

ORDINANCE NO. 2019-01

AN ORDINANCE TO REPEAL AND RE-CREATE THE DEFINITION OF TIME SHARE PROPERTY IN THE VILLAGE OF FOX POINT

WHEREAS, the Village of Fox Point Village Board intends to regulate vacation rental establishments pursuant to general licensing regulations in the manner permitted by Wisconsin Statutes §66.1014, which regulations have been or are expected to soon be located within Chapter 573 of the Village Code; and

WHEREAS, the Village Board finds it is most appropriate to regulate vacation rental establishments through licensing authority, rather than zoning authority under current State laws and therefore hereby intends to repeal its zoning regulations essentially contemporaneously with creating Chapter 573 license requirements;

WHEREAS, the Village has regulated vacation rental establishments as a form of time share property, by the definition of "time share property" in the Village Code, and therefore hereby intends to remove the vacation rental aspect of the definition; and

WHEREAS, this matter has been referred to the Village Plan Commission for report and recommendation; and

WHEREAS, the Village Board following class 2 notice and further notice as required by applicable laws conducted a public hearing in the manner on _____; and

WHEREAS, the Village Board finds that this change to the Village Zoning Code is not a downzoning ordinance because it does not decrease the development density of land and it does not reduce the permitted uses of land, and therefore a super-majority requirement in Section 66.10015, Wisconsin Statutes, does not apply to this ordinance; and

WHEREAS, the Village Board of the Village of Fox Point having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such zoning amendment on the health, safety and welfare of the community, and having given due consideration to the municipal problems involved as well as the impact on the surrounding properties as to noise, dust, smoke and odor and others, hereby determine that the zoning amendment will not violate the spirit or intent of the Zoning Code for the Village of Fox Point, will not be contrary to the public health, safety or general welfare of the Village of Fox Point, will not be hazardous, harmful, noxious, offensive and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood, and is consistent with the Village of Fox Point Comprehensive Plan.

NOW, THEREFORE, the Village of Fox Point Board of the Village of Fox Point, Milwaukee County, Wisconsin, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 745 of the Village of Fox Point Village Code entitled, "Zoning," Section 745-2 entitled "Interpretation and Definitions," the definition of "Time Share Property" is hereby repealed and re-created as follows:

~~Any property that is regulated by Chapter 707, Wisconsin Statutes, and in addition, any real property that is subject to any contract, lease easement, instrument or other device which requires payment or other remuneration or barter, for the benefit of the property owner, whereby two or more families, persons, corporations, firms or entities have an exclusive right to occupy said property during separate periods of time, with any such right of occupancy having an actual duration of less than 120 days. Except as regulated by Chapter 707, Wisconsin Statutes, a contract which is solely intended to provide security or maintenance for the property while the owner is absent, and whereby the owner receives no compensation or other benefit other than the security or maintenance, known as a "house sitter contract," is excluded from the definition of time share property.~~

SECTION 2: SEVERABILITY

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: CONTINUATION OF EXISTING PROVISIONS

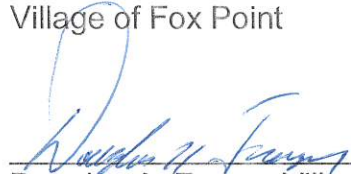
The provisions of this ordinance, to the extent that they are substantively the same as those of the ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances. In addition, the adoption of this ordinance shall not affect any action, prosecution or proceeding brought for the enforcement of any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance for the time that such provision was in effect, and the repeal of any such provisions is stayed pending the final resolution of such actions, including appeals.

SECTION 4: EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 9th day of April, 2019.

Village of Fox Point



Douglas A. Frazer, Village President

ATTEST:



Kelly A. Meyer, Village Clerk/Treasurer

