

City of Spooner

"Crossroads of the North"

515 North Summit Street P.O. Box 548 Spooner, Wis. 54801-0548 (715) 635-8769 Fax (715) 635-9319

Gary J. Cuskey
Mayor

Krista Lyons-Hartwig
City Clerk/Treasurer

Nick Koverman
City Administrator

SHORT-TERM RENTAL (Bed and Breakfast/AIRBNB) APPLICATION PROCESS AND REQUIRED DOCUMENTS

The following items listed below must be submitted for any licensing of a short-term rental that falls under Spooner City Code Sec. 86-503 (Bed and breakfasts). Please review the City Code Sec. 86-503 (Bed and breakfasts) as attached for all related state and local requirements.

- 1. City of Spooner - Conditional Use Permit Application**
- 2. City of Spooner - Misc. License Application (Hotel/Motel Room Tax)**
- 3. Copy of Wisconsin Department of Agriculture, Trade and Consumer Protection-Tourist Rooming House License**
- 4. Copy of Certificate of Liability Insurance**
- 5. Copy of Wisconsin Department of Revenue Seller's Permit**

If you have any questions, please do not hesitate to contact City Hall at 715-635-8769 during regular business hours.

**APPLICATION FOR
CONDITIONAL USE PERMIT**

\$325.00

Conditional Use Sec. 86-491 through 86-504

APPLICANT NAME _____

ADDRESS _____

SITE OWNER NAME _____

Description of the subject site by lot, block and recorded subdivision or by metes and bounds (legal description): _____

Address of the subject site: _____

Type of structure: _____

Proposed operation or use of the structure or site: _____

Number of employees: _____ Zoning District: _____

Names of architect, professional engineer or contractor involved, if any:

Names and addresses of all abutting and opposite property owners within one (100) feet of the property: _____

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Please attach a plat of survey prepared by a registered land surveyor showing all of the information required for a building permit and existing and proposed landscaping, if any.

Additional information may be required by the Plan Commission or other boards, commissions or officers of the City. The Plan Commission may require such other information as may be necessary to determine and provide for an enforcement of Chapter 13 – Zoning Code of the City of Spooner Code of Ordinances.

Applicant Signature	Date
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Received in Clerk's office by _____ Date _____

Given to Plan Commission Chairman on _____ Date _____

Notification to adjoining property owners sent _____ Date _____

Plan Commission meeting held _____ Date _____

Plan Commission approved _____ did not approve _____

Public hearing scheduled for _____ Date _____

Class 2 notices published on _____ Date _____

Common Council approval Date _____

Sec. 86-491. Purpose of division.

The development and execution of this division is based upon the division of the city into districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use of a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district, provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses.

(Code 1994, § 13-1-80)

Sec. 86-492. Authority of the plan commission; additional requirements.

- (a) The plan commission may authorize the administrator to issue a conditional use permit for either regular or limited conditional use after review and public hearing, provided that such conditional use and involved structures are found to be in accordance with the purpose and intent of this chapter and are further found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community. In the instance of the granting of a limited conditional use, the plan commission in its findings shall further specify the delimiting reasons or factors which resulted in issuing limited rather than regular conditional use. Such plan commission resolution, and the resulting conditional use permit, when, for limited conditional use, shall specify the period of time for which effective, the name of the permittee, the location and legal description of the affected premises. Prior to the granting of a conditional use, the commission shall make findings based upon the evidence presented that the standards prescribed in this division are being complied with.
- (b) Any development within 500 feet of existing or proposed rights-of-way of freeways, expressways and within one-half mile of existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the highway agency that has jurisdiction over the traffic way. The plan commission shall request such review and await the highway agency's recommendation for a period not to exceed 20 days before taking final action.
- (c) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the plan commission upon its finding that these are necessary to fulfill the purpose and intent of this chapter.
- (d) Compliance with all other provisions of this chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all conditional uses.

(Code 1994, § 13-1-81)

Sec. 86-493. Application; filing.

Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable in the land for which a conditional use is sought may file an application to use such land for one or more of the conditional uses in the zoning district in which such land is located.

(Code 1994, § 13-1-82)

Sec. 86-494. Contents of application.

- (a) *Inclusions.* An application for a conditional use shall be filed in duplicate on a form prescribed by the city. Such applications shall be forwarded to the plan commission. Such applications shall include, where applicable:
- (1) A statement, in writing, by applicant and adequate evidence showing that the proposed conditional use shall conform to the standards set forth in section 86-497.
 - (2) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor and all property owners of record within 100 feet.
 - (3) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees and the zoning district within which the subject site lies.
 - (4) Plat of survey prepared by a registered land surveyor showing all of the information required for a building permit and existing and proposed landscaping.
 - (5) Additional information as may be required by the plan commission or other boards, commissions or officers of the city. The plan commission may require such other information as may be necessary to determine and provide for enforcement of this chapter, including a plan showing contours and soil types; high-water mark and groundwater conditions; bedrock, vegetative cover, specifications for areas of proposed filling, grading and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.
- (b) *Plans.* In order to secure information upon which to base its determination, the plan commission may require the applicant to furnish, in addition to the information required for a building permit, the following information:
- (1) A plan of the area showing contours, soil types, high-water mark, groundwater conditions, bedrock, slope and vegetation cover;
 - (2) Location of buildings, parking areas, traffic access, driveways, walkways, open spaces, landscaping, lighting;
 - (3) Plans for buildings, sewage disposal facilities, water supply systems and arrangements of operations;
 - (4) Specifications for areas of proposed filling, grading, lagooning or dredging;
 - (5) Other pertinent information necessary to determine if the proposed use meets the requirements of this chapter.

(Code 1994, § 13-1-83)

Sec. 86-495. Public hearing required.

All requests for conditional uses shall be to the plan commission or the plan commission can, on its own motion, apply conditional uses when applications for rezoning come before it. Upon receipt of the application and statement referred to in section 86-494, the plan commission shall hold a public hearing on each application for a conditional use at such time and place as shall be established by such commission. The hearing shall be conducted

and a record of the proceedings shall be preserved in such a manner and according to such procedures as the plan commission shall, by rule, prescribe from time to time.

(Code 1994, § 13-1-84)

Sec. 86-496. Notice of hearing.

Notice of the time, place and purpose of such hearing shall be given by publication of a class 2 notice under statute in the official city newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the zoning administrator, members of the common council and plan commission, and the owners of record as listed in the office of the city assessor who are owners of property in whole or in part situated within 100 feet of the boundaries of the properties affected; such notice to be sent at least 14 days prior to the date of such public hearing. Failure to comply with this provision shall not, however, invalidate any previous or subsequent action on the application.

(Code 1994, § 13-1-85)

Sec. 86-497. Minimum standards.

No application for a conditional use shall be granted by the plan commission or granted by the common council on appeal unless the following conditions are present:

- (1) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- (2) The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.
- (3) The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (4) Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- (5) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion in the public streets.
- (6) The conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.
- (7) The proposed use does not violate floodplain regulations governing the site.
- (8) When applying the standards of this section to any new construction of a building or an addition to an existing building, the plan commission and common council shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.
- (9) In addition to passing upon a conditional use permit, the plan commission and common council shall also evaluate the effect of the proposed use upon:
 - a. The maintenance of safe and healthful conditions.
 - b. The prevention and control of water pollution including sedimentation.

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- c. Existing topographic and drainage features and vegetative cover on the site.
 - d. The location of the site with respect to floodplains and floodways of rivers and streams.
 - e. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
 - f. The location of the site with respect to existing or future access roads.
 - g. The need of the proposed use for a shoreland location.
 - h. Its compatibility with uses on adjacent land.
 - i. The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

(Code 1994, § 13-1-86)

Sec. 86-498. Denial of application.

When a decision of denial of a conditional use application is made, the plan commission shall furnish the applicant, in writing when so requested, those standards that are not met and enumerate reasons the commission has used in determining that each standard was not met.

(Code 1994, § 13-1-87)

Sec. 86-499. Appeals upon grant or denial of permit.

Any action of the plan commission in granting or denying a conditional use permit may be appealed to the common council, if a written request for an appeal is filed within ten days after the date of the plan commission's action in granting or denying the permit. Such request for appeal shall be signed by the applicant or by the owners of at least 20 percent of the land area immediately adjacent extending 100 feet therefrom or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land. The request shall be filed with the zoning administrator who shall submit it to the common council at its next meeting, together with any documents and other data used by the plan commission in reaching its decision. The common council may consider the matter forthwith, refer the matter to a subsequent meeting or set a date for a public hearing thereon. If the common council elects to hold a public hearing, notice thereof shall be given by mail to the known owners of the lands immediately adjacent thereto and directly opposite any street frontage of the lot or parcel in question and by publication of a class 1 notice in the official newspaper at least ten days before the date of the hearing. The common council may either affirm or reverse by a two-thirds vote, in whole or in part, the action of the plan commission and may finally grant or deny the application for a conditional use permit.

(Code 1994, § 13-1-88)

Sec. 86-500. Conditions, restrictions and guarantees.

The following provisions shall apply to all conditional uses:

- (1) *Conditions.* Prior to the granting of any conditional use, the plan commission, or the common council on appeal, may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in section 86-497. In all cases in which conditional uses are granted, the plan commission and common council shall require such evidence and guarantees as it

may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:

- a. Landscaping;
 - b. Type of construction;
 - c. Construction commencement and completion dates;
 - d. Sureties;
 - e. Lighting;
 - f. Fencing;
 - g. Operational control;
 - h. Hours of operation;
 - i. Traffic circulation;
 - j. Deed restrictions;
 - k. Access restrictions;
 - l. Setbacks and yards;
 - m. Type of shore cover;
 - n. Specified sewage disposal and water supply systems;
 - o. Planting screens;
 - p. Piers and docks;
 - q. Increased parking; or
 - r. Any other requirements necessary to fulfill the purpose and intent of this chapter.
- (2) *Site review.* In making its decision, the plan commission shall evaluate each application and may request assistance from any source which can provide technical assistance. The commission may review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewer and water systems and the proposed operation/use.
- (3) *Alteration of conditional use.* No alteration of a conditional use shall be permitted unless approved by the plan commission.
- (4) *Architectural treatment.* Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the plan commission may require the use of certain general types of exterior construction materials and/or architectural treatment.
- (5) *Sloped sites; unsuitable soils.* Where slopes exceed six percent and/or where a use is proposed to be located on areas indicated as having soils which are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided which clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/or that any inherent soil condition or slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques, terracing, retaining walls, oversized foundations and footings, drain tile, etc.

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- (6) *Conditional uses to comply with other requirements.* Conditional uses shall comply with all other provisions of this chapter such as lot width and area, yards, height, parking and loading. No conditional use permit shall be granted where the proposed use is deemed to be inconsistent or conflicting with neighboring uses for reasons of smoke, dust, odors, noise, vibration, lighting, health hazards or possibility of accident.

(Code 1994, § 13-1-89)

Sec. 86-501. Duration of permit; revocation; renewal.

Where the plan commission has approved or conditionally approved an application for a conditional use, such approval shall become null and void within 12 months of the date of the commission's action unless the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted. Approximately 45 days prior to the automatic revocation of such permit, the administrator shall notify the holder by certified mail of such revocation. The plan commission may extend such permit for a period of 90 days for justifiable cause, if application is made to the city at least 30 days before the expiration of such permit.

(Code 1994, § 13-1-90)

Sec. 86-502. Complaints.

The plan commission shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the zoning administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Code. Upon written complaint by any citizen or official, the plan commission shall initially determine whether such complaint indicates a reasonable probability that the subject conditional use is in violation of either one or more of the standards set forth in section 86-497, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in section 86-496. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The plan commission may, in order to bring the subject conditional use into compliance with the standards set forth in section 86-497 or conditions previously imposed by the plan commission, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use as provided in section 86-500. Additionally, the offending party may be subjected to a forfeiture as set forth in this chapter and section 1-11. If no reasonable modification of such conditional use can be made in order to ensure that subsections (1) and (2) in section 86-497 will be met, the plan commission may revoke the subject conditional approval and direct the zoning administrator and the city attorney to seek elimination of the subject use. Following any such hearing, the decision of the plan commission shall be furnished to the current owner of the conditional use in writing stating the reasons therefor. An appeal from a decision of the plan commission under this section may be taken to the common council. A vote to approve the appeal requires a two-thirds vote of the common council.

(Code 1994, § 13-1-91)

Sec. 86-503. Bed and breakfasts.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Agent means the person designated by the owner as the person in charge of such establishment and whose identity shall be filed in writing with the zoning administrator upon issuance of the permit and updated five days prior to a designated agent taking charge.

Airbnb means "air-mattress, bed and breakfast." This acronym refers to any place of lodging that provides six or fewer rooms for rent for more than ten nights in a 12-month period, is closely monitored by the owner or agent at the time of rental and follows Airbnb basic requirements for hosts. Airbnb's are subject to the same rules and regulations as bed and breakfast establishments.

Bed and breakfast establishment means any place of lodging that provides six or fewer rooms for rent for more than ten nights in a 12-month period, is the owner's personal residence, is occupied by the owner or agent at the time of rental and in which the only meal served to guests is breakfast.

- (b) *Findings of fact.* Bed and breakfast establishments are allowed as a conditional use in residential and commercial districts, provided that a public hearing is held by the plan commission resulting in a finding that:
- (1) The proposed bed and breakfast establishment will not be injurious to the neighborhood or detrimental to the public welfare.
 - (2) Traffic conditions in the neighborhood will not be adversely impacted by access to the property, traffic generated by the use or any other aspects of the proposal.
 - (3) The standards of this section and other applicable ordinances are complied with.
- (c) *As conditional use.* Bed and breakfast establishments shall be considered conditional uses and may be permitted in residential districts pursuant to the requirements of this section.
- (d) *Regulations.*
- (1) *Compliance with state standards.* All bed and breakfast establishments and licensees shall be subject to and comply with Wis. Admin. Code ch. HFS 197, relating to bed and breakfast establishments or Wis. Admin. Code ch. HFS 195 relating to hotels, motels and tourist roominghouses.
 - (2) *Registry.* Each bed and breakfast establishment shall provide a register and require all guests to register their true names and addresses before assigned quarters. The register shall be kept intact and available for inspection by a city representative for a period of not less than one year.
- (e) *Permit.*
- (1) *Required.* In addition to the permit required by Wis. Admin. Code chs. HFS 195 or 197, before opening for business every bed and breakfast establishment shall obtain a conditional use permit pursuant to this section.
 - (2) *Application.* The following is required to be furnished at the time an application is filed for a conditional use permit in addition to the other application requirements of this section:
 - a. Site plan showing location and size of buildings, parking areas and signs.
 - b. Number, surfacing and size of parking stalls.
 - c. Number, size and lighting of signs.
 - (3) *Display of permit.* The permit issued by the administrator shall be conspicuously displayed in the bed and breakfast establishment.
- (f) *Off-street parking required.* Permits shall be issued only to those establishments that provide a minimum of one improved off-street parking space for each room offered for occupancy, plus two additional parking spaces for the owner. Establishments otherwise qualifying under this section regulating bed and breakfast establishments shall not be subject to the other requirements of the chapter with respect to traffic, parking and access.

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- (g) *On-site signs.* Total signage shall be limited to a total of 12 square feet and may be lighted in such manner and nature as to not alter or deteriorate the nature of the surrounding neighborhood. Establishments otherwise qualifying under this section regulating bed and breakfast establishments shall not be subject to the requirements of this chapter with respect to signs.
 - (h) *Protest.* If a duly signed and acknowledged protest is filed by 20 percent or more of the owners of the area immediately adjacent to the proposed use extending 100 feet, therefrom, or by the owners of 20 percent or more of the land directly opposite thereto and extending 100 feet from the street frontage of such opposite land, the conditional use shall not be permitted except by a favorable vote of three-fourths of the members of the plan commission.
 - (i) *Termination of permit.* A bed and breakfast use permit shall be void upon the sale or transfer of the property ownership. The plan commission shall review and conditionally approve or disapprove an application submitted by a person anticipating the purchase of premises for such use. A permit issued in accordance with subsection (e) of this section shall be valid until terminated by action of the zoning administrator for violation of the provisions of this section, or of state regulations as set forth in Wis. Admin. Code chs. HFS 195 or 197, or if the use ceases for 12 months, or as provided in this section.

(Code 1994, § 13-1-92; Amd. of 8-3-2021(2))

City of Spooner

"Crossroads of the North"

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Gary J. Cuskey
Mayor

Krista J. Lyons-Hartwig
City Clerk / Treasurer

MISCELLANEOUS LICENSE APPLICATION COLLECT HOTEL/MOTEL ROOM TAX

TO: The Honorable Mayor and Common Council:

I hereby make application for a license or permit to:

COLLECT HOTEL/MOTEL TAX

In Spooner, Wisconsin for the period ending June 30, 2024.

I understand a copy of my Monthly/Quarterly State Sales Tax Returns, which corresponds to the quarter that I am submitting payment for, must accompany the Quarterly Hotel-Motel Use Tax Return within 30 days of the end of the quarter. I understand a current sellers permit needs to be provided with this application.

Application Date: _____

Name of Establishment: _____

Address of Establishment: _____

City and State: Spooner, WI 54801

Legal name and address of business (if different from above):

Legal Organization (please circle one):

Sole Proprietor

Partnership

Corporation

LLP

LLC

Wisconsin Sellers Permit Number (copy of current certificate required): _____

Print name of owner/authorized agent: _____

Signature of owner or authorized agent: _____

City Treasurer Use Only

Date Received:	Receipt Number:	Permit Number:	Date Permit Issued: