



11333 N. Cedarburg Road
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www.ci.mequon.wi.us

Department of Community Development
Taped and Televised

**PLANNING COMMISSION
Regular Meeting
Monday, March 11, 2019
6:00 PM
Christine Nuernberg Hall**

Agenda

1) Call to Order, Roll Call

- a) Approval of Minutes from February 11, 2019

2) Public Hearing/Regular Business

- a) Legacy Pools & Hottubs, LLC. The applicant is seeking conditional use grant approval for a hardware store to allow the retail sale of hot tubs, saunas and pool/spa supplies for the property located at 6619 W. Mequon Road, Unit D.

3) Regular Business

- a) Boulder Venture for Associated Bank. The applicant is seeking sign waiver approval for a second wall sign, sign waiver approval for a wall sign that exceeds the height requirement, and building and site plan amendment approval to amend a condition of approval that prohibited signage in the glass tower for a proposed two-story, 7,600 sq. ft. financial institution building located at 11223 N Port Washington Road.
- b) ICAP Development for Jewish Home and Care Center. The applicant is seeking rezoning recommendation from IPS (Institutional and Public Service) to B-2/PUD (Commercial Business/Planned Unit Development) and concept plan approval to redevelop the site for multiple commercial uses for the property located at 10865-10911 N. Port Washington Road (formerly Mequon Care Center) and the parcel to the south.

4) Policy

Chapter 58 of the Zoning Code as it relates to Animal Uses

5) Announcements

Changes Proposed for Froedtert Neighborhood Hospital.

Next meeting is Monday, April 8, 2019.

6) Adjourn

Dated: March 6, 2019

/s/ Dan Abendroth, Chairman

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Notice is hereby given that a quorum of other governmental bodies may be present at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take formal action thereto at this meeting.

Persons with disabilities requiring accommodations for attendance at this meeting should contact the City Clerk's Office at 262-236-2914, twenty-four (24) hours in advance of the meeting.

Any questions regarding this agenda may be directed to the Department of Community Development's Office at 262-236-2904, Monday through Friday, 8:00 AM – 4:30 PM



11333 N. Cedarburg Rd
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Department of Community Development

TO: Planning Commission
FROM: JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT
DATE: March 11, 2019
SUBJECT: PLANNING COMMISSION MEETING MINUTES from March 11, 2019

Memorandum

Attached please find the City of Mequon Planning Commission Meeting Minutes from February 11, 2019 for your review.

Attachments:

PC Minutes_02.11.19 DRAFT (DOC)



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PLANNING COMMISSION
Regular Meeting
Monday, February 11, 2019
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:

Chairman Dan Abendroth
Commissioner Martin Choren
Commissioner Rick Lemke
Commissioner Brian Parrish
Commissioner James Schaefer
Alderman Robert Strzelczyk
Commissioner Rebecca Schaefer - **Absent**
Commissioner John Stoker - **Absent**

a) Approval of Minutes from January 14, 2019

Action

Ald. Strzelczyk made a motion to approve the minutes from January 14, 2019.
Commissioner Choren seconded the motion.
A voice vote was taken; vote passed (6-0)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Martin Choren, Commissioner
AYES:	Abendroth, Choren, Lemke, Parrish, J. Schaefer, Strzelczyk

2) Consent

- a) First Weber for Catherine & James Hurth. The applicant is seeking certified survey map approval for a 2-lot land division for the property located at 12501 N. Lake Shore Drive and parcels to the west and north.

Action

Ald. Strzelczyk made a motion to approve the consent item.

Commissioner Parrish seconded the motion.

A voice vote was taken; vote passed (6-0)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Brian Parrish, Robert Strzelczyk
AYES:	Abendroth, Choren, Lemke, Parrish, J. Schaefer, Strzelczyk

3) Regular Business

- a) New World Montessori School, Ltd. The applicant is seeking rezoning recommendation approval from B-5 (Light Industrial) to IPS (Institutional and Public Service) for a private school for the property located at 10333 N. Industrial Drive.

City Planner Vang stated that the property is currently zoned B-5 and has been used as a child care center since 1994. The applicant is requesting the property be rezoned to IPS to allow for a private school. The proposed private school would offer services to children from 18 months old through 6th grade. The hours of school would be 7:30 am – 5:30 pm weekdays as well as a summer curriculum. Staff believes that the zoning is compatible with surrounding parcels and the property has been used for a similar type of business. There is a public interest in utilizing existing buildings which reduces vacancy and provides a service that meets the demands of residents. The existing building has classrooms and offices which make it suitable for a private school and less desirable for an industrial business. Due to very few IPS zoned parcels nearby, spot zoning should be addressed. The proposed use will not be significantly different than the type of use from the previous owner and it will provide a benefit to the community. Staff does recommend approval of the rezoning.

Asst. Eng. Henk stated that there are two items included in the report that are not exclusive to the rezoning but she wanted to make the potential buyer aware of these outstanding items. One is the recertification of the stormwater management which was extended for this year as it was supposed to be recertified in 2018 and they were granted an extension through June 30, 2019. The second item is a hole in the parking lot near a sewer lateral. The lateral is not showing evidence of materials from the trench within the pipe system so there has not been a need to repair it.

The applicant and potential property owner, Thomas Hodgert, stated they appreciate the engineering staff making them aware of the outstanding issues. They are hoping to have the rezoning approved so that they can buy the property and open the school. They do not believe it will have any negative impact on the surrounding area as it is simply changing from a daycare to a school that includes older children.

Ald. Strzelczyk asked that a PILOT program be mandatory if the business applies for a non-exempt status.

Action

Mayor Abendroth made a motion to approve the rezoning request subject to the conditions in the staff report and the condition that if the applicant applies for a tax-exempt status that there be a negotiated PILOT prior to Common Council rezoning.

Ald. Strzelczyk seconded the motion.

A voice vote was taken; vote passed (6-0)

RESULT:	APPROVED WITH CONDITIONS [UNANIMOUS]
MOVER:	Dan Abendroth, Chairman
SECONDER:	Robert Strzelczyk, Alderman
AYES:	Abendroth, Choren, Lemke, Parrish, J. Schaefer, Strzelczyk

- b) ICAP Development for Jewish Home and Care Center, Inc. The applicant is seeking rezoning recommendation approval from IPS (Institutional and Public Service) to B-2/PUD (Commercial Business/Planned Unit Development) for the property located at 10865-10911 N. Port Washington Road.

Commissioner Parrish recused himself from this item.

Asst. Dir. Zader stated that this is a request for a rezoning request from IPS to B-2/PUD. The surrounding area is zoned B-2 and it does make sense to rezone these parcels as they would be compatible to neighboring properties. He explained that historically this section was rezoned to Institutional due to a demand for this zoning and inventory was not available. The deed restriction limits many uses that would normally be permitted for IPS zoning which has made it difficult to market the site. The property has been vacant since 2006. Staff is supportive of rezoning to B-2/PUD but has concerns regarding commercial or retail uses in the back of the property as the Winding Hollow Condominium development is directly to the south. A condition has been added that no commercial or restaurant use beyond 300 feet are permitted in the rear of the development.

The concept plan was done to try to coordinate the entire site as a master plan development. It was also done to provide some protection to the city if there are uses the Commission does not want at this site. The proposed plan shows a total of five buildings with three access points from Port Washington Road. The curb cut openings would line up with the medians on Port Washington Road. Port Washington Road is under the jurisdiction of the Ozaukee County and there have been preliminary conversations about access. They are supportive of the access points based on approved traffic study. All tenants would share the stormwater management ponds. Staff asked the applicant for a conceptual plan layout if the property is going to be divided in the future (the black lines on the concept plan show a possible divide for a future CSM). Regarding the PUD, the perimeter offsets and setbacks would need to be complied with but the setbacks would be waived in regards to the parking lot. Both the FAR and open space for the whole development is required to be in compliance. If an individual parcel would require a waiver it would be allowed as long as the entire site meets the 40% open space and 30% FAR requirements.

Staff prefers that the buildings along Port Washington Road be turned so that the length faces the

road. Any drive-thru would need to be located on the rear of the site. There are wetlands on the site and the developer has received approval from the DNR to fill the wetlands. There are two areas with clusters of specimen trees as identified by the City Forester. The City Forester was not able to do a thorough review of the area due to recent cold and snow conditions, so there is not a report from him yet. Asst. Dir. Zader stated that the applicant is interested in feedback from the Commission regarding the types of uses they would like to see at this proposed development. He recommends tabling this item until the next meeting when the specimen trees can be addressed as well as different design options proposed to adjust the buildings to be more in line with Port Washington Road.

Feedback from the Commission included the support to rezone to B-2, no restaurants or commercial uses in the rear shall be allowed and no fast food restaurants anywhere on the site. They are supportive of the access points as well as the condition that any drive-thru be located to the rear of the site.

The applicant, Jerad Protaskey, VP of Development for ICAP, stated that he met with the City Forester and many trees were marked although a full inventory has not yet be conducted. They are supportive of keeping as many trees in the southwest area of the site as it helps provide a buffer zone between the residential neighborhood and the proposed development. The tree area to the northeast is more of a struggle due to positioning of the buildings in the front of the development facing Port Washington Road. They are aware of the tree policy but it is essential to their proposed development that they have as much frontage on Port Washington Road as possible in order to be a viable project for potential tenants.

It was recommended that the applicant work with staff to save as many trees as possible and position the buildings appropriately. An updated concept plan shall be brought back as well as a full inventory report from the City Forester.

Action

Ald. Strzelczyk made a motion to table this item.

Commissioner J. Schaefer seconded the motion.

A voice vote was taken; vote passed (5-0; Parrish was recused)

Dewey Strobel lives at Mequon Court apartments - stated that he is concerned about the impact of the traffic that this development would have on the neighboring elderly residents. He is concerned about the one access point that does not line up with a curb-cut.

RESULT:	TABLED [UNANIMOUS]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	James Schaefer, Commissioner
AYES:	Abendroth, Choren, Lemke, Parrish, J. Schaefer, Strzelczyk

- c) Plunkett Raysich Architects, LLP for Lumen Christi Catholic Parish. The applicant is seeking building and site plan amendment approval to remodel the existing church building for the property located at 2750 W. Mequon Road.

Commissioner Marty Choren recused himself from this item.

City Planner Vang stated that the request is for building and site plan amendment approval for a 2-story, 5,000 sq. ft. addition to Lumen Christi Catholic Parish. The applicant is also seeking setback waiver for the addition and height waiver for a new bell tower. The proposed addition is shown to the east of the existing building. The first floor will be roughly 2,800 sq.ft. and will include a narthex, vestibules and a ministry. The lower level is roughly 2,000 sq. ft. and will be limited to storage and crawl space. The IPS zoning district requires a 95 foot setback if there is parking between the road and the building; as it is with this property. The existing building setback is 66.9 sq. ft. The proposed addition will be set back further to 67.75 sq. ft. but a setback waiver from the Planning Commission is required for the addition.

There are many properties along Mequon Road that do not meet the setback requirement due to their property shape or size. In addition, many of the properties setback were affected when the road was widened and reconstructed. The existing church building and the addition will be set back further than other neighboring residential properties on Mequon Road. Staff does support the setback waiver and believes the addition is harmonious with the neighboring properties and does not cause a hardship or inconvenience.

The site plan shows the parking lot to the south is reconfigured to angled parking and one additional handicap space will be added. No parking stalls will be eliminated as part of the project. There will be a new concrete sidewalk to the east entrance. The proposed building is consistent with the existing building with the use of brick and asphalt shingled roof. A new bell tower is proposed over the east entrance. The height of the tower is shown at 46.9 feet which exceeds the maximum height allowance for the IPS district. A 7.4 foot tall cross is proposed for on top of the tower which brings the overall height to 52.3 feet. The Commission does have the authority to exempt decorative towers from the height requirements. The tower is the only portion of the addition that exceeds the height requirement. Staff does support the height of the proposed bell tower as it will be lower than the existing height and it does enhance the new entrance and helps to distinguish the main entrance to the church.

There will be additional modifications to the building and elevations. The new proposed sign meets all the requirements of the sign code as message centers are permitted for places of worship. This will be approved at staff level. The lighting plan was included and revised plans showing the output of the proposed lanterns will be required to ensure it meets 1,000 or less lumens per fixture. Additional information for the two proposed wall sconces is also needed.

There was not any additional landscaping included in the proposal but staff has added a condition that any landscaping affected during the construction must be replaced as is once the project is complete.

Asst. Eng. Henk stated that there is additional parking proposed on the south side of the building. The remainder of the parking lot will be pulverized and repaved. Any additional impervious area would need to be quantified for the storm water management; storm water management reporting is required for this project. Staff expects the filling and excavating to be less than 1,000 C.Y., so Planning Commission approval will not be required.

The applicant, Marty Choren from Plunkett Raysich Architects, thanked the staff for their help and stated that this is the second phase of the project to consolidate all of the facilities at one site. The work on the exterior is a function of the work on the inside.

Commission provided feedback that they like the design and the applicant has done a good job of the integrating the new section with the existing building and matching the existing materials. There was support of the bell tower exceeding the height code restriction.

Action

Ald. Strzelczyk made a motion to approve the building and site plan amendment, height waiver and setback waiver subject to the conditions in the staff report.

Commissioner Lemke seconded the motion.

A voice vote was taken; vote passed (5-0) (Choren was recused)

RESULT:	APPROVED [5 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Rick Lemke, Commissioner
AYES:	Abendroth, Lemke, Parrish, J. Schaefer, Strzelczyk
RECUSED:	Choren

- d) Shaffer Development for Spur 16. The applicant is seeking master sign plan approval for the Spur 16 mixed use project located at 6100-6300 W. Mequon Road.

Asst. Dir. Zader stated that the request is for a master sign plan for Spur 16. The St. Paul Fish Company received a separate approval for their sign. The master sign plan will include a monument sign, wall signs for the two other commercial buildings and some directional signage. The proposed monument sign is 18 feet in height, which exceeds the Town Center height requirement of 6 feet, and 90 sq. ft. in area, which exceeds the Town Center sign code by 50 sq. ft. The height of the monument sign is somewhat driven by the desire to list all of the tenant names as there will not be signage on the building. Staff prefers that the sign be 15 feet in height. Although the Town Center height requirement is 6 ft., the height allowance in other areas of the city is 10 ft.

The request for the Wellness building is for two signs for each of the tenants on the east and south elevations. The code only allows for one sign up to 30 sq. ft. for each tenant space; because the building is not located on a corner. Staff does support the request for the two signs as one will face the street and one will be interior and will face the parking area; this has been approved for other developments in the Town Center. The two tenant spaces share the same entrance so it makes sense to place the signage above the entrance. The signs are within the 30 sq. ft. requirement and do comply with the code.

The site plan shows the requested directional signage on the site. Staff has worked with the sign company but does not feel that the additional way finding sign for St. Paul's Fish Company, the Public Market or Wellness building are necessary off of Mequon Road. Staff is supportive of the directional sign off of Buntrock Road. The landscaping plan has not been finalized so it is difficult to see exactly where some of the proposed signs would be located due to some of the

hardscape, trees and fencing surrounding the parking lot. There are some miscellaneous signs throughout the development and the signs on the private roads have a different color scheme. It is recommended that these signs be 9 ft. in height and not the proposed 12 ft. A condition was added that the Engineering department will need to approve the proposed stop sign as it is located in the right of way. The clubhouse parking signage is recommended to be 5 ft. in height as staff feels it is better to scale than the proposed 6 foot height signs. The Public Market building has not changed since the building and site plan were approved and it is allowed two signs because it is located on a corner. It does require a waiver for the Public Market marquee sign as it is larger than the code allows. There is also a sign on the west elevation over the entrance. Staff is supportive of the individual building signs but recommends that they be lower to the 9 ft. height; more consistent to a typical street sign. Staff does recommend approval based on the conditions listed in the staff report.

The applicant, Michael Dlugi from Sign Effectz, stated that they worked with staff to include open spaces between the tenant panels on the monument sign. He explained that they are carrying the same design throughout the signs in the development. He stated that if the monument sign is brought down to 15 ft. as recommend by staff, there will not be spaces between the tenant panels and this is not desired by the applicant as the visibility of the panels is poor. He offered that the Spur 16 logo could be decreased by he stated it is very difficult to read. Mr. Dlugi stated that he recommends that tenant logos be allowed but will all be the same white lettering.

There was discussion among the Commission regarding the monument sign. The overall feeling is that the 18 foot sign is acceptable in order to read all 10 tenant names. It is desirable to have the slightly larger monument sign as there are not individual tenant signs on the Public Market building. The Commission suggested the sign be limited to only 10 tenant panels and that only white lettering is allowed. They like the tie to the historical and architectural style.

There was discussion regarding the staff recommendation to limit some of the directional signs as staff does not want the development too cluttered and spacing is limited. It was recommendation by the Commission that the directional signs be re-evaluated and that staff and the sign company work together to find appropriate locations for the signs. There are also safety issues with too many signs blocking visibility. As a part of obtaining occupancy permits, each building will need to have an address sign for emergency services.

Dir. Tollefson stated that the three commercial buildings are very easy to locate in the development and the additional wayfinding signs are unnecessary. Part of the sign code requirement is to work to declutter the site from too many signs.

Action

Ald. Strzelczyk made a motion to approve subject to staff conditions, eliminating condition #4 regarding the 18 foot height restriction, limiting the monument sign to 10 tenant panels and all lettering must be the same font and same color and no logos.

Commissioner Parrish seconded the motion.

A voice vote was taken; vote passed (6-0)

Ald. Strzelczyk made a second amendment to the motion to add back in the way finding signs. Commissioner Choren seconded the amendment.

A roll call was taken; vote failed (3-3) (No: Parrish, Lemke, J. Schaefer)

RESULT:	APPROVED WITH CONDITIONS [UNANIMOUS]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Brian Parrish, Commissioner
AYES:	Abendroth, Choren, Lemke, Parrish, J. Schaefer, Strzelczyk

4) Policy

1) Planning Commission Determination of Unclassified Use

Dir. Tollefson stated that staff is looking for direction from the Commission regarding an unclassified use for a Business Occupancy Permit (BOP) for Legacy Pools & Hottubs for the property located at 6619 W. Mequon Road, located in the Arrival Corridor district. In the Town Center (TC), Arrival Corridor (AC) and Neighborhood Commercial (NC) zoning districts, there is a move to specifically list the types of uses allowed in each zoning district as it helps with interpretation and administration of the code. There is no expressed use for this type of retail and service use in the AC zoning district, so the submitted BOP would be denied. As an interim step, the property owner inquired whether staff could interpret this as an existing use in the AC district as Home Furnishings and Accessories. Staff does not believe that it fits in this use category. This was then vetted by the City Attorney who agreed with staff's interpretation. One of the things staff relies on is the NAICS (North American Industry Classification System), which categorizes all of these groups and the zoning code indicates that staff can rely on that as well for their interpretations. The types of uses considered under the Home Furnishings and Accessories category is listed in the staff report. During the analysis of the hottub and pool retail and sales, it was determined that these uses qualify under a miscellaneous category. Staff recommends that the Commission not interpret this unclassified use as Home Furnishings and Accessories. If the Commission feels that staff should continue to explore this use, along with some other miscellaneous shops and retailers that are not allowed in the AC district, they will be happy to do that analysis and come back with a text amendment for those.

Dir. Tollefson stated that she was requested to bring this to the Commission just last week, so the assessment was narrowly defined to the particular issue of whether this use qualified under the Home Furnishings and Accessories category. Staff is not necessarily opposed to this use being allowed in the TC or AC district, but staff would like time to do a more thorough analysis and look at the other types of uses that would be similar and make sure that this category is grouped accordingly, while making the decision that the use is appropriate for the TC neighborhood overall. It is important not to dilute all of the business zoning districts; so that the uses and the make-up of the uses are the same. She stated that there have been a number of amendments to the TC and AC districts including adding some uses to it, so it is not unprecedented.

The applicants; Vince Schmuki property owner and Mike Sterns, owner of Legacy Pools & Hottubs, stated that they believe the retail sales fall under the definition of Home Furnishings.

Mr. Sterns stated that he has been in the business for 21 years and sells high-end products. He believes there is a need in this area for his services and products. He says that hardware stores are his competition as they sell the products but do not offer the services. He expressed the urgency to get this approved as his business is seasonal and starts in the spring.

The Commission stated that staff followed the correct process for this request. There was collective agreement that this location is appropriate for this type of business. They strongly recommend no outside storage be allowed.

Dir. Tollefson advised that it is best to create a category with specific design standards to this specific business as opposed to a general approve of a permitted use which has no control over operations. She agrees that this type of business is more similar to the types of services offered by hardware stores (which require a conditional use grant).

The Commission agreed that this use fits under the current uses; most similar to a hardware store and they prefer to approve it as such and not require a text amendment.

Action

Commissioner Lemke made a motion to allow for this spa business to fall under the hardware store category; which requires a conditional use grant.

Commissioner Parrish seconded this motion.

A voice vote was taken; vote passed (6-0)

RESULT:	APPROVED WITH CONDITIONS [UNANIMOUS]
MOVER:	Rick Lemke, Commissioner
SECONDER:	Brian Parrish, Commissioner
AYES:	Abendroth, Choren, Lemke, Parrish, J. Schaefer, Strzelczyk

5) Announcements

The next meeting is Monday, March 11th at 6:00 p.m.

6) Adjourn

Action

Ald. Strzelczyk made a motion to adjourn.

Commissioner Choren seconded this motion.

A voice vote was taken; vote passed (6-0)

Respectfully Submitted,

Jac Zader



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www.ci.mequon.wi.us

Department of Community Development

TO: Planning Commission
FROM: PA PHOUALA VANG, PLANNER
DATE: March 11, 2019
SUBJECT: Legacy Pools& Hottubs, LLC. The applicant is seeking conditional use grant approval for a hardware store to allow the retail sale of hot tubs, saunas and pool/spa supplies for the property located at 6619 W. Mequon Road, Unit D.

Applicant:	Legacy Pool & Hottubs, LLC
Status of Applicant:	Agent
Requested:	Conditional Use Grant
Existing Use:	Vacant
Existing Zoning:	AC (Arrival Corridor)
Land Use Plan:	TC (Town Center)
Lot size:	2.34. acres
Location:	6619 W. Mequon Road, Unit D
Tax Key:	#14-027-02-001.00
District:	#4

Background: The applicant is seeking conditional use grant approval to allow for the sale of hot tubs, saunas and pool/spa supplies for the property at 6619 W Mequon Road. The property is zoned AC arrival corridor. The applicant was before the Planning Commission on February 11, 2019 for a determination on the proposed use. The Commission determined that the retail sale of hot tubs, saunas, pool and spa supplies would be allowed as a hardware store, which is a conditional use in the AC district.

Conditional Use Grant Findings:

According to Section 3.05(1)(b) of the Zoning Code, the following findings shall be considered when analyzing a conditional use grant application:

1. The proposed use should not endanger the public health, safety or general welfare of the city and the immediate neighborhood.

The use should not create a public health or safety issue for the immediate area. All sales will take place within the building between the hours of 10:00 AM – 7:00 PM.

2. The proposed use should not injure the value of adjoining or abutting property.

The Land Use Plan designates the site as Town Center. The property is zoned AC arrival corridor. Adjacent properties are zoned AC, TC Town Center and RM multiple-family residential. Hardware stores can be considered compatible with the Land Use Plan designation and expected uses in the area. All retail sales of hot tubs, saunas, pool/spa supplies and outdoor living accessories will take place indoors. The floor plan shows a 1,700 square foot show room, 200 square foot office and 100 square foot closing

area/break room. The applicant indicated that 16 square foot of space on the building sidewalk will be used for commodity materials such as salt/sanitizers as shown on the proposed floor plan. However, based on input received from the Planning Commission, staff will add as a condition of approval that no outdoor storage or display is permitted on site. A revised floor plan shall be submitted to staff showing no outdoor storage. The use shall comply with all the requirements of the AC arrival corridor district, including window area requirements which include the following:

- Window signage shall be limited to 33 percent of each individual window area in the occupant's space.
- Window signage shall not obstruct more than 30 percent of the window area measured between four and eight feet in height above the adjacent walkway level.
- Window shelving units shall be limited to 33 percent of the use's aggregate window area as defined in section 58-302(l)(2).
- Window shelving units and product display shall not obstruct more than 30 percent of the window area measured between four and eight feet in height above the adjacent walkway level.
- Window shelving units shall be set back eight inches from the surface of the window.
- The front of the shelving units and products displayed on shelving shall face the adjacent walkway

3. The proposed use shall be harmonious or compatible with the area in which it is located.

Staff believes the proposed use and activities should be harmonious with the surrounding uses which contain commercial retail sales and services, senior living and multi-family. The proposed hours of operations are as follows:

Monday – Thursday	10:00 AM – 7:00 PM
Friday – Saturday	10:00 AM – 5:00 PM
Sunday	10:00 AM – 3:00 PM

Access and traffic to the site will come from Mequon Road which has adequate ingress/egress facilities to accommodate the traffic. According to the Zoning Code, eight parking spaces are required. The site has a total of 44 parking stalls. Staff believes the existing parking meets the parking requirements for the property. The applicant has indicated that there will be no overnight storage of vehicles associated with the business on site. There will be occasional delivery and pick up of products to and from this location. Staff will add as a condition of approval that all deliveries and pick up shall occur within the approved hours of operation.

Staff Recommendation:

Planning staff recommends approval of the conditional use grant based on the following condition(s):

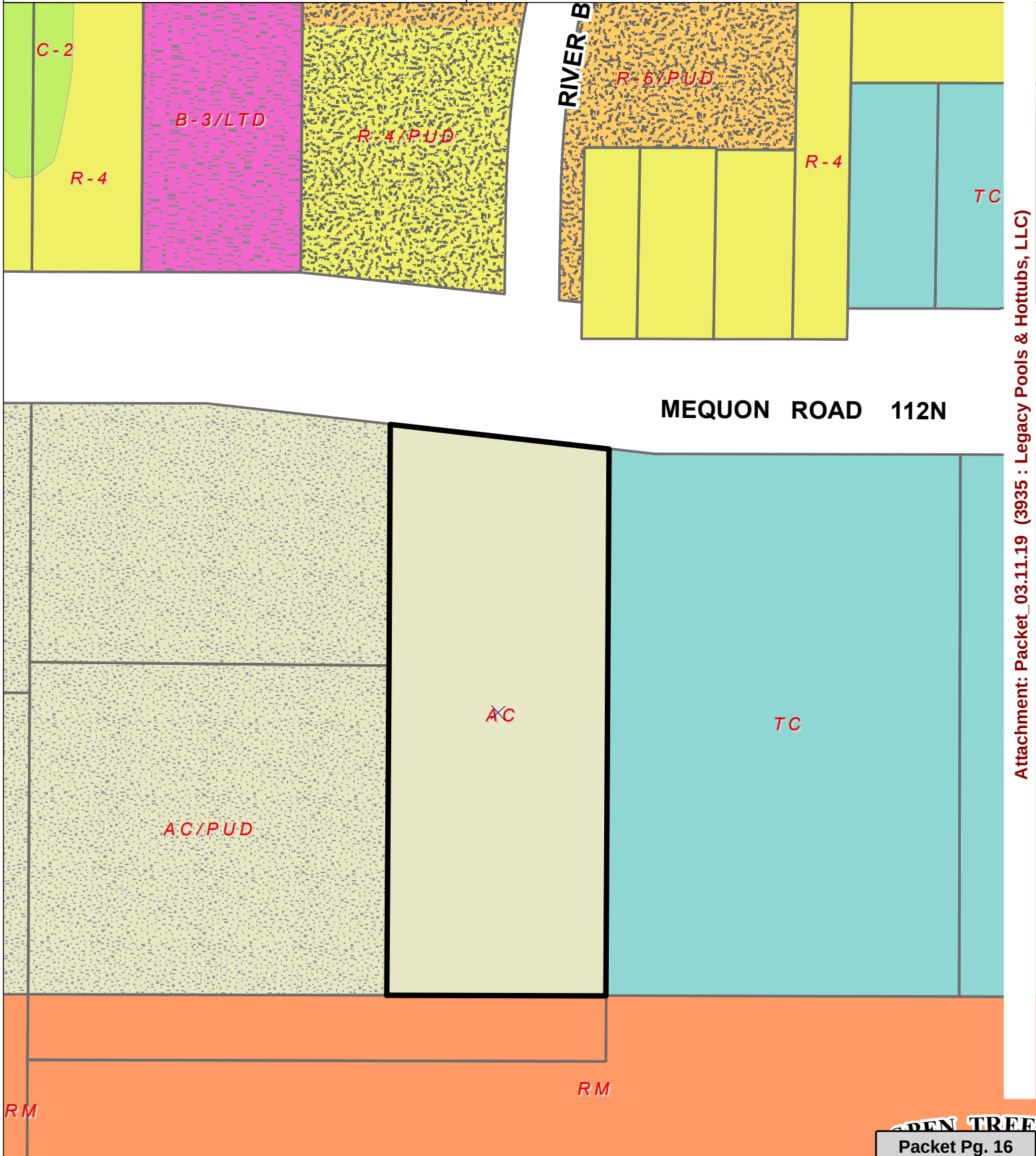
1. Staff approval of final floor and site plan.
2. A revised floor plan shall be submitted to staff showing no outdoor storage.
3. No outdoor storage/display is permitted on site.
4. Compliance with all requirements of the AC arrival corridor district.
5. All deliveries and pick up shall occur within the approved hours of operation.
6. Sign permit approval is required for any proposed signage.

Attachments:

Packet_03.11.19 (PDF)

Legacy Pool/Hottubs, LLC

AC	Arrival Corridor	LTD	Limited Use	2.a.a
A-1	Agricultural Preserve	OA	Agricultural Overlay	
A-2	General Agricultural	PUD	Planned Unit Development Overlay	
B-1	Neighborhood Business	P-1	Park & Recreation	
B-2	Community Business	R-1	Single-Family Residential (5 Ac. Min.)	
B-3	Office & Service Business	R-1B	Single-Family Residential (2.5 Ac. Min.)	
B-4	Business Park	R-2	Single-Family Residential (2.0 Ac. Min.)	
B-5	Light Industrial	R-2B	Single-Family Residential (1.5 Ac. Min.)	
B-6	Rural Industrial	R-3	Single-Family Residential (1.0 Ac. Min.)	
B-7	Rural Business	R-4	Single-Family Residential (3/4 Ac. Min.)	
C-1	Shoreland/Wetland Conservancy	R-5	Single-Family Residential (1/2 Ac. Min.)	
C-2	General Conservancy	R-6	Single-Family Residential (4 du/Ac)	
CGO	Central Growth Overlay	RM	Multi-Family Residential	
FFO	Flood Fringe Overlay	TC	Town Center	
FW	Floodway	TDR	Transfer of Development Rights	
IPS	Institutional & Public Service			



Attachment: Packet 03.11.19 (3935 : Legacy Pools & Hottubs, LLC)

Business Operations Plan

Legacy Pool & Hottubs, LLC

6619 W Mequon Rd. Unit D Mequon, WI 53092

Retail Store Overview

The purpose of Legacy Pool & Hottubs, LLC is retail sale of hot tubs, saunas, pool and spa supplies, and outdoor living accessories. Pool and spa supplies may include items such as: automatic cleaners, pumps, filters, cleaning care products, sanitizing and water chemistry control products, and other miscellaneous maintenance products. Outdoor living accessories may include items such as: towel racks, floats, storage units, water features, lounge chairs, and other miscellaneous backyard accessories.

Summary of Building Uses

Retail floor space will include a ~1700sq.ft showroom, ~200sq.ft office space, and additional ~100sq.ft sales closing area and break room (as detailed in floor plan). Approximate 16sq.ft space on building sidewalk for commodity materials (salt, sanitizers, etc.) available for easy access by customers to improve quality of sales transaction. Storage overstock materials will be at an offsite location.

Business Hours and Employees

Store operations will be 7 days/week beginning ~April 1/2019 and hours as listed below. Peak weekday and weekend staffing will include 1 employee designated to sales, lab and cashier duties and 1 employee designated to office and/or sales and lab duties.

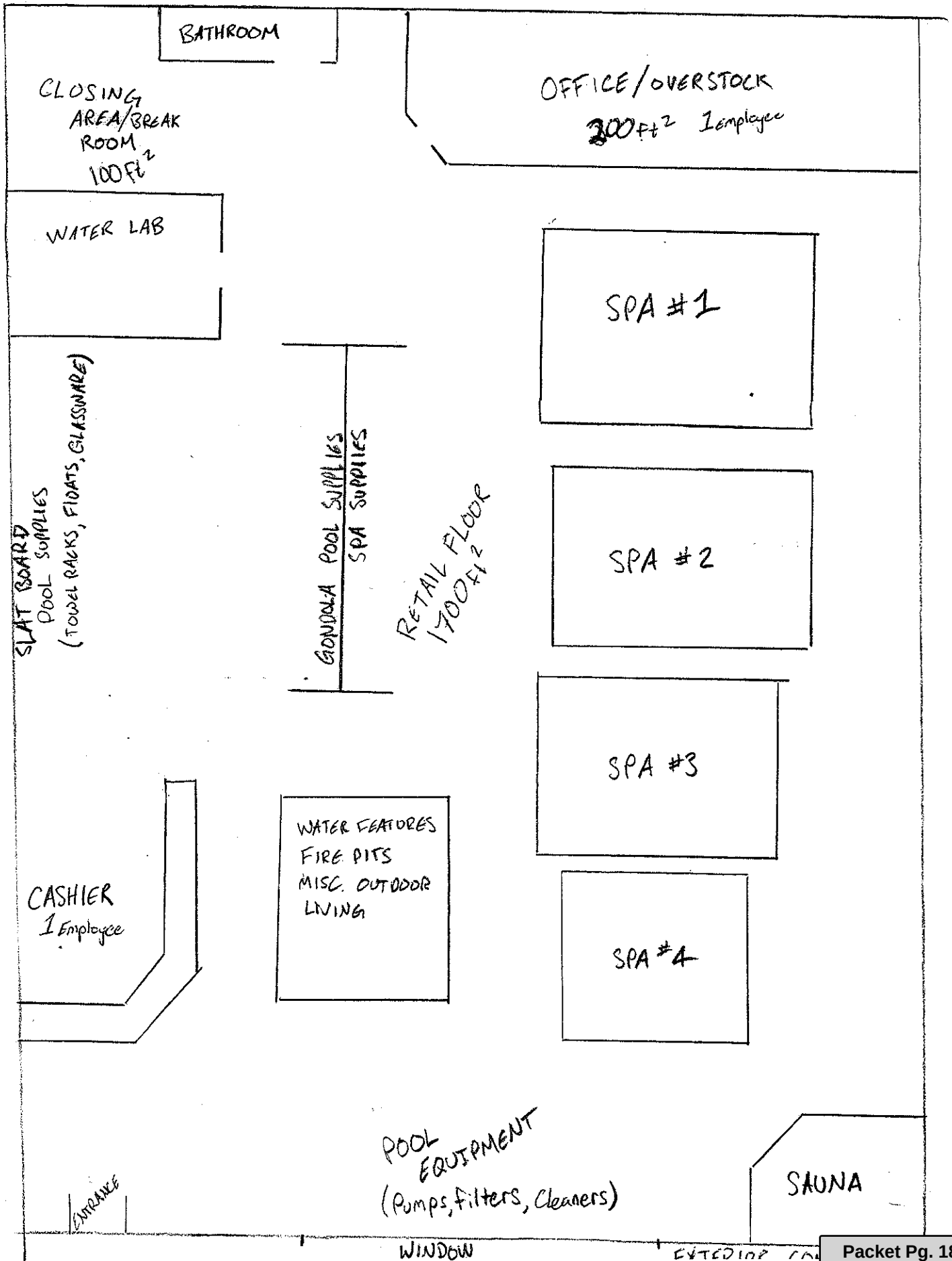
Monday-Thursday: **10am-7pm**

Friday-Saturday: **10am-5pm**

Sunday: **10am-3pm**

FLOOR PLAN

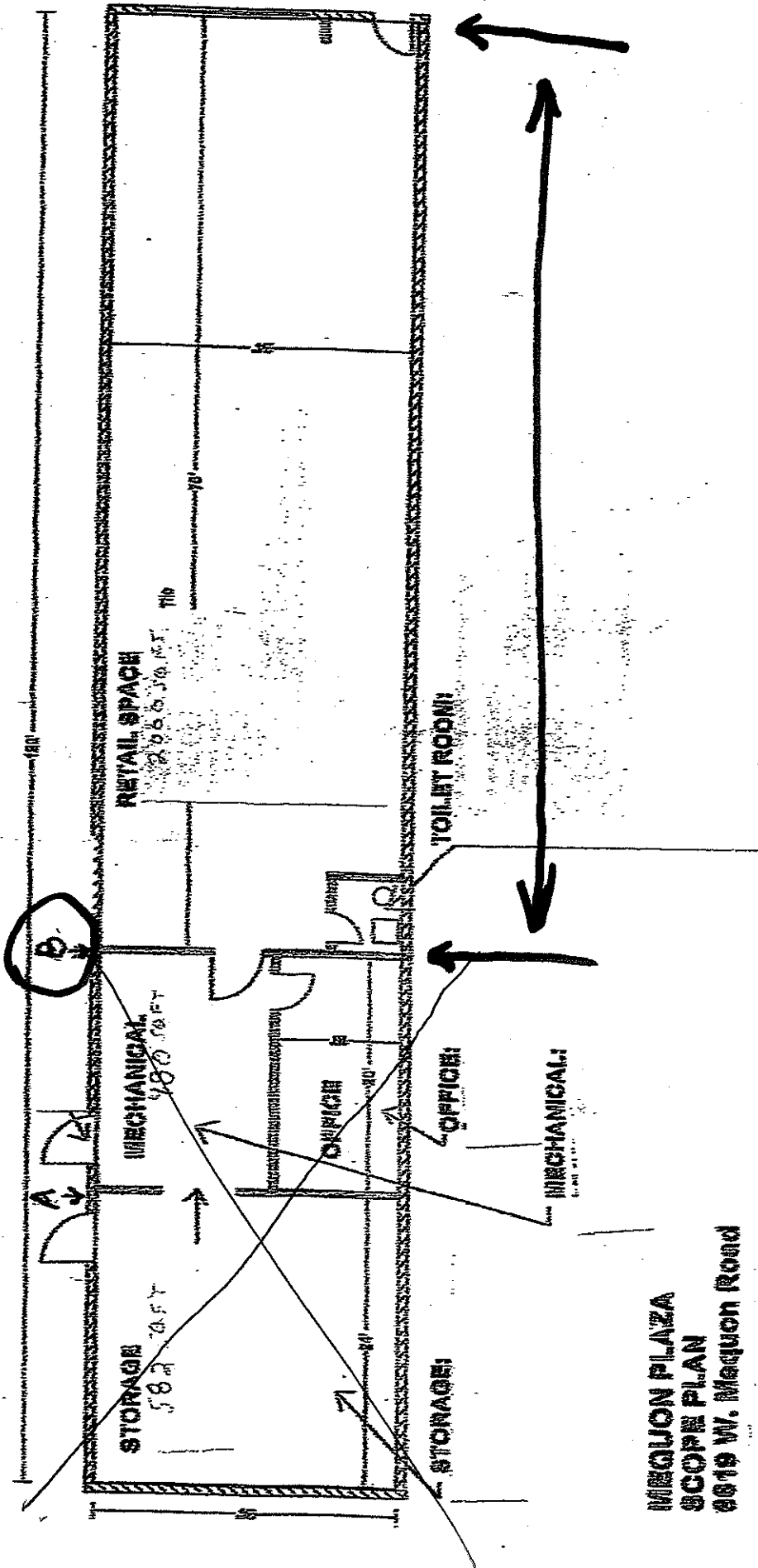
2.a.a

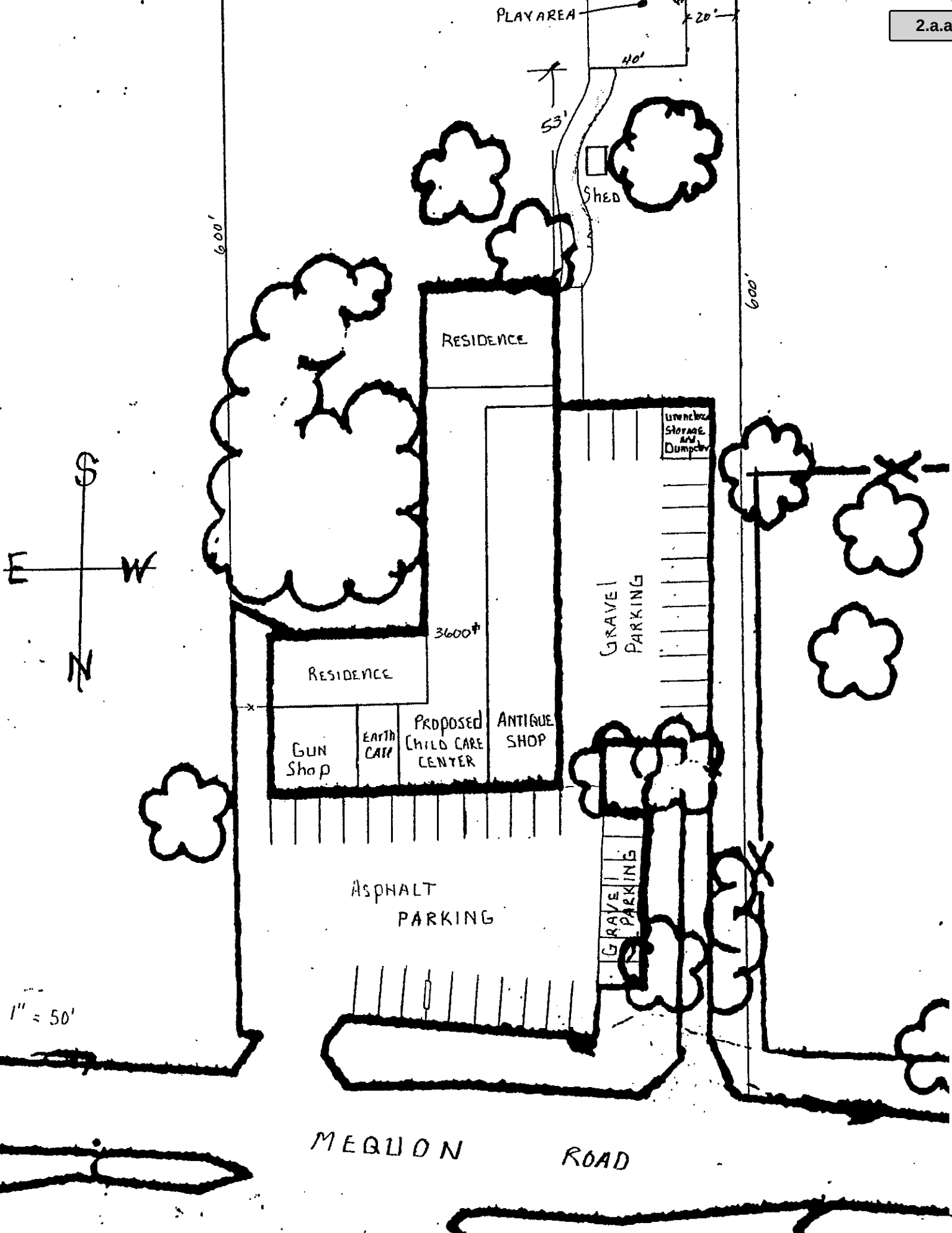


Attachment: Packet_03.11.19 (3935 : Legacy Pools & Hot tubs, LLC)

ADDENDUM A

← 2000# LEASE SPACE FOR
LEGACY POOL SERVICE





CONDITIONAL USE GRANT

Articles of Agreement made and entered into this 11th day of March 2019, by and between Gregory A Thompson, owner of the property located at 5717 W Donges Bay Road and the City of Mequon Planning Commission.

Before the Planning Commission of the City of Mequon, Ozaukee County, Wisconsin, in regard to the premise located in Section 35, Range 21 East, in Township 9 North, Ozaukee County, State of Wisconsin, further described as follows:

LEGAL DESCRIPTION

Exhibit A

RETURN TO:

City of Mequon
11333 North Cedarburg Road 60W
Mequon, WI 53092

PARCEL NO.:

WHEREAS, the Zoning Code and Zoning District Map of the above named municipality, pursuant to State Statutes, provide that the premises may not be used of right for the purpose hereinafter described but that upon petition such use may be approved by the municipality as a Conditional Use Grant in particular circumstances as defined by the standards in the Zoning Ordinance; and

Petition therefore having been made, and public hearing held thereon, and the Planning Commission of the City of Mequon having determined that by reason of the particular nature, character, and circumstances of the proposed use, grant of such use upon the terms and conditions hereinafter prescribed would be consistent with the requirements of the Zoning Ordinance.

Now, therefore, **IT IS GRANTED**, subject to compliance with the terms and conditions hereinafter stated that the Premises may be used for the purpose of hardware store.

GRANTED by action of the Planning Commission of the City of Mequon this 9th day of April 2018.

Dan Abendroth, Mayor, Planning Commission Chairperson

Acknowledgment:

STATE OF WISCONSIN))SS
OZAUKEE COUNTY)
Personally came before me, this ____ day of _____, 2019, the above named Dan Abendroth, Mayor, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, Ozaukee County, Wisconsin
My Commission (expires) _____

Planning Commission Secretary
Acknowledgment:

STATE OF WISCONSIN))SS
OZAUKEE COUNTY)
Personally came before me, this ____ day of _____, 2019, the above named _____, Planning Commission Secretary, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, Ozaukee County, Wisconsin
My Commission (expires) _____

Attachment: Packet_03.11.19 (3935 : Legacy Pools & Hottubs, LLC)

The **CONDITIONS** of this Grant are:

1. This grant shall become effective upon the execution and recording by the owners and operators of the Premises of an acceptance hereof in such form as to constitute an effective covenant running with the land.
2. This grant shall expire and become void unless, pursuant to the building and zoning codes of the City, the approved use is commenced or the building permit is obtained within twelve (12) months of the date of Planning Commission approval noted above, or actual construction is commenced within twelve (12) months of the date on which the building permit was issued.
3. This grant is subject to amendment and termination in accordance with the provisions of the Zoning Code of this municipality.
4. Construction and operation of the use granted shall be in strict conformity to the approved site, building, and operations plans filed in connection with the Petition for this Grant, and annexed hereto.
5. Any of the conditions of this Grant which would normally be the responsibility of tenants of the Premises shall be made a part of their lease by the Owner, which lease shall contain provisions for posting of the pertinent conditions to notify employees thereof.
6. This grant shall automatically be null and void if this use is discontinued for a period of twelve (12) months.
7. The Grantee and its successors in interest shall hold the City of Mequon harmless from any claims or losses to the City or its residents including reasonable attorney fees arising from or related to use of the facilities.
8. Any change to the approved use or change to the building or site plan will require an amendment to the Conditional Use. Minor changes to the building and site plan shall be approved by the Department of Community Development.
9. **Conditions on the Operations:**
 - a. Hours of operation: Monday-Thursday: 10 AM – 7 PM
Friday-Saturday: 10 AM-5 PM
Sunday: 10 AM – 3 PM
 - b. Performance standards relating to parking, noise, vibration, odor, smoke, dust, and light: As per City ordinance and as further designated under letter (e.) below.
 - c. Water supply requirements:
Public
 - d. Provisions for sewage disposal:
Public
 - e. Other:
 - If the conditional use shall become hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood, or if material problems shall arise with respect to noise, traffic circulation, ingress and egress, parking, unenclosed storage, lighting, maintenance, or any other condition which shall materially threaten health or safety or to become a nuisance condition, the Grantee shall correct or improve such condition, and toward that end, the Planning Commission, after public hearing, may alter, amend or add reasonable additional Conditional User Grant conditions in order to ameliorate such effects, or in the case of violation of the Conditional Use Permit, may revoke the Conditional Use Grant.
 - If, despite efforts to prescribe conditions which render the conditional use harmonious in the surrounding neighborhood, problems shall arise with respect to noise, traffic circulation, ingress and egress, parking, unenclosed storage, lighting, maintenance, or any other condition which shall materially threaten the peace and enjoyment of neighboring properties, or shall become hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood, or shall threaten health or safety, the Grantee shall correct or improve such condition, and toward that end, the Planning Commission, after public hearing, may alter, amend or add reasonable additional Conditional User Grant conditions in order to ameliorate such effects, and in the case of violation of the Conditional Use Permit, may revoke the Conditional Use Grant.
10. **Conditions of the structures:**
 - a. Site Plan: As per attached Exhibit B
 - b. Landscaping Plan: As on file with Community Development Department, City of Mequon
 - c. Elevations: As on file with Community Development Department, City of Mequon
 - d. Sign: As on file with Community Development Department, City of Mequon
 - e. Floor Plan: Exhibit C
 - f. Exterior lighting of the site and building: As on file with Community Development Department, City of Mequon

- g. Fence / Wall / Dumpster plan details: As on file with Community Development Department, City of Mequon
- h. The building shall comply with the building code.

- 11. **Conditions on the site:**
 - a. Street access (number, location, design): As per attached Exhibit B
 - b. Off-Street Parking (location and design including screening thereof): As per attached Exhibit B
 - c. Outside storage of materials, products or refuse (location and screening thereof): As on file with Community Development Department, City of Mequon
 - d. Parking, exterior lighting of the site, location design and power:
Any changes subject to Planning Commission approval
 - e. Other:
 - 1. No outdoor storage/display is permitted on site.
 - 2. All deliveries and pick up shall occur within the approved hours of operation.

Owner

Acknowledgment:

STATE OF WISCONSIN))SS
OZAUKEE COUNTY)
Personally came before me, this ____ day of _____, 2019, the above named _____, Owner, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, Ozaukee County, Wisconsin

Receipt of a true Copy of this instrument on behalf of the petitioner acknowledged the _____ day of _____, 2019

TO: Planning Commission

FROM: PA PHOUALA VANG, PLANNER

DATE: March 11, 2019

SUBJECT: Boulder Venture for Associated Bank. The applicant is seeking sign waiver approval for a second wall sign, sign waiver approval for a wall sign that exceeds the height requirement, and building and site plan amendment approval to amend a condition of approval that prohibited signage in the glass tower for a proposed two-story, 7,600 sq. ft. financial institution building located at 11223 N Port Washington Road.

Applicant:	Boulder Venture
Status of Applicant:	Agent
Requested:	Sign Waiver Building and Site Plan Amendment
Existing Use:	Vacant
Existing Zoning:	B-2 (Community Business)
Land Use Plan:	Community Commercial
Lot size:	.99 acre
Location:	11223 N. Port Washington Road
Tax Key:	#15-019-16-014.00
District:	#5

Background: The applicant is requesting an amendment to the previous building and site plan approval and sign waiver approval for a proposed 7,600 square foot bank facility located at 11223 N Port Washington Road. On January 14, 2019, Planning Commission approved Building and Site Plan approval for Associated Bank and denied a sign waiver request for a tower sign. As a condition of approval, the Planning Commission added a condition that prohibited signage in the tower as follows:

There shall be no sign located within the glass tower and the storage of any equipment in the tower vestibule shall be prohibited.

The applicant is requesting a building/site plan amendment to revisit the tower sign.

The applicant is also requesting a sign waiver to allow for a second wall sign on the north façade and sign waiver request to allow for the east elevation wall sign to exceed the 20 foot height requirement. Although the applicant is bringing the request for a second wall sign and tower sign forward, the applicant is seeking approval for only one of the signs and is not requesting both the tower sign and a second wall sign.

The Planning Commission has the following optional actions as follows:

1. Approve, Approve with Conditions or Deny the amendment and allow a tower sign.

2. Approve, Approve with Conditions or Deny the second wall sign on the north façade.
3. Approve, Approve with Conditions or Deny the height waiver to the wall sign on the east façade.

Building and Site Plan Amendment:

The applicant has indicated that although the tower sign is requested forward (See ‘Exhibit A’ and ‘Exhibit B’); they understand that there is limited support and would be satisfied with a second wall sign on the north façade in lieu of. The applicant submitted two options for the tower sign: Exhibit A shows an internally-illuminated, double-face sign with each panel having an overall size of 107 square feet and Exhibit B shows a four-sided, cube sign with a size of 49 square feet per sign face. The cube sign is proposed to be illuminated by can lights within the tower ceiling. It should be noted that according to the applicant, the tower design now includes a green, illuminated band. At the time of plan submission for the original Planning Commission approval in January, none of the plans indicated that the green banding would be illuminated. The illumination was also not discussed at the Planning Commission meeting. The proposed illuminated band is considered not approved by the City because it was not shown on plans previously acted upon by the Commission. This feature is distinct from any other architectural features on the building design and provides a subtle indication, illuminated or not, of the Associated Bank brand. The Commission may take this into consideration as part of the overall building design and when evaluating the proposed signage and building lighting as part of this request (See ‘Existing Branch’ for example of illumination).

Sign Waiver - North Elevation:

The applicant is requesting sign waiver approval to allow for a second wall sign on the north elevation (See ‘Exhibit C’). Per the sign code, the property is allowed one wall sign which was shown on the east elevation at the time of building/site plan approval. The proposed internally-illuminated north elevation sign is 57 square feet which meets the size requirement of the Sign Code for a single-tenant building under the allowable one building wall sign. The proposed height is 30.25 feet and does not meet the 20 foot height requirement. Staff does not believe there is a lack of site specific hardship or unique physical condition of the site which would require a sign waiver for a second sign. The request for additional signage is meant to address the issue of visibility for southbound traffic. The applicant indicated that due to changes that were made to the building (locating drive thru in rear/providing frontage along Port Washington Road) and the proposed tower element, the wall sign shown on the east elevation would not be visible to vehicles travelling south until the vehicles have already passed the access drive and are adjacent to the building. Staff believes the issue of visibility can be addressed with a freestanding sign. Per the sign code, the property is allowed one freestanding sign up to 50 square feet in area and 10 feet in height.

The applicant submitted to staff a list of developments that have been allowed two wall signs. Staff reviewed those examples and did not find that the examples relate to the current development, which is a single-tenant building with frontage on only one public street.

Sign Waiver - East Elevation:

The applicant is seeking sign waiver approval for the east elevation sign which exceeds the Sign Code height requirement of 20 feet (See ‘Exhibit D’). The internally-illuminated, east elevation wall sign is 28 square feet and meets the size requirement but is proposed at a height of 24 feet. The height to the top of the letters, not including the logo, is 20.5 feet. Staff recommends denial of sign waiver for height and believes adjustments can be made to the sign in order to comply with the height requirement. By repositioning the green Associated Bank logo beneath the letters and reducing the overall sign height by half a foot, the sign would comply with the Sign Code and still relate proportionately to the overall height and scale of the building.

Staff Recommendation:

Planning staff recommends denial of a sign waiver for the east elevation wall sign, based on the following conditions:

1. Lack of site specific hardship or unique physical condition of the site.

Planning staff recommends denial of the sign waiver for a north elevation wall sign based on the following conditions:

1. Lack of site specific hardship or unique physical condition of the site.

Planning staff recommends denial of the building and site plan amendment to allow additional signage within the building's tower element based on the following conditions:

1. Chapter 58, Zoning Code, states a purpose of preserving character and quality of the built environment, promoting compatible development and raising the level of community expectations for the quality of its environment.
2. Chapter 62, Sign Code, states a purpose of including the discouragement of excessive visual competition in signage and ensuring that signs aid orientation and adequately identify uses.

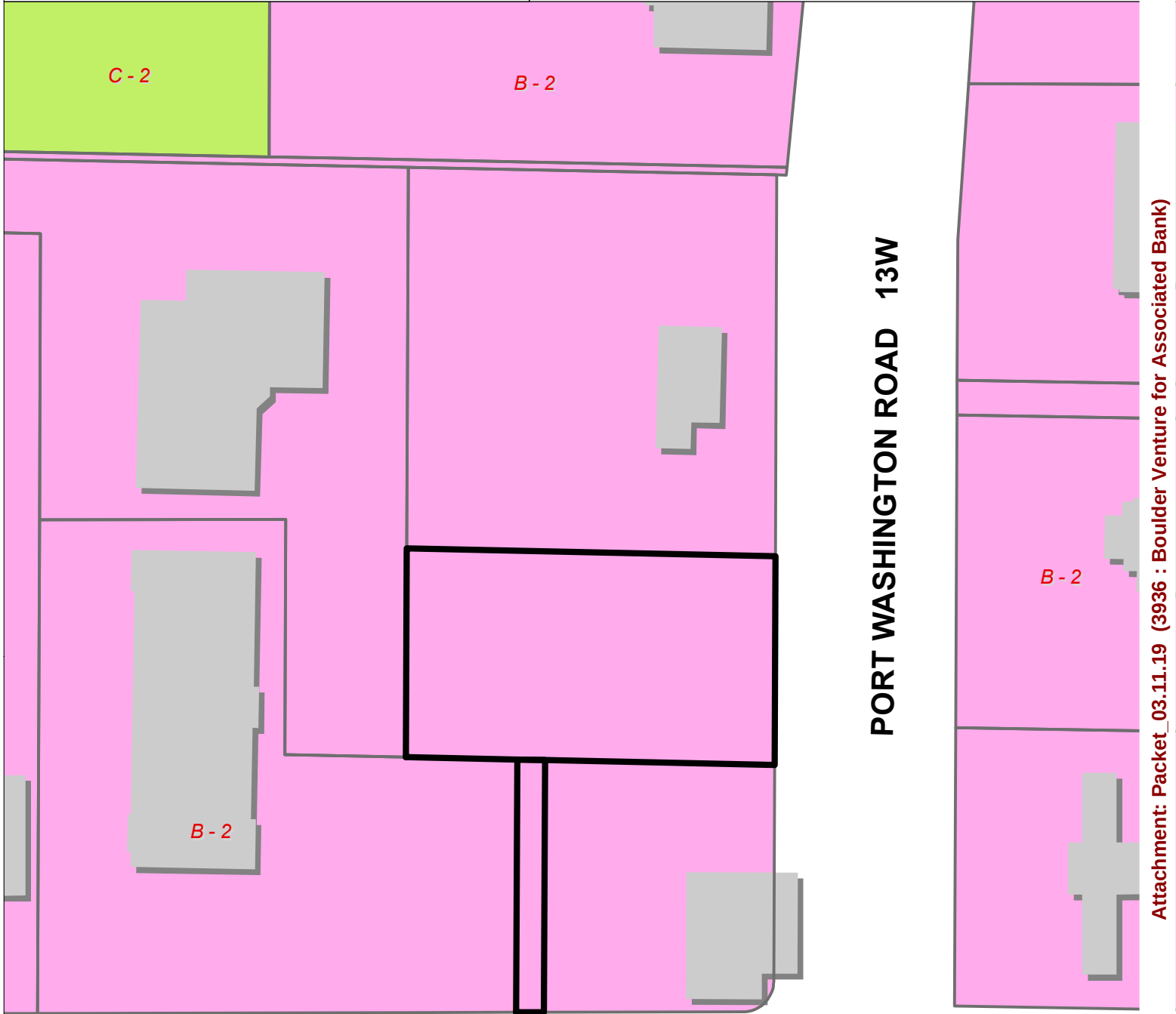
Attachments:

Packet_03.11.19 (PDF)

Boulder Venture, LLC for Associated Bank

AC	Arrival Corridor
A-1	Agricultural Preserve
A-2	General Agricultural
B-1	Neighborhood Business
B-2	Community Business
B-3	Office & Service Business
B-4	Business Park
B-5	Light Industrial
B-6	Rural Industrial
B-7	Rural Business
C-1	Shoreland/Wetland Conservancy
C-2	General Conservancy
CGO	Central Growth Overlay
FFO	Flood Fringe Overlay
FW	Floodway
IPS	Institutional & Public Service

LTD	Limited Use
OA	Agricultural Overlay
PUD	Planned Unit Development Overlay
P-1	Park & Recreation
R-1	Single-Family Residential (5 Ac. Min.)
R-1B	Single-Family Residential (2.5 Ac. Min.)
R-2	Single-Family Residential (2.0 Ac. Min.)
R-2B	Single-Family Residential (1.5 Ac. Min.)
R-3	Single-Family Residential (1.0 Ac. Min.)
R-4	Single-Family Residential (3/4 Ac. Min.)
R-5	Single-Family Residential (1/2 Ac. Min.)
R-6	Single-Family Residential (4 du/Ac)
RM	Multi-Family Residential
TC	Town Center
TDR	Transfer of Development Rights



Attachment: Packet 03.11.19 (3936 : Boulder Venture for Associated Bank)

11223 North Port Washington Road

Project Narrative

In cooperation with the City of Mequon, Boulder Venture revised and redesigned a two story building that was approved by the Plan Commission on January 14, 2019 and affirmed by the Common Council on February 12, 2019.

The project plan is to start construction during the summer of 2019 and be completed by February 2020.

As originally designed, the Associated Bank building was to include a wall mounted sign on the east elevation of the building and a blade sign inside the building tower element.

The wall mounted sign on the east elevation provides signage/visibility for automobiles traveling northbound on Port Washington Road

The blade sign in the tower provides signage/visibility for automobiles traveling southbound and northbound.

The blade sign in the tower has been removed as part of the Plan Commission/Common Council approval. This would be the first time Associated Bank constructs their prototype branch without the tower signage.

Due to the design elements of the building that were recommended by city staff, adopted by Boulder Venture, and approved by the Plan Commission/Common Council, the wall sign on the east elevation is not visible to southbound traffic until customers are beyond the only shopping center driveway.

For example, a motorist travelling southbound on Port Washington Road whose destination is Associated Bank, but who is unfamiliar with the location, may be distracted if they do not identify the building until after they have passed the entrance driveway. This potential distraction could adversely affect traffic safety if, for example, that unfamiliar motorist were to suddenly brake in order to try and make a right turn into the Associated Bank entrance driveway, or the PNC driveway to the south.

Sign Waiver Request

Due to the removal of the blade sign in the tower and lack of building signage visible for southbound traffic, applicant requests a sign waiver, allowing for a second wall sign on the north elevation of approximately seventy-eight (78) square feet (as shown on the attached image).

There are several examples of single-tenant, free-standing buildings with two or more wall signs:

	Business	Location	Number of Letterset Signs	Additional Signs	Additional Sign Description
1	Mobil Gas Station	Port & Mequon Roads	2		
2	Walgreens	Port Road	2		
3	Wells Fargo Bank	Port Road	3		
4	Taco Bell	Port Road	1	1	"Bell" medallion sign
5	Jimmy John's	Port Road	1	1	"JJ" medallion sign
6	Starbucks	Port Road	1	1	"Mermaid" medallion sign
7	Panera Bread	Mequon Road	2		
8	Colectivo Coffee	Green Bay Avenue	3		
9	Forward Dental	Mequon Road	3		
10	Marathon Bank	Green Bay Avenue	2		
11	Café Hollander	Mequon & Green Bay	2	2	One Blade Sign, plus One "Lion" medallion
12	St. Paul Fish Co.	Mequon Road	3		
13	Children's Hospital	Mequon Road	2	1	"Children" logo behind the glass curtain wall
14	Zarletti	West Market Street	1	1	Awning sign
15	Johnson Bank	Mequon Road	2		
16	PNC Bank	Port & Mequon Roads	2		
17	Caribou & Einstein Noodles &	Port Road	2		
18	Company	Port Road	2		
19	Burn Boot Camp	Port Road	2		
20	AT&T	Port Road	2		
21	Shopko Optical	Port Road	2		
22	Cyclebar	Port Road	2		
23	Martinizing	Port Road	3		

Exhibit A

Option 1 Tower Sign
Size: 107 square feet
Double-sided

CONCEPTUAL RENDERING



RINKA+

MEQUON, WI

Associated Bank

Exhibit B
Option 2 Tower Sign
Size: 49 square feet
Four-sided

CONCEPTUAL RENDERING



RINKA+

MEQUON, WI

Associated Bank

Exhibit C

North Wall Sign
Size: 57 square feet
Height: 30.25 feet

CONCEPTUAL RENDERING



RINKA+

MEQUON, WI



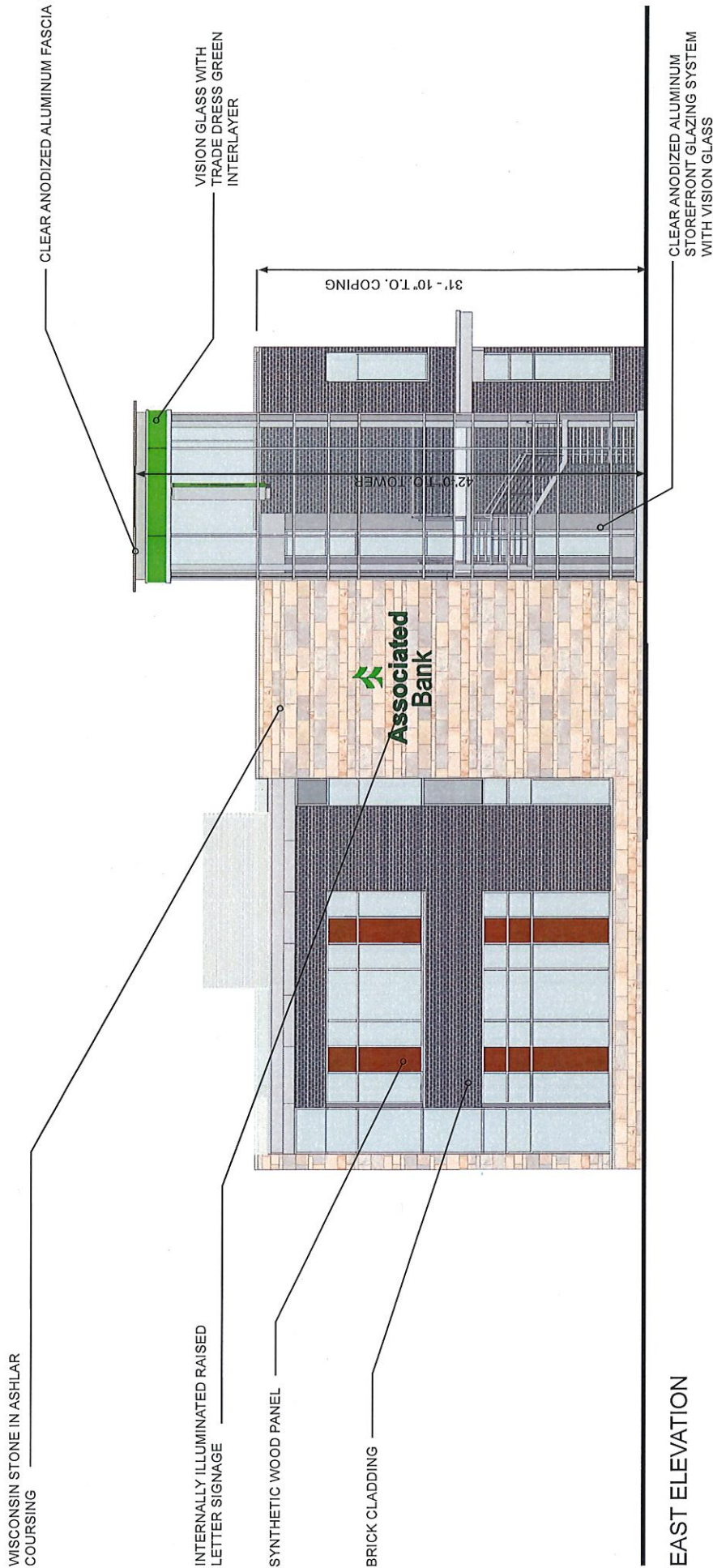
Exhibit D

East Elevation Wall Sign

Size: 28 square feet

Height: 24 feet

EXTERIOR ELEVATION



RINKA+

Packet Pg. 33

MEQUON, WI

Associated Bank

3.a.a

EXISTING BRANCH



RINKA+

RHINELANDER, WI



EXISTING BRANCH



RINKA+

BROOKFIELD, WI



EXISTING BRANCH



RINKA+

ONALASKA, WI





11333 N. Cedarburg Rd
Mequon, WI 53092-1930
Phone: 262-236-2902
Fax: 262-242-9655

www.ci.mequon.wi.us

Department of Community Development

TO: Planning Commission
FROM: JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT
DATE: March 11, 2019
SUBJECT: ICAP Development for Jewish Home and Care Center. The applicant is seeking rezoning recommendation from IPS (Institutional and Public Service) to B-2/PUD (Commercial Business/Planned Unit Development(and concept plan approval to redevelop the site for multiple commercial uses for the property located at 10865-10911 N. Port Washington Road (formerly Mequon Care Center) and the parcel to the south.

Applicant:	ICAP
Status of Applicant:	Offer to Purchase
Requested:	Rezoning Recommendation Concept Plan
Existing Use:	Vacant
Existing Zoning:	IPS (Institutional and Public Service)
Proposed Zoning:	B-2 (Community Business) PUD (Planned Unit Development)
Existing Land Use Plan:	Institutional
Proposed Land Use Plan:	Community Commercial
Lot size:	8.9 acres
Location:	10865-10911 N. Port Washington Road and parcel to the south
Tax Key:	#15-030-04-010.00 & #15-030-04-004.00
District:	#5

Background: The applicant is requesting a rezoning recommendation and concept plan approval for a commercial development on 8.9 acres of land located at 10865 & 10911 N Port Washington Road. The site, which is the former home of the Jewish Home Center, is currently zoned IPS (Institutional) and has been vacant for over 10 years. The applicant is requesting a change to B-2 (Community Commercial) with a PUD (Planned Unit Overlay). The concept plan shows a commercial development with the potential for five separate tenant spaces. The item was tabled at the February 11, 2018 meeting.

Rezoning Analysis: Some factors to consider when analyzing a rezoning request include:

- **Is the proposed rezoning consistent with existing and surrounding Land Use Designations?** The Land Use Plan Map designates the site as Institutional. Other land use designations in the area include Office, Institutional, and Community Commercial. The general area on the west side of Port Washington Road is primarily Institutional in nature. A number of years ago, the City of Mequon designated this area as Institutional after it was determined that there was a high demand for such uses in the city and very little available inventory for development. A change to the B-2 zoning district would be the most

appropriate zoning designation due to the proximity of other B-2 zoning to the north and to the east.

- **Is there a Public Interest?** The parcel has been vacant since 2005 when the Milwaukee Jewish Home was razed. Staff believes that it is unlikely that the parcel would develop under the current zoning with the use restrictions in place. The change to B-2 would accelerate development of the parcel and provide vitality to this section of the Port Washington Road commercial corridor. Since there is residential to the west (Winding Hollow), restriction in the PUD would limit retail and restaurant uses to the front of the site along Port Washington Road.
- **Are there reasonable uses under existing zoning?**
There are a number of uses that are reasonable for the site under the IPS zoning district. However, the use restriction placed upon the parcel eliminates a majority of these uses from being allowed on the parcel. The current owner of the site is requiring a use restriction covenant that eliminates a number of the permitted uses found in the IPS district including assisted living, memory care and skilled nursing homes. Based on this use restriction, it is unlikely that the site would be developed under the remaining uses allowed in the IPS District. Staff has met with a number of developers regarding the site over the last several years and the only use that has been contemplated for the site that complies with the IPS district and would not be impacted by the deed restriction is senior housing. While staff feels senior housing is viable for the site, previous requests included buildings in excess of two stories and densities beyond what has typically been allowed in Mequon.
- **Has there been a change in character or trend in development in area of proposal?**
The Port Washington Road corridor in this area remains a mix of commercial, institutional, and office uses. The change of zoning to B-2 would be consistent with the character of the surrounding area.

Concept Site Plan

The concept plan shows a total of five buildings located on the site with 291 total parking spaces and four storm water detention facilities. There are three separate access shown points to Port Washington Road which is under the jurisdiction of Ozaukee County. Based on correspondence with the county, preliminary approval has been conditionally approved based on the results of a pending traffic study. The northernmost drive aisle no longer connects to the rear parking lot due to the reconfiguration of the building at the west end.

The applicant has modified the plan to avoid the specimen trees at the west end of the site. The building location has been changed to the north end of the site and the parking lot has been reduced in size. The updated plan also shows a change in the orientation of two of the buildings on site. The proposed drive thru is also shown at the rear of the building. The building on the north end of the site remains the same with the primary façade not facing Port Washington Road. The location of this building would require the removal of a significant stand of specimen trees. If the Commission does allow removal of the trees, staff will add as a condition of approval that this building orientated so that the larger façade of the building and main entrance faces the street. The building at the south end of the parcel shows the parking at the rear of the building. After evaluating the building location on the parcel to the south, staff recommends the proposed building be located behind the parking lot and setback approximately the same distance as the building to the south.

The applicant has stated that letters of intent have been received for several of the users they are able to make them public at this time. The applicant has also submitted a preliminary plan to

show what a future potential land division would look like. The proposed lots show property lines running through parking areas and storm water facilities which will require offset waivers at the time of site plan approval. Since the overall development includes shared parking and storm water facilities, staff believes that the offset waivers are justified. Staff will require that the perimeter building and parking offsets for the overall development are complied with.

The plan does not state whether it complies with FAR or greenspace requirements. Based on the overall parcel size, staff does not recommend any deviation from the code requirements. As a condition of approval, staff will require that the entire development comply with open space and FAR requirements.

Site Conditions:

The site contains several small isolated wetlands. The applicant has requested approval from the DNR to fill all of the wetlands on site. On January 31, 2019 the DNR approved the filling of all wetlands on the site.

As the Commissioners may recall, there are two general areas that contain a grouping of specimen trees. The area located at the western end of the site which is now being shown as green space and the trees will remain undisturbed. The other area is located in the footprint of the northern most building adjacent to the existing wetlands. The City Forester, Mike Gies, inspected the site on February 12, 2019 and cataloged all of the specimen trees at the northeast end of the site (see attached report). The report states that there are 15 specimen trees in this area with a total dimension of 225". There are also 35 American Linden trees in the area which do not meet the size requirement for a specimen tree but are considered specimen because they are part of a larger ecosystem. His recommendation is to deny the removal of the specimen trees.

Staff Comment:

Based on the restriction being placed on the site, staff is supportive of the base district zoning change to the B-2. While the concept plan does a nice job in coordinating shared access and incorporating shared facilities like parking and storm water, the impact to the specimen trees at the front of the site is too great to provide a positive recommendation. Based on the report of the City Forester, staff cannot support the proposed concept plan as submitted. Staff did look at alternatives that could potentially save a portion of the trees but it still would result in the relocation or loss of the northernmost building. The applicant states that the economics of the project will not allow a reduction in the amount of square footage or the building frontage being proposed at the site. Direction from Planning Commission regarding the removal of specimen trees is necessary before other alternatives can be fully explored.

Engineering Report:

Bridget Henk, Assistant City Engineer, has reviewed the application and has the following comments:

Access to the site is proposed to be at the 3 existing access locations. The center access point aligns with an existing median opening. The change in usage may warrant a reconfiguration of the median opening on Port Washington Road. A traffic study is being planned to evaluate the traffic impacts of the development. Port Washington Road is the jurisdiction of Ozaukee County, approval of the alignment and access points is subject to Ozaukee County approval.

The site is located within the City's sewer service area and connection to the public utility is required. There is currently sanitary sewer service and water service available on the site.

Wetlands appear to be present on site. A wetland delineation report with concurrence by the Wisconsin Department of Natural Resources is required.

The site proposes land disturbance in excess of one acre, therefore a City erosion control permit is required. Evidence of the WDNR required WRAPP permit shall also be provided for the site.

The site proposes an increase in impervious surface in excess of one half acre and site disturbance of greater than an acre and therefore requires a stormwater management plan (SWMP). The proposed site will be required to provide stormwater management to meet the current City of Mequon, WDNR and MMSD criteria.

A Filling and Excavation permit is required for any export or import of materials.

Staff Recommendation:

Planning staff recommends **tabling** of the rezoning request and concept plan.

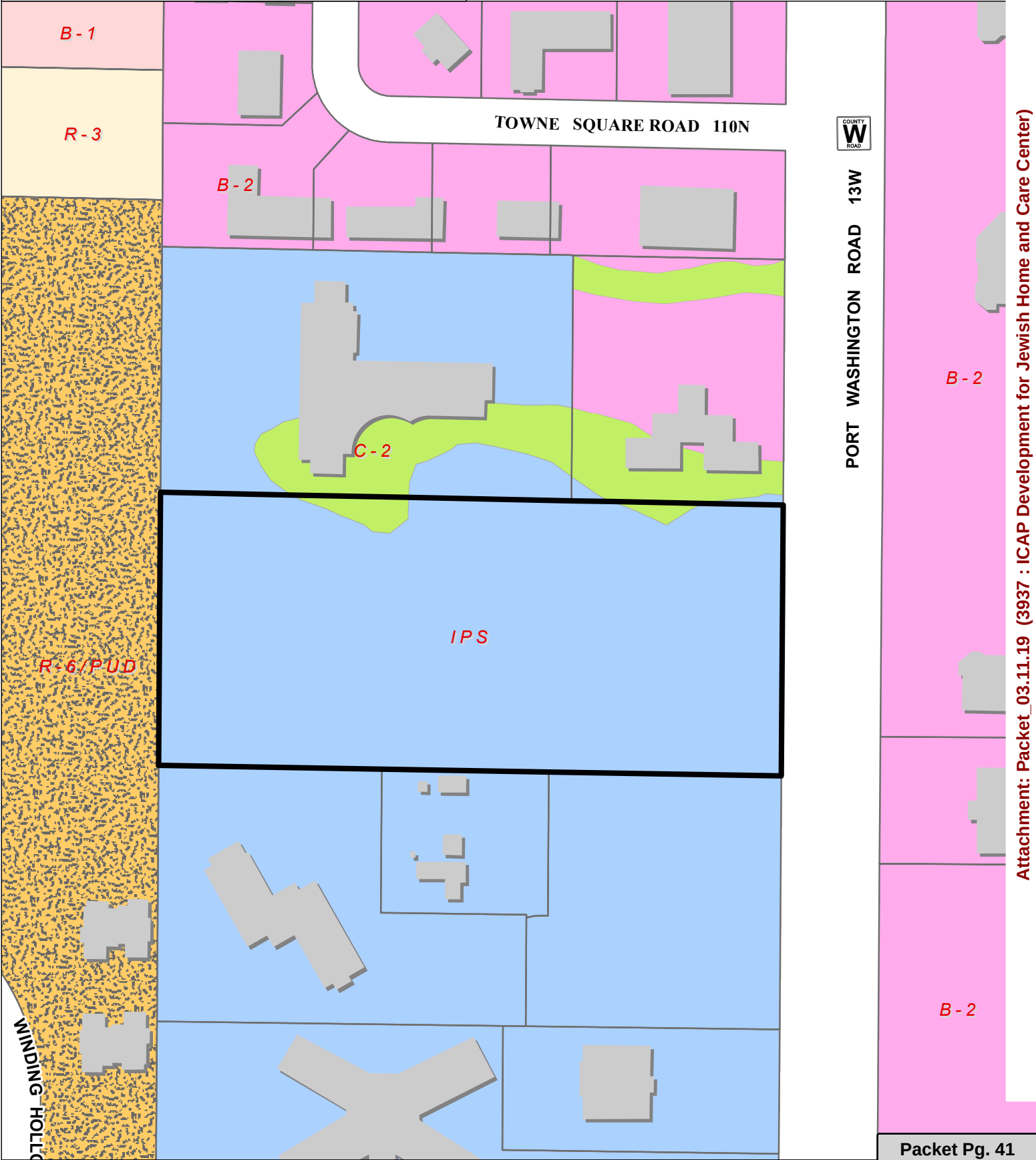
Attachments:

Packet_03.11.19 (PDF)

ICAP for Jewish Home and Care Center, Inc.

AC	Arrival Corridor	LTD	Limited Use
A-1	Agricultural Preserve	OA	Agricultural Overlay
A-2	General Agricultural	PUD	Planned Unit Development Overlay
B-1	Neighborhood Business	P-1	Park & Recreation
B-2	Community Business	R-1	Single-Family Residential (5 Ac. Min.)
B-3	Office & Service Business	R-1B	Single-Family Residential (2.5 Ac. Min.)
B-4	Business Park	R-2	Single-Family Residential (2.0 Ac. Min.)
B-5	Light Industrial	R-2B	Single-Family Residential (1.5 Ac. Min.)
B-6	Rural Industrial	R-3	Single-Family Residential (1.0 Ac. Min.)
B-7	Rural Business	R-4	Single-Family Residential (3/4 Ac. Min.)
C-1	Shoreland/Wetland Conservancy	R-5	Single-Family Residential (1/2 Ac. Min.)
C-2	General Conservancy	R-6	Single-Family Residential (4 du/Ac)
CGO	Central Growth Overlay	RM	Multi-Family Residential
FFO	Flood Fringe Overlay	TC	Town Center
FW	Floodway	TDR	Transfer of Development Rights
IPS	Institutional & Public Service		

3.b.a



Attachment: Packet_03.11.19 (3937 : ICAP Development for Jewish Home and Care Center)

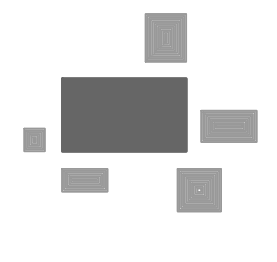
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REVIEWED: MTS

DESIGNED: SRB

DRAFTED: SRB

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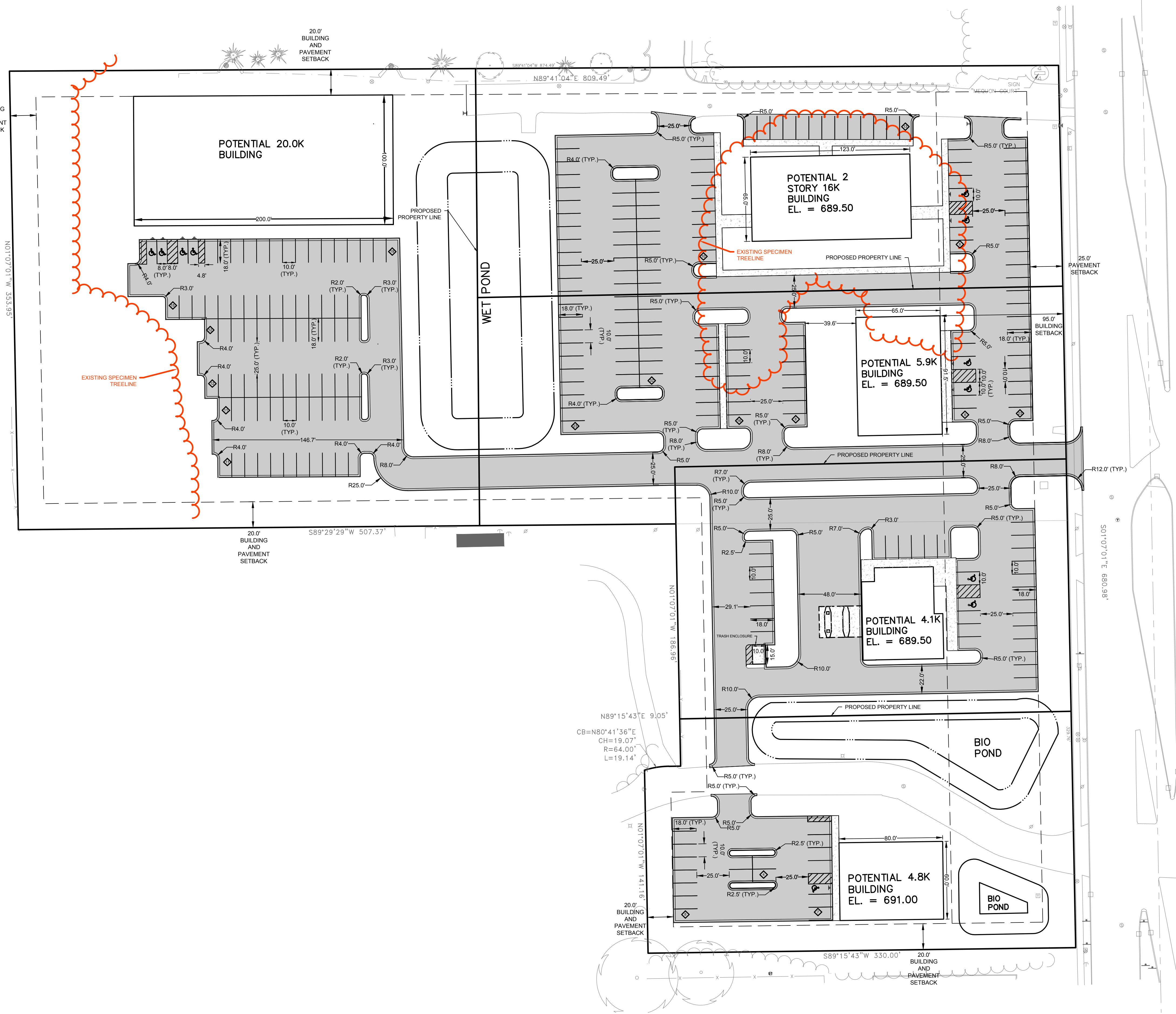
10865-10911 N. PORT WASHINGTON RD

SITE PLAN

REVISIONS		
1	REV PROPERTY LINES	01/28/19
2	REV TO SITE PLAN	02/20/19

REG JOB NO. 1524.00-WI
REG. FIRM: MTS
START DATE: 01/14/19
SCALE: 1"=40'

SHEET
C-4
C-8

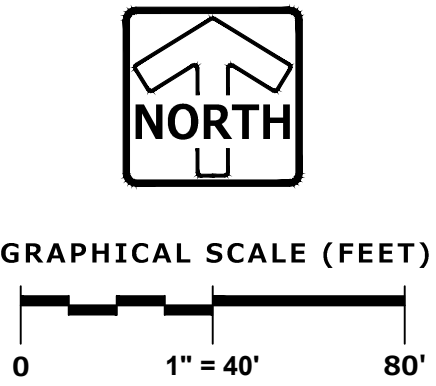


LEGEND

ASPHALT PAVEMENT

CONCRETE SIDEWALK

PARKING COUNT (FOR INFORMATION ONLY, NOT TO BE PAINTED)





February 21, 2019

Kimberly Tollefson
 Director of Community Development
 City of Mequon
 11333 N. Cedarburg Road
 Mequon, WI 53092

SUBJECT: REVISED Conceptual Development Plan and Rezone Request Submittal
 10865-10911 North Port Washington Road

Project Location:

The land commonly known as 10865-10911 North Port Washington Road (the "Property"), which is currently owned and by the Jewish Home and Care Center Inc., and was formally home of the Mequon Care Center, prior to demolition around 2007, and has been vacant since. The site consists of two legal parcels totaling 8.9 acres (389,184 SF). A Legal Description is included on the survey provided with this submittal.

Project Description:

ICAP Development ("ICAP") has the Property under contract for purchase and seeks to redevelop the Property for multiple commercial uses, as shown on the Conceptual Development Plan. ICAP envisions the parcels with Port Washington Road frontage to be retail and office users that are complementary to the surrounding properties along the Port Washington Road corridor. The western portion of the Property is shown as an office use, but could accommodate a wide range of uses, including professional services, healthcare, health club or residential.

Per the 2/11/19 Plan Commission comments, ICAP has revised the Conceptual Development Plan in the following ways:

- The financial institution building has been re-oriented so that the main entry and longer façade face Port Washington Road.
- The drive thru for the financial institution building has been relocated to back of the building.
- The prior iteration showed a 10,000sf building that was not oriented towards Port Washington Road. This building has been adjusted to face Port Washington Road, resulting in a 5,900sf building.
- The specimen trees located to the far west of the property have been protected in their entirety and the development of that area has been reduced and relocated to preserve those trees.

Request:

ICAP is seeking a Plan Commission recommendation for the request to rezone the Property to B-2/PUD, contingent upon ICAP closing on the purchase of the Property. ICAP is also seeking a Plan Commission recommendation for the removal and replacement of the specimen trees located in the northeast portion of the site, per the City of Mequon Policy Manual for Tree Protection and Preservation.

Attachment: Packet_03.11.19 (3937 : ICAP Development for Jewish Home and Care Center)



Specimen Trees:

The Specimen Tree Survey provided to ICAP on 2/14/2019, shows 15 Specimen Trees, as defined in the City of Mequon Policy Manual for Tree Protection and Preservation. The Specimen Trees are spread throughout an isolated 32,000sf area that was formerly a drainage area for parking lots at the Mequon Care Center that was demolished around 2007. Given the location of the 32,000sf area where the Specimen Trees exist, development of any commercial property with frontage along Port Washington Road is not feasible. ICAP is requesting Plan Commission approval to remove and replace the Specimen Trees in accordance with the Policy Manual.

Zoning & Use:

The Property is currently zoned IPS (institutional and public service district). ICAP is seeking a rezone to B-2/PUD, which we believe would be complementary to the surrounding properties to the north and east along Port Washington Road. ICAP is requesting a PUD overlay to accommodate design flexibility for both the community and the development.

While ICAP cannot commit to specific users for the site at this time, Letters of Intent have been received for users that fall under the Allowed and Conditional Uses of the B-2 zoning district. The requirements of these potential users would include the following:

- Single-story and two-story buildings.
- Single and multi-tenant occupancies.
- Drive-thru services.
- Uses that include:
 - o General offices.
 - o Finance, insurance and real estate services including, but not limited to, banks, insurance offices, savings and loan associations and security brokers.
 - o Health care facilities including, but not limited to, dental clinics, medical clinics, chiropractic clinics and health clubs.
 - o Restaurants and nightclubs.
 - o Automobile service facilities including, but not limited to, gasoline sale and automotive repair.
 - o Motels and hotels.

While not all of these users can be accommodated on the Property, the list is an expression of the diversity of users being considered, and the impetus for requesting a B-2 rezoning.

ICAP is requesting a PUD overlay to allow for additional community input on the types of uses that are ultimately approved as well as developer flexibility for potential conflicts with setback requirements on the individual sites within the Property.

Access and Traffic:

The Property currently has 3 access points to Port Washington Road. Our Conceptual Development Plan maintains the access points at the north and south of the Property and would relocate the access point near the middle of the property to align with the median openings in Port Washington Road. ICAP has sought preliminary review from Ozaukee County for a full access point along Port Washington Road at this location and will perform a traffic study to support our request.

The Property will have reciprocal access amongst occupants to allow vehicles and pedestrians to move about the development without the need to exit to Port Washington Road and re-enter.



The parking lots and access roads on the Property have been designed to allow for queuing of traffic exiting to Port Washington Road, and the prospective drive thru locations have been positioned to allow for queuing on the parcels, not the access roads.

Utilities/Storm Water Management:

Sanitary sewer and water lines are available in the northern access road, and sizes appear appropriate for use by the development. ICAP intends to work with City Engineering on capacity of the existing utilities and demand needs of the eventual users.

All storm water will be collected on-site and released via existing outflow locations to the north and south of the Property per City and MMSD regulations and requirements. Please see the attached Stormwater Memo for further information relating to this matter.

Project Operation:

The Project will be subdivided into separate parcels based on user needs. All parcels within the Project will be subject to a perpetual Reciprocal Easement and Maintenance Agreement which will grant cross access easements and create operation/maintenance obligations between each parcel within the Property. Initially, ICAP will own all parcels within the Project. The Reciprocal Easement and Maintenance Agreement will allow for ownership transfers to occur without impacting the overall operation and cohesiveness of a unified mixed-use project.

Schedule:

ICAP desires to commence construction of the project in Summer 2019. Following Conceptual Development Plan and Rezoning approval, ICAP will secure user commitments for the Project and submit user site plans in compliance with the Conceptual Development Plan.

The following documents are included with this submittal:

- Planning Commission Application
- Rezoning Petition Application Fee
- Stormwater Memo
- Conceptual Development Plan Set

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "J. Protaskey", is written over the typed name.

Jerad Protaskey
ICAP Development LLC

To: Mequon Planning Commission
From: Mike Gies, Parks and Forestry Superintendent
Date: February 27, 2019
Subject: 10911-10865 N. Port Washington Road: Removal of Specimen Trees

Background: The applicant is requesting removal of fifteen (15) specimen trees located on Lots 10911-10865 N. Port Washington Road. All of the trees with the exception of one are located directly south of the Northeast entrance to the property. The trees are isolated to approximately a 100' x 150' area of woodlot that had previously been preserved in prior development. The tree inspection was completed on February 4, 2019.

Analysis: The applicant is requesting that all of the trees within the described woodlot would be removal as part of the proposed building and improvements. The following is a list of trees present on site and considered within this memo:

- | | |
|-------------------------------------|--|
| • Shagbark Hickory (15" diameter) | <i>current status: not recommended for removal</i> |
| • Bur Oak (22.5" diameter) | <i>current status: not recommended for removal</i> |
| • Ironwood (7.5" diameter) | <i>current status: not recommended for removal</i> |
| • Ironwood (10" diameter) | <i>current status: not recommended for removal</i> |
| • Ironwood (10" diameter) | <i>current status: not recommended for removal</i> |
| • Shagbark Hickory (8" diameter) | <i>current status: not recommended for removal</i> |
| • Shagbark Hickory (23" diameter) | <i>current status: not recommended for removal</i> |
| • Ironwood (10" diameter) | <i>current status: not recommended for removal</i> |
| • Ironwood (9" diameter) | <i>current status: not recommended for removal</i> |
| • Shagbark Hickory (18" diameter) | <i>current status: not recommended for removal</i> |
| • American Linden (24"diameter) | <i>current status: not recommended for removal</i> |
| • American Linden (2-stem 16"-12") | <i>current status: not recommended for removal</i> |
| • Ironwood (2-stem 8"- 6") | <i>current status: not recommended for removal</i> |
| • Swamp White Oak (19" diameter)* | <i>current status: not recommended for removal</i> |

*Swamp White Oak- located on the south property line of 10911 N. Port Washington Rd., also proposed for removal.

Also noted during inspection was the presence of (35) American Linden (14-18"diameter) undersized by tree preservation specifications, but desirable trees adding to the ecosystem of this woodlot.

A substantial part of pre-settlement Mequon consisted of Southern Mesic Forest ("Old Growth Forest"). Most Old Growth Forest has been destroyed and portions of Old Growth Forest which remain are now part of a disappearing ecosystem. Preservation is essential, because regeneration

of forest of this caliber can take 150 years, provided that conditions exist within which the forest was originally formed.

Staff recommends denial of specimen tree removal based on, Section 84-6 of the Mequon code of Ordinances, *Authorization for removal of any specimen tree located on any land in the may be granted for the following: Where removal will avoid or alleviate unreasonable difficulty or hardship. **However, tree removal requested for the purpose of allowing greater building density shall not constitute unreasonable difficulty or hardship.***

Should the Planning Commission support the removal of specimen tree the total DBH would equal (225) inches. According to the ordinance, the applicant would be required to replace 75% of the total diameter. This would equal (168.75) inches of replacement trees. This would be approximately (84) 2" trees, selected or approved by the Parks and Forestry Superintendent. In lieu of planting, the ordinance allows the applicant to donate \$16,875 to the Mequon Tree Fund, which would be used for Urban Forestry projects. Whether the owner decides to replant or not, the \$16,875 would be put into a non-lapsing escrow account before a building permit is issued. The money would then be returned after the tree planting is complete and approved by the Parks and Forestry Superintendent. Tree planting associated with the City of Mequon landscape requirements for the site will not apply to replacement requirements for specimen removal.

Should there be consideration to remove more trees in conjunction with any future improvements it is necessary to bring that consideration forward to Planning Commission at a future date prior to the work being completed.

Tree Protection Requirement:

The following is required prior to any site clearing or building activities. To protect and preserve the trees as identified on the landscape plan or by the Planning Commission, the owner/developer/contractor shall install snow fencing no closer than 3' outside the dripline of the tree. Additionally, signs shall be posted stating the Tree Protection Zone. These zones will be inspected by the City Forester prior to the commencement of construction.

Thank You,

Mike Gies

Mequon Parks and Forestry Superintendent

TO: Planning Commission
FROM: JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT
DATE: March 11, 2019
SUBJECT: Chapter 58 of the Zoning Code as it relates to Animal Uses

Background

The following text amendment makes changes to all ordinance sections in the Mequon Code of Ordinances that apply to animals. The impetus for the change was driven by a resident who requested at the Public Welfare Committee that the types of pets allowed in Mequon should be more inclusive. When the Committee reviewed the current ordinance it was decided that wholesale changes to the code were necessary. Alderman Wirth, with the assistance of Planning staff drafted the changes that include the following:

- Repeal Chapter 6, Animal, in its entirety
- Create Article Eleven in Chapter 58, Zoning Code
- Modify permitted and conditional use sections in both residential and commercial districts in Chapter 58

Analysis

While there have been substantive changes made to the code, a majority of the content in the proposed text amendment clarifies or codifies existing code requirements. The following substantive changes are highlighted below.

Horses and Equine Animals – The current code requirement allows one horse at 1.5 acres and 1 for each additional acre. The updated version allows for other equine animals as well as sheep, goats, llamas and alpacas at the same amount as horses.

Pets and Other Producing Animals – The list of allowable pets is now expanded beyond dogs and cats. The new list includes silkies chickens and small inside pets including rabbits, hedgehogs, and guinea pigs. Bees and Raptors have also been added, as well as other producing animals, but with limitations.

Commercial Conditional Uses in Residential Districts – The current code allows for fish hatcheries, greenhouses, and farms for the keeping of hogs, goats and fur bearing animals on residential districts as small as $\frac{3}{4}$ acre. The proposed change limits these land uses to parcels with 10 acres or more.

Dog Runs and Houses – The proposed code language adds requirements to the size and location of dog runs and houses. The current code is silent on the issue. Dog runs were treated as fences and dog houses were considered a structure, which shall comply with setback and offsets.

Approval of Miscellaneous Pets – The proposed code language allows the Public Welfare Committee to take into consideration an animal currently categorized as a pet. There currently is

no provision in place which would allow additional pets to be approved without going through the text amendment process.

Attachments

The attachments include 1) An exhibit representing the new article in Chapter 58, Zoning Code as Article IV DIVISION 11. – ANIMALS AND ANIMAL-RELATED USES and 2) An exhibit representing the repeal of the animal land uses within other, current sections of the Chapter 58. These are no incorporated into Article IV, Division 11.

Recommendation

The Public Welfare Committee recommended the proposed code language at its meeting in February by a vote of 2-0.

Attachments:

Packet_03.11.19 (PDF)

Chapter 58, Article IV

DIVISION 11. – ANIMALS AND ANIMAL-RELATED USES

Sec. 58-515. – Purpose and intent.

The city has created this division to create consistent and coherent standards and rules related to animals and animal-related uses, structures and businesses. The city has a long and proud agricultural tradition and has allowed certain livestock and other animal-related uses outside of non-agricultural zoning districts. In spreading the provisions for such uses throughout zoning districts, some inconsistencies arose. Similarly, by separating pet ordinances from other animal ordinances, the code developed some ambiguities and inconsistencies. By putting these ordinances in one place in this division, the common council hopes to avoid those ambiguities and inconsistencies in the future. Therefore, to achieve consistency, and to simplify the regulation of animals, the common council has decided to regulate all animal and animal-related uses, structures and businesses in this division.

Sec. 58-516. – Definitions.

As used in this division, the following terms and phrases have the following meanings:

At large has the meaning given to it in section 58-521.

Bees means the common honey bee (*Apis mellifera*), regardless of stage.

Bovine animal means a domestic member of the genus *Bos* (cow) or an American bison, in either case regardless of age or sex.

Cat means a domestic member of *Felis Domesticus*, regardless of age or sex.

Dairy means a business establishment for the processing and sale of dairy products.

Dog includes a domestic member of the *Canis Familiaris*, regardless of age or sex.

Domestic animal includes livestock, poultry, fur-bearing animals and pets.

Equine animal means a horse, mule, donkey or ass.

Fur-bearing animal means an animal primarily raised for its hide, examples of which include a fox, fitch, nutria, marten, fisher, mink, chinchilla, rabbit or caracul, and excludes livestock such as sheep and goats which may be shaved for their fur and livestock such as bovine animals and equestrian animals that produce hides only as a by-product.

Hospital, animal means an establishment providing for medical care and treatment of animals, as distinguished from a kennel in that no outdoor runs shall be permitted for boarded animals and all indoor runs shall be sound proof.

Kennel means a lot, building, structure, enclosure, or premise on or in which (a) four or more dogs or cats are maintained, boarded, bred, kept, or cared for in return for remuneration, or are kept for sale, or are groomed, trained, or handled for others; or (b) on or in which five or more dogs over five months of age are kept for any other purpose.

Livestock means bovine animals, equine animals, sheep, goats, swine (other than wild hogs), farm-raised deer, farm-raised game birds, camelids and ratites, but specifically excludes poultry, fur-bearing animals, pets, wild animals and fish kept for commercial purposes.

Miscellaneous approved pet means an animal domesticated to live in a tame condition for human companionship or pleasure that is approved and subject to the conditions described in this chapter. A domestic animal categorized as livestock over 225 pounds may not be a miscellaneous approved pet. Cats, dogs, pet birds, pet fish, silkie chickens and small inside pets may not be miscellaneous approved pets. No animal listed in the definition of wild animal may be a miscellaneous approved pet despite any claim of domestication.

Officer includes any constable, sheriff, deputy sheriff, special police officer, health officer, deputy health officer, city sanitarian, and the animal control provider described in section 58-520.

Owner includes any person, firm or corporation that owns, harbors, or keeps a domestic animal. The occupant of any premises on which a domestic animal remains or to which it customarily returns daily for a period of ten days is presumed to be harboring or keeping the domestic animal.

Pet means a cat, dog, pet bird, pet fish, silkie chicken, small inside pet or miscellaneous approved pet.

Pet fish means freshwater and saltwater fish and snails, crabs and other aquatic animals typically found in home aquariums and sold legally in the State of Wisconsin.

Poultry means chickens, ducks, geese and turkeys.

Producing animals means domestic animals other than pets, including livestock, poultry and other animals listed on Table 58-517(a).

Residentially zoned property means a property in the R-1 through R-6 districts unless the property has an OA overlay.

Riding academy means a riding stable at which riding instruction is given.

Riding stable means any structure or land or any combination of either used, designed or arranged for the maintenance or rental of equine animals either with or without a bridle path or riding area but exclusive of equine animals used primarily for agricultural purposes.

Silkie chicken means the silkie breed of bantam-sized chicken, characterized by down-like feathers, crested head feathers, blue/black skin and wattles, black eyes, a walnut comb, and feathers and five toes on each foot.

Small inside pet means a domestic animal pet that is kept in the home or garage in a cage, aquarium, habitat or crate and that is legally sold in Wisconsin pet stores. Examples include gerbils, mice, rats, hamsters, guinea pigs, hedgehogs, rabbits, ferrets, non-poisonous snakes and lizards, turtles other than snapping turtles, tortoises, frogs, toads, salamanders, newts, nonpoisonous arachnids, crickets, stick bugs, mantis, African giant millipedes, hermit and other land crabs, and ants in an ant farm. Wild animals are not small inside pets.

Vicious animal has the meaning given to it in section 58-524.

Wild animal has the meaning given to it in Wis. Stats. § 169.01, and shall include any dangerous, carnivorous or poisonous organism, including but not limited to:

- (a) Apes: Chimpanzees (Pan); gibbons (Hylobate); gorillas (Gorilla); orangutans (Pongo); and siamangs (Symphalangus).

- (b) Baboons (*Papio Mandrillus*).
- (c) Bears (*Ursidae*).
- (d) Cheetahs (*Acinonyx jubatus*).
- (e) Crocodilians (*Crocodylia*), 30 inches in length or more.
- (f) Constrictor snakes, six feet in length or more.
- (g) Gamecocks and other fighting birds.
- (h) Hyenas (*Hyaenidae*).
- (i) Jaguars (*Panthera onca*).
- (j) Leopards (*Panthera pardus*).
- (k) Lions (*Panthera leo*).
- (l) Lynxes (*Lynx*).
- (m) Monkeys, old world (*Cercopithecidae*).
- (n) Pumas (*Felis concolor*); also known as cougars, mountain lions and panthers.
- (o) Rear fang snakes.
- (o) Serval cats (*Leptailurus Serval*).
- (q) Snow leopards (*Panthera uncia*).
- (r) Tigers (*Panthera tigris*).
- (s) Wasps and hornets.
- (t) Wild pigs.
- (u) Snapping turtles.

Sec. 58-517. – *Permitted and conditional uses.*

- (a) *Producing animals.* No person shall own, harbor or keep any producing animals except as set forth on Table 58-517(a). Producing animals may not be kept in any zoning district except as specified on Table 58-517(a). Each zoning district in which producing animals may be kept is set forth on Table 58-517(a), together with, for each category, whether the keeping of such producing animals is a permitted or conditional use, the minimum parcel size on which such category may be kept, the number of producing animals of a category that may be kept on a parcel, any required permit or license and an indication of any specific requirements set forth below for that category.

Table 58-517(a)

Producing Animals	Minimum Lot Size	Zoning Districts	Quantity	Permitted or Conditional	Permit or License Required	Specific Requirements
Livestock						
Equine animals, sheep, goats, llamas and alpacas	1.5 acres (but less than 10 acres)	R-1 to R-4	1 animal for 1.5 acres and 1 more for each additional acre	Permitted	None	√
Livestock	10 acres	A-1, A-2, OA	1 per acre (including all livestock other than equine animals)	Permitted	None	
Livestock	10 acres	A-1, A-2, OA	More than allowed by right	Conditional	None	
Poultry						
Chickens	1.5 acres (but less than 10 acres)	R-1 to R-4	4	Permitted	Chicken permit	√
Poultry	10 acres	A-1, A-2, OA	20 per acre	Permitted	None	
Poultry	10 acres	A-1, A-2, OA	More than allowed by right	Conditional	Conditional use permit	
Fur-bearing animals						
Fur-bearing animals	10 acres	A-1, A-2, OA, CGA	Per conditional use permit	Conditional	Conditional use permit	√
Other producing animals						
Bees	1.5 acres	R-1 to R-4, A-1, A-2, P-1	Two hives per acre	Permitted	None	√
Raptors	10 acres	A-1, A-2, OA	1	Permitted	State license	√

- (b) *Pets.* No person shall own, harbor or keep any pet except as set forth on Table 58-517(b). Each zoning district in which a pet may be kept is set forth on Table 58-517(b), together with, for each category, whether the keeping of such pets is a permitted or conditional use, the number of pets of a category that may be kept on a parcel, any required permit or license and an indication of any specific requirements set forth below for that category.

Table 56-571(b)

Category	Zoning Districts	Quantity	Permitted or Conditional	Permit or License Required	Specific Requirements
Cats	R-1 to R-6, RM, Town Center, Arrival Corridor	1 to 3	Permitted	None	
Cats	R-1 to R-6	4 or 5	Permitted	Animal fancier's permit	
Cats	A-1, A-2, OA	Any	Permitted	None	
Dogs	R-1 to R-6, RM, Town Center, Arrival Corridor	1 to 3	Permitted	Dog license	√
Dogs	R-1 to R-6	4 or 5	Permitted	Animal fancier's permit; dog licenses	√
Dogs	A-1, A-2, OA	1 to 5	Permitted	Dog license	√
Dogs	A-1, A-2, OA	More than 5 (limit per conditional use grant)	Conditional	Conditional use permit; dog licenses	√
Pet birds	All	Any	Permitted	None	
Pet fish	All	Any	Permitted	None	
Silkie chickens	R-1 to R-6, A-1, A-2, OA	1 or 2	Permitted	None	√
Small inside pets	All	Any	Permitted	None	
Miscellaneous approved pets	R-1 to R-6, A-1, A-2, OA	Per Public Welfare Committee	Permitted provided approved by Public Welfare Committee	None	√

- (c) *Other animal-related uses, structures and businesses.* No person shall maintain any animal-related use, structure or business except as set forth on Table 58-517(c) or unless otherwise specifically provided for in this division. Each zoning district in which an animal-related use, structure or business may be maintained is set forth on Table 58-517(c), together with, for each category, whether such use is permitted or conditional, the minimum parcel size on which such use may be maintained, any required permit or license and an indication of any specific requirements set forth below for that category.

Table 58-517(c)

Animal-related uses, structures and businesses	Minimum Lot Size	Zoning Districts	Size	Permitted or Conditional	Permit or License Required	Specific Requirements
Animal hospitals and veterinary clinics	None	B-2, B-7, Arrival Corridor	Per conditional use permit	Conditional	Conditional use permit	√
Bee hives	5 acres	A-1, A-2, OA, P-1	Two hives per acre	Permitted	None	√
Commercial fish hatcheries	None	A-1, A-2	Per conditional use permit	Conditional	Conditional use permit	
Dog houses and dog runs	None	R-1 to R-4, A-1, A-2, OA	Per specific requirements	Permitted	None	√
Kennels	None	A-1, A-2, OA, B-2, B-4, B-5	Per conditional use permit	Conditional	Conditional use permit;	√
Stables, barns, poultry houses, riding arenas and other similar structures for animals	1.5 acres	R-1 to R-4, OA, A-1, A-2	1,000 square feet or less	Permitted	None	√
Stables, barns, poultry houses, riding arenas and other similar structures for animals	1.5 acres	R-1 to R-4, OA, A-1, A-2	Over 1,000 square feet	Permitted	None	√
Pet daycares	None	B-4, B-5, Arrival Corridor	Per conditional use permit	Conditional	Conditional use permit	√
Pet stores	None	LTD	Per conditional use permit	Conditional	Conditional use permit	
Pet supply stores and pet grooming facilities	None	B-4, B-5, Arrival Corridor	Per conditional use permit	Conditional	Conditional use permit	√
Riding academies	None	A-1, A-2, OA	Per conditional use permit	Conditional	Conditional use permit	
Riding stables	None	A-1, A-2, OA	Per conditional use permit	Conditional	Conditional use permit	

- (d) Tables 58-517(a) and 58-517(b) set forth the maximum number of animals that may be kept on a property. If an animal allowed on a property gives birth, the newborns shall not be counted against the total allowed animals until the following ages:

Equine animals and camelids - 7 months

Swine - 4 months

All other livestock - 3 months

Poultry - 3 months

Dogs and cats - 5 months

- (e) Any animal or animal-related use, structure or business not listed in Tables 58-517(a), 58-517(b) or 58-517(c) as either permitted or conditional for a district shall be prohibited. Without limiting the generality of the foregoing, wild animals are prohibited in the city except as described in section 58-523.
- (f) If the minimum lot size for a zoning district is greater than a minimum lot size specified in Tables 58-517(a), 58-517(b) or 58-517(c), such greater lot size shall control.

Sec. 58-518. – Other laws.

In addition to the specific requirements of this division, all animals and animal-related uses, structures and businesses shall comply with all relevant federal and state laws.

Sec. 58-519. - Keeping of domestic animals.

All stables, barns, pens poultry houses, coops, riding arenas, hives, other similar structures for keeping domestic animals and yards in which domestic animals are kept or permitted to be kept within the city shall be maintained in good repair and in a clean and sanitary condition, devoid of insect infestations and rodents and other vermin and free from odor nuisances. The exterior of all such structures shall be whitewashed or painted periodically to maintain them in a clean and sanitary condition. All domestic animals kept by any person shall be provided adequate food and water. All domestic animals shall be kept in compliance with applicable federal and state law.

Sec. 58-520. - Animal control.

- (a) *Contract.* The city may contract for animal control services with a person or corporation. The animal control provider shall be responsible for the performance of animal control services within the city. The common council may provide, pursuant to such contract, that the animal control provider shall furnish a surety bond issued by a surety company acceptable to the common council, in a sum specified in such contract, to guaranty the faithful performance of the animal control provider's contractual duties and proper accounting for all monies coming into the animal control provider's hands pursuant to those duties.
- (b) *Services and compensation.* The animal control provider shall impound, keep, care for or destroy animals delivered to the animal control provider under the provisions of this chapter and Wis. Stats. Ch. 174 (as limited by the animal control provider's contract). The animal control provider shall be entitled to the charges and fees established in the

animal control provider's contract or, if not established in such a contract, as otherwise fixed by the common council.

- c) *Response of animal control provider.* The animal control provider will respond to locations where animals are confined by the property owner. The animal control provider will not respond to locations where the animal is running at large if, in the animal control provider's opinion, the animal control provider will be unable to capture the animal.

Sec. 58-521. - Domestic animals at large.

- (a) *Definition of at large.*

- (1) "At large" shall mean any animal off the premises of its owner or upon the public streets, alleys, public grounds, school grounds, or parks within the city except as provided in subsection (2).
- (2) A non-vicious animal will not be deemed to be at large if:
 - a. It is attached to a leash of sufficient strength to restrain the animal and not more than ten feet in length where such leash is held by a person competent to govern the animal;
 - b. When the animal is properly restrained within a motor vehicle, provided that such vehicle is properly ventilated for the animal's safety; or
 - c. When not more than 50 feet from its owner or the agent of such owner in charge of such animal, and competent to govern such animal, at such distance, if the animal is not annoying or worrying pedestrians or trespassing on private property or public areas where such animals are forbidden.

- (b) *Prohibition.* No person shall permit any domestic animal to be at large.

- (c) *Release of domestic animal.* Unless directed by the owner, no person shall open any door, gate or exit of any private property to set any domestic animal loose or otherwise to entice or enable animals to leave private property.

- (d) *Tied-out domestic animals.* If any person secures a domestic animal or permits a domestic animal to be secured by any tie-out, rope, leash or chain on that person's property or the property of another, such person shall ensure that the tie-out, rope, leash or chain is of such length as to prevent the domestic animal from roaming beyond the property limits of the property on which the domestic animal is secured.

Sec. 58-522. - Disposition of dead animals.

The owner of any domestic animal shall be responsible for properly and legally disposing of the domestic animal after its death. In the case of a dead domestic animal with unknown owners, an officer shall arrange for disposition. When an animal is euthanized after injuring a human by biting or scratching, it shall be surrendered to an officer and, if a necropsy is warranted, the animal shall be preserved up to seven days until the examination is conducted.

Sec. 58-523. - Wild animals.

- (a) *Prohibition on keeping.* No person shall keep, maintain, possess or control any wild animal within the city.
- (b) *Exceptions to prohibition on keeping.*
 - (1) The prohibitions of this section shall not apply to a wild animal which has been in the care, custody and control of an owner-keeper within the city prior to the effective date of the ordinance from which this section is derived, provided:
 - a. The owner-keeper has complied with all applicable state and federal importation regulations, and permit requirements, and possesses any required veterinary health certificate;
 - b. Within 90 days of the effective date of the ordinance from which this section is derived, the owner-keeper of the wild animal informed, no more than 90 days after the effective date of the ordinance from which this section is derived, the city in writing with specificity of the type and location of such animal;
 - c. The wild animal and the wild animal's quarters are kept in a secure enclosure that satisfies the requirements of section 58-519. and
 - d. The wild animal is securely held in, and is not permitted or suffered to escape, the custody and control of the owner-keeper, or to otherwise run at large.

If the requirements of subsections a. through d. are not satisfied as and when required, the exception provided in this subsection shall be lost.
 - (2) The prohibitions of this section shall not apply if a wild animal is in the care, custody and control of a veterinarian for treatment, a public or private educational institution or, on a temporary basis, an agricultural fair, a 4-H Club for a show or project, an itinerant or transient carnival, circus or other show, the operator of a dog or cat show or trial, a public or private educational institution, a licensed pet shop or a zoological garden, if:
 - a. The location conforms to the provisions of the city's zoning ordinances.
 - b. The animal is kept in a clean and sanitary condition.
 - c. The animal's quarters are kept in secure enclosure that satisfies the requirements of section 58-519.
 - d. The animal is maintained in quarters constructed to prevent the animal's escape.
 - e. No person lives or resides within 100 feet of the quarters in which the animal is kept.
 - f. No food establishment is located within 100 feet of the quarters in which the animal is kept.

- g. Such care, custody and control comply with the laws of the State of Wisconsin.
- (c) *Health nuisances.* The building inspector or sanitarian may prohibit the keeping of any wild animal in any place, location or manner which, in his or her judgment, would constitute a health nuisance or be in violation of this section.

Sec. 58-524. - Vicious animals prohibited.

- (a) *Vicious animal defined.*

- (1) Except as provided in subsection (2), a domestic animal may be declared vicious if
 - a. The domestic animal bites, claws, or attempts to bite or claw any person or bites or injures another animal; or
 - b. The domestic animal approaches any person in an apparent attitude of attack, whether the attack is consummated or capable of being consummated; or
 - c. The domestic animal has a known propensity to attack or bite people or other domestic animals, or such propensity reasonably should be known, to the owner or to any member of the owner's immediate family who resides with the owner.
 - d. The domestic animal has at any time been declared dangerous or vicious by any agency or department of another municipality, county, or state.
- (2) Exceptions.
 - a. Dogs utilized by law enforcement officers in the performance of their duties shall not be deemed vicious.
 - b. A domestic animal shall not be deemed vicious for engaging in actions described in subsection (1) under any of the following circumstances:
 - (i) The domestic animal was defending its owner, caretaker or another person from an attack by a person or animal.
 - (ii) The domestic animal was protecting itself, its young or another animal.
 - (iii) The domestic animal was defending itself against any person who was provoking, tormenting, assaulting or abusing it or who was engaging in conduct reasonably calculated to provoke the domestic animal to attack, bite, or injure.
 - (iv) The domestic animal was defending itself against any other domestic animal that was provoking, tormenting, assaulting or abusing it or that was engaging in conduct reasonably calculated to provoke the domestic animal to attack, bite, or injure.
 - (v) The domestic animal was defending its owner's or caretaker's property against trespassers.

- (vi) The person or animal injured, threatened or approached by the domestic animal was unlawfully entering a fenced or enclosed portion of the premises upon which the domestic animal was lawfully kept or upon a portion of the premises where the domestic animal was lawfully chained.
 - (vii) The person injured, threatened or approached by the domestic animal was unlawfully entering or upon a vehicle in which the domestic animal was confined.
 - (viii) The person injured, threatened or approached by the domestic animal was attempting to stop a fight between that domestic animal and any other animal.
 - (ix) The person injured, threatened or approached by the domestic animal was attempting to aid the domestic animal while the domestic animal was injured or experiencing serious illness.
- c. For the purposes of this section, a person is lawfully upon the premises of a guardian or keeper when such person is on the premises in the performance of any duty imposed by law or by the express or implied invitation of the owner of the premises or the owner's agent.
- (b) *Prohibition on keeping vicious animals.* No person shall own or keep a vicious animal.
- (c) *Removal or destruction of vicious animals.*
 - (1) Any vicious animal which is found off the premises of its owner may be seized by any officer and, upon establishing to the satisfaction of the court of the vicious character of such animal by testimony under oath, may be killed by the police authorities.
 - (2) The owner or caretaker of a vicious animal shall destroy or otherwise remove the vicious animal from the city within 48 hours of service of written notice to do so. If the owner refuses to accept such notice, the police department may attach the written notice to the front door of the owner's residence and such notice shall be deemed served upon posting on the door. In addition to any other remedy or penalty, should the owner fail to timely remove the vicious animal as required under this subsection, the vicious animal may be subject to destruction as provided in subsection (3).
 - (3) In addition to any other penalty or remedy, upon reasonable suspicion that a vicious animal is being kept in the city in violation this subsection, the city may file an action in the circuit court seeking an order authorizing the destruction of the vicious animal. Upon establishing the vicious character of the animal, the court may enter an order authorizing the city to kill the vicious animal.
 - (4) An officer may in the exercise of his or her reasonable discretion take any immediate action reasonably necessary to protect life or property.

Sec. 58-525. – Domestic animals suspected of being infected with rabies.

A person who suspects that a domestic animal is infected with rabies or has been exposed to rabies infection shall notify an officer who shall take appropriate action as required under Wis. Stats. § 95.21(4).

Sec. 58-526. - Impoundment.

- (a) *Generally.* An officer shall attempt to apprehend any dog running at large or in violation of this section within the city and may impound any cat or other domestic animal running at large or in violation of this section within the city. The officer shall confine any such animal in a suitable place. The owner of an impounded animal may reclaim the animal or, if the impounded animal is unclaimed for a period of seven days, any person may adopt the impounded animal. In either instance, the person claiming the impounded animal must first pay a fee established by common council resolution. The fee payable by an animal owner shall be doubled for any animal impounded a second time within any 60-day period.
- (b) *Release of Impounded Animal.*
 - (1) A pound operator may release an impounded animal to its owner or a representative of the owner if:
 - a. The owner or representative gives his or her name and address;
 - b. If the impounded animal is a dog or cat, the owner shows proof of rabies inoculation or presents a receipt from a licensed veterinarian for prepayment of a rabies inoculation;
 - c. If the impounded animal is a dog, and the dog is unlicensed, the owner shows a receipt for a license; and
 - d. The owner or representative pays the boarding and impoundment fee for the impounded animal.
 - (2) A pound operator may release an impounded animal to a person other than its owner only if:
 - a. The owner is unknown or does not claim the impounded animal within seven days after the impounded animal is delivered to the pound;
 - b. The person to whom the impounded animal is released gives his or her name and address;
 - c. If the impounded animal is a dog or a cat, the person to whom the impounded animal is released presents a receipt from a licensed veterinarian for prepayment of a rabies inoculation, unless evidence is presented that the impounded animal has been rabies vaccinated;
 - d. If the impounded animal is a dog, the person to whom the dog is released agrees to license the dog unless evidence is presented that the dog is licensed; and
 - e. The person to whom the impounded animal is released pays the boarding and impoundment fee for the impounded animal.

- (c) *Unclaimed Impounded Animals.* If the owner is not found within seven days after impoundment, or ten days after impoundment if the impounded animal bit a person, the impounded animal may be destroyed in a humane manner.

Sec. 58-527. - Quarantine procedure.

- (a) *Reporting animals that bite.* Every owner or person harboring or keeping a dog or cat who knows that such dog or cat has bitten any person shall immediately report such fact to the police department.
- (b) *Generally.* Whenever a dog or cat bites a person, the owner shall provide to a police officer proof of current immunization against rabies. If such proof is provided, the police officer shall order the animal quarantined on the owner's premises for a period for ten days, during which time the animal shall be kept securely confined, tied, leashed or muzzled and examined three times by a veterinarian. The examination shall be on the first day, on the tenth day and on one intervening day. The examination fees and all costs shall be paid by the owner of such animal. During the home quarantine period, if the animal is found to be improperly quarantined or at large, an officer shall place the animal in a veterinary clinic for the balance of the ten-day period, during which time the animal shall be examined as described above, and the officer may issue a citation.
- (c) *Lack of proof of rabies immunization.* If proof of rabies immunization cannot be provided by the owner, a police officer shall immediately quarantine the animal in a licensed veterinary clinic for a period of ten days. All costs will be paid by the owner to the clinic before release of the animal.
- (d) *Return of certification.* An owner of a quarantined animals shall return to the police department the "certification of quarantine" that was left with them by an officer within 15 days of the date of the bite.
- (e) *Unknown owners.* Whenever a dog or cat with an unknown owner bites a person, a police officer shall quarantine the animal at a licensed veterinary animal clinic and the animal shall be isolated at the clinic for a period of ten days, during which time the animal shall be examined as required by Wis. Stat. § 95.21(5)(b). All boarding and examination fees shall be paid by the owner, if located.

Sec. 58-528. - Records and reports.

The pound operator shall keep a record of each impounded animal, giving a description of the impounded animal, the date of impoundment and its disposition. If the impounded animal is released, the record shall include the name and address of the person to whom the animal was released, the date of delivery, and a listing of all fees paid.

Sec. 58-529. – Domestic animal litter.

No person shall cause or permit a domestic animal owned by, or under the control of, such person to defecate on the property, public or private, not owned or possessed by such person, if such person does not immediately thereafter remove and clean up the animal waste and dispose of it in a manner approved by state and local regulations.

Sec. 58-530. – Specific requirements – Producing Animals.

(a) *Bees.*

- (1) Colonies of bees shall be kept in hives with removable frames. No hive shall exceed five feet in height and 20 cubic feet in size.
- (2) Hives on a residentially zoned property shall be located in the rear yard closer to the principle dwelling on the subject parcel than the neighboring lot lines.
- (3) No hive shall be located closer to 50 feet from any lot line.
- (4) Each beekeeper shall ensure that a convenient source of water is available to the colony prior to and so long as colonies remain active outside of the hive.
- (5) No wax comb or other material that might encourage robbing by other bees shall be left on the grounds of the property. Such materials once removed from the site shall be handled and stored in sealed containers or placed within a building or other insect-proof container.
- (6) Each beekeeper shall maintain his or her beekeeping equipment in good condition, including keeping the hives painted, and securing unused equipment from weather, potential theft or vandalism and occupancy by swarms.
- (7) Except in the Mequon Nature Preserve, bee hives shall not be kept in the P-1 district except upon approval of the Park and Open Space Board.

(b) *Chickens on residentially zoned properties.*

- (1) Roosters are prohibited.
- (2) All chickens on residentially zoned properties must always be kept in a secure enclosure that satisfies the requirements of section 58-519.
- (3) All enclosures shall be set back at least 50 feet from any property line and shall be located in the rear yard closer to the principle dwelling on the subject parcel than the neighboring lot lines.
- (4) Enclosures shall not exceed 40 square feet and six feet in height.
- (5) Food supplies shall be stored in rodent-proof containers, and food and water containers shall be kept clean.
- (6) Feces shall be removed from yards and enclosures daily and stored in tightly covered metal containers that are setback at least 50 feet from the property line.
- (7) Yards, enclosures, premises and animals shall be kept free of insect infestations, rodents and other vermin.
- (8) No odor or noise nuisance shall be permitted.
- (9) The owner shall, as a condition of keeping such poultry, obtain and maintain a permit as described in section 58-533.
- (10) No initial permit shall be issued unless the applicable homeowners association, if any, provides written consent to the owner keeping chickens in accordance with

the foregoing standards. No such association consent shall be a condition of any subsequent annual permit.

(c) *Producing animals other than chickens on residentially zoned properties.*

- (1) All livestock on residentially zoned properties must always be kept in a secure enclosure that satisfies the requirements of section 58-519.
- (2) Buildings in which livestock and fur-bearing animals are housed shall satisfy the requirements of sections 58-519 and 58-532.
- (3) Food supplies shall be stored in rodent-proof containers, and food and water containers shall be kept clean.
- (4) Feces shall be removed from yards and enclosures daily and stored in tightly covered metal containers that are setback at least 100 feet from the property line.
- (5) Yards, enclosures, premises and animals shall be kept free of insect infestations, rodents and other vermin.
- (6) No odor or noise nuisance shall be permitted.
- (7) No livestock or fur-bearing animals shall be killed or butchered in plain view from the street or adjoining residentially zoned properties except in the case of a veterinary emergency.
- (8) No more than four swine over four months of age may be kept per 10 acres of land.

(d) *Raptors.*

- (1) Raptors must be licensed to the extent required by state law.
- (2) Raptors may only be used for hunting on the property of the owner or other privately-owned property with the permission of the owner.

Sec. 58-531. – Specific requirements – Pets.

(a) *Dogs.*

- (1) No person shall own, harbor or keep any dog in the city which:
 - a. Habitually pursues any vehicle upon any public street, alley or highway in the city;
 - b. Assaults or attacks any person;
 - c. Is at large within the limits of the city;
 - d. Habitually barks or howls to the annoyance of any person or persons;
 - e. Kills, wounds or worries any animal;
 - f. Is known to be infected with rabies; or
 - g. Is declared vicious.
- (2) Every owner of a dog trained to guard property shall post or place in a conspicuous place, so it can easily be seen at the regular and auxiliary entrances

to the property, a notice or sign reading "beware of dog". A dog trained to and acting in a defensive manner on property so posted or signed shall not be considered a vicious animal.

(b) *Silkie chickens.*

- (1) No roosters are allowed.
- (2) Silkie chickens must be kept in the home or garage from dusk until at least one hour after sunrise.
- (3) No exterior detached chicken coop or similar structures shall be allowed.
- (4) Silkie chickens shall be kept contained or controlled when in a yard and shall not be at large.
- (5) No silkie chicken shall be killed or butchered at a residence.
- (6) In lieu of meeting these specific requirements, a property owner who meets the requirements for chickens under Chapter 58 may keep silkie chickens under those requirements.

(c) *Miscellaneous approved pets.*

- (1) The public welfare committee may, upon application of a resident, approve an animal as a miscellaneous approved pet subject to such terms and conditions as such committee shall approve. In determining whether to approve an application, or to establish conditions of approval, the committee may take into consideration health, safety, noise and odor concerns, the size of property, nearby uses, private restrictions, whether the proposed animal meets the definition of miscellaneous approved pet and other criteria. At a minimum, a miscellaneous approved pet shall meet the following requirements:
 - a. No wild animal may be a miscellaneous approved pet.
 - b. No miscellaneous approved pet may be prohibited by any federal, state or local law or regulation.
 - c. Miscellaneous approved pets must be kept in the home or garage from dusk until at least one hour after sunrise.
 - d. No exterior detached structure may be erected to shelter a miscellaneous approved pet.
 - e. Miscellaneous approved pets shall be kept contained or controlled when in a yard and shall not be at large.
- (2) Any person who differs with an approval or denial of a miscellaneous approved pet application may file, within 15 days of the decision by the public welfare committee, a written appeal to the planning commission. Upon any such appeal,

the planning commission shall review the application as a request for a conditional use grant.

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

- (a) *Animal hospitals and veterinary clinics.* An animal hospital or veterinary clinic is an establishment that provides medical services to animals and limited boarding facilities and shall comply with the following:
 - (1) Such an establishment may not be located adjacent to any existing restaurant, grocery or food service within the same building.
 - (2) Such an establishment shall provide one or more designated outdoor areas for the animals as they arrive and leave the facility and for any walks. These outdoor areas shall be properly signed and maintained daily, screened from public view and any adjacent residential use and located within close proximity to the parking area. The size of these outdoor areas shall be determined by the size of the facility, number of staff members and number of animals served.
 - (3) All boarding shall be enclosed within the building.
- (b) *Bee hives.* See specific requirements set forth above for bees.
- (c) *Dog houses and runs.*
 - (1) One dog house of less than 50 square feet shall be permitted provided that it is located in the rear yard closer to the principle dwelling on the subject parcel than the neighboring lot lines. No such dog house may be more than six feet in height. Any such dog house shall satisfy the requirements of section 58-519.
 - (2) One dog run of no more than 150 square shall be permitted provided that it is located in the rear yard closer to the principle dwelling on the subject parcel than the neighboring lot lines. Any such dog run shall satisfy the requirements of section 58-519.
- (d) *Kennels.*
 - (1) A kennel may not be located adjacent to any existing restaurant or grocery within the same building.
 - (2) Kennels shall be operated in accordance with the following requirements:
 - a. All animals shall be maintained in a healthy condition or, if ill, shall be given appropriate treatment immediately.
 - b. The quarters in which animals are kept shall be maintained in accordance with section 58-519.
 - c. Food supplies shall be stored in rodent-proof containers, and food and water containers shall be kept clean.
 - d. Litter or bedding material shall be changed as often as necessary to prevent an odor nuisance.

- e. Feces shall be removed from yards, pens and enclosures daily and stored in tightly covered metal containers until final disposal.
 - f. Yards, pens, premises and animals shall be kept free of insect infestations.
 - g. No odor nuisance shall be permitted.
 - h. All animal pens or enclosures shall be sufficiently large to permit confined animals freedom of movement.
- (3) All dogs over five months of age kept at a kennel must be licensed by the city or, if a dog is kept commercially at the kennel, by the municipality in which the owner of the dog resides.
 - (4) Whenever a kennel creates a nuisance or has a substantial adverse effect upon the reasonable enjoyment of surrounding properties, the planning commission may, after holding a public hearing, rescind its original approval and require the owner to reduce the number of dogs on the property or discontinue the kennel operation.
- (e) *Pet daycares.* A pet daycare may not be located adjacent to any existing restaurant, grocery or food service within the same building. All dogs over five months of age kept at a pet daycare must be licensed either by the city or by the municipality in which the owner of the dog resides.
 - (f) *Pet store.* A store that sells pets may not be located adjacent to any existing restaurant, grocery or food service within the same building.
 - (g) *Pet supply stores, pet grooming facilities and pet daycares.* A pet grooming service or pet supply store that allows pets to enter with customers may not be located adjacent to any existing restaurant, grocery or food service within the same building.
 - (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) Except with planning commission approval, no building housing producing animals shall be closer than 100 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) If greater than 150 square feet but 1,000 square feet or less, the design is subject to 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.

Sec. 58-533. – Permits and licenses.

- (a) *Animal fancier's permits.* No animal fancier's permit shall be established or maintained unless allowed under Table 58-517(b). Animal fancier's permits shall be required as set forth on Table 58-517(b). The fee for the permit shall be established by common council resolution.

- (1) Criteria.

- a. The application for an animal fancier's permit shall include a list of the animals to be kept on the animal fancier's property. The list of animals kept on the animal fancier's property shall be updated by the animal fancier at the office of the city treasurer within 30 days of any temporary or permanent change during the term of a permit.
- b. In addition to the animal fancier's permit, all dogs over the age of five months kept on an animal fancier's property shall be duly licensed as required by law.
- c. No fee in addition to that charged for dog licensing of the individual animals shall be charged for the animal fancier's permit.

- (2) Non-renewal or revocation of permit.

- a. Annually, prior to renewal of the permit, the treasurer shall inquire of the police department regarding complaints and violations regarding the animal fancier permittee of any of the following: animal attacks contrary to section 58-531; animal noise contrary to section 58-531; animals at large contrary to section 58-521 or 58-531; animal waste contrary to section 58-529; licensing violations contrary to section 58-333; violation regarding number of animals contrary to section 58-517; or other animal related nuisance or annoyance conditions.
- b. A person may submit to the office of the city treasurer a written, signed and notarized petition after observation of a violation by an animal fancier permittee of any of the following: animal attacks contrary to section 58-531; animal noise contrary to section 58-531; animals at large contrary to section 58-521 or 58-531; animal waste contrary to section 58-529; licensing violations contrary to section 58-333; violation regarding

number of animals contrary to section 58-517; or other animal related nuisance or annoyance conditions. The petition shall state with particularity the following information:

1. Name, phone number and address of petitioner(s).
2. Description of dog(s) or cat(s) and address of owner, with name, if known.
3. Dates and times violations were noted, with detailed description of the alleged violation.
4. Date or dates reported to the police department or the department of community development.
5. Statement that petitioner(s) will appear and testify before the board of appeals, if required.

- c. If there are three or more separate incidents described in subsection (1.) or (2.) in a 12-month period that resulted in a warning or the issuance of a citation by a police officer to the animal fancier permittee, there shall be a presumption that renewal or continuation of the animal fancier's permit would injure public health, safety or welfare and would disrupt the peace and repose of the neighborhood; therefore, the treasurer shall not renew, or shall revoke, the permit. The treasurer shall promptly notify the permittee of the non-renewal or revocation by certified mail, providing copies of the police reports and petition(s) which form the basis for the non-renewal or revocation.

1. Any person aggrieved by the renewal, non-renewal or revocation of the animal fancier's permit may appeal to the board of appeals, by filing an appeal application on the prescribed form with the city clerk, and paying the prescribed appeal fee, within 30 days of the date of renewal or the notice sent by the treasurer by certified mail of non-renewal or revocation.
2. Until the appeal is heard and decided by the board of appeals, any action to enforce the lack of an animal fancier's permit, including divestiture of animals, shall be stayed.

- (b) *Chicken Permit.* No chickens (other than silkie chickens kept pursuant to this division) may be kept at any residentially zoned property unless allowed under Table 58-517(a) and a permit is issued by the city and renewed on an annual basis. The fee for the permit shall be established by common council resolution. As described above, any homeowners association shall provide its written consent as a condition of the city issuing the initial permit to the owner. The city may revoke the permit for a violation of the requirements in this division.

(c) *Dog licenses.*

- (1) No person shall own, harbor or keep any dog more than five months of age without complying in all respects with the provisions of Wis. Stats. §§ 174.05—174.10, relating to the listing, licensing and tagging of dogs.
- (2) Any dog, male or female, kept or harbored in the city that is five months of age or older as of January 1 of any year, or five months of age within the license year, must be licensed.
- (3) An owner moving into the city shall obtain a license within 30 days of residency for any licensable dogs.
- (4) Fees:
 - a. The common council shall by resolution set the cost of a license for unspayed females and unneutered males, and the cost of a license for neutered males and spayed females. The costs for the license shall be one-half the amount set by common council resolution if the dog becomes five months of age after July 1 of the license year.
 - b. The license must be secured to a collar and the collar must always be on the dog when outside a residence.
 - c. Any person purchasing a license for a dog five month of age or older after April 1, or who fails to obtain a license for any such dog within 30 days of residency, or within 30 days of acquiring such a dog, or within 30 days of the dog becoming five months of age, shall pay an additional late fee prescribed by common council resolution.
- (5) No license shall be issued for any dog unless the applicant presents proof that the dog has been inoculated for rabies by a licensed veterinarian within three years prior to such application.

Sec. 58-534. – Violations.

- (a) *Complaints.* Any adult person observing a violation of any animal ordinance may lodge a complaint with the police department or, if it involves keeping an animal not allowed, the department of community development. The police department or department of community development shall notify the owner or harbinger of the animal of the alleged violations and the provisions of this section. If the complainant(s) subsequently observe a violation involving the same animal or owner, a written petition may be submitted to the police department requesting prosecution or the department of community development requesting zoning enforcement. Such written petition shall contain the following:
 - (1) Name, phone number and address of the petitioner(s).
 - (2) Description of animal(s) and address of owner, with name, if known.
 - (3) Dates and times violations were noted, with detailed description of the alleged violation.
 - (4) Date or dates reported to the police department or the department of community development.

- (5) Statement that petitioner(s) will testify in court.
- (b) In addition to any other action or remedy, including actions and remedies generally provided for zoning violations under this chapter, any person convicted of violating any provision of this division shall be subject to a penalty as provided in section 1-7. Each violation and each day that a violation continues or occurs shall constitute a separate offense.

DIVISION 3. - RESIDENTIAL DISTRICTS

Sec. 58-234. - R-1 rural residential detached district.

(a) *Purpose.* The R-1 district is intended to provide for large lot single-family detached residential development in rural areas that are not served by public water or sewerage facilities and that are not yet appropriate for development at higher densities. This district shall generally be located within the area designated on the land use plan map as "rural service area."

(b) *Permitted uses.*

(1) Single-family detached dwellings.

(2) Animals and animal-related uses specified in division 11 as permitted uses in the R-1 district. ~~griicultural uses shall be allowed subject to the following:~~

~~a. Poultry and domestic livestock (excluding horses which are addressed in subsection (b)(2)b.) shall be permitted on lots of at least ten acres. No more than one head of livestock per acre and 20 fowl per acre shall be allowed.~~

~~Exception: Chickens shall be permitted on lots of one and one half acres or greater per the following criteria:~~

~~1. No more than four chickens per parcel shall be allowed.~~

~~2. Roosters are prohibited.~~

~~3. All chickens must be kept at all times in a secure, clean enclosure that is kept in sanitary conditions.~~

~~4. All enclosures shall be set back at least 50 feet from any property line, shall be located only in the rear yard and shall be located closer to the principle dwelling on the subject parcel than the neighboring lot lines.~~

~~5. Enclosures shall not exceed 40 square feet and six feet in height.~~

~~6. Feed kept outside shall be kept in sealed containers so that it is rodent-proof.~~

~~7. Feces shall be removed from yards and enclosures daily and stored in tightly covered metal containers that are setback at least 50 feet from the property line.~~

~~8. Yards, enclosures, premises and animals shall be kept free of insect infestations.~~

~~9. No odor or noise nuisance shall be permitted.~~

~~10. An initial and annual permit fee is required.~~

~~11. Applicable home owners associations shall provide consent on only the initial permit to allow the keeping of poultry in accordance with the above listed standards.~~

~~b. One horse shall be permitted on lots of at least 1½ acres. One additional horse shall be allowed per each additional acre.~~

~~c. Farms primarily for the keeping or raising of fur bearing animals, hogs, or goats shall not be permitted except as a conditional use.~~

~~d. Commercial fish hatcheries shall not be permitted except as a conditional use.~~

~~e. Commercial greenhouses shall not be permitted except as a conditional use.~~

~~f.(3) Stables, barns, poultry houses, riding arenas, Non-commercial greenhouses that do not exceed 150 square feet, sheds and other similar structures, provided that no such structure may exceed 1,000 square feet in size in any residential district where they are located without planning commission approval, and provided that no building housing domestic livestock or~~

~~poultry shall be closer than 100 feet to any lot line. Any structure listed in this subsection in excess of 1,000 square feet located within an OA zoning district and on a parcel of at least 40 acres or more is subject to approval by the planning commission but the application processing fee will be waived, since the intent of this section is to not overly burden the farmers of the City of Mequon and to encourage agricultural pursuits.~~ (This section shall apply to structures constructed after the effective date of the ordinance from which this section is derived.)

- (34) Community living arrangements for eight or fewer persons in accordance with Wis. Stats. § 62.23(7)(i).
- (45) Long-term rental of a structure described in subsection (b)(1).
- (c) ...
- (d) *Conditional uses.*
 - (1) Public or private outdoor recreational facilities.
 - (2) Public and private schools, child day care.
 - (3) Churches and religious institutions.
 - (4) Public administrative offices and service buildings.
 - (5) Private lodges and clubs.
 - (6) Commercial use of historically significant structures.
 - (7) Country inns (i.e. bed and breakfast facilities) and country restaurants.
 - (8) Public and or private utility, transmission and distribution lines, poles, and other accessories provided that when the utility proposes a main inter-city transmission facility, the utilities shall give notice to the planning commission of such intention and of date of hearing before the public service commission, and before actual construction shall file with the planning commission a map description of the route of transmission line. Public and/or private utility installations less than three feet in height shall be subject only to City of Mequon staff approval and may be allowed subject to staff-imposed conditions regarding, among other things, effective screening from public view with all season vegetation.
 - (9) Guesthouse subject to, among other things, a living quarters being within a detached accessory building which is located on the same lot with the principal residential structure. Furthermore, the guesthouse is intended for use by temporary guests of the residents and shall have no kitchen facilities and not be rented or otherwise used as a separate dwelling.
 - (10) Additional attached non-income producing living accommodation with separate bath and kitchen facilities for relatives of the individual(s) residing in the primary dwelling.
 - (11) Wholesale greenhouses, wholesale nurseries, wineries, and landscape contracting businesses.
 - (12) ~~Commercial fish hatcheries.~~
 - (13) ~~Hogs, goats and fur bearing animals. Poultry, livestock and horses in greater quantities than allowed by right.~~
 - (142) Microbreweries.
 - (153) Community living arrangements for nine or more persons in accordance with Wis. Stats. § 62.23(7)(i).

...

Sec. 58-235. - R-1B rural residential detached district.

- (a) *Purpose.* The R-1B district is intended to provide for large lot single-family detached residential development primarily within the area designated on the land use plan map as "rural service area." The district regulations are designed to accommodate homes which will generally be served with private on-site waste facilities.
- (b) *Permitted uses.*
- (1) Single-family detached dwellings.
 - (2) Animals and animal-related uses specified in division 11 as permitted uses in the R-1B district. ~~Agricultural uses shall be allowed subject to the following:~~
 - a. ~~Poultry and domestic livestock (excluding horses which are addressed in subsection (b)(2)b.) shall be permitted on lots of at least ten acres. No more than one head of livestock per acre and 20 fowl per acre shall be allowed.~~

~~Exception: Chickens shall be permitted on lots of one and one-half acres or greater per the following criteria:~~

 1. ~~No more than four chickens per parcel shall be allowed.~~
 2. ~~Roosters are prohibited.~~
 3. ~~All chickens must be kept at all times in a secure, clean enclosure that is kept in sanitary conditions.~~
 4. ~~All enclosures shall be set back at least 50 feet from any property line, shall be located only in the rear yard and shall be located closer to the principle dwelling on the subject parcel than the neighboring lot lines.~~
 5. ~~Enclosures shall not exceed 40 square feet and six feet in height.~~
 6. ~~Feed kept outside shall be kept in sealed containers so that it is rodent proof.~~
 7. ~~Feces shall be removed from yards and enclosures daily and stored in tightly covered metal containers that are setback at least 50 feet from the property line.~~
 8. ~~Yards, enclosures, premises and animals shall be kept free of insect infestations.~~
 9. ~~No odor or noise nuisance shall be permitted.~~
 10. ~~An initial and annual permit fee is required.~~
 11. ~~Applicable home owners associations shall provide consent on only the initial permit to allow the keeping of poultry in accordance with the above listed standards.~~
 - b. ~~One horse shall be permitted on lots of at least 1½ acres. One additional horse shall be allowed per each additional acre.~~
 - c. ~~Farms primarily for the keeping or raising of fur bearing animals, hogs, or goats shall not be permitted except as a conditional use.~~
 - d. ~~Commercial fish hatcheries shall not be permitted except as a conditional use.~~
 - e. ~~Commercial greenhouses shall not be permitted except as a conditional use.~~
 - f. ~~Stables, barns, poultry houses, riding arenas, greenhouses, sheds and other similar structures, provided that no such structure may exceed 1,000 square feet in size in any residential district where they are located without planning commission approval, and provided that no building housing domestic livestock or poultry shall be closer than 100 feet to any lot line. Any structure listed in this subsection in excess of 1,000 square feet located within an (OA) zoning district and on a parcel of at least 40 acres or more is subject to~~

~~approval by the planning commission but the application processing fee will be waived, since the intent of this section is to not overly burden the farmers of the City of Mequon and to encourage agricultural pursuits. (This section shall apply to structures constructed February 18, 1994.)~~

- (3) Community living arrangements for eight or fewer persons in accordance with Wis. Stats. § 62.23(7)(i).
- (4) Long-term rental of a structure described in subsection (b)(1).
- (c) . . .
- (d) *Conditional uses* .
 - (1) Public and private schools, child day care.
 - (2) Churches and religious institutions.
 - (3) Commercial use of historically significant structures.
 - (4) Public and or private utility, transmission and distribution lines, poles, and other accessories provided that when the utility proposes a main inter-city transmission facility, the utilities shall give notice to the planning commission of such intention and of date of hearing before the public service commission, and before actual construction shall file with the planning commission a map description of the route of transmission line. Public and/or private utility installations less than three feet in height shall be subject only to City of Mequon staff approval and may be allowed subject to staff-imposed conditions regarding, among other things, effective screening from public view with all season vegetation.
 - ~~(5) Hogs, goats and fur bearing animals. Poultry, livestock and horses in greater quantities than allowed by right~~
 - (65) Public or private outdoor recreational facilities.
 - (76) Guesthouse subject to, among other things, a living quarters being within a detached accessory building which is located on the same lot with the principal residential structure. Furthermore, the guesthouse is intended for use by temporary guests of the residents and shall have no kitchen facilities and not be rented or otherwise used as a separate dwelling.
 - (87) Additional attached non-income producing living accommodations with separate bath and kitchen facilities for relatives of the individual(s) residing in the primary dwelling.
 - (98) Community living arrangements for nine or more persons in accordance with Wis. Stats. § 62.23(7)(i).

...

Sec. 58-236. - R-2 rural residential detached district.

- (a) *Purpose.* The R-2 district is intended to provide for large lot single-family detached residential development of a semi-rural nature in areas where public water or sewerage facilities are not reasonably available. This district shall generally serve as a transition between the urban and rural service area illustrated on the land use plan map. Additionally, this district is appropriate for development adjacent to rivers, streams, Lake Michigan, and other sensitive environmental areas.
- (b) *Permitted uses .*
- (1) Single-family detached dwellings.
 - (2) Animals and animal-related uses specified in division 11 as permitted uses in the R-2 district
~~Agricultural uses shall be allowed subject to the following:~~
 - ~~a. Poultry and domestic livestock (excluding horses which are addressed in subsection (b)(2)) shall be permitted on lots of at least ten acres. No more than one head of livestock per acre and 20 fowl per acre shall be allowed.~~
 - ~~Exception: Chickens shall be permitted on lots of one and one half acres or greater per the following criteria:~~
 - ~~1. No more than four chickens per parcel shall be allowed.~~
 - ~~2. Roosters are prohibited.~~
 - ~~3. All chickens must be kept at all times in a secure, clean enclosure that is kept in sanitary conditions.~~
 - ~~4. All enclosures shall be set back at least 50 feet from any property line, shall be located only in the rear yard and shall be located closer to the principle dwelling on the subject parcel than the neighboring lot lines.~~
 - ~~5. Enclosures shall not exceed 40 square feet and six feet in height.~~
 - ~~6. Feed kept outside shall be kept in sealed containers so that it is rodent proof.~~
 - ~~7. Feces shall be removed from yards and enclosures daily and stored in tightly covered metal containers that are setback at least 50 feet from the property line.~~
 - ~~8. Yards, enclosures, premises and animals shall be kept free of insect infestations.~~
 - ~~9. No odor or noise nuisance shall be permitted.~~
 - ~~10. An initial and annual permit fee is required.~~
 - ~~11. Applicable home owners associations shall provide consent on only the initial permit to allow the keeping of poultry in accordance with the above listed standards.~~
 - ~~b. One horse shall be permitted on lots of at least 1½ acres. One additional horse shall be allowed per each additional acre.~~
 - ~~c. Farms primarily for the keeping or raising of fur bearing animals, hogs, or goats shall not be permitted except as a conditional use.~~
 - ~~d. Commercial fish hatcheries shall not be permitted except as a conditional use.~~
 - ~~e. Commercial greenhouses shall not be permitted except as a conditional use.~~
 - ~~f. Stables, barns, poultry houses, riding arenas, greenhouses, sheds and other similar structures, provided that no such structure may exceed 1,000 square feet in size in any residential district where they are located without planning commission approval, and provided that no building housing domestic livestock or poultry shall be closer than 100 feet to any lot line. Any structure listed in this subsection in excess of 1,000 square feet located~~

~~within an (OA) zoning district and on a parcel of at least 40 acres or more is subject to approval by the planning commission but the application processing fee will be waived, since the intent of this section is to not overly burden the farmers of the City of Mequon and to encourage agricultural pursuits.~~

- (3) Community living arrangements for eight or fewer persons in accordance with Wis. Stats. § 62.23(7)(i).
- (4) Long-term rental of a structure described in subsection (b)(1).
- (c) . . .
- (d) *Conditional uses* .
 - (1) Public or private outdoor recreational facilities.
 - (2) Public and private schools, child day care.
 - (3) Churches and religious institutions.
 - (4) Private lodges and clubs.
 - (5) Commercial use of historically significant structures.
 - (6) Country inns (i.e. bed and breakfast facilities) and country restaurants.
 - (7) Public and or private utility, transmission and distribution lines, poles, and other accessories provided that when the utility proposes a main inter-city transmission facility, the utilities shall give notice to the planning commission of such intention and of date of hearing before the public service commission, and before actual construction shall file with the planning commission a map description of the route of transmission line. Public and/or private utility installations less than three feet in height shall be subject only to City of Mequon staff approval and may be allowed subject to staff-imposed conditions regarding, among other things, effective screening from public view with all season vegetation.
 - (8) Guesthouse subject to, among other things, living quarters being within a detached accessory building which is located on the same lot with the principal residential structure. Furthermore, the guesthouse is intended for use by temporary guests of the residents and shall have no kitchen facilities, and not be rented or otherwise used as a separate dwelling.
 - (9) Additional attached non-income producing living accommodation with separate bath and kitchen facilities for relatives of the individual(s) residing in the primary dwelling.
 - (10) Wholesale greenhouses, wholesale nurseries, and landscape contracting businesses.
 - ~~(11) Commercial fish hatcheries.~~
 - ~~(12) Hogs, goats and fur bearing animals. Poultry, livestock and horses in greater quantities than allowed by right.~~
 - (13) Community living arrangements for nine or more persons in accordance with Wis. Stats. § 62.23(7)(i).

...

Sec. 58-237. - R-2B suburban residential detached district.

- (a) *Purpose.* The R-2B district is intended to provide for large lot single-family detached residential development primarily within the area designated on the land use plan map as "urban service area." The district regulations are designed to reasonably accommodate large homes which may potentially be served by public sewerage facilities.

- (b) *Permitted uses.*

- (1) Single-family detached dwellings.

- (2) Animals and animal-related uses specified in division 11 as permitted uses in the R-2B district.
~~Agricultural uses shall be allowed subject to the following:~~

- ~~a. Poultry and domestic livestock (excluding horses which are addressed in subsection (b)(2)(b.)) shall be permitted on lots of at least ten acres. No more than one head of livestock per acre and 20 fowl per acre shall be allowed.~~

~~Exception: Chickens shall be permitted on lots of one and one-half acres or greater per the following criteria:~~

- ~~1. No more than four chickens per parcel shall be allowed.~~
- ~~2. Roosters are prohibited.~~
- ~~3. All chickens must be kept at all times in a secure, clean enclosure that is kept in sanitary conditions.~~
- ~~4. All enclosures shall be set back at least 50 feet from any property line, shall be located only in the rear yard and shall be located closer to the principle dwelling on the subject parcel than the neighboring lot lines.~~
- ~~5. Enclosures shall not exceed 40 square feet and six feet in height.~~
- ~~6. Feed kept outside shall be kept in sealed containers so that it is rodent-proof.~~
- ~~7. Feces shall be removed from yards and enclosures daily and stored in tightly covered metal containers that are setback at least 50 feet from the property line.~~
- ~~8. Yards, enclosures, premises and animals shall be kept free of insect infestations.~~
- ~~9. No odor or noise nuisance shall be permitted.~~
- ~~10. An initial and annual permit fee is required.~~
- ~~11. Applicable home owners associations shall provide consent on only the initial permit to allow the keeping of poultry in accordance with the above listed standards.~~

- ~~b. One horse shall be permitted on lots of at least 1½ acres. One additional horse shall be allowed per each additional acre.~~

- ~~c. Farms primarily for the keeping or raising of fur bearing animals, hogs, or goats shall not be permitted except as a conditional use.~~

- ~~d. Commercial fish hatcheries shall not be permitted except as a conditional use.~~

- ~~e. Commercial greenhouses shall not be permitted except as a conditional use.~~

- ~~f. Stables, barns, poultry houses, riding arenas, greenhouses, sheds and other similar structures, provided that no such structure may exceed 1,000 square feet in size in any residential district where they are located without planning commission approval, and provided that no building housing domestic livestock or poultry shall be closer than 100 feet~~

~~to any lot line. Any structure listed in this subsection in excess of 1,000 square feet located within an (OA) zoning district and on a parcel of at least 40 acres or more is subject to approval by the planning commission but the application processing fee will be waived, since the intent of this section is to not overly burden the farmers of the City of Mequon and to encourage agricultural pursuits. (This section shall apply to structures constructed after the effective date of the ordinance from which this section is derived.)~~

- (3) Community living arrangements for eight or fewer persons in accordance with Wis. Stats. § 62.23(7)(i).
- (4) Long-term rental of a structure described in subsection (b)(1).
- (c) ~~...~~
- (d) *Conditional uses* .
 - (1) Public and private schools, child day care.
 - (2) Churches and religious institutions.
 - (3) Commercial use of historically significant structures.
 - (4) Public and or private utility, transmission and distribution lines, poles, and other accessories provided that when the utility proposes a main inter-city transmission facility, the utilities shall give notice to the planning commission of such intention and of date of hearing before the public service commission, and before actual construction shall file with the planning commission a map description of the route of transmission line. Public and/or private utility installations less than three feet in height shall be subject only to City of Mequon staff approval and may be allowed subject to staff-imposed conditions regarding, among other things, effective screening from public view with all season vegetation.
 - ~~(5) Hogs, goats and fur bearing animals. Poultry, livestock and horses in greater quantities than allowed by right.~~
 - (65) Public or private outdoor recreational facilities.
 - (76) Additional attached non-income producing living accommodation with separate bath and kitchen facilities for relatives of the individual(s) residing in the primary dwelling.
 - (87) Guesthouse subject to, among other things, living quarters being within a detached accessory building which is located on the same lot with the principal residential structure. Furthermore, the guesthouse is intended for use by temporary guests of the residents and shall have no kitchen facilities, and not be rented or otherwise used as a separate dwelling.
 - (98) Community living arrangements for nine or more persons in accordance with Wis. Stats. § 62.23(7)(i).

...

Sec. 58-238. - R-3 suburban residential detached.

- (a) *Purpose.* The R-3 district is intended to provide for large lot single-family detached residential development primarily within the area designated on the land use plan map as "urban service area." The district regulations are designed to reasonably accommodate large homes which may potentially be served by public sewerage facilities.

- (b) *Permitted uses.*

- (1) Single-family detached dwellings.

- (2) Animals and animal-related uses specified in division 11 as permitted uses in the R-3 district. Agricultural uses shall be allowed subject to the following:

~~a. Poultry and domestic livestock (excluding horses which are addressed in subsection (b)(2)b.) shall be permitted on lots of at least ten acres. No more than one head of livestock per acre and 20 fowl per acre shall be allowed.~~

~~Exception: Chickens shall be permitted on lots of one and one-half acres or greater per the following criteria:~~

- ~~1. No more than four chickens per parcel shall be allowed.~~
- ~~2. Roosters are prohibited.~~
- ~~3. All chickens must be kept at all times in a secure, clean enclosure that is kept in sanitary conditions.~~
- ~~4. All enclosures shall be set back at least 50 feet from any property line, shall be located only in the rear yard and shall be located closer to the principle dwelling on the subject parcel than the neighboring lot lines.~~
- ~~5. Enclosures shall not exceed 40 square feet and six feet in height.~~
- ~~6. Feed kept outside shall be kept in sealed containers so that it is rodent proof.~~
- ~~7. Feces shall be removed from yards and enclosures daily and stored in tightly covered metal containers that are setback at least 50 feet from the property line.~~
- ~~8. Yards, enclosures, premises and animals shall be kept free of insect infestations.~~
- ~~9. No odor or noise nuisance shall be permitted.~~
- ~~10. An initial and annual permit fee is required.~~
- ~~11. Applicable home owners associations shall provide consent on only the initial permit to allow the keeping of poultry in accordance with the above listed standards.~~

~~b. One horse shall be permitted on lots of at least 1½ acres. One additional horse shall be allowed per each additional acre.~~

~~c. Farms primarily for the keeping or raising of fur bearing animals, hogs, or goats shall not be permitted except as a conditional use.~~

~~d. Commercial fish hatcheries shall not be permitted except as a conditional use.~~

~~e. Commercial greenhouses shall not be permitted except as a conditional use.~~

~~f. Stables, barns, poultry houses, riding arenas, greenhouses, sheds and other similar structures, provided that no such structure may exceed 1,000 square feet in size in any residential district where they are located without planning commission approval, and provided that no building housing domestic livestock or poultry shall be closer than 100 feet to any lot line. Any structure listed in this subsection in excess of 1,000 square feet located within an (OA) zoning district and on a parcel of at least 40 acres or more is subject to~~

~~approval by the planning commission but the application processing fee will be waived, since the intent of this section is to not overly burden the farmers of the City of Mequon and to encourage agricultural pursuits. (This section shall apply to structures constructed after the effective date of the ordinance from which this section is derived.)~~

- (3) Community living arrangements for eight or fewer persons in accordance with Wis. Stats. § 62.23(7)(i).
- (4) Long-term rental of a structure described in subsection (b)(1).
- (c) . . .
- (d) *Conditional uses.*
 - (1) Public and private schools, child day care.
 - (2) Churches and religious institutions.
 - (3) Commercial use of historically significant structures.
 - (4) Public and or private utility, transmission and distribution lines, poles, and other accessories provided that when the utility proposes a main inter-city transmission facility, the utilities shall give notice to the planning commission of such intention and of date of hearing before the public service commission, and before actual construction shall file with the planning commission a map description of the route of transmission line. Public and/or private utility installations less than three feet in height shall be subject only to City of Mequon staff approval and may be allowed subject to staff-imposed conditions in section 58-238 regarding, among other things, effective screening from public view with all season vegetation.
 - ~~(5) Hogs, goats and fur bearing animals. Poultry, livestock and horses in greater quantities than allowed by right.~~
 - (65) Public or private outdoor recreational facilities.
 - (76) Additional attached non-income producing living accommodation with separate bath and kitchen facilities for relatives of the individual(s) residing in the primary dwelling.
 - (87) Guesthouse subject to, among other things, living quarters being within a detached accessory building which is located on the same lot with the principal residential structure. Furthermore, the guesthouse is intended for use by temporary guests of the residents and shall have no kitchen facilities, and not be rented or otherwise used as a separate dwelling.
 - (98) Community living arrangements for nine or more persons in accordance with Wis. Stats. § 62.23(7)(i).

. . .

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Sec. 58-239. - R-4 suburban residential detached district.

- (a) *Purpose.* The R-4 district is intended to provide for medium sized lot single-family detached residential development within the area designated on the land use plan map as "urban service area." The district regulations are designed to accommodate moderately large homes in a manner which efficiently utilizes potential public water and sewerage facilities.
- (b) *Permitted uses.*
- (1) Single-family detached dwellings.
 - (2) Animals and animal-related uses specified in division 11 as permitted uses in the R-4 district. Agricultural uses shall be allowed subject to the following:
 - ~~a. Poultry and domestic livestock (excluding horses which are addressed in subsection (b)(2)) shall be permitted on lots of at least ten acres. No more than one head of livestock per acre and 20 fowl per acre shall be allowed.~~
 - ~~Exception: Chickens shall be permitted on lots of one and one-half acres or greater per the following criteria:~~
 - ~~1. No more than four chickens per parcel shall be allowed.~~
 - ~~2. Roosters are prohibited.~~
 - ~~3. All chickens must be kept at all times in a secure, clean enclosure that is kept in sanitary conditions.~~
 - ~~4. All enclosures shall be set back at least 50 feet from any property line, shall be located only in the rear yard and shall be located closer to the principle dwelling on the subject parcel than the neighboring lot lines.~~
 - ~~5. Enclosures shall not exceed 40 square feet and six feet in height.~~
 - ~~6. Feed kept outside shall be kept in sealed containers so that it is rodent proof.~~
 - ~~7. Feces shall be removed from yards and enclosures daily and stored in tightly covered metal containers that are setback at least 50 feet from the property line.~~
 - ~~8. Yards, enclosures, premises and animals shall be kept free of insect infestations.~~
 - ~~9. No odor or noise nuisance shall be permitted.~~
 - ~~10. An initial and annual permit fee is required.~~
 - ~~11. Applicable home owners associations shall provide consent on only the initial permit to allow the keeping of poultry in accordance with the above listed standards.~~
 - ~~b. One horse shall be permitted on lots of at least 1½ acres. One additional horse shall be allowed per each additional acre.~~
 - ~~c. Farms primarily for the keeping or raising of fur bearing animals, hogs, or goats shall not be permitted except as a conditional use.~~
 - ~~d. Commercial fish hatcheries shall not be permitted except as a conditional use.~~
 - ~~e. Commercial greenhouses shall not be permitted except as a conditional use.~~
 - ~~f. Stables, barns, poultry houses, riding arenas, greenhouses, sheds and other similar structures, provided that no such structure may exceed 1,000 square feet in size in any residential district where they are located without planning commission approval, and provided that no building housing domestic livestock or poultry shall be closer than 100 feet to any lot line.~~

~~Any structure listed in this subsection in excess of 1,000 square feet located within an (OA) zoning district and on a parcel of at least 40 acres or more is subject to approval by the planning commission but the application processing fee will be waived, since the intent of this section is to not overly burden the farmers of the City of Mequon and to encourage agricultural pursuits. (This section shall apply to structures constructed after the effective date of the ordinance from which this section is derived.)~~

- (3) Community living arrangements for eight or fewer persons in accordance with Wis. Stats. § 62.23(7)(i).
- (4) Long-term rental of a structure described in subsection (b)(1).
- (c) . . .
- (d) *Conditional uses.*
 - (1) Public and private schools, child day care.
 - (2) Churches and religious institutions.
 - (3) Public and or private utility, transmission and distribution lines, poles, and other accessories provided that when the utility proposes a main inter-city transmission facility, the utilities shall give notice to the planning commission of such intention and of date of hearing before the public service commission, and before actual construction shall file with the planning commission a map description of the route of transmission line. Public and/or private utility installations less than three feet in height shall be subject only to City of Mequon staff approval and may be allowed subject to staff-imposed conditions of section 58-238 regarding, among other things, effective screening from public view with all season vegetation.
 - (4) Additional attached non-income producing living accommodation with separate baths and kitchen facilities for relatives of the individual(s) residing in the primary dwelling.
 - ~~(5) Hogs, goats and fur bearing animals. Poultry, livestock and horses in greater quantities than allowed by right.~~
 - (65) Public or private outdoor recreational facilities.
 - (76) Community living arrangements for nine or more persons in accordance with Wis. Stats. § 62.23(7)(i).

. . .

DIVISION 4. - AGRICULTURAL DISTRICTS

Sec. 58-263. - A-1 agricultural preservation district.

- (a) *Intent and purpose.* The A-1 district is intended to maintain, enhance, and preserve prime agricultural lands historically utilized for crop production and the raising of livestock. This district requires a minimum parcel size of 35 acres in order to preserve workable farm units and prohibit intrusion of incompatible urban land uses. The purposes of the A-1 prime agricultural district are as follows:
- (1) Protect and preserve existing farm operations and prime agricultural lands.
 - (2) Permit non-agricultural uses that require large areas and that will ~~compliment~~ complement agricultural pursuits.
 - (3) Minimize conflicts between farm and on-farm uses.
 - (4) Minimize the costs of providing public services to scattered non-farm uses.
 - (5) Maintain a viable agricultural base to support agricultural processing and service industries.
 - (6) Qualify farmers for participation in the state farmland preservation program.
- (b) *Permitted uses.*
- (1) All uses commonly classed as agriculture, horticulture, or forestry, including crop and tree farming, truck farming, gardening, nursery operation, ~~stock raising (not including raising of fur-bearing animals, or animal hospitals), dairy farming, animal and animal-related uses specified in division 11 as permitted uses in the A-1 district~~ and forestry operations, together with the operation of any machinery or vehicles incidental to the above uses.
 - (2) Single-family detached dwelling subject to the requirements stated in section 58-265.
 - (3) Municipal utilities.
- (c) . . .
- (d) *Conditional uses.*
- (1) Commercial hatcheries.
 - (2) Commercial greenhouses.
 - (3) Animal and animal-related uses ~~kenelsspecified in division 11 as conditional uses in the A-1 district.~~
 - (4) Parks, forest preserves, and recreational areas.
 - ~~(5) Horse riding academies and stables.~~
 - ~~(6)~~ Public and or private utility, transmission and distribution lines, poles, and other accessories provided that when the utility proposes a main inter-city transmission facility, the utilities shall give notice to the planning commission of such intention and of date of hearing before the public service commission, and before actual construction shall file with the planning commission a map description of the route of transmission line. Public and/or private utility installations less than three feet in height shall be subject only to City of Mequon staff approval and may be allowed subject to staff-imposed conditions 58-230 regarding, among other things, effective screening from public view with all season vegetation.
 - ~~(7) Raising of fur-bearing animals.~~
- ...

Sec. 58-264. - A-2 general agricultural district.

- (a) *Purpose.* The A-2 district is intended to provide for, maintain, preserve, and enhance agricultural lands having marginal or transitional farmland value, while at the same time allowing for an estate-type residential development on a minimum parcel size of ten acres in order to maintain the rural character of the countryside. The purposes of the district are to:
- (1) Protect and encourage the continuation of existing farm operations.
 - (2) Permit non-agricultural uses that require large areas and that will ~~compliment~~complement existing agricultural pursuits.
 - (3) Minimize conflicts between farm and non-farm uses.
 - (4) Provide a transitional area between suburban development and prime agricultural lands.
- (b) *Permitted uses.*
- (1) All uses commonly classed as agriculture, horticulture, or forestry, including crop and tree farming, truck farming, gardening, nursery operation, ~~stock raising (not including raising of fur-bearing animals, or animal hospitals), dairy farming, animal and animal-related uses specified in division 11 as permitted uses in the A-2 district,~~ and forestry operations, together with the operation of any machinery or vehicles incidental to the above uses.
 - (2) Single-family detached dwelling subject to the requirements stated in 58-264.
 - (3) Municipal utilities.
- (c) . . .
- (d) *Conditional uses.*
- (1) Commercial hatcheries.
 - (2) Commercial greenhouses.
 - (3) Animal and animal-related uses ~~kennels~~specified in division 11 as conditional uses in the A-2 district.
 - (4) Parks, forest preserves, and recreational areas.
 - ~~(5) Horse riding academies and stables.~~
 - ~~(6)~~ (5) Public and or private utility, transmission and distribution lines, poles, and other accessories provided that when the utility proposes a main inter-city transmission facility, the utilities shall give notice to the planning commission of such intention and of date of hearing before the public service commission, and before actual construction shall file with the planning commission a map description of the route of transmission line. Public and/or private utility installations less than three feet in height shall be subject only to City of Mequon staff approval and may be allowed subject to staff-imposed conditions of section 58-264 regarding, among other things, effective screening from public view with all season vegetation.
 - ~~(7) Raising of fur-bearing animals.~~

Sec. 58-265. - OA agricultural overlay district.

- (a) *Purpose.* The OA agricultural overlay district is intended to provide for, maintain, preserve, and enhance agricultural lands. The purposes of the district are to:
 - (1) Protect and encourage the continuation of existing farm operations.
 - (2) Minimize conflicts between farm and non-farm uses.
- (b) *Permitted uses*—~~2~~
 - (1) Any use by right in the underlying base district.
 - (2) All uses commonly classified as agriculture, horticulture, or forestry, including crop and tree farming, truck farming, gardening, nursery operation, ~~stock raising (not including raising of fur-bearing animals, or animal hospitals), dairy farming, animal and animal-related uses specified in division 11 as permitted uses in the OA district~~ and forestry operations, together with the operation of any machinery or vehicles incidental to the above uses.
 - (3) Municipal utilities.
- (c) . . .
- (d) *Conditional uses.*
 - (1) Commercial hatcheries.
 - (2) Commercial greenhouses.
 - (3) Animal and animal-related uses kennels specified in division 11 as conditional uses in the OA district.
 - (4) Parks, forest preserves, and recreational areas.
 - ~~(5) Horse riding academies and stables.~~
 - ~~(65)~~ Public and or private utility, transmission and distribution lines, poles, and other accessories provided that when the utility proposes a main inter-city transmission facility, the utilities shall give notice to the planning commission of such intention and of date of hearing before the public service commission, and before actual construction shall file with the planning commission a map description of the route of transmission line. Public and/or private utility installations less than three feet in height shall be subject only to City of Mequon staff approval and may be allowed subject to staff-imposed conditions of section 58-265 regarding, among other things, effective screening from public view with all season vegetation.
 - ~~(7) Raising of fur-bearing animals.~~
 - ~~(86)~~ Landscape contracting businesses.

...

DIVISION 5. - BUSINESS DISTRICTS

...

Sec. 58-295. - B-2 community business district.

- (a) *Purpose.* The B-2 district is established to accommodate the retail and service needs of the greater community.

...

(e) *Conditional uses.*

- (1) Public uses including, but not limited to, post offices, schools and local governmental offices and facilities.
- (2) Restaurants and nightclubs.
- (3) Cultural activities including, but not limited to, museums, libraries and art galleries.
- (4) Public and/or private utilities, telecommunication installations, transmission and distribution lines, poles, and other accessories. Specific regulations related to wireless telecommunication installations shall be subject to this chapter. When a utility proposes a main inter-city transmission facility, the utility shall give notice to the city of such intention and of the date of hearing before the public service commission. Public and/or private utility installations less than three feet in height shall be subject only to City of Mequon staff approval and may be allowed subject to staff-imposed conditions regarding, among other things, effective screening from public view with all season vegetation.
- (5) Churches, temples and synagogues.
- (6) Animal hospitals, veterinary clinics and kennels pursuant to the specific requirements set forth in division 11.
- (7) Wholesaling establishments.
- (8) Outdoor recreational facilities.
- (9) Automobile service facilities including, but not limited to, gasoline sale and automotive repair.
- (10) Motels and hotels.
- (11) Satellite dishes.
- (12) Warehouse and distribution facilities.
- (13) Car dealerships.
- (14) Research and development facilities.
- (15) Child day care facilities.
- (16) Light assembly or fabrication incidental to the principal use.
- (17) Structures in which shall be located only principal or conditional uses, as enumerated in subsections (c) and (e) above, but which are greater than 20,000 square feet, but not to exceed 40,000 square feet, in size and/or greater than two stories in height.
- (18) Development that includes a proposed modification to one or more standard district regulation applicable to the base zoning district and located on a vacant parcel which is non-conforming to the required base zoning district standards for minimum lot size or minimum lot width.
- (19) Fitness centers.

- (20) Indoor recreation and amusement facilities.
- (21) Development that includes a proposed modification to one or more standard district regulation applicable to the base zoning district and located on an improved parcel with an existing structure in which parcel, or improvement, or both, are non-conforming to any of the required base zoning district standards.
- (22) General merchandise stores subject to the following regulations:

...

Sec. 58-297. - B-4 business park district.

- (a) *Purpose.* The B-4 business park district is intended to provide for the development of an attractive and aesthetically mixed grouping of both office and limited light industrial uses in a planned park-like setting.

...

- (e) *Conditional uses.* Conditional uses shall include, but not necessary be limited to, the following:

- (1) Light manufacturing.
- (2) Processing.
- (3) Wholesaling.
- (4) Distribution.
- (5) Research and development.
- (6) Printing and publication.
- (7) Warehousing.
- (8) Barbershops and beauty salons.
- (9) Bookstores.
- (10) Commercial child day care facilities.
- (11) Restaurants (not including fast food facilities).
- (12) Florists (not including greenhouses).
- (13) Gift shops.
- (14) Pharmacies.
- (15) Studios for photography, painting, music, sculpture, dance or other recognized fine art.
- (16) Automobile service facilities.
- (17) Satellite dishes.
- (18) Public and/or private utilities, telecommunication installations, transmission and distribution lines, poles, and other accessories. Specific regulations related to wireless telecommunication installations shall be subject to this chapter. When a utility proposes a main inter-city transmission facility, the utility shall give notice to the city of such intention and of the date of hearing before the public service commission. Public and/or private utility installations less than three feet in height shall be subject only to City of Mequon staff approval and may be allowed subject to staff-imposed conditions regarding, among other things, effective screening from public view with all season vegetation.
- (19) Theatres.
- (20) Structures greater than 40,000 square feet in size and/or greater than two stories in height.
- (21) Development that includes a proposed modification to one or more standard district regulation applicable to the base zoning district and located on a vacant parcel which is non-conforming to the required base zoning district standards for minimum lot size or minimum lot width.

- (22) Pet day-care~~s~~ and ~~animal kennels pursuant to the specific requirements set forth in division 11 facilities except that no such conditional use may be granted for any such facility adjacent to any existing restaurant or grocery within the same building.~~
- (23) Fitness centers.
- (24) Development that includes a proposed modification to one or more standard district regulation applicable to the base zoning district and located on an improved parcel with an existing structure in which parcel, or improvement, or both, are non-conforming to any of the required base zoning district standards.

...

Sec. 58-298. - B-5 light industrial district.

- (a) *Purpose.* The B-5 light industrial district is intended to provide for the development of limited industrial and office uses.

...

- (e) *Conditional uses.* Conditional uses shall include, but not necessarily be limited to, the following:

- (1) Barbershops and beauty salons.
- (2) Bookstores.
- (3) Commercial child day care facilities.
- (4) Restaurants (not including fast food facilities).
- (5) Florists (not including greenhouses).
- (6) Gift shops.
- (7) Pharmacies.
- (8) Studios for photography, painting, music, sculpture, dance or other recognized fine art.
- (9) Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.
- (10) Lumber and building supply yards.
- (11) Transportation terminals.
- (12) Warehousing as principal use.
- (13) Automobile service facilities.
- (14) Satellite dishes and transmission towers.
- (15) Public and/or private utilities, telecommunication installations, transmission and distribution lines, poles, and other accessories. Specific regulations related to wireless telecommunication installations shall be subject to this chapter. When a utility proposes a main inter-city transmission facility, the utility shall give notice to the city of such intention and of the date of hearing before the public service commission. Public and/or private utility installations less than three feet in height shall be subject only to City of Mequon staff approval and may be allowed subject to staff-imposed conditions regarding, among other things, effective screening from public view with all season vegetation.
- (16) Development that includes a proposed modification to one or more standard district regulation applicable to the base zoning district and located on a vacant parcel which is non-conforming to the required base zoning district standards for minimum lot size or minimum lot width.
- (17) Pet day-cares and animal kennels pursuant to the specific requirements set forth in division 11 facilities except that no such conditional use may be granted for any such facility adjacent to any existing restaurant or grocery within the same building.
- (18) Fitness centers.
- (19) Development that includes a proposed modification to one or more standard district regulation applicable to the base zoning district and located on an improved parcel with an existing structure in which parcel, or improvement, or both, are non-conforming to any of the required base zoning district standards.
- (20) Indoor sport shooting range.

...

Sec. 58-300. - B-7 rural business district.

- (a) *Establishment.* The B-7 district is established to provide the opportunity for low intensity and low impact commercial development that preserves rural character and viewsheds within the unsewered rural area and areas that transition to the rural area.

...

- (e) *Conditional uses.* Conditional uses shall include, but not necessarily be limited to, the following:

- (1) Commercial greenhouses, retail and wholesale nurseries.
- (2) Private outdoor recreational facilities.
- (3) Specialty retail uses (i.e., retail operations that specialize in one type or line of merchandise. Such stores may include, but are not limited to, apparel stores, jewelry stores, bookstores, antique stores, and similar establishments).
- (4) Sit-down restaurants (no fast food and/or drive thru restaurants permitted).
- (5) Landscape contracting offices.
- (6) Public and or private utility, transmission and distribution lines, poles, and other accessories provided that when the utility proposes a main inter-city transmission facility, the utilities shall give notice to the planning commission of such intention and of date of hearing before the public service commission, and before actual construction shall file with the planning commission a map description of the route of transmission line. Public and/or private utility installations less than three feet in height shall be subject only to city staff approval and may be allowed subject to staff-imposed conditions regarding, among other things, effective screening from public view with all season vegetation.
- (7) Horse riding academies and stables.
- (8) Churches and religious institutions.
- (9) Bed and breakfast.
- (10) Animal hospitals and veterinary clinics pursuant to the specific requirements set forth in division 11.
- (11) Personal services, including but not limited to facial, skin and nail care, beauty salons and ancillary therapeutic massages.
- (12) Wineries.
- (13) Microbreweries.
- (14) Commercial use of historically significant structures not otherwise permitted.

Sec. 58-302. - AC arrival corridor district.

- (a) *Purpose.* The Arrival Corridor (AC) district is established to create and enhance the mixed-use character of the Arrival Corridor, to create physical connectivity to the Mequon - Thiensville Town Center, to establish and promote pedestrian character, to protect the natural environment, to mitigate the impacts of vehicular traffic, to establish and maintain mixed-uses that are larger in scale than allowed in the Town Center District, including a broad range of housing types at densities that support the Town Center, and to encourage high-quality design standards throughout the Town Center.

...

- (f) *Permitted and conditional uses.* Table 58-302-1, Uses in the Arrival Corridor District, lists all the permitted and conditional uses.

Table 58-302-1 Uses in the Arrival Corridor District		
Use	Arrival Corridor	Specific Development Standards
Office & Clinic:		
Office	P	
Medical clinics	P	
Financial institutions	P	✓
Institutional & Public Uses:		
Public parks	P	
Public administrative offices and service buildings	P	
Religious institutions	P	
Public or private schools	C	
Private lodges and clubs	C	
Performing arts school and studios		

Public parking facilities, non-accessory	C	✓
Residential Uses:		
Home occupations	P	
Artist's live/work units	P	✓
Bed and breakfast	C	✓
Multiple-family dwellings, eight units per one acre	P	✓
Multiple-family dwellings, nine units to 16* ¹	PUD	✓
Planned residential development	PUD	✓
Retail & Services:		
Stationary stores	P	
Antiques, collectibles, gift or florists	P	✓
Toy, hobby or game store	P	
Luggage and leather goods store	P	
Art supply, artistic studios or galleries	P	
Camera and photography supply store	P	
Music and musical instrument store	P	
Apparel and accessories/repair	P	
Video stores	P	
Bookstores and newsstands	P	
Home furnishings and accessories 4,000 sq. ft. or less	P	

Bicycle repair and sales	P	
Computer and software store	P	
Electronic goods store	P	
Furniture store	C	
Hardware store	C	
Garden store	C	
Drug store/pharmacy	C	✓
Planned commercial development	PUD	✓
Interior design services	P	
Graphic design	P	
Paint/wallpaper stores	P	
Optical/vision center	P	
Dry cleaning and tailors	P	
Child daycare facilities and preschools	P	✓
<u>Animal hospitals and veterinary clinics</u>	P	✓
<u>Pet supply stores, pet grooming facilities, and pet daycares</u>	C	✓
Photocopying, film development, printing and publishing, packaging store	P	
Salon and spa	P	
Fitness center	C	

Indoor recreation and amusement facilities	C	
Theatres, live performances only	C	
Farmers market	P	✓
Confectionary (chocolate, ice cream, candy) 2,000 sq. ft.	P	
Specialty food stores	P	
Tobacco, cigar or nicotine product/e-cigarette shop 2,000 square feet or less	P	
Beer, wine or liquor store	P	
Grocery store	C	
Convenience store w/o gas	C	
Gas stations	C	✓
Gas stations with car wash	C	✓
Food & Beverage:		
Catering services	P	
Bakeries, retail	P	
Coffee shop	P	✓
Delicatessen	P	✓
Fast food restaurant, if part of a mixed-use building	P	✓
Sit-down restaurants	P	✓
Nightclubs	C	✓

Sec. 58-303. - Specific development and design standards.

- (a) *Purpose.* Specific development and design standards are established to provide supplemental regulations to address unique characteristics of certain land uses.
- (b) *Standards.* The uses listed below are subject to the following specific development standards, in addition to all other applicable regulations:

...

Pet supply stores, pet grooming facilities, and pet daycares. The specific requirements are set forth in division 11. ~~Any facility providing grooming or daycare services to pets shall be prohibited from locating within a building also containing residential or food service uses.~~

...

Animal hospitals and veterinary clinics. The specific requirements are set forth in division 11. ~~A veterinary clinic is an establishment that provides medical services to animals and limited boarding facilities and shall comply with the following.~~

~~a. A veterinary clinic shall be prohibited from locating within a building also containing residential or food service uses.~~

~~b. A veterinary clinic shall provide designated outdoor areas for the animals as they arrive and leave the clinic. These outdoor areas shall be properly signed and maintained on a daily basis. The outdoor area shall be screened from public view and any adjacent residential use and located within close proximity to the parking area. The size of the open space shall be determined by the size of the clinic, number of staff members and number of animals served.~~

~~c. All boarding shall be enclosed within the building.~~

Sec. 58-354. - P-1 park and recreation district.

- (a) Purpose. The park and recreation district is intended to provide for areas where the recreational needs, both public and private, of the populace can be met without undue disturbance of natural resources and adjacent uses. When applied to privately-owned recreational lands, this district is intended to avoid the conversion of such lands to other urban uses without adequate public review and approval. The district should be used for areas designated as parks in the adopted city master plan or component thereof.
- (1) If a proposed park and recreation site does not comply with the comprehensive plan, the city shall carefully assess the proposal's impact on the environment, traffic, city services, sewer use, water use, and surrounding properties prior to taking action.
 - (2) All permitted and conditional uses and structures proposed in this district shall be subject to planning commission review and approval. Approval of landscaping, lighting, and signage within city-owned parks and preserves shall be subject to park and open space board review and approval.
- (b) Permitted uses.
- (1) Forest reserves for wildlife refuges and wilderness areas.
 - (2) Flood control retention/detention areas.
 - (3) Cross country skiing and sledding/tobogganing.
 - (4) Trails for bicycles, hiking and cross country skiing.
 - (5) Botanical gardens and arboretums.
 - (6) Bees and bee hives pursuant to the specific requirements in division 11.

DIVISION 6. - OVERLAY DISTRICTS

Sec. 58-330. - Limited use overlay (LTD) district.

- (a) *Intent.* The LTD district is intended to provide for the conduct of certain limited business uses which are located adjacent to or within a primary residential area.

...

- (e) *Conditional uses.*

- (1) Reserved.
- (2) Reserved.
- (3) Bath accessories.
- (4) Beauty aids/personal grooming.
- (5) Bookstore.
- (6) Bridal shop.
- (7) Candy store.
- (8) Camera store.
- (9) Card shop.
- (10) Gift store.
- (11) Florist.
- (12) Boutique clothing store.
- (13) Computer store.
- (14) Educational materials store.
- (15) Formal wear store.
- (16) Hobby/crafts store.
- (17) Jewelry store.
- (18) Musical instruments store.
- (19) Optical store.
- (20) Telephone store.
- (21) Pet store (pursuant to the specific requirements set forth in division 11).
- (22) Boutique shoe store.
- (23) Weight loss store.
- (24) Art gallery.
- (25) Photographer.
- (26) Packaging store.
- (27) Interior designer.
- (28) Antique store.
- (29) Snack and nonalcoholic beverage bars.

...

Sec. 58-333. - Central Growth Area (CGA) Overlay District.

- (a) *Purpose.* The overlay district for central growth area is established to increase the supply of single-family market-rate dwellings located within an area served by public sewer and water and provide an environment of cluster developments with a density of one acre per dwelling unit.

...

(f) *Conditional uses.*

- (1) Single-family residential developments created through a conventional subdivision design or a minor land division.
- (2) Early education learning center.
- (3) Child care center.
- (4) Public and private schools.
- (5) Religious institutions.
- (6) Community gardens.
- (7) Parks.
- (8) Community greenhouse.
- (9) Outdoor recreational facilities.
- (10) Community living arrangements for nine or more persons in accordance with Wis. Stats. § 62.23(7)(i).
- (11) Farms with fur-bearing animals pursuant to the specific requirements of division 11.
- (12) Additional attached non-income producing living accommodation with separate bath and kitchen facilities for relatives of the individual(s) residing in the primary dwelling.
- (13) Guesthouse subject to, among other things, living quarters being within a detached accessory building which is located on the same lot with the principal residential structure. Furthermore, the guesthouse is intended for use by temporary guests of the residents and shall have no kitchen facilities, and not be rented or otherwise used as a separate dwelling.



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Fax: 262-242-9655

www.ci.mequon.wi.us

Office of Community Development

TO: Planning Commission
FROM: Jac Zader, Assistant Director Community Development
DATE: March 11, 2019
SUBJECT: Changes Proposed for Froedtert Neighborhood Hospital

The applicant has made changes to the Froedtert Neighborhood Hospital approved by the Planning Commission on July 23, 2018. The changes were reviewed and approved by Mayor Abendroth and Planning Commissioner architect Jim Schaefer. Attached is the new design and previously approved design for reference.

Attachments:

Froedtert Hospital Changes_03.11.19(PDF)



ENTRY TO ACUTE CARE HOSPITAL EMERGENCY ENTRY
Scale: Not to Scale



EMERGENCY DROP-OFF AND ENTRY
Scale: Not to Scale



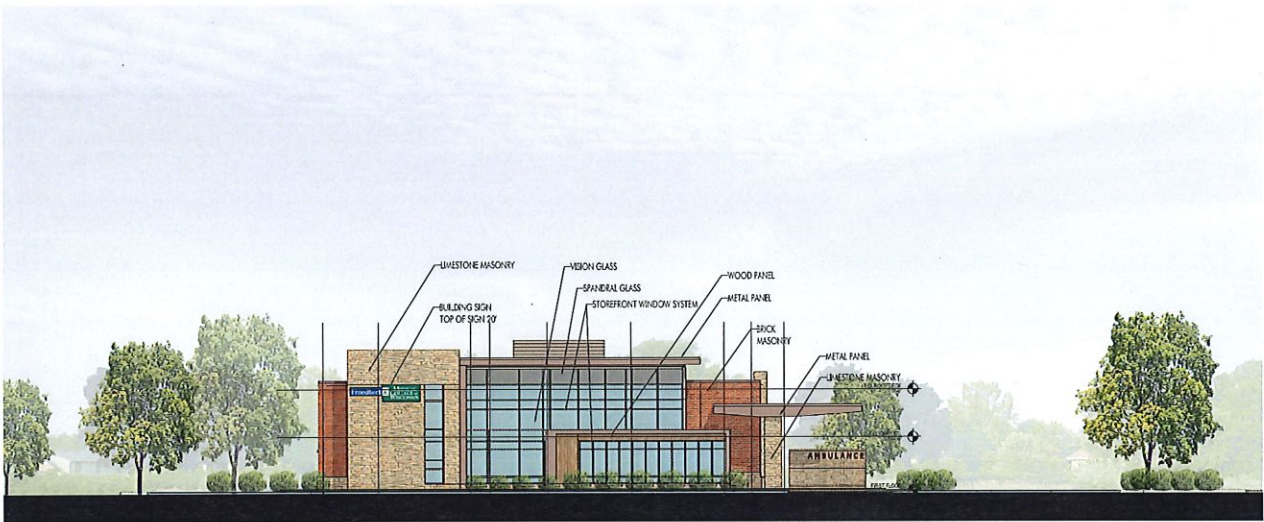
FACING NORTHWEST
Scale: Not to Scale



EMERGENCY DROP-OFF AND ENTRY
Scale: Not to Scale



NORTH ELEVATION
Scale: 1/16"=1'-0"



EAST ELEVATION
Scale: 1/16"=1'-0"



WEST ELEVATION
Scale: 1/16"=1'-0"



SOUTH ELEVATION
Scale: 1/16"=1'-0"

ELEVATIONS



02 SOUTH BUILDING ELEVATION
1/8" = 1'-0"



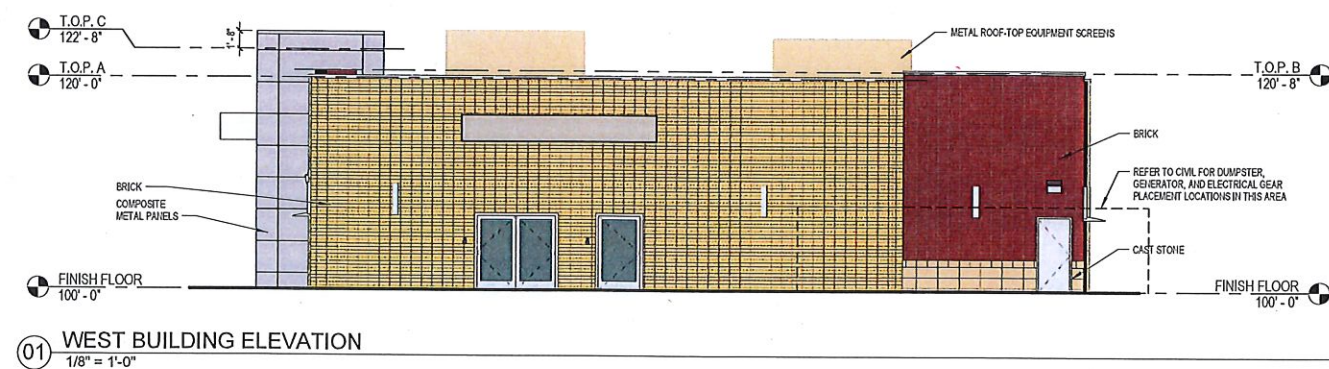
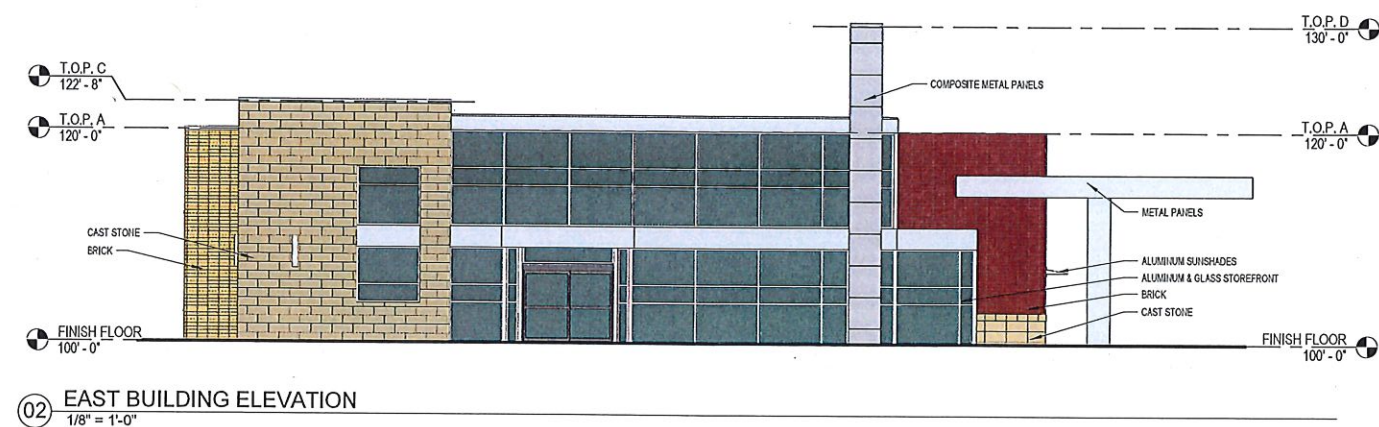
01 NORTH BUILDING ELEVATION
1/8" = 1'-0"

MEQUON HOSPITAL

6/1/2018

BUILDING ELEVATIONS





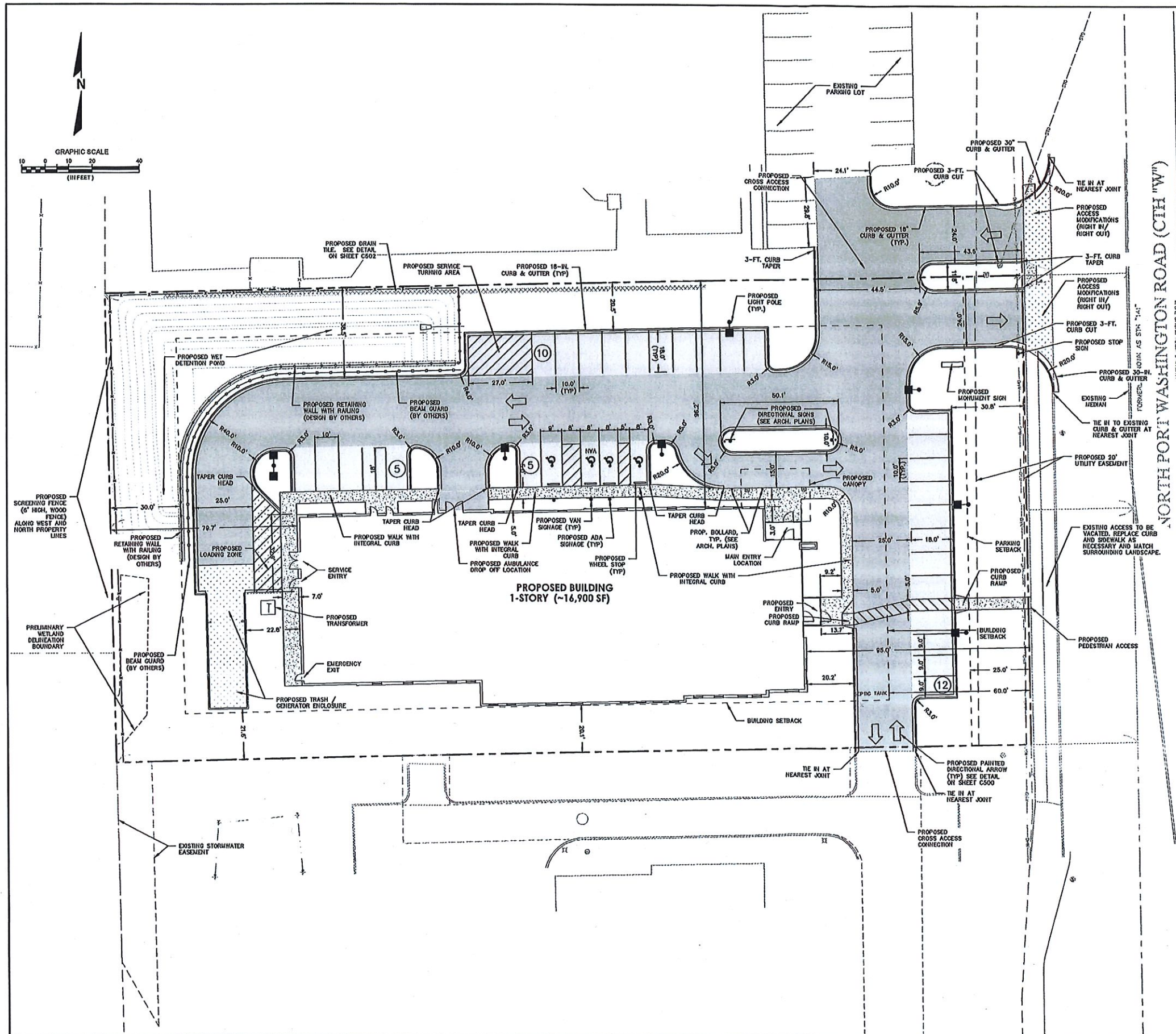
MEQUON HOSPITAL

6/1/2018

BUILDING ELEVATIONS



P:\370353\Drawings\370353-SP01.dwg, SITE PLAN, 11/19/2018 6:24:10 PM, JH



LEGEND

(5)	PARKING COUNT
---	PROPOSED 18" CURB & GUTTER
---	EXISTING CURB & GUTTER
---	PROPERTY LINE
---	PROPOSED LIGHT DUTY ASPHALT PAVEMENT
---	PROPOSED HEAVY DUTY ASPHALT PAVEMENT
---	PROPOSED HEAVY DUTY CONCRETE PAVEMENT
---	PROPOSED CONCRETE SIDEWALK
---	PROPOSED LIGHT POLES
---	PROPOSED SIGN

PARKING CALCULATIONS

STANDARD SPACES	28
ACCESSIBLE SPACES	4

TOTAL PARKING SPACES 32

SITE STATISTICS

	SQFT	AC	COVERAGE
PARCEL AREA	77,988	1.79	
DISTURBED AREA	84,189	1.93	
EXISTING BUILDING AREA	0	0.00	00.0%
EXISTING PERVIOUS AREA	73,317	1.68	94.0%
EXISTING IMPERVIOUS AREA	4,671	0.11	6.0%
PROPOSED BUILDING AREA	16,900	0.39	21.6%
PROPOSED PERVIOUS	32,035	0.73	41.1%
PROPOSED IMPERVIOUS	29,053	0.67	37.3%

GENERAL NOTES:

EXISTING TOPOGRAPHY OBTAINED BY roSmith, DATED 12/11/2017.

CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATION AND DIMENSION OF ENTRANCES, VESTIBULES, RAMPS, PRECISE BUILDING DIMENSIONS AND EXACT BUILDING UTILITY ENTRANCE LOCATIONS.

CONTRACTOR SHALL PROVIDE EROSION CONTROL FACILITIES IN ACCORDANCE WITH THE CITY OF MEQUON EROSION CONTROL ORDINANCE AND STATE OF WISCONSIN TECHNICAL STANDARDS.

ALL DIMENSIONS AND CORRESPONDING HORIZONTAL CONTROL RELATED TO PAVING REPRESENT FACE OF CURB, ELEVATIONS AND CONTOURS REPRESENT FINISHED GRADES UNLESS OTHERWISE INDICATED. BUILDINGS ARE DIMENSIONED TO FACE OF BUILDING.

BEFORE PROCEEDING WITH ANY UTILITY CONSTRUCTION, THE CONTRACTOR SHALL EXCAVATE EACH EXISTING LATERAL OR POINT OF CONNECTION AND VERIFY THE SIZE, LOCATION AND ELEVATION OF ALL UTILITIES.

ALL SITE SIGNAGE MUST COMPLY WITH THE MOST RECENT EDITION OF THE FEDERAL HIGHWAY ADMINISTRATION MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.

ALL WORK IN THE PUBLIC ROW SHALL BE PERFORMED BY A CITY-LICENSED CONTRACTOR

THE CONTRACTOR SHALL REPLACE ALL SIDEWALK AND CURB AND GUTTER THAT ABUTS THE PROPERTY THAT IS DAMAGED BY THE CONSTRUCTION, OR ANY SIDEWALK AND CURB AND GUTTER THE CITY ENGINEER DETERMINES NEEDS TO BE REPLACED BECAUSE IT IS NOT AT A DESIRABLE GRADE, REGARDLESS OF WHETHER OF THE CONDITION EXISTED PRIOR TO THE BEGINNING OF CONSTRUCTION.

ALL DAMAGED PAVEMENT DUE TO CONSTRUCTION RELATED ACTIVITIES IN VERONA ROAD FRONTAGE ROAD ADJACENT TO THIS DEVELOPMENT SHALL BE RESTORED IN ACCORDANCE WITH CITY'S PAVEMENT PATCHING CRITERIA.



Toll Free (800) 242-8511
Milwaukee Area (414) 259-1181
Hearing Impaired TDD (800) 642-2289
www.DiggersHotline.com

R.A.SMITH, INC. ASSUMES NO RESPONSIBILITY FOR DAMAGES, LIABILITY OR COSTS RESULTING FROM CHANGES OR ALTERATIONS MADE TO THIS PLAN WITHOUT THE EXPRESSED WRITTEN CONSENT OF R.A.SMITH, INC.

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DATE: 11/21/2018
SCALE: 1" = 20'
JOB NO. 3170353
PROJECT MANAGER: ROBERT J. HARLEY, P.E.
DESIGNED BY: JAH
CHECKED BY: RJH
SHEET NUMBER C200

NEIGHBORHOOD HOSPITAL MEQUON
MEQUON, WI
SITE PLAN

16745 W. Bluemound Road
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CREATIVITY BEYOND ENGINEERING

Brookfield, WI | Appleton, WI | Madison, WI | Cedarburg, WI | Mount Pleasant, WI
Neenah, IL | Potosi, WI | Janesville, WI

MEQUON HOSPITAL

6/1/2018

FLOOR PLAN

01 BUILDING FLOOR PLAN 1/8" = 1'-0"





MEQUON HOSPITAL

6/1/2018

PROJECT DESIGN



Attachment: Froedtert Hospital Changes_03.11.19 (3962 : Changes Proposed for Froedtert Neighborhood Hospital)