

Date: September 15, 2023
To: City of Bayfield Plan Commission
From: Tim Schwecke and Charlie Handy
Subject: City of Bayfield Zoning Code Rewrite
Memo #14 (Dimensional Standards)



Please find attached Appendix C, which contains the dimensional standards for the base zoning districts in a full-page table.

Couple things to note:

1. The standards are grouped into one of four categories:
 - Lots
 - Buildings
 - Setback for Accessory Buildings and
 - Setback for Principal Buildings.
2. In most cases, there is a reference to a section in the zoning code that provides more details about the standard. Depending on the standard, these details may include a purpose statement, how things are measured, and exceptions.
3. The standards in the following districts are essentially from the current code: R-1, R-3, B-1, and B-2.
4. At this point, I didn't make any recommendations for revising existing standards, even though I know there is a general desire to do so (e.g., lot sizes, living area, to name a few).
5. There are a number of new districts (B-3). For those, I did provide content as a starting point for discussion. In doing so, I looked at other districts as a comparable.
6. The first part of Article 7 is also attached. It includes provisions related to the dimensional standards. Most of that is new and needs to be discussed.

Attachments:

1. Appendix C Dimensional Standards (September 15, 2023)
2. Article 7 Development Standards (September 15, 2023) - first part only

**Appendix C
Dimensional Standards**

Lot Standards	Code Section for More Details	R-1 General Residential	R-3 Multifamily Residential	B-1 General Commercial	B-2 Waterfront Commercial	B-3 Hospitality Commercial	I-1 Public and Semipublic	P-1 Park and Recreation	C-1 Conservancy
Lot area, minimum ^[1]	§ 510.1001	9,600 square feet for single-family; 9,600 square feet for two-family; 4,800 square feet per unit for multi-family	9,600 square feet for single-family; 9,600 square feet for two-family; 4,800 square feet per unit for multi-family	None	None	15,000 square feet	9,600 square feet	None	None
Lot width, minimum ^[1]	§ 510.1003	80 feet	80 feet	40 feet	40 feet	80 feet	80 feet	None	None
Lot length, minimum ^[1]	§ 510.1003	None	None	120 feet	120 feet	120 feet	120 feet	None	None
Lot width at shoreline, minimum	§ 510.1004	40 feet	40 feet	None	None	40 feet	40 feet	None	None
Building Standards									
Accessory building height, maximum	§ 510.1005	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	None
Principal building height, maximum	§ 510.1005	35 feet	35 feet	35 feet	35 feet	35 feet	60 feet, or 5 stories	35 feet	None
Accessory building floor area, maximum	§ 510.1005	30 percent of rear yard	30 percent of rear yard	30 percent of rear yard	30 percent of rear yard	30 percent of rear yard	30 percent of rear yard	None	None
Dwelling unit floor area, minimum	§ 510.1005	600 square feet for 1 bedroom; 800 square feet for 2 bedrooms; 1,000 square feet for 3 or more bedrooms	600 square feet for 1 bedroom; 800 square feet for 2 bedrooms; 1,000 square feet for 3 or more bedrooms	NA	NA	NA	NA	NA	NA
Number of accessory buildings, maximum	§ 510.1008	1 if there is an attached garage, 2 if there is no attached garage	1 if there is an attached garage, 2 if there is no attached garage	1	1	1	1	NA	NA
Distance between principal and accessory buildings, minimum	§ 510.1009	7 feet	7 feet	7 feet	7 feet	7 feet	7 feet	7 feet	NA
Accessory Building Setbacks									
Side setback, minimum	§ 510.1010	7 feet	7 feet	10 feet	10 feet	10 feet	10 feet	10 feet	None
Rear setback, minimum	§ 510.1010	7 feet	7 feet	10 feet	10 feet	10 feet	10 feet	10 feet	None
Shore setback, minimum	§ 510.1010	75 feet	75 feet	NA	NA	NA	75 feet	75 feet	None
Principal Building Setbacks									
Front setback, minimum	§ 510.1010	10 feet in historic district; 25 feet outside of historic district	10 feet in historic district; 25 feet outside of historic district	10 feet in historic district; 25 feet outside of historic district	10 feet	15 feet	15 feet plus one additional foot for every foot the building exceeds 35 feet	15 feet	None
Side setback, minimum	§ 510.1010	For interior lots - 20 feet total of both sides with not less than 7 feet on a side for a gable or 9 feet for an eave For corner lots – 15 feet on the street side with 10 feet on other side	For interior lots - 20 feet total of both sides with not less than 7 feet on a side for a gable or 9 feet for an eave For corner lots – 15 feet on the street side with 10 feet on other side	None, or 10 feet if provided	10 feet	15 feet	15 feet plus one additional foot for every foot the building exceeds 35 feet	15 feet	None
Rear setback, minimum	§ 510.1010	10 feet	10 feet	10 feet	10 feet	10 feet	10 feet plus one additional foot for every foot the building exceeds 35 feet	10 feet	None
Shore setback, minimum	§ 510.1010	75 feet	75 feet	None	None	None	None	75 feet	None

Notes:

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

**ARTICLE 7
DEVELOPMENT STANDARDS**

Divisions

1. Dimensional and related standards	5. Site design standards
2. General standards	6. Architectural standards
3. Environmental and engineering standards	7. Standards for historic sites and historic buildings
4. Performance standards	

**DIVISION 1
DIMENSIONAL AND RELATED STANDARDS**

510.1000 Generally

- A. **Applicable standards.** Lots, buildings, and other structures not located within a planned development district must conform to the dimensional standards specified in Appendix C, except as may be otherwise allowed in this chapter. The standards for lots, buildings, and other structures in a planned development district are enumerated in the general development plan for the zoning district and incorporated into Article 10.
- B. **Change in lot.** The size and/or configuration of a lot may not be modified by any means when such modification increases the degree of an existing nonconformity or makes a conforming lot or building nonconforming. This restriction does not however apply when a governmental body acquires land from a willing or unwilling seller for a road construction project or any other public project.

510.1001 Lot area

- A. **Intent.** The size of buildable lots, along with other dimensional standards, are used to encourage mutually compatible uses as set forth in the City's comprehensive plan.
- B. **Standard.** The minimum size of lots must comply with the standards specified in Appendix C, except when such lots are otherwise authorized herein.
- C. **Exemptions.** An outlot created by a land division that is authorized by the City is exempt from the minimum lot size requirements if such parcel is dedicated to the public or used for stormwater facilities or other types of development-related infrastructure or common open space, including walking and recreation trails.
- D. **Measurement of lot area.** Lot area is measured on the horizontal plane and excludes the following:
 - (1) 80 percent of the land having a slope of 15 percent or more, as determined by a topographic survey prepared by a professional land surveyor,
 - (2) 100 percent of the area of a flag lot that constitutes the stem, and
 - (3) 100 percent of the land below the ordinary high-water mark.
- E. **Use of a lot not meeting specified dimensional standards.** The use of a vacant nonconforming lot is governed by requirements in Article 21.
- F. **Change in lot with a conditional use.** The property boundary lines of a lot containing a conditional use may not be modified in any manner without the express authorization of the Common Council upon recommendation of the Plan Commission. If the Plan Commission determines that the proposed reconfiguration or change in lot area is substantive, the proposed change may only occur if the Common Council grants a new approval with the proposed lot consistent with the review procedures and requirements for a conditional use in effect at the time.
- G. **Lot area in the context of land divisions.** Minimum lot area requirements are one of many factors that affect how many lots could potentially be created through the land division process.

510.1002 Lot configuration

- A. **Intent.** Standards controlling the configuration of lots are intended to avoid oddly shaped lots, multi-sided lots, and any other configuration that increases the likelihood a property owner might seek relief from a dimensional standard arising from a poorly designed lot.
- B. **Standard.** Side lot lines must be substantially at right angles or radial to street lines. Lot lines may not cross municipal boundaries. As a general rule, lots must be rectangular in shape, and lots having more than 5 sides shall be avoided. However, a lot line may follow the center of the stream when lot(s) on either side conform with all other requirements.
- C. **Depth and width.** The depth-to-width ratio of a lot must not exceed 3.5 to 1 (e.g., 140 feet x 40 feet). Pursuant to the procedures and requirements in Article 5, the Plan Commission may approve a special exception to exceed this standard to account for special circumstances provided all other requirements can be met. A special exception may not be granted when doing so will allow an increase in the number of lots that could be created through the land division process.

510.1003 Lot width and length

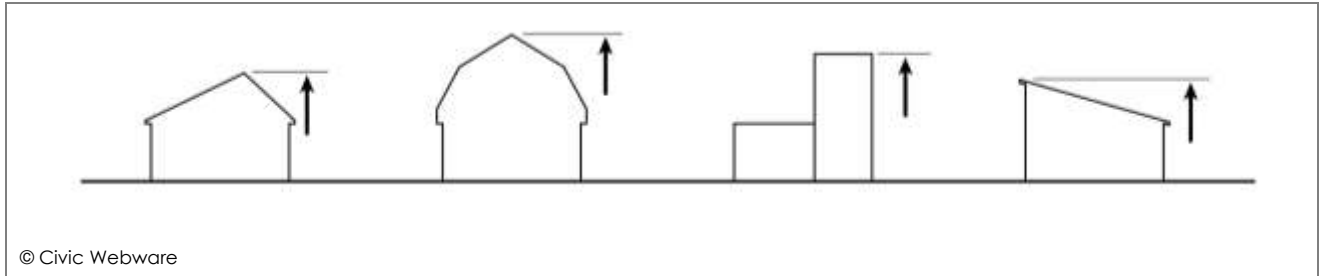
- A. **Intent.** Lot width and length requirements, along with other dimensional standards, establish minimum requirements to ensure compatibility of lots and that lots are buildable consistent with the character as set forth in the City's comprehensive plan.
- B. **Standard.** The width and length of lots must comply with the standards specified in Appendix C, unless otherwise modified.
- C. **Exemptions.** A parcel created by a land division that is authorized by the City is exempt from the lot width requirements if such parcel is to be dedicated to the public or used for stormwater facilities and other types of development-related infrastructure or common open space including walking and recreation trails.
- D. **Measurement of lot width.** Lot width is measured along an imaginary line generally parallel to the front lot line and at the front-yard building setback line. (verify)

510.1004 Lake frontage

- A. **Intent.** Lots fronting on a lake must have a sufficient width to provide for reasonable access to the water for use and enjoyment.
- B. **Standard.** The width of a lot must comply with the standards specified in Appendix C.
- C. **Measurement of water frontage.** Water frontage is measured perpendicular to one or both of the side lot lines at the ordinary high-water mark.

510.1005 Height of buildings and other structures

- A. **Standard.** Except as specified in this section, the height of buildings and other structures must comply with the standards specified in Appendix C, except as modified.
- B. **Measurement of building height.** The height of a building is the vertical distance from the lowest elevation on the footprint of the building projected vertically on to the natural surface of the building site, as it existed prior to any filling, excavating, or grading and verified by a certified topographical survey, to the highest point of the roof, but not including excluding architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys. (Exhibit 7-1).

Exhibit 7-1. Measuring building height

C. **Modifications.** The height standards in Appendix C are modified as follows:

- (1) Essential services, such as utilities, water towers, transmission towers and lines, are exempt from the height limitation for the zoning district in which they are located.
- (2) The height of telecommunication towers is governed by the standards established under Appendix B.
- (3) Special structures, such as elevator penthouses, gas tanks, grain elevators, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations and smoke stacks, are exempt from the height limitations of this chapter.
- (4) Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this chapter.

510.1006 Floor area

- A. **Intent.** Standards for controlling the minimum and maximum floor area of buildings are intended to ensure development is compatible with the size of the lot and the character of development as set forth in the City's comprehensive plan.
- B. **Measurement of floor area.** Floor area is measured from exterior wall to exterior wall. In multi-unit buildings, floor area is measured from exterior wall to exterior wall and from the center of common walls between adjoining units.
- C. **Standard for residential living area.** A building intended in whole or part for residential purposes must provide a minimum floor area as specified in Appendix C. The following are specifically not included in such measurement:
 - (1) basements and crawlspace;
 - (2) attics not used for living purposes;
 - (3) attached garages;
 - (4) breezeways;
 - (5) unheated sunrooms;
 - (6) porches;
 - (7) balconies;
 - (8) stoops;
 - (9) any space above the first floor, where the floor-to-ceiling height is less than 7 feet; and
 - (10) similar features.

510.1007 Number of principal buildings on a parcel

- A. **Generally.** Every building hereafter erected, structurally altered, or relocated shall be located on a single lot. In no case, except in business districts, industrial districts, and planned development districts, shall there be more than one principal building on a lot, except as provided in this section. The principal residential building shall be built first in all districts.
- B. **Distinction between one building and multiple buildings.** In the administration of this section, a person may not claim that two or more buildings should be counted as one building by virtue of any of the following:
- (1) connection by a breezeway of any length;
 - (2) connection by a deck;
 - (3) connection by a porch;
 - (4) any underground connection of any type;
 - (5) any connection that is not heated, ventilated, or air conditioned in the same manner of the main building;
 - (6) any connection that serves no significant purpose other than a walkway;
 - (7) any connection that is significantly smaller in dimension than the connected parts; or
 - (8) any connection that allows motor vehicles to drive through the connection.

The above distinction is intended to require each building to have a single, integrated configuration of enclosed space and to prohibit the appearance of multiple buildings in excess of established limitations.

- C. **Exception.** The Common Council, upon recommendation of the Plan Commission, may approve the issuance of a new single-family residential home building permit, and allow the occupancy of an existing residential structure on a parcel, for a period of time not to exceed 2 years during the construction of the new residence. Such approval shall be subject to specifications and additional conditions as required by the Plan Commission and Common Council, in the interest of the health, safety, and welfare of the City.

Prior to issuance of the building permit, the property owner must provide a cash deposit, approved by the building inspector and the Common Council, and a signed agreement, approved by the city attorney and the Common Council. The financial guarantee must equal 110 percent of the cost of removing the existing residential building and restoring the site to an acceptable condition as determined by the building inspector. In setting the amount of the financial guarantee, the property owner may submit, and the building inspector may require the property owner to submit, bids from qualified contractors for all work related to the removal of the building and restoration of the site. The signed agreement must, at a minimum, include the following provisions:

- (1) The property owner will remove the existing residential building within 60 days from the issuance of the occupancy permit for the new residence.
 - (2) The City is authorized to access the property to remove the existing residential building if the property owner fails to do so within 60 days of issuance of an occupancy permit for the new residence.
 - (3) The City may assess a special charge against the subject property to the extent the financial guarantee is insufficient to remove the existing residential building and restore the site to an acceptable condition as determined by the building inspector.
- D. **Additional standards.** When this chapter allows more than one principal building on a lot, the Plan Commission or Common Council, as appropriate, may (1) require a greater setback than what is normally required for the zoning district in which it is located, (2) require additional landscaping, (3) establish a minimum separation between principal buildings, and (4) impose any other condition necessary to account for concerns related to the purposes of this chapter as described in § 510.05 or in other sections of this chapter.

510.1008 Number of accessory buildings on a lot

- A. **Generally.** The number of accessory buildings on a lot must comply with the requirements specified in Appendix C.
- B. **Distinction between one building and multiple buildings.** In the administration of this section, a person may not claim that two or more buildings should be counted as one building by virtue of any of the following:
- (1) connection by a breezeway of any length;
 - (2) connection by a deck;
 - (3) connection by a porch;
 - (4) any underground connection of any type;
 - (5) any connection that is not heated, ventilated, or air conditioned in the same manner of the main building;
 - (6) any connection that serves no significant purpose other than a walkway;
 - (7) any connection that is significantly smaller in dimension than the connected parts; or
 - (8) any connection that allows motor vehicles to drive through the connection.

The above distinction is intended to require each building to have a single, integrated configuration of enclosed space and to prohibit the appearance of multiple buildings in excess of established limitations.

510.1009 Separation requirements between buildings

No accessory building shall be erected, structurally altered, or relocated so that any roofed or enclosed portion thereof is closer than the distance specified in Appendix C.

510.1010 Building setbacks

- A. **Intent.** Building setback standards, along with other dimensional standards, establish a pattern of development in each of the zoning districts. The established setback standards provide for a varying degree of (1) privacy between neighbors; (2) separation to mitigate noise and odor; (3) space for light and air circulation; (4) land for landscaping, recreational use, pleasure, and stormwater management; (5) land for maintaining the exterior of buildings and other structures; (6) room for the placement and maintenance of under-ground and above-ground utilities; and (7) room for emergency vehicles between and around buildings and other structures.
- B. **Generally.** Except as allowed in this section, buildings must comply with the setback requirements specified in Appendix C.
- C. **Setback standards.** No building may be erected, structurally altered, or relocated so that any vertical wall/support, supporting a roofed or enclosed portion is closer to the lot line than the setback distance specified in Appendix C, except as allowed in this section. For the purpose of this section, a roof overhang of 24 inches or less is not included in any setback measurement.
- D. **Setback averaging.** The following exceptions apply only where the setback requirements affect all properties identically:
- (1) Where the nearest existing building on one side of the building is within 150 feet and has less than the required setback, the average between the existing setback and the required setback applies.
 - (2) Where the nearest existing buildings on both sides of a building are within 500 feet of the building, but not closer than 300 feet to each other, and have less than the required setback, the average of the existing setbacks and the required setback applies.
 - (3) Where the nearest buildings on both sides of a building are within 300 feet of each other and have less than the required setback, the average between the existing setbacks applies.

- (4) In the case of a proposed addition to an existing building which has less than the required setback, such existing building may be considered the “nearest existing building” in order to apply these exceptions in determining the required setback for the proposed addition.

For the purpose of this subsection, the following rules apply when applying setback averaging:

- (1) Building projections which may extend into the setback area are not to be included.
 - (2) Setback reductions as allowed by a variance shall not be included.
- E. **Decks and porches.** Decks and porches are part of the building and therefore must comply with all applicable setback requirements or as allowed in subsection (I) below.
- F. **Wheelchair access ramps.** The building inspector may, upon written petition, allow the construction of an unenclosed wheelchair access ramp in a setback area, provided the proposed location for the ramp is the only reasonable location based on the existing configuration of the building and the ramp encroaches into the offset area no more than is necessary to provide access to the building. Also see Article 5 for additional provisions relating to reasonable accommodations.
- G. **Exceptions.** The following may be located in a required setback, provided they do not extend into, or are located within, a utility easement or a required fire lane and meet all other requirements of this chapter:
- (1) landscaping;
 - (2) retaining walls;
 - (3) fences;
 - (4) freestanding mailboxes and newspaper boxes;
 - (5) play equipment, except not in a front yard;
 - (6) small objects easily moved by hand such as birdbaths, birdfeeders, and birdhouses;
 - (7) portable grills, picnic tables, and yard furniture but not when located on a patio or deck;
 - (8) gardens;
 - (9) flag poles,
 - (10) compost bins;
 - (11) clotheslines;
 - (12) sidewalks, but not closer than 5 feet to a lot line of a parcel;
 - (13) driveways, but not closer than 5 feet to a side lot line;
 - (14) specified building projections as described in Exhibit 7-2;
 - (15) components of a private on-site sewage system, including holding tanks (if allowed), leach fields, and septic tanks provided separation requirements in Chapter 16 of the general code of Bayfield County are met;
 - (16) wellheads not located in a building or other structure, provided separation requirements in state law are met;
 - (17) those structures and uses where applicable development standards in Appendix C either exempt the structure or use from setback requirements or establish alternate setbacks requirements; and
 - (18) other structures and land uses when exempted by the zoning administrator, provided such exemption is in keeping with the intent of this chapter.

Exhibit 7-2. Building projections allowed in a required setback

Feature	Maximum projection
Sills, belt courses, buttresses, cornices, ornamental features, and the like	8 inches into a required front, side, or rear yard
Eaves	24 inches into a required front, side, or rear yard
Chimneys	2 feet into a required front, side, or rear yard
Open or lattice enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers	2 feet into a required side or rear yard
Balconies	3 feet into a required front or side yard; 5 feet into a required rear yard
Steps, stoops, and porches, provided they are not higher than the ground floor elevation	4 feet into a required front yard; 2 feet into a required side or rear yard

510.1011 Separation requirements for on-site sewage systems and water wells

On-site sewage systems and water wells shall comply with all separation requirements as may be established by Bayfield County or the state of Wisconsin.

510.1012 Placement of detached accessory buildings on a lot (lets discuss)

Except as may be permitted in this section, a detached accessory building must be located behind the front face (i.e., face of the building closest to the street) of the principal building (Exhibit 7-3). In the case of a corner lot, the detached accessory building must meet the minimum setback requirements from all streets. Pursuant to the procedures and requirements in Article 5, the Plan Commission may approve a special exception to allow an accessory building in front of the principal building. In making such decision, the Plan Commission must consider (1) the size of the subject property, (2) the character of the area, (3) the size of the proposed accessory building, (4) the extent to which the proposed accessory building is visible from public and private streets and other properties in the area, (5) the practical difficulty in placing the proposed accessory building in the location described in this subsection, and (6) other factors related to relevant circumstances.

Exhibit 7-3. Placement of accessory buildings

