

**AGENDA  
CITY OF MONONA  
COMMUNITY DEVELOPMENT AUTHORITY  
Monona City Hall – Conference Room  
5211 Schluter Road, Monona, WI  
Tuesday October 25, 2016  
6:30 p.m.**

1. Call to Order
2. Roll Call
3. Approval of CDA Meeting Minutes of September 27, 2016
4. Appearances
5. Old Business
  - A. Update on Riverfront Development Project (Vandewalle & Associates/City Planner).
6. New Business
  - A. Review and Recommendation to Council on Recodification Regarding Land Use Legislation Sections of the Monona Municipal Code of Ordinances.
7. Reports of Staff and CDA Members
  - A. Update on Existing and Proposed Developments (City Planner).
    - Plan Commission Projects
    - UniverCity Year
  - B. CDA Questions and Requests for Information Concerning Development Projects.
8. Upcoming CDA Meetings – November 22, 2016
9. Adjournment

**Note:** Upon reasonable notice, the City of Monona will accommodate the needs of disabled individuals through auxiliary aids or services. For additional information or to request this service, contact Joan Andrusz at (608) 222-2525 (not a TDD telephone number), FAX (608) 222-9225, or through the City Police Department TDD telephone number 441-0399. The public is notified that any final action taken at a previous meeting may be reconsidered pursuant to the City of Monona ordinances. A suspension of the rules may allow for final action to be taken on an item of New Business. It is possible that members of and a possible quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information or speak about a subject, over which they have decision-making responsibility. Any governmental body at the above stated meeting will take no action other than the governmental body specifically referred to above in this notice.

**Minutes**  
**Community Development Authority Meeting**  
**September 27, 2016**

Chair Stolper called the Community Development Authority (CDA) meeting to order at 6:30 pm.

Present: Chair Tom Stolper, Aldm. Doug Wood, Mr. Andrew Homburg, Mr. John Surdyk, Mr. Dave Lombardo, Ald. Mary O'Connor

Absent: Mr. Scott Kelly

Also Present: Scott Harrington of Vandewalle & Associates, City Planner & Economic Development Director Sonja Reichertz, City Administrator April Little, Mayor Bob Miller, Planning & Economic Development Intern Sydney Prusak

**MINUTES**

A motion by Ald. O'Connor, seconded by Mr. Homburg, to approve the minutes of the June 28, 2016 meeting was carried without corrections.

**APPEARANCES**

There were no appearances.

**OLD BUSINESS**

A. Update on Riverfront Development Project

Staff and consultant Scott Harrington, Vandewalle & Associates, updated the CDA on recent meetings with prospective developers, including WiRED Properties, Gorman & Company, and Bear Development. Gorman and Bear are discussing similar projects. Each is interested in a single development of about 90 units using Low Income Housing Tax Credits (LIHTC) through the Wisconsin Housing and Economic Development Authority (WHEDA) with an income mix including 30% County Median Income (CMI), 50-60% CMI, and market-rate. Conversations are still ongoing with Chris Laurent of Cinnaire who is exploring a 60 unit market rate development that could be paired with a LIHTC project. WiRED is conceptualizing development of most of the Riverfront site, including 270 market rate units with approximately 30,000 square feet of commercial. Staff also summarized conversations with potential office users that could fill individual floors of a 42,000 square foot office building. If the office scenario moved forward, it would be in place of the hotel previously discussed for the site.

Mr. Harrington explained that the LIHTC project would be assessed much less than a market-rate project, and that in order for the City to consider it, the project should generate enough increment to cover the city's costs and public improvements. If paired with a market-rate project at the same time, it is possible that the cash flow for the overall Riverfront project will be positive. One benefit of starting with a LIHTC project is that it could act as a catalyst for the rest

September 27, 2016

Draft Minutes Subject to Approval

of the development. Staff stressed that all of these conversations are conceptual and we need to see more detailed financial projections before decisions can be made.

Mr. Homburg expressed his concern with a LIHTC project due to lower assessments. Chair Stolper noted that regardless of lower assessments, we have always required developers to guarantee their tax payments on a higher assessment.

The CDA requested information on the MSP Heritage project and its assessments compared to the guaranteed payments. The CDA asked if any developers have strayed from the project's vision for high quality public space and waterfront access. Staff replied that these goals are still identified as "must-haves" for the city and no developer has strayed from them, or asked for relaxing of these goals.

## **NEW BUSINESS**

### **A. Consideration of Contract for Economic Development Services, GWB Professional Services**

Reichertz previously reported that Gary Becker, the CDA's long time consultant has retired from Vierbicher. Per CDA request, Reichertz reached out to Gary Becker, GWB Professional Services, to gauge his interest in providing support to the CDA in his capacity as an independent consultant. Mr. Becker was happy to do so, and noted his billing rate is \$30 less than when he was with Vierbicher at \$150 an hour. His work will be on an as-needed basis.

A motion was made by Mr. Homburg, seconded by Mr. Surdyk, to approve the contract with GWB Professional Services for economic development services, as proposed.

The motion carried.

### **B. Consideration of Month-to-Month Lease for Inland Boat Works at 6320 Metropolitan Lane**

Planner Reichertz stated that the city owns the former Inland Boat works properties at 6320 and 6321 Metropolitan Lane. The building on the water, 6320 Metropolitan Lane, is currently subject to a lease with Inland Boat Works through the end of 2016. Inland Boat Works wishes to extend their lease month-to-month past December 2016 while they continue to wind down their operations and sell off their inventory. The lease terms, drafted by the City Attorney, include rent of \$100 a month, with Inland paying utilities, insurance, and handling maintenance. It will automatically renew but can be cancelled at any time with 30 days' notice.

A motion was made by Mr. Surdyk, seconded by Ald. O'Connor, to approve the month-to-month lease with Inland Boat Works at 6320 Metropolitan Lane, as proposed.

The motion carried.

## **REPORTS OF STAFF AND CDA MEMBERS**

A. Update on Existing and Proposed Developments

Planner Reichertz described the successful UniverCity Kickoff event at the Aldo Leopold Nature Center. Two courses, Urban and Regional Planning Workshop, and Residential Property Development 611, are working on the projects in Housing and Economic Development.

B. CDA Questions and Requests for Information Concerning Development Projects

Mr. Homburg reported that the Plan Commission has discussed new regulations for single family homes that may be in conflict with the CDA's goals to encourage remodeling and redevelopment in order to attract families to Monona. He is concerned about these possible regulations and would like the CDA to provide input.

Planner Reichertz provided additional context, stating that the discussion was in response to complaints from residents and alders that new construction projects have significantly altered the natural grade of properties, and perhaps built houses that were out of context with the neighborhood character. The ordinance at Plan Commission is very much in draft form.

The Chair directed staff to schedule the ordinance for review at the next CDA meeting.

**UPCOMING CDA MEETINGS**

The next scheduled CDA meeting is 10/25/16.

**ADJOURNMENT**

A motion was made by Ald. Wood, seconded by Mr. Surdyk, to adjourn. The motion carried. (8:30 pm)

Respectfully submitted by:  
Sonja Reichertz  
City Planner



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## MEMO

TO: Plan Commission  
FROM: Sonja Reichertz, City Planner & Economic Development Director  
DATE: October 21, 2016  
RE: Grading, Definitions, Impervious Surface, Short-Term Rentals, Historic Conservation

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**Process: This memo addresses grading, impervious surface, short-term rentals, and historic conservation as part of the continued recodification process.**

### Grading

**Issue:** Concerns over recent development / redevelopment of single-family homes and questions regarding their appropriateness to the neighborhood, specifically significant alterations of natural grade. Reasons for altering natural grade can be diverse; newer construction may include full-height basements, larger garages visible from the street, alteration of yards with construction of retaining walls, construction of sloped driveways, and creation of exposures for basements or garages. The possible negative impacts include large building masses that are out of character with the neighborhood, shadowing of adjacent properties, manipulation of building height allowances, and water runoff concerns. This memo presents ordinance language that limits grade changes, both through fill and excavation, as measured in comparison to the lot's natural grade. In addition, revisions to definitions are proposed that clarify how height is measured in relation to natural and finished grade. The goal of these ordinance revisions is to maintain neighborhood character and mitigate negative impacts of development on surrounding neighbors in single-family neighborhoods.



*Left: home is multiple feet above street grade but blends in with character of neighborhood and is not offensive. Middle: Lot has long front yard with gradually increasing natural slope. Right: Excavated natural grade for garage, but first floor elevation is many feet above street. None of these are the problems the Commission is trying to address.*

**Grading: Tie Finished Grade of Lot to Natural Grade of Lot:**

Summary	Draft Ordinance Language
<ul style="list-style-type: none"> <li>• Finished grade of lot is tied to existing natural grade of lot. There is no relationship to finished floor elevations or foundation walls.</li> </ul>	<p><b>Grading Requirements.</b> The difference between the natural grade of the property and the finished grade of the property shall not exceed 2 feet at any point on the lot, as shown on a submitted grading plan certified by a professional landscape architect, engineer, or surveyor. A special exception permit may be granted by the Plan Commission for a grade change of up to 8 feet if the applicant demonstrates there is no negative impact to adjoining water bodies or adjacent parcels. These regulations shall not prohibit compliance with floodplain development regulations. Any request above 8 feet shall be reviewed as a variance request by the Zoning Board of Appeals.</p>
<ul style="list-style-type: none"> <li>• Allows for an exception at Plan Commission before going to ZBA for variance.</li> </ul>	
<ul style="list-style-type: none"> <li>• Possible concerns with this approach include:               <ul style="list-style-type: none"> <li>○ Could lead to gradual building up of grade over time. A house could gain 2+ feet over natural grade, which then becomes established grade for the next project on that site.                   <ul style="list-style-type: none"> <li>▪ <u>Commission feedback:</u> The requirement is cumulative. If a property uses only 1 foot of grade change for an initial project, they still can change the grade another 1 foot in the future. Once they reach 2 feet over time, the exception or variance for anything over 2 feet must be reviewed accordingly.</li> </ul> </li> <li>○ New / revised definitions have been recommended (below) to ensure consistent interpretation, and to aid in defining how height of structure is measured.</li> <li>○ Comments from the City Attorney were communicated at the last meeting regarding (1) the specificity of the requirements of an applicant, (2) and use of the word “shall” instead of “may.” The Plan Commission direction was to move forward without revisions to address these issues.</li> </ul> </li> </ul>	

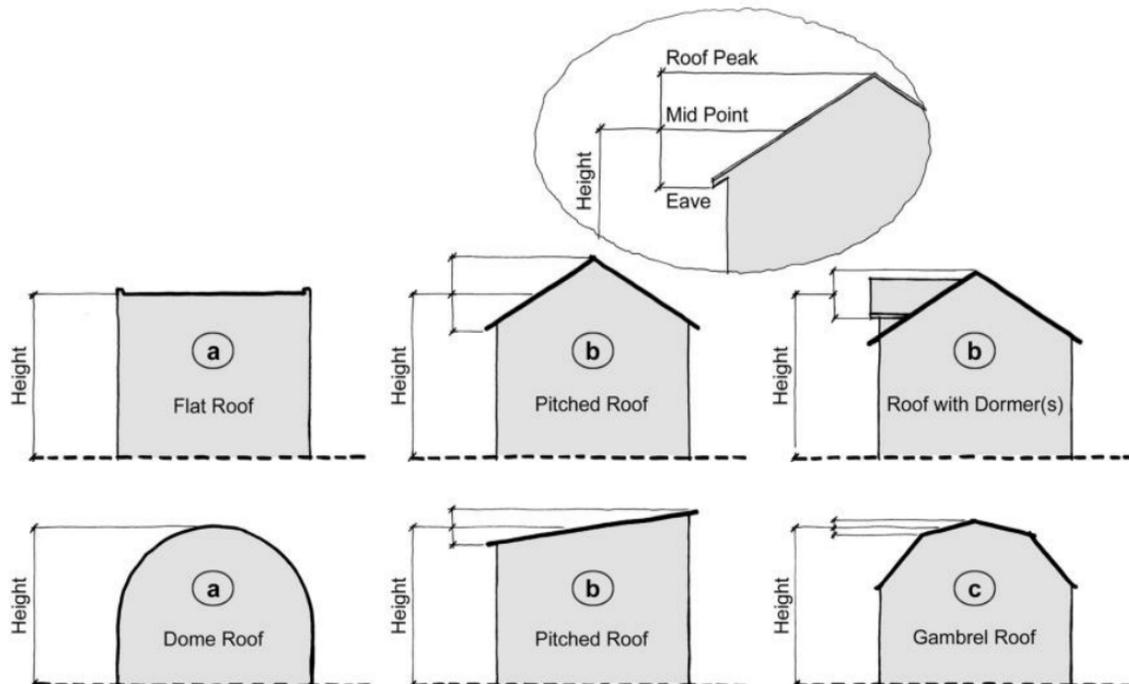
**Definitions:**

	Current	Proposed
Height	A distance to be measured from the mean ground level <u>immediately adjoining the front of a structure</u> , to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the highest point of a flat, round or arch-type roof, or to the midpoint of the highest gable on a pitched or hip roof.	A distance to be measured from <u>any point of the finished elevation of a structure</u> , to the deck line of a mansard roof, <u>the midpoint of a shed roof</u> , to the highest point of a flat, round or arch-type roof, or to the midpoint of the highest gable on a pitched or hip roof.
Impervious Surface	Not defined.	Any area covered by building footprints and paved surfaces including principal buildings, accessory buildings, driveways, walkways, patios, parking areas, and any non-permeable concrete or asphalt surfaces. For waterfront properties, the lot area used to calculate impervious surface shall include any land between the meander line and the water's edge.
Lot Coverage	Not defined.	Area of the lot covered by all structures including but not limited to detached garages, carports, gazebos, screen enclosures, patios, decks, storage buildings, sheds & enclosures, pet houses/runs.
Grading Plan	Not defined.	A plan that generally documents the natural grade and finished grade at important reference points such as property boundaries, building edges, building entrances, driveway entrances and top and bottom of retaining walls.
Natural Grade	Not defined.	Refers to the elevation (height) of the ground prior to any land alteration or construction, as measured at <u>any point on the property</u> .
Finished Grade	Not defined.	Refers to the finished elevation (height) of the ground following construction or land altering activities, as measured at any point on the <u>property</u> .
Family	One or more persons related by blood, marriage, or adoption, including foster children, to a member of the family occupying the dwelling unit.	One or more persons related by blood, marriage, domestic partnership, or adoption, including foster children, to a member of the family occupying the dwelling unit.

## Height Definition:

It is important that the Commission review how height is measured. Currently, the height measurement starts at the mean ground level adjoining the front of the structure. In previous discussion, the Commission established that an exposed basement on a sloped lot, or excavation for a garage beneath the ground floor of the house on the street level, should not result in a taller-than-permitted building height due to manipulation of the lot. If we only measure from the front of the structure as the code is currently written, it does not account for an exposed level on the rear side of the structure. As a result, a structure could be 3 stories on the street side, and four stories on the rear side.

The proposed definition revises the starting point of the measurement as a distance to be measured from any point of the finished elevation of a structure, to the deck line of a mansard roof, the midpoint of a shed roof, to the highest point of a flat, round or arch-type roof, or to the midpoint of the highest gable on a pitched or hip roof.



## Impervious Surface

**Issue:** Monona currently does not have a limit on impervious surface; it is not regulated in any way, but is measured for the purpose of assessing a fee for the stormwater utility. The request was to research an impervious surface limit and regulations that would be appropriate for Monona. The purpose of regulating impervious surface is often to reduce negative impacts on water quality. There was some question of the effectiveness of this regulation for water quality purposes in Monona, which is summarized below. In Plan Commission discussion, it was apparent that an additional purpose of regulating impervious surface can be for aesthetic reasons. In considering the information below, the Plan Commission should establish the intended purpose of regulating impervious surface.

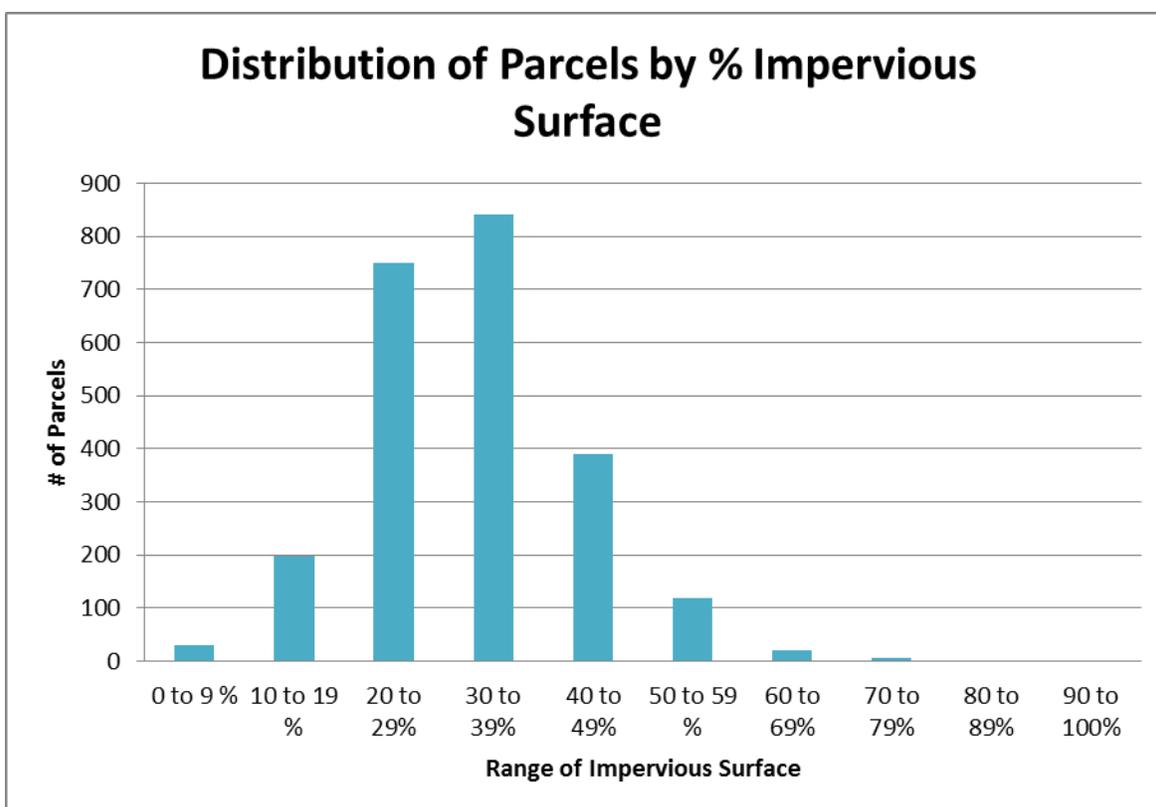
Summary	Draft Ordinance Language
<ul style="list-style-type: none"> <li>• Allows for exception at Plan Commission before going to ZBA for variance.</li> </ul>	<p><b>Maximum Impervious Surface.</b></p> <ul style="list-style-type: none"> <li>(a) Lots over 10,000 square feet. 65%. A special exception permit may be granted by the Plan Commission up to 70% impervious surface if the applicant demonstrates that all of the conditions in sub (c) are met.</li> <li>(b) Lots less than 10,000 square feet. 70%. A special exception permit may be granted by the Plan Commission up to 75% impervious surface if the applicant demonstrates that all of the conditions in sub (c) are met.</li> <li>(c) A special exception permit may be granted by the Plan Commission for additional impervious surface as allowed in sub (a) and (b) if all of the following conditions are met:               <ul style="list-style-type: none"> <li>(1) The topographic conditions of the property are unique, not caused by the applicant, and necessitate additional impervious surface.</li> <li>(2) There is no negative impact caused by the additional impervious surface to the adjoining water bodies or adjacent parcels as a result of stormwater runoff.</li> </ul> </li> </ul> <p>Any request above and beyond the special exceptions allowed in sub (a) and (b) shall be reviewed as a variance request by the Zoning Board of Appeals.</p>
<ul style="list-style-type: none"> <li>• Provides a sliding scale for substandard lots.</li> </ul>	

GIS staff provided impervious surface data for every single-family parcel in Monona. This data set is based on 2015 parcel data from Dane County, updated aerial imagery, and is reviewed on a lot-by-lot basis. This data is used to assess stormwater fees for each lot based on the amount of impervious surface. The impervious surface is calculated based on a current aerial photo from which the structures, driveways, patios, decks, etc. are digitized and traced by GIS staff. The photo is taken when there is minimal tree cover so these paved surfaces are visible. When the impervious surface coverage is unclear based on the aerial photo, GIS staff supplements the information with other map products (Google, etc.), site plans if available, and field visits. This methodology is consistent with digitization practices used throughout the state. Based on this detailed, lot-specific review of every parcel, GIS staff is very comfortable with the accuracy of this data. Below is a summary of the data.

Summary of Impervious Data for Single Family Properties			
Average Parcel Size (SF)	12,244		
Average Impervious Percentage Per SF Parcel	32.73%		
# of Properties Over 65% Impervious	10	% of Total	0.0042
# of Properties of 70% Impervious	5	% of Total	0.0021
Total # of Properties	2358		

# SF Substandard Parcels Under 6,000 sf	64	Avg. Imp.	44.19%
# SF Substandard Parcels Under 10,000 sf	1008	Avg. Imp.	37.59%
# SF Parcels Over 10,000 sf	1351	Avg. Imp.	29.10%

This data shows that implementing an impervious surface maximum will not impact many existing properties (i.e. most parcels would be compliant with the new regulations). Of the 5 parcels with over 70% impervious surface, 4 are substandard lots under 10,000 so they could have been granted a special exception permit up to 75% after Plan Commission review. The table below shows the distribution of single-family parcels in Monona according to a range of impervious surface. Most fall under the 30-39% impervious surface category. Maps associated with this data are also attached.



The following table lists information to guide the Plan Commission in establishing the intended purpose of regulating impervious surface. This table is not intended to be a comprehensive report on the scientific results of regulating impervious surface, but rather to provide some resources for Plan Commission use and discussion.

Purpose of Regulating Impervious Surface	
Pros	Cons
<ul style="list-style-type: none"> <li>A 2013 publication from UWSP Center for Land Use Education (CLUE) summarizes impacts of impervious surfaces to waterfront property values, fish, and wildlife.<sup>1</sup> (Web links available via footnotes).</li> </ul>	<p>The following reasons were previously discussed for why regulating impervious surface in Monona might not be effective in mitigating negative effects of impervious surface for water quality purposes:</p> <ul style="list-style-type: none"> <li>Prevalence of clay soils (low infiltration)</li> </ul>
<ul style="list-style-type: none"> <li>Studies show that when the watershed reaches a certain percentage of impervious surfaces, there is a measurable decline in many desirable resources including game fish stock, fish diversity, wildlife habitat, land cover to prevent erosion, depth of water clarity, and reduction in waterfront property values as a result of the above impacts. A study of 47 warm water streams in southeast WI found that fish / insect populations decline dramatically when impervious surfaces exceed 8-10% of the watershed. Streams with more than 12% imperviousness have consistently poor fish communities.<sup>2</sup></li> </ul>	<ul style="list-style-type: none"> <li>Shallow depth to ground water (not advisable / allowable to infiltrate directly into ground water)</li> </ul>
	<ul style="list-style-type: none"> <li>Paved surfaces that are not storing cars may be relatively clean. Runoff from patio surfaces is therefore not a major concern.</li> </ul>
<ul style="list-style-type: none"> <li>Administrative Rule NR 115 was revised in 2010 which regulates shoreland zoning for counties. It does not apply to Monona; however, using it as an example, NR 115 requires a max. Impervious limit of 15% for the portion of the lot within 300 feet of the OHWM. A county can approve up to 30% when a mitigation plan is approved. The basis for the NR 115 standards reference many of the same reports cited in this memo.</li> </ul>	<ul style="list-style-type: none"> <li>Difficult to regulate due to many small lots in Monona.</li> </ul>
	<ul style="list-style-type: none"> <li>Disagreement with regulation of impervious surface for aesthetic purposes.</li> </ul>
<ul style="list-style-type: none"> <li>The purpose statement under NR 115 is to “establish impervious surface standards to protect water quality and fish and wildlife habitat and protect against pollution of navigable waters.”</li> </ul>	<ul style="list-style-type: none"> <li>Per the current impervious data for Monona, a small number of parcels exceed 65% impervious surface. Therefore, one could argue that a regulation is not needed.</li> </ul>
<ul style="list-style-type: none"> <li>An unfertilized, developed waterfront lot that has 20% impervious surface carries six times more phosphorus to the lake than an undeveloped lot of the same size.<sup>3</sup></li> </ul>	
<ul style="list-style-type: none"> <li>CLUE Publication: <a href="http://www.uwsp.edu/cnr-ap/clue/Documents/Water/ImperviousSurfaces2013.pdf">Shoreland Development Density and Impervious Surfaces</a><sup>4</sup></li> </ul>	

<sup>1</sup> <http://www.uwsp.edu/cnr-ap/clue/Documents/Water/ImperviousSurfaces2013.pdf>

<sup>2</sup> <http://www.ncwrpc.org/countyftp/NR115/Chapter2.pdf>

<sup>3</sup> <http://www.uwsp.edu/cnr-ap/clue/Documents/Water/ImperviousSurfaces2013.pdf>

<sup>4</sup> [http://www.uwsp.edu/cnr-ap/clue/Documents/Water/Imp\\_Surf\\_Shoreland\\_Dev\\_Density.pdf](http://www.uwsp.edu/cnr-ap/clue/Documents/Water/Imp_Surf_Shoreland_Dev_Density.pdf)

## Short-Term Rental

**Issue:** Short-term rentals (STR) by single-family homeowners for vacationers have become more popular due to the success of websites such as VRBO (Vacation Rental By Owner) and AirBnB. It is especially popular in dense urban areas that are tourist destinations and that are very walkable. In smaller communities, it is usually more popular in tourist destination locations such as lakefront communities. Walworth County, for example, with the draw of Lake Geneva, deals with a lot of short-term rentals that generate complaints and regulates them heavily.

### Council Direction and Current Ordinance:

This has been referred to Plan Commission by Council for determination of a more clear direction of whether this type of use should be permitted or prohibited. Once the policy direction is determined, the ordinance should be clarified accordingly.

The current interpretation of the Monona zoning code, as previously reviewed by the Plan Commission, is that short-term rental of single-family homes (less than 30 days based on the definition of “transient”) is not consistent with the characteristics of the single-family zoning district, and is therefore prohibited. City Attorney Bill Cole referenced a case where Cedarburg, WI relied on a similar interpretation. Cedarburg lost when citations against short-term rentals were challenged. The courts concluded that if the ordinance is ambiguous (which the courts said it was), then the ordinances shall be construed in favor of the free use of private property.<sup>5</sup>

### Area Communities:

I contacted planning staff in Fitchburg, DeForest, Watertown, Oconomowoc, Verona and Middleton and asked if this issue has been discussed by their Councils. For the most part, these communities have not addressed this use because there have not been many complaints. The only community of those listed above that has taken some action was Oconomowoc which was dealing with rental of lake homes. To address the issue, Oconomowoc changed the definition of “household living” and added a 30 day reference to the definition. Their definition is copied below. It treats any lease more than 30 days as a dwelling, and anything less is not a dwelling.

- *Household Living: This use category is characterized by residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis, with a minimum of 30-days.*

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<sup>5</sup> Heff Realty and Investments, LLP and Sandra Desjardin vs. City of Cedarburg Board of Appeals. <https://www.wicourts.gov/ca/opinion/DisplayDocument.pdf?content=pdf&seqNo=134011>

The Case for Prohibiting Short-Term Rentals*	The Case for Permitting Short-Term Rentals
Overcrowding, parking concerns, garbage and refuse disposal concerns, noise, trespassing, and potential to overload waste systems are all concerns that may be associated with short term rentals.	STRs can help young families and couples with housing costs and mortgages. STR would still need to comply with occupancy limits of the zoning code.
STRs can lead to unaffordable housing by displacing permanent residents and strain already squeezed housing markets. Transient renters/vacationers are willing to pay more for a shorter term while they are on vacation or splitting the fee with a larger number of people.	According to AirBnB, the average listing must be rented 157 nights per year to be more profitable than a long-term rental, which may contradict the idea that STRs will make housing unaffordable due the owner being able to get higher rates from short-term rather than long-term renters.
STRs may promote transient use of single-family neighborhoods. In a traditional single-family neighborhood, your neighbors are constant for relatively permanent periods of time. With a short-term rental, you may have new neighbors every week or month, which carries uncertainty as to how the short term occupants will treat the property, how many cars they will park, how trash will be handled, if there will be more noise, or a general public nuisance etc.	STRs can provide transition housing. For example, someone may have recently relocated to Monona or the Madison region for a job and wants to buy a house in Monona. Because Monona’s housing market is very tight (there is not a lot of supply), this person may wish to rent for a short period of time while they find a house, or while they wait to close on a home purchase.
Zoning protects a property by limiting what can happen on a neighboring property. A buyer can purchase a single-family home in a SF zoning district with confidence knowing that they will not be living next to a hotel or commercial business.	Monona has recently established a tourism commission to comply with recent changes to the state law regarding room tax. The Commission is charged with monitoring the collection of room tax, receiving room tax revenue from the city, and using it for tourism promotion and tourism development in the city. Allowing STRs may promote tourism in Monona and generate overnight stays associated with tourism attractions.
STRs may be exceeding occupancy limits when multiple guests are sharing the residence for a weekend, week or month, which raises concerns with whether there are appropriate public safety measures such as fire exists, sprinklers, etc.	The availability of a booking a full house in Monona, just minutes to downtown Madison by bike or car, may be very attractive to tourists who would then spend money in Madison or in Monona, especially as the Monona is developing a new Tourism Commission.
STRs may circumvent hotel tax, which hotels, motels, and bed & breakfasts must pay. In addition, they may be avoiding health inspections and license fees.	Potential nuisances associated with STRs (as listed in left column) are possibly enforceable under normal property maintenance ordinances.
STRs can encourage absentee landlords which may cause problems for long-term property maintenance.	When a property owner uses these platforms intermittently for on-the-side rentals, it is often not a problem. If there is a property that rents year-round, with turnover or guests every week, this could increase the potential for generating nuisances described to the left.
The Plan Commission and Comp Plan specifically cite the preservation of owner-occupied Single-Family housing as a goal.	

\*Note: In Monona specifically, no complaints regarding these issues have been received. These are generally cited as issues with STRs in other communities where complaints have been received, or in general literature on the subject.

## Options:

1. Prohibit STRs Altogether
  - Of any VRBOs or AirBnBs currently operating in Monona, staff has not received any complaints. Consider the column labeled “the case for prohibiting short-term rentals,” to determine if the City should prohibit this use.
  - This is how the ordinance is currently interpreted; however, it is possibly too ambiguous to be held up if challenged.
  - If the City decides to prohibit STRs, adding duration to the definition of single-family dwelling could be a way to make the ordinance clearer (see Oconomowoc).
2. Do Nothing
  - The current ordinance is possibly too ambiguous to be held up if challenged.
3. Adopt an Ordinance that Permits STRs with Regulations
  - Consider an ordinance similar to Madison’s. See attached “[City of Madison, FAQ: Tourist Rooming House](#)”. First, Madison differentiates between long-term rental of a single family home and short-term rental by addition the definition for Tourist Rooming House (TRH). A transient is “a person residing... for less than 30 days in... furnished accommodations made available to the public.”
    - Tourist Rooming House: A building or portion thereof, other than a Hotel, Motel, Bed and Breakfast Establishment or Hostel, in which sleeping accommodations are offered for pay to tourists or transients. The definition does not include private boarding, lodging or rooming houses not accommodating tourists or transients. (Madison Definition)
  - Madison allows TRH with the following limitations:
    - You may operate a short term rental only if it is your primary residence. (Prevents absentee landlords or real-estate investment companies that buy large quantities of property for this purpose).
    - The property can only be offered for rent by the owner or a renter who is explicitly authorized in the lease.
    - If the operator occupies the residence at the time of rental, there is no limit on the number of days the residence may be rented.
    - If the operator does not occupy the residence at the time of rental, the residence may be rented no more than thirty (30) days per licensing year; July 1 to June 30<sup>th</sup>.
    - In Madison, STRs are subject to state sales tax. Must obtain sellers permit from DOR. Must register with Treasurer’s office and pay room tax. State law requires the establishment to have a current license from Public Health Madison and Dane County.
    - TRH regulations to not apply to people occupying for over 30 days.

## Current Definitions from MCO Sec. 3-5-1 Hotel-Motel Room Tax:

- Hotel/Motel: A building or group of buildings in which the public may obtain accommodations for a consideration, including, without limitation, such establishments as inns, motels, tourist homes, tourist houses or courts, bed and breakfast establishments, lodging houses, rooming houses, summer camps, apartment hotels, resort lodges and cabins

and any other building or group of buildings in which accommodations are available to the public, except accommodations rented for a continuous period of more than one (1) month and accommodations furnished by any hospital, sanitariums or nursing homes or by corporations or associations inures to the benefit of any private shareholder or individual.

- **Bed & Breakfast:** Any place of temporary lodging that provides four (4) or fewer rooms for rent, which is open for rental more than ten (10) nights in a twelve (12) month period, is the owner's personal residence and is occupied by the owner at the time of rental, and in which the only meal served is breakfast.
- **Transient:** Any person residing for a continuous period of less than one (1) month in a hotel, motel, or other furnished accommodations available to the public.

### **Historic Conservation**

**Issue:** Referred by Landmarks Commission. This is part of the zoning code, so the Plan Commission must review it. The Plan Commission makes a recommendation of a yes or no vote to the Council. The draft ordinance is attached with changes tracked in redline.

- The ordinance currently does not include well-articulated requirements for nominating a landmark. It only states that the Landmarks Commission shall report its recommendations to Council. This is not best practice, because the Commission could nominate any property without notifying the owner. The proposed ordinance revisions clearly lay out the process for nominating a landmark with notifications as required by state law. It also mirrors many other processes used in model ordinances and in surrounding communities' ordinances.
- In addition to the process revisions, the ordinance proposes that the Landmarks Commission, as the body responsible for reviewing and perpetuating historic properties, make determinations on effects of alterations to historic properties, and make recommendations to the Council on whether to pursue acquisition or not. This would replace the current language that gives Plan Commission that authority, after Landmarks Commission review. The proposed change regarding Landmarks, rather than Plan Commission recommendation to Council is consistent with model historic conservation ordinances, and would streamline the review process.



# City of Madison

## FAQ: Tourist Rooming House

### Tourist Rooming House (TRH)

#### **Zoning Ordinance Definition:**

Tourist Rooming House. A building or portion thereof, other than a Hotel, Motel, Bed and Breakfast Establishment or Hostel, in which sleeping accommodations are offered for pay to tourists or transients. The definition does not include private boarding, lodging or rooming houses not accommodating tourists or transients.

#### **Supplemental Zoning Regulations:**

- a) The establishment shall have a current license from Public Health of Madison and Dane County, as required by Wis. Admin. Code ch. DHS 195.
- b) The tourist rooming house shall be the owner's primary residence.
- c) Owner shall register with Treasurer's office and shall pay room tax as required under Sec. 4.21, MGO.
- d) Only the owner of the property may operate a Tourist Rooming House, except that a renter may operate if explicitly allowed in the lease.
- e) If the operator does not occupy the residence at the time of rental, the tourist rooming house may operate no more than thirty days per licensing year; July 1st to June 30th.
- f) If the operator occupies the residence at the time of rental, there is no limit to the number of days the Tourist Rooming House may operate.
- g) Maximum tourist occupancy shall comply with maximum family occupancy rules in the underlying zoning district regulations.
- h) Each establishment shall have a registry available on-site for inspection, indicating the identity of all guests, dates of stay, acknowledgement of operator presence or absence during stay, and length of stay. The registry shall include all information from the current registry year and the year immediately prior.



## Zoning/Use Scenarios

- *Can I rent a bedroom in my apartment?*

**Yes, a tenant may rent a room as a TRH if the lease allows the arrangement. If the tenant stays at the unit at the time of rental, there is no limit to the number of rental days allowed per year.**

- *Can I rent a room in my home?*

**Yes. There is no limit to the number of days you may rent a room if you stay at the home at the time of rental.**

- *Can I rent a room in my condo?*

**Yes. There is no limit to the number of days you may rent a room if you stay at the home at the time of rental (See Public Health comment regarding bathrooms).**

- *Can I leave my apartment and rent it?*

**Yes, if the lease allows the arrangement, a maximum of 30 days in a license year (See Public Health comment regarding bathrooms).**

- *Can I leave my house or condo while my TRH renter is there?*

**Yes, for a maximum of 30 days in a license year.**

- *I own a home that is vacant. Can I rent this home as a TRH?*

**No. If you own a home that you do not live in or is not your residence, no short-term rental is allowed.**



- *What if my TRH renter occupies longer than 30 consecutive days?*

**TRH regulations in the zoning code do not apply to people occupying for over 30 days.**

- *How many people can I rent the space to?*

**Same as the limitation of occupancy for the dwelling. A family is generally considered a group of related individuals. Roomers are considered unrelated individuals. The regulation of a family plus roomers depends on the zoning of the property. Check with the zoning office to clarify the correct limit. A few scenarios:**

- ◆ Typical low-density residential area, primarily single-family owner occupied homes = *family plus one roomer or no more than two unrelated individuals.*
- ◆ A multiple-family zoning district, higher density, apartments or condos = *typical occupancy is limited to a family plus four roomers, or up to five unrelated individuals.*

## Public Health Madison and Dane County

Tourist Rooming House License is required.

- May or may not be owner occupied at the time of the rental
- Owner can offer prepackaged, shelf-stable food, or whole fruit to their guests without a food license.
- Guests may not share bathrooms unless the house is rented to a single family.
- For unrelated guests, each bedroom must have its own bathroom or separate designated men's and women's bathrooms must be provided.
- Individual locks on the bedroom doors are required unless you rent the home to a single family.

## Building Code

No building code issues beyond what is otherwise required for the residential use.

- *Is there a smoke detector rule?*  
**Yes, current rules for smoke detectors apply, no change required to TRH.**
- *Is there a carbon monoxide rule?*  
**Yes, current rules for CO detectors apply, no change required for TRH.**

## Room Tax/Sellers Permit

Room Tax Certificate from the City of Madison Treasurer is required. Information can be found at:

<http://www.cityofmadison.com/clerk/documents/licensing/roomtaxpacket.pdf>

## Still Have Questions?

Please feel free to call or come by the Department of Planning & Community & Economic Development to speak with one of our Zoning Staff.

### **Department of Planning & Community & Economic Development**

Building Inspection Division  
215 Martin Luther King Jr. Blvd., Rm. LL-100  
P.O. Box 2984  
Madison, WI 53701-2984

Phone: (608) 266-4551  
<http://www.cityofmadison.com/dpced/bi/>



**Sec. 13-1-64 Historic Conservation.**

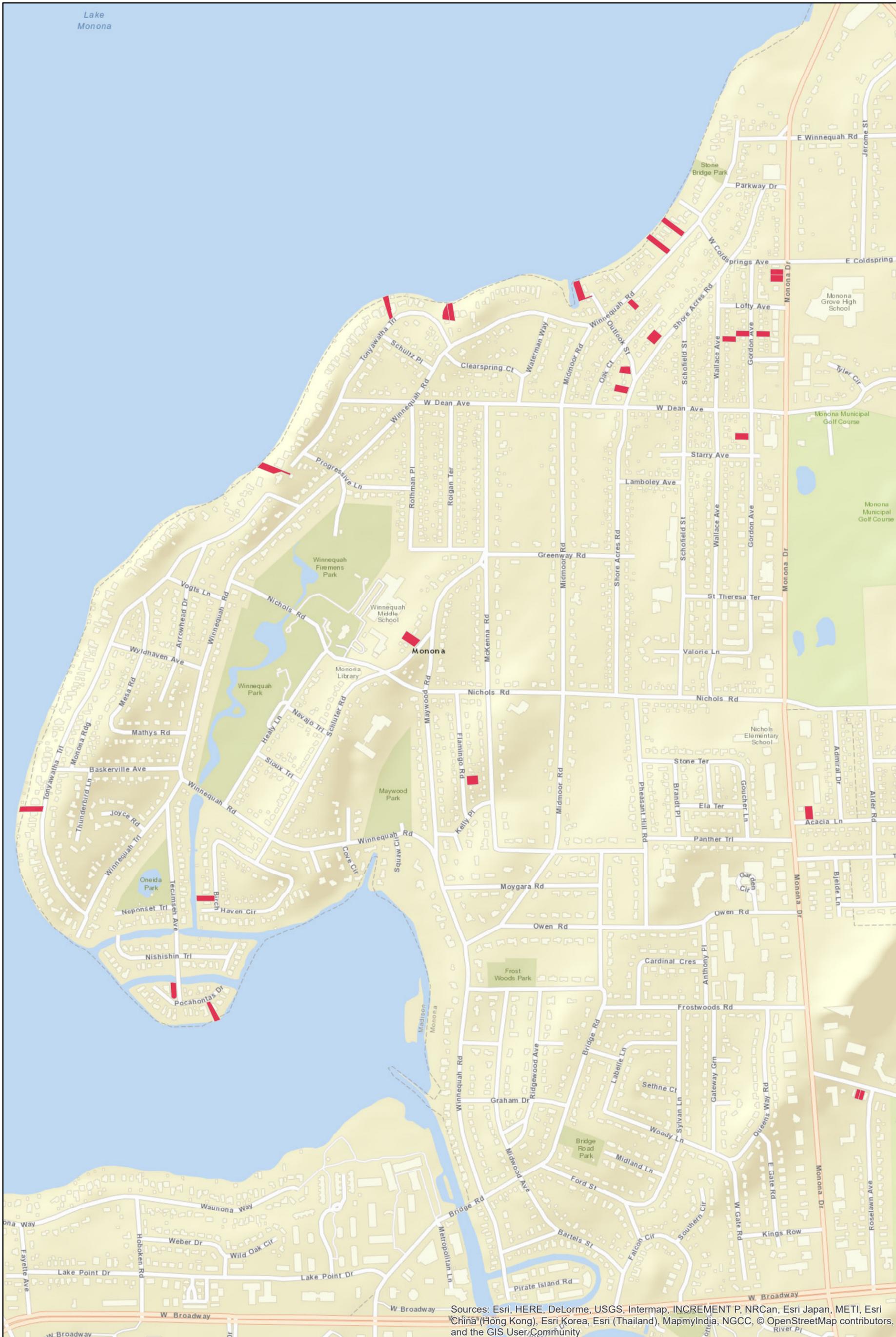
- (a) **Purpose and Intent.** The protection, enhancement, perpetuation and use of improvements of special character or special historical interest or value are in the public interest. The purpose of historic conservation is to:
- (1) Protect, enhance and perpetuate improvements and districts which represent or reflect elements of the city's cultural, social, economic, political and architectural history;
  - (2) Safeguard the city's historic and cultural heritage, as embodied and reflected in such landmarks and historic districts;
  - (3) Stabilize and improve property values;
  - (4) Foster civic pride in the beauty and noble accomplishments of the past;
  - (5) Protect and enhance the city's attractions to residents, tourist and visitors, and serve as a support and stimulus to business and industry;
  - (6) Strengthen the economy of the city; and
  - (7) Promote the use of historic districts and landmarks for the education, pleasure and welfare of the people of the city.
- (b) **Definitions**
- (1) **Landmark.** Any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the city, state or nation, and which has been designated as a landmark pursuant to the provisions of this Chapter.
  - (2) **Landmark Site.** Any parcel of land of historic significance due to a substantial value in tracing the history of aboriginal people, or upon which an historic event has occurred, and which has been designated as a landmark site under this Chapter, or a parcel, or part thereof, on which is situated a landmark.
- (c) Designation. The Common Council, after considering the recommendation of the Landmarks Commission under sub. (g) below, may designate a landmark according to this section.
- (d) **Landmarks and Landmark Sites Designation Criteria.** The Landmarks Commission may designate as a landmark or landmark site any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historical, architectural or cultural significance to the city, such as historic structures or sites which:
- (1) Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or
  - (2) ~~Are identified with historic personages~~ Are associated with the lives of important persons or with important events in national, state or local history; or
  - (3) ~~Embody distinguishing characteristics or an architectural type specimen~~ Embody the distinguishing characteristics of an architectural type inherently valuable for a study of a period, style, method of construction or of indigenous materials or craftsmanship; or
  - (4) Are representative of the notable work of a master builder, designer, or architect; or ~~whose individual genius influenced his or her age; or~~
  - (5) ~~Represent a unique natural resource or cultural asset to the community that should be preserved.~~ Exhibit important archaeological or anthropological significance.
- ~~(e) **Reports and Recommendations.** The Landmarks Commission shall report to the Common Council any new landmarks and landmark sites it designates and shall recommend procedures for acquisition or preservation of such landmarks and sites.~~
- (e) **Nomination.** Any person may nominate a site, improvement, or site with improvements for designation as a landmark. The person shall submit the nomination to the City Planning Division, to the attention of the City Planner, on a nomination form approved by the Landmarks Commission. The nomination shall clearly identify the proposed landmark, landmark site, and document why it qualifies under sub. (d). The City Planner may ask the person to submit additional information and documentation as needed to complete or clarify the nomination. When the City Planner determines

that the nomination is complete, the City Planner shall refer the nomination to the Landmarks Commission.

- (f) **Landmarks Commission Review and Public Hearing.** Whenever the Landmarks Commission receives a complete, accurate nomination under sub. (e), the Commission shall review the nomination. As part of its review, the Commission shall ~~publish a Class 2 public hearing notice and hold a public hearing on the nomination, preceded by a Class 2 notice and~~ ~~The Commission shall send notice of the recommendation~~ to each owner of record on each lot on which the proposed landmark is located, and to each owner of record of each lot located within two hundred (200) feet of the lot on which the proposed landmark is located. The Commission may also conduct its own investigation of the facts, as it deems necessary.
- (g) **Landmarks Action.** After the Landmarks Commission holds a public hearing and completes its review under sub. (f), the Commission shall report to the Common Council a recommendation supporting or opposing the proposed landmark designation. The Commission shall send notice of the recommendation to each owner of record on each lot on which the proposed landmark is located, and to each owner of record of each lot located within two hundred (200) feet of any lot on which the site or structure is located, at least 10 days before any meeting at which the Common Council may act on the Commission's recommendation.
- (h) **Common Council Action.** After considering the Landmark Commission's report recommendation under sub. (g), and based on the standards under sub. (d), the Common Council shall vote to designate or decline to designate the property as a landmark. The City Clerk shall promptly notify the Building Inspector of each landmark designation. The City Clerk shall record the designation with the Dane County Register of Deeds at the City's expense.
- (i) **Voluntary Supplemental Restrictions.** The Common Council may at any time supplement the terms of a landmark designation, pursuant to an agreement between the landmark owner and the Landmarks Commission, to enhance the preservation and protection of the landmark.
- (j) **Recognition of Landmarks.** Whenever the Common Council designates a landmark under sub. (h), the Landmarks Commission shall affix a plaque identifying the property as a landmark to the landmark or landmark site ~~with the permission of the owner, or in the absence of permission in the public right of way as approved by the Public Works Director.~~ The plaque shall be placed so that it is easily visible to passing pedestrians. In the case of a landmark structure, the plaque shall include the accepted name of the landmark, the date of its construction, and other information that the Landmarks Commission considers appropriate. In the case of a landmark that is not a structure, the plaque shall include the common name of the landmark and other information that the Commission considers appropriate. If the Commission determines that because the landmark is ecologically or culturally sensitive a plaque would be inappropriate, no plaque is required. No person may remove or modify a plaque without approval of the City Planner.
- (k) **Amending a Landmark Designation.** Any person may petition the Landmarks Commission to amend a Landmark Designation. The process for amending a landmark shall be the same as for designating a landmark under subsections e-h above.
- ~~(e)(l)~~ **Determination of Effect on Proposed Use or Improvement.** If an application for a zoning, building or demolition permit under this Code involves a landmark or landmark site designated as such, ~~the Landmarks Commission shall determine: by the Landmarks Commission, the Plan Commission shall determine:~~
- (1) Whether the proposed work would detrimentally change, destroy, or adversely affect any architectural feature of the landmark; and
  - (2) In the case of a new construction, whether the exterior or such construction would be in harmony with the external appearance of other landmarks on the site or nearby; and
  - (3) Whether the proposal would significantly alter or destroy the historic characteristics of the landmark or the landmark site.
- ~~(e)(m)~~ **Action on Permit Application.** The permit application shall be first referred to the Landmarks Commission for consideration. The Landmarks Commission shall make a determination as to the

~~matters referred to in subsection (l), and shall forward its determination to the~~ issue an advisory report to the Plan Commission as to the matters referred to in subsection (e). ~~The Plan Commission shall make a determination as to those matters, after consideration of the Landmarks Commission report, and forward the application with its determination to the~~ appropriate body for action in accordance with section 13-1-182 (Zoning Permits in Single-Family and Two-Family Residence District), 13-1-183 (Zoning Permits in all other Districts), 15-1-23 (Building Permits), and 15-1-83 (Demolition Permits). Notwithstanding the previous sentence, upon the recommendation of the Landmarks Commission, and after consideration of the purpose and intent of this section, ~~if the Plan Commission deems it appropriate, it the Landmarks Commission~~ shall refer the application with an advisory report to the Common Council for consideration of acquisition or preservation of the landmark or landmark site. The City Planner shall provide notice to the state historic preservation officer of any proposed action which would affect a designated landmark in accordance with section 66.1111, Stats.

# Residential Properties at 60% or Greater Impervious Surfacing



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

## Legend



60 % Or Greater Impervious on Single Family Lots

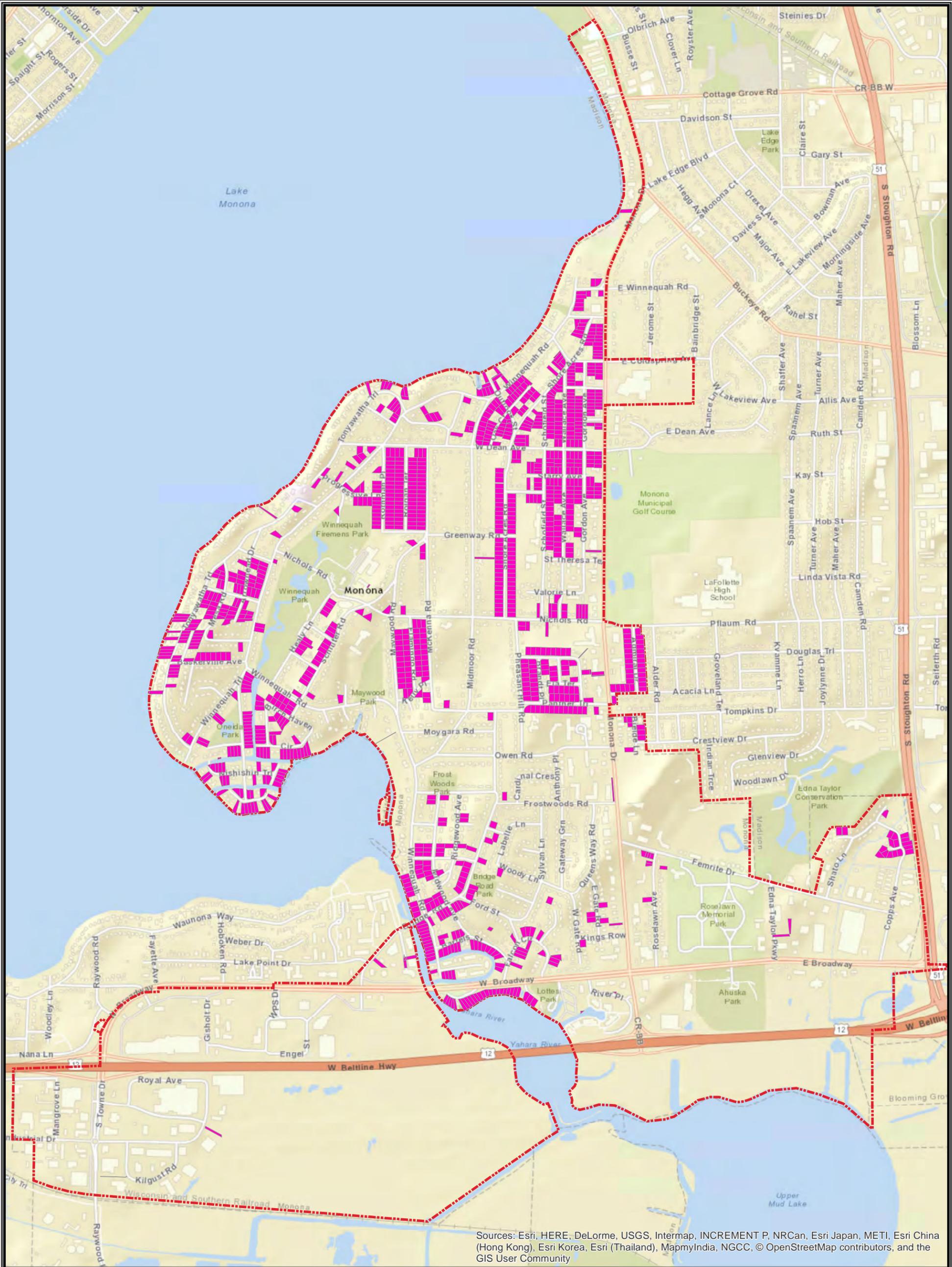
1,000

Feet



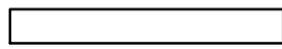
Date: 10/21/2016

# Substandard Lots



## Legend

-  Substandard Lots
-  Monona City Limits

2,000  
 Feet



Date: 10/19/2016