

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2024-1659

An Ordinance Amending Chapters 10 and 58 of the Mequon Municipal Code in Connection with Approvals by the City's Architectural Review Board, and Adopting Updates to the Board's Guidelines for Residential Structures

RECITALS

A. The Common Council of the City of Mequon previously adopted a Zoning Code that is presently codified in Chapter 58 of the Mequon Municipal Code.

B. The Common Council of the City of Mequon previously adopted a Building Code that is presently codified in Chapter 10 of the Mequon Municipal Code.

C. The Common Council finds that the architectural design of buildings and structures impacts the health, safety and welfare of the community and that appropriate guidelines and processes helps to ensure that the physical environment of the City be developed in a manner that provides the maximum degree of aesthetic satisfaction.

D. The Common Council desires to update and amend the guidelines and approval procedures for the architectural design of buildings and structures to accomplish this goal.

E. On January 22, 2004, the Planning Commission recommended approval of the proposed amendments to accomplish this goal.

F. On February 13, 2024, the Public Welfare Committee recommended approval of the proposed amendments.

G. Following a public hearing on the proposed amendments, the Common Council desires to adopt the same.

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

SECTION I

Section 10-56 of the Mequon Municipal Code is amended to read as follows (NOTE: Deleted text is ~~struck through~~; Added text is **bold underlined**):

Sec. 10-56. - Architectural approvals.

No permit shall be issued for the erection, remodeling or placement of any building or structure within the City of Mequon ~~of any building~~ until any required architectural approval for such building or structure ~~the approval of the architectural board~~ has been obtained and such approved approval plans are received by the building inspector. The review and approval of the permit is architectural board shall be in lieu of the review and approval required by the planning commission in per Section 30.07(8)(7) of the Wisconsin Uniform Building Code and the Wisconsin Uniform Dwelling Code, Wis. Admin. Code §§ SPS 320-325. Architectural approval shall be provided as follows:

(a) The director of community development, or designee, shall assess and determine, in accordance with Section 58-40 (c), the appropriateness of any building or structure which does not exceed 300 square feet, and which has no exterior dimension that exceeds eighteen (18) feet, and of any agricultural building or structure which does not exceed 1,000 square feet. Where staff identifies design issues associated with any building or structure which cannot be reasonably mitigated with minor modifications, the structure shall not be granted approval unless approved by the architectural board.

(b) The architectural board shall assess and determine, in accordance with Section 58-40, the appropriateness of any residential building or structure (principal or accessory) exceeding 300 square feet and located in any zoning district authorizing such structure.

(c) The planning commission shall assess and determine the appropriateness of all other buildings or structures not otherwise reviewed under (a) or (b) above.

SECTION II

Section 58-532(h) of the Mequon Municipal Code is amended to read as follows (NOTE: Deleted text is struck-through; Added text is bold underlined):

Sec. 58-532. - Specific requirements - Animal-related uses, businesses and structures.

(h) Stables, barns, poultry houses, riding arenas and other similar structures for animals.

(1) The standards described in this subsection only relate to such structures used in connection with allowed producing animals and not for structures used for other agricultural purposes or non-agricultural purposes. Structures used for such other purposes may not be used to keep animals unless they meet these standards.

(2) No building housing producing animals shall be closer than 50 feet to any lot line except for chicken enclosures on residentially zoned properties, which are governed by the specific standards for chickens set forth above.

(3) Except for exterior enclosures for equine animals, exterior enclosures and buildings in which producing animals are housed at a residentially zoned property (other than animals kept in a primary residence) shall be located in the rear yard closer to the principle dwelling on the subject parcel than the neighboring lot lines.

(4) Additional requirements are set forth above for domestic animals kept at a residentially zoned property.

(5) For structures less than 1,000 square feet ~~If greater than 150 square feet but 1,000 square feet or less~~, the design is subject to staff architectural board ~~architectural board~~ approval. If more than 1,000 square feet, the design is subject to planning commission approval. Other district standards, such as lot coverage ratio, apply.

(6) If in an A-1 or A-2 district or subject to an OA overlay, and if on a parcel of 40 acres or more (or two or more contiguous parcels with the same owner with an aggregate of 40 acres or more), the application processing fee will be waived. The common council has approved this waiver to minimize the burden to the city's farmers and to encourage agricultural pursuits.

(7) The standards in this subsection shall not apply to any structure lawfully used in connection with allowed producing animals as of the date of the enactment of the ordinance from which this subsection is derived.

SECTION III

Section 58-566(c) of the Mequon Municipal Code is created to read as follows:

Sec. 58-566 – Architectural requirements and standards.

(c) Authority of the director of community development. Notwithstanding anything to the contrary in this section, the director of community development shall be responsible and have authority to hear, review and act upon proposed plans for structures which do not exceed 300 square feet and which has no exterior dimension that exceeds eighteen (18) feet.

SECTION IV

The Mequon Architectural Board Guidelines for Residential Structures in the form attached hereto, are adopted for use within the City.

SECTION V

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 VI

All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION VII

This Ordinance shall become effective immediately upon its approval and adoption, as provided by law.

Approved by: Andrew Nerbun, Mayor

Date Approved: March 12, 2024

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on March 12, 2024.

Caroline Fochs, City Clerk

Published: March 19, 2024