

ORDINANCE NO. 090919-03

An Ordinance Repealing and Recreating Section 18-56 (i) -Bed and Breakfast Establishment- Land Use Regulations Code of the Village of Fontana on Geneva Lake

SECTION 1.

ARTICLE III.- Land Use Regulations:

Sec. 18-56(i) shall be repealed and recreated as follows:

Bed and Breakfast Establishment. Bed and breakfast establishments are indoor lodging facilities in compliance with Wis. Stats. 254.61(1), that is the owner's personal residence, is occupied by the owner at the time of rental to guests, and in which the only meal served is breakfast served only to guests. Such land uses may provide indoor recreational facilities for the exclusive use of their customers. Bed and breakfast establishments shall adhere to the following additional listed regulations:

- (1) No premises shall be utilized for a bed and breakfast establishment unless there are at least two exits to the outdoors from such premises.
- (2) No bedroom shall be located in an accessory structure.
- (3) Rooms utilized for sleeping shall have a minimum size of 100 square feet for every two occupants with an additional 30 square feet for each additional occupant to a maximum of four occupants per room.
- (4) All habitable areas or rooms shall have code compliant smoke detectors/alarms and carbon dioxide detectors/alarms.
- (5) One lavatory and bathing facility shall be required for every ten occupants, in addition to the owner/occupant personal facilities.
- (6) Each such establishment shall be inspected annually by the building inspector to verify that the land use continues to meet all applicable regulations. A fee for such annual inspection shall be imposed by the village.
- (7) Each operator shall keep a list of names of all persons staying at the bed and breakfast establishment. This list shall be kept on file for a period of one year. Such list shall be available for inspection by village officials at any time.
- (8) The maximum stay for occupants of bed and breakfast operations shall be 14 consecutive days.
- (9) No retail sales shall occur in a bed and breakfast establishment.
- (10) A minimum of one parking space per each bedroom in addition to requirements for principal residents shall be provided.
- (11) Requirements specific to the Village of Fontana:
 - a. A bufferyard with a minimum opacity of 0.60 along the property borders abutting residentially zoned property shall be provided.
 - b. If alcoholic beverages of any kind are to be served on the premises, the owner of the establishment shall first obtain the appropriate license in accordance with Village of Fontana and state regulations.
 - c. One sign, with a maximum area of 20 square feet, shall be permitted on the property.

(12) Requirements specific to the Extraterritorial Zoning Area:

- a. The structure was originally built and occupied as a single-family residence, or prior was to the use as a place of lodging, was converted to use and occupied as a single-family residence.
- b. No more than four bedrooms shall be permitted to be rented to no more than a total of ten tourists or transients within permitted zoning districts; except that within the B-6 zoning district, no more than eight bedrooms shall be permitted to be rented to no more than a total of 20 tourists or transients.
- c. One exterior sign with a maximum area of 9 square feet, a maximum height of 6 feet, and a minimum setback of 5 feet from any street or highway right-of-way line, a minimum of 10 feet from any side or rear property line, and a minimum 50 feet from any intersection.

(13) Additional requirements within the Village and the Extraterritorial Area:

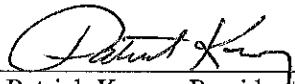
- a. *Application requirements.* Applicants for a license to operate a bed and breakfast shall submit a floor plan of the single-family dwelling unit illustrating that the proposed operation will comply with the requirements of this chapter, state building codes, and other applicable village codes and ordinances.
- b. *Consideration of issuance.* After the application has been filed with the village clerk, the plan commission shall review and provide a recommendation to the village board for a conditional use permit. The plan commission shall hold a public hearing and determine whether any further license shall be issued based upon the public convenience and necessity of the people in the village. In the village's determination of the number of bed and breakfast operations required to provide for such public convenience and necessity, the village board shall consider the effect upon residential neighborhoods, conditions of existing holders of licenses, and the necessity of issuance of additional licenses for public service.
- c. *Public nuisance violations.* Bed and breakfast operations shall not be permitted whenever the operation endangers, offends, or interferes with the safety or rights of others so as to constitute a nuisance.
- d. *Suspension, revocation and renewal.* Any license issued under the provisions of this chapter may be revoked by the village board for good cause shown after investigation and opportunity to the holder of such license to be heard in opposition thereto; in such investigation the compliance or noncompliance with the state law and local ordinances, the conduct of the licensee in regard to the public, and other consideration shall be weighed in determination of such issue.

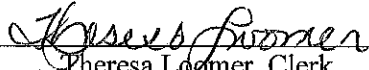
Section II. Effective Date

This Ordinance shall be in full force and effect upon and from its passage, approval, and publication as required by law.

Passed and Adopted by the Village of Fontana on Geneva Lake Board of Trustees, Walworth County, Wisconsin this 9th day of September, 2019.

Village of Fontana on Geneva Lake
Board of Trustees

By: 
Patrick Kenny, President

Attest: 
Theresa Loomer, Clerk