



11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2904
Fax: 262-242-9655

www.ci.mequon.wi.us

Department of Community Development
Taped and Televised

PLANNING COMMISSION

Regular Meeting

Monday, May 8, 2017

7:00 PM

Christine Nuernberg Hall

Agenda

1) Call to Order, Roll Call

- a) Approval of Minutes

2) Consent

- a) Plunkett Raysich Architects, LLP. The applicant is seeking sign waiver approval for a wall sign on the Community Pavilion at Homestead High School located at 5000 W. Mequon Road.
- b) Lakeside Development Company for Aster Woods Condominiums

3) Regular Business

- a) Bonnilake Real Estate for Spirit Lake International, LLC. The applicant is seeking grading plan approval for a 4-lot land division
- b) The City of Mequon is seeking a text amendment to Chapter 2 of the City of Mequon Code of Ordinances related to the establishment and operation of the Planning Commission.
- c) The City of Mequon is seeking a text amendment to Chapter 58 of the City of Mequon Zoning Code as it relates to residential gardens.

4) Announcements

The next meeting is June 12, 2017

5) Adjourn

Dated: May 3, 2017

/s/ Dan Abendroth, Chairman

.....
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
Mequon, WI 53092-1930
Phone: 262-236-2902
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Office of Community Development

TO: Planning Commission
FROM: JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT
DATE: May 3, 2017
SUBJECT: PLANNING COMMISSION MEETING MINUTES from April 10, 2017

Memorandum

Attached please find the City of Mequon Planning Commission Meeting Minutes from April 10, 2017 for your review.

Attachments:
04.10.17 DRAFT (DOC)



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Department of Community Development
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PLANNING COMMISSION
Regular Meeting
Monday, April 10, 2017
7:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:

Chairman Dan Abendroth
Alderman Robert Strzelczyk
Commissioner Martin Choren
Commissioner Brian Parrish
Commissioner James Schaefer
Commissioner Rick Lemke
Commissioner Stephanie Hawley

a) Minutes from March 13, 2017

Action

Ald. Strzelczyk made a motion to approve the March 13, 2017 minutes as written.
Commissioner Choren seconded the motion.
All voted aye; motion passed (7-0)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Martin Choren, Commissioner
AYES:	Abendroth, Strzelczyk, Choren, Parrish, Schaefer, Lemke, Hawley
EXCUSED:	Mason, Stoker, Schaefer

2) Regular Business

- a) Simon & Bianca Meester. The applicant is seeking approval for an accessory structure greater than 1,000 s.q. ft. for a horse barn for the property located at 5980 W. Chapel Hill Road.

Asst. Dir. Zader stated that usually this item would have been listed on consent but there was some feedback from the neighbors, so it is listed under regular business so that it is open for discussion if necessary. The request is for a structure in excess of 1,000 square feet. It is a

Attachment: 04.10.17 DRAFT (2333 : Planning Commission Minutes)

1,152 square feet horse barn on 3 acres located at 5980 W. Chapel Hill Road. The code does allow for them to have an agricultural building for the storage of horses. Under the code they are allowed two horses. Some of the concerns received from the neighbors were related to the architecture of the building. Typically, accessory buildings go in front of the Architectural Board for review and approval and natural materials or materials that match the house are recommended. The neighbors felt that the building should be more in keeping with residential guidelines than agricultural and they do not like the metal building.

The applicant had previous plans to be out of town and is not present at the meeting. Staff does recommend approval of the horse barn as it is similar to other horse barns that have been approved.

Commissioner Choren asked about any landscape plans associated with the proposed building plan. He stated that if the neighbors have complaints about the structure that some landscaping may help obstruct the view.

Asst. Dir. Zader answered that landscaping plans are not required with these types of items. He showed the site plan which shows the building in the middle of the property. Under the code, in order to have livestock on the property, there needs to be a 100 foot setback from the property line. The applicant did go before the Board of Appeals and they received a variance to drop the setback to 96 feet. There is 96 feet on both sides, which is a fairly large setback from the neighboring properties. In addition, on the west side of the drive there is a 60 foot right of way, so there is a large buffer between properties to the east and the west. To the north is vacant property and there is a 250 foot distance between property lines. He stated that there is not a lot of direct view, but if the Commission wants to require some landscaping that is permissible.

Commissioner Jim Schaefer stated that he feels that the horse barn is acceptable and that he cannot see natural materials used for this building.

Action:

Commissioner Jim Schaefer made a motion to approve subject to staff comments. Commissioner Parrish seconded the motion.

Ald. Strzelczyk stated that he likes the look of the building and he feels that it fits in but there are two variances on this project; one is the setback and one is the size of the structure, so he asked that the Commission accept a friendly amendment to request landscaping to help buffer the structure that would be approved at staff level. He suggested some pines along the property line to help screen it from the neighboring views.

The friendly amendment was accepted by both Commissioner Jim Schaefer and Commissioner Parrish.

All voted aye; voted passed (7-0)

RESULT: **APPROVED WITH CONDITIONS [6 TO 0]**
MOVER: J. Schaefer, Commissioner
SECONDER: Brian Parrish, Commissioner
AYES: Abendroth, Choren, Parrish, Stoker, Schaefer, Hawley
EXCUSED: Mason, Schaefer
RECUSED: Strzelczyk, Lemke

- b) Highlander Estates, Phase III. The applicant is seeking development agreement and fill permit for Phase III (Addition 2) consisting of 45 lots of the 111 lot single family subdivision, Highlander Estates, located immediately south of Brighton Ridge and Knightsbridge subdivisions between Swan and Wauwatosa Roads,

Asst. Dir. Zader stated that this is for the last phase for the Highlander Estates subdivision. They anticipate starting grading as soon as they can in May. This is back to the standard Development Agreement, similar to Phase I, in which all of the improvements need to be in at the time of final plat. They are allowed two spec homes which is typical with development agreements. Staff does recommend approval.

The applicant, Kevin Anderson, stated that due to the Common Council meeting being cancelled the following evening, he asked that this item be included on the May 18' 2017 Common Council agenda.

Mayor Abendroth answered that his request will be considered and staff will do what they can do to get this item on the agenda.

He also asked about significant landscape screening between lots 95 and 96 due to the bend in the road to alleviate highlights into homes.

Asst. Dir. Zader answered that the applicant was not yet ready to submit the landscaping plan but that it will come before the Planning Commission for review and approval. He believes that there will be neighbors interested in the landscaping plan as well.

Action

Mayor Abendroth moved to approval subject to staff comments.

Ald. Strzelczyk seconded the motion.

All vote aye; vote passed (7-0)

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Dan Abendroth, Chairman
SECONDER: Robert Strzelczyk, Alderman
AYES: Abendroth, Strzelczyk, Choren, Parrish, Schaefer, Lemke, Hawley
EXCUSED: Mason, Stoker, Schaefer

- c) MSI General for Riteway Bus, LLC. The applicant is seeking site plan amendment approval to remove the bypass lanes on the south side of Donges Bay Road for the property located at 6926 W. Donges Bay Road.

Engineering Director Lundeen stated that this item was before the Commission in February and the requirement was made for the applicant to install both the acceleration and deceleration lanes, which go on the north side of the road along the side of the driveway as well as the bypass lanes on the south side. The intent was to be able to provide for through traffic during the times of turning movements given the concentrated times the buses leave the parking lot, staff was concerned about the impact on the traffic for Donges Bay Road. Since the last meeting, the applicant has volunteered a restriction for the buses traveling eastbound that they cannot turn left into the parking lot. They would otherwise reroute so that they turn right directly into the parking lot using the accel/decel lanes and thereby eliminating the need for a bypass lane. The applicant is here before the Commission to request an amendment to eliminate that requirement.

Mayor Abendroth asked how many buses go east on Donges Bay Road.

Ald. Strzelczyk asked how the bike lanes would be affected.

Dir. Lundeen answered that there are currently not bike lanes in this location. If the reconstruction goes forward, this area would be included.

The applicant stated that the majority of the buses return to the parking lot from the east and the north. There are very few that would come from the west. They would install a “No Left Turn for Buses” sign and the buses would know that they could not enter from the west. He stated that the buses would mostly likely come through the business park so that they will enter from the east.

Commissioner Parrish stated that he was originally in favor of the deceleration lane but after reviewing the traffic study provided by the applicant he feels comfortable that there will not be a negative impact there. He asked if the buses are actually not allowed to turn left and if this is part of the CUG.

Dir. Lundeen confirmed that there are not to be any left turns made by the buses into the parking lot, all buses must enter westbound. The buses can exit the terminal either direction.

Mayor Abendroth stated that this location has less impact on traffic than the current location

Action

Ald. Strzelczyk made a motion to approve subject to staff recommendations.

Commissioner Lemke seconded the motion.

All voted aye; vote passed (7-0)

RESULT: **APPROVED [6 TO 0]**
MOVER: Robert Strzelczyk, Alderman
SECONDER: Rick Lemke, Commissioner
AYES: Abendroth, Strzelczyk, Choren, Parrish, Lemke, Hawley
EXCUSED: Mason, Stoker, Schaefer
RECUSED: Schaefer

- d) Vogel Real Estate, LLC for Gateway Plastics. The applicant is seeking building and site plan amendment approval for a 70,000 s.q. ft addition at 5650 W. County Line Road (Gateway Plastics).

Asst. Dir. Zader stated that the applicant was in front of the Commission last month for a certified survey map to ensure that parent parcel had enough acreage to comply with the floor area ratio and green space ratio. It is a 70,000 square foot addition but it is two separate sections; both roughly 35,000 square feet. There is one to the north and one to the south. The only other change shown is an access road off of County Line Road which terminates in a cul du sac. This is mainly for maintenance of equipment that is located on the west side of the building as well as if the area to the west gets developed at some point. The two additions comply with the code. There is a 60 foot setback from the building to the property line; which exceeds the setback requirement. The parking lot is not being changed as there are minimal employees that will be added due to the additions. There is also the addition of a cooling tower.

The building design is shown to be the same precast panels and aluminum windows that match the existing building. The applicant intends on using some of the existing panels that will come off for the addition. The rooftop mechanical equipment will be required to be screened if it is visible from public view.

The landscaping plan shows trees and landscaping along the west property line and proposed access road. There were a number of trees planted at the last addition that they will relocate and replant a little further to the west.

Staff feels that there is a potential view of the cooling tower from County Line Road or from Baehr Road and that additional screening around the cooling tower would help. It is well screened from the north and the south but there is a view from Baehr Road. Staff is recommending additional plantings to help better screen along the south side of the north addition.

The lighting plan shows additional lighting along the west side of the building, mostly for security purposes. Staff recommends that the number of wall packs be reduced from thirteen to nine. Asst. Dir. Zader stated that the applicant has already complied with this request and it was changed on an updated plan. The applicant will need to show documentation that the fixtures are full cutoff per the code. There were some complaints from residents on Baehr Road that the security lights were a little bit excessive and they have reduced the amount of security lighting on that wall by five fixtures.

Staff has received correspondence from Alderman Wirth regarding traffic concerns; mainly semi traffic in that area. Staff feels that most of that traffic is from Kleen Test and not from Gateway. There will be very little impact on traffic with the additions to the buildings; as they will be used mostly for warehousing and to fit smaller sized equipment. He also stated that with the addition of the railroad spur, the number of truck trips to Gateway has been reduced.

Action

Commissioner Parrish moved to approve based on staff recommendations.

Commissioner Choren seconded the motion.

All voted aye; vote passed (7-0)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Brian Parrish, Commissioner
SECONDER:	Martin Choren, Commissioner
AYES:	Abendroth, Strzelczyk, Choren, Parrish, Schaefer, Lemke, Hawley
EXCUSED:	Mason, Stoker, Schaefer

- e) Marvin C. Bynum for Rick O'Malley Revocable Trust. The applicant is seeking site plan approval for the Trees for Less nursery and landscape contractor business at 11710 N. Wasaukee Road. The applicant is also requesting certified survey map approval along with 11550 N. Wasaukee Road and 30 acres immediately to the north.

Asst. Dir. Zader stated that the applicant would like to speak first.

The applicant, Richard O'Malley, stated that he wishes to withdraw his application for the conditional use grant and the land division. He stated that he has thought long and hard about this decision. The family has decided to go back to the business of growing trees which they have been doing for years.

Asst. Dir. Zader stated that the applicant does have mulch that he wishes to sell and he is allowed to sell it until it is gone. Staff will work with the applicant over the next month. There are some site compliance issues that will need to be addressed. Then the permitted use of the nursery operations can be continued. The sale of Christmas trees will be handled as a temporary use on a yearly basis.

3) Announcements

Mayor Abendroth announced that the next meeting is May 8th

4) Adjourn

Action

Ald. Strzelczyk made a motion to adjourn.

Mayor Abendroth seconded the motion.

All voted aye; vote passed (7-0)



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Office of Community Development

TO: Planning Commission
FROM: JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT
DATE: May 3, 2017
SUBJECT: Plunkett Raysich Architects, LLP. The applicant is seeking sign waiver approval for a wall sign on the Community Pavilion at Homestead High School located at 5000 W. Mequon Road.

Applicant:	Plunkett Raysich Architects
Status of Applicant:	Agent for Homestead High School
Requested:	Sign Waiver
Existing Zoning:	IPS
Land Use Plan:	IPS
Lot size:	78.11 acres
Location:	5000 W. Mequon Road
Tax Key:	#14-011-11-003.00
District:	#1

Background: The applicant is seeking a sign waiver for a wall sign on the newly constructed Sommers Pavilion. The proposed sign is shown at 20.5 square feet which exceeds the 11.95 square feet allowed by code. The building was approved in April of 2015 with the sign shown on the south wall of the building. Prior to the construction of the building, the applicant requested that the orientation of the building be changed so that the concession bays face south. The change resulted in the sign being located on the west elevation which would have limited public visibility. During the construction process, the applicant added supports to the roof that would accommodate a roof top sign. The Planning Commission denied the sign waiver request for the roof top sign on November 14, 2016.

Sign Waiver:

Chapter 62, Sign Code, states that the gross surface area of a wall sign shall not exceed two and one-half percent of the area of the building wall. Since this is a relatively small building, the size of the sign is limited to 11.95 square feet. The intent of the code is to ensure that the scale and massing of the sign is consistent with the building elevation of where it is placed. In this case, staff feels the proposed 20.5 square foot sign is at an appropriate scale and is compatible with the design of the building. At the time of the sign waiver request for the roof sign, staff encouraged the applicant to look at placing the sign on the wall where it is currently proposed. The applicant was concerned at the time that the size would have limited visibility due to the Sign Code's size limitations. The waiver allowing for a larger sign will alleviate this concern.

Staff Recommendation:

Planning staff recommends approval of the sign waiver based on the following condition(s):

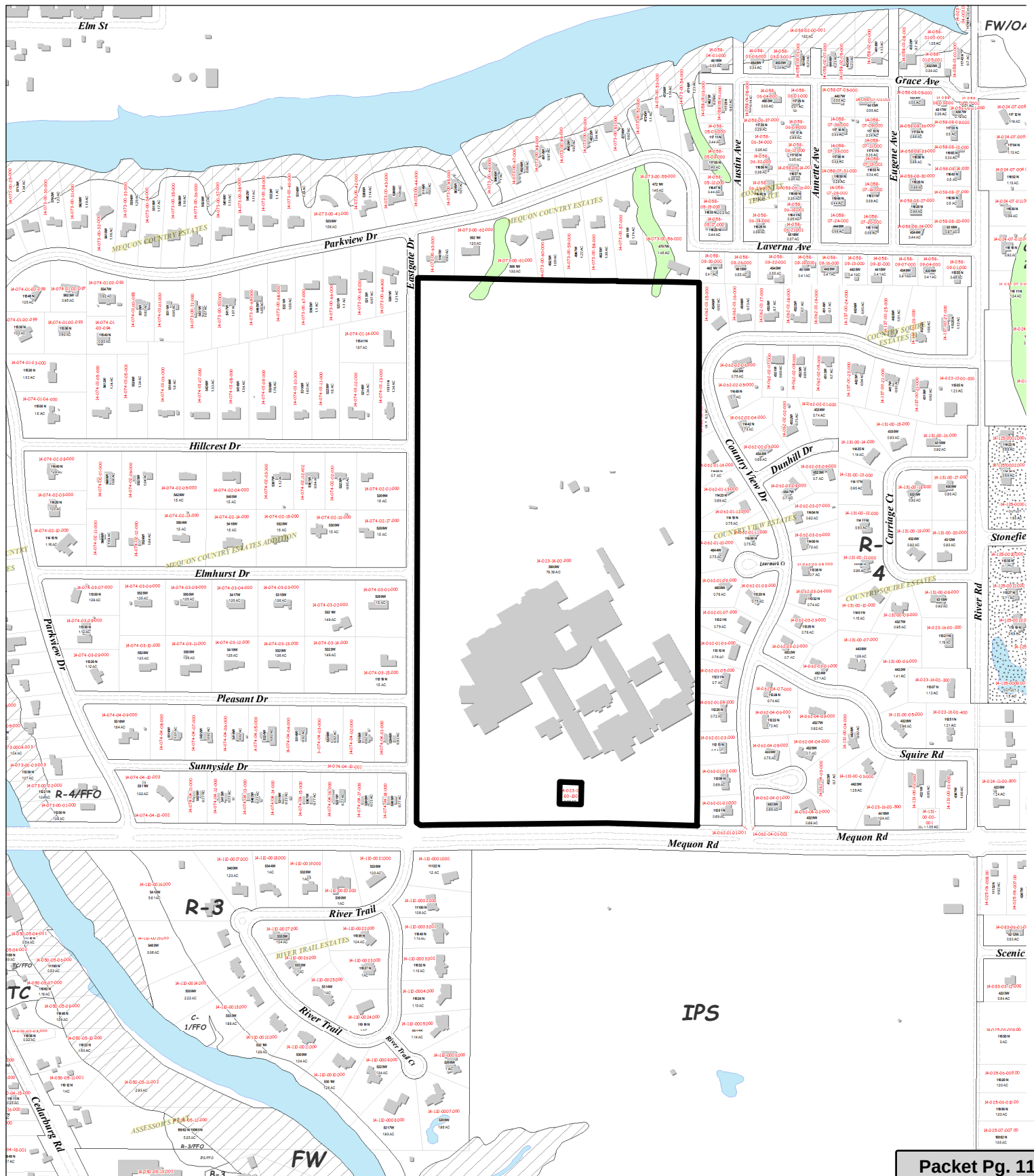
1. Staff review and approval of the final sign plan.

Item 2 - Plunkett Raysich Architects, LLP

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

2.a.a



Attachment: Packet (2316 : Plunkett Raysich Architects, LLP)

**MEQUON-THIENSVILLE SCHOOL DISTRICT
COMMUNITY PAVILION**

**REQUEST FOR WALL MOUNTED SIGNAGE REVIEW
May Planning Commission Review**

The recently constructed Community Pavilion located at 5000 West Mequon Road, Mequon, WI for the Mequon-Thiensville School District, MTSD, is requesting planning commission review and approval of a signage waiver to proceed with the proposed wall mounted sign as described below and seen on the attached drawings.

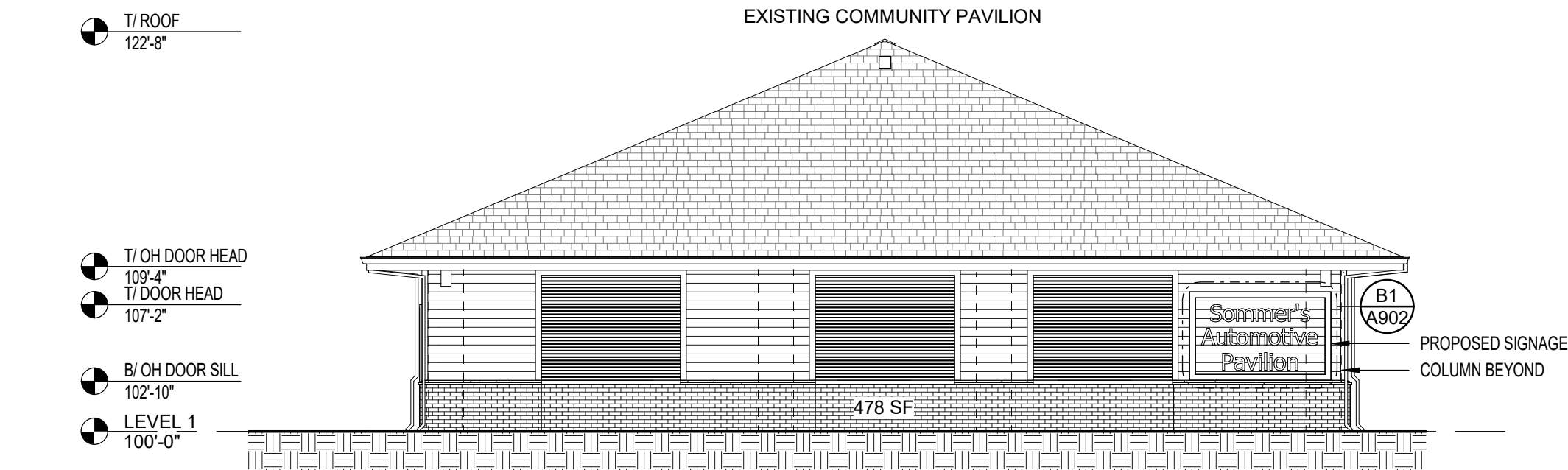
A waiver is requested because the allowable area for this wall mounted sign exceeds the allowable area based on the elevation it is positioned to be mounted on. This elevation is desired for the signage as it is (1) shielded from all adjacent properties, (2) was a suggested location by plan commission board member during the November meeting, (3) receives the most visibility from the adjacent plaza and surrounding athletic fields to properly recognize the donor, and (4) avoids added additional cost of purchasing new back-lit letters for this revised sign as they were purchased for the previously denied rooftop sign waver during the November meeting.

The proposed wall mounted sign, documents attached, is 5'-0" tall and 8'-0" wide and would be located on the front façade facing southwest. The top of the sign is approximately 8'-0" above the adjacent grade. The sign has been placed on the building at a location recommended by one of the plan commission members during the November meeting. The sign will only be visible on the community pavilion from the adjacent plaza and surrounding athletic fields (tennis, track and field, baseball and football). The sign will not be visible from any of the abutting properties such as the tree lined eastern property line adjacent to North Country View Drive, the south property line at Mequon Road or west property line adjacent to North Eastgate Drive.

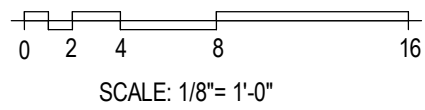
209 south water street milwaukee, wisconsin 53204 414 359 3060
2310 crossroads drive suite 2000 madison, wisconsin 53718 608 240 9900
205 north orange avenue suite 202 sarasota, florida 34236 941 348 3618

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Steven A. Kieckhafer, Scott A. Kramer, David J. Raysich, Michael H. Scherbel, Michael J. Scherzak



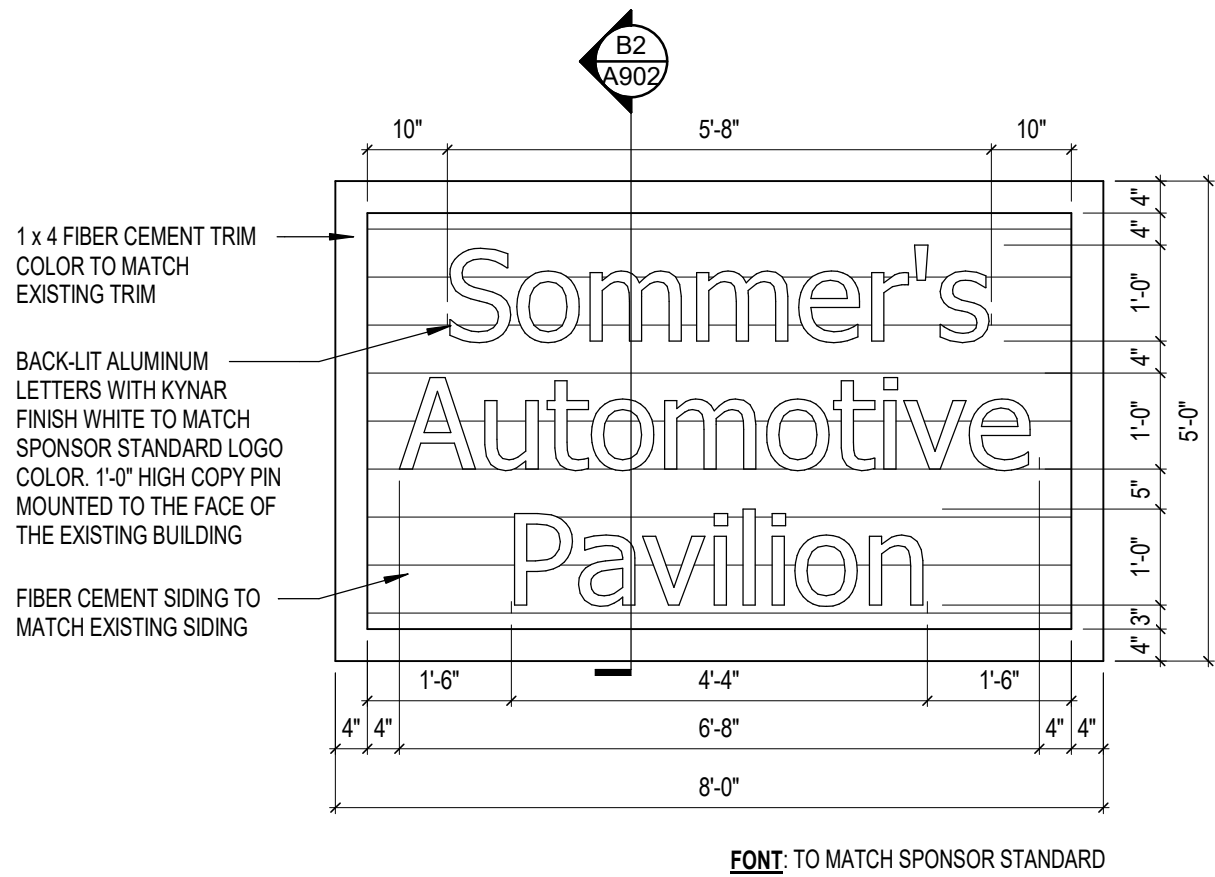
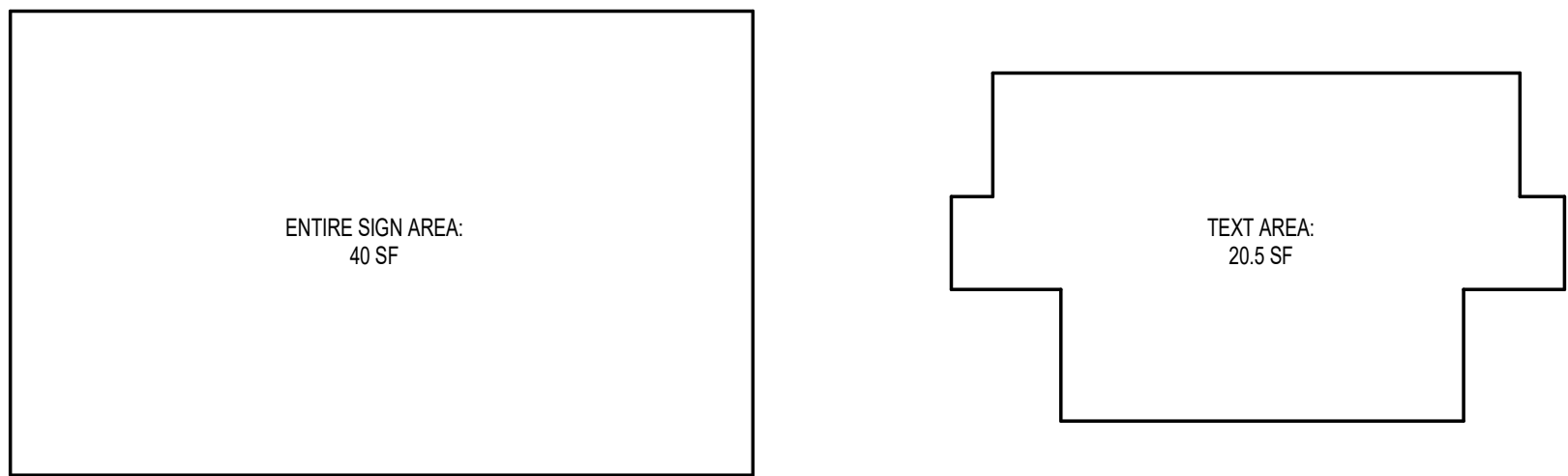
A1 EXISTING FRONT BUILDING ELEVATION - SOUTHEAST
A902 1/8" = 1'-0"



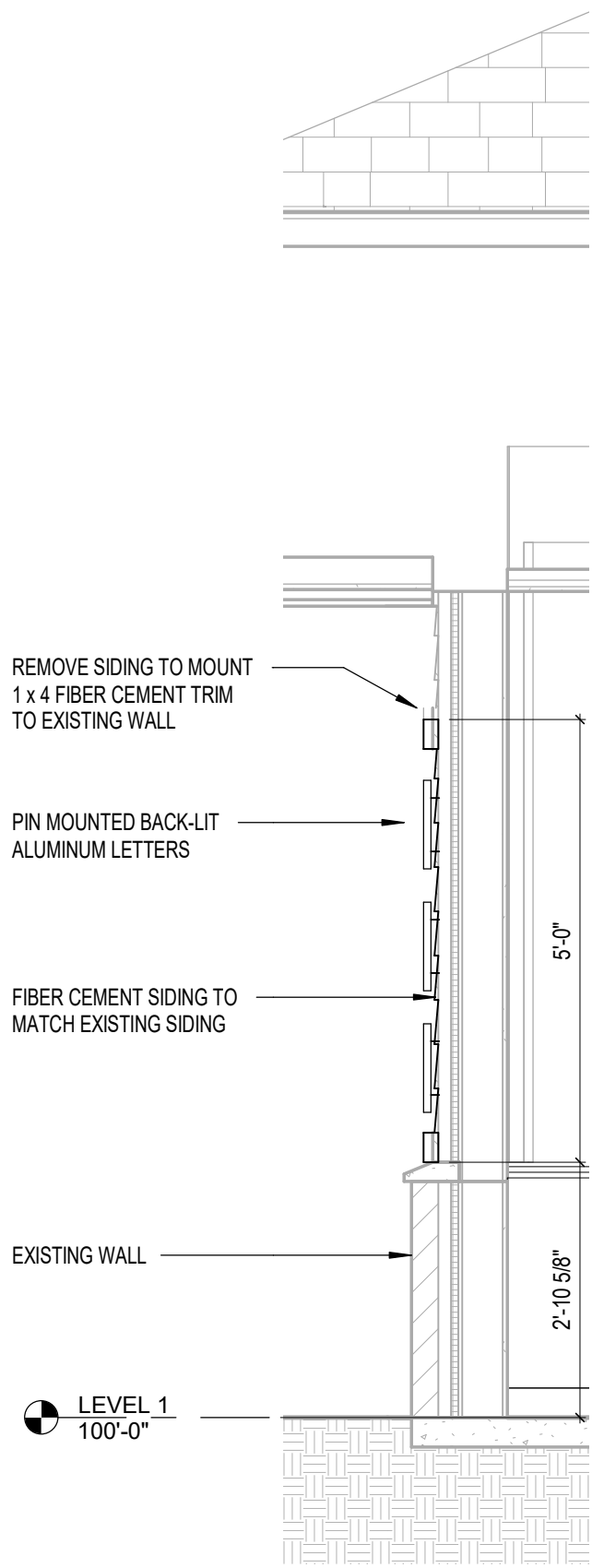
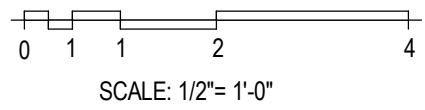
SIGN ALLOWED TO BE 2.5% OF FRONT FACADE
478 SF * .0025 = 11.95 SF

11.95 SF SIGNAGE ALLOWED

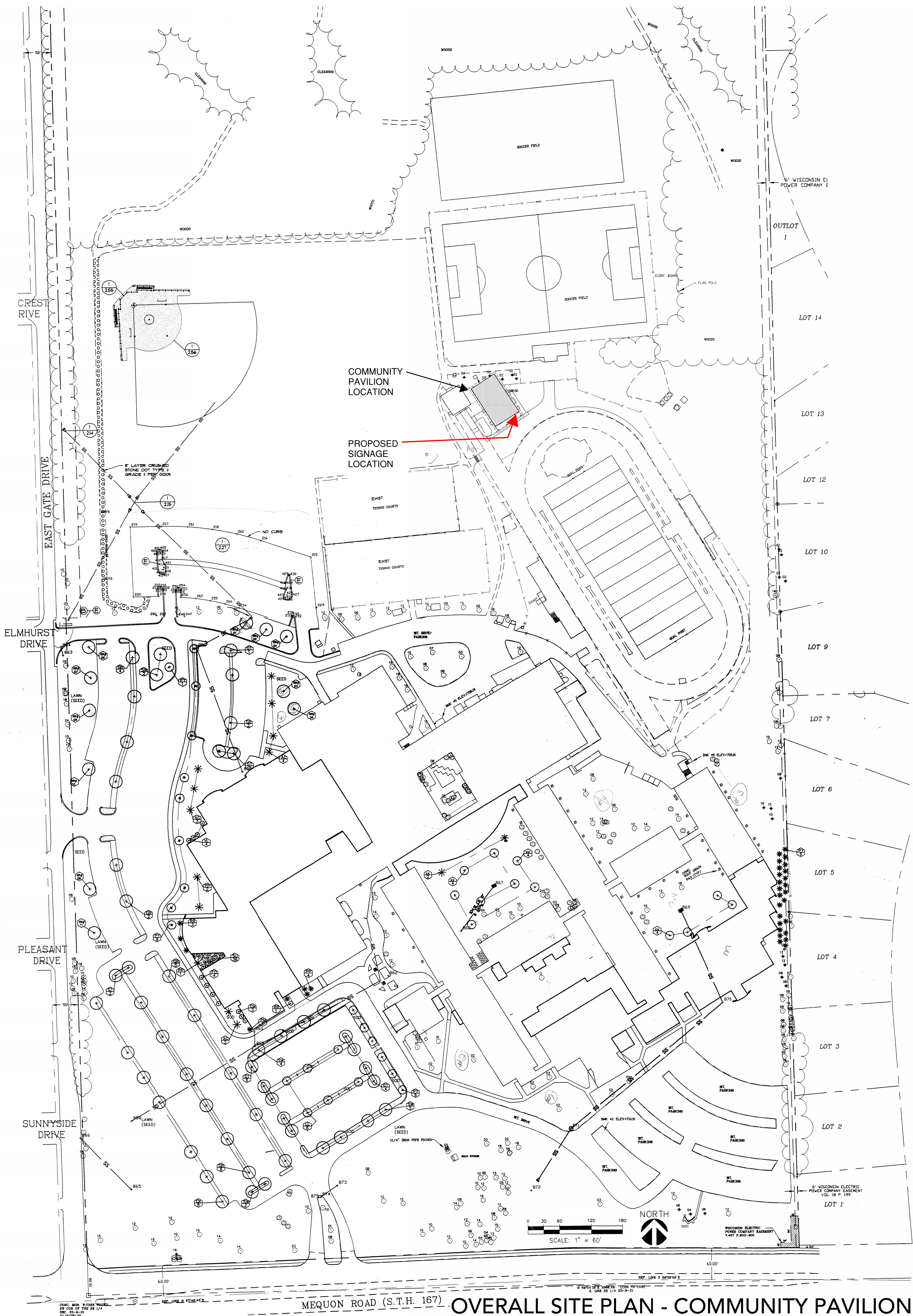
SIGN AS SHOWN IS 20.5 SF



B1 SIGN ELEVATION
A902 1/2" = 1'-0"



B2 SIGN SECTION
A902 1/2" = 1'-0"



Attachment: Packet (2316 : Plunkett Raysich Architects, LLP)

OVERALL SITE PLAN - COMMUNITY PAVILION

GENERAL NOTES

1. REFER TO SHEET C900 FOR GENERAL NOTES.

LAYOUT NOTES

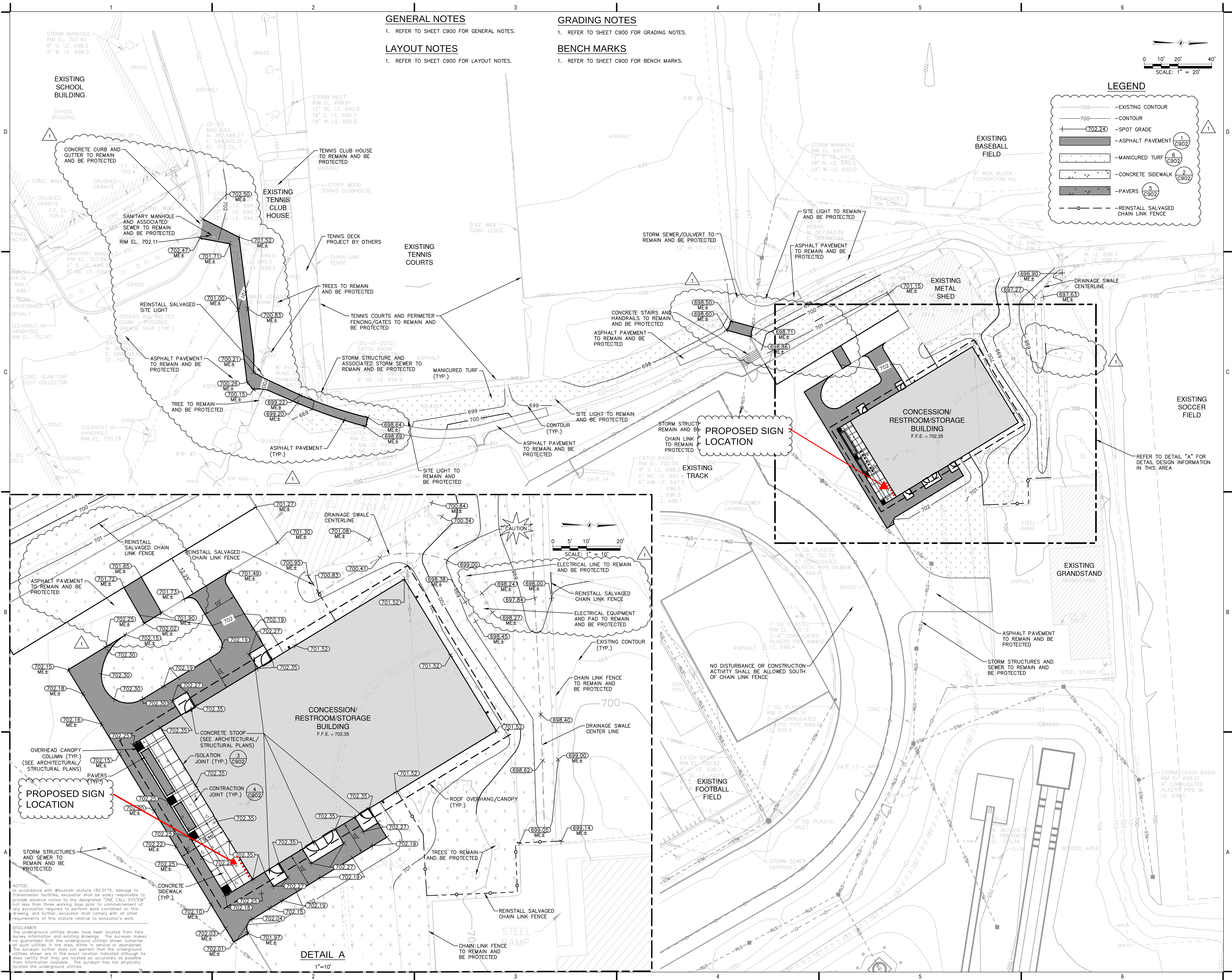
1. REFER TO SHEET C900 FOR LAYOUT NOTES.

GRADING NOTES

1. REFER TO SHEET C900 FOR GRADING NOTES.

BENCH MARKS

1. REFER TO SHEET C900 FOR BENCH MARKS.







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Office of Community Development

TO: Planning Commission
FROM: JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT
DATE: May 8, 2017
SUBJECT: Lakeside Development Company for Aster Woods Condominiums

Applicant: Lakeside Development
Status of Applicant: Agent
Requested: Final Condominium Plat Amendment
Existing Use: Plex Condominiums
Existing Zoning: R-6 (Plex Residential)
PUD (Planned Unit Development)
Land Use Plan: Residential Plex
Lot size: 28 Acres
Location: 1513-1594 Aster Woods Court and
11620 – 11693 Aster Woods Circle

District: #2

Background:

The applicant is requesting Final Condominium Plat Amendment for the Aster Woods Condominium development. The Amendment will allow for six of the eight remaining Units to extend five further to the rear which will allow for a larger building. Units 31 and 32 are not being changed due to their close proximity to the existing wetland. The Amendment will require approval by 70 percent of the unit owners and their mortgagees.

Plat Amendment:

The plat amendment shows the three foot increase to Units 23 and 24 and a five foot increase to units 25-28. The amendment to the plat does not show an updated wetland delineation for the site. Since the previous delineation was completed over five years ago, a new delineation will be required at the time of the building permit for units that abut the existing wetland.

Staff Recommendation:

Staff recommends **approval** of the plat amendment subject to the following conditions:

1. Common Council approval of the plat amendment.
2. At least 70% of the unit owners and their mortgages shall approve the amendment and changes to the common area.
3. A new delineation will be required at the time of the building permit for units that abut, as determined by the Department of Community Development, the existing wetland.

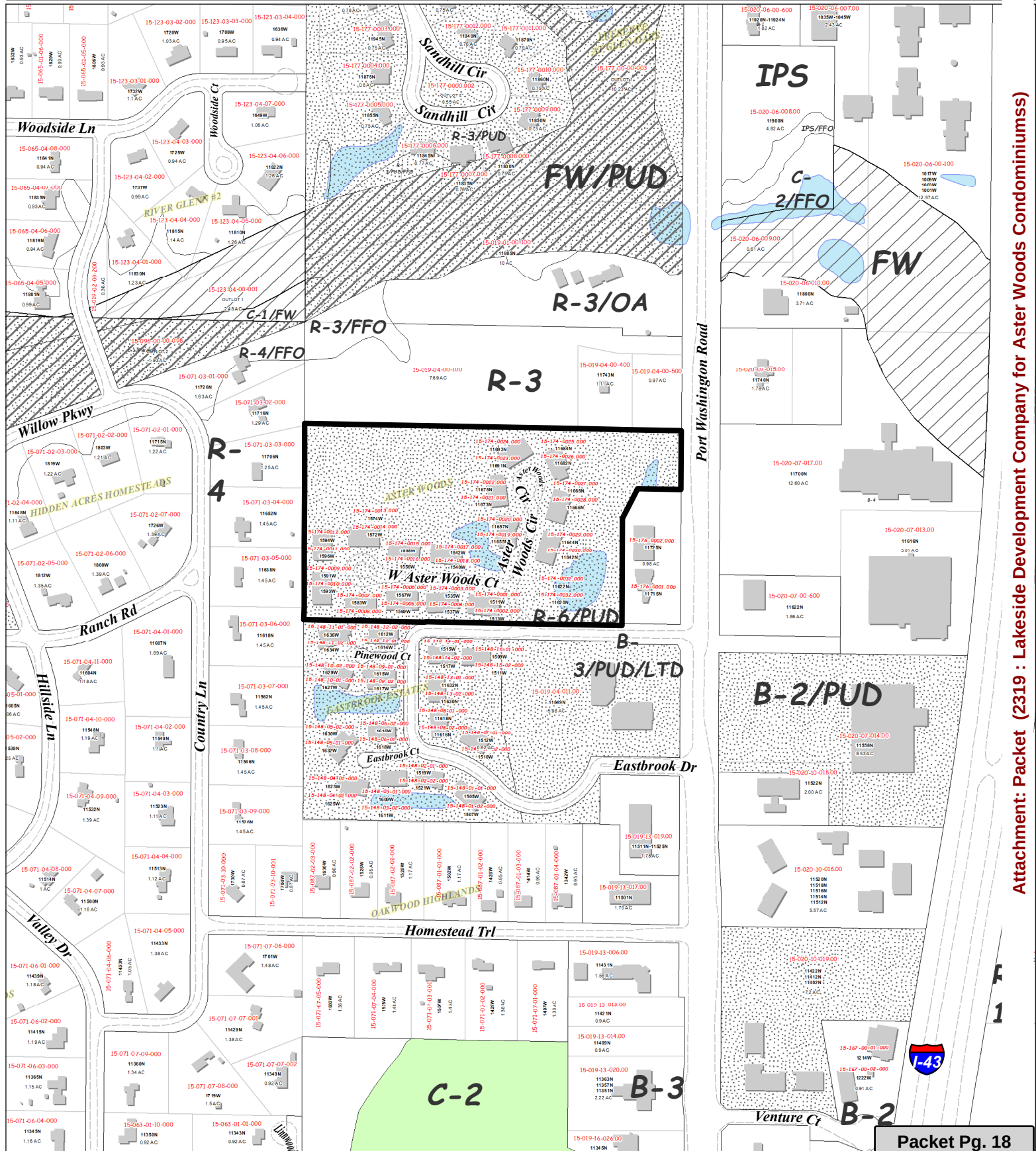
Attachments:
Packet (PDF)

Item 3 - Lakeside Development Company

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
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

2.b.a



LEGAL DESCRIPTION
FOR
ASTER WOODS CONDOMINIUM PLAT

Being a part of the Southeast 1/4 of the Northeast 1/4 of Section 19, Township 9 North, Range 22 East, in the City of Mequon, Ozaukee County, Wisconsin bounded and described as follows: Commencing at the Southeast corner of the Northeast 1/4 of said section; thence N 01°11'42" W, 792.80 feet to the point of beginning of the lands to be described; thence S 89°35'12" W, 210.01 feet to a point; thence S 25°31'30" W, 111.19 feet to a point; thence S 01°11'42" E, 350.00 feet to a point; thence S 89°35'12" W, 385.07 feet to a point; thence S 01°11'39" E, 10.00 feet to a point; thence S 89°35'12" W, 680.19 feet to a point; thence N 01°16'00" W, 656.98 feet to a point; thence N 89°34'36" E, 1326.09 feet to a point; thence S 01°11'42" E, 197.20 feet to the point of beginning EXCEPTING THEREFROM the Easterly 65 feet for road purposes. Said lands containing 750,060 square feet (17.22 acres) gross and 737,242 square feet (16.92 acres) net.

CITY OF MEQUON PLANNING COMMISSION APPROVAL

APPROVED by the City of Mequon Planning Commission on this ____ day of _____, 2017.

Christine Nuernberg, Chairman
Secretary

Brad Steinke,
Secretary

CITY OF MEQUON COMMON COUNCIL APPROVAL

APPROVED by the City of Mequon Common Council on this ____ day of _____, 2017.

Christine Nuernberg, Mayor

Certification

The following addresses have been assigned for Units in Aster Woods Condominium.
parcel number 150190400200 (Old address -1400 W. East brook Drive):

Building	Units	Address
1	1&2	1511 & 1513 West Aster Woods Court 116N
2	3&4	1535 & 1537 West Aster Woods Court 116N
3	5&6	1567 & 1569 West Aster Woods Court 116N
4	7&8	1583 & 1585 West Aster Woods Court 116N
5	9&10	1591 & 1593 West Aster Woods Court 116N
6	11&12	1596 & 1594 West Aster Woods Court 116N
7	13&14	1574 & 1572 West Aster Woods Court 116N
8	15&16	1558 & 1556 West Aster Woods Court 116N
9	17&18	1542 & 1540 West Aster Woods Court 116N
10	19&20	11655 & 11657 North Aster Woods Court 15W
11	21&22	11673 & 11675 North Aster Woods Court 15W
12	23&24	11691 & 11693 North Aster Woods Court 15W
13	25&26	11684 & 11682 North Aster Woods Court 15W
14	27&28	11668 & 11666 North Aster Woods Court 15W
15	29&30	11644 & 11642 North Aster Woods Court 15W
16	31&32	11622 & 11620 North Aster Woods Court 15W

DECLARANT

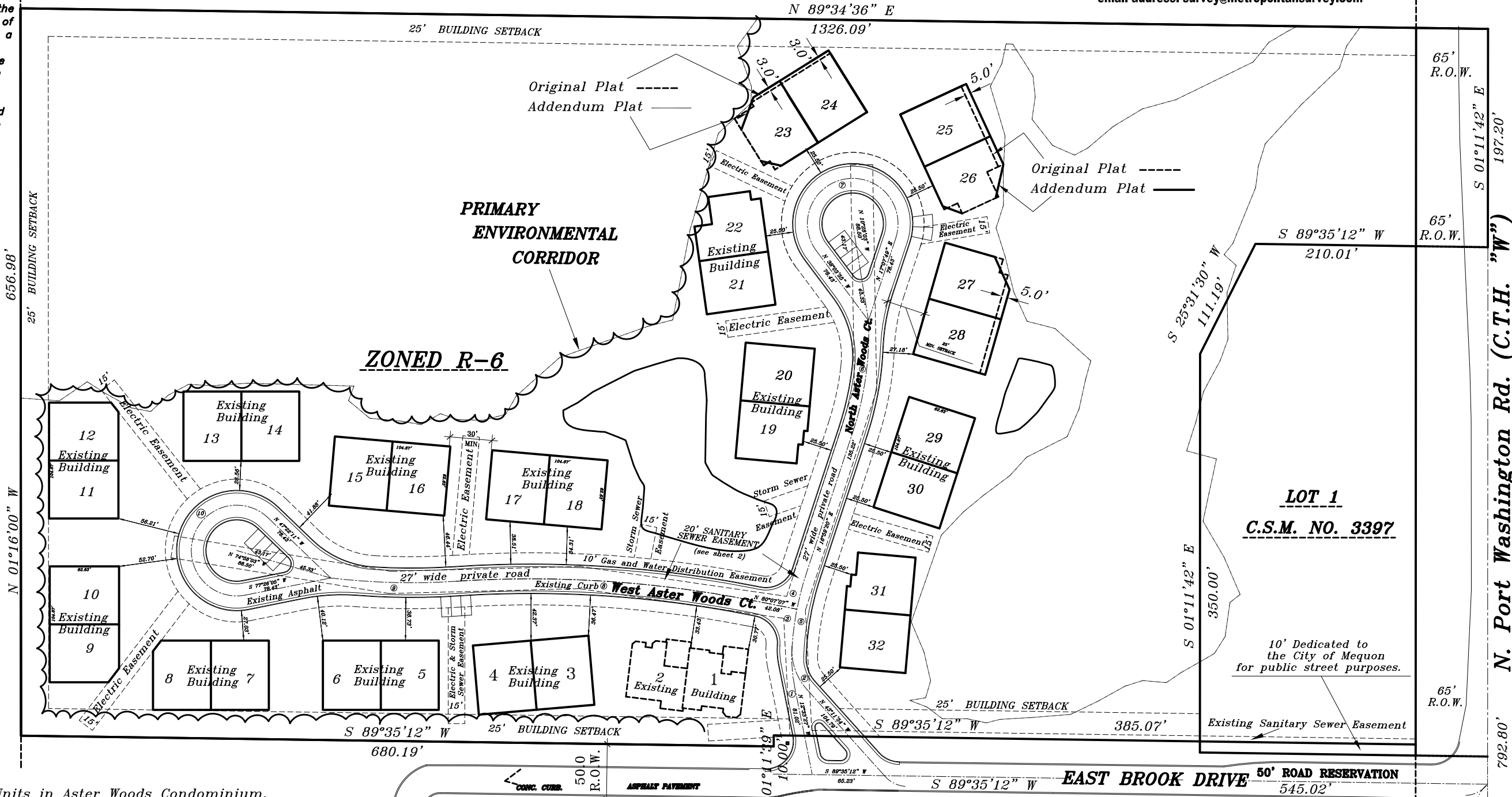
ASTER WOODS LLC.
10500 N. PORT WASHINGTON RD.
MEQUON, WISCONSIN 53092

C.S.M. #1123

BEING A PART OF THE NORTHEAST 1/4 OF SECTION 19,
TOWNSHIP 9 NORTH, RANGE 22 EAST, IN THE CITY
OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

1st Addendum to Aster Woods
Condominium Plat

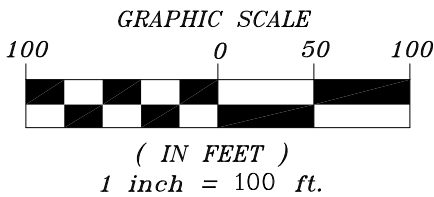
PREPARED BY:
DENNIS C. SAUER S-2421
METROPOLITAN SURVEY SERVICE, INC.
PROFESSIONAL LAND SURVEYORS AND CIVIL ENGINEERS
9415 West Forest Home Avenue, Suite 202
Hales Corners, Wisconsin 53130
PH. (414) 529-5380 FAX (414) 529-9787
email address: survey@metropolitansurvey.com



CENTERLINE CURVE DATA						
CURVE NO.	RADIUS	ARC	CHORD	1	1/2	CHORD BEARING
1	137.01'	36.66'	36.55'	15°19'54"	7°39'57.2"	S 04°53'30.1" E
2	52.72'	42.30'	41.17'	45°58'21"	22°59'10.5"	S 20°12'43.4" E
3	272.67'	33.82'	33.80'	7°06'26"	3°33'13.2"	S 06°19'40.2" W
4	272.67'	33.82'	33.80'	7°06'26"	3°33'13.2"	S 13°26'06.5" W
5	272.67'	67.64'	67.47'	14°12'53"	7°06'26.3"	S 09°52'53.4" W
6	280.00'	101.12'	100.57'	20°41'33"	10°20'46.5"	N 06°38'33.2" E
7	41.00'	168.30'	72.67'	235°11'44"	117°35'52.2"	S 79°31'57.2" W
8	1032.61'	267.86'	267.11'	14°51'46"	7°25'53.2"	N 67°32'59.8" W
9	620.00'	113.62'	113.46'	10°30'00"	5°15'00.0"	S 69°43'53.0" E
10	41.00'	168.30'	72.67'	235°11'44"	117°35'52.2"	S 15°01'57.2" W

MINIMUM SETBACKS:

25' FRONT
25' REAR
25' SIDES
30' BETWEEN BUILDINGS



Limited Common Elements (L.C.E.) Parcel 1 C.S.M. No. 1989
Limited Common Elements could not be shown in a feasible manner on this document and include the following:

- A) The sidewalk leading to the entryway of the unit(s) and the entryway itself is reserved for the exclusive use of that unit(s).
- B) The patio and/or deck, if any, adjacent to each unit is reserved for the exclusive use of that unit.
- C) The driveway adjacent to and adjoining each garage is reserved for the exclusive use of that unit.

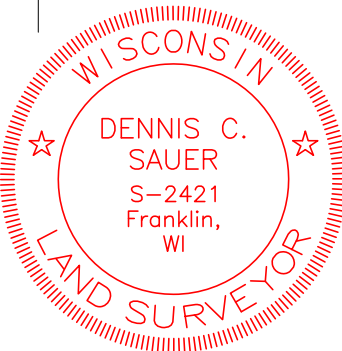
General Common Elements (G.C.E.)
General Common Elements are owned by all Units and available equally to all.

I, Dennis C. Sauer, a registered Land Surveyor, do hereby certify that I have surveyed the above described property of this condominium plat, and that this survey is an accurate representation of the exterior boundary lines and the location of the existing and proposed buildings on said property. This plat is a correct representation of ASTER WOODS CONDOMINIUM, and the identification and location of each unit and the common elements can be determined from this plat.

Dennis C. Sauer, R.L.S. 2421

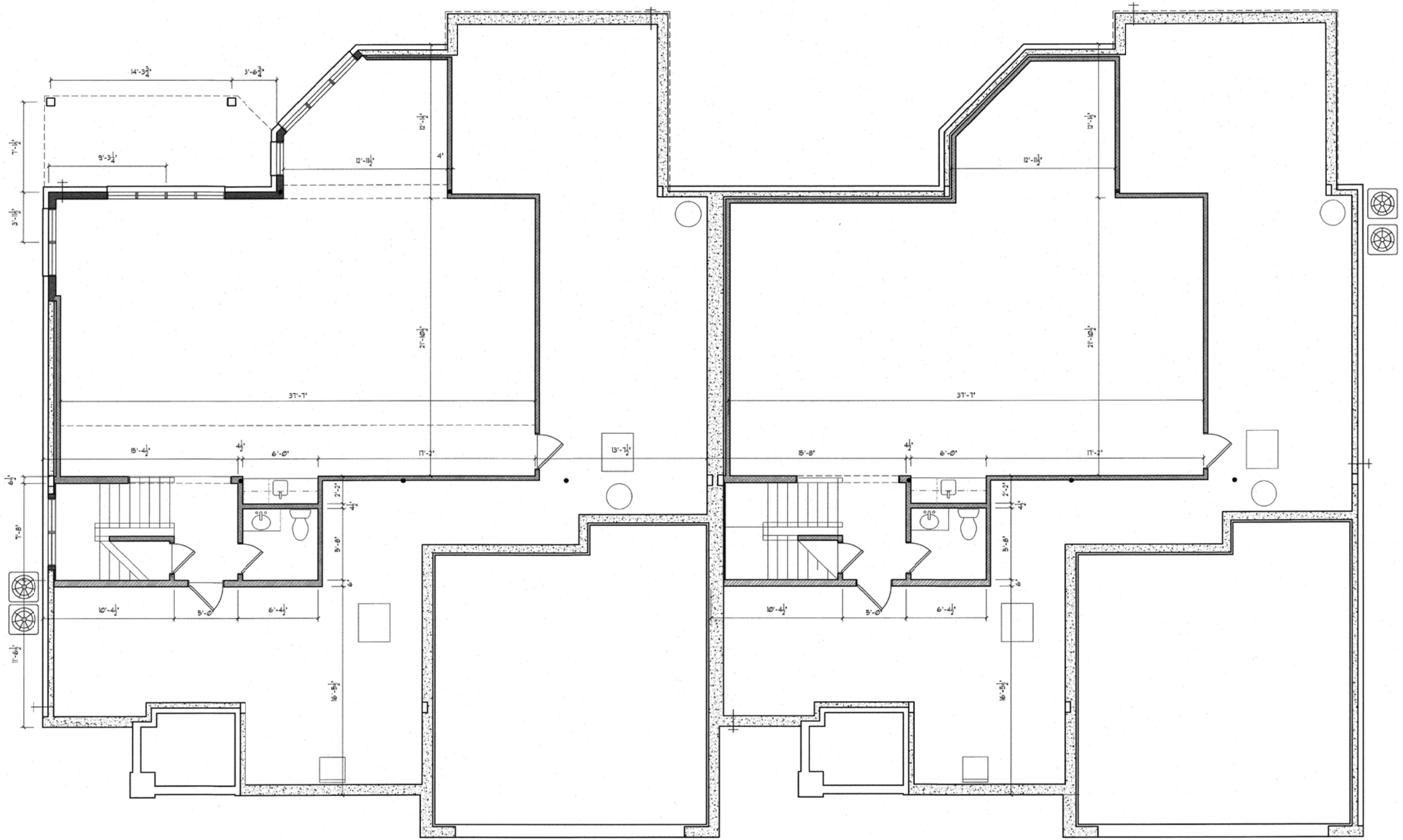
March 22, 2017

Sheet 1 of 10



*1st Addendum to Aster Woods
Condominium Plat*

BEING A PART OF THE NORTHEAST 1/4 OF SECTION 19,
TOWNSHIP 9 NORTH, RANGE 22 EAST, IN THE CITY
OF MEQUON, OZAUKEE COUNTY, WISCONSIN.



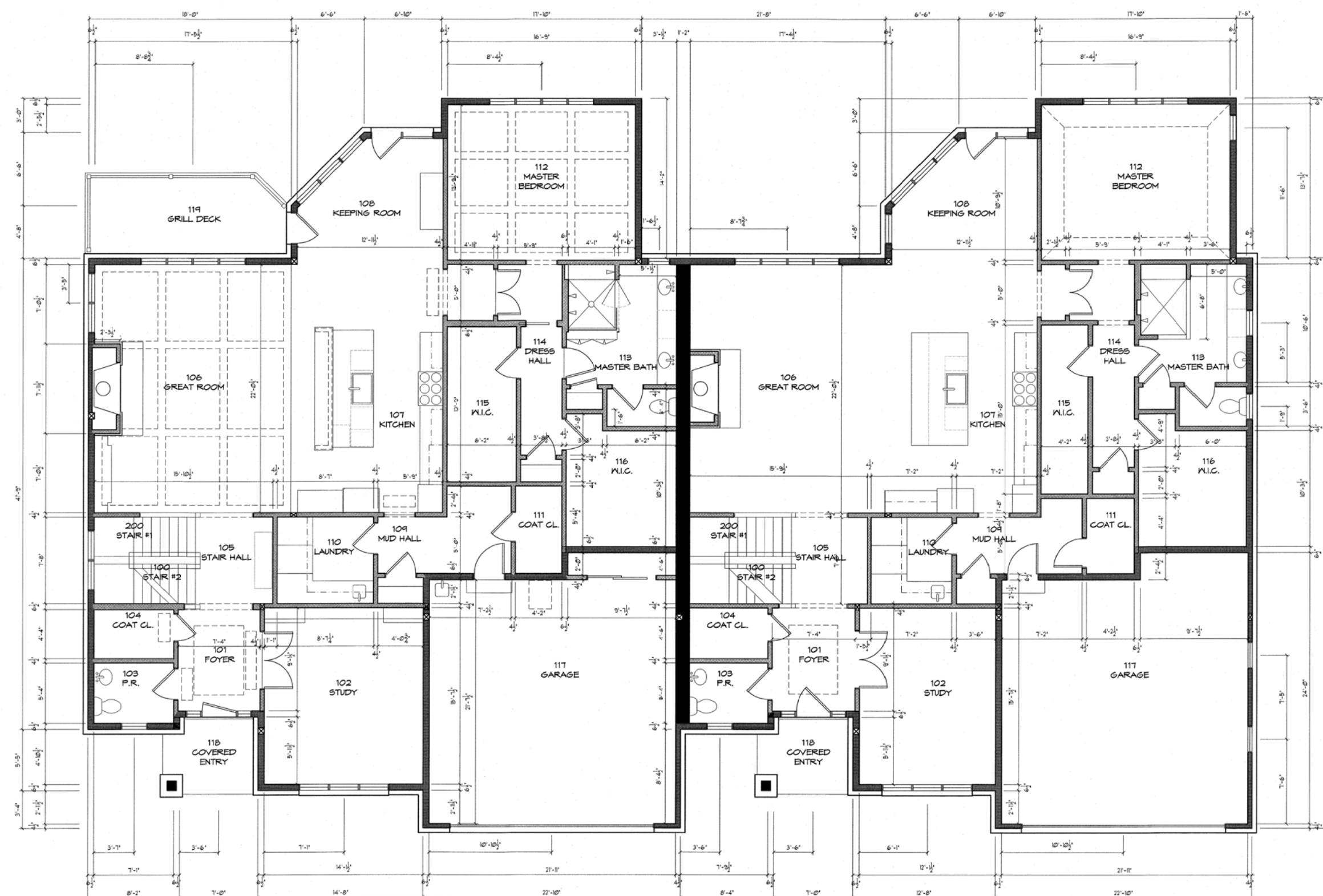
UNIT #23
1 LOWER LEVEL FLOOR (PLAN D)
2.2 1/4" = 1'-0" 1,486 S.F.

UNIT #24
1 LOWER LEVEL FLOOR (PLAN E)
2.2 1/4" = 1'-0" 1,078 S.F.

PREPARED BY:
DENNIS C. SAUER S-2421
METROPOLITAN SURVEY SERVICE, INC.
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1st Addendum to Aster Woods Condominium Plat

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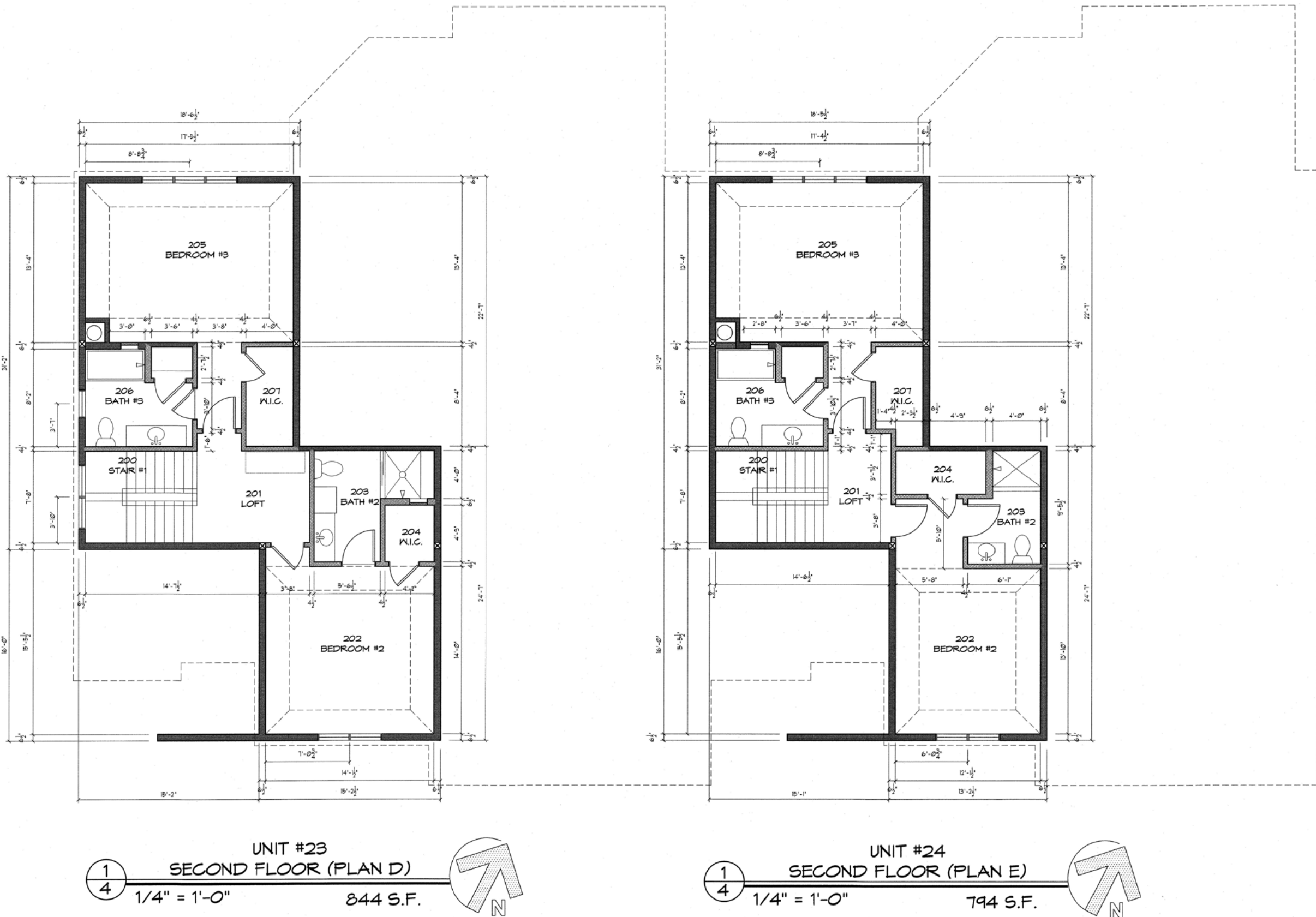
UNIT #23
FIRST FLOOR (PLAN D)
1/4" = 1'-0" 2,396 S.F.

UNIT #24
FIRST FLOOR (PLAN E)
1/4" = 1'-0" 2,294 S.F.

PREPARED BY:
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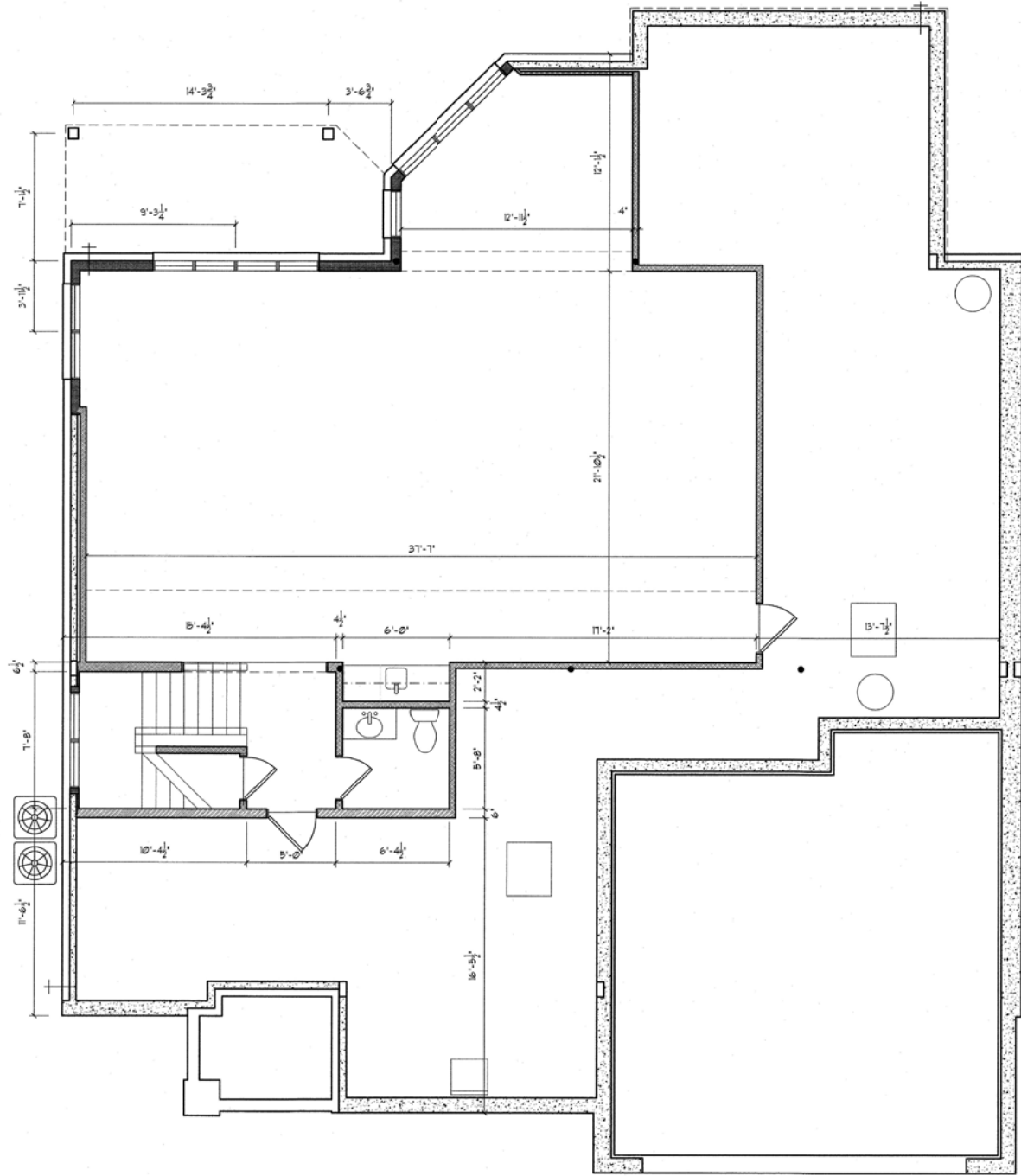
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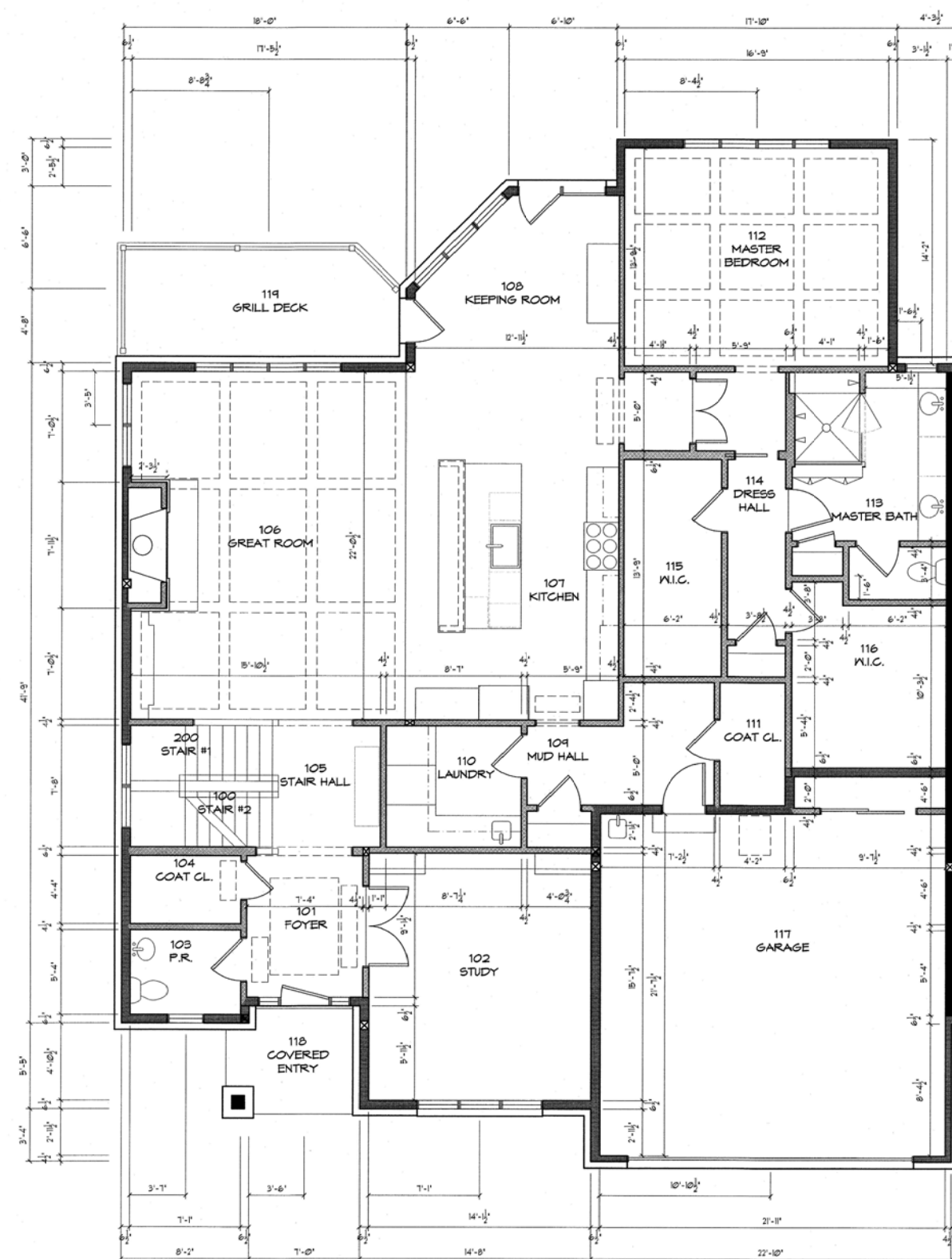


1 LOWER LEVEL FLOOR PLAN D
2.2 1/4" = 1'-0" 1,486 S.F.

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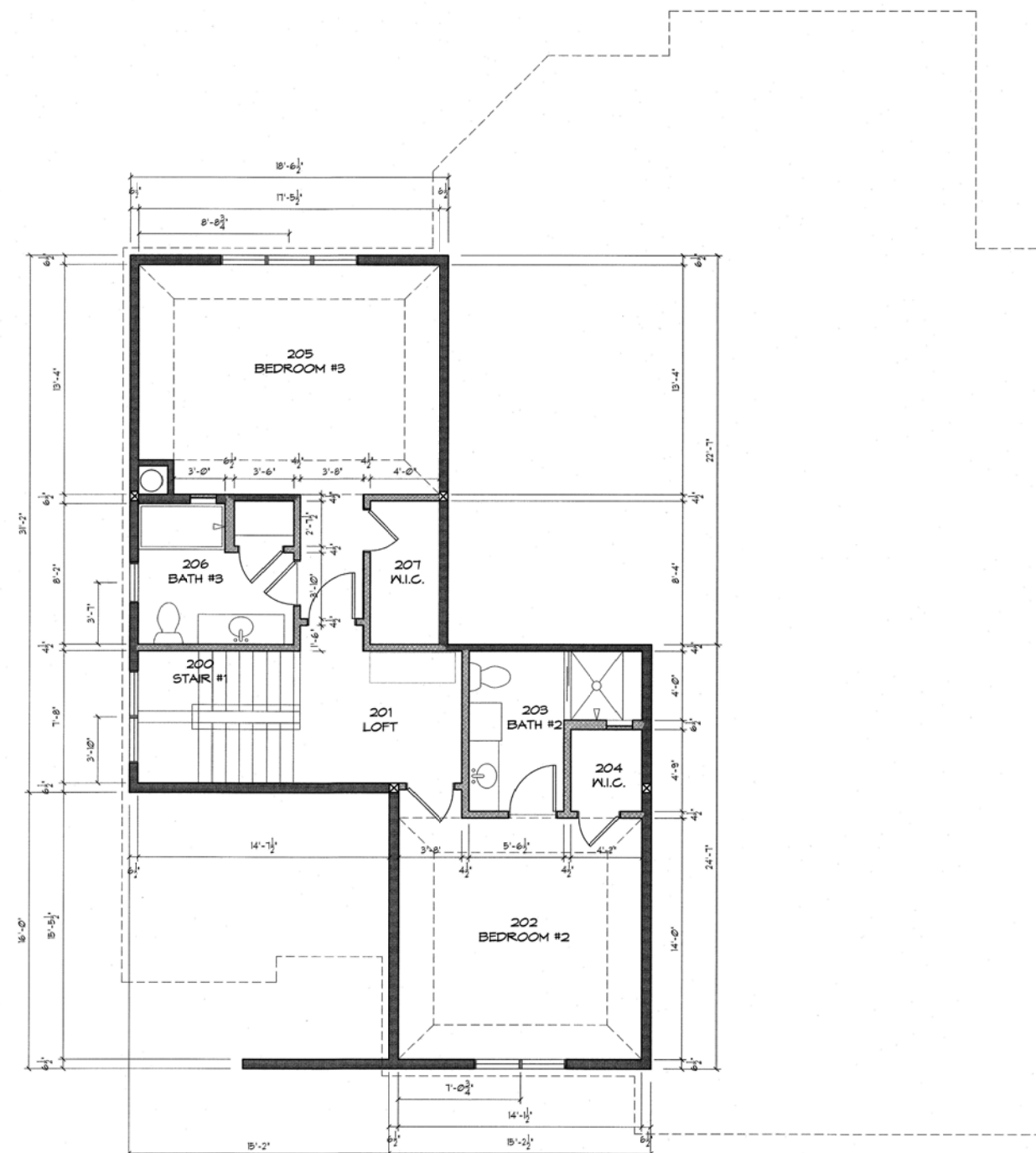


1 FIRST FLOOR PLAN D
3 1/4" = 1'-0" 2,396 S.F.

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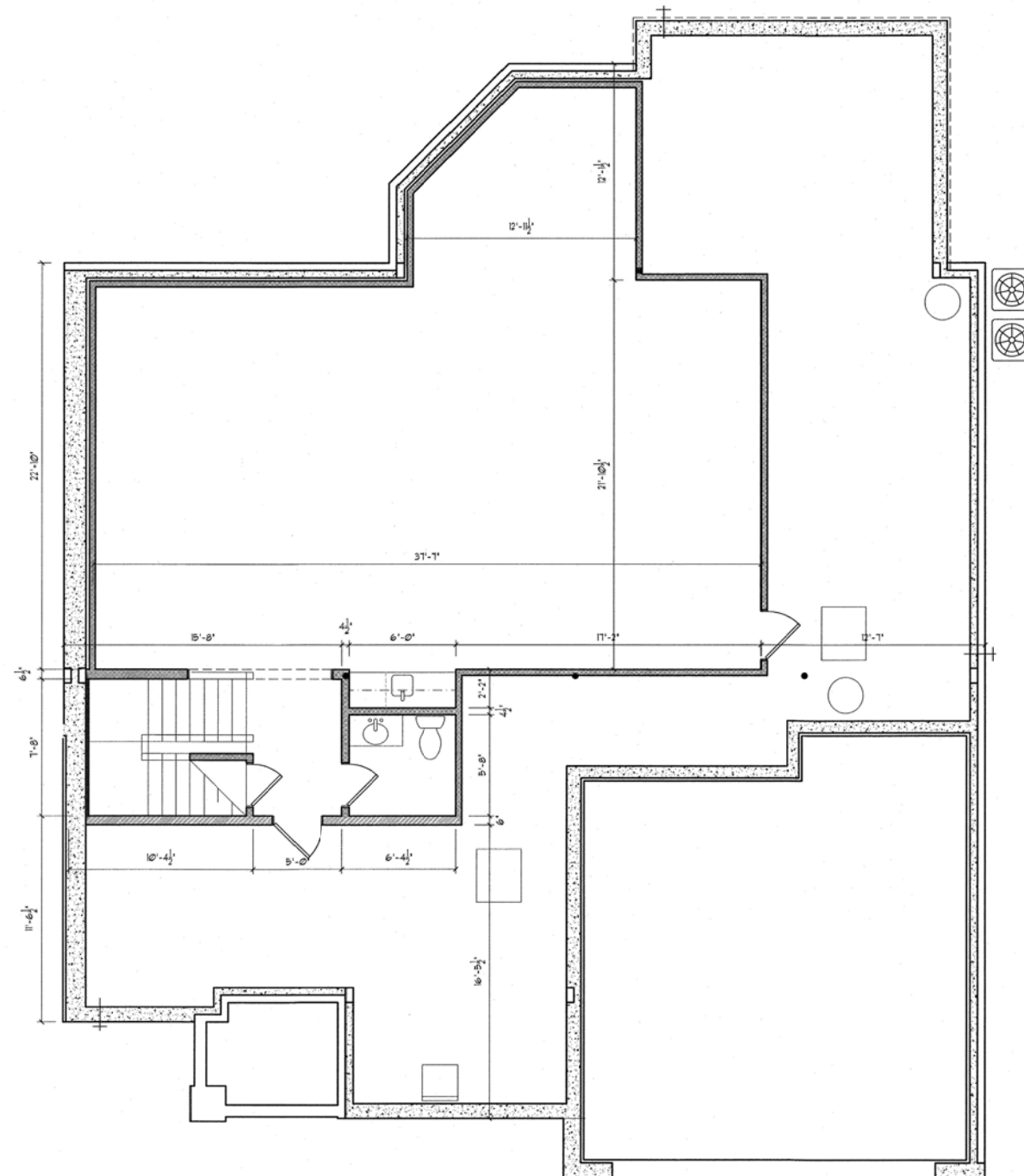


1 SECOND FLOOR PLAN D
4 1/4" = 1'-0" 844 S.F.



PREPARED BY:
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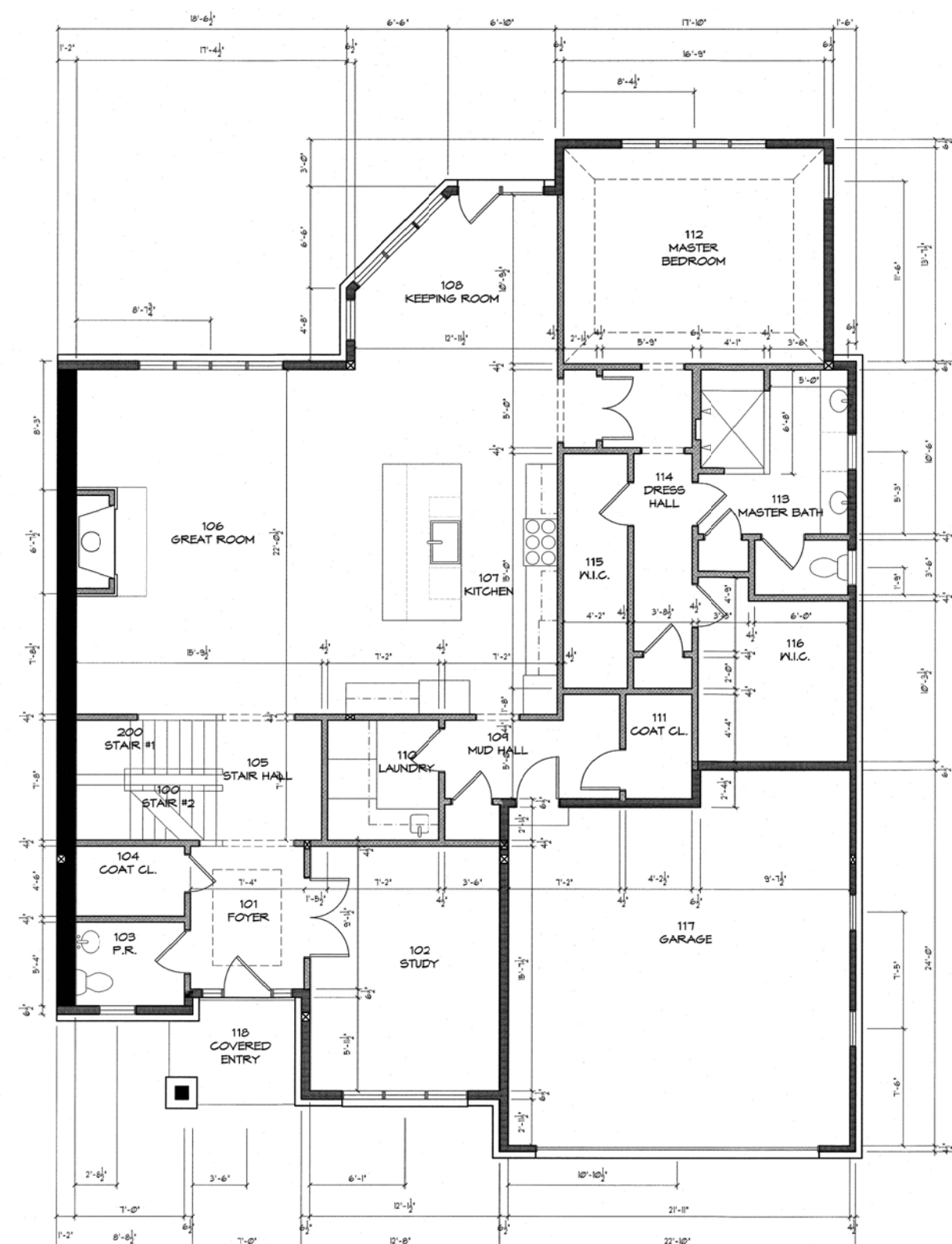


1 LOWER LEVEL FLOOR PLAN E
2.2 1/4" = 1'-0" 1,078 S.F.

Sheet 8 of 10

1st Addendum to Aster Woods Condominium Plat

BEING A PART OF THE NORTHEAST 1/4 OF SECTION 19,
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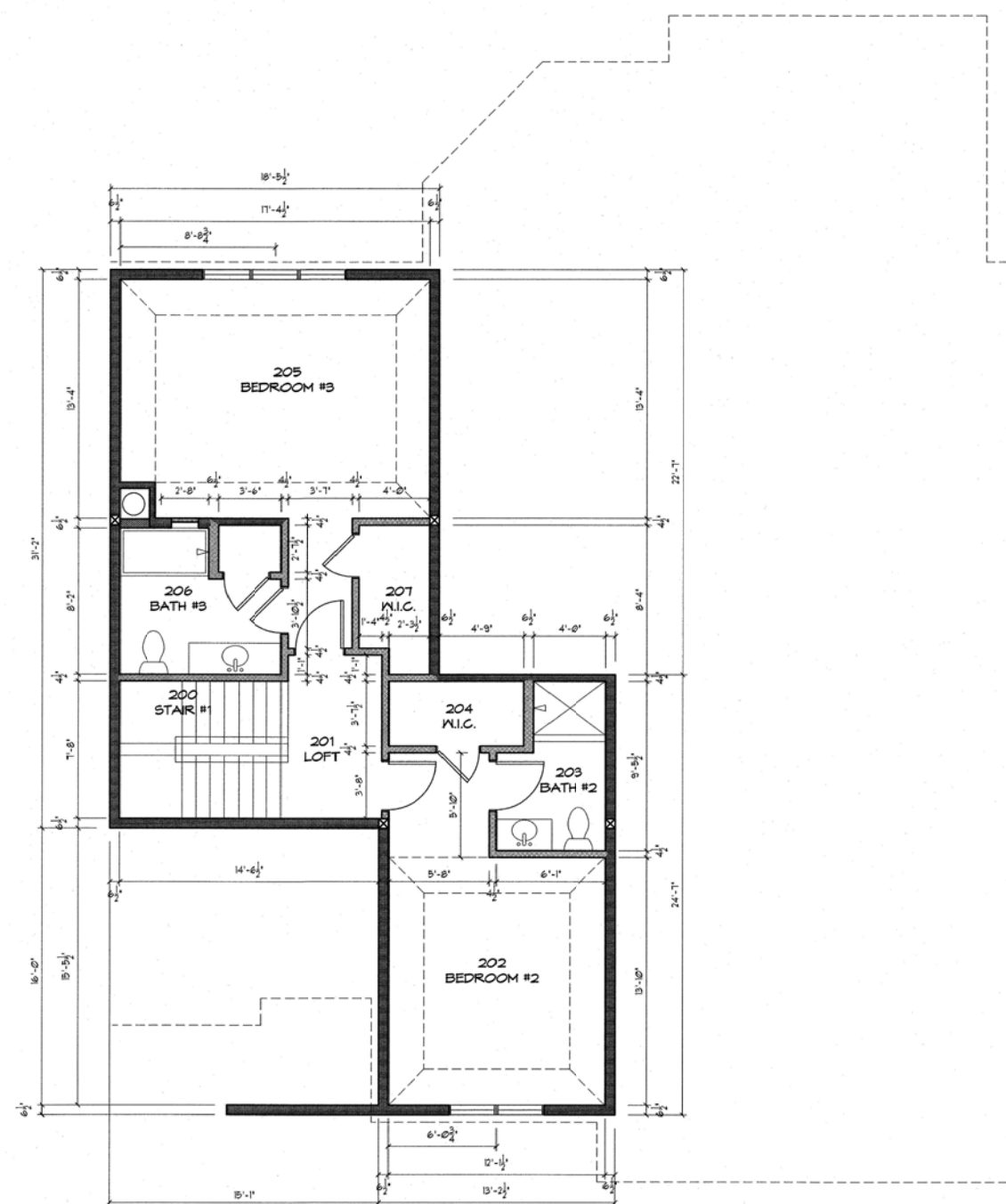


1
3 FIRST FLOOR PLAN E
1/4" = 1'-0" 2,294 S.F.

PREPARED BY:
DENNIS C. SAUER S-2421
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1st Addendum to Aster Woods Condominium Plat

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OF MEQUON, OZAUKEE COUNTY, WISCONSIN.



1 SECOND FLOOR PLAN E
4 1/4" = 1'-0" 794 S.F.

PREPARED BY:
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LEVINE & BAZELON, S.C.

JONATHAN B. LEVINE
ADAM S. BAZELON
MAUREEN S. WILLKOM
MICHELLE M. HUBER, *Legal Assistant*

8989 N. PORT WASHINGTON RD.
SUITE 211
MILWAUKEE, WISCONSIN 53217-1633
414/352-0400 (p) 877/421-0684 (f)

April 24, 2017

VIA EMAIL

To Membership of
Aster Woods Condominium Association, Inc.
c/o Gary Newman
and Samantha Hoppe

Re: Proposed Amendment to Declaration and Plat

Dear Members:

Your Board of Directors asked us to draft an amendment to your Declaration of Condominium and Plat. The purpose of this amendment is to extend the perimeter boundaries of several of the remaining, unbuilt units in your Condominium. The purpose of this letter is to provide an explanation of the amendment as well as the amendment procedures.

Amendment to Declaration and Plat

As you may know, your condominium Declaration declared a total of 32 units to be located in 16 side-by-side buildings. Of those 32 units, 8 of them remain unbuilt. The original developer has a purchaser for two of those units, which are units 23 and 24 (see the attached plat for reference). The building plans for these two units extend approximately 2 feet, 8 inches outside of the original perimeter boundaries.

Because of this extension, the City of Mequon has required the Association to amend the Declaration and Plat prior to granting a building permit. Accordingly, the Association is asking you to vote in favor of this amendment so that the building can go forward. The board of directors believes this to be in the best interest of the Association as it will take another step towards the completion of the development and will provide additional assessment income.

Further, in order to avoid having to go through this amendment procedure in the future, the plat has been amended to extend the boundaries of remaining unbuilt units 23-28. This way, if and when a new owner desires to have a similar floor plan to that proposed in units 23 and 24, they will be allowed to do so.

Aster Woods Condominium Association, Inc.
April 24, 2017
Page 2

Amendment Procedures

To accomplish this important amendment, seventy percent (70%) of all the unit owners must vote in favor of it. Each unit is entitled to one vote. Further, under Wisconsin law, votes to amend a declaration do not count unless the first mortgage lender for a unit, if any, also consents to the amendment.

To help ensure a proper vote, enclosed please find the following:

1. Mortgagee Information Sheet requesting the name and account number for your first mortgage lender. This is not an authorization to obtain financial information. If and when this amendment to the declaration passes, your Board or our firm will send out a letter to mortgage lenders requesting their approval of the Declaration amendment. We will also be asking for your assistance in obtaining this approval to help expedite the process.
2. Proxy. Please complete the attached proxy and return it to the secretary **before the time of the meeting**. (Please see the instructions in the Notice of Special Meeting). This proxy indicates that the Secretary of the Association, or a specified individual, may cast your vote regarding the proposed amendments. If you wish to participate in the meeting, you may attend the meeting and the proxy will be returned to you. However, if you complete the proxy, your vote will be cast and you do not have to attend the meeting. Even if you plan on attending, we highly encourage you to complete the proxy form. This way, a sufficient number of votes can be obtained at the meeting for a quorum and ultimately passage of the amendment (if that is the will of the members).

* * *

If you have any question, please direct them to the Board of Directors. Thank you for your consideration.

Sincerely,



Adam S. Bazelon

Attachment: Packet (2319 : Lakeside Development Company for Aster Woods Condominiums)

201704240900

DOCUMENT NO.

SECOND AMENDMENT TO
DECLARATION OF CONDOMINIUM OF
ASTER WOODS CONDOMINIUM

THIS SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM OF ASTER WOODS CONDOMINIUM ("Second Amendment") is made as of the ___ day of _____, 2017, by the members of Aster Woods Condominium Association, Inc. ("Association"), a non-stock corporation organized under and pursuant to Chapter 181 of the Wisconsin Statutes, and by Aster Woods, LLC, a Wisconsin limited liability company (the "Declarant").

THIS SPACE RESERVED FOR RECORDING DATA

RECITALS

A. The Declaration of Condominium of Aster Woods Condominium was recorded in the office of the Register of Deeds for Ozaukee County, Wisconsin ("Register of Deeds") on April 11, 2003, in Volume 1677, at Pages 404 through 433, as Document Number 749258, as amended by the First Amendment to Declaration of Condominium of Aster Woods Condominium, recorded in the office of the Register of Deeds on June 20, 2008, as Document Number 885767 (together, the "Declaration").

NAME AND RETURN ADDRESS
Adam S. Bazelon, Esq.
Levine & Bazelon, S.C.
8989 N. Port Washington Road,
Suite 211
Milwaukee, WI 53217

Parcel Identification Numbers

B. The Association was formed to govern the affairs of the Condominium, and the membership of the Association is comprised exclusively of all the Unit Owners owning Units in the Condominium.

C. Pursuant to Section 10.1 of the Declaration, written consent of Owners of Units representing at least seventy percent (70%) of the Interests in the Condominium, and, to the extent necessary, approval by their respective mortgagees, is required to amend the Declaration.

D. Pursuant to Sections 2.1(d) and 12.1(f) of the Declaration, Declarant has the authority to amend the Declaration and the Plat.

E. The original Plat for the Condominium ("Plat") was recorded with the Register of Deeds in conjunction with the Declaration.

F. The Association and Declarant desire to permit existing Land Units (*i.e.*, unbuilt units) to be constructed with floor plans that vary from the floor plans set forth in the Plat and with expanded perimeter boundaries that also vary from those set forth in the Plat;

201704240900

NOW, THEREFORE, the following amendments in and to the Declaration and Plat are hereby adopted:

1. Approval of Land Unit Boundaries and Amendment to Plat. The Association and Declarant approve and adopt the "1st Addendum to Aster Woods Condominium Plat," attached hereto as **Exhibit A**, which alters the perimeter boundaries remaining Land Units 23-28.

2. Approval of Additional Floor Plans. The Association and Declarant approve the alternative floor plans for remaining Land Units 23-28, which are attached to Exhibit A and marked as "Floor Plan D" and "Floor Plan E."

3. Successors and Assigns. The terms and conditions of this Second Amendment shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.

4. Certification. The undersigned officer of the Association hereby certifies and attests by his signature hereto that in accordance with the terms set forth in the Declaration and the Condominium Ownership Act of the State of Wisconsin, at least seventy percent (70%) of the unit owners and members of the Association have provided their written consent to this Amendment, which consent sent has been approved by the Mortgagees, to the extent required. The written consents of the members, and the consent of mortgagees, as required, are on file with the Secretary of the Association or other Board member, or agent of the Association.

[SIGNATURES AND ACKNOWLEDGMENTS BEGIN ON THE NEXT PAGE]

Attachment: Packet (2319 : Lakeside Development Company for Aster Woods Condominiums)

201704240900

IN WITNESS WHEREOF, this Second Amendment to Declaration of Condominium of Aster Woods Condominium has been executed by the duly authorized officers of the Association as of the date first set forth above.

**ASTER WOODS CONDOMINIUM
ASSOCIATION, INC.**

a Wisconsin non-stock corporation, for itself and on behalf of its members.

By: Gary Newman
Title: President

DECLARANT:

ASTER WOODS, LLC, a Wisconsin limited liability company

By: John Hiller, Manager

STATE OF WISCONSIN)
) SS
COUNTY OF OZAUKEE)

Personally came before me this ____ day of _____, 2017, the above-named Gary Newman, to me known to be the person who executed the foregoing document and acknowledge the same.

*
Notary Public, State of _____
My commission: _____

Attachment: Packet (2319 : Lakeside Development Company for Aster Woods Condominiums)

201704240900

STATE OF WISCONSIN)
) SS
 COUNTY OF OZAUKEE)

Personally came before me this ____ day of _____, 2017, the above-named John Hiller, as Manager of Aster Woods, LLC, to me known to be the person who executed the foregoing document and acknowledged the same in such capacity.

 *
 Notary Public, State of _____
 My commission: _____

This instrument was drafted by:

Adam S. Bazelon, Esq.
 Levine & Bazelon, S.C.
 8989 N. Port Washington Road
 Suite 211
 Milwaukee, WI 53217

Attachment: Packet (2319 : Lakeside Development Company for Aster Woods Condominiums)

201704240900

EXHIBIT A

Addendum to Plat

[TO BE INSERTED]

DRAFT

NOTICE OF SPECIAL MEETING TO MEMBERS

April 24, 2017

TO THE MEMBERS OF
ASTER WOODS CONDOMINIUM ASSOCIATION, INC.:

Notice is hereby given that a Special Meeting of the Members of Aster Woods Condominium Association, Inc. ("Association") will be held at **7 p.m.** on **May 4, 2017** at the home of Todd and Shelley Parrish located at **1574 W. Aster Woods Court, Mequon, WI.**

The purpose of the meeting is:

To vote on an amendment to the Declaration and plat.

This meeting is called by the Board of Directors of the Association pursuant to Article III, § 3.4 of the Bylaws.

You are encouraged to attend the meeting *and* to sign the enclosed proxy. (Your proxy will be returned if you attend the meeting in person).

Please fill out the proxy and return by prior to the meeting. Proxies must be returned to the secretary (care of the property manager) by one of the following methods:

Via fax: 262-238-1485

Via email (by pdf): samantha@huntmanagement.com

Via mail:

Samantha Hoppe

10520 N. Baehr Road Suite Q

Mequon, WI 53092

(If you are mailing you ballot, please put in the mail with sufficient time for it to be received by the deadline).

Attachment: Packet (2319 : Lakeside Development Company for Aster Woods Condominiums)

TO: Planning Commission
FROM: JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT
DATE: May 8, 2017
SUBJECT: Bonnilake Real Estate for Spirit Lake International, LLC. The applicant is seeking grading plan approval for a 4-lot land division

Applicant: Bonnilake Real Estate, LLC
Status of Applicant: Agent
Requested: Minor Request
Grading Plan

Existing Use: Vacant
Existing Zoning: R-3 (Suburban Residential)
Land Use Plan: Residential 1-1.5 acres
Lot size: 8 acres
Location: 9805 N. Cedarburg Road
Tax Key: #14-050-13-050.04
District: #6

Background:

The applicant is requesting grading plan approval for a previously approved four lot land division at 9805 N Cedarburg Road. The Planning Commission approved the Certified Survey Map on June 13, 2016. Due to concerns of adjacent neighbors, the Planning Commission required, as a condition of approval, that the grading be submitted for their approval.

The grading plan includes a private driveway and building pads for each of the lots. Due to the number of lots accessing the driveway, it shall be built to private road dimensions. The private road shall extend west to the property line for Lot 4. Currently, Lot 4 does not have legal access to Arrowwood Road. Until such time that documentation of legal access is provided to the City, Lot 4 must access Cedarburg Road via the private road.

The Wisconsin Department of Transportation (WisDOT) required that the existing driveway for the CBRF to the north of the Spirit Lake development must be abandoned and a connection made to the private road. The grading plan should be updated to show the existing driveway abandonment and the new driveway construction. The grading plan should also include the grading for the abandonment of the existing greenhouse driveway.

As is required for master grading plans for subdivisions, the top of wall elevations for the proposed home shall be provided on the plans. The elevations, in combination with the yard grades that were provided on the plans, allow the Engineering Division to confirm conformance when the individual lot grading plans are submitted at the time of building permit.

To ensure proper grading and drainage, the grading plan shall include a swale between the lots directing runoff to the existing ditch along the south of the property line, or to a defined ditch along the south of the proposed private road. Additional contours or spot grading shall be provided to define the stormwater conveyance along the private road and between the private road and the north property line. In addition, the sump pump discharge locations shall be included on the plan.

A stormwater management plan (SWMP) is required for the site. The grading plan indicates that the proposed area of disturbance is 0.92 acres, not including the individual home sites. The threshold for requirement of a SWMP is 1.0 acres of disturbance, which would be achieved through home construction. In addition, the requirement to increase the width of the private road west of where it currently is shown to narrow down, and the potential for the homes to be constructed larger than the building pads show, the increase in impervious surface will increase beyond the 0.495 acres currently estimated. Any development increasing impervious surfaces by more than 0.5 acres require a SWMP.

The individual lot grading shall be updated to show contours in a more natural form with contours that are more undulating. As shown, the building pads are elevated in a consistent linear pattern surrounding the building pad and a consistent linear pattern from lot to lot. It is unlikely that the ultimate design would be consistent with this design.

Staff Recommendation:

Staff recommends **approval** of the grading plan subject to the following conditions:

1. Construction of the access to private road dimensions and standards.
2. Extension of the private road to the eastern property line of Lot 4. If documentation of legal access to Lot 4 from Arrowwood Road is provided, the private road may terminate at the eastern property line of Lot 3.
3. The plan shall include the grading details for the abandonment of the existing driveway and the construction of a new driveway for the property to the north.
4. The plan shall provide additional grading detail for the abandonment of the existing greenhouse driveway.
5. Top of wall elevations shall be provided on the plan.
6. Sump pump discharge locations shall be shown on the plan.
7. Swales shall be provided between the lots to provide drainage away from the building pads.
8. The plan shall provide additional grading detail to ensure proper drainage along the proposed private road.
9. The individual lot grading should be soft and serpentine.
10. Approval of a storm water management plan for the site in conformance to City ordinances and MMSD Chapter 13, including execution of a Storm Water Facilities Maintenance and Easement Agreement is required.
11. The developer shall provide a drainage financial guarantee. The financial guarantee shall be in an amount equal to 125 percent of the estimated cost of construction and maintenance of the stormwater management practices.

The certified survey map was previously approved subject to the following conditions:

1. No further land division of the property shall be permitted for five years unless a subdivision plat is filed.
2. No access to Arrowwood Road shall be permitted until a shared access and maintenance agreement, signed by all affected parties, is recorded with the Register of Deeds.
3. The applicant shall make any technical corrections to the final CSM.

4. Final review of the Certified Survey Map by the City prior to recording.
5. The applicant shall submit an electronic file for the proposed certified survey map in a format compatible with AutoCAD 2000 dwg or dxf in Wisconsin State Plane Coordinate system. South Zone (NAD 27).
6. Compliance with the Tree Preservation Ordinance.
7. Any technical corrections identified by staff shall be made to the final CSM.
8. Access shall be provided to all lots. Private Driveway Easements and Private Driveway Maintenance Agreements shall be executed for all lots prior to recordation of the CSM.
9. A private roadway will be required if five or more lots connect to a single access point. Private roadways must be built in accordance with the City of Mequon Standard Specifications for Land Development.
10. Engineering Department approval of the completed grading plan.
11. Permittee must notify the Engineering Department before starting any land disturbing activity and again not more than five days after project completion.
12. Work must be complete on or before the date specified by the City on the permit.
Requests for extensions must be made in writing.
13. Permittee shall keep a copy of the permit on site at all times.
14. The City or the Wisconsin Department of Natural Resources (WDNR) may revoke the permit for non-compliance.
15. The City Engineer reserves the right to stop work, amend or alter construction measures.
16. All deliveries of fill and materials shall be made from Cedarburg Road.
17. The development is in sanitary sewer service area and thus all lots shall connect to the system. The applicant shall obtain the necessary approval and permits for the installation of the sanitary sewer from the various regulatory agencies. Easements will be required for any public main extensions.
18. Application for and approval of a City erosion control permit, subject to applicable fees and conditioned upon WDNR issuance of a WRAPP permit.
19. WisDOT right-of-way permit for any utility or construction within the right-of-way.
20. If the proposed development includes ½ acre or more of new impervious surface, the approval of a storm water management plan for the site in conformance to City ordinances and MMSD Chapter 13, including execution of a Storm Water Facilities Maintenance and Easement Agreement is required.

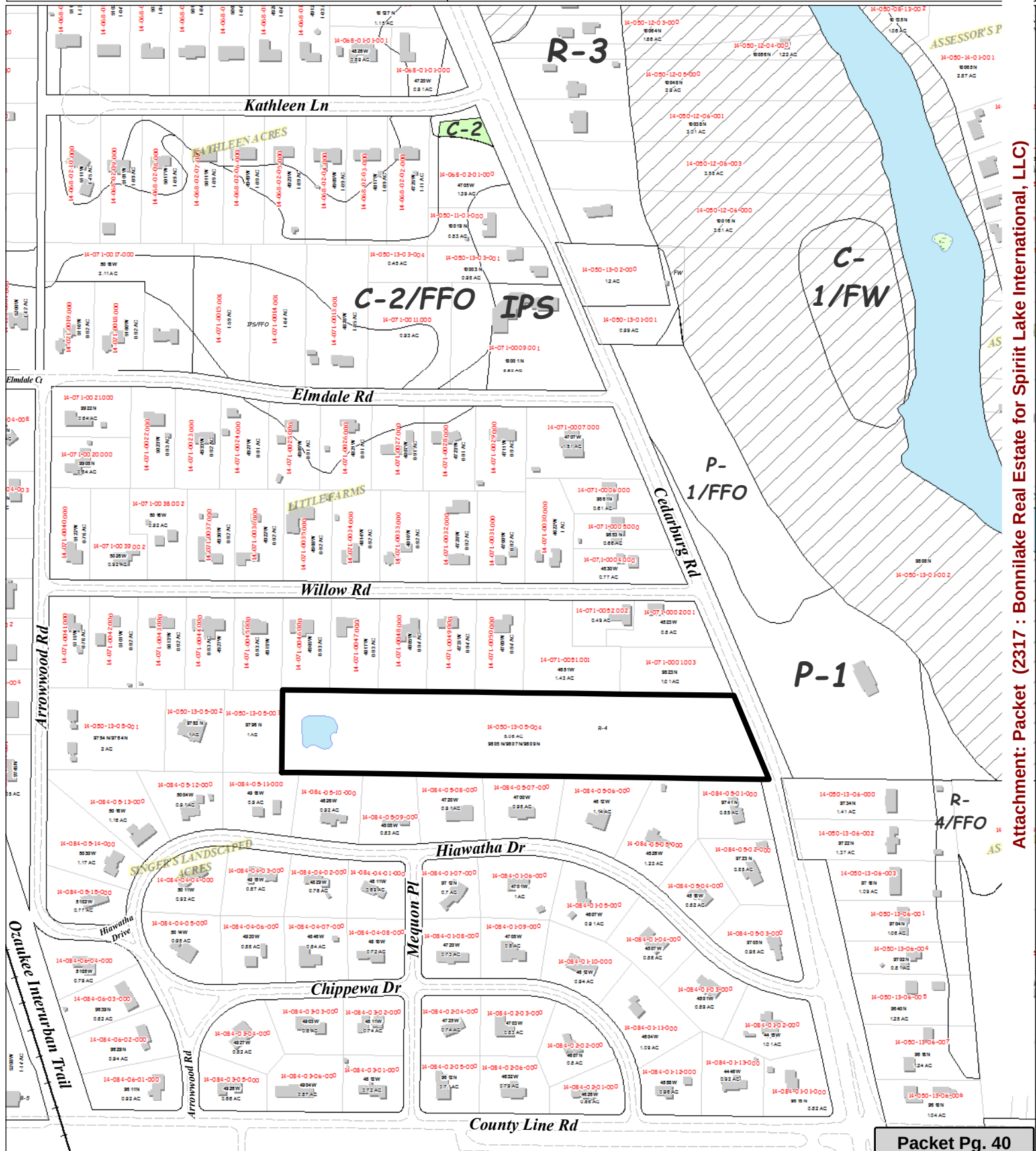
Attachments:
Packet (PDF)

Item 4 - Bonnilake Real Estate, LLC

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

3.a.a

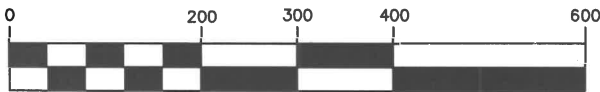


CERTIFIED SURVEY MAP NO. _____

A REDIVISION OF LOT 4 OF CERTIFIED SURVEY MAP NO. 3524, BEING A PART THE SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWN 9 NORTH, RANGE 21 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN



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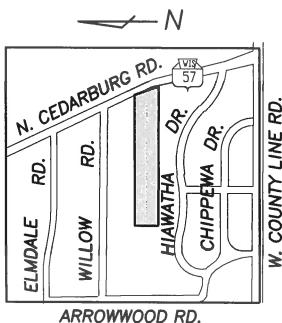
SCALE 1" = 200'



LEGEND

- —DENOTES 1.315"X18" STEEL PIPE WEIGHING 1.13 LBS. PER LINEAL FOOT (SET)
- —DENOTES 1.3" STEEL PIPE (FOUND)
- —DENOTES STONE MONUMENT FOUND
- () —DENOTES ALSO RECORDED AS

ALL BEARINGS REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (WEST LINE OF THE SE. 1/4 OF SECTION 35-9-21 WHICH BEARS S0°50'47"E)



LOCATION MAP

SE. 1/4 SEC. 35-9-21
(SCALE 1"=2000')

NOTES :

- CURRENT ZONING:
R-4 (SUBURBAN RESIDENTIAL DETACHED DISTRICT)
- THIS PROPERTY IS ALSO SUBJECT TO EASEMENTS OF RECORD.

SETBACK NOTE :

FRONT YARD = 100.0'
REAR YARD = 20.0'
SIDE YARD = 20.0'

OWNER :

SPIRIT LAKE INTERNATIONAL, LLC
520 W. BONNIWELL RD.
MEQUON, WI. 53097

HATCHING DENOTES EXISTING 40.0' SEWER EASEMENT AND SHARED ACCESS EASEMENT RECORDED BY OTHER INSTRUMENT

NW. CORNER OF THE SE. 1/4 OF SECTION 35-9-21 CONC. MONUMENT WITH BRASS CAP

(ALSO REC. AS S0°05'W & SOUTH)

S0°50'47"E 1339.12'

WEST LINE OF THE SE. 1/4 OF SECTION 35-9-21

S0°50'47"E 2639.75' TOTAL

ARROWWOOD ROAD

**N. CEDARBURG RD.
S.T.H. "57"**

REFERENCE LINE PER R.O.W. PLAT PROJECT NO. T02-2(9)

CURVE DATA

①
RAD. = 2804.77'
L.C. = 246.46'
L.C.B. = S21°44'13"E
DELTA = 5°02'11"

LOT 1

49,055± SQ. FT.
1.126± ACRES

LOT 2

43,765± SQ. FT.
1.005± ACRES

LOT 3

43,779± SQ. FT.
1.005± ACRES

LOT 4

214,687± SQ. FT.
4.929± ACRES

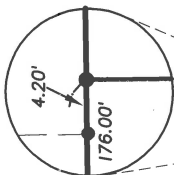
BLOCK 5 - SINGER'S LANDSCAPED ACRES

MAP OF LITTLE FARMS

60.0' SEWER EASEMENT AND SHARED ACCESS EASEMENT RECORDED BY OTHER INSTRUMENT

STORM WATER POND EASEMENT RECORDED BY OTHER INSTRUMENT

POND



N0°46'12"W 248.43'

CSM NO. 3524

SW. CORNER OF THE SE. 1/4 OF SECTION 35-9-21 ALUMINUM MONUMENT

CERTIFIED SURVEY MAP NO. _____

A REDIVISION OF LOT 4 OF CERTIFIED SURVEY MAP NO. 3524, BEING A PART OF THE SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWN 9 NORTH, RANGE 21 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I, James G. Schneider, Professional Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped the following parcel of land:

A redivision of Lot 4 of Certified Survey Map No. 3524, being a part the Southwest 1/4 and Southeast 1/4 of the Southeast 1/4 of Section 35, Town 9 North, Range 21 East, in the City of Mequon, Ozaukee County, Wisconsin, bounded and described as follows:

Commencing at the Northwest corner of said ¼ Section; thence S0°50'47"E (also recorded as S0°05'W and South) along the West line of said ¼ Section, 1339.12 feet to the westerly extension of the South line of the "Map of Little Farms" a recorded subdivision and the North line of Certified Survey Map (CSM) No. 3524; thence N89°13'48"E (also recorded as S89°50'25"E), along the South line of said subdivision and the North line of said CSM, 729.50 feet to the Northwest corner of Lot 4 of said CSM, said point also being the point of beginning of lands to be described; thence continuing N89°13'48"E (also recorded as S89°50'25"E) along the South line of said subdivision and the North line of said Lot 4, 1355.82 feet to a point in the Westerly right of way line of N. Cedarburg Road-(S.T.H. "57"); thence S24°19'15"E along said West line, 22.84 feet to a point of curvature; thence Southeasterly along said West line, being the arc of a curve to the right (having a radius of 2804.77 feet, a chord of 246.46 feet, which bears S21°44'13"E) 246.54 feet to a point in the Easterly extension of the North line of "Singer's Landscaped Acres" a recorded subdivision and the Southeast corner of said Lot 4; thence S89°20'05"W (also recorded as N89°44'14"W) along said subdivisions North line and the South line of said Lot 4, 1453.12 feet to the Southwest corner of said Lot 4; thence N0°46'12"W along the West line of said Lot 4, 248.43 feet to the point of beginning.

Said lands containing 8.064 acres of land, more or less.

That I have made such survey, land division, and plat at the direction of Spirit Lake International, LLC, OWNER of said lands.

That such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have complied with, Chapter 236.34 of the Wisconsin Statutes and the requirements of the City of Mequon.

James G. Schneider S-2127

This instrument was drafted by James G. Schneider

Attachment: Packet (2317 : Bonnilake Real Estate for Spirit Lake International, LLC)

CERTIFIED SURVEY MAP NO. _____

A REDIVISION OF LOT 4 OF CERTIFIED SURVEY MAP NO. 3524, BEING A PART OF THE SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWN 9 NORTH, RANGE 21 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

CORPORATE OWNER’S CERTIFICATE

I, Frederick Bersch (Member) of Spirit Lake International, LLC, OWNER, do hereby certify: THAT, I have caused the lands described in the foregoing certificate of James G. Schneider, Surveyor, to be surveyed, divided and mapped.

WITNESS the hand and seal of said OWNERS on this _____ day of _____, 20____.

Witness

Frederick Bersch (Member)

STATE OF WISCONSIN)
OZAUKEE COUNTY)^{ss}

PERSONALLY came before me on this _____ day of _____, 20____ the above named Frederick Bersch (Member) to me known to be the person who executed the foregoing certificate and acknowledged the same.

Notary Public

My Commission expires _____

CITY OF MEQUON PLAN COMMISSION APPROVAL

APPROVED by the City of Mequon Plan Commission on this _____ day of _____ 20____.

Chairman

Secretary

This instrument was drafted by James G. Schneider



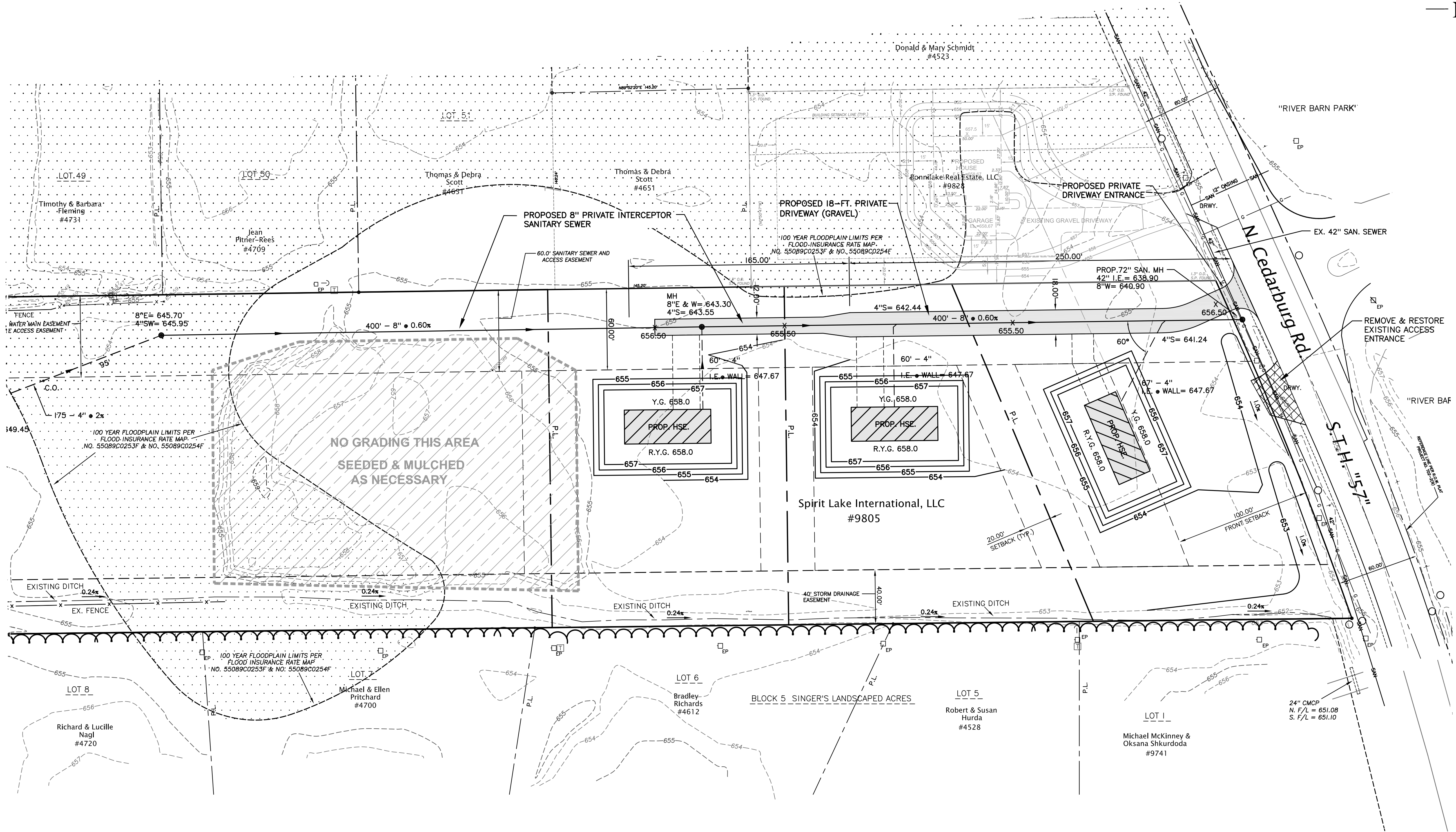
Know what's below.
Call before you dig.

CERTAIN UNDERGROUND STRUCTURES HAVE BEEN LOCATED ON THE DRAWING. THESE LOCATIONS SHALL NOT BE TAKEN AS CONCLUSIVE. VERIFICATION TO THE SATISFACTION OF THE CONTRACTOR OF ALL UNDERGROUND STRUCTURES, WHETHER SHOWN ON THE DRAWING OR NOT, SHALL BE ASSUMED AS A CONDITION OF THE CONTRACT.



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Site Plan

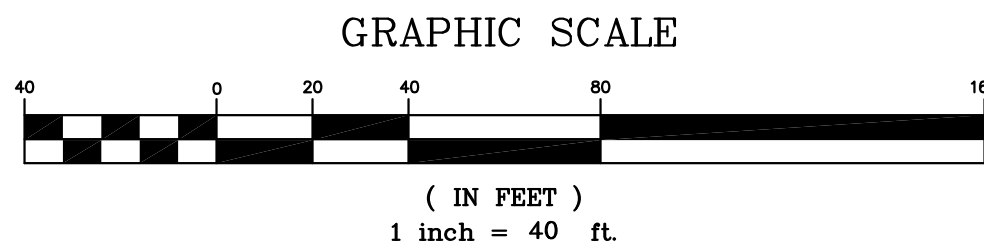


SITE NOTE:

- 1.) PROPOSED IMPERVIOUS AREA THIS PROJECT = 21,575 S.F. (.495 AC.)
- 2.) PROPOSED AREA OF DISTURBANCE = 40,050 (0.92 AC.)
(NOTE: NOT INCLUSIVE OF INDIVIDUAL HOMESITES)

Legend

- 653 --- EXISTING MINOR CONTOUR
- 655 --- EXISTING MAJOR CONTOUR
- 651 --- PROPOSED MINOR CONTOUR
- 655 --- PROPOSED MAJOR CONTOUR



NORTH SHORE ENGINEERING, INC.
Consulting Engineers & Land Surveyors
11433 N. Port Washington Rd., Mequon, Wisconsin, 53092
(262) 241-9400 • FAX: (262) 241-5337

REVISIONS				
MK	DATE	BY	REVISION	CHK'D
1				

CITY OF MEQUON				
OSAUKEE COUNTY			WISCONSIN	
Spirit Lake International, LLC				
Proposed Master Grading Plan				
Spirit Lake Homes				
9805 N. Cedarburg Rd. - S.T.H. "57"				
(Former Heyden Nursery Property)				
DESIGNED: J.W.	DRAWN: J.W.	CHECKED: J.W.H.	SHEET C1	
DATE: 4-10-2017	SCALE: 1"=40'			
APPROVED:	PROJECT: <i>LS-3731</i>			2



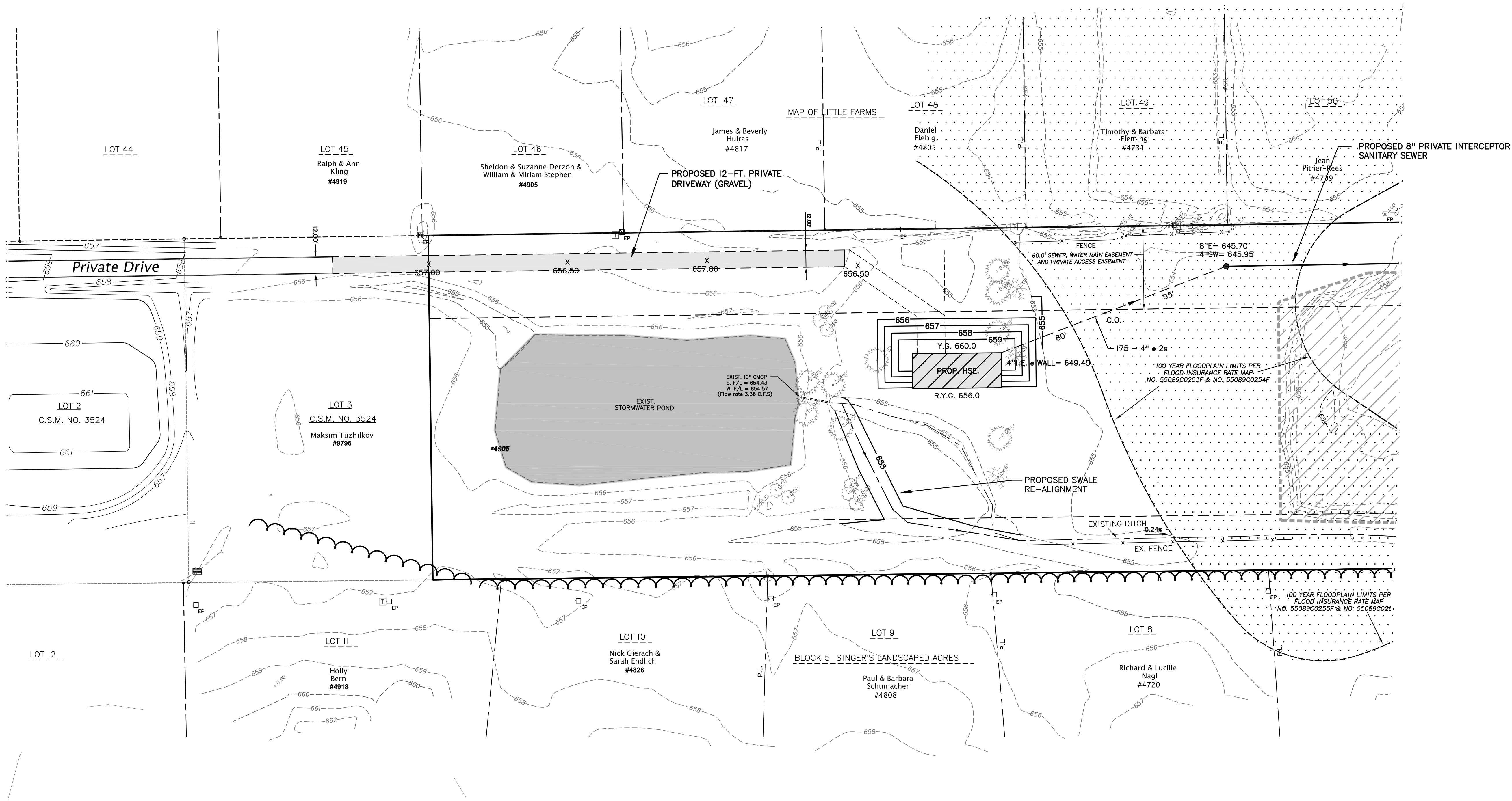
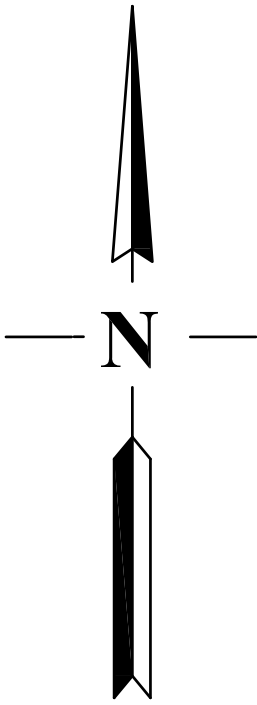
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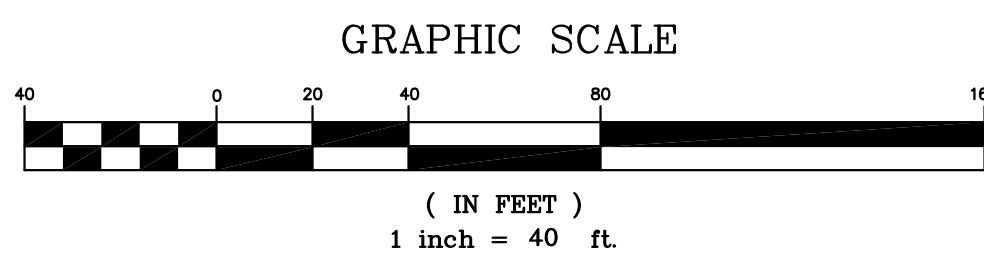
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Site Plan



Legend

- 653 ----- EXISTING MINOR CONTOUR
- 655 ----- EXISTING MAJOR CONTOUR
- 651 ----- PROPOSED MINOR CONTOUR
- 655 ----- PROPOSED MAJOR CONTOUR



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REVISIONS				
MK	DATE	BY	REVISION	CHK'D
△				

CITY OF MEQUON			
OSAUKEE COUNTY		WISCONSIN	
Spirit Lake International, LLC			
Proposed Master Grading Plan			
Spirit Lake Homes			
9805 N. Cedarburg Rd. - S.T.H. "57"			
(Former Heyden Nursery Property)			
DESIGNED: J.W.	DRAWN: J.W.	CHECKED: J.W.H.	SHEET
DATE: 4-10-2017	SCALE: 1"=40'		C2
APPROVED:	PROJECT: LS-3731		
			2



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

www.ci.mequon.wi.us

Office of Community Development

TO: Planning Commission
FROM: JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT
DATE: May 3, 2017
SUBJECT: The City of Mequon is seeking a text amendment to Chapter 2 of the City of Mequon Code of Ordinances related to the establishment and operation of the Planning Commission.

Background: In connection with its efforts to standardize the ordinances that govern the City's boards and commissions, the Public Welfare Committee is seeking input from the Planning Commission to the proposed modifications in Article IV, Chapter 2 of the Mequon Municipal Code (see attached). Based on staff's review of the proposed ordinance, the only substantive change is in Sec. IV.03 (c) which states:

(c) No more than two citizen members may reside in any one aldermanic district, and no more than one aldermanic district may have two citizen members.

The current ordinance which pertains to this issue is Section 2.07 3 (h) which states the following:

(h) No more than two (2) citizen members, excluding the registered architect, may be from any one aldermanic district; however no more than one aldermanic district may have two (2) citizen members and the district the registered architect resides in may not have more than one citizen member other than the registered architect.

The current make-up of the Planning Commission would not be in compliance with the proposed changes since there are two members residing in District 5 and 6. This is due to the fact that, under the current proposal, the registered architect is no longer excluded from the calculation related to the number of citizen members in a district.

It is Staff's recommendation to keep the existing language in 2.07 3 (h) as it relates to the membership of the Planning Commission.

The Public Welfare Committee is requesting that each board or commission entertain a formal motion to approve the proposed changes as submitted or with revisions agreed to by a board or commission.

Attachments:
Planning Commission (00666727xC3B04) (PDF)

PLANNING COMMISSION

Attachments:

1. New charter ordinances (Secs. IV.01 through IV.05)
2. General provisions
3. Other changes to Chapter 58, including without limitation changes to the architectural board (Sec. 58-40), board of appeals (Sec. 58-41) and landmarks commission (Secs. 58-724 through 58-734)
4. Ordinance in Chapter 2 making note of new charter ordinance (Sec. 2-721)
5. New architectural board ordinances
6. New board of appeals ordinances
7. New landmarks commissions ordinances
8. Existing charter ordinance (No. 2010-1312)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE NO. _____

A CHARTER ORDINANCE AMENDING THE PROVISIONS OF THE
MEQUON CODE OF ORDINANCES THAT ESTABLISH
THE PLANNING COMMISSION

THE COMMON COUNCIL OF THE CITY OF MEQUON, OZAUKEE COUNTY, STATE OF WISCONSIN, ORDAINS AS FOLLOWS:

SECTION I:

Charter Ordinance Article IV (formerly also known as Sec. 2.07) is deleted and replaced in its entirety with the following:

ARTICLE IV. – PLANNING COMMISSION

State Law reference - Wis. Stat. § 62.23(1)(a).

Sec. IV.01. - Creation.

The city shall have a commission known as the “City of Mequon Planning Commission.”

Sec. IV.02. - Purpose.

The commission shall, in accordance with Wis. Stat. §§ 62.23 and 66.1001 and chapter 58 of this code, carry out planning and oversight for the orderly physical development of the city and areas of its extra-territorial jurisdiction.

Sec. IV.03. – Membership.

- (a) The commission shall consist of the following eight voting members:
 - (1) The chair, as determined as set forth below;
 - (2) Six citizen members nominated by the mayor; and
 - (3) One aldermanic representative.
- (b) At least one of the six citizen members shall be a registered architect. The mayor shall consider nominating as one of the six citizen members, but shall not be required to so nominate, a member of the natural resources board, or a person with recognized

qualifications and experience in landscape architecture, horticulture, environmental science or a similar discipline.

- (c) No more than two citizen members may reside in any one aldermanic district, and no more than one aldermanic district may have two citizen members.
- (d) Whenever the common council adopts a resolution by which it asserts extraterritorial zoning authority pursuant to Wis. Stat. § 62.23(7a), or whenever the common council undertakes to amend the land use plan, zoning classifications or zoning regulations for lands in the extraterritorial jurisdiction of the city, the mayor may nominate up to three additional alternate members. Such appointees shall serve until the earlier of:
 - (1) The rescission by the common council of the resolution providing notice of intent to assert extraterritorial zoning authority, or
 - (2) The adoption or amendment by the common council of a land use plan and zoning classifications and regulations for the lands in the extraterritorial jurisdiction, or discontinuance of such effort to enact or amend the land use plan or zoning classifications or regulations previously enacted for lands in the extraterritorial jurisdiction of the city, or
 - (3) The expiration of two years after the effective date of an interim zoning ordinance enacted by the common council pursuant to Wis. Stat. § 62.23(7a)(b), or one year after the effective date of any extension of any such ordinance.

Sec. IV.04. – Chapter 2, article IX, division 1.

- (a) The provisions of chapter 2, article IX, division 1 shall apply to the commission as if fully set forth in this ordinance; however, to the extent of any inconsistency between any provision of this ordinance and a provision of such division, the provision in this ordinance shall govern.
- (b) Notwithstanding the foregoing, Sec. 2-425(a) shall not apply to the commission. The mayor shall either serve as the chair or shall, at the organizational common council meeting, appoint one additional citizen member to serve as the chair. If the mayor appoints a chair other than himself or herself, the chair shall serve until the organizational common council meeting following appointment. If the mayor appoints a chair other than himself or herself, and a vacancy occurs in such office, the mayor shall fill the vacancy either by serving as chair or by appointing a replacement chair for the balance of such term.

Sec. IV.05. – Powers and duties.

The commission shall have the powers and duties set forth in. Wis. Stat. § 62.23.

SECTION II:

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

SECTION III:

All ordinances in conflict or inconsistent with this ordinance, in whole or in part, are repealed to the extent necessary to give this ordinance full force and effect.

SECTION IV:

This is a charter ordinance. It shall take effect 60 days after its passage, postage and publication unless, within such 60-day period, a referendum petition is filed as provided in Wisconsin Statutes Section 66.0101(5), in which event this ordinance will not take effect until it is submitted to a referendum and approved by a majority of the electors voting.

Approved By: _____
Dan Abendroth, Mayor

Date Approved: _____, 2017

I certify that the Common Council of the City of Mequon, Wisconsin, adopted this ordinance at a meeting held on _____, 2017.

Caroline Fochs, Mequon City Clerk

Published: _____, 2017.

ARTICLE IX. - BOARDS, COMMISSIONS AND COMMITTEES

DIVISION 1. – GENERAL PROVISIONS

Sec. 2-416. - Generally.

- (a) As used in this division, “committee” means a board, commission, committee or other body established or maintained pursuant to this article IX, including *ad hoc* committees created under paragraph (b).
- (b) The mayor by order or the common council by resolution may from time to time create *ad hoc* committees for limited and temporary purposes. The council shall create standing citizen committees by ordinance.
- (c) The provisions in this division apply to all committees unless otherwise specified by the ordinance, resolution or order creating a committee.
- (d) Except for committees dissolved upon the enactment of this ordinance, this ordinance does not affect appointments made and terms of office established prior to the enactment of this ordinance.

Sec. 2-417. - Citizen members.

- (a) A citizen member is a full participating and voting member of a committee.
- (b) As specified for a committee, citizen members are either nominated by the mayor or a common council member and approved by the common council.
- (c) Citizen members serve without compensation.
- (d) No person may serve as a citizen member on more than two committees at the same time.

Sec. 2-418. - Alternate citizen members.

- (a) An alternate citizen member may participate and vote in the absence or recusal of a citizen member or when a citizen member vacancy occurs until such vacancy is filled.
- (b) Unless otherwise specified for a committee, alternate members are nominated by the mayor and approved by the common council.
- (c) Unless the number of alternate members is specified for a committee, the mayor may determine from time to time how many alternate members to nominate to the committee. If more than one alternate citizen member is appointed, the mayor shall designate the order in which the alternate citizen members shall have the option to serve.
- (d) The terms of alternate citizen members terminate as of the organizational common council meeting following appointment.
- (e) Alternate citizen members serve without compensation.

Sec. 2.419 - Qualifications: citizen members and alternate citizen members.

- (a) Citizen members and alternate citizen members shall be adults and live in the city. If a member or alternate member ceases to live in the city on at least a part-time basis, he or she shall be deemed to have resigned and such office shall be then vacant. This residency requirement shall not apply to any city employee appointed and confirmed or required to serve on any committee by ordinance or statute. A non-resident citizen may be appointed, confirmed and serve upon a committee, provided that prior to such confirmation and service, the common council determines by a separate, majority vote that such individual appointee has expertise, experience or education, or serves in a position or represents an organization, that the common council believes will assist the committee and that such non-resident appointment is in the best interests of the city; however, no more than 25% of the members of any committee may be non-residents.
- (b) An elected official may serve as a citizen member or alternate citizen of a committee, except that no elected official may serve as a citizen member or alternate citizen member of more than one committee.

Sec. 2-420. – Appointment: Citizen members and alternate citizen members.

- (a) Citizen members shall be appointed for a term of three years. Notwithstanding Wis. Stat. § 62.09(5)(e), a term shall expire no earlier than the third organizational common council meeting following appointment but no later than the earlier of the appointment and qualification of a successor or the 60th day following the third organizational common council meeting following appointment.
- (b) Appointments shall be staggered so that, other than appointments filling vacancies pursuant to sec. 2-423, only one-third of the membership of a committee is appointed in any year.
- (c) Appointments are subject to common council approval. The elected official nominating a citizen member or alternate citizen member shall notify the city clerk of the nomination and the nominee shall complete a nomination sheet in the form then used by the city. The city clerk shall then place the nomination on the next common council agenda after adequate notice, and the common council shall vote on the proposed appointment. If the common council approves the appointment, the city clerk shall notify the nominee of his or her confirmation, and the nominee shall take office and his or her term commences when he or she executes his or her oath of office and returns such oath to the city clerk, and the term of the incumbent being replaced terminates.

Sec. 2-421. – Aldermanic representatives and alternate aldermanic representatives.

To the extent a committee's membership includes an aldermanic representative:

- (1) There shall be only one aldermanic representative serving on the committee.
- (2) The aldermanic representative shall be nominated by the common council president and confirmed by the common council by a majority vote at the organizational common council meeting.
- (3) The aldermanic representative shall serve and be a voting member to the same extent as the citizen members.
- (4) The aldermanic representative position shall not be split among two or more aldermen.

- (5) The common council may, at its option, appoint one or more alternate aldermanic representatives who shall serve and vote in place of the aldermanic representative in the absence or recusal of the aldermanic representative.
- (6) Aldermanic representatives and alternate aldermanic representatives serve one-year terms, each terminating as of the organizational common council meeting following appointment.

Sec. 2.422. - Removal from committee.

- (a) Unless prohibited by applicable law, a citizen member or alternate citizen member may be removed from office prior to the expiration of his or her term by a two-thirds vote of the common council.
- (b) Automatic removal based on absences.
 - (1) Except as provided below, any citizen member of a committee who fails to attend either three consecutive regular meetings of the committee or at least 51 percent of the total of all meetings of the committee during any 12-consecutive month period shall be deemed to have resigned from the committee, and that member's office shall, automatically and without further action, be deemed to be vacant as of such date.
 - (2) The city clerk or the city clerk's designee shall provide a written warning to a member who, by failing to attend a meeting, would be removed. The written notice shall be delivered prior to the meeting at which the member's absence would trigger the automatic removal provisions of paragraph (1). A member's failure to receive such notice shall not prevent the automatic removal.
 - (3) This section (b) shall not apply to (i) aldermanic members, (ii) *ex officio* members or (iii) citizen members of a committee that generally meets on an as-needed or *ad hoc* basis.
- (c) An officer of a committee is automatically removed from that office upon removal from the committee.

Sec. 2-423. - Vacancies.

Upon the death, resignation or removal of a member or alternate member, a replacement may be appointed to fill the remaining term of such member or alternate member. The replacement shall be nominated and confirmed in the same manner as the member or alternate member being replaced.

Sec. 2-425. - Chairs and officers.

- (a) The mayor shall appoint a chair from the membership of the committee.
- (b) The appointment of the chair shall expire as of the organizational common council meeting following appointment. If a vacancy occurs in the chair, the vacancy shall be filled for the balance of the term in the same manner as originally appointed.
- (c) The committee may appoint a vice-chair, such other officers and such subcommittees as it deems necessary. No appointment of a subcommittee or an officer shall extend beyond the next organizational common council meeting.

- (d) In the absence or upon recusal of the chair, or until a vacancy in the chair is filled and qualified, the vice-chair, if any, shall serve as acting chair. If there is no vice-chair, the aldermanic representative, if any, shall serve as acting chair. If there is no aldermanic representative, then the committee shall choose the acting chair. In the event the aldermanic representative shall become acting chair, and the alternate aldermanic member shall be in attendance, he or she may assume the aldermanic seat for the period that the aldermanic representative serves as chair.
- (e) The chair shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order Revised, unless otherwise provided by state law or this code. Any member shall have the right to appeal a decision of the chair. The appeal may be sustained by a majority of the members present, exclusive of the chair.

Sec. 2-426. - Quorum.

- (a) A quorum shall consist of at least 51% of the members, including any alternates serving in the stead of other members.
- (b) A quorum shall be required to be present to transact business or to take any action on any agenda item on the meeting's agenda.

Sec. 2-427. - Action of the committee.

Unless otherwise required by law, an affirmative vote of a majority of the members present at a meeting (including any alternates serving in the stead of other members) at which a quorum is present shall constitute the action of the committee.

Sec. 2-428. - Meetings, agenda, minutes and recommendations.

- (a) The committee shall conduct its first meeting following the organizational common council meeting at a time and place scheduled by, and pursuant to an agenda established by:
 - (1) The staff liaison to the committee if the chair is selected by the committee. The first item of business shall be selection of the chair.
 - (2) The chair if he or she is selected by the mayor.
- (b) Except for any committee that meets solely on an as-needed basis, each committee shall submit to the city clerk, at or promptly following its first meeting following the organizational common council meeting, for publication, a written schedule of the date and time of its regular meetings for the following year.
- (c) The committee shall conduct all other meetings at scheduled times and places as called by the chair or as determined by the committee at a prior meeting. The chair shall establish the agendas for all such meetings after consultation with city staff.
- (d) Any member or aldermanic representative may request in writing, at least five business days prior to a meeting, that an item germane to the committee's purpose, duties or powers be placed on an agenda. If the chair fails to place such item on the agenda for a meeting, the proposing member may, at any meeting, move the committee to have the item placed on the next agenda.

- (e) Written notice of a meeting and the agenda for such meeting shall be delivered to each committee member at least 48 hours in advance of the meeting, in such form as will reasonably apprise the committee members, the public and the press of the date, time and subject matter that is intended for consideration and action at the meeting.
- (f) Minutes of the meetings and recommendations of the committee shall be submitted to the common council. The minutes shall show the vote of each member upon each question. The minutes shall also show if a member is absent or fails to vote on any question. The city clerk shall retain all such minutes.
- (g) Members shall attend meetings in person. No member may appear at any meeting by telephonic or other electronic means.

Sec. 2-429. - Appearances by members of the common council.

All members of the common council may be present during any meeting of a committee, including any closed session, and upon being recognized by the chair, may participate in its discussions; however, no member of the common council, other than any aldermanic representative, may bring or second a motion or vote.

Sec. 2-430. - Compliance with state law.

All meetings of city committees shall be held in compliance with the Wisconsin Open Meetings law. All committee members and staff representatives shall comply with the Wisconsin Open Records law.

Secs. 2-431 - 2-440. - Reserved.

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE NO. _____

AN ORDINANCE AMENDING VARIOUS PROVISIONS OF
CHAPTER 58 OF THE
MEQUON CODE OF ORDINANCES THAT ESTABLISH
BOARDS, COMMISSIONS AND COMMITTEES

THE COMMON COUNCIL OF THE CITY OF MEQUON, OZAUKEE COUNTY, STATE OF WISCONSIN, ORDAINS AS FOLLOWS:

SECTION I:

Section 58-40(d)(1)-(5) of the Mequon Code of Ordinances (Architectural Board) is amended as indicated on the attached Exhibit A. Additions are underlined and deletions are stricken.

SECTION II:

Section 58-41 of the Mequon Code of Ordinances (Board of Appeals) is amended as indicated on the attached Exhibit B. Additions are underlined and deletions are stricken.

SECTION III:

Chapter 58, Article X (the Title and Sections 58-724 through 58-734) of the Mequon Code of Ordinances (Historic Landmarks Commission, Landmarks and Historic Districts) is amended as indicated on the attached Exhibit C. Additions are underlined and deletions are stricken.

SECTION IV:

The phrase “park board,” as used in the following sections of the Mequon Code of Ordinances, is changed to “natural resources board”:

Sec. 58-109	Sec. 58-441
Sec. 58-353	Sec. 58-564
Sec. 58-354	Sec. 58-567

SECTION V:

The phrase “Mequon tree board,” as used in Section 58-564 of the Mequon Code of Ordinances, is changed to “natural resources board.”

SECTION VI:

The phrase “tree board,” as used in Section 58-637 of the Mequon Code of Ordinances, is changed to “natural resources board.”

SECTION VII:

The phrase “preservation commission,” as used in Sec. 58-332 of the Mequon Code of Ordinances, is changed to “natural resources board.”

SECTION VIII:

All uses of the phrase “Wis. Stats.” contained in Chapter 58 of the Mequon Code of Ordinances are changed to “Wis. Stat.”

SECTION IX:

This ordinance, including the attached Exhibits A through C, has been placed on file and open to public inspection in the office of the City Clerk of the City of Mequon at City Hall, 11133 North Cedarburg Road, Mequon, Wisconsin, since _____, 2017, in accordance with the procedures provided in Wisconsin Statutes Sections 66.0103 and 62.11(4)(a).

SECTION X:

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

SECTION XI:

All ordinances in conflict or inconsistent with this ordinance, in whole or in part, are repealed to the extent necessary to give this ordinance full force and effect.

SECTION XII:

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

Approved By: _____
Dan Abendroth, Mayor

Date Approved: _____, 2017

I certify that the Common Council of the City of Mequon, Wisconsin, adopted this ordinance at a meeting held on _____, 2017.

Caroline Fochs, Mequon City Clerk

Published: _____, 2017.

EXHIBIT A**EXHIBIT A****ARCHITECTURAL BOARD****Sec. 58-40. - Architectural board.**

- (a) *Purpose.* In order to promote the general welfare, good order and prosperity of the city and to ensure that the physical environment of the city be developed in such a manner as will provide for the maximum degree of aesthetic satisfaction through the preservation and enhancement of the natural and architectural beauty of the city, the city has deemed it necessary to exercise regulation over the architecture and appearance of buildings or structures which are constructed, altered, relocated, added to, remodeled or placed within the City of Mequon. The architectural board, (hereinafter referred to as the board) has been created for the purposes of exercising its powers and to perform its duties in conformance with and consistent with the dictates of this section. The creation of the board is not intended to impose a pattern of regimented style or to promote a given architectural style; but is intended to provide for the harmonious and aesthetically pleasing development of the city in such a way as will promote and enhance the value of existing single-family and plex residential structures and buildings and to prevent the construction, alteration or remodeling of single-family and plex residential structures or buildings which would be inconsistent in terms of style, design, size, location, orientation and/or materials presently existing within close proximity to the proposed building or structure.
- (b) *Covenants and restrictions.* The City of Mequon recognizes the existence of private covenants and restrictions which may govern the building, construction or alteration of buildings and structures located within the city. The city further recognizes that such private covenants and restrictions may run with the land and ~~be binding upon~~ all owners of property subjected to ~~such~~ covenants and restrictions. While the city recognizes the existence of such covenants and restrictions, the city has deemed it improper and imprudent to assume the responsibility for the enforcement of the ~~these~~ covenants and restrictions, deeming ~~enforcement the same~~ to be ~~matters which should be~~ properly determined between private property owners.
- (1) Notwithstanding the foregoing, the city has deemed it appropriate to adopt procedures which provide for the recognition of such covenants and restrictions.
 - (2) Where lands within a development ~~and/or~~ subdivision in the city shall be subject to private covenants and restrictions governing their use ~~and/or~~ development ~~of the said lands, it shall be the responsibility of~~ the developer ~~and/or~~ the architectural committee of the ~~said~~ development ~~and/or~~ subdivision ~~may to~~ register with the ~~architectural board~~ board of the City of Mequon. ~~As part of any~~ Such registration, ~~shall require that~~ the board shall be provided with a true and correct copy of the covenants and restrictions bearing evidence that they ~~have same has been properly~~ and duly recorded in the office of the Register of Deeds for Ozaukee County. ~~The~~ Such registration shall include a plat of the development and/or subdivision. ~~Such registration shall further require that the developer and/or architectural committee of the subdivision shall provide the board with~~ and a current and accurate mailing address and telephone number through which all notices relating to this division shall be given. ~~The~~ Said information in the registration shall be periodically updated such that the board shall at all times have current information related to the developer and/or architectural committee.
 - (3) ~~After~~ Where the developer ~~and/or~~ architectural committee ~~has~~ ve properly registered with the board ~~as aforesaid~~, the board shall provide written notification, ~~as described in the registration, to the developer and/or architectural committee that~~ when a building permit has been applied for on

EXHIBIT A

lands which are subject to the private covenants and restrictions. Within 14-~~days~~ of the mailing of such notice by the board, the developer ~~and/or~~ architectural committee shall provide written notice to the board that the proposed plan has either been approved or disapproved by the developer ~~and/or~~ architectural committee. The board shall not rule upon any plan for construction ~~and/or~~ alteration of any building or structure until the expiration of ~~thesaid~~ 14-~~days~~ period.

- (4) Where disapproval of the plan by the developer and/or architectural committee is noted, the developer and/or architectural committee shall provide the board, in writing and with specificity, the reason(s) for the disapproval and the manner in which the developer and/or architectural committee has deemed that the proposed building, structure and/or alteration fails to conform with the private covenants and restrictions. It is specifically understood that neither the approval nor disapproval of any building, structure and/or alteration by the developer and/or architectural committee arising from private covenants and restrictions shall in any manner bind the board, but shall only be advisory in nature. Irrespective of the approval or disapproval of the developer and/or architectural committee, the board shall approve or disapprove the proposed building, structure or alteration in conformance with its charge and with this section.
- (c) *Standards.* In determining and assessing the appropriateness of any building or structure, the ~~architectural board~~board shall be guided by the standards set forth in section 58-566 of this chapter, as well as the following standards, and in order to inform and educate the public in their application, shall promulgate interpretive guidelines, which shall be reviewed and approved by the common council, to assist in their implementation:
 - (1) No building, structure or alteration shall be permitted the exterior design, style, size or materials of which shall be inconsistent in relation to the surroundings (both in terms of natural surroundings and existing building or structures), such that the building and/or structure would result in an inharmonious and/or haphazard development of the area;
 - (2) No building, structure or alteration shall be permitted the design, materials, style or exterior appearance of which is so identical with those adjoining as to create excessive monotony and drabness;
 - (3) No building, structure or alteration shall be permitted where any proposed facade or roof is constructed or faced with a finished material which is aesthetically incompatible with other facades or roofs of surrounding properties, such that the unattractive appearance is presented to the public and surrounding properties;
 - (4) The board recognizes the value of natural beauty, including but not limited to trees, plants, and other natural features of the landscape. No building shall be permitted to be sited on a property in a manner which would unnecessarily destroy or damage or impair the natural beauty of the area, such that the same would adversely affect or impact values incident to ownership of that in that area of which would unreasonably affect or adversely impact the beauty and general enjoyment of existing residences or adjoining properties;
 - (5) The ~~board may consider the~~ approval or disapproval of the developer and/or architectural committee or a development or subdivision ~~may be considered by the board~~, along with the foregoing factors, in assessing the appropriateness of a proposed building, structure or alteration;
 - (6) ~~Architectural board~~Board approval expires after one year. No single-family or plex residential building or structure, or alteration to such building or structure, shall be permitted in a PUD (planned unit development) zoning district, if the proposed design, style, size, building materials,

EXHIBIT A

or coloration of building materials, to be incorporated into the exterior of such building or structure have materially changed from the design, style, size, building materials or coloration of building materials, previously approved and adopted as part of the PUD (planned unit development) zoning ordinance, unless such proposed changes are first reviewed and approved by the planning commission and common council as part of the process of amending the PUD ordinance governing the development.

- (7) The board shall follow the design standards identified in the city publication entitled “Mequon Architectural Guidelines for Residential Structures,” or any replacement of those guidelines, available from the Mequon Building Inspector division.
- (d) Recordsview board.
- (1) Responsibilities. A review board to be known as the architectural board shall be appointed by the mayor subject to confirmation by the common council. The architectural board shall meet on call and be responsible for review and final approval of all residential plans. The planning commission shall be responsible for review and final approval of all commercial and industrial plans.
- (2) Membership. The membership of this board shall consist of five regular members at large and one alternate member at large, as follows:
- One registered architect.
 - Four lay members.
 - One alternate lay member.
- (3) Alternate. The mayor shall appoint an alternate registered architect member. The alternates shall act with full power only when the regular member refuses to vote because of interest or is absent. There shall be a reserve panel consisting of two residents from each aldermanic district. Reserve panel members shall vote only on items which are located within their aldermanic district.
- (4) Quorum. A quorum shall consist of any combination of at large members and reserve panel members as follows:
- Two at large members and two reserve panel members.
 - Three at large members and one reserve panel member.
 - Four at large members.
- (5) Members at large. The members at large shall be appointed to serve rotating terms of two years each so that at least one new member may be appointed each year. The members of the reserve panel shall be appointed for rotating terms of two years each so that a new member may be appointed in each ward each year. The chairman of the board shall be designated by the mayor and the board will elect a secretary from its membership. All members, including alternates, who are in attendance at a meeting shall be entitled to one vote.
- (6) Records. The board shall keep records of all its proceedings and its decisions shall be stated in writing including the specific reasons for refusing a permit or for any conditions of approval.
- (e) Enforcement. ~~In order to~~ To ensure that no proposed single-family or plex residential building would be in conflict with the provisions of this section, the building inspector division shall submit to the architectural board the plans for such building, including adequate elevations or perspective sketches to enable the board to judge the building appearance, and shall not issue a building permit until the architectural board has approved such plans.

EXHIBIT A

(f) *Appeal*-. Any person aggrieved by a decision of the ~~architectural board~~board shall have the right to appeal such decision to the board of appeals provided such appeal is filed with the city clerk within seven working days after ~~an architectural board~~board decision.

(g) *Rehearing*. No rehearing shall be held except:

- (1) By the affirmative vote of four or more members of the ~~architectural board~~board upon its finding that substantial new, relevant evidence has been submitted which could not reasonably have been presented at the previous hearing; or
- (2) The matter has been remanded by the board of appeals because the board of appeals has found that an aggrieved party has offered or requested leave to offer substantial new, relevant evidence which could not reasonably have been presented at the previous hearing before the ~~architectural board~~board.

A request for rehearing under subsection (g)(1) above shall be in writing and shall recite the reasons for the request, including the substantial new, relevant evidence being offered, and the reasons for which it could not have reasonably been presented to the ~~architectural board~~board at the first hearing.

EXHIBIT B**EXHIBIT B****BOARD OF APPEALS****Sec. 58-41. - Board of appeals.**

- ~~(a) — Creation. There is hereby recreated a board of appeals of the City of Mequon.~~
- ~~(b) — Purpose. The purpose of the board of appeals shall be to hear appeals taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the administrative officer or body; and to hear applications for variance from the terms of the zoning ordinances.~~
- ~~(c) — Membership and term of office. The board of appeals shall consist of five regular members and two alternate members, appointed by the mayor, and subject to confirmation by the common council for staggered terms of three years, or until a successor is duly appointed and confirmed. An alternate member shall act with full power in the absence of a regular member of the board.~~
- ~~(d) — Chairman. The mayor shall designate one of the regular members of the board of appeals to serve as chairman. The board may designate such other officers as it shall deem necessary or advisable.~~
- ~~(e) — Quorum. Four members shall constitute a quorum for transaction of business of the board of appeals.~~
- ~~(f) Meetings. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official action, all of which shall be filed in the office of the board and shall be a public record.~~
- ~~(g)~~ (a) Powers and duties.
- (1) The board ~~of appeals~~ shall have the following powers as provided in Wis. Stats. § 62.23(7)(e):
- a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or body in the administration or enforcement of this chapter. Except in the case of a hearing de novo in a contested case, if a party in a hearing before the board ~~of appeals~~ shall offer or request leave to offer evidence or information which was not or could not reasonably have been presented to the administrative official from whose order, requirement, decision, or determination the appeal is taken, the board ~~of appeals~~ shall remand the matter to the administrative official to consider such new facts or material and make a redetermination in the matter.
 - b. To authorize upon appeal in specific cases such variances from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this chapter will result in practical difficulty or unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done.

EXHIBIT B

- c. In exercising the above-mentioned powers, such board may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit provided that no such action shall have the effect of permitting in any district a use prohibited in that district, of rezoning, or of permitting, without the approval of the planning commission, any building within the base setback area as established by section 58-406 of this chapter.
- (2) The board ~~of appeals~~ shall have the following additional duties:
- a. The board shall adopt rules governing its procedure consistent with the terms of the Wisconsin Statutes and this chapter.
 - b. In making its determination the board shall consider whether the proposed variance or use would be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of physical, social or economic effects; and may impose such requirements and conditions with respect to locations, construction, maintenance and operation, in addition to any which may be stipulated in this chapter, as the board may deem necessary for the protection of adjacent properties and the public interest and welfare.
 - c. In order to reach a fair and objective decision the board may, in its discretion, utilize and give recognition to appropriate performance standards which are available in model codes or ordinances or which have been developed by planning, manufacturing, health, architectural and engineering research organizations.
- ~~(b)(c)~~ Required vote. If a quorum is present, the board ~~of appeals~~ may take action under this section by a majority vote of the members present, to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this section or to ~~ea~~ffect any variation from the terms of zoning ordinances. The grounds of every such determination shall be stated.
- ~~(i)(d)~~ Appeals.
- (1) Except as to appeals from the architectural board, which shall be brought within seven working days from the date of the architectural board determination appealed from, appeals to the board ~~of appeals~~ may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of an administrative officer or body within 30 days of the decision of such officer or body, by filing with the city clerk a notice of appeal on the prescribed form specifying the grounds ~~thereof~~ the appeal, and by paying the prescribed fee. The officer from whom the appeal is taken shall transmit to the board all the papers constituting the record upon which the action appealed from was taken.
 - (2) Any person or persons aggrieved by a decision of the board ~~of appeals~~, or any taxpayer, or any officer, department, board or bureau of the municipality may appeal a decision of the board ~~of appeals~~ within 30 days after the filing of the decision in the office of the city clerk in the manner provided in Wis. Stats. § 62.23(7)(e).

EXHIBIT B

~~(j)(e)~~ Filing. A notice of appeal shall be filed with the officer from whom the appeal is taken and with the board ~~of appeals~~, specifying the grounds ~~thereof~~ the appeal. The offices from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed was taken.

~~(k)(f)~~ Stay. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board ~~of appeals~~ after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board ~~of appeals~~ or by a court of record on application, on notice to the officer from whom the appeal is taken on due cause shown.

(g) Hearing.

(1) The board shall hear each appeal within 40 days from the time of filing of the notice of appeal. Notice of the hearing shall be given to the appellant, other interested parties who request notice and other interested parties as determined by staff or the board, and public notice of ~~the~~ such hearing shall be given as provided by section 58-43; however, only one published notice and one posting on a public bulletin board shall be required. Notice to interested parties and the required public notice shall be made as well as to the parties in interest. Such notice however shall require only one publication which shall be not less than ten days prior to the date of the hearing and one posting on a public bulletin board in the city hall.

(2) Prior to publication, upon written request of the appellant for adjournment and waiver of the 40-day requirement, the appellant and city staff may mutually agree in writing to an adjournment of the hearing for a period specified in the written agreement. Alternatively, an appellant may make a written request of the chair of the board for adjournment with a waiver of the 40-day requirement. The chair may grant or deny the request in his or her discretion. No adjournment agreed to by the city attorney or chair may extend the hearing of an appeal beyond one year from the appealed determination.

(3) Any party may appear in person, or by an agent or ~~by~~ attorney representing the party.

~~(4)(h)~~ Decision. The attorney representing the board or the chair ~~board of appeals~~ shall render a written ~~its~~ decision ~~in writing~~ within 150 days after completion of the hearing ~~thereon, and shall forthwith file the same with the designee of the city clerk who shall act as secretary to the board.~~ The city clerk shall promptly circulate the decision to all members of the board who were present for the hearing for their review. The decision shall be deemed final unless, prior to the close of business on the fifth day following such circulation, a member who voted in the majority files a written objection with the city clerk. Upon receipt of an objection, the city clerk shall schedule another meeting of the board for the purposes of considering the objection and finalizing the decision. Within two business days following such additional meeting, the board shall file the final decision with the city clerk.

State Law reference— Board of appeals, Wis. Stats. § 62.75(7)(3).

EXHIBIT CEXHIBIT C**ARTICLE X. - ~~HISTORIC~~ LANDMARKS COMMISSION, HISTORIC LANDMARKS AND HISTORIC DISTRICTS^[9]**

Footnotes:

--- (9) ---

Editor's note— Ord. No. 2012-1387, § I, adopted Nov. 13, 2012, changed the title of Art. X from “Historic Landmarks and Historic Districts” to read as herein set out.

State Law reference— Historic preservation, Wis. Stats. § 62.23(7)(em).

Sec. 58-724. - Purpose and intent.

It is ~~hereby~~ declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements of special character or special historical interest or value is a public benefit and is desired in the interests of the health, prosperity, safety and welfare of the people. The purpose of this ~~article~~section is to:

- (1) ~~Effect and accomplish the p~~Protection, enhancement, and perpetuation ~~of such~~ improvements and ~~of~~ districts which represent or reflect elements of the city's cultural, social, economic, political and architectural history.
- (2) Safeguard the city's historic and cultural heritage, as embodied and reflected in such landmarks and historic districts.
- (3) Stabilize and improve property values.
- (4) Protect and enhance the city's attractions to residents, tourists and visitors and serve as a support and stimulus to business and industry.
- (5) Strengthen the economy of the city.
- (6) Foster civic pride in the beauty and noble accomplishments of the city's past.

Sec. 58-725. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~Landmarks c~~Commission means the landmarks commission created under chapter 2, article IX, this section.

Historic district is an area designated by the common council upon the recommendation of the ~~landmarks~~ commission which contains one or more landmarks or landmark sites, as well as those abutting improvement parcels which the ~~landmarks~~ commission determines should fall under the provisions of this section to assure that their appearance and development is harmonious with such landmarks or landmark sites.

Improvement means any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment.

EXHIBIT C

Improvement parcel is the unit of property which includes a physical betterment constituting an improvement and the land embracing the site ~~thereof~~ such improvement, and is treated as a single entity for the purpose of levying real estate taxes. Provided, however, that the term “improvement parcel” shall also include any unimproved area of land which is treated as a single entity for such tax purposes.

Landmark means any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the city, state, or nation and which has been designated as a landmark pursuant to the provisions of this chapter.

Landmark site means any parcel of land of historic significance due to a substantial value in tracing the history of aboriginal man, or upon which a historic event has occurred, and which has been designated as a landmark site under this ~~article~~section, or an improvement parcel, or a part thereof such a parcel, on which is situated a landmark and any abutting improvement parcel, or part ~~of such a parcel hereof~~, used as a constituent of the premises on which the landmark is situated.

Cross reference— Definitions generally, § 1-2.

~~Sec. 58-726.—Landmarks commission.~~

~~(a) Created. There is hereby created a landmarks commission.~~

~~(b) Purpose. The purpose of the landmarks commission is to implement the terms of this article.~~

~~(c) Membership and term of office.~~

~~(1) Eight citizen members appointed by the mayor at the council’s organizational meeting in April, subject to confirmation by the common council, to serve staggered three year terms. In the year in which this subdivision shall have been enacted, three expiring terms shall be appointed and confirmed. At the next organizational meeting following enactment of this subdivision, three positions shall be filled by appointment and confirmation, and at the second organizational meeting subsequent to enactment of this subdivision, two positions shall be filled by appointment and confirmation.~~

~~(2) Up to four alternate members at large shall be appointed by the mayor, subject to confirmation by the common [council], to serve staggered three year terms. The first alternate member shall be appointed to serve a three year term; the second shall be appointed to serve an initial two year term; the third an initial one year term; and the fourth an initial three year term. At the expiration of these initial terms for alternate members, all subsequent appointments of alternate members shall be for three year terms.~~

~~(3) In making such appointments, due effort shall be made to appoint one or more members who are professionals from the disciplines of history, architectural history, architecture or archeology.~~

~~(d) Chairman. The members shall select a chairman.~~

~~(e) Quorum. Five members shall constitute a quorum for the transaction of business.~~

~~(f) Meetings. The landmarks commission shall meet not less frequently than quarterly each year.~~

EXHIBIT C**Sec. 58-7276. - Landmarks and landmark sites designation criteria.**

- (a) For the purpose of this article, a landmark or landmark site, designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural or cultural significance to the City of Mequon such as historic structures or sites which:
 - (1) Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or
 - (2) Are identified with historic personages or with important events in national, state or local history; or
 - (3) Embody the distinguishing characteristics of an architectural type-specimen, representative of a period, style, method of construction, or of indigenous materials or craftsmanship; or
 - (4) Are representative of the notable work of a master builder, designer or architect.
- (b) The ~~landmarks~~-commission shall adopt specific operating guidelines for landmarks and landmark sites designation providing such are in conformance with the provisions of this ~~section~~article.

Sec. 58-7287. - Powers and duties of ~~landmarks~~-commission.

- (a) *Designation.* The ~~landmarks~~-commission shall have the power, to designate landmarks and landmark sites, within the city limits and to propose historic districts. Such designations shall be proposed based upon section 58-7267.
- (b) *Regulation of construction, reconstruction, and exterior alteration.*
 - (1) Any application for a permit involving the exterior of a designated landmark, landmark site or structure improvement within a historic district shall be filed with the ~~landmarks~~-commission within ten days of the permit application.
 - (2) No owner or person in charge of a landmark, landmark site or structure within a historic district shall reconstruct or alter all or any part of the exterior of such property or cause or permit any such work to be performed upon such property unless a certificate of appropriateness application has been granted by the ~~landmarks~~-commission. Unless the commission has granted such certificate ~~has been granted by the landmarks commission~~, the city shall not issue a permit for any such work.
 - (3) Upon filing a certificate of appropriateness or any application with the ~~landmarks~~-commission, the ~~landmarks~~-commission shall determine:
 - a. Whether, in the case of a designated landmark, landmark site or structure within a historic district, the proposed work would detrimentally change, destroy or adversely affect any exterior architectural feature of the improvement upon which thesaid work is to be done; and
 - b. Whether, in the case of the construction of a new improvement upon a landmark, landmark site or within a historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site; and

EXHIBIT C

- c. Whether, in the case of any property located in a historic district designated pursuant to the terms of subsection 58-72~~89~~(c) below, the proposed construction, reconstruction or exterior alteration does not conform to the objective and design criteria of the historic preservation plan for ~~thesaid~~ district as duly adopted by the common council.
- (4) The ~~landmarks~~-commission shall make this determination within 40 days from the date of application. If the ~~landmarks~~-commission determines~~d~~ subsections 58-72~~78~~(b)(3)a.—c. in the negative, it shall issue the certificate of appropriateness and refer this certificate of appropriateness to the building~~inspector division~~. If no action upon an application for a certificate submitted to the ~~landmarks~~-commission has been taken at the expiration of 40 days from the date of application and submission of plans, a certificate of appropriateness shall be deemed to have been issued and referred to the building~~inspector division~~. This time limit may be waived by mutual consent of the applicant and the ~~landmarks~~-commission. Should the ~~landmarks~~ commission decide not to issue a certificate of appropriateness, the ~~landmarks~~-commission shall, at the request of the applicant, cooperate and work with the applicant in an attempt to obtain a certificate of appropriateness within the guidelines of this article. The applicant may appeal such decision to the common council, which may affirm, reverse or modify the decision of the ~~landmarks~~-commission only if it finds that due to special conditions pertaining to this specific property, denial of the certificate of appropriateness will cause undue and unnecessary hardship in which case the certificate of appropriateness shall be issued.
- (c) *Regulation of demolition.* No permit to demolish all or part of a landmark, improvement on a landmark site, or improvement in a historic district, shall be granted except as follows:
- (1) No person in charge of a landmark, improvement on a landmark site, or improvement in a historic district, shall be granted a permit to demolish such property without formal approval by the ~~landmarks~~-commission.
 - (2) When application is made for a permit to demolish such a property, the application shall be filed with the ~~landmarks~~-commission. The ~~landmarks~~-commission shall notify the owner within 40 days, from the date of application, of the action; such notice shall state the findings for the decision.
- (d) *Recognition of landmarks and landmark sites.* ~~WhenAt such time as~~ a landmark or landmark site has been properly designated in accordance with ~~this articlesubsections (d) — (f) thereof~~, the ~~landmarks~~ commission may cause to be prepared and erected on such property at city expense, a suitable plaque declaring that such property is a landmark or landmark site. In case of a landmark, the plaque shall state the accepted name of the landmark, the date of its construction, and other information deemed proper by the ~~landmarks~~-commission. In case of a landmark site which is not the site of the landmark building, such plaque shall state the common name of the site, and such other information deemed appropriate by the ~~landmarks~~-commission.
- (e) *Sale of landmarks and landmark sites.* Any party who is listed as the owner of record of a landmark site at the time of its designation, who can demonstrate to the ~~landmarks~~-commission that, by virtue of such designation, the owner is unable to find a buyer willing to preserve such landmark, even though the owner has made reasonable attempts in good faith to find and attract such a buyer, may petition the ~~landmarks~~-commission for a rescission of its designation. Following the filing of such petition with the secretary of the ~~landmarks~~-commission:

EXHIBIT C

- (1) The owner and the ~~landmarks~~-commission shall work together in good faith to locate a buyer for the subject property who is willing to abide by its designation.
 - (2) If, at the end of a period not exceeding six months from the date of such petition, no such buyer can be found, and if the owner still desires to obtain such rescission, the ~~landmarks~~-commission shall rescind its designation of the subject property.
 - (3) In the event of such rescission, the ~~landmarks~~-commission shall notify the city clerk, building ~~inspector~~ division and the city assessor of ~~such rescissions~~same, and shall cause an appropriate release~~the same~~ to be recorded, at its own expense, in the office of the Ozaukee County Register of Deeds.
 - (4) Following any such rescission, the ~~landmarks~~-commission may not re-designate the subject property a landmark for a period of not less than five years following the date of rescission.
- (f) *Other duties.* In addition to those duties already specified in this article~~section~~, the ~~landmarks~~ commission shall:
- (1) Actively work for the passage of enabling legislation which would permit the granting of full or partial tax exemptions to properties it has designated under the provisions of this article~~section~~ in order to encourage landmark owners to assist in carrying out the intent of this article.
 - (2) Work closely with the state historic preservation officer and the Wisconsin Historic Preservation Review Board for the National Register of Historic Places of U.S. heritage conservation and recreation services national park service in attempting to include such properties hereunder designated as landmarks on the national register.
 - (3) Work for the continuing education of the citizens about the historic heritage of this city and the landmarks designated under the provisions of this article~~section~~.
 - (4) As it deems advisable, receive and solicit funds for the purpose of landmarks preservation in the city. Such funds shall be placed in a special city account for such purpose.

Sec. 58-7298. - Procedures.

- (a) *Designation or rescission of landmarks, landmark sites and historic districts.* The landmarks commission may, after notice and public hearing, establish landmarks and landmark sites, or propose historic districts, or rescind such designation, after application of the criteria in section 58-7276. A citizen using prescribed forms can initiate procedure. At least ten days prior to such hearing, the ~~landmarks~~-commission shall notify the owners of record, as listed in the office of the city assessor, who are owners of property in whole or in part situated within 600 feet of the boundaries of the property affected. These owners shall have the right to confer with the ~~landmarks~~-commission prior to final action by the ~~landmarks~~-commission on the designation or rescission. Notice of such hearing shall also be published as a class 1 notice, under the Wisconsin Statutes. The ~~landmarks~~-commission shall also notify the following: department of public works, fire and police departments, inspection division, and ~~the~~-planning commission. Each such department shall submit its comments on the proposed designation or rescission. The ~~landmarks~~-commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The ~~landmarks~~-commission may conduct an independent investigation into the proposed designation or rescission. Within ten days after the close of the public hearing, the ~~landmarks~~-commission may designate the property as either a landmark, a landmark site,

EXHIBIT C

or include it in a proposed historic district or rescind such designation. After such designation or rescission has been made, notification shall be sent to the property owner(s) and to such persons as appeared at the public hearing. Notification shall also be given to the city clerk, building-~~inspector~~ division and the city assessor. The ~~landmarks~~-commission shall cause designation or rescission to be recorded, at city expense, in the county register of deeds office.

- (b) *Voluntary restrictive covenants.* The owner of any landmark, landmark site or property within a historic district may, at any time following such designation of this property, enter into a restrictive covenant on the subject property after negotiation with the ~~landmarks~~-commission. In addition to the voluntary covenant the full ordinance is in effect. The ~~landmarks~~-commission may assist the owner in preparing such covenant in the interest of preserving the landmark and the owner shall record such covenant in the county register of deeds office, and shall notify the city assessor of such covenant and the conditions ~~thereof~~ such covenant.
- (c) *Creation of historic district.*
 - (1) *Selection.* For preservation purposes, the ~~landmarks~~-commission may select geographically defined areas within the City of Mequon to be designated as historic districts and shall, with the assistance of the department of community development, prepare a historic preservation plan in ordinance form for each area selected. A historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the City of Mequon which:
 - a. Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state or community; or
 - b. Is identified with historic personages or with important events in national, state, or local history; or
 - c. Embodies the distinguishing characteristics of architectural type inherently valuable for the study of a period or periods, styles, methods of construction, indigenous material or craftsmanship; or
 - d. Is representative of the notable works of master builders, designers, or architects who influenced their age. Each historic preservation plan prepared for or by the ~~landmarks~~ commission shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development and a statement of preservation objectives.
 - (2) *Guideline criteria.* Guideline criteria to be considered in the development of historic district plans are as follows:
 - a. All new structures shall be constructed to a height visually compatible with the building and environment with which they are visually related.
 - b. The gross volume of any new structure shall be visually related.
 - c. In the street elevation(s) of a building, the proportion between the width and height in the facade(s) should be visually compatible with the building and environment with which it is visually related.

EXHIBIT C

- d. The proportions and relationships between doors and windows in the street facade(s) should be visually compatible with the buildings and environment with which it is visually related.
- e. The rhythm of solids to voids, created by openings in the facade, should be visually compatible with the buildings and environment with which it is visually related.
- f. The existing rhythm created by existing building masses and spaces between them should be preserved.
- g. The materials used in the final facade(s) should be visually compatible with the buildings and environment with which it is visually related.
- h. The texture inherent in the facade should be visually compatible with the buildings and environment with which it is visually related.
- i. Colors and patterns used on the facade (especially trim) should be visually compatible with the buildings and environment with which it is visually related.
- j. The design of the roof should be visually compatible with the buildings and environment with which it is visually related.
- k. The landscape plan should be sensitive to the individual building, its occupants and their needs. Further, the landscape treatment should be visually compatible with the buildings and environment with which it is visually related.
- l. All street facade(s) should blend with other buildings via directional expression. When adjacent buildings have dominant horizontal or vertical expression, this expression should be carried over and reflected.
- m. Architectural details should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent characteristics of the area.

(3) *Review and adoption procedure.*

- a. ~~Landmarks~~c~~Commission~~. The ~~landmarks~~-commission shall hold a public hearing when considering the plan for a historic district and notify all property owners within 600 feet. Notice of the time, place and purpose of such hearing shall be given by publication as class 2 notice under the state statutes in the official city paper. Notice of the time, place and purpose of such public hearing shall also be sent by the city clerk to the alderman of the aldermanic district or districts in which the historic district is located, and the owners of record, as listed in the office of the city assessor, who are owners of property situated in whole or in part within 600 feet of the boundaries of the historic district. ~~The Said~~ notice is to be sent at least ten days prior to the date of such public hearing. Following the public hearing, the ~~landmarks~~-commission shall vote to recommend, reject or withhold action on the plan. This recommendation shall be forwarded to the city planning commission and the common council.
- b. *Planning commission*. The planning commission shall review the historic district plan and make a recommendation to the common council. The planning commission shall make its recommendation on the historic district plan within 60 days from the date of the ~~landmarks~~ commission action.

EXHIBIT C

- c. *Common council.* The common council, upon receipt of the recommendations from the ~~landmarks~~-commission and planning commission, shall hold a public hearing, notice to be given as noted in subsection (a) and shall, following ~~thesaid~~ public hearing, either designate or reject the historic district. Designation of the historic district shall constitute adoption of the plan in ordinance form prepared for that district and direct the implementation of ~~thesaid~~ plan.

Sec. 58-72930. - Conformance with regulations.

- (a) The owners of any landmark, landmark site or improvement on a landmark site or in a historic district shall maintain ~~such property~~ ~~ame~~ or cause or permit it to be maintained in a condition consistent with the provisions of this ~~section~~ article.
- (b) The common council may appoint the building ~~inspector~~ division or any other individual or group of individuals to enforce this article. The duties appointed may include periodic inspection at intervals provided by the common council of designated landmarks, and historic districts. Such inspection may include physical entry upon the property and improvement with permission of the owner, to ensure that interior alterations or maintenance will not jeopardize the exterior appearance or structural stability of the improvement. If an owner refuses permission for the enforcement officer to enter for purpose of inspection, the inspection officer may obtain a warrant of entry pursuant to Wis. Stats. § 66.0119, and take any other reasonable measures to further enforcement of this article.

Sec. 58-7304. - Maintenance ~~ofwith~~ landmarks, landmark sites and historic districts.

- (a) The owners of an improvement on a landmark, landmark site or improvement in a historic district shall keep in good repair all of the exterior portions of such improvements and all interior portions ~~thereof~~ such improvements which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to fall into a state of disrepair. This portion shall be in addition to all other provisions of law requiring such improvement to be kept in good repair.
- (b) Insofar as they are applicable to a landmark, landmark site or improvement in a historic district, designated under this ~~article~~ section, any provision of the plumbing code, electrical code, heating, ventilating and air conditioning code, and sign code may be varied or waived, on application, by the appropriate board having such jurisdiction over such chapter or, in the absence of such board, by the department of community development, provided such variance or waiver does not endanger public health or safety.

Sec. 58-7312. - Appeals of the ~~landmarks~~-commission.

- (+) Any property owner aggrieved by the decision of the ~~landmarks~~-commission may appeal such designation to the common council. The common council is ~~hereby~~ authorized to hear and decide such appeals, and to take action, if, in its judgment;

(1) ~~a.~~ The ~~landmarks~~-commission erred in its finding when applying the criteria identified in section 58-7276; or

~~b.~~ (2) The landmark, landmark site or historic district designation will result in the imposition of practical difficulty or unnecessary hardship, including economic hardship, on the property owner which outweighs the historic, architectural or cultural significance of the property.

EXHIBIT C**Sec. 58-73~~23~~ - Conditions dangerous to life, health or property.**

Nothing contained in this ~~article~~~~section~~ shall prohibit the making of necessary construction, reconstruction, alteration or demolition of any improvement on a landmark or improvement in a historic district pursuant to order of any governmental agency or pursuant to any court judgment, for the purpose of remedying emergency conditions determined to be dangerous to life, health or property. In such cases, no approval from the ~~landmarks~~-commission shall be required but the ~~landmarks~~-commission shall be notified of all approvals granted.

Secs. 58-73~~34~~—58-750. - Reserved.

DIVISION 16. - PLANNING COMMISSION**Sec. 2-721. - Reference.**

The city shall have a planning commission as set forth in charter ordinance article IV.

Secs. 2-722 - 2-800. - Reserved.

DIVISION 2. – ARCHITECTURAL BOARD

Sec. 2-441. - Creation.

The city shall have a board known as the “City of Mequon Architectural Board.”

Sec. 2-442. - Purpose.

The board shall be responsible for review and final approval of all single-family and plex residential housing plans unless the single-family or plex residential housing is contained in a mixed-use development.

Sec. 2-443. – Membership.

- (a) The board shall consist of five voting citizen members, at least one of whom shall be a registered architect. These five members shall be known as “at-large members.”
- (b) There shall be a reserve panel consisting of two residents from each aldermanic district. A reserve panel member shall vote only on proposals which are located within his or her aldermanic district. The two reserve panel members from each district shall not be appointed in the same year.
- (c) The mayor shall nominate the five at-large members and the reserve panel.

Sec. 2-444. – Deviations from General Provisions.

Sec. 2-426(a) shall not apply to the board. A quorum shall consist of four members, at least two of whom shall be at-large members.

Sec. 2-445. – Powers and duties.

The board shall have the powers and duties set forth in sec. 58-40.

Secs. 2-446 - 2-460. - Reserved.

DIVISION 3. - BOARD OF APPEALS**State Law reference** - Wis. Stat. § 62.23(7)(e).**Sec. 2-461. - Creation.**

The city shall have a board known as the “City of Mequon Board of Appeals.”

Sec. 2-462. - Purpose.

The board shall hear appeals taken by any person aggrieved by any officer, department, board or bureau of the city or affected by any decision of any administrative officer or body, and shall hear applications for variances from zoning ordinance terms.

Sec. 2-463. – Membership.

- (a) The board shall consist of five citizen members nominated by the mayor.
- (b) The mayor shall nominate two alternate citizen members. Annually at the organizational common council meeting, the mayor shall designate one of the alternate citizen members as the first alternate and the other as the second alternate. No other alternates may be appointed.
- (c) Sec. 2-422(a)-(b) shall not apply to the board. A member may only be removed by the mayor for cause upon written charges and after a public hearing.

Sec. 2-464. – Meetings.

Meetings of the board shall be held at the call of the chair and at such other times as the board may determine. The chair, or in his or her absence the acting chair, may administer oaths and compel the attendance of witnesses by subpoena. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official action, all of which shall be filed in the office of the board and shall be a public record.

Sec. 2-465. – Powers and duties.

The board shall have powers and duties set forth in Wis. Stat. § 62.23(7)(e) and in and sec. 58-41.

State Law reference— Board of appeals, Wis. Stat. § 62.75(7)(e).

Secs. 2-466 - 2-480. - Reserved.

DIVISION 12. – LANDMARKS COMMISSION**Sec. 2-641. - Creation.**

The city shall have a commission known as the “City of Mequon Landmarks Commission.”

Sec. 2-642. - Purpose.

The commission shall promote the protection, enhancement, perpetuation and use of improvements of special character or special historical interest or value.

Sec. 2-643. - Membership.

The commission shall consist of eight citizen members nominated by the mayor.

Sec. 2-644. - Powers and duties.

The commission shall have the powers and duties set forth in chapter 58, article X.

Secs. 2-645 - 2-660. - Reserved.

COMMON COUNCIL
OF THE
CITY OF MEQUON
CHARTER ORDINANCE NO. 2010 - 1312
A CHARTER ORDINANCE REPEALING AND RECREATING
SECTION 2.07 OF THE MEQUON CODE
SECTION I:

Section 2.07 of the Mequon Code of Ordinances is repealed and recreated to read as follows:

2.07 PLANNING COMMISSION ESTABLISHED, MEMBERSHIP, POWER

- (1) CREATION. There is hereby created within the City of Mequon a City Planning Commission to be known as the "City of Mequon Planning Commission."
- (2) PURPOSE. The planning commission is created for the purpose of carrying out planning and oversight for the orderly physical development of the city and within areas of its extra-territorial jurisdiction, in accordance with Wis. Stats. § 62.23 and Wis. Stats. § 66.1001 and Chapter 3 of the Mequon Code of Ordinances [now chapter 58].
- (3) MEMBERSHIP AND TERMS OF OFFICE. Specific composition of the planning commission and terms of office of regular and alternate members of the planning commission shall be as follows:
 - (a) The Chair, who shall be the presiding officer of the planning commission, and who shall be a voting member of the planning commission.
 - (b) An Aldermanic member of the planning commission, plus an alternate Aldermanic member shall be nominated annually in April, by the Common Council President and confirmed by the Common Council at the annual organizational meeting.
 - (c) There shall additionally be six (6) regular citizen members of the planning commission who shall be appointed by the Mayor at the annual organizational meeting and confirmed by the Common Council, except in the case of a vacancy, which shall be filled by mayoral appointment and Council confirmation in the ordinary course of business as the same may occur, as follows:

- (i) The Mayor shall consider appointing to one of the six (6) regular citizen members positions, but shall not be required to so appoint, a member of the Park Board, Open Space Preservation Committee, or Tree Board, or a person with recognized qualifications and experience in landscape architecture, horticulture, environmental science or a similar discipline.
 - (ii) The Mayor shall appoint to one of the six (6) regular citizen members positions, a registered architect.
 - (iii) The Mayor shall appoint additional regular citizen members to bring the total such members to six (6), and two (2) additional alternate citizen members.
- (d) At the annual organizational meeting next following enactment of this ordinance, the offices of the two (2) citizen members whose terms are then expiring shall be filled by appointments to terms of three (3) years. At the organizational meeting next subsequent to that, the offices of two (2) of the three (3) citizen members whose terms are then expiring shall be filled by appointment to terms of three (3) years, and the third such expiring term shall be filled by appointment of a citizen member to serve a one year term, and the Mayor shall advise the Alderman of the proposed term of each appointee to be confirmed. At the second subsequent organizational meeting, two citizen members shall be appointed to serve three (3) year terms. Thereafter, all terms of regular citizen members of the planning commission shall be to terms of three years. The alternate citizen members shall be appointed at the annual organizational meeting to terms of one year.
- (e) In the case of the absence or incapacity of the Chair, the following order of succession as Acting Chair of the Planning Commission shall occur: If the Chair is other than the Mayor, first shall be the Mayor. Next, in order shall be the Aldermanic member of the Planning Commission, the Alternate Aldermanic Member, and the senior-most citizen member. In the event that the Aldermanic Member shall become Acting Chair, and the Alternate Aldermanic Member shall be in attendance, he or she may assume the aldermanic seat and participate, subject to (f) below.
- (f) In all cases, an alternate member shall only vote in the case of absence, unavailability or recusal of the corresponding regular member.
- (g) Whenever the Common Council of the City of Mequon shall adopt a resolution by which it asserts extraterritorial zoning authority pursuant to Wis. Stats. § 62.23(7a), or whenever the Common Council shall undertake to amend the land use plan, zoning classifications or zoning regulations for lands in the extraterritorial jurisdiction of the city,

the Mayor may appoint up to three additional alternate members to the planning commission, subject to confirmation by the Common Council. Such appointees shall serve until the earlier of:

- (i) The rescission by the Common Council of the resolution noticing intent to assert extraterritorial zoning authority, or
 - (ii) The adoption or amendment by the Common Council of a land use plan and zoning classifications and regulations for the lands in the extraterritorial jurisdiction, or discontinuance of such effort to enact or amend the land use plan or zoning classifications or regulations previously enacted for lands in the extraterritorial jurisdiction of the city, or
 - (iii) The expiration of two (2) years after the effective date of an interim zoning ordinance enacted by the Common Council pursuant to Wis. Stats. § 62.23(7a)(b), or one year after the effective date of any extension thereof.
- (h) Following the adoption of this ordinance, no more than two (2) citizen members, excluding the registered architect, may be from any one aldermanic district; however no more than one aldermanic district may have two (2) citizen members and the district the registered architect resides in may not have more than one citizen member other than the registered architect.
- (4) CHAIR. The Mayor of the City of Mequon shall be the Chair and Presiding Officer of the planning commission unless the Mayor opts to appoint someone other than him or herself. If the Mayor opts to appoint someone other than him or herself, such appointment shall terminate as of the following organizational meeting.
- (5) QUORUM. Five (5) members shall constitute a quorum for the transaction of business.
- (6) MEETINGS. The planning commission shall conduct its meetings at scheduled times and places as shall be determined by the planning commission.
- (7) POWERS. The planning commission shall have such power, authority and functions as are set forth and specified in. Wis. Stats. § 62.23.
- (Ord. No. 2004-1126, § I, 1-11-2005; Ord. No. 2007-1225, § I, 9-11-2007; Ord. No. 2008-1238, §§ II, III, 4-8-2008; Ord. No. 2010-1312, § I, 4-13-2010)

SECTION II:

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

SECTION III:

This is a charter ordinance and shall take effect and be in full force sixty (60) days after its passage and the day after its publication unless within such sixty (60) day period a referendum petition as provided by Wis. Stats. § 66.0101 shall be filed, in which event the ordinance shall not take effect until it shall have been submitted to a referendum vote of the electors and approved by a majority of the electors voting thereon.

Approved By: Christine Nuernberg, Mayor

Date Approved: April 19, 2010

I certify that the foregoing ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on April 13, 2010.

Lee Szymborski, Mequon City Clerk

Published: April 22, 2010.

TO: Planning Commission
FROM: JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT
DATE: May 8, 2017
SUBJECT: The City of Mequon is seeking a text amendment to Chapter 58 of the City of Mequon Zoning Code as it relates to residential gardens.

Background: Alderman Nerbun is sponsoring a text amendment related to the regulation of residential gardens located in the front yard setback. The request was initiated by Alderman Nerbun because of complaints received by residents in District 7. Currently, residential gardens are not regulated in the Mequon Code of Ordinances.

Staff has prepared the following language which requires gardens in the front yard setback to be located closer to the dwelling than to the ultimate right of way and in no case closer than 30 feet to the ultimate right of way. The text amendment also requires the gardens to be no closer to the side property line than the existing dwelling. This approach is similar to other sections in the zoning code that regulate the location of items that might have a negative impact to the surrounding properties such as basketball poles and stored vehicles.

58-8 Definitions

Gardens, Residential – A plot of land for the cultivation of vegetables, trees, herbs or fruit intended for onsite consumption by the owner or occupant.

58 -420 (7) Residential Gardens – Residential gardens shall not be located in the front setback unless the following conditions are met:

- a. A residential garden shall be located closer to the existing dwelling than to the ultimate right of way provided that in no case shall the garden be located closer than 30 feet to the ultimate right of way.
- b. A residential garden shall be located no closer to the side property line than the existing dwelling.
- c. Enclosures constructed of chicken wire, welded wire or woven wire shall be prohibited.