

Ordinance No. 2010-04

**ORDINANCE TO ADOPT A COMPREHENSIVE PLAN  
FOR THE VILLAGE OF FOX POINT PURSUANT TO  
APPLICABLE WISCONSIN STATUTES**

**WHEREAS**, the Village of Fox Point has by ordinance established a Plan Commission for the Village of Fox Point pursuant to Sections 61.35 and 62.23, Wisconsin Statutes; and

**WHEREAS**, the Village Plan Commission is empowered to recommend to the Village Board the adoption of a Comprehensive Plan for the physical development of the Village, pursuant to Sections 62.23(1), (2) and (3), and Section 66.1001 of the Wisconsin Statutes; and

**WHEREAS**, Section 62.23(2) and (3) of the Wisconsin Statutes provide that it is the duty of the Plan Commission to adopt a master plan for the physical development of the Village which, together with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the Plan Commission's recommendations for such physical development; and

**WHEREAS**, Section 62.23(3)(a) of the Wisconsin Statutes provides that the master plan shall be made "with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development"; and

**WHEREAS**, in 1999, the Wisconsin Legislature enacted a comprehensive planning law, which is set forth in Section 66.1001 of the Wisconsin Statutes, that requires that master plans (which are referred to under Section 66.1001 as "comprehensive" plans; referred to herein as "comprehensive master plan") be completed and adopted by local governing bodies in order for a town, county, city, or village to enforce its zoning, subdivision, or official mapping ordinances; and

**WHEREAS**, Section 66.1001(2) of the Wisconsin Statutes sets forth specific requirements affecting the contents and procedures for adoption of a comprehensive master plan under Section 62.23(2) or (3) of the Wisconsin Statutes; and

**WHEREAS**, as of January 1, 2010, Sections 62.23(3)(b) and 66.1001(3) of the Wisconsin Statutes require, in part, that Villages engaging in any of the following actions take such actions in accordance with their comprehensive master plan:

- Official mapping established or amended under Section 62.23(6) of the Wisconsin Statutes;

- Local subdivision regulation under Section 236.45 or 236.46 of the Wisconsin Statutes;
- Zoning ordinances enacted or amended under Section 62.23(7) of the Wisconsin Statutes; and

**WHEREAS**, the Village of Fox Point intends to continue to engage in the foregoing activities and, therefore, desires to have a comprehensive master plan that fully complies with Sections 62.23 and 66.1001 of the Wisconsin Statutes; and

**WHEREAS**, the Village of Fox Point engaged the services of GRAEF, a professional engineering and planning firm, led by Stephanie R. Allewalt, LEED AP, to serve as consultant and assist in the preparation of a comprehensive master plan for the Village of Fox Point; and

**WHEREAS**, on or about October 26, 2009 the Village Board adopted written procedures designed to foster public participation in every stage of the preparation of a comprehensive master plan for the Village of Fox Point, which included provisions for wide distribution of the proposed elements of the Comprehensive Plan, and provided an opportunity for oral and written comments to be received from the public and for the Village to respond to such comments; and such procedures have been followed in consideration of this matter; and

**WHEREAS**, the Plan Commission, in conjunction with its consultant and Village Staff, has prepared the Comprehensive Plan attached hereto and incorporated herein by reference as Exhibit A, which complies with the requirements of Sections 62.23 and 66.1001 of the Wisconsin Statutes; and

**WHEREAS**, on or about January 8, 2010 the Village of Fox Point Plan Commission recommended the Comprehensive Plan attached hereto to the Village Board, by Resolution adopted by a majority vote of the entire Plan Commission of the Village of Fox Point; and

**WHEREAS**, on or about February 9, 2010, the Village Board of Trustees held a public hearing to consider public comments regarding adoption of the Comprehensive Plan, following due notice being provided in compliance with the requirements of Wisconsin Statutes Sections 66.1001(4)(b), 66.1001(4)(c), 66.1001(4)(d), 66.1001(4)(e) and 66.1001(4)(f); and

**WHEREAS**, pursuant to the public participation plan adopted by the Village Board, the Village Board has allowed public comments to be submitted in writing subsequent to the public hearing; and

**WHEREAS**, the Village Board for the Village of Fox Point, having carefully reviewed the recommendation of the Village Plan Commission, having considered all public comments received, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, including consideration of the plan components related to issues and opportunities, housing, transportation, utilities and community facilities, agricultural, natural and cultural resources, economic development, intergovernmental cooperation, land use, and implementation, has determined that the comprehensive plan will serve the general purposes of guiding and accomplishing a coordinated, adjusted and harmonious development of the Village of Fox Point which will, in accordance with existing and future

needs, best promote public health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development.

**NOW, THEREFORE,** the Village Board of the Trustees of the Village of Fox Point, by a majority vote of the members-elect of the Village Board, do hereby ordain as follows:

**Section 1.** The Village of Fox Point Comprehensive Plan attached hereto and incorporated herein as Exhibit A is hereby adopted.

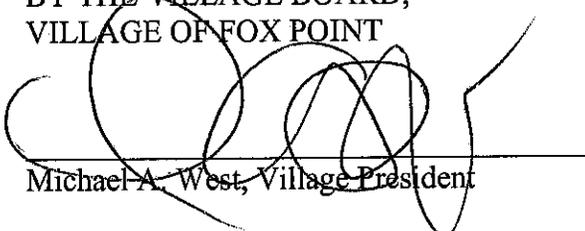
**Section 2.** Filing. The Village Clerk is directed to provide a copy of this ordinance and a copy of the Village of Fox Point Comprehensive Plan that is hereby adopted to the persons and entities described in Wisconsin Statutes Section 66.1001(4)(b), as required by Wisconsin Statutes Section 66.1001(4)(c).

**Section 3.** Severability. The several sections and portions 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 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 be in full force and effect from and after its passage and posting or publication as provided by law.

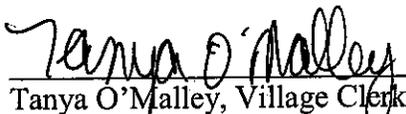
ADOPTED THIS 23<sup>rd</sup> day of February, 2010

BY THE VILLAGE BOARD,  
VILLAGE OF FOX POINT



Michael A. West, Village President

ATTEST:



Tanya O'Malley, Village Clerk

Published and/or posted this 2nd day of March, 2010