

Technical Review Report

Zoning Code Project
City of Washburn, Wisconsin

January 11, 2013





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1. INTRODUCTION

BACKGROUND

The City of Washburn took a positive step forward in 2007 when it adopted a comprehensive plan consistent with Wisconsin's Smart Growth legislation. The next step along this exciting path is the adoption of a new zoning code that builds off of the foundation of that plan.

In August 2012, Washburn selected Civi Tek Consulting to help prepare a new zoning code. Preparation of this report is one of the first major tasks.

PURPOSE OF REPORT

This report is intended to identify those areas where the new zoning code will need to address things differently. It will identify deficiencies in the current zoning code and also inconsistencies between the current code and the 2007 comprehensive plan. It will identify new tools that could be incorporated into the zoning code. In particular, an entire section of this report is devoted to describing form-based codes and whether certain features of that approach to zoning could be incorporated into the new zoning code.

In preparing this report, the consultant team evaluated the current zoning code, comprehensive plan, and other materials and solicited input from various people to document the issues the new code needs to address. A scoping session was held on Saturday, September 22, 2012, to identify the characteristics of a good zoning code and issues that need to be addressed in the zoning code.

The type, number, and extent of recommended changes will help determine if the City undertakes a complete rewrite of the zoning code or simply makes revisions to the existing code. Ultimately, the decision to do a rewrite or revision is up to the Common Council upon recommendation of the Plan Commission.

If the decision is to do a rewrite, the zoning code will likely look and feel significantly differently. The organization of the code will likely be different. Additionally, this report is intended to help decision makers and the public understand why this project was undertaken in the first place and what the new code will look like.

NEXT STEPS

Once the decision is made to do a revision or rewrite, the consultant team will prepare a public participation plan that will be tailored to the needs of the community. If the City elects to do a rewrite, the process will likely occur over a two-year period with many opportunities for public involvement. Alternatively, if a revision is selected, the project will occur over a shorter period of time and involve fewer opportunities for public involvement – only because there will likely be fewer changes.

Initially, most of the work will focus on the text of the new zoning code. After that, the consultant team will focus on the zoning map and ensure it is consistent with the City's comprehensive plan. This new zoning map will be created in a digital GIS format compatible with the City's mapping requirements.

2. SCOPING SESSION

As an initial step to devise a new zoning code for the City of Washburn, Civi Tek Consulting hosted a work session at Stage North on September 22, 2012, with a variety of participants. Invitations were sent out to Common Council members, Plan



Commission members, Chamber of Commerce members, Harbor Commission members, Historic Preservation Commission members, Library Board members, Washburn Development Authority members, Zoning Board of Appeals members, and city staff. Fifteen people participated in the scoping session. The consultant team included Tim Schwecke, Charlie Handy, and Carolyn Esswein.

After a short introduction describing the project, participants were asked to provide their input regarding two open-ended questions shown below. Answers as they were recorded are listed below. Some of the identified issues are duplicative, while some fall outside the scope of a zoning code project.

What words or phrases describe a good zoning code?

- | | |
|-------------------------------|--|
| 1. Clear – easy to understand | 9. Formatting – common layout |
| 2. Unambiguous | 10. Concise |
| 3. Logical flow | 11. Fair |
| 4. Accessible (online) | 12. Easy to enforce |
| 5. Efficient | 13. Stream-lined processes |
| 6. Internally consistent | 14. Lots of graphics |
| 7. Reasonable | 15. Expeditious |
| 8. Beneficial | 16. Acknowledge and coordinate with state laws |

What key issues need to be address in the zoning code project?

- | | |
|---|--|
| 1. Enforcement | 21. Differentiate between urban lots and rural lots |
| 2. Win-win for public and private | 22. Highway 13 reconstruction – setting of grades for access points and utilities |
| 3. Short building season – timing of approvals is critical | 23. Home-based businesses – need to evaluate impacts on neighbors and tax base |
| 4. Application fees – some are too high | 24. Available space for new development – infill |
| 5. Appropriate level of review – administrative vs. Plan Commission or City Council | 25. Reconsider the requirement that garages need to be behind the front of the house |
| 6. Utility availability | 26. Re-use of white elephant buildings – vacant churches, schools |
| 7. High utility costs | 27. Stormwater management – curb and gutter on hill |
| 8. Sidewalks – don't have and others in poor condition | 28. Just need to follow comprehensive plan and other plans that have been done |
| 9. Use of septic systems vs. public sanitary system | 29. Long Main Street – lots of commercial zoning |
| 10. Different standards for old development and new development | 30. View of lake |
| 11. Need to review building envelope sizes | 31. Recent Scenic Byway designation |
| 12. Setbacks for commercial uses are too much | 32. Appropriate landscaping to not block the view of the lake |
| 13. Setbacks create inconsistent block face with old and new buildings | 33. Minnesota Design Team design work – completed 20 years ago, recommendations have not been followed |
| 14. Continue to allow second floor residential on Bayfield Street | 34. Sight lines to lake – review comprehensive plan and MN Design Team |
| 15. Accessory building height restrictions are not appropriate for historic buildings | 35. Outdoor lighting – light pollution, requirements on State highways |
| 16. Comprehensive park system – integration with Harbor Commission plans | 36. Vacated and abandoned streets and alleys |
| 17. Protect historical buildings | 37. Concise address marking in all areas – incorrect in some cases |
| 18. Backyard chickens | |
| 19. Backyard campfires | |
| 20. Incorporate (allow) sustainable practices – wind, solar | |



- 38. Wayfinding signs for visitors
- 39. Postal delivery
- 40. Size of properties vary widely
- 41. Disrepair of some properties
- 42. Standards for bicycles – parking, etc.
- 43. Downtown long and sparse – need to bulk up and widen along key roads
- 44. Post Office to Ironworks viewed as city center
- 45. Workforce issues
- 46. Lack of jobs for young people
- 47. Strike a good balance between flexibility and predictability in review process
- 48. Waterfront park
- 49. Architectural standards (e.g., as in Bayfield)
- 50. Don't rely on development guidelines – as they are optional and generally not followed
- 51. Need more rental housing options
- 52. Aging population – in-place housing
- 53. Consider yurts as an alternative housing approach
- 54. Independent living for senior

3. ORGANIZATION OF WASHBURN'S MUNICIPAL CODE

The City's municipal code consists of 15 titles (Inset box and Appendix A). Titles specifically relating to land use and development include Title 13, entitled "Zoning" and Title 14, entitled "Subdivision Regulations."

Within each Title, there are one or more chapters that are sequentially numbered. Some of the Chapters are further divided into Articles, and identified by a letter (A, B, C). For example, Title 13 consists of four chapters as follows: 1 – Zoning Code; 2 – Floodplain Zoning; 3 – Shoreland-Wetland Zoning; and 4 – Historic Preservation.

Sections within each of the chapters and articles are numbered using two sets of numbers. The first denotes the title and the second denotes the chapter within the title. For example, Section 13-1-66, identifies the 66th section that is found in Chapter 1 of Title 13.

Section numbers are often reserved for future use. The current municipal code does not reserve titles, chapters, and articles in the same way.

Titles in Washburn's Municipal Code

| | |
|----|--|
| 1 | General Provisions for Use of Code of Ordinances |
| 2 | Government and Administration |
| 3 | Finance and Public Records |
| 4 | Administrative Determinations Review |
| 5 | Public Safety |
| 6 | Public Works |
| 7 | Licensing and Regulation |
| 8 | Health and Sanitation |
| 9 | Public Utilities |
| 10 | Motor Vehicles and Traffic |
| 11 | Offenses and Nuisances |
| 12 | Parks and Recreation |
| 13 | Zoning |
| 14 | Subdivision Regulations |
| 15 | Building Code |

Numbering Scheme Used in Washburn's Municipal Code

| |
|---------------------------|
| Title (1, 2, 3, etc.) |
| > Chapter (1, 2, 3, etc.) |
| > Article (A, B, C, etc.) |
| > Section (13-1-66) |

4. ECO-MUNICIPALITY DESIGNATION

The City of Washburn became the nation's first eco-municipality on July 11, 2005 when the Common Council adopted a Sustainable Community Development Policy. By adopting this resolution, Washburn endorsed the principles of sustainable community development that are based on the Natural Step framework. Furthermore, the City agreed to apply the principles of the Natural Step framework in planning, policymaking, and providing City services. Washburn also committed to use a democratic process that involves residents and City staff to plan for the City's future and to implement proposed changes that will strengthen the City's role as a sustainable community.

The new zoning code needs to support the City's vision in the comprehensive plan and the adopted Sustainable Community Development Policy.

Washburn's comprehensive plan was built on the Natural Step framework and strives to (1) eliminate Washburn's contribution to fossil fuel dependence and to wasteful use of scarce metals and minerals, (2) eliminate Washburn's



contribution to dependence on persistent chemicals and wasteful use of synthetic substances, (3) eliminate Washburn's contribution to encroachment on nature; and (4) meet human needs fairly and efficiently. These principles formed the foundation for the City's comprehensive plan.

5. COMPREHENSIVE PLANNING

OVERVIEW

A comprehensive plan is a document that describes current conditions within the community and what it would like to be sometime in the future. It is forward looking and presents a vision for the community. Not only does a plan describe the community's vision, it includes a blueprint of how to achieve it. This means that a comprehensive plan is not the end product. It is the first step that is to be implemented with programs and activities that are designed to help achieve the vision. Zoning is often one of the most effective ways of implementing a community's vision for land use and development.

The link between planning and zoning became quite strong in Wisconsin when a new state law was passed in 1999. It provides that beginning on January 1, 2010, all local regulations and decisions need to be consistent with the community's comprehensive plan. If a municipality does not have a plan on that date, it may not regulate land use until such time a plan is adopted. This consistency doctrine has been the subject of much speculation as to what level of adherence is required given the historic application of comprehensive plans as a guide, rather than a regulatory tool for land-use decisions.

It is common for municipalities to guide land use decisions as property owners apply for rezoning in order to bring about the changes intended in the comprehensive plan. This approach, however, can take years to implement and may be subject to political pressures or changing interpretations by new administrations. Some municipalities take a more proactive approach by meeting with land owners in a desired land use change area to bring about rezoning at one time to immediately affect the land use pattern of the jurisdiction. This approach requires time investment in educating the affected land owners and building consensus. When consensus is not achieved, a municipality may be forced to make a difficult political decision or scale back the intended change at the time. This will be an important consideration as the City begins to work through the many issues involved in preparing a new zoning code.

WASHBURN'S PLAN

The City of Washburn adopted a comprehensive plan in 2007 and has made a number of amendments since that time. The plan contains the various elements required by state law. As is true of any good plan, the City's plan provides a long-term vision with supporting actions necessary to achieve that vision. The goals, objectives, and policies in the plan along with the future land use map are keys in achieving that vision. These are discussed in more detail below as they relate to the zoning code project.

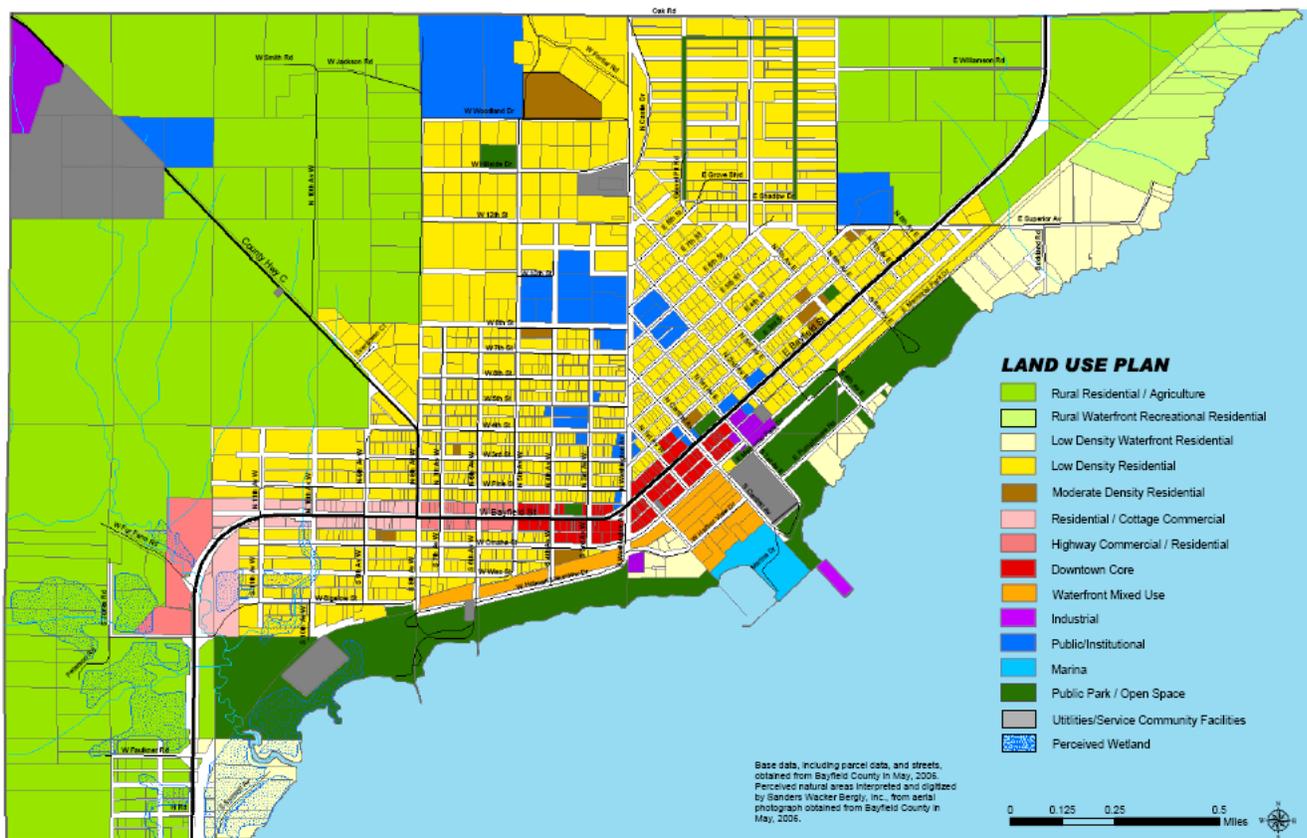
Goals, Objectives, and Policies – The City's plan includes a number of goals, objectives, and policies relating to land use; waterfront and coastal resources; transportation; utilities and community facilities; natural, cultural, and agricultural resources; housing; economic development; and intergovernmental cooperation (Appendix B). Collectively, they are policy choices that came out of the public participation process the City used in preparing its plan.

In varying degrees, the goals, objectives, and policies have a direct bearing on the new zoning code. Policies that are especially relevant to the zoning code are denoted by a "star." As the project moves forward, it is very important that the new zoning code address these to the fullest extent possible.

Future Land Use Map – The future land use map probably provides the most publicly used and referred to part of the comprehensive plan. It shows graphically the arrangement of land uses by color or pattern, parcel lines, street right-of-ways, and other reference features. Washburn's plan shows 14 land use districts as generally described below.



- ◆ **Rural Residential / Agriculture** – This district is for single-family residential use and limited agricultural use in the rural areas of the City not served by public sanitary sewer. New lots will be at least four acres in size.
- ◆ **Rural Waterfront Recreational Residential** – This district accommodates rural, single-family residences and limited resort or tourist lodging that is consistent with the natural, waterfront setting of this area. New lots will be at least 1.5 acres in size.
- ◆ **Low-Density Waterfront Residential** – The low-density waterfront residential designation guides land on or near the waterfront for suburban or low-density single-family residences, twinhomes, and townhomes at a density not to exceed five dwelling units per acre. New lots will be at least 1.5 acres if not served by public sewer.
- ◆ **Low Density Residential** – This district accommodates single-family residences, twinhomes, and townhomes at a density not to exceed five dwelling units per acre. Most of this area is served by public sanitary sewer.
- ◆ **Moderate-Density Residential** – This district is for existing apartments, senior housing, and other residential uses. New development will have a density of roughly 6 to 10 dwelling units per acre.
- ◆ **Residential / Cottage Commercial Mix** – This district accommodates single-family dwellings and limited commercial uses that are visually and functionally compatible with the surrounding single-family residences. Cottage commercial uses could include businesses such as a hair salon, coffee house, artist studio, or a real estate office that would not require significant parking and the could be integrated into the first floor with a residence on the second floor.
- ◆ **Highway Commercial / Residential Mix** – This district is intended to accommodate primarily highway commercial uses including auto repair shops, car washes, gas stations, grocery stores, building materials stores, and other commercial uses that may be inconsistent with the intent of the downtown core.



City of Washburn, WI Comprehensive Plan 2007-2027
 Figure 3-2: Land Use Plan Page 3-17



- ◆ **Downtown Core** – This district is the commercial center for Washburn and includes shopping, restaurants, entertainment, offices, museums, services, and government facilities. Residential uses may be located on an upper level. It is intended to be an attractive, compact, pedestrian-oriented area.
- ◆ **Planned Waterfront Mixed-Use** – This district is intended to provide a mixture of commercial, residential, light industrial, and public recreational uses in a master planned setting. It is envisioned this area will be an attractive, pedestrian-oriented area where people can live, work, and play. New buildings will have a residential appearance consistent with the vernacular architecture of Washburn. Uses along the street level could include commercial uses like galleries, studios, offices, and boutiques. Upper levels could accommodate residential uses.
- ◆ **Industrial** – The district primarily includes existing industrial uses. The plan does not identify an area for a future industrial park.
- ◆ **Public / Semi-Public / Institutional** – This district accommodates existing schools, religious institutions, museums, and government facilities. It is envisioned the future uses will be integrated into other land use districts.
- ◆ **Public Park / Open Space** – This district accommodates existing parks and open space areas. Additional park and open space areas will be integrated into other land use districts.
- ◆ **Marina** – This district is designed for the existing marina.
- ◆ **Utilities/ Service Community Facilities** – This district is intended to include a wide range of facilities related to utilities and other service uses.

Given the nature of the adopted future land use map, the plan states:

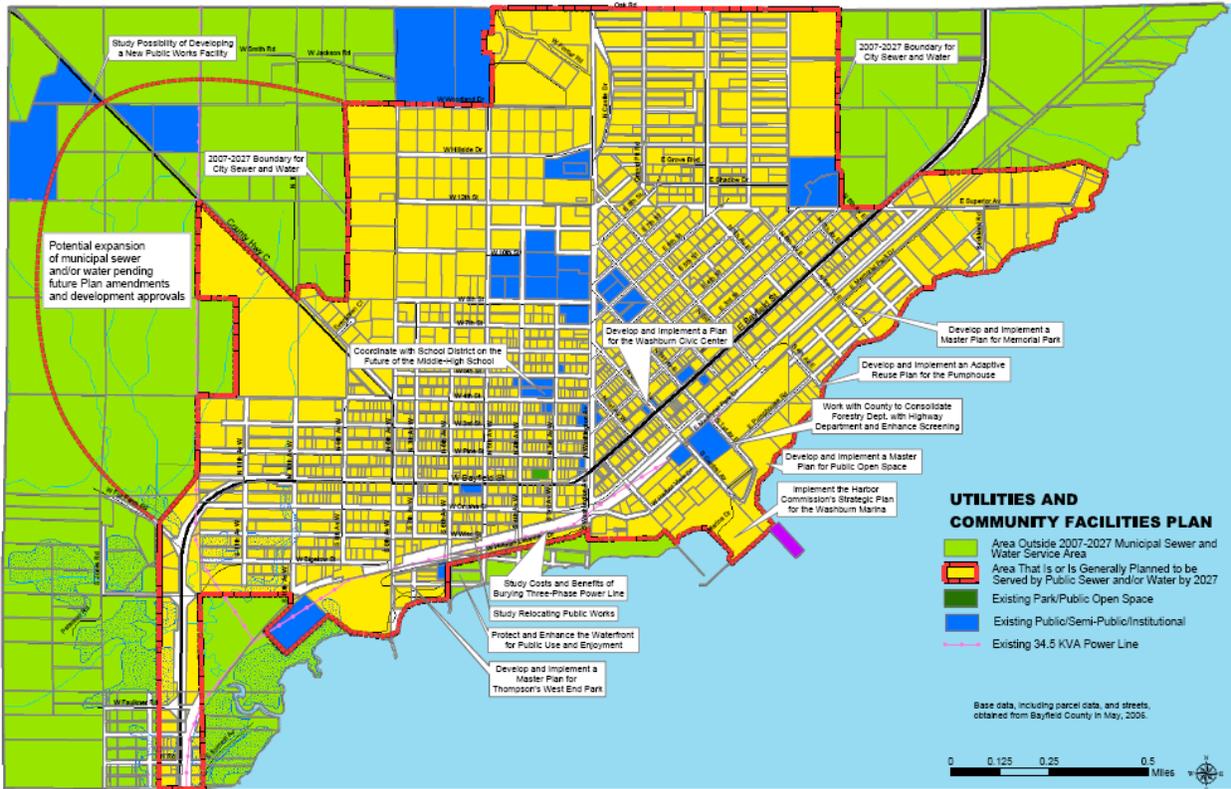
The City must update its zoning ordinance and zoning map to be consistent with this comprehensive plan. More specifically, the City must create new zoning districts that reflect the Land Use Plan. For example, the City must create a planned waterfront mixed-use district (or districts). Furthermore, the City must develop standards for each district that reflect the goals, objectives, and policies of the Land Use Plan. For example, the City must develop standards that address sustainability concepts.

Source: 2007 City of Washburn Comprehensive Plan

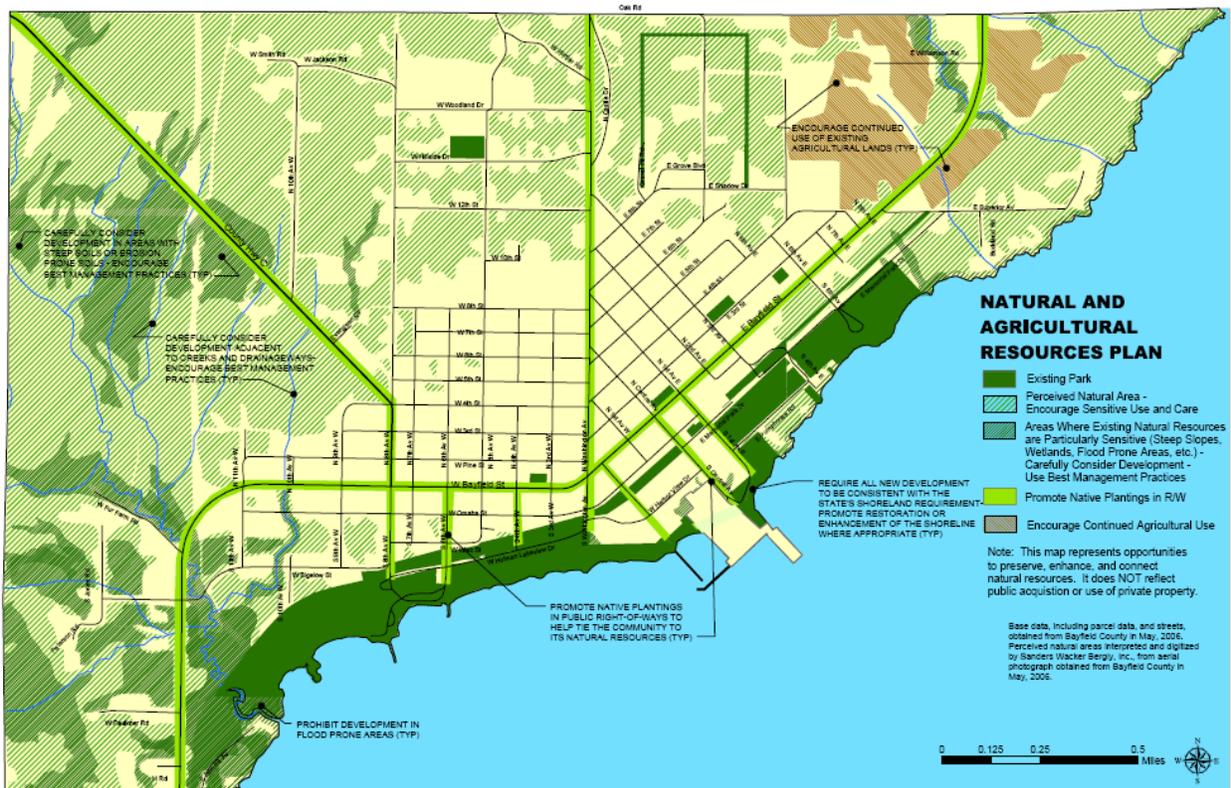
The future land use map is referred to by the public and planning staff when preparing staff recommendations to the Plan Commission on all forms of land use proposals such as annexations, subdivisions, re-zonings, and conditional use permits. In a general way, the map assists the reviewer in determining land use compatibility and adherence to the goals of the community. Rezoning are most closely tied to the future land use map in that a municipality's decision to rezone a parcel of land must be consistent with the future land use map. If the proposed rezoning is not consistent, then the petitioner is able to seek an amendment of the future land use map prior to submitting a rezoning application. So much flows from the future land use map.

Utilities and Community Facilities Plan – In addition to the goals, objectives, and policies relating to the City's utilities and community facilities, the plan includes a map that depicts a variety of existing and future facilities and features. Of special note, the map depicts the 2007-2027 sewer and water service area and a potential expansion area in the northwest quadrant of the City.

Natural and Agricultural Resources Plan – The 2007 plan addresses the many important natural resources in and around the City. A map in the plan depicts perceived natural areas and areas where existing natural resources are particularly sensitive to development. These include steep slopes, wetlands, flood-prone areas and the like. Appropriate development standards need to be included in the new zoning code to address these resources.



City of Washburn, WI Comprehensive Plan 2007-2027
 Figure 6-3: Utilities and Community Facilities
 Page 6-10



City of Washburn, WI Comprehensive Plan 2007-2027
 Figure 7-8: Natural and Agricultural Resource Plan
 Page 7-27



Plan Implementation – Chapter 11 of the plan provides a series detailed implementation activities. Four activities were identified as the City's top priorities and preparation of a new zoning code was identified as the number one priority.

Preparation of a new zoning code was identified as the number one priority of the City's comprehensive plan.

6. ZONING REGULATIONS – A PRIMER

OVERVIEW

The primary purpose of zoning is to segregate uses that are thought to be incompatible. For example, new homes should not be built within an area intended to accommodate industrial operations, and vice versa. In short, zoning is a tool that municipalities can use to prevent new development from harming existing residents or businesses and to preserve the general character of a community. Zoning may include regulation of the kinds of activities which will be acceptable on particular lots (such as open space, residential, agricultural, commercial or industrial), the densities at which those activities can be performed (from low-density housing such as single family homes to high-density such as high-rise apartment buildings), the height of buildings, the amount of space structures may occupy, the location of a building on the lot (setbacks), the proportions of the types of space on a lot (for example, how much landscaped space and how much paved space), and how much parking must be provided.

HISTORY

Like modern day legislative catalysts, the birth of zoning in the United States occurred as a result of public discontent and general concerns about public welfare. This emerging discontent was the product of changing America at the turn of the twentieth century as industrial and urban growth were on an unparalleled pace in the United States. This period saw the birth of electrification of cities, industrial innovation such as the sewing machine and elevator and the advent of steel framed buildings leading to high-rise structures and dense living conditions.

Even before the turn of the twentieth century, Americans were enamored with the idea of escaping the grimy conditions of early urban life. The Chicago Columbian Exposition in 1893 gave visitors a glimpse of an ideal city; the white city designed by architects and landscape architects of the times to allow visitors of the exposition to see what urban design could offer a well-planned city.

At the time, the idea of regulating land use was controversial; just as it is today. Social Darwinism in American was common at the time and conflicted with the idea of protecting the common good as many supported the maxim of the "survival of the fittest."

Growing congestion in cities, tenement style living arrangements, child labor, concern about lack of light and air in cities, and the rapid pace of densification ultimately led politicians of the time to offer a response to growing public concern. Theodore Roosevelt's Square Deal speech of 1910, offered a new creed, entitled "New Nationalism." He stated, "Every man holds his property subject to the general right of the community to regulate its use to whatever degree the public welfare may require it..."

In 1912, the City of San Diego adopted standards for building heights in various districts and became one of the earliest municipalities to adopted land-use regulations. New York City was the next major city to adopt zoning regulations in 1913.

In 1926, the U.S. Supreme Court heard *Ambler Realty vs. Village of Euclid*, a landmark zoning case. Although many subsequent cases have been heard by the courts at all levels since that decision, it established the legal basis for local zoning regulations as a constitutional exercise of police power granted to local government to protect public health, safety, and welfare.

TYPES

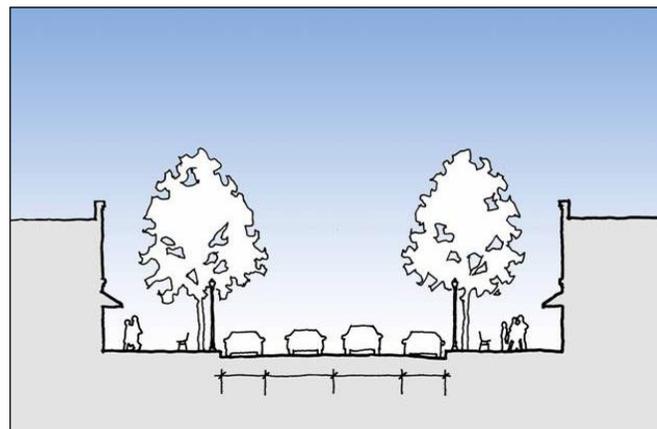
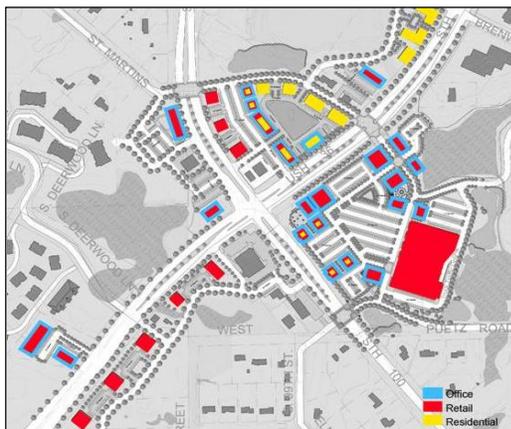
Traditional Zoning Codes – Traditional zoning codes, often called “Euclidean zoning” after the 1926 Supreme Court case, are prescriptive in nature. Permitted land uses, conditional uses, and prohibited uses are clearly outlined. Development is regulated through area standards and “black and white” rules which offer predictability, but give up flexibility in development. The pros of traditional zoning codes include a more regimented and predictable outcome, while cons include less development flexibility and at times the unintended consequence of disallowing a creative solution to a difficult site or a new, synergistic combination of uses.

Form-Based Codes – Form-based codes are a way to regulate development to achieve a certain character and form. The codes provide a predictable way to regulate the physical form, with less emphasis on land use. Although elements of form-based codes have been around since the 1990’s, specific form-based codes started to be used in the early 2000’s in response to the negative impacts of urban sprawl, neglect of the pedestrian realm, emphasis of vehicular traffic and circulation, and lack of design elements along streets and in public places.

If properly drafted, form-based codes can foster good urban design.

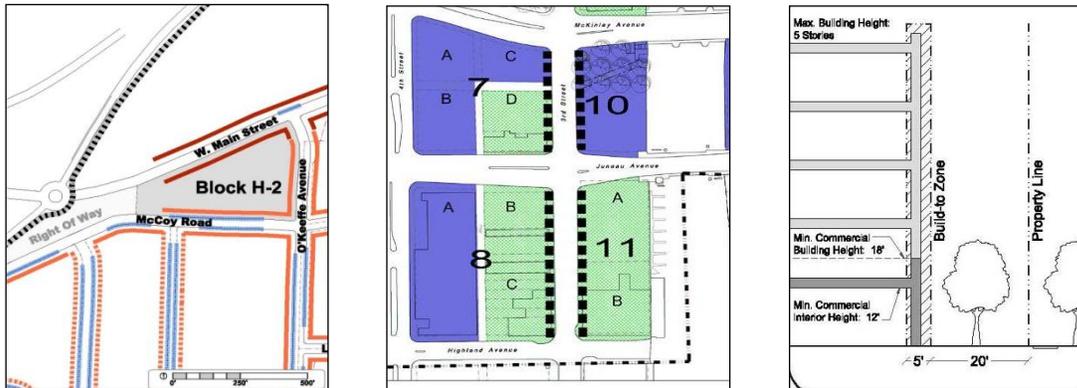
Form-based codes offer municipalities the opportunity to regulate the form of the public right-of-way to enhance the character of the street and pedestrian experience. Codes can be general and flexible while still reinforcing the character and vision of the street, corridor, or district. Codes can also be very detailed and site specific with regulations for each block, street, parcel, and building. In both cases, the Code helps to ensure the vision for the community is reinforced by regulating the height, scale, and type of development.

The form-based standards help to create quality architecture, walkable streets, and active urban spaces. In addition to mixed-use opportunities, the codes provide for landmarks, public spaces, and pedestrian-friendly amenities. The code elements and regulations help to form a foundation for good urban design and investor confidence.



What Can be Regulated?

Form-based codes can regulate building placement and height, parking, a variety of building details (e.g. amount of windows), street design, signage, and sometimes land use. The code may require a percentage of retail uses on certain streets, specific streetscaping elements to provide a coordinated development, or a variety of architectural styles that reflect a historic or commercial character of the main street or corridor. Specific open space features, pedestrian linkages, and parking enhancements are encouraged (or required) as part of the overall vision.



Advantages and Disadvantages

There are several advantages to using form-based codes:

- ◆ They can be applied to specific streets, corridors, or districts. They do not have to apply to the entire City and therefore, can address unique issues.
- ◆ The code is typically less complicated than basic zoning, includes graphics to illustrate the regulations, and is easier for the public and reviewing committee to understand.
- ◆ Codes can be as flexible, or as restrictive, as the community desires.
- ◆ They offer predictability for property owners, knowing neighborhood property owners will need to follow the same regulations that help to create a certain character.
- ◆ Codes address various elements that are not part of basic zoning, including architectural style, building mass, street design, pedestrian character and linkages, protection of views, and landscaping.

Disadvantages of form-based codes include:

- ◆ Since the codes are relatively new compared to traditional zoning, there is less understanding of the codes.
- ◆ Strong markets make the use of form-based codes easier than weak markets, which usually require a very flexible code.
- ◆ Communities need to agree on the character and vision that is being restricted or the implementation of the code may be challenged.

An increasing number of Wisconsin communities have implemented, or are currently developing, form-based codes. Most of these have been developed for a specific district or project, instead of applying to the entire community. Overlays, regulating plans, incentive bonus regulations, and hybrid codes are different ways of adopting the codes, but all have the goal of regulating the physical environment. Below are a few examples.

- ◆ **Fitchburg** – based on the Smart Code model of transects where regulations vary by the degree of urban character; building type, building location, and public right-of-way areas are regulated
- ◆ **Franklin** – project based code that regulates the location of new buildings, location and design of parking areas, landscaping, and types of public spaces.
- ◆ **Madison** – currently updating their zoning ordinance to include various form-based sections for residential, commercial, and mixed-use districts
- ◆ **Milwaukee** – district code based on a regulating plan for new development with a block by block code that regulates building types, building height, pedestrian activation (amount of windows at street level), and public spaces
- ◆ **Sun Prairie** – hybrid code for their Main Street that includes both traditional zoning elements and form-based elements to create a traditional mixed-use street that emphasizes the pedestrian realm



- ◆ **Whitefish Bay** – form-based elements included in their downtown core district to address building setbacks and building height

Many other Wisconsin communities have regulations that could be considered form-based zoning because they are regulating the physical form of a district or project, even though they are not specifically identified as a form-based code.

Hybrid Codes – Hybrid zoning codes attempt to utilize the best of both worlds. As shown above, there are positive and negative aspects to both traditional and form-based zoning codes. The drafting of a comprehensive rewrite of a zoning code allows the community an opportunity to use both kinds of codes to form a hybrid code.

ZONING MAP

Most traditional zoning maps divide a jurisdiction into five basic land use types; residential, commercial, industrial, institutional, and open space. Further divisions may occur, defining more detail or nuances between the districts. For instance, residential districts may include single family, duplex, multi-family, planned unit developments (master planned areas), and mixed density districts. The same may be true for commercial and industrial districts.

Open space districts include both public open space and recreational areas, while institutional districts may include schools, community facilities, churches and other institutional uses.

In addition to the base layer districts, a community may define overlay districts where certain additional restrictions or flexibilities span one or multiple base districts. An example of an overlay district is an area requiring archaeological protection or an area that is subject to certain height restrictions to protect an important viewshed.

A zoning map can also be used to identify areas with special requirements, such as outdoor lighting levels and maximum building heights.

PROCEDURES

The procedures used in the administration of the zoning code can be classified as legislative, quasi-judicial, or administrative. The distinction is very important in terms of the type of public participation that is allowed/encouraged, the procedures that are used in reviewing the application, the amount and type of discretion the reviewing body has in making a decision, and the venue for appealing a decision made under the zoning code.

Legislative decisions essentially create new laws and amend or repeal existing laws. The adoption of a zoning code is therefore considered a legislative decision. Because legislative decisions are discretionary, local governing bodies need only conform to broad guidelines established under state law. The details of the legislation are left to local elected officials.

Quasi-judicial decisions are very similar to a decision made by a judge. The Board of Appeals, for example, renders a quasi-judicial decision when it considers a request for a variance. Facts are considered and a ruling is issued based on established criteria. Contact with the decision-makers is restricted so that all of the facts are presented in a public forum, as in a court case, so that all of the interested parties hear the same information, and are able to question such information and/or present contravening information.

Administrative decisions are those typically performed by staff when issuing permits on a day-to-day basis. Examples of administrative decisions include issuance of zoning permits, sign permits, occupancy permits, and the like.

ZONING REGULATIONS AS GUIDELINES OR STANDARDS, OR BOTH

Zoning regulations can include both guidelines and standards. Standards are those provisions that state hard and fast legal requirements, while guidelines offer more of a suggestion based on the jurisdiction's vision of a developing area,



Standards are typically those minimum requirements to which the development must adhere to meet minimum public health safety and welfare objectives set by the municipality, whereas guidelines provide some direction for the proposing developer to obtain a sense of the communities vision and ultimately to provide a desirable proposal to the jurisdiction. It is important to note that guidelines are not legal requirements but simply additional guidance to the developer.

STATE LIMITATIONS ON LOCAL REGULATIONS

In Wisconsin, the state legislature has imposed a number of limits on how towns, counties, cities, and villages exercise their zoning powers. These limitations relate to:

- ◆ satellite antennas with a diameter of 2 feet or less,
- ◆ migrant labor camps,
- ◆ amateur radio communications,
- ◆ nonconforming structures,
- ◆ solar energy systems and wind energy systems,
- ◆ forestry operations,
- ◆ livestock facilities,
- ◆ condominiums,
- ◆ time-share projects,
- ◆ community living arrangements for adults,
- ◆ community living arrangements for children,
- ◆ foster homes,
- ◆ treatment foster homes, and
- ◆ adult family homes.

State regulations may also overlap with local zoning rules. Examples include the regulation of auto sales, auto salvage yards when located within 1,000 of certain highways (s. 84.31, Wis. Stats.), bed and breakfasts, and payday lenders (s. 62.23(7)(gm), Wis. Stats.) to name a few.

FEDERAL LIMITATIONS ON LOCAL REGULATIONS

The federal government has also passed legislation that affects local land-use regulations.

Manufactured Housing – With the passage of the Manufactured Housing Construction and Safety Standards Act of 1974¹, local municipalities cannot prohibit or unreasonably discriminate against manufactured homes² within their community. A community may, however, regulate all types of housing within its jurisdiction with respect to minimum floor area, design standards, minimum building width, and other kinds of criteria.

Places of Worship – In 2000, the U.S. Congress passed the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA)³ that limits the extent to which a local government can impose land-use regulations on religious activities. As stated in Section 2 of the act, a government may not adopt or enforce a land-use regulation that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution is in furtherance of a compelling governmental interest, and is the least restrictive means of furthering that compelling governmental interest. RLUIPA prohibits a local or state government from imposing or implementing a land-use regulation that (1) treats a religious assembly or institution on less than equal terms with a nonreligious; (2) totally excludes religious assemblies from a jurisdiction; or (3) unreasonably limits

¹ Public Law 93-383, 93rd Congress

² A manufactured home is a dwelling unit that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the Manufactured Housing Construction and Safety Standards Act of 1974, as amended. A manufactured home bears a red insignia which certifies that it meets all applicable federal construction and safety standards. A manufactured home is one type of factory-built home.

³Public Law 106-274, 106th Congress



religious assemblies, institutions, or structures within a jurisdiction. RLUIPA allows an individual or religious institution to seek damages and attorney's fees in connection with a successful lawsuit challenging the validity of a local or state regulation.

In face of this federal law, some communities are hesitant to enforce any land use regulations as applied to religious institutions or interpret them more leniently in favor of the religious institution. However, if properly crafted, a community can impose reasonable regulations that advance a public interest and treat the religious institutions as other types of similar institutions.

Telecommunications – As part of the Middle Class Tax Relief and Job Creation Act of 2012⁴, state and local governments are required to approve any "modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base," including collocation, removal, and replacement.

EFFECT OF PRIOR PRECEDENT

Over the years, Washburn's zoning administrator, Plan Commission, Board of Zoning Appeals, and Common Council have reviewed hundreds of development applications. In acting on those applications, the decision makers based their decisions on the rules in effect at the time. In making their decisions, they strove to be consistent so that similar projects were treated fairly and consistently. This means that prior decisions often guided current decisions, and that is appropriate.

The goal of consistency, however, is often difficult to achieve over time with the normal turnover of city staff and elected or appointed decision makers. Further, consistent application of the code is difficult in those areas where decisions are made on a case-by-case basis. Conditional uses are a prime example, because no two projects are perfectly alike. In some instances, prior precedent can imperceptibly and gradually expand or limit what is considered appropriate development.

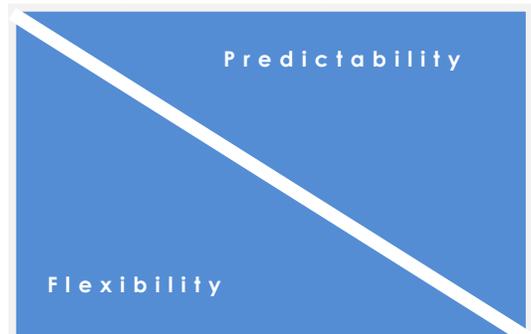
In the context of this project, the question arises, "To what extent should prior precedent guide future decisions?" This project is focused on drafting a new zoning code that is consistent with the City's comprehensive plan and achieves the desirable use of land. If prior decisions are consistent with those two goals, they can be useful in drafting the new code. On the other hand, if there are some prior decisions that are not consistent, they should not constrain the implementation of the comprehensive plan through the City's land development regulations.

PREDICTABILITY AND FLEXIBILITY IN A ZONING CODE

A zoning code is intended to control land development so it achieves the goals, objectives, and policies articulated in the community's comprehensive plan. Such regulations can be drafted to achieve a high degree of predictability so that everyone knows with a high degree of certainty whether a project will receive final approval or not. Regulations can also be drafted so that there is flexibility to address unique situations.

There is obviously a tension between flexibility and predictability for each of the various groups affected by a zoning code. On the one hand, developers want to minimize their risk in the development review process. They want to know before going into a project whether what they are proposing will be approved and in what timeframe. On the other hand, they may want some flexibility in applying the various design standards to maintain a certain degree of creativity and to address unique site conditions. Adjoining property owners often have conflicting views as well. They want to know what criteria will be used to evaluate the project so they can respond to the project accordingly. They don't want to be surprised to learn that an inappropriate project could be located next door. They too may desire the ability to influence the outcome of the project so that it is a neighborhood asset rather than a detriment.

Relationship between Flexibility and Predictability



⁴ Public Law 112-96, 112th Congress



Flexibility can be achieved in a number of ways. Some of these methods include:

- ◆ *conditional uses,*
- ◆ *special exceptions,*
- ◆ *density bonus provisions and other similar incentives, and*
- ◆ *use of development guidelines rather than prescriptive standards.*

A development review process that has a high degree of flexibility tends to take longer to complete than a process that is highly prescriptive with few if any avenues for flexibility.

Based on input received during the Scoping Session, the new code should look for ways to foster predictability and allow flexibility as a secondary goal. This decision recognizes that the building season in Washburn is comparatively short and that time is often of the essence.

THE ROLE OF LICENSING

In addition to zoning regulations, a community can establish licensing requirements for certain kinds of land uses. While zoning is concerned with broad issues of public health, safety, and welfare, licensing is more narrowly focused on issues related to the day-to-day operation of the activity such as sanitation, food service, reporting requirements, and fire and building code issues. While annual licensing requirements are most common, license renewals can be required less frequently (e.g., biannual).

If the authorized inspector identifies a non-compliant aspect of the operation during an inspection, the business operator is given a number of days to correct the deficiency. If the use is brought into compliance, a license is reissued. If not, the use must cease operation even though it complies with zoning requirements.

License requirements can be imposed by the state or local government to control a range of land uses, such as:

- ◆ *retail sale of liquor or malt beverages;*
- ◆ *sexually-oriented land uses;*
- ◆ *tattoo establishments;*
- ◆ *body-piercing establishments;*
- ◆ *massage parlors;*
- ◆ *pawn shops;*
- ◆ *mobile home parks;*
- ◆ *campgrounds;*
- ◆ *commercial kennels; and*
- ◆ *bed and breakfasts.*

In Wisconsin, licenses are required of various land uses and in some instances business operators and certain workers need to be licensed as well. Licensing can help to address potentially negative aspects of these land uses on an on-going basis and help to also ensure the land use remains compliant with zoning requirements. Of special note, licensing requirements apply to all such regulated activities even those that are "grandfathered" because they were established prior to the adoption of applicable zoning regulations.

The new zoning code should recognize the role of licensing in ensuring appropriate land uses.

EXTRATERRITORIAL REVIEW

Cities and villages in Wisconsin have the authority to review land divisions within their extraterritorial area (i.e., beyond their municipal boundary) if they have an official map or subdivision regulations. The extraterritorial area for first-, second-, and third-class cities extends 3 miles from the municipal boundary and 1.5 miles for fourth-class cities and villages. A city or village with extraterritorial plat review authority has the option of exercising its power or not.



Wisconsin courts have defined and redefined that way in which extraterritorial plat review authority is exercised. In general the courts have placed limitations on the way in which municipalities exercise this authority. In summary, the courts have held that a city or village:

- ◆ may not impose its own standards for public improvements within a town (*Rice v. City of Oshkosh* (148 Wis. ed 78, 435 N.W.2d 252 (1989)));
- ◆ may not require annexation as a condition of approval (*Hoepker v. City of Madison*, 209 Wis. ed 633, 563 N.W.2d 145 (1997));
- ◆ may not use its extraterritorial plat review authority to control the use of land; and
- ◆ may control the quality of the subdivision (*Gordie Boucher Lincoln-Mercury Madison, Inc. v. City of Madison*, 178 Wis. ed. 74, 503 N.W.2d 265 (Ct. App. 1993));

RELATIONSHIP OF ZONING TO OTHER LAND-USE REGULATIONS

A comprehensive plan may be implemented by a variety of tools including various regulations, administrative policies, specific area plans, and supporting studies and reports. A municipality's zoning code is currently just one way in which the use of land can be regulated. Other regulations are described below.

- ◆ Stormwater management regulations establish requirements for the design and construction of stormwater runoff occurring from proposed development or land use practices. Stormwater requirements may relate to specific land use types and may coincide with area standards such as green space requirements or building setbacks. An example would be requirements for retention or detention of rain water or positive drainage to a municipal storm sewer by way of a setback area.
- ◆ Erosion control regulations typically establish requirements for controlling the migration of sediment (soil) from a site by way of water (runoff), wind, vehicle tracking, or other means. Often erosion control regulations are cross referenced in zoning codes in general site suitability requirements or development restrictions on steep slopes.
- ◆ Floodplain regulations establish requirements for land use and development in the designated floodplain including the floodway and floodfringe areas. These regulations are sometimes looked at as an overlay zone, whereby its restrictions supersede any underlying requirements. The general goal of the floodplain ordinance is to prevent loss of property and life during a flood, however, it may also include provisions for land disturbance activities in the floodplain. The foundation for Wisconsin's floodplain zoning ordinances is in Chapter NR 116, Wis. Admin. Code.
- ◆ Wetland regulations often establish requirements for land uses affecting designated wetlands. Wisconsin Zoning Ordinances regulating wetlands typically cross reference federal wetland regulations administered by the U.S. Army Corp of Engineers (ACE permitting) or DNR Water Quality Permitting for non-federal wetlands. Generally local zoning adopts these requirements by reference, but may also stipulate additional requirements for unique areas within the local jurisdiction. An example would be restricting land uses within a designated wetland to implement a greenway system or linear open space system through the community.
- ◆ Parking regulations establish general design requirements for parking and may include specific design standards for certain districts (such as parking requirement relief in dense urban areas) or parking design configuration standards for landscaping, storm-water handling, islands, setbacks, cart storage in shopping areas, etc. Parking regulations may be embodied within a zoning ordinance or may be a freestanding referenced document.
- ◆ Sign regulations address general design requirements or regulations on commercial signage. (It is important to note the difference between commercial speech (signage) which may be regulated and free speech (which may include signage) which is typically exempt from local regulation due to personal constitutional freedoms). Sign regulations may be broad, covering on-premises signs, off premises signs, electronic signs, mobile signs, political signs (which can be regulated to a limited extent), projecting signs, freestanding signs, wall signs, roof signs and all other



forms of signage. Sign regulations or guidance may be embodied in the zoning code or may be referenced as a freestanding document.

- ◆ Historic preservation regulations establish standards for the conservation, alteration, or removal of designated historic structures and in some cases, those structures adjacent to a designated historic structure. Typically, these regulations are adopted as a free-standing regulation or a specific chapter of a zoning ordinance. The adoption of these regulations require public participation strategies for affected owners and the general public and ultimately a hearing to adopt regulations and the appointment of a historic preservation commission to oversee the administration of the regulation. A model ordinance is available through The Wisconsin Historic Society's Division of Historic Preservation. Historic structures and sites ordinances may supplement zoning ordinances but may also overlap certain regulations such as a zoning overlay district that strives to protect the integrity of a historic district.

- ◆ Subdivision regulations include provisions for the division of land. Typically subdivision regulations are divided into regulating minor land divisions such as by certified survey map or plat of survey and major land divisions such as by preliminary and final plat. Development proposals may require a zoning and subdivision process, whereby the design of the subdivision or parcels, must meet minimum zoning requirements for the intended land use type. The zoning requirements affecting subdivision design may include minimum lot sizes, setbacks, green space or open space requirements, lot to building area ratios and possibly slope restrictions for driveways, streets and other features which may need consideration in the subdivision design process.

7. EVALUATION OF CURRENT ZONING CODE

ZONING DISTRICTS

The City's zoning code includes the zoning districts shown below.

Existing Zoning Districts

R-1 Rural Residential – Limited Agricultural District (Sec. 13-1-22) The R-1 district is intended to accommodate for detached single family homes and limited agricultural uses, at densities not to exceed 0.25 dwelling unit per net acre in those areas of the City that may lie outside the urbanized districts served by City water and sewer but are within the corporate limits. The district is further intended to assist in preserving, protecting, and enhancing significant woodlands, wildlife habitat areas, and areas of rough topography.

R-2 Suburban Residential District (Sec. 13-1-23) The R-2 district is intended to provide for a restrictive zone for residential development in areas of the City that may lie outside the urbanized districts served by City water and sewer but are within the corporate limits, with densities not to exceed 0.75 dwelling unit per net acre.

R-3 Low Density Residential District (Sec. 13-1-24) The R-3 district is intended to provide for one- and two-family residential development, at a density not to exceed 2.9 dwellings per net residential acre, to be served by water and sewer.

R-4 Medium Density Residential District (Sec. 13-1-25) The R-4 district is intended to provide for existing one- and two-family residential development areas, at a density not to exceed 5.12 dwellings per net residential acre.

R-5 Mobile Home Park District (Sec. 13-1-26) The R-5 district is intended to provide a quiet and pleasant living area for residents of mobile homes, manufactured homes and conventional "stick built" residential construction in fully developed mobile home parks or single-family mobile home subdivisions. All mobile homes which are permanently parked, erected or constructed within the City shall henceforth be confined to a designated mobile home district within the City.

C-1 Office and Retail District (Sec. 13-1-27) The intent of the C-1 district is to allow for office and retail uses of a restrictive nature for those areas in and immediately adjacent to the historic downtown business district of the City.

C-2 General Retail Sales and Service District (Sec. 13-1-28) The purpose of the C-2 district is to provide for less restrictive uses and lot sizes for commercial uses.

continued



Existing Zoning Districts - continued

- C-3 General Commercial and Bulk Sales District (Sec. 13-1-29)** The purpose of the C-3 district is to provide for commercial uses which require larger lots and are not suitable for the central business district.
- M-1 Light Industrial District (Sec. 13-1-30)** The purpose of the M-1 district is to provide for light industrial uses of a more restrictive nature, in particular where adjacent uses differ and/or if located near the waterfront.
- M-2 General Industrial District (Sec. 13-1-31)** The purpose of the M-2 district is to provide for light industrial uses of a less restrictive nature, but to provide for control of noise, smoke, traffic and water pollution that would create a nuisance.
- M-3 Heavy Industrial District (Sec. 13-1-32)** The purpose of the M-3 district is to regulate existing heavy industry sites within the City of Washburn. It is further intended to protect the general public health and safety of City residents.
- W-1 Conservancy Overlay District (Sec. 13-1-33)** The W-1 district is intended to preserve the natural resources within the community by controlling intrusive development near and in conservancy lands so as to prevent potential hazards to public and private property. The boundaries of the overlay district follow the Federal Emergency Management Agency's Flood Insurance Rate Map. The overlay district further applies to a right-of-way of two hundred (200) feet [one hundred (100) feet from center] coinciding with any tributary of Lake Superior or the Thompson Creek Watershed.
- P-1 Public and Semi-Public Recreation District (Sec. 13-1-34)** The P-1 district provides for public open space and outdoor recreation needs of the citizens without the destruction of natural resources. This district is to assure that a minimum of two hundred (200) feet to the landward side of the ordinary high watermark if Lake Superior shall be maintained in City ownership to provide for public access to the waterfront.
- 1-1 Institutional District (Sec. 13-1-35)** The 1-1 district is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas which are used or intended to be used for public or private institutions or organizations housing social, educational, religious or governmental activities.
- WR Waterfront Residential District (Sec. 13-1-36)** The WR district is intended to provide for single-family and multi-family residential use between Bayfield Street and Lake Superior. The district regulations provide guidelines for physical design of planned unit development while utilizing the limited land available for a plan acceptable to the City.
- WC Waterfront Commercial District (Sec. 13-1-37)** The WC district is intended to provide for long-term commercial uses in specifically identified waterfront areas in the City of Washburn. Future commercial waterfront uses are permitted in the WC District as financial implementation becomes possible. Commercial uses within this district will require lease or sale of land by the City. The WC District also provides for short-term nonstructural use of a bulk-storage nature. Bulk commodity shall only be permitted by the Common Council on a contract basis which will establish the length of storage. No permanent industrial structures shall be permitted.
- WR-1 Waterfront Single Family Residential (Sec. 13-1-38)** The WR-1 district is intended to provide for single family residential development adjacent to Lake Superior.
- WR-3 Waterfront Recreational Residential (Sec. 13-1-40)** The WR-3 district is intended to provide for low density residential and short-term rental lodging development adjacent to Lake Superior.
- Planned Unit Development (PUD) District (Sec. 13-1-50)** The PUD district is established to encourage and promote improved environmental design in the City of Washburn by allowing for greater freedom, imagination and flexibility in the development of land while insuring substantial compliance to the basic intent of the zoning ordinance and the general plan for community development. The District allows diversification and variation in the relationship of uses, structures, open spaces and heights of structures in developments conceived and implemented as comprehensive and cohesive, unified projects. It is further intended to encourage more rational and economic development in regard to public services and encourage and facilitate preservation of open land.

CLASSIFICATION OF LAND USES

The zoning code currently lists permissible land uses under each of the zoning districts (Appendix C). In some cases, the list is additive (i.e., whatever is allowed in that district is allowed in this district). Because the land use listing is under each district, it is not uncommon to find inconsistencies. For example, detached garages are allowed as an accessory use in the R-2 district but not in the R-3 district.

The list of uses is fairly detailed and may unnecessarily differentiate between similar types of uses. A proposed classification scheme is included in Appendix D. In this example, land uses are classified as principal, accessory, or temporary. Land uses under the heading of principal uses are further grouped into topical categories to help organize the many different types of land uses.



REVIEW PROCEDURES

The current zoning code includes a number of procedures used in the administration of the zoning code. For each of the procedures, the following information should be clearly described:

- ◆ A list of all those that are involved in the process and the role that they play
- ◆ The type of public notice that is required
- ◆ The sequential steps in the review process (i.e., who does what and when)
- ◆ The criteria by which an application will be evaluated
- ◆ If an application, the appeal process available to aggrieved parties

As a general rule, the current code does an adequate job of providing the required information. However, there is room for improvement.

Existing Review Procedures

| Type of Application | Current Citation |
|---|------------------------|
| Filling permit | 13-1-16 |
| Planned unit development district | 13-1-50 through 59 |
| Conditional use | 13-1-60 through 69 |
| Sign permit | 13-1-100 through 117 |
| Certificate of compliance | 13-1-143 |
| Site plan review | 13-1-144 |
| Code amendment – text and map | 13-1-150 |
| Administrative appeal | 13-1-160(a) and (d)(1) |
| Variance | 13-1-160(d)(2) |
| Code interpretation | 13-1-160(d)(3) |
| Conversion of an existing nonconforming use (substitutions) | 13-1-160 (d)(4) |
| Authorization of an unclassified/unspecified use | 13-1-160 (d)(5) |
| Authorization of a temporary use | 13-1-160(d)(6) |

Summary of Existing Review Authority

| Type of Application | Nature of Decision | Zoning Admin. | Plan Commission | Common Council | Board of Zoning Appeals | Court of Competent Jurisdiction |
|---|--------------------|---------------|-----------------|----------------|-------------------------|---------------------------------|
| Filling permit, 50-499 cubic yards | 13-1-16 | D | - | - | LA | CA |
| Filling permit, 500 cubic yards or more | 13-1-16 | - | - | D | - | |
| Planned unit development district | 13-1-57 | - | - | D | - | CA |
| Conditional use | 13-1-60 | - | R | D | LA | CA |
| Sign permit, but not including off-premise signs | 13-1-105 | D | - | - | LA | CA |
| Sign permit, off-premise signs | 13-1-105 | - | D | - | LA | CA |
| Certificate of compliance | 13-1-143 | D | - | - | LA | CA |
| Site plan | 13-1-144 | - | R | D | - | CA |
| Code amendment – text and map | 13-1-150 | - | R | D | - | CA |
| Administrative appeal | 13-1-160(d)(1) | - | - | - | D | CA |
| Variance | 13-1-160(d)(2) | - | - | - | D | CA |
| Code interpretation | 13-1-160(d)(3) | - | R | - | D | CA |
| Conversion of an existing nonconforming use (substitutions) | 13-1-160(d)(4) | - | R | - | D | CA |
| Authorization of an unclassified/unspecified | 13-1-160(d)(5) | - | - | - | D | CA |
| Authorization of a temporary uses | 13-1-160(d)(6) | - | - | - | D | CA |

Key: SR – staff report; R – recommendation; D – final decision; LA – local appeal; CA – court appeal

Note: This matrix is intended to summarize the processes outlined in the zoning code.



The Common Council conducts a preliminary review of potential projects to determine if the council will even consider the project. After that initial review, it goes to the Plan Commission for recommendation, then back to Council for final action. The new code should look for ways to streamline the process while still maintaining the necessary review.

The City may want to consider adding some new procedures as described below.

- ◆ **Termination of use** – There should be a process in place in the zoning code to terminate a previously issued approval. For example, a termination may be appropriate when (1) the property owner desires to terminate a previously issued conditional use approval for his or her property, (2) a conditional use has ceased to operate for more than 12 months, (3) the property owner is in violation of one or more conditions of approval for a conditional use, and (4) a specified land use has ceased to operate for the time period specified for such use (e.g., the use or structure has become obsolete as in the potential case of a telecommunication tower).
- ◆ **Special exception** – Although terms “variances” and “special exceptions” are often used interchangeably, they are distinctly different. A person may seek a variance when he or she believes one or more of the requirements in the zoning regulations are causing a hardship and there are circumstances that are unique to the property in question and not generally shared by other property owners in the same zoning district. In contrast, a special exception can be used to account for special circumstances that do not rise to the level of a hardship as is required for a variance. A zoning code could, for example, establish a maximum height for principal buildings in a zoning district. A special exception (i.e., the approval to deviate from the standard) could allow a taller building if for example the building is on a larger parcel and an increased setback is used in siting the building.
- ◆ **Rural accessory structure determination** – Given the number of larger rural parcels in the City, there may be instances where the limitation on the number of accessory buildings may force a property owner to choose between keeping an old farm building, for example an old barn, and not being able to add an accessory building or removing the rural building to have another accessory building. Because rural buildings often times help to maintain the character of an area, special consideration should be given to keep this as long as possible.
- ◆ **Registration of a nonconforming use** – There may be now or in the future certain uses of land that are not in compliance with this chapter, but which were legally established. These uses are referred to as “nonconforming uses,” and are allowed to continue to operate. For this reason, it is necessary to document those uses that are considered nonconforming. Registration of a use as a nonconforming use provides documentary evidence establishing (1) when the use was first established; (2) that the use at the time of establishment was done so consistent with the rules and regulations in effect at the time, if any; (3) that it has continued continuously, without cessation of more than 12 continuous months; and (4) the nature of the use.

Potential Review Procedures

| Type of Application | Nature of Decision | Zoning Admin. | Plan Commission | Common Council | Board of Zoning Appeals | Court of Competent Jurisdiction |
|---|--------------------|---------------|-----------------|----------------|-------------------------|---------------------------------|
| Termination of use | Quasi-judicial | SR | R | D | - | CA |
| Special exception | Quasi-judicial | SR | D | - | - | CA |
| Rural accessory structure determination | Quasi-judicial | SR | D | - | - | CA |
| Registration of a nonconforming use | Administrative | D | LA | - | LA | CA |

Key: SR – staff report; R – recommendation; D – final decision; LA – local appeal; CA – court appeal



LAWSUITS RELATING TO THE EXISTING CODE

Since February of 2009, there have been no lawsuits relating to Washburn's existing zoning code.

LEGISLATIVE FINDINGS AND PURPOSE STATEMENTS

Legislative findings in the new zoning code, sometimes referred to as "purpose statements," should reference the goals, objectives, and policies of the comprehensive plan where appropriate. Doing so will create a direct link between these two and can help explain why the requirements in the zoning code are written as they are. Additionally, they will help the zoning administrator interpret the code. If the code faces a legal challenge, a judge can better understand the overall intent of the jurisdiction.

DECISION CRITERIA

When it comes to quasi-judicial and administrative decisions, those making the decision should be guided by very specific factors that are included in the zoning code. Not only will having those factors listed in the code aid decision makers, the applicant and those near a proposed project will understand the parameters by which an application will be evaluated.

Decision criteria for variances are identified by case law. For other procedures, they can be crafted by the community to fit their particular circumstances. Findings relating to the decision criteria in the City's zoning code is shown in the table below.

Adequacy of Decision Criteria in Zoning Code

| Type of Application | Adequacy of Decision Criteria in Zoning Code |
|--|--|
| Filling permit | Decision criteria are established in s. 13-1-16(j); they are generally clear |
| Planned unit development district | Criteria are included in s. 13-1-56; they are generally inadequate and severely constrain the discretion of the City |
| Conditional use | Decision criteria are listed in s. 13-1-66; additional criteria could be added to more fully evaluate the desirability of conditional uses |
| Sign permit, but not including off-premise signs | Issuance of a sign permit is administrative, there is little discretion; no specific criteria are needed |
| Sign permit, off-premise signs | Decision criteria are needed to help the Plan Commission in making their decision |
| Certificate of compliance | Issuance of a sign permit is administrative, there is little discretion; no specific criteria are needed |
| Site plan | Criteria are included in s. 13-1-144(d) and (e); additional standards could be added |
| Code amendment – text and map | Text revisions are purely legislative; while map amendments are also legislative in nature, criteria can be added to ensure the map is consistent with sound land planning principles (i.e., no spot zoning) |
| Administrative appeal | Criteria are not necessary in that the Board of Appeals is reviewing an administrative decision made in the context of established standards |
| Variance | Criteria used by the courts are generally well established; these same criteria should be used in reviewing variance requests |
| Code interpretation | Criteria are lacking |
| Conversion of existing nonconforming use (substitutions) | Criteria are lacking |
| Authorization of unclassified/unspecified uses | Criteria are lacking |
| Authorization of temporary uses | Criteria are lacking |



CONSISTENCY WITH COMPREHENSIVE PLAN

The following exhibit summarizes the key points of the comprehensive plan and evaluates the extent to which the zoning code addresses them.

Evaluation of Comprehensive Plan

| Summary Statement | Relationship to Current Code |
|--|---|
| Preserve habitat by limiting housing in environmentally sensitive areas | The current code could do more |
| Ensure a variety of housing (e.g., single family and multi-family) | The current zoning code could do more to allow for variety of housing |
| Integrate low-, moderate-, and high-income housing in the same area | The current code could do more |
| Assure housing for the developmentally challenged | Difficult to do with a zoning code |
| Maintain open feel and rural character of much of the growth area around the City | Current code does a good job of accomplishing this goal |
| Encourage higher density near the Downtown core, and lower density in the more rural areas | The current code could do more |
| Provide land for manufactured housing | Not addressed in code |
| Allow "mixed-use" neighborhoods | Not addressed in code |
| Use the capacity of utilities and community facilities to direct future growth | Not addressed in code |
| Allow home businesses that have little or no impact on surrounding properties | Current code does a little to address this issue |
| Control lakeshore development | The current code could do more |
| Protect environmentally sensitive areas, especially those not protected by current floodplain, wetland zoning, or other regulation | The current code could do more |
| Protect surface water through lake, stream, and river corridor preservation and development policies | The current code could do more |
| Protect aquatic and wildlife habitat by managing development away from environmental corridors, riparian areas, and woodlands | The current code could do more |
| Separate incompatible uses from landfills and quarries | Generally adequate |
| Improve the economy of the community by encouraging appropriate business and industry places to succeed | Current code needs improvement on this issue |
| Utilize the public utilities, natural resources, and history and culture of the community to attract appropriate business | Current code needs improve on this issue |

OPPORTUNITIES TO IMPLEMENT FORM-BASED CODE PROVISIONS

The City's 2007 comprehensive plan identifies several issues that would benefit from a form-based code. Preservation of views, quality lakefront development, and improved visual character of the commercial core are priorities outlined in the plan's goals. Specifically the building location, building height, amount of windows, and parking for Bayfield Street redevelopment and infill development could be regulated with a form-based code. Details within the code, such as building setback, landscaping, and building height, would be different for the highway commercial section, compared to the downtown core.

Waterfront development could be regulated in terms of building locations and building heights with the priority to preserve key views and the natural waterfront character, while providing access to the waterfront. Linkages to the trail system and City parks would be identified and integrated with the pedestrian circulation and park systems. Another critical issue to enhancing the City's character and promoting economic development is to strengthen the connection between Bayfield Street and the waterfront. Codes can assist in illustrating the street design, building types, public spaces, pedestrian



connections, and location for development that will create a gateway to the waterfront. Chapter 3: Land Use and Chapter 4: Waterfront and Coastal Resources

Investment in the City’s public infrastructure to improve the character of major streets can assist in the economic development efforts of the community. The level of investment can vary based on budget constraints, but the overall design can be regulated with a form-based code that identifies streetscaping, pedestrian elements, and access features. Chapter 9: Economic Development and Chapter 11: Implementation

Options for Incorporating Form-Based Regulations into the Washburn Zoning Ordinance

The first step is to identify the areas that should be regulated with the form-based code. Second step is to determine the level of detail desired for the areas. Not all areas may need the same amount of detail and regulation. Below are three options for how form-based elements can be integrated into the zoning code.

1. GENERAL – narrative and diagrams to regulate:
 - ◆ building location
 - ◆ building setback
 - ◆ access (curb cuts)
 - ◆ circulation linkages – vehicular/bike/pedestrian

2. MODERATE – narrative and diagrams to regulate the following (in addition to the General items):
 - ◆ parking location and layout
 - ◆ street design for key streets – includes streetscape recommendations
 - ◆ public spaces – location and types of activities

3. DETAILED – narrative and diagrams to regulate the following (in addition to the General and Moderate items):
 - ◆ street activation – street level uses and amount of windows/doors
 - ◆ building types
 - ◆ building heights
 - ◆ screening and buffering

8. HISTORY OF DEVELOPMENT APPLICATIONS

The number and type of applications that were submitted for review from February of 2009 through October 31, 2012 are shown in the table below. Sign permits were the most common, followed by amendment of the zoning code (text and map). Of special note, there were no variance applications. During that period, the City reviewed and approved 13 conditional uses – two for animal/livestock, four for home occupations, five to allow residential structures/uses in commercial areas, and two for tourist rooming houses.

Development Applications: February 2009 through October 2012

| | Approved | Denied | Withdrawn | Pending | Total |
|----------------------------|----------|--------|-----------|---------|-------|
| Administrative Appeal | 0 | 0 | 0 | 0 | 0 |
| Conditional use | 13 | 0 | 0 | 0 | 13 |
| Signs | 28 | 0 | 0 | 0 | 28 |
| Variance | 0 | 0 | 0 | 0 | 0 |
| Zoning code map amendment | 2 | 0 | 0 | 0 | 2 |
| Zoning code text amendment | 20 | 0 | 0 | 0 | 20 |

The number of text amendments, nearly one-third of the development applications, suggests that the current code does not adequately address the needs of the City and that a complete zoning code rewrite may be appropriate.



9. FINDINGS AND RECOMMENDATIONS

In the previous sections we reviewed the history and importance of zoning in general, and then in detail we analyzed the current code. This review and analysis has given us strong direction to make findings and promote a policy debate regarding the new zoning code. The following section makes specific recommendations for the consideration of the City of Washburn's leadership. The issues are organized into broad categories to assist in reviewing these recommendations.

Summary of Findings and Recommendations

| Issue Statement | Recommendation |
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| General Organization of Zoning Code | |
| 1. The zoning code is currently a stand-alone chapter in Title 13. Other regulations include floodplain, historic preservation, land division, and others. | Consider adopting a unified development code that incorporates all regulations pertaining to land use and development, but not licensing. This approach can help to clear up confusing language, create a more efficient drafting both for the public to understand the codes and the administration and staff to administer the codes. It would also ensure the regulations are written with the City's long-term vision as their central theme. A preliminary table of contents is included as Appendix E. |
| 2. The code currently lists permissible land uses under each of the zoning districts. In some cases, the list is additive (i.e., whatever is allowed in that district is allowed in this district). | Consider using a land use matrix to concisely list all of the land uses that are allowed in the City and where they are allowed either by right or as a conditional use. An example of a land use matrix is depicted in Appendix F. A land use matrix allows a person to determine where a certain land use may be located and also what land uses may occur on any given parcel in the City. |
| 3. The text in the code is rather dense and continuous. There are only a few graphics and does not take advantage of tables as a way to organize information. Graphics are "worth a thousand words" and tables help the reader find a wealth of information in an easy to understand format. | Land-use regulations should include a generous number of graphics in the body of the text. As a general rule, a graphic should be placed on the same page where it is first referenced. In some cases though, a graphic may be placed on a following page when absolutely necessary because of formatting limitations. Likewise tables should be used to help organize content. |

General Code Administration and Procedures

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| 1. There are numerous provisions in the zoning code that are based on a requirement in state statute. For example, s. 13-1-153 addresses when property owners can protest a rezoning. This language is derived from s. 62.23(7)(d)(2m) of Wisconsin Statutes. | Include a reference to state statutes when a provision in the zoning code is directly related to or mirrors state law. In this way, everyone will know the original source. |
| 2. Section 15-1-2 in Title 15, which is entitled "Building Code" describes various requirements for obtaining a building permit. Subparagraph I includes a requirement that before a building permit may be issued for any construction, reconstruction, expansion, or conversion, except for one- and two-family dwelling units in residential zoning districts, the project must receive site plan approval from the Common Council. This language is similar to s. 13-1-144 found in the zoning code. | Remove the language found in s. 15-1-2I relating to site plan procedures and requirements. Retain the provision requiring site plan approval before the building inspector issues a building permit for regulated buildings. |
| 3. There are instances where the content of a development application is enumerated. For example, there are 14 items listed for a sign permit in s. 13-1-105. While there is nothing wrong with this practice, one could make the case that the information required on an application form should not be | Consider removing any listing of application contents and giving authority to the Plan Commission or zoning administrator to prepare application forms. This will shorten the length of the zoning code, which may be seen as a secondary benefit. |



| Issue Statement | Recommendation |
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| <p>include in a zoning code. It may be sufficient to simply indicate that the Plan Commission or zoning administrator is authorized to prepare applications and amend them from time to time.</p> | |
| <p>4. In some instances, the code authorizes the City to seek the assistance of outside experts (e.g., s. 13-1-59(b)). As drafted, there is an ambiguity regarding the approval of the applicant. Does the applicant have the right to veto the expert the City would like to use? Or, does this simply mean that the applicant has the right to withdraw an application if he or she does not want to pay for the expert?</p> | <p>Clarify if the City is able to charge for outside experts, when, and if the landowner had an authority to veto this authority.</p> |
| <p>5. Title 4 of the municipal code provides procedures and requirements for the review of administrative decisions. It is based on ch. 68, Wis. Stats. Title 13, Article M, also provides procedures and requirements with regard to zoning code administration. The relationship between these need to be more explicit.</p> | <p>To avoid any potential confusion with regard to the review of administrative decisions, a provision should be included that specifies that administrative decisions made under authority of the zoning regulations are reviewed by the Board of Appeals, as is the current practice.</p> |
| <p>6. The code currently states that if a sign permit is denied, the permit fees and papers must be returned to the applicant. There are two issues. The first relates to public records requirements. Once written materials are submitted to a municipality for review, they are subject to Wisconsin's open records laws. The second issue relates to returning application fees.</p> | <p>All application materials need to be retained as a public record. The City must confirm whether it wants to continue returning application fees upon denial. The intent of an application fee is to cover the cost of review, not a payment for approval.</p> |
| <p>7. In several places (e.g., s. 13-1-90) there are references to "local" and "arterial" streets. There is a definition for "arterial" in s. 13-1-170. However, there is no definition for "local" street.</p> | <p>One option is to utilize WisDOT's functional classification system, which delineates arterial streets, collector streets, and local streets. These could be delineated on the zoning map.</p> |
| <p>8. References are made to "freeways and interstate highways and their interchanges" even though there are no roads with that classification.</p> | <p>Removal all references to "freeways and interstate highways and their interchanges."</p> |
| <p>9. Most development projects first start with a review by the Common Council and then are sent to the Plan Commission for a recommendation.</p> | <p>As a general rule, we would recommend streamlining the development review process. A conditional use application for example, would start with the Plan Commission review and then proceed to the Common Council for final determination. This will shorten the length of the review process while retaining complete control by the Common Council.</p> |
| <p>10. Although special exceptions and variances are quite different, the code currently refers to them as if they are one in the same. In particular, see s. 13-1-109.</p> | <p>The zoning code should draw a clear distinction between special exceptions and variances.</p> |
| <p>11. Section 13-1-142(d) authorizes the establishment of an Architectural Review Board that would review commercial and industrial projects. The ARB has not been established.</p> | <p>Rather than establishing a new body, the code could incorporate architectural standards that would be administered by the Plan Commission within existing procedures, such as site plan review.</p> |
| <p>12. In some instances, development standards are not included in the code but are at the discretion of the Plan Commission or Zoning Administrator. For example, see s.13-1-15(b) that addresses the width of buffer yards.</p> | <p>All standards must be described so that everyone involved in a project understands the requirements. Applicants need to know what the standards are so they can design their project accordingly. Standards should not be discretionary.</p> |
| <p>13. Reference is made to a "Sign Administrator" in Article H, which by definition is the Zoning Administrator.</p> | <p>It may be simpler to refer to the zoning administrator as the person administering the sign regulations.</p> |
| <p>14. According to s. 13-1-130(b)(4), detached accessory buildings may not be placed in front of the principal building. While this restriction may be generally appropriate, there may be instances on larger residential lots (i.e., R-1</p> | <p>Consider allowing accessory building in front of the principal building on larger residential parcels, either by right or as a special exception.</p> |



| Issue Statement | Recommendation |
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| <p>district) where it may be permissible to allow a deviation from this requirement.</p> | |
| <p>15. Section 13-1-12(f) indicates that fill may only be placed with the approval of the abutting property owner. A property owner should not be required to obtain permission from another party, who may hold that individual "hostage."</p> | <p>The requirement of obtaining the approval of an adjoining property owner should be removed from the code.</p> |
| <p>16. The State Legislature enacted 2005 Wisconsin Act 171, which prohibits a municipality from conditioning or withholding approval of a permit based upon the property owner entering into a contract, or discontinuing, modifying, extending, or renewing any contract with a third party under which the third party is engaging in a lawful use of the property. (See s. 62.23(7)(gm), Wis. Stats.)</p> | <p>While the instances where this state requirement would apply are few, it is recommended that a provision be included in the zoning code that mirrors the language in s. 62.23(7)(gm), Wis. Stats.</p> |
| <p>17. The City has adopted the citation method of enforcement in Title 1, Chapter 2 of the municipal code.</p> | <p>Enforcement procedures in the zoning code should reference that part of the municipal code.</p> |
| <p>18. In some municipalities, enforcement of a zoning code can only be initiated by a citizen complaint. In others, the zoning administrator can start enforcement proceedings on his or her initiative.</p> | <p>Consider including language in the zoning code that authorizes the zoning administrator or a citizen to initiate enforcement proceedings.</p> |
| <p>19. Section 13-1-80 of the existing code states that if a nonconforming use is discontinued for a period of 12 months, the use cannot be reestablished. While this provision is quite common, there needs to be a formal procedure to formally terminate the use. Otherwise, there may be disputes as to if or when the nonconforming use actually terminated.</p> | <p>Include a procedure in the new code for termination of nonconforming uses.</p> |
| <p>20. The current code refers to the "Planning Commission." While not incorrect per se, the correct reference is "Plan Commission."</p> | <p>Change "Planning Commission" to "Plan Commission."</p> |
| <p>21. The fee schedule (Title 1, Chapter 3) establishes a fee for Conditional Use/Special Use Permits & Home Occupations. There is no reference to Special Use Permits in the zoning code.</p> | <p>Remove the reference to Special Use Permits in the fee schedule (Title 1, Chapter 3).</p> |

Application Fees

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| <p>1. The amount for application fees should not be included in the zoning code as in s. 13-1-146. References should be made to the fee schedule that is established by the Common Council in Title 1, Chapter 3.</p> | <p>All application fees and related charges should be included in the fee schedule as established by the Common Council. The City has elected to incorporate the fee schedule in the municipal code. Alternatively, a fee schedule could be adopted by resolution and not included in the municipal code.</p> |
| <p>2. The application fee for a site plan fee is a flat rate. While the fee is intended to capture a portion of the actual cost of review, there are instances where staff spends a disproportionate amount of time on some applications given complexities that are not typical.</p> | <p>Consider revising the amount charged for site plan applications. A tiered schedule could be established (i.e., minor review and major review) to account for larger or more complex site plan reviews.</p> |

Definitions

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| <p>1. There are instances (e.g., s. 13-1-130(b)(4)) where the code refers to "buildings" and "structures" interchangeably within the same section or subsection. While it is true that a building is a type of structure, there are many other kinds of improvements (e.g., fences, swimming pools) that are not buildings but which are classified as a structure.</p> | <p>The new code must clearly distinguish between "buildings" and "structures."</p> |
| <p>2. Most definitions are found in one part of the code, there are</p> | <p>All definitions should be put in one section, including definitions found in s. 13-1-101 relating to signs and those</p> |



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| exceptions. | found in s. 13-1-16l. |
| 3. Definition for building refers to "unpierced walls" to define separate buildings and the definition for detached buildings refers to "surrounded by open space." This language is unclear. | All definitions need to be updated for clarity. |
| 4. The current code defines some but not all of the land uses that are regulated. | For the sake of clarity, there should be a definition for each land use. |
| 5. Definitions should define what something is. Dimensional standards/requirements and the like should not be included in definitions. | Draft land use definitions so they describe the use and not list the specific requirements relating to the use. |
| 6. The term "customary home occupations" is used in a number of places throughout the zoning code and is defined in Article N of the zoning code. However, there are some instances where the term "home occupation" is used, presumably having the same meaning as customary home occupations. | Terms and words should be used consistently throughout the zoning code. |
| 7. Title 14 of the municipal code addresses land divisions. A number of terms/definitions in this title are also used in the zoning code. | To the extent possible, terms/definitions in the zoning code and land division regulations should be the same. |
| 8. Terms and definitions should only be included if they are used in the zoning code. For example, "lodging house" is defined but is not listed as a permitted, accessory, or conditional use. | Ensure that terms and definitions are in fact used in the zoning code (i.e., do not include terms/definitions that are not used elsewhere in the code). |

Development and Use Standards

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| 1. Dimensional standards (e.g., setbacks and offsets) are used to ensure that new development does not encroach on an adjacent property. However, there may be instances, where the standards result in development that does not fit the context. This is most often the case when vacant parcels are developed or redeveloped in older parts of a community that have a pattern that does not match the standards. One way to deal with this is to allow setback averaging which takes into account the established pattern in the immediate area. | Consider adopting rules where setback averaging can be used. |
| 2. There is a natural gas pipeline that runs north/south on the City's far west side. It is located within a right-of-way or easement under control of the pipeline operator. There are obvious restrictions on development within these areas. However, beyond this strip of land there are no special standards relating to new development adjoining the right-of-way/easement. | Depending on the size of the pipeline, it may be appropriate to add special regulations for development occurring along the right-of-way/easement. |
| 3. Although wetlands may occur in the less undeveloped portions of the City, they are especially prevalent in the City's southwest quadrant as mapped in the City's comprehensive plan. | Consider adopting special standards that are intended to protect wetland resources by adopting a setback requirement for new development. Alternatively, these identified areas could be mapped as an overlay district. |
| 4. There are some areas within the City where slopes approach 45 percent. Currently, there are no standards relating to development on steep slopes, except if the project is reviewed as a conditional use. | Consider adopting standards to address steep slopes, perhaps 12 percent and higher. |
| 5. There are three buildings in the City that are listed on the "National Register of Historic Places." They include Washburn Public Library, Bayfield County Courthouse, and Bank of Washburn. | Evaluate if any special requirements (e.g., procedural review, development standards) should apply to buildings on the "National Register of Historic Places." |
| 6. Figure 7-8 in the comprehensive plan identifies areas where native plantings should be planted in road right-of-ways. | Landscape standards for trees should be designed so that sight lines to Lake Superior along public roadways |



| Issue Statement | Recommendation |
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| <p>Given the competing interest of maintaining sight-lines to Lake Superior, care must be taken when establishing landscape standards in those areas.</p> | <p>are maintained.</p> |
| <p>7. Section 13-1-26 establishes specific licensing requirements for mobile home parks in the R-5 district. From an enforcement standpoint, it may be more effective to remove the standards from the zoning code, while retaining the requirement of obtaining and maintaining a license.</p> | <p>Consider creating a new chapter in the municipal code for licensing requirements for mobile homes.</p> |
| <p>8. While all buildings are vulnerable to wind storms, mobile homes and manufactured homes are especially vulnerable. Communities are beginning to recognize this fact and are working to provide community shelters for people in existing mobile home parks (and campgrounds).</p> | <p>Consider adopting a standard that would require the operator of a mobile home park to install a storm shelter in new and expanded mobile home parks.</p> |
| <p>9. Section 13-1-26(d)(8) requires a minimum recreation area within mobile home parks of at least 0.5 acres regardless of the number of mobile homes in the mobile home park.</p> | <p>Requirements for recreational land in mobile home parks should be based on number of mobile homes in the park (i.e., a set acreage per unit).</p> |
| <p>10. In a number of places in the code, there is a requirement that a specified use must be "adequately screened from residential areas." This language begs the question "According to whom?"</p> | <p>Standards for screening should be incorporated into the code so that everyone knows what the standards are and when they apply. To account for special circumstances a statement could be included that requires additional screening, "as determined by the Plan Commission given the particular circumstances of the project." In this way, a baseline expectation is established and defines who has the authority to impose additional requirements.</p> |
| <p>11. As indicated in the purpose statements for the R-3 and R-4 zoning districts, development in these areas is intended to be connected to the City's water and sewer system. However, there is no specific statement requiring connection.</p> | <p>Include a standard applicable to all areas of the City that specifies what kind of water and sanitary sewer services are required. New projects within the urban service area (USA), as depicted on the zoning map, would be required to connect to the City's water and sewer system. Those projects located outside of the USA would be allowed to connect either to the City's system or have a well and/or septic system.</p> |
| <p>12. Minimum floor area requirements for dwelling units are included in all of the residential zoning districts. They range from 1,300 square feet for a single-family dwelling to 500 square feet for a one-bedroom efficiency in a multi-family building. Increasingly, there is a movement in the U.S. to live in smaller dwellings, whether single-family units or multi-family units. This also relates to a push to maintain an affordable housing stock.</p> | <p>Consider eliminating floor area requirements for dwelling units or revising them to allow smaller units.</p> |
| <p>13. Section 13-1-37 has a subparagraph entitled "Protective Covenants." It is not clear why this term is used in this context. While this subparagraph includes development standards, there are requirements relating to the sale of land (see subparagraph 2 and 5).</p> | <p>The use of the term "Protective Covenants" should not be used in this context. Further, the provisions relating to the sale of land should be evaluated as to its purpose and most importantly the legality of such provision.</p> |
| <p>14. Purpose statements are included in each of the zoning districts and provide a general description of the district relating to the character and predominant land use types. However, some of the purpose statements include development requirements that are not stated elsewhere in the code.</p> | <p>Ensure that purpose statements or descriptions of zoning districts describe the type and character of land uses allowed in the district. They should not include specific development standards.</p> |
| <p>15. There currently are no standards that govern the removal of shoreline vegetation along Lake Superior. Although WR-1 and WR-3 do contain such standards, these districts are not mapped – hence no protection of shoreline vegetation. The only districts along the lake are WR, P-1, and R-2.</p> | <p>Consider adopting standards to control the removal of shoreline vegetation along Lake Superior regardless of zoning classification.</p> |



| Issue Statement | Recommendation |
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| 16. There currently are no standards that govern the removal of vegetation within stream corridors in the City. | Consider adopting shoreline regulations along streams. |
| 17. On-street parking (perhaps within development projects) is not allowed in the WR and WC districts (ss.13-1-36(d)(6) and 13-1-37(d)(4)) | Determine why on-street parking is not allowed in the WC district and whether it makes sense to keep this requirement. |
| 18. Section 13-1-36(d)(4) states that setbacks in the WR district will be "reviewed on a case-by-case basis." | Although it may be desirable from the City's perspective to retain flexibility regarding setbacks in the WR district, such a requirement can lead to arbitrary and inconsistent decisions which are subject to legal challenge. Consider adopting setback standards and build in flexibility with the use of a special exception provision. |
| 19. Section 13-1-36 allows both single-family dwellings and multi-family dwellings by right in the WR district. There are no development standards for single-family dwellings with regard to minimum lot size, setbacks, and building height controls. | If the WR district is retained in the new zoning code, consider adopting dimensional standards for single-family dwellings; none currently exist. |
| 20. A number of zoning districts allow "additional accessory structures" as a conditional use. | Verify why a potentially unlimited number of accessory uses can be allowed. |
| 21. Land within the WC district is generally owned by the City. Such land can be sold to private parties. Several provisions in s. 13-1-37 relate to terms of land sales. | Terms related to land sales in the WC district should not be included in the zoning code. For example, s. 13-1-37(g)(5) stipulates that the City has an option to repurchase the land it sold to a private party if specified terms are not satisfied. This stipulation should be made part of the sales contract/agreement. |
| 22. Municipalities generally establish minimum lot size requirements. In some circumstances, it may be appropriate to also establish maximum lot size requirements. | Consider adopting maximum lot size requirements, which if exceeded would necessitate a pre-platting of the parcel. |
| 23. Some resort communities have adopted standards to control the short-term rental of single-family dwellings. Vacationers and others who rent a dwelling for a short-term basis can cause impacts in a neighborhood that are generally unique to their occupancy. | Evaluate whether short-term rentals are a problem in the City. If there are problems with this type of use, consider adopting appropriate controls. |
| 24. Article E provides generally applicable procedures and requirements for conditional uses. Section 13-1-61(a) refers to "limited conditional use" and "regular conditional use." The distinction between these is less than clear. This is the only part of the code where these terms are used. | Clearly establish the difference between limited conditional uses and regular conditional uses and use the terms consistently throughout the code. As it is now, it is unclear as to whether a certain conditional use is "limited" or "regular." |
| 25. The current development standards for a home occupation seem overly generous on one hand (e.g., up to 12 customers and 8 vehicles at one time) and unnecessarily restrictive on the other (e.g., only located in the dwelling). | Consider adopting a two tier approach to home occupations. If considered a minor home occupation, approval would be by right. If the use involves employees or a comparatively large number of customers, then the use would be a conditional use. |
| 26. The minimum lot size in the I-1 district is 30,000 square feet. While this size makes sense for most of the permitted land uses, municipal wells generally do not need to be located on a parcel of that size. | Consider adjusting the minimum lot size of the I-1 district to account for those land uses that generally do not need to be situated on a large parcel. |
| 27. There are a number of areas in the City with small, narrow lots. | Ensure that standards are included to address the small, narrow lots that are common in some areas of the City. |
| 28. Certain overnight accommodations must collect a room tax pursuant to s. 3-4-2 of the municipal code. Although this requirement stands on its own merits, it is appropriate to include this as a requirement in the zoning code. | Include the collection of room tax as a requirement for overnight accommodations. If an operator does not comply with the room tax requirements, enforcement can be pursued under the zoning code (Title 13) and Title 3, Chapter 4. |
| 29. Section 13-1-120 addresses satellite earth stations. Some of the requirements seem somewhat excessive (e.g., a special permit is required, they can only be ground mounted in | Ensure that the requirements for satellite earth stations (s. 13-1-120) are necessary and are related to public health, |



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| residential districts(not on a building as is typically done), dishes must be in the rear yard except the Board of Appeals can allow them in the front yard, and others). | safety, and welfare. |
| 30. Section 13-1-121 addresses radio and television antenna towers. Section 66.0401, Wis. Stats., limits the ability of local governments to regulate such systems and states that no political entity may place a restriction on such a system unless it serves to protect public health or safety. | Ensure that the requirements for radio and television antenna towers (s. 13-1-121) are necessary and are related to public health and safety. |
| 31. Local municipalities cannot prohibit or unreasonably discriminate against manufactured homes within their community. A community may, however, regulate all types of housing within its jurisdiction with respect to minimum floor area, design standards, minimum building width, and other kinds of criteria. | Consider adopting standards for dwelling units such as floor area, design, and minimum building width. |
| 32. Standards in s. 9-5-7 describe circumstance under which connection to the City's water and sewer system is required. Development standards in the new zoning code could mirror those requirements. | A provision could be added to each of the zoning districts specifying what type of water and sewer systems are needed (public vs. private). Such a provision would not establish a new requirement per se, but would reinforce existing requirements. |

Land Uses

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| 1. Regulations relating to bee keeping are found in s. 7-1-23 (Licensing of Dogs; Regulation of Animals). In some communities, regulations relating to bees are found in the zoning code. | Consider including bee keeping regulations in the zoning code in that bee keeping is an incidental land use similar to other kinds of incidental land uses found in a zoning code. Section 7-1-23 could be deleted or retained as a reference to the zoning code. |
| 2. A conditional use is required for bee keeping (s. 7-1-23). The cost of a conditional use application (\$125) may be comparatively cost-prohibitive, when comparing the benefits to the property owner and application fee. | Consider allowing bee-keeping by right in some areas of the City, such as larger parcels. A tiered application fee can be established for conditional uses (minor and major) depending on the relative impact. Alternatively, bee keeping could be classified and reviewed under special use provisions (no public hearing but notification of surrounding property owners). |
| 3. Two municipal wells provide City residents with a clean source of water. There are no special provisions in the current code that are intended to protect these sources from certain kinds of land uses that pose a contamination risk. | Consider adopting special development standards within 1,200 feet of a municipal wellhead. |
| 4. Snowmobiles/ATVs are allowed in the City on designated routes. These routes are situated on private property and follow streets or developed public trails. | Depending on an overall review of the municipal code, it may be appropriate to add language in the zoning code recognizing snowmobile trails on private land as an incidental use. In the absence of this language, one could make a legal argument that snowmobile trails on private property are not permitted. |
| 5. The comprehensive plan (Figure 7-8) identifies a number of areas where agricultural use should be encouraged. The zoning code does not however accommodate such uses. | Incorporate provisions in the code that permits agricultural uses in those areas identified as areas for agricultural use. |
| 6. The minimum lot size in the R-1 Rural Residential District is 4 acres. As a general rule, the R-1 district corresponds to that area depicted in the comprehensive plan as not being served by public water and sewer until sometime after 2017. As lots develop in the R-1 over the next 10 to 15 years, thought should be given to the fact that water and sewer service will likely be available and that such low density development may in fact hinder infill development. | Consider adopting standards in the R-1 district so that current development standards do not preclude infill development as water and sewer becomes available in the future. These may include pre-platting of lots and/or site plan review. |
| 7. The R-5 Mobile Home District allows mobile homes, manufactured homes, and conventional "stick-built" by | Consider limiting allowable land uses in the R-5 district to those that are specifically related to mobile home parks. |



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| <p>right. Additionally, there is a wide range of allowable conditional uses including additional accessory structures, churches, and certain public buildings.</p> | <p>If this change is not made, then additional dimensional standards are required to accommodate churches and similar large buildings.</p> |
| <p>8. Zoning districts define what land uses are permitted and under what circumstances. In some districts there is also a list of prohibited uses (e.g., s. 13-1-27(d)). This practice can lead to confusion. While the intent is generally clear, an argument can be made that if a use is not specifically prohibited, it must be permitted.</p> | <p>Sections of the zoning code that list prohibited land uses should be removed. A general statement should be added indicating that if a land use is not specifically allowed, such use is prohibited. If a prohibition is intended to limit the scope of a permitted land use, such limitation should be incorporated in the permitted use (i.e., industrial uses are allowed, except for sawmills).</p> |
| <p>9. As is typical of older zoning codes, the list of permitted uses is often quite specific and may needlessly differentiate similar types of land uses. For example, "fabric creation" and "miscellaneous notions" are allowed in the M-2 district and are quite specific.</p> | <p>Rather than focusing on specific types of land uses, the key is to group similar types of land uses together. A potential listing is included as Appendix D. As noted elsewhere, each land use would be described.</p> |
| <p>10. Churches and affiliated uses are allowed in some of the residential zoning districts as a conditional use. Increasingly, churches are expanding their scope of operation to include a variety of uses that have not been traditionally considered part of a church operation. Examples include homeless shelters; recreation complexes for members and their guests; and restaurants and coffee shops open to the public.</p> | <p>A definition should be drafted for what uses are typical and incidental to the operation of a church facility.</p> |
| <p>11. The current code allows home occupations but only as a conditional use. The comprehensive plan and recent public input suggests that home-based businesses in the City should be encouraged. While it may be generally appropriate to review some home occupations there are some that do not have any negative effects on the neighborhood or nearby properties. These should be allowed by right.</p> | <p>The City should consider allowing home occupations by right provided certain standards can be met. If a home occupation involves employees or people coming to the business on a regular basis, then review as a conditional use may be appropriate. Further, it may be appropriate to set a lower application fee for those home occupations that may be allowed as a conditional use.</p> |
| <p>12. The current code allows duplexes in some residential districts. By definition, a duplex consists of two adjoining dwelling units both of which are situated on a single lot. Twin homes look just like a duplex. The only difference is that the dwelling units share a common wall and are situated on separate lots.</p> | <p>Consider allowing twin homes in those zoning districts where duplexes are allowed.</p> |
| <p>13. Bed and breakfasts are only allowed in the WR-1 and WR-3 districts, both of which are not mapped.</p> | <p>Consider allowing bed and breakfasts in many of the residential zoning districts as conditional uses.</p> |
| <p>14. By definition, a guest room in bed and breakfast may only be occupied for 10 or fewer nights in a 12-month period. This may be overly restrictive.</p> | <p>Consider removing the limitation on the number of nights that a guest room in a bed and breakfast can be occupied, or alternatively, increase the number – occupancy is currently limited to 10 nights.</p> |
| <p>15. Tourist rooming houses are allowed in all of the residential and commercial zoning districts either by right or as a conditional use.</p> | <p>A tourist rooming house by definition can consist of one building with up to 8 rooms or up to 8 independent cabins. Given this wide range of potential layouts, it may be more prudent to review tourist rooming houses as a conditional use in all districts.</p> |
| <p>16. Other than the waterfront residential district, multi-family dwellings are not allowed by right.</p> | <p>Consider allowing small-scale multi-family buildings (e.g., 3-5 units) in more areas of the City. This change would help to align the goals of the comprehensive plan with the requirements in the zoning code.</p> |
| <p>17. Community living arrangements are defined in state law and are allowed by right in certain zoning districts. The current code only allows this use in the I-1 district.</p> | <p>The new code will need to comply with state law in regard to community living arrangements.</p> |
| <p>18. Adult-oriented businesses enjoy certain protections under the U.S. Constitution. However, a municipality can adopt</p> | <p>Consider moving most of the regulations relating to adult-oriented business currently found in Title 7, Chapter 9 to</p> |



| Issue Statement | Recommendation |
|--|---|
| <p>rules and regulations to address the secondary negative effects of adult-use. The City has such regulations in Title 7, Chapter 9.</p> | <p>the zoning code. Licensing requirements would still apply.</p> |
| <p>19. Zoning codes typically list the zoning district or districts where adult-oriented businesses are allowed. The City's zoning code currently does not do that. As it stands right now, the zoning code does not allow adult-oriented businesses.</p> | <p>The zoning code should list at least one district where adult-oriented uses are allowed either by right or as a conditional use. Separation requirements can still be used to control the secondary effects.</p> |
| <p>20. Although a municipality can adopt rules and regulations to address the secondary effects of adult-oriented businesses, a municipality may not adopt one or more requirements that for all practical purposes preclude an adult-oriented business from locating in the jurisdiction.</p> | <p>A careful analysis should be conducted to ensure that areas in the City are reasonably available for adult-oriented businesses.</p> |
| <p>21. Section 13-1-26 addresses mobile home parks. This section includes development standards and also licensing requirements.</p> | <p>Remove specific mobile home park licensing requirements from s. 13-1-26 and put in Title 7 with the other activities requiring licensing.</p> |
| <p>22. Outdoor furnaces are becoming more common throughout Wisconsin. While there are benefits of allowing outdoor furnaces, they can cause negative impacts on surrounding properties if they are improperly sited or do not meet minimum emission standards.</p> | <p>Consider allowing outdoor furnaces in some areas of the City provided the furnaces comply with EPA's most recent emission standards.</p> |
| <p>23. Flea markets are licensed under Title 7, Chapter 7 of the municipal code. The zoning code does not address where flea markets can be operated.</p> | <p>Identify where flea markets can be operated and applicable development/use standards. A definition of flea market should also be included.</p> |
| <p>24. The fee schedule (Title 1, Chapter 3) includes a fee for ponds under the heading of Building Permit Fees. It is not clear if these are stormwater ponds or ponds unrelated to stormwater management. The zoning code does not address ponds.</p> | <p>The installation and modification of ponds should be addressed in the zoning code and compliment other sections of the municipal code.</p> |
| <p>25. The fee schedule (Title 1, Chapter 3) includes a fee for roadside stands under the heading of Zoning/Land Division Fees. The zoning code does not address roadside stands.</p> | <p>Address roadside stands in the zoning code, including location and development standards.</p> |
| <p>26. Section 7-1-24 addresses bait ponds. The zoning code does not.</p> | <p>Either address bait ponds in the zoning code or remove s. 7-1-24 from the municipal code.</p> |
| <p>27. Section 7-1-3 addresses kennel licenses. A kennel is not defined as to the number of animals. The municipal code is also unclear as to how many dogs are permitted by right with a single-family residence. Commercial kennels are only allowed in the R-1 district as a conditional use.</p> | <p>The new zoning code should clearly define the number of pets that are allowed by right. Also, consider establishing a land use category for "hobby kennels" which is intended to accommodate people with show dogs or sled dogs because they typically have more dogs than what is otherwise allowed. Commercial kennels should not be allowed in residential districts.</p> |
| <p>28. Solar energy systems are allowed under s. 13-1-130(p) but only as an accessory use. Solar energy systems could be allowed as a principal use.</p> | <p>The new code should address solar panels as accessory and principal use with regard to location (i.e., what zoning districts) and standards for placement and use.</p> |

Nonconformities (Uses, Structures)

| | |
|--|--|
| <p>1. The Zoning Board of Appeals currently has the authority under s. 13-1-160(d)(4) to allow a conversion of a nonconforming use to a lesser nonconforming use.</p> | <p>Consider the merits of giving this authority to the Plan Commission or Common Council upon recommendation of the Plan Commission. Plan Commissions are generally much more involved with reviewing specific land use proposals and may be better suited to this task.</p> |
| <p>2. The code currently allows additions to nonconforming structures provided the expansion complies with all dimensional standards including setbacks (s. 13-1-82(b)). In some circumstances, a building that is expanded in such a way (without review) may be inappropriate in that such a</p> | <p>Consider revising s. 13-1-82(b) to require a determination by the Plan Commission regarding the expansion of nonconforming structures.</p> |



| Issue Statement | Recommendation |
|--|--|
| <p>property has significantly more buildable area than a lot with a conforming structure.</p> | <p>The new code must comply with recent changes in state law relating to nonconforming uses and structure.</p> |
| <p>3. Act 107, adopted April 17, 2012, set new standards for the reconstruction of nonconforming structures. Section 62.23(7)(hb), Wis. Stats., prohibits any local regulation from prohibiting or limiting based on cost, the repair, maintenance, renovation, or remodeling of a nonconforming structure. Further, a local jurisdiction must allow the reconstruction of a nonconforming structure if damaged or destroyed (s. 62.23(7)(hb), Wis. Stats.). State law continues to impose a "50-percent rule" on legal nonconforming uses per s. 62.23(7)(h), Wis. Stats.</p> | <p>As part of the zoning code project, an inventory of known nonconforming uses should be established. In the coming years, the inventory can be made more complete as nonconformities are discovered.</p> |
| <p>4. The City does not have an inventory of nonconformities.</p> | |

Zoning Districts

| | |
|---|---|
| <p>1. Under state law, zoning regulations must be consistent with an adopted comprehensive plan. For this reason, it may be desirable to establish zoning districts that mirror the future land use plan.</p> | <p>Adopt a set of new zoning districts as recommended in the comprehensive plan – most notably a zoning district for the mixed-use waterfront.</p> |
| <p>2. The WR-1 and WR-3 districts are described in the text of the zoning code but are not mapped.</p> | <p>Determine whether the W-1 and W-3 districts are needed or not.</p> |
| <p>3. As defined in s. 13-1-33(a), the W-1 district is an overlay district that follows the Federal Emergency Management Agency's Flood Insurance Rate Map and 100 feet from the centerline of tributaries of Lake Superior and the Thompson Creek watershed. Flood insurance rate maps typically show a number of flood districts, including the 100-year and 500-year floodplain.</p> | <p>Determine which boundary the W-1 district follows – the 500-year floodplain or the 100-year floodplain boundary. As noted elsewhere, this district should be mapped to avoid any confusion with regard to the extent of the district.</p> |
| <p>4. There are three industrial districts (M-1, M-2, and M-3).</p> | <p>Evaluate whether it is possible to merge these to form two industrial districts.</p> |
| <p>5. There is an institutional zoning district. It is intended for government buildings, utilities, schools, churches, and other public places.</p> | <p>Need to evaluate whether the Institutional zoning district is needed to accommodate most of the land uses that are now in this district. There may be an opportunity address the adaptive reuse of many of these uses, in particular schools and churches.</p> |
| <p>6. The R-5 Mobile Home District allows mobile homes, manufactured homes, and conventional "stick-built" homes in mobile home parks and single-family mobile home subdivisions. While it may make sense to allow manufactured homes and conventional homes in a subdivision, it may not be appropriate to allow mobile homes in such a subdivision.</p> | <p>If the option of establishing a manufacture home subdivision is desired, then establish a new zoning district for this type of use. The R-5 district would be limited to the traditional mobile home park development pattern.</p> |
| <p>7. The comprehensive plan makes numerous references to the adoption of a form-based zoning code. The primary focus of a form-based code is to emphasize the form and character of buildings rather than land use per se.</p> | <p>Consider establishing a zoning district in the urban core that is based on form-based code principles.</p> |

Zoning Map

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|--|--|
| <p>1. The W-1 zoning district is not depicted on the zoning map; it should be.</p> | <p>The W-1 district should be depicted on the zoning map. References to the FIRM should be clarified (i.e., 100-year or 500-year floodplain boundary).</p> |
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| Issue Statement | Recommendation |
|---|---|
| <p>2. Standards for corner visibility are established in s. 13-1-90. Subparagraph "d" exempts corner lots in the C-1 and C-2 districts. Depicting these areas on the zoning map, rather than tying the standard to the zoning district, may avoid unintended consequences with potential rezonings.</p> | <p>Consider delineating exemptions for visibility standards on the zoning map, and remove exemptions from district language.</p> |
| <p>3. Some areas of the City are served by public water and sewer while others are served by private on-site wells and septic systems.</p> | <p>Depict the utility service area on the zoning map.</p> |
| <p>4. Section 13-1-103(e) describes those areas where off-premise signs are allowed and prohibited.</p> | <p>To remove any potential confusion, those areas where off-premise signs are permitted should be shown on the zoning map. A description of the boundary can be included on the map if deemed necessary based on the configuration of the boundary.</p> |
| <p>5. The current zoning map is not up to date.</p> | <p>Incorporate all previously approved revisions to the zoning map.</p> |

Parking

| | |
|--|---|
| <p>1. Section 13-1-92 establishes parking requirements. There is no requirement or guideline for the provision of bicycle parking areas.</p> | <p>Consider adding standards or guidelines for bicycle parking. This would be especially important for commercial and business related uses.</p> |
| <p>2. There is a listing of various land uses and associated parking requirements. The land uses in this list do not necessarily correspond with the land uses allowed in the zoning districts.</p> | <p>Each land use should have a defined parking requirement. This will help to remove some of the guesswork in determining what parking standards apply.</p> |
| <p>3. Off-premise signs are allowed by right in certain areas of the community provided certain standards are met. If the standards are met, there seems to be little discretion and no guidance with regard to the appropriateness of proposed signage.</p> | <p>Because off-premise signs are allowed by right, perhaps it would be appropriate to give the zoning administrator the authority to issue permits. If that is not desirable, then decision criteria should be included so that applications can be considered equally.</p> |

Signs

| | |
|---|---|
| <p>1. The code does not adequately address electronic message centers (EMCs) and LED signs.</p> | <p>Provisions should be included to address maximum brightness, minimum message length, transitions between messages, and separation requirements from residential districts.</p> |
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Variations and Administrative Appeals

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|--|---|
| <p>1. A number of sections in Article M, which is entitled "Appeals" refer to "appeals" in a generic sense (i.e., variances and administrative appeals).</p> | <p>To avoid any potential ambiguity, administrative appeals and variances in the new code should be clearly differentiated. Procedures and requirements for each are quite different.</p> |
| <p>2. Pursuant to s. 13-1-109, a person can apply for a variance relating to the sign standards in Article H. It appears that different requirements are established that do not comply with requirements imposed by state statute and case law (i.e., type of public notice).</p> | <p>Variations of all types should follow the standard procedures and requirements.</p> |
| <p>3. Section 13-1-163(d) indicates that the affirmative vote of four members is required for variances. Although that requirement was in state statute for many years, a simple majority is now required.</p> | <p>Change the voting requirements for the Board of Appeals in s. 13-1-163(d) to reflect what is now in state law, which is a simple majority.</p> |



Appendix A
Titles and Chapters in Washburn's Municipal Code

Title 1 General Provisions for Use of Code of Ordinances

- Ch. 1** Use and Construction of Code of Ordinances
- Ch. 2** Enforcement of Ordinances; Issuance of Citations
- Ch. 3** Fee Schedule

Title 2 Government and Administration

- Ch. 1** City Government; Elections
- Ch. 2** Mayor; Common Council
- Ch. 3** Municipal Officers and Employees
- Ch. 4** Boards, Commissions and Committees
- Ch. 5** Ethical Standards

Title 3 Finance and Public Records

- Ch. 1** Finance
- Ch. 2** Special Assessments
- Ch. 3** Public Records
- Ch. 4** Accommodations Tax
- Ch. 5** Disposal of Surplus Property
- Ch. 6** Sale of City-Owned Property

Title 4 Administrative Determinations Review

- Ch. 1** Review of Administrative Determinations

Title 5 Public Safety

- Ch. 1** Law Enforcement
- Ch. 2** Fire Prevention
- Ch. 3** Fire Prevention and Fire Safety Codes
- Ch. 4** Regulation of Alarm Systems
- Ch. 5** Firearms in Public Buildings

Title 6 Public Works

- Ch. 1** Grades
- Ch. 2** Streets and Sidewalks
- Ch. 3** Driveways
- Ch. 4** Trees and Shrubs

Title 7 Licensing and Regulation

- Ch. 1** Licensing of Dogs; Regulation of Animals
- Ch. 2** Fermented Malt Beverages and Intoxicating Liquor
- Ch. 3** Cigarette Licenses
- Ch. 4** Direct Sellers
- Ch. 5** Regulation and Licensing of Fireworks
- Ch. 6** Street Use Permits
- Ch. 7** Flea Markets
- Ch. 8** Licensees to Pay Local Claims; Appellate Procedures
- Ch. 9** Adult-Oriented Businesses

Title 8 Health and Sanitation

- Ch. 1** Health and Sanitation
- Ch. 2** Pollution Abatement
- Ch. 3** Refuse Disposal and Collection
- Ch. 4** City Cemetery
- Ch. 5** Application of Pesticides

Title 9 Public Utilities

- Ch. 1** Water Utility Regulations and Rates
- Ch. 2** Sewer Utility Regulations and Rates
- Ch. 3** Cable Television
- Ch. 4** Natural Gas
- Ch. 5** Laterals; Connections
- Ch. 6** Stormwater Utility

Title 10 Motor Vehicles and Traffic

- Ch. 1** Traffic and Parking
- Ch. 2** Bicycles and Play Vehicles
- Ch. 3** Snowmobiles
- Ch. 4** All-Terrain Vehicles and Utility Terrain Vehicles
- Ch. 5** Abandoned and Junked Vehicles
- Ch. 6** Neighborhood Electric Vehicles

Title 11 Offenses and Nuisances

- Ch. 1** State Statutes Adopted
- Ch. 2** Offenses Against Public Safety and Peace
- Ch. 3** Offenses Against Property
- Ch. 4** Offenses Involving Alcoholic Beverages
- Ch. 5** Offenses by Juveniles
- Ch. 6** Public Nuisances

Title 12 Parks and Recreation

- Ch. 1** Park and Navigable Water

Title 13 Zoning

- Ch. 1** Zoning Code
- Ch. 2** Floodplain Zoning
- Ch. 3** Shoreland-Wetland Zoning
- Ch. 4** Historic Preservation

Title 14 Subdivision Regulations

- Ch. 1** Subdivision Regulations

Title 15 Building Code

- Ch. 1** Building Code
- Ch. 2** Grievances Regarding Access to Public Buildings by Handicapped Person
- Ch. 3** Fair Housing
- Ch. 4** Minimum Housing Code
- Ch. 5** Commercial Exterior Maintenance



**Appendix B
Goals, Objectives, and Policies in Washburn's Comprehensive Plan**

Policies specifically related to the new zoning code are denoted with a "star." Two stars indicate a strong relationship.

LAND USE

Goal: Washburn's land use pattern promotes a strong, sustainable economy; respects natural resources; and meets human needs fairly and efficiently.

Objective 3.1: Use land in a manner that promotes a strong, sustainable economy.

| | Number | Policy |
|---|--------|---|
| ★ | 3.1.a | Minimize infrastructure and community services costs by encouraging development and redevelopment in areas currently served by municipal services. |
| ★ | 3.1.b | Promote well planned, mixed use development in the downtown core as a means to allow people to live, work, shop, and recreate in a relatively compact area, thereby creating a strong synergy between businesses and residents, minimizing public and private development and maintenance costs, and affording a high quality of life for those in the area. |
| ★ | 3.1.c | Protect existing agricultural areas and other economically productive areas in the City from development that would hinder their economic productivity. |
| ★ | 3.1.d | Respect the rights of existing property owners to continue to use their property in a manner consistent with Washburn's ordinances. But at the same time, identify the needs of existing businesses and industries in relation to the needs of the overall community and develop plans and/or tools to help them succeed. This may include developing a plan to enhance the appearance of the downtown area and developing a plan to help existing businesses relocate or expand within the City. |
| ★ | 3.1.e | Develop a plan and performance standards to allow limited, light industry to develop in the area guided for mixed-use development. |

Objective 3.2: Use land in a manner that is sensitive to the protection of natural, cultural, and agricultural resources,

| | Number | Policy |
|---|--------|---|
| ★ | 3.2.a | Recognize that significant natural, cultural, and agricultural resources (especially coastal resources) in Washburn contribute significantly to the City's high quality of life and to the economy of Washburn. Consequently, develop a plan to identify, protect, and enhance these resources. |
| ★ | 3.2.b | Seek to preserve significant agricultural, natural, and cultural resources, in Washburn by promoting infill development and redevelopment on suitable land in the existing urban service area. |
| ★ | 3.2.c | Allow limited, planned development outside the urban service area consistent with the City Ordinances. Encourage cluster development, conservation design, or other techniques that minimize adverse impacts on significant natural, cultural, and agricultural resources. |

Objective 3.3: Use land in a manner that meets human needs fairly and efficiently.

| | Number | Policy |
|---|--------|---|
| ★ | 3.3.a | Ensure public involvement in all significant land use decisions. Relate land use decisions to the needs and desires of the community. |
| ★ | 3.3.b | Ensure that the City has adequate and appropriate land to meet the City's housing needs, including affordable and temporary housing. |
| ★ | 3.3.c | Balance the need to guide land for private development with the community's social and cultural needs for public open space, parks, community facilities, and other uses that are important for maintaining and enhancing a high quality of life in Washburn. |
| ★ | 3.3.d | Promote compatible land uses that respect the rights of adjacent land uses. |



WATERFRONT AND COASTAL RESOURCES

Goal: Washburn's waterfront promotes a strong and sustainable economy, protects and enhances natural resources, and provides public access and recreation opportunities to residents and visitors.

Objective 4.1: Use land in the waterfront in a manner that promotes a strong and sustainable economy.

| Number | Policy |
|---|---|
| 4.1.a | Support the efforts of the Harbor Commission to enhance the Washburn Marina and provide appropriate use of the commercial dock. |
|  4.1.b | Promote economic development by providing land near the waterfront for a well-planned, mixed-use development that allows people to live, work, and shop in an area that has convenient access to the amenities of the waterfront. |
|  4.1.c | Acknowledge that public access and use of the waterfront, as well as preservation of land in a natural state, are legitimate land uses that provide economic benefit to the community by enhancing Washburn's quality of life and sustaining the waterfront for future generations. |
| 4.1.d | Promote tourism and enhance downtown businesses by strengthening the connection of the downtown area to the waterfront. |
|  4.1.e | Prepare and implement design guidelines or standards that promote sustainable development consistent with the natural character of the waterfront. |
| 4.1.f | Work with Bayfield County to relocate the existing Forestry Department facilities and enhance the function of the Highway Department facilities in order to promote redevelopment in the area that is consistent with the City's vision. |

Objective 4.2: Protect and enhance the waterfront's natural resources.

| Number | Policy |
|---|---|
|  4.2.a | Implement best management practices to reduce erosion and sedimentation |
| 4.2.b | Work with government agencies to control exotic and invasive plant and animal species. |
| 4.2.c | Enhance the natural landscape on public land in the waterfront while considering views to and from the lake. |
| 4.2.d | Increase public awareness of the importance of the waterfront's natural resources by integrating nature interpretation signs and exhibits into the Lakefront Parkway and Walking Trail. |

Objective 4.3: Provide public recreation opportunities and public access to the waterfront.

| Number | Policy |
|--------|---|
| 4.3.a | Develop and implement a plan for the public open space next to the commercial dock. Explore ways to link the public open space to the Athletic Fields Complex. |
| 4.3.b | Develop and implement a plan for public use of the pumphouse in a manner that takes full advantage of its waterfront location. |
| 4.3.c | Work with various organizations and government agencies to promote waterfront events that meet the needs of residents and that help promote economic development. |
| 4.3.d | Develop and implement a plan to provide additional community meeting and events facilities along the waterfront. |
| 4.3.e | Develop and implement a plan to provide a safe, clean, and cost-effective shuttle between the marina and downtown areas during peak times. |



TRANSPORTATION

Goal: Washburn has an integrated, multi-modal transportation system that provides healthy, safe, efficient, environmentally sensitive, and economical movement of people and goods.

Objective 5.1: Provide a functional, safe, accessible, and economical transportation system that meets the transportation needs of Washburn's residents, businesses, industries, and visitors.

| Number | Policy |
|---------|--|
| 5.1.a | Integrate transportation and land use planning to help reduce transportation costs associated with conventional automobile-based development. For example, promote mixed-use development that allows residents to live, work, shop, and recreate within walking distance, thereby reducing the need for more roads, automobiles, and associated parking. Also, integrate park and ride opportunities, trails, walks, and the like into land use planning efforts, where appropriate. |
| 5.1.b | Work with public, semi-public, and private transportation providers to ensure effective transportation services to businesses, residences, institutions, and other key areas in the City. |
| 5.1.c | Provide a functional and safe trail system in the City and to surrounding destinations, that provides a safe, cost, effective alternative to the road system. |
| ★ 5.1.d | Ensure continued use of the commercial dock as a means to transport goods to and from Washburn via watercraft. |
| 5.1.e | Work closely with the government agencies and others regarding key issues relating to Highway 13, including the need to provide safe pedestrian crossings. |
| 5.1.f | Ensure that Washburn's multi-modal transportation system is safe by separating incompatible modes of transportation. For example, separate motorized trails from pedestrian trails. Also, ensure safe crossings where roads and trails intersect. |
| 5.1.g | Ensure that Washburn's multi modal-transportation system is consistent with the provisions of the American's with Disabilities Act (ADA). |

Objective 5.2: Provide an attractive transportation system that offers recreation and economic benefits.

| Number | Policy |
|---------|---|
| 5.2.a | Seek highway beautification grants to provide enhanced entrance signs, informational/directional signs, landscaping, and streetscaping to beautify the Highway 13 corridor. |
| 5.2.b | Consider the unique character of a neighborhood and the environmental conditions of an area when planning, constructing, and maintaining transportation routes and facilities. |
| ★ 5.2.c | Provide strong pedestrian links between the waterfront and the downtown core. |
| 5.2.d | Address issues and concerns that may arise relating to snowmobiling and ATV use on trails and along the waterfront. |
| 5.2.e | Expand Washburn's trail system and work with neighboring and overlapping jurisdictions to connect Washburn's trails and bicycle routes to surrounding communities and destinations. Support and promote the regional trail system as a tourist attraction. |
| 5.2.f | Encourage the creation of private businesses that can benefit from Washburn's transportation system (for example, a bicycle rental shop that caters to trail use, an electric rental car business adjacent to the marina or a park and ride, and so on). |
| 5.2.g | Study the possibility of creating a public transportation node in Washburn with links to major cities in the Midwest. Coordinate with neighboring and overlapping jurisdictions and the major event providers. Market the sustainable transportation options available to visitors. |



Objective 5.3: Promote sustainable and healthy modes of transportation.

| Number | Policy |
|---|---|
| 5.3.a | Work towards converting conventional fossil fuel burning City vehicles to cleaner, healthier, and more efficient vehicles that reduce our reliance on fossil fuels and that have minimal adverse affect on the natural environment. Make City government an outstanding example of how to convert to sustainable and healthy modes of transportation. |
| 5.3.b | Promote efforts to reduce the use of single-occupancy, fossil fuel burning vehicles by promoting public transportation, carpooling, and non-motorized modes of transportation. |
|  5.3.c | Promote land use planning that reduces our reliance on motorized modes of transportation and that encourages healthy modes of transportation including walking and bicycling. |
| 5.3.d | Cooperate with Bay Area Rural Transit (BART) to provide local, regional, and national healthy, sustainable, transportation options. |

UTILITIES AND COMMUNITY FACILITIES

Goal 1: Washburn provides cost effective, efficient delivery of community services and infrastructure that meet the needs of the community.

Objective 6.1: Plan and implement infrastructure extension, development, and renovations in a cost-effective manner that increases property values, enhances livability, improves community attractiveness, and supports community public health

| Number | Policy |
|---|---|
| 6.1.a | Work with property owners to provide public sewer and water service to those areas in the city that can be logically and sequentially served. |
|  6.1.b | Discourage "leap-frog" development that would require premature extension of services to areas that cannot be logically and sequentially served. |
|  6.1.c | Explore the possibility of burying existing above ground utilities (especially the three-phase power line adjacent to Holman Drive) and requiring new utilities in new developments to be placed underground. |
| 6.1.d | Work with telecommunication providers and others to ensure that Washburn has the necessary telecommunication infrastructure to support the needs of current and future businesses, industries, schools, institutions, and homeowners. |
|  6.1.e | Implement measures to retain and detain storm water onsite where feasible. |

Objective 6.2: Promote energy conservation measures and cleaner forms of energy that reduce the City's dependence on imported energy.

| Number | Policy |
|--------|---|
| 6.2.a | Support the efforts of energy providers, government agencies and programs, and others to inform residents about energy conservation measures. |
| 6.2.b | Implement energy conservation measures in all City community facilities as a means to showcase energy conservation measures and to set a positive example for residential, commercial, and industrial uses. |
| 6.2.c | Encourage energy providers and others to provide financial incentives for businesses and homeowners to conserve energy. |
| 6.2.d | Work with energy providers, neighboring and overlapping jurisdictions, and others to explore options to provide clean, safe, and sustainable energy production in the Chequamegon Bay area. |



Objective 6.3: Ensure that the community continues to be served by adequate waste disposal and recycling facilities.

| Number | Policy |
|--------|---|
| 6.3.a | Work with waste disposal providers to ensure that waste disposal needs throughout the City are met. |
| 6.3.b | Promote and encourage residents, businesses, industries, and institutions to reduce, reuse, and recycle products. |
| 6.3.c | Encourage new business and industry endeavors that can recycle and use waste products in Washburn, rather than shipping all waste products out of the City. |

Objective 6.4: Ensure that the buildings, equipment, and staff associated with community services and facilities in Washburn are adequate to meet the needs of the community.

| Number | Policy |
|---|--|
| 6.4.a | Study the possibility of replacing the existing Public Works building on Highway 13 with a new Public Works building on existing City property adjacent to County Highway C in northwest Washburn. Explore the possibility of developing a joint facility with Bayfield County and/or surrounding towns. Incorporate green building techniques in any new development. |
| 6.4.b | Evaluate the building and space needs associated with Washburn's community facilities. Develop plans to address concerns. |
| 6.4.c | Plan and budget for City equipment replacement and repair as needed to provide the community with safe and efficient services. Consider energy efficiency and environmental responsibility when upgrading equipment. |
| 6.4.d | Work with neighboring and overlapping jurisdictions to explore the feasibility and efficiency of jointly purchasing and sharing equipment. |
|  6.4.e | Evaluate staffing needs and plan accordingly to ensure the safe and efficient delivery of community services. |

Goal 2: Washburn's community facilities and services contribute to the City's high quality of life by meeting the needs of residents in a fair and efficient manner.

Objective 6.5: Provide high quality recreational opportunities that meet the needs and desires of residents and visitors.

| Number | Policy |
|---|--|
|  6.5.a | Protect and enhance public open space along the waterfront. |
| 6.5.b | Develop master plans to enhance Thompson's West End Park and Memorial Park. |
| 6.5.c | Study the feasibility of creating a park on City land southeast of the athletic fields and northeast of the commercial dock. |
| 6.5.d | Work with the School District, overlapping and neighboring jurisdictions, and others to coordinate and share recreation facilities. |
| 6.5.e | Provide a variety of summer and winter recreational activities in the park system. |
|  6.5.f | Maintain the viability of the City's marina and explore ways to expand the marina as per the recommendations of the City's Waterfront Development Plan and the Harbor Commission's Strategic Plan. |



Objective 6.6: Provide high quality cultural and educational opportunities and facilities that meet the needs of residents and visitors.

| | Number | Policy |
|---|--------|---|
| ★ | 6.6.a | Ensure that the Washburn Library remains a vital and dynamic community resource. |
| | 6.6.b | Encourage and support additional day care centers and activity centers for people of all ages as per the needs of the community. |
| | 6.6.c | Promote the use of existing museums and interpretive trails in the downtown and waterfront areas. |
| | 6.6.d | Ensure that the Washburn Civic Center continues to be a vital community center. Explore opportunities to enhance the existing center or build a new center, possibly near Thompson's West End Park. |
| | 6.6.e | Explore opportunities to provide additional gathering spaces for community events like outdoor weddings, outdoor concerts, symposiums, and so on. Consider providing a community shelter/building near the marina and/or Thompson's West End Park |

Objective 6.7: Encourage citizen involvement and responsibility in community affairs.

| | Number | Policy |
|---|--------|--|
| ★ | 6.7.a | Actively solicit citizen participation in City affairs including committees, community events, public meetings, and the like. |
| | 6.7.b | Work with schools and education programs to promote opportunities for youth to be involved in government committees, to attend Planning Commission and City Council meetings, and to participate in mentorship and civic opportunities that develop character and leadership skills. |
| | 6.7.c | Offer internships to area students interested in City government. |

NATURAL, CULTURAL, AND AGRICULTURAL RESOURCES

Goal 1: Washburn protects and enhances its natural, coastal, and agricultural areas.

Objective 7.1: Protect and enhance natural habitats including creeks, wetlands, coastal resources, and forests to provide habitat for plant and animal species and to allow for sensitive use and enjoyment by humans.

| | Number | Policy |
|----|--------|---|
| | 7.1.a | Work with government agencies and other stakeholders to develop a natural resource plan to identify, preserve, restore, and manage natural and coastal resources in the city. |
| ★★ | 7.1.b | Maintain and enhance the water quality of creeks and drainage corridors within the City to prevent floods and erosion, and to preserve and protect the floodplain. |
| ★★ | 7.1.c | Prohibit development (public or private) along Lake Superior that would cause erosion, endanger water quality, or otherwise adversely affect coastal resources. |
| | 7.1.d | Work with government agencies, schools, and others to provide and/or promote educational opportunities regarding the protection and enhancement of coastal areas. |
| | 7.1.e | Coordinate with government agencies and stakeholders to install boat washing facilities at all public launch sites in order to minimize the spread of exotic aquatic species. |
| ★★ | 7.1.f | Promote sustainable development and preservation of natural resources in public and private developments. |
| ★★ | 7.1.g | Recognize Chequamegon Bay and the waterfront as unique resources and plan for, encourage, and manage development and redevelopment activities in coastal areas to maximize aesthetic, environmental, recreational, and economic values. |
| ★★ | 7.1.h | Develop and implement performance standards for all development in coastal areas. Address the need to provide public access to Lake Superior and to preserve views of and from Lake Superior. |



Objective 7.2: Protect existing agricultural resources in the city.

| | Number | Policy |
|---|--------|---|
| ★ | 7.2.a | Promote the preservation of productive agricultural land holdings by encouraging best management practices. |
| | 7.2.b | Study the feasibility of developing a City tree nursery as part of an urban forestry program. |
| | 7.2.c | Explore the development of community produce gardens. |

Goal 2: Washburn protects and promotes its historic, archaeological and cultural resources.

Objective 7.3: Identify and preserve sites, features, structures, access points or routes having unique local historical, archaeological, aesthetic, scenic or natural value for present and future enjoyment. Protect, preserve or use them in such a manner that will assure their continued existence.

| | Number | Policy |
|---|--------|--|
| ★ | 7.3.a | Identify, preserve, and protect resources and structures that contribute to Washburn's architectural, historic, and cultural heritage. |
| | 7.3.b | Support community events and programs that celebrate the history and culture of Washburn. |
| ★ | 7.3.c | Encourage restoration and adaptive re-use of historic buildings. |
| | 7.3.d | Explore the preservation and/or restoration of the Washburn Civic Center (DuPont Club Building) and the old pumphouse. Consider designating the pumphouse as a building with special significance. |

HOUSING

Goal: Washburn provides diverse and attractive housing to meet the needs of residents.

Objective 8.1: Encourage the preservation and enhancement of the existing housing stock to provide for the needs of current residents and to accommodate anticipated future population growth.

| | Number | Policy |
|---|--------|---|
| ★ | 8.1.a | Work with public and private agencies and programs to help rehabilitate owner-occupied and rental units |
| | 8.1.b | Identify housing needs and amend the Zoning Ordinance to address those needs. |
| | 8.1.c | Explore developing and making available a handbook to guide homeowners in rehabilitation of their property. |
| | 8.1.d | Promote green building/sustainable design concepts (including energy efficient construction) for new housing and housing renovations. |
| | 8.1.e | Identify blighted properties that are vacant or for sale; consider acquiring them and improving them, or seek private rehabilitation support. |
| | 8.1.f | Initiate and/or promote neighborhood cleanup programs. Conduct clean up/pick up days for appliances, furniture, and general neighborhood cleanup. |
| | 8.1.g | Establish a community assistance program to encourage property maintenance. |
| | 8.1.h | Review, amend, and enforce property maintenance ordinances. |



Objective 8.2: Encourage the development or redevelopment of housing for all income levels, special needs, and stages of life.

| | Number | Policy |
|-----|--------|---|
| ★ | 8.2.a | Develop incentives to encourage development of low and moderate-income housing, as well as housing for those with special needs. |
| ★ | 8.2.b | Encourage infill housing in areas currently served by public utilities. |
| ★ | 8.2.c | Encourage the creation of mixed-use developments that include housing, employment, shopping, and recreation opportunities in a compact, pedestrian setting. |
| | 8.2.d | Use and/or promote programs to assist with the development of multi-family rental housing. |
| | 8.2.e | Use and promote programs that provide incentives to support the financing and marketing of a first-time homebuyer program. |
| ★ | 8.2.f | Develop housing linkage programs to construct or make financial contributions towards the development of affordable rental and ownership housing. These programs can include tools such as density bonuses, reduced setbacks, and reduced parking requirements. |
| | 8.2.g | Support public and private programs that help address housing needs in Washburn. |
| ★ | 8.2.h | Encourage the development of transitional housing to meet the community's housing needs. |
| ★ | 8.2.i | Encourage multi-family, rental housing development for all income levels and for those with special needs. |
| | 8.2.j | Ensure that housing addresses the standards set in the American's with Disabilities Act. |
| ★ ★ | 8.2.k | Explore the idea of creating an architectural review board to guide builders toward compatible architectural design. |

ECONOMIC DEVELOPMENT

Goal: Washburn retains, expands, recruits, and diversifies local businesses and industries to provide adequate jobs, meet the retail and service needs of residents and visitors, provide a strong municipal tax base, and enhance the quality of life in Washburn.

Objective 9.1: Retain and support the expansion of local business and industry.

| | Number | Policy |
|---|--------|---|
| | 9.1.a | Set retention of existing businesses and industries as a top priority of the City's economic development plan. |
| | 9.1.b | Develop and implement a program where the Mayor (or the Mayor's representative) meets periodically on an individual basis with businesses and industries to listen to concerns and discuss opportunities for growth. |
| | 9.1.c | Work with government agencies and others to promote training opportunities to help businesses and industries prosper. Co-sponsor and/or offer City facilities for employee training programs and help coordinate existing resources to present training seminars. |
| ★ | 9.1.d | Promote the downtown business district and enhance the capability of downtown businesses to meet the daily needs of local, regional, and tourist customers. |
| ★ | 9.1.e | Use physical design, investments in the public realm, appropriate signage, and coordinated promotions to strengthen the link between the City's downtown business district and the City's waterfront. |
| | 9.1.f | Work to implement programs that conserve energy resources and reduce energy costs to businesses, industries, and residences. |
| | 9.1.g | Explore participating in the Main Street Program as a way to help revitalize downtown businesses. |



Objective 9.2: Recruit industries and businesses that have a synergistic relationship with existing industries, businesses, and institutions, and those that help diversify Washburn’s economic base.

| Number | Policy |
|---------|---|
| 9.2.a | Recognize and promote the arts, recreation, and natural resources as major contributors to Washburn’s high quality of life and as major economic forces in the community. Promote the City’s high quality of life to help attract new businesses. |
| 9.2.b | Recruit value-added industries and businesses that can take advantage of the City’s and the region’s amenities and natural resources. |
| 9.2.c | Enhance Washburn’s existing “creative economy” by marketing Washburn to artists, writers, and others. |
| 9.2.d | Develop and maintain an inventory of public and private lands and buildings that are suitable for development or redevelopment of businesses and industries and that are consistent with the City’s natural and social policies. |
| 9.2.e | Identify blighted or potentially contaminated sites. Provide technical, financial, or administrative assistance for brownfields mitigation. Identify resources, promote state and federal programs, and invest in vacant sites to remediate risk and blight in the community. |
| 9.2.f | Encourage new businesses and industries that can help serve the area’s growing population of elderly residents. |
| 9.2.g | Develop new opportunities for the City to stand out as a leader in sustainable business and community development. |
| 9.2.h | Support eco-tourism and other tourism opportunities that are self-supportive revenue generators. |
| 9.2.i | Partner with Chambers of Commerce, neighboring and overlapping jurisdictions, and others to promote tourism. |
| ★ 9.2.j | Promote a range of business types to help diversify Washburn’s economy and enhance employment opportunities for its residents. |
| 9.2.k | Identify under-utilized local resources and develop programs that create or encourage investment in these resources. Assist businesses to create new markets for products and services. |
| 9.2.l | Identify under-utilized or under-served local and regional markets and encourage local business development to service these markets. |
| 9.2.m | Encourage entrepreneurs who are developing new products and new markets to locate in Washburn. |
| 9.2.n | Identify new economically and environmentally sustainable uses for the City’s and the region’s natural resources. |

Objective 9.3: Encourage the formation of new businesses.

| Number | Policy |
|--------|---|
| 9.3.a | Inform those interested in starting a new business about available business counseling programs. |
| 9.3.b | Support and promote business management education and training programs. |
| 9.3.c | Promote the establishment of and organized business support network for new startup businesses. |
| 9.3.d | Encourage local economic development organizations to study and make available information on Washburn’s market potential for new retail, wholesale, service, and manufacturing businesses. |
| 9.3.e | Identify and provide information on available business financing programs. |
| 9.3.f | Support the establishment of entrepreneurship education programs in schools. |

INTERGOVERNMENTAL COOPERATION

Goal: The City of Washburn and all neighboring and overlapping governmental jurisdictions work proactively and cooperatively to ensure that the Chequamegon Bay region has a strong, sustainable economy; respects natural resources; and meets human needs fairly and efficiently.



Objective 10.1: Provide open communication and good working relationships between the City of Washburn and neighboring and overlapping jurisdictions.

| Number | Policy |
|--------|--|
| 10.1.a | Lead efforts to organize intergovernmental workshops involving representatives from neighboring and overlapping jurisdictions. |
| 10.1.b | Encourage neighboring and overlapping jurisdictions to review and comment on amendments and updates to Washburn's Comprehensive Plan and other pertinent plans in Washburn. Request that neighboring and overlapping jurisdictions allow the City of Washburn to review planning efforts that may affect the City of Washburn. |
| 10.1.c | Openly share information that may be beneficial to neighboring and overlapping jurisdictions. |
| 10.1.d | Coordinate education efforts that may be beneficial to neighboring and overlapping jurisdictions. |
| 10.1.e | Collaborate with the Alliance for Sustainability. |

Objective 10.2: Partner with neighboring and overlapping jurisdictions to provide efficient, cost-effective, high-quality services, where practical or mutually beneficial.

| Number | Policy |
|--------|---|
| 10.2.a | Share services and facilities with neighboring and overlapping jurisdictions, where practical or mutually beneficial. |
| 10.2.b | Support regional facilities and services that benefit Washburn and the region. |
| 10.2.c | Work with neighboring and overlapping jurisdictions to coordinate shared purchases of bulk items and special equipment, where practical or mutually beneficial. |
| 10.2.d | Work with the Washburn School District and neighboring communities to coordinate efforts to provide quality recreation programs and facilities for area residents |

Objective 10.3: Work proactively and cooperatively on planning issues that may affect neighboring and overlapping jurisdictions.

| Number | Policy |
|--------|--|
| 10.3.a | Work with neighboring and overlapping jurisdictions on all land use decisions that may affect the other jurisdictions. |
| 10.3.b | Work with neighboring and overlapping jurisdictions to ensure that Washburn and the surrounding area have a safe, efficient, well maintained, and connected multi-modal transportation system. |
| 10.3.c | Work with the Bay Area Rural Transit (BART) system and neighboring and overlapping governments to promote the use of the public transportation system. Work to make the public transportation system more energy efficient and cost effective. |
| 10.3.d | Work with neighboring and overlapping jurisdictions to preserve and enhance natural, coastal, cultural, and agricultural resources in the region. |
| 10.3.e | Work with neighboring and overlapping jurisdictions to coordinate development and improvements of utilities and community facilities that meet the needs of area residents. |
| 10.2.f | Work with neighboring and overlapping jurisdictions to ensure that there is a full range of housing to meet the diverse needs of the area. |
| 10.2.g | Work with neighboring and overlapping jurisdictions on economic development issues and planning that will strengthen the economy of the region. |
| 10.2.h | Partner with neighboring and overlapping jurisdictions to establish alternative energy programs that will provide sustainable, efficient, cost effective energy that is practical and mutually beneficial. |



Appendix C
Permissible Land Uses in Current Zoning Code by District

| District | Permitted Uses | Accessory Uses | Conditional Uses |
|------------|---|---|--|
| R-1 | <ol style="list-style-type: none"> Single-family dwellings General agricultural uses limited to forestry, floriculture, grazing, hay and orchards | <ol style="list-style-type: none"> Detached garages Gardening, tool and storage sheds | <ol style="list-style-type: none"> Customary home occupations Ground-mounted and building-mounted earth station dish and terrestrial antennas Raising of pets (commercial kennel) Keeping of domestic livestock Additional accessory structures Churches and affiliated uses, graded schools, water storage facilities Public buildings (except as noted) Telephone buildings, exchanges, and transformer stations Tourist rooming houses Incidental uses Accessory building in excess of size requirements |
| R-2 | <ol style="list-style-type: none"> Single-family dwellings | <ol style="list-style-type: none"> Detached garages Gardening, tool and storage sheds | <ol style="list-style-type: none"> Customary home occupations Additional accessory structures Microwave radio relays and community TV towers Churches and affiliated uses, graded schools, water storage facilities Public buildings (except as noted) Telephone buildings, exchanges, and transformer stations Tourist rooming houses Incidental uses |
| R-3 | <ol style="list-style-type: none"> Single-family dwellings Two-family dwellings | none listed | <ol style="list-style-type: none"> Customary home occupations Additional accessory structures Microwave radio relays and community TV towers Multi-family dwellings Churches and affiliated uses, graded schools, libraries, water storage facilities Public buildings (except as noted) Telephone buildings, exchanges, and transformer stations Tourist rooming houses Incidental uses |
| R-4 | <ol style="list-style-type: none"> Single-family dwellings Two-family dwellings | none listed | <ol style="list-style-type: none"> Customary home occupations Additional accessory structures Microwave radio relays and community TV towers Multiple-family dwellings |



| District | Permitted Uses | Accessory Uses | Conditional Uses |
|------------|--|----------------|---|
| | | | 5. Churches and affiliated uses, graded schools, water storage facilities 6. Public buildings 7. Public parks, playgrounds, recreational and community center buildings and grounds 8. Telephone buildings, exchanges, and transformer stations 9. Tourist rooming houses 10. Incidental uses |
| R-5 | 1. Single-family mobile homes and manufactured homes 2. Accessory structures in R-4 District 3. Single-family "stick built" housing 4. Offices and dwelling for the owner 5. Accessory structures approved by the park operator | none listed | Conditional uses found in R-3 and R-4 |
| C-1 | 1. Antique, art, gift, jewelry, and notions shops 2. Bakeries (retail) and candy, confectionery and ice cream shops 3. Barber shops and beauty parlors 4. Bars 5. Churches and all affiliated uses 6. Clubs, fraternal organizations, and lodges operated for a profit 7. Drug stores and pharmacies 8. Florist shops 9. Financial, insurance and real estate 10. Hardware stores 11. Liquor stores 12. Music 13. Photography and art studios 14. Professional services 15. Restaurants and cafes 16. Retail business equipment sales, services, and recycling of components 17. Small appliances 18. Specialty clothing 19. Sports shops 20. Theaters 21. Tourist rooming houses 22. Variety stores 23. Residences on the second floor and higher | none listed | 1. Single-family residences 2. Two-family dwellings 3. Vehicle service stations 4. Retail , grocery stores, 5. Supermarkets 6. Motels, hotels and inns 7. Parking lots 8. Drive through windows 9. Utility, telephone and post offices 10. Retail lumber sales 11. Light woodworking and fabrication 12. Machine tooling |



| District | Permitted Uses | Accessory Uses | Conditional Uses |
|------------|--|--|---|
| | 24. Other uses similar to or customarily incidental | | |
| C-2 | <ol style="list-style-type: none"> 1. Those permitted uses in the C-1 District 2. Furniture and department stores 3. Radio and television stores 4. Retail supermarkets 5. Sales and services of RVs 6. Sales and services of lawn care products 7. Motels, hotels and inns 8. Parking lots 9. Restaurants and cafes 10. Drive through windows 11. Vehicle rental services 12. Vehicle service stations 13. Tourist rooming houses 14. Breweries and associated retail sales | none listed | <ol style="list-style-type: none"> 1. Single-family residences 2. Two-family dwellings 3. Seed, feed and farm supply sales 4. Recreational establishments 5. Mini-storage units 6. New and used automobile sales 7. Multi-family dwellings |
| C-3 | <ol style="list-style-type: none"> 1. Those uses listed as permitted used in the C-1 and C-2 Districts 2. Lumber yards, sales and services 3. Seed, feed and farm supply sales 4. Recreational establishments 5. Off-street parking areas 6. Outside storage 7. Tourist rooming houses | none listed | <ol style="list-style-type: none"> 1. Single-family residences 2. Two-family dwellings 3. Automotive sales and services 4. Any other use as approved by the Plan Commission |
| M-1 | <ol style="list-style-type: none"> 1. High tech industries 2. Jewelry 3. Optical instruments and lenses 4. Clock and watch parts 5. Permitted commercial uses in the C-1, C-2 and C-3 Districts 6. Any other use as approved by the Plan Commission | none listed | <ol style="list-style-type: none"> 1. Microwave radio relays and community TV towers 2. Engraving and die-making |
| M-2 | <ol style="list-style-type: none"> 1. Uses permitted in the M-1 District 2. Adult, youth, and infant clothing 3. Baked goods and bakery products 4. Books and periodicals: publishing, printing and binding | <ol style="list-style-type: none"> 1. Garages 2. Ground-mounted and building-mounted earth station dishes and antennas 3. Off-street parking 4. Delivery areas | <ol style="list-style-type: none"> 1. Banks and other financial institutions 2. Composting sites and related operations 3. Microwave radio relays and community TV towers 4. Recycling centers and/or transfer stations |



| District | Permitted Uses | Accessory Uses | Conditional Uses |
|-------------|---|--|--|
| | 5. Bulk mail receiving, forwarding and storage 6. Contractors' storage yards 7. Corporate headquarters and offices associated with the industry 8. Dental, medical and surgical equipment and supplies 9. Electrical transmission and distribution material 10. Fabric creation 11. Furniture 12. Hats, caps, gloves and other personal clothing accessories 13. Millwork, planing mills and sawmills 14. Miscellaneous notions 15. Musical instruments and parts 16. Office and artist materials (not including office furniture) 17. Personal leather goods 18. Photographic equipment and supplies 19. Printing, lithography, blueprinting and reproduction services 20. Retail sales of products produced 21. Self-service storage facilities | | 5. Truck terminals (25 vehicle maximum) 6. Personal residence |
| M-3 | 1. Foundries | 1. Garages 2. Storage structures 3. Ground-mounted and building-mounted earth station dishes and antennas 4. Off-street parking 5. Office use auxiliary to the principal use | 1. Truck terminals (25 vehicle maximum) |
| W -1 | 1. Management of forestry, wildlife and fish 2. Harvesting of wild crops 3. Fishing 4. Parks and recreation areas 5. Uses similar and customarily incidental to the above | none listed | 1. Transmission lines and water storage facilities 2. Golf courses 3. Seasonal public camping grounds 4. Single-family dwelling |
| P-1 | Boating, ice boating, marinas, pools, sports fields, parks, arboretums, parks and playgrounds, recreation trails, fishing, swimming beaches, skating, soil and water conservation, water measurement and water-control facilities | none listed | Structures incidental to permissible uses such as shelter houses, bath houses concession stands, boat rental/sales facilities, boat launching cranes or hoists, clubhouses, and boat launching ramps |
| I-1 | 1. Child or adult day care facilities 2. Churches 3. Community living arrangements | 1. Garages 2. Dish and terrestrial antennas 3. Medical or administrative offices | 1. Cemeteries 2. Central composting site 3. Crematory service |



| District | Permitted Uses | Accessory Uses | Conditional Uses |
|-------------|--|---|---|
| | <ol style="list-style-type: none"> 4. Hospitals, nursing homes, assisted care facilities, and associated care facilities 5. Libraries, museums and art galleries 6. Lodges and fraternal organizations 7. Post offices 8. Public administration offices 9. Public or private schools 10. Public utility and public works offices 11. Public wells and underground reservoirs 12. Uses similar and customarily incidental to the above | <ol style="list-style-type: none"> 4. Off-street parking and loading 5. Public works or utility storage buildings or yards 6. Residential quarters for caretakers or clergy 7. Service buildings and facilities | <ol style="list-style-type: none"> 4. Gift stores 5. Recycling center and/or transfer stations 6. Utilities 7. Tourist rooming houses |
| WR | <ol style="list-style-type: none"> 1. Single-family residences 2. Multi-family residences 3. Clustered residential units | none listed | <ol style="list-style-type: none"> 1. Tourist rooming houses 2. Home occupations |
| WC | <ol style="list-style-type: none"> 1. Short-term storage of bulk commodities 2. Shelter houses, bath houses, concession stands 3. Boat rental and sales 4. Boat repair and storage 5. Boat launching cranes, hoists and ramps 6. Hotels, motels and inns 7. Tourist rooming houses | none listed | Tourist rooming houses (Note: this is allowed as a permitted use) |
| WR-1 | <ol style="list-style-type: none"> 1. Single-family dwellings 2. Accessory structures | none listed | <ol style="list-style-type: none"> 1. Two-family dwellings 2. Home occupations 3. Bed and breakfast 4. Additional accessory structures 5. Tourist rooming houses 6. Uses customarily incidental to above uses |
| WR-3 | <ol style="list-style-type: none"> 1. Single-family dwellings 2. Accessory structures | none listed | <ol style="list-style-type: none"> 1. Two-family dwellings 2. Resorts 3. Bed and breakfast 4. Home occupations 5. Additional accessory structures 6. Tourist rooming houses 7. Uses customarily incidental to above uses |
| PUD | Any use permitted in any of the other districts | | Any use allowed only as a conditional use in any of the other districts |



Appendix D
Permissible Land Uses in New Zoning Code
- Preliminary -

PRINCIPAL USES (1.0-15.0)

1.0 Agricultural Uses

- 1.01 Agricultural sales and service
- 1.02 Agriculture, horticulture
- 1.03 Agriculture, husbandry
- 1.04 Greenhouse

2.0 Resource-Based Uses

- 2.01 Forestry

3.0 Residential Uses

- 3.01 Mixed use housing
- 3.02 Mobile home park
- 3.03 Multi-family, 2 units
- 3.04 Multi-family, 3 – 4 units
- 3.05 Multi-family, 5 – 8 units
- 3.06 Multi-family, 9 or more units
- 3.07 Single-family
- 3.08 Townhouse
- 3.09 Twin home

4.0 Special Care Facilities

- 4.01 Adult family home
- 4.02 Community living arrangement, Type I
- 4.02 Community living arrangement, Type II
- 4.02 Community living arrangement, Type III
- 4.03 Emergency shelter
- 4.04 Foster home and treatment foster home
- 4.05 Group day care center
- 4.06 Nursing home
- 4.07 Retirement home

5.0 Group Accommodations

- 5.01 Campground
- 5.02 Group recreation camp (let's discuss)
- 5.03 Boardinghouse
- 5.04 Overnight lodging
- 5.05 Resort

6.0 Food and Beverage Sales

- 6.01 Microbrewery
- 6.02 Restaurant
- 6.03 Tavern

7.0 Vehicle Rental, Sales, and Service

- 7.01 Heavy vehicle sales and rental
- 7.02 Truck stop
- 7.03 Vehicle fuel sales
- 7.04 Vehicle repair
- 7.05 Vehicle sales and rental
- 7.06 Vehicle services
- 7.07 Vehicle storage yard

8.0 General Sales

- 8.01 Convenience retail sales
- 8.02 General retail sales
- 8.03 General retail sales, large format (let's discuss)
- 8.04 Outdoor sales
- 8.05 Specialty retail sales

9.0 General Services

- 9.01 Administrative services
- 9.02 Adult-oriented establishment
- 9.03 Body-piercing establishment
- 9.04 Commercial animal kennel
- 9.05 Equipment rental, large
- 9.06 Equipment rental, small
- 9.07 Financial services
- 9.08 Funeral home
- 9.09 General repair
- 9.10 General services
- 9.11 Health care clinic
- 9.12 Health care center
- 9.13 Indoor entertainment
- 9.14 Indoor recreation
- 9.15 Instructional services
- 9.16 Landscape business
- 9.17 Outdoor entertainment
- 9.18 Professional services
- 9.19 Tattoo establishment
- 9.20 Veterinary clinic, large animal
- 9.21 Veterinary clinic, small animal

10.0 Community Services

- 10.01 Administrative government center
- 10.02 Animal shelter
- 10.03 Cemetery
- 10.04 Civic use facility
- 10.05 Community center
- 10.06 Community cultural facility
- 10.07 Community garden
- 10.08 Correctional facility
- 10.09 Educational facility, pre-K through 12
- 10.10 Educational facility, post-secondary
- 10.11 Maintenance garage
- 10.12 Park
- 10.13 Public safety facility
- 10.14 Recreational trail
- 10.15 Worship facility

11.0 Telecommunications and Utilities

- 11.01 Telecommunication facility, concealed
- 11.02 Telecommunication facility, unconcealed
- 11.03 Utility installation, major
- 11.04 Utility installation, minor
- 11.05 Utility maintenance yard
- 11.06 Wind energy system, large
- 11.07 Wind energy system, small

12.0 Transportation Facilities

- 12.01 Airport
- 12.02 Bus storage facility
- 12.03 Marina
- 12.04 Mass transit terminal
- 12.05 Off-site parking lot
- 12.06 Parking structure
- 12.07 Park-and-ride lot (let's discuss)
- 12.08 Railroad line (let's discuss)
- 12.09 Street

13.0 General Storage

- 13.1 Boat yard
- 13.2 Bulk fuel storage
- 13.3 Personal storage facility



- 13.4 Truck terminal
- 13.5 Warehouse

14.0 Industrial Uses

- 14.01 Artisan shop
- 14.02 Contractor yard
- 14.03 Construction equipment sales and service
- 14.04 Construction equipment repair
- 14.05 Industrial uses, heavy
- 14.06 Industrial uses, light
- 14.07 Salvage yard

15.0 Solid Waste Facilities

- 15.01 Composting facility
- 15.02 Recycling center
- 15.03 Solid waste transfer station

ACCESSORY USES (16.0)

- 16.01 Adult family home
- 16.02 Accessory dwelling unit
- 16.03 Amateur radio station
- 16.04 Automated teller machine (let's discuss)
- 16.05 Bee keeping
- 16.06 Bed and breakfast

- 16.07 Boathouse
- 16.08 Commercial truck parking
- 16.09 Exterior communication device
- 16.10 Family day care home
- 16.11 Farm operator residence
- 16.12 Farm worker residence
- 16.13 Fence
- 16.14 Foster home and treatment foster home
- 16.15 Garage, nonresidential
- 16.16 Garage, residential
- 16.17 Helipad (let's discuss)
- 16.18 Home occupation, Type I
- 16.19 Home occupation, Type II
- 16.20 Hot tub
- 16.21 Indoor sales incidental to light industrial use
- 16.22 Light industrial use incidental to indoor sales
- 16.23 Outdoor food and beverage service
- 16.24 Outdoor display incidental to indoor sales
- 16.25 Outdoor furnace (let's discuss)
- 16.26 Parking lot (on-site)
- 16.27 Play structure
- 16.28 Private animal kennel
- 16.29 Service window, drive-up

- 16.30 Service window, walk-up
- 16.31 Solar panels
- 16.32 Standby electric generator
- 16.33 Storage container, 1 or 2 units (let's discuss)
- 16.33 Storage container, 3 or more units (let's discuss)
- 16.34 Swimming pool
- 16.35 Wind energy system
- 16.36 Yard shed

TEMPORARY USES (17.0)

- 17.01 Agricultural product sales, off-site
- 17.02 Agricultural product sales, on-site
- 17.03 Earth materials stockpile
- 17.04 Farmers market
- 17.05 General outdoor sales
- 17.06 Off-site construction yard
- 17.07 On-site construction yard
- 17.08 On-site construction office
- 17.09 On-site real estate sales office
- 17.10 Relocatable building
- 17.11 Seasonal product sales
- 17.12 Snow disposal site (let's discuss)
- 17.13 Temporary storage container
- 17.14 Wind test tower
- 17.15 Yard sale



**Appendix F
Sample Layout for a Land Use Matrix**

| 1 | Agriculture | Special Standards | Type of Review | Base Zoning District | | | | | | | | | | | | | |
|---|--|-------------------|----------------|----------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--|
| | | | | P | Q-1 | C-1 | U-C | A-P | A-3 | R-1 | R-L | B-1 | B-2 | B-4 | M-1 | M-2 | |
| 1.01 | Agriculture, crop | 8-131 | - | - | - | P | P | P | P | P | - | - | P | P | P | | |
| 1.02 | Agriculture, general-35 acres or less | 8-132 | - | | | | P | P | C | | | | | | | | |
| 1.02 | Agriculture, general-35 acres or less | 8-133 | ZP | - | | | | | | | | | | | | | |
| 1.03 | Agriculture, general-35 acres or less | 8-134 | ZP | - | | | | | | | | | | P | C | | |
| 1.04 | Agriculture, general-35 acres or less | 8-135 | ZP | - | | | | | | | | | P | P | P | | |
| 2 Resource-Based Uses | | | | | | | | | | | | | | | | | |
| 2.01 | Dam | 8-141 | SP,PO | C | - | C | C | C | C | C | C | C | C | C | C | | |
| 2.02 | Forestry | 8-142 | - | P | P | P | P | P | P | P | P | P | P | P | P | | |
| 2.03 | Nonmetallic mine | 8-143 | SP,PO | - | C | - | - | - | - | - | - | - | - | - | C | | |
| 3 Residential [4] | | | | | | | | | | | | | | | | | |
| 3.01 | Mixed-use housing | 8-151 | BP,SP | - | - | - | - | - | - | - | - | - | P | - | - | | |
| 3.02 | Single-family dwelling | 8-152 | ZP[16] | - | - | - | P | P | P | P | P | - | - | - | - | | |
| 3.03 | Twin home | 8-153 | ZP | - | - | - | - | - | C | C | C | C | C | - | - | | |
| 3.04 | Two-family dwelling | 8-154 | ZP | - | - | - | - | - | C | C | C | C | C | - | - | | |
| 4 Special Care Facilities | | | | | | | | | | | | | | | | | |
| 4.01 | Adult family home | 8-161 | ZP | - | - | - | P | P | P | P | P | - | - | - | - | | |
| 4.02 | Community living arrangement, 8 or fewer residents [1] | 8-162 | ZP | - | - | - | P | P | P | P | P | - | - | - | - | | |
| 4.02 | Community living arrangement, 9-15 residents [1] | 8-162 | BP,SP,PO | - | - | - | - | - | - | P | P | - | - | - | - | | |
| 4.03 | Foster home and treatment foster home [2] | | | | | | P | P | P | P | P | - | - | - | - | | |
| 4.04 | Group day care center [3] | | | | | | - | - | - | - | - | C | C | P | C | | |
| 4.05 | Hospice care center | 8-165 | BP,SP | P | - | - | - | - | C | C | C | C | C | P | C | | |
| 4.06 | Nursing home | 8-166 | BP,SP | P | - | - | - | - | C | C | C | C | C | P | C | | |
| 4.07 | Retirement home | 8-167 | BP,SP | P | - | - | - | - | C | C | C | C | C | P | C | | |
| 5 Group Accommodations [5] | | | | | | | | | | | | | | | | | |
| 5.01 | Campground | 8-171 | BP,SP,PO | P | - | - | - | - | C | - | - | - | - | - | - | | |
| 5.02 | Group recreation camp | 8-172 | BP,SP,PO | P | - | - | - | - | C | - | - | - | - | - | - | | |
| 5.03 | Overnight lodging | 8-173 | BP,SP | - | - | - | - | - | - | - | - | - | - | P | - | | |
| 5.04 | Resort | 8-174 | BP,SP,PO | - | - | C | C | - | C | - | C | - | - | - | - | | |
| 6 Food and Beverage Sales | | | | | | | | | | | | | | | | | |
| 6.01 | Brewpub | 8-181 | BP,SP,PO | - | - | - | - | - | - | - | - | C | P | P | C | | |
| 6.02 | Restaurant | 8-182 | BP,SP,PO | - | - | - | - | - | - | - | - | C | P | P | C | | |
| 6.03 | Tavern | 8-183 | BP,SP,PO | - | - | - | - | - | - | - | - | C | P | P | C | | |
| 7 Vehicle Rental, Sales, and Service | | | | | | | | | | | | | | | | | |
| 7.01 | Vehicle fuel station | 8-191 | BP,SP,PO | - | - | - | - | - | - | - | - | - | C | C | C | | |
| 7.02 | Vehicle repair shop | 8-192 | BP,SP,PO | - | - | - | - | - | - | - | - | - | C | P | P | | |
| 7.03 | Vehicle sales and rental | 8-193 | BP,SP,PO | - | - | - | - | - | - | - | - | - | - | P | P | | |
| 7.04 | Vehicle service shop | 8-194 | BP,SP,PO | - | - | - | - | - | - | - | - | - | C | P | P | | |

Specify the section in the code where standards related to the land use can be found

Specify the type of secondary review that may be required for each land use

Land use districts are listed across the top of the matrix

Land uses are listed on left side of the matrix



Appendix G
Development Review Procedures for
Unified Land Development Code (Preliminary)

Chapter 7 – Development Review Procedures

1. Code amendment (text and zoning map)
2. Zoning map amendment due to annexation
3. Planned development overlay district
4. Conditional use
5. Reserved
6. Determination of unsafe conditions
7. Termination of approval
8. Conversion of a nonconforming use
9. Registration of a nonconforming use
10. Reserved
11. Building, site, and operation plan
12. Outdoor lighting
13. Special exception
14. Land-altering activity permit
15. Reserved
16. Zoning permit
17. Sign permit
18. Certificate of appropriateness (historic preservation)
19. Variance
20. Reserved
21. Preliminary certified survey map [1]
22. Final certified survey map [1]
23. Preliminary plat [1]
24. Final plat [1]
25. Reserved
26. Extraterritorial plat review [1]
27. Stormwater management permit [1]
28. Erosion control permit [1]
29. Code interpretation
30. Reserved
31. Administrative appeal

Appendix

- A. Mapping Requirements
- B. Dimensional Standards for Lots



Notes:

- [1] This is listed here to demonstrate the content of this part of the unified land development code. It will not, however, be prepared as part of the zoning code rewrite project.
- [2] Title 2 addresses all boards, commissions, and committees. It is recommended that the content relating to the Plan Commission, Zoning Board of Appeals, and Historic Preservation Commission be removed from this part of the code and included in Title 13. References in Title 2 to these would be maintained with a note to see Title 13.