



## **Winnebago County**

Zoning Department

*The Wave of the Future*

### **MEMO FOR P & Z PLANNING MEETING AGENDA OF JULY 5, 2019**

TO: Planning & Zoning Committee

FM: Zoning Administrator

RE: Review of Town of Clayton Zoning Ordinance Amendments

1. Review of Zoning Ordinance Amendments – Town of Clayton

The zoning office received a copy of the Town of Clayton's adopted zoning ordinance amendments. The amendments are related to Short-term Lodging Rentals. The adopted zoning ordinance amendments for the Town of Clayton must be approved by the County Board. There does not appear to be any conflicts with county zoning jurisdiction or regulatory authority.

**RECOMMENDATION:** Forward adopted zoning ordinance amendments to County Board for action.



Friday, May 24<sup>th</sup>, 2019

County Zoning Office  
Attn: Cary A. Rowe  
112 Otter Avenue  
Oshkosh, WI 54901

Re: Town Board approved amendment to the Town's Zoning Code of Ordinances Map.

Mr. Cary A. Rowe:

Enclosed please find the material relative to the following amendment(s) to the Zoning Code of Ordinances of the Town of Clayton:

Town Board approval of the following minor amendments to the Town's Zoning Code of Ordinances, relating to Short-term Lodging Rentals

Should you have any questions relative to this request please feel free to call or E-mail me.

Sincerely,

Richard Johnston  
Town Administrator/Clerk

CC County Clerk, Sue Ertmer

# **TOWN OF CLAYTON ORDINANCE 2019-004**

## **An Ordinance Amending the Town of Clayton Zoning Code of Ordinances relating to Short-Term Lodging Rentals**

Whereas, The Town of Clayton, County of Winnebago has an existing Zoning Code of Ordinances, CHAPTER 9, regulating Short-Term Lodging Rentals in the Town of Clayton, and

Whereas, The Plan Commission for the Town of Clayton, County of Winnebago has reviewed the Town's Zoning Code of Ordinances, CHAPTER 9, regulating Short-Term Lodging Rentals in the Town of Clayton; and

Whereas, The Plan Commission for the Town of Clayton, County of Winnebago has recommended that the Town's Zoning Code of Ordinances, CHAPTER 9, regulating Short-Term Lodging Rentals in the Town of Clayton be amended; and

Whereas, The Plan Commission for the Town of Clayton, County of Winnebago has prepared and recommended certain amendments to the Town's Zoning Code of Ordinances, CHAPTER 9, regulating Short-Term Lodging Rentals in the Town of Clayton (see Attachments A-1 through A-3); and

Whereas, The Plan Commission for the Town of Clayton has reviewed, and held a Public Hearing on the regulations of Short-Term Lodging Rentals and The Town Board for the Town of Clayton held two readings of the Town's revised Zoning Code of Ordinances, CHAPTER 9, regulating Short-Term Lodging Rentals in the Town of Clayton (see Attachments A-1 through A-3); and

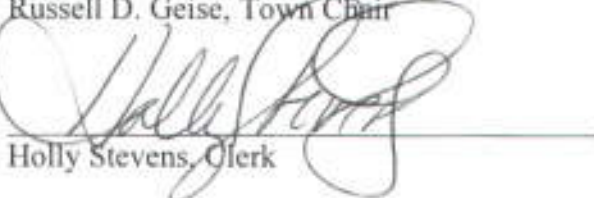
NOW THEREFORE BE IT ORDAINED that the Town Board of the Town of Clayton, Winnebago County, does hereby approve the amendments to the Town's Zoning Code of Ordinances, CHAPTER 9, regulating Short-Term Lodging Rentals in the Town of Clayton as identified in Attachments A-1 through A-3; and

NOW THEREFORE BE IT FURTHER ORDAINED that the Town Board of the Town of Clayton, Winnebago County, does hereby direct staff to submit the approved amendments to the Town's Zoning Code of Ordinances, CHAPTER 9, regulating Short-Term Lodging Rentals in the Town of Clayton to the County for its approval

Adopted this 15<sup>th</sup>, day of May, 2019

  
\_\_\_\_\_  
Russell D. Geise, Town Chair

Attest:

  
\_\_\_\_\_  
Holly Stevens, Clerk

## ATTACHMENT 1

### **9.08-445 ~~Bed-and-breakfast~~ Short Term Rentals (STR's)**

Short term rentals are defined as a single family residential structure that offers overnight accommodations for a daily fee that also serves as a primary residence of the operator or owner. A STR includes bed & breakfast establishments, rental vacation home by owner or other similar overnight private rental accommodations for fewer than 29 consecutive days.

(a) **Local County license.** Prior to the establishment of a STR ~~bed-and-breakfast~~, the operator shall obtain a license from the Winnebago County Health Department and maintain such license for the life of the use or until the department no longer requires such license.

(b) **State license.** ~~Prior to the establishment of a bed-and-breakfast, the operator shall obtain a license from the state as may be required by state law and maintain such license for the life of the use or until the state no longer requires such license.~~ Anyone who maintains, manages, or operates an STR for more than 10 nights each year is required to obtain a tourist rooming house license from the Wisconsin Department of Agriculture, Trade & Consumer Protection (DATCP).

(c) **Type of dwelling.** An STR ~~bed-and-breakfast~~ shall only occur within a single-family residential dwelling.

(d) **Conditional Use Permit (CUP).** All STR structures require a onetime Conditional Use Permit as an Accessory Use to Single Family Residential as the Principal Use. A CUP can be transferable between property owners. ~~Number of allowable guest rooms. No more than 6 guest rooms shall be offered.~~

(e) **Residency requirement.** The operator or owner of a STR ~~bed-and-breakfast~~ shall maintain the single family dwelling as their primary residence ~~reside within of the single family dwelling~~ during the time period when rooms are offered.

(f) **Exterior character of the dwelling unit.** The exterior appearance of the building shall not be altered from its single-family appearance. Signage shall conform with the standards identified in the Conditional Use Permit. However, the sign shall not exceed four (4) Sq. ft. in size.

(g) **Food preparation.** No food preparation or cooking shall be allowed in guest rooms.

(h) **Meals.** Meals shall only be offered to overnight guests.

(i) **Maximum stay.** ~~The maximum stay for any occupants shall be 14 consecutive days.~~ Rentals shall not exceed 29 consecutive days. Rental activity shall be limited to 180 days within any consecutive 365-day period.

(j) **Required inspection for public safety.** Before the issuance of any Conditional Use Permit, an inspection of the residential structure shall occur by the Town's Building Inspector. All STR rooms for rent shall be UDC (Uniform Dwelling Code) compliant. Inspections shall occur every five years at a minimum. ~~Record of guests. The operator shall keep a listing showing the names of all guests. This list shall be kept on file for a period of one year. Such list shall be available for inspection by county officials at any time upon request.~~

(k) **Parking.** All vehicle parking (home owners and renters) must occur on site. No on-street parking.

(l) **Tax Filing.** All local, state and federal tax must be filed with the appropriate agencies. STR's must comply with the provisions of Section 9.1 of the Town of Clayton Municipal Code pertaining to hotel and motel room tax.

## ATTACHMENT 2

**Exhibit 8-1. Land use matrix – continued**

16 Solid Waste	Review	Special Standards	Base Zoning District													
			A-1	A-2	R-1	R-2	R-3	R-4	R-5	P-1	B-1	B-2	B-3	M-1	L-1	L-2
16 01 Composting facility	ZP,SP	9 08-431	P	P	-	-	-	-	-	P	-	-	-	-	P	P
16 02 Recycling center	ZP,SP	9 08-432	-	-	-	-	-	-	-	P	-	-	-	-	P	P
16 03 Solid waste landfill	ZP,SP	9 08-433	-	C	-	-	-	-	-	C	-	-	-	-	C	C
16 04 Solid waste transfer station	ZP,SP	9 08-434	-	C	-	-	-	-	-	C	-	-	-	-	P	P
<b>17 Accessory Uses</b>																
17 01 Adult family home [14]	ZP	9 08-441	P	P	P	P	P	P	P	-	P	P	P	P	-	-
17 02 Amateur radio antenna [14]	-	9 08-442	P	P	P	P	P	P	P	-	P	P	P	P	-	-
17 03 Automated teller machine	ZP	9 08-443	-	-	-	-	-	-	-	-	P	P	P	P	-	-
17 04 Backyard chickens [16]	-	9 08-444	P/C	P	C	C	C	-	C	-	-	-	-	-	P	P
17 05 <del>Bed-and-breakfast</del> Short term Rental [14, 15]	ZP,SP	9 08-445	C	C	C	C	C	-	-	-	C	C	-	P	-	-
17 06 Commercial truck parking [14]	ZP	9 08-446	P	P	P	P	-	-	-	-	-	-	-	-	-	-
17 07 Exterior communication device [14]	-	9 08-447	P	P	P	P	P	P	P	-	P	P	P	P	P	P
17 08 Family day care home [14, 15]	ZP	9 08-448	P	P	P	P	P	P	P	-	P	P	P	P	-	-
17 09 Farm building storage	ZP	9 08-449	P	C	-	-	-	-	-	-	-	-	-	-	-	-
17 10 Farm residence	ZP	9 08-450	P	P	-	-	-	-	-	-	-	-	-	-	-	-
17 11 Farmstead retail outlet	ZP,SP	9 08-451	C	C	-	-	-	-	-	-	-	-	-	-	-	-
17 12 Fence	ZP	9 08-452	P	P	P	P	P	P	P	-	P	P	P	P	P	P
17 13 Foster home and treatment foster home [17]	ZP	9 08-453	P	P	P	P	P	P	P	-	P	P	P	P	-	-
17 14 Garage, nonresidential [18]	ZP	9 08-454	-	-	-	-	-	-	-	-	P	P	P	P	P	P
17 15 Garage, residential [19]	ZP	9 08-455	P	P	P	P	P	P	P	-	P	P	P	P	-	-
17 16 Garden	-	9 08-456	P	P	P	P	P	P	P	-	P	P	P	P	P	P
17 17 Greenhouse [14,19]	ZP	9 08-457	P	P	P	P	P	P	P	-	-	-	-	-	-	-
17 18 Helipad	ZP,SP	9 08-458	-	-	-	-	-	-	-	-	-	-	-	-	-	-
17 19 Home occupation, major [14]	ZP,SP	9 08-459	-	C	C	C	C	C	-	-	C	C	C	C	-	-
17 20 Home occupation, minor [14, 15]	ZP	9 08-460	P	P	P	P	P	P	P	-	P	P	P	P	-	-
17 21 Hot tub [14]	-	9 08-461	P	P	P	P	P	P	P	-	P	P	P	P	-	-
17 22 Household livestock, 2.5 acres or more but less than 5 acres [14]	ZP	9 08-462	P	C	C	-	-	-	-	-	-	-	-	-	-	-
17 22 Household livestock, 5 acres or more [14]	ZP	9 08-462	P	P	C	-	-	-	-	-	-	-	-	-	-	-
17 23 Indoor sales incidental to light industrial use	ZP	9 08-463	-	-	-	-	-	-	-	-	-	-	-	-	C	-
17 24 Kennel, hobby [14, 15]	ZP,SP	9 08-464	C	C	C	C	C	C	C	-	C	C	C	C	-	-
17 25 Kennel, private [14, 15]	-	9 08-465	P	P	P	P	P	P	P	-	P	P	P	P	-	-
17 26 Light industrial use incidental to indoor sales	ZP,SP	9 08-466	-	-	-	-	-	-	-	-	-	-	-	-	C	-
17 27 Outdoor display incidental to indoor sales	ZP,SP	9 08-467	-	-	-	-	-	-	-	-	-	C	C	C	-	-
17 28 Outdoor food and beverage service	ZP,SP	9 08-468	-	-	-	-	-	-	-	-	C	C	C	C	-	-
17 29 Outdoor furnace	ZP	9 08-469	P	P	P	P	P	P	P	P	P	P	P	P	P	P
17 30 Parking lot (on-site)	ZP	9 08-470	P	P	P	P	P	P	P	P	P	P	P	P	P	P
17 31 Play structure [14]	-	9 08-471	P	P	P	P	P	P	P	P	P	P	P	P	P	-
17 32 Pond	ZP,SP	9 08-472	P	P	C	C	C	C	C	P	P	P	P	P	P	P
17 33 Rural accessory structure [14]	ZP	9 08-473	P	P	P	P	P	P	P	-	-	-	-	-	-	-
17 34 Service window, drive-up	ZP,SP	9 08-474	-	-	-	-	-	-	-	C	C	C	C	C	-	-
17 35 Service window, walk-up	ZP,SP	9 08-475	-	-	-	-	-	-	-	C	C	C	C	C	-	-
17 36 Solar energy system, building-mounted	ZP	9 08-476	na	na	na	na	na	na	na	na	na	na	na	na	na	na
17 37 Solar energy system, free-standing	ZP	9 08-477	na	na	na	na	na	na	na	na	na	na	na	na	na	na
17 38 Storage container, 1 or 2 units	ZP	9 08-478	-	-	-	-	-	-	-	-	P	P	P	-	P	P
17 38 Storage container, 3 or more units	ZP,SP	9 08-478	-	-	-	-	-	-	-	-	C	C	C	-	C	C
17 39 Swimming pool	ZP	9 08-479	P	P	P	P	P	P	P	-	P	P	P	P	-	-

continued on next page



### ATTACHMENT 3

- 17.02 **Amateur radio antenna** An antenna and related support structure used by a licensed user to send and receive telecommunications for noncommercial purposes.
- 17.03 **Automated teller machine** An automated device for conducting financial transactions that is accessed from outside of a building.
- 17.04 **Backyard chickens** A place where chickens are kept for the use and enjoyment of those living on the premises, but not for commercial purposes. The sale of a chicken as part of a 4-H or similar educational project shall not be considered a commercial purpose. (Also see household livestock, which is considered a separate and distinct accessory use.)
- 17.05 ~~Bed and breakfast~~ **Short Term Rental (STR)** A single-family residence that offers overnight accommodations for a daily charge and that also serves as a primary residence of the operator or owner. A STR includes bed & breakfast establishments, rental vacation home by owner or other similar overnight private rental accommodations.
- 17.06 **Commercial truck parking** The parking of a commercial type vehicle on a residential lot when such vehicle is owned or leased and operated by a person living in the dwelling unit.
- 17.07 **Exterior communication device** An antenna used to capture wireless telecommunication signals.
- 17.08 **Family day care home** A private residence licensed as a day care center by the state where care is provided for 4 to 8 children.<sup>1</sup>
- 17.09 **Farm building storage** A building once used for agricultural purposes in which motor vehicles, construction equipment and vehicles, recreational vehicles, boats, and other related items may be stored. Minor repair and maintenance of those objects in storage is permitted, provided such activity is for noncommercial purposes.
- 17.10 **Farm residence** A single family dwelling located on a farm.
- 17.11 **Farmstead retail outlet** A place where food products are offered for retail that are predominantly produced on the farm on which it is located. The term includes wine tasting rooms.
- 17.12 **Fence** A linear structure constructed for aesthetics, as a visual barrier, and/or to control entry or exit into an area. Typical materials include wood, concrete, metal, wire, masonry, stacked rocks, or logs.
- 17.13 **Foster home and treatment foster home** A facility licensed by the state for the care of foster children and which is operated by a foster parent who lives with the children.<sup>2</sup>
- 17.14 **Garage, nonresidential** A building intended to house motor vehicles, yard equipment, and/or items related to the principal use of the premises.
- 17.15 **Garage, residential** A building intended to house motor vehicles, yard equipment, and household items belonging to the people occupying the principal residence on the lot. A residential garage may be detached or attached to a building with a residential use. A carport shall be considered to be a residential garage.



<sup>1</sup> Commentary: See s. 66.1017, Wis. Stats. A group day care (9 or more children) is considered a principal use and is therefore listed as a special care facility (Series 4.0).

<sup>2</sup> Commentary: See s. 48.62, Wis. Stats. A foster home and treatment foster home can either be a principal use or an accessory use. If the operator lives in the residence with the children, it is considered an accessory use.