



**OFFICIAL NOTICE
VILLAGE OF FOX POINT
NOTICE OF PUBLIC HEARING
PROPOSED ORDINANCE TO AMEND SECTION 745-7B(3)(h) CONCERNING
ARBOR REGULATIONS OF THE MUNICIPAL CODE IN THE VILLAGE OF
FOX POINT**

NOTICE IS HEREBY GIVEN that the Village Board of the Village of Fox Point will hold a public hearing in Schwemer Hall, Municipal Building, 7200 N. Santa Monica Blvd, Fox Point, Wisconsin, on Tuesday, February 14, 2023, to receive comments and input on the proposal to amend Section 745-7B(3)(h) concerning arbors. The Village Board meeting starts at 7:00 p.m. and the public hearing will be held immediately after the agenda item entitled "Persons Desiring to Be Heard".

The draft ordinance is available in the office of the Village Clerk and may be viewed during Village office hours.

Any interested persons may attend this meeting and voice their comments or concerns. If it is inconvenient to appear at the hearing, you may file your comments, by letter, containing your name and address, stating fully what the comments are, to the Fox Point Village Board, 7200 N. Santa Monica Blvd., Fox Point, WI 53217.

A handwritten signature in black ink, appearing to read "Kelly A. Meyer".

Kelly A. Meyer, CMC/WCMC/CMTW
Village Clerk Treasurer

Posted (C2 Notice): January 31, 2023
February 7, 2023

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 745-7B(3)(h) OF THE VILLAGE OF FOX POINT VILLAGE CODE CONCERNING ARBORS

WHEREAS, the Village Building Inspector has closely reviewed the height restrictions of arbor as an accessory use and structure as provided in the Village Code to consider the possibility of increasing the maximum permitted height; and

WHEREAS, the Village Building Inspector has provided his recommendations to the Village Manager in this regard, and the Village Manager has recommended that the Village Code be amended to permit a greater height for arbor in accordance with the recommendation described herein; and

WHEREAS, the Village 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 Fox Point Zoning Code and Wisconsin Statutes Sections 62.23(7)(2)d; and

WHEREAS, the Village Board finds that this change to the Village Zoning Code is not a down zoning ordinance because it does not decrease the development density of land and it does not reduce the permitted uses of land, and therefore the super majority requirement of Section 66.10015, Wisconsin Statutes, does not apply 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 Structure," Subsection B entitled "Permanent Structures.," Subsection (3), Subsection (h) introductory paragraph only, with the subsections unchanged is hereby repealed and re-created as follows:

745-7(3)(h) Location and height restrictions. Subject to the following exceptions, a fence, wall, architectural screening device, driveway gate or arbor may be permitted up to the lot line in the side and rear yard of any property in Fox Point. A fence, wall, driveway gate or architectural screening device located in a rear or side yard shall not exceed a height of six feet from the finished lot grade and shall not project

forward of the front line of the principal building. An arbor shall not exceed a height of ~~eight feet seven inches~~ ten feet from the finished lot grade and shall not project forward of the front line of the principal building.

SECTION 2: 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 3: 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 4: 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 A. Meyer, Village Clerk/Treasurer