

Ordinance O-21-18

ORDINANCE AMENDING CHAPTER 15.10, SECTIONS 15.16.010 AND 15.16.060, AND SUBSECTIONS 15.14.080 D. AND 24.18.030 F.1. TO CREATE A SINGLE DESIGN REVIEW BOARD FOR REVIEW OF NONRESIDENTIAL BUILDING PROJECTS AND PROVIDE FOR ADMINISTRATIVE DESIGN REVIEW OF RESIDENTIAL STRUCTURES

The Common Council of the City of Wauwatosa do hereby ordain as follows:

Part I. Chapter 15.10 - DESIGN REVIEW BOARD is hereby amended to read in its entirety as follows:

Chapter 15.10 DESIGN REVIEW

15.10.010 Approval required for Nonresidential Structures.

- A. "Nonresidential structure" means structures other than one- and two-family residential properties.
- B. No building permit for any nonresidential structure for which a building permit is required shall be issued unless it has received the approval of the Design Review Board.
- C. The Design Review Board shall consider the exterior architectural appeal, the site location and proposed location of the structure on the building site, the landscaping, topography and whether the structure to be altered or constructed shall be so similar to, or so at variance from, other structures already constructed or under construction in the immediate neighborhood of the applicable district if, in the board's opinion, it causes a substantial depreciation in the property value of the neighborhood within the applicable district.

15.10.015 Residential Structures.

- A. "Residential structure" means one- and two-family residential properties.
- B. No building permit for any residential structure for which a building permit is required shall be issued unless it has received administrative approval, except that historically designated residential structures or those located at historic sites or within historic districts shall be subject to Design Review by the Historic Preservation Commission as described in Subsection 24.17.010 D.8. of this Wauwatosa Municipal Code.
- C. Administrative Approval. Administrative approval of one- and two-family projects that require a building permit shall be performed by the Building & Safety Manager. The Manager shall consider the exterior architectural appeal, the site location and proposed location of the structure on the building site, the landscaping, topography and whether the structure to be altered or constructed shall be so similar to, or so at variance from, other structures already constructed or under construction in the immediate neighborhood of the applicable district if, in the Manager's opinion, it causes a substantial depreciation in the property value of the neighborhood within the applicable district.

15.10.020 Organization of Design Review Board.

- A. Structure. There shall be a board called the "Design Review Board." The Design Review Board shall review and determine approval for all nonresidential districts, and all bus shelters not in the public

right-of-way, with power to approve or deny plans for construction of, or addition to, such buildings or structures.

- B. **Organization.** The Design Review Board shall consist of eight members serving without compensation. Members shall have relevant specialized training necessary for the board. A chairperson and a vice chairperson shall be appointed by the mayor from among the members of each board.
- C. **Terms.** Members shall be appointed for a term of two years, subject to Council approval.
- D. **Meetings.** The Design Review Board shall meet as an open meeting in an appropriately designated room at city hall when there is business brought before it, unless such time or place is otherwise specifically altered for good reason, consistent with the Wisconsin Open Meetings Law, and notice of such is given to all members and the public as required by law. Three members shall constitute a quorum, which shall be necessary to conduct business at a meeting.
- E. **Exception.** The Design Review Board may by majority vote establish criteria allowing administrative approval of any building permit which would otherwise be subject to Design Review Board approval.
- F. **Agenda Length-Two Boards.** The Design Review Board chair, at a regularly scheduled meeting at which eight members are in attendance, may divide the board into two groups consisting of four members to hear and review matters on the agenda if the agenda's length justifies such. The agenda shall be divided between the boards by the chair. A quorum shall consist of three members for each divided board. Upon such division, the vice chairperson shall chair one board and the chairperson shall chair the other board.

15.10.030 Notice.

A notice stating the time, date and place of a meeting of the Design Review Board shall be posted and publicized in accordance with the requirements of the open meeting law in the state of Wisconsin.

15.10.040 Design Review Board Meetings-Procedure.

The Design Review Board is empowered to adopt rules of procedure in addition to the other rules contained below:

- A. The board shall examine plans submitted of the proposed structure and any other documents which are relevant thereto;
- B. The members may convene as a board at the site to review the proposed location and character of the neighborhood or they may do so individually at a time convenient to them prior to such meeting;
- C. The board shall make a written decision based upon findings of fact;

15.10.050 Appeals.

- A. A request for review or appeal of a decision of the Design Review Board shall be filed with the Building & Safety Manager within ten calendar days of such decision.
- B. Any person who is aggrieved may file a request for review before the Design Review Board that

issued the decision.

- C. Following a review before the Design Review Board, any person who is aggrieved may file an appeal with the Board of Zoning Appeals in accordance with the provisions of subsection 24.17.10.C. of this code.
- D. A request for review or appeal of a decision of the Building & Safety Manager pursuant to Sub. 15.10.015C., above, shall be filed with the Development Director within ten calendar days of such decision, who shall consider the same factors described in that subsection in determining whether to uphold or overturn the decision of the Manager.
- E. Any aggrieved person who chooses to have a decision under this section reviewed may appeal the decision to the Board of Zoning Appeals in accordance with the provisions of subsection 24.17.10.C. of this code.

15.10.060 Appeal before the Board of Zoning Appeals.

The Board of Zoning Appeals in considering an appeal from a decision of the Design Review Board shall hear the matter as a hearing de novo. The Board of Zoning Appeals following such hearing may affirm, reverse or modify the decision of the Design Review Board.

Part II. Subsection 15.14.080 D. of the Wauwatosa Municipal Code of Ordinances is hereby deleted.

Part III. Section 15.16.010 of the Wauwatosa Municipal Code of Ordinances is hereby amended to read in its entirety as follows:

15.16.010 Design Review Board designated board of sign appeals.

The duties of the board of sign appeals specified in this chapter shall be performed by the Design Review Board, which board shall be organized in accordance with Section 15.10.020.

Part IV. Section 15.16.060 of the Wauwatosa Municipal Code of Ordinances is hereby amended to read in its entirety as follows:

15.16.060 Hearings-Notice-Mailing.

- A. A request for a hearing to review or appeal a decision of the Building & Safety Manager shall be filed with the board in writing within ten days of such decision.
- B. The Building & Safety Manager shall give written notice of the time, date and place of the board of sign appeals meeting at which the appeal or application for a variance will be considered as follows:
 - 1. Regular first-class mail to the owners of any real estate in the city for which application for an appeal or variance has been made when such owners are not the applicants and have not requested such variance; and
 - 2. Regular first-class mail to adjoining property owners for which an appeal or variance has been requested; and
 - 3. Notification of district alderpersons by United States mail or department mail.
- C. Notices required to be mailed shall be deposited in the United States mail at least seven days prior to the appeals board meeting at which such appeal application for a variance is

to be considered.

Part V. Note number 16 to the table contained in Section 24.18.030 F.1. of the Wauwatosa Municipal Code of Ordinances, and the reference to said note within the table above, is hereby deleted.

Part VI. This ordinance shall become effective on and after its dates of passage and publication.

Passed and Dated August 3, 2021



City Clerk

Introduced:

Referred to originating committee

Approved August 4, 2021



Mayor

Adopted: 08/03/2021