

City of Bayfield

Demolition Regulation Ordinance

Section 1. Purpose and Intent

The Common Council of the City of Bayfield finds that the unregulated demolition of structures can negatively impact neighborhood character, housing availability, historic resources, environmental sustainability, and long-term community vitality.

The purpose of this section is to:

1. Preserve structures that contribute to the historic, architectural, cultural, or economic character of the City;
2. Encourage the rehabilitation, adaptive reuse, and reinvestment in existing buildings;
3. Ensure that demolition occurs only when reasonable alternatives are not feasible;
4. Reduce unnecessary loss of housing and embodied energy;
5. Ensure that demolition, when approved, is coordinated with timely and appropriate redevelopment.

This section is adopted pursuant to the City's police powers under Wisconsin Statutes §§ 62.23 and 66.0104.

Section 2. Applicability

A Demolition Permit shall be required prior to the demolition or removal of any structure, in whole or in part, within the City of Bayfield, except as provided in Section 3.

This ordinance applies to:

- Principal structures
- Any structure located within a locally designated historic district or individually designated historic site

Section 3. Exemptions

The following activities are exempt from this section:

1. Emergency demolition required due to an imminent threat to public safety, as determined by the Building Inspector;
2. Partial demolition limited to interior walls or non-structural elements;
3. Removal of accessory structures under 200 square feet, unless located within a designated historic district.

Emergency demolitions shall require documentation and post-action review by the City.

Section 4. Demolition Permit Required

No person shall demolish or remove a structure without first obtaining a Demolition Permit from the City.

Issuance of a Demolition Permit may be approved, approved with conditions, delayed, or denied in accordance with this section.

Section 5. Demolition Permit Application Requirements

An application for a Demolition Permit shall include, at a minimum:

1. Description of the structure, including age (if known), size, and existing use;
2. Photographic documentation of all elevations;
3. A written statement explaining the reason for demolition;
4. Evidence of structural condition, including an engineer's report if demolition is proposed due to structural instability;
5. An evaluation of feasible alternatives to demolition, including rehabilitation or reuse;
6. A redevelopment plan, if applicable, describing proposed future use of the site;
7. Estimated timeline for demolition and redevelopment;
8. Any additional information required by the Zoning Administrator or Building Inspector.

Section 6. Review Authority

Demolition Permit applications shall be reviewed by:

- The Zoning Administrator for all structures; and
- The Historic Preservation Commission (HPC) for structures that are:
 - Individually designated landmarks, or
 - Located within a locally designated historic district, or
 - Determined to be potentially historic based on age or architectural significance.

The HPC shall make a recommendation to the Zoning Administrator or Common Council, as applicable.

Section 7. Review Criteria

In reviewing a Demolition Permit application, the City shall consider:

1. Whether the structure contributes to the historic or architectural character of the City;
2. Whether the structure is structurally sound or reasonably capable of rehabilitation;
3. The availability of alternatives to demolition, including adaptive reuse;
4. The impact of demolition on housing availability and neighborhood stability;

5. Whether demolition would result in a vacant or underutilized site;
6. The quality, feasibility, and timing of any proposed redevelopment;
7. The public benefit of preservation versus demolition;
8. Consistency with the City's Comprehensive Plan and adopted housing or preservation policies.

Section 8. Demolition Delay

If the City determines that demolition would result in the unnecessary loss of a viable structure, it may impose a demolition delay of up to 12 months from the date of application.

The purpose of the delay period is to:

- Explore preservation or reuse alternatives;
- Allow time to secure financing, buyers, or redevelopment plans;
- Facilitate discussions between the property owner, City, and potential partners.

The delay period may be shortened if the applicant demonstrates that no reasonable alternative exists.

Section 9. Conditions of Approval

The City may impose reasonable conditions on approval of a Demolition Permit, including but not limited to:

1. Submission and approval of a redevelopment plan;
2. Time limits for commencement of redevelopment;
3. Salvage or documentation of historic materials;
4. Posting of financial assurance to ensure site restoration;
5. Compliance with design or zoning requirements for replacement structures.

Section 10. Denial of Demolition Permit

A Demolition Permit may be denied if the City finds that:

1. The structure is reasonably capable of rehabilitation; and
2. Demolition would be inconsistent with the purposes of this ordinance; and
3. No compelling evidence has been provided demonstrating that demolition is the only feasible option.

Section 11. Appeals

Any person aggrieved by a decision under this section may appeal in accordance with the City's established zoning or administrative appeal procedures.

Section 12. Enforcement and Penalties

Any demolition conducted without a permit or in violation of permit conditions shall constitute a violation of the Municipal Code and may result in:

- Municipal forfeitures;
- Stop work orders;
- Restoration or mitigation requirements;
- Denial of future permits.

Section 13. Severability

If any provision of this section is held invalid, such invalidity shall not affect the other provisions.

Section 14. Enhanced Review for Older Structures

(A) Applicability

Any structure constructed prior to January 1, 1940, as determined by City records or best available evidence, shall be subject to enhanced demolition review.

(B) Additional Findings Required

Prior to issuance of a Demolition Permit for a pre-1940 structure, the City shall make written findings addressing:

1. Architectural, cultural, or historical significance of the structure;
2. The degree to which the structure contributes to neighborhood character;
3. Whether rehabilitation or adaptive reuse is economically feasible;
4. Whether demolition would adversely affect the City's housing stock or historic fabric.

(C) Presumption of Viability

Pre-1940 structures shall be presumed capable of rehabilitation, unless the applicant demonstrates otherwise through competent evidence, including a licensed engineer's report.

Section 15. Demolition Fees

(A) Fee Authority

The City may establish demolition permit fees by resolution of the Common Council.

(B) Fee Structure

Demolition fees may be scaled based on:

1. Square footage of the structure;
2. Age of the structure;
3. Location within a historic district or priority redevelopment area.

(C) Purpose

Demolition fees are intended to:

- Offset administrative and review costs;
- Discourage speculative demolition;
- Support preservation planning and code enforcement activities.

Section 16. Demolition by Neglect

(A) Prohibition

No owner shall, by neglect or intentional inaction, allow a structure to deteriorate to the point where demolition becomes the only feasible option.

(B) Determination

The City may determine demolition by neglect based on evidence including:

1. Failure to maintain roofs, foundations, or structural systems;
2. Prolonged exposure to the elements;
3. Repeated code violations left uncorrected;
4. Failure to secure a vacant structure.

(C) Effect on Demolition Review

A finding of demolition by neglect shall weigh against approval of a Demolition Permit and may justify denial or extended delay.

Section 17. Redevelopment Coordination Requirement

(A) Concurrent Redevelopment Plan

For principal structures, the City may require that a Demolition Permit application include a concurrent redevelopment plan, sufficient to demonstrate:

1. Intended use of the site;
2. Compliance with zoning and design standards;
3. A realistic timeline for construction.

(B) Conditional Approval

The City may condition demolition approval on:

1. Issuance of a building permit for replacement construction;
2. Commencement of redevelopment within a specified timeframe;
3. Posting of financial assurance to ensure site completion.

(C) Lapse of Approval

Failure to commence redevelopment within the approved timeframe may result in revocation of the Demolition Permit.

Section 18. Historic Documentation and Salvage Requirements

(A) Documentation

Prior to demolition of any structure deemed historically or architecturally significant, the City may require:

1. Photographic documentation of exterior and interior features;
2. Measured drawings or floor plans;
3. Submission of materials to the City or local historical society.

(B) Salvage

The City may require salvage and reuse of significant architectural elements, including but not limited to:

- Doors and windows;
- Trim and millwork;
- Stone, brick, or decorative features.

(C) Timing

Documentation and salvage requirements shall be completed prior to issuance of a demolition clearance.

Section 19. Security and Maintenance During Delay Period

(A) Maintenance Obligation

During any demolition delay period, the property owner shall maintain the structure in a safe, weather-tight, and secure condition.

(B) Enforcement

Failure to maintain the structure may result in:

1. Termination of the delay period;
2. Code enforcement action;
3. Additional permit conditions or penalties.

Section 20. Relationship to Other Ordinances

This ordinance shall be interpreted in conjunction with:

- Zoning regulations;
- Historic preservation ordinances;
- Building and maintenance codes.

Where conflicts exist, the provision offering greater protection to existing structures shall govern.

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Section XX.XX

Non-Traditional Construction Techniques and Structures

A. Purpose and Intent

The purpose of this section is to regulate non-traditional construction techniques and structures in a manner that protects public health and safety, preserves the character of the City of Bayfield, ensures compliance with applicable State of Wisconsin building codes, and allows flexibility for innovative construction where appropriate.

This section is intended to:

1. Provide a clear review process for construction types not expressly contemplated elsewhere in the zoning code;
2. Ensure structural integrity, fire safety, and code compliance;
3. Address potential impacts related to appearance, durability, and compatibility with surrounding development; and
4. Avoid unintended precedent for permanent or occupied structures that do not meet minimum building standards.

B. Applicability

1. Conditional Use Permit Required.

Within the City of Bayfield, a Conditional Use Permit (CUP) shall be required for all non-traditional construction techniques and structures, whether temporary or permanent, unless expressly permitted by another section of this Code.

2. Scope.

This section applies to both principal and accessory structures, including new construction, placement, or conversion of an existing structure to a non-traditional construction type.

C. Definition – Non-Traditional Construction Techniques and Structures

For purposes of this section, **Non-Traditional Construction Techniques and Structures include, but are not limited to**, the following:

- Inflatable structures;
- Geodesic domes or dome-type structures;
- Shell structures or monocoque structures;
- Soft-sided or fabric-covered structures, including yurts, tents, and membrane or tensile fabric structures;
- A-frame structures not otherwise addressed in the zoning code;
- Customized or modified shipping or cargo containers;
- Pre-engineered metal buildings, including pole-barn or post-frame construction;

- Pre-fabricated or modular structures not certified or designed for conventional residential or commercial use; and
- Any other structure utilizing construction materials, methods, or systems not customarily regulated under the City’s conventional residential or commercial building standards, as determined by the Zoning Administrator.

D. Review Authority

1. Review Body.

Conditional Use Permits under this section shall be reviewed and acted upon by the [Plan Commission / City Council]* in accordance with the City’s established CUP procedures.

2. Technical Review.

The Zoning Administrator may require review by the City Engineer, Fire Department, or other qualified professionals as necessary to evaluate structural, life-safety, or site impacts.

** Use the reviewing body already specified in Bayfield’s CUP ordinance.*

E. Submittal Requirements

In addition to standard CUP application materials, applications under this section shall include:

1. A detailed description of the proposed structure, including dimensions, materials, and intended use;
2. Manufacturer specifications, engineered drawings, or structural calculations demonstrating compliance with applicable State of Wisconsin building codes, wind load, snow load, and anchoring requirements;
3. Proposed duration of placement (if temporary);
4. Site plan showing setbacks, access, utilities, and relationship to surrounding structures;
5. Exterior appearance renderings or photographs demonstrating visual compatibility; and
6. Any additional information deemed necessary by the Zoning Administrator or Building Inspector to evaluate compliance.

F. Approval Criteria

In addition to the general CUP standards of the zoning code, the reviewing body shall consider the following:

1. Whether the structure is designed and constructed to safely withstand local climatic conditions, including wind, snow, and frost;
2. Whether the structure complies with applicable State of Wisconsin building, fire, and safety codes or can be conditioned to do so;

3. Compatibility of the structure's scale, appearance, and materials with surrounding development and the character of the City;
4. Impacts on neighboring properties, including visual impacts, drainage, access, and noise;
5. Whether the proposed structure is appropriate as a temporary or permanent installation; and
6. Whether approval would establish an undesirable precedent inconsistent with the intent of this Code.

G. Standards and Conditions of Approval

The reviewing body may impose conditions, including but not limited to:

1. **Duration Limits.**
Limiting the length of time the structure may remain on the property, with removal required upon expiration.
2. **Occupancy Restrictions.**
Prohibiting human occupancy or limiting use to storage or accessory purposes unless full code compliance is demonstrated.
3. **Design and Appearance.**
Requiring screening, exterior finishes, or design modifications to reduce visual impacts.
4. **Placement.**
Requiring compliance with setbacks applicable to accessory or principal structures, as determined by the Zoning Administrator.
5. **Utilities.**
Prohibiting or regulating the installation of plumbing, electrical, or mechanical systems unless approved under applicable building codes.
6. **Removal or Restoration.**
Requiring removal of the structure and restoration of the site if the use is discontinued or the CUP expires.

H. Enforcement and Compliance

1. No non-traditional structure regulated under this section shall be placed, constructed, or occupied without an approved Conditional Use Permit and required building permits.
2. Failure to comply with the conditions of approval shall constitute a zoning violation subject to enforcement under this Code.