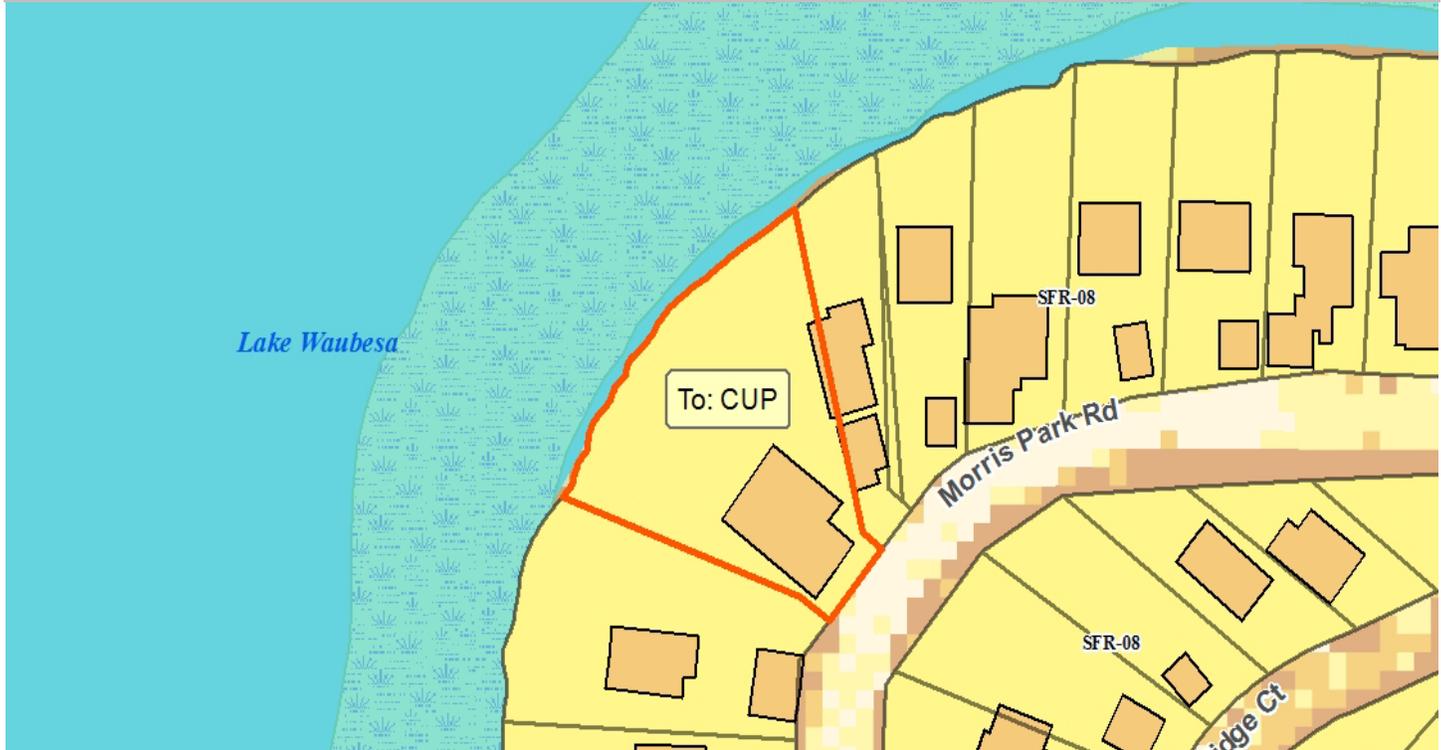


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	Public Hearing: <b>November 23, 2021</b>		<b>CUP 02542</b>
	Zoning Amendment Requested: <b>TO CUP: Transient and Tourist Lodging</b>		Town/Section: <b>DUNN, Section 8</b>
	Size: <b>0.2 Acres</b>	Survey Required.	Applicant: <b>Stephen Kuhn</b>
	Reason for the request: <b>Transient and Tourist Lodging</b>		Address: <b>4216 MORRIS PARK ROAD</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 4216 Morris Park Rd for periods of time from 7-29 days and up to 180 days / year with a maximum occupancy of 10 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:** There resource protection areas associated with steep slope topography on the property. No new development that would impact the resource protection areas.

**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 and the town of Dunn's licensing ordinance, 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 9 conditions. Pending any concerns or issues raised at the November 23<sup>rd</sup> public hearing, staff recommends approval of the petition with the 9 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 29 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 10 guests over 12 years old and no more than 10 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 4 parking spaces. 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. The applicant shall provide a phone number to neighbors within 300 feet, which can be reached if there is a problem at the property.
8. 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.
9. The CUP will terminate when the property is sold.
10. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
11. 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.
12. 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.
13. 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.
14. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
15. At least six off-street parking spaces must be provided, consistent with s. 10.102(8).
16. 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.
17. 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.

18. 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.
19. 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.
20. 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.

Any questions about this petition or staff report please contact Majid Allan at (608) 267-2536 or [allan@countyofdane.com](mailto:allan@countyofdane.com)

**TOWN:** The town approved the CUP with the following conditions:

1. The rental period shall be between a minimum of 7 days to a maximum of 29 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 10 guests over 12 years old and no more than 10 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 4 parking spaces. 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. The applicant shall provide a phone number to neighbors within 300 feet, which can be reached if there is a problem at the property.
8. 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.
9. The CUP will terminate when the property is sold.

**STAFF UPDATE:** This petition was postponed at the 11/23 ZLR public hearing due to concerns expressed in writing by several neighborhood residents. The concerns related primarily to the adequacy of off street parking as well as the potential for excessive noise and disruption of the quiet residential neighborhood. As noted in the staff comments above, the proposal appears to fall within the current state law allowance for the short term rental of single family homes for periods of 7-29 days.

The town of Dunn provided a written response to one of the neighbors, noting the town's efforts to address the concerns in their conditional approval:

*"After hearing feedback from neighbors at the Town meeting regarding this particular CUP, the Town Board required that there be 4 off-street parking spaces at this property and that these parking spaces have to accommodate all vehicles, including boats and trailers. The Town Board also required that the applicant provide*

*a phone number to neighbors within 300 feet of the property, so the owner can be reached if there is a problem, including problems with guests not following the owner's house rules you can find attached.*

*The Town certainly understands the impact short term rentals can have on a neighborhood, so that is why we spent many months crafting an ordinance that would balance the concerns of neighbors, while also working within the parameters and restrictions of the state statutes that protect the rights of short term rental hosts..."*

Given that the proposal falls within the protections afforded by the state law, and the town's conditions of approval addressing neighborhood concerns, staff again recommends approval with the 20 conditions listed above.