

NOTICE OF MEETING

VILLAGE OF FOX POINT PLAN COMMISSION

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

Tuesday
December 2, 2024
5:45 P.M.

NOTE: the Plan Commission 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/81308041068>
Dial: (312) 626-6799
Meeting ID: 813 0804 1068

AGENDA

1. Roll Call.
2. Approval of the minutes of the October 8, 2024 Special Plan Commission meeting.
3. Consideration of Conditional Use Permit Application for Peking Chef, 8673 N Port Washington Road

The Plan Commission will consider the referral of a conditional use permit application for a ownership change at Peking Chef, 8673 N Port Washington Road as required per Village Code Sections 745-18.

4. Consideration of a Draft Port Washington Overlay Zoning District (PWO) Municipal Code Amendment

The Plan Commission will review and may consider the draft code amendment for the Port Washington Overlay Zoning District (PWO).

5. Adjourn.

NEXT PLAN COMMISSION MEETING:

Monday, January 6, 2024

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
SPECIAL PLAN COMMISSION MEETING MINUTES
October 8, 2024

A Special meeting of the Fox Point Plan Commission was held on Tuesday, October 8, 2024. Commissioner Craig Pro Tem called the meeting to order at 5:45 p.m. and noted there was a quorum of Plan Commission members present.

The Plan Commission roll call was taken by Village Clerk-Treasurer Sara Bruckman:

Plan Commission:	President Christine Symchych, Absent
	Eric Fonstad, Commissioner – Absent
	Robert Smith, Commissioner
	Ted Durant, Commissioner
	Jay Craig, Commissioner –
	William Langhoff, Commissioner – Absent
	Jake Wilson, Commissioner

Staff present included Village Manager Scott Botcher, Clerk-Treasurer Sara Bruckman, Village Attorney Eric Larson.

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

Approval of the Minutes of the September 3, 2024 Plan Commission Meeting

Motion by Commissioner Smith, seconded by Commissioner Durant, and carried unanimously with a 4-0, the Commission approved the minutes of the September 3, 2024 Plan Commission meeting.

Consideration of St Augustine Prep Conditional Use Permit Application*

Motion by Commissioner Durant, seconded by Commissioner Wilson, and carried unanimously by roll call vote 5-0, the Commission report to the Board that the Plan presented this evening, in conjunction with reasonable conditions, in particular around kind of use, is appropriate in the location, is compatible with the neighborhood, is not detrimental to the property values of surrounding properties, and is keeping with the residential character of surrounding properties; in addition, with respect to ordinance 745-10, we find that the proposal, again with reasonable conditions, will not create a nuisance, hazard, or otherwise result in a substantial adverse effect, or disturb the property values of surrounding said properties, or in any other way be detrimental to the general public welfare, and find that the plan does make a reasonable effort to control such effect through lighting and traffic design maintenance of structures, use of planting screens for attractive fences, careful placing on the site, and sensible regulation of use and adequate visual screening of off-street parking, we recommend that the Village Board approve the plan.

Adjourn

**VILLAGE OF FOX POINT
SPECIAL PLAN COMMISSION MEETING MINUTES
October 8, 2024**

On motion of Commissioner Smith, seconded by Commissioner Wilson and carried unanimously by roll call vote 4-0, the Plan Commission meeting adjourned at PM.

Respectfully,

Sara A. Bruckman
Clerk-Treasurer



VILLAGE OF FOX POINT

MILWAUKEE COUNTY

WISCONSIN

VILLAGE HALL

7200 N. SANTA MONICA BLVD.

FOX POINT WI 53217-3505

414-351-8900

FAX 414-351-8909

To: Plan Commission

From: Scott A. Botcher, Village Manager

cc: Kevin Ausman, Asst Village Manager

Date: November 25, 2024

Re: Peking Chef CUP matter

Good evening,

The Peking Chef matter on your agenda is solely on due to change in ownership. Staff has no issues with the applicant, and supports approval.

Please call with any questions. Thank you.



VILLAGE OF FOX POINT

MILWAUKEE COUNTY

WISCONSIN

VILLAGE HALL

7200 N. SANTA MONICA BLVD.

FOX POINT WI 53217-3505

414-351-8900

FAX 414-351-8909

www.villageoffoxpoint.com

APPLICATION FOR CONDITIONAL USE PERMIT DIRECTIONS

GENERAL INFORMATION:

All new businesses locating in an area zoned D-Business must apply for a Conditional Use Permit under Section 745-18D of the Village Code. Certain exceptions apply, see Section 745-18C of the Village Code ([located on the Village website](#)).

Changes in ownership, changes in use, changes in operations, changes in permitted conditions, alterations, and relocations within the Village to businesses with existing Conditional Use Permits may necessitate obtaining an amended Conditional Use Permit.

TO APPLY FOR A PERMIT:

1. Complete all the information on the attached application. Please type or print. Attach additional pages if necessary. **Applications with incomplete information will not be accepted.**
2. All materials must be submitted on 8.5" x 11" paper. If larger scale plans are necessary for clarity, please bring to the Plan Commission meeting. (**Note:** All documents submitted will be in copied in black and white.)
3. A \$300 non-refundable fee must accompany this application.
4. A letter of approval from the owner of the property must accompany this application, unless the applicant is the owner. The letter should be:
 - on the owner's letterhead including the owner's original signature,
 - addressed to the Village, and
 - reference the proposed address and name of the business.

The Village will not entertain any requests without the written consent of the owners.

5. A signed Charge Back Form as described in Chapter 67, Article III of the Village Code must accompany this application.
6. The application and one set of the site plans and all related materials must be submitted by **4:00 pm on the second Wednesday** prior to the Plan Commission meeting.
7. Completed applications will be submitted by staff to the Plan Commission for consideration. The Plan Commission meets on the first Monday of each month at 5:45 p.m. PLEASE NOTE: Applicants are required to attend the Plan Commission meeting to discuss their Application.
8. The Village Board will consider the Plan Commission's recommendation at the Board meeting on the second Tuesday of the month at 7:00 p.m. Applicants should also plan to attend the Village Board meeting.
9. The owner is responsible for obtaining other necessary permits and/or approvals, including but not limited to, the North Shore Fire Department's Plan Review and Submittal Requirements.

Updated 01/24/2024

NOTE: The following information must be submitted for Village approval when proposing a new building or building addition:

1. Description of the project
2. Landscape plan
3. Plat of survey
4. Parking plan (including parking computations) per Chapter 14 of the Fox Point Village Code
5. Drainage plan (including drainage computations)
6. Lighting plan (including photometrics)
7. Traffic plan
8. Proposed location and connection to the sanitary sewer and water mains
9. All elevations
10. Floor plans
11. Any additional information as determined by Village staff



VILLAGE OF FOX POINT APPLICATION FOR CONDITIONAL USE PERMIT

Section 1

Trade Name of Business <i>Peking Chef</i>	Phone # <i>414 228 8222</i>	Name of former tenant (if known)
Fox Point Business Address <i>8673 N Port Washington Rd Foxpoint, WI 53217</i>		
Email <i>lanjiao55120@gmail.com</i>	Contact Person <i>Yumeng (Daniel) Sun</i>	

If the business is a limited liability corporation (LLC) or corporation, complete the following section. If not, skip to next section.

Section 2

Legal name of corporation or LLC <i>Obadiah INC</i>	Corporate email <i>lanjiao55120@gmail.com</i>
Corporate headquarters address <i>8673 N Port Washington Rd Foxpoint, WI 53217</i>	Corporate phone # <i>414 228 8222</i>
Name and addresses of all corporate officers <i>Yumeng (Daniel) Sun</i>	
Name of corporate agent <i>Yumeng (Daniel) Sun</i>	Address of corporate agent <i>8673 N Port Washington Rd Foxpoint, WI 53217</i>

If applicant(s) is a sole proprietorship (individual) or partnership, please complete the following section.

Section 3

List the name, home address, business address, and phone numbers of all applicants and owners.			
Name	Home address	Business address	Phone #
<i>Yumeng (Daniel) Sun</i>	<i>1144 Pilgrimage, ...</i>	<i>8673 N Port Washington Rd Foxpoint, WI 53217</i>	<i>Cell-2625010727</i>
	<i>Elm Grove WI 53122</i>	<i>Rd. Foxpoint WI 53217</i>	

All applicants must complete the following section.

NOTICE

PLEASE BE ADVISED: Chapter 67, Article III of the Village of Fox Point Village Code is attached hereto and incorporated herein. Pursuant to this Ordinance, the Village of Fox Point Village Board has determined that whenever the services of the Village Attorney, Village Engineer, Village Forester or any other of the Village's professional staff (internal or independently contracted) results in a charge to the Village for that professional's time and services and such service is not a service supplied to the Village as a whole, the Village Treasurer shall charge the property owner for the fees incurred by the Village. Also be advised that pursuant to the Village of Fox Point Municipal Code certain other fees, costs and charges are the responsibility of the property owner making application to the Village.

I, the undersigned, have been advised that, pursuant to the Village Fox Point Village Code, if the Village Attorney, Village Engineer, Village Forester or any other Village professional (internal or independently contracted) provides services to the Village as a result of my activities, whether at my request or at the request of the Village, I shall be responsible for the fees incurred by the Village. Also I have been advised that pursuant to the Village of Fox Point Village code certain other fees, costs and charges are my responsibility.

Dated this 31 day of October, 2024.

Shelly Sanders, Agent for owner
Signature of Property Owner

North Shore Centers Partner
Name of Property Owner - PRINTED

Mailing Address of Property Owner:

555 W Brown Deer Rd #220
Milwaukee WI 53217

Tax Key No. of Property:

1253-8989-001

Address of Property:

8673 N Port Washington Rd

Fox Point, WI 53217

For Village Use Only:

- ☐ Original kept on file with Village Clerk.
- ☐ Copy provided to Property Owner.

Signature: _____

Section 4

Applicant's specific interest in site <i>Restaurant business</i>		
Describe in detail the business activity that will take place on site including products & services <i>Chinese restaurant</i>		
Describe all owned fixtures, furniture, and equipment to be used on site <i>Stove, cooking pot, table, freezer</i>		
Describe all leased fixtures, furniture, and equipment to be used on site <i>None</i>		
Describe any alterations planned for the site and estimated cost of renovation <i>N/A</i>		
Person responsible for obtaining building permit (if required) <i>Yumeng Sun</i>		
Square footage of site <i>2100</i>	# of employees <i>2-4</i>	# of parking spaces to be used <i>2-4</i>
Days & hours of operation <i>Daily 11:am - 9:pm</i>		Proposed date of occupancy <i>11/01/2024</i>

Attach a site plan to this application (see Directions for Conditional Use Permit). Site plan must include a layout of the inside of the store.

This application must be fully completed to be considered by the Village.

Fee: \$300.00 (non-refundable)

Yumeng Sun *Yumeng Sun* *10/30/2024*
Business Owner Signature Printed Name Date

FOR OFFICE USE ONLY

Has sufficient site plan been submitted? (If not, what is needed?) _____

What is the category of proposed use? _____

Does the parking meet code requirements? _____

Is there proper exterior lighting? _____

Are there any existing code violations? _____

Additional Comments? Change in ownership. Existing business

Applicants not making substantial changes to their tenancy of Riverpoint Village, Audubon Court Shopping Center, or Fox Point Shops do not need approval from the Director of Public Works as parking and lighting plans for these shopping centers have already been approved.

Letter of Consent received from owner? _____

Comments/Date

Date application/materials received: 10/31/24

VILLAGE OF FOX POINT
7200 N. SANTA MONICA BLVD
FOX POINT WI 53217

414-351-8900

Receipt No: 1.060860

Oct 31, 2024

8673 N PORT WASHINGTON RD

Previous Balance: .00

LICENSES & PERMITS - CONDITIONAL USE PERMIT 300.00

24-44550 CONDITIONAL USE PERMIT

Total: 300.00

CHECK Check No: 102 300.00

Payor: OBADIAH INC

Total Applied: 300.00

Change Tendered: .00

10/31/2024 3:10 PM



VILLAGE OF FOX POINT

MILWAUKEE COUNTY

WISCONSIN

VILLAGE HALL

7200 N. SANTA MONICA BLVD.

FOX POINT WI 53217-3505

414-351-8900

FAX 414-351-8909

To: Plan Commission

From: Kevin Ausman, Assistant Village Manager

cc: Scott Botcher, Village Manager

Date: December 2, 2024

Re: Consideration of Code Amendment – Port Washington Overlay Zoning District (PWO)

Overview

[The Comprehensive Plan, adopted in 2021, after significant public input and public hearings, specifically identifies the Port Washington commercial corridor as requiring of attention to remediate issues of blight, underdevelopment, and promoting redevelopment \(DOC LINK\).](#) The Comprehensive Plan (or Land Use) is the long-range guiding document and vision for every community in Wisconsin. State law requires an update every 10 years and requires both public input and adoption by the Village Board. The document itself identifies issues within the community and opportunities to address those issues, along with goals and timelines for implementation. The Port Washington Road corridor was specifically identified in this adopted plan by members of the community and the Village Board.

There are seven topics within a Comprehensive Plan document, and the redevelopment of Port Washington is explicitly stated within two topic areas: Economic Development and Land Use. Goals are stated for the alleviation of blighted/abandoned properties, supporting economic development in the Village's commercial areas, and support for mixed-use development.

Staff proactively drafted a zoning district overlay as a way to provide a tool for the Village to address these identified issues within its commercial heart. Without making a change to the Village's current zoning code, it is likely that some of the parcels along this corridor will remain abandoned, blighted, or otherwise underutilized. The existing zoning code, along with development barriers specific to individual parcels create obstacles to redevelopment. A community history of non-development and a "wait-and-see" approach have yet to yield positive results.

Background and Determination of Need

While the Village of Fox Point is a majority residential community, it does contain a small number of highly visible commercial parcels. Some of these commercial properties are abandoned, blighted, or otherwise underutilized. A number of these properties have sat vacant or blighted in excess of a decade. The conceptual Port Washington Overlay Zoning District (PWO) zoning tool is an overlay district designed to assist revitalization of the Port Washington Road commercial corridor while also proactively incentivizing, through design flexibility, future development as a realization of current market factors.

What is the PWO?

The PWO intends to promote vibrant commercial activity along the Port Washington Road corridor while preserving the unique residential character of Fox Point. In the 2021 Comprehensive Plan, the community specifically identified mixed-use projects along Port Washington Road.

Residents in the community are aware of blighted or abandoned properties in the Village along the Port Washington Road corridor. The PWO aims to non-financially incentivize the revitalization and redevelopment of these underutilized or blighted properties. A significant discouragement of development opportunities exists on parcels along Port Washington due to the strict area requirements of the D Business District coupled with utility easements or other right-of-way concerns. Language within the PWO orients buildings towards Port Washington Road, relaxes both rear and side yard setbacks, and mandates a two-story height minimum. In order to remain sensitive to the residential nature of the community, height of new construction is limited when abutting residential.

Specifics – Use and Area Regulations

The District regulates use, procedures, and area requirements such as height or setbacks for developments within the project area. An overlay district adds unique conditions, requirements, or triggers on top of the base district. It can be used to place additional limitations on parcels or allow for flexibility from requirements in the base district. The PWO is only applicable as an overlay of the D Business District and on properties with abut Port Washington Road. A request to add the PWO is a rezoning request which adds an additional layer of review and hurdle for applicants to clear. This type of request provides the Village Board with discretion for approval and would require the applicant to amend the project plan for any changes.

Use Regulations

Zoning districts generally regulate permitted uses and prohibited uses, with additional criteria for uses which may be conditionally approved. The base D Business District intention can be described as allowing for broad business uses such as office, retail, or commercial enterprises. In order to create a more modern, desirable commercial corridor, the PWO prohibits uses from the base district that do not fit the Intent of the overlay. Examples of these prohibited uses are auto sales, convenience stores, “quick cash” businesses, or electronic smoke shops (vape shops).

Further, in order to meet goals of the Comprehensive Plan, the PWO includes the possibility for a mixed-use environment, and allowing for both attached single-family and multi-family dwellings. These types of housing are an opportunity for residents to age-in-place, to create competition in the housing market, to welcome residents to the community, add to the tax base, and to create a more healthy and resilient housing stock. Mixed-Use projects are currently not allowed in the Village (except for a very specific trigger within the PDO). Adding flexibility in use through this code amendment will meet goals of the Comprehensive Plan and create more high-value opportunity along the Port Washington Road corridor.

Area Regulations

As an overlay district, the underlying rules of the D Business District apply except as specifically modified by the PWO. This means that a project begins with the basic structure of the base district and may be modified by the PWO plan. The D Business District roughly orients structures centrally located on a parcel

so one of the main intentions of the PWO is incentivizing redevelopment through flexibility in site orientation.

Build-to Line. A "build-to line requirement" is a zoning regulation that specifies on a property where a building's facade must be positioned, creating a consistent building line along a street. In plain planning terms, where a traditional zoning regulation contains a minimum setback distance, this requirement flips that idea by creating a "maximum setback line" orienting the building construction closer to Port Washington Road. This site orientation creates a number of advantages:

- Parking is often relocated to the rear of the building which prevents the “ocean of parking lots” common in older underutilized commercial properties.
- Orientation provides the feeling of a narrower street which promotes pedestrian-friendly environments.
- Creates aesthetically pleasing and organized neighborhood streetscape.
- Most importantly, this orientation utilizes land more efficiently.

The build-to line requirement also enforces the aesthetics further by identifying buildings at street intersections as “Landmark Buildings,” which is a building located at a street intersection requiring design elements incorporating architectural features which emphasize the importance of such a location. Port Washington Road is the commercial heart of the Village and also the unofficial gateway for both south and north traffic. Identifying intersection construction to feature unique elements highlights both this concept of an unofficial gateway and the high-value being created within the PWO.

Setbacks and Height. One of the intentions of the PWO is to incentivize development and redevelopment through flexibility in site orientation. Street setbacks have been replaced by the build-to Line requirement while also slightly reducing minimum setbacks to the rear and side property lines which allows for greater site utilization. However, it is very important to note that Fox Point is majority residential and there are triggers within the PWO ordinance which maintains a buffer for projects which abut residential.

When adding flexibility, it is important to note that existing setbacks in the D Business District are as follows: 10-feet to side and rear (20-feet when abutting residential) and 15-feet plus $\frac{1}{2}$ the width of the abutting road to the street. These setbacks tend to create developments with large (often underutilized) parking lots, poor circulation for deliveries and visitors, and building orientation which wastes space. To alleviate these situations, new principal structures within the PWO are allowed 5-foot side and rear setbacks for those properties not abutting Single-Family Residential-zoned property. When abutting Single-Family Residential-zoned property, the minimum side and rear setback is 15-feet.

The PWO is designed with a two-story minimum for all developments. A zoning requirement for a two-story minimum, compared to a one-story minimum, provides advantages such as incentivizing mixed uses on smaller lots, maximizing land use by building upwards instead of outwards, potentially creating more green space, and facilitating the opportunity for more modern desirable business uses; these advantages are especially beneficial in communities with limited land availability (such as Fox Point which is built out and land-locked).

All residential zones (except the C Residence District) in the Village have a height limit of 40-feet. It is important to note this comparison because residential properties may utilize this height maximum by right. Structures with the minimum of two stories may not exceed 60-feet in height, however structures which abut a Single-Family Residential-zoned property may not exceed 35-feet in height. This means that

any structure which utilizes a taller height (likely further north, near Port Washington Road and Brown Deer Road) would be located away from residential properties and those properties which abut residential would have parity in height.

PWO Rezoning Approval Process

Any individual attempting to utilize this tool would pursue a rezoning petition to the Village Board for a property to be zoned the D Business District with the PWO. Rezonings are a process under the purview of the Village Board and maintains more control than a Conditional Use approval process, especially following changes to Conditional Use law after 2017 (Act 67). This gives the community even more ability to really determine whether a project is appropriate.

This process would play out over a period of months. Residents would have multiple opportunities to gather information, to speak at a public hearing, and hear testimony in public meetings. Broadly speaking, a rezoning process begins with a petition to the Village Board, followed by a referral to the Plan Commission, and a recommendation by Plan Commission back to the Village Board for a Public Hearing and consideration.

Code Amendment Adoption Process

Adoption of this zoning district requires recommendation from the Plan Commission to the Village Board. Following a public hearing at the Village Board, a decision for adoption may be made.

Theoretically, there is no time-sensitive pressure to advance a code amendment. This process was initiated by staff to meet the goals of the community's Comprehensive Plan and facilitate a healthy commercial corridor. If any concerns arise during Plan Commission review, and motion is made or direction given, Staff can amend the draft document before advancing to Village Board.

Recommendation

Staff recommends that the Plan Commission recommend that the Village Board approve the draft Port Washington Overlay district code amendment following a mandatory public hearing.

**AN ORDINANCE TO CREATE SECTION 745-22.5 OF THE VILLAGE OF FOX
POINT VILLAGE CODE TO CREATE A PORT WASHINGTON OVERLAY
DISTRICT IN THE VILLAGE OF FOX POINT**

WHEREAS, Village Staff recommended the Village of Fox Point Village Board create a new overlay district, the Port Washington Overlay District, to promote commercial activity while preserving the residential character of the Village of Fox Point; and

WHEREAS, the Village Board has initiated this proposed Zoning Code amendment and has referred the matter to the Village Plan Commission for report and recommendation pursuant to Wisconsin Statutes Section 62.23(7)(d)(2); and

WHEREAS, the Village of Fox Point Village Board held a public hearing regarding the proposed ordinance on or about _____, upon due notice as required by Wisconsin Statutes Section 62.23(7)(d)(1)b; and

WHEREAS, the Village Board received a report and recommendation from the Village Plan Commission in favor of adopting the ordinance to create the Port Washington Overlay District in the Village of Fox Point; 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 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 amendment on the health, safety and welfare of the community, hereby determine that the amendment will not violate the spirit or intent of the Zoning Code for the Village of Fox Point, will not be contrary to the public health, safety or general welfare of the Village of Fox Point, and the amendment is consistent with the Village of Fox Point Comprehensive Plan.

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 Municipal Code entitled "Zoning," Section 745-22.5 entitled "PWO Port Washington Overlay District" is hereby created as follows:

§ 745-22.5 PWO Port Washington Overlay District.

- A. Intent. The Port Washington Overlay District (PWO) is established to promote vibrant commercial activity while preserving the unique residential character of the community. The intent of the PWO is to create a dynamic, mixed-use environment along the Port Washington Road corridor that enhances economic vitality, and permits greater flexibility in site orientation and use than the base district may allow.

- (1) Flexibility in Use. The PWO encourages a diverse mix of commercial, retail, office, residential, and mixed-use developments that contribute to the vibrancy and vitality of the areas adjacent to Port Washington Road. Flexibility in land use regulations within the PWO is intended to accommodate a variety of building types and sizes, fostering innovation, entrepreneurship, and economic growth.
- (2) Promoting Redevelopment. The PWO encourages the revitalization and redevelopment of underutilized or blighted properties along the Port Washington Road corridor. Redevelopment efforts may reuse existing structures where feasible, as well as the creation of new developments that complement the scale, character, and aesthetics of the surrounding built environment.
- (3) Residential Sensitivity. While promoting commercial activity and redevelopment, the PWO is mindful of its residential context and seeks to minimize adverse impacts on nearby neighborhoods. Redevelopment projects within the district should incorporate design features and site layouts that mitigate noise, traffic congestion, and other potential nuisances, while also respecting the scale and character of adjacent residential properties.

B. Application of regulations.

- (1) The PWO may be added to property in the D Business District that abuts Port Washington Road.
- (2) Upon adoption of a PWO rezoning ordinance, the underlying zoning regulations continue to apply, except as may be modified in this Section 745-22.5 and the PWO rezoning ordinance. The Village Board may modify provisions of the underlying zoning ordinance within the PWO rezoning ordinances, as the Village Board deems appropriate, to accomplish the intent of the PWO overlay, for any particular project, case by case.
- (3) Permitted Uses.
 - (a) Any use permitted in the underlying zoning District shall be permitted in the PWO, except the Prohibited Uses described in Subsection (4) below.
 - (b) Attached single-family and multi-family dwellings with appropriate quality and character may be permitted in a PWO.
 - i. When the planned development consists in whole or in part of residential units, each residential unit shall be occupied by only one family.
 - (c) Mixed-use development consisting of both commercial and residential with appropriate quality and character may be permitted in a PWO.
- (4) Prohibited Uses.
 - (a) Automobile sales and leasing, Automobile storage services, Automobile body/auto repair
 - (b) Gas/Convenience Stores
 - (c) Convenient cash businesses

- (d) Gun shops
- (e) Light/Heavy Industrial uses
- (f) Outdoor storage of materials
- (g) Pawnbrokers
- (h) Retail sales of tobacco, electronic smoking devices and related products
- (i) Any use found by the Village Board to be detrimental to the surrounding area or to the community as a whole by reason of noise, dust, smoke, odor, traffic, physical appearance or other similar factors.

C. Procedure.

- (1) Petition. Petition may be made to the Village Board by the owner/agent of the property. The applicant shall pay a fee as described in Chapter 63 of this Code. Such petition shall be accompanied by the following information:
 - (a) A detailed narrative statement describing the general character of the intended development, a general development plan, and other information pertinent to a determination as to the suitability and desirability for granting the proposed PWO project on the particular site. The applicant shall also provide the following:
 - i. An accurate map of the project area, including its relationship to surrounding properties.
 - ii. Statistical data on total size of project area, area of open space, density computation and proposed number of residential units (if applicable), proposed use, impact upon municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.
 - iii. The pattern of public and private roads, driveways, and parking facilities, and intended design standards.
 - iv. The size, arrangement, and location of lots and/or of proposed structures.
 - v. The location of sewer and water facilities, drainage facilities, stormwater retention or detention basins, and any and all plans to control or reduce flooding on the subject site, and from the subject site to any and all areas on or off the site, whether within or outside the corporate limits of the Village.
 - vi. Architectural renderings illustrating the design and character of proposed structures, including schematic cross-sectional drawings related to neighboring structures.
 - vii. General landscape treatment.
 - viii. Existing topography and storm drainage pattern and proposed storm drainage system showing basic topographic changes.

ix. Garbage, recyclable materials, yard waste, or hazardous material collection, storage and pickup facility plans.

(b) A general summary of financial factors such as value of structures, estimated improvement costs, amount proposed for landscaping and special features, estimated sale or rental price, and total anticipated development cost of the project.

(2) Referral to Plan Commission. Such petition shall be referred to the Plan Commission for study and investigation. The Plan Commission shall make its recommendation to the Village Board as to the appropriateness and desirability of the proposed development plans, and any changes or additional conditions applicable to such plans which it may feel necessary or appropriate.

(3) Public hearing. Upon receipt of the Plan Commission's recommendation, the Village Board shall before taking action to approve such petition hold a public hearing on the proposal, following class 2 notice as described in Wisconsin Statutes Chapter 985. Notice for such hearing shall include reference to the consideration of the specific proposed project development plans.

D. Setbacks, Height, Area, & Parking.

(1) Build-to Line. No more than 50% of the front façade of any new principal structure may be set back more than 10 feet from the Port Washington Road property line.

(a) Landmark buildings. A building which is located at a street intersection shall be considered a landmark building subject to this subsection (a) and (b). Such buildings shall incorporate architectural features which emphasize the importance of such a location. Features may include a tower element, unique patterning of facade, bay or bow window element, building element with a height variation from the rest of the building, as well as other solutions.

(b) Landmark orientation. Landmark buildings located at a street intersection shall orient construction to the corner most near the identified street intersection. The building setback from the street corner may not exceed 5 feet from the property line. The construction may deviate from the Build-to Line requirement if determined by the Plan Commission that requirement may be reduced.

(c) Allowance for Multiple Principal Structures. Where multiple principal structures are proposed on a single development parcel, only the primary structure is required to align with the build-to line. Additional structures may be set back from Port Washington Road, provided they are located on a parcel greater than 1 Acre in size and meet the following standards:

i. Site Design and Orientation: Structures set back from the build-to line must be arranged to allow for site circulation, pedestrian pathways, and parking, and meet all other requirements of this chapter.

ii. Use Compatibility: All principal structures set back from the build-to line must present proposed uses during the approval process that are complementary to those of the primary structure oriented

at Port Washington Road and are consistent with the goals of the PWO.

- (2) Minimum Side and Rear Setbacks. New principal structures are allowed 5-foot side and rear setbacks for those properties not abutting Single-Family Residential-zoned property. When abutting Single-Family Residential-zoned property, the minimum side and rear setback is 15-feet.
- (3) Height. Structures must be constructed with a minimum of two stories and may not exceed 60-feet in height. Structures which abut a Single-Family Residential-zoned property may not exceed 35-feet in height.
- (4) Parking. Parking spaces and driveways must be clearly defined, constructed, and maintained. Grass, landscaped areas, and bare earth areas are prohibited for any driveway or parking spaces. Parking spaces shall not be used for the storage or sale of merchandise, vehicle storage, vehicles for sale, or vehicle repair.
 - (a) Automobile parking requirements may adhere to the minimum number and dimensions of the D Business District, unless the Plan Commission determines that these minimums may be reduced. Applicants for parking reductions must present data determining number of stalls and their dimensions, turning radii of vehicles, number of employees, housing units, building square footage, customers, or any further justification for the reduction in parking minimums.

E. Basis for approval. The Plan Commission in making its recommendations and the Village Board in making its determination shall give consideration and satisfy themselves to the following:

- (1) In the case of proposed residential developments:
 - (a) That such development will create an attractive residential environment of sustained desirability and economic stability, compatible with the character of the Village and where the economic impact of the development in terms of income levels, property values, and service demands is substantially as beneficial to the community as that which could be anticipated under the underlying zoning.
- (2) In case of proposed commercial developments:
 - (a) That the proposed development will be adequately served by off-street parking and truck service facilities.
 - (b) That the locations for entrances and exits have been designed to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets.
 - (c) That the architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with the surrounding neighborhood.

F. Determination.

- (1) The Village Board, after due consideration, may deny the petition, approve the petition as submitted, or approve the petition subject to additional conditions. Such approval shall constitute approval of the specific project development plan.
- (2) The approval of a PWO project shall be based on and include as conditions thereto the building, site, and operational plans for the development as approved, as well as all other commitments offered or required as regard to project value, character, or other factors pertinent to an assurance the proposed development will be carried out as presented in the official submittal plan. Detailed construction and engineering need not necessarily be completed at the time the project is approved but the approval of such preliminary plans is conditioned upon the subsequent submittal and approval of more specific and detailed plans as the development progresses.
- (3) The developer shall enter into an appropriate development agreement, in recordable form, with the Village to guarantee the implementation and continued maintenance of the development according to the terms of the conditions established as part of the development plan approval. Any change or modifications to such approvals or the development itself shall be accompanied by an amendment to the development agreement in recordable form, which amendment shall leave in full force and effect all prior development contract terms not specifically amended. Such contracts shall be binding upon the developer's successors and assigns and shall run with the land.
- (4) Any subsequent change or addition to an approved plan shall first be submitted for approval to the Plan Commission, and if in the Commission's opinion such change or addition is not substantial, it may recommend approval to the Village Board. If such change or addition is construed to be substantial, a public hearing shall be held prior to affirmative action by the Village Board on such recommendation.
- (5) Failure to comply with the conditions and regulations as herein established and as specifically made applicable to a specific project development shall be cause for termination of the approval for said project. At least 15 days' notice shall be given to the developer to appear before the Plan Commission and answer any such charge of noncompliance. If the Plan Commission finds the charges substantiated, they shall then submit to the Village Board recommendations as to specific steps to be taken to terminate the development as rapidly as possible if the situation is not satisfactorily adjusted within a specific period. Such a termination should be in a manner which will achieve the maximum degree of the intended development objectives consistent with environmental compatibility with the neighborhood and with the general welfare of the community.

SECTION 2. 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 3. EFFECTIVE DATE

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

Dated this _____ day of _____, 2024.

Village of Fox Point

Christine Symchych, Village President

ATTEST:

Sara Bruckman, Village Clerk/Treasurer