

COMMON COUNCIL  
OF THE  
CITY OF MEQUON

ORDINANCE 2023-1657

An Ordinance Amending Chapter 58 of the Mequon Municipal Code to Rezone the Property Located at 11743 N. Port Washington Road from R3 (Single-Family 1-Acre) to R5 (Single-Family 1/2 Acre) with a PUD (Planned Unit Development) Overlay, and Amend the City's Land Use Plan Map from Residential (1-1.5 Acre) to Residential Plex, in Connection with the Development of a 19-Lot Cluster Subdivision

**RECITALS**

A. The applicant desires to develop a 19-unit conservation condominium development on 9.8 acres located at 11743 N. Port Washington Road and lands to the east and west.

B. The property is currently zoned R-3 (Residential 1-Acre).

C. In order to complete the proposed development, the applicant has sought to rezone the property to R5 (Single-Family 1/2-Acre) with a PUD (Planned Unit Development) Overlay and an Amendment to the Land Use Plan Map from Residential 1-1.5 Acre to Residential Plex.

D. The Planning Commission by majority vote adopted a recommendation to approve the rezoning request on the 4th day of December, 2023.

E. Pursuant to Section 62.23(3) of the Wisconsin Statutes, the City of Mequon is authorized to prepare and adopt a comprehensive plan, or amendment thereof, as defined in Section 66.1001(1)(a) and 66.1001(2) and 66.1001(4)(c) and 66.1001(4)(d).

F. Based upon the Planning Commission's recommendation and following a public hearing before the Common Council on January 9, 2024, the Common Council has determined that amendments to the City's Zoning Map and Land Use Plan Map within Chapter 58 of the Mequon Municipal Code, are appropriate.

BASED UPON THE FOREGOING RECITALS, the Common Council of the City of Mequon, Wisconsin, do ordain as follows:

**SECTION I**

1. The City of Mequon Land Use Plan Map is hereby amended to designate the property illustrated in Exhibit A as "Residential Plex".

2. The City of Mequon Zoning Map is hereby amended so as to change the zoning

classification of the property illustrated in Exhibit A as R-5/PUD subject to the following conditions:

1. Common Council approval of the rezoning.
2. The concept plan shall include the north connection point to Port Washington Road. The access is also subject to Ozaukee County approval.
3. The preliminary condominium plat shall show all delineated wetlands and surveyed floodplain.
4. All existing wetlands shall be contained in common area.
5. The unit pads shall be 2,700 square feet and at least 15 feet from an adjacent unit.
6. All buildings shall maintain a minimum building setback of 50' from the Port Washington Road right-of-way, 20' from adjacent parcels, a minimum 10' setback from the proposed public road, and offsets to wetlands as established by the Department of Natural Resources (DNR).
7. The future road shall be designated as right-of-way, shall be at least 60 feet wide, and the eyebrow shall be within 150' of the property line. The developer shall install bollards on each side of the right-of-way. The bollards shall be placed at the property line and halfway to the eyebrow. The owners shall maintain the bollards in good condition and repair and replace them as necessary until such time as a street is constructed over the right-of-way.
8. No less than 50 percent of residential buildings shall present a side loading garage, a courtyard garage entry or a 15-degree turned garage entry. Of the remaining 50 percent that is allowed to present a front loading garage, the following shall apply: 1) no more than two garage stalls shall present on the same linear plane; 2) all front loading garages shall contain architectural details consistent with the front elevation; 3) none of the front loading garages shall have a consistent setback to that of the habitable portion of the building; and 4) no more than 30 percent of the front loading garages shall project further into the front yard than the habitable portion of the building. There shall be no more than three front-loading garage residential buildings in a row.
9. An open space plan with a natural trail shall be submitted for Planning Commission approval.
10. The development shall comply with preliminary condominium plat, development agreement, and final plat requirements.
11. Architectural design of residential buildings shall comply with the Architectural Board's publication entitled "Guidelines for Residential Structures" and are subject to the Architectural Review Board.
12. Street trees are subject to the approval of the Tree Board and Planning Commission.
13. Street lighting, if proposed, is subject to the approval of the Planning Commission.
14. Entryway signage and landscaping are subject to the approval of Planning Commission.
15. Any substantial change to the general concept plans illustrated in the attached exhibits shall require appropriate amendment to this ordinance.

16. The entire property is subject to the City of Mequon Tree Preservation Ordinance and necessary preservation easements, if any.
17. The development shall connect to public water and sewer with appropriate road reparations where existing pavement is impacted. Water connection shall adhere to the City of Mequon Water Connection Policy.
18. The wetland delineation report with WDNR concurrence should be submitted with the preliminary plat application. The wetland boundaries and protective areas should be shown on the preliminary plat. Assuming wetland fill is required, the developer shall submit the permitting documents from the WDNR prior to application for preliminary condominium plat.
19. The applicant shall submit a Development Agreement at the time of preliminary plat application.

## **SECTION II**

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

## **SECTION III**

All other ordinances or parts of ordinances contravening the terms of this ordinance are hereby and to that extent repealed.

## **SECTION IV**

This ordinance shall take effect and be in full force upon its passage and the day after its publication.

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Approved by: Andrew Nerbun, Mayor

Date Approved:        January 9, 2024

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on January 9, 2024.

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Caroline Fochs, City Clerk

Published: \_\_\_\_\_