



# PLAN COMMISSION

Wednesday, September 11, 2024 – 6:30 PM

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Town Hall Meeting Room, 8348 Hickory Ave, Larsen, WI 54947

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## AGENDA

### CALL TO ORDER

- A. Pledge of Allegiance
- B. Verification of Notice
- C. Meeting Roll

### PUBLIC HEARING(S) AND/OR PUBLIC INFORMATION MEETINGS

- A. Plan Commission Public Hearing on a Re-Zoning Application submitted by Chris Perrault on behalf of Nathan Chromy, to re-zone approximately 2.90 acres of Tax ID #006-0018-01 addressed 2676 Shady Ln (Lot 1 of proposed Certified Survey Map) from A-2 (General Agriculture District) to R-1 (Rural Residential District).

### APPROVAL OF MINUTES

- A. Approval of the Minutes of the Wednesday, August 14, 2024, Plan Commission Meeting

### OPEN FORUM – Public comments addressed to the Plan Commission

**Individuals properly signed in may speak directly to the Plan Commission on non-repetitive Planning and Zoning matters whether on or not on the agenda.** Commentators must wait to be called, must speak from the podium, directing their comments to the Commission. Comments must be orderly, and will be limited to a maximum of **2 minutes** per person. **Public comment is not permitted outside of this public comment period. Note:** The Commission's ability to act on or respond to the public comments is limited by Chapter 19, Wis. Stats. Please complete the "Request to Speak at Meeting" form located on the agenda/sign-in table and submit the form to the Town Clerk for in-person attendance.

### CORRESPONDENCE

- A. Distribution of the August 2024 Building Inspection Report

### BUSINESS

- A. Review/Recommendation: Plan Commission review & consideration of Resolution 2024-003 making a Recommendation to the Town Board of Supervisors regarding a Re-zoning application submitted by Chris Perrault on behalf of Nathan Chromy, to re-zone approximately 2.90 acres of Tax ID #006-0018-01 addressed 2676 Shady Ln (Lot 1 of proposed Certified Survey Map) from A-2 (General Agriculture District) to R-1 (Rural Residential District).
- B. Review/Recommendation: Plan Commission review & recommendation on a Certified Survey Map (CSM) Review Application submitted by Chris Perrault on behalf of Nathan Chromy, to divide Tax ID #006-0018-01 into two (2) lots.

- C. Review/Discussion: Plan Commission review & discussion of revisions to Section 7.10.08 Dedications and Reservations within the Town of Clayton Subdivision Ordinance.
- D. Review/Discussion: Plan Commission review & discussion of revisions to the Town of Clayton Zoning Ordinance Land Use Matrix specifically regarding Backyard Chickens and Short-Term Rental Units.

**UPCOMING MEETING ATTENDANCE**

- A. Plan Commission (6:30 pm start unless otherwise noted) - Oct 9; Nov 13; Dec 11
- B. Town Board (6:30 pm start unless otherwise noted) - Sept 18; Oct 2 & 16; Nov 6 & 20

**ADJOURNMENT**

Respectfully submitted,

Dick Knapinski  
Plan Commission Chair

*Pursuant to Wisconsin Statute 19.84 (2) and (3) notice is hereby given to the public and the media that two or more members of any or all Boards, Commissions, and Committees of the Town of Clayton, may attend the meeting of the Plan Commission in order to gather information. For purposes of the Open Meetings Law only; attendance at a meeting by a quorum of members of the Town Boards, Commissions, and Committees constitutes a meeting of the Board, Commission, or Committee, pursuant to Badke Vs. Village Board of Village of Greendale, 173 Wis2d 553, 494 NW2d 408 (1993), and must be noticed as such, although it is not contemplated that any formal action by those bodies will be taken. The only business to be conducted is for Plan Commission action.*

*Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, please call the Town Office at 920.836.2007.*

**This agenda has been posted at the following locations in the Town of Clayton:**

- 1. The Town Hall Posting Board – 8348 Hickory Ave, Larsen, WI 54947
- 2. The Town’s Web Page: --

**TOWN OF CLAYTON  
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Plan Commission of the Town of Clayton will hold a Public Hearing at 6:30 PM on Wednesday, September 11, 2024, in the Town Hall Meeting Room located at 8348 Hickory Ave, Larsen, WI 54947. The purpose of the Public Hearing is to receive public comment regarding the following Re-zoning Application:

THE PETITIONER(s): Chris Perreault, on behalf of Nathan Chromy, requests approval to re-zone approximately 2.90 acres of Tax ID #006-0018-01 addressed 2676 Shady Ln (Lot 1 of proposed Certified Survey Map). The application is to re-zone the approximately 2.90 acres of the listed parcel from A-2 (General Agriculture District) to R-1 (Rural Residential District).

Copies of the Re-zoning Application are available at the Town Hall, or by contacting the Town Clerk at (920) 836-2007. All interested parties and any objections to this request being granted will be heard at the Public Hearing. If you cannot attend the Public Hearing, you may submit written comments to the Town Clerk before 4:00 PM on the date of the Public Hearing.

Dated this 20th day of August, 2024  
By: Kelsey Faust-Kubale, Clerk

Publish on Wednesday, August 28, 2024  
and  
Wednesday, September 4, 2024

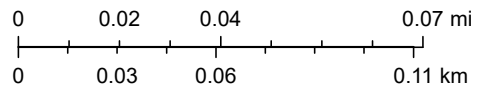
Post on or before August 28, 2024



8/16/2024, 12:24:45 PM

1:2,105

- Adjacent Counties
- Lakes, Ponds and Rivers
- Navigable Waterways**
- Navigable - Permanent (unchecked)
- Navigable - Intermittent (unchecked)
- Navigable - Stream (unchecked)
- Navigable - Permanent (checked)
- Navigable - Intermittent (checked)
- Navigable - Stream (checked)
- Tax Parcel Boundary
- Road ROW
- Municipal Boundary



Winnebago County GIS, Nearmap, Imagery Date: April 2020



# PLAN COMMISSION

Wednesday, August 14, 2024 – 6:30 PM

Item A.

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Town Hall Meeting Room, 8348 Hickory Ave, Larsen, WI 54947

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## MINUTES

**CALL TO ORDER** – Chair Knapinski called the meeting to order at 6:30 pm

- A. Pledge of Allegiance
- B. Verification of Notice
- C. Meeting Roll

### PRESENT

Chair Knapinski  
Commissioner Haskell  
Commissioner Nemecek  
Commissioner Ketter

### ABSENT

Commissioner Dorow

### EXCUSED

Commissioner Hopkins  
Town Board Rep. Christianson

### STAFF

Administrator Wisnefske  
Clerk Faust-Kubale  
Planner Jaworski  
Code Administrator Greenberg

## APPROVAL OF MINUTES

- A. Approval of the Minutes of the Wednesday, July 10, 2024 Plan Commission Meeting

### MOTION

**Motion made** by Commissioner Ketter, **Seconded** by Commissioner Nemecek to approve the Minutes of the Wednesday, July 10, 2024 Plan Commission Meeting as presented.

**Voting Yea:** Chair Knapinski, Commissioner Haskell, Commissioner Nemecek, Commissioner Ketter

**Motion carried 4-0.**

## OPEN FORUM – NONE

## CORRESPONDENCE

- A. Distribution of the July 2024 Building Inspection Report

**BUSINESS**

- A. Review/Recommendation: Plan Commission review & recommendation on a Certified Survey Map (CSM) Review Application submitted by Davel Engineering & Environmental Inc. on behalf of Galen Drews for a proposed land division reconfiguring Tax ID #006-0599 (3113 County Rd II), Tax ID #006-0600, and Tax ID #006-0602, into two lots.

**MOTION**

**Motion made** by Commissioner Nemecek, **Seconded** by Commissioner Haskell to recommend approval of the CSM submitted by Davel Engineering & Environmental Inc. on behalf of Galen Drews with the following Staff Recommendations & Conditions:

1. Subject to a determination by the Zoning Administrator that the current accessory buildings on Lot 2 meet the standards to be designated as Rural Accessory Buildings, pursuant to Article 7, Division 14 of the Zoning Ordinance.
2. The surveyor should provide a separate sheet or inset of Lot 2 on a larger scale.
3. Per Se.7.10.11(6)(a) the wetlands shown on the Winnebago County GIS, or field-delineated wetlands shall be identified on the CSM, including the source of the information.
4. All road dedications shall be identified as "dedicated to the public for roadway purposes".
5. Per Wis. Stat. §236.34(1m)(a) the surveyor's seal shall be signed, sealed, and dated on all pages.
6. The following note shall be placed on the CSM: "Any land below the Ordinary High-water Mark of a lake or navigable stream is subject to the public trust in navigable waters that is established under Article IX, Section 1, of the State Constitution."
7. Unless the Ordinary High-water Mark elevations of any navigable waterways are identified on the CSM, the following notes shall be added:
  - The Ordinary High-water Mark is not based on an official determination and prior to any building, an official determination of the Ordinary High-water Mark must be made by the Winnebago County Zoning Department or other authorized person. Also, all building setbacks and other land use requirements should be verified by the Town of Clayton and Winnebago County Zoning office prior to any construction or land-altering activities.
  - The location of the approximate Ordinary High-water Mark shall be the point on the bank of a navigable stream or the shore of a lake up to which the presence and action of surface water is so continuous as to leave a distinctive mark by erosion, destruction of terrestrial vegetation, or other easily recognizable characteristics.
8. The following well casing note shall be added: "Lot created in the document area located in the Special Well Casing Pipe Depth Area. This area has been established due to naturally occurring arsenic contamination problems in this area affecting many wells. Individuals who plan on drilling a well should consult with the Wisconsin Department of Natural Resources, or a drilling professional, to determine how to comply with the provisions of S. NR 812.12(3) of the Wisconsin Administrative Code."

**Voting Yea:** Chair Knapinski, Commissioner Haskell, Commissioner Nemecek, Commissioner Ketter

**Motion carried 4-0.**

- B. Review/Recommendation: Plan Commission review & recommendation on a Certified Survey Map (CSM) Review Application submitted by Troy Ribble for a proposed land division reconfiguring Tax ID #006-0006-09 (9618 Lind Ln), and Tax ID #006-0006-10-02 into four lots.

**MOTION**

**Motion made** by Commissioner Haskell, **Seconded** by Commissioner Nemecek to recommend approval of the CSM submitted by Troy Ribble with the following Staff Recommendations & Conditions:

1. Per Sec. 7.10.11(6)(b) any existing access, including farm access, shall be shown on the CSM.
2. Per WI Trans. 2., any WISDOT required access restrictions or setbacks shall be placed on the CSM.
3. All WISDOT comments shall be provided to the Town. Alternatively, documentation shall be provided which indicates the Department has waived review or has no jurisdiction to review the proposed land division.
4. Per Sec. 7.10.11(6)(a) the isolated wetland on proposed Lot 4 shall be identified on the CSM, including the source of the information.
5. Per Wis. Stat. §236.34(1m)(a) the surveyor's seal shall be signed, sealed, and dated on all pages.
6. Per Sec. 7.10.11(6)(d) of the Town Subdivision Ordinance, the name and address of the owner shall be placed on the CSM.

**Voting Yea:** Chair Knapinski, Commissioner Haskell, Commissioner Nemecek, Commissioner Ketter

**Motion carried 4-0.**

- C. Review/Recommendation: Plan Commission review & recommendation on a Site Plan Review Application submitted by Trident Holdings, LLC for a proposed addition to a commercial business development building located at 9057 Clayton Ave.

**MOTION**

**Motion made** by Commissioner Ketter, **Seconded** by Commissioner Nemecek to recommend approval of the Site Plan Review Application submitted by Trident Holdings, LLC with the following Staff Recommendations & Conditions:

1. A revised exterior lighting plan shall be submitted which is IDA compliant.
2. To address the impacts of the eight trees being removed without replacement and to meet the additional landscaping requirements, an updated landscape plan shall be submitted to the Town Staff for review and approval within 90 days of plan approval from the Town Board of Supervisors and, prior to the issuance of a building permit. The plan shall include, at minimum, an additional nine (9) trees and six (6) shrubs. The trees should include, at minimum, three (3) evergreens and not more than four (4) ornamental species. The plan shall provide effective

year-round screening of the buildings and parking/loading areas. The minimum planting sizes shall be as follows:

- Shade tree, 2 1/2 inch caliper
- Ornamental flowering tree, 1 1/2 inch caliper
- Evergreen tree, six-foot (6') height
- Upright evergreen shrub, four-foot (4') height
- Shrub, 18-to-24-inch height or spread

3. The project shall comply with all applicable local, state, and federal codes/ordinances.
4. Motor vehicles shall not be serviced or repaired outside.
5. All outside overnight storage of vehicles is prohibited, unless specifically authorized by the Plan Commission and Town Board of Supervisors. If authorized, overnight vehicle storage areas must be identified on the Site Plan noted below and should be screened from public view to the greatest extent practicable. Any vehicles stored outside must be licensed and operable.
6. All materials and activities, except loading and unloading, shall be conducted entirely within the confines of a building. Outdoor storage of equipment and materials is prohibited.
7. Dumpsters and recycling bins shall be kept within an enclosure and screened from public view at all times. The screening must be installed within one (1) year after completion of construction of the building.
8. No special events are permitted unless explicitly approved by the Town Plan Commission and Town Board of Supervisors, and in accordance with all zoning regulations.
9. An up-to-date Site Plan must be on file, at all times, with the Town of Clayton. The Site Plan shall include all information required for a Site Plan in Appendix A of the Zoning Ordinance. This includes, but is not limited to, buildings, parking areas, walkways, trails, stormwater management areas, vegetation, utilities, driveways, loading areas, trash/recycling enclosures, fencing, berms, signage, lighting, outdoor storage areas, as well as any additional information required by the Town Plan Commission or Town Board of Supervisors.
10. All activities on the subject property herein shall not in any way become a nuisance by reason of appearance, noise, dust, smoke, illumination, odor, or any other similar factor.
11. Subject to the applicant allowing the subject property to be available for inspection by the Town of Clayton officials at any reasonable time and upon reasonable notice.
12. Any required Winnebago County permits/approvals for stormwater management and erosion control shall be obtained and copies of such permits/approvals shall be submitted to the Town prior to commencing construction of the building addition.
13. Documentation that the Solar Reflective Index (SRI) of the proposed roofing materials meet the minimum required SRI of 29 shall be provided prior to commencing construction of the proposed building addition.
14. Documentation shall be provided to verify all exterior lighting is IDA (International Dark-Sky Assoc.) certified prior to commencing construction of the proposed building addition.

15. All future businesses/uses established on the property shall be permitted or conditional uses per the applicable zoning district (currently B-2) and shall comply with all applicable requirements of the Town Zoning Ordinance. A conditional use permit shall be obtained prior to establishing any uses not designated as permitted.

16. All future signage shall comply with all applicable requirements of the Town Zoning Ordinance.

17. Any substantial changes and/or additions to the site plan and/or building plans shall be reviewed and approved by the Plan Commission and Town Board of Supervisors in accordance with the requirements of Article 8, Division 8, Special Site Design Principles and Architectural Standards, of the Town of Clayton Zoning Ordinance. Determination of whether a change or addition is substantial shall be at the discretion of the Town Administrator.

**Voting Yea:** Chair Knapinski, Commissioner Haskell, Commissioner Nemecek, Commissioner Ketter

**Motion carried 4-0.**

- D. Review/Discussion: Plan Commission review & discussion of revisions to Section 7.10.08 Dedications and Reservations within Town of Clayton Subdivision Ordinance.

**DISCUSSION ITEM ONLY - NO ACTION TAKEN**

- E. Review/Discussion: Plan Commission review & discussion of revisions to the Town of Clayton Zoning Ordinance Land Use Matrix specifically regarding Backyard Chickens and Short-Term Rental Units.

**DISCUSSION ITEM ONLY - NO ACTION TAKEN**

**UPCOMING MEETING ATTENDANCE**

- A. Plan Commission (6:30 pm start unless otherwise noted) - Sept 11; Oct 9; Nov 13
- B. Town Board (6:30 pm start unless otherwise noted) - Aug 21; Sept 4 & 18; Oct 2 & 16

**ADJOURNMENT**

**MOTION**

**Motion made** by Commissioner Haskell, **Seconded** by Commissioner Nemecek to adjourn at 7:53 pm.

**Voting Yea:** Chair Knapinski, Commissioner Haskell, Commissioner Nemecek, Commissioner Ketter

**Motion carried 4-0.**

Respectfully submitted,

Kelsey Faust-Kubale  
Town Clerk

INTERMUNICIPAL REPORT AUGUST 2024 PERMITTING

YEAR TO DATE SUMMARY

Item A.

DATE	PERMIT #	OWNER	ADDRESS	DESCRIPTION	CONTRACTOR	EST. PROJECT COST	PERMIT FEE	BLDING INSPECTOR FEE	TOWN	EST. PROJECT COST	PERMIT FEE	BLDING INSPECTOR FEE	YEAR TO DATE TOTAL
<b>TOWN OF CLAYTON PERMITS:</b>													
8/6/2024	152-24-8B	JOE ROMBERG	8457 WHISPERING MEADOWS	NSFD	A-SQUARE BUILDERS	\$ 419,000.00	\$ 750.00	\$ 600.00	Town of Clayton	\$ 3,266,096.00	\$ 21,444.99	\$ 17,155.99	\$ 79,107.78
8/6/2024	153-24-8P	DENNIS THIEL BLDGS	2665 LAWRENCE	NSFD PLUMB	MURPHY PLUMB	\$ 15,565.00	\$ 317.28	\$ 253.82	Town of Winneconne	\$ 2,045,002.00	\$ 3,952.26	\$ 3,161.81	\$ 12,407.41
8/6/2024	154-24-8E	DENNIS THIEL BLDGS	2665 LAWRENCE	NSFD ELECT	VOSTERS ELECT	\$ 10,000.00	\$ 317.28	\$ 253.82					
8/7/2024	155-24-8E	RUSS WHITE	3601 CTY II	ELECT REMOD	SELF	\$ 10,000.00	\$ 75.00	\$ 60.00					
8/7/2024	156-24-8E	THOMAS FINN	8065 NICHOLE HEIGHTS	ELECT FOR DETACHED GARAGE	CR FOCHS	\$ 1,500.00	\$ 147.00	\$ 117.60	Full Burden Wage				\$ -
8/7/2024	157-24-8B	SHANE VAN HANDEL	2665 LARSEN	REMODO	VKB HOMES	\$ 26,000.00	\$ 175.00	\$ 140.00					
8/7/2024	158-24-8H	TRAVIS PASCHEN	8453 WHISPERING MEADOWS	NSFD HVAC	BAY AREA	\$ 22,650.00	\$ 461.52	\$ 369.22					
8/7/2024	159-24-8E	POSITIVE VENTURES	8390 HWY 76	COMMERCIAL ADDN ELECT	NLES	\$ 15,000.00	\$ 145.80	\$ 116.64					
8/7/2024	160-24-8P	POSITIVE VENTURES	8390 HWY 76	COMMERCIAL ADDN PLBG	VERHAGEN PLUMB	\$ 40,000.00	\$ 145.80	\$ 116.64					
8/7/2024	161-24-8H	POSITIVE VENTURES	8390 HWY 76	COMMERCIAL ADDN HVAC	BRUSS HVAC	\$ 45,000.00	\$ 145.80	\$ 116.64					
8/8/2024	162-24-8H	ROB PEARSON	8074 CAVENDISH	REPLACE A/C	BLACK-HAAK	\$ 5,000.00	\$ 75.00	\$ 60.00					
8/8/2024	163-24-8B	SHANNON KROSTUE	8098 OAKWOOD	REPLACE A/C	BLACK-HAAK	\$ 6,000.00	\$ 75.00	\$ 60.00					
8/8/2024	164-24-8E	DEBRA MANN	4783 FAIRVIEW	REPLACE ELECT FEED TO GARAGE	BLACK-HAAK	\$ 1,800.00	\$ 75.00	\$ 60.00					
8/10/2024	165-24-8B	DON SIKMA	3277 WISMER	DECK & POOL	SELF	\$ 12,000.00	\$ 192.16	\$ 153.73					
8/13/2024	166-24-8H	JASON NENONEN	9377 BROAD MEADOW	NSFD HVAC	S&A PETERS	\$ 19,750.00	\$ 489.96	\$ 391.97					
8/13/2024	167-24-8B	TOM ROWE	8033 HWY 76	REROOF	PRESTIGE ROOFING	\$ 27,225.00	\$ 75.00	\$ 60.00					
8/15/2024	168-24-8B	LEGACY PARK APTS	8433 MARLO	NEW MULTIFAMILY	RODAC	\$ 160,000.00	\$ 2,366.80	\$ 1,893.44					
8/15/2024	169-24-8B	LEGACY PARK APTS	8435 MARLO	NEW MULTIFAMILY	RODAC	\$ 160,000.00	\$ 2,366.80	\$ 1,893.44					
8/15/2024	170-24-8B	LEGACY PARK APTS	8454 MARLO	NEW MULTIFAMILY	RODAC	\$ 160,000.00	\$ 2,366.80	\$ 1,893.44					
8/15/2024	171-24-8B	LEGACY PARK APTS	8452 MARLO	NEW MULTIFAMILY	RODAC	\$ 160,000.00	\$ 2,366.80	\$ 1,893.44					
8/15/2024	172-24-8B	LEGACY PARK APTS	8450 MARLO	NEW MULTIFAMILY	RODAC	\$ 160,000.00	\$ 2,366.80	\$ 1,893.44					
8/19/2024	173-24-8B	JEFF SMITH	7933 PRAIRIEWOOD	NSFD	KUHLLOW BUILDERS	\$ 810,000.00	\$ 1,122.32	\$ 897.86					
8/19/2024	174-24-8B	BAUMANN CONSTRUCTION	8393 ST NORBERT	NSFD	BAUMANN CONST	\$ 200,000.00	\$ 785.00	\$ 628.00					
8/19/2024	175-24-8B	MITCHELL ZOLP	4675 GRANDVIEW	SIDING	SELF	\$ 34,700.00	\$ 75.00	\$ 60.00					
8/19/2024	176-24-8B	VALLEY TRUCK LEASING	2629 W AMERICAN	EARLY START	UTSCHIG	\$ 100.00	\$ 100.00	\$ 80.00					
8/21/2024	177-24-8H	BRENT KIEDROWSKI	2975 FAIRWINDS	A/C REPLACEMENT	BLACK-HAAK	\$ 5,000.00	\$ 75.00	\$ 60.00					
8/21/2024	178-24-8H	TAYLOR HART	4533 GRANDVIEW	A/C & FURNACE REPLACEMENT	BLACK-HAAK	\$ 9,000.00	\$ 150.00	\$ 120.00					
8/21/2024	179-24-8E	ZACH KEMP	3039 WINDFIELD	GAS & ELECT LINE TO OUTSIDE GRILL	BLACK-HAAK	\$ 3,000.00	\$ 150.00	\$ 120.00					
8/21/2024	180-24-8H	JOHN MARSHALL	3459 SHENANDOAH	A/C REPLACEMENT	BLACK-HAAK	\$ 5,000.00	\$ 75.00	\$ 60.00					
8/21/2024	181-24-8E	JENNIFER VAN HANDEL	2665 LARSEN	SERVICE & REMOD	RICK STEFFENS	\$ 2,000.00	\$ 175.00	\$ 140.00					
8/22/2024	182-24-8B	JOHN SIMONIS	8161 CHALLENGER	STORAGE SHED	SELF	\$ 1,500.00	\$ 169.12	\$ 135.30					
8/22/2024	183-24-8B	CHRIS OPINKER	8718 HICKORY	STORAGE SHED	SELF	\$ 85,000.00	\$ 388.00	\$ 310.40					
8/22/2024	184-24-8H	DAVID KUTCHENRITER	2867 E SHADY	A/C REPLACEMENT	MODERN SHEET METAL	\$ 4,499.00	\$ 75.00	\$ 60.00					
8/26/2024	185-24-8H	JOANNE SCHAFER	2859 E SHADY	A/C & FURNACE REPLACEMENT	MODERN SHEET METAL	\$ 8,998.00	\$ 150.00	\$ 120.00					
8/26/2024	186-24-8H	TOM HEIN	3486 GRAND MEADOW CROSSING	REPLACE FURNACE	MODERN SHEET METAL	\$ 4,899.00	\$ 75.00	\$ 60.00					
8/27/2024	187-24-8E	BRAD OTTO	8578 WINNCREST	SERVICE CHANGE	KUEHL ELECT	\$ 1,000.00	\$ 100.00	\$ 80.00					
8/27/2024	188-24-8E	SCOTT LEHMANN	2722 FAIRVIEW	SERVICE CHANGE	SELF	\$ 1,500.00	\$ 100.00	\$ 80.00					
8/27/2024	189-24-8P	PREMIER REAL ESTATE	9107 & 9121 CLAYTON	IRRIGATION SYSTEMS	K-KELLY	\$ 860.00	\$ 150.00	\$ 120.00					
8/27/2024	190-24-8E	JOHN SIMONIS	8161 CHALLENGER	ELECT FOR STORAGE SHED	SELF	\$ 1,000.00	\$ 109.56	\$ 87.65					
8/27/2024	191-24-8E	JEFF HOGENSON	7945 ASHWOOD	GENERATOR INSTALL	CR FOCHS	\$ 18,000.00	\$ 100.00	\$ 80.00					
8/27/2024	192-24-8E	DON GURALSKI	2537 OAKCREST	SERVICE CHANGE	SELF	\$ 1,500.00	\$ 100.00	\$ 80.00					
8/28/2024	193-24-8B	HUNTER OPINKER	3905 CTY II #4	DECK	SELF	\$ 2,000.00	\$ 115.39	\$ 92.31					
8/29/2024	194-24-8B	DAVID WERY	8170 APOLLO CT	INGROUND POOL	SPRINGHETTI OUTDOOR SPACES	\$ 230,000.00	\$ 340.00	\$ 272.00					
8/29/2024	195-24-8B	DAVE LABARGE	8031 HWY 76	DETACHED GARAGE	SELF	\$ 150.00	\$ 484.00	\$ 387.20					
8/30/2024	196-24-8B	VANS REALTY	2641 LAWRENCE	NSFD	VAN REALTY	\$ 360,000.00	\$ 785.00	\$ 628.00					
								\$ -					
					<b>TOTALS</b>	<b>\$ 3,266,096.00</b>	<b>\$ 21,444.99</b>	<b>\$ 17,155.99</b>					
<b>TOWN OF WINNECONNE PERMITS:</b>													
8/8/2024	74-24-8B	RON WALES	5036 RIVERMOOR	RE-ROOF	SELF	\$ 5,000.00	\$ 40.00	\$ 32.00					
8/8/2024	75-24-8H	LARRY MUELLER	6999 CLOW	NSFD HVAC	A&BE HVAC	\$ 16,000.00	\$ 183.36	\$ 146.69					
8/20/2024	76-24-8B	STEVE WEBER	6821 SUNSET TR	REROOF	SECURITY LUEBKE	\$ 36,502.00	\$ 50.00	\$ 40.00					
8/20/2024	77-24-8B	CHAD HUISMAN	6671 FALCON CT	NSFD	HUISMAN HOMES	\$ 50,000.00	\$ 654.10	\$ 523.28					
8/20/2024		CHAD HUISMAN	6671 FALCON CT	TOWN FEES			\$ 510.00	\$ 408.00					
8/28/2024	78-24-8B	BARB BUCHANAN	1084 GRANT	REROOF	DRIESSEN CARPENTRY	\$ 10,500.00	\$ 50.00	\$ 40.00					
8/30/2024	79-24-8B	DAVID BELTER	5723 CTY S	NSFD	CHET WESWNBURG	\$ 1,327,000.00	\$ 809.10	\$ 647.28					
8/30/2024		DAVID BELTER	5723 CTY S	TOWN FEES	CHET WESWNBURG		\$ 510.00	\$ 408.00					
8/30/2024	80-24-8B	CURT WOJHAN	5385 EVERBREEZE	NSFD	ENVISION BLDGS	\$ 600,000.00	\$ 635.70	\$ 508.56					
8/30/2024		CURT WOJHAN	5385 EVERBREEZE	TOWN FEES			\$ 510.00	\$ 408.00					
					<b>TOTALS</b>	<b>\$ 2,045,002.00</b>	<b>\$ 3,952.26</b>	<b>\$ 3,161.81</b>					

## MEMORANDUM

### Business Items A & B

From: Administrator/Staff

To: Plan Commission

Re: Plan Commission review & consideration of Resolution 2024-003 making a Recommendation to the Town Board of Supervisors regarding a Re-zoning application submitted by Chris Perrault on behalf of Nathan Chromy, to re-zone approximately 2.90 acres of Tax ID #006-0018-01 addressed 2676 Shady Ln (Lot 1 of proposed Certified Survey Map) from A-2 (General Agriculture District) to R-1 (Rural Residential District).

AND

Plan Commission review & recommendation on a Certified Survey Map (CSM) Review Application submitted by Chris Perrault on behalf of Nathan Chromy, to divide Tax ID #006-0018-01 into two (2) lots.

Below are the Staff Comments provided by Code Administrator Greenberg:

After review of the proposed re-zone and 2-lot CSM dividing Tax ID #006-0018-01 (2676 E Shady Lane), I have the following comments:

1. The subject property is located in the Town's A-2 (General Agriculture District). The existing use of the subject property is agricultural and residential.
2. Lot 1 is proposed to be re-zoned to R-1 (Rural Residential District) and would contain all existing buildings which include a single-family residence and two storage sheds.
3. The entire subject property is located in the Tier 1 "Residential – Single and Duplex" (Airport Zone 2B) Future Land Use categories per the Town Comprehensive Plan/Future Land Use map. This plan category recommends a maximum residential density of one-half acre per dwelling unit. A proposal to create a 2.90-acre lot for single-family residential use is consistent with that recommendation.
4. Shady Lane is a Class II road with an 80-foot wide right-of-way.
5. There is no mapped floodplain and no mapped wetlands.
6. The subject property is located in both the AOD2(B): Airport Overlay District Zone 2B and AOD3: Airport Overlay District Zone 3 per Outagamie County Airport Zoning and is located in the 954 ft. Airport Height Limitation Zone.
7. A tributary of Mud Creek borders the subject lands to the north. Lands within 300 feet of the waterway are subject to the County's General Agriculture (A-2) District per the Winnebago County Shoreland Viewer and Zoning Viewer.
8. The adjacent lots to the east and west are zoned R-1 Rural Residential District.
9. The applicable minimum lot requirements for the A-2 District are as follows:
  - a. Minimum lot size: 5 acres

- b. Minimum lot width: 200 ft.
  - c. Minimum road frontage: 200 ft.
  - d. Minimum side yard: 15 ft.
  - e. Minimum rear yard: 50 ft.
  - f. Accessory Buildings Max: 1,500 sq. ft. plus 1% of lot area in excess of lot size requirements with no limitation for farm uses.
10. The applicable minimum lot requirements for the R-1 District are as follows:
- a. Minimum lot size: 43,000 sq. ft. (unsewered)
  - b. Minimum lot width: 200 ft. (unsewered)
  - c. Minimum road frontage: 200 ft. (unsewered)
  - d. Minimum side yard: 7 ft. on one side; 10 ft. on the other side.
  - e. Minimum rear yard: 25 ft.
  - f. Accessory Buildings Max: 1,500 sf. plus 1% of lot area in excess of lot size requirements
- Proposed Lot 1 would be allowed a total of 2,333 sf., where Proposed Lot 1 currently contains two accessory buildings totaling +/-3,750 sf.***
- g. The R-1 District also limits the square footage of accessory buildings used for household livestock to 1% of the lot or approximately 1,263 sq. ft.
11. Proposed Lot 2 complies with all A-2 District Requirements.
12. Proposed Lot 1 complies with all R-1 District Requirements with the exception of the maximum allowable accessory building square footage, as addressed in the recommended conditions.

**Staff Recommendations:**

It is Code Administrator Greenberg's opinion that both applications may be approved, subject to the following conditions:

**RE-ZONING APPLICATION:**

1. Within twelve (12) months of this approval, the owner must record a Certified Survey Map, which is in substantial conformance with the submitted CSM.
2. If required by Winnebago County, the zoning and setback information should reference Winnebago County's zoning ordinance or should otherwise be removed.

**CSM REVIEW APPLICATION:**

1. The lands within proposed Lot 1, must be rezoned to the R-1 Rural Residential District, prior to recording the CSM.

2. Subject to a determination by the Zoning Administrator that the current accessory buildings on Lot 1 meet the standards to be designated as Rural Accessory Buildings, pursuant to Article 7, Division 14 of the zoning code as well as all applicable accessory building standards of the R-1 Rural Residential District.
3. Any accessory buildings which are not determined to be Rural Accessory Buildings or otherwise allowed, are subject to compliance with all accessory building use and dimensional standards of the R-1 Rural Residential District. Should the number of buildings or total square footage need to be reduced to comply with the above, those buildings shall be removed/reduced prior to the Town signing the CSM.
4. Per WI s. 236.25 (2) (c) The surveyor's seal shall be signed sealed and dated on all pages.
5. Per Chapter 7.10.08(1) of the Town Land Division Ordinance, the 7 ft. road reservation noted along Shady Lane Road must be dedicated and shall be noted as "Dedicated to the public for roadway purposes".
6. The following well casing note shall be added: "Lot created in the document area located in the Special Well Casing Pipe Depth Area. This area has been established due to naturally occurring Arsenic contamination problems in this area affecting many wells. Individuals who plan on drilling a well should consult with the Wisconsin Department of Natural Resources, or a drilling professional, to determine how to comply with the provisions of s. NR 812.12(3) of the Wisconsin Administrative Code."
7. If required by Winnebago County, the zoning and setback information should reference Winnebago County's zoning ordinance or should otherwise be removed.

**SUGGESTED MOTIONS:**

*Motion AND ROLL CALL to approve Resolution 2024-003 Recommending the Re-zoning of Property from A-2 (General Agriculture District) to R-1 (Rural Residential District).*

*Motion to recommend approval of the CSM submitted by Chris Perrault on behalf of Nathan Chromy with the 7 listed Staff Recommendations & Conditions.*

Respectfully Submitted,  
Kelsey

TOWN OF CLAYTON  
PLAN COMMISSION RESOLUTION # 2024-003  
RE-ZONING OF TAX ID #006-0018-01

The Plan Commission for the Town of Clayton has recommended [ ] Approval [ ] Denial of the following Rezoning:

**Owner:** Nathan Chromy

**Applicant:** Chris Perreault

**Location:** Property addressed 2676 Shady Ln, Neenah, WI 54956

**Legal Description:** Being a part of the Southwest ¼ of the Southeast ¼, Section 1, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, Wisconsin.

**Parcel Number:** The property is known as Tax ID # 006-0018-01

**Explanation:** Applicant is requesting a Zoning Change for approximately 2.90 acres of the existing Tax ID from A-2 (General Agriculture District) to R-1 (Rural Residential District).

**Town Findings:**

1. The Town does have an adopted land use plan
2. The proposed zoning change does comply with the Town’s adopted Land Use Plan.
3. The proposed zoning change is consistent with the Town’s Future Land Use Plan.
4. The proposed zoning change is consistent with the existing land use pattern

Signed: \_\_\_\_\_  
Dick Knapinski, Plan Commission Chair

Date:

Attest: \_\_\_\_\_  
Kelsey Faust-Kubale, Town Clerk

Date:

# RE-ZONING APPLICATION

**Town of Clayton Town Hall**  
 8348 Hickory Ave  
 Larsen, WI 54947  
 Phone: 920-836-2007  
 Email: administrator@claytonwinnebago.wi.gov  
 Website: https://www.townofclayton.net/



### PROPERTY OWNER

Name Nathan Chromy  
 Street Address 2676 E. Shady Lane  
 City Neenah State WI Zip Code 54956  
 Phone 920-342-2270  
 E-mail Fballfourlife@gmail.com

### APPLICANT

Check: Architect: \_\_\_\_\_ Engineer: \_\_\_\_\_ Surveyor:  Attorney: \_\_\_\_\_ Agent: \_\_\_\_\_ Owner: \_\_\_\_\_  
 Name: Chris Perreault  
 Address: 615 N. Lyndale Dr., Appleton WI Zip Code: 54914  
 Phone: 920-731-4168 E-Mail: chris@clse.pro  
 Describe the reason for the Re-Zoning: To create buildable new lot

### RE-ZONING SPECIFICS

Number of Lots: 1 Total Acreage: 2.90 Tax Key Number: 006001801  
 Legal Description: Part of Lot 1 of CSM No. 4053  
 Current Zoning: A-2

I certify that the attached drawings are to the best of my knowledge complete and drawn in accordance with all Town of Clayton codes.  
 Applicant Signature: [Signature] Date: 7/30/24

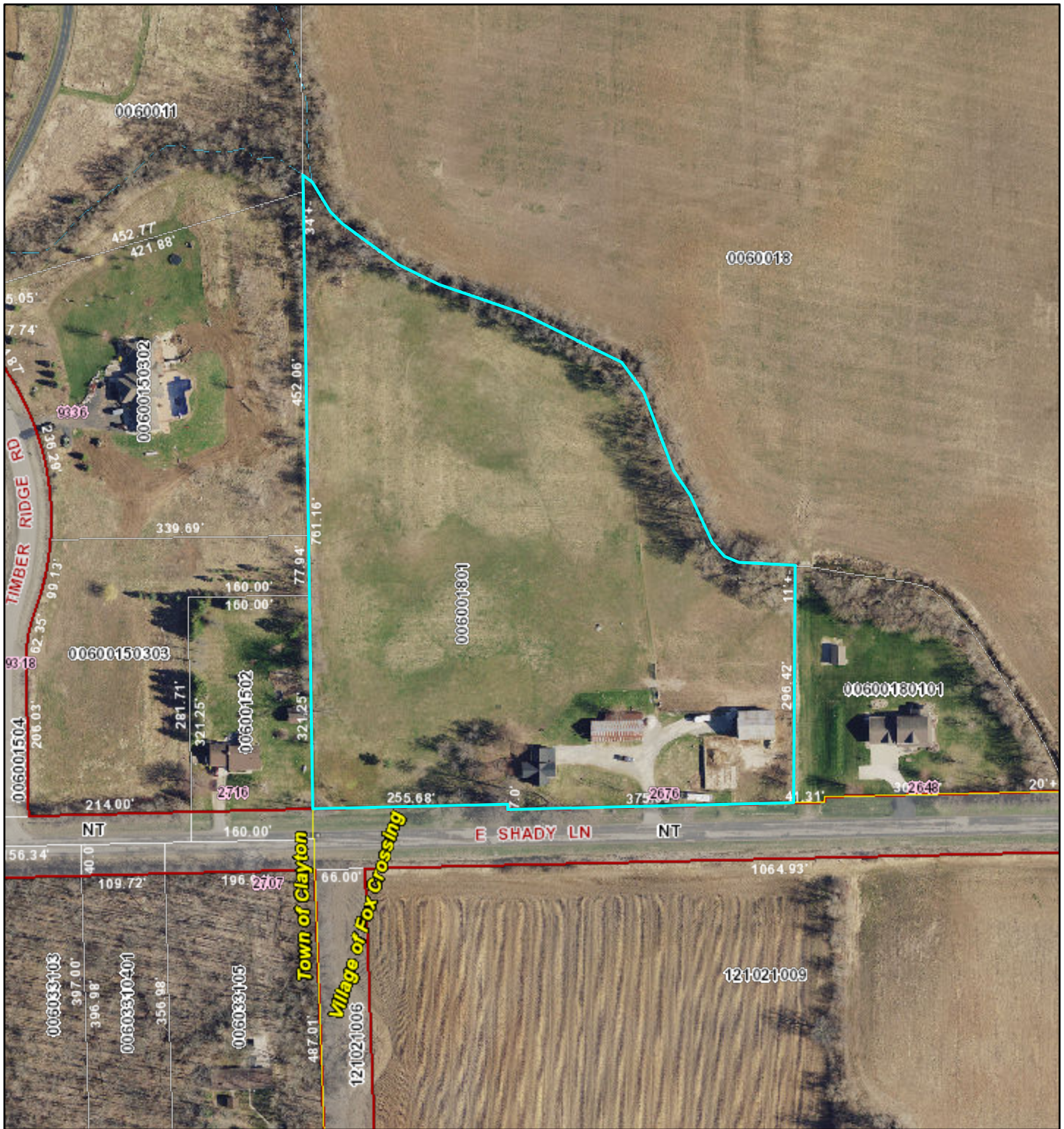
### Town Use Only Fee (see Town Fee Schedule)

Fee: \_\_\_\_\_ Check #: \_\_\_\_\_ Receipt #: \_\_\_\_\_ Date: \_\_\_\_\_  
 Date Received Complete: \_\_\_\_\_ By: \_\_\_\_\_ Applic. #: \_\_\_\_\_  
 Review Meetings - Plan Comm \_\_\_\_\_ Town Board \_\_\_\_\_  
 Newspaper Publication Dates: \_\_\_\_\_ & \_\_\_\_\_ Posting Date: \_\_\_\_\_  
 300ft Neighborhood Notice Distribution : \_\_\_\_\_  
 Re-Zoning is:  Approved  Denied  
 Comments: \_\_\_\_\_

Notes: 1. Please notify utility companies regarding your proposed development. 2. A Re-Zoning approval does not constitute approval of a building permit or any required approval of a highway connection permit. 3. A Re-Zoning Application & Fee must be submitted 30 working days prior to meeting.

# Site Map 2

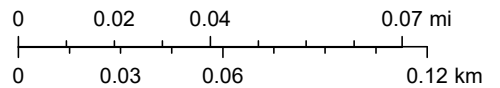
Item A.



8/24/2024, 1:06:19 PM

1:2,219

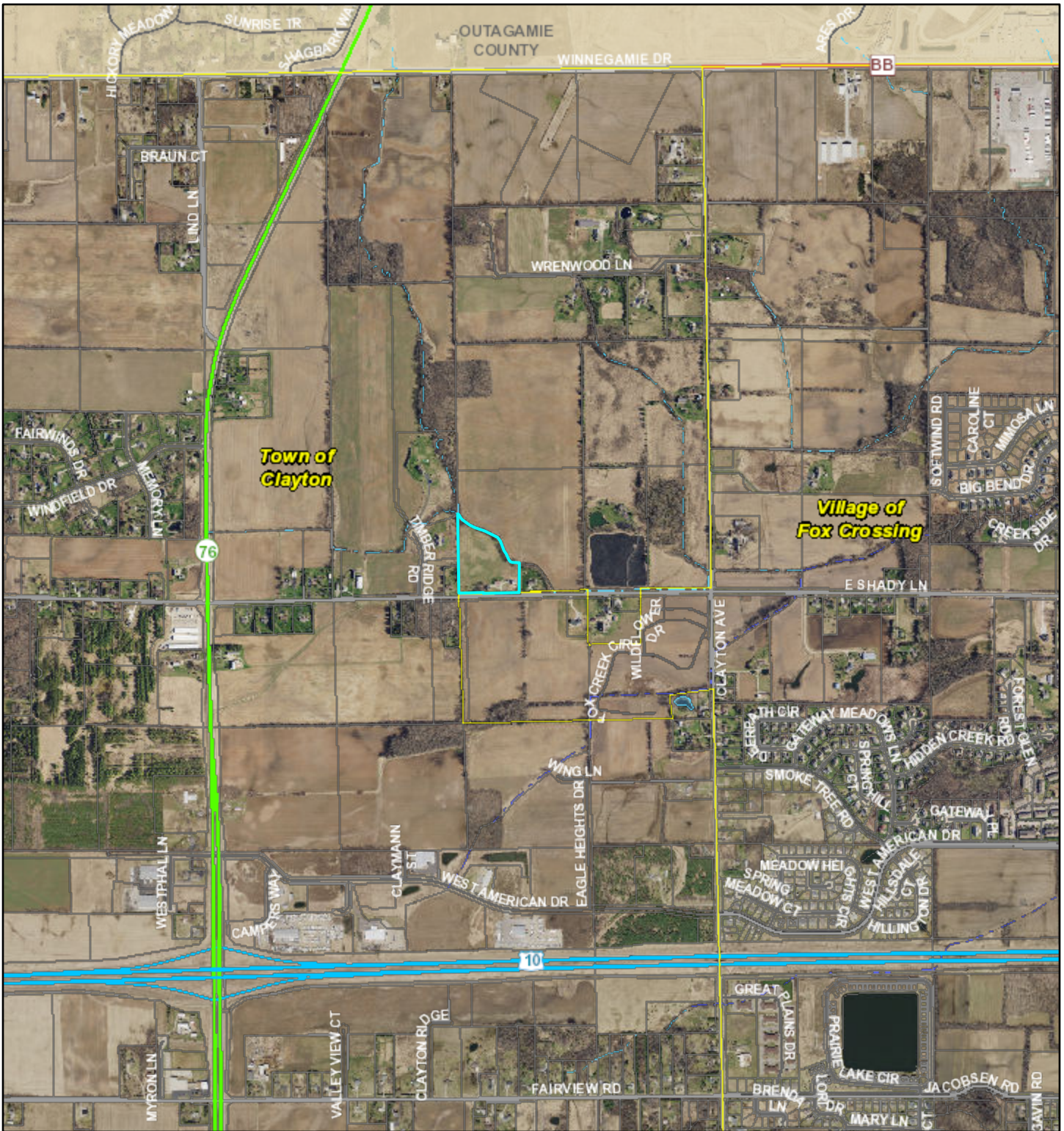
- Adjacent Counties
- Lakes, Ponds and Rivers
- Navigable Waterways**
- Navigable - Permanent (unchecked)
- Navigable - Intermittent (unchecked)
- Navigable - Stream (unchecked)
- Navigable - Permanent (checked)
- Navigable - Intermittent (checked)
- Navigable - Stream (checked)
- Tax Parcel Boundary
- Road ROW
- Municipal Boundary



Winnebago County GIS, Imagery Date: April 2020

# Site Map

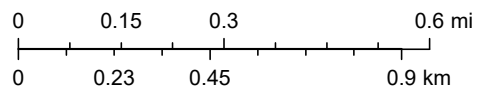
Item A.



8/24/2024, 1:05:45 PM

1:17,751

- |                                      |                                    |
|--------------------------------------|------------------------------------|
| Adjacent Counties                    | Navigable - Intermittent (checked) |
| Lakes, Ponds and Rivers              | Navigable - Stream (checked)       |
| <b>Navigable Waterways</b>           | Tax Parcel Boundary                |
| Navigable - Permanent (unchecked)    | Local Road                         |
| Navigable - Intermittent (unchecked) | County Road                        |
| Navigable - Stream (unchecked)       | State Road                         |
| Navigable - Permanent (checked)      | US Highway                         |



Winnebago County GIS, Imagery Date: April 2020

# Certified Survey Map (CSM) Review Application

**Town of Clayton Town Hall**  
 8348 Hickory Ave  
 Larsen, WI 54947  
 Phone: 920-836-2007  
 Email: administrator@claytonwinnebago.wi.gov  
 Website: https://www.townofclayton.net/



### Property Owner(s)

Name Nathan Chromy  
 Street Address 2676 E. Shady Lane  
 City Nearah State WI Zip Code 54956  
 Phone 920-342-2270  
 E-mail fballfourlife@gmail.com

### Applicant:

Check: Architect: \_\_\_\_\_ Engineer: \_\_\_\_\_ Surveyor:  Attorney: \_\_\_\_\_ Agent: \_\_\_\_\_ Owner: \_\_\_\_\_  
 Name: Chris Perreault  
 Address: 615 N. Lyndale Dr., Appleton, WI Zip Code: 54914  
 Phone: 920-731-4168 E-Mail: chris@clse.pro  
 Describe the reason for the CSM Review: creating new buildable lot

### Survey Specifics:

Number of Lots: 2 Total Acreage: 8.57 Tax Key Number: 006001801  
 Legal Description: All of Lot 1 of CSM No. 4053

Surveyor: Chris Perreault  
 Zoning: A2 & R-1 (Rezoning) Registration Number: 2249  
 Address: 615 N. Lyndale Dr., Appleton, WI 54914  
 Phone: 920-731-4168 Email: chris@clse.pro

I certify that the attached drawings are to the best of my knowledge complete and drawn in accordance with all Town of Clayton codes.

[Signature] 7/30/24  
 Signature Today's Date

For Town Use Only

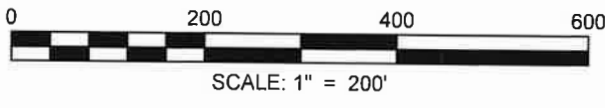
Fee (see Town Fee Schedule)			
Fee: _____	Map Deposit Fee: _____	Check #: _____	Date: _____
*Map Deposit fee is fully refundable if a recorded copy of the approved document is submitted to the Town within 90 days of the Town Board approval.			
Date Received Complete: _____		By: _____	
Review Meetings - Plan Comm _____		Town Board _____	
CSM is:	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved with Condition	<input type="checkbox"/> Denied
Recorded Document Submittal Deadline (90 days from TB Approval): _____			

Note: 1. Please notify utility companies regarding your proposed development. 2. CSM approval does not constitute approval of a building permit or any required approval of a highway connection permit. 3. CSM & Fee must be submitted 30 working days prior to meeting.

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

BEING ALL OF LOT 1 OF CERTIFIED SURVEY MAP NO. 4053, RECORDED IN DOCUMENT NO. 1021882, AS CORRECTED BY AFFIDAVIT OF CORRECTION RECORDED AS DOCUMENT NO. 1083544, LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 20 NORTH, RANGE 16 EAST, TOWN OF CLAYTON, WINNEBAGO COUNTY, WISCONSIN.

NORTH IS REFERENCED TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 1, T20N, R16E, TOWN OF CLAYTON, WINNEBAGO COUNTY, WISCONSIN, WHICH BEARS S88°37'45"W PER THE WISCONSIN COUNTY COORDINATE SYSTEM (WINNEBAGO COUNTY)



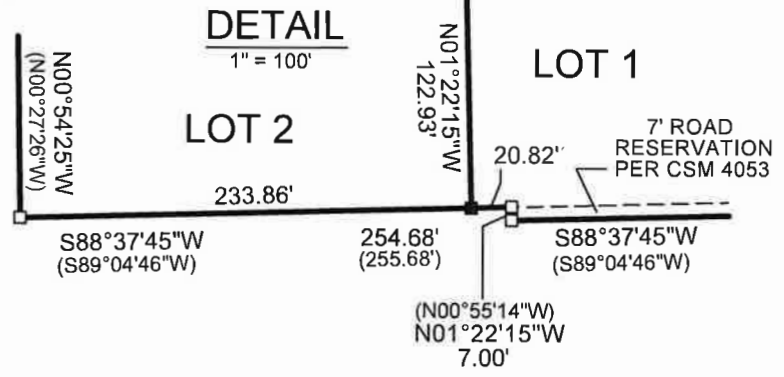
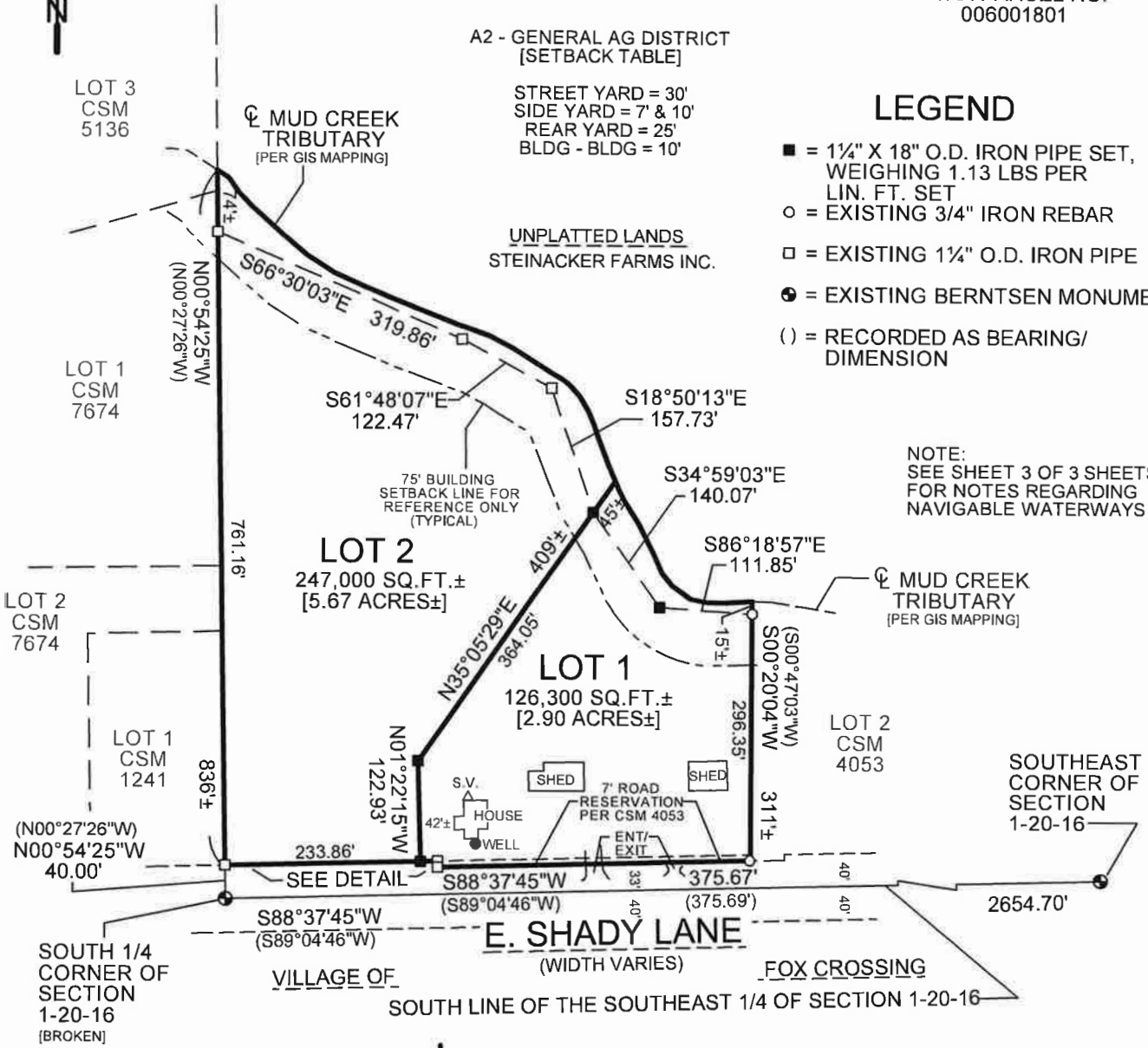
OWNER(S) OF RECORD:  
NATHAN J. CHROMY  
CAROLINE A. CHROMY  
DOC. NO. 1925748

TAX PARCEL NO.  
006001801

## LEGEND

- = 1 1/4" X 18" O.D. IRON PIPE SET, WEIGHING 1.13 LBS PER LIN. FT. SET
- = EXISTING 3/4" IRON REBAR
- = EXISTING 1 1/4" O.D. IRON PIPE
- ⊙ = EXISTING BERNTSEN MONUMENT
- ( ) = RECORDED AS BEARING/ DIMENSION

NOTE:  
SEE SHEET 3 OF 3 SHEETS  
FOR NOTES REGARDING  
NAVIGABLE WATERWAYS



NOTES:  
 - PRIOR TO ANY CONSTRUCTION OR OTHER LAND USE ACTIVITY, ALL BUILDING SETBACKS AND OTHER LAND USE REQUIREMENTS SHOULD BE VERIFIED WITH THE TOWN OF CLAYTON AND WINNEBAGO COUNTY  
 - THIS MAP DOES NOT TRANSFER THE OWNERSHIP OF THE LOTS HEREON. TRANSFER OF OWNERSHIP REQUIRES A DEED.

CHRISTOPHER E. PERREAULT, PLS-2249 DATE  
 CAROW LAND SURVEYING & ENVIRONMENTAL  
 615 N. LYNNDAL DRIVE, APPLETON, WI, 54914  
 N5841 S.T.H. "47-55", SHAWANO, WI 54166  
 PHONE: (920)731-4168  
 A2406.53 (CEP) 7/24/2024



**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

BEING ALL OF LOT 1 OF CERTIFIED SURVEY MAP NO. 4053, RECORDED IN DOCUMENT NO. 1021882, AS CORRECTED BY AFFIDAVIT OF CORRECTION RECORDED AS DOCUMENT NO. 1083544, LOCATED IN THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 1, TOWNSHIP 20 NORTH, RANGE 16 EAST, TOWN OF CLAYTON, WINNEBAGO COUNTY, WISCONSIN.

**OWNER’S CERTIFICATE:**

AS OWNER (S), I (WE) HEREBY CERTIFY THAT I (WE) CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED HEREON. I (WE) ALSO CERTIFY THAT THIS MAP IS REQUIRED BY S.236.10 OR 236.12 OF THE WISCONSIN STATUTES TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL: TOWN OF CLAYTON AND WINNEBAGO COUNTY.

WITNESS THE HAND AND SEAL OF SAID OWNER (S) THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NATHAN J. CHROMY

\_\_\_\_\_  
CAROLINE A. CHROMY

STATE OF WISCONSIN            )  
  )SS  
COUNTY OF \_\_\_\_\_)

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, THE ABOVE NAMED PERSON (S) TO ME KNOWN TO BE THE PERSON (S) WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC  
MY COMMISSION EXPIRES: \_\_\_\_\_

**NOTES:**

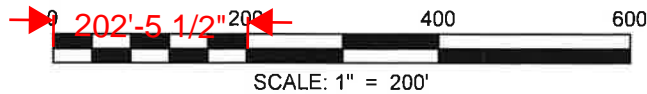
- ANY LAND BELOW THE ORDINARY HIGH WATER MARK OF A LAKE OR A NAVIGABLE STREAM IS SUBJECT TO THE PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX, SECTION 1 OF THE STATE CONSTITUTION.
- THE LOCATION OF THE APPROXIMATE ORDINARY HIGH WATER MARK SHALL BE THE POINT ON THE BANK OF A NAVIGABLE STREAM OR ON THE SHORE OF A LAKE UP TO WHICH THE PRESENCE AND ACTION OF SURFACE WATER IS SO CONTINUOUS AS TO LEAVE A DISTINCTIVE MARK BY EROSION, DESTRUCTION OF TERRESTRIAL VEGETATION, OR OTHER EASILY RECOGNIZED CHARACTERISTICS.
- THE ORDINARY HIGH WATER MARK SETBACK IS NOT BASED ON AN OFFICIAL DETERMINATION AND PRIOR TO ANY BUILDING, AN OFFICIAL DETERMINATION OF THE ORDINARY HIGH WATER MUST BE MADE BY THE WINNEBAGO COUNTY ZONING DEPARTMENT OR OTHER AUTHORIZED PERSON.
- THE LOT(S) CREATED IN THIS CERTIFIED SURVEY MAP ARE ADJACENT TO PROPERTY THAT, AS OF THE DATE OF THIS DOCUMENT, ARE BEING USED FOR AGRICULTURAL PURPOSES. SOME INDIVIDUALS BELIEVE THAT THE ACTIVITIES ASSOCIATED WITH THE AGRICULTURAL USE CONSTITUTE A NUISANCE OR CONFLICT WITH THEIR QUIET ENJOYMENT OF THEIR PROPERTY. THIS STATEMENT IS INTENDED TO PROVIDE THIRD PARTIES WITH A NOTICE THAT AGRICULTURAL ACTIVITIES MAY EXIST ON THE ADJACENT PROPERTY.

\_\_\_\_\_  
CHRISTOPHER E. PERREAULT, PLS-2249 DATED  
CAROW LAND SURVEYING & ENVIRONMENTAL  
615 N. LYNNDAL DRIVE, APPLETON, WI, 54914  
N5841 S.T.H. “47-55”, SHAWANO, WI 54166  
PHONE: (920)731-4168  
A2406.53 (RFR) 7-25-2024

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

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NORTH IS REFERENCED TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 1, T20N, R16E, TOWN OF CLAYTON, WINNEBAGO COUNTY, WISCONSIN, WHICH BEARS S88°37'45"W PER THE WISCONSIN COUNTY COORDINATE SYSTEM (WINNEBAGO COUNTY)



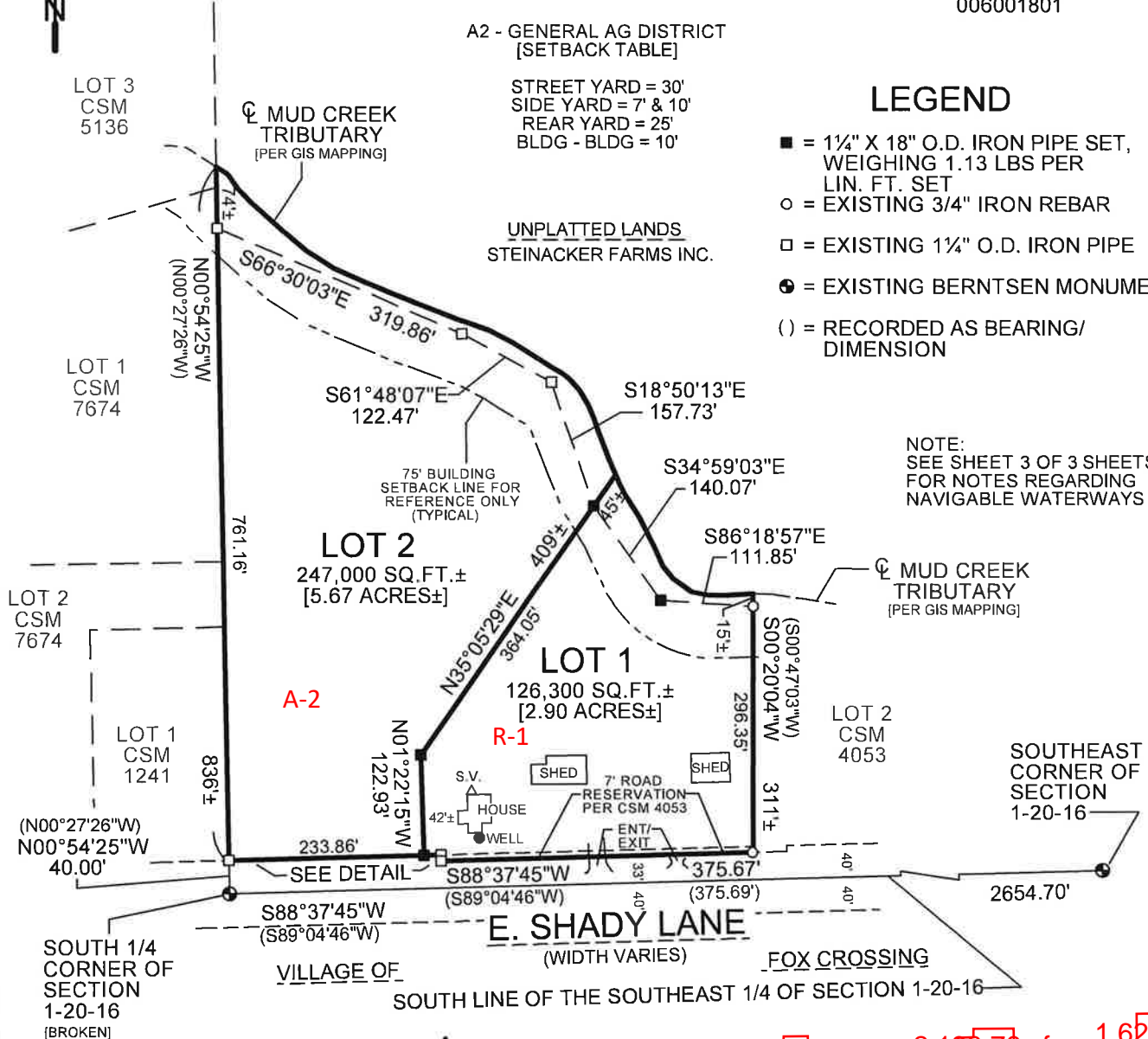
OWNER(S) OF RECORD:  
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TAX PARCEL NO.  
006001801

## LEGEND

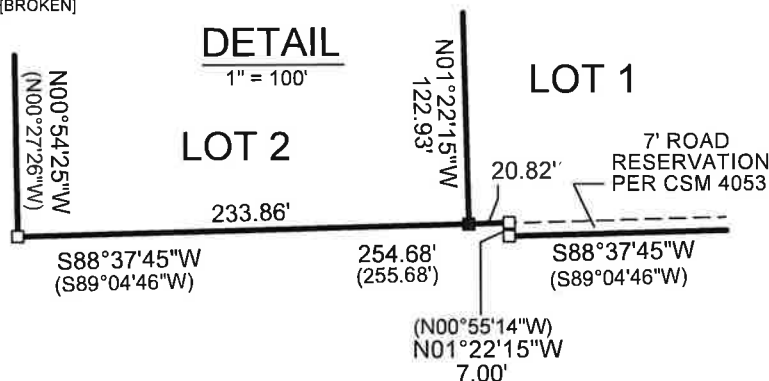
- = 1 1/4" X 18" O.D. IRON PIPE SET, WEIGHING 1.13 LBS PER LIN. FT. SET
- = EXISTING 3/4" IRON REBAR
- = EXISTING 1 1/4" O.D. IRON PIPE
- = EXISTING BERNTSEN MONUMENT
- ( ) = RECORDED AS BEARING/ DIMENSION

NOTE:  
SEE SHEET 3 OF 3 SHEETS  
FOR NOTES REGARDING  
NAVIGABLE WATERWAYS



### DETAIL

1" = 100'



1,404.49 sf      2,183.76 sf      1,624.1 sf

NOTES:  
 - PRIOR TO ANY CONSTRUCTION OR OTHER LAND USE ACTIVITY, ALL BUILDING SETBACKS AND OTHER LAND USE REQUIREMENTS SHOULD BE VERIFIED WITH THE TOWN OF CLAYTON AND WINNEBAGO COUNTY  
 - THIS MAP DOES NOT TRANSFER THE OWNERSHIP OF THE LOTS HEREON. TRANSFER OF OWNERSHIP REQUIRES A DEED.

CHRISTOPHER E. PERREAULT, PLS-2249 DATE  
 CAROW LAND SURVEYING & ENVIRONMENTAL  
 615 N. LYNNDAL DRIVE, APPLETON, WI, 54914  
 N5841 S.T.H. "47-55", SHAWANO, WI 54186  
 PHONE: (920)731-4168  
 A2406.53 (CEP) 7/24/2024





**MEMORANDUM****Business Item C**

From: Administrator/Staff

To: Plan Commission

Re: Plan Commission review & discussion of revisions to Section 7.10.08  
Dedications and Reservations within Town of Clayton Subdivision Ordinance.

As the Town continues to grow and develop, the Plan Commission agreed as a 2024 priority to begin revisions to the Subdivision Ordinance. The first section Staff has set for review and possible revision is Section 7.10.08 Dedications and Reservations.

Staff has brought back a sample incorporating considerations brought forth at the August 2024 Plan Commission meeting.

**DISCUSSION ITEM ONLY – NO ACTION TO BE TAKEN**

Respectfully Submitted,  
Kelsey

# Dedications and Reservations.

## 1. STREETS, PEDESTRIAN TRAILS, DRAINAGE FACILITIES, AND OTHER PUBLIC WAYS

A. Whenever a tract of land to be divided or subdivided embraces all or any part of a proposed street, recreational trail, drainage way, drainage facility or other public way which has been designated in an adopted Town plan, or Town of Clayton Official Map, such street, recreational trail, drainage way, drainage facility or other public way shall be made part of the plat and either dedicated to the Town or reserved by the subdivider in the locations and dimensions indicated on such plan or map.

## 2. PARKS, PLAYGROUNDS, AND PUBLIC ACCESS

A. Whenever a tract of land to be divided or subdivided embraces all or any part of a proposed park, playground, public access or other public land which has been designated in an adopted Town plan or Town of Clayton Official Map, such proposed public lands shall be made a part of the plat and shall either be dedicated to the public or reserved for acquisition at undeveloped land costs for a period not to exceed five (5) years from the date of the recording, unless extended by mutual agreement between the subdivided and the Town. If the reserved land is not acquired by the Town within the above time limit, the land shall be released to the owner.

## 3. PUBLIC ACCESS TO NAVIGABLE WATERS

A. All public access to the low water mark of navigable lakes and streams required by §236.16(3) Wis. Stats., shall be at least sixty (60) feet wide to provide sufficient areas for turning movements and parking.

## 4. DEDICATION REQUIREMENTS

A. **Land dedication.** The subdivider shall dedicate the following percentages of the parcel to be divided or subdivided to provide for park, playground and recreational open space:

Single-family zoning	8%
Two-family zoning	10%
Multiple family zoning	15%
Planned Unit developments	15%

Consideration shall be given to the preservation of scenic, historic and unique environmental sites. The Town shall have the sole discretion to determine the suitability, adequacy and appropriateness of lands proposed for dedication. The Town shall retain the right to refuse any proposed dedication.

B. **Fee in lieu.** If, at the discretion of the Town Board, it is determined there is no land suitable for public use within the proposed subdivision, or the donation of land would not be compatible with the Town's Comprehensive Development Plan, the Town Staff shall recommend to the Town Board that the developer pay

a fee in lieu of making the required land donation. In case of a Certified Survey Map, the Town Staff shall make its recommendation to the Planning and Zoning Commission.

Where a fee-in-lieu-of-land system is used, the developer shall pay to the Town a fee of \$1,000 per lot created for single- and two-family subdivisions, or \$500 per dwelling unit for multi-family subdivisions. The same standard shall apply when any combination of single-family, two-family and multi-family are proposed in the same subdivision. The fees must all be paid prior to the issuance of building permit(s).

- C. **Part dedication fee, part fee in lieu.** The Town Board may recommend the developer satisfy the requirements by combining land dedication with fee payments. The fee in such cases shall be determined by subtracting the fair market value of the dedicated land from the total fee which would have been imposed had no land been dedicated by the developer. The fair market value shall be determined by the Town Assessor.
- D. **Park and recreation escrow account.** All funds so collected by the Town shall be deposited in a segregated non-lapsing fund, and such funds so levied and collected shall be used to pay a portion of capital costs for such purposes, including but not limited to site acquisition and related improvements, at such places, and in such manner as shall be approved, ordered and directed by the Town upon recommendation by the Town Board. Any and all interest accumulated upon such funds shall be added to the special fund and be similarly designated.

All fees provided for herein are required to be paid on or before the date of the Town's final plat approval or approval of the certified survey map.

**MEMORANDUM**

**Business Item D**

From: Administrator/Staff

To: Plan Commission

Re: Plan Commission review & discussion of revisions to the Town of Clayton Zoning Ordinance Land Use Matrix specifically regarding Backyard Chickens and Short-Term Rental Units.

Staff has included a sample permit application for the backyard chickens modeled after neighboring municipalities.

During a review of the Town's Room Tax Ordinance (included), a permit provision for STR was included that could be modified to accommodate the current conditions set by the Board on existing STR. Neighboring Town of Vinland also has an active permitting process with similar conditions to those set by the Town.

**DISCUSSION ITEM ONLY – NO ACTION TO BE TAKEN**

Respectfully Submitted,  
Kelsey

# CHICKEN KEEPING PERMIT APPLICATION

January 1<sup>st</sup>-December 31<sup>st</sup>

A chicken keeping permit is required to keep and, maintain or allow than **four (4)** hens on an owner-occupied lot located in a residential zoning district within the Town of Clayton as specified in **Division 10, Section 9.08-444**, Zoning Ordinance of the Town of Clayton.

*Subdivisions and/or Homeowners' Associations may have restrictions/covenants on chicken keeping. Applicants are encouraged to contact their Homeowners' Association to confirm that chicken keeping is an allowed activity.*

## APPLICANT/PROPERTY OWNER INFORMATION

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner: \_\_\_\_\_

Address (where chickens are to be kept): \_\_\_\_\_

Mailing Address (if different): \_\_\_\_\_ Zip: \_\_\_\_\_

Contact # \_\_\_\_\_ E-mail: \_\_\_\_\_

## LICENSING FEES

Licensing fee is \$50 for up to **four (4)** hens (*Make checks payable to Town of Clayton*)

## REGULATIONS FOR KEEPING CHICKENS

Total number of hens to be kept: \_\_\_\_\_ (*a maximum of **four** chickens are allowed per residential lot.*)

You must provide the following with your application:

- Proof of registration with the State of Wisconsin Dept. of Agriculture, Trade & Consumer Protection (WI Statute 95.51) register online at <http://www.wiid.org/> or phone WLIC at 888-808-1910
- Scaled Site Plan/Zoning approved by Inspection, Fire & Community Development departments.**
- Drawing or photograph of hen house, including materials and colors.
- Proof of Property Ownership.

## QUESTIONS REGARDING YOUR PROPERTY

Are you in a floodplain?  Yes  No

Do you have any accessory buildings (i.e. storage shed, gazebo or similar building?)  Yes  No

## REQUEST AND AFFIDAVIT

The applicant must read the following statement carefully and sign below:

*I hereby certify that I am the owner of record of the subject property. I hereby declare, under penalty of perjury, that this application and all attachments thereto are true, correct, and complete to the best of my knowledge. In submitting the signed application, I acknowledge that it is my responsibility to comply with the terms and conditions of a Chicken Keeping Permit issued pursuant to **Division 10, Section 9.08-444**, Zoning Ordinance of the Town of Clayton as referenced in the application. I further understand and acknowledge that Division 10, Zoning Ordinance of the Town of Clayton grants a right of inspection to enter upon the premises where chicken keeping has been permitted to ensure all requirements of the Code are being met by the permittee, that a Chicken Keeping Permit is valid as long as the property owner remains the same, the permit may be revoked if the permittee is convicted of one or more violation(s) of the Code of Town of Clayton and Chicken Keeping Permits are not transferrable. **Denials and/or revocations of permits may be appealed in writing to the Town Administrator within 20 days of receipt of the denial or revocation.***

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

### Application Submittal Requirements

1. **Application fee: \$50.00**  
A chicken keeping permit is valid from January 1<sup>st</sup> through December 31<sup>st</sup>. The annual permit must be renewed each year for \$25. The permit renewal period is from January 1<sup>st</sup> through March 31<sup>st</sup>. A late fee of \$25.00 will be charged for a permit renewed after March 31<sup>st</sup>.
2. **Site plan:** A site plan of the property must be provided with the application. The site plan (sketch) must show all of the existing buildings on the property, including a detached garage, storage building, gazebo, playhouse, etc. The site plan must show the proposed location of the henhouse and an outdoor covered run if one is provided, the size of the henhouse and enclosed run, and henhouse height. Show the distance from the henhouse/enclosed run to the side and rear lot lines of the property.
3. **Statement of Compliance:** A signed statement from the applicant that they have reviewed and will comply with the provisions and requirements of the Town of Clayton Code Chapters XXXX pertaining to chickens.
4. **Henhouse:** Provide a drawing or photograph to show the building design and appearance of the henhouse, including colors and materials.
5. **Proof of registration** with the State of Wisconsin Department of Agriculture, Trade and Consumer Protection pursuant to Section 95.51, Wis. Stats.
6. **Proof of property ownership:** Provide current tax bill to verify that the applicant(s) is the owner and occupant of the property to be licensed.
7. **Floodplain:** If the property is located within a floodplain, additional regulations may apply to the location and construction of the henhouse. Floodplain information can be found online through Winnebago County's GIS system at <https://www.co.winnebago.wi.us/planning-and-zoning/gis>
8. **Accessory Buildings:** Properties may only have a garage and one additional accessory structure (storage shed, gazebo, similar building, henhouse). A chicken keeping permit will not be issued for any property that has an existing storage shed, gazebo or similar building.
9. **Variance:** If a property was granted a variance in the past by the Board of Appeals, the conditions of the variance may prohibit or limit accessory structures on the property.

**Regulations for Chicken Keeping**  
FOR COMPLETE REGULATIONS REFER TO **ORDINANCE NO. XXX**

1. A permit shall be issued only to the primary owner(s) of record of a single family residence located in a residential district. The permittee must reside on the premises regulated by the permit.
2. The propagation of chickens for commercial purposes or for any purpose not related to the personal use of the permit holder is prohibited; this includes fertilizer production and/or the sale of eggs.
3. Roosters shall be prohibited.
4. No person shall slaughter any chickens on the premises regulated by the permit.
5. Chickens shall be housed within a detached stationary structure used only for hens.
6. One henhouse shall be permitted per lot, **provided that the property does not include a storage shed, gazebo or other similar building.**
7. **Temporary and/or moveable devices and structures – including chicken tractors – shall be prohibited.**
8. Chickens shall be secured within a henhouse during non-daylight hours.
9. Chickens may not roam free outside of a henhouse or enclosed run.
10. The maximum size of a henhouse shall not exceed 12 square feet. The maximum size of a covered run shall not exceed 12 square feet.
11. The maximum height of a henhouse, including the area of a covered run, shall not exceed 8 feet.
12. No henhouse or henhouse and outdoor sun shall be located closer than 15 feet to any size and/or rear lot line.

TOWN OF CLAYTON, COUNTY OF WINNEBAGO, STATE OF WISCONSIN  
ORDINANCE NO. 2020-009

An Ordinance Repealing A General Ordinance of the Town of Clayton Creating Section 9.1 of the Municipal Code Pertaining to Hotel and Motel Room Tax and Creating Section 9.1 of the Municipal Code Relating to Hotel and Motel Room Tax

WHEREAS, the Town of Clayton (the "Town") is a duly organized and existing town created under the provisions of the laws of the State of Wisconsin; and

WHEREAS, Section 66.0615 of the Wisconsin Statutes authorizes the governing body of a municipality to adopt an ordinance imposing a tax (the "Room Tax") on the privilege of furnishing, at retail, except sales for resale, rooms or lodging to transients by hotelkeepers, motel operators, lodging marketplaces, owners of short-term rentals, and other persons furnishing accommodations that are available to the public; and

WHEREAS, this Town Board previously enacted a room tax ordinance (the "Prior Ordinance") imposing a 5% Room Tax comprising:

- i. A 3% Room Tax collected for the support of the Fox Cities Convention & Visitors Bureau, Inc., a Wisconsin non-stock, nonprofit corporation, a 5% portion of which will be retained by the Town for use in the general fund;
- ii. A 2% Room Tax collected for the payment of debt service on bonds issued by the Redevelopment Authority of the City of Appleton, Wisconsin, to partially fund construction of the Fox Cities Performing Arts Center (the "PAC Bonds") and, upon payment in full of the PAC Bonds, to be reallocated for the purposes of the Tourism Facilities Room Tax (as defined below) (the "PAC Room Tax"); and

WHEREAS, subsequent to the adoption of the Prior Ordinance, certain facts and assumptions contemplated and described in the Prior Ordinance have changed, including that the PAC Bonds have been paid in full; and

WHEREAS, the Town desires (i) to clarify the allocation of the Room Tax imposed in the Prior Ordinance by removing reference to the PAC Room Tax (ii) to make conforming changes to the CVB Room Tax; and

WHEREAS, this Town Board finds that the best interests of the Town are served by the adoption of this Ordinance; and

NOW THEREFORE BE IT ORDAINED that the Town Board of the Town of Clayton, Winnebago County, Wisconsin do ordain as follows:

1. Recitals. The above recitals are incorporated by reference herein and made a part hereof.

2. Amendment and Restatement of Code Section, Chapter 9, Section 1 of the Municipal Code of the Town of Clayton, Hotel and Motel Room Tax - Permit and Regulations is hereby repealed and restated in its entirety to read as follows:

Section 9.1 Room Tax.

(A) Definitions. In addition to the terms defined in this Section, the terms used in this Ordinance shall have the definitions, if any, set forth in the Room Tax Act (as defined below).

- (1) "CVB" shall mean the Fox Cities Convention & Visitors Bureau, Inc., a Wisconsin nonstock corporation, and its successors.
- (2) "Gross Receipts" means the sale price, as defined in Wisconsin State Statutes, §77.51(15b) insofar as applicable.
- (3) "Hotel" and "Motel" means a building or group of buildings in which the public may obtain accommodations for a consideration including, without limitation, such establishments as inns, motels, hotels, tourist homes, tourist houses or courts, lodging houses, rooming houses, summer camps, apartment hotels, resort lodges and cabins and any other buildings in which accommodations are available to the public, except accommodations rented for a continuous period of more than one month and accommodations furnished by any hospitals, sanitoriums or nursing homes, or by corporations or associations organized and operated exclusively for religious, charitable or educational purposes provided that no part of the net earnings of such corporations and associations incurred to benefit of any private shareholder or individual.
- (4) "Operators" shall mean hotelkeepers, motel operators, lodging marketplaces, owners of short-term rentals, and other persons furnishing accommodations that are available to the public, which are located in the Town and are obligated to pay Room Taxes under this Ordinance.
- (5) "Quarterly Payment Date" shall mean each January 31, April 30, July 31, and October 31, each of which is the last day of the month next succeeding the end of a calendar quarter.
- (6) "Room Tax" shall mean a tax on the privilege of furnishing, at retail, except sales for resale, rooms or lodging to transients by the Operators, pursuant to the Room Tax Act.
- (7) "Room Tax Act" shall mean Section 66.0615 of the Wisconsin Statutes, as amended from time to time.

- (8) "Transient" means any person residing for a continuous period of less than one month in a hotel, motel or other furnished accommodations available to the public.
  
- (B) Imposition of Room Tax. Pursuant to the Room Tax Act, there is hereby imposed a 3% Room Tax on the privilege of furnishing, at retail, except sales for resale, rooms or lodging to transients, by the Operators. Operators shall remit all Room Taxes to the Town's Clerk-Treasurer. Such 3% Room Tax shall be allocated as follows:
  - (1) The Treasurer shall direct 5% to the general fund, with the balance of the proceeds directed to the CVB to be used for the promotion of the Fox Cities as a convention location and tourist area.
  
- (C) The Town shall forward the Room Taxes it has received, to be used as described above, to the following parties:
  - (i) The CVB Room Tax to the CVB, Collection and Administration of Room Tax: Operator Reports.
  - (ii) This Ordinance shall be administered by the Town's Clerk.
  - (iii) The Room Tax imposed by this Ordinance shall be payable on each Quarterly Payment Date to the Town. A report shall be filed by each Operator with the Town's Clerk-Treasurer on or before each Quarterly Payment Date. Such report shall show the gross room receipts of the preceding calendar quarter from such retail furnishing of rooms or lodging, the amount of Room Tax imposed for such period, and such other information as the Town deems necessary.
  - (iv) Every Operator required to file such quarterly report shall, with its first report, elect to file an annual report based on either the calendar year or its fiscal year. Such annual report shall be filed within 90 days after the close of each such calendar or fiscal year. The annual report shall summarize the quarterly reports, shall reconcile and adjust for errors in the quarterly reports, and shall contain certain such additional information as the Town requires. Such annual reports shall be signed by a representative of the Operator or its duly authorized agent, but need not be verified by oath.
  - (v) The Town may, for good cause, extend the due date for filing any report, but in no event shall such extension be longer than one month after the due date.
  
- (D) Operator Permit Required. Every Operator is required under this Ordinance to file with the Town's Clerk an application for a permit for each place of business that is required to pay Room Tax hereunder. Every application for a permit shall be submitted to the Town's Clerk using a form prescribed by the Town and shall set forth the name under which the Operator transacts or intends to transact business, the location of its place of business, and such other information as the Town requires. The application shall be signed by the owner of the Operator if a sole

proprietor and, if not a sole proprietor, by an authorized representative of such Operator. Together with the permit application, each Operator shall pay the Town an initial fee of \$100.00 for each permit. A permit issued hereunder is nontransferable.

(E) Penalty for Violations. In addition to the Schedule of Forfeiture described in subsection hereof, any Operator in violation of the terms of this Ordinance by failing to obtain a permit shall be subject to a penalty not to exceed \$200.00 for each violation. Each room or unit separately rented or offered for rent, and each day of such rental or offer for rental of such unit shall be a separate violation. In addition, injunctive relief is hereby authorized to discontinue any violation of this Ordinance. Any Operator deemed to have violated any of the provisions of this Ordinance shall be obligated to pay the costs of prosecution, in addition to actual attorney fees expended in the course of said enforcement. The Town may revoke or suspend any permit issued hereunder for failure to comply with the provisions hereof.

(1) Liability for Room Tax on Sale or Transfer of Business. If any Operator sells or transfers all or substantially all of its interest in its hotel, motel or other lodging accommodation, its successors or assigns shall withhold sufficient amounts from the purchase price to pay any amount of Room Tax liability due through the sale or transfer date until the Operator produces a receipt from the Town's Treasurer that its liability has been paid in full or a certificate stating that no Room Tax amount is due. If a successor Operator fails to withhold such amount from the purchase price as required, such successor Operator shall become liable for payment of the Room Tax amount it is required to withhold.

(J) Schedule of Forfeiture. In addition to paying the Room Taxes due hereunder, any Operator that has failed to pay any Room Tax when due shall be required to pay a forfeiture in an amount equal to 25% of the Room Tax due from the Operator to the Town for the previous year and unpaid, or \$5,000, whichever is less, for failure to pay the Room Tax due hereunder.

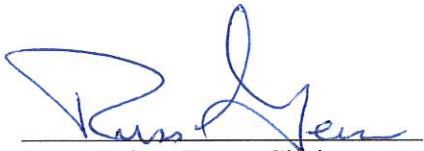
(K) Confidentiality of Information. To the extent permitted under the law, the information provided to the Town under Section 66.0615 (2) of the Wisconsin Statutes shall remain confidential; provided, however, that the Town or any employee thereof may use such information in the discharge of duties imposed by law or of the duties of their office or by order of a court. Persons violating the provisions of this subsection may be required to forfeit not less than \$ 100 nor more than \$500.

(L) Enforcement. The Town shall enforce this Ordinance in accordance with the Room Tax Act.

3. Publication of Ordinance. This Ordinance shall be published within 30 days after its passage, either in its entirety or in the form of a notice containing the information required under Section 60.80(5)(b) of the Wisconsin Statutes, in the official newspaper of the Town as a Class I notice under Chapter 985 of the Wisconsin Statutes.
4. Conflicting Ordinances Superseded Severability. This Ordinance continues, amends, and restates the Prior Ordinance. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict. The invalidity of any section or provision of this Ordinance hereby adopted and approved shall not invalidate other sections or provisions hereof.
5. Effective Date. This Ordinance shall take effect on July 1<sup>st</sup> 2020.

Adopted this 17<sup>th</sup> Day of June, 2020

APPROVED:

  
Russ Geise, Town Chairperson

ATTEST:

  
Holly Stevens, Clerk

Town of Vinland, WI  
Tuesday, September 3, 2024

## Chapter 335. Short-Term Rentals

[HISTORY: Adopted by the Town Board of the Town of Vinland 3-11-2024 by Ord. No. 2024-001. Amendments noted where applicable.]

### § 335-1. Purposes.

The purposes of this chapter are to ensure that the quality of short-term rentals operating within the Town of Vinland is adequate for protecting public health, safety and general welfare, including establishing minimum standards of space for human occupancy and parking and for an adequate level of maintenance; determine the responsibilities of owners managing these rental properties for tourists or transient occupants, including, but not limited to, the responsibility to expeditiously and personally respond to, stop, mitigate, or prevent the reoccurrence of unreasonable activities on, or conditions, uses or misuses of, these rental properties which adversely impact or substantially annoy, disturb, threaten, harm, offend or interfere with the residential uses, nature or values of other properties in the neighborhoods in which these rental properties operate, or with the comfort, health, enjoyment, security, life, health, or safety of others, or which substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any lane, street, road, bridge or other public or private way used by emergency vehicles or protective service personnel to gain access to property or a navigable body of water to provide services (i.e., public nuisances); protect the character and stability of all areas, especially residential areas, within the Town of Vinland; provide minimum standards necessary for the health and safety of persons occupying or using buildings, structures or premises; require the provision of liability insurance in connection with the operation of short-term rentals so that persons on these properties, and the owners and occupants of adjacent properties, who suffer bodily injury or property damage arising from the condition or operation of the short-term rental, or from acts or omissions occurring thereon, are afforded a potential source of recovery to pay such damage claims; and provide for the administration and enforcement hereof.

### § 335-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

#### **CLERK**

The Town Clerk of the Town of Vinland or designee.

#### **DWELLING UNIT**

One or more rooms designed, occupied, used, or intended to be occupied or used as separate living quarters, with a food preparation area and sleeping and sanitary facilities provided within such room(s). Dwelling units include residential, tourist rooming house, seasonal employee housing and dormitory units.

#### **FOOD PREPARATION AREA**

Any part of a building containing three or more of the following facilities:

- A. Cooking, including stoves, ranges, ovens, cooktops, microwave ovens with a capacity of one cubic foot or greater, or countertop appliances such as grills, hot plates, toaster ovens, roasters, and slow cookers, but excluding coffee makers, top-slot toasters, or microwave ovens with a capacity less than one cubic foot.
- B. Refrigeration with a capacity greater than 3.5 cubic feet.

- C. Sink with a bowl depth greater than four inches and any other bowl dimension greater than 13 inches.
- D. Storage with a capacity greater than 24 cubic feet intended or used for food, cookware, dishes, or related utensils.

Item D.

**GUEST REGISTER**

The official record provided and kept by a property owner in which short-term rental guests are required to list their true names and addresses before being assigned sleeping quarters, pursuant to Wis. Adm. Code § ATCP 72.16.

**LICENSE**

The short-term rental license issued under § **335-4**.

**LICENSE YEAR**

The period from January 1 of each year to December 31 of that year.

**OCCUPANT**

Any person, over one year of age, living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit.

**PERSON**

An individual or group of individuals.

**PROPERTY OWNER**

The owner of a short-term rental.

**RENEWAL LICENSE**

Any license issued under this Chapter **335** which will be or is in effect for the license year immediately following a license year for which the Town Clerk issued a license under this chapter for the same short-term rental property.

**SHORT-TERM RENTAL**

A residential dwelling that is offered for rent for a fee and for fewer than 30 consecutive days, as defined in Wis. Stats., § 66.0615(1)(dk)

**§ 335-3. Operation of short-term rentals; exceptions.**

- A. All short-term rentals shall be of the primary residence of the property owner. Third-party management companies are strictly forbidden. The primary residence requirement does not apply to those dwelling units operated as short-term rentals, as defined in this chapter, prior to the effective time of this chapter. Property owners seeking this exception shall, within 45 days of the effective time of this chapter, provide to the Town Clerk identification of the property and owner for which the exception is sought, and proof of operations as a short-term rental prior to the effective date of this chapter, for review by the Town Board to determine if this exception applies. However, those properties exempted from the primary residence requirement are still required to comply with all other terms and conditions of this chapter and all other applicable state, county and local statutes, codes, regulations, and ordinances.
- B. Property owners may rent their primary residence for no more than 10 total nights each year without a short-term rental license. After obtaining a short-term rental license, property owners may rent their primary residence for no more than 180 total nights and no fewer than six consecutive nights each license year. The requirement of at least six consecutive nights in this Subsection **B** is subject to the same exception and compliance provisions as set forth in Subsection **A** above pertaining to the primary residence requirement for short-term rentals.
- C. Each short-term rental property owner is required to have the following licenses and permits as ongoing required conditions for operating short-term rentals. However, the short-term rental license issued by the Town of Vinland shall reflect the exemptions in Subsections **A** and **B** above for short-term rentals that meet the requirements for these exemptions.

- (1) A state of Wisconsin tourist rooming house license.
- (2) A seller's permit issued by the Wisconsin Department of Revenue, unless all rentals of the property are exempt from such permit requirement per state regulations.
- (3) A license from the Town of Vinland issued pursuant to this chapter.

D. Each short-term rental shall comply with all of the following:

- (1) No residential dwelling unit may be rented for a period of six or fewer consecutive days, unless qualified for exemption under Subsection **B** above.
- (2) There shall not be excessive noise as prohibited by § **302-6C** of the Town Code, excessive fumes, glare, or vibration, any nuisance activities prohibited pursuant to Chapter **284** of the Town Code, dogs at large as prohibited by § **167-6** of the Town Code, or trespassing onto neighboring properties as prohibited by § **302-14** of the Town Code.
- (3) Name plates or other signage related to the short-term rental property shall not exceed one square foot. No other signage advertising the short-term rental is permitted on site.
- (4) The number of occupants in any dwelling unit shall not exceed the limits set forth in Wis. Adm. Code § ATCP 72.14 for hotels, motels, and tourist rooming houses.
- (5) No recreational vehicles (RVs), campers, tents or other temporary lodging arrangements shall be permitted on-site as a means of providing additional accommodations for paying guests, other invitees or the property owner.
- (6) Compliance with all applicable state, county and local codes and regulations is required.
- (7) The property owner shall be available for contact by the Town Clerk or Town Building Inspector between the hours of 8:00 a.m. and 11:00 p.m. on those days when the property is rented. The property owner must notify the Town Clerk within three business days of any change in the property owner's contact information and submit the revised contact information to the Town Clerk within the same time period.
- (8) The property owner shall have and maintain homeowner's or equivalent liability insurance that includes coverage for short-term rental operations effective during all short-term rental periods for the premises that are used for short-term rental and shall provide written evidence of such insurance with the license application and renewal application forms. This insurance requirement may be satisfied through such sources as the property owner may choose, including, but not limited to, conventional insurance or insurance offered through a lodging marketplace.
- (9) The property owner of each short-term rental shall provide a guest register and require all guests to register their true names and addresses and rental time period(s) before being assigned sleeping quarters. The guest register shall be kept by the property owner and be available for inspection for at least one year, as required by the Wisconsin Administrative Code. If the property owner does not consent to inspection of the guest register, the register shall be subject to disclosure to an authorized official pursuant only to a proper search warrant, administrative subpoena, judicial subpoena, or other lawful procedure to compel the production of records that affords the property owner an opportunity for compliance review by a neutral decisionmaker.
- (10) Upon probable cause to believe that a violation of this chapter, or of a law, code, rule or regulation relating to buildings, housing, electrical, plumbing, heating, gas, fire, health, safety, environmental pollution, water quality, food or zoning, has occurred or is occurring, the Town Building Inspector or a public health officer, or county Sheriff's Department officer, may request that the property owner or property manager allow him or her, upon presenting proper identification, access to the short-term rental premises at any reasonable time for any of the following purposes: to determine if there has been a violation of this chapter, or of a law, code, rule or regulation related to the short-term rental or its operation; to determine compliance with previously written violation orders; to examine and copy relevant documents and records related to the operation of the short-term rental; or to obtain photographic or other evidence needed to enforce this chapter. As used in this subsection, "probable

cause" means facts and circumstances within an officer's knowledge and of which he or she has reasonably trustworthy information that are sufficient to warrant a reasonable person in believing that a violation has been or is being committed. If consent is refused, the Building Inspector, health officer or police officer may apply for a special inspection warrant issued under Wis. Stats., § 66.0119, or other warrant, subpoena or order as may be necessary or appropriate.

Item D.

## § 335-4. Application for short-term rental license.

The Town Board shall approve a short-term rental license if an applicant demonstrates compliance with the provisions of Chapter **335** of the Town Code. A short-term rental license is issued for one license year and may be renewed annually as provided in § **335-6**. The license shall contain the following information:

- A. The name of the property owner, with contact information, including mailing address and a telephone number at which the property owner is available.
- B. The license term.
- C. The State of Wisconsin tourist rooming house license number.

## § 335-5. Short-term rental license procedure.

- A. All applications for a short-term rental license shall be filed with the Town Clerk on forms provided by the Clerk. Applications must be filed by the property owner. No license shall be issued unless the completed application form is accompanied by payment of the required application fee, which fee shall be nonrefundable.
- B. Each application shall include the following information and documentation for each short-term rental unit in order to demonstrate compliance with all requirements of this chapter, including, but not limited to, § **335-8**:
  - (1) The name of the property owner, with contact information, including mailing address and a telephone number at which the property owner is available.
  - (2) A copy of the State of Wisconsin tourist rooming house license issued under Wis. Stats. § 97.605, or proof that such state license has been applied for, in which event a provisional short-term rental license may be issued under this chapter for a period of 30 days but shall be conditioned upon the Town Clerk's receipt of a copy of such state license from the applicant within said thirty-day period, and if a copy of such state license is not received by the Clerk within said period, then such provisional license shall expire and be void at and after the end of said thirty-day period.
  - (3) A copy of the most recent lodging inspection report for a tourist rooming house issued by the State of Wisconsin, which should be dated within one year of the date of the license application to the Town.
  - (4) Written evidence of liability insurance as required by § 335-3C(8).
  - (5) A copy of a current seller's permit issued by the Wisconsin Department of Revenue, unless all rentals of the property are exempt from such permit requirement per state regulations.
  - (6) A diagram, drawn to scale, showing the location of buildings and the on-site, off-street parking area(s) designated for tenants and invitees on the premises.
  - (7) Written certification by the property owner that the short-term rental meets the requirements of this chapter and applicable state and county laws, ordinances and regulations.
  - (8) An employer identification number issued by the Internal Revenue Service, if applicable.
  - (9) For renewal licenses only, written certification that a guest register has been kept as required by the Wisconsin Administrative Code.
- C. Unless earlier revoked, each license shall run from January 1 of one year to December 31 of the same year and may be renewed for additional one-year periods. The application fee shall be paid upon filing of the

application. Any application that does not include all of the information and supporting documentation required by this chapter shall not be considered as complete.

Item D.

- D. When the Town Board determines that an application is complete and meets the requirements of this chapter, the Town Clerk will issue a short-term rental license (or, if applicable, a provisional short-term rental license) to the applicant. If the Board determines that the application is incomplete or does not meet the requirements of this chapter, the Board shall deny the application and inform the applicant, in writing, of the reason(s) why the application was denied and what action is needed to obtain approval of the application.
- E. No short-term rental license (or, if applicable, a provisional short-term rental license) shall be issued or renewed if the applicant or short-term rental property has outstanding fees, taxes, special charges or forfeitures owed to the Town.
- F. No short-term rental license (or, if applicable, a provisional short-term rental license) shall be issued if the applicant or short-term rental property is found to be subject to one of the grounds for revocation as provided in § 335-9C.

### § 335-6. License renewal.

- A. Each application for renewal of a short-term rental license shall include updated information for the documentation on file with the Town Clerk and payment of the renewal fee. A renewal application must be filed with, and a nonrefundable renewal fee must be paid to, the Clerk at least 90 days prior to the license expiration date to allow the Town Board adequate time to review the application. The Board shall determine whether the information provided in the renewal application is complete and meets the requirements of this chapter. The Board may also request reports from the Town Building Inspector, the Sheriff's Department and other law enforcement agencies regarding any enforcement actions taken with respect to the short-term rental properties and operations, and their owners, tenants, occupants or visitors. The Board shall review the renewal application and may approve or deny the application after taking into consideration the number, frequency and/or severity of law violations relating to the short-term rental property and operations, and its owner(s), tenant(s), occupant(s) or visitor(s), and whether such violations substantially harm or adversely impact the predominantly residential uses and nature of the surrounding neighborhood. If, after such consideration, the Board determines not to renew the license, the Board shall notify the applicant, in writing, of the reason(s) for such decision, and the applicant's right to appeal the decision to the Town Board of Appeals as provided in § 335-9.
- B. No license shall be renewed if the short-term rental property is under an order issued by the Building Inspector or a local health officer, or his or her designee, to bring the premises into compliance with state, county or local laws, codes, rules or regulations.

### § 335-7. Standards for short-term rentals.

Each short-term rental shall comply with this chapter's requirements and any other applicable state, county or local laws, codes, rules or regulations. Each short-term rental shall comply with the following standards:

- A. The number of occupants may not be more than allowed under Wis. Adm. Code Ch. ATCP 72 or any other state regulation, state statute, or local ordinance.
- B. The minimum number of on-site, off-road parking spaces shall equal the short-term rental property's advertised maximum sleeping capacity divided by four, with the quotient rounded up to the nearest whole number. For a short-term rental property abutting a private road with fewer than two driving lanes, no parking spaces on the road may be considered and all parking spaces must be provided on-site. For a short-term rental property abutting a public road that has designated on-road parking spaces, the minimum number of required on-site parking spaces may be reduced by the total number of designated on-road parking spaces which lie within the abutting road frontage and within 100 feet of the short-term rental property's main entrance driveway or doorway.
- C. The short-term rental premises shall have functioning smoke detectors and carbon monoxide detectors pursuant to the requirements of Wis. Adm. Code Ch. SPS 321.

- D. Certification of compliance. As a condition of issuance of a license under Chapter **335** of the Town Code the property owner shall certify, in writing, in each initial application and renewal application form that the short-term rental property is in compliance with the terms and conditions of the license and this chapter.

Item D.

## § 335-8. Display of license.

Each license shall be displayed on the inside of the main entrance door of each short-term rental.

## § 335-9. Appeal of licensing decisions; license revocation; appeal procedure; judicial review.

- A. The Town Board's decision to deny an initial short-term rental license, to deny renewal of a short-term rental license, or to revoke a short-term rental license shall specify the reason(s) for such denial or revocation in writing. Prior to the time for the renewal of the license, the Town Board shall notify the licensee, in writing, of the Town's intention not to renew the license and notify the licensee of his or her right to an appeal hearing as provided in § **335-9B**.
- B. The Town Board's decision to deny an initial license or to deny renewal of a license, or to revoke a license, may be appealed, under Ch. 68, Wis. Stats., to the Town Board of Appeals by filing a written appeal with the Clerk within 30 calendar days after the date of mailing of the written notice of the Town Board's decision denying such license or renewal license. The appeal shall state the ground or grounds upon which the person agrees the Board's decision should be modified or reversed. The Town Board of Appeals shall conduct a due process hearing and issue a written decision on the appeal within 15 days of the Town's receipt of the written appeal. Notice of the hearing shall be given by mail or personal service at least 10 days before such hearing and the hearing shall be conducted in accordance with Ch. 68, Wis. Stats. If the appellant appears at the hearing, he or she may produce and cross-examine witnesses, present relevant evidence, and be represented by counsel of his or her choosing, at his or her expense. If the Town Board of Appeals finds the Town Board's reason(s) for his or her decision sufficient, the decision shall be affirmed. If the Town Board of Appeals finds the Town Board's reason(s) for his or her decision insufficient, the decision shall be reversed, and the license shall be granted and issued. If the appellant does not appear at the hearing and the Town Board of Appeals finds the Town Board's reason(s) for his or her decision sufficient, the decision shall be affirmed. The Town Board of Appeal's written decision on the appeal must specify the reason(s) for its determination and the Town Clerk shall provide a copy of this written decision by mail or personal service to the appellant within 20 days of completing the hearing.
- C. A license may be revoked by the Town Board during the term of a license year and following a due process hearing for one or more of the following reasons:
- (1) Failure by the licensee to make payment of delinquent fees, taxes, special charges, forfeitures or other debt owed to the Town.
  - (2) Failure to maintain all required local, county and state licensing requirements.
  - (3) Any violation of local, county or state laws or regulations which, based upon their number, frequency and/or severity, and their relation to the short-term rental property, its owner(s), tenant(s), occupant(s) or visitor(s), substantially harm or adversely impact the predominantly residential uses and nature of the surrounding neighborhood.
  - (4) Any violation of the requirements of Chapter **335** of the Town of Vinland Code of Ordinances.
- D. Revocation. Any resident of or owner of property within the Town may file a sworn written complaint with the Town Clerk alleging one or more of the reasons set forth in § **335-9C** as grounds for revocation of a short-term rental license issued under this chapter. Upon the filing of the complaint, the Town Board shall notify the licensee of the complaint by certified mail, return receipt requested, and provide the licensee with a copy of the complaint. The notice shall direct the licensee to appear before the Town Board on a day, time and place included in the notice, not less than 10 days and not more than 45 days from the date of the notice,

and show cause why his or her license should not be revoked. The hearing shall be conducted as provided in § 335-9B. If a license is revoked, the Town Board shall give notice of revocation to the licensee by certified mail, return receipt requested. No part of the fee paid for any license so revoked may be refunded.

Item D.

- E. Municipal review/judicial review. The action of the Town in granting or renewing, refusing to grant or renew, or revoking a license under this chapter may be appealed to the Town for review pursuant to the time limits and procedures in §§ 68.08 through 68.12, Wis. Stats. Thereafter, the final decision made pursuant to the foregoing municipal review procedures may be reviewed by the Winnebago County Circuit Court upon petition by the applicant, licensee, or a resident of or owner of property within the Town to the Circuit Court. Such appeal shall be filed within 30 days of the date of mailing by the Town Clerk of the notice of the Town's final action granting or renewing, refusing to grant or renew, or revoking a license. The procedure on review by the Winnebago circuit court shall be pursuant to a petition for certiorari under § 68.13, Wis. Stats.

## § 335-10. Violations and penalties.

- A. Any person who violates any provision of this chapter shall be subject, upon conviction thereof, to a forfeiture of not less than \$250 nor more than \$750 for each offense, together with the costs of prosecution, and in the event of default of payment of such forfeiture and costs, shall be imprisoned in the Winnebago County Jail until such forfeiture and costs are paid, except that the amount owed is reduced at the rate of \$25 for each day of imprisonment and the maximum period of imprisonment is 30 days. Each violation and each day a violation occurs or continues to exist shall constitute a separate offense.
- B. The penalties set forth in this section shall be in addition to all other remedies of injunction, abatement or costs, whether existing under this chapter or otherwise.

## § 335-11. Fees.

Any person applying for an initial short-term rental license or renewing a license pursuant to this chapter shall be subject to the fees as established by resolution of the Town Board.

## § 335-12. Severability.

Should any portion of this chapter be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any other provisions of this chapter.