

# VILLAGE OF ELM GROVE

13600 Juneau Boulevard  
Elm Grove, WI 53122

LEGISLATIVE COMMITTEE

Thursday, October 20, 2016 \* 7:00 PM \* Parkview Room

## AGENDA

### 1. Call meeting to order

### 2. Minutes

*Documents:*

[LC042116.pdf](#)

### 3. Review, discussion, and possible action to amendment to Chapter 335.14 Zoning

Add - prohibition of short-term rentals within residential districts

*Documents:*

[335 14 - Zoning - Short-Term Rentals w-in res districts ord draft of 10 07 16.pdf](#)

### 4. Other Business

### 5. Adjourn

Any person who has a qualifying disability as defined by the Americans with Disabilities Act who requires that the meeting or materials for the meeting has to be in an accessible location or format must contact the Village Clerk, Mary S. Stredni, at 262-782-6700 or 13600 Juneau Boulevard by 3:00 PM Friday prior to the meeting so that any necessary arrangements can be made to accommodate your request.

NOTICE: It is possible that members of, and possibly a quorum of, other governmental bodies of the Village may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to in the above notice.

**VILLAGE OF ELM GROVE  
LEGISLATIVE COMMITTEE MINUTES  
Thursday April 21, 2016**

Present: Chairman Domaszek, President Palmer, Trustee Haas, Angie Jodie, and John Collins.  
Mary Stredni, Village Clerk, Casey Griffiths, Zoning & Planning Administrator, and Village Attorney Hector de la Mora

1. Call meeting to order  
Chairman Domaszek brought the meeting to order at 7:00 p.m. Mary Stredni took the roll.
2. Minutes  
Palmer and Collins moved and seconded to approve the March 17, 2016 minutes with one correction: change at to as in paragraph one. Motion carried.
3. Review, discussion, and possible action to amendment to Chapter 204 Parks and Recreation  
Reviewed proposed amendment which will allow a temporary vendor at the Village owned park located at 12600 Bluemound Road.  
Remove 'of Elm Grove' in paragraph one and two.  
Add 'provided' in first paragraph after Bluemound Road.  
Add 'locally produced fresh agricultural products including' in second paragraph after in the sale of.  
Palmer and Jodie moved and seconded to approve with the above amendments. Motion carried.
4. Other Business  
None
5. Adjourn  
Haas and Palmer moved and seconded to adjourn at 7:30 p.m. Motion carried.

Respectfully submitted,

Mary S. Stredni, Village Clerk

STATE OF WISCONSIN

WAUKESHA COUNTY

VILLAGE OF ELM GROVE

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING § 335.14 OF THE  
VILLAGE OF ELM GROVE CODE OF ORDINANCES  
REGULATING ZONING

THE BOARD OF TRUSTEES OF THE VILLAGE OF ELM GROVE DO ORDAIN AS FOLLOWS:

**SECTION 1:** § 335.14 of the Village of Elm Grove Code of Ordinances is hereby amended by the addition of underlined text and deletion of ~~strikethrough~~ text.

§ 335-14 Division or combination of residential land and prohibition of short-term rentals within residential districts

A. Purpose of the Regulation of the Division or Combination of Residential Land.

Regulation of the division or combination of residential land is deemed substantially related to the public health, safety, morals and general welfare of the Village of Elm Grove because the Village is almost fully developed, with all residential lands being either a part of platted subdivisions or defined through existing metes-and-bounds legal descriptions, and because the Village is satisfied that the resulting development, density and land uses generally provide the highest and best use of residential land in the Village.

AB. Lots existing on the effective date of this chapter shall not be divided except, with the approval of the Plan Commission and pursuant to all applicable laws and ordinances then in effect, provided that all minimum zoning requirements are satisfied. In granting approval, the Plan Commission may consider the size and shape of the lots in close proximity to the lot to be divided, the size and shape of the lots resulting from the proposed division and any deed or other restriction applicable to the lot proposed to be divided.

BC. Lots existing on the effective date of this chapter shall not be combined to create a larger lot except with the approval of the Plan Commission; such larger lot shall not thereafter be divided.

D. Purpose of Preserving Certain Zoning Districts as Permanent Residence Enclaves.

Preservation of the Village's Rs-1, Rs-2, Rs-3, Rs-4 and Rm-1 zoning districts as enclaves that are occupied for permanent residence purposes is found to be and deemed essential to the character, general health, safety, morals and general welfare of the Village of Elm Grove.

Goals advanced with the preservation of permanent residence enclaves:

- (1) Avoidance of vehicular traffic that is greater than normally expected in the residential neighborhood.
- (2) Prevention of excessive noise, fumes, glare and vibrations generated during the use of the residential neighborhood.
- (3) Lowering the commercial use of residential properties to maintain residential property values.
- (4) Avoidance of the intensification of parking problems within residential property districts.
- (5) Encouragement of a more permanent population within residential property districts that facilitates and contributes to the more effective delivery of public safety services.

E. Definitions.

For the purpose of this chapter 335, the following words and phrases shall have the following definitions:

**COMMERCIAL USE OF RESIDENTIAL PROPERTY:** Any use of residential property for which remuneration is exchanged such as compensation, money, rent or other bargained for consideration given in return for occupancy, possession or use of real property.

**DWELLING UNIT:** An area within a structure which a natural person can use as a sleeping place.

**PERMANENT RESIDENCE PURPOSES:** The occupancy of a dwelling unit by the same natural person or family for not less than thirty (30) consecutive calendar days as permanent occupants of such dwelling unit.

**RESIDENTIAL PROPERTY:** Any property having a dwelling unit located within a district or underlying district, in conjunction with a Planned Development Overlay District, consisting of the following: Rs-1, Rs-2, Rs-3, Rs-4 or Rm-1.

**SHORT-TERM RENTAL FACILITY:** A dwelling unit in or part of a residential property consisting of any building or portion thereof designed or used as a dwelling unit, with or without cooking and bathroom facilities, that is occupied for a period of less than thirty (30) consecutive calendar days for other than permanent resident purposes.

**TRANSIENT COMMERCIAL USE OF RESIDENTIAL PROPERTY:** The commercial use by any person of residential property for bed and breakfast, motel, hotel, inn, lodging, motel resort or other transient lodging uses where the term of occupancy, possession or tenancy of the

property by the person entitled to such occupancy, possession or tenancy is less than thirty (30) consecutive calendar days.

F. The transient commercial use of residential property as a short-term rental facility by a natural person or family for non-permanent residence purposes is prohibited.

Any property owner or natural person or family who engages in acts contrary to this prohibition shall be subject to prosecution.

G. Penalty.

Any person found guilty of violating section 335.14 D.-F., notwithstanding the general penalty provision contained in section 1-16 of this Code, upon conviction thereof, shall forfeit not less than \$150 nor more than \$2,000 for each such offense together with the costs of prosecution and, in default of payment of such forfeiture and costs, shall be subject to the alternate penalties provided for in Wis. Stat. § 800.095.

Each violation and each day or fraction thereof a violation continues or occurs shall constitute a separate offense.

Nothing in this Code shall preclude the village from maintaining any action, including but not limited to, injunctive relief, to abate, prevent, or remove a violation of any provision of this Code.

Whenever any person fails to pay any forfeiture and costs of prosecution as ordered by a court, such person shall be subject to the alternate penalties provided for in Wis. Stat. § 800.095 from time to time.

**SECTION 2:** If any section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of such ordinance.

**SECTION 3:** This ordinance shall take effect and be in full force from and after its passage and publication by posting.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2016,

VILLAGE OF ELM GROVE

By: \_\_\_\_\_  
Neil H. Palmer, Village President

ATTEST:

\_\_\_\_\_  
Mary S. Stredni, Village Clerk

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