

City of Bayfield Plan Commission

Bayfield City Hall, 125 South First Street, Bayfield, WI 54814, 715-779-5712

Minutes of Monday, November 9, 2015 at 5 p.m.

Call to Order - Roll Call

Present: Trish Oeltjenbruns, Mary Dougherty, Dottie Hackbarth and Mayor MacDonald

Absent: Sharon Johnson, Sheryl Burkel and Bob Durfey

Others: George and Nancy Hof, Barbara Hoekstra, David Eades, Dede and Peter Skoro, and Peter Georgeson and Ashley Newbrough

Approve Agenda: Hackbarth/Oeltjenbruns moved to approve. Carried.

Previous Meeting minutes of October 19, 2015: Dougherty/Hackbarth made a motion to approve the minutes as presented. Carried.

Public Input on Agenda Items: None.

Agenda Item(s):

1. Temporary Shelter Applications:

- **Peter Georgeson, 112 So. Fifth Street (Update):** The Georgeson's provided photos of the property and all agreed it looks great. The Commission thanked them for their work. Hackbarth/Dougherty moved to renew the Temporary Shelter Permit, allowing the shelter to remain for an additional six month beginning November 14, 2015. Carried.
- **Gene Brevold, 17 North Fourth Street:** Oeltjenbruns/Dougherty moved to approve the request as presented. The Mayor asked the Commission to really think about the use of Temporary Shelters. In general, is it something advantageous for the community? Are they meant to be allowed annually? Reoccurring? Carried.

2. **E-mail Request dated October 6, 2015 asking Plan Commission to reconsider Section E. 500.19:** The Mayor began by suggesting the Commission go very slow on changing the ordinance for this situation. We are not sure why the property is not selling. Previous owners were informed they would lose their grandfathering when it changed from 100% residential to commercial. There have been two businesses located at the property. The Mayor reminded the Commission about how we almost lost a lower floor restaurant due to the nightly rental condo craze. The City has not received any other similar requests from others. The Commission understands why the owner is concerned. Oeltjenbruns said she agrees we need to move very slowly; we don't want to set unwanted precedents. Item can be brought back up at any time but no action was taken by the Commission at this meeting.

3. **Questions regarding Home Occupation under the City Code:** The Commissioners received a copy of the written response from Attorney Colleen Daly regarding our questions regarding "home occupation" under the City Code dated October 14, 2015. It was acknowledged this opinion differs than the way the City had thought of home occupations. Hoopman noted part of the language reads "the City should avoid defining (or attempting to restrict) activity as a "home occupation" when it has little to no impact on the neighbors or the neighborhood". Should the activity have an impact on the neighborhood a Home Occupation CUP should be sought. Daly's opinion suggests it's about the level of activity at the site. Ashley asked if this means they need a Home Occupation permit and she was told not currently the way the property sits today.

4. **Parking Ordinance Amendments:** Hoopman told the Commission they would plan to bring back their final amendments to the next meeting. They had difficulty meeting, but have discussed: needed definitions, allowing parking in the front yards, adding needed parking language on Washington Avenue and increasing the parking fines. Discussion ensued. It is the goal to get the ordinance passed as quickly as possible, but ensuring it meets the needs of the City is of utmost importance. Goal is to have it adopted no later than Spring 2016. Currently, the amendments suggest there would only be two Recreational Vehicles allowed outside of a garage/storage building, of which would be allowed in any yard (front, side or rear yard).
5. **Sign Sub-Committee Update:** Dougherty said they had a meeting earlier today and they are making progress. David Eades is the appointed chair. Good discussion, good start.
6. **Direct Seller's Ordinance:** The Commission received a copy of an e-mail from Attorney Daly dated November 6, 2015 which relates to our working copy of the Direct Seller's Ordinance, newly created Chapter 201. The Commission responded to the questions asked:
 - a. With regards to Apple Festival, the Commission would like to require a non-fee permit be obtained from the Chamber for them to sell outside of their business; on their own property.
 - b. The current permit information looks good. No additional info. needs to be added at this time.
 - c. 201-5. - If application good and review by Chief is O.K. Commission would like the Clerk to be able to issue the permit.
 - d. 201-5 a. Would like to combine 13-14 and just say Chapter 500 (especially since amendments are in the works).
 - e. Direct Seller's Permits – Vendor/Peddler does not need to move around. Vendor/Peddler cannot be open for more than 7 days in a 30 day period. Applicants can only seek permit on a month to month basis.

Ashley Newbrough asked the Commission if any of the proposed changes would not allow a kid to sell lemonade in his yard? Commission agreed to make sure this activity is allowed.

Prior to moving on to Agenda Item #7 clarification was sought by those present on how the new Home Occupation Opinion might apply to the Georgeson property. It was noted the photos today show a different property than what existed a few months ago. It's possible the Home Occupation opinion provided would suggest that a few months ago the property use might imply a Home Occupation permit would have been needed; there was potential. The Mayor indicated we are not saying that today it is the same. Dougherty asked, is it like a nuisance law? The Commission was asked if next Spring five boats are brought back to the property, would a home occupation permit be needed? Yes, possibly. Discussion about the proposed parking amendments ensued. Hoopman said the section regarding recreation vehicles limits the parking of such equipment to two not enclosed in a structure, so this too would help alleviate any future problems. The goal is to have the Parking Ordinance revised no later than next Spring.

7. **Sluiceway Wall:** The Commission received a draft copy of a proposed notice for the Chamber of Commerce's Community news blast. Some discussion ensued. All agreed it was good to get community input.

8. **Set next meeting(s):** January 11th at 5 p.m.

Adjournment: Dougherty/Hackbarth moved to adjourn. Carried. (5:42 p.m.)