

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND RECREATE THE DEFINITION OF “DWELLING, SINGLE FAMILY,” CONTAINED IN SECTION 17.10 OF THE VILLAGE OF OCONOMOWOC LAKE ZONING CODE

WHEREAS, the Village of Oconomowoc Lake intends for residential property within the Village to be used solely for residential purposes, and not for any for-profit lodging purposes; and

WHEREAS, rental of property on a short-term basis, for vacation rental, has been popularized in recent years through Internet based advertising and websites such as VRBO.com; and

WHEREAS, the Village of Oconomowoc Lake Village Board finds that short-term vacation rental of residential property would substantially intensify the use of the property in many ways, which would affect the essential character of a neighborhood and the stability of the Village, and is inconsistent with a single-family dwelling use contemplated by the Village of Oconomowoc Lake Village Code; and

WHEREAS, the Village Board finds that such short-term rentals are a business use, currently prohibited by the Village Code; and

WHEREAS, the Village of Oconomowoc Lake intends to clarify this issue within the Village Code, to make it even more clear than at present, that short-term rental of residential property is not a permitted single-family dwelling use; and

WHEREAS, the Village Board for the Village of Oconomowoc Lake has referred the matter to the Village Plan Commission for the Village of Oconomowoc Lake for consideration and recommendation; and

WHEREAS, pursuant to Section 17.62(4) of the Village Code, the Village Plan Commission has reviewed the proposed changes and has made its recommendations to the Village Board; and

WHEREAS, upon due notice as required by Section 17.62(5) of the Village Code, the Village Board had a public hearing in this matter on _____; and

WHEREAS, the Village Board for the Village of Oconomowoc Lake has determined that the adoption of the clarifying amendment to the definition of single-family dwelling within the Village of Oconomowoc Lake Zoning Code will promote the

public health, safety and general welfare of the community, and will be consistent with the Village of Oconomowoc Lake Comprehensive Plan.

NOW, THEREFORE, the Village Board of the Village of Oconomowoc Lake, Waukesha County, Wisconsin DO HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 17 of the Village of Oconomowoc Lake Municipal Code entitled, "Zoning Code," Section 17.10, entitled "Definitions," the definition of "Dwelling, Single Family" is hereby repealed and recreated as follows:

DWELLING, SINGLE FAMILY

A ~~building~~dwelling designed for and occupied exclusively as the residence of only one (1) family. Specifically excluded from this definition, without limitation by reason of enumeration, are all of the following:

(a) No Tourist Rooming Houses. Any property that is regulated by Wisconsin Statutes Chapter 254, subchapter VII, as a tourist rooming house, regardless of whether a license or permit has been granted, is not a single-family dwelling; and

(b) No Vacation Rentals. Any real property that is used for a vacation rental is not a single-family dwelling. Such property is deemed to be a vacation rental if all of the following circumstances apply: (i) it is subject to any contract, lease, sublease, rental agreement, easement, instrument or other device (an "Agreement"); (ii) the Agreement or Agreements create a right to occupy said property; (iii) such rights of occupancy have an actual duration of less than 120 days; and (iv) the Agreement or Agreements require payment or other remuneration or barter, for the benefit of the property owner.

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 _____, 2013.

VILLAGE OF OCONOMOWOC LAKE

Joseph Birbaum, Village President

ATTEST:

Cindy J. Schlieve, Village Clerk

Published and/or posted this _____ day of _____, 2013.