

VILLAGE OF OCONOMOWOC LAKE

OCONOMOWOC LAKE PLAN COMMISSION MEETING MINUTES of Monday, January 6, 2014.

Unofficial until approved by the Plan Commission.

Approved as written (X) or with corrections () on 02/03/2014.

The regular monthly meeting of the Plan Commission of the Village of Oconomowoc Lake was held on Monday, January 6, 2014, commencing at 7:00 p.m., at the Village Hall, 35328 W. Pabst Road, Oconomowoc. Legal requirements for notification as required by law have been met. Roll was taken with the following in attendance:

Mr. Birbaum/Chairperson – present
Messrs. Barquist, Bickler, Foster, Waltersdorf/Members – present
Messrs. Kohl, Owens/Members – absent
Ms. Cameron/Member – present
Ms. Schlieve/Clerk– present
Mr. Wiemer/Administrator – present
Mr. Macy/Attorney – present

ATTENDANCE

John E. Fitch, III (Jef)

MINUTES

Motion (Bickler/Barquist) to approve the minutes as printed, for the Plan Commission meeting held on December 16, 2013, *Carried Unanimously*.

DISCUSSION/ACTION REGARDING AN AMENDMENT TO THE CONDITIONAL USE PERMIT FOR THE OCONOMOWOC LAKE CLUB, LOCATED AT 4668 N. LAKE CLUB CIRCLE, OCONOMOWOC, WISCONSIN

Mr. Birbaum explained that in December 2013 Mr. Benn DiPasquale had presented a preliminary request to amend the Conditional Use Permit (CUP) for the Oconomowoc Lake Club (Lake Club). The amendment is to allow the Lake Club to dock up to eight (8) power boats – not more than five (5) of which will be for the private use of members and the remainder to be utilized by the Lake Club for use in sailing and other programs and the individual use by all members generally. Mr. John E. Fitch, III (Jef) was present to answer any questions or concerns expressed by the Commissioners. Mr. Fitch noted that a document had been prepared by Mr. DiPasquale that addressed questions and concerns expressed by Commissioners at the December meeting. Commissioners had additional questions or concerns regarding the requested CUP amendment. Those concerns, questions, or comments are listed below.

- Mr. Wiemer noted that the original CUP that was created after the Lake Club fire included a section that allowed five (5) members who moored their boats at the Lake Club during the 1990 season to continue to do so. The right to moor those five (5) members' boats at the Lake Club was terminated once that member no longer wished to moor his boat at the Lake Club. Another member was not allowed to assume mooring rights from one of the original five (5) members. Currently only one (1) boat is being moored at the Lake Club.
- Mr. Wiemer noted that the CUP should also be updated to reflect current practices being followed at the Lake Club such as the sailboats and stacking prams/kayaks that are stored along the shore; clarify that non-power boats may be stored as is the current practice; determine the number of sailboats allowed to be stored along the shore.
- The request for the mooring of boats states that there will be a lottery type system to determine which members may dock at the pier. Commissioners noted that they would prefer a seasonal lottery, not something done weekly or monthly.
- Address the concern of multiple boat owners (members) owning and docking a single boat at the Lake Club.
- Commissioners suggested that the boats the Lake Club owns and allows members to use should have on board a copy of the DNR boating rules as well as the Village of Oconomowoc Lake boating rules.
- To encourage good boating etiquette, it was suggested that boat operators be given one (1) warning when a violation is committed; if another violation is committed by that operator a citation would be issued; if a third violation is committed, that boat owner would not be allowed to moor at the Lake Club.
- Additionally, in regard to boating etiquette, the Commissioners expressed concern that operators of the wake boats or high-powered boats be considerate of the lake front properties so that the shore lines are not damaged by the wake. Commissioners felt that operators of those types of boats should receive some education by the Lake Club regarding their operation in relation to the damage they can cause. For example, those operators should be advised to drive the high-powered boats in the center of the lake and not along the shore line in order to protect the shore line from erosion.
- Uniformity in the canopies of the boats and lifts was requested (i.e. the same color canopies, the same amount of drape, similar heights).
- Suggested sizes of the boats to be moored are a maximum of 26 feet long for a float boat (pontoon) and up to 24 feet in length for a ski boat.
- The docking plan provided shows boat 8 parked at the end of the pier. Mr. Birbaum noted that the end of the pier is used quite extensively by sailors when there are races or regattas. Having boat 8 parked there may cause some difficulties for the sailors. A suggestion was made to park boat 8 on a lift off shore either all the time, or during races or regattas. A suggestion was also made that more than one docking plan be provided and approved by the Village so that the Lake Club is in compliance whichever way they choose to moor the boats.
- It was also noted that approval from the Department of Natural Resources (DNR) may be required in order to do what the Lake Club has proposed due to docking of boats in excess of frontage feet. Mr. Macy noted that the proposed plan appears very much like a marina, and the DNR has authority over marinas. Commissioners agreed that it was the responsibility of the Lake Club to pursue information regarding DNR rules and regulations for piers.

- There can be no fuel provided by the Lake Club to the boat owners. The owners must bring their own fuel with them. It was noted that the Lake Club will perhaps have fuel stored for their own boats, but that fuel could not be kept on hand for other boat owners.
- Any fuel stored on Lake Club property must comply with State Code.
- Concern was expressed that the Lake Club did not intend to rent boats out on an hourly or other basis. Commissioners do not want the Lake Club to become a boat livery.
- Additionally, the dock should not be used for commercial enterprises by the boat owners or anyone in their families.
- The Lake Club needs to define family or immediate family in relation to their statement under "Usage" that states, "No member boat shall be utilized except when the member or a member of the member's immediate family shall be present and 'on board' at all times."
- There should not be any boxes on the pier or shore for the boat owners to store things.

Motion (Barquist/Bickler) to table the matter to the February Plan Commission meeting, Carried Unanimously.

DISCUSSION/ACTION REGARDING VACATION RENTAL ISSUES AND A REVISION OF THE DEFINITION OF DWELLING, SINGLE FAMILY, CONTAINED IN SECTION 17.10 OF THE VILLAGE OF OCONOMOWOC LAKE ZONING CODE

Mr. Macy explained that he had been requested to review the Village's existing zoning code to see if it is tight enough to prevent renting of properties within the Village for vacation purposes. It was noted that there are a number of homes in the Village that are rented out, but it is done so on a longer term basis, such as a year at a time, but not weekly or monthly or only during the summer vacation time. Mr. Macy provided a draft of an ordinance that would revise the definition of Dwelling, Single Family in the Zoning Code to read as follows:

- (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 _____ days; and (iv) the Agreement or Agreements require payment or other remuneration or barter, for the benefit of the property owner.*

The Commissioners discussed the number of days they wanted to put in the definition in section "(b)(iii) . . . actual duration of less than _____ days". The decision by the Commissioners was that the number of days should be 120.

Motion (Waltersdorf/Bickler) to recommend to the Village Board of Trustees approval of the Ordinance to Repeal and Recreate the Definition of "Dwelling, Single Family," Contained in Section 17.10 of the Village of Oconomowoc Lake Zoning Code, with the provision that section (b)(iii) state such rights of occupancy have an actual duration of less than 120 days, Carried Unanimously.

*Plan Commission Meeting
January 6, 2014*

ADJOURNMENT

With no further discussion, a motion (Bickler/Foster) to adjourn the meeting at 8:15 p.m., *Carried Unanimously.*

Respectfully submitted by:
Cindy J. Schlieve, Clerk-Treasurer