



## **AGENDA FOR PLANNING COMMISSION**

### **MEETING NOTICE**

A Planning Commission meeting will be held on **Thursday, April 03, 2025 at 6:30 PM** in the **Council Chambers at City Hall, 819 Superior Avenue, Tomah, WI.**

---

#### **Join Zoom Meeting**

<https://us06web.zoom.us/j/2708608080?pwd=ZTZ0cm1LVEFEb1dzVDNwdi91UHFYQT09>

Meeting ID: 270 860 8080

Passcode: 206751

One tap mobile +13126266799,,2708608080#,,,,\*206751# US (Chicago)

#### **CALL TO ORDER**

1. Roll Call
2. [Chairperson States Rules of Order](#)

#### **ANYONE DESIRING TO APPEAR TO BEFORE THE PLANNING COMMISSION**

No action will be taken by the Planning Commission under this agenda item. Members of the public will adhere to the rules of order stated by the Chairperson.

#### **TRAINING**

1. [Vandewalle & Associates Planning Commission Training](#)
2. [Review of Wisconsin State Statute 62.23](#)
3. [Review of Municipal Ordinance Chapter 2: Administration, Division 4: City Plan Commission](#)

#### **APPROVAL**

1. [March Meeting Minutes](#)
2. [Site Plan Review: 1100 Superior Avenue](#)

#### **DISCUSSION**

1. [April Reorganization](#)
2. [Short Term Vacation Rentals](#)
3. Department of Economic Development and Zoning Monthly Update
4. [Downtown Master Plan Status Update](#)

## **Planning Commission – April 03, 2025**

### **FUTURE AGENDA ITEMS**

1. Department of Economic Development and Zoning Monthly Report
2. Downtown Master Plan Update
3. Operation Welcome Home - Project Habitat For Humanity

### **FUTURE MEETING DATE**

1 May 2025 at 5:30pm in the City Council Chambers

### **ADJOURN**

**NOTICE:** It is possible that a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information. No action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice. Please note that, 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, contact Becki Weyer, City Clerk, at 819 Superior Avenue, Tomah, WI 54660.

RESOLUTION NO. 2007-11-13-33

RESOLUTION ESTABLISHING CITY OF TOMAH  
PUBLIC APPEARANCE POLICY

**WHEREAS**, the Common Council of the City of Tomah has requested that a formal public appearance policy be established as follows:

For AGENDA items, citizens/taxpayers will only be allowed to speak when the item appears on the agenda. Council discussion will follow. Each regular Council agenda has a section which allows citizens to comment on NON-AGENDA items. No action can be taken on non-agenda items, and;

City residents and City taxpayers may address the Common Council. Non-City residents may address the Common Council upon majority vote of the Council members in attendance (or prior administrative permission granted by the Mayor, City Administrator or City Clerk).

Speakers are strongly encouraged to limit remarks to City of Tomah city government issues. (Failure to follow the Public Appearance Policy may result in a speaker forfeiting their right to speak and/or asked to leave the meeting.)

After the Mayor (or presiding officer) has recognized the speaker and asked him/her to go to the public podium, the following shall apply:

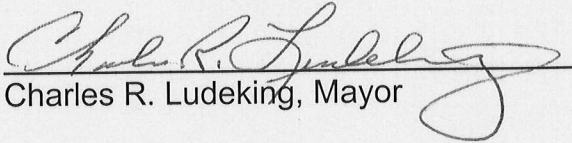
- The speaker must state his/her name, address and issue that will be addressed.
- Comments shall then be presented - decorum shall always be maintained using appropriate language, dignified behavior & non-abusive criticizing. Use of inappropriate, vulgar or abusive language is not permitted.
- Speakers shall remain at the public podium and shall not approach the Council members.
- Written information or visual exhibits intended for the Council shall be provided to the City Clerk for distribution upon approval of the Mayor (or presiding officer).
- The Council will not debate with the speaker, but may ask questions for clarification only. The Council can request that the issue be directed to

the appropriate staff or committee (done by City Administrator) for further review.

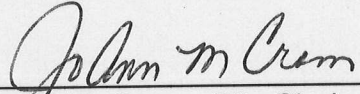
- Comments must not include personal attacks directed at any individual or group.
- Comments should be directed to the Council as a body—not to individual Council members, staff members or viewing audience.
- The Council may make exceptions to any of these guidelines by a majority vote of its members in attendance.

**NOW THEREFORE BE IT RESOLVED** that the Common Council of the City of Tomah hereby approves this public appearance policy effective immediately.

Dated this 13<sup>th</sup> day of November, 2007.

  
Charles R. Ludeking, Mayor

ATTEST:

  
JoAnn M. Cram, City Clerk



# City of Tomah

## Plan Commission Training

# Cover Today

1. Existing Plans
2. Plan Commission Powers
3. What Does the Plan Commission Review?
4. Questions

# Existing Community Plans

- Annual Planning
  - Capital Improvements Plan (CIP) – City Council
- Every 5 Years
  - Park and Open Space Plan (2021) – Parks Committee
- Every 10 Years
  - Comprehensive Plan (2024) – Plan Commission
- As Needed
  - Downtown Plan (2017)
  - Neighborhood Plans
  - County, Regional, and State Plans

# These Plans Inform....

- Annual budgeting process
- Future growth/preservation areas and land use decisions
- Economic development priorities
- Regional initiatives
- Zoning Ordinance and Map changes
  - All changes must be consistent with the Comp Plan, per state statutes



# Plan Commission Powers

- Wisconsin State Statutes 62.23
- Make **reports and recommendations relating to the Master Plan** and development of the community to public officials, citizens, and others.
- **Recommend programs for public improvements** and the financing thereof to the elected officials.
- **Keep a public record** of its resolutions, transactions, findings, and determinations.
- **Enter upon any land**, make examinations and surveys, and place and maintain necessary monuments/marks – in the performance of its functions.
- Powers as may be **necessary to enable it to perform its functions** and promote municipal planning

# What Does the PC Review?

1. **Zoning Code Amendments (Text)** – Public Hearing and recommendation to Council
2. **Zoning Map Amendments (Rezoning)** – Public Hearing and recommendation to Council
3. **Conditional Use Permits** – Public Hearing and approval
4. **Site Plan and Design Review** – Only Plan Commission approval needed
5. **Planned Developments** – Public Hearing and recommendation to Council
6. **Land Division and Annexations**– Recommendation to Council
7. **Comprehensive Plan Amendments** – Recommendation to Council

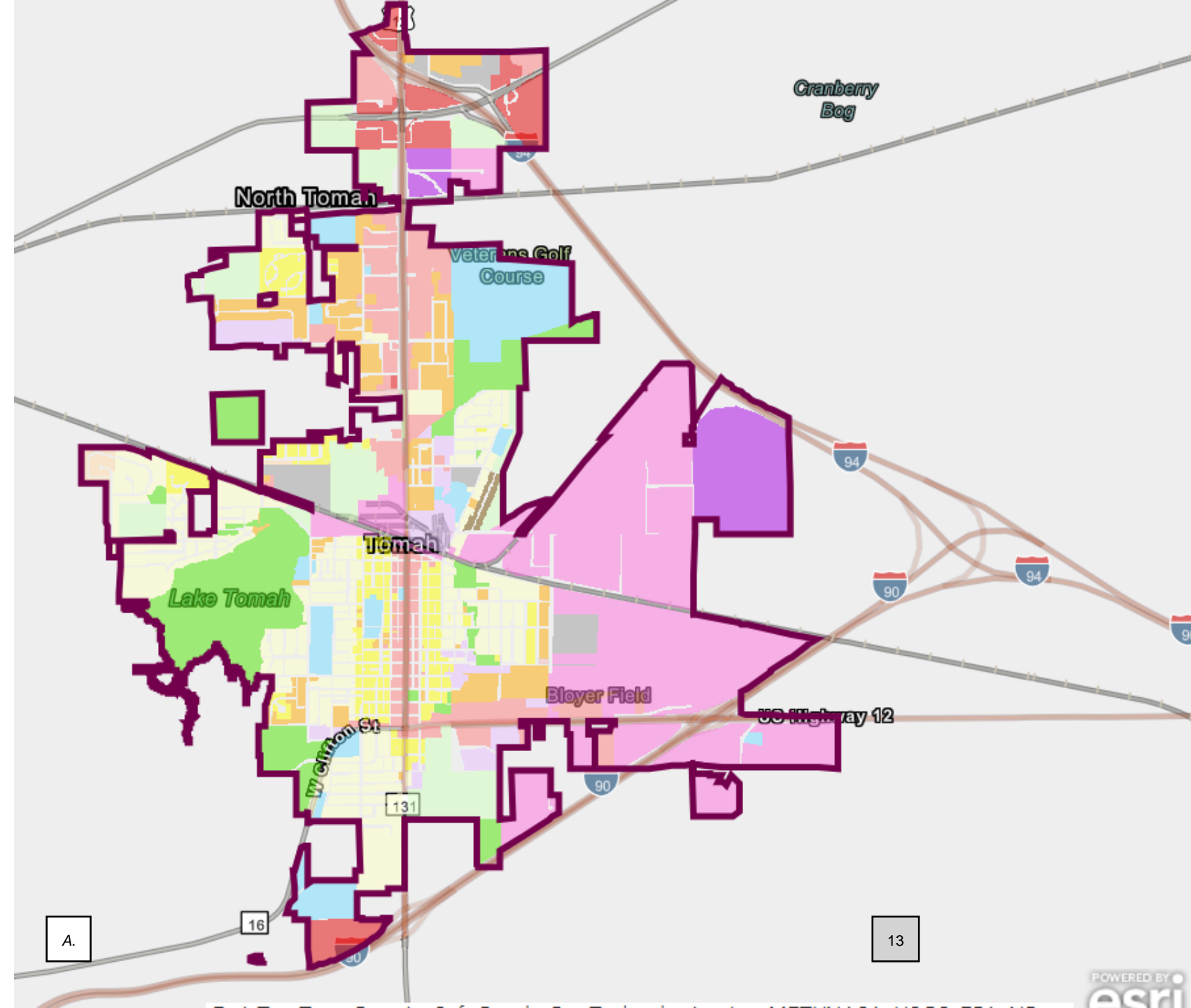
*Plus, certain unique/specific situations.*

# Zoning Code and Map

- Zoning regulates how land is used (land uses, setbacks, lot sizes, parking, signs, etc.)
- Every parcel in the City has an assigned zoning district as shown on the Zoning Map (residential, commercial, industrial)
- Zoning Ordinance = written rules
- Zoning Map = where those rules apply

# Zoning Code and Map

- City Zoning Districts:
  - 6 residential districts (single, two, multi-family, mobile home and park, zero lot line)
  - 3 commercial districts (business, office, highway)
  - 3 industrial districts (limited, general, highway)
  - 4 other districts – Agricultural, Conservancy, Institutional, and Planned Development
  - Overlay districts for downtown design
  - Other applicable ordinance – floodplains, shorelands, and wetlands



Zoning ⋮

- A-1 Agricultural district
- B Business district
- B-1 Office Business district
- B-2 Highway district
- C-1 Conservancy district
- I Institutional district
- M-1 Limited industrial district
- M-2 General industrial district
- M-3 Highway industrial district
- R-1 Single-family residential district
- R-2 One- and two-family residential district
- R-3 Multifamily residential district
- R-4 Manufactured home residential district
- R-5 Mobile home district
- R-6 Zero lot line residential district

Design District ⋮

Floodway ⋮

Floodplain ⋮

# Zoning Code and Map

- Amendments are needed from time to time:
  - Zoning text changes
    - Address issues, law changes, or modernize
    - Most recent = parking changes
  - Zoning map changes
    - New properties come into the City (need a zoning designation)
    - New desired use for the property (property owner request)

# Conditional Use Permits Wis. Stat. 62.23(7)(de)

- Uses that are not prohibited nor permitted by right. “It depends”
- Allows City to consider, “Is this a good idea in this location?”
- Sometimes extra requirements for CUPs are built into zoning code
  - Additional conditions may be attached by Plan Commission based on specific proposal or site
- **Cannot** use a CUP to provide flexibility from zoning code standards (waive or relax conditions)
- **2017 state law change – requires a CUP to be approved if all zoning requirements are met**

# Examples of Conditions

- Parking
- Landscaping/screening
- Architectural design
- Lighting
- Operational control, hours of operation
- Traffic circulation and access
- Outdoor storage



# Site Plan and Design Review

- Applies to any multi-family, commercial, or industrial project
- Covers all components of project: grading, layout, setbacks, height, design, windows, roofs, lighting, signage, landscaping, etc.
- Planner typically provides report outlining each requirement and if the project meets it
- Plan Commission reviews for consistency
  - Most frequent item on Plan Commission agenda

# Planned Developments

- Enables flexible/customized rules (deviate from zoning requirements) for special projects in exchange for higher standards and better development
- Negotiation between developer and City
- Establishes unique new zoning for that property (use an existing district as the baseline)
  - Example = Proposed 50' tall multi-family building, but code limits to 40' tall in that district
    - PD would provide the ability to increase the height for that project

# Planned Developments

## Four Step Process\*:

1. Pre-Application Conference with staff
2. Concept Review with Plan Commission
3. General Development Plan (GDP)
  - Creates new custom zoning for property
4. Specific Implementation Plan (SIP)
  - Approves specific components of the proposed development
    - Design, layout, landscaping, parking, etc.

\*Depending on the situation, sometimes steps can be combined



# Land Division

- Two types:
  - Certified Survey Map (CSM)
    - Combining/splitting of 4 lots or less
  - Subdivision Plat
    - Combining/splitting 5+ lots
    - Two steps – preliminary plat and final plat
- Plan Commission reviews and recommends to the City Council



# Comprehensive Plan

- Per state statutes, all communities in the state must have an adopted plan that is updated every 10-years
  - Any zoning change must align with the Comp Plan
- Future Land Use Map shows the City's desired growth pattern over the next 20 years
- It also outlines the community's desired goals, objectives, and priorities
- Occasionally, between the 10-year updates, the plan needs to be amended

# Map 8b: Future Land Use - City Extent

## City of Tomah Comprehensive Plan

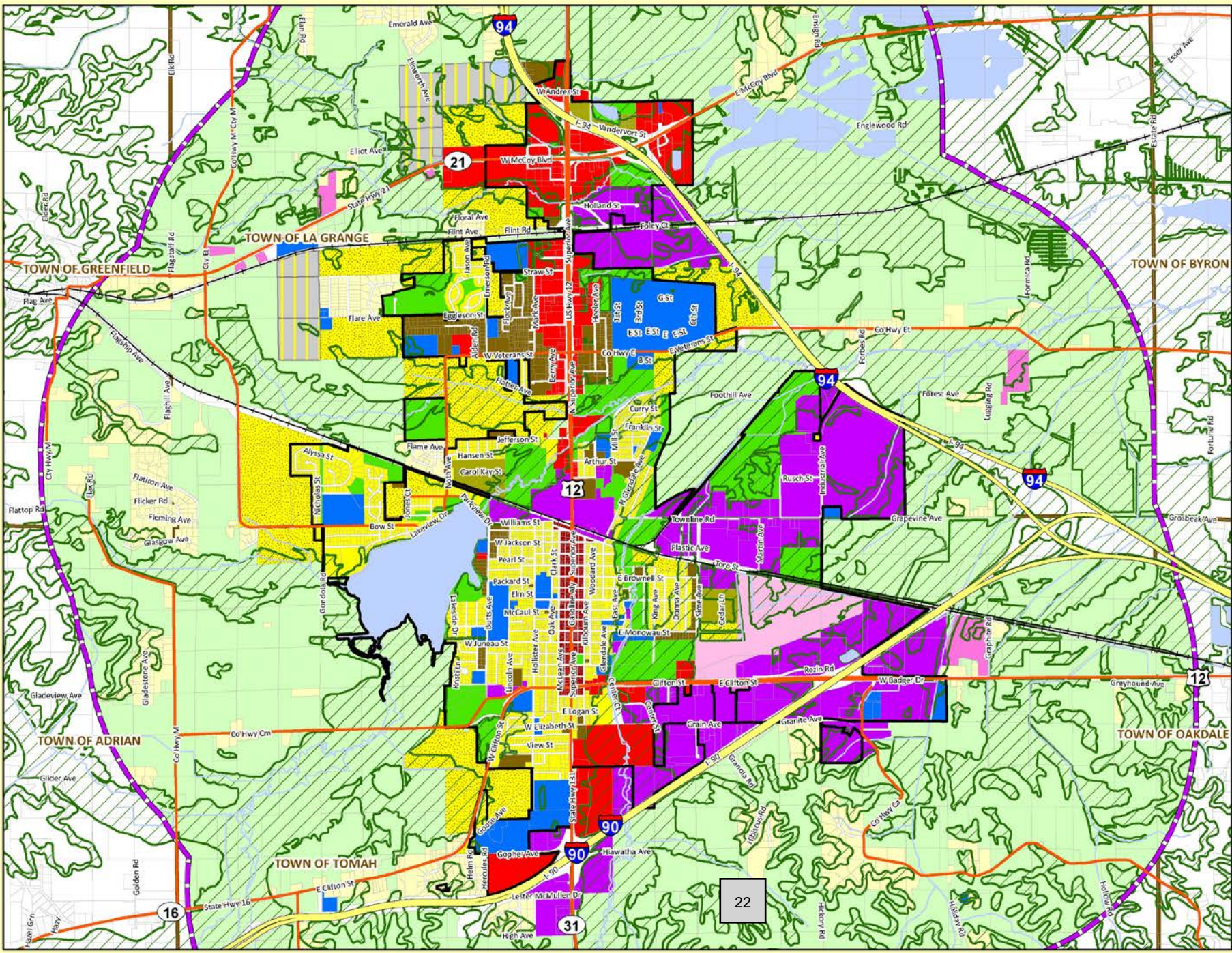
- City of Tomah
  - 1.5 Mile Extraterritorial Jurisdiction
  - Other Municipal Boundaries
  - Natural Resource Protection Area
- ### Future Land Use
- Agriculture
  - Unsewered Residential
  - Medium Density Residential
  - Manufactured Residential
  - High Density Residential
  - Planned Neighborhood
  - Rural Commercial
  - Planned Mixed Use
  - Regional Mixed Use
  - Downtown Mixed Use
  - Heavy Industrial
  - Parks, Recreation, and Open Space
  - Public and Institutional
  - Airport
  - Extraction and Disposal
  - Long-Term Growth Area
  - Parcels
  - Interstate
  - Other Highway
  - Rail
  - Water



**VANDEWALLE & ASSOCIATES INC.**  
*inspiring places, shaping change*

Date: July 16, 2024  
 Sources: City of Tomah, Monroe County, WI DNR, WI LTSB, FEMA, MSA, USDA

VANDEWALLE & ASSOCIATES INC.



A.

22

# Comp Plan Amendments

- Amendments require:
  - 30-day public notice
  - Public Hearing before the City Council
  - Action by both the Plan Commission and City Council

# Summary Table

	Zoning Ordinance	Comprehensive Plan	Subdivision Ordinance
What power does it have?	Adopted Policy (ordinance)	Policy Guide (plan)	Adopted Policy (ordinance)
What does it regulate?	Land Use	Future Growth	Land Division
What is it used for?	Implementation Tool	Prioritizes Implementation Tools	Implementation Tool
What does it apply to?	Land in the City	Land in the ETJ	All Division of Land
How is it mapped?	Zoning Map	Future Land Use Map	Parcel Map



# Other Resources

- University of Wisconsin Extension Land Use Training and Resources
- University of Wisconsin-Stevens Point Center for Land Use Education
- Wisconsin State Statutes
- Tomah Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance (City website)

the owner or owners of one-third or more of the land in the block, the council may adopt a resolution by a vote of a majority of its members, the same as in the case of a petition for the opening, widening, extension or change of a street, and like proceedings shall be had thereon. If it shall afterwards appear that the petition was not sufficiently signed, that fact shall not, in the absence of fraud, vitiate the petition or the subsequent proceedings thereon.

(d) *Proceedings without petition.* The council may, without a petition, by resolution declare it necessary to condemn land, describing it, for any authorized purpose, and direct the city attorney to prosecute condemnation proceedings therefor. If the purpose is the opening, widening, extension, or change of a street or alley, the resolution must be adopted by a vote of four-fifths of all the members. Before adopting the resolution it shall be referred to the board of public works, who shall make a particular description of each lot, parcel or subdivision of land proposed to be taken, and a plat of the proposed street or alley, drain or water pipe, or land to be used for other authorized purposes, and report the same to the council.

(e) *Abandoned portion vacated.* When a street or alley shall be changed by proceedings under this section so much of the original street or alley as shall be left out of it as changed shall be deemed vacated without any other proceeding, and the fact of such vacation shall be taken into account in assessing benefits and damages by reason of the condemnation proceedings.

**History:** 1971 c. 304 s. 29 (1); 1987 a. 324, 399; 1995 a. 378; 2017 a. 59; 2021 a. 240 s. 30.

**Cross-reference:** See s. 840.11, requiring an applicant for a change in streets or alleys to file a notice of pendency of the application.

The public purpose doctrine does not require in every case in which public property is conveyed to the private sector that public use be reserved for perpetuity. The rehabilitation of deteriorating public facilities is a legitimate public purpose. The consideration for transfers of public property to private entities may consist of benefits other than, or in addition to, money, such as the public benefit from the transfer and the obligations the private actor assumes. *Bishop v. City of Burlington*, 2001 WI App 154, 246 Wis. 2d 879, 631 N.W.2d 656, 00-2346.

**62.225 Recycling or resource recovery facilities.** A city may establish and require use of facilities for the recycling of solid waste or for the recovery of resources from solid waste as provided under s. 287.13.

**History:** 1983 a. 27; 1989 a. 335 s. 89; 1995 a. 227.

**62.23 City planning.** (1) **COMMISSION.** (a) The council of any city may by ordinance create a "City Plan Commission," to consist of 7 members. The commission shall also include, as a nonvoting member, a representative from a military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, that is located in the city, if the base's or installation's commanding officer appoints such a representative. All members of the commission, other than the representative appointed by the commanding officer of a military base or installation, shall be appointed by the mayor, who shall also choose the presiding officer. The mayor may appoint himself or herself to the commission and may appoint other city elected or appointed officials, except that the commission shall always have at least 3 citizen members who are not city officials. Citizen members shall be persons of recognized experience and qualifications. The council may by ordinance provide that the membership of the commission shall be as provided thereunder.

(d) The members of the commission shall be appointed to hold office for a period of 3 years. Appointments shall be made by the mayor during the month of April for terms that expire in April or at any other time if a vacancy occurs during the middle of a term.

(e) The city plan commission shall have power and authority to employ experts and a staff, and to pay for their services and such other expenses as may be necessary and proper, not exceeding, in all, the appropriation that may be made for such commis-

sion by the legislative body, or placed at its disposal through gift, and subject to any ordinance or resolution enacted by the governing body.

(f) Any city may by ordinance increase the number of members of the city plan commission so as to provide that the building commissioner or building inspector shall serve as a member thereof.

(2) **FUNCTIONS.** Except as provided under sub. (7a) (am), it shall be the function and duty of the commission to make and adopt a master plan for the physical development of the city, including any areas outside of its boundaries that in the commission's judgment bear relation to the development of the city provided, however, that in any county where a regional planning department has been established, areas outside the boundaries of a city may not be included in the master plan without the consent of the county board of supervisors. The master plan, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the commission's recommendations for such physical development, and shall, as described in sub. (3) (b), contain at least the elements described in s. 66.1001 (2). The commission may from time to time amend, extend, or add to the master plan or carry any part or subject matter into greater detail. The commission may adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.

(3) **THE MASTER PLAN.** (a) The master plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development.

(b) The commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts of a master plan. Beginning on January 1, 2010, or, if the city is exempt under s. 66.1001 (3m), the date under s. 66.1001 (3m) (b), if the city engages in any program or action described in s. 66.1001 (3), the master plan shall contain at least all of the elements specified in s. 66.1001 (2). The adoption of the plan or any part, amendment, or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the city plan commission. The resolution shall refer expressly to the elements under s. 66.1001 and other matters intended by the commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part of the plan by the identifying signature of the secretary of the commission, and a copy of the plan or part of the plan shall be certified to the common council, and also to the commanding officer, or the officer's designee, of any military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, that is located in or near the city. The purpose and effect of the adoption and certifying of the master plan or part of the plan shall be solely to aid the city plan commission and the council in the performance of their duties.

(4) **MISCELLANEOUS POWERS OF THE COMMISSION.** The commission may make reports and recommendations relating to the plan and development of the city to public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens. It may recommend to the mayor or council, programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the commission, within a reasonable time, such available information as it may require for its work. The commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and

**62.23 CITIES****Updated 23-24 Wis. Stats. 20**

maintain necessary monuments and marks thereon. In general, the commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning.

**(5) MATTERS REFERRED TO CITY PLAN COMMISSION.** The council, or other public body or officer of the city having final authority thereon, shall refer to the city plan commission, for its consideration and report before final action is taken by the council, public body or officer, the following matters: The location and architectural design of any public building; the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the city or within the territory over which the city is given platting jurisdiction by ch. 236; the location, character and extent or acquisition, leasing or sale of lands for public or semipublic housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any ordinance adopted pursuant to this section. Unless such report is made within 30 days, or such longer period as may be stipulated by the common council, the council or other public body or officer, may take final action without it.

**(6) OFFICIAL MAP.** (a) As used in this subsection, “waterways” includes rivers, streams, creeks, ditches, drainage channels, watercourses, lakes, bays, ponds, impoundment reservoirs, retention and detention basins, marshes and other surface water areas, regardless of whether the areas are natural or artificial.

(am) 1. In this paragraph:

a. “Airport” means an airport as defined under s. 114.002 (7) which is owned or operated by a county, city, village or town either singly or jointly with one or more counties, cities, villages or towns.

b. “Airport affected area” means the area established by an agreement under s. 66.1009. If a county, city, village or town has not established such an agreement, “airport affected area” in that county, city, village or town means the area located within 3 miles of the boundaries of an airport.

2. If the council of any city which is not located in whole or in part in a county with a population of 750,000 or more has established an official map under par. (b), the map shall show the location of any part of an airport located within the area subject to zoning by the city and any part of an airport affected area located within the area subject to zoning by the city.

(b) The council of any city may by ordinance or resolution establish an official map of the city or any part thereof showing the streets, highways, historic districts, parkways, parks and playgrounds laid out, adopted and established by law. The city may also include the location of railroad rights-of-way, waterways and public transit facilities on its map. A city may include a waterway on its map only if the waterway is included in a comprehensive surface water drainage plan. The map is conclusive with respect to the location and width of streets, highways, waterways and parkways, and the location and extent of railroad rights-of-way, public transit facilities, parks and playgrounds shown on the map. The official map is declared to be established to conserve and promote the public health, safety, convenience or general welfare. The ordinance or resolution shall require the city clerk at once to record with the register of deeds of the county or counties in which the city is situated a certificate showing that the city has established an official map. An ordinance or resolution establishing any part of an official map enacted prior to June 16, 1965, which would be valid under this paragraph is hereby validated.

(c) The city council may amend the official map of the city so as to establish the exterior lines of planned new streets, highways, historic districts, parkways, railroad rights-of-way, public transit facilities, waterways, parks or playgrounds, or to widen, narrow, extend or close existing streets, highways, historic districts, parkways, railroad rights-of-way, public transit facilities, waterways, parks or playgrounds. No such change may become effective until after a public hearing concerning the proposed change before the city council or a committee appointed by the city council from its members, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the public hearing shall be published as a class 2 notice under ch. 985. Before amending the map, the council shall refer the matter to the city plan commission for report, but if the city plan commission does not make its report within 60 days of reference, it forfeits the right to further suspend action. When adopted, amendments become a part of the official map of the city, and are conclusive with respect to the location and width of the streets, highways, historic districts, waterways and parkways and the location and extent of railroad rights-of-way, public transit facilities, parks and playgrounds shown on the map. The placing of any street, highway, waterway, parkway, railroad right-of-way, public transit facility, park or playground line or lines upon the official map does not constitute the opening or establishment of any street, parkway, railroad right-of-way, public transit facility, park or playground or alteration of any waterway, or the taking or acceptance of any land for these purposes.

(d) The locating, widening or closing, or the approval of the locating, widening or closing of streets, highways, waterways, parkways, railroad rights-of-way, public transit facilities, parks or playgrounds by the city under provisions of law other than this section shall be deemed to amend the official map, and are subject to this section, except that changes or additions made by a subdivision plat approved by the city under ch. 236 do not require the public hearing specified in par. (c) if the changes or additions do not affect any land outside the platted area.

(e) No permit may be issued to construct or enlarge any building within the limits of any street, highway, waterway, railroad right-of-way, public transit facility or parkway, shown or laid out on the map except as provided in this section. The street, highway, waterway, railroad right-of-way, public transit facility or parkway system shown on the official map may be shown on the official map as extending beyond the boundaries of a city or village a distance equal to that within which the approval of land subdivision plats by the city council or village board is required as provided by s. 236.10 (1) (b) 2. Any person desiring to construct or enlarge a building within the limits of a street, highway, railroad right-of-way, public transit facility or parkway so shown as extended may apply to the authorized official of the city or village for a building permit. Any person desiring to construct or enlarge a building within the limits of a street, highway, waterway, railroad right-of-way, public transit facility or parkway shown on the official map within the incorporated limits of the municipality shall apply to the authorized official of the city or village for a building permit. Unless an application is made, and the building permit granted or not denied within 30 days, the person is not entitled to compensation for damage to the building in the course of construction of the street, highway, railroad right-of-way, public transit facility or parkway shown on the official map. Unless an application is made, and the building permit granted or not denied within 30 days, the person is not entitled to compensation for damage to the building in the course of construction or alteration of the waterway shown on the official map within the incorporated limits of the municipality. If the land within the mapped street, highway, waterway, railroad right-of-way, public transit facility or parkway is not yielding a fair return, the board

of appeals in any municipality which has established such a board having power to make variances or exceptions in zoning regulations may, by the vote of a majority of its members, grant a permit for a building or addition in the path of the street, highway, waterway, railroad right-of-way, public transit facility or parkway, which will as little as practicable increase the cost of opening the street, highway, waterway, railroad right-of-way, public transit facility or parkway or tend to cause a change of the official map. The board may impose reasonable requirements as a condition of granting the permit to promote the health, convenience, safety or general welfare of the community. The board shall refuse a permit where the applicant will not be substantially affected by not constructing the addition or by placing the building outside the mapped street, highway, waterway, railroad right-of-way, public transit facility or parkway.

(f) In any city in which there is no such board of appeals, the city council shall have the same powers and shall be subject to the same restrictions. For this purpose such council is authorized to act as a discretionary administrative or quasi-judicial body. When so acting it shall not sit as a legislative body but in a separate meeting and with separate minutes kept.

(g) Before taking any action authorized in this subsection, the board of appeals or city council shall hold a hearing at which parties in interest and others shall have an opportunity to be heard. At least 15 days before the hearing notice of the time and place of the hearing shall be published as a class 1 notice, under ch. 985. Any decision under this paragraph shall be subject to review by certiorari pursuant to sub. (7) (e) 10. a., except that if the decision is on an application for an approval, as defined in s. 781.10 (1) (a), the decision shall be subject to review under the procedures contained in s. 781.10.

(h) In any city that has established an official map, no public sewer or other municipal street utility or improvement may be constructed in any street, highway, or parkway until the street, highway, or parkway is placed on the official map. No permit for the erection of any building may be issued unless a street, highway, or parkway giving access to the proposed structure has been placed on the official map. Where the enforcement of the provisions of this section would entail practical difficulty or unnecessary hardship, and where the circumstances of the case do not require the structure to be related to existing or proposed streets, highways, or parkways, the applicant for a permit may appeal from the decision of the administrative officer having charge of the issue of permits to the board of appeals in any city that has established a board having power to make variances or exceptions in zoning regulations, and the same provisions are applied to appeals under this paragraph and to boards as are provided in cases of appeals on zoning regulations. The board may in passing on an appeal under this paragraph make any reasonable exception, and issue the permit subject to conditions that will protect any future street, highway, or parkway layout. Any decision under this paragraph shall be subject to review by certiorari pursuant to sub. (7) (e) 10. a., except that if the decision is on an application for an approval, as defined in s. 781.10 (1) (a), the decision shall be subject to review under the procedures contained in s. 781.10. In any city in which there is no board of appeals the city council shall have the same powers and be subject to the same restrictions, and the same method of court review shall be available. For purpose of appeal under this paragraph, the council is authorized to act as a discretionary administrative or quasi-judicial body. When so acting it shall not sit as a legislative body, but in a separate meeting and with separate minutes kept.

(i) In those counties where the county maintains and operates parks, parkways, playgrounds, bathing beaches and other recreational facilities within the limits of any city, such city shall not

include said facilities in the master plan without the approval of the county board of supervisors.

(7) ZONING. (ab) *Definition.* In this subsection “nonconforming use” means a use of land, a dwelling, or a building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with the use restrictions in the current ordinance.

(am) *Grant of power.* For the purpose of promoting health, safety, morals or the general welfare of the community, the council may regulate and restrict by ordinance, subject to par. (hm), the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, subject to s. 66.10015 (3) the density of population, and the location and use of buildings, structures and land for trade, industry, mining, residence or other purposes if there is no discrimination against temporary structures. This subsection and any ordinance, resolution or regulation enacted or adopted under this section, shall be liberally construed in favor of the city and as minimum requirements adopted for the purposes stated. This subsection may not be deemed a limitation of any power granted elsewhere.

(b) *Districts.* For any and all of said purposes the council may divide the city into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of this section; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration or use of buildings, structures or land. All such regulations shall be uniform for each class or kind of buildings and for the use of land throughout each district, but the regulations in one district may differ from those in other districts. No ordinance enacted or regulation adopted under this subsection may prohibit forestry operations that are in accordance with generally accepted forestry management practices, as defined under s. 823.075 (1) (d). The council may establish mixed-use districts that contain any combination of uses, such as industrial, commercial, public, or residential uses, in a compact urban form. The council may with the consent of the owners establish special districts, to be called planned development districts, with regulations in each, which in addition to those provided in par. (c), will over a period of time tend to promote the maximum benefit from coordinated area site planning and diversified location of structures and which may have mixed compatible uses. Such regulations shall provide for a safe and efficient system for pedestrian and vehicular traffic, attractive recreation and landscaped open spaces, economic design and location of public and private utilities and community facilities and ensure adequate standards of construction and planning. Such regulations may also provide for the development of the land in such districts with one or more principal structures and related accessory uses, and in planned development districts and mixed-use districts the regulations need not be uniform.

(c) *Purposes in view.* Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to encourage the protection of groundwater resources; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and to preserve burial sites, as defined in s. 157.70 (1) (b). Such regulations shall be made with reasonable consideration, among other things, of the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such city.

(d) *Method of procedure.* 1. a. Upon the request of the city

**62.23 CITIES****Updated 23-24 Wis. Stats. 22**

council, the city plan commission, the board of public land commissioners, or if the city has neither, the city plan committee of the city council shall prepare and recommend a district plan and regulations for the city. Following the formulation of tentative recommendations a public hearing shall be held by, at the council's option, the council, the plan commission, the board of public land commissioners or the plan committee. The entity holding the hearing shall consider any comments made, or submitted, by the commanding officer, or the officer's designee, of a military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, that is located in or near the city. At least 10 days' prior written notice of any such hearings shall be given to the clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the proposed plan and regulations, and to the commanding officer, or the officer's designee, of any military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, that is located in or near the city, but failure to give such notice shall not invalidate such district plan or regulations. Publication of a class 2 notice, under ch. 985, of the tentative recommendations and hearings thereon must be made once during each of the 2 weeks prior to such hearing. If the proposed district plan and regulations have the effect of changing the allowable use of any property within the city, the notice shall include either a map showing the property affected by the plan and regulations or a description of the property affected by the plan and regulations and a statement that a map may be obtained from the city council.

b. The council may make changes in the tentative recommendations after first submitting the proposed changes to the plan commission, board of public land commissioners or plan committee for recommendation and report and after publishing a class 2 notice, under ch. 985, of the proposed changes and hearings thereon as well as the notice to the clerk of any contiguous municipality and to the commanding officer, or the officer's designee, of any military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, that is located in or near the city, as required in subd. 1. a. Hearings on the proposed changes may be held by, at the council's option, the council, the plan commission, the board of public land commissioners or the plan committee. The entity holding the hearing shall consider any comments made, or submitted, by the commanding officer, or the officer's designee, of a military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, that is located in or near the city. If the proposed changes to the proposed district plan and regulations have the effect of changing the allowable use of any property within the city, the notice shall include either a map showing the property affected by the changes or a description of the property affected by the changes and a statement that a map may be obtained from the city council.

2. The council may adopt amendments to an existing zoning ordinance after first submitting the proposed amendments to the city plan commission, board of public land commissioners or plan committee for recommendation and report and after providing the notices as required in subd. 1. b. of the proposed amendments and hearings thereon. In any city which is not located in whole or in part in a county with a population of 750,000 or more, if the proposed amendments would make any change in an airport affected area, as defined in sub. (6) (am) 1. b., the council shall mail a copy of such notice to the owner or operator of the airport bordered by the airport affected area. A hearing shall be held on the proposed amendments by, at the council's option, the council, the plan commission, the board of public land commissioners or the plan committee. The entity holding the hearing shall consider any comments made, or submitted, by the commanding officer, or the officer's designee, of a military base or

installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, that is located in or near the city. If the proposed amendments have the effect of changing the allowable use of any property within the city, the notice shall include either a map showing the property affected by the amendments or a description of the property affected by the amendments and a statement that a map may be obtained from the city council. If the council does not receive recommendations and a report from the plan commission, board of public land commissioners or plan committee within 60 days of submitting the proposed amendments, the council may hold hearings without first receiving the recommendations and report.

2m. In any city which is not located in whole or in part in a county with a population of 750,000 or more, if a proposed amendment under subd. 2. would make any change in an airport affected area, as defined under sub. (6) (am) 1. b. and the owner or operator of the airport bordered by the airport affected area protests against the amendment, the amendment shall not become effective except by the favorable vote of two-thirds of the members of the council voting on the proposed change.

3. The council may repeal or repeal and reenact the entire district plan and all zoning regulations in accordance with subd. 1. The council may repeal or repeal and reenact a part or parts of the district plan and regulations in accordance with subds. 2. and 2m.

4. The city council shall maintain a list of persons who submit a written or electronic request to receive notice of any proposed zoning action that may be taken under subd. 1. a. or b. or 2. that affects the allowable use of the person's property. Annually, the city council shall inform residents of the city that they may add their names to the list. The city council may satisfy this requirement to provide such information by any of the following means: publishing a 1st class notice under ch. 985; publishing on the city's Internet site; 1st class mail; or including the information in a mailing that is sent to all property owners. If the plan commission, the board of public land commissioners, or city plan committee of the city council completes action on any tentative recommendations that are noticed under subd. 1. a., proposed changes to a proposed district plan and regulations that are submitted under subd. 1. b., or proposed amendments that are submitted under subd. 2., and the city council is prepared to vote on the tentative recommendations, proposed changes to a proposed district plan, and regulations or proposed amendments, the city council shall send a notice, which contains a copy or summary of the tentative recommendations, proposed changes to a proposed district plan, and regulations or proposed amendments, to each person on the list whose property, the allowable use of which, may be affected by the tentative recommendations or proposed changes or amendments. The notice shall be by mail or in any reasonable form that is agreed to by the person and the city council, including electronic mail, voice mail, or text message. The city council may charge each person on the list who receives a notice by 1st class mail a fee that does not exceed the approximate cost of providing the notice to the person. An ordinance or amendment that is subject to this subdivision may take effect even if the city council fails to send the notice that is required by this subdivision.

(da) *Interim zoning.* The common council of any city which has not adopted a zoning ordinance may, without referring the matter to the plan commission, enact an interim zoning ordinance to preserve existing uses while the comprehensive zoning plan is being prepared. Such ordinance may be enacted as is an ordinary ordinance but shall be effective for no longer than 2 years after its enactment.

(de) *Conditional use permits.* 1. In this paragraph:

a. "Conditional use" means a use allowed under a condi-

tional use permit, special exception, or other special zoning permission issued by a city, but does not include a variance.

b. “Substantial evidence” means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

2. a. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the city zoning board, the city shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.

b. The requirements and conditions described under subd. 2. a. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit’s duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the city relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The city’s decision to approve or deny the permit must be supported by substantial evidence.

3. Upon receipt of a conditional use permit application, and following publication in the city of a class 2 notice under ch. 985, the city shall hold a public hearing on the application.

4. Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the city may impose conditions such as the permit’s duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the city zoning board.

5. If a city denies a person’s conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in par. (e) 10. a., or if the decision is on an application for an approval, as defined in s. 781.10 (1) (a), under the procedures described in par. (e) 10. b.

(e) *Board of appeals.* 1. The council which enacts zoning regulations pursuant to this section shall by ordinance provide for the appointment of a board of appeals, and shall provide in such regulations that said board of appeals may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained. Nothing in this subdivision shall preclude the granting of special exceptions by the city plan commission or the common council in accordance with the zoning regulations adopted pursuant to this section which were in effect on July 7, 1973 or adopted after that date.

2. The board of appeals shall consist of 5 members appointed by the mayor subject to confirmation of the common council for terms of 3 years, except that of those first appointed one shall serve for one year, 2 for 2 years and 2 for 3 years. The members of the board shall serve at such compensation to be fixed by ordinance, and shall be removable by the mayor for cause upon written charges and after public hearing. The mayor shall designate one of the members as chairperson. The board may employ a secretary and other employees. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The mayor shall appoint, for staggered terms of 3 years, 2 alternate members of such board, in addition to the 5 members above provided for. Annually, the mayor shall designate one of the alternate members as 1st alternate and the other as 2nd alternate. The 1st alternate shall act, with full power, only when a member of the board refuses to vote because of interest or when a member is absent. The 2nd alternate shall so act only when the 1st alternate

so refuses or is absent or when more than one member of the board so refuses or is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to such alternates.

3. The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this section. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in the chairperson’s absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

3m. If a quorum is present, the board of appeals may take action under this subsection by a majority vote of the members present.

4. Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board of appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

5. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of appeals after the notice of appeal shall have been filed with the officer, that by reason of facts stated in the certificate a stay would, in the officer’s opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of appeals or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

6. The board of appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney. In any action involving a listed property, as defined in s. 44.31 (4), the board shall consider any suggested alternatives or recommended decision submitted by the landmarks commission or the planning commission.

7. a. In this subdivision, “area variance” means a modification to a dimensional, physical, or locational requirement such as a setback, frontage, height, bulk, or density restriction for a structure that is granted by the board of appeals under this paragraph. In this subdivision, “use variance” means an authorization by the board of appeals under this paragraph for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.

b. The board of appeals shall have the following powers: To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this section or of any ordinance adopted pursuant thereto; to hear and decide special exception to the terms of the ordinance upon which such board is required to pass under such ordinance; to authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special

**62.23 CITIES****Updated 23-24 Wis. Stats. 24**

conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

c. The board may permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the ordinance, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.

d. A property owner bears the burden of proving “unnecessary hardship,” as that term is used in this subdivision, for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner’s property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome or, for a use variance, by demonstrating that strict compliance with a zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance. In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

e. The council of a city may enact an ordinance specifying an expiration date for a variance granted under this subdivision if that date relates to a specific date by which the action authorized by the variance must be commenced or completed. If no such ordinance is in effect at the time a variance is granted, or if the board of appeals does not specify an expiration date for the variance, a variance granted under this subdivision does not expire unless, at the time it is granted, the board of appeals specifies in the variance a specific date by which the action authorized by the variance must be commenced or completed. An ordinance enacted after April 5, 2012, may not specify an expiration date for a variance that was granted before April 5, 2012.

f. A variance granted under this subdivision runs with the land.

8. In exercising the above mentioned powers such board may, in conformity with the provisions of such section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit.

10. a. Any person or persons, jointly or severally aggrieved by any decision of the board of appeals, or any taxpayer, or any officer, department, board or bureau of the municipality, may, within 30 days after the filing of the decision in the office of the board of appeals, commence an action seeking the remedy available by certiorari. The court shall not stay proceedings upon the decision appealed from, but may, on application, on notice to the board of appeals and on due cause shown, grant a restraining order. The board of appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof. If necessary for the proper disposition of the matter, the court may take evidence, or appoint a referee to take evidence and report findings of fact and conclusions of law as it directs, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify, the decision brought up for review.

b. Notwithstanding subd. 10. a., a decision of the board of appeals on an application for an approval, as defined in s. 781.10

(1) (a), is subject to review under the procedures contained in s. 781.10.

14. Costs shall not be allowed against the board unless it shall appear to the court that the board acted with gross negligence or in bad faith, or with malice, in making the decision appealed from.

15. All issues in any proceedings under this section shall have preference over all other civil actions and proceedings.

(ea) *Filing fees.* The common council may by ordinance or resolution establish reasonable fees for the filing of a petition for amendment of the zoning ordinance or official map, or for filing an appeal to the board of appeals.

(em) *Historic preservation.* 1. Subject to subds. 2. and 2m., a city, as an exercise of its zoning and police powers for the purpose of promoting the health, safety and general welfare of the community and of the state, may regulate by ordinance, or if a city contains any property that is listed on the national register of historic places in Wisconsin or the state register of historic places shall, not later than 1995, enact an ordinance to regulate, any place, structure or object with a special character, historic, archaeological or aesthetic interest, or other significant value, for the purpose of preserving the place, structure or object and its significant characteristics. Subject to subds. 2., 2m., and 3., a city may create a landmarks commission to designate historic or archaeological landmarks and establish historic districts. Subject to subds. 2. and 2m., the city may regulate, or if the city contains any property that is listed on the national register of historic places in Wisconsin or the state register of historic places shall regulate, all historic or archaeological landmarks and all property within each historic district to preserve the historic or archaeological landmarks and property within the district and the character of the district.

2. Before the city designates a historic landmark or establishes a historic district, the city shall hold a public hearing. If the city proposes to designate a place, structure, or object as a historic landmark or establish a historic district that includes a place, structure, or object, the city shall, by 1st class mail, notify the owner of the place, structure, or object of the determination and of the time and place of the public hearing on the determination.

2m. In the repair or replacement of a property that is designated as a historic landmark or included within a historic district or neighborhood conservation district under this paragraph, a city shall allow an owner to use materials that are similar in design, color, scale, architectural appearance, and other visual qualities.

3. An owner of property that is affected by a decision of a city landmarks commission may appeal the decision to the common council. The common council may overturn a decision of the commission by a majority vote of the common council.

(f) *Enforcement and remedies.* 1. The council may provide by ordinance for the enforcement of this section and of any ordinance or regulation made thereunder. In case of a violation of this section or of such ordinance or regulation such council may provide for the punishment by fine and by imprisonment for failure to pay such fine. It is also empowered to provide civil penalties for such violation.

2. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of this section or of any ordinance or other regulation made under authority conferred hereby, the proper authorities of the city, or any adjacent or neighboring property owner who would be specially damaged by such violation may, in addition to other remedies, institute appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use; to restrain, correct or

abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

(g) *Conflict with other laws.* Wherever the regulations made under authority of this section require a greater width or size of yards, courts or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this section shall govern. Wherever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts or other open spaces, or require a lower height of building or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this section, the provisions of such statute or local ordinance or regulation shall govern.

(gm) *Permits.* Neither the city council, nor the city plan commission, nor the city plan committee of the city council, nor the board of appeals may condition or withhold approval of a permit under this section based upon the property owner entering into a contract, or discontinuing, modifying, extending, or renewing any contract, with a 3rd party under which the 3rd party is engaging in a lawful use of the property.

(h) *Nonconforming uses.* The continued lawful use of a building, premises, structure, or fixture existing at the time of the adoption or amendment of a zoning ordinance may not be prohibited although the use does not conform with the provisions of the ordinance. The nonconforming use may not be extended. The total structural repairs or alterations in such a nonconforming building, premises, structure, or fixture shall not during its life exceed 50 percent of the assessed value of the building, premises, structure, or fixture unless permanently changed to a conforming use. If the nonconforming use is discontinued for a period of 12 months, any future use of the building, premises, structure, or fixture shall conform to the ordinance.

(ham) *Manufactured home communities.* Notwithstanding par. (h), a manufactured home community licensed under s. 101.935 that is a legal nonconforming use continues to be a legal nonconforming use notwithstanding the occurrence of any of the following activities within the community:

1. Repair or replacement of homes.
2. Repair or replacement of infrastructure.

(hb) *Repair, rebuilding, and maintenance of certain nonconforming structures.* 1. In this paragraph:

a. "Development regulations" means the part of a zoning ordinance that applies to elements including setback, height, lot coverage, and side yard.

b. "Nonconforming structure" means a dwelling or other building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with one or more of the development regulations in the current zoning ordinance.

2. An ordinance may not prohibit, or limit based on cost, the repair, maintenance, renovation, or remodeling of a nonconforming structure.

(hc) *Restoration or replacement of certain nonconforming structures.* 1. Restrictions that are applicable to damaged or destroyed nonconforming structures and that are contained in an ordinance enacted under this subsection may not prohibit the restoration or replacement of a nonconforming structure if the structure will be restored to, or replaced at, the size, subject to subd. 2., location, and use that it had immediately before the damage or destruction occurred, or impose any limits on the costs of

the repair, reconstruction, or improvement if all of the following apply:

a. The nonconforming structure was damaged or destroyed on or after March 2, 2006.

b. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

2. An ordinance enacted under this subsection to which subd. 1. applies shall allow for the size of a structure to be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.

(he) *Antenna facilities.* The governing body of a city may not enact an ordinance or adopt a resolution on or after May 6, 1994, or continue to enforce an ordinance or resolution on or after May 6, 1994, that affects satellite antennas with a diameter of 2 feet or less unless one of the following applies:

1. The ordinance or resolution has a reasonable and clearly defined aesthetic or public health or safety objective.

2. The ordinance or resolution does not impose an unreasonable limitation on, or prevent, the reception of satellite-delivered signals by a satellite antenna with a diameter of 2 feet or less.

3. The ordinance or resolution does not impose costs on a user of a satellite antenna with a diameter of 2 feet or less that exceed 10 percent of the purchase price and installation fee of the antenna and associated equipment.

(hf) *Amateur radio antennas.* The governing body of a city may not enact an ordinance or adopt a resolution on or after April 17, 2002, or continue to enforce an ordinance or resolution on or after April 17, 2002, that affects the placement, screening, or height of antennas, or antenna support structures, that are used for amateur radio communications unless all of the following apply:

1. The ordinance or resolution has a reasonable and clearly defined aesthetic, public health, or safety objective, and represents the minimum practical regulation that is necessary to accomplish the objectives.

2. The ordinance or resolution reasonably accommodates amateur radio communications.

(hg) *Amortization prohibited.* 1. In this paragraph, "amortization ordinance" means an ordinance that allows the continuance of the lawful use of a nonconforming building, premises, structure, or fixture that may be lawfully used as described under par. (h), but only for a specified period of time, after which the lawful use of such building, premises, structure, or fixture must be discontinued without the payment of just compensation.

2. Subject to par. (h), an ordinance enacted under this subsection may not require the removal of a nonconforming building, premises, structure, or fixture by an amortization ordinance.

(hi) *Payday lenders.* 1. In this paragraph:

a. "Licensee" has the meaning given in s. 138.14 (1) (i).

b. "Payday lender" means a business, owned by a licensee, that makes payday loans.

c. "Payday loan" has the meaning given in s. 138.14 (1) (k).

2. Except as provided in subds. 3., 4., and 5., no payday lender may operate in a city unless it receives a permit to do so from the city council, and the city council may not issue a permit to a payday lender if any of the following applies:

a. The payday lender would be located within 1,500 feet of another payday lender.

b. The payday lender would be located within 150 feet of a single-family or 2-family residential zoning district.

3. A city may regulate payday lenders by enacting a zoning ordinance that contains provisions that are more strict than those specified in subd. 2.



**62.23 CITIES****Updated 23-24 Wis. Stats. 26**

4. If a city has enacted an ordinance regulating payday lenders that is in effect on January 1, 2011, the ordinance may continue to apply and the city may continue to enforce the ordinance, but only if the ordinance is at least as restrictive as the provisions of subd. 2.

5. Notwithstanding the provisions of subd. 4., if a payday lender that is doing business on January 1, 2011, from a location that does not comply with the provisions of subd. 2., the payday lender may continue to operate from that location notwithstanding the provisions of subd. 2.

(hm) *Migrant labor camps.* The council of a city may not enact an ordinance or adopt a resolution that interferes with any repair or expansion of migrant labor camps, as defined in s. 103.90 (3), that are in existence on May 12, 1992, if the repair or expansion is required by an administrative rule promulgated by the department of workforce development under ss. 103.90 to 103.97. An ordinance or resolution of a city that is in effect on May 12, 1992, and that interferes with any repair or expansion of existing migrant labor camps that is required by such an administrative rule is void.

(i) *Community and other living arrangements.* For purposes of this section, the location of a community living arrangement for adults, as defined in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743 (1), a foster home, as defined in s. 48.02 (6), or an adult family home, as defined in s. 50.01 (1), in any city shall be subject to the following criteria:

1. No community living arrangement may be established after March 28, 1978 within 2,500 feet, or any lesser distance established by an ordinance of the city, of any other such facility. Agents of a facility may apply for an exception to this requirement, and such exceptions may be granted at the discretion of the city. Two community living arrangements may be adjacent if the city authorizes that arrangement and if both facilities comprise essential components of a single program.

2. Community living arrangements shall be permitted in each city without restriction as to the number of facilities, so long as the total capacity of such community living arrangements does not exceed 25 or one percent of the city's population, whichever is greater. When the capacity of the community living arrangements in the city reaches that total, the city may prohibit additional community living arrangements from locating in the city. In any city of the 1st, 2nd, 3rd or 4th class, when the capacity of community living arrangements in an aldermanic district reaches 25 or one percent of the population, whichever is greater, of the district, the city may prohibit additional community living arrangements from being located within the district. Agents of a facility may apply for an exception to the requirements of this subdivision, and such exceptions may be granted at the discretion of the city.

2m. A foster home that is the primary domicile of a foster parent and that is licensed under s. 48.62 or an adult family home certified under s. 50.032 (1m) (b) shall be a permitted use in all residential areas and is not subject to subds. 1. and 2. except that foster homes operated by corporations, child welfare agencies, churches, associations, or public agencies shall be subject to subds. 1. and 2.

2r. a. No adult family home described in s. 50.01 (1) (b) may be established within 2,500 feet, or any lesser distance established by an ordinance of the city, of any other adult family home described in s. 50.01 (1) (b) or any community living arrangement. An agent of an adult family home described in s. 50.01 (1) (b) may apply for an exception to this requirement, and the exception may be granted at the discretion of the city.

b. An adult family home described in s. 50.01 (1) (b) that meets the criteria specified in subd. 2r. a. and that is licensed un-

der s. 50.033 (1m) (b) is permitted in the city without restriction as to the number of adult family homes and may locate in any residential zone, without being required to obtain special zoning permission except as provided in subd. 9.

3. In all cases where the community living arrangement has capacity for 8 or fewer persons being served by the program, meets the criteria listed in subds. 1. and 2., and is licensed, operated, or permitted under the authority of the department of health services or the department of children and families, that facility is entitled to locate in any residential zone, without being required to obtain special zoning permission except as provided in subd. 9.

4. In all cases where the community living arrangement has capacity for 9 to 15 persons being served by the program, meets the criteria listed in subds. 1. and 2., and is licensed, operated, or permitted under the authority of the department of health services or the department of children and families, that facility is entitled to locate in any residential area except areas zoned exclusively for single-family or 2-family residences except as provided in subd. 9., but is entitled to apply for special zoning permission to locate in those areas. The city may grant such special zoning permission at its discretion and shall make a procedure available to enable such facilities to request such permission.

5. In all cases where the community living arrangement has capacity for serving 16 or more persons, meets the criteria listed in subds. 1. and 2., and is licensed, operated, or permitted under the authority of the department of health services or the department of children and families, that facility is entitled to apply for special zoning permission to locate in areas zoned for residential use. The city may grant such special zoning permission at its discretion and shall make a procedure available to enable such facilities to request such permission.

6. The department of health services shall designate a single subunit within that department to maintain appropriate records indicating the location and number of persons served by each community living arrangement for adults, and such information shall be available to the public. The department of children and families shall designate a single subunit within that department to maintain appropriate records indicating the location and number of persons served by each community living arrangement for children, and such information shall be available to the public.

7. In this paragraph, "special zoning permission" includes but is not limited to the following: special exception, special permit, conditional use, zoning variance, conditional permit and words of similar intent.

8. The attorney general shall take all necessary action, upon the request of the department of health services or the department of children and families, to enforce compliance with this paragraph.

9. Not less than 11 months nor more than 13 months after the first licensure of an adult family home under s. 50.033 or of a community living arrangement and every year thereafter, the common council of a city in which a licensed adult family home or a community living arrangement is located may make a determination as to the effect of the adult family home or community living arrangement on the health, safety or welfare of the residents of the city. The determination shall be made according to the procedures provided under subd. 10. If the common council determines that the existence in the city of a licensed adult family home or a community living arrangement poses a threat to the health, safety or welfare of the residents of the city, the common council may order the adult family home or community living arrangement to cease operation unless special zoning permission is obtained. The order is subject to judicial review under s. 68.13, except that a free copy of the transcript may not be provided to the adult family home or community living arrangement. The adult

family home or community living arrangement must cease operation within 90 days after the date of the order, or the date of final judicial review of the order, or the date of the denial of special zoning permission, whichever is later.

9m. The fact that an individual with acquired immunodeficiency syndrome or a positive HIV test, as defined in s. 252.01 (2m), resides in a community living arrangement with a capacity for 8 or fewer persons may not be used under subd. 9. to assert or prove that the existence of the community living arrangement in the city poses a threat to the health, safety or welfare of the residents of the city.

10. A determination made under subd. 9. shall be made after a hearing before the common council. The city shall provide at least 30 days' notice to the licensed adult family home or the community living arrangement that such a hearing will be held. At the hearing, the licensed adult family home or the community living arrangement may be represented by counsel and may present evidence and call and examine witnesses and cross-examine other witnesses called. The common council may call witnesses and may issue subpoenas. All witnesses shall be sworn by the common council. The common council shall take notes of the testimony and shall mark and preserve all exhibits. The common council may, and upon request of the licensed adult family home or the community living arrangement shall, cause the proceedings to be taken by a stenographer or by a recording device, the expense thereof to be paid by the city. Within 20 days after the hearing, the common council shall mail or deliver to the licensed adult family home or the community living arrangement its written determination stating the reasons therefor. The determination shall be a final determination.

**(7a) EXTRATERRITORIAL ZONING.** The governing body of any city which has created a city plan commission under sub. (1) and has adopted a zoning ordinance under sub. (7) may exercise extraterritorial zoning power as set forth in this subsection. Insofar as applicable sub. (7) (am), (b), (c), (ea), (h) and (i) shall apply to extraterritorial zoning ordinances enacted under this subsection. This subsection shall also apply to the governing body of any village.

(a) Extraterritorial zoning jurisdiction means the unincorporated area within 3 miles of the corporate limits of a first, second or third class city, or 1 1/2 miles of a fourth class city or a village. The unincorporated area subject to extraterritorial zoning jurisdiction includes areas that are either surrounding or entirely surrounded by a single city or village. Wherever extraterritorial zoning jurisdictions overlap, the provisions of s. 66.0105 shall apply and any subsequent alteration of the corporate limits of the city by annexation, detachment or consolidation proceedings shall not affect the dividing line as initially determined under s. 66.0105. The governing body of the city shall specify by resolution the description of the area to be zoned within its extraterritorial zoning jurisdiction sufficiently accurate to determine its location and such area shall be contiguous to the city. The boundary line of such area shall follow government lot or survey section or fractional section lines or public roads, but need not extend to the limits of the extraterritorial zoning jurisdiction. Within 15 days of the adoption of the resolution the governing body shall declare its intention to prepare a comprehensive zoning ordinance for all or part of its extraterritorial zoning jurisdiction by the publication of the resolution in a newspaper having general circulation in the area proposed to be zoned, as a class 1 notice, under ch. 985. The city clerk shall mail a certified copy of the resolution and a scale map reasonably showing the boundaries of the extraterritorial jurisdiction to the clerk of the county in which the extraterritorial jurisdiction area is located and to the town clerk of each town, any part of which is included in such area.

(am) 1. In this paragraph, "primary geographical area"

means the area of a city or village that serves as the location of the primary seat of government and all territory that is contiguous to that area.

2. Unless otherwise agreed to by a town, the authority of a city or village to exercise jurisdiction outside of its adjacent outlying waters when acting under s. 30.745 (2), or outside of its boundaries or corporate limits when acting under this subsection or sub. (2), or under s. 66.0415 (1), 236.10 (1) (b) or (2), or 254.57, includes only town territory within the extraterritorial zoning jurisdiction of the city or village surrounding or included entirely within the primary geographical area of the city or village.

(b) The governing body may enact, without referring the matter to the plan commission, an interim zoning ordinance to preserve existing zoning in areas subject to a general zoning ordinance under s. 59.69, 60.61, or 60.62 and to preserve existing uses in areas not subject to a general zoning ordinance in all or part of the extraterritorial zoning jurisdiction while the comprehensive zoning plan is being prepared. Such ordinance may be enacted as is an ordinary ordinance but shall be effective for no longer than 18 months after its enactment, unless extended as provided in this paragraph. Within 15 days of its passage, the governing body of the city shall publish the ordinance in a newspaper having general circulation in the area proposed to be zoned as a class 1 notice, under ch. 985, or as a notice, as described under s. 62.11 (4) (c) 2., and the city clerk shall mail a certified copy of the ordinance to the clerk of the county in which the extraterritorial jurisdiction is located and to the clerk of each town affected by the interim zoning ordinance and shall file a copy of the ordinance with the city plan commission. The governing body of the city may extend the interim zoning ordinance for no longer than one year, upon the recommendation of the joint extraterritorial zoning committee established under par. (c). No other interim zoning ordinance shall be enacted affecting the same area or part thereof until 5 years after the date of the expiration of the interim zoning ordinance or the one year extension thereof. While the interim zoning ordinance is in effect, the governing body of the city may amend the districts and regulations of the ordinance according to the procedure set forth in par. (f).

(c) If the governing body of the city adopts a resolution under par. (a), it shall direct the plan commission to formulate tentative recommendations for the district plan and regulations within all or a part of the extraterritorial zoning jurisdiction as described in the resolution adopted under par. (a). When the plan commission is engaged in the preparation of such district plan and regulations, or amendments thereto, a joint extraterritorial zoning committee shall be established. Such joint committee shall consist of 3 citizen members of the plan commission, or 3 members of the plan commission designated by the mayor if there are no citizen members of the commission, and 3 town members from each town affected by the proposed plan and regulations, or amendments thereto. The 3 town members shall be appointed by the town board for 3 year terms and shall be residents of the town and persons of recognized experience and qualifications. Town board members are eligible to serve. If the town board fails to appoint the 3 members within 30 days following receipt of the certified resolution under par. (a), the board shall be subject to a mandamus proceeding which may be instituted by any resident of the area to be zoned or by the city adopting such resolution. The entire plan commission shall participate with the joint committee in the preparation of the plan and regulations, or amendments thereto. Only the members of the joint committee shall vote on matters relating to the extraterritorial plan and regulations, or amendments thereto. A separate vote shall be taken on the plan and regulations for each town and the town members of the joint committee shall vote only on matters affecting the particular

**62.23 CITIES**

Updated 23-24 Wis. Stats. 28

town which they represent. The governing body shall not adopt the proposed plan and regulations, or amendments thereto, unless the proposed plan and regulations, or amendments thereto, receive a favorable vote of a majority of the 6 members of the joint committee. Such vote shall be deemed action taken by the entire plan commission.

(d) The joint committee shall formulate tentative recommendations for the district plan and regulations and shall hold a public hearing thereon. Notice of a hearing shall be given by publication in a newspaper having general circulation in the area to be zoned, as a class 2 notice, under ch. 985, during the preceding 30 days, and by mailing the notice to the town clerk of the town for which the plan and regulations are proposed. The notice shall contain the layout of tentative districts either by maps or words of description, and may contain the street names and house lot numbers for purposes of identification if the joint committee or the governing body so determines. At a public hearing an opportunity to be heard shall be afforded to representatives of the town board of the town and to any person in the town for which the plan and regulations are proposed.

(e) The governing body of the city may adopt by ordinance the proposed district plan and regulations recommended by the joint committee after giving notice and holding a hearing as provided in par. (d), or the governing body may change the proposed districts and regulations after first submitting the proposed changes to the joint committee for recommendation and report. The joint committee and the governing body may hold a hearing on the proposed changes after giving notice as provided in par. (d). The joint committee recommendation on the proposed changes shall be submitted to the governing body in accordance with the voting requirements set forth in par. (c).

(f) The governing body of the city may amend the districts and regulations of the extraterritorial zoning ordinance after first submitting the proposed amendment to the joint committee for recommendation and report. The procedure set forth in pars. (c), (d) and (e) shall apply to amendments to the extraterritorial zoning ordinance. In the case of a protest against an amendment the applicable provisions under sub. (7) (d) shall be followed.

(g) Insofar as applicable the provisions of subs. (7) (e), (f), (8) and (9) shall apply. The governing body of a city which adopts an extraterritorial zoning ordinance under this subsection may specifically provide in the ordinance for the enforcement and administration of this subsection. A town which has been issuing building permits may continue to do so, but the city building inspector shall approve such permits as to zoning prior to their issuance.

**(8) OTHER MEASURES OF ENFORCEMENT AND REMEDIES; PENALTY.** Any building erected, constructed or reconstructed in violation of this section or regulations adopted pursuant thereto shall be deemed an unlawful structure, and the building inspector or city attorney or other official designated by the council may bring action to enjoin such erection, construction or reconstruction, or cause such structure to be vacated or removed. It shall be unlawful to erect, construct or reconstruct any building or structure in violation of this section or regulations adopted pursuant thereto. Any person, firm or corporation violating such provisions shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$500. Each and every day during which said illegal erection, construction or reconstruction continues shall be deemed a separate offense. In case any building or structure is or is proposed to be erected, constructed or reconstructed, or any land is or is proposed to be used in violation of this section or regulations adopted pursuant thereto, the building inspector or the city attorney or any adjacent or neighboring property owner who would be specially damaged by such violation, may, in addition to other remedies provided by

law, institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent or enjoin or abate or remove such unlawful erection, construction or reconstruction.

**(9) BUILDING INSPECTION; APPEAL PROCESS.** (a) The city council may provide for the enforcement of this section and all other laws and ordinances relating to buildings by means of the withholding of building permits, imposition of forfeitures and injunctive action, and for such purposes may establish and fill the position of building inspector. From and after the establishment of such position and the filling of the same, it shall be unlawful to erect, construct or reconstruct any building or other structure without obtaining a building permit from such building inspector; and such building inspector shall not issue any permit unless the requirements of this section are complied with.

(b) The council may by ordinance designate general fire limits and regulate for safety and fire prevention the construction, alteration, enlargement and repair of buildings and structures within such limits, and may designate special fire limits within the general limits, and prescribe additional regulations therein. Any such proposed ordinance or amendment thereto shall be referred to the city plan commission, if such commission exists, for consideration and report, before final action is taken thereon by the council. However, no such ordinance or amendment thereto shall be adopted or become effective until after a public hearing in relation thereto, which may be held by the city plan commission or council, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of the hearing shall be published as a class 2 notice, under ch. 985.

(c) If an applicant is denied a temporary use permit or an extension of a temporary use permit and the individual denying the permit or extension is the chief of a fire district, or an authorized individual acting on the chief's behalf, and if the basis of the denial is a discretionary determination by the chief or authorized individual, the permit or extension applicant may appeal the denial to the common council of the city to which the application relates. Following a hearing on the fire district chief's or authorized individual's denial, the common council may approve the applicant's temporary use permit or extension application.

**(9a) MAY EXERCISE POWERS OF BOARD OF PUBLIC LAND COMMISSIONERS.** In cities of the first class, said city plan commission may exercise all of the powers conferred on board of public land commissioners under s. 27.11.

**(10) WIDENING STREETS.** (a) When the council by resolution declares it necessary for the public use to widen any street or a part thereof, it may proceed as prescribed in ch. 32, except as herein modified. The determination of necessity by the council shall not be a taking, but shall be an establishment of new future boundary lines.

(b) After such establishment no one shall erect any new structure within the new lines, nor rebuild or alter the front or add to the height of any existing structure without receding the structure to conform to the new lines. No damages shall be received for any construction in violation hereof.

(c) The council may at any time after the establishment of new lines provide compensation for any of the lands to be taken, whereupon such lands shall be deemed taken, and the required further proceedings shall be commenced.

(d) If a structure on lands taken under this subsection is not removed after 3 months' written notice served in the manner directed by the council, the city may cause it to be removed, and may dispose of it and apply the proceeds to the expense of removal. Excess proceeds shall be paid to the owner. Excess expenses shall be a lien on the rest of the owner's land abutting on the street to be widened under this subsection. If the excess expenses are not paid, they shall be assessed against the owner's

land abutting on the street and collected as are other real estate taxes. If the owner does not own the adjoining piece of land abutting on the new line, the owner shall be personally liable to the city for the expense of removal.

(e) Until the city has taken all of the lands within the new lines, it may lease any taken lands, to the person owning the taken lands at the time of the taking, at an annual rental of not more than 5 percent of the amount paid for the taken lands by the city or of the market value, if the lands were donated. Improvements may be maintained on the leased lands until all lands within the new lines are taken, whereupon the improvements shall be removed as provided in par. (d). No damages shall be had for improvements made under a lease entered into under this paragraph.

**(11) BUILDING LINES.** (a) The council may by ordinance, in districts consisting of one side of a block or more, establish the distance from the street that structures may be erected. The city engineer shall thereupon make a survey and plat, and report the same, with description of any structure then situated contrary to such ordinance, to the council.

(b) The council may by ordinance make such regulation or prohibition of construction on any parts of lots or parcels of land or on any specified part of any particular realty, as shall be for the public health, safety or welfare.

(c) Whenever to carry out any ordinance under this subsection it is necessary to take property for public use, the procedure of ch. 32 shall be followed.

**(13) FUNDS.** Funds to carry out the purposes of this section may be raised by taxation or by bonds issued as provided in ss. 67.05, 67.06, 67.07, 67.08 and 67.10.

**(14) ASSESSMENTS.** The expense of acquiring, establishing, laying out, widening, enlarging, extending, paving, repaving and improving streets, arterial highways, parkways, boulevards, memorial grounds, squares, parks and playgrounds, and erecting bridges under any plan adopted by the common council pursuant to this section or s. 27.11, including the cost of all lands and improvements thereon which it is necessary to acquire to carry out such plan, whether acquired by direct purchase or lease, or through condemnation, and also including the cost of constructing any bridge, viaduct or other improvement which is a part of the plan adopted by the common council, may be assessed, in whole or in part, to the real estate benefited thereby, in the same manner in which under existing law in such city benefits and damages are assessable for improvements of streets. Whenever plans are adopted which are supplementary to each other the common council may by ordinance combine such plans into a single plan within the meaning of this section. Section 66.0713 shall apply to all assessments made under this subsection.

**(15) EXCESS CONDEMNATION.** Whenever any of the purposes of sub. (14) are planned to be carried out by excess condemnation, benefits may be assessed in the manner provided in said subsection.

**(16) BENEFITS FROM PUBLIC BUILDINGS.** Any benefits of public buildings and groups thereof may be assessed in the manner provided in sub. (14).

**(17) ACQUIRING LAND.** (a) Except as provided in par. (am), cities may acquire by gift, lease, purchase, or condemnation any lands within its corporate limits for establishing, laying out, widening, enlarging, extending, and maintaining memorial grounds, streets, squares, parkways, boulevards, parks, playgrounds, sites for public buildings, and reservations in and about and along and leading to any or all of the same or any lands adjoining or near to such city for use, sublease, or sale for any of the following purposes:

1. To relieve congested sections by providing housing facilities suitable to the needs of such city;

2. To provide garden suburbs at reasonable cost to the residents of such city;

3. To establish city owned vacation camps for school children and minors up to 20 years of age, such camps to be equipped to give academic and vocational opportunities, including physical training.

(am) Cities may not use the power of condemnation to acquire property for the purpose of establishing or extending a recreational trail; a bicycle way, as defined in s. 340.01 (5s); a bicycle lane, as defined in s. 340.01 (5e); or a pedestrian way, as defined in s. 346.02 (8) (a).

(b) After the establishment, layout and completion of such improvements, such city may convey or lease any such real estate thus acquired and not necessary for such improvements, with reservations concerning the future use and occupation of such real estate, so as to protect such public works and improvements, and their environs, and to preserve the view, appearance, light, air and usefulness of such public works, and to promote the public health and welfare.

(c) The acquisition and conveyance of lands for such purpose is a public purpose and is for public health and welfare.

**(18) LAKES AND RIVERS.** The city may improve lakes and rivers within the city and establish the shorelines thereof so far as existing shores are marsh, and where a navigable stream traverses or runs along the border of a city, such city may make improvements therein throughout the county in which such city shall be located in aid of navigation, and for the protection and welfare of public health and wildlife.

**History:** 1973 c. 60; 1975 c. 281; 1977 c. 205; 1979 c. 221, 355; 1981 c. 289, 341, 354, 374; 1983 a. 49, 410; 1985 a. 136 ss. 7 to 9, 10; 1985 a. 187, 225, 281, 316; 1987 a. 161, 395; 1989 a. 201; 1991 a. 255, 316; 1993 a. 27, 184, 301, 327, 400, 446, 471, 490, 491; 1995 a. 27 ss. 9126 (19), 9130 (4); 1995 a. 225; 1997 a. 3, 35, 246; 1999 a. 9, 148; 1999 a. 150 s. 672; 2001 a. 30 ss. 16, 17, 108; 2001 a. 50; 2005 a. 26, 34, 79, 81, 112, 171, 208; 2007 a. 20 ss. 1868 to 1873, 9121 (6) (a); 2007 a. 72; 2009 a. 28, 209, 276, 351, 372, 405; 2011 a. 32, 135, 170; 2013 a. 347; 2015 a. 176, 223, 391; 2017 a. 59, 67; 2017 a. 207 s. 5; 2017 a. 243, 317, 364; 2019 a. 140; 2021 a. 198; 2021 a. 240 s. 30; 2023 a. 16.

A contract made by a zoning authority to zone, rezone, or not to zone is illegal. An ordinance made pursuant to the contract is void as a municipality may not surrender its governmental powers and functions or thus inhibit the exercise of its police or legislative powers. When a zoning authority does not make an agreement to zone but is motivated to zone by agreements as to use of the land made by others or by voluntary restrictions running with the land, although suggested by the authority, the zoning ordinance is valid and not considered to be contract or conditional zoning. State ex rel. Zupancic v. Schimenz, 46 Wis. 2d 22, 174 N.W.2d 533 (1970).

The rezoning of one parcel in a neighborhood shopping area for local business was not a violation of sub. (7) (b) because there was no minimum size requirement and "local business" was not substantially different from "neighborhood shopping." State ex rel. Zupancic v. Schimenz, 46 Wis. 2d 22, 174 N.W.2d 533 (1970).

Spot rezoning from residential to industrial is arbitrary and unreasonable when the result would be detrimental to the surrounding residential area, had no substantial relation to the public health, safety, morals, or general welfare of the community, and the reasons advanced therefor were neither material nor substantial enough to justify the amendment. Heaney v. City of Oshkosh, 47 Wis. 2d 303, 177 N.W.2d 74 (1970).

A nonconforming use may be continued even though it violated an earlier regulatory ordinance, so long as the earlier use was not prohibited. City of Franklin v. Gerovac, 55 Wis. 2d 51, 197 N.W.2d 772 (1972).

The owner of a tract of land may, by leaving a 100 foot strip along one side unchanged, eliminate the right of property owners adjacent to the strip to legally protest. Rezoning a 42 acre parcel cannot be considered spot zoning. Rodgers v. Village of Menomonee Falls, 55 Wis. 2d 563, 201 N.W.2d 29 (1972).

A zoning ordinance adopted by a new city that changed the zoning of the former town did not expire in two years under sub. (7) (da), even though labeled an interim ordinance. City of New Berlin v. Stein, 58 Wis. 2d 417, 206 N.W.2d 207 (1973).

A long-standing interpretation of a zoning ordinance by zoning officials is to be given great weight by the court. State ex rel. B'nai B'rith Foundation v. Walworth County Board of Adjustment, 59 Wis. 2d 296, 208 N.W.2d 113 (1973).

A challenge to a refusal by the board of appeals to hear an appeal on the grounds of an alleged constitutional lack of due process in the proceedings can only be heard in a statutory certiorari proceeding, not in an action for declaratory judgment. Master Disposal, Inc. v. Village of Menomonee Falls, 60 Wis. 2d 653, 211 N.W.2d 477 (1973).

Sub. (9) (a) is not a direct grant of power to the building inspector. City of Racine v. J-T Enterprises of America, Inc., 64 Wis. 2d 691, 221 N.W.2d 869 (1974).

A municipal ordinance rezoning property upon the occurrence of specified conditions and providing that the property shall revert back to its present zoning if the conditions are not met is valid as effecting a rezoning of the realty immediately upon the failure to satisfy the conditions because the rezoning, rather than becoming ef-

fective immediately and reverting to the previous classification upon noncompliance with the conditions, never becomes effective until the conditions are met. *Konkel v. Common Council*, 68 Wis. 2d 574, 229 N.W.2d 606 (1975).

The minimum requirements of sub. (7) (a) [now sub. (7) (am)] do not include publication of a map. *City of Lake Geneva v. Smuda*, 75 Wis. 2d 532, 249 N.W.2d 783 (1977).

A nonconforming use is an active and actual use of land and buildings that existed prior to the commencement of the zoning ordinance and continued in the same or related use until the present. The owner must prove that the use of the property prior to the effective date of the ordinance was so active and actual that it can be said the owner has acquired a vested interest in its continuance. If the specific use was but casual and occasional or merely accessory or incidental to the principal use, then it cannot be said that the owner had acquired a vested interest. *City of Lake Geneva v. Smuda*, 75 Wis. 2d 532, 249 N.W.2d 783 (1977).

When the zoning board of appeals had power under sub. (7) (c) 1. and 7. to invalidate conditions imposed by the plan commission and to afford relief to affected property owners without invalidating a disputed ordinance, the owners' failure to challenge the conditions before the board precluded the owners from challenging in court the constitutionality of the commission's implementation of the ordinance. *Nodell Investment Corp. v. City of Glendale*, 78 Wis. 2d 416, 254 N.W.2d 310 (1977).

Sub. (7a) (b) allows interim freezes of existing zoning or, if none exists, interim freezing of existing uses. It does not allow a city to freeze the more restrictive of zoning or uses. *Town of Grand Chute v. City of Appleton*, 91 Wis. 2d 293, 282 N.W.2d 629 (Ct. App. 1979).

A zoning board acted in excess of its power by reopening a proceeding that had once been terminated. *Goldberg v. City of Milwaukee Board of Zoning Appeals*, 115 Wis. 2d 517, 340 N.W.2d 558 (Ct. App. 1983).

A variance runs with the land. *Goldberg v. City of Milwaukee Board of Zoning Appeals*, 115 Wis. 2d 517, 340 N.W.2d 558 (Ct. App. 1983).

Notice under sub. (7) (d) 1. b. is required when a proposed amendment makes a substantial change. *Herdeman v. City of Muskego*, 116 Wis. 2d 687, 343 N.W.2d 814 (Ct. App. 1983).

A zoning ordinance that denied an owner the entire use value of its property was unconstitutional. *State ex rel. Nagawicka Island Corp. v. City of Delafield*, 117 Wis. 2d 23, 343 N.W.2d 816 (Ct. App. 1983).

A zoning ordinance itself can be the "comprehensive plan" required by sub. (7) (c). No separate comprehensive plan need be adopted by a city as a condition precedent to enacting a zoning ordinance. *Bell v. City of Elkhorn*, 122 Wis. 2d 558, 364 N.W.2d 144 (1985).

A city had no authority to elect against the notice provisions of sub. (7) (d). *Gloudeeman v. City of St. Francis*, 143 Wis. 2d 780, 422 N.W.2d 864 (Ct. App. 1988).

Under sub. (7) (e) 7., the board of appeals does not have authority to invalidate a zoning ordinance and must accept the ordinance as written. *Ledger v. City of Wau-paca Board of Appeals*, 146 Wis. 2d 256, 430 N.W.2d 370 (Ct. App. 1988).

Under sub. (7) (i) 1., "adjacent" means contiguous. *Brazeau v. DHSS*, 154 Wis. 2d 752, 454 N.W.2d 32 (Ct. App. 1990).

Sub. (7) (e) 1. allows a municipality to provide by ordinance that the municipal governing body has exclusive authority to consider special exception permit applications; the board of appeals retains exclusive authority absent such ordinance. *Town of Hudson v. Hudson Town Board of Adjustment*, 158 Wis. 2d 263, 461 N.W.2d 827 (Ct. App. 1990).

Discussing impermissible prejudice of an appeals board member. *Marris v. City of Cedarburg*, 176 Wis. 2d 14, 498 N.W.2d 842 (1993). But see *Miller v. Zoning Board of Appeals*, 2023 WI 46, 407 Wis. 2d 678, 991 N.W.2d 380, 21-1764.

Sub. (7) (i) 1. does not excuse a municipality for failing to make reasonable accommodation of a group home as required by federal law. *Tellurian U.C.A.N., Inc. v. Goodrich*, 178 Wis. 2d 205, 504 N.W.2d 342 (Ct. App. 1993).

The Federal Fair Housing Act controls sub. (7) (i) 1. to the extent that its spacing requirements may not be used for a discriminatory purpose. *"K" Care, Inc. v. Town of Lac du Flambeau*, 181 Wis. 2d 59, 510 N.W.2d 697 (Ct. App. 1993).

General, rather than explicit, standards regarding the granting of special exceptions may be adopted and applied by a governing body. An applicant has the burden of formulating conditions showing that a proposed use meets the standards. Upon approval, additional conditions may be imposed by the governing body. *Edward Kraemer & Sons, Inc. v. Sauk County Board of Adjustment*, 183 Wis. 2d 1, 515 N.W.2d 256 (1994).

Casual, occasional, accessory, or incidental use after the primary nonconforming use is terminated cannot serve to perpetuate a nonconforming use. *Village of Menomonee Falls v. Veierstahler*, 183 Wis. 2d 96, 515 N.W.2d 290 (Ct. App. 1994).

The power to regulate nonconforming uses includes the power to limit the extension or expansion of the use if it results in a change in the character of the use. *Waukesha County v. Pewaukee Marina, Inc.*, 187 Wis. 2d 18, 522 N.W.2d 536 (Ct. App. 1994).

Sub. (7) (f) 1. allowing "civil penalties" for zoning violations does not authorize imposing a lien against the subject property retroactive to the date of the violation. *Waukesha State Bank v. Village of Wales*, 188 Wis. 2d 374, 525 N.W.2d 110 (Ct. App. 1994).

Though a conditional use permit was improperly issued by a town board, rather than a board of appeals, the permit was not void when the subject property owner acquiesced to the error for many years. *State ex rel. Brooks v. Hartland Sportsman's Club, Inc.*, 192 Wis. 2d 606, 531 N.W.2d 445 (Ct. App. 1995).

When a zoning ordinance is changed, a builder may have a vested right, enforceable by mandamus, to build under the previously existing ordinance if the builder has submitted, prior to the change, an application for a permit in strict and complete conformance with the ordinance then in effect. *Lake Bluff Housing Partners v. City of South Milwaukee*, 197 Wis. 2d 157, 540 N.W.2d 189 (1995), 94-1155.

Unless the zoning ordinance provides otherwise, a court should measure the sufficiency of a conditional use application at the time that notice of the final public hearing is first given. *Weber v. Town of Saukville*, 209 Wis. 2d 214, 562 N.W.2d 412 (1997), 94-2336.

A permit issued for a use prohibited by a zoning ordinance is illegal per se. A conditional use permit only allows a property owner to put the property to a use that is expressly permitted, as long as conditions have been met. A use begun under an illegal permit cannot be a prior nonconforming use. *Foresight, Inc. v. Babl*, 211 Wis. 2d 599, 565 N.W.2d 279 (Ct. App. 1997), 96-1964.

A municipal attorney may not serve as both prosecutor and advisor to the tribunal in a hearing under sub. (7) (i). *Nova Services, Inc. v. Village of Saukville*, 211 Wis. 2d 691, 565 N.W.2d 283 (Ct. App. 1997), 96-2198.

Sub. (7a) authorizes transfer of zoning administration and enforcement to cities and villages upon enactment of an interim extraterritorial ordinance. Filing an application for a conditional use permit prior to adoption of the interim ordinance did not prevent the transfer of decision making; the applicant had no vested right by virtue of having requested a permit whose issuance was discretionary. *Village of DeForest v. County of Dane*, 211 Wis. 2d 804, 565 N.W.2d 296 (Ct. App. 1997), 96-1574.

An area variance and a use variance each require unnecessary hardship, but there is an "unnecessarily burdensome" test for an area variance while the test for a use variance is "no feasible use." *State v. Kenosha County Board of Adjustment*, 212 Wis. 2d 310, 569 N.W.2d 54 (Ct. App. 1997), 96-1235.

A nonconforming use, regardless of its duration, may be prohibited or restricted if it also constitutes a public nuisance or is harmful to public health, safety, or welfare. *Town of Delafield v. Sharpley*, 212 Wis. 2d 332, 568 N.W.2d 779 (Ct. App. 1997), 96-2458.

The legal standard of unnecessary hardship requires that the property owner demonstrate that without a variance there is no reasonable use for the property. When the property owner has a reasonable use for the property, the statute takes precedence and the variance should be denied. *State v. Kenosha County Board of Adjustment*, 218 Wis. 2d 396, 577 N.W.2d 813 (1998), 96-1235. See also *State v. Outagamie County Board of Adjustment*, 2001 WI 78, 244 Wis. 2d 613, 628 N.W.2d 376, 98-1046.

A writ of certiorari proceeding bears no resemblance to a civil action brought to resolve a dispute between the parties; it exists only to test the validity of judicial or quasi-judicial determinations, and it neither contemplates nor authorizes the respondent to interpose any answers, denials, or defenses. *Merkel v. Village of Germantown*, 218 Wis. 2d 572, 581 N.W.2d 552 (Ct. App. 1998), 97-3347. But see *State ex rel. Kurtzweil v. Sawyer County Zoning Board of Appeals*, 2023 WI App 43, 409 Wis. 2d 77, 995 N.W.2d 286, 22-1577.

It is within the power of the court to deny a municipality's request for injunctive relief when a zoning ordinance violation is proven. The court should take evidence and weigh equitable interests including those of the state's citizens. *Forest County v. Goode*, 219 Wis. 2d 654, 579 N.W.2d 715 (1998), 96-3592.

Sub. (7) (e) 6. does not mandate a hearing for each variance application—only those that satisfy the legal requirements for applications. A city rule that a variance request would not be reheard unless accompanied by evidence of a substantial change of circumstances did not violate due process or equal protection guarantees. Denial of a variance based on the rule was not arbitrary and capricious. *Tateoka v. City of Waukesha Board of Zoning Appeals*, 220 Wis. 2d 656, 583 N.W.2d 871 (Ct. App. 1998), 97-1802.

Construction in violation of zoning, even when authorized by a voluntarily issued permit, is unlawful. Those who build in violation of zoning rules are not shielded from razing under sub. (8) because construction was completed before the lawfulness of the zoning was determined. However, in rare cases, there may be compelling equitable reasons when a requested order of abatement should not be issued. *Lake Bluff Housing Partners v. City of South Milwaukee*, 222 Wis. 2d 222, 588 N.W.2d 45 (Ct. App. 1998), 97-1339.

The burden is on the applicant for a variance to demonstrate through evidence that without the variance the applicant is prevented from enjoying any reasonable use of the property. *State ex rel. Spinner v. Kenosha County Board of Adjustment*, 223 Wis. 2d 99, 588 N.W.2d 662 (Ct. App. 1998), 97-2094.

A conditional use permit did not impose a condition that the conditional use not be conducted outside the permitted area. It was improper to revoke the permit based on that use. An enforcement action in relation to the parcel where the use was not permitted is an appropriate remedy. *Bettendorf v. St. Croix County Board of Adjustment*, 224 Wis. 2d 735, 591 N.W.2d 916 (Ct. App. 1999), 98-2327.

Once a municipality has shown an illegal change in use to a nonconforming use, the municipality is entitled to terminate the entire nonconforming use. The decision is not within the discretion of the court reviewing the order. *Village of Menomonee Falls v. Preuss*, 225 Wis. 2d 746, 593 N.W.2d 496 (Ct. App. 1999), 98-0384.

To violate substantive due process guarantees, a zoning decision must involve more than simple errors in law or an improper exercise of discretion; it must shock the conscience. The city's violation of a purported agreement regarding zoning was not a violation. A court cannot compel a political body to adhere to an agreement regarding zoning if that body has legitimate reasons for breaching. *Eternalist Foundation, Inc. v. City of Platteville*, 225 Wis. 2d 759, 593 N.W.2d 84 (Ct. App. 1999), 98-1944.

Review of a certiorari action is limited to determining: 1) whether the board kept within its jurisdiction; 2) whether the board proceeded on a correct theory of law; 3) whether the board's action was arbitrary, oppressive, or unreasonable; and 4) whether the evidence was such that the board might reasonably make its order. *Kapischke v. County of Walworth*, 226 Wis. 2d 320, 595 N.W.2d 42 (Ct. App. 1999), 98-0796.

Zoning may not be legislated or modified by initiative under s. 9.20. An ordinance constituting a pervasive regulation of, or prohibition on, the use of land is zoning. *Heitman v. City of Mauston Common Council*, 226 Wis. 2d 542, 595 N.W.2d 450 (Ct. App. 1999), 98-3133.

A town with village powers has the authority to adopt ordinances authorizing its

plan commission to review and approve industrial site plans before issuing a building permit. An ordinance regulating development need not be created with a particular degree of specificity other than is necessary to give developers reasonable notice of the areas of inquiry that the town will examine in approving or disapproving proposed sites. *Town of Grand Chute v. U.S. Paper Converters, Inc.*, 229 Wis. 2d 674, 600 N.W.2d 33 (Ct. App. 1999), 98-2797.

The state, in administering the Wisconsin Fair Housing Act, may not order a zoning board to issue a variance based on characteristics unique to the landowner rather than the land. *County of Sawyer Zoning Board v. DWD*, 231 Wis. 2d 534, 605 N.W.2d 627 (Ct. App. 1999), 99-0707.

While the Department of Natural Resources has the authority to regulate the operation of game farms, its authority does not negate the power to enforce zoning ordinances against game farms. Both are applicable. *Willow Creek Ranch, L.L.C. v. Town of Shelby*, 2000 WI 56, 235 Wis. 2d 409, 611 N.W.2d 693, 97-2075.

Statutory certiorari review exists to test the validity of agency decisions by reviewing the record, and the court has jurisdiction only for that limited purpose. An action to enforce a variance is an entirely different matter. It is coercive, and personal jurisdiction must be established by serving a summons and complaint or original writ separate from any related certiorari action. *Winkelman v. Town of Delafield*, 2000 WI App 254, 239 Wis. 2d 542, 620 N.W.2d 438, 99-3158.

The consideration by a separate city council committee, without notice, of a duplicate file of matters then under consideration by the city's zoning committee was not void. *Oliveira v. City of Milwaukee*, 2001 WI 27, 242 Wis. 2d 1, 624 N.W.2d 117, 98-2474.

Financial investment is a factor to consider when determining whether a zoning violation must be abated, but it does not outweigh all other equitable factors to be considered. *Lake Bluff Housing Partners v. City of South Milwaukee*, 2001 WI App 150, 246 Wis. 2d 785, 632 N.W.2d 485, 00-1958.

A variance authorizes a landowner to establish or maintain a use prohibited by zoning regulations. A special exception allows the landowner to put the property to a use expressly permitted but that conflicts with some requirement of the ordinance. The grant of a special exception does not require the showing of hardship required for a variance. *Fabyan v. Waukesha County Board of Adjustment*, 2001 WI App 162, 246 Wis. 2d 851, 632 N.W.2d 116, 00-3103.

If residents would not be living in a proposed community living arrangement because of disabilities, although some may have disabilities, a municipality is not required by the federal American with Disabilities Act or Fair Housing Amendments Act to make reasonable accommodations in the application of the sub. (7) (i) 1, 2,500 foot requirement. *State ex rel. Bruskevitz v. City of Madison*, 2001 WI App 233, 248 Wis. 2d 297, 635 N.W.2d 797, 00-2563.

A change in method or quantity of production of a nonconforming use is not a new use when the original character of the use remains the same. The incorporation of modern technology into the business of the operator of a nonconforming use is allowed. *Racine County v. Cape*, 2002 WI App 19, 250 Wis. 2d 44, 639 N.W.2d 782, 01-0740.

The public policy of promoting confidence in impartial tribunals may justify expansion of the certiorari record when evidence outside of the record demonstrates procedural unfairness. However, before a circuit court may authorize expansion, the party alleging bias must make a prima facie showing of wrongdoing. *Sills v. Walworth County Land Management Committee*, 2002 WI App 111, 254 Wis. 2d 538, 648 N.W.2d 878, 01-0901.

While an increase in the volume, intensity, or frequency of a nonconforming use is not sufficient to invalidate it, if the increase is coupled with some element of identifiable change or extension, the enlargement will invalidate a legal nonconforming use. A proposed elimination of cabins and the expansion from 21 to 44 RV sites was an identifiable change in a campground and extension of the use for which it had been licensed. *Lessard v. Burnett County Board of Adjustment*, 2002 WI App 186, 256 Wis. 2d 821, 649 N.W.2d 728, 01-2986.

To find discontinuance of a nonconforming use, proof of intent to abandon the nonconforming use is not required. *Lessard v. Burnett County Board of Adjustment*, 2002 WI App 186, 256 Wis. 2d 821, 649 N.W.2d 728, 01-2986.

A purpose of sub. (5) is that a plan commission have the opportunity to review and make a recommendation on a final plan before the governing body makes a final decision, but not to require that body to wait more than 30 days for the plan commission's report. *KW Holdings, LLC v. Town of Windsor*, 2003 WI App 9, 259 Wis. 2d 357, 656 N.W.2d 752, 02-0706.

A conditional use permit (CUP) is not a contract. A CUP is issued under an ordinance. A municipality has discretion to issue a permit and the right to seek enforcement of it. Noncompliance with the terms of a CUP is tantamount to noncompliance with the ordinance. *Town of Cedarburg v. Shewczyk*, 2003 WI App 10, 259 Wis. 2d 818, 656 N.W.2d 491, 02-0902.

An ordinance requirement that no special use permit will be granted unless it is "necessary for the public convenience" meant that the petitioner had to present sufficient evidence that the proposed use was essential to the community as a whole. *Hearst-Argyle Stations, Inc. v. Board of Zoning Appeals*, 2003 WI App 48, 260 Wis. 2d 494, 659 N.W.2d 424, 02-0596.

Spot zoning grants privileges to a single lot or area that are not granted or extended to other land in the same use district. Spot zoning is not per se illegal but, absent any showing that a refusal to rezone will in effect confiscate the property by depriving all beneficial use thereof, should only be indulged in when it is in the public interest and not solely for the benefit of the property owner who requests the rezoning. *Step Now Citizens Group v. Town of Utica Planning & Zoning Committee*, 2003 WI App 109, 264 Wis. 2d 662, 663 N.W.2d 833, 02-2760.

The failure to comply with an ordinance's notice requirements, when all statutory notice requirements were met, did not defeat the purpose of the ordinance's notice provision. *Step Now Citizens Group v. Town of Utica Planning & Zoning Committee*, 2003 WI App 109, 264 Wis. 2d 662, 663 N.W.2d 833, 02-2760.

Under *Goode*, 219 Wis. 2d 654 (1998), a landowner may contest whether the landowner is in violation of the zoning ordinance and, if so, can further contest on equitable grounds the enforcement of a sanction for the violation. *Town of Delafield v. Winkelman*, 2004 WI 17, 269 Wis. 2d 109, 675 N.W.2d 470, 02-0979.

Area variance applicants need not meet the no reasonable use of the property

standard that is applicable to use variance applications. The standard for unnecessary hardship required in area variance cases is whether compliance with the strict letter of the restrictions governing area, set backs, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with those restrictions unnecessarily burdensome. *State ex rel. Ziervogel v. Washington County Board of Adjustment*, 2004 WI 23, 269 Wis. 2d 549, 676 N.W.2d 401, 02-1618.

In evaluating whether to grant an area variance to a zoning ordinance, a board of adjustment should focus on the purpose of the zoning law at issue in determining whether an unnecessary hardship exists for the property owner seeking the variance. The facts of the case should be analyzed in light of that purpose, and boards of adjustment must be afforded flexibility so that they may appropriately exercise their discretion. *State v. Waushara County Board of Adjustment*, 2004 WI 56, 271 Wis. 2d 547, 679 N.W.2d 514, 02-2400.

Sub. (7) (h) relates to the use to which the building was put, not to the physical structure of the building itself. It limits the repairs and improvements that can be made on a structure that is used in a manner that does not conform to uses permitted by applicable zoning codes. *Hillis v. Village of Fox Point Board of Appeals*, 2005 WI App 106, 281 Wis. 2d 147, 699 N.W.2d 636, 04-1787.

A municipality cannot be estopped from seeking to enforce a zoning ordinance, but a circuit court has authority to exercise its discretion in deciding whether to grant enforcement. Upon the determination of an ordinance violation, the proper procedure for a circuit court is to grant an injunction enforcing the ordinance, except when it is presented with compelling equitable reasons to deny it. *Village of Hobart v. Brown County*, 2005 WI 78, 281 Wis. 2d 628, 698 N.W.2d 83, 03-1907.

A board of appeals may not simply grant or deny an application with conclusory statements that the application does or does not satisfy the statutory criteria, but shall express, on the record, its reasoning why an application does or does not meet the statutory criteria. Even when a board's decision is dictated by a minority, these controlling members of the board ought to be able to articulate why an applicant has not satisfied its burden of proof on unnecessary hardship or why the facts of record cannot be reconciled with some requirement of the ordinance or statute. A written decision is not required as long as a board's reasoning is clear from the transcript of its proceedings. *Lamar Central Outdoor, Inc. v. Board of Zoning Appeals*, 2005 WI 117, 284 Wis. 2d 1, 700 N.W.2d 87, 01-3105.

An existing conditional use permit (CUP) is not a vested property right, and the revocation of the permit is not an unconstitutional taking. A CUP merely represents a species of zoning designations. Because landowners have no property interest in zoning designations applicable to their properties, a CUP is not property and no taking occurs by virtue of a revocation. *Rainbow Springs Golf Co. v. Town of Mukwonago*, 2005 WI App 163, 284 Wis. 2d 519, 702 N.W.2d 40, 04-1771.

Neither the desire for a different remedy nor a resort to alternative legal theories was sufficient to insulate a party filing an action under sub. (8) from the impact of claim preclusion when that party had adequate opportunity to litigate its claims before the zoning board. *Barber v. Weber*, 2006 WI App 88, 292 Wis. 2d 426, 715 N.W.2d 683, 05-1196.

In deciding whether to grant a variance under sub. (7) (e) 7, a zoning board of appeals may consider the role municipal officials played in a zoning violation when determining whether a hardship was self-created and whether strict enforcement of the ordinance would result in an unnecessary hardship. *Accent Developers, LLC v. City of Menomonie Board of Zoning Appeals*, 2007 WI App 48, 300 Wis. 2d 561, 730 N.W.2d 194, 06-1268.

The court's opinion that a deck was optimally located in its current position was not the relevant inquiry in regard to the granting of an area variance. The board of adjustment was justified in determining that the property owner's desire for the variance to retain the nonconforming deck was based on a personal inconvenience rather than an unnecessary hardship. *Block v. Waupaca County Board of Zoning Adjustment*, 2007 WI App 199, 305 Wis. 2d 325, 738 N.W.2d 132, 06-3067.

A municipality may not effect a zoning change by simply printing a new map marked "official map." *Village of Hobart v. Brown County*, 2007 WI App 250, 306 Wis. 2d 263, 742 N.W.2d 907, 07-0891.

Zoning that restricts land so that the landowner has no permitted use as of right must bear a substantial relation to the health, safety, morals, or general welfare of the public in order to withstand constitutional scrutiny. *Town of Rhine v. Bizzell*, 2008 WI 76, 311 Wis. 2d 1, 751 N.W.2d 780, 06-0450.

*Ziervogel*, 2004 WI 23, did not state that use cannot be a factor in an area variance analysis. It stated that use cannot overwhelm all other considerations in the analysis, rendering irrelevant any inquiry into the uniqueness of the property, the purpose of the ordinance, and the effect of a variance on the public interest. Here, the board properly considered the purpose of the zoning code, the effect on neighboring properties, and the hardship alleged. *Driehaus v. Walworth County*, 2009 WI App 63, 317 Wis. 2d 734, 767 N.W.2d 343, 08-0947.

Condominiums are not a form of land use. A condominium unit set aside for commercial use runs afoul of a zoning ordinance prohibiting commercial use. When an intended commercial use did not comport with a town's zoning restrictions, approval of the condominium by the town was de facto rezoning. A town could not seek to avoid the restrictions of applicable extraterritorial zoning by aiming to define its action as something other than a zoning change. *State ex rel. Village of Newburg v. Town of Trenton*, 2009 WI App 139, 321 Wis. 2d 424, 773 N.W.2d 500, 08-2997.

Having a vested interest in the continuance of a use is fundamental to protection of a nonconforming use. There can be no vested interest if the use is not actually and actively occurring at the time the ordinance amendment takes effect. However, it does not follow that any use that is actually occurring on the effective date of the amendment is sufficient to give the owner a vested interest in its continued use. To have a vested interest in the continuation of a use requires that, if the continuance of the use were to be prohibited, substantial rights would be adversely affected, which will ordinarily mean that there has been a substantial investment in the use. The longevity of a use and the degree of development of a use are subsumed in an analysis of what investments an owner has made, rather than separate factors to be considered. *Town of Cross Plains v. Kitt's "Field of Dreams" Korner, Inc.*, 2009 WI App 142, 321 Wis. 2d 671, 775 N.W.2d 283, 08-0546.

There must be reasonable reliance on the existing law in order to acquire a vested interest in a nonconforming use. Reasonable reliance on the existing law was not present when the owners knew the existing law was soon to change at the time the use was begun. *Town of Cross Plains v. Kitt's "Field of Dreams" Korner, Inc.*, 2009 WI App 142, 321 Wis. 2d 671, 775 N.W.2d 283, 08-0546.

The language of this section clearly and unambiguously conveys that the mechanism for an appeal of a board of appeals decision is an action in certiorari review of the board's decision. The action is against the board of appeals, not against the city. *Acevedo v. City of Kenosha*, 2011 WI App 10, 331 Wis. 2d 218, 793 N.W.2d 500, 10-0070.

When a village eliminated the selling of cars as a conditional use in general business districts, a previously granted conditional use permit (CUP) was voided, the property owner was left with a legal nonconforming use to sell cars, and the village could not enforce the strictures of the CUP against the property owner. Therefore, the owner could continue to sell cars in accordance with the historical use of the property, but if the use were to go beyond the historical use of the property, the village could seek to eliminate the property's status as a legal nonconforming use. *Hussein v. Village of Germantown Board of Zoning Appeals*, 2011 WI App 96, 334 Wis. 2d 764, 800 N.W.2d 551, 10-2178.

The line distinguishing general police power regulation from zoning ordinances is far from clear. The question of whether a particular enactment constitutes a zoning ordinance is often a matter of degree. Broad statements of the purposes of zoning and the purposes of an ordinance are not helpful in distinguishing a zoning ordinance from an ordinance enacted pursuant to non-zoning police power. The statutorily enumerated purposes of zoning are not the exclusive domain of zoning regulation. A more specific and analytically helpful formulation of the purpose of zoning, at least in the present case, is to separate incompatible land uses. Multiple factors are considered and discussed. *Zwiefelhofer v. Town of Cooks Valley*, 2012 WI 7, 338 Wis. 2d 488, 809 N.W.2d 362, 10-2398.

Nothing in s. 59.694 (10) [now s. 59.694 (10) (a)] prevented an applicant whose conditional use permit (CUP) was denied from filing a second CUP application rather than seeking certiorari review. A municipality may enact a rule prohibiting a party whose application to the zoning board has been denied from filing a new application absent a substantial change in circumstances, but that was not done in this case. *O'Connor v. Buffalo County Board of Adjustment*, 2014 WI App 60, 354 Wis. 2d 231, 847 N.W.2d 881, 13-2097.

Zoning ordinances are in derogation of the common law and are to be construed in favor of the free use of private property. To operate in derogation of the common law, the provisions of a zoning ordinance must be clear and unambiguous. *HEEF Realty & Investments, LLP v. City of Cedarburg Board of Appeals*, 2015 WI App 23, 361 Wis. 2d 185, 861 N.W.2d 797, 14-0062.

Short-term rental was a permitted use for property in a single-family residential district under the city's zoning code. A zoning board cannot arbitrarily impose time or occupancy restrictions in a residential zone where there are none adopted democratically by the city. There is nothing inherent in the concept of residence or dwelling that includes time. *HEEF Realty & Investments, LLP v. City of Cedarburg Board of Appeals*, 2015 WI App 23, 361 Wis. 2d 185, 861 N.W.2d 797, 14-0062.

A municipality has the flexibility to regulate land use through zoning up until the point when a developer obtains a building permit. Once a building permit has been obtained, a developer may make expenditures in reliance on a zoning classification. Wisconsin follows the bright-line building permit rule that a property owner's rights do not vest until the developer has submitted an application for a building permit that conforms to the zoning or building code requirements in effect at the time of application. *McKee Family I, LLC v. City of Fitchburg*, 2017 WI 34, 374 Wis. 2d 487, 893 N.W.2d 12, 14-1914.

The building permit rule is a bright-line rule vesting the right to use property consistent with current zoning at the time a building permit application that strictly conforms to all applicable zoning regulations is filed. The rule extends to all land specifically identified in a building permit application as part of the project. *Golden Sands Dairy LLC v. Town of Saratoga*, 2018 WI 61, 381 Wis. 2d 704, 913 N.W.2d 118, 15-1258.

Pursuant to sub. (7) (e) 10. [now sub. (7) (e) 10. a.], certiorari review of a local zoning board's decision is triggered when a written copy of the decision is filed in the board's office. *Moreschi v. Village of Williams Bay & Town of Linn ETZ Zoning Board of Appeals*, 2020 WI 95, 395 Wis. 2d 55, 953 N.W.2d 318, 18-0283.

Wisconsin law requires two elements for abandonment of a legal nonconforming use: 1) actual cessation of the nonconforming use; and 2) an intent to abandon the nonconforming use. In this case, the property owner sought and obtained rezoning from agricultural to residential; entered into a subdivision development agreement restricting the property to residential use; recorded a declaration of covenants, conditions, and restrictions that explicitly stated that the property owner intended to develop a subdivision for residences; installed residential infrastructure; and built two homes on the property. Although the property owner's specific acts may have signified an intent to abandon the nonconforming use, the undisputed fact that the property owner continued farming on the property after the rezoning confirmed that there was no actual cessation of the nonconforming use. *Village of Slinger v. Polk Properties, LLC*, 2021 WI 29, 396 Wis. 2d 342, 957 N.W.2d 229, 17-2244.

Certiorari review is the appropriate mechanism to challenge the validity of local governmental decisions—whether characterized as legislative or judicial in nature. The traditional scope of certiorari review applies to purported errors in local legislative decisions. *Miller v. Zoning Board of Appeals*, 2022 WI App 51, 404 Wis. 2d 539, 980 N.W.2d 295, 21-1764.

Affirmed. 2023 WI 46, 407 Wis. 2d 678, 991 N.W.2d 380, 21-1764.

Zoning ordinances are legislation. The act of rezoning is as legislative in nature as drafting and adopting a zoning ordinance in the first instance. Although rezoning a single parcel may be a fact-intensive, individualized determination, it remains that rezoning involves amending the zoning ordinance, and a village's enactment of an amendment to a zoning ordinance is legislation whether it affects multiple parcels and property owners or only one. *Miller v. Zoning Board of Appeals*, 2022 WI App 51, 404 Wis. 2d 539, 980 N.W.2d 295, 21-1764.

Affirmed. 2023 WI 46, 407 Wis. 2d 678, 991 N.W.2d 380, 21-1764.

There is no due process right to impartial decision-makers when a legislative

body like a village board enacts, repeals, or amends a generally applicable law like a zoning ordinance. When adjudicative acts are involved, procedural due process requires impartial decision-makers. When legislative actions are at issue, however, those affected by legislation are not entitled to any process beyond that provided by the legislative process. *Miller v. Zoning Board of Appeals*, 2023 WI 46, 407 Wis. 2d 678, 991 N.W.2d 380, 21-1764.

Zoning ordinances may be applied to land held by the United States for an Indian tribe so long as they do not conflict with a federal treaty, agreement, or statute and so long as the land use proscribed is not a federal governmental function. 58 Atty. Gen. 91.

Zoning ordinances utilizing definitions of "family" to restrict the number of unrelated persons who may live in a single family dwelling are of questionable constitutionality. 63 Atty. Gen. 34.

County shoreland zoning of unincorporated areas adopted under s. 59.971 [now s. 59.692] is not superseded by municipal extraterritorial zoning under sub. (7a). Discussing subs. (7) and (7a) and ss. 59.971 and 144.26 [now ss. 59.692 and 281.31]. Municipal extraterritorial zoning within shorelands is effective insofar as it is consistent with, or more restrictive than, the county shoreland zoning regulations. 63 Atty. Gen. 69.

Discussing extraterritorial zoning under sub. (7a). 67 Atty. Gen. 238.

A city's ban on almost all residential signs violated the right of free speech. *City of LaDue v. Gilleo*, 512 U.S. 43, 114 S. Ct. 2038, 129 L. Ed. 2d 36 (1994).

There is no property interest in a position on a zoning board of appeals and none was created by a common council member's assertion that the council would not approve a board member's successor. Generally, the 1st amendment protects a person from being removed from public employment for purely political reasons, but a board member is an exempt policymaker. *Pleva v. Norquist*, 195 F.3d 905 (1999).

Plaintiffs were not required to exhaust administrative remedies under sub. (7) (e) before bringing a civil rights act suit challenging the definition of "family" as used in that portion of a village zoning ordinance creating single-family residential zones since plaintiffs' claim was based on federal law. *Timberlake v. Kenkel*, 369 F. Supp. 456 (1974).

The denial of a permit for a second residential facility within a 2,500 foot radius pursuant to sub. (7) (i) 1., which had the effect of precluding handicapped individuals, absent evidence of adverse impact on the legislative goals of the statute or of a burden upon the village constituted a failure to make reasonable accommodations in violation of federal law. *United States v. Village of Marshall*, 787 F. Supp. 872 (1991).

Sub. (2) (i) 1. and 2r. is preempted by the Federal Fair Housing Amendment Act and the Americans With Disabilities Act. Sub. (2) (i) 1. and 2r. impermissibly classifies people on the basis of disability by imposing a 2,500 foot spacing requirement on community living arrangements for the disabled. *Oconomowoc Residential Programs, Inc. v. City of Greenfield*, 23 F. Supp. 2d 941 (1998).

The Necessity of Zoning Variance or Amendments Notice to the Wisconsin Department of Natural Resources Under the Shoreland Zoning and Navigable Waters Protection Acts. Whipple. 57 MLR 25 (1973).

Zoning Law: Architectural Appearance Ordinances and the First Amendment. Rice. 76 MLR 439 (1993).

Conditional Use Permits: Strategies for Local Zoning Proceedings. Peranteau. Wis. Law. Sept. 2015.

### 62.231 Zoning of wetlands in shorelands. (1) DEFINITIONS. As used in this section:

(a) "Shorelands" has the meaning specified under s. 59.692 (1) (b).

(b) "Wetlands" has the meaning specified under s. 23.32 (1).

(2) FILLED WETLANDS. Any wetlands which are filled prior to the date on which a city receives a final wetlands map from the department of natural resources in a manner which affects their characteristics as wetlands are filled wetlands and not subject to an ordinance adopted under this section.

(2m) CERTAIN WETLANDS ON LANDWARD SIDE OF AN ESTABLISHED BULKHEAD LINE. Any wetlands on the landward side of a bulkhead line, established by the city under s. 30.11 prior to May 7, 1982, and between that bulkhead line and the ordinary high-water mark are exempt wetlands and not subject to an ordinance adopted under this section.

(3) ADOPTION OF ORDINANCE. To effect the purposes of s. 281.31 and to promote the public health, safety and general welfare, each city shall zone by ordinance all unfilled wetlands of 5 acres or more which are shown on the final wetland inventory maps prepared by the department of natural resources for the city under s. 23.32, which are located in any shorelands and which are within its incorporated area. A city may zone by ordinance any unfilled wetlands which are within its incorporated area at any time.

(4) CITY PLANNING. (a) Powers and procedures. Except as provided under sub. (5), s. 62.23 applies to ordinances and amendments enacted under this section.

## *DIVISION 4. CITY PLAN COMMISSION<sup>1</sup>*

### **Sec. 2-345. Membership; officers.**

The city plan commission (that may also be referred to as the "plan commission" or the "planning commission") shall consist of seven members as follows: the mayor, who shall be its presiding officer, two alderpersons, and four citizens. Citizen members shall be persons of recognized experience and qualifications. The alderperson member shall be elected by a two-thirds vote of the council upon creation of the commission and during each April thereafter. The citizen members shall be appointed by the mayor. Citizen members shall take the official oath required by Wis. Stats. § 19.01 that shall be filed with the city clerk. As soon as practicable after May 1 of each year, the commission shall organize itself and elect a vice-chairman, secretary and other officers deemed necessary.

(Code 1993, § 1.23(1)—(3), (6))

### **Sec. 2-346. Vacancies; compensation.**

All vacancies on the plan commission shall be filled for the unexpired term in the same manner as appointment for the full term. No compensation shall be paid for service on the plan commission.

(Code 1993, § 1.23(4))

### **Sec. 2-347. Quorum; record of proceedings.**

Four members shall constitute a quorum, but all actions shall require the affirmative approval of a majority of all of the members of the city plan commission. The commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the city clerk.

(Code 1993, § 1.23(7), (8))

### **Sec. 2-348. Staff and budget.**

The plan commission shall have the authority to employ experts and staff as may be necessary and proper within the limits of the budget established by the council or placed at its disposal through gift and subject to any ordinance or resolution enacted by the council. As far as possible, the commission shall utilize the services of existing city officials and employees.

(Code 1993, § 1.23(9), (10))

---

<sup>1</sup>State law reference(s)—Plan commission, Wis. Stats. § 62.23.



---

**Sec. 2-349. Powers and duties.**

The plan commission shall have the powers and duties prescribed in Wis. Stats. § 62.23 and the other powers and duties as shall be vested in it from time to time by the council.

(Code 1993, § 1.23(11))

**Sec. 2-350. Industrial development duties.**

The plan commission shall have the power to collect, hold, manage, control and use all funds appropriated and provided for industrial development to collect, hold, manage, control and use all proceeds, earnings, and monies available for the sale, lease, rental, conveyance or other disposition of any property held or acquired; to construct, acquire by gift or purchase, reconstruct, improve or extend any industrial building within the city limits; and to acquire by gift or purchase lands or rights in lands in connection therewith in the name of the city; to develop an industrial park and to do or cause to be done all matters and things in connection therewith; to employ the personnel, agents, engineers, and consultants as the commission shall deem necessary; and to cause to be sold, leased, rented, conveyed, transferred, assigned, or donated any property acquired by the commission; and to exercise the other power and authority necessary to accomplish the purpose of this division. Provided, however, that any and all contracts entered into by the commission shall be subject to the approval of the city council.

(Code 1993, § 1.23(12))

**Sec. 2-351. Industrial development fund.**

The industrial development fund previously created by ordinance is hereby re-established and shall be used for the purposes of financing and exercising the power of industrial development described above. Such fund shall consist of the sums of money as may be hereafter appropriated and provided for by the city council, and of all rentals, interest, income, dividends, earnings and monies available from the sale, lease, conveyance or other disposition of any property acquired pursuant to the power exercised by the commission under the terms of this division, and the other sums as may be provided for by ordinance or statute.

(Code 1993, § 1.23(13))

**Sec. 2-352. Audit.**

The commission shall cause all accounts, records and books concerning the management, operation and disbursements of the industrial development fund and of properties acquired thereby to be audited in the manner provided for by statute for the audit of public funds.

(Code 1993, § 1.23(13))

**Secs. 2-353—2-377. Reserved.**

## **MEETING MINUTES FOR CITY PLAN COMMISSION ON 6 MARCH 2025**

### **MEETING CALL TO ORDER**

- Time: At 1730 Mayor Paul Dwyer called the meeting to order.

### **ROLL CALL**

1. Mayor Paul Dwyer: Present
2. District 1 Alderperson Travis Scholze: Present
3. District 3 Alderperson/President of City Council John Glynn: Present
4. Citizen Bryan Meyer: Present
5. Citizen Brian Rice: Present
6. Citizen Eric Prise: Present
7. Citizen Tina Thompson: Present (virtual)

### **APPROVAL OF MEETING MINUTES FOR FEBRUARY 2025 MEETING**

- Motion to approve the minutes from February's meeting: Eric Prise
- Second: Bryan Meyer
- Vote: Unanimous approval
- Motion carried.

### **PUBLIC HEARING(S)**

1. Public Hearing, Section 52-68, to consider the Conditional Use Permit of Juracich Auto Repair to operate an auto repair shop in the Business District at 935 N Superior Ave.

- Time Opened: At 1731 Mayor Paul Dwyer called the public hearing open.
- Public Comments:
  - Amy and Zach Jurachich from 1020 Lane discuss that they have been operating at said location for over one year and have applied for the permit on their own accord.
- Time Closed: At 1738 Mayor Paul Dwyer closed the public hearing.

2. Discussion and recommendation related to the request from Juracich Auto Repair to obtain a Conditional Use Permit to operate an auto repair shop at 935 N Superior Ave.

- Discussion: Eric Prise asked if staff had any input, Director Morales commented that Juracich Auto met all conditions listed in the municipal ordinance, and that the Juracich's were proactive and a pleasure to work with.
- Motion to approve the Conditional Use Permit for 935 N Superior Ave as requested from Juracich Auto Repair: Bryan Meyer
- Second: Brian Rice
- Vote: Unanimous approval
- Motion carried.

### **DISCUSSION ITEMS**

1. Review and approval of site plan for 1620 Townline Rd

- Discussion: Eric Prise asked if staff had any more information. Director Morales responded that the site plan met all checklist requirements and staff saw no issues with municipal ordinance compliance. Alderperson Glynn was advised by Director Morales

that he must refrain from discussion and voting on this agenda item due to conflict of interest.

- Motion to approve the site plan for 1620 Townline Road: Eric Prise
- Second: Travis Scholze
- Vote: 6 yay, 1 abstention from Alderperson Glynn due to conflict of interest.
- Motion carried.

## 2. Discussion and recommendation on comprehensive plan amendment for Tomah Area School District

- Discussion:
  - Curt Weibelhaus discussed strategic plan of T ASD.
  - Director Morales reiterated that there are three separate requests coming from T ASD and this vote would be a vote on the Comprehensive Plan Amendment only, not the Petition for Annexation nor Zoning Change Request.
  - Alderperson Glynn addressed the failed School District referendum and concerns with T ASD moving forward.
  - Eric Prise concurred with Alderperson Glynn’s concerns.
  - Board Chair for T ASD discussed issues with their strategic communication plan and inaccurate information on social media.
  - Brian Rice asked questions pertaining to how many sites T ASD looked at, and T ASD answered with a final desire for this property.
  - Bryan Meyer stated that he would like to hold a Public hearing at Planning Commission even though it is not required, as he thinks the public should have input.
- Motion to recommend approval to the City Council the amended Comprehensive Plan as presented: Eric Prise
- Second: Tavis Scholze
- Vote: 4 yay, 3 nay
- Motion carried.

## 3. Discussion on shipping container ordinance amendment and permit fees

- Discussion between members centered on two general questions:
  - Who is going to do the enforcement?
  - Table and do the research?
- Motion to table and do further research: Travis Scholze
- Second: John Glynn
- Vote: Unanimous approval
- Motion carried.

## 4. Economic/Zoning Monthly Report

- Discussion: Director Morales provided the monthly report to members and answered questions.

## **FUTURE AGENDA ITEMS**

- Discussion:
  - V&A Plan Commission Training
  - EDZ Monthly Update
  - Review Municipal Code for Planning Commission

- Overview on subdivision maps and plates (Bryan Meyer)
- Staffing update?

**FUTURE MEETING DATE:** April 3, 2025

**ADJOURNMENT**

- Motion to adjourn: Tina Thompson
- Second: Travis Scholze
- Vote: Unanimous approval
- Motion carried.
- Meeting Adjourned: At 1852 Mayor Paul Dwyer adjourned the meeting.



### SITE PLAN REVIEW APPLICATION

(This review does not include utilities and storm water)

**The following checklist is required and will ensure the timely processing of your site plan review request:**

**Site Plan Review Checklist:**

➤ Include all items applicable and requested on the checklist

*If incomplete, no further processing of the application will occur until the deficiencies are corrected. All development must meet the requirements of the City of Tomah and any other applicable local, state, or federal ordinances.*

**Description of Proposed Development:**

GARAGE W/ DECKING/TERRACE ATTACHED TO EXISTING Bldg.

If you have any questions, please contact the Zoning Department at 608-374-7429.

<b>Property Address:</b> 1100 Superior Ave Tomah	<b>Parcel Number:</b> 286-01935-0000
---	---

<b>Applicant:</b> Jane Donaldson	<b>Mailing Address:</b> 23558 Heritage Ave Tomah, WI 54660	<b>City, State, Zip:</b> Tomah, WI 54660
<b>Phone Number:</b> 608-387-9224	<b>Email:</b> janedonaldson@gmail.com	<b>Primary Contact:</b> Jane Donaldson

<b>Business: Owner/Contact:</b> Harbor Beach LLC	<b>Mailing Address:</b> Same	<b>City, State, Zip:</b> Same
<b>Phone Number:</b> Same	<b>Email:</b> Same	<b>Primary Contact:</b> "

<b>Property Owner:</b> Jane Donaldson	<b>Mailing Address:</b> Same	<b>City, State, Zip:</b> "
<b>Phone Number:</b> Same	<b>Email:</b> "	<b>Primary Contact:</b> "

*The undersigned hereby makes application at the location stated herein. The undersigned agrees that all work shall be done in accordance with the requirements of the City of Tomah Zoning Ordinance and with all other applicable City Ordinances and the laws and regulations of the State of Wisconsin.*

<b>Signature of Applicant:</b> 	<b>Date:</b> 3-24-25
<b>Signature of Property Owner:</b> 	<b>Date:</b> 3-24-25

<b>OFFICE USE ONLY:</b>	<b>Date Received:</b>	<b>Application Received by:</b>
Zoning District: B	27 MARCH 2025	NICHOLAS MORALES



Site Plan review is required for all development including new construction, movement, reconstruction, conversion or structural alterations to structures pertaining to triplexes, multi-family housing, commercial, industrial, and public projects. The submittal of the proposed project must include the following information to be considered a complete application for Site Plan Review. Check appropriate boxes to indicate completion of the corresponding requirement.

**Please provide the following with the site plan application submittal: 24" x 36" electronic version of entire plan set.**

1. Completed Site Plan Review Application form with completed and signed checklist.  
Attached
2. A cover letter is required describing the request for the Site Plan Review. The letter shall include a general (description of the proposed project). Describe the proposed phasing of all buildings and site improvements. Also, describe any land divisions that need to occur.  
Attached
3. Site Plan. New development will require a professionally drawn site plan to be submitted, drawn to an engineered scale, and include the following items:
  - A. Name, address, and phone number for the owner, developer, and general contractor/designer.
  - B. Legal description of the site or copy of plat/certified survey map.
  - C. Survey completed on the property.
  - D. The location and dimensions of all site property lines and existing/proposed structures. (Existing structures legal conforming status?)
  - E. Show North Arrow, scale of drawing, Bench Mark location and elevation to NGS (if required).
  - F. Label all building front, rear, and side yard setbacks of the new development to adjacent property lines.
  - G. Lot dimensions, frontage, area in conformance.
  - H. Building height.
  - I. Show the location and label widths of all existing and proposed public rights-of-way and public/private easements adjacent to and within the site.
  - J. Identify existing and proposed street improvements including streets, alleys, curbs, sidewalks, and trails. Identify connections to existing/proposed sidewalks and trails.
  - K. Show existing and proposed driveways (ingress/egress), parking spaces (ADA), loading spaces, interior parking islands, sidewalks, and handicap ramp widths. Indicate the direction of travel for one-way drives and inside radii for all curves. Note dimensions of driveways and parking spaces and list total number of parking spaces required and provided. Provide cross-section drawings of proposed curbs and sidewalks.
  - L. Location and type of outside lighting.
  - M. Screening of dumpsters
  - N. Outside storage of materials or equipment

APPLICANT: Site Plan Review Data Checklist		Submitted	N/A
<b>Cover/Title Page:</b>			
Name and address of applicant and property owner		✓	
Address and common description of property and complete legal description		✓	
Dimensions of land and total acreage		✓	
Description of proposed project or use, type of building or structures, and name of proposed development, if applicable		✓	
Name and address of firm or individual who prepared the site plan		✓	
<b>Site and Zoning Data:</b>			
Show <b>North arrow</b> , scaled drawing, Bench Mark location and elevation to NGS (if required)		✓	
Existing lot lines, building lines, structures, parking areas, and other improvements on the site and within 100 feet of the site		✓	
Proposed lot lines, lot dimensions, property lines setback dimensions, structures, and other improvements to the site			✓
Label all building front, rear, and side yard setbacks of new development to adjacent property lines		✓	
All existing and proposed easements			✓
Lot coverage, lot dimensions, frontage, area in conformance			✓
Finished graded surface ( <i>shall be dust free</i> )			✓
<b>Natural Features:</b>			
Wetlands	Floodplain		✓
<b>Access and Circulation:</b>			
Dimensions, curve radii, and centerlines of existing and proposed access points, roads, and road rights-of-way or access easements			✓
Location of proposed roads, driveways (ingress/egress), sidewalks, handicap ramp widths, and interior parking islands			✓
Calculations for required number of parking and loading spaces, location, and layout (ADA compliant)			✓
Dimensions of parking spaces, islands, circulation aisles, and loading zones			✓
Identify existing and proposed street improvements including streets, alleys, curbs, sidewalks, and trails			✓
<b>Building, Structure, and Miscellaneous Site Information:</b>			
Location, height, and outside dimensions of all buildings and structures		✓	
Utilizing a crane during build process <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
Building floor plans and total floor area		✓	
Details on accessory structures and any screening			✓
Location of exterior lighting (site and building lighting)			✓
Lighting details: Sec. 52-208(3) Exposed sources of light shall be shielded so as not to be visible outside their premises.			✓
Screens and buffers: Sec. 52-207: Required buffer strips in industrial districts and property zoned business (North of Jefferson, East of Grain Ave, South of View St, West of Hugh Dickie Dr, and other similar areas) abuts a residential district.			✓
Location of trash receptacle(s) and transformer pad(s) and method of screening			✓
Location of outdoor storage materials/equipment			✓



# B – Business District

## Lot Requirements\*

- Min. area = 3,000 sq. ft.
- Min. frontage = 20 ft.
- Max. building height = 45 ft.
- Max. lot coverage = 95%

## Setbacks

- Principal and accessory structure setbacks:
  - Front = none
  - Side = none
  - Rear = 10 ft.

## \*Lot Requirements for Shopping Centers:

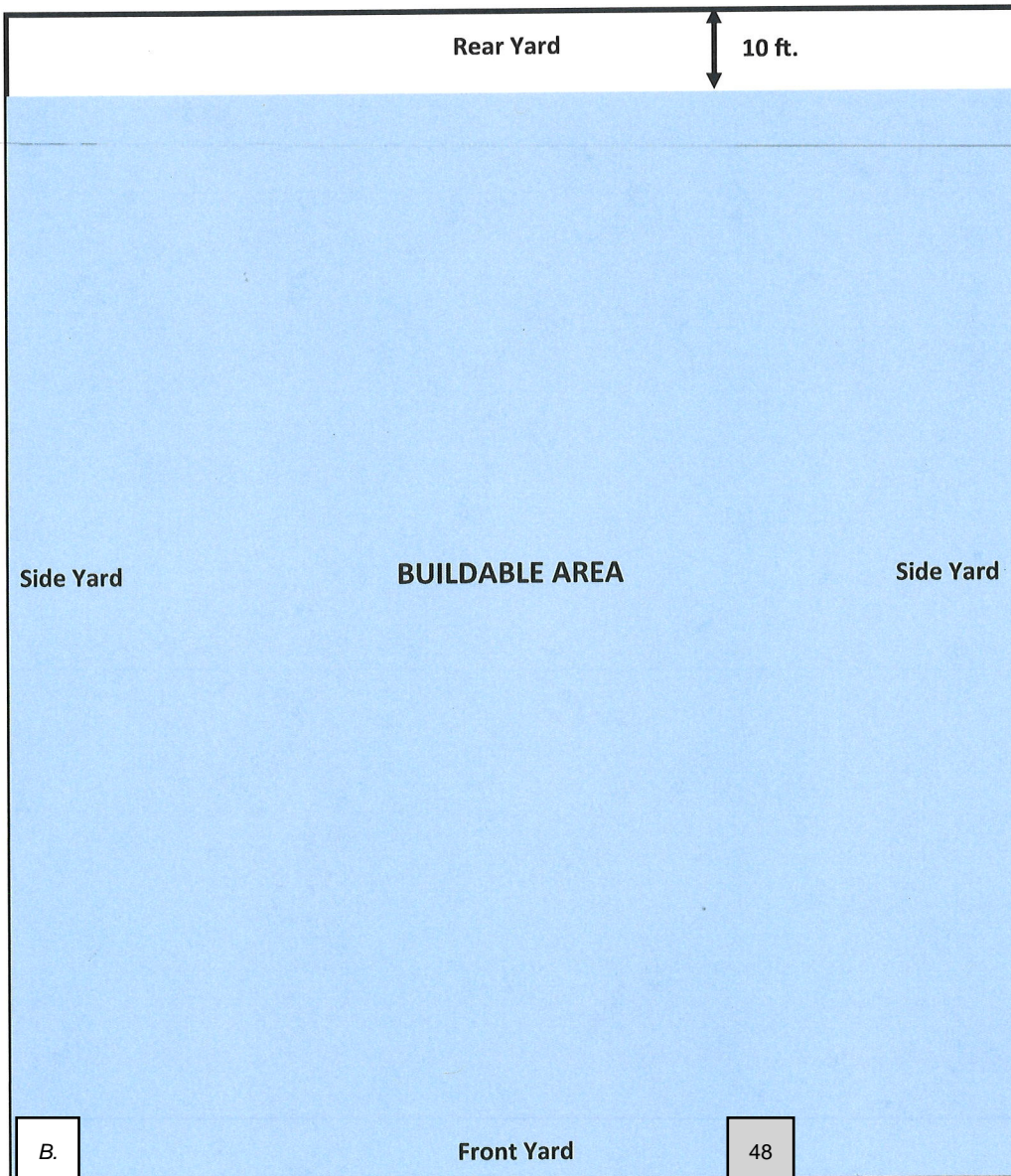
- Min. area = 4 acres
- Min. frontage = 300 ft.
- Max. height = 35 ft.
- Setbacks:
  - Front = 100 ft.
  - Rear = 40 ft.
  - Side = 40 ft.

## Permitted Uses

- Appliance dealers/sales
- Art and school supply stores
- Automotive parts sales
- Automobile sales
- Antique shops
- Bakeries (retail)
- Barbershops/salons
- Banks/financial institutions
- Candy/ice cream shops
- Caterers
- Clothing/dry goods stores
- Clubs
- Cocktail lounges
- Drugstores/pharmacies
- Department stores
- Electrical supply stores (retail)
- Food stores/supermarkets
- Funeral homes
- Hotels/inns
- Insurance agencies
- Jewelry stores
- Lumber yards
- Liquor stores
- Medical facilities/clinics
- Ministorage facilities
- Music stores
- Markets (fruit and vegetable)
- Newsstands
- Opticians/optical supply stores
- Offices
- Paint/wallpaper stores
- Shoe stores
- Taverns
- Tourist information/hospitality centers
- Upholsterers
- Variety stores
- Veterinary clinics (small animal)
- Other uses incidental to the above

## Minimum Setbacks

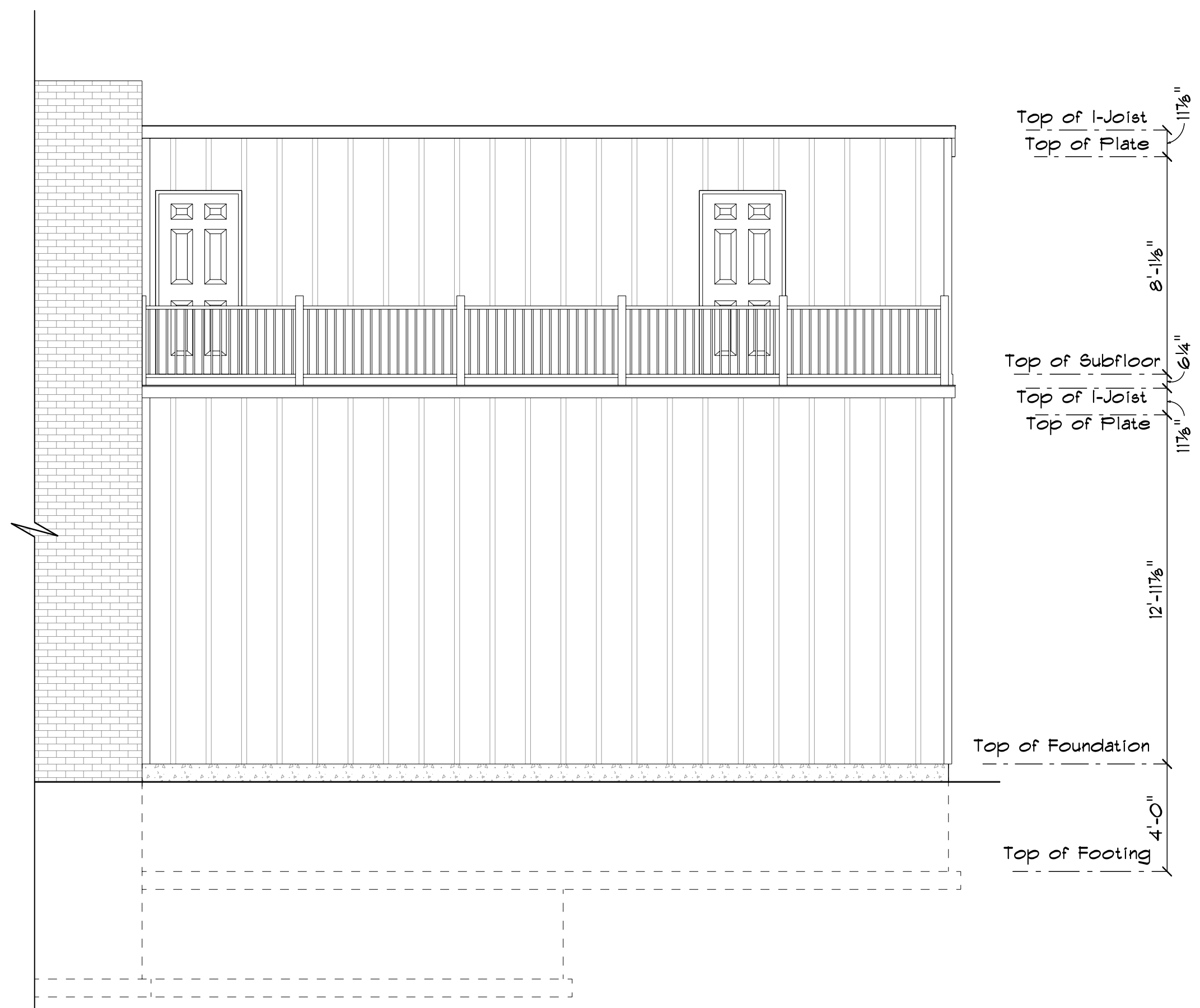
Principal



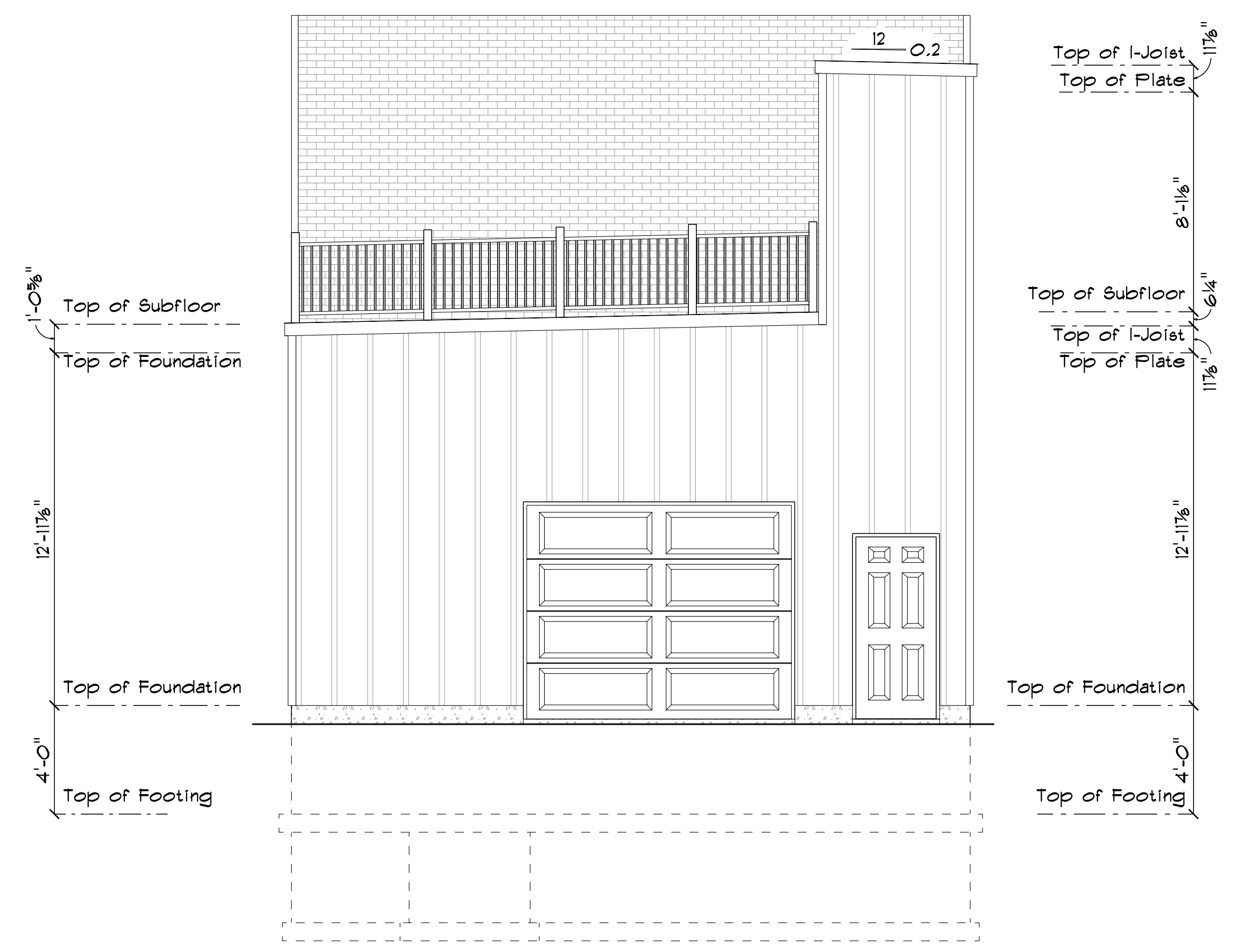
## Conditional Uses

- Governmental and cultural uses
- Transportation uses
- Drive-in theaters
- Drive-in restaurants
- Motels
- Drive-in banks
- Recreational uses
- Vehicle repair and sales
- Recycling areas (not including salvage yards or can crushing), provided they are more than 500' from residential
- R-1, R-2, R-3 dwellings
- Light fabrication if incidental to a permitted land use

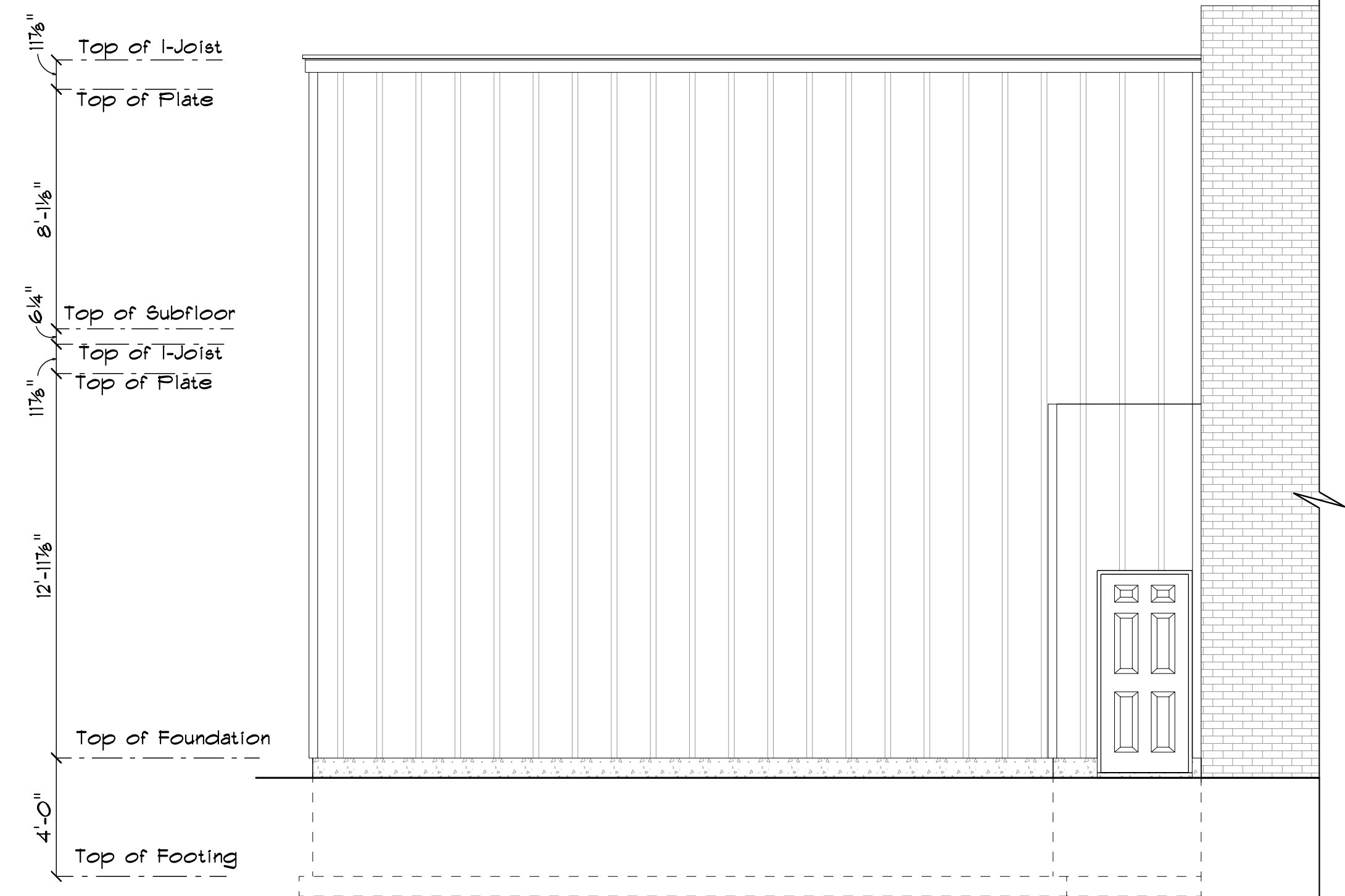




1  
A-1 LEFT ELEVATION



2  
A-1 FRONT ELEVATION



3  
A-1 RIGHT ELEVATION

3/26/2025

**LA CROSSE CUSTOM DRAFTING**  
 2131 WARD AVE. LA CROSSE, WI 54601  
 OFFICE: 1-800-231-5628  
 jerry@lacrossecustomdrafting.com

**IMPORTANT NOTE:**  
 IT IS AGREED THAT ALTHOUGH EVERY EFFORT HAS BEEN MADE TO PREPARE THESE PLANS ACCORDING TO THE BEST OF THE ARCHITECT'S KNOWLEDGE AND BELIEF, THE ARCHITECT DOES NOT WARRANT OR GUARANTEE THE ACCURACY OF THE INFORMATION PROVIDED HEREIN. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY DISCREPANCIES, OMISSIONS, OR ERRORS IN THE PLANS, SPECIFICATIONS, OR CONTRACT DOCUMENTS. IT IS UNDERSTOOD THAT THE USER ASSUMES ALL RESPONSIBILITY FOR OBTAINING ALL NECESSARY PERMITS AND REGULATORY APPROVALS. THE ARCHITECT SHALL TAKE FINAL PRECEDENCE OVER THESE ARCHITECTURAL PLANS.

**JANE DONALDSON**  
 1100 SUPERIOR AVE, TOMAH, WI  
 DATE PRINTED: Wednesday, March 26, 2025

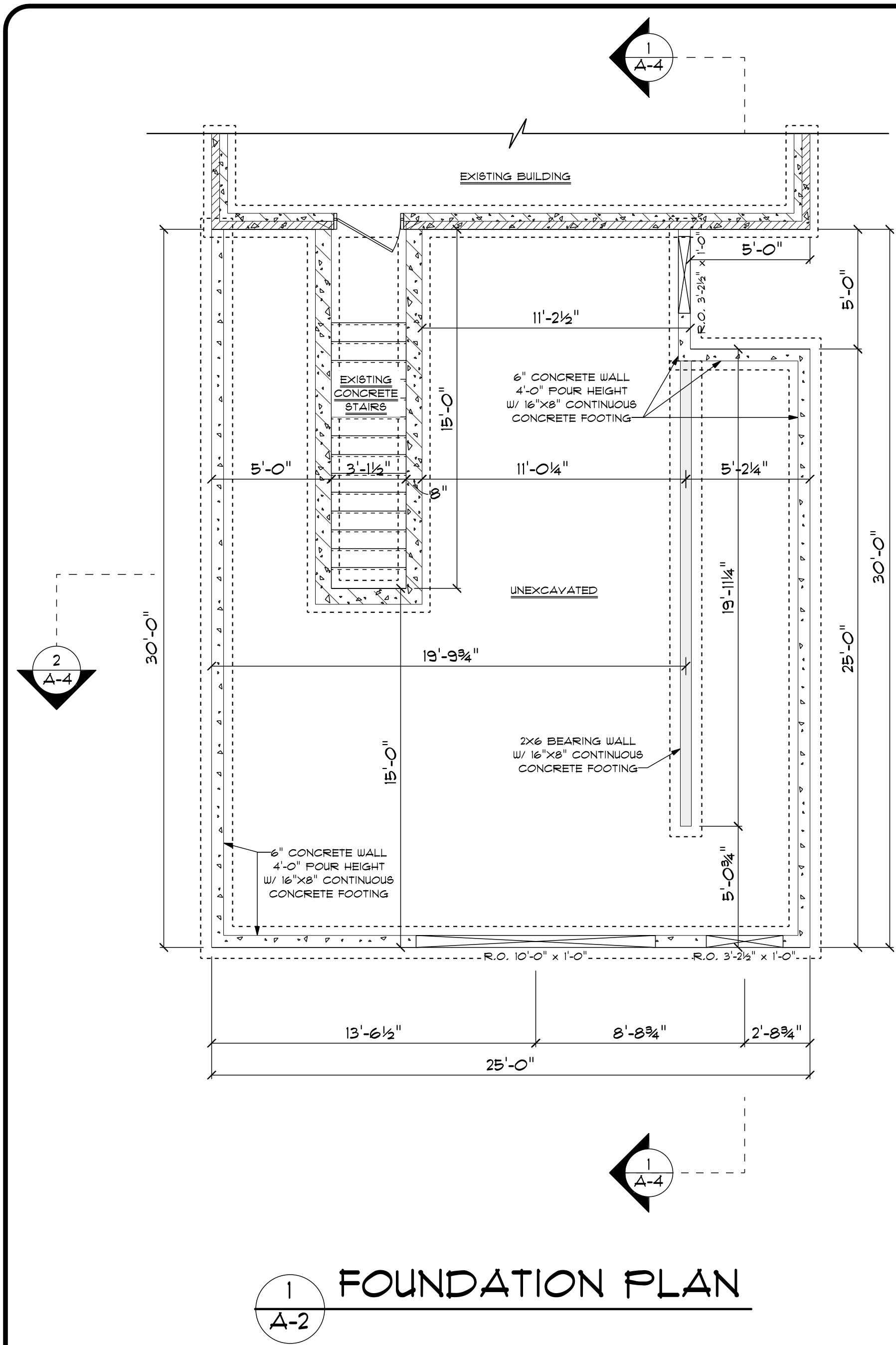
SCALE:  
1/4" = 1'-0"

DRAWN BY: J.B.

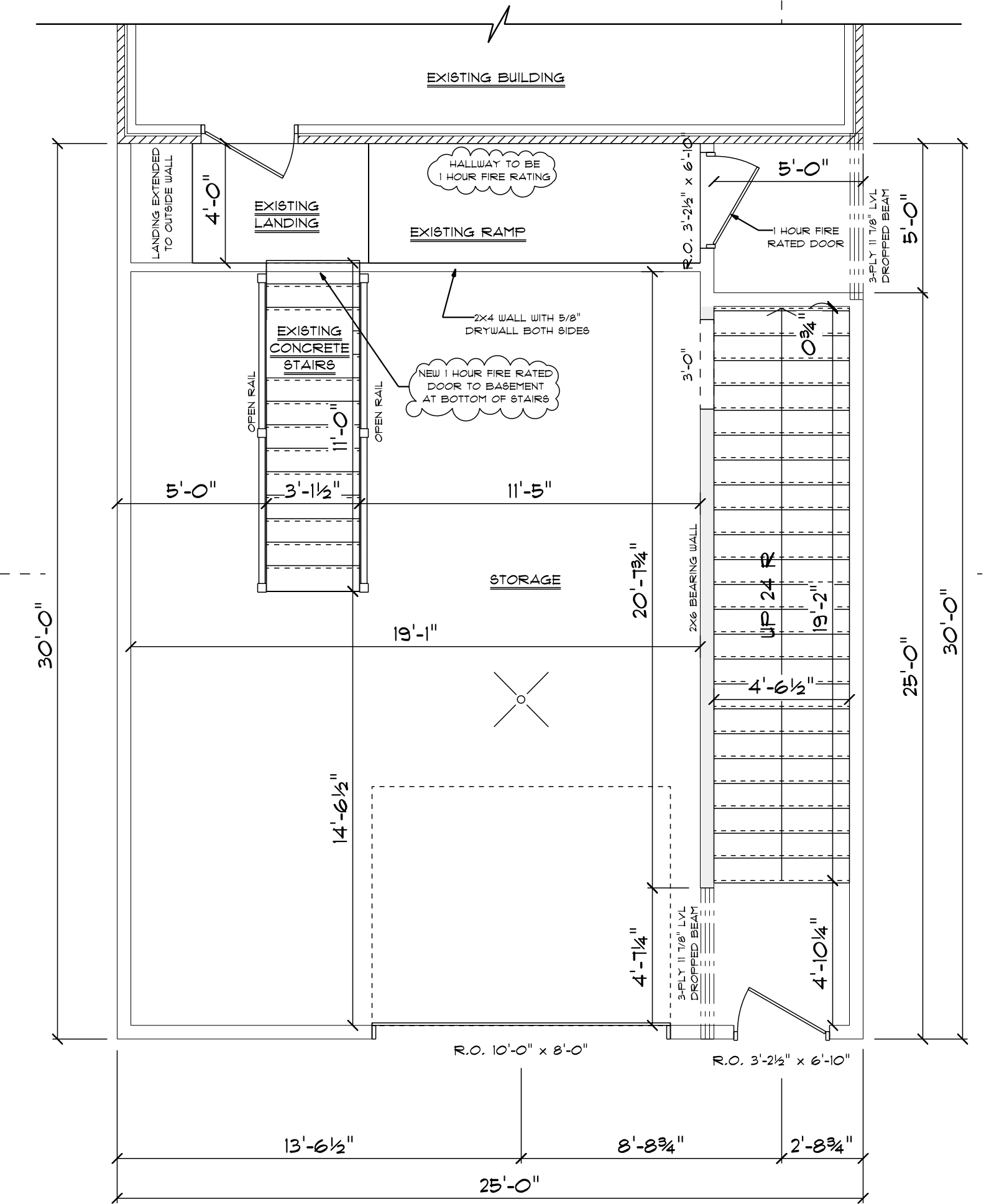
SHEET #

**A-1**

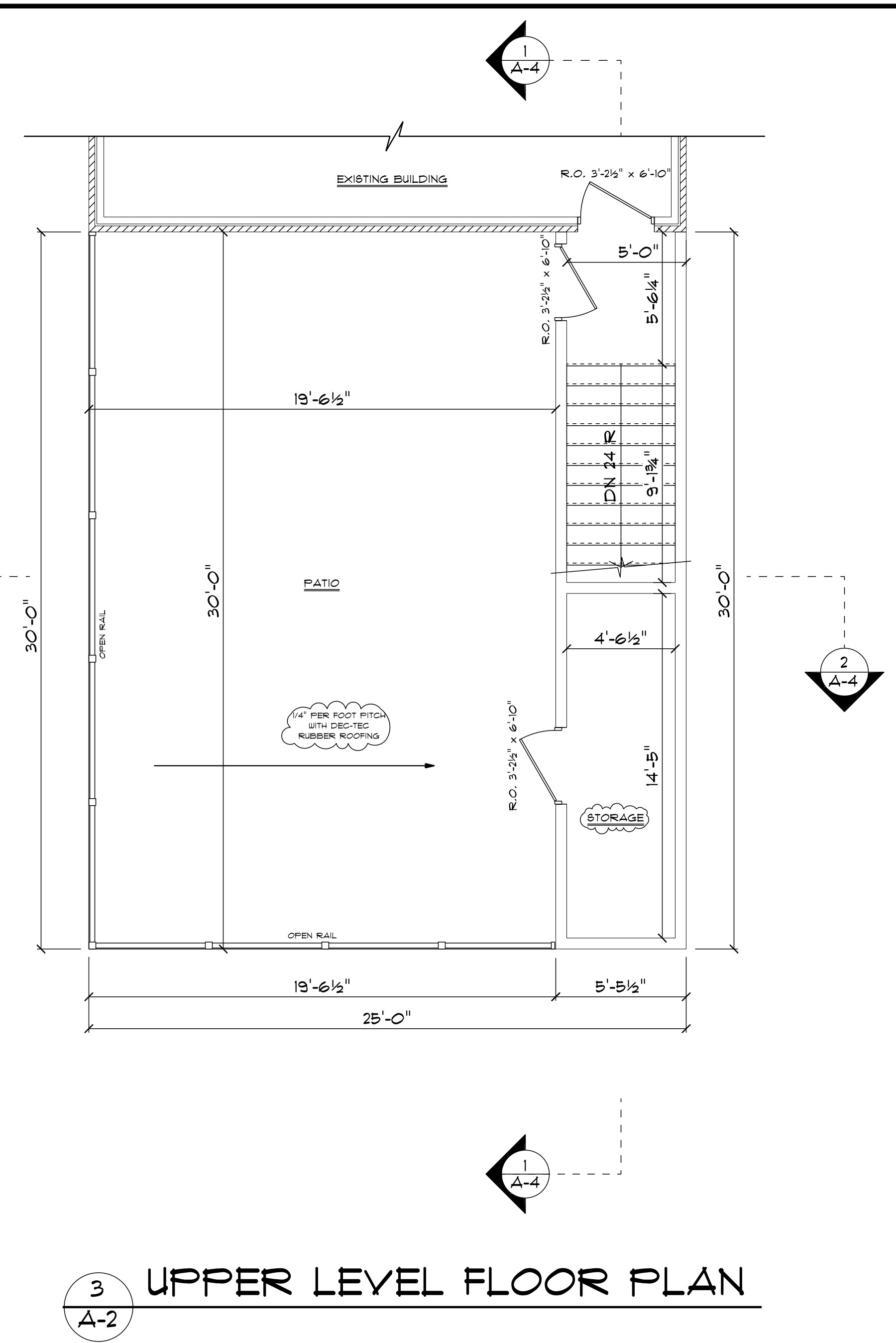
ELEVATIONS



1 FOUNDATION PLAN



2 MAIN LEVEL FLOOR PLAN



3 UPPER LEVEL FLOOR PLAN

NOTE: 2x6 WALLS ARE DIMENSIONED AS 5 1/2", 2x4 WALLS ARE DIMENSIONED AS 3 1/2". ALL MEASUREMENTS ARE TO FACE OF STUD.

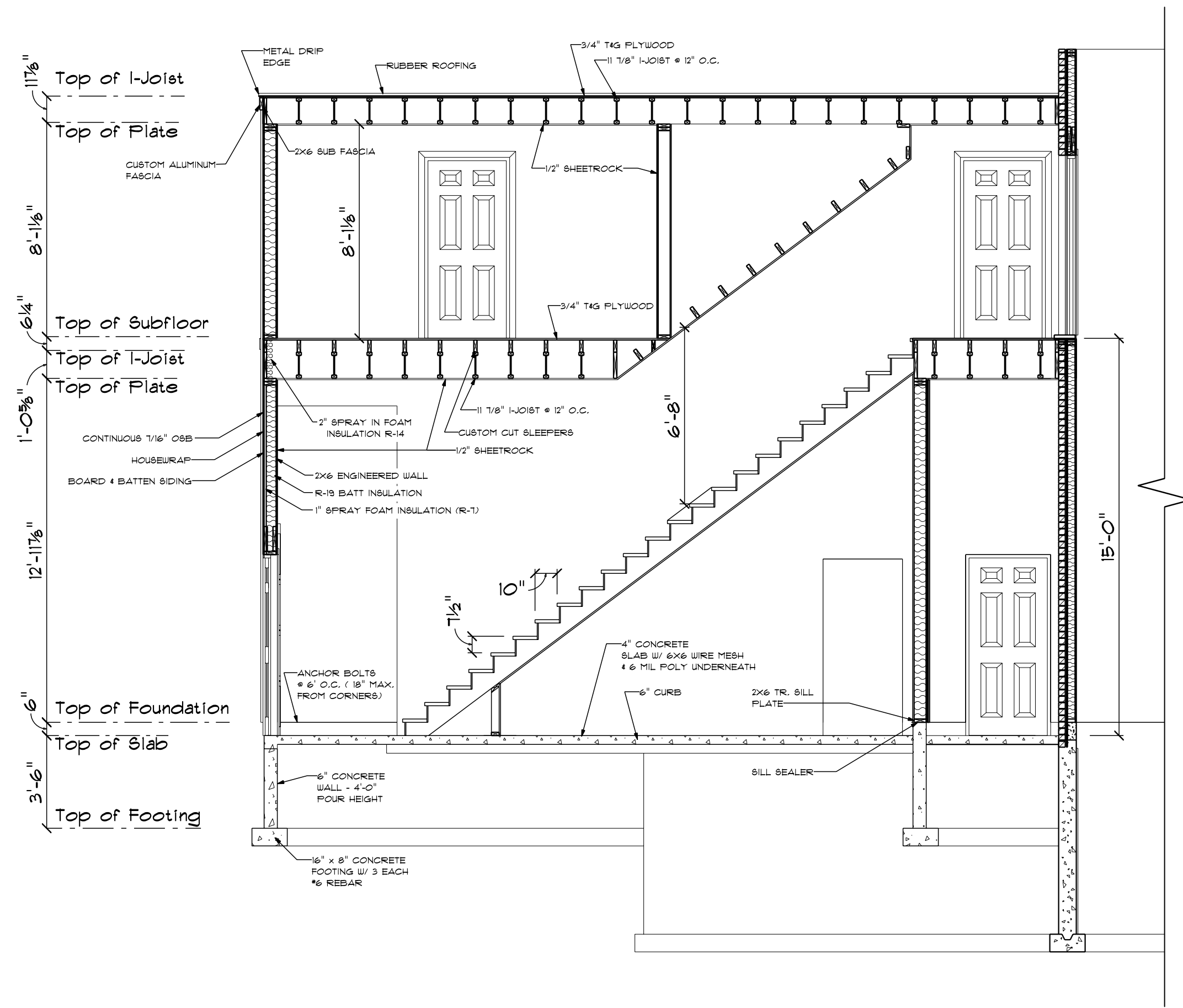
3/26/2025

**LA CROSSE CUSTOM DRAFTING**  
 2131 WARD AVE. LA CROSSE, WI 54601  
 OFFICE: 1-800-231-5628  
 jerry@lacrosecustomdrafting.com

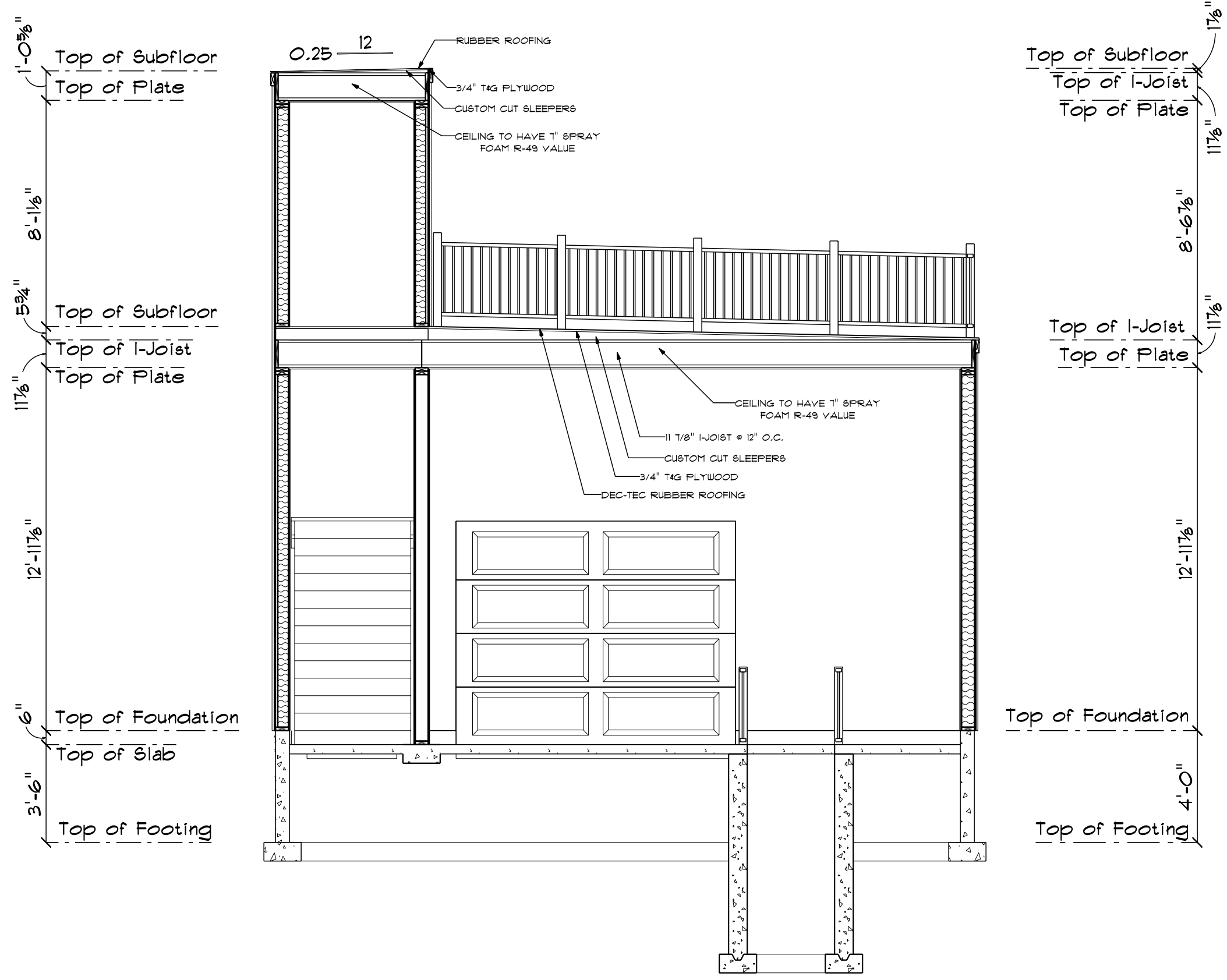
**IMPORTANT NOTE:**  
 IT IS AGREED THAT ALTHOUGH EVERY EFFORT HAS BEEN MADE IN PREPARING AND CHECKING THESE PLANS FOR ACCURACY, THE USER SHALL BE RESPONSIBLE FOR REVIEWING ALL DIMENSIONS, DETAILS AND NOTES BEFORE BEGINNING ANY CONSTRUCTION AND IS HEREBY HELD RESPONSIBLE FOR ANY DISCOVERED DISCREPANCIES.  
 IT IS UNDERSTOOD THAT THE USER'S UNIFORM DUELLING CODE AND LAYOUT DRAWINGS FOR FLOOR AND ROOF TRUSSES SHALL TAKE FINAL PRECEDENCE OVER THESE ARCHITECTURAL PLANS.

JANE DONALDSON  
 1100 SUPERIOR AVE, TOMAH, WI  
 DATE PRINTED: Wednesday, March 26, 2025

SCALE:  
 1/4" = 1'-0"  
 DRAWN BY: J.B.  
 SHEET \*  
**A-2**  
 FLOOR PLANS

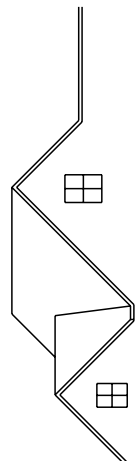


1 CROSS SECTION  
A-3



2 CROSS SECTION  
A-3

3/26/2025

  
**LA CROSSE CUSTOM DRAFTING**  
 2131 WARD AVE. LA CROSSE, WI 54601  
 OFFICE: 1-800-231-5628  
 jerry@lacrosecustomdrafting.com

**IMPORTANT NOTE:**  
 IT IS AGREED THAT ALTHOUGH EVERY EFFORT HAS BEEN MADE IN PREPARING AND CHECKING THESE PLANS FOR ACCURACY, THE USER SHALL BE RESPONSIBLE FOR REVIEWING ALL DIMENSIONS, DETAILS AND NOTES BEFORE BEGINNING ANY CONSTRUCTION AND IS HEREBY HELD RESPONSIBLE FOR ANY DISCOVERED DISCREPANCIES. IT IS UNDERSTOOD THAT THE USER'S UNIFORM DUELLING CODE AND LAYOUT DRAWINGS FOR FLOOR AND ROOF TRUSSES SHALL TAKE FINAL PRECEDENCE OVER THESE ARCHITECTURAL PLANS.

**JANE DONALDSON**  
**1100 SUPERIOR AVE, TOMAH, WI**  
 DATE PRINTED: Wednesday, March 26, 2025

SCALE:  
 1/4" = 1'-0"  
 DRAWN BY: J.B.  
 SHEET •  
**A-3**  
 CROSS SECTIONS



28 March 2025

From: Director of Economic Development and Zoning  
To: City Plan Commission

Subject: APRIL REORGANIZATION

References: (1) Wisconsin State Statutes Chapter 62: Cities  
(2) Tomah Municipal Code Chapter 2: Administration, Division 4: City Plan Commission

Enclosures: None.

The City of Tomah conducts a reorganization of its commissions, committees, boards, and bureaus each year in April. In accordance with references (1) and (2), the City Plan Commission shall consist of seven members. The Mayor shall serve as the presiding officer. Two alderpersons and four citizens comprise the remaining members. Citizen members shall be persons of recognized experience and qualifications. The alderperson members shall be elected by a two-thirds vote of the City Council. The citizen members are appointed by the Mayor. Citizen members shall take the official oath required by Wisconsin State Statute 19.01 and that shall be filed with the City Clerk. As soon as practicable after 1 May of each year, the City Plan Commission shall organize itself and elect a vice-chairman, secretary, and other officers deemed necessary. No compensation shall be paid for service on the City Plan Commission.

List of current members, experience/qualifications, and term end dates:

Name	Experience/Qualifications	Term End Date
Mayor Paul Dwyer	Business owner and resident	21 April 2026
Aldersperson Travis Scholze	District 1 Aldersperson	15 April 2025
Aldersperson John Glynn	District 3 Aldersperson	15 April 2025
Citizen Bryan Meyer	LaCrosse County Surveyor	1 April 2026
Eric Prise	Former Mayor	1 April 2025
Brian Rice	Housing Developer	20 April 2027
Tina Thompson	President/CEO of Tomah Chamber	1 April 2026

Nicholas M. Morales  
Director of Economic Development and Zoning  
Chairperson of the Senior Executive Team

Cc:  
City Clerk



28 March 2025

From: Director of Economic Development and Zoning  
To: City Plan Commission

Subject: SHORT-TERM VACATION RENTALS

References: None.

Enclosures: (1) Wisconsin State Statute 66.0615: Room Tax  
(2) City of Tomah Municipal Code Chapter 42: Taxation, Article II: Hotel-Motel Room Tax  
(3) City of Tomah Housing Assessment Dated October 2022  
(4) Vandewalle & Associates Draft Short-Term Vacation Rental Ordinances  
(5) City of Madison Short Term Rental Website Information

The number one priority for economic development in the City of Tomah is housing. Due to the complex problem that is the national housing crisis, the city lacks sufficient housing stock and the price of home ownership has risen above a level that many citizens can afford. To be clear, this problem is complex and has many contributing factors both seen and unseen. In order to develop a solution to the problem it is essential to first frame the problem and understand it.

The situation of our current housing stock is an essential factor that must be analyzed. However, the City of Tomah does not currently have a method of tracking the amount of short-term vacation rentals within city limits. This makes it impossible to determine how much of the city's existing housing stock, originally meant for long-term residential uses, is now being dedicated to business use. Short-term vacation rentals, often operated using corporate assistance from companies such as AirBnB and VRBO, are found in residential zoned districts.

The intent of this type of zoning is to ensure that the city has available housing stock for its citizens. Reference (1) concluded that the city needs an additional 400-700 housing units by 2030. However, reference (1) does not account for existing housing stock that is currently absorbed by short-term vacation rentals. That makes it impossible to identify how much new development will likewise be taken up by short-term vacation rentals. It throws the academic integrity of the 400-700 number into question.

The lack of a method to track short-term vacation rentals also makes it impossible for the city to fully realize how much of the room sales tax should be collected. The City of Tomah has historically struggled to collect the room sales tax from companies that operate short-term vacation rentals within city limits. Payment has only been received following correspondence



from the City Attorney informing the companies of future litigation. Even when payment is made, there is no way to know for certain if it is the correct amount as there is no method for tracking the amount and location of these short-term vacation rentals.

This problem is not unique to the City of Tomah. Many, if not most, municipalities struggle in the current housing market with how short-term vacation rentals are contributing to the housing crisis. Several municipalities, including the City of Madison, have developed ordinances that require owners/operators of short-term vacation rentals to apply for and receive a permit. This helps the municipality track the number of short-term vacation rentals, collect permit fees that may be applied toward economic development incentives for new housing developments, collect more accurate amounts of room sales tax, and regulate the operation of short-term vacation rentals through a complaint-based inspection system.

The Director of Economic Development and Zoning respectfully requests that the City Plan Commission review this memorandum, all enclosures, and discuss this topic at the meeting on 3 April 2025. Further, the Director requests that the Commission provide guidance on whether or not to further develop and refine a draft ordinance regulating short-term vacation rentals in the City of Tomah.

The point of contact for this matter is the Director of Economic Development and Zoning at [nmorales@tomahwi.gov](mailto:nmorales@tomahwi.gov).

Nicholas M. Morales  
Director of Economic Development and Zoning  
Chairperson of the Senior Executive Team

Cc:  
City Attorney  
City Clerk  
City Treasurer  
Tomah Chamber of Commerce

**66.0615 Room tax; forfeitures.**

**(1)** In this section:

- (a)** "Commission" means an entity created by one municipality or by 2 or more municipalities in a zone, to coordinate tourism promotion and tourism development for the zone.
- (am)** "District" has the meaning given in s. 229.41 (4m).
- (b)** "Hotel" has the meaning given in s. 77.52 (2) (a) 1.
- (bt)** "Marketplace provider" has the meaning given in s. 77.51 (7i), to the extent that the marketplace provider facilitates the sale or furnishing of rooms, lodging, or other accommodations to transients under sub. (1m) (a).
- (bu)** "Marketplace seller" has the meaning given in s. 77.51 (7j).
- (c)** "Motel" has the meaning given in s. 77.52 (2) (a) 1.
- (d)** "Municipality" means any city, village or town.
- (de)** "Occupant" means a person who rents a short-term rental through a marketplace provider.
- (df)** "Owner" means the person who owns the residential dwelling that has been rented.
- (di)** "Residential dwelling" means 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.
- (dk)** "Short-term rental" means a residential dwelling that is offered for rent for a fee and for fewer than 30 consecutive days.
- (dm)** "Sponsoring municipality" means a city, village or town that creates a district either separately or in combination with another city, village, town or county.
- (e)** "Tourism" means travel for recreational, business or educational purposes.
- (f)** "Tourism entity" means a nonprofit organization that came into existence before January 1, 2015, spends at least 51 percent of its revenues on tourism promotion and tourism development, and provides destination marketing staff and services for the tourism industry in a municipality, except that if no such organization exists, a municipality may contract with one of the following entities:
  - 1. A nonprofit organization that spends at least 51 percent of its revenues on tourism promotion and tourism development, and provides destination marketing staff and services for the tourism industry in a municipality.
  - 2. A nonprofit organization that was incorporated before January 1, 2015, spends 100 percent of the room tax revenue it receives from a municipality on tourism promotion and tourism development, and provides destination marketing staff and services for the tourism industry in a municipality.
- (fm)** "Tourism promotion and tourism development" means any of the following that are significantly used by transient tourists and reasonably likely to generate paid overnight stays at more than one establishment on which a tax under sub. (1m) (a) may be imposed, that are owned by different persons and located within a municipality in which a tax under this section is in effect; or, if the municipality has only one such establishment, reasonably likely to generate paid overnight stays in that establishment:
  - 1. Marketing projects, including advertising media buys, creation and distribution of printed or electronic promotional tourist materials, or efforts to recruit conventions, sporting events, or motorcoach groups.
  - 2. Transient tourist informational services.
  - 3. Tangible municipal development, including a convention center.
- (g)** "Transient" has the meaning given in s. 77.52 (2) (a) 1.
- (h)** "Zone" means an area made up of 2 or more municipalities that, those municipalities agree, is a single destination as perceived by the traveling public.

**(1m)**

- (a)** The governing body of a municipality may enact an ordinance, and a district, under par. (e), may adopt a resolution, imposing a tax on the sales price from selling or furnishing, at retail, except sales for resale, rooms or lodging to transients by hotelkeepers, motel operators, marketplace providers, owners of short-term rentals, and other person or retailers selling or furnishing accommodations that are available to the public, irrespective of whether membership is required for use of the accommodations. A tax imposed under this paragraph may be collected from the consumer or user, but may not be imposed on sales to the federal government and persons listed under s. 77.54 (9a). A tax imposed under this paragraph by a municipality shall be paid to the municipality and, with regard to any tax revenue that may not be retained by the municipality, shall be forwarded by the municipality to a tourism entity or a commission if one is created under par. (f), as provided in par. (d). Except as provided in par. (am), a tax imposed under this paragraph by a municipality shall not exceed 8 percent of the sales price. Except as provided in par. (am),

imposing the tax shall reduce the tax to 8 percent, effective on June 1, 1994.

**(am)** A municipality that imposes a room tax under par. (a) is not subject to the limit on the maximum amount of tax that may be imposed under that paragraph if any of the following apply:

1. The municipality is located in a county with a population of at least 380,000 and a convention center is being constructed or renovated within that county.
2. The municipality intends to use at least 60 percent of the revenue collected from its room tax, of any room tax that is greater than 7 percent, to fund all or part of the construction or renovation of a convention center that is located in a county with a population of at least 380,000.
3. The municipality is located in a county with a population of less than 380,000 and that county is not adjacent to a county with a population of at least 380,000, and the municipality is constructing a convention center or making improvements to an existing convention center.
4. The municipality has any long-term debt outstanding with which it financed any part of the construction or renovation of a convention center.

**(b)**

1. If a single municipality imposes a room tax under par. (a), the municipality may create a commission under par. (c). The commission shall contract with another organization to perform the functions of a tourism entity if no tourism entity exists in that municipality.
2. If 2 or more municipalities in a zone impose a room tax under par. (a), the municipalities shall enter into a contract under s. 66.0301 to create a commission under par. (c). If no tourism entity exists in any of the municipalities in the zone that have formed a commission, the commission shall contract with another organization in the zone to perform the functions of the tourism entity. Each municipality in a single zone that imposes a room tax shall levy the same percentage of tax. If the municipalities are unable to agree on the percentage of tax for the zone, the commission shall set the percentage.
3. A commission shall monitor the collection of room taxes from each municipality in a zone that has a room tax.
4. A commission shall contract with one tourism entity from the municipalities in the zone to obtain staff, support services and assistance in developing and implementing programs to promote the zone to visitors.

**(c)**

1. If a commission is created by a single municipality, the commission shall consist of 4 to 6 members. One of the commission members shall represent the Wisconsin hotel and motel industry. Members shall be appointed under subd. 3.
2.
  - a. If the commission is created by more than one municipality in a zone, the commission shall consist of 3 members from each municipality in which annual tax collections exceed \$1,000,000, 2 members from each municipality in which annual tax collections exceed \$300,000 but are not more than \$1,000,000 and one member from each municipality in which annual tax collections are \$300,000 or less. Except as provided in subd. 2. b., members shall be appointed under subd. 3.
  - b. Two additional members, who represent the Wisconsin hotel and motel industry, shall be appointed to the commission by the chairperson of the commission, shall serve for a one-year term at the pleasure of the chairperson and may be reappointed.
3. Members of the commission shall be appointed by the principal elected official in the municipality and shall be confirmed by a majority vote of the members of the municipality's governing body who are present when the vote is taken. Commissioners shall serve for a one-year term, at the pleasure of the appointing official, and may be reappointed.
4. The commission shall meet regularly, and, from among its members, it shall elect a chairperson, vice chairperson and secretary.
5. The commission shall report any delinquencies or inaccurate reporting to the municipality that is due the tax.

**(d)**

1. A municipality that first imposes a room tax under par. (a) after May 13, 1994, shall spend at least 70 percent of the amount collected on tourism promotion and tourism development. Any amount of room tax collected that must be spent on tourism promotion and tourism development shall either be forwarded to the commission for its municipality or zone if the municipality has created a commission, or forwarded to a tourism entity.
2. Subject to par. (dm), if a municipality collects a room tax on May 13, 1994, it may retain not more than the same percentage of the room tax that it retains on May 13, 1994. If a municipality that collects a room tax on May 1, 1994, increases its room tax after May 1, 1994, the municipality may retain not more than the same percentage of the room tax that it retains on May 1, 1994, except that if the municipality is not exempt under par. (am) from the maximum tax that may be imposed under par. (a), the municipality shall spend at least 70 percent of the increase amount of room tax that it begins collecting after May 1, 1994, on tourism promotion and development. Any amount of room tax collected that must be spent on tourism promotion and tourism development shall either be forwarded to the commission for its municipality or zone if the municipality has created a commission, or forwarded to a tourism entity.



development in the zone or in the municipality.

4. The commission shall report annually to each municipality from which it receives room tax revenue the purposes for which the revenues were spent.
  5. The commission may not use any of the room tax revenue to construct or develop a lodging facility.
  6. If a municipality issued debt or bond anticipation notes before January 1, 2005, to finance the construction of a municipally owned convention center or conference center, nothing in this section may prevent the municipality from meeting all of the terms of its obligation.
  7. Notwithstanding the provisions of subds. 1. and 2., any amount of room tax revenue that a municipality described under s. 77.994 (3) is required to spend on tourism promotion and tourism development shall be forwarded to, and spent by, the municipality's tourism entity, unless the municipality creates a commission and forwards the revenue to the commission.
  8. The governing body of a tourism entity shall include either at least one owner or operator of a lodging facility that collects the room tax described in this section and that is located in the municipality for which the room tax is collected or at least 4 owners or operators of lodging facilities that collect the room tax described in this section and that are located in the zone for which the room tax is collected. Subdivision 4., as it applies to a commission, applies to a tourism entity.
- (dm) Beginning with the room tax collected on January 1, 2017, by a municipality that collected a room tax on May 13, 1994, as described in par. (d) 2., and retained more than 30 percent of the room tax collected for purposes other than tourism promotion and tourism development, such a municipality may continue to retain, each year, the greater of either 30 percent of its current year revenues or one of the following amounts:
1. For fiscal year 2017, the same dollar amount of the room tax retained as the municipality retained in its 2014 fiscal year.
  2. For fiscal year 2018, the same dollar amount of the room tax retained as the municipality retained in its 2013 fiscal year.
  3. For fiscal year 2019, the same dollar amount of the room tax retained as the municipality retained in its 2012 fiscal year.
  4. For fiscal year 2020, the same dollar amount of the room tax retained as the municipality retained in its 2011 fiscal year.
  5. For fiscal year 2021 and thereafter, the same dollar amount of the room tax retained as the municipality retained in its 2010 fiscal year.

(e)

1. Subject to subd. 2., a district may adopt a resolution imposing a room tax under par. (a) in an amount not to exceed percent of total room charges. A majority of the authorized members of the district's board may vote that, if the balance in a special debt service reserve fund of the district is less than the requirement under s. 229.50 (5), the room tax imposed by the district under this subdivision is 3 percent of total room charges beginning on the next January 1, April 1, July 1 or October 1 after the payment and this tax is irrevocable if any bonds issued by the district and secured by the special debt service reserve fund are outstanding. A room tax imposed by a district under this subdivision applies within the district's jurisdiction, as specified in s. 229.43, and the proceeds of the tax may be used only for the district's debt service on its bond obligations. If a district stops imposing and collecting a room tax, the district's sponsoring municipality may impose and collect a room tax under par. (a) on the date on which the district stops imposing and collecting its room tax.
2. In addition to the room tax that a district may impose under subd. 1., if the district's only sponsoring municipality is 1st class city, the district may adopt a resolution imposing an additional room tax. The additional percentage of room tax under this subdivision shall be equal to the percentage of room tax imposed by the sponsoring municipality on the date on which the sponsoring municipality agrees to stop imposing and collecting its room tax as described under s. 229.44 (15). A district shall begin collecting the additional room tax imposed under this subdivision on the date on which the sponsoring municipality stops imposing and collecting its room tax. A room tax imposed by a district under this subdivision applies only within the borders of the sponsoring municipality and may be used for any lawful purpose of the district.
3. A district adopting a resolution to impose the taxes under subd. 1. or 2. shall deliver a certified copy of the resolution to the secretary of revenue at least 120 days before its effective date.

(f)

1. The department of revenue shall administer the tax that is imposed under par. (a) by a district and may take any action, conduct any proceeding and impose interest and penalties.
2. Sections 77.51 (12m), (13), (14), (14g), (15a), (15b), and (17), 77.52 (3), (3m), (13), (14), (18), and (19), 77.522, 77.523, 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60, 77.61 (2), (3m), (5), (8), (9), (12) to (15), and (19m), and 77.62, as they apply to the taxes under subch. III of ch. 77, apply to the tax described under subd. 1.
3. From the appropriation under s. 20.83 (5g), the department of revenue shall distribute 97.45 percent of the taxes collected under this paragraph to each district to that district and shall indicate to the district the taxes reported by each taxpayer in that district, no later than the end of the month following the end of the calendar

subsequent refunds, audit adjustments and all other adjustments. Interest paid on refunds of the tax under this paragraph shall be paid from the appropriation under s. 20.835 (4) (gg) at the rate under s. 77.60 (1) (a). Any district that receives a report along with a payment under this subdivision or subd. 2. is subject to the duties of confidentiality to which the department of revenue is subject under s. 77.61 (5).

5. Persons who are subject to the tax under this subsection, if that tax is administered by the department of revenue, shall register with the department. Any person who is required to register, including any person authorized to act on behalf of a person who is required to register, who fails to do so is guilty of a misdemeanor.
- (g) Sections 77.51 (10), (12m), (13), (13g), (14), (14g), (15a), (15b), and (17), 77.52 (3), (3m), (13), (14), (18), and (19), 77.522, 77.523, 77.53 (7), 77.54, 77.58 (6m), and 77.585, as they apply to the taxes under subch. III of ch. 77, shall apply to the tax imposed under par. (a) by a municipality.

**(1r)**

- (a) A marketplace provider shall collect the tax imposed by a municipality under sub. (1m) for a marketplace seller, unless the marketplace provider has been issued a waiver under s. 77.52 (3m) (b) or (c), and forward it to the municipality, on a quarterly basis, along with a form prepared by the department of revenue as described under par. (b), except that a marketplace provider shall forward the tax to the municipality more frequently if the marketplace provider and the municipality enter into a written agreement providing for more frequent submissions. The marketplace provider shall notify the marketplace seller that the marketplace provider has collected and forwarded the taxes described in this paragraph. A municipality may not impose and collect a room tax from the marketplace seller if the municipality collects the room tax as described in this paragraph.
- (b) The form prepared by the department of revenue as described under par. (a) shall contain at least the following information about the room tax imposed under sub. (1m) on the marketplace provider:
1. The total sales for properties located in a municipality with a room tax.
  2. The total number of nights properties located in a municipality with a room tax were rented.
  3. The rate of the room tax applied to the amount specified in subd. 1.
  4. The total tax due for properties located in a municipality with a room tax.
- (c) No later than September 29, 2021, and updated annually, the department of revenue shall create a website that contains the following information about room tax collections:
1. The name and mailing address of each municipality that imposes a room tax under sub. (1m).
  2. The rate of the room tax imposed by each municipality specified in subd. 1.
- (2) As a means of enforcing the collection of any room tax imposed by a municipality or a district under sub. (1m), the municipality or district may do any of the following:
- (a) If a municipality or district has probable cause to believe that the correct amount of room tax has not been assessed or that the tax return is not correct, inspect and audit the records of any person subject to sub. (1m) pertaining to the furnishing or selling of accommodations to determine the correct amount of room tax due. A determination under this paragraph shall be provided in writing within 4 years after the due date of the return, unless no return has been filed.
- (b) Enact a schedule of forfeitures, not to exceed 5 percent of the tax under sub. (1m) or par. (c), to be imposed on any person subject to sub. (1m) who fails to comply with a request to inspect and audit the person's records under par. (a).
- (c) Determine the tax under sub. (1m) according to its best judgment if a person required to make a return fails, neglects or refuses to do so for the amount, in the manner and form and within the time prescribed by the municipality or district.
- (d) Require each person who is subject to par. (c) to pay an amount of taxes that the municipality or district determines to be due under par. (c) plus interest at the rate of 1 percent per month on the unpaid balance. No refund or modification of the payment determined may be granted until the person files a correct room tax return and permit the municipality or district to inspect and audit his or her financial records under par. (a).
- (e) Enact a schedule of forfeitures, not to exceed 25 percent of the room tax due for the previous year under sub. (1m) or par. (c) or \$5,000, whichever is less, to be imposed for failure to pay the tax under sub. (1m). This paragraph also applies to a marketplace provider that is required to collect and remit taxes imposed by a municipality under sub. (1m), but that fails to file a return as required in sub. (1r) or pay the required tax.

**(2m)**

- (a) To enforce the collection of a room tax imposed by a district under sub. (1m), the district may exchange audit and other information relating to the room tax with the department of revenue.
- (b) To enforce the collection of a room tax imposed by a municipality under sub. (1m), the municipality may jointly inspect and audit the room tax records of a person subject to sub. (1m) with other municipalities only for the purpose of conducting a joint room tax audit. A municipality may provide audit and other information to the department of revenue, and may exchange audit and other room tax related information with any municipality that took part in conducting the joint audit.
- (3) The municipality shall provide by ordinance and the district shall provide by resolution for the confidentiality of

may provide for the publishing of statistics classified so as not to disclose the identity of particular returns. The municipality or district shall provide that persons violating ordinances or resolutions enacted under this subsection may be required to forfeit not less than \$100 nor more than \$500.

(4)

- (a) Except as provided in par. (d), annually, on or before May 1, on a form created and provided by the department of revenue, every municipality that imposes a tax under sub. (1m) shall certify and report to the department all of the following:
1. The amount of room tax revenue collected, and the room tax rate imposed, by the municipality in the previous year.
  2. A detailed accounting of the amounts of such revenue that were forwarded in the previous year for tourism promotion and tourism development, specifying the commission or tourism entity that received the revenue. The detailed accounting shall include expenditures of at least \$1,000 made by a commission or a tourism entity.
  3. A list of each member of the commission and each member of the governing body of a tourism entity to which the municipality forwarded room tax revenue in the previous year, and the name of the business entity the member owns, operates, or is employed by, if any.
  4. For a municipality subject to sub. (1m) (dm), the amount of the room tax retained by the municipality in each of the following fiscal years: 2010, 2011, 2012, 2013, and 2014.
- (b) The department of revenue shall collect the reports described in par. (a) and shall make them available to the public.
- (c) The department of revenue may impose a penalty of not more than \$3,000 on a municipality that does not submit to the department the reports described in par. (a). A municipality may not use room tax revenue to pay a penalty imposed under this paragraph. The penalty shall be paid to the department of revenue.
- (d) Notwithstanding the requirement in par. (a) (intro.), the information specified in par. (a) 4. may be certified and reported to the department only once if the municipality submits the information not later than May 1, 2022. The department shall make such information available to the public annually in the report described in par. (a) (intro.).

**History:** 1983 a. 189, 514; 1993 a. 263, 467, 491; 1999 a. 9; 1999 a. 150 ss. 565 to 567; Stats. 1999 s. 66.0615; 2003 a. 20, 2005 a. 135; 2007 a. 20; 2009 a. 2; 2011 a. 18, 32; 2013 a. 20; 2015 a. 55, 60, 301; 2017 a. 59; 2019 a. 10; 2021 a. 55.

A city was authorized to enact a room tax. The gross receipts method was a fair and reasonable way of calculating the tax. *Blue Top Motel, Inc. v. City of Stevens Point*, 107 Wis. 2d 392, 320 N.W.2d 172 (1982).

Under sub. (1m) (am), this section favors expenditures to construct or improve convention facilities. However, sub. (1m) (am) only addresses when a municipality may impose a room tax rate of greater than eight percent and is irrelevant when the city has not exceeded that maximum. The only restrictions the rest of the statute places on the use of room tax monies are found in sub. (1m) (d), which directs a municipality to spend a certain percentage on tourism promotion and development which means the promotion and development of travel for recreational, business, or educational purposes. *English Manor Bed & Breakfast v. Great Lakes Cos.*, 2006 WI App 91, 292 Wis. 2d 762, 716 N.W.2d 531, 05-1358.

Menu

---

**2023-24 Wisconsin Statutes updated through all Supreme Court and Controlled Substances Board Orders filed before and in effect on March 7, 2025. Published and certified under s. 35.18. Changes effective after March 7, 2025, are designated by NOTES.** (Published 3-7-25)

## **ARTICLE II. HOTEL-MOTEL ROOM TAX**

### **Sec. 42-23. Tax imposed.**

Pursuant to Wis Stats. § 66.0615, a tax is hereby imposed on the privilege and service of furnishing, at retail, rooms or lodging to transients by hotel keepers, motel operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for the use of the accommodations. Such tax shall be a rate of eight percent of the gross receipts from such retail furnishing of rooms or lodging. Such tax shall not be subject to the selective sales tax imposed by Wis. Stats. § 77.52(2)(a)1.

(Code 1993, § 3.07(2); Ord. No. 2013-08-05-D, § 1, 8-13-2013)

### **Sec. 42-24. License required.**

Every person obligated for the payment of taxes pursuant to this article is required to obtain a business license as provided in chapter 12.

### **Sec. 42-25. Bond.**

In order to protect the revenue of the city, the city treasurer may require any person liable for the tax imposed by this article to place with him, before or after a license is issued, the security, not in excess of \$5,000.00, as the city treasurer determines. If any taxpayer fails or refuses to place the security, the city treasurer may refuse or revoke the license. If any taxpayer is delinquent in the payment of the taxes imposed by this article, the city treasurer may, upon ten days' notice, recover the taxes, interest and penalties from the security placed with the city treasurer by the taxpayer. No interest shall be paid or allowed by the city to any person for the deposit of the security.

(Code 1993, § 3.07(8))

### **Sec. 42-26. Penalties.**

Any person who is subject to the tax imposed by this article who fails to obtain a license, who fails or refuses to permit the inspection of his records by the city treasurer, who fails to file a return as provided in this article, or who violates any other provision of this article, shall upon conviction thereof, and in addition to any other penalty imposed herein, forfeit not less than \$20.00 nor more than \$500.00 and the costs of prosecutions and, in default of payment of such forfeiture, be confined in the county jail until such payment of such forfeiture and costs of prosecution, but not exceeding 90 days for each violation. Each day or portion thereof that such violation continues is hereby deemed to constitute a separate offense.

(Code 1993, § 3.07(11))

### **Sec. 42-27. Distribution of tax.**

(a) Four percent of the tax imposed in this section shall be distributed as follows:

- 
- (1) Four percent of the tax shall be paid to the convention and visitor's bureau to be used in a manner deemed appropriate by the common council.
  - (b) Four percent of the tax imposed in this section shall be allocated by the common council through the parks and recreation commission and used in the following manner:
    - (1) One percent shall be used to fund annual improvements to Recreation Park.
    - (2) One and one-quarter percent shall be used to fund improvements for the Tomah Ice Center.
    - (3) One and three-quarter percent shall be used to fund the initial construction of, and improvements to, the Flare Avenue ballfield/park complex.

(Code 1993, § 3.07(2); Ord. No. 2013-08-05-D, § 2, 8-13-2013; Ord. No. 2019-06-04-D, § 1, 6-11-2019; Ord. No. 2023-08-10-D, § 1, 8-16-2023)

### **Sec. 42-28. Administration.**

This article shall be administered by the city treasurer.

(Code 1993, § 3.07(3))

### **Sec. 42-29. Tax returns; payment of taxes.**

- (a) *Due date.* The tax imposed for each month is due and payable on the last day of the month next succeeding the month for which imposed.
- (b) *Filing of return; due date.* A return shall be filed with the treasurer by those furnishing at retail such rooms and lodging, on or before the same date on which such tax is due and payable.
- (c) *Contents of return.* Such return shall show the gross receipts of the preceding month for such retail furnishing of rooms or lodging, the amount of taxes imposed for such period, and such other information as the treasurer deems necessary.
- (d) *Filing of copy of state tax return.* The return shall be accompanied by a copy of the state sales tax return filed by the person filing the room tax return for the same period of time set forth in the room tax return.
- (e) *Filing extensions.* The treasurer may, for good cause, extend the time for filing any return, but in no event longer than one month from the filing date.

(Code 1993, § 3.07(3); Ord. No. 2013-12-13-D, § 1, 12-10-2013)

### **Sec. 42-30. Liability on sale of business.**

If any person liable for any amount of tax under this article sells the licensed business or stock of goods or quits the business, the licensee's successors or assigns shall withhold sufficient of the purchase price to cover such amount until the former owner produces a receipt from the treasurer that it has been paid or a certificate stating that no amount is due. If a person subject to the tax imposed by this article fails to withhold such amount of tax from the purchase price as required, he shall become personally liable for payment of the amount required to be withheld by him to the extent of the price of the accommodations valued in money.

(Code 1993, § 3.07(5))

---

**Sec. 42-31. In-office audits.**

The city treasurer may, by office audit, determine the tax required to be paid to the city or the refund due to any person under this article. This determination may be made upon the basis of the facts contained in the return being audited or on the basis of any of the information within the city treasurer's possession. One or more such office audit determinations may be made of the amount due for any one or for more than one period.

(Code 1993, § 3.07(6))

**Sec. 42-32. Field audits; records inspection.**

The city treasurer may, by field audit, determine the tax required to be paid to the city or the refund due to any person under this article. The determination may be made upon the basis of the facts contained in the return being audited or upon any other information within the city treasurer's possession. The city treasurer is authorized to examine and inspect the books, records, memoranda, and property of any person in order to verify the tax liability of that person or of another person. Nothing herein shall prevent the city treasurer from making a determination of tax at any time.

(Code 1993, § 3.07(6))

**Sec. 42-33. Failure to file return.**

- (a) *Estimated gross receipts.* If any person fails to file a return as required by this article, the city treasurer shall make an estimate of the amount of the gross receipts upon which taxes are to be calculated. The estimate shall be made for the period for which the person failed to make a return and shall be based upon any information that is in the city treasurer's possession or may come into his possession.
- (b) *Estimated tax; penalty.* On the basis of the estimated gross receipts, the city treasurer shall compute and determine the amount required to be paid to the city, adding to the sum thus arrived at a penalty equal to ten percent thereof. One or more determinations may be made for one or more than one period.
- (c) *Interest.* All unpaid taxes under this article shall bear interest at the rate of 18 percent per annum from the due date of the return until the first day of the month following the month in which the tax is paid or deposited with the city treasurer.
- (d) *Delinquency; late filing fee.* Delinquent tax returns shall be subject to \$10.00 late filing fee. The tax imposed by this article shall become delinquent if not paid:
  - (1) In the case of a timely filed return, within 30 days after the due date of the return, or within 30 days after the expiration of an extension period if one has been granted.
  - (2) In the case of no return filed or a return filed late, by the due date of the return.
- (e) *Penalty for negligent failure to file or erroneous filing.* If due to negligence no return is filed, or a return is filed late, or an incorrect return is filed, the entire tax finally determined shall be subject to a penalty of 25 percent of the tax exclusive of interest or other penalties.
- (f) *Penalty for false or fraudulent returns.* If a person fails to file a return when due or files a false or fraudulent return with the intent in either case to defeat or evade the tax imposed by this article, a penalty of 50 percent shall be added to the tax required to be paid, exclusive of interest and other penalties.

(Code 1993, § 3.07(7))

---

**Sec. 42-34. Records.**

Every person liable for the tax imposed by this article shall keep or cause to be kept such records, receipts, invoices and other pertinent papers in such form as the city treasurer requires.

(Code 1993, § 3.07(9))

**Sec. 42-35. Confidentiality.**

No person having administrative duty under this article shall make known in any manner the business affairs, operations or information obtained by an investigation of records of any person on whom a tax is imposed by this article, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof to be seen or examined by any person, except as provided herein. The contents of all tax returns, schedules, exhibits, writings or audit reports relating to such returns, on file with the city treasurer may be divulged to the following persons and no others:

- (1) The person who filed the return.
- (2) Officers, agents, or employees of the federal internal revenue service or the state department of revenue.
- (3) Officers, employees or agents of the city treasurer.
- (4) Such other public officials of the city when deemed necessary.

(Code 1993, § 3.07(10))

**Secs. 42-36—42-58. Reserved.**



# CITY OF TOMAH HOUSING ASSESSMENT

October 2022

Prepared By:





## Table of Contents

Section 1: Introduction.....	2
Section 2: Summary Report Findings.....	3
Section 3: Existing Housing Situation.....	4
Section 4: Addressing Existing Housing Gaps and Needs .....	6
Section 5: Stakeholder Listening Session Summary.....	8
Section 6: Recommendations .....	10
Section 7: Action Plan .....	13
Appendix.....	14
Vacant Residential Development Site Opportunities.....	22

## Section 1: Introduction

Like most of the region, state, and country, the City of Tomah is experiencing challenges in meeting the housing needs for its residents. A combination of factors, including dramatic fluctuations in economic and market conditions, personal preference and demographic shifts, and the global pandemic, have created a unique, challenging, and difficult housing situation for many small to mid-size communities.

The purpose of this report is to provide an understanding of the existing housing situation, identify gaps and needs, and provide strategies to address them. The report combines in-depth data analysis, local stakeholder insight, and best practices to identify recommended opportunities for the City to help reverse trends, increase housing units, and provide opportunities for all residents to live in the community.

This report was developed for the City in 2022, with assistance from Vandewalle & Associates. It builds on existing reports, plans, documents, and data analysis already completed to provide an updated picture of the existing housing situation in the community.

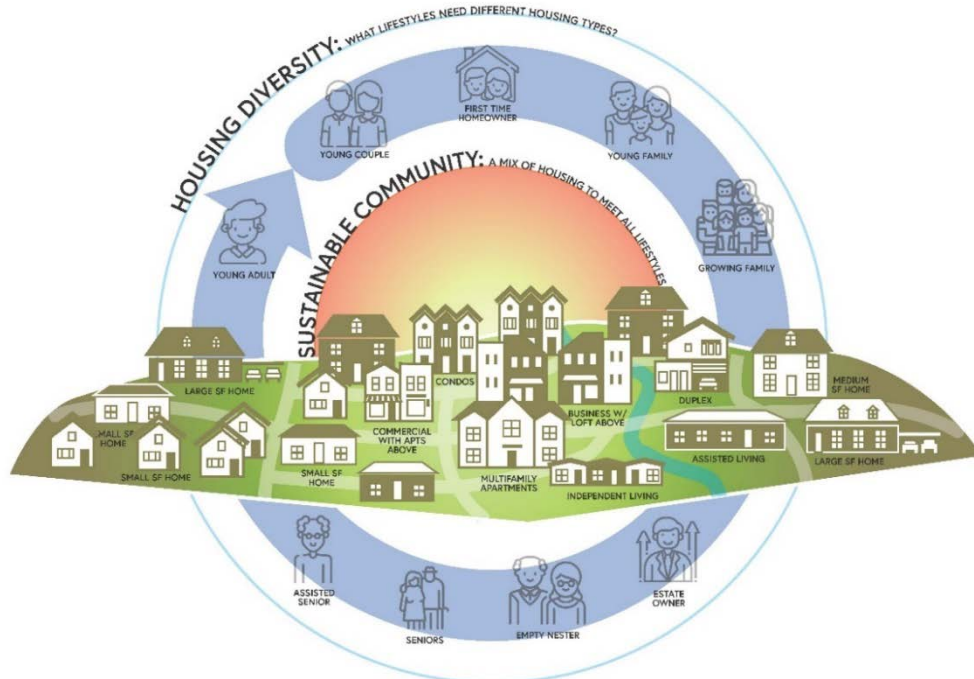
Beyond quantitative analysis, development of this report featured discussions with City staff and local stakeholders. Interviews were conducted in August 2022.

Following completion of the final draft report, a summary presentation was provided to the City Long Range Planning Committee in October 2022.

Vandewalle & Associates (V&A) is a Wisconsin-based planning, economic development, and implementation firm. Working for both the private and public sectors, V&A has assisted communities throughout the state and across the Midwest in long-range planning, redevelopment, corridor and neighborhood planning, and neighborhood design for more than 40 years. This includes assisting Tomah with its ongoing planning and economic development initiatives.

## Section 2: Summary Report Findings

Key Findings
Tomah's population has increased over the past 20 years, but the increase slowed substantially over the past decade. Both total population and households are projected to increase over the next 20 years.
An average of 36 housing units per year have been constructed since 2010. Of the 394 housing units constructed between 2010-2021, 22% were single-family, 7% were manufactured homes, 30% were two-family, and 41% were multi-family.
Demographic shifts are occurring with an increasingly older overall population, increasing number of single-person households, decreasing average household size, and larger percentage of homeowners over the age of 65.
The City's housing stock is changing with an increasing proportion of the housing stock being made up of multi-family units, declining owner-occupied percentages, increasing age of the overall housing stock, and homeowners living in their homes for longer periods of time.
Housing market fluctuations are taking place with the average house sale and list price far exceeding median owner-occupied housing unit values, homes on the market being sold in less time, and a shortage of area developers and builders.
Economically, the City's population has lower median household incomes resulting in nearly half of all households having incomes below \$50,000 a year, 24% of households are housing cost burdened, the majority of rents are below \$1,000 a month, and the majority of owner-occupied housing units are below \$150,000.
Other trends impacted by the City's housing supply and demand include stagnant school district enrollment, a disproportionate number of people employed in Tomah commute from other areas, low unemployment rates, large employers expanding local job opportunities, and diversifying tax base.
There may be additional demand for rental-occupied units around \$1,000 a month and owner-occupied units between \$200,000 - \$299,999 in value.
Stakeholders identified that there is both a lack of availability and affordability in the existing housing market, employers continue to expand with limited options for employees to live in Tomah, demographic shifts are having a huge impact on housing supply and demand, there is a need for new public-private partnerships to help solve existing housing issues, and that Tomah has a lot to offer in terms of resident attraction and retention.



## Section 3: Existing Housing Situation

As a standalone community located at the crossroads of two major Interstate Highways, Tomah is uniquely equipped to attract employers, residents, and visitors alike. However, as with many communities across the state, the City faces a housing shortage. Below is a summary of the City's existing housing situation.

### **Demographics**

Tomah's population has steadily increased over the past 30 years, however the City experienced much more substantial population growth between 1990-2010 in comparison to the last decade. As of 2021, the City of Tomah had a population of 9,493 residents, a 4.4% increase since 2010.

The population's age has shifted over time resulting in a higher overall median age (40 years old) and increasing percentage of the population over the age of 65 years old (19%). This older population is within retirement age, which plays a role in the availability of labor and also the community's overall housing needs.

Additionally, Tomah has experienced a decreasing average household size (2.21) and increasing single-person household percentage (39%) over the past 20 years. The average household size is much lower than the state and county, while the percentage of single-person households is much greater than that of the state and county. Both play a role in the availability of housing units and presents an opportunity to provide greater diversity in housing unit type to accommodate these smaller households, which frees up availability for larger family-oriented housing units.

### **Housing Stock and Tenancy**

Another key to understanding the City's existing housing situation is housing tenancy. 49% of the City's housing stock is owner-occupied, a rate which has continued to decrease for the past 20 years. Overall, that percentage is the opposite trend of both Monroe County and state overall, which have well over 60% owner-occupied housing units. The City's housing stock is also aging. As of 2020, more than 53% of the existing housing units in Tomah were built prior to 1980.

Further, there is a lack of housing turnover in owner-occupied housing units. Of all owner-occupied housing units in Tomah, 40% of homeowners have not moved in over 20 years and 20% haven't moved in more than 30 years. Additionally, the age of homeowners has also increased (34% of all homeowners are 65 years or older). A combination of these factors, coupled with the demographic shifts mentioned above, further limits the supply of the City's already limited owner-occupied housing stock.

### **Housing Market**

Tomah has consistently maintained a steady housing vacancy rate over the past twenty years (6%-7%). Overall, this falls within a healthy community's housing vacancy rate of approximately 5%. However, there have been dramatic changes in the housing market over the past two years and it is anticipated that the City's housing vacancy rate is much lower than the figures above in 2022.

Another component of the housing market is recent sale and list prices for owner-occupied units. The average sold price of a home (\$194,087) has increased substantially in 2021-2022 from \$161,831 in 2019-2020, while the average list prices of a home for sale (\$206,814) has also increased in 2021-2022, from \$170,533 in 2019-2020. Moreover, between January 2021 and July 2022, homes listed for sale in Tomah have lasted an average of 55 days on the market. In comparison, between July 2019 and December 2020, homes averaged 79 days on the market.

In terms of new construction, since 2010, the City of Tomah has added a total of 394 new housing units or an average of 36 units per year (2010-2021), which is down from a little over 500 new units added between 2000-2010 or an average of 52 per year. Of those 394 new units, 85 (22%) are single-family, 26 (7%) are manufactured homes, 120 (30%) are two-family, and 163 (41%) are multi-family. In total,

Tomah fell short of its projected housing unit total for 2020 based on the 2013 Comprehensive Plan by approximately 50 units.

Overall, these figures indicate that there is high demand that is not being met by current supply.

### Housing Costs

The median value of an owner-occupied home in Tomah was \$128,200 in 2020 - lower than the median for Monroe County and the state overall. This is partially due to the lack of sustained new owner-occupied housing construction and aging housing stock.

In 2020, the median cost of rent was \$854 per month and the median cost of owner-occupied housing units with a mortgage was \$1,166 per month. Additionally, in 2020, the City's median household income was \$51,304 and per capita income was \$31,656. Median household income figures are lower than both the state and county's average, but have increased over the past two decades.

Despite lower median values as compared to surrounding communities, demand for homes in Tomah has grown, as indicated by recent sale prices. The average sale price (177,959) over the past 3 years exceeds the median owner-occupied home value in Tomah in 2020 by 39% (\$128,200), indicating a clear mismatch between price of homes being sold and median overall home values. The same trend exists in the rental housing market. As of September 2022, the average rent in Tomah was \$901 per month (source: apartments.com). This is a 6% increase over the median cost of rent per month just 2 years ago.

When comparing median incomes and housing costs for existing units, about 49% of Tomah households can only afford a monthly housing cost of \$1,250 or less, based on annual income and 30% utilized for housing costs. Overall, approximately 51% of households could afford greater than \$1,250 a month, meaning that there may be unmet demand for higher cost housing than what the City currently offers.

As of 2018, 24% of the City's households were cost burdened, meaning they spend greater than 30% of their average income on housing related costs, a slightly higher total than both Monroe County and Wisconsin overall. This indicates that approximately a quarter of all households in Tomah are struggling to pay their rent or mortgage and are forced to make choices related to other expenses in order to afford their monthly housing costs.

Another factor that plays into housing costs and overall affordability is the cost of living. One of the most effective ways of analyzing the cost of living is through the comparison of different area's living wage. A living wage is defined as the hourly rate that an individual must earn to support their family if they worked full time. In general, Monroe County has a lower cost of living than the state as-a-whole in terms of both one working adult with one child and two working adults with two children. However, over the past several years, living wage has increased dramatically in Monroe County and throughout state. This could be a result of impacts associated with the COVID-19 global pandemic and drastic economic fluctuations that occurred in 2020.

### Other Factors

In part due to the lower number of new housing units created over the past decade, the aging population, smaller average household sizes, and residents staying in their homes for long periods of time, the Tomah Area School District's enrollment has decreased slightly over the last decade. To note, this only includes the public schools located within the City of Tomah.

The City also has a large number of commuters. Only 25% of the people employed in Tomah live in the City. By comparison, Monroe County is over 50%. Additionally, Monroe County overall has a total labor force of 23,796 and total employment of 23,121, which translates to an unemployment rate under 3% in 2022.

There were also several large local employers who stated during the listening sessions that they have existing staffing vacancies and are planning to expand in the near future. However, many employers have been forced to provide remote working options and turn to migrant workers to fill open positions, while many employees have been forced to commute longer distances to find available housing options. Overall, this means new jobs being created in the community are potentially being filled by people outside of Tomah and that without new housing options the City may be losing opportunities for new residents.

The same employment and demographic shifts being experienced in Tomah are also prevalent at the state level. In a recent study by Forward Analytics (Source: Moving In? Exploring Wisconsin's Migration Challenges, 2022), the number of working Wisconsin residents will decline by about 130,000 people by 2030, if migration patterns continue from the previous decade. In order to fill existing and new jobs created locally, this means that new housing units will be needed to accommodate these migrants.

Additionally, the City of Tomah has many large employers and provides employment opportunities for the greater area. Evidence of this can also be found in the City's equalized land values overtime. Since 2000, the percentage of residential land values as a proportion of the City's overall land values has decreased. This can partially be attributed to the growth of other land uses in Tomah (commercial, industrial, etc.), but also lower numbers of new housing units being developed.

In total, school district enrollment, employment, labor force, and equalized land values all provide insight on the existing housing situation and indicate a demand for new housing units in Tomah.

## Section 4: Addressing Existing Housing Gaps and Needs

### **Housing Demand**

In order to understand future housing needs, population projections were prepared based on past growth trends the City has experienced and Wisconsin Department of Administration projections. As shown in the Appendix, the City could grow by anywhere from 7%-17% by 2040. That translates to an increase of between 700-1,600 new residents.

The preferred population projection for this report was the linear growth rate based on population changes between 1990-2021 because it represents both the largest sample size and accounts for both pre- and post-Recession. Based on this methodology, the City's population is projected to be 10,051 in 2030, or 558 new residents at approximately the average rate of 62 new residents per year. In 2040, the population is projected to increase to 10,672 or 1,179 new residents.

Another factor in the number of new housing units needed is average household size. The average household size in Tomah has continued to decrease over the past two decades. This is reflective of national trends and corresponds to the City's aging population and increase in single-person households. Based on WisDOA household projections, the average household size in Tomah is projected to continue decreasing over the next twenty years. A combination of WisDOA average household size projections and the population projections noted above were utilized to generate the City's projected households over the next two decades.

No matter what type of housing units are constructed over the next decade, it is projected that the City will need between 400-700 new units to meet the projected population demand by 2030. The form, type, occupancy, and diversity of these units will be influenced by policy decisions, market factors, developers, and builders.

### **Price Point**

Based on data from the U.S. Department of Housing and Urban Development (HUD), the 2022 median family income in Monroe County was \$79,700. Based on this figure, a home priced at \$239,100 would be

considered affordable for a household earning 100% of median income for the area. At 80% of area median income, a home priced at \$195,600 would be considered affordable for a household of four.

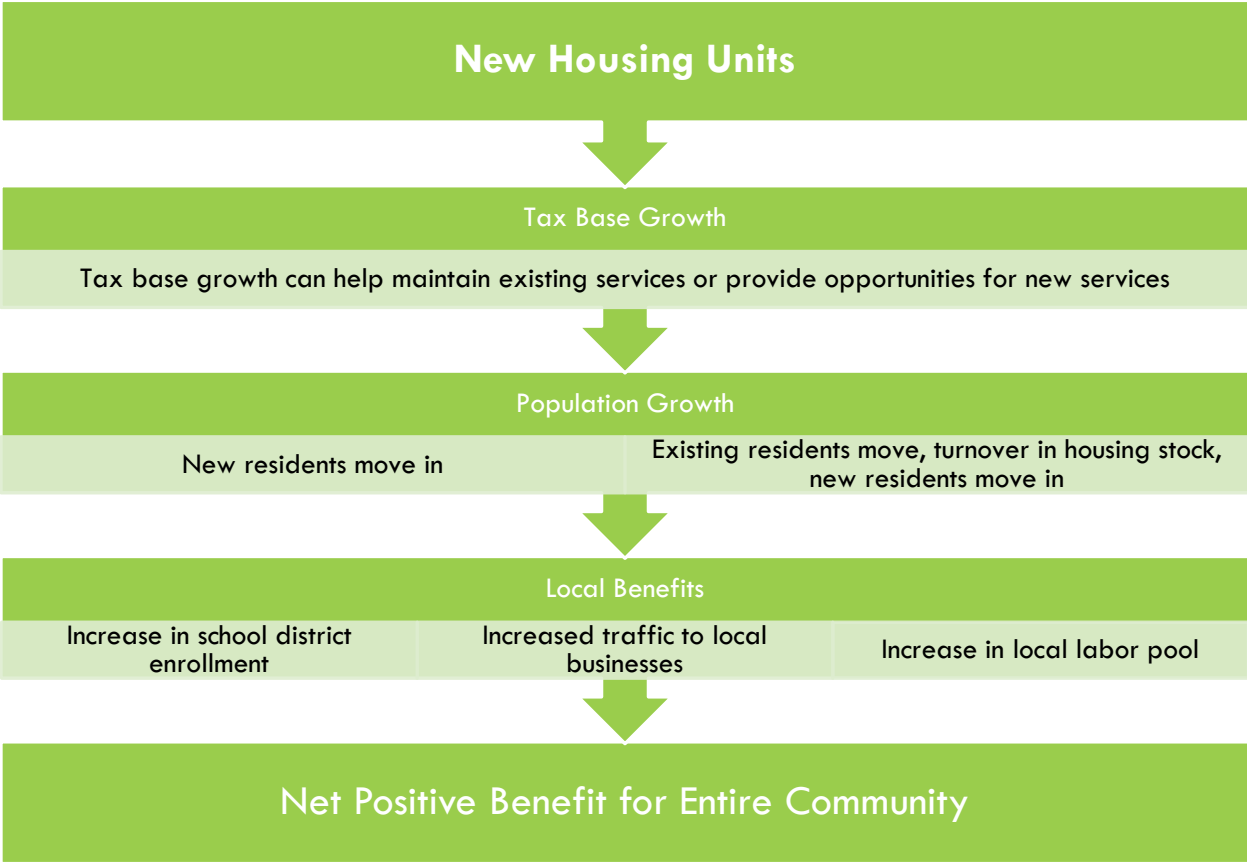
Of the 2,028 rental-occupied housing units in the City in 2020, approximately 29% of renters pay greater than \$1,000 per month in rent. Of the 2,012 owner-occupied housing units in the City in 2020, 12% are greater than \$200,000 in value. This means that there may be additional demand for rental units around \$1,000 a month and owner-occupied housing units between \$200,000-\$299,999 that is currently being unmet.

### Unit Type

About 60% of all housing units in the City in 2020 were single-family (detached or attached), only 8% were two-unit structures, and only 8% were 3-4 unit structures. These unit types present the greatest possibility for the City in terms of new housing unit types that could help meet the existing demand. Whether owner or renter-occupied, single-family attached, single-family detached, two-family, and small-scale multi-family housing units (1-4 units) offer opportunities for young professionals just starting out their careers, young families looking for starter homes, and older residents looking to downsize or reduce their overall maintenance costs and demands. Overall, different housing unit types accommodate a wide variety of persons per household, meaning that increasing unit diversity can help fill existing gaps in the housing stock and meet the needs of diverse household types as the community's demographics change overtime.

Another way that the City could accommodate the types of new housing units needed is through providing opportunities for new types of housing. While the construction of a new single-family home is dependent on outside market forces, the cost of land and infrastructure can be influenced by the City's policies. This could make a significant difference in lowering the price points of new units. A way to do this is through smaller lot, single-family development and/or small, multi-family units that increase development density. This spreads land and infrastructure costs over a greater number of units, reducing the individual cost per unit. For example, single-family lots that are 60 feet wide have roughly 40% lower development costs verses 100-foot-wide lots (Source: *The Municipality, Wisconsin League of Municipalities, October 2021*).

Finally, it is important to consider the broader economic impacts that one new housing unit in the community can have. A ripple effect occurs each time a new unit is added to the City's housing supply. As shown below, the potential benefits from new housing units in Tomah can directly affect many other existing challenges the City faces.



**Section 5: Stakeholder Listening Session Summary**

On August 23, 2022, two one-hour stakeholder listening sessions were held. One included five different large employers from Tomah and the other included five total representatives from local lenders, realtors, developers, and builders. City staff, Tomah Chamber of Commerce Convention and Visitors Bureau staff, and Vandewalle & Associates were also present at both sessions. The goal of each session was to gather area-specific insight on the existing housing market in terms of challenges and opportunities. Below is a summary of both discussions.

**Housing Challenges in Tomah**

- Large employers shared that some people have turned down jobs in Tomah because of the lack of availability of both owner and renter housing options with many workers choosing or being forced to commute longer distances to find housing availability in places like La Crosse and Onalaska; entry level positions cannot afford housing in Tomah right now.
- Other local challenges include the lack of available buildable lots, public transit and childcare options, the influx of agricultural migrant workers at different times of the year, demographic shifts in people living longer, more retirees, millennials entering the housing market, decrease in average household size, and the urban-rural dynamic.
- Some of the overarching challenges at the regional, state, and national level include increasing costs of land, building materials, labor, and lending, supply chain issues and labor shortages, and people having to adjust their budgets because of higher costs, all of which results in more buyers and renters getting less for their money.



## Housing Costs

- Many people expressed that for what you can get in Tomah, housing is fairly expensive, even compared to larger communities.
- It has become increasingly difficult for people to move to Tomah and compete for owner-occupied units because homes on the market are lasting such a short time.
- Rents have increased substantially over the past several years in Tomah, but the size and quality of the units have not changed. Even at rents above \$1,000 a month, there are wait lists.
- Average owner-occupied unit costs have also increased substantially over the past several years in Tomah where the same home is \$30,000 - \$50,000 more than it was just two years ago. This has played a significant role in keeping first time homebuyers out of the market.
- Builders and developers have experienced situations where they can't even finish a new unit before those units are purchased/rented (both rentals and owner-occupied units).
- For individuals seeking housing vouchers in the City, the unit cost and type they must find to be eligible is often in short supply, dilapidated, and not ADA accessible.

## Housing Related to Staffing

- Several of the large employers expressed that housing is not the top issue in filling staffing vacancies, but it has played a larger role in the past several years.
- There were general concerns that if/when planned business expansions occur that there wouldn't be enough housing to support the new employees. Some have even considered migrant workers for these roles, but they still see the lack of housing as a main issue in having these workers transition to homeownership and stay long-term in Tomah. Others have had to provide remote working options to secure new employees.
- Overall, there are several large employers outside of the City of Tomah's boundaries that are also pulling from the same local labor market. This has played a part in shrinking the labor pool and exasperating the housing situation.

## Housing Assistance or Collaboration Opportunities

- Several of the large employers do not currently offer housing assistance programs, but it is something that they may be considering in the future if the situation continues to get worse. Some have even considered constructing their own housing units on-site for their employees.
- Potential public-private collaboration ideas raised included reducing new construction costs by providing public money for land or infrastructure, developing new mixed-income multi-family housing projects, providing increased opportunities for manufactured or modular home construction, reducing barriers for renters, and converting older commercial or manufacturing buildings into new housing units. Overall, both groups expressed interest in collaboration efforts that offset some of the rising costs for new units to maintain affordable price points.

## Resident Attraction and Retention

- People felt that there were many great aspects of Tomah that could be further leveraged in attracting and retaining residents. These included high-quality services and infrastructure, good schools, local events, outdoor recreation opportunities, small town feel with amenities nearby, downtown, food options, interstate accessibility, large employers and medical services, and that Tomah still remains cheaper than metropolitan areas across the state (cost of living).

## Overarching Takeaways and Top Priorities

- Overall, there is a lack of both availability (lots, unit types, quality, diversity, etc.) and affordability (infrastructure, building materials, labor, lending, etc.) in the housing market today.

- Many local and regional employers continue to expand, but there is nowhere for these new employees to live. It has forced many people to commute to Tomah for work or work remotely.
- Demographic shifts are having a huge impact on both housing demand and supply.
- The community can no longer rely solely on the private sector to provide all of its housing needed. There must be public-private collaboration that utilizes all tools available.
- Tomah has a lot to offer but needs new housing of all types to provide people with a chance to spread their roots and stay in the community long-term.

**Section 6: Recommendations**

1. **Allow smaller-lot single-family housing options by right in residential zoning districts.** The existing ordinance provides options starting at 7,200 square foot minimum lot sizes for single-family development. Either by modifying the existing zoning districts or establishing a new district, the City could further reduce these requirements to a minimum lot size of between 4,000 - 6,000 sf. It also provides flexibility for developers and the potential for new starter or down-sizing options for residents.
2. **Allow missing middle housing options by-right in the zoning ordinance.** There are several housing formats that could be established as new zoning districts in Tomah including two-flats, duplexes and twin homes, small-scale multi-family apartments, multiplexes, or townhomes (3-8 units), medium-scale multi-family (9-20 units), and high-density multi-family (20+ units). As an alternative to the existing minimum lot size requirement for each additional unit proposed or utilizing the Planned Unit Development process, Tomah could allow different scales of two-family and multi-family development to be permitted by-right in different zoning districts. This can help reduce approval processes and provide more flexibility for certain lot configurations.
3. **Reduce parking minimums for new development in the zoning ordinance.** A significant cost of new housing construction is the land, infrastructure, and labor needed to accommodate on-site parking. The zoning ordinance requires a minimum number of parking spaces be provided with each type of new housing development. Through a reduction in the minimum on-site parking required, new housing projects can reduce the costs associated with developing new units.
4. **Allow greater flexibility for manufactured and modular home construction.** Tomah currently has a Manufactured Home zoning district (R-4) and a Mobile Home zoning district (R-5) in its zoning ordinance. The other residential zoning districts do not permit this type of development. The City could modify the zoning or subdivision ordinance and Future Land Use Map to allow greater flexibility for these types of housing units in the other residential areas of the City or permit rezonings to R-4 and R-5 in future growth areas.
5. **Allow In-Family Suites and/or Accessory Dwelling Units in all residential zoning districts.** This allows for the existing residential capacity of the City to be increased on the footprint of existing residential lots. In-Family Suites, or Granny Flats, are an opportunity for a family to accommodate an older adult such as a grandparent within the existing house. They are typically additions or remodeling to the existing home that provides a separate entryway, kitchenette, and bathroom with shared walls and access to the remainder of the home. Accessory dwelling units provide an opportunity for smaller and higher-density residential developments in back or side yards where homes are already present. This is a great opportunity to accommodate affordable housing for residents and/or their families in established neighborhoods.
6. **Create and adopt new zoning districts or amend existing zoning districts to allow mixed-use development by right or by conditional use in all business zoning districts.** Right now, residential is permitted only above the ground floor in the business zoning districts. Allowing mixed-use development with a required percentage of non-residential space on the ground floor (example: 50%) could provide more opportunities for mixed-use projects and reduce the need for Planned Unit Developments (PUD).

7. **Utilize tax incremental financing (TIF) to help supplement some of the cost of new affordable housing in the community.** Utilize the special provision in tax increment financing law that allows the City to keep a tax increment financing district open for an extra year to support affordable housing and improve housing stock anywhere within the City. This approach has been utilized in Milwaukee, Madison, Appleton, La Crosse, Oregon, Whitewater, and other Wisconsin communities. This is something that Tomah should consider toward the end of the statutory life of the existing districts.
8. **Develop new Neighborhood Plans.** These plans should focus on encouraging diverse types of housing in the same neighborhood to provide developers with the ability to sell lots and units quicker, hitting multiple price points. It also helps address the need for diversifying the City's housing supply.
9. **Permanently establish a Housing Committee or add it to the responsibilities of an existing committee.** This could be done through partnering with the Tomah Housing Authority, Monroe County, and other government entities, in addition to private sector partners. The development and establishment of a Housing Committee helps provide leadership on the topic and can drive initiatives on housing within the community.
10. **Set goals for the future that clearly define the number of housing units that need to be added to the community by a given year (i.e. 2030).** This is often done through an adopted policy by the City Council. Many communities throughout the state have started setting ambitious and clearly defined targets for needed housing units, which has helped set the stage for construction of new units.
11. **Encourage developers to leverage existing economic development tools and incentives.** Explore Opportunity Zones, Low-Income Housing Tax Credits, Historic Preservation Tax Credits, and other state and county programs directly related to housing and redevelopment. Developers should be aware of funding sources that can have a sizeable impact on their bottom lines.
12. **Proactively work with landowners and pursue developer recruitment.** There are several developable greenfield areas either within the City's existing municipal boundary or adjacent to it where future residential development is planned. City staff and other local groups can take an increasingly proactive approach to working with the landowners in these areas to inform them of the City's housing situation and connect them to possible developers. Consistent communication with these individuals, in addition to targeted developer recruitment efforts helps facilitate connections between the two groups that could lead to actionable steps being taken toward development of new residential units in the City.
13. **Purchase land for new affordable residential development.** Overall, there are fewer developers in the Tomah market than in previous decades. This is a result of multiple factors, including the Great Recession causing many to go out of business, the state's largest developers focusing on metropolitan areas where land values are higher, and local home builders that remain in the area focusing on luxury single-family homes because the return on investment is much higher. This has led to very few new housing units and subdivisions being constructed in Tomah since 2008. As a result, it may be necessary for the public sector to step in to jump start residential development again. This can be accomplished through the City or other government entities purchasing developable land, making site improvements, connecting the area to infrastructure, and selling the individual new residential lots or the whole new subdivision. However, with this approach there is inherent risk due to unpredictable market fluctuations that could occur at any given time, but it is one alternative to waiting for private developers to immerge.
14. **Leverage grants to prepare infrastructure for future residential development.** Over the past two years, substantial federal government stimulus packages aimed at providing funds to state, regional, county, and local governments have been passed, and more are likely to pass in the coming years. Like the stimulus money that followed the Great Recession in 2009-2010, government entities that have prepared and pre-identified shovel-ready projects will be able to seek those funds most effectively. If the City takes a proactive approach in identifying possible infrastructure projects, there

will be opportunities over the next year to seek funds for them. These projects could be new roads or bridges, needed stormwater infrastructure, utility upgrades, expanded capacity or extensions, and more. By leveraging and capitalizing on the upcoming stimulus funding, the City can complete needed infrastructure projects that help facilitate and accelerate redevelopment, infill, or new residential development.

15. **Take a proactive approach to evaluating existing infrastructure.** In order to accommodate additional housing units, the City must understand its existing infrastructure constraints and opportunities. In doing so, Tomah can develop a plan to accommodate future development, instead of reacting to new development as it comes.
16. **Educate first time home buyers and residents of the opportunities available.** This can be done by producing educational materials or holding periodic outreach and educational events that provide guidance and increase awareness of publicly available programs. These materials or events can be designed to aid homeowners and home buyers.
17. **Pursue public-private partnerships for housing projects.** There are many examples of ways communities can directly work with private entities in a collaborative way to stimulate new housing development. Examples include several of the recommendations mentioned above in addition to reducing new construction costs by providing public money for land and/or infrastructure, providing incentives for affordable housing projects and mixed-income housing projects, purchasing land or buildings and recruiting developers on targeted sites, working with existing building owners on conversion of underutilized or blighted properties into new mixed-use or housing projects, and working with landlords to reduce barriers in screening rental applicants.
18. **Evaluate and update the City's Future Land Use Map.** The Future Land Use Map in the City of Tomah Comprehensive Plan hasn't been reevaluated and substantially updated since 2013. Any future zoning map or text change must be consistent with the adopted Comprehensive Plan and its Future Land Use Map. Strategic, housing-focused changes to the Future Land Use Map could provide greater flexibility for housing diversity, housing density, and mixed-use opportunities both within the City's existing boundaries and in its future growth areas. To note, the City of Tomah is planning to update the Comprehensive Plan and Future Land Use Map in 2023.

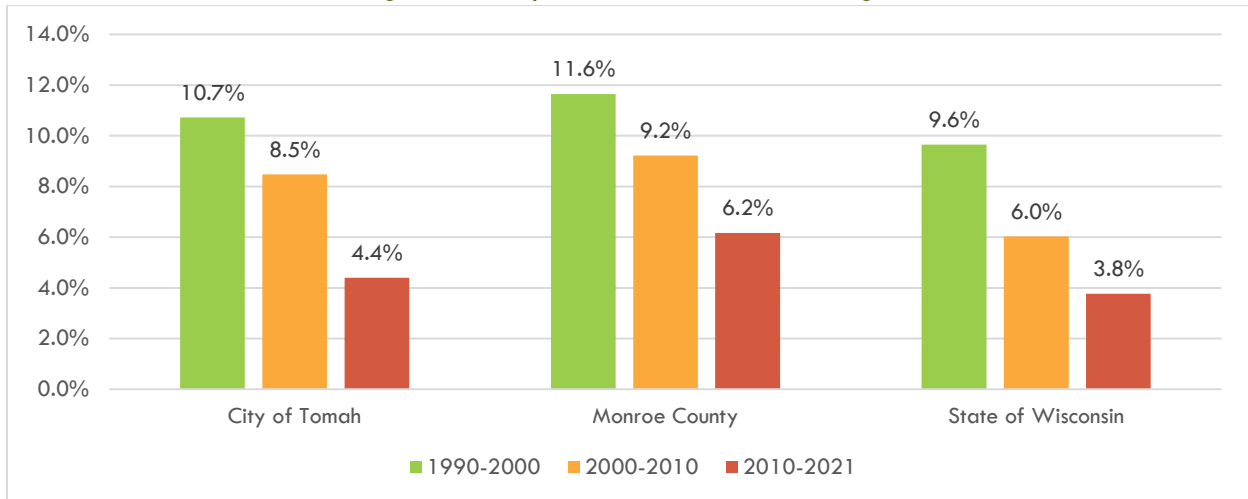
## Section 7: Action Plan

This report identifies housing issues and opportunities in the City of Tomah. It articulates a need for additional housing units to serve the future population and highlights the types and price points of housing needed. The City is not on track to meet those needs, but steps can be taken to address the matter and the City's housing challenges.

Task	Timing
Continuously update/monitor community housing data	Ongoing
Leverage available stimulus money and pursue future grant opportunities	Ongoing
Identify key new development and redevelopment sites for new housing (see Map 1)	2022
Adopt zoning changes	2023
Adopt an updated Comprehensive Plan and Future Land Use Map	2023
Set goals for future housing units needed	2023
Establish a Housing Committee or assign housing as a responsibility to an existing committee to lead the implementation of this action plan	2023
Produce summary incentive materials and provide them to prospective developers	2023
Develop Neighborhood Plans or key site Redevelopment Plans	2023
Create a developer recruitment strategy	2023
Pursue public-private partnerships for housing projects	2023
Establish the Tomah Owner-Occupied Housing Rehab Program	2024
Explore opportunities for the City to purchase and/or develop its own residential subdivision based on Neighborhood Plans	2024
Conduct a utility capacity analysis and evaluate infrastructure needed to serve new neighborhoods	2024
Develop first-time home buyer education events	2024
Establish an Affordable Housing Fund at the end of each existing TID's statutory life.	2039

## Appendix

### Figure 1.1 Population Growth Percentages



Source: U.S. Census Bureau, 1990, 2000, 2010, and 2020 Census and 2021 WisDOA annual population estimates for Wisconsin municipalities.

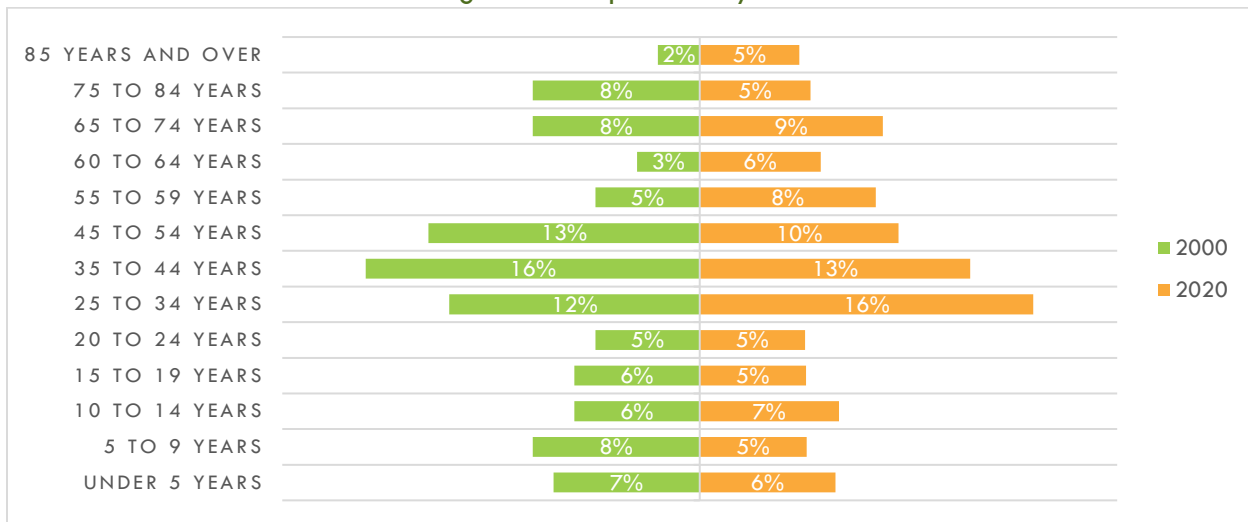
### Figure 1.2 Age

	Median Age			Percentage Under 18 Years Old			Percentage Over 65 Years Old		
	2000	2010	2020*	2000	2010	2020*	2000	2010	2020*
City of Tomah	37	34	40	26%	28%	22%	18%	15%	19%
Monroe County	37	38	40	28%	26%	25%	14%	14%	17%
Wisconsin	36	38	40	25%	24%	22%	13%	13%	17%

Source: U.S. Census Bureau, 2000 and 2010

\*Source: U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates.

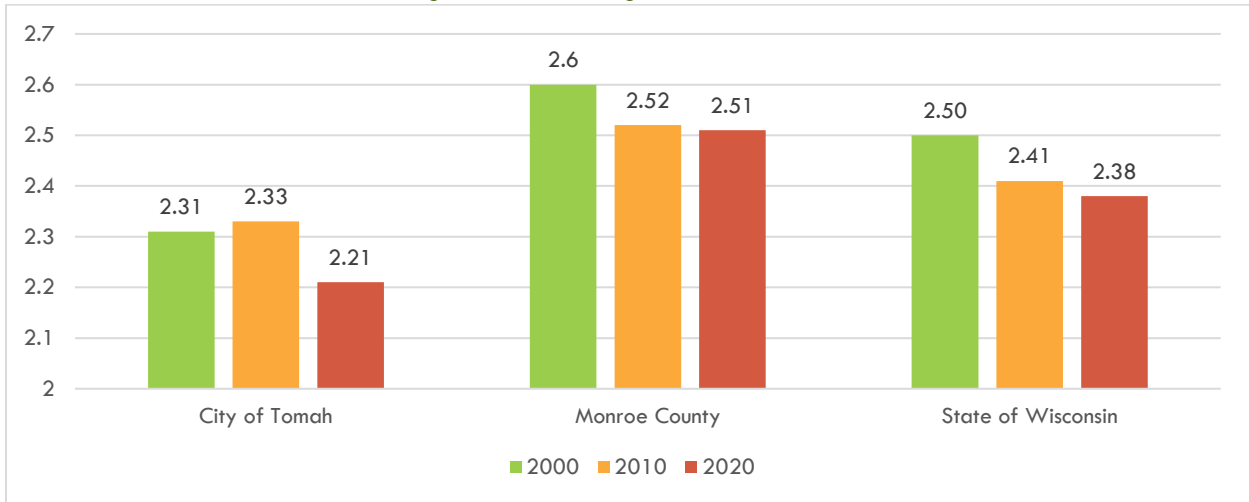
### Figure 1.3 Population Pyramid



Source: U.S. Census Bureau, 2000.

\*Source: U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates.

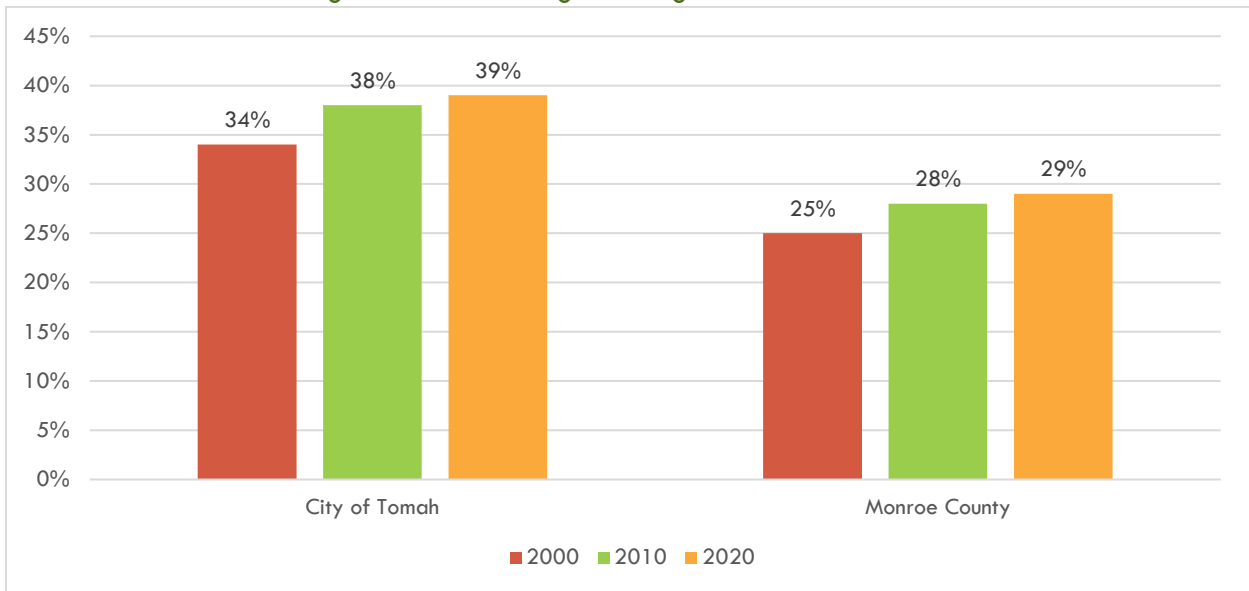
Figure 1.4 Average Household Size



Source: U.S. Census Bureau, 2000 and 2010

\*Source: U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates.

Figure 1.5 Percentage of Single-Person Households



Source: U.S. Census Bureau, 2000 and 2010

\*Source: U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates.

Figure 1.6 Percentage of Owner-Occupied Housing Units

	2000	2010	2020*
City of Tomah	61%	57%	49%
Monroe County	73%	72%	71%
State of Wisconsin	68%	68%	67%

Source: U.S. Census Bureau, 2000 and 2010

\*Source: U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates.

Figure 1.7 Total Housing Units and Households

	Total Housing Units			Total Households		
	2000	2010	2020*	2000	2010	2020*
City of Tomah	3,673	4,196	4,456	3,451	3,743	4,094
Monroe County	16,672	18,966	20,000	15,399	17,322	18,025
Wisconsin	2,321,144	2,624,358	2,709,444	2,321,144	2,293,250	2,377,935

Source: U.S. Census Bureau, 2000 and 2010

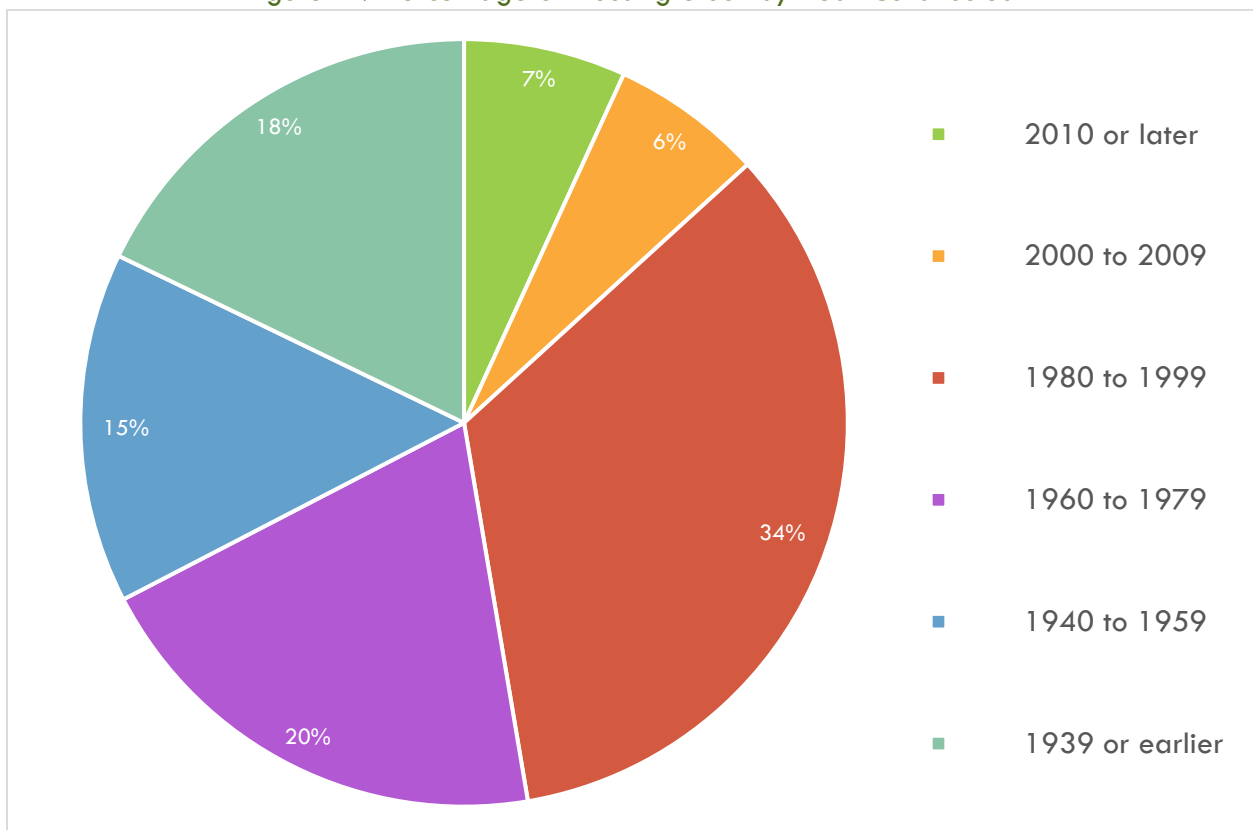
\*Source: U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates.

Figure 1.8 New Housing Units Constructed in the City of Tomah

	2010-2021			
	Single-Family	Manufactured Homes	Two-Family	Multi-Family
Total Structures	85	26	60	7
Total Units	85	26	120	163
Percentage of Total Units	22%	7%	30%	41%
Average Total Units Per Year	8	2	11	15

Source: City of Tomah, 2022

Figure 1.9 Percentage of Housing Stock by Year Constructed



\*Source: U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates.



Figure 1.10 Tenure of Householder and Age of Householder, Owner-Occupied Housing Units

Year Householder Moved In	Percentage of Owner-Occupied Housing Units	Age of Head of Householder	Percentage of Owner-Occupied Housing Units
2019 or Later	1%	Under 35	13%
2015-2018	11%	35 to 44	19%
2010-2014	21%	45 to 54	18%
2000-2009	27%	55 to 64	16%
1990-1999	20%	65 to 74	17%
1989 or Earlier	20%	75 to 84	9%
		85 and Over	8%

\*Source: U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates.

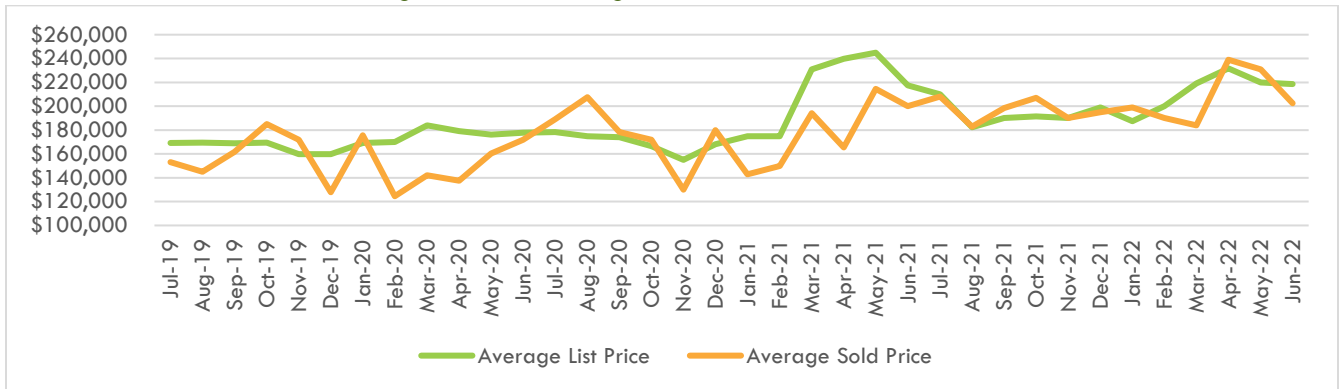
Figure 1.11 Housing Vacancy Rates

2000	2010	2020*
7%	7%	6%

Source: U.S. Census Bureau, 2000 and 2010

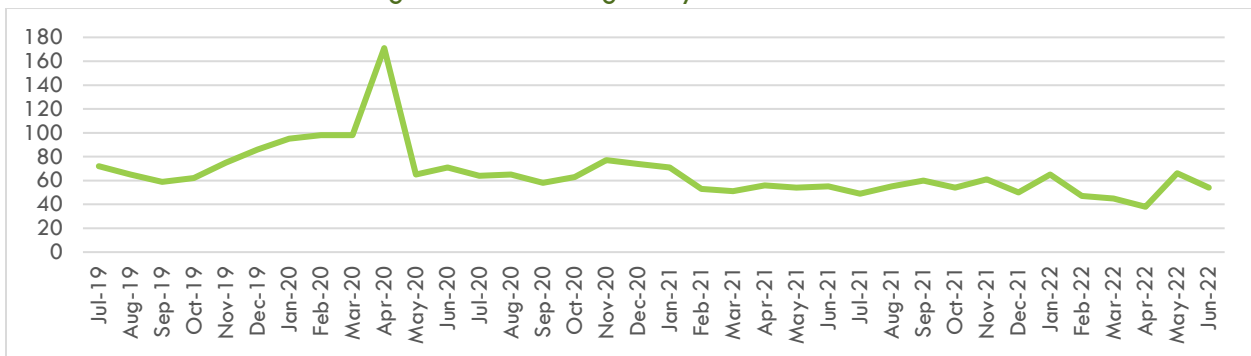
\*Source: U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates.

Figure 1.12 Average List and Sale Price



Source: Realtor.com, 2022

Figure 1.13 Average Days on the Market



Source: Realtor.com, 2022

Figure 1.14 Housing Costs and Values

	Median Gross Rent			Median Monthly Owner-Occupied Costs (with a mortgage)			Median Value of Owner-Occupied Units		
	2000	2010	2020*	2000	2010	2020*	2000	2010	2020*
City of Tomah	\$492	\$683	\$854	\$741	\$1,121	\$1,166	\$76,400	\$106,300	\$128,200
Monroe County	\$455	\$634	\$822	\$793	\$1,216	\$1,291	\$77,500	\$126,800	\$157,600
State of Wisconsin	\$540	\$713	\$872	\$1,024	\$1,433	\$1,430	\$112,200	\$165,900	\$189,200

Source: U.S. Census Bureau, 2000 and 2010

\*Source: U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates.

Figure 1.15 Affordable Monthly Housing Costs

Annual Household Income	Number of Households	Percentage of Households	Affordable Monthly Housing Cost*
Less than \$24,999	655	16%	\$625 or less
\$25,000 to \$49,999	1,332	33%	\$625 to \$1,250
\$50,000 to \$74,999	825	20%	\$1,250 to \$1,875
\$75,000 to \$99,999	561	14%	\$1,875 to \$2,500
\$100,000 to \$149,999	398	10%	\$2,500 to \$3,750
\$150,000 or more	323	8%	\$3,750 or more

Source: U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates.

\*Assumed 30% of annual income used for housing costs.

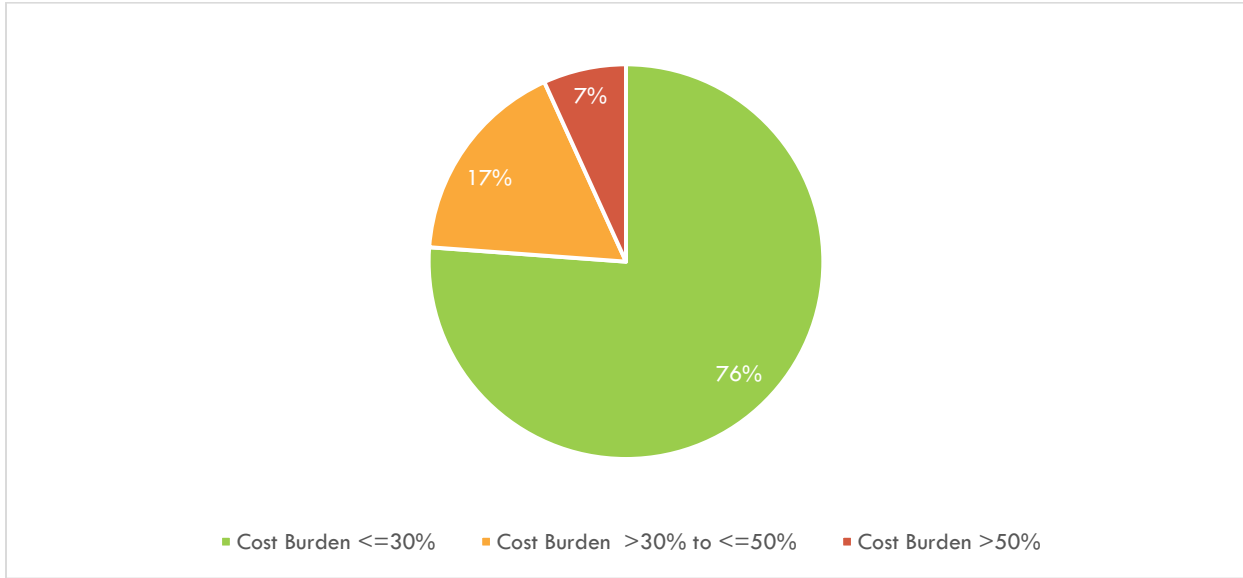
Figure 1.16 Area Incomes

	Median Household Income			Per Capita Income		
	2000	2010	2020*	2000	2010	2020*
City of Tomah	\$31,986	\$40,150	\$51,304	\$17,409	\$22,823	\$31,656
Monroe County	\$37,170	\$47,333	\$60,595	\$17,056	\$23,052	\$29,946
State of Wisconsin	\$43,791	\$51,598	\$63,293	\$21,271	\$26,624	\$34,450

Source: U.S. Census Bureau, 2000 and 2010

\*Source: U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates.

Figure 1.17 Percentage of Cost Burdened Households



\*Source: U.S. HUD CHAS data calculated using ACS 2014-2018.

Figure 1.18 Living Wages

	1 Working Adult With 1 Child	2 Working Adults With 2 Children
Monroe County	\$31.02	\$22.39
Wisconsin	\$33.25	\$24.28

Source: MIT Living Wage Calculator, 2022

Figure 1.19 School District Enrollment

School Name*	2010-2011 Enrollment Total	2021-2022 Enrollment Total	Enrollment Total Percentage Change 2010-2022
La Grange Elementary	387	418	8%
Lemonweir Elementary	317	287	-9%
Miller Elementary	267	254	-5%
Tomah Middle	641	690	8%
Tomah High	957	867	-9%
Total*	2,569	2,516	-2%

\*Only includes public schools located within the City of Tomah and Tomah Area School District.

Source: Wisconsin Department of Public Instruction, 2022.

Figure 1.20 Monroe County Total Labor Force and Employment

Month in 2022	Total Labor Force	Total Employment
January	23,425	22,723
February	24,057	23,331
March	23,763	23,205
April	23,747	23,151
May	23,994	23,269
June	23,820	23,092
July	23,766	23,076

Source: Wisconsin Department of Workforce Development, 2022.

Figure 1.21 Commuting Patterns

	Percentage
Employed in Tomah and Live in Tomah	25%
Employed in Tomah, but live elsewhere	75%
Live in Tomah and work elsewhere	66%
Employed in Monroe Co. and Live in Monroe Co.	53%
Employed in Monroe Co., but live elsewhere	47%
Live in Monroe Co. and work elsewhere	52%

Source: U.S. Census OnTheMap, 2019

Figure 1.22 Equalized Land Values

	Residential	Other	Total	Percentage Residential
2000	\$172,581,800	\$133,221,400	\$305,803,200	56%
2005	\$237,104,200	\$240,642,800	\$477,747,000	50%
2010	\$289,848,900	\$265,750,500	\$555,599,400	52%
2015	\$310,252,500	\$313,525,200	\$623,777,700	50%
2020	\$376,065,700	\$399,288,500	\$775,354,200	49%
2021	\$393,875,700	\$409,695,900	\$803,571,600	49%

Source: Wisconsin Department of Revenue, 2022

Figure 1.23: Population, Household, and Average Housing Size Projections

	2010	2020	2025	2030	2035	2040	2020-2030	2020-2040
<b>Population Projection</b>								
Linear Growth Projection 1990-2021	9,093	9,570	9,493	9,741	10,051	10,361	558	1,179
<b>Household Projection</b>								
Linear Growth Projection 1990-2020	3,900	4,094	4,510	4,719	4,934	5,131	625	1,037
<b>Average Household Size Projection</b>								
WisDOA Projection 2020-2040*	2.25	2.21	2.16	2.13	2.10	2.08	-0.08	-0.13

Source: U.S. Census Bureau, 1990-2020 Census and 2021 WisDOA annual population estimates for Wisconsin municipalities.

\*Source: Wisconsin Department of Administration, 2013 household projections by municipality.

1. Extrapolated based on the average annual population change over the given years.

Figure 1.24 Affordable Housing Price Points in Monroe County

<b>Monroe County</b>				
Median Family Income	\$79,700			
Median Affordable Home Price	\$239,100			
	<b>Persons Per Household</b>			
<b>Incomes</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
Low income (80% of AMI)	\$45,650	\$52,200	\$58,700	\$65,200
Very low income (50% of AMI)	\$28,550	\$32,600	\$36,700	\$40,750
Extremely low income (30% of AMI)	\$17,150	\$19,600	\$23,030	\$27,750
<b>Affordable Home Prices</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
Low income (80% of AMI)	\$136,950	\$156,600	\$176,100	\$195,600
Very low income (50% of AMI)	\$85,650	\$97,800	\$110,100	\$122,250
Extremely low income (30% of AMI)	\$51,450	\$58,800	\$69,090	\$83,250

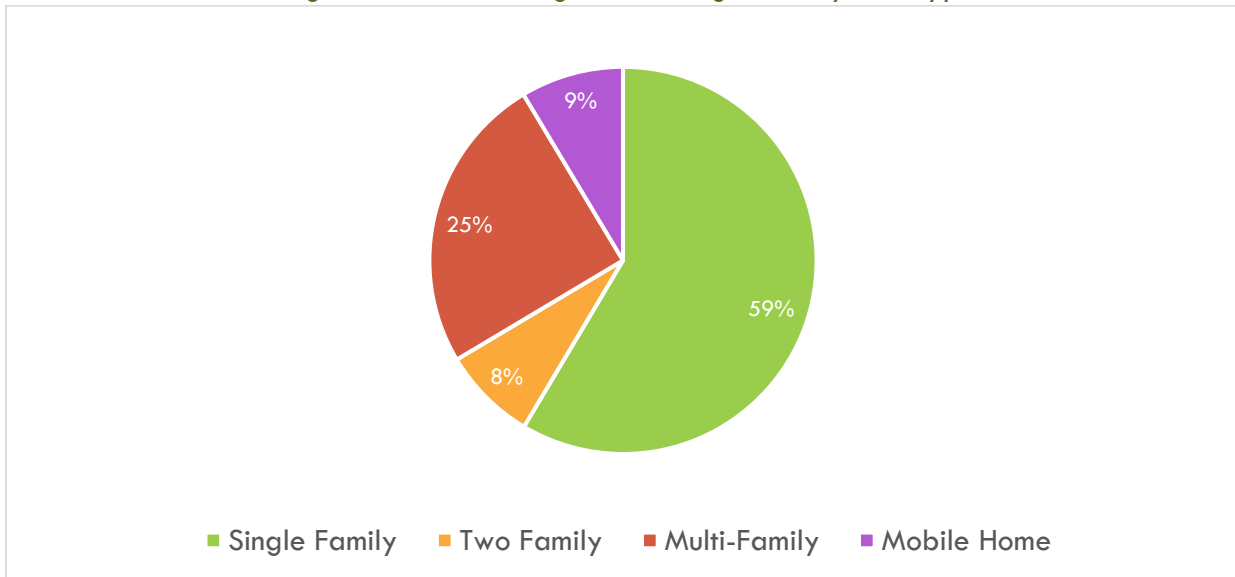
Source: U.S. HUD, 2022. Affordable home prices use an annual income multiplier of 3 (best practice debt to income ratio).

Figure 1.25 Housing Units By Cost and Value

Cost of Monthly Rent	Percentage of Units in Price Range	Value of Owner-Occupied Housing Units	Percentage of Units in Price Range
Less than \$500	7%	Less than \$50,000	14%
\$500 to \$999	64%	\$50,000 to \$99,999	15%
\$1,000 to \$1,499	27%	\$100,000 to \$149,999	37%
\$1,500 to \$1,999	1%	\$150,000 to \$199,999	21%
\$2,000 or More	1%	\$200,000 to \$299,999	11%
		\$300,000 to \$499,999	0.5%
		\$500,000 or More	0.5%

Source: U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates.

Figure 1.26 Percentage of Housing Stock by Unit Type



\*Source: U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates.

Figure 1.27 Housing Unit Types and Persons Per Household

Housing Option	Persons Per Household			
	1	2	3	4+
Efficiency*	X			
One Bedroom*	X	X		
Two Bedroom*	X	X	X	
Three+ Bedrooms*		X	X	X
Townhome/Duplex*	X	X	X	X
Single-Family Detached*	X	X	X	X

\*Could be owner or renter occupied units.

Figure 1.28 Housing Unit Densities Comparison

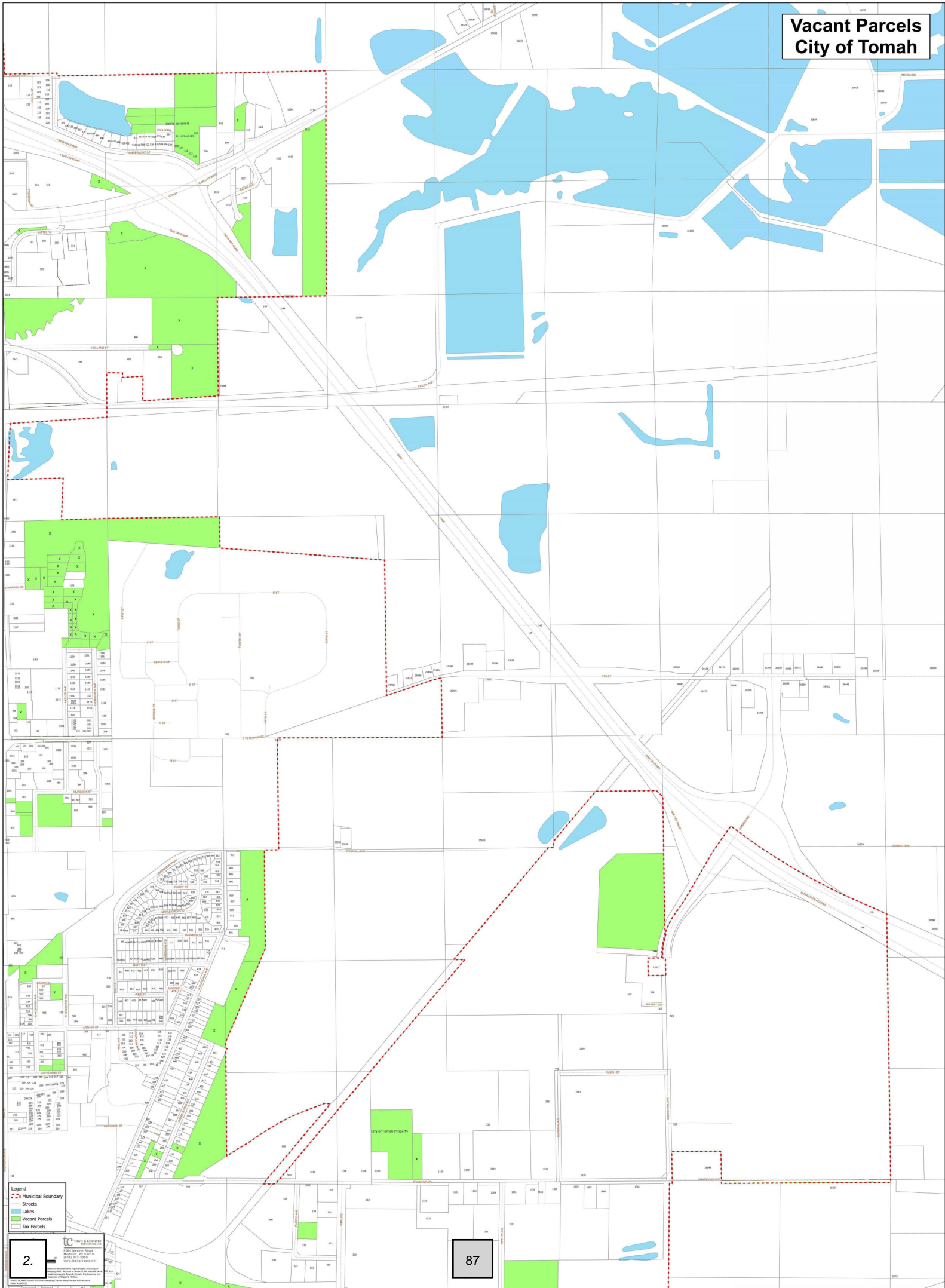
City of Tomah Residential Zoning Districts	Minimum Lot Area Per Unit	Potential Units Per Net Acre
R-1	7,200 square feet	6
R-2	3,600 square feet	12
R-3	1,800 square feet	24

Source: City of Tomah Zoning Ordinance.

## Vacant Residential Development Site Opportunities

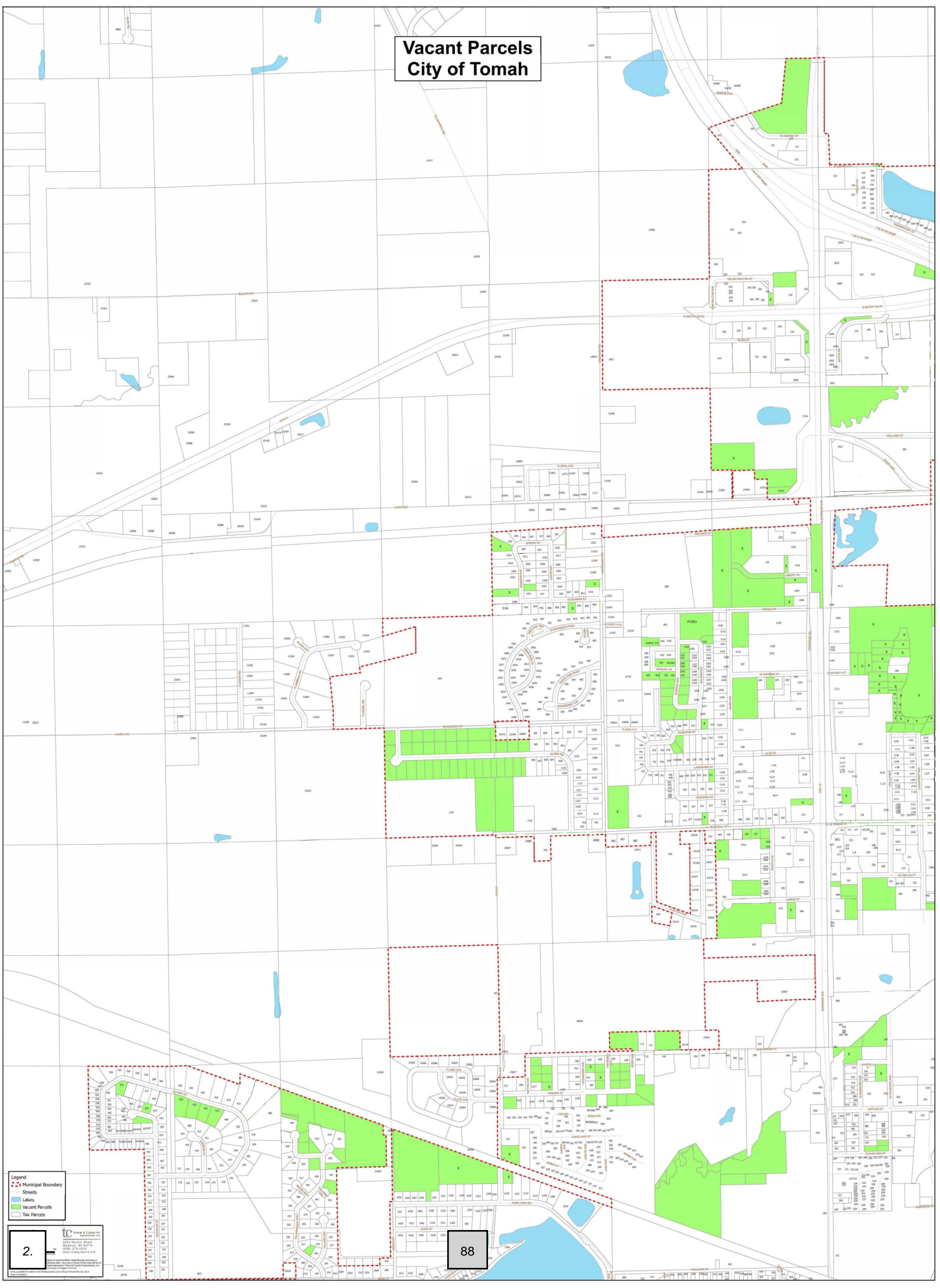
As part of the Housing Assessment, an analysis was done to identify vacant residential sites within the City of Tomah's municipal boundaries and planned growth areas. This included a review of air photos, natural resource constraints, zoning maps, and the City of Tomah's Future Land Use Map. The areas identified on each map present opportunities for where new housing units could be constructed over the next decade to help increase supply and meet projected demand.

# Vacant Parcels City of Tomah



- Legend**
- - - Municipal Boundary
  - Streets
  - Lakes
  - Vacant Parcels
  - Tax Parcels

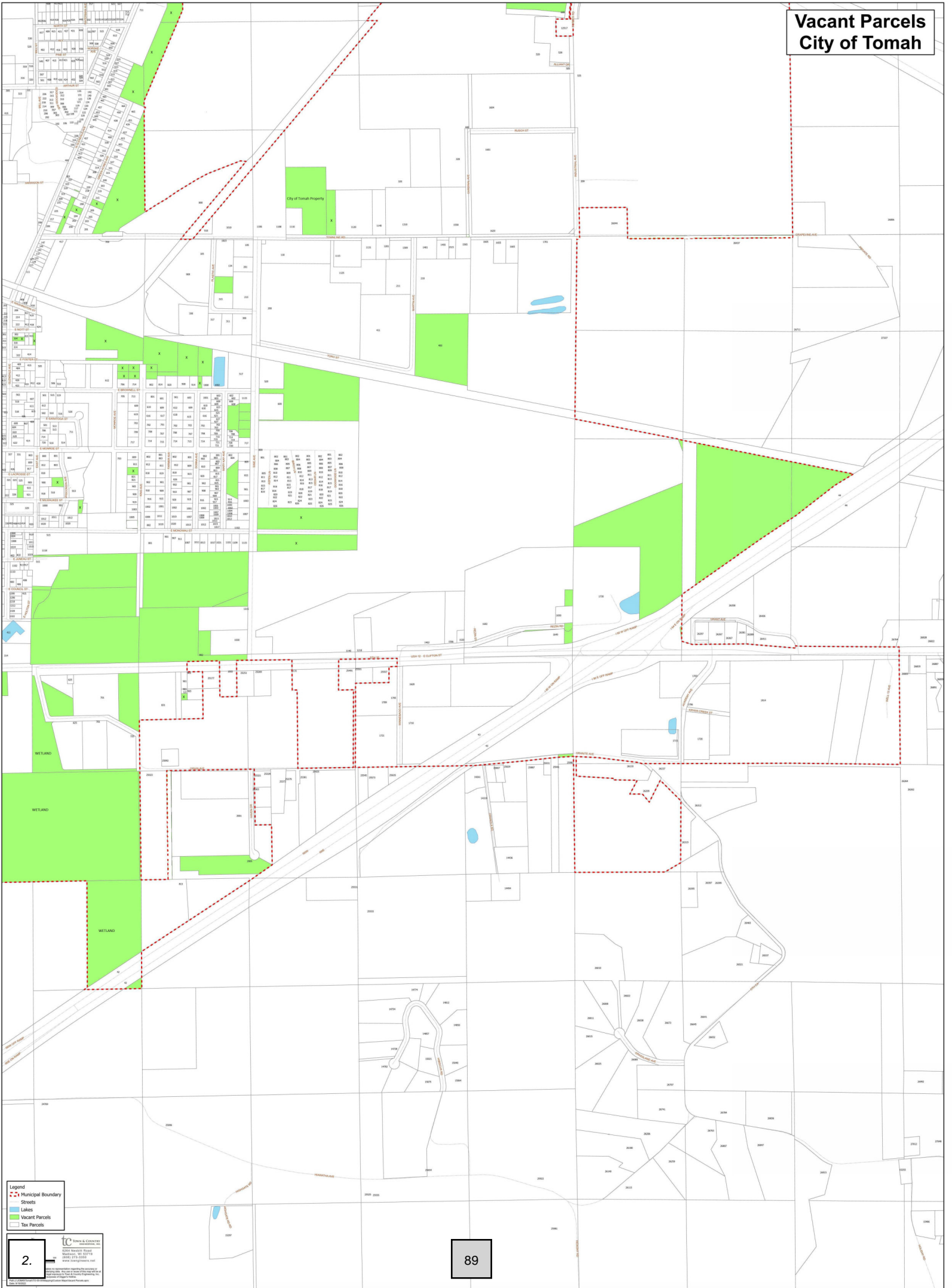
# Vacant Parcels City of Tomah



- Legend
- Municipal Boundary
- Streets
- Lakes
- Vacant Parcels
- Tax Parcels



# Vacant Parcels City of Tomah

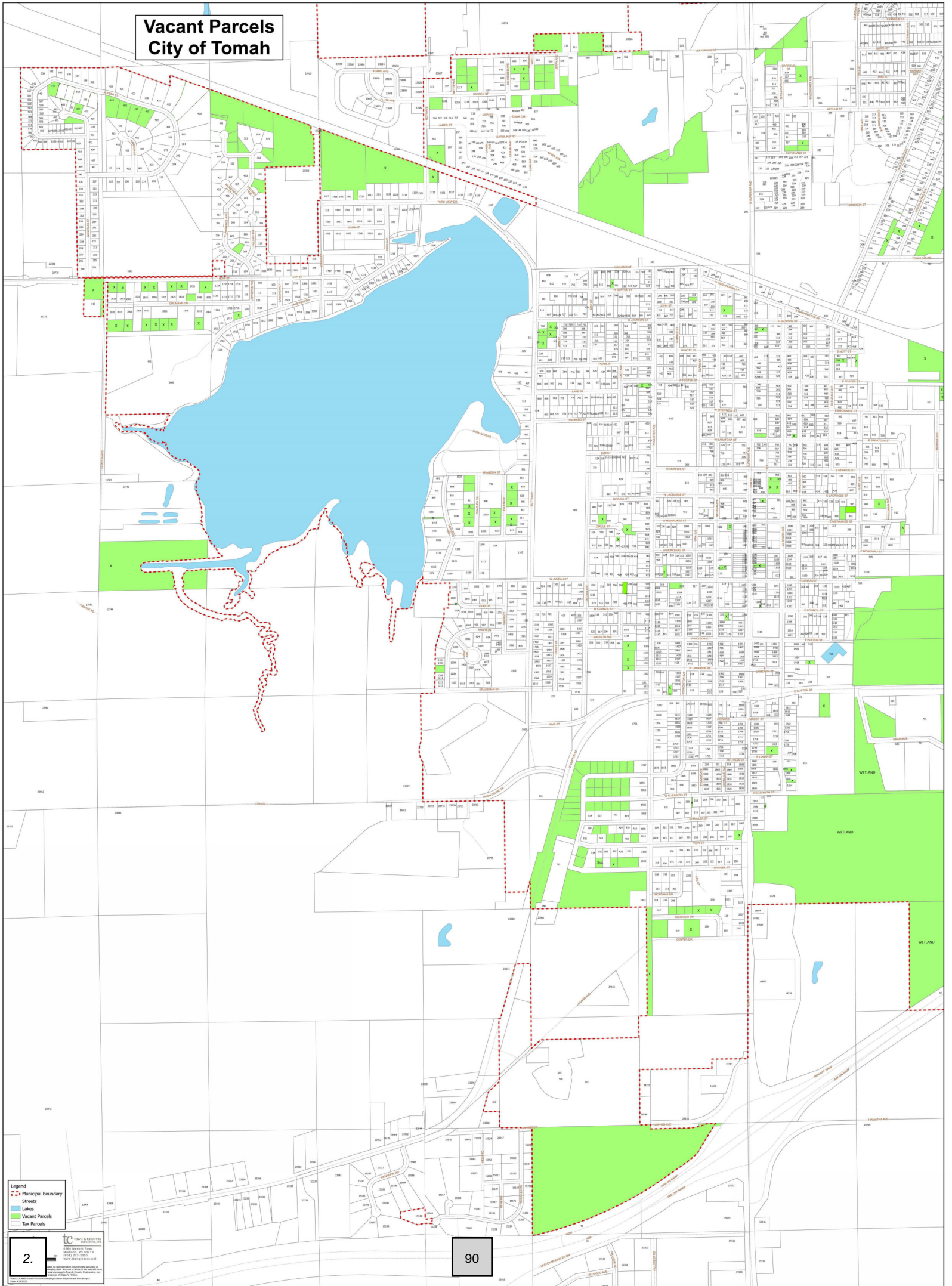


- Legend
- Municipal Boundary
- Streets
- Lakes
- Vacant Parcels
- Tax Parcels

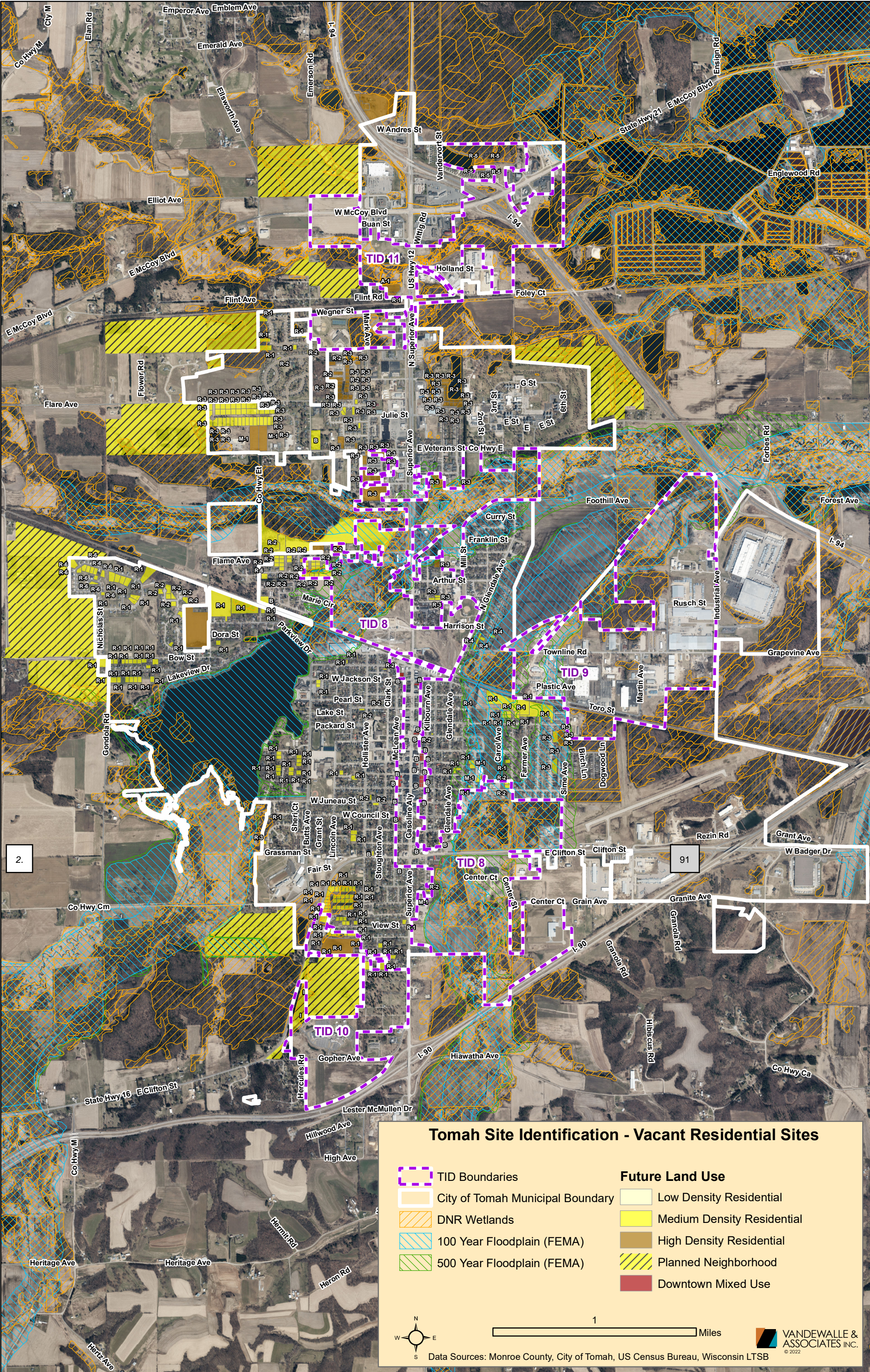
2.

TC Tomah & County  
2024 Tomah City  
Map Series: 10 22718  
08/19/2024 10:00:00 AM











# Vacant Parcels City of Tomah



- Legend
- Municipal Boundary
- Streets
- Lakes
- Vacant Parcels
- Tax Parcels



### Tomah Site Identification - Vacant Residential Sites

- |  |  |
|--|--|
|  TID Boundaries                   |  Low Density Residential    |
|  City of Tomah Municipal Boundary |  Medium Density Residential |
|  DNR Wetlands                     |  High Density Residential   |
|  100 Year Floodplain (FEMA)       |  Planned Neighborhood       |
|  500 Year Floodplain (FEMA)       |  Downtown Mixed Use         |



1 Miles

Data Sources: Monroe County, City of Tomah, US Census Bureau, Wisconsin LTSB

**VANDEWALLE & ASSOCIATES INC.**  
© 2022

## Short-Term Rental Ordinance Summary

**Ordinance Location:** There is no established accessory land use section within the Zoning Code. The closest area I could find of similar requirements was Article VII. – Supplemental Regulations. I would propose that this section then be added as the new Section 52-212. For reference purposes, it might make sense to include a reference to the new Section 52-212 in each of the Zoning Districts listed in Article II, but right now there is no such reference established between Article VII and Article II.

**Ordinance Formatting:** There is no consistency within the Zoning Code when it comes to formatting. Some sections start with (a) and others start with (1). I have drafted the new ordinance to reflect starting with (1).

**Both Options:** In both ordinances, the following elements are included and can be further customized to best fit Tomah’s desired approach:

- **Annual license:** could be an annual license or just one license for the operator in perpetuity
- **License elements:** could remove items or add items depending on how the City wants to handle this and the level of administrative time available
- **Parking:** could require off-street parking or not
- **Site appearance, neighborhood impact, advertising:** could require standards for enforcement reasons or not

**Difference Between Options:** The main difference between the two options is how strictly the City wants to regulate the length of stays and occupancy:

	Option 1	Option 2
Minimum Length of Stay	1 day	6-29 consecutive days (180 max. days of operation per year) 1-6 consecutive days (primary residence, up to 30 days per year, one unassociated party at a time) No Limit (occupied by primary resident during stay)
Maximum Length of Stay	180 consecutive days	6-29 consecutive days (180 max. days of operation per year) 1-6 consecutive days (primary residence, up to 30 days per year, one unassociated party at a time) No Limit (occupied by primary resident during stay)
Operational Period	180 consecutive days each year	Depends on above situation
Maximum Occupancy	Total number permitted by Wisconsin license	2 times the legal bedrooms or 12 total, whichever is less

### Option 1. Short-Term Rental Model Ordinance

- (1) Short-Term Residential Rental: Includes all lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists and transients. It does not include private boarding houses or rooming houses not accommodating tourists or transients, or bed and breakfast establishments regulated under Wis. Admin. Code ACTP § 73.
- (a) Permitted by Right: All zoning districts.
1. Land Use Requirement: Short-Term Residential Rentals shall only be located as an accessory use as defined in Section 52-14 to any principal land use that includes a dwelling unit as defined in Section 52-14.
  2. Annual City License Required: Each Short-Term Residential Rental shall operate only during the valid period of an Annual City of Tomah Short-Term Residential Rental License for each calendar year. Operating a Short-Term Residential Rental without a current version of a valid license shall be considered a violation of this Zoning Ordinance, and subject to the penalties of Section 52-278. The following information shall be provided on an annual basis, prior to issuance of said Annual City of Tomah Short-Term Residential Rental License:
    - a. Completed City of Tomah Short-Term Residential Rental Application, which includes the property owner name, address, and phone number and the designated operator's name, address, and phone number;
    - b. A current floor plan for the Short-Term Residential Rental at a minimum scale of one-inch equals 4 feet, and Site Plan of the property at a minimum scale of one-inch equals ten feet showing on-site parking spaces and trash storage areas;
    - c. General Building Code Inspection by City, and submittal of Official Building Code Inspection Report with no outstanding compliance orders remaining;
    - d. Proof of valid property and liability insurance for the dwelling unit;
    - e. Copy of State of Wisconsin Tourist Rental House License;
    - f. Payment of an Administrative Fee, set annually by the City, to cover the costs to the City of administering the above.
    - g. City of Tomah Room Tax Permit; and,
    - h. The City of Tomah Short-Term Residential Rental License shall be issued with the completion of the above requirements.
  3. Property Management Requirements. Each Short-Term Residential Rental shall be managed consistent with the following requirements:
    - a. The total number of days of operation within any calendar year shall not exceed 180 days, which must be consecutive. This Period of Short-Term Residential Rental Operation shall be specified by the property owner in the required annual Short-Term Residential Rental Application.
    - b. The Minimum Rental Period shall be a minimum of one consecutive day by any one party.
    - c. The Maximum Rental Period shall be no more than 180 consecutive days by any one party.
    - d. The Maximum Number of Occupants shall not exceed the total number licensed by the State of Wisconsin.

- e. The Short-Term Residential Rental shall be operated by the property owner or by a property manager explicitly designated in the valid Tomah Short-Term Residential Rental Application as the “Designated Operator”.
  - f. The property owner’s and the Designated Operator’s names, addresses, and 24-hour phone numbers shall be provided in the Short-Term Residential Rental Application and shall be updated within 24 hours upon any change in the property manager or the property manager contact information.
  - g. The Designated Operator must be available by phone 24 hours, seven days a week, during the period of operation designated in the Short-Term Residential Rental Application.
  - h. Each Short-Term Residential Rental shall provide and maintain a Guest Register and shall require all guests to register their true names and addresses before allowing occupancy. The Guest Register shall be kept intact and available by the Designated Operator for inspection by representatives of the City for at least one year from the day of the conclusion of the period of operation.
  - i. Each Short-Term Residential Rental shall maintain the following written Business Record for each rental of the Short-Term Residential Rental: the true names and addresses of any person renting the property, the dates of the rental period (which must be a minimum of one consecutive day), and the monetary amount or consideration paid for the rental. The Business Record shall be kept intact and available by the Designated Operator for inspection by representatives of the City for at least one year from the day of the conclusion of the period of operation.
4. Property Operational Requirements. Each Short-Term Residential Rental shall be operated per the following requirements:
- a. Parking Requirements:
    - i. In addition to the parking requirements for the principal land use (see Section 52-116), a minimum of two off-street parking spaces shall be provided on the subject property for each Short-Term Residential Rental.
    - ii. All guest parking for vehicles and trailers shall be within a legal off-street parking space on an area paved with concrete or asphalt. No parking is permitted on gravel, lawn, or planter bed areas. Street parking for guests is not permitted.
  - b. Site Appearance Requirements:
    - i. Aside from a changing mix of guests and their vehicles, there shall be no evidence of the property being used as a Short-Term Residential Rental visible on the exterior of the subject property.
    - ii. No exterior signage related to the Short-Term Residential Rental is permitted, other than the property address.
    - iii. No outdoor storage related to the Short-Term Residential Rental land use is permitted, except for typical residential recreational equipment, seating, and outdoor cooking facilities which are permitted only within the rear yard.
    - iv. No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted to accommodate guests.
  - c. Neighborhood Impact Requirements:
    - i. No outdoor activity shall occur between the hours of 10:00 p.m. and 7:00 a.m.

- ii. At all times, no noise, lighting, odor or other impacts from the subject property shall be detectable at the property line at levels exceeding the requirements of Section 52.208.
    - iii. No vehicular traffic shall be generated by the Short-Term Residential Rental at levels exceeding those typical for a detached single-family dwelling unit.
  - d. Short-Term Residential Rental Advertising:
    - i. No outdoor advertising is allowed on the subject property.
    - ii. The Short-Term Residential Rental shall not be advertised for availability in any form of media unless the required Short-Term Residential Rental License has been issued.
- 5. Penalties and License Revocation
  - a. Violations of the requirements for Short-Term Residential Rental, the provisions of the Short-Term Residential Rental License, and all other the requirements of the Zoning Ordinance are subject to Section 52-278. Violations will be issued to, and will be the responsibility of, the property owner.
  - b. The Annual Short-Term Residential Rental License may be revoked for more than two violations of the requirements of the License, the requirements specific to Short-Term Residential Rental, the License, or the remainder of Zoning Code.

## Option 2. Short-Term Rental Model Ordinance

- (1) **Short-Term Residential Rental:** Includes all lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists and transients. It does not include private boarding houses or rooming houses not accommodating tourists or transients, or bed and breakfast establishments regulated under Wis. Admin. Code ACTP § 73.
  - (a) Definitions.
    1. Tourist or Transient. A person who travels to a location away from his or her permanent address for a short period of time, not to exceed thirty days for vacation, pleasure, recreation, culture, business or employment.
    2. Operator. An "operator" is a person who is the owner or lessee of property being used as a Short-Term Residential Rental and who is conducting the Short-Term Residential Rental business by, among other things, interacting digitally and in person with guests and is identified in Short-Term Residential Rental listings and advertisements as the Short-Term Residential Rental "host." An operator may not be an LLC, Trust, Nonprofit, or other corporate entity.
    3. Primary Residence. A dwelling unit that serves as an individual's true, fixed and permanent home for at least 183 days in a calendar year and to which, whenever absent therefrom, that individual intends to return. Additional characteristics of a primary residence include, but are not limited to, where an individual receives mail, claims residence for purposes of voter registration, pays for utilities, and lists as their address on state issued identification cards. An individual can have only one primary residence.
  - (b) Permitted by Right: All zoning districts.
    1. Land Use Requirement: Short-Term Residential Rentals shall only be located as an accessory use as defined in Section 52-14 to any principal land use that includes a dwelling unit as defined in Section 52-14.
    1. Annual City License Required: Each Short-Term Residential Rental shall operate only during the valid period of an Annual City of Tomah Short-Term Residential Rental License for each calendar year. Operating a Short-Term Residential Rental without a current version of a valid license shall be considered a violation of this Zoning Ordinance, and subject to the penalties of Section 52-278. The following information shall be provided on an annual basis, prior to issuance of said Annual City of Tomah Short-Term Residential Rental License:
      - a. Completed City of Tomah Short-Term Residential Rental Application, which includes the property owner's contact information; the designated operator's contact information; emergency contact information, the period of operation; and room tax registration information.
      - b. A current floor plan for the Short-Term Residential Rental at a minimum scale of one-inch equals 4 feet, and Site Plan of the property at a minimum scale of one-inch equals ten feet showing on-site parking spaces and trash storage areas;
      - c. General Building Code Inspection by City, and submittal of Official Building Code Inspection Report with no outstanding compliance orders remaining;
      - d. Proof of valid property and liability insurance for the dwelling unit;
      - e. Copy of State of Wisconsin Tourist Rental House License;
      - f. Payment of an Administrative Fee, set annually by the City, to cover the costs to the City of administering the above.



- g. City of Tomah Room Tax Permit; and,
  - h. The City of Tomah Short-Term Residential Rental License shall be issued with the completion of the above requirements.
2. Property Management Requirements. Each Short-Term Residential Rental shall be managed consistent with the following requirements:
- a. Only the owner of the property may operate a Short-Term Residential Rental, except that a renter may operate if explicitly allowed in the lease. A property owner proposing to operate a Short-Term Residential Rental in a dwelling unit that is subject to rules, regulations, or bylaws of a condominium association may only operate the dwelling unit as Short-Term Residential Rental if explicitly allowed by the condominium association.
  - b. If the Short-Term Residential Rental is operated for stays of more than six (6) but fewer than twenty-nine (29) consecutive days, the Short-Term Residential Rental may be operated for no more than 180 days in any consecutive 365-day period as provided in Wis. Stat. § 66.1014(2)(d). The 180 allowable days in any 365-day period must run consecutively and the Short-Term Residential Rental operator must give the Zoning Administrator notice of the first rental of any 365-day period.
  - c. If the Short-Term Residential Rental is operated for stays of one (1) to six (6) consecutive days, the tourist rooming house shall be the operator's primary residence.
  - d. If an operator who is operating a Short-Term Residential Rental pursuant to subsection 3.c. above occupies the residence at the time of rental, there is no limit to the number of days the Short-Term Residential Rental may operate.
  - e. If an operator who is operating a Short-Term Residential Rental pursuant to subsection 3.c. above does not occupy the residence at the time of rental, the Short-Term Residential Rental may operate no more than thirty (30) days per permitting year.
  - f. If an operator who is operating a Short-Term Residential Rental pursuant to subsection 3.c. above does not occupy the residence at the time of the rental, the Short-Term Residential Rental may not be rented to Multiple Unassociated Parties at the same time.
  - g. Maximum tourist or transient occupancy shall not exceed the lesser of two times the number of legal bedrooms in the dwelling unit or twelve (12). Children under the age of 12 shall not count toward the maximum tourist occupancy.
  - h. Each Short-Term Residential Rental shall provide and maintain a Guest Register and shall require all guests to register their true names and addresses before allowing occupancy. The Guest Register shall be kept intact and available by the operator for inspection by representatives of the City for at least one year from the day of the conclusion of the period of operation.
  - i. Each Short-Term Residential Rental shall maintain the following written Business Record for each rental of the Short-Term Residential Rental: the true names and addresses of any person renting the property, the dates of the rental period (which must be a minimum of one consecutive day), and the monetary amount or consideration paid for the rental. The Business Record shall be kept intact and available by the operator for inspection by representatives of the City for at least one year from the day of the conclusion of the period of operation.
3. Property Operational Requirements. Each Short-Term Residential Rental shall be operated per the following requirements:
- a. Parking Requirements:

- i. In addition to the parking requirements for the principal land use (see Section 52-116), a minimum of two off-street parking spaces shall be provided on the subject property for each Short-Term Residential Rental.
    - ii. All guest parking for vehicles and trailers shall be within a legal off-street parking space on an area paved with concrete or asphalt. No parking is permitted on gravel, lawn, or planter bed areas. Street parking for guests is not permitted.
  - b. Site Appearance Requirements:
    - i. Aside from a changing mix of guests and their vehicles, there shall be no evidence of the property being used as a Short-Term Residential Rental visible on the exterior of the subject property.
    - ii. No exterior signage related to the Short-Term Residential Rental is permitted, other than the property address.
    - iii. No outdoor storage related to the Short-Term Residential Rental land use is permitted, except for typical residential recreational equipment, seating, and outdoor cooking facilities which are permitted only within the rear yard.
    - iv. No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted to accommodate guests.
  - c. Neighborhood Impact Requirements:
    - i. No outdoor activity shall occur between the hours of 10:00 p.m. and 7:00 a.m.
    - ii. At all times, no noise, lighting, odor or other impacts from the subject property shall be detectable at the property line at levels exceeding the requirements Section 52-278.
    - iii. No vehicular traffic shall be generated by the Short-Term Residential Rental at levels exceeding those typical for a detached single-family dwelling unit.
  - d. Short-Term Residential Rental Advertising:
    - i. No outdoor advertising is allowed on the subject property.
    - ii. The Short-Term Residential Rental shall not be advertised for availability in any form of media unless the required Short-Term Residential Rental License has been issued.
- 4. Penalties and License Revocation
  - a. Violations of the requirements for Short-Term Residential Rental, the provisions of the Short-Term Residential Rental License, and all other the requirements of the Zoning Ordinance are subject to Section 52-278. Violations will be issued to, and will be the responsibility of, the property owner.
  - b. The Annual Short-Term Residential Rental License may be revoked for more than two violations of the requirements of the License, the requirements specific to Short-Term Residential Rental, the License, or the remainder of Zoning Code.

## Appointment Only

Building Inspection is open to the public by appointment only.

- [Schedule with the Building Plan Review Counter](#)
- [Schedule with the Zoning Review Counter](#)

For more on appointments and other services, please see the [Building Inspection Services page](#).

## Short-Term Rentals

[Apply »](#)

[FAQ »](#)

[Permit Renewal »](#)

[Quarterly Reporting »](#)

[Regulations »](#)

**What is a Tourist Rooming House (TRH)?** A short-term rental, or a rental for fewer than 30 nights of any partial or whole structure for sleeping accommodations. Airbnb, VRBO, HomeAway, and Fairbnb.coop are a few online platforms that connect hosts and travelers.

**REQUIRED: Zoning Tourist Rooming House Permit (ZTRHP).** All Tourist Rooming Houses (TRHs) must have a Tourist Rooming House license from Public Health before advertising or renting out any short-term rental. A Zoning Tourist Rooming House Permit (ZTRHP) is also required. By 10/1/20, TRH operators must have obtained a valid ZTRHP. You must display the ZTRHP number in all advertisements. Operators must have a Public Health TRH license before applying for the ZTRHP permit.

**Why have regulations?** Websites such as Airbnb and VRBO connect homeowners with people who need a place to stay when traveling. Many homeowners use these platforms for intermittent, on-the-side rentals. Some property owners, though, have gone far beyond this modest ideal. These owners use the web platforms to operate de-facto hotels. Others are buying property with the sole purpose of using it as a short-term rental. Taken to extreme, short-term rentals affect neighboring property owners. They can change a neighborhood's character and limit the stock of affordable housing.

Madison's ordinances strive to balance the competing rights of property owners. Under city ordinance, homeowners or renters can earn some extra money renting out a dwelling they occupy. Reasonable restrictions ensure that neighbors retain the right to control the type of neighborhood they are living in.

Search BI services >>

### Resources

#### Permit Application (PDF)

[ZTRHP Permit Application Packet](#)

### Permit & License Required

Currently, all TRH operators must have a valid TRH license from Public Health before advertising or renting out any short-term rental. As of 10/1/20, all operators must also have a valid Zoning Tourist Rooming House Permit (ZTRHP).

### Navigation

#### ZTRHP Permit

[Short-Term Rental \(STR\) / Tourist Rooming House \(TRH\)](#)

[How to Apply](#)

[Regulations](#)

[FAQ: Frequently Asked Questions](#)

[Application Packet](#)

[Quarterly Reporting](#)

[Permit Renewal](#)

[ZTRHP-J Permit Surrender Form](#)

### Resources

#### Tourist Rooming House (TRH)

[Public Health Madison & Dane County TRH License](#)

[City of Madison Treasurer's Office Room Tax information](#)

### A-Z Services

A

[Additions to a Home - One & Two Family Residential](#)

[Attic - alterations or conversions](#)

B

### Translation Services

Call us at (608) 266-4551 if you need

- an interpreter
- translation
- documents in other formats
- other accommodations

Llámanos al (608) 266-4551 si necesitas

- un intérprete
- una traducción
- documentos en otros formatos
- otras adaptaciones

Hu xovtooj rau peb tim (608) 266-4551 yog koj xav tau

- tus neeg txhais lus Hmoob
- ntawv txhais ua lus Hmoob
- dcov ntaub ntawv hloov ua lwm yam hom ntawv
- lwm yam kev pabcuam

---

## Quarterly Reporting Form Downloads

---

[ZTRHP-QR \(Excel\)](#)

---

[ZTRHP-QR \(PDF\)](#)

---

## Resources

---

### Permit Renewal Form Download

---

[ZTRHP-R \(PDF\)](#)

---

## Contact

---

**Remember - If you are unsure, ask the Zoning Staff**

---

(608) 266-4551

---

[zoningTRH@cityofmadison.com](mailto:zoningTRH@cityofmadison.com)

---

# Appointment Only

Building Inspection is open to the public by appointment only.

- [Schedule with the Building Plan Review Counter](#)
- [Schedule with the Zoning Review Counter](#)

For more on appointments and other services, please see the [Building Inspection Services page](#).

## Short-Term Rentals

[Apply »](#)

[FAQ »](#)

[Permit Renewal »](#)

[Quarterly Reporting »](#)

[Regulations »](#)

**What is a Tourist Rooming House (TRH)?** A short-term rental, or a rental for fewer than 30 nights of any partial or whole structure for sleeping accommodations. Airbnb, VRBO, HomeAway, and Fairbnb.coop are a few online platforms that connect hosts and travelers.

**REQUIRED: Zoning Tourist Rooming House Permit (ZTRHP).** All Tourist Rooming Houses (TRHs) must have a Tourist Rooming House license from Public Health before advertising or renting out any short-term rental. A Zoning Tourist Rooming House Permit (ZTRHP) is also required. By 10/1/20, TRH operators must have obtained a valid ZTRHP. You must display the ZTRHP number in all advertisements. Operators must have a Public Health TRH license before applying for the ZTRHP permit.

**Why have regulations?** Websites such as Airbnb and VRBO connect homeowners with people who need a place to stay when traveling. Many homeowners use these platforms for intermittent, on-the-side rentals. Some property owners, though, have gone far beyond this modest ideal. These owners use the web platforms to operate e-facto hotels. Others are buying property with the sole purpose of using it as a short-term rental. Taken to extreme, short-term rentals affect neighboring property owners. They can change a neighborhood's character and limit the stock of affordable housing.

Madison's ordinances strive to balance the competing rights of property owners. Under city ordinance, homeowners or renters can earn some extra money renting out part of the dwelling they occupy. Reasonable restrictions ensure that neighbors retain the right to control the type of neighborhood they are living in.

Search BI services >>

### Resources

#### Permit Application (PDF)

[ZTRHP Permit Application Packet](#)

### Permit & License Required

Currently, all TRH operators must have a valid TRH license from Public Health before advertising or renting out any short-term rental. As of 10/1/20, all operators must also have a valid Zoning Tourist Rooming House Permit (ZTRHP).

### Navigation

#### ZTRHP Permit

[Short-Term Rental \(STR\) / Tourist Rooming House \(TRH\)](#)

[How to Apply](#)

[Regulations](#)

[FAQ: Frequently Asked Questions](#)

[Application Packet](#)

[Quarterly Reporting](#)

[Permit Renewal](#)

[ZTRHP-J Permit Surrender Form](#)

### Resources

#### Tourist Rooming House (TRH)

[Public Health Madison & Dane County TRH License](#)

[City of Madison Treasurer's Office Room Tax information](#)

### A-Z Services

A

[Additions to a Home - One & Two Family Residential](#)

[Attic - alterations or conversions](#)

B

### Translation Services

Call us at (608) 266-4551 if you need

- an interpreter
- translation
- documents in other formats
- other accommodations

Llámanos al (608) 266-4551 si necesitas

- un intérprete
- una traducción
- documentos en otros formatos
- otras adaptaciones

Hu xovtooj rau peb tim (608) 266-4551 yog koj xav tau

- tus neeg txhais lus Hmoob
- ntawv txhais ua lus Hmoob
- dcov ntaub ntawv hloov ua lwm yam hom ntawv
- lwm yam kev pabcuam

---

## Quarterly Reporting Form Downloads

---

[ZTRHP-QR \(Excel\)](#)

---

[ZTRHP-QR \(PDF\)](#)

---

## Resources

---

### Permit Renewal Form Download

---

[ZTRHP-R \(PDF\)](#)

---

## Contact

---

**Remember - If you are unsure, ask the Zoning Staff**

---

(608) 266-4551

---

[zoningTRH@cityofmadison.com](mailto:zoningTRH@cityofmadison.com)

---

## Appointment Only

Building Inspection is open to the public by appointment only.

- [Schedule with the Building Plan Review Counter](#)
- [Schedule with the Zoning Review Counter](#)

For more on appointments and other services, please see the [Building Inspection Services page](#).

## Apply

[Printable version \(PDF\)](#)

Obtaining a Zoning Tourist Rooming House Permit (ZTRHP1)

Download the permit [application packet](#). Review materials and complete all required forms.

- **Apply online:**

1. To apply online you need digital versions of all required attachments found in the [packet](#). This includes a notarized signature on form ZTRHP1-B.
2. If you do not have one already, create an account on the City of Madison Licenses & Permits portal.
3. [Login or create an account](#). After logging in, go to **Permitting**, then select **Apply for a Permit**. Then select **Tourist Rooming House ZTRHP1 Permit**.

- **Submit completed PDF application by mail, email, or at Zoning Counter:**

1. Complete all required forms before submitting and keep copies for your records. Do not send materials individually as this will cause a delay. We do not review incomplete submittals.
2. Submit all items below together as a complete packet, including:
  - **ZTRHP1-A: Application.** Completed application requires the following:
    - [Public Health Madison & Dane County \(PHMDC\) Tourist Rooming House License](#) for current licensing year.
    - [City of Madison Transient Room Tax Permit](#)
  - **ZTRHP1-B Residence Affidavit.** Separate form for each host & cohost, signed and notarized. Free notary services available at City Clerk's Office, by appointment at City Zoning. Legal and financial centers also provide notary services.
  - **ZTRHP1-C: Condo Association Approval** (Condos only). Must explicitly state TRH operation is allowed in this unit.
  - **ZTRHP1-D: Advertising Locations.** Listing of all websites and places where operator has previously advertised their

Search BI services >>

### Resources

#### Permit Application (PDF)

[ZTRHP Permit Application Packet](#)

### Permit & License Required

Currently, all TRH operators must have a valid TRH license from Public Health before advertising or renting out any short-term rental. As of 10/1/20, all operators must also have a valid Zoning Tourist Rooming House Permit (ZTRHP).

### Navigation

#### ZTRHP Permit

[Short-Term Rental \(STR\) / Tourist Rooming House \(TRH\)](#)

[How to Apply](#)

[Regulations](#)

[FAQ: Frequently Asked Questions](#)

[Application Packet](#)

[Quarterly Reporting](#)

[Permit Renewal](#)

[ZTRHP-J Permit Surrender Form](#)

### Resources

#### Tourist Rooming House (TRH)

[Public Health Madison & Dane County TRH License](#)

[City of Madison Treasurer's Office Room Tax information](#)

### A-Z Services

A

[Additions to a Home - One & Two Family Residential](#)

[Attic - alterations or conversions](#)

B

### Translation Services

Call us at (608) 266-4551 if you need

- an interpreter
- translation
- documents in other formats
- other accommodations

Llámanos al (608) 266-4551 si necesitas

- un intérprete
- una traducción
- documentos en otros formatos
- otras adaptaciones

Hu xovtooj rau peb tim (608) 266-4551 yog koj xav tau

- tus neeg txhais lus Hmoob
- ntawv txhais ua lus Hmoob
- dcov ntaub ntawv hloov ua lwm yam hom ntawv
- lwm yam kev pabcuam

upcoming year.

- **ZTRHP1-E Guest Registry.** Template or sample of your Guest Registry pages. If this TRH has been rented in the past, include all past rentals.
- **ZTRHP1-F Floor plans.** The entire TRH dwelling unit, showing all habitable space within dwelling unit. Label and number all bedrooms.
- **ZTRHP1-G: Notice to property owner** (Tenants only). Describes the TRH operation and maximum number of guests allowed. Also describes how the operation will meet zoning code rules.
- **ZTRHP1-G Lease Attachment** (Tenants only). Copy of lease which explicitly states TRH operation is allowed in this unit.
- **Application Fee.** \$100 application fee (not refundable). Make checks payable to "City Treasurer." Mail, email or in-person with a [Zoning Review Counter appointment](#).

4. City Building Inspection staff will review your application. Staff will schedule a home visit if application is approvable.
5. After the home visit is approved, staff will notify you that ZTRHP permit is ready to be issued. Submit \$100 for the annual permit fee to Zoning. Make checks payable to "City Treasurer."
6. Once we receive payment, the permit will be emailed to you. When you receive your permit, you may begin advertising your TRH. Make sure to post your permit number on all ads.

Last Updated: 12/26/2024

---

## Quarterly Reporting Form Downloads

---

[ZTRHP-QR \(Excel\)](#)

[ZTRHP-QR \(PDF\)](#)

---

## Resources

---

### Permit Renewal Form Download

---

[ZTRHP-R \(PDF\)](#)

---

## Contact

---

### Remember - If you are unsure, ask the Zoning Staff

---

(608) 266-4551

---

[zoningTRH@cityofmadison.com](mailto:zoningTRH@cityofmadison.com)

---



# Appointment Only

Building Inspection is open to the public by appointment only.

- [Schedule with the Building Plan Review Counter](#)
- [Schedule with the Zoning Review Counter](#)

For more on appointments and other services, please see the [Building Inspection Services page](#).

## Regulations

[Printable version](#) (PDF)

### Required Permits & Licenses

- A Short Term Rental (STR) is the rental of any partial or whole structure for sleeping accommodations for less than 30 consecutive nights. In Wisconsin law, this type of operation is called a Tourist Rooming House (TRH).
- You need three permits/licenses before you can operate or advertise a short term rental. Contact the department which issues each permit with questions about it:
  - **Transient Room Tax Permit**, issued by the [Finance Department](#).
  - **Dane County Hotel/Motel/Tourist Rooming House (TRH) LICHM License**. Issued by the [Public Health Department](#).
  - **ZTRHP permit**. Issued by Zoning at Building Inspection (new as of October 2020). We will not issue a ZTRHP permit until you have the other two permits.
- ZTRHP permitting year is July 1 to June 30 of the following year.
- ZTRHP Fees: \$100 one-time application fee and \$100 annual permit fee.

### Regulations for the Zoning Tourist Rooming House Permit ZTRHP1?

- Obtain a valid ZTRHP Permit before advertising or renting out any TRH unit. Zoning, at City of Madison Building Inspection, manages these permits.
  - We issue permits to specific hosts for specific dwelling units.
  - Permit is not transferrable.
  - Permit allows only the permit holder to operate a short-term rental home in the dwelling unit.
- Display a valid ZTRHP permit number in all TRH ads.
- The TRH must be the host's primary dwelling while operating a TRH and for the 12 consecutive months prior to beginning operation of a TRH.\*
- Operate a TRH as the property owner OR a renter whose lease explicitly allows it.
- If the operator does not occupy the dwelling during the rental, operate the TRH no more than thirty days per licensing year. The licensing year runs from July 1 to June 30.\*
- If the operator occupies the dwelling at the time of rental, there is no limit to number of days the Tourist Rooming House may operate.\*
- **2.** host two or more individuals with separate bookings at the same TRH

Search BI services >>

### Resources

#### Permit Application (PDF)

[ZTRHP Permit Application Packet](#)

### Permit & License Required

Currently, all TRH operators must have a valid TRH license from Public Health before advertising or renting out any short-term rental. As of 10/1/20, all operators must also have a valid Zoning Tourist Rooming House Permit (ZTRHP).

### Navigation

#### ZTRHP Permit

[Short-Term Rental \(STR\) / Tourist Rooming House \(TRH\)](#)

[How to Apply](#)

[Regulations](#)

[FAQ: Frequently Asked Questions](#)

[Application Packet](#)

[Quarterly Reporting](#)

[Permit Renewal](#)

[ZTRHP-J Permit Surrender Form](#)

### Resources

#### Tourist Rooming House (TRH)

[Public Health Madison & Dane County TRH License](#)

[City of Madison Treasurer's Office Room Tax information](#)

### A-Z Services

A

- [Additions to a Home - One & Two Family Residential](#)
- [Attic - alterations or conversions](#)

B

### Translation Services

Call us at (608) 266-4551 if you need

- an interpreter
- translation
- documents in other formats
- other accommodations

Llámanos al (608) 266-4551 si necesitas

- un intérprete
- una traducción
- documentos en otros formatos
- otras adaptaciones

Hu xovtooj rau peb tim (608) 266-4551 yog koj xav tau

- tus neeg txhais lus Hmoob
- ntawv txhais ua lus Hmoob
- dcov ntaub ntawv hloov ua lwm yam hom ntawv
- lwm yam kev pabcuam

before ZTRHP permit approval. Staff will go all through habitable spaces of dwelling unit, including spaces that will not be rented to guests, in order to verify floor plans and bedroom counts. Staff will also discuss ZTRHP regulations with hosts, and answer questions.

- Provide host name on advertisements and websites that matches the permit holder name.
- Verify photo ID for operator and all owners of the TRH property.
- Abide by guest occupancy limits. Maximum guest occupancy is the lesser of: twice the number of legal bedrooms OR 12. Children under the age of 12 do not counted toward the guest occupancy count. See bedroom definition on Form ZTRHP1-F.
- Maintain a registry on-site for inspection. The registry must include information from the current year and the year before. Registry must show:
  - Name and contact information of the person who made each reservation.
  - Dates of stay
  - Whether operator was on or off site each night.
- Submit Quarterly Reporting (QR) to Zoning within one month after a quarter ends but do not submit before the quarter ends. QR reporting due dates are Feb. 1, May 1, Aug. 1 and Nov. 1, and must include the following items:
  - List of websites and places the host has advertised the TRH in the previous quarter.
  - Name and contact information of the person who made each reservation.
  - Dates of stay for all guests during the previous quarter.
  - Whether host was on or off site each night.
  - Initial applications also request this information. If host has never advertised or hosted, “No advertising” and “No rentals” must be entered onto the application forms requesting this information.
- Follow zoning regulations. Violations of regulations subject to fines of \$500-\$1000 per day. Violations may lead us to revoke the ZTRHP permit. We may revoke the ZTRHP permit if an operator misses two quarterly reporting deadlines or for incomplete QR forms or other violations. If we have revoked the permit, violation fines are doubled.
- Report changes immediately to stay in compliance. For example, changes to floor plan, primary residence, property owner, contact information, or anything else that differs from what Zoning has on file for your ZTRHP permit.
- Contact Zoning to disclose any changes before renewing ZTRHP permit. If there are no changes, submit a statement to Zoning that states there are no changes to the information already on file for your ZTRHP permit. Before renewing the permit, Zoning may conduct a re-inspection.

If TRH only operates with night stays between seven (7) and 29 consecutive nights, hosts may have more options. If host will always only operate and advertise for stays of more than seven consecutive nights, inquire at Zoning about all regulations for this option.

---

## Quarterly Reporting Form Downloads

---

[ZTRHP-QR \(Excel\)](#)

[ZTRHP-QR \(PDF\)](#)

---

## Resources

---

### Permit Renewal Form Download

---

[ZTRHP-R \(PDF\)](#)

---

## Contact

---

### Remember - If you are unsure, ask the Zoning Staff

---

(608) 266-4551

---

[zoningTRH@cityofmadison.com](mailto:zoningTRH@cityofmadison.com)

---

Last Updated: 12/08/2023

# Appointment Only

Building Inspection is open to the public by appointment only.

- [Schedule with the Building Plan Review Counter](#)
- [Schedule with the Zoning Review Counter](#)

For more on appointments and other services, please see the [Building Inspection Services page](#).

# FAQ

[Printable version](#) (PDF)

**What is a Tourist Rooming House (TRH)?** In Wisconsin law, a TRH is a rental for less than 30 nights of any partial or whole structure for sleeping purposes. Airbnb, VRBO and [Fairbnb.coop](#) are a few websites that connect hosts and travelers. You must have a Zoning Tourist Rooming House Permit (ZTRHP) before you advertise or rent a space.

**What is the Zoning Tourist Rooming House Permit (ZTRHP1)?** The ZTRHP1 permit allows the operation of a TRH for stays of one night or more. If host is present when guests stay, there is no limit to the number of rental nights. If host is not present, there is a 30-night maximum that the TRH may operate. This must be host's primary residence.\*

**What is the definition of a primary residence?** A dwelling unit that is as an individual's true, fixed and permanent home for at least 183 days in a calendar year and to which, whenever absent from, that individual intends to return. Additional features of a primary residence include, but are not limited to, where an individual receives mail, claims residence for voting, pays for utilities, and lists as their address on state issued ID cards. An individual can have only one primary residence.

**Can I operate a Tourist Rooming House in my apartment?** As long as you follow the rules, Zoning allows TRHs in all residential dwelling units in Madison.

**Do I need any special approvals or permits to rent out my home as a TRH?** You will need a valid Zoning [Tourist Rooming House Permit \(ZTRHP\)](#). To apply for the ZTRHP permit, you will first need a [Tourist Rooming House license](#) from Public Health. You will also need a [Transient Room Tax Permit](#) from the City Treasurer's Office.

**Where can I find the rules and regulations for a TRH?** Our [Tourist Rooming House page](#) has more information.

2.  I have a TRH license from Public Health. Do I need a ZTRHP permit too? Yes.

Search BI services >>

## Resources

### Permit Application (PDF)

[ZTRHP Permit Application Packet](#)

## Permit & License Required

Currently, all TRH operators must have a valid TRH license from Public Health before advertising or renting out any short-term rental. As of 10/1/20, all operators must also have a valid Zoning Tourist Rooming House Permit (ZTRHP).

## Navigation

### ZTRHP Permit

[Short-Term Rental \(STR\) / Tourist Rooming House \(TRH\)](#)

[How to Apply](#)

[Regulations](#)

[FAQ: Frequently Asked Questions](#)

[Application Packet](#)

[Quarterly Reporting](#)

[Permit Renewal](#)

[ZTRHP-J Permit Surrender Form](#)

## Resources

### Tourist Rooming House (TRH)

[Public Health Madison & Dane County TRH License](#)

[City of Madison Treasurer's Office Room Tax information](#)

## A-Z Services

- A
- [Additions to a Home - One & Two Family Residential](#)
  - [Attic - alterations or conversions](#)
- B

## Translation Services

Call us at (608) 266-4551 if you need

- an interpreter
- translation
- documents in other formats
- other accommodations

Llámanos al (608) 266-4551 si necesitas

- un intérprete
- una traducción
- documentos en otros formatos
- otras adaptaciones

Hu xovtooj rau peb tim (608) 266-4551 yog koj xav tau

- tus neeg txhais lus Hmoob
- ntawv txhais ua lus Hmoob
- dcov ntaub ntawv hloov ua lwm yam hom ntawv
- lwm yam kev pabcuam

**What does the zoning home visit involve?** This is a walk-through of the unit. We will verify application information, especially floor plans and bedroom counts. It is also an opportunity to go over the regulations and host expectations. Hosts will also get a chance to ask any questions they might have.

**What are the fees for all the permits and licenses?** There is a one-time, non-refundable \$100 ZTRHP application fee, plus the ZTRHP annual fee of \$100. You will need a [TRH license from Public Health](#) before getting the ZTRHP permit.

**What's the difference between the TRH operator and the person listed as host on website posts and ads for the TRH?** They are the same. An operator is the owner or lessee of the TRH dwelling and the person who runs the TRH. The operator is the person identified in TRH postings and ads as the TRH host. The operator interacts with guests, both digitally and in person.

**What does it mean to be "on site" during a rental?** Being on site means the operator remains at the TRH through the night. The operator must not reside elsewhere when guests have reserved the TRH.

**Do I need my Home Owner's Association (HOA) permission to operate a TRH?** The City of Madison does not enforce any private homeowners' association regulations. Owners should review private regulations for the property they or their tenants wish to use as a TRH. These regulations may restrict an owner from using the dwelling as a TRH.

**Can I rent out several rooms separately to different reservation parties?** Only if the operator stays on site through the night of each rental night with multiple parties.\*

**Can I rent out my whole home and be gone during the rental time?** The limiting factor is if the operator is on site during the overnights of guest stays. If not, the TRH may only operate a maximum of 30 nights per year when the operator is not on site. If the operator is on site during guest stays, there is no limit to the number of nights the TRH may operate.\*

**Can I own a two-flat apartment building and live in the first floor unit. Can I rent the upstairs apartment as a TRH?** No. The TRH must be the operator's primary residence. An operator can only have one primary residence.\*

**Can my sister, who lives in an apartment above my TRH, be a cohost?** No. The TRH must be the primary residence of all hosts and cohosts listed in any ad postings. All hosts and cohosts must each submit a separate residence affidavit.\*

**Can I rent out my Accessory Dwelling Unit (ADU) as a TRH?** The TRH must be the operator's primary residence. If the operator lives in the main house, they cannot rent out the ADU as a TRH. If the operator lives in the ADU, they can rent out the ADU as a TRH but cannot rent out the main house as a TRH. An operator can only have one primary residence.\*

**Can I rent out the RV in my driveway, or the tent in my backyard, or my garage as a TRH?** No, this is not allowable. You may only rent out the habitable portion of a home as a TRH.

---

## Quarterly Reporting Form Downloads

---

[ZTRHP-OR \(Excel\)](#)

[ZTRHP-OR \(PDF\)](#)

---

## Resources

---

### Permit Renewal Form Download

---

[ZTRHP-R \(PDF\)](#)

---

## Contact

---

### Remember - If you are unsure, ask the Zoning Staff

---

(608) 266-4551

---

[zoningTRH@cityofmadison.com](mailto:zoningTRH@cityofmadison.com)

---

**owner with a year long lease. Can I rent out her apartment as a TRH during the summer when she's not living in Madison?** No. You may only operate a TRH in the primary residence of a home owner, or a tenant if explicitly allowed in the lease.\*

**Is there a limit on how many guests I can host in my TRH?** Yes. The limit depends on how many legal bedrooms the unit contains. The max number of guests is twice the number of legal bedrooms, up to a max of twelve guests. Do not count children under the age of 12 towards the max number of guests.

**What is the definition of a legal bedroom?** Any habitable space in a Dwelling Unit, other than a kitchen or living room, that can be used for sleeping. It must have a door that closes the room off from other common spaces. The space must be within the dwelling unit thermal envelope. It must be at least seventy (70) square feet in area, exclusive of closets and other appurtenant space. It must meet the standards for egress, light and ventilation according to the UDC, Wis. Admin. Code chs. SPS 320-25, or the Uniform Multifamily Dwelling Code, Wis. Admin. Code ch. SPS 366. A bathroom, library, study, office, dining room, or other extra room that meets this definition is a legal bedroom.

**How do I keep the required registry? Do I ask guests to sign themselves into a registry book?**

The registry is a paper or digital record available for on-site inspection. The registry must include all information from the current and prior registry year. The registry indicates:

- the true name of the individual making the TRH reservation
- their contact information
- dates of stay
- whether the operator was present or absent during the stay

**What reports do I need to submit each quarter year?** All ZTRHP operators must create an online account. You must and upload your **ZTRHP-QR** Quarterly Report forms to your ZTRHP record in the portal. Reports must include all ad locations and registry information for the previous quarter, even if you had no hosted stays. QR templates are available at **ZTRHP-QR**.

**How does my permit get renewed, and do I need to pay the application fee again each year?** You do not need to reapply each year and pay the \$100 application fee again when renewing your permit. However, you must pay the \$100 annual permit fee each year. We will mail or email you a renewal payment notice for the annual permit fee of \$100. If you have any changes to make, you must report these before you renew. For example, changes to the floor plan, bedroom counts, etc.

Doubling will issue a renewal permit after we approve changes and receive payment. If a renewal permit is not issued by the end of the licensing year on June 30, the permit is no longer valid. All ads and reservations must stop as of that date.

**What if my TRH guest ends up staying longer than 30 consecutive nights?** TRH regulations only apply to stays of less than 30 nights.

**How do I share concerns or complaints about a TRH with the city?** Fill out our **complaint form** or call (608) 266-4551. In the case of a life threatening emergency, call 911.

nd 29 consecutive nights. If host will never advertise or accept reservations for less than seven consecutive nights, ask Zoning about this option.

---

ast Updated: 09/05/2024

## This application packet contains all instructions and forms needed to apply for a Tourist Rooming House ZTRHP1 Permit.

If you need an interpreter, translator, materials in alternate formats or other accommodations to access these forms, please call Building Inspection at (608) 266-4551.

Si necesita interprete, traductor, materiales en diferentes formatos, u otro tipo de ayuda para acceder a estos formularios, por favor llame al (608) 266-4551.

Yog tias koj xav tau ib tug neeg txhais lus, txhais ntawv, los sis xav tau cov ntaub ntawv pab kom paub txog cov lus qhia no, thov hu rau Chaw Haujlwm Koog Soj Ntsuam Tsev (Building Inspection Division) (608) 266-4551.

City of Madison  
 Building Inspection Division: Zoning Dept.  
 Madison Municipal Building, Suite 017  
 215 Martin Luther King, Jr. Blvd.  
 P.O. Box 2984  
 Madison, WI 53701-2984  
**phone:** (608) 266-4551  
**web:** cityofmadison.com/trh  
**email:** zoningTRH@cityofmadison.com

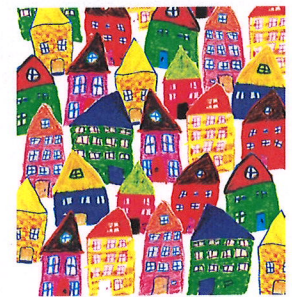


### How to Apply

1. Download the permit [application packet](#), review materials and complete all required forms.
  - **Apply online:**
    1. To apply online you will need digital versions of all required attachments found in the [application packet](#), including a notarized signature on form ZTRHP1-B.
    2. If you do not have one already, you must create an account on the City of Madison Licenses & Permits portal to fill out this application.
    3. [Login or create an account](#). After logging in, go to **Permitting**, then select **Apply for a Permit**, then select **Tourist Rooming House ZTRHP1 Permit**.
  - **Submit completed PDF application by mail, email, or at Zoning Counter:**
    1. Complete all required forms before submitting and keep copies for your records. Do not send materials individually. This will cause a delay, as incomplete submittals are not reviewed until all required materials are in.
    2. Submit all items below together as a complete packet, including:
      - **ZTRHP1-A Application:** Completed application requires the following:
        - Public Health Madison & Dane County (PHMDC) [Tourist Rooming House License](#) or current licensing year.
        - [City of Madison Transient Room Tax Permit](#).
      - **ZTRHP1-B Residence A Affidavit:** Separate form for each host & cohost, signed and notarized. Free notary services available at City Clerk's Office, by appointment at City Zoning, and at financial institutions.
      - **ZTRHP1-C Condominium Association Approval** (Condos only): which explicitly states TRH operation is allowed in this unit.
      - **ZTRHP1-D Advertising Locations:** Listing of all websites and places where operator has previously advertised this TRH and where operator intends to advertise in the upcoming year.
      - **ZTRHP1-E Guest Registry:** Template or sample of your Guest Registry pages. If this TRH has been rented in the past, include all past rentals.
      - **ZTRHP1-F Floor plans:** The entire TRH dwelling unit, showing all habitable space within dwelling unit. Label and number all bedrooms.
      - **ZTRHP1-G Notice to property owner** (Tenants only): which describes the TRH operation, maximum number of guests allowed and how the operation will meet zoning code regulations.
      - **ZTRHP1-G Lease Attachment** (Tenants only): Copy of lease which explicitly states TRH operation is allowed in this unit.
      - **Application Fee:** Non-refundable \$100 application fee, checks payable to "City Treasurer." Mail, email or in-person with a [Zoning Review Counter appointment](#).
2. City Building Inspection staff will review your application and schedule a home visit if application is approvable.
3. Login or create an online account in the online portal (See step #3, above, for online applications). After home visit has been completed and approved, an email will instruct you on how to find your ZTRHP permit in the portal and pay your \$100 annual permit fee there.
4. Once payment is received, permit will be emailed to you. When you receive your permit, you may begin advertising your TRH, being sure to post your 111 number on all advertisements.

## What is a Tourist Rooming House (TRH)?

In Wisconsin law, rental for less than 30 nights of any partial or whole structure for sleeping accommodations is called a Tourist Rooming House.



Airbnb, VRBO, HomeAway, and Fairbnb.coop are a few online businesses that offer to connect hosts and travellers.

A valid Zoning Tourist Rooming House Permit (ZTRHP) is required before advertising or renting this type of space online or elsewhere.

**Dates & Fees**

- As of October 1, 2020, a valid Zoning ZTRHP permit is required.
- ZTRHP permitting year is July 1 to June 30 of the following year.
- Fees: \$100 one-time application fee & \$100 annual permit fee.

**Regulations for the Zoning Tourist Rooming House Permit ZTRHP1**

1. Valid ZTRHP Permit is required from the City of Madison Zoning Department before advertising or renting out any TRH unit.
2. Valid ZTRHP permit number must be displayed in all TRH ads.
3. If operator does not occupy residence at time of rental, the Tourist Rooming House may operate no more than thirty (30) days per licensing year, July 1 to June 30.\*
3. If operator occupies residence at time of rental, there is no limit to number of days the TRH operates.\*
4. Operator may host two (2) or more individuals who separately book accommodations at the same TRH on any shared date if host remains on site each night.\*
5. TRH must be host's primary residence. Only property owner, or a renter whose lease explicitly allows it, may operate a TRH.\*
6. Prior to ZTRHP permit approval, Building Inspection staff will conduct a home visit to review floor plans, verify bedroom counts, and discuss TRH regulations and expectations with hosts, including answering any questions hosts may have.
7. Host name on all advertisements and website platforms must match the operator (permit holder) name; and photo ID identification required for operator and all owners of the TRH property.
8. Maximum guest occupancy is the lesser of twice the number of legal bedrooms or 12. Children under the age of 12 are not counted toward the guest occupancy count. See bedroom definition on Form ZTRHP1-F.
9. Permit is issued to a specific host for a specific dwelling unit. Permit is not transferrable. Permit does not authorize any person, other than the person named therein, to operate a short-term rental home in the dwelling unit.
10. Each establishment shall have a registry available on-site for inspection, indicating:
  - The true name & contact info (phone, email OR full street mailing address) of guest making the reservation
  - Dates of the stay
  - Acknowledgement of operator presence or absence each night of the stay
  - The registry shall include all information from the current registry year and the year immediately prior.
11. COMPLETE & ACCURATE Quarterly reporting to City Zoning from all operators is due one month after quarter ends (deadlines of Feb. 1, May 1, Aug. 1, & Nov. 1) for the following items:
  - Name and contact information of the person who made each reservation, and dates of stay for all guests during the previous quarter, including whether host was on or off site each night.
  - List of all websites and places TRH has been advertised in the previous quarter.
12. Violations of regulations subject to fines of \$500-\$1000 per day.
13. ZTRHP permit may be revoked for failure of operator to comply or maintain compliance with Zoning regulations. After a second occurrence of quarterly reporting not filed by required deadline, ZTRHP permit may be automatically revoked. Violation fines are doubled if permit has been revoked.
14. To maintain compliance with regulations throughout the year, any information submitted on permit application that changes during the year must be reported immediately, such as changes to floor plan, operator contact information, primary residence, or property owner, etc.
15. Prior to receiving a ZTRHP renewal permit, the TRH operator shall provide Zoning Administrator with any updates or changes to any of the documentation required or submit a statement to the Zoning Administrator stating there have been no changes to the information contained in the documentation. Prior to issuing a renewal permit, the zoning Administrator may conduct a reinspection.

**TRH MUST BE THE OPERATOR'S PRIMARY RESIDENCE DURING PERMITTING & FOR PRIOR 12 MONTHS****PRIMARY RESIDENCE DEFINITION:**

A dwelling unit that serves as an individual's true, fixed and permanent home for at least 183 days in a calendar year and to which, whenever absent therefrom, that individual intends to return. Additional characteristics of a primary residence include, but are not limited to, where an individual receives mail, claims residence for purposes of voter registration, pays for utilities, and lists as their address on state issued identification cards. An individual can have only one primary residence.



# APPLICATION: ZONING TOURIST ROOMING HOUSE PERMIT **ZTRHP1-A**

City of Madison  
 Building Inspection Division: Zoning Dept.  
 Madison Municipal Building, Suite 017  
 215 Martin Luther King, Jr. Blvd.  
 P.O. Box 2984  
 Madison, WI 53701-2984  
**phone:** (608) 266-4551  
**web:** cityofmadison.com/trh  
**email:** zoningTRH@cityofmadison.com



**FOR OFFICE USE ONLY:**

Application Fee Paid via \_\_\_\_\_ Date \_\_\_\_\_

ZTRHP1- \_\_\_\_\_ - \_\_\_\_\_

Application Received Date \_\_\_\_\_

Application Completeness by \_\_\_\_\_ Date \_\_\_\_\_

Inspection Complete Date \_\_\_\_\_

Annual Permit Fee Paid Date \_\_\_\_\_

Permit Issued Date \_\_\_\_\_

Permit Denied Date \_\_\_\_\_

*If you need an interpreter, translator, materials in alternate formats or other accommodations to access these forms, please call the Building Inspection Division at (608) 266-4551.*

*Si necesita interprete, traductor, materiales en diferentes formatos, u otro tipo de ayuda para acceder a estos formularios, por favor llame al (608) 266-4551.*

*Yog tias koj xav tau ib tug neeg txhais lus, txhais ntawv, los sis xav tau cov ntaub ntawv pab kom paub txog cov lus qhia no, thov hu rau Chaw Haujlwm Koog Soj Ntsuam Tsev (Building Inspection Division) (608) 266-4551.*

**1. LOCATION: of Tourist Rooming House**

Address: \_\_\_\_\_ Unit #: \_\_\_\_\_

Is this a condominium?  Yes  No If yes, form ZTRHP1-C Condominium Association permission must be included.

Type of property:  Single family dwelling  ADU  2-unit building  Multi-unit building

Public Health TRH License # \_\_\_\_\_ Transient Room Tax Permit # \_\_\_\_\_

Maximum Number of Guests: \_\_\_\_\_

Calculate number of legal bedrooms  $\underline{0} \times 2 = \underline{0}$ . Maximum number of guests is the lesser of two times the number of legal bedrooms or twelve (12). Children under the age of 12 shall not count towards the maximum number of guests.

**2. OPERATOR: of Tourist Rooming House**

**Operator name** \_\_\_\_\_ May not be an LLC, trust, nonprofit or other corporate entity

Host name on all advertisings \_\_\_\_\_ List full names of all Cohosts \_\_\_\_\_

Company name (if applicable) \_\_\_\_\_ DBA name (if applicable) \_\_\_\_\_

Operator address \_\_\_\_\_ Unit # \_\_\_\_\_ City/State/Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

Operator relationship to property:  Owner  Tenant  Other: Explain \_\_\_\_\_

**3. PROPERTY OWNER: of Tourist Rooming House**

**Property Owner name** \_\_\_\_\_ Company \_\_\_\_\_

Company name (if applicable) \_\_\_\_\_ DBA name (if applicable) \_\_\_\_\_

Property Owner address \_\_\_\_\_ Unit # \_\_\_\_\_ City/State/Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

**4. Submit the following items with your application**

No application will be accepted without all of the following:

- ZTRHP1-A Permit Application:** completed Zoning Tourist Rooming House (ZTRHP1) Permit Application:
  - Public Health Madison & Dane County (PHMDC) Tourist Rooming House License number. Visit [PublicHealthMDC.com/STR](http://PublicHealthMDC.com/STR) to apply.
  - City of Madison Transient Room Tax Permit number. [Click here to apply.](#)
- ZTRHP1-B Residence Affidavit:** Separate form for each Host & Cohost. (Free notary services available at city agencies.)
- ZTRHP1-C Condominium Association Approval** (Condos only): which explicitly states TRH operation is allowed in unit.
- ZTRHP1-D Advertising Locations:** Listing of all websites and places where operator has previously listed their TRH and where operator intends to advertise in the upcoming year.
- ZTRHP1-E Guest Registry:** Sample of guest registry template. If rentals occurred in past, show all past rentals.
- ZTRHP1-F Floor plans:** of your TRH dwelling unit with all legal bedrooms labeled and numbered.
- ZTRHP1-G Notice to property owner** (Tenants only): which describes the TRH operation, maximum number of guests allowed and how the operation will meet zoning code regulations.
- ZTRHP1-G Lease Attachment** (Tenants only): Copy of lease which explicitly states TRH operation is allowed in this unit.
- Application Fee:** \$100. Checks payable to City of Madison. Cash, checks, VISA, MasterCard accepted at the Zoning Counter.
- Submit:** Online, or by mail or email to [zoningTRH@cityofmadison.com](mailto:zoningTRH@cityofmadison.com) and with mailed check, or drop off at Zoning Counter after making [Zoning Review Counter appointment](#). See address on previous page.

**5. Agreements and signature**

Please initial that you understand and will abide by the following agreements:

Agreement	✓	Initials
My valid ZTRHP permit number will be displayed on all advertisements and listings on any hosting platform or other type of advertising.		
I understand I may not book or rent to more than one reservation party on any given date unless I am on site on all of the overlapping rental nights.		
I understand that I am only allowed to be absent from the dwelling for a maximum of 30 nights per licensing year when rentals are occurring.		
I will submit quarterly report form <a href="#">ZTRHP-QR</a> each quarter year to City Zoning, which lists all websites and locations where I have advertised my TRH in the previous quarter and lists names and contact information of all reservation holders, all dates of stays, whether I was on site or off site each night of every guest stay that quarter.		
I understand the collection of room tax is required and this may require me to remit room tax directly to the City Treasurer’s Office each quarter year.		
I will not exceed the maximum tourist occupancy (the allowable number of guests.)		
I have reviewed form ZTRHP1-INFO and am familiar with the Tourist Rooming House regulations in the City of Madison. I understand that failure to comply with all regulations may result in grounds for suspension or revocation of my permit and if permit is revoked, fines may be doubled.		
Permit is issued to a specific host. Permit is non-transferable. Permit does not authorize any person, other than the person named therein, to operate a short-term rental home in the dwelling unit.		
I acknowledge that I am to notify the City of Madison Zoning Department within three (3) days if I move and this address is no longer considered my primary address.		
Acceptance of application packet by the city does not constitute the issuance of a permit. Application is subject to review, verification, and inspection before approval may be granted; then payment of annual permit fee before permit is issued. <b>A valid ZTRHP permit must be issued before the property can be offered, advertised, or rented.</b>		

2. Printed Name: \_\_\_\_\_ Sig 114 : \_\_\_\_\_ Date: \_\_\_\_\_

City of Madison  
Building Inspection Division: Zoning Dept.  
Madison Municipal Building, Suite 017  
215 Martin Luther King, Jr. Blvd.  
P.O. Box 2984  
Madison, WI 53701-2984  
**phone:** (608) 266-4551  
**web:** cityofmadison.com/trh  
**email:** zoningTRH@cityofmadison.com



**FOR OFFICE USE ONLY:**

ZTRHP1- \_\_\_\_\_ - \_\_\_\_\_

Received Date \_\_\_\_\_

ZTRHP1-B form approval by \_\_\_\_\_ Date \_\_\_\_\_

**1. LOCATION: of Tourist Rooming House**

Address: \_\_\_\_\_ Unit #: \_\_\_\_\_

**2. DEFINITION: Primary Residence**

According to City of Madison Ordinance 28.211, a Primary Residence is defined as a dwelling unit that serves as an individual's true, fixed and permanent home for at least 183 days in a calendar year and to which, whenever absent therefrom, that individual intends to return. Additional characteristics of a primary residence include, but are not limited to, where an individual receives mail, claims residence for purposes of voter registration, pays for utilities, and lists as their address on state issued identification cards. An individual can have only one primary residence.

**3. DEFINITION: Primary Residence**

I attest,

By signing below, I, \_\_\_\_\_ (Printed Name), swear or affirm under oath that I am the owner or tenant of the dwelling unit listed above, that this is my primary residence as defined above, and it has been my primary residence continuously since \_\_\_\_\_. I acknowledge that I am to notify the City of Madison Zoning Department within three (3) days if for any reason this address is no longer considered my primary address. I understand that my short term rental license may be revoked if I am found to not be in compliance with city ordinances and in which penalties may be incurred.

I understand that the statement made above regarding my primary residence is required by Madison General Ordinance Sec. 9.29 and Sec. 28.151 in order to receive a tourist room house permit in the City of Madison. I further understand that pursuant to Wisconsin Statute 946.32 any person who, under oath, knowingly makes a false statement when that statement is required by law is guilty of a Class H Felony. With this understanding, I swear or affirm under oath that I have carefully considered the contents of this Affidavit before signing and that the above statement regarding my primary residence is true.

Operator Signature: \_\_\_\_\_

Operator Printed Name: \_\_\_\_\_

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

Subscribed and sworn to me before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

My Commission Expires: \_\_\_\_\_ Notary Public

# CONDOMINIUM ASSOCIATION PERMISSION

# ZTRHP1-C

City of Madison  
 Building Inspection Division: Zoning Dept.  
 Madison Municipal Building, Suite 017  
 215 Martin Luther King, Jr. Blvd.  
 P.O. Box 2984  
 Madison, WI 53701-2984  
**phone:** (608) 266-4551  
**web:** cityofmadison.com/trh  
**email:** zoningTRH@cityofmadison.com



FOR OFFICE USE ONLY:

ZTRHP1- \_\_\_\_\_ - \_\_\_\_\_

Received Date \_\_\_\_\_

ZTRHP1-C form approval by \_\_\_\_\_ Date \_\_\_\_\_

## 1. LOCATION: of Tourist Rooming House

Address: \_\_\_\_\_ Unit #: \_\_\_\_\_

Condominium Name \_\_\_\_\_

## 2. OPERATOR: of Tourist Rooming House

Operator name \_\_\_\_\_

## 3. SIGNATURES

CHOOSE ONE:

- Letter of Permission from Condominium Association is attached, stating permission to operate a TRH at this dwelling unit and signed by an authorized representative of the Condominium Association.
- A Tourist Rooming House operation in this dwelling unit is allowed by the Condominium Association and verified by signatures below from authorized representative of the Condominium Association and the operator.

Operator Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Condo Representative Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

AUTHORIZED TO SIGN ON BEHALF OF CONDOMINIUM ASSOCIATION

City of Madison  
Building Inspection Division: Zoning Dept.  
Madison Municipal Building, Suite 017  
215 Martin Luther King, Jr. Blvd.  
P.O. Box 2984  
Madison, WI 53701-2984  
phone: (608) 266-4551  
web: cityofmadison.com/trh  
email: zoningTRH@cityofmadison.com



FOR OFFICE USE ONLY:

ZTRHP1- \_\_\_\_\_ - \_\_\_\_\_

1. LOCATION: of Tourist Rooming House

Address: \_\_\_\_\_ Unit #: \_\_\_\_\_

2. OPERATOR: of Tourist Rooming House

Operator name \_\_\_\_\_ Host name on all advertisings \_\_\_\_\_

List full names of all Cohosts \_\_\_\_\_

Company name (if applicable) \_\_\_\_\_ DBA name (if applicable) \_\_\_\_\_

3. FUTURE ADVERTISING: of Tourist Rooming House

List all platform names and other locations where you plan on advertising in the upcoming year: \_\_\_\_\_

4. PAST ADVERTISEMENTS: of Tourist Rooming House

- In the form on the following page, list all websites and locations where this TRH has been advertised in the past. Add additional sheets as needed. If never advertised before, write NO ADVERTISING on the form.
- If an Excel document would be preferable, go to [cityofmadison.com/trhreporting/](http://cityofmadison.com/trhreporting/). Download the Quarterly Reporting template ZTRHP-QR (Excel file), complete, and submit with your initial application along with this page.
- Include the unique listing number or name of property as shown in website address on hosting platforms. Below are examples of where to find listing numbers on some of the more common website advertising platforms:

- [https://www.airbnb.com/rooms/3203468?location=mongolia&source\\_imj](https://www.airbnb.com/rooms/3203468?location=mongolia&source_imj)
- <https://www.homeaway.com/vacation-rental/p846123a?noDates=true>
- <https://www.vrbo.com/1140747ha?noDates=true>
- <https://beta.fairbnb.coop/homes/ck2ncl9ic02v50596m6nWSC7k?checkIn>
- <https://www.flipkey.com/properties/6753621/>
- <https://www.misterbandb.com/rooms/141470>
- <https://www.booking.com/hotel/bt/the-chhodens-paro.html?aid=304142>
- <https://www.corporatehousing.com/apartment-community-profile/11663>



**FOR OFFICE USE ONLY:**

ZTRHP1- \_\_\_\_\_ Tourist Rooming House Address: \_\_\_\_\_ Unit #: \_\_\_\_\_

Operator name \_\_\_\_\_ Host name on all advertisements \_\_\_\_\_

Full names of all Cohosts \_\_\_\_\_

Company name \_\_\_\_\_ DBA name (if applicable) \_\_\_\_\_

City of Madison  
 Building Inspection Division: Zoning Dept.  
 Madison Municipal Building, Suite 017  
 215 Martin Luther King, Jr. Blvd.  
 P.O. Box 2984  
 Madison, WI 53701-2984  
**phone:** (608) 266-4551  
**web:** cityofmadison.com/trh  
**email:** zoningTRH@cityofmadison.com



**DIRECTIONS: for Quarterly Reporting**

- Enter the bedroom numbers that guests have paid to rent from you, as numbered on your ZTRHP1-F Floor Plans form. Enter *bedroom numbers*, not *how many* bedrooms were rented.
- If you have never had rentals at your TRH, write "NO RENTALS" on this form and submit.
- Listing Numbers must match those used on Form ZTRHP1-D Advertising Locations.
- List all reservations in chronological order. Add additional sheets as needed.
- If an Excel document would be preferable, go to [cityofmadison.com/trhreporting/](http://cityofmadison.com/trhreporting/). Download the Quarterly Reporting template ZTRHP-QR (Excel file), complete, and submit with your initial application along with this page.

- Maximum # of guests** \_\_\_\_\_  
 Calculate number of legal bedrooms  $0 \times 2 = 0$ .  
*Maximum number of guests is the lesser of two times the number of legal bedrooms or twelve (12). Children under the age of 12 shall not count towards the maximum number of guests.*
- Do not count children under age 12 in "Number of Guests" column.

ROOM(S)	ARRIVAL DATE	NUMBER OF NIGHTS	GUEST NAME	GUEST CONTACT	NUMBER OF GUESTS	LISTING NUMBER	HOST ONSITE	HOST OFFSITE

# FLOOR PLANS

# ZTRHP1-F

City of Madison  
 Building Inspection Division: Zoning Dept.  
 Madison Municipal Building, Suite 017  
 215 Martin Luther King, Jr. Blvd.  
 P.O. Box 2984  
 Madison, WI 53701-2984  
**phone:** (608) 266-4551  
**web:** cityofmadison.com/trh  
**email:** zoningTRH@cityofmadison.com



FOR OFFICE USE ONLY:

ZTRHP1- \_\_\_\_\_ - \_\_\_\_\_

Received Date \_\_\_\_\_

ZTRHP1-F form approval by \_\_\_\_\_ Date \_\_\_\_\_

## 1. LOCATION: of Tourist Rooming House

Address: \_\_\_\_\_ Unit #: \_\_\_\_\_

Type of property:  Single family dwelling  ADU  2-unit building  Multi-unit building

Max Number of Guests Allowed: \_\_\_\_\_

Calculate number of legal bedrooms 0 x 2 = 0. Maximum number of guests is the lesser of two times the number of legal bedrooms or twelve (12). Children under the age of 12 shall not count towards the maximum number of guests.

All the following floors must be included in floor plans, even if guests do not have access:

Does TRH dwelling unit have a basement?  Yes  No

Does TRH dwelling unit have habitable attic space?  Yes  No

Number of floors in dwelling unit, including basement level and habitable attic space: \_\_\_\_\_

## 2. OPERATOR: of Tourist Rooming House

Operator name \_\_\_\_\_ Host name on all advertisings \_\_\_\_\_

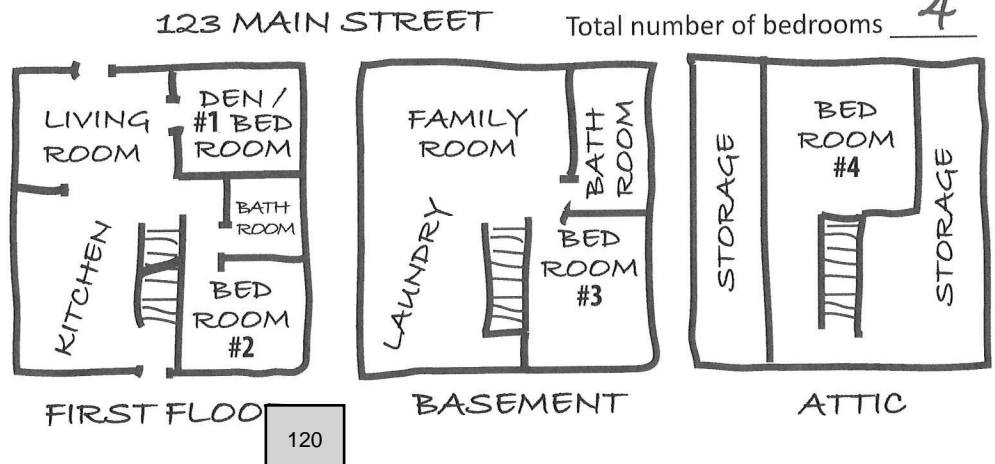
## 3. LEGAL BEDROOM DEFINITION

Any habitable space in a Dwelling Unit other than a kitchen or living room that is intended for or capable of being used for sleeping with a door that closes the room off from other common space such as living and kitchen areas, is within the dwelling unit thermal envelope, that is at least seventy (70) square feet in area, exclusive of closets and other appurtenant space, and meets Building Code standards for egress, light and ventilation according to the Uniform Dwelling Code, Wis. Admin. Code chs. SPS 320-325, or the Uniform Multifamily Dwelling Code, Wis. Admin. Code ch. SPS 366. A room identified as a den, library, study, office, dining room, or other extra room that satisfies this definition will be considered a bedroom.

## 4. DIRECTIONS

- Show all floors, including all basement levels and attic levels with habitable spaces. Include closets and attached garages.
- Label each room.
- Number each bedroom on the floor plans.
- Total number of bedrooms \_\_\_\_\_

## 5. SAMPLE FLOOR PLAN





Tourist Rooming House Address: \_\_\_\_\_ Unit #: \_\_\_\_\_

[CLICK HERE TO UPLOAD FLOOR PLAN \(PDF, JPEG, TIFF, GIF, BMP\)](#)

# TENANT NOTIFICATION TO PROPERTY OWNER

# ZTRHP1-G

City of Madison  
Building Inspection Division: Zoning Dept.  
Madison Municipal Building, Suite 017  
215 Martin Luther King, Jr. Blvd.  
P.O. Box 2984  
Madison, WI 53701-2984  
**phone:** (608) 266-4551  
**web:** cityofmadison.com/trh  
**email:** zoningTRH@cityofmadison.com



FOR OFFICE USE ONLY:

ZTRHP1- \_\_\_\_\_ - \_\_\_\_\_

Received Date \_\_\_\_\_

ZTRHP1-G form approval by \_\_\_\_\_ Date \_\_\_\_\_

## 1. LOCATION: of Tourist Rooming House

Address: \_\_\_\_\_ Unit #: \_\_\_\_\_

Type of property:  Single family dwelling  ADU  2-unit building  Multi-unit building

Maximum Number of Guests Allowed: \_\_\_\_\_

Calculate number of legal bedrooms  $\underline{0} \times 2 = \underline{0}$ . Maximum number of guests is the lesser of two times the number of legal bedrooms or twelve (12). Children under the age of 12 shall not count towards the maximum number of guests.

## 2. OPERATOR: of Tourist Rooming House

Operator name \_\_\_\_\_ Host name on all advertisings \_\_\_\_\_

List full names of all Cohosts \_\_\_\_\_

Company name (if applicable) \_\_\_\_\_ DBA name (if applicable) \_\_\_\_\_

Operator address \_\_\_\_\_ Unit # \_\_\_\_\_ City/State/Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

Operator relationship to property:  Owner  Tenant  Other: Explain \_\_\_\_\_

**Lease Attachment:** A copy of lease is attached, which explicitly states TRH operation is allowed in this unit.

**Notice to property owner:** I agree to abide by all City of Madison regulations for the operation of a Tourist Rooming House, and which are explained on the reverse side of this form.

**Notice to property owner:** I will not rent to more than the allowable maximum number of guests in this Tourist Rooming House, as explained above.

Printed Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## 3. PROPERTY OWNER: of Tourist Rooming House

Property Owner name \_\_\_\_\_ Company \_\_\_\_\_

Company name (if applicable) \_\_\_\_\_ DBA name (if applicable) \_\_\_\_\_

Property Owner address \_\_\_\_\_ Unit # \_\_\_\_\_ City/State/Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

I understand tenant will abide by all City of Madison regulations for the operation of a Tourist Rooming House, and which are explained on the reverse side of this form.

Printed Name: \_\_\_\_\_ Sig \_\_\_\_\_ Date: \_\_\_\_\_

**Dates & Fees**

- As of October 1, 2020, a valid Zoning ZTRHP permit is required.
- ZTRHP permitting year is July 1 to June 30 of the following year.
- Fees: \$100 one-time application fee & \$100 annual permit fee.

**Regulations for the Zoning Tourist Rooming House Permit ZTRHP1**

1. Valid ZTRHP Permit is required from the City of Madison Zoning Department before advertising or renting out any TRH unit.
2. Valid ZTRHP permit number must be displayed in all TRH ads.
3. If operator does not occupy residence at time of rental, the Tourist Rooming House may operate no more than thirty (30) days per licensing year, July 1 to June 30.\*
3. If operator occupies residence at time of rental, there is no limit to number of days the TRH operates.\*
4. Operator may host two (2) or more individuals who separately book accommodations at the same TRH on any shared date if host remains on site each night.\*
5. TRH must be host's primary residence. Only property owner, or a renter whose lease explicitly allows it, may operate a TRH.\*
6. Prior to ZTRHP permit approval, Building Inspection staff will conduct a home visit to review floor plans, verify bedroom counts, and discuss TRH regulations and expectations with hosts, including answering any questions hosts may have.
7. Host name on all advertisements and website platforms must match the operator (permit holder) name; and photo ID identification required for operator and all owners of the TRH property.
8. Maximum guest occupancy is the lesser of twice the number of legal bedrooms or 12. Children under the age of 12 are not counted toward the guest occupancy count. See bedroom definition on Form ZTRHP1-F.
9. Permit is issued to a specific host for a specific dwelling unit. Permit is not transferrable. Permit does not authorize any person, other than the person named therein, to operate a short-term rental home in the dwelling unit.
10. Each establishment shall have a registry available on-site for inspection, indicating:
  - The true name & contact info (phone, email OR full street mailing address) of guest making the reservation
  - Dates of the stay
  - Acknowledgement of operator presence or absence each night of the stay
  - The registry shall include all information from the current registry year and the year immediately prior.
11. COMPLETE & ACCURATE Quarterly reporting to City Zoning from all operators is due one month after quarter ends (deadlines of Feb. 1, May 1, Aug. 1, & Nov. 1) for the following items:
  - Name and contact information of the person who made each reservation, and dates of stay for all guests during the previous quarter, including whether host was on or off site each night.
  - List of all websites and places TRH has been advertised in the previous quarter.
12. Violations of regulations subject to fines of \$500-\$1000 per day.
13. ZTRHP permit may be revoked for failure of operator to comply or maintain compliance with Zoning regulations. After a second occurrence of quarterly reporting not filed by required deadline, ZTRHP permit may be automatically revoked. Violation fines are doubled if permit has been revoked.
14. To maintain compliance with regulations throughout the year, any information submitted on permit application that changes during the year must be reported immediately, such as changes to floor plan, operator contact information, primary residence, or property owner, etc.
15. Prior to receiving a ZTRHP renewal permit, the TRH operator shall provide Zoning Administrator with any updates or changes to any of the documentation required or submit a statement to the Zoning Administrator stating there have been no changes to the information contained in the documentation. Prior to issuing a renewal permit, the zoning Administrator may conduct a reinspection.

**TRH MUST BE THE OPERATOR'S PRIMARY RESIDENCE DURING PERMITTING & FOR PRIOR 12 MONTHS****PRIMARY RESIDENCE DEFINITION:**

A dwelling unit that serves as an individual's true, fixed and permanent home for at least 183 days in a calendar year and to which, whenever absent therefrom, that individual intends to return. Additional characteristics of a primary residence include, but are not limited to, where an individual receives mail, claims residence for purposes of voter registration, pays for utilities, and lists as their address on state issued identification cards. An individual can have only one primary residence.

# SURRENDER TOURIST ROOMING HOUSE PERMIT

# ZTRHP1-J

City of Madison  
Building Inspection Division: Zoning Dept.  
Madison Municipal Building, Suite 017  
215 Martin Luther King, Jr. Blvd.  
P.O. Box 2984  
Madison, WI 53701-2984  
**phone:** (608) 266-4551  
**web:** cityofmadison.com/trh  
**email:** zoningTRH@cityofmadison.com



FOR OFFICE USE ONLY:

ZTRHP1- \_\_\_\_\_ - \_\_\_\_\_

Received Date \_\_\_\_\_

ZTRHP1-J form approval by \_\_\_\_\_ Date \_\_\_\_\_

## 1. LOCATION: of Tourist Rooming House

Address: \_\_\_\_\_ Unit #: \_\_\_\_\_

## 2. OPERATOR: of Tourist Rooming House

Operator name \_\_\_\_\_

Company name (if applicable) \_\_\_\_\_ DBA name (if applicable) \_\_\_\_\_

## 3. PERMIT SURRENDER

I acknowledge that I have removed all online listings for this Tourist Rooming House on this property effective \_\_\_\_\_

I surrender this Tourist Rooming House permit and will no longer operate this Tourist Rooming House on this property effective \_\_\_\_\_

Printed Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# Q&A

## TOURIST ROOMING HOUSES (TRHs) IN THE CITY OF MADISON

City of Madison  
 Building Inspection Division: Zoning Dept.  
 Madison Municipal Building, Suite 017  
 215 Martin Luther King, Jr. Blvd.  
 P.O. Box 2984  
 Madison, WI 53701-2984  
**phone:** (608) 266-4551  
**web:** [cityofmadison.com/trh](http://cityofmadison.com/trh)  
**email:** [zoningTRH@cityofmadison.com](mailto:zoningTRH@cityofmadison.com)



### What is the Zoning Tourist Rooming House Permit?

The ZTRHP1 Permit allows the operation of a TRH for stays of one night or more. If host is present when guests stay, there is no limit to the number of rental nights; if host is not present there is a 30-night maximum that the TRH may operate. This must be host's primary residence.\*

### Who can operate a TRH?

TRHs can be operated by home owners, or by tenants if explicitly allowed in the lease.

### Can I operate a Tourist Rooming House in my apartment?

Tourist Rooming Houses are allowable in all residential dwelling units within the City of Madison provided all regulations are followed.

### Do I need any special approvals or permits to rent out my home as a TRH?

You will need a valid [Zoning Tourist Rooming House Permit \(ZTRHP\)](#) from the City of Madison Zoning Department. To apply for the ZTRHP permit, you will first need to obtain a [Tourist Rooming House License](#) from Public Health Madison and Dane County, and a [Transient Room Tax Permit](#) from the City Treasurer's Office.

### Where can I find information about the rules and regulations about a Tourist Rooming House?

Go to [cityofmadison.com/TRH](http://cityofmadison.com/TRH)

### I already have a TRH license from Public Health. Do I need a ZTRHP permit too?

Yes.

### What fees are involved for obtaining all proper permits and licenses?

There is a one-time, non-refundable \$100 ZTRHP application fee, plus the ZTRHP annual fee of \$100. You will need a TRH license from Public Health in order to obtain the ZTRHP permit. Check their

## CITY OF MADISON COMMON COUNCIL

### Why have regulations?

Websites such as Airbnb and VRBO connect homeowners and renters with people who need a place to stay when they're traveling. Though many homeowners and renters use these platforms to host intermittent on-the-side rentals, some hosts have gone far beyond this modest ideal. In some parts of the country, property owners are using these web platforms to operate de facto hotels, and people are buying property with the sole purpose of using it as a short-term rental. Taken to these more extensive lengths, short-term rentals have a substantial effect on neighboring properties, changing the character of a neighborhood, and limiting the stock of affordable housing.

Madison has enacted ordinances that seek to strike a balance between the competing rights of property owners. Under city ordinance, homeowners or renters can earn some extra money renting out space in the dwelling they occupy, but reasonable restrictions ensure that neighbors retain the right to control the type of neighborhood they are living in.

## TRH DEFINITION

### What is a Tourist Rooming House?



In Wisconsin law, rental for less than 30 nights of any partial or whole structure for sleeping accommodations is called a Tourist Rooming House (TRH). Airbnb, Fairbnb.coop, and VRBO are a few online businesses that offer to connect hosts and travellers.

A Zoning Tourist Rooming House (ZTRHP) Permit is required before advertising or renting this type of space online or elsewhere.

website for fee information about their license and other costs that may possibly be involved:  
[publichealthmdc.com/str](http://publichealthmdc.com/str)

**What does the zoning home visit involve?**

This is a walk-through of the unit in order to verify application information, especially submitted floor plans and bedroom counts. This is also an opportunity to go over the regulations and what’s expected of hosts and to answer any questions hosts may have.

**What’s the difference between the TRH operator and the person listed as host in website postings and advertisements for the TRH?**

They are the same. An operator is the owner or lessee of the TRH dwelling and who runs the TRH by being the person identified in TRH postings and advertisements as the TRH host and who interacts with guests, both digitally and in person.

**What does it mean to be “on site” during a rental?**

Being on site means the operator remains at the TRH through the night and does not reside elsewhere when guests have reserved the TRH.

**Can I rent out several rooms separately to different reservation parties?**

Only if the operator stays on site through the night of each rental night while multiple reservation parties are present.\*

**Can I rent out my whole home and be gone during the rental time?**

The TRH may only operate a maximum of 30 different nights throughout the licensing year when the operator is not on site during the overnights of guest stays. If the operator is on site during guest stays there is no limit to the number of nights the TRH may operate.\*

**I own a two-flat apartment building and live in the first floor unit. Can I rent the upstairs apartment as a TRH?**

No. The TRH must be the operator’s primary residence. An operator can only have one primary residence.\*

**Can my sister, who lives in an apartment above my TRH, be a cohost?**

No. The TRH must be the primary residence of all hosts and cohosts listed in any ad postings. All hosts and cohosts

**PRIMARY RESIDENCE DEFINITION:**

A dwelling unit that serves as an individual’s true, fixed and permanent home for at least 183 days in a calendar year and to which, whenever absent therefrom, that individual intends to return. Additional characteristics of a primary residence include, but are not limited to, where an individual receives mail, claims residence for purposes of voter registration, pays for utilities, and lists as their address on state issued identification cards. An individual can have only one primary residence.

must each submit a separate residence affidavit.\*

**My daughter is a college student who rents an apartment from a property owner with a year long lease.**

**Can I rent out her apartment as a TRH during the summer when she’s not living in Madison?**

No. TRHs can only be operated in the primary residence of a home owner, or a tenant if explicitly allowed in the lease.\*

**Can I rent out my Accessory Dwelling Unit (ADU) as a TRH?**

The TRH must be the operator’s primary residence. If the operator lives in the main house, they cannot rent out the ADU as a TRH. If the operator lives in the ADU, they can

rent out the ADU as a TRH but cannot rent out the main house as a TRH. An operator can only have one primary residence.

**Is there a limit on how many guests I can host in my TRH?**

Yes. The limit depends on how many legal bedrooms the unit contains. The maximum number of guests is twice the number of legal bedrooms, up to a maximum of twelve guests. Do not count children under the age of 12 towards the maximum number of guests.

**What is the definition of a legal bedroom?**

Any habitable space in a Dwelling Unit other than a kitchen or living room that is intended for or capable of being used for sleeping with a door that closes the room off from other common space such as living and kitchen areas, is within the dwelling unit thermal envelope, that is at least seventy (70) square feet in area, exclusive of closets and other appurtenant space, and meets Building Code standards for egress, light and ventilation according to the Uniform Dwelling Code, Wis. Admin. Code chs. SPS 320-325, or the Uniform Multifamily Dwelling Code, Wis. Admin. Code ch. SPS 366. A room identified as a den, library, study, office, dining room, or other extra room that satisfies this definition will be considered a bedroom.

**Do I need my Home Owner’s Association (HOA) permission to operate a TRH?**

The City of Madison is not a party to and does not enforce any private homeowners’ association regulations. Property owners should review private regulations that apply to the

property they or their tenants wish to use as a TRH since these regulations may restrict an owner from allowing the dwelling to be used as a TRH.

**How do I keep the required registry? Do I ask guests to sign themselves into a registry book?**

The registry is a paper or digital record available for on-site inspection, indicating the true name of the individual making the TRH reservation, their contact information, dates of stay, and whether the operator was present or absent during the stay. The registry shall include all information from the current and prior registry year.

**What reports do I need to submit each quarter year?**

All ZTRHP operators must create an online account and upload their ZTRHP-QR Quarterly Report forms to their ZTRHP record in that the portal. Quarterly Reports must include all advertising locations and registry information for the previous quarter year even if no hosted stays have occurred. QR templates are available at ZTRHP-QR.

**How does my permit get renewed, and do I need to pay the application fee again each year?**

Operators do not need to reapply each year or pay the \$100 application fee again when renewing their permit; however the \$100 annual permit fee must be paid online each year. A renewal payment notice will be sent by email for the annual permit fee of \$100. Adjustments to the TRH must be reported before renewing, such as changes to the floor plan, bedroom counts, operator contact information, etc. Renewal permit will be issued after changes are approved and payment is received. If renewal permit is not issued by the end of the licensing year on June 30, the permit is no longer valid and all advertisings and reservations must cease as of that date.

**Can I rent out the RV in my driveway, or the tent in my backyard, or my garage as a TRH?**

No, this is not allowable. Only habitable space within a home may be rented out as a TRH.

**What if my TRH guest ends up staying longer than 30 consecutive nights?**

TRH regulations only apply to stays of less than 30 nights.

**How do I share concerns or complaints about a TRH with the city?**

Go to <https://www.cityofmadison.com/reportaproblem/> or call 608-266-4551. In the case of a life threatening emergency, dial 911.

\* Certain provisions allow this if TRH only operates with night stays between seven (7) and 29 consecutive nights. If host will never advertise or accept any reservation for less than seven consecutive nights, inquire at zoning about all regulations that must be followed for this option.

# Appointment Only

Building Inspection is open to the public by appointment only.

- [Schedule with the Building Plan Review Counter](#)
- [Schedule with the Zoning Review Counter](#)

For more on appointments and other services, please see the [Building Inspection Services page](#).

# Quarterly Reporting

## Due Dates

All TRH operators must submit a **ZTRHP-QR** quarterly report anytime during the month after a quarter has ended. Do not submit QR reports before the quarter has ended. They are due on the first of the following month.

- Quarter 1: (Jan, Feb, Mar) Submit QR report during the month of April. Report is due May 1.
- Quarter 2: (Apr, May, June) Submit QR report during the month of July. Report is due Aug 1.
- Quarter 3: (July, Aug, Sept) Submit QR report during the month of Oct. Report is due Nov 1.
- Quarter 4: (Oct, Nov, Dec) Submit QR report during the month of Jan. Report is due Feb 1

## What is required

Quarterly Reports (QRs) must be filled out completely and submitted online by the required deadline after each quarter ends for all TRH operators. QRs include 2 parts (Advertising Locations and Registry), which are both required even if you have not advertised and/or hosted any reservations during the quarter. If you have not advertised during the quarter, enter "NO ADVERTISING" on the Advertising Locations page. If no reservations, enter "NO RESERVATIONS" on your Registry. Include the year on all dates in your registry. You can use *both* the [ZTRHP1-D \(Advertising Locations\)](#) and the [ZTRHP1-E \(Guest Registry\)](#) forms instead of the QR form.

## Download QR form template

Choose one of the file formats below:

- [ZTRHP-QR](#) (Excel file)
- [ZTRHP-QR](#) (PDF file)

## How to Submit Forms

All Quarterly Reports must now be submitted online. We will not be accepting QRs by mail, email, or other paper delivery to our office. Here's how to submit

Search BI services



## Resources

### Permit Application (PDF)

[ZTRHP Permit Application Packet](#)

## Permit & License Required

Currently, all TRH operators must have a valid TRH license from Public Health before advertising or renting out any short-term rental. As of 10/1/20, all operators must also have a valid Zoning Tourist Rooming House Permit (ZTRHP).

## Navigation

### ZTRHP Permit

[Short-Term Rental \(STR\) / Tourist Rooming House \(TRH\)](#)

[How to Apply](#)

[Regulations](#)

[FAQ: Frequently Asked Questions](#)

[Application Packet](#)

[Quarterly Reporting](#)

[Permit Renewal](#)

[ZTRHP-J Permit Surrender Form](#)

## Resources

### Tourist Rooming House (TRH)

[Public Health Madison & Dane County TRH License](#)

[City of Madison Treasurer's Office Rooming tax information](#)

## A-Z Services

A

[Additions to a Home - One & Two Family Residential](#)

[Attic - alterations or conversions](#)

B

## Translation Services

Call us at (608) 266-4551 if you need

- an interpreter
- translation
- documents in other formats
- other accommodations

Llámanos al (608) 266-4551 si necesitas

- un intérprete
- una traducción
- documentos en otros formatos
- otras adaptaciones

Hu xovtooj rau peb tim (608) 266-4551 yog koj xav tau

- tus neeg txhais lus Hmoob
- ntawv txhais ua lus Hmoob
- dcov ntaub ntawv hloov ua lwm yam hom ntawv
- lwm yam kev pabcuam



2. Click on the **Permitting** tab near the top of the page, and your ZTRHP Tourist Rooming House permit will appear under the **Records** header.
3. Click on your **ZTRHP permit** to select it.
4. Click on **Record Info**. A drop-down menu will open. Choose the **Attachments** option from the drop down menu.
5. Scroll to the bottom of the page and select the **Add** button.
  1. In the **File Upload** dialog box, Click the **Add** button.
    1. Browse to the file location on your device where your Quarterly Report is located.
    2. Select the appropriate file.
    3. Click on the **Open** button.
  2. Click on the **Continue** button when the upload is complete.
6. Click on the appropriate document type in the **Type** drop-down.
  1. Select **QR-Quarterly Reporting** in the drop-down.
7. In the Description box: type “**2022-Q2**”. Please use this format (year first, then quarter number)
8. Click the **Save** button.
9. Repeat if you have additional files to upload.
10. You’re done!

---

## Quarterly Reporting Form Downloads

---

[ZTRHP-QR \(Excel\)](#)

[ZTRHP-QR \(PDF\)](#)

---

## Resources

---

### Permit Renewal Form Download

---

[ZTRHP-R \(PDF\)](#)

---

## Contact

---

### Remember - If you are unsure, ask the Zoning Staff

---

(608) 266-4551

---

[zoningTRH@cityofmadison.com](mailto:zoningTRH@cityofmadison.com)

---

If you do not have an online account, create an online account now and contact [zoningTRH@cityofmadison.com](mailto:zoningTRH@cityofmadison.com) to tell us what email address you are using. Zoning staff will connect it to your ZTRHP permit. You may need to wait up to a week for Zoning to connect your account. Please create this account now and notify zoning as soon as possible about the email address you used.

Last Updated: 11/28/2023

---

**City of Tomah Downtown Plan  
Adopted 4/11/17  
Action Plan Status Review**

[https://issuu.com/msaprofessionalservices/docs/tomah\\_downtown\\_master\\_plan\\_v2](https://issuu.com/msaprofessionalservices/docs/tomah_downtown_master_plan_v2)

Action Item	Timeframe	Status	2025 Priority (Y/N)
<b>Administration</b>			
Review Plan on Annual Basis	On-going	Incomplete	
Code Enforcement	On-going	Paused	
Amend Zoning Code (new downtown district)	Short (2018-2020)	Incomplete	
Adopt Downtown Design Standards	Immediate (2017)	Complete	
Create a Façade Improvement Grant	Immediate (2017)	Complete	
Adopt a Historic Preservation Ordinance	Immediate (2017)	Incomplete	
Create Pop-Up Store Program (City funded program)	Short-Term (2018-2020)	Incomplete	
<b>Marketing</b>			
Review TID Plan to Match Downtown Plan	Immediate (2017)	Incomplete	
Create a Business Improvement District	Mid-Term (2021-2029)	Incomplete	
Use Business Revolving Loan Fund in Downtown	On-going	Incomplete	
Create a Streetscape Sponsorship Program (local sponsor of improvements)	Short-Term (2018-2020)	Incomplete	
Become a Certified Local Government (participant in historic preservation program)	Short-Term (2018-2020)	Incomplete	
Leverage Grant Funding	On-going	Incomplete	
<b>Streetscaping</b>			
Adopt New City Branding	Immediate (2017)	Complete	
Create a Buy Local Campaign	Immediate (2017)	Incomplete	
Work With Businesses to Expand Hours	Immediate (2017)	Incomplete	
Work With Businesses to Improve Websites and Feature Reviews	On-going	Incomplete	
Create Marketing Materials for Funding Options	On-going	Incomplete	
Businesses Produce Media Advertisements	On-going	Incomplete	
Create Strategy to Recruit Local Retailers	On-going	Incomplete	
Expand Downtown Events	On-going	Incomplete	

Remove Concrete Medians Along Superior Avenue	Short-Term (2018-2020)	Incomplete	
Replace Street Lights From Clifton to Washington	Short-Term (2018-2020)	Complete	
Install Unified Streetscape	Short-Term (2018-2020)	Incomplete	
Paint Crosswalks	Short-Term (2018-2020)	Complete	
Add Benches, Trash Cans, and Bike Racks	Short-Term (2018-2020)	Incomplete	
Add Decorative Sidewalk Terrace from Council to Monroe	Mid-Term (2021-2029)	Incomplete	
Add Bumpouts Along Superior (at Council St.)	Mid-Term (2021-2029)	Incomplete	
Reconstruct Juneau Ave with Angled Parking and Bumpouts	Mid-Term (2021-2029)	Incomplete	
Add Decorative Paving and Streetcaping to Existing Bumpouts	Mid-Term (2021-2029)	Incomplete	
Add Decorative Sidewalk Terrace from Nott St. to Railroad	Long-Term (2029-2040)	Incomplete	
Add Decorative Paving in Median from Council to Monroe	Long-Term (2029-2040)	Incomplete	
Add 3-4-foot Paver Crosswalk Borders at Intersections	Long-Term (2029-2040)	Incomplete	
<b>Parking and Signage</b>			
Update Wayfinding Signage	Short-Term (2018-2020)	In progress	
Remove Community Sign at Superior/Clifton	Short-Term (2018-2020)	Incomplete	
Upgrade Sign at Superior/Washington	Short-Term (2018-2020)	Incomplete	
Improve Parking Efficiency (annual review and create short-stay stalls)	On-going	Incomplete	
Improve Event Parking (ADA stalls near Gillett Park)	Immediate (2017)	Incomplete	
Add Handicap/Veteran/Elderly Stalls (one per block)	Immediate (2017)	Incomplete	
Add Angled Parking Along Westside of Kilbourn	Mid-Term (2021-2029)	Incomplete	
<b>Redevelopment</b>			
Promote Downtown Housing (residential permitted on ground floor on edge of downtown and only above ground floor in core – zoning change)	On-going	Incomplete	
Work With Former Tee Pee Property Owners for Mixed Use Development (don't know which site this is)	Immediate (2017)	Complete	
Meet With Property Owners of Priority Redevelopment Sites	Short-Term (2018-2020)	In progress	
Create Public-Private Partnerships for Redevelopment (acquire land, financing, TIF, leases)	On-going	In progress	
Purchase 1201 Main Street for Plaza and Building Lease	Long-Term (2029-2040)	Complete	
<b>Redevelopment Site Concepts</b>			
804-816 Superior Ave (across from City Hall)		Complete	
1200-1210 Superior Ave (across from Band Box)		In progress	
1301-1321 Superior Ave (across from Gillett Park)		Incomplete	
1600-1618 Superior (across from Kwik Trip)		Incomplete	

215 E. Clifton Street (across from community pool)

Incomplete