



OFFICIAL PUBLIC NOTICE
MEETING OF THE PLANNING COMMISSION & ETZ BOARD

WEDNESDAY, NOVEMBER 29, 2023 AT 5:30 PM

COUNCIL ROOM AT THE MUNICIPAL BUILDING, 450 S. MAIN STREET, RICHLAND CENTER, WI 53581

AGENDA

CALL TO ORDER *Roll Call for the meeting, determine whether a quorum is present; determine whether the meeting has been properly noticed.*

PUBLIC HEARING FOR THE REQUEST OF LAND DIVISION AT 26425 USH 14E

DISCUSSION AND ACTION ITEMS

1. Consider the Request for Land Division at 26425 USH 14E

ADJOURNMENT OF THE ETZ BOARD

APPROVAL OF MINUTES

2. September 27, 2023 and October 25, 2023 Meeting Minutes

REVIEW AND DISCUSS SHORT-TERM RENTAL ORDINANCE

3. *STR Supplemental Materials*

DISCUSS PLANNED UNIT DEVELOPMENT FOR FORMER JEFFERSON ELEMENTARY SCHOOL

RECOMMEND WAYFINDING SIGNAGE BID AWARD

UPDATES ON ONGOING PROJECTS

FUTURE AGENDA ITEMS

SET NEXT MEETING DATE *Fourth Wednesday of the month*

ADJOURNMENT

Posted this 28th day of November, 2023 by 4:30 PM.
Copy to the official newspaper the Richland Observer.

Aaron Joyce, City Clerk/Treasurer

PLEASE NOTE: That upon reasonable notice, a minimum of 24 hours in advance, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service contact Ashley Oliphant, City Administrator at 450 S. Main St., Richland Center, WI. 53581 or call 608-647-3466. Notice is hereby given that the council members who are not members of this committee may attend this meeting so as to constitute a quorum of the city council. Any such council member attendance will be for information gathering, discussion, and/or related purposes and will not result in the direct decision making by the city council at the committee meeting. The City of Richland Center is an equal opportunity employer, provider, and lender.

**City of Richland Center
Staff Report**

Land Division – Certified Survey Map (CSM) – Richland Hospital

Meetings:

Joint Planning Commission and ETZ Board Meeting – November 29, 2023 – 5:30 PM
Common Council Meeting – December 5, 2023 – 6:30 PM

Applicant:

Richland Hospital, Inc.
333 E. Second Street
Richland Center, WI 53581

Zoning District:

Extraterritorial Zoning – Industrial

Minimum Lot Size – 1 acre (Minimum lot size for Commercial is ¾ of an acre)

Minimum Lot Width – 150-feet

Ordinance Language:

Chapter 475 – Establishing Extraterritorial Zoning. The purpose of this Chapter is to establish zoning requirements for the extraterritorial jurisdiction as set forth by Resolution No. 21 of said Common Council adopted December 7, 1965, wherein said Common Council elected to exercise extraterritorial zoning power pursuant to the provisions of Wis. Stats. § 62.23 (7a) within the territory contiguous to said City described in Resolution No. 21.

The purpose of the Zoning Ordinance is to promote the orderly development of the varying land uses, regulating construction and location of those uses, and providing for the safety, health and accessibility of the public.

§ 475.04 (17)(a) – All subdivisions of land shall be in conformity with all applicable requirements of Wis. Stats. § 236 and all applicable requirements of the extraterritorial zoning ordinance.

§ 475.04 (17)(d) – Each person subdividing land shall dedicate lands for the following public purposes:

1. Streets: Public streets with a minimum right-of-way width of sixty-six (66) feet shall be provided by the developer where required by the Plan Commission or the City Council.
2. Drainage: Where required by the topography, surface drainage channels shall be provided to insure adequate drainage capacity, either by dedication or by easement.

Comprehensive Plan:

Land Use Goal – Land use policies and zoning that maximize the available opportunities and encourages residential, commercial and industrial development.

Land Use Goal: - Follow the Future Land Use identified within the Comprehensive Plan to inform any future zoning and land use decisions.

The Future Land Use Map identifies the subject property as Commercial.

Criteria:

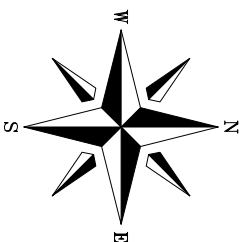
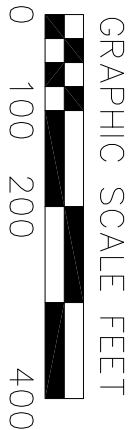
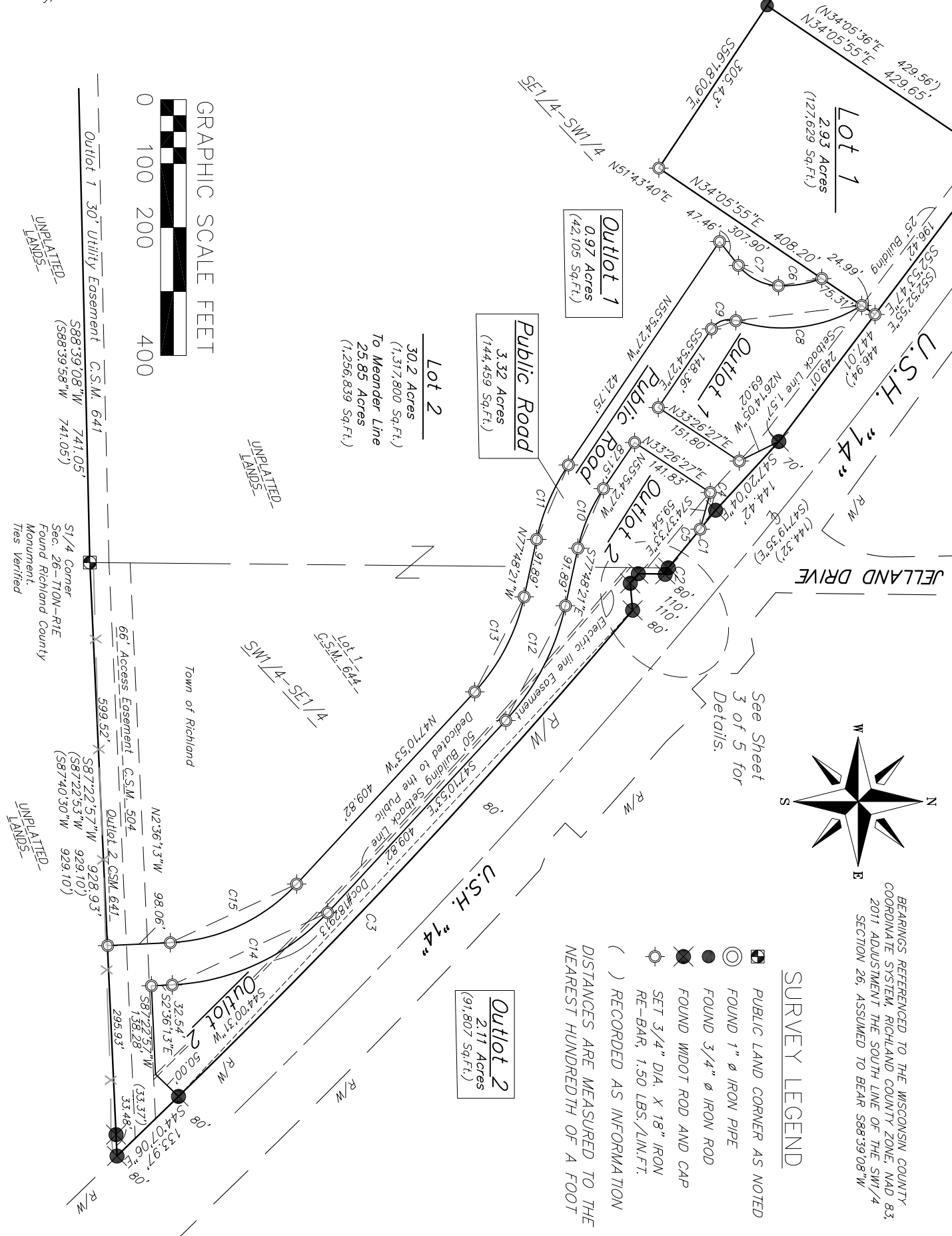
- Is the project consistent with the Comprehensive Plan?
- Can the request demonstrate adequate public facilities, including roads and drainage, and utilities?
- Will the request minimize adverse effects on the natural environment?
- The request will not create undue traffic congestion.
- The request will not adversely affect the public health, safety, and welfare.
- The request conforms to all applicable provisions of the code.

Conditions:

- The project must be consistent with the plans and specifications submitted at time of application and at the public hearing of the Plan Commission. - YES
- The Certified Survey Map shall be consistent with Wis. Stats. 236. - YES
- Does the Certified Survey Map comply with the zoning requirements of the property? - YES
- The project shall meet all setbacks.
- The project shall provide erosion control measures before and during construction and shall maintain erosion control until the site is stabilized.
- The applicant shall allow the Building Inspector and City Zoning Staff to have access to the construction site for inspection purposes to verify compliance with City Code, Ordinances and State Code.

RICHLAND COUNTY CERTIFIED SURVEY MAP NO. _____

Located in the NE 1/4 of the SW 1/4, City of Richland Center, and the SE 1/4 of the SW 1/4, and the SW 1/4 of the SE 1/4 of Section 26, T10N, R1E, Also including Lot 1, of Richland County Certified Survey Map No. 644, recorded in Volume 6 of Certified Survey Maps, on Page 78, Document No. 268413, Town of Richland, Richland County, Wisconsin.



BEARINGS REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, RICHLAND COUNTY ZONE, NAD 83, 2011 ADJUSTMENT THE SOUTH LINE OF THE SW 1/4 SECTION 26, ASSUMED TO BEAR S88°39'08"W

SURVEY LEGEND

- ▣ PUBLIC LAND CORNER AS NOTED
- FOUND 1" Ø IRON PIPE
- FOUND 3/4" Ø IRON ROD
- ⊗ FOUND W/DOT ROD AND CAP
- ⊙ SET 3/4" DIA. X 18" IRON RE-BAR, 1.50 LBS./LIN.FT.
- () RECORDED AS INFORMATION

DISTANCES ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT

See Sheet 3 of 5 for Details.

03 Oct 2023 - 9:53a R:\Richland Hospital\200331 - Hospital Campus Site Development\CADD\Richland Hospital 2023 CSM.dwg by: wbul

vierbicher
planners | engineers | advisors

Phone: (800) 261-3898

DATE: 8/14/23 FN: 220331
REVISIONS:
Drafted By: wbul
Checked By: mlon

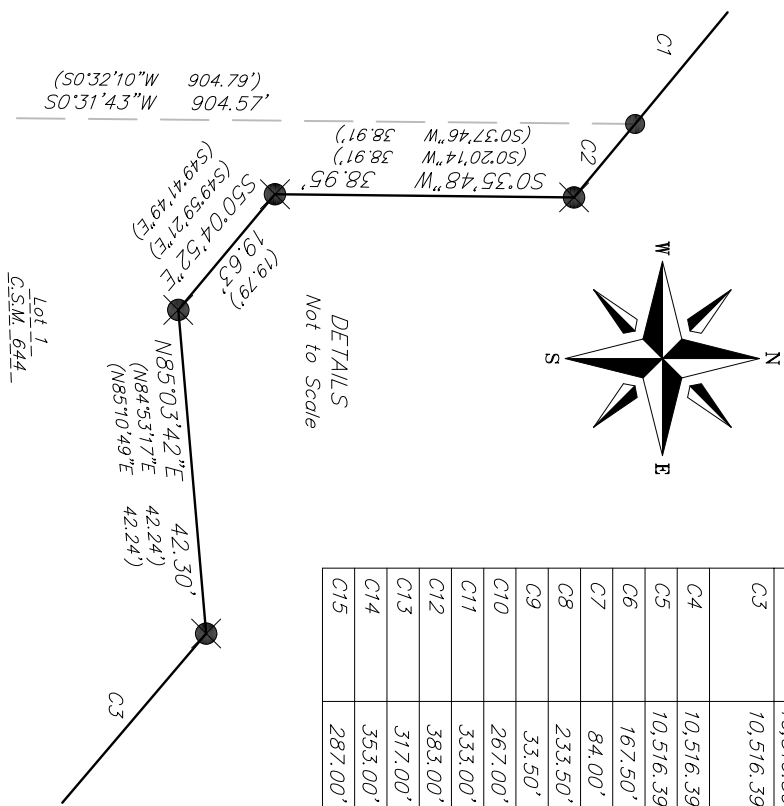
SURVEYED FOR:
The Richland Hospital Inc.
333 E. Second Street
Richland Center, WI 53581

SURVEYED BY:
Vierbicher Associates, Inc.
108 W Blackhawk Ave
Prairie Du Chien, WI 53821
(608) 326-1051

SHEET 2 OF 5

RICHLAND COUNTY CERTIFIED SURVEY MAP NO. _____

Located in the NE 1/4 of the SW 1/4, City of Richland Center, and the SE 1/4 of the SW 1/4, and the SW 1/4 of the SE 1/4 of Section 26, T10N, R1E, Also including Lot 1, of Richland County Certified Survey Map No. 644, recorded in Volume 6 of Certified Survey Maps, on Page 78, Document No. 268413, Town of Richland, Richland County, Wisconsin.



DETAILS
Not to Scale

Lot 1
C.S.M. 644

SURVEY LEGEND

- FOUND 3/4" Ø IRON ROD
- ⊗ FOUND W/DOT ROD AND CAP
- () RECORDED AS INFORMATION

DISTANCES ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT

CURVE DATA

CURVE	RADIUS	DELTA	ARC L.	CHORD BRG.	CHORD L.	TAN. BRG.	TAN. BRG.
C1	10,516.39'	0°38'06" (0°00'23")	116.58' (116.62')	S50°34'14"E (S50°33'32"E)	116.58' (116.62')	S50°53'17"E	S50°15'11"E
C2	10,516.39'	0°04'04"	12.44'	S50°13'09"E	12.44'	S50°15'11"E	S50°11'07"E
C3	10,516.39'	5°40'08"	1040.52'	S46°56'18"E (S46°56'18"E)	1040.10'	S49°46'47"E	S44°06'39"E
C4	10,516.39'	0°12'30"	38.26'	S50°47'02"E	38.26'	S50°53'17"E	S50°40'47"E
C5	10,516.39'	0°25'36"	78.32'	S50°27'59"E	78.32'	S50°40'47"E	S50°15'11"E
C6	167.50'	23°43'10"	69.34'	N9°33'06"W	68.85'	N2°18'28"E	N21°24'42"W
C7	84.00'	49°25'12"	72.45'	N27°01'04"E	70.23'	N51°43'40"E	N2°18'28"E
C8	233.50'	50°12'14"	204.60'	S6°50'00"E	198.11'	S31°56'07"E	S18°16'07"W
C9	33.50'	74°10'34"	43.37'	S18°49'10"E	40.40'	S18°16'07"W	S55°54'27"E
C10	267.00'	21°53'54"	102.05'	S66°51'24"E	101.43'	S55°54'27"E	S77°48'21"E
C11	333.00'	21°53'54"	127.27'	N66°51'24"W	126.50'	N77°48'21"W	N55°54'27"W
C12	383.00'	30°37'28"	204.71'	S62°29'37"E	202.28'	S77°48'21"E	S47°10'53"E
C13	317.00'	30°37'28"	169.44'	N62°29'37"W	167.43'	N47°10'53"W	N77°48'21"W
C14	353.00'	44°34'40"	274.64'	S24°53'33"E	267.77'	S47°10'53"E	S2°36'13"E
C15	287.00'	44°34'40"	223.29'	N24°53'33"W	217.70'	N2°36'13"W	N47°10'53"W



RICHLAND COUNTY CERTIFIED SURVEY MAP NO. _____

Located in the NE 1/4 of the SW 1/4, City of Richland Center, and the SE 1/4 of the SW 1/4, and the SW 1/4 of the SE 1/4 of Section 26, T10N, R1E, Also including Lot 1, of Richland County Certified Survey Map No. 644, recorded in Volume 6 of Certified Survey Maps, on Page 78, Document No. 268413, Town of Richland, Richland County, Wisconsin.

SURVEYOR'S CERTIFICATE

I William R. Bulawa, Professional Land Surveyor, Hereby certify that I have surveyed, divided, mapped, dedicated, and monumented a parcel as represented on the map, Located in the NE 1/4 of the SW 1/4, City of Richland Center, and the SE 1/4 of the SW 1/4, and the SW 1/4 of the SE 1/4 of Section 26, T10N, R1E, Also including Lot 1, of Richland County Certified Survey Map No. 644, recorded in Volume 6 of Certified Survey Maps, on Page 78, Document No. 268413, Town of Richland, Richland County, Wisconsin.

Commencing at the South Quarter Corner of Section 26, T10N, R1E, said point being a found Richland County Monument, said point being the Point of Beginning of this description;

thence S88°39'08"W, along the south line of the SE1/4 of the SW1/4 of said Section 26, 741.05 feet to a found 1 inch iron pipe at the northerly line of Pine River Recreational Trail (old railroad right of way); thence N37°50'06"W, along the northerly line of Pine River Recreational Trail (old railroad right of way), 671.90 feet to a found 1" iron pipe, 140 feet, more or less to the center of Spring Creek, said point being the beginning of a meander line; thence N5°04'58"E, 301.96 feet along said meander line to a found 1" iron pipe; thence N37°41'21"E, 97.16 feet along said meander line to a found 1" iron pipe; thence N2°05'50"E, 292.02 feet along said meander line to the end of said meander line to a found 1" iron pipe and the south line of Lot 1, Richland County Certified Survey Map Number 760, recorded in Volume 7, CSM's Page 88, Document No. 277436; thence S56°18'09"E, along the south line of said Lot 1, CSM 760, 222.88 feet to found 3/4" iron rod, at the southeast corner of said Lot 1, CSM 760; thence N34°05'55"E, along the easterly line of said Lot 1, CSM 706, 429.65 feet to a found 3/4" iron rod and the southerly right of way line of U.S.H. "14"; thence S51°11'06"E, along the southerly right of way line of U.S.H. "14", 106.64 feet to a found WIDOT Rod and Cap; thence S52°53'47"E, along the southerly right of way line of U.S.H. "14", 447.01 feet to a found WIDOT Rod and Cap; thence S47°20'04"E, along the southerly right of way line of U.S.H. "14", 144.42 feet to a found WIDOT Rod and Cap and the beginning of a curve; thence Southeasterly, along the southerly right of way line of U.S.H. "14", 116.58 feet along the arc of a curve to the right, radius of 10,516.39 feet, central angle of 0°38'07", (the long chord of which bears S50°34'14"E, 116.58 feet) to a found 3/4" iron rod and the end of the curve, and the westerly line of Lot 1, Richland County Certified Survey Map Number 644, recorded in Volume 6, CSM's, Page 78-79, Document No. 268413, and the beginning of a curve; thence Southeasterly, along the southerly right of way line of U.S.H. "14", 12.44 feet along the arc of a curve to the right, radius of 10,516.39 feet, central angle of 0°04'04", (the long chord of which bears S50°13'09"E, 12.44 feet) to a found WIDOT Rod and Cap, and the end of the curve; thence S0°35'48"W, along the southerly right of way line of U.S.H. "14", 38.95 feet to a found WIDOT Rod and Cap; thence S50°04'52"E, along the southerly right of way line of U.S.H. "14", 19.63 feet to a found WIDOT Rod and Cap; thence N85°03'42"E, along the southerly right of way line of U.S.H. "14", 42.30 feet to a found WIDOT Rod and Cap, and the beginning of a curve; thence Southeasterly, along the southerly right of way line of U.S.H. "14", 1040.52 feet along the arc of a curve to the right, radius of 10,516.39 feet, central angle of 5°40'08", (the long chord of which bears S46°56'43"E, 1040.10 feet) to a found WIDOT Rod and Cap, and the end of the curve; thence S44°07'06"E, 133.97 feet to a found WIDOT Rod and Cap on the south line of said Lot 1, CSM 644, and the south line of the Southwest Quarter of the Southeast Quarter of said Section 26; thence S87°22'57"E, 928.93 feet along the south line of said Lot 1, CSM 644, and the south line of the Southwest Quarter of the Southeast Quarter of said Section 26 to the Point of Beginning, including all lands lying between the above described meander line and the center of Spring Creek and between the westerly extensions of the boundary lines of the above described lots which intersect the southerly and northerly ends of said meander line.

Containing 39.6 Acres, more or less



That such map is correct representation of all exterior boundaries of the land surveyed and division thereof made.

That I have made such survey, land division and map, by the direction of The Richland Hospital Inc., owner of said land, according to the description furnished.

That I fully complied with Chapter A-E 7 of the Wisconsin Administrative Code, Section 236.34 of the Wisconsin State Statutes, and the land division ordinance of the City of Richland Center and the Town of Richland, Richland County, Wisconsin in surveying, dividing, dedication, and mapping the same.

Dated on this 4th day of October, 2023

William R. Bulawa PLS-2167
Vierbicher Associates, Inc.
PO Box 542
Prairie du Chien, WI 53821

 planners engineers advisors Phone: (800) 261-3898		DATE: 8/14/23 FN: 220331	SURVEYED FOR: The Richland Hospital Inc. 333 E. Second Street Richland Center, WI 53581	SURVEYED BY: Vierbicher Associates, Inc. 108 W Blackhawk Ave Prairie Du Chien, WI 53821 (608) 326-1051	SHEET 4 OF 5
		Drafted By: wbul Checked By: mlon			

RICHLAND COUNTY CERTIFIED SURVEY MAP NO. _____

Located in the NE 1/4 of the SW 1/4, City of Richland Center, and the SE 1/4 of the SW 1/4, and the SW 1/4 of the SE 1/4 of Section 26, T10N, R1E, Also including Lot 1, of Richland County Certified Survey Map No. 644, recorded in Volume 6 of Certified Survey Maps, on Page 78, Document No. 268413, Town of Richland, Richland County, Wisconsin.

CORPORATE OWNER'S CERTIFICATE OF DEDICATION

Corporate Owner's Certificate The Richland Hospital Inc., a Wisconsin Non-Stock Non Profit Corporation a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said corporation caused the land described on this certified survey map to be surveyed, divided, and mapped, as represented on the certified survey map. The Richland Hospital Inc. does further certify that this certified survey is required to be submitted to for the approval: City of Richland Center. IN WITNESS WHEREOF, the said The Richland Hospital Inc. has caused these present to be signed by XXXXXXXX, President, and XXXXXXXXXXXX, Vice President, as listed below, and the Corporation has no seal.

XXXXXXXXXXXXXXXX, President
The Richland Hospital Inc.

XXXXXXXXXXXXXXXX, Vice President
The Richland Hospital Inc.

State of Wisconsin)
Richland County)

Personally came before me this ____ day of _____, 2023, XXXXXXXX, President, and XXXXXXXX, Vice President, of The Richland Hospital Inc., to me known to be the person who executed the foregoing instrument, and to me known to be such President, and Vice President of The Richland Hospital Inc., and acknowledged that they executed the foregoing instrument as such officers as the deed of said The Richland Hospital Inc., by its authority.

Notary Public, _____, Wisconsin.
My commission expires _____

CITY OF RICHLAND CENTER APPROVAL CERTIFICATE:

This Certified Survey Map was approved by the Common Council of the City of Richland Center.

Aaron Joyce, City of Richland Center Clerk.

**CITY OF RICHLAND CENTER
OFFICIAL NOTICE OF THE PLAN COMMISSION**

Item 1.

NOTICE OF PUBLIC HEARING ON PROPOSED LAND DIVISION

NOTICE IS HEREBY GIVEN that the Joint Plan Commission and Extraterritorial Zoning Board of the City of Richland Center, Richland County, Wisconsin will meet and hold a public hearing on the application of The Richland Hospital, Inc. to divide parcels of land of consisting of approximately 42.2 acres.

The property is located at 26425 US Hwy 14, also identified as tax parcels 022-2634-1000, 022-2634-1100, and 022-2643-2000.

The meeting of the Joint Plan Commission and Extraterritorial Zoning Board, which includes a public hearing, will be held in the Council Room of the Municipal Building at 450 S Main St, Richland Center, WI on **Wednesday, November 29, 2023, at 5:30 PM**. If approved, it will go before the Richland Center Common Council during their meeting on Tuesday, December 5, 2023, commencing at 6:30 PM.

All interested parties may appear and be heard at the public hearing. If you have any questions or concerns about the above scheduled public hearing or request for land division, please contact the City Administrator at 608-647-6428 or the Zoning Administrator at 608-402-6391.

Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services to enable them to attend and participate in the public hearing. For additional information or to request such services contact Aaron Joyce, City Clerk at 450 S. Main Street, Richland Center, WI 53581 or by telephone at 608-647-3466.

Aaron Joyce
City Clerk



MINUTES OF THE PLANNING COMMISSION
WEDNESDAY, SEPTEMBER 27, 2023 AT 5:30 PM

COUNCIL ROOM AT THE MUNICIPAL BUILDING, 450 S. MAIN STREET, RICHLAND CENTER, WI 53581

CALL TO ORDER: Chair Coppernoll called the meeting to order at 5:30PM. A quorum was present. Oliphant affirmed proper notice.

PRESENT: Chair Todd Coppernoll, Karin Tepley, Ray Wilson, Ryan Cairns (arrived at 5:39PM), Lisa Miller, and Mark Jelinek. **ABSENT:** Candace Fagerlind.

APPROVAL OF MINUTES: Minutes were not available. No action taken.

DISCUSSION AND POSSIBLE ACTION ITEMS:

Traffic Study Update – Bids were solicited with MSA being awarded the contract to complete a traffic study on Highway 14 from Bohman Drive to Highway 58. A preliminary report tentatively scheduled to be provided to the Common Council on December 5th and the Planning Commission on December 27th.

Wayfinding Signage Update – A map with the design and placement of signs has been submitted to the DOT for review with a tentative completion date of 10/6/23. After the DOT completes their review, a request for proposal will be published for signage.

Sale of 460 W First Street – Official closing held on 9/21/2023. A performance guarantee deposit was required and received. ENS development will be commencing work before the frost but are still finalizing construction plans.

Submission of Letter to Campus Reconfiguration Committee – A letter expressing a willingness and desire to collaborate was submitted on behalf of the Planning Commission on 9/13/2023. No response received to date.

Future Rezone of Jefferson Elementary School – An offer to purchase was accepted contingent upon a request for rezoning. The new owner has met with City personnel to discuss development plans. Based on the proposed uses, a rezone is likely necessary which may also require an amendment to the comprehensive plan. More information to be provided as it becomes available.

TID Planning – City Personnel have been in discussion with several firms to determine options for tax increment district (TID) planning services. As part of this process, Southwestern Wisconsin Regional Planning Commission offered their assistance in developing two TIDs through the utilization of grant funding. It is estimated the grant will result in savings of more than \$10,000 for the City. However, some costs may be incurred by the City related to survey work and/or the establishment of legal descriptions. The Commissioners reviewed map imagery of potential TIDs in various locations within the City. Motion to recommend to the Common Council to accept the proposal from SWWRPC to develop a TID plan for the City of Richland Center. Motion by Jelinek, seconded by Wilson. Voting Yea: Coppernoll, Cairns, Tepley, Wilson, Miller, Jelinek. Motion carried.

FUTURE AGENDA ITEMS: Status of hotel study and an update on the EPA study.

SET NEXT MEETING DATE: The next regular meeting was scheduled for October 25, 2023 at 5:30PM.

ADJOURNMENT: The meeting adjourned at 6:17PM. Motion to adjourn. Motion made by Tepley Seconded by Miller. Voting Yea: Coppernoll, Cairns, Tepley, Wilson, Miller, Jelinek. Motion Carried.

MINUTES OF THE PLANNING COMMISSION

WEDNESDAY, OCTOBER 25, 2023 AT 5:30 PM

COUNCIL ROOM AT THE MUNICIPAL BUILDING, 450 S. MAIN STREET, RICHLAND CENTER, WI 53581

CALL TO ORDER: Chair Coppernoll called the meeting to order at 5:35PM. A quorum was present. Oliphant affirmed proper notice.

PRESENT: Chair Todd Coppernoll, Karin Tepley, Ray Wilson, Lisa Miller, Mark Jelinek, and Candace Fagerlind (via phone). **ABSENT:** Ryan Cairns.

APPROVAL OF MINUTES: Motion to approve the August 23, 2023 and September 19, 2023 meeting minutes made by Tepley, Seconded by Jelinek. Voting Yea: Coppernoll, Tepley, Wilson, Miller, Jelinek and Fagerlind. Motion carried.

DISCUSSION AND POSSIBLE ACTION ITEMS:

Public Hearing for the Request of Land Division on Tax Parcel 276-1712-1000 at 1000 USH 14W – Zoning Administrator Steward advised the requested land division met all zoning requirements. Surveyor Rummeler explained the County wished to create a new parcel for East Hall. This effort was previously pursued but was never finalized. No comments were made by the public. The public hearing closed at 5:43PM. Motion to close the public hearing made by Jelinek, Seconded by Tepley. Voting Yea: Coppernoll, Tepley, Wilson, Miller, Jelinek and Fagerlind. Motion carried.

Consider the Request for Land Division of Tax Parcel 276-1712-1000 at 1000 USH 14W - Motion to recommend to the Common Council to grant the request for land division made by Tepley, Seconded by Wilson. Voting Yea: Coppernoll, Tepley, Wilson, Miller, and Jelinek. Fagerlind did not vote due to technical issues. Motion carried.

Jefferson School Redevelopment & Rezoning – Zoning Administrator Steward advised he and Economic Development Director Glasbrenner had met with the developer on numerous occasions to discuss redevelopment of Jefferson School. As a result of the diverse uses proposed, the necessary zoning changes will require a multistep process. To best meet the objectives of the developer while still adhering to zoning regulations, the implementation of a planned unit development (PUD) was deemed most appropriate. A PUD allows for greater flexibility with tailored uses. The process for establishing a PUD is more in depth than that of a simple rezone. For a proposed development, a general development plan outlining the general concept for the PUD must be presented to the Planning Commission and Common Council. If both bodies approve of the general plan, a specific plan with significant detail about the development will then be presented to both bodies for consideration and adoption. The entire process takes approximately 90 days with January 2024 being the earliest date of completion.

TID Development Process – The Common Council approved contracting with Southwestern Wisconsin Regional Planning Commission (SWWRPC) as recommended by the Planning Commission. Meetings between SWWRPC and City personnel have commenced. Updates will be provided throughout the course of the project.

STATUS UPDATES: Economic Development Director Glasbrenner advised the Panorama project is in the process of a proforma review with Ehlers. Commissioner Tepley advised a request for proposal for wayfinding signage is ready for publication. She also shared that she and Commissioner Fagerlind conducted a tour of the city with the hotel feasibility study firm. After their preliminary review, it was determined that a 52-58 room hotel was viable in Richland Center.

SET NEXT MEETING DATE: The next regular meeting was scheduled for November 29, 2023 at 5:30PM.

ADJOURNMENT: The meeting adjourned at 6:51PM. Motion to adjourn. Motion made by Tepley, Seconded by Wilson. Voting Yea: Coppernoll, Tepley, Wilson, Miller, Jelinek and Fagerlind. Motion carried.



Short-Term Rentals

Remzy Bitar, Attorney, Municipal Law & Litigation Group, S.C.

As short-term rentals (STRs) such as Airbnb and VRBO become more popular, local governments face classic issues associated with the influx of new uses that can create adverse side effects for the community. Some communities welcome the trend; others do not. For those questioning STRs, two competing interests arise: NIMBY versus “fundamental right to unfettered use of my property.” For unprepared communities, residential zoning and other public and private land use controls do not adequately address this growing trend. Some communities have tried to adopt amendments to their zoning ordinances to expressly restrict and/or regulate short-term rentals, but those amendments have fallen flat in court.

Seeking to address the competing interests, the Legislature created Wis. Stat. § 66.1014 in the 2017 WI Act 59, Biennial Budget Act. The statute contains one relevant definition for “residential dwelling” (“any building, structure, or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others”).¹

Section 66.1014 has several features of note.

First, municipalities cannot prohibit STRs for 7 consecutive days or longer, referred to here as the “prohibition” provision.²

Second, the Legislature addressed regulation of the “durational” aspects of

STRs. If a residential dwelling is rented for periods of more than 6 but fewer than 29 consecutive days, a municipality may limit the total number of days within any consecutive 365-day period to no fewer than 180 days and may require those maximum days to run consecutively. However, it may not specify the period of time during which the residential dwelling may be rented, such as requiring rentals stretch over winter.³

Third, the Legislature unambiguously retained local power – “[n]othing in this subsection limits the authority of a political subdivision to enact an ordinance regulating the rental of a residential dwelling...”⁴ That section leaves local government free to regulate other aspects of STRs in a manner that is “not inconsistent” with the prohibition or durational provisions noted above. Significantly, “[a]ny person who *maintains, manages, or operates*” an STR “shall” obtain a local license, if required by local ordinance.⁵

Fourth, there are non-textual aspects to § 66.1014. The Legislature did not place the law under the city and village zoning enabling statute, Wis. Stat. § 62.23. Moreover, when the Legislature wants to completely regulate an industry and preclude or limit the ability for local regulation, it does so clearly. The Legislature did only two things with this statute: removing the power to prohibit STRs and setting durational provisions on the “total number of days.” Of all the other areas the Legislature could have withdrawn from local government (other than taxation, not discussed here), the Legislature did not address such areas but allowed local control and

licensing. The Legislature’s treatment of STRs stands in stark contrast to the Legislature’s sweeping removal of local power elsewhere, such as cellular tower regulation, wind farms, livestock siting operations, concealed carry, conditional uses, shoreland zoning and alcohol. In these areas, and many others, the Legislature’s regulatory framework has various and extensive subject matter components that are expressly meant to curtail local power.

Until recently, no Wisconsin court had addressed this statute. Just last month, in *Good Neighbors Alliance (GNA) v. Town of Holland*, Case No. 2019CV000269, the Sheboygan County Circuit Court, the Honorable Edward Stengel presiding, issued a decision of first impression in this state, specifically addressing various aspects of Holland’s STR ordinance that were specifically designed to address local concerns, harmonize the statute and address the pre-suit complaints and demands of the plaintiffs. The Town Board worked hard to draft an Ordinance that satisfied competing concerns, followed § 66.1014 and Wis. Admin. Code § ATCP 72 (administrative rules “tourist rooming houses” such as STRs) and could withstand judicial scrutiny.

GNA’s primary claim asserted the statute created a preemptive effect on local regulation, enshrining the right to free and unrestricted use of one’s property. They argued STRs involve private use of homes, not commercial activity. The court, however, found that the Legislature preserved local power due to carve-outs in the statute and that the Town acted comfortably within its powers.

Legal

GNA attacked specific features of Holland's Ordinance as conflicting with § 66.1014, such as:

- Property Manager: "Unless the Property Owner resides within thirty-five (35) miles of the short-term rental property, a local Property Manager must be designated for contact purposes and his or her name must be included in the application filed with the Town Clerk. The local Property Manager must reside within thirty-five (35) miles of the short-term rental property and must be available at all times the property is rented. The Property Owner must notify the Town Clerk within three (3) business days of any change in the Property Manager's contact information for the short-term rental and submit the revised contact information to the Town Clerk within the same time period."
- Insurance: "The Property Owner shall have and maintain homeowner's liability or business liability insurance 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."
- Property diagram with application: "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."
- Revocation for Unpaid Fees, Taxes, Or Forfeitures or For Any Violation of State or Local Laws: "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."

- One On-Site, Off-Street Parking Space: "Not less than one (1) on-site, off-street parking space shall be provided for every four (4) occupants, based upon maximum occupancy."
- Forfeitures: "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 Sheboygan 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."

With STRs, there are many side-effects related to the health, safety, and welfare of the public. The goal is to allow such use of the property for rentals yet protect the interests and quality of life for long-term residents. The interests being served include: preserving the character of a neighborhood; eliminating nuisances like noise, parking, and trash problems; ensuring building safety; over-occupancy; and responsiveness to neighbor complaints. Such concerns arose in the town of Holland, where it received complaints over a significant period of time, often occurring weekly during the summer months. Complaints of adverse

impacts caused by STR properties in the town of Holland included lewd behavior, unsafe fires on the beach, dogs running at large, excessive noise, trash left on the beach, traffic and RVs along narrow lake roads, and trespassing. One such trespassing event involved the complainant arriving home at night to find renters from a nearby property in the complainant's hot tub.

The town carefully considered its proposed ordinance over the course of several months, including several drafts to balance the Legislature's new statute, preservation of residential property rights and the local interests in protecting the public health, safety, and welfare. After passage of the Ordinance, GNA sought total repeal. The town passed an amended ordinance accomplishing the following:

- the elimination of any restriction on the number of days a property may be rented,
- elimination of restrictions on outdoor events on rental properties,
- elimination of minimum levels of insurance coverage,
- added a provision to allow short-term rental licensure by the town to proceed with evidence that a Wisconsin tourist rooming house license has been applied for rather than actually received,
- removed the requirement for property managers to be licensed with the town,
- removed insurance requirements for property managers,
- documented the appeal steps and procedures for licensure decisions,
- clarified the vehicle restrictions,
- removed annual building and fire inspections requirement,

- removed requirement to provide a property management agreement,
- removed town access to property without consent or inspection warrant,
- removed minimum bathroom requirement, and
- lowered the maximum forfeiture amount.

The Sheboygan Circuit Court found local government can regulate within the same field as § 66.1014 so long as it does not conflict. Due to its careful development of the STR ordinance, Holland survived four-factor preemption analysis and its ordinance was upheld.⁶

Any community desiring such an ordinance should consult with its legal counsel and should also determine if the Holland case has been reviewed by the Court of Appeals.

Licensing and Regulation 403

About the Author:

Remzy Bitar is an attorney with the Municipal Law & Litigation Group, S.C. and has been practicing in the area of Municipal and Civil Rights Litigation Defense for over 17 years. Remzy handles all aspects of such litigation in both state and federal court including trial and appeals. His experience ranges

from defending civil rights lawsuits against jails and law enforcement, to handling condemnation, zoning and other land use matters, to open records and open meetings law, and to the defense of municipalities and their officials and employees in the areas of First Amendment, Fourth Amendment, and Equal Protection and Due Process.

Remzy began his legal practice after college at Lawrence University, law school at Washington University School of Law in St. Louis, and then completed a judicial clerkship with the Supreme Court of Missouri for the Honorable Laura Denvir Stith. Contact Remzy at rbitar@ammr.net

1. § 66.1014(1)(b).
2. § 66.1014(2)(a).
3. § 66.1014(2)(d)1.

4. § 66.1014(2)(c).
5. § 66.1014(2)(d) & (2)(d)2b.
6. *Wisconsin Carry, Inc. v. City of Madison*, 2017 WI 19, 373 Wis.2d 543, 892 N.W.2d 233.

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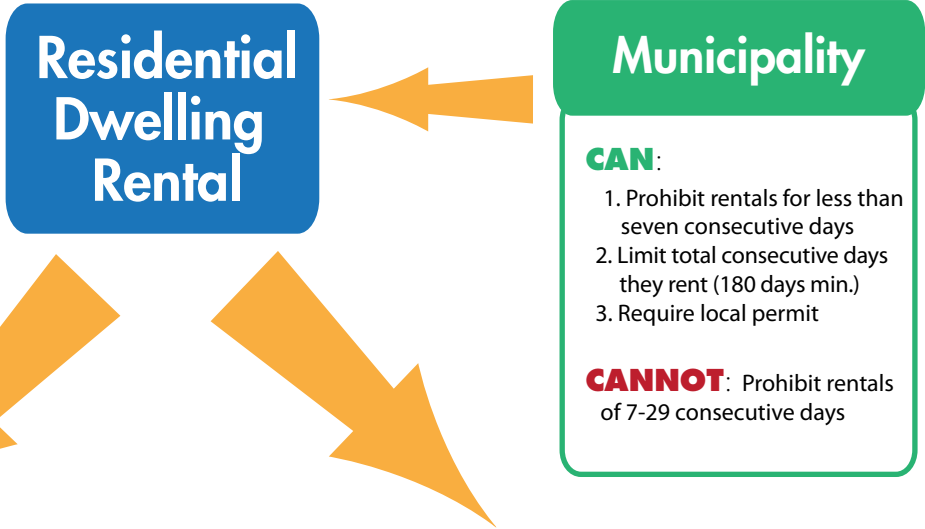
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SHORT-TERM RENTALS LAW

Incorporates changes from Wisconsin Act 59 from September 2017



“Residential dwelling”: any building, structure, or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household, to the exclusion of all others

“Short-term rental”: a residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days

“Lodging Marketplace”: an entity that provides a platform through which an unaffiliated third party offers to rent a short-term rental to an occupant and collects the consideration for the rental from the occupant

“DATCP”: state Department of Agriculture, Trade & Consumer Protection; the agency responsible for lodging licenses, or their authorized local health agents

“DOR”: state Department of Revenue; the agency responsible for the collection of state tax revenue and for licensing lodging marketplaces

Short-Term Rental on own

1. The property must obtain a DATCP license as a “tourist rooming house” (subject to fees, inspections) and obtain municipal permits as required.
2. The owner/operator of the property must register with the DOR for a license to collect taxes (if the total sales revenue is \$2,000 or more). They must then collect and remit state & county sales taxes, local room tax, and any applicable special district or premier resort area taxes.

Short-Term Rental through registered Lodging Marketplace

1. The property must obtain a DATCP license as a “tourist rooming house” (subject to fees, inspections) and municipal permits as required.
2. The registered Lodging Marketplace collects and remits state & county sales taxes, local room tax, and any applicable special district or premier resort area taxes.

Lodging Marketplace Requirements

1. If the Lodging Marketplace has nexus in Wisconsin, they must register with the state DOR for a license to collect taxes imposed by the state related to short-term rentals now and to collect municipal room tax. Remote (out-of-state) sellers are deemed to have nexus if they sell taxable products and services from Wisconsin. There is a “small seller exception” for remote sellers who do NOT have annual sales into Wisconsin of more than \$100,000 OR 200 or more separate transactions annually.
2. Collect from buyer and remit to DOR sales and use taxes.
3. If rental is in a municipality with a room tax, collect from buyer and remit room tax to the municipality.
4. Notify short-term rental owners that above taxes were collected and remitted on the sales.



provided by:
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REVISED FEBRUARY 2019

<https://www.sheboyganpress.com/story/opinion/2022/06/10/airbnb-vrbo-rental-laws-wisconsin-advice-sheboygan-attorney/7557986001/>

It's vacation season in Wisconsin. Here's what to know before renting your home on Airbnb or Vrbo.

Adam Vanderheyden

For USA TODAY NETWORK-Wisconsin

Wisconsin has a lot to offer, especially in the summer months. Rivers and lakes, shoreline beaches, the Northwoods, championship golf courses and world-renowned sports venues provide something for everyone in both rural and urban settings. Add cheese curds to the mix and the state practically sells itself.

Home-sharing companies like Airbnb and Vrbo have opened the doors for homeowners to take part in Wisconsin's \$17 billion tourism industry by facilitating vacation rentals for residential properties. Post-pandemic, these listings will only increase. But some laws apply to "short-term rentals" of fewer than 30 consecutive days.

Statewide law

In 2017, Wisconsin enacted a short-term rental law — also known as the Right to Rent Law — that applies statewide. Under the law, no city, village, town or county (political subdivision) can prohibit rentals of residences for seven consecutive days or longer.

This statewide law does not override local laws that place restrictions on short-term rentals of less than seven days or don't conflict with provisions of the state law.

The state law followed several lawsuits involving homeowners who wanted to rent their homes but were told that local ordinances prohibited such short-term rentals. In some cases, neighbors may prompt restrictions on short-term rentals in their community.

But now, if a homeowner decides to list their home as a “short-term rental” for periods of seven to 30 days, a political subdivision cannot disallow it. It can only limit (by ordinance) the total number of days that a rental unit may be rented in a year, beyond 180 days.

The political subdivision cannot limit rentals to certain times of the year but “may require that the maximum number of allowable rental days within a 365-day period must run consecutively.” Before renting, a renter must notify the clerk of the political subdivision.

Other requirements

Additionally, the state law requires anyone who maintains, manages, or operates a short-term rental for more than 10 nights each year to obtain a “tourist rooming house” license from the state department of agriculture, trade, and consumer protection.

The tourist rooming house license costs \$110 annually, with a one-time pre-inspection fee of \$300. A political subdivision may also enact ordinances that require a license from the political subdivision to begin offering short-term rentals, in addition to the state license, and may enact other requirements that don’t conflict with state law.

In fact, that’s exactly what the town of Holland did in Sheboygan County. The town enacted an ordinance that placed other requirements on short-term rentals “to ensure that the quality of short-term rentals operating within the Town is adequate for protecting public health, safety and general welfare.”

For instance, provisions of the ordinance prohibit excessive noise, limit the number of occupants, prohibits “greater than normal” traffic at the property, restricts outdoor events to no later than 10 p.m., and requires a property manager to be available at all times unless the owner lives within 35 miles of the short-term rental, among others.

These local requirements were challenged in court by a group called the Good Neighbors Alliance. But in February, a circuit court judge upheld the town of Holland’s ordinance relating to short-term rentals, in one of the first cases since the state law passed.

Thus, it’s important for those who want to rent their homes as short-term rentals to understand the state law, but also the local ordinances that may apply.

As communities balance rental rights with other concerns like limiting nuisances, preserving neighborhoods, and controlling health and safety, lawsuits concerning short-term rentals will likely continue in the tourist destination that is Wisconsin.

Chapter 280. Short-Term Rentals

§ 280-1. Purposes.

The purposes of this ordinance are to ensure that the quality of short-term rentals operating within the Town is adequate for protecting public health, safety and general welfare by establishing:

- a. minimum standards of space for human occupancy and parking
- b. adequate level of maintenance
- c. the responsibilities of owners and property managers operating or managing these rental properties for tourists or transient occupants

In addition, it is the intent of this ordinance to determine the responsibility of owners/property managers 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.

§ 280-2. Definitions.

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

. Need to define who will fill this role (Zoning Administrator or Land & Zoning Committee)

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)..

ENTITY

A corporation, investment company, limited partnership, limited-liability partnership, limited-liability company, cooperative association, unincorporated cooperative association, common law trust, or any other group or organization licensed to do business in this state.

LAND AND ZONING STANDING COMMITTEE

Committee of the Richland County Board of Supervisors responsible for ...

LICENSE or CUP, need to decide which route to take

The short-term rental license issued under § 280-4.

LICENSE YEAR

The period from July 1 of each year to June 30 of the following 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, group of individuals, or an entity.

PROPERTY MANAGER

Any person who is not the property owner and is authorized by the property owner, expressly or impliedly, to act as agent and as the local contact person on behalf of the property owner for one or more short-term rental, and to take remedial action and promptly respond to any violation of this chapter.

PROPERTY OWNER

The owner of a short-term rental.

RENEWAL LICENSE need to decide if we will do one-time fee or annual renewal

Any license issued under this Chapter 280 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).

ZONING ADMINISTRATOR

Richland County Zoning Department employee or designee

§ 280-3. Operation of short-term rentals.

- A. No person may maintain, manage or operate a short-term rental more than 10 nights each license year without a short-term rental license. Every short-term rental shall be operated by a property owner or property manager.
- B. Each short-term rental property owner is required to have the following licenses and permits:
 - (1) A state of Wisconsin tourist rooming house license. Information can be found at https://datcp.wi.gov/Pages/Programs_Services/TouristRoomingHouses.aspx
 - (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/CUP? from Richland County issued pursuant to this chapter.
- C. Each short-term rental shall comply with all of the following:

. Do we need to consider developing a noise ordinance for the county?

- (1) The number of occupants in any dwelling unit shall not exceed the limits set forth in Wis. Admin. Code § ATCP 72.14 for hotels, motels, and tourist rooming houses.

- (2) 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 or other invitees. Ask Mr. Windle
- (3) If the property owner resides within 50 miles of the short-term rental property, a local property manager is not required to be designated. The property owner shall be available 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 Zoning Administrator within three business days of any change in the property owner's contact information and submit the revised contact information to the Zoning Administrator within the same time period.
- (4) Unless the property owner resides within 50 miles of the short-term rental property, a local property manager must be designated for contact purposes and his or her name must be included in the application filed with the Zoning Administrator. The local property manager must reside within 35 miles of the short-term rental property and shall be available 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 Zoning Administrator within three business days of any change in the property manager's contact information for the short-term rental and submit the revised contact information to the Town Clerk within the same time period.
- (5) The property owner shall have and maintain homeowner's liability or business liability insurance 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.
. Ask Mr. Windle-feels like overstepping on our part
- (6) .

§ 280-4. Short-term rental license. Question for Mr. Windle-if one owner owns multiple units in the same building would it be one license/CUP or one for each unit?

- A. The need to determine who this will be shall issue a short-term rental license if an applicant demonstrates compliance with the provisions of Chapter 280 of County Ordinance. A short-term rental license is issued for one license year -need to decide on this and may be renewed annually as provided in § 280-6. The license shall contain the following information:
 - (1) The name of the property owner, with contact information including mailing address and a telephone number at which the property owner is available. If the property owner is also acting as the property manager, then the requirements of Subsection A(2) shall apply to the property owner.

- (2) The name of the property manager, with contact information, including mailing address, physical address (if different from mailing address) and a telephone number at which the property manager shall be available between the hours of 8:00 a.m. and 11:00 p.m. on those days when the property is rented. [Amended 6-15-2020 by Ord. No. 9-2020]
- (3) The license term.
- (4) The state of Wisconsin tourist rooming house license number.

§ 280-5. Short-term rental license procedure.

- A. All applications for a short-term rental license shall be filed with the Zoning Administrator on forms provided by the Administrator. Applications must be filed by the property owner or the property manager. 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, § 280-8:
 - (1) The name of the property owner, with contact information including mailing address and a telephone number at which the property owner is available. If the property owner is also acting as the property manager, then the application shall include mailing address, physical address (if different from mailing address) and a telephone number at which the property owner shall be available between the hours of 8:00 a.m. and 11:00 p.m. on those days when the property is rented. [Amended 6-15-2020 by Ord. No. 9-2020]
 - (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) Written evidence of liability insurance as required by § 280-3C(9). Need to decide on this
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. [Amended 7-29-2019 by Ord. No. 4-2019]
 - (4) Designation of a property manager, unless the property owner is acting as the property manager, with contact information, including mailing address, physical address (if different from mailing address) and a telephone number at which the property manager shall be available between the hours of 8:00 a.m. and 11:00 p.m. on those days when the property is rented, and an affirmative statement that the property manager is authorized to act as agent and as the local contact person for the property owner with respect to operation of the short-term rental, including taking remedial action and promptly

responding to any violation of this chapter or the County Ordinance relating to the licensed premises, and receiving service of notice of violation of this chapter's provisions.

- (5) 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. Ask Mr. Windle if this is really necessary
- C. Unless earlier revoked, each license shall run from July 1 of one year to June 30 of the following 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.
- D. When the Zoning Administrator determines that an application is complete and meets the requirements of this chapter, the Administrator shall approve the application and issue a short-term rental license (or, if applicable, a provisional short-term rental license) to the applicant. If the Administrator determines that the application is incomplete or does not meet the requirements of this chapter, the Administrator 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 Richland County. Mr. Windle is this important or can we delete
- F. No short-term rental license (or, if applicable, a provisional short-term rental ordinance) 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 § 280-9D.
- G. License is non-transferrable. No refunds.

§ 280-6. Renewal. Need to decide if we are doing one time CUP or annual license

- 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 Clerk adequate time to review the application. The Clerk shall determine whether the information provided in the renewal application is complete and meets the requirements of this chapter. The Clerk 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 Clerk 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 Clerk determines not to renew the license, the Clerk 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 as provided in § 280-9.

- 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.

§ 280-7. Standards for short-term rentals.

- A. 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:
- (1) The number of occupants may not be more than allowed under Wis. Admin. Code Ch. ATCP 72 or any other state regulation, state statute, or local ordinance.
 - (2) 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. [Amended 6-1-2020 by Ord. No. 6-2020; 6-8-2020 by Ord. No. 7-2020; 6-15-2020 by Ord. No. 9-2020]

§ 280-8. Display of permit.

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

§ 280-9. Appeal of licensing decisions; license revocation; appeal procedure; judicial review.

- A. The Zoning Administrator's decision to deny an initial short-term rental license or to deny renewal of a short-term rental license shall specify the reason(s) for such denial, in writing. Prior to the time for the renewal of the license, the Zoning Administrator shall notify the licensee in writing of the County's intention not to renew the license and notify the licensee of his or her right to an appeal hearing as provided in § 280-98.
- B. The Zoning Administrator's decision to deny an initial license or to deny renewal of a license may be appealed to the Land & Zoning Standing Committee by filing a written appeal with the Administrator within 21 calendar days (excluding legal holidays) after the date of mailing of the written notice of the Zoning Administrator's decision denying such license or renewal license. The

Land & Zoning Standing Committee shall conduct a due process hearing and issue a written decision on the appeal within 30 calendar days of the County's receipt of the written appeal, or the license shall be deemed granted. If the appellant appears at the hearing he or she may produce and cross-examine witnesses, present relevant evidence, and be represented by counsel or his or her choosing, at his or her expense. If the Land & Zoning Standing Committee finds the Zoning Administrator's reason(s) for his or her decision sufficient, the decision shall be affirmed. If the Committee finds the Zoning Administrator'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 Committee finds the Zoning Administrator's reason(s) for his or her decision sufficient, the decision shall be affirmed. The Committee's written decision on the appeal must specify the reason(s) for its determination. The Zoning Administrator shall give written notice of the Committee's decision to the applicant or licensee.

- C. A license may be revoked by the Land & Zoning Standing Committee 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 County. We deleted this earlier
 - (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.
- D. Revocation. Any resident of or owner of property within Richland County may file a sworn written complaint with the Zoning Administrator alleging one or more of the reasons set forth in § 280-9C as grounds for revocation of a short-term rental license issued under this chapter. Upon the filing of the complaint, the Land & Zoning Standing Committee 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 Committee 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 § 280-9B. If a license is revoked, the Zoning Administrator 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.
- E. Judicial review. The action of the Land & Zoning Standing Committee (do we need to add a step where they get to appeal to the whole county board?) in granting or renewing, refusing to grant or renew, or revoking a license under this chapter may be reviewed by the Richland County Circuit Court upon appeal by the applicant, licensee, or a resident of or owner of property within the County. Such appeal shall be filed within 30 days of the date of mailing by the Zoning Administrator of the notice of the Land & Zoning Standing Committee's action granting or renewing, refusing to grant or renew, or revoking a license. The procedure on review shall be the same as in civil actions commenced in the circuit court pursuant to Wis. Stats. Chs. 801 to 807.

§ 280-10. 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 Sheboygan 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. Ask Mr. Windle
- B. The penalties set forth in this section shall be addition to all other remedies of injunction, abatement or costs, whether existing under this chapter or otherwise.

§ 280-11. 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 Richland County Board.

§ 280-12. 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.