

6.065 WHITEFISH BAY COMMERCIAL OFF-STREET PARKING UTILITY

(1) UTILITY CREATED

The Whitefish Bay Commercial Off-Street Parking Utility is created pursuant to Sec. 66.067, Wis. Stats. Such utility shall acquire, construct, manage and operate off-street parking facilities for the benefit of commercial areas within the Village of Whitefish Bay and users of such areas.

(2) ADMINISTRATION

The Village Board shall manage and operate the utility. The Village Manager shall be responsible for administration of the utility, subject to direction of the Village Board.

(3) UTILITY DISTRICT AND ZONES

The Village Manager shall cause to be prepared and submitted to the Village Board a plan or plans for establishment and development of commercial off-street parking utility districts. Such districts may be expanded or contracted by the Village Board from time to time. Such districts may contain zones in which the annual charge determined under sub. (6) may vary according to the relative benefit derived by the commercial properties located therein.

(a) Criteria for Determining Parking Requirements.

- Retail Sales Area..... 1 space/200 sq.ft. up to 1,000 sq.ft.
sales area plus 1 space/400 sq.ft.
over 1,000 sq.ft. (Ord. 1690)
- Beauty Parlor..... 2 spaces / operator
- Barber Shop..... 2 spaces / barber
- Bank or Savings & Loan.....Same as retail sales plus
1 space / 2 employees
- Theater..... 1 space / 4 seats with 50%
reduction for non-coincidence
factor = 1 space / 8 seats
- Offices: Doctor/Dentist.....3 spaces / doctor plus
1 space / 2 employees
- Manufacturer's Agent.....1 space / agent plus
1 space / 2 employees
- Insurance or Real Estate....1 space / agent plus
1 space / 2 employees
- Post Office..... 1 space / 150 sq. ft. patron area
plus 1 space / 2 inside employees
- Commercial Artist..... 1 space / 2 employees
- Attorney..... 2 spaces / attorney plus
1 space / 2 employees

Section 16.065 (3)(a)

- Investment..... 2 spaces / office plus
1 space / 2 employees
- Management..... 1 space / officer plus
1 space / 2 employees
- Funeral Home..... 1 space / 6 seats
- Furniture Store.....1 space/600 sq.ft. sales area (Ord. 1690)
- Grocery Store.....1 space/300 sq.ft. sales area (Ord. 1690)
- Restaurants & Coffee Shops....The greater of 1 space/3 seats, or
1 space/250 sq.ft. up to 2,000 sq.ft.
sales area plus 1 space/500 sq.ft.
over 2,000 sq.ft. (Ord. 1690)

(b) Parking District Classifications.

- District 1 Within 600 feet of parking area and bordering upon area or separated by minor street (Hollywood-Consaul)
- District 2 Within 600 feet of parking area and separated by a major street (Santa Monica, Silver Spring, Lake Drive or Marlborough) or by two minor streets.
- District 3 Within 600 feet of parking area and separated by more than a major street or by more than two minor streets.
- District 4 600 feet to 800 feet from parking area.
- District 5 800 feet to 1,100 feet from parking area.
- District 6 1,100 feet to 1,400 feet from parking area.

(c) Parking District Space Values (in relationship to District 1 value)

District 1	100%
District 2	75%
District 3	50%
District 4	25%
District 5	10%
District 6	5%

(4) VILLAGE INVESTMENT

All costs involved in acquisition and development of commercial off-street parking districts shall be borne by the Village and shall be considered as the Village's investment in the utility. Additional costs incurred in expanding or contracting a district shall be considered as increment to such investment. Such costs shall include, without limitation because of enumeration, acquisition of land and interests therein, acquisition of personalty and interests therein, the estimated fair market value of any land or personalty contributed by the Village, drainage, grading, surfacing, lighting, enclosures, parking meters, landscaping, principal and interest on obligations issued in connection with the project, the cost of any architectural, engineering and legal services, a reasonable charge for the services of the administrative staff of the Village, and any other direct or indirect cost reasonably attributable to the project.

(5) METERING

The utility shall install parking meters in areas designated by the Village Board. A sufficient area shall remain unmetered to accommodate employees of the commercial establishments served.

(6) DETERMINATION OF NET ANNUAL RENTAL CHARGE (Ord. 1356)

There shall be imposed upon the commercial properties in a utility district benefited by commercial off-street facilities an annual rental charge determined by the Village Manager by including the following factors:

- (a) The annual cost of operation and maintenance of the district, as determined by the Village Manager and approved by the Village Board.
- (b) Amortization of the cost of improvements, including the cost of drainage, grading, surfacing, lighting, enclosures, parking meters, landscaping, principal and interest on obligations issued in connection with the project, the cost of any architectural, engineering and legal services, a reasonable charge for the services of the administrative staff of the Village, and any other direct or indirect cost reasonable attributable to the improvements.
- (c) Tax equivalent, based on the assessed value of the land and improvements. (Ord. 1374)
- (d) A deduction of the net revenues derived from the operation of parking meters in the utility district, not including revenue from forfeitures. (Ord. 1356)

(7) ALLOCATION OF NET RENTAL CHARGE

The net rental charge shall be allocated by the Village Manager annually on July 1 among the commercial properties served within the district on the basis of the parking burden imposed upon the district by each commercial property served. Such burden shall be determined by consideration as to each property served by the following factors:

- (a) Location and size of commercial operation.
- (b) Nature of commercial operation.
- (c) Number of employees.
- (d) Any factor likely to create traffic volume or generate parking demand.

(8) VILLAGE MANAGER TO REPORT USE

The Village Manager shall determine as of May 1 the use of each property served in the utility district and shall make a report thereof to the Village Board by June 1 of each year.

(9) OFFSET PROVIDED FOR PARKING PROVIDED BY COMMERCIAL ESTABLISHMENTS

Any private parking provided by a commercial establishment shall be considered as an offset against the annual charge to the extent that the parking burden is thereby relieved. Where two or more commercial establishments jointly provide off-street parking facilities, the offset shall be pro-rated according to the contribution of each establishment to the acquisition and maintenance of the facility.

(10) VACANT PROPERTY

A rental charge shall be assessed on vacant property based on amortization pursuant to (6)(b) and the tax equivalent pursuant to (6)(c), less the deduction from operation of parking meters pursuant to (6)(d). The cost of operation pursuant to (6)(a) shall be charged to the general fund. This provision shall be applicable only after a property has been vacant for more than 6 months immediately prior to any calendar quarter. Notification and proof of the six-month vacancy shall be provided to the Village Manager. (Ord. 1537)

(11) PAYMENT OF ANNUAL RENTAL

It shall be the responsibility of the owner of the property served to pay the annual rental charge imposed hereunder. However, the occupant may be billed if the owner and occupant so notify the Clerk-Treasurer in writing. Such charges shall be payable quarterly by the first day of January, April, July and October; where the annual charge exceeds \$1,200, upon written notice to the Village Manager, the property owner may make equal monthly payments by the first day of each month.

On October 15 of each year, written notice of any delinquency shall be given to the owner and occupant of any property served. Such notice shall be in writing and shall state the amount of the delinquency; that unless the delinquency is paid by November 1, a penalty of 10% will be assessed; and that if not paid with the penalty by November 15, the total amount will be entered in the tax roll as a special charge against the property. Such amount shall be a lien against the property and shall be collected as are general property taxes.

(12) PARKING UTILITY BOARD OF REVIEW (Ord. 1264)

(a) Creation.

A Parking Utility Board of Review shall consist of the Public Works, Utilities & Streets Committee of the Whitefish Bay Village Board. (Ord. 1264)

(b) Quorum.

A majority of the members of the Board shall constitute a quorum.

(c) Duties.

The Board shall hear, review and decide all appeals properly brought before it under the provisions of this section and shall file a written decision with the Clerk-Treasurer for each appeal.

(d) Appeals.

Any person or corporation being aggrieved by the report on use and allocation of net parking requirements filed by the Village Manager pursuant to sub. (8) of this section, may appeal to the Utility Board of Review on or before July following the filing of the Village Manager's report. Such appeal shall be in writing, filed with the Clerk-Treasurer and shall state the objections to said report or alleged error therein.

(e) Notice of Hearing.

The Utility Board of Review shall cause notice to be sent to each person or corporation appealing from the report of the Village Manager, notifying such party of the time and place of hearing such appeal.

(13) HEARING

Prior to establishment of a utility district hereunder, the Village Clerk-Treasurer shall give 10 days' notice by posting in 3 public places within the Village and 10 days' written mailed notice to the owners of each commercial establishment in the utility district of a public hearing to establish a utility district. The written mailed notice shall include an estimated annual rental for each commercial establishment in the utility district. Any person interested in the creation of such a utility district and in the determination of the annual rental may appear before the Village Board at the time specified to express his views with respect thereto. Upon completion of such hearing the Village Board may approve, reject, modify or re-refer the plan or plans and the annual rental proposed by the Village Manager, and may establish utility districts and zones as proposed. The utility districts and zones may be expanded or contracted by the Village Board upon notice and hearing as provided herein.