

Appendix B Land Use Summary

Preliminary Draft (December 19, 2022)

Series	Land Use
1	Residential

1.01 Mixed-use housing

Description: One or more dwelling units within a commercial building.
Temporary note: Description from the consultant



Districts Allowed by Right: B-1, B-2

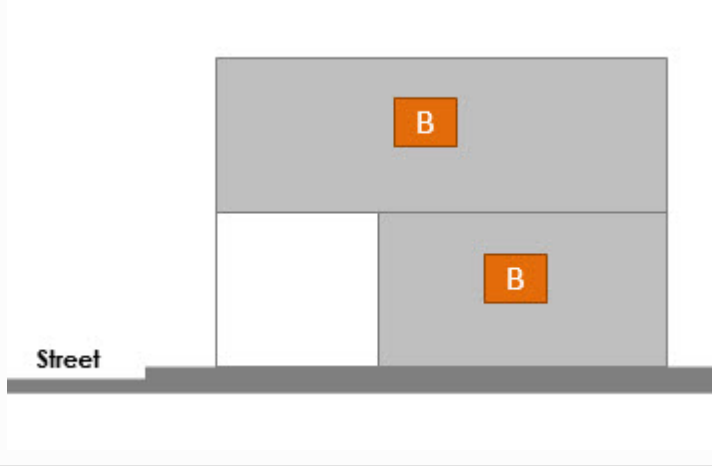
Vehicle Parking: 2 spaces for each dwelling unit

Supplemental Standards:

- (A) Occupancy.** Occupancy of a dwelling unit is limited to one household unit.
- (B) Location.** Dwelling units may be located on the ground floor, provided the first 16 feet of the building from the street is designed for commercial uses otherwise allowed in the zoning district. Dwelling units may also be located on upper floors.
- (C) Stairs.** A dwelling unit on the second floor must be served by stairs inside of the building (i.e., exterior stairs are not permitted). The exterior access door may be located along the front, side, or rear of the building and may serve one or more dwelling units.
- (D) Short-term rental.** If a dwelling unit is used as a short-term rental, the property owner must comply with the licensing requirements established by the City. (Article II of Chapter 268 of the municipal code)

Figure: Side view of Mixed-Use Housing

Temporary note: These provisions from the consultant



Series Land Use

1.02 Multi-family, 2 units

Description: A building containing 2 dwelling units that is situated on one lot. The units may be rented or owned as in a condominium. The term includes various construction types including modular homes, panelized homes, pre-cut homes, and site-built homes. (Sometimes referred to as duplex.)



Districts Allowed by Right: R-1, R-3

Vehicle Parking: 2 spaces for each dwelling unit

Supplemental Standards:

(A) Occupancy. Occupancy of a dwelling unit is limited to one household unit.

(B) Number of principal buildings per parcel. No more than one 2-unit multi-family building shall occupy any single parcel of land.

(C) Roof. The minimum roof pitch of a twin home is 4 to 12, except when a flat roof is integral to the architectural style of the dwelling. An overhang must extend at least 12 inches beyond the face of the exterior wall, except when integral to the architectural style of the dwelling (e.g., saltbox).

(D) Exterior materials. Suitable roof materials include slate, concrete, clay, or ceramic tiles; wood shingles or shakes; or metal, fiberglass, or asphalt shingles; or standing seam panels. Suitable wall materials include stucco, wood siding, cement-fiber siding, vinyl siding, metal horizontal lap siding, wood shingles, or a masonry veneer. Consistent with the requirements in [Article 5](#), the Plan Commission may approve a special exception authorizing the use of an exterior material that is not specifically listed.

(E) Foundation. The building must be set on and anchored to a continuous permanent foundation that extends around its perimeter.

(F) Garage required. A two-car garage containing at least 430 square feet must be built for each dwelling unit at the same time the dwelling units are being constructed. Such garage may be attached or detached.

(G) Short-term rental. If a dwelling unit is used as a short-term rental, the property owner must comply with the licensing requirements established by the City. (Article II of Chapter 268 of the municipal code)

Temporary note: From consultant

Series Land Use

1.03 Multi-family, 3 to 4 units

Description: A building containing 3 to 4 dwelling units that is situated on one lot. The units may be rented or owned as in a condominium.

Temporary note: Description from the consultant; number of units used to differentiate potential requirements

Districts Allowed by Right: R-1, R-3

Vehicle Parking: 1 garage space for each dwelling unit; plus 1.2 spaces for each dwelling unit that may be garaged or outdoor spaces, although at least 0.2 spaces must be outdoors to provide for guest parking. The Plan Commission may require additional parking pursuant to the design and type of multifamily dwellings.

Bicycle Parking: Recommended - 4 spaces

Supplemental Standards:

(A) Occupancy. Occupancy of a dwelling unit is limited to one household unit.

(B) Number of principal buildings per parcel. More than one multi-family building may be located on a parcel of land, provided the overall density complies with the maximum density established for the zoning district.

(C) Garage required. A one-car garage containing at least 250 square feet must be built for each dwelling unit at the same time the principal building is being constructed. Such garage may be attached or detached.

(D) Public safety access. The site must be designed to allow police and fire access to each building, including unit porches and/or windows on upper floors.

(E) Four-sided architecture. All four sides of the building must be similar in articulation and use of exterior materials.

(F) Façade articulation. Consistent with the design of traditional storefront buildings, new buildings must be divided into smaller increments through articulation of the façade. This can be achieved through combinations of the following techniques and other techniques that may meet the intent of this standard:

Stepping back or extending forward a portion of the façade, called façade modulation.

Vertical divisions using different textures or materials, although materials may be drawn from a common palette.

Division of the first floor exterior into storefronts, with separate display windows and entrances.

Variation in roof lines by alternating dormers, stepped roofs, gables or other roof elements to reinforce articulation or modulation.

Use of arcades, awnings, window bays or porches at intervals equal to the articulation interval.

(G) Additional guidelines. The Plan Commission and the City Council may adopt guidelines to supplement the standards in this part. The guidelines may be amended from time to time.

(H) Short-term rental. If a dwelling unit is used as a short-term rental, the property owner must comply with the licensing requirements established by the City. (Article II of Chapter 268 of the municipal code)

Series	Land Use
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1.04	Multi-family, 5 or more units
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Description: A building containing 5 or more dwelling units that is situated on one lot. The units may be rented or owned as in a condominium.

Temporary note: Description from the consultant; number of units used to differentiate potential requirements

Districts Allowed as a Conditional Use: R-3

Vehicle Parking: 1 garage space for each dwelling unit; plus 1.2 spaces for each dwelling unit that may be garaged or outdoor spaces, although at least 0.2 spaces shall be outdoors to provide for guest parking. The Plan Commission may require additional parking pursuant to the design and type of multifamily dwellings.

Bicycle Parking: Recommended - 8 to 12 spaces

Supplemental Standards:

(A) Occupancy. Occupancy of a dwelling unit is limited to one household unit.

(B) Number of principal buildings per parcel. More than one multi-family building may be located on a parcel of land, provided the overall density complies with the maximum density established for the zoning district.

(C) Garage required. A one-car garage containing at least 250 square feet shall be built for each dwelling unit at the same time the principal building is being constructed. Such garage may be attached or detached.

(D) Public safety access. The site must be designed to allow police and fire access to each building, including unit porches and/or windows on upper floors.

(E) Four-sided architecture. All four sides of the building must be similar in articulation and use of exterior materials.

(F) Façade articulation. Consistent with the design of traditional storefront buildings, new buildings must be divided into smaller increments through articulation of the façade. This can be achieved through combinations of the following techniques and other techniques that may meet the intent of this standard:

Stepping back or extending forward a portion of the façade, called façade modulation.

Vertical divisions using different textures or materials, although materials may be drawn from a common palette.

Division of the first floor exterior into storefronts, with separate display windows and entrances.

Variation in roof lines by alternating dormers, stepped roofs, gables or other roof elements to reinforce articulation or modulation.

Use of arcades, awnings, window bays or porches at intervals equal to the articulation interval.

(G) Additional guidelines. The Plan Commission and the City Council may adopt guidelines to supplement the standards in this part. The guidelines may be amended from time to time.

(H) Short-term rental. If a dwelling unit is used as a short-term rental, the property owner must comply with the licensing requirements established by the City. (Article II of Chapter 268 of the municipal code).

Series Land Use

1.05 Single-family dwelling

Description: A building containing one dwelling unit that is situated on one lot and is not attached to any other dwelling unit by any means. The term includes manufactured homes and other construction types including modular homes, panelized homes, pre-cut homes, and site-built homes. The term does not include mobile homes.

Temporary note: Description from the consultant



Districts Allowed by Right: R-1, R-3

Vehicle Parking: 2 garaged spaces and two additional spaces

Supplemental Standards:

(A) Occupancy. Occupancy of a single-family dwelling unit is limited to one household unit.

(B) Number of principal dwellings per parcel. No more than one principal residential building shall occupy any single parcel of land.

(C) Roof. The minimum roof pitch of a single-family dwelling is 4 to 12, except when a flat roof is integral to the architectural style of the dwelling. An overhang must extend at least 12 inches beyond the face of the exterior wall, except when integral to the architectural style of the dwelling (e.g., saltbox).

(D) Exterior materials. Suitable roof materials include slate, concrete, clay, or ceramic tiles; wood shingles or shakes; metal, fiberglass, or asphalt shingles; or standing seam panels. Suitable wall materials include stucco, wood siding, cement-fiber siding, vinyl siding, metal horizontal lap siding, wood shingles, or a masonry veneer. Consistent with the requirements in Article 5, the Plan Commission may approve a special exception authorizing the use of an exterior material that is not specifically listed.

(E) Foundation. The building must be set on and anchored to a continuous permanent foundation that extends around its perimeter.

(F) Garage requirements. An attached garage must be built concurrently with construction of the dwelling and must be at least 480 square feet, but not more than 48 percent of the floor area of the dwelling unit, or 960 square feet, whichever is less.

(G) Overhead garage doors. An attached garage shall not have more than 3 overhead doors. Overhead garage doors shall not exceed a total of 32 feet in length and 10 feet in height. An existing attached garage shall not be converted to another use and must be maintained as an attached garage at all times, unless a new attached garage is constructed to comply with the standards in this part. Nothing in this part prevents an enlargement of an existing attached garage consistent with these standards.

(H) Short-term rental. If a dwelling unit is used as a short-term rental, the property owner must comply with the licensing requirements established by the City. (Article II of Chapter 268 of the municipal code)

Temporary note: Modified by consultant - added subsections A - E, and H

Series Land Use

1.06 Townhouse, 3 to 4 units

Description: A building containing 3 to 4 dwelling units that are separated by a party wall that extends from the ground to the roof and each of the units are located on a separate lot and have a separate entrance. (Sometimes referred to as single-family attached or rowhouse.)

Temporary note: Description from the consultant; number of units used to differentiate potential requirements

Districts Allowed by Right: R-1, R-3

Vehicle Parking: 2 spaces for each dwelling unit

Supplemental Standards:

(A) Occupancy. Occupancy of a dwelling unit is limited to one household unit.

(B) Building coverage. No more than 70 percent of the lot area shall be occupied by a building.

(C) Utility service. Each dwelling unit shall have independent service connections to all utilities, including water, sewer, and electricity.

(D) Subsequent divisions. Individual townhouses shall not be further subdivided.

(E) Driveways. When more than one garage is located in the front of a townhouse, a common driveway shall be used whenever possible.

(F) Vertical off-sets. When a building includes 5 or more dwelling units, a vertical offset of at least 2 feet between each adjoining dwelling unit is required.

(G) Accessory buildings. The floor area of accessory buildings, excluding garages and carports, shall not exceed 120 cumulative square feet.

(H) Front entrances. The front entrance to each dwelling unit shall be clearly visible from the street on which it fronts and accentuated by a porch or other architectural feature.

(I) Garage required. A one-car garage containing at least 200 square feet shall be built for each dwelling unit at the same time the townhouse is being constructed. Such garage may be attached or detached.

(J) Short-term rental. If a dwelling unit is used as a short-term rental, the property owner must comply with the licensing requirements established by the City. (Article II of Chapter 268 of the municipal code)

Temporary note: The requirements for townhomes should be consistent regardless of number of units.

Series Land Use

1.07 Townhouse, 5 or more units

Description: A building containing 5 or more dwelling units that are separated by a party wall that extends from the ground to the roof and each of the units are located on a separate lot and have a separate entrance. (Sometimes referred to as single-family attached or rowhouse.)

Temporary note: Description from the consultant; number of units used to differentiate potential requirements



Districts Allowed as a Conditional Use: R-3

Vehicle Parking: 2 spaces for each dwelling unit

Supplemental Standards:

(A) Occupancy. Occupancy of a dwelling unit is limited to one household unit.

(B) Building coverage. No more than 70 percent of the lot area shall be occupied by a building.

(C) Utility service. Each dwelling unit shall have independent service connections to all utilities, including water, sewer, and electricity.

(D) Subsequent divisions. Individual townhouses shall not be further subdivided.

(E) Driveways. When more than one garage is located in the front of a townhouse, a common driveway shall be used whenever possible.

(F) Vertical off-sets. When a building includes 5 or more dwelling units, a vertical offset of at least 2 feet between each adjoining dwelling unit is required.

(G) Accessory buildings. The floor area of accessory buildings, excluding garages and carports, shall not exceed 120 cumulative square feet.

(H) Front entrances. The front entrance to each dwelling unit shall be clearly visible from the street on which it fronts and accentuated by a porch or other architectural feature.

(I) Garage required. A one-car garage containing at least 200 square feet shall be built for each dwelling unit at the same time the townhouse is being constructed. Such garage may be attached or detached.

(J) Short-term rental. If a dwelling unit is used as a short-term rental, the property owner must comply with the licensing requirements established by the City. (Article II of Chapter 268 of the municipal code)

Temporary note: The requirements for townhomes should be consistent regardless of number of units.

Series	Land Use
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1.08	Twin home	<p>Description: A building containing 2 dwelling units that are separated by a party wall that extends from the ground to the roof and each of the units are located on a separate lot and have a separate entrance. The term includes various construction types including modular homes, panelized homes, pre-cut homes, and site-built homes. (Sometimes referred to as single-family attached or zero-lot-line duplex.)</p> <p style="color: orange;">Temporary note: Description from the consultant</p> <p>Districts Allowed by Right: R-1, R-3</p> <p>Vehicle Parking: 2 spaces for each dwelling unit</p> <p>Supplemental Standards:</p> <p>(A) Occupancy. Occupancy of a dwelling unit is limited to one household unit.</p> <p>(B) Number of principal dwellings per parcel. No more than one principal residential building shall occupy any single parcel of land.</p> <p>(C) Roof. The minimum roof pitch of a twin home is 4 to 12, except when a flat roof is integral to the architectural style of the dwelling. An overhang must extend at least 12 inches beyond the face of the exterior wall, except when integral to the architectural style of the dwelling (e.g., saltbox).</p> <p>(D) Exterior materials. Suitable roof materials include slate, concrete, clay, or ceramic tiles; wood shingles or shakes; or metal, fiberglass, or asphalt shingles; or standing seam panels. Suitable wall materials include stucco, wood siding, cement-fiber siding, vinyl siding, metal horizontal lap siding, wood shingles, or a masonry veneer. Consistent with the requirements in Article 5, the Plan Commission may approve a special exception authorizing the use of an exterior material that is not specifically listed.</p> <p>(E) Foundation. The building must be set on and anchored to a continuous permanent foundation that extends around its perimeter.</p> <p>(F) Garage required. A two-car garage containing at least 430 square feet must be built for each dwelling unit at the same time the twin home is being constructed. Such garage may be attached or detached.</p> <p>(G) Fire separation. Each dwelling unit of a twin home must be separated from the abutting unit by a fire wall meeting applicable building codes.</p> <p>(H) General layout. The common wall between the dwelling units must be approximately perpendicular to the front lot line.</p> <p>(I) Utility service. Dwelling units in a twin home must have separate connections for sanitary sewer, municipal water, and other available utilities. Both of the dwelling units may be served by a single sanitary service line if addressed in the written agreement required herein.</p> <p>(J) Written agreement required. Dwelling units in a twin home must be subject to a joint cross-access and maintenance agreement as approved by the zoning administrator. Such agreement must be recorded with each lot in the Bayfield County register of deeds office.</p> <p>(K) Short-term rental. If a dwelling unit is used as a short-term rental, the property owner must comply with the licensing requirements established by the City. (Article II of Chapter 268 of the municipal code)</p> <p style="color: orange;">Temporary note: These provisions from the consultant</p>
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1.09	Work/live dwelling unit	<p>Description: forthcoming</p> <p>Districts Allowed as a Conditional Use: B-1, B-2, R-1, R-3</p> <p>Vehicle Parking: 2 spaces if on-street parking is available for patrons; 4 spaces if on-street parking is not available for patrons</p> <p>Supplemental Standards:</p> <p>(A) -</p> <p>(B) -</p> <p>(D) Short-term rental prohibited. A work/live dwelling unit may not be offered as a short-term rental, because the business operation is an integral part of this use and the operator must live onsite.</p> <p style="color: orange;">Temporary note: These provisions from the consultant</p>
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Series	Land Use	
2.01	Adult care facility, assisted living	<p>Description: A place where individuals, generally 62 years of age or older, may occupy independent dwelling units. The units may be rented or owned as in a condominium. This use may include common areas for dining and entertainment and limited on-site commercial and medical facilities for the exclusive use of residents.</p> <p style="color: #C85130;">Temporary note: Description from the consultant</p> <p>Districts Allowed by Right: I-1</p> <p>Vehicle Parking: 0.5 space for each dwelling unit; plus 1 space for each employee on the largest work shift</p> <p>Supplemental Standards:</p> <p>(A) Required green space. If this use is not located in a commercial zoning district, at least 30 percent of the parcel must be landscaped (e.g., lawn, plantings, etc.).</p> <p>(B) Parking lot screening. If an off-street parking lot is located within 50 feet of a parcel in a residential zoning district or a planned development district that allows residential uses, landscaping, fencing, a berm, or any combination thereof must be used to effectively screen the parking area from the residential property.</p> <p>(C) Setbacks. Principal buildings must be located at least 35 feet from a property in a residential zoning district or a planned development district that allows residential uses.</p> <p style="color: #C85130;">Temporary note: These provisions from the consultant</p>
2.02	Adult care facility, continuum of care	<p>Description: A facility consisting of both nursing home care and assisted living as described in this part.</p> <p style="color: #C85130;">Temporary note: Description from the consultant</p> <p>Districts Allowed by Right: I-1</p> <p>Vehicle Parking: For the nursing home component, 1 space for each 3 beds, plus 1 space for each each employee on the largest work shift; for the assisted living component, 0.5 space for each dwelling unit, plus 1 space for each employee on the largest work shift</p> <p>Supplemental Standards:</p> <p>(A) State license. Prior to the establishment of this use, the operator must obtain a nursing home license from the state as provided for in § 50.02, Wis. Stats., and maintain such license for the life of the use or until the state no longer requires such license.</p> <p>(B) Required green space. If this use is not located in a commercial zoning district, at least 30 percent of the parcel shall remain undeveloped (i.e., landscaped).</p> <p>(C) Parking lot screening. If an off-street parking lot is located within 50 feet of a parcel in a residential zoning district or a planned development district that allows residential uses, landscaping, fencing, a berm, or any combination thereof must be used to effectively screen the parking area from the residential property.</p> <p>(D) Setbacks. Principal buildings must be located at least 35 feet from a property in a residential zoning district or a planned development district that allows residential uses.</p> <p style="color: #C85130;">Temporary note: These provisions from the consultant</p>

Series Land Use

2.03 Adult care facility, nursing home (in current code)

Description: A place where 5 or more persons who are not related to the operator or administrator reside, receive care or treatment and, because of their mental or physical condition, require 24-hour nursing services, including limited nursing care, intermediate level nursing care, and skilled nursing services. The term does not include (1) a convent or facility owned or operated exclusively by and for members of a religious order that provides reception and care or treatment of an individual, (2) a hospice as defined in state law, or (3) a residential care apartment complex as defined in state law.

Note: See § 50.01(3), Wis. Stats.

Districts Allowed by Right: I-1

Vehicle Parking: 1 space for each 4 beds; plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) State license. Prior to the establishment of this use, the operator must obtain a license from the state as provided for in § 50.02, Wis. Stats., and maintain such license for the life of the use or until the state no longer requires such license.

(B) Required green space. If this use is not located in a commercial zoning district, at least 30 percent of the parcel must remain undeveloped (i.e., landscaped).

(C) Parking lot screening. If an off-street parking lot is located within 50 feet of a parcel in a residential zoning district or a planned development district that allows residential uses, landscaping, fencing, a berm, or any combination thereof must be used to effectively screen the parking area from the residential property.

(D) Setbacks. Principal buildings must be located at least 35 feet from a property in a residential zoning district or a planned development district that allows residential uses.

Temporary note: From consultant

2.04 Adult family home

Description: A place licensed by the state under § 50.033(1m), Wis. Stats.

Note: An adult family home can either be a principal use or an accessory use. If the operator does not live in the residence with the adults, it is considered a principal use.

Temporary note: Description from the consultant

Districts Allowed by Right: R-1, R-3

Vehicle Parking: 1 space for each 4 adults the facility is licensed by the state to accommodate; plus 1 space for each employee on the largest work shift

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

Series Land Use

2.05 Community living arrangement, 8 or fewer residents

Description: Any one of the following with 8 or fewer residents (1) a residential care center for children and youth as defined in § 48.02(15d), Wis. Stats., operated by a child welfare agency licensed under § 48.60, Wis. Stats.; (2) a group home for children as defined in § 48.02(7), Wis. Stats.; and (3) a community-based residential facility as defined in § 50.01(lg), Wis. Stats. The term does not include adult family homes, as defined in § 50.01, Wis. Stats.

Districts Allowed by Right: R-1, R-3

Vehicle Parking: 2 spaces

Supplemental Standards:

(A) State license. Prior to the establishment of a community living arrangement, the operator must obtain a license from the state as may be required by state law and maintain such license for the life of the use or until the state no longer requires such license. ^[1]

(B) Occupancy. All residents of the adult family home, other than the operator or care provider and the operator or care provider's immediate family, must be disabled persons as indicated in the required state license application.

(C) Location. A community living arrangement shall not be established within 2,500 feet of another such facility. An agent of a facility may apply for an exception to this requirement, and the Common Council at its discretion may grant the exception. Two community living arrangements may be adjacent if allowed by the Common Council and if both facilities comprise essential components of a single program. ^[2] A foster home and a foster treatment home that is the primary domicile of a foster parent or foster treatment parent and that is licensed under § 48.62, Wis. Stats., are exempt from this requirement.

(D) Advisory committee. Prior to initial licensure of the community living arrangement by the state of Wisconsin, the applicant must make a good faith effort to establish an ad hoc advisory committee consisting of representatives from the community living arrangement, the neighborhood in which the proposed facility will be located, and a local unit of government, in accordance with § 48.68(4), Wis. Stats., or § 50.03(4)(g), Wis. Stats., as applicable.

[1] Commentary: See subch. VII of chapter 254, Wis. Stats., and ch. DHS 197, Wis. Admin. Code

[2] Commentary: See § 59.69(15)(a), Wis. Stats

Advisory notes:

(1) As set forth in state law, this use is allowed by right in all residential zoning districts.

Series Land Use

2.06 Community living arrangement, 9 to 15 residents

Description: Any one of the following with more than 8 but fewer than 16 residents (1) a residential care center for children and youth as defined in § 48.02(15d), Wis. Stats., operated by a child welfare agency licensed under § 48.60, Wis. Stats.; (2) a group home for children as defined in § 48.02(7), Wis. Stats.; and (3) a community-based residential facility as defined in § 50.01(lg), Wis. Stats. The term does not include adult family homes, as defined in § 50.01, Wis. Stats.

Districts Allowed as a Conditional Use: R-3

Vehicle Parking: 4 spaces

Supplemental Standards:

(A) State license. Prior to the establishment of a community living arrangement, the operator must obtain a license from the state as may be required by state law and maintain such license for the life of the use or until the state no longer requires such license. ^[1]

(B) Occupancy. All residents of the adult family home, other than the operator or care provider and the operator or care provider's immediate family, must be disabled persons as indicated in the required state license application.

(C) Location. A community living arrangement shall not be established within 2,500 feet of another such facility. An agent of a facility may apply for an exception to this requirement, and the Common Council at its discretion may grant the exception. Two community living arrangements may be adjacent if allowed by the Common Council and if both facilities comprise essential components of a single program. ^[2] A foster home and a foster treatment home that is the primary domicile of a foster parent or foster treatment parent and that is licensed under § 48.62, Wis. Stats., are exempt from this requirement.

(D) Advisory committee. Prior to initial licensure of the community living arrangement by the state of Wisconsin, the applicant must make a good faith effort to establish an ad hoc advisory committee consisting of representatives from the community living arrangement, the neighborhood in which the proposed facility will be located, and a local unit of government, in accordance with § 48.68(4), Wis. Stats., or § 50.03(4)(g), Wis. Stats., as applicable.

[1] Commentary: See subch. VII of chapter 254, Wis. Stats., and ch. DHS 197, Wis. Admin. Code

[2] Commentary: See § 59.69(15)(a), Wis. Stats.

Advisory notes:

(1) As set forth in state law, this use is allowed by right in all multi-family residential zoning districts and with conditional use approval in single-family and two-family zoning districts.

Series Land Use

2.07 Community living arrangement, more than 15 residents

Description: Any one of the following with more than 15 residents (1) a residential care center for children and youth as defined in § 48.02(15d), Wis. Stats., operated by a child welfare agency licensed under § 48.60, Wis. Stats.; (2) a group home for children as defined in § 48.02(7), Wis. Stats.; and (3) a community-based residential facility as defined in § 50.01(lg), Wis. Stats. The term does not include adult family homes, as defined in § 50.01, Wis. Stats.

Districts Allowed as a Conditional Use: R-1, R-3

Supplemental Standards:

(A) State license. Prior to the establishment of a community living arrangement, the operator must obtain a license from the state as may be required by state law and maintain such license for the life of the use or until the state no longer requires such license. ^[1]

(B) Occupancy. All residents of the adult family home, other than the operator or care provider and the operator or care provider's immediate family, must be disabled persons as indicated in the required state license application.

(C) Location. A community living arrangement shall not be established within 2,500 feet of another such facility. An agent of a facility may apply for an exception to this requirement, and the Common Council at its discretion may grant the exception. Two community living arrangements may be adjacent if allowed by the Common Council and if both facilities comprise essential components of a single program. ^[2] A foster home and a foster treatment home that is the primary domicile of a foster parent or foster treatment parent and that is licensed under § 48.62, Wis. Stats., are exempt from this requirement.

(D) Advisory committee. Prior to initial licensure of the community living arrangement by the state of Wisconsin, the applicant must make a good faith effort to establish an ad hoc advisory committee consisting of representatives from the community living arrangement, the neighborhood in which the proposed facility will be located, and a local unit of government, in accordance with § 48.68(4), Wis. Stats., or § 50.03(4)(g), Wis. Stats., as applicable.

[1] Commentary: See subch. VII of chapter 254, Wis. Stats., and ch. DHS 197, Wis. Admin. Code

[2] Commentary: See § 59.69(15)(a), Wis. Stats.

Advisory notes:

(1) As set forth in state law, this use is allowed by right in all residential zoning districts with conditional use approval.

2.08 Foster home and treatment foster home

Description: A place licensed by the state for the care of foster children and which is operated by a corporation, child welfare agency, church, or other such entity.

Note: See § 48.62, Wis. Stats. A foster home and treatment foster home can either be a principal use or an accessory use. If the operator lives in the residence with the children, it is considered an accessory use.

Districts Allowed by Right: R-1, R-3

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

(A) State license. Prior to the establishment of a foster home or treatment foster home, the operator must obtain a license from the state as provided for in § 48.75, Wis. Stats., and maintain such license for the life of the use or until the state no longer requires such license.

(B) Proximity to other such facility. A foster home or treatment foster home that is operated by a corporation, a child welfare agency, a religious association, as defined in § 157.061(15), Wis. Stats., an association, or a public agency, shall not be established within 2,500 feet of another such facility. An agent may apply for an exception to this requirement, and the Common Council at its discretion may grant the exception. ^[1]

[1] Commentary: See § 59.69(15)(bm), Wis. Stats.

Series Land Use

2.09 Group day care center (in current code)

Description: A place licensed as a day care by the state where care is provided for 9 or more children. This use may include outdoor play areas, playhouses, and related recreational equipment, such as swings, slides, basketball hoops, and jungle gyms.

Note: A family day care home (4-8 children) is considered an accessory use and is therefore listed in Series 12.



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Districts Allowed by Right: B-1, I-1

Districts Allowed as a Conditional Use: B-2

Vehicle Parking: 1 space for each 3 children the facility is licensed by the state to accommodate; plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Location. An outdoor activity area associated with a group day care center shall not be located within 20 feet of a parcel in a residential zoning district or a planned development district that allows residential uses.

(B) Reserved

Temporary note: These provisions from the consultant

2.10 Hospice care center

Description: A place licensed by the state that provides palliative and supportive care and a place of residence to individuals with terminal illness and provides or arranges for short-term inpatient care as needed.

Note: See § 50.90(1), Wis. Stats.

Temporary note: Description from the consultant

Districts Allowed by Right: I-1, R-1, R-3

Vehicle Parking: 1 space for each 2 residents at capacity; plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) State license. Prior to the establishment of a hospice care center, the operator must obtain a license from the state as provided for in § 50.92, Wis. Stats., and maintain such license for the life of the use or until the state no longer requires such license.

(B) Required green space. If a hospice care center is not located in a commercial zoning district, a minimum of 30 percent of the parcel must remain undeveloped (i.e., landscaped). (verify with land use table)

(C) Parking lot screening. If an off-street parking lot with more than 8 parking spaces is located within 50 feet of a parcel in a residential zoning district or a planned development district that allows residential uses, landscaping, fencing, a berm, or any combination thereof must be used to effectively screen the parking area from the residential property.

Temporary note: These provisions from the consultant

Series	Land Use	
2.11	Temporary residential shelter	<p>Description: A place where individuals and families live on a temporary basis and support services including counseling may be provided. Residents typically receive housing at little or no cost, unrelated residents may share sleeping rooms, meals may or may not be provided, and unrelated residents may or may not share bathroom facilities.</p> <p style="color: #c00000;">Temporary note: Description from the consultant</p> <p>Districts Allowed as a Conditional Use: I-1, R-3</p> <p>Vehicle Parking: 0.5 space for each adult resident at capacity, plus 1 space for each employee on the largest workshift</p> <p>Supplemental Standards:</p> <p>(A) Requirements for operator. A temporary residential shelter must be managed by an organization operating a program approved by the state of Wisconsin pursuant to ch. 51, Wis. Stats., and all relevant administrative rules including chs. DHS 72, DHS 75, and DHS 94, Wis. Admin. Code.</p> <p>(B) Other approvals. A temporary residential shelter must be approved by all applicable government entities having authority under law to license or authorize the operation.</p> <p>(C) Number of residents. The maximum number of residents at a temporary residential shelter at any time is 15.</p> <p style="color: #c00000;">Temporary note: These provisions from the consultant</p>
3 General Accommodations		
3.01	Hotel/motel	<p>Description: A place where individual guest rooms with private bathrooms are offered to transient guests for rent. This use may also include (1) recreational/fitness rooms and a food service area for the exclusive use of guests and (2) banquet facilities for meetings and other gatherings. The term does not include bed and breakfasts, short-term rentals, or tourist rooming houses.</p> <p style="color: #c00000;">Temporary note: Description from the consultant</p> <p>Districts Allowed by Right: B-1, B-2, B-3</p> <p>Vehicle Parking: 1 space for each guest room and 1 space for each employee on the largest work shift; plus any required parking for other uses such as restaurants or banquet facilities</p> <p>Supplemental Standards:</p> <p>(A) State permit. Prior to the establishment of hotel/motel, the operator must obtain a hotel/motel permit from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain such permit for the life of the use or until the department no longer requires such permit. ^[1]</p> <p>(B) Location of customer entrance. A customer entrance to a hotel/motel that is located on the side or rear of the building must be located at least 100 feet from a parcel in a residential zoning district or a planned development district that allows residential uses.</p> <hr/> <p>[1] Commentary: See ch. DHS 195, Wis. Admin. Code</p> <p style="color: #c00000;">Temporary note: These provisions from the consultant</p>

Series Land Use

3.02 Tourist
rooming house

Description: A place where a single-family dwelling, individual rooms in a single-family dwelling, and/or **one or more cabins and cottages (verify)** are offered to transient guests for rent, provided the total number of guest rooms does not exceed 8. The term does not include other forms of transient lodging including bed and breakfasts and hotel/motels.

Districts Allowed by Right: B-1

Districts Allowed as a Conditional Use: B-2

Vehicle Parking: ____?

Supplemental Standards:

(A) State permit. Prior to the establishment of a tourist rooming house, the operator must obtain a tourist rooming house permit from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain such permit for the life of the use or until the department no longer requires such permit. ^[1]

(B) Display of permit. The operator must display the current tourist rooming house permit in a conspicuous location inside the tourist rooming house.

(C) Accommodations tax. Prior to the establishment of a tourist rooming house, the operator must obtain any permit or license, as may be required by the City, for the purpose of collecting an accommodations tax as may be adopted by the City and/or any other purposes.

(D) Registry. The operator of the tourist rooming house must keep an accurate register showing the names of all guests. This registry must be kept on file for a period of one year and shall be available for inspection by city officials at any time upon request.

(E) Agent. The operator of a tourist rooming house must name one or more agents, who shall be responsible for the management of the property and who will serve as the primary point of contact. An agent must reside in the City of Bayfield or within 5 miles of the city. In the event a different agent is named, a revised permit application shall be filed with the City Clerk no less than 5 business days prior to the effective date of the change in agent(s). Nothing herein shall be construed as to prohibit the property owner from being named as an agent so long as he or she resides in the City.

(F) Building codes. Prior to the establishment of a tourist rooming house or the expansion of an existing tourist rooming house, the building inspector must certify that the dwelling meets all applicable building code requirements.

[1] Commentary: See ch. DHS 195, Wis. Admin. Code

Series	Land Use
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4.01	Banquet hall
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Description: An establishment that consists of an enclosed building, or portion of an enclosed building, regularly available for the purpose of hosting group gatherings, seminars, business events, weddings, or other similar activity or events. The facility may have a kitchen for food preparation and a bar for serving liquor. By definition this use is generally not open for regular food or beverage service.

Temporary note: Description from the consultant

Districts Allowed by Right: B-1, B-2

Vehicle Parking: 1 space for each 3 patron seats or 1 space for each 350 square feet of floor area devoted to patron service, whichever is greater; plus 1 for each employee on the largest work shift

Supplemental Standards:

(A) Seating capacity. The seating capacity of this use is limited to 200 people.

(B) Liquor license. If any alcoholic beverages are served, all appropriate licensing requirements must be met.

(C) Location of customer entrance. A customer entrance to a banquet hall that is located on the side or rear of the building shall not be located within 50 feet of a parcel in a residential zoning district or planned development district that allows residential uses as the predominant land use.

Temporary note: These provisions from the consultant

Advisory notes:

(1) Fire suppression (sprinkler). The building with this use must have sprinklers if the capacity exceeds 99. (Consultant to verify wording)

(2) Kitchen hood. If this use includes a cooktop, a hood suppression is required. (Consultant to verify wording)

4.02	Brewpub
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Description: A place where fermented malt beverages are manufactured and those beverages, along with other beverages and food, are offered for retail sale and on-site consumption.

Districts Allowed by Right: B-1, B-2

Vehicle Parking: 1 space for each 3 patron seats or 1 space for each 300 square feet of floor area devoted to patron service, whichever is greater; plus 1 for each employee on the largest work shift

Bicycle Parking: Recommended - 7 percent of required vehicle parking spaces, but not less than 4

Supplemental Standards:

(A) State permits. Prior to the establishment of a brewpub, the operator must obtain a restaurant permit from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain such permit for the life of the use or until the department no longer requires such permit.^[1] In addition, the operator must obtain a brewpub permit from the Wisconsin Department of Revenue, or the department's authorized agent, and maintain such permit for the life of the use or until the department no longer requires such permit.^[2]

(B) Location of entrance. A customer entrance to a brewpub that is located on the side or rear of the building must be located at least 50 feet from a parcel in a residential zoning district or a planned development district that allows residential uses as the predominant land use.

(C) Limitation on floor area devoted to production. No more than 40 percent of the floor area shall be devoted to the production of fermented malt beverages, including storage of raw materials and finished products.

(D) Limitation on production. Production in a calendar year is limited to 10,000 barrels (310,000 gallons) of fermented malt beverages.

(E) Grease trap. If a brewpub also serves food, a grease trap must be provided unless exempted by the wastewater treatment manager.

(F) Sampling manhole. If a brewpub also serves food, a sampling manhole must be provided unless exempted by the wastewater treatment manager.

[1] Commentary: See ch. DHS 196, Wis. Admin. Code

[2] Commentary: See ch. 125, Wis. Stats.

Temporary note: From consultant

Advisory notes:

(1) Fire suppression. _____.

Series Land Use

4.03 Food pantry

Description: A place where stocks of food, typically basic provisions, are stored and supplied free of charge to people in need, by a nonprofit or charitable organization. A food pantry is not typically open to the public for extended periods like a grocery store, but operates on a limited basis (e.g., days per week and/or hours per day). A food pantry may include ancillary office space related to this use. This use may also be referred to as a food bank.

Temporary note: Description from the consultant



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Districts Allowed by Right: B-1

Districts Allowed as a Conditional Use: B-2, I-1

Vehicle Parking: 1 space per 700 square feet of service area, plus 1 space for each employee on the largest work shift

Bicycle Parking: Recommended - 2 spaces

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

4.04 Restaurant

Description: A place where food and beverages are offered for retail sale for on-site or off-site consumption, and where the on-site consumption of fermented malt beverages, wine, or liquor, if any, is clearly secondary and subordinate to the sale of food and nonalcoholic beverages. A restaurant may also prepare food as part of a catering business. The term does not include a grocery store with a food service section.

Temporary note: This is a new definition - none before



Districts Allowed by Right: B-1, B-2

Vehicle Parking: 1 space for every 3 seats (1 seat is equal to 10 square feet of dining floor area); plus 1 space for each employee on the largest work shift; plus 2 dedicated spaces for customer pick-up if offered

Bicycle Parking: Recommended - 7 percent of required vehicle parking spaces, but not less than 4

Supplemental Standards:

(A) State permit. Prior to the establishment of a restaurant, the operator must obtain a restaurant permit from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain such permit for the life of the use or until the department no longer requires such permit. ^[1]

(B) Liquor license. If the establishment serves liquor, the operator must obtain a liquor license from the City and maintain such license for the life of the use or until the license is no longer required.

(C) Grease trap. A restaurant must have a grease trap unless exempted by the wastewater treatment manager.

(D) Sampling manhole. A restaurant must have a sampling manhole unless exempted by the wastewater treatment manager.

(E) Exhaust systems. The exhaust system for a restaurant should be vented through the roof. Venting towards a residential building is prohibited unless there is no other feasible option as determined by the reviewing authority.

(F) Location of customer entrance. A customer entrance to a restaurant that is located on the side or rear of the building must be located at least 100 feet from a parcel in a residential zoning district or a planned development district that allows residential uses.

[1] Commentary: See ch. DHS 196, Wis. Admin. Code

Temporary note: From consultant

Advisory notes:

(1) Fire suppression. _____.

Series Land Use

4.05 Tavern

Description: A place where fermented malt beverages, wine, or liquor are offered for retail sale for on-site consumption and where food consumption, if any, is clearly secondary and subordinate to the sale of alcoholic beverages. The term includes bars, drinking establishments, sports bar, and lounges.

Temporary note: This is a new definition - none before



Districts Allowed by Right: B-1, B-2

Vehicle Parking: 1 space for every 3 seats (1 seat is equal to 10 square feet of dining/service floor area); plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Liquor license. Prior to the establishment of a tavern, the operator must obtain a liquor license from the City and maintain such license for the life of the use or until the license is no longer required.

(B) Compliance with state requirements. A tavern must comply with requirements as may be adopted by the state of Wisconsin.

(C) Location of customer entrance. A customer entrance to a tavern that is located on the side or rear of the building shall not be located within 50 feet of a parcel in a residential zoning district or planned development district that allows residential uses as the predominant land use.

(D) Grease trap. If a tavern also serves food, a grease trap must be provided unless exempted by the wastewater treatment manager.

(E) Sampling manhole. If a tavern also serves food, a sampling manhole must be provided unless exempted by the wastewater treatment manager.

Temporary note: These standards are from consultant

Advisory notes:

(1) Fire suppression. _____.

5 Vehicle Rental, Sales, and Service

5.01 Marine service

Description: A place where watercraft are repaired and serviced.

Temporary note: Description from the consultant

Districts Allowed by Right: B-2

Series Land Use

5.02 Vehicle fuel station (in current code)

Description: A place where fuels for cars, motorcycles, and light trucks are offered for retail sale. Ancillary uses are limited to the retail sale of food and beverages and light maintenance activities, such as engine tune-ups, lubrication, and minor repairs. The term does not include truck stops or similar uses.

Temporary note: Description from the consultant



Districts Allowed as a Conditional Use: B-1

Vehicle Parking: 1 space for each 250 square feet of floor area for retail sales; plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Street access. A vehicle fuel station must front on and take access off of a major street as depicted on the City's zoning map.

(B) Restroom facilities. If a vehicle fuel station provides restroom facilities, the door to each restroom must be accessed from within the interior of the building in which they are located.

(C) Fuel pump setbacks. A fuel pump must be located at least 50 feet from a property in a residential zoning district or a planned development district that allows residential uses and at least 30 feet from a property in a nonresidential zoning district, but not less than 20 feet to the front lot line, 20 feet to a side lot line, and 20 feet to a rear lot line.

(D) Pump island canopy height. The maximum height of a pump island canopy is 18 feet from the surrounding grade.

(E) Fuel canopy setbacks. A pump island canopy must be located at least 50 feet from a property in a residential zoning district or a planned development district that allows residential uses and at least 30 feet from a property in a nonresidential zoning district, but not less than 20 feet to the front lot line, 20 feet to a side lot line, and 20 feet to a rear lot line.

(F) Vehicle stacking. The approved site plan must show a stacking area to accommodate vehicles waiting for service consistent with the design standards in § 510-□. The stacking area must accommodate at least 2 vehicles in front of each pump island.

(G) Lighting. Under canopy lighting is strictly limited to recessed fixtures.

(H) Surface. All vehicle use areas must be concrete or a bituminous material capable of supporting a 4-ton axle load.

Temporary note: These provisions from the consultant

5.03 Vehicle repair

Description: A place where motor vehicles, such as cars, motorcycles, and light trucks, are typically may be left overnight for maintenance, service, or repair. Typical services include transmission repair, body work and painting, vehicle upholstery, engine repair and overhauls, and similar activities.

Temporary note: Description from the consultant



Districts Allowed as a Conditional Use: B-1

Vehicle Parking: 0.5 space for each service bay; plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Work area. Motor vehicles shall not be serviced or repaired outside of the principal structure intended for such use, ~~except when this use is located in an industrial zoning district, if otherwise allowed.~~

(B) Vehicle storage. ~~No more than 5 motor vehicles shall be stored out-of-doors overnight. When a vehicle repair shop is located in a commercial zoning district, no more than 15 motor vehicles shall be stored out-of-doors overnight. When located in an industrial zoning district, if otherwise allowed, there is no limitation on the number of motor vehicles that can be stored overnight. Storage of unlicensed vehicles is strictly prohibited.~~

Temporary note: These provisions from the consultant

Series Land Use

6.01 Adult-oriented establishment (in current code)

Description: A place where no more than one of the following are located: adult arcade, adult bath house, adult body painting studio, adult book/video store, adult cabaret, adult massage parlor, adult modeling studio, or adult theater. (adult health/sport club)

Temporary note: Modified definition need to incorporate (adult health/sport club) per 500-90.2

Districts Allowed as a Conditional Use: B-2

Vehicle Parking: 1 space for each 300 square feet of floor area

Supplemental Standards:

(A) Legislative findings. The Common Council makes the following legislative findings regarding adult-oriented establishments:

(1) Negative secondary effects associated with adult, sexually-oriented establishments have been confirmed by the United States Supreme Court in its decisions in, for example, *City of Renton v. Playtime Theatres, Inc.* (475 U.S. 41 (1986)) and by the United States Court of Appeals in its decisions in, for example, *Hang On, Inc. v. City of Arlington* (65 F.3d 1248 (5th Cir., 1995)), *Fantasy Ranch v. City of Arlington Texas* (459 F.3d 546 (5th Circuit, 2006)), and *Andy's Restaurant & Lounge, Inc. v. City of Gary* (466 F.3d 550 (7th Cir., 2006)) and such negative secondary effects include, for example, personal and property crimes, prostitution, lewd behavior, assault, public indecency, obscenity, illicit drug use and drug trafficking, potential spread of disease, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation.

(2) The decisions issued by the appellate courts constitute reliable sources of information that may be reasonably relied upon by the Common Council.

(3) Each of the foregoing negative secondary effects constitutes a harm that the City has a substantial governmental interest in preventing and/or abating.

(4) Continued regulation of adult-oriented establishments is necessary to limit the aforementioned negative secondary effects associated with adult-oriented establishments and thereby promote the health, safety, and welfare of the City of Bayfield.

(5) The Common Council intends to establish reasonable regulations on adult-oriented establishments, while preserving free speech pursuant to the First Amendment to the United States Constitution and Article I, Section 3 of the Wisconsin Constitution.

(b) Purpose. This section is intended to regulate adult-oriented establishments in order to promote the health, safety, and general welfare of citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult-oriented establishments within the City. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually-oriented materials. Similarly, it is neither the intent nor effect of this section to restrict or deny access by adults to sexually-oriented materials protected by the First Amendment of the United States Constitution, or to deny access by the distributors and exhibitors of adult-oriented entertainment to their intended market. Neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene material.

(c) Applicability. Upon any of the following events, an adult-oriented establishment shall comply with the provisions of this section:

(1) the opening or commencement of an adult-oriented establishment;

(2) the conversion of an existing business, whether or not a adult-oriented establishment, to an adult-oriented establishment;

(3) the addition of a new adult-oriented establishment to an existing adult-oriented establishment;

(4) the relocation of an adult-oriented establishment;

(5) the sale, lease, or sublease of an adult-oriented establishment;

(6) the transfer of securities which constitute a controlling interest in an adult-oriented establishment, whether by sale, exchange, or similar means; or

(7) the establishment of a trust, gift, or other similar legal device that transfers the ownership or control of an adult-oriented establishment, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(d) Exclusions. The provisions of this section do not apply to the following:

(1) Any business operated by or employing a licensed psychologist, licensed physical therapist, licensed masseuse, licensed vocational nurse, registered nurse, licensed athletic trainer, licensed cosmetologist, or licensed barber provided such licensed individual is only engaged in performing the normal and customary functions authorized under the license held;

(2) Any business operated by, or employing a licensed physician or licensed chiropractor while engaged in practicing the healing arts;

- (3) Any retail establishment whose principal business is the offering of wearing apparel for sale to customers and that does not exhibit merchandise on live model(s); or
- (4) An activity sponsored by a school licensed by the State of Wisconsin or a college, junior college or university supported entirely or partly by taxation; or a private college or university that maintains or operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

Any activity conducted or sponsored by an entity identified in subsection (4) above must meet all of the following requirements:

- (1) The activity must be situated in a structure that has no sign or other advertising visible from the exterior of the structure indicating a nude person is available for viewing; and
- (2) All students participating in the class must be enrolled at least 3 days in advance of the class; and
- (3) Not more than one (1) nude model is on the premises at any one time.

(e) Proximity to another adult-oriented establishment. An adult-oriented establishment shall not be located within 500 feet of another adult-oriented establishment.

(f) Proximity to other specified land uses. An adult-oriented establishment shall not be located within 500 feet of any of the following:

- (1) the centerline of Rittenhouse Avenue (the City's main commercial street);
- (2) the boundary of the R-1 or R-3 district;
- (3) public library;
- (4) public playground or park, including nature trails, pedestrian/bicycle paths, or other public lands open for recreational activities;
- (5) educational facility, including K-12, but not including facilities used primarily for another purpose and used only incidentally at a school;
- (6) state licensed family day care home, group day care home, or day care center;
- (7) worship facility;
- (8) any youth-oriented establishment;
- (9) tavern; or
- (10) any commercial business, other than a tavern, holding a valid liquor license.

If one of these specified uses locates within this area of separation after the adult-oriented establishment has been granted a building permit or occupancy permit, the adult-oriented establishment shall not be required to relocate. This provision only applies to a renewal of a valid permit or other license. It does not apply when a license or permit expires or when the City terminates this use due to a violation of this chapter.

(g) Measurement of distances. For the purpose of this section, specified distances are measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure containing the adult-oriented establishment, to the nearest lot line of the parcel with the specified use or to the specified zoning district. If an adult-oriented establishment is located on the first floor of a multi-tenant building (e.g., shopping center), the measurement shall be taken from the outer boundary of such space (i.e. from the outer edge of the party wall or the outer wall). If an adult-oriented establishment is located above the first floor of a multi-tenant building (e.g., shopping center), the measurement shall be taken from the exterior door on the first floor that is nearest to the adult-oriented establishment, excluding emergency exists. The presence of a city, county, or other political subdivision boundary shall be irrelevant for purposes of applying the separation requirements of this section.

(h) Licensing. Adult-oriented establishments shall comply with any licensing requirements established by the City of Bayfield.

Temporary note: These provisions from the consultant which incorporates provisions in s. 500-90.

Series	Land Use	
6.02	Body-piercing establishment	<p>Description: A place where a body piercer performs body piercing. <i>Temporary note: Description from the consultant</i></p> <p>Districts Allowed by Right: B-1</p> <p>Vehicle Parking: 1 space for each 350 square feet of floor area</p> <p>Bicycle Parking: Bicycle Parking Requirements: Recommended - 7 percent of required vehicle parking spaces, but not less than 2</p> <p>Supplemental Standards: (A) State license. Prior to the establishment of a body-piercing establishment, the operator must obtain a license from the Wisconsin Department of Health Services, or the department’s authorized agent, and maintain such license for the life of the use or until the department no longer requires such license. ^[1] In addition, each practitioner must obtain a license from the department as required by state law and maintain such license while at the establishment or until the state no longer requires such license. ^[2] (B) Locational standards. A body-piercing establishment shall not be located within 600 feet of another body-piercing establishment or a tattoo establishment. For the purpose of this part, the distance is measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the exterior wall of the building containing the body-piercing establishment to the outer wall of the building containing the other specified land use. If one or both of the specified land uses are located in a multi-tenant building (e.g., shopping center), the measurement is taken from the outer boundary of such space (i.e. from the outer edge of the party wall or the exterior wall). The presence of a village, city, county, or other political subdivision boundary is irrelevant for purposes of applying the separation requirements of this part. (C) Building standards. A patron who is being pierced must not be visible from the exterior of the building through a window or entrance to the building. (D) Alcohol beverages prohibited. A body-piercing establishment shall not also sell, distribute, or allow consumption of alcohol beverages on the premises.</p> <hr/> <p>[1] Commentary: See § 252.24, Wis. Stats. [2] Commentary: See § 252.24, Wis. Stats. <i>Temporary note: These provisions from the consultant</i></p>
6.03	Commercial kitchen	<p>Description: A commercial-grade kitchen, operated by a community organization or a business, that is open to community groups and local food entrepreneurs who produce food products for sale to restaurants, food stores, and other outlets that will sell the product to the ultimate consumer. <i>Temporary note: Definition based on Leominster, MA.</i></p> <p>Districts Allowed by Right: B-1, B-2, I-1</p> <p>Vehicle Parking: Determined on a case-by-case basis by the reviewing authority</p> <p>Supplemental Standards: There are no supplemental standards that apply to this specific land use.</p>
6.04	Equipment rental	<p>Description: A place where equipment is offered for rent and related supplies are offered for retail sale or rent. Items for rent or sale are predominantly stored indoors and may include hand tools, party equipment, and lawn and yard equipment. <i>Temporary note: Description from the consultant</i></p> <p>Districts Allowed by Right: B-1, B-2</p> <p>Vehicle Parking: 1 space for each 450 square feet of floor area; plus 1 space for each employee on the largest work shift</p> <p>Supplemental Standards: There are no supplemental standards that apply to this specific land use.</p>

Series	Land Use	
6.05	Financial services	<p>Description: A place where financial and banking services are offered. The term includes banks, savings and loan institutions, other lending institutions, auto title loan businesses, and payday loan businesses.</p> <p style="color: orange;">Temporary note: Description from the consultant</p> <p>Districts Allowed by Right: B-1, B-2</p> <p>Vehicle Parking: 1 space for each 250 square feet of floor area</p> <p>Bicycle Parking: Recommended - 7 percent of required vehicle parking spaces, but not less than 4</p> <p>Supplemental Standards:</p> <p>(A) Location. A payday loan business or auto title loan business shall not be located within 5,000 feet of another payday loan business or auto title loan business or within 150 feet of a residential zoning district or a planned development district that allows residential uses. For the purpose of this part, the distance is measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the exterior wall of the building containing the payday loan business or auto title loan business to the outer wall of the building containing the other specified land use or, as appropriate, to the nearest lot line of a parcel in the specified zoning district. The presence of a village, city, county, or other political subdivision boundary is irrelevant for purposes of applying the separation requirements of this part. If a payday loan business or auto title loan business was operating on January 1, 2011 and does not comply with the locational standards in this section, such business may continue to operate at that location. ^[1]</p> <p>(B) Reserved</p> <hr/> <p>[1] Commentary: See § 59.69(4h), Wis. Stats.</p>
6.06	Funeral home	<p>Description: A place where the deceased may be prepared for burial or cremation and people may gather for visitation or funeral ceremonies. The indoor display of funeral equipment may also occur. The term includes mortuaries.</p> <p style="color: orange;">Temporary note: Description from the consultant</p> <p>Districts Allowed by Right: B-1</p> <p>Vehicle Parking: 1 space for each 3 patron seats at maximum capacity; plus 1 space for each employee on the largest work shift</p> <p>Supplemental Standards:</p> <p>(A) State license. Prior to the establishment of this use, the operator must obtain a license from the state as provided for in § [REDACTED], Wis. Stats., and maintain such license for the life of the use or until the state no longer requires such license.</p> <p>(B) Reserved</p>
6.07	Garden supply or landscaping center	<p>Description: forthcoming if needed</p> <p>Districts Allowed by Right: B-1</p> <p>Supplemental Standards:</p> <p>-</p> <p>-</p> <p style="color: orange;">Temporary note: These provisions from the consultant</p>

Series Land Use

6.08 General repair

Description: A place where consumer goods such as shoes, bicycles, furniture, appliances, and business equipment are repaired. The term does not include repair of motor vehicles or industrial equipment.

Temporary note: Description from the consultant



Districts Allowed by Right: B-1, B-2

Vehicle Parking: 1 space for each 450 square feet of floor area

Supplemental Standards:

(A) Work area limited. All activities related to this use must occur within an enclosed building, ~~except when the parcel of land is located in an industrial zoning district (if allowed there).~~

(B) Reserved

6.09 General retail,
5,000 square
feet or less

Description: One or more establishments providing retail services in a single building with a floor area of 5,000 square feet or less. The goods offered for sale are primarily stored inside of an enclosed building. Examples include baked goods stores, candy/confectionary stores, clothing stores, pharmacies, florists, fruit and/or vegetable stores, bookstores, gift stores, grocery stores, hardware stores, hobby shops, meat, fish or poultry markets, optical stores, art studios, photo and film pickup stores, shoe stores, soda and ice cream stores, sporting goods stores, tobacco stores, and variety stores.

Temporary note: Description from the consultant

Districts Allowed by Right: B-1, B-2

Vehicle Parking: 1 space for each 350 square feet of floor area for retail sales; plus 1 space for each employee on the largest work shift

Bicycle Parking: Recommended - 9 percent of required vehicle parking spaces, but not less than 4

Supplemental Standards:

(A) Negative use agreements. All retail operations shall comply with the prohibition of negative use agreements as set forth in § 510-.

(B) Reserved

Temporary note: These provisions from the consultant

6.10 General retail,
more than
5,000 square
feet

Description: One or more establishments providing retail services in a single building with a floor area of more than 5,000 square feet. The goods offered for sale are primarily stored inside of an enclosed building. Examples include baked goods stores, candy/confectionary stores, clothing stores, pharmacies, florists, fruit and/or vegetable stores, bookstores, gift stores, grocery stores, hardware stores, hobby shops, meat, fish or poultry markets, optical stores, art studios, photo and film pickup stores, shoe stores, soda and ice cream stores, sporting goods stores, tobacco stores, and variety stores.

Temporary note: Description from the consultant

Districts Allowed as a Conditional Use: B-1, B-2

Vehicle Parking: 1 space for each 350 square feet of floor area for retail sales; plus 1 space for each employee on the largest work shift

Bicycle Parking: Recommended - 9 percent of required vehicle parking spaces, but not less than 4

Merchandise Loading: 1 small berth required for 6,000 to 12,499 square feet; 2 small berths for 12,500 to 24,999 square feet; 1 large berth for 25,000 to 39,999 square feet; 2 large berths for 40,000 to 99,999 square feet; 2 large berths plus 1 large berth for each additional 80,000 square feet over 100,000 square feet for more than 100,000 square feet (see § 510. for more on size requirements for small and large berths)

Supplemental Standards:

(A) Negative use agreements. All retail operations shall comply with the prohibition of negative use agreements as set forth in § 510-.

(B) Licensing. Pawnbrokers, secondhand article dealers, and secondhand jewelry dealers must obtain a license from the City as set forth in Chapter of the municipal code. **(Verify)**

Temporary note: These provisions from the consultant

Series	Land Use	
6.11	General services	<p>Description: A place where services not otherwise included in any other service type category are offered. The term includes photography studios, weight loss centers, commercial postal services, beauty shops, pet grooming shops, photocopying and printing services, linen services, dry cleaning services, and diaper services.</p> <p><i>Temporary note: Description from the consultant</i></p> <p>Districts Allowed by Right: B-1, B-2</p> <p>Vehicle Parking: 1 space for each 300 square feet of floor area</p> <p>Bicycle Parking: Recommended - 7 percent of required vehicle parking spaces, but not less than 4</p> <p>Supplemental Standards: There are no supplemental standards that apply to this specific land use.</p>
6.12	Home improvement center	<p>Description: Description is forthcoming</p> <p>Districts Allowed by Right: B-1</p> <p>Vehicle Parking: Forthcoming</p> <p>Supplemental Standards: Forthcoming</p>
6.13	Instructional studio	<p>Description: A place where instruction, training, or tutelage is offered in such areas as gymnastics, dance, art, music, and martial arts.</p> <p><i>Temporary note: Description from the consultant</i></p> <p>Districts Allowed by Right: B-1, B-2</p> <p>Vehicle Parking: 1 space for each student during the largest period of attendance; plus 1 space for each employee on the largest work shift</p> <p>Bicycle Parking: Recommended - 9 percent of required vehicle parking spaces, but not less than 6</p> <p>Supplemental Standards: There are no supplemental standards that apply to this specific land use.</p>
6.14	Office	<p>Description: A place where employees primarily perform administrative functions and where customers are infrequent. Examples include real estate, insurance, <u>information technology</u>, accounting, architecture, engineering, and similar.</p> <p><i>Temporary note: Description from the consultant</i></p> <p>Districts Allowed by Right: B-1, B-2</p> <p>Vehicle Parking: 1 space for each 350 square feet of floor area</p> <p>Bicycle Parking: Recommended - 5 percent of required vehicle parking spaces</p> <p>Supplemental Standards: There are no supplemental standards that apply to this specific land use.</p>



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Series Land Use

6.15 Secondhand store

Description: A place where previously owned household items are sold at retail.

Temporary note: Description from consultant

Districts Allowed by Right: B-1

Vehicle Parking: 1 space for each 350 square feet of floor area for retail sales; plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) City license. Pawnbrokers, secondhand article dealers, and secondhand jewelry dealers must comply with the requirements in Chapter 302 of the municipal code as applicable.

(B) Reserved

Temporary note: These provisions from the consultant



6.16 Tattoo establishment

Description: A place where a tattooist applies a tattoo to another individual.

Temporary note: Description from the consultant

Districts Allowed by Right: B-1

Vehicle Parking: 1 space for each 350 square feet of floor area

Bicycle Parking: Bicycle Parking Requirements: Recommended - 7 percent of required vehicle parking spaces, but not less than 2

Supplemental Standards:

(A) State license. Prior to the establishment of a tattoo establishment, the operator must obtain a license from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain such license for the life of the use or until the department no longer requires such license. ^[1] In addition, each practitioner must obtain a license from the department as required by state law and maintain such license while at the establishment or until the department no longer requires such license.

(B) Locational standards. A tattoo establishment shall not be located within 600 feet of another tattoo establishment or a body-piercing establishment. For the purpose of this part, the distance is measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the exterior wall of the building containing the tattoo establishment to the outer wall of the building containing the other specified land use. If one or both of the specified land uses are located in a multi-tenant building (e.g., shopping center), the measurement is taken from the outer boundary of such space (i.e. from the outer edge of the party wall or the outer wall). The presence of a village, city, county, or other political subdivision boundary is irrelevant for purposes of applying the separation requirements of this section.

(C) Building standards. A patron who is being tattooed must not be visible from the exterior of the building through any window or entrance to the building.

(D) Alcohol beverages prohibited. A tattoo establishment shall not also sell, distribute, or allow consumption of alcohol beverages on the premises.



[1] Commentary: See § 252.23, Wis. Stats.

[2] Commentary: See § 252.23, Wis. Stats.

Temporary note: These provisions from the consultant

Series Land Use

6.17 Veterinary clinic

Description: A place where medical services for small household animals are offered. This use may include office space, medical labs, appurtenant facilities, and indoor enclosures for animals under the immediate medical care of a veterinarian. The term includes pet clinics, dog and cat hospitals, and animal hospitals.

Temporary note: Description is from the consultant



Districts Allowed by Right: B-1

Vehicle Parking: 1 space for each 400 square feet of floor area

Supplemental Standards:

(A) Limitation on boarding of animals. The keeping of animals overnight is limited to those under the medical care of the veterinarian.

(B) Reserved

Temporary note: These provisions from the consultant

7 Recreation and Entertainment

7.01 Indoor entertainment (in current code)

Description: A place where entertainment is offered within an enclosed building. The term includes theaters, movie theaters, dance halls, and theaters for performing arts. The term does not include adult-oriented establishments.

Districts Allowed by Right: B-1, B-2

Vehicle Parking: 1 space for each 3 patron seats; plus 1 for each employee on the largest work shift

Bicycle Parking: Recommended - 9 percent of required vehicle parking spaces, but not less than 4

Supplemental Standards:

~~(A) Any device is subject to weights and measures. (verify with Billie)~~

(A) Reserved

7.02 Indoor recreation

Description: A place where recreational activities are offered within an enclosed building. The term includes bowling alleys, skating rinks, billiard and pool halls, arcades, and escape rooms.

Districts Allowed by Right: B-1, B-2, I-1

Vehicle Parking: 1 space for each 300 square feet of area devoted to patron services

Bicycle Parking: Recommended - 7 percent of required vehicle parking spaces, but not less than 4

Supplemental Standards:

~~(A) weights and measures~~

(A) Reserved

7.03 Outdoor recreation (in current code)

Description: A place where outdoor recreational activities are offered. The term includes miniature golf, batting cages, water parks, and amusement parks. The term does not include driving ranges and golf courses, parks, and recreational trails.

Temporary note: Description from the consultant



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Districts Allowed as a Conditional Use: I-1, P-1

Vehicle Parking: forthcoming

Bicycle Parking: forthcoming

Supplemental Standards:

Forthcoming

Series	Land Use	
7.04	Rental of outdoor recreation equipment	<p>Description: A place where bicycles, mopeds, canoes, and kayaks are rented on a short-term basis. The rental of all-terrain vehicles is not included. <i>Temporary note: Description from the consultant</i></p> <p>Districts Allowed by Right: B-1, B-2</p> <p>Vehicle Parking: 1 space for each 400 square feet of floor area; plus 1 space for each employee on the largest work shift</p> <p>Supplemental Standards: (A) Outdoor storage. Items offered for rent may be kept out of doors, provided a security fence is not placed in the front or side yards. (B) Reserved <i>Temporary note: These provisions from the consultant</i></p>
8 Government and Community Services		
8.01	Administrative government center	<p>Description: A place where government employees perform administrative functions on behalf of the public. The term includes administrative offices, post offices, and courthouses. <i>Temporary note: Description from the consultant</i></p> <p>Districts Allowed by Right: B-1, B-2, I-1</p> <p>Vehicle Parking: 1 space for each 300 square feet of floor area</p> <p>Bicycle Parking: Recommended - 7 percent of required vehicle parking spaces, but not less than 4</p> <p>Supplemental Standards: There are no supplemental standards that apply to this specific land use.</p>
8.02	Community center	<p>Description: A place where short-term and intermittent meetings or gatherings of individuals are held for purposes of sharing information, entertainment, social service, or similar activities. The term includes senior centers; neighborhood recreational centers; fraternal, social, or civic clubs; lodges; and union halls. <i>Temporary note: Description from the consultant</i></p> <p>Districts Allowed by Right: B-1, B-2, I-1</p> <p>Vehicle Parking: 1 space for each 250 square feet of floor area or 1 space for each 3 patrons at design capacity, whichever is greater; plus 1 space for each employee on the largest work shift</p> <p>Bicycle Parking: Recommended - 9 percent of required vehicle parking spaces, but not less than 6</p> <p>Supplemental Standards: There are no supplemental standards that apply to this specific land use.</p>
8.03	Community cultural facility	<p>Description: A place where people may gather for studying, reading, personal education, or viewing the visual arts. The term includes libraries, museums, art galleries, and observatories. The term does not include performing arts. <i>Temporary note: Description from the consultant</i></p> <p>Districts Allowed by Right: B-1, B-2, I-1</p> <p>Vehicle Parking: 1 space for each 250 square feet of floor area or 1 space for each 3 patrons at design capacity, whichever is greater; plus 1 space for each employee on the largest work shift</p> <p>Bicycle Parking: Recommended - 9 percent of required vehicle parking spaces, but not less than 4</p> <p>Supplemental Standards: There are no supplemental standards that apply to this specific land use.</p>

Series Land Use

8.04 Community garden

Description: A place where a group of unrelated individuals grow vegetables, fruits, and flowers for their personal use. A community garden can be divided into individual plots of land for the exclusive use of the person assigned each plot, or the entire garden may be a cooperative effort of any number of people, or a combination thereof.

Temporary note: Description from the consultant



Districts Allowed by Right: I-1, P-1, R-1, R-3

Vehicle Parking: 1 space for each 10,000 square feet of land available for production, if on-street parking is not readily available as determined by the zoning administrator

Bicycle Parking: Recommended - 9 percent of required vehicle parking spaces, but not less than 4

Supplemental Standards:

(A) Accessory structures. The following structures/uses are generally permitted in community gardens subject to the review and approval of the Plan Commission through the site review process: tool sheds, shade pavilions, rest-room facilities with composting toilets, indoor work areas, benches, bicycle racks, raised/accessible planting beds, compost bins, picnic tables, and children’s play areas. All such structures/uses must comply with the setback provisions for principal buildings of the zoning district in which this use is located.

(B) Reserved

Temporary note: These provisions from the consultant

8.05 Health care center (in current code as Hospital)

Description: A place where medical treatment, or nursing, rehabilitative, or preventative care is offered. The term includes ambulatory surgical facilities, hospitals, kidney treatment centers, long-term care facilities, medical assistance facilities, mental health centers, outpatient facilities, public health centers, and rehabilitation facilities.

Temporary note: This is a new definition - none before



Districts Allowed by Right: B-1, I-1

Vehicle Parking: 1 space for each 3 patient beds; plus 1 space for each staff member on the largest work shift

Bicycle Parking: Recommended - 5 percent of required vehicle parking spaces, but not less than 8

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

8.06 Health care clinic (in current code)

Description: A place where medical services are offered and patients do not stay overnight. The term includes dental clinics, medical offices, chiropractic offices, acupuncture centers, and sports medicine facilities. The term does not include those uses as classified as a health care center.

Temporary note: Description from the consultant



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Districts Allowed by Right: B-1, I-1

Vehicle Parking: 1 space for each 250 square feet of floor area

Bicycle Parking: Recommended - 7 percent of required vehicle parking spaces, but not less than 4

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

Series	Land Use	
8.07	Municipal garage	<p>Description: A place where a municipal government maintains administrative offices, equipment, and supplies necessary for maintaining public roadways, parks, and other types of public facilities.</p> <p><i>Temporary note: Description from the consultant</i></p> <p>Districts Allowed by Right: B-1, B-2, I-1</p> <p>Vehicle Parking: 1 space for each employee on the largest work shift</p> <p>Supplemental Standards:</p> <p>(A) Location. Outdoor storage areas and other activity areas must be located at least 50 feet from a property in a residential zoning district or a planned development district that allows residential uses and 25 feet from a property in a commercial zoning district.</p> <p>(B) Reserved</p>
8.08	Park (in current code)	<p>Description: A place set aside for active and passive recreation and leisure facilities and activities. Examples of features in a park include playgrounds, pavilions, community recreation centers, picnic areas with shelters, multi-purpose trails, ball and racquet fields and courts, swimming pools and beaches, boat launches, sledding hills, and ice-skating. A park may be operated by a public entity for the benefit of the general public or by a homeowners association for the benefit of its members.</p> <p><i>Temporary note: Description from the consultant</i></p> <p>Districts Allowed as a Conditional Use: B-1, B-2</p> <p>Districts Allowed by Right: I-1, P-1</p> <p>Vehicle Parking: Determined on a case-by-case basis by the reviewing authority</p> <p>Supplemental Standards: There are no supplemental standards that apply to this specific land use.</p>
8.09	Public safety facility (in current code "fire and police")	<p>Description: A place where public safety services are offered. The term includes ambulance services, fire stations, police stations, and jails. The term does not include correctional facilities.</p> <p><i>Temporary note: Description from consultant</i></p> <p>Districts Allowed by Right: B-1, B-2, I-1</p> <p>Vehicle Parking: 1 space for each 500 square feet of office area; plus 1 space for each employee on the largest work shift; plus 1 space for each vehicle normally parked on the premises</p> <p>Bicycle Parking: Recommended - 5 percent of required vehicle parking spaces, but not less than 6</p> <p>Supplemental Standards: There are no supplemental standards that apply to this specific land use.</p>
8.10	Recreation trail (in current code)	<p>Description: A linear path, not otherwise part of a public park, that is established for hiking, biking, and cross-country skiing. dedicated to a single recreational use or multiple uses. Examples include hiking trails, bike trails, and cross-country ski trails, and horse trails.</p> <p><i>Temporary note: Description from consultant</i></p> <p>Districts Allowed by Right: B-1, B-2, B-3, I-1, P-1, R-1, R-3</p> <p>Districts Allowed as a Conditional Use: C-1</p> <p>Supplemental Standards: There are no supplemental standards that apply to this specific land use.</p>



Series Land Use

8.11 School (in current code)

Description: A place where primary and secondary educational opportunities are offered. The term includes preschools, elementary schools, junior high schools, high schools, colleges, universities, community colleges, and vocational schools.

Temporary note: Description from consultant



Districts Allowed by Right: I-1

Vehicle Parking: 0.5 space for each (K-8) classroom, plus 1 space for each employee on the largest work shift; 1 space for each 8 students (grades 9-12) at design capacity, plus 1 space for each employee on the largest work shift; 1 space for each student during the largest class attendance (post secondary), plus 1 space for each employee on the largest work shift

Bicycle Parking: Recommended - 11 percent of required vehicle parking spaces, but not less than 20

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

8.12 Worship facility (in current code)

Description: A place where people can regularly assemble for religious worship and associated activities and which is operated by an entity with tax-exempt status. The term includes sanctuaries, chapels, cathedrals, churches, synagogues, and temples and other onsite accessory buildings such as a fellowship halls, and rectories. The term does not include day care centers, community recreation facilities, any living arrangement (e.g., convents, rectories, dormitories, parsonages), private educational facilities, emergency shelters, and health care facilities.

Temporary note: Description from consultant



Districts Allowed by Right: I-1

Vehicle Parking: 1 space for each 4 patrons at design capacity; plus 1 space for each employee on the largest work shift

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

9.01 Solar garden

Description: A utility-scale commercial facility that converts sunlight into electricity with the primary purpose of wholesale or retail sales of generated electricity.

Temporary note: Description from the consultant



Districts Allowed as a Conditional Use: I-1, P-1

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Minimum lot area. The minimum lot area for a solar power plant is 2 acres. ^[1]

(B) Setbacks. Solar panels and other related structures shall not be located within the building setback area. Additional setbacks may be required to mitigate noise and glare impacts, as identified through the site plan review process.

(C) Security fencing. With approval of the Plan Commission, a security fence (height and material to be established through the site plan review process) may be placed around the perimeter of the solar power plant. If a security fence is installed, Knox boxes and keys must be provided at locked entrances for emergency personnel access.

(D) Identification sign. An identification sign no larger than 18 inches by 24 inches must be placed in a visible location near the primary entrance of the site that lists (1) the name of the facility owner/operator, (2) a telephone number to contact in case of an emergency, and (3) information relating to potential voltage hazards.

(E) Warning signs. Appropriate warning signage may be placed at the entrance and around the perimeter of the solar power plant project as approved through the site plan review process.

(F) Electric power lines. Power lines within a solar power plant must be placed underground, except that power lines that leave the project site may be overhead.

(G) Approval by electric utility company. The owner/operator must submit documentation acceptable to the zoning administrator indicating that the system meets all applicable regulations and requirements of the affected electric utility company.

(H) Landscaping. As part of the site plan review process the Plan Commission may require appropriate landscaping and/or other screening materials to help screen the solar power plant from public right-of-ways and neighboring residences. After reviewing the location of the facility and the visibility of the facility from public right-of-ways and adjoining properties, the Plan Commission may waive or defer this landscape requirement to a later date.

(I) Outdoor lighting. Lighting of the solar power plant and accessory structures is limited to the minimum necessary for site security.

(J) Lease agreement. If the operator of the solar power plant does not own the land where the facility is to be located, the property owner and the operator must execute a lease agreement prior to any land-disturbing activity. rights and responsibilities of each party with respect to subs. (L) and (M) of this section

(K) Ongoing maintenance. The solar power plant must be properly maintained and kept in a good condition, so as not to become a nuisance. Proper maintenance includes regular lawn and landscaping care, and painting and regular care of building(s), fences, and other improvements. Additionally, the site must be kept clear of junk and debris.

(L) Termination of approval. If the zoning administrator determines that the solar power plant is unsafe or otherwise defective or that the site has not produced any electricity for a continuous period of 12 months, the administrator shall follow the procedure outlined in Article 5 relating to termination of the approval. Within 90 days after termination, the property owner must remove the solar power plant and all related equipment and improvements and restore the site to the satisfaction of the zoning administrator. In the event such work is not done within the 90-day period, the City has the right to use the financial guarantee as required by this section to pay for such work.

(M) Financial guarantee. Prior to issuance of a building permit authorizing construction of a solar power plant, the applicant must submit a financial guarantee to the City pursuant to the requirements in Article 4 in the amount of \$10,000.00. The amount of the financial guarantee is based on one or more cost estimates prepared by a qualified contractor as submitted by the property owner or obtained by the City to remove all of the equipment and related site improvements and restore the site to the satisfaction of the zoning administrator. ^[2] The financial guarantee will be held until the solar power plant and related improvements are removed and the site restored to the satisfaction of the zoning administrator.

(N) Solar access. The property owner may submit a solar access permit to the City pursuant to the provisions set forth in § 66.0404, Wis. Stats.

[1] Commentary: One city block is about 2 acres.

[2] Commentary: See § 66.0404(4)(f), Wis. Stats.

Temporary note: These provisions from the consultant

9.02 Stormwater management facility

Description: A natural or manmade feature that collects, conveys, channels, holds, inhibits, or diverts the movement of stormwater.

Temporary note: Description from the consultant

Districts Allowed by Right: B-1, B-2, B-3, I-1, P-1, R-1, R-3

Districts Allowed as a Conditional Use: C-1

Supplemental Standards:

(A) Design requirements. A stormwater facility must be designed to meet any requirements in the City's municipal code.

(B) Maintenance. A stormwater facility located on private property must be maintained consistent with the adopted maintenance agreement.

Temporary note: These provisions from the consultant



9.03 Telecommunication collocation (class 1)

Description: The placement of a new mobile service facility on an existing support structure which constitutes a substantial modification.

Note: This definition is based on the corresponding definition in § 66.0404, Wis. Stats.

Telecommunication Facility Review: B-1, B-2, B-3, C-1, I-1, P-1, R-1, R-3

Vehicle Parking: No additional parking is required if there is 1 space for an existing tower

Supplemental Standards:

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-
-

9.04 Telecommunication collocation (class 2)

Description: The placement of a new mobile service facility on an existing support structure which does not constitute a substantial modification.

Note: This definition is based on the corresponding definition in § 66.0404, Wis. Stats.

Districts Allowed by Right: B-1, B-2, B-3, C-1, I-1, P-1, R-1, R-3

Vehicle Parking: No additional parking is required if there is 1 space for an existing tower

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.



9.05 Telecommunication tower **Description:** A free-standing tower with or without an equipment compound that is intended for the placement of one or more mobile service facilities.

Note: This definition is based on the corresponding definition in § 66.0404, Wis. Stats.

Telecommunication Facility Review: B-1, B-2, B-3, I-1, P-1, R-1, R-3

Vehicle Parking: 1 space

Supplemental Standards:

(A) Legislative findings. The Common Council makes the following legislative findings with regard to telecommunication towers providing mobile telecommunication services:

(1) The state legislature passed 2013 Wisconsin Act 20 (Section 1269(I)) that imposed limits on local municipalities with respect to regulating telecommunication facilities within their jurisdictions.

(2) The federal government adopted the Telecommunications Act of 1996 which established various requirements relating to telecommunication facilities.^[1]

(3) The regulations in this section are intended to promote the public health, safety, and welfare, while at the same time not unduly restricting the development of needed telecommunications facilities.

(4) The regulations in this section are intended to accomplish the following purposes, to the fullest extent permitted by law:

(a) protect the visual character of the City from the potential adverse effects of telecommunication facilities;

(b) ensure that a competitive and broad range of telecommunications services and high quality telecommunications infrastructure are provided;

(c) create and preserve telecommunication facilities that will serve as an important and effective part of the City's emergency response network;

(d) minimize the number of towers by requiring collocation; and

(e) avoid damage to adjoining properties by establishing setback standards.

(B) Federal requirements. A telecommunication tower must comply with all applicable requirements of the Federal Communications Commission, the Federal Aviation Administration, and any other federal agency with authority to regulate telecommunication facilities. In the event of a conflict between federal law and this section, federal law shall prevail.

(C) Single parcel. The fall zone and all structures related to the telecommunication facility must be located on a single parcel, including the tower, equipment compound, and anchor points for a guyed tower.

(D) Setbacks. The center of the tower shall not be located closer to a property boundary line than the height of the tower. If the lot hosting the proposed tower is not located adjacent to a parcel where a single-family residence may be located and the applicant submits an engineering certification with the application that show the fall zone is smaller than this distance, the fall zone must be the smaller calculated area, unless the City provides the applicant with substantial evidence that the engineering certification is flawed.^[2] The fence around anchor points for a guyed tower must be located at least 25 feet from a property boundary line.

(E) Security fencing. A tower and related equipment compound consisting of equipment buildings, shelters, and cabinets, must be enclosed by a security fence (height and material to be established through the site plan review process). If the tower is a guyed tower, each of the anchor points must be enclosed by a security fence.

(F) Lighting. A tower or any attachment shall not be artificially lighted, except when specifically required by a state agency, the Federal Aviation Administration (FAA), or another federal authority. Such required lighting must be the least obtrusive to the surrounding views.

(G) Aesthetic requirements. All users of the City right-of-way must comply with the following aesthetic standards:

(1) In areas where facilities are currently nonexistent or underground, undergrounding is required.

(2) No new above-ground structures, including co-locations on existing structures, shall be placed within 500 feet of historic structures or historic districts designated by the National Register of Historic Places in Wisconsin or listed on the State Register of Historic Places. The 500-foot separation is waived for installations that are completely concealed from view, or are not visible from locations where the historic structure can be observed.

(3) Attachments to existing structures must be designed to be flush with the existing structure as

much as can reasonably be done, must be a color that matches the existing structure and must be the smallest size possible to reasonably accommodate the intended purpose. If the structure to which the attachment is made changes color due to repainting, resurfacing or other means, the attachment must be modified to match the new color.

(4) Any party objecting to the requirements of this subsection shall have an opportunity to demonstrate that the requirement constitutes an effective prohibition in violation of State or Federal law as set forth in § 510.■.

(H) Equipment buildings. The exterior of equipment buildings, shelters, and cabinets exceeding 1,500 cubic feet shall be covered with building materials typically used on buildings found in the area.

(I) Emergency power system. A backup generator may be placed within the equipment compound.^[3]

(J) Identification sign. An identification sign no larger than 18 inches by 24 inches must be placed in a visible location near the base of the tower that lists (1) the name of the tower owner, (2) the Federal Communications Commission identification number, and (3) a telephone number to contact in case of an emergency.

(K) Accommodation of other users on new towers (co-location). A tower over 150 feet in height, along with the tower site and all support facilities and appurtenances, must accommodate at least two additional users, unless the zoning administrator determines that evidence presented by the tower operator demonstrates it is not technically feasible to do so. Further, the tower operator and their successors in interest must allow other users to use the tower, the tower site, support facilities, and appurtenances at fair market rates as negotiated by those parties. If the Plan Commission determines the tower operator has made access to the tower and tower site unfeasible, the zoning administrator must notify the tower operator via registered mail of such determination. If the tower operator does not take corrective action within 45 days of such determination, the permit for that tower shall become null and void and the tower must be removed and the site restored within 90 days of such determination.

(L) Requirement for collocation. A new tower shall only be permitted if the applicant demonstrates with a sworn statement that collocation on an existing or planned tower within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.^[4] If the applicant does not provide such analysis and sworn statement, the application for a new tower shall be denied.^[5]

(M) Collocation review. The collocation of an antenna or antenna array on an existing tower is permitted subject to site plan, building plan, and plan of operation review.

(N) Landscaping. Landscaping must be placed around the equipment enclosure and anchor points for guyed towers consistent with a landscaping plan as approved by the Plan Commission. After reviewing the location of the facility and the visibility of the facility from public right-of-ways and adjoining properties, the Plan Commission may waive this landscape requirement or defer the requirement to a later date.

(O) Lease agreement. If the operator of the telecommunication tower does not own the land where the facility is to be located, the property owner and the operator shall execute a lease agreement prior to any land-disturbing activity. Such agreement shall be binding on future property owners and future operators and shall address the rights and responsibilities of each party with respect to subs. and of this section.

(P) Ongoing maintenance. The subject property must be maintained and kept in a good condition, so as not to become a nuisance as determined by the Plan Commission. Proper maintenance includes regular lawn and landscaping care, and painting and regular care of building(s), fences, towers, and other improvements. Additionally, the site must be kept clear of junk and debris.

(Q) Termination of approval. If the zoning administrator determines that the tower is unsafe or otherwise defective or that the tower has not hosted an operational antenna for a continuous period of 12 months, the administrator shall follow the procedure outlined in Article 5 relating to termination of the approval. Within 90 days after the date of termination, the property owner must remove the tower, equipment cabinets, and all related equipment and improvements that are part of its communication facilities and restore the site to the satisfaction of the zoning administrator. In the event such work is not done within the specified period, the City shall have the right to use the financial guarantee as required by this section to pay for such work.

(R) Financial guarantee. Prior to issuance of a building permit authorizing construction of a tower, the applicant must submit a financial guarantee in the amount of ~~\$10,000.00~~ to the City subject to the requirements in Article 4. The amount of the financial guarantee is based on one or more cost estimates prepared by a qualified contractor as submitted by the property owner or obtained by the City to remove the tower, equipment compound, and related site improvements and restore the site to the satisfaction of the zoning administrator.^[6] The financial guarantee will be held until the tower, equipment compound, and related site improvements are removed and the site is restored to the satisfaction of the zoning

administrator.

(S) Third-party consultant. The zoning administrator may, at the applicant's expense, hire a third-party consultant to conduct an objective analysis of the submitted materials including the application, calculation of the fall zone, and certification that collocation is not possible. The third-party consultant may not charge the applicant for any travel expenses incurred in such review. ^[7]

(T) Duration of approval. The approval authorizing a telecommunication tower shall run with the land and shall be binding on successors in interest. ^[8]

[1] Commentary: In particular see § 704 of the act.

[2] Commentary: See § 66.0404(2)(g), Wis. Stats.

[3] Commentary: See § 66.0404(4)(j), Wis. Stats.

[4] Commentary: See § 66.0404(2)(b)6, Wis. Stats.

[5] Commentary: See § 66.0404(2)(e), Wis. Stats.

[6] Commentary: See § 66.0404(4)(f), Wis. Stats.

[7] Commentary: See § 66.0404(4)(f), Wis. Stats.

[8] Commentary: See § 66.0404(4)(n), Wis. Stats.

Temporary note: From consultant

9.06 Utility installation, major

Description: A place, building and/or structure, or portion thereof, whether public or private, used or is intended for providing basic infrastructure or utility services and which could potentially have a moderate to high impact on neighboring property. The term includes pipeline pumping stations, sewage treatment plants, electric substations, water towers, electric transmission lines with a design capacity of 110kV or more, and underground pipelines. The term does not include large wind-energy systems which are included in [REDACTED].

Temporary note: Description from the consultant



Districts Allowed by Right: B-2

Districts Allowed as a Conditional Use: I-1

Vehicle Parking: 1 space for each on-site employee on the largest work shift

Supplemental Standards:

(A) Building materials. If a major utility installation involves a building of any type and is located in a residential zoning district or a planned development district that allows residential uses, such building must be compatible with residential buildings in regard to design and exterior materials.

(B) Reserved

Temporary note: These provisions from the consultant

9.07 Utility installation, minor

Description: A utility installation generally having low impact on neighboring property. The term includes public water system wells, without a tower; below ground sewer lift stations; and stormwater pumping stations. The term does not include utility cabinets, which are classified as an accessory use (Series 12).

Temporary note: Description from the consultant

Districts Allowed by Right: B-1, B-2, B-3, C-1, I-1, P-1, R-1, R-3

Vehicle Parking: 1 space, although the zoning administrator may grant a waiver

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

Series Land Use

9.08 Wind-energy system, large

Description: Description is forthcoming
Wind-Energy System Review: B-1, B-2, B-3, I-1, P-1, R-1, R-3
Supplemental Standards:
Forthcoming
-
-
-
-
-



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10 Transportation

10.01 Bus shelter

Description: A building open on at least one side where people may wait for a bus.
Temporary note: This description from consultant
Districts Allowed as a Conditional Use: B-1, B-2
Supplemental Standards:
(A) Located on recognized route. A bus shelter must be located on a bus route recognized by the Common Council.
(B) Vacant parcel. A bus shelter may be located on a vacant parcel.
Temporary note: These provisions from consultant

10.02 Marina (in current code)

Description: A place where watercraft may dock on a temporary or permanent basis and includes boat ramps, hoist machinery, and related launching facilities. Related services include retail sale of fuel for watercraft and supplies and servicing and repair of watercraft. The term does not include dry boat storage.
Temporary note: Description from consultant
Districts Allowed as a Conditional Use: B-2
Vehicle Parking: 1 space for each 3 boat slips
Supplemental Standards:
(A) No portion of a boat yard shall be located within a setback for the zoning district in which the use is located.
(B) Reserved
Temporary note: These provisions from the consultant



10.03 Off-site parking lot

Description: A place where motor vehicles associated with an off-site use may be parked for a short duration. It may be available to the public or reserved to accommodate parking for a specific purpose.
Temporary note: Description from the consultant
Districts Allowed by Right: B-1, B-2, P-1
Districts Allowed as a Conditional Use: I-1
Supplemental Standards:
forthcoming ??

Series Land Use

10.04 Passenger terminal (in current code)

Description: A place where passengers can board mass transit. This use may include facilities for ticket sales and accessory food service areas primarily intended for passengers. The term does not include bus shelters.

Temporary note: Description from the consultant

Districts Allowed as a Conditional Use: B-1, B-2

Vehicle Parking: 1 space for each 100 square feet of floor area devoted to a passenger waiting area; plus 1 space for each 350 square feet of floor area devoted to offices

Passenger Loading: Recommended - 7 percent of required vehicle parking spaces, but not less than 6

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

11 Limited Manufacturing and Storage

11.01 Artisan shop

Description: A place where handmade craft items or works of art are made on a small-scale and offered for retail sale. Examples of such items include paintings, textiles, weaving, photography, sculptures, pottery, leather products, handmade paper, jewelry, hand-blown glass, small furniture and other similar wooden items, candles, soaps, and lotions.



Temporary note: Description from the consultant

Districts Allowed by Right: B-1, B-2

Vehicle Parking: 1 space for each 350 square feet of display area; plus 1 space for each employee on the largest work shift

Bicycle Parking: Recommended - 5 percent of required vehicle parking spaces, but not less than 4

Supplemental Standards:

A. Generally. All materials and activities, except loading and unloading, must be conducted entirely within an enclosed building.

B. Demonstrations and workshops. The operator may conduct demonstrations and workshops within the confines of the building provided attendance at the event or function does not create a demand for parking spaces that is greater than the number provided on site, unless parking is allowed on the public street fronting on the site.

Temporary note: These provisions from the consultant

Series Land Use

11.02 Composting facility

Description: A place where vegetation (but not food wastes) may be collected and composted. The term includes the storage and manipulation of materials prior to, during, and following composting.

Districts Allowed as a Conditional Use: I-1

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Legislative intent. A composting facility, if not properly designed and operated, has the potential to cause negative impacts to the natural environment, including water resources, and be harmful to the safety and general welfare of the City and its citizens. This section is therefore intended to define basic requirements necessary to protect the public while providing waste alternatives and promoting sustainability within the community.

(B) Compliance with other requirements. In addition to meeting the requirements in this section, a composting facility must comply with all county, state, and federal regulations that may apply, including § NR 502.12, Wis. Admin. Code.

(C) Distance to specified features. A composting facility must not be located within 400 feet of a residential zoning district or a planned development district that allows residential uses, an educational facility, a worship facility, or any other place where the public congregates.

(D) Setbacks. All buildings, structures, and activity areas must be located at least 100 feet from the perimeter of the site.

(E) Location. No portion of a composting facility used for storing compostable materials or composted materials or processing of compostable materials shall be located within an area determined to be within a 100-year floodplain.

(F) Maximum capacity. The reviewing authority may establish the maximum amount of compostable materials that may be stored and processed onsite. There is no limit on the amount of finished compost that may be stored.

(G) Buffer. The reviewing authority may require fencing and/or landscaping along the property boundary line deemed necessary to provide adequate screening between this use and adjoining properties.

Temporary note: From consultant

11.03 Dry boat storage (in current code)

Description: An outdoor area where watercraft may be kept during the off season or while not in use. Minor repairs and maintenance may be conducted on watercraft while kept in storage.

Temporary note: Description from the consultant

Districts Allowed by Right: B-2

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Location. No portion of a boat yard shall be located within a setback for the zoning district in which the use is located.

(B) Reserved

Temporary note: These provisions from the consultant



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Series Land Use

11.04 Makers space

Description: A place where products or goods are produced within an enclosed building and any smoke, dust, noise, or odor related to such activities are confined within the building. This use may include administrative offices and storage of raw materials and finished goods as a subordinate use. The term includes a tool and die maker, furniture production, metal fabrication, apparel manufacturing, printing, and publishing.

Temporary note: Description from the consultant

Districts Allowed by Right: B-1, B-2

Vehicle Parking: 1 space for each 250 square feet of floor area or 1 space for each employee on the largest work shift, whichever is greater; plus 1 space for each fleet vehicle parked on site

Bicycle Parking: Recommended - 5 percent of required vehicle parking spaces, but not less than 4

Supplemental Standards:

(A) Maximum size. The maximum floor area for a makers space is 5,000 square feet.

(B) Restriction on location of manufacturing processes. All manufacturing processes must be conducted entirely within an enclosed building.

(C) Material storage. Materials may be stored out of doors, provided such areas are properly screened as determined by the Plan Commission.

Temporary note: These provisions from the consultant

12 Accessory Uses

12.01 Amateur radio and/or citizens band antenna

Description: An antenna and related support structure used to send and receive telecommunications for noncommercial purposes.

Districts Allowed by Right: B-1, B-2, B-3, I-1, P-1, R-1, R-3

Supplemental Standards:

(A) Legislative findings. The City Council makes the following legislative findings regarding amateur radio and/or citizens band antennas:

- (1) The placement of amateur radio antennas and support structure of unregulated height and type could have a negative impact on surrounding properties and especially on the smallest of lots allowed in the City.
- (2) Pursuant to § 59.69(4f), Wis. Stats., the regulations in this part constitute the least restrictive measures needed to promote community aesthetics, public health, and safety while allowing amateur radio communications.

(B) Number. Antennas shall be placed on no more than 2 support structures, such as a tower or on top of a building.

(C) Type of tower. An antenna may be placed on a monopole or lattice tower.

(D) Anti-climbing measures required. If a tower is used to support the antenna, the tower must have anti-climbing measures to prevent unauthorized climbing.

(E) Placement. An antenna shall not be located in a front yard.

(F) Setback requirements. The center of the antenna shall be no closer than 110 percent of the total height of the antenna to a lot line and overhead electric lines.

Temporary note: Provisions are from the consultant

12.02 Exterior communication device

Description: An antenna used to capture wireless telecommunication signals.

Districts Allowed by Right: B-1, B-2, B-3, I-1, P-1, R-1, R-3

Supplemental Standards:

(A) Height. A ground-mounted radio/television antenna shall not exceed a height of 25 feet as measured from the ground surface. A building-mounted radio/television antenna shall not extend more than 10 feet above the roofline.

(B) Reserved

Temporary note: These are new provisions



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Series Land Use

12.03 Accessory building, nonresidential

Description: A building intended to house motor vehicles, yard equipment, and/or items related to the principal use of the premises. A detached building customarily found with a non-residential use as an accessory use. The term includes detached garages, storage sheds, and the like.

Districts Allowed by Right: B-1, B-2, B-3, I-1, P-1

Supplemental Standards:

(A) Number and floor area. The number of non-residential accessory buildings and the floor area must comply with standards set forth in Appendix C.

(B) Exterior materials. Exterior materials for a non-residential accessory building with a floor area of more than 192 square feet (but not greenhouses) must be the same as, substantially the same as, or complement those materials used on the principal building.

(C) Prohibition on specific materials. Soft-sided structures and canopies are specifically prohibited, except a greenhouse may be covered with exterior materials typically used for greenhouses.

(D) Rooflines. The roof lines of a residential accessory building with a floor area of more than 192 square feet (but not greenhouses) must match the roof lines of the principal building to the greatest practical extent.

(E) Plumbing fixtures. A non-residential accessory building may include a single compartment bar sink and a half bath (e.g., sink and toilet).

Temporary note: These provisions from the consultant

12.04 Accessory building, residential

Description: A detached building customarily found with a residential use as an accessory use. The term includes greenhouses (noncommercial), detached garages, sheds, gazebos, pool cabanas, and the like.

Districts Allowed by Right: R-1, R-3

Supplemental Standards:

(A) Number and floor area. The number of residential accessory buildings and the floor area must comply with standards set forth in Appendix C.

(B) Exterior materials. Exterior materials for a residential accessory building with a floor area of more than 192 square feet (but not greenhouses) must be the same as, substantially the same as, or complement those materials used on the principal building.

(C) Prohibition on specific materials. Soft-sided structures and canopies are specifically prohibited, except a greenhouse may be covered with exterior materials typically used for greenhouses.

(D) Rooflines. The roof lines of a residential accessory building with a floor area of more than 192 square feet (but not greenhouses) must match the roof lines of the principal building to the greatest practical extent.

(E) Plumbing fixtures. A residential accessory building may include a single compartment bar sink and a half bath (e.g., sink and toilet). A pool house may include a stand-up shower provided access to the shower is via an exterior door.

(F) Garages in embankments in front yards. A detached garage may be erected within the front yard when the mean natural grade of the front yard is more than 8 feet above the curb level, provided: (1) the front of the building is at least 5 feet from the front lot line; (2) the floor level of the building is no more than one foot above the curb level; and (3) at least one-half the height of the building is below the mean grade of the front yard.

Temporary note: These are new provisions, except (F)



Series Land Use

12.05 Accessory dwelling unit (ADU)

Description: A second dwelling unit located on a single parcel with a principal dwelling unit and is subordinate to the principal dwelling unit.

Temporary note: Description from the consultant



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Districts Allowed by Right: R-1

Vehicle Parking: One parking space, covered or uncovered, shall be provided in addition to the required parking for the primary residence as determined at the time such application is made. If the accessory unit has two bedrooms, 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.

Supplemental Standards:

(A) Legislative intent. Accessory dwelling units represents a way to increase the housing stock in the City and promote housing choice and affordability. Accessory dwelling units must be compatible with the surrounding area and must be clearly subordinate to the principal dwelling unit. (proposed)

(B) Location. An attached accessory dwelling unit must comply with the side-yard and rear-yard setbacks for a principal building in the district. A detached accessory dwelling unit must comply with the side-yard and rear-yard setbacks for an accessory building in the district. If a variance is granted allowing construction of an accessory building or principal building closer to a property boundary line than what is otherwise allowed in the zoning district, such building is not eligible to also include an accessory dwelling unit.

(C) Character of building. Any exterior changes or additions for an accessory dwelling unit must be constructed of similar materials and must be architecturally compatible with the principal dwelling unit.

(D) Size limitation. The floor area of the accessory dwelling unit shall not be more than 65 percent of the total floor area of the principal dwelling unit up to a maximum of 600 square feet. (added % of principal) (Revisit - may want to increase max size)

(E) Number. There shall be no more than one accessory dwelling unit on the subject property.

(F) Lot area. The lot containing an accessory dwelling unit must be at least 2,500 square feet greater than the minimum lot area for the zoning district in which the lot is located. (proposed)

(G) Owner occupancy required. The property owner must occupy either the principal dwelling unit or the accessory dwelling unit.

(H) Transient occupancy prohibited. No accessory dwelling unit shall be used for transient occupancy. (Question: What about short-term rentals? How is this monitored/enforced?)

(I) Height. The accessory dwelling unit shall not exceed the height of the principal building on the property. (Question: what about an ADU above a garage?)

(J) Connection to municipal water. The accessory dwelling unit must be connected to the municipal water system.

(K) Connection to municipal sewer. The accessory dwelling unit must be connected to the municipal sewer system.

(L) Declaration of restrictions. Before obtaining a building permit for an accessory dwelling unit, the property owner must file with the Bayfield County register of deeds office a declaration of restrictions, as approved by the zoning administrator, that includes the name of the property owner and each of the following provisions: (1) the accessory unit shall not be sold separately; (2) the size of the dwelling unit; (3) the approval of 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 principal residence; and (4) the declaration of restrictions terminate upon removal of the accessory unit. (current code with edits)

Temporary note: These provision are in current code s. 500-75, with substantive edits as noted.

Series Land Use

12.06 Adult family home (accessory)

Description: A private residence licensed by the state under § 50.032 (1m), Wis. Stats.
Note: An adult family home can either be a principal use or an accessory use. If the operator lives in the residence with the adults, it is considered an accessory use.

Districts Allowed by Right: R-1, R-3

Supplemental Standards:

(A) Residents. All residents of the adult family home, other than the operator or care provider and the operator or care provider’s immediate family, must be disabled persons as indicated in the required state license application.

(B) Reserved

Temporary note: This provision is from the consultant.

12.07 Backyard chickens

Description: The keeping of chickens for personal, noncommercial purposes.

Temporary note: Description from the consultant



Districts Allowed by Right: R-1

Supplemental Standards:

(A) The keeping of backyard chickens in the City of Bayfield is consistent with the City’s desire to foster sustainable urban agriculture while addressing issues related to public health, safety, and welfare.

(B) Prohibited activities. Chickens must be kept as pets and for personal use only. Chicken breeding or fertilizer production for resale is prohibited.

(C) Number. No more than 4 mature chickens may be kept.

(D) Roosters. The keeping of roosters and crowing hens is prohibited.

(E) Enclosure requirements. Chickens must be kept within a coop at all times. A chicken coop consists of a ventilated pen (at least 7 cubic feet for each chicken) and an enclosure with roosting boxes (at least 3 square feet for each chicken).

(F) Location. A chicken coop may be kept only in a rear and side yard, provided it is at least 10 feet from a side or rear lot line or 20 feet from any residential dwelling on an adjacent lot whichever is greater.

(G) Size restrictions. A chicken coop shall not exceed 60 square feet and the height shall not exceed 6 feet as measured from the surrounding grade to the highest point.

(H) Sale of eggs. Eggs laid by the chickens may be sold on iste, provided all applicable rules and regulations are met. For the purposes of the City’s zoning regulations, such sales are not considered a commercial use or a home occupation.

(I) Predators. The property owner must adequately protect the chickens from predators, including black bears, foxes, coyotes, and wolves.

(J) DATCP registration. The property owner must register the premise where chickens are kept with the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) as required by state law and maintain such registration for so long as may be required.

(K) Licensing. The property owner must comply with any licensing requirements established by the City.

Temporary note: Provisions from consultant. (Verify these provisions)

Figure: Side View of a Chicken Coop

Illustration forthcoming

Series Land Use

12.08 Bed and breakfast (in current code)

Description: A single-family residence that offers overnight accommodations for a daily charge and that also serves as the primary residence of the operator or owner.

Temporary note: Description from the consultant (need to review existing)



Districts Allowed by Right: R-1

Vehicle Parking: 1 space for each room or suite

Supplemental Standards:

(A) State permit. Prior to the establishment of a bed and breakfast, the operator must obtain a permit from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain such license for the life of the use or until the department no longer requires such permit. ^[1] (current code with edits)

(B) Display of permit. The operator must display the current bed and breakfast permit in a conspicuous location inside the bed and breakfast. (current code with edits)

(C) Accommodations tax. Prior to the establishment of a bed and breakfast, the operator must obtain a hotel-motel room tax permit, in accordance with s. 54-19(c)(2) and submit reports and taxes as required. (current code)

(D) Registry. The operator of the bed and breakfast must keep an accurate register showing the names of all guests. This registry must be kept on file for one year ~~a period of 3 years~~ and must be available for inspection by city officials at any time upon request.

~~(E) Occupied as a resident.~~ The building 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. (current code)

(E) Compliance with applicable building codes. Prior to the establishment of a bed and breakfast or the expansion of an existing bed and breakfast, the building inspector must certify that the dwelling meets all applicable building code requirements. ^[2]

(F) Type of dwelling. A bed and breakfast shall only occur within a single-family dwelling.

(G) Exterior character of the dwelling unit. The exterior appearance of the building shall not be altered from its single-family appearance.

(H) Residency requirement. The operator of a bed and breakfast must reside in the single-family dwelling during those times when one or more of the guest rooms are occupied (i.e., rented). (Question: Does the house need to be the principal residence of the operator? That is a current requirement.)

(I) Number of allowable guest rooms. The maximum number of guest rooms is 8. (This is a current code requirement)

(J) Number of guests. There shall not be more than a total of **20** overnight guests at any one time. (This is a current code requirement. That seems like a lot.) (revisit)

(K) Food preparation. Food preparation and/or cooking in guest rooms is prohibited.

(L) Meals. Meals shall only be offered to overnight guests. (current code with edits)

(M) Maximum stay. The maximum stay for any guest is 14 consecutive days in any 30-day period.

Provides no meals other than breakfast and provides the breakfast only to renters of the place;

Is the owner's personal and principal residence;

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.

For purposes of this part, "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 does 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.

[1] Commentary: See subch. VII of ch. 254, Wis. Stats., and ch. DHS 197, Wis. Admin. Code

[2] Commentary: Bed and breakfasts must comply with the residential building code requirements; the commercial building

code does not apply because the dwelling is the operator's residence and the operator is residing in the residence when guests are present.

Temporary note: These are new provisions, except as noted.

12.09 Bee keeping

Description: The keeping of bees for production of honey and pollination of plants.

Temporary note: Description from consultant

Districts Allowed by Right: I-1, R-1, R-3

Supplemental Standards:

(A) Legislative intent. The keeping of honeybees in the City of Bayfield is consistent with the City's desire to foster sustainable urban agriculture while addressing issues related to public health, safety, and welfare.

(B) Densities. One beehive is allowed on a lot between 4,000 and 4,900 square feet. ^[1] Two beehives are allowed on a lot from 4,901 square feet up to 9,800 square feet. etc ____ *(verify if the Plan Commission is concerned about densities)*

(C) Placement. Beehives are restricted to side and rear yards, and must be located at least 20 feet from all property boundary lines and 20 feet from a principal dwelling unit, patio, swimming pool/deck, swing set or other similar play structure, or gazebo on an abutting lot. The entrance to the beehive must face the interior of the lot.

(D) Flyaway barrier. When a beehive is situated closer than 25 feet to a property boundary line, a flyaway barrier must be established and maintained that is generally parallel to the property line. The flyaway barrier must be at least 5 feet in height and 6 feet in either direction. Such barrier may consist of a wall, a solid fence, dense vegetation, or combination thereof.

(E) Water. The property owner must provide a source of clean water specifically for the beehive.

(F) Behavior and swarming. Adequate space must be maintained in the beehive to prevent overcrowding and swarming. Colonies must be re-queened if colonies exhibit aggressive behavior. One (1) additional temporary beehive is allowed for hive separation or new swarm establishment purposes. Such temporary beehive must be removed from the property within 2 weeks.

(G) Compliance with state law. The property owner must comply with all laws relating to beekeeping as may be adopted by the state of Wisconsin, including § 94.76, Wis. Stats.

(H) Sale of honey. The property owner or tenant may sell honey and packaged honeycombs produced by the beehives on the property, provided all other applicable law are satisfied. For the purposes of the City's zoning regulations, the sale of honey is not considered a commercial use or a home occupation.

(I) Predators. The property owner must adequately protect the bee hives from predators, including black bears.

[1] Commentary: A typical city lot is 4,800 square feet (40x120).

(is an illustration needed?)



12.10 Boat dock

Description: A pier or wharf.

Districts Allowed by Right: B-1, B-2, B-3, I-1, P-1, R-1, R-3

Supplemental Standards:

(A) State requirements. A boat dock must comply with all rules and regulations established in state statutes and administrative rules established pursuant to those statutes.

(B) Reserved

Temporary note: From consultant



Series Land Use

12.11 Boathouse

Description: A building placed above or near a waterbody that is used for the noncommercial storage of one or more watercraft and related equipment.

Districts Allowed by Right: B-2

Supplemental Standards:

(A) Other permits. The property owner must obtain all necessary permits from the Wisconsin Department of Natural Resources, United States Army Corps of Engineers, and other regulatory agencies as may be required.

(B) Allowable uses. The use of a boathouse is limited to the storage of watercraft and related equipment. Human habitation is prohibited.

(C) Yard setbacks. A boathouse may be located within a shoreyard, but no closer than 10 feet to the ordinary high-water mark of a waterbody on which it fronts or 10 feet to a wetland . A boathouse shall not be closer than 3 feet to a side lot line.

(D) Number. No more than one boathouse shall be located on a parcel of land.

(E) Floor area. The boathouse must contain at least 200 square feet of floor area but not more than 450 square feet.

(F) Height. The boathouse shall not exceed 42 15 feet in height at the roof peak above the original grade or final grade as measured on the side facing the waterbody.

(G) Slopes. The boathouse shall not be constructed where the existing slope is more than 20 percent.

(H) Access door requirement. A boathouse must have an overhead garage door on the side of the building facing the waterbody for the purpose of entry and exit for watercraft. French, patio, or glass doors are prohibited.

(I) Plumbing fixtures. A boathouse may contain plumbing for 2 sinks and one toilet, provided such fixtures are connected to an approved wastewater system. Showers and/or bathtubs are prohibited.

(J) Floodplain regulations. If the boathouse is located, in whole or in part, within the floodplain overlay district, all applicable standards of that district apply.

Temporary note: From consultant

12.12 Drive-up service window

Description: An opening in a building through which patrons are served while remaining in a motor vehicle.

Temporary note: Description from the consultant

Districts Allowed as a Conditional Use: B-1, B-2

Supplemental Standards:

(A) Location. A drive-up service window shall only be located to the side or rear of the building in which it is located and at least 60 feet from a property in a residential zoning district or a planned development district that allows residential uses.

(B) Crosswalks. A pedestrian crosswalk must be marked on the pavement when the lane for a drive-up service window is situated between on-site parking and a building entrance.


(C) Vehicle stacking. The approved site plan must show a stacking area to accommodate vehicles waiting for service consistent with the design standards in § 510- . The stacking area must accommodate at least 4 vehicles per lane for a pharmacy, 2 vehicles per lane for a financial institution, and 6 vehicles per order box for a restaurant although more may be required as part of the site plan review based on the nature of the service being provided.

(D) Noise. Noise associated with an intercom or speaker shall not be audible at any lot line.

(E) Menu board. A restaurant may incorporate a menu board based on the standards in Article 20 (Signage).

Temporary note: These provisions from the consultant



Series	Land Use	
12.13	Family day care home	<p>Description: A private residence licensed as a day care center by the state where care is provided for 4 to 8 children.</p> <p>Note: See § 66.1017, Wis. Stats. A group day care (9 or more children) is considered a principal use and is therefore listed as a special care facility (See Series 4).</p> <p>Temporary note: Description from the consultant</p> <p>Districts Allowed by Right: R-1, R-3</p> <p>Vehicle Parking: Additional parking not required</p> <p>Supplemental Standards:</p> <p>(A) State license. Prior to the establishment of a family day care home, the operator must obtain a license from the state as may be required by state law and maintain such license for the life of the use or until the state no longer requires such license.</p> <p>(B) Reserved</p> <p>Temporary note: These provisions from the consultant</p>
12.14	Fence, perimeter	<p>Description: A fence placed around the perimeter of a lot.</p> <p>Districts Allowed by Right: B-1, B-2, B-3, C-1, I-1, P-1, R-1, R-3</p> <p>Supplemental Standards:</p> <p>(A) Survey required. When a fence is located within 3 feet of the property boundary line, a survey is needed to ensure the fence's proper location.</p> <p>(B) Height. _____ - forthcoming</p>
	<p>© Civic Webware</p>	
12.15	Fence, privacy	<p>Description: A solid or partially solid fence placed around an outdoor patio or other private area in the rear yard.</p> <p>Districts Allowed by Right: B-3, R-1, R-3</p> <p>Supplemental Standards:</p> <p>(A) Survey required. When a fence is located within 3 feet of the property boundary line, a survey is needed to ensure the fence's proper location.</p> <p>(B) Height. _____ - forthcoming</p>
12.16	Fence, security	<p>Description: A fence placed around an outdoor storage area or similar activity area associated with a commercial or industrial use.</p> <p>Districts Allowed by Right: I-1</p> <p>Supplemental Standards:</p> <p>(A) Survey required. When a fence is located within 3 feet of the property boundary line, a survey is needed to ensure the fence's proper location.</p> <p>(B) Height. _____ - forthcoming</p>
12.17	Fence, sport court	<p>Description: A fence placed on one or more sides of a sport court.</p> <p>Districts Allowed by Right: B-3, R-1, R-3</p> <p>Supplemental Standards:</p> <p>(A) Survey required. When a fence is located within 3 feet of the property boundary line, a survey is needed to ensure the fence's proper location.</p> <p>(B) Height. _____ - forthcoming</p>

Series Land Use

12.18 Firewood storage (existing)

Description: Storage of firewood for use on the premises.

Temporary note: Description from the consultant

Districts Allowed by Right: B-1, B-2, I-1, R-1, R-3

Supplemental Standards:

(A) Location. Storage of firewood in the front yard on residentially zoned property is prohibited, except that firewood may be temporarily stored in the front yard for a period of 30 days from the date of its delivery.

(B) Stacking. Firewood should be neatly stacked and may not be stacked closer than 2 feet to any lot line and not higher than 6 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 do not include hedges and other vegetation.

(C) Debris. All brush, debris, and refuse from processing of firewood must be promptly removed from the premises.

(D) Nuisances. 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 Chapter 289 (Nuisances) of the the municipal code.

(E) Limitations. Not more than 20 percent of the side and rear yard may be used for storage of firewood at any one time.

Temporary note: These provisions are in the current code. s. 500-72 with some edits.



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12.19 Foster home and treatment foster home (accessory)

Description: A facility licensed by the state for the care of foster children and which is operated by a foster parent who lives with the children.

Note: See § 48.62, Wis. Stats. A foster home and treatment foster home can either be a principal use or an accessory use. If the operator lives in the residence with the children, it is considered an accessory use.

Districts Allowed by Right: R-1, R-3

Vehicle Parking: Additional parking not required

Supplemental Standards:

(A) State license. Prior to the establishment of a foster home or treatment foster home, the operator must obtain a license from the state as set forth in § 48.75, Wis. Stats., and maintain such license for the life of the use or until the state no longer requires such license.

(B) Reserved

Temporary note: From consultant

12.20 Gardening (in current code)

Description: The cultivation of food or ornamental crops.

Districts Allowed by Right: B-1, B-2, B-3, C-1, I-1, P-1, R-1, R-3

Supplemental Standards:

(A) Location. A garden may be located in any yard, but not closer than 3 feet to the front lot line.

(B) Cold frames. Cold frames and other similar structures are permitted in the rear and side yard, provided they are setback a minimum of 3 feet from all property lines and do not exceed 3 feet in height as measured from the ground surface.

(C) Support structures. A structure used to support plants shall not exceed 6 feet in height as measured from the ground surface.

(D) Vacant lots. A garden may be located on a vacant lot.



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Series Land Use

12.21 Home occupation

Description: An occupation, profession, enterprise, or similar commercial activity that is conducted by a person residing on the premises, and which by their nature, appearance, and inherent operational activities and characteristics, are compatible in a residential setting.

Temporary note: Description from the consultant - verify current



Districts Allowed by Right: R-1, R-3

Supplemental Standards:

(A) Validity of use. The individual primarily responsible for operating the home occupation must reside in the dwelling unit on the parcel.

(B) Location and space limitation. The home occupation must occur entirely within the dwelling unit. The space specifically designated for use of the home occupation shall occupy no more than 400 square feet **OR 25** percent of the total floor area of the dwelling unit. **(verify)**

(C) Exterior character of building. The exterior character of the building housing the home occupation shall not be altered to accommodate such use.

(D) Storage of materials. Exterior storage of materials or equipment is prohibited. Flammable, combustible, or explosive materials that exceed levels normally found on a residential property are strictly prohibited.

(E) Limitation on number of on-site workers. The number of individuals working on-site is limited to those individuals living in the dwelling unit and one individual not living in the dwelling unit.

(F) Limitation on customer traffic. A home occupation must not generate more than 10 customer trips per business day, which is determined to be an acceptable level of non-residential traffic in residential neighborhoods.

(G) Retail sales. ~~Retail sale of merchandise is prohibited.~~ Retail sale of items produced on site is allowed.

(H) Nuisance. A home occupation must not create any smoke, odor, glare, noise, dust, vibration, fire hazard, or small electrical interference not normally associated with typical residential uses in the zoning district.

(I) Special exception for an operator with a disability. Consistent with the procedures and requirements of Article 21, the Plan Commission may approve a special exception to any of the requirements in this section when the operator has a temporary or permanent disability and the home occupation is or would be his or her primary livelihood and such deviation is needed to facilitate the operation of the home occupation in a reasonable manner.

(J) Multiple home occupations. More than one home occupation may be permitted on a single lot provided all of the general requirements set forth in this section can be met based on an accumulation of activities.

Temporary note: These provisions in current code 500-76, except as noted.

12.22 Hot tub

Description: An outdoor warm water reservoir usually with hydromassage jets. A hot tub may be built in or portable.

Districts Allowed by Right: B-3, R-1, R-3

Supplemental Standards:

(A) Use. Those using the hot tub are limited to the occupants of the subject property and their invited guests. In this regard, advertising the use of the hot tub by others is strictly prohibited.

(B) Location. A hot tub together with any surrounding walks, decks, and patios must comply with the setback requirements for an accessory building in the zoning district in which it is located.

(C) Outdoor lighting. Outdoor lighting for a hot tub shall comply with the standards in Article 19.

(D) Draining of water. Water that is drained out of a hot tub shall not flow onto adjoining property, into a wetland, or into the municipal sewer system without the approval of the public works director or equivalent.

Temporary note: These provisions from the consultant

Following the AirBnB model, some web services book the use of swimming pools and other private recreational amenities.

Series Land Use

12.23 Little free library

Description: A small structure used to house reading materials offered to the public without charge.

Temporary note: Description from consultant

Districts Allowed by Right: B-1, B-2, B-3, I-1, R-1, R-3

Supplemental Standards:

(A) Location. A little free library may be located in the front yard but not closer than 10 feet to a side lot line.

(B) Size limitation. The maximum size of a little free library is **1 or 2** cubic feet.



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12.24 Outdoor food and beverage service

Description: An outdoor area with tables and chairs located on the same lot as a brewpub, restaurant, or tavern where customers can eat and drink.

Temporary note: Description from the consultant

Districts Allowed as a Conditional Use: B-1, B-2, B-3

Supplemental Standards:

(A) Maximum size of service area. The size of the outdoor service area must not be more than **50** percent of the service area of the brewpub, restaurant, or tavern. *(revisit max. percent)*

(B) Location of service area. The outdoor service area must be located on the same parcel of land as the brewpub, restaurant, or tavern or on an adjoining parcel. The outdoor service area must not be located in a public right-of-way, a required landscape area, or the setback of a front yard, side yard, shore yard, or rear yard.

(C) Consistency with state liquor license. No alcohol beverages shall be served or consumed within the outdoor service area unless the liquor, beer, or wine license, whichever is applicable, as issued by the City, explicitly states that consumption is permitted within the outdoor service area.

(D) Entrance to service area if alcohol beverages are served. If alcohol beverages are served, the entrance or entrances to the outdoor service area shall be exclusively through the brewpub, restaurant, or tavern, and a barrier such as a rope or fence shall be erected to prevent entry to the outdoor service area by any other means. An emergency access gate may be provided if required by state law. *(Lets discuss.)*

(E) Restroom requirements. The restroom facilities in the brewpub, restaurant, or tavern must be of sufficient capacity to serve both the indoor and outdoor patrons. Temporary toilet facilities are not permitted.

(F) Hours of operation. The outdoor service area shall not remain open after the close of the brewpub, restaurant, or tavern.

Temporary note: These provisions from the consultant



12.25 Parking lot (on-site)

Description: Surface parking spaces for five or more light motor vehicles, adjacent access drives and aisles, where the parking spaces are not located in a structure and the parking of motor vehicles is not the principal use of the premises. This term does not include commercial parking operations, which shall be considered a principal use, or the parking of heavy motor vehicles.

Temporary note: Description is from current code.

Districts Allowed by Right: B-1, B-2, B-3, I-1, P-1, R-1, R-3

Supplemental Standards:

(A) General design requirements. A parking lot must comply with the design standards in Article **18** and other requirements of the zoning code as applicable.

(B) Reserved

Series Land Use

12.26 Patio

Description: A hard surface used for outdoor living.

Temporary note: Description from the consultant

Districts Allowed as a Conditional Use: B-3

Districts Allowed by Right: R-1, R-3

Supplemental Standards:

(A) Location. A patio must be at least 3 feet from a lot line.

(B) Reserved

(current code 500-71 (J))

12.27 Play structure

Description: A playhouse and recreational equipment, such as swings, slides, and jungle gyms, normally found in a residential setting or with a group day care center.

Temporary note: Description from the consultant



Districts Allowed by Right: R-1, R-3

Supplemental Standards:

(A) Location. A play structure shall comply with the setback requirements for accessory structures in the zoning district in which this use is located.

(B) Status as a building. A play structure with a roofed area not exceeding 64 square feet does not count as a building with regard to the maximum number of detached accessory buildings allowed on a parcel.

Temporary note: These provisions from the consultant

12.28 Private kennel

Description: A place where no more than 2 dogs and 2 cats are kept for the occupant's private, non-commercial purposes.

Districts Allowed by Right: R-1, R-3

Supplemental Standards:

(A) Licensing. Dogs must be licensed with the City as set forth in Chapter 126 of the municipal code.

(B) Status as a building. A free-standing dog enclosure with a roof not exceeding 48 square feet is not be counted as a detached accessory building.

Temporary note: Provisions from consultant

12.29 Rain garden

Description: An excavated area that is back-filled with a prepared or amended soil mixture, which may or may not be covered with a mulch layer and planted with a diversity of woody or herbaceous vegetation, to which stormwater is directed to promote infiltration or evapotranspiration.

Temporary note: This is current language in Definitions.

Districts Allowed by Right: B-1, B-2, B-3, C-1, I-1, P-1, R-1, R-3

Supplemental Standards:

(A) Guidance for residential properties. A rain garden on a residential lot should follow the guidelines in [Rain Gardens: A Guide for Homeowners and Landscapers](#) as published by the Wisconsin Standards Oversight Council and the Wisconsin Department of Natural Resources (DNR Publication PUB-WT-776 2018). A copy of this document is available online or from the zoning administrator.

(B) Guidance for commercial and other non-residential properties. A rain garden on a commercial and other non-residential lot should follow the technical standards in [DNR Conservation Practice Standard 1009](#).

(C) Compliance with City requirements. A rain garden must comply with the standards and requirements in § 146-2 of the municipal code.

Series Land Use

12.30 Retaining wall
(in current
code)

Description: A vertical wall intended to hold back earth materials.

Temporary note: Description from the consultant

Districts Allowed by Right: B-1, B-2, B-3, I-1, P-1, R-1, R-3

Districts Allowed as a Conditional Use: C-1

Supplemental Standards:

(A) Survey required. When a retaining wall is located within 6 feet of the property boundary line, a survey is needed to ensure the retaining wall's proper location.

(B) Maximum height. The maximum height of any retaining wall is 6 feet, measured from the surrounding grade to the top of the wall.

(C) Distance to lot line. The minimum distance from the front lot line is 3 feet, measured from the lot line to the face of the lowest course above grade. There is no setback to the rear-yard or side-yard lot lines. *(verify)* OR A retaining wall must be set back one foot for each vertical foot in height, up to the maximum height established in this part.

(D) Terrace separation. If multiple retaining walls are used, the minimum separation for the space (i.e., terrace) between the walls is 3 feet, measured from the back of the top course to the face of the lowest course above grade.

Temporary note: These provisions in code - s. 500-71 (K), edited by consultant

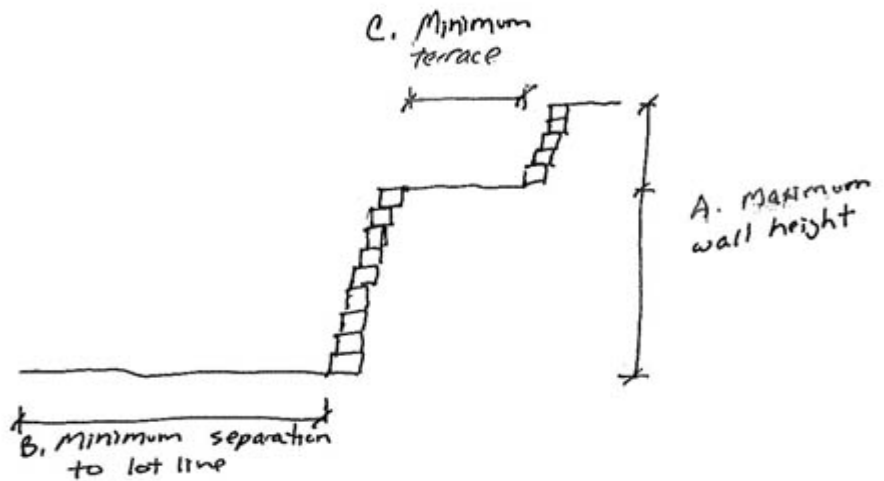


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Figure: Side view of a Retaining Wall

(Graphic is a working draft to be replaced with final illustration)

(No Scale)



Series Land Use

12.31 Secondary suite

Description: An arrangement and use of rooms within a single-family dwelling that allows for one or two family members to reside separate from the single housekeeping entity while remaining part of and having nonlockable direct interior access to the entire single-family dwelling. The arrangement of rooms may contain a kitchenette with associated living areas, bedrooms, and a bathroom.

Note: Also known as in-law dwelling unit or mother-in-law suite

Districts Allowed by Right: R-1

Vehicle Parking: 1 space (in addition to other required parking)

Supplemental Standards:

(A) Building permit. Issuance of a building permit for the new construction or remodeling is required.

(B) Deed restriction required. Submittal of a recorded declaration of restrictions with the Bayfield County register of deeds, stating the "the City's inspections department/zoning administrator has approved the building permit application conditioned upon the owner signing and recording this declaration of restrictions indicating said dwelling will be a single family dwelling." The declaration of restrictions must be recorded before issuance of a building permit for construction of the secondary suite.

(C) Location. The secondary suite must be on the first floor of the single-family dwelling, at street grade level, or, if on second floor or lower level, an elevator or chair lift must be installed from the secondary suite to the first floor at street grade level.

(D) Interior access. The secondary suite must have non-lockable direct interior access to the entire dwelling.

(E) Limitation on bedrooms. No more than two bedrooms are allowed.

(F) Utility connections. The single-family dwelling and the secondary suite shall share common water, sanitary sewer or septic, and electric connections.

(G) The owner shall provide evidence to the inspections department that the water and sanitary sewer or septic facilities are adequate to serve the secondary suite.

(H) Exterior appearances. The secondary suite must be designed that the appearance of the building remains as a single-family dwelling. Any new entrances must be located on the side or rear of the building and must be at ground level.

(I) The secondary suite shall not be constructed or established within any required garage.

Temporary note: From consultant

Series Land Use

12.32 Solar energy system, building-mounted

Description: An installation that is mounted on a building and uses sunlight to produce electricity or provide heat or hot water to a building.

Districts Allowed by Right: B-1, B-2, B-3, I-1, P-1, R-1, R-3

Supplemental Standards:

- (A) Maximum surface area.** No portion of a panel used to collect solar energy shall extend beyond the roof surface or the wall surface to which it is attached.
- (B) Maximum height.** A building-mounted solar energy system must comply with the maximum height requirements of the zoning district in which the building is located.
- (C) Placement on a roof.** The panels of a solar energy system that are mounted on a roof may be either fixed or movable and may be placed at an angle to optimize efficiency of the system.
- (D) Placement on a façade.** A solar energy system may be mounted on the façade of a commercial building if integrated into the overall design of the building. Such installations shall not project more than 4 feet from the face of the wall.
- (E) Certification.** A solar panel must be certified by one of the following: Underwriters Laboratories, Inc.; National Renewable Energy Laboratory; Solar Rating and Certification Corporation; or other recognized body as approved by the zoning administrator. The building inspector may approve the use of a homemade panel.
- (F) Approval by electric utility company.** If the solar energy system is designed to produce electricity, the property owner shall submit documentation acceptable to the building inspector indicating that the system meets all applicable regulations and requirements of the affected electric utility company.
- (G) Termination of use.** If the zoning administrator determines that more than 50 percent of the panels (measured by total area) have not been operational for a continuous period of 12 months, the administrator shall follow the procedure outlined in Article 5 relating to the termination of an approval.
- (H) Solar access.** The property owner may submit a solar access permit to the City pursuant to the provisions set forth in § 66.0404, Wis. Stats.
- (I) Compliance with state law.** The provisions in this part are intended to satisfy the requirements of § 66.0401(1m), Wis. Stats. If a restriction in this part does not comply with the authority of § 66.0401(1m), Wis. Stats., the Plan Commission may on a case-by-case basis modify or waive such restriction. In addition, the Plan Commission may add additional restrictions on a case-by-case basis, provided they are within the authority of the City pursuant to § 66.0401(1m), Wis. Stats., and in particular the restriction must satisfy one of the following conditions:
 - (1)** Serves to preserve or protect the public health or safety.
 - (2)** Does not significantly increase the cost of the system or significantly decrease its efficiency.
 - (3)** Allows for alternative system of comparable cost and efficiency.

Temporary note: From consultant



Series Land Use

12.33 Solar energy system, ground-mounted

Description: An installation that is mounted on the ground and uses sunlight to produce electricity or provide heat or hot water to a building.

Districts Allowed by Right: B-1, B-2, B-3, I-1, P-1, R-1, R-3

Supplemental Standards:

(A) Surface area. For residential lots less than 30,000 square feet the maximum area of a free-standing solar energy system is 120 square feet. The surface area of a free-standing solar energy system on all other lots shall not exceed the area needed to accommodate 120 percent of the site's anticipated power demand.

(B) Maximum height. A free-standing solar energy system shall not exceed 15 feet in height as measured from the surrounding grade.

(C) Setback. A free-standing solar energy system in any position shall not extend into the setback of a front yard, side yard, shore yard, or rear yard as established for the zoning district in which the parcel is located. Pursuant to the procedures and requirements in Article 5, the Plan Commission may approve a special exception to allow a free-standing solar energy system to extend into a setback, offset, or buffer yard when no other location on the parcel is acceptable and the encroachment is the least necessary to allow the system to operate.

(D) Placement in yards. A free-standing solar energy system located in a residential or commercial zoning district shall only be located in the rear or side yard. Pursuant to the procedures and requirements in Article 5, the Plan Commission may approve a special exception to allow a free-standing solar energy system in the front yard when no other location on the parcel is acceptable and the encroachment is the least necessary to allow the system to operate. A solar panel in an industrial zoning district may be located in any yard area.

(E) Certification. A free-standing solar energy system must be certified by one of the following: Underwriters Laboratories, Inc.; National Renewable Energy Laboratory; Solar Rating and Certification Corporation; or other recognized body as approved by the zoning administrator. The building inspector may approve the use of a homemade panel.

(F) Approval by electric utility company. If the solar energy system is designed to produce electricity, the property owner shall submit documentation acceptable to the building inspector indicating that the system meets all applicable regulations and requirements of the affected electric utility company.

(G) Termination of use. If the zoning administrator determines that a free-standing solar energy system has not been operational for a continuous period of 12 months, the administrator shall follow the procedure outlined in Article 5 relating to the termination of an approval.

(H) Solar access. The property owner may submit a solar access permit to the City pursuant to the provisions set forth in § 66.0404, Wis. Stats.

(I) Compliance with state law. The provisions in this part are intended to satisfy the requirements of § 66.0401(1m), Wis. Stats. If a restriction in this part does not comply with the authority of § 66.0401(1m), Wis. Stats., the Plan Commission may on a case-by-case basis modify or waive such restriction. In addition, the Plan Commission shall have the ability to add additional restrictions on a case-by-case basis, provided they are within the authority of the City pursuant to § 66.0401(1m), Wis. Stats., and in particular the restriction shall satisfy one of the following conditions:

- (1) Serves to preserve or protect the public health or safety.
- (2) Does not significantly increase the cost of the system or significantly decrease its efficiency.
- (3) Allows for alternative system of comparable cost and efficiency.

Temporary note: From consultant



Series Land Use

12.34 Sport court
(residential)

Description: A hard-surfaced area located out of doors used exclusively for basketball, tennis, or other similar sports-related activity. This term does not include any portion of a private driveway that is also used for a sport-related use.

Temporary note: Description from the consultant

Districts Allowed by Right: B-3, R-1, R-3

Supplemental Standards:

(A) Use. Those using the sport court are limited to the occupants of the subject property and their invited guests. In this regard, advertising the use of the sport court by others is strictly prohibited.

(B) Location. A sport court shall not be located in a front yard. A sport court shall comply with the setback requirements of the zoning district in which located.

(C) Fence. A sport court may include a fence on one or more sides as specified in Appendix A and B.

(D) Outdoor lighting. Outdoor lighting for a sport court must comply with the standards in Article 19.

Temporary note: These provisions are from the consultant.

Following the AirBnB model, some webservices book the use of swimming pools and other private recreational amenities.



12.35 Swimming pool
(residential)

Description: An outdoor structure placed on the ground or below ground that is filled with water for swimming. The term does not include those pools with a maximum diameter of 15 feet and a maximum wall height of 15 inches and which are taken down and stored in the off-season.

Temporary note: Description from the consultant

Districts Allowed by Right: B-3, R-1, R-3

Supplemental Standards:

(A) Use. Those using the swimming pool are limited to the occupants of the subject property and their invited guests. In this regard, advertising the use of the swimming pool by others is strictly prohibited.

(B) Accessory to a principal use. A swimming pool is an accessory use to a residential use and therefore must be located on a lot with a principal building. However, a vacant parcel in the same ownership as the adjoining parcel with the principal building may be used for a swimming pool provided the owner adopts a deed restriction indicating that both of the lots must be sold together until such time as a principal building is constructed on the vacant parcel with the pool.

(C) Location. A swimming pool, together with its surrounding walks, decks, patios, diving platforms, bathhouses, and accessory structures, must not be located in a front yard. A swimming pool, together with its surrounding walks, decks, patios, diving platforms, bathhouses, and accessory structures, must comply with the setback requirements for a principal building in the zoning district in which it is located and in no case shall the waterline of any pool be less than 5 feet from any lot line. A swimming pool must be at least 10 feet from the principal building. The inside wall of the pool must be located at least 10 feet from the vertical plane formed by the electrical wire perpendicular to the ground surface. Pumps and filter equipment must be located at least 20 feet from a lot line.

(D) Walls or fences. Walls or fences of at least 4 feet, but not more than 6 feet, in height must be provided to restrict access by children. All gates must be equipped with self-closing and self-latching devices placed at the top of the gate. Any swimming pool that does not currently comply with the fence requirements in this part, must hereafter comply before water is placed in the pool.

(E) Outdoor lighting. Outdoor lighting for a swimming pool must comply with the standards in Article 19.

(F) Draining of water. Water that is drained out of a swimming pool shall not flow onto adjoining property, into a wetland, or into the municipal sewer system without the approval of the public works director or equivalent.

(G) Filter system required. A swimming pool must have a filtration system to assure proper circulation of the water and maintain proper water quality.

(H) Dirt bottoms prohibited. The sides and bottom of a swimming pool must have a smooth finish; sand or dirt bottoms are prohibited.

Temporary note: These provisions from the consultant based on the existing provisions in s. 500-74.

Following the AirBnB model, some web services book the use of swimming pools and other private recreational amenities.



Series Land Use

12.36 Utility cabinet

Description: A ground-mounted pedestal, junction box, cabinet, or similar feature that a utility service provider uses to provide telephone, electric, cable television, cable Internet, or similar public service to properties in the area. A utility cabinet may be located within a public right-of-way or on private property.

Temporary note: Description from consultant

Districts Allowed by Right: B-1, B-2, B-3, C-1, I-1, P-1, R-1, R-3

Supplemental Standards:

(A) Location. A utility cabinet may be placed (1) within a City street right-of-way in compliance with City regulations; (2) within a public road right-of-way under the jurisdiction of the county or the state in compliance with all applicable laws and subject to obtaining all necessary approvals as required by the governing bodies having jurisdiction; or (3) on private property within a leased area or utility easement.

(B) Offsets and setbacks. A utility cabinet does not have to meet the offset and setback requirements of the zoning district in which it is located, but shall be subject to vision corner easement requirements, and must not interfere with safe sight distances from public streets accesses.

Temporary note: Description from consultant



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12.37 Wind-energy system, small

Description:

One or more wind turbines that are used to convert wind into a usable form of energy that is used primarily on site provided the installed nameplate capacity of all turbines does not exceed 300 kW and the installed nameplate capacity of any individual wind turbine does not exceed 100 kW.

Temporary note: Description from the consultant

Wind-Energy System Review: B-1, B-2, B-3, I-1, P-1, R-1, R-3

Supplemental Standards:

(A) Blade clearance. The minimum distance between the ground and any protruding blade is 15 feet, as measured at the lowest point of the arc of the blade. The minimum distance must be increased as necessary to provide for vehicle clearance in locations where oversized vehicles might travel.

(B) Climbing towers, tower access. Access to the tower must be controlled by a fence 6 feet in height around the tower and anticlimbing devices. Cables, ropes, or wires used to secure the wind-energy system must be appropriately marked to prevent accidental bodily harm.

(C) Signage. A sign indicating shock hazard must be placed on the tower, but not higher than 12 feet above the surrounding grade. Such sign shall state: "Warning. Electrical shock hazard. No unauthorized persons on tower. No trespassing."

(D) Tower construction. Tower construction must in accordance with all applicable sections of the Wisconsin State Building Code.

(E) Utility interconnection. If interconnected to a utility system, the small wind-energy system must meet the requirements for interconnection and be operated as set forth in the electrical utility's then-current service regulations applicable to wind-energy systems.

(F) Setback requirements. A small wind-energy system shall not be constructed in any setback, dedicated easement, nor dedicated roadway. Installation of a wind-energy system 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 structure.

(G) Noise. During all operations, from commencement through abandonment, all noise and vibrations shall conform with the requirements of the municipal code.

(H) Interference with navigational systems. A small wind-energy system must not installed or operated in such a manner that is not in compliance with Federal Aviation Administration (FAA) regulations.

(I) Electrical distribution lines. Electric distribution lines must be located underground.

(J) Required safety features. A small wind-energy system must 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. A small wind-energy system must 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. A small wind-energy system must be designed with an automatic control to render the system inoperable in case of loss of utility power to prevent the system from supplying power to a de-energized electrical distribution system.

(K) Maintenance. The zoning administrator has the right, at any reasonable time, to enter, in the company of the owner or his agent, the premises to inspect a small wind-energy system 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.

(L) Public nuisance. A small wind-energy system 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 municipal code including the zoning regulations.

(M) Inspections. The zoning administrator must conduct an annual inspection of a small wind-energy system to certify the safety and maintenance of the small wind-energy system and accessory structures. The property owner must pay the inspection fee as may be established by a resolution of the Common Council.

Temporary note: Content is in current code with edits by consultant. A more detailed set of standards can be provided for review.

Series Land Use

13.01 Farmers market

Description: A place where agricultural producers gather on a regular basis to offer their agricultural products directly to retail consumers.

Temporary note: Description from the consultant



Districts Allowed by Right: B-1, B-2, P-1

Districts Allowed as a Conditional Use: I-1

Vehicle Parking: 1.5 space for each vendor space when sufficient on-street parking is not available

Supplemental Standards:

(A) Hours of operation. The display of products and sales shall only occur between the hours of 7:00 am and 30 minutes past sunset.

(B) Removal and clean up. All features solely associated with the farmers market must be removed and all trash and debris must be removed within 24 hours following the close of the farmers market.

(C) Location. If a farmer's market is located in whole or in part within the public right-of-way or other public property, the operator must comply with any requirements established by the jurisdiction having authority over such lands.

Temporary note: These provisions from the consultant

13.02 Food truck

Description: A motorized vehicle in which ready-to-eat food and drink is prepared and sold at retail on a private property (i.e., not in the public right-of-way).

Temporary note: Description from the consultant



Districts Allowed by Right: B-1, B-2, B-3, I-1, P-1

Vehicle Parking: Determined on a case-by-case basis by the reviewing authority

Supplemental Standards:

(A) Placement. A food truck must be located on an existing parking lot.

(B) Proximity to existing restaurant. A food truck may be located on a property with an existing restaurant. A food truck must be located more than **300** feet from the primary access to an existing restaurant on another lot.

(C) Vehicle type. The motor vehicle must be licensed by the state of Wisconsin and may be either self-propelled or towed by another vehicle.

(D) Licensing. The business operation must comply with all food licensing requirements established by Bayfield County and the state of Wisconsin.

(E) Signage. Aside from signage that is part of the motor vehicle, no other signage is allowed. Flags, pennants, and banners are specifically prohibited.

(F) Seating. The motor vehicle shall not incorporate any seating for patrons. Furthermore, there shall not be any other seating for patrons.

(G) Overnight storage. A food truck must not be kept overnight on the same property where it is operated during the day.

Temporary note: These provisions from the consultant

13.03 Garage sale

Description: A temporary event where used household items are offered for retail sale. A flea market is not a yard sale.

Note: Also known as backyard sale, lawn sale, patio sale, porch sale, rummage sale, and yard sale.

Temporary note: Definition modified.



Districts Allowed by Right: B-1, B-2, R-1, R-3

Supplemental Standards:

(A) A garage sale must comply with Chapter 237 of the municipal code.

(B) Reserved

Temporary note: These are all new provisions

Series Land Use

13.04 Party tent

Description: A nonpermanent tent that is associated with a temporary event that is permitted under the zoning code.

Temporary note: Description from the consultant

Districts Allowed by Right: B-1, B-2, B-3, I-1, P-1, R-1, R-3

Supplemental Standards:

(A) Duration. A party tent shall not be erected for more than ~~40~~ 7 continuous days.

(B) Status as a building. A party tent permitted under this section does not count as a building with regard to the maximum number of detached accessory buildings allowed on a parcel.

Temporary note: These provisions from the consultant



13.05 Portable storage container

Description: An enclosed metal container that is used to temporarily store household items and similar goods.

Temporary note: Description from the consultant

Districts Allowed by Right: B-1, B-2, B-3, I-1, P-1, R-1, R-3

Supplemental Standards:

(A) Duration. A portable storage container shall not be located on a parcel of land for more than 90 days during any 9-month period.

(B) Location. A portable storage container shall not be located in the front or side yard setback established for the zoning district in which this use occurs, except when placed in a driveway.

(C) Maximum floor area. The cumulative floor area of one or more portable storage containers shall not exceed 250 square feet. ^[1]

(D) Limitation on use. When located in a residential zoning district, a portable storage container is limited to storing household goods during an on-site construction/remodeling project or when used to move household goods to another location.

[1] Commentary: Although portable storage containers come in different sizes, units are generally 10 feet by 10 feet and 10 feet by 15 feet.

Temporary note: These provisions from the consultant



13.06 Sale of vehicles/recreation equipment

Description: The intermittent sale of automobiles, trucks, vans, motorcycles, boats, snowmobiles, personal watercraft, self-contained motorized campers, and camping trailers as an accessory use to a principal use.

Temporary note: Description from the consultant

Districts Allowed by Right: R-1, R-3

Supplemental Standards:

(A) Limits on what can be offered. All items posted for sale must be owned and, where applicable, licensed or titled to one or more of the members of the household owning and/or occupying the property from which such items are for sale.

(B) Number of items. No more than ~~3 items~~ one item may be available and advertised for sale at any one time.

(C) Placement. All items that are available and advertised for sale must be located outside of all public street or highway rights-of-way and not closer than 10 feet from the perimeter boundaries of the subject property.

(D) Time limits. The time period during which a particular item is available and advertised for sale shall not exceed 20 consecutive days and not more than ~~4~~ 6 such periods per year.

Temporary note: These provisions from the consultant



Series Land Use

13.07 Seasonal product sales

Description: An outdoor area where merchandise typically associated with a seasonal holiday or festival is displayed and offered for sale at retail immediately before the event. Examples of such merchandise include Christmas trees and wreaths for Christmas and pumpkins for Halloween. The sale of fireworks is specifically prohibited.

Temporary note: Description from the consultant



© Civic Webware

Districts Allowed by Right: B-1, B-2

Districts Allowed as a Conditional Use: B-3, R-1, R-3

Vehicle Parking: Determined on a case-by-case basis by the reviewing authority

Supplemental Standards:

(A) Duration of use. Merchandise shall not be sold any sooner than **30** days prior to the date of the seasonal event. Cleanup and removal of all related items must be completed within **2** days following the date of the seasonal event.

(B) Removal and clean up. Within **24** hours following the termination of the sale, all features associated with the sale and trash and debris of all kinds must be removed from the site.

(C) Status as a building. A tent used for the sales operation does not count as a building with regard to the maximum number of buildings allowed on a parcel.

(D) Location. No part shall be located within the public right-of-way or other public property.

Temporary note: These provisions from the consultant

13.08 Sidewalk cafe

Description: An outdoor dining area located on public property, typically a sidewalk, and operated as an integral part of an adjacent restaurant where food and beverages are sold or served primarily for consumption on the premises.

Temporary note: Description from the consultant



Districts Allowed as a Conditional Use: B-1, B-2

Vehicle Parking: 1 space for every 3 seats

Supplemental Standards:

(A) Legislative findings. To further encourage the revitalization of the downtown and other areas of the City, including the development of social and economic activity, the City Council finds and determines:

(1) That there exists a need for outdoor eating facilities in certain areas of the City to provide a unique environment for relaxation, social interaction, and food consumption.

(2) That sidewalk cafés will permit enhanced use of the available public rights-of-way, will complement restaurants operating from fixed premises, and will promote economic activity in the area.

(3) That the existence of sidewalk cafés encourages additional pedestrian traffic but their presence may impede the free and safe flow of pedestrians. Therefore, a need exists for regulations and standards for the existence and operation of sidewalk cafés to ensure a safe environment.

(4) That the establishment of permit conditions and safety standards for sidewalk cafés is necessary to protect the public health safety and welfare.

(B) General location. Sidewalk cafés may be permitted on public sidewalks and parking space decks only on that portion of the public sidewalk or parking space deck that is directly adjacent to the building, or portion of the building, where the operator's restaurant business is located, and shall not be in conflict with zoning requirements.

(C) Unobstructed sidewalk, hydrants, standpipes. The operator must provide at least 5 feet of unobstructed sidewalk for pedestrian right-of-way past the sidewalk café, and shall not place anything within 2 feet of the curb or street (curb setback not required if a parking space deck is part of the sidewalk café area). The required 2-foot setback from the curb or street must be separate from the required 5-foot unobstructed pedestrian right-of-way. Access to and view of fire hydrants and standpipes shall be provided.

(D) Distance from curb-cut, crosswalk. No portion of a sidewalk café shall be located within 5 feet of a curb-cut or marked crosswalk.

(E) Signage. Signs are not allowed in the sidewalk café area except for table umbrellas with the name of the restaurant and one (1) sandwich board sign showing daily specials. Table top documents and menus are not considered signs for the purpose of this section.

(F) Furnishings. The operator must use, and maintain in good repair, safe and sturdy furniture, furnishings, and equipment which enhance the aesthetics of the surrounding area. Umbrellas must be anchored so they will not lift and blow away.

(G) Hours. A sidewalk café may only be open during the hours of the principal restaurant, but in no case shall the sidewalk café be open from 10:00 pm to 7:00 am.

(H) Use after hours. The sidewalk café area shall not be utilized for any purpose after hours. It is the responsibility of the operator to prevent loitering and unauthorized use of the sidewalk café area and site furnishings.

(I) Food service availability. A sidewalk café shall not be open during hours when food service is not available.

(J) Music/noise. The sidewalk café area shall not have music directed to it from speakers nor shall live music take place at the sidewalk café.

(K) Use of public property. The operator shall not use public property such as light poles, utility poles, flower planters, trees or other amenities as a point of attachment for anything, including ropes, posters, or signs.

(L) Trash removal. The operator must remove all trash from the sidewalk café on a regular basis during business hours and keep the sidewalk café area in a clean, orderly, litter-free and hazard-free condition. The operator must remove litter from the abutting properties that may have come from the sidewalk café. The operator must provide covered trash containers for the costumers. The operator shall not place trash in any City trash containers.

(M) Restroom facilities. Facilities within the restaurant must be sufficient to adequately serve the additional seating and capacity provided by the sidewalk café area as required by the State of Wisconsin Commercial Building Code.

(N) Non-smoking. Smoking in a sidewalk café is prohibited, pursuant to the authority set forth in § 101.123(4m), Wis. Stats, and § [redacted], municipal code. A person in charge of the business to which the sidewalk café is associated may designate an outside area on his or her private property that is a reasonable distance from the entrance, where persons may smoke.

(O) Alcohol beverages. The operator may sell and serve alcohol beverages in a sidewalk café consistent with the following conditions:

- (1) The operator has a valid and appropriate alcohol license for the principal premises.
- (2) The alcohol license includes the sidewalk café area in the description of the licensed premises.
- (3) The alcohol license permits the sale of the type of alcohol beverages to be served at the sidewalk café.
- (4) Alcohol beverages are sold and served only to seated customers of the sidewalk café and are served by the licensee or licensee’s employees in compliance with the alcohol beverage laws, ordinances and regulations.
- (5) Alcohol beverages may only be served when food service is available through the principal restaurant.
- (6) The operator is responsible for policing the sidewalk café area to prevent underage persons from entering or remaining in the sidewalk café, except when underage persons are allowed to be present on the licenses premises under applicable laws.
- (7) The operator shall not allow patrons of the sidewalk café to bring alcohol beverages from another location, nor to carry open containers of alcohol beverages about in the sidewalk café area, nor to carry open containers of alcohol beverages served in the sidewalk café outside the sidewalk café area.
- (8) The bar from which the alcohol beverages are dispensed must be located indoors (i.e., not located in the sidewalk café area).
- (9) No container of alcohol beverages shall be present in the sidewalk café area between 10:00 pm and 7:00 am.

(P) Insurance. The operator must provide and maintain insurance for the sidewalk café as follows if the sidewalk is within a City right-of-way:

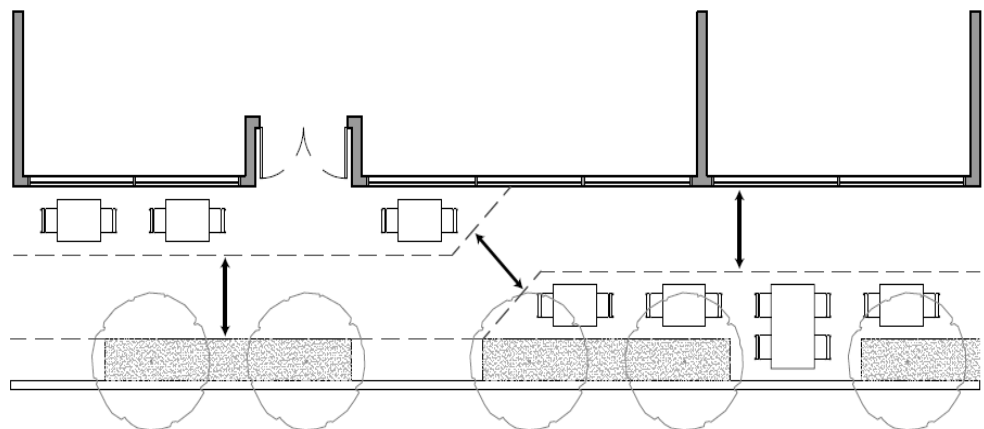
- (1) Commercial General Liability: \$1,000,000 per occurrence/general aggregate.
- (2) Workers Compensation: statutory.
- (3) Employers Liability: \$300,000 disease policy limit; \$100,000 per employee.

The operator must provide, upon request, policies and endorsements. The policies shall be endorsed to name the city as an additional insured, and shall provide that the policies of insurance shall not be canceled or altered without 30 days prior written notice to the City. The insurance requirements are not intended to waive any immunity or statutory procedures that the City may have or be entitled to under provisions of law.

(Q) Indemnification. The operator must sign an indemnification agreement provided by the city attorney prior to operation of the sidewalk café.

(R) State or county approvals. If a sidewalk cafe is located in a state or county right-of-way, the operator must also obtain the approval of such jurisdictions as appropriate and comply with any terms and conditions of that approval.

Figure: Plan view of minimum sidewalk clearance



Series Land Use

13.09 Sidewalk sales **Description:** A temporary event where retail goods are displayed within the public right-of-way in front of the store. *(verify - does it need to be in front of the store?)*

Districts Allowed by Right: B-1, B-2

Supplemental Standards:
(A) Permit required. Prior to establishing a sidewalk sale, the operator must obtain a special event permit consistent with § 349-18 of the municipal code.
(B) Reserved

13.10 Wind test tower **Description:** A tower on which equipment is attached that measures parameters needed to assess the site's suitability for a wind-energy system.

Temporary note: Description from the consultant

Districts Allowed by Right: B-1, B-2, B-3, C-1, I-1, P-1, R-1, R-3

Supplemental Standards:
(A) Pursuant to § 66.0401(3), Wis. Stats., there are no standards or requirements for the establishment of a wind test tower or similar testing facility. However, if the Plan Commission and/or Common Council determines that the anticipated or actual testing is detrimental to the public health, safety, or welfare, such bodies may, individually or jointly, submit a written petition to the Public Service Commission (PSC) requesting the imposition of reasonable restrictions on such use.
(B) Reserved

Temporary note: These provisions from the consultant