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Office of the City Administrator

PUBLIC WELFARE COMMITTEE

Tuesday, August 8, 2023

5:30 PM

Lower Conference Room

Agenda

- 1) Call to Order, Roll Call
- 2) Approval of Meeting Minutes
Action requested: review and approve
 - a. July Meeting Minutes
- 3) Discussion Items
Action requested: discuss and take action as needed
 - a. Consideration of Chapter 10: Building and Building Regulations and Chapter 58 : Zoning Code Text Amendments Related to Accessory Structures
- 4) Work Calendar
- 5) Adjourn

Dated: August 8, 2023

/s/ Dale Mayr, Chair

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 City Administrator's Office at 262-236-2941, Monday through Friday, 8:00 AM – 4:30 PM



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PUBLIC WELFARE COMMITTEE

Tuesday, July 11, 2023

6:00 PM

Lower Conference Room

Minutes

I) Call to Order

Present:

Chair Dale Mayr
Alderman Gregg Bach
Alderman Kathleen Schneider

Also Present: Assistant City Administrator Schoenemann, City Attorney Sajdak, City Clerk Fochs, Inspections Supervisor Golden, and Executive Assistant Enea

II) Approval of Minutes

1. June Meeting Minutes

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Schneider

SECONDED BY: Alderman Bach

AYES: Mayr, Bach, Schneider

III) Discussion Items

1. Regulation of Door to Door Peddling

City Clerk Fochs explained to the Committee the steps peddlers must go through to acquire a license before being allowed to go door-to-door. After receiving a favorable background check from the Police Department, each approved business with their respective sales associates are placed on the City's [website](#) so residents have the ability to verify that the peddler visiting their neighborhood has been vetted by the Police Department. Some restrictions for peddlers include carrying their license with them while selling, wearing a photo ID issued by the company they represent, and refraining from soliciting before 9:00 AM nor after 7:00 PM. Farmers are exempt from needing to apply for a license. The Committee agreed that the restrictions looked reasonable and thought a Weekly Bulletin article informing residents of such would be helpful.

2. Inspections Permitting for 1 & 2 Family Dwellings

Attachment: PW Minutes 071123 (8654 : July Meeting Minutes)

Inspections Supervisor Golden informed the Committee that currently homeowners can do their own building , HVAC, and plumbing (inside of the house) work. Homeowners cannot perform their own electrical work, it must be done by a master electrician or licensed journeyman. The Committee discussed some work that residents are able to do and some work they weren't able to do under the current code. For instance, residents are able to swap out use for use (i.e. light fixtures), but cannot install a new ceiling fan. Residents don't know some modifications are illegal, it was asked if a chart could be created to make it easier to understand? Inspections Supervisor Golden stated it is better for homeowners to call and ask if unsure in order to get the correct information. If a handyman does not pull a permit, the homeowner is charged double. A lot of times homeowners don't find out until they go to sell their house. With the complicated and lethal nature of electricity, the Committee was satisfied with leaving the requirements as is, limiting the ability of homeowners to be able to do their own work.

IV) Work Calendar

At the August meeting, the Committee will discuss the Architectural Board.

V) Adjourn

Alderman Bach moved to adjourn at 6:30pm and Alderwoman Schneider seconded.

Respectfully Submitted,

Carrie Enea
Executive Assistant



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Office of Community Development

TO: Public Welfare Committee
FROM: Kim Tollefson, Director of Community Development
DATE: August 8, 2023
SUBJECT: Consideration of Chapter 10: Building and Building Regulations and Chapter 58 : Zoning Code Text Amendments Related to Accessory Structures

Attachments:

Ordinance re Arch Board Changes 08-08-23 (DOCX)
Accessory Structure Chart (XLSX)

Background: Midyear 2022, the former Building Inspections Supervisor summarized design standards and zoning code interpretations that influence the process and decision-making of the Architectural Review Board and staff approvals. The impetus for the discussion was based on customer feedback and the Management Partners Operational Analysis conducted for the Community Development Department.

In July of 2022, staff presented their analysis of Accessory Structures and recommended modifications (see attached). The following advances certain policy objectives listed in the chart (highlighted in yellow). The additional items can be addressed at forthcoming meetings.

Analysis: Zoning Code.

1. Building v Structure Definition

Staff recommends the following edits to the definitions to contemporize the definition and to include structures that do not have a defined use per the zoning code:

- *Building* means a structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or ~~chattel property and goods other than real estate.~~
- *Structure* means a combination of materials other than natural terrain or plant growth ~~arranged or constructed~~ ~~erected or constructed~~ to form among other things, a building, shelter, playground equipment, ~~bridge, stairs, sign~~ enclosure ~~(including sign enclosure), a~~ retainer, container, support, base, ~~frame,~~ open air pavilion, platform, plaza ~~or deck or decoration.~~

2. Staff Authority Related to Size

Buildings and structures, and the impact of such on the lot, are subject to meeting technical standards of the code including open space and setback / offsets. Some exceptions are granted by code and staff has regulated accessory structures accordingly. These exceptions allow waived or reduced setback/offsets as well as staff authority to add conditions to projects that are granted exceptions.

Waivers are not authorized for garages. Structures, that are not buildings, not exceeding 150 sq. ft. or exceeding 4'6" but less than 6 feet in height are eligible for waivers.

Currently a structure of 150 square feet or less is approved at staff level. Over 150 square feet requires Arch Board review and approval. Accessory structures are limited to 15 feet in height.

Staff recommends the following to Section 58-171(d)(2):

In the case of an accessory structure not exceeding ~~150~~ 300 square feet ~~and which has no exterior dimension that exceeds sixteen (16) feet in ground area,~~ the setback, offset, height, and open area requirements of the district in which such structure is located may be modified by the building inspector and director of community development upon submittal of structural, site, and operational plans where in the building inspector and director of

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community development's opinion, no adverse impact would result to surrounding properties from such modification. In granting such modification, the building inspector and director of community development may require such architectural treatment, screening by landscape or architectural means, regulation of lighting, or other measures as they deem necessary as a condition to such modification. Any such modification would be based solely on the unique merits of that particular case and would not set any precedent.

Staff recommends a return to Public Welfare Committee to approve design standards for structures of 300 square feet or less, after staff receives a recommendation on such from the Architectural Review Board. Staff wants to ensure the design meets community expectations and that those standards are documented.

In addition, Section 10-56 and 58-566 requires modifications as follows:

Sec. 10-56. - Architectural ~~board~~ approvals.

No permit shall be issued for the erection, remodeling or placement of any building or structure within the City of Mequon ~~of any building~~ until any required architectural approval for such building or structure ~~the approval of the architecture~~ at board has been obtained and such approved plans are received by the building inspector. ~~The~~ review and approval of the ~~permit is architectural board shall be in lieu of the review and approval~~ required per Section 30.07(8) of the Wisconsin Uniform Building Code. As follows, the assigned boards, commissions or authorized staff shall have authority review and determination of the exterior architectural appeal and functional plans of the building Architectural approval shall be provided as follows:

The director of community development, or designee, shall assess and determine, in accordance with Section 58-40 (c-) the appropriateness of any building, or structure which does not exceed a total, of 150 square feet and which has ~~with no exterior dimension that exceeds~~ sixteen (16) feet.

The architectural review board shall assess and determine, in accordance with Section 58-40 the appropriateness of any residential principal or residential accessory building, or structure exceeding 150 square feet and located in the following zoning districts: R-1, R-1B, R-2, R-2B, R-3, R-4, R-5, UCRC, A-1 and A-2.

The planning commission shall assess and determine the appropriateness of any building, or structure, exceeding 150 square feet and located in the following zoning districts: R6, RM, UCSH, NC, B-1, B-2, B-3, B-4, B-5, B-6, B-7, TC, AC, UCNC, UCMC, IPS.

Sec. 58-566 – Architectural requirements and standards.

(c) Authority of the director of community development. Notwithstanding anything to the contrary in this section, the director of community development shall be responsible and have authority to hear, review and act upon proposed plans for structures which do not exceed 150 square feet and do not contain any exterior dimension which exceeds sixteen (16) feet.

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Analysis: Architectural Design Guidelines

1. Roof Materials

Staff recommends the inclusion of metal roofs for accessory structures subject to the following standards:

- Roof color, style and pitch shall match principal structure.
- No roof pitch of an accessory structure shall be less than 5:12.
- Metal roofs shall be standing seam or metal shingle. Corrugated metal roofs are prohibited unless authorized by the Planning Commission for an agricultural structure of more than 1,000 square feet in the OA (Agricultural Overlay) zoning district.

The above standards are appropriately added to the Design Guidelines should the recommendation be supported.

Staff Summary:

The above listed modifications, both to the Zoning Code (Chapter 58) Building and Building Regulations (Chapter 10) and the Design Guidelines, are recommended for efficiency in the approval process for customers and staff administration.

Accessory Structures

Subject Issue	Current Policy / Practice	Proposed Policy / Practice	Ordinance Change	Notes
Definition's Section 58-8	Accessory use or structure means a subordinate use or structure customarily incidental to and located upon the same lot occupied by the principal use or structure. The single exception is accessory off-street parking facilities which are permitted to locate off-site of the principal building or use served. Structure means a combination of materials other than natural terrain or plant growth erected or constructed to form among other things, a building, shelter, sign enclosure, retainer, container, support, base, or decoration. Structure is also defined as anchored to the ground, permanent as 9 months or longer and 6 inches in height.	Current practice of definition includes garages, storage structures, gazebos, and indoor recreation structures. The following structures are exempted from Architectural Review Board review but expected to meet required setbacks/offsets: decks, plazas, tree house and open air features do not require Architectural Review Board review	Staff recommends a separate definition in the Zoning Code for use vs structure, clarification of structure which should include structures other than buildings, and an exemption under Architectural Review Board procedures for certain types of structures	These administrative interpretations are not expressly documented in the Zoning Code
Required Authority for Approval	Any residential structure over 150 square feet requires Architectural Board review and approval. Only via practice, not expressed in the regulations. DCD is authorized to approve and waive technical standards for structures less than 150 square feet.	Staff recommends administrative approval of accessory structures 300 square feet or less with no dimension greater than 16 feet (it is therefore not a garage)	Architectural Review Board procedures in Zoning Code requires an amendment to detail authority and the Design Guidelines must be updated.	Staff approvals for smaller projects provide a streamlined process provided all zoning requirements are also met. Staff recommends design parameters be established to ensure construction meets city expectations and ensures consistency in applicability.
Location	Technical requirements are found in Table 58-249 for all residential zoning districts	Locational technical standards have not been waived by staff. There have been variances granted by Board of Appeals	Staff recommends developing a technical standard for corner lots within the Zoning Code	The only code guidance for location is setback/offset. Staff recommends reviewing Board of Appeals approvals related to reduced setbacks/offsets and consider if additional text amendments should be considered.
Size	Current 150 square feet or less is approved at staff level. Over 150 square feet requires Arch Board review and approval. Only thru practice and past trainings, not actually clarified in any municipal code. Accessory structures are limited to 15 feet in height.	300 square feet or less approved at staff level with no one side to exceed 16 feet. Over 300 requires Arch Board review and approval	Staff recommends a text amendment and a change to Design Guidelines to specify authority under certain size limitations.	Limiting at least one dimension to 16 feet max eliminates the confusion of whether or not it's a garage, for which there are other zoning guidelines to follow.

Attachment: Accessory Structure Chart (8660 : Chapter 10 and 58: Accessory Structures)

Design: Materials	It is clearly outlined in the design guidelines that materials should be natural and when on accessory structures must be compatible with those of the residence and that the design shall reflect residential usage, not a commercial application. The Board generally prohibits metal. The Board has allowed fiber cement, LP and vinyl and has inconsistently required stone if the residence has stone. There are no specific materials listed for accessory structures. Those less than 150 square feet have not been reviewed for design by staff.	Similar, compatible materials and matching colors should be required but should not require an exact match.	Staff recommends the Design Guidelines provide specific standards related to materials and extent and thresholds of use.	Most metal sheds are less than 150 square feet so the only metal structures to come before Arch Board have been carports. Staff approvals for smaller projects provide a streamlined process; provided all zoning requirements are also met. Staff recommends design parameters be established to ensure construction meets city expectations and ensures consistency in applicability.
Design: Windows	The Design Guidelines states that if a specific window style is presented on one elevation, it should be repeated on all elevations, including the garage. It also states that the fact that there are no adjacent neighbors or that the property is or will be bordered by trees or berm does not diminish the need for continuity on all elevations of the structure. The Board consistently requires windows on blank facades of garages and storage structure; however there is no definition or threshold of a blank wall.	Windows on accessory structures should only be required on street facing side(s). This should apply to detached garages as well. If street side location is attractively landscaped and screen or 300 feet or greater from the street, an exemption for a window should be granted.	Staff recommends a change to the Design Guidelines.	Homeowners want an accessory storage structure for storage. Windows in the facade are obstructions in maximizing the functionality of the structure and storage capacity.
Roof Materials/Style/Pitch	The Design Guidelines list specific acceptable roof materials including cedar shake, slate, fiberglass shingles, concrete shingles, tile, asphalt shingles.	Staff recommends inclusive of metal as an acceptable roof material so long as the color is consistent with principle structure. Staff recommends that the roof style and pitch match the principal structure, with an exemption for a larger hip roof, or scaling the pitch of the accessory structure to be consistent and no less than 5:12 pitch	Staff recommends a change to the Design Guidelines.	Arch Board has been consistent with these interpretations and offering submittal candidates agreeable solutions to problems or concerns from the Board. Most accessory structures have not been required to install expensive cedar shakes or metal roofing to match the residence. Most submissions involve asphalt shingles so it's easy to match color.



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Office of Administration

TO: Public Welfare Committee
FROM: Justin Schoenemann, Assistant City Administrator
DATE: June 6, 2023
SUBJECT: Work Calendar

Meeting Topics

July

- Inspections Permitting for 1 & 2 Family Dwellings
- Peddlers Licensing

August

- Architectural Board Review

September

- Architectural Board Review (Continued)
- Polling Site Relocation

Future Agenda Topics

- Chapter II, Article IV Review (Continued)
- Community Survey
- Adopt-A-Median Program
- Community Outreach Initiatives
- Logo Redesign/Branding

2023 Completed Items

- Inspections Permitting for 1 & 2 Family Dwellings
- Peddlers Licensing
- Nuisance Ordinance
- Composting
- Setbacks For R-2 Zoning District
- No Mow May
- Bird City Designation
- Bee City Designation
- Recreation Vehicle Length/Storage
- Building Code Update
- City Cell Phone Policy
- Home Irrigation Systems
- Pool Covers Ordinance
- Home Irrigation Systems Update