

## **AGENDA**

**CITY OF STURGEON BAY  
COMMUNITY PROTECTION & SERVICES COMMITTEE  
Thursday, January 7, 2021  
4:30 p.m.  
Council Chambers, City Hall – 421 Michigan Street**

1. Roll Call
2. Adoption of Agenda
3. Approval of Minutes from November 5, 2020
4. Public Comment on Agenda Items
5. Discussion of: Mobile Food Vendors
6. Discussion of: Tourist Rooming House Ordinance
7. 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.

Posted:  
Date: 01/05/21  
Time: 10:00 a.m.  
By: SSO

Committee: Community Protection & Services  
Dan Williams, Chr.  
Kirsten Reeths  
Seth Wiederanders

## **COMMUNITY PROTECTION & SERVICES COMMITTEE**

**November 5, 2020**

A meeting of the Community Protection & Services Committee was called to order at 4:30 p.m. by Chairperson Williams in the Council Chambers, City Hall. **Roll Call:** Members Ald. Williams, Ald. Reeths and Ald. Wiederanders were present. Also present from City Departments were Mr. VanLieshout, Chief Dietman, Chief Henry and Mr. Barker.

*Moved by Ald. Reeths, seconded by Ald. Wiederanders to adopt the following amended agenda:*

1. Roll Call
2. Adoption of Agenda
3. Approval of Minutes from October 1, 2020
4. Public Comment on Agenda Items
5. Public Hearing: Request from Michael Wright to operate a taxicab in the City of Sturgeon Bay DBA Tru-Way Transport.
6. Consideration of: Request from Michael Wright to operate a taxicab in the City of Sturgeon Bay DBA Tru-Way Transport.
7. Public Hearing: Request from Michael Wright to operate a shuttle service in the City of Sturgeon Bay DBA Tru-Way Transport.
8. Consideration of: Request from Michael Wright to operate a shuttle service in the City of Sturgeon Bay DBA Tru-Way Transport.
9. Consideration of: Emergency Warning Sirens
10. Consideration of: Snow and Ice Control Policy
11. Consideration of: Chapter 2 – 2.01 The Common Council
12. **Consideration of: City Ordinance 10.175 – Drinking on Public Property**

*All Ayes. Carried.*

### **Approval of Meeting Minutes**

*Moved by Ald. Reeths, seconded by Ald. Wiederanders to approve the October 1, 2020 minutes. All Ayes. Carried.*

### **Public Comment**

None.

### **Public Hearing: Taxi Service**

Public Hearing regarding the request from Michael Wright to operate a taxicab in the City of Sturgeon Bay, DBA Tru-Way Transport, was called to order at 4:31 pm. There was no comment. Public Hearing closed at 4:34 pm.

### **Request to Operate a Taxi Service**

*Moved by Ald. Wiederanders, seconded by Ald. Williams, to approve the request from Michael Wright to operate a taxicab service in the City of Sturgeon Bay. All ayes. Carried.*

### **Public Hearing: Shuttle Service**

Public Hearing regarding the request from Michael Wright to operate a shuttle in the City of Sturgeon Bay, DBA Tru-Way Transport, was called to order at 4:34 pm. There was no comment. Public Hearing closed at 4:34 pm.

### **Request to Operate a Shuttle Service**

*Moved by Ald. Reeths, seconded by Ald. Wiederanders, to approve the request from Michael Wright to operate a shuttle service in the City of Sturgeon Bay. All ayes. Carried.*

### **Emergency Warning Sirens**

Chief Dietman reviewed once again the situation with the City's warning sirens. It was decided to leave the poles and sirens in place until spring, but turn off the power. If a decision is made that the sirens are necessary, and the City keeps them, then the process of looking into replacing them will take place. More education, including the use of weather radios, will be pushed out to the public instead.

*Moved by Ald. Reeths, seconded by Ald. Wiederanders, to recommend the Common Council approve deactivating the emergency warning sirens in the City of Sturgeon Bay. All ayes. Carried.*

### **Snow and Ice Control Policy**

The policy was updated and presented. After approval of changes, the policy will be placed on the City's website.

*Moved by Ald. Wiederanders, seconded by Ald. Reeths, to recommend the Common Council approve the Snow and Ice Control policy as presented. All ayes. Carried.*

### **Chapter 2 – 2.01 The Common Council**

Proposed new language to the code was presented.

*Moved by Ald. Reeths, seconded by Ald. Wiederanders, to recommend the Common Council approve the changes presented to Chapter 2 – 2.01 of the City of Sturgeon Bay Municipal Code. All ayes. Carried.*

### **City Ordinance 10.175 – Drinking on Public Property**

Proposed new language to the code was presented.

*Moved by Ald. Reeths, seconded by Ald. Wiederanders, to recommend the Common Council approve extending the resolution suspending Chapter 10.175 of the City of Sturgeon Bay Municipal Code through December 31, 2021. All ayes. Carried.*

*Moved by Ald. Reeths, seconded by Ald. Wiederanders, to adjourn the meeting of the Community Protection Services Committee. All ayes. Carried. The meeting was adjourned at 5:05 p.m.*

Respectfully submitted,

Sarah Spude-Olson  
Police Department Office Manager

## Chapter 20

20.09 - Tourist rooming house. (Short Term Rentals)

Purpose is to add extra measures added to current code. Similar to Village of Egg Harbor. See attachment.

Also attached is draft of ~~of~~ of .  
(Town of Sevastopol)

F.Y.I. - Analysis of Short-term  
Rentals In Town of Sevastopol

## 20.03 - Definitions.

For the purpose of this chapter, words used in the present tense include the future tense; the singular number includes the plural number, and the plural the singular. The word "building" includes the word "structure." The word "shall" is mandatory and not directory. Certain terms and words, as used in this chapter, shall be defined as listed in this section. Any words not defined shall be construed as defined in the sections of the Wisconsin Statutes and Wisconsin Administrative Code pertaining to building codes and zoning, if applicable.

*Accessory dwelling unit:* A smaller, secondary dwelling unit on the same lot as a principal dwelling. Accessory dwelling units are independently habitable and provide the basic requirements of shelter, heating, cooking and sanitation.

*Airport:* An area of land or water which is used, or intended for use, for the landing and taking off of aircraft and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or right-of-way, including all necessary taxiways, aircraft storage and tiedown areas, hangars, or other necessary buildings and open spaces.

*Alley:* A public right-of-way less than 21 feet wide which provides only secondary access to abutting properties.

*Bed and breakfast establishment:* Any place of lodging that provides eight or fewer rooms for rent to transient guests, is the owner's personal residence, and is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

*Boardinghouse:* A building or premises where meals, or meals and lodging, are furnished for compensation for three or more persons not members of the same family, but not more than 12 persons, and having no more than four sleeping rooms for this purpose in addition to any apartment occupied by the operator.

*Building:* Any structure used, designed, or intended for the roofed shelter, enclosure, or protection of persons, animals, machinery, materials, or other personal property.

*Building, accessory:* A detached building which is subordinate to and serves a principal structure or use, is customarily incidental to the principal structure or use, and located on the same lot as the principal structure or use served.

*Building height:* The vertical distance from the highest point of the building to the average finished grade around the foundation of the building.

*Building, portable:* A structure under 100 square feet, less than ten feet in height, not permanently fixed to the ground and which is removable in its entirety. Examples are a playhouse, utility shed, fish shanty, etc.

*Building, principal:* A building which houses a principal use of a lot, including any functional appurtenances, such as decks, stairways, and balconies, which are attached to, said building. In addition, all governmental buildings exceeding 1,000 square feet in area shall be considered principal buildings.

*Canopy tree:* A deciduous tree that would occupy the upper canopy of a woodland in a completely natural situation. These trees are often referred to as shade trees.

*Club or lodge:* Buildings and facilities owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, to which membership is required for participation and not operated primarily for profit nor to render a service which is customarily carried on as a business.

*Commercial building:* A building, or portion thereof, designed for and occupied by a use permitted in the C-1, C-2, C-3 or C-4 zoning districts in the City of Sturgeon Bay, including a structure manufactured after June 15, 1976 which is certified and labeled as a manufactured home under 42 U.S.C. § 5401-5426, as amended, which when placed on-site:

- (a) Has any wheels, axles and pulling apparatus removed and is fastened or attached to a completely enclosed foundation in accordance with Subchapters III, IV and V of Chapter ILHR21, Wisconsin Administrative Code, as amended. The city building inspector shall require a plan to be certified by a registered architect or engineer to insure proper support for the home; and
- (b) Is installed in accordance with the manufacturer's instructions; and
- (c) Is properly connected to utilities.

*Commercial housing facility:* Any nonowner occupied structure used to house prisoners, convicted felons, or sex offenders in a supervised or monitored setting which is not a community living arrangement.

*Community based residential facility:* A facility defined as such in § 50.01, Wis. Stats.

*Community living arrangements:* Any of the following facilities licensed or operated or permitted under the authority of the Wisconsin Department of Health and Social Services: child welfare agencies under § 48.60, Wis. Stats., group homes for children under § 48.02(7), Wis. Stats., and community based residential facilities under § 50.01, Wis. Stats.; but not including adult family homes, as defined in § 50.01, Wis. Stats., day care centers, nursing homes, general hospitals, special hospitals, prisons, and jails.

*Compensation:* Money, rent, personal services, or other consideration given in return for occupancy, possession, or use of real property.

*Conditional use permit:* A permit, authorized by the city plan commission and issued by the building inspector, stating that a conditional use may be established, expanded, or enlarged subject to any conditions placed on the authorization and the provisions of this chapter.

*Customer service establishment:* A use such as a clothing and shoe repair or rental shop, barber/beauty shop, portrait/photography studio, home appliance or electronics repair shop, tanning salon, fitness center, or similar uses.

*Dwelling, multiple-family:* A building, or portion thereof, designed for and occupied by three or more families, including a structure manufactured after June 15, 1976 which is certified and labeled as a manufactured home under 42 U.S.C. § 5401-5426, as amended, which when placed on-site:

- (a) Has any wheels, axles and pulling apparatus removed and is fastened or attached to a completely enclosed foundation in accordance with subchs. III, IV and V of ch. ILHR 21, Wis. Adm. Code, as amended. The city building inspector may require a plan to be certified by a registered architect or engineer to insure proper support for the home; and
- (b) Is installed in accordance with the manufacturer's instructions; and
- (c) Is properly connected to utilities.

*Dwelling, single-family:* A detached building designed for or occupied exclusively by one family, including a structure manufactured after June 15, 1976 which is certified and labeled as a manufactured home under 42 U.S.C. § 5401-5426, as amended, which when placed on-site:

- (a) Has any wheels, axles and pulling apparatus removed and is fastened or attached to a completely enclosed foundation in accordance with subchs. III, IV and V of ch. ILHR 21, Wis. Adm. Code, as amended. The city building inspector shall require a plan to be certified by a registered architect or engineer to insure proper support for the home; and
- (b) Is installed in accordance with the manufacturer's instructions; and
- (c) Is properly connected to utilities.

*Dwelling, two-family:* A detached or semi-detached building used for residential occupancy by two families living independently of each other, including a structure manufactured after June 15, 1976 which is certified and labeled as a manufactured home under 42 U.S.C. § 5401-5426, as amended, which when placed on-site:

- (a) Has any wheels, axles and pulling apparatus removed and is fastened or attached to a completely enclosed foundation in accordance with subchs. III, IV and V of ch. ILHR 21, Wis. Adm. Code, as amended. The city building inspector shall require a plan to be certified by a registered architect or engineer to insure proper support for the home; and
- (b) Is installed in accordance with the manufacturer's instructions; and
- (c) Is properly connected to utilities.

*Dwelling unit:* A building, or portion thereof, which provides or is intended to provide living quarters exclusively for one family.

*Family:* An individual or two or more persons related by blood, marriage, guardianship, foster care, or adoption, or a group of not more than four persons not so related, living together in one dwelling unit as a single housekeeping entity.

*Farming:* The business of cultivating or employing at least three acres of land for the purposes of growing and harvesting crops, dairying, or raising of agricultural products, forest products, livestock, or poultry, and including the sale of such products produced on the premises, except that farming shall not be construed to include commercial poultry and swine production, cattle feeder lots, or the raising of fur-bearing animals.

*Floor area:* The sum of the gross horizontal areas of the rooms and floors of a building, measured from the outer lines of the exterior walls of the building, except for the area of rooms with ceilings less than seven feet in height for more than 50 percent of the room, and except that the floor area of a dwelling does not include space not useable for living quarters, such as attics, unfinished basement rooms, garages, breezeways, and unenclosed porches or terraces.

*Footprint, building:* A single horizontal plane bounded by the exterior walls of a building.

*Garage, public:* A building or premises where motor vehicles used by a municipality or other government entity are equipped, repaired, serviced, or stored.

*General warehousing:* The storage of materials unrelated to any on-site manufacturing activity.

*Home occupation:* A business, profession, occupation, or trade which is conducted for gain or support, located entirely within a dwelling unit, operated by a resident(s) of the dwelling unit, and which is secondary to the use of the building as a residence and does not change the essential residential character or appearance of the dwelling unit.

*Hotel/motel:* A building or buildings in which lodging, with or without meals, is offered to transient guests for compensation and in which there are five or more sleeping rooms or suites.

*Legal nonconforming lot:* Any lot, which at the time of recording met all applicable laws and regulations, but which does not conform to the lot area and/or lot width requirement of this chapter or any subsequent amendment thereto.

*Light manufacturing/high technology manufacturing:* A form or method of manufacturing, including related warehousing, that is conducted entirely within an enclosed facility with no outside storage of raw materials, finished product, or waste other than in dumpster receptacles regularly serviced and emptied, that does not involve toxic materials or procedures, and that does not generate smoke, fumes, noise, or traffic traditionally associated with industrial and heavy manufacturing activities.

*Lodging house:* A building other than a hotel where lodging rooms are provided for compensation for not more than 12 persons who are not members of the keeper's family.

*Lot:* A contiguous parcel of land which is described in a recorded document with the register of deeds for Door County, Wisconsin.

*Lot, corner:* A lot abutting on two or more streets at their intersection, provided that the interior angle of such intersection is less than 135 degrees.



*Lot line:* The property line bounding a lot, except that, where any portion of a lot extends into an existing or proposed public right-of-way, the edge of such public right-of-way shall be the lot line for the purposes of this chapter.

*Lot line, front:* That boundary of a lot which abuts an existing or proposed public street, and, in the case of a lot which abuts more than one street, the lot line along the street which provides the street address for the lot.

*Lot line, rear:* The boundary of a lot which is opposite the front lot line, except, if the rear lot line is less than ten feet in length or if the lot lines form a point at the rear, the rear lot line shall be a line ten feet in length within the lot, parallel to, and at the maximum distance from, the front lot line.

*Lot line, side:* Any boundary of a lot which is not a front lot line or a rear lot line.

*Lot width:* The maximum horizontal distance between the side lot lines of a lot measured parallel to the front lot line and at the rear of the required front yard.

*Manufactured home:* A structure defined as such in section 9.07(2) of this Municipal Code.

*Marina:* A boat basin which provides secure moorings for boats and often provides related facilities such as boat launching facilities; boat sales and marine supplies; fuel, water, and sanitary facilities; and boat repair, maintenance, and storage facilities.

*Mobile home:* A structure defined as such in section 9.07(2) of this Municipal Code.

*Nonconforming structure:* Any structure which was lawfully established prior to the adoption of this chapter, conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements, shall be considered a nonconforming structure.

*Nonconforming use:* A use of buildings or premises which was lawfully established prior to the passage of this chapter or amendment thereto, but which does not conform to the requirements of this chapter or any subsequent amendments thereto.

*Ordinary high water mark:* The point on the bank of the shore up to which the presence and action of surface water is so continuous as to leave a distinct mark, such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

*Parking lot:* A structure or premises, or portion thereof, used for the temporary parking of motor vehicles, whether publicly or privately owned and operated.

*Premises:* A tract or tracts of land located in the City of Sturgeon Bay.

*Shoreline:* The intersection of the land surface with abutting lakes, ponds, streams, and flowages at the ordinary high water mark.

*Street:* A public or private right-of-way which is 21 feet or more in width and which affords a primary means of access to abutting properties.

*Structural alterations:* Any change in the supporting members of a building or structure, such as bearing walls, foundations, columns, beams, or girders, or any change in the dimensions or configuration of the roof or exterior walls.

*Structural repairs:* Any repair to the supporting members of a building or structure, such as bearing walls, columns, beams, or girders, except for ordinary maintenance repairs such as interior/exterior painting, paneling, replacing doors and windows, and replacing roof tiles or shingles.

*Structure:* Anything constructed or erected having location on the ground.

*Structure, portable* See *Building, portable*.

*Tourist rooming house:* 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 & breakfast establishments. These facilities are sometimes referred to as vacation rentals.

*Transient:* A person who travels from place to place away from his or her permanent address for vacation, pleasure, recreation, culture, or business.

*Travelable:* That portion of a street open and used for travel as defined by the Wisconsin Department of Transportation, Division of Highways, to qualify for highway aid.

*Use:* The purpose or activity for which the land or structures thereon is designed, arranged, or intended, or for which it is occupied or maintained.

*Use, accessory:* A use subordinate to and customarily incidental to a principal use of the property or buildings and located on the same lot as the principal use.

*Use, conditional:* A use whose nature, character, or circumstance is so unique or so dependent upon specific conditions that it cannot be properly classified as a permitted use in a particular district or districts, but which may be permitted in certain districts on a case by case basis by the city plan commission.

*Use, permitted:* A use within a particular district allowed by, and subject to, the requirements of this chapter.

*Use, principal:* A main use of a lot or buildings as distinguished from accessory uses.

*Variance:* An authorization, granted by the board of appeals, to depart from the terms of this zoning code, where it is shown that unique physical circumstances apply to a lot causing a hardship to the owner.

*Wholesale distribution:* Facilities where goods or materials are stored and distributed to mostly retail outlets, rather than to the general public.

*Yard:* A required open space on a lot which is unoccupied by buildings and open to the sky except as expressly permitted in this chapter.

*Yard, rear:* A yard extending along the full width of the rear lot line and extending toward the front lot line for a depth as specified in the yard requirements for the applicable district.

*Yard, side:* A yard extending along the side lot line between front and rear yards and having a width as specified in the yard requirements for the applicable district.

*Yard, street:* A yard extending along the full length of an abutting street from the street right-of-way line to the depth specified in the yard requirements for the applicable district.

*Zero lot line duplex:* A type of two-family dwelling where each unit is situated on its own lot, with the lot line located along the common wall separating the two units. Also referred to as attached dwelling units.

(Ord. No. 961-1195, § 3, 11-7-95; Ord. No. 1005-0698, § 2, 6-2-98; Ord. No. 1032-0100, § 1, 1-18-2000; Ord. No. 1087-0203, § 1, 2-18-03; Ord. No. 1093-0403, § 1, 4-15-03; Ord. No. 1118-0104, § 1, 1-6-04; Ord. No. 1128-0804, § 4, 8-17-04; Ord. No. 1315-0316, § 1, 3-1-16; Ord. No. 1355-0219, § 1, 2-19-19)

## 20.07 - General provisions.

- (1) *Compliance.* Within each designated zoning district, no buildings shall be erected, moved, enlarged, or structurally altered, nor shall any building or premises be used for any purpose, except as permitted in the district in which the building or premises is located. No lots shall be created which do not have access to a public road or street.
- (2) *Lot area.* After adoption of this chapter, no lot area shall be so reduced that the dimensional and yard requirements imposed by this chapter cannot be met. However, where lawfully existing lots do not satisfy such requirements, the board of appeals may grant a variance.
- (3) *Required area of yards.* Every part of the required area of a yard shall be open to the sky unobstructed, except for permitted accessory buildings. The ordinary projections of sills, cornices, eaves, and ornamental features may project into a required yard not more than two feet. Fire escapes and stairways may project into a required yard not more than five feet.
- (4) *Zoning map amendment.*
  - (a) Whenever a change in the official zoning map is proposed, an application for a zoning amendment shall be filed with the zoning administrator. The application shall provide a full legal description, property map, and map of surrounding zoning. After review by staff, the application shall be placed on a city plan commission agenda for an initial presentation and review, and the zoning request shall be posted by the city on public access television. A public hearing shall be scheduled before the plan commission. The city plan commission shall forward its recommendation to the common council at a subsequent meeting after the public hearing. However, the plan commission can modify this requirement by an affirmative vote of three-fourths of its members present after conducting the public hearing and make a recommendation at the same meeting as the public hearing.
  - (b) Whenever a change in the official zoning map is proposed and the required public hearing is

scheduled and noticed by city as a class 2 notice as required by Wisconsin Statutes, the city shall give notice, by regular mail, of the proposed change to all property owners whose property lies within 300 feet measured in a straight line from the exterior boundary of the property subject to the proposed zoning map amendment. Said notice shall be mailed at least ten days prior to the hearing, however failure of a neighboring property owner to receive such mailed notice shall not invalidate a public hearing. In addition, the applicant shall post sign(s) visible to every facing street at least ten days prior to the hearing. The sign(s) shall identify the property as being the subject of a public hearing and identify the appropriate city office that may be contacted for information.

- (c) A proposed zoning map amendment shall require adoption of an ordinance by the common council. If action is delayed more than 120 days from the date of public hearing, a new public hearing shall take place. The common council may grant up to a 60-day extension if warranted by extenuating circumstances.
- (d) Except for statutory notice requirements, subsection (b) does not apply to comprehensive changes to the official zoning map.
- (5) *Lots abutting proposed streets.* Structures on lots abutting proposed streets as depicted on the official city map shall conform to all yard requirements from the proposed street for the appropriate zoning district.
- (6) *Reserved.*
- (7) *Aesthetic requirements.* All dwellings located in the R-1, R-2, R-3 and R-4 residential districts shall comply with the following requirements:
  - (a) Be fastened or attached to a completely enclosed continuous foundation in accordance with subch. III, IV and V, ch. ILHR 21, Wis. Adm. Code, or set on a comparable enclosed continuous foundation system approved by the building inspector, who may require a plan for such foundation to be certified by a registered architect or engineer to ensure proper support;
  - (b) Reserved;
  - (c) Have a roof with a minimum pitch of four feet in height for each 12 feet in width, unless a lesser pitch is approved by the aesthetic design and site plan review board.
  - (d) Have eaves, overhang or gables on all sides of the structure projecting a minimum of 12 inches from the side wall of the structure outward;
  - (e) Have a minimum side wall height of seven feet six inches on all outside walls of the structure;
  - (f) Have a ratio of the dwelling's length to its width of no greater than 2.5 to one;
  - (g) Have exterior sides of all dwellings and attached structures covered with siding made of wood, masonry, concrete, stucco, masonite, vinyl or metal lap extending to the top of the foundation;
  - (h) All dwellings and attached structures shall have a roof surface with wood shakes, asphalt, composition or wood shingles, clay, concrete or metal tiles, colored standing-seam metal

roofing, slate or built up gravel material.

(Ord. No. 961-1195, § 3, 11-7-95; Ord. No. 1005-0698, § 2, 6-2-98; Ord. No. 1035-0300, § 1, 3-21-00; Ord. No. 1038-0400, § 1, 4-8-00; Ord. No. 1093-0403, § 2, 4-15-03; Ord. No. 1107-0903, § 1, 9-16-03; Ord. No. 1128-0804, § 1, 8-17-04; Ord. No. 1156-1105, § 1, 11-15-05; Ord. No. 1179-1106, § 1, 11-21-06; Ord. No. 1325-1116, § 1, 11-1-16)

## **20.09 - Use regulations for R-1 district.**

**[SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD \(DOCX\) OF SECTIONSEMAIL SECTIONCOMPARE VERSIONS](#)**

The R-1 district is intended to provide a pleasant, safe and quiet neighborhood environment free from traffic hazards, incompatible land uses, or public annoyance for single-family residential development in the city.

(1)

Permitted uses are:

(a)

Single-family dwellings.

(b)

Churches and religious institutions.

(c)

Elementary, junior, and senior high schools.

(d)

Municipal buildings, except sewage treatment plants, garbage incinerators, warehouses, public garages, public shops or storage yards, penal or correctional institutions and asylums.

(e)

Public parks, playgrounds, recreational and community center buildings and grounds.

(f)

Telephone booths, exchanges and lines and transformer stations.

(g)

Accessory uses customarily incidental and subordinate to any of the above uses provided that no such use generates traffic or noise that would create a public or private nuisance.

(h)

Accessory buildings which are in addition to a principal building on the lot, provided that there are no more than two accessory buildings per principal building on a lot.

(i)

Tourist rooming houses, subject to the following:

1.

The facilities shall be licensed by the state department of health services, the city, and the Door County Tourism Zone Commission.

a.

New tourist rooming house permits issued by the city 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.

b.

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.

c.

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.

2.

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.

3.

Designated tourist rooming houses may have an unlit sign no larger than 2 square feet in size.

(2)

Conditional uses are:

(a)

Home occupations, subject to the following:

1.

The home occupation shall be conducted only by residents of the dwelling unit and shall be conducted entirely within the dwelling unit.

2.

There shall be no outdoor storage or display of equipment, materials, or articles offered for sale.

3.

There shall be no articles offered for sale on the premises except such as is directly produced by the home occupation.

4.

There shall be no mechanical equipment used other than such as is permissible for purely domestic purposes.

5.

There shall be no signage associated with the home occupation, except for one wall sign not to exceed four square feet and not illuminated.



6.

A home occupation which meets the criteria listed in subsections 1 through 5, and, in addition, contains no signage, has no retail sales, and has no stock in trade kept or sold, and in which the clients do not generally visit the premises, shall be permitted and shall not require a permit.

7.

Only vehicles of a type ordinarily used for conventional passenger transportation, i.e. passenger automobile or vans and pickup trucks not exceeding a payload capacity of one ton, shall be used in conjunction with a home occupation, except that not more than one commercial vehicle may be authorized by the city plan commission as part of the conditional use permit. The use of any public right-of-way for the parking or storage of any commercial vehicles or trailers associated with a home occupation is prohibited.

(b)

Reserved.

(c)

Public museums and libraries.

(d)

Art galleries.

(e)

Public utilities.

(f)

Bed and breakfast establishments, provided the facilities are licensed by the department of health and social services.

(g)

Community living arrangements, except as regulated in § 62.23(7)(i), Wis. Stats., and provided, however that the 2,500-foot distance described in § 62.23(7)(i)2r.a., Wis. Stats., shall not apply.

(Ord. No. 961-1195, § 3, 11-7-95; Ord. No. 1092-0303, § 1, 3-18-03; Ord. No. 1099-0603, § 1, 6-17-03; Ord. No. 1144-0305, § 1, 3-15-05; Ord. No. 1315-0316, § 2, 3-1-16)

1 Held  
70  
Village of Egg Harbor

Tourist Rooming Houses (Short Term Rentals) Regulation – as recommended by the Village Plan Commission

- A) Tourist Rooming Houses (Short Term Rentals) shall be subject to the following:
- a) Facilities shall be licensed by the State Department of Agriculture, Trade, and Consumer Protection, the Village of Egg Harbor, and the Door County Tourism Zone Commission.
    - i) Tourist Rooming Houses (Short Term Rentals) shall obtain a Village business license pursuant to Chapter 112 Business Licenses of the Village of Egg Harbor Municipal Code.
  - b) The owner/operator must reside within 75 miles of the tourist rooming house during periods in which the tourist rooming house is rented.
    - i) This requirement may be waived if there is a valid Resident Agent located within 25 miles of the Village of Egg Harbor, in such a case, the owner/operator shall provided a copy of the Resident Agent contract to the Village and notify the Village within 30 days of termination of any such contract.
    - ii) To qualify as a Resident Agent the representative must reside within a 25 mile radius of the Village of Egg Harbor or be a corporate entity with offices located within a 25 mile radius of the Village of Egg Harbor.
  - c) The number of occupants in any dwelling unit shall not exceed the limits set forth in the Wisconsin Admin. Code ATCP 72.14 for hotels, motels, and tourist rooming houses.
  - d) No recreational vehicles (RVs, campers, tents, or other temporary lodging arrangement) shall be permitted on site as a means of providing additional accommodations for paying guests or other invitees.
  - e) Any outdoor event or activities shall follow § 96.02 Loud and Unnecessary Noise Prohibited of the Village of Egg Harbor Municipal Code.
  - f) Trash containers for pick up should not be allowed on the street prior to noon the day before pick up and should be taken off the street by no later than noon the day after pick up.
  - g) The property owner shall have and maintain homeowner's liability or business liability insurance for the premises that are used for short term rental and shall provide written evidence of such insurance with the business license application and renewal application forms.

**TOWN OF SEVASTOPOL**  
Door County, Wisconsin

ORDINANCE NO. xx-xxxx

**SHORT-TERM RENTAL OF RESIDENTIAL DWELLINGS ORDINANCE  
OF THE TOWN OF SEVASTOPOL  
DOOR COUNTY, WISCONSIN**

**1. Title**

This ordinance shall be entitled "The Short-term Rental of Residential Dwellings Ordinance of the Town of Sevastopol, Door County, Wisconsin".

**2. Purpose**

The purpose of this ordinance is to ensure that the quality and nature of the Short-term Rentals operating within the Town of Sevastopol ("Town") are adequate for protecting public health, safety, and general welfare and to protect the character and stability of neighborhoods within the town.

**3. State Statutes Adopted - Authority**

The Board of Supervisors of the Town is granted authority for adopting this ordinance under s. 60.10(2)(c) and s. 60.22(3), Wisconsin Statutes. The Town Board adopts this ordinance under its general village powers authority and s. 66.1014 of the Wisconsin Statutes.

**4. Definitions**

- A. "Property Owner" means the person or entity who owns the residential dwelling that is being rented.
- B. "Resident Agent" means a person who is not the Property Owner and who is authorized to act as the agent of the Property Owner for the receipt of service of notice and remedy of municipal ordinance violations and for service of process pursuant to this ordinance.
- C. "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 or more persons maintaining a common household, to the exclusion of all others.
- D. "Short-term Rental" means a Residential Dwelling that is offered for rent for a fee and for fewer than 29 consecutive days.

**5. Short-term Rental License**

- A. No person may maintain, manage, or operate a Short-term Rental more than ten (10) nights each year without a Town Short-term Rental license issued pursuant to this ordinance.
- B. Licenses shall be issued using the following procedures:
  - 1. All applications for a Short-term Rental license shall be filed with the town clerk on forms provided. Applications must be filed by the Property Owner or authorized Resident Agent. No license shall be issued unless the completed application form is accompanied by the payment of the required application fee.

- 45 2. The town clerk shall issue a Short-term Rental license to all applicants following payment of  
46 the required fee, receipt of all fully completed documentation and information requested by the  
47 application, and application approval by town board or its designee.
- 48 3. A Short-term Rental license shall be effective for one year and may be renewed for additional  
49 one-year periods. The annual licensing term begins July 1st and ends June 30th the following  
50 year. A fully completed renewal application and renewal fee must be filed with the town clerk  
51 at least forty-five (45) days prior to license expiration so that the town board or its designee, if  
52 required, has adequate time to consider the application. The renewal application shall include  
53 any updated information since the filing of the original application. An existing license becomes  
54 void and a new application is required any time the ownership of a residential dwelling licensed  
55 for Short-term Rentals changes.
- 56 4. The town board may suspend, revoke, reject or non-renew a Short-term Rental license or  
57 license application following a due process hearing if the board determines that the licensee:  
58 a) failed to comply with any of the requirements of this ordinance; b) has been convicted or  
59 whose Resident Agent or renters have been convicted of engaging in illegal activity while on  
60 the Short-term Rental premises on two (2) or more separate occasions within the past twelve  
61 (12) months; or c) has outstanding fees, taxes, or forfeitures owed to the town in violation of  
62 Town Ordinances.

## 63

### 64 6. Operation of a Short-Term Rental

65 Each Short-term Rental shall comply with all of the following requirements:

- 66 A. No person may maintain, manage, or operate a Short-term Rental more than ten (10) nights  
67 each year without a Short-term Rental license. Every Short-term Rental shall be operated by a  
68 Property Owner or a Resident Agent.
- 69 B. Each Short-term Rental shall hold a valid State of Wisconsin Tourist Rooming House License  
70 issued by the Department of Agriculture, Trade and Consumer Protection (DATCP), and shall  
71 provide proof of such license by attaching a copy to the initial license application and all  
72 subsequent renewal applications.
- 73 C. Each Short-term Rental shall be licensed by the Door County Tourism Zone Commission  
74 (DCTZC), and shall provide proof of such license by attaching a copy to the initial license  
75 application and all subsequent renewal applications.
- 76 D. Each Short-term Rental shall comply with all of the following requirements:
- 77 (1) No Residential Dwelling may be rented for a period of less than six (6) consecutive nights.
- 78 (2) No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be  
79 permitted on site as a means of providing additional accommodations for paying guests or  
80 other invitees.
- 81 (3) If the property is not served by a public sanitary sewer, a private onsite wastewater treatment  
82 system (POWTS) in full compliance with this ordinance and in accordance with Chapter 21 of  
83 the Door County Code must serve the property.
- 84 (4) If the property is serviced by public sanitary sewer, occupancy is limited to the number of  
85 occupants authorized by the tourist rooming house license issued by DATCP. If the property is  
86 served by a POWTS, occupancy is limited to the number of occupants for which the POWTS  
87 was designed, or the occupancy granted by the State tourist rooming license, whichever is  
88 less.
- 89 (5) Sufficient off-street parking shall be available to accommodate all vehicles on the Short-term  
90 Rental premises. Off-street parking shall be in compliance with Door County Comprehensive  
91 Zoning Ordinance, Chapter 7. . On-street parking for renters of the Residential Dwelling is  
92 prohibited, consistent with Town Ordinance No. 05-2016.
- 93 (6) Pets that accompany a renter are subject to Town Ordinance No. 01-2012, with the following  
94 additional requirements:

- (a) Pets must be under the control of their owner and on a leash when outside the dwelling. Pets may be tethered securely to a leash or pulley-run on the premises, provided that the tethered pet is at least ten (10) feet inside the premises lot line.
- (b) Pet owners must adhere to minimizing pet noise. independent of whether the pet is inside or outside the dwelling.
- (c) Pet owners are prohibited from leaving their pet unattended on the Rental Dwelling premises. Unattended pets are subject to impoundment under Town Ordinance No 01-2012.
- (7) Signage shall conform to applicable Town and Door County ordinances.
- (8) Rental dwellings must be able to accommodate reliable telephone communications in case of emergency.
- (9) Any outdoor event held at the Short-term Rental shall last no longer than one day occurring between the hours of 10AM and 10PM. From 10PM to 10AM quiet hours shall be enforced. All activities shall be in compliance with the Town noise ordinance and other applicable Town and Door County ordinances.
- E. The Property Owner must reside within seventy-five (75) miles of the Short-term Rental during periods in which the Short-term Rental is rented.
- (a) This requirement may be waived if there is a valid Resident Agent (point of contact) located in Door County, in such a case, the Property Owner shall provide a copy of the Resident Agent contract to the Town and notify the Town within thirty (30) days of termination of any such contract.
- (b) To qualify as a Resident Agent the representative must reside within Door County or be a corporate entity with offices located within Door County.
- F. The Property Owner and/or Resident Agent must provide the town with current contact information and must be available twenty-four (24) hours a day, seven (7) days a week by telephone or email. The town must be notified within twenty-four (24) hours of any change in contact information.
- G. Each Short-term Rental shall provide a set of property rules that communicates relevant Town ordinances, DCTZC Best Practices and/or recognized neighborhood association standards of conduct that renters and their guests are expected to follow as part of their rental contract. The property rules shall also be posted in the Residential Dwelling.
- H. The Property Owner and/or Resident Agent must provide the following information to neighboring residential property owners located within 200-feet of the Short-term Rental dwelling property in all directions no later than seven (7) days from the date rental dwelling permit is issued or any time the Property Owner/Resident Agent contact information changes:
- (a) Telephone and email contact information to enable neighboring residential property owner or Town personnel to contact the Property Owner or Resident Agent twenty-four (24) hours a day, seven (7) days a week regarding disturbances or issues arising in connection with the rental of a Residential Dwelling.
- (b) Provide copy of property rules or other standard of conduct that is provided to renters
- (c) Provide their DATCP license number.
- I. The Property Owner shall have and maintain homeowner's liability or business liability insurance for the premises that are used for short term rental and shall provide written evidence of such insurance with the initial license application and all subsequent renewal applications.

## **7. Penalties**

- A. Any person, partnership, corporation, limited liability company, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$100.00 nor more than \$1000.00, plus the applicable surcharges, assessments and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance.

B. Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement or costs whether existing under this ordinance or otherwise.

**8. Fees**

Initial short-term rental application fee .....\$\_\_\_\_\_ \$500

Renewal short-term rental renewal application fee .....\$100.00

Late fees .....\$100.00

Inspections (as necessary) .....\$100.00

**9. Severability**

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

**10. Effective Date and Publication**

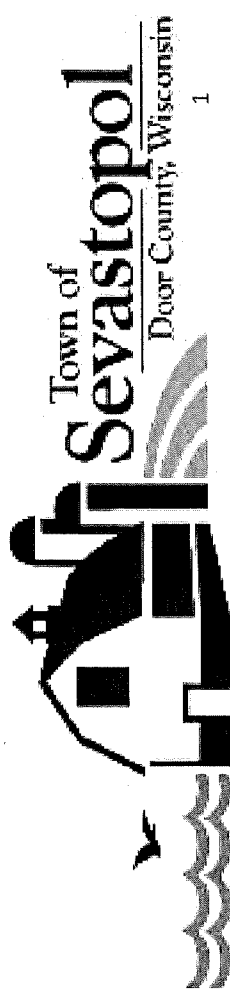
This ordinance shall become effective upon adoption and publication as required under s. 60.80, Wis. Stat.

# Update: Analysis of Short-term Rentals in Town of Sevastopol

Compliance to DATCP Licensing, POWTS Sanitation Requirements and the Nature of ownership

Town of Sevastopol Plan Commission

29-OCT-2020





# Updated Analysis

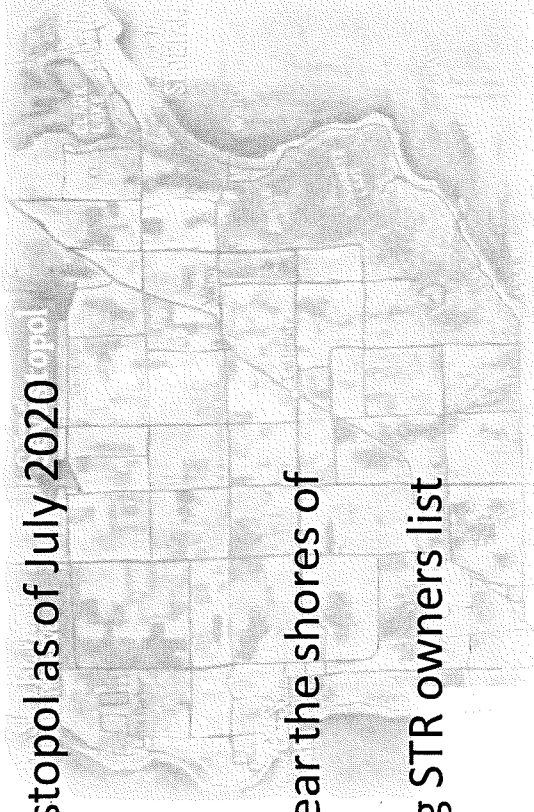
- State DATCP licensees vs Door County Tourism Zone Commission Permit holders
  - Minimize potential date disparities by comparing July vs July data
  - Get feedback on non-renewal wrt Covid19
  - DCTZC license holder status from 2018-2020 vs. DATCP 2020 Status
  - New:
- Compare DATCP license compliance percentage w/ other Door County municipalities on DCTZC May 2020 report and WI DATCP July 2020 report
  - New: Updated for latest DATCP report, dated October, 6, 2020
- New: Range of minimum stays for Sevastopol STRs for peak and off-peak timeframes

# Background

- Short-term Rentals (STRs) have become a growing lodging option in Wisconsin
- Changes in WI state law (Act 59) resulted in regulations for operating STRs, including provisions for municipalities to collect rental taxes and to enact ordinances regulating STRs
- Four areas of interest to examine by the Town of Sevastopol in considering a Short-term Rental ordinance
  - How many Residential Dwelling STRs are in Sevastopol?
  - Do these Residential Dwelling STRs have their Tourist Rooming House license as required by the WI Dept of Agriculture, Tourism and Consumer Protection (DATCP)?
  - How many of the Residential Dwelling STRs are locally owned?
  - To what extent do STRs adhere to Personal Onsite Wastewater Treatment System (POWTS) capacities in their listings?

# DCTZC Lists 66\* Residential STRs for Sevastopol

- Door Co. Tourism Zone Commission (DCTZC) monitors and reports on lodging sites in the county
- The DCTZC Permitted-Properties May, 5 2020 report lists 1272 permit numbers for lodging facilities in Door County
- DCTZC lists 79 permits for lodging facilities for Sevastopol as of July 2020<sup>topol</sup>
  - 66 – Residential Dwellings
    - 1 - confirmed Covid19 non-renewal per DCTZC
    - 7 – To Be Determined
    - 5 – Haven’t filed w/ DCTZC, but active on-line
  - 13 - Other Lodging Facilities (hotels, B&Bs, etc)
- 60 (91%) of Residential Dwelling STRs are located near the shores of Green Bay and Lake Michigan
- 24 (35%) of Town of Sevastopol Residential Dwelling STR owners list 54235 as their tax billing zip-code



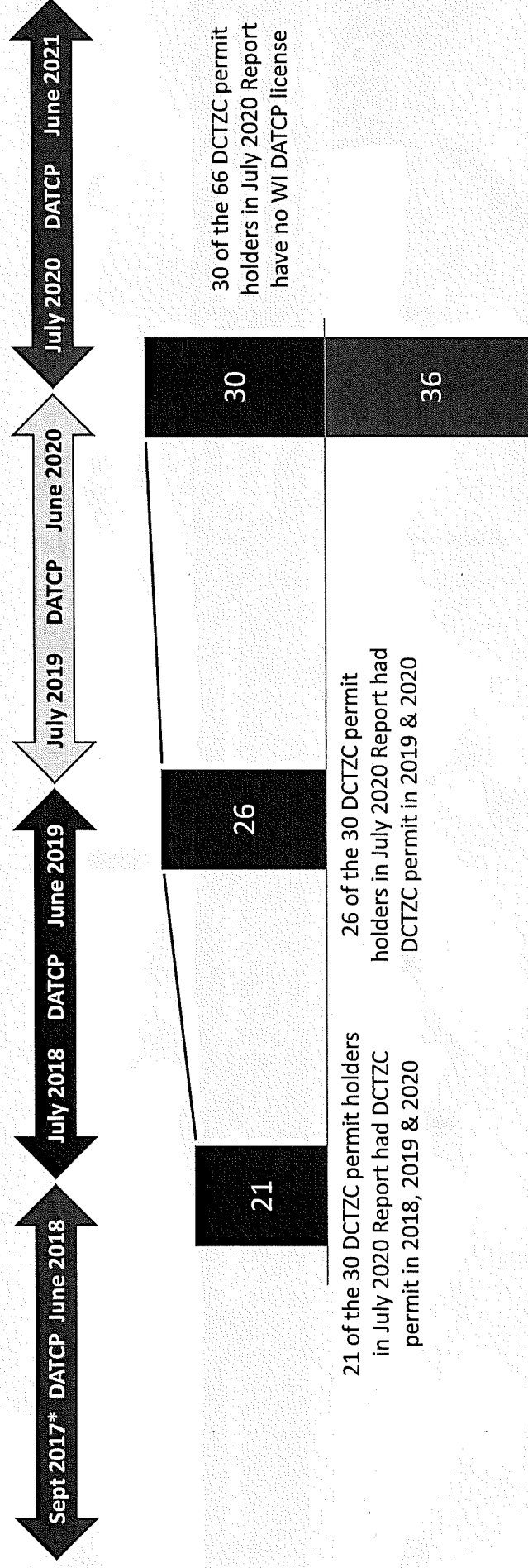
\* Sept 17, 2020 report listed 67 Residential dwelling STRs for Town of Sevastopol. There is only one confirmed DCTZC non-renewal as of the July 2020 Permitted Properties Report.

# Only 56% \* of Sevastopol's Residential Dwelling STRs are licensed by WI DATCP

- WI law requires that owners offering short-term rentals must acquire a license before they can list their property for availability, including passing a pre-license inspection, per s. ATCP 72
- WI DATCP license term runs annually, from July 1 to June 30
- WI DATCP publishes a report on lodging licensees, the latest available is Oct. 6, 2020 <https://datcp.wi.gov/Documents/LicensedFacilitiesLodging.csv>
- For the 66 Residential Dwellings listed in the DCTZC May, 5 2020 Report:
  - 37 (56%) of STRs recognized by DCTZC are licensed to operate as a Tourist Rooming House by WI DATCP. One additional dwelling has obtained a Tourist Rooming House license
- Note: An additional Three (3) Tourist Rooming Houses listed in the DATCP report are not in the DCTZC July 2020 Report.

\* Was 55% in the Oct. 1, 2020 Plan Commission report.

# 70% of non-DATCP Residential Dwelling STR Licensees for Sevastopol held DCTZC Permits Going Back to 2018



\* Act59 Signed into Law Sept. 2017

# Updated: Estimated Residential Dwelling STRs DATCP Compliance in Door Co. is 68%

Top 10 WI # of Lodging Licenses

WI County	# DATCP Licenses
DOOR	991
VILAS	880
SAWYER	492
ONEIDA	409
BAYFIELD	355
WALWORTH	355
SAUK	285
BROWN	274
ADAMS	197
ASHLAND	163
Total	7953

12%

- DATCP Oct. 6, 2020 Lodging Licensee Report
- Door Co had 974 licenses as of July 3, 2020

Door Co. # of Lodging Licenses

DC Municipality	# DATCP Facilities	#DCTZC Permits	DATCP Compliance
BAILEYS HARBOR	80	104	77%
CITY OF STURGEON BAY	76	98	78%
TOWN OF CLAY BANKS	4	7	57%
TOWN OF EGG HARBOR	88	119	74%
TOWN OF FORESTVILLE	1	2	50%
TOWN OF GARDNER	11	22	50%
TOWN OF GIBRALTAR	113	161	70%
TOWN OF JACKSONPORT	46	62	74%
TOWN OF LIBERTY GROVE	120	179	67%
TOWN OF NASEWAUPEE	30	50	60%
TOWN OF SEVASTOPOL	47	79	59%
TOWN OF STURGEON BAY	26	31	84%
TOWN OF UNION	3	6	50%
TOWN OF WASHINGTON	59	84	70%
VILLAGE OF EGG HARBOR	49	69	71%
VILLAGE OF EPHRAIM	67	87	77%
VILLAGE OF SISTER BAY	90	112	80%
Total	910	1272	72%

DCTZC data from May2020 Permitted Properties Report

- Door Co. DATCP compliance for all lodging types is 72%
- Residential Dwelling STRs represent About 76% (971 of 1272) of all DCTZC permits
- DATCP compliance is a state & county-wide challenge, driven by Residential Dwellings

Door Co. Residential STR Compliance

DC Municipality	#DATCP Facilities	# DCTC Permits	Est. DATCP Compliance *
TOWN OF LIBERTY GROVE	95	146	65%
TOWN OF GIBRALTAR	85	127	67%
TOWN OF EGG HARBOR	76	101	75%
VILLAGE OF SISTER BAY	70	91	77%
BAILEYS HARBOR	55	76	72%
TOWN OF SEVASTOPOL	37	66	56%
CITY OF STURGEON BAY	41	61	67%
TOWN OF WASHINGTON	37	59	63%
VILLAGE OF EPHRAIM	38	54	70%
VILLAGE OF EGG HARBOR	37	49	76%
TOWN OF JACKSONPORT	35	49	71%
TOWN OF NASEWAUPEE	18	36	50%
TOWN OF STURGEON BAY	22	26	85%
TOWN OF GARDNER	6	15	40%
TOWN OF CLAY BANKS	4	7	57%
TOWN OF UNION	3	6	50%
TOWN OF FORESTVILLE	1	2	50%
Total	660	971	68%

\* Estimated DATCP compliance based DCTZC Lodging #Units=1, which is typically a Residential Dwelling

\*\* Delta of 81 DATCP licenses indicates Door Co. STRs registered by State that is not recognized by DCTZC. Further analysis required to verify compliance.

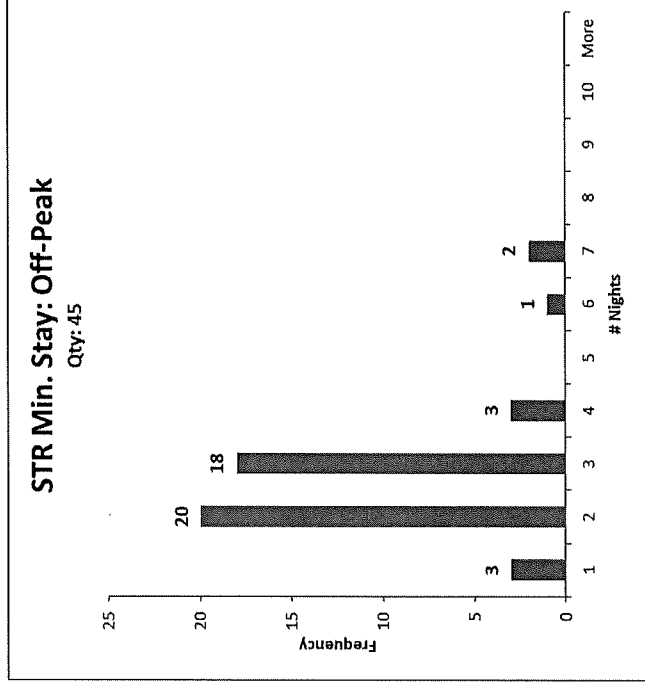
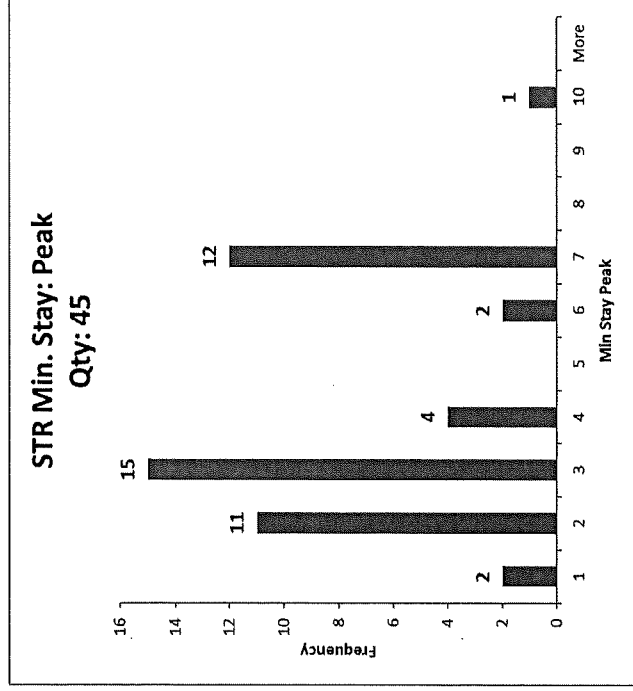
# 55% of Sevastopol Residential STRs advertised listings exceed their POWTS capacity

- 47 Sevastopol STR website occupant capacity listings were available to compare to the Personal Onsite Wastewater Treatment System (POWTS) details for the dwelling as provided in the Door County Land Records Municipal tab
  - Septic Tank & Holding Tank capacities were used as a proxy to determine number of bedrooms and max number of occupants (#occupants = #bedrooms x 2 persons per bedroom per WI statute)
- Preliminary Finding: Majority of Residential Dwelling STRs Exceed POWTS Capacity in Advertised Maximum No. of Occupants
  - 21; 45% of STRs listings have max. occupants  $\leq$  POWTS capacity
  - 17; 36% of STRs listings have max. occupants of 2-4 persons > POWTS capacity
  - 9; 19% of STRs listings have max. occupants of 6-9 persons > POWTS capacity
- Note: 18 of the 26 over-capacity Residential Dwelling STRs listings have a DATCP license





# New: Most Residential STRs Require Higher Minimum Stays During Peak Season



- Sample size is 45 of the 67 total STRs, where on-line listing data was available
- During Peak season, 71% required a minimum stay of 3 nights; 33% required six or more
- 23 dwellings had Off-Peak of 2 days or less, roughly half of all STRs in the sample

# Summary and Next Steps

- Having a DCTZC permit does not imply the Owner has a DATCP license
- Majority of STRs in Town of Sevastopol do not have a DATCP license. Discuss how to notify owners & state
- WI DATCP licensees not in DCTZC warrants further discussion and confirmation of visibility of STRs to the Town and County
- Majority of residential dwelling owners live outside of the area, supporting the need for local contact requirements in an ordinance
- Number of DATCP licensed dwellings listed over capacity warrants additional follow-up w/ state on inspection process (currently awaiting a response from DATCP)
- 91% of STRs are near the Green Bay and Lake Michigan shores, and a majority of sampled STRs advertise capacity beyond POWTS. Therefore, further research is required on remaining 20 properties to verify listing vs POWTS and confirm actual capacity for over-capacity dwellings; follow-up with county sanitarian and town counsel