

**NOTICE OF MEETING
VILLAGE OF FOX POINT
PLAN COMMISSION**

SCHWEMER HALL - MUNICIPAL BLDG.
7200 N. SANTA MONICA BLVD
FOX POINT, WI 53217

MONDAY
MARCH 7, 2022
5:45 P.M.

NOTE: THE VILLAGE BOARD WILL BE MEETING IN PERSON AT VILLAGE HALL, WITH A REMOTE ATTENDANCE OPTION, PER THE HYBRID MEETING PROCEDURES FURTHER DESCRIBED IN SECTION 19-32 D. OF THE VILLAGE CODE. THIS MEETING IS OPEN TO ALL CITIZENS IN PERSON AT VILLAGE HALL, OR THROUGH THE ZOOM PARTICIPANT INFORMATION SHOWN BELOW, SUBJECT TO THE FOLLOWING: NO ASSURANCE IS PROVIDED TO THOSE PLAN COMMISSION MEMBERS AND CITIZENS INTENDING TO ATTEND REMOTELY THAT THE TECHNOLOGY WILL PERFORM SUFFICIENTLY TO ALLOW FOR THEIR PARTICIPATION AND THE MEETING WILL PROCEED REGARDLESS. PUBLIC OFFICIALS AND CITIZENS WISHING TO ENSURE THEY CAN PARTICIPATE ARE ENCOURAGED TO ATTEND IN PERSON. CITIZENS ARE ENCOURAGED TO SUBMIT ANY COMMENTS IN WRITING IN ADVANCE OF THE MEETING TO THE VILLAGE MANAGER AT sbotcher@villageoffoxpoint.com

Zoom Participant Information
<https://us02web.zoom.us/j/89912205166>
Dial: (312) 626-6799
Meeting ID: 899 1220 5166

AGENDA

1. Roll Call.
2. Approval of the minutes of the January 4, 2022 Plan Commission meeting.
3. Ordinance to Repeal and Re-Crete Section 745-7 C. (1) and 745-6 A. of the Village of Fox Point Zoning Code Concerning Garages, Accessory Buildings and Certain Structures Other Than Buildings

The Plan Commission will discuss and may act to refer to the Village Board the Ordinance to Repeal and Re-Crete Section 745-7 C. (1) and 745-6 A. of the Village of Fox Point Zoning Code Concerning Garages, Accessory Buildings and certain Structures Other Than Buildings.

4. Adjourn

NEXT PLAN COMMISSION MEETING:

MONDAY, April 4, 2022

PLEASE NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aids. For additional information or to request these services, contact the Village Clerk at 351-8900. It is possible that members of, and possibly a quorum of members of, other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice.

**VILLAGE OF FOX POINT
PLAN COMMISSION MEETING MINUTES
JANUARY 4, 2022**

1 A Zoom meeting of the Fox Point Plan Commission was held on Tuesday, January 4, 2022.
2 Chairman Frazer called the meeting to order at 5:45 p.m. and noted there was a quorum of Plan
3 Commission members present.

4
5 The Plan Commission roll call was taken by Village Manager Scott Botcher:

6
7 President Douglas H. Frazer, Chairman
8 Eric Fonstad, Commissioner
9 Robert Smith, Commissioner
10 John Crichton, Commissioner
11 Russ Yale, Commissioner
12 Jay Craig, Commissioner
13 William Langhoff, Commissioner (Absent)

14
15 Staff present included Village Manager Scott Botcher.

16
17 Notice of the meeting was provided to the North Shore Now as necessary, and to all others as
18 required by State open meetings laws and posted on the official bulletin board at 7200 N Santa
19 Monica Boulevard, as well as the village website at www.villageoffoxpoint.com, as per 2015
20 Wisconsin Act 79 and as described in Village Ordinance Chapter 116-2, 116-2(C).

21
22 **Approval of the Minutes of the November 2, 2021 Plan Commission Meeting**

23
24 *On motion of Frazer, seconded by Commissioner Fonstad, and carried*
25 *unanimously by roll call vote, the Commission approved the minutes of the*
26 *November 2, 2021 Plan Commission meeting, as presented.*

- 27
28 **1. Review and Recommendation RE: 100' Monopole at Fox Point – Lombardy, WI (Dish**
29 **Wireless LLC Site ID: MWMKE00132)** The Plan Commission will discuss and may make
30 a recommendation to the Village Board concerning the submission from Sabre Industries
31 requesting modification of Dish Wireless' existing tower at 7200 N. Santa Monica Blvd.,
32 Fox Point.

33
34 *On motion of Commissioner Frazer, seconded by Commissioner Crichton, and*
35 *carried unanimously by roll call vote, the Commission recommended the Village*
36 *Board approve the modification of Dish Wireless' existing tower at 7200 N. Santa*
37 *Monica Blvd., Fox Point.*

38
39 **Adjourn**

40
41 *On motion of Commissioner Frazer, seconded by Commissioner Fonstad and*
42 *carried unanimously by roll call vote, the Plan Commission meeting adjourned at*
43 *6:07 p.m.*

44
45 Respectfully Submitted,

46
47
48 Scott Botcher
49 Village Manager



VILLAGE OF FOX POINT

MILWAUKEE COUNTY
WISCONSIN

VILLAGE HALL
7200 N. SANTA MONICA BLVD.
FOX POINT 53217-3505
414-351-8900
FAX 414-351-8909

To: Village Board
From: Michael Rakow, Building Inspector
Through: Scott A. Botcher, Village Manager *SAB*
Date: 2/2/2022
Re: Chapter 745 Detached Garage Ordinance

Enclosed is a draft ordinance modifying Chapter 745-7C. The current language of this section is ambiguous, so I requested the Village Attorney to clarify the code.

We are requesting the Board to limit the size of a detached garage per 745-7C(2)(b). Current code allows detached garages to occupy not more than 10% of the gross area of the lot in an A-1 through A-3 district, 20% of the gross area of the lot in a B district, and 15% of the gross area of the lot in a C district.

Current code example: 51,000 sqft lot in an A-1 district could have a total of (3)-5,100 sqft detached garages on that property.

Post code example: 51,000 sqft lot in an A-1 district could have a total of (3)-1,200 sqft detached garages on that property. (40'X30' garage= avg 3 car garage) See below for average garage sizes:

Average One Car Garage

Common sizes are 12 x 20, 14 x 22, 16 x 24 and 14 x 24. Those are standard sizes that are offered almost anywhere.

Average Two Car Garage

Common sizes including 18 x 20, 20 x 20, 22 x 22 and 20 x 22. Some of these sizes make it far more comfortable to open the doors of your car.

Average Three Car Garage

Common sizes including 32 x 22 feet snugly fits 3 cars. Your other, larger options include 36 x 25 feet, 38 x 26 feet and 40 x 30 feet.

By reducing the square footage size, this would limit the potential number of extremely large structures on a lot.

Staff recommends approval of the modifications.

Thank you.

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND RE-CREATE SECTIONS 745-7 C. AND 745-6 A. OF THE VILLAGE OF FOX POINT ZONING CODE CONCERNING GARAGES, ACCESSORY BUILDINGS AND CERTAIN STRUCTURES OTHER THAN BUILDINGS

WHEREAS, the Village of Fox Point Village Board has initiated this zoning amendment pursuant to Section 745-35 of the Village of Fox Point Zoning Ordinance and Wisconsin Statutes Sections 61.35 and 62.23(7), upon the recommendation of the Village Building Inspector, and has referred the matter to the Village Plan Commission for report and recommendation; and

WHEREAS, the Plan Commission of the Village of Fox Point has recommended to the Village Board of the Village of Fox Point that said amendments to the Zoning Code be made; and

WHEREAS, a public hearing was conducted by the Village Board of the Village of Fox Point on _____, after due notice was provided pursuant to Section 745-35 of the Village of Fox Point Village Code and Wisconsin Statutes Section 61.35 and 62.23; and

WHEREAS, the Village Board finds that this change to the Village Zoning Code is a down zoning ordinance because it may in some cases decrease the development density of land or reduce the permitted uses of land, and therefore the super majority requirement of Section 66.10015, Wisconsin Statutes, applies to this ordinance; and

WHEREAS, the Village Board of the Village of Fox Point having carefully reviewed the recommendation of the Plan Commission of the Village of Fox Point, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration and having based its determination on the effect of the granting of such a zoning amendment on the health, safety and welfare of the community and having given due consideration to the municipal problems involved as well as the impact on the affected properties hereby determines that the public necessity, convenience, general welfare and good zoning practice requires that the zoning amendment be granted.

NOW, THEREFORE, the Village Board of the Village of Fox Point, Milwaukee County, Wisconsin DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 745 of the Village of Fox Point Village Code entitled "Zoning," Section 745-7 entitled "Accessory Uses and Structures" Subsection C entitled, "Garages," is repealed and recreated with the heading "Residential Accessory Building Limitations," as follows:

C. ~~Garages. Garages~~ Residential Accessory Building and Detached Garage Limitations. The following limitations apply to all lots in a residence district ~~or on a lot~~ and also on all lots where

the principal use is residential and the principal building is a single-family or two-family dwelling. shall conform to the following:

(1) Definitions.

(a) Detached Garage. For purposes of this Section, the term "Detached Garage" shall mean an accessory structure designed to be used for parking passenger vehicles. Such structure must have an improved paved driveway access, vehicle accessibility, and no improvements that are indicative of other uses such as living quarters, kitchen facilities, or bathroom.

(b) Accessory Building. For purposes of this Section, the term "Accessory Building" shall mean an accessory building as defined in Section 745-2 of this Code, that is not a detached garage as defined herein.

(2) Size. Accessory Buildings and Detached Garages shall be no larger than permitted by the district regulations applicable to the lot where located. The following limitations also apply:

(a) Accessory Buildings are limited to 170 square feet in size.

(b) Detached Garages are limited to [REDACTED] square feet in size.

(c) In the event of conflicting limitations, the smaller size limitation shall apply.

(3) Number. The number of Accessory Buildings and Detached Garages on such lots shall be limited as follows.

(a) Lots 25,000 square feet or less in size:

[1] Detached Garage. Not more than one ~~detached~~ Detached private garage structure shall be is permitted on a lot. A ~~detached~~ Detached garage Garage is allowed without regard to whether ~~or not~~ there is also one or more attached garages on the premises.

[2] Accessory Building. In the event there exists or is built a detached garage, only one other ~~Not more than one accessory~~ Accessory detached Building structure shall be is permitted, which structure shall be limited in size to 170 square feet. Such Accessory Building is allowed without regard to whether or not there is also a Detached Garage. Notwithstanding the foregoing, as to lots in excess of 25,000 square feet one additional detached garage or accessory structure shall be allowed.

(b) Lots greater than 25,000 square feet in size.

In addition to Accessory Buildings permitted by (3)(a), above, ~~for each additional 25,000 total square feet of lot size, one additional~~ Detached Garage or Accessory Building, conforming to the size limitations described in (2), above, may be permitted for every additional 25,000 square feet of lot size.

<u>Lot Size</u>	<u>Detached Garage(s) and/or Accessory Building(s) Permitted</u>
<u>>25,000 sq. feet to 50,000 sq. feet</u>	<u>1 Detached Garage and 1 Accessory Building plus a total of one additional, whether a garage or accessory building</u>
<u>>50,000 sq. feet to 75,000 sq. feet</u>	<u>1 Detached Garage and 1 Accessory Building plus a total of two additional, whether garage(s) or accessory building(s).</u>
<u>>75,000 sq. feet to 100,000 sq. feet</u>	<u>1 Detached Garage and 1 Accessory Building plus a total of three additional, whether garage(s) or accessory building(s).</u>
<u>Further increments of 25,000 sq. feet</u>	<u>Add one additional Detached Garage or Accessory Building per increment.</u>

- (4) Subject to Applicable Laws. Nothing herein shall be interpreted to modify or waive more restrictive requirements of applicable laws or Village ordinances. The open area limitations of this Chapter continue to apply and may prevent construction of the size or number of Accessory Buildings or Detached Garages described herein.
- (5) Combined square footage. Upon written request from the property owner, the Building Board may allow a lot owner to combine the square footage of permitted structures, described above, into fewer, larger buildings, upon finding that the combination of square footage into fewer buildings is consistent with the spirit and intent of this chapter. If granted, the number of residential accessory buildings permitted on the lot shall be reduced to the number determined by the Building Board as a result of the combination, and such determination shall be recorded against the property in the office of the Milwaukee County Register of Deeds in a form approved by the Village Attorney.
- (6) Building Code. All ~~setback requirements and~~ requirements of Chapter 756, Building Construction, must be satisfied in addition to any requirements of this ~~provision Chapter~~. The floor area of garages shall be subject to all regulations of Chapter 756, Building Construction, as from time to time adopted.
- (7) Detached Garage Limited Setback Reduction. The side and rear yard provisions for a ~~detached-Detached private-Garagegarage~~ on a lot less than the required minimum width of 80 feet in B and C Residence Districts may be reduced by three inches for every foot less than 80 feet of lot width but to not less than five feet.
- (8) Minimum Separation. No ~~detached-Detached private-Garagegarage or Accessory Building~~ shall be located closer than 20 feet to the principal ~~residence~~-building on an adjoining lot in residential use.
- (9) No Limit on Attached Garages. Subject to such other provisions of the Fox Point Code as may regulate the construction of structures, there is no limit on the number of attached garages for the private use of the resident.
- (10) No Living Quarters. Accessory Buildings and Detached Garages shall not be used for human habitation.

SECTION 2: Chapter 745 of the Village of Fox Point Village Code entitled, "Zoning," Section 745-6 entitled "Structures other than Buildings," Subsection A is hereby repealed and re-created as follows:

- A. Structures not classified as buildings and less than six inches in height from the surface of the ground shall not require a building permit nor be subject to the front, side, or rear setbacks, building size, or open space requirements of this chapter except as may be specifically otherwise provided in § 745-7 or 745-10 or Subsection C below, or § 756-44.

SECTION 3: CONTINUATION OF EXISTING PROVISIONS.

The provisions of this ordinance, to the extent that they are substantively the same as those of the ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances. In addition, the adoption of this ordinance shall not affect any action, prosecution or proceeding brought for the enforcement of any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance for the time that such provision was in effect, and the repeal of any such provisions is stayed pending the final resolution of such actions, including appeals.

SECTION 4: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 5: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this _____ day of _____, 2022.

VILLAGE OF FOX POINT

Douglas H. Frazer, Village President

ATTEST:

Kelly Meyer, Village Clerk

Published and/or posted this _____ day of _____, 2022.