

RESOLUTION 2019- 05

APPROVING ORDINANCE AMENDMENTS WHICH CREATES REPEALING AND RECREATING TO THE LINCOLN COUNTY ZONING ORDINANCE RELATED TO SHORT TERM RENTALS.

WHEREAS, §59.69(5), Wisconsin Statutes, describes a procedure for preparing revisions to an existing county zoning ordinance, involving approval by both the County Board of Supervisors and a majority of Town Boards affected by the amendments; and

WHEREAS, Lincoln County has prepared revisions to the Lincoln County Zoning Ordinance related to Short Term Rental, the repealing of section 17.2.04(12) and creates section 17.8.51 of the Lincoln County Code of Ordinances and is effective in the Town of SCOTT; and

WHEREAS, on July 11, 2019 the Lincoln County Land Services Committee will hold a public hearing to receive comments on the repealed and created text from the Towns and the public following all procedures required under §59.69(5), Wisconsin Statutes.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of SCOTT hereby approves/disapproves (choose one) the proposed ordinance text in keeping with the procedures established and with the effect described under §59.69(5), Wisconsin Statutes.

Resolution Adopted: June 11, 2019

Markus Woller, Town Chair

ATTEST:

Becky Bayer, Town Clerk

CHAPTER 17: SHORT-TERM RENTAL REVIEW AND PERMIT

- Plain text is existing text in county zoning ordinance and no changes proposed.
- ~~Lined out text~~ is existing county zoning ordinance text that will be eliminated.
- Underlined text is new changes or mandated language.

~~17.2.04(12) — TOURIST LODGING. Includes land uses that provide 3 or fewer housing units in a single building, on a single lot, or on contiguous lots, with such units available for overnight or weekly stays by paying guests. Such land uses may provide in-room kitchens, and may also provide indoor and outdoor recreational facilities for the exclusive use of their customers. Restaurants, arcades, fitness centers, and other on-site facilities available to nonlodgers are not considered accessory uses, but instead are considered additional principal uses that may require separate land use reviews. Does not include "bed and breakfast establishments," "hotels, motels, or lodging resorts," or "boarding houses." Where available for month-to-month or lease terms of greater length, such uses shall not be considered tourist lodging but shall instead be considered single family dwellings.~~

~~(a) When considering a conditional use for a tourist lodging facility the following criteria are viewed more favorably: onsite or readily available caretaker/manager, larger lot sizes, appropriate screening and natural buffering from adjacent properties. Where this criteria is not present, it may be grounds for denial of a conditional use permit. (Cr. #2006-06-477)~~

~~Parking Requirements: One space per room, suite, or cabin.~~

17.8.51 SHORT-TERM RENTAL OF A RESIDENTIAL DWELLING – PERMIT REQUIRED

- (1) PURPOSE. The purpose of this section is to ensure a short term rental operating in a residential dwelling within Lincoln County is adequate for protecting public health, safety and general welfare, including establishing minimum standards for human occupancy; determining the responsibilities of owners, agents, and designated operators offering these properties for rent; to provide minimum standards necessary for the health and safety of persons occupying or using buildings, structures or premises as well as the surrounding community; and provisions for the administration and enforcement thereof.
- (2) APPLICABILITY. This section shall apply to all rentals of residential dwellings under county zoning for periods of twenty-nine (29) days or less, but shall not apply to monthly rentals. Rentals of six (6) consecutive days or less are prohibited. This article shall not apply to facilities approved as a hotel, motel, tourist court, rooming house, lodge, lodging house, or bed and breakfast as defined in chapter 17 of the Lincoln County Code of Ordinances.
- (3) DETERMINATION OF APPLICATION COMPLETENESS. The Land Services Department shall make a finding of completeness of the application. Applications determined to be complete will be approved and the permit shall be issued. Once approved, each permit shall be valid for a period of one year from permit issuance date.
- (4) OCCUPANCY. If the property is served by public sanitary sewer, occupancy is limited to the number of occupants authorized by the State tourist rooming house license issued by the State of Wisconsin Department of Agriculture, Trade and Consumer

Protection in accordance with Wisconsin Administrative Code ATCP 72. If the property is served by a POWTS, occupancy is limited to the number of occupants for which the POWTS was designed, or the occupancy granted by the State tourist rooming house license, whichever is less. No recreational vehicles, campers, tents, or other temporary lodging arrangements shall be permitted onsite as a means of providing additional accommodations for paying guests or other invitees.

- (5) SANITARY FACILITIES. Adequate sanitary facilities shall be provided. Non-plumbing sanitary systems such as composting toilets, incinerating toilets, privies, and portable restrooms are prohibited as the primary sanitary system serving the rental dwelling. If the property is not served by public sanitary sewer, a private onsite wastewater treatment system (POWTS) in full compliance with this code and in accordance with Chapter 22, Lincoln County Code of Ordinances, and Wisconsin Administrative Code DSPS 383 must serve the property.
- (6) SOLID WASTE DISPOSAL. Trash and garbage removal shall be provided on a weekly basis. Such service shall be evidenced by a contract with a licensed garbage hauler or, if not contracted, by name of a private party responsible for weekly trash removal. Trash and garage receptacles must be available and secured from disturbance by wildlife.
- (7) PARKING. A minimum of two parking spaces shall be provided. No on-street parking for renters of the property will be allowed. Parking spaces must meet the standards set forth in section 17.5.03(2) of the Lincoln County Zoning Code.
- (8) SIGNAGE. One Short-Term Rental Identification sign as defined in 17.6.03(1)(e), is allowed per parcel of land used for rental and shall not exceed 2 square feet in size for all sign faces visible at one time. Sign must meet Shoreland setback standards from OHWM per chapter 21.
- (9) RESIDENT AGENT. A Resident Agent is required for all Short-Term Rentals and shall meet the following requirements:
 - (a) Be an adult person residing in or within a fifty (50) mile radius of the location of the tourist lodging or a corporate entity with offices located within a fifty (50) mile radius of the tourist lodging that is the subject of the application.
 - (b) Be authorized in writing by the owner to act as the agent for the owner for:
 1. the receipt of service of notice of violation of this article's provisions,
 2. service of process pursuant to this code, and
 3. to allow the county to enter the property permitted under this article for inspection and enforcement.
- (10) PROPERTY RENTAL RULES. A list of property rules must be posted at the property, provided to the guests and a copy submitted with the application for a permit. Property rules must include the following minimum information:
 - (a) Maximum overnight occupancy of the rental.
 - (b) Contact information for the designated operator and resident agent.
 - (c) Where to park vehicles.
 - (d) Outdoor burning regulations to follow current WIDNR and local fire warden restrictions.
 - (e) Non-emergency contact information for law enforcement and fire.
 - (f) If applicable, information on the location of the high water alarm for the POWTS, and procedure to follow if the alarm is activated.
 - (g) What to do with the garbage after the rental period is done.

- (h) Pet policy.
- (i) Copy of the State of Wisconsin tourist rooming house license.
- (j) Copy of the County short term rental permit.
- (k) Copy of the issued Lincoln County Health Department rental license.

(11)PERMIT APPLICATION AND FEES. Any property owner or person having a contractual interest in any residential dwelling within the jurisdiction of this chapter may file an application for a permit to offer for rent a short term rental with the Department at least thirty (30) days in advance of the date the property is first offered for rent on forms furnished by the Department and shall include the following:

- (a) The application shall include the following:
 1. Address and tax parcel number of the residential dwelling.
 2. Names and addresses of the applicant and owner of the dwelling
 3. Copy of State of Wisconsin tourist rooming house license.
 4. Name, address and phone number of a designated operator and resident agent for the property.
 5. Proposed overnight occupancy for the dwelling.
 6. Floor plan of all floors to be occupied in the dwelling, drawn neatly and accurately with dimensions clearly shown.
 7. Site plan drawn neatly and accurately of the parcel including but not limited to, lot lines, parking, and location of garbage collection areas.
 8. Copy of property rental rules.
 9. Schedule for refuse pickup and name of refuse hauler.
 10. Proof of adequate sanitation facilities.
 11. Proof of application for Lincoln County Health Department License (initial application)
 12. Copy of Lincoln County Health Department License (all renewals)
- (b) Any changes in ownership of the property, designated operator, or refuse hauler shall be forwarded to the Department within ten days of the change.
- (c) Permit fee schedule. The permit application fees shall be established by the Lincoln County Land Services Committee, according to procedures set forth in the County Code of Ordinances, in a fee schedule and may, from time to time, be modified. The fees shall be related to costs involved in processing permit applications, reviewing plans, conducting inspections, and documentation. A schedule of the fees shall be available for review in the Lincoln County Land Service Department or on the County website.

(12)REVOCATION. Revocation of the license shall commence when the owner of the property fails to comply with the requirements of this article as it existed at the time of the issuance of the license.

(13)REVOCATION PROCESS.

- (a) The owner of the property shall be notified of any noncompliance by the Department.
- (b) The owner shall correct the violation within 48 hours to the satisfaction of the Department.
- (c) If the permit is revoked, the owner may apply for a new permit after a 12 month revocation period.

(d) Continued operation of rental following permit revocation may result in the issuance of a citation.

17.2.100 PERMITTED AND CONDITIONAL LAND USES BY ZONING DISTRICT (CHARTS)

														← ZONING DISTRICTS ←				
Forestry (F)	Agriculture (A)	Rural Lands (RL2)	Rural Lands (RL4)	Suburban Residential (SR)	Rural Residential (RR1)	Rural Residential (RR2)	Rural Residential (RR3)	Rural Residential (RR4)	Rural Residential (RR5)	Mixed Residential (MR)	Mobile Home Park (MH)	Recreation (RE)	Planned Business (PB)	General Business (GB)	Crossroads Mixed Use	Planned Industrial (PI)	General Industrial (GI)	(See Section 17.3 for detailed descriptions and standards associated with each of the land uses listed below)
P	P	P	P	C	C	C	C	C	C	P		P	P	P	P			(12) Tourist lodging

17.1.14 DEFINITIONS:

CORPORATE ENTITY: A corporation, partnership, limited liability company, or sole proprietorship licensed to conduct business in this state.

DWELLING: A building or one or more portions thereof, containing one or more dwelling units, but not including habitations provided in nonresidential uses such as lodging uses and commercial campgrounds.

DWELLING: A structure or portion thereof that is designed or arranged for human habitation, which may be a short-term rental, but does not include non-residential uses such as boarding houses, lodges, motels, hotels, camping units or commercial campgrounds.

RESIDENT AGENT: An owner meeting the qualifications for a Resident Agent as set forth in section 17.8.51(9) or a person appointed by the owner of Short-Term Rental to act as agent on behalf of the owner.

SHORT-TERM RENTAL: A residential dwelling that is offered by rent for a fee and for greater than six (6) but fewer than twenty-nine (29) consecutive days as defined in §66.0615(1)(dk), Wis. Stats. See section 17.3.09(18)