

**VILLAGE OF FOX POINT
PLAN COMMISSION
MARCH 4, 2019**

1 A meeting of the Fox Point Plan Commission was held in Schwemer Hall, 7200 N. Santa Monica Blvd.
2 on Monday, March 4, 2019. Douglas H. Frazer, Chairman, called the meeting to order at 5:45 p.m. and
3 noted there was a quorum of Commissioners present.

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5 Plan Commission roll call was taken by Jeanne O'Brien, Deputy Clerk/Treasurer. Plan Commissioners
6 present included:

7 Douglas H. Frazer, Chairman
8 John Crichton, Commissioner
9 Eric Fonstad, Commissioner
10 Don Zien, Commissioner
11 Carol Wilkins, Commissioner
12 Jay Craig, Commissioner

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14 Staff present included Village Manager, Scott Botcher, and Village Attorney, Eric Larson. Absent
15 was Commissioner Scott Yauck.

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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 Monica
19 Boulevard, as well as the village website at www.villageoffoxpoint.com, as per 2015 Wisconsin Act 79
20 and as described in Village Ordinance Chapter 116-2, 116-2(C).

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22 **Approval of the Minutes of the January 7, 2019 Plan Commission Meeting**

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24 *On motion of Commissioner Frazer, seconded by Commissioner Fonstad, and carried*
25 *unanimously, the Commission amended and approved the minutes of the January 7, 2019*
26 *Plan Commission meeting, with an amendment added to reflect the preliminary Certified*
27 *Survey Maps discussed were to be considered the final Certified Survey Maps.*

28
29 **Review and Recommendation RE: An Ordinance to Repeal and Re-create the Definition**
30 **of Time Share Property in the Village of Fox Point.**

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32 Attorney Larson referenced the changes in legislation that will affect the Village's current ordinance. He
33 provided some background as to a complaint in the past that went to litigation regarding a vacation rental,
34 similar to Air B&B and others, where residents rent out their property for a short term, sometimes with
35 intense use, causing parking issues, noise, and adverse effects on the neighbors. Health, safety,
36 welfare and property concerns may arise with the residents and the users. Due to a complaint in 2010,
37 the Village created and adopted the ordinance, which has been in force since. In 2017, State Statutes
38 pre-empted the Village authority. The Board at the time set a limit of 120 days. New legislation sets a
39 29-day window for regulation. If it's under 29 days, but more than 6 days, it is considered a short term
40 rental, and can be regulated. The goal is to regulate the time period and apply it to the ordinance. The
41 zoning ordinance must be acted on.

42
43 Trustee Fonstad gave background as to what was discussed at the Village Board meeting regarding this
44 Ordinance. Both of the Ordinances regarding Vacation Rentals will require public hearings, which are
45 to be held in April at the Village Board level. This is an introduction to the changes needed to bring the
46 ordinances current and in line with legislation recently passed. His concern is the licensing requirement.

47
48 President Frazer stated one issue had to do with whether an inspection was required. There was no
49 consensus on that issue at the Board meeting. Attorney Larson passed out his memo dated March 4
50 which covered adding the date of birth to the application and several other issues raised. He does not

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51 recommend a required inspection, as the State is required to do those. Other points were discussed
52 briefly.

53
54 Trustee Fonstad stated there were other license items discussed that were not controversial, i.e. a
55 requirement for an application to be submitted 48 hours prior to a rental period, license fees, rentals less
56 than 120 days, etc. Discussion also was had on prohibiting rentals under six (6) days.

57
58 Commissioner Zien asked why this was brought forward now before going back to the Village Board.
59 Attorney Larson stated it was put out to introduce the change in legislation and does not need to be acted
60 on this evening. The public hearings will not be heard until April. This will cause a change to the zoning
61 code, which requires Plan Commission review and recommendation, as the two documents are linked.
62 The current ordinance is obsolete. Commissioner Crichton stated his desire that they be more
63 restrictive.

64
65 Trustee Fonstad agreed and passed out the language of the current State Statutes.

66
67 President Frazer asked the Commissioners if they had an idea as to the minimum amount of time the
68 Village should permit. Further discussion ensued.

69
70 Commissioner Wilkins asked if there is a method for enforcement. Village Manager Botcher stated it
71 would be up to the Municipal Court.

72
73 Village Manager Botcher stated that as State laws change, ordinances are not always in compliance.
74 This change will bring the ordinance up to date with current legislation. Commissioners will review and
75 consider these options for further discussion at the next Plan Commission meeting. No action was taken.

76
77 **Review and Recommendation RE: An Ordinance to Create Section 292-5.5 of the Village of**
78 **Fox Point Code Concerning Obstructions and Encroachments in Village Rights-of-Way.**

79
80 **Review and Recommendation RE: An Ordinance to Repeal and Recreate Sections 745-23**
81 **A, B, C (intro.), and D (intro.) and Create Section 745-23 C(4)(E) of the Village of Fox Point**
82 **Code Concerning Wireless Telecommunications Mobile Service Facilities.**

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84 Attorney Larson stated that items 4 and 5 are related and can be discussed together. Updates
85 are needed with respect to small cell infrastructure. These structures can be very inconspicuous
86 or very obtrusive. Discussion as to 5G becoming available soon is a possible reason for this new
87 language. Use of right-of-ways is prevalent in many communities. Additional small cell
88 structures are anticipated. Aesthetics of the structures need to be considered. Section 292-5.5
89 will require a permit from the Village Engineer, which may be required to be heard under public
90 hearing if the structure is obtrusive.

91
92 Attorney Larson stated that Section 13(a) and (b) references some aesthetic requirements and
93 that undergrounding is required, and (d) gives the applicant the opportunity to prove the structure
94 is aesthetically acceptable.

95
96 Attorney Larson stated that the Ordinance relating to 745-23 adds aesthetic requirements and
97 changes to match the new Federal laws. He recommended both items #4 and #5 be taken
98 together.

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On motion of Commissioner Zien, seconded by Trustee Fonstad, and carried unanimously, the Plan Commission recommended to the Village Board approval of An Ordinance to Create Section 292-5.5 of the Village of Fox Point Code Concerning Obstructions and Encroachments in Village Rights-of-Way and An Ordinance to Repeal and Recreate Sections 745-23 A, B, C (intro.), and D (intro.) and Create Section 745-23 C(4)(E) of the Village of Fox Point Code Concerning Wireless Telecommunications Mobile Service Facilities.

Adjourn

On motion of Trustee Fonstad, seconded by Commissioner Wilkins, and carried unanimously, the Plan Commission meeting adjourned at 6:32 p.m.

Respectfully Submitted,

Jeanne O'Brien
Village Deputy Clerk/Treasurer