

PLAN COMMISSION MEETING
Monday, August 27, 2018 at 4:30 p.m.
Council Chambers in the Municipal Building

AGENDA:

- 1) Chapter 550, Zoning Code, Section 550-56Y: Short-Term Rental, Section 550-56Z: Tourist Rooming House & Section 550-56AA: Accessory Dwelling Unit – Review PH Comments
- 2) Plan Commission Minutes – August 13, 2018

Review & Recommendation – Zoning Code Amendment – Section 550-56: Accessory Uses

Background:

The City of Watertown Building, Safety & Zoning Department became aware of short-term rentals within the Watertown community in 2017. At that time the Building, Safety & Zoning Department was working on the food vending on streets ordinance, and put this issue on the back burner in regards to legislation. Fast forward several months later, the Building, Safety & Zoning Department has drafted language that covers three areas of concern in regards to rentals: 1.) Short-Term Rentals; 2.) Tourist Rooming Houses; and 3.) Accessory Dwelling Units.

Issues:

The following issues have been identified by the City of Watertown Zoning Administrator:

1. See attached draft ordinance
2. No comments were made during the Public Hearing at the August 21, 2018 Common Council Meeting.
3. Goes before the August 27, 2018 Finance Committee for approval of the Section 76-11 amendment.
4. The City of Watertown Tourism Commission reviewed the language for the short-term rentals and tourist boarding houses
 - a. The Tourism Commission gave a positive recommendation to those two Sections

Options:

These are the following options, but not limited to, for the Plan Commission based on the information received by the City of Watertown Zoning Administrator:

1. Negative recommendation of the Zoning Code Amendment of Section 550-56: Accessory Uses.
2. Positive recommendation of the Zoning Code Amendment of Section 550-56: Accessory Uses.

Amendment to Chapter 76 Article II, Finance and Taxation: Room Tax

Under Section 76-11:

Enactment.

Pursuant to § 66.0615, Wis. Stats., a room tax is hereby imposed on the privilege of furnishing, at retail, rooms or lodging to transients by hotel keepers, motel operators, bed-and-breakfast operators, [lodging marketplace, owners of short-term rentals or tourist rooming houses](#) and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for use of the accommodations. In this article, "hotel," "motel" and "transient" have the meaning set forth in § 77.52(2)(a)(1), Wis. Stats. Any tax so imposed shall not be subject to the selective sales tax as provided in Ch. 77, Wis. Stats.

Amendment to Definitions under Section 550-15

[“Accessory dwelling unit” See § 550-56AA](#)

[“Lodging marketplace” See Wisconsin State Statute 66.0615\(1\)\(bs\)](#)

[“Short-Term Rental” See § 550-56Y](#)

[“Tourist or Transient” A person who travels to a location away from his or her permanent address regardless if the tourist or transient is there for the season, the month, a week, a day or less.](#)

[“Tourist Rooming House” See § 550-56Z](#)

Amendments to Accessory Land Uses under Section 550-56

[550-56Y Short-Term Rental means residential dwelling that is offered for rent for a fee to tourist or transients for fewer than 29 consecutive days. Short-term rental does not include bed & breakfast establishments.](#)

[Purpose: The following Short Term Rental land use establishes zoning and licensing regulations created to ensure applicable State and City Laws are followed, to protect persons engaged in this practice as landlord or tenant; to protect against adverse impacts of noise, odor, disturbance, adverse visual impacts, or other nuisances, that this practice could have upon neighboring properties; to preserve property values for the benefit of the City; and also to control impacts of such operations on municipal services](#)

[\(1\) Regulations.](#)

- [\(a\) Any person who maintains, manages, or operates a short-term rental must:
\[1\] \[Obtain from the Wisconsin Department of Agriculture, Trade and Consumer Protection or its agent the City of Watertown Health Department, under § 319-21, a license as a tourist rooming house.\]\(#\)](#)

- [a] Under a tourist rooming house license, an operator may rent as many as 4 units, including, but not limited to rooms, cottages or cabins. A hotel license is needed if 5 or more units are being rented.
- (b) Short-term rentals must comply with General Code Chapter 76, Article II: Finance and Taxation, Room Tax, except:
 - [1] Short-term rentals that are rented through a lodging marketplace must comply with Wisconsin State Statute 66.0615(5)
- (c) All refuse containers shall be screened from view
- (d) Sleeping quarters related to a short-term rental establishment use shall only be located within the principal structure on the parcel. Accessory buildings, accessory dwelling units, recreational vehicles or recreational trailers cannot be used for sleeping quarters.
 - [1] Recreational vehicles or recreational trailers must be parked off street and parked on the parcel's paved driveway
- (e) Occupancy limits shall not exceed the number of occupants allowed under Wisconsin Administrative Code Section ATCP 72.
- (f) Food or liquor shall not be prepared and/or provided by any person who maintains, manages or operates a short-term rental.
- (g) The person who maintains, manages or operates a short-term rental may not reside at the short-term rental during occupancy by a tourist or transient.

550-56Z Tourist Rooming House means any lodging place or tourist cabin or cottage where sleeping accommodations are offered for pay to tourist or transients. "Tourist rooming house" does not include boardinghouses, hotels (commercial indoor lodging) or bed & breakfast establishments.

(1) Regulations.

- (a) Any person who maintains, manages, or operates a tourist rooming house must:
 - [1] Obtain from the Wisconsin Department of Agriculture, Trade and Consumer Protection or its agent the City of Watertown Health Department, under § 319-21, a license as a tourist rooming house.
 - [a] Under a tourist rooming house license, an operator may rent as many as 4 units, including, but not limited to rooms, cottages or cabins. A hotel license is needed if 5 or more units are being rented.
- (b) A tourist rooming house must comply with General Code Chapter 76, Article II: Finance and Taxation, Room Tax, except:
 - [1] A tourist rooming house that are rented through a lodging marketplace must comply with Wisconsin State Statute 66.0615(5)
- (c) All refuse containers shall be screened from view
- (d) All tourist rooming houses shall be located above the first floor
- (e) Occupancy limits shall not exceed the number of occupants allowed under Wisconsin Administrative Code Section ATCP 72.

- (f) Food or liquor shall not be prepared and/or provided by any person who maintains, manages or operates a tourist rooming house.

550-56AA Accessory dwelling unit. A dwelling unit that is located on the same lot as a principal residential structure to which it is accessory, and that is subordinate in area to the principal dwelling, not including in-family suite under Section 550-79B. Internal, attached, and detached accessory dwelling units shall be allowed accessory to a principal residential structure, subject to the following:

- (1) No more than one (1) accessory dwelling unit shall be allowed on a parcel.
- (2) Rooftop decks shall not be allowed.
- (3) The minimum gross floor area of accessory dwelling units shall be three hundred (300) square feet.
- (4) Under no circumstance shall an accessory dwelling unit's square footage exceed the first habitable floor of the principal structure
- (5) An owner of the property must occupy at least one (1) dwelling unit on the parcel as their primary place of residence.
- (6) Accessory dwelling units shall not be used for short-term rentals under Section 550-56Y
- (7) Accessory dwelling units that are internal to a principal residential structure shall also comply with the following requirements:
 - (a) Internal accessory dwelling units are limited to eight hundred (800) square feet. In no case shall the floor area of the internal accessory dwelling unit exceed the floor area of the first floor of the primary structure.
 - (b) The entire internal accessory dwelling unit shall be located on one level.
 - (c) The creation of the accessory dwelling unit shall not result in additional entrances facing the public street on the principal structure.
- (8) Accessory dwelling units that are attached to a principal residential structure shall also comply with the following requirements:
 - (a) The maximum floor area for an attached accessory dwelling unit shall be eight hundred (800) square feet.
 - (b) The creation of the accessory dwelling unit shall not result in additional entrances facing the public street on the primary structure.
 - (c) Any stairways leading to an upper story of an accessory dwelling unit shall be enclosed.
 - (d) The primary exterior materials of an attached accessory dwelling unit shall match the primary exterior materials of the principal structure.

- (9) Detached accessory dwelling units shall also comply with the following requirements:
- (a) A detached accessory dwelling unit shall not exceed the height of the principal residential structure. In no case shall the highest point of the roof of the detached accessory dwelling unit exceed the highest point of the roof of the principal residential structure.
 - (b) The floor area of a detached accessory dwelling unit shall not exceed one-thousand (1,000) square feet, including any areas designed or intended to be used for the parking of vehicles and any half-story floor area.
 - [1] Upper story detached accessory dwelling units may be built above an accessory structure, including, but not limited to, a detached garage, so long as the accessory structures footprint does not exceed one-thousand (1,000) square feet.
 - (c) A detached accessory dwelling shall comply with the required setbacks and maximum building coverage for an accessory structure within that Zoning District.
 - (d) The distance between the detached accessory dwelling unit and the principal structure shall be a minimum of twelve (12) feet.
 - (e) Not less than ten (10) percent of the total area of the façade of a detached accessory dwelling unit facing an alley or public street shall be windows.
 - (f) Exterior stairways shall be allowed, provided that the finish of the railing matches the finish or trim of the detached accessory dwelling unit. Raw or unfinished lumber shall not be permitted on an exterior stairway.
 - (g) A detached accessory dwelling unit shall be located entirely to the rear of the principal residential structure.

Amendments to Chapter 550, Article II: Establishment of Zoning Districts

Single-Family Residential (SR-4), amend Sections 550-24C(1) & 550-24C(2):

- (1) Accessory land uses permitted by right:
 - (a) Farm residence.
 - (b) Private residential garage or shed.
 - (c) Home occupation.
 - (d) Family day-care home.
 - (e) On-site parking lot.
 - (f) Private residential recreational facility.
 - (g) Drainage structure.
 - (h) Filling.
 - (i) Lawn care.
 - (j) Exterior communication devices.
 - (k) Keeping and raising of chickens.
 - (l) Short-term rental.
- (2) Accessory land uses permitted as conditional use:
 - (a) Intermediate day-care home.

(b) [Accessory dwelling unit](#)

Two-Family Residential (TR-6), amend Sections 550-25C(1) & 550-25C(2)

- (1) Accessory land uses permitted by right:
- (a) Farm residence.
 - (b) Private residential garage or shed.
 - (c) Home occupation.
 - (d) Family day-care home.
 - (e) On-site parking lot.
 - (f) Private residential recreational facility.
 - (g) Drainage structure.
 - (h) Filling.
 - (i) Lawn care.
 - (j) Exterior communication devices.
 - (k) Keeping and raising of chickens.
 - (l) [Short-term rental](#).

- (2) Accessory land uses permitted as conditional use:
- (a) Intermediate day-care home.
 - (b) [Accessory dwelling unit](#)

Neighborhood Business (NB), amend Section 550-31C(1):

- (1) Accessory land uses permitted by right:
- (h) Farm residence.
 - (i) Private residential garage or shed.
 - (j) Home occupation.
 - (k) On-site parking lot.
 - (l) Private residential recreational facility.
 - (m) Drainage structure.
 - (n) Filling.
 - (o) Lawn care.
 - (p) Exterior communication devices.
 - (q) [Tourist rooming house](#).

General Business (GB), amend Section 550-33C(1):

- (1) Accessory land uses permitted by right:
- (a) Farm residence.
 - (b) Private residential garage or shed.
 - (c) Company cafeteria.
 - (d) Company-provided on-site recreation.
 - (e) Home occupation.
 - (f) On-site parking lot.
 - (g) Private residential recreational facility.

- (h) Drainage structure.
- (i) Filling.
- (j) Lawn care.
- (k) Exterior communication devices.
- (l) [Tourist rooming house.](#)

Central Business (CB), amend Section 550-34C(1):

- (2) Accessory land uses permitted by right:
 - (a) Commercial apartment.
 - (b) Farm residence.
 - (c) Private residential garage or shed.
 - (d) Company cafeteria.
 - (e) Company-provided on-site recreation.
 - (f) Home occupation.
 - (g) On-site parking lot.
 - (h) Private residential recreational facility.
 - (i) Drainage structure.
 - (j) Filling.
 - (k) Lawn care.
 - (l) Exterior communication devices.
 - (m) [Tourist rooming house.](#)

Plan Commission Meeting

August 13, 2018

Meeting called to order at 4:30 PM by Mayor David. Members present: Augie Tietz, Tony Arnett, Sherry Cira, Rick Tortomasi, Absent: Steve Board & Jaynellen Holloway. Also present: Jacob Mass, Bryan & Natalie Briscoe, Jeffery Genz, Nick Kelchner

1) Fence Variance Request – 529 Hall Street

Bryan and Natalie Briscoe are proposing to install a 6 foot privacy fence at 529 Hall Street. 529 Hall Street is a corner lot and the proposed privacy fence would protrude into the Boughton Street side yard.

Issues:

1. Per Section 550-123E(3)(a): *Maximum height. The maximum height of any fence, landscape wall or decorative post shall be the following: a) Fences in excess of 36 inches tall shall not be permitted within a front yard setback nor in any location in a front yard that is closer to the street than the building;*

Motion: by Rick, second by Tony to approve the 6 foot fence variance without conditions.

Motion Passed Unanimously

2) Preliminary CSM – 1513 & 1517 Neenah Street

Jeffrey Genz is looking to create a new 0.5312 acre lot by combining 1513 & 1517 Neenah Street. The new lot would be zoned Two-Family Residential (TR-6).

Preliminary CSM properly indicates the correct right-of-way dedication.

Issues:

1. Airport Approach Protection Zone elevation limits development on Lot 1 to 876 ft.

Motion by Tony, second by Mayor David to approve the Preliminary CSM with conditions, as identified by the Plan Commission:

- a) Lot 1 has an Airport Approach Protection Zone elevation limit of 876 feet above mean sea level for all building, structures and objects.

Motion Passed Unanimously

3) 307 College Avenue – Driveway Variance Request

Nick Kelchner is looking to extend his driveway slab along the rear and side yard lot lines. The proposed extension is currently located within 3 feet of the property line.

Issues:

Per Section 550-105I: *Distance from adjacent property shall not be less than three feet, as measured along the right-of-way line.*

Motion by Mayor David, second by Sherry to approve the Variance request without conditions.

Motion Passed Unanimously

4) Initial Review Zoning Code Amendment – Section 550-134C(1)(b): Central Business Zoning District Signs

See May 16, 2018 Historic Preservation & Downtown Design Commission Minutes.

Issues:

- 1) Currently how Section 550-134C(1)(b) reads:

For GB Zoning District:

[1] *Permitted sign type: on-building (wall or awning) sign.*

[a] *Maximum permitted number per lot: four on-building signs per each business fronting on that wall, for each exposed side of the principal use building not directly adjacent to a residentially zoned property.*

[b] *Maximum permitted area per sign: one square foot of signage for every linear foot of exposed exterior wall length on that supporting wall.*

[2] *Permitted sign type: freestanding (monument or pylon) sign.*

[a] *Maximum permitted number per lot: one freestanding sign per lot, for any lot containing more than four public parking spaces.*

[b] Maximum permitted area per sign: one square foot of signage for every foot of the adjacent public street frontage selected for the lot — up to a maximum sign area of 200 square feet for all combined sign faces.

[c] Maximum permitted sign height: 25 feet in the GB District.

[d] Minimum permitted sign setback: 12 feet or equal to or greater than sign height, whichever is greater.

1) Proposed Amendment to Section 550-134C(1)(b):

For GB Zoning District:

[1] Permitted sign type: on-building (wall or awning) sign.

[a] Maximum permitted number per lot: four on-building signs per each business fronting on that wall, for each exposed side of the principal use building not directly adjacent to a residentially zoned property.

[b] Maximum permitted area per sign: one square foot of signage for every linear foot of exposed exterior wall length on that supporting wall.

[2] Permitted sign type: freestanding (monument or pylon) sign.

[a] Maximum permitted number per lot: one freestanding sign per lot, for any lot containing more than four public parking spaces.

[b] Maximum permitted area per sign: one square foot of signage for every foot of the adjacent public street frontage selected for the lot — up to a maximum sign area of 200 square feet for all combined sign faces.

[c] Maximum permitted sign height: 25 feet in the GB District.

[d] Minimum permitted sign setback: 12 feet or equal to or greater than sign height, whichever is greater.

[3] Permitted sign type: marquee sign

[a] All marquee signs shall require a Conditional Use Permit

[b] All marquee signs shall be restored to their original appearance and dimensions based on historic photos and any other documentation.

[c] Marquee signs may have lighting restored to their original appearance and dimensions based on historic photos and any other documentation.

[d] Marquee signs shall only be permitted on structures with evidence, historic photos and any other documentation, of a prior marquee sign.

1) Amend Section 550-130J(3) as follows:

All internally illuminated signs, plastic or otherwise, are strictly prohibited within a historic district.

(a) Except Marquee Signs defined under Section 550-131B(3), and comply with Section 550-134C(1)(b)[3]

1. Marquee Signs are defined under Section 550-131B(3):

Marquee sign. A type of projecting, on-building sign [see Subsection B(6) below] sheltering the entrance and/or entrance approaches of a theater, auditorium, fairground, museum or other use, which advertises present and scheduled events.

Motion by Augie, second by Tony to set the public hearing date for the September 4, 2018 Common Council Meeting.

Motion Approved Unanimously

5) Initial Review – Zoning Code Amendment – Section 550-123E(3)(a): Maximum Height for Fencing Standards

The Plan Commission has seen a copious amount of fence variance requests in 2018. The primary issue of these requests has been the maximum height standard for front yards and street side yards is set at 36 inches. Most of these variance request have asked for 48 inches, which seems to be the ideal height for retaining pets within a fenced yard. It has been requested by the Plan Commission to review the change in maximum height for front yards and street side yards from 36 inches to 48 inches.

Issues:

Currently Section 550-123E(3)(a) reads:

Maximum height. The maximum height of any fence, landscape wall or decorative post shall be the following: a) Fences in excess of 36 inches tall shall not be permitted within a front yard setback nor in any location in a front yard that is closer to the street than the building;

1) Proposed Amendment to 550-123E(3)(a):

Maximum height. The maximum height of any fence, landscape wall or decorative post shall be the following: a) Fences in excess of ~~36~~ 48 inches tall shall not be permitted within a front yard setback nor in any location in a front yard that is closer to the street than the building;

Motion by Sherry, second by Rick to set public hearing date for the September 4, 2018 Common Council Meeting.

Motion Passed Unanimously

6) Approve Site Plan Review Minutes of July 23, 2018

Motion by Mayor David, second by Augie to approve.

Motion Passed Unanimously

7) Approve Plan Commission Minutes of July 23, 2018

Motion by Augie, second by Sherry to approve.

Motion Passed Unanimously

8) Motion to adjourn by Tony, second by Augie.

Motion Passed Unanimously at 4:47 PM

Minutes prepared by Rick Tortomasi unapproved