

Ordinance 0018-19

An ordinance to amend Chapter 114 of the City of Racine Code of Ordinances in order to regulate the zoning of hotels and motels within the City.

WHEREAS, the City desires to regulate the licensing of hotels and motels separately from residential facilities in order to protect both its resident population, as well as its tourist and transient population;

WHEREAS, the City seeks to create higher standards for the operation and maintenance of hotels and motels within the City in order to protect the public health, safety and welfare of its resident, tourist and transient populations;

NOW THEREFORE, the Common Council of the City of Racine, Wisconsin, do ordain as follows:

Part 1: To delete the following definitions in Chapter 114, Section 114-1:

Apartment hotel means a hotel in which at least 90 percent of the hotel accommodations are occupied by permanent guests.

Guest, permanent means a person who occupies or has the right to occupy a hotel or motel or apartment hotel accommodation as his domicile and place of permanent residence.

Hotel or motel means an establishment which is open to transient guests, in contradistinction to a boardinghouse, roominghouse or lodginghouse, and is commonly known as a hotel in the community in which it is located; and which provides customary hotel services such as maid service, the furnishing and laundering of linen, telephone and secretarial or desk service, the use and upkeep of furniture, and bellboy service.

Lodging room (rooming unit) means a room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one lodging room for the purposes of this chapter.

Lodginghouse (including "boardinghouse" and "roominghouse") means a residential building, or portion thereof, other than a motel, apartment hotel, or hotel containing lodging rooms which accommodate persons who are not members of the keeper's family. Lodging with or without meals is provided for compensation on a weekly or monthly basis.

Part 2: To delete and recreate the following definitions in Chapter 114, Section 114-1, so that it reads as follows:

Certificate, occupancy means the written approval of the zoning administrator that authorizes a person or persons to occupy or use a premises for a specified purpose, as established in section 114-96. The occupancy certificate may consist of a standardized independent form

bearing the signature of the zoning administrator or it may be represented as a part of the building permit.

Dwelling means a building, or portion thereof, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, and multiple-family dwellings.

Motel means a place offering sleeping accommodations for pay exclusively to tourists or transient guests, all in a building or area that allows direct access to guest rooms and other facilities and amenities via exterior ingress and egress.

Roominghouse means any dwelling containing two or more rooming units in which persons either individually or as families are housed, with or without meals for compensation.

Rooming unit means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking purposes.

Part 3: To add the following definitions in Chapter 114, Section 114-1:

Bed and breakfast establishment means any place of lodging that provides 8 or fewer rooms for rent to no more than a total of 20 tourists and other transients for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

Boardinghouse: see rooming house.

Hotel means a place offering sleeping accommodations for pay exclusively to tourists or transient guests, all in a building or area that has a centralized means of ingress and egress and provides internal access to guest rooms, a lobby, front desk, and other amenities.

Lodginghouse: see rooming house.

Tourist or transient guest means a person who travels to a location away from their permanent address and occupies a temporary living accommodation for a period of time which is less than 30 consecutive days for vacation, pleasure, recreation, culture, business or employment.

State Law reference – Imposition of retail sales tax, Wis. Stat. § 77.52(2)(a)1; Bed and breakfast establishments, definition, Wis. Stat. § 73.03(3).

Part 4: To amend sections 114-327, 114-329, 114-330, 114-331, 114-347, 114-349, 114-351, 114-369, 114-371, 114-428, 114-429, 114-1064, 114-1188, 114-1222, 90-52, so as to delete all mentions of “apartment hotels” and renumber or rephrase accordingly so that it reads as follows:

Section 114-327. – Permitted uses. Delete “(5) Apartment hotels.” and renumber the remainder of the section accordingly.

Section 114-329. – Lot size requirements. In the chart under subsection (1), delete the section entitled “Apartment hotels” along with “1250 sq. ft./unit” and “50”.

Section 114-330. – Yard requirements. In the chart under subsection (a), delete the words “and apartment hotels” and both instances of “apartment hotels,” in the last paragraph under subsection (a).

Section 114-331. – Building bulk limitations. In the chart under subsection (1) and in subsection (2), delete the words “and apartment hotels”.

Section 114-347. – Permitted uses. In the second paragraph, delete the words “Apartment hotels and multiple-family” and replace it with “Multiple-family”.

Section 114-349. – Lot size requirements. In the chart under subsection (a) and the last paragraph of subsection (a), delete the words “, including apartment hotels”.

Section 114-351. – Building bulk limitations. In the chart under subsection (1) and in subsection (2), delete the words “, including apartment hotels”.

Section 114-369. – Lot size requirements. In the chart under subsection (a) and the last paragraph of subsection (a), delete the words “, including apartment hotels”.

Section 114-371. – Building bulk limitations. In the chart under subsection (1) and in subsection (2), delete the words “, including apartment hotels”.

Section 114-428. – Conditional uses. Delete subsection “(2) Apartment hotels” and renumber the remainder of the section accordingly.

Section 114-429. – Lot size requirements. In the chart under subsection (b) and the last paragraph of subsection (b), delete the words, “and apartment hotels”.

Section 114-1064. – Signs permitted in R4, R5 and R6 districts. In the first paragraph of the section, delete the words, “apartment hotels,”.

Section 114-1188. – Off-street parking table (parking classes). In the first table under this section, delete the category containing “a. Apartment hotel”.

Section 114-1222. – Residence districts. In subsection (2), delete the words “a. Apartment hotels.” and renumber the remainder of the subsection accordingly.

Section 90-52. – Definitions. In the definition for “lodging facility”, delete the words “apartment hotels,”.

Part 5: To amend section 114-468. – Conditional uses in the B2 community shopping district, by inserting after the words “(5) Hotels and motels” the following:

“, subject to the following terms and conditions:

- a. The conditional use permit shall not be transferrable from one person to another, nor from one entity to another. The sale or transfer of property from one owner to another shall require a new conditional use permit.
- b. The facility shall not rent rooms on an hourly basis.
- c. The manager may live on site.
- d. The facility shall exclusively accommodate tourists or transients, and only for periods of occupancy less than 30 days, unless the hotel or motel meets all the requirements for an extended stay facility pursuant to subsection (6). For purposes of calculating occupancy, any stays in excess of 29 days within a 90 day period violates this section, whether or not such occupancy was continuous.
- e. The facility shall provide customary hotel or motel services and amenities, such as maid service, laundering, linens, furnishings, room upkeep and front desk services.
- f. The facility must comply with all local and state regulations, including all building, health and fire codes, and shall obtain all required permits, inspections and licenses.
- g. The facility shall not operate in such a way as to constitute a public nuisance in violation of city ordinance or state law.
- h. The facility shall construct and maintain landscaping in compliance with an approved plan and in accordance with section 114-743 of this chapter. Dead, dying or damaged landscaping shall be replaced when necessary and in a timely fashion.
- i. Permitted accessory uses may include related uses such as the following:
 1. Restaurants/taverns, lounges;
 2. Guest laundry;
 3. Recreational activities, including game room, pool, fitness center, and meeting spaces.
- j. The facility shall not concurrently operate under any of the following uses while licensed as a hotel or motel:
 1. Dwelling or dwelling units, whether single-family, two-family, or multiple-family.

2. Community living arrangements, of any size.
3. Family day care home.
4. Charitable meal establishment.
5. Halfway house.
6. Boarding, fraternity or sorority house.
7. Convalescent and nursing home.
8. Health or medical institutions or clinics.
9. Roominghouse, boardinghouse or lodginghouse.

k. In addition to the standards provided in section 114-154 of this Code, no conditional use shall be recommended by the plan commission unless the following findings of facts can be made with respect to the proposed use:

1. The applicant has demonstrated that the proposed project will not create urban decay due to significant loss of business or property values in the area surrounding the property.
2. The applicant has demonstrated that the proposed project will not create an unreasonable or excessive demand for police services.
3. The applicant has provided an acceptable management plan to deal with potential criminal activities at the premises so as to avoid becoming a public nuisance.

Part 6: To amend section 114-468. – Conditional uses in the B2 community shopping district, by inserting subsection (6) as follows and renumbering the remainder of the section accordingly.

“(6) Hotels and motels – extended stay facility, subject to the following terms and conditions:

- a. The conditional use permit shall not be transferrable from one person to another, nor from one entity to another. The sale or transfer of property from one owner to another shall require a new conditional use permit.
- b. The facility shall not rent rooms on an hourly basis.
- c. The manager may live on site.

d. The facility shall exclusively accommodate tourists or transients, except that it may extend the period of occupancy for up to 180 days. For purposes of calculating occupancy, any stays in excess of 180 days within a one year period violates this section, whether or not such occupancy was continuous.

e. The facility shall provide customary hotel or motel services and amenities, such as maid service, laundering, linens, furnishings, room upkeep and front desk services.

f. The facility must comply with all local and state regulations, including all building, health and fire codes, and shall obtain all required permits, inspections and licenses.

g. The facility shall not operate in such a way as to constitute a public nuisance in violation of city ordinance or state law.

h. The facility shall construct and maintain landscaping in compliance with an approved plan and in accordance with section 114-743 of this chapter. Dead, dying or damaged landscaping shall be replaced when necessary and in a timely fashion.

i. Permitted accessory uses may include related uses such as the following:

1. Restaurants/taverns, lounges;
2. Guest laundry;
3. Recreational activities, including game room, pool, fitness center, and meeting spaces.

j. The facility shall not concurrently operate under any of the following uses while licensed as a hotel or motel:

1. Dwelling or dwelling units, whether single-family, two-family, or multiple-family.
2. Community living arrangements, of any size.
3. Family day care home.
4. Charitable meal establishment.
5. Halfway house.
6. Boarding, fraternity or sorority house.
7. Convalescent and nursing home.
8. Health or medical institutions or clinics.

9. Roominghouse, boardinghouse or lodginghouse.

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1. The applicant has demonstrated that the proposed project will not create urban decay due to significant loss of business or property values in the area surrounding the property.
2. The applicant has demonstrated that the proposed project will not create an unreasonable or excessive demand for police services.
3. The applicant has provided an acceptable management plan to deal with potential criminal activities at the premises so as to avoid becoming a public nuisance.

Part 7: To amend section 114-487(b). – Permitted uses in the B3 general commercial district by deleting subsection “(15) Hotels and motels.” and renumbering the remainder of the section accordingly.

Part 8: To amend section 114-507(b). – Permitted uses in the B4 general commercial district by deleting subsection “(5) Hotels and motels.” and renumbering the remainder of the section accordingly.

Part 9: To amend section 114-508. – Conditional uses in the B4 general commercial district by adding “and motels,” after the words, “except advertising signs,”.

Part 10: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City of Racine Common Council and publication or posting as required by law.

Fiscal Note: N/A