

VILLAGE OF ELM GROVE

13600 Juneau Boulevard
Elm Grove, WI 53122

LEGISLATIVE COMMITTEE

Thursday, November 17, 2016 * 7:00 PM * Parkview Room

AGENDA

1. Call meeting to order

2. Review and act on October 20, 2016 minutes

Documents:

[LC102016md.pdf](#)

3. Review and act on amendment to Chapter 335.14 Zoning - Short term rentals

Documents:

[335.14 - Zoning - Short-Term Rentals w-in res districts ord draft 10 25 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, October 20, 2016**

Present: Chairman Domaszek, Trustee Haas, Angie Jodie, and John Collins. President Palmer excused. Mary Stredni, Village Clerk, Thomas Harrigan, Zoning & Planning Administrator, David De Angelis Village Manager, and Village Attorney Hector de la Mora Residents

1. Call meeting to order

Chairman Domaszek brought the meeting to order at 7:11 p.m. Mary Stredni took the roll.

2. Minutes

Trustee Haas and Collins moved and seconded to approve the April 21, 2016 minutes. Motion carried.

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

Attorney de la mora gave background on airbnb and reasoning behind the Village wanting to regulate the rental of residential property for less than 30 days. Also gave background on his research into other municipalities regulations.

Domaszek questioned the penalty provision; instead of 'nor more than \$2000' could it be based on the rental amount. de la mora stated that the Village may have a difficult time finding out what the rental actually is.

Spencer Hutchinson, 1005 N. 124th Street, asked de la mora if he was taking into consideration the State bill regarding airbnb's. Domaszek stated that at this time there is no bill before the State; if at some time in the future the State makes a change regarding this type of rental the Village will address the issue.

Cheryl Duffrin, owner of 1005 N. 124th Street, explained that the building is a three unit apartment building. Hutchinson rents one unit month to month, another unit is rented long term, and the third unit is rented typically one to three months at a time. Explained that she does advertise on airbnb, but does not rent for less than 30 days.

Committee reviewed the draft ordinance. Definitions should be capitalized throughout. Village of Elm Grove should be consistent throughout as Village. Lines 70 – 72 should include 'zoning' before the word district and include 'zoning districts' at the end of the sentence.

Line 77 – word resident should be changed to residence.

Line 80 – add 'by any person' between property and for. Delete the word motel before resort.

Reword lines 85 – 86.

de la mora will redraft and bring before the committee in November.

4. Other Business

None

5. Adjourn

Jodie and Collins moved and seconded to adjourn at 8:37 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 Bbecause 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 Precluding Transient Commercial Use of Residential Property in Certain Zoning Districts.

Precluding Transient Commercial Use of Residential Property in the Village's Rs-1, Rs-2, Rs-3, Rs-4 and Rm-1 zoning districts is found to be and deemed essential to the character, general health, safety, morals and general welfare of the Village.

Goals advanced with the preclusion of Transient Commercial Use of Residential Property:

- (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) Reduction of the commercial use of Residential Property 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.
- (6) Reduction of public safety problems within Residential Property districts.

E. Definitions.

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

Dwelling Unit: An area within a Structure which a natural person can use as a sleeping place.

Residential Property: Any property having a Dwelling Unit located within a zoning district or underlying zoning 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 Residence Purposes.

Transient 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 and where the term of occupancy, possession or tenancy of the property by any person allowed such occupancy, possession or tenancy is less than thirty (30) consecutive calendar days.

Village: The Village of Elm Grove, Wisconsin.

F. The Transient Commercial Use of Residential Property by a natural person or family 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 the greater of \$150 or 200% of the fee charged by the party allowing use of the Short-Term Rental Facility 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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