

## MEMORANDUM

### Public Hearing E & Business Item E

From: Administrator/Staff

To: Plan Commission

Re: Plan Commission Public Hearing on a Conditional Use Application submitted by Louis Braatz & Nicole Schroeder for a proposed short-term rental accessory use on Tax ID #006-1699 addressed as 3646 Emerald Crown Pkwy.

AND

Plan Commission review & recommendation on a Conditional Use Permit Application submitted by Louis Braatz & Nicole Schroeder for a proposed short-term rental accessory use on Tax ID #006-1699 addressed as 3646 Emerald Crown Pkwy.

Below are the Staff Comments revised from earlier comments received from Code Administrator Kussow. The last time the Commission received an application for Conditional Use Short-Term Rental Accessory Use, these were the comments and recommendations provided. The conditions listed are the same that were recommended to the Board at that time, and ultimately were placed on the CUP Application.

1. Per Exhibit 8-1, Land Use Matrix, a “short-term rental” accessory use is a conditional use in the subject property’s R-2 zoning district. Please note that Note #14 under Exhibit 8-1 states: *“This use may only occur with a principal residential use or where the residential dwelling is occupied by the owner.”*
2. Per Exhibit 8-1, a “short-term rental” accessory use requires a Zoning Permit and Site Plan review/approval. Since new construction is not proposed per the information submitted with the application, Site Plan review/approval per Division 8 of Article 8 is not required.
3. “Short Term Rental (STR)” accessory land use is defined as: *“A single-family residence that offers overnight accommodations for a daily charge and that also serves as a primary residence of the operator or owner. A STR includes bed & breakfast establishments, rental vacation home by owner, or other similar overnight private rental accommodations.”*
4. “Short-term rental” accessory use is subject to the requirements of Section 9.08-445, Short Term Rentals (STR’s), described/outlined below:

*“Short-term rentals are defined as a single-family residential structure that offers overnight accommodations for a daily fee that also serves as a primary residence of the operator or owner. A STR includes bed & breakfast establishments, rental vacation home by owner or other similar overnight private rental accommodations for fewer than 29 consecutive days.*

  - a. County license. *Prior to the establishment of a STR, the operator shall obtain a license from the Winnebago County Health Department and maintain such license for the life of the use or until the department no longer requires such license.*

- b. State license. Anyone who maintains, manages, or operates an STR for more than 10 nights each year is required to obtain a tourist rooming house license from the Wisconsin Department of Agriculture, Trade & Consumer Protection (DATCP).
  - c. Type of dwelling. An STR shall only occur within a single-family residential dwelling.
  - d. Conditional Use Permit (CUP). All STR structures require a one-time Conditional Use Permit as an Accessory Use to Single Family Residential as the Principal Use. A CUP can be transferable between property owners.
  - e. Residency requirement. The operator or owner of a STR shall maintain the single-family dwelling as their primary residence during the time period when rooms are offered.
  - f. Exterior character of the dwelling unit. The exterior appearance of the building shall not be altered from its single-family appearance. Signage shall conform with the standards identified in the Conditional Use Permit. However, the sign shall not exceed four (4) Sq. ft. in size.
  - g. Food preparation. No food preparation or cooking shall be allowed in guest rooms.
  - h. Meals. Meals shall only be offered to overnight guests.
  - i. Maximum stay. Rentals shall not exceed 29 consecutive days. Rental activity shall be limited to 180 days within any consecutive 365-day period.
  - j. Required inspection for public safety. Before the issuance of any Conditional Use Permit, an inspection of the residential structure shall occur by the Town's Building Inspector. All STR rooms for rent shall be UDC (Uniform Dwelling Code) compliant. Inspections shall occur every five years at a minimum.
  - k. Parking. All vehicle parking (homeowners and renters) must occur on-site. No on-street parking.
  - l. Tax Filing. All local, state, and federal taxes must be filed with the appropriate agencies. STR's must comply with the provisions of Section 9.1 of the Town of Clayton Municipal Code pertaining to hotel and motel room tax.
- Items "a", "b", and "e" through "l" above may be addressed as conditions of approval for the CUP.
  - Item "c" above states that "an STR shall only occur within a single-family residential dwelling." If only portions of the residence are proposed to be rented, Staff recommends requesting the applicant to submit a floor plan identifying which portions of the residence will be rented to verify the single-family residence is not being converted to a duplex.
  - Item "j" above requires an inspection of the residential structure by the Town's Building Inspector and that all STR rooms for rent shall be UDC (Uniform Dwelling Code) compliant.

**Staff Recommendations:**

1. If only portions of the residence are proposed to be rented, Staff recommend requesting the applicant to submit a floor plan identifying which portions of the residence will be rented to verify the single-family residence is not being converted to a duplex.
2. Staff recommend that the applicant and building inspector coordinate an inspection of the residence with re-inspections to occur every 5 years.
3. That the Applicant obtain a Winnebago County Health Department License and keep that License active for the duration of the short-term rental activity.
4. That any Applicant that maintains, manages, and/or operates a short-term rental facility for more than 10 nights each year obtain a tourist rooming house license form the State Department of Agriculture, Trade, and Consumer Protection (DATCP).
5. That all short-term rental activities shall only occur within a single-family residential dwelling.
6. That all structures require a one-time Conditional Use Permit as an accessory use to a single-family residential as the Principal Use.
7. That a Conditional Use Permit for Short-term rentals be transferable between property owners.
8. That the operator of a short-term rental facility maintains the single-family dwelling as their principal residence during the time period when rooms are offered.
9. That the exterior appearance of the building shall not be altered from its single-family appearance.
10. That all signage shall conform with the standards identified in the Conditional Use Permit, those being that the sign shall not exceed (4) square feet in area.
11. That no food preparation or cooking shall be allowed in guest rooms.
12. That meals shall only be offered to overnight guests.
13. That rentals shall not exceed 29 consecutive days.
14. That rentals shall be limited to 180 days within any 365-day period.
15. That all parking (homeowner and renters) for the facility shall occur on site. No street parking is allowed.
16. That all local, state, and federal taxes must be filed with the appropriate agencies. Short-term Rental facilities must comply with the provisions of Section 9.1 of the Town of Clayton Municipal Code pertaining to hotel and motel room tax.

The listed suggested conditions are those that were placed on previous STR CUP applicants. Staff would respectfully suggest these conditions be placed on all future STR CUP applications recommended for approval, including this one.

**Applicant Responses:**

The above-listed recommendations/conditions were presented in advance to the Applicant and their responses are as follows:

1. The entire residence would be rented.
2. The Winnebago County Health Department came out today and completed their inspection. I have that paperwork and will scan and send it to you tomorrow. I have all fees paid to the Town of Clayton and Winnebago County.
3. Same as #2. I'll send you that paperwork tomorrow.

4. I don't plan on it being more than 10 days a year. I don't believe we've ever rented that many days.
5. Our residence is a single family residence.
6. I sent in payment and conditional use paperwork to the Town of Clayton by mail.
7. N/A right now.
8. This is our primary residence.
9. Nothing is being altered.
10. N/A
11. N/A
12. N/A - is this more for bed n breakfast?
13. N/A - we've never had more than I believe a week for EAA.
14. N/A
15. This isn't a problem. We have plenty of parking.
16. Any tax paperwork that needs to be completed we work through when filing.

We're just looking to rent each year for EAA, NFL draft, and things like that. It's nothing major. We haven't had a booking since the year 2022 and we haven't rented for EAA yet this year either. Our neighbors are aware we try to rent for EAA. I've never had any issues and would never risk any issues with my neighbors over renting. If there were ever any issues we'd stop renting. Our neighbors are great people and I'm not going to risk relationships over a week of renting each year.

The Building Inspector has completed an inspection but no results were available at the time of this writing.

### **SUGGESTED MOTION**

*Motion to recommend approval of the Conditional Use Permit Application submitted by Louis Braatz & Nicole Schroeder with all sixteen (16) listed Staff Recommendations & Conditions.*

Respectfully Submitted,  
Kelsey