

Ordinance 061118-02

An Ordinance Amending Sections 18-13 regarding Definitions and 18-56(s) regarding Tourist Rooming House and 18-64(x) regarding Tourist Rooming House and Sections 18-27(d), 18-28(d), 18-29(d), 18-30(d), 18-31(d), 18-32(d), 18-33(d), 18-34(d), 18-35(d), 18-36(d), 18-37(c)(8) and (d)(8), 18-38(b)(16) and (d)(14), 18-39(c)(9) and (d)(9), 18-40 I.(c)(3), 18-40 I.(d)(3), 18-40 II.(c)(4) and (e)(10), 18-40 III. (c)(4) and (e)(10), 18-40 IV.(e), 18-41(d), 18-42(d), 18-331(d), 18-332(d), 18-333(d), 18-334(d), 18-335(d), 18-336(d), 18-338(d), 18-339(d), 18-340(d), 18-341(d), 18-342(d), 18-343(d), 18-344(d), 18-345(d) and 18-346(d) regarding zoning districts, and Section 18-54 regarding Table of Land Uses of the Municipal Code of the Village of Fontana on Geneva Lake

WHEREAS, the Village Board does intend by this Ordinance to make certain amendments to the Village of Fontana on Geneva Lake Municipal Code.

NOW, THEREFORE, the Village Board of the Village of Fontana on Geneva Lake, Walworth County, Wisconsin, do ordain as follows:

SECTION 1.

Sec. 18-13 shall be amended to read as follows:

Sec. 18-13

Tourist rooming house (land use): See subsection ~~18-56(s)~~ 18-64(x).

Vacation rental home (land use): See subsection 18-56(s).

SECTION 2.

Sec. 18-56(s) shall be amended to read as follows:

Sec. 18-56(s)

(s) ~~Tourist rooming house. Vacation Rental Home.~~ A single-family detached dwelling unit made available to a single party for overnight, weekend, or weekly stays by paying guests which may or may not be owner occupied for part of the year. These uses are often referred to as "vacation rental homes" and may include timeshare units. Tourist rooming houses Vacation Rental Homes shall adhere to the following listed regulations:

1. ~~Occupancy shall be limited to two persons per bedroom, plus an additional two persons. At no time may the number of guests exceed eight regardless of the number of bedrooms in the dwelling unit. Permitted by Right: Village Center Zoning District; permitted as Conditional Use in the Neighborhood Business and Community Business Zoning Districts~~

- a. Land Use Requirement:

Vacation Rental Homes shall only be located as a Commercial Land Use within a Single-Family Detached Dwelling Unit as defined in Section 18-55(a).

b. Annual Village License Required:

Each Vacation Rental Home shall operate only during the valid period of an Annual Village of Fontana Vacation Rental Home License for each calendar year. Operating a Vacation Rental Home without a current version of a valid license shall be considered a violation of this Zoning Ordinance, and subject to the penalties of Section 18-257. The following information shall be provided on an annual basis, prior to issuance of said Annual Village of Fontana Vacation Rental Home License:

- i. A current floor plan for the Vacation Rental Home at a minimum scale of one-inch equals 4 feet, and Site Plan of the property at a minimum scale of one-inch equals ten feet showing on-site parking spaces and trash storage areas;
- ii. General Building Code Inspection by Village, and submittal of Official Building Code Inspection Report with no outstanding compliance orders remaining;
- iii. Fire Code Inspection by Village, and submittal of Official Fire Code Inspection Report with no outstanding compliance orders remaining;
- iv. Proof of valid property and liability insurance for the dwelling unit;
- v. State of Wisconsin Tourist Rooming House License;
- vi. Seller's Permit issued by the Wisconsin Department of Revenue;
- vii. Village of Fontana Room Tax Permit; and,
- viii. Payment of an Administrative Fee, set annually by the Village Board, to cover the costs to the Village of administering the above.

The Village of Fontana Vacation Rental Home License shall be issued with the completion of the above requirements.

c. Property Management Requirements:

Each Vacation Rental Home shall be managed consistent with the following requirements:

- i. Similar facilities in which single-family detached homes are available for a minimum 7 consecutive days, and up to 180 days, are a different land use that falls within the Tourist Rooming House land use category. See Sec. 18-64(x).
- ii. The Maximum Number of Occupants shall not exceed the total number licensed by the State of Wisconsin or two per bedroom plus two additional occupants, whichever is less.

- iii. The Vacation Rental Home shall be operated by the property owner or by a property manager explicitly designated in the valid Fontana Vacation Rental Home as the "Designated Operator".
 - iv. The property owner's and the Designated Operator's names, addresses, and 24-hour phone numbers shall be provided in the Village of Fontana Vacation Rental Home Application and shall be updated within 24 hours upon any change in the property manager or the property manager contact information.
 - v. The Designated Operator must reside within, or have their business located within, 25 miles of the Vacation Rental Home parcel.
 - vi. The Designated Operator must be available by phone 24 hours, seven days a week, during the period of operation designated in the Fontana Vacation Rental Home Application.
 - vii. Each Vacation Rental Home shall provide and maintain a Guest Register and shall require all guests to register their true names and addresses before allowing occupancy. The Guest Register shall be kept intact and available by the Designated Operator for inspection by representatives of the Village for at least one year from the day of the conclusion of the period of operation.
 - viii. Each Vacation Rental Home shall maintain the following written Business Record for each rental of the Vacation Rental Home: the true names and addresses of any person renting the property, the dates of the rental period (which must be a minimum of seven consecutive days), and the monetary amount or consideration paid for the rental. The Business Record shall be kept intact and available by the Designated Operator for inspection by representatives of the Village for at least one year from the day of the conclusion of the period of operation.
- d. Property Operational Requirements:

Each Vacation Rental Home shall be operated per the following requirements:

- i. The "Requirements for Vacation Rental Home Guests" form provided by the Village of Fontana to summarize Village requirements for Vacation Rental Homes, and the Site Plan for the subject property clearly depicting guest parking spaces and the rear yard, shall be posted on the inside of the front door of each Vacation Rental Home throughout its period of operation.
- ii. Parking Requirements:
 - [a] A minimum of two off-street parking spaces shall be provided on the subject property for each Vacation Rental Home. If the Vacation Rental Home provides three or more bedrooms, an additional on-site parking space is required for each additional bedroom over two.

- [b] All guest parking for vehicles and trailers shall be within a parking space designated on the Site Plan, on an area paved with concrete or asphalt.
- [c] All guest vehicles and trailers may only park on-site. Street parking for guests is not permitted.
- [d] No parking is permitted on gravel, lawn, or planter bed areas.

iii. Site Appearance Requirements:

- [a] Aside from a changing mix of guests and their vehicles, there shall be no evidence of the property being used as a Vacation Rental Home visible on the exterior of the subject property.
- [b] No exterior signage related to the Vacation Rental Home is permitted, other than the property address.
- [c] No outdoor storage related to the Vacation Rental Home land use is permitted, except for typical residential recreational equipment, seating, and outdoor cooking facilities which are permitted only within the rear yard.
- [d] No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted to accommodate guests.

iv. Neighborhood Impact Requirements:

- [a] No outdoor activity shall occur between the hours of 10:00 p.m. and 7:00 a.m.
- [b] At all times, no noise, lighting, odor or other impacts from the subject property shall be detectable at the property line at levels exceeding the requirements of Article 13 of the Fontana Zoning Ordinance.
- [c] No vehicular traffic shall be generated by the Vacation Rental Home at levels exceeding those typical for a detached single-family dwelling unit.

v. Vacation Rental Home Advertising:

- [a] No outdoor advertising is allowed on the subject property.
- [b] The Vacation Rental Home shall not be advertised for availability in any form of media unless the required Village of Fontana Vacation Rental Home License has been issued.

e. Penalties and License Revocation

- i. Violations of the requirements for Vacation Rental Homes, the provisions of the Vacation Rental Homes License, and all other the requirements of the Zoning Ordinance are subject to separate daily fines per Section 18-257. Violations will be issued to, and will be the responsibility of, the property owner.

ii. The Annual Vacation Rental Home License may be revoked for more than two violations of the requirements of the License, the requirements specific to Vacation Rental Homes, the License, or the remainder of Zoning Code.

- ~~(2) — The maximum stay for any party other than the owner of the premises shall be 30 consecutive days.~~
- ~~(3) — The number of guest vehicles allowed on site is limited to the number of bedrooms in the unit. On-street parking is prohibited. No recreational vehicle or tent may be used for living or sleeping purposes.~~
- ~~(4) — The appearance of the dwelling shall not be altered in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, odors, dust, or vibrations the can carry beyond the premises.~~
- ~~(5) — The availability of the tourist rooming house to the public shall not be advertised on-site.~~
- ~~(6) — The tourist rooming house must be licensed by the State of Wisconsin.~~
- ~~(7) — A minimum of one parking space shall be provided for each bedroom.~~

SECTION 3.

Sec. 18-64 shall be amended to read as follows:

Sec. 18-64(x)

(x) Tourist Rooming House

Description: Includes all lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists and transients. It does not include private boarding houses or rooming houses not accommodating tourists or transients, or bed and breakfast establishments regulated under ACTP 73.

2. Permitted by Right: All zoning districts.

a. Land Use Requirement:

Tourist Rooming House shall only be located as an Accessory Land Use within a Single-Family Detached Dwelling Unit as defined in Section 18-55(a).

b. Annual Village License Required:

Each Tourist Rooming House shall operate only during the valid period of an Annual Village of Fontana Tourist Rooming House License for each calendar year. Operating a Tourist Rooming House without a current version of a valid license shall be considered a violation of this Zoning Ordinance, and subject to the penalties of Section 18-257. The following information shall be provided on an annual basis, prior to issuance of said Annual Village of Fontana Tourist Rooming House License:

i. Completed Village of Fontana Tourist Rooming House Application, which includes the property owner name, address, and phone number; the

- designated operator's name, address, and phone number; the period of operation of up to 180 days in a calendar year, which must be consecutive;
- ii. A current floor plan for the Tourist Rooming House at a minimum scale of one-inch equals 4 feet, and Site Plan of the property at a minimum scale of one-inch equals ten feet showing on-site parking spaces and trash storage areas;
 - iii. General Building Code Inspection by Village, and submittal of Official Building Code Inspection Report with no outstanding compliance orders remaining;
 - iv. Fire Code Inspection by Village, and submittal of Official Fire Code Inspection Report with no outstanding compliance orders remaining;
 - v. Proof of valid property and liability insurance for the dwelling unit;
 - vi. State of Wisconsin Tourist Rental House License;
 - vii. Seller's Permit issued by the Wisconsin Department of Revenue;
 - viii. Village of Fontana Room Tax Permit; and,
 - ix. Payment of an Administrative Fee, set annually by the Village Board, to cover the costs to the Village of administering the above.

The Village of Fontana Tourist Rooming House License shall be issued with the completion of the above requirements.

c. Property Management Requirements:

Each Tourist Rooming House shall be managed consistent with the following requirements:

- i. The total number of days of operation within any calendar year shall not exceed 180 days, which must be consecutive. This Period of Tourist Rooming House Operation shall be specified by the property owner in the required annual Fontana Tourist Rooming House Application.
- ii. The Minimum Rental Period shall be a minimum of seven consecutive days by any one party.
- iii. The Maximum Rental Period shall be no more than 180 consecutive days by any one party.
- iv. Similar facilities in which single-family detached homes are available for more than 180 days, or throughout the year, are a different land use that falls within the Indoor Commercial Lodging land use category.
- v. The Maximum Number of Occupants shall not exceed the total number licensed by the State of Wisconsin or two per bedroom plus two additional occupants, whichever is less.
- vi. The Tourist Rooming House shall be operated by the property owner or by a property manager explicitly designated in the valid Fontana Tourist Rooming House Application as the "Designated Operator".
- vii. The property owner's and the Designated Operator's names, addresses, and 24-hour phone numbers shall be provided in the Village of Fontana

Tourist Rooming House Application and shall be updated within 24 hours upon any change in the property manager or the property manager contact information.

- viii. The Designated Operator must reside within, or have their business located within, 25 miles of the Tourist Rooming House parcel.
- ix. The Designated Operator must be available by phone 24 hours, seven days a week, during the period of operation designated in the Fontana Tourist Rooming House Application.
- x. Each Tourist Rooming House shall provide and maintain a Guest Register and shall require all guests to register their true names and addresses before allowing occupancy. The Guest Register shall be kept intact and available by the Designated Operator for inspection by representatives of the Village for at least one year from the day of the conclusion of the period of operation.
- xi. Each Tourist Rooming House shall maintain the following written Business Record for each rental of the tourist rooming house: the true names and addresses of any person renting the property, the dates of the rental period (which must be a minimum of seven consecutive days), and the monetary amount or consideration paid for the rental. The Business Record shall be kept intact and available by the Designated Operator for inspection by representatives of the Village for at least one year from the day of the conclusion of the period of operation.

d. Property Operational Requirements:

Each Tourist Rooming House shall be operated per the following requirements:

- i. The "Requirements for Tourist Rooming House Guests" form provided by the Village of Fontana to summarize Village requirements for Tourist Rooming Houses, and the Site Plan for the subject property clearly depicting guest parking spaces and the rear yard, shall be posted on the inside of the front door of each tourist rooming house throughout its period of operation.
- ii. Parking Requirements:
 - [a] A minimum of two off-street parking spaces shall be provided on the subject property for each Tourist Rooming House. If the Tourist Rooming House provides three or more bedrooms, an additional on-site parking space is required for each additional bedroom over two.
 - [b] All guest parking for vehicles and trailers shall be within a parking space designated on the Site Plan, on an area paved with concrete or asphalt.
 - [c] All guest vehicles and trailers may only park on-site. Street parking for guests is not permitted.
 - [d] No parking is permitted on gravel, lawn, or planter bed areas.

- iii. Site Appearance Requirements:
 - [a] Aside from a changing mix of guests and their vehicles, there shall be no evidence of the property being used as a Tourist Rooming House visible on the exterior of the subject property.
 - [b] No exterior signage related to the Tourist Rooming House is permitted, other than the property address.
 - [c] No outdoor storage related to the Tourist Rooming House land use is permitted, except for typical residential recreational equipment, seating, and outdoor cooking facilities which are permitted only within the rear yard.
 - [d] No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted to accommodate guests.
 - iv. Neighborhood Impact Requirements:
 - [a] No outdoor activity shall occur between the hours of 10:00 p.m. and 7:00 a.m.
 - [b] At all times, no noise, lighting, odor or other impacts from the subject property shall be detectable at the property line at levels exceeding the requirements of Article 13 of the Fontana Zoning Ordinance.
 - [c] No vehicular traffic shall be generated by the Tourist Rooming House at levels exceeding those typical for a detached single-family dwelling unit.
 - v. Tourist Rooming House Advertising:
 - [a] No outdoor advertising is allowed on the subject property.
 - [b] The Tourist Rooming House shall not be advertised for availability in any form of media unless the required Village of Fontana Tourist Rooming House License has been issued.
- e. Penalties and License Revocation
- i. Violations of the requirements for Tourist Rooming Houses, the provisions of the Tourist Rooming House License, and all other the requirements of the Zoning Ordinance are subject to separate daily fines per Section 18-257. Violations will be issued to, and will be the responsibility of, the property owner.
 - ii. The Annual Tourist Rooming House License may be revoked for more than two violations of the requirements of the License, the requirements specific to Tourist Rooming Houses, the License, or the remainder of Zoning Code.

SECTION 4.

Sec. 18-27(d) shall be amended to read as follows:

Sec. 18-27(d)

(12) Tourist Rooming House (see Section 18-64(x))

SECTION 5.

Sec. 18-28(d) shall be amended to read as follows:

Sec. 18-28(d)

(10) Tourist Rooming House (see Section 18-64(x))

SECTION 6.

Sec. 18-29(d) shall be amended to read as follows:

Sec. 18-29(d)

(10) Tourist Rooming House (see Section 18-64(x))

SECTION 7.

Sec. 18-30(d) shall be amended to read as follows:

Sec. 18-30(d)

(10) Tourist Rooming House (see Section 18-64(x))

SECTION 8.

Sec. 18-31(d) shall be amended to read as follows:

Sec. 18-31(d)

(10) Tourist Rooming House (see Section 18-64(x))

SECTION 9.

Sec. 18-32(d) shall be amended to read as follows:

Sec. 18-32(d)

(10) Tourist Rooming House (see Section 18-64(x))

SECTION 10.

Sec. 18-33(d) shall be amended to read as follows:

Sec. 18-33(d)

(9) Tourist Rooming House (see Section 18-64(x))

SECTION 11.

Sec. 18-34(d) shall be amended to read as follows:

Sec. 18-34(d)

(9) Tourist Rooming House (see Section 18-64(x))

SECTION 12.

Sec. 18-35(d) shall be amended to read as follows:

Sec. 18-35(d)

(9) Tourist Rooming House (see Section 18-64(x))

SECTION 13.

Sec. 18-36(d) shall be amended to read as follows:

Sec. 18-36(d)

(9) Tourist Rooming House (see Section 18-64(x))

SECTION 14.

Sec. 18-37 shall be amended to read as follows:

Sec. 18-37

~~(c)(8) Tourist rooming house~~ Vacation Rental Home (see subsection 18-56(s))

(d)(8) Tourist Rooming House (see Section 18-64(x))

SECTION 15.

Sec. 18-38 shall be amended to read as follows:

Sec. 18-38

~~(b)(16) Tourist rooming house~~ Vacation Rental Home (see subsection 18-56(s)).

(d)(14) Tourist Rooming House (see Section 18-64(x))

SECTION 16.

Sec. 18-39 shall be amended to read as follows:

Sec. 18-39

~~(c)(9) Tourist rooming house~~ Vacation Rental Home (see subsection 18-56(s)).

(d)(9) Tourist Rooming House (see Section 18-64(x))

SECTION 17.

Sec. 18-40 I.(c)(3) shall be amended to read as follows:

Sec. 18-40 I.(c)(3)

(1) Tourist Rooming House (see Section 18-64(x))

SECTION 18.

Sec. 18-40 I.(d)(3) shall be amended to read as follows:

Sec. 18-40 I.(d)(3)

(2) Tourist Rooming House (see Section 18-64(x))

SECTION 19.

Sec. 18-40 II. shall be amended to read as follows:

Sec. 18-40 II.

~~(c)(4) Tourist Rooming House~~ Vacation Rental Home (see subsection 18-56(s)).

(e)(10) Tourist Rooming House (see Section 18-64(x))

SECTION 20.

Sec. 18-40 III. shall be amended to read as follows:

Sec. 18-40 III.

~~(c)(4)) Tourist Rooming House~~ Vacation Rental Home (see subsection 18-56(s)).

(e)(10) Tourist Rooming House (see Section 18-64(x))

SECTION 21.

Sec. 18-40 IV.(e) shall be amended to read as follows:

Sec. 18-40 IV.(e)

(2) Tourist Rooming House (see Section 18-64(x))

SECTION 22.

Sec. 18-41(d) shall be amended to read as follows:

Sec. 18-41(d)

(8) Tourist Rooming House (see Section 18-64(x))

SECTION 23.

Sec. 18-42(d) shall be amended to read as follows:

Sec. 18-42(d)

(8) Tourist Rooming House (see Section 18-64(x))

SECTION 24.

Sec. 18-331(d) shall be amended to read as follows:

Sec. 18-331(d)

(3) Tourist Rooming House (see Section 18-64(x))

SECTION 25.

Sec. 18-332(d) shall be amended to read as follows:

Sec. 18-332(d)

(3) Tourist Rooming House (see Section 18-64(x))

SECTION 26.

Sec. 18-333(d) shall be amended to read as follows:

Sec. 18-333(d)

(3) Tourist Rooming House (see Section 18-64(x))

SECTION 27.

Sec. 18-334(d) shall be amended to read as follows:

Sec. 18-334(d)

(3) Tourist Rooming House (see Section 18-64(x))

SECTION 28.

Sec. 18-335(d) shall be amended to read as follows:

Sec. 18-335(d)

(3) Tourist Rooming House (see Section 18-64(x))

SECTION 29.

Sec. 18-336(d) shall be amended to read as follows:

Sec. 18-336(d)

(6) Tourist Rooming House (see Section 18-64(x))

SECTION 30.

Sec. 18-338(d) shall be amended to read as follows:

Sec. 18-338(d)

(1) Tourist Rooming House (see Section 18-64(x))

SECTION 31.

Sec. 18-339(d) shall be amended to read as follows:

Sec. 18-339(d)

(1) Tourist Rooming House (see Section 18-64(x))

SECTION 32.

Sec. 18-340(d) shall be amended to read as follows:

Sec. 18-340(d)

(1) Tourist Rooming House (see Section 18-64(x))

SECTION 33.

Sec. 18-341(d) shall be amended to read as follows:

Sec. 18-341(d)

(1) Tourist Rooming House (see Section 18-64(x))

SECTION 34.

Sec. 18-342(d) shall be amended to read as follows:

Sec. 18-342(d)

(1) Tourist Rooming House (see Section 18-64(x))

SECTION 35.

Sec. 18-343(d) shall be amended to read as follows:

Sec. 18-343 (d)

(1) Tourist Rooming House (see Section 18-64(x))

SECTION 36.

Sec. 18-344(d) shall be amended to read as follows:

Sec. 18-344(d)

(1) Tourist Rooming House (see Section 18-64(x))

SECTION 37.

Sec. 18-345(d) shall be amended to read as follows:

Sec. 18-345(d)

(1) Tourist Rooming House (see Section 18-64(x))

SECTION 38.

Sec. 18-346(d) shall be amended to read as follows:

Sec. 18-346(d)

(1) Tourist Rooming House (see Section 18-64(x))

SECTION 39.

Sec. 18-54 "Table of Land Uses"

Sec. 18-54 "Table of Land Uses"

Commercial Land Uses 18-56(#)

~~(s) Tourist Rooming House~~ Vacation Rental Home

Accessory Land Uses 18-64(#)

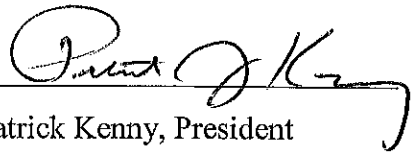
(x) Tourist Rooming House

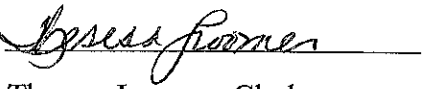
SECTION 40.

Effective Date: This ordinance shall be in full force and effect upon its passage approval, and publication as required by law.

PASSED AND ADOPTED by the Village Board of the Village of Fontana on Geneva Lake, Walworth County, WI this 11th day of June, 2018

Village of Fontana on Geneva Lake

By: 
Patrick Kenny, President

Attest: 
Theresa Loomer, Clerk