

City of Bayfield

Office of the City Clerk

34 South Broad Street, Unit 101 - P.O. Box 1170

Bayfield, Wisconsin 54814

Phone: 715-779-5712

clerk@ci.bayfield.wi.gov

ORDINANCE #407

AN ORDINANCE TO AMEND CHAPTER 152: BUILDING CONSTRUCTION AND CHAPTER 500: ZONING OF THE CODE OF THE CITY OF BAYFIELD BY ADDING DEMOLITION- AND CONSTRUCTION TECHNIQUE-RELATED LANGUAGE AS ATTACHED HERETO

The Common Council of the City of Bayfield does hereby ordain as follows:

SECTION I.

The following chapters and sections of the Bayfield City Code which are attached hereto will be amended:

- Chapter 152: Building Construction
- Chapter 500: Zoning

SECTION II.

PURPOSE AND INTENT.

A. **Structure Demolition.** 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.

(1) The purpose of this new provision of the City Code is to:

- (a) Preserve structures that contribute to the historic, architectural, cultural, or economic character of the City;
- (b) Encourage the rehabilitation, adaptive reuse, and reinvestment in existing buildings;
- (c) Ensure that demolition occurs only when reasonable alternatives are not feasible;
- (d) Reduce unnecessary loss of housing and embodied energy;
- (e) Ensure that demolition, when approved, is coordinated with timely and appropriate redevelopment.

(2) This provision is adopted pursuant to the City's police powers under

Established in 1913.

City of Bayfield is an Equal Opportunity Provider and Employer.

Complaints of discrimination should be sent to USDA, Director, Office of Civil Rights, Washington, D.C. 20250-9410

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Wisconsin Statutes §§ 62.23 and 66.0104.

B. Non-Traditional Construction Techniques and Structures. The purpose of this new provision of the City Code 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 provision 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.

SECTION III.

WAIVER CLAUSE. The requirement of three separate readings of this Ordinance is hereby dispensed with by a vote of not less than a majority of all the members of Common Council.

SECTION IV.

CODIFICATION. The provisions of Section I of this Ordinance shall be published as appropriate in the Code of the City of Bayfield as soon as practicable.

SECTION V.

PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication according to law.

CONSIDERED, PASSED, AND APPROVED at a regular meeting of the Common Council of the City of Bayfield, Wisconsin, at which a quorum was present on the 17th day of March, 2026.

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Acting Mayor: Lynette Cornelius
Lynette Cornelius

Attest: Grace N. Stolen
Grace N. Stolen, Clerk

Public Hearing: 3/17/2026
Readings: Waived
Adopted: 3/17/2026
Published: _____

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Attachment to Ordinance #407, adopted by the Common Council for the City of Bayfield at its regular meeting of March 17, 2026, for the purpose of amending Chapter 152 of the City's Ordinances to regulate the demolition of structures.

Amend Chapter 152 to create Section 152-6 as follows:

§ 152-6 Structure demolition.

- A. 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 subsection B.
- B. Exemptions.
 - (1) The following activities are exempt from this section:
 - (a) Emergency demolition required due to an imminent threat to public safety, as determined by the Zoning Administrator and or Law Enforcement Officer;
 - (b) Partial demolition limited to interior walls or non-structural elements;
 - (c) Removal of accessory structures under 200 square feet, unless located within a designated historic district.
 - (2) Emergency demolitions shall require documentation and post-action review by the City.
- C. 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.
- D. 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.
- E. Review authority.
 - (1) Demolition Permit applications shall be reviewed by:
 - (a) The Zoning Administrator for all structures; and
 - (b) The Historic Preservation Commission (HPC) for structures that are:

- [1] Individually designated landmarks, or
- [2] Located within a locally designated historic district, or
- [3] Determined by the Zoning Administrator to be potentially historic based on age or architectural significance.

- (2) The Zoning Administrator shall have the authority to take final action on Demolition Permit applications that do not require additional HPC review.
- (3) For any Demolition Permit requiring HPC review, the HPC shall make a recommendation to the Common Council, who shall be the final approval authority for such Demolition Permit Applications.

F. 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.

G. 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.

- (1) The purpose of the delay period is to:
 - (a) Explore preservation or reuse alternatives;
 - (b) Allow time to secure financing, buyers, or redevelopment plans;
 - (c) Facilitate discussions between the property owner, City, and potential partners.
- (2) The delay period may be shortened if the applicant demonstrates that no reasonable alternative exists.

H. 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.

I. 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.
- J. Appeals. Any person aggrieved by a decision under this section may appeal in accordance with the procedures in Chapter 7 of the City's Code.
- K. 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:
 - (1) Municipal forfeitures;
 - (2) Stop work orders;
 - (3) Restoration or mitigation requirements;
 - (4) Denial of future permits.
- L. Severability. If any provision of this section is held invalid, such invalidity shall not affect the other provisions.
- M. Enhanced review for older structures.
 - (1) 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.
 - (2) Additional findings required. Prior to issuance of a Demolition Permit for a pre-1940 structure, the City shall make written findings addressing:
 - (a) Architectural, cultural, or historical significance of the structure;
 - (b) The degree to which the structure contributes to neighborhood character;
 - (c) Whether rehabilitation or adaptive reuse is economically feasible;
 - (d) Whether demolition would adversely affect the City's housing stock or historic fabric.
 - (3) 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.
- N. Demolition fees.
 - (1) Fee authority. The City may establish demolition permit fees by resolution of the Common Council.
 - (2) Fee structure. Demolition fees may be scaled based on:
 - (a) Square footage of the structure;
 - (b) Age of the structure;
 - (c) Location within a historic district or priority redevelopment area.
 - (3) Purpose. Demolition fees are intended to:
 - (a) Offset administrative and review costs;
 - (b) Discourage speculative demolition;
 - (c) Support preservation planning and code enforcement activities.
- O. Demolition by neglect.
 - (1) Prohibition. No owner shall, by neglect or intentional inaction, allow a structure to deteriorate to the point where demolition becomes the only feasible option.

- (2) Determination. The City may determine demolition by neglect based on evidence including:
 - (a) Failure to maintain roofs, foundations, or structural systems;
 - (b) Prolonged exposure to the elements;
 - (c) Repeated code violations left uncorrected;
 - (d) Failure to secure a vacant structure;
 - (e) Consideration of financial hardship of the owner.
 - (3) 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.
- P. Redevelopment coordination requirement.
- (1) Concurrent redevelopment plan. For principal structures, the City may require that a Demolition Permit application include a concurrent redevelopment plan sufficient to demonstrate:
 - (a) Intended use of the site;
 - (b) Compliance with zoning and design standards;
 - (c) A realistic timeline for construction.
 - (2) Conditional approval. The City may condition demolition approval on:
 - (a) Issuance of a building permit for replacement construction;
 - (b) Commencement of redevelopment within a specified timeframe;
 - (c) Posting of financial assurance to ensure site completion.
 - (3) Lapse of approval. Failure to commence redevelopment within the approved timeframe may result in revocation of the Demolition Permit.
- Q. Historic documentation and salvage requirements.
- (1) Documentation. Prior to demolition of any structure deemed historically or architecturally significant, the City may require:
 - (a) Photographic documentation of exterior and interior features;
 - (b) Measured drawings or floor plans;
 - (c) Submission of materials to the City or local historical society.
 - (2) Salvage. The City may require salvage and reuse of significant architectural elements, including but not limited to:
 - (a) Doors and windows;
 - (b) Trim and millwork;
 - (c) Stone, brick, or decorative features.
 - (3) Timing. Documentation and salvage requirements shall be completed prior to issuance of a demolition clearance.
- R. Security and maintenance during delay period.
- (1) Maintenance obligation. During any demolition delay period, the property owner shall maintain the structure in a safe, weather-tight, and secure condition.
 - (2) Enforcement. Failure to maintain the structure may result in:
 - (a) Termination of the delay period;

- (b) Code enforcement action;
- (c) Additional permit conditions or penalties.

S. Relationship to other ordinances.

- (1) This ordinance shall be interpreted in conjunction with:
 - (a) Zoning regulations;
 - (b) Historic preservation ordinances;
 - (c) Building and maintenance codes.
- (2) Where conflicts exist, the provision offering greater protection to existing structures shall govern.

Attachment to Ordinance #407, adopted by the Common Council for the City of Bayfield at its regular meeting of March 17, 2026, for the purpose of amending Chapter 500 of the City's Code of Ordinances to the use of non-traditional construction techniques and structures.

Amend Chapter 500 to create within Article IX Performance Standards, Section 500-68.1 as follows:

§ 500-68.1 Non-Traditional Construction Techniques and Structures.

- A. Definition. For purposes of this section, Non-Traditional Construction Techniques and Structures include, but are not limited to, the following:
- (1) Inflatable structures;
 - (2) Geodesic domes or dome-type structures;
 - (3) Shell structures or monocoque structures;
 - (4) Soft-sided or fabric-covered structures, including yurts, tents, and membrane or tensile fabric structures;
 - (5) A-frame structures not otherwise addressed in the zoning code;
 - (6) Customized or modified shipping or cargo containers;
 - (7) Pre-engineered metal buildings, including pole-barn or post-frame construction;
 - (8) Pre-fabricated or modular structures not certified or designed for conventional residential or commercial use; and
 - (9) 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 and the Mayor.
- 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. Review authority.
- (1) Review body. Conditional Use Permits under this section shall be reviewed and acted upon 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.
- D. 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.
- E. 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 the City's Zoning Code.
- F. 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.

G. 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 other required permits.
- (2) Failure to comply with the conditions of approval shall constitute a zoning violation subject to enforcement under this Code.

CITY OF BAYFIELD
NOTICE OF PUBLIC HEARING – COMMON COUNCIL

The City of Bayfield **Common Council** will hold a public hearing on **Tuesday, March 17, 2026, at 4:30 p.m.**, at the Old Bayfield City Hall, which is located at 125 South First Street, Bayfield, Wisconsin, on proposed revisions to the City Code pertaining to approvals for building demolition and construction.

The public hearing will be on a proposed ordinance to amend the City of Bayfield Zoning Ordinance (Ch. 500) and Building Construction Ordinance (Ch. 152). The purpose of this ordinance revision is to regulate the demolition of structures and regulate the use of non-traditional construction techniques and structures. A full copy of the proposed ordinance is available for review at the new City of Bayfield Administrative Office, which is located at 34 South Broad Street Unit 101, Bayfield, Wisconsin, during its open hours (Mon-Thu, 10 a.m.-4 p.m.) and on the City website at www.cityofbayfield.com. A copy can also be obtained by emailing the city clerk at clerk@ci.bayfield.wi.gov.

You are welcome to join this meeting in person or virtually on a computer, tablet, or smartphone at meet.goto.com/451311965. You may also join by phone by calling +1 (571) 317-3122 and using access code 451-311-965.

Any person may appear at this hearing and testify in person, virtually, or by an agent. For more information, please contact City Hall at 715-779-1201.

Grace Stolen, City of Bayfield Clerk

Printers Affidavit of Publication

(State of Wisconsin)

ss.

(County of Ashland)

Erin Brunke

, being duly sworn, on oath, says that they are the Advertising Manager of the newspaper known as **The Ashland Daily Press** and published at Ashland, WI in Ashland County and the State of Wisconsin, says that the annexed printed copy of:

Common Council

Which forms part of this affidavit, was published in the said newspaper on the following dates:

February 26, March 5 & 12, 2026

And further, that the said printed notice so annexed was taken from the said The Ashland Daily Press, the newspaper in which the same was published.

By: _____

Title: Advertising Manager

Subscribed and sworn to before me on this 12th day of March 2026



_____ *Malinen*

My term expires on July 7, 2027

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Grace Stolen, City of Bayfield Clerk

ADP February 26, March 5, 12, 2026
WNAXLP

ES: \$138.63 Ad# 235420

CITY OF BAYFIELD – NEW ORDINANCE ADOPTED

On March 17, 2026, the City of Bayfield Common Council duly adopted Ordinance #407: An Ordinance to Amend Chapter 152: Building Construction and Chapter 500: Zoning of the Code of the City of Bayfield by Adding Demolition- and Construction Technique-related Language as Attached Hereto. The purpose of these revisions is to establish a process to regulate the demolition of structures and to provide a process for reviewing the use of nontraditional construction techniques and structures by requiring the issuance of a conditional use permit. A public hearing regarding the ordinance was held on March 17, 2026, and it has been approved for codification into the City's Code of Ordinances.

A complete copy of this ordinance has been permanently placed on file in the Office of the City Clerk and is available for open inspection during regular business hours at the City Administrative Office at 34 South Broad Street, Unit 101, Bayfield, Wisconsin. A copy may also be obtained by contacting the city clerk at clerk@ci.bayfield.wi.gov or 715-779-1201.

This ordinance shall take effect upon passage and publication.

Grace N. Stolen, City Clerk