



11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2914
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www.cityofmequonwi.gov

Office of the City Clerk

COMMITTEE OF THE WHOLE

Tuesday, August 12, 2025

6:30 PM

American Legion Post #457

6050 W. Mequon Road

Amended Agenda

1. Call to Order, Roll Call
2. Approval of Meeting Minutes
 - a. June 10, 2025
3. Discussion
 - a. Zoning & Land Use Concept Review - Port Washington Road Commercial Corridor
 - b. Southern Ozaukee Fire & EMS Department - Annual Update
4. Resolution
 - a. **RESOLUTION 4227** A Resolution Ratifying a Proclamation Declaring a State of Emergency in Response to the Natural Disaster Resulting from Historic Rainfall
5. Potential Additional Discussion
 - a. IPAWS Emergency Alert System
6. Adjourn

Dated: August 12, 2025

/s/ Andrew Nerbun, Mayor

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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COMMITTEE OF THE WHOLE
Tuesday, June 10, 2025
6:30 PM
American Legion Post #457
6050 W. Mequon Road

Minutes

1. Call to Order, Roll Call

Mayor Nerbun called the meeting to order at 6:40 PM.

Present:

Mayor Andrew Nerbun
 Alderman Robert Strzelczyk
 Alderman Kelly Tolocko
 Alderman Jeffrey Hansher
 Alderman Gregg Bach
 Alderman Brian Parrish
 Alderman Peter Bratt
 Alderman William Gebhardt
 Alderman Dale Mayr -- **Absent**

Also present: City Administrator Jones, Assistant City Administrator Schoenemann, City Attorney Sajdak, City Clerk Fochs, Finance Director Arnett, Fire Chief Bialk, Assistant City Engineer McCraw, Director of Community Development Tollefson, Assistant Director of Community Development Zader, IT Specialist Sauerland, press and interested public.

2. Approval of Meeting Minutes

a. May 13, 2025

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Alderman Strzelczyk
SECONDED BY: Alderman Hansher

AYES: Nerbun, Strzelczyk, Tolocko, Hansher, Bach, Parrish, Bratt, Gebhardt
DEEMED NO: Mayr

3. Discussion

a. Mequon Commons - Public Engagement Summary Results

Attachment: 6.10.25 (10473 : June 10, 2025)

Director Tollefson provided a summary of Phase 1 completion, reflecting on the four main themes: A connected downtown core, civic reinvestment, access to nature, and sustainable planning to maintain Mequon's character. These results stem from community consulting including two days of stakeholder focus group meetings and two open house events in the City.

Committee discussion consisted of the results relating to the baseball field, the pool, the library, considerations for space limitations, and a gathering space that can be utilized year-round.

Moving forward, Phase 2 of the project is slated for presentation to the Common Council in August and will involve preliminary designing, more public feedback, and internal staff engagement. The final stage, Phase 3, will follow and conclude the planning portion of the project.

b. Town Center Gateway and Banner Signage

Director Tollefson presented the logo design options for permanent gateway signs and banner packages for installation during seasonal holidays.

c. Resolution Request - Campaign Finance Reform

Alderman Parrish introduced the topic brought forward by Mequon resident Kim Ebinger. While most aldermen were in favor of action, there was some debate within the Committee whether this scope of subject should be acted upon by elected City officials. Four aldermen voted to move the request to the Public Welfare Committee for consideration, two declined, and one abstained.

d. Southern Ozaukee Fire & EMS Department - Annual Update (Time Permitting)

4. Informational Items

a. Committee of the Whole Planning Calendar

5. Adjourn

Motion to Adjourn at 7:31 PM.

RESULT: Approved by Voice Acclamation [Unanimous]

MOVED BY: Alderman Hansher

SECONDED BY: Alderman Strzelczyk

AYES: Nerbun, Strzelczyk, Tolocko, Hansher, Bach, Parrish, Bratt, Gebhardt
DEEMED NO: Mayr

Respectfully Submitted,

Janet Meyer
Deputy Clerk

Attachment: 6.10.25 (10473 : June 10, 2025)



11333 N. Cedarburg Road
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www.cityofmequonwi.gov

Office of Community Development

TO: Committee of the Whole
FROM: Jac Zader, Assistant Director Community Development
DATE: August 12, 2025
SUBJECT: Zoning & Land Use Concept Review - Port Washington Road Commercial Corridor

Background

In 2023, the Economic Development Board and the Common Council Committee of the Whole vetted a proposed zoning map for the Port Washington Road Corridor. It was determined at the time to delay any further analysis of the proposed zoning map until a Market Analysis was completed. The final report, which was presented to Common Council last fall, included recommended changes to the City's Zoning Code, while also identifying priority redevelopment sites with potential commercial users.

Since completion of the market analysis in November 2024, Community Development staff has developed potential changes to the City's Zoning and Land Use Plan Maps, as well as text amendments to the Zoning Code. Based on feedback received from the Economic Development Board at their February and March meetings in 2025 as well as the Planning Commission in April, staff has created proposed zoning (Exhibit B) and land use plan (Exhibit C) map changes, along with an updated Use Chart (Exhibit D). The proposed changes are based on the following criteria laid out by both the Board and the Commission:

- Allow buildings with larger square footage and three stories on the east side of Port Washington Road
- Consolidate zoning districts as much as possible based on current land use plans
- Determine appropriate locations for future residential uses along the corridor
- Eliminate a majority of office uses in the shopping center and retail/service zoning districts

Analysis

The proposed zoning map is a result of consolidating zoning districts on the east side of Port Washington Road, allowing for a singular, larger-scale development zoning district. In areas where consolidation is not feasible due to lot size or existing use, the zoning district was left unchanged however, the zoning text (Exhibit E) for the applicable district was modified to allow for greater square footage and height (three stories) based on location along the east side of Port Washington Road.

The proposed changes to the land use plan map highlights areas that may be suitable for residential use in the future. This rationale to add the sites to the land use plan is based on a desire not to include residential uses in the proposed commercial zoning districts, but recognize that there is support for a residential development in the future subject to further assessment of

the site, and the specificity of the project once an application is made.

The memorandum summarizing staff's analysis and proposed recommendations, which was initially shared with the Economic Development Board at its February 2025 meeting is excerpted below:

Memorandum of February 2025 EDB meeting

Zoning

Both the Board and the Council recognized that the existing zoning categories and allowable uses that encompass most of the land along Port Washington Road need to be amended. The current zoning districts in the area (B-1, B-2, B-3, B-4), were last modified in the early 1990's and many of the use categories are no longer applicable in today's commercial environment. In addition, modifications to each of the use categories over the years have diluted the differences between the individual zoning districts. Accordingly, staff has spent considerable time reviewing the current zoning and the existing land use patterns along the corridor. Based on this analysis, staff prepared an updated zoning map (see attached) with the following objectives as determined by the Board and Council:

- *Provide common language regarding use categories in each district.*
- *Segregate uses based on current land use patterns.*
- *Limit certain uses, such as fast food, retail, and auto-related facilities, to specific areas along the corridor.*
- *Limit the number of nonconforming uses created by the zoning changes.*

Market Analysis Zoning Recommendations

The most impactful recommendation coming out of the Market Analysis is the consolidation of all existing zoning districts into one large zoning district. The rationale for this is based on the similar zoning classifications in each district. While staff concurs that the uses have become similar over time due to isolated text amendments, staff does not support the recommendation to consolidate all districts into one large district. Instead, staff is recommending that the use categories are modified to create distinction among the districts based on existing land use patterns. Staff will need direction on which approach is recommended prior to moving forward.

The report suggested several technical changes to zoning districts that are intended to encourage redevelopment and maximize density, including the following:

- *Minimum Lot Size 1.5 acres*
- *Open Space ratio changed to 30%*
- *Allow three stories as permitted.*
- *Allow building size at 30,000 square feet as permitted.*

While these changes to the code are relatively straightforward to make, several of these are significant deviations from the existing standards that have been in place for several

decades and may not be supported by the general public.

There are other recommendations that will need to be vetted more thoroughly regardless of if there is one overall zoning district or multiple districts including:

- *Incorporating residential uses.*
- *Address office uses as conditional.*
- *Fitness and Indoor Rec as permitted.*

Recommended Redevelopment Sites

The Market Analysis identified nine redevelopment sites (Exhibit F) and provided a list of potential users for these sites. Staff has evaluated each of the proposed sites against the proposed zoning districts and uses and have made the following determination.

Sites #1 & #2

Sites #1 and #2 are located in the excess parking lots of Marcus Theatres and Metro Market. The report identifies these locations suitable for sit down or fast-food restaurants. The proposed zoning code would permit these uses provided that there is no drive-thru. Staff did not provide an allowance for a drive-thru at these locations based on the Council directive to limit fast-food restaurants with drive-thrus along the Port Washington Road corridor.

Site #3

Site #3 is an office development that has redevelopment potential according to the report. Potential uses for the site include a hotel and entertainment complex. Both uses are allowed under the proposed zoning code.

Site #4

Site #4 is the location of the former Bank Mutual Financial Institution. According to the report, the site would be suitable for a restaurant, retail and medical office. The proposed zoning would allow these uses as well as a drive-thru restaurant since it is part of the overlay.

Site #5

Site #5 is currently occupied by Steins Garden Center. The report states that the site would be suitable for a restaurant or entertainment complex. The proposed code would permit both uses provided that there is no drive-thru.

Site #6

Site #6 is the Chalet Motel and Crave restaurant. The report states that the site would be suitable for a mixed-use building with retail on the first floor with residential on the second and third floor. The site is challenging for several reasons. First, the site is only two acres in size and currently includes a popular restaurant. Any redevelopment would require underground parking, which would drive up development costs. Second, the area to the west is zoned single-family and two-family zoning where a three-story building may not be well received. Finally, staff has a concern with adding a mixed use or

residential use component to a commercial zoning district. In the past, staff has recommended amending the land use plan to certain areas where residential development may be warranted in the future.

Site #7

Site #7 is located at 10500-10520 N. Port Washington Road and includes a vacant office building and a multi-tenant building to the rear. The report states that the location would be attractive site for a hotel or entertainment venue. Entertainment venues would be allowed but a hotel would not.

Site #8

Site #8 is vacant land located at the south end of Port Washington Road. The report calls for high density residential or senior housing. Similar to Site #6, staff has a concern with adding a residential use component to a commercial zoning district. In the past, staff has recommended amending the land use plan to certain areas where residential development may be warranted in the future. If the Board is supportive of senior housing, a rezoning to IPS would be warranted.

Site #9

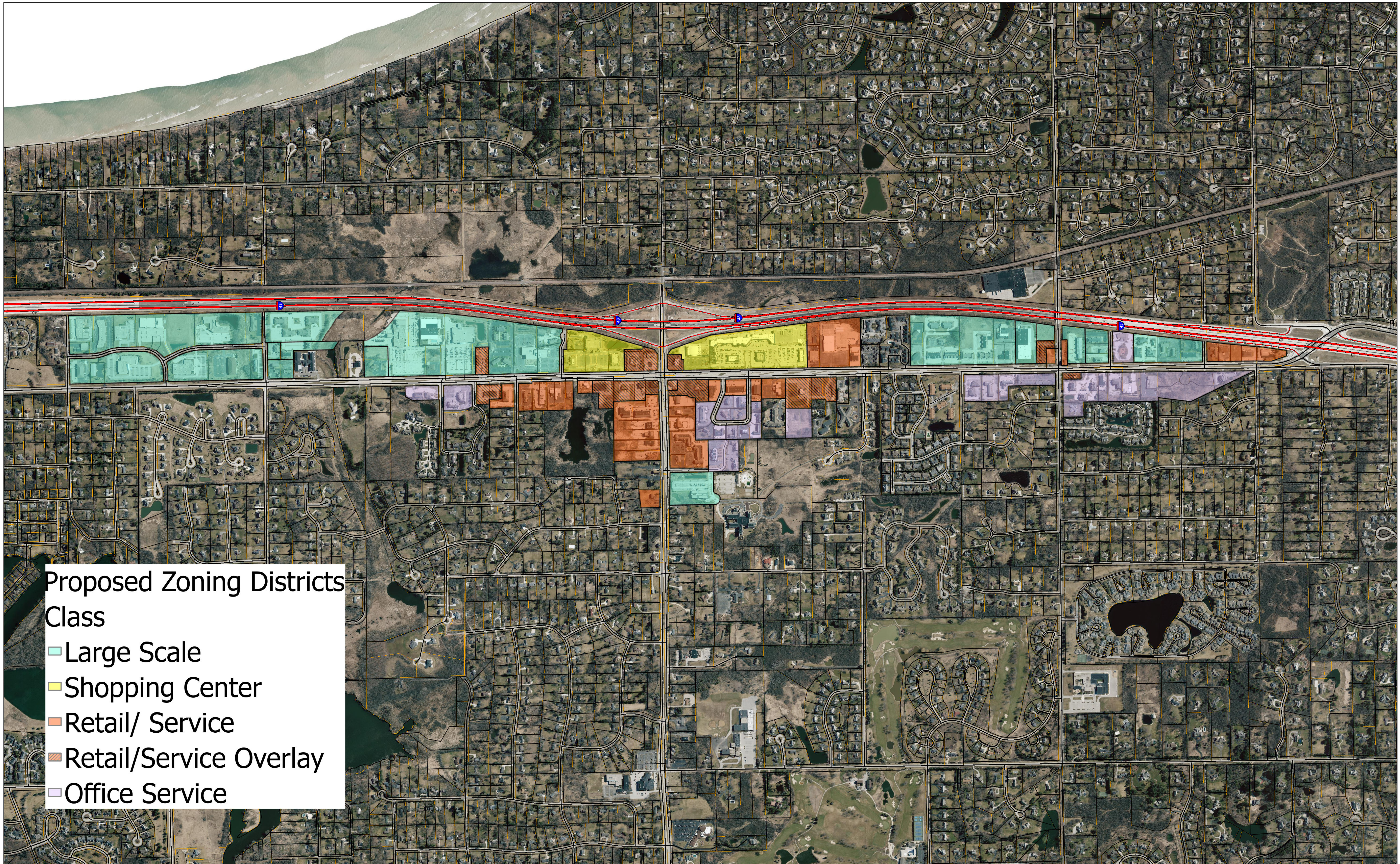
Site #9 is a combination of five parcels located at 9900-10050 N. Port Washington Road. The report states that a mixed-use residential project with fast food restaurants as a potential use for the site. While the proposed zoning would allow for fast food restaurants with a drive-thru, staff has a concern with adding a mixed use or residential use component to a commercial zoning district. In the past, staff has recommended amending the land use plan to certain areas where residential development may be warranted in the future.

Summary

Staff requests feedback and direction on the proposed changes with the goal of adopting the new zoning maps, zoning code amendments and land use plan amendments. If the Council is supportive of the proposed changes, staff will notify all property owners impacted by the proposed changes prior to initiating the formal adoption process.

Attachments:

- Exhibit A: Existing Zoning (PDF)
- Exhibit B: Proposed Zoning (PDF)
- Exhibit C: Landuse Changes (PDF)
- Exhibit D: Proposed Use Chart (PDF)
- Exhibit E: Proposed Text Changes (PDF)
- Exhibit F: Market Analysis Sites (PDF)



Proposed Zoning Districts

Class

- Large Scale
- Shopping Center
- Retail/ Service
- Retail/Service Overlay
- Office Service

Land Use Change to Residential



Exhibit D

Code	Description	B-2 (Retail/Service)	B-3 (Office/Service)	B-4 (Large Scale)	Shopping Center	Retail Overlay	
236	Construction of Buildings	NP	P*	P*	NP	NA	No storage of materials
311811	Bakeries	P	P*	P*	P*	NA	* as part of multi-tenant building
441110	New Car Dealers	NP	NP	C	NP	NP	
4413	Automotive Parts, Accessories, and Tire Stores	NP	NP	NP	NP	NP	
442	Furniture and Home Furnishing Stores	P	NP	NP	P	NA	
443	Electronics and Appliance Stores	P	NP	NP	P	NA	
444	Building Material and Garden Equipment and Supplies Dealers	P	NP	NP	P	NA	
4451	Grocery Stores	P	NP	C	P	NA	
4453	Beer, Wine and Liquor	P	NP	NP	P	NA	
446	Health and Personal Care Stores	P	NP	C**	P	NA	** No drive thru
447	Gasoline Stations	NP	NP	NP	NP	C	
448	Clothing and Clothing Accessories Stores	P	NP	NP	P	NA	
451	Sporting Goods, Hobby, Book, and Music Stores	P	NP	P	P	NA	
452	General Merchandise Stores	NP	NP	NP	C	NP	
4531	Florists	P	NP	P*	P	NA	* as part of multi-tenant building
4532	Office Supplies, Stationary, and Gift Stores	P	NP	NP	P	NA	
45391	Pet and Pet Supplies Stores	P	NP	NP	P	NA	
512131	Theaters	NP	NP	C	NP	NP	
518210	Data Processing and Hosting	NP	P	P	NP	NA	
52	Finance and Insurance	P*	P*	P**	P**	NA	* drive thru in rear **no drive thru allowed
53131	Lessors of Real Estate	NP	P	P	NP	NA	
531130	Lessors of Miniwarehouse and Storage	NP	NP	C	NP	NA	
5312	Offices of Real Estate Agents and Brokers	NP	P	P	NP	NA	
53132	Offices of Real Estate Appraisers	NP	P	P	NP	NA	
5411	Legal Services	NP	P	P	NP	NA	
5412	Accounting, Tax Preparation, Bookkeeping, and Payroll Services	NP	P	P	NP	NA	
5413	Architectural, Engineering, and Related Services	NP	P	P	NP	NA	
541410	Interior Design Services	NP	P	P	NP	NA	
541430	Graphic Design Services	NP	P	P	NP	NA	
5415	Computer Systems Design and Related Services	NP	P	P	NP	NA	
5416	Management, Scientific, and Technical Consulting Services	NP	P	P	NP	NA	
5418	Advertising, Public Relations, and Related Services	P	P	P	NP	NA	
541921	Photography Studios	P	P	P	P	NA	
541940	Veterinary Services	C	NP	C	C	NA	
561510	Travel Agencies	P	P	P	P	NA	
611610	Fine Arts Schools	P	P	P	P	NA	
6211	Offices of Physicians	P	P	P	P	NA	
6212	Offices of Dentist	P	P	P	P	NA	
6213	Office of Other Health Practitioners	P	P	P	P	NA	
621493	Urgent Care and Emergency Centers	C	NP	C	NP	NA	
621511	Medical Laboratories	NP	P	P	NP	NA	
624410	Child day care facilities	C	C	C*	NP	NA	* as part of multi-tenant building
713940	Fitness and Recreational Sports Centers	P	C	C	P	NA	
72111	Hotels and motels	NP	NP	C	NP	NP	
7221	Full-Service Restaurants	C	C*	C	P	NA	*specific criteria
7222	Limited Service eating places	C	NP	C	P	NA	
7222	Limited Service eating places with drive thru	NP	NP	NP	NP	C	
722213	Snack and Nonalcoholic Beverage Bars	P	P*	P*	P	NA	* as part of multi-tenant building
722410	Drinking Places (Alcoholic Beverages)	C	NP	NP	C	NA	
811111	General Automotive Repair	NP	NP	NP	NP	C	
811192	Car Washes	NP	NP	NP	NP	C	
81211	Hair, Nail, and Skin Care Services	P	P	P*	P	NA	* as part of multi-tenant building
812210	Funeral Homes and Funeral Services	NP	C	NP	NP	NP	
81232	Dry Cleaning	C	C*	C*	C	NA	* as part of multi-tenant building
812910	Pet Daycare and Kennels	C	NP	C*	C	NA	*specific criteria
722320	Banquet or Reception Hall	C	NP	NP	NP	NA	
531120	Convention or Conference Center	NP	NP	C	NP	NP	
453310	Resale shops	C	NP	NP	C	NA	
5417	Research and Development	NP	NP	C	NP	NP	
33512	Light Manufacturing	NP	NP	C	NP	NA	
42	Wholesaling	NP	NP	C	NP	NA	
42	Distribution	NP	NP	C	NP	NA	
493100	Warehousing	NP	NP	C	NP	NA	

Identified Nonconforming Uses

Blane Goodman	funeral service
kelly and kristin salon	wig shop
Chalet motel	motel
north shore detailing	auto service

Attachment: Exhibit D: Proposed Use Chart (10539 : Port Washington Road Zoning Discussion)

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

- (a) *Purpose.* The B-2 district is established to accommodate the retail and service needs of the greater community.
- (b) *General requirements.*
- (1) Buildings shall be designed in individual or small **groupings and shall not exceed 20,000 square feet per structure and exceed two stories in height west of Port Washington Road and shall not exceed 30,000 square feet per structure and three stories east of Port Washington Road.** The commercial development shall be designed and sized in a manner which is architecturally, aesthetically and operationally harmonious with surrounding development.
 - (2) All business, servicing or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings. Outside storage is not permitted except as specifically approved by the planning commission.
 - (3) Building design may provide for either single or multi-tenant structures with the appearance and operation being harmonious and compatible with the surrounding area.
 - (4) Site development shall be approved by the planning commission in accordance with this chapter.
 - (5) [Reserved.]
 - (6) In approving or disapproving proposed locations for uses under this section the planning commission shall give due consideration to the character and suitability for development of the area in which any such use is proposed to be located and shall also base its decision on such evidence as may be presented to the city planning commission regarding traffic generation, heavy vehicular traffic, ground water impact, sewage disposal impact, soil limitations and the emission of noise, smoke, dust or dirt, odorous or noxious gases attributed to the proposed use. The following uses may be allowed if the planning commission determines that the use would not be detrimental to the character of the surrounding area and/or would not generate a significant adverse impact relative to the above mentioned elements.
 - (7) [Reserved.]
- (c) *Permitted uses.* **See chart**
- (1) ~~Retail trade establishments which supply convenience and specialty goods.~~
 - (2) ~~Retail trade establishments whose primary product line is groceries.~~
 - (3) ~~Personal and professional service establishments which perform services on the premises including, but not limited to, repair shops, (watches, radio and television, etc.) tailor shops, beauty parlors or barber shops, photographic studios, dry cleaners, laundries.~~
 - (4) ~~General offices.~~
 - (5) ~~Finance, insurance and real estate services including, but not limited to, banks, insurance offices, savings and loan associations and security brokers.~~
 - (6) ~~Health care facilities Medical offices including, but not limited to, dental clinics, medical clinics, chiropractic clinics and health clubs.~~
- (d) *Accessory uses.* Accessory buildings and uses customarily incidental to the above uses including, but not limited to garages and dumpster storage facilities.
- (e) *Conditional uses.* **See chart**

-
- (1) ~~Public uses including, but not limited to, post offices, schools and local governmental offices and facilities.~~
- (2) ~~Restaurants and nightclubs.~~
- (3) ~~Cultural activities including, but not limited to, museums, libraries and art galleries.~~
- (4) ~~Public and/or private utilities, telecommunication installations, transmission and distribution lines, poles, and other accessories. Specific regulations related to wireless telecommunication installations shall be subject to this chapter. When a utility proposes a main inter-city transmission facility, the utility shall give notice to the city of such intention and of the date of hearing before the public service commission. Public and/or private utility installations less than three feet in height shall be subject only to City of Mequon staff approval and may be allowed subject to staff imposed conditions regarding, among other things, effective screening from public view with all season vegetation.~~
- (5) ~~Churches, temples and synagogues.~~
- (6) ~~Animal hospitals, veterinary clinics and kennels pursuant to the specific requirements set forth in division 11.~~
- (7) ~~Wholesaling establishments.~~
- (8) ~~Outdoor recreational facilities.~~
- (9) ~~Automobile service facilities including, but not limited to, gasoline sale and automotive repair.~~
- (10) ~~Motels and hotels.~~
- (11) ~~Satellite dishes.~~
- (12) ~~Warehouse and distribution facilities.~~
- (13) ~~Car dealerships.~~
- (14) ~~Research and development facilities.~~
- (15) ~~Child day care facilities.~~
- (16) ~~Light assembly or fabrication incidental to the principal use.~~
- (17) Structures in which shall be located only principal or conditional uses, as enumerated in subsections (c) and (e) above, but which are greater than **the requirements of (b) (1) shall only be approved as part of a PUD.**
- (18) ~~Development that includes a proposed modification to one or more standard district regulation applicable to the base zoning district and located on a vacant parcel which is non-conforming to the required base zoning district standards for minimum lot size or minimum lot width.~~
- (19) ~~Fitness centers.~~
- (20) ~~Indoor recreation and amusement facilities.~~
- (21) ~~Development that includes a proposed modification to one or more standard district regulation applicable to the base zoning district and located on an improved parcel with an existing structure in which parcel, or improvement, or both, are non-conforming to any of the required base zoning district standards.~~
- (22) ~~General merchandise stores subject to the following regulations:~~
- ~~• The GLA of the use must be between 20,000 and 30,000 square feet.~~

- ~~The square footage of all uses classified as general merchandise stores shall not exceed 40 percent of the total GLA of a retail development.~~
- ~~Floor area dedicated to food related merchandise shall not exceed five percent of the total GLA of the general merchandise store.~~
- ~~The development in which the use is located shall be located along a secondary arterial and shall abut an interstate highway.~~
- ~~General merchandise stores located in an existing multi-tenant building shall be subject to building and site plan review.~~

~~(23) Resale clothing and clothing accessories shall be subject to the following conditions:~~

- ~~The resale floor area shall not exceed 1,500 square feet.~~
- ~~All merchandise shall be displayed on permanent racks or shelving which may or may not be affixed to the floor or walls.~~
- ~~No outdoor display of merchandise.~~
- ~~All windows into the tenant space shall remain clear of merchandise or shelving unless approved by planning commission.~~
- ~~All interior walls and ceilings shall be finished with drywall or other city approved materials.~~
- ~~No sale of furniture or other household items.~~

~~(24) Banquet or reception hall.~~

~~(25) Convention or conference center.~~

- (f) *Lot size.* The minimum lot size shall have an area of not less than **1.5** ~~two~~ acres.
- (g) *Building size/floor area ratio.* The building(s) floor area ratio shall not exceed 30 percent.
- (h) *Building height.* The height of any structure shall not exceed 42 feet unless otherwise allowed in accordance with section 58-418.
- (i) *Minimum building setback.* All structures within the B-2 district shall be set back from the ultimate road right-of-way as follows:
- (1) Freeways—50 feet.
 - (2) All other streets and highways (excluding local streets)—65 feet, except when parking is proposed between the road and building the minimum setback shall be 95 feet.
 - (3) Local streets—60 feet.
- (j) *Minimum building offset.* No building or structure, hereafter erected, shall be placed closer than 20 feet to a side or rear lot line. If, however, adjoining property is zoned residential, no commercial building or structure shall be placed closer than 30 feet to the adjoining residentially zoned lot line.
- (k) *Open space.*
- (1) The open space ratio shall not be less than **30** ~~40~~ percent except as follows:
 - a. ~~Future additions to buildings that were approved by the planning commission prior to August 12, 1994, shall be subject to a 30 percent open space ratio.~~

Parcels located west of Port Washington Road shall be subject to the 40 percent open space ratio.

- b. Properties which were the subject of planned unit development zoning or development agreement approval prior to August 12, 1994, shall be subject to the contractual open space ratio approved by the city pursuant to such planned unit development zoning or development agreement.
 - ~~c. Construction of additional buildings on sites developed prior to August 12, 1994, shall be subject to a 30 percent open space ratio.~~
 - ~~d. Proposed redevelopment/reconstruction of sites developed prior to August 12, 1994, shall be subject to the 40 percent open space ratio if the redevelopment razes more than 50 percent of the existing building(s). If the redevelopment does not raze more than 50 percent of the existing building(s), a development shall be subject to a 30 percent open space ratio.~~
- (2) No lot or parcel that was previously developed under a less restrictive open space ratio shall be deemed nonconforming due to lack of compliance with this current more restrictive open space ratio.
- (l) *Lot width and lot length.* The minimum average lot width and minimum average lot length shall be 150 feet.
 - (m) *Off-street parking.* In accordance with applicable regulation set forth in section 58-441.
 - (n) *Minimum parking and driveway offset.* No driveway or parking area shall be located closer than 20 feet from a side or rear lot line unless specifically waived by the planning commission.
 - (o) *Minimum parking setback.* No driveway (excluding the portion of driveway required for road access) or parking area shall be located closer than 25 feet to the ultimate road right-of-way.

Sec. 58-296. B-3 office and service business district.

- (a) *Purpose.* The B-3 office and service district is intended to provide for individual or group office and special service uses where the office activity would be compatible with surrounding uses.
- (b) *General requirements.*
 - (1) Buildings shall be designed in individual or small groupings and shall not exceed 20,000 square feet per structure and exceed two stories in height west of Port Washington Road and shall not exceed 30,000 square feet per structure and three stories east of Port Washington Road. The commercial development shall be designed and sized in a manner which is architecturally, aesthetically and operationally harmonious with surrounding development.
 - (2) The office development shall be designed and sized in a manner which is architecturally, aesthetically and operationally harmonious with surrounding development.
 - (3) All business, servicing, processing or storage except for off-street parking or loading, shall be conducted within completely enclosed buildings unless specifically approved by the planning commission.
 - (4) The size and location of projects within the district shall be based upon such factors as justifiable community need, satisfactory traffic impact and its potential contribution to the welfare of the community.
 - (5) In approving or disapproving proposed locations for uses under this section the planning commission shall give due consideration to the character and suitability of development for the area in which any such use is proposed to be located and shall also base its decision on such evidence as may be presented to the city planning commission regarding traffic generation, ground water impact, sewage disposal impact, lighting, soil limitations and the emission of noise, smoke, dust or dirt, odorous or noxious gases attributed to the proposed use. The city planning commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion. The

- applicant shall have an opportunity to present evidence contesting such unsuitability or propose adequate mitigation, if they so desire. Thereafter, the city planning commission may affirm, modify or withdraw its determination of unsuitability.
- (6) Site development shall be approved by the planning commission in accordance with this Code.
- (7) [Reserved.]
- (c) *Permitted uses.* *See chart*
- (1) ~~Professional office and services including, but not necessarily limited to, accounting, architectural, chiropractic, dental, medical, engineering and legal services.~~
- (2) ~~Business offices and services including, but not necessarily limited to, advertising agency, management consulting, manufacturing representatives, public relations, stenographic, travel agency and duplicating services.~~
- (3) ~~Financial, insurance and real estate offices and services including, but not necessarily limited to, financial institutions, security brokers, holding and investment companies, insurance agency, insurance carriers, governmental and public services.~~
- (d) *Permitted accessory uses.*
- (1) Garages for storage of vehicles used in conjunction with the operation of the business or for occupants of the premises.
- (2) Residential quarters for the owner/proprietor, located in the same building as the business, that were established prior to the effective date of this ordinance may be continued. Residential quarters shall not be allowed for office uses developed subsequent to the effective date of the ordinance from which this section is derived.
- (e) *Conditional uses.* Conditional uses shall include, but not necessarily be limited to the following: *See chart*
- (1) ~~Commercial child day care facilities.~~
- (2) ~~Studios for photography, painting, music, sculpture, dance or other recognized fine art.~~
- (3) ~~Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.~~
- (4) ~~Research and development facilities.~~
- (5) ~~Light assembly and/or warehouse if accessory to the principal use.~~
- (6) ~~Satellite dishes with appropriate screening.~~
- (7) ~~Public and/or private utilities, telecommunication installations, transmission and distribution lines, poles, and other accessories. Specific regulations related to wireless telecommunication installations shall be subject to this chapter. When a utility proposes a main inter-city transmission facility, the utility shall give notice to the city of such intention and of the date of hearing before the public service commission public and/or private utility installations less than three feet in height shall be subject only to City of Mequon staff approval and may be allowed subject to staff imposed conditions regarding, among other things, effective screening from public view with all season vegetation.~~
- (8) ~~Beauty aids and personal grooming services, including but not limited to facial, skin, hair and nail care services and ancillary therapeutic massages and the ancillary retail sale of related products.~~
- (9) ~~Sit-down restaurants subject to the following:~~
- a. ~~Restaurants shall be an occupant within a multi-tenant building and no stand-alone restaurants shall be permitted.~~

- b. ~~Restaurants shall not exceed 5,000 square feet in gross floor area or 50 percent of the total building size, whichever is less.~~
- c. ~~Only one restaurant shall be permitted per building.~~
- d. ~~Drive thru windows shall not be permitted.~~
- e. ~~Restaurants shall not be permitted if the property is also zoned as an LTD overlay.~~
- (10) Development that includes a proposed modification to one or more standard district regulation applicable to the base zoning district and located on a vacant parcel which is non-conforming to the required base zoning district standards for minimum lot size or minimum lot width.
- (11) Development that includes a proposed modification to one or more standard district regulation applicable to the base zoning district and located on an improved parcel with an existing structure in which parcel, or improvement, or both, are non-conforming to any of the required base zoning district standards.
- (12) Commercial use of historically significant structures not otherwise permitted.
- (f) *Lot size.* The minimum lot size shall have an area of not less than 1.5 acres.
- (g) *Building size/floor area ratio.* The building(s) floor area ratio shall not exceed 30 percent.
- (h) *Building height.* The height of any structure shall not exceed 42 feet unless otherwise allowed in accordance with section 58-418.
- (i) *Minimum building setback.* All structures within the B-3 district shall be set back from the ultimate road right-of-way as follows:
- (1) Freeways, 50 feet.
 - (2) All other streets and highways (excluding local streets), 65 feet, except when parking is proposed between the road and building the minimum setback shall be 95 feet.
 - (3) Local streets, 60 feet.
- (j) *Minimum building offset.* No building or structure, hereafter erected, shall be placed closer than 20 feet to a side or rear lot line. If, however, adjoining property is zoned residential, no commercial building or structure shall be placed closer than 30 feet to the adjoining residentially zoned lot line.
- (k) *Open space ratio.*
- (1) The open space ratio shall not be less than ~~30~~40 percent except as follows:
 - a. ~~Future additions to buildings that were approved by the planning commission prior to August 12, 1994, shall be subject to a 30 percent open space ratio.~~
 - Parcels located west of Port Washington Road shall be subject to the 40 percent open space ratio.**
 - b. Properties which were the subject of planned unit development zoning or development agreement approval prior to August 12, 1994, shall be subject to the contractual open space ratio approved by the city pursuant to such planned unit development zoning or development agreement.
 - c. ~~Construction of additional buildings on sites developed prior to August 12, 1994, shall be subject to a 30 percent open space ratio.~~
 - d. ~~Proposed redevelopment/reconstruction of sites developed prior to August 12, 1994, shall be subject to the 40 percent open space ratio if the redevelopment razes more than 50 percent of~~

~~the existing building(s). If the redevelopment does not raze more than 50 percent of the existing building(s), a development shall be subject to a 30 percent open space ratio.~~

- (2) No lot or parcel that was previously developed under a less restrictive open space ratio shall be deemed nonconforming due to lack of compliance with this current more restrictive open space ratio.
- (l) *Lot width and lot length.* The minimum average lot width and minimum average lot length shall be 150 feet.
- (m) *Off-street parking.* Off-street parking shall be in accordance with applicable regulation set forth in this chapter.
- (n) *Minimum parking and driveway offset.* No driveway or parking area shall be located closer than 20 feet from a side or rear lot line unless specifically waived by the planning commission.
- (o) *Minimum parking setback.* No driveway (excluding the portion of driveway required for road access) or parking area shall be located closer than 25 feet to the ultimate road right-of-way.
- (p) *Loading docks.* Loading docks shall generally not face a dedicated or reserved public street.
- (q) *Roof-mounted equipment.* Roof-mounted equipment shall be located, screened and/or painted to minimize visibility from streets and adjacent sites.
- (r) *Storage.* Garbage and refuse containers shall be screened from view from streets and adjacent sites.

Sec. 58-297. B-4 ~~business park district.~~ Large Scale

- (a) *Purpose.* The B-4 business park district is intended to provide for the development of an attractive and aesthetically mixed grouping of both office and limited light industrial uses in a planned park-like setting.
- (b) *General requirements.*
 - (1) Buildings shall not exceed **three stories and** 40,000 square feet of gross floor area **except as approved as a PUD.**
 - (2) The development shall be designed and sized in a manner which is architecturally, aesthetically and operationally harmonious with surrounding development.
 - (3) All business, servicing, processing or storage except for off-street parking or loading, shall be conducted within completely enclosed buildings unless specifically approved by the planning commission.
 - (4) The business park shall be improved with underground utilities.
 - (5) Vehicular circulation within the business park shall be oriented to internal circulation drives with limited access provided to city streets.
 - (6) No external nuisance which is offensive by reason of odors, lighting, smoke, fumes, dust, vibrations, noise, pollution or hazardous by reason of excessive danger of fire or explosion shall be permitted.
 - (7) Project elements such as architecture, landscaping, lighting, signage, access, circulation, parking and utilities shall be designed and constructed in a coordinated manner.
 - (8) In approving or disapproving proposed locations for uses under this subsection the planning commission shall give due consideration to the character and suitability for development of the area in which any such use is proposed to be located and shall also base its decision on such evidence as may be presented to the city planning commission regarding traffic generation, heavy vehicular traffic, ground water impact, sewage disposal impact, soil limitations and the emission of noise, smoke, dust or dirt, odorous or noxious gases attributed to the proposed use. The following uses may be allowed if the planning commission determines that the use would not be detrimental to the character of the

- surrounding area and/or would not generate a significant adverse impact relative to the above mentioned elements.
- (9) Site development shall be approved by the planning commission in accordance with this chapter.
- (10) [Reserved.]
- (c) *Permitted uses.* *See chart*
- (1) ~~Professional offices and services including, but not limited to, accounting, architectural, chiropractic, dental, medical, engineering and legal services.~~
 - (2) ~~Business offices and services including, but not necessarily limited to, advertising agency, management consulting, manufacturing representatives, public relations, stenographic, travel agency and duplicating services.~~
 - (3) ~~Financial, insurance and real estate offices and services including, but not necessarily limited to, financial institutions, security brokers, holding and investments, insurance agency, insurance carriers, governmental and public services.~~
- (d) *Permitted accessory uses.* Garages for storage of vehicles used in conjunction with the operation of the business or for occupants of the premises.
- (e) *Conditional uses.* Conditional uses shall include, but not necessarily be limited to, the following: *See chart*
- (1) Light manufacturing.
 - (2) ~~Processing.~~
 - (3) ~~Wholesaling.~~
 - (4) ~~Distribution.~~
 - (5) ~~Research and development.~~
 - (6) ~~Printing and publication.~~
 - (7) ~~Warehousing.~~
 - (8) ~~Barbershops and beauty salons.~~
 - (9) ~~Bookstores.~~
 - (10) ~~Commercial child day care facilities.~~
 - (11) ~~Restaurants (not including fast food facilities).~~
 - (12) ~~Florists (not including greenhouses).~~
 - (13) ~~Gift shops.~~
 - (14) ~~Pharmacies.~~
 - (15) ~~Studios for photography, painting, music, sculpture, dance or other recognized fine art.~~
 - (16) ~~Automobile service facilities.~~
 - (17) ~~Satellite dishes.~~
 - (18) ~~Public and/or private utilities, telecommunication installations, transmission and distribution lines, poles, and other accessories. Specific regulations related to wireless telecommunication installations shall be subject to this chapter. When a utility proposes a main inter-city transmission facility, the utility shall give notice to the city of such intention and of the date of hearing before the public service commission. Public and/or private utility installations less than three feet in height shall be subject only~~

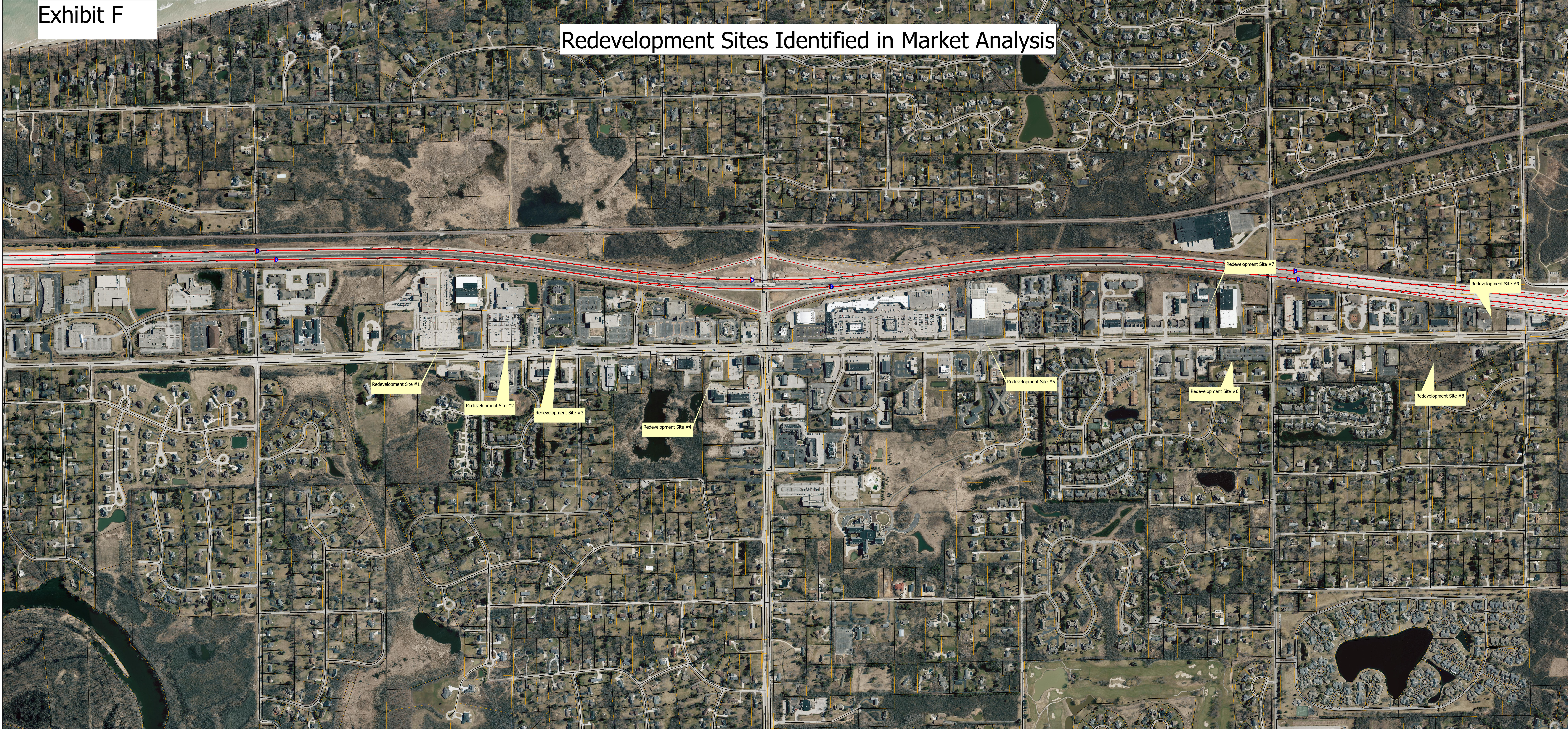
~~to City of Mequon staff approval and may be allowed subject to staff imposed conditions regarding, among other things, effective screening from public view with all season vegetation.~~

- ~~(19) Theatres.~~
- ~~(20) Structures greater than 40,000 square feet in size and/or greater than two stories in height.~~
- ~~(21) Development that includes a proposed modification to one or more standard district regulation applicable to the base zoning district and located on a vacant parcel which is non-conforming to the required base zoning district standards for minimum lot size or minimum lot width.~~
- ~~(22) Pet day-cares and kennels pursuant to the specific requirements set forth in division 11.~~
- ~~(23) Fitness centers.~~
- ~~(24) Development that includes a proposed modification to one or more standard district regulation applicable to the base zoning district and located on an improved parcel with an existing structure in which parcel, or improvement, or both, are non-conforming to any of the required base zoning district standards.~~
- ~~(25) Convention or conference center.~~
- (f) *Lot size.* The minimum lot size shall have an area of not less than ~~one~~ 1.5 acre.
- (g) *Building size/floor area ratio.* The building(s) floor area ratio shall not exceed 30 percent.
- (h) *Building height.* The height of any structure shall not exceed 42 feet unless otherwise allowed in accordance with section 58-418.
- (i) *Minimum building setback.* All structures within the B-4 district shall be set back from the ultimate road right-of-way as follows:
- (1) Freeways, 50 feet.
 - (2) All other streets and highways (excluding local streets), 65 feet, except when parking is proposed between the road and building the minimum setback shall be 95 feet.
 - (3) Local streets, 60 feet.
- (j) *Minimum building offset.* No building or structure, hereafter erected, shall be placed closer than 20 feet to a side or rear lot line. If, however, adjoining property is zoned residential, no building or structure shall be placed closer than 30 feet to the adjoining residentially zoned lot line.
- (k) *Open space ratio.*
- (1) The open space ratio shall not be less than ~~30~~ 40 percent except as follows:
 - a. ~~Future additions to buildings that were approved by the planning commission prior to August 12, 1994, shall be subject to a 30 percent open space ratio.~~
 - b. Properties which were the subject of planned unit development zoning or development agreement approval prior to August 12, 1994, shall be subject to the contractual open space ratio approved by the city pursuant to such planned unit development zoning or development agreement.
 - c. ~~Construction of additional buildings on sites developed prior to August 12, 1994, shall be subject to a 30 percent open space ratio.~~
 - d. ~~Proposed redevelopment/reconstruction of sites developed prior to August 12, 1994, shall be subject to the 40 percent open space ratio if the redevelopment razes more than 50 percent of~~

~~the existing building(s). If the redevelopment does not raze more than 50 percent of the existing building(s), a development shall be subject to a 30 percent open space ratio.~~

- (2) No lot or parcel that was previously developed under a less restrictive open space ratio shall be deemed nonconforming due to lack of compliance with this current more restrictive open space ratio.
- (l) *Lot width and lot length.* The minimum average lot width and minimum average lot length shall be 150 feet.
- (m) *Off-street parking.* Off-street parking shall be in accordance with applicable regulation set forth in this chapter.
- (n) *Minimum parking and driveway offset.* No driveway or parking area shall be located closer than 20 feet from a side or rear lot line unless specifically waived by the planning commission.
- (o) *Minimum parking setback.* No driveway (excluding the portion of driveway required for road access) or parking area shall be located closer than 25 feet to the ultimate road right-of-way.
- (p) *Loading docks.* Loading docks shall generally not face a dedicated or reserved public street.
- (q) *Roof-mounted equipment.* Roof-mounted equipment shall be located, screened and/or painted to minimize visibility from streets and adjacent sites.
- (r) *Storage.* Garbage and refuse containers shall be screened from view from streets and adjacent sites.

Redevelopment Sites Identified in Market Analysis





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Office of City Attorney

TO: Committee of the Whole
FROM: Caroline Fochs, City Clerk
DATE: August 11, 2025
SUBJECT: RESOLUTION 4227 A Resolution Ratifying a Proclamation Declaring a State of Emergency in Response to the Natural Disaster Resulting from Historic Rainfall

Background

On August 11, Mayor Nerbun issued a Proclamation Declaring a State of Emergency in Response to a Natural Disaster Resulting from Historic Rainfall. This Proclamation was issued under the authority granted to the Mayor as the City's Chief Executive Officer by Wis. Stat. § 323.14(4)(b) based upon the significant rainfall and associated flooding over the weekend and the inability of the Common Council to meet immediately to address a declaration.

Under Wis. Stat. § 323.14(4)(b), the Mayor's Proclamation is "subject to ratification, alteration, modification, or repeal by the governing body as soon as that body can meet." Accordingly, before you is a Resolution Ratifying the Mayor's Proclamation Declaring a State of Emergency in Response to a Natural Disaster Resulting from Historic Rainfall. Ratifying the resolution would confirm the provisions therein. Please note, however, that any "subsequent action taken by the governing body shall not affect the prior validity of the proclamation." Id.

This declaration is a step to keep the door open for possible State or Federal assistance.

Recommendation

A recommendation is forthcoming from the Committee of the Whole on August 12, 2025.

Attachments:

4843480-Proclamation Declaring a State of Emergency re Flooding (DOCX)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4227

A Resolution Ratifying a Proclamation Declaring a State of Emergency in Response to the
Natural Disaster Resulting from Historic Rainfall

A. During the evening and overnight hours of August 9-10, 2025, the City of Mequon experienced heavy rainfall, receiving in excess of eight inches across large portions of the City.

B. The heavy rainfall resulted in significant localized flooding within the City, causing substantial property damage.

C. In response, on August 11, 2025, the Mayor of the City of Mequon, pursuant to Wisconsin Statutes Section 323.11 and 323.14(4)(b) and Sections 26-24 and 26-26 of the Mequon Code of Ordinances, issued the attached Proclamation Declaring a State of Emergency in Response to a Natural Disaster Resulting from Historic Rainfall (the "Proclamation").

D. Pursuant to Wisconsin Statutes Section 323.14(4)(b), the Proclamation is subject to ratification, alteration, modification or repeal by the Common Council.

BASED UPON THE FOREGOING RECITALS, IT IS RESOLVED by the Common Council of the City of Mequon, Wisconsin, that the Proclamation is hereby ratified.

Approved by: Andrew Nerbun, Mayor

Date Approved: August 12, 2025

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on August 12, 2025.

Caroline Fochs, City Clerk

PROCLAMATION DECLARING A STATE OF EMERGENCY IN RESPONSE TO
A NATURAL DISASTER RESULTING FROM HISTORIC RAINFALL

RECITALS

- A. During the evening and overnight hours of August 9-10, 2025 the City of Mequon experienced heavy rainfall, receiving in excess of seven inches across large portions of the City.
- B. The heavy rainfall resulted in significant localized flooding within the City causing substantial property damage.
- C. The short-term forecast calls for additional rain over the next few days.
- D. Emergency responders and public works staff and equipment need to respond as a result of the severe weather.
- E. Additional personnel and resources may be needed to expedite and enhance the response and recovery operations in the affected areas.
- F. In order to protect the health and well-being of residents and visitors, the Village City of Mequon must avail itself of all resources needed to respond to the natural disaster.

BASED UPON THE FOREGOING RECTALS, and pursuant to Wis. Stat. §§ 323.11 and 323.14(4)(b), I, Andrew Nerbun, as the Chief Executive Officer of the City of Mequon, proclaims as follows:

1. There does now exist within the City of Mequon a natural disaster, as defined in Wis. Stat. § 323.02(6), and as such, the Common Council of the City of Mequon does hereby declare a State of Emergency within the City of Mequon, pursuant to Wis. Stat. § 323.11, due to an imminent conditions that threatens or negatively impacts life, health, property, infrastructure, the environment, the security, or critical systems of the City.
2. During the existence of said declared State of Emergency, the powers, functions and duties of the emergency management organization of the City of Mequon shall be those prescribed by state law, and by Mequon ordinances and resolutions, and the City of Mequon Emergency Management Plan.
3. All City of Mequon departments shall, as necessary and appropriate, work cooperatively with internal and external stakeholders and take all necessary and appropriate measures to prevent and respond to hazards in the community.

4. The City of Mequon Emergency Management Director shall implement the City's emergency management plan, coordinate the City's response to the existing Emergency, and coordinate with County and State emergency management personnel as required by law.

5. Pursuant to Wis. Stat. § 323.11, this Resolution Declaring a State of Emergency and the period of the emergency shall be in effect and in place for thirty (30) days from the date of adoption hereof, or until revoked or extended by future resolution of the Common Council.

Dated at Mequon, Wisconsin this _____ day of August, 2025.

Andrew Nerbun, Village President



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 Fax: 262-242-7650

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Office of Police

TO: Committee of the Whole
FROM: Mark Riley, Police Chief
DATE: August 7, 2025
SUBJECT: IPAWS Emergency Alert System

Background

The purpose of this memo is to provide a brief overview of the Integrated Public Alert and Warning System (IPAWS), which is currently utilized to notify the public of emergency situations throughout Ozaukee County.

Analysis

IPAWS is a federal alerting tool that communicates emergency messages to the public through various channels, including radio, television, and-most notably-cell phone towers. This system is designed to quickly reach individuals in a targeted area during critical events such as severe weather, police shelter-in-place notifications, hazardous materials incidents, and other urgent public safety situations.

Ozaukee County covers the cost of this alert system, ensuring our communities have access to timely and potentially life-saving information without additional financial burden on individual municipalities.

One technical limitation of the system is worth noting: alerts are broadcast based on the location of cell towers and the subscriber address associated with a mobile phone. This means that, on occasion, individuals who are outside the physical area of the emergency may still receive alerts if their mobile phone account is registered within the alert zone. This issue is relatively rare and is a known characteristic of the technology.

Overall, IPAWS is a valuable and reliable public safety tool that enhances communication during emergencies and contributes to the wellbeing and preparedness of our community.

Fiscal Impact

None.