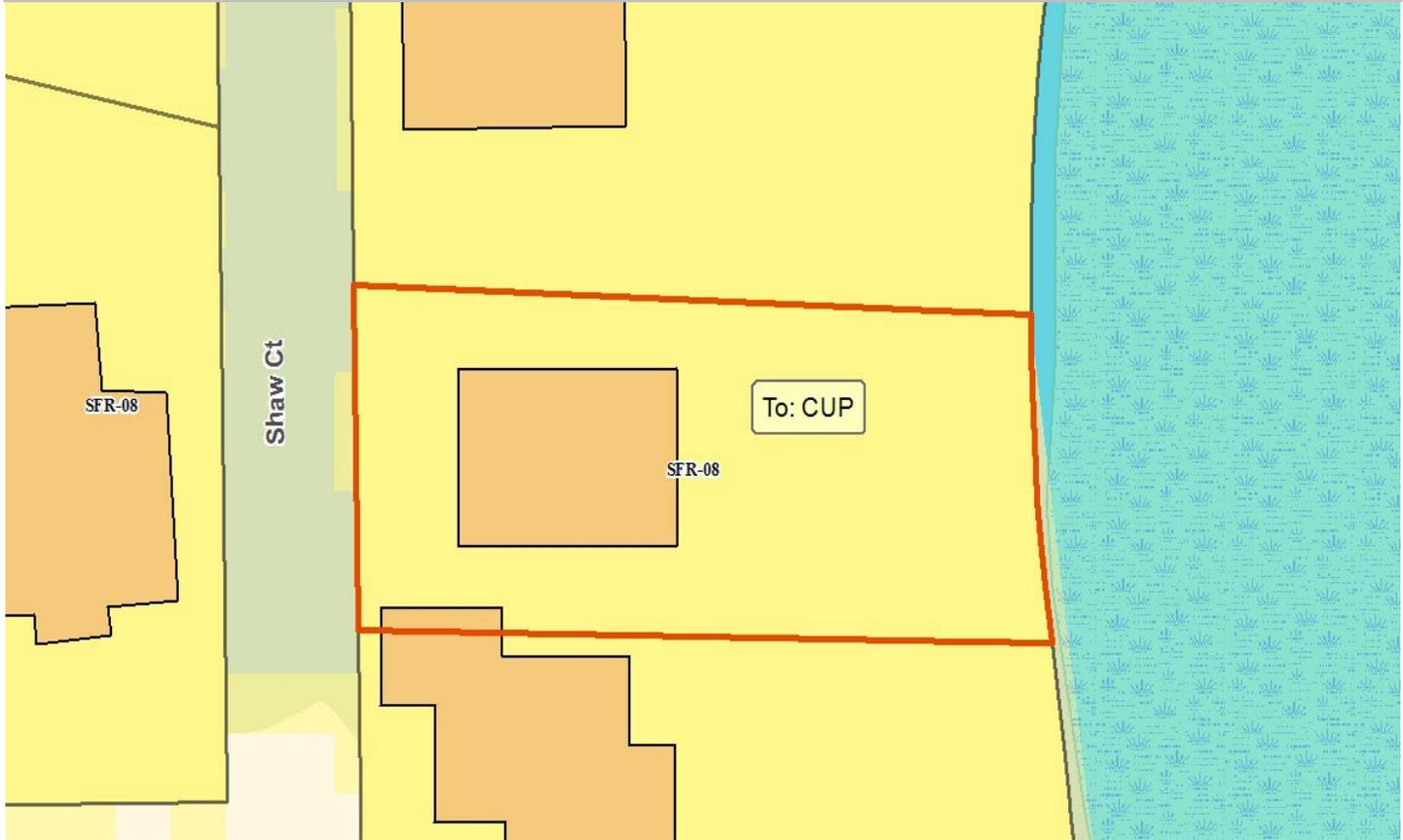


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	Public Hearing: <b>September 28, 2021</b>		<b>CUP 02531</b>
	Zoning Amendment Requested: <b>TO CUP: Transient or Tourist Lodging</b>		Town/Section: <b>DUNN, Section 5</b>
	Size: <b>0.16 Acres</b>	Survey Required.	Applicant <b>SHAW COURT REDEMPTION LLC</b>
	Reason for the request: <b>Transient or Tourist Lodging</b>		Address: <b>3054 SHAW COURT</b>



**DESCRIPTION:** Owners are requesting approval of a Conditional Use Permit (CUP) for “transient and tourist lodging” (short term vacation rental). Proposal would be to rent the dwelling at 3054 Shaw Ct for periods of time from 7-29 days and up to 180 days / year with a maximum occupancy of 6 individuals.

**OBSERVATIONS/ FACTUAL INFORMATION:** Existing use of the property is residential. Neighboring land uses are residential. The property is served by public sanitary sewer. Off street parking is provided for the property.

**TOWN PLAN:** The property is located in the town’s limited service area.

**RESOURCE PROTECTION:** The entire property is located within the floodplain of Lake Waubesa. No new development proposed that would impact the resource protection corridor.

**STAFF:** Transient or tourist lodging is listed as a conditional use in the SFR-08 zoning district. State statutes allow for the short term rental of residences for periods of 1 week or longer. Local governments may require a permit to be obtained, but may only limit rentals to no less than 180 days (either consecutive or non-consecutive) in any consecutive 365 day period. Local governments may also enact licensing ordinances. The town of Dunn has enacted such an ordinance. Note

that all such short term rentals must be [licensed](#) through Public Health Madison & Dane County (PHMDC) and inspected annually to verify the operation meets all requirements of Wisconsin law related to general public health.

The applicant indicates that their short term rental would follow state guidelines, with a minimum rental period of 1 week, and up to 180 days total, annually. Owner indicates that off-street parking is provided for tenants and a 10pm noise curfew is required of guests.

The town of Dunn has approved the CUP subject to 8 conditions. Pending any concerns or issues raised at the September 28<sup>th</sup> public hearing, staff recommends approval of the petition with the 8 town conditions as well as the standard conditions of approval for all CUPs found in section 10.101(7)(d)2.

1. The rental period shall be between a minimum of 7 days to a maximum of 28 days.
2. The maximum number of allowable rental days within a 365-day period is 180 days. This 180 day period must run consecutively. The landowner must notify the Town of Dunn Clerk in writing when the first rental within a 365-day period begins.
3. There shall be no advertising that is inconsistent with Condition #1 and Condition #2. Advertisements must be consistent with Condition #1 and Condition #2 prior to the issuance of a Conditional Use Permit.
4. Applicant shall not advertise for, nor accept reservations for, more than 6 guests over 12 years old and no more than 9 total guests.
5. Operator shall designate off-street parking spaces for renters on the property and limit the number of renter vehicles, trailers, and recreational items not to exceed the number of parking spaces the operator provides. Parking space limit shall appear in all advertising for the short-term rental.
6. Any external lighting shall be restricted to safety lights at the entrance and exits of buildings. Lighting must be dark skies compliant and no light shall spill over neighboring property line.
7. Holder of the CUP is required to obtain all necessary local, county, state, and federal permits and licenses related to the transient and tourist lodging operation.
8. The CUP will terminate when the property is sold.
9. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
10. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Uniform Dwelling Code.
11. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
12. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
13. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
14. At least six off-street parking spaces must be provided, consistent with [s. 10.102\(8\)](#).
15. If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
16. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for

the site.

17. The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.
18. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.
19. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation. If any use allowed by an approved conditional use permit is abandoned for one year or more, the associated conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new conditional use permit.

**TOWN:** Approved subject to 8 conditions (incorporated in staff recommendation, above):

1. The rental period shall be between a minimum of 7 days to a maximum of 28 days.
2. The maximum number of allowable rental days within a 365-day period is 180 days. This 180 day period must run consecutively. The landowner must notify the Town of Dunn Clerk in writing when the first rental within a 365-day period begins.
3. There shall be no advertising that is inconsistent with Condition #1 and Condition #2. Advertisements must be consistent with Condition #1 and Condition #2 prior to the issuance of a Conditional Use Permit.
4. Applicant shall not advertise for, nor accept reservations for, more than 6 guests over 12 years old and no more than 9 total guests.
5. Operator shall designate off-street parking spaces for renters on the property and limit the number of renter vehicles, trailers, and recreational items not to exceed the number of parking spaces the operator provides. Parking space limit shall appear in all advertising for the short-term rental.
6. Any external lighting shall be restricted to safety lights at the entrance and exits of buildings. Lighting must be dark skies compliant and no light shall spill over neighboring property line.
7. Holder of the CUP is required to obtain all necessary local, county, state, and federal permits and licenses related to the transient and tourist lodging operation.
8. The CUP will terminate when the property is sold.

**STAFF UPDATE:** This petition was postponed at the 9/28 ZLR public hearing due to concerns expressed in writing by a neighboring resident. Staff have reviewed the concerns and recommendations made by the neighbor. It is unclear if the town or county could adopt the type of policy prescription being recommended (short term rental “density limits”). As noted above, current state law allows for the short term rental of single family homes for periods of less than 29 days and limit local regulation of such rentals. Local units of government may not prohibit the rental of a single family residence for periods of time over 7 days. See attached relevant section of state statutes (66.1014).

Given that the proposal falls within the protections afforded by the state law, as well as the town’s conditional approval, staff again recommends approval with the 19 conditions listed above.