

**VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN
(Official Minutes)**

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION
and JOINT SESSION with JOINT EXTRATERRITORIAL ZONING COMMITTEE
(Village of Fontana, Town of Linn, Town of Walworth)
Tuesday, May 29, 2018

Chairman Dave Prudden called the monthly meeting of the Plan Commission to order and ETZ Committee Member Sarah Lobdell called the Joint Extraterritorial Zoning Committee meeting to order at 5:30 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Plan Commissioners present: Roll call: Trustee Prudden, Bob Ahern, Bob Kirkland, Sarah Lobdell, Trustee Petersen

Plan Commissioners absent: F.J. Frazier, Bob Grant

ETZ Committee members present: Village of Fontana representatives Sarah Lobdell, Robert Ahern; Town of Walworth representatives Ken Magowan, Jim Van Dreser, Town of Linn representatives Chris Todd, John Zils

ETZ Committee members absent: Village of Fontana representative Bob Grant, Town of Walworth Representative Tom Rohleder, Town of Linn representative Larry Aasen

Also present: Steve Beers, Theresa Loomer, Bridget McCarthy, Chris Schultz, Mike Slavney, Dale Thorpe

Visitors Heard

None

Joint Session Public Hearing

Amend Zoning Code Section 18-335(b) – A-5 ETZ: Single Family Residential Use

The ordinance change adds a single family dwelling to the principal land uses permitted by right. It is a housekeeping issue and was inadvertently left out of the code. The public hearing was opened at 5:32 pm. No one spoke for or against the zoning code amendment. The public hearing was closed at 5:32 pm.

Joint Session Business

ETZ Committee Recommendation on Proposed Amendment to Zoning Code Section 18-335(b) – A-5 ETZ: Single Family Residential Use

Commissioner Lobdell/Commissioner Ahern 2nd made a MOTION to recommend Village Board approval of the proposed amendment to zoning code section 18-335(b) – A-5 ETZ: Single Family Residential Use, and the MOTION carried without negative vote.

Plan Commission Recommendation on Proposed Amendment to Zoning Code Section 18-335(b) – A-5 ETZ: Single Family Residential Use

Trustee Petersen/Commissioner Ahern 2nd made a MOTION to recommend Village Board approval of the proposed amendment to zoning code section 18-335(b) – A-5 ETZ: Single Family Residential Use, and the MOTION carried without negative vote.

Adjournment ETZ Committee

Town of Walworth Representative Magowan/Town of Linn Representative Zils 2nd made a MOTION to adjourn the ETZ Committee at 5:34 pm, and the MOTION carried without negative

vote.

Approve Minutes

The April 30, 2018 minutes will be distributed at next month's meeting.

Plan Commission Public Hearings

Tourist Rooming House Ordinance Amendments

Village Planner Mike Slavney explained the Village's proposed tourist rooming house ordinance amendments and stated the changes are in response to an amendment in the state statutes which now regulates short term rentals. The law establishes the definition of Tourist Rooming Houses and forced the Village to rename Tourist Rooming Houses in the Village Code to Vacation Rental Houses. The new Tourist Rooming Houses are a permitted use by right and apply to single family dwellings only which can be rented for a minimum of 7 nights and a maximum of 30 nights within a consecutive 180-day window. The rentals require an occupancy inspection, fire inspection, tax collection, a state license and a license from the Village. A special zoning district cannot be created to exclude tourist rooming houses but it can be prevented in a multifamily home and additional rules can be adopted to the extent permissible by law. What used to be named Tourist Rooming Houses in the Village code has been amended to Vacation Rental Houses which continues to allow a one-night minimum rental and seven day maximum rental, year round, and is allowed in the Resort Business District, Abbey Springs, Neighborhood Business, Community Business and Village Center District. They also require an occupancy inspection, fire inspection, tax collection, state license, village license and administrative fee. The public hearing was opened at 5:37 pm. Steve Beers stated the license start date should coincide with the issuance date rather than the calendar year. Beers had concerns with the required off-street parking restrictions which requires two parking spaces for each rental and an additional parking space for each additional bedroom over two; he stated many of the older properties will not meet that requirement. Although fees will be set separate from the ordinance, Beers stated that a reasonable administrative fee would be between \$50 and \$250 especially since renting out a home already requires the expense of a health inspection, additional insurance coverage, a state license and a municipal license. He said that setting a fee too high could force people to rent "underground" and not follow the licensing regulations. Slavney addressed Beers concerns and stated that staff felt that having the licenses commence at the beginning of the year would be much easier for staff to track rather than having a variety of licenses that begin and end at all different times of the year. He stated staff could, however, choose to prorate licenses that come in after the first of the year. The fees will be set at the Village Board level, but Slavney stated that \$2,000 is a good starting point as it needs to cover the processing fee, program facilitation, and enforcement. A letter was submitted by Doug Wheaton from the Lakes Area REALTORS Association and placed on the record. Trustee Petersen stated the average homeowner does not want a hotel next door to their residence. The public hearing was closed at 5:49 pm. Trustee Petersen made an initial motion to deny the proposed ordinance but it failed due to lack of a second.

Plan Commission Business

Recommendation on Tourist Rooming House Ordinance Amendments

Trustee Petersen/Commissioner Ahern 2nd made a MOTION to recommend Village Board approval of the proposed Tourist Rooming House Ordinance, as presented, and the MOTION carried without negative vote.

870 Van Slyke Drive Proposal to Tie Into Village Storm Sewer

Homeowner Ryan Irwin at 870 Van Slyke Drive submitted a proposal to tie into the Village's storm sewer system to help alleviate flooding on his property. Village engineer Terry Tavera reviewed the proposal and noted several areas of concern including that the proposed storm sewer inlet and end section are calculated to have an elevation less than .6 feet above the existing outgoing storm sewer invert, and during a storm, runoff from public roads could backup through the private storm sewer.

There have also been no legal permissions or easements given by the Village or the affected neighbor. Several other concerns and recommendations were made in the engineer's report which have been relayed to the applicant and the applicant's engineer.

Trustee Petersen/Commissioner Ahern 2nd made a MOTION to recommend Village Board denial of the proposal submitted by the homeowner of 870 Van Slyke Drive to tie into the Village storm system, as presented, and the MOTION carried without negative vote.

Site Plan Filed by Willow Bend Marine, Inc., for Patio Extension at 352 Lake Street

A site plan was filed by Willow Bend Marine, Inc., to install a patio across the street from Chuck's near the lake. The code was amended earlier this year to allow 100% pervious surface in the Lakefront VC District. Their intent is to place picnic tables for customers who are waiting, and they have indicated that no alcohol will be served on the prospective paved area.

Commissioner Lobdell/Commissioner Kirkland 2nd made a MOTION to recommend Village Board approval of the Site Plan Filed by Willow Bend Marine, Inc., for the patio extension proposed at 352 Lake Street, and the MOTION carried without negative vote.

Amend Section 18-93: Non-Conforming and Substandard Lots – Set Public Hearing

Trustee Prudden/Trustee Petersen 2nd made a MOTION to set a public hearing on Section 18-93 regarding non-conforming and substandard lots at the next regularly scheduled Plan Commission meeting on Monday, June 25, 2018 beginning at 5:30 pm, and the MOTION carried without negative vote.

Adjournment Plan Commission

Commissioner Lobdell/Commissioner Ahern 2nd made a MOTION to adjourn the Plan Commission meeting at 5:56 pm, and the MOTION carried without negative vote.

Minutes prepared by: Theresa Loomer, Village Clerk

Note: These minutes are subject to further editing. Once approved by the Plan Commission and Joint ETZ Committee, the official minutes will be on file at the Village Hall.

APPROVED: 06/25/18