



Council Agenda Item

Meeting Date:	March 3, 2026
Agenda Item:	Ordinance 2026-O-05-Permit Expiration
Staff Contact (name, email, phone):	Llana Dostie, Zoning Specialist

BACKGROUND

(Enter the who, what when, where, why)

At the Council's last review of the proposed ordinance, concerns were raised regarding permit expiration dates and responsibility for project completion and enforcement. The following is being provided to clarify those matters.

Under the proposed ordinance, certain building and zoning permits would no longer remain active for a two-year period. Specifically, permits issued for yard fencing, siding, roofing, window replacement (remove and replace within the same rough opening), decks (new and replacement), accessory structures (including sheds and detached garages), and driveway expansions would be subject to shorter expiration timeframes. Establishing reduced expiration periods will prevent projects from remaining incomplete for extended durations and will help maintain neighborhood aesthetics, safety, and property values.

State statutes already establish expiration parameters for new construction. Wisconsin Administrative Code SPS 320.02 outlines the requirement for a Uniform Dwelling Code building permit for one- and two-family dwellings constructed after the effective dates identified in SPS 320.03 (June 1, 1980). Further, SPS 320.09(5) provides that permits expire 24 months after issuance if the dwelling exterior has not been completed, with an additional 12 months (36 months total) allowed for completion of the interior. These same timeframes apply to new commercial construction.

Additionally, staff recommends reducing the permit expiration period for commercial additions and alterations valued under \$500,000 from two years to one year. This adjustment is intended to promote timely project completion and discourage projects from remaining in a partially completed condition for prolonged periods.

The City of Whitewater is a delegated community authorized to issue building permits pursuant to Section 14.04.010 of the Municipal Code. Under Section 14.04.010(a), it is the duty of the Building Inspector, with assistance from the Police and Fire Departments, to enforce the provisions of the chapter. Authorized enforcement officials—including the Zoning Administrator or designee, Fire Chief or designee, City Manager or designee, and any officer of the Police Department—may issue citations for violations under the City's citation ordinance.

Pursuant to Section 14.04.100(f), building permit fees are established by resolution of the Common Council and are maintained on file with the offices of the City Clerk and Code Enforcement Director.

The following already established procedure establishes a clear, consistent, and transparent process for requesting and appealing permit extensions granted on the basis of hardship. Any permit holder seeking an extension due to hardship shall submit a written request to the appropriate issuing authority prior to the

permit's expiration date. The request must include a detailed explanation of the hardship circumstances and any supporting documentation necessary for review.

Zoning Permits

Permit extensions for zoning permits issued by the Zoning Administrator, including but not limited to yard fencing and driveway expansions, shall be reviewed and decided upon by the Zoning Administrator.

If the applicant believes their concerns have not been adequately addressed, the decision of the Zoning Administrator may be appealed to the Board of Zoning Appeals in accordance with established appeal procedures.

Residential Building Permits

Permit extensions for residential permits issued by the Building Inspector shall be reviewed and granted by the Building Inspector in accordance with the adopted fee schedule.

If the applicant believes their concerns have not been adequately addressed, the decision may be appealed to the Plan & Architectural Review Commission. If the applicant believes that this board didn't adequately address their concerns, their decision can be appealed to the Board of Zoning Appeals.

New Commercial Permits

Requests for extensions related to new commercial permits shall be directed to the State of Wisconsin, as the State is the reviewing authority for such plans. Applicants must follow the State's procedures for extension requests and appeals.

The proposed ordinance will provide clarity regarding expiration timeframes, reinforce enforcement authority, and ensure that permitted projects are completed within reasonable and predictable periods.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS
(Dates, committees, action taken)

On January 12, 2026, a Public Hearing was held at the PARC meeting and PARC voted to recommend approval of the Proposed Ordinance for Permit Expiration to the Whitewater Common Council.

On February 3, 2026, this matter was reviewed by Common Council and was table for further information.

FINANCIAL IMPACT
(If none, state N/A)

N/A

STAFF RECOMMENDATION

Staff recommends that the City of Whitewater Common Council:

1. Approve the first reading of the Permit Expiration Ordinance.
2. Option to waive second reading.

ATTACHMENT(S) INCLUDED
(If none, state N/A)

Permit Expiration Ordinance
Copy of Current Fee Schedule
Copy of all of Title 14
