structure erected where the land is held unsuitable for such use or structure by the city zoning administrator or plan commission by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of this community. In applying this provision, the city may deny or condition the granting of a zoning permit. The city shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have the opportunity to present evidence contesting such unsuitability to the board of zoning appeals in compliance with the requirements of Chapter 19.72.
(Ord. 994 § 6.10, 1982).

CDLXI.

19.57.110 Topography preservation conditions.

In order to preserve the natural topography as much as possible and in order to protect against danger and damage caused by manmade changes in the existing topography, no lots nor portions of lots nor any parcels of land shall be excavated or filled unless the following conditions are met:

A. If a difference in grade between two adjacent lots along a lot line is to be not greater at any point than two (2) feet, this difference in levels may be sloped toward or away from the lot line at a gradient of one (1) foot vertical to two (2) feet horizontal, and as soon as practicable must be covered adequately with topsoil and sodded or seeded to prevent erosion so as to assure acceptable restoration; or, a satisfactory retaining wall of stone, concrete or other suitable masonry material shall be constructed to retain the higher ground. Within a single lot, any excavation or fill not exceeding two (2) feet vertical shall also be treated in this same manner.
B. If a difference in grade between two adjacent lots along a lot line, or wholly within a single lot, is to be greater than two (2) feet at any point, the following procedure shall govern:
    1. No slope to be covered with sod, grass seed or other natural plant material may exceed a gradient of one (1) foot vertical to two feet horizontal;
    2. A slope covered with a stone riprap construction may not exceed a gradient of one (1) foot vertical to one foot horizontal;
    3. A difference in adjacent grades may be held by an approved type of retaining wall which is also protected for safety.
C. Alterations to existing drainage ways or water flows that would cause material detriment to adjoining property shall not be permitted.

(Ord. 994 § 6.11, 1982).

CDLXII.

19.57.130 Minimum usable floor area.

A. Within the city, no dwelling unit shall be constructed or remodeled to have less living area than the following minimum standards:

TABLE INSET:

Dwelling Unit Type	Minimum Usable Floor Area
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;

B. For the purpose of this section, "floor area" shall be the sum of the several floors of a building used for human occupancy or use, as measured from the interior faces of the walls, but not including basement, garages, porches, breezeways of common hallways and unfinished attics.

(Ord. 994 § 6.13, 1982).

CDLXIII.

19.57.140 Required screens and buffers.

Where screens or buffers are required by this title or by the plan and architectural review commission to reduce the impact of proposed uses on adjacent properties, the following standards shall be followed. Buffer yards and screens may be required jointly or separately.

A. Landscaped Buffer Yards.
   1. Buffer yards are horizontal separations along lot lines that are intended to increase the physical separation between uses. The width of the required buffer yard shall be determined by the plan and architectural review commission or zoning administrator. The minimum width shall be the greater of ten (10) feet or the width of the required yard abutting a less intensive zoning district, if a specific buffer yard requirement is established in a particular zoning district.
   2. All buffer yards shall be attractively landscaped with a minimum of two (2) canopy/shade trees, five (5) understory evergreen trees and twelve (12) shrubs planted for every one hundred (100) feet of buffer yard length. A substitute treatment incorporating plantings and/or a decorative fence or wall is acceptable if approved by the plan and architectural review commission. All buffer yards shall be kept free of debris and noxious weeds. No structure, activity, storage of materials, parking of vehicles or loading shall be permitted in a buffer yard, except emergency, cross, and pedestrian access. Maintenance of buffer yards shall be the continuing obligation of the owner of the property.

B. Screens.
   1. Screens and barriers located in a limited space, ten (10) feet or less, intended to perform a buffering effect, particularly for noise reduction or visual screening. Screens may consist of existing or planted vegetation, fences, walls, earth berms, or similar techniques. Plant screens shall be sufficient to provide a year-round screen within two years of installation. Walls or earth berms shall be required where noise reduction is necessary.
   2. Screen plantings shall be permanently maintained by the owner of the property, and any plant materials which do not live shall be replaced within six (6) months.
   3. The height of walls and fences shall be regulated by the provisions of Section 19.06.120.

   (Ord. 1452 § 7, 2000; Ord. 994 § 6.14, 1982).

CDLXIV.

19.57.150 Outdoor lighting standards.

A. Purpose. The purpose of this section is to provide for adequate and safe lighting of private property, while limiting light spillover and glare onto adjacent properties and public streets. Such limitations are intended to prevent the creation of nuisances, promote traffic safety, conserve energy, preserve the area's dark sky and support astronomy.

B. Applicability. This section shall be applied to the installation of all new and replacement private outdoor lighting fixtures. Outdoor lighting fixtures legally installed prior to the effective date of the ordinance codified in this chapter shall not be required to comply with these outdoor lighting standards; however, any replacement of the lighting fixtures shall comply with all outdoor lighting standards as set forth in this section.

C. Required Lighting Plan. Where a development requires site plan review under Chapter 19.63, all outdoor lighting fixtures shall be depicted and described on the required site plan or on a separate lighting plan. The zoning administrator may also require the following information:
   1. A catalog page, cut sheet or photograph of the outdoor lighting fixture(s) including the mounting method and light cutoff angles;
   2. A photometric plot plan, drawn to the same scale as the site plan, and indicating the location of all lighting fixtures proposed, mounting and/or installation height in feet, the average illumination level (in footcandles) within the parking lot, and illumination levels at regular intervals around the site and at property lines.

D. Maximum Luminaire Height. The maximum permitted luminaire height shall be thirty-five feet in all commercial, industrial and institutional districts, and twenty-five feet in all residential districts. The height of both the pole and base shall be considered in the measurement of luminaire height.

E. Maximum Illumination Levels. Average illumination levels within parking lots shall not exceed 1.0 footcandle within residential districts, and 2.5 footcandles within all other districts. The illumination level at any property line shall not exceed 0.5 footcandles above the ambient lighting conditions on a cloudless night where the property adjoins land in a residential district, and 2.0 footcandles above the ambient lighting conditions on a cloudless night where the property adjoins land in any other zoning district. The plan and architectural review commission may agree to allow greater lighting levels based on specific and reasonable written justification provided by the applicant. In no instance shall a commercial outdoor lighting fixture be mounted or oriented such that the lighting element is visible from a property in a residential district.

F. Use of Shielded Light Fixtures. All outdoor lighting fixtures shall be shielded as defined in Section 19.09.623, except incandescent fixtures of one hundred fifty watts or less, other sources of seventy watts or less, lighting within public street rights-of-way and lighting required for a specialized security or safety purpose. No searchlights shall be permitted.

G. Types of Light Source. No flickering or flashing lights shall be permitted, except low wattage seasonal lighting between November 1st and January 31st and lighting required for a specialized security or safety purpose.

H. Location. No exterior light fixture shall be located within any required landscape bufferyard or within three (3) feet of any property line.

I. Hours of Illumination. Within one hour after closing of the store, completion of the final work shift, or completion of specific activities associated with an institutional use, only building mounted security lighting and up to twenty-five (25%) percent of all other outdoor lighting fixtures may remain illuminated.

J. Exterior Lighting for Outdoor Recreational Uses. Ball diamonds, playing fields, golf driving ranges, tennis courts, parks and similar outdoor recreational uses may be exempted from one

or more of the outdoor lighting standards of this section if approved by the plan and architectural review commission through site plan review.

K. Street Lighting. Street lighting shall conform to the standards set forth by the state for state and federal highways, appropriate county for county highways and the city for city streets and highways.

(Ord. 1452 § 8, 2000).

CDLXV.

19.57.160 Keeping of horses as a residential accessory use.

Horses may be kept as an accessory use only in certain residential zoning districts, upon the granting of a conditional use permit, and subject to the following standards:

A. The lot on which the horses will be kept and exercised shall be not less than two acres in total area.

B. For each horse kept on the lot, there shall be a minimum of one acre of open land usable for horse exercise and manure management. Such open land may not include lands in wetlands or woodlands, with over a twelve-percent slope, or within seventy-five feet of navigable waters or wetlands.

C. Outdoor horse containment areas, including, but not limited to barns and exercise areas, shall be completely enclosed, shall be a minimum of twenty feet (25) from any other lot, and shall meet the standards of Wisconsin Statutes Chapter 90.

D. The keeping of horses shall not be for commercial purposes, such as the commercial stabling of horses.

E. The use shall meet and maintain any other specific conditions of conditional use permit approval that relate to the protection of human, animal, or environmental health, or the character of the surrounding neighborhood or publicly owned lands.

(Ord. 1589A § 3, 2005).

Chapter 19.58 NOISE RESTRICTIONS

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CDLXVI.19.58.010 Policy, purpose, title, and scope.

A. Statement of Public Policy. The city council finds and declares that:
   1. Excessive noise is a serious hazard to the public health and welfare and the quality of life in a close urban society.
   2. A substantial body of science and technology exists by which excessive noise can be substantially abated without serious inconvenience to the public.
   3. Certain of the noise-producing equipment in this community is essential to the quality of life herein and should be allowed to continue at reasonable levels with moderate regulation.
   4. Each person has a right to an environment reasonably free from noise which jeopardizes health or welfare or unnecessarily degrades the quality of life.
   5. It is the declared policy of this city to promote an environment free from excessive noise, otherwise properly called "noise pollution," which unnecessarily jeopardizes the health and welfare and degrades the quality of the lives of the residents of this community, without unduly prohibiting, limiting or otherwise regulating the function of certain noise-producing equipment which is not amenable to such controls and yet is essential to the economy and quality of life of the community.

B. Purpose, Title and Scope.

1. The purpose of this chapter is to establish standards for the control of noise pollution in the city by setting maximum permissible sound levels for various activities, to protect the public health, safety and general welfare.
2. This chapter may be cited as the "Noise Control Ordinance of the City of Whitewater."
3. This chapter shall apply to the control of all noise originating within the limits of the city, except where either
    a. a state or federal agency has adopted a standard or rule and has so preempted the regulation of noise from a particular source as to render this chapter inapplicable thereto; or
    b. the city council has determined that, by reason of public acceptance of the activity producing a particular noise or noises, such noise is deemed acceptable to the residents of this city.

(Ord. 1310 § 2(part), 1995).

CDLXVII.

19.58.020 Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall have the meanings shown. Definitions of technical terms used in this chapter which are not herein defined shall be in conformance with the standard ANSI § 1.1-1994, Acoustical Terminology.

1. "Ambient noise level" means the composite of noise from all sources near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location and time.
2. "A-weighted sound level" means the sound level in decibels as measured on a sound-level meter using the A-weighting network. The level so read is designated dB(A) or dBA.
3. "Construction" means any site preparation, assembly, substantial repair, alteration, similar action, for or of public or private rights-of-way, structures, utilities or similar property or similar activity upon public or private structures or land.
4. "Continuous sound" means sound which is of a steady and uninterrupted nature of a specified time period. For the purpose of this title, the minimum time period shall be one hour.
5. "Daytime" means the hours between seven a.m. and ten p.m. on any given day.
6. "Decibel" means a unit for measuring the amplitude of sound, equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the referenced pressure, which is twenty micropascals.
7. "Emergency work" means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.
8. "Enforcement office(r)" means the city employee and/or police officer having lead responsibility for enforcing this chapter; and, the city employee/police officer having responsibility for making noise surveys, noise analyses, noise investigations and for the administration of this chapter.
9. "Equivalent sound level (Leq)" means the average sound level measured over a stated period of time. For the purpose of this chapter, the averaging time shall be one minute.
10. "Fixed noise source" means a stationary device which creates sounds while fixed or motionless, including but not limited to residential, agricultural, industrial and commercial machinery and equipment, pumps, fans, compressors, air conditioners and refrigeration equipment.
11. "Impulse sound" means sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.
12. "Intermittent sound" means sound which is not continuous or which is of a cyclic or repetitive nature.

13. "Intrusive noise" means that noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency and time of occurrence, and tonal or informational content as well as the prevailing ambient noise level.
14. "Leq" means equivalent continuous sound level.
15. "Lmax" means the maximum instantaneous sound level reading.
16. "Mobile noise source" means any noise source other than a fixed noise source.
17. "Nighttime" means the hours between ten p.m. and seven a.m. on any given day.
18. "Noise disturbance" means any noise exceeding the noise-level limits for a designated land-use category specified in Table 1 or 2.
19. "Noise sensitive area" means any area designated by the planning commission for the purpose of ensuring exceptional quiet.
20. "Public right-of-way" means any street, avenue, boulevard, highway, bikeway, sidewalk or alley or similar place which is owned or controlled by a government entity.
21. "Public space" means any real property or structures thereon which are owned or controlled by a governmental entity.
22. "Pure tone" means any sound which can be judged as audible as a single pitch or a set of single pitches by the enforcement officer or police officer.
23. "Real property boundary" means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.
24. "Sound-amplifying equipment" means any machine or device for the amplification of the human voice, music, or any other sound. Sound-amplifying equipment, as used in this title, shall not be construed as including standard automobile radios when used and heard only by occupant(s) of the vehicle in which installed, or warning devices on authorized emergency vehicles, or horns or other warning devices on other vehicles used only for traffic safety purposes. This definition shall include remotely located loudspeakers attached to and/or operated from a vehicle.
25. "Sound-level meter" means an instrument, including a microphone, an amplifier, and an output meter for the measurement of sound levels, which meets or exceeds the requirements for Type 2 meters in American National Standards Institute specifications for sound-level meters, S1.4-1971.
26. "Vibration perception threshold" means the minimum ground-borne or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects. The perception threshold shall be presumed to be a motion velocity of .001 inches per second over the range of one to one hundred Hz.
27. "Weekday" means any day, Monday through Friday, which is not a legal holiday.

(Ord. 1310 § 2(part), 1995).

CDLXVIII.

19.58.030 Exemptions to this chapter.

The provisions of this chapter shall not apply to:

A. The emission of sound for the purpose of alerting persons to the existence of an emergency;
B. The emission of sound in the performance of emergency work;
C. Noncommercial public speaking and public assembly activities conducted on any private property, public space, or public right-of-way, except those activities controlled by Sections 19.58.040, 19.58.090 and 19.58.100;
D. Agricultural activities, exclusive of those involving the ownership or possession of animals or birds;
E. Rail and air transportation and public mass transportation vehicles;

F. The emission of sound in connection with activities conducted at Perkins Stadium during events permitted by the city;
G. The emission of sound in the discharge of weapons or in fireworks displays licensed by the city council;
H. The emission of sound in the operation of snow removal equipment;
I. Parades or processions for which a parade permit has been issued by the city;
J. Residential garbage collection activities as contracted for by the city;
K. The emission of sound in the operation of yard maintenance equipment.

(Ord. 1310 § 2(part), 1995).

CDLXIX.

19.58.040 Residential noise.

A. Residential noise disturbances (even if the residence is located in a commercial district) shall be governed by this section and shall not be subject to the sound levels established in Section 19.58.060.
B. No person shall make, allow or assist in making any noise from a residence or residential yard which is likely to unreasonably disturb the peace and quiet of any person outside of the residence.
C. For the purpose of this section:
   1. It is not necessary to prove that any particular person was disturbed by the noise.
   2. A resident of a premises is in violation of allowing a noise disturbance at the premises under this section if noise in violation of this section is emitted from a residence and the authorities are unable to gain entry to the premises or sufficient information to identify the actual parties at the premises at the time of the disturbance.
   3. All residents of a residential unit who are at the premises at the time of a noise disturbance are deemed to have allowed the disturbance.

(Ord. 1310 § 2(part), 1995).

CDLXX.

19.58.050 General noise disturbance prohibited.

No person shall make, continue, or cause to be made or continued, except as permitted, any noise disturbance as defined in this chapter, or any noise in excess of the limits for such noise established in this chapter.

(Ord. 1310 § 2(part), 1995).

CDLXXI.

19.58.060 Maximum permissible sound levels by land use category.

A. Maximum Permissible Sound Levels. With the exception of sound levels elsewhere specifically authorized or allowed in this chapter, the following are the maximum permissible sound levels allowed at the real property boundary of the source of offending noise. No person shall produce or allow the production of noise in excess of that specified in Table 1 or 2.

TABLE 1 SOUND LEVEL LIMITS FOR DAYTIME
(7 a.m. - 10 p.m.) in dBA

Zoning Category	Lmax	Leq (1 min.)
B-1, B-2, AT and I (except where such operations are adjacent to residential districts)	85	75
B-3 and PD (except residential PD 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 PD (when adjacent to residential districts)	75	60
All other nonresidential categories	75	60

TABLE 2 SOUND LEVEL LIMITS FOR NIGHTTIME HOURS in dBA

Zoning Category	Lmax	Leq (1 min.)
B-1, B-2, AT and I (except where such operations are adjacent to residential districts)	75	60
B-3 and PD (except residential PD 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 PD (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).

CDLXXII.

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).

CDLXXIII.

19.58.080 Specific activities prohibited.

A. Loading and Unloading. No person shall so load, unload, open, close or handle boxes, crates, containers, building materials, garbage cans or similar objects between the hours of seven p.m. and seven a.m. the following morning as to create a noise disturbance across a residential real property boundary or within a noise sensitive area. This section shall not apply to activities covered by Section 19.58.110.
B. Vehicle or Motorboat Repairs and Testing. No person shall repair, rebuild, modify or test any motor vehicle in a public or private place out of doors or within a noise sensitive area between the hours of ten p.m. and seven a.m. the following day.

(Ord. 1310 § 2(part), 1995).

CDLXXIV.

19.58.090 Sound equipment and sound-amplifying equipment.

A. No person shall so operate, play or permit the operation or playing of any sound equipment so as:
   1. To create a noise disturbance across a residential real property boundary or outdoors within a noise sensitive area;
   2. To create a noise disturbance fifty (50) feet from the device, when operated in or on a motor vehicle on a public right-of-way or public space, or in a boat on public waters.
B. Sound Equipment.

1. No person shall use, operate or cause to be used or operated any sound equipment, upon the public streets or in any building or upon any premises, public or private, if the sound therefrom is plainly audible from any public street or public place within the city.
2. Sound equipment shall not include:
    a. Equipment used for public health and safety purposes;
    b. Church or clock carillons, bells or chimes;
    c. Automobile radios, tape decks or CD players, or other standard automobile equipment used and intended for the use and enjoyment of the occupants, provided the sound emitting therefrom is not audible for more than fifty feet from the vehicle;
    d. Recorded music used in a nonresidential district in conjunction with a civil or religious celebration;
    e. Live music provided, sponsored or funded, in whole or in part, by a governmental entity.

(Ord. 1310 § 2(part), 1995).
(Ord. No. 1682A, § 1, 5-20-2008)

CDLXXV. 19.58.100 Motorized vehicles.

A. No person shall operate the engine providing motive power or an auxiliary engine, of a motor vehicle with a manufacturer's gross vehicle weight rating of ten thousand pounds or more for a consecutive period longer than twenty (20) minutes while such vehicle is standing and located within one hundred fifty (50) feet of property zoned and used for residential purposes except where such vehicle is standing within a completely enclosed structure and does not create a noise disturbance across a real property boundary as defined in Section 19.58.060 of this chapter unless approved by a conditional use permit. This section shall not apply to delivery or pickup vehicles that require the operation of the engine to unload or load their vending loads.

B. No person shall operate within the speed limits specified in this section either a motor vehicle, or a combination of vehicles of a type subject to registration, at any time or under any condition of grade, load, acceleration or deceleration in such manner as to exceed the noise limit listed hereinbelow for the category of motor vehicle, based on the legal speed limit, posted or not, of the road or way on which operated, such noise to be measured at a distance of no more than fifty feet from the center line of travel under test procedures established by subsection C of this section. In the event the distance of the measuring instrument from center line of travel is less than fifty feet, such listed noise limits shall be corrected to reflect the equivalent noise limits for the actual distance.

	Noise Limit in Relation to Legal Speed Limit	
Type of Vehicle	35 MPH or Less	Over 35 MPH
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)

This section applies to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of this code relating to motor vehicle mufflers or noise control.

C. The measurement of sound or noise shall be made with a Type 1 or 2 sound level meter meeting the standards prescribed by the American National Standards Institute or its successor body. The instrument shall be calibrated and maintained in good working order. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or attenuation of the measured noise. A windscreen for the microphone shall be used when required.

D. No person shall modify the exhaust system of a motor vehicle or motorcycle by installation of a muffler cut-out or bypass, and no person shall operate a motor vehicle or motorcycle which has been so modified. A motor vehicle so operated shall be deemed equipped with a muffler which emits excessive and unusual noise and which is not in good working order.

E. No person shall operate a recreational vehicle or permit the operation of one or more recreation vehicles, individually or in a group or in an organized racing event, on public or private property in such a manner that the sound level resulting from such operation exceeds:
   1. Seventy-three (73) dBA for any total of three (3) minutes in any continuous one-hour period, or exceeds ninety (90) dBA for any period of time during such operation. Sound levels which exceed the limits herein described at the real property boundary of the source property shall be deemed a noise disturbance.
   2. Notwithstanding Section 19.58.030 of this chapter, no person shall permit the conducting of any part of an organized racing event which involves contest between or among recreational vehicles on public or private property between the hours of ten thirty (10:30) p.m. and ten (10:00) a.m. the following morning.

(Ord. 1310 § 2(part), 1995).

CDLXXVI.

19.58.110 Construction.

A. This chapter shall not prohibit the operation of any tools or equipment in public or private construction, drilling, demolition work, or in maintenance work between the hours of seven (7:00) a.m. and nine (9:00) p.m. Additional hours of construction may be granted by the zoning administrator or his designee.

B. The terms of this section shall not apply to emergency work or repair work performed by or for governmental entities or public service utilities.

(Ord. 1310 § 2(part), 1995).

CDLXXVII.

19.58.120 Nonemergency signaling devices.

A. No person shall operate or permit the sounding of any stationary bell, chime, siren, whistle or similar device, intended primarily for nonemergency purposes, from any place, for more than one minute in any hourly period.

B. Devices used in conjunction with the places of religious worship shall be exempt from compliance with this section.

C. Exemptions for sound sources covered by this section, but not exempted under subsection B of this section, may be granted under the procedure set forth in Section 19.58.150.

(Ord. 1310 § 2(part), 1995).

CDLXXVIII.

19.58.130 Animals and birds.

No person shall own, possess or harbor any animal or bird which frequently or for continued duration emits sounds native to the species which are a noise disturbance across a residential real property boundary, or within a noise sensitive area.

(Ord. 1310 § 2(part), 1995).

CDLXXIX.

19.58.140 Enforcement.

A. The noise control program established by this chapter shall be implemented, administered and enforced by the zoning department and police department.

B. The provisions of this chapter which prohibit the making, continuing of a noise disturbance, or causing the making or continuing of a noise disturbance across a real property boundary or within a noise sensitive area, shall be enforced upon receipt of complaint made or filed with the city officials by a person disturbed by such noise disturbance or by direction of the chief of police or his or her designee. Certification by an official charged with enforcement of provisions of this chapter that such complaint was made shall be sufficient to establish the fact of such complaint.

C. Noise and vibration measurements shall be made in compliance with generally accepted practices and procedures. The zoning administrator shall prepare, and make available upon request, a "Code of Recommended Practices" for the measurement of noise and vibration.

D. To implement and enforce this chapter the zoning department and police department shall have the additional power to:

1. Conduct research, monitoring, and other studies related to sound;
2. Conduct programs of public education regarding the causes, effects and general methods of abatement and control of noise, as well as the actions prohibited by this chapter and the procedures for reporting violations;
3. Coordinate the noise control activities of all municipal departments;
4. Review public and private projects, including those subject to mandatory review or approval by other departments, for compliance with this chapter, if these projects are likely to cause sound in violation of this chapter;
5. Upon presentation of proper credentials, enter and inspect any private property or place, any time when granted permission by the owner resident or by some other person with apparent authority to act for the owner;
6. Issue noise variances pursuant to the provisions of Section 19.58.150;
7. Prepare recommendations for consideration by the city council, after publication of notice and public hearing, for establishing the boundaries of noise sensitive areas.

E. All departments and agencies of the city shall carry out their programs in furtherance of the policy of this chapter.

(Ord. 1310 § 2(part), 1995).

CDLXXX.

19.58.150 Noise variances.

A. Any person who cannot comply with provisions of this noise ordinance due to technological limitations or in cases of significant hardship, may apply for a conditional use permit in accordance with Chapter 19.66 of this code. Through this process, the governing body may grant a conditional use permit to exceed the provisions of this chapter for a specific period of time.

B. During this period of time, the operators of the nonconforming noise source must make every reasonable attempt to come into compliance with this chapter. Should total compliance not become feasible at the time the conditional use permit expires, the operator of the source must demonstrate to the satisfaction of the governing body that a good faith effort has been made to come into compliance. If a good faith effort is demonstrated to the satisfaction of the

governing body, the governing body may, at its discretion, extend the conditional use permit for an additional period of time.

(Ord. 1310 § 2(part), 1995).

CDLXXXI.

19.58.160 Penalty.

Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be subject to a penalty of not less than one hundred fifty ($150) dollars or more than three hundred ($300) dollars for the first offense; and for the second offense within one year shall be subject to a penalty of not less than two hundred dollars or more than four hundred ($400) dollars; and for the third and subsequent offenses within one year, not less than three hundred ($300) dollars or more than five hundred ($500) dollars, together with the costs of prosecution.

(Ord. 1430 § 2, 1999; Ord. 1364 § 14, 1997).

Chapter 19.60 NONCONFORMING USES, STRUCTURES AND LOTS

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19.60.010 Existing nonconforming uses.

The lawful nonconforming use of a structure, land or water existing prior to June 24, 1982, the effective date of this title, may be continued although the use does not conform with the provisions of this title; however:

A. Only that portion of the land or water in actual use may be so continued, and any associated structures may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except as otherwise permitted by the provisions of this title;
B. Substitution of new uses or equipment may be permitted by the board of zoning appeals if such use or equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

(Ord. 994 § 7.1, 1982).

CDLXXXII. 19.60.020 Existing nonconforming structures.

Any lawful nonconforming structure existing prior to June 24, 1982, the effective date of this title, may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading and access provisions of this title; however, it shall not be extended, enlarged, moved or structurally altered except when required to do so by law or order, or so as to comply with the provisions of this title. Normal maintenance is permitted. This provision shall not be interpreted to disallow the extension or enlargement of a structure in respect to those dimensions that are or may still be in conformance with this title so long as such extensions or enlargements do not thereby create additional nonconforming dimensions or increase the nonconformance with respect to parking and loading and access. Any extension or enlargement of a nonconforming structure is subject to review and approval of the plan and architectural review commission in accordance with Chapter 19.63 of this title.

(Ord. 994 § 7.2, 1982).

CDLXXXIII.

19.60.030 Discontinuance or replacement of nonconforming use or structure.

A. If such nonconforming use or structure is discontinued or terminated for a period of twelve (12) months, any future use of the structures, land or water shall conform to the provisions of this title.
B. When a nonconforming use or structure is damaged or destroyed, it may be restored if completed within two (2) years from damage occurring.

C. Time extensions may be granted by the plan and architectural review commission in accordance with Chapter 19.63.

(Ord. 994 § 7.3, 1982).

CDLXXXIV.

19.60.040 Changes and substitutions.

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the board of zoning appeals has permitted the substitution of a more-restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose the original status as a legal nonconforming use and become subject to all the conditions required by the board of zoning appeals.

(Ord. 994 § 7.4, 1982).

CDLXXXV.

19.60.045 Floodland nonconforming uses and structures.

Floodland nonconforming uses and structures shall be regulated under the provisions of Section 19.46.060 of this title.

(Ord. 1600 § 5, 2006: Ord. 1060 § 17, 1935).

CDLXXXVI.

19.60.046 Wetland nonconforming uses and structures.

Notwithstanding Section 62.23(7)(h) of the Wisconsin Statutes, the repair, reconstruction, renovating, remodeling or expansion of a legal nonconforming structure, or any environmental control facility related to a legal nonconforming structure, located in the C-1 shoreland wetland district and in existence at the time of adoption or subsequent amendment of the ordinance codified in this title is permitted pursuant to Section 62.231(5) of the Wisconsin Statutes.

(Ord. 1196 § 1(part), 1990).

CDLXXXVII.

19.60.050 Nonconforming lots.

A lot which does not contain sufficient area to conform to the dimensional requirements of this title but which is at least thirty (30) feet wide and four thousand (4,000) square feet in area may be used as a building site provided that the use is permitted in the zoning district, providing the lot is of record in the county register of deeds' office prior to the effective date or amendment of the ordinance codified in this title, and providing that all other requirements for the district in which it is located can be met. Establishment of a use or structure on a nonconforming lot shall be reviewed and approved by the city plan and architectural review commission in accordance with Chapter 19.63.

(Ord. 994 § 7.5, 1982).

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CDLXXXVIII.

19.63.010 Zoning permit--Purpose—Required, when.

For the purposes of assuring compliance with the standards and intent of this title and of promoting compatible development and preservation of the unique character of the city, no structure shall be erected, constructed, altered, demolished or moved and no land or building shall be changed in use without the issuance of an approved zoning permit. Zoning permits shall not be required for minor structures, incidental repairs, interior structural alterations and/or changes not resulting in an increase in intensity.

Notwithstanding the aforesaid exemption, no floodland structure or improvement shall be exempt from obtaining a zoning permit.
(Ord. 1060 § 18, 1985).

CDLXXXIX.

19.63.012 Certificate of compliance--Purpose—Required, when.

For the purpose of assuring compliance with the standards and intent of this title and of assuring sound floodplain development, no undeveloped land within the floodland districts shall be developed, occupied or used, and no structure hereafter erected, altered, moved or substantially improved shall be occupied until the applicant submits to the zoning administrator a certification by a registered professional engineer or land surveyor that the floodplain regulations set forth in this title have been fully complied with. Such certification shall include the first-floor elevation of any structure erected on the site.
(Ord. 1060 § 19, 1985).

CDXC.

19.63.014 Other permits.

It is the responsibility of a permit applicant to secure all other necessary permits required by any state, federal or local agency. This includes, but is not limited to, a water use permit pursuant to Chapters 30 and 31 of the Wisconsin Statutes or a wetland fill permit pursuant to Section 404 of the Federal Clean Water Act.
(Ord. 1060 § 20, 1985).

CDXCI.

19.63.020 Plan review--Application requirements.

Applications for plan review shall be made to zoning administrator at least thirty (30) days prior to the plan and architectural review committee meeting at which the plan is to be considered, and shall include the following information to be considered complete. The zoning administrator or plan and architectural review commission may reduce the information requirements where deemed appropriate. 12 complete sets of all required plan materials shall be required unless the applicant receives prior written approval from city staff that fewer copies, and/or an

electronic/digital submission of materials will be considered adequate for the purposes of meeting the submission deadlines.

A. Names, phone numbers, and addresses of the applicant, owner of the site, architect, professional engineer, contractor and all other individuals responsible for preparation of plan materials;
B. Identification of the subject site by lot, block and recorded subdivision, or by metes and bounds;
C. Description of the existing and proposed use or operation of the structure or site, number of employees, building lot coverage, landscaped surface ratio, residential density and existing zoning;
D. Building elevations and exterior architectural drawings, including enough detail to show the proposed building style, exterior materials, colors, mechanicals and lighting;
E. Site plans drawn to a scale not less than fifty (50) feet to the inch, showing:
    1. The natural features of the site, including water bodies, wetlands, floodplains, environmental corridors, trees with trunks greater than four (4) inches in diameter, existing drainage patterns, and topography at two (2) foot intervals,
    2. The location and dimensions of proposed and existing structures in relation to street and property lines, including buildings, dumpsters, signs, mechanicals, walls and fences,
    3. The location, dimensions and arrangement of all open spaces, yards, and landscape plantings and buffer yards, including the species and size at time of planting for all landscaping,
    4. The location, arrangement and capacity of all areas used for vehicle and pedestrian access, off-street parking, off-street loading and unloading, including materials, methods for screening or fencing, and additional actions to keep parking orderly if three (3) or more unrelated individuals live on the property.
    5. The capacity and arrangement of all buildings used or intended to be used for dwelling purposes,
    6. The proposed location and other characteristics of all outdoor lighting fixtures, pursuant to Section 19.57.150(C),
    7. The location and size of all existing and proposed utilities and all related easements,
    8. The location of any proposed stormwater management facilities, including proposed drainage patterns and detention/retention facilities where required;
    9. Other information deemed necessary by the zoning administrator or the plan and architectural review commission to fully assess the impacts of a proposed project.

(Ord. 1452 § 18, 2000: Ord. 994 § 8.2, 1982).

CDXCII.

19.63.030 Zoning permit application--Review by zoning administrator.

The zoning administrator shall review zoning permit applications for the proposed structure, addition, alteration or use to assure that the plan meets the minimum standards of this title for the district in which it is located. The zoning administrator shall grant, deny or refer to the plan and architectural review commission within ten (10) calendar days of receiving the completed zoning permit application.

(Ord. 994 § 8.3, 1982).

CDXCIII.

19.63.040 Zoning permit application--Review by plan and architectural review commission, when.

If the zoning administrator, at his or her discretion, finds that an application for a zoning permit has characteristics that should have broader public review or special conditions attached in order to preserve the intent of this title, the zoning administrator may require that such an application require review and approval of the plan and architectural review commission.

(Ord. 994 § 8.4(A), 1982).

CDXCIV.

19.63.050 Developments automatically requiring approval by plan and architectural review commission.

The following developments automatically require approval by the plan and architectural review commission:

A. All applications for zoning permits proposing exterior modifications of structures in the B-2 central business district, except minor remodeling or use changes;

B. All applications for zoning permits for major remodeling or conversion of existing buildings that will increase the number of dwelling units;

C. All applications for zoning permits proposing any exterior modifications to structures that are listed on the National Register of Historic Places. This review requirement shall also extend to properties immediately adjoining national register landmarks;

D. Establishment of a use or structure on a nonconforming lot (see Section 19.60.050);

E. Developments proposing driveway access within one hundred feet of the centerline of intersecting streets in the B-1 and B-3 districts. This is to be applied only to arterial streets and local streets intersecting arterial streets. (Ord. 994 § 8.4(B), 1982).

CDXCV.

19.63.060 Review procedures.

A. The zoning administrator shall transmit all applications requiring commission review and approval to the plan and architectural review commission. The plan and architectural review commission shall review the applications at its next scheduled meeting. The application shall be reviewed for compliance with the plan review guidelines, and a permit shall be granted, denied, or conditionally granted within thirty days of the date of application unless postponed for good cause including mutual agreement with the applicant. A simple majority approval of the plan and architectural review commission constitutes final action.

B. The applicant may request a conceptual review by the plan and architectural review commission prior to filing a formal application for plan review.

(Ord. 994 § 8.4(C), 1982).

CDXCVI.

19.63.070 Notification of public hearing.

The city plan and architectural review commission shall notify the applicant of the scheduled hearing by mail at least five (5) mailing days prior to the hearing date. The commission may require that Class 1 notice be given if deemed appropriate.

(Ord. 994 § 8.4(D), 1982).

CDXCVII.

CDXCVIII. 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 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:

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

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 ($50.00) 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**).**

CDXCIX.

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).

D.

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:

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

(Ord. 994 § 8.4(G), 1982).

DI.

19.63.110 Zoning permit--Issuance conditions--Modification restrictions.

A. Issuance of Zoning Permit. A zoning permit shall be issued to applicant, stating the official action of the zoning administrator or the plan and architectural review commission, and shall be filed in the office of the zoning administrator and referred to for enforcement of this title. Approved zoning permits shall expire in six (6) months unless substantial work has commenced and is continuing in a progressive, workmanlike manner. Extensions may be granted by the approving authority.
    1. If the project is conditionally approved, the zoning permit shall be issued subject to the conditions.
    2. If the project is disapproved, the applicant may modify the proposal and resubmit.
B. Modification of Plans Approved by the Plan and Architectural Review Commission. Minor modifications to plans approved for issuance of a zoning permit may be approved by the

zoning administrator. Any major modification in approved plans or alteration of conditions must be approved by the plan and architectural review commission in compliance with procedures listed above.

(Ord. 994 § 8.5, 1982).

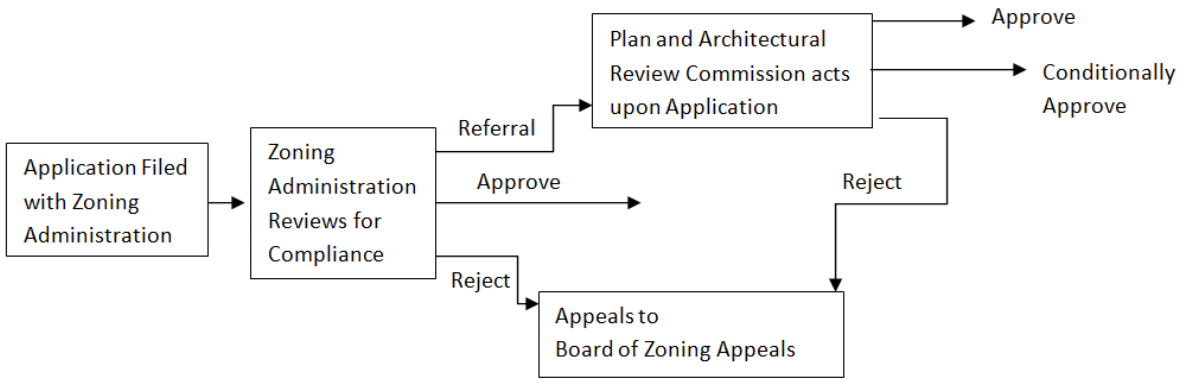
DII.

19.63.120 Appeals procedure.

Appeals from decisions of the city plan and architectural review commission in its plan-review function may be appealed to the board of zoning appeals if filed with the city clerk within thirty days of the date of decision unless tabled or postponed for good cause. The appeal shall be governed by the procedures in Chapter 19.72 of this title.

(Ord. 1364 § 15, 1997: Ord. 1082 § 10, 1986; Ord. 994 § 8.6, 1982).

Steps for Review of Zoning Permit



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DIII.

19.66.010 Issuance of conditional use permits authorized, when.

The city plan and architectural review commission may authorize the zoning administrator to issue a zoning permit for conditional uses after review and a public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this title, are consistent with sound planning and zoning principles, and are found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community.

(Ord. 1364 § 16, 1997: Ord. 994 § 9.1, 1982).

DIV.

19.66.020 Application for permit.

Applications for zoning permits for conditional uses shall be made to the zoning administrator on forms furnished by the zoning administrator, and shall include the information required by Section 19.63.020.

(Ord. 994 § 9.2, 1982).

DV.

19.66.030 Hearings.

The city plan and architectural review commission shall hold a public hearing upon each conditional use application, giving Class 1 notice.

(Ord. 994 § 9.3, 1982).

DVI.

19.66.040 Notification to property owners.

Notice of the hearing shall be given to owners of record of properties abutting and within three hundred (300) feet of the property that is involved in the application, and to other persons who are determined by the zoning administrator to be parties of interest. Unintentional failure to accomplish these notifications shall not invalidate the procedures.

(Ord. 994 § 9.4, 1982).

DVII.

19.66.050 Standards for review and approval.

The plan commission shall use the following standards when reviewing applications for conditional use:

A. That the establishment, maintenance, or operation of the conditional use will not create a nuisance for neighboring uses or substantially reduce the values of other property.
B. That adequate utilities, access roads, parking drainage, landscaping and other necessary site improvements are being provided.
C. That the conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted in this ordinance. Where a variance is required, the plan commission may condition its approval on the subsequent approval of the variance.
D. That the conditional use conforms to the purpose and intent of the city comprehensive plan.
E. The conditional use and structures are consistent with sound planning and zoning principles.

(Ord. 1364 § 17, 1997; Ord. 994 § 9.5(part), 1982).

DVIII.

19.66.060 Additional conditions authorized, when.

A. Conditions, such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, added restrictions, highway access restrictions, increased yards, or parking requirements, may be permitted by the plan and architectural review commission upon its finding 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 a 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:

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	

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 ($50.00) 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. 1130 § 1, 1988).

DIX.

19.66.070 Time limits and periodic review.

If an applicant does not commence construction within one year after city approval of a conditional use permit, or complete construction according to all specified plans and conditions within two years after city approval, the previously approved conditional use permit shall be

considered null and void. Conditional uses may be subject to time limits or requirements for periodic reviews where such requirements relate to review standards.
(Ord. 1452 § 21, 2000: Ord. 994 § 9.5(part), 1982).

DX.

19.66.080 No exemption from all other requirements.

Compliance with all other provisions of this title, such as lot width and area, yards, height, parking, loading, traffic and highway access, shall be required, unless otherwise specifically exempted in this title, of all conditional uses. Variances shall only be granted as provided in Chapter 19.69.
(Ord. 994 § 9.5(part), 1982).

DXI.

19.66.090 Determination of approval or disapproval.

Following the public hearing and review of the conditional use application, the plan and architectural review commission shall approve, disapprove or further conditionally approve the application. A simple majority approval by the plan commission constitutes final approval of the conditional use.
(Ord. 994 § 9.5(part), 1982).

DXII.

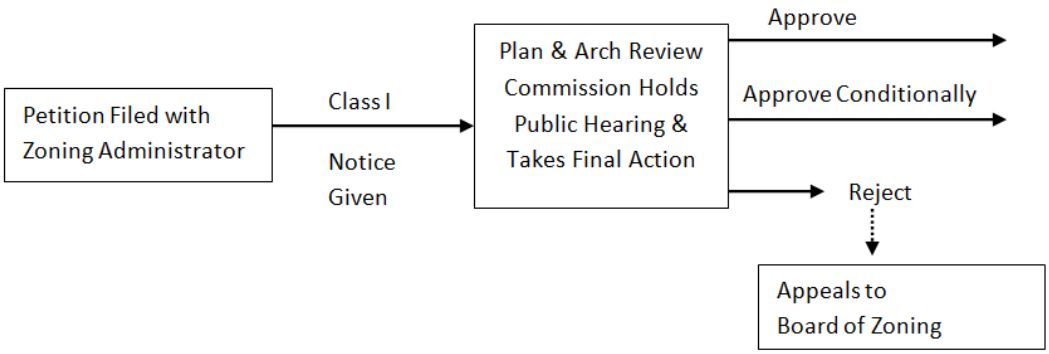
19.66.100 Record keeping requirements.

Records of all plan and architectural review commission actions approving conditional uses shall be maintained by the zoning administrator, and shall be referred to in regard to enforcement and modification of conditional use approvals.
(Ord. 994 § 9.5(part), 1982).

DXIII. 19.66.110 Appeals procedure.

Decisions of the city plan and architectural review commission in its conditional use review function may be appealed to the board of zoning appeals if filed with the city clerk within thirty days of the date of decision. The appeal shall be governed by the procedures in Chapter 19.72 of this title.
(Ord. 1364 § 18, 1997: Ord. 1082 § 11, 1986).

Steps for Review of Conditional Uses



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DXIV.

19.69.010 City council authority.

Whenever the public necessity, convenience, general welfare or good zoning practice require, the city council may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this title or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the city plan commission.
(Ord. 994 § 10.1, 1982).

DXV.

19.69.020 Who may initiate.

Except as noted, in this section, a change or amendment may be initiated by the city council or any member thereof, the city plan commission, or by a petition of one or more of the owners, lessees, or authorized agents of the lessees of property within the area proposed to be changed. For the R-2A, R-3A, B-1A, and B-2A Overlay Districts only the owners or authorized agents of the owners within the area proposed to be changed may initiate a petition for a change or amendment.
(Ord. 1159 § 1, 1989; Ord. 994 § 10.2, 1982).
(Ord. No. 1690A, § 1, 6-17-2008)

DXVI.

19.69.030 Petitions--Contents and filing.

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the city clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use, and have attached the following:

A. Plot plan, drawn to a scale of one inch equals one hundred feet, showing the area proposed to be rezoned, its locations, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within three hundred (300) feet of the area proposed to be rezoned;
B. Additional information required by the city plan commission or city council.

(Ord. 994 § 10.3, 1982).

DXVII.

19.69.040 Review and recommendation--Plan commission authority.

The city plan commission shall review all proposed changes and amendments within the corporate limits, conduct a public hearing (with Class 2 notice), and shall recommend that the petition be granted as requested, modified, or denied.
(Ord. 994 § 10.4, 1982).

DXVIII.

19.69.050 Hearing--Notice to property owners.

Notice of the hearing shall be given to all owners of record of properties abutting and within three hundred (300) feet of the property that is involved in the application, and to other persons who are determined by the zoning administrator to be parties of interest. Unintentional failure to accomplish these notifications shall not invalidate the procedures.
(Ord. 994 § 10.5, 1982).

DXIX.

19.69.060 City council vote on proposed change or amendment.

Following such hearing and after consideration of the city plan commission's recommendations, the city council shall vote on the passage of the proposed change or amendment. City council action on the zoning change must take place within thirty (30) days of the plan commission's recommendations unless postponed for good cause by mutual agreement by the City Council and applicant.
(Ord. 1159 § 2, 1989: Ord. 994 § 10.6, 1982).

DXX.

19.69.065 Floodland district boundary changes limited.

The common council shall not permit changes to the floodland district boundaries that are inconsistent with the purpose and intent of this chapter, in conflict with the applicable rules and regulations of the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA), or inconsistent with the provisions of Chapter 19.46.
(Ord. 1600 § 7, 2006: Ord. 1196 § 1(part), 1990).

DXXI.

19.69.066 Amendments to the C-1 and FWW districts.

Amendments to wetland zoning districts shall be reviewed by the Wisconsin Department of Natural Resources in accordance with the following procedures:

A. The city shall transmit a notice of any change (text or map) in the C-1 or FWW districts to the Wisconsin Department of Natural Resources (DNR). Notice requirements shall be as follows:
    1. A copy of every petition for a text or map change mailed within five (5) days of filing with the city manager;
    2. At least ten (10) days prior notice of any public hearing on a C-1 or FWW zoning amendment;
    3. Notice of a city plan commission recommendation no later than ten (10) days following the recommendation;
    4. Notice of a common council decision no later than ten days following the decision.
B. No wetland in a C-1 or FWW district shall be rezoned if the rezoning may result in a significant adverse impact on storm or floodwater storage capacity; maintenance of dry season streamflow, the discharge of groundwater from the wetland to another area, or the flow of groundwater through a wetland; filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters; shoreline protection against soil erosion; fish spawning; breeding, nursery or feeding grounds; wildlife; habitat; or areas of special recreational, scenic or scientific interest, including scarce wetland types.
C. If the DNR has notified the city plan commission that an amendment to the C-1 or FWW district may have a significant adverse impact upon any of the criteria listed in subsection B

above, that amendment, if approved by the common council, shall contain the following provision:

1. "This amendment shall not take effect until more than 30 days have elapsed since written notice of the Common Council's approval of this amendment was mailed to the Department of Natural Resources. During that 30-day period, the Department of Natural Resources may notify the Common Council that it will adopt a superseding shore land ordinance for the City pursuant to Section 62.231 of the Wisconsin Statutes. If the Department does so notify the Common Council, the effect of this amendment shall be stayed until the Section 61.231 adoption procedure is completed or otherwise terminated."

(Ord. 1196 § 1(part), 1990).

DXXII.

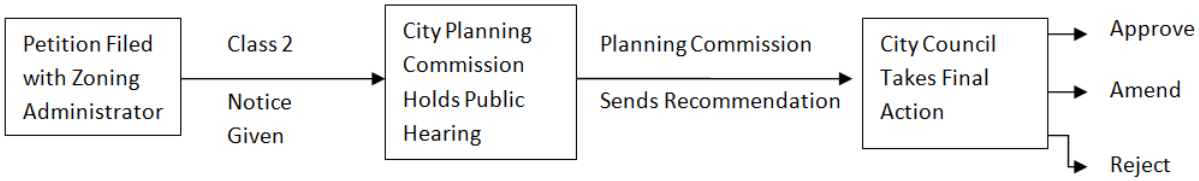
19.69.070 Protests against change or amendment.

A. In the event of a protest against such district change or amendment to the regulations of this title, duly signed and acknowledged by the owners of twenty percent or more either of the areas of land included in such proposed change, or by the owners of twenty percent or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty percent or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths of the members of the council voting on the proposed change. (See Section 66.23(7)(d)(2), Wisconsin Statutes.)

B. Protests against changes or amendments may also be filed by a petition duly signed by at least two hundred (200) resident landowners in the city. In case of such a protest, such changes or amendments shall not become effective except by the favorable vote of three-fourths of the members of the council voting on the proposed change.

(Ord. 994 § 10.7, 1982).

Steps for Zoning Amendment



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DXXIII. 19.72.010 Established--Purpose.

There is established a board of zoning appeals for the city for the purpose of hearing appeals and applications, and granting variances and exceptions to the provisions of this title in harmony with the purpose and intent of this title.
(Ord. 994 § 11.1, 1982).

DXXIV. 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. Current 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).

DXXV. 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 the majority of voting member 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).

DXXVI.

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 chair 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.

(Ord. 1600 § 8(part), 2006: Ord. 1060 § 23, 1985).

DXXVII.

19.72.050 Application for appeal--Contents and filing time.

A. Appeals from the decision of the zoning administrator concerning the literal enforcement of this title may be made by any person aggrieved, or by an officer, department, commission, or bureau of the city. Such appeals shall be filed with the secretary within fifteen days after the date of written notice of decision or order of the zoning administrator. Such appeals and applications shall include the following:
   1. Site plan as required under Chapter 19.63 of this title;
   2. Additional information required by the board of zoning appeals or by other chapters in this title, such as Chapter 19.46 of this title.

B. The right to an appeals hearing shall be contingent upon applicant's prepayment of costs of publication and mailing of notices required by the ordinance codified in this title, as computed and billed by the secretary, prior to the time set for hearing.

(Ord. 1600 § 8(part), 2006: Ord. 994 § 11.5, 1982).

DXXVIII.

19.72.060 Hearing--Time and conduct.

The board of zoning appeals shall fix a reasonable time and place for the hearing, give public notice thereof at least ten (10) days prior to the hearing by publication as a Class 2 notice, and shall give due notice to the zoning administrator and the city plan commission, and the parties

specified in Section 19.72.070. At the hearing, the appellant or applicant may appear in person, by agent, or attorney.
(Ord. 994 § 11.6, 1982).

DXXIX.

19.72.070 Hearing--Notice to property owners.

Notice of the hearing shall be given to all owners of record of properties abutting and within three hundred (300) feet of the property that is involved in the application, and to other persons who are determined by the zoning administrator to be parties of interest. Unintentional failure to accomplish these notifications shall not invalidate the procedures.
(Ord. 994 § 11.7, 1982).

DXXX.

19.72.075 Hearings--Notice to DNR.

The zoning board of appeals shall transmit a copy of each application for a variance to wetland regulations in the C-1 and FWW districts or to floodland regulations Chapter 19.46 and a copy of all appeals in these districts, to the Wisconsin Department of Natural Resources (DNR) for review and comment at least ten days prior to any public hearing. Final action on the application shall not be taken for thirty (30) days or until the DNR has made its recommendation, whichever comes first. A copy of all decisions relating to shoreland wetland regulation or to floodland regulations, and a copy of all decisions relating to shoreland wetland and floodland appeals, shall be transmitted to the DNR within ten days of the date of such decision.
(Ord. 1600 § 8(part), 2006: Ord. 1196 § 1(part), 1990).

DXXXI.

19.72.080 Findings prerequisite to grant of variance.

No variance to the provisions of this title shall be granted by the board unless it finds beyond a reasonable doubt that all of the following facts and conditions exist, and so indicates in the minutes of its proceedings:

A. The particular physical surroundings, shape, or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;
B. The conditions upon which the application for a variance is based would not be applicable generally to other property within the same zoning classification;
C. The purpose of the variance is not based exclusively upon a desire for economic or other material gain by the applicant or owner;
D. The hardship is not one that is self-created;
E. The proposed variance will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhoods;
F. The proposed variance will not have the effect of permitting a use which is not otherwise permitted in the district;
G. No variance shall be granted in a floodland district where not in compliance with Section 19.46.070(C)(4) of this title.

(Ord. 1600 § 8(part), 2006: Ord. 1060 § 24, 1985).

DXXXII.

19.72.085 Wetland and floodland mapping disputes.

The following procedure shall be used in settling disputes of wetland and floodland boundaries:

A. Wetland Disputes. Whenever the board of appeals is asked to interpret a C-1, C-2 or FWW district boundary where an apparent discrepancy exists between the city's Final Wetland Inventory Map and actual field conditions, the city shall contact the Wisconsin Department of Natural Resources (DNR) to determine if the wetland inventory map is in error. If the DNR staff concurs that the particular area was incorrectly mapped as a wetland, the board of

appeals shall direct the city plan commission to initiate appropriate action to rezone the property within a reasonable amount of time.

B. Floodland Disputes. Whenever the board of appeals is asked to interpret a floodland boundary where an apparent discrepancy exists between the federal Flood Insurance Study and actual field conditions, the procedure specified in Section 19.46.070(C)(3) of this title shall be used.

(Ord. 1600 § 8(part), 2006: Ord. 1196 § 1(part), 1990).

DXXXIII.

19.72.090 Board decisions guided by title provisions.

In deciding applications for appeals of administrative interpretations, for substitutions, and for approvals of unclassified uses, the board shall be guided by the intent of this title.

(Ord. 994 § 11.9, 1982).

DXXXIV.

19.72.100 Decisions--Time limit--Additional conditions--Expiration and extensions.

A. The board of zoning appeals shall decide all appeals and applications within thirty days after the final hearing, and shall transmit a signed copy of the board's decision to the appellant or applicant, zoning administrator, and city plan commission.

B. Conditions may be placed upon any zoning permit ordered or authorized by this board.

C. Variances, substitutions or zoning permits acted upon by the board shall expire within six (6) months unless substantial work has commenced pursuant to such grant. Extension may be granted by decision of the board.

(Ord. 994 § 11.10, 1982).

Steps for Appeals to Board of Zoning Appeals

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 19.74: Cost Recovery of Professional Consultant Fees and Charges

A. The City and authorized City bodies, commissions, boards, committees, officers, and employees may retain the services of professional consultants (including, but not limited to, planners, engineers, architects, attorneys, environmental specialists, and recreation specialists) to assist in the review of applications related to developments, zoning permit approvals, rezone petitions, conditional use applications (or other zoning related requests) including, but not limited to, those being reviewed for consideration of approval by the Director of Neighborhood Services and those coming before the Plan and Architectural Review Commission, the Board of Zoning Appeals, the Whitewater University Technology Park Architectural Review Committee and/or the Common Council for review.

B. As part of the application process, the applicant shall be required to agree, in writing, to pay for said professional fees in accordance with policies in effect that are approved from time to time by the Common Council. The City may delay final action or approval of the associated request, until the applicant pays such fees or the required percentage thereof. Review fees that are charged to the applicant, but that are not paid, may then be imposed by the City as a special charge on the affected property.

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DXXXV. 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).

DXXXVI.

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;
   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, including section 19.63.050;

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;
12. Initiate studies of the provisions of this title, and make recommendations to the plan commission at appropriate intervals or upon request;
13. Attend meetings of the plan commission and the board of zoning appeals;
14. Perform such activities as are reasonably required to conduct the responsibilities enumerated herein, and respond to requests or directives from supervising officials of the city.

(Ord. 1060 § 26, 1985).

DXXXVII. 19.75.030 Zoning administrator--Ordinance interpretation duties.

A. A primary duty of the zoning administrator is interpretation of the ordinance codified in this title. The zoning administrator shall respond expeditiously to requests for clarification and interpretation. The administrator is encouraged to seek counsel of the city attorney in making such interpretations.
B. Informal and unwritten interpretations by the zoning administrator are not binding upon the city government, nor are those written interpretations that are expressly stated not to be binding. The zoning administrator shall have sole authority to decide when an interpretation shall be put in writing, except that the administrator shall make response to duly filed permit applications.
C. Written interpretations by the zoning administrator are binding upon the city unless they are expressly made nonbinding. The written interpretation placed on this title by the zoning administrator shall be the official city interpretation unless that interpretation is retracted or revised in writing by the zoning administrator, or until it is reversed or modified by order of the board of zoning appeals or by a court.
D. Written interpretations by the zoning administrator may be appealed to the board of zoning appeals as provided in Section 62.23(7)(e), 7, Wisconsin Statutes, and in Chapter 19.72.

(Ord. 994 § 12.3, 1982).

DXXXVIII. 19.75.035 Public information.

To the fullest extent possible, the zoning administrator shall make available to the public all reports and documents concerning the city comprehensive plan and any component thereof. In addition, available information in the form of reports, bulletins, maps, and engineering data shall be readily available and widely distributed. The plan commission may set fees necessary to recover the costs of providing information to the public. Where useful, the zoning administrator, or his agent, may set marks on bridges or buildings or other markers which show the depth of the 100-year recurrence interval flood; or may set markers delineating the boundaries of wetlands.

(Ord. 1196 § 1(part), 1990).

DXXXIX. 19.75.040 Zoning administrator--Permit issuance duties.

A. Most types of land use change that are regulated by this title require a permit to be issued before the change may be legally undertaken. (See Chapter 19.63, Plan Review.) The zoning administrator's decision whether to issue a zoning permit is an interpretation decision in which the terms of this title are applied to a projected land use as described in the permit application and accompanying documents. When a permit is issued, the city is communicating its official statement that the land use described in the permit application is deemed to be legal under this title as Title 19 stands at that time. A permit that is issued does

not, by itself, vest a right to complete the land use change. Changes in law or ordinance may have the effect of cancelling city approval if these occur before the project is far enough toward consummation to have a vested right to proceed to completion. A permit that is issued applies only to the development project as it is specifically described in the application. Permits may be time-limited in their duration to allow a re-review of prevailing conditions.

B. Every application for a zoning permit shall contain the information required in Section 19.63.020, on plan review application requirements. The administrator may also require evidence of compliance with other applicable laws or ordinances as a condition precedent to the issuance of a zoning permit.

C. Any permit obtained through material misrepresentation shall be null and void. Coincident with the issuing of a permit, the zoning administrator shall prepare a card, certifying that a permit has been issued. This card shall bear the same number as the permit and shall identify the construction and premises covered by the permit. This card shall be posted in a conspicuous place on the premises during construction and no construction shall be commenced until this card has been posted.

D. If the zoning administrator deems it appropriate, conditions may be placed on the permit. The permit card shall spell out the Title 19 requirements as applied by the zoning administrator to the development proposal. A full set of conditions shall be retained by the zoning administrator and a summary of pertinent parts shall be communicated in writing to the owner, agents and contractors.

E. When a fully completed permit application is submitted and is then denied by the zoning administrator, the denial and the reasons for the denial shall be recorded in the records of the zoning office, and this decision shall be appealable under subsection D of Section 19.75.030. Permit denials that are done without presentation of a fully completed application and the issuance of a denial on that application are not appealable.

F. Issuance of a permit is equivalent to a written interpretation decision and is appealable as provided in subsection D of Section 19.75.030.

G. Where a development requires a uniform state building permit, the zoning permit may take the form of inscription of zoning approval on the building permit and description of pertinent conditions in the file and on the permit placard.

(Ord. 994 § 12.4, 1982).

DXL.

19.75.050 Certificate of zoning compliance requirements.

No building or addition thereto constructed after June 24, 1982, the effective date of this Title 19, and no addition to a previously existing building shall be occupied, and no land (except that used for garden purposes, or for public recreation purposes and without buildings or structures), which is vacant on June 24, 1982, shall be used for any purpose until a certificate of zoning compliance has been issued by the zoning administrator. No use shall be changed until the certificate of zoning compliance has been issued by the zoning administrator. The application for and processing of a request for such a certificate shall be the same as for a zoning permit. A certificate of zoning compliance shall state that the uses of the property are legal under the zoning ordinance, either by expressed terms of the ordinance, or as a matter of nonconforming usage. Conditions or qualifications may be appended.

(Ord. 994 § 12.5, 1982).

DXLI.

19.75.060 Zoning administrator--Inspection of properties for zoning compliance--City attorney duties.

A. It shall be the duty of the zoning administrator to inspect or cause to be inspected all properties for which a zoning permit has been issued to determine whether the development of land use change that was the subject of the permit has occurred in full compliance with

this title. The acceptance by an applicant of a zoning permit grants consent to the zoning administrator to make such inspections as are reasonably necessary to determine compliance.

B. It shall also be the duty of the zoning administrator to inspect or cause to be inspected all properties within the jurisdiction of this title for compliance with the terms of this title. Inspections may be at random, under a routine pattern, as a follow-up to permit issuance, or upon complaint or inquiry. Based on the possible violation, the zoning administrator or designee may inspect the property.

C. Where facts obtained from inspection or by other means lead the zoning administrator to conclude that a violation of this title probably exists, the zoning administrator shall create an evidentiary file documenting the basis for this conclusion. After completion and review of this file, the zoning administrator may take the following initial enforcement actions on his/her own motion:
    1. Communicate in person, by letter, or telephone, with the owner, the architect, contractors, or other relevant parties, expressing the conclusion that a violation probably exists, requesting information, requesting that the parties review the compliance question, and that they communicate with the zoning administrator on this matter within a specified time appropriate to the circumstances.
    2. Where the zoning administrator deems it appropriate to prevent further construction or alteration, a stop-work order may be issued by the administrator. This order shall be prominently posted on the property and mailed to relevant parties, and it shall demand that work violating this title be halted immediately and shall advise its readers and recipients to contact the zoning administrator's office.
    3. Where the zoning administrator deems it appropriate, the zoning administrator may issue a citation for a zoning ordinance violation, under the city's citation ordinance.
    4. All written communications, including stop-work orders, shall have an expressed time limit for contact with the zoning office, and shall advise that the matter will be turned over to the city attorney for legal action on that date unless the matter has been resolved.

D. Where enforcement actions described in subsection C above have not satisfied the zoning administrator that the property and its usage have been made to comply, the evidentiary file and all correspondence shall be turned over to the city attorney. The city attorney shall review the file. The attorney may require an evidentiary hearing before making a prosecutorial decision. If the file is deemed by the city attorney not to show a probable violation, the city attorney shall so indicate in an explanatory letter, and pertinent parties shall be so notified. If the city attorney does not so conclude, the attorney shall immediately issue a letter to the violating parties and other pertinent individuals establishing a specific timetable for compliance to be accomplished and specifying that legal action will be taken if compliance is not accomplished within the time period specified. If the deadline is not met, the attorney shall institute prosecution by lawsuit requesting injunctive relief or forfeiture or both. The attorney may also prosecute a nuisance action and/or may refer the matter to the district attorney for possible violation of state law or code, as the facts may indicate.

E. Formal decisions by the zoning administrator or by the city attorney on probable violations are administrative determinations made in the course of enforcing this title, and are capable of appeal to the board of zoning appeals pursuant to Section 66.23(7), Wisconsin Statutes.

F. The city police department shall have enforcement authority concerning all of the provisions of Title 19. This shall include, but not be limited to, issuance of citations for zoning ordinance violations under the city's citation ordinance.

(Ord. 1382 § 1, 1997; Ord. 994 § 12.6, 1982).

DXLII.

19.75.061 Zoning administrator --Inspection of properties for occupancy compliance--City attorney duties.

A. It shall be the duty of the zoning administrator or designee to inspect properties for which a complaint has been filed to determine whether the permitted occupancy is in full compliance with this title for districts R-O, R-1, R-2, R-3, and all overlay districts of this title. The acceptance by an applicant of a zoning permit grants consent to the zoning administrator to make such inspections as are reasonably necessary to determine compliance.

B. Inspections may include a site visit to request a lease from the tenants or with regard to specific inquiries regarding occupancy or similar issue. Inspections will be due to a complaint or inquiry.

C. Where facts obtained from inspection, or by other means, lead the Zoning Administrator to conclude that a violation of occupancy probably exists, the zoning administrator shall create an evidentiary file documenting the basis for this conclusion. After completion and review of this file, Zoning Administrator may take the following initial enforcement actions on his/her own motion:
   1. Communicate in person, by letter, or telephone, with the property owner requesting information, requesting that the parties review the compliance question, and that they communicate with the zoning administrator on this matter within a specified time appropriate to the circumstances.
   2. Where the Zoning Administrator deems it appropriate, he or she may issue a citation for a zoning ordinance violation, under the city's citation ordinance.

D. Formal decisions by the zoning administrator or by the city attorney on probable violations are administrative determinations made in the course of enforcing this title, and are capable of appeal to the board of zoning appeals pursuant to Section 66.23(7), Wisconsin Statutes.

(Ord. 1382 § 1, 1997; Ord. 994 § 12.6, 1982).

DXLIII. 19.75.070 City manager's administrative responsibilities.

A. It shall be the duty of the city manager, or of other city officials and staff as determined by the city manager, to provide the plan commission and the board of zoning appeals with staff services to assure that all meetings are fully noticed and conducted in accordance with procedural requirements of the Wisconsin planning and zoning statute (Section 62.23(7), Wisconsin Statutes), the open meeting law and the public record law. Similarly, the city manager or delegated public official shall maintain all minutes, proceedings and records of the plan commission and board of zoning appeals in full compliance with the public record requirements of state planning and zoning laws and the open meeting and public record laws of the State of Wisconsin.

B. The city manager is the appointing officer for the zoning administrator. The city manager shall not, however, dictate the outcome of interpretation or permit decisions or enforcement decisions by the administrator. The city manager, if affected by any decision of the zoning administrator, shall have the right to appeal the administrator's decision to the board of zoning appeals, pursuant to Section 62.23(7)(e)4, Wisconsin Statutes.

C. It shall be the duty of the city manager and zoning administrator to establish and maintain a system of records on land usage, coordinating records of permits, decisions of the plan commission and board of zoning appeals, city council, land subdivision records, city-required covenants, development conditions and contracts, etc., so as to provide city officials and citizens with reasonably full access to all the regulatory matters pertaining to particular parcels.

(Ord. 994 § 12.7, 1982).

DXLIV.

19.75.080 Unlawful activities designated--Penalties--Additional remedies.

A. The following shall constitute violations of this title, and shall subject those responsible to penalties as listed below.

It is a violation of Title 19 to:

1. Own any property or structure that does not fully comply with the terms of this title: one hundred ($100.00) to three ($300.00) hundred dollars.
2. Establish or cause to be established, or allow or fail to remedy, any usage of land or premises or any structure which does not fully comply with the terms of this title, or to aid or abet in such activity: one hundred ($100) to three hundred fifty ($350)dollars;
3. Fail to request and obtain a zoning permit for a land use or a land use change that requires such a permit under this title: one hundred ($100) to three ($300) hundred dollars; in cases where a permit is subsequently requested, the standard permit fee shall be doubled;
4. Fail to comply with a stop-work order duly issued by the zoning administrator: Two hundred fifty ($250) to four hundred ($400) dollars.

B. Each day of a violation shall constitute a separate offense.

C. In addition to the remedies specified above, adjacent or neighboring property owners may institute appropriate actions or proceedings to prevent, enjoin, abate, remove or correct structural or land use activities that are or will be in violation of this title, or to prevent or abate activities or conditions that constitute nuisances.

D. In addition to any other penalties or remedies available, the city or any landowner within three hundred feet (300) of the property, may maintain an action for injunctive relief to restrain any violation of the density and use limitations set forth in Section 19.09.520 and/or to enforce compliance with Section 19.09.520, upon a showing that a person has engaged in, or is about to engage in, an act or practice constituting a violation of that section.

(Ord. 994 § 12.8, 1982).

(Ord. No. 1695A, 8-5-2008)

Ordinance introduced by Councilmember Grady, who moved its adoption. Seconded by Councilmember Langnes. AYES: Wellnitz, Langnes, Grady, Binnie, Singer, Kidd. NOES: None. ABSENT: Goettl (Left at 7:45 p.m.). FIRST READING APPROVED: February 2, 2016.

Cameron L. Clapper, City Manager Michele R. Smith, City Clerk

SECOND READING OF AMENDMENT TO BOARD OF ZONING APPEALS ORDINANCE.

SECOND READING OF ORDINANCE AMENDING CHAPTER 19.72 CONCERNING THE NECESSARY NUMBER OF VOTES REQUIRED BY THE BOARD OF ZONING APPEALS FOR ACTIONS

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

Section 1. Whitewater Municipal Code Chapter 19.72, Section 19.72.030 D. is hereby amended to read as follows:

Section 19.72.030 D: The concurring vote of the majority of voting 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.

Ordinance introduced by Councilmember Binnie, who moved its adoption. Seconded by Councilmember Goettl. AYES: Wellnitz, Grady, Binnie, Goettl, Singer, Kidd, Langnes NOES: None.
ABSENT: None. ADOPTED: February 2, 2016.

Cameron L. Clapper, City Manager Michele R. Smith, City Clerk

SECOND READING OF ORDINANCE IMPOSING R-2A RESIDENTIAL OCCUPANCY OVERLAY DISTRICT ZONING CLASSIFICATION FOR PROPERTY LOCATED AT 377 S. JANESVILLE STREET (LENDOST MANAGEMENT LLC).

SECOND READING OF AN ORDINANCE IMPOSING THE R-2A RESIDENTIAL OCCUPANCY OVERLAY DISTRICT ZONING CLASSIFICATION FOR CERTAIN PROPERTY IN THE CITY OF WHITEWATER

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, do, pursuant to Municipal Code Section 19.69, hereby impose the R-2A Residential Occupancy Overlay District Zoning classification (19.19) on the below property:

Section 1: The R-2A Residential Occupancy Overlay District Zoning classification is hereby imposed upon:

Address	Tax ID#
377 S. Janesville Street	/CL 00125A Lendost Management LLC (Mike Kachel)

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

Section 3: This ordinance shall take effect upon passage and publication as provided by law.

Ordinance introduced by Councilmember Binnie, who moved its adoption. Seconded by Councilmember Langnes. AYES: Wellnitz, Grady, Binnie, Singer, Kidd, Langnes. NOES: None. ABSTAIN: Goettl. ADOPTED: February 2, 2016.

Cameron L. Clapper, City Manager Michele R. Smith, City Clerk

PIZZA HUT BEER LICENSE CHANGE OF AGENT. It was moved by Binnie and seconded by Goettl to approve a change of agent for the Class "B" Beer license issued to PH Hospitality Group (Pizza Hut), to April Kulovany of Oconomowoc. Pizza Hut is located at 1107 W. Main Street. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: None.

"CLASS A" LIQUOR LICENSE FOR WALGREEN'S (TRANSFER FROM DANIELS SENTRY). Daniels Sentry, which closed in December of 2015, has agreed to voluntarily surrender their Beer and Liquor license on the condition it be reissued to Walgreen's. The Alcohol Licensing Committee met prior to the council meeting, and discussed the fact that if the license were transferred, there would not be an available license for a new grocery store. It was noted that the City's limit on this type of license was self-imposed, and that it is possible to raise the limit in the event a store locates in the City. It was moved by Goettl and seconded by Langnes to authorize the transfer of the "Class A" Beer and Liquor license from Daniels Sentry to Walgreen's, 1041 W. Main Street, Whitewater. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: None.

CONTRACT WITH RADICOM. It was moved by Binnie and seconded by Goettl to approve the annual electronic equipment maintenance contract with Radicom in the sum of $27,099.81. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: None.

AGREEMENT WITH UNITED METHODIST CHURCH RELATING TO CENTER STREET / BOONE COURT RECONSTRUCTION. It is necessary to obtain property from the First United Methodist Church to proceed with the Center Street reconstruction project. It was moved by Grady and seconded by Langnes to approve an agreement to purchase land from the Church, for a sum of $3,000. AYES: Wellnitz, Langnes, Grady, Binnie, Singer, Kidd. NOES: None. ABSENT: Goettl (Left at 7:45 p.m.).

PARKLAND DEVELOPMENT FEES. Parks and Recreation Director Amundson indicated that fees for parkland development have been reviewed, and it is recommended that the Council approve a fee of $625 per unit and a parkland acquisition fee of $619.27 per unit for 2016. It was also recommended that park fees be reviewed annually based on the Capital Improvement plan. Concerns were expressed about the increased fee and the impact it would have on development. No formal action was taken.

COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS. None.

ADJOURNMENT. It was moved by Grady and seconded by Langnes to adjourn the meeting. AYES: Wellnitz, Langnes, Grady, Binnie, Singer, Kidd. NOES: None. ABSENT: Goettl (Left at 7:45 p.m.). The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Michele R. Smith, Clerk

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

February 18, 2016

The regular meeting of the Common Council was called to order at 6:30 p.m by Council President Singer. MEMBERS PRESENT: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Kidd. MEMBERS ABSENT: None. LEGAL COUNSEL PRESENT: McDonell.

It was moved by Binnie and seconded by Goettl to approve the Council minutes of 1/19/2016 and to acknowledge receipt and filing of the following: Financials for January, 2016, Report of Manually-Issued Checks for January, 2016, and the Zoning Code Rewrite Committee Minutes of 1/21/16. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: None.

STAFF REPORTS. Parks and Recreation Director Amundson reported on the concession stand / restroom construction scheduled to take place in Starin Park Spring / Summer of 2016.

ANN STREET BASIN RESOLUTION.

RESOLUTION
CONCERNING THE ANN STREET BASIN PROJECT

A Resolution and Relocation Order for the Laying Out, Improving, Extending and Acquiring Rights-Of-Way for the Ann Street Basin Project.

WHEREAS, the City of Whitewater has determined that it is necessary to undertake a public improvement project consisting of laying out, improving, extending and acquiring property and easements for the Ann Street Basin Project, and

WHEREAS, the City of Whitewater Common Council now wants to proceed with this project by adopting a relocation order in accordance with Wisconsin Statutes, section 32.05 (1) (a) and approving the plans for this project in accordance with Wisconsin Statutes.

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Whitewater that approval is hereby granted for the undertaking of the public improvement project consisting of improving, extending and acquiring property and easements for the Ann Street Basin Project and this project is deemed to be necessary, and

BE IT FURTHER RESOLVED that this Resolution is:

A Resolution of necessity in accordance with Wisconsin Statutes, section 32.07(2);
A Relocation Order in accordance with Wisconsin Statutes, section 32.05 (1) (a);

BE IT FURTHER RESOLVED that approval is hereby granted for the design of this project as set forth in the plans, a copy of which is annexed to this Resolution, and

BE IT FURTHER RESOLVED that it will be necessary for the City to acquire interests in real estate owned by: Aracel Partida, with the legal description of the easements to be acquired set forth in attached Exhibit A; Thayer Coburn and Anne E. Fleming-Coburn, with the legal description of the easements to be acquired set forth in attached Exhibit B; and Donald L. Wargowsky and Joann Wargowsky, with the legal description of the easements to be acquired set forth in attached Exhibit C; in order to carry out this project and the City staff and the City

Attorney are hereby authorized and directed to undertake title acquisition procedures for the acquisition of the real estate needed for this project, including condemnation, if necessary, in accordance with the procedures set forth in Wisconsin Statutes, section 32.05 and such real estate shall be acquired in the name of the City of Whitewater, and

BE IT FURTHER RESOLVED that this Resolution shall be effective immediately upon its passage and publication.

Resolution introduced by Councilmember Binnie, who moved its adoption. Seconded by Coucilmember Goettl. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: None. ADOPTED: February 18, 2016.

Cameron L. Clapper, City Manager Michele R. Smith, City Clerk

ORDINANCE ADOPTING STANDARDS FOR BEEKEEPING. Local Bee Keeper, Peter Underwood, assisted in preparation of an ordinance that would regulate in-city bee keeping. Underwood presented very detailed and informative information regarding the keeping of bees, and explained that honey bees are normally harmless, and it is the wasp, yellow jacket, and hornet families that are known for stinging. Underwood was thanked for his generous assistance in development of the ordinance.

AN ORDINANCE ADOPTING CHAPTER 9.18, BACKYARD BEE KEEPING.

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

SECTION I. Whitewater Municipal Code Chapter 9.18 is hereby created to read as follows:

9.18.010	Purpose
9.18.020	Permit
9.18.030	Permit Renewal
9.18.040	Penalty

9.18.010 Purpose.

The following regulations will govern the keeping of honey bees and are designed to prevent nuisances and prevent conditions that are unsafe. No person shall keep honey bees unless the following regulations are followed:

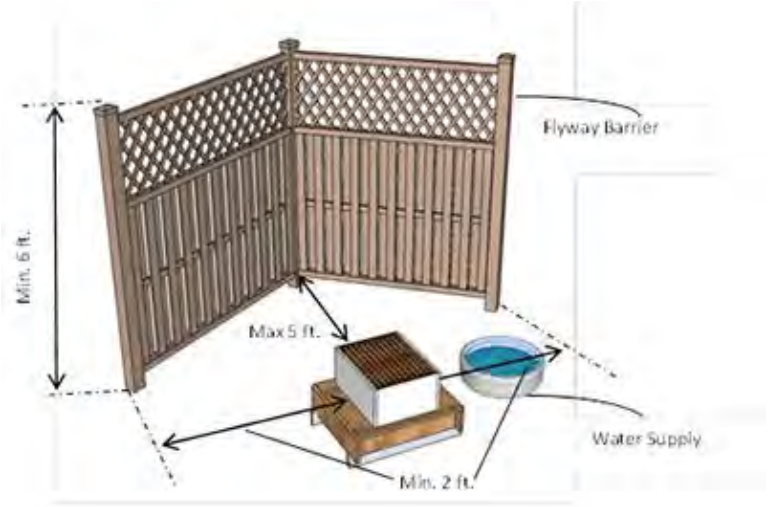
(1) Number. No more than 3 colonies of honey bees shall be allowed for each principal structure. There may be maintained on the same property, one additional nucleus colony in a hive structure not exceeding one standard 9 5/8 inch depth 10-frame hive body with no supers attached as required from time to time for management of splitting colonies or captured swarms. Each such nucleus colony shall be moved, disposed of, or combined with an authorized colony within 30 days after the date it is acquired. If the beekeeper serves the community by removing a swarm or swarms of honey bees from a locations

where they are not desired at the request of a property owner or City of Whitewater employed staff, a beekeeper may maintain these swarm colonies on their property and not be considered in violation of the portion of this ordinance limiting the number of colonies while temporarily housing the swarm for no more than 30 days after the date the swarm is acquired. Over 3 colonies may be approved by city staff on lots equal to or greater than one acre.

(2) Setbacks. Beehives shall be kept at least thirty (30) feet from any principal structure other than the owner's principal structure. Beehives shall not be located within five (5) feet of a side-yard or rear-yard lot line. Beehive entrances shall face away from the property line of the residential lot closest to the beehive. Beehives shall not be located in the front yard.

(3) Enclosure. Honey bees must be maintained in beehives with removable combs for inspection purposes. Both langstroth and top bar beehives are acceptable structures. The beehive structures must be maintained in good repair.

(4) Flyway barrier. For any beehive placed within thirty (30) feet of a developed public or private property line, as measured from the nearest point of any hive to the property line, a six-foot (6) tall flyway barrier must be constructed and must extend at least ten (10) feet on either side of the nearest beehive. The flyway barrier is defined as a solid or closely slatted fence (no more than three (3) inches between slats), wall, dense line of vegetation, or combination thereof. The purpose of the flyway barrier is to raise the flight path of bees leaving the beehive, thereby limiting their interactions with nearby residents. The requirement will be waived, however, if the beehive is placed on a elevated porch, balcony, or roof top that is at least ten (10) feet off the ground and at least ten (10) feet from the property line and at least twenty-five (25) feet from any adjacent dwelling or occupied structure. The flyway barrier shall still be required for an elevated porch, balcony, or roof top if the adjacent property has a similar elevated porch, balcony, or roof top.



(5) Water sources. Because the most common nuisance complaint of urban honey bees is bees congregating at nearby water sources such as bird baths, pet water bowls, and pools, beekeepers must maintain two (2) water sources on their property and each water source shall be continually filled with water when the bees are active outside the hive (water source may cease in the winter months). At least one of the two (2) water sources shall be placed within twenty (20) feet of the beehives. Suggested water sources would include a bird bath that is regularly filled with water and/or a chicken waterer – each filled with stones to allow bees to perch near the water.

(6) Beekeepers shall ensure that no empty beehives, bee comb, or other materials that might encourage robbing are left upon the property. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure. No open feeding of honey bees is allowed.

9.18.020 Permit.

A permit shall be required to keep honey bees in the City of Whitewater. An application for a permit must contain the following items:

(1) The name, phone number, and address of the applicant.

(2) The location of the subject property.

(3) A proposal containing the following information.

(A) A description of beehives and required flyway barriers, providing dimensions and the precise location of beehives and flyway barrier in relation to property lines and adjacent properties.

(B) The application fee charge for the permit shall be ten dollars. There shall be no charge for renewal of the permit.

(4) If the applicant proposes to keep honey bees in the yard of a rented dwelling, the applicant must present a signed statement from the owner of the dwelling consenting to the applicant's proposal for keeping honey bees on the premises.

9.18.030 Permit Renewal.

Permits will be granted on an annual basis (unless this section is repealed). If the permittee follows the terms of the section, the permit will be presumptively renewed (unless this section is repealed) and the applicant may continue to keep honey bees under the terms and conditions of the initial permit. The city neighborhood services director may refuse to renew or may revoke the permit at any time, (after giving the permittee fifteen (15) days' notice of the basis for the revocation or nonrenewal and an opportunity to be heard on the issue) if the permittee does not follow the terms of this section, or if the neighborhood services director finds that the permit holder has not maintained beehives or provided the required two (2) water sources that are continuously containing water. If the honey bee ordinance is repealed, no party shall have the right to keep honey bees based on a nonconforming use status obtained under this section.

9.18.040 Penalty.

Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be subject to a penalty of not less than fifty dollars or more than one hundred dollars for the first offense; and for the second offense within year, shall be subject to a penalty of not less than one hundred ($100.00) dollars or more than two hundred ($200.00) dollars; and for a third and subsequent offenses within one (1) year not less than two hundred ($200.00) dollars or more than three hundred ($300.00) dollars, together with the costs of prosecution.

Ordinance introduced by Councilmember Binnie, who moved its adoption. Seconded by Councilmember Goettl. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: None.

It was then moved by Goettl and seconded by Binnie to waive the requirement for a second reading of the ordinance. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: None. Adopted: February 18, 2016.

Cameron L. Clapper, City Manager Michele R. Smith, City Clerk

SECOND READING OF ORDINANCE CHANGING STRUCTURE OF PARKS AND RECREATION BOARD.

SECOND READING OF AN ORDINANCE AMENDING CHAPTER 2.52 PARKS AND RECREATION BOARD CONCERNING ADDING ADDITIONAL MEMBERS AN ORDINANCE AMENDING CHAPTER 2.51 PARKS AND RECREATION BOARD CONCERNING ADDING ADDITIONAL MEMBERS

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

2.52.010 - Established.

There is hereby established a parks and recreation board for the city, which shall have in addition to the powers granted herein, all of the powers now or hereafter granted under Wis. Stats. § 27.08.

2.52.020 - Purpose.

The establishment of this board shall be for the purpose of acquiring, improving, developing, maintaining, and operating public parks, recreation facilities, equipment, and activities. This board shall provide a parks and recreation program for the citizens of Whitewater, coordinating and correlating all recreation activities for the maximum benefit of the community and operating with other public or private organizations to more efficiently utilize the city's resources. The board shall interpret any and all programs which they may promulgate.

2.52.030 – Membership – Terms – Vacancies - Officers.

The board shall consist of nine members including three ex officio members and six citizen members. All six of the citizen members shall be a resident of the city or a resident of the Whitewater Unified School District and at least three of the six citizen members shall be residents of the City of Whitewater. The three ex officio members shall not have a specified residency requirement. The board shall serve without compensation.

The board shall consist of three ex officio members who will serve permanently or as long as they are holding office in or are representatives of the following organizations or departments:

a. District administrator of the Whitewater Unified School District or his/her designated representative;

b. Common council member;

c. University of Wisconsin - Whitewater, chancellor or his or her designee.

The board shall also consist of five citizens who shall be appointed by the city under the procedure set out in Section 2.12.011. At least three of the five appointees shall be residents of the City of Whitewater. The final citizen member of the board shall be a member of the Whitewater Unified School District Board and shall be appointed by the School District Board.

There shall be one alternate member appointed to serve. In the event one of the seven regular members is unable to attend then the alternate member shall be called upon to attend and shall have full power to act and vote.

Each citizen member shall serve for a term of three years beginning on the first of January, except that when the first board is appointed, one member shall be appointed for one year, another for two years, and the third for three years. Citizen members shall be limited to three consecutive terms and cannot be reappointed as a board member until one three-year term has elapsed.

Vacancies to finish unexpired terms only will be filled in the same manner as the original appointments.

Officers. A chairman and vice chairman shall be elected by the board members. The election of officers will take place at the first meeting in May and those elected will serve for the term of one year. The parks and recreation director will automatically serve as secretary.

2.52.040 - Organization.

The board shall organize and adopt rules for its own government in accordance with the provisions of this chapter. Meetings shall be held monthly or at the call of the chairman, and shall be open to the public. Minutes shall be kept showing all actions taken and a copy shall be filed with the city clerk and the parks and recreation director as a public record.

A quorum shall be five members, but all actions shall require the approval of the majority of the voting members.

2.52.050 - Powers.

The board shall have control and jurisdiction over all playgrounds, recreation centers and other places which have previously, or may in the future, be dedicated for the purpose of public recreation and given over to their control. The board shall furthermore have all powers listed at Section 27.08 of the 1967 Wisconsin Statutes and any amendment thereto as though specifically set forth herein. The board shall adopt rules and regulations which may be necessary to exercise said powers. All rules and regulations shall be subject to final approval by the common council. The board shall have the authority to enlarge the duties of the director of parks and recreation listed in subsection 2.20.030(b) of this title, and to determine general policies of the program and the level of leadership employed.

2.52.060 - Selection of parks and recreation director.

The board shall participate in the interview and selection process for the hiring of a parks and recreation director. It shall be the sole responsibility of the city manager to appoint the director.

2.52.070 - Finances.

The board shall submit to the city manager by October first of each year a proposed program and budget for the ensuing year. The board shall not contract any liability in excess of the budget appropriated unless specifically authorized by the city manager and approved by the common council. All moneys received for the purpose of the board, whether from the general fund or from charges for activities, facilities, or services shall be deposited in the general fund of the city

and segregated on the books of the city. The city treasurer shall act as treasurer of the board without additional compensation. All expenditures shall be made in accord with the appropriations by the city council only upon the approval of the board and city manager and by the issuance of an order for the expenditure by the city clerk.

2.52.080 - Reports.

The board shall issue an annual written report of its finances and activities and an inventory of all its public parks, recreational lands, facilities, and equipment, for the previous year to the common council by April first of each year.

2.52.090 - Urban forestry commission.

Creation and Membership. The urban forestry commission is hereby established as a permanent committee of the parks and recreation board. There shall be seven members on the Whitewater Urban Forestry Commission. Membership shall be as follows:

Five citizen members shall be appointed under the procedures set forth in Whitewater Municipal Code, Chapter 2.12, each serving three-year terms, staggered annually.

One member of the plan and architectural review commission shall be appointed to the Whitewater Urban Forestry Commission.

One member of the parks and recreation board shall be appointed to the urban forestry commission.

The city forester or his/her designee shall serve as the nonvoting staff liaison to the Whitewater Urban Forestry Commission.

Powers and Duties. The urban forestry commission shall:

Make recommendations to the city forester and parks and recreation board concerning the care of all trees and shrubs planted in the rights-of-way of all streets or highways, or in any park or other public areas of the city;

Prepare, and recommend for adoption by the parks and recreation board and the city council, an urban forestry management plan, which shall include provisions for the planting, maintenance and protection of all public trees and shrubs, and make recommendations for amendments thereto as the urban forestry commission shall determine appropriate from time to time. The urban forestry management plan may contain any or all of the following elements:

Street Tree and Shrub Planting Plan. A proposed plan for the orderly and systematic planting of new or replacement trees and shrubs in the terraces or boulevards along city streets in a manner which minimizes conflicts between trees and shrubs and other public use of streets, facilitates care of the trees and shrubs, and enhances the aesthetics of the city streetscapes. The plan shall designate the appropriate species of tree(s) and shrub(s) for each street segment and shall take into consideration the mature size and requirements of the species, the width of the terrace or boulevard, depth of building setbacks, location of street lights, safety signals and signs, the location of overhead or

underground public utility facilities, the location of existing desirable trees and any other relevant site factors.

Tree and Shrub Maintenance. Plans for the maintenance of trees and shrubs located in public places to preserve the function or beauty of such public places in accordance with the applicable city maintenance standards. The plan shall provide plans for the trimming, removal, pruning, spraying, fertilizing or other treatment of any tree or shrub on any public place when necessary or appropriate to promote the general welfare, improve the city's appearance or alleviate any unsafe condition.

Serve in an advisory capacity to the city council on all issues relating to trees and shrubs located within street right-of-ways, parks, and other public places in the city; and to any other matter involving trees and shrubs that affect, or may affect, public areas;

Prepare and maintain an inventory of trees and shrubs located in public areas within the city and an inventory of areas along streets where street trees cannot be planted due to site limiting factors;

Prepare and recommend for adoption by the parks and recreation board and the city council rules and regulations for the protection and maintenance of trees and shrubs located on public property, and to protect the public health, safety and welfare against dangers resulting from any trees and shrubs, including any regulations deemed necessary to protect against injury or damage caused by the spread of disease, insects or fungus;

Identify and maintain a list of tree and shrub species deemed to be nuisances due to their propensity to harbor pests or transmit diseases which endanger other trees or shrubs or the public health, safety and welfare;

Subject to the approval of the city manager, apply for county, state, federal and private grant funds for the city's urban forestry program;

Recommend such persons or firms who are qualified in urban forestry to assist with the city's urban forestry program;

Provide a forum for and encourage public comments on city tree and shrub projects and the urban forestry program;

Encourage public participation in urban forestry practices and projects within the city and the surrounding extraterritorial area;

Conduct an Arbor Day observance each year;

Inform and educate city residents about the care of natural areas in their neighborhoods;

Undertake programs for education of the public with regard to the benefits of urban trees, the proper selection, planting and care of urban trees and other matters relating to urban forestry as it deems appropriate;

Maintain the "Tree City USA" status of the city;

Provide, upon request, on such terms and conditions as determined by the requesting body, plan review and technical assistance to the planning and zoning commission and any other board, committee or commission of the city and provide technical advice and assistance with respect to matters affecting the urban forest to the public;

Provide at each parks and recreation board meeting a report of the commission's activities since its last report to the board;

The parks and recreation board shall receive and review all reports, whether written or oral, provided to them by the urban forestry commission.

Limitation on powers.

The urban forestry commission shall not have any power to direct or manage any city employee, officer, or agent in their day-to-day work activities.

SECOND READING OF AN ORDINANCE ADOPTING AMENDMENTS TO CHAPTER 19 OF THE WHITEWATER MUNICIPAL CODE.

The Common Council of the City of Whitewater, do hereby ordain as follows:

Chapter 19 of the Municipal Code is hereby replaced with the following:

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II. 19.03.010 Title.

This title shall be known as, referred to, or cited as the "zoning ordinance, City of Whitewater, Wisconsin."
(Ord. 994 § 1.1, 1982).

III. 19.03.020 Authority.

The regulations are adopted under the authority granted by Article XI, Section 3, Wisconsin Constitution and Sections 62.23, 62.231, 66.0101, 87.30 59.692 and 281.31 of the Wisconsin Statutes and amendments thereto.
(Ord. 1196 § 1(part), 1990: Ord. 1060 § 5, 1985).

IV. 19.03.030 Purpose.

The purpose of this title is to promote the health, safety, and general welfare of this community.
(Ord. 994 § 1.3, 1982).

V. 19.03.040 Intent.

It is the general intent of this title to regulate and restrict the use of all structures, lands and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to lessen congestion and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; prevent flood damage to persons and property, and minimize expenditures for flood relief and flood control projects; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the community's Comprehensive plan or plan components. It is further intended to provide for the administration and enforcement of this title and to provide penalties for its violation.
(Ord. 60 § 6, 1985).

VI. 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).

VII.

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).

VIII.

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).

IX.

19.03.080 Effective date.

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

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X. 19.06.010 Jurisdiction.

The jurisdiction of this title shall include all lands and water within the corporate limits of the city.

(Ord. 994 § 2.1, 1982).

XI. 19.06.020 Plan and architectural review commission--Created.

There is created a city plan and architectural review commission which shall consist of the chairman of the park and recreation board or designee, a councilmember, and five citizens of the city. In addition thereto, there shall be three citizen alternate members, any of which may be called upon to serve in the absence of any one of the citizen members of the commission. There shall also be one alternate city councilmember. The city councilmember may only serve in absence of the appointed city councilmember and shall not act as a replacement for a citizen member of the commission. All the citizen members shall be residents of Whitewater.

Citizen members shall be persons of recognized experience and qualification. The city manager and the zoning administrator shall be nonvoting ex officio members of the commission. The councilmember shall be elected by a two-thirds vote of the council.
(Ord. 1651A § 1, 2007: Ord. 1215 § 1, 1991: Ord. 994 § 2.2(part), 1982).

XII.

19.06.030 Plan and architectural review commission--Qualifications and functions.

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

XIII.

19.06.040 Plan and architectural review commission--Architectural function.

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

a) limited to any guidelines established by the City for reviewing aesthetic decisions and
b) intended to ensure compatibility between new buildings and their surrounding built environment.

(Ord. 994 § 2.2(part), 1982).

XIV.

19.06.050 Plan and architectural review commission--Organization.

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

A. Officers shall be elected from the membership for terms of one (1) year.
B. Meetings shall be held at the call of the chairman or when requested by the zoning administrator and shall be open to the public.
C. Minutes shall be kept showing all actions taken and shall be a public record.
D. Quorums shall be five (5) members, and all actions shall require the concurring vote of at least four (4) members.
E. Alternate members shall be voting members of the commission in cases when any of the original seven members are absent or abstaining from a vote.

(Ord. 994 § 2.2(part), 1982).

XV.

19.06.060 Compliance required.

All structures and uses of structures, land or water, and any development as defined in this title, shall comply with this title and all other applicable local, county, state and federal regulations.
(Ord. 1060 § 9, 1985).

XVI.

19.06.065 Municipalities and state agencies regulated.

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this title and obtain all required permits. State agencies are required to comply if Section 13.48(13) of the Wisconsin Statutes applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt from compliance when Section 30.12(4)(a) of the Wisconsin Statutes applies.
(Ord. 1196 § 1(part), 1990).

XVII.

19.06.070 Use restrictions.

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

(Ord. 994 § 2.4(part), 1982).

XVIII.

19.06.080 Accessory uses and structures.

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

(Ord. 1082 § 1, 1986).

XIX.

XX.

19.06.090 Unclassified or unspecified areas.

A. Uses that are not specifically listed as a permitted use within a district but that are similar in character or impact to other permitted uses may be authorized by interpretation of the zoning administrator.
B. If a determination cannot be made by the zoning administrator, an unclassified or unspecified use may be permitted by the board of zoning appeals, provided that the use is found to be consistent with the intent of this title.

(Ord. 994 § 2.4(B), 1982).

XXI.

19.06.100 Temporary uses.

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

(Ord. 994 § 2.4(C), 1982).

XXII.

19.06.110 Height modifications.

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

A. Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, shall not exceed in height their distance from the lot line nearest the projection and shall not exceed one hundred feet in height.
B. Essential services, utilities, observation towers, water towers and electric power and conventional (wired) telephonic communication transmission towers are exempt from the height limitations of this title. Wireless telecommunications facilities, as defined in Chapter 19.09, shall meet the height limitations established in Chapter 19.55.
C. Residential satellite dishes less than thirty-six (36) inches in diameter, residential television antennas, and amateur radio facilities may exceed applicable district building height requirements by no greater than ten feet.
D. Public or semipublic facilities, such as schools, churches, libraries, governmental offices and stations, may be erected to a height of sixty (60) feet, exclusive of architectural projections, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirements.

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

XXIII.

19.06.120 Yard modifications.

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

A. Uncovered stairs, landings and fire escapes may project into any yard but not to exceed six feet and not closer than ten(10) feet to any lot line (unless allowed under Chapter 19.30).

B. Architectural projections, such as chimneys, flues, gutters, sills, eaves, belt courses and ornaments, may project into any required yard, but such projection shall not exceed three (3) feet.

C. Residential fences and walls are permitted either within or on the property line. Fences and walls shall not exceed a height of six (6) feet in the side yard or rear yard area and shall not exceed a height of four (4) feet in the required street yard. All driveway openings abutting a public right-of-way shall have a fifteen-foot (15) free vision triangle set back from both sides of the driveway. (Similar to Section 19.51.010). The finished face of the fence shall face outward to the street (for the front yard) and toward the outer perimeter for side and rear yard fences.

D. Security Fences. Within the B-3 and M-1 districts, security fences are permitted within the side and rear yard areas. Such fences shall be designed to enclose the entire area for security and shall not exceed ten feet in height. Barbed wire is permitted only on security fences at least six (6) feet above established grade levels.

E. Swimming Pools and Swimming Pool Fencing. For the purpose of this chapter, "pool" shall include swimming pools, hot tubs, whirlpools or other similar devices, but shall not include:
   a. storable swimming or wading pools having a diameter of 18 feet or less and a wall height of 24 inches or less and which are constructed in such a way as to be readily disassembled for storage and reassembled to original integrity; or
   b. storable swimming or wading pools with nonmetallic inflatable walls regardless of dimension.

   All temporary swimming pools shall be removed and stored by November 1. Swimming pools shall not be allowed in front yards. Swimming pools on side or in backyards shall be a minimum of 15 feet from the property line. All swimming pools shall be covered and ladders removed when not in use.

F. Pools within the scope of this section which are not enclosed within a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool. Such fence or wall shall not be less than six (6) feet in height and shall be so constructed as not to have voids, holes or openings larger than six (6) inches in one dimension. Gates or doors shall be kept locked (which includes the use of self-locking devices) while the pool is not in actual use.

   The pool enclosure may be omitted:
   a. for portable pools installed above ground that have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of 36 inches high on the top, or if the side walls are unobstructed and a minimum of 36 inches high; such pool must have secure access by use of self-closing/self-latching gates.
   b. for aboveground pools in which the wall height is at least 48 inches and if the only access to the pool is provided by a ladder or steps, provided that the ladder or steps shall be capable of being secured, locked or removed to prevent access.

G. Detached accessory structures in residential districts are permitted in side and rear yards unless otherwise noted in the zoning district. The detached accessory structures shall not be closer than ten (10) feet to the principal structure, shall not exceed fifteen (15) feet in height, shall not be larger than ten percent (10%) of the side and rear yard lot area (open space) and shall not exceed eight hundred (800) square feet in size. Detached accessory structures shall not be closer than five (5) feet to any lot line nor ten (10) feet to any alley line. Any proposed detached accessory structure which is larger than the requirements of this section may be allowed but shall require a conditional use permit. To determine the size on corner lots, the side street yard shall be counted as part of the side and rear area. In non-residential districts the size and location of detached accessory structures shall be treated as conditional uses when the square footage exceeds 800 square feet.

H. Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this title.
I. Landscaping and vegetation are exempt from the yard requirements of this title except that landscaping and vegetation shall not extend over any public right-of-way within ten (10) feet of the ground level.
J. All decks are to maintain a setback from a property line of no less than the front yard and side yard required setback of the zoning district in which they are located and must be a minimum of fifteen (15) feet from any rear lot line.

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

XXIV. 19.06.130 Reduction or joint use.

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

(Ord. 994 § 2.6, 1982).

XXV.

19.06.140 Lots to abut street and frontage.

All lots shall abut upon a public street, and each lot shall have a minimum frontage at the street line of thirty (30) feet. This requirement may be waived under Planned Development (PD) provisions of this title.

(Ord. 994 § 2.7, 1982).

XXVI.

19.06.150 Structures to be located on a lot.

Only one (1) principal structure shall be located, erected or moved onto a lot (except for the M-1 and M-2 districts). This requirement may be waived as a conditional use under the highway commercial and light industrial district (B-3)or Planned Development (PD) provisions of this title.

(Ord. 1452 § 2, 2000: Ord. 1316 § 1, 1995: Ord. 1082 § 4, 1986).

XXVII.

19.06.160 Lots on undedicated portion of street.

No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width.

(Ord. 994 § 2.9, 1982).

XXVIII.

19.06.170 Private sewer and water service.

Where public sewerage service is not available, the width and area of all lots shall be sufficient to permit the use of aprivate onsite waste treatment system (POWTS) designed in accordance with Section H63 of the Wisconsin Administrative Code. Any structure or use proposing to be served by a POWTS and private water service shall be considered as conditional use within any district.

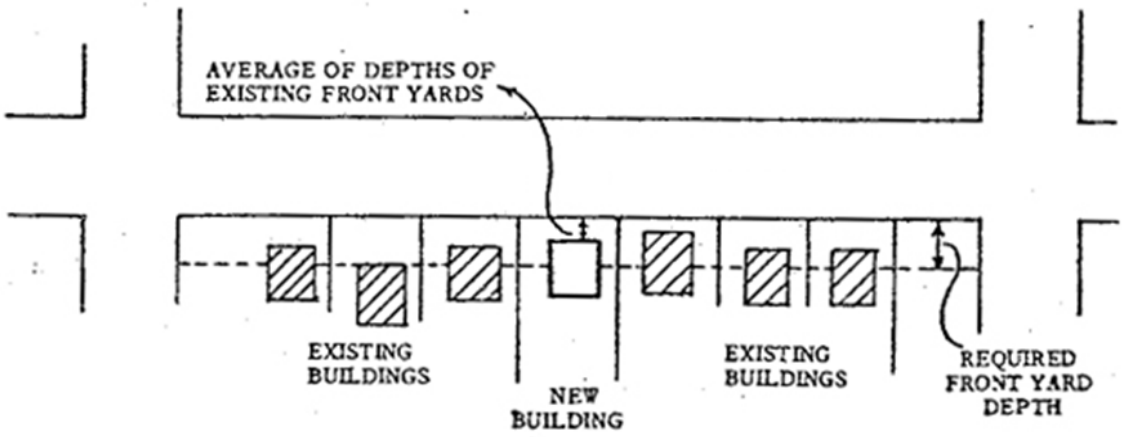
(Ord. 994 § 2.10, 1982). Note: Chapter *H 63* was created as an emergency rule effective 6-21-80; section H 62.20 as it existed on June 30, 1983 was renumbered to chapter ILHR 83. Chapter ILHR 83 was renumbered chapter Comm 83 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, February, 1997, No. 494. Chapter Comm 83 as it existed on June 30, 2000 was repealed and a new chapter Comm 83 was created, Register, April, 2000, No. 532, eff. 7-1-00. Chapter Comm 83

XXIX.

19.06.180 Average street yards.

A property owner may decrease the required street yard in any residential or business district to the average of the existing street yards of the adjacent structures on each side. Where the setback of existing adjacent structures is greater than setbacks required by this code, the setback for the intervening lot shall be determined by the average of the setback of the structures on each side. On corner lots, the required setback shall be determined by averaging the setback of the adjacent

structure with the required setback of the district in which it is located. The setback of any structure may be increased or decreased by a conditional use permit if there are substantial reasons to vary from the requirements of the district.
(Ord. 1446 § 1, 2000: Ord. 994 § 2.11, 1982).



XXX.

XXXI. 19.06.190 Lots abutting more restrictive districts.

Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards on the less restrictive district shall be modified for a distance of not more than one hundred (100) feet from the district boundary line so as to equal the average of the street yards required in both districts.
(Ord. 994 § 2.12, 1982).

XXXII.

19.06.200 Animal raising.

The raising of animals shall be permitted in any zoning district in compliance with Title 9 of this code.
(Ord. 994 § 2.13, 1982).

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XXXIII. 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).

XXXIV.

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).

XXXV.

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).

XXXVI. 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."
4. "Adult cabaret" means a nightclub, dance hall, bar, restaurant, or similar commercial establishment that regularly features:
    a. Persons who appear in a state of nudity or semi-nudity; or
    b. Live performances that are characterized by sexual activities; or
    c. Films, motion pictures, videocassettes, slides, or other photographic or computer reproductions or depictions that are characterized by the depiction or description of sexual activities or nudity.
5. "Adult entertainment" means any exhibition of any motion pictures, live performance, display or dance of any type, wherein a significant or substantial portion of such performance is distinguished or characterized by an emphasis on any actual or simulated performance of specified sexual activities, the exhibition and viewing of specified anatomical areas, or the removal of articles of clothing to reveal specified anatomical areas.
6. "Adult mini-motion picture theater" means an enclosed building with a capacity for less than fifty customers, including establishments that have coin-operated video or motion picture booths, used for presenting material distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein for observation by customers therein.
7. "Adult motel" means a hotel, motel, or similar commercial establishment which:
    a. Offers accommodations to the public for any form of consideration; provides customers with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
    b. Offers a sleeping room for rent for a period of time that is less than ten hours; or
    c. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.
8. "Adult motion picture theater" means an enclosed building with a capacity of fifty or more persons at which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by customers therein.
9. "Adult motion picture theater (outdoor)" means a parcel of land from which individuals may view a motion picture presented out of doors which presents material distinguished or

characterized by an emphasis on matter depicting, describing, or relating to specified sexual activity or specified anatomical areas for observation by customers.

10. "Adult novelty shop" means an establishment or business having as a substantial or significant portion of its stock and trade in novelty or similar items which are distinguished or characterized by their emphasis on specified sexual activities or specified anatomical areas or for simulation of the foregoing.
11. "Miscellaneous adult-oriented establishment" means an establishment which includes, but is not limited to, adult bookstores, adult motion picture theaters, outdoor adult motion picture theaters, adult mini-motion theaters, adult theaters, adult bath houses, adult body painting studios, adult motels, adult novelty shops or adult cabarets, sexual encounter centers, escort agencies, establishments featuring live sexually explicit performances, and any premises to which public customers or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common area of the premises for the purposes of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a customer or a member, whether or not such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect. An adult-oriented establishment further includes, without being limited to, any adult entertainment studio or any premises that is physically arranged and used as such whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

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

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

(Ord. 1614A § 1, 2006).

XXXVII.

19.09.030 Alley.

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

(Ord. 994 § 12.0(part), 1982).

XXXVIII. 19.09.035 Alternative support structure.

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

(Ord. 1499 § 3(part), 2001).

XXXIX.

19.09.040 Apartment-style building.

"Apartment-style building" means a building containing three (3) or more attached dwelling units with a majority of the units having primary access from a common entranceway or hallway. Units may be attached either vertically or horizontally.

(Ord. 994 § 12.0(part), 1982).

XL.

19.09.050 Arterial street.

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

XLI. (Ord. 994 § 12.0(part), 1982).19.09.055 Base flood.

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

XLII.

19.09.060 Basement.

"Basement" means that portion of any structure located partly below the average lot grade, which if occupied for living purposes shall be counted as a story for purpose of height measurement.
(Ord. 994 § 12.0(part), 1982).

XLIII.

19.09.063 Bed and breakfast establishment.

"Bed and breakfast establishment" means a place of temporary lodging that provides eight or fewer sleeping rooms for paying lodgers, allows a maximum individual lodger stay of one month, provides meals only to paying lodgers, also serves as the principal residence for the operator/owner (who shall live on the premises at all times when the establishment is active), and meets all requirements of DHS 197 of the Wisconsin Administrative Code. Does not include "tourist homes," "lodginghouses," or "group lodging houses" defined elsewhere in this chapter.
(Ord. 1580A § 1(part), 2005).

XLIV. 19.09.064 Bedroom

For the purpose of defining the number of occupiable bedrooms in a residential unit, a "bedroom" shall:

a. Meet all applicable building codes.
b. Be at least 100 net square feet for a 1-person bedroom or 125 net square feet for a two-person bedroom.
c. Contain a closet not included in the net square feet.
d. When added as part of a new remodeling or addition, be consistent with the function and appearance of the interior of the residential unit.

XLV.

19.09.065 Block.

A "block" means a unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.
(Ord. 1511 § 1(part), 2002).

XLVI.

19.09.070 Building.

"Building" means any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials.
(Ord. 994 § 12.0(part), 1982).

XLVII.

19.09.080 Building, accessory.

"Accessory building" means a building or portion of building used for a purpose customarily incident to the permitted principal use of the lot, and located on the same lot as the principal use.
(Ord. 994 § 12.0(part), 1982).

XLVIII.

19.09.090 Building area.

"Building area" means the total living area bounded by the exterior walls of a building at the floor levels, but not including basement, garages, porches, breezeways and unfinished attics.
(Ord. 994 § 12.0(part), 1982).

XLIX. 19.09.100 Building height.

"Building height" means the vertical distance measured from the main elevation of the finished lot grade along the street yard face of the structure to the mid-point between the eave and highest point of the roof, not including ornamental features or architectural projections.
(Ord. 994 § 12.0(part), 1982).

L. 19.09.110 Building, principal.

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

LI. 19.09.113 Building scale.

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

LII. 19.09.114 Bulkhead line.

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

LIII. 19.09.115 Campground.

"Campground" means any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four (4) or more camping units, or which is advertised or represented as a camping area.
(Ord. 1600 § 1(part), 2006).

LIV. 19.09.116 Camping unit.

"Camping unit" means any portable device, no more than four hundred (400) square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent, or other mobile recreational vehicle.
(Ord. 1600 § 1(part), 2006).

LV. 19.09.117 Certificate of compliance.

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

LVI. 19.09.120 Classes of notice.

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

LVII. 19.09.125 Channel.

"Channel" means the floodlands normally occupied by a stream of water under average annual high-water flow conditions while confined within general well-established banks.
(Ord. 1060 § 10(part), 1985).

LVIII.

19.09.128 Co-location.

"Co-location" means the clustering of multiple antennas, dishes or similar telecommunications facilities or devices operated by different service providers but located on a single, freestanding wireless telecommunications facility or alternative support structure.
(Ord. 1499 § 3(part), 2001).

LIX.

19.09.130 Commercial use.

"Commercial use" means and refers to activity carried out for pecuniary gain.
(Ord. 994 § 12.0(part), 1982).

LX.

19.09.140 Commonly owned open space.

"Commonly owned open space" means publicly or privately owned undeveloped open space intended for aesthetic, recreational or other conservation purpose, to be used by the owners or residents of a particular development or the public in general.
(Ord. 994 § 12.0(part), 1982).

LXI. 19.09.150 Community living arrangements.

"Community living arrangements" means a group lodging facility licensed or operated or permitted under the authority of the Wisconsin Department of Health Services (see Section 46.03(22), Wisconsin Statutes) where three or more unrelated persons reside, and in which care, treatment or services above the level of room and board but less than skilled nursing care is provided to persons residing in the facility. Such care, treatment or services are provided as a major function of the facility. Child care facilities, nursing homes, hospitals, prisons, jails, foster family homes which are the primary domiciles of a foster parent and four or fewer children are not "community living arrangements" for purposes of this title.
(Ord. 994 § 12.0(part), 1982).

LXII.

19.09.155 Comprehensive (master) plan.

"Comprehensive (master) plan" means the plan for the physical development of the city, also called a master plan or comprehensive plan, adopted by the city pursuant to Wisconsin Statutes, Sections 62.23 and/or 66.1001, including proposals for future land use, transportation, urban redevelopment and public facilities.
(Ord. 1511 § 1(part), 2002).

LXIII.

19.09.160 Conditional uses.

"Conditional uses" means uses of a special nature as to make impractical their complete predetermination as a use in a district.
(Ord. 994 § 12.0(part), 1982).

LXIV.

19.09.171 Crawlways or crawlspace.

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

LXV.

19.09.173 Day care center, adult.

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

LXVI. 19.09.177 Day care center, child.

"Day care center, child" means a state licensed facility where a person or persons, other than a relative or legal guardian, provides paid care and supervision for four or more children under seven years of age, for less than twenty-four hours a day.

(Ord. 1452 § 3(part), 2000).

LXVII. 19.09.178 Deck.

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

LXVIII. 19.09.180 Development.

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

LXIX. 19.09.185 District, basic.

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

LXX. 19.09.190 Drive-in establishment.

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

LXXI. 19.09.191 Driveway

An improved access which is used primarily to connect off-street parking spaces to the public right-of-way. All areas intended to be utilized as driveways and parking areas shall be surfaced with asphalt or concrete to control dust and drainage. The use of bricks, gravel or pavers will require a permit. Plans for surfacing and drainage of driveways shall be submitted to the City for review and approval.

LXXII. 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).

LXXIII. 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).

LXXIV. 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).

LXXV.

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).

LXXVI.

19.09.230 Dwelling, multiple-family.

"Multiple-family dwelling" means a dwelling having three (3) or more attached dwelling units, and includes both apartment and townhouse-style buildings.
(Ord. 994 § 12.0(part), 1982).

LXXVII.

19.09.240 Dwelling, single-family.

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

LXXVIII.

19.09.250 Dwelling, two-family or Duplex.

"Two-family dwelling" or "Duplex" means a dwelling having two (2) attached dwelling units.
(Ord. 994 § 12.0(part), 1982).

LXXIX. 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 are within the dwelling unit if they are within the same contiguous area. Kitchen quarters in a dwelling must be designed and outfitted to have, at a minimum, a refrigerator, stove and range, kitchen sink and cabinet facilities.
(Ord. 994 § 12.0(part), 1982).

LXXX.

19.09.270 Dwelling unit, efficiency.

"Efficiency dwelling unit" means a dwelling unit within a dwelling that has two or more attached units and having not more than one habitable room in addition to kitchen and sanitary facilities.
(Ord. 994 § 12.0(part), 1982).

LXXXI.

19.09.275 Encroachment.

"Encroachment" means any fill, structure, equipment, building, use or development in the floodway.
(Ord. 1600 § 1(part), 2006).

LXXXII. 19.09.280 Essential services.

"Essential services" means services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, television, steam, water, sanitary sewerage, stormwater drainage, and conventional, non-wireless telephonic communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catchbasins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings, wireless telecommunications facilities, or wireless telecommunications support facilities.
(Ord. 1499 § 2, 2001: Ord. 994 § 12.0(part), 1982).

LXXXIII.

19.09.285 Existing manufactured home park or subdivision.

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

(Ord. 1600 § 1(part), 2006).

LXXXIV.

19.09.286 Expansion to existing mobile/manufactured home park.

"Expansion to existing mobile/manufactured home park" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
(Ord. 1600 § 1(part), 2006).

LXXXV.

19.09.290 Family.

"Family" means an individual or a group of two or more individuals who are related by blood, marriage, adoption, domestic partnership, or civil union, (limited to immediate family members, grandparents, aunts, uncles, nieces, nephews, and first cousins) together with not more than two additional persons not so related (with the exception of the R-O overlay district), living as a single household in a dwelling unit. (For the purposes of this title, "family" includes "non-family households.")
(Ord. 994 § 12.0(part), 1982).

LXXXVI.

19.09.295 Federal Emergency Management Agency.

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

LXXXVII.

19.09.296 Flood frequency.

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

LXXXVIII.

19.09.300 First floor.

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

LXXXIX.

19.09.305 Flood.

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

XC.

19.09.306 Flood Insurance Rate Map.

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

XCI.

19.09.307 Flood Insurance Study.

"Flood Insurance Study" means a technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected

by the regional flood, provides both flood insurance rate zones and base flood elevations, and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program (NFIP).
(Ord. 1600 § 1(part), 2006).

XCII.

19.09.310 Flood Hazard Boundary Map.

"Flood Hazard Boundary Map" means a map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
(Ord. 1600 § 1(part), 2006: Ord. 994 § 12.0(part), 1982).

XCIII.

19.09.312 Flood profile.

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

XCIV.

19.09.314 Flood protection elevation.

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

XCV. 19.09.315 Floodplain.

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

XCVI. 19.09.316 Flood stage.

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

XCVII.

19.09.318 Floodlands.

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

XCVIII. 19.09.320 Floodfringe.

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

XCIX.

19.09.321 Floodplain island.

"Floodplain island" means a natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

(Ord. 1600 § 1(part), 2006).

C.

19.09.322 Floodproofing.

"Floodproofing" means measures designed to prevent and reduce flood damage for those uses which cannot be removed from, or which, of necessity, must be erected in the floodplain, ranging from structural modifications through installation of special equipment or materials to operation and management safeguards, such as the following: reinforcing of basement walls; underpinning of floors; permanent sealing of all exterior openings; use of masonry construction; erection of permanent watertight bulkheads, shutters and doors; treatment of exposed timbers; elevation of flood-vulnerable utilities; use of waterproof cement; adequate fuse protection; sealing of basement walls; installation of sump pumps; placement of automatic swing check valves; installation of sealtight windows and doors; installation of wire-reinforced glass; location and elevation of valuable items; waterproofing, disconnecting, elevation or removal of all electric equipment; avoidance of the use of flood-vulnerable areas; temporary removal or waterproofing of merchandise; operation of emergency pump equipment; closing of backwater sewer valves; placement of plugs and flood drain pipes; placement of movable watertight bulkheads; and the shoring of weak walls or structures. Floodproofing of structures shall be extended at least to a point two feet above the elevation of the regional flood. Any structure that is located entirely or partially below the flood protection elevation shall be anchored to protect it from larger floods.
(Ord. 1060 § 10(part), 1985).

CI.

19.09.323 Floodplain management.

"Floodplain management" means policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
(Ord. 1600 § 1(part), 2006).

CII. 19.09.324 Floodway.

"Floodway" means a designated portion of the one-hundred-year recurrence interval flood that will safely convey the regulatory flood discharge into small, acceptable upstream and downstream increases, limited in Wisconsin to 0.01 foot unless special legal measures are provided. The floodway, which includes the channel, is that portion of the floodplain needed to convey the regional flood discharges and is not suited for human habitation. All fill, structures and other development that would impair floodwater conveyance by adversely increasing flood stages or velocities or would itself be subject to flood damage should be prohibited in the floodway.
(Ord. 1196 § 1(part), 1990).

CIII.

19.09.326 Flood storage.

"Flood storage" means those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
(Ord. 1600 § 1(part), 2006).

CIV.

19.09.330 Fraternity or sorority house.

"Fraternity or sorority house" means a building containing sleeping rooms, bathrooms, common rooms and a central kitchen and dining room maintained exclusively for fraternity or sorority members and their guests or visitors and affiliated with an institution of higher learning.
(Ord. 1668A § 1, 2007: Ord. 994 § 12.0(part), 1982).

CV.

19.09.333 Freeboard.

"Freeboard" means a safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater

than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
(Ord. 1600 § 1(part), 2006).

CVI.

19.09.335 Freestanding wireless telecommunications facility.

"Freestanding wireless telecommunications facility" means a self-supporting telecommunications tower or other self-supporting wireless telecommunications facility that is not mounted, or otherwise attached to, an alternative support structure. A tower using guy wires shall be considered a freestanding wireless telecommunications facility.
(Ord. 1499 § 3(part), 2001).

CVII.

19.09.340 Garage, private.

"Private garage" means a structure primarily intended for and used for the enclosed storage or shelter of the private motor vehicles of the families resident upon the premises. Carports shall be considered garages within this definition.
(Ord. 994 § 12.0(part), 1982).

CVIII. 19.09.350 Garage, public or commercial.

"Public or commercial garage" means any garage not falling within the definition of a "private garage" as established in this chapter.
(Ord. 994 § 12.0(part), 1982).

CIX. 19.09.360 Group lodging facilities.

"Group lodging facilities" means buildings or parts of buildings designed, occupied or intended to be occupied as living quarters on a basis other than described in this ordinance under the defined terms: dwelling, dwelling unit, hotel or motel.
(Ord. 994 § 12.0(part), 1982).

CX.

19.09.370 Group lodging house.

"Group lodging house" means a group lodging facility containing several lodging rooms without kitchen facilities that are offered for rent or comparable compensation on a monthly or longer basis. Meals or access to common meal preparation facilities may be offered as part of the service to occupants. Facilities commonly known as dormitories are group lodging houses for purposes of this title.
(Ord. 994 § 12.0(part), 1982).

CXI.

19.09.375 Habitable structure.

"Habitable structure" means any structure or portion thereof used or designed for human habitation.
(Ord. 1600 § 1(part), 2006).

CXII.

19.09.376 Hearing notice.

"Hearing notice" means a publication or posting meeting the requirements of Chapter 985, Statutes. For appeals, a Class 1 notice, published once at least one week (seven days) before the hearing, is required. For all zoning ordinance text and map amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (seven days) before the hearing, is required.
(Ord. 1600 § 1(part), 2006).

CXIII.

19.09.377 High flood damage potential.

"High flood damage potential" means damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

(Ord. 1600 § 1(part), 2006).

CXIV.

19.09.380 Historic landmark.

"Historic landmark" means any building or structure which has a special historic, architectural or cultural interest, significance or value as part of the heritage, development or cultural characteristics of the city, state or nation and which has been designated as a landmark under this title.

(Ord. 994 § 12.0(part), 1982).

CXV.

19.09.385 Historic structure.

For the purposes of the floodplain regulations in this title, "historic structure" means any structure that is either: listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register, certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior, or by the Secretary of the Interior in states without approved programs.

(Ord. 1600 § 1(part), 2006).

CXVI.

19.09.390 Household occupation or home occupation.

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

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

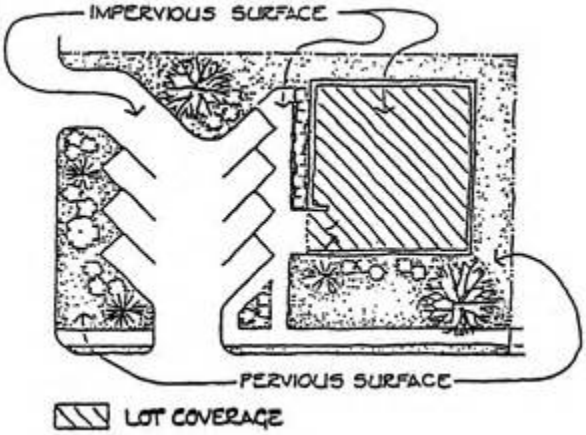
(Ord. 1605A § 1, 2006: Ord. 994 § 12.0(part), 1982).

CXVII.

19.09.395 Impervious Surface.

"Impervious Surface" is a surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water and increases both the amount and rate of

stormwater runoff. This includes but is not limited to streets, driveways, roofs, awnings, sidewalks, parking lots, patios, sheds, compacted aggregate and similar surfaces.



CXVIII.

CXIX. 19.09.400 Incidental repairs.

"Incidental repairs" are not considered structural repairs, modifications, or additions; incidental repairs include internal and external painting, decoration, paneling, and the replacement of doors, windows, and other nonstructural components.

(Ord. 994 § 12.0(part), 1982).

CXX.

19.09.401 Increase in regional flood height.

"Increase in regional flood height" means a calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

(Ord. 1600 § 1(part), 2006).

CXXI.

19.09.403 Land use.

For the purposes of the floodplain regulations in this title, "land use" means any nonstructural use made of unimproved or improved real estate.

(Ord. 1600 § 1(part), 2006: Ord. 1452 § 3(part), 2000).

CXXII. 19.09.405 Letter of Map Change (LOMC).

"Letter of Map Change" or "LOMC" means official notification from the Federal Emergency Management Agency (FEMA) that a Flood Hazard Boundary Map or Flood Insurance Rate Map has been amended.

(Ord. 1600 § 1(part), 2006: Ord. 1060 § 10(part), 1985).

CXXIII.

19.09.410 Living rooms.

"Living rooms" means all rooms within a dwelling except closets, foyers, storage areas, utility rooms and bathrooms.

(Ord. 994 § 12.0(part), 1982).

CXXIV. 19.09.420 Loading area.

"Loading area" means a completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

(Ord. 994 § 12.0(part), 1982).

CXXV.

CXXVI. 19.09.430 Lodginghouse.

"Lodginghouse" means a building other than a hotel, restaurant or a dormitory where lodging is regularly furnished by prearrangement for a definite period for compensation for six (6) or more persons not members of a family, but not exceeding twelve (12) persons and not open to

transient customers. A lodginghouse shall maintain a minimum green space area of three hundred fifty (350) square feet per allowed occupant.
(Ord. 1364 § 4, 1997: Ord. 994 § 12.0(part), 1982).

CXXVII.

19.09.440 Lodging rooms.

"Lodging rooms" means rooms within group lodging facilities that are rented as sleeping and living quarters, or spaces within a suite of rooms in a group lodging facility that provide sleeping accommodations. For purposes of this title any lodging room that is designed or intended to be occupied by one (1) or two (2) persons shall be counted as one lodging room.
(Ord. 994 § 12.0(part), 1982).

CXXVIII.

19.09.450 Lot.

"Lot" means a single parcel of contiguous land abutting and having frontage on a public street, being a part of a platted recorded subdivision, or recorded Certified Survey Map (CSM), or a parcel of land for which the deed is recorded with the respective county register of deeds occupied or intended to be occupied by a principal structure or principal group of structures or use and sufficient in size to meet the lot width, lot frontage, lot area, yard parking area, and other open space provisions of this title.

CXXIX. 19.09.451 Lot, Corner

"Corner Lot" means a lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the side lot lines to the foremost point of the lot (or an extension of the lot where it has been rounded by a street radius) meet at an interior angle of less than 135 degrees.

CXXX. 19.09.452 Lot coverage.

"Lot coverage" is the total buildable area that can be occupied by principal and accessory structures. Parking area, driveways, sidewalks and similar at-grade structures shall not be included when figuring lot coverage.
(Ord. 994 § 12.0(part), 1982).

CXXXI. 19.09.453 Lot, Through

"Through Lot" means a lot that abuts on a street at the front of the lot and abuts on a street at the rear of the lot. A Conditional Use Permit (CUP) is required for fencing and accessory structures in the rear lot of through lots.

CXXXII. 19.09.455 Lot width.

"Lot width" means the horizontal distance between side lot lines as measured at the minimum front yard setback required in the zoning district in which the lot is located or through a recorded final plat or certified survey map.
(Ord. 1511 § 1(part), 2002).

CXXXIII. 19.09.457 Major subdivision.

"Major subdivision" means the division of a lot or parcel, or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where a single act of division creates five or more parcels or building sites, each less than five (5) acres in size; or an act of division results in the creation of five (5) or more parcels or building sites by successive divisions within a period of five (5) years, where at least five (5) of the parcels or sites are less than one (1) and one-half (1.5) acres in size in the M-I general manufacturing district, or less than five (5) acres in size in all other zoning districts.
(Ord. 1600 § 1(part), 2006: Ord. 1580A § 1(part), 2005).

CXXXIV.

19.09.458 Manufactured home.

"Manufactured home" means a type of single-family dwelling as defined in Wisconsin Statutes, Section 101.91(2), fabricated in an off-site manufacturing facility for installation or assembly at the building site, and bearing a Department of Housing and Urban Development (HUD) label or insignia certifying that it was built in compliance with the Federal Manufactured Home Construction and Safety Standards under 42 U.S.C. Chapter 70 Sections 5401 to 5426. For the purposes of the floodplain regulations in this title only, the term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
(Ord. 1600 § 1(part), 2006: Ord. 1511 § 1(part), 2002).

CXXXV.

CXXXVI.

CXXXVII. 19.09.470 Minor structures.

"Minor structures" are small structures, less than 6’ in height and less than 100 square feet in area (such as doghouses, birdhouses, small storage sheds, play structures, mailboxes, or similar structures) and are either permanently affixed to a foundation or portable.
(Ord. 994 § 12.0(part), 1982).

CXXXVIII. 19.09.475 Minor subdivision.

“Minor subdivision” is a division of land into four (4) or fewer parcels, each of which is less than 5 acres in size (this is customarily accomplished by certified survey map).

CXXXIX.19.09.480 Mobile home.

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

CXL.

19.09.490 Mobile home park.

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

CXLI. 19.09.495 Mobile recreational vehicle.

"Mobile recreational vehicle" means a vehicle which is built on a single chassis; is four (400) hundred square feet or less when measured at the largest horizontal projection; is designed to be self-propelled; is carried or permanently towable by a licensed, light-duty vehicle; is licensed for highway use if registration is required; and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of a "mobile recreational vehicle." Also referred to as "Recreational Vehicle" or "RV."
(Ord. 1600 § 1(part), 2006).

CXLII.

19.09.500 Modular home.

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

CXLIII.

19.09.501 Motor vehicles.

"Motor vehicle" means a vehicle, including a combination of two or more vehicles or an articulated vehicle, which is self-propelled, except a vehicle operated exclusively on a rail.

"Motor vehicle" includes, without limitation, a commercial motor vehicle or a vehicle which is propelled by electric power obtained from overhead trolley wires but not operated on rails. A snowmobile and an all-terrain vehicle shall only be considered motor vehicles for purposes made specifically applicable by ordinance.
(Ord. 1364 § 5, 1997).

CXLIV.

19.09.502 Municipality or municipal.

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

CXLV.

19.09.504 National geodetic vertical datum.

"National Geodetic Vertical Datum" or NGVD means elevations referenced to mean sea level datum, 1929 adjustment.
(Ord. 1600 § 1(part), 2006).

CXLVI.

19.09.505 Navigable water.

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

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

CXLVII. 19.09.507 Neighborhood development plan.

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

CXLVIII. 19.09.508 New construction.

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

CXLIX.

19.09.510 Nonconforming structure.

A "nonconforming structure" means a structure, or portion thereof, that was legally established prior to the effective date of this title, or subsequent amendments thereto, which does not

conform with one or more of the dimensional requirements applicable within the zoning district in which the structure is located.
(Ord. 1600 § 1(part), 2006: Ord. 994 § 12.0(part), 1982).

CL.

19.09.511 Nonconforming use.

A "nonconforming use" means an active and actual use of land, structure, or both that was legally established prior to the effective date of this title, or subsequent amendments thereto, which has continued the same use to the present, and which does not conform to the use regulations applicable within the zoning district in which the use is located. Also referred to as "nonconforming land use."
(Ord. 1600 § 1(part), 2006).

CLI.

19.09.520 Non-family household.

"Non-family household" means a group of individuals who do not constitute a family under the terms of this title and who live as a single household in a dwelling unit. This definition is intended to facilitate application of regulations that ensure the right of quiet enjoyment of each property owner, or resident of their home. The constant or consistent presence of visitors to a particular residence can constitute the equivalent of additional persons living there, for land use purposes, regardless if they are listed as residents on a lease or deed, if the "quiet enjoyment" of others' property rights is affected. For the purposes of this section, actions that affect quiet enjoyment shall include actions by occupants or visitors which unreasonably disturb other property owners' or occupants' enjoyment of their premises.
(Ord. 994 § 12.0(part), 1982).
(Ord. No. 1689A, 6-17-2008; Ord. No. 1694A, 8-5-2008)

CLII.

19.09.521 Obstruction to flow.

"Obstruction to flow" means any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
(Ord. 1600 § 1(part), 2006).

CLIII. 19.09.522 Official floodplain zoning map.

"Official floodplain zoning map" means that map, adopted and made part of this title, as described in Section 19.46.010(E)(2), which has been approved by the Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA).
(Ord. 1600 § 1(part), 2006).

CLIV.

19.09.524 Open space use.

"Open space use" means those land uses having a relatively low flood damage potential, and not involving structures when in a floodplain.
(Ord. 1600 § 1(part), 2006).

CLV. 19.09.525 Ordinary high water mark.

"Ordinary high water mark" means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.
(Ord. 1196 § 1(part), 1990).

CLVI.

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).

CLVII. 19.09.528 Overlay Permission Area Map

A "overlay permission area map" depicting the boundary lines within which applications are allowed for changing the zoning district designation to that of a specific overlay zone (with the exception of the R-O overlay district)

CLVIII. 19.09.529 Overlay Zoning District

An "overlay zoning district" is 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 are limited by boundaries as depicted in an Overlay Permission Area Map (with the exception of the R-O overlay which is applicable anywhere within the City). The procedures for changing and amending a property to overlay zoning status are described in section 19.69 and in each of the overlay districts.

CLIX.

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).

CLX.

19.09.540 Parking space or parking stall.

"Parking space" or "parking stall" means a graded and paved 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 19.51.010. All areas intended to be utilized as motor vehicle parking areas and motor vehicle driveways shall be surfaced with asphalt or concrete to control dust and drainage. The use of bricks, gravel or pavers will require a permit. Plans for surfacing and drainage of stalls and driveways shall be submitted to the City for review and approval.
(Ord. 994 § 12.0(part), 1982).

CLXI.

19.09.550 Parties of interest.

"Parties of interest" includes all abutting property owners, all property owners within three hundred (300) 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).

CLXII.

19.09.555 Person.

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

CLXIII.

19.09.560 Planting screen.

"Planting screen" means an arrangement of living vegetation reaching an anticipated height of four feet or more, which may or may not be accompanied by materials used to construct fences and the like, which is intended to provide a reasonable separation of vision between abutting lots or the lot and the street line.
(Ord. 994 § 12.0(part), 1982).

CLXIV.

19.09.570 Principal use or structure.

"Principal use or structure" means a use or structure specified as a principal use under the district regulations of this title; such uses or structures must occur or be built prior to or concurrently with any accessory uses or structures.
(Ord. 994 § 12.0(part), 1982).

CLXV.

19.09.580 Private club or lodge.

"Private club or lodge" means a structure or grounds used for regular or periodic meetings or gatherings of a group of persons organized for a nonprofit purpose, but not groups organized to render a service customarily carried on as a business.
(Ord. 994 § 12.0(part), 1982).

CLXVI.

19.09.585 Private sewage system.

"Private sewage system" or “Private onsite waste treatment system (POWTS)” means a sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure. Also referred to as "septic system".
(Ord. 1600 § 1(part), 2006).

CLXVII. 19.09.590 Professional home offices.

"Professional home offices" means residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, real estate and insurance offices, registered land surveyors, lawyers, artists, teachers, authors, musicians or other recognized professions, used to conduct their professions, where the office does not exceed one-half of the area of only one floor of the residence and only one nonresident person is employed.
(Ord. 994 § 12.0(part), 1982).

CLXVIII. 19.09.600 Professional offices.

"Professional offices" means doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, real estate and insurance offices, registered land surveyors, lawyers, artists, teachers, authors, musicians or other recognized professions not able to meet professional home office requirements.
(Ord. 994 § 12.0(part), 1982).

CLXIX.

19.09.602 Public utilities.

"Public utilities" means those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer, and storm sewer.
(Ord. 1600 § 1(part), 2006).

CLXX.

19.09.604 Reach.

"Reach" means longitudinal segment of a stream, generally including those floodlands wherein flood stages are primarily and commonly controlled by the same manmade or natural obstructions to flow.
(Ord. 1060 § 10(part), 1985).

CLXXI.

19.09.605 Reasonably safe from flooding.

"Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
(Ord. 1600 § 1(part), 2006: Ord. 1580A § 1(part), 2005).

CLXXII.

19.09.608 Regional flood.

"Regional flood" means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics. The flood frequency of the regional flood is once in

every one hundred (100) years; this means that in any given year, there is a one percent chance that the regional flood may occur or be exceeded. During a typical thirty-year mortgage period, the regional flood has a twenty-six (26%) percent chance of occurrence.
(Ord. 1060 § 10(part), 1985).

CLXXIII. 19.09.609 Start of construction.

"Start of construction" means the date the building or zoning permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within six months of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured or mobile home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
(Ord. 1600 § 1(part), 2006).

CLXXIV. 19.09.610 Story.

"Story" means that portion of a building included between the surface of a floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having one-half or more of its height above grade shall be deemed a story for purposes of height regulation.
(Ord. 994 § 12.0(part), 1982).

CLXXV. 19.09.620 Public or semipublic uses.

For purposes of this title, the following uses shall be considered "public and semipublic uses": government office buildings, fire and police stations, public garages, libraries, museums, community centers, churches, cemeteries, public and private elementary and secondary schools, colleges and universities, and similar uses not specifically listed but similar in character.
(Ord. 994 § 12.0(part), 1982).

CLXXVI. 19.09.623 Shielded light fixture.

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

CLXXVII. 19.09.625 Shorelands.

"Shorelands" are those lands lying within the following distances from the ordinary high water mark of navigable waters: one thousand feet from a lake, pond or flowage; and three hundred (300) feet from a river or stream; or to the landward side of the floodplain, whichever distance is greater. Shorelands shall not include those lands adjacent to farm drainage ditches where

a. such lands are not adjacent to a navigable stream or river;
b. those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching or had no previous stream history; and
c. such lands are maintained in nonstructural agricultural use.

(Ord. 1196 § 1(part), 1990).

CLXXVIII.

19.09.630 Sign.

"Sign" means any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, pictures, symbols, trade names or trademarks by which anything is made known, and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product, located outside a structure or incorporated into the structure or in windows, and which are visible from any public street or highway.
(Ord. 994 § 12.0(part), 1982).

CLXXIX.

19.09.640 Sign, directional.

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

CLXXX. 19.09.650 Sign, nonaccessory.

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

CLXXXI.

19.09.660 Street.

"Street" means a public right-of-way not less than sixty (60) feet wide providing primary access to abutting properties. Existing streets with rights-of-way less than sixty feet shall also be included in this definition.
(Ord. 994 § 12.0(part), 1982).

CLXXXII.

19.09.670 Street line.

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

CLXXXIII.

19.09.680 Structural alterations.

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

CLXXXIV.

19.09.690 Structure.

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

CLXXXV.

19.09.700 Structure, accessory.

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

CLXXXVI.

19.09.710 Structure, permanent.

"Permanent structure" means a structure placed on or in the ground or attached to another structure in a fixed and determined position, and intended to remain in place for a period more than nine months.

(Ord. 994 § 12.0(part), 1982).

CLXXXVII. 19.09.720 Structure, principal.

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

CLXXXVIII. 19.09.730 Structure, temporary.

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

CLXXXIX. 19.09.732 Substantial damage.

"Substantial damage" means damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the equalized assessed value of the structure before the damage occurred.
(Ord. 1600 § 1(part), 2006).

CXC. 19.09.735 Substantial improvement.

"Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the present equalized assessed value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. The term does not, however, include either:

a. any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
b. any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places.

Ordinary maintenance repairs are not considered structural repairs, modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows and other nonstructural components.
(Ord. 1060 § 10(part), 1985).

CXCI. 19.09.740 Tourist home.

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

CXCII. 19.09.750 Townhouse.

"Townhouse" means a building having three or more attached dwelling units with each unit having separate primary ground level access to the outside, each unit having a first floor at ground level, and the units being attached by vertical common walls.
(Ord. 994 § 12.0(part), 1982).

CXCIII. 19.09.760 Townhouse dwelling units.

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

CXCIV. 19.09.770 Trailer camp.

"Trailer camp" means any tract or parcel of land upon which two or more trailers, camp cabins, house cars, or other mobile homes are located, or trailer or camp sites are provided for the purpose of either temporary or permanent habitation.

(Ord. 994 § 12.0(part), 1982).

CXCV.

19.09.775 Unnecessary hardship.

"Unnecessary hardship" is that circumstance where special conditions, which are not self-created, affect a particular property and make strict conformity with the restrictions governing dimensional standards (such as lot area, lot width, setbacks, yard requirements, or building height) unnecessarily burdensome or unreasonable in light of the purpose of the ordinance.
(Ord. 1196 § 1(part), 1990).

CXCVI.

19.09.780 Usable open space.

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

CXCVII.

19.09.790 Use, accessory.

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

CXCVIII.

19.09.800 Use, legal nonconforming.

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

CXCIX. 19.09.810 Use, permitted.

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

CC.

19.09.820 Use, principal.

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

CCI.

19.09.830 Utilities.

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

CCII.

19.09.833 Variance.

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

CCIII. 19.09.834 Vehicle.

"Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except railroad trains. A snowmobile or an all terrain vehicle (ATV) shall not be considered a vehicle except for purposes made specifically applicable by ordinance.

(Ord. 1364 § 6, 1997).

CCIV.

19.09.835 Violation.

With respect to the floodplain regulations of this chapter, "violation" means the failure of a structure or other development to be fully compliant with the floodplain zoning provisions of this title. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

(Ord. 1600 § 1(part), 2006).

CCV.

19.09.836 Watershed.

"Watershed" means the entire region contributing runoff or surface water to a watercourse or body of water.

(Ord. 1600 § 1(part), 2006: Ord. 1196 § 1(part), 1990).

CCVI.

19.09.837 Water surface profile.

"Water surface profile" means a graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

(Ord. 1600 § 1(part), 2006: Ord. 1499 § 3(part), 2001).

CCVII.

19.09.838 Well.

"Well" means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

(Ord. 1600 § 1(part), 2006: Ord. 1499 § 3(part), 2001).

CCVIII.

19.09.839 Wetland.

"Wetland" means an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

(Ord. 1600 § 1(part), 2006).

CCIX.

19.09.840 Wireless telecommunications facility.

"Wireless telecommunications facility" means a facility that consists of or includes one or more antennas, antenna arrays, telecommunications towers, microwave relay systems, satellite dish antennas of at least thirty-six (36) inches in diameter, or other similar communications devices used for transmitting, receiving, or relaying radio, microwave, digital, cellular, or other wireless telecommunications signals. For the purposes of this title, wireless telecommunications facilities shall not include conventional, non-wireless telephone poles (unless also serving as an alternative support structure), residential satellite dishes less than thirty-six (36) inches in diameter, residential television antennas, and amateur radio facilities.

(Ord. 1600 § 1(part), 2006: Ord. 994 § 12.0(part), 1982).

CCX. 19.09.841 Wireless telecommunications support facility.

"Wireless telecommunications support facility" means any and all ancillary structures, mechanicals, shelters, devices, or equipment, other than attached antennas, that are incidental or accessory to the operation of a wireless telecommunications facility.

(Ord. 1600 § 1(part), 2006).

CCXI.

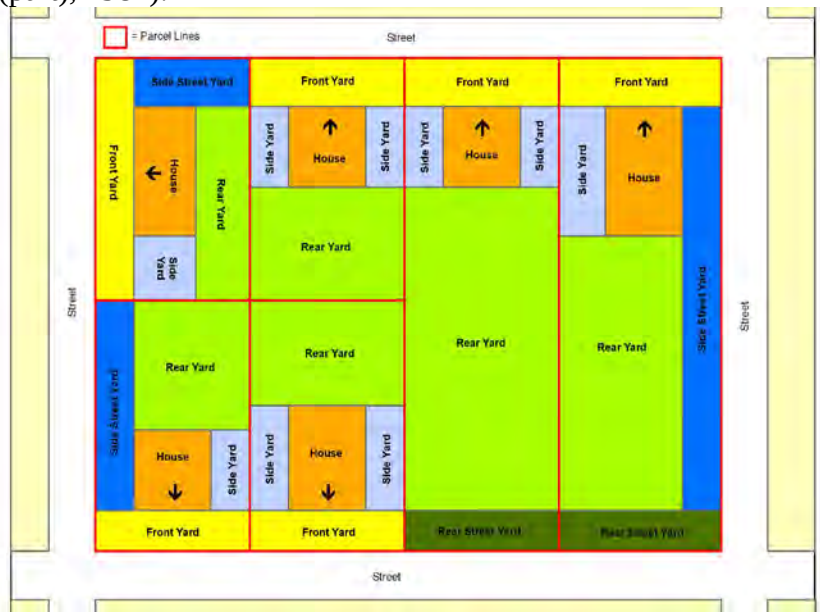
19.09.845 Yard.

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

CCXII.

19.09.850 Yard, rear.

"Rear yard" means a yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure, subject to the following (a) as to Corner Lots, the Rear Yard shall exclude the portion of the lot constituting the side street yard; and (b) as to Through Lots, use of the structures otherwise permitted in a Rear Yard shall be restricted to that portion of the Rear Yard lying between the rear of the principal structure and the rear street yard.
(Ord. 994 § 12.0(part), 1982).



CCXIII.

19.09.860 Yard, shore.

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

CCXIV.

19.09.870 Yard, side.

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

CCXV. 19.09.880 Yard, Rear Street

“Rear Street Yard” means a yard extending the full width of the lot on Through Lots, the depth of which shall be the minimum horizontal distance between the line of the street abutting the rear of the lot and a line drawn parallel thereto at a horizontal distance equal to the minimum required street yard set back for the district in which such lot is located.

CCXVI.

CCXVII. 19.09.881 Yard, Street (Front Yard).

"Street Yard" or "Front Yard" means a yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway abutting the front of the lot and a line parallel through the nearest point of the front of the principal structure. Corner Lots shall have two (2) Street Yards, a Front Street Yard and a Side Street Yard. Through Lots shall have a front Street Yard and a Rear Street Yard. (Ord. 994 § 12.0(part), 1982).

Chapter 19.12 ZONING DISTRICTS

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CCXVIII.

19.12.010 Districts--Established.

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

R-1	One-family residence district
R-1x	One-family residence district
R-2	One and two-family residence district
R-2A	Residential occupancy overlay district
R-3	Multifamily residence district
R-3A	University residential density overlay district
R-4	Mobile home district
R-O	Non-Family Residential Restriction Overlay District
B-1	General business district
B-1A	University mixed-use neighborhood overlay district
B-2	Central business district
B-2A	Downtown housing overlay district
B-3	Commercial service and light manufacturing district
M-1	General manufacturing district
M-2	Manufacturing and miscellaneous use district
WUTP	Whitewater University Technology Park District
PD	Planned 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.

(Ord. 1196 § 1(part), 1990).

CCXIX.

19.12.020 Districts--Boundaries.

A. Boundaries of all districts shall be as shown on the map entitled "Zoning Map, City of Whitewater, Wisconsin," which accompanies and is a part of the ordinance codified in this title. The district boundaries in all districts, except the C-1 shoreland wetland district, the C-2 nonshoreland wetland district, FW floodway district, the FWW floodway/wetland district, and the FFO floodplain fringe overlay district, shall be construed to follow: corporate limits; U.S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, easements, and railroad rights-of-way or such lines extended.

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

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

CCXX.

19.12.030 Vacation of streets and alleys.

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

CCXXI.

19.12.040 Annexations and consolidations.

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

B. Annexations containing floodlands and shorelands shall be governed in the following manner:
   1. Annexations containing floodlands shall be governed by the provisions of the Walworth County floodplain zoning ordinance until such time that the Wisconsin Department of Natural Resources (DNR) certifies that amendments to the City of Whitewater zoning ordinance meet the requirements of Chapter NR 116 of the Wisconsin Administrative Code.
   2. Annexations containing shorelands. Pursuant to Section 59.692 of the Wisconsin Statutes, any annexation of land after May 7, 1982, which lies within shorelands, as defined in this title, shall be governed by the provisions of the Walworth County

shoreland zoning ordinance until such time that the City of Whitewater adopts an ordinance which is at least as restrictive as the Walworth County shoreland zoning ordinance. Said regulations shall be administered and enforced by the City of Whitewater building inspector.

(Ord. 1196 § 1(part), 1990).

CCXXII.

19.12.050 Zoning map.

A certified copy of the zoning map shall be adopted and approved with the text as part of this title, and shall bear upon its face the attestation of the city manager and city clerk and shall be available to the public in the office of the city clerk. Changes thereafter to the districts shall be entered and attested on this certified copy.

(Ord. 994 § 3.5, 1982).

Chapter 19.15 R-1 ONE-FAMILY RESIDENCE DISTRICT

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CCXXIII. 19.15.010 Purpose.

The R-1 one-family residence district is established to stabilize and protect the essential characteristics of low-density residential areas.

(Ord. 994 § 3.6(part), 1982).

CCXXIV. 19.15.020 Permitted uses.

Permitted uses in the R-1 district include:

A. One-family detached 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

C. Home occupations/professional home offices for non-retail goods and services (defined in this district as businesses that do not require customer access).

D. A non-family household in R-1 shall be limited to three (3) unrelated persons unless otherwise modified by an overlay district.

(Ord. 1499 § 4, 2001; 1149 § 1, 1988; Ord. 994 § 3.6(A), 1982).

CCXXV. 19.15.030 Conditional uses.

Conditional uses in the R-1 district include:

A. Public and semipublic uses, to include public and private schools; churches and religious institutions; government facilities; active recreational parks; museums, hospitals, public transportation terminals, and similar uses;

B. Planned residential developments such as townhouses, condominiums and cluster housing. In order to allow increasing the intensity of use, the plan commission may allow as a conditional use the following variations from the district requirements:

1. In an approved planned residential development, each dwelling structure need not have an individual lot or parcel having the requisite size and dimensions normally required in the districts. However, the size and the entire development parcel divided by the number of dwellings shall be equal to or larger than the minimum lot area for the district where the site is located,

2. The yard requirements between buildings shall be fixed by the plan commission. Building setbacks from the perimeter of the site shall comply with the front yard, rear yard and side yard requirements of the district,
3. Private streets may be approved to serve uses within the site, provided that the site proposed for PD has frontage on a public street;

C. Home occupations/professional home offices. (Subject to issuance of zoning permit.)
D. The first wireless telecommunications facility located on an alternative support structure only, per the requirements of Chapter 19.55.
E. Real estate sales offices, subject to the following requirements:
1. May only be placed within a major subdivision with twenty (20) or more lots;
2. Shall occupy a maximum of one (1) building within any major subdivision;
3. Shall be a temporary use to be removed or converted to a permitted use in the district no later than ninety (90) days from the date when ninety (90%) percent of the lots or units within the subdivision or development are initially sold or leased, or five (5) 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 ($2,000) 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 (750) feet in floor area devoted to the sales office and related uses open to the public;
6. Shall be compatible in character, materials, placement, and design with other existing and planned buildings within the subdivision;
7. Signage shall be in accordance with standards for conditional uses in the district, per Section 19.54.052 of this title.

F. Bed and breakfast establishments.
G. Keeping of horses, subject to the standards in Section 19.57.160 of this title.
H. One (1) accessory structure may be located in the front or side yard if the following requirements are met.
1. Minimum front yard setback of the accessory structure must be fifty (50) feet
2. Minimum side yard setback of the accessory structure must be ten (10) feet, or corner lot, twenty-five (25) feet

(Ord. 1589A § 1, 2005; Ord. 1580A § 2, 2005; Ord. 1499 § 5, 2001; Ord. 1149 § 5, 1988; Ord. 1082 § 5, 1986; Ord. 994 § 3.6(B), 1982).

CCXXVI.

19.15.040 Lot area.

Minimum lot area in the R-1 district is ten thousand (10,000) square feet.

A. A nonconforming lot that does not meet the minimum lot area above may be considered as a buildable lot if it:
a. Meets all other standards including 19.60.050.
b. Is reviewed and approved by the City plan and architectural review commission.

(Ord. 1174 § 1, 1990: Ord. 994 § 3.6(C), 1982).

CCXXVII.

19.15.050 Lot width.

Minimum lot width in the R-1 district is eighty (80) feet.

(Ord. 994 § 3.6(D), 1982).

CCXXVIII.

19.15.060 Yard Requirements.

Minimum yard requirements in the R-1 district are as follows:

A. Front, twenty-five (25) feet; not more than 40% of the front yard may be an impervious surface except as a conditional use.

B. Side, ten (10) feet, corner lot, twenty-five (25) feet;
C. Rear, thirty (30) feet; not more than 40% of the rear yard may be an impervious surface except as a conditional use.
D. Shore, seventy-five (75) feet. All Shoreland shall be in compliance with Chapter 19.46, and in addition may require DNR approval.

(Ord. 994 § 3.6(E), 1982).

CCXXIX.19.15.070 Lot Coverage.

A. Maximum lot coverage (principal and accessory structures) in the R-1 district is thirty (30%) percent.
B. Maximum impervious surface: The following chart shall be used to determine the maximum percent of allowed impervious surface to determine the threshold for stormwater mitigation plan requirements on lots in the R-1 District.

Maximum Impervious Surface.	
Less than 7,000 sq ft	65%
7,000 sq ft to 8,499 sq ft	60%
8,500 sq ft to 9,999sq ft	55%
10,000 sq ft and over	50%

Percentage of impervious surface shall be calculated by taking the total surface area of the existing and proposed impervious surface and dividing it by the total lot area (note the minimum lot requirement for new lots in R-1 is 10,000 sq ft).

C. Lots calculated over the maximum allowed impervious surface require the Neighborhood Service Director approval of a Stormwater Management Plan. Property owners shall work with Neighborhood Services to develop a practical site specific Stormwater Management Plan that allows for flexibility in the use of stormwater treatment device including rain barrels, rain gardens and etc. Applicants may appeal the Neighborhood Services Director's decision to the Plan and Architectural Review Commission.
    a. Pre-engineered lots may be developed without management plans if mitigation has been accounted for during design of the lot.
    b. The Neighborhood Services Department and Plan and Architectural Review Commission shall take into account surrounding topography when reviewing the necessary stormwater mitigation.
    c. Property owners may also apply for a conditional use permit which may exempt properties from the requirement of a stormwater management plan.
D. The principles and standards set forth in the City of Whitewater Erosion Control and Stormwater Management Requirements policy which includes the City's Stormwater Management Ordinance (Chapter 16.16) and the City's Construction Site Control Ordinance (16.18), shall be used as a guide by the property owner and staff for drafting and reviewing stormwater management plans. The Neighborhood Services Department shall develop written guidelines and policies to be used in development and review of stormwater mitigation plans.

(Ord. 994 § 3.6(F), 1982).

CCXXX.

19.15.080 Building height.

Maximum building height in the R-1 district is two and one-half (2.5) stories or thirty-five (35) feet.

(Ord. 994 § 3.6(G), 1982).

CCXXXI.

19.15.090 Park fees.

All residential development shall be subject to a park acquisition fee per dwelling unit and a park improvement fee per dwelling unit, payable before a building permit is issued. The fee will be recommended by the Parks and Recreation Board then approved by the Common Council. The fee will be on record at the City Clerk's office. The park acquisition fee may 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.

Chapter 19.16 R-1X DISTRICT

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CCXXXII. 19.16.005 Purpose.

The R-1X one-family residence district is established to stabilize and protect the essential characteristics of residential areas. (Ord. 994 § 3.6(part), 1982).

CCXXXIII.

19.16.010 R-1X district provisions--Applicability.

All of the provisions of the R-1 district not in conflict with the requirements of this chapter shall apply in the R-1X district. A non-family household in R-1X shall be limited to three (3) unrelated persons unless otherwise modified by an overlay district.
(Ord. 1174 § 2(part), 1990).

CCXXXIV.

19.16.020 Lot area.

Minimum lot area in the R-1X district is twelve (12,000) thousand square feet.
(Ord. 1174 § 2(part), 1990).

CCXXXV.

19.16.021 Maximum Lot coverage.

Maximum lot coverage by building in the R-1X district shall be twenty (20%) percent.
(Ord. 1364 § 7, 1997).

CCXXXVI.

19.16.030 Lot width.

Minimum lot width in the R-1X district is one hundred (100) feet.
(Ord. 1174 § 2(part), 1990).

CCXXXVII. 19.16.040 Yard requirements.

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

A. Front, thirty (30) feet; not more than 40% of the front yard may be an impervious surface except as a conditional use.
B. Side, fifteen feet (15); corner lot, thirty (30) feet.
C. Rear, thirty (30) feet; not more than 40% of the yard may be an impervious surface except as a conditional use
D. Shore, seventy-five (75) feet. All Shoreland shall be in compliance with Chapter 19.46 and in addition may require DNR approval.
(Ord. 1174 § 2(part), 1990).

CCXXXVIII.

19.16.050 Park fees.

All residential development shall be subject to a park acquisition fee per dwelling unit and a park improvement fee per dwelling unit, payable before a building permit is issued. The fee will be

recommended by the Parks and Recreation Board and then approved by the Common Council. The fee will be on record at the City Clerk's office. The park acquisition fee may 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.

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CCXXXIX. 19.18.010 Purpose.

The R-2 two-family residence district is established to provide medium-density residential areas. (Ord. 994 § 3.7(part), 1982).

CCXL.

19.18.020 Permitted uses.

Permitted uses in the R-2 district include:

A. One-family detached dwellings;
B. Two-family attached dwellings (except for conversions of single-family to two family dwellings);
C. Home occupations/professional home offices for non-retail goods and services (defined in this district as businesses that do not require customer access)
D. A non-family household in R-2 shall be limited to three (3) unrelated persons.
E. 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 § 6, 2001; Ord. 1174 § 3(A), 1990; Ord. 1149 § 2, 1988; Ord. 994 § 3.7(A), 1982).

CCXLI. 19.18.030 Conditional uses.

Conditional uses in the R-2 district include:

A. Attached townhouse dwellings, up to four (4) units per building: minimum lot area requirements for such uses shall be regulated by Chapter 19.21;
B. Conversion of existing single-family dwellings to two-family attached dwellings;
C. Public and semipublic uses;
D. Home occupations/professional home offices for retail goods and services (defined in this district as businesses requiring customer access),
E. The first wireless telecommunications facility located on an alternative support structure only, per the requirements of Chapter 19.55;
F. Real estate sales offices, subject to the following requirements:

1. May only be placed within a major subdivision with twenty (20) or more lots or a multiple-family residential development with forty (40) or more dwelling units,
2. Shall occupy a maximum of one building within any major subdivision, or one unit within any multiple-family residential development,
3. Shall be a temporary use to be removed or converted to a permitted use in the district no later than ninety (90) days from the date when ninety (90%) percent of the lots or units within the subdivision or development are initially sold or leased, or five (5) 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 ($2,000) 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 (750) square feet in floor area devoted to the sales office and related uses open to the public,
6. Shall be compatible in character, materials, placement, and design with other existing and planned buildings within the subdivision or development,
7. Signage shall be in accordance with standards for conditional uses in the district, per Section 19.54.052 of this title;

G. Bed and breakfast establishments;
H. Keeping of horses, subject to the standards in Section 19.57.160 of this title.
I. One (1) accessory structure may be located in the front or side yard if the following requirements are met.
   1. Minimum front yard setback of the accessory structure must be fifty (50) feet
   2. Minimum side yard setback of the accessory structure must be ten (10) feet, or corner lot, twenty-five (25) feet

(Ord. 1589A § 2, 2005; Ord. 1580A § 3, 2005; Ord. 1499 § 7, 2001; Ord. 1299 § 1, 1994; Ord. 1174 § 3(B), 1990; Ord. 1149 § 6, 1988; Ord. 1082 § 6, 1986; Ord. 994 § 3.7(b), 1982).

CCXLII. 19.18.040 Lot area.

Minimum lot area in the R-2 district is:

A. Eight thousand (8,000) square feet for single-family;
B. Twelve thousand (12,000) square feet for two-family.

(Ord. 1174 § 3(C), 1990: Ord. 994 § 3.7(C), 1982).

C. A nonconforming lot that does not meet the minimum lot area above may be considered as a buildable lot if it:
   a. Meets all other standards including 19.60.050.
   b. Is reviewed and approved by the City plan and architectural review commission.

CCXLIII. 19.18.050 Lot width.

Minimum lot width in the R-2 district is:

A. Sixty-six (66) feet for all lots of record at the time of adoption of the ordinance codified in this section;
B. Seventy (70) feet for all new single-family development after the adoption of the ordinance codified in this section;
C. One hundred (100) feet for all duplexes developed after the adoption of the ordinance codified in this section.
D. A nonconforming lot that does not meet the minimum lot width above may be considered as a buildable lot if it:
   a. Meets all other standards including 19.60.050.

b. Is reviewed and approved by the City plan and architectural review commission.

(Ord. 1174 § 3(D), 1990: Ord. 994 § 3.7(D), 1982).

CCXLIV. 19.18.060 Yard requirements.

Minimum yard requirements in the R-2 district are:

A. Front, twenty-five (25) feet; (not more than 40% of the front yard may be an impervious surface except by conditional use permit)
B. Side, ten (10) feet for one family, fifteen (15) feet for two family and multifamily; corner lots, twenty-five (25) feet
C. Rear, thirty (30) feet(not more than 40% of the yard may be an impervious surface except as a conditional use.);
D. Shore, seventy-five (75) feet. All Shoreland shall be in compliance with Chapter 19.46, and in addition may require DNR approval.
E. For all structures larger than a one-family dwelling unit, the building setback standards established in the R-3 multifamily residence district shall apply.

(Ord. 1174 § 3E, 1990: Ord. 994 § 3.7(E), 1982).

(Ord. 1174 § 3E, 1990: Ord. 994 § 3.7(E), 1982).

CCXLV. 19.18.065 Off-street Parking.

Off-street parking, including both surface parking and enclosed parking, shall conform to City guidelines for parking areas which include materials, access, visibility, potential impact on abutting properties, drainage, stormwater management, screening, and economic viability of the associated use.

CCXLVI. 19.18.070 Lot coverage.

A. Maximum lot coverage (principal and accessory structures) in the R-2 district is thirty (30%) percent.
B. Maximum impervious surface: The following chart shall be used to determine the maximum percent of allowed impervious surface to determine the threshold for stormwater mitigation plan requirements on lots in the R-2 District.

Maximum Impervious Surface.	
Less than 7,000 sq ft	65%
7,000 sq ft to 8,499 sq ft	60%
8,500 sq ft to 9,999sq ft	55%
10,000 sq ft and over	50%

Percentage of impervious surface shall be calculated by taking the total surface area of the existing and proposed impervious surface and dividing it by the total lot area (note the minimum lot requirement for new lots in R-2 is 8,000 sq ft for single-family and 12,000 square feet for two-family).

C. Lots calculated over the maximum allowed impervious surface require the Neighborhood Service Director approval of a Stormwater Management Plan. Property owners shall work with Neighborhood Services to develop a practical site specific Stormwater Management Plan that allows for flexibility in the use of stormwater treatment device including rain barrels, rain gardens and etc. Applicants may appeal the Neighborhood Services Director's decision to the Plan and Architectural Review Commission.
    d. Pre-engineered lots may be developed without management plans if mitigation has been accounted for during design of the lot.

e. The Neighborhood Services Department and Plan and Architectural Review Commission shall take into account surrounding topography when reviewing the necessary stormwater mitigation.
f. Property owners may also apply for a conditional use permit which may exempt properties from the requirement of a stormwater management plan.

D. The principles and standards set forth in the City of Whitewater Erosion Control and Stormwater Management Requirements policy which includes the City's Stormwater Management Ordinance (Chapter 16.16) and the City's Construction Site Control Ordinance (16.18), shall be used as a guide by the property owner and staff for drafting and reviewing stormwater management plans. The Neighborhood Services Department shall develop written guidelines and policies to be used in development and review of stormwater mitigation plans.

(Ord. 994 § 3.7(F), 1982).

CCXLVII.

19.18.080 Building height.

Maximum building height in the R-2 district is thirty-five (35) feet, or two and one-half stories. (Ord. 994 § 3.7(G), 1982).

CCXLVIII.

19.18.090 Park fees.

All residential development shall be subject to a park acquisition fee per dwelling unit and a park improvement fee per dwelling unit, payable before a building permit is issued. The fee will be recommended by the Parks and Recreation Board and then approved by the Common Council. The fee will be on record at the City Clerk's office. The park acquisition fee may 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.

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CCXLIX. 19.19.010 Purpose and intent.

The purpose and intent of the residential occupancy overlay district is to allow increased occupancy in a focused area near campus where housing structures can accommodate higher occupancy.

CCL. 19.19.015 Relationship to underlying zoning district classification.

Requirements for permitted uses, conditional uses, lot area, lot width, yards, off-street parking, lot coverage, building height, signage, and park fees remain the same as the underlying zoning district to which the overlay zoning is applied unless specifically described in this overlay district.

CCLI.

19.19.020 Overlay zoning district application.

Applicants must apply for a zoning map district change within the Overlay Map Permission Area for the R-2A designation. No party other than the owner of the property or agents of the owner may apply for the R-2A university residential density overlay zoning. Permission will require conformance with the requirements established for the duties of the zoning administrator (section 19.75.060) Applications may also require a conditional use permit. This overlay district is restricted to structures that were in existence as of the adoption date of the creation of this overlay district. Procedures for zoning changes and amendments are further elaborated in section 19.69.

CCLII.

CCLIII. 19.19.030 Residential occupancy overlay district permitted and conditional uses.

Three (3) unrelated occupants are a permitted use in the R-2A overlay district with no conditional use permit required. A conditional use permit is required for four (4) or more unrelated individuals. The conditional use permit shall take into consideration, among other issues, the size of the building and the original character of the building when bedrooms are being added as part of an internal remodeling or external addition. Occupancy by more than five (5) unrelated individuals requires both a conditional use permit and one of the following:

A. Proof that within 2 years of the granting of the zoning permit request a certification, that the property meets the requirements of the Wisconsin Rental Unit Efficiency Standards (Wis. Stat. §101.122), has been recorded (The Wisconsin Rental Weatherization Program), or
B. Filing with the City a sworn statement by a state-certified rental weatherization inspector that the property meets the State of Wisconsin Rental Unit Efficiency Standards.

CCLIV. 19.19.050 Exceptions.

The limitations in this district overlay for maximum occupancy and parking shall not apply to community living arrangements allowed by federal and state law (such as foster homes and adult family homes for the disabled) and those allowed under Wis. Stats. § 62.23 (7) (i)
(Ord. No. 1788A, § 1, 6-1-2010)

Chapter 19.21 R-3 MULTIFAMILY RESIDENCE DISTRICT

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CCLV. 19.21.010 Purpose.

The R-3 multifamily residence district is established to provide high-density residential areas, and to allow mixing of certain compatible land uses.

(Ord. 994 § 3.8(part), 1982).

CCLVI. 19.21.020 Permitted uses.

Permitted uses in the R-3 district include:

A. One-family detached dwellings;
B. Two-family attached dwellings (new construction);
C. Multi-family dwellings and attached dwellings, up to four units per building. "Attached dwelling" means a one-family dwelling attached to two or more one-family dwellings by common vertical walls;
D. A non-family household in R-3 shall be limited to five (5) unrelated persons.
E. Home occupations/professional home offices for non-retail (goods and services for businesses that do not require customer access);
F. 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 § 8, 2001; 1174 § 4A, 1990: Ord. 1149 § 3, 1988; Ord. 994 § 3.8(A), 1982).

CCLVII.

CCLVIII. 19.21.030 Conditional uses.

Conditional uses in the R-3 district include:

A. Professional business offices in a building where the principal use is residential;
B. Multifamily dwellings and attached dwellings, over four (4) units (new construction only); and two-family attached dwellings (existing construction).
C. Walk-in type retail trade (food stores, bookstores, gift shops, galleries, beauty shops and similar uses) located in a building where the principal use is residential and fronts on an arterial street;

a. Conditional use approval under this provision shall be granted for a specified use. Any subsequent change in use or expansion shall require additional conditional use approval.

D. Fraternity or sorority houses and group lodging facilities;
E. Any building over forty (40) feet;
F. Planned developments (see Section 19.15.030);
G. Conversions of existing structures resulting in more dwelling units
H. Conversion of existing units with less than 5 bedrooms to 5 or more bedrooms.
I. Dwelling units with occupancy of six (6) or more unrelated persons
J. Public and semipublic uses;
K. Home occupations/professional home office for retail goods and services (businesses requiring customer access),
L. Bed and breakfast establishments;
M. The first wireless telecommunications facility located on an alternative support structure only, per the requirements of Chapter 19.55;
N. Real estate sales offices, subject to the following requirements:
   1. May only be placed within a major subdivision with twenty (20) or more lots or a multiple-family residential development with forty (40) or more dwelling units,
   2. Shall occupy a maximum of one (1) building within any major subdivision, or one (1) unit within any multiple-family residential development,
   3. Shall be a temporary use to be removed or converted to a permitted use in the district no later than ninety (90) 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 ($2,000) 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 (750) square feet in floor area devoted to the sales office and related uses open to the public,
   6. Shall be compatible in character, materials, placement, and design with other existing and planned buildings within the subdivision or development,
   7. Signage shall be in accordance with standards for conditional uses in the district, per Section 19.54.052 of this title.

O. One (1) accessory structure may be located in the front or side yard if the following requirements are met.
   1. Minimum front yard setback of the accessory structure must be fifty (50) feet
   2. Minimum side yard setback of the accessory structure must be ten (10) feet, or corner lot, twenty-five (25) feet

   (Ord. 1668A § 2, 2007; Ord. 1580A §§ 4, 5, 2005; Ord. 1499 § 9, 2001; Ord. 1174 § 4B, 1990; Ord. 1149 § 7, 1988; Ord. 994 § 3.8(B), 1982).

CCLIX.

19.21.040 Lot area.

A. Minimum lot area in the R-3 district for One-family and Two-family is as follows:

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

3. A nonconforming lot for a one-family or two-family residence that does not meet the minimum lot area above may be considered as a buildable lot if it:
   a. Meets all other standards including 19.60.050.

b. Is reviewed and approved by the City plan and architectural review commission.

B. Minimum lot area in the R-3 district for Multifamily is as follows:
   a. Multifamily lot size is 15,000 square feet; there shall be a higher minimum lot requirement for a higher density multifamily residence.
   b. Minimum lot size for higher density residence is determined by the number of units. The unit square footage requirement is determined by the number of bedrooms per unit.

Type of Unit	Square Feet
Efficiency	2,000
One-bedroom	2,500
Two-bedroom	3,000
Three-bedroom and over	3,500 plus 300 additional square feet (sq ft) for each bedroom over three

EXAMPLE A

A Multifamily of Two (2) One-bedroom (2,500 sq ft * 2 = 5,000 sq ft) + Two Efficiency (2,000 sq ft * 2 = 4,000 sq ft) = a total of 9,000 sq ft. Example A does not meet the threshold to be considered as a higher density multifamily residence; therefore, the minimum lot requirement is 15,000 square feet.

EXAMPLE B

A Multifamily of Three (3) Five-bedroom (4,100 sq ft * 3 = 12,300 sq ft) + Two (2) two-bedroom (3,000 sq ft * 2 = 6,000 sq ft) = a total of 18,300 sq ft. Example B is higher than the minimum threshold of 15,000 square feet; therefore, the minimum square footage is now 18,300 sq ft.

C. Minimum lot area for group lodging facilities will be set in conditional use review.

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

CCLX.

19.21.050 Lot width.

Minimum lot width in the R-3 district is:

A. One-family and two-family dwellings, sixty-six (66) feet for all improved lots existing at the time of adoption of the ordinance codified in this section;
B. One family, sixty-six (66) feet for all new single-family dwellings constructed after the adoption of the ordinance codified in this section;
C. Two-family, eighty (80) feet for all newly constructed two-family dwellings;
D. Multifamily dwellings, one hundred (100) feet.

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

CCLXI.

19.21.060 Yard Requirements.

A. Front, thirty (30) feet first floor.
B. Side, fifteen (15) feet; corner lots twenty-five (25) feet.
C. Rear, thirty (30) feet.
D. Shore, seventy-five (75) feet. All Shoreland shall be in compliance with Chapter 19.46, and in addition may require DNR approval.

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

CCLXII. 19.21.070 Lot coverage.

A. Three hundred fifty (350) square feet of usable open space shall be required for each dwelling unit for structures with two (2) or more units.
    1. Usable Open Space. Usable open space is that part of the ground level of a zoning lot, other than in a required front or corner side yard, which is unoccupied by driveways, drive aisles, service drives, off-street parking spaces and/or loading berths and is unobstructed to the sky. This space of minimum prescribed dimension shall be available to all occupants of the building and shall be usable for greenery, drying yards, recreational space, gardening and other leisure activities normally carried on outdoors. Where and to the extent prescribed in these regulations, balconies and roof areas, designed and improved for outdoor activities, may also be considered as usable open space. The usable open space shall be planned as an assemblage or singularly designed area that maximizes the size for open space usage.
    2. EXAMPLE: A four (4) Unit building is required to have 1,400 square feet of usable open space
B. The maximum impervious surface:
    1. One-family & Two-family shall follow the standards of the R-2 district.
    2. Multifamily: Reviewed by Engineering staff and approval by the Neighborhood Services Department or the Plan and Architectural Review Commission shall be required.
C. The principles and standards set forth in the City of Whitewater Erosion Control and Stormwater Management Requirements policy which includes the City's Stormwater Management Ordinance (Chapter 16.16) and the City's Construction Site Control Ordinance (16.18), shall be used as a guide by the property owner and staff for drafting and reviewing Stormwater Management plans.

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

CCLXIII. 19.21.080 Building height.

Maximum building height in the R-3 district is forty-five (45) feet. The maximum building height is also subject to fire safety limitations. The maximum building height may be increased under the provisions of a conditional use permit.
(Ord. 994 § 3.8(G), 1982).

CCLXIV. 19.21.090 Park fees.

All residential development shall be subject to a park acquisition fee per dwelling unit and a park improvement fee per dwelling unit, payable before a building permit is issued. The fee will be recommended by the Parks and Recreation Board and then approved by the Common Council. The fee will be on record at the City Clerk's office. The park acquisition fee may 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.

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CCLXV. 19.22.010 Purpose and intent.

The purpose and intent of the university residential density 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.

CCLXVI. 19.22.015 Relationship to underlying zoning district classification.

Requirements for permitted uses, conditional uses, lot width, yards, building height, signage, stormwater and park fees remain the same as the underlying zoning district to which the overlay zoning is applied unless specifically described in this overlay district. At least 10% of the lot should be usable open space.

CCLXVII. 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. 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 or agents of the owner may apply for the R-3A University residential density overlay zoning. Permission will require conformance with the requirements established for the duties of the zoning administrator (section 19.75.061) Applications may also require a conditional use permit. Procedures for zoning changes and amendments are further elaborated in section 19.69.

CCLXVIII. 19.22.030 University residential density overlay district permitted and conditional uses.

Within this district, a multifamily building with up to sixteen units is a permitted use for new construction. More than 16 units per building and up to 32 units per building may be requested as a conditional use. Among other issues, conditional use permits should consider long term impacts of the proposal on the surrounding area. More than 32 units per building are not allowed in the district but may be considered as part of a PD district. Architectural quality shall be subject to the review of the plan and architectural review commission and include consideration of any design and planning criteria as established by the City, for buildings in this zoning district.

CCLXIX. 19.22.040 Lot area.

The minimum lot area in the R-3A district is shown is as follows:

A. Minimum lot area in the R-3A district for One-family and Two-family is as follows:

1. One-family	6,400 square feet;

2. Two-family	9,600 square feet;

3. A nonconforming lot for a one-family or two-family that does not meet the minimum lot area above may be considered as a buildable lot if it:
    a. Meets all other standards including 19.60.050.
    b. Is reviewed and approved by the City plan and architectural review commission.

B. Minimum lot area in the R-3A district for Multifamily is as follows:
    a. Multifamily lot size is 12,000 square feet, there shall be a higher minimum lot requirement for a higher density multifamily residence.
    b. Minimum lot size for a higher density residence is determined by adding the number of units. The unit square footage requirement is determined by the number of bedrooms per unit.

Type of Unit	Square Feet
Efficiency	1,600
One-bedroom	2,000
Two-bedroom	2,400
Three-bedroom and over	2,800 plus 240 additional square feet (sq ft) for each bedroom over three

EXAMPLE A
A Multifamily of Two (2) One-bedroom (2,000 sq ft * 2 = 4,000 sq ft) + Two Efficiency (1,600 sq ft * 2 = 3200 sq ft) = a total of 7,200 sq ft. Example A does not meet the threshold to be considered as a higher density multifamily residence; therefore, the minimum lot requirement is 15,000 square feet.

EXAMPLE B
A Multifamily of Three (3) Five-bedroom (3,280 sq ft * 3 = 9,840 sq ft) + Two (2) two-bedroom (2,400 sq ft * 2 = 4,800 sq ft) = a total of 14,640 sq ft. Example B is higher than the minimum threshold of 12,000 square feet; therefore, the minimum square footage is now 14,640 sq ft.

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

CCLXX. 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 (7)(I))

Chapter 19.24 R-4 MOBILE HOME DISTRICT

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CCLXXI. 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).

CCLXXII. 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).

C. Home occupations/professional home offices for non-retail goods and services (defined in this district as businesses that do not require customer access).

CCLXXIII. 19.24.030 Conditional uses.

Conditional uses in the R-4 district include:

A. Public and semipublic uses;
B. Home occupations/professional home office for retail goods and services (businesses requiring customer access);
C. The first 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 (20) or more home sites,
    2. Shall occupy a maximum of one (1) 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 (5) 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 ($2,000) 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 ($750) square feet in floor area devoted to the sales office and related uses open to the public,
6. Shall be compatible in character, materials, placement, and design with other existing and planned buildings within the development,
7. Signage shall be in accordance with standards in the district, per Section 19.54.052 of this title.

(Ord. 1580A § 6, 2005; Ord. 1499 § 11, 2001; Ord. 1149 § 8, 1988; Ord. § 3.9(B), 1982).

CCLXXIV.

19.24.040 Lot area.

Minimum lot area in the R-4 district is:

A. Exterior boundaries, four (4) acres;

B. Mobile home space, three thousand, six hundred (3,600) square feet.

CCLXXV.

19.24.050 Lot width.

Minimum lot width in the R-4 district is:

A. Exterior boundaries, two hundred (200) feet;

B. Mobile home space, thirty-six (36) feet.

(Ord. 994 § 3.9(D), 1982).

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

	Front	Side	Rear
A. Exterior boundaries	30	30	30
B. Interior boundaries	10	10	10

(Ord. 994 § 3.9(E), 1982).

CCLXXVI.

19.24.070 Lot coverage.

Maximum lot coverage in the R-4 district is as follows: The mobile home dwelling unit shall not occupy more than fifty percent (50%) of the mobile home space.

(Ord. 994 § 3.9(F), 1982).

CCLXXVII.

19.24.080 Wrecked or damaged homes.

Wrecked, damaged or dilapidated mobile homes shall not be kept or stored on a lot in a mobile home park. The Zoning Administrator shall determine if a mobile home is damaged or dilapidated to a point which makes such mobile home unfit for human occupancy on either a temporary or permanent basis. Whenever such a determination is made, the mobile home shall be vacated and removed from the premises by the owner of the lot within thirty days of formal notice by the Zoning Administrator.

(Ord. 994 § 3.9(G), 1982).

CCLXXVIII.

19.24.090 Park fees.

All residential development shall be subject to a park acquisition fee per dwelling unit and a park improvement fee per dwelling unit, payable before a building permit is issued. The fee will be recommended by the Parks and Recreation Board and then approved by the Common Council. The fee will be on record at the City Clerk's office. The park acquisition fee may 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.

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

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CCLXXIX. 19.25.010 Purpose and intent.

The purpose and intent of the non-family residential overlay district is to stabilize and protect property values and to provide a mechanism to protect, preserve, and enhance essential characteristics of low-density single-family residential areas, in particular, areas where due to economic factors and housing pressure in the immediate area there is the potential for the reduction of family-occupied residences, and therefore the loss of the single-family character of the neighborhood which will potentially lead to overcrowding, undue population concentration and lower property values.
(Ord. No. 1788A, § 1, 6-1-2010)

CCLXXX.

19.25.020 Overlay district application.

There is no separate Overlay Permission Area Map for the R-O overlay. Applications for the R-O district may be made in any residential zoning district. The restrictions set forth herein are in addition to the restrictions and requirements of the basic district applicable to a particular site. 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. Except as noted in this chapter, an R-O overlay request may be initiated by the City Council or any member thereof, the City Plan Commission, or by petition of one or more of the owners, lessees, or authorized agents of the lessees or owners of the property within the area proposed to be included within the R-O overlay district. No party other than the owner of the property may initiate an action for the imposition of R-O non-family residential zoning on any particular property if such a petition has been made within the previous twelve (12) months. Procedures for zoning changes and amendments are further elaborated in section 19.69 (Ord. No. 1788A, § 1, 6-1-2010)

CCLXXXI.

19.25.030 Non-family residential overlay district additional restrictions.

In all non-family residential overlay districts, the non-family household limitation set forth in Whitewater Municipal Ordinance [Section] 19.15.010 is reduced from three (3) to two (2). Therefore, in any non-family residential overlay district, a non-family household shall be limited to two unrelated persons.
(Ord. No. 1788A, § 1, 6-1-2010)

CCLXXXII. 19.25.035 Parking

Parking spaces permitted for units with R-O zoning shall be limited to the number of parking spaces allowed for the underlying zoning.

CCLXXXIII.

19.25.040 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, in particular, those allowed under Wis. Stats. § 62.23.(7)(i)
(Ord. No. 1788A, § 1, 6-1-2010

CCLXXXIV.

19.25.050 Non-conforming use and registration.

Properties that qualify as legal non-conforming uses shall be allowed to continue the use subject to the provisions contained in City of Whitewater Ordinance Section 19.60.010. The non-conforming use status of any property under this chapter will be subject to the provisions contained in City of Whitewater Ordinance [Section] 19.60.010, existing non-conforming uses.

Properties that qualify as legal non-conforming uses under this chapter shall be allowed to continue the use subject to the provisions contained in City of Whitewater Code Chapter 19.60 Nonconforming Uses, Structures and Lots.

(Ord. No. 1788A, § 1, 6-1-2010)

Chapter 19.27 B-1 COMMUNITY BUSINESS DISTRICT

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CCLXXXV. 19.27.010 Purpose.

The B-1 community business district is established to accommodate retail shopping and service needs in a manner compatible with the desired community character. The district should be located in relative proximity to residential areas and major traffic routes.
(Ord. 1452 § 1(part), § 4(part), 2000: Ord. 994 § 3.10(part), 1982).

CCLXXXVI. 19.27.020 Permitted uses.

Permitted uses in the B-1 district include:

A. Art, music and school supply stores and galleries;
B. Antique, hobby and craft shops;
C. Automotive and related parts stores, without servicing;
D. Hotels and motels;
E. Small appliance repair stores, computer or software sales and service;
F. Barbershops and beauty parlors;
G. Banks and other financial institutions without drive-through facilities;
H. Camera and photographic supply stores;
I. Caterers;
J. Clothing and shoe stores and repair shops;
K. Clinics, medical and dental;
L. Department stores;
M. Drugstores;
N. Florist shops;
O. Food and convenience stores without gasoline pumps;
P. Furniture stores;
Q. Hardware stores;
R. Insurance agencies;
S. Jewelry stores;

T. Liquor stores without drive-through facilities;
U. Meat markets;
V. Resale shops;
W. Paint, wallpaper, interior decorating and floor covering stores;
X. Professional offices;
Y. Restaurants without drive-through facilities;
Z. Self-service laundries and drycleaning establishments;
AA. Sporting goods stores;
BB. Stationery stores, retail office supply stores;
CC. Variety stores;
DD. Movie theaters;
EE. Charitable or nonprofit institutions and facilities;
FF. Tourist homes and bed and breakfasts;
GG. Existing residences must meet the following standards
    1. Limited to no more than four (4) unrelated persons.
    2. Number of parking spaces is determined using the R-3 parking regulations for the residential units.
HH. Any other similar uses not specifically listed above that are consistent with the purpose of this district;
II. 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, per the requirements of Chapter 19.55.

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

JJ. Light assembly uses including electronics, pottery, printing, contractor shops (heating, electrical, plumbing, general contracting) provided that there are no significant environmental emissions (odor and waste)

CCLXXXVII.

19.27.025 Permitted accessory uses.

Permitted accessory uses in the B-1 district include:

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

(Ord. 1499 § 13, 2001; 1452 § 1(part), § 4(part), 2000).

CCLXXXVIII.

19.27.030 Conditional uses.

Conditional uses in the B-1 district include:

A. Entertainment establishments, including clubs, but excluding adult entertainment;
B. All uses with drive-in and drive-through facilities; (for which the conditions shall, among other issues, maintain visual continuity and attractive pedestrian movement along the street fronts);
C. Automobile and small engine vehicle sales or rental facilities, including incidental repair and service within the principal building;
D. Automobile repair and service within the principal building;
E. Car washes;
F. Private recreation uses;
G. Public and semipublic uses;
H. Taverns and other places selling alcoholic beverages by the drink; for which consideration shall be given but is not limited to conditions regarding, the following issues:
    1. parking
    2. type of business
    3. signage
    4. outdoor seating
    5. provisions for avoiding noise and lighting nuisances
    6. buffering and fencing consistency;
    7. compatibility with the immediately surrounding neighborhood or district
I. Light assembly/retail uses not permitted elsewhere in this district. Subject to the following restrictions:
    1. No environmental emission (noise, odor, waste),
    2. All truck delivery during weekdays,
    3. All of the requirements of Chapter 19.51, Traffic, Parking and Access, and Chapter 19.57, General Performance Standards, to be met;
J. Gasoline service stations, including incidental repair and service within the principal building;
K. Day care centers, adult and child;
L. Funeral homes and crematory services;
M. Veterinary clinics, provided that no service including animal boarding is offered outdoors;
N. More than one principal structure on a lot;
O. Large retail and commercial service developments, as described and regulated in Chapter 19.485.
P. The first wireless telecommunications facility located on an alternative support structure only, per the requirements of Chapter 19.55.
Q. New residential construction or existing residential modification resulting in addition of units or bedrooms. The residential unit must meet the following standards:
    1. A limit of four (4) unrelated persons.
    2. Three hundred fifty (350) square feet of usable open space shall be required for each dwelling unit for structures with two (2) or more units.
    3. Number of parking spaces is determined using the R-3 parking regulations for the residential units.
    4. A first floor residential unit may be permitted if it meets the following standards.
        a. The Unit is ADA compliant
        b. Any residential unit access must:
            i. Exit from the rear of the principal structure or

ii. Have a main street access which must be through a common entryway used by a non-residential use.

c. Not occupy more than fifty percent (50%) of the first floor.

(Ord. 1499 § 14, 2001; 1452 § 1(part), § 4(part), 2000: Ord. 1379 § 1, 1997; Ord. 1314 § 1, 1995; Ord. 1296 § 2(part), 1994; Ord. 994 § 13.10(B), 1982).
(Ord. No. 1796A, § 1, 8-3-2010)

CCLXXXIX.

19.27.040 Lot area.

Minimum lot area in the B-1 district is seven thousand (7,000) square feet for lots existing at the time of adoption of the ordinance codified in this chapter, and fifteen thousand (15,000) square feet for all other lots.
(Ord. 1452 § 1(part), § 4(part), 2000: Ord. 994 § 3.10(C), 1982).

CCXC.

19.27.050 Lot width.

Minimum lot width in the B-1 district is fifty (50) feet
(Ord. 1452 § 1(part), § 4(part), 2000: Ord. 994 § 3.19(D), 1982).

CCXCI.

19.27.060 Yard requirements.

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

A. Front and street side, fifteen (15) feet (but may be greater if needed to meet fire safety requirements);
B. Interior side, ten (10) feet, except that no side yard will be required for buildings designed for common wall construction;
C. Rear, twenty (20) feet, except the rear yard setback to any railroad right-of-way shall be at least fifteen (15) feet under a conditional use;
D. Shore yard, seventy-five (75) feet. All Shoreland shall be in compliance with Chapter 19.46 and in addition may require DNR approval.
E. Any yard abutting a residential district or residential use, thirty (30) feet or the height of the nearest principal building or structure on the lot being developed, whichever is greater. Such yards shall be subject to the landscape buffer yard requirements of Section 19.57.140, except where abutting a railroad right-of-way with the approval of the plan and architectural review commission;
F. There shall be no accessory buildings within the required front yard setback.

(Ord. 1460 § 2, 2000; Ord. 1452 § 1(part), § 4(part), 2000; Ord. 994 § 3.10(E), 1982).

CCXCII.

19.27.070 Lot coverage.

There is no maximum percentage lot coverage for buildings with the exception of the provisions needed for landscape, circulation, and other site planning considerations. Building size, coverage, and locations must still conform to the other regulations including stormwater management. Landscape and environmental features shall follow principles of sustainability and environmental quality and locate landscape elements in highly visible locations, especially in the fronts of buildings, and should include canopy trees, understory and/or evergreen trees, and shrubs.
(Ord. 1452 § 1(part), § 4(part), 2000: Ord. 994 § 3.10(F), 1982).

19.27.080 Building height.

Maximum building height in the B-1 district is five (5) stories or 100 feet (whichever is greater), with the exception that the maximum building height is three (3) stories within 100' of a residential use or a property zoned as a residential district. The maximum building height is also subject to fire safety limitations. The maximum building height may be increased under the

provisions of a conditional use permit which will include, but is not limited to, consideration of issues regarding shadows cast by buildings, views, impacts on neighbors, and microclimate.
(Ord. 1580A § 7, 2005: Ord. 1452 § 1(part), § 4(part), 2000: Ord. 994 § 3.10(G), 1982).

CCXCIII.

19.27.090 Plan review.

Plan review in accordance with Chapter 19.63 shall be required for any development in the B-1 district. Building design shall be consistent with the recommendations of the city's comprehensive (master) plan; contribute to the uniqueness and character of the neighborhood, district and community; and include materials, colors, styles and features tailored to the building's site and context. Substantial modifications to standardized prototype and corporate franchise designs may be required to meet these criteria. Landscaping shall be consistent with the recommendations of the city's comprehensive (master) plan; generous in quantity; aesthetically pleasing; appropriate to the site, community and region; and in accordance with accepted professional standards.
(Ord. 1452 § 1(part), § 4(part), 2000: Ord. 994 § 3.10(H), 1982).

CCXCIV.

19.27.100 Park fees.

All residential development shall be subject to a park acquisition fee per dwelling unit and a park improvement fee per dwelling unit, payable before a building permit is issued.
The amount of these fees may be reduced by any fee amount previously paid or credited at the time of subdivision, or by fifty percent (50%) if the new housing units are created as a result of the conversion or remodeling of a preexisting building. The park acquisition fee may also be reduced if sufficient land area was provided for park purposes at the time of subdivision, based on the calculations in section 18.04.030(a)(1) of the Whitewater Municipal Code. The fee amounts shall be set by the City Council. The fee will be recommended by the Parks and Recreation Board and then approved by the Common Council. The fee will be on record at the City Clerk’s office.

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CCXCV. 19.28.010 Purpose and intent.

The purpose and intent of the university mixed-use neighborhood overlay district is to provide multi-family housing options within an active, pedestrian friendly neighborhood, and with residential units located on upper floors while the ground level contains non-residential uses. Development and uses should attract university students on a daily basis and provide year-round activities to encourage students to remain in the City on weekends and summers. The district provides an opportunity for mixed housing and commercial uses, serving both students and adjacent residents.

CCXCVI.19.28.015 Relationship to underlying zoning district classification.

Requirements for permitted uses, conditional uses, lot area, lot width, yards, lot coverage, building height, signage, and park fees remain the same as the underlying zoning district to which the overlay zoning is applied unless specifically described in this overlay district.

CCXCVII. 19.28.020 Overlay district application.

Applicants must apply for a zoning map district change within the Overlay Map Permission Area for the B-1A designation. No party other than the owner of the property or agents of the owner may apply for the B-1A university mixed-use neighborhood overlay zoning. Applications may also require a conditional use permit. Procedures for zoning changes and amendments are further elaborated in section 19.69.

CCXCVIII. 19.28.030 University mixed-use neighborhood overlay district permitted and conditional uses.

Within this district, In addition to the permitted and conditional uses for B-1 a multifamily residential building or a mixed-use building:

a) Up to twelve (12) residential units is a permitted use for new construction
b) More than twelve (12) residential units per building and up to twenty-four (24) residential units per building may be requested as a conditional use.
c) More than twenty-four (24) residential units per building are not allowed in the district.
d) Residential units shall be limited to no more than four (4) bedrooms.
e) Architectural quality shall be subject to the review of the plan and architectural review commission and include application of any architectural standards as established by the City, for buildings in this zoning district.

Chapter 19.30 B-2 CENTRAL BUSINESS DISTRICT*

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* Prior ordinance history: Ords. 994, 1296 and 1481.

CCXCIX.

19.30.010 Purpose.

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

CCC.

19.30.020 Permitted uses.

Permitted uses in the B-2 district include:

A. Art and school supply stores;
B. Arts and crafts galleries;
C. Automotive parts sales stores, automobile sales lot and show rooms and lots;
D. Antique or collectible shops;
E. Bakeries or candy stores, with products for sale on premises only;
F. Catalog and e-commerce sales outlets;
G. Hotels and motels;
H. Appliance repair stores, including computer sales and service;
I. Barbershops, day spas, and beauty parlors;
J. Banks and other financial institutions;
K. Bookstores, stationery stores, retail office supply stores, and newsstands;
L. Caterers;
M. Clothing and shoe sales and repair shops;
N. Clinics, medical and dental;
O. Coffee shops;
P. Cultural arts centers and museums;
Q. Department stores;
R. Drug stores;
S. Florist or garden shops;
T. Gift shops;
U. Grocery stores;
V. Hardware stores;
W. Insurance, real estate, or similar agencies;
X. Interior decorating shops;

Y. Jewelry stores;
Z. Paint stores;
AA. Offices;
BB. Post offices;
CC. Public parking lots;
DD. Restaurants, ice cream shops, and cafes;
EE. Sporting goods shops;
FF. Tourist information and hospitality centers;
GG. Toy stores;
HH. Travel agencies;
II. Variety stores;
JJ. Dance studios;
KK. Movie theaters;
LL. Charitable or nonprofit institutions and facilities;
MM. Tourist homes and bed and breakfasts;
NN. Residential uses above the first floor, limited to non-related household sizes applicable in the R-1 and R-2 districts (see Section 19.09.520);
OO. Existing residences must meet the following standards:
    1. A limit of three (3) unrelated persons.
PP. Any other similar uses not specifically listed above.

(Ord. 1611A § 1(part), 2006).

CCCI.

19.30.025 Permitted accessory uses.

Permitted accessory uses in the B-2 district include:

A. Garages for storage of vehicles, equipment or materials in conjunction with operation of the principal use on the lot;
B. Off-street parking and loading areas, subject to landscaping and screening requirements where applicable;
C. Outside storage or trash dumpsters where enclosed by a decorative opaque fence, wall and/or landscaping designed to provide a total visual screen;
D. Outside display and temporary storage of motor vehicles where the principal use on the lot includes the sale, repair, or servicing of such motor vehicles. No vehicle in an inoperable condition shall be stored outdoors for greater than thirty days;
E. Outdoor seating for restaurants, coffee shops, cafes, taverns, or similar uses, within areas designated by site plan review or other city approval processes;
F. Essential services.

(Ord. 1611A § 1(part), 2006).

CCCII.

19.30.030 Conditional uses.

Conditional uses in the B-2 district include:

A. Drive-in or drive-through type establishments;
B. Entertainment establishments, not including adult entertainment establishments;
C. Taverns and other places selling alcoholic beverages by the drink; including expansion of existing uses for which consideration shall be given but is not limited to, conditions regarding the following issues:
    1. parking
    2. type of business
    3. signage
    4. outdoor seating
    5. provisions for avoiding noise and lighting nuisances
    6. buffering and fencing

7. compatibility with the immediately surrounding neighborhood or district

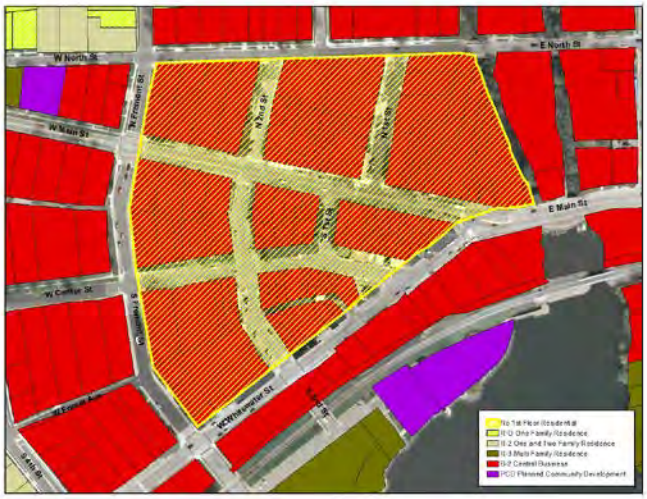
D. Liquor or tobacco stores;

E. Public and semipublic uses, except for parking;

F. Automotive servicing and repairs;

G. First floor residential uses are allowed as a conditional use; except as provided below:

1. First floor residential uses are prohibited in any building located in the area within the boundary of Whitewater Creek on the east (prohibited on west side of creek only), North Street on the north (prohibited on south side of street only), Fremont Street on the west (prohibited on east side of street only), Whitewater Street on the south (prohibited on north side of street only), and the portion of West Main Street from the intersection of Whitewater Street east to the Whitewater Creek (prohibited on north side of street only).



H. Light industrial/retail uses such as:

1. Electronics,
2. Pottery,
3. Craft/woodwork,
4. Printing,
5. Contractor shops (heating, electrical, plumbing, general contractor office),
6. Lumberyards,
7. Other similar uses,

I. Conditional uses in the B-2 district are subject to the following restrictions:

1. No outside storage, unless screened as to Chapter 19.57.140.
2. No environmental emission.
3. All truck delivery during weekdays.
4. All dumpster locations outdoors must be screened by a fence and landscaping,
5. All of the requirements of Chapter 19.51, Traffic, Parking and Access, and Chapter 19.57, General Performance Standards, to be met.

I. Laundromats or dry cleaning.

J. Hospitals.

K. Wholesale trade of durable and nondurable goods.

(Ord. 1611A § 1(part), 2006).

(Ord. No. 1681A, 5-20-2008)

CCCIII. 19.30.040 Architectural design standards.

Within the B-2 district, there shall be no minimum required ordinance design and dimensional standards or setbacks. This is being done to allow the most flexibility in the reuse and

redevelopment of the downtown. Because of the lack of predefined architectural design standards, all proposed construction and remodeling activities requiring a zoning permit shall require the design review and approval of the city plan and architectural review commission in compliance with Chapter 19.63, Plan Review.

Also within the B-2 district, all uses are exempted from the parking requirements of Section 19.51.130, except if off-street parking is specifically required for a particular conditional use under Section 19.30.030.
(Ord. 1611A § 1(part), 2006).

CCCIV. 19.30.050 Park fees.

All residential development shall be subject to a park acquisition fee per dwelling unit and a park improvement fee per dwelling unit, payable before a building permit is issued. The fee will be recommended by the Parks and Recreation Board and then approved by the Common Council. The fee will be on record at the City Clerk's office. The amount of these fees may be reduced by any fee amount previously paid or credited at the time of subdivision, or by fifty percent (50%) if the new housing units are created as a result of the conversion or remodeling of a preexisting building. The park acquisition fee may also be reduced if sufficient land area was provided for park purposes at the time of subdivision, based on the calculations in Section 18.04.030(a)(1) of the Whitewater Municipal Code. The fee amounts shall be set by the City Council.

Chapter 19.31 B-2A Downtown Housing Overlay District

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CCCV. 19.31.010 Purpose and intent.

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

CCCVI. 19.31.015 Relationship to underlying zoning district classification.

Requirements for permitted uses, conditional uses, lot area, lot width, yards, lot coverage, building height, signage, and park fees remain the same as the underlying zoning district to which the overlay zoning is applied unless specifically described in this overlay district.

CCCVII. 19.31.020 Overlay district application.

Applicants must apply for a zoning map district change within the Overlay Map Permission Area for the B-2A designation. No party other than the owner of the property or agents of the owner may apply for the B-2A downtown housing overlay zoning. Permission will require conformance with the requirements established for the duties of the zoning administrator (section 19.75.061) Applications may also require a conditional use permit. Procedures for zoning changes and amendments are further elaborated in section 19.69

CCCVIII. 19.31.030 Downtown housing overlay district permitted and conditional uses

Multi-family buildings with up to four units per building are a permitted use for new construction provided that the units shall be limited to no more than four bedrooms, have a minimum of two bathrooms, and have individual entries. Multi-family building plans shall demonstrate the inclusion or availability of adequate parking for the occupants and building users. In addition, the design of such units shall be reviewed by the Plan and Architectural Review Commission as limited to the following issues: the design can easily accommodate both student and non-student housing; the design exemplifies high quality site planning and architecture; quality open space features, or garden yards are integrated to serve as an amenity for residents.

CCCIX. 19.31.040 Off-street Parking.

Off-street parking, including both surface parking and enclosed parking, shall conform to the following guidelines and shall be reviewed as part of submitted site plans:

A. All parking areas must be hard surfaced with materials to control dust and drainage, such as asphalt, concrete, brick, or pavers. Gravel is not permitted. Access, drainage and stormwater management must be considered.
B. Consideration must be given to the visibility and potential impact on abutting properties. Attractive landscaping and screening/fencing must be installed to block light pollution.

C. If there are three or more unrelated individuals living in a dwelling, parking must be striped, numbered, assigned, and curb stops or bollards shall be included along the edge of the surface parking area.

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CCCX.

19.33.010 Purpose.

The B-3 highway commercial and light industrial district is established to accommodate nonnuisance type industrial commercial uses that are highway oriented or have large land area requirements. To ensure a minimum of disruption to residential neighborhoods, no development within this district shall take direct access to a local residential street, except by conditional use permit.

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

CCCXI.

19.33.020 Permitted uses.

Permitted uses in the B-3 district include:

A. All uses listed as permitted uses in the B-1 district(19.27.020);
B. Agricultural services;
C. General contracting shops;
D. Lumberyards, building supply stores, and greenhouses;
E. Private recreation facilities;
F. Mini-warehouses;
G. Public and semipublic uses;
H. Other similar uses not specifically listed in this section that are consistent with the purpose of this district;
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, per the requirements of Chapter 19.55.

(Ord. 1499 § 15, 2001; Ord. 1452 § 1(part), § 5(part), 2000: Ord. 1082 § 7, 1986; Ord. 994 § 3.12(A), 1982).

CCCXII.

19.33.025 Permitted accessory uses.

Permitted accessory uses in the B-3 district include:

A. Garages for storage of vehicles, equipment or materials in conjunction with operation of the principal use on the lot;
B. Off-street parking and loading areas, subject to landscaping and screening requirements if applicable;
C. Outside storage and trash dumpsters, which may be subject to screening as part of site plan review;
D. Outside display of merchandise, which may be subject to limitations as part of site plan review;
E. Outside display and temporary storage of motor vehicles where the principal use on the lot includes the sale, repair, or servicing of such motor vehicles. No vehicle in inoperable condition shall be stored for greater than thirty days;
F. Outdoor seating for restaurants within designated areas;
G. Temporary retail uses, such as seasonal and special event sales, subject to the approval of the zoning administrator, who may require specific time and area limitations;
H. Vending machines for dispensing of a product, but only if accessory to a commercial business use. If more than two vending machines are accessory to one business use, such vending machines shall be screened from the public right-of-way and adjacent properties. Vending machines may be lit only when the principal use on the lot is in operation, unless such machines are completely screened from the public right-of-way and adjacent properties;
I. Essential services;
J. Wireless telecommunications support facilities, per the requirements of Chapter 19.55.

(Ord. 1499 § 16, 2001; 1452 § 1(part), § 5(part), 2000).

CCCXIII.

19.33.030 Conditional uses.

Conditional uses in the B-3 district include:

A. Taverns and other establishments selling alcoholic beverages by the drink; for which consideration shall be given but is not limited to, conditions regarding the following issues:
   1. parking
   2. type of business
   3. signage
   4. outdoor seating
   5. provisions for avoiding noise and lighting nuisances
   6. buffering and fencing
   7. compatibility with the immediately surrounding neighborhood or district
B. All uses with drive-through facilities;
C. More than one principal structure on a lot;
D. New and existing residential uses in conformance with the standards of the R-3 multifamily residence district;
E. Automobile repair and service within a principal or accessory building;
F. Automobile, boat, trailer and small engine vehicle sales and rental facilities, including incidental repair and service within a principal or accessory building;
G. Car washes;
H. Entertainment establishments, including clubs, but excluding adult entertainment;
I. Funeral homes and crematory services;
J. Gasoline service stations, including incidental repair and service within the principal building;
K. Light industry;
L. Motor freight transportation;
M. Veterinary clinics, provided that no service including animal boarding is offered outdoors;
N. Warehousing;

O. Wholesale trade of durable and nondurable goods;
P. Large retail and commercial service developments, as described and regulated in Chapter 19.485.
Q. Light manufacturing and retail uses
R. All nonresidential uses with vehicular access onto a local (not a collector or arterial) street that is intended to provide access to mostly residential uses;
S. The first wireless telecommunications facility located on an alternative support structure only, per the requirements of Chapter 19.55.

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

(Ord. No. 1796A, § 2, 8-3-2010)

CCCXIV.

19.33.040 Lot area.

Minimum lot area in the B-3 district is ten thousand (10,000) square feet.

CCCXV.

19.33.050 Lot width.

Minimum lot width in the B-3 district is one hundred (100) feet.

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

CCCXVI.

19.33.060 Yard requirements.

Minimum required yards for principal buildings, outside storage, and dumpsters in the B-3 district are:

A. Front and street side, fifteen (15) feet (but may be greater if needed to meet fire safety requirements);
B. Interior side, fifteen (15) feet; (but may be greater if needed to meet fire safety requirements);
C. Rear, twenty (20) feet, except the rear yard setback to any railroad right-of-way shall be fifteen (15) feet under a conditional use; (but may be greater if needed to meet fire safety requirements);
D. Shore yard, seventy-five (75) feet. All Shoreland shall be in compliance with Chapter 19.46, and in addition may require DNR approval.
E. Any yard abutting a residential district or use, thirty (30) feet or the height of the nearest principal building or structure being developed, whichever is greater. Such yards shall be subject to the landscape buffer yard requirements of Section 19.57.140, except where abutting a railroad right-of-way with the approval of the plan and architectural review commission.

(Ord. 1460 § 1, 2000; Ord. 1452 § 1(part), § 5(part), 2000: Ord. 994 § 3.12(E), 1982).

CCCXVII. 19.33.070 Lot coverage.

There is no maximum percentage lot coverage for buildings with the exception of the provisions needed for landscape, circulation, and other site planning considerations. Building size, coverage, and locations must still conform to the other regulations including stormwater management. Landscape and environmental features shall follow principles of sustainability and environmental quality and shall locate landscape elements in highly visible locations, especially in the fronts of buildings, and should include canopy trees, understory and/or evergreen trees, and shrubs.

CCCXVIII.

19.33.080 Building height.

Maximum building height in the B-3 district is five (5) stories or 100 feet (whichever is greater), with the exception that the maximum building height is three (3) stories within 100’ of a residential use or property zoned as a residential district.

The maximum building height is also subject to fire safety limitations. The maximum building height may be increased under the provisions of a conditional use permit which will include, but is not limited to, consideration of issues regarding shadows cast by buildings, views, impacts on neighbors, and microclimate.
(Ord. 1452 § 1(part), § 5(part), 2000: Ord. 994 § 3.12(G), 1982).

CCCXIX.19.33.090 Plan review.

Plan review in accordance with Chapter 19.63 shall be required for any development in the B-3 district. Building design shall be consistent with the recommendations of the city's comprehensive (master) plan and include materials, colors, styles, and features tailored to the building's site and context. Landscaping shall be consistent with the recommendations of the city's comprehensive (master) plan; appropriate to the site, community and region; and in accordance with accepted professional standards.
(Ord. 1452 § 1(part), § 5(part), 2000: Ord. 994 § 3.12(H), 1982).

CCCXX.

19.33.100 Park fees.

All residential development shall be subject to a park acquisition fee per dwelling unit and a park improvement fee per dwelling unit, payable before a building permit is issued. The fee will be recommended by the Parks and Recreation Board and then approved by the Common Council. The fee will be on record at the City Clerk’s office. The amount of these fees may be reduced by any fee amount previously paid or credited at the time of subdivision, or by fifty percent (50%) if the new housing units are created as a result of the conversion or remodeling of a preexisting building. The park acquisition fee may also be reduced if sufficient land area was provided for park purposes at the time of subdivision, based on the calculations in section 18.04.030(a)(1) of the Whitewater Municipal Code.

Chapter 19.36 M-1 GENERAL MANUFACTURING DISTRICT

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CCCXXI.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).

CCCXXII.

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 linked to a manufacturing or warehousing use;
F. More than one principal structure on a lot when the additional building is a material and direct part of the primary business;
G. Any similar uses not specifically listed that can comply with the performance standards listed in Chapter 19.57;
H. 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).

CCCXXIII.

19.36.030 Conditional uses.

Conditional uses in the M-1 district include:

A. Wireless telecommunications facilities, per the requirements of Chapter 19.55. (Ord. 1499 § 19, 2001; Ord. 1315 § 1, 1995: Ord. 994 § 3.13(B), 1982).
B. Salvage yards;
C. Day care facilities

CCCXXIV. 19.36.040 Lot area.

Minimum lot area in the M-1 district is twenty thousand (20,000) square feet.
(Ord. 994 § 3.13(C), 1982).

CCCXXV.

19.36.050 Lot width.

Minimum lot width in the M-1 district is one hundred fifty (150) feet.
(Ord. 994 § 3.13(D), 1982).

CCCXXVI.

19.36.060 Yard requirements.

Minimum yard requirements for the M-1 district are:

A. Front, thirty (30) feet;
B. Side, fifteen (15) feet, corner lots thirty (30) feet;
C. Rear, thirty (30) feet, except the rear yard setback to any railroad right-of-way shall be at least fifteen (15) feet under a conditional use;
D. Shore, seventy-five (75) feet. All Shoreland shall be in compliance with Chapter 19.46, and in addition may require DNR approval.

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

CCCXXVII.

19.36.070 Lot coverage.

There is no maximum percentage lot coverage for buildings with the exception of the provisions needed for landscape, circulation, and other site planning considerations. . Building size, coverage, and locations must still conform to the other regulations including stormwater management. Landscape and environmental features shall follow principles of sustainability and environmental quality and shall locate landscape elements in highly visible locations, especially in the fronts of buildings, and should include canopy trees, understory and/or evergreen trees, and shrubs.

(Ord. 994 § 3.13(F), 1982).

CCCXXVIII.

19.36.080 Building height.

Maximum building height in the M-1 district is 100 feet, with the exception that the maximum building height is three stories within 100’ of a residential use or a property zoned as a residential district.

The maximum building height is also subject to fire safety limitations. The maximum building height may be increased under the provisions of a conditional use permit which will include, but is not limited to, consideration of issues regarding shadows cast by buildings, views, impacts on neighbors, and microclimate.
(Ord. 994 § 3.13(G), 1982).

CCCXXIX. 19.36.090 Buffer screening.

Where the M-1 district boundaries adjoin any residential district boundary, a screen or buffer yard as described in Section 19.57.140 shall be required. This provision shall be applied to new construction and alterations to existing structures or uses that result in an increase in the level of nuisance. Only the area of the nuisance shall require screening.
(Ord. 994 § 3.13(H), 1982).

CCCXXX. 19.36.100 Architectural review.

No building or improvements shall be erected, placed or altered on any building site in an M-1 district park until the plans and use for such building or improvements (including site plans, landscaping plans, accommodation of environmental features, building plans, and specifications) have been approved through the architectural review process. The plan and architectural review

commission's functions under Chapter 19.63 shall be delegated to the Community Development Authority or its designee as approved by the City Council.

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CCCXXXI.

19.37.010 Purpose.

The M-2 manufacturing and miscellaneous use district is established to accommodate a wide range of industrial uses, to preserve and protect lands for future industrial use, and to provide an opportunity for miscellaneous uses set forth herein which are not specifically allowed in other districts. Adult-oriented establishments shall only be allowed in the M-2 district.
(Ord. 1613A § 1(part), 2006).

CCCXXXII.

19.37.020 Permitted uses.

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

CCCXXXIII.

19.37.030 Conditional uses.

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

CCCXXXIV. 19.37.040 Lot area.

Minimum lot area in the M-2 district is twenty thousand (20,000) square feet. The Community Development Authority can decrease the minimum lot area for adult-oriented establishments if it finds that a decrease is appropriate.
(Ord. 1613A § 1(part), 2006).

CCCXXXV.

19.37.050 Lot width.

Minimum lot width in the M-2 district is one hundred fifty (150) feet. The Community Development Authority can decrease the minimum lot width for adult-oriented establishments if it finds that a decrease is appropriate.
(Ord. 1613A § 1(part), 2006).

19.37.060 Yard requirements.

Minimum yard requirements for the M-2 district are:

A. Front, thirty (30) feet;
B. Side, fifteen (15) feet; corner lots, thirty (30) feet;
C. Rear, thirty (30) feet, except the rear yard setback to any railroad right-of-way shall be at least fifteen (15) feet under a condition use;
D. Shore, seventy-five (75) feet. All Shoreland shall be in compliance with Chapter 19.46, and in addition may require DNR approval. (Ord. 1613A § 1(part), 2006).

CCCXXXVI.

19.37.070 Lot coverage.

There is no maximum percentage lot coverage for buildings with the exception of the provisions needed for landscape, circulation, and other site planning considerations. Building size, coverage, and locations must still conform to the other regulations including stormwater management. Landscape and environmental features shall follow principles of sustainability and environmental quality and shall locate landscape elements in highly visible locations, especially in the fronts of buildings, and should include canopy trees, understory and/or evergreen trees, and shrubs.

CCCXXXVII. 19.37.080 Building height.

Maximum building height in the M-2 district is 100 feet, with the exception that the maximum building height is three stories within 100’ of a residential use or a property zoned as a residential district. The maximum building height is also subject to fire safety limitations. The maximum building height may be increased under the provisions of a conditional use permit which will include, but is not limited to, consideration of issues regarding shadows cast by buildings, views, impacts on neighbors, and microclimate.
(Ord. 1613A § 1(part), 2006).

CCCXXXVIII.

19.37.090 Buffer screening.

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

CCCXXXIX. 19.37.100 Architectural review.

No building or improvements shall be erected, placed or altered on any building site in an M-2 district park until the plans and use for such building or improvements (including site plans, landscaping plans, accommodation of environmental features, building plans, and specifications) have been approved through the architectural review process. The plan and architectural review commission's functions under Chapter 19.63 shall be delegated to the Community Development Authority or its designee as approved by the City Council.

Chapter 19.38 WHITEWATER UNIVERSITY TECHNOLOGY PARK DISTRICT (WUTP DISTRICT)

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CCCXL. 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)

CCCXLI.

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 (2) members appointed by the Chancellor of the University of Wisconsin-Whitewater, two (2) 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 (5) members, and all actions shall require the concurring vote of at least five (5) 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)

CCCXLII.

19.38.030 Permitted uses.

Permitted uses in the WUTP district include:

1. Production, or processing, cleaning, servicing, testing or repair of materials, goods or products, limited to the following uses, products, components, or circumstances:
   a. Electronic and electrical products and instruments, such as transistors, semiconductors, small computers, scanners, monitors and compact communication devices.
   b. High technology products related to the fields of physics, oceanography, astrophysics, metallurgy, chemistry, biology, or other scientific field offered for study at the University of Wisconsin-Whitewater.
   c. Laser technology, radiology, X-ray and ultrasound products, manufacturing and assembly.
   d. Medical and dental supplies.
   e. Optical, fiber optical and photographic products and equipment.
   f. Orthopedic and medical appliances, such as artificial limbs, brace supports and stretchers.
   g. Products related to process design, process simulation, computer hardware and software development, and safety engineering.
   h. Scientific and precision instruments and components, including robotics.
2. Research, development and testing laboratories, including testing facilities and equipment.
3. Business and professional offices.
4. Pilot plants or other facilities for the testing of manufacturing, processing or fabrication methods, or for the testing of products or materials.
5. Telecommunication centers (not including wireless telecommunication facilities as regulated in Section 19.55).
6. Accessory uses, (which shall be accessory uses to principal use on-site), including the following:
   a. Educational or training centers or institutions.
   b. Nursery schools or day care centers for children of employees on the site.
   c. Temporary buildings for construction purposes, for a period not to exceed the duration of such construction.
   d. Reproduction processes related to a primary function including printing, blueprinting, photostating, lithographing, engraving, stereotyping, publishing and bookbinding.
   e. Wholesaling of goods and merchandise manufactured or produced on the premises.
   f. The generation of power via a local energy system, with the primary purpose of supplying energy to the principal use being conducted on the lot.

g. The fabrication of products in conjunction with a research, development, or testing laboratory as the principal use.
h. Garages for storage of vehicles, equipment or materials in conjunction with operation of the principal use on the lot;
i. Off-street parking and loading areas, subject to landscaping and screening requirements where applicable;
j. Trash dumpsters where located outside of the required yards in Section 19.38.070 of this chapter and enclosed by a decorative opaque fence, wall or landscaping designed to provide a total visual screen;
k. Outdoor seating for restaurants within designated areas;
l. Outdoor eating and recreation areas;
m. Essential services;
n. Health clubs, banks and other financial institutions, medical, dental and optical clinics, barbershops, beauty parlors, or similar retail establishments;
o. Conference centers.

7. Restaurants, without drive-up or drive-through service.
8. Colleges and universities (not including housing or residential uses).
9. Public parks and public recreation use facilities, including but not limited to Morraine View Park and the planned athletic facilities, trail and possible playground therein.

(Ord. No. 1747A, § 1, 9-15-2009)

CCCXLIII. 19.38.040 Conditional uses.

Conditional uses in the WUTP district include:

1. Parking facilities, open and accessory, for the storage of private passenger automobiles only, when located elsewhere than on the same zoning lot as the principal use served.
2. Public utility and public service uses as follows:
   a. Bus turnarounds (off-street), bus transfer points.
   b. Electric substations.
   c. Gas regulator stations, mixing stations and gate stations.
   d. Radio, television, and telecommunication towers and wireless telecommunication facilities meeting the standards of Section 19.55.
   e. Railroad passenger stations.
   f. Railroad rights-of-way.
   g. Sewerage system lift stations.
   h. Telephone exchanges, microwave relay towers, telephone transmission equipment buildings and service yards.
   i. Electric generator which serves a principal use located on the zoning lot and is capable of providing electricity for off-site use provided:
      a) The electric output is less than three thousand kilowatts and said generator is operated no more than two hundred (200) hours per year;
      b) The location of every generator shall be not less than twenty (20) feet from any zoning lot which permits residential uses; and,
      c) Said generator shall be located and screened so as to reduce the visual impact of the generator from neighboring property and to be compatible with neighboring structures and the character of the community. This may include screening with materials similar in appearance to those used for the principal structure on the zoning lot, and landscaping or fencing as approved by the architectural review committee.
   j. Water pumping stations and reservoirs.
3. Any production, or processing, cleaning, servicing, testing or repair of materials, goods or products, limited to the following uses, products, components, or circumstances:
   a. Cameras and other photographic equipment.

b. Ceramic products, such as pottery, figurines and small glazed tiles.
c. Cosmetics and toiletries, drugs, perfumes, and perfumed soaps.
d. Drugs and pharmaceutical products.
e. Electrical appliances, such as lighting fixtures, irons, fans and toasters.
f. Electrical equipment assembly, such as home radio and television receivers and home movie equipment, but not including electrical machinery.
g. Electrical supplies manufacturing and assembly, such as wire and cable assembly, switches, lamps, insulation and dry cell batteries.
h. Products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious and semiprecious stones, rubber, shell, wood (but not including a planing mill) and yarn.
i. Products related to material research and development in such areas as prepared glass, ceramics, carbon fiber, metals, textiles, polymers, plastics, chemical foams and inorganic chemicals such as liquid crystals, and synthetic fuels.
j. Small-scale products (finished weight not exceeding fifty pounds) related to energy, environmental, telecommunications, or satellite applications.
k. Small-scale products (finished weight not exceeding fifty (50) pounds) related to the resource industries of agriculture and food production, forestry, petrochemicals and mining.
l. Specific products not listed above but similar in intent and character and which may be defined as being produced or assembled manually or by a light industrial process by virtue of the use of only light machinery; being conducted entirely within enclosed substantially constructed buildings; in which the open area around such buildings is not used for storage of raw materials or manufactured products, or for any industrial purpose other than loading and unloading operations; which are not noxious or offensive by reason of emission of smoke, dust, fumes, odors, noise, or vibrations beyond the confines of the building.

4. Outside storage areas, subject to the development standards in Section 19.38.110.
5. Day care centers.
6. Other uses substantially consistent with or linked to the goals of the WUTP including retail sales and services and food and beverage sales and services.

(Ord. No. 1747A, § 1, 9-15-2009)

CCCXLIV.

CCCXLV. 19.38.050 Lot area and lot width requirements.

In the WUTP district, there shall be provided a lot area of not less than one (1) acre and a lot width of not less than one hundred (100) feet.

(Ord. No. 1747A, § 1, 9-15-2009)

CCCXLVI.

CCCXLVII. 19.38.060 Floor area ratio.

In the WUTP district, the floor area ratio shall not exceed 3.0.

(Ord. No. 1747A, § 1, 9-15-2009)

CCCXLVIII.

CCCXLIX. 19.38.070 Yard requirements.

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

1. Front yard Twenty-five (25) feet, except as indicated on the city's official map.
2. Side yard--Each side, fifteen (15) feet. On corner lots, twenty-five (25) feet for side yard adjoining an arterial highway and twenty-five feet for side yard adjoining other streets.
3. Rear yard-Thirty (30) feet.

4. Environmental corridor or wetland yard. Adjacent to any mapped environmental corridor, as defined by the Southeastern Wisconsin Regional Planning Commission, or a delineated wetland as approved by the agency with jurisdiction—Thirty (30) feet.
5. Parking lots and associated circulation drive aisles may extend into normal interior side or rear yard setbacks, but not into front or street side yard setbacks.

(Ord. No. 1747A, § 1, 9-15-2009)

CCCL.

19.38.090 Lot coverage.

There is no maximum percentage lot coverage for buildings with the exception of the provisions needed for landscape, circulation, and other site planning considerations. Building size, coverage, and locations must still conform to the other regulations including stormwater management. Landscape and environmental features shall follow principles of sustainability and environmental quality and shall locate landscape elements in highly visible locations, especially in the fronts of buildings, and should include canopy trees, understory and/or evergreen trees, and shrubs.

(Ord. No. 1747A, § 1, 9-15-2009)

CCCLI.

CCCLII. 19.38.100 Building height.

Maximum building height in the WUTP district is 100 feet, except as may be otherwise approved by the architectural review committee upon the finding that such increased height will not be detrimental to the character of the park or adjoining buildings and uses.

(Ord. No. 1747A, § 1, 9-15-2009)

CCCLIII.

CCCLIV. 19.38.110 Development standards.

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

1. Building design and materials. The exterior appearance of any building constructed in this district shall be compatible with that of adjoining structures within the district, especially as it relates to rooflines and building materials. Permitted materials shall include masonry, concrete, stone, Exterior Insulation and Finish System (EIFS), Dry-vit, glass, and decorative architectural grade metal as a design detail, except where other quality materials are also allowed by the architectural review committee.
2. Accessory off-street parking and loading. Accessory off-street parking lots, loading berths, and access driveways shall be located, designed and improved so as to provide for safe and convenient access from adjoining streets, safe and convenient circulation within the site, and an aesthetically pleasing site design. Parking lots and access driveways shall be designed and located so that such facilities do not provide a direct unlandscaped view from the street to the parking lot or access driveway.
3. Landscaping and site development. To provide a park-like setting, all lots shall be landscaped, including the provision of canopy-type shade trees. When adjacent, connected, or within 30 feet of an environmental corridor or environmental corridor buffer : all existing mature, healthy trees shall be retained and protected , where possible, during construction as per City of Whitewater Forestry Guidelines. All land areas not covered by buildings, structures, storage areas, parking lots, loading areas and driveways, shall be landscaped and maintained. Landscaping shall mean decorative plazas, mounds, environmental preserves, enhancements of wetlands, stormwater features designed as landscape enhancements, features incorporated into the landscape for the purpose of improving sustainability of the site, pools or the planting of grass, shrubs, trees and other plant materials or other comparable surface cover.
4. Storage areas. All storage, except for licensed motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened from adjoining properties and

public rights-of-way by an opaque screening wall or fence with such wall or fence not less than six (6) feet nor more than eight feet in height, and no materials stored shall exceed the height of such screening wall or fence. All outside storage areas shall be located to the rear of buildings and shall be limited to not more than five percent (5%) of the total lot area. Landscaping shall be required on the outside of the opaque screen wall or fence.

5. Signs. All signs shall meet applicable standards in Chapter 19.54, and the specific requirements set forth for the M-1 district in the table contained in 19.54.052.
    a. No ground sign shall exceed a maximum height of eight feet and a maximum gross area of forty-eight (48) square feet. All ground signs shall be incorporated in the landscape plan, including the provision of plant materials at the base of such signs.
6. Prohibited site uses. No use shall be so conducted as to cause the harmful discharge of any waste materials into or upon the ground, into or within any sanitary or storm sewer system, into or within any water system or water, or into the atmosphere. All uses shall be conducted in such a manner so as to preclude any nuisance, hazard, or commonly recognized offensive conditions or characteristics, including creation or emission of dust, gas, smoke, noise, fumes, odors, vibrations, particulate matter, chemical compounds, electrical disturbance, humidity, heat, cold, glare, or night illumination.
7. Uses required to be enclosed. All business, servicing, or processing shall be conducted within completely enclosed buildings, except for the following:
    a. Off-street parking and off-street loading;
    b. Drive-up service windows for banks and other financial institutions.
8. Truck parking. Parking of trucks as an accessory use, when used in the operation of a permitted business, shall be limited to vehicles of not over one and one-half tons of capacity when located within one hundred fifty (150) feet of a residential district boundary line.

(Ord. No. 1747A, § 1, 9-15-2009)

Chapter 19.39 PD PLANNED DEVELOPMENT DISTRICT*

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

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CCCLV.

19.39.010 Purpose and intent.

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

B. The PD District is intended to allow desirable innovative development activities that demonstrate cohesive site planning, higher quality urban design, architectural design, and public places. This district is also intended to facilitate developments which would add substantially to the net economic value of the community (as determined by measuring the expected short-term and long-term costs and revenues). This district is not intended solely to simply circumvent the intent of other zoning districts, or to seek variance from other district regulations, or to avoid practices consistent with the general health and social and economic value of the neighborhood or immediate context.

C. New residential development shall follow the occupancy regulations of the underlying zoning district unless expressly modified by the PD district.

CCCLVI.

19.39.020 Permitted uses.

In the PD District, any permitted or conditional use in any of the other districts in this title, or mix of uses, may be permitted subject to the criteria listed below. Any plans, uses, or requirements approved by the city as part of a PD general development plan or specific implementation plan shall be construed to be and enforced as part of this title.
(Ord. 1511 § 2(part), 2002).

Permitted uses, subject to the criteria listed below, also include large retail and commercial service developments (with 80,000 square feet or more on the ground floor). All large format retail developments shall address the issues in Chapter 19.485 for Large Retail and Commercial Service Development Standards, and shall include, as part of the PD, specific plans for short-term and long-term redevelopment of the PD if and when the initial retail development should

diminish in economic activity and value. Diminishment of economic activity and value shall include:

a. vacancy of 25% or more of the primary buildings,
b. new uses of the primary buildings which result in a significant reduction of property value, and
c. new uses which result in a material decrease in use of the buildings by customers and thereby reduce the viability of surrounding economic activities.

Such plans should be achievable with no significant cost to the City and in a manner that protects the economic value of adjacent development.

CCCLVII. 19.39.030 Lot, building, yard and parking requirements.

In the PD District, there shall be no specified lot area, lot width, yard, height, parking or open space requirements. Recommendations to be discussed are defined by Sections 19.39.040. Any lot, building, yard, or parking requirements approved by the city as part of a PD general development plan or specific implementation plan shall be construed to be and enforced as part of this title.

(Ord. 1511 § 2(part), 2002).

CCCLVIII.

CCCLIX. 19.39.040 Proposed developments--issues for consideration.

As a basis for determining the acceptability of applications for rezoning to the PD District, the following criteria shall be considered in the review of the proposed development. These issues are not mandatory guidelines nor requirements, but issues to be discussed and considered by all parties involved in the PD review and approval process and subject to negotiation and variations for each individual proposal and components of proposals:

A. Compatibility with vegetation and topography and with the visual character of the surrounding buildings in the neighborhood or district context .
B. The value of the proposed project to the community aesthetically and the way in which the buildings blend, harmonize, improve, and/or complement the surrounding neighborhood.
C. Impact on traffic or parking with regard to the surrounding area, proposed facilities, the width and location of streets, the appropriateness of paving and lighting relative to proposed uses and the surrounding area, and public safety as determined by the city.
D. Impact of the proposed development upon the city's water supply, sanitary sewer and stormwater drainage systems.
E. Impact of the proposed development on existing businesses in the immediate area as well as other businesses outside the immediate area that are likely to be impacted by the new development.
F. Provisions for the long-term preservation and maintenance of open space.
G. Compactness of the development.
H. Integration of different uses, including residential, commercial, civic, and open space; the desirable proximity of uses to one another; the degree to which the mix of uses accommodates the needs of a variety of people, ages, and social groups
I. Preservation and/or reuse of existing buildings and buildings with historical or architectural features that enhance the visual character of the community.
J. Incorporation of significant environmental features into the design; and
K. General consistency with the City of Whitewater's comprehensive (master) plan.

(Ord. 1511 § 2(part), 2002).

CCCLX. 19.39.050 Procedures for rezoning, general development plan (GDP), and specific implementation plan (SIP) approval.

Step 1: Procedure for Rezoning.

1. The procedure for rezoning to the PD District shall be the same as for any other zoning district change (see Chapter 19.69), except that in addition, twenty copies of a general

development plan (GDP) shall be submitted to and approved by the city council following a recommendation by the plan commission. The general development plan of the proposed project shall include the following.

a. A site inventory and analysis map with topography at two foot contours to identify site assets, resources, and constraints, including but not limited to floodplains, wetlands, soils with limitations for building development, utility easements, slopes greater than fifteen percent, and existing trees over four inches in diameter;
b. A conceptual site plan or neighborhood development plan, at a scale of no less than one inch equals one hundred feet, which indicates proposed building outlines within the context of the surrounding streets and blocks, location of streets, options (if any) for cross-easements, driveways, parking areas (including options, if any, for shared parking), sidewalks and bicycle paths, service access areas for receiving material and trash removal, and other impervious surfaces;
c. A utility feasibility analysis, including a map showing the general locations of proposed public utility connections;
d. The location of recreational and open space areas reserved or dedicated to the public;
e. A conceptual landscape plan showing general locations and types of proposed landscaping, including maintenance of existing vegetation where appropriate;
f. A phasing plan, where applicable;
g. A conceptual stormwater management plan identifying the proposed patterns of major stormwater run-off, locations of stormwater infiltration areas, and other significant stormwater management features;
h. Typical proposed building elevations identifying the architectural style(s) of the development shown in the context of street elevations that depict several of the buildings on each side of the proposed building ;
i. A written report that provides general information about the site conditions, development objectives, covenants, conservation easements, or agreements that will influence the use and maintenance of the proposed development may be required for larger or more complex projects;
j. Any other data required by the plan commission in order to evaluate the development.

2. Upon city council approval and adoption of the general development plan and associated zoning change to the PD District, all plans submitted as well as other commitments, conditions of approval, restrictions and other factors pertinent to assuring that the project will be carried out as presented, shall be filed with the zoning administrator and shall be referred to in regard to enforcement or modification of the general development plan.
3. If applicant does not submit and have approved at least one specific implementation plan for a planned development within two years of city approval of a rezoning to the planned development District, the previously approved general development plan shall be considered null and void. A new petition and approval process shall be required to obtain approval of the same or a revised general development plan.

Step 2: Specific Implementation Plan Approval.

1. Detailed plans, described below under the Specific Implementation Plan (SIP) submittal requirements, are not required to be submitted at the time the PD zoning is approved; however, the GDP and SIP review process may be combined and made faster by doing so. Before any building permit is issued, the plan commission shall review and approve a SIP. If the approved GDP specified that development of the site would proceed in phases, the plan commission may approve an SIP covering only a portion of the previously approved GDP area. The applicant shall file twenty copies of the SIP with the plan

commission. In addition to meeting all application requirements for plan review under Section 19.63.020, the SIP application shall include the following:

a. Where a land division or lot consolidation is proposed, a final plat or Certified Survey Map (CSM) of the entire development area included in the SIP, meeting all requirements of Chapter 18, the city's land division and subdivision regulations;
b. For multi-lot PD's, a detailed neighborhood development plan showing the arrangement, design, and uses of different lots, buildings, driveways, parking areas, parks and open spaces, and paths.
c. Typical elevations or detailed design standards for single- and two-family residential buildings and detailed elevations of all proposed non-residential, mixed use, and multi-family residential buildings. Such detailed elevations shall meet the requirements of Section 19.63.020 and identify all wall signs; the percentage of ground floor commercial facade in windows; and the location, height and materials for screening walls and fences, including those proposed to surround outdoor trash and recyclable storage areas, electrical, mechanical and gas metering equipment, and rooftop equipment; where building construction is not imminent, detailed design standards that will apply to all non-residential buildings may substitute for detailed elevations, if approved by the zoning administrator;
d. Signage plans demonstrating a unified or compatible sign design theme for major signage in the PD;
e. A detailed stormwater management and erosion control plan;
f. Arrangements, bylaws, provisions or covenants which govern the organizational structure, use, architectural standards, maintenance and continued protection of the planned development.

2. At a regular meeting, the plan commission shall approve, conditionally approve with changes consistent with the approved general development plan, or reject the SIP. An SIP for a PD development that is consistent with the GDP and meets other applicable ordinance provisions shall be entitled to approval or conditional approval. A final plat or certified survey map associated with the development may also be subject to city council approval under the provisions of Chapter 18. Upon final approval of the SIP, it shall be filed with the zoning administrator, and shall be referred to in regard to enforcement of modification of the development plans. All covenants, restrictions or contractual agreements with the city shall be recorded with the register of deeds before final issuance of building permits.
3. If an applicant does not commence construction within one year after city approval of an SIP for a planned development, or complete construction within two years of approval of the SIP, the previously approved SIP shall be considered null and void; except where the plan commission approves an alternative phasing plan with the SIP. A new petition and approval process shall be required to obtain SIP approval.

(Ord. 1511 § 2(part), 2002).

CCCLXI. 19.39.060 Modifications and changes.

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

(Ord. 1511 § 2(part), 2002).

CCCLXII. 19.39.070 Park fees.

All residential development shall be subject to a park acquisition fee per dwelling unit and a park improvement fee per dwelling unit, payable before a building permit is issued. The fee will be recommended by the Parks and Recreation Board and then approved by the Common Council. The fee will be on record at the City Clerk's office. The amount of these fees may be reduced by any fee amount previously paid or credited at the time of subdivision, or by fifty percent (50%) if the new housing units are created as a result of the conversion or remodeling of a preexisting building. The park acquisition fee may also be reduced if sufficient land area was provided for park purposes at the time of subdivision, based on the calculations in section 18.04.030(a)(1) of the Whitewater Municipal Code. The fee amounts shall be set by the City Council.

Chapter 19.42 AT AGRICULTURAL TRANSITION DISTRICT

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CCCLXIII.

19.42.010 Purpose.

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

(Ord. 994 § 3.15(part), 1982).

CCCLXIV.

19.42.020 Permitted uses.

Permitted uses in the AT district include:

A. Dairying, floriculture, orchards, plant nurseries, truck farming, sod farming, horticulture, grazing, greenhouses, forest and game management, livestock and poultry raising (except for commercial operations), road-side stands not exceeding one per farm, and similar agricultural uses;
B. Two single-family dwelling units for resident owner/operators and their children, siblings, and parents or laborers principally engaged in conducting a permitted or approved conditional use;
C. 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, per the requirements of Chapter 19.55.

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

CCCLXV.

19.42.030 Conditional uses.

Conditional uses in the AT district include:

A. Fish and fur farms, beekeeping, commercial livestock and poultry operations, livestock sales facilities, veterinary services for farm animals, and similar agricultural uses;
B. Housing for seasonal farm laborers;
C. Airports;
D. Mineral extraction;
E. More than two (2) single-family dwelling units for residential owner/operators and their children, siblings, and parents or laborers principally engaged in conducting a permitted approved conditional use;

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

(Ord. 1499 § 21, 2001; 994 § 3.15(B), 1982).

CCCLXVI.

19.42.040 Lot area.

Minimum lot area in the AT district is as follows:

A. Farm units, minimum thirty-five (35) acres;

B. Additional farm-related housing, minimum twenty thousand square feet.

(Ord. 994 § 3.15(C), 1982).

CCCLXVII.

19.42.050 Yard requirements.

Minimum yard requirements for the AT district are as follows:

A. Additional farm-related housing shall comply with the provisions of the R-1 residential district;

B. Farm buildings:

1. Side yard, minimum fifty (50)feet;
2. Rear yard, minimum fifty (50) feet.

(Ord. 994 § 3.15(D), 1982).

CCCLXVIII.

19.42.060 Building height.

Maximum building height for the AT district is two times their distance from adjacent lot lines.

(Ord. 994 § 3.15(E), 1982).

CCCLXIX.

19.42.070 Existing residences.

Pre-existing residences in the agricultural transition district that do not conform to district standards may be continued in residential use and are not subject to the limitations of Chapter 19.60, Nonconforming Uses.

(Ord. 994 § 3.15(F), 1982).

Chapter 19.45 C-1 SHORELAND WETLAND OVERLAY DISTRICT

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CCCLXX. 19.45.010 Purpose.

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

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

(Ord. 1196 § 1(part), 1990).

CCCLXXI. 19.45.020 Permitted uses.

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

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

(Ord. 1196 § 1(part), 1990).

CCCLXXII.

19.45.030 Conditional uses.

The following uses are conditional uses in the C-1 shoreland wetland district and may be permitted as specified. The city plan commission shall transmit a copy of each application for a conditional use in the C-1 shoreland wetland district to the Wisconsin Department of Natural Resources (DNR) at least ten days prior to the public hearing. Final action on the application shall not be taken for thirty days or until the DNR has made its recommendation, whichever comes first. A copy of all C-1 shoreland wetland district conditional use permits shall be transmitted to the DNR within ten (10) days following the decision:

A. The construction of streets which are necessary for the continuity of the city street system, necessary for the provision of essential utility and public safety services, or necessary to provide access to permitted open space uses in the C-1 district; provided that:
   1. The street cannot as a practical matter be located outside the conservancy district;
   2. The street is designed and constructed to minimize adverse impact upon the natural functions of the wetland as listed in Section 11.1308(B) of the Wisconsin Statutes;
   3. The street is designed and constructed with the minimum cross-section practical to serve the intended use;
   4. The street construction activities are carried out in the immediate area of the roadbed only; and
   5. Any filling, flooding, draining, dredging, ditching, tiling, or excavating that is done must be necessary for the construction or maintenance of the street.

B. The construction and maintenance of nonresidential buildings used solely in conjunction with raising of waterfowl, minnows, or other wetland or aquatic animals or used solely for some other purpose which is compatible with wetland preservation, provided that:
   1. The building cannot as a practical matter be located outside the conservancy district;
   2. The building is not designed for human habitation and does not exceed five hundred square feet in area; and
   3. Only limited filling or excavating necessary to provide structural support is conducted.

C. The establishment and development of public and private parks and recreation areas, recreation trails, public boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves, and private habitat areas; provided, that:
   1. Any private recreation or wildlife habitat area must be exclusively for that purpose;
   2. No filling is to be done; and
   3. Ditching, excavating, dredging, dike and dam construction may be done in wildlife refuges, game preserves, and private wildlife habitat areas, but only for the purpose of improving wildlife habitat or to otherwise enhance the value of a wetland or other natural resource.

D. The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities; provided, that:
   1. The transmission and distribution lines and related facilities cannot as a practical matter be located outside the conservancy district; and
   2. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the construction or maintenance of the utility, and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the conservancy area.

E. The construction and maintenance of railroad lines; provided, that:
   1. The railroad lines cannot as a practical matter be located outside the conservancy district; and

2. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the construction or maintenance of the railroad, and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the conservancy area.

(Ord. 1196 § 1(part), 1990).

CCCLXXIII.

19.45.040 Prohibited uses.

Any use not listed as a permitted use or a conditional use is prohibited unless the C-1 district lands concerned are first rezoned into another district. Furthermore, the use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary highwater mark of any navigable water are prohibited.

(Ord. 1196 § 1(part), 1990).

Chapter 19.451 C-2 NONSHORELAND WETLAND OVERLAY DISTRICT

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CCCLXXIV. 19.451.010 Purpose.

The C-2 nonshoreland wetland district is intended to preserve, protect, and enhance the ponds, streams, and wetland areas of the city located beyond the statutorily defined limits of shorelands. The preservation, protection, and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve water quality, both ground and surface; prevent flood damage; control stormwater runoff; protect stream banks from erosion; protect groundwater recharge and discharge areas; protect wildlife habitat; protect native plant communities; avoid the location of structures on soils which are generally not suitable for use; and protect the water-based recreation resources of the city.

The C-2 nonshoreland wetland district, as shown on the zoning map, includes those wetlands not located within the shoreland jurisdiction in the city. The boundaries were initially determined from the Wisconsin Wetland Inventory Map for the City of Whitewater, dated July 2, 1987, and stamped "FINAL."

(Ord. 1196 § 1(part), 1990).

CCCLXXV. 19.451.020 Permitted uses.

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

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

(Ord. 1196 § 1(part), 1990).

CCCLXXVI.

19.451.030 Conditional uses.

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

A. The construction of streets which are necessary for the continuity of the city street system, necessary for the provision of essential utility and public safety services, or necessary to provide access to permitted open space uses in the C-2 district; provided, that:
   1. The street cannot as a practical matter be located outside the conservancy district;
   2. The street is designed and constructed to minimize adverse impact upon the natural functions of the wetland as listed in Section 11.1308(B) of the Wisconsin Statutes;
   3. The street is designed and constructed with the minimum cross-section practical to serve the intended use;
   4. The street construction activities are carried out in the immediate area of the roadbed only; and
   5. Any filling, flooding, draining, dredging, ditching, tiling, or excavating that is done must be necessary for the construction or maintenance of the street.

B. The construction and maintenance of nonresidential buildings used solely in conjunction with raising of waterfowl, minnows, or other wetland or aquatic animals or used solely for some other purpose which is compatible with wetland preservation; provided, that:
   1. The building cannot as a practical matter be located outside the conservancy district;
   2. The building is not designed for human habitation and does not exceed five hundred square feet in area; and
   3. Only limited filling or excavating necessary to provide structural support is conducted.

C. The establishment and development of public and private parks and recreation areas, recreation trails, public boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves, and private habitat areas; provided, that:
   1. Any private recreation or wildlife habitat area must be exclusively for that purpose;
   2. No filling is to be done; and
   3. Ditching, excavating, dredging, dike and dam construction may be done in wildlife refuges, game preserves, and private wildlife habitat areas, but only for the purpose of improving wildlife habitat or to otherwise enhance the value of a wetland or other natural resource.

D. The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities; provided, that:
   1. The transmission and distribution lines and related facilities cannot as a practical matter be located outside the conservancy district; and
   2. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the construction or maintenance of the utility, and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the conservancy area.

E. The construction and maintenance of railroad lines; provided, that:
   1. The railroad lines cannot as a practical matter be located outside the conservancy district; and
   2. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the construction or maintenance of the railroad, and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the conservancy area.

(Ord. 1196 § 1(part), 1990).

CCCLXXVII.

19.451.040 Prohibited uses.

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

Chapter 19.46 FLOODPLAIN REGULATIONS*

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

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CCCLXXVIII. 19.46.010 Statutory authorization, finding of fact, statement of purpose, title and general provisions.

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

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

C. Statement of purpose. This chapter is intended to regulate floodplain development to:
   1. Protect life, health and property;
   2. Minimize expenditures of public funds for flood control projects;
   3. Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
   4. Minimize business interruptions and other economic disruptions;
   5. Minimize damage to public facilities in the floodplain;
   6. Minimize the occurrence of future flood blight areas in the floodplain;
   7. Discourage the victimization of unwary land and homebuyers;
   8. Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
   9. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

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

E. General provisions.

1. Areas to be regulated. This chapter regulates all areas that would be covered by the regional flood or base flood.
    a. Note: Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A-Zones on the Flood Insurance Rate Map.
2. Official maps and revisions. The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and the revisions in the City of Whitewater Floodplain Appendix. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and the Federal Emergency Management Agency (FEMA) before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file with the City of Whitewater. If more than one map or revision is referenced, the most restrictive information shall apply.
   Official maps: Based on the FIS.
    a. For Jefferson County Flood Insurance Rate Maps (FIRM), panel numbers 55055C0432F, 55055C0434F, 55055C0451F, 55055C0452F, 55055C0453F, 55055C0454F with corresponding profiles based on Flood Insurance Study (FIS) dated 2-4-15 volume numbers 55055CV001B and 55055CV002B.; updated maps with revised panel numbers may be available.
    b. For Walworth County Flood Insurance Rate Maps (FIRM), panel numbersFlood Insurance Rate Map (FIRM), panel numbers 55127C0009E, 55127C0017E, 55127C0028E and 55127C0029E dated 09/03/2014; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated 09/03/14, Volume No. 55127CV000B; updated maps with revised panel numbers may be available.
3. Establishment of districts. The regional floodplain areas are divided into three districts as follows:
    a. The floodway district (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.
    b. The floodfringe district (FF) is that portion of the floodplain between the regional flood limits and the floodway.
    c. The general floodplain district (GFP) is those areas that have been or may be covered by floodwater during the regional flood.
    d. The flood storage district (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.
4. Locating floodplain boundaries. Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in subsections a. or b. below. If a significant difference exists, the map shall be amended according to section 19.46.080. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to subsection 19.46.070C.3 and the criteria in a. and b. below.

a. If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
b. Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the the City of Whitewater.

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

5. Removal of lands from floodplain. Compliance with the provisions of this chapter shall not be grounds for removing land from the floodplain unless it is filled at least two(2) feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to section 19.46.080.
    a. Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).
6. Compliance. Any development or use within the areas regulated by this chapter shall be in compliance with the terms of this chapter, and other applicable local, state, and federal regulations.
7. Municipalities and state agencies regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this chapter and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation (Wis DOT) is exempt when s. 30.2022, Stats., applies.
8. Abrogation and greater restrictions.
    a. This chapter supersedes all the provisions of any municipal zoning ordinance enacted under ss. 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 relate to floodplains. If another ordinance is more restrictive than this chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
    b. This chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this chapter imposes greater restrictions, the provisions of this chapter shall prevail.
9. Interpretation. In their interpretation and application, the provisions of this chapter are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this chapter, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this chapter or in effect on the date of the most recent text amendment to this chapter.
10. Warning and disclaimer of liability. The flood protection standards in this chapter are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This chapter does not imply or guarantee that nonfloodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this chapter create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this chapter.
11. Severability. Should any portion of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

12. Annexed areas for cities and villages. The Walworth and Jefferson County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.
13. General development standards. The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a floodprone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this chapter.

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

CCCLXXIX.

19.46.020 General standards applicable to all floodplain districts.

A. Hydraulic and hydrologic analyses.
   1. Except as allowed in subsection 3. below, no floodplain development shall:
      a. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
      b. Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot.
   2. The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of subsection 3. are met.
   3. Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this chapter, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with section 19.46.080.

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

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

As soon as is practicable, but not later than six (6) months after the date of the watercourse alteration or relocation, the zoning administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required.

C. Chapter 30 (Navigable Waters, Harbors and Navigation) and 31 (Regulation of Dams and Bridges Affecting Navigable Waters), Wis. Stats., development.

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

D. Public or private campgrounds. Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:
   1. The campground is approved by the Department of Health Services and other state agencies with regulatory authority regarding campgrounds.
   2. A land use permit for the campground is issued by the zoning administrator.
   3. The character of the river system and the elevation of the campground is such that a seventy-two-hour warning of an impending flood can be given to all campground occupants.
   4. There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.
   5. This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in subsection 4. - to remain in compliance with all applicable regulations, including those of the state department of health and family services and all other applicable regulations.
   6. Only camping units are allowed.
   7. The camping units may not occupy any site in the campground for more than one hundred eighty (180) consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of twenty-four hours.
   8. All camping units that remain on site for more than thirty (30) days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed one hundred eighty days and shall ensure compliance with all the provisions of this section.
   9. The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.
   10. All camping units that remain in place for more than one hundred eighty consecutive days must meet the applicable requirements in either section 19.46.030 or section 19.46.040 for the floodplain district in which the structure is located.

11. The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.
12. All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

(Ord. No. 1724A, § 1(2.0), 4-8-2009)

CCCLXXX. 19.46.030 Floodway district (FW).

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

B. Permitted uses. The following open space uses are allowed in the floodway district and the floodway areas of the general floodplain district, if

- They are not prohibited by any other ordinance;
- They meet the standards in subsection 19.46.030C. and 19.46.030D.; and
- All permits or certificates have been issued according to subsection 19.46.070A.:

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

C. Standards for developments in floodway areas.

1. General.
   a. Any development in floodway areas shall comply with section 19.46.020 and have a low flood damage potential.
   b. Applicants shall provide the following data to determine the effects of the proposal according to subsection 19.46.020A.:
      i. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
      ii. An analysis calculating the effects of this proposal on regional flood height.
   c. The zoning administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for subsection b. above.
2. Structures. Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:
   a. The structure is not designed for human habitation and does not have a high flood damage potential;
   b. it must be anchored to resist flotation, collapse and lateral movement;

c. mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
d. it must not obstruct the flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

3. Public utilities, streets and bridges. Public utilities, streets and bridges may be allowed by permit, if:
   a. Adequate floodproofing measures are provided to the flood protection elevation; and
   b. Construction meets the development standards of subsection 19.46.020A.
4. Fills or deposition of materials. Fills or deposition of materials may be allowed by permit, if:
   a. The requirements of subsection 19.46.020A. are met;
   b. No material is deposited in the navigable channel unless a permit is issued by the DNR pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act (Clean Water Act), Amendments of 1972, 33 U.S.C. 1344 (Permits for dredged or fill material) has been issued, if applicable, and the other requirements of this section are met;
   c. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
   d. The fill is not classified as a solid or hazardous material.

D. Prohibited uses. All uses not listed as permitted uses in subsection 19.46.020B. are prohibited, including the following uses:
1. Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
2. Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
3. Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
4. Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. COMM 83, Wis. Adm. Code;
5. Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;
6. Any solid or hazardous waste disposal sites;
7. Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code;
8. Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

(Ord. No. 1724A, § 1(3.0), 4-8-2009)

CCCLXXXI.

19.46.040 Floodfringe district (FF).

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

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

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

1. Residential uses. Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area, shall meet or exceed the following standards;
    a. The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one foot or more above the regional flood elevation extending at least fifteen (15) feet beyond the limits of the structure. The department may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance impractical;
    b. The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
    c. Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subsection d.
    d. In developments where existing street or sewer line elevations make compliance with subsection c. impractical, the municipality may permit new development and substantial improvements where access roads are at or below the regional flood elevation, if:
        i. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
        ii. The municipality has a natural disaster plan approved by Wisconsin Emergency Management and the Department.
2. Accessory structures or uses.
    a. Except as provided in subsection b., an accessory structure which is not connected to a principal structure may be constructed with its lowest floor at or above the regional flood elevation.
    b. An accessory structure which is not connected to the principal structure and which is less than six hundred (600) square feet in size and valued at less than $10,000.00 may be constructed with its lowest floor no more than two feet below the regional flood elevation if it is subject to flood velocities of no more 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 (5) below.
3. Commercial uses. Any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of subsection 19.46.040C.1. Subject to the requirements of section 19.46.040C.5., storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
4. Manufacturing and industrial uses. Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other floodproofing measures in subsection 19.46.070E. Subject to the requirements of subsection 19.46.040C.E., storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
5. Storage of materials. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with subsection 19.46.070E. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

6. Public utilities, streets and bridges. All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and
    a. When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with subsection 19.46.070E. to the flood protection elevation;
    b. Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
7. Sewage systems. All on-site sewage disposal systems shall be floodproofed, pursuant to subsection 19.46.070E., to the flood protection elevation and shall meet the provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.
8. Wells. All wells shall be floodproofed, pursuant to subsection 19.46.070E., to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.
9. Solid waste disposal sites. Disposal of solid or hazardous waste is prohibited in floodfringe areas.
10. Deposition of materials. Any deposited material must meet all the provisions of this chapter.
11. Manufactured homes.

a. Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
    b. In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
        i. Have the lowest floor elevated to the flood protection elevation; and
        ii. Be anchored so they do not float, collapse or move laterally during a flood.
    c. Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in subsection 19.46.040C.1.
12. Mobile recreational vehicles. All mobile recreational vehicles that are on site for one hundred eighty consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in subsections 19.46.040C.11.b. and c. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

(Ord. No. 1724A, § 1(4.0), 4-8-2009)

CCCLXXXII.

19.46.050 Other floodplain districts.

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

A. General floodplain district (GFP).
    1. Applicability. The provisions for this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and floodfringe districts shall be delineated when adequate data is available.
    2. Permitted uses. Pursuant to subsection 19.46.050A.4., it shall be determined whether the proposed use is located within a floodway or floodfringe area. Those uses permitted in

floodway (subsection 19.46.030B.) and floodfringe areas (subsection 19.46.040B) are allowed within the general floodplain district, according to the standards of subsection 19.46.050C., provided that all permits or certificates required under subsection 19.46.070A. have been issued.

3. Standards for development in the general floodplain district. Section 19.46.030 applies to floodway areas, section 19.46.040 applies to floodfringe areas. The rest of this chapter applies to either district.
4. Determining floodway and floodfringe limits. Upon receiving an application for development within the general floodplain district, the zoning administrator shall:
    a. Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and floodproofing measures;
    b. Require the applicant to furnish any of the following information deemed necessary by the department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:
        i. A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information;
        ii. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
        iii. Profile showing the slope of the bottom of the channel or flow line of the stream;
        iv. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.
    c. Transmit one copy of the information described in subsections 1. and 2. to the department regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of subsection 19.46.070A.2.c. apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

B. Flood storage district. The flood storage district delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The district protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood storage capacity which would cause higher flood elevations.
    1. Applicability. The provisions of this section apply to all areas within the flood storage district (FSD), as shown on the official floodplain zoning maps.
    2. Permitted uses. Any use or development which occurs in a flood storage district must meet the applicable requirements in subsection 19.46.040C.
    3. Standards for development in flood storage districts.
        a. Development in a flood storage district shall not cause an increase equal or greater than 0.01 of a foot in the height of the regional flood.
        b. No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the pre-development ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost, (compensatory

storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.

c. If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as flood storage district - on this waterway - is rezoned to the floodfringe district. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without flood plain storage, as per section 19.46.080A. of this chapter.

d. No area may be removed from the flood storage district unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.

(Ord. No. 1724A, § 1(5.0), 4-8-2009)

CCCLXXXIII.

19.46.060 Nonconforming uses.

A. General.

1. Applicability. If these standards conform with s. 59.69(10), Stats., for counties or s. 62.23(7)(h), Stats., for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this chapter or any amendment thereto.
2. The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this chapter may continue subject to the following conditions:
   a. No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this chapter. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modification or addition; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure.
   a. The construction of a deck that does not exceed two hundred (200) square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.
   b. If a nonconforming use or the use of a nonconforming structure is discontinued for twelve consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this chapter;
   c. The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
   d. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed fifty (50%) percent of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this chapter. Contiguous dry land access must be provided for residential and commercial uses in compliance with subsection 19.46.040C.1. The costs of elevating a nonconforming building or a

building with a nonconforming use to the flood protection elevation are excluded from the fifty percent provisions of this subsection;

i. Except as provided in subsection ii., if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds fifty percent of the structure's present equalized assessed value.

ii. For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the nonflood disaster, provided that the nonconforming building will meet all of the minimum requirements under applicable FEMA regulations (44 CFR Part 60), or the regulations promulgated thereunder.

e. A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with subsection 19.46.030C.1., flood resistant materials are used, and construction practices and floodproofing methods that comply with subsection 19.46.070E. are used.

B. Floodway areas.

1. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:
   a. Has been granted a permit or variance which meets all ordinance requirements;
   b. Meets the requirements of 19.46.060A.;
   c. Will not increase the obstruction to flood flows or regional flood height;
   d. Any addition to the existing structure shall be floodproofed, pursuant to subsection 19.46.070E., by means other than the use of fill, to the flood protection elevation;
   b. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
      i. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than twelve inches above the adjacent grade;
      ii. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
      iii. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
      iv. The use must be limited to parking or limited storage.
2. No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and ch. COMM 83, Wis. Adm. Code.
3. No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.

C. Floodfringe areas.

1. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in subsections 19.46.040C and 19.46.070E., except where subsection 19.46.060C.2. is applicable.
2. Where compliance with the provisions of subsection 1. would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the board of adjustment/appeals, using the procedures established in subsection 19.46.070C., may grant a variance from those provisions of subsection 1. for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
    a. No floor is allowed below the regional flood elevation for residential or commercial structures;
    b. Human lives are not endangered;
    c. Public facilities, such as water or sewer, will not be installed;
    d. Flood depths will not exceed two feet;
    e. Flood velocities will not exceed two feet per second; and
    f. The structure will not be used for storage of materials as described in subsection 19.46.040.6.
3. If neither the provisions of subsection 1. or 2. above can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe, if the addition:
    a. Meets all other regulations and will be granted by permit or variance;
    b. Does not exceed sixty square feet in area; and
    c. In combination with other previous modifications or additions to the building, does not equal or exceed fifty percent of the present equalized assessed value of the building.
4. All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.
5. All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this chapter and ch. NR 811 and NR 812, Wis. Adm. Code.
6. Flood storage areas. No modifications or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in 5.2(3) are met.

(Ord. No. 1724A, § 1(6.0), 4-8-2009)

CCCLXXXIV.

19.46.070 Administration.

Where a zoning administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under ss. 59.69, 59.692 or 62.23(7), Stats., these officials shall also administer this chapter.

A. Zoning administrator.

1. The zoning administrator is authorized to administer this chapter and shall have the following duties and powers:
    a. Advice applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.

b. Issue permits and inspect properties for compliance with provisions of this chapter, and issue certificates of compliance where appropriate.
c. Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.
d. Keep records of all official actions such as:
    i. All permits issued, inspections made, and work approved;
    ii. Documentation of certified lowest floor and regional flood elevations for floodplain development;
    iii. Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
    iv. All substantial damage assessment reports for floodplain structures.
e. Submit copies of the following items to the DNR regional office:
    i. Within ten (10) days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
    ii. Copies of any case-by-case analyses, and any other information required by the department including an annual summary of the number and types of floodplain zoning actions taken.
    iii. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
    iv. Investigate, prepare reports, and report violations of this chapter to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the department regional office.
f. Submit copies of text and map amendments and biennial reports to the FEMA regional office.

2. Land use permit. A land use permit shall be obtained before any new development or any repair or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:
    a. General information.
        i. Name and address of the applicant, property owner and contractor;
        ii. Legal description, proposed use, and whether it is new construction or a modification;
    b. Site development plan. A site plan drawn to scale shall be submitted with the permit application form and shall contain:
        i. Location, dimensions, area and elevation of the lot;
        ii. Location of the ordinary highwater mark of any abutting navigable waterways;
        iii. Location of any structures with distances measured from the lot lines and street center lines;
        iv. Location of any existing or proposed on-site sewage systems or private water supply systems;
        v. Location and elevation of existing or future access roads;
        vi. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
        vii. The elevation of the lowest floor of proposed buildings and any fill using vertical datum from the adopted study - either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
        viii. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of sections 19.46.030 or 19.46.040 are met; and

ix. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to subsection 19.46.020A. This may include any of the information noted in subsection 19.46.030C.1.

c. Data requirements to analyze developments.

i. The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in s. 236, Stats., and other proposed developments exceeding five acres in area or where the estimated cost exceeds $125,000.00. The applicant shall provide:

- An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;
- A map showing location and details of vehicular access to lands outside the floodplain; and
- A surface drainage plan showing how flood damage will be minimized.
- The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.

d. Expiration. All permits issued under the authority of this chapter shall expire three hundred sixty-five (365) days after issuance.

3. Certificate of compliance. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:
   a. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this chapter;
   b. Application for such certificate shall be concurrent with the application for a permit;
   c. If all ordinance provisions are met, the certificate of compliance shall be issued within ten days after written notification that the permitted work is completed;
   d. The applicant shall submit a certification signed by a registered professional engineer or registered land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or registered architect that floodproofing measures meet the requirements of subsection 19.46.070E.
4. Other permits. The applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

B. Zoning agency.
   1. The City of Whitewater Plan and Architectural review commission shall:
      a. Oversee the functions of the office of the zoning administrator; and
      b. Review and advise the governing body on all proposed amendments to this chapter, maps and text.
   2. This zoning agency shall not:
      a. Grant variances to the terms of the ordinance in place of action by the board of adjustment/appeals; or
      b. Amend the text or zoning maps in place of official action by the governing body.

C. Board of adjustment/appeals. The board of adjustment/appeals, created under s. 59.694, Stats., for counties or s. 62.23(7)(e), Stats., for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this chapter. The board shall exercise the powers

conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator may not be the secretary of the board.

1. Powers and duties. The board of adjustment/appeals shall:
    a. Appeals -- Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this chapter.
    b. Boundary disputes -- Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.
    c. Variances -- Hear and decide, upon appeal, variances from the ordinance standards.
2. Appeals to the board.
    a. Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within thirty days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.
    b. Notice and hearing for appeals including variances.
        i. Notice -- The board shall:
            - Fix a reasonable time for the hearing;
            - Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing;
            - Assure that notice shall be mailed to the parties in interest and the department regional office at least ten days in advance of the hearing.
        ii. Hearing -- Any party may appear in person or by agent. The board shall:
            - Resolve boundary disputes according to subsection 19.46.070C.3.
            - Decide variance applications according to subsection 19.46.070C.4.
            - Decide appeals of permit denials according to subsection 19.46.070D.
    c. Decision: The final decision regarding the appeal or variance application shall:
        i. Be made within a reasonable time;
        ii. Be sent to the department regional office within ten days of the decision;
        iii. Be a written determination signed by the chairman or secretary of the board;
        iv. State the specific facts which are the basis for the board's decision;
        v. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application;
        vi. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the board proceedings.
3. Boundary disputes. The following procedure shall be used by the board in hearing disputes concerning floodplain district boundaries:
    a. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
    b. In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the board.

c. If the boundary is incorrectly mapped, the board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to section 19.46.080.

4. Variance.
    a. The board may, upon appeal, grant a variance from the standards of this chapter if an applicant convincingly demonstrates that:
        i. Literal enforcement of the ordinance provisions will cause unnecessary hardship;
        ii. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
        iii. The variance is not contrary to the public interest; and
        iv. The variance is consistent with the purpose of this chapter in subsection 19.46.010C.
    b. In addition to the criteria in subsection a., to qualify for a variance under FEMA regulations, the following criteria must be met:
        i. The variance may not cause any increase in the regional flood elevation;
        ii. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;
        iii. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.
    c. A variance shall not:
        i. Grant, extend or increase any use prohibited in the zoning district.
        ii. Be granted for a hardship based solely on an economic gain or loss.
        iii. Be granted for a hardship which is self-created.
        iv. Damage the rights or property values of other persons in the area.
        v. Allow actions without the amendments to this chapter or map(s) required in subsection 19.46.090A.
        vi. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
    d. When a floodplain variance is granted the board shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record.

D. To review appeals of permit denials.

1. The zoning agency (s. 7.2) or board shall review all data related to the appeal. This may include:
    a. Permit application data listed in subsection 19.46.070A.2.
    b. Floodway/floodfringe determination data in subsection 19.46.050A.4.
    c. Data listed in subsection 19.46.030C.1.b. where the applicant has not submitted this information to the zoning administrator.
    d. Other data submitted with the application, or submitted to the board with the appeal.
2. For appeals of all denied permits the board shall:
    a. Follow the procedures of subsection 19.46.010C.;
    b. Consider zoning agency recommendations; and
    c. Either uphold the denial or grant the appeal.
3. For appeals concerning increases in regional flood elevation the board shall:

a. Uphold the denial where the board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.
b. Grant the appeal where the board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.

E. Floodproofing.

1. No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation.
2. Floodproofing measures shall be designed to:
    a. Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
    b. Protect structures to the flood protection elevation;
    c. Anchor structures to foundations to resist flotation and lateral movement; and
    d. Insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.
3. Floodproofing measures could include:
    a. Reinforcing walls and floors to resist rupture or collapse caused by water pressure or floating debris.
    b. Adding mass or weight to prevent flotation.
    c. Placing essential utilities above the flood protection elevation.
    d. Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.
    e. Constructing water supply wells and waste treatment systems to prevent the entry of flood waters.
    b. Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

F. Public information.

1. Place marks on structures to show the depth of inundation during the regional flood.
2. All maps, engineering data and regulations shall be available and widely distributed.
3. All real estate transfers should show what floodplain zoning district any real property is in.

(Ord. No. 1724A, § 1(7.0), 4-8-2009)

CCCLXXXV.

19.46.080 Amendments.

A. General. The governing body may change or supplement the floodplain zoning district boundaries and this chapter in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:

1. Any change to the official floodplain zoning map, including the floodway line or boundary of any floodplain area.
2. Correction of discrepancies between the water surface profiles and floodplain zoning maps.
3. Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
4. Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.

5. Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality.
6. All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

Note: Consult the FEMA web site -- www.fema.gov -- for the map change fee schedule.

B. Procedures. Ordinance amendments may be made upon petition of any interested party according to the provisions of s. 62.23, Stats., for cities and villages, or 59.69, Stats., for counties. Such petitions shall include all necessary data required by subsections 19.46.050A.4. and 19.46.070A.2.

1. The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the department regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats., for cities and villages or s. 59.69, Stats., for counties.
2. No amendments shall become effective until reviewed and approved by the department.
3. All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.
4. For amendments in areas with no water surface profiles, the zoning agency or board shall consider data submitted by the department, the zoning administrator's visual on-site inspections and other available information. (See subsection 19.46.010E.4.)

(Ord. No. 1724A, § 1(8.0), 4-8-2009)

CCCLXXXVI.

19.46.090 Enforcement and penalties.

Any violation of the provisions of this chapter by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than $200.00 and not more than $300.00, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this chapter is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

(Ord. No. 1724A, § 1(9.0), 4-8-2009)

CCCLXXXVII.

19.46.100 Definitions.

Unless specifically defined, words and phrases in this chapter shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

1. "A Zones" means those areas shown on the official floodplain zoning map which would be inundated by the regional flood. These areas may be numbered or 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.
2. "Accessory structure or use" means a facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
3. "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
4. "Basement" means any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.

5. "Building." See Structure.
6. "Bulkhead line" means a geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this chapter.
7. "Campground" means any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four or more camping units, or which is advertised or represented as a camping area.
8. "Camping unit" means any portable device, no more than four hundred square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pickup truck, tent or other mobile recreational vehicle.
9. "Certificate of compliance" means a certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this chapter.
10. "Channel" means a natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
11. "Crawlways" or "crawl space" means an enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.
12. "Deck" means an unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
13. "Department" means the Wisconsin Department of Natural Resources.
14. "Development" means any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
15. "Dryland access" means a vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
16. "Encroachment" means any fill, structure, equipment, building, use or development in the floodway.
17. "Existing manufactured home park or subdivision" means a parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this chapter. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
18. "Expansion to existing mobile/manufactured home park" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
19. "Federal Emergency Management Agency (FEMA)" means the federal agency that administers the National Flood Insurance Program.

20. "Flood insurance rate map" (FIRM) means a map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
21. "Flood" or "flooding" means A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
    - The overflow or rise of inland waters,
    - The rapid accumulation or runoff of surface waters from any source,
    - The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior, or
    - The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
22. "Flood frequency" means the probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.
23. "Floodfringe" means that portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
24. "Flood hazard boundary map" means a map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
25. "Flood insurance study" means a technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
26. "Floodplain" means land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.
27. "Floodplain island" means a natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
28. "Floodplain management" means policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
29. "Flood profile" means a graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
30. "Floodproofing" means any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
31. "Flood protection elevation" means an elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: Freeboard.)

32. "Flood storage" means those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
33. "Floodway" means the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
34. "Freeboard" means a safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
35. "Habitable structure" means any structure or portion thereof used or designed for human habitation.
36. "Hearing notice" means publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (seven days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (seven days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
37. "High flood damage potential" means damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
38. "Historic structure" means any structure that is either:
    - Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register,
    - Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district,
    - Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or
    - Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
39. "Increase in regional flood height" means a calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
40. "Land use" means any nonstructural use made of unimproved or improved real estate. (Also see development.)
41. "Manufactured home" means a structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
42. "Mobile recreational vehicle" means a vehicle which is built on a single chassis, four hundred square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain

capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

43. "Municipality" or "municipal" means the county, city or village governmental units enacting, administering and enforcing this zoning ordinance.
44. "NAVD" or "North American Vertical Datum" means Elevations referenced to mean sea level datum, 1988 adjustment.
45. "NGVD" or "National Geodetic Vertical Datum" means Elevations referenced to mean sea level datum, 1929 adjustment.
46. "New construction" means for floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
47. "Nonconforming structure" means an existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this chapter for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
48. "Nonconforming use" means an existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this chapter for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
49. "Obstruction to flow" means any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
50. "Official floodplain zoning map" means that map, adopted and made part of this chapter, as described in subsection 19.46.010E.2., which has been approved by the department and FEMA.
51. "Open space use" means those uses having a relatively low flood damage potential and not involving structures.
52. "Ordinary highwater mark" means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
53. "Person" means an individual, or group of individuals, corporation, partnership, association, municipality or state agency.
54. "Private sewage system" means a sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.
55. "Public utilities" means those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
56. "Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
57. "Regional flood" means a flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being

equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

58. "Start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
59. "Structure" means any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
60. "Subdivision" means has the meaning given in s. 236.02(12), Wis. Stats.
61. "Substantial damage" means damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent of the equalized assessed value of the structure before the damage occurred.
62. "Unnecessary hardship" means where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.
63. "Variance" means an authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
64. "Violation" means the failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
65. "Watershed" means the entire region contributing runoff or surface water to a watercourse or body of water.
66. "Water surface profile" means a graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
67. "Well" means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless.

(Ord. No. 1724A, § 1(10.0), 4-8-2009)

Chapter 19.461 FWW FLOODWAY/WETLAND DISTRICT

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CCCLXXXVIII. 19.461.010 Purpose.

The FWW floodway/wetland district is intended to preserve, protect, and enhance the ponds, streams, and wetland areas within the floodplains of the city. The preservation, protection, and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve water quality, both ground and surface; prevent flood damage; control stormwater runoff; protect stream banks from erosion; protect groundwater recharge and discharge areas; protect wildlife habitat; protect native plant communities; avoid the location of structures on soils which are generally not suitable for use; and protect the water-based recreation resources of the city. In delineating the FWW district, the effects of development within the associated floodfringe shall be computed, as regulated under Chapter 19.46 of this title. No floodway/wetland district changes shall be permitted that are not consistent with the wetland preservation shoreland protection objectives of Section 144.26 of the Wisconsin Statutes as set forth in Section 19.69.066(B) of this code.

The FWW floodway/wetland district, as shown on the zoning map, includes those wetlands that are shown on the Wisconsin Wetland Inventory Map for the City of Whitewater, dated July 2, 1987, and stamped "FINAL;" which are also shown within the one hundred-year recurrence interval floodplain as shown on the official Floodplain Zoning Map.
(Ord. 1600 § 4, 2006: Ord. 1196 § 1(part), 1990).

CCCLXXXIX. 19.461.020 Permitted uses.

Permitted uses in the FWW district are limited to the following:

A. Hiking, fishing, trapping, swimming and boating, unless prohibited by other laws and ordinances;
B. Harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops, and that does not involve filling, flooding, draining, dredging, ditching, tiling, or excavating;
C. Silviculture, including the planting, thinning, and harvesting of timber, provided that no filling, flooding, draining, dredging, ditching, tiling, or excavating is done except for temporary water level stabilization measures to alleviate abnormally wet or dry conditions which would have an adverse impact on silvicultural activities if not corrected;

D. Agricultural crops and grazing provided that they do not involve extension of cultivated areas, extension of or creation of new drainage systems, and further provided that they do not substantially disturb or impair the natural fauna, flora, topography, or water regimen;
E. Ditching, tiling, dredging, excavating, or filling done to maintain or repair an existing drainage system only to the extent necessary to maintain the level of drainage required to continue the existing use;
F. The construction and maintenance of piers, docks, and walkways, including those built on pilings;
G. The maintenance, repair, replacement, and reconstruction of existing streets, roads, and bridges.

(Ord. 1196 § 1(part), 1990).

CCCXC.

19.461.030 Conditional uses.

The following uses are conditional uses in the FWW floodway/wetland district and may be permitted as specified. The city plan commission shall transmit a copy of each application for a conditional use in the FWW floodway/wetland district to the Wisconsin Department of Natural Resources (DNR) at least ten (10) days prior to the public hearing. Final action on the application shall not be taken for thirty (30) days or until the DNR has made its recommendation, whichever comes first. A copy of all FWW Floodway/wetland district conditional use permits shall be transmitted to the DNR within ten (10) days following the decision:

A. The construction of streets which are necessary for the continuity of the city street system, necessary for the provision of essential utility and public safety services, or necessary to provide access to permitted open space uses in the FWW district; provided, that:
    1. The street cannot as a practical matter be located outside the conservancy district;
    2. The street is designed and constructed to minimize adverse impact upon the natural functions of the wetland as listed in Section 19.69.066(B) of this code;
    3. The street is designed and constructed with the minimum cross-section practical to serve the intended use;
    4. The street construction activities are carried out in the immediate area of the roadbed only; and
    5. Any filling, flooding, draining, dredging, ditching, tiling, or excavating that is done must be necessary for the construction or maintenance of the street. Filling in the FWW district shall not be permitted if the effect will be to increase flood stage by 0.01 foot or more, except as otherwise provided in this chapter.
B. The establishment and development of public and private parks and recreation areas, recreation trails, public boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves, and private habitat areas; provided, that:
    1. Any private recreation or wildlife habitat area must be exclusively for that purpose;
    2. No structures shall be erected;
    3. No filling is to be done; and
    4. Ditching, excavating, dredging, dike and dam construction may be done in wildlife refuges, game preserves, and private wildlife habitat areas, but only for the purpose of improving wildlife habitat or to otherwise enhance the value of a wetland or other natural resource.
C. The construction and maintenance of fences; provided, that:
    1. All fences shall have at least fifty (50%) percent of their surface area open for free passage of light, air, and floodwaters; and
    2. All fences shall be firmly anchored to prevent them from floating away and restricting bridge openings.

D. The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities; provided, that:
   1. The transmission and distribution lines and related facilities cannot as a practical matter be located outside the floodway/wetland district;
   2. All utilities shall be firmly anchored to prevent flotation;
   3. All utilities shall be floodproofed to an elevation at least two (2) feet above the 100-year recurrence interval flood, and shall be designed to eliminate or minimize infiltration of floodwater into the utility; and
   4. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the construction or maintenance of the utility, and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the conservancy area. Filling in the FWW district shall not be permitted if the effect will be to increase flood stage by 0.01 foot or more, except as otherwise provided in this chapter.

E. The construction and maintenance of railroad lines; provided, that:
   1. The railroad lines cannot as a practical matter be located outside the conservancy district; and
   2. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the construction or maintenance of the railroad, and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the conservancy area.

(Ord. 1196 § 1(part), 1990).

CCCXCI.

19.461.040 Maintenance of drainageways.

No development in the FWW floodway/wetland district shall adversely affect the channels, floodways, or shorelands of Whitewater Creek, Spring Brook, any tributaries thereto, drainage ditches, or other lands lying outside the floodlands.

(Ord. 1196 § 1(part), 1990).

CCCXCII.

19.461.050 Dumping and filling prohibited.

Lands lying within the FWW floodway/wetland district shall not be used for dumping or be filled.

(Ord. 1196 § 1(part), 1990).

CCCXCIII.

19.461.060 Dangerous materials storage prohibited.

Lands lying within the FWW floodway/wetland district shall not be used for the storage of materials that are buoyant, flammable, explosive, or injurious to human, animal, or plant life.

(Ord. 1196 § 1(part), 1990).

CCCXCIV.

19.461.070 Incompatible use prohibited.

A. Lands lying within the FWW floodway/wetland district shall not be used for any solid waste disposal site or onsite soil absorption sanitary sewerage system site, or the construction of any well which is used to obtain water for ultimate human consumption. Sewage treatment plants and treatment ponds shall not be constructed in the FWW floodway/wetland district.

B. Any use not listed as a permitted use or a conditional use in the FWW floodway/wetland district is prohibited unless the FWW district lands concerned are first rezoned into another district. Furthermore, the use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary highwater mark of any navigable water are prohibited.

(Ord. 1196 § 1(part), 1990).

CCCXCV. 19.461.080 Mobile homes prohibited.

No mobile home, manufactured home, mobile home park, or trailer camp shall be placed or moved onto lands lying in the FWW floodway/wetland district.
(Ord. 1196 § 1(part), 1990).

Chapter 19.48 I INSTITUTIONAL DISTRICT

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CCCXCVI.

19.48.010 Purpose.

The I institutional district is established to provide a community review and approval process for certain institutional uses that have a potential impact on surrounding land uses and/or the city as a whole.

(Ord. 1364 § 8, 1997: Ord. 994 § 3.17(part), 1982).

CCCXCVII.

19.48.020 Permitted uses.

Permitted uses in the I district include:

A. Colleges;
B. Universities and their associated residential, educational and service facilities, except that new structures and/or exterior remodeling of existing structures which are within one hundred fifty feet of any other zoning district boundary (includes surface parking areas for more than twenty vehicles) shall be a conditional use as indicated below. The uses stated in Section 19.48.030 shall be conditional uses;
C. The second or greater wireless telecommunication 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 § 22, 2001; 1364 § 9, 1997: Ord. 994 § 3.17(A), 1982).

CCCXCVIII.

19.48.030 Conditional uses.

Conditional uses in the I district include:

A. New structures and/or exterior remodeling or existing structures within one hundred fifty (150) feet of any other zoning district boundary (includes surface parking areas for more than twenty vehicles);
B. Gymnasiums, sport stadiums, auditoriums, and similar places of general public assembly;
C. Parking structures and surface parking areas for more than one hundred vehicles;
D. The first wireless telecommunications facility located on an alternative support structure only, per the requirements of Chapter 19.55;
E. Fraternity or sorority houses.

(Ord. 1668A § 3, 2007; Ord. 1499 § 23, 2001; Ord. 994 § 3.17(B), 1982).

CCCXCIX.

19.48.040 Lot area.

Minimum total lot area in the I district is one (1) acre.
(Ord. 994 § 3.17(C), 1982).

CD.

19.48.050 Lot width.

Minimum lot width in the I district is one hundred twenty (120) feet.
(Ord. 994 § 3.17(D), 1982).

CDI.

19.48.060 Building height.

Maximum building height in the institutional district shall be one hundred (100) feet. Mechanical penthouses shall be excluded from the building height restrictions listed herein if they comply with the following limitations:

A. Penthouses shall be no taller than the highest floor to floor height in the building.
B. Penthouses shall be set back from the public street building facade of the building equal to the height of the penthouse.
C. The penthouse floor area, including vertical circulation spaces leading to the penthouse, shall be no greater than ten (10%) percent of the ground floor building footprint.
(Ord. 1673A § 1, 2008: Ord. 994 § 3.17(E), 1982).
D. The maximum building height is also subject to fire safety limitations. The maximum building height may be increased under the provisions of a conditional use permit which will include, but is not limited to, consideration of issues regarding shadows cast by buildings, views, impacts on neighbors, and microclimate.

CDII.

19.48.070 Yard requirements.

Minimum yard requirements in the I district are:

A. Any street yard facing any zoning district other than the institutional district shall be no less than twenty-five (25) feet, measured from the right-of-way, or one-half of the total height of the building, whichever is greater. Any street yard within an institutional district facing yards in an institutional district shall not be less than twenty-five (25) feet, measured from the right-of-way. The building setback shall not in any event encroach on the intersection visibility requirements set forth in Whitewater Municipal Code, Section 19.51.010;
B. Street yard for off-street parking—fifteen (15) feet;
C. Side yard shall be thirty (30) feet or equal to the height of the structure, whichever is greater;
D. Rear yard--thirty-five (35) feet or equal to the height of the structure, whichever is greater.
E. Shore yard, seventy-five (75) feet. All Shoreland shall be in compliance with Chapter 19.46, and in addition may require DNR approval.

(Ord. 1673A § 2, 2008; Ord. 1364 § 10, 1997: Ord. 994 § 3.17(F), 1982).

CDIII.

19.48.080 Number of structures on one lot.

Within the I district, more than one (1) principal structure may be located on a lot (see Section 19.06.150).
(Ord. 994 § 3.17(G), 1982).

Chapter 19.485 LARGE RETAIL AND COMMERCIAL SERVICE DEVELOPMENT STANDARDS

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CDIV. 19.485.010 Title.

This section shall be known, cited, and referred to as the large retail and commercial service development chapter.

(Ord. No. 1796A, § 3, 8-3-2010)

CDV. 19.485.020 Description.

A large retail and commercial service development is a development comprised of one (1) or more contiguous parcels or building sites for a single retail or commercial service enterprise or for multiple such enterprises within which the total combined floor and surface area of all indoor retail and/or commercial activities, associated enclosed or outdoor storage, and associated outdoor display exceeds fifty thousand (50,000) square feet**.**

The requirements of Chapter 19.485 are applicable to any new, altered or expanded establishment or group of establishments that meet or exceed the above floor and surface area threshold, where a complete application for conditional use permit or PD zoning is filed after the effective date of this chapter.

(Ord. No. 1796A, § 3, 8-3-2010)

CDVI. 19.485.030 Conditional use permit or PD approval required.

A. Aside from where allowed under an approved PD district, large retail and commercial service developments shall require a conditional use permit within any district in which they are allowed per other chapters in this title. All additions to structures, parking, or storage areas that are part of an approved large retail and commercial service development shall require an amendment to the conditional use permit or the previously approved PD plans, per the associated requirements for such amendments in this title.
B. Subsequent changes to individual land uses listed as permitted uses within the applicable zoning district (for example, a new tenant in a pre-existing retail space) are permitted without amendment to the associated large retail and commercial development conditional use permit or PD specific implementation plan, unless said conditional use permit or PD plan placed restrictions on such change of use.
C. Subsequent individual land uses following initial approval of the development allowed only by conditional use permit in the zoning district or approved PD specific implementation plan may be allowed only under a subsequent conditional use permit for the specific use, regardless of whether said use entails modifications to the building and/or site layout.

(Ord. No. 1796A, § 3, 8-3-2010)

19.485.040 Regulations.

In addition to applicable zoning district standards and other applicable standards of this title, each large retail and commercial service development shall meet the following additional standards, as may be applicable given the size of each such development:

A. Traffic Impact Analysis. A traffic impact analysis is required when a development reaches or exceeds the defined threshold for such an analysis outlined in Figure 19.485(2), and may be required by the city director of public works for projects below that threshold if there is initial evidence to suggest that existing roads in the area may not be adequate to accommodate additional traffic demands.
The traffic impact analysis shall be completed in accordance with standards approved by the city director of public works, or where he/she does not approve a particular standard, with the most current revision of the Traffic Impact Analysis Guidelines published by the State of Wisconsin Department of Transportation. Where the traffic impact analysis indicates that the proposed development may cause off-site public roads, intersections, or interchanges to function below level of service (LOS) D, then the city may deny the application, may require a size reduction in the proposed development, and/or may require the developer to construct and/or pay for required off-site improvements to achieve LOS D for a planning horizon of a minimum of ten years following full build-out of the development. All such developments shall have direct access to an arterial or collector street. Vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; access drive entry throat length, width, design, location, and number; traffic control devices; and/or sidewalks. The site design shall provide direct transportation connections to adjacent land uses and sites if required by the city.

B. Economic and Fiscal Impact Analysis. An economic and fiscal impact analysis is required in accordance with the data requirements established by the City. In addition:
   1. The analysis shall identify and assess the economic and fiscal impacts on the city.
   2. The analysis shall propose measures to mitigate adverse impacts and/or maximize positive impacts, including provision of infrastructure or public service improvements sufficient to support the development. Any adverse impacts that cannot be mitigated shall be identified. Mitigation measures to be implemented by the applicant shall be identified.
   3. If required by the zoning administrator, the applicant shall provide the necessary funding to the city to hire a consultant of the city's choice, with appropriate experience to complete and present an objective economic and fiscal impact analysis to the city.

C. Detailed Neighborhood Plan. A detailed neighborhood plan is required in accordance with requirements established by the City. Such neighborhood plan shall cover any undeveloped areas within a one-thousand-five-hundred (1,500) foot distance from the boundaries of the development site (except where a lesser distance is approved by the zoning administrator). The detailed neighborhood plan must be completed by the city or applicant prior to the application for conditional use permit or rezoning, and submitted or referenced with such application. The detailed neighborhood plan shall include a map of sufficient detail to establish the potential future mix and development of land uses based on the city's comprehensive plan and the relationship of surrounding lands to the large retail and commercial service development with regard to provision of streets, driveways, bicycle/pedestrian routes, utilities, stormwater management, landscape transitions, setbacks,

and community design and character, and general layout, all in a manner that is consistent with the city's comprehensive plan.

D. Facilities and Associated Features. The following requirements are applicable when a large retail and commercial service development reaches or exceeds the defined threshold for such facilities and associated features outlined in Figure 19.485(2):
   1. Building Location. Wherever practical, as determined by the plan and architectural review commission based on the particular setting, the primary building within the development shall be located close to the public street, including parking to the side or rear of that building. Where such primary building is proposed to be distant from the public street, the commission may require that the overall development design include smaller buildings on pads or outlots closer to the street. All buildings on outlots shall have an orientation and architectural quality that relates to the primary building. Placement and orientation of all buildings must facilitate appropriate land use transitions and appropriate traffic flow to adjoining roads and to neighboring commercial areas, commercial sites, and neighborhoods, and must forward community character objectives described in the city's comprehensive plan. Also see Subsection 19.485.040E.7. below for requirements associated with the location of parking lots.
   2. Building Materials. Exterior building materials shall be of comparable aesthetic quality on all sides. Building materials such as glass, brick, stone, tinted and decorative concrete block are preferred, with wood, stucco, and exterior insulation and finish systems (EIFS) also permitted, as determined appropriate by the plan and architectural review commission. Decorative architectural metal with concealed fasteners or decorative tilt-up concrete panels may be approved only if integral to the overall design of the building. Windows shall be prominently incorporated into the building design for both aesthetic and daylighting effect.
   3. Building Design. The building exterior shall complement other buildings in the vicinity (except those buildings identified for redevelopment), and shall meet the following:
      a. The building shall employ varying facade setbacks, heights, roof treatments, doorways, window openings, and other structural or decorative elements appropriate to the size and scale of the building and to add architectural interest.
      b. Ground floor facades that face public streets shall have some combination of features (such as display windows, entry areas, awnings, or other such features) that are oriented to pedestrians and create a smaller scale, street-friendly character. f. The integration of windows into building design is required. Windows shall be transparent glass wherever the plan and architectural review commission determines it practical. The use of blinds, or display windows shall be acceptable where there is a determination that opacity is required. Backlighting of such windows may be required in such instances.
   4. Building Entrances. Public building entrances shall be clearly defined and highly visible on the building's exterior design, and shall be emphasized by, and be the focal point for, on-site traffic flow patterns. Two or more of the following design features shall be incorporated into all public building entrances: canopies or porticos, overhangs, projections, arcades, peaked roof forms, arches, or outdoor patios.
   5. Screening.
      a. All ground-mounted and wall-mounted mechanical equipment, refuse containers and any permitted outdoor storage shall be fully concealed from on-site and off-site ground-level views, with materials identical to those used on the building exterior facades.

b. All rooftop mechanical equipment shall be screened by parapets, upper stories, and/or strategic placement relative to exterior walls or roofs, so as to not be visible from public streets adjacent or within one thousand feet of the subject property.
c. Loading docks shall be completely screened from surrounding public streets and properties. Said screening may be accomplished through loading areas internal to buildings, screen walls which match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations.
d. Gates and fencing may be used for security and access, but not for screening, and they shall be of high aesthetic quality. Decorative metal picket fencing and screening is acceptable. Chain link, wire mesh, or wood fencing is unacceptable, except that decorative, heavy-duty wood gates may be used.

6. Parking.
   a. All parking lots shall be designed in accordance with Chapter 19.51 of this title.
   b. Parking lots in which the number of spaces significantly exceeds the minimum number of parking spaces required for the specific use or uses in Section 19.51.130 shall be allowed only with specific and reasonable justification provided by the applicant within the application.
   c. Parking lots shall be designed to create distinct parking subareas through use of landscaped and curbed medians and islands, a minimum of ten (10) feet in width from back-of-curb to back-of-curb. Each landscaped island shall be a minimum of three hundred sixty square (360) feet in landscaped area.
   d. Wherever site conditions allow, the plan and architectural review commission may require some or all parking to be oriented to the side and/or rear of the primary building within the development, allowing the building to be located closer to the public street. Applicants proposing to locate the majority of parking between the primary building and the public street shall submit information along with their application identifying the reasons why more or all parking may not be located to the side or rear of the principal building, either through a change in parking location, change in building location, or both.
   e. Wherever site conditions allow, the plan and architectural review commission may require some or all parking to be shared with surrounding uses and/or the provision of cross-easements for customers to access adjacent parking areas without circulation through surrounding streets.
7. Bicycle and Pedestrian Facilities.
   a. The entire development shall provide for safe pedestrian and bicycle access to all uses within the development, connections to existing and planned public sidewalks and other pedestrian and bicycle facilities, and connections to adjacent properties.
   b. Pedestrian walkways shall be provided from all building entrances to existing or planned public sidewalks or other pedestrian and bicycle facilities. The minimum width for sidewalks adjacent to buildings shall be eight (8) feet; and the minimum width for sidewalks elsewhere in the development shall be five (5) feet.
   c. Sidewalks internal to the development shall have adjoining landscaping along at least fifty (50%) percent of their length, and may be required to be provided with pedestrian-scale lighting.
   d. Crosswalks within parking and driveway areas shall be distinguished from driving surfaces to enhance pedestrian safety by using different pavement materials, color, and/or texture in combination with signage.
   e. The development shall provide secure, attractive, integrated bicycle parking.
8. Central Areas and Features. Each development exceeding eighty thousand (80,000) square feet in floor area (per the measurement method in Section 19.485.020) shall

provide central area(s) or feature(s) such as a patio/seating area, pedestrian plaza with benches, outdoor playground area, water feature, and/or another such deliberately designated outdoor area or focal point that adequately enhance the development or community. Such area shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the primary building and remainder of the site, and maintained over the life of the development.

9. Cart Returns. A minimum of one two-hundred (200) square-foot cart return area (corral) shall be provided for every one hundred (100) parking spaces. Cart corrals shall be of durable, non-rusting, all-season construction, and shall be designed and colored to be compatible with the building and parking lot light standards. There shall be no exterior cart return or cart storage areas located within twenty-five (25) feet of any building.
10. Outdoor Display Areas. Exterior sales and display areas--whether permanent or seasonal--shall be permitted only where clearly depicted on the approved site plan associated with the development. All exterior display areas shall be separated from motor vehicle routes by a physical barrier visible to drivers and pedestrians, and by a minimum of ten (10) feet. Display areas on sidewalks directly in front of buildings building must maintain a minimum walkway width of eight (8) feet between the display items and any vehicle drives.
11. Outdoor Storage Uses and Areas. Exterior storage structures or uses, including the parking or storage of service vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, forklifts, trash, recyclables, and all other items shall be permitted only where clearly depicted and labeled on the approved site plan. Such outdoor storage uses and areas shall be appropriately screened as required by Title 19.
12. Landscaping. On-site landscaping shall be provided at time of building occupancy (except as allowed under Section 19.66.060), shall meet all applicable landscaping guidelines approved by the city council or plan and architectural review commission, and shall be maintained per the requirements of such guidelines and Title 19 over the life of the development.
13. Lighting. On-site exterior lighting shall meet all the standards of Title 19. In addition, the color and design of pole lighting standards shall be compatible with the primary building in the development and the public lighting in the area, and shall be uniform throughout the entire development site.
14. Signage. In addition to meeting the applicable requirements of Title 19, a signage plan for all exterior signage shall provide for coordinated and complementary exterior sign locations, configurations, and colors throughout the development. Combined signs for multiple users may be required instead of multiple individual signs. The city may require the use of muted corporate colors on signage if proposed colors are not compatible with the city's design objectives for the area.
15. Environmental Sustainability, Natural Resources Protection, and Stormwater Management. Natural resources shall be protected in accordance with Title 19. In general, existing natural features shall be integrated into the site design as a site and community amenity. Each project shall meet the erosion control and stormwater management standards found in Title 16 of the Municipal Code and other applicable city ordinances.

    Each development shall intentionally incorporate into site and building design elements that contribute to the long-term environmental sustainability of the development and the city, as such terms are described in the city's comprehensive plan. Each development shall provide at least one-half of the following sustainability features:

    a. Reuse an existing, previously developed building and/or site.

b. Utilize one or more rain gardens or bioswales, as described in the City of Whitewater Landscaping Guidelines, to capture and manage stormwater.
c. Install a green roof or roof-top garden.
d. Incorporate stormwater management facilities that are designed to both serve their primary function and appear as natural features that can serve as attractive focal points for the development.
e. Install native/naturalized landscaping that minimizes requirements for irrigation/watering and provides natural habitat.
f. Install systems that allow for the capture and later use of rainwater to water landscaping and for other permitted functions.
g. Deliberately design/retrofit the primary building with energy efficient systems, such as lighting, refrigeration, and HVAC systems.
h. Integrate solar, geothermal, wind, or other on-site energy generation into the site and/or building design.
i. Utilize paving and/or roof materials with a solar reflectance index of at least twenty-nine (29) for a minimum of fifty (50%) percent of the combined pavement and roof area on the site.
j. Purchase a minimum of fifty(50%) percent of the development's energy from renewable sources, such as wind or solar.
k. Recycle of a minimum of seventy-five (75%) percent of the waste generated during building/site construction.
l. Utilize a minimum of twenty-five (25%) percent recycled materials for building construction.
m. Utilize a minimum of fifty (50%) percent regional materials for building construction (extracted, harvested, or recovered, and manufacturing from within five hundred miles of the development site).
n. No more than two (2) additional sustainability features not listed above but approved by the plan and architectural review commission to meet the city's sustainability objectives, not including any feature already required by another section of this chapter.

16. Vacation of Existing Buildings in Large Retail and Commercial Service Developments.
    a. Where any large retail or commercial service development that has fifty thousand or more square feet of floor area is vacated because the commercial use (sale of goods or merchandise at the building) conducted thereon is being relocated to a different building or discontinued, the party shall be subject to the following provisions:
        i. The party that vacated the site shall not impose limits on the type of reuse of the vacated site through conditions of sale or lease.
        ii. The development agreement for the new development at the new site shall include provisions therein whereby the developer of the new site commits to the requirements contained herein.
    b. In addition to the above, any building within large retail or commercial service development that has twenty thousand or more square feet of floor area and is vacated for any reason shall be subject to the following provisions:
        i. The owner must file with the city a written statement as to the names, phone numbers, and addresses for all persons who are in control of the property and building and other data as required by the City.
17. Development Agreement. The developer shall enter into a development agreement with the city which shall include the payment of all utilities, including, but not limited to,

stormwater, sanitary sewer, and street infrastructure. Off-site improvements may also be required as part of the development agreement.

18. Exceptions. In the event the applicant desires a deviation or exception from the requirements of this section, the applicant shall present justification for such deviation or exception, including, but not limited to, preexisting conditions on a redevelopment site, which may be approved or denied by the plan and architectural review commission.

Chapter 19.49 WELLHEAD PROTECTION

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CDVIII.

19.49.010 Title.

This section shall be known, cited and referred to as the "Wellhead Protection Ordinance" (hereinafter "WHP ordinance").
(Ord. 1383 § 1(part), 1997).

CDIX.

19.49.020 Purpose and authority.

A. The residents of the City of Whitewater (hereinafter "the city") depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of the WHP ordinance codified in this chapter is to protect the city's municipal water supply and areas from which city wells draw water, and to promote the public health, safety and general welfare of the residents of the city.
B. These regulations are established pursuant to the authority granted by the Wisconsin Legislature in 1983, Wisconsin Act 410 (effective May 11, 1984), which specifically added groundwater protection to the statutory authorization for municipal planning and zoning in order to protect the public health, safety and welfare. Areas appropriate for protection in the WHP are established in the wellhead protection plan ("the plan") for City of Whitewater, Wisconsin, dated September 1996 and prepared by Strand Associates, Inc. The Plan document is incorporated herein by this reference, and a copy is on file in the office of the city clerk.
(Ord. 1383 § 1(part), 1997).

CDX.

19.49.030 Applicability.

The regulations specified in the WHP ordinance codified in this chapter shall apply only to lands within those portions of the five (5) year time of travel zones (hereinafter sometimes "TOT") of Well No. 9 shown on the wellhead protection map (see Exhibit A in Appendix D of WHP) (hereinafter "the map"), which areas also lie within the city corporate limits.
(Ord. 1383 § 1(part), 1997).

CDXI.

19.49.040 Definitions.

As used in this chapter:
1. "Aquifer" means a saturated, permeable geologic formation that contains and will yield significant quantities of water.
2. "Cone of depression" means the area around a well, in which the water level has been lowered at least one-tenth of a foot by pumping of the well.

3. "Existing facilities which may cause or threaten to cause environmental pollution" means existing facilities which may cause or threaten to cause environmental pollution within the corporate limits of the city's well No. 9 recharge area which include but are not limited to the Wisconsin Department of Natural Resources' draft list of "Inventory of Sites or Facilities Which may Cause or Threaten to Cause Environmental Pollution," and Department of Industry, Labor and Human Relations list of "Leaking Underground Storage Tanks" (hereinafter "LUST's") and the Registry of Waste Disposal Sites in Wisconsin, all of which are incorporated herein by reference, together with future amendments thereto, as if fully set forth.
4. "Five Year Time of Travel (TOT)" The five year TOT is a portion of the recharge area, the outer boundary of which it is determined or estimated that groundwater and potential contaminants will take five years to reach a pumping well. The five year TOT for Whitewater's municipal well No. 9 is established based on the uniform flow equation. The TOT area is shown on the map. The TOT area shown on the map is hereinafter referred to as "the TOT."
5. "Groundwater divide" means ridge in the water table, or potentiometric surface, from which groundwater moves away at right angles in both directions. Line of highest hydraulic head in the water table or potentiometric surface.
6. "Groundwater protection overlay district" shall be defined as that area within the TOT shown on the map attached as Exhibit A and incorporated herein by reference as if fully set forth.
7. "Recharge area" means area in which water reaches the zone of saturation by surface infiltration and encompasses all areas or features that supply groundwater recharge to a well.
8. "Wellhead protection area" means those proportions of the TOT which lie within the City of Whitewater corporate limits.

(Ord. 1383 § 1(part), 1997).

CDXII.

19.49.050 Wellhead protection area.

A. Intent. The area to be protected is the Whitewater wellhead protection area (hereinafter "WPA") (as determined by the plan) contained within the city boundary limits. These areas are designated on the map. These lands are subject to land use and development restrictions because of their close proximity to the TOT and the corresponding high threat of contamination.

B. Permitted Uses. The following are the only permitted uses within the WPA:
   1. Any existing use, even though listed on prohibited uses, below, located within such areas to the extent that use currently exists, subject to the requirements for existing prohibited uses, subsection E of this section below;
   2. Those uses permitted under Whitewater zoning code consistent with the zoning map, as amended by action of the Whitewater city council and which are not prohibited under subsection C of this section below.

C. Prohibited Uses. The following uses, if created after the adoption of the WHP ordinance codified in this chapter, are prohibited uses within the wellhead protection area designated on the map. These uses are prohibited based on the high probability that activities routinely associated with these uses (storage, use and handling of potential pollutants) will cause groundwater contamination. Uses not listed are not considered permitted uses.
   1. Underground storage tanks of any size;
   2. Septage and/or sludge spreading;
   3. Animal waste land spreading;
   4. Animal waste facilities;
   5. Animal confinement facilities;
   6. Gas stations;

7. Vehicle repair establishments, including auto body repair;
8. Printing and duplicating businesses;
9. Bus or truck terminals;
10. Repair shops;
11. Landfills or waste disposal facilities;
12. Wastewater treatment facilities;
13. Spray wastewater facilities;
14. Junk yards or auto salvage yards;
15. Bulk fertilizer and/or pesticide facilities;
16. Asphalt products manufacturing;
17. Dry-cleaning businesses;
18. Salt storage;
19. Electroplating facilities;
20. Exterminating businesses;
21. Paint and coating manufacturing;
22. Hazardous and/or toxic materials storage;
23. Hazardous and/or toxic waste facilities;
24. Radioactive waste facilities;
25. Recycling facilities;
26. Cemeteries.

D. Where any of the uses listed in subsection C of this section above exist within the WPA on the effective date of the ordinance codified in this chapter, owners of these facilities will be allowed to upgrade such uses to facilitate or enhance groundwater protection. Plans for the proposed upgrade must be approved by the plan commission, and the appropriate permit issued by the city building inspector/zoning administrator's office prior to any work being initiated. Expansion of the prohibited use may be allowed with approval of the planning commission.

E. Requirements for Existing Prohibited Uses, Section 19.49.050C Above.
1. Such uses shall provide copies of all federal, state and local facility operation approvals or certificate to the city zoning administrator and ongoing environmental monitoring results to the city director of public works.
2. Such uses shall provide additional environmental or safety structures/monitoring as deemed necessary by the city, which may include but are not limited to stormwater runoff management and monitoring.
3. Such uses shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.
4. Such uses shall have the responsibility of devising and filing with the city a contingency plan satisfactory to the city zoning administrator for the immediate notification of city officials in the event of an emergency.

(Ord. 1383 § 1(part), 1997).

CDXIII.

19.49.060 Enforcement.

A. In the event the individual and/or facility engaging in permitted use(s) under this chapter causes the release of any contaminants which endangers the WPA, the activity causing said release shall immediately cease and a cleanup satisfactory to the city shall occur.

B. The individual/facility causing the release of contaminants shall be responsible for all costs of cleanup. The costs of cleanup shall include, but not be limited to, city consultant fees, at the invoice amount plus administrative costs for oversight, review and documentation.
1. The cost of city employees' time associated in any way with the cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the city

representing the city's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits;

2. The cost of city equipment employed;
3. The cost of mileage reimbursed to city employees attributed to the cleanup.

C. Following any such discharge the city may require additional test monitoring and/or bonds/sureties as it deems necessary and reasonable.

D. Penalties for noncompliance shall be provided pursuant to Section 19.75.080 of this code.

(Ord. 1383 § 1(part), 1997).

Chapter 19.51 TRAFFIC, PARKING AND ACCESS

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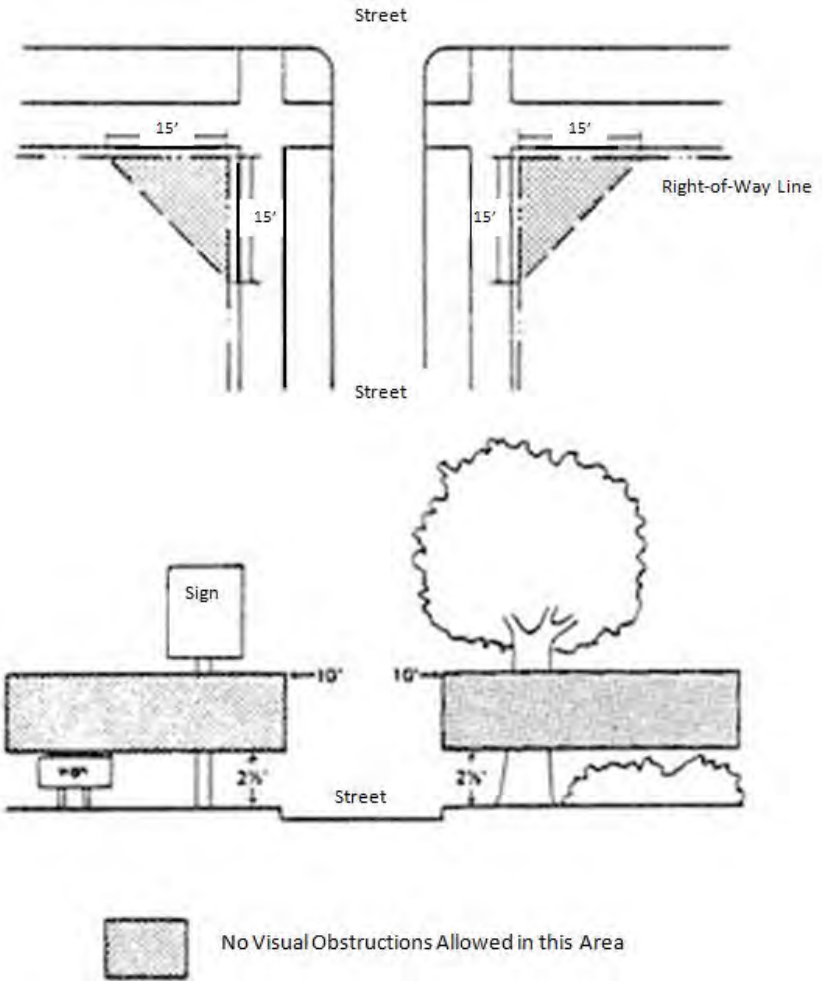
CDXIV. 19.51.010 Intersection visibility requirements.

A. At all intersections of streets or alleys, no fence, hedge, wall, sign or other structure shall be erected, placed, planted or allowed to grow in such a manner as to collectively impede more than fifteen percent of the vision area between a height of two and one-half (2 ½) feet and ten (10) feet above the established curb level of the intersection of streets or alleys in the area bounded by the right-of-way lines and a line joining points along the right-of-way fifteen feet from the point of intersection. (Refer to diagram below.)

B. In the case of major streets and highways intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to forty (40) feet.



(Ord. 994 § 4.1, 1982).

CDXV.

19.51.020 Loading requirements.

In all districts except the B-2 central business district, adequate loading areas shall be provided so that all vehicles loading, maneuvering to do so, or unloading, are completely off the public ways, except alleys.

(Ord. 994 § 4.2, 1982).

CDXVI.

19.51.030 Parking requirements--Generally.

In all districts, and in connection with every use, there shall be provided at the time any building is erected, enlarged, extended, increased, or use is changed, off-street parking stalls for all vehicles in accordance with Sections 19.51.040 through 19.51.180.

(Ord. 994 § 4.3(part), 1982).

CDXVII.

19.51.040 Adequate access--Driveways.

A. Adequate access to a public street shall be provided for each parking space, and driveways shall be at least ten (10) feet wide for parking areas for less than ten (10) vehicles, and at least two ten-foot lanes for parking lots for ten or more vehicles, except as otherwise provided in Section 19.51.050(A)(2).

B. Driveways shall not exceed twenty-four (24) feet in width at the street right-of-way line, except as otherwise determined by the plan and architectural review commission during site plan review.

C. No driveway may be closer than three (3) feet to an abutting property line, except where two adjacent lots have a common driveway then the three (3) foot minimum distance shall not apply. Common, shared, and cross-access driveways between adjacent lots are permitted,

provided that such driveways are established by recorded easement that may not be removed except by approval of the city or as otherwise permitted by law (such as non-conforming use or prescriptive easements).

D. All areas intended to be utilized as a driveway shall be surfaced with asphalt or concrete unless otherwise permitted in the zoning district, or approved by the Planning Commission under a Conditional Use Permit (CUP) or permitted by Neighborhood Services. Plans for surfacing and drainage of driveways shall be submitted to the City for review and approval.
    a. All driveways regardless of material shall have a driveway apron and meet the standard of 19.51.050 C.

(Ord. 1452 § 6(part), 2000: Ord. 994 § 4.3(A), 1982).

CDXVIII.

19.51.050 Size, location, maintenance, and surface material of parking spaces.

A. The size of each parking space shall be at least nine (9) feet wide and not less than one hundred eighty (180) square feet exclusive of the space required for ingress and egress, except as follows:
    1. End parking spaces may be seven and one-half (7 ½) feet wide and not less than one hundred fifty (150) square feet.
    2. Interior parking spaces may be eight and one-half (8 ½) feet wide and not less than one hundred fifty (150) square feet, provided that internal driveways providing two-way access to parking spaces are not less than twenty-four (24) feet in width.

B. Location shall be on the same lot as the principal use or not over six hundred (600) feet from the principal use and comply with 19.51.140. All driveway and parking areas shall be surfaced with asphalt or concrete to control dust and drainage (unless otherwise permitted in the zoning district, or approved by the Plan Commission under a Conditional Use Permit (CUP) or permitted by Neighborhood Services):
    1. For new driveway and parking areas, such surfacing shall be completed within 9 months of the approved site plan or parking lot plan approval or in accordance with the timeline established in the approved site plans. The driveway shall be paved within nine (9) months of installation of the permanent street.
    2. In the event of neglect or migration of sediment the owner shall be given notice and required to make the necessary corrections to bring the driveway up to compliance.

C. Driveway Aprons

    The driveway apron is defined as the area between the sidewalk and the curb. The apron shall be installed from the street curb to the sidewalk. When there is no sidewalk, the apron shall extend a minimum of 6 feet from the back of the curb towards the property. Paved aprons shall be installed:
    1. At such time that the property gravel regularly spreads into the street right-of-way as determined by the Neighborhood Service Department, or Public Works Department.

D. Driveway Maintenance Requirements
    1. All property owners shall be responsible for the long-term maintenance of the driveway and related drainage. In the event of neglect or migration of sediment the owner shall be given notice and required to make the necessary corrections to bring the driveway into compliance.

(Ord. 1452 § 6(part), 2000: Ord. 994 § 4.3(B), 1982).

CDXIX.

19.51.060 Lighting of parking areas.

Lights provided in any parking area shall be regulated by the standards in Section 19.57.150. (Ord. 1452 § 6(part), 2000: Ord. 994 § 4.3(C), 1982).

CDXX.

19.51.070 Buffer screening of on-grade parking areas.

When a required off-street parking area for five (5) or more vehicles is located within fifteen (15) feet of any lot line or public right-of-way line in any district, a buffer yard or screen shall be required in accordance with Section 19.57.140 of this title, except where the adjoining property also contains a parking lot within fifteen (15) feet of the shared lot line.
(Ord. 1452 § 6(part), 2000: Ord. 1364 § 11, 1997: Ord. 994 § 4.3(D), 1982).

CDXXI.

19.51.080 Front, side, and rear yard parking limitation.

A. In all residential districts, except as provided in subsections B, C, D and E below, or as otherwise allowed by a previously granted zoning permit, not more than three (3) vehicles shall be parked in any combination of the front or side yard area.
B. In no case shall vehicles be parked closer than three (3) feet to any abutting property line (except for shared parking areas for which a zoning permit has been granted) or any lawn or landscaped area. All parking must take place in legally established and maintained parking areas or driveways.
C. A legally established two-family dwelling may have up to six (6) vehicles parked (outside) on a lot, with no more than 4 outside located in the rear yard.. Up to eight (8) vehicles parked in any combination may be permitted through a Conditional Use Permit (CUP) if the property can meet the conditional use standards and stormwater requirements, buffer screening and any other requirements deemed necessary by the Plan and Architectural Review Commission.
D. In the R-3 Multifamily Residence District, except for legally established two-family dwellings or otherwise allowed by a zoning permit, not more than six (6) vehicles may be parked (outside) in any combination of the front or side yard area (except as allowed by a conditional use permit). Newly constructed or reconstructed properties as of the date of this chapter may have no more than three (3) vehicles in front and side yards (except as allowed by a conditional use permit).
E. The number of vehicles allowed within front and side yard areas of lots occupied by single family residences may be increased to one per licensed driver legally occupying the property, not to exceed five (5) vehicles with no more than 4 located outside in the rear lot. Vehicles in any combination may be permitted through a Conditional Use Permit (CUP) if the property can meet all stormwater requirements, buffer screening and any other requirements deemed necessary by the Plan and Architectural Review Commission.

(Ord. 1082 § 8, 1986).
(Ord. No. 1688A, 6-17-2008; Ord. No. 1715A, 2-3-2009)

CDXXII.

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).

CDXXIII.

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).

CDXXIV.

19.51.110 Surfacing of parking areas.

All areas intended to be utilized for off-street parking areas shall be graded and surfaced with materials to control dust and 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. In all cases, permeable or pervious materials are preferred. Plans for surfacing and drainage of off-street parking areas shall be submitted to the City for review and approval. Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked. (Ord 1482 § 1-, 2001: Ord. 1364 § 12, 1997: Ord. 994 § 4.3(H), 1982).

CDXXV. 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).

CDXXVI. 19.51.130 Number of parking stalls--General requirements.

The minimum number of parking stalls required is as follows:

Districts	Minimum	Maximum
R-1	2 stalls	Must follow 19.51.080. may not exceed the impervious surface regulation (19.18.060)
R-1X	2 stalls	Must follow 19.51.080. Not to exceed the impervious surface regulation (19.16.040)
R-2	2 stalls for each dwelling unit	Must follow 19.51.080. Not to exceed the impervious surface regulation (19.18.060)
R-2A	85% per Bedroom	Must follow 19.51.080. Not to exceed the impervious surface regulation (19.18.060). The number of bedrooms that are used for calculating for the minimum parking stalls shall not exceed the number of permitted unrelated occupants.
R-3	80% per Bedroom	Not to exceed the impervious surface regulation (19.21.060)
R-3A	65% per Bedroom	Not to exceed the impervious surface regulation (19.21.060)
B-1A	65% per Bedroom	Not to exceed the impervious surface regulation (19.27.060)
B-2		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

Note: Efficiency Units shall count as 1 Bedroom. All minimum requirements are to be rounded up when calculating. EXAMPLE: To determine the minimum number of parking stalls for a 12bedroom multifamily residence in the R-3, 12 * 80% = 9.6, which is rounded up to 10 stalls.

Use	Minimum
Hotels, motels	1 stall for each guest room plus 1 stall for each 2 employees working per shift
Sororities, fraternities, dormitories, boardinghouses and similar group-dwelling	1 stall for each 2 persons plus 1 stall for each 3 employees working per shift

quarters	
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

CDXXVII. 19.51.135 Number of parking stalls—Review Commission.

A. A party may apply to the plan and architectural review commission for a permit allowing less than the number of stalls required herein, but not less thanone stall per five hundred (500) square feet of primary floor area for retail and commercial service uses.
B. The commission may grant such a permit if it is not against the best interest of the public.
C. Even if a permit is granted, the applicant shall be required to have sufficient land and a plan to install the maximum required stalls under this section should it become necessary, except within the PD zoning district.
D. The permit may be revoked at any time by the commission upon notice and hearing if good cause is shown for the revocation of the permit. Within a PD District only, adjacent on-street parking may apply toward the minimum parking requirements, if approved by the plan commission.

(Ord. 1611A § 2, 2006; Ord. 1511 § 3, 2002; Ord. 1187 § 1, 1990; Ord. 1082 § 9, 1986: Ord. 944 § 4.3(J), 1982).

CDXXVIII. 19.51.140 Number of parking stalls--Combination uses.

A. Joint Use of Parking Spaces.
   1. A parking allocation plan showing all jointly used parking shall be submitted prior to approval of the conditional use permit by the approval authority and shall be kept on file in the department of Neighborhood Services.
   2. A reciprocal parking easement in a form satisfactory to the City shall be executed by the parties involved and by the owner of the property where the spaces are located and shall be kept on file with the City. Such agreement shall ensure the continued availability of the number of spaces designated for joint use.
   3. Location shall be on the same lot as the principal use or not over six hundred (600) feet from the principal use. Such parking areas shall be in the same ownership as the principal use or leased on a long-term basis (more than five (5) years).

B. Combinations of any of the uses listed in Section 19.51.130 shall provide the total of the number of stalls required for each individual use.

(Ord. 994 § 4.3(K), 1982).

CDXXIX.

19.51.150 Number of parking stalls--Uses not listed.

In the case of structures or uses not mentioned in Section 19.51.130, the provision for a use which is similar shall apply.

(Ord. 994 § 4.3(L), 1982).

CDXXX.

19.51.160 Parking exemption in B-2 central business district and the B-1A University mixed-use overlay district.

In order to encourage and stimulate the revitalization in the downtown area of Whitewater, uses within the B-2 central business district and the B-1A University mixed-use overlay district are exempted from the minimum number of parking stalls required in this chapter, except if specifically required for a particular conditional use in that district under Section 19.30.030. Where parking is voluntarily provided or required for a particular use listed in Section 19.30.030, it shall meet the development standards of this section.

(Ord. 1611A § 3, 2006: Ord. 994 § 4.3(M), 1982).

CDXXXI.

19.51.170 Computation of required parking area.

In determining required parking area ratios, the floor measurement shall be taken to include only service, sales and office space, and shall not include warehouse, utility and other accessory space which do not generate parking demand.

(Ord. 994 § 4.3 (N), 1982).

CDXXXII.

19.51.180 Truck, trailer, mobile home and equipment parking restrictions.

No truck, commercial trailer, house or camper trailer, motor home, boat trailer, trailers for all terrain vehicles (ATVs) or snowmobiles, or other vehicular equipment or implements of a commercial, agricultural or industrial nature, shall be parked regularly in any zoning district other than B-1, B-3, M-1 and AT districts, except as hereinafter specifically provided for as follows:

A. One panel or pickup truck, exceeding three-quarter ton but not exceeding one and one-half tons, shall be permitted;
B. The unenclosed parking of either one unoccupied house trailer, motor home, or one unoccupied camp trailer in the side and rear yard, provided that the motor home, house trailer or camp trailer is parked at least five feet from the lot lines; motor homes shall also abide by all restrictions relating to motor vehicle parking;
C. Camper trailers and boats shall be permitted to park in front yards for the purposes of loading, unloading and servicing for a period of three days;
D. Boat trailers, trailers for all terrain vehicles (ATVs) or snowmobiles, and all other private residential type trailers shall be permitted to park in the side and rear yard only.
E. The Neighborhood Services Manager may issue a permit to a person with a disability allowing a boat (25 feet or less in length) and a boat trailer to be parked in the front yard driveway of their residence from April through November. A person shall be considered a person with a disability if they have been issued a current disabled parking identification permit by the Wisconsin Department of Transportation. In addition, an individual shall be considered a person with a disability if they provide the Neighborhood Services Manager with a statement by a health care specialist verifying that the party needs a front yard boat parking permit, for a stated period of time, to allow that person reasonable access to their boat and trailer.

(Ord. 1381 § 1, 1997: Ord. 994 § 4.3(O), 1982).

CDXXXIII.

19.51.190 Highway access limitations.

A. No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, nor to any controlled-access arterial street without permission of the highway agency that has access-control jurisdiction.

B. No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:

1. Freeways, interstate highways and their interchanges or turning lanes, nor to intersecting or interchanging streets within one thousand five hundred feet of the most remote end of the taper of the turning lanes;
2. Arterial streets intersecting another arterial street within one hundred feet of the intersection of the right-of-way lines;
3. Within fifty (50) feet of street right of way lines intersecting other street right of way lines. Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways (see Section 19.51.010, traffic visibility);
4. Temporary access to the above rights-of-way may be granted by the city plan commission after review.

(Ord. 1446 § 2, 2000; Ord. 994 § 4.4, 1982).

Chapter 19.54 SIGNAGE REGULATIONS

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CDXXXIV. 19.54.010 Sign permits.

A. The following sign uses and purposes are permitted in all zoning districts without the need for a sign permit. Such signs shall not count as part of the maximum permitted sign area as regulated by Section 19.54.052:
   1. Address numerals and identification signs not exceeding one square foot in area;
   2. Legal notices;
   3. Signs established by, or by order of, any governmental agency;
   4. Memorial signs and tablets displayed in cemeteries.

B. Community information signs shall be permitted only as a conditional use within all zoning districts and upon any property within the jurisdiction of the city. As such, the review of a request for the erection of a community information sign shall comply with the requirements of Section 19.54.020C.4. The proposed size, configuration, and design of the sign shall be described as part of the conditional use requirements. As a conditional use, the city may revoke the designation of an approved community information sign if such sign fails to comply with the requirements of this chapter. Such action shall proceed per the requirements of Chapter 19.75. Upon revocation, the owner of the sign shall have thirty days to remove the sign at the owner's expense.

C. No person shall erect, alter, or relocate within the city any sign without first obtaining a sign permit, except for the exceptions in subsections A. and B. of this section, and as may be provided for elsewhere in this chapter.

(Ord. 1263 § 1(part), 1993).

(Ord. No. 1746A, § 3, 9-15-2009)

CDXXXV.

19.54.020 Definitions and regulations specific to certain signs.

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

A. "Sign" means any object, device, display, structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means,

including figures, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, religious, fraternal or civic organization; also merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or scoreboards located on athletic fields. Definitions of particular functional, locational and structural types of signs are listed in this section. (Traffic control and other public agency signs located within a right-of-way are not included within this definition and are not regulated by the provisions of this chapter.)

B. Sign Purposes.
   1. "Advertising sign" means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is displayed. Advertising signs include billboards. (Refer to Section 19.54.030.)
   2. "Auxiliary sign" means a sign which provides special information such as price, hours of operation, or warning and which does not include brand names, or information regarding product lines or services. It may contain a business logo if the logo is under one square foot in area. Examples of such signs include directories of tenants in buildings, "no trespassing" signs, menu boards, and signs which list prices of gasoline. (Refer to Section 19.54.050(E).)
   3. "Business sign" means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, offered, or manufactured upon the premises where the sign is located. (Refer to Sections 19.54.050 and 19.54.052.)
   4. "Community information sign" means an officially-designated sign which is limited to either the display of information of interest to the general community regarding scheduled public events and information of general interest to the residents of Whitewater, or signage located on scoreboards, fences or similar structures within the confines of publicly-owned (city, school district, university) athletic fields, courts, rinks or other active recreation facilities as approved by the parks and recreation board. (Refer to Section 19.54.010B.)
      a. Such sign shall only display information regarding events and information of general interest to the residents of Whitewater. Copy which may be considered as advertising a product, private or restricted participation event, or activity for private profit shall be prohibited. This provision may be waived by conditional use for community information signs on lands owned by the public for recreational purposes, provided that the installation of the sign provides a benefit to a public or community organization.
      b. Such sign may be located on private or public property.
      c. Such sign shall conform to the visibility requirements of Chapter 19.51 and Illustration 2.
      d. Maximum sign area shall be thirty-two square feet, unless a larger sign is approved by the plan commission based on conditions unique to the placement of the sign or the required length of the message. Such sign shall not be counted as adding to the area of signage on the subject property for the purposes of regulating sign area per Section 19.54.050(F).
   5. Directional Sign, Off-Premises. "Off-premises directional sign" means a sign which indicates only the name, direction, and/or distance of a business or activity. It may contain a business logo if the logo is under one square foot in area and approval only by conditional use. (Refer to Section 19.54.030.)
   6. Directional Sign, On-Premises. "On-premises directional sign" means an information sign which has a purpose secondary to the use of the lot upon which it is located,

including signs that indicate parking availability, entrances, particular buildings within a multi-building development, hours of operation, available merchandise in a drive-through lane, and wall-mounted posters indicating particular movies in a theater. No sign with a commercial message legible from a public right-of-way or another property shall be considered an on-premises directional sign. No on-premises directional sign shall be greater than nine square feet in area.

7. "Sandwich board/pedestal sign" means a movable sign placed by hand outside the building while the business is open; removed at the time the business closes each day; self-supporting and stable even on windy days because of its design; used for the purpose of promoting special business offers and not as primary business signage; and meeting all applicable size, placement, and other requirements of this chapter (see Section 19.54.050K. in particular).
8. "Group sign" means a sign displaying the collective name of a group of uses such as the title of a shopping center, office park, industrial park and/or their tenants or occupants. No sales or price information shall be permitted. Portions of the sign containing names of individual tenants shall be considered as part of the area of a group sign. Group signs shall only be permitted within developments serving two or more nonresidential tenants in spaces with separate outside customer doors, and shall limit information to the name of the development and/or its occupants. Group signs serving two or more occupants not located on the same lot, but within the same multi-building development, shall be located on one of the lots being served by the sign. Such signs shall not be considered an advertising sign as defined in this section. (Refer to Section 19.54.052 for size and locational information.)
9. "Identification sign" means a sign indicating the name and/or address of the tenant of the residential unit or manager of the property located upon the residential premises where the sign is displayed. Such sign shall not exceed the allowed area:
    a. For one to four units, three square feet;
    b. For up to eleven units, six square feet;
    c. Twelve units or more, thirty-two square feet. (Refer to Section 19.54.052.)
10. "Temporary sign" means a sign or advertising display intended to be displayed for a period not exceeding a total of thirty cumulative days within any twelve-month period (except as permitted by Section 19.54.060). Included in the definition of temporary signs are retailers' signs temporarily displayed for the purpose of informing the public of a sale or special offer (six square feet maximum) or for the designation of a new building, promotion of a new development or announcement of a special event (thirty-two square feet maximum). If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be considered as temporary. A business shall be limited to no more than a total of thirty cumulative days for displaying all temporary signs during any twelve-month period.
11. "Residential business sign" means a sign that is located in a residential district for a joint commercial/residential use which requires approval by the zoning administrator and to meet the requirements of Chapter 19.66. All signs must be monument style signs or arm/post type. (Refer to Illustrations 2 and 3, and Section 19.54.052.)
12. "Commercial message" means any sign wording, logo or other representation that names, advertises or calls attention to a business, product, or service.

C. Sign Configurations.

1. "Freestanding sign" means a self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground. This type of sign includes monument signs, pylon signs, arm/post(s) signs, and signs mounted on canopies over gasoline dispensing pumps. The base or support(s) of any and all freestanding signs shall

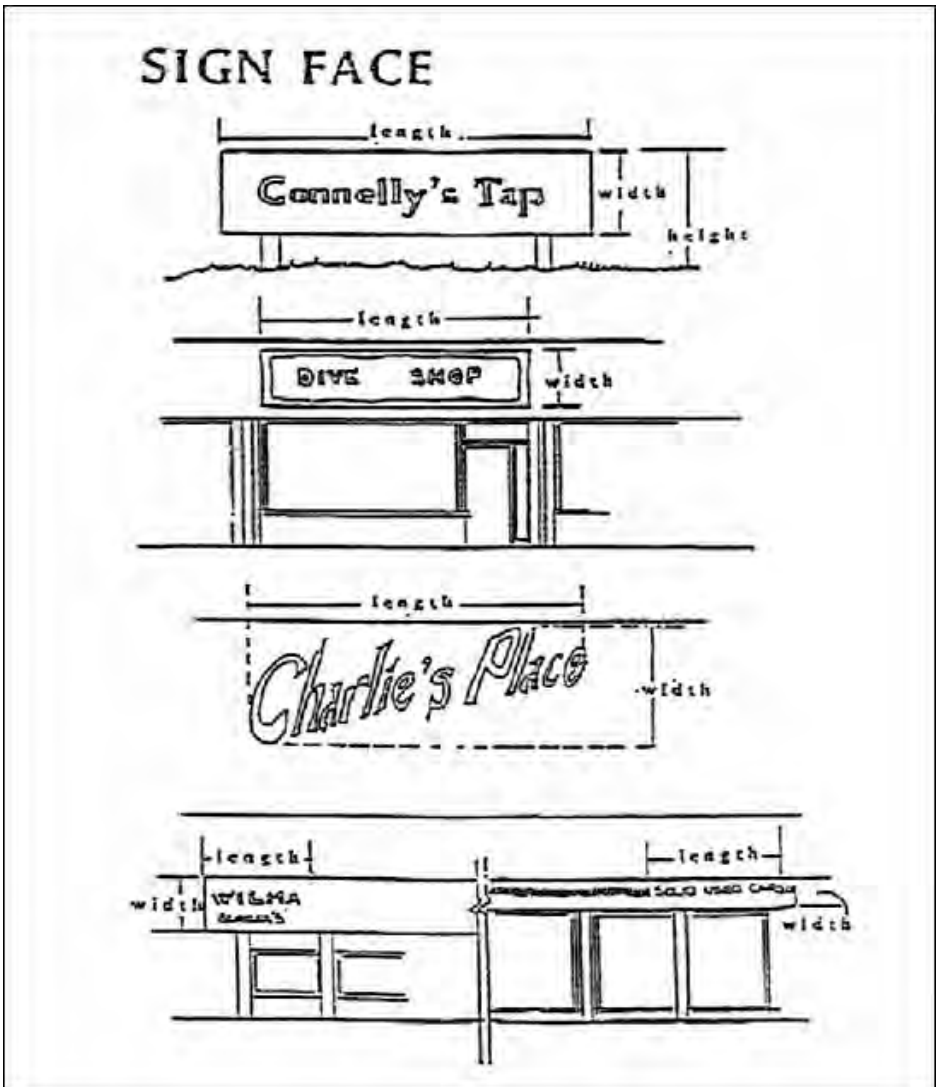
be securely anchored to a concrete base or footing. The footing and related supporting structure of a freestanding sign, including bolts, flanges, brackets, etc., shall be concealed by the sign exterior, masonry covering, earth and permanent groundcover, or evergreen shrubs. (Refer to subsection E. of this section and Sections 19.54.050 and 19.54.052.)

2. "Mobile/portable sign or banner" means a sign or banner mounted on a frame or chassis designed to be easily relocated, including vehicles and/or trailers which have a principal commercial use for signage, but not including any sandwich board/pedestal sign as defined in Section 19.54.020C.7. Mobile/portable signs or banners are prohibited unless approved by the zoning administrator for the purpose of recognizing a business opening, annual business anniversary, or community celebration. Where approved, such a sign shall not be in place for a period to exceed thirty days within any twelve-month period, shall not be erected more than thirty days before the event, shall be removed not more than five days after the completion of the event, and shall not exceed thirty-two square feet in area. A mobile or portable sign shall not be considered a temporary sign as defined in Section 19.54.020C.9. or used for such a purpose, except as may be allowed by the zoning administrator.
3. "Monument sign" means a freestanding sign whose bottom edge is located within one foot of ground level or a ground-mounted pedestal. The base or support(s) of any and all monument signs shall be securely anchored to a concrete base or footing. The height of a monument sign shall not exceed that specified in Section 19.52.052, nor shall it be otherwise erected so that it impedes visibility for safe pedestrian and/or vehicular circulation. The footing and related supporting structure, including bolts, flanges, brackets, etc., shall be concealed by the sign exterior, masonry covering, earth and permanent groundcover, or evergreen shrubs. (Refer to Sections 19.54.040 and 19.54.052, and Illustrations 2 and 3.)
4. "Projecting sign" means a sign, other than a wall sign, which is directly attached to and projects more than one foot from a building face, and is generally mounted perpendicular from the building face. The bottom edge of such sign shall be located a minimum of eight and one-half feet from the ground level directly under the sign. In no instance shall such sign be located closer than three feet to the edge of a street curb, drive, or parking area. For maximum area and placement standards, see Section 19.54.052.
5. "Electronic message center sign" means a sign in a nonresidential zoning district which displays words, lines, graphic images, video recordings, or symbols that can electronically change to provide different information and/or animation, including a computer sign, electronic reader board sign, video display sign, or time and/or temperature sign, but not including a flashing sign, which is prohibited under Section 19.54.030A.3. For electronic message center sign standards, see Section 19.54.050L.
6. "Pylon sign" means a freestanding sign, other than arm post type, erected upon one or more pylon or post. The base or support(s) of any and all pylon signs shall be securely anchored to a concrete base or footing. The height of a pylon sign shall be measured from the centerline elevation of the nearest road to the top of the sign. The height of a pylon sign shall not exceed twenty (20) feet. Pylon signs shall be erected so that the vertical distance between the bottom edge of the sign and the elevation of the centerline of the nearest road to said sign exceeds eight feet. The footing and related supporting structure of a freestanding sign including bolts, flanges, brackets, etc., shall be concealed by the sign exterior, masonry covering, earth and permanent groundcover, or through the use of evergreen shrubs. (Refer to Section 19.54.052 and Illustrations 2 and 3.)
7. "Wall sign" means a sign mounted parallel to a building facade or other vertical building surface. Wall signs shall not extend beyond the edge of any wall or other surface to which they are mounted, nor shall they project more than twelve inches from its surface.

The height of a wall sign shall be measured from the base of the building below the sign to the top of the sign face. The top of the sign shall be no higher than the nearest portion of the building to which it is mounted.

8. "Awning/canopy sign" means a sign mounted to an awning or canopy, with said awning or canopy mounted to the side of the building. An awning/canopy sign shall be counted as a wall sign for purposes of this chapter. Script/logo height shall be limited to eight inches, except that a greater script/logo height may be approved by conditional use.
9. "Arm/post(s) sign" means a freestanding sign mounted on a post with a bracket extending outward to support a sign by either hanging from the bracket or mounted on the bracket. The maximum size, height, and location of arm/post(s) signs shall be the same as for monument signs. (See Illustration 3 and Section 19.54.052.)
10. "Window sign" means a sign mounted on or within one foot inside of a first-floor exterior window, with a primary intent to advertise a business or product within the premises.

D. Sign Measurement.
   1. "Ground level" means the average elevation of the ground upon which the sign supports are placed, except when the sign supports rest upon a berm or other area elevated above the surrounding ground. In such cases, the average elevation of the base of such berm or other area shall be considered as the ground level.
   2. Sign area shall be measured in the following manner:
      a. In the case of a sign placed within a frame, or other structure, sign area consists of the entire surface area of the sign on which copy could be placed. The supporting structure or bracing of a sign shall not be counted as a part of the sign face area unless such structure or bracing is made a part of the sign's message. Where a sign has two or more display faces, the combined total area of all faces shall be considered the sign face area.
      b. In the case of a sign whose message is fabricated together with the background which borders or frames that message, sign face area shall be the total area of the entire background.
      c. In the case of a sign whose message is applied to a background which provides no border or frame, sign face area shall be the area of the smallest rectangle which can encompass all words, letters, figures, emblems, and other elements of the sign message.
      d. Signs less than one square foot in area are not regulated by this chapter.
      e. The following illustrations demonstrate how sign face area shall be determined.



(Ord. 1577A §§ 1--5, 2005; Ord. 1452 §§ 9, 10, 2000; Ord. 1263 § 1(part), 1993).
(Ord. No. 1746A, §§ 4--9, 9-15-2009)

CDXXXVI.

19.54.030 General signage regulations.

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

A. Sign Prohibitions and Limitations.

1. No sign shall use any word, phrase, symbol, shape, form or character in such manner as to interfere with moving traffic, including signs which incorporate typical street-type and/or traffic control-type signage designs and colors.
2. No fluttering, undulating, swinging, rotating or otherwise moving signs, pennants or other decoration shall be permitted except for electronic message center signs and time and/or temperature signs in nonresidential zoning districts.
3. No illuminated flashing signs shall be permitted. Electronic message center signs meeting the definition and requirements of this chapter shall not be considered illuminated flashing signs.
4. No illuminated sign shall be permitted unless the illumination is so designed that the lighting level does not affect adjacent property, pursuant to the standards in Section 19.57.150. All illuminated signs shall comply with the state electrical code and Section 19.54.070B., and illumination shall be limited to one hour before the daily opening of the associated business and one hour after the daily closing of the associated business.

5. No mobile/portable signs or banners shall be permitted unless approved by the zoning administrator. Sign use and other regulations shall be as specified in Section 19.54.020D.2.
6. No off-premises directional signs shall be permitted for nongovernmental or noninstitutional uses or for any use outside of a public right-of-way; however, such signs, as well as city entrance signs, may be permitted within a public right-of-way, per subsection B.5. of this section, for government facilities, nonprofit, nonreligious community gathering spots, major economic centers such as the downtown and business park, and schools.
7. No advertising signs shall be permitted, except for certain community information signs as described in Sections 19.54.010B. and 19.54.020C.4.
   Rationale. The adoption of subsection A.7. of this section reflects a formal finding of fact on the part of the city plan commission and city council that the prohibition of advertising signage furthers two compelling government interests:
   a. The general public interest of reducing visual clutter caused by advertising signage which the city has determined is a significant cause of unsafe traffic conditions; and
   b. The public interest served by furthering the implementation of the purposes of this chapter and the city comprehensive plan in terms of limiting the further spread of strip commercial development, of which advertising signs are a primary contributor. Furthermore, the city advocates that this regulation leaves ample and adequate alternative channels of commercial speech communication for the messages portrayable on such advertising signs; namely, distributed print media, broadcast media, and point-of-purchase display, and is narrowly defined so as to limit the prohibition to commercial speech on exterior signage.

B. Sign Location Requirements.
1. No sign shall be erected or maintained at any location where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal or device.
2. No sign shall be located within a required bufferyard or within a permanently protected green space area (see Chapter 19.57), unless approved by the city.
3. No sign shall be mounted on a roof.
4. No sign, temporary or otherwise, shall be affixed to a tree or utility pole.
5. Private signs shall be allowed within road right-of-way lines only per the regulations of the city public works department, and per Section 19.54.030C. below.
6. Pylon signs other than arm/post are not permitted in any residential district.

C. Private signs extending into the public right-of-way.
1. Any person desiring to place any sign such that it will extend over or onto the public right-of-way shall first obtain a sign permit. In the granting of such a permit, the city may require the applicant to provide and maintain public liability insurance on the installation in an amount not less than fifty thousand ($50,000) dollars protecting the city as its interests may appear as the result of any accident or injury for which it might become in any manner liable. In the event that such insurance should be terminated for any reason, or that the holder of any permit should fail to keep such insurance in force at any time, then the permit for the maintenance of such sign shall be forthwith removed, or if not removed by the holder of the permit, then such sign shall be removed or caused to be removed by the zoning administrator and the expense thereof shall be recovered from the holder of the permit.

2. There is hereby established along each side of every public street, public alley, or public highway a fictional line five (5) feet distant and outward from the lot line and parallel with such street, alley, or public highway. No sign which, exclusive of supports, exceeds two hundred fifty (250) pounds in weight or has an area greater than forty (40) square feet shall be permitted to extend into the highway or over the highway or sidewalk area beyond such fictional line, except only where such sign is to be placed over a substantial canopy or portico of such nature that the same will afford ample protection to the public from any possible injury from such sign.
3. In no event shall any sign regardless of size or weight extend into the public street, highway, or sidewalk area further than to within three feet from the face of the curb or curb line as determined by the zoning administrator or be placed less than eight and one-half (8 ½) feet above the sidewalk or sidewalk grade.
4. Except for sandwich board/pedestal signs, all private signs extending on or over public rights-of-way shall be adequately supported from buildings, posts, or other permanent supports located on private property. In no case shall sign posts or other permanent supports be permitted within the limits of a public street, alley or highway.
5. The zoning administrator shall have the right, and it shall be his duty, to supervise the installation of any such sign and also to inspect the same from time to time to ascertain whether or not the same is securely fastened and free from danger to the public. The building inspector shall have the right to require from time to time any repairs, extra supports or any other precautions necessary to protect the public safety, and in the event the owner fails to comply with any such requirements the permit for such sign shall be revoked and the sign shall be removed.
6. This subsection C. shall not apply to signs erected by or for churches, service clubs, public or quasi-public organizations when such installations have been approved by the common council.

(Ord. 1577A § 6, 2005; Ord. 1452 § 11, 2000; Ord. 1263 § 1(part), 1993).

(Ord. No. 1746A, §§ 10--12, 9-15-2009)

CDXXXVII.

19.54.040 Sign regulations applicable to residential districts.

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

A. Wall, monument, arm/post(s), and projecting signs (for certified historic properties) are permitted in residential zoning districts. Other forms of signage are prohibited.
B. For each single-family lot, or two-family or multifamily lot containing four or fewer dwelling units, one identification sign, not to exceed three (3) square feet in area, is permitted for each dwelling unit. Said identification sign may include one or more of the following: name, address, and/or home occupation title.
C. For each multifamily or institutional residential lot containing five (5) to eleven (11) dwelling units, one identification sign, not to exceed six (6) feet in area, shall be permitted. For each multifamily or institutional residential lot containing twelve units or more, one identification sign not to exceed thirty-two (32) square feet is permitted. The sign shall indicate nothing more than the name and address of the premises and the name of the management company.
D. Permanent subdivision identification signs are authorized if approved as part of a final plat submittal for a subdivision (per Title 18). Detailed plans of proposed signs must be submitted at the time of final plat review. Such sign shall comply with the visibility standards in Section 19.51.010 and as shown in Illustration 2, shall not exceed thirty-two (32) square feet in area or eight feet in height, and shall not be a pylon sign.

E. For all commercial uses permitted in residential districts, not including home occupations, one monument, wall, or arm/post(s) type sign per building, not to exceed thirty-two (32) square feet in area, is permitted. The sign shall indicate nothing more than the name and address of the premises and the schedule of service or other information relevant to the operation of the premises.
F. For all institutional uses permitted in residential districts, sign sizes and types shall be the same as those applicable in the I Institutional zoning district per Section 19.54.052, except that pylon signs shall not be permitted.
G. Temporary signs, after approval of the zoning administrator, are permitted per the requirements of Section 19.54.060. For more information, see Sections 19.54.020D. and 19.54.052.

(Ord. 1577A § 7, 2005: Ord. 1452 § 12, 2000; Ord. 1263 § 1(part), 1993).

CDXXXVIII. 19.54.050 Sign regulations applicable to nonresidential districts.

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

A. The owners of multitenant properties shall allocate sign size to each business, in writing to the zoning administrator, up to a specified maximum for the entire property. All multitenant signs must be compatible in dimensions, in location, in design, in color and the same material, and shall be compatible with the appearance of the building and the surrounding area in the opinion of the property owner and the city.
B. The total surface area of all business and identification signs on a lot shall not exceed the maximum permitted by Section 19.54.052.
C. The number of business and group signs for a business use shall not exceed the numbers listed in Section 19.54.052. Signs allowed under Section 19.54.052 may be placed on any facade facing a public street, except where otherwise specified in Section 19.54.052.
D. Only one freestanding sign shall be permitted to be erected within the required street yard for each lot. Such sign may be either a business sign or a group sign. No lot shall be permitted more than one freestanding sign, except directional/auxiliary signs allowed by this chapter. All signs shall be located so that no part of the sign shall exceed the lot line set back from all lot lines as stated in Chapter 19.51 and Section 19.54.052, Illustration 2, or impede visibility (refer to Chapter 19.51).
E. Auxiliary signs may only be permitted when specifically approved as part of the site plan review process. Said signage shall be calculated independently of the requirements of subsection A of this section, and shall not exceed fifty (50%) percent of the maximum permitted area.
F. Maximum sign sizes for nonresidential districts shall be permitted per the requirements of the table of maximum sign sizes (see Section 19.54.052).
G. Temporary signs are permitted per the requirements of Section 19.54.060.
H. Signs carrying secondary advertising messages. Signs carrying secondary advertising media or messages, such as brand names or logos of products, are allowed as a conditional use, or as a permitted type of window sign subject to the percentage of window coverage and other applicable regulations of this chapter, but only where such signs are integral to the business being conducted on the property.
I. Projecting signs are only permitted in the B-2 zoning district or if specifically authorized within a Specific Implementation Plan for a PD Planned Development district. (See Section 19.52.052.)
J. Signs may be mounted on canopies over gasoline dispensing pumps, provided that the sign message is limited only to the business name, logo, and price information. The maximum

permitted sign area for any other freestanding sign on the lot shall be reduced by the total sign area on the canopy.

K. Sandwich board/pedestal signs (see definition in Section 19.54.020C.7).
   1. There shall be a maximum of one sandwich board/pedestal sign per business.
   2. Height shall not exceed five (5) feet (as measured when such sign is properly placed directly on the ground or sidewalk surface), width shall not exceed three (3) feet, and sign area shall not exceed six (6) square feet per side.
   3. All sandwich board/pedestal signs shall be designed to be self-supporting and in such a manner to withstand the elements, including the ability to remain upright on windy days.
   4. No sandwich board/pedestal sign shall be illuminated in any manner (except via cordless power for not more than thirty days in any calendar year), have more than two sides, be placed off-premises (except where allowed on a sidewalk immediately adjacent to the business lot to which it relates), or be designed to resemble a public regulatory sign (such as a stop sign).
   5. All sandwich board/pedestal signs shall be placed directly on a ground surface or walkway surface.
   6. No sandwich board/pedestal sign shall be placed on a public sidewalk or shall otherwise extend onto or into a public right-of-way, except that within the B-2 district or as may be specifically authorized in a specific implementation plan under PD zoning, a sandwich board/ pedestal sign may be placed within the public sidewalk or otherwise between the front of the building and the curb, provided that:
      a. There is not adequate space available on the premises to place the sign on private property in a manner that is visible to the public.
      b. The sign is placed directly in front of the business to which it is related.
      c. No part of the sign is any closer than three feet from the face of the curb.
      d. A minimum of four (4) feet in width of unobstructed travelway remains available in all directions on the sidewalk at all times.
   7. Placement of all sandwich board/pedestal signs shall meet all intersection visibility requirements in Section 19.51.010, and shall otherwise not impede traffic visibility in the determination of the zoning administrator. This may require relocation and/or adjustments to height or design.
   8. All sandwich board/pedestal signs must be kept in good condition, as determined by the zoning administrator and per the maintenance requirements of Section 19.54.070.
   9. Sandwich board/pedestal signs shall not count against the maximum area or number of signs allowed on a lot or for a business as specified in Section 19.54.070.
   10. Except where placed within the public right-of-way, sandwich board/pedestal signs that meet the requirements of this chapter may be used without the need for a sign permit.

L. Electronic message center signs (see definition in Section 19.54.020D.5.).
   1. The total length of the information cycle shall not be shorter than three seconds nor longer than ten (10) seconds. Items of information may not be repeated at intervals that are short enough to cause an electronic message center sign to have the effect of a flashing sign. Traveling messages may travel no slower than 16 light columns per second and no faster than thirty-two (32) light columns per second.
   2. Except for signs that are less than ten square feet in sign area, all electronic message center signs shall be equipped with photosensitive equipment that automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.
   3. The message display area shall be included when calculating permitted sign area for the type of sign (e.g., wall, monument) in the zoning district in which the sign is located.

4. All electronic message center signs shall be maintained so as to be able to display messages in a complete and legible manner.
5. No electronic message center sign shall be allowed within any agricultural, conservancy, residential, or industrial zoning district; for any residential use regardless of zoning district; or positioned to be visible and within three hundred feet from any residential zoning district except by conditional use permit. Within the B-2 zoning district, electronic message center signs shall be allowed only by conditional use permit.

(Ord. 1619A § 4, 2006; Ord. 1577A § 8, 2005; Ord. 1452 §§ 13, 14, 2000; Ord. 1269 § 1, 1993; Ord. 1263 § 1(part), 1993).

(Ord. No. 1618B, § 4, 12-19-2006); Ord. No. 1746A, §§ 13--16, 9-15-2009)

CDXXXIX.

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)

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

			sidewalk	sign)		
	Conditional uses in Section 19.21.030	32 sq. ft.	Main entrance or street yard	8' max	If planned residential development, different signage levels may be allowed by conditional use	1 per lot, except by CUP or PD
R-4	Identification	See R-3	See R-3	8' max		1 per development
	On-premises Directional	9 sq. ft.	Main entrance; each street	6' max (for freestanding sign)		
AT, B-1, B-3, B-2 B-2A 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	In street yard, setback equal to height from any side yard lot line and 5'	20' max for pylon sign	Pylon sign allowed by conditional use only	1 per lot

		a separated space, up to max of 160 sq. ft./side	from street right-of-way line			
				10' max for monument or arm/post(s) sign	Use may forego freestanding sign for one additional wall sign	See also Section 19.54.050
	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)		

NOTES:

(A) Building wall area is determined by using the square footage of the exterior wall of the first floor area to be signed (including window and door openings).

(B) Permitted wall signage shall be divided among each tenant space. Maximum total size equals ten percent (10%) of the first floor area of the building wall upon which the signs will be placed.

(C) Window sign area cannot exceed one-third of each individual window glass area on or in which the window signs are located.

(D) Signage for projects with a PD planned development district shall be as specified by the approved specific implementation plan for each particular project. Sign requirements for PD districts shall generally be based on the signage requirements in the most comparable standard zoning district.

B. B-2 central business district sign regulations.

1. Each business in the B-2 district shall be permitted a maximum of two permanent business signs, which may be any combination of the following sign configuration types: wall sign (includes awning/canopy sign), window sign, projecting sign, and freestanding sign, subject to the following qualifications:

a. For freestanding signs, see also the limitations in Section 19.54.050D.

b. Any number of window signs used shall count as only one sign in total against this maximum. If the only window signs used are those allowed under Section 19.54.050H., then such signs shall not count against this maximum.
c. Any sign for a business included within a group sign, as defined in Section 19.54.020C., shall count as one sign against the total number of permanent business signs permitted, except that for cases where a business has or shares more than one public building entrance, an additional group sign shall be permitted which indicates that and other businesses.
d. Sandwich board/pedestal signs, directional signs, auxiliary signs, and "ghost" signs not related to the current business operation shall not count against the total number of permanent business signs permitted.

2. For corner lots, permitted signage may be placed on either or both facades facing a public street.
3. Pylon signs, internally illuminated signs, electronic message center signs, and restoration of "ghost" signs shall be allowed in the B-2 district by conditional use, except for sign face/component changes on pre-existing signs of these types, which instead may be accomplished through the site plan review process under Chapter 19.63. Upon receipt of a completed conditional use permit application for any such new sign in the B-2 district, the zoning administrator shall forward such application to the Downtown Whitewater Design Team. If the design team chooses to provide a recommendation, such recommendation must be provided in a timeframe that allows plan and architectural review commission action on the conditional use permit request under the requirements of Chapter 19.66.
4. Electronic message center signs shall meet the technical requirements of Section 19.54.050L., and shall not exceed twelve square feet in area in the B-2 district.
5. Internally illuminated signs in the B-2 district shall be designed and constructed with an opaque background and translucent letters or symbols, or with a colored background and lighter letters or symbols.
6. Exposed neon tube signage, and other signage that uses another technology that is designed to replicate neon tube signs, is permitted within the B-2 district.
7. In addition to meeting the requirements of Section 19.57.150, all exterior lighting of signage in the B-2 zoning district, regardless of wattage, shall use shielded lighting fixtures as that term is defined in Section 19.09.623. All wall-mounted exterior lights shall be mounted above the sign they are intending to illuminate and the illumination shall be directed exclusively towards the sign.
8. No wall sign shall be painted directly on a masonry building surface.
9. Within the B-2 district, the regulations listed in Table 19.54.052(2) shall apply:

Table 19.54.052(2): B-2 Sign Regulations for Permanent Signs

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	
		A minimum of 20 feet from any other projecting	Within first floor

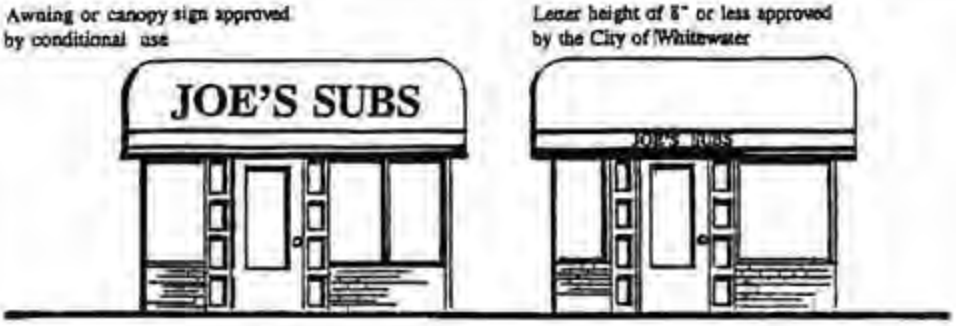
Projecting Sign	12 square feet per side	sign on another building	area of building
		No less than 8 ½ feet above ground	
Freestanding Sign	48 square feet per side	Within the street yard, not less than 5 feet from street right-of-way line.	8 feet for monument or arm/post(s) sign
		Minimum setback from interior side yard lot line at least equal to sign height	16 feet for pylon sign (by conditional use only)
On-Premises Directional Sign	9 square feet per side	On private property	Max: 6 feet for freestanding
Type of Sign	Maximum Size	Location	Maximum Height

NOTES:

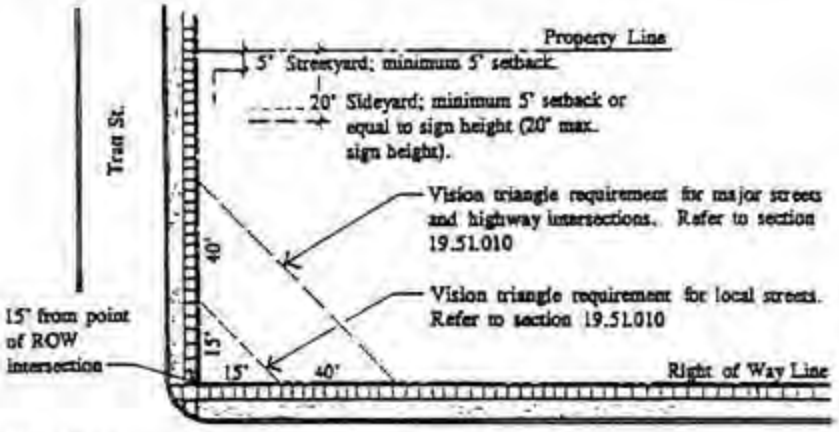
(A) The combined total area of all wall signs for all tenants shall not exceed ten (10%) percent of the first floor area of the façade upon which the signs are placed. First floor façade area is determined by calculating the square footage of the entire exterior wall of the first floor area of the façade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

(Ord. 1577A § 9, 2005: Ord. 1452 § 15, 2000; Ord. 1364 § 13, 1997; Ord. 1269 § 2, 1993; Ord. 1263 § 1(part), 1993).

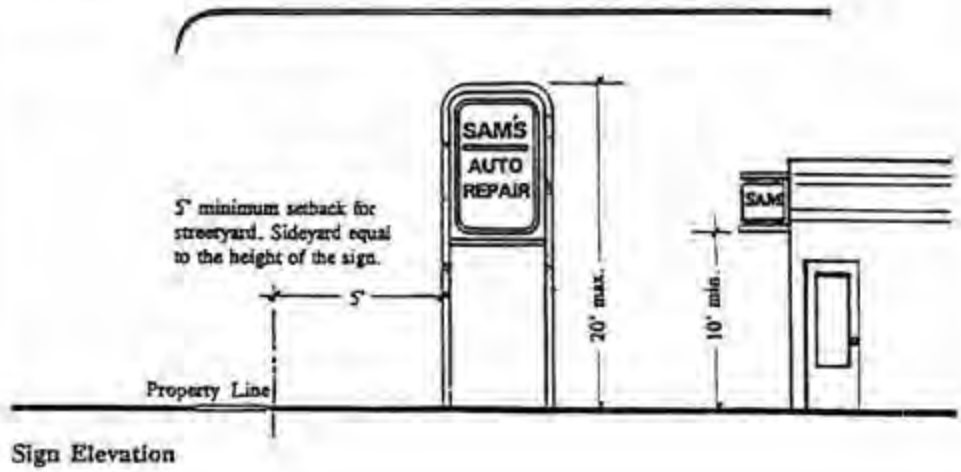
(Ord. No. 1746A, § 17, 9-15-2009)



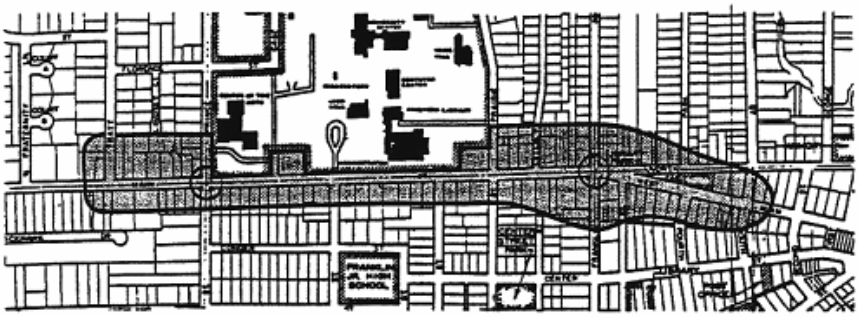
Awning and Canopy Signs



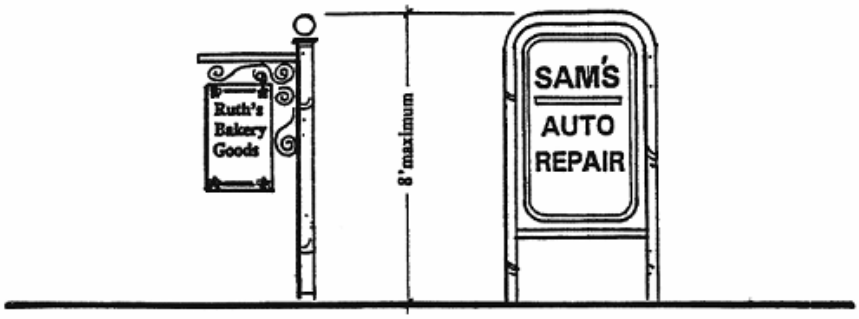
Site Plan



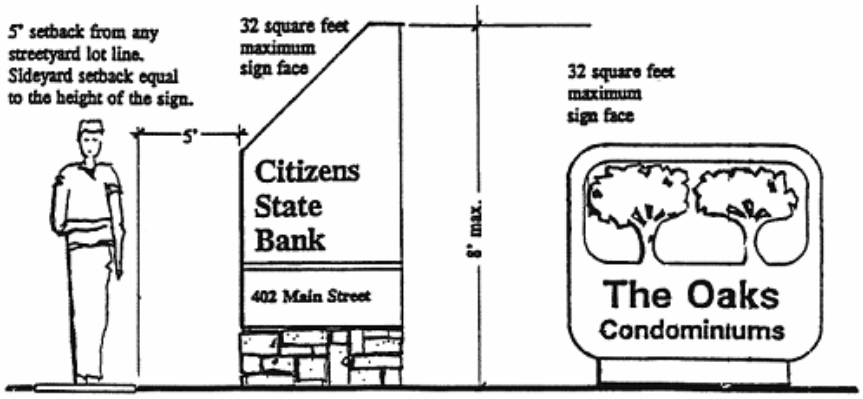
Sign Elevation



Residential/Business Signage Area
West Main Street from Fremont Street to Tratt Street, fronting on Main Street and all other residential properties.



Arm/Post Type Signage



Monument Type Signage

CDXL.

19.54.060 Temporary signs.

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

A. For each lot or leasable space: one "For Sale" and "For Rent" sign, not more than twelve (12) feet square in area, and no more than two signs in total at any one time (time limit subject to time of sale or lease and shall be removed within sixty days of sale or lease).

B. For construction on or development of a lot, one sign not more than thirty-two (32) square feet in area, indicating the name of the contractors, engineers, architect, or products being used in the construction of a building, but only during the time that construction or

development is actively underway (time limit subject to time of construction and shall be removed sixty (60) days after completion).

C. For a temporary event of public interest such as a neighborhood garage sale or church fair, temporary signs, combined totaling not over thirty-two square (32) feet in area, located upon the site of the event are allowed. Also permitted are directional signs, each not more than four square feet in area, showing only a directional arrow and the name of the event. Such signs shall not be erected more than thirty days before the event and shall be removed not more than five (5) days after the completion of the event.

D. For each real estate subdivision that has been approved in accordance with the city subdivision regulations, one temporary development project identification sign is permitted to be located on some portion of the subject subdivision. Each such sign shall be not more than thirty-two (32) square feet in area. One additional similar sign shall be permitted for each access point onto a collector or arterial street, or for each one hundred lots in the subdivision in excess of the original one hundred lots. These signs shall comply with the visibility standards of Chapter 19.51. These signs shall be permitted to remain within the subject subdivision until a time at which building permits have been issued for eighty (80%) percent or more of the lots in the subdivision.

E. Political signs.

1. Provisions in the Whitewater Municipal Code regulating the number of signs and the length of time a sign may be in place shall not apply to signs which carry solely a political message. There shall be no restriction regulating the number of signs carrying solely a political message or the length of time such signs are allowed.
2. Provisions in the Whitewater Municipal Code regulating the size and shape of signs shall not apply to signs thirty-two (32) square feet and under in area, if the sign carries a solely political message and is located on a residential property during an election campaign period. The zoning administrator may require modification or removal of the sign, if necessary, for traffic or pedestrian safety. Also, size and shape regulations shall not apply during an election campaign period to political signs which are affixed to a permanent building and do not extend beyond the perimeter of the building, as long as said sign does not obstruct a window, door, fire escape, ventilation shaft, or other area which is required by an applicable building code to remain unobstructed.

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

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

(Ord. 1577A § 10, 2005: Ord. 1452 §§ 16, 17, 2000; Ord. 1263 § 1(part), 1993).

CDXLI.

19.54.070 Construction and maintenance of signage.

A. All signage within the jurisdiction of this chapter shall remain in a state of proper maintenance. (See subsection B of this section).

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

(Ord. 1577A § 11, 2005; Ord. 1263 § 1(part), 1993).

CDXLII.

19.54.080 Nonconforming signs.

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

B. Removal of Nonconforming Signs.
   1. Alteration of Signs.
      a. For the purpose of this chapter, alteration of a sign is considered to be any change to the exterior appearance of any part of the sign, its frame, its supporting structure, or its lighting including changing the message (except for menu type/letter board signs), symbols, color, material, height, location or any other alterations as determined by the zoning administrator.
      b. Altering a sign does not include maintaining the existing appearance of the sign or replacing the sign face or the supporting structure with identical materials, colors, and messages nor changing the message of a menu type/letter board sign.
   2. All signs found not to be in compliance with the provisions of this chapter shall be removed within thirty days of receiving written notice of noncompliance and removal from the zoning administrator.

3. The penalties of Chapter 19.75 shall be applicable to violations of the provisions of this chapter.

C. Modification Sign Location/Height Requirement.
   1. Location is required under Sections 19.54.030(B) and 19.54.052.
      a. The above may be waived by the zoning administrator and/or the plan and architectural review commission, in instances where a hardship is created by this chapter for any freestanding sign existing at the time the ordinance codified in this chapter is adopted.
   2. The petitioner must demonstrate that compliance with location requirements for the freestanding sign will create a public safety hazard (such as visibility hazard) or result in a sign which is not possible because of building setbacks and/or other obstructions located near the public right-of-way, or is not clearly visible from pedestrian and/or vehicular traffic on nearby public rights-of-way.
   3. This modification shall not be applicable to limitations on types of signage, area of signage, color of signage, or other standards except location and height of signage.

(Ord. 1263 § 1(part), 1993).

Chapter 19.55 WIRELESS TELECOMMUNICATIONS FACILITIES

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CDXLIII.

19.55.010 Purpose.

The purpose of this chapter is to provide a thorough and consistent set of standards for the siting and installation of wireless communications facilities in the various zoning districts in which they may be allowed, and more generally to protect the public health, safety, welfare, aesthetics and natural environment of the city in such a manner that does not unduly interfere with the placement and construction of said facilities. More specifically, the intent of this chapter is to:

A. Mitigate the potential for adverse visual impacts caused by wireless telecommunications facilities through design and siting standards.
B. Ensure that a business environment characterized by high service quality, competition and non-discrimination prevails with regard to wireless telecommunication services in a manner consistent with the Federal Telecommunications Act of 1996.
C. Establish a clear process for obtaining necessary permits for wireless telecommunications facilities that adequately protect the interests of the citizens of the city while minimizing the burden of compliance to service providers.
D. Protect environmentally and aesthetically sensitive areas of the city by restricting the design, height, location and operation of wireless telecommunications facilities in these areas, and by promoting their disguise, camouflage, screening or other design treatments intended to minimize their obtrusiveness.
E. Encourage use of multiple-antenna alternative support structures such as buildings and water towers as an alternative to stand-alone, single-use, single-provider structures, and require good-faith attempts for co-location of facilities.

(Ord. 1499 § 24(part), 2001).

CDXLIV.

19.55.020 Applicability.

The requirements of this chapter shall apply to all new wireless telecommunications facilities that had not received a building permit prior to adoption of this chapter. Wireless telecommunications facilities, which pre-exist this chapter, or have been legally permitted prior to its adoption, shall not be required to meet the requirements contained herein. This chapter is not intended to regulate residential satellite dishes that are thirty-six (36) inches or less in diameter, residential television antennas, or amateur radio facilities, which instead are regulated

under Section 19.06.110. This chapter shall not be construed as to override additional or more stringent Federal or State of Wisconsin requirements, including but not limited to any regulations or restrictions imposed by the State Bureau of Aeronautics, the Federal Communications Commission (FCC), or the Federal Aviation Administration (FAA).
(Ord. 1499 § 24(part), 2001).

CDXLV.

19.55.030 Areas where wireless telecommunication facilities allowed.

Chapter 19.15 to Chapter 19.48 identify the zoning districts in which wireless telecommunications facilities may be allowed, and what types of facilities are allowed as permitted or conditional uses. In no case shall a wireless telecommunications facility be located in or on districts or sites listed on the State or National Register of Historic Places, or within environmental corridors, wetlands, floodplains, or critical species habitats mapped by the Southeastern Wisconsin Regional Planning Commission, Wisconsin Department of Natural Resources, or through more detailed field surveys.
(Ord. 1499 § 24(part), 2001).

CDXLVI.

19.55.040 Type of approval required.

In zoning districts where they are allowed, the first wireless telecommunications facility to be located on an alternative support structure and all new freestanding wireless communication facilities shall require a conditional use permit, and shall meet the standards in this chapter and Chapter 19.66 to obtain approval. In zoning districts where they are allowed, the second or greater wireless telecommunications facility to be located on an alternative support structure already supporting a wireless telecommunications facility or on a pre-existing wireless telecommunications facility shall be allowed as a permitted use, except that any addition or extension to an existing wireless telecommunications facility that adds more than ten (10) feet to the overall height of the existing facility or alternative support structure shall require a conditional use permit. In zoning districts where wireless telecommunication facilities are allowed, wireless telecommunication support facilities shall be allowed as permitted accessory uses upon the establishment of the principal facility. All wireless telecommunication facilities and wireless telecommunication support facilities shall be subject to plan review in accordance with Chapter 19.63.
(Ord. 1499 § 24(part), 2001).

CDXLVII.

19.55.050 Required application submittal information.

With the application for plan review or conditional use permit for a wireless telecommunications facility, the petitioner shall submit all information required under Section 19.63.020, along with the following additional information:

A. The identity, legal status, signature and contact information of the carrier, service provider, petitioner, and landowner.
B. FCC license and registration numbers if applicable.
C. A report prepared by a Wisconsin licensed engineer certifying the structural design of the telecommunications facility of a new freestanding wireless telecommunications facility as proposed and its physical ability to accommodate, either initially or at some time in the future, a total of at least three (3) antenna arrays for separate providers.
D. In the case of a leased site, a lease agreement, option or binding lease instrument which does not preclude the lessee from entering into sub-leases on the site at market rates with another co-locating provider(s) and includes the legal description and amount of property lease.
E. For a proposed wireless telecommunications facility within a one-mile radius of an airport, copies of an Affidavit of Notification indicating that the airport operator and airport property owner have been notified via certified mail, along with copies of the determination of no

hazard from the FAA or any other finds of the Wisconsin State Bureau of Aeronautics, such as they may apply.

F. Proof of a satisfactory level of liability insurance coverage, with the City of Whitewater listed as an additional named insured party.

G. Certified statement and map prepared by a licensed radio frequency engineer showing the coverage area of the proposed facility.

H. For a wireless telecommunications facility that requires a conditional use permit, a feasibility analysis that identifies at least three alternative sites, pre-existing freestanding wireless telecommunications facilities, and/or alternative support structures that could technically support a comparable level of service. The intent of this analysis is to present options to minimize the number, size, and adverse environmental impacts of wireless telecommunications facilities. The analysis shall specifically address the potential for co-location on pre-existing freestanding wireless telecommunications facilities and the use of alternative support structures. It shall also explain the rationale for selection of the proposed site in view of the relative merits of the alternatives. Approval of the project is subject to the plan and architectural review commission's determination that the chosen site is more advantageous than any other alternative site that is both technically feasible and available for use. The plan and architectural review commission may choose to independently verify the findings of the analysis at the applicant's expense.

I. For a wireless telecommunications facility that requires a conditional use permit, a performance bond in the amount of twenty thousand dollars naming the city as obligee, as security for the potential future removal of abandoned or inactivated facilities.

J. For a wireless telecommunications facility that would be set back from any property line or, principal building a distance less than the height of the facility, including the height of any alternative support structure, an analysis prepared by a licensed structural engineer demonstrating that the facility would not pose a threat to the public, existing principal buildings or adjacent properties in the event of failure.

K. The amount and location of any fuel proposed to be stored on site.

L. Any other information that the zoning administrator may deem necessary.

(Ord. 1499 § 24(part), 2001).

CDXLVIII.

19.55.060 Co-location and use of alternative support structures.

A. In its review of alternative sites considered by the petitioner, the plan and architectural review commission shall prioritize reasonable alternatives that involve co-locating the new facility on an existing freestanding wireless telecommunications facility or locating the new facility on an alternative support structure, such as a tall building, water tower, smokestack, or electrical transmission tower. Co-location or use of an alternative support structure shall not be required on any facility or structure not structurally designed to accommodate a new wireless telecommunications facility.

B. All freestanding wireless telecommunication facilities issued a conditional use permit after the effective date of this chapter, known hereinafter as "host facilities," shall make available space for the co-location of telecommunications antennas or antenna arrays for at least two additional competing wireless telecommunications providers, including space for wireless telecommunication support facilities. This requirement does not apply if the owner or operator of the host facility can demonstrate, to the satisfaction of the plan and architectural review commission, that the placement of the additional antennas or equipment would impair or disrupt, for a significant period of time, the service provided by the host facility.

C. Where a wireless telecommunication facility provider proposes to utilize an alternative support structure, the provider shall make available space for the co-location of telecommunications antennas or antenna arrays for at least two additional competing wireless

telecommunications providers to the extent practical, and shall thereafter be considered a host facility. If the plan and architectural review commission determines based on evidence supplied by the applicant that the proposed facility or alternative support structure is not structurally sound or not otherwise appropriate for additional antennas or arrays, the commission may waive this requirement.

D. All new wireless telecommunication facilities and sites shall be designed to promote sharing of both tower space and ancillary facilities such as access roads, parking areas, buildings, and utilities.
E. The owner or operator of the host facility shall make co-location space reasonably available to other competing providers at prevailing market lease rates for the industry. Failure to comply with this provision shall be grounds for revocation of the conditional use permit.
F. Alternative support structures must be at least fifty feet in height to be considered for the addition of a wireless telecommunication facility, not including the height of any architectural projections. The plan and architectural review commission may deny the placement of numerous wireless telecommunication facilities on a single alternative support structure if it determines that such placement would have a negative aesthetic, architectural, public safety, or operational impact.
G. Wireless telecommunications facilities located on alternative support structures shall be considered accessory uses.

(Ord. 1499 § 24(part), 2001).

CDXLIX.

19.55.070 Structural, design and aesthetic standards.

All wireless telecommunications facilities shall be designed and sited in such a manner to minimize or avoid adverse safety, aesthetic or environmental effects per the following requirements:

A. Compliance with all applicable restrictions. All wireless telecommunications facilities shall comply with all City, State and Federal regulations, restrictions, codes, standards and power density limits, including other city zoning ordinance standards.
B. Materials. Wireless telecommunications facilities shall be constructed of metal or other non-flammable material, and freestanding facilities shall be self supporting monopoles or lattice towers, unless otherwise permitted by the plan and architectural review commission. Material color shall blend with surroundings.
C. Placement. All wireless telecommunications facilities and support facilities shall be located and installed in such a manner to minimize disturbance to, take advantage of, or locate behind existing topography and vegetation to minimize visual impact on surrounding properties and public rights-of-way. No wireless telecommunication facility shall be placed in a location that would physically obstruct or otherwise interfere with the full use of other wireless telecommunication facilities, residential satellite dishes, residential television or radio antennas, or amateur radio facilities.
D. Setback. The minimum setback of a new wireless telecommunications facility from all property lines and principal buildings on the site shall equal the height of the wireless telecommunications facility, including the height of any alternative support structure. A reduced setback below this minimum may be considered by the plan and architectural review commission based on submittal of a structural engineering analysis demonstrating that the facility would not pose a threat to the public, existing principal buildings, or adjacent properties in the event of failure. All wireless telecommunications support facilities shall be set back from property lines the same distance as required for principal buildings in the zoning district.
E. Height. The maximum height above existing grade for any freestanding wireless telecommunications facility, including all antennas, shall be two hundred and fifty feet. Any

wireless telecommunications facility mounted on an alternative support structure may extend no greater than fifty feet above the height of an alternative support structure that is less than two hundred (200) feet in height, or no greater than ten feet above the height of an alternative support structure that is two hundred feet in height or greater. The plan and architectural review commission may approve waivers to such height limitations if necessary to facilitate co-location of facilities.

F. Wireless telecommunications support facilities. All wireless telecommunications support facilities shall be located within enclosed buildings or fully screened rooftop locations. Such accessory buildings shall not exceed fifteen (15) feet in height and twelve hundred square feet in area, unless otherwise permitted by the plan and architectural review commission to facilitate co-location. The design and exterior surfacing of all such buildings or rooftop screening structures shall be in harmony with the existing or desired architecture for the area. The exterior walls of all such buildings shall be masonry, stone, stucco, pre-cast, concrete or other similar surface.

G. Signage. No commercial message or signage shall be allowed at or on any wireless telecommunications facility, wireless telecommunications support facility, or site used for a wireless telecommunications facility.

H. Driveways. Access driveways shall be surfaced in accordance with the requirements of Section 19.51.110.

I. Landscaping and Fencing. The site including the wireless telecommunications facility shall be attractively landscaped, with particular emphasis on landscaping near buildings, tower foundations, and driveways. New vegetation for screening purposes shall be a minimum of five feet in height upon planting and shall be located on the outside of any required fencing. The base of all freestanding wireless telecommunications facilities shall be enclosed with security fencing, unless the applicant provides other acceptable improvements designed to secure the base of the facility (tower) from public access.

(Ord. 1499 § 24(part), 2001).

CDL.

19.55.080 Abandonment and removal.

Any wireless telecommunications facility not continuously operating for a period of twelve months shall be considered abandoned and shall be removed (along with its wireless telecommunication support facilities) within ninety days of receiving an order to remove from the zoning administrator. The cost of removal and site restoration shall be borne entirely by the permit holder. In the event that the permit holder fails to remove the facility, the city may cash the required performance bond and remove the facility and all support facilities itself.

(Ord. 1499 § 24(part), 2001).

CDLI.

19.55.090 Compliance.

A. All wireless telecommunications facilities granted site plan or conditional use permit approval after the effective date of this chapter shall remain in compliance with approved plans, conditions of approval, the provisions of this chapter as they existed at the time or permit approval, and applicable standards of Sections 19.63.100 and 19.66.050. The permit holder shall be responsible for the continued maintenance and/or replacement of all buildings, fencing, landscaping and other site improvements.

B. The permit holder for all wireless telecommunications facilities granted conditional use permit approval after the effective date of this chapter shall file an annual report with the zoning administrator demonstrating continued compliance with approved plans, conditions of approval, the provisions of this chapter as they existed at the time of permit approval, and the standards of Sections 19.63.100 and 19.66.050. The petitioner shall also demonstrate that the term of any performance bond or liability insurance policy required under Section 19.55.050 shall remain in effect for at least two years from the date the annual report is submitted. Such

report shall be filed within thirty days of the original month of conditional use permit approval.

C. Failure to comply with subsections A and B above may be grounds for revocation of the permit, penalties pursuant to Section 19.75.080, or both.

(Ord. 1499 § 24(part), 2001).

Chapter 19.57 GENERAL PERFORMANCE STANDARDS

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CDLII.

19.57.010 Compliance with standards required.

All land uses and activities, unless otherwise specified, in the City of Whitewater established after June 24, 1982, the effective date of the ordinance codified in this title, shall comply with the standards set out in this chapter.
(Ord. 994 § 6.1, 1982).

CDLIII.

19.57.020 Air pollution prohibited.

No activity shall emit any fly ash, dust, fumes, vapors, mists or gases in such quantities as to cause soiling, or danger to the health of persons, animals, vegetation or other forms of property.
(Ord. 994 § 6.2, 1982).

CDLIV.

19.57.030 Fire and explosive hazards--Location--Safety precautions.

All activities involving the manufacturing, utilization, processing or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion, and with adequate firefighting and fire-suppression equipment and devices that are standard in the industry. Such activities shall be located and managed in a manner so as not to endanger any adjoining properties or the public in general.
(Ord. 994 § 6.3, 1982).

CDLV.

19.57.040 Glare and heat restrictions.

No activity shall emit glare or heat that is visible or measurable outside its premises, except activities in the M-1, M-2 or WUTP districts which may emit direct or sky-reflected glare which

shall not be visible outside the district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.
(Ord. 994 § 6.4, 1982).

CDLVI.

19.57.050 Liquid or solid wastes--Storage and discharge restrictions.

No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity or temperature which can contaminate, pollute or harm the quantity or quality of any water supply, can cause the emission of dangerous or offensive elements, can overload the existing municipal utilities, or can injure or damage persons or property. No such wastes shall be stored in the city for a period longer than three (3) months.
(Ord. 994 § 6.5, 1982).

CDLVII.

19.57.060 Noise restrictions.

A. No activity shall produce a sound-level extending outside its premises that exceeds the following:

Octave Band Frequency (Cycles Per Second)	Sound Level (Decibels)
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

B. All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittance, duration, beat frequency, impulse character, periodic character or shrillness. Sirens, whistles, horns, power speakers and bells which are maintained and utilized solely to serve a public emergency purpose are exempt from the sound-level standards of this title. (Ord. 994 § 6.6, 1982).

CDLVIII.

19.57.070 Vibration.

No activity shall emit vibrations which are discernible without instruments outside its premises.
(Ord. 994 § 6.7, 1982).

CDLIX.

19.57.080 Odors.

No activity shall emit any odorous matter of such nature or quantity to be offensive, obnoxious or unhealthful outside their premises.
(Ord. 994 § 6.8, 1982).

CDLX.

19.57.090 Radioactivity and electrical disturbances.

No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.
(Ord. 994 § 6.9, 1982).

CDLXI. 19.57.100 Uses and land suitability.

No land shall be used or structure erected where the land is held unsuitable for such use or structure by the city zoning administrator or plan commission by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of this community. In applying this provision, the city may deny or condition the granting of a zoning permit. The city shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have the opportunity to present evidence contesting such unsuitability to the board of zoning appeals in compliance with the requirements of Chapter 19.72.
(Ord. 994 § 6.10, 1982).

CDLXII. 19.57.110 Topography preservation conditions.

In order to preserve the natural topography as much as possible and in order to protect against danger and damage caused by manmade changes in the existing topography, no lots nor portions of lots nor any parcels of land shall be excavated or filled unless the following conditions are met:

A. If a difference in grade between two adjacent lots along a lot line is to be not greater at any point than two (2) feet, this difference in levels may be sloped toward or away from the lot line at a gradient of one (1) foot vertical to two (2) feet horizontal, and as soon as practicable must be covered adequately with topsoil and sodded or seeded to prevent erosion so as to assure acceptable restoration; or, a satisfactory retaining wall of stone, concrete or other suitable masonry material shall be constructed to retain the higher ground. Within a single lot, any excavation or fill not exceeding two (2) feet vertical shall also be treated in this same manner.
B. If a difference in grade between two adjacent lots along a lot line, or wholly within a single lot, is to be greater than two (2) feet at any point, the following procedure shall govern:
    1. No slope to be covered with sod, grass seed or other natural plant material may exceed a gradient of one (1) foot vertical to two feet horizontal;
    2. A slope covered with a stone riprap construction may not exceed a gradient of one (1) foot vertical to one foot horizontal;
    3. A difference in adjacent grades may be held by an approved type of retaining wall which is also protected for safety.
C. Alterations to existing drainage ways or water flows that would cause material detriment to adjoining property shall not be permitted.

(Ord. 994 § 6.11, 1982).

CDLXIII. 19.57.130 Minimum usable floor area.

A. Within the city, no dwelling unit shall be constructed or remodeled to have less living area than the following minimum standards:

TABLE INSET:

Dwelling Unit Type	Minimum Usable Floor Area
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;

B. For the purpose of this section, "floor area" shall be the sum of the several floors of a building used for human occupancy or use, as measured from the interior faces of the walls, but not including basement, garages, porches, breezeways of common hallways and unfinished attics.

(Ord. 994 § 6.13, 1982).

CDLXIV.

19.57.140 Required screens and buffers.

Where screens or buffers are required by this title or by the plan and architectural review commission to reduce the impact of proposed uses on adjacent properties, the following standards shall be followed. Buffer yards and screens may be required jointly or separately.

A. Landscaped Buffer Yards.
   1. Buffer yards are horizontal separations along lot lines that are intended to increase the physical separation between uses. The width of the required buffer yard shall be determined by the plan and architectural review commission or zoning administrator. The minimum width shall be the greater of ten (10) feet or the width of the required yard abutting a less intensive zoning district, if a specific buffer yard requirement is established in a particular zoning district.
   2. All buffer yards shall be attractively landscaped with a minimum of two (2) canopy/shade trees, five (5) understory evergreen trees and twelve (12) shrubs planted for every one hundred (100) feet of buffer yard length. A substitute treatment incorporating plantings and/or a decorative fence or wall is acceptable if approved by the plan and architectural review commission. All buffer yards shall be kept free of debris and noxious weeds. No structure, activity, storage of materials, parking of vehicles or loading shall be permitted in a buffer yard, except emergency, cross, and pedestrian access. Maintenance of buffer yards shall be the continuing obligation of the owner of the property.

B. Screens.
   1. Screens and barriers located in a limited space, ten (10) feet or less, intended to perform a buffering effect, particularly for noise reduction or visual screening. Screens may consist of existing or planted vegetation, fences, walls, earth berms, or similar techniques. Plant screens shall be sufficient to provide a year-round screen within two years of installation. Walls or earth berms shall be required where noise reduction is necessary.
   2. Screen plantings shall be permanently maintained by the owner of the property, and any plant materials which do not live shall be replaced within six (6) months.
   3. The height of walls and fences shall be regulated by the provisions of Section 19.06.120.

   (Ord. 1452 § 7, 2000; Ord. 994 § 6.14, 1982).

CDLXV.

19.57.150 Outdoor lighting standards.

A. Purpose. The purpose of this section is to provide for adequate and safe lighting of private property, while limiting light spillover and glare onto adjacent properties and public streets. Such limitations are intended to prevent the creation of nuisances, promote traffic safety, conserve energy, preserve the area's dark sky and support astronomy.

B. Applicability. This section shall be applied to the installation of all new and replacement private outdoor lighting fixtures. Outdoor lighting fixtures legally installed prior to the effective date of the ordinance codified in this chapter shall not be required to comply with these outdoor lighting standards; however, any replacement of the lighting fixtures shall comply with all outdoor lighting standards as set forth in this section.

C. Required Lighting Plan. Where a development requires site plan review under Chapter 19.63, all outdoor lighting fixtures shall be depicted and described on the required site plan or on a separate lighting plan. The zoning administrator may also require the following information:
   1. A catalog page, cut sheet or photograph of the outdoor lighting fixture(s) including the mounting method and light cutoff angles;
   2. A photometric plot plan, drawn to the same scale as the site plan, and indicating the location of all lighting fixtures proposed, mounting and/or installation height in feet, the average illumination level (in footcandles) within the parking lot, and illumination levels at regular intervals around the site and at property lines.

D. Maximum Luminaire Height. The maximum permitted luminaire height shall be thirty-five feet in all commercial, industrial and institutional districts, and twenty-five feet in all residential districts. The height of both the pole and base shall be considered in the measurement of luminaire height.

E. Maximum Illumination Levels. Average illumination levels within parking lots shall not exceed 1.0 footcandle within residential districts, and 2.5 footcandles within all other districts. The illumination level at any property line shall not exceed 0.5 footcandles above the ambient lighting conditions on a cloudless night where the property adjoins land in a residential district, and 2.0 footcandles above the ambient lighting conditions on a cloudless night where the property adjoins land in any other zoning district. The plan and architectural review commission may agree to allow greater lighting levels based on specific and reasonable written justification provided by the applicant. In no instance shall a commercial outdoor lighting fixture be mounted or oriented such that the lighting element is visible from a property in a residential district.

F. Use of Shielded Light Fixtures. All outdoor lighting fixtures shall be shielded as defined in Section 19.09.623, except incandescent fixtures of one hundred fifty watts or less, other sources of seventy watts or less, lighting within public street rights-of-way and lighting required for a specialized security or safety purpose. No searchlights shall be permitted.

G. Types of Light Source. No flickering or flashing lights shall be permitted, except low wattage seasonal lighting between November 1st and January 31st and lighting required for a specialized security or safety purpose.

H. Location. No exterior light fixture shall be located within any required landscape bufferyard or within three (3) feet of any property line.

I. Hours of Illumination. Within one hour after closing of the store, completion of the final work shift, or completion of specific activities associated with an institutional use, only building mounted security lighting and up to twenty-five (25%) percent of all other outdoor lighting fixtures may remain illuminated.

J. Exterior Lighting for Outdoor Recreational Uses. Ball diamonds, playing fields, golf driving ranges, tennis courts, parks and similar outdoor recreational uses may be exempted from one

or more of the outdoor lighting standards of this section if approved by the plan and architectural review commission through site plan review.

K. Street Lighting. Street lighting shall conform to the standards set forth by the state for state and federal highways, appropriate county for county highways and the city for city streets and highways.

(Ord. 1452 § 8, 2000).

CDLXVI.

19.57.160 Keeping of horses as a residential accessory use.

Horses may be kept as an accessory use only in certain residential zoning districts, upon the granting of a conditional use permit, and subject to the following standards:

A. The lot on which the horses will be kept and exercised shall be not less than two acres in total area.

B. For each horse kept on the lot, there shall be a minimum of one acre of open land usable for horse exercise and manure management. Such open land may not include lands in wetlands or woodlands, with over a twelve-percent slope, or within seventy-five feet of navigable waters or wetlands.

C. Outdoor horse containment areas, including, but not limited to barns and exercise areas, shall be completely enclosed, shall be a minimum of twenty feet (25) from any other lot, and shall meet the standards of Wisconsin Statutes Chapter 90.

D. The keeping of horses shall not be for commercial purposes, such as the commercial stabling of horses.

E. The use shall meet and maintain any other specific conditions of conditional use permit approval that relate to the protection of human, animal, or environmental health, or the character of the surrounding neighborhood or publicly owned lands.

(Ord. 1589A § 3, 2005).

Chapter 19.58 NOISE RESTRICTIONS

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CDLXVII. 19.58.010 Policy, purpose, title, and scope.

A. Statement of Public Policy. The city council finds and declares that:
   1. Excessive noise is a serious hazard to the public health and welfare and the quality of life in a close urban society.
   2. A substantial body of science and technology exists by which excessive noise can be substantially abated without serious inconvenience to the public.
   3. Certain of the noise-producing equipment in this community is essential to the quality of life herein and should be allowed to continue at reasonable levels with moderate regulation.
   4. Each person has a right to an environment reasonably free from noise which jeopardizes health or welfare or unnecessarily degrades the quality of life.
   5. It is the declared policy of this city to promote an environment free from excessive noise, otherwise properly called "noise pollution," which unnecessarily jeopardizes the health and welfare and degrades the quality of the lives of the residents of this community, without unduly prohibiting, limiting or otherwise regulating the function of certain noise-producing equipment which is not amenable to such controls and yet is essential to the economy and quality of life of the community.

B. Purpose, Title and Scope.

1. The purpose of this chapter is to establish standards for the control of noise pollution in the city by setting maximum permissible sound levels for various activities, to protect the public health, safety and general welfare.
2. This chapter may be cited as the "Noise Control Ordinance of the City of Whitewater."
3. This chapter shall apply to the control of all noise originating within the limits of the city, except where either
    a. a state or federal agency has adopted a standard or rule and has so preempted the regulation of noise from a particular source as to render this chapter inapplicable thereto; or
    b. the city council has determined that, by reason of public acceptance of the activity producing a particular noise or noises, such noise is deemed acceptable to the residents of this city.

(Ord. 1310 § 2(part), 1995).

CDLXVIII.

19.58.020 Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall have the meanings shown. Definitions of technical terms used in this chapter which are not herein defined shall be in conformance with the standard ANSI § 1.1-1994, Acoustical Terminology.

1. "Ambient noise level" means the composite of noise from all sources near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location and time.
2. "A-weighted sound level" means the sound level in decibels as measured on a sound-level meter using the A-weighting network. The level so read is designated dB(A) or dBA.
3. "Construction" means any site preparation, assembly, substantial repair, alteration, similar action, for or of public or private rights-of-way, structures, utilities or similar property or similar activity upon public or private structures or land.
4. "Continuous sound" means sound which is of a steady and uninterrupted nature of a specified time period. For the purpose of this title, the minimum time period shall be one hour.
5. "Daytime" means the hours between seven a.m. and ten p.m. on any given day.
6. "Decibel" means a unit for measuring the amplitude of sound, equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the referenced pressure, which is twenty micropascals.
7. "Emergency work" means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.
8. "Enforcement office(r)" means the city employee and/or police officer having lead responsibility for enforcing this chapter; and, the city employee/police officer having responsibility for making noise surveys, noise analyses, noise investigations and for the administration of this chapter.
9. "Equivalent sound level (Leq)" means the average sound level measured over a stated period of time. For the purpose of this chapter, the averaging time shall be one minute.
10. "Fixed noise source" means a stationary device which creates sounds while fixed or motionless, including but not limited to residential, agricultural, industrial and commercial machinery and equipment, pumps, fans, compressors, air conditioners and refrigeration equipment.
11. "Impulse sound" means sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.
12. "Intermittent sound" means sound which is not continuous or which is of a cyclic or repetitive nature.

13. "Intrusive noise" means that noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency and time of occurrence, and tonal or informational content as well as the prevailing ambient noise level.
14. "Leq" means equivalent continuous sound level.
15. "Lmax" means the maximum instantaneous sound level reading.
16. "Mobile noise source" means any noise source other than a fixed noise source.
17. "Nighttime" means the hours between ten p.m. and seven a.m. on any given day.
18. "Noise disturbance" means any noise exceeding the noise-level limits for a designated land-use category specified in Table 1 or 2.
19. "Noise sensitive area" means any area designated by the planning commission for the purpose of ensuring exceptional quiet.
20. "Public right-of-way" means any street, avenue, boulevard, highway, bikeway, sidewalk or alley or similar place which is owned or controlled by a government entity.
21. "Public space" means any real property or structures thereon which are owned or controlled by a governmental entity.
22. "Pure tone" means any sound which can be judged as audible as a single pitch or a set of single pitches by the enforcement officer or police officer.
23. "Real property boundary" means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.
24. "Sound-amplifying equipment" means any machine or device for the amplification of the human voice, music, or any other sound. Sound-amplifying equipment, as used in this title, shall not be construed as including standard automobile radios when used and heard only by occupant(s) of the vehicle in which installed, or warning devices on authorized emergency vehicles, or horns or other warning devices on other vehicles used only for traffic safety purposes. This definition shall include remotely located loudspeakers attached to and/or operated from a vehicle.
25. "Sound-level meter" means an instrument, including a microphone, an amplifier, and an output meter for the measurement of sound levels, which meets or exceeds the requirements for Type 2 meters in American National Standards Institute specifications for sound-level meters, S1.4-1971.
26. "Vibration perception threshold" means the minimum ground-borne or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects. The perception threshold shall be presumed to be a motion velocity of .001 inches per second over the range of one to one hundred Hz.
27. "Weekday" means any day, Monday through Friday, which is not a legal holiday.

(Ord. 1310 § 2(part), 1995).

CDLXIX.

19.58.030 Exemptions to this chapter.

The provisions of this chapter shall not apply to:

A. The emission of sound for the purpose of alerting persons to the existence of an emergency;
B. The emission of sound in the performance of emergency work;
C. Noncommercial public speaking and public assembly activities conducted on any private property, public space, or public right-of-way, except those activities controlled by Sections 19.58.040, 19.58.090 and 19.58.100;
D. Agricultural activities, exclusive of those involving the ownership or possession of animals or birds;
E. Rail and air transportation and public mass transportation vehicles;

F. The emission of sound in connection with activities conducted at Perkins Stadium during events permitted by the city;
G. The emission of sound in the discharge of weapons or in fireworks displays licensed by the city council;
H. The emission of sound in the operation of snow removal equipment;
I. Parades or processions for which a parade permit has been issued by the city;
J. Residential garbage collection activities as contracted for by the city;
K. The emission of sound in the operation of yard maintenance equipment.

(Ord. 1310 § 2(part), 1995).

CDLXX.

19.58.040 Residential noise.

A. Residential noise disturbances (even if the residence is located in a commercial district) shall be governed by this section and shall not be subject to the sound levels established in Section 19.58.060.
B. No person shall make, allow or assist in making any noise from a residence or residential yard which is likely to unreasonably disturb the peace and quiet of any person outside of the residence.
C. For the purpose of this section:
   1. It is not necessary to prove that any particular person was disturbed by the noise.
   2. A resident of a premises is in violation of allowing a noise disturbance at the premises under this section if noise in violation of this section is emitted from a residence and the authorities are unable to gain entry to the premises or sufficient information to identify the actual parties at the premises at the time of the disturbance.
   3. All residents of a residential unit who are at the premises at the time of a noise disturbance are deemed to have allowed the disturbance.

(Ord. 1310 § 2(part), 1995).

CDLXXI.

19.58.050 General noise disturbance prohibited.

No person shall make, continue, or cause to be made or continued, except as permitted, any noise disturbance as defined in this chapter, or any noise in excess of the limits for such noise established in this chapter.

(Ord. 1310 § 2(part), 1995).

CDLXXII.

19.58.060 Maximum permissible sound levels by land use category.

A. Maximum Permissible Sound Levels. With the exception of sound levels elsewhere specifically authorized or allowed in this chapter, the following are the maximum permissible sound levels allowed at the real property boundary of the source of offending noise. No person shall produce or allow the production of noise in excess of that specified in Table 1 or 2.

TABLE 1 SOUND LEVEL LIMITS FOR DAYTIME
(7 a.m. - 10 p.m.) in dBA

Zoning Category	Lmax	Leq (1 min.)
B-1, B-2, AT and I (except where such operations are adjacent to residential districts)	85	75
B-3 and PD (except residential PD 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 PD (when adjacent to residential districts)	75	60
All other nonresidential categories	75	60

TABLE 2 SOUND LEVEL LIMITS FOR NIGHTTIME HOURS in dBA

Zoning Category	Lmax	Leq (1 min.)
B-1, B-2, AT and I (except where such operations are adjacent to residential districts)	75	60
B-3 and PD (except residential PD 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 PD (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).

CDLXXIII.

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).

CDLXXIV.

19.58.080 Specific activities prohibited.

A. Loading and Unloading. No person shall so load, unload, open, close or handle boxes, crates, containers, building materials, garbage cans or similar objects between the hours of seven p.m. and seven a.m. the following morning as to create a noise disturbance across a residential real property boundary or within a noise sensitive area. This section shall not apply to activities covered by Section 19.58.110.
B. Vehicle or Motorboat Repairs and Testing. No person shall repair, rebuild, modify or test any motor vehicle in a public or private place out of doors or within a noise sensitive area between the hours of ten p.m. and seven a.m. the following day.

(Ord. 1310 § 2(part), 1995).

CDLXXV.

19.58.090 Sound equipment and sound-amplifying equipment.

A. No person shall so operate, play or permit the operation or playing of any sound equipment so as:
   1. To create a noise disturbance across a residential real property boundary or outdoors within a noise sensitive area;
   2. To create a noise disturbance fifty (50) feet from the device, when operated in or on a motor vehicle on a public right-of-way or public space, or in a boat on public waters.
B. Sound Equipment.

1. No person shall use, operate or cause to be used or operated any sound equipment, upon the public streets or in any building or upon any premises, public or private, if the sound therefrom is plainly audible from any public street or public place within the city.
2. Sound equipment shall not include:
    a. Equipment used for public health and safety purposes;
    b. Church or clock carillons, bells or chimes;
    c. Automobile radios, tape decks or CD players, or other standard automobile equipment used and intended for the use and enjoyment of the occupants, provided the sound emitting therefrom is not audible for more than fifty feet from the vehicle;
    d. Recorded music used in a nonresidential district in conjunction with a civil or religious celebration;
    e. Live music provided, sponsored or funded, in whole or in part, by a governmental entity.

(Ord. 1310 § 2(part), 1995).
(Ord. No. 1682A, § 1, 5-20-2008)

CDLXXVI. 19.58.100 Motorized vehicles.

A. No person shall operate the engine providing motive power or an auxiliary engine, of a motor vehicle with a manufacturer's gross vehicle weight rating of ten thousand pounds or more for a consecutive period longer than twenty (20) minutes while such vehicle is standing and located within one hundred fifty (50) feet of property zoned and used for residential purposes except where such vehicle is standing within a completely enclosed structure and does not create a noise disturbance across a real property boundary as defined in Section 19.58.060 of this chapter unless approved by a conditional use permit. This section shall not apply to delivery or pickup vehicles that require the operation of the engine to unload or load their vending loads.

B. No person shall operate within the speed limits specified in this section either a motor vehicle, or a combination of vehicles of a type subject to registration, at any time or under any condition of grade, load, acceleration or deceleration in such manner as to exceed the noise limit listed hereinbelow for the category of motor vehicle, based on the legal speed limit, posted or not, of the road or way on which operated, such noise to be measured at a distance of no more than fifty feet from the center line of travel under test procedures established by subsection C of this section. In the event the distance of the measuring instrument from center line of travel is less than fifty feet, such listed noise limits shall be corrected to reflect the equivalent noise limits for the actual distance.

	Noise Limit in Relation to Legal Speed Limit	
Type of Vehicle	35 MPH or Less	Over 35 MPH
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)

This section applies to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of this code relating to motor vehicle mufflers or noise control.

C. The measurement of sound or noise shall be made with a Type 1 or 2 sound level meter meeting the standards prescribed by the American National Standards Institute or its successor body. The instrument shall be calibrated and maintained in good working order. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or attenuation of the measured noise. A windscreen for the microphone shall be used when required.

D. No person shall modify the exhaust system of a motor vehicle or motorcycle by installation of a muffler cut-out or bypass, and no person shall operate a motor vehicle or motorcycle which has been so modified. A motor vehicle so operated shall be deemed equipped with a muffler which emits excessive and unusual noise and which is not in good working order.

E. No person shall operate a recreational vehicle or permit the operation of one or more recreation vehicles, individually or in a group or in an organized racing event, on public or private property in such a manner that the sound level resulting from such operation exceeds:
   1. Seventy-three (73) dBA for any total of three (3) minutes in any continuous one-hour period, or exceeds ninety (90) dBA for any period of time during such operation. Sound levels which exceed the limits herein described at the real property boundary of the source property shall be deemed a noise disturbance.
   2. Notwithstanding Section 19.58.030 of this chapter, no person shall permit the conducting of any part of an organized racing event which involves contest between or among recreational vehicles on public or private property between the hours of ten thirty (10:30) p.m. and ten (10:00) a.m. the following morning.

(Ord. 1310 § 2(part), 1995).

CDLXXVII.

19.58.110 Construction.

A. This chapter shall not prohibit the operation of any tools or equipment in public or private construction, drilling, demolition work, or in maintenance work between the hours of seven (7:00) a.m. and nine (9:00) p.m. Additional hours of construction may be granted by the zoning administrator or his designee.

B. The terms of this section shall not apply to emergency work or repair work performed by or for governmental entities or public service utilities.

(Ord. 1310 § 2(part), 1995).

CDLXXVIII.

19.58.120 Nonemergency signaling devices.

A. No person shall operate or permit the sounding of any stationary bell, chime, siren, whistle or similar device, intended primarily for nonemergency purposes, from any place, for more than one minute in any hourly period.

B. Devices used in conjunction with the places of religious worship shall be exempt from compliance with this section.

C. Exemptions for sound sources covered by this section, but not exempted under subsection B of this section, may be granted under the procedure set forth in Section 19.58.150.

(Ord. 1310 § 2(part), 1995).

CDLXXIX.

19.58.130 Animals and birds.

No person shall own, possess or harbor any animal or bird which frequently or for continued duration emits sounds native to the species which are a noise disturbance across a residential real property boundary, or within a noise sensitive area.

(Ord. 1310 § 2(part), 1995).

CDLXXX.

19.58.140 Enforcement.

A. The noise control program established by this chapter shall be implemented, administered and enforced by the zoning department and police department.

B. The provisions of this chapter which prohibit the making, continuing of a noise disturbance, or causing the making or continuing of a noise disturbance across a real property boundary or within a noise sensitive area, shall be enforced upon receipt of complaint made or filed with the city officials by a person disturbed by such noise disturbance or by direction of the chief of police or his or her designee. Certification by an official charged with enforcement of provisions of this chapter that such complaint was made shall be sufficient to establish the fact of such complaint.

C. Noise and vibration measurements shall be made in compliance with generally accepted practices and procedures. The zoning administrator shall prepare, and make available upon request, a "Code of Recommended Practices" for the measurement of noise and vibration.

D. To implement and enforce this chapter the zoning department and police department shall have the additional power to:

1. Conduct research, monitoring, and other studies related to sound;
2. Conduct programs of public education regarding the causes, effects and general methods of abatement and control of noise, as well as the actions prohibited by this chapter and the procedures for reporting violations;
3. Coordinate the noise control activities of all municipal departments;
4. Review public and private projects, including those subject to mandatory review or approval by other departments, for compliance with this chapter, if these projects are likely to cause sound in violation of this chapter;
5. Upon presentation of proper credentials, enter and inspect any private property or place, any time when granted permission by the owner resident or by some other person with apparent authority to act for the owner;
6. Issue noise variances pursuant to the provisions of Section 19.58.150;
7. Prepare recommendations for consideration by the city council, after publication of notice and public hearing, for establishing the boundaries of noise sensitive areas.

E. All departments and agencies of the city shall carry out their programs in furtherance of the policy of this chapter.

(Ord. 1310 § 2(part), 1995).

CDLXXXI.

19.58.150 Noise variances.

A. Any person who cannot comply with provisions of this noise ordinance due to technological limitations or in cases of significant hardship, may apply for a conditional use permit in accordance with Chapter 19.66 of this code. Through this process, the governing body may grant a conditional use permit to exceed the provisions of this chapter for a specific period of time.

B. During this period of time, the operators of the nonconforming noise source must make every reasonable attempt to come into compliance with this chapter. Should total compliance not become feasible at the time the conditional use permit expires, the operator of the source must demonstrate to the satisfaction of the governing body that a good faith effort has been made to come into compliance. If a good faith effort is demonstrated to the satisfaction of the

governing body, the governing body may, at its discretion, extend the conditional use permit for an additional period of time.

(Ord. 1310 § 2(part), 1995).

CDLXXXII.

19.58.160 Penalty.

Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be subject to a penalty of not less than one hundred fifty ($150) dollars or more than three hundred ($300) dollars for the first offense; and for the second offense within one year shall be subject to a penalty of not less than two hundred dollars or more than four hundred ($400) dollars; and for the third and subsequent offenses within one year, not less than three hundred ($300) dollars or more than five hundred ($500) dollars, together with the costs of prosecution.

(Ord. 1430 § 2, 1999; Ord. 1364 § 14, 1997).

Chapter 19.60 NONCONFORMING USES, STRUCTURES AND LOTS

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19.60.010 Existing nonconforming uses.

The lawful nonconforming use of a structure, land or water existing prior to June 24, 1982, the effective date of this title, may be continued although the use does not conform with the provisions of this title; however:

A. Only that portion of the land or water in actual use may be so continued, and any associated structures may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except as otherwise permitted by the provisions of this title;
B. Substitution of new uses or equipment may be permitted by the board of zoning appeals if such use or equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

(Ord. 994 § 7.1, 1982).

CDLXXXIII. 19.60.020 Existing nonconforming structures.

Any lawful nonconforming structure existing prior to June 24, 1982, the effective date of this title, may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading and access provisions of this title; however, it shall not be extended, enlarged, moved or structurally altered except when required to do so by law or order, or so as to comply with the provisions of this title. Normal maintenance is permitted. This provision shall not be interpreted to disallow the extension or enlargement of a structure in respect to those dimensions that are or may still be in conformance with this title so long as such extensions or enlargements do not thereby create additional nonconforming dimensions or increase the nonconformance with respect to parking and loading and access. Any extension or enlargement of a nonconforming structure is subject to review and approval of the plan and architectural review commission in accordance with Chapter 19.63 of this title.

(Ord. 994 § 7.2, 1982).

CDLXXXIV.

19.60.030 Discontinuance or replacement of nonconforming use or structure.

A. If such nonconforming use or structure is discontinued or terminated for a period of twelve (12) months, any future use of the structures, land or water shall conform to the provisions of this title.
B. When a nonconforming use or structure is damaged or destroyed, it may be restored if completed within two (2) years from damage occurring.

C. Time extensions may be granted by the plan and architectural review commission in accordance with Chapter 19.63.

(Ord. 994 § 7.3, 1982).

CDLXXXV.

19.60.040 Changes and substitutions.

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the board of zoning appeals has permitted the substitution of a more-restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose the original status as a legal nonconforming use and become subject to all the conditions required by the board of zoning appeals.

(Ord. 994 § 7.4, 1982).

CDLXXXVI.

19.60.045 Floodland nonconforming uses and structures.

Floodland nonconforming uses and structures shall be regulated under the provisions of Section 19.46.060 of this title.

(Ord. 1600 § 5, 2006: Ord. 1060 § 17, 1935).

CDLXXXVII.

19.60.046 Wetland nonconforming uses and structures.

Notwithstanding Section 62.23(7)(h) of the Wisconsin Statutes, the repair, reconstruction, renovating, remodeling or expansion of a legal nonconforming structure, or any environmental control facility related to a legal nonconforming structure, located in the C-1 shoreland wetland district and in existence at the time of adoption or subsequent amendment of the ordinance codified in this title is permitted pursuant to Section 62.231(5) of the Wisconsin Statutes.

(Ord. 1196 § 1(part), 1990).

CDLXXXVIII.

19.60.050 Nonconforming lots.

A lot which does not contain sufficient area to conform to the dimensional requirements of this title but which is at least thirty (30) feet wide and four thousand (4,000) square feet in area may be used as a building site provided that the use is permitted in the zoning district, providing the lot is of record in the county register of deeds' office prior to the effective date or amendment of the ordinance codified in this title, and providing that all other requirements for the district in which it is located can be met. Establishment of a use or structure on a nonconforming lot shall be reviewed and approved by the city plan and architectural review commission in accordance with Chapter 19.63.

(Ord. 994 § 7.5, 1982).

Chapter 19.63 PLAN REVIEW

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CDLXXXIX.

19.63.010 Zoning permit--Purpose—Required, when.

For the purposes of assuring compliance with the standards and intent of this title and of promoting compatible development and preservation of the unique character of the city, no structure shall be erected, constructed, altered, demolished or moved and no land or building shall be changed in use without the issuance of an approved zoning permit. Zoning permits shall not be required for minor structures, incidental repairs, interior structural alterations and/or changes not resulting in an increase in intensity.

Notwithstanding the aforesaid exemption, no floodland structure or improvement shall be exempt from obtaining a zoning permit.
(Ord. 1060 § 18, 1985).

CDXC.

19.63.012 Certificate of compliance--Purpose—Required, when.

For the purpose of assuring compliance with the standards and intent of this title and of assuring sound floodplain development, no undeveloped land within the floodland districts shall be developed, occupied or used, and no structure hereafter erected, altered, moved or substantially improved shall be occupied until the applicant submits to the zoning administrator a certification by a registered professional engineer or land surveyor that the floodplain regulations set forth in this title have been fully complied with. Such certification shall include the first-floor elevation of any structure erected on the site.
(Ord. 1060 § 19, 1985).

CDXCI.

19.63.014 Other permits.

It is the responsibility of a permit applicant to secure all other necessary permits required by any state, federal or local agency. This includes, but is not limited to, a water use permit pursuant to Chapters 30 and 31 of the Wisconsin Statutes or a wetland fill permit pursuant to Section 404 of the Federal Clean Water Act.
(Ord. 1060 § 20, 1985).

CDXCII.

19.63.020 Plan review--Application requirements.

Applications for plan review shall be made to zoning administrator at least thirty (30) days prior to the plan and architectural review committee meeting at which the plan is to be considered, and shall include the following information to be considered complete. The zoning administrator or plan and architectural review commission may reduce the information requirements where deemed appropriate. 12 complete sets of all required plan materials shall be required unless the applicant receives prior written approval from city staff that fewer copies, and/or an

electronic/digital submission of materials will be considered adequate for the purposes of meeting the submission deadlines.

A. Names, phone numbers, and addresses of the applicant, owner of the site, architect, professional engineer, contractor and all other individuals responsible for preparation of plan materials;
B. Identification of the subject site by lot, block and recorded subdivision, or by metes and bounds;
C. Description of the existing and proposed use or operation of the structure or site, number of employees, building lot coverage, landscaped surface ratio, residential density and existing zoning;
D. Building elevations and exterior architectural drawings, including enough detail to show the proposed building style, exterior materials, colors, mechanicals and lighting;
E. Site plans drawn to a scale not less than fifty (50) feet to the inch, showing:
    1. The natural features of the site, including water bodies, wetlands, floodplains, environmental corridors, trees with trunks greater than four (4) inches in diameter, existing drainage patterns, and topography at two (2) foot intervals,
    2. The location and dimensions of proposed and existing structures in relation to street and property lines, including buildings, dumpsters, signs, mechanicals, walls and fences,
    3. The location, dimensions and arrangement of all open spaces, yards, and landscape plantings and buffer yards, including the species and size at time of planting for all landscaping,
    4. The location, arrangement and capacity of all areas used for vehicle and pedestrian access, off-street parking, off-street loading and unloading, including materials, methods for screening or fencing, and additional actions to keep parking orderly if three (3) or more unrelated individuals live on the property.
    5. The capacity and arrangement of all buildings used or intended to be used for dwelling purposes,
    6. The proposed location and other characteristics of all outdoor lighting fixtures, pursuant to Section 19.57.150(C),
    7. The location and size of all existing and proposed utilities and all related easements,
    8. The location of any proposed stormwater management facilities, including proposed drainage patterns and detention/retention facilities where required;
    9. Other information deemed necessary by the zoning administrator or the plan and architectural review commission to fully assess the impacts of a proposed project.

(Ord. 1452 § 18, 2000: Ord. 994 § 8.2, 1982).

CDXCIII.

19.63.030 Zoning permit application--Review by zoning administrator.

The zoning administrator shall review zoning permit applications for the proposed structure, addition, alteration or use to assure that the plan meets the minimum standards of this title for the district in which it is located. The zoning administrator shall grant, deny or refer to the plan and architectural review commission within ten (10) calendar days of receiving the completed zoning permit application.

(Ord. 994 § 8.3, 1982).

CDXCIV.

19.63.040 Zoning permit application--Review by plan and architectural review commission, when.

If the zoning administrator, at his or her discretion, finds that an application for a zoning permit has characteristics that should have broader public review or special conditions attached in order to preserve the intent of this title, the zoning administrator may require that such an application require review and approval of the plan and architectural review commission.

(Ord. 994 § 8.4(A), 1982).

CDXCV.

19.63.050 Developments automatically requiring approval by plan and architectural review commission.

The following developments automatically require approval by the plan and architectural review commission:

A. All applications for zoning permits proposing exterior modifications of structures in the B-2 central business district, except minor remodeling or use changes;
B. All applications for zoning permits for major remodeling or conversion of existing buildings that will increase the number of dwelling units;
C. All applications for zoning permits proposing any exterior modifications to structures that are listed on the National Register of Historic Places. This review requirement shall also extend to properties immediately adjoining national register landmarks;
D. Establishment of a use or structure on a nonconforming lot (see Section 19.60.050);
E. Developments proposing driveway access within one hundred feet of the centerline of intersecting streets in the B-1 and B-3 districts. This is to be applied only to arterial streets and local streets intersecting arterial streets. (Ord. 994 § 8.4(B), 1982).

CDXCVI.

19.63.060 Review procedures.

A. The zoning administrator shall transmit all applications requiring commission review and approval to the plan and architectural review commission. The plan and architectural review commission shall review the applications at its next scheduled meeting. The application shall be reviewed for compliance with the plan review guidelines, and a permit shall be granted, denied, or conditionally granted within thirty days of the date of application unless postponed for good cause including mutual agreement with the applicant. A simple majority approval of the plan and architectural review commission constitutes final action.
B. The applicant may request a conceptual review by the plan and architectural review commission prior to filing a formal application for plan review.

(Ord. 994 § 8.4(C), 1982).

CDXCVII.

19.63.070 Notification of public hearing.

The city plan and architectural review commission shall notify the applicant of the scheduled hearing by mail at least five (5) mailing days prior to the hearing date. The commission may require that Class 1 notice be given if deemed appropriate.

(Ord. 994 § 8.4(D), 1982).

CDXCVIII.

CDXCIX. 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 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:

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

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 ($50.00) 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**).**

D.

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).

DI.

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:

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

(Ord. 994 § 8.4(G), 1982).

DII.

19.63.110 Zoning permit--Issuance conditions--Modification restrictions.

A. Issuance of Zoning Permit. A zoning permit shall be issued to applicant, stating the official action of the zoning administrator or the plan and architectural review commission, and shall be filed in the office of the zoning administrator and referred to for enforcement of this title. Approved zoning permits shall expire in six (6) months unless substantial work has commenced and is continuing in a progressive, workmanlike manner. Extensions may be granted by the approving authority.
    1. If the project is conditionally approved, the zoning permit shall be issued subject to the conditions.
    2. If the project is disapproved, the applicant may modify the proposal and resubmit.
B. Modification of Plans Approved by the Plan and Architectural Review Commission. Minor modifications to plans approved for issuance of a zoning permit may be approved by the

zoning administrator. Any major modification in approved plans or alteration of conditions must be approved by the plan and architectural review commission in compliance with procedures listed above.

(Ord. 994 § 8.5, 1982).

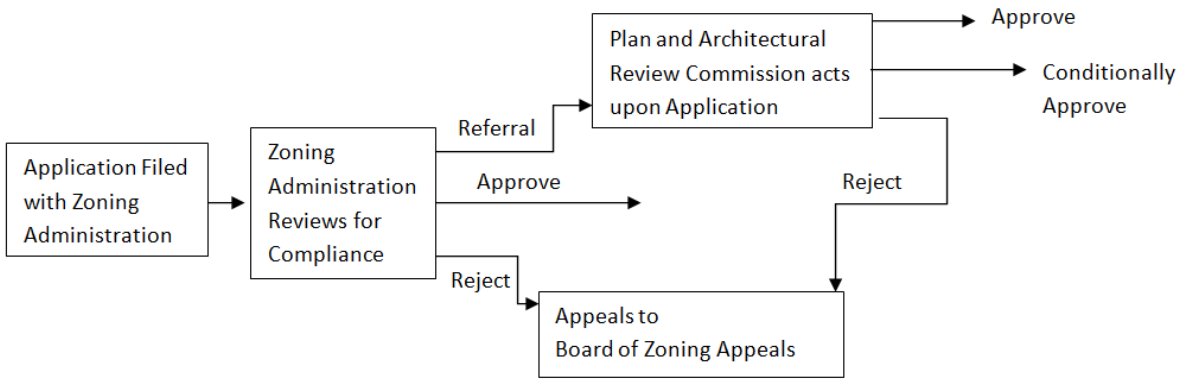
DIII.

19.63.120 Appeals procedure.

Appeals from decisions of the city plan and architectural review commission in its plan-review function may be appealed to the board of zoning appeals if filed with the city clerk within thirty days of the date of decision unless tabled or postponed for good cause. The appeal shall be governed by the procedures in Chapter 19.72 of this title.

(Ord. 1364 § 15, 1997: Ord. 1082 § 10, 1986; Ord. 994 § 8.6, 1982).

Steps for Review of Zoning Permit



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DIV.

19.66.010 Issuance of conditional use permits authorized, when.

The city plan and architectural review commission may authorize the zoning administrator to issue a zoning permit for conditional uses after review and a public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this title, are consistent with sound planning and zoning principles, and are found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community.

(Ord. 1364 § 16, 1997: Ord. 994 § 9.1, 1982).

DV.

19.66.020 Application for permit.

Applications for zoning permits for conditional uses shall be made to the zoning administrator on forms furnished by the zoning administrator, and shall include the information required by Section 19.63.020.

(Ord. 994 § 9.2, 1982).

DVI.

19.66.030 Hearings.

The city plan and architectural review commission shall hold a public hearing upon each conditional use application, giving Class 1 notice.

(Ord. 994 § 9.3, 1982).

DVII.

19.66.040 Notification to property owners.

Notice of the hearing shall be given to owners of record of properties abutting and within three hundred (300) feet of the property that is involved in the application, and to other persons who are determined by the zoning administrator to be parties of interest. Unintentional failure to accomplish these notifications shall not invalidate the procedures.

(Ord. 994 § 9.4, 1982).

DVIII.

19.66.050 Standards for review and approval.

The plan commission shall use the following standards when reviewing applications for conditional use:

A. That the establishment, maintenance, or operation of the conditional use will not create a nuisance for neighboring uses or substantially reduce the values of other property.
B. That adequate utilities, access roads, parking drainage, landscaping and other necessary site improvements are being provided.
C. That the conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted in this ordinance. Where a variance is required, the plan commission may condition its approval on the subsequent approval of the variance.
D. That the conditional use conforms to the purpose and intent of the city comprehensive plan.
E. The conditional use and structures are consistent with sound planning and zoning principles.

(Ord. 1364 § 17, 1997; Ord. 994 § 9.5(part), 1982).

DIX.

19.66.060 Additional conditions authorized, when.

A. Conditions, such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, added restrictions, highway access restrictions, increased yards, or parking requirements, may be permitted by the plan and architectural review commission upon its finding 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 a 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:

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	

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 ($50.00) 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. 1130 § 1, 1988).

DX.

19.66.070 Time limits and periodic review.

If an applicant does not commence construction within one year after city approval of a conditional use permit, or complete construction according to all specified plans and conditions within two years after city approval, the previously approved conditional use permit shall be

considered null and void. Conditional uses may be subject to time limits or requirements for periodic reviews where such requirements relate to review standards.
(Ord. 1452 § 21, 2000: Ord. 994 § 9.5(part), 1982).

DXI.

19.66.080 No exemption from all other requirements.

Compliance with all other provisions of this title, such as lot width and area, yards, height, parking, loading, traffic and highway access, shall be required, unless otherwise specifically exempted in this title, of all conditional uses. Variances shall only be granted as provided in Chapter 19.69.
(Ord. 994 § 9.5(part), 1982).

DXII.

19.66.090 Determination of approval or disapproval.

Following the public hearing and review of the conditional use application, the plan and architectural review commission shall approve, disapprove or further conditionally approve the application. A simple majority approval by the plan commission constitutes final approval of the conditional use.
(Ord. 994 § 9.5(part), 1982).

DXIII.

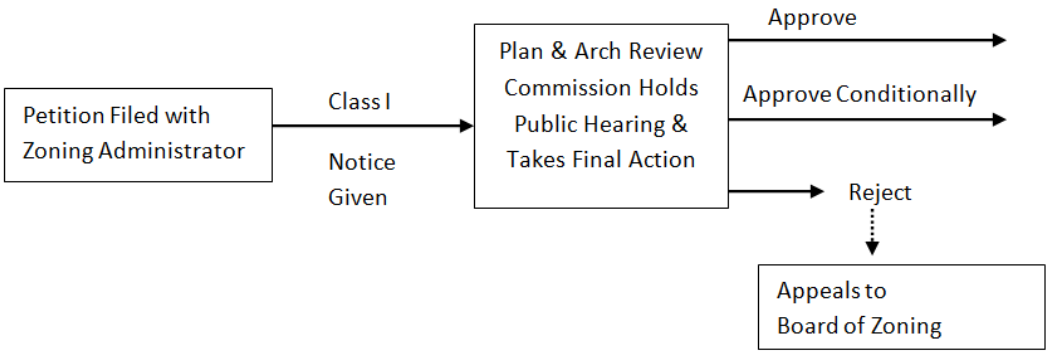
19.66.100 Record keeping requirements.

Records of all plan and architectural review commission actions approving conditional uses shall be maintained by the zoning administrator, and shall be referred to in regard to enforcement and modification of conditional use approvals.
(Ord. 994 § 9.5(part), 1982).

DXIV. 19.66.110 Appeals procedure.

Decisions of the city plan and architectural review commission in its conditional use review function may be appealed to the board of zoning appeals if filed with the city clerk within thirty days of the date of decision. The appeal shall be governed by the procedures in Chapter 19.72 of this title.
(Ord. 1364 § 18, 1997: Ord. 1082 § 11, 1986).

Steps for Review of Conditional Uses



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DXV.

19.69.010 City council authority.

Whenever the public necessity, convenience, general welfare or good zoning practice require, the city council may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this title or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the city plan commission.
(Ord. 994 § 10.1, 1982).

DXVI.

19.69.020 Who may initiate.

Except as noted, in this section, a change or amendment may be initiated by the city council or any member thereof, the city plan commission, or by a petition of one or more of the owners, lessees, or authorized agents of the lessees of property within the area proposed to be changed. For the R-2A, R-3A, B-1A, and B-2A Overlay Districts only the owners or authorized agents of the owners within the area proposed to be changed may initiate a petition for a change or amendment.
(Ord. 1159 § 1, 1989; Ord. 994 § 10.2, 1982).
(Ord. No. 1690A, § 1, 6-17-2008)

DXVII.

19.69.030 Petitions--Contents and filing.

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the city clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use, and have attached the following:

A. Plot plan, drawn to a scale of one inch equals one hundred feet, showing the area proposed to be rezoned, its locations, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within three hundred (300) feet of the area proposed to be rezoned;
B. Additional information required by the city plan commission or city council.

(Ord. 994 § 10.3, 1982).

DXVIII.

19.69.040 Review and recommendation--Plan commission authority.

The city plan commission shall review all proposed changes and amendments within the corporate limits, conduct a public hearing (with Class 2 notice), and shall recommend that the petition be granted as requested, modified, or denied.
(Ord. 994 § 10.4, 1982).

DXIX.

19.69.050 Hearing--Notice to property owners.

Notice of the hearing shall be given to all owners of record of properties abutting and within three hundred (300) feet of the property that is involved in the application, and to other persons who are determined by the zoning administrator to be parties of interest. Unintentional failure to accomplish these notifications shall not invalidate the procedures.
(Ord. 994 § 10.5, 1982).

DXX.

19.69.060 City council vote on proposed change or amendment.

Following such hearing and after consideration of the city plan commission's recommendations, the city council shall vote on the passage of the proposed change or amendment. City council action on the zoning change must take place within thirty (30) days of the plan commission's recommendations unless postponed for good cause by mutual agreement by the City Council and applicant.
(Ord. 1159 § 2, 1989: Ord. 994 § 10.6, 1982).

DXXI.

19.69.065 Floodland district boundary changes limited.

The common council shall not permit changes to the floodland district boundaries that are inconsistent with the purpose and intent of this chapter, in conflict with the applicable rules and regulations of the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA), or inconsistent with the provisions of Chapter 19.46.
(Ord. 1600 § 7, 2006: Ord. 1196 § 1(part), 1990).

DXXII.

19.69.066 Amendments to the C-1 and FWW districts.

Amendments to wetland zoning districts shall be reviewed by the Wisconsin Department of Natural Resources in accordance with the following procedures:

A. The city shall transmit a notice of any change (text or map) in the C-1 or FWW districts to the Wisconsin Department of Natural Resources (DNR). Notice requirements shall be as follows:
    1. A copy of every petition for a text or map change mailed within five (5) days of filing with the city manager;
    2. At least ten (10) days prior notice of any public hearing on a C-1 or FWW zoning amendment;
    3. Notice of a city plan commission recommendation no later than ten (10) days following the recommendation;
    4. Notice of a common council decision no later than ten days following the decision.
B. No wetland in a C-1 or FWW district shall be rezoned if the rezoning may result in a significant adverse impact on storm or floodwater storage capacity; maintenance of dry season streamflow, the discharge of groundwater from the wetland to another area, or the flow of groundwater through a wetland; filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters; shoreline protection against soil erosion; fish spawning; breeding, nursery or feeding grounds; wildlife; habitat; or areas of special recreational, scenic or scientific interest, including scarce wetland types.
C. If the DNR has notified the city plan commission that an amendment to the C-1 or FWW district may have a significant adverse impact upon any of the criteria listed in subsection B

above, that amendment, if approved by the common council, shall contain the following provision:

1. "This amendment shall not take effect until more than 30 days have elapsed since written notice of the Common Council's approval of this amendment was mailed to the Department of Natural Resources. During that 30-day period, the Department of Natural Resources may notify the Common Council that it will adopt a superseding shore land ordinance for the City pursuant to Section 62.231 of the Wisconsin Statutes. If the Department does so notify the Common Council, the effect of this amendment shall be stayed until the Section 61.231 adoption procedure is completed or otherwise terminated."

(Ord. 1196 § 1(part), 1990).

DXXIII.

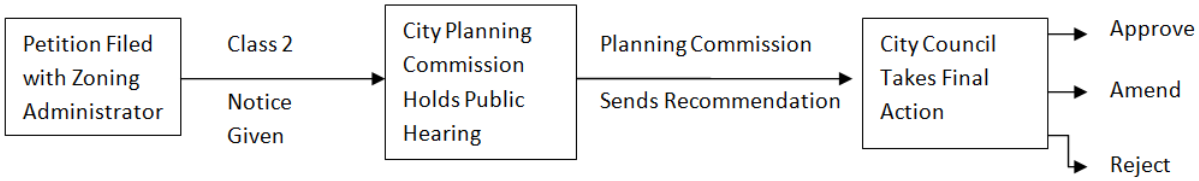
19.69.070 Protests against change or amendment.

A. In the event of a protest against such district change or amendment to the regulations of this title, duly signed and acknowledged by the owners of twenty percent or more either of the areas of land included in such proposed change, or by the owners of twenty percent or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty percent or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths of the members of the council voting on the proposed change. (See Section 66.23(7)(d)(2), Wisconsin Statutes.)

B. Protests against changes or amendments may also be filed by a petition duly signed by at least two hundred (200) resident landowners in the city. In case of such a protest, such changes or amendments shall not become effective except by the favorable vote of three-fourths of the members of the council voting on the proposed change.

(Ord. 994 § 10.7, 1982).

Steps for Zoning Amendment



Chapter 19.72 BOARD OF ZONING APPEALS

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DXXIV. 19.72.010 Established--Purpose.

There is established a board of zoning appeals for the city for the purpose of hearing appeals and applications, and granting variances and exceptions to the provisions of this title in harmony with the purpose and intent of this title.
(Ord. 994 § 11.1, 1982).

DXXV. 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. Current 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).

DXXVI. 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 the majority of voting member 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).

DXXVII.

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 chair 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.

(Ord. 1600 § 8(part), 2006: Ord. 1060 § 23, 1985).

DXXVIII.

19.72.050 Application for appeal--Contents and filing time.

A. Appeals from the decision of the zoning administrator concerning the literal enforcement of this title may be made by any person aggrieved, or by an officer, department, commission, or bureau of the city. Such appeals shall be filed with the secretary within fifteen days after the date of written notice of decision or order of the zoning administrator. Such appeals and applications shall include the following:
   1. Site plan as required under Chapter 19.63 of this title;
   2. Additional information required by the board of zoning appeals or by other chapters in this title, such as Chapter 19.46 of this title.

B. The right to an appeals hearing shall be contingent upon applicant's prepayment of costs of publication and mailing of notices required by the ordinance codified in this title, as computed and billed by the secretary, prior to the time set for hearing.

(Ord. 1600 § 8(part), 2006: Ord. 994 § 11.5, 1982).

DXXIX.

19.72.060 Hearing--Time and conduct.

The board of zoning appeals shall fix a reasonable time and place for the hearing, give public notice thereof at least ten (10) days prior to the hearing by publication as a Class 2 notice, and shall give due notice to the zoning administrator and the city plan commission, and the parties

specified in Section 19.72.070. At the hearing, the appellant or applicant may appear in person, by agent, or attorney.
(Ord. 994 § 11.6, 1982).

DXXX.

19.72.070 Hearing--Notice to property owners.

Notice of the hearing shall be given to all owners of record of properties abutting and within three hundred (300) feet of the property that is involved in the application, and to other persons who are determined by the zoning administrator to be parties of interest. Unintentional failure to accomplish these notifications shall not invalidate the procedures.
(Ord. 994 § 11.7, 1982).

DXXXI.

19.72.075 Hearings--Notice to DNR.

The zoning board of appeals shall transmit a copy of each application for a variance to wetland regulations in the C-1 and FWW districts or to floodland regulations Chapter 19.46 and a copy of all appeals in these districts, to the Wisconsin Department of Natural Resources (DNR) for review and comment at least ten days prior to any public hearing. Final action on the application shall not be taken for thirty (30) days or until the DNR has made its recommendation, whichever comes first. A copy of all decisions relating to shoreland wetland regulation or to floodland regulations, and a copy of all decisions relating to shoreland wetland and floodland appeals, shall be transmitted to the DNR within ten days of the date of such decision.
(Ord. 1600 § 8(part), 2006: Ord. 1196 § 1(part), 1990).

DXXXII.

19.72.080 Findings prerequisite to grant of variance.

No variance to the provisions of this title shall be granted by the board unless it finds beyond a reasonable doubt that all of the following facts and conditions exist, and so indicates in the minutes of its proceedings:

A. The particular physical surroundings, shape, or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;
B. The conditions upon which the application for a variance is based would not be applicable generally to other property within the same zoning classification;
C. The purpose of the variance is not based exclusively upon a desire for economic or other material gain by the applicant or owner;
D. The hardship is not one that is self-created;
E. The proposed variance will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhoods;
F. The proposed variance will not have the effect of permitting a use which is not otherwise permitted in the district;
G. No variance shall be granted in a floodland district where not in compliance with Section 19.46.070(C)(4) of this title.

(Ord. 1600 § 8(part), 2006: Ord. 1060 § 24, 1985).

DXXXIII.

19.72.085 Wetland and floodland mapping disputes.

The following procedure shall be used in settling disputes of wetland and floodland boundaries:

A. Wetland Disputes. Whenever the board of appeals is asked to interpret a C-1, C-2 or FWW district boundary where an apparent discrepancy exists between the city's Final Wetland Inventory Map and actual field conditions, the city shall contact the Wisconsin Department of Natural Resources (DNR) to determine if the wetland inventory map is in error. If the DNR staff concurs that the particular area was incorrectly mapped as a wetland, the board of

appeals shall direct the city plan commission to initiate appropriate action to rezone the property within a reasonable amount of time.

B. Floodland Disputes. Whenever the board of appeals is asked to interpret a floodland boundary where an apparent discrepancy exists between the federal Flood Insurance Study and actual field conditions, the procedure specified in Section 19.46.070(C)(3) of this title shall be used.

(Ord. 1600 § 8(part), 2006: Ord. 1196 § 1(part), 1990).

DXXXIV.

19.72.090 Board decisions guided by title provisions.

In deciding applications for appeals of administrative interpretations, for substitutions, and for approvals of unclassified uses, the board shall be guided by the intent of this title.

(Ord. 994 § 11.9, 1982).

DXXXV.

19.72.100 Decisions--Time limit--Additional conditions--Expiration and extensions.

A. The board of zoning appeals shall decide all appeals and applications within thirty days after the final hearing, and shall transmit a signed copy of the board's decision to the appellant or applicant, zoning administrator, and city plan commission.

B. Conditions may be placed upon any zoning permit ordered or authorized by this board.

C. Variances, substitutions or zoning permits acted upon by the board shall expire within six (6) months unless substantial work has commenced pursuant to such grant. Extension may be granted by decision of the board.

(Ord. 994 § 11.10, 1982).

Steps for Appeals to Board of Zoning Appeals

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 19.74: Cost Recovery of Professional Consultant Fees and Charges

A. The City and authorized City bodies, commissions, boards, committees, officers, and employees may retain the services of professional consultants (including, but not limited to, planners, engineers, architects, attorneys, environmental specialists, and recreation specialists) to assist in the review of applications related to developments, zoning permit approvals, rezone petitions, conditional use applications (or other zoning related requests) including, but not limited to, those being reviewed for consideration of approval by the Director of Neighborhood Services and those coming before the Plan and Architectural Review Commission, the Board of Zoning Appeals, the Whitewater University Technology Park Architectural Review Committee and/or the Common Council for review.

B. As part of the application process, the applicant shall be required to agree, in writing, to pay for said professional fees in accordance with policies in effect that are approved from time to time by the Common Council. The City may delay final action or approval of the associated request, until the applicant pays such fees or the required percentage thereof. Review fees that are charged to the applicant, but that are not paid, may then be imposed by the City as a special charge on the affected property.

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DXXXVI. 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).

DXXXVII. 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;
   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, including section 19.63.050;

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;
12. Initiate studies of the provisions of this title, and make recommendations to the plan commission at appropriate intervals or upon request;
13. Attend meetings of the plan commission and the board of zoning appeals;
14. Perform such activities as are reasonably required to conduct the responsibilities enumerated herein, and respond to requests or directives from supervising officials of the city.

(Ord. 1060 § 26, 1985).

DXXXVIII. 19.75.030 Zoning administrator--Ordinance interpretation duties.

A. A primary duty of the zoning administrator is interpretation of the ordinance codified in this title. The zoning administrator shall respond expeditiously to requests for clarification and interpretation. The administrator is encouraged to seek counsel of the city attorney in making such interpretations.
B. Informal and unwritten interpretations by the zoning administrator are not binding upon the city government, nor are those written interpretations that are expressly stated not to be binding. The zoning administrator shall have sole authority to decide when an interpretation shall be put in writing, except that the administrator shall make response to duly filed permit applications.
C. Written interpretations by the zoning administrator are binding upon the city unless they are expressly made nonbinding. The written interpretation placed on this title by the zoning administrator shall be the official city interpretation unless that interpretation is retracted or revised in writing by the zoning administrator, or until it is reversed or modified by order of the board of zoning appeals or by a court.
D. Written interpretations by the zoning administrator may be appealed to the board of zoning appeals as provided in Section 62.23(7)(e), 7, Wisconsin Statutes, and in Chapter 19.72.

(Ord. 994 § 12.3, 1982).

DXXXIX. 19.75.035 Public information.

To the fullest extent possible, the zoning administrator shall make available to the public all reports and documents concerning the city comprehensive plan and any component thereof. In addition, available information in the form of reports, bulletins, maps, and engineering data shall be readily available and widely distributed. The plan commission may set fees necessary to recover the costs of providing information to the public. Where useful, the zoning administrator, or his agent, may set marks on bridges or buildings or other markers which show the depth of the 100-year recurrence interval flood; or may set markers delineating the boundaries of wetlands.

(Ord. 1196 § 1(part), 1990).

DXL. 19.75.040 Zoning administrator--Permit issuance duties.

A. Most types of land use change that are regulated by this title require a permit to be issued before the change may be legally undertaken. (See Chapter 19.63, Plan Review.) The zoning administrator's decision whether to issue a zoning permit is an interpretation decision in which the terms of this title are applied to a projected land use as described in the permit application and accompanying documents. When a permit is issued, the city is communicating its official statement that the land use described in the permit application is deemed to be legal under this title as Title 19 stands at that time. A permit that is issued does

not, by itself, vest a right to complete the land use change. Changes in law or ordinance may have the effect of cancelling city approval if these occur before the project is far enough toward consummation to have a vested right to proceed to completion. A permit that is issued applies only to the development project as it is specifically described in the application. Permits may be time-limited in their duration to allow a re-review of prevailing conditions.

B. Every application for a zoning permit shall contain the information required in Section 19.63.020, on plan review application requirements. The administrator may also require evidence of compliance with other applicable laws or ordinances as a condition precedent to the issuance of a zoning permit.

C. Any permit obtained through material misrepresentation shall be null and void. Coincident with the issuing of a permit, the zoning administrator shall prepare a card, certifying that a permit has been issued. This card shall bear the same number as the permit and shall identify the construction and premises covered by the permit. This card shall be posted in a conspicuous place on the premises during construction and no construction shall be commenced until this card has been posted.

D. If the zoning administrator deems it appropriate, conditions may be placed on the permit. The permit card shall spell out the Title 19 requirements as applied by the zoning administrator to the development proposal. A full set of conditions shall be retained by the zoning administrator and a summary of pertinent parts shall be communicated in writing to the owner, agents and contractors.

E. When a fully completed permit application is submitted and is then denied by the zoning administrator, the denial and the reasons for the denial shall be recorded in the records of the zoning office, and this decision shall be appealable under subsection D of Section 19.75.030. Permit denials that are done without presentation of a fully completed application and the issuance of a denial on that application are not appealable.

F. Issuance of a permit is equivalent to a written interpretation decision and is appealable as provided in subsection D of Section 19.75.030.

G. Where a development requires a uniform state building permit, the zoning permit may take the form of inscription of zoning approval on the building permit and description of pertinent conditions in the file and on the permit placard.

(Ord. 994 § 12.4, 1982).

DXLI.

19.75.050 Certificate of zoning compliance requirements.

No building or addition thereto constructed after June 24, 1982, the effective date of this Title 19, and no addition to a previously existing building shall be occupied, and no land (except that used for garden purposes, or for public recreation purposes and without buildings or structures), which is vacant on June 24, 1982, shall be used for any purpose until a certificate of zoning compliance has been issued by the zoning administrator. No use shall be changed until the certificate of zoning compliance has been issued by the zoning administrator. The application for and processing of a request for such a certificate shall be the same as for a zoning permit. A certificate of zoning compliance shall state that the uses of the property are legal under the zoning ordinance, either by expressed terms of the ordinance, or as a matter of nonconforming usage. Conditions or qualifications may be appended.

(Ord. 994 § 12.5, 1982).

DXLII.

19.75.060 Zoning administrator--Inspection of properties for zoning compliance--City attorney duties.

A. It shall be the duty of the zoning administrator to inspect or cause to be inspected all properties for which a zoning permit has been issued to determine whether the development of land use change that was the subject of the permit has occurred in full compliance with

this title. The acceptance by an applicant of a zoning permit grants consent to the zoning administrator to make such inspections as are reasonably necessary to determine compliance.

B. It shall also be the duty of the zoning administrator to inspect or cause to be inspected all properties within the jurisdiction of this title for compliance with the terms of this title. Inspections may be at random, under a routine pattern, as a follow-up to permit issuance, or upon complaint or inquiry. Based on the possible violation, the zoning administrator or designee may inspect the property.

C. Where facts obtained from inspection or by other means lead the zoning administrator to conclude that a violation of this title probably exists, the zoning administrator shall create an evidentiary file documenting the basis for this conclusion. After completion and review of this file, the zoning administrator may take the following initial enforcement actions on his/her own motion:
    1. Communicate in person, by letter, or telephone, with the owner, the architect, contractors, or other relevant parties, expressing the conclusion that a violation probably exists, requesting information, requesting that the parties review the compliance question, and that they communicate with the zoning administrator on this matter within a specified time appropriate to the circumstances.
    2. Where the zoning administrator deems it appropriate to prevent further construction or alteration, a stop-work order may be issued by the administrator. This order shall be prominently posted on the property and mailed to relevant parties, and it shall demand that work violating this title be halted immediately and shall advise its readers and recipients to contact the zoning administrator's office.
    3. Where the zoning administrator deems it appropriate, the zoning administrator may issue a citation for a zoning ordinance violation, under the city's citation ordinance.
    4. All written communications, including stop-work orders, shall have an expressed time limit for contact with the zoning office, and shall advise that the matter will be turned over to the city attorney for legal action on that date unless the matter has been resolved.

D. Where enforcement actions described in subsection C above have not satisfied the zoning administrator that the property and its usage have been made to comply, the evidentiary file and all correspondence shall be turned over to the city attorney. The city attorney shall review the file. The attorney may require an evidentiary hearing before making a prosecutorial decision. If the file is deemed by the city attorney not to show a probable violation, the city attorney shall so indicate in an explanatory letter, and pertinent parties shall be so notified. If the city attorney does not so conclude, the attorney shall immediately issue a letter to the violating parties and other pertinent individuals establishing a specific timetable for compliance to be accomplished and specifying that legal action will be taken if compliance is not accomplished within the time period specified. If the deadline is not met, the attorney shall institute prosecution by lawsuit requesting injunctive relief or forfeiture or both. The attorney may also prosecute a nuisance action and/or may refer the matter to the district attorney for possible violation of state law or code, as the facts may indicate.

E. Formal decisions by the zoning administrator or by the city attorney on probable violations are administrative determinations made in the course of enforcing this title, and are capable of appeal to the board of zoning appeals pursuant to Section 66.23(7), Wisconsin Statutes.

F. The city police department shall have enforcement authority concerning all of the provisions of Title 19. This shall include, but not be limited to, issuance of citations for zoning ordinance violations under the city's citation ordinance.

(Ord. 1382 § 1, 1997; Ord. 994 § 12.6, 1982).

DXLIII.

19.75.061 Zoning administrator --Inspection of properties for occupancy compliance--City attorney duties.

A. It shall be the duty of the zoning administrator or designee to inspect properties for which a complaint has been filed to determine whether the permitted occupancy is in full compliance with this title for districts R-O, R-1, R-2, R-3, and all overlay districts of this title. The acceptance by an applicant of a zoning permit grants consent to the zoning administrator to make such inspections as are reasonably necessary to determine compliance.

B. Inspections may include a site visit to request a lease from the tenants or with regard to specific inquiries regarding occupancy or similar issue. Inspections will be due to a complaint or inquiry.

C. Where facts obtained from inspection, or by other means, lead the Zoning Administrator to conclude that a violation of occupancy probably exists, the zoning administrator shall create an evidentiary file documenting the basis for this conclusion. After completion and review of this file, Zoning Administrator may take the following initial enforcement actions on his/her own motion:
   1. Communicate in person, by letter, or telephone, with the property owner requesting information, requesting that the parties review the compliance question, and that they communicate with the zoning administrator on this matter within a specified time appropriate to the circumstances.
   2. Where the Zoning Administrator deems it appropriate, he or she may issue a citation for a zoning ordinance violation, under the city's citation ordinance.

D. Formal decisions by the zoning administrator or by the city attorney on probable violations are administrative determinations made in the course of enforcing this title, and are capable of appeal to the board of zoning appeals pursuant to Section 66.23(7), Wisconsin Statutes.

(Ord. 1382 § 1, 1997; Ord. 994 § 12.6, 1982).

DXLIV. 19.75.070 City manager's administrative responsibilities.

A. It shall be the duty of the city manager, or of other city officials and staff as determined by the city manager, to provide the plan commission and the board of zoning appeals with staff services to assure that all meetings are fully noticed and conducted in accordance with procedural requirements of the Wisconsin planning and zoning statute (Section 62.23(7), Wisconsin Statutes), the open meeting law and the public record law. Similarly, the city manager or delegated public official shall maintain all minutes, proceedings and records of the plan commission and board of zoning appeals in full compliance with the public record requirements of state planning and zoning laws and the open meeting and public record laws of the State of Wisconsin.

B. The city manager is the appointing officer for the zoning administrator. The city manager shall not, however, dictate the outcome of interpretation or permit decisions or enforcement decisions by the administrator. The city manager, if affected by any decision of the zoning administrator, shall have the right to appeal the administrator's decision to the board of zoning appeals, pursuant to Section 62.23(7)(e)4, Wisconsin Statutes.

C. It shall be the duty of the city manager and zoning administrator to establish and maintain a system of records on land usage, coordinating records of permits, decisions of the plan commission and board of zoning appeals, city council, land subdivision records, city-required covenants, development conditions and contracts, etc., so as to provide city officials and citizens with reasonably full access to all the regulatory matters pertaining to particular parcels.

(Ord. 994 § 12.7, 1982).

DXLV.

19.75.080 Unlawful activities designated--Penalties--Additional remedies.

A. The following shall constitute violations of this title, and shall subject those responsible to penalties as listed below.

It is a violation of Title 19 to:

1. Own any property or structure that does not fully comply with the terms of this title: one hundred ($100.00) to three ($300.00) hundred dollars.
2. Establish or cause to be established, or allow or fail to remedy, any usage of land or premises or any structure which does not fully comply with the terms of this title, or to aid or abet in such activity: one hundred ($100) to three hundred fifty ($350)dollars;
3. Fail to request and obtain a zoning permit for a land use or a land use change that requires such a permit under this title: one hundred ($100) to three ($300) hundred dollars; in cases where a permit is subsequently requested, the standard permit fee shall be doubled;
4. Fail to comply with a stop-work order duly issued by the zoning administrator: Two hundred fifty ($250) to four hundred ($400) dollars.

B. Each day of a violation shall constitute a separate offense.

C. In addition to the remedies specified above, adjacent or neighboring property owners may institute appropriate actions or proceedings to prevent, enjoin, abate, remove or correct structural or land use activities that are or will be in violation of this title, or to prevent or abate activities or conditions that constitute nuisances.

D. In addition to any other penalties or remedies available, the city or any landowner within three hundred feet (300) of the property, may maintain an action for injunctive relief to restrain any violation of the density and use limitations set forth in Section 19.09.520 and/or to enforce compliance with Section 19.09.520, upon a showing that a person has engaged in, or is about to engage in, an act or practice constituting a violation of that section.

(Ord. 994 § 12.8, 1982).

(Ord. No. 1695A, 8-5-2008)

Ordinance introduced by Councilmember Goettl, who moved its adoption. Seconded by Councilmember Binnie. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: None. ADOPTED: February 18, 2016.

Cameron L. Clapper, City Manager Michele R. Smith, City Clerk

SANITARY SEWER BACKUP INSURANCE COVERAGE. Based on prior direction from the Common Council, City Staff conducted a survey of Wisconsin municipalities regarding no-fault sewer backup coverage. Per Assistant City Manager McDonell, backup coverage is available, but not from the insurance carrier Whitewater currently insures with. Much discussion regarding whether to provide coverage for something the City is not liable for, limits on payment if coverage is made available, adjustor fees, and the responsibility of the homeowner to purchase backup insurance was discussed. Councilmember Binnie provided detailed information he had obtained from Davenport, Iowa regarding their backup coverage. After discussion regarding the pros and cons of the City providing some coverage, it was moved by Binnie and seconded by Grady to initiate a task force of councilmembers and City staff members to explore the possibility of a no-fault reimbursement program. AYES: Grady, Binnie, Singer, Kidd. NOES: Wellnitz, Langnes, Goettl.

DENIAL OF SEWER BACKUP CLAIM FILED BY VICTOR LEFAIVE, 351 SUMMIT STREET. Victor LeFaive, tenant of 351 Summit Street had filed a claim for damages suffered as a result of a sewer backup in his basement. Council had discussed this claim at length at their January 19, 2016 meeting. Councilmembers acknowledged that the potential denial of any sewer backup claim was one of the hardest things they have to do. It was moved by Binnie and seconded by Grady to authorize payment to the claimants, with the understanding the City is not acknowledging any liability, in the sum of $3,000, contingent upon claimants signing a release of claim with the City. AYES: Grady, Binnie, Kidd. NOES: Wellnitz, Langnes, Goettl, Singer. It was then moved by Goettl and seconded by Wellnitz to deny the claim filed by tenants of 351 Summit Street for sewer backup damage. AYES: Wellnitz, Langnes, Grady, Goettl, Singer. NOES: Binnie, Kidd.

LANDMARKS COMMISSION – COUNCIL REPRESENTATIVE APPOINTMENT. Due to schedule issues, Councilmember Langnes resigned as council representative to the Landmarks Commission. It was moved by Langnes and seconded by Goettl to appoint Councilmember Singer as council representative to Landmarks Commission. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: None.

CENTER STREET/ BOONE STREET / SUMMIT STREET RECONSTRUCTION PROJECT. It was moved by Goettl and seconded by Binnie to approve a contract with Forrest Landscaping in the sum of $1,419,417. AYES: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: None.

PRESENTATION REGARDING DEVELOPMENT OF A SPORTS PLEX, A HOTEL, AND SENIOR RESIDENTIAL UNITS NEAR THE ROUNDABOUT AT THE CORNER OF BLUFF ROAD AND E. MILWAUKEE STREET / HWY. 12. Developers Rick Ehler and Greg Stec were present to discuss their offer to purchase the land formerly known as Elkhorn Road Ventures property, near the roundabout at Bluff and E. Milwaukee. The developers have proposed a multi-use property, including an indoor sports plex, a hotel and senior residential units. The developers have worked with City staff for a number of months and would like to move forward with their development.

EXECUTIVE SESSION. It was moved by Singer and seconded by Goettl to adjourn to Closed Session, TO RECONVENE IN APPROXIMATELY 15 MINUTES FROM TIME ENTERING CLOSED SESSION, pursuant to Chapter 19.81(1) (e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. Item to be Discussed: Receipt of Offer to Purchase on property formerly owned by Elkhorn Road Ventures, near roundabout located at intersection of Milwaukee and Bluff Streets. Ayes: Wellnitz, Langnes, Grady, Binnie, Goettl, Singer, Kidd. NOES: None. ABSENT: None. The Council went into closed session at 9:20 p.m.

RECONVENE INTO OPEN SESSION. At 9:52 p.m. the Council reconvened into open session.

OFFER TO PURCHASE RECEIVED BY CITY WITH REGARD TO REAL ESTATE FORMERLY OWNED BY ELKHORN ROAD VENTURES, NEAR INTERSECTION OF MILWAUKEE STREET AND BLUFF ROAD. It was moved by Goettl and seconded by Langnes to reject the offer to purchase submitted by developers with regard to real estate near the roundabout, at the intersection of Milwaukee Street and Bluff Road. The reasons for the denial are: AYES: Wellnitz, Langnes, Grady, Goettl, Singer, Kidd. NOES: None. ABSENT: None. ABSTAIN: Binnie.

ADJOURNMENT. It was moved by Binnie and seconded by Goettl to adjourn the meeting. Motion carried by unanimous voice vote. The meeting adjourned at 9:55 p.m.

Respectfully submitted,

Michele R. Smith, Clerk

Report Criteria:
Detail report.
Invoices with totals above $0.00 included.
Paid and unpaid invoices included.

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
AMERICAN INDUSTRIAL MEDICAL						
7819	AMERICAN INDUSTRIAL MEDIC	17511	STREET/AUDIOGRAMS	03/02/2016	249.50	100-53300-211
7819	AMERICAN INDUSTRIAL MEDIC	17511	WATER/AUDIOGRAMS	03/02/2016	159.50	610-61927-154
7819	AMERICAN INDUSTRIAL MEDIC	17511	WASTEWATER/AUDIOGRAMS	03/02/2016	249.50	620-62820-154
7819	AMERICAN INDUSTRIAL MEDIC	17511	GEN BLDG/AUDIOGRAMS	03/02/2016	80.50	100-51600-211
Total AMERICAN INDUSTRIAL MEDICAL:					739.00	
BANDT COMMUNICATIONS INC						
858	BANDT COMMUNICATIONS INC	2016001244	STREET/CHECKED TRUCK RAD	03/02/2016	768.66	100-53230-352
858	BANDT COMMUNICATIONS INC	2016001245	STREET/INSTALLED RADIO ON	03/02/2016	1,260.46	100-53320-353
858	BANDT COMMUNICATIONS INC	2016001279	POLICE VEHICLE/INSTALLED R	03/02/2016	547.58	100-53230-354
858	BANDT COMMUNICATIONS INC	2016800075	PARKS/SPEAKER MIC	03/02/2016	167.30	100-53270-340
858	BANDT COMMUNICATIONS INC	2016900060	POLICE VEHICLE/MOBILE RADI	03/02/2016	572.60	100-53230-354
858	BANDT COMMUNICATIONS INC	2016900061	PARKS/BATTERY CHARGER &	03/02/2016	1,481.64	100-53270-340
858	BANDT COMMUNICATIONS INC	2016900078	POLICE VEHICLE/MOBILE RADI	03/02/2016	396.95	100-53230-354
Total BANDT COMMUNICATIONS INC:					5,195.19	
BOBCAT OF MADISON INC						
6144	BOBCAT OF MADISON INC	01-41948	STREET/FILTERS	03/02/2016	531.86	100-53230-352
Total BOBCAT OF MADISON INC:					531.86	
BOWDITCH INC						
4716	BOWDITCH INC	48193	POLICE VEHICLE/IMPALA CHE	03/02/2016	100.00	100-53230-354
Total BOWDITCH INC:					100.00	
BURNS INDUSTRIAL SUPPLY						
28	BURNS INDUSTRIAL SUPPLY	599051	STREET/REPAIR PARTS	03/02/2016	92.19	100-53320-353
28	BURNS INDUSTRIAL SUPPLY	600266	STREET/#7 REPAIRS	03/02/2016	19.99	100-53320-353
28	BURNS INDUSTRIAL SUPPLY	600585	STREET/SHOP HOIST REPAIRS	03/02/2016	44.63	100-53230-340
Total BURNS INDUSTRIAL SUPPLY:					156.81	
DALEE WATER CONDITIONING						
208	DALEE WATER CONDITIONING	1-25-16	FIRE/WATER	03/02/2016	17.25	100-52200-340
Total DALEE WATER CONDITIONING:					17.25	
DEMPICH HEATING AND COOLING LLC						
5283	DEMPICH HEATING AND COOLI	2265	WATER/WELL #9 ELECTRIC HE	03/02/2016	686.00	610-61935-350
Total DEMPICH HEATING AND COOLING LLC:					686.00	
DEPT OF NATURAL RESOURCES						
293	DEPT OF NATURAL RESOURCE	#33935	WATER/KRAUS CERTIFICATIO	03/02/2016	45.00	610-61927-154
Total DEPT OF NATURAL RESOURCES:					45.00	
DIVERSIFIED BENEFIT SVC INC						
4192	DIVERSIFIED BENEFIT SVC INC	216800	FINANCE/FEB 2016 SVC	03/02/2016	382.61	100-51500-217

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
	Total DIVERSIFIED BENEFIT SVC INC:				382.61	
DONOHUE & ASSOCIATES INC						
7077	DONOHUE & ASSOCIATES INC	12730-19	WASTEWATER/BID ENGINEERI	03/02/2016	655.60	620-62820-219
	Total DONOHUE & ASSOCIATES INC:				655.60	
FASTENAL COMPANY						
1255	FASTENAL COMPANY	WIWHT27007	STREET/VEHICLE REPAIRS	03/02/2016	76.50	100-53320-353
	Total FASTENAL COMPANY:				76.50	
FERO'S AUTO REPAIR & TOWING SVC						
243	FERO'S AUTO REPAIR & TOWIN	858389	FIRE/#106 CHECK OVER	03/02/2016	30.95	100-52200-241
	Total FERO'S AUTO REPAIR & TOWING SVC:				30.95	
FINE FOOD CLUTURE LLC						
6628	FINE FOOD CLUTURE LLC	7	GEN ADMN/EMPLOYEE RECOG	03/02/2016	876.00	100-51400-790
	Total FINE FOOD CLUTURE LLC:				876.00	
GABBEY, ROBERT						
1945	GABBEY, ROBERT	MARCH 2016	FIRE/CELL PHONE REIMBURSE	03/02/2016	20.00	100-52200-225
	Total GABBEY, ROBERT:				20.00	
GMA PRINTING INC						
1920	GMA PRINTING INC	47123	FIRE/GREGOIRE BUSINESS CA	03/02/2016	40.94	100-52200-340
	Total GMA PRINTING INC:				40.94	
J J KELLER & ASSOCIATES INC						
7107	J J KELLER & ASSOCIATES INC	9101065171	HR/FMLA LICENSE	03/02/2016	765.00	100-51400-217
	Total J J KELLER & ASSOCIATES INC:				765.00	
JAECKEL BROS INC						
493	JAECKEL BROS INC	14124	WATER/ANN ST	03/02/2016	603.14	610-61651-350
493	JAECKEL BROS INC	14125	WATER/WISCONSIN ST	03/02/2016	914.95	610-61651-350
	Total JAECKEL BROS INC:				1,518.09	
JEFFERSON COUNTY CLERK						
7085	JEFFERSON COUNTY CLERK	1-15-16	GEN ADMN/ELECTION AUTO M	03/02/2016	30.00	100-51400-315
	Total JEFFERSON COUNTY CLERK:				30.00	
KB SHARPENING SERVICES INC						
110	KB SHARPENING SERVICES IN	88191	STORMWATER/KNIVES	03/02/2016	24.00	630-63600-352
	Total KB SHARPENING SERVICES INC:				24.00	
MADISON TRUCK EQUIPMENT INC						
1461	MADISON TRUCK EQUIPMENT I	1-73202	STREET/#5 PLOW RVC KIT	03/02/2016	43.92	100-53320-353
1461	MADISON TRUCK EQUIPMENT I	1-73274	STREET/#7 REPAIR PARTS	03/02/2016	39.77	100-53320-353
1461	MADISON TRUCK EQUIPMENT I	1-73297	STREET/#62 ELECTRICAL HYD	03/02/2016	585.00	100-53320-353

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
1461	MADISON TRUCK EQUIPMENT I	1-73338	STREET/#5 RVC CABLE & KIT	03/02/2016	74.37	100-53320-353
1461	MADISON TRUCK EQUIPMENT I	1-73618	STREET/#7 PLOW PRESSURE T	03/02/2016	269.70	100-53320-353
1461	MADISON TRUCK EQUIPMENT I	1-73619	STREET/#98 AIR BAG REPAIR	03/02/2016	365.00	100-53320-353
	Total MADISON TRUCK EQUIPMENT INC:				1,377.76	
MENARD INC						
494	MENARD INC	31942	STREET/REPAIR SUPPLIES	03/02/2016	69.80	100-53420-340
	Total MENARD INC:				69.80	
MIDSTATE EQUIPMENT-JANESVILLE						
1470	MIDSTATE EQUIPMENT-JANES	I06261	STREET/WHEEL	03/02/2016	115.84	100-53320-353
	Total MIDSTATE EQUIPMENT-JANESVILLE:				115.84	
MILPORT ENTERPRISES INC						
1408	MILPORT ENTERPRISES INC	221405	WATER/CHEMICALS	03/02/2016	443.00	610-61630-341
1408	MILPORT ENTERPRISES INC	221546	WASTEWATER/ALUM	03/02/2016	4,449.38	620-62840-341
1408	MILPORT ENTERPRISES INC	221908	WATER/CHEMICALS	03/02/2016	1,523.00	610-61630-341
	Total MILPORT ENTERPRISES INC:				6,415.38	
MUNICIPAL CODE CORPORATION						
5550	MUNICIPAL CODE CORPORATI	00266372	LEGISLATIVE/ANNUAL WEB HO	03/02/2016	550.00	100-51100-295
	Total MUNICIPAL CODE CORPORATION:				550.00	
PETE'S TIRE SERVICE INC						
727	PETE'S TIRE SERVICE INC	72833	POLICE VEHICLE/#27 TIRE REP	03/02/2016	571.52	100-53230-354
727	PETE'S TIRE SERVICE INC	72897	STREET/#18 TIRES	03/02/2016	580.00	100-53230-352
727	PETE'S TIRE SERVICE INC	72903	PARKS/CUSHMAN MOWER TIR	03/02/2016	120.00	100-53270-242
727	PETE'S TIRE SERVICE INC	72987	STREET/#71 TIRES	03/02/2016	145.00	100-53320-353
	Total PETE'S TIRE SERVICE INC:				1,416.52	
ROBIN'S TRUCKING LLC						
4290	ROBIN'S TRUCKING LLC	101	STREET/DEC 2015 HAULING	03/02/2016	3,016.25	100-53320-295
	Total ROBIN'S TRUCKING LLC:				3,016.25	
S & H TRUCK SERVICE						
388	S & H TRUCK SERVICE	12609	FIRE/#1250 WIPER	03/02/2016	23.70	100-52200-241
	Total S & H TRUCK SERVICE:				23.70	
SPECIAL OLYMPICS WISCONSIN						
7147	SPECIAL OLYMPICS WISCONSI	2016 PROCEE	SENIORS/HALF OF CHILI COOK	03/02/2016	300.00	100-23102
	Total SPECIAL OLYMPICS WISCONSIN:				300.00	
STA-LITE CORP						
102	STA-LITE CORP	5794	WATER/WELL #6 LIGHTING	03/02/2016	2,552.00	610-61936-810
	Total STA-LITE CORP:				2,552.00	
STATE BAR OF WISCONSIN						
129	STATE BAR OF WISCONSIN	1011504	COURT/CHILDREN & JUVENILE	03/02/2016	72.35	100-51200-320

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
	Total STATE BAR OF WISCONSIN:				72.35	
STRAND ASSOCIATES INC						
358	STRAND ASSOCIATES INC	117825	GEORGE ST/RECONSTRUCTIO	03/02/2016	493.77	450-57500-898
358	STRAND ASSOCIATES INC	117826	NEIGHBORHOOD SVC/ANN ST	03/02/2016	1,215.70	100-52400-219
358	STRAND ASSOCIATES INC	117899	STORMWATER/FRANKLIN & AN	03/02/2016	275.20	630-63440-845
358	STRAND ASSOCIATES INC	118022	CENTER ST/RECONSTRUCTIO	03/02/2016	23,991.28	450-57500-802
358	STRAND ASSOCIATES INC	118023	STORMWATER/TMDL STORMW	03/02/2016	1,822.07	630-63440-820
358	STRAND ASSOCIATES INC	118024	NEIGHBORHOOD SVC/ADVANC	03/02/2016	186.71	100-52400-219
358	STRAND ASSOCIATES INC	118024	NEIGHBORHOOD SVC/SUMMIT	03/02/2016	208.00	100-52400-219
358	STRAND ASSOCIATES INC	118024	NEIGHBORHOOD SVC/BLUFF R	03/02/2016	631.91	100-52400-219
358	STRAND ASSOCIATES INC	118024	NEIGHBORHOOD SVC/PMT MT	03/02/2016	145.49	100-52400-219
358	STRAND ASSOCIATES INC	118024	NEIGHBORHOOD SVC/WWTF S	03/02/2016	76.99	100-52400-219
	Total STRAND ASSOCIATES INC:				29,047.12	
SWANSON, KATIE						
7688	SWANSON, KATIE	SKETCHING C	SENIORS/3 @ $12 & 1 @ $7.5	03/02/2016	43.50	100-46733-55
	Total SWANSON, KATIE:				43.50	
THE TRUSTEE OF THE HARRIET J STRITZEL						
7818	THE TRUSTEE OF THE HARRIE	PARCEL #22	MILWAUKEE & HWY 59/EASEM	03/02/2016	300.00	630-14100
	Total THE TRUSTEE OF THE HARRIET J STRITZEL:				300.00	
VARELA, ALEJANDRO						
7783	VARELA, ALEJANDRO	2-10-16	COURT/INTERPRETING SVC	03/02/2016	45.00	100-51200-219
	Total VARELA, ALEJANDRO:				45.00	
VON BRIESEN & ROPER SC						
1988	VON BRIESEN & ROPER SC	209944	LEGAL SVC/POLICE CONTRAC	03/02/2016	1,108.30	100-51300-219
	Total VON BRIESEN & ROPER SC:				1,108.30	
WAL CO ECONOMIC DEVELOPMENT						
3939	WAL CO ECONOMIC DEVELOP	14441	CDA/2016 MEMBERSHIP	03/02/2016	4,544.00	900-56500-224
	Total WAL CO ECONOMIC DEVELOPMENT:				4,544.00	
WAL CO-SHERIFF'S DEPT						
125	WAL CO-SHERIFF'S DEPT	JANUARY 201	COURT/JAN 2016 CONFINEMEN	03/02/2016	45.00	100-51200-293
	Total WAL CO-SHERIFF'S DEPT:				45.00	
WALMART COMMUNITY						
1507	WALMART COMMUNITY	1507-030216	GEN ADMN/NAPKINS & CUPS	03/02/2016	6.50	100-51400-310
1507	WALMART COMMUNITY	1507-030216	GEN ADMN/EMPLOYEE RECOG	03/02/2016	19.96	100-51400-790
1507	WALMART COMMUNITY	1507-030216	POLICE ADMN/PROFILES	03/02/2016	42.35	100-52100-310
1507	WALMART COMMUNITY	1507-030216	STREET/OPERATING SUPPLIE	03/02/2016	42.32	100-53230-340
1507	WALMART COMMUNITY	1507-030216	LIBRARY/OFFICE SUPPLIES	03/02/2016	26.53	220-55110-310
1507	WALMART COMMUNITY	1507-030216	LIBRARY/JUVENILE PROGRAM	03/02/2016	64.70	220-55110-342
1507	WALMART COMMUNITY	1507-030216	WATER/CLEANING SUPPLIES	03/02/2016	96.03	610-61935-350
	Total WALMART COMMUNITY:				298.39	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
WALTON, RUSSELL						
6987	WALTON, RUSSELL	2208	STREET/SAND	03/02/2016	1,098.75	100-53320-460
	Total WALTON, RUSSELL:				1,098.75	
WEBERPAL, DEBRA						
3207	WEBERPAL, DEBRA	WOODMANS	SENIORS/SOCK HOP SUPPLIES	03/02/2016	59.09	100-46733-55
	Total WEBERPAL, DEBRA:				59.09	
WHITEWATER FIRE DEPT						
284	WHITEWATER FIRE DEPT	AROPA	FIRE/SHIRTS	03/02/2016	595.40	100-52200-340
284	WHITEWATER FIRE DEPT	CREDIT CARD	FIRE/SNAP ON SAFETY GOGGL	03/02/2016	47.75	100-52200-340
284	WHITEWATER FIRE DEPT	CREDIT CARD	FIRE/FIRE SVC BOOKSTORE C	03/02/2016	169.23	100-52200-340
284	WHITEWATER FIRE DEPT	CREDIT CARD	FIRE/FIREMATIC.COM LANYAR	03/02/2016	156.08	100-52200-242
284	WHITEWATER FIRE DEPT	CREDIT CARD	FIRE/ROCK CO FIRE TACTICS	03/02/2016	70.00	100-52200-211
284	WHITEWATER FIRE DEPT	CREDIT CARD	FIRE/WI STATE FIRE CHIEF AS	03/02/2016	190.00	100-52200-340
284	WHITEWATER FIRE DEPT	CREDIT CARD	FIRE/OCCUNOMIX SAFETY VES	03/02/2016	352.92	100-52200-340
284	WHITEWATER FIRE DEPT	CREDIT CARD	FIRE/AMAZON SOLO CUPS	03/02/2016	44.98	100-52200-340
284	WHITEWATER FIRE DEPT	CREDIT CARD	FIRE/NEW POLICE UNIVERSAL	03/02/2016	120.22	100-52200-242
284	WHITEWATER FIRE DEPT	CREDIT CARD	FIRE/FFIRESTORE.COM STREA	03/02/2016	2,571.27	100-52200-242
284	WHITEWATER FIRE DEPT	MAC TOOLS	FIRE/LONG REACH MULTI SET	03/02/2016	105.49	100-52200-340
	Total WHITEWATER FIRE DEPT:				4,423.34	
WHITEWATER GLASS CO INC						
408	WHITEWATER GLASS CO INC	1-29-16	STREET/WINDSHIELDS FOR LO	03/02/2016	837.18	100-53230-352
	Total WHITEWATER GLASS CO INC:				837.18	
WISCONSIN BANKERS ASSOCIATION						
7817	WISCONSIN BANKERS ASSOCI	7327	CDA/TRAINING FINANCIAL STA	03/02/2016	1,830.00	900-56500-210
	Total WISCONSIN BANKERS ASSOCIATION:				1,830.00	
	Grand Totals:				71,480.07	

Dated: _____02/24/2016_____

Finance Director: _____DOUG SAUBERT_____

Report Criteria:
Detail report.
Invoices with totals above $0.00 included.
Paid and unpaid invoices included.

City of Whitewater
Fire/EMS Task Force Meeting
Whitewater Municipal Building-Community Room
January 20, 2016

MINUTES

1. **Call to Order and Roll Call**
   Meeting was called to order by Ken Kidd at 7:02 pm.

   Present: Cameron Clapper, Ken Kidd, Don Gregoire, Todd Lindert, Jan Bilgen, Patrick Wellnitz, Wally McDonell and Doug Saubert. Also present: Mike Higgins, Bob Gabbey, and several members of the fire department.

2. **Approval of minutes from 12-11-2015.**
   Motion to approve minutes by T.Lindert. Second by J. Bilgen. Motion passed. All-0.

3. **Discussion of current status and next steps for the restructuring of the fire department. Including:**
   A. Status of constitution and by-laws development.
   - **i.** All members of the fire department received a copy of the By-laws by 1/15/16.
   - **ii.** Molly Parrish, Human Resource Coordinator for City, reviewed document and didn't see any human resource related issues. FD appreciated assistance from the City with human resource support.
   - **iii.** At a glance, Bilgen would like to see "Constitution" and "By-laws" added to the footer of each document to eliminate pages being misplaced.
   - **iv.** Bob Gabbey stated that the original intent of the re-writing of the by-laws as voived and agreed upon by the Task Force was to
     a. Make administrative processes easier
     b. Eliminate voting
     c. Establish qualifications
   - **v.** Constitution 3.02 "In order" should be changed to "have"
   - **vi.** Constitution 4.03 Seven voting members should also include "non-voting", City Manager, and Chief. Include "e": No voting members Chief + Designee.
   - **vii.** Constitution 4.07: Election: Shall serve a 1 years term should be 2 years.
   - **viii.** Constitution 6.02 Meetings: Board of Director Meetings versus Membership Meetings needs tot be clarified if quarterly/annual meetings and when.
   - **ix.** Constitution 6.03 Board of Director subject to open meetings law and record requests.
   - **x.** 6.04 (a): Voting Threshold: change wording from "simple majority' to "simple majority of those voting".

xi. Constitution 7.02: The terms of the officers are 3 years in length, except the appointed EMS Assistant Chief serving at the determination of the BOD. Shall be able to serve consecutive terms but must reapply.

xii. Constitution Section8.02 Election Process: Election should be changed to Selection. Removal of items (e), (f), (g), (h) and then include an interview process.

xiii. Constitution Section10.01 Amendments: 2/3 of those voting should be 2/3 of those present.

xiv. Constitution Section 11.03: Dissolution: Change Superior Court to Circuit Court

xv. By-laws Article II: Gabbey feels officer qualifications in the By-laws lack requirements and wants to see officer qualification more detailed. Gabbey reviewed existing By-laws in similar size departments and was able to not only find qualifications for each officer but also required certifications for officers which was lacking in the proposed By-laws.

xvi. (Officer Qualifications) Wellnitz recommends the By-laws stay vague and less specific so the pool of people applying for a position isn't minimal or restrictive.

xvii. Bilgen recommends grandfathering in existing officers but adding certain qualifications or certifications need to be obtained by a certain date.

xviii. Committee continues to discuss what "qualifications" they feel should be included under each job qualification with recommends from various members to include various experience and educational requirements with a grandfather clause for existing member. J. Bilgen and M. Higgins will draft up a new bylaw draft based on various conversations on what they feel will be acceptable to most.

xix. K. Kidd/ W. McDonell summarizes by adding more specific qualifications the By-laws would be more of a qualification driven hierarchy and may limit the applications. The ultimate final approval of a candidate would rest with the board as to eliminate a popularity contest.

xx. By-laws Section 2.05(d): 1 term as EMS Lt Service or equivalent 2 years.

xxi. By-laws or constitution should contain a line allowing the Board to make exceptions on the qualifications when filling a position with a deadline to complete the qualifications. By-laws should also contain an exception for existing members.

xxii. By-laws Section 3.01(d): Remove the word "every"

xxiii. By-laws Section 3.06: Remove the Tech Rescue Captain position.

xxiv. By-laws Section 3.08: Lieutenants: Change Tech-Rescue and Lieutenants

xxv. By-laws Section 3.13(a): Department Standard Operating Guidelines, including EMS SOGs will be provided and accessible.

xxvi. By-laws Section 4.05: EMT's shall also attend 50% of membership meetings.

xxvii. By-laws Section 5.07: Pre-approved by Board of Directors for possession or consumption of alcoholic beverages.

xxviii. Elections/Boards: Chief and Assistant Chiefs would be selected by the Board. Captains and Lieutenants would be qualified/certified by board and then the

question is if the Chief is going to select or is the selection going to be by rank-and-file.

xxix. Chief/Asst. Chief's interview and appoint by Board

xxx. Officers would be qualified/certified by board

xxxi. Option 1: all qualified by Board w/Chiefs appointed by board and all Lts.

xxxii. Option 2: Capt and Lt. would be nominated by body and interview and/or appointed by board.

xxxiii. Chief should not select all eleven officers for the board.

xxxiv. Lt and Capt positions should differ by 2 years experience.

xxxv. Personnel can work for fire department and rescue department. Exception needs to be spelled out.

xxxvi. Section 3.01 (d) Remove the words "every" and "all", use language such as use effort to attend all.

xxxvii. Article III title page 3 "Duties of Officers" contains Chiefs and other titles shall be relabeled to read "Duties of Members"

xxxviii. Section 3.12 (c) Firefighters (Page 9) the chain of command should be followed by **all** members of the fire/rescue department, not just firefighters.

xxxix. Constitution page 4 Section 4.07 Election: Bilgen recommends a 2 year term versus a 1 year term by staggering the members: 6 person board would have 3 people serving 1 year and 3 people serving 2 years, allowing board members to serve consecutively (no more than 3).

xl. Constitution page 7 Article VI Meetings: There will be membership, board and training meetings. Memberships meetings will be the 2nd Thursday of every month at 7 pm.

xli. By-laws page 10/11 Section 3.12 3.13(f) section in EMT's but not Firefighters and should be in both or section F should be removed all together.

xlii. Committee agrees to move Section F to page 13 under Rules of Behavior.

xliii. Bylaws Section 5.07 "unless of legal age to do so" should be changed to "unless the board approves".

B. Status and timeline for completion of new agreement with City

i. Clapper updates the committee that the agreement is moving forward and W. McDonell is currently working on making the draft. Chief, Wally and Clapper will meet together in February to review a substantial draft and make changes.

C. Staffing needs and the recent hire of an EMS Chief

i. Chief Gregoire didn't post the EMS Chief position to the public after several different discussions due to an in-house candidate. Position was offered to Tom Weidert who has extensive experience and qualifications. Weidert has been tasked with improving skills, scheduling, and improving morale. Bilgen questions if anyone from EMS had any input on selection and Gregoire advises several members from EMS were on board with selection.

ii. Organizational chart needs to be added to both documents as an addendum.

4. Discuss sleeping quarters project and estimated date of completion

Clapper requests assistance from the Fire/EMS staff as more staff is needed to assist with moving boxes 50 lbs or more up to the 2nd floor. Records have been cleared out that need to be retained, furniture has been moved out and ready for auction. Gregoire advised $25,000 will be fronted by the fire department for the fitness equipment and fundraisers will be held to raise the money back. All City employees will have access to the fitness room. Chief Otterbacher will be playing a vital role in this area.

5. **Next Meetings**
   February 16 and February 29, 2016 at 7:00 pm.

6. **Adjournment:**
   Motion by T.Lindert to adjourn. Second by P.Wellnitz, Motion, All-0 at 10:40 pm.

Mission Statement: The Irvin L. Young Memorial Library will foster a sense of community and be a center for resources, information, and creativity for all people in the Whitewater area.

1. Call to Order by Vice-Chairperson Helmick at 6:33 p.m

   Present: Diebolt-Brown, Caldwell, Grady, Helmick, Winship.
   Absent: Hartwick, Peppler
   Staff Present:

2. Monthly Reports

   a) Approval of minutes of the December 21, 2015 regular meeting

      MSC Caldwell/Helmick moved to approve minutes for the December 21, 2015 regular meeting
      Ayes: Diebolt-Brown, Caldwell, Grady, Helmick, Winship
      Nays: None

      The following items were moved to the Consent Agenda—b, c, d, e, f by Grady/Diebold-Brown motion. Motion passed unanimously.

3. Hearing of Citizen Comments
   a) No comments made

4. Old Business
   a) Library Building Expansion Project ~ Discussion
      1. A discussion about options for the library expansion was held.
   b) Council and Community Communications ~ Discussion
      1. There were no reports

5. New Business
   a) Board and Library 2016 Goals and Objectives—The Library Board is going to continue with the 2015 Goals with the following changes:
      1. Continue researching funding options for the proposed expansion.
      2. Increase library programming for all ages
         - Provide three events in collaboration with the Maker Space
         - Provide at least one opportunity for learning to code

      MSC Grady/Winship to approve the 2016 Goal and Objectives
      Ayes: Diebolt-Brown, Caldwell, Grady, Helmick, Winship
      Nays: None

b) Library events outside the library ~ Discussion
    1. Brianne Brown and Jim Winship have been charged with setting a date and the program for a Beer and Books event in February or March 2016.

c) Grady/Brown motion to approve the Staff Development Policy was passed unanimously.

d) Review of *Trustees Essentials* Chapter 16 ~ Discussion
    1. Richard Helmick led this discussion. The importance of checking with the City attorney in the rare cases where possible ethical conflicts might exist was stressed.
    2. Brianne Brown will led the discussion of *Trustees Essentials* Chapter 17 in the February meeting.

6. Staff & Board Reports
    a) Director's Report
        I. ADMINISTRATION
            a. Eight new work orders were placed in December.
                i. Holiday decorations were brought up from the basement.
                ii. The Little Free Library that was placed in the laundry room at Twin Oaks Trailer Park was removed as they closed their laundry room as of January 1. A new place for it has not been determined as yet.
                iii. The old information desk and PAC stations were moved and placed in the Maas house to make room for the new lounge furniture and new information desk.
                iv. The old newspaper spinners were removed and the newspapers were relocated on the magazine display shelving as we have reduced the number of subscriptions that we carry.
                v. The Little Free Library in front of the library was vandalized again.
                vi. The grate in the basement outside stairwell had been moved and needed to be put back in place.
                vii. Two mobile laptop carts needed to be assembled.
                viii. Laminate on the counter edge in the maker space needed to be glued down.
        II. BUDGET
            a. The projected budget looks like it will come in with approximately $35,000 unspent. Part of that is that the Friends of the Library gave a substantial amount for programming which meant that the $5,500 we budgeted went unused. We also have approximately $10,000 in unspent book money because we have nowhere to put the books. We also did not see the anticipated increase in cost for office supplies, which amounts to about $6,000. We also had the unanticipated savings from two retirements and one resignation and the

subsequent staffing changes. These are all approximate figures and we will see the actual final expenditures after the December financials are completed later this month.

III. PERSONNEL

a. Staff did an excellent job with the migration from SirsiDynix to Polaris. They are all to be commended for their hard work and perseverance through all the little glitches.

IV. LIBRARY COLLECTION

a. The spring practicum student will be in charge of preparing the new seed packets for the upcoming spring.

V. PUBLIC AND COMMUNITY RELATIONS

a. I was asked to serve on the committee that will be hiring a new director for the Andersen Library at UW-Whitewater. The former director, Myrna McAllister, has retired.

b. A local Boy Scout, Derek Holik, installed bat houses and bird houses on the library's property as his Eagle Scout project.

VI. LIBRARY BOARD RELATIONS

a. None.

VII. LIAISON RESPONSIBILITY WITH CITY, STATE, COUNTY, AND SYSTEM GROUPS

a. I attended no meetings in December.

VIII. PROFESSIONAL DEVELOPMENT

a. None.

b) Adult Services Report

1. We had 20 people attend the author event with Len Faytus on December 15th. Len discussed his new book "The Spook Temple: the Morris Pratt Institute in Whitewater, Spiritualism, and the Occult" and signed copies at the end. Those in attendance were very engaging and had many questions for Len.
2. I proctored 5 exams during the month of December.
3. Most of December was spent preparing for the migration to the new Bridges Library System.

c) Youth Educational Services Report

a. LEGO Engineering Club

Attendance for this program has stayed strong, averaging about15-20 participants per month. This past month their challenge was "Do You Want to Build a Snowman". Many participants decided to invent their own creation for display.

b. Early Literacy Classes
Both early literacy classes have seen steady attendance ranging from 10-20 participants per class. I look forward to adding art and science projects to the Growing Reader's class, including slime and painting.

c. **Evil Genius Club**
Our first Saturday morning Evil Genius Club was a success! We had 7 students learn how to use the 3Doodler and the 3D printer. We also had students take an interest in other activities and equipment in the Maker Space and even had some test out felting.

d. **Play & Read**
We recently completed our first session of Play & Read. Three AmeriCorps volunteers have been conducting weekly play groups for 3 and 4 year olds for the purpose of developing early literacy skills. In addition to reading stories, the volunteers planned various activities for the kids, including making their own "snow" to practice writing their letters in. There were four regular participants and several drop-in participants for the previous session and I have had several parents inquire about the second session beginning in February.

d) Board member reports—No reports

7. Board member requests for future agenda items
   a) None

8. Confirmation of next meeting on February 15, 6:30 pm

9. The meeting was adjourned to Closed Session, not to reconvene.

   MSC Helmick/Grady to approve moving into closed session:
   Roll call vote:
   Caldwell, aye
   Diebolt-Brown, aye
   Helmick, aye
   Grady, aye
   Winship, aye

   Session closed at 7:20pm.

10. The meeting was adjourned at 7:32pm

Respectfully submitted,

Jim Winship

2015
BUDGET TRANSFER RESOLUTION I

WHEREAS, the Common Council of the City of Whitewater adopted the Budget Resolution for 2015 on November 18, 2014, setting forth the detailed estimates of revenues and expenditures required for the various purposes performed by the City,

AND WHEREAS, certain accounts have demonstrated a need for additional funds to adequately perform the service,

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Whitewater that the following budget changes are authorized:

1) EXPENDITURES:

Increase

General Fund #100		
Legislative Support	100.51100.xxx	$ 425
Court	100.51110.xxx	$ 2,860
Legal	100.51300.xxx	$ 3,145
General Administration	100.51400.xxx	$ 3,806
Information Technology	100.51450.xxx	$ 3,000
Financial Administration	100.51500.xxx	$ 2,125
General Buildings/Plant	100.51600.xxx	$ 1,802
Police Administration	100.52100.xxx	$ 5,000
Police Patrol	100.52110.xxx	$ 0
Police Investigation	100.52120.xxx	$ 0
Community Service	100.52140.xxx	$ 498
Neighborhood Services	100.52400.xxx	$ 5,212
Fire Department	100.52200.xxx	$ 30,000
Rescue Service	100.52300.xxx	$ (30,000)
Communications/Dispatch	100.52600.xxx	$ 7,290
Public Works-Administration	100.53100.xxx	$ 884
Public Works-Shop/Fleet	100.53230.xxx	$ 1,430
Public Works-Parks Maintenance	100.53270.xxx	$ 2,472
Public Works-Streets	100.53300.xxx	$ 5,745
Public Works-Snow & Ice	100.53320.xxx	$ 1,077
Public Works-Street Lights	100.53420.xxx	$ 102
Library Building	100.55111.xxx	$ 381
Parks Administration	100.55200.xxx	$ 1,716
Recreation Administration	100.55210.xxx	$ 2,654
Senior Citizen's Program	100.55310.xxx	$ 1,970
Contingencies	100.51100.910	$ (53,594)
EXPENDITURES:		
Water Utility Fund 610	610.xxxxx.xxx	$ 8,495
REVENUES:		
Retained Earnings	610.47493.61	$ (8,495)
EXPENDITURES:		
Wastewater Utility Fund 620	620.xxxxx.xxx	$ 14,726
REVENUES:		
Retained Earnings	620.49930.62	$ (14,726)
EXPENDITURES:		

Stormwater Utility Fund 630	630.63310.xxx	$ 3,683
REVENUES:		
Retained Earnings	630.49930.63	$ (3,683)

To adjust for the additional 2% in salary/wages and related payroll rollups granted to employees per previously approved contracts and salary resolutions. Also adjusted for the payroll changes made within the fire/rescue services that was effective on July 1, 2015.

2) EXPENDITURES:
Increase/>Decrease>
General Fund #100
Facilities Maintenance

Facilities Improvement	100.51600.245	$ 1,773.11
Contingencies	100.51100.910	$ (1,773.11)

To adjust for the supplies (123.11) plus stipend of (1,650) paid to Taylor McDarison for the production of Landmark Tiles.

3) EXPENDITURES:
Increase/<Decrease>
General Fund #100
Celebrations

Celebrations/Awards	100.55320.790	$ 5,000.00
Contingencies	100.51100.910	$ <5,000.00>

To adjust for the payment of $5,000 made to Discover Whitewater Series for the 2015 sponsorship of the Half Marathon, 5k, Fit Kid Shuffle held on September 20, 2015.

4) EXPENDITURES:
Increase/<Decrease>
General Fund #100

Transfer-Library Special Revenue	100.59220.998	$ 46,781.00
Contingencies	100.51110.910	$ (46,781.00)
REVENUES:		
Library Special Revenues#220		
Rental House-416 West Center	220.48260.55	$ <46,781.00>
Fund Balance	220.49300.55	$ 46,781.00

To adjust for the rents due from the General Fund to the Library Special Revenue Fund for the rental property is owned by the Library at 413 west Center St. This adjustment covers several years.

5) EXPENDITURES:
General Fund#100
Facilities Maintenance

Improvements	100.51600.245	$ 2,120.00
Contingencies	100.51110.910	$ <2,120.00>

To adjust for the design expenses paid to Design Alliance for the rescue/fire sleeping area remodeling in the municipal building basement.

6) EXPENDITURES:
TID #4-Fund 440

Transfer-CDA-Admin Cost	440.57663.648	$ 75,000.00
REVENUES:		
Fund Balance	440.49300.57	$ <75,000.00>

REVENUES:
CDA Fund #900

Transfer-TID #4-Administration	900.49262.56	$< 75,000.00>
Fund Balance	900.49300.56	$ 75,000.00

The CDA board has passed a resolution and requests that $75,000.00 be transferred from TID #4 to CDA Fund 900 for 2015 to cover administrative expenses for 2015. The CDA has contacted the State Dept. of Revenue and it has been determined that this is an allowable expenditure. The transfer will not change the anticipated final close-out of TID #4 The years is expected to be 2021/2022.

IT IS FURTHER RESOLVED that no changes are made to the tax levy as originally made, and these changes represent shifts in income or expenditures actually experienced or anticipated.

Resolution introduced by Councilmember _____ who moved its adoption. Seconded by: _____.

AYES:
NOES: _____ City Manager
ABSENT:
ADOPTED: _____ City Clerk

Resolution

Whereas, Tax Incremental District #4 (TID #4) in the City of Whitewater is currently in a Distressed Status

Whereas, Despite the Distressed Status, the district continues to have administrative costs

Whereas, The Community Development Authority (CDA) is the responsible party for the administration of the district

Whereas, The Department of Revenue has indicated that administrative expenses may continue to be paid by the district

Whereas, No request to allocate any 2015 costs from TID #4 was included in the budget

Now, Therefore be it Resolved,

The CDA requests that the City Council amend the 2015 budget and authorize a transfer of $75,000 from TID #4 to the CDA operational funds.

These funds will be used to offset expenses incurred by the CDA for the administration of the district.

Jeffery Knight
Chair
Whitewater CDA

Patrick Cannon
Executive Director
Whitewater CDA

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
3911 Fish Hatchery Road
Fitchburg WI 53711-5397

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711

December 20, 2013

Ms. Latisha Birkeland
Neighborhood Services Director
City of Whitewater
312 W. Whitewater Street
Whitewater, WI 53190

Subject: Old Stone Mill Dam, Field File: 64.17, Whitewater Creek, Walworth County Floodplain Mapping, Ordinance adoption notice

Dear Ms. Birkeland:

On November 11, 2013, the Department of Natural Resources (Department) approved the dam failure analysis for the Old Stone Mill Dam located in Section 4, Township 4 North, Range 15 East, Walworth County, across Whitewater Creek. Based on the results of the approved study the dam was assigned a final hazard rating of High Hazard.

The areas of potential dam failure inundation (hydraulic shadow) are adequately reflected on a map with additional information such as stationing, water surface profile, maximum velocities, and floodway widths provided on a profile plot and in a floodway data table. This information is provided in the following enclosures:

1. Floodway map dated August 2012 and titled "Old Stone Mill Dam – 100-Year Flood Map Dam in Place With Failure (Hydraulic Shadow)"

2. Flood profile dated August 2012. The profile to reference is "Q100BR"

3. Floodway data table dated August 2012 and titled "Hydraulic Shadow Floodway Data"

Under the requirements of Chapter 87.30, Wisconsin Statutes and Chapter NR 116.05, Wisconsin Administrative Code, the materials submitted with this letter need to be reviewed and any comments on technical aspects of the study shall be provided to the Department within 30 days from the date this decision was delivered. After the 30-day review and comment period, the County shall formally adopt the above referenced materials into the floodplain zoning ordinance within six months.

To assist you in the adoption process, refer to Wisconsin Administrative Code, Chapter NR 116 and the procedures outlined in "Floodplain and Shoreland Zoning: A Guidebook for Local Officials". Please pay particular attention to the Class 2 notice requirements for public hearings. The second publication must be at least one week before the hearing. After the County has approved the amendment, a certified copy must be sent to me for final administrative review and approval. Please provide a notarized affidavit of publication as proof of the Class 2 publication and other supporting documentation.

If you have any questions, please contact me at (608) 275-3287 or Tanya.Lourigan@wisconsin.gov.

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with section NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing does not extend the 30 day period for filing a petition for judicial review.

This decision was mailed on 12/2013.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary

By Tanya L Lourigan
Tanya L. Lourigan, P.E.
Water Management Engineer
Fitchburg Service Center

Attachments: Old Stone Mill Dam – Dam Failure Analysis Hydraulic Shadow Map, Flood Profile, and Floodway Data Table

cc: Chuck Nass – City of Whitewater
Ellen Faulkner, P.E. and Chris Goodwin, P.E. – Ayres Associates
Bill Sturtevant, P.E., State Dam Safety Engineer – DNR WT/3, via email

Quality Customer Service is Important to Us. Tell Us How We Are Doing.
Water Division Customer Service Survey
https://www.surveymonkey.com/s/WDNRWater

City of Whitewater Council Agenda Item Information Sheet

MEETING DATE: **2/2/2016** ITEM: **Chapter 19 Amendment (Phase II Zoning Rewrite)**

PRESENTER: **City Planner**

PREVIOUS ACTION, IF ANY: **The Common Council adopted initial Chapter 19 Amendment (Zoning Rewrite) on May 20th 2014. City Planner presented the changes (second time) on August 4th 2015. Phase I of the Zoning Sub-Committee had the final reading on February 18th 2016.**

SUMMARY OF ITEM BEING PRESENTED: **Changes to Chapter 19 Phase II dealing with Lot Coverage and Maximum impervious surface.**

BUDGET IMPACT, IF ANY: **N/A**

BOARD, COMMISSION, OR COMMITTEE RECOMMENDATION, IF ANY: **The Plan and Architectural Review Commission took action to recommend approval on original presented text at the October 13th, 2014 meeting.**

STAFF RECOMMENDATION: **N/A**

RECOMMENDED MOTION: **N/A**

ATTACHMENT(S) INCLUDED (If none, please state):
Memorandum containing the changes for Phase II of the Chapter 19 Amendment.

FOR MORE INFORMATION CONTACT:
Chris Munz-Pritchard, cmunz-pritchard@whitewater-wi.gov, 262-473-0143.

MEMORANDUM

To: Cameron Clapper, City Manager
Michele Smith, City Clerk

From: Chris Munz-Pritchard, Neighborhood Services Director/City Planner

Date: February 24th 2016

RE: Phase II Amendment Chapter 19 of the City of Whitewater Municipal Codes

Amendment Chapter 19.15 (R-1 One-Family Residence District)

19.15.070 Lot Coverage.

A. Maximum lot coverage (principal and accessory structures) in the R-1 district is thirty (30%) percent.

B. Maximum impervious surface: The following chart shall be used to determine the maximum percent of allowed impervious surface to determine the threshold for stormwater mitigation plan requirements on lots in the R-1 District.

Maximum Impervious Surface.	
Less than 7,000 sq ft	65%
7,000 sq ft to 8,499 sq ft	60%
8,500 sq ft to 9,999sq ft	55%
10,000 sq ft and over	50%

Percentage of impervious surface shall be calculated by taking the total surface area of the existing and proposed impervious surface and dividing it by the total lot area (note the minimum lot requirement for new lots in R-1 is 10,000 sq ft).

C. Lots calculated over the maximum allowed impervious surface require the Neighborhood Service Director approval of a Stormwater Management Plan. Property owners shall work with Neighborhood Services to develop a practical site specific Stormwater Management Plan that allows for flexibility in the use of stormwater treatment device including rain barrels, rain gardens and etc. Applicants may appeal the Neighborhood Services Director's decision to the Plan and Architectural Review Commission.
    a. Pre-engineered lots may be developed without management plans if mitigation has been accounted for during design of the lot.
    b. The Neighborhood Services Department and Plan and Architectural Review Commission shall take into account surrounding topography when reviewing the necessary stormwater mitigation.
    c. Property owners may also apply for a conditional use permit which may exempt properties from the requirement of a stormwater management plan.

D. The principles and standards set forth in the City of Whitewater Erosion Control and Stormwater Management Requirements policy which includes the City's Stormwater

Management Ordinance (Chapter 16.16) and the City's Construction Site Control Ordinance (16.18), shall be used as a guide by the property owner and staff for drafting and reviewing stormwater management plans. The Neighborhood Services Department shall develop written guidelines and policies to be used in development and review of stormwater mitigation plans.

Amendment Chapter 19.16 (R-1X District)

19.16.021 Maximum Lot coverage.

A. Maximum lot coverage by building in the R-1X district shall be twenty (20%) percent.

B. Maximum impervious surface: The following chart shall be used to determine the maximum percent of allowed impervious surface to determine the threshold for stormwater mitigation plan requirements on lots in the R-1X District.

Maximum Impervious Surface.	
Less than 7,000 sq ft	65%
7,000 sq ft to 8,499 sq ft	60%
8,500 sq ft to 9,999sq ft	55%
10,000 sq ft and over	50%

Percentage of impervious surface shall be calculated by taking the total surface area of the existing and proposed impervious surface and dividing it by the total lot area (note the minimum lot requirement for new lots in R-1X is 12,000 sq ft).

C. Lots calculated over the maximum allowed impervious surface require the Neighborhood Service Director approval of a Stormwater Management Plan. Property owners shall work with Neighborhood Services to develop a practical site specific Stormwater Management Plan that allows for flexibility in the use of stormwater treatment device including rain barrels, rain gardens and etc. Applicants may appeal the Neighborhood Services Director's decision to the Plan and Architectural Review Commission.

   d. Pre-engineered lots may be developed without management plans if mitigation has been accounted for during design of the lot.
   e. The Neighborhood Services Department and Plan and Architectural Review Commission shall take into account surrounding topography when reviewing the necessary stormwater mitigation.
   f. Property owners may also apply for a conditional use permit which may exempt properties from the requirement of a stormwater management plan.

D. The principles and standards set forth in the City of Whitewater Erosion Control and Stormwater Management Requirements policy which includes the City's Stormwater Management Ordinance (Chapter 16.16) and the City's Construction Site Control Ordinance (16.18), shall be used as a guide by the property owner and staff for drafting and reviewing stormwater management plans. The Neighborhood Services Department shall develop written guidelines and policies to be used in development and review of stormwater mitigation plans.

Amendment Chapter 19.18 (R-2 One-and Two-Family Residence District)

19.18.070 Lot coverage.

A. Maximum lot coverage (principal and accessory structures) in the R-2 district is thirty (30%) percent.

B. Maximum impervious surface: The following chart shall be used to determine the maximum percent of allowed impervious surface to determine the threshold for stormwater mitigation plan requirements on lots in the R-2 District.

Maximum Impervious Surface.	
Less than 7,000 sq ft	65%
7,000 sq ft to 8,499 sq ft	60%
8,500 sq ft to 9,999sq ft	55%
10,000 sq ft and over	50%

Percentage of impervious surface shall be calculated by taking the total surface area of the existing and proposed impervious surface and dividing it by the total lot area (note the minimum lot requirement for new lots in R-2 is 8,000 sq ft for single-family and 12,000 square feet for two-family).

C. Lots calculated over the maximum allowed impervious surface require the Neighborhood Service Director approval of a Stormwater Management Plan. Property owners shall work with Neighborhood Services to develop a practical site specific Stormwater Management Plan that allows for flexibility in the use of stormwater treatment device including rain barrels, rain gardens and etc. Applicants may appeal the Neighborhood Services Director's decision to the Plan and Architectural Review Commission.
   g. Pre-engineered lots may be developed without management plans if mitigation has been accounted for during design of the lot.
   h. The Neighborhood Services Department and Plan and Architectural Review Commission shall take into account surrounding topography when reviewing the necessary stormwater mitigation.
   i. Property owners may also apply for a conditional use permit which may exempt properties from the requirement of a stormwater management plan.

D. The principles and standards set forth in the City of Whitewater Erosion Control and Stormwater Management Requirements policy which includes the City's Stormwater Management Ordinance (Chapter 16.16) and the City's Construction Site Control Ordinance (16.18), shall be used as a guide by the property owner and staff for drafting and reviewing stormwater management plans. The Neighborhood Services Department shall develop written guidelines and policies to be used in development and review of stormwater mitigation plans.

Amendment Chapter 19.21 (R-3 Multifamily Residence District)

19.21.060 Yard Requirements.

A. Front, thirty (30) feet first floor.
B. Side, fifteen (15) feet; corner lots twenty-five (25) feet.
C. Rear, thirty (30) feet.
D. Shore, seventy-five (75) feet. All Shoreland shall be in compliance with Chapter 19.46, and in addition may require DNR approval.

City of Whitewater Council Agenda Item Information Sheet

MEETING DATE: **03/01/16** ITEM: **Concept Discussion on Library Expansion**

PRESENTER: **City Manager & Library Director**

PREVIOUS ACTION, IF ANY: **The Council has heard presentations from staff and architects before related to the future expansion of the Library. However, no action has been taken.**

SUMMARY OF ITEM BEING PRESENTED:
The Library Board and staff have been working toward a library expansion for several years. Current facilities lack sufficient space for storage, collection materials, and gathering/ programming space. Based on recent design and costs projections, even a modest expansion of the existing facility would cost approximately $10,000,000. This cost makes even a modest expansion to the existing, stand alone facility unattainable at present.

In an effort to reduce cost and make an expanded library a reality, staff and library board members have been exploring a variety of public/private partnership strategies. One potential partnership opportunity recently surfaced and merits consideration by the Council at this time.

Staff and library board members recently met with Troy Hoekstra of United Development Solutions recently to discuss the possible construction of a library as part of a larger hotel development. A similar development is currently under construction in Platteville with an expected completion in March, 2017.

Like the current project in Platteville, any potential development in Whitewater would be financed with a combination of private equity investment, new market and other tax credits, and public sources. For the first seven (7) years of operation, the developer would own the property in order to reap the benefits associated with new market tax credits. Following the first seven (7) years however, the library portion of the development would likely be gifted back to the City. This would result in the City owning a new library facility for much less than the actual cost to build it.

BUDGET IMPACT, IF ANY: **N/A**

STAFF RECOMMENDATION: **Staff is not seeking any formal action on this item. Instead staff is seeking to know whether or not this Council would look favorably on such a proposal if it were to be presented in the future.**

ATTACHMENT(S) INCLUDED (If none, please state):
No attachments. Staff will be present to provide additional detail on Tuesday.

FOR MORE INFORMATION CONTACT:
Cameron Clapper, cclapper@whitewater-wi.gov
Stacey Lunsford, slunsford@whitewater-wi.gov

City of Whitewater Council Agenda Item Information Sheet

MEETING DATE: **03/1/2016**

ITEM: **Discussion/direction on HSW Receiving Station inclusion in the CWF loan for the Wastewater Utility**

PRESENTER: **Assistant City Manager**

PREVIOUS ACTION, IF ANY:

- **December 15, 2015 -** Council deferred action on the decision to include a new high strength waste receiving station in the WWTP upgrade project, and requested additional information on its financial feasibility. The waste receiving station is noted in bid documents as Alternate No. 7.

SUMMARY OF ITEM BEING PRESENTED:

Alternate number 7 includes construction of a 25,000 gallon concrete tank with a concrete cover and all associated equipment and utilities necessary for safe and proper monitoring and operation. This improvement will allow high strength waste (HSW) from outside sources to be pumped into existing city digesters. The term HSW has been used to identify waste streams that are higher in suspended solids, biochemical oxygen demand, total phosphorus, or ammonia nitrogen than normal domestic sewage as defined in city ordinance 16.14.230.

The benefit of additional HSW is the generation of additional methane gas. This gas is currently used to heat water, which heats the digester process and partially heats several utility buildings. Currently we pay approximately $52,000 per year in natural gas. Staff attached a cost/revenue scenario spreadsheet for your review.

Concerns raised about the project include:

- **How can we guarantee a steady supply of HSW?**
  - **Staff has received a number letters of interest. Two parties acknowledged that they would be interested in contracts, but draft language has not been developed at this time.**
- **Odor associated with the HSW.**
  - **The current septage receiving station is open to the air and we have never received a complaint. The current open-air station would be more likely to receive an odor complaint from a community member than the proposed HSW receiving station.**
- **How do we estimate tipping fees when we do not have details on HSW?**
  - **Similar to our current receiving station, we'd based the tipping fees on rates of similar facilities. We would also take into account the characteristics of that waste and level of benefit.**
- **The project should have the same amount of due diligence as a private equity project.**
  - **Staff, working with Donohue, has developed several cost/revenue scenarios, which are attached for your review.**
- **If the city decides to make the next step by investing in equipment that could turn gas into electricity or compressed natural gas fuel for the city fleet, how much will that cost?**
  - **Ability to store gas in existing sphere**
    - **Coatings and testing - $167,000**
    - **Valves and safety equipment - $45,000**
  - **Generator unit designed for biogas with moisture removal and heat recovery option -**

$715,000
    - **Gas conditioning equipment-Unison siloxane removal system - $275,000**
    - **All associated safety, monitoring, control equipment and engineering- $180,000**
        - **Estimated Total: $1,382,300**
        - **Potential annual savings: $164,000**
- **Due to the total cost of the project, we should look for any ways to reduce the cost and this project is not essential to the water treatment process.**
    - **This item is a bid alternate. Staff has told Miron that we will have a decision by March 15.**
- **If we eliminate the HSW project, could we possibly reduce rates at the end of the project?**
    - **The WWTP upgrade project does not address many other future capital upgrade needs. The following list identifies other capital projects, with cost estimates, that will need to be addressed in the future:**
        - **Motor Control Center (MCC) in filter building - expected life 5-10 years - $266,000**
        - **Motor Control Center (MCC) in preliminary building - expected life 10 years – $267,000**
        - **Installation of city water to the WWTP - $370,000**
        - **Interior lighting upgrades - $70,000**
        - **Site roofing - $500,000 - 600,000**
        - **Tank coatings - $700,000 - $900,000**
        - **Phosphorus compliance - decide by 2019, compliance potentially by 2023 - $4,200,000 - $5,900,000**
        - **Collection system upgrades as part of future road reconstruction projects - Clay Street, Milwaukee Street, Franklin Street & Ann Street.**
        - **Vanderlip lift station rehabilitation - $1,000,000 - $1,200,000**

Options for HSW receiving station:

1. **Accept Alternate No. 7 and include as part of the CWF funded project**
2. **Reject Alternate No. 7 and eliminate from all consideration**
3. **Eliminate HSW receiving station, but stub out lines from digester into area of future receiving station**
    a. **The cost to stub the utilities to proposed receiving station site is approximately $52,000. This amount is included in the estimate of $431,103. If the utilities were not stubbed and the city later decided to install the receiving station then a road would need to be dug up and other underground utilities would be in conflict with the installation. A map of the potential future conflicts and needed excavation is attached.**
4. **Eliminate from CWF funded project, but contract with Baker Tilly to help the city find private partner to fund the construction cost of the receiving station.**
    a. **City Staff has been in discussions with Baker Tilly, and they have provided a proposal that includes locating a joint venture partner that will provide most or all of the funding to construct the receiving station and revenue sharing for services provided by the utility. A copy of the proposed statement of work is attached for your review.**

BUDGET IMPACT, IF ANY: **Alternate No. 7 has a cost of $431,103 and would be paid using the State of Wisconsin Clean Water Fund.**

BOARD, COMMISSION, OR COMMITTEE RECOMMENDATION, IF ANY: **None**

STAFF RECOMMENDATION: **Staff is seeking guidance from council on how to proceed with this alternate as part of the CWF project at the Wastewater Utility.**

RECOMMENDED MOTION: **Move to (reject or accept) inclusion of Alternate No. 7, high strength**

waste receiving station, in the wastewater treatment plant upgrade project.

ATTACHMENT(S) INCLUDED (If none, please state that)

- **Baker Tilly letter of engagement**
- **Letters of interest**
- **Cost/Revenue Scenarios of HWS Receiving Station**
- **Map of conflicts and needed excavation**

FOR MORE INFORMATION CONTACT:
Chris McDonell, cmcdonell@whitewater-wi.gov, 262.473.0139.

Baker Tilly Virchow Krause, LLP
Ten Terrace Ct, PO Box 7398
Madison, WI 53707-7398
tel 608 249 6622
fax 608 249 8532
bakertilly.com

January 18, 2016

Mr. Cameron Clapper
City of Whitewater

SENT VIA EMAIL

Dear Mr. Reel:

It has been a pleasure speaking with you to-date regarding your current opportunities with the City of Whitewater Wastewater Department ("Utility", "you", "your" or the "Company"). For your review and signature, following is an engagement letter with enclosed *Standard Terms & Conditions* outlining our planned financial advisory support for your anaerobic digester project.

Understanding of Your Needs

The understanding of the project is outlined in Attachment A of this engagement letter.

Scope and Approach

The scope and approach are outlined in Attachment A of this engagement letter.

Timing, Staffing and Fees

We are prepared to begin work immediately upon your authorization. Tom Unke will lead the engagement and other professionals will be assigned to this project as appropriate. We understand that timing is important for this engagement. Our commitment is to work diligently to complete this work effort.

Our fees will be structured as follows:

> Retainer – A $10,000 retainer will be due upon execution of the engagement letter to be due 30 days after this agreement is executed. The retainer amount shall be the total exposure to the Utility subject to any out of pocket expenses discussed below, which shall be approved by the client in writing prior to being incurred. The retainer amounts will be credited against our professional time at our standard hourly rates ($325/hour for project Directors, $350/hour for partners, $175-$350/hour for professional staff) and out of pocket expenses for the engagement as incurred. This retainer is non-refundable.

> Success Fees:

  – Success Fee – As outlined in Attachment A, the utility will owe Baker Tilly Capital 10% of the estimated construction cost needed for build-out of the anticipated waste handling facilities but will not be less than $40,000 upon successful execution of a Letter of Intent by a credit worth counter party.

> Expense Reimbursement – The Company will pay to Baker Tilly expense reimbursement equal to all out of pocket expenses incurred on behalf of the project including, but not limited to travel for meetings, "road shows" with potential funding sources and expenses for the preparation, printing and mailing of any materials.

The term of this Agreement will continue to the earlier of: eighteen months from the date of the execution of this letter or to the time in which Baker Tilly determines that it is not viable to pursue finding a digester development partner based on Baker Tilly's knowledge of the industry. Either party may terminate this Agreement pursuant to Baker Tilly's Standard Business Terms, which are attached and incorporated into this agreement by reference.

If the Company consummates a transaction, involving an investor or operating partner during its engagement period with the Company, within 18 months after the Company has terminated its engagement with BT Capital, the Company will pay a trailing fee to BT Capital equal to the Success Fee outlined above.

Other Provisions

Baker Tilly represents a number of development partners, technology owners and waste-related clients. Our relationship with these clients will not compel them to work with you on this project. Each one of these entities has their own process to determine what investments, if any, makes sense for their operation.

Furthermore, some of these relationships may include compensation for similar tasks. If a business arrangement is identified whereby we receive remuneration from them, we will disclose such arrangements at that time. However, any compensation arrangement with them does not impact the fee arrangement between the Company and Baker Tilly.

If the foregoing correctly sets forth the entire understanding and agreement between BT Capital and the Company, please so indicate in the space provided for that purpose below and return an executed copy to us, whereupon this letter shall constitute a binding agreement as of the date first above written.

This letter and the attached *Standard Terms and Conditions* comprises the complete and exclusive statement of the agreement between the parties, superseding all proposals, oral or written, and all other communications between the parties. If any provision of this letter is determined to be unenforceable, all other provisions shall remain in force.

If there are any questions regarding the Engagement Letter, please contact Tom Unke, the engagement partner on this engagement who is responsible for the overall supervision and review of the engagement and for determining that the engagement has been completed in accordance with professional standards. Tom Unke is available at 608 240 2394.

Sincerely,

BAKER TILLY VIRCHOW KRAUSE, LLP

The services and terms as set forth in this Engagement Letter are agreed to by:

CITY OF WHITEWATER

_____
Name: Mr. Cameron Clapper

_____
Title

_____
Date

Baker Tilly Virchow Krause, LLP
Standard Business Terms

These Standard Business Terms ("Terms") govern the services provided by Baker Tilly Virchow Krause, LLP ("Baker Tilly", "we", "us" or "our") set forth in the Statement of Work to which these Terms are attached (the "Services"). These Terms, together with the Statement of Work to which they are attached, constitute the entire understanding and agreement between the client identified on such Statement of Work (the "Client") and Baker Tilly with respect to the Services described in the Statement of Work (collectively, the Statement of Work and these Terms are referred to as the "Agreement") and supersede and incorporate all prior or contemporaneous representations, understandings or agreements, and may not be modified or amended except by an agreement in writing signed between the parties hereto. If there is a conflict between these Terms and the terms of any Statement of Work, these Terms shall govern.

Section 1. Confidentiality

With respect to this Agreement and any information supplied in connection with this Agreement and designated by the disclosing party (the "Disclosing Party") as "Confidential Information" either by marking it as "confidential" prior to disclosure to the receiving party (the "Recipient") or, if such information is disclosed orally or by inspection, then by indicating to the Recipient that the information is confidential at the time of disclosure and confirming in writing to the Recipient, the confidential nature of the information within ten (10) business days of such disclosure, the Recipient agrees to: (i) protect the Confidential Information in the same manner in which it protects its confidential information of like importance, but in no case using less than reasonable care; (ii) use the Confidential Information only to perform its obligations under this Agreement; and (iii) reproduce Confidential Information only as required to perform its obligations under this Agreement. This section shall not apply to information which is (A) publicly known, (B) already known to the recipient; (C) disclosed to a third party without restriction; (D) independently developed; or (E) disclosed pursuant to legal requirement or order, or as is required by regulations or professional standards governing the Services performed. Subject to the foregoing, Baker Tilly may disclose Client's Confidential Information to its subcontractors and subsidiaries.

Section 2. Deliverables

(a) Materials specifically prepared by Baker Tilly for Client as a deliverable under a Statement of Work (each a "Deliverable") may, when fully paid for by Client, be used, copied, distributed internally, and modified by Client but solely for its internal business purposes. Client shall not, without Baker Tilly's prior written consent, disclose to a third party, publicly quote or make reference to the Deliverables. Baker Tilly shall retain all right, title and interest in and to: (i) the Deliverables, including but not limited to, all patent, copyright, trademark and other intellectual property rights therein; and (ii) all methodologies, processes, techniques, ideas, concepts, trade secrets and know-how embodied in the Deliverables or that Baker Tilly may develop or supply in connection with this Agreement (the "Baker Tilly Knowledge"). Subject to the confidentiality restrictions contained in Section 1, Baker Tilly may use the Deliverables and the Baker Tilly Knowledge for any purpose.

(b) The documentation for this engagement, including the workpapers, is not part of the Deliverables, is the property of Baker Tilly and constitutes confidential information. We may have a responsibility to retain the documentation for a period of time sufficient to satisfy any applicable legal or regulatory requirements for records retention. If we are required by law, regulation or professional standards to make certain documentation available to Regulators, Client hereby authorizes us to do so.

Section 3. Acceptance

Client shall accept Deliverables which (i) substantially conform to the specifications in the Statement of Work or (ii) where applicable, successfully complete the mutually agreed to acceptance test plan described in the Statement of Work. Client will promptly give Baker Tilly written notification of any non-conformance of the Deliverables with such requirements ("Non-conformance") within thirty (30) days following delivery of such Deliverables, and Baker Tilly shall have a reasonable period of time, based on the severity and complexity of the Non-conformance, to correct the Non-conformance so that the Deliverables substantially conform to the specifications. If Client uses the Deliverable before acceptance, fails to promptly notify Baker Tilly of any Non-conformance within such 30-day period, or delays the beginning of acceptance testing more than five (5) business days past the agreed upon date for the start of such acceptance testing as specified or otherwise determined under the Statement of Work, then the Deliverable shall be deemed irrevocably accepted by the Client.

Section 4. Standards of Performance

Baker Tilly shall perform its Services in conformity with the terms expressly set forth in this Agreement. Accordingly, our Services shall be evaluated on our substantial conformance with such terms and standards. Any claim of nonconformance (and applicability of such standards) must be clearly and convincingly shown. Client acknowledges that the Services will involve the participation and cooperation of management and others of Client. Unless required by professional standards or Client and Baker Tilly otherwise agree in writing, Baker Tilly shall have no responsibility to update any of its work after its completion.

Section 5. Warranty

(a) Each party represents and warrants to the other that it has full power and authority to enter into and perform this Agreement and any Statement of Work entered into pursuant hereto and the person signing this Agreement or such Statement of Work on behalf of each party hereto has been properly authorized and empowered to enter into this Agreement.

(b) Client warrants that it has the legal right and authority, and will continue to have the legal right and authority during the term of this Agreement, to operate, configure, provide, place, install, upgrade, add, maintain and repair (and authorize Baker Tilly to do any of the foregoing to the extent the same are included in the Services) the hardware, software and data that comprises any of Client's information technology system upon which or related to which Baker Tilly provides Services under this Agreement.

(c) Baker Tilly warrants that any Services that it provides to Client under this Agreement and any Statement of Work will be performed in accordance with generally accepted industry standards of care and competence. Client's sole and exclusive remedy for a breach of Baker Tilly's warranty will be for Baker Tilly, in its sole discretion, to either: (i) use its reasonable commercial efforts to re-perform or correct the Services, or (ii) refund the fee Client paid for the Services that are in breach of Baker Tilly's warranty. Client must make a claim for breach of warranty in writing within thirty (30) days of the date that the Services that do not comply with Baker Tilly's warranty are performed. This warranty is voided in the event that Client makes alterations to the Services provided by Baker Tilly or to the environment in which the Services are used (including the physical, network and systems environments) that are not authorized in writing by Baker Tilly. If Client does not notify Baker Tilly of a breach of Baker Tilly's warranty during that 30-day period, Client will be deemed to have irrevocably accepted the Services.

(d) Baker Tilly does not warrant any third-party product (each, a "Product"). All Products are provided to Client by Baker Tilly "AS IS." Baker Tilly will, to the extent it is allowed to by its vendors, pass through any warranties and indemnifications provided by the manufacturer of the Product. Client, recognizing that Baker Tilly is not the manufacturer of any Product, expressly waives any claim that Client may have against Baker Tilly based upon any product liability or infringement or alleged infringement of any patent, copyright, trade secret or other intellectual property right (each a "Claim") with respect to any Product and also waives any right to indemnification from Baker Tilly against any such Claim made against Client by another. Client acknowledges that no employee of Baker Tilly or any other party is authorized to make any representation or warranty on behalf of Baker Tilly that is not in this Agreement.

(e) This section 5 is Baker Tilly's only warranty concerning the services and any deliverable, and is made expressly in lieu of all other warranties and representations, express or implied, including any implied warranties of merchantability, ACCURACY, TITLE, non-infringement, or fitness for a particular purpose, or otherwise.

Section 6. Limitation on Damages and Indemnification

(a) The liability (including attorney's fees and ALL other costs) of Baker Tilly and its present or former partners, principals, agents or employees related to any claim for damages relating to the services performed under this Agreement shall not exceed the fees paid to Baker Tilly for the portion of the work to which the claim relates, except to the extent finally determined to have resulted from the willful misconduct or fraudulent behavior of Baker Tilly relating to such services. This limitation of liability is intended to apply to the full extent allowed by law, regardless of the grounds or nature of any claim asserted, including the negligence of either party. Additionally, in no event shall either party be liable for ANY lost profits, LOST Business opportunity, lost data, consequential, special, incidental, exemplary or punitive damages DELAYS, INTERRUPTIONS, OR VIRUSES arising out of or related to this Agreement even if the other party has been advised of the possibility of such damages.

(b) As Baker Tilly is performing the Services solely for the benefit of Client, Client will indemnify Baker Tilly, its subsidiaries and their present or former partners, principals, employees, officers and agents against all costs, fees, expenses, damages and liabilities (including attorneys' fees and all defense costs) associated with any third-party claim, relating to or arising as a result of the Services, Client's use of the Deliverables, or this Agreement.

(c) In the event Baker Tilly is requested by the Client; or required by government regulation, subpoena, or other legal process to produce our engagement working papers or its personnel as witnesses with respect to its Services rendered for the Client, so long as Baker Tilly is not a party to the proceeding in which the information is sought, Client will reimburse Baker Tilly for its professional time and expenses, as well as the fees and legal expenses, incurred in responding to such a request.

(d) Because of the importance of the information that Client provides to Baker Tilly with respect to Baker Tilly's ability to perform the Services, Client hereby releases Baker Tilly and its present and former partners, principals, agents and employees from any liability, damages, fees, expenses and costs, including attorney's fees, relating to the Services, that arise from or relate to any information, including representations by management, provided by Client, its personnel or agents, that is not complete, accurate or current.

(e) Each party recognizes and agrees that the warranty disclaimers and liability and remedy limitations in this Agreement are material bargained for bases of this Agreement and that they have been taken into account and reflected in determining the consideration to be given by each party under this Agreement and in the decision by each party to enter into this Agreement.

(f) The terms of this Section 6 shall apply regardless of the nature of any claim asserted (including, but not limited to, contract, tort, or any form of negligence, whether of Client, Baker Tilly or others), but these terms shall not apply to the extent finally determined to be contrary to the applicable law or regulation. These terms shall also continue to apply after any termination of this Agreement.

(g) Client accepts and acknowledges that any legal proceedings arising from or in conjunction with the services provided under this Agreement must be commenced within twelve (12) months after the performance of the Services for which the action is brought, without consideration as to the time of discovery of any claim.

Section 7. Personnel

During the term of this Agreement, and for a period of six (6) months following the expiration or termination thereof, neither party will actively solicit the employment of the personnel of the other party involved directly with providing Services hereunder. Both parties acknowledge that the fee for hiring personnel from the other party, during the project term and within six months following completion, will be a fee equal to the hired person's annual salary at the time of the violation so as to reimburse the party for the costs of hiring and training a replacement.

Section 8. Termination

(a) This Agreement may be terminated at any time by either party upon written notice to the other. However, upon termination of this Agreement, this Agreement will continue to remain in effect with respect to any Statement(s) of Work already issued at the time of such termination, until such Statements of Work are themselves either terminated or the performance thereunder is completed.

(b) This Agreement and all Statements of Work may be terminated by either party effective immediately and without notice, upon: (i) the dissolution, termination of existence, liquidation or insolvency of the other party, (ii) the appointment of a custodian or receiver for the other party, (iii) the institution by or against the other party of any proceeding under the United States Bankruptcy Code or any other foreign, federal or state bankruptcy, receivership, insolvency or other similar law affecting the rights of creditors generally, or (iv) the making by the other party of any assignment for the benefit of creditors.

(c) Client shall pay Baker Tilly for all Services rendered and expenses incurred as of the date of termination, and shall reimburse Baker Tilly for all reasonable costs associated with any termination.

(d) Any rights and duties of the parties that by their nature extend beyond the expiration or termination of this Agreement, including but not limited to, limitation of liability, confidentiality, ownership of work product, and survival of obligations, any accrued rights to payment and remedies for breach of this Agreement shall survive the expiration or termination of this Agreement or any Statement of Work.

Section 9. Dispute Resolution

(a) Except for disputes related to confidentiality or intellectual property rights, all disputes and controversies between the parties hereto of every kind and nature arising out of or in connection with this Agreement as to the existence, construction, validity, interpretation or meaning, performance, nonperformance, enforcement, operation, breach, continuation, or termination of this Agreement shall be resolved as set forth in this Section using the following procedure: In the unlikely event that differences concerning the Services or fees should arise that are not resolved by mutual agreement, both parties agree to attempt in good faith to settle the dispute by engaging in mediation administered by the American Arbitration Association under its mediation rules for professional accounting and related services disputes before resorting to litigation or any other dispute-resolution procedure. Each party shall bear their own expenses from mediation and the fees and expenses of the mediator shall be shared equally by the parties. If the dispute is not resolved by mediation, then the parties agree that the dispute or claim shall be settled by binding arbitration. The arbitration proceeding shall take place in the city in which the Baker Tilly office providing the relevant services is located, unless the parties mutually agree to a different location. The proceeding shall be governed by the provisions of the Federal Arbitration Act ("FAA") and will proceed in accordance with the then current Arbitration Rules for Professional Accounting and Related Disputes of the AAA, except that no pre-hearing discovery shall be permitted unless specifically authorized by the arbitrator. The arbitrator will be selected from AAA, JAMS, the Center for Public Resources, or any other internationally or nationally-recognized organization mutually agreed upon by the parties. Potential arbitrator names will be exchanged within 15 days of the parties' agreement to settle the dispute or claim by binding arbitration, and arbitration will thereafter proceed expeditiously. The arbitration will be conducted before a single arbitrator, experienced in accounting and auditing matters. The arbitrator shall have no authority to award non-monetary or equitable relief and will not have the right to award punitive damages. The award of the arbitration shall be in writing and shall be accompanied by a well-reasoned opinion. The award issued by the arbitrator may be confirmed in a judgment by any federal or state court of competent jurisdiction. Each party shall be responsible for their own costs associated with the arbitration, except that the costs of the arbitrator shall be equally divided by the parties. The arbitration proceeding and all information disclosed during the arbitration shall be maintained as confidential, except as may be required for disclosure to professional or regulatory bodies or in a related confidential arbitration. In no event shall a demand for arbitration be made after the date when institution of legal or equitable proceedings based on such claim would be barred under the applicable statute of limitations.

(b) Because a breach of any the provisions of this Agreement concerning confidentiality or intellectual property rights will irreparably harm the non-breaching party, Client and Baker Tilly agree that if a party breaches any of its obligations thereunder, the non-breaching party shall, without limiting its other rights or remedies, be entitled to seek equitable relief (including, but not limited to, injunctive relief) to enforce its rights thereunder, including without limitation protection of its proprietary rights. The parties agree that the parties need not invoke the mediation procedures set forth in this section in order to seek injunctive or declaratory relief.

Section 10. Force Majeure

In the event that either party is prevented from performing, or is unable to perform, any of its obligations under this Agreement due to any act of God, fire, casualty, flood, war, strike, lock out, failure of public utilities, injunction or any act, exercise, assertion or requirement of any governmental authority, epidemic, destruction of production facilities, insurrection, inability to obtain labor, materials, equipment, transportation or energy sufficient to meet needs, or any other cause beyond the reasonable control of the party invoking this provision ("Force Majeure Event"), and if such party shall have used reasonable efforts to avoid such occurrence and minimize its duration and has given prompt written notice to the other party, then the affected party's failure to perform shall be excused and the period of performance shall be deemed extended to reflect such delay as agreed upon by the parties.

Section 11. Taxes

Baker Tilly's fees are exclusive of any federal, national, regional, state, provincial or local taxes, including any VAT or other withholdings, imposed on this transaction, the fees, or on Client's use of the Services or possession of the Deliverable (individually or collectively, the "Taxes"), all of which shall be paid by Client without deduction from any fees owed by Client to Baker Tilly. In the event Client fails to pay any Taxes when due, Client shall defend, indemnify, and hold harmless Baker Tilly, its officers, agents, employees and consultants from and against any and all fines, penalties, damages, costs (including, but not limited to, claims, liabilities or losses arising from or related to such failure by Client) and will pay any and all damages, as well as all costs, including, but not limited to, mediation and arbitration fees and expenses as well as attorneys' fees, associated with Client's breach of this Section 11.

Section 12. Notices

Any notice or communication required or permitted under this Agreement or any Statement of Work shall be in writing and shall be deemed received (i) on the date personally delivered; or (ii) the date of confirmed receipt if sent by Federal Express, DHL, UPS or any other reputable carrier service, to applicable party (sending it to the attention of the title of the person signing this Agreement) at the address specified on the signature page of this Agreement or such other address as either party may from time to time designate to the other using this procedure.

Section 13. Miscellaneous

(a) This Agreement and any Statement(s) of Work constitute the entire agreement between Baker Tilly and Client with respect to the subject matter hereof and supersede all prior agreements, promises, understandings and negotiations, whether written or oral, regarding the subject matter hereof. No terms in any Client purchase order that are different from, or additional to, the terms of this Agreement will be accorded any legal effect and are specifically hereby objected to by Baker Tilly. This Agreement and any Statement of Work cannot be amended unless in writing and signed by duly authorized representatives of each party. Headings in this Agreement are included for convenience only and are not to be used to construe or interpret this Agreement.

(b) In the event that any provision of this Agreement or any Statement of Work is held by a court of competent jurisdiction to be unenforceable because it is invalid or in conflict with any law of any relevant jurisdiction, the validity of the remaining provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement or such Statement of Work did not contain the particular provisions held to be unenforceable. The unenforceable provisions shall be replaced by mutually acceptable provisions which, being valid, legal and enforceable, come closest to the intention of the parties underlying the invalid or unenforceable provision. If the Services should become subject to the independence rules of the U.S. Securities and Exchange Commission with respect to Client, such that any provision of this Agreement would impair Baker Tilly's independence under its rules, such provision(s) shall be of no effect.

(c) Neither this Agreement, any Statement of Work, any claims nor any rights or licenses granted hereunder may be assigned, delegated or subcontracted by either party without the written consent of the other party. Either party may assign and transfer this Agreement and any Statement of Work to any successor that acquires all or substantially all of the business or assets of such party by way of merger, consolidation, other business reorganization, or the sale of interests or assets, provided that the party notifies the other party in writing of such assignment and the successor agrees in writing to be bound by the terms and conditions of this Agreement.

(d) The validity, construction and enforcement of this Agreement shall be determined in accordance with the laws of the State of Illinois, without reference to its conflicts of laws principles, and any action (whether by arbitration or in court) arising under this Agreement shall be brought exclusively in the State of Illinois. Both parties consent to the personal jurisdiction of the state and federal courts located in Illinois.

(e) The parties hereto are independent contractors. Nothing herein shall be deemed to constitute either party as the representative, agent, partner or joint venture of the other.

(f) The failure of either party at any time to enforce any of the provisions of this Agreement or a Statement of Work will in no way be construed as a waiver of such provisions and will not affect the right of party thereafter to enforce each and every provision thereof in accordance with its terms.

(g) Client acknowledges that: (i) Baker Tilly and Client may correspond or convey documentation via Internet e-mail unless Client expressly requests otherwise, (ii) neither party has control over the performance, reliability, availability, or security of Internet e-mail, and (iii) Baker Tilly shall not be liable for any loss, damage, expense, harm or inconvenience resulting from the loss, delay, interception, corruption, or alteration of any Internet e-mail.

(h) Except to the extent expressly provided to the contrary, no third-party beneficiaries are intended under this Agreement.

(i) Baker Tilly Virchow Krause, LLP is a member of Baker Tilly International Limited. Each member firm of Baker Tilly International Limited is a separate and independent legal entity. Baker Tilly International Limited and its other members are not responsible or liable for any acts or omissions of Baker Tilly Virchow Krause, LLP. Baker Tilly Virchow Krause, LLP and its subsidiaries are not responsible or liable for any acts or omissions of any other member of Baker Tilly International Limited. Baker Tilly International Limited does not render any professional services and does not have an ownership or partnership interest in Baker Tilly Virchow Krause, LLP.

Baker Tilly International Limited is an English Company. Neither Baker Tilly International Limited nor any other member firm has a right to exercise management control over any other member firm. Baker Tilly Virchow Krause, LLP is not Baker Tilly International Limited's agent and does not have authority to bind Baker Tilly International Limited or act on Baker Tilly International Limited's behalf.

Baker Tilly Virchow Krause, LLP
Ten Terrace Ct, PO Box 7398
Madison, WI 53707-7398
tel 608 249 6622
fax 608 249 8532
bakertilly.com

Attachment A

Date: January 11, 2016

To: Tim Reel, Wastewater Superintendent, City of Whitewater

From: Tom Unke, CPA, Partner, Baker Tilly, LLP

Re: Proposed Statement of Work – WWTP Digester Optimization

It was a pleasure meeting you and Cameron last week to discuss strategic options relative to your wastewater treatment upgrade projects.

Our Understanding of the Project:

We understand the City is currently considering a significant upgrade to certain parts of the wastewater treatment plant. Additionally, you are considering whether it is viable to make other elective upgrades to the facility including the installation of a receiving station which could facilitate receiving other waste streams in to the facility.

More specifically, you have the option to construct a receiving station at an estimated additional cost of $415,000. This station would provide the capability to receiving alternative waste streams aimed at increasing revenue to the utility. This, of course, comes with a risk since you don't have visibility to opportunities of potential joint venture partners, available waste streams, local competition among others. Furthermore, the City's stated concerns of speculation in an environment where costs are trying to be cut are problematic in a sensitive wastewater rate environment.

The utility's existing digesters are roughly 75% under-utilized and the utility feels that opportunities may be present to utilize the capacity to create eventual revenue (cost offset) to retail users of the utility. This idea is not new to the utility since they have been presented high level ideas from developers over the recent years which haven't resulted in any tangible business relationship.

The utility understands that Baker Tilly has represented other digester owners nationally and has also provided other advisory support locally for digesters and the State Energy Office of Wisconsin. You have asked Baker Tilly to propose a work plan that can help determine the viability of mitigating utility risk while still helping find revenue solutions for the utility.

Primary Objective and Scope:

The objective of this consulting project is to represent the utility with finding a potential joint venture partner which could virtually eliminate financial risk to the utility and establish a business strategy to increase revenue also.

We believe this could be successful. While we cannot guarantee the achievement of the stated objective, we feel our involvement can help increase the success of the project.

Our primary goal in this project is:

To locate a joint venture partner that will provide most or all of the project funding needed to install the receiving station at the utility. Additionally, structure a business relationship that provides revenue sharing for services provided by the utility while first covering any costs incurred by the utility essentially aimed at eliminating operational risk of the utility.

The primary steps we propose to take are:

- Obtain existing market data from previous projects
- Obtain two existing engineering studies completed by the utility.
- Assess the market availability of feed stocks locally
- Determine go/no go on market viability
- Depending on outcomes, actively solicit partners to participate in negotiations for participation
- Negotiate and enter into contracts with third party to develop a business relationship

Timing:

Work would begin immediately. Go-No go milestone completed by February 1, 2016.
Parties identified for LOI discussions by February, 28th, 2016
LOI execution by March 15, 2016
After the execution of the Letter of Intent, the project would formally be completed.
Any services requested beyond that date will be billed on our standard rates. We don't anticipate you need our assistance after that date, however.

Explicit Non-Guarantee of Performance:

This project is being executed on a best-efforts basis. No guarantee is being made implicitly or explicitly on our ability to successfully locate and/or negotiate a funding or joint venture partner.

Fees:

Retainer payment made within 10 days amounting $10,000
Upon execution of a letter of intent: 10% of the capital expenditure identified in the LOI at no less than $40,000. Our hope would be for at least 50% of our fee to be recovered from the capital expenditure reimbursement from the joint venture partner.

Agreement Execution:

If this work plan is agreeable, we will include this document in our standard engagement letter issued by Baker Tilly Capital, LLC which includes our standard terms and conditions.

BYTEC INC.

Liquid Waste Management & Recycling

January 14, 2014

Mr. Tim Reel
City of Whitewater
Wastewater Utility
PO Box 178
Whitewater, WI 53190

Dear Mr. Reel,

We appreciate your informational letter outlining the City of Whitewaters proposed waste to energy facility. Bytec Resource Management believes that this type of facility may provide a positive benefit to our company needs and goals. We would be interested in communicating with facility staff and your development team to better understand how this project could be mutually beneficial. We are especially interested in the selected areas below:

- ☐ Acceptance of one or more of our liquid waste streams
- ☐ 24 hr. / 7 day a week acceptance of waste
- ☐ Compressed natural gas option as a fleet fueling option
- ☐ The type of wastes you will be able to accept
- ☐ The volumes of waste you will be able to accept
- ☐ We would like to meet with facility staff to discuss options in more detail
- ☐ Pricing structure
- ☐ Other _____

Bytec Resource Management understands that this project is only is its early stages and our interest holds no obligation at this point in time. As information becomes available please contact Mona Johnson @ 608-558-2712 or email sales@bytecinc.net.

Sincerely,

Mona Johnson

Mona Johnson
Bytec Resource Management
sales@bytecinc.net
608-328-8200
608-558-2712cell

1037 8th Ave. West • Monroe, WI 53566 • Phone 608-328-8200 • Fax 608-328-8204

VEOLIA
ENVIRONMENTAL SERVICES

NORTH AMERICA

January 20, 2014

Mr. Tim Reel
City of Whitewater
Wastewater Utility
PO Box 178
Whitewater, WI 53190

Dear Mr. Reel,

We appreciate your informational letter outlining the City of Whitewaters proposed waste to energy facility. Veolia ES Industrial Services Inc. believes that this type of facility may provide a positive benefit to our company needs and goals. We would be interested in communicating with facility staff and your development team to better understand how this project could be mutually beneficial. We are especially interested in the selected areas below: *(please check all those that apply)*

- ☒ Acceptance of one or more of our liquid waste streams
- ☒ 24 hr. / 7 day a week acceptance of waste
- ☐ Compressed natural gas option as a fleet fueling option
- ☒ The type of wastes you will be able to accept
- ☒ The volumes of waste you will be able to accept
- ☒ We would like to meet with facility staff to discuss options in more detail
- ☒ Pricing structure
- ☐ Other _____

Veolia ES Industrial Services Inc. understands that this project is only is its early stages and our interest holds no obligation at this point in time. As information becomes available please contact LeRoy Loofboro at 920-605-6430 or Leroy.loofboro@veolia.com

Sincerely,

LeRoy Loofboro
Operations Manager
Veolia ES Industrial Services Inc.

VEOLIA ES INDUSTRIAL SERVICES INC
1203 KLEMENT STREET, FORT ATKINSON, WI 53538
tel: 920 563 3434 - fax: 920 568 2537
www.VeoliaES.com

001 SUPERIOR SPECIAL SERV 01/20/2014 MON 22:36 FAX 920 568 2537

Sanimax 75th
Reclaim · Renew · Return

We Are The 3R

January 27th, 2014

Mr. Tim Reel
City of Whitewater
Wastewater Utility
PO Box 178
Whitewater, WI 53190

Dear Mr. Reel,

We appreciate your informal letter outlining the City of Whitewater proposed waste to energy facility. Sanimax believes that this type of facility may provide a positive benefit to our company needs and goals. We would be interested in communicating with facility staff and your development team to better understand how this project could be mutually beneficial. We are especially interested in the areas below:

- Acceptance of one or more of our liquid waste streams
- 24 hr./ 7 days a week acceptance of waste
- Types of waste you will be able to accept
- Volumes you will be able to accept
- We would like to meet with facility staff to discuss options in more detail.
- Pricing structure

Sanimax understands that this project is only in its early stages and our interest holds no obligation at this point in time. As information becomes available please contact Brian Lodding at 1-800-765-6453 ext. 1428 or by email at brian.lodding@sanimax.com .

Sincerely,

Brian Lodding

MILKSPECIALTIES
GLOBAL

January 16, 2014

Mr. Tim Reel
City of Whitewater
Wastewater Utility
P.O. Box 178
Whitewater, WI 53190

Dear Mr. Reel,

We appreciate your informational letter outlining the City of Whitewater's proposed waste to energy facility. Milk Specialties Global believes that this type of facility may provide a positive benefit to our company needs and goals. We would be interested in communicating with facility staff and your development team to better understand how this project could be mutually beneficial. We are especially interested in the areas below:

- Acceptance of one or more of our liquid waste streams
- 24 hr. / 7-day a week acceptance of waste
- The volumes of waste you will be able to accept
- Pricing structure
- Meet with your staff to discuss further

Milk Specialties Global understands that this project is only in its early stages and our interest holds no obligation at this point in time. As inform becomes available, please feel free to contact me at the numbers and address below.

Thank you,

Rick Scheid

Rick Scheid
Environmental, Health, and Safety Manager
Milk Specialties Global
325 Tompkins Street
Fond du Lac, WI 54935
920-922-2866 ext. 2027
rscheid@milkspecialties.com

High Strength Waste Receiving Analysis

	*Scenario 1	**Scenario 2	***Scenario 3
Total Annual Costs (Debt Service + O&M)	($51,255)	($51,255)	($51,255)
Projected Annual Tipping Revenue	$56,680	$42,510	$56,680
Projected Annual Natural Gas Savings	$41,369	41369	48091
Annual Increase in Revenue	$46,794	$32,624	$53,516
Payback Years	9.2	13.2	8.1

*Scenario 1 assumes $.02/g tipping fee and NG savings of 80% of metered values
*Scenario 2 assumes $.015/g tipping fee and NG savings of 80% of metered values
**Scenario 3 assumes $.02/g tipping fee and NG savings of 93% of metered values

HSW Volume Received, gal/wk	54,500
Solids Content of HSW, mg/L	10,000
Digestable Content of HSW, %	80%
Receiving Station Construction Cost	$431,000
Annual Debt Service	$26,967

Operation and Maintenance Costs

	Hours/Week	$ per hour	$ per week	Annual Cost
Labor	5	$34	$170	$8,840

Annual Electricity $345 ($195 pumping, $50 lighting, $100 HVAC)

Disposal Costs

	$/Per Gallon	Volume, gal	Annual cost
Contract Hauling and Disposal	$0.0350	141,700	$4,960
Dewatering			$1,200
Centrate Treatment	$0.0035	2,692,300	$9,288
		Total	$15,448

Revenues

Tipping Fees	Ave. Gallon/wk	Rev. at $.015/g	Rev. at $.020/g
	54,500	$42,510	$56,680

Natural Gas (NG) Savings Savings estimated on actual metered gas usage. Only 7% of natural gas is utilized by equipment that could not use biogas.

02/25/16

5. PROVIDE 2" AND 4" W3 FROM CONNECTION IN TRUCK LOOP TO STR 150 OR 170 IF OWNER ACCEPTS ALTERNATE NO. 6 FOR NO. 7

6. PROVIDE 8" D FROM INLET TO STR 150 IF OWNER ACCEPTS ALTERNATE NO. 6

7. PROVIDE 8" SPT IF OWNER ACCEPTS ALTERNATE NO. 4.

E. 877471.41
RIM EL - 808.30
10" D/WR INV EL - 797.85 (W)
4" SAN INV EL - 801.5 (N)
8" HSW INV EL - 802.00 (E)
8" D/WR INV EL - 803.95 (SE)

4. 8" HSW - 90° BEND
INV EL - 804.83

5. INLET 1 - 2'X 3'
N. 502909.06
E. 877490.23
RIM EL - 808.25
8" INV EL - 804.25 (NW)

6. INLET 2 - 2'X 3'
N: 502852.07
E. 877423.06
RIM EL - 807.75
8" INV EL - 802.1

4"X2" REDUCER
INV EL - 802.0

13. YARD HYDRANT, 2" CURB STOP, & CURB BOX
N: 502908.42
E: 877445.60
INV EL - 802.5

14. YARD HYDRANT, 2" CURB STOP, & CURB BOX
N: 502861.89
E: 877441.30
INV EL - 802.0
PROVIDE IF OWNER ACCEPTS ALTERNATE NO. 7

15. YARD HYDRANT, 2" CURB STOP, & CURB BOX
N: 502806.22
E: 877486.51
INV EL - 802.25

20. 2" HSW - 90° BEND
INV EL - 801.0

21. INLET 4 - 2'X2.5'
N: 502802.54
E. 877336.51
RIM EL - 808.3±
INV EL - 805.75

22. MH 8 - 4' DIA.
N: 502827.18
E: 877352.04
RIM EL - 808.55
INV EL - 805.65 (N&S)
INV EL - 805.55 (SW)

23. 8" D/WR - 22.5° BEND
INV EL - 803.17

24. YARD DRAIN 3
N. 502845.02
E. 877398.09
RIM EL 807.5
12" INV EL - 805.25

MATCHLINE SEE DWG 002 CP 2 FOR CONTINUATION

WATER MAIN CONTINUATION BY OTHERS

150 SEWER CLEANING DUMP STATION

170 RECIRCULATION WASTE RECEIVING

160 SEPTAGE RECEIVING STATION

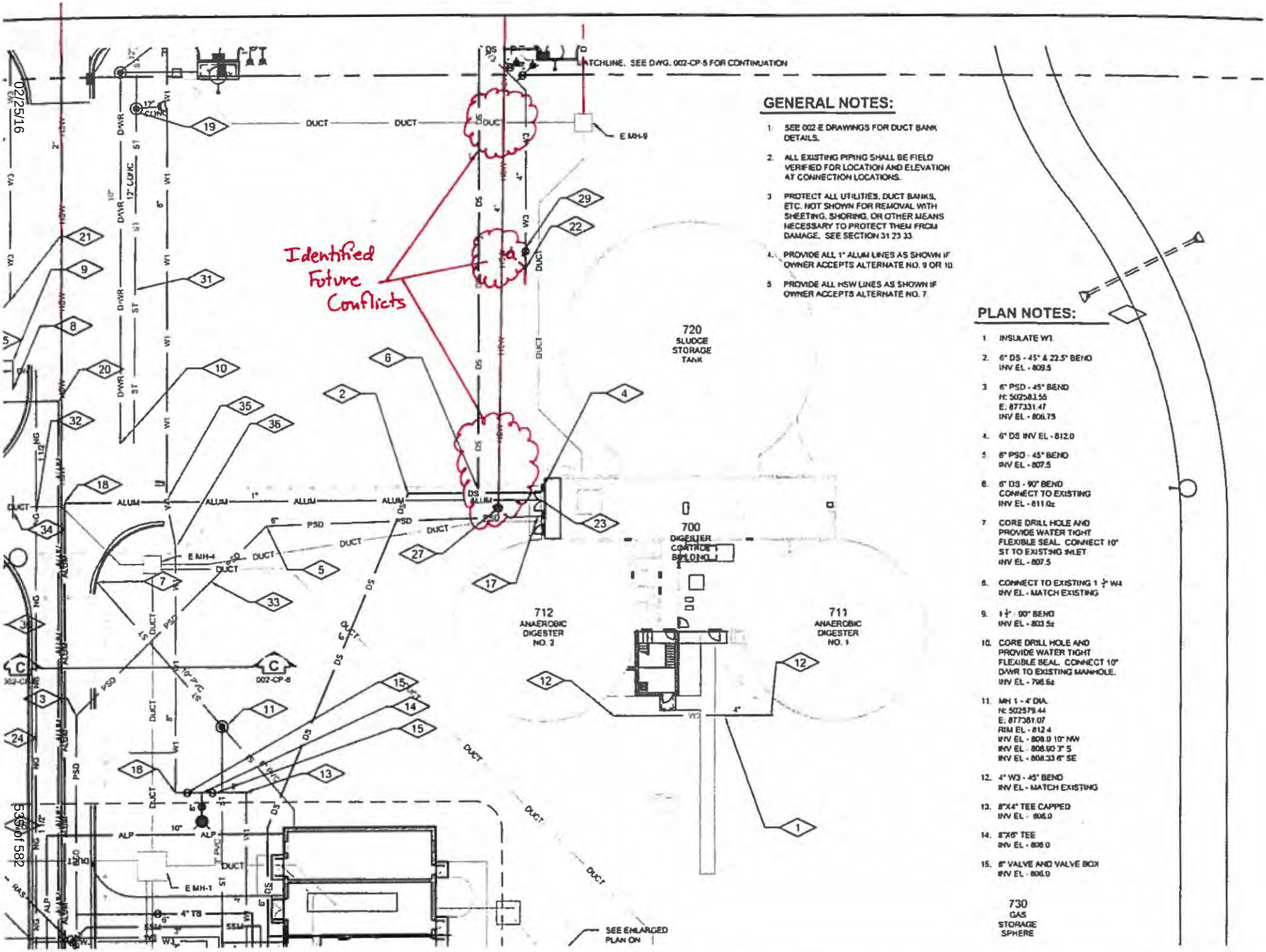
725 SLUDGE LOADOUT STATION

MATCHLINE SEE DWG 002 CP 3 FOR CONTINUATION

circled

- All lines ~~shown in red~~ would require excavation in the future

534 of 582



GENERAL NOTES:

1. SEE 002 E DRAWINGS FOR DUCT BANK DETAILS.
2. ALL EXISTING PIPING SHALL BE FIELD VERIFIED FOR LOCATION AND ELEVATION AT CONNECTION LOCATIONS.
3. PROTECT ALL UTILITIES, DUCT BANKS, ETC. NOT SHOWN FOR REMOVAL WITH SHEETING, SHORING, OR OTHER MEANS NECESSARY TO PROTECT THEM FROM DAMAGE. SEE SECTION 31 23 33.
4. PROVIDE ALL 1" ALUM LINES AS SHOWN IF OWNER ACCEPTS ALTERNATE NO. 9 OR 10.
5. PROVIDE ALL HSW LINES AS SHOWN IF OWNER ACCEPTS ALTERNATE NO. 7.

PLAN NOTES:

1. INSULATE W1.
2. 6" DS - 45° & 22.5° BEND INV EL - 809.5
3. 6" PSD - 45° BEND N: 502583.55 E: 877331.47 INV EL - 806.75
4. 6" DS INV EL - 812.0
5. 6" PSD - 45° BEND INV EL - 807.5
6. 6" DS - 90° BEND CONNECT TO EXISTING INV EL - 811.0±
7. CORE DRILL HOLE AND PROVIDE WATER TIGHT FLEXIBLE SEAL. CONNECT 10" ST TO EXISTING INLET INV EL - 807.5
8. CONNECT TO EXISTING 1 1/2" W4 INV EL - MATCH EXISTING
9. 1 1/2" - 90° BEND INV EL - 803.5±
10. CORE DRILL HOLE AND PROVIDE WATER TIGHT FLEXIBLE SEAL. CONNECT 10" DWR TO EXISTING MANHOLE. INV EL - 798.6±
11. MH 1 - 4' DIA. N: 502579.44 E: 877381.07 RIM EL - 812.4 INV EL - 808.0 10" NW INV EL - 808.90 3" S INV EL - 808.33 6" SE
12. 4" W3 - 45° BEND INV EL - MATCH EXISTING
13. 8"X4" TEE CAPPED INV EL - 806.0
14. 8"X6" TEE INV EL - 806.0
15. 8" VALVE AND VALVE BOX INV EL - 806.0

02/25/16

Joshua Leverenz

From: Mike Higgins [chiefmikewfd@yahoo.com]
Sent: Thursday, February 18, 2016 10:01 AM
To: Joshua Leverenz
Subject: Fw: Rescue Squad hospital fund

On Wednesday, February 17, 2016 10:56 AM, Wallace McDonell <wkm@hmattys.com> wrote:

Tom,

I have reviewed the Hospital Fund Order and I believe the loading mechanism would be an appropriate expenditure from the fund. I'll send you a copy of the order. Contact me if we still need to meet.

Wally McDonell

Wallace K. McDonell

Harrison, Williams & McDonell, LLP
452 W. Main Street
P.O. Box 59
Whitewater, WI 53190
Phone: 262-473-7900
Fax: 262-473-7906
Email: wkm@hmattys.com

From: Tom Weidert [mailto:tweidert@att.net]
Sent: Tuesday, February 16, 2016 10:04 PM
To: Wallace McDonell
Subject: Rescue Squad hospital fund

Hello Wally,

My name is Tom Weidert. I am the new EMS chief for Whitewater Rescue Squad. Karen Dieter gave me your email address.

Would you have any time to talk about the hospital fund? I am looking into purchasing a new cot loading mechanism for our new ambulance. https://www.youtube.com/watch?v=Yuwx3VAK7EE

The system is new and is about $25,000. But I have talked to several departments that have purchased them and they love them. I talked to Janesville F.D. Jefferson EMS and Wind Lake Depts. who all have the system and they really feel they are worth the money.

We have several smaller EMTs and our patients keep getting bigger. The load capacity of these systems is 700lbs.

I think that one workman's comp. claim for a back , knee or shoulder surgery would far exceed the price of this system. The rescue squad had over 1500 calls for service in 2015 and the staffing

demands are growing. We are having to do more with less people and this system would really prevent injuries in my opinion.

Would you have any opening next week on the 23rd, 25th or 28th? Preferably in the afternoon?

Thank You,

Tom

I

City of
WHITEWATER

Doug Saubert
Finance Director
P.O. Box 690
Whitewater, WI 53190

PHONE: (262) 473-1380
FAX: (262) 473-0589
Email: dsaubert@whitewater-wi.gov
WEBSITE: www.whitewater-wi.gov

Dear Lorenda & Robyn,

Please let this letter serve as asknowledgement of your claim against the City of Whitewater. As stated in your claim, the damages equaled $4,199.84. Damages occurred November 29, 2015 at 351 South Summit Street.

A claim submitted by the rentors, Anna Blanco & Victor Lefaive was discussed at the January 19 council meeting. Action was delayed on their claim until February 16. I believe that I email to Lorenda the back-up for the 1/19 council package. It was recommended by our insurance consultant that the claim made by Anna Bianco & Victor Lefaive be denied for the reasons stated in the letter.

I will keep you informed. I will also mail this notice to each of your individual addresses.

Sincerely,

Doug Saubert

CITY OF Whitewater, WI.

NOTICE OF CLAIM

Name: Lorenda Cedars/Robyn Schmeling
Address: home owners of 351 S. Summit, Whitewater, WI
Phone: 608-931-9372 Cell # Lorenda

Incident/Accident Information
Date: 11-29-15
Time: 2:30 p.m.
Place: 351 S. Summit St. Whitewater

CIRCUMSTANCES OF CLAIM

In the space below briefly describe the circumstances of your claim. (Attach additional sheets, if necessary.) For auto damages, attach a copy of police report, if any, and attach a diagram of the accident scene indicating north, south, east or west corners if the accident occurred at an intersection. For bodily injury, indicate nature of injury and whether or not medical attention was given and give the name of the physician. Also identify any witnesses to the incident/accident.

On 11-29-15 at approximately 2:30 p.m. the city sewer backed up into the basement of the home at 351 S. Summit St. Whitewater, WI.
See attached.

Signed: Lorenda Cedars, Laurena R. Schmeling Date: 1-5-16

****

CLAIM

(NOTE: You are not required to make a claim at this time. As long as you have filed the above Notice of Claim you may file a claim with the City/Village at any time consistent with the applicable statute of limitations. However, in order for the City/Village to formally accept or deny your claim at this time, the following claim must be completed and signed.)

The undersigned hereby makes a claim against the City/Village of arising out of the circumstances described above in the amount of $4,199.84

To process this claim it is necessary to detail all damages being sought.

Signed: Lorenda Cedars Date: 1-5-16
Address:
11224 Dallman Rd Edgerton, WI 53534
L.R. Schmeling
518 Windwood Circle
Edgerton, WI 53534

11-29-15

Home Owners: Robyn Schmeling and Lorenda Cedars

Home Renters: Victor Lefaive and Anna Bianco

Address: 351 S. Summit Whitewater, WI

Regarding: Basement Damage due to Main City Sewer Line Obstruction

On 11-29-15 the City of Whitewater's main sewer line on Summit Street plugged causing sewage to back up into the home at 351 S. Summit.

The home is rented by Victor and Anna Bianco. Victor notified Robyn Schmeling, co-owner of the home at 2:45 P.M. on 11-29-15. Robyn in turned contacted myself Lorenda Cedars co-owner of the home. I immediately contacted my plumber Corey Garczynski of G&G Rooter. Corey arrived at 351 S. Summit at 3:15 P.M. Corey realized what was happening and contacted the City of Whitewater which directed him to contact the police department dispatch who then contacted the Waste Water Management Department. The person from the Waste Water Department said there would be someone on site within the hour. At that time Corey stated there was approximately 6 to 8 inches of sewage in the basement and it was still rising. After 1 ½ hours Corey contacted the Waste Water Department and was informed that they could not get the truck started and that the truck from Fort Atkinson may need to be sent. Corey continued to wait, at 5:30 P.M. I told Corey to leave as there was nothing he could do. I then contacted Victor and asked him to let me know what time the City arrived. Victor sent me a message that the City workers arrived at 7:30 P.M. (4 hour delay) while the basement continued to fill with sewage. Once the workers removed the obstruction in the city main line the sewage started to go down the drain.

According to Tim from the Waste Water Management Department the obstruction was in the city main line, and the damage caused to the basement was from the city main line being clogged. When I questioned Tim regarding preventative maintenance of the city waste lines he indicated that the city does

not have the resources to perform yearly maintenance on the lines and that they attempt to clean and maintain lines on a 3 year rotation when possible. Had the city been able to maintain the lines more adequately the incident would have been prevented. Had the City of Whitewater responded to the situation in a timely manner we believe the damage would have been less significant.

We have incurred significant expense with the clean-up of the sewage contamination/damage to our property that we are submitting and would request that the City of Whitewater reimburse us for the expenses, (see attached).

The City of Whitewater has a responsibility to its taxpayers and residents to maintain the functions of the city and we as taxpayers pay our taxes in good faith that these functions are adequately maintained for the health and safety of the residents.

Respectfully,

Lorenda Cedars Lorenda Cedars

Robyn Schmeling, Robyn Schmeling

1-12-16

Expenses incurred by sewer back up at 351 S. Summit, Whitewater, WI.

Owners: Lorenda Cedars, Robyn Schmeling

Home is rented by Victor Lefavre and Anna Bianco, (renters will file their own claim).

Expenses incurred by home owners Lorenda Cedars and Robyn Schmeling:

G and G Rooter: $325.00

Jay Schmeling work (bust out and replace concrete to replace drain: $300.00

Robert Ebert Plumber: install 2 water valves: $390.00

Home Lumber: $14.84

Dumpster on Wheels: $250.00

On the Spot cleaners – cleanup: $1,925.00

Furnace/hot water heater inspection after spill: $100.00

Total to date: current expenses $3,304.84

Pending repairs that are needed:

Replace lower section of walls that were removed due to water damage, containamination-

Replace 2 warped doors, casings, install new drywall, reinstall paneling

$575.00

Repaint walls and replace flooring- $320.00 → no receipts

Total Repairs Expenses for basement clean-up and repairs: $4199.84

TRAVELERS

The Travelers Indemnity Company Of America
P.O. Box 3095
Naperville, IL 60566-7095

01/06/2016

Laurena Schmeling Lorenda Cedars
518 Windwood Cir
Edgerton WI 53534-9569

Insured:	Laurena Lorenda
Claim Number:	HYF2888
Policy Number:	0MI318-933008921-663 -1
Date of Loss:	11/29/2015
Loss Location:	518 Windwood Cir Edgerton WI

Dear Ms. Schmeling & Ms. Cedars,

I am following up on our recent conversation about your claim. As we discussed, after researching this claim, The Travelers Indemnity Company Of America determined that your policy does not cover the sewage damage to the basement. The reasons for this determination are outlined below.

You presented a claim for sewage damage to your finished basement. We inspected the damages with your tenant on 12/01/2015. Our research found the sewage back-up was caused by a blockage in the city line. Since the policy excludes coverage for damages caused by sewage back-ups, your policy does not provide coverage.

As a reference, I have provided the following section of your policy, (Special Coverage; HS 00 03 07 02; page 1), which explains that this type of loss is excluded:

> Section 1 – Perils Insured Against
>
> The Perils Insured Against section is deleted in its entirety and replaced by the following:
>
> Coverage A – Dwelling and Coverage B – Other Structures
>
> We insure against risk of direct loss to property described in Coverages A and B only if that loss is a physical loss to property. We do not insure, however, for loss:
>
> 1. Excluded under Section 1- Exclusions;

...

Please also refer to Special Provisions – Wisconsin form HS 01 48 10 12

> Section 1 – Exclusions
>
> The first paragraph of this section is deleted and replaced by the following:
>
> We do not cover any direct or indirect loss or damage caused by, resulting from, contributing to or aggravated by any of these excluded perils. Loss from any of these perils is excluded regardless of any other cause or event contributing concurrently or in any sequence to the loss.

These exclusions apply whether or not the loss event:
(1) Results in widespread damage;
(2) Affects a substantial area; or
(3) Occurs gradually or suddenly.

These exclusions also apply whether or not the loss event arises from:
(1) Any acts of nature;
(2) Any human action or inaction;
(3) The forces of animals, plants or other living or dead organisms; or
(4) Any other natural or artificial process.

...

3. Water Damage is deleted and replaced by the following:
3. Water Damage, meaning;

...

b. Any water or water borne material that enters through or backs up from a sewer or drain, or which overflows from a sump, sump pump or related equipment;

...

This decision is based on the information and documentation we received during our research of this claim. If you are aware of any new or different information or documentation that might lead us to reconsider our decision, please contact me immediately.

Your policy may have other terms, conditions and exclusions that apply to this claim. We do not waive any rights, including our right to deny coverage, for any other valid reason under the policy or at law.

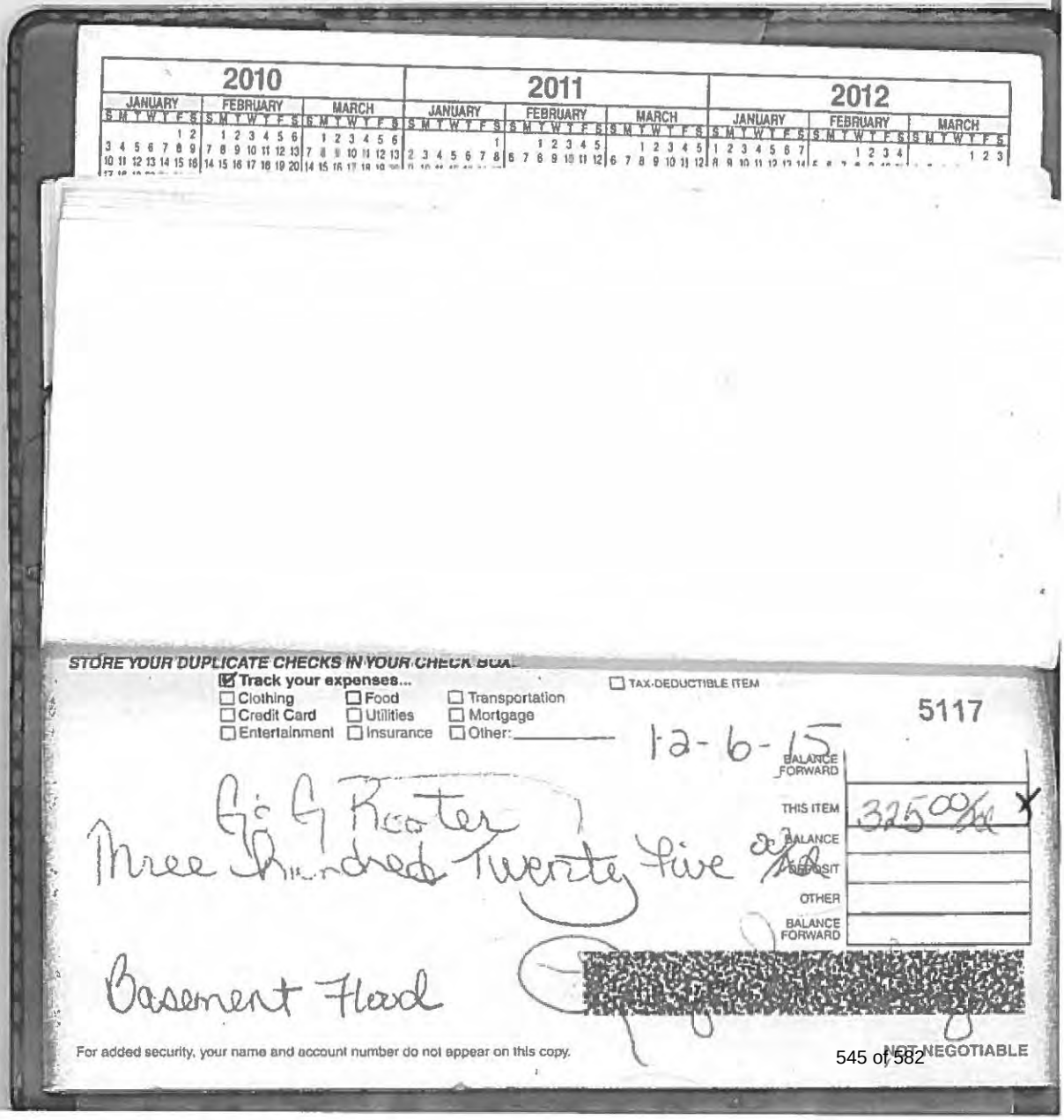
Please review the Suit Against Us condition of your policy as it contains important information about the period of time in which you may bring legal action.

If you have any questions, please contact me at (630)961-8830 or DBOULD@travelers.com.

Sincerely,

David Bould
Claim Professional
Direct: (630)961-8830
Office: (800)842-6172 Ext. 961-8830
Fax: (877)795-9975
Email: DBOULD@travelers.com

CC: Johnson Ins Services


2010
JANUARY
FEBRUARY
MARCH
2011
JANUARY
FEBRUARY
MARCH
2012
JANUARY
FEBRUARY
MARCH
STORE YOUR DUPLICATE CHECKS IN YOUR CHECK BOOK
Track your expenses...
Clothing
Food
Transportation
Credit Card
Utilities
Mortgage
Entertainment
Insurance
Other:
TAX-DEDUCTIBLE ITEM
5117
12-6-15
BALANCE FORWARD
THIS ITEM
BALANCE
DEPOSIT
OTHER
BALANCE FORWARD
Gig G Rooter
Three Hundred Twenty Five
Basement Flood
For added security, your name and account number do not appear on this copy.
NOT NEGOTIABLE

Buzzi Unicem USA
River Region

$260.00 Jabos
taking out + pouring
Back concrete

15.00
31.00
Home Lumber
Menards

$300.00 total

pd 12-10-15 JS

Jay Schmeling
Cement work for basement

STATEMENT

FROM Robert Ebert Enterprises Inc.

4717 Woods Edge Rd, Janesville, WI 53548

12-10-15

TO Robyn & Jamie Schnelling

ADDRESS

CITY

TERMS 531 summit ORDER NO.

		INSTALL 2 bath				
		water valves				
		basement drainage				
		& INSTALL 1 4"				
		plug				
		part			$ 120	00
		cash			270	00
					$ 390	00
		Pd 12-10-15				

R-Rentile | Scribbletext

Home Lumber Company
PO Box 370
499 W. Whitewater St.
Whitewater, WI 53190
ph. (262) 473-3538
fax (262) 473-6908

Cash Sales

Job: ** Misc Jobs Account **

Order No.	Page
956577	1 of 1
Account	Invoice Date
CASH-1	12/10/15
Status	Invoice Time
Invoiced	10:55am

Div: Retail Sales

Order Date	Loaded By	Delivered By	Deliver Date	Purchase Order	Salesperson	Keyword
12/10/15			12/10/15		Jeremy Tyson	

Quantity			Product No.	Product Description	Price		Amount
3.000	BAG		SAC	80# Sakrete Concrete Mix (65200390)	4.690	BAG	14.07

THANK YOU FOR SHOPPING WITH US!

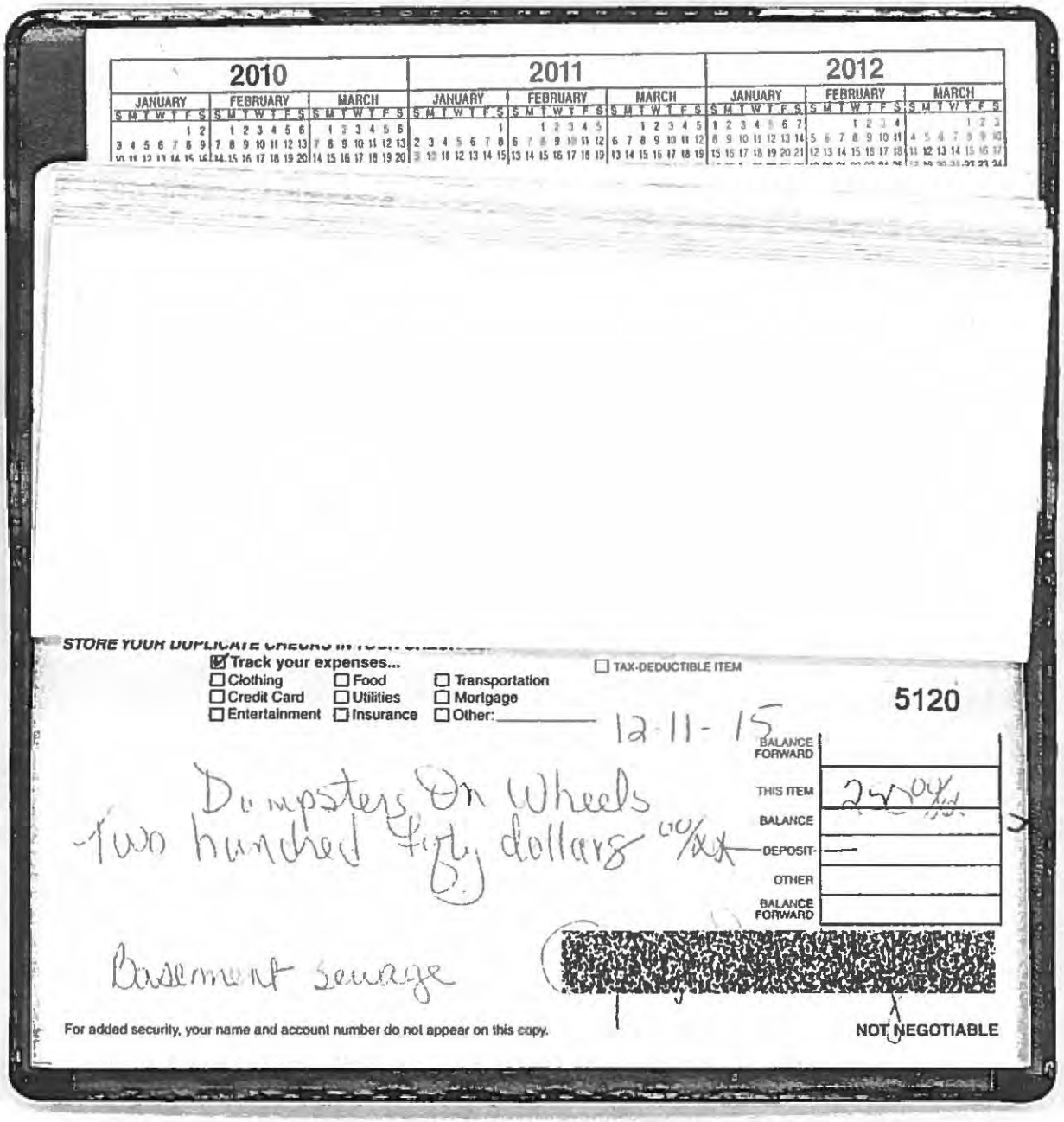
Visit us on the web: www.homelumbeR.CO www.hometops.com

Our Store — Monday - Friday: 7:00am - 5:30 am
Saturday: 7:00 am - 4:00 pm

Local: 473-3538 ▪ Toll Free: 800-262-5482 ▪ Fax: 262-473-6908

Subtotal	14.07
Tax	0.77
Total	14.84
CASH	20.00
Change	5.16

X /



2010

JANUARY							FEBRUARY							MARCH						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
					1	2				1	2	3	4							
3	4	5	6	7	8	9	7	8	9	10	11	12	13	7	8	9	10	11	12	13
														14	15	16	17	18	19	20

2011

JANUARY							FEBRUARY							MARCH						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
						1				1	2	3	4				1	2	3	4
2	3	4	5	6	7	8	6	7	8	9	10	11	12	6	7	8	9	10	11	12
														13	14	15	16	17	18	19

2012

JANUARY							FEBRUARY							MARCH						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7				1	2	3	4							
8	9	10	11	12	13	14	5	6	7	8	9	10	11	4	5	6	7	8	9	10
15	16	17	18	19	20	21	12	13	14	15	16	17	18	11	12	13	14	15	16	17

STORE YOUR DUPLICATE CHECKS IN YOUR

☑ Track your expenses...
☐ Clothing ☐ Food ☐ Transportation
☐ Credit Card ☐ Utilities ☐ Mortgage
☐ Entertainment ☐ Insurance ☐ Other: _____

☐ TAX-DEDUCTIBLE ITEM

5120

12-11-15

Dumpsters On Wheels
-Two hundred fifty dollars 00/xx

Basement sewage

BALANCE FORWARD	
THIS ITEM	250.00
BALANCE	
DEPOSIT	
OTHER	
BALANCE FORWARD	

For added security, your name and account number do not appear on this copy.

NOT NEGOTIABLE

On the Spot, Inc.
Professional Cleaners
9316 N. County Rd H
Edgerton, WI 53534
608-884-3004

Invoice # 13356 Date: 12/10/15

Home Owner: Robyn & Jamie Schmeling

Whitewater, WI

Sewer Damage

Basment Area

Remove wet drywall

Remove baseboard on vanity

Remove paneling by stairwell

Disengage bottom of paneling

Clean with Microban Plus

Lower walls

Floors

Bottom of paneling

Bottom stud walls

Under stairs

Under furnace, water heater, shower, vanity, washer & dryer

Bottom of legs on tables

Drying

1 large dehumidifier 4 days

1 medium dehumidifier 4 days

4 fans 4 days

Pd 12-16-15
CK# 5121

Total.....$1925.00

2010															2011															2012														
JANUARY							FEBRUARY							MARCH							JANUARY							FEBRUARY							MARCH							JANUARY							FEBRUARY							MARCH						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
					1	2			1	2	3	4	5	6			1	2	3	4	5	6				1	2	3	4	5				1	2	3	4	5			1	2	3	4	5	6	7				1	2	3	4				1	2	3
3	4	5	6	7	8	9	7	8	9	10	11	12	13	7	8	9	10	11	12	13	2	3	4	5	6	7	8	6	7	8	9	10	11	12	6	7	8	9	10	11	12	8	9	10	11	12	13	14	5	6	7	8	9	10	11	4	5	6	7	8	9	10
10	11	12	13	14	15	16	14	15	16	17	18	19	20	14	15	16	17	18	19	20	9	10	11	12	13	14	15	13	14	15	16	17	18	19	13	14	15	16	17	18	19	15	16	17	18	19	20	21	12	13	14	15	16	17	18	11	12	13	14	15	16	17

STORE YOUR DUPLICATE CHECKS IN YOUR CHECK BOX.

☑ Track your expenses...
☐ Clothing ☐ Food ☐ Transportation
☐ Credit Card ☐ Utilities ☐ Mortgage
☐ Entertainment ☐ Insurance ☐ Other: _____

☐ TAX-DEDUCTIBLE ITEM

12-1-12

5116

Roger Erickson

One hundred dollars 00/XX

BALANCE FORWARD
THIS ITEM 100.00
BALANCE
DEPOSIT
OTHER
BALANCE FORWARD

Check furnace & water heater after sewer in basement
Check furnace & water heater

[redacted]

For added security, your name and account number do not appear on this copy.

NON-NEGOTIABLE

Handy Helper Services, LLC
Bill Lear

2833 S. Caroline St.
Orfordville, Wi 53576
608-290-2151 Cell
billanbonnie@t6b.com

Robyn Schmelling
518 Windwood Circle
Edgerton, Wi 53534

Work At: 351 Summit
Whitewater

Date	description	line total
01/11/2016	Remove move and replace two interior doors including casings. Install new drywall, reinstall paneling.	
	Materials	$275.00
	Labor	$300.00
	Price does not include permit costs. Any and all permits and costs are the responsibility of the home owner.	
		$575.00

** To finish repairs to basement

Thank you for your business!

City of Whitewater Council Agenda Item Information Sheet

MEETING DATE**: February 23, 2016** ITEM: **Claim for damages-Sewer Back-up-351 S. Summit, Sunday, November 29, 2015**

PRESENTER: **Doug Saubert**

PREVIOUS ACTION, IF ANY: **Claim form emailed & Claim accepted**

SUMMARY OF ITEM BEING PRESENTED:
Sewer Back-up claim from Lorenda Cedars & Robyn Schmeling-owners of 351 S. Summit

BUDGET IMPACT, IF ANY: **Wastewater Utility-Claim amount--$4,199.84**

BOARD, COMMISSION, OR COMMITTEE RECOMMENDATION, IF ANY:
Tom Mann, Claims Manager-Liability from CVMIC recommends that the claim be denied based on the standard of reasonable care. The courts have determined that reasonable care is to have a maintenance program in effect, comply with the established maintenance program and take corrective action after notice of the problem within a reasonable amount of time.

STAFF RECOMMENDATION:
Deny the claim from the claimant

ATTACHMENT(S) INCLUDED
Notice of Claim; Inventory of items damaged.

FOR MORE INFORMATION CONTACT:
Doug Saubert, Finance Director

City of Whitewater Council Agenda Item Information Sheet

MEETING DATE: **03/1/2016**

ITEM: **Approval of Agreement with Strand Associates, for extension of Technical Services Agreement**

PRESENTER: **City Manager**

PREVIOUS ACTION, IF ANY:

SUMMARY OF ITEM BEING PRESENTED:
On February 8, 2012, the city entered into a technical services agreement with Strand Associates, Inc. to act as the city's engineer and provide engineering, scientific, computer-aided design drafting, clerical, and administrative activities. The term of the agreement was for three years following its execution with the option to be renewed in one-year increments for up to two years thereafter.

On April 9, 2015, City Council approved Amendment No. 1 to the contract, which extended the agreement for the first of its allowable one-year increments.

BUDGET IMPACT, IF ANY: **None expected**

BOARD, COMMISSION, OR COMMITTEE RECOMMENDATION, IF ANY: **None**

STAFF RECOMMENDATION: **Staff recommends extending the agreement for the second of its allowable one-year increments.**

RECOMMENDED MOTION: **To approve extending the agreement with Strand Engineering for the second of its allowable one-year increments.**

ATTACHMENT(S) INCLUDED (If none, please state that)
Agreement for Technical Services – City of Whitewater, Wisconsin and Strand Associates, Inc.; Amendment No. 2 to the February 8, 2012, Agreement for Technical Services.

FOR MORE INFORMATION CONTACT:
Chris McDonell, cmcdonell@whitewater-wi.gov, (262) 473-0139.

STRAND ASSOCIATES®

Strand Associates, Inc.®
910 West Wingra Drive
Madison, WI 53715
(P) 608-251-4843
(F) 608-251-8655

February 2, 2012

City of Whitewater
312 West Whitewater Street
Whitewater, WI 53190

Attention: Mr. Kevin M. Brunner, City Manager

Re: Agreement for Technical Services

This is an Agreement between the City of Whitewater, Wisconsin, hereinafter referred to as OWNER, and Strand Associates, Inc.®, hereinafter referred to as ENGINEER, to provide technical services (Services). This Agreement shall be in accordance with the following elements.

Scope of Services

Services to be provided under this Agreement can be described as engineering, scientific, computer-aided design drafting, clerical, and administrative activities performed in accordance with the terms and conditions of this Agreement and subsequently issued Task Orders. Prior to ENGINEER's engagement by OWNER, a mutually agreeable Task Order document shall be developed and executed by both parties. The Task Order will include **Project Information**, a detailed **Scope of Services**, **Compensation**, and **Schedule**. The general form of the Task Order shall be in accordance with the enclosed Task Order No. 12-01.

Service Elements Not Included

The following services are not included in this Agreement. If such services are required, they will be provided as noted. If necessary, additional Service Elements Not Included may be identified in each subsequently issued Task Order.

1. Additional and Extended Services during construction made necessary by:

   a. Work damaged by fire or other cause during construction.
   b. A significant amount of defective or neglected work of any contractor.
   c. Prolongation of the time of the construction contract.
   d. Default by contractor under the construction contract.

   Any services of this type will be provided through an amendment to this Agreement.

2. Archaeological or Botanical Investigations: ENGINEER will assist OWNER in engaging the services of an archaeologist or botanist, if required, to perform the field investigations necessary for agency review through a separate agreement with OWNER.

3. Bidding- and Construction-Related Services: Bidding- and construction-related services for the Task Order-specified project will require a separate agreement with OWNER.

4. Flood Studies: Any services involved in performing flood and floodway studies, if required, will be provided through an amendment to this Agreement or through a separate agreement with OWNER.

5. Geotechnical Engineering: It is anticipated that geotechnical engineering information will be provided through OWNER and OWNER's geotechnical consultant. If soil borings are required, ENGINEER will assist OWNER in direct procurement of drilling services.

6. Land and Easement Surveys/Procurement: Any services of this type including, but not limited to, a record search, field work, preparation of legal descriptions, or assistance to OWNER for securing land rights necessary for siting sanitary sewer, tanks, and appurtenances will be provided through a separate agreement with OWNER.

7. Permit and Plan Review Fees: All permit and plan review fees payable to regulatory agencies shall be paid for by OWNER.

8. Preparation for and/or Appearance in Litigation on Behalf of OWNER: This type of service by ENGINEER will be provided through a separate agreement with OWNER.

9. Review of Product Substitutions or Means, Method, Technique, Sequence, or Procedure Substitutions Proposed by Contractor: The terms of the construction Contract (GC 6.05B and GC 6.05E) call for the construction contractor to reimburse OWNER for ENGINEER's cost for evaluating substitute products, means, method, technique, sequence, or procedure of construction. ENGINEER's cost for such evaluations is not included in the scope of this Agreement. Services of this type by ENGINEER will be provided through an amendment to this Agreement.

10. Revising Designs, Drawings, Specifications, and Documents: Any services required after these items have been previously approved by state or federal regulatory agencies, because of a change in the Task Order-specified project scope or where such revisions are necessary to comply with changed state and federal regulations that are put in force after Services have been partially completed, will be provided through an amendment to this Agreement.

11. Services Furnished During Readvertisement for Bids, if Ordered by OWNER: If a Contract is not awarded pursuant to the original bids, any services of this type will be provided through an amendment to this Agreement.

12. Services Related to Buried Wastes and Contamination: Should buried solid, liquid, or potentially hazardous wastes or subsurface or soil contamination be uncovered at the site, follow-up investigations may be required to identify the nature and extent of such wastes or subsurface soil or groundwater contamination and to determine appropriate methods for managing of such wastes or contamination and for follow-up monitoring. Investigation, design, or construction-related services related to buried solid, liquid, or potentially hazardous wastes or soil or groundwater contamination will be provided through a separate agreement with OWNER.

Compensation

OWNER shall compensate ENGINEER for Services indicated in each subsequently issued Task Order for a lump sum or for a not-to-exceed fee on an hourly rate basis plus expenses.

Expenses incurred such as those for travel, meals, printing, postage, copies, computer, electronic communication, and long distance telephone calls will be billed at actual cost plus 5 percent. A toll-free telephone number will be provided for OWNER's use in contacting ENGINEER.

Only sales taxes or other taxes on Services that are in effect at the time this Agreement is executed are included in the Compensation. If the tax laws are subsequently changed by legislation during the life of this Agreement, this Agreement will be adjusted to reflect the net change.

The lump sum and not-to-exceed fees for the Services are based on wage scale/hourly billing rates, adjusted annually on July 1, that assume the Services will be completed as indicated. Should the completion time be extended, it may be cause for an adjustment in the fee that reflects any wage scale adjustments made.

Hourly billing rates indicated in Exhibit A are for key team members. These rates will remain unchanged through December 31, 2012, and will be renegotiated thereafter.

OWNER desires that ENGINEER continue to reduce the percentage of hours of involvement by Mark Fisher, current City Engineer, by increasing the involvement of Zach Simpson, current Assistant City Engineer. ENGINEER agrees to utilize this approach with appropriate tasks. Each subsequently issued task order will include an estimated maximum percentage of involvement for this classification.

All hourly billing rates will be subject to a $175/hour cap, which will remain unchanged through June 30, 2013, and will be renegotiated thereafter.

The lump sum and not-to-exceed fees will not be exceeded without prior notice to and agreement by OWNER but may be adjusted for time delays, time extensions, amendments, and changes in the Scope of Services. Any adjustment will be negotiated based on ENGINEER's increase in costs caused by delays, extensions, amendments, or changes.

Schedule

Services will begin upon execution of this Agreement, which is anticipated on February 7, 2012. This Agreement will be in effect for three years upon its execution and may be renewed in one-year increments for up to two years unless terminated by OWNER or ENGINEER. The schedule for individual tasks will be included on each subsequently issued Task Order.

Standard of Care

The Standard of Care for all Services performed or furnished by ENGINEER under this Agreement will be the care and skill ordinarily used by members of ENGINEER's profession practicing under similar circumstances at the same time and in the same locality. ENGINEER makes no warranties, express or implied, under this Agreement or otherwise, in connection with ENGINEER's Services.

OWNER's Responsibilities

1. Assist ENGINEER by placing at ENGINEER's disposal all available information pertinent to the Task Order-specified project including previous reports, previous drawings and specifications, and any other data relative to the scope of the Task Order-specified project.

2. Furnish to ENGINEER, as required by ENGINEER for performance of Services as part of this Agreement, data prepared by or services of others obtained or prepared by OWNER relative to the scope of the Task Order-specified project, such as soil borings, probings and subsurface explorations, and laboratory tests and inspections of samples, all of which ENGINEER may rely upon in performing Services under this Agreement.

3. Provide access to the site as required for ENGINEER to perform Task Order-specified project Services under this Agreement.

4. Guarantee access to and make all provisions for ENGINEER to enter upon public and private lands as required for ENGINEER to perform Task Order-specified project Services under this Agreement.

5. Examine all reports, sketches, estimates, special provisions, drawings, and other documents presented by ENGINEER and shall render, in writing, decisions pertaining thereto within a reasonable time so as not to delay the performance of ENGINEER.

6. Provide all legal services as may be required for the development of the Task Order-specified project.

7. Retain the services of a soils consultant to provide any necessary geotechnical evaluation and recommendations.

Opinion of Probable Cost

Any opinions of probable cost prepared by ENGINEER are supplied for general guidance of OWNER only. ENGINEER has no control over competitive bidding or market conditions and cannot guarantee the accuracy of such opinions as compared to contract bids or actual costs to OWNER.

Observation Services

In furnishing observation services, ENGINEER's efforts will be directed toward determining for OWNER that the completed project will, in general, conform to the Contract Documents; but ENGINEER will not supervise, direct, or have control over the contractor's work and will not be responsible for the contractor's construction means, methods, techniques, sequences, procedures, or health and safety precautions or programs, or for the contractor's failure to perform the construction work in accordance with the Contract Documents.

Payment Requests

ENGINEER's review of Payment Requests from contractor(s) will not impose responsibility to determine that title to any of the work has passed to OWNER free and clear of any liens, claims, or other encumbrances. Any such service by ENGINEER will be provided through an amendment to this Agreement.

Changes

1. OWNER may make changes within the general scope of this Agreement in the Services to be performed. If such changes cause an increase or decrease in ENGINEER's cost or time

required for performance of any Services under this Agreement, an equitable adjustment will be made and this Agreement will be modified in writing accordingly.

2. No services for which additional compensation will be charged by ENGINEER will be furnished without the written authorization of OWNER. The fee established herein will not be exceeded without agreement by OWNER but may be adjusted for time delays, time extensions, amendments, or changes in the **Scope of Services**.

3. If there is a modification of agency requirements relating to the Services to be performed under this Agreement subsequent to the date of execution of this Agreement, the increased or decreased cost of performance of the Services provided for in this Agreement will be reflected in an appropriate modification of this Agreement.

Extension of Services

This Agreement may be extended for additional Services upon OWNER's authorization. Extension of Services will be provided for a lump sum or an hourly rate plus expenses.

Payment

OWNER shall make monthly payments to ENGINEER for Services performed in the preceding month based upon monthly statements. Nonpayment 30 days after the date of receipt of invoice may, at ENGINEER's option, result in assessment of a 1 percent per month carrying charge on the unpaid balance.

Nonpayment 45 days after the date of receipt of invoice may, at ENGINEER's option, result in suspension of Services upon five calendar days' notice to OWNER. ENGINEER will have no liability to OWNER, and OWNER agrees to make no claim for any delay or damage as a result of such suspension caused by any breach of this Agreement by OWNER. Upon receipt of payment in full of all outstanding sums due from OWNER, or curing of such other breach which caused ENGINEER to suspend Services, ENGINEER will resume Services and there will be an equitable adjustment to the remaining project schedule and compensation as a result of the suspension.

Data Provided by Others

ENGINEER is not responsible for the quality or accuracy of data nor for the methods used in the acquisition or development of any such data where such data is provided by or through OWNER, contractor, or others to ENGINEER and where ENGINEER's Services are to be based upon such data. Such data includes, but is not limited to, soil borings, groundwater data, chemical analyses, geotechnical testing, reports, calculations, designs, drawings, specifications, record drawings, contractor's marked-up drawings, and topographical surveys.

Utilization of Women and Minority Businesses

ENGINEER agrees that qualified women and minority business enterprises shall have the maximum practicable opportunity to participate in the performance of Wisconsin Department of Natural Resources (WDNR) financially assisted contracts and subcontracts. This pertains to the project as it is anticipated that a Wisconsin Clean Water Fund grant and loan will be used to finance the Task Order-specified project.

Termination

This Agreement may be terminated with cause in whole or in part in writing by either party subject to a two-week notice and the right of the party being terminated to meet and discuss the termination before the termination takes place. ENGINEER will be paid for all completed or obligated Services up to the date of termination.

Third-Party Beneficiaries

Nothing contained in this Agreement creates a contractual relationship with or a cause of action in favor of a third party against either OWNER or ENGINEER. ENGINEER's Services under this Agreement are being performed solely for OWNER's benefit, and no other party or entity shall have any claim against ENGINEER because of this Agreement or the performance or nonperformance of Services hereunder. OWNER and ENGINEER agree to require a similar provision in all contracts with contractors, subcontractors, subconsultants, vendors, and other entities involved in the Task Order-specified project to carry out the intent of this provision.

Ownership of Documents

OWNER acknowledges ENGINEER's deliverables including reports, topographical surveys, base maps, and construction documents, including electronic files, as instruments of professional service. The documents prepared for OWNER under this Agreement shall become the property of OWNER.

OWNER agrees that any modification or reuse of these documents by OWNER or any person or entity, including utility companies, that obtains the documents from or through OWNER shall be at OWNER's sole risk and without liability to ENGINEER.

Dispute Resolution

Except as may be otherwise provided in this Agreement, all claims, counterclaims, disputes, and other matters in question between OWNER and ENGINEER arising out of or relating to this Agreement or the breach thereof will be decided first by mediation, if the parties mutually agree, or with a bench trial in a court of competent jurisdiction within the State of Wisconsin.

IN WITNESS WHEREOF the parties hereto have made and executed this Agreement.

ENGINEER:		OWNER:	
STRAND ASSOCIATES, INC.®		CITY OF WHITEWATER	
Matthew S. Richards Corporate Secretary	Date	Kevin M. Brunner City Manager	Date

THIS COPY NOT FOR SIGNATURE

February 22, 2016

City of Whitewater
312 West Whitewater Street
Whitewater, WI 53190

Attention: Mr. Cameron Clapper, City Manager

Re: Amendment No. 2 to the February 8, 2012, Agreement for Technical Services

This is Amendment No. 2 to the referenced Agreement.

Under **Schedule**, ADD the following:

"This Agreement is being extended for the second of its allowable one-year increments."

IN WITNESS WHEREOF the parties hereto have made and executed this Amendment.

ENGINEER:

STRAND ASSOCIATES, INC.®

DRAFT

Matthew S. Richards Date
Corporate Secretary

OWNER:

CITY OF WHITEWATER

DRAFT

Cameron Clapper Date
City Manager

NOT FOR SIGNATURE

DRAFT

Michele Smith Date
City Clerk

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City of Whitewater Council Agenda Item Information Sheet

MEETING DATE: **3/1/2016**

ITEM: **Strand Task Order Approval – Center Street Reconstruction Amendment No. 1**

PRESENTER: **Assistant City Manager**

PREVIOUS ACTION, IF ANY:
July 7, 2015 - Task Order 15-04 for design and bidding services related to this project was approved by council.
February 18, 2016 - The reconstruction contact with Forest Landscaping & Construction was approved by council.

SUMMARY OF ITEM BEING PRESENTED:
Strand Associates has provided staff with Amendment No. 1 to Task Order 15-04. This Task Order includes construction-related services such as contract administration, construction staking, and construction observation services. The scope of services is attached for your review.

BUDGET IMPACT, IF ANY
Strand Associates will be compensated on an hourly rate basis plus expenses. The amendment will change the not-to-exceed fee of $97,000 to $202,000.

BOARD, COMMISSION, OR COMMITTEE RECOMMENDATION, IF ANY: **None**

STAFF RECOMMENDATION: **Staff recommends approving Amendment No. 1 to Task Order No. 15-04**

RECOMMENDED MOTION: **To approve Amendment No. 1 to Task Order No. 15-04 for design, bidding, and construction-related services from Strand Associates.**

ATTACHMENT(S) INCLUDED (If none, please state that)
Task Order No. 15-04
Amendment No. 1 to Task Order 15-04

FOR MORE INFORMATION CONTACT:
Chris McDonell, cmcdonell@whitewater-wi.gov, 262.473.0139

DRAFT

Amendment No. 1 to Task Order No. 15-04
City of Whitewater, Wisconsin (OWNER)
and Strand Associates, Inc.® (ENGINEER)
Pursuant to Technical Services Agreement dated February 8, 2012

This is Amendment No. 1 to the referenced Task Order.

Project Name: Center Street Reconstruction

Services Description is REPLACED with the following:

"Services Description: Design services, bidding-related services, and construction-related services for the project."

Under **Scope of Services**, ADD the following:

"Construction-Related Services

1. Provide contract administration Services including attendance at preconstruction conference, review of contractor's shop drawing submittals, review of contractor's periodic pay requests, attendance at construction progress meetings, periodic site visits, and participation in project closeout.

2. Provide one iteration of construction staking for construction of sanitary sewer, storm sewer, water main, curb and gutter, and base course.

3. Provide resident project representative for full-time observation of construction. In furnishing observation services, ENGINEER's efforts will be directed toward determining for OWNER that the completed project will, in general, conform to the Contract Documents; but ENGINEER will not supervise, direct, or have control over the contractor's work and will not be responsible for the contractor's construction means, methods, techniques, sequences, procedures, or health and safety precautions or programs, or for the contractor's failure to perform the construction work in accordance with the Contract Documents.

4. Provide record drawings in electronic format from information compiled from contractor's records. ENGINEER is providing drafting Services only for record drawings based on the records presented to ENGINEER by contractor and OWNER. ENGINEER will not be liable for the accuracy of the record drawing information provided by contractor and OWNER."

Under **Compensation**, CHANGE $97,000 to "$202,000."

Under **Schedule**, CHANGE March 31, 2016, to "December 31, 2016."

DRAFT

TASK ORDER AMENDMENT AUTHORIZATION AND ACCEPTANCE:

ENGINEER:

STRAND ASSOCIATES, INC.®

DRAFT

Matthew S. Richards Date
Corporate Secretary

OWNER:

CITY OF WHITEWATER

DRAFT

Cameron Clapper Date
City Manager

NOT FOR SIGNATURE

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FOR OWNER REVIEW ONLY

DRAFT

Task Order No. 15-04
City of Whitewater, Wisconsin (OWNER)
and Strand Associates, Inc.® (ENGINEER)
Pursuant to Technical Services Agreement dated February 8, 2012

Project Information

Project Name: Center Street Reconstruction

Project Description: Street and utility reconstruction on Center Street between Summit Street and Franklin Street, Summit Street between High Street and Conger Street, and on Boone Street/Boone Court between High Street and the north end.

Services Description: Design services and bidding-related services for the project.

Scope of Services

ENGINEER will provide the following services to OWNER:

1. Conduct a topographic survey of the project area to locate existing features, utilities, and property irons in the project corridor.

2. Design new sanitary sewer, water main, and storm sewer and show on plan and profile drawings.

3. Design new street and prepare plan and profile drawings and cross sections for street, curb and gutter, and sidewalk construction.

4. Meet with OWNER to present the preliminary engineering concepts and solicit input.

5. Assist OWNER with communication with utility companies regarding relocation or modification of existing utility infrastructure in the project corridor.

6. Assist OWNER with easement and right-of-way acquisition for the project. Provide field survey and prepare legal descriptions and exhibits for up to two parcels. It is anticipated that OWNER will provide current title reports for affected properties.

7. Prepare construction staging and detour/access drawings for the project.

8. Submit erosion control permit to the Wisconsin Department of Natural Resources (WDNR) for approval.

9. Submit final drawings, specifications, sanitary sewer extension forms, and water main extension forms to the WDNR for approval.

10. Conduct up to two public information meetings to discuss the project.

11. Prepare bidding documents using Engineers Joint Contract Documents Committee C-700 Standard General Conditions of the Construction Contract, 2007 edition, technical specifications, and engineering drawings.

FOR OWNER REVIEW ONLY

DRAFT

Bidding-Related Services

1. Distribute bidding documents electronically through QuestCDN, available at www.strand.com and www.questcdn.com. Submit Advertisement to Bid to OWNER for publishing.

2. Prepare addenda and answer questions during bidding.

3. Tabulate and analyze bid results and assist OWNER in the award of the Construction Contract.

4. Prepare three sets of Contract Documents for signature.

Service Elements Not Included

In addition to those listed in the associated Technical Services Agreement, the following services are not included in this Task Order. If such services are required, they will be provided as noted.

Construction-Related Services: Services of this type including, but not limited to, contract administration, construction staking, and construction observation services are anticipated to be addressed through a subsequent task order with OWNER after the construction schedule and level of service are established.

Compensation

OWNER shall compensate ENGINEER for Services under this Task Order on an hourly rate basis plus expenses a not-to-exceed fee of $97,000.

Schedule

Services will begin upon execution of this Task Order, which is anticipated on July 13, 2015. Services are scheduled for completion on March 31, 2016.

TASK ORDER AUTHORIZATION AND ACCEPTANCE:

ENGINEER:

STRAND ASSOCIATES, INC.®

DRAFT

Matthew S. Richards Date
Corporate Secretary

OWNER:

CITY OF WHITEWATER

NOT FOR SIGNATURE

DRAFT

Cameron Clapper Date
City Manager

NOT FOR SIGNATURE

DRAFT

Michele Smith Date
City Clerk

MAF:sme\R:\MAD\Documents\Agreements\W\Whitewater, City of (WI)\TSA 2012\TO\2015\1407.701-15-04.docx

City of Whitewater Council Agenda Item Information Sheet

MEETING DATE: **3/1/2016**

ITEM: **Strand Task Order Approval – George Street Reconstruction Amendment No. 1**

PRESENTER: **Assistant City Manager**

PREVIOUS ACTION, IF ANY:
October 7, 2014 - Task Order 14-04 for design and bidding services related to this project was approved by council.
January 19, 2016 - The reconstruction contact with Willkomm Excavating and Grading was approved by council.

SUMMARY OF ITEM BEING PRESENTED:
Strand Associates has provided staff with Amendment No. 1 to Task Order 14-04. This Task Order includes construction-related services such as contract administration, construction staking, and construction observation services. The scope of services is attached for your review.

BUDGET IMPACT, IF ANY
Strand Associates will be compensated on an hourly rate basis plus expenses. The amendment will change the not-to-exceed fee of $95,200 to $220,200.

BOARD, COMMISSION, OR COMMITTEE RECOMMENDATION, IF ANY: **None**

STAFF RECOMMENDATION: **Staff recommends approving Amendment No. 1 to Task Order No. 14-04**

RECOMMENDED MOTION: **To approve Amendment No. 1 to Task Order No. 14-04 for design, bidding, and construction-related services from Strand Associates.**

ATTACHMENT(S) INCLUDED (If none, please state that)
Task Order No. 14-04
Amendment No. 1 to Task Order 14-04

FOR MORE INFORMATION CONTACT:
Chris McDonell, cmcdonell@whitewater-wi.gov, 262.473.0139

STRAND ASSOCIATES®

OWNER REVIEW

Strand Associates, Inc.®
910 West Wingra Drive
Madison, WI 53715
(P) 608-251-4843
(F) 608-251-8655

DRAFT

Amendment No. 1 to Task Order No. 14-04
City of Whitewater, Wisconsin (OWNER)
and Strand Associates, Inc.® (ENGINEER)
Pursuant to Technical Services Agreement dated February 8, 2012

This is Amendment No. 1 to the referenced Task Order.

Project Name: George Street Reconstruction

Services Description is REPLACED with the following:

"Services Description: Design services, bidding-related services, and construction-related services for the project."

Under **Scope of Services**,

Bidding-Related Services, ADD the following:

"5. Update bidding documents for rebidding the project."

ADD the following:

"Construction-Related Services

1. Provide contract administration Services including attendance at preconstruction conference, review of contractor's shop drawing submittals, review of contractor's periodic pay requests, attendance at construction progress meetings, periodic site visits, and participation in project closeout.

2. Provide one iteration of construction staking for construction of sanitary sewer, storm sewer, water main, curb and gutter, and base course.

3. Provide resident project representative for full-time observation of construction. In furnishing observation services, ENGINEER's efforts will be directed toward determining for OWNER that the completed project will, in general, conform to the Contract Documents; but ENGINEER will not supervise, direct, or have control over the contractor's work and will not be responsible for the contractor's construction means, methods, techniques, sequences, procedures, or health and safety precautions or programs, or for the contractor's failure to perform the construction work in accordance with the Contract Documents.

4. Provide record drawings in electronic format from information compiled from contractor's records. ENGINEER is providing drafting Services only for record drawings based on the records presented to ENGINEER by contractor and OWNER. ENGINEER will not be liable for the accuracy of the record drawing information provided by contractor and OWNER."

Under **Compensation**, CHANGE $95,200 to "$220,200."

Under **Schedule**, CHANGE March 31, 2015, to "October 31, 2016."

TASK ORDER AMENDMENT AUTHORIZATION AND ACCEPTANCE:

ENGINEER:

STRAND ASSOCIATES, INC.®

DRAFT

Matthew S. Richards Date
Corporate Secretary

OWNER:

CITY OF WHITEWATER

DRAFT

Cameron Clapper Date
City Manager

NOT FOR SIGNATURE

Task Order No. 14-04
City of Whitewater, Wisconsin (OWNER)
and Strand Associates, Inc.® (ENGINEER)
Pursuant to Technical Services Agreement dated February 8, 2012

Project Information

Project Name: George Street Reconstruction

Project Description: Street and utility reconstruction on George Street between North Street and the north end of the cul-de-sac and in an easement between the cul-de-sac and Starin Road.

Services Description: Design services and bidding-related services for project.

Scope of Services

ENGINEER will provide the following services to OWNER:

1. Complete a topographic survey of the project area to locate existing features, utilities, and property irons in the project corridor.

2. Design new sanitary sewer, water main, and storm sewer and show on plan and profile drawings. Replacement of the water main crossing of Whitewater Creek near the existing bridge is not included in the project.

3. Design new street and prepare plan and profile drawings and cross sections for street, curb and gutter, and sidewalk construction.

4. Prepare a stormwater management plan for the project including design of up to two bioretention basins and connecting storm sewer.

5. Review existing drawings and current inspection reports prepared by others for existing bridge structure and incorporate recommended improvements into project. Replacement of the existing bridge is not included in the project.

6. Meet with OWNER to present the preliminary engineering concepts and solicit input.

7. Assist OWNER with communication with utility companies regarding relocation or modification of existing utility infrastructure in the project corridor.

8. Assist OWNER with easement and right-of-way acquisition for the bioretention basins and storm sewer. Complete field survey and prepare legal descriptions and exhibits for the various parcels needed. It is anticipated that OWNER will provide recent title reports for affected properties.

9. Prepare construction staging and detour/access plans for the project.

10. Obtain regulatory approvals for proposed construction and erosion control permit/Chapter 30 permit from the Wisconsin Department of Natural Resources (WDNR).

11. Submit final drawings, specifications, sanitary sewer extension forms, and water main extension forms to the WDNR for approval.

INTERNAL REVIEW

DRAFT

12. Conduct up to two additional public information meetings to discuss the project.

13. Prepare bidding documents using Engineers Joint Contract Documents Committee C-700 Standard General Conditions of the Construction Contract, 2007 edition, technical specifications, and engineering drawings.

Bidding-Related Services

1. Distribute bidding documents electronically through QuestCDN, available at www.strand.com and www.questcdn.com. Submit Advertisement to Bid to OWNER for publishing.

2. Prepare addenda and answer questions during bidding.

3. Attend bid opening, tabulate and analyze bid results, and assist OWNER in the award of the Construction Contract.

4. Prepare three sets of Contract Documents for signature.

Service Elements Not Included

In addition to those listed in the associated Technical Services Agreement, the following services are not included in this Task Order. If such services are required, they will be provided as noted.

Construction-Related Services: Services of this type including, but not limited to, contract administration, construction staking, and construction observation services are anticipated to be addressed through a subsequent task order with OWNER after the construction schedule and level of service are established.

Compensation

OWNER shall compensate ENGINEER for Services under this Task Order on an hourly rate basis plus expenses a not-to-exceed fee of $95,200.

Schedule

Services will begin upon execution of this Task Order, which is anticipated the week of October 6, 2014. Services are scheduled for completion on March 31, 2015.

TASK ORDER AUTHORIZATION AND ACCEPTANCE:

ENGINEER:

STRAND ASSOCIATES, INC.®

DRAFT

Matthew S. Richards Date
Corporate Secretary

OWNER:

CITY OF WHITEWATER

NOT FOR SIGNATURE

DRAFT

Cameron Clapper Date
City Manager

City of Whitewater
Wastewater Utility
Auction List 7-15-14

Item No.	Description	Make/Model	Serial #	Additional Comments
1	Plastic cylinder dolly			150 lbs. plastic dolly
2	W & T cylinder scale	u-23338	AU-12544	Wallace & Tiernan 150# scale
3	W & T cylinder scale	u-23338	AU12307	Wallace & Tiernan 150# scale
4	Chlorine Feed Pump	E08m	01350906-0208	Marathon electric motor/Burks pump
5	Chlorine Feed Pump	E08m	01350907-0208	Marathon electric motor/Burks pump
6	Pallet of Light Fixtures			Old explosion proof fixtures
7	(4) Electric Motors			Four random electric motors- Goulds, G.E., Baldor, US Elect.
8	Quincey Compressor Parts	216 42 228756 S		The heads and electric motors(less the tank and controls)
9	Lindberg Muffle Furnace	59344	828037	Muffle furnace had some condition issues
10	Gardner Denver Blower	GGDADDC	S223826	Cat# 4504, Max RPM 4000
11	Baldor Electric Motor	BV998502	20602230405	10hp motor paired with above blower
12	Verticle Shaft Electric Motor	5K6252YX520B	DTJ401374	Rebuilt 25 hp
13	(4) DeZurik Valves			Four 20" butterfly valves
14	Flygt pump	3101		Used lift station pump
15	Gas Fired Heating Unit Parts			Random parts for an old unit no longer in service
16	Scaletron Cylinder Scale			150# Cylinder scale
17	(2) Superior Autovalves	2000		Units used for dispensing SO2 and Chlorine

City of Whitewater Council Agenda Item Information Sheet

MEETING DATE: **03/01/2016** ITEM: **Wastewater Utility auction items**

PRESENTER: **Wastewater Superintendent**

PREVIOUS ACTION, IF ANY: **None**

SUMMARY OF ITEM BEING PRESENTED: **Presented to council members in their packets is a list of Wastewater Utility equipment that we are looking to auction using the WI Surplus Online Auction service. We recognize that more traditional auction services are available through the efforts of city staff members. However, due to the specialized nature of some of the items being auctioned, it was determined that the online method would draw from a wider pool of interested parties. Several area communities and institutions utilize the WI Surplus Online Auction site successfully. Some examples are the State of WI, Jefferson Co., Walworth Co., UW-Whitewater, City of Watertown, Fort Atkinson and Sun Prairie just to name a few. We used this service in the summer of 2014 with great success. Other benefits are that auctioned items can be listed at any time and winning bidders pick up the item(s) at our location. Payment for winning bid totals will be received by the City in 1 to 2 weeks from bid end.**

BUDGET IMPACT, IF ANY: **There are no listing fees with this service.**

BOARD, COMMISSION, OR COMMITTEE RECOMMENDATION, IF ANY: **None**

STAFF RECOMMENDATION: **It is recommended that council approve the submitted list of items for auction on the WI Surplus Online Auction website.**

RECOMMENDED MOTION: **Motion to approve the attached list of items for auction on the WI Surplus Online Auction website.**

ATTACHMENT(S) INCLUDED (If none, please state that)
Wastewater Auction list 3-01-2016

FOR MORE INFORMATION CONTACT:
Tim Reel, treel@whitewater-wi.gov, 262.473.5920.

City of WHITEWATER

City of Whitewater Council Agenda Item Information Sheet

MEETING DATE: **03/01/2016** ITEM: **Sanitary Sewer Maintenance Items for 2016**

PRESENTER: **Wastewater Superintendent**

PREVIOUS ACTION, IF ANY: **None**

SUMMARY OF ITEM BEING PRESENTED:
As part of the utilities ongoing efforts we will be contracting for several different services to maintain our sanitary collection system. Those services include televising (CCTV), pressure testing and sealing of gravity mains, installation of cured in place pipe (CIPP), and chemical foaming for root control. As in past years we have obtained quotes from qualified contractors who have routinely provided quality service at the lowest per unit price. Slides with maps will be presented to briefly outline the areas of the city where this work will be occurring. You will see that there is no alternate price for televising and chemical root foaming. Past practice has shown us that competing bidders for televising and chemical root foaming are not as responsive or of the same quality as Great Lakes TV & Seal. They have been providing service to the city since 1986 and exclusively for televising since 2009.

	Great Lakes TV Seal	Visu-Sewer	Terra
1. Televising (38152ft.) –	**$9,950.00**		
2. Chemical Root Foam-	**$2,801.40**		
3. Pressure test & seal –	**$25,580.00**	**$27,424.50**	
4. CIPP (838ft.) -	**N/A**	**$49,939.20**	**$36,288.00**

BUDGET IMPACT, IF ANY: **These expenditures will be funded by the Wastewater Utility Sanitary Sewer Repair Fund. Each year an amount of $100K is allocated to maintain our sanitary infrastructure. The cost estimate for 2016 is $74,619.40**

STAFF RECOMMENDATION: **Staff recommends the contract for items 1 thru 3 be awarded to Great Lakes TV & Seal of Green Bay, WI. In addition, we recommend the contract for item 4 be awarded to Terra Engineering of Madison, WI. Exact dollar amounts will vary based on field conditions.**

RECOMMENDED MOTION: **I move to approve the sanitary sewer maintenance plan for 2016 as outlined and recommended by staff.**

ATTACHMENT(S) INCLUDED (If none, please state that)
Great Lakes TV & Seal Estimates
Visu-Sewer Estimates
Terra Engineering Estimates
Yearly Maintenance map

FOR MORE INFORMATION CONTACT:
Tim Reel, treel@whitewater-wi.gov, 262.473.5920.

Great Lakes TV SEAL INC.

3600 Kewaunee Road
Green Bay, WI 54311
Phone: (920)863-3663
Fax: (920)863-3662

Quotation

Quote Number: 7252

Quote Date: Dec 30, 2015

Quoted to:

CITY OF WHITEWATER
P.O. Box 178
312 W. Whitewater Street
Whitewater, WI 53190

Quote Good Thru	Payment Terms	Sales Rep
1/29/16	Net 30 Days	

Description	Unit of Measure	Quantity	Unit Price	Extension
PIPE INSPECTION 8" to 24"	FOOT	25,000.00	0.398	9,950.00

Please notify Great Lakes within 30 days if the quotation is accepted and the above prices will be honored.
This acknowledgment will enable us to schedule your work more efficiently.

If prevailing wages apply - this quote will be adjusted accordingly. Bond fee and/or additional insurance requirements are not included in the quotec amount. If applicable, add the amount(s) to this quote.

Subtotal	9,950.00
Sales Tax	
Total	9,950.00

Great Lakes TV SEAL INC.

3600 Kewaunee Road
Green Bay, WI 54311
Phone: (920)863-3663
Fax: (920)863-3662

Quotation

Quote Number: 7382

Quote Date: Feb 15, 2016

Quoted to:

CITY OF WHITEWATER
P.O. Box 178
312 W. Whitewater Street
Whitewater, WI 53190

Quote Good Thru	Payment Terms	Sales Rep
3/16/16	Net 30 Days	

Description	Unit of Measure	Quantity	Unit Price	Extension
CHEMICAL ROOT FOAMING				
VAPOROOTER ROOT FOAMING 8" SANITARY SEWERS.	FOOT	2,030.00	1.380	2,801.40

Please notify Great Lakes within 30 days if the quotation is accepted and the above prices will be honored.
This acknowledgment will enable us to schedule your work more efficiently.

If prevailing wages apply - this quote will be adjusted accordingly. Bond fee and/or additional insurance requirements are not included in the quotec amount. If applicable, add the amount(s) to this quote.

Subtotal	2,801.40
Sales Tax	
Total	2,801.40

Great Lakes TV SEAL INC.

3600 Kewaunee Road
Green Bay, WI 54311
Phone: (920)863-3663
Fax: (920)863-3662

Quotation

Quote Number: 7359

Quote Date: Feb 3, 2016

Quoted to:

CITY OF WHITEWATER
P.O. Box 178
312 W. Whitewater Street
Whitewater, WI 53190

Quote Good Thru	Payment Terms	Sales Rep
3/4/16	Net 30 Days	

Description	Unit of Measure	Quantity	Unit Price	Extension
GROUT JOINTS SANITARY SEWERS	.			
PART 1 & 2	.			
MOBILIZATION/DEMOBILIZATION GROUT UNIT AND CREW	EACH	1.00	200.000	200.00
TEST JOINTS	EACH	705.00	28.000	19,740.00
SEAL JOINTS	EACH	705.00	8.000	5,640.00
QUANTITIES ARE ESTIMATED, ACTUAL QUANTITIES WILL BE INVOICED	.			

Please notify Great Lakes within 30 days if the quotation is accepted and the above prices will be honored.
This acknowledgment will enable us to schedule your work more efficiently.

If prevailing wages apply - this quote will be adjusted accordingly. Bond fee and/or additional insurance requirements are not included in the quotec amount. If applicable, add the amount(s) to this quote.

Subtotal	25,580.00
Sales Tax	
Total	25,580.00

Visu-Sewer
Inspect. Maintain. Rehabilitate.

Proposal

To: Jeff Gwaltney
City of Whitewater
P.O. Box 178
Whitewater, WI 53190
262-473-5920

From: Mike Blazejovsky
Visu-Sewer, Inc.
W230 N4855 Betker Dr.
Pewaukee, WI 53072
414-335-2538

Date: 1/14/2016

Project: 2016 Test & Seal Grouting

Visu-Sewer is pleased to provide the following quotation for Test & Seal Grouting:

Test and Seal grouting of approx. 350 joints in 8 sections of 8" clay & concrete sanitary sewer with an alternate project of an additional 355 joints in an additional 8 sections of 8" clay & concrete sanitary sewer in the City of Whitewater, WI. All joints in each section will be pressure tested, and all failing joints will be grouted and re-tested until they pass. Price includes one (1) pass with a jet for light cleaning.

Item	Qty.	Price	Total
Base Project - 8" Joints	**350**	**$38.10 / Joint**	**$ 13,335.00**
Base + Additional Alt. Project - 8" Joints	**705**	**$38.90 / Joint**	**$ 27,424.50**

*Note - Test & seal grouting includes a total of 420 gallons of grout (base project) and a total of 846 gallons (Base + Alt project). If needed, additional grout beyond the total will be billed at a rate of $12.00 per gallon.

The City of Whitewater will need to provide access to all manholes, water from nearby hydrants (without charge), and a dump site for any captured debris. Price assumes that grout packer can traverse each pipe section. **If needed, removal of obstructions (i.e. protruding taps, mineral deposits, etc.) will be completed at a T&M Rate of $240.00 per hour.)** Thank you for the opportunity to quote on this project. If you have any questions, please do not hesitate to call Randy Belanger or me at 262-695-2340.

All material guaranteed to be as specified. All work to be completed in a substantial workmanlike manner according to specifications submitted, per standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance. This proposal may be withdrawn if not accepted within 30 days of issue. Time and material rates are charges "port to port". Terms - Net 30 days.

Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. Visu-Sewer, Inc. is authorized to do the work as specified.

Date: _____ Signature: _____

Visu-Sewer
Inspect. Maintain. Rehabilitate.

Proposal

To: Jeff Gwaltney
City of Whitewater
P.O. Box 178
Whitewater, WI 53190
262-473-5920

From: Mike Blazejovsky
Visu-Sewer, Inc.
W230 N4855 Betker Dr.
Pewaukee, WI 53072
414-335-2538

Date: 2/4/2016

Project: 2016 Sanitary Sewer Lining

Visu-Sewer is pleased to provide the following quotation for sewer lining:

Installation of 1,728 LF of 8" National Liner @ $28.90 / LF **$49,939.20**

The above listed price is based on most recent available video and a site inspection. The above price includes:

- Labor, material and equipment
- Installation of 6mm finished thickness fully structural liner
- Mobilization and traffic control (limited to cones & signs)
- Light cleaning and televising of sewers prior to installation of liner
- Bypassing of average dry weather flow
- Installation of National Liner per manufacturer's instructions, ASTM 1216
- Reinstatement of active service connections
- Televising of sewers after installation of liner

*Note – If a pipe section is determined to be unfit for liner installation, time onsite and/or mobilization for that section will be charged at a T&M Rate of $260.00 per hour.

The City of Whitewater will need to provide access to all manholes (including property access permission from residents), water from nearby hydrants (without charge), a dump site for captured debris, and any traffic control required beyond cones and signs. If needed, removal of protruding taps, reaming of deposits, grouting of active leaks, and heavy cleaning will be quoted separately. Thank you for the opportunity to quote on this project. Please do not hesitate to call Randy Belanger or me at 262-695-2340 if you have any questions.

All material guaranteed to be as specified. All work to be completed in a substantial workmanlike manner according to standard practices or specifications submitted. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. If a collapse of the original pipe results during the lining process, Visu-Sewer will not be held liable for costs associated with excavation, repairs or restoration. Our workers are fully covered by Workmen's Compensation Insurance. This proposal may be withdrawn if not accepted within 30 days of issue. Terms - Net 30 days.

Acceptance of Proposal

The above prices / conditions are satisfactory and are hereby accepted. Visu-Sewer is authorized to do the work as specified.

Date: _____ Signature: _____

PROPOSAL

TERRA
▲ ENGINEERING & CONSTRUCTION CORPORATION ▲

Date: 2/19/16

To: City of Whitewater Wastewater Dept.

Attn: Jeff Gwaltney

Job Name: 8" lining of sanitary sewer sections

Job Location: Whitewater, WI

We are pleased to quote the following scope of work:

8" diameter lining in the three areas designated per our meeting.
This CIPP lining work is per ASTM standards and includes pre-lining televising & cleaning to prepare, liner installation, lateral connections reinstated, and a copy of the post-lining videos & reports in digital format for your records.

Estimated qty. 1728 lin.ft. x unit price of $21.00 / lin.ft. = Estimate Total $ 36,288.00

NO WORK CAN BEGIN UNTIL A SIGNED COPY OF THIS PROPOSAL HAS BEEN RETURNED TO OUR OFFICE.

NOTICE OF LIEN RIGHTS

AS REQUIRED BY THE WISCONSIN CONSTRUCTION LIEN LAW, BUILDER HEREBY NOTIFIES OWNER THAT PERSONS OR COMPANIES FURNISHING LABOR OR MATERIALS FOR THE CONSTRUCTION ON OWNER'S LAND MAY HAVE LIEN RIGHTS ON OWNER'S LAND AND BUILDINGS IF NOT PAID. THOSE ENTITLED TO LIEN RIGHTS, IN ADDITION TO THE UNDERSIGNED BUILDER, ARE THOSE WHO CONTRACT DIRECTLY WITH THE OWNER OR THOSE WHO GIVE THE OWNER NOTICE WITHIN 60 DAYS AFTER THEY FIRST FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION. ACCORDINGLY, OWNER PROBABLY WILL RECEIVE NOTICES FROM THOSE WHO FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION, AND SHOULD GIVE A COPY OF EACH NOTICE RECEIVED TO HIS MORTGAGE LENDER, IF ANY. BUILDER AGREES TO COOPERATE WITH THE OWNER AND HIS LENDER, IF ANY, TO SEE THAT ALL POTENTIAL LIEN CLAIMANTS ARE DULY PAID

We hereby Propose to furnish material and labor-complete in accordance with the above specifications, for the sum of $36,288.00.

Payment to be made as follows: with 30 days of invoice.

ALL MATERIAL IS GUARANTEED TO BE AS SPECIFIED. ALL WORK TO BE COMPLETED IN WORKMANLIKE MANNER ACCORDING TO STANDARD PRACTICES. ANY ALTERATION OR DEVIATION FROM ABOVE SPECIFICATIONS INVOLVING EXTRA COSTS WILL BECOME AN EXTRA CHARGE OVER AND ABOVE THE ESTIMATE. ALL AGREEMENTS CONTINGENT UPON STRIKES, ACCIDENTS OR DELAYS BEYOND OUR CONTROL. OWNER TO CARRY FIRE, TORNADO AND OTHER NECESSARY INSURANCE. OUR WORKERS ARE FULLY COVERED BY WORKMEN'S COMPENSATION INSURANCE.

TERRA ENGINEERING & CONSTRUCTION CORPORATION

Authorized Signature: _____

Name & Title: Randy Bieri - CIPP Project Manager

Cell Phone Number: (414) 839-1700

RBieri@WhyTerra.com

Note: This proposal may be withdrawn by us if not accepted within 30 days.

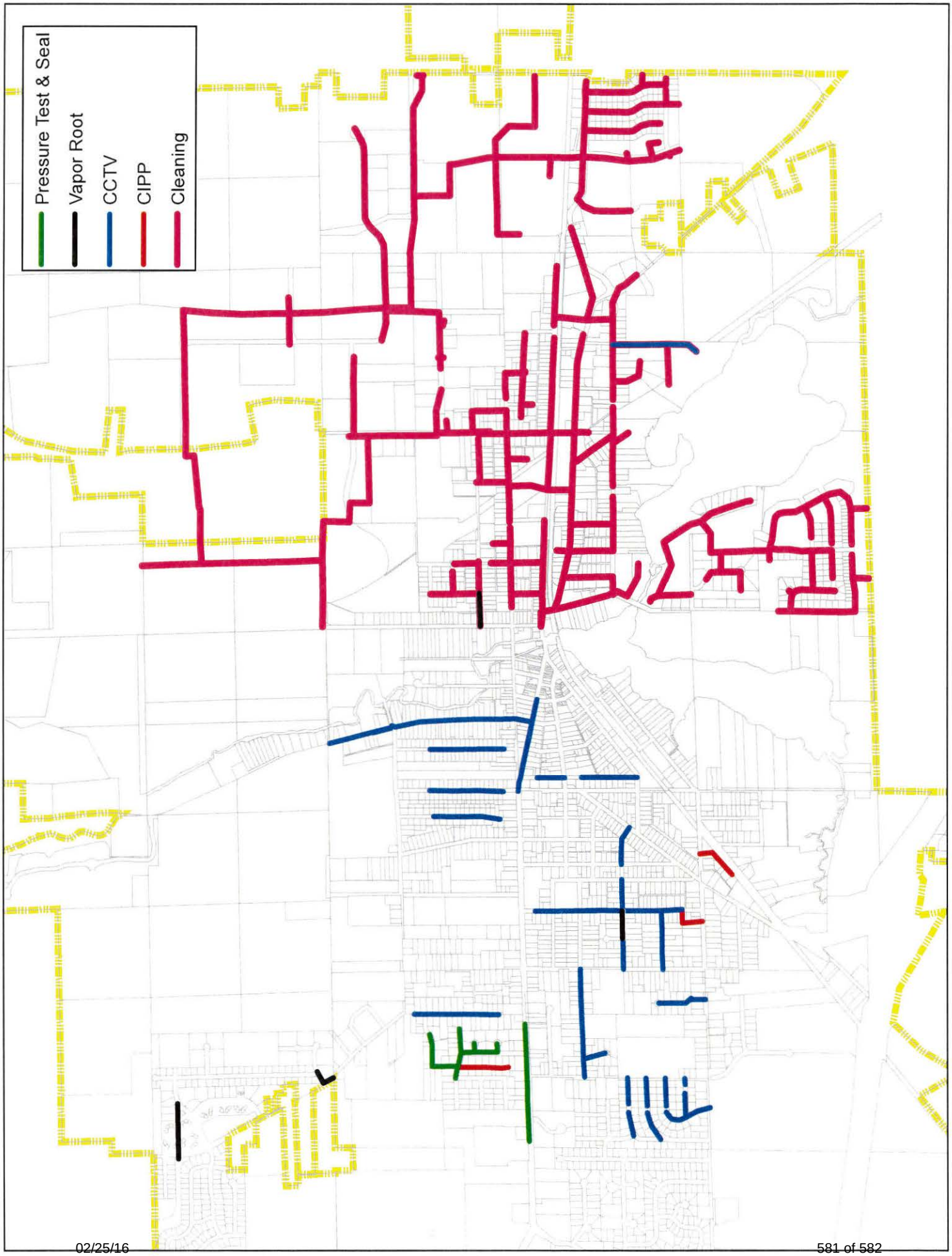
ACCEPTANCE OF PROPOSAL - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: _____ Signature _____

_____

Printed Name & Title

2409 Vondron Road
Madison WI 53718-6735
Phone (608) 221-3501 Fax (608) 221-4075
Visit Our Website: www.WhyTerra.com
An Equal Opportunity Employer


Pressure Test & Seal
Vapor Root
CCTV
CIPP
Cleaning

MEETING DATE: March 1, 2016_ ITEM: **DPW Equipment Replacement fund purchases**

SUMMARY OF ITEM BEING PRESENTED: As Council is aware, Public Works has been unable to follow the replacement cycle of getting new equipment for use by City staff. We have many old trucks that are causing us many extra hours of labor time to keep street safe, and then we have problems with allowing some of these vehicles to be taken out of the City for picking up parts, schools and conference as well as other needed duties. I have asked our local car dealers to look for pickups, two regular cab, one extended cab and a cargo van for Building maintenance as well as a usable vehicle for Park and Rec. staff to leave town with for after school classes or to purchase items for concession sales, as well as attending schools and conferences.

At this time I have found three of the needed 5 vehicles to help our aging vehicle inventory. Listed below are the used vehicles with low mileage that I would like to purchase and replace aging vehicles, which we will then send to auction and those funds going back into the equipment replacement fund;

2011 regular cab work truck; Burtness Chevrolet,	$16,800.00
2012 regular cab work truck 4x4, Countryside Auto Group	$24,253.50
2015 used cargo van 2500, Countryside Auto Group	$25, 268.50
(This van will be used by Building Maintenance staff)	

BUDGET IMPACT, IF ANY:
Funds for payment will come out of the Equipment replacement fund. In 2016 Budget $300,000.00 was added to this account to help with needed vehicles and to get DPW equipment back to safe operating levels.

BOARD, COMMISSION, OR COMMITTEE RECOMMENDATION, IF ANY:
N/A

STAFF RECOMMENDATION: **To approve the purchase of these three used vehicles for a total $66,322 coming out of the DPW Equipment replacement fund.**

RECOMMENDED MOTION: **To approve purchase of the used vehicles per staff recommendation.**
ATTACHMENT(S) INCLUDED; None

FOR MORE INFORMATION CONTACT;

Charles Nass 473-0542