

Chapter 500

ZONING

[HISTORY: Adopted by the Common Council of the City of Bayfield 4-1-1992 (§§ 13-1-1 through 13-1-200 and 7-5-1 of the 1992 Code of Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Plan Commission and Zoning Board of Appeals — See Ch. 21.
Animals — See Ch. 126.
Blasting and rock crushing — See Ch. 140.
Building construction — See Ch. 152.
Construction site erosion control — See Ch. 190.
Fair housing — See Ch. 217.
Exterior lighting — See Ch. 273.
Nonmetallic mining — See Ch. 278.
Noise — See Ch. 284.
Property maintenance — See Ch. 314.
Abandoned vehicles — See Ch. 366.
Comprehensive Plan — See Ch. 388.
Floodplain Zoning — See Ch. 407.
Historic preservation — See Ch. 423.
Subdivision of land — See Ch. 474.
Wellhead Protection Overlay District — See Ch. 489.

ARTICLE I

Authority; Purpose; Interpretation

§ 500-1. Authority.

This chapter is adopted under the authority granted by §§ 62.23(7) and 87.30, Wis. Stats., and amendments thereto.

§ 500-2. Title.

This chapter shall be known as, referred to and cited as the "Zoning Code, City of Bayfield, Wisconsin" and is hereinafter referred to as the "code" or "chapter."

§ 500-3. General purpose.

The purpose of this chapter is to promote the comfort, health, safety, morals, prosperity, aesthetics and general welfare of the people of the City of Bayfield, Wisconsin.

§ 500-4. Intent and purposes in view.

The general intent and purposes in view of this chapter are to regulate and restrict the use of all structures, lands and waters and to:

- A. Promote and protect the comfort, public health, safety, morals, prosperity, aesthetics and general welfare of the people;
- B. Divide the City into zones or districts restricting and regulating therein the location,

erection, construction, reconstruction, alteration and use of buildings, structures and land for residence, business and manufacturing and other specified uses;

- C. Protect the character and the stability of the residential, business, manufacturing and other districts within the City and to promote the orderly and beneficial development thereof;
- D. Regulate lot coverage, the intensity of use of lot areas and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation and drainage;
- E. Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public services, utilities and other public requirements;
- F. Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of streets and highways;
- G. Secure safety from fire, panic, flooding, pollution, contamination and other dangers;
- H. Stabilize and protect existing and potential property values and encourage the most appropriate use of land throughout the City;
- I. Preserve and protect the beauty of the City of Bayfield;
- J. Prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts;
- K. Provide for the elimination of nonconforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district;
- L. Prevent and control erosion, sedimentation and other pollution of the surface and subsurface waters;
- M. Further the maintenance of safe and healthful water conditions;
- N. Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects;
- O. Provide for and protect a variety of suitable commercial and industrial sites;
- P. Protect the traffic-carrying capacity of existing and proposed arterial streets and highways;
- Q. Implement those municipal, county, watershed and regional comprehensive plans or components of such plans adopted by the City of Bayfield;
- R. Provide for the administration and enforcement of this chapter; and to provide penalties for the violation of this chapter.

§ 500-5. Abrogation and greater restrictions.

It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, whenever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

§ 500-6. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be construed to be a limitation or repeal of any other power now possessed by the City of Bayfield.

§ 500-7. Severability and nonliability.

- A. If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.
- B. If any application of this chapter to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water not specifically included in said judgment.
- C. The City does not guarantee, warrant or represent that only those areas designated as floodlands will be subject to periodic inundation and hereby asserts that there is no liability on the part of the Common Council, its agencies or employees for any flood damages, sanitation problems or structural damages that may occur as a result of reliance upon and conformance with this chapter.

§ 500-8. Repealer.

All other ordinances or parts of ordinances of the City inconsistent or conflicting with this chapter, to the extent of the inconsistency or conflict only, are hereby repealed.

ARTICLE II
General Provisions

§ 500-9. Jurisdiction; compliance required; yard and lot use; other laws.

- A. Jurisdiction. The jurisdiction of this chapter shall apply to all structures, lands, water and air within the corporate limits of the City of Bayfield. The provisions of this chapter shall be held to be the minimum requirements for carrying out the intent and purpose of this chapter.
- B. Compliance. No new structure, new use of land, water or air or change in the use of land, water or air shall hereafter be permitted and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit and without full compliance with the provisions of this chapter and all other applicable local, county and state regulations.
- C. District regulations to be complied with. Except as otherwise provided, the use and height of buildings hereafter erected, converted, moved, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such building or land is located.
- D. Yard reduction or joint use.
 - (1) No lot, yard, parking area, building area or other space shall be reduced in area or

dimension so as not to meet the provisions of this chapter. No part of any lot, yard, parking area or other space required for a structure or use shall be used for any other structure or use.

- (2) No yard or other open space allocated to a structure or parcel of land shall be used to satisfy yard, other open spaces or minimum lot area requirements for any other structure or parcel.¹
- E. Relationship with other laws. Where the conditions imposed by any part of this chapter upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this chapter or any other laws, ordinances, resolutions, rules or regulations of any kind, the regulations which are more restrictive (or impose higher standards or requirements) shall be enforced.

§ 500-10. Use regulations.

Only the following uses and their essential services may be allowed in any district:

- A. Permitted uses. Permitted uses, being the principal uses, specified for a district.
- B. Accessory uses.
 - (1) Accessory uses and structures (except accessory dwelling units, which are permitted by conditional use permit in R-1 and R-2 Districts) are permitted in any district but not until their principal structure is present or under construction.
 - (2) Any permanent, roofed structure serving as an accessory use, if attached to the principal building, shall be considered a part of the principal building. If such structure is a building and is not attached to the principal building, it shall conform to the setback and other dimensional requirements of the district within which it is located.
- C. Conditional uses.
 - (1) Conditional uses and their accessory uses are considered as special uses requiring, for their authorization, review, public hearing and approval by the Plan Commission in accordance with Article V of this chapter except those existent at time of adoption of this chapter.
 - (2) Conditional use(s), when replaced by permitted use(s), shall terminate. In such case(s), the reestablishment of any previous conditional use(s) or establishment of new conditional use(s) shall require review, public hearing and approval by the Plan Commission in accordance with Article V of this chapter.
 - (3) Conditional uses authorized by the Plan Commission shall be established for a period of time to a time certain or until a future happening or event at which the same shall terminate.
 - (4) Conditional uses authorized by the Plan Commission shall not be subject to

¹. Editor's Note: Original § 13-1-10(e), Lots abutting more restrictive district, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See § 500-11D.

substitution with other conditional uses, either regular or limited, whether similar type or not, without Plan Commission approval and the procedures required in Article V of this chapter.

- D. Classification of unlisted uses. Any use not specifically listed as a permitted use or a conditional use in the districts established in § 500-15 shall be considered to be prohibited except as may be otherwise specifically provided hereinafter. In case of question as to the classification of an unlisted use, the question shall be submitted to the Zoning Board of Appeals for determination, following a recommendation from the Plan Commission, in accordance with the following procedure:
- (1) Application. Application for determination for classification of an unlisted use shall be made in writing to the Zoning Administrator and shall include a detailed description of the proposed use and such other information as may be required by the Plan Commission to facilitate the determination.
 - (2) Investigation. The Plan Commission shall make or have made such investigations as it deems necessary in order to compare the nature and characteristics of the proposed use with those of the uses specifically listed in this chapter and to recommend its classification.
 - (3) Determination. The determination of the Zoning Board of Appeals shall be rendered in writing within 60 days from the application and shall include findings supporting the conclusion. The Commission shall determine if the classification of the unlisted use is a permitted use, conditional use or prohibited use in one or more of the districts established in § 500-15.
 - (4) Effective date of determination. At the time of this determination of the classification of the unlisted use by the Zoning Board of Appeals, the classification of the unlisted use shall become effective.

§ 500-11. Site regulations.

- A. Street frontage. All lots shall abut upon a public street or other officially approved means of access, and each lot or combined lot frontage (the City has existing forty-foot lots that are combined as a building site) shall have a minimum public street frontage of 80 feet; however, to be buildable, the lot shall comply with the frontage requirements of the zoning district in which it is located.
- B. Principal structures. All principal structures shall be located on a lot. Except in the case of planned unit developments, not more than one principal building or use and its accessory buildings or uses may be located on a lot. The Plan Commission may permit as a conditional use or planned unit development more than one principal structure per lot in any district where more than one such structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Plan Commission may impose additional yard requirements, landscaping requirements or parking requirements, or require a minimum separation distance between principal structures.
- C. Dedicated street. All lots shall abut a public street or approved private road or way which is constructed to applicable standards. No zoning permit shall be issued for a lot which abuts

a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

- D. Lots abutting more restrictive districts. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The front yard setbacks in the less restrictive district shall be modified for a distance of not less than 60 feet from the more restrictive district boundary line so such front yard setbacks shall be no less than the average of the front yards required in both districts.
- E. Site suitability. No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Common Council, upon the recommendation of the Plan Commission, by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of this community. The Plan Commission, in applying the provisions of the section, shall, in writing, recite the particular facts upon which its bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the Plan Commission may affirm, modify or withdraw its determination of unsuitability when making its recommendation to the Common Council.
- F. Preservation of topography. In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than 1 1/2 horizontal to one vertical, within a distance of 20 feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the Common Council, upon the recommendation of the Plan Commission, or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.
- G. Decks. For purposes of this chapter, decks and porches shall be considered a part of a building or structure.
- H. Vacated streets. Whenever any street, alley, easement or public way is vacated by official action, the zoning district abutting the center line of the said vacated area shall not be affected by such proceeding.
- I. Platting. All buildings hereafter erected upon unplatted land shall be so placed that they will not obstruct proper street extensions or other features of proper subdivision and land platting.
- J. Dwelling units. No unfinished home, tent or trailer shall, at any time, be used as a dwelling unit, except mobile homes located in an approved mobile home park. Basements shall not be used as dwelling units, except where specifically designed for such use through proper damp-proofing, fire-protecting walls and other requirements as may be imposed by the

Building and Housing Codes.² An accessory building may be used as a dwelling unit only upon the issuance of a conditional use permit for an accessory dwelling unit under § 500-75.

- K. Animal yards. Animal feed yards, animal sales yards, commercial kennels for dogs or cats, riding academies and public stables shall be located no closer than 200 feet from any property line, shall provide automobile and truck egress, shall provide parking and loading spaces, so designed as to minimize traffic hazard and congestion, proponent shall show that odor, dust, noise, drainage shall not constitute a nuisance or a hazard to adjoining property or uses.
- L. Temporary uses. Temporary uses such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Common Council.

§ 500-12. Modifications.

- A. Height. The district height limitations stipulated elsewhere in this chapter may be exceeded, but such modification shall be in accord with the following:
 - (1) Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this chapter.
 - (2) Special structures, such as elevator penthouses, gas tanks, grain elevators, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations and smoke stacks, are exempt from the height limitations of this chapter.
 - (3) Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this chapter.
 - (4) Communication structures, such as radio and television transmission and relay towers, aeriels and observation towers, shall not exceed in height three times their distance from the nearest lot line, except that communications structures more than 15 feet in height over their mounting shall be conditional uses.
 - (5) Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may be erected to a height not exceeding 60 feet and not exceeding five stories, provided that the front, side and rear yards required in the district in which such structure is to be located are increased not less than one foot for each foot the structure exceeds the district's maximum height requirement.
- B. Yards. The yard requirements stipulated elsewhere in this chapter may be modified as follows:
 - (1) Architectural projections, such as chimneys, flues, sills, eaves, belt courses, ornaments, landings and fire escapes may project into any required yard, but such

2. Editor's Note: See Ch. 152, Building Construction.

- projection shall not exceed two feet.
- (2) Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this chapter.
 - (3) Landscaping and vegetation are exempt from the yard requirements of this chapter.
- C. Corner side yards. The required side yard on the street side of corner lots shall be at least 50% greater than the minimum specified for the district.

§ 500-13. Reduction or joint use. [Amended 10-18-2006 by Ord. No. 335]

The provisions of § 500-9D(1) of this chapter shall apply to yard reduction and joint use of yards.

§ 500-14. Screening and fencing requirements.

Screening or fencing as required by this chapter shall be subject to the following provisions:

- A. Approval required. Any use or conditional use listed in this chapter requiring screening or fencing shall be permitted only when authorized by the City and subject to its approval of a screening or fencing plan for that particular use.
- B. Objective. Planting or other suitable screening including fences or freestanding walls shall be required where deemed necessary for screening for enclosure purposes by the City, such as around outdoor storage yards and industrial property lines, salvage yards, refuse disposal sites, quarries and mines, mobile home parks, and trailer camps. Such provisions shall be required to the extent needed to provide for:
 - (1) Screening of objectionable views.
 - (2) Adequate shade.
 - (3) Enclosure of storage materials.
 - (4) Public health and safety.
 - (5) A suitable setting for the particular use and other facilities.
- C. Extent.
 - (1) Screen planting. Adequate to screen objectionable views effectively within a reasonable time; in some cases temporary screening devices may be required until suitable screen planting can be achieved.
 - (2) Other planting. For mobile home parks and trailer camps, other planting should be adequate in size. The quantity and character shall provide an attractive setting for the mobile homes, trailers and other improvements, provide adequate privacy and pleasant outlooks for living units, minimize reflected glare and afford summer shade.
 - (3) Existing planting. Acceptable as required planting to the extent that it is equivalent, suitable and preserved in good condition.

- (4) Fences and walls. Appropriately designed for the function intended and shall be substantially constructed to withstand conditions of soil, weather and use.
- (5) Proper maintenance required. All screenings, fences and walls required by this chapter shall be maintained so as not to provide an objectionable view by themselves.³

ARTICLE III
Zoning Districts

§ 500-15. Establishment of districts. [Amended 10-18-2006 by Ord. No. 335; 12-18-2007 by Ord. No. 339]

- A. For the purposes of this chapter, the City of Bayfield is hereby divided into the following standard zoning districts:
 - (1) R-1 Residential District.
 - (2) R-2 Residential District.
 - (3) C-1 Commercial District.
 - (4) W-1 Conservancy District.
 - (5) FP-1 General Floodplain District (an overlay district).
 - (6) Waterfront District.
- B. Planned development districts may be established in accordance with the provisions of Article IV.

§ 500-16. Zoning Map and district boundaries.

- A. The official zoning district map is an integral part of this chapter. The single official copy of this map entitled "City of Bayfield Official Zoning Map," together with a copy of this chapter, shall be available for public inspection during office hours. The map shall be certified by the Mayor and attested by the City Clerk. Any changes in zoning district boundaries shall be recorded on the map. No such change shall be effective until so recorded and until a duly certified and attested certificate describing the change is filed with the map.
- B. The district boundaries are either streets or alleys unless otherwise shown, and where the designation on the map indicates that the various districts are approximately bounded by a street or alley line, such street or alley line shall be construed to be the district boundary line.
- C. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the district boundary line.

³. Editor's Note: Original § 13-1-15(d), Required buffer strips in Industrial Districts, which immediately followed this section, was deleted 10-18-2006 by Ord. No. 335.

- D. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the designations on the map are approximately bounded by lot lines, said lot line shall be construed to be the boundary of the district.
- E. In unsubdivided property, the district boundary shown on the map shall be determined by use of the scale shown on such map.

§ 500-17. R-1 Residential District. [Amended 10-18-2006 by Ord. No. 335; 4-20-2010 by Ord. No. 349; 6-10-2013 by Ord. No. 369]

- A. Purpose. The R-1 Residential District provides for one-family and two-family year-round residential development protected from traffic hazards and the intrusion of incompatible land uses. It is intended to encourage such development around existing residential areas where soil conditions are suitable for such development and in those areas which can be economically and readily served by utilities and municipal facilities.
- B. Permitted uses.
 - (1) Single-family and two-family year-round dwellings.
 - (2) Private garages and carports, but only as accessory to the principal use.
 - (3) Essential services and utilities intended to serve the principal permitted use.
 - (4) Signs subject to the provisions of Article VIII.
 - (5) Horticulture and gardening.
 - (6) Customary accessory uses, provided that such uses are clearly incidental to the principal use and that no such use generates traffic or noise that would create a public or private nuisance.
- C. Conditional uses.
 - (1) Multifamily (three or more) dwelling units.
 - (2) Rooming houses.
 - (3) Mobile home parks subject to the conditions of this chapter.
 - (4) Public and semipublic uses, including but not limited to the following: public and private schools, churches, public parks and recreation areas, day-care centers, hospitals, rest homes and homes for the aged, fire and police stations, and historic sites. Sewage disposal plants, garbage incinerators and maintenance, repair or storage buildings shall not be permitted.
 - (5) Telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures, above or below ground.
 - (6) Home occupations meeting the requirements of § 500-76.
 - (7) Structures in the R-1 District that have been placed on the National Register of

Historic Places or those structures of historic importance as designated by the Bayfield Chapter of the County Historical Society may be considered for commercial uses which are ancillary to the principal use. Such requests will be considered principally to encourage the preservation of these historic structures.

- (8) Screening and fencing over four feet in height.
- (9) Swimming pools.
- (10) Kennels.
- (11) Bed-and-breakfast establishments.
- (12) Accessory dwelling units.

D. Dimensional requirements.

- (1) Building height limit: 35 feet.
- (2) Required lot area:
 - (a) Single-family dwelling: 9,600 square feet.
 - (b) Two-family dwelling: 9,600 square feet.
 - (c) Multifamily dwelling (over two): 4,800 square feet per family.
- (3) Minimum lot width: 80 feet.
- (4) Yards required:
 - (a) Front yard: 25 feet.
 - (b) Front yard (Historic District): 10 feet.
 - (c) Side yards:
 - [1] Principal building: seven feet for gable or nine feet for eave; 20 feet total.
 - [2] Accessory building: same as for principal building.
 - (d) Rear yard: 10 feet.
- (5) Minimum floor area per family:
 - (a) For a three-bedroom apartment: 1,000 square feet.
 - (b) For a two-bedroom apartment: 800 square feet.
 - (c) For a one-bedroom apartment: 600 square feet.

§ 500-18. R-2 Multifamily Residential District. [Amended 4-20-2010 by Ord. No. 349; 6-10-2013 by Ord. No. 369]

- A. Purpose. The R-2 Multifamily Residential District is intended to provide for multifamily year-round residential development in areas which are served by utilities and municipal facilities.

- B. Permitted uses.
 - (1) Any use permitted in the R-1 District.
 - (2) Multifamily year-round dwellings.
 - (3) A garage or carport as accessory uses or signs complying with the requirements of this chapter.
- C. Conditional uses.
 - (1) Any use authorized by conditional permit in the R-1 District.
 - (2) Rooming houses and hotels/motels.
- D. Dimensional requirements.
 - (1) Building height limit: 35 feet.
 - (2) Required lot area:
 - (a) Single-family dwelling: 9,600 square feet.
 - (b) Two-family dwelling: 9,600 square feet.
 - (c) Multifamily (over two): 4,800 square feet per family.
 - (3) Minimum lot width: 80 feet.
 - (4) Yards required:
 - (a) Front yard: 25 feet.
 - (b) Front yard (Historic District): 10 feet.
 - (c) Side yards:
 - [1] Principal building: seven feet for gable or nine feet for eave; 20 feet total.
 - [2] Accessory building: same as for principal building.
 - (d) Rear yard: 10 feet.
 - (5) Minimum floor area per family:
 - (a) For a three-bedroom apartment: 1,000 square feet.
 - (b) For a two-bedroom apartment: 800 square feet.
 - (c) For a one-bedroom apartment: 600 square feet.

§ 500-19. C-1 Commercial District. [Amended 1-25-2006 by Ord. No. 332; 4-20-2010 by Ord. No. 349; 6-10-2013 by Ord. No. 369]

- A. Purpose. The C-1 Commercial District is intended to provide for the orderly and attractive grouping, at appropriate locations, of retail stores, shops, offices, and similar commercial establishments.

- B. Permitted uses. Facilities such as, but not limited to, the following:
- (1) Retail stores and shops offering convenience goods and services.
 - (2) Business and professional offices and studios.
 - (3) Banks and savings and loan offices.
 - (4) Commercial entertainment facilities.
 - (5) Laundromats.
 - (6) Restaurants.
 - (7) Taverns.
 - (8) Medical, dental and chiropractic clinics.
 - (9) (Reserved)
 - (10) Recreation service-oriented facilities.
 - (11) Hotels/motels and tourist rooming houses, subject to Subsection E.
 - (12) Rooming houses, subject to Subsection E.
 - (13) Signs in compliance with this chapter.
 - (14) Horticulture and gardening.
 - (15) Bed-and-breakfast establishments, subject to Subsection E.
 - (16) Dwelling (single-family, two-family, or multiple-family), subject to Subsection E.
- C. Conditional uses.
- (1) Public and semipublic conditional uses as stated in the R-1 District.
 - (2) Wholesaling establishments.
 - (3) Transportation terminals.
 - (4) Auto service stations and maintenance facilities.
 - (5) Miniature golf, go-karts, and amusement parks.
 - (6) Drive-in establishments offering in-car service to customers.
 - (7) Screening and fencing over four feet in height.
 - (8) Above- and below-ground telephone and power transmission towers, poles, lines, relays, repeaters, transformers and substations, above and below ground.
 - (9) Home occupations or professional home offices occupying less than 25% of the floor space with one or fewer nonresident employees.
 - (10) Swimming pools.

- (11) Kennels.
- (12) Club meeting facilities.
- (13) Semipermanent merchant.
- (14) Hotels/motels not subject to Subsection E.

D. Dimensional requirements.

- (1) Maximum building height: 35 feet.
- (2) Side yard:
 - (a) Principal building:* none or, if provided, a minimum of 10 feet.
 - (b) Accessory building:* none or, if provided, a minimum of 10 feet.
- (3) Front yard setback:* 15 feet.
- (4) Front yard setback (Historic District):* 10 feet.
- (5) Rear yard setback:* 10 feet.
- (6) Minimum lot width:* 40 feet.
- (7) Minimum lot length:* 20 feet.

* In the blocks in the Commercial District which are already developed, setbacks and minimum lot widths for new or renovated buildings may correspond with the existing setbacks, provided that the Plan Commission determines such action will be in keeping with the purposes of this chapter.

E. A use subject to this subsection (hereafter "the subject use") shall comply with the following restrictions: The subject use shall not be permitted on any floor with an elevation of less than nine vertical feet above or below street level, measured from the highest street elevation adjoining that portion of the property on which the subject building is located. Up to, but not more than, 50% of any such floor may be used for purposes ancillary to the subject use, such as parking or storage, provided that such ancillary use may not be located on the 50% of the floor area nearest the street or avenue adjoining the subject building (or, if the building is on a corner, nearest the avenue adjoining the building), nor may such area be reserved for use by occupants or users of the subject use.

§ 500-20. (Reserved) ⁴

§ 500-21. W-1 Conservancy District. [Amended 6-10-2013 by Ord. No. 369]

A. Purpose. The W-1 District is intended to preserve the natural state of undeveloped lands that, due to their topography, soil composition, or other similar factors, are not suitable for significant development because of the potential hazards to public or private property or

4. Editor's Note: Original Sec. 13-1-25, I-1 Industrial District, was deleted 10-18-2006 by Ord. No. 335.

the public welfare that would result therefrom.

B. Permitted uses.

- (1) Management of forestry, wildlife and fish.
- (2) Harvesting of wild crops such as marsh hay, ferns, moss, berries, fruit trees, and tree seeds.
- (3) Essential services.
- (4) Horticulture and gardening.

C. Conditional uses.

- (1) Drainage where such activity will not be in conflict with the stated purposes of this district.
- (2) Public and private parks.
- (3) Dams.
- (4) Grazing where such activities will not be in conflict with the stated purposes of this district.
- (5) Orchards and wild crop harvestings.
- (6) Telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housings and other necessary appurtenant equipment and structures, above and below ground.
- (7) Signs, subject to the provisions of this chapter.
- (8) Screening and fencing over four feet in height.
- (9) Outdoor classes.
- (10) Recreational trails.

D. No use shall involve dumping or filling of mineral soil, or peat removal or any other use that would disturb the natural fauna, flora, watercourses, water regimen, or topography.

§ 500-22. FP-1 Floodplain District. [Amended 6-10-2013 by Ord. No. 369]

Regulations regarding development in the FP-1 Floodplain District are contained in Chapter 407, Floodplain Zoning, of the Code of the City of Bayfield.

§ 500-23. Waterfront District. [Amended 6-10-2013 by Ord. No. 369]

A. Purpose. The purpose of the Waterfront District is to:

- (1) Establish a zoning district specifically applicable to marine commercial and recreational uses located on the City's waterfront;
- (2) Provide for the review of proposed uses and new construction;

- (3) Carry out the policies of the Comprehensive Plan (2001-2021);
- (4) Enhance and improve the overall quality, appearance and function of the Waterfront District;
- (5) Promote the harmonious relationship between harbor uses and adjacent neighborhoods;
- (6) Ensure the protection of coastal resources and views; and
- (7) Provide public access and maintenance of public areas.

B. Permitted uses.

- (1) Commercial fish receiving facilities.
- (2) Remodeling of existing structures; project size not to exceed more than 10% of the existing building.
- (3) Fish market, with or without cooked food to go.
- (4) Farmer's market (those operating on a more-permanent basis).

C. Conditional uses.

- (1) Construction or alteration of landscape and parking areas.
- (2) Construction or alteration of harbor facilities, including boat docks, rest rooms, trash enclosures, walkways, lighting, and observation decks.
- (3) Dry boat storage and launching facilities.
- (4) Hoist machinery.
- (5) Hotels and motels.
- (6) Marine or visitor retail services, commercial uses and eating and drinking establishments.
- (7) New construction.
- (8) Sport-fishing facilities.
- (9) Public or quasi-public buildings of a recreational, educational, cultural or public utility service nature.
- (10) Beach and water accessways, public or private.
- (11) Parking areas or lots.
- (12) Picnic grounds and barbecue facilities, public or private, including any other structure, shelter, or building, parks.
- (13) New public fishing facilities, docks and breakwalls.
- (14) (Reserved)

- (15) Navigation aids and devices involving the erection of a structure.
 - (16) Public rest room facilities.
 - (17) Any other uses or service establishments that are determined by the Plan Commission to be of the same general nature as the foregoing uses; those that will not impair the present or potential uses of adjacent properties and are consistent with the policies of the Comprehensive Plan.
- D. General regulations. The following requirements shall apply in the Waterfront District for all uses proposed except as otherwise provided in this chapter:
- (1) Maximum building height: 35 feet.
 - (2) Building setback:
 - (a) Side yard:
 - [1] Principal building:* a minimum of 10 feet.
 - [2] Accessory building: a minimum of 10 feet.
 - (b) Front yard:* 10 feet.
 - (c) Rear yard: 10 feet.
 - (3) Minimum lot width: 40 feet.
 - (4) Minimum lot length: 120 feet.

*In blocks in the Waterfront District which are already developed, setbacks and minimum lot widths for new or renovated buildings may correspond with the existing setbacks, provided that the Plan Commission determines such action will be in keeping with the purposes of this chapter.⁵

§ 500-24. Deemed dimensions for lots on original plat.

If a lot subject to the area and dimensional requirements of §§ 500-17, 500-18, and/or 500-19 (hereafter "the subject lot") consists of one or more platted lots established by the original plat of the City of Bayfield and purporting thereon to have dimensions of 40 feet by 120 feet, whose actual dimensions have been shown by a subsequent survey to be less than 40 feet by 120 feet but more than 35 feet by 115 feet, then the dimensions of platted lots shall be deemed to be 40 feet by 120 feet for purposes of determining whether the subject lot meets the applicable dimensional and area requirements.

ARTICLE IV
Planned Development Districts
[Amended 12-18-2007 by Ord. No. 339]

⁵. Editor's Note: Original Sec. 13-1-30, containing Table A - Permitted Uses in Districts, and Table B - Building and Property Dimensional Requirements, which followed this section, was deleted 10-18-2006 by Ord. No. 335.

§ 500-25. Purpose; general description.

- A. The planned development district provides a regulatory framework to encourage improved environmental design by allowing flexibility in the development of land while ensuring compliance with the basic intent of the Zoning Code and with the City's Comprehensive Plan. The planned development district has no set standards and specifications. A developer may propose uses or combinations of uses and configurations of intensity and density of development. Through a process of Plan Commission review, public hearing and Common Council review and approval, accompanied by discussions with the developer and, as appropriate, with other interested parties, an agreement may be reached between the property owner and the City. The terms of the agreement constitute the zoning requirements for the property. These requirements have the same legal force and effect as do standard zoning requirements.
- B. As a general rule, the project size should be at least 96,000 square feet to achieve the community benefits of PDD zoning. Projects encompassing less than 96,000 square feet are presumptively too small, but may still be submitted and considered.

§ 500-26. Criteria for approval.

As a basis for determining the acceptability of a planned development district, the following criteria shall be applied to the general implementation plan, with specific consideration as to whether or not it is consistent with the general purpose and intent of the City's Zoning Code and Comprehensive Plan, whether it has been prepared with competent professional expertise and guidance, and whether it produces significant community benefits of an environmental design nature or otherwise that compensate for modifications in normal zoning requirements.

- A. Character and intensity of land use. The uses proposed and their intensity and arrangement on the site shall:
 - (1) Respect the physical attributes of the site, with particular concern for preservation of natural features, tree growth and open space.
 - (2) Produce an attractive environment of sustained aesthetic and ecological desirability, economic stability and functional practicality compatible with development prospects for the area.
 - (3) Not adversely affect the anticipated provision of school or municipal services.
 - (4) Not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it.
- B. Economic feasibility and impact. The proponents of a planned development district shall provide evidence satisfactory to the Plan Commission and the Common Council that the project will not adversely affect the economic prosperity of the City or the values of surrounding properties.
- C. Engineering design standards. Streets and other ways, outdoor lighting, provision for stormwater drainage, sanitary sewer service, water supply, or other similar environmental and municipal engineering considerations shall be based on appropriate standards necessary to implement the specific function and the specific situation; provided, however,

that in no case shall standards be less than those necessary to achieve the public health, safety and welfare as determined by the City.

- D. Preservation and maintenance of open space in a planned development district. Provision shall be made for the preservation and maintenance of open spaces either by public reservation or dedication to public entities or commitment to preservation by a private entity. PDD contracts shall contain specific reference to the ownership of such open space areas and to provision for maintenance.

§ 500-27. Procedure: general implementation plan.

- A. The procedure for rezoning to a planned development district shall be as required for any other zoning district change under this Code, except that in addition thereto, the following information describing a general implementation plan shall be filed by the applicant with the City's Zoning Administrator:
- (1) A map of the project area, including its relationship to surrounding properties and topography and other key features.
 - (2) A statement of rationale as to why planned development district zoning is proposed. This shall identify barriers that the developer perceives in the form of requirements of standard zoning districts and opportunities for community betterment the developer suggests are available through the proposed planned development district zoning.
 - (3) Brief analysis of social and economic impacts on the community of the project, and positive relationships to the Comprehensive Plan.
 - (4) A general development plan of the proposed project showing at least the following information in sufficient detail to make possible evaluation against criteria for approval:
 - (a) Public and private roads, driveways and parking facilities.
 - (b) Land uses and size, arrangement and location of lots and proposed buildings or groups of buildings.
 - (c) The types, size and location of structures.
 - (d) A general utility plan.
 - (e) The location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and use.
 - (f) General landscape treatment plan.
 - (g) Statistical data on size of the development, density/intensity of various parts of the development, ratio of various land uses, economic analysis of the development, expected staging, and any other plans or data required by the Plan Commission or Common Council.
 - (5) General outline of the intended organizational structure for a property owners'

association, if any; deed restrictions and provisions for private provision of common services, if any.

B. Plan Commission review.

- (1) Following submission of an application including all of the information required under § 500-27A and the payment of the required fee, the matter shall be placed on a Plan Commission agenda for concept review. Initial review is review of the project at the concept level and is not binding. The preferred procedure is for one or more iterations of Plan Commission initial review to occur prior to introduction of a formal petition for rezoning. The applicant may seek to accelerate review by introducing the rezoning petition prior to Plan Commission initial review. Whenever the required petition is introduced, the normal rezoning procedure occurs, including notice and hearing before the Plan Commission. The issues that are the subject of this public hearing are the rezoning request and the general implementation plan.
- (2) If the Plan Commission determines more information is needed in order to adequately evaluate the application, it shall notify the applicant of the additional information required and may defer consideration of the application until such information has been provided. If the Plan Commission determines that it requires the assistance of one or more independent consultants, such as an engineer, hydrologist, soils scientist, or land use planner, in order to adequately evaluate the application, it shall notify the applicant of such determination and may require the applicant to make deposits in escrow under § 500-97G to fund the City's hiring of the consultant(s); and may defer consideration of the application until the consultant(s) has (have) been retained and provided the City with the assistance required to adequately evaluate the application.
- (3) Following the required public hearing before the Plan Commission, the Plan Commission shall meet to make a determination and recommendation whether to advise the Common Council to approve the rezoning and the general implementation plan, to approve it with modifications, or deny it.
- (4) The Plan Commission's reports and recommendations shall be made in a written report to the Common Council. A complete set of maps, plans and written documentation fully describing the proposed development as recommended by the Plan Commission at a general implementation plan level shall accompany the report of the Plan Commission. In a situation in which the applicant disagrees with certain recommendations of the Plan Commission and is urging the Common Council to approve with modifications, the applicant must supply documentation of those modifications to the Council prior to the matter being placed on the agenda of the Common Council.

C. Owner's consent following Common Council approval. If the Planned Development District Ordinance as adopted by the Common Council provides explicitly, the area of the PDD may be segmented. Unless segmented, the owners of record of all included parcels must consent in writing within a single thirty-day period following Common Council adoption in order for the PDD rezoning to take effect. If segmented, the written consent rule applies separately to each segment. Consent shall be binding upon future owners of the parcels in question, and such consents may not be conditioned or revocable by owners.

- D. Filing; effective date. When all of the consent signatures for lands in the parcel being rezoned have been filed with the Zoning Administrator, the documentation on Plan Commission and Common Council action and on the general implementation plan and the consent signatures shall be logged in and filed by the City, and the property shall be indicated as rezoned on City zoning maps. The indication shall be PDD-GIP. The City shall record at the Bayfield County Register of Deeds Office an affidavit of notice of PDD zoning against all real property included in the district. This shall be done on the effective date of the PDD-GIP zoning. The City shall require the applicant to supply necessary property descriptions and to pay recording fees.
- E. Effect of PDD-GIP zoning.
- (1) The approval of a general implementation plan shall not authorize issuance of building permits. The permits may not be issued until approval by the City of the specific implementation plan pursuant to § 500-28.
 - (2) Rezoning to PDD on the basis of an approved general implementation plan shall revert to prior zoning if the specific implementation plan is not approved within one year from date of filing under this section. Extensions may be granted for cause by the Plan Commission. Records of extensions shall be recorded in the City file on the PDD District.

§ 500-28. Procedure: specific implementation plan.

- A. Filing. After the effective date of the rezoning to PDD-GIP, the applicant may file a specific implementation plan with the Plan Commission.
- (1) The specific implementation plan shall contain graphic and tabular presentations at a level of detail equivalent to the level of detail of a final plat. Accompanying text information shall describe in detail the development plans, methodologies and timetables for the area covered by the specific implementation plan.
 - (2) The area included in a specific implementation plan may be only a portion of the area included in a previously approved general implementation plan.
 - (3) The specific implementation plan submission may include site plan and design information, allowing the Plan Commission to combine design review and review of the specific implementation plan. Design review may, at the choice of the applicant, be deferred until a later time when specific site and building developments will be brought forth.
 - (4) As part of submission for specific implementation plan approval, the applicant shall submit proof of financing capability pertaining to construction and maintenance and operation of public works elements of the proposed development.
 - (5) The Plan Commission or Common Council may specify other plans, documents or schedules that must be submitted prior to consideration or approval of the specific implementation plan, as such may be relevant to review procedures and standards.
- B. Plan Commission review.

- (1) When the specific implementation plan submission is deemed by the Zoning Administrator to be complete, the matter shall be placed upon the agenda of the Plan Commission for review, consideration and approval or rejection. No public hearing is required at this stage, but one or more public hearings or informational meetings may be provided optionally.
 - (2) The specific implementation plan submission shall be reviewed by the Plan Commission against the standards of this article, the Comprehensive Plan and the previously approved general implementation plan. In order to approve a specific implementation plan, the Plan Commission must determine that the specific implementation plan is reasonably consistent with the previously approved general implementation plan.
 - (3) If the Plan Commission recommends approval of a specific implementation plan, complete documentation describing the plan, and any contracts that the Plan Commission deems necessary for the implementation of the plan, shall be prepared, reviewed by the Zoning Administrator and, when found to be complete, the Zoning Administrator shall place the plan on the agenda of the Common Council.
- C. Common Council review. The Common Council shall consider and act on the specific implementation plan after reviewing the recommendations of the Plan Commission on same. The Common Council shall approve a specific implementation plan that is reasonably consistent with the previously approved general implementation plan.
- D. Filing and effective date. The provisions of § 500-27C and D shall apply to the processing of and consent signatures for a specific implementation plan following approval by the Common Council. Signatures are required by property owners only in the area affected by the specific implementation plan. The affidavit of zoning status need not be recorded at the SIP stage if one is duly on record from the PDD-GIP stage.
- E. Effect of SIP approval; alterations. The filing of an approved specific implementation plan shall authorize issuance of building and other land use permits to carry out development activities consistent with that approved plan.
- (1) Any subsequent change of use of any parcel or any modification of the specific implementation plan shall first be submitted for approval to the Plan Commission. If the Plan Commission determines that such change or modification constitutes a substantial alteration of the specific implementation plan, the specific implementation plan shall be required to be amended through the same procedures used to approve, file and record the specific implementation plan. If the Plan Commission determines that such changes or modification do not constitute a substantial alteration of the specific implementation plan, the change may be accomplished by approval of the Plan Commission. Such approved modifications shall be documented and recorded in the official file of the City on the PDD District.
 - (2) A specific implementation plan approval lapses one year after its effective date if substantial development progress has not occurred. The Plan Commission may grant extensions for good cause.

ARTICLE V
Conditional Uses

§ 500-29. Statement of purpose.

The development and execution of this article 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 or districts, 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.

§ 500-30. Authority of Plan Commission; requirements.

- A. The Plan Commission may authorize the Zoning 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 structure(s) 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 reason(s) 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, if specified, 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 herein prescribed are being complied with.
- B. Any development within 500 feet of the existing or proposed rights-of-way of freeways, expressways and within 1/2 mile of their 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, operation 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.

§ 500-31. Initiation of conditional use.

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.

§ 500-32. Application for conditional use.

- A. Required application materials. 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 on receipt by the Zoning Administrator. 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 § 500-35 hereinafter.
 - (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 an enforcement of this chapter, including a plan showing contours and soil types; high-water mark and ground water 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, ground water 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.

§ 500-33. Hearing on application.

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 § 500-32 above, 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.

§ 500-34. Notice of hearing on application.

Notice of the time, place and purpose of such hearing shall be given by publication of a Class 2 notice under the Wisconsin Statutes 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, said 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.

§ 500-35. Conditions for granting application.

No application for a conditional use shall be granted by the Plan Commission or granted by the Zoning Board of Appeals on appeal unless the following conditions are present:

- A. That 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.
- B. That 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.
- C. That 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.
- D. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- E. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- F. That the conditional use shall, except for yard requirements, conform to all applicable

regulations of the district in which it is located.

- G. That the proposed use does not violate floodplain regulations governing the site.
- H. That, when applying the above standards to any new construction of a building or an addition to an existing building, the Plan Commission and Zoning Board of Appeals 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.
- I. That, in addition to passing upon a conditional use permit, the Plan Commission and Zoning Board of Appeals shall also evaluate the effect of the proposed use upon:
 - (1) The maintenance of safe and healthful conditions.
 - (2) The prevention and control of water pollution including sedimentation.
 - (3) Existing topographic and drainage features and vegetative cover on the site.
 - (4) The location of the site with respect to floodplains and floodways of rivers and streams.
 - (5) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
 - (6) The location of the site with respect to existing or future access roads.
 - (7) The need of the proposed use for a shoreland location.
 - (8) Its compatibility with uses on adjacent land.
 - (9) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

§ 500-36. Denial of application for conditional use permit.

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.

§ 500-37. Appeals.

Any action of the Plan Commission in granting or denying a conditional use permit may be appealed to the Zoning Board of Appeals, if a written request for an appeal is filed within 10 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% of the land area immediately adjacent extending 100 feet therefrom or by the owners of 20% 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 Zoning Board of Appeals at its next meeting, together with any documents and other data used by the Plan Commission in reaching its decision. The Zoning Board of Appeals may consider the matter forthwith, refer the matter to a subsequent meeting or set a date for a public hearing thereon. In

the event the Zoning Board of Appeals 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 10 days before the date of the hearing. The Zoning Board of Appeals 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.

§ 500-38. Conditions and guaranties.

The following provisions shall apply to all conditional uses:

A. Conditions. Prior to the granting of any conditional use, the Plan Commission, or the Zoning Board of Appeals 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 § 500-35 above. In all cases in which conditional uses are granted, the Plan Commission and Zoning Board of Appeals shall require such evidence and guaranties 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:

- (1) Landscaping;
- (2) Type of construction;
- (3) Construction commencement and completion dates;
- (4) Sureties;
- (5) Lighting;
- (6) Fencing;
- (7) Operational control;
- (8) Hours of operation;
- (9) Traffic circulation;
- (10) Deed restrictions;
- (11) Access restrictions;
- (12) Setbacks and yards;
- (13) Type of shore cover;
- (14) Specified sewage disposal and water supply systems;
- (15) Planting screens;
- (16) Piers and docks;

- (17) Increased parking; or
- (18) Any other requirements necessary to fulfill the purpose and intent of this chapter.
- B. 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, sewerage and water systems and the proposed operation/use. If City reviewing officials require the assistance of outside professionals in evaluating the application (i.e., engineering, legal, etc.) the cost of such services shall be paid by the applicant.
- C. Alteration of conditional use. No alteration of a conditional use shall be permitted unless approved by the Plan Commission.
- D. 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 approval of the Architectural Review Board.⁶
- E. Sloped sites; unsuitable soils. Where slopes exceed 6% 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.
- F. 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.

§ 500-39. Validity of conditional use permit.

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 Zoning 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 said permit.

⁶. Editor's Note: Throughout this chapter, references to the "Architectural Board" were amended to "Architectural Review Board" at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 500-40. Complaints regarding conditional uses.

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 said complaint indicates a reasonable probability that the subject conditional use is in violation of either one or more of the standards set forth in § 500-35 above, 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 § 500-34 above. 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 § 500-35 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 § 500-38. Additionally, the offending party may be subjected to a forfeiture as set forth in this chapter and § 1-3. In the event that no reasonable modification of such conditional use can be made in order to assure that standards in Subsections A and B of § 500-35 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 Zoning Board of Appeals.

§ 500-41. Bed-and-breakfast establishments. [Amended 10-18-2006 by Ord. No. 335; 3-20-2007 by Ord. No. 336; 4-20-2010 by Ord. No. 349]

A. 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 article.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

BED-AND-BREAKFAST ESTABLISHMENT — As defined in the definition of "bed-and-breakfast establishment" in § 500-108 of this chapter.

C. Conditional use permit required.

- (1) City permit required. In addition to the permit required by Ch. DHS 197, Wis. Adm. Code, before opening for business every bed-and-breakfast establishment shall obtain a conditional use permit.
- (2) Application requirements. 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 article:
 - (a) A completed conditional use permit application, signed by owner and dated.
 - (b) Site plan showing location and size of building(s), parking areas and signs.

- (c) Number, surfacing and size of parking stalls.
- (d) Number, size, location and lighting of signs.
- (e) A written description of the proposed use.
- (f) Any other information deemed necessary by the Commission.
- (g) Representation at the public hearing to present request to the commission and answer questions if needed.
- (h) Permit application fee as set by the Common Council.
- (i) A copy of the recorded document establishing current ownership, a verified affidavit on a form supplied by the City, establishing that the ownership and residency requirements contained in the definition of bed-and-breakfast establishment in § 500-108 are met. [Added 6-6-2011 by Ord. No. 356; amended 5-14-2012 by Ord. No. 363]

D. Regulations.

- (1) Compliance with state standards. All bed-and-breakfast establishments and licensees shall be subject to and comply with Ch. DHS 197, Wis. Adm. Code, relating to bed-and-breakfast establishments.
- (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 three years.
- (3) Meals limitation. No meals may be served to unregistered guests or to the general public.
- (4) Obtain hotel-motel room tax permit, in accordance with § 54-19C(2) and submit reports and taxes as required.
- (5) Display of permits. The permits issued by the City shall be conspicuously displayed in the bed-and-breakfast establishment.
- (6) 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 one for the owner, which are in compliance with the provisions of § 500-51.
- (7) On-site signs. Signage shall comply with § 500-55A.
- (8) Termination of permit. A permit issued in accordance with Subsection C above shall be valid until terminated by action of the Plan Commission for violation of the provisions of this section, or of State of Wisconsin regulations as set forth in Ch. DHS 197, Wis. Adm. Code, or for non-use as provided in Subsection D(11) below.
- (9) Permit transferable. A bed-and-breakfast conditional use permit shall be transferable upon the sale or transfer of the property ownership, as long as all of the parameters

for approval remain the same (i.e., number of rooms, parking stalls, other conditions placed).

- (10) Ongoing verification of ownership and residency. The owner shall submit to the City with each annual room tax return required under § 54-19 a verified affidavit on a form supplied by the City establishing that the owner continues to meet the ownership and residency requirements contained in the definition of bed-and-breakfast establishment in § 500-108. The owner shall notify the City of any change in ownership or residency within 30 days after any such change. [Amended 6-6-2011 by Ord. No. 356; 5-14-2012 by Ord. No. 363]
- (11) Use. Must commence the conditional use permit "use" (i.e., renting a room) once per year or the permit becomes void.

§ 500-42. Garbage and refuse disposal sites.

- A. No garbage or refuse disposal sites shall be permitted in the City of Bayfield except in conformance with the rules and regulations of Ch. NR 514, Wis. Adm. Code.
- B. All such disposal sites shall have a minimum front, side and rear yards of 100 feet each.
- C. Garbage and refuse disposal sites shall be screened so that the salvage materials are not visible from other property in the vicinity, nor from a public right-of-way such as roads, streets, highways and waterways.

§ 500-43. Signal receiving antennas.

- A. Purpose. This section regulating the placement of signal receiving antennas is adopted to:
 - (1) Provide uniform regulation of all signal receiving antenna devices;
 - (2) Secure placement of such antennas in an aesthetically sensitive manner while allowing users reasonable reception of signals;
 - (3) Protect the public from injury from antennas that are inadequately mounted, unduly susceptible to wind pressure, improperly installed and wired, or are placed on structures insufficiently designed or constructed to safely support the antenna; and
 - (4) Provide for placement of such antennas in locations that preserve access to rear property areas by fire-fighting apparatus and emergency personnel.
- B. This section shall not apply to satellite antennas that are exempted from regulation pursuant to § 62.23(7)(he), Wis. Stats. [Added 10-18-2006 by Ord. No. 335]
- C. Permit required. No owner shall, within the City of Bayfield, build, construct, use or place any type of signal receiving antenna until a permit shall have first been obtained from the Zoning Administrator. A conditional use permit will be required for all signal receiving antennas/satellite dishes, regardless of the method of mounting.
- D. Definitions. As used in this section, the following terms shall have the meanings indicated:
OWNER — The holder of record of an estate in possession in fee simple, or for life, in land or

real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life but does not include the vendor under a land contract. A tenant in common or joint tenant shall be considered such owner to the extent of his interest. The personal representative of at least one owner shall be considered an owner.

SIGNAL RECEIVING ANTENNA — Any apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit. This definition includes all types of signal receiving antennas, including, without limitation, parabolic antennas, home earth stations, satellite television disks, UHF and VHF television antennas, and AM, FM, ham and short-wave radio antennas, regardless of the method of mounting.

- E. Application. Application for a signal receiving antenna permit shall be made in writing to the Zoning Administrator. With such application, there shall be submitted a fee as set by the Common Council and a sufficient set of mounting plans and specifications, including a general plot plan showing the location of the proposed signal receiving antenna with respect to streets, lot lines and buildings. If such application meets all requirements of this section, the application shall be approved. [Amended 10-18-2006 by Ord. No. 335]
- F. Installation standards. Signal receiving antennas installed in any zoning district within the City shall comply with the following provisions:
 - (1) Setbacks.
 - (a) Any signal receiving antenna and its mounting post shall be located a minimum of 10 feet from any property line.
 - (b) Subject to the provisions herein, signal receiving antennas shall only be located in the rear yard of any lot. If reasonable reception of signals is not possible with a rear yard placement due to the physical characteristics of the lot and area, the signal receiving antenna shall be placed in the side yard of the lot. In the event that reasonable reception of signals is not possible by locating the signal receiving antenna on the rear or side yard of the property, such antenna may be placed in the front yard or on the roof of structures on the property. For corner lots, a side yard is only a yard that does not face a street.
 - (c) If side yard, front yard or roof mounting is requested, the Zoning Administrator shall determine where reasonable reception is possible, based on evidence provided by the person seeking to erect or construct the antenna.
 - (2) Mounting. Signal receiving antennas attached to the wall or roof of any principal or accessory structure shall be permitted only if the structure is properly constructed to carry all imposed loading and complies with applicable state and local building code requirements. The Zoning Administrator may require engineering calculations.
 - (3) Diameter. The diameter of the signal receiving antenna shall not exceed 15 feet in diameter, except for systems used to provide community antenna television services.
 - (4) Height.
 - (a) A ground-mounted signal receiving antenna, including any platform or structure upon which said antenna is mounted or affixed, may not exceed 18 feet in

height, as measured from the ground to the highest point of the dish.

- (b) A roof-mounted antenna may not exceed 15 feet in height above the surrounding roofline as measured from the lowest point of the existing roofline.
- (5) Wind pressure. All signal receiving antennas shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of 80 miles per hour.
- (6) Electrical installations. Electrical installations in connection with signal receiving antennas, including grounding of the system, shall be in accordance with the National Electrical Safety Code, Wisconsin State Electrical Code and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the signal receiving antenna to the receivers shall be installed underground unless installation site conditions preclude underground. If a signal receiving antenna is to be used by two or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. The location of all such underground lines, cables and conduits shall be shown on the application for a permit. All signal receiving antennas shall be grounded against direct lightning strikes.
- (7) Temporary placement. No portable or trailer-mounted signal receiving antenna shall be allowed, except for temporary installation for on-site testing and demonstration purposes for periods not exceeding five days. However, such trial placement shall be in accordance with all provisions of this section. Failure to comply shall result in a citation being issued for violation of this section. Any person making such temporary placement shall first give written notice to the Zoning Administrator of the date when such placement shall begin and end.
- (8) Advertising. No form of advertising or identification, sign or mural is allowed on the signal receiving antenna other than the customary manufacturer's identification plates.
- (9) Interference with broadcasting. Signal receiving antennas shall be filtered and/or shielded so as to prevent the emission or reflection of an electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the signal receiving antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- (10) Compliance with federal regulations. The installation and use of every signal receiving antenna shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted thereunder.
- (11) Aesthetic considerations. Signal receiving antennas shall be located and designed to reasonably reduce visual impact from surrounding properties at street level.

G. Enforcement.

- (1) It shall be unlawful to construct, use, build or locate any signal receiving antenna in violation of any provisions of this section. In the event of any violation, the Common

Council or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this section.

- (2) Any person, firm or corporation who fails to comply with the provisions of this section shall, upon conviction, be subject to the general penalty found in § 1-3.

ARTICLE VI

Nonconforming Uses, Structures and Lots

§ 500-44. Existing nonconforming uses and structures.

- A. The lawful nonconforming use of a structure or land, including but not limited to fences, parking and zoning setbacks existing at the time of the adoption or amendment of this chapter may be continued although the use does not conform with the provisions of this chapter. An owner of an existing nonconforming structure will be allowed to extend, enlarge, reconstruct, move or structurally alter the building, so long as the new construction does not increase the extent of the nonconformity of the structure in any respect and does not create any new nonconformity. The owner of a nonconforming structure shall submit site and elevation plans to the Architectural Review Board for approval, along with a land survey in cases where the lot lines are questionable (to be determined by the City).
- B. If no structural alterations are made, a nonconforming use of a building may be changed to any use permitted in the same use district as that in which the use existing is permitted according to the provisions of this chapter, provided that when a use district is changed, any existing, nonconforming use in such changed district may be continued or changed to a use permitted in the same use district as that in which the existing use is permitted, provided that all other regulations governing the new use are complied with.
- C. Substitution of new equipment may be permitted by the Zoning Board of Appeals if such equipment will not increase the incompatibility of the nonconforming use with the neighboring uses.

§ 500-45. Abolishment or replacement.

- A. Termination. If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure or land shall conform to the provisions of this chapter.
- B. Building destroyed by fire. Where a building located in a district restricted against its use has been destroyed by fire or other calamity to the extent of not more than 50% of its fair market value, the same may be rebuilt; but where such a building is destroyed to the extent of more than 50% of its fair market value, a permit may be granted for its reconstruction within 12 months from the date of such fire or other calamity, except any public utility located in a restricted district shall be permitted to rebuild, alter or enlarge in any business district as the interest of the public demands.⁷

§ 500-46. Existing nonconforming structures.

⁷. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

The lawful nonconforming structure existing at the time of the adoption or amendment of this chapter may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this chapter. An owner of an existing nonconforming structure will be allowed to extend, enlarge, reconstruct, move or structurally alter the building, so long as the new construction does not increase the extent of the nonconformity of the structure in any respect and does not create any new nonconformity. The owner of a nonconforming structure shall submit site and elevation plans to the Architectural Review Board for approval, along with a land survey in cases where the lot lines are questionable (to be determined by the City).

§ 500-47. Changes and substitutions.

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Zoning Board of Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Zoning Board of Appeals.

§ 500-48. Substandard lots.

- A. In a Residential District, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the County Register of Deeds office before December 31, 1979.
- B. Such lot or parcel shall be in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this chapter. If in separate ownership, all the district requirements shall be complied with insofar as practical, but shall not be less than the following:
 - (1) Lot:
 - (a) Width: minimum 40 feet.
 - (b) Area: minimum 4,800 square feet.
 - (2) Building:
 - (a) Area: minimum 1,000 square feet.
 - (b) Height: maximum 35 feet.
 - (3) Yards:
 - (a) Front: minimum 25 feet; the second front yard on corner lots shall be not less than 10 feet.
 - (b) Rear: minimum 10 feet.
- C. Side: minimum 16% of the frontage, but not less than five feet (six feet, four inches for forty-foot lots).

ARTICLE VII
Traffic Visibility; Loading; Parking; Access

§ 500-49. Traffic visibility triangle.

- A. In each quadrant of every street intersection there shall be designated a vision clearance triangle, bounded by the curb face lines and a line connecting them 35 feet from their intersection. Within this triangle, no object shall be allowed above a height of 2 1/2 feet above the streets if it obstructs the view across the triangle. Posts or open fences are excluded from this provision. Tree trunks shall be exempt where they are unbranched to a height of 10 feet and located a minimum of 30 feet apart.
- B. In situations where trees of large diameter, large numbers of trees, or some combination of these are present, this provision shall be construed to mean that a sufficient number of trees shall be removed so as to render an object such as a motor vehicle clearly visible across the vision clearance triangle from one street or road to another, the intent being to provide for the public safety, but it shall not necessarily be construed to mean that every tree in the vision clearance triangle must be removed.

§ 500-50. Loading requirements.

- A. Loading space requirements. On every lot on which a business, commercial or industrial use is hereafter established, loading space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public right-of-way:

| Uses | Square Feet of Gross Floor Area | Required Off-Street Loading Spaces |
|---|--|---|
| School | | 1 |
| Hospital | Under 10,000 | None |
| | From 10,000 to 30,000 | 1 |
| | For each additional 30,000 or major fraction thereof | 1 additional |
| Funeral home | | 1 |
| Office, hotel, retail, service, wholesale, warehouse, manufacturing, processing or repairing uses | Under 10,000 | None |
| | From 10,000 to 25,000 | 1 |
| | From 25,001 to 40,000 | 2 |
| | From 40,001 to 60,000 | 3 |
| | From 60,001 to 100,000 | 4 |

- B. Multiple or mixed uses. Where a building is devoted to more than one use or for different uses and where the floor area for each use is below the minimum required for a loading space but the aggregate floor area of such uses is above such a minimum, then off-street loading space shall be provided as if the entire building were devoted to that use in the building for which the most loading spaces are required.
- C. Location. Required off-street loading spaces shall be located on the same lot with the principal use requiring such space. No loading space shall be located within 30 feet of the nearest point of intersection of two streets or require any vehicle to back into a public street.
- D. Surfacing. All open off-street loading berths shall be improved with a compacted gravel base, not less than seven inches thick, surfaced with not less than two inches of asphalt or treated with some comparable all-weather dustless material.
- E. Size. An individual loading space shall be at least 15 feet wide by 70 feet long and have a minimum high clearance of 16 feet. [Amended 10-18-2006 by Ord. No. 335]
- F. Utilization. Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- G. Central loading. Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:
 - (1) Each zoning lot served shall have direct access to the central loading area without crossing streets or alleys at grade.
 - (2) Total berths provided shall meet the requirements based on the sum of the several types of uses served. (Areas of types of uses may be totaled before computing number of loading berths.)
 - (3) No zoning lot served shall be more than 300 feet removed from the central loading area.
 - (4) The tunnel or ramp connecting the central loading area with the zoning lot served shall be not less than seven feet in width and have a clearance of not less than seven feet.

§ 500-51. Parking requirements. [Amended 8-10-2004 by Ord. No. 317; 6-15-2005 by Ord. No. 329; 10-18-2006 by Ord. No. 335; 8-26-2008 by Ord. No. 344]

Except as otherwise provided in this section, buildings within the City of Bayfield and their uses shall be subject to the following off-street parking requirements:

- A. Access. Each off-street parking space shall open directly upon an aisle or driveway designed to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.
- B. Design standards. Each parking space shall not be less than 200 square feet in area, 20 feet in length and 10 feet in width, exclusive of aisles and access drives. No parking area of

more than two spaces shall be designed as to require any vehicle to back into a public street.

C. Location.

- (1) All parking spaces required herein shall be located on the same lot with the building or use served, or may be located not to exceed 400 feet from the principal use in accordance with Subsection J of this section.
- (2) Off-street parking is permitted in all yards of all districts except in the non-driveway front yards of single-family and two-family residence districts but shall not be closer than five feet to a residential side lot line or rear lot line or closer than 15 feet to a right-of-way. No parking space or driveway, except in Residential Districts, shall be closer than 25 feet to a Residential District lot line.
- (3) Off-street parking in the single-family and two-family residence districts is permitted in the front yard in the driveway, even though closer than five feet to a side lot line providing the driveway conforms to the requirements in Chapter 206, Driveways and Culverts, of the Code of the City of Bayfield.

D. Landscaping.

- (1) Accessory landscape area. All public and private off-street parking areas which serve four vehicles or more, are located within 15 feet of any lot line or public right-of-way and are created or redesigned and rebuilt subsequent to the adoption of this chapter shall be provided with accessory landscape areas totaling not less than 10% of the surfaced area. The minimum size of each landscape area shall not be less than 100 square feet.
- (2) Location. Location of landscape areas, plant materials and protection afforded the plantings, including curbing and provision for maintenance by the property owner, shall be subject to approval by the Zoning Administrator.
- (3) Plans. All plans for such proposed parking areas, at the discretion of the Zoning Administrator, shall include a topographic survey or grading plan which shows existing and proposed grades and location of improvements. The preservation of existing trees, shrubs and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area.
- (4) Repair and service. No motor vehicle repair work or service of any kind shall be permitted in association with parking facilities provided in residence districts.
- (5) Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three footcandles measured at the lot line.

E. Number of stalls. Number of off-street parking stalls required are shown in the following table:

| Use | Minimum Parking Required |
|---|---|
| Single-family dwellings and mobile homes | 2 stalls for each dwelling unit |
| Multifamily dwellings; lodging and boarding houses; hotels, motels, tourist rooms, or other transient lodging | 1 stall for each dwelling or lodging unit, or for each 1,000 square feet of floor area and any additional portion thereof, whichever is greater |
| Sanitariums, institutions, rest and nursing homes | 1 stall for each 5 beds plus 1 stall for each 3 employees on duty |
| Medical and dental clinics | 3 stalls for each doctor on duty |
| Churches, theaters, auditoriums, community centers, vocational and night school and other places of public assembly | 1 stall for each 7 seats |
| Secondary and elementary schools | 1 stall for each 2 employees, plus 1 stall for each 15 students of 16 years of age or more |
| Bed-and-breakfast establishments | 1 stall for each guest room plus 1 for the owner |
| All other uses | 1 stall for each 1,500 square feet of floor area or and any additional portion thereof |

- F. Uses not listed. In the case of structures or uses not mentioned, the provision for a use which is similar shall apply, as determined by the Plan Commission.
- G. Computing requirements. In computing the number of spaces required, the following rules shall govern:
- (1) "Floor space" shall mean the gross floor area of the specific use.
 - (2) For structures containing more than one use, the required number of spaces shall be computed by adding the space required for each use.
- H. Handicapped parking requirements. In addition to any other requirements relating to parking spaces contained in these ordinances, the provisions contained in §§ 101.13, 346.503 and 346.56, Wis. Stats., and any Wisconsin Administrative Code sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities whenever constructed.
- I. Exceptions: changes in buildings or use.
- (1) Except as provided in Subsection I(2) of this subsection, no off-street parking shall be required for buildings existing in the Commercial or Waterfront Zoning District as of August 26, 2008, except such off-street parking as is already in existence as of such date.
 - (2) A building may not be expanded, nor its use or uses changed, nor the number of its uses or separately used components increased, unless sufficient off-street parking is provided to meet the requirements of this section that would apply to such altered building and/or use(s) if constructed after August 26, 2008, provided that a change of

use only of a building in the Commercial or Waterfront Zoning District shall not require the provision of any off-street parking not already in existence as of August 26, 2008.

- (3) The Plan Commission may, by the granting of a special exception, reduce the number of parking stalls otherwise required by this section. In determining whether a special exception should be granted for such purpose, the Commission shall consider the conditions and factors listed § 500-35, pertaining to the issuance of conditional use permits, to the extent applicable.

J. Off-lot parking.

- (1) Required off-street parking spaces shall be located on the same lot with the principal use, or such parking spaces may be located off-lot, provided the parking spaces are located in the same district and not over 400 feet from the principal use. In cases where off-street parking facilities are permitted on land other than the same lot as the principal use, such facilities shall be in the same possession as the lot occupied by the use to which the parking facilities are necessary or in the possession of the controller of the principal use to which the parking facilities are accessory. Such possession shall be by deed whereby the owner of the land on which the parking facilities are to be located shall be bound by a covenant filed and recorded in the office of the County Register of Deeds requiring such owner, his heirs or assigns to maintain the required facilities for the duration of the use served.
- (2) Off-lot parking spaces for residential uses shall be within 250 feet of the principal entrance or the entrance for the individual occupants for whom the spaces are reserved while the farthest portions of a parking lot for all other uses shall be within 400 feet of the entrance of the establishment.
- (3) Off-lot parking may be located in Residential Districts, provided that said lots or property are immediately adjacent to a commercial, business or industrial zoning district.
- (4) All off-street parking lots adjoining lots zoned for residential use shall have a minimum setback of 10 feet from any interior lot line, except if the adjoining lot is used for legally conforming parking purposes.

K. Signs. Signs located in parking areas necessary for orderly operation of traffic movement shall be permitted in addition to others permitted in this chapter.

L. Reduction of parking areas. Off-street parking spaces shall not be reduced in number unless said number exceeds the requirement set forth herein.

M. Nonresidential parking lots. All new nonresidential parking lots and all alterations of existing lots shall be subject to the approval of the Plan Commission. Requests for said parking lots shall be accompanied with detailed plans on landscaping, parking layout, drainage provisions and driveway locations.

§ 500-52. Highway access.

A. Highway access. No direct private access shall be permitted to the existing or proposed

rights-of-way of expressways, nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction. No direct public or private access shall be permitted to the existing or proposed rights-of-way of freeways, interstate highways and their interchanges or turning lanes nor to intersecting or interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes (such as exit and entrance ramps). No driveway openings shall be permitted within 100 feet of the intersection of an arterial street right-of-way line.

- B. Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
- C. Temporary access to the above rights-of-way may be granted by the Zoning Administrator after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed 12 months.

ARTICLE VIII

Signs

§ 500-53. Prohibited devices and signs.

- A. No sign or light shall move, flash, or make noise. (Indications of time and temperature are exemptions.) Signs that contain or consist of banners, posters, pennants, ribbons, streamers, strings of light bulbs, outdoor wall murals, or other similarly moving devices are prohibited. (Christmas decorations and banners allowed under § 500-56I are exemptions.) [Amended 10-18-2011 by Ord. No. 360]
- B. Signs shall not resemble, imitate, or approximate shape, size or color of traffic or railroad signs, signals or devices which use such words as "Stop," "Look," "Danger," "Go Slow," "Caution" or "Warning." Signs shall not obstruct or interfere with the effectiveness of traffic or railroad signs, signals or devices. No sign shall be erected, relocated or maintained so as to prevent free ingress or egress from any door, window, or fire escape, and no sign shall be placed so as to obstruct or interfere with traffic visibility.
- C. Permanent and temporary signs affixed to or painted upon rocks, trees, utility poles or other such structures are prohibited. [Amended 4-6-2005 by Ord. No. 324]
- D. No advertising signs shall be designed and erected so as to be intentionally seen or read from any water area, unless authorized by a conditional permit.

§ 500-54. General sign standards.

- A. Sign permits. No sign shall hereafter be located, erected, moved, constructed, extended, converted, or structurally altered without a permit and without being in conformity with the provisions of this article. These permits are available from the Building Inspector, unless otherwise indicated herein. Signs within the City of Bayfield are categorized into eight basic types: [Amended 8-11-2014 by Ord. No. 373]
 - (1) On-premises.

- (2) Off-premises.
 - (3) Directional.
 - (4) Official.
 - (5) Service club (religious).
 - (6) Temporary.
 - (7) Nonconforming.
 - (8) Nonprofit event.
- B. On-premises signs. On-premises signs must be located on the property where the advertised activity is conducted. Size restrictions for these signs are listed according to the zone in which they are located.
- C. Off-premises signs. Off-premises signs are not allowed.
- D. Directional signs. Directional signs are excluded from control except that a minimum of 100 feet spacing must be maintained between directional signs facing the same direction of travel.
- E. Official signs. Official signs are excluded from control except that such signs may not exceed 16 square feet in area.
- F. Service club and religious signs. Service club and religious signs are excluded from control, except that they may not exceed 16 square feet in size, nor project more than six feet above the ground, if ground mounted. If more than one sign is desired, the total size of both signs is not to exceed 16 square feet.
- G. Temporary signs. Temporary signs do not require a permit and are excluded from controls as prescribed in § 500-58.
- H. Nonconforming signs. Nonconforming signs are signs already existing at the effective date of this chapter, but which do not conform to the requirements listed herein:
- (1) Nonconforming signs shall conform to the provisions of this article by February 1, 1984.
 - (2) No structural repairs or alterations of nonconforming signs shall be allowed unless a sign conforming to this article results.
 - (3) Any nonconforming sign that is either abandoned or unused for one year shall be removed.
 - (4) At the time a business owning nonconforming signs is purchased by a new party, all nonconforming signs on the premises must be altered or removed so as to conform with the provisions of this article. This shall be done within 90 days.
- H-1. Nonprofit event signs. If erecting one to six nonprofit event signs, a permit, including approval of the specific locations of signs must be obtained in advance from the City zoning administrator. If erecting seven or more nonprofit event signs, a permit, including

approval of the specific locations of signs, must be obtained in advance from the Plan Commission. One sign permit fee will apply for each event or series of events, such as a concert series. The acceptable locations for such nonprofit event signs are boulevards, City trash receptacles, sidewalks near buildings, and private property if approved by property owners. Such nonprofit event signs may be displayed for 24 hours before event and must be taken down by noon the next day. The maximum size of such nonprofit event signs shall not exceed two feet by three feet. [Added 8-11-2014 by Ord. No. 373]

- I. New zoning districts. If any zone is omitted from this chapter, or if a new zone is created after enactment of this chapter, no signs shall be permitted therein until this chapter shall be amended to include this zone.
- J. Illumination. Indirect lighting of signs is allowed.
 - (1) The light source shall be exterior to the sign and shielded so that it will not cast a direct beam toward vehicular or pedestrian traffic on any street or sidewalk.
 - (2) Any sign which is so placed that the bottom of the sign is at least eight feet above the ground shall be illuminated from the bottom or sides.
 - (3) No moving, flashing, flashing neon, strobe or colored lights shall be used to illuminate any sign.
- K. Direct illumination. All direct illumination and stationary neon signs will require conditional use permits.
- L. Sign regulations. The sign standards by zones established in this chapter are intended to include every zone of the City of Bayfield. The zones are as defined by this chapter and the Official Zoning Map.⁸ Only signs as described herein, and as may be described under § 500-58, Temporary signs, will be permitted in each particular zone.

§ 500-55. Residential Zone (R-1 and R-2) signs.

- A. The following signs are allowed in Residential Districts:
 - (1) One sign, a maximum of two square feet in area, shall be permitted where a home occupation or professional office has been established in a residential zone. The sign may contain the name and profession or occupation of the occupant of the premises.
 - (2) Boarding home, bed-and-breakfast establishments, motels and apartments or multifamily dwellings allowed in the R-2 District will be allowed one identity sign not to exceed 32 square feet.
 - (3) Boarding homes, bed-and-breakfast establishments, motels, apartments, or multifamily dwellings allowed in the R-1 District by conditional use permits shall be allowed one identity sign not to exceed 12 square feet.
- B. Permitted signs shall not project beyond any property line. If ground mounted, the top shall be not over five feet above the ground; if building mounted, shall be flush mounted, shall

⁸. Editor's Note: See § 500-15, Establishment of districts, and § 500-16, Zoning Map and district boundaries, of this chapter.

not be mounted on any roof of the building, and shall not project above the roofline.

§ 500-56. Signs in Commercial and Waterfront Zones. [Amended 10-18-2006 by Ord. No. 335]

- A. Content. Signs allowed in the Commercial and Waterfront Zones shall be identity signs only, and only two identity signs shall be allowed per business. If two signs are mounted, they shall be on different sides. The second sign shall not exceed six square feet.
- B. Roofline projection. No sign shall project above the rooflines.
- C. Size. Maximum allowable sign area will be determined by the type of sign. The following types of signs are allowed within the Commercial District and the Waterfront District:
 - (1) Projecting signs shall not exceed 18 square feet and shall be placed so that the bottom of the sign is at least eight feet above the ground and shall not project into any street right-of-way more than four feet.
 - (2) Wall-flat signs placed against the exterior walls of buildings shall not extend more than six inches out from the building's wall surface, shall not exceed more than 40 square feet or 7% of the wall surface area (whichever is less) on which it is placed for any one premises, and shall not extend above the wall upon which it is placed. Signs painted directly on walls will also be governed by these specifications.
 - (3) Freestanding ground signs shall not exceed 10 feet in height, measured from above the mean center-line street grade to the top of the sign, and shall not exceed 16 square feet.
- D. Multifloored offices. When a building contains offices or business establishments above the first floor, one additional sign may be erected on the front of such building located at a first-floor level. This sign shall be a directory type sign only for the purpose of listing such offices or business establishments located in said building. Each listing thereon shall be limited to one square foot.
- E. Multicustomer entrances. When any business establishment has more than one customer or service entrance, said establishment shall be allowed additional signing to be erected on, over, or adjacent to each regular customer entry, not to exceed six square feet; or service entry, not to exceed two square feet. Applicants need to submit their request to the Plan Commission for approval.
- F. Additional signs. Additional signs will be allowed if more than one business or service is conducted on the premises; a premises that operates two or more completely separate ventures. Applicants must submit a sign plan to the Plan Commission prior to installing any additional signs. In general, such signs shall not exceed six square feet in size.
- G. Awnings and marquees. Signs may be on the vertical faces of awnings and marquees and may project below the lower edge of the awning or marquees not more than six inches. The bottom of such signs shall be no less than eight feet above the sidewalk or grade at any point. No part of the sign shall project above the vertical awning or marquee face. Awning and marquee signs shall be included in the total number of signs allowed.
- H. Open/closed signs. Businesses in the Commercial District and Waterfront District shall

each be allowed one open/closed sign. Main Street businesses (those located on Rittenhouse Avenue between Third Street and Front Street) may have one open/closed sign not to exceed two square feet. All other businesses will be allowed permission to display one open/closed sign not to exceed four square feet. Open/closed signs may be placed in their door, windows, attached to their main identifying sign, or projecting style as described in Subsection C(1) of this section with the exception of the size requirement. No direct illuminating/neon open/closed signs will be allowed. [Amended 9-14-2009 by Ord. No. 347]

- I. One "Bayfield is OPEN" banner per business will be allowed. [Added 10-18-2011 by Ord. No. 360; amended 10-9-2012 by Ord. No. 367]
 - (1) The banners allowed have the following specifications:
 - (a) "Bayfield is" lettering is Brush Script Standard medium in 240 point size; white.
 - (b) "OPEN" lettering is Lucinda Sans Bold font in 520 point size with 125% horizontal scaling; white.
 - (c) Fabric is 200 denier nylon.
 - (d) Color: "Old Glory" red, same red that is on the United States flag.
 - (e) Overall size is 14 inches (wide) by 36 inches (long).
 - (f) The banner shall extend no more than 24 inches from the front of the building in which the business is located.
 - (2) Banners allowed under this provision shall be exempt from permit and fee requirements.
 - (3) Maintenance. Banners shall be kept in good repair and in a safe, neat, clean and attractive condition. Compliance shall be made within five days.

§ 500-57. Conservancy Zone signs.

No signs are allowed in the Conservancy Zone.

§ 500-58. Temporary signs.

The following signs shall be permitted anywhere within the City and shall not require a permit; any other portable signs shall not be used:

- A. Construction signs which identify the architects, engineers, contractors, and other individuals or firms involved with the construction, including any advertisement of any product, and signs announcing the character of the building enterprise or the purpose for which the building is intended, during the construction period. The signs shall be confined to the site of the construction and shall be removed within 14 days of the beginning of the intended use of the project. Construction signs shall not exceed 32 square feet in area.
- B. Real estate signs advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed, up to a total area of eight square feet. Such signs shall be removed within 14 days of the sale, rental or lease. Real estate directional signs are not

permitted.

- C. Political campaign signs announcing the candidates seeking public office and other data pertinent thereto, up to an area of four square feet for each sign. Only one sign per candidate per premises shall be confined within private property with the owner's consent, and removed by the owner within seven days after the election for which they were made. [Amended 4-6-2005 by Ord. No. 324]
- D. (Reserved)⁹
- E. Show window signs. They need not be related in content with the display. They shall not be larger than 25% of the total window area in aggregate/per side; first floor only. This clause is meant to discourage the blocking of the view into the premises with signage or any other nontraditional window treatment/covering or merchandise display. [Amended 4-6-2005 by Ord. No. 324]
- F. Daily special boards or menus will be allowed in addition to the identifying signs as long as they are placed on or within the building, are temporary in nature and do not exceed six square feet. No sandwich board signs will be allowed.

§ 500-59. Permits and fees.

- A. Applications. The permit application shall contain the location of the sign structure, the name and address of the sign owner and of the sign erector, drawings, showing the design, size and location of the sign and such other pertinent information as the Building Inspector may require to ensure compliance with the ordinances of the City.
- B. Fees. [Amended 10-18-2006 by Ord. No. 335; 8-11-2014 by Ord. No. 373]

| | Residential Sign | Commercial Sign |
|---|---|---|
| Sign permit fees | As set by the Common Council | As set by the Common Council |
| Penalties (erecting sign without permit) | Fee x 2. Fee x 4 after 30 days of noncompliance. Doubles every 2 weeks thereafter. | Fee x 2. Fee x 4 after 30 days of noncompliance. Doubles every 2 weeks thereafter. |
| Penalties (erecting sign not eligible for a permit) | \$50; \$100 after 30 days of noncompliance. Doubles every 2 weeks thereafter. | \$50, \$100 after 30 days of noncompliance. Doubles every 2 weeks thereafter. |

- C. Nullification. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months after the date of the permit.
- D. Permit exceptions. The following operations shall not be considered as creating a sign and,

⁹ Editor's Note: Former Subsection D, regarding banners and other portable signs advertising a public entertainment or nonprofit event, was repealed 8-11-2014 by Ord. No. 373.

therefore, shall not require a sign permit:

- (1) Replacing copy. The changing of the advertising copy or message of an approved painted or printed sign or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.
- (2) Maintenance. Painting, repainting, cleaning, and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.
- (3) Temporary signs. Temporary signs are also exempt from permit requirements.
- (4) Municipal signs. Signs erected by the City Public Works Department and the State Highway Department are exempt from permit requirements.

§ 500-60. Inspections; removal; abandoned signs.

- A. Inspections. Signs for which a permit is required may be inspected periodically by the Building Inspector for compliance with this and other codes of the City.
- B. Maintenance. All signs and components thereof shall be kept in good repair and in safe, neat, clean, and attractive condition. Compliance shall be made within five days.
- C. Removal of sign. The Building Inspector may order the removal of any sign erected in violation of this article. He shall give five days' notice in writing to the owner of such sign, or of the building, structure or premises on which the sign is located, to remove the sign or to bring it into compliance. The Building Inspector may remove a sign immediately and without notice if, in his opinion, the condition of the sign is such as to present an immediate threat to the safety of the public. If the sign owner does not comply with the orders of the Building Inspector, the Inspector is authorized to have the sign removed and the removal charged to the owner of the sign.
- D. Abandoned signs.
 - (1) A sign, on or off premise, shall be removed by the owner or lessee of the business, when the business which it advertises is no longer conducted. If the owner or lessee fails to remove it, the Building Inspector shall give the owner a five-day written notice to remove it. Upon failure to comply with this notice, the Building Inspector may remove the sign at cost to the owner. [Amended 10-18-2006 by Ord. No. 335]
 - (2) If the sign owner cannot be located, the Building Inspector shall have the authority to remove the sign, and cost shall be borne by the City.

§ 500-61. Definitions.

- A. The following definitions shall be applicable in this article:

ABANDONED SIGN — Any on or off-premises sign which is in an obvious state of neglect, or one which advertises a business no longer in operation for which the owner is unknown.

AWNINGS; MARQUEES — Any fixed or collapsible frame structure or device of any kind otherwise known as a marquee or an awning erected or placed over any sidewalk and attached to a building or structure for the purpose of providing shelter from wind, sun, rain, or any other

element of weather or upon which advertising is shown, painted or displayed.

BILLBOARD — Any sign with a surface area of 150 square feet or more, supported by posts set into the ground, which is used to display printed or painted advertising matter.

DIRECT ILLUMINATION — Illumination by light sources which are a part of a sign.

DIRECTION SIGN — Signs containing information about public places owned or operated by federal, state or local governments, publicly or privately owned educational, historic or cultural sites, and areas of natural scenic beauty deemed to be in the interest of the traveling public.

FREESTANDING GROUND SIGN — A sign standing along on its own foundation free of architectural or supporting frame or attachment.

IDENTITY SIGN — Any sign which carries only the name of the firm, the major enterprise or the principal product offered for sale on the premises, or a combination of these.

INDIRECT ILLUMINATION — Illumination which is derived from light sources which are not a part of the sign.

NONPROFIT EVENT SIGN — Portable, temporary sign advertises the occurrence of a public event held within the City of Bayfield by one or more nonprofit organizations. Nonprofit event signs shall only advertise specific, time-limited, events, and shall not simply advertise general information about the nonprofit organization. [Added 8-11-2014 by Ord. No. 373]

OFFICIAL SIGNS — Signs or notices of a noncommercial nature and in the public interest, erected by or in the order of a public official in the performance of his or her public duty. Safety signs, memorial plaques, signs marking historical sites may be considered official signs.

OFF-PREMISES SIGN — A sign which directs attention to a business product, service or entertainment not conducted, sold or offered upon the property where such sign is located.

ON-PREMISES SIGN — A sign which directs attention to the name of the building or the name of the building management firm or to a business, principal product, service or entertainment conducted, sold or offered upon the property where such sign is located.

PROJECTING SIGNS — A sign, other than a wall sign, which projects from, and is supported by, a wall or a building or structure.

ROOFLINE — Either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette and, where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

ROOF SIGN — A sign located on or above the roof of any building.

SERVICE CLUB AND RELIGIOUS SIGNS — Signs or notices relating to meeting of nonprofit service clubs, charitable associations or religious services.

SIGN or GRAPHIC — Any letters, pictorial representation, symbol, flag, emblem, illuminated devices, displayed in any manner whatsoever, which directs attention of persons off the premises on which the sign is displayed to any object, subject, place, or business. However, this shall not include any official flag, emblem, or insignia of a government, school or religious groups when displayed for official purposes.

SIGN, MALL — A directory listing a number of similar identity and/or directional signs, located in one central location, and viewed by pedestrian traffic.

TEMPORARY SIGN — A banner, pennant, poster or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wallboard or other like materials.

UNUSED SIGN — Any on- or off-premises sign in an obvious state of neglect, but for which the owner is known.

WALL-FLAT SIGN — One affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limit thereof of any building and which projects from that surface less than six inches at all points. ¹⁰

ARTICLE IX

Performance Standards ¹¹

§ 500-62. Intent; compliance required.

This chapter permits specific uses in specific districts, and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. All structures, lands, air, and waters shall hereafter, in addition to their use, site, and sanitary regulations, comply with the following performance standards.

§ 500-63. Air pollution; odors.

- A. No person or activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities so as to substantially contribute to exceeding established state or federal air pollution standards.
- B. No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside its premises. The guide for determining odor measurement and control shall be § NR 429.03, Wis. Adm. Code, and amendments thereto.

§ 500-64. Fire and explosive hazards.

All activities involving the manufacturing, utilization, processing, or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system. The above-ground storage capacity of materials that produce flammable or explosive vapors shall not exceed the following:

10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

11. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Closed Cup Flash Point Gallons

| | |
|--------------------|---------|
| Over 187° F. | 400,000 |
| 105° F. to 187° F. | 200,000 |
| Below 105° F. | 100,000 |

§ 500-65. Glare and heat.

No activity shall emit glare or heat that is visible or measurable outside its premises except activities which may emit direct or sky-reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

§ 500-66. Water quality protection.

- A. No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant or aquatic life.
- B. In addition, no activity shall withdraw water or discharge any liquid or solid materials so as to violate, or contribute toward the violation of, the water quality standards for the surface waters of the City, including Lake Superior, and wetlands, as those standards are set forth in Chs. NR 102 to 105, Wis. Adm. Code.

§ 500-67. Radioactivity and electrical disturbances.

No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

§ 500-68. Vibrations.

No activity in any district shall emit vibrations which are discernible without instruments outside its premises. No activity shall emit vibrations which exceed the following displacement measured with a three-component measuring system:

**Displacement
(inches)**

| Frequency (cycles per second) | Outside the Premises | Outside the District |
|--|-----------------------------|-----------------------------|
| 0 to 10 | .0020 | .0004 |
| Over 10 to 20 | .0010 | .0002 |
| Over 20 to 30 | .0006 | .0001 |
| Over 30 to 40 | .0004 | .0001 |
| Over 40 to 50 | .0003 | .0001 |
| Over 50 | .0002 | .0001 |

ARTICLE X

Solar Energy Systems; Wind Energy Systems 12

§ 500-69. Solar energy systems. [Amended 10-18-2006 by Ord. No. 335; 7-14-2008 by Ord. No. 342]

No solar energy system, including solar panels or other equipment that directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy, shall be installed, either as or upon a freestanding structure, or upon another structure, without a permit having been issued therefor under §500-94 following site plan approval under §500-95, and Architectural Review Board review under §500-96, provided that an application for a permit may be denied only if (1) the denial is necessary to preserve or protect the public health or safety, or (2) an alternative system of comparable cost and efficiency would be permitted; and provided further that conditions may be imposed upon a permit only if they (1) serve to preserve or protect the public self health or safety, or (2) do not significantly increase the cost of the system or significantly decrease its efficiency.

§ 500-70. Wind energy systems.

- A. Construction of wind energy systems. No person shall construct or operate a wind energy conversion system (WECS) without having fully complied with the provisions of this section.
- B. Permits required.
 - (1) A zoning permit shall be obtained from the Plan Commission to allow construction of a WECS.
 - (2) A WECS permit shall be obtained from the Zoning Administrator for the construction of all WECS.

12. Editor's Note: The title of this article was amended 7-14-2008 by Ord. No. 342.

- C. Application requirements. An application for a permit to build a wind energy system shall include the following:
- (1) The property lines of the proposed site of construction.
 - (2) Proposed location of the WECS.
 - (3) Location and description of all structures located on the property where the WECS site is proposed.
 - (4) Location of all aboveground utility lines within a radius equal to two times the height of the proposed WECS.
 - (5) Location of all underground utility lines on the property where a WECS site is proposed.
 - (6) Dimensional representation of the structural components of the tower construction including the base and footings.
 - (7) Schematic of electrical systems associated with the WECS including all existing and proposed electrical connections.
 - (8) Manufacturer's specifications and installation and operation instructions or specific WECS design information.
 - (9) Certification by a registered professional engineer that the tower design is sufficient to withstand wind load requirements for structure as defined by the Uniform Building Code.
- D. Blade clearance. The minimum distance between the ground and any protruding blade(s) utilized on a WECS shall be 15 feet, as measured at the lowest point of the arc of the blades. The minimum distance shall be increased as necessary to provide for vehicle clearance in locations where oversized vehicles might travel.
- E. Climbing towers, tower access. Access to towers shall be controlled by fences six feet in height around the tower and anticleimbing devices. Existing local regulations regarding attractive nuisances shall cover wind systems as well. A sign indicating shock hazard shall be placed on the tower. Such sign shall state: "Warning. Electrical shock hazard. No unauthorized persons on tower. No trespassing." Cables, ropes or wires used to secure the WECS shall be appropriately marked to prevent accidental bodily harm.
- F. Tower construction. Tower construction shall be in accordance with all applicable sections of the Wisconsin State Building Code¹³ and any future amendments, additions, and/or revisions to same. [Amended 10-18-2006 by Ord. No. 335]
- G. Utility interconnection. The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operate as set forth in the electrical utility's then-current service regulations applicable to WECS; these standards are subject to review by the Public Service Commission.

13. Editor's Note: See Ch. 152, Building Construction.

- H. Setback requirements.
- (1) No WECS shall be constructed in any setback, dedicated easement, nor dedicated roadway.
 - (2) Installation of any WECS may not be nearer to any property lines or rights-of-way for overhead electrical transmission or distribution lines than three times the height of the WECS structure.
- I. Noise. During all operations, from commencement through abandonment, all noise and vibrations shall conform with the requirements of the Code of the City of Bayfield.¹⁴
- J. Interference with navigational systems. No WECS shall be installed or operated in such a manner that is not in compliance with Federal Aviation Administration regulations.
- K. Electrical distribution lines. All WECS electrical distribution lines shall be located underground.
- L. Required safety features.
- (1) All WECS shall be designed with an automatic over-speed control to render the system inoperable when winds are blowing in excess of the speeds for which the machine is designed.
 - (2) All WECS shall have a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system including the automatic over-speed control.
 - (3) All WECS shall be designed with an automatic control to render the system inoperable in case of loss of utility power to prevent the WECS from supplying power to a de-energized electrical distribution system.
 - (4) Any WECS thereof declared to be unsafe by the Zoning Administrator by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures set forth in the Code of the City of Bayfield.
- M. Maintenance. The Zoning Administrator or his representative shall have the right, at any reasonable time, to enter, in the company of the owner or his agent, the premises on which a WECS has been constructed to inspect all parts of said WECS installation and require that repairs or alterations be made within 30 days if, in his judgment, there exists a deficiency in the structural stability of the system.
- N. Inspections. A yearly inspection at a fee to be determined from time to time by resolution of the Common Council shall be made by the Zoning Administrator to certify the safety and maintenance of the WECS and accessory structures.

14. Editor's Note: See Ch. 284, Noise.

ARTICLE XI

Accessory Uses and Structures; Fences and Hedges; Home Occupations

§ 500-71. Accessory uses or structures.

- A. Principal use to be present. An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
- B. Placement restrictions in Residential Districts. An accessory use or structure in a Residential District may be established subject to the following regulations:
- (1) Accessory building number limits. In any Residential District, in addition to the principal building, a detached garage or attached garage and one additional accessory building may be placed on a lot.
 - (2) Attached accessory buildings. All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building.
 - (3) Detached accessory buildings.
 - (a) No detached accessory building shall occupy any portion of the required front yard, and no detached accessory building shall occupy more than 30% of the required rear yard.
 - (b) Any accessory building, use or structure shall conform to the applicable regulations of the district in which it is located except as specifically otherwise provided herein, except that when an accessory building is located forward of the rear building line of the principal building it shall satisfy the same side yard requirements as the principal building.
 - (c) No accessory building other than a garage in a Residential District shall be erected in any yard except a rear yard, and all accessory buildings shall be located not less than seven feet from all lot lines and from any other building or structure on the same lot; except as provided in Subsection (h).
 - (d) When an accessory building is a part of the main building, or is substantially attached thereto or lies within seven feet of an exterior wall of the main building, the side yard and rear yard requirements for the main building shall be applied to the accessory buildings.
- C. Use restrictions in Residential Districts. Accessory uses or structures in Residential Districts shall not involve the conduct of any business, trade or industry except for home occupations authorized by conditional use permits under § 500-76.
- D. Placement restrictions in nonresidential districts. An accessory use or structure in a Business District may be established in the rear yard or side yard and shall not be nearer than 10 feet to any side or rear lot line.¹⁵

15. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- E. Reversed corner lots. When an accessory structure is located on the rear of a reversed corner lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than three feet to the side line of the adjacent structure.
- F. Landscaping and decorative uses. Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include flag poles, ornamental light standards, lawn furniture, sun dials, bird baths, trees, shrubs and flowers and gardens.
- G. Temporary uses. Temporary accessory uses such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the Zoning Administrator.
- H. Garages in embankments in front yards. Where the mean natural grade of a front yard is more than eight feet above the curb level, a private garage may be erected within the front yard, provided as follows:
 - (1) That such private garage shall be located not less than five feet from the front lot line;
 - (2) That the floor level of such private garage shall be not more than one foot above the curb level; and
 - (3) That at least 1/2 the height of such private garage shall be below the mean grade of the front yard.
- I. Outdoor lighting. Outdoor lighting installations shall not be permitted closer than three feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed 15 feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.
- J. Lawn accessories. Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, flag poles, etc., shall be permitted in setback areas but not closer than three feet to an abutting property line other than a street line.
- K. Retaining walls. Retaining walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed six feet in height, and a terrace of at least three feet in width shall be provided between any series of such walls and provided further that along a street frontage no such wall shall be closer than three feet to the property line.
- L. Use for human habitation. Accessory structures shall not be used for human habitation except as provided in § 500-75.

§ 500-72. Outside storage of firewood.

- A. No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of 30 days from the date of its delivery.
- B. Firewood should be neatly stacked and may not be stacked closer than two feet to any lot line and not higher than six feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this section shall not

include hedges and other vegetation.

- C. All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.
- D. Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of the Code of the City of Bayfield.¹⁶
- E. Not more than 20% of the side and rear yard may be used for storage of firewood at any one time.

§ 500-73. Fences and hedges.

- A. Fences defined. For the purpose of this section, a "fence" is herein defined as an enclosed barrier consisting of vegetation, wood, stone or metal intended to prevent ingress or egress. For the purpose of this section, the term "fence" shall include plantings, such as hedges and shrubbery. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.
- B. Fences categorized. Fences shall be categorized into five classifications:
 - (1) Boundary fence: a fence placed on or within three feet of the property lines of adjacent properties.
 - (2) Protective fence: a fence constructed to enclose a hazard to the public health, safety and welfare.
 - (3) Architectural or aesthetic fence: a fence constructed to enhance the appearance of the structure or the landscape.
 - (4) Hedge: a row of bushes of small trees planted close together which may form a barrier, enclosure or boundary.
 - (5) Picket fence: a fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.
- C. Placement of fences regulated. Fences, walls and continuous linear shrubbery such as hedges shall be permitted in all yards subject to the following limitations:
 - (1) Residential fences: Permitted on property lines in Residential Districts, but shall not in any case exceed a height of four feet; shall not exceed a height of four feet in the front yard and shall not be closer than two feet to any public right-of-way. Any residential fence over four feet shall require a conditional use permit.
 - (2) Security fences: Security fences are permitted by conditional use only. Security fences may be permitted on the property lines in all districts except Residential Districts.

16. Editor's Note: See Ch. 289, Nuisances.

- D. Hedges. The height and setback for hedges shall be the same as required for fences; provided, however, that hedges three feet in height or less, from sidewalk level, may be kept in the front setback area, and provided further that no hedge shall be permitted in the tree lawn area or, where no tree lawn area exists, within four feet of any street or alley. Hedges shall be trimmed and maintained.
- E. Prohibited fences. No fence shall be constructed which is in a dangerous condition, as determined by the Building Inspector, or which conducts electricity or is designed to electrically shock or which uses barbed wire; provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are 10 feet above the ground or height and project toward the fenced property and away from any public area.
- F. Fences to be repaired. All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.
- G. Temporary fences. Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four-foot intervals. Such fences shall comply with the setback requirements set forth in this section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than 45 days.

§ 500-74. Swimming pools.

- A. Definition. A private or residential swimming pool is an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than 1 1/2 feet located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator or lessee thereof and his family, and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool. The regulations herein shall also be applicable to hot tubs.
- B. Exempt pools. Storable children's swimming or wading pools, with a maximum dimension of 15 feet and a maximum wall height of 15 inches and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity are exempt from the provisions of this section.
- C. Permit required. Before work is commenced on the construction or erection of private or residential swimming pools or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the Building Inspector. Plans and specifications and pertinent explanatory data should be submitted to the Building Inspector at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. A fee as set by the Common

Council shall accompany such application.¹⁷

- D. Construction requirements. In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a permit for construction as provided for in Subsection B, unless the following construction requirements are observed:
- (1) All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and codes and with any and all ordinances of the City now in effect or hereafter enacted.
 - (2) All plumbing work shall be in accordance with all applicable ordinances of the City and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method and, in no case, shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located on in the general vicinity.
 - (3) All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and City ordinances regulating electrical installations.
- E. Setbacks and other requirements.
- (1) Private swimming pools shall be erected or constructed on rear or side lots only and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.
 - (2) No swimming pool shall be located, constructed or maintained closer to any side or rear lot line than is permitted in this chapter for an accessory building, and in no case shall the waterline of any pool be less than five feet from any lot line.
- F. Fence.
- (1) Pools within the scope of this section which are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool, or shall have a cover or other protective device over such swimming pool of such a design and material that the same can be securely fastened in place and when in place shall be capable of sustaining a person weighing 250 pounds. Such cover or protective device shall be securely fastened in place at all times when the swimming pool is not in actual use for swimming or bathing purposes. Such fence or wall shall not be less than six feet in height and so constructed as not to have voids, holes or openings larger than four inches in one dimension. Gates or doors shall be kept locked while the pool is not in actual use.
 - (2) The pool enclosure may be omitted where portable pools are installed above ground

17. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of 36 inches high on the top or where the sidewalls are a minimum of 36 inches high and pool ladders can be removed when not in use.

- G. Compliance. All swimming pools existing at the time of passage of this Code of Ordinances¹⁸ not satisfactorily fenced shall comply with the fencing requirements of this section or when water is placed in the pool.
- H. Draining and approval thereof. No private swimming pool shall be constructed so as to allow water therefrom to drain into any sanitary sewer or septic tank nor to overflow upon or cause damage to any adjoining property. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Plumbing Inspector. In all cases where a private swimming pool is to be constructed on premises served by a private sewage disposal system, approval of the State Board of Health shall be necessary before the construction of any such pool may commence.
- I. Filter system required. All private swimming pools within the meaning of this chapter must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.
- J. Dirt bottoms prohibited. All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

§ 500-75. Accessory dwelling units.

- A. Purpose. For the purpose of increasing the availability of residential housing within the City of Bayfield, this section authorizes the permitting by conditional use permit of accessory dwelling units on lots improved with principal single-family dwellings. To ensure that such units are compatible with areas zoned for one- and two-family residential use, they are permitted only pursuant to the requirements of this section.
- B. Requirements. A conditional use permit under § 500-29 et seq. shall be required for an accessory dwelling unit. No such permit shall be issued unless all of the following requirements are met:
 - (1) The unit must be located in an R-1 or R-2 Zoning District.
 - (2) A single-family dwelling must exist on the site proposed for the location of the accessory dwelling unit or be constructed thereon in conjunction with the accessory unit.
 - (3) Only one accessory dwelling unit shall be permitted per parcel.
 - (4) The floor area of an accessory dwelling unit shall not exceed 600 square feet.
 - (5) The side yard and rear yard setbacks for detached accessory dwelling units shall be consistent with accessory building setback requirements, and an attached accessory dwelling unit shall meet the same setback requirements as those pertaining to the

18. Editor's Note: Refers to the 1992 Code of Ordinances.

- principal building located on the property. Either the principal dwelling or the accessory dwelling unit must be occupied by the property owner.
- (6) No accessory dwelling unit shall be used for transient occupancy.
 - (7) No accessory dwelling unit shall exceed the height of the principal building on the property.
 - (8) One parking space, covered or uncovered, shall be provided on-site for each studio and one-bedroom accessory unit, in addition to the required parking for the primary residence as determined at the time such application is made. For each accessory unit with a second bedroom, a second space must be provided, for a total of two additional parking spaces. If a standard parking arrangement cannot be accommodated, then one standard space may be provided in tandem for the primary residence within the driveway portion of the front yard or exterior side yard setback if it does not block the parking for the accessory unit.
 - (9) Exterior alterations shall be held to the minimum necessary, blending with the existing residence on the lot and neighborhood residences by architectural use of building forms, height, materials, colors, landscaping, etc.
 - (10) Exterior design shall be in harmony with the immediate neighborhood; construction materials and methods shall conform to acceptable construction practices.
 - (11) The accessory unit shall not result in excessive noise, traffic and parking congestion.
 - (12) The property must front on an adequate water main and be adequately served by a meter sized for single-family use.
 - (13) The property must front on an adequate sewer line with capacity to serve the accessory unit.
 - (14) The accessory unit must maintain the scale of adjoining residences and blends into the existing neighborhood.
 - (15) The site plan shall provide adequate open space and landscaping that is useful for both the accessory dwelling unit and the primary residence. Open space and landscaping shall provided for privacy and screening of adjacent properties.
 - (16) The location and design of the accessory unit shall not significantly impact the privacy and solar access of adjacent properties, and shall protect significant natural resources on site including heritage trees and shrubs.
 - (17) The effect of the proposed accessory dwelling unit on the factors listed in § 500-35I has been evaluated and the standards set forth in § 500-35A through H are met.

C. Deed restrictions.

- (1) Before obtaining a building permit for an accessory dwelling unit, the property owner shall file with the County Register of Deeds a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:

- (a) The accessory unit shall not be sold separately.
 - (b) The unit is restricted to the approved size.
 - (c) The use permit for the accessory unit shall be in effect only so long as either the main residence, or the accessory unit, is occupied by the owner of record as the principle residence.
- (2) The above declarations are binding upon any successor in ownership of the property and lack of compliance shall be cause for revoking the conditional use permit.
 - (3) The conditional use permit and restrictive conditions shall terminate upon removal of the accessory unit.

§ 500-76. Home occupations.

A home occupation may be permitted as a conditional use in a dwelling unit if and only if the effect of the proposed occupation on the factors listed in § 500-35I has been evaluated and the standards set forth in § 500-35A through H are meet, and the occupation:

- A. Is operated and maintained only by a resident of the dwelling unit in which it occurs;
- B. Does not change the residential character of the dwelling unit in which it occurs;
- C. Does not have more than one employee not living in the dwelling unit; and
- D. Does not involve:
 - (1) The use of an area greater than 400 square feet;
 - (2) The use of any required front or exterior side yard area or setback area, or the use of any required covered or uncovered on-site parking space;
 - (3) Any activity or use that involves:
 - (a) A significant increase in vehicular trips to the residence;
 - (b) Storage or use of hazardous waste or unsanitary material;
 - (c) Creation of excessive noise levels and/or other nuisance factors; or
 - (d) Auto, truck motorcycle, or motor boat repair.

§ 500-76.1. Temporary shelters. [Added 3-11-2013 by Ord. No. 368]

A temporary shelter shall be allowed in any zoning district for up to one week without a permit and for longer periods of time, not exceeding six months, upon application to the Plan Commission for a temporary shelter permit and the granting of such a permit by the Plan Commission. Waterfront zoned properties may obtain an extension upon written request at no additional fee. The application shall describe the proposed temporary shelter and its proposed location, use, and duration, and any permit issued shall specify the type of temporary shelter, and the location, use, and duration thereof, authorized by the permit. In determining whether to issue such a permit, the Plan Commission shall consider the factors listed in § 500-35. The fee for a

temporary shelter permit shall be set by the Common Council. Temporary shelters shall be allowed only as provided in this section.

ARTICLE XII

Mobile Homes and Residential-Mobile Home District

§ 500-77. Intent with respect to existing units; location and parking restrictions.

- A. Residential-Mobile Home (R-MH) Zoning Districts may hereafter be established in accordance with the procedures, requirements and limitations set forth in this article. Within such district, mobile homes, with such additional supporting uses and occupancies as are permitted herein, may be established subject to the requirements and limitations set forth in these and other regulations.
- B. It is the intent of this article to recognize mobile homes constructed prior to October 1, 1974, as distinct and different from units designated as mobile homes within the definitions of this article and to prohibit units not meeting the requirements for mobile homes as defined herein. Units constructed prior to 1974 are prohibited. Mobile homes meeting the requirements of the One- and Two-Family Building Dwelling Code shall not be permitted in a Residential Mobile Home (R-MH) District except as a conditional use. Permits may be obtained only after approval by the Common Council, after a recommendation from the Plan Commission.
- C. No person shall park, locate or place any mobile home outside of a licensed mobile home park in the City of Bayfield, except unoccupied mobile homes may be parked on the lawfully situated premises of a licensed mobile home dealer for the purposes of sale display; the lawfully situated premises of a vehicle service business for purposes of servicing or making necessary repairs; the premises leased or owned by the owner of such mobile home for purposes of sales display for a period not exceeding 120 days, provided that no business is carried on therein, or in an accessory private garage, building or rear yard of the owner of such mobile home, provided that no business is carried on therein.

§ 500-78. Definitions.

- A. The following definitions are used in this article:

FOUNDATION SIDING — A fire- and weather-resistant, prefinished material surrounding the entire perimeter of a home and completely enclosing a space between the exterior wall of such home and the ground. Foundation siding shall be properly vented, harmonious, and compatible with the house and installed within 60 days from the date of placement on site.

MOBILE HOME COMMUNITIES (PARKS) — Mobile home communities/parks are distinguished from subdivisions lacking common facilities and continuing management services. The latter would be controlled by general subdivision regulations, which would apply also to mobile home subdivisions without common open space or continuing management.

MOBILE HOME LOT — A parcel of land for the placement of a single mobile home and the

exclusive use of its occupants. ¹⁹

MOBILE HOME SUBDIVISION — A parcel of land platted for subdivision according to all requirements of the Comprehensive Plan, designed or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily by mobile homes.

PRIMARY EXPOSURE — Open areas adjacent to the front wall (or main entrance) of a dwelling unit.

RESIDENTIAL MOBILE HOME — A single-family dwelling built on or after October 1, 1974, in accordance with the ANSI Code (American National Standards Institute) or in accordance with the HUD Code (Housing and Urban Development), both of which govern the heating and cooling systems, electrical systems, firesafety, body and frame construction, thermal protections and plumbing systems. All said homes shall bear the proper approved Wisconsin insignia as required by §§ Comm 20.12 to 20.17, Wis. Adm. Code. "Mobile home" also means a dwelling which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances, except that a mobile home is not deemed a mobile home if the assessable value of such additions, attachments, annexes, foundations and appurtenances equals or exceeds 50% of the assessable value of the mobile home. The term "mobile home" shall not include a factory-built structure meeting the following requirements:

- (1) Intended to be set on a foundation by virtue of its construction
- (2) Which is normally transported only once, from the factory to the construction site.
- (3) Which, from its very beginning, is designed to be permanently affixed to land

SECONDARY EXPOSURE — Open areas adjacent to side and rear walls of a dwelling unit.

B. Statutory definitions. In addition to the above definitions, definitions contained in § 66.0435, Wis. Stats., shall also be applicable.

§ 500-79. Minimum dimensional requirements; exception.

- A. Where a R-MH District is to be established for the development of a mobile home community. The minimum area shall be two acres. The minimum number of lots or spaces completed and ready for occupancy before first occupancy is permitted shall be established as 25% of total units permitted on the zoned site.
- B. These limitations shall not apply where expansion of an existing mobile home community is concerned and where such expansion will not increase variation from requirements applying to mobile home communities, as set forth herein.

§ 500-80. Permitted uses and structures.

The following principal uses and structures are permitted within R-MH Districts:

19. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- A. One-family detached mobile homes (residential mobile home). In mobile home communities, recreational vehicles shall not be occupied as living quarters and sales lots shall not be permitted, but dwellings may be sold on lots they occupy in residential use.
- B. Permitted accessory uses and structures. Uses and structures that are customarily accessory and clearly incidental to permitted principal uses and structures shall be permitted, except for those requiring specific approval as provided below.
- C. Rental. No mobile home site shall be rented for a period of less than 30 days.

§ 500-81. Mobile home park developer's permit.

- A. No person shall construct, alter, modify or extend any mobile home park or mobile home park building or facility within the limits of the City without first securing a mobile home park developer's permit from the City. Such permits shall be issued by the Zoning Administrator upon approval by the governing body.
- B. Applications for mobile home park developer's permits shall be filed with the Zoning Administrator with sufficient copies for the Clerk to forward one to the Plan Commission and Public Works Committee for review, and any other City bodies as deemed necessary, which shall investigate and review said application to determine whether the applicant, the premises on which said park will be located and the proposed design and specifications thereof and all buildings proposed to be constructed thereon will comply with the applicable regulations, ordinances and laws of the state and City and report their findings in writing to the governing body within 60 days. Such reports shall be considered by the governing body before any permit is issued hereunder. Failure of any officer or body to report within the allotted time shall be deemed a favorable recommendation.²⁰
- C. Applications for mobile home park developer's permit shall be accompanied by a fee as set by Common Council to cover the cost of investigation and processing, plus regular building permit fees for all buildings or structures to be erected within the proposed park.²¹
- D. Applications shall be made on forms furnished by the Zoning Administrator and shall include the following information:
 - (1) Name and address of applicant.
 - (2) Location and legal description of the proposed park, addition, modification or extension.
 - (3) A complete plot plan showing compliance with all applicable provisions of this chapter, specifically § 500-32.
 - (4) Completion preliminary engineering plans and specifications, including a scale drawing of the proposed park showing, but not limited to:
 - (a) Plans and specifications of all utilities, including sewerage collection and

20. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

21. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

disposal, stormwater drainage, water and electrical distribution and supply, refuse storage and collection, lighting, telephone and TV antenna systems.

- (b) Location and width of roadways and walkways, buffer strips, recreational and other common areas.
 - (c) The location of mobile home stands with the mobile home spaces, including a detailed sketch of at least one typical mobile home space and stand therein.
 - (d) Landscape plan showing all plantings.
 - (e) Plans and specifications of all park buildings and structures.
- (5) Interest of applicant in proposed mobile home park or extension thereof. If owner of tract is a person other than applicant, a duly verified statement by the owner that applicant is authorized by him to construct and maintain the proposed park, addition, modification or extension and make the application.
- (6) Written statements describing proposed park operations, management and maintenance, including proposed fees and charges and other requirements to be imposed on park occupants by the park operator.
- E. Final engineering plans and specifications complying with the provisions of this article and the zoning regulations and any modifications or conditions imposed by the governing body shall be submitted to the Zoning Administrator and checked by the proper municipal officials for compliance before the district is approved.
- F. The procedure for creation of an R-MH District shall be as prescribed in Article XIV of this chapter, except that the standards and conditions in §§ 500-35 and 500-38 shall be followed.

§ 500-82. Requirements for mobile home parks and modifications to existing parks.

All mobile home parks and modifications of or additions or extensions to existing parks under the R-MH District shall comply with the following:

- A. Chapter Comm 95, Wis. Adm. Code, as now existing or hereafter amended, is hereby made a part of this chapter and incorporated herein by reference as if fully set forth, except that such regulations shall not be deemed to modify any requirement of this chapter or any other applicable law or ordinance of the state or City.
- (1) Each mobile home space shall be clearly defined or delineated.
 - (2) Maximum number of mobile home sites shall be six per acre.
 - (3) Minimum width of mobile home site shall be 40 feet.
 - (4) Maximum height of mobile home trailer shall be 25 feet.
 - (5) Minimum distance between mobile trailers shall be 20 feet.
 - (6) Minimum distance between mobile home and service road shall be 10 feet.
 - (7) Each mobile home site shall be connected to a public or common water supply system

and a public or common sewage disposal system.

- (8) All drives, parking areas and walkways shall be hard surfaced. There shall be one parking space for each mobile home and additional parking spaces for automotive vehicles within the park, totaling not less than two parking spaces for each mobile home space.
 - (9) No mobile home sales office or other business or commercial use shall be located on the mobile home park site. However, laundries, washrooms, recreation rooms, maintenance equipment, storage and one office are permitted.
 - (10) Minimum side yard setback: 40 feet at all front, side and rear lot lines of the mobile home park.²²
 - (11) Movable footing slabs of reinforced concrete or other suitable means of supporting the mobile home shall be provided. Enclosing the foundation is required for looks and insulating. Basements are not authorized.
 - (12) A service slab shall be provided for each mobile home space.
 - (13) Areas not hard surfaced shall be seeded or sodded to prevent the blowing of sand or dirt. Landscaping is encouraged.
- B. Attachments and/or accessory structures shall be designed and constructed so that they will blend in with and not detract from the appearance of the mobile home units. No such attachments or accessory structures shall be constructed without first securing a building permit from the Zoning Administrator.
- (1) Attachments to the mobile home unit, such as a sun porch windbreak, etc., shall not be wider than eight feet or longer than 24 feet.
 - (2) Accessory structures, such as a carport, garage, storage shed, etc., shall not be wider than 12 feet or longer than 28 feet.
- C. No mobile home park shall be laid out, constructed or operated without City water supply and sanitary sewer service. All water or sanitary sewerage facilities in any unit not connected with public water or sewer systems by approved pipe connections shall be sealed and their use is hereby declared unlawful.
- D. All parks shall be furnished with lighting so spaced and equipped with luminaires placed at such heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:
- (1) All parts of the park street systems: 0.6 footcandles, with a minimum of 0.1 footcandles.
 - (2) Potentially hazardous locations, such as major park street intersections and steps or stepped ramps: individually illuminated, with a minimum of 0.3 footcandles.

22. Editor's Note: Original § 13-1-155(a)(11), regarding off-street parking, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- E. Streets.
- (1) All mobile home spaces shall abut upon a street.
 - (2) Public streets shall have a right-of-way width of 66 feet and a dust-free surfaced width of not less than 32 feet.
 - (3) Private streets shall have a right-of-way width of 40 feet and a dust-free surfaced width of not less than 24 feet.
- F. All mobile home parks shall have a greenbelt or buffer strip not less than 20 feet wide along all boundaries. Unless adequately screened by existing vegetative cover, all mobile home parks shall be provided within such greenbelt or buffer strip with screening of natural growth or screen fence, except where the adjoining property is also a mobile home park. Compliance with this requirement shall be made within five years from the granting of the mobile home park developer's permit. Permanent planting shall be grown and maintained at a height of not less than six feet. Screening or planting requirements may be waived or modified by the governing body if it finds that the exterior architectural appeal and functional plan of the park, when completed, will be materially enhanced by modification or elimination of such screen planting requirements.²³
- G. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home space, entrances to parks shall be designed to minimize congestion and traffic hazards and allow free movement of traffic on adjacent streets.

§ 500-83. Responsibilities of mobile home park management.

- A. In every mobile home park there shall be located an office of the attendant or person in charge of said park. A copy of the park license and of this chapter shall be posted therein and the park register shall, at all times, be kept in said office.
- B. The attendant or person in charge and the park licensee shall operate the park in compliance with this chapter and regulations and ordinances of the City and state and their agents or officers and shall have the following duties:
- (1) Maintain a register of all park occupants, to be open at all times to inspection by state, federal and municipal officers, which shall show:
 - (a) Names and addresses of all owners and occupants of each mobile home.
 - (b) Number of children of school age.
 - (c) State of legal residence.
 - (d) Dates of entrance and departure of each mobile home.
 - (e) Make, model, year and serial number or license number of each mobile home and towing or other motor vehicles and state, territory or country which issued

23. Editor's Note: Original § 13-1-155(g), regarding recreational facilities, and (h), regarding signs, which immediately followed this subsection, were deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

such licenses.

- (f) Place of employment of each occupant, if any.
- (2) Notify park occupants of the provisions of this chapter and inform them of their duties and responsibilities and report promptly to the proper authorities any violations of this chapter or any other violations of law which may come to their attention.
- (3) Report to the City all cases of persons or animals affected or suspected of being affected with any dangerous communicable disease.
- (4) Supervise the placement of each mobile home on its stand which includes securing its stability and installing all utility connections and tiedowns.
- (5) Maintain park grounds, buildings and structures free of insect and rodent harborage and infestation and accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
- (6) Maintain the park free from growth of noxious weeds.
- (7) Maintain the park free of litter, rubbish and other flammable materials; provide portable fire extinguishers of a type approved by the Fire Chief in all locations designated by the Chief and maintain such extinguishers in good operating condition and cause every area within the park designated as a fire lane by the Fire Chief to be kept free and clear of obstructions.
- (8) Check to ensure that every mobile home unit has furnished, and in operation, a substantial, flytight, watertight, rodentproof container for the deposit of garbage and refuse in accordance with the ordinances of the City.²⁴ The management shall provide stands for all refuse and garbage containers so designed as to prevent tipping and minimize spillage and container deterioration and facilitate cleaning.
- (9) Provide for the sanitary and safe removal and disposal of all refuse and garbage at least weekly. Removal and disposal of garbage and refuse shall be in accordance with the laws of the State of Wisconsin and the ordinances and regulations of the City, including regulations promulgated by the Fire Chief.

§ 500-84. Responsibilities and duties of mobile home park occupants.

- A. Park occupants shall comply with all applicable requirements of this chapter and regulations issued hereunder and shall maintain their mobile home space, its facilities and equipment in good repair and in a clean and sanitary condition.
- B. Park occupants shall be responsible for proper placement of their mobile homes on the mobile home stand and proper installation of all utility connections in accordance with the instructions of the park management.
- C. No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to cause any nuisance within the limits of any mobile home park.

24. Editor's Note: See Ch. 342, Solid Waste.

- D. Each owner or occupant of a nonexempt mobile home within a mobile home park shall remit to the licensee or authorized park management the cash deposit and monthly parking permit fee.
- E. It shall be the duty of every occupant of a park to give the park licensee or management, or his agent or employee, access to any part of such park or mobile home premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this chapter or any law or ordinance of the state or City or lawful regulation or order adopted thereunder.
- F. Mobile homes shall be parked only on the mobile home stands provided and shall be placed thereon in accordance with all requirements of this chapter.
- G. No mobile home owner or occupant shall conduct in any unit or any mobile home park any business or engage in any other activity which would not be permitted in single-family residential areas in the City.
- H. No person shall discharge any wastewater on the surface of the ground within any mobile home park.
- I. No person shall erect or place upon any mobile home space any permanent or temporary structure intended to be used for dwelling purposes or in connection with any mobile home unit except as specifically authorized by this chapter.

§ 500-85. Additional regulations on mobile homes and mobile home parks.

- A. Wrecked, damaged or dilapidated mobile homes shall not be kept or stored in a mobile home park or upon any premises in the City. The Zoning Administrator or Common Council shall determine if a mobile home is damaged or dilapidated to a point which makes it unfit for human occupancy. Such mobile homes are hereby declared to be a public nuisance. Whenever the Zoning Administrator or Common Council so determines, he shall notify the licensee or landowner and owner of the mobile home in writing that such public nuisance exists within the park or on lands owned by him giving the findings upon which his determination is based and shall order such home removed from the park or site or repaired to a safe, sanitary and wholesome condition of occupancy within a reasonable time, but not less than 30 days.
- B. The Zoning Administrator, Fire Chief or their lawful agents or employees are authorized and directed to inspect mobile home parks not less than once in every twelve-month period to determine the health, safety and welfare of the occupants of the park and inhabitants of the City as affected thereby and the compliance of structures and activities therein with this chapter and all other applicable laws of the state and ordinances of the City.
- C. Fires in mobile home parks shall be made only in stoves and other cooking or heating equipment intended for such purposes. Outside burning is prohibited except by permit and subject to requirements or restrictions of the Fire Chief.
- D. All plumbing, building, electrical, oil or gas distribution, alterations or repairs in the park shall be in accordance with the regulations of applicable laws, ordinances and regulations of the state and municipalities and their authorized agents.

- E. All mobile homes in mobile home parks shall be skirted unless the unit is placed within one foot vertically of the stand with soil or other material completely closing such space from view and entry by rodents and vermin. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards.
- F. No person shall construct, alter or add to any structure, attachment or building in a mobile home park or on a mobile home space without a permit from the Zoning Administrator. Construction on, or addition or alteration to the exterior of a mobile home shall be of the same type of construction and materials as the mobile home affected. This subsection shall not apply to addition of awnings, antennas or skirting to mobile homes. Accessory structures on mobile home spaces shall comply with all setback, side yard and rear yard requirements for mobile home units.
- G. Storage under mobile homes is prohibited.

§ 500-86. Compliance with plumbing, electrical and building requirements. ²⁵

All plumbing, electric, electrical, building and other work on or at any mobile home park under this chapter shall be in accordance with the ordinances of the City and the requirements of the State Plumbing, Electrical and Building Codes and the regulations of the State Board of Health. Licenses and permits granted under this chapter grant no right to erect or repair any structure, to do any plumbing work or to do any electric work.

§ 500-87. Limitations on signs.

In connection with mobile home communities within the R-MH District, no sign intended to be read from any public way adjoining the district shall be permitted except:

- A. No more than one identification sign, not exceeding 20 square feet in area, for each principal entrance.
- B. No more than one sign, not exceeding four square feet in area, advertising property for sale, lease or rent, or indicating "Vacancy" or "No Vacancy," may be erected at each principal entrance.
- C. In the case of new mobile home communities consisting in whole or in part of mobile home subdivisions or condominiums, one sign, not exceeding 20 square feet in area, may be erected for a period of not more than two years at each principal entrance to advertise the sale of lots or dwellings.
- D. No source of illumination for any such signs shall be directly visible from adjoining streets or residential property, and no such signs shall be erected within five feet of any exterior property line.

§ 500-88. Common recreational facilities.

- A. No less than 10% of the total area of any mobile home community established under these regulations shall be devoted to common recreational areas and facilities, such as

25. Editor's Note: See Ch. 152, Building Construction.

playgrounds, swimming pools, community buildings, ways for pedestrians and cyclists away from streets and play areas for small children for other recreational areas in block interiors. At least one principal recreation and community center shall contain not less than 5% of the total area of the community.

- B. To be countable as common recreational area, interior-block ways for pedestrians or cyclists shall form part of a system leading to principal destinations. Such ways may also be used for installations of utilities.
- C. Common recreational area shall not include streets or parking areas, shall be closed to automotive traffic except for maintenance and service vehicles, and shall be improved and maintained for the uses intended.
- D. In all mobile home parks, there shall be one or more recreation areas easily accessible to all park residents. No single recreation area shall contain less than 2,500 square feet unless each mobile home site is provide with contiguous a common recreational area not less than 20 feet wide at the narrowest dimension. Recreation areas shall be so located as to be free of traffic hazards and convenient to mobile home spaces which they serve.²⁶

§ 500-89. Standards for general site planning for mobile home communities.

The following guides, standards and requirements shall apply in site planning for mobile home communities:

- A. Principal vehicular access points. Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic. No lot within the community shall have direct vehicular access to a street bordering the development.
- B. Access for pedestrians and cyclists. Access for pedestrians and cyclists entering or leaving the community shall be by safe and convenient routes. Such ways need not be adjacent to or limited to the vicinity of vehicular access points. Where there are crossings of such ways and vehicular routes at edges of planned developments, such crossings shall be safety located, marked and controlled and where such ways are exposed to substantial vehicular traffic at edges of communities, safeguards may be required to prevent crossings except at designated points. Bicycle paths, if provided, shall be so related to the pedestrian way system that street crossings are combined.
- C. Protection of visibility for automotive traffic, cyclists and pedestrians. At intersections of any streets, public or private, the provisions of § 500-49 shall apply and is hereby adopted by reference. Where there is pedestrian or bicycle access from within the community to a street at its edges by paths or across yards or other open space without a barrier to prevent access to the street, no material impediment to visibility more than 2.5 feet above ground level shall be created or maintained within 25 feet of said street unless at least 25 feet from

26. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

said access measured at right angles to the path.

- D. Ways for pedestrians and/or cyclists in exterior yards. In any exterior yard, required or other, ways for pedestrian and/or cyclists may be permitted, if appropriately located, fenced or landscaped to prevent potential hazards arising from vehicular traffic on adjacent streets or other hazards and annoyances to users or to occupants of adjoining property. When otherwise in accord with the requirements concerning such ways set forth above, approved ways in such locations shall be counted as common recreation facilities and may also be used for utilities easements.
- E. Internal relationships. The site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features. In particular:
- (1) Streets, drives and parking and service areas. Streets, drives and parking and service areas shall provide safe and convenient access to dwellings and community facilities and for service and emergency vehicles, but streets shall not be so laid out as to encourage outside traffic to traverse the community, nor occupy more land than is required to provide access as indicated, nor create unnecessary fragmentation of the community into small blocks. In general, block size shall be the maximum consistent with use, the shape of the site and the convenience and safety of the occupants.
 - (2) Vehicular access to streets. Vehicular access to streets from off-street parking areas may be direct from dwellings if the street or portion of the street serves 50 units or less. Determination of units served shall be based on normal routes anticipated for traffic. Along streets or portions of streets serving more than 50 dwelling units, or constituting major routes to or around central facilities, access from parking and service areas shall be so combined, limited, located, designed and controlled as to channel traffic conveniently, safely and in a manner that minimizes marginal traffic friction, and direct vehicular access from individual dwellings shall generally be prohibited.
 - (3) Ways for pedestrians and cyclists; use by emergency, maintenance or service vehicles.
 - (a) Walkways shall form a logical, safe and convenient system for pedestrian access to all dwellings, project facilities and principal off-street pedestrian destinations. Maximum walking distance in the open between dwelling units and related parking spaces, delivery areas and trash and garbage storage areas intended for use of occupants shall not exceed 100 feet.
 - (b) Walkways to be used by substantial numbers of children as play areas or routes to school, bus stops or other destinations shall be so located and safeguarded as to minimize conflicts with normal automotive traffic. If an internal walkway system is provided, away from streets, bicycle paths shall be incorporated in the walkway system. Street crossings shall be held to a minimum on such walkways and shall be located and designated to provide safety and shall be appropriately marked and otherwise safeguarded. Ways for pedestrians and cyclists, appropriately located, designed and constructed may be combined with other

easements and used by emergency, maintenance or service vehicle but shall not be used by other automotive traffic.

§ 500-90. Parking fee; limitations on parking.

- A. There is hereby imposed on each owner of a nonexempt, occupied mobile home in the City of Bayfield a monthly parking fee as determined in accordance with § 66.0435(3), Wis. Stats., which is hereby adopted by reference and made part of this chapter as if fully set forth herein. It shall be the full and complete responsibility of the licensee to collect the proper amount from each mobile homeowner. Licensees shall pay to the City Clerk such parking permit fees on or before the 10th day of the month following the month for which such fees are due in accordance with the terms of this chapter and such regulations as the City Clerk may reasonably promulgate.
- (1) Licensees of mobile home parks and owners of land on which are parked any occupied, nonexempt mobile homes shall furnish information to the City Clerk and Assessor on such homes added to their park or land within five days after arrival of such home on forms furnished by the City Clerk in accordance with § 66.0435(3)(c) and (e) of the Wisconsin Statutes.
 - (2) Occupants or owners of nonexempt mobile homes parked outside of a mobile home park shall remit such fees directly to the City Clerk as provided in Subsection A. It shall be the full and complete responsibility of the licensee of a mobile home park to collect such fees from each occupied nonexempt mobile home therein and to remit such fees to the City Clerk as provided in Subsection A.
- B. Owners of nonexempt, occupied mobile homes, upon receipt of notice from the City Clerk of their liability for the monthly parking permit fee, shall remit to the City Clerk a cash deposit of \$100 to guarantee payment of such fees when due to the City. It shall be the full and complete responsibility of the licensees of a mobile home park to collect such cash deposits from each occupied, nonexempt mobile home therein and to remit such deposits to the City Clerk. Upon receipt of a notice from the owner or licensee that the nonexempt, occupied mobile home has been or is about to be removed from the City, the City Clerk shall apply said cash deposit to reduce any monthly parking permit fees for which said owner is liable and refund the balance, if any, to said owner.
- C. It shall be unlawful for any person to park a mobile home outside a mobile home park in the City of Bayfield.

ARTICLE XIIA

Adult-Oriented Entertainment Businesses
[Added 2-20-2008 by Ord. No. 340]

§ 500-90.1. Findings and purpose.

The Common Council finds that the unregulated location and operation of adult-oriented entertainment businesses, as defined below, in the City of Bayfield may have significant adverse impacts upon the areas surrounding them, including contributing to the deterioration of nearby residential neighborhoods and impairing the values of nearby residential housing; adversely

influencing children frequenting nearby facilities such as schools, churches, recreational facilities and parks, and the City's main shopping area; increasing the risk of illegal activities in the vicinity of such businesses, thereby increasing demands upon the City's law enforcement personnel; and adversely affecting the City's tourism economy in that the location of such businesses in the City's main business area would be detrimental to its distinctive charm, upon which its tourism economy is based. The purpose of this article is to protect the health, safety, and welfare of the City and its citizens by minimizing such adverse impacts upon nearby lands and land uses.

§ 500-90.2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ADULT-ORIENTED ENTERTAINMENT BUSINESS — An adult bookstore, adult theater, adult massage parlor, adult sauna, adult entertainment center, adult cabaret, adult health/sport club, adult steam room/bathhouse facility, or any other business whose primary business activity is characterized by emphasis on matters depicting, describing, or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse as defined herein.

NUDITY — The showing of the human male or female genitals or pubic area with less than a fully opaque covering or the depiction of covered male genitals in a discernibly turgid state and/or the appearance of bare buttocks, anus, or female breast.

SEXUAL CONDUCT — Acts of masturbation, sexual intercourse, or physical contact with a person's unclothed genitals, pubic area, buttocks, or, if such person be a female, her breast.

SEXUAL EXCITEMENT — The condition of the human male or female genitals when in a state of sexual stimulation or arousal.

§ 500-90.3. Zoning district limitations.

Adult-oriented entertainment businesses may be operated or maintained only within the Commercial Zoning District.

§ 500-90.4. Distance limitations.

No adult-oriented entertainment businesses shall be operated or maintained:

- A. Within 500 feet of the boundary of any Residential Zoning District (R-1 or R-2);
- B. Within 500 feet of a church, public recreational facility or park, licensed day-care facility, public library, public or private school or educational facility serving persons under 18 years of age;
- C. Within 500 feet from the center of Rittenhouse Avenue (the City's main commercial street).

§ 500-90.5. Operating standards.

All adult-oriented entertainment businesses shall operate in accordance with the following:

- A. No employee shall solicit business outside the building in which the business is located.

- B. No person, while on the premises, shall expose to public view his or her genitals, pubic area, anus, or anal cleft.
- C. No person on the premises shall engage in sexual conduct, sadomasochistic abuse or fondle his or her genitals.

ARTICLE XIII
Administration and Enforcement

§ 500-91. General administrative system.

This chapter contemplates an administrative and enforcement officer entitled the "Zoning Administrator" to administer and enforce the same. Certain considerations, particularly with regard to granting of permitted conditional uses, planned unit development conditional uses, changes in zoning districts and Zoning Map, and amending the text of this Zoning Chapter require review and recommendation by the Plan Commission and ultimate action by the Common Council. A Zoning Board of Appeals is provided to assure proper administration of the chapter and to avoid arbitrariness. Questions regarding interpretation by the Zoning Administrator will be referred to the Plan Commission. Persons aggrieved by the interpretations supplied by the Plan Commission may be appealed to the Zoning Board of Appeals.

§ 500-92. Zoning Administrator.

- A. Appointment. The Zoning Administrator shall be appointed by the Mayor, subject to confirmation by the Council. The Zoning Administrator shall have an indefinite term of office.
- B. Duties. In enforcing and administering this chapter, the Administrator shall perform the following duties:
 - (1) Issue the necessary building permits and zoning permits required by the provisions of this chapter, provided its provisions have been complied with.
 - (2) Keep an accurate record of all permits, numbered in the order of issuance, in a record book for this purpose.
 - (3) In case of any finding of a violation of a provision of this chapter, notify, in writing, the actual violator where known, the owner of the property on which the violation has taken place and the Common Council, indicating the nature of the violation and the action necessary to correct it.
 - (4) Receive, file and process for action all applications for conditional uses, variances and amendments to this chapter which are filed in the zoning office.
 - (5) Initiate, direct and review, from time to time, a study of the provisions of this chapter and make reports of the recommendations to the Plan Commission for investigation and appropriate action.
 - (6) Carry out such additional responsibilities as are hereinafter set forth by the provisions of this chapter.
- C. Authority. In the enforcement of this chapter, the Administrator shall have the power and

authority for the following:

- (1) At any reasonable time and for any proper purpose to enter upon any public or private premises and make inspection thereof.
- (2) Upon reasonable cause or question as to proper compliance, to revoke any building or occupancy permit and issue cease-and-desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this chapter, such revocation to be in effect until reinstated by the Administrator or the Zoning Board of Appeals, or take any other action as directed by the Common Council to insure compliance with or to prevent violation of its provisions.
- (3) In the name of the City and with authorization of the Common Council commence any legal proceedings necessary to enforce the provisions of this chapter or the Building Code,²⁷ including the collection of forfeitures provided for herein.

§ 500-93. Role of specific City officials in Zoning Administration.

- A. Plan Commission. The Plan Commission, together with its other statutory duties, shall make reports and recommendations relating to the plan and development of the City to the Common Council, other public officials and other interested organizations and citizens. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this chapter, its functions are primarily recommendatory to the Common Council pursuant to guidelines set forth in this chapter as to various matters and, always, being mindful of the intent and purposes of this chapter, except that it shall decide applications for conditional use permits. Recommendations shall be in writing. A recording thereof in the Commission's minutes shall constitute the required written recommendation. The Commission may, in arriving at its recommendation, on occasion of its own volition, conduct its own public hearing. The Plan Commission shall have the powers to conduct and hold public hearings on all proposed amendments to the City Zoning Ordinance as provided in § 62.23(7)(d), Wis. Stats.
- B. Common Council. The Common Council, the governing body of the City, subject to recommendations by the Plan Commission and the holding of public hearings by said Council, has ultimate authority to grant planned unit development applications, make changes and amendments in zoning districts, the Zoning Map and supplementary Floodland Zoning Map and to amend the text of this chapter. The Common Council may delegate to the Plan Commission the responsibility to hold some or all public hearings as required under this chapter.
- C. Zoning Board of Appeals. A Zoning Board of Appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in enforcement of this chapter. See Article XV of this chapter for detailed provisions.

§ 500-94. Zoning permit.

27. Editor's Note: See Ch. 152, Building Construction.

A. Zoning permit required.

- (1) No vacant land shall be occupied or used, and no building shall be hereafter erected, structurally altered, relocated, used or occupied until a zoning permit has been issued certifying that any such building, use or occupancy complies with the provisions of this chapter. Such permit shall be obtained before any change is made in the type of use or before any legal nonconforming use is resumed, changed, extended or granted conditional use status.
- (2) A zoning and occupant permit is required in the following situations:
 - (a) Before any building or other structure which is the principal permitted use is erected, moved or structurally altered so as to change its use or increase its floor area.
 - (b) Before any land use is substantially altered.
 - (c) Before any building or structure is erected or substantially altered which would be a conditional use or require a variance regardless of whether principal or accessory use.
 - (d) Before building an accessory structure, even though not intended for human occupancy.

B. Application procedure; required information.

- (1) The permit application shall be made to the Zoning Administrator on forms provided by the City. Applications shall be submitted in duplicate, except that, when site plan approval is required, they shall be submitted in quadruplicate. The application shall include the following information:
 - (a) Names and addresses of the applicant, owner of the site, architect, professional engineer or contractor.
 - (b) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; addresses of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 - (c) Plat of survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards. In addition, the plat of survey shall show the location, elevation and use of any abutting lands and their structures within 40 feet of the subject site. The plat of survey may be waived at the discretion of the Zoning Administrator and/or the Plan Commission in instances where a survey is not deemed necessary.
 - (d) Additional information as may be required by the Zoning Administrator, Plan Commission and City Engineer, including all information required for site plan approval.

- (2) Application for such permit shall be made to the Administrator prior to or at the same time as the application for a building permit or prior to the commencement of any use not involving a building permit.
 - (a) Such application shall state that the building or proposed use of a building or land complies with all the building and health laws and with the provisions of this chapter, a statement by the applicant as to the intended use of the premises and buildings thereon.
 - (b) Within 10 days after the notification of the completion of the erection, alteration or relocation of the building or of intent to commence a use, the Administrator shall make an inspection of the premises and any building thereof and of the building and the intended use thereof, and if the proposed use of the premises complies with the requirements of this chapter, a zoning permit shall be issued.
 - (c) For the purpose of defraying the cost of inspection and administrative processing, such application shall be accompanied by such fee as established by the Common Council.
- C. If, within 12 months of the date of application, no zoning permit has been issued, any building permit related thereto shall lapse, and the Administrator shall make immediate investigation to ascertain that no use or occupancy has, in fact, commenced without proper authority. Upon showing valid cause, the Administrator may grant an extension of such permit for a period not to exceed six months.
- D. Pending the issuance of a regular permit, a temporary permit may be issued for a period not exceeding six months during the completion of alterations or during partial occupancy of a building pending its permanent occupation. Such temporary permit shall not be issued except under such restrictions and provisions as will adequately ensure the safety of the occupants. A temporary permit shall be voided if the building fails to conform to the provisions of this chapter to such a degree as to render it unsafe for the occupancy proposed.

§ 500-95. Site plan approval.

- A. Site plan approval. All applications for permits for any construction, reconstruction, expansion or conversion shall require site plan approval by the Plan Commission and the Architectural Review Board in accordance with the requirements of this section.
- B. Application. The applicant for a zoning permit shall also submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Architectural Review Board or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this chapter.
- C. Administration. The Zoning Administrator shall make a preliminary review of the application and plans and refer them, along with a report of his findings, to the Architectural Review Board within 10 days. The Architectural Review Board shall review the application and may refer the application and plans to any expert consultants selected by the Common Council to advise whether the application and plans meet all the requirements applicable thereto in this chapter. Within 30 days of its receipt of the

application, the Commission shall authorize the Zoning Administrator to issue or refuse a zoning permit.

- D. Requirements. In acting on any site plan, the Architectural Review Board shall consider the following:
 - (1) The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
 - (2) The landscaping and appearance of the completed site. The Architectural Review Board may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent or purposes of this section.
- E. Effect on municipal services. Before granting any site approval, the Architectural Review Board may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the City Engineer or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Architectural Review Board shall forward its recommendations to the Common Council and shall not issue final approval until the Common Council has entered into an agreement with the applicant regarding the development of such facilities.

§ 500-96. Architectural review.

- A. Appointment. The Architectural Review Board shall be appointed as prescribed in Chapter 21, Boards, Commissions and Committees, of the Code of the City of Bayfield.
- B. Powers. The Architectural Review Board shall have powers enumerated in § 21-8 of this Code.²⁸
- C. Applications. Applications for approval by the Architectural Review Board shall be made to the Zoning Administrator and shall be accompanied by the zoning permit application required under this section and, in addition, shall be accompanied by plans showing the exterior elevations of the existing and proposed structure description of the proposed materials and colors, proposed floor grades, and a list of the names and addresses of the parties in interest.
- D. Hearings. Notice to be mailed to the applicant, Zoning Administrator, and the parties in interest at least five days prior to the hearing. The applicant may appear in person, by agent, or by attorney.
- E. Findings. The Architectural Review Board shall not approve any application unless they find beyond a reasonable doubt after viewing the site that the following facts and conditions exist and shall so indicate in the minutes of their proceedings. The exterior design proposed is not unsightly or obnoxious and is not disharmonious or so similar to existing or proposed neighboring developments that substantial depreciation of neighboring

²⁸. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

property or development will be caused by the applicant's proposal.

- F. The Architectural Review Board shall decide all applications within five days after the final hearing and shall transmit a signed copy of their decision to the applicant and file a copy with the Building Inspector.
- G. Appeals. Any person or person aggrieved by any decisions of the Architectural Review Board may appeal the decision to the Zoning Board of Appeals. Such appeal shall be filed with the City Clerk within 30 days after filing of the decision with the Building Inspector.

§ 500-97. Fees. ²⁹

Fees applicable to this chapter shall be set by the Common Council.

- A. Rezoning application, per application (including repetitions of previous applications).
- B. Conditional use permit application. All conditional use applications shall be filed with the City Clerk along with said fee. The filing fee shall be used to reimburse the City for publication costs and attorney's fees incurred in relation to the application and hearings thereon. The Zoning Administrator, upon receipt of an application and the fee provided herein, shall immediately refer it to the Plan Commission for consideration.
- C. Variance application. All applications for special exceptions and variances and appeals shall be filed with the Zoning Administrator along with said fee. The filing fee shall be used to reimburse the City for publication costs and attorney's fees incurred in relation to the application or appeal and hearings thereon. The City Clerk, upon receipt of an application or appeal and the fee provided herein, shall immediately refer it to the Zoning Board of Appeals for consideration.
- D. Building permit application.

| Type | Residential Permit Fees | Commercial Permit Fees | Additional/Special Comments |
|--|--------------------------------|-------------------------------|--|
| New construction | As set by the Common Council | | Requires a survey |
| Alterations: Additions Garages greater than 8 feet by 12 feet New decks | As set by the Common Council | | Requires a survey, any time setbacks questionable (to be determined by the City) |
| Alterations: Roofing Small and existing decks Sheds less than or equal to 8 feet by 12 | As set by the Common Council | | |

29. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

feet
Siding
Window/door repair
Foundation work

Maintenance: As set by the Common Council If there is a question about whether it qualifies as maintenance, check with the Zoning Administrator first
Roof patching
Siding patching
Rotten board repair
Painting

Fencing (perimeter) As set by the Common Council No solid fences allowed in front yards

- E. Zoning permit application (initial fee, and other fee if requested after the fact).
- F. Interpretation.
 - (1) Regardless of how a property is officially zoned, fees will be based on use; i.e., if commercially zoned property is used residentially, then residential fees will apply, and if residentially zoned property is used commercially, the commercial fees will apply.
 - (2) The Architectural Review Board will require all contractors listed on applications to present a copy of their Wisconsin Division of Safety and Buildings credential card. They are encouraged to place them on file in the Clerk's office for their convenience.
 - (3) Surveys are required for all setback variance requests, new construction, and additions when setbacks are questionable.
- G. Escrow deposits for consultants. If, in considering an application for a conditional use permit, zoning permit, building permit, or planned development district or other rezoning, the Plan Commission determines that one or more outside consultants are required in order for the Plan Commission to adequately evaluate the application, the applicant shall pay to the City the costs of the consultant services, as follows. Upon notice from the City that outside consultant services are required, the applicant shall deposit \$5,000 with the City, to be held in escrow, upon which the City shall draw to pay for said costs as they are incurred during the course of reviewing the application. Itemized statements reflecting the amounts drawn from the deposit shall be sent to the applicant each month. In the event that the escrow deposit has been drawn down to 25% of the required amount, the applicant shall replenish the escrow deposit to its original amount. If any funds remain in the escrow deposit following final determination of the application, such remaining funds shall be returned to the applicant within 60 days of the determination, together with an accounting of the deposits and draws on the escrow. Payments under this section are in addition to the fees required under the other provisions of this section. [Added 12-18-2007 by Ord. No. 339]

§ 500-98. Violations and penalties.

- A. Violations. It shall be unlawful to use or improve any structure or land, or to use water or

air in violation of any of the provisions of this chapter. In case of any violation, the Common Council, the Zoning Administrator, the Architectural Review Board or any property owner who would be specifically damaged by such violation may cause appropriate action or proceeding to be instituted to enjoin a violation of this chapter or cause a structure to be vacated or removed.

- B. Remedial action. Whenever an order of the Zoning Administrator has not been complied with within 30 days after written notice has been mailed to the owner, the resident agent or occupant of the premises, the Common Council, the Zoning Administrator or the City Attorney may institute appropriate legal action or proceedings.
- C. Penalties. Any person, firm or corporation who fails to comply with the provisions of this chapter or any order of the Zoning Administrator issued in accordance with this chapter or resists enforcement shall, upon conviction thereof, be subject to a forfeiture and such additional penalties as provided for in § 1-3 of the Code of the City of Bayfield.

ARTICLE XIV Changes and Amendments

§ 500-99. Authority.

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Common Council may, by ordinance, change the district boundaries established by this chapter and the Zoning Map incorporated herein and/or the Supplementary Floodland Zoning Map incorporated herein, or amend, change or supplement the text of the regulations established by this chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Plan Commission.

§ 500-100. Initiation of changes or amendments.

The Common Council, the Plan Commission, the Zoning Board of Appeals and other government bodies and any private petitioners may apply for an amendment to the text of this chapter to the district boundaries hereby established or by amendments hereto in the accompanying Zoning Map made a part of this chapter and/or the Supplementary Floodland Zoning Map to be made a part of this chapter by reference.

§ 500-101. Procedure for changes or amendments.

A. Petition.

- (1) Petitions for any change to the district boundaries and map(s) or amendments to the text regulations shall be addressed to the Common Council and shall be filed with the Zoning Administrator. The person requesting such action shall provide all information requested on the petition including:
 - (a) Name and street address of the petitioner.
 - (b) The lot number of any real estate owned by the petitioner adjacent to the area proposed to be changed.
 - (c) Legal description of the property to be altered.

- (d) The existing use of all buildings on such land.
 - (e) The principal use of all properties within 300 feet of such land.
 - (f) Purpose for which such property is to be used.
 - (g) Reciting of facts indicating that the proposed change will not be detrimental to the general public interest and the purposes of this chapter.
 - (h) Names and addresses of all abutting and opposite property owners within 300 feet of the property to be altered.
 - (i) Plot plan or survey plat, drawn to scale, showing the property to be rezoned, location of structures, and property lines within 300 feet of the parcel.
 - (j) Any further information requested to the petition or which may be required by the Plan Commission to facilitate the making of a comprehensive report to the Council.
- (2) Failure to supply such information shall be grounds for dismissal of the petition.
- (3) A petition for change or amendment submitted by a private property owner shall be prepared in triplicate and filed with the Zoning Administrator and shall be accompanied by the appropriate fee to defray the cost of giving notice, investigation and other administrative processing.
- B. Recommendations. The Common Council or the Zoning Administrator shall cause the petition to be forwarded to the Plan Commission for its consideration and recommendation. The Plan Commission shall review all proposed amendments to the text and Zoning Map(s) within the corporate limits and shall recommend in writing that the petition be granted as requested, modified or denied. A recording of the recommendation in the Plan Commission's official minutes shall constitute the required written recommendation. In arriving at its recommendation, the Commission may on occasion, of its own volition, conduct its own public hearing on proposed amendment(s).
- C. Hearings.
- (1) The Common Council, following receipt of recommendation of the Plan Commission, shall hold a public hearing upon each proposed change or amendment, giving notice of the time, place and the change or amendment proposed by publication of a Class 2 notice, under § 985.01 et seq., Wis. Stats. At least 10 days' prior, written notice shall also be given to the Clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment.
- (2) The Common Council may delegate to the Plan Commission the responsibility to hold public hearings as required under this section.
- D. Council's action. Following such hearing and after consideration of the Plan Commission's recommendations, the Common Council shall vote on the proposed ordinance effecting the proposed change or amendment. [Amended 12-18-2007 by Ord. No. 339]

§ 500-102. Protest.

- A. In the event of a protest against amendment to the Zoning Map, duly signed and acknowledged by the owners of 20% or more, either of the areas of the land included in such proposed change, or by the owners of 20% or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of 3/4 of the full Common Council membership.
- B. In the event of protest against amendment to the text of the regulations of this chapter, duly signed and acknowledged by 20% of the number of persons casting ballots in the last general election, it shall cause a three-fourths vote of the full Common Council membership to adopt such amendment.

ARTICLE XV

Appeals

§ 500-103. Appeals to Zoning Board of Appeals.

- A. Scope of appeals. Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the administrative officer. Such appeal, specifying the grounds thereof, shall be taken within 30 days of the alleged grievance or judgment in question. Such appeal shall be filed with the City Clerk, the officer(s) from whom the appeal is taken and with the Zoning Board of Appeals, and must be accompanied by payment of all estimated publication costs and estimated costs for all special meetings required by a filing of such notice. The officer(s) from whom the appeal is taken shall forthwith transmit to the Zoning Board of Appeals all papers constituting the record of action from which the appeal is taken.
- B. Stay of proceedings. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certified to the Zoning Board of Appeals that, by reason of facts stated in the certificate, a stay would, in his opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- C. Powers of Zoning Board of Appeals. In addition to these powers enumerated elsewhere in the City Code, the Zoning Board of Appeals shall have the following powers:
 - (1) Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator or Building Inspector.
 - (2) Variances. To hear and grant appeals for variances in accordance with the procedures and requirements of § 500-106 of this chapter. Use variances shall not be granted. [Amended 10-18-2006 by Ord. No. 335]
 - (3) Interpretations. To hear and decide application for interpretations of the zoning

regulations and the boundaries of the zoning districts after the Plan Commission has made a review and recommendation.

- (4) Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Plan Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
- (5) Unclassified uses. To hear and grant applications for unclassified and unspecified uses provided that such uses are similar in character to the principal uses permitted in the district and the Plan Commission has made a review and recommendation.
- (6) Temporary uses. To hear and grant applications for temporary uses, in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure and are compatible with the neighboring uses and the Plan Commission has made a review and recommendation. The permit shall be temporary, revocable, subject to any condition required by the Zoning Board of Appeals and shall be issued for a period not to exceed 12 months. Compliance with all other provisions of this chapter shall be required.
- (7) Permits. The Board may reverse, affirm wholly or partly, modify the requirements appealed from and may issue or direct the issue of a permit.

§ 500-104. Hearing on appeals.

The Zoning Board of Appeals shall fix a reasonable time for the hearing, cause notice thereof to be published in the official newspaper not less than seven days prior thereto, cause notice to be given to the appellant or applicant and the administrative officer(s) appealed from by regular mail or by personal service not less than five days prior to the date of hearing. In every case involving a variance, notice shall also be mailed not less than five days prior to the hearing of the fee owners of records of all land within 100 feet of any part of the subject building or premises involved in the appeal.

§ 500-105. Decisions of Zoning Board of Appeals.

- A. Time frame. The Zoning Board of Appeals shall decide all appeals and applications within 30 days after the public hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant and the Zoning Administrator.
- B. Conditions. Conditions may be placed upon any zoning permit ordered or authorized by the Zoning Board of Appeals.
- C. Validity. Variances, substitutions or use permits granted by the Board shall expire within six months unless substantial work has commenced pursuant to such grant.

§ 500-106. Variations.

- A. Purpose.

- (1) A request for a variance may be made when an aggrieved party can submit proof that strict adherence to the provisions of this Zoning Code would cause him undue hardship or create conditions causing greater harmful effects than the initial condition. A variance granted to a nonconforming use brings that use into conformance with the district and zoning requirements.
 - (2) The Zoning Board of Appeals may authorize upon appeal, in specific cases, such variance from the terms of the Zoning Code as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Zoning Code will result in unnecessary hardship and so that the spirit of the Zoning Code shall be observed and substantial justice done. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the flood protection elevation for the particular area or permit standards lower than those required by state law.
 - (3) For the purposes of this section, "unnecessary hardship" shall be defined as an unusual or extreme decrease in the adaptability of the property to the uses permitted by the zoning district which is caused by facts, such as rough terrain or good soil conditions, uniquely applicable to the particular piece of property as distinguished from those applicable to most or all property in the same zoning district.
- B. Application for variation. The application for variation shall be filed with the Zoning Administrator. Applications may be made by the owner or lessee of the structure, land or water to be affected. The application shall contain the following information:
- (1) Name and address of applicant and all abutting and opposite property owners of record.
 - (2) Statement that the applicant is the owner or the authorized agent of the owner of the property.
 - (3) Address and description of the property.
 - (4) A site plan showing an accurate depiction of the property.
 - (5) Additional information required by the Plan Commission, City Engineer, Zoning Board of Appeals or Zoning Administrator.
- C. Public hearing of application.
- (1) The application shall be referred to the Plan Commission which shall submit a report to the Zoning Board of Appeals. The petitioner shall appear before the Plan Commission in order to answer questions.
 - (2) The Zoning Board of Appeals shall conduct at least one public hearing on the proposed variation. Notice of such hearing shall be given not more than 30 days and not less than 10 days before the hearing in one or more of the newspapers in general circulation in the City, and shall give due notice to the parties in interest, the Zoning Administrator and the Plan Commission. At the hearing the appellant or applicant may appear in person, by agent or by attorney. The Board shall thereafter reach its decision within 30 days after the final hearing and shall transmit a written copy of its

decision to the appellant or applicant, Zoning Administrator and Plan Commission.

- D. Action of the Zoning Board of Appeals. For the Board to grant a variance, it must find that:
- (1) Denial of variation may result in hardship to the property owner due to physiographical consideration. There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Code should be changed.
 - (2) The conditions upon which a petition for a variation is based are unique to the property for which variation is being sought and that such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
 - (3) The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property.
 - (4) The granting of the variation will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.
 - (5) The proposed variation will not undermine the spirit and general and specific purposes of the Zoning Code.
- E. Conditions. The Zoning Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this section.

§ 500-107. Review by court of record.

Any person or persons aggrieved by any decision of the Zoning Board of Appeals may present to a court of record a petition, duly verified, setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the offices of the Zoning Board of Appeals.

ARTICLE XVI
Terminology

§ 500-108. Definitions and word usage.

For the purposes of this chapter, the following definitions shall be used, unless a different definition is specifically provided for in a section. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not permissive.

ABUTTING — Have a common property line or district line.

ACCESSORY USE OR STRUCTURE — A use or detached structure subordinate to the principal use of a structure, parcel of land or water and located on the same lot or parcel serving a purpose incidental to the principal use or the principal structure.

ACRE, NET — The actual land devoted to the land use, excluding public streets, public lands or unusable lands, and school sites contained within 43,560 square feet.

ALLEY — A public way not more than 15 feet wide which affords only a secondary means of access to abutting property.

APARTMENT — A suite of rooms or a room in a multiple dwelling, which suite or room is arranged, intended or designed to be occupied as a residence of a single family, individual or group of individuals, with separate facilities and utilities which are used or intended to be used for living, sleeping, cooking and eating.

ARTERIAL STREET — A public street or highway used or intended to be used primarily for large volume or heavy through traffic. Arterial streets shall include freeways and expressways as well as arterial streets, highways and parkways.

BASEMENT — That portion of any structure located partly below the average adjoining lot grade which is not designed or used primarily for year-around living accommodations.

BED-AND-BREAKFAST ESTABLISHMENT [Amended 3-20-2007 by Ord. No. 336; 4-20-2010 by Ord. No. 349; 6-6-2011 by Ord. No. 356; 5-14-2012 by Ord. No. 363]

A. Any place of lodging that satisfies all of the following:

- (1) Provides eight or fewer rooms for rent to no more than a total of 20 tourists or transients;
- (2) Provides no meals other than breakfast and provides the breakfast only to renters of the place;
- (3) Is the owner's personal and principal residence;
- (4) Is occupied by the owner at the time of rental;
- (5) Was originally built and occupied as a single-family residence, or, prior to use as a place of lodging, was converted to use and occupied as a single-family residence.

B. For purposes of this definition, "owner" means an individual who owns at least an undivided one-half interest in the property comprising the establishment, as evidenced by a recorded document establishing such ownership, or at least 1/2 of the ownership interest of a limited liability company, corporation, or other legal entity that owns all of the property, as evidenced by a recorded document establishing the entity's ownership of the property and records of the legal entity establishing the individual's ownership interest in the entity. A land contract purchaser's interest in the property shall not constitute an ownership interest for purposes of this definition unless the land contract evidences a bona fide transaction for the purchase of the entire ownership of the property.

BLOCK — A tract of land bounded by streets or by a combination of streets and public parks or other recognized lines of demarcation.³⁰

30. Editor's Note: The former definition of "boardinghouse," which immediately followed this definition, was repealed 4-20-2010 by Ord. No. 349.

BUILDABLE LOT AREA — The portion of a lot remaining after required yards have been provided.

BUILDING — Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.

BUILDING HEIGHT — The vertical distance from the lowest elevation on the footprint of the building projected vertically on to the natural surface of the building site, as it existed prior to any filling, excavating, or grading and verified by a certified topographical survey, to the highest point of the roof [excluding architectural projections exempt from the height limits under § 500-12A(1)].

BUILDING SETBACK LINE — A line parallel to the lot line at a distance parallel to it, regulated by the yard requirements set up in this Zoning Code.

BUILDING, DETACHED — A building surrounded by open space on the same lot.³¹

BUILDING, PRINCIPAL OR MAIN — The building on a lot in which is conducted the principal use as permitted on such lot by the regulations of the district in which it is located.

BUSINESS — An occupation, employment or enterprise which occupies time, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered.

CANOPY — A rigid structure attached to and extending outward from a building, designed to protect the building and/or people under the canopy from the sun, rain or snow.

CARPORT — An automobile shelter having one or more sides open.

CELLAR — That portion of a building having more than half of the floor-to-ceiling height below the average grade of the adjoining ground. This portion is not a completed structure and serves as a substructure or foundation for a building.

CHANNEL — Those floodlands normally occupied by a stream of water under average annual high-water flow conditions while confined within generally well-established banks.

CLINIC, MEDICAL OR DENTAL — A group of medical or dental offices organized as a unified facility to provide medical or dental treatment as contrasted with an unrelated group of such offices, but not including bed-patient care.

CLUB or LODGE — A building or portion thereof or premises owned by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as business.

COMMUNITY LIVING ARRANGEMENT — As defined in § 46.03(22), Wis. Stats. The establishment of a community living arrangement shall be in conformance with applicable sections of the Wisconsin state statutes, including §§ 46.03(22), 69.97(15), and 62.23(7)(i) and (7a), Wis. Stats., and amendments thereto, and also the Wisconsin Administrative Code.

31. Editor's Note: The definition of "building, principal," which immediately followed this definition, was deleted 10-18-2006 by Ord. No. 335.

[Amended 10-18-2006 by Ord. No. 335]

CONDITIONAL USE — The occupations, vocations, skills, arts, businesses, professions or uses specifically designated in each zoning district, which for their respective conduct, exercise or performance in such designated districts may require reasonable, but special, peculiar, unusual or extraordinary limitations, facilities, plans, structures, thoroughfares, condition modification, or regulations in such district for the promotion or preservation of the general public welfare, health, convenience or safety therein and in the City and, therefore, may be permitted in such district only by a conditional use permit.

CONSERVATION STANDARDS — Guidelines and specifications for soil and water conservation practices and management enumerated in the Technical Guide, prepared by the USDA Soil Conservation Service for Bayfield County, adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation.

CONTROLLED ACCESS ARTERIAL STREET — The condition in which the right of owners or occupants of abutting land or other persons to access, light, air or view in connection with an arterial street is fully or partially controlled by public authority. ³²

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations or disposition of materials.

DISTRICT, BASIC — A part or parts of the City for which the regulations of this chapter governing the use and location of land and building are uniform.

DISTRICT, OVERLAY — Overlay districts, also referred to herein as regulatory areas, provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more strict of the conflicting requirements shall apply.

DWELLING — A building or part thereof designed or used exclusively as a residence or sleeping place, but not used at all for transient occupancy. [Amended 1-25-2006 by Ord. No. 332]

DWELLING UNIT — One or more rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use exclusively as living quarters for one family.³³ [Amended 1-25-2006 by Ord. No. 332]

DWELLING, MULTIPLE-FAMILY — A residential building designed for or occupied by three or more families, with the number of families in residence not to exceed the number of dwelling units provided.

DWELLING, SINGLE-FAMILY — A detached building designed for or occupied by one

32. Editor's Note: The definition of "corner lot," which immediately followed this term, was deleted 10-18-2006 by Ord. No. 335. See the definition of "lot, corner" in this section.

33. Editor's Note: The definition of "dwelling, efficiency," which immediately followed this definition, was deleted 1-25-2006 by Ord. No. 332.

family.

DWELLING, TWO-FAMILY — A detached building containing two separate dwelling (or living) units, designed for occupancy by not more than two families.

ESSENTIAL SERVICES — Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.

FAMILY — A person or persons living alone or together in one dwelling unit as a single housekeeping entity. [Amended 1-25-2006 by Ord. No. 332]

FARMING, GENERAL — General farming shall include floriculture, forest and game management, orchards, raising of grain, grass, mint and seed crops, raising of fruits, nuts and berries, sod farming and vegetable farming. General farming includes the operating of such an area for one or more of the above uses with the necessary accessory uses for treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities.

FARMSTEAD — A single-family residential structure located on a parcel of land, which primary land use is associated with agriculture.

FLOOR AREA, BUSINESS AND MANUFACTURING BUILDINGS — For the purpose of determining off-street parking and off-street loading requirements, the sum of the gross horizontal areas of the floors of the building, or portion thereof, devoted to a use requiring off-street parking or loading. This area shall include elevators and stairways, accessory storage areas located within selling or working space occupied by counters, racks or closets and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area, for the purposes of determining off-street parking spaces, shall not include floor area devoted primarily to storage purposes except as otherwise noted herein.

FOSTER FAMILY HOME — The primary domicile of a foster parent which is four or fewer foster children and which is licensed under § 48.62, Wis. Stats., and amendments thereto.

FRONTAGE — All the property butting on one side of a street between two intersecting streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.

GARAGE, PRIVATE — A detached accessory building or portion of the principal building, designed, arranged, used or intended to be used for storage of automobiles of the occupant of the premises.

GARAGE, PUBLIC — Any building or portion thereof, not accessory to a residential building or structure, used for equipping, servicing, repairing, leasing or public parking of motor vehicles.

GRADE — When used as a reference point in measuring the height of a building, the grade shall

be the average elevation of the finished ground at the exterior walls of the main building.

GROUP FOSTER HOME — Any facility operated by a person required to be licensed by the State of Wisconsin under § 48.62, Wis. Stats., for the care and maintenance of five to eight foster children.

HOME OCCUPATION — An accessory use of a dwelling unit for gainful employment involving the manufacture, provision or sale of goods and/or services that is clearly secondary to the residential use and does not change the character of the structure as a residence and meets all the applicable limitations of this chapter.

HOSPITAL — An institution intended primarily for the medical diagnosis, treatment and care of patients being given medical treatment. A hospital shall be distinguished from a clinic by virtue of providing for bed-patient care.

HOTEL/MOTEL — A building in which lodging, with or without meals, is offered to transient guests for compensation, in which there are five or more transient occupancy units with no cooking facilities and each not exceeding 400 square feet in floor area. [Amended 1-25-2006 by Ord. No. 332]

INSTITUTION — A building occupied by a nonprofit corporation or a nonprofit establishment for public use.

JUNK — Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk includes, but is not limited to, vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber.

JUNKYARD — Any place at which personal property is or may be salvaged for reuse, resale or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled or assorted, including but not limited to used or salvaged or new scrapped base metal or metals, their compounds or combinations, used for salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property, except animal matter; and used motor vehicles, machinery or equipment which are used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

LOADING AREA — A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.³⁴

LOT — A parcel of land having frontage on a public street, or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area and other open space provisions of this Code as pertaining to the district wherein located.

LOT AREA — The area of contiguous land bounded by lot lines, exclusive of land designated for public thoroughfares.

LOT DEPTH — The shortest horizontal distance between the front lot line and the rear lot line

34. Editor's Note: The former definition of "lodging house," which immediately followed this definition, was repealed 4-20-2010 by Ord. No. 349.

measured at a ninety-degree-angle from the road right-of-way.

LOT LINE — Legally established lines dividing one lot, plot of land or parcel of land from an adjoining lot or plot of land or parcel of land as defined herein.

LOT LINE, FRONT — A line separating the lot from the street or approved private road.

LOT LINE, REAR — A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular-shaped lot, a line 10 feet in the length within the lot, parallel to and at the maximum distance from the front lot line.

LOT LINE, SIDE — Any lot boundary line not a front line or a rear lot line.

LOT OF RECORD — A lot which has been recorded in the office of the Register of Deeds prior to the effective date of this chapter.

LOT WIDTH — The horizontal distance between the side lot lines at the building setback line.

LOT, CORNER — A lot situated at the intersection of two streets.

LOT, INTERIOR — A lot with frontage on only one street.

LOT, THROUGH — A lot other than a corner lot with frontage on two streets.

MINOR STRUCTURES — Any small, movable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment, arbors and walls and fences under four feet in height. ³⁵

MODULAR UNIT — A prefabricated, detached single- or double-family dwelling unit designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems, which is or was designed to be transported and mounted on a permanent foundation.

NONCONFORMING LOT — A lot of record existing on the date of passage of this chapter which does not have the minimum width or contain the minimum area for the zone in which it is located.

NONCONFORMING USES — Any structure, use of land, use of land and structure in combination or characteristic of use (such as yard requirement or lot size) which was existing at the time of the effective date of this Zoning Code or amendments thereto and which is not in conformance with this Zoning Code. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements shall not be considered a nonconforming use, but shall be considered nonconforming with respect to those characteristics.

NURSING HOME — An establishment used as a dwelling place by the aged, infirm, chronically ill or incurably afflicted, in which not less than three persons live or are kept or provided for on the premises for compensation, excluding clinics and hospitals and similar institutions devoted to the diagnosis, treatment or the care of the sick or injured.

35. Editor's Note: The following definitions, which followed this term, were deleted 10-18-2006 by Ord. No. 335: "mobile home," "mobile home lot," "mobile home park" and "mobile home subdivision." See now § 500-78.

PARKING LOT — A structure or premises containing five or more parking spaces open to the public.

PARTIES IN INTEREST — Includes all abutting property owners, all property owners within 100 feet, and all property owners of opposite frontages.

PLANNED UNIT DEVELOPMENT — A large lot or tract of land containing two or more principal buildings of uses developed as a unit where such buildings or uses may be located in relation to each other rather than to a lot line or zoning district boundaries.

PROFESSIONAL HOME OFFICES — Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, tradesmen, authors, musicians or other recognized professions used to conduct their professions where the office does not exceed 1/2 the area of only one floor of the residence and only one nonresident person is employed. Tradesmen shall be defined as a person or persons who hold themselves out with a particular skill including, but not limited to, carpenters, masons, plumbers, electricians, roofers and others involved in the building trade.

PUBLIC AIRPORT — Any airport which complies with the definition contained in § 114.002(7), Wis. Stats., or any airport which serves or offers to serve common carriers engaged in air transport. ³⁶

RESTAURANT — A business establishment consisting of a kitchen and dining room, whose primary purpose is to prepare and serve food to be eaten by customers seated in the dining room.

RESTAURANT, DRIVE-IN — A business establishment consisting of a kitchen, with or without a dining room, where food is prepared and packaged to be eaten either off the premises or within automobiles parked on the premises.

RETAIL — The sale of goods or merchandise in small quantities to the consumer.

ROOMING HOUSE — A building providing lodging, or meals and lodging, for compensation for three or more persons not members of the same family, but not exceeding ten persons, not for transient occupancy, and not including multiple-family dwellings, nursing homes, foster family homes, or group foster homes. [Added 4-20-2010 by Ord. No. 349]

SEMI-PERMANENT MERCHANT — A person(s) (organization, partnership, corporation, etc.), whose place of business is a style like, but not limited to, tent/trailer/wagon and is located on private property in the Commercial District and is only open to the public on a semipermanent basis but is in operation for more than 10 consecutive days.

SETBACK — The minimum horizontal distance between the front lot line and the nearest point of the foundation of that portion of the building to be enclosed. The overhang cornices shall not exceed 24 inches. Any overhang of the cornice in excess of 24 inches shall be compensated by increasing the setback by an amount equal to the excess of cornice over 24 inches. Uncovered

³⁶. Editor's Note: The definition of "rear yard," which immediately followed this term, was deleted 10-18-2006 by Ord. No. 335. See the definition of "yard, rear" in this section.

steps shall not be included in measuring the setback. ³⁷

SIGNS — As defined in § 500-61 of this chapter. [Amended 10-18-2006 by Ord. No. 335]

STORY — That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each 14 feet or fraction thereof. A basement having 1/2 or more of its height above grade shall be deemed a story for purposes of height regulation.

STORY, HALF — That portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two opposite exterior walls, are not more than 4 1/2 feet above the finished floor of such story. In the case of one family dwellings, two-family dwellings and multifamily dwellings less than three stories in height, a 1/2 story in a sloping roof shall not be counted as a story for the purposes of this Zoning Code.

STREET — Property other than an alley or private thoroughfare or travelway which is subject to public easement or right-of-way for use as a thoroughfare and which is 21 feet or more in width.
38

STRUCTURAL ALTERATIONS — Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.

STRUCTURE — Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground, or which, though movable, provides shelter for persons or property, but not including a temporary shelter. [Amended 3-11-2013 by Ord. No. 368]

TEMPORARY SHELTER — A tent, canopy, or similar erected covering that provides shelter to persons or property and can be easily erected or dismantled at different locations. [Added 3-11-2013 by Ord. No. 368]

TEMPORARY STRUCTURE — A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure, such as billboards.

TOURIST ROOMING HOUSE — All lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients. It does not include private boarding or rooming houses not accommodating tourists or transients, or bed-and-breakfast establishments.

TRANSIENT OCCUPANCY — Occupancy for less than 30 consecutive days.

USE — The purpose or activity for which the land or building thereof is designed, arranged or intended, or for which it is occupied or maintained. ³⁹

37. Editor's Note: The definition of "side yard," which immediately followed this term, was deleted 10-18-2006 by Ord. No. 335. See the definition of "yard, side" in this section.

38. Editor's Note: The definition of "street yard," which immediately followed this term, was deleted 10-18-2006 by Ord. No. 335. See the definition of "yard, front" in this section. Throughout this chapter, references to "street yard" were amended to read "front yard" 10-18-2006 by Ord. No. 335.

39. Editor's Note: The definition of "use, accessory," which immediately followed this term, was deleted 10-18-2006 by Ord. No. 335. See the definition of "accessory use or structure" in this section.

USE, PRINCIPAL — The main use of land or building as distinguished from subordinate or accessory use.

UTILITIES — Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations, inclusive of associated transmission facilities, but not including sewage disposal plants, municipal incinerators, warehouses, shops, storage yards and power plants.

VARIANCE — A relaxation of the terms of this chapter by the Zoning Board of Appeals where the literal enforcement of this chapter would deny to the property owner a use of his property enjoyed as a right by other property owners within the same zoning district.

VISION SETBACK AREA — An unoccupied triangular space at the intersection of highways or streets with other highways or streets or at the intersection of highways or streets with railroads. Such vision clearance triangle shall be bounded by the intersecting highway, street or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines by measurement from this intersection as specified in this chapter.

YARD — An open space on the same lot with a building, unobstructed by structures except as otherwise provided herein.

YARD, FRONT — A yard extending the full width of the lot between the front lot line and the nearest part of the principal building excluding uncovered steps. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimensions.

YARD, REAR — A yard extending the full width of the lot between the rear lot line to the nearest part of the principal building.

YARD, SIDE — A yard on each side of the principal building extending from the building to the lot line and from the front yard line to the rear yard line.

ZERO LOT LINE — The concept whereby two respective dwelling units within a building shall be on separate and abutting lots and shall meet on the common property line between them, thereby having zero space between said units.

ZONING PERMIT — A permit issued by the Zoning Administrator to certify that the lands, structures, air and waters subject to this chapter are or shall be used in accordance with the provisions of said chapter. ⁴⁰

40. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II). Throughout this chapter, references to "zoning and occupancy permit" and "occupancy and zoning use permit" were amended to read "zoning permit" at time of adoption of Code (see Ch. 1, General Provisions, Art. II).