

AGENDA
CITY OF STURGEON BAY
PLAN COMMISSION
Wednesday, October 18, 2023, at 6:00 p.m.
City Council Chambers
421 Michigan Street, Sturgeon Bay, WI

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from August 30, 2023.
4. Public comment on non-agenda Plan Commission related items.
5. Consideration of: Preliminary plat of Geneva Ridge subdivision.
6. Consideration of: Initial presentation of zoning map amendment petition from Central Business District (C-2) to Multiple-Family Residential (R-4) for property located at 346 Oregon St.
7. Consideration of: Tourist Rooming Houses.
8. Adjourn.

NOTE: DEVIATION FROM THE AGENDA ORDER SHOWN MAY OCCUR.

Notice is hereby given that a majority of the Common Council may be present at this meeting to gather information about a subject over which they have decision-making responsibility. If a quorum of the Common Council does attend, this may constitute a meeting of the Common Council and is noticed as such, although the Common Council will not take any formal action at this meeting.

10/13/23
1:35 p.m.
cs

Plan Commission Members

Mayor David Ward
Ald. Helen Bacon
Ald. Dennis Statz
Ald. J. Spencer Gustafson
Mark Holey
Jeff Norland
Amy Stephens

CITY PLAN COMMISSION MINUTES
August 30, 2023

A meeting of the City Plan Commission was called to order at 6:00 p.m. on Wednesday, August 30, 2023, by Mayor Ward in Council Chambers, City Hall, 421 Michigan Street, Sturgeon Bay.

Roll Call: Members David Ward, Dennis Statz, Helen Bacon, Spencer Gustafson, Amy Stephens and Jeff Norland were present. Member Mark Holey was excused. Staff present were Community Development Director Marty Olejniczak, Planner/Zoning Administrator Stephanie Servia, and Community Development Administrative Assistant Cindy Sommer.

Agenda: Motion by Ms. Bacon and seconded by Mr. Norland to accept the following agenda:

1. Roll call.
 2. Adoption of agenda.
 3. Approval of minutes from August 16, 2023.
 4. Public comment on non-agenda Plan Commission related items.
 5. Consideration of: Zoning map amendment by Lane Kendig from Central Business District (C-2) to Multiple-Family Residential (R-4) for property located at 26 W Pine Street, parcel #281-46-65021700.
 - a. Presentation
 - b. Public Hearing
 - c. Consideration (*Note: The Plan Commission will not make a recommendation at this meeting unless a motion is made and passed by ¾ of the members present to act on the request at this meeting.*)
 6. Project plan and boundaries for Tax Incremental District #10 (Industrial Park).
 - a. Presentation
 - b. Public Hearing
 - c. Consideration
 7. Consideration of: Combined preliminary/final Planned Unit Development proposed by Estes Investments, LLP for multiple-family dwellings and commercial storage on property located at 1361 N 14th Avenue.
 8. Adjourn.
- All ayes. Motion carried.

Approval of minutes from August 16, 2023: Motion by Mr. Statz and seconded by Mr. Gustafson to approve the minutes from August 16, 2023. All ayes. Motion carried.

Public Comment on non-agenda Plan Commission related items: No members of the public presented for comment.

Consideration of: Zoning map amendment by Lane Kendig from Central Business District (C-2) to Multiple-Family Residential (R-4) for property located at 26 W Pine Street, parcel #281-46-65021700:

Presentation (a): Ms. Servia explained that the property is currently in the Central Business District (C-2), however the applicant is requesting a change to Multiple-Family Residential (R-4) to sell the property. The potential buyer is not able to obtain a loan unless the property is residential. Changing the zoning classification to R-4 would allow for residential use yet keep the option open for commercial use in the future with a conditional use permit. The properties surrounding the parcel are in the following zoning districts: to the west is R-2, to the south is R-4, to the east and north are C-2. The proposed zoning designation fits in the comprehensive plan and staff recommends approval of the amendment request.

Public Hearing (b): Mayor Ward opened the public hearing at 6:05 p.m. Lane Kendig, the applicant, explained that he would like to sell the property and is here to answer any questions. No other persons presented for comment. The mayor closed the public hearing at 6:06 p.m.

Consideration (c): Mr. Statz motioned to consider this matter at this meeting. Motion seconded by Ms. Stephens. All ayes, motion carried unanimously. Mr. Norland motioned to recommend the zoning map amendment as presented to council. Ms. Bacon seconded. All ayes, motion carried unanimously.

Project plan and boundaries for Tax Incremental District #10 (Industrial Park):

Presentation (a): Adam Ruechel explained the new proposed tax increment district (TID), which would be a mixed-use district consisting of 36 acres on the west side, with the main project being a workforce housing development on City-owned property along S Hudson, S Geneva and S Fulton Streets. The TID would have about \$1.785 million public improvement project costs during the 15-year expenditure period with an anticipated \$4.4 million increment throughout its life.

The plan has been updated since the last meeting and now shows 19.9% of newly platted residential areas, which is below the maximum 35% allowed under the Wisconsin Statutes.

Mr. Ruechel further added that the TID consists of 10 parcels with a valuation of \$1.4 million. The city currently has about 7.1% of its equalized value of taxable property within tax increment districts, which is well below the maximum 12%. Some of the projected improvement projects consist of street, sidewalk and infrastructure improvements for the 24-lot subdivision, improvements to S Duluth Avenue, other street improvements, and park and trail improvements for Cherry Blossom Park and the Ice Age Trail. No annexation is anticipated and two zoning changes from agricultural to commercial or residential are anticipated.

Mr. Norland indicated he would like to see the extension of S Ashland Avenue added to the plan if it makes sense to do so. Mr. Olejniczak explained that the extension of S Ashland Avenue is not clearly determined yet and will be dependent upon other developments near Target. Mr. Ruechel indicated that the plan could be amended to include the extension, however if it's not a fully formed plan at this time, then it might be better to wait and amend the plan later. Mayor Ward also noted that there are other streets that have a higher priority at this time.

Public Hearing (b): Mayor Ward opened the public hearing at 6:31 p.m. No members of the public presented. The public hearing was closed at 6:31 p.m.

Consideration (c): Mr. Statz motioned to recommend approval of the resolution for the creation of TID #10. Mr. Gustafson seconded motion. All ayes, motion carried unanimously.

Consideration of: Combined preliminary/final Planned Unit Development proposed by Estes Investments, LLP for multiple-family dwellings and commercial storage on property located at 1361 N 14th Avenue. Dave Phillips of Bayland Buildings explained that they made several changes to their plans since the last meeting to address the concerns of the neighbors and the Commission. The changes they made to the plans consist of:

1. The condominium bylaws will require a minimum rental period of 30 days.
2. The 8-unit condominium building's exterior will be much improved before going to the Aesthetic Board.
3. A gathering space surrounded by trees has been added between the storage buildings.
4. Some clean-up has taken place and an agreement has been reached with the Larsens to rectify the encroachment on the property.
5. The comments at the last meeting about the landscape not being completed is correct. However, they cannot finish the landscaping until the utility work is completed.
6. They will be planting more trees on the north side of the property.
7. Some of the trees have been moved to the west side and six trees have been added between the neighbors to the south to shield lights from cars coming out of the parking area.
8. The storage building servicing the 22-unit condos has been redesigned to have a lower roofline so the occupants will have views that look over the top of the structure.
9. The suggestion at the previous meeting about the shortage of parking spaces was clarified to note that they have five more spaces proposed than required.
10. A lighting plan has been added, which includes 4 post lights throughout the property, as well as a light above each entrance of the condominiums and each entrance of the storage buildings. All of the lighting will be downward directed and night sky friendly.

Ms. Bacon questioned the removal of some of the trees along the drainage pond and Mr. Phillips explained that the City Engineer doesn't want the trees located there in order to keep debris out the drainage ditch.

The members also discussed whether the single access driveway is sufficient for emergency vehicle access. Mr. Olejniczak indicated that the Fire Chief will review the plans prior to any building permits being issued. Mr. Norland questioned whether there would be difficulty selling the condominiums without garages.

Connie Larson of 1411 N 14th Avenue is an abutting property owner and stated that the original subject property really needed to be cleaned up, however this new project is not the answer. She indicated that the first request was for 15 storage units and only two have been built, and they aren't finished and have cracks, exposed Styrofoam and are missing pieces, nor do they have water or electric provisions. The second request was to rezone for the apartments with garages with a condition that a retaining wall be built, which hasn't been done. The rip rap that was recently placed there is not good. The third request is to have 30 condo units plus storage units, other buildings and a pond, which exceeds the 12.4% density per acre. Mrs. Larson stated this project is just too much and the density is too high.

Mr. Gustafson motioned to approve the PUD application with the eight conditions listed in the staff report from the August 16 meeting. Motion seconded by Mr. Statz. Mr. Olejniczak explained that several of the conditions have been met with the new plans and the motion need not include the conditions that have been met. Mr. Gustafson withdrew his motion and Mr. Statz withdrew his second.

Mr. Statz motioned to recommend approval of the resolution for the creation of the PUD as presented in the latest plans with the condition that condominium bylaws require a minimum 30-day rental period and that the temporary sodding of the Larson property be completed as agreed upon. Mr. Gustafson seconded the motion.

Ms. Stephens noted that the increased density makes sense when about 70% of the apartments are one bedroom. Ms. Bacon stated that the amount of green space seems to help soften the density when compared to other developments with less green space. Mr. Norland indicated he appreciates that the developer is adding apartments or condos rather than storage units, however he is not comfortable with the number of storage buildings on the property and suggested that the last two storage buildings be removed from the plan. Mr. Gustafson believes this is a positive project and people may want to downsize into these units and also pointed out other condominiums that do not have garages.

Mayor Ward asked Mr. Phillips about the exposed Styrofoam on the condo storage units and Mr. Phillips stated that the grading and grass have not been completed yet. The Styrofoam will be covered when that work is done. Mr. Phillips also indicated that he believes the rip rap looks nice and serves the purpose of keeping the soil in place and there is also rip rap planned for the west side of the development.

Ms. Stephens asked about sidewalks and Mr. Olejniczak explained that the curb and gutter ends at Bluebird Street but it may make sense to extend either sidewalks or at least a path further northward to the property.

Mayor Ward, Mr. Statz, Ms. Stephens, Mr. Gustafson and Ms. Bacon vote aye, Mr. Norland voted nay. Motion carried.

Adjourn: Motion by Mr. Gustafson to adjourn, seconded by Ms. Stephens. All ayes, motion carried. The meeting adjourned at 7:07 p.m.

Respectfully submitted,


Cindy Sommer

Community Development Administrative Assistant

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EXECUTIVE SUMMARY
Preliminary Plat – Geneva Ridge

Background: The City of Sturgeon Bay seeks approval of the preliminary plat of Geneva Ridge. The plat would create 21 lots out of 4.92 acres of land. The plat supports the development of 24 single-family homes for the Geneva Ridge Door County workforce housing project. Three of the lots have already been divided by CSM no. 3676. Lots 4-24 will be included in this plat. The subject site is located south of S Fulton Ave, south of S Geneva Ave, and west of S Hudson Ave. The plat and engineering plans were completed by Stantec.

Workforce Housing – The Geneva Ridge project is an effort by the City to create relatively affordable single-family homes for the County's workforce. The City has a development agreement with JPEJ, LLC to construct homes with a sale price of \$269,900 to \$304,900 with sales limited to employees of Door County-based businesses.

Site Conditions – The entirety of the existing parcel is vacant lawn area. North and east of the parcel are single-family homes and two-family homes zoned PUD and R-2. To the west is vacant commercial property, and to the south is vacant land outside of city limits.

Zoning – The subject site is zoned Two-Family Residential (R-3). The setbacks for which are 20 feet from the street, 8 feet from the side, and 25 feet from the rear property line.

Analysis: Comprehensive Plan – The site is identified for predominantly single-family residential development at a density of up to 8 dwellings per acre under both the current and proposed Long-Range Future Land Use Plan Map. The plat is consistent with the Comprehensive Plan.

Street Layout – The plat proposes S Fulton Ave and S Geneva Ave continue southward to the south border of the property. The street layout conforms to the Official Map, which shows these streets eventually continuing southerly to connect with W Yew St, which is planned to extend westward to Duluth Ave. The new streets have a right-of-way width of 60 feet. Temporary "hammerhead" style turnarounds are planned at the ends of the street to allow vehicles to turn around. The turnarounds will be contained within the street right-of-way and this arrangement has been approved by the Fire Chief.

Lot Layout – Five lots are planned on both sides of the street extensions. Four lots are planned along the west side of the existing S Hudson Ave frontage with one outlot in the northeastern corner of the plat. The lots are uniform in size with lots ranging in size from 7,926 to 8,018 square feet. All lots conform to the minimum size requirements under R-3 zoning. Building setback lines are accurately shown on the plat, except for the rear yard requirement of 25 feet. The plat shows a 20-foot rear yard, which will need to be corrected for the final plat. All lots have a reasonable building pad (envelope) on which to construct a home. Each has 50 feet or more of buildable width.

Stormwater management – An outlot is shown with a 7,932 square foot area in the northeast corner of the existing parcel for stormwater detention purposes. Water will be routed northerly along the street and then easterly along the north property lines to a detention pond for this outlot. An 8-foot drainage easement will be required along the northern line of the plat. This easement will be located within the side yard setback area of the lots and, thus, will not impact the building pad. The detention pond is proposed to be a "dry" pond, meaning that it will be filled with water only during rain events and then slowly drain down. A final stormwater management plan from Stantec will be provided with the final plat.

Utilities – All lots will be served with public sanitary sewer and water. Plans for the water and sanitary sewer mains were created by Stantec and reviewed by Sturgeon Bay Utilities (SBU) and City staff. Sanitary sewer and water mains are proposed to run within the street right-of-way by extending the existing mains. Electrical service is proposed along the rear lot lines. 6- and 12-foot utility easements are shown on the plat to accommodate that service.

Other Approvals - In addition to Common Council approval, the plat must be approved by the State. The plat has been submitted and the State's approval is pending.

Fiscal Impact: The proposed plat facilitates the Geneva Ridge development, which is being financed by the city through a new tax increment district. The project plan estimates approximately \$1Million in overall expenses. The development agreement with JPEJ, LLC calls for construction of new single-family homes after the plat is recorded. The property taxes paid on the homes, along with other tax increment from the TID, will be used to recover the City's investment in the project.

Recommendation: The proposed plat is consistent with the City's Comprehensive Plan, the Official Map, the TID #10 Project Plan, and the signed development agreement with JPEJ, LLC. It is a necessary component of housing availability in the City. Therefore, staff recommends approval of the preliminary plat of Geneva Ridge, subject to the following:

1. Approval of the plat by the State.
2. Correcting the rear yard from 20 feet to 25 feet.
3. Include an 8-foot utility/ drainage easement along the north side of the plat.

Prepared by: 
Stephanie Servia
Planner/Zoning Administrator

10/11/2023
Date

Prepared by: 
Martin Olejniczak
Community Development Director

10/11/2023
Date

Reviewed by: 
Chad Shefchik
City Engineer

10-11-23
Date

Reviewed by: 
Josh Van Lieshout
City Administrator

10/11/23
Date



Geneva Ridge Plat Map




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Stephanie Servia
Planner/ Zoning Administrator
421 Michigan Street
Sturgeon Bay, WI 54235



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Phone: 920-746-2907
Fax: 920-746-2905
E-mail: sservia@sturgeonbaywi.gov
Website: www.sturgeonbaywi.org

MEMO

To: Sturgeon Bay Plan Commission
From: Stephanie Servia, Planner/Zoning Administrator 
Date: October 11, 2023
Subject: Initial Presentation – Zoning Map Amendment – C-2 to R-4 346 Oregon St

Jason Estes requests the rezoning of parcel #281-10-85120503 located at 346 Oregon Street from Central Business District (C-2) to multiple-family residential (R-4). The property is 0.116 acres (5,052 sq ft) in size and currently being used residentially. The building used to be an office building but has since been converted to a dwelling with a detached garage that is being used as employee housing for Mr. Estes' business. Currently the building use is nonconforming. The property needs to be rezoned to make the site conform to zoning.

The property obtained a variance for the detached garage in 1987. In 2001 the principal building was converted from residential to an office building with occupancy granted in 2002.

The 2040 Comprehensive Plan's Future Land Use Designation for the lot is Office. That land use category is established to be for nonresidential areas in which offices, medical related facilities and related business services predominate. The R-4 zoning district does allow offices with a conditional use so it could be argued that the zoning still fits with the Comprehensive Plan.

Another option for rezoning could be to Mixed Commercial- Residential (C-5). This is meant as a transitional zoning district. Both R-4 and C-5 will allow the residential use that is currently on the property while allowing some commercial uses in the future. C-5 allows slightly reduced side yard setbacks. A residential use in a mixed-use building/parcel would be allowed under C-5 but not R-4, and there are more commercial uses permitted under C-5 than R-4. Depending on what the applicant wishes to do with the property in the future there may be a preference for C-5 over R-4.

The first step for a rezoning request is the initial presentation and review by the Plan Commission. This is meant to be an informal discussion and no decisions are required. A public hearing is tentatively scheduled for the November Plan Commission meeting.

231011-1

**CITY OF STURGEON BAY
ZONING/REZONING
APPLICATION**

STAFF USE:

Date Received:

Fee Paid:

Received By:

10/11/2023

\$ 300.00 + 50.00

CS

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (if different)
Name	Jason Estes	Will Estes, LLC
Company		
Street Address	4405 Walker Rd	4405 Walker Rd
City/State/Zip	Sturgeon Bay WI 54235	Sturgeon Bay WI 54235
Daytime Telephone #		
Email	estes73@charter.net	
STREET ADDRESS OF SUBJECT PROPERTY: 346 Oregon Street		
Location if not assigned a common address:		
TAX PARCEL NUMBER: 2811085120503		
CURRENT ZONING CLASSIFICATION: C-2 Central Business District		
CURRENT USE AND IMPROVEMENTS: Office bldg being converted to dwelling and detached garage		
ZONING DISTRICT REQUESTED: R-4 Multiple Family Residential		
COMPREHENSIVE PLAN DESIGNATION OF SUBJECT PROPERTY: Office		
PROPOSED USE OF SURROUNDING PROPERTY UNDER COMPREHENSIVE PLAN:		
North:	Public and Institutional	
South:	Office	
East:	Office	
West:	Downtown Mixed Use	

ZONING AND USES OF SURROUNDING PROPERTIES:

North: C-2 ; Library
South: R-4 ; Single-family dwelling
East: C-2 ; Two-family dwelling
West: C-2 ; Mixed Commercial/Residential

HAVE THERE BEEN ANY VARIANCES, CONDITIONAL USE PERMITS, ETC. GRANTED PREVIOUSLY FOR THIS PROPERTY? (Yes) or No (circle) IF YES, EXPLAIN: Variance granted for garage setback in 1987

Attach an 8-1/2"x 11" detailed site plan (if site plan is larger than 8-1/2"x 11", also include 15 large sized copies), full legal description (preferably digital), 8-1/2"x 11" location map, construction plans for the proposed project, and Agreement for Reimbursement of expenses. Site plan shall include dimensions of property, pertinent structures and buildings, proposed site improvements, signature of person who drew plan, etc.

Property Owner

Date

10/10/23

Applicant/Agent

Date

I, _____, have attended a review meeting with at least one member of staff and understand that I am responsible for sign placement and following all stages listed on the check list in regard to the applicant.

Date of review meeting.

Applicant signature

Staff signature

Attachments:

Procedure & Check List

Agreement for Reimbursement of Expenses

STAFF USE ONLY

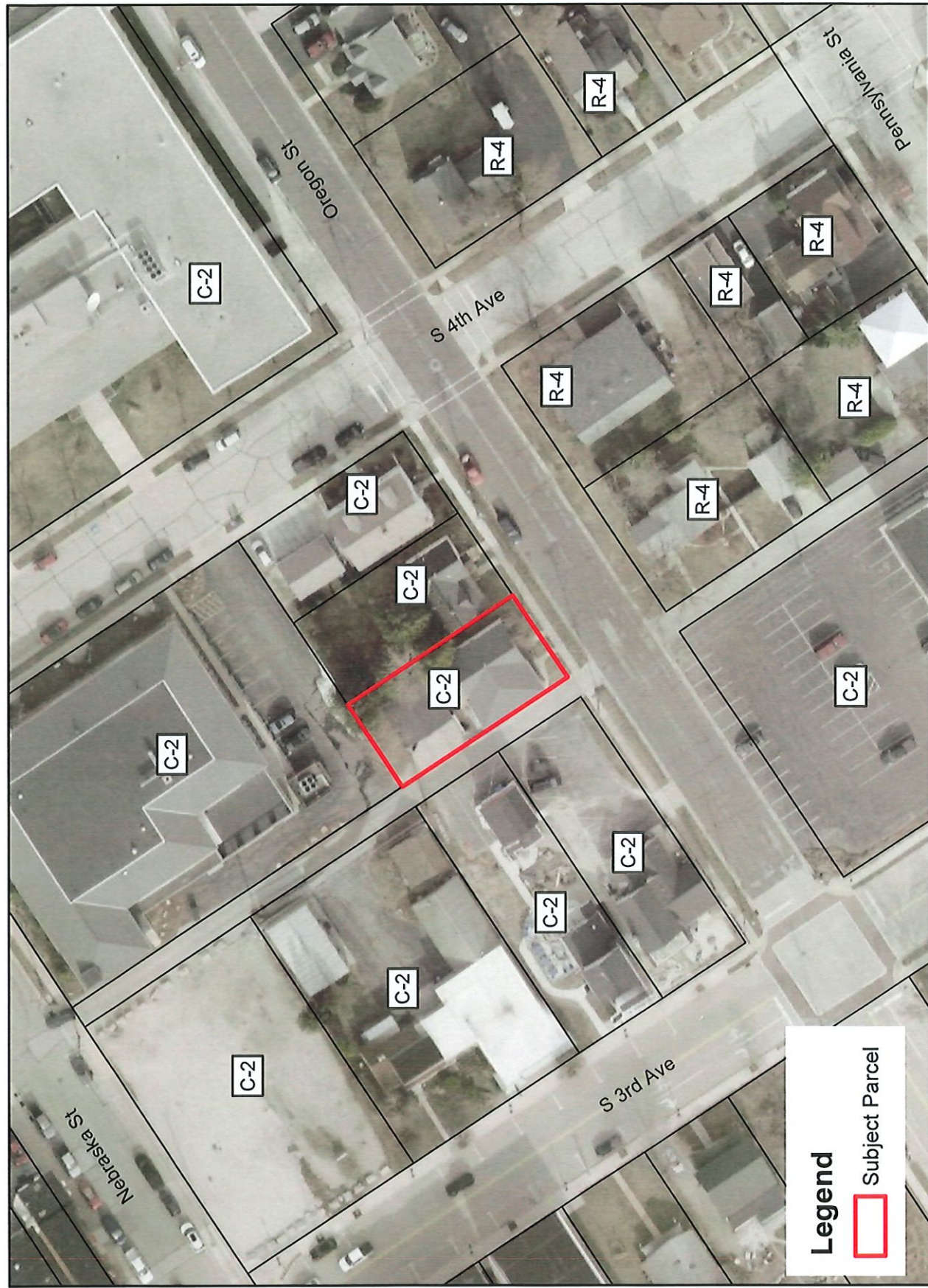
Application conditions of approval or denial:

Date

Community Development Director



346 Oregon St Rezoning Map



Parcel # 281-10-85120503



MEMO

To: Sturgeon Bay Plan Commission
From: Stephanie Servia, Planner/Zoning Administrator & Marty Olejniczak, Community Development Director
Date: October 12, 2023
Subject: Tourist Rooming House Review for 2023

Background: Tourist Rooming Houses (TRH) are dwelling units which offer sleeping accommodations to transient guests for periods less than 30 days, not including boarding houses or bed and breakfast establishments. These are allowed within all the residential, commercial (excluding C-4) and agricultural districts. This ordinance has been in effect since March 1, 2016, and staff has seen continued growth over the last 7 years with a spike in popularity in 2021. Prior to that, such short-term rentals were only allowed in the commercial and multi-family residential districts, and a license from the city was not required. Now, property owners that wish to be licensed for this use must submit the City of Sturgeon Bay Tourist Rooming House application.

There has been significant growth in the past few years specifically with 26 new licenses in 2021, 22 new licenses in 2022, and 30 new licenses in 2023 (through 10/10/2023). In 2019 there were 41 TRHs, there are now 124 active licenses. The last time the City's requirements were amended was in 2021. Given the popularity of this use and its potential impacts, the Plan Commission previously decided that the City's short-term rental regulations and current data should be reviewed periodically. For the October Plan Commission meeting, staff will present information regarding the current status and recent trends of TRHs in the City. In addition, the current regulatory authority and recent legal issues will be discussed. The members can then decide if changes to the Sturgeon Bay requirements are warranted.

Summary of current TRH data: Attachments A and G show various statistical data for tourist rooming houses in Sturgeon Bay. Attachment B are maps showing the locations of the licenses that are currently active. Based upon this data, the following observations can be made:

1. As of October 10, 2023, there are 124 active license holders in the city. The City has 9% of the TRH's licensed in Door County.
2. Most TRHs are in the R-2 zoning district with 48% in that district, however the locations are somewhat evenly dispersed throughout the city.
3. 77% of TRHs are in residential districts, 23% are in commercial districts, and 1% are in Agricultural zoning. Every zoning district (except industrial and office districts) has at least one TRH.
4. 64% of the current TRH locations were previously used as single-family homes, 11% were two-family, 15% were multi-family, 1% was a manufactured home, and 10% were mixed use buildings with commercial/apartment space before becoming a short-term rental.

5. 53% of license holders are Sturgeon Bay residents. An additional 10% reside elsewhere in Door County, with about 10% residing in Kewaunee or Brown Counties. Hence, most license holders are city residents and about ¾ live in the nearby region. About 27% of the license holders are not within the regional area.
6. It is estimated that 15 of the active license holders use the residence as their primary residence based upon their mailing address. It is possible that some license holders use their dwellings for occasional personal use, but it is likely that the vast majority use the dwelling unit solely for short-term rentals.
7. From 2016 to present there were 143 total licenses issued. This means that 19 TRHs are no longer active. Some of these went back to being owner-occupied or long-term rental units, but it is unknown exactly how many.
8. Compared to other municipalities in the State, the city's fee of \$100 for initial license and \$100 for a two-year renewal license is one of the lowest fees for TRHs. Other municipalities require a fee every year with fees ranging from \$100 to \$1,500 per year. Under Wisconsin law fees established by municipalities must be commensurate with cost of administering the service. Hence, a city is not supposed to make a "profit" from the fee or set a higher than necessary fee as a means to discourage the use.
9. The city does obtain revenue from TRHs through room taxes that are collected by the Door County Tourism Zone Commission (DCTZC). Revenue statistics are included in Attachment F. From January to July of this year the City has received \$192,596 in room tax (not just for TRHs).

Regulatory Issues: A tourist rooming house requires a license from the City of Sturgeon Bay. There is a \$100 initial fee the first year, a renewal license is due the following year and then every two years after that. The City requires proof of insurance, a copy of their license from the Department of Agriculture Trade and Consumer Protection (DATCP), and the license number from the DCTZC. The City also has a few other requirements for operating a tourist rooming house.

Other municipalities in the County have made some changes this past year to their TRH ordinances which will be going into effect next year. For example, Sevastopol adopted an ordinance that all TRHs must be owner occupied for rentals 7 days or less. Sister Bay completely revamped their TRH ordinance and increased their fee to \$1,500 per year.

Wisconsin State Statute 66.1014 limits what municipalities can regulate relating to Tourist Rooming Houses (Attachment D). Per subsection 2(a), "Subject to par. (d), political subdivision may not enact or enforce an ordinance that prohibits the rental of a residential dwelling for 7 consecutive days or longer". Additionally, per subsection 2(d)(1),

"If a residential dwelling is rented for periods of more than 6 but fewer than 30 consecutive days, a political subdivision may limit the total number of days within any consecutive 365-day period that the dwelling may be rented to no fewer than 180 days. The political subdivision may not specify the period of time during which the residential dwelling may be rented, but the political subdivision may require that the maximum number of allowable rental days within a 365-day period must run consecutively. A person who rents the person's residential dwelling shall notify the clerk of the political subdivision in writing when the first rental within a 365-day period begins."

The city's ordinance [section 9.05(3)(f)] requires a minimum of two off-street parking spaces shall be provided by the property owner. Earlier this year the city attorney determined that the City cannot enforce this rule against properties that cannot provide the parking spaces, since it would have the effect of prohibiting the TRH. The City may still enforce this rule against properties that do have the parking spaces.

Additionally, the Wisconsin Realtor's Association (WRA) has threatened litigation against the City over §9.05(3)(b) of the Tourist Rooming House ordinance. This section states that "the owner/ operator must reside within Door, Kewaunee, or Brown Counties during periods in which the tourist rooming house is rented. This requirement may be waived if there is a valid management contract with a management company located within Door County." The WRA claims that with this section the City is infringing on a property owner's fundamental rights "by forcing property owners to reside either in Door, Kewaunee, or Brown Counties during any period of time when their Sturgeon Bay property is being rented. In other words, City of Sturgeon Bay Municipal Code§ 9.05(3)(b) imposes an unreasonable time, place, and manner restriction, and is not narrowly tailored to serve any significant governmental purpose." The WRA is demanding that this section of the ordinance be repealed and has threatened to sue if the city does not do this within 120 days after September 12, 2023 (January 10, 2024). Notably, the WRA is looking at ordinances throughout Wisconsin and has threatened litigation in other municipalities as well.

Options: There are a couple of different options that the Plan Commission could investigate:

- 1) Create a discussion group to gather more information from the community.
- 2) Recommend changes to the TRH regulations, such as amending the parking requirement, amending the residency requirement, increasing the fees, etc.
- 3) Make no changes and drop the issue from consideration for this year.
- 4) Table this discussion until other municipalities' ordinance changes go into effect.

Attachments:

- A: Data Sheet
- B: Maps
- C: Ordinance
- D: State Statute restricting municipal regulation of short-term rentals
- E: Municipal Fee Comparison
- F: Door County Tourism Zone Commission Revenue
- G: 2019-2021 TRH Data
- H: Minutes from previous meetings

Tourist Rooming House Data (as of 10-10-2023)

Number of active TRH units: 124

Licenses issued by year:

Year	New	Renewal
2016	8	
2017	10	1
2018	21	2
2019	16	33
2020 (decline due to Covid)	10	11
2021	26	47
2022	22	42
2023 (to 10/10/2023)	30	65

Active licenses by dwelling type:

Prior Use	# of Licenses
Single Family	79
Two-family	14
Multi-family	18
Manu home park	1
Apartment(s) with commercial space below or adjacent	12

Active licenses by zoning district:

Zoning District	# of Licenses
A	1
C-1	1
C-2	19
C-5	7
PUD	6
R-1	21
R-2	59
R-3	7
R-4	2
R-M	1
Total active Licenses	124

Residency of license holders:

Location	# of Licenses
City	66
Elsewhere in Door County	13
Brown/Kewaunee Counties	12
Outside of 3 county area	33

Valuation of Single-family TRH # of units

Less than \$150,000	30
\$150,000 - \$299,000	34
\$300,000 plus	15

Primary Residence:

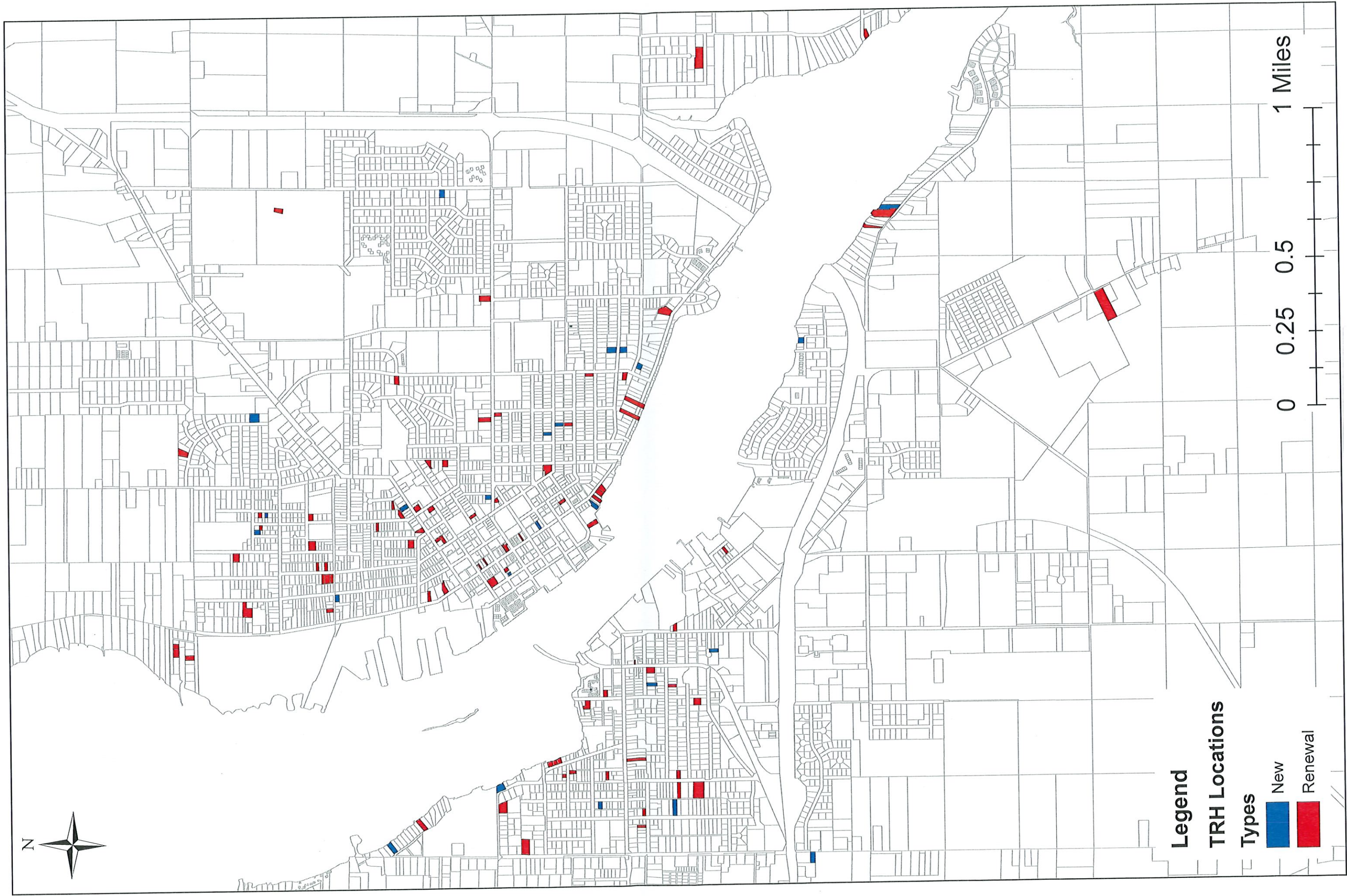
Approximately 15 of the active license holders use the tourist rooming house as their primary home. However, this figure is based upon their mailing address, which might not fully indicate residency.

Relinquished Licenses:

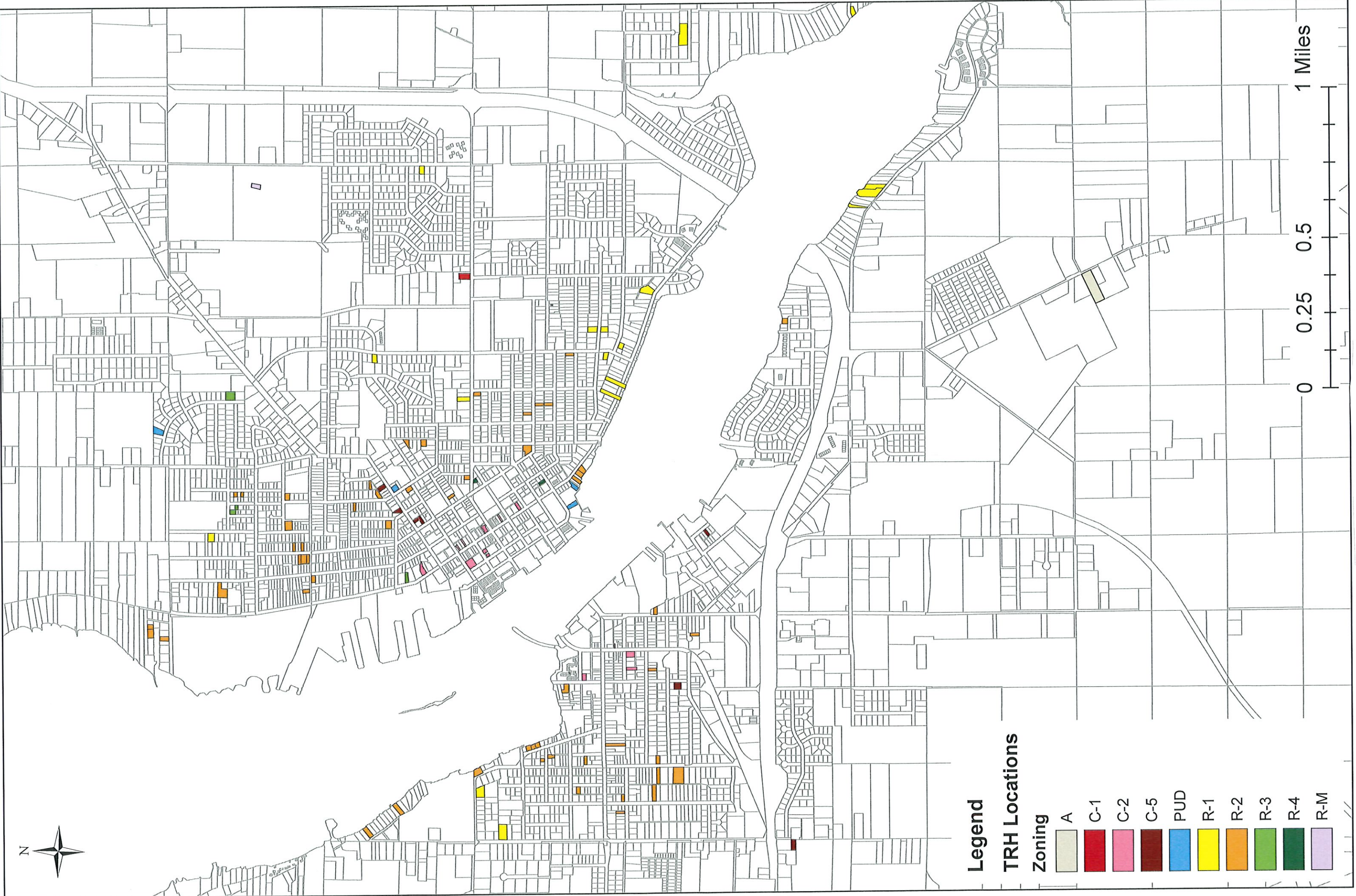
143 dwellings were granted licenses from 2016 to the present. 124 remain active and 19 have not been renewed. From what we can tell:

- 4 have stated they are no longer using as short-term rentals.
- 5 have been sold and no new licenses were issued.
- 2 are now being used as long-term rentals.
- 2 have lapsed and then later re-licensed, one of which was later sold and not relicensed.
- The rest are unknown. Either no letters were sent (that staff could find) or owners have not responded to letters.

City of Sturgeon Bay Tourist Rooming House Inventory



City of Sturgeon Bay Tourist Rooming House Inventory



9.05 Tourist rooming house permit.

- (1) Permit required. No property owner shall use their property for the purposes of short term renting within the city without obtaining a tourist rooming house permit.
- (2) Definition. Tourist rooming house is a dwelling unit in which sleeping accommodations are offered for pay to tourists or transients for periods of less than one calendar month or 30 days, whichever is less, counting the first day of the rental and not counting the last day of rental. It does not include a boardinghouse not accommodating tourists or transients, or bed and breakfast establishments. These facilities are sometimes referred to as vacation rentals.
- (3) Tourist rooming house are subject to the following:
 - (a) The facility shall be licensed by the Wisconsin Department of Agriculture Trade and Consumer Protection, the City of Sturgeon Bay, and the Door County Tourism Zone Commission.
 1. New tourist rooming house permits issued by the City of Sturgeon Bay are valid for one year and expire on June 30. If a new tourist rooming house permit is issued after April 1, the city permit shall expire on June 30 the following year.
 2. Renewal tourist rooming house permits are valid for two years and expire on June 30. Renewal permits may be applied for no sooner than six months prior to expiration, but are not valid until July 1.
 3. The community development department will oversee the issuing or renewal of tourist rooming house permits. In the event city staff denies a permit, the applicant may appeal the denial decision to the city plan commission.
 - (b) The owner/operator must reside within Door, Kewaunee, or Brown Counties during periods in which the tourist rooming house is rented. This requirement may be waived if there is a valid management contract with a management company located within Door County.
 - (c) Designated tourist rooming houses may have an unlit sign no larger than two square feet in size.
 - (d) The property owner shall have and maintain homeowner's liability or business liability insurance for the premises used as a tourist rooming house. Written evidence of the liability insurance shall be submitted with the tourist rooming house application.
 - (e) The number of occupants in a tourist rooming house shall not exceed the limits set forth in Wisconsin Administrative Code ATCP 72.14.
 - (f) A minimum of two off-street parking spaces shall be provided.
 - (g) No recreational vehicles, campers, tents, or other temporary lodging arrangements shall be permitted on site as a means of providing additional accommodations.
 - (h) Trash containers shall be placed for collection no later than 7:00 a.m. on the day of collection and no more than 12 hours prior to collection date and shall be removed within 12 hours of that date.

(Ord. No. 1381-0421, § 1, 4-6-21)

State Statutes Relating to Tourist Rooming Houses

66.1014 Limits on residential dwelling rental prohibited.

(1) In this section:

- (a)** "Political subdivision" means any city, village, town, or county.
- (b)** "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.

(2)

- (a)** Subject to par. (d), a political subdivision may not enact or enforce an ordinance that prohibits the rental of a residential dwelling for 7 consecutive days or longer.
- (b)** If a political subdivision has in effect on September 23, 2017, an ordinance that is inconsistent with par. (a) or (d), the ordinance does not apply and may not be enforced.
- (c)** Nothing in this subsection limits the authority of a political subdivision to enact an ordinance regulating the rental of a residential dwelling in a manner that is not inconsistent with the provisions of pars. (a) and (d).
- (d)**

1. If a residential dwelling is rented for periods of more than 6 but fewer than 30 consecutive days, a political subdivision may limit the total number of days within any consecutive 365-day period that the dwelling may be rented to no fewer than 180 days. The political subdivision may not specify the period of time during which the residential dwelling may be rented, but the political subdivision may require that the maximum number of allowable rental days within a 365-day period must run consecutively. A person who rents the person's residential dwelling shall notify the clerk of the political subdivision in writing when the first rental within a 365-day period begins.

2. Any person who maintains, manages, or operates a short-term rental, as defined in s. 66.0615 (1) (dk), for more than 10 nights each year, shall do all of the following:

a. Obtain from the department of agriculture, trade and consumer protection a license as a tourist rooming house, as defined in s. 97.01 (15k).

b. Obtain from a political subdivision a license for conducting such activities, if a political subdivision enacts an ordinance requiring such a person to obtain a license.

History: 2017 a. 59; 2021 a. 55, 240; s. 35.17 correction in (2) (a).

97.01 Definitions. In this chapter, unless inconsistent with context:

(15k) "Tourist rooming house" means any lodging place or tourist cabin or cottage where sleeping accommodations are offered for pay to tourists or transients. "Tourist rooming house" does not include:

- (a)** A private boarding or rooming house, ordinarily conducted as such, not accommodating tourists or transients.
- (b)** A hotel.
- (c)** Bed and breakfast establishments.

Short Term Rental Municipal Fees

Door County

Municipality	Fee
City of Sturgeon Bay	\$100 per unit (same cost for renewal or new permit). Renewal: 1 year after initial application and then every two years after that.
Village of Ephraim	Initial Fee: \$200, Renewal fee: \$150, Late Fee: \$150
Town of Gibraltar	\$100 annual fee, \$100 late fee
Town of Liberty Grove	\$450 per year
Town of Sevastopol	Initial Fee: \$300, Renewal fee: \$250, late fee: \$100, Inspection fee: \$100
Village of Sister Bay	\$1,500 annual fee + DOR Premier Resort Tax (0.5% tax)

Other Counties

City of Green Bay	Initial fee: \$500, renewal fee: \$250
City of Appleton	\$220 a year, pre inspection fee: \$200
City of Madison	\$100 initial fee, and \$100 annual fee
City of De Pere	\$100 for city fee plus \$115 for health department

Links to websites:

<https://ephraim.wi.gov/short-term-rentals/>

<https://gibraltarwi.gov/wp-content/uploads/2023/01/STR-Application-Form.2022.pdf>

<https://libertygrovewi.gov/wp-content/uploads/2022/09/Short-Term-Rental-License-Application.pdf>

<https://townofsevastopolwi.gov/short-term-rental-information/>

<https://www.sisterbaywi.gov/i-want-to/request/presidential-proclamation/>

<https://greenbaywi.gov/DocumentCenter/View/3421/Short-Term-Rental-Process-and-Application-PDF>

<https://www.appleton.org/home/showpublisheddocument/25417/638181923217300000>

<https://www.cityofmadison.com/dpced/bi/regulations/3449/>

<https://www.deperewi.gov/topic/index.php?topicid=526&structureid=133>

MUNICIPALITY	# OF PERMITS	UNITS	YEAR ROUND UNITS	# OF NEW PERMITS SINCE 12-8-22	HOTEL 50	HOTEL UNITS	RESORT 51	RESORT UNITS	INN 52	INN UNITS	CONDO 53	CONDO UNITS	B&B 54	B&B UNITS	HOMES 56	HOMES UNITS	OTHER 59	OTHER UNITS
BAILEY'S HARBOR	127	393	235	14	5	80	3	100	5	30	4	4	2	17	107	138	1	24
BRUSSELS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CLAY BANKS	12	12	9	3	0	0	0	0	0	0	0	0	0	0	12	12	0	0
EGG HARBOR TOWN	121	397	328	3	1	4	3	239	0	0	37	44	2	9	77	84	1	17
EGG HARBOR VILLAGE	77	341	220	3	3	85	3	153	1	10	31	34	0	0	39	59	0	0
EPHRAIM	89	515	228	4	6	120	8	263	2	11	7	6	1	18	65	97	0	0
GIBRALTAR	184	624	334	8	10	305	3	86	3	14	49	64	2	12	115	140	2	3
FORESTVILLE TOWN	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0
FORESTVILLE VILLAGE	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
JACKSONPORT	69	167	95	2	2	37	1	48	1	1	6	5	0	0	58	69	1	7
NASEWAUPEE	64	178	136	2	0	0	3	79	0	0	0	0	0	0	61	99	0	0
LIBERTY GROVE	194	485	220	11	7	110	4	142	1	11	7	16	0	0	175	206	0	0
SEVASTOPOL	91	244	164	4	2	24	4	116	0	0	3	0	2	12	80	92	0	0
SISTER BAY	125	605	522	8	6	167	5	247	3	69	36	39	0	0	75	83	0	0
STURGEON BAY CITY	134	830	793	11	10	319	2	225	3	42	5	73	11	44	101	125	2	2
STURGEON BAY TOWN	40	46	26	3	0	0	0	0	0	0	1	1	0	0	39	45	0	0
GARDNER	39	87	65	2	1	18	1	21	0	0	1	1	1	2	35	45	0	0
UNION	13	13	5	1	0	0	0	0	0	0	0	0	0	0	13	13	0	0
WASHINGTON ISLAND	79	212	71	1	6	47	3	40	2	13	0	0	0	0	65	95	3	17
TOTALS	1459	5150	3451	80	59	1316	43	1759	21	201	187	287	21	114	1118	1403	10	70

	Permits	%		Units	%
Hotels	59	4.04%	Hotels	1316	25.55%
Resort	43	2.95%	Resort	1759	34.16%
Inn	21	1.44%	Inn	201	3.90%
Condo	187	12.82%	Condo	287	5.57%
B&B	21	1.44%	B&B	114	2.21%
Home	1118	76.63%	Home	1403	27.24%
Other	10	0.69%	Other	70	1.36%
	1459	100.00%		5150	100.00%

Permits that utilize Online Marketplace Platforms, owner/agent websites/facebook etc.

Agent managed properties: 388 properties or 27.20%

26.59%

Door County Tourism Zone Commission
Units Available, Occupancy ADR Summary by Municipality - Comparative

Checks to be issued for July 2023 reports
Room Tax Collection Annual 2023 Summary by Municipality - Comparative

	Jan-22	Jan-23	Feb-22	Feb-23	Mar-22	Mar-23	Apr-22	Apr-23	May-22	May-23	Jun-22	Jun-23	Jul-22	Jul-23	2022	2023	YTD Variance	%	
	Adj 1/31/22	Adj 7/31/23	Adj 1/31/23	Adj 7/31/23	Adj 1/31/22	Adj 7/31/23	Adj 7/31/22	Adj 7/31/23	Adj 1/31/22	Adj 7/31/23	Adj 7/31/22	Adj 7/31/23	Adj 1/31/23	Adj 7/31/23	YTD Total	YTD Total			
Balleys Harbor	\$ 8,381	\$ 7,813	\$ 10,773	\$ 7,665	\$ 10,125	\$ 8,859	\$ 10,161	\$ 9,930	\$ 53,891	\$ 53,477	\$ 121,875	\$ 124,972	\$ 194,471	\$ 176,040	\$ 412,776	\$ 5,186	\$ 390,746	\$ (22,029)	-5.34%
Brussels	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%	
Clay Banks	\$ 251	\$ 444	\$ 95	\$ 369	\$ -	\$ 464	\$ -	\$ 381	\$ 790	\$ 2,300	\$ 5,077	\$ 3,760	\$ 7,502	\$ 10,069	\$ 12,398	\$ -	\$ 19,704	\$ 7,306	0.00%
Egg Harbor-Town	\$ 14,144	\$ 13,274	\$ 20,304	\$ 16,485	\$ 22,777	\$ 17,369	\$ 20,250	\$ 16,570	\$ 55,666	\$ 56,923	\$ 141,436	\$ 144,602	\$ 217,243	\$ 227,820	\$ 494,987	\$ 2,842	\$ 492,718	\$ (2,269)	-0.46%
Egg Harbor - Village	\$ 14,162	\$ 16,029	\$ 14,486	\$ 15,232	\$ 15,082	\$ 18,545	\$ 17,315	\$ 17,311	\$ 51,642	\$ 44,698	\$ 114,736	\$ 113,712	\$ 190,064	\$ 196,865	\$ 416,462	\$ 6,614	\$ 428,030	\$ 11,568	2.78%
Ephraim	\$ 8,956	\$ 9,105	\$ 12,195	\$ 10,340	\$ 9,256	\$ 8,257	\$ 11,768	\$ 9,030	\$ 66,588	\$ 64,324	\$ 184,369	\$ 185,432	\$ 294,259	\$ 280,104	\$ 588,453	\$ 2,933	\$ 588,462	\$ (19,991)	-3.40%
Forestville-Town	\$ -	\$ -	\$ 146	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50	\$ 324	\$ -	\$ 741	\$ 572	\$ 1,423	\$ 398	\$ 1,020	\$ (403)	-28.31%
Forestville-Village	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Gardner	\$ 1,874	\$ 2,594	\$ 3,730	\$ 2,733	\$ 2,384	\$ 1,636	\$ 2,053	\$ 1,977	\$ 7,255	\$ 8,365	\$ 17,646	\$ 17,837	\$ 29,937	\$ 29,576	\$ 65,070	\$ 372	\$ 64,899	\$ (171)	-0.26%
Gibraltar	\$ 20,766	\$ 20,292	\$ 25,219	\$ 20,866	\$ 17,479	\$ 13,397	\$ 24,489	\$ 23,015	\$ 86,748	\$ 82,195	\$ 199,982	\$ 204,907	\$ 312,958	\$ 296,458	\$ 692,567	\$ 6,556	\$ 661,861	\$ (30,705)	-4.43%
Jacksonport	\$ 3,515	\$ 2,288	\$ 3,579	\$ 2,778	\$ 3,201	\$ 1,541	\$ 3,156	\$ 1,805	\$ 12,904	\$ 10,786	\$ 34,692	\$ 34,692	\$ 68,899	\$ 51,340	\$ 129,946	\$ 695	\$ 106,135	\$ (23,811)	-18.32%
Liberty Grove	\$ 7,760	\$ 6,777	\$ 6,977	\$ 6,994	\$ 8,020	\$ 8,026	\$ 8,839	\$ 8,656	\$ 39,010	\$ 41,804	\$ 118,040	\$ 117,400	\$ 201,384	\$ 210,030	\$ 389,390	\$ 13,237	\$ 413,564	\$ 24,174	6.21%
Niswaupee	\$ 8,163	\$ 7,878	\$ 13,942	\$ 10,278	\$ 7,774	\$ 9,031	\$ 7,528	\$ 9,131	\$ 24,698	\$ 23,091	\$ 47,592	\$ 47,999	\$ 78,752	\$ 59,772	\$ 188,856	\$ 1,466	\$ 187,999	\$ (20,857)	-11.04%
Sevastopol	\$ 17,174	\$ 16,106	\$ 16,739	\$ 14,796	\$ 18,757	\$ 15,530	\$ 21,759	\$ 17,922	\$ 42,043	\$ 40,427	\$ 91,361	\$ 87,011	\$ 147,316	\$ 141,520	\$ 355,149	\$ 396	\$ 353,709	\$ (21,440)	-6.04%
Slater Bay	\$ 29,976	\$ 34,251	\$ 29,764	\$ 32,437	\$ 30,784	\$ 30,980	\$ 31,815	\$ 37,398	\$ 95,779	\$ 109,347	\$ 213,755	\$ 235,928	\$ 336,581	\$ 365,860	\$ 768,454	\$ 3,671	\$ 849,872	\$ 81,418	10.59%
Sturgeon Bay-City	\$ 41,506	\$ 35,915	\$ 57,234	\$ 47,428	\$ 53,047	\$ 45,876	\$ 46,981	\$ 38,968	\$ 90,433	\$ 84,728	\$ 159,425	\$ 147,126	\$ 344,053	\$ 229,921	\$ 792,680	\$ 1,933	\$ 631,845	\$ (160,835)	-20.29%
Sturgeon Bay-Town	\$ 2,118	\$ 790	\$ 1,532	\$ 818	\$ 1,877	\$ 1,621	\$ 2,222	\$ 2,459	\$ 6,189	\$ 6,123	\$ 15,992	\$ 13,201	\$ 24,987	\$ 26,628	\$ 54,917	\$ 915	\$ 52,556	\$ (2,361)	-4.30%
Union	\$ 601	\$ 279	\$ 279	\$ 43	\$ 62	\$ 107	\$ 250	\$ 280	\$ 1,895	\$ 1,075	\$ 6,638	\$ 5,215	\$ 9,152	\$ 5,536	\$ 18,817	\$ -	\$ 12,543	\$ (6,274)	-33.34%
Washington Island	\$ 1,024	\$ 983	\$ 958	\$ 879	\$ 1,050	\$ 798	\$ 1,324	\$ 1,408	\$ 8,154	\$ 8,283	\$ 31,055	\$ 25,684	\$ 48,744	\$ 39,040	\$ 92,318	\$ 2,137	\$ 79,212	\$ (13,105)	-14.20%
TOTALS	\$ 180,371	\$ 174,618	\$ 217,950	\$ 190,043	\$ 201,684	\$ 175,986	\$ 209,911	\$ 196,251	\$ 643,838	\$ 637,995	\$ 1,513,864	\$ 1,499,479	\$ 2,507,043	\$ 2,347,152	\$ 5,474,682	\$ 49,351	\$ 5,274,876	\$ (199,786)	-3.65%
30% MUNI	\$ 54,111	\$ 52,385	\$ 65,385	\$ 57,013	\$ 60,505	\$ 53,996	\$ 62,973	\$ 58,875	\$ 193,151	\$ 191,398	\$ 454,159	\$ 449,844	\$ 752,113	\$ 704,146	\$ 1,643,007	\$ -	\$ 1,643,007	\$ -	0.00%
68% // 70% DDC	\$ 126,259	\$ 122,233	\$ 152,565	\$ 133,030	\$ 141,179	\$ 125,990	\$ 146,938	\$ 137,376	\$ 450,687	\$ 446,596	\$ 1,059,705	\$ 1,049,635	\$ 1,754,930	\$ 1,643,007	\$ 3,827,175	\$ -	\$ 3,827,175	\$ -	0.00%
Available	\$ 87,420	\$ 88,428	\$ 79,397	\$ 78,842	\$ 87,589	\$ 86,692	\$ 97,527	\$ 96,692	\$ 123,037	\$ 127,042	\$ 145,389	\$ 145,389	\$ 145,389	\$ 130,100	\$ 745,100	\$ -	\$ 745,100	\$ -	0.00%
Rented	\$ 17,511	\$ 15,243	\$ 21,270	\$ 19,053	\$ 20,047	\$ 19,003	\$ 20,047	\$ 19,003	\$ 84,412	\$ 84,412	\$ 117,356	\$ 117,356	\$ 117,356	\$ 102,222	\$ 330,156	\$ -	\$ 330,156	\$ -	0.00%
%	\$ 20.03%	\$ 17.24%	\$ 26.79%	\$ 21.77%	\$ 23.15%	\$ 21.92%	\$ 23.15%	\$ 21.92%	\$ 37.09%	\$ 37.09%	\$ 80.72%	\$ 80.72%	\$ 80.72%	\$ 78.80%	\$ 44.25%	\$ -	\$ 40.85%	\$ -	-3.94%
Average	\$ 134	\$ 147	\$ 133	\$ 124	\$ 136	\$ 134	\$ 136	\$ 134	\$ 169	\$ 173	\$ 226	\$ 226	\$ 270	\$ 270	\$ 210	\$ -	\$ 222	\$ -	6.67%
Total Revenues	\$ 234,063	\$ 229,454	\$ 282,329	\$ 262,218	\$ 271,635	\$ 257,169	\$ 271,635	\$ 257,169	\$ 581,654	\$ 581,654	\$ 1,077,645	\$ 1,077,645	\$ 1,077,645	\$ 931,691	\$ 2,649,693	\$ 589,451	\$ 866,918,573	\$ -3,855	-0.44%
Adjustments for comparative purposes																			
Rate Collections	\$ 180,371	\$ 174,618	\$ 217,950	\$ 190,043	\$ 201,684	\$ 180,217	\$ 209,911	\$ 196,713	\$ 642,663	\$ 642,663	\$ 1,513,864	\$ 1,513,864	\$ 2,507,043	\$ 2,347,152	\$ 5,474,682	\$ 0	\$ 5,274,875	\$ -3,855	-0.07%
Total	\$ 180,371	\$ 174,618	\$ 217,950	\$ 190,043	\$ 201,684	\$ 180,217	\$ 209,911	\$ 196,713	\$ 642,663	\$ 642,663	\$ 1,513,864	\$ 1,513,864	\$ 2,507,043	\$ 2,347,152	\$ 5,474,682	\$ 0	\$ 5,274,875	\$ -3,855	-0.07%
Increase/(Decrease)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8/31/2023																			

Report does not include prior year revenues collected in 2023, and current year rates are included in the green total comparative section.

Door County Tourism Zone Commission
Units Available, Occupancy ADR Summary by Municipality - Comparative

	Jan-22	Jan-23	Feb-22	Feb-23	Mar-22	Mar-23	Apr-22	Apr-23	May-22	May-23	Jun-22	Jun-23	Jul-22	Jul-23
	Adj 1/31/23	Adj 7/31/23	Adj 1/31/23	Adj 7/31/23	Adj 1/31/23	Adj 7/31/23	Adj 1/31/23	Adj 7/31/23	Adj 1/31/23	Adj 7/31/23	Adj 1/31/23	Adj 7/31/23	Adj 1/31/23	Adj 7/31/23
Baileys Harbor														
Revenue	\$110,181	\$97,661	\$134,659	\$94,566	\$126,581	\$110,738	\$127,015	\$124,130	\$673,641	\$670,616	\$1,581,349	\$1,533,175	\$2,444,339	\$2,232,297
Units Available	4,430	4,654	3,934	3,909	4,395	4,428	5,013	4,620	7,717	8,315	9,449	8,914	10,224	7,622
Occupancy	14%	9%	18%	14%	15%	13%	13%	15%	42%	35%	63%	59%	82%	84%
Avg Daily Rate	\$ 177	\$ 224	\$ 189	\$ 169	\$ 189	\$ 187	\$ 201	\$ 201	\$ 208	\$ 225	\$ 266	\$ 289	\$ 292	\$ 349
Brussels														
Revenue	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Units Available	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Occupancy	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Avg Daily Rate	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Clay Banks														
Revenue	\$ 3,141	\$ 5,554	\$ 1,193	\$ 4,612	\$ -	\$ 5,798	\$ -	\$ 4,758	\$ 9,886	\$ 28,752	\$ 46,995	\$ 70,961	\$ 93,773	\$ 125,664
Units Available	122	218	111	90	75	93	60	120	205	205	203	288	266	376
Occupancy	9%	11%	5%	17%	0%	25%	0%	18%	20%	45%	57%	61%	65%	62%
Avg Daily Rate	\$ 286	\$ 231	\$ 239	\$ 307	\$ -	\$ 252	\$ -	\$ 216	\$ 235	\$ 309	\$ 409	\$ 405	\$ 518	\$ 543
Egg Harbor-Town														
Revenue	\$ 178,149	\$ 165,919	\$ 255,290	\$ 207,824	\$ 290,631	\$ 223,669	\$ 254,242	\$ 214,246	\$ 706,120	\$ 712,720	\$ 1,826,557	\$ 1,780,662	\$ 2,734,817	\$ 2,856,579
Units Available	8,884	9,242	8,122	7,902	9,045	8,750	8,915	8,729	11,180	12,396	11,171	12,519	11,666	12,892
Occupancy	13%	12%	19%	18%	22%	33%	21%	23%	38%	44%	63%	55%	76%	72%
Avg Daily Rate	\$ 151	\$ 150	\$ 163	\$ 146	\$ 145	\$ 78	\$ 135	\$ 105	\$ 165	\$ 129	\$ 258	\$ 258	\$ 518	\$ 306
Egg Harbor - Village														
Revenue	\$ 179,701	\$ 200,759	\$ 181,072	\$ 192,853	\$ 188,530	\$ 206,811	\$ 219,837	\$ 216,523	\$ 648,569	\$ 559,311	\$ 1,424,046	\$ 1,437,347	\$ 2,393,376	\$ 2,481,542
Units Available	4,902	5,267	3,765	4,692	4,671	5,016	4,905	4,660	7,920	7,562	8,783	11,833	9,829	8,875
Occupancy	27%	28%	34%	27%	28%	31%	31%	34%	44%	41%	66%	50%	85%	86%
Avg Daily Rate	\$ 134	\$ 134	\$ 142	\$ 152	\$ 145	\$ 131	\$ 144	\$ 138	\$ 188	\$ 182	\$ 245	\$ 241	\$ 294	\$ 327
Ephraim														
Revenue	\$ 112,405	\$ 115,422	\$ 152,433	\$ 129,254	\$ 115,700	\$ 103,207	\$ 147,100	\$ 112,870	\$ 841,120	\$ 807,217	\$ 2,321,781	\$ 2,307,618	\$ 3,697,881	\$ 3,533,996
Units Available	6,070	6,378	5,337	5,324	6,264	5,255	5,711	5,989	12,807	13,439	14,804	14,811	15,753	15,215
Occupancy	14%	12%	20%	16%	16%	12%	20%	15%	40%	36%	69%	68%	89%	87%
Avg Daily Rate	\$ 129	\$ 149	\$ 145	\$ 148	\$ 117	\$ 161	\$ 130	\$ 129	\$ 162	\$ 168	\$ 226	\$ 228	\$ 263	\$ 276
Forestville - Town														
Revenue	\$ -	\$ -	\$ 1,819	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,653	\$ 630	\$ 4,055	\$ -	\$ 9,265	\$ 7,149
Units Available	31	31	28	28	31	31	30	30	31	31	30	-	31	31
Occupancy	0%	0%	18%	0%	0%	0%	0%	0%	29%	6%	40%	0%	100%	74%
Avg Daily Rate	\$ -	\$ -	\$ 364	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 295	\$ 315	\$ 339	\$ -	\$ 299	\$ 311
Forestville - Village														
Revenue	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Units Available	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Occupancy	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Avg Daily Rate	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Gardner														
Revenue	\$ 23,428	\$ 32,423	\$ 46,626	\$ 34,165	\$ 29,802	\$ 20,445	\$ 25,662	\$ 24,713	\$ 90,691	\$ 104,559	\$ 222,971	\$ 222,078	\$ 375,718	\$ 369,706
Units Available	1,638	1,886	1,153	1,703	1,700	1,425	2,003	2,256	2,233	2,445	2,289	2,316	2,414	1,828
Occupancy	12%	8%	29%	15%	14%	10%	9%	7%	23%	23%	40%	33%	57%	62%
Avg Daily Rate	\$ 123	\$ 215	\$ 137	\$ 132	\$ 127	\$ 141	\$ 135	\$ 152	\$ 177	\$ 169	\$ 242	\$ 294	\$ 271	\$ 327
Gibraltar														
Revenue	\$ 260,944	\$ 253,732	\$ 317,063	\$ 261,408	\$ 219,860	\$ 167,454	\$ 307,486	\$ 288,841	\$ 1,097,553	\$ 1,033,273	\$ 2,572,582	\$ 2,502,711	\$ 3,941,496	\$ 3,734,292
Units Available	8,346	6,999	7,638	6,584	8,070	7,016	8,858	7,874	14,519	14,833	15,824	15,738	17,337	14,688
Occupancy	18%	17%	26%	21%	20%	16%	22%	22%	42%	36%	70%	68%	86%	86%
Avg Daily Rate	\$ 170	\$ 214	\$ 160	\$ 188	\$ 140	\$ 147	\$ 150	\$ 168	\$ 181	\$ 187	\$ 231	\$ 235	\$ 263	\$ 297
Jacksonport														
Revenue	\$ 43,934	\$ 28,601	\$ 44,735	\$ 34,725	\$ 40,004	\$ 19,267	\$ 39,465	\$ 22,559	\$ 161,315	\$ 134,820	\$ 433,642	\$ 436,279	\$ 862,736	\$ 641,750
Units Available	2,802	2,791	2,446	2,222	2,560	2,279	2,295	2,328	3,547	3,553	4,344	4,235	4,740	3,459
Occupancy	7%	5%	7%	8%	8%	5%	9%	7%	17%	17%	40%	35%	54%	43%
Avg Daily Rate	\$ 235	\$ 225	\$ 226	\$ 201	\$ 198	\$ 177	\$ 182	\$ 228	\$ 270	\$ 224	\$ 253	\$ 295	\$ 334	\$ 433
Liberty Grove														
Revenue	\$ 99,052	\$ 85,712	\$ 87,951	\$ 87,506	\$ 100,256	\$ 100,322	\$ 112,059	\$ 108,913	\$ 491,271	\$ 530,137	\$ 1,483,147	\$ 1,504,788	\$ 2,587,635	\$ 2,681,043
Units Available	5,863	5,852	5,429	5,007	5,949	5,730	4,659	5,602	8,742	9,923	12,209	11,478	13,145	11,949
Occupancy	8%	6%	7%	7%	6%	7%	10%	7%	27%	25%	52%	55%	77%	76%
Avg Daily Rate	\$ 201	\$ 251	\$ 226	\$ 233	\$ 282	\$ 265	\$ 253	\$ 252	\$ 208	\$ 211	\$ 232	\$ 239	\$ 255	\$ 294
Naseweaupee														
Revenue	\$ 107,492	\$ 100,569	\$ 180,866	\$ 135,109	\$ 107,397	\$ 122,451	\$ 103,186	\$ 120,407	\$ 313,185	\$ 296,212	\$ 606,604	\$ 594,413	\$ 991,497	\$ 747,159
Units Available	3,050	3,356	2,991	2,992	3,169	3,253	3,183	3,318	4,188	4,115	4,640	4,426	5,002	2,911
Occupancy	36%	20%	50%	34%	31%	29%	29%	28%	46%	40%	61%	60%	81%	69%
Avg Daily Rate	\$ 97	\$ 152	\$ 122	\$ 134	\$ 109	\$ 128	\$ 111	\$ 129	\$ 164	\$ 178	\$ 215	\$ 223	\$ 245	\$ 371
Sevastopol														
Revenue	\$ 232,754	\$ 214,109	\$ 233,858	\$ 194,741	\$ 251,887	\$ 202,121	\$ 277,173	\$ 231,215	\$ 531,641	\$ 510,213	\$ 1,144,368	\$ 1,090,135	\$ 1,867,129	\$ 1,794,017
Units Available	4,715	5,046	4,231	4,247	4,783	4,627	4,389	5,103	6,477	6,329	6,658	6,592	7,068	6,441
Occupancy	32%	27%	38%	32%	37%	29%	38%	31%	42%	39%	64%	58%	84%	84%
Avg Daily Rate	\$ 156	\$ 156	\$ 147	\$ 145	\$ 142	\$ 150	\$ 168	\$ 145	\$ 197	\$ 205	\$ 268	\$ 284	\$ 315	\$ 332
Sister Bay														
Revenue	\$ 355,595	\$ 434,711	\$ 382,610	\$ 413,958	\$ 396,870	\$ 398,026	\$ 402,158	\$ 486,488	\$ 1,206,785	\$ 1,375,314	\$ 2,677,035	\$ 2,972,320	\$ 4,235,508	\$ 4,594,704
Units Available	13,358	12,925	11,629	12,296	11,563	13,976	12,149	13,533	15,003	16,741	16,437	16,221	17,458	17,230
Occupancy	19%	22%	24%	24%	24%	21%	23%	25%	46%	41%	70%	69%	88%	86%
Avg Daily Rate	\$ 155	\$ 152	\$ 139	\$ 139	\$ 142	\$ 136	\$ 146	\$ 146	\$ 173	\$ 199	\$ 234	\$ 264	\$ 276	\$ 312
Sturgeon Bay - City														
Revenue	\$ 557,340	\$ 478,556	\$ 767,293	\$ 643,113	\$ 716,762	\$ 644,434	\$ 653,057	\$ 557,363	\$ 1,194,099	\$ 1,148,660	\$ 2,058,772	\$ 1,933,535	\$ 4,405,806	\$ 2,959,451
Units Available	21,146	21,662	20,738	19,902	23,262	23,262	22,308	20,160	23,785	21,585	22,532	21,710	23,596	21,017
Occupancy	27%	21%	37%	31%	35%	26%	29%	26%	42%	42%	70%	52%	78%	73%
Avg Daily Rate	\$ 99	\$ 105	\$ 99	\$ 106	\$ 88	\$ 104	\$ 102	\$ 106	\$ 121	\$ 128	\$ 234	\$ 170	\$ 239	\$ 192
Sturgeon Bay - Town														
Revenue	\$ 26,643	\$ 9,871	\$ 19,151	\$ 10,229	\$ 23,455	\$ 20,264	\$ 27,770	\$ 30,742	\$ 77,362	\$ 76,544	\$ 199,894	\$ 165,018	\$ 312,332	\$ 332,856
Units Available	704	756	624	559	630	703	592	704	820	960	1,060	1,039	1,023	1,048
Occupancy	11%	4%	9%	6%	10%	8%	11%	15%	31%	24%	55%	40%	75%	71%
Avg Daily Rate	\$ 333	\$ 353	\$ 336	\$ 320	\$ 391	\$ 349	\$ 352	\$ 298	\$ 306	\$ 337	\$ 346	\$ 358	\$ 406	\$ 446
Union														
Revenue	\$ 7,508	\$ 3,484	\$ 3,483	\$ 540	\$ 777	\$ 1,335	\$ 3,130	\$ 3,620	\$ 22,942	\$ 13,435	\$ 82,978	\$ 66,348	\$ 114,403	\$ 69,197
Units Available	124	147	112	84	124	124	150	120	223	126	339	313	328	284
Occupancy	10%	4%	5%	2%	2%	4%	4%	12%	28%	29%	58%	51%	76%	56%
Avg Daily Rate	\$ 578	\$ 581	\$ 581	\$ 270	\$ 359	\$ 267	\$ 522	\$ 259	\$ 364	\$ 363	\$ 419	\$ 412	\$ 459	\$ 432
Washington Island														
Revenue	\$ 12,798	\$ 12,372	\$ 12,226	\$ 11,173	\$ 13,809	\$ 10,243	\$ 16,995	\$ 18,005	\$ 112,406	\$ 106,761	\$ 390,869	\$ 322,237	\$ 623,325	\$ 488,081
Units Available	1,235	1,167	1,109	1,129	1,204	1,164	1,356	1,137	4,140	3,477	5,501	4,703	5,709	4,234
Occupancy	10%	9%	10%	9%	8%	7%	10%	12%	21%	25%	48%	21%	63%	52%

Date: 03-07-19

Topic: Tourist Rooming House Discussion

Pros:

- TRH supplements business in winter
- Increases property value.
- Decreases blight.
- Changing travel and lodging industries.
- Growing the community's tax base.
- Adding revenue directly and indirectly to the community.
- TRH is a positive factor in tourism growth.
- Provides income to homeowners (helps with ownership costs)
- TRH is different than other lodging facilities and shouldn't be compared.

Cons:

- Removal of long-term residential homes from the market.
- Struggle to maintain full-time and part-time staff.
- Changing travel and lodging Industries.
- Density of TRH by owner and location.
- Negative impact to existing lodging facilities.
- Negative impact to residential neighborhoods.
- Removal of affordable rentals.
- Lack of regulation.
- Intensifying existing population decline and housing issues.

Questions:

- Is there an issue? How do we know and is it significant? If no, at what point does TRH become a problem?
- Should state and local government regulate this market?

Potential Options:

- Require/Increase the number of inspections from various departments.
- Require proof of insurance.
- Be as restrictive as the state code allows (7 day min rental duration; rented for max of 180 consecutive days within a year period).
- Have certain requirements based on the zone.
- Create restrictions for future permits.
- Increase the permit fee.
- Review this topic at a later point.
- Make no changes.

CITY PLAN COMMISSION
Wednesday, February 20, 2019

Consideration of: Tourist rooming houses: Mr. Olejniczak stated that the ordinance was changed approximately three years ago to open up single-family homes to be rented on a short-term basis. Prior to that, the City was the only community in Door County that restricted rental periods to 30 days or longer. Staff thought it was time to assess how things were going. A letter was received from an existing lodging establishment expressing concerns. Other calls have been taken also expressing their concerns. Mr. Sullivan-Robinson checked to see where the current licenses are located and what they were used for before or if they were purchased specifically for a tourist rooming house. It was also pointed out that after the City amended its code to allow the tourist rooming houses, the State adopted a law that restricts municipalities from limiting short-term rentals. It can be restricted to a weekly rental, but you can no longer prohibit short-term rentals completely. The period that units can be used for short-term rentals can also be restricted to half of the year.

Mr. Sullivan-Robinson stated that the tourist rooming houses are pretty evenly dispersed all over the City. There are currently 41 tourist rooming houses as of today. Of those 41, 18 were previously owner-occupied. Twenty of those were renter occupied. It is believed that 18 were recently purchased with the intent for a short-term rental. Thirty-four are used year round and seven only used a couple of months out of the year.

The Community Protection & Services Committee recently reviewed the TRH issue and has recommended an increase the fee of the permit because there are multiple City departments that review a permit.

Mr. Olejniczak explained that if the Plan Commission felt that tourist rooming houses were creating a problem, the minimum rental period could be restricted to 7 days. To deal with existing licensed tourist rooming houses, the weekly rental restriction could be enforced after a license expires.

Melaniejane, 30 N 1st Avenue, stated that we are in a unique community. Short-term rentals keep expanding and there are no long-term rentals anymore. Property values are going up.

Mr. Van Lieshout stated that county-wide short-term rentals are increasing. There are about 1200 total, along with cottages, homes, etc. From a trend perspective, it is a fluid, dynamic process. The Door County Tourism Commission cannot regulate the marketplace. Their job is to make sure the lodging tax is equitably collected and equitably distributed under the law.

Ms. Hauser suggested holding a public hearing to hear what the community thinks about tourist rooming houses.

Mr. Statz would like to form a study group to come up with ideas and options and bring it back to Plan Commission.

Mr. Olejniczak offered options that included doing nothing and continue to wait and see what happens with the TRH's and continue to revisit the issue annually; make ordinance changes; or have public hearings and study groups.

It was the consensus of the Commission to put together a task force including 3-4 people, and come up with ideas. Mr. Statz would like to begin meeting next week. Melaniejane agreed to be part of the task force.

CITY PLAN COMMISSION
Wednesday, April 3, 2019

Consideration of: Tourist Rooming House Code text amendment: Mr. Sullivan-Robinson stated that this has been an ongoing discussion. There was no consensus where to go with this. The regulations increased on short term rentals.

Mr. Olejniczak stated that if the proposed ordinance is adopted, it would apply city-wide. The City has the authority to restrict short-term rentals to a 7 day minimum stay. The City can also restrict short-term rental periods to 180 days within a year.

Jennifer Bacon, 728 Georgia Street, stated she manages STRs and has a cleaning company. There is no data to back up anything. A group has been formed that wants to be part of the solution. They want to know about complaints received. You can't dictate when you can be open.

Elaine Carmichael, 4089 Snake Island Road stated that she has a short-term rental, as well as property in the City that might become a short-term rental. Just because you can change something doesn't mean you should.

Lane Kendig, 4089 Snake Island Road and 26 W Pine Street, attended the meeting because of affordable housing. The City needs to focus on affordable housing and how to make those units affordable. He would like to meet with staff or come to another meeting. Short-term rentals are not a solution to affordable housing.

Jan Mills, 714 N 5th Avenue, stated that this is the new wave as far as putting Sturgeon Bay on the map.

Terry Ullman, 1902 County U, stated that he has expanded his business on 3rd Avenue with apartments above. It is benefiting his candy store and owners have come to him purchasing candy to put in their rooms. Door County is a seasonal gig. We need to change with the times. It is good for business and should not be changed.

Alderperson Kelly Avenson, 46 E Pine Street, said that she owns two short-term rentals and manages others. She doesn't want to be part of the problem either. This isn't the only issue causing a housing shortage. Minimum wage has not increased. Have we exhausted all options before limiting things?

Phil Rockwell, 368 N 3rd Avenue, owns a one bedroom AirBnB, Door County Traders, and an 8-plex on 4th Avenue with his mother. It is difficult to think that you can't do business in your own town. He thinks that AirBnB's will self-regulate. Options need to be looked at. It could be looked at yearly.

Cheryl Link, 942 N. Duluth Avenue, stated that she comes to Sturgeon Bay from Colorado every 2-6 months. Her property is too small for a permanent residence. It has been rented almost constantly since December 23rd. If limited she would have to sell her house. Most of her rentals are 3, 4, or 5 nights. She grew up in Sturgeon Bay. She asked to think about the restrictions.

Liz Merner and David Wilkins, 3120 Stevenson Pier Road, Sturgeon Bay, are motel owners in Little Sturgeon. They are not against STR's. But, if you want to run like a hotel, they need to get the same inspections as they do.

Mr. Olejniczak stated that in Wisconsin you can regulate and require additional inspections.

John Hermansen, 948 Memorial Drive, stated that in Madison the owner needs to live in the residence or have someone take on the roll. A responsible party has to be within a reasonable distance.

Commission members added their thoughts. Ms. Hauser suggested to look into what other communities in Wisconsin do.

Mr. Norland would like to know the differences in the regulations.

Ms. Hauser thought a chart of regulations would be helpful for STR's vs. hotels.

Mr. Statz stated we will continue to gather more information.

CITY PLAN COMMISSION Wednesday, August 21, 2019

Consideration of: Tourist Rooming House ordinance review: Mr. Olejniczak provided a brief history of previous Plan Commission meetings in which tourist rooming houses were discussed. For a long time Sturgeon Bay did not allow tourist rooming houses, aka short-term rentals or vacation rentals in the City, except in commercial or multi-family zones. It was requested that it be looked at. Since 2016 the City has allowed them anywhere in the City with a license and a few minor restrictions. Not long after the City opened it up to allow tourist rooming houses, the state legislature adopted rules that prohibited cities from restricting tourist rooming houses with a rental period of more than 7 days. But, you could restrict tourist rooming houses that operated for 6 or fewer days, as well as restricting the 7th -28th day period to no more than 180 consecutive days in an 365 day period. There have been some complaints and concerns from hotels about the impact of tourist rooming houses.

Mr. Statz met with some hotel and tourist rooming house owners to create an ordinance. He said that everyone who currently owns a tourist rooming house would be grandfathered in.

Jerry Kobishop, Sturgeon Bay, stated that he has three tourist rooming houses in Thunderhill Estates. He charges \$150 per night and offers a free family pass at the YMCA.

Jennifer Bacon, 728 Georgia Street, said that she doesn't own a tourist rooming house, but manages them. She has 4 employees. It is a busy season at this time and would rather this discussion be brought up in the winter. There is a short-term rental group that has been formed. They want to be part of the solution, not the problem. Tourist rooming houses should continue to be reviewed. Everyone should work together as a community.

Elaine Carmichael, 408 Snake Island Road, stated that tourist rooming houses are not the same as a hotel or resort. Currently, tourists have 3-4 day stays. People who run short-term rentals want to share the experience of Sturgeon Bay. Reviewing this in fall would be a better idea.

Alisa Landman, 330 N Joliet Avenue, stated that she has two short-term rentals. Most guests stay 3 – 5 days. Many guests are first time visitors.

Ben Keleny, 313 S Lansing Avenue, also owns two short-term rentals, along with one long-term rental. If anything changed, a lot of dollars will go away to other communities.

Mayor Ward stated that he didn't see a need to be hasty about this. He did suggest that we see how many rentals that we have and what the trend is.

Mr. Hayes mentioned that he owns a B & B and wondered what the differences were between that and a tourist rooming house.

Ms. Kiedrowski thought that the Marquette study that was included in the packet was useful information. She didn't think that the seven day limit made any sense.

Ms. Bacon added that Airbnb's and VRBO's (vacation rentals by owner) collect state taxes and submits them back to zip codes. There is an issue on how the tax is being distributed.

Mr. Norland wondered if the building was not operated as a short-term rental, what would it be operated as? Mr. Kobishop responded that he really didn't want to be in permanent rental business. The revenue is different. Ms. Carmichael responded they would leave one of their rentals for family and the other would be office.

Mr. Olejniczak explained that the reason for consecutive 180 days is to make it easier for municipalities to monitor and regulate. The ordinance mimics state rules. The City cannot prohibit a rental period of 7 days or longer in a consecutive 180 day period. You can pick your 180 days and let the City know what they are. The 180 days is a level that the City can regulate up to. The City can leave the ordinance as it is today and it would be in compliance with state statute. Currently, a short-term rental is allowed as long as it is licensed, pays room and state tax, is inspected by the Dept. of Agriculture, Trade and Consumer Protection, and the owner lives in Door, Brown, or Kewaunee counties or has a manager that lives in one of those counties. Also, the owner cannot have a sign larger than 2 square feet.

Ms. Bacon stated that the rest of Door County will follow suit with Sturgeon Bay's actions.

Mayor Ward would like more research done and will discuss this again at a few future meeting.

Mr. Sullivan-Robinson will draft an ordinance with what the state will allow us to regulate up to, along with what the current ordinance is.

CITY PLAN COMMISSION Wednesday, December 18, 2019

Consideration of: Tourist Rooming House regulations: Mr. Olejniczak stated that the City started allowing tourist rooming houses approximately 4 years ago. There are currently 49 licensed tourist rooming houses located in the City. State laws have recently made it harder for municipalities to regulate this use. The City can't restrict a property owner from renting their home for periods of 7 days or longer. The City can place restrictions on the 1-6 day rental periods. The City can also restrict the overall use to not exceed 180 days out of a year.

Mr. Sullivan-Robinson stated that the City code allows a short-term rental with a City license. The property owner must provide a copy of the license from the State Dept. of Health Services and the Door County Tourism Zone, as well as being approved by the City Clerk, Police Dept., Community Development Department, Fire Dept., and Building Inspection. The City charges a \$100 fee for the review process.

Mr. Statz has proposed some changes earlier this year based on a group discussion held with various lodging industry representatives. If the proposed ordinance is passed, it would pertain specifically to new permits. It is up to the Commission if there is a problem and if so, how the problem should be regulated.

Mr. Norland recalled going through this similar issue with grandfathered signage. He wondered how it would be insured that the 7-day minimum would be complied with if the City decides to prohibit 1-6 day rentals. Mr. Sullivan-Robinson responded that the Door County Tourism Zone would have to help determine if the minimum and maximums are being met.

Mayor Ward wondered if the number of licenses could be capped. Mr. Olejniczak responded that weekly rentals cannot be capped, but he thought that daily licensed rentals could be. He also said that the City Attorney would need to confirm that.

Ms. Reeths did not feel there should be a limit of 7 days, but possibly a 2-day minimum. The City wants to attract people. We live in a tourist community.

Mr. Van Lieshout stated that he is a member of the Door County Tourism Zone Commission. They collect the lodging tax. Baileys Harbor and Egg Harbor are struggling with the same issues, such as volume, conversions, wastewater impact, etc. The tourist rooming houses make up roughly 25% of rooms available in Door County.

Mr. Holey wondered what was wrong with the current ordinance. Mr. Olejniczak responded that staff is not pushing for changes. There were some concerns brought up by lodging facilities.

Mr. Norland brought up a concern if there were, for example, 10 people staying at the tourist rooming house with only 3 bedrooms.

Mr. Hayes added that the problem lies in home rentals. He would like to see a comparison of home rentals vs. room rentals.

Ms. Kiedrowski asked if there was any enforcement action for those who disrupt the neighborhood. Parties can destroy a home.

Mayor Ward asked staff to acquire the City's stats – homes vs. rooms and the hotel capacity of Sturgeon Bay, along with other data.

Mr. Sullivan-Robinson saw a decline in new permits this past year. Of the 49 permits issued, there were 7 new permits. Five applicants chose not to renew.

Mayor Ward would like to devote the next meeting to "Do we have a problem?". Layout the regulatory options available, such as grandfathering in; investigate capping the number of permits; and discuss parking issues with number of vehicles.

Mr. Norland asked if it was state law that an owner be on site. Mr. Olejniczak responded no, but it could be required for rental periods of 6 days or less.

Ms. Reeths was worried about people buying homes and turning them into rentals.

This item will be brought back to the next meeting.

CITY PLAN COMMISSION
Wednesday, January 15, 2020

Consideration of: Tourist Rooming House regulations: Mr. Olejniczak stated that this has been brought back from the December meeting where the Commission asked for a clarification of a number of items regarding the way the City regulates short-term rentals.

Various information from the City Attorney was received, as well as from staff. The City Attorney advised against grandfathering existing licensed tourist rooming houses if the City elects to prohibit short-term rentals of 6 days or fewer. He also advised not setting a cap on the number of licenses for 7 days or longer. Under 7-day rental periods would run into equal protection concerns. Also, enforcing a 7-day rental period would be very difficult and intrusive if they only wanted to rent for 2 days.

Mr. Olejniczak offered different options regarding the regulations. Things could be left as they are being regulated currently. More regulations could be added, such as stronger parking requirements, occupancy limitations, insurance requirements,

etc. There is also the Madison approach where just a room is rented out and not the whole house. Rentals without the owners present would be limited to 30 days in a year if you would rent for less than a 7 day period. Another option is weekly rental only. A further option is the maximum restriction where you have to rent for 7 days or longer and only for 180 days in a calendar year. You can also just regulate by zoning district.

Mr. Sullivan-Robinson added that out of the approximate 50 current tourist rooming house permits, only three of the owners live in part of the house that they are renting. The other 47 rent out the whole house. He discussed the charts provided by the Door County Tourism Zone relating to lodging types.

Ms. Reeths stated that for the safety of the people that rent the TRH and the people that own them, she wondered if it could be added that the fire department inspect them once a year. Mr. Sullivan-Robinson responded that the Fire Dept. does not inspect residential properties, so this would be a new territory.

Mr. Sullivan-Robinson stated that new permits are decreasing, renewal permits are rising, and discontinued permits are rising.

Ms. Kiedrowski and Mr. Holey agreed that with no issues that this should be passed on for now and reviewed again in a couple of years.

Ms. Reeths said in defense of families, they shouldn't be restricted from having a 2-day vacation.

Mr. Statz there are problems all over the world with this. It is causing a shortage of housing around the area. It will eventually work its way through. The only thing that could potentially make sense is regulate by zoning and allow it throughout the City and put the 180 day maximum rental in residential areas.

Mr. Norland agreed with Mr. Statz but thought that it could be combined with the Madison approach.

Mr. Sullivan-Robinson will obtain information on how many days a year units are rented.

Mayor Ward said this item is not ready to be acted upon.

CITY PLAN COMMISSION
Wednesday, November 18, 2020

Consideration of: Tourist Rooming Houses: Mr. Olejniczak stated that a tourist rooming house, also known as a vacation rental, requires the owner/operator to live within Door, Brown, or Kewaunee County or have a property manager. The Commission had been studying potential changes to the code. The pandemic hit and then it was put aside to discuss until after the busy summer season.

Mr. Sullivan-Robinson stated that the majority of the tourist rooming house permits are for year-round residential uses. There had been questions regarding applying a maximum capacity on the number of tourist rooming house permits issued. The City Attorney, as well as City staff, didn't think that was a good idea.

Mr. Sullivan-Robinson presented different options to consider for regulating tourist rooming houses.

- Leave the current ordinance as is.
- Adopt additional requirements that each tourist rooming house must meet.
- Use the Madison approach where rentals with owner present are not restricted. Rentals without owner present are limited to 30 days per year. Only the owner may operate the TRH.
- Weekly only rentals.
- Maximum restriction – prohibit rental periods of less than 7 days and limit rental periods of 7-28 days to 180 consecutive days in a calendar year.
- Regulate by residential and commercial zoning districts and allow commercially zoned properties to rent under the current City ordinance and allow residential properties to do short-term rentals for a maximum of 180 days out of a 365 day period.
- Regulate by residential and commercial zoning districts and allow commercially zoned properties to rent under the current City ordinance and allow residential properties to do short-term rentals for a maximum of 30 days out of a 365 day period unless the owner is present during the time of rental.

Staff recommendation was to make no changes to the current ordinance at this time. There are currently 56 tourist rooming houses within the City.

Mayor Ward allowed the public to comment on tourist rooming houses.

Bill Boehm, who lives outside of the City, recently purchased a property on 3rd Avenue. A portion of the property is a tourist rooming house. He was curious and interested about what the potential changes would be.

Ben Keleny, 1325 N. 3rd Avenue, appeared virtually through Zoom. He owns a few short-term rentals and also a regular rental property. He felt that the laws should be kept as they are. It helps keep the community alive.

Discussion continued. Moved by Mayor Ward, seconded by Ms. Kiedrowski to accept staff's recommendation to not make any changes to the tourist rooming house ordinance.

Mayor Ward felt that there have been no problems. If there are complaints, the Community Development Department can deny the renewal permits.

Mr. Norland agreed and didn't think there were any major changes necessary. Although, he did review the Village of Egg Harbor's ordinance and recommended that the City amend the City's ordinance to follow Egg Harbor's ordinance.

Ms. Kiedrowski thought that if problems arise, they should be addressed in the future. She didn't think there will be an abundance of these units.

Ms. Bacon didn't think this was a good time to make a change. The people using the tourist rooming houses seem to be families. If the City starts to see complaints, then it should be looked at again.

Mr. Holey agreed with the Mayor and didn't think anything should be done.

Ms. Reeths stated that she liked the verbage in the Village of Egg Harbor ordinance. After talking to a realtor, people are buying homes for tourist rooming houses. This does not give a first time home buyer a chance to buy a home. She said with covid, there really aren't a lot of accurate numbers for rentals. It should be reviewed again in about a year.

Mr. Statz didn't think that short-term rentals are having an impact on smaller houses around town being turned into short-term rentals. He didn't think any changes should be made to the ordinance. He pointed out that in the Village of Egg Harbor's ordinance, the owner/operator would have to live within 75 miles. He added that something should be added to the development agreement with the West Waterfront that the apartment development not be turned into a waterfront hotel.

Mayor Ward stated that if the Commission wanted to bring this back to a future meeting, a commissioner can ask to have it put on the agenda.

Mr. Sullivan-Robinson added that if a problem would arise, it would be brought to the Plan Commission chair's attention.

A vote was taken on the motion. All ayes. Carried.