

**NOTICE OF ORDINANCE NO. 14-06**

**AN ORDINANCE REPEALING AND RECREATING PORTIONS OF  
SECTION 22.0514 LIMITED OCCUPANCY OVERLAY DISTRICT,  
SECTION 22.051 R-1 ONE FAMILY RESIDENTIAL DISTRICT  
AND SECTION 22.15 DEFINITIONS**

Notice is hereby given that on June 10, 2014 the Common Council of the City of Platteville adopted Ordinance No. 14-06, repealing and recreating portions of Section 22.0514, Section 22.051 and Section 22.15 of the Zoning Code.

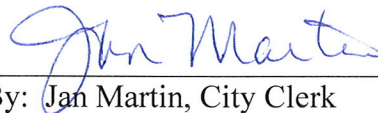
This ordinance makes several changes to the zoning ordinance related to the Limited Occupancy Overlay District. The primary changes include the following:

1. The change allows an overlay district to be created on property that is located within any local or state/national residential historic district in the City, regardless of the existing underlying zoning.
2. The definition of "family" has been modified to provide the same benefits to individuals in a domestic partnership that are provided to a married couple (as related to the occupancy restrictions).
3. The definition of "family" in the underlying zoning ordinance has been modified to include the same basic definition. The difference between the two definitions is only regarding the number of unrelated individuals and roomers/boarders that are allowed to live in the unit.
4. The change removes some redundant language regarding the definition of "family" from the single-family residential district.
5. There are several changes that eliminate the ability for a petition creating an overlay district to include properties in which the owner of the property doesn't sign the petition.

The full text of Ordinance No. 14-06 may be viewed at and /or obtained from the office of the Platteville City Clerk which is located at 75 N. Bonson Street, Platteville, WI 53818, phone number (608) 348-9741, Ext. 2226, or accessed online at [www.platteville.org](http://www.platteville.org).

Dated this 11th day of June, 2014.

CITY OF PLATTEVILLE,



By: Jan Martin, City Clerk

**ORDINANCE NO. 14-06**

**AN ORDINANCE REPEALING AND RECREATING PORTIONS OF  
SECTION 22.0514 LIMITED OCCUPANCY OVERLAY DISTRICT,  
SECTION 22.051 R-1 ONE FAMILY RESIDENTIAL DISTRICT  
AND SECTION 22.15 DEFINITIONS**

The Common Council of the City of Platteville do ordain as follows:

Section 1. Section 22.0514(A) is hereby repealed and recreated as follows:

**22.0514 R-LO LIMITED OCCUPANCY RESIDENTIAL OVERLAY DISTRICT  
(A) PURPOSE AND INTENT**

The purpose and intent of the R-LO Limited Occupancy Residential Overlay District is to protect, preserve, and enhance low-density single-family housing in areas zoned R-1 Single-family residential and R-2 One & Two-family Residential, and within the Local or State/National residential historic districts in the City.

This district establishes restrictions which operate to preserve the attractiveness, desirability, and privacy of residential neighborhoods by limiting the numbers of occupants permitted in residential properties and limiting the types and numbers of rental properties, and thereby preclude the deleterious effects on a neighborhood with regard to property deterioration, increased density, congestion, noise and traffic levels, and reduction of property values. The goal of the overlay district is to allow the City and the owners of property within residential neighborhoods to control the number of occupants and the types of rental properties that are permitted in one-family dwellings within their neighborhood. It is also the purpose of the district to achieve the following objectives:

- (1) To protect the privacy of residents and to minimize noise, congestion, and nuisance impacts;
- (2) To maintain an attractive community appearance and to provide a desirable living environment for residents by preserving the owner occupied character of the neighborhood;
- (3) To prevent excessive traffic and parking problems in the neighborhoods.

Section 2. Section 22.0514(B) is hereby repealed and recreated as follows:

**(B) OVERLAY DISTRICT RESTRICTIONS**

In the R-LO Limited Occupancy Residential Overlay District the definition of "family" as set forth in Platteville Municipal Ordinance Section 22.15 Definitions shall be modified within the overlay district boundary. This definition is used to determine the allowable number of persons that can legally reside in a dwelling unit. The definition to be used within the district is set forth below.

“Family” shall mean one of the following groups of individuals, but not more than one group at a time:

- (1) Any number of persons, all of whom are related to each other by blood, adoption, marriage, domestic partnership formed under Wis. Stats. 770, or legal guardianship, along with up to one (1) roomer or boarder not so related, living together in one dwelling unit as a single housekeeping entity; or
- (2) Not more than two (2) persons who are not related by blood, adoption, or marriage, living together in one dwelling unit as a single housekeeping entity; or
- (3) Two (2) unrelated individuals and any children of either or both of them living as a single-housekeeping unit.

For purposes of the definition of family, the term “related” shall mean a spouse, parent, child, stepchild, child of a parent in a domestic partnership, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, great-grandparent, and great-grandchild, or a child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, great-grandparent, or great-grandchild of a person in a domestic partnership. The term “related” does not include other, more distant relationships such as cousins.

The definition of family includes up to two (2) guests if the guests live and cook together with the family in a single dwelling unit and do not pay rent or give other consideration for the privilege of staying with the family. The definition of “guest” under this section is defined as a person who stays with a family for a period of less than thirty days within any rolling one-year period and does not utilize the dwelling as a legal address for any purpose.

Section 3. Section 22.0514(D) is hereby repealed and recreated as follows:

**(D) OVERLAY DISTRICT CREATION**

The R-LO Limited Occupancy Residential Overlay District may be established over designated areas of the City of Platteville.

- (1) INITIATION. The designation of an overlay district may be initiated by the Common Council or Plan Commission, or by a petition of one or more of the owners of property within the area proposed to be included in the district.
- (2) PETITIONS
  - (a) A petition requesting an overlay district that meets the following requirements must be submitted to the City Clerk.
    1. Each petition must be circulated by a person who owns property within the proposed district and be signed by the circulator.
    2. The petition must contain the signature and address of all the parcel owners within the proposed boundary of the overlay district, exclusive of public property. Jointly owned parcels will be considered owned by a single person for purpose of petitioning and any co-owner may sign a

petition for such parcel. If a person owns more than one parcel of property within the proposed district, they may sign the petition once for each parcel they own.

3. Each person signing the petition must also enter, on the petition, adjacent to their signature, the date that the person signed the petition.
4. The petition must accurately advise the signer of what restrictions would be imposed on the property if the overlay district were established.
5. The properties to be included in the proposed overlay district must be described in the petition by address.
6. When submitted, no signature dated earlier than six (6) months prior to the time the petition is filed with the City Clerk shall be counted in determining the validity of the petition.
7. Petitions shall also contain a map drawn to a scale of not less than 1:300 showing the area proposed to be included in the district.
8. A \$200.00 application fee shall be submitted to cover the rezoning costs of establishing the district.

(b) Upon presentation to the City Clerk for review, the Clerk shall determine whether the petition is in conformity with the conditions of this section.

1. If the petition is not in conformity with the requirements of this section, the clerk shall reject the petition and return it to the person who filed the petition with a written explanation as to why the petition does not meet the requirements of this section.
2. If the petition is rejected for failure to comply with the boundary requirements, it may be resubmitted with the proper boundary lines if it is accompanied by certification that a copy of the petition and written notice was mailed to each property affected by the change, notifying them that their property was either added to or deleted from the petition and if by the correction of the boundary line the petition still meets all other requirements of the code.
3. If the petition is rejected for an insufficient number of valid signatures, it may be resubmitted with the additional signatures necessary to have it comply as long as the other signatures remain valid.
4. If the petition is determined to be in conformity with the requirements of this section, the Zoning Administrator shall draft an appropriate ordinance and submit the ordinance for approval following the procedures set forth in this code.

(3) **RECOMMENDATIONS.** The Plan Commission shall review all proposed changes and amendments and shall recommend that the district be approved as requested, modified, or denied. The recommendation shall be made in writing to the Common Council.

- (4) HEARINGS. The Common Council shall hold a public hearing upon each recommendation after publication of a Class 2 legal notice in accordance with Chapter 985 of the Wisconsin Statutes, listing the time and place, and the changes or amendments proposed. The Common Council shall also give at least ten (10) days prior written notice to the Clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment and shall mail a notice of the public hearing to owners of all land within the proposed district at least ten (10) days prior to the public hearing.
- (5) COMMON COUNCIL ACTION. Following such hearing and after careful consideration of the Plan Commission's recommendations, the Common Council shall vote on the passage of the proposed district. Such district shall become effective upon a simple majority vote. If approved, the district boundaries must be shown on the Zoning Map. Any ordinance that is not adopted within six (6) months of its introduction shall be deemed denied.

Section 4. Section 22.051(B)(1) is hereby repealed and recreated as follows:

**22.051 R-1 ONE FAMILY RESIDENTIAL DISTRICT.**

(B) SPECIFIED USES.

- (1) One family dwellings.

Section 5. Section 22.15 is hereby repealed and recreated as follows:

**22.15 DEFINITIONS**

FAMILY – Any one of the following groups of individuals, but not more than one group at a time:

- (1) Any number of persons, all of whom are related to each other by blood, adoption, marriage, legal guardianship, or domestic partnership formed under Wis. Stats. 770, along with up to two (2) roomers or boarders not so related, living together in one dwelling unit as a single housekeeping entity.
- (2) Not more than four (4) persons who are not related by blood, adoption, or marriage, living together in one dwelling unit as a single housekeeping entity; or
- (3) Two (2) unrelated individuals and any children of either or both of them living as a single-housekeeping unit.

For purposes of the definition of family, the term “related” shall mean a spouse, parent, child, stepchild, child of a parent in a domestic partnership, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, great-grandparent, and great-grandchild, or a child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, great-grandparent, or great-grandchild of a person in a domestic partnership. The term “related” does not include other, more distant relationships such as cousins.

The definition of family includes up to two (2) guests if the guests live and cook together with the family in a single dwelling unit and do not pay rent or give other consideration for the privilege of staying with the family. The definition of “guest” under this section is defined as a person who

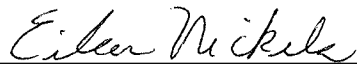
stays with a family for a period of less than thirty days within any rolling one-year period and does not utilize the dwelling as a legal address for any purpose.

Section 6. All other provisions of Chapter 22 shall remain in full force and effect unless specifically modified herein.

Section 7. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Approved and adopted by the Common Council of the City of Platteville, on a vote of 6 to 0 this 10th day of June, 2014.

CITY OF PLATTEVILLE,

  
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By: Eileen Nickels, Council President

Attest:

  
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By: Jan Martin, City Clerk

Published: June 18, 2014