

ZONING ORDINANCE
TOWN OF LA POINTE
ASHLAND COUNTY, WISCONSIN
WITH AMENDMENTS

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**ZONING ORDINANCE
TOWN OF LA POINTE
ASHLAND COUNTY, WISCONSIN**

SECTION 1.0 INTRODUCTION

1.1 AUTHORITY AND PURPOSE

For the purposes listed in Wisconsin Statutes, Section 60.62, 61.35, 62.23(7), and 87.30; the Town Board of La Pointe in regular session does ordain and enact as follows:

An ordinance regulating and restricting the location, construction, and use of buildings, structures, and the use of land in the Town of La Pointe and for said purposes dividing the Township into districts. The Town of La Pointe has adopted village powers and this ordinance is authorized and was enacted under village powers and Wisconsin Statutes, Sections 60.62, 61.35, 62.23(7) and their predecessor statutes.

This ordinance is adopted for the purpose of promoting and protecting the public health, safety, convenience and general welfare to further the maintenance of safe and healthful conditions, to prevent and control water pollution, to protect spawning grounds, fish, and aquatic life, to control building sites, placement of structures and land uses, to prevent overcrowding of any natural resource, to preserve natural beauty, and to promote the better uses of scenic resources. The ordinance is not intended to prevent development, but it is intended to insure that development occurs in an orderly manner so as to recognize and respect existing land uses. **PLEASE NOTE**

THIS SECTION IN ITS ENTIRETY

Amended: March 20, 2006

1.2 INTERPRETATION

The provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion and of the public health, morals, safety, or the general welfare. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted regulations, ordinances, or private covenants, the most restrictive, or that imposing the higher standards, shall govern.

1.3 REPEAL

All other zoning ordinances or parts of ordinances of the Town inconsistent or conflicting with this ordinance to the extent of their inconsistency only, are hereby repealed.

SECTION 2.0 DEFINITIONS

2.1 For the purpose of this Ordinance certain terms or words herein shall be interpreted or defined as follows:

- * Words used in the present tense include the future tense.
- * The singular includes the plural.
- * The word "person" includes an individual, all partnerships, associations, and bodies, political and corporate.
- * The word "lot" includes the word "plot" or "parcel".
- * The term "shall" is always mandatory.
- * The word "used" or "occupied" as applied to any land or building shall be construed to include words "intended, arranged or designed to be used or occupied".
- * Undefined terms have to be given their plain, ordinary meaning according to the dictionary

The following definitions shall be listed in alphabetical order:

(1) ACCESSORY USE:

A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

(ADDED) ACCESSORY STRUCTURE:

Structure which is incidental and subordinate to the primary structure permitted in the Zoning District including the following: **I DON'T UNDERSTAND – DOES THIS MEAN ANYTHING NOT LISTED HERE IS NOT AN ACCESSORY STRUCTURE THEREFORE NOT PERMITTED IN THE DISTRICT? DOES THIS SECTION MEAN THE LISTED ITEMS REQUIRE A PERMIT?**

Private Garages and Carports **IS A COMMERCIAL GARAGE/CARPORT NOT AN ACCESSORY? A GARAGE/CARPORT FOR A COMPANY'S VEHICLES.**

Tool Sheds for storage of common residential supplies/equipment **OMIT TOOL**

Towers and/or antennas less than 35' **A TV ANTENNA NEEDS A PERMIT?**

Satellite Dishes **A DIRECT TV SATELLITE DISH NEEDS A PERMIT?**

Solar Collectors **ANY AND ALL KINDS? FREE STANDING/FLUSH TO ROOF/ETC?**

Windmills and Wind Generators less than 35' in height **SEE AEC MEMO**

Outdoor Wood Heat Stoves **I AM UNCLEAR ON THIS ITEM. IS THIS THE TYPE OF WOOD STOVE USED FOR HEATING HOT WATER OR STRUCTURE OR THE KIND TO SIT AROUND IN THE YARD/PATIO ON A NICE EVENING? DO THEY BOTH REQUIRE A PERMIT?**

Non-Commercial Greenhouses **WHAT IF A RESTAURANT WANTED TO GROW SOME OF THEIR FOOD IN A GREENHOUSE– THAT'S AN INCIDENTAL STRUCTURE TO THE MAIN BUT IT'S COMMERCIAL TOO.**

Kennels for not more than six animals **WHAT ABOUT A KENNEL FOR MORE THAN 6 ANIMALS – IS A KENNEL THE SAME THING AS A DOGHOUSE?**

Birdhouses and Birdfeeders **IS A PERMIT REQUIRED FOR A BIRDHOUSE? THE SQUARE FOOTAGE FEES WON'T BE VERY MUCH.**

Signs in conformance with requirements of Article V of Chapter 450 **AT THE TIME**

OF THESE TEXT CHANGES, THERE IS NO SUCH THING ARTICLE 5 OF CHAPTER 450 IN THE ZONING ORDINANCE.

Saunas and Hot Tubs **THIS IS A STRUCTURE REQUIRING A PERMIT? IF THEY BUILD A DECK UNDER IT ARE BOTH CHARGED PER SQUARE FOOT? HOW IS THE SQUARE FOOTAGE OF USABLE SPACE MEASURED FOR A HOT TUB?**

Fences **IN THE DEFINITION OF "STRUCTURE" FENCES ARE SPECIFICALLY LISTED AS NOT BEING A STRUCTURE. HOW CAN IT BE DEFINED AS AN ASSESSORY STRUCTURE?**

Decks **ATTACHED WOULD BE AN ADDITION – FREE STANDING WOULD BE AN ACCESSORY.**

Gazebos and unattached screen porches

Playhouses **DOES A PLASTIC TODDLER PLAYHOUSE REQUIRE A PERMIT?**

Pole Barns

(2) BOATHOUSE:

Any structure located on the same lot as the principal building and used for protecting or storing of boats used for non-commercial purposes in conjunction with a residence.

(3) BUILDING:

Any structure used, designed, or intended for the protection, shelter, or roofed enclosure of persons, animals, or property.

(4) BUILDING, HEIGHT OF:

The vertical distance measured from the average of outermost corners to the highest point on the roof.

(5) CAMPING GROUND:

A parcel of land used or intended to be used, let or rented for occupancy by campers or for occupancy by or of trailers, tents or movable or temporary dwellings, rooms, or sleeping quarters of any kind.

(6) CERTIFIED SURVEY MAP:

A Certified Survey Map (CSM) is a map made according to Chapter 236 of Wisconsin State Statutes. Refer to Town of La Pointe Technical Memorandum # 3 Subdivision Ordinance.

(7) DWELLING:

A building designed or used exclusively as the living quarters for one or more families.

(ADDED) DWELLING, DOUBLE FAMILY: GENERAL CODE DID NOT SUGGEST ADDING THIS DEFINITION TO THE ORDINANCE.

A dwelling on one plot **"PLOT" IS NOT DEFINED IN THIS ORDINANCE** *containing separate but attached living units for two families which may have joint services of facilities.* **FOR CLARIFICATION, WHAT DOES "JOINT SERVICES OF FACILITIES" MEAN? DOES IT MEAN ROADS, DRIVEWAY, SANITARY? DOES THIS REFER TO "ESSENTIAL SERVICES" DEFINED IN THE ORDINANCE?**

(8) DWELLING, MULTI-FAMILY: GENERAL CODE DID NOT SUGGEST ANY CHANGES TO THIS DEFINITION.

A dwelling or group of dwellings on one plot **"PLOT" IS NOT DEFINED IN THIS ORDINANCE** containing separate living units for two or more families, ~~but no more than three,~~ but which may have joint services ~~or~~ of facilities ~~or both.~~ **CAN SOMEONE BUILD A 500 UNIT COMPLEX – EITHER SEPARATE UNITS OR ONE BIG UNIT – AS LONG AS THEY MET SETBACKS AND HAVE "JOINT FACILITIES"? THERE IS NO MENTION OF IMPLEMENTING IMPACT FEES SO THE DEVELOPER HAS NO OBLIGATION TO HELP DEFER COSTS OF INFRASTRUCTURE AFFECTED BY THE DEVELOPMENT AND NO OBLIGATION TO DONATE GREEN SPACE TAKEN BY THE DEVELOPMENT.**

(9) ESSENTIAL SERVICES:

Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.

(10) FAMILY:

Family shall mean two or more individuals who are related to each other by blood, marriage, adoption or legal guardianship. For purposes of this Ordinance, a group of not more than four persons not necessarily related by blood or marriage, living together in a single living unit will be considered equivalent to a single family. **THIS DEFINITION IS UNCONSTITUTIONAL PER GENERAL CODE BECAUSE IT LIMITS THE NUMBER OF UNRELATED PERSONS WHO ARE ALLOWED TO FUNCTION AS A FAMILY. IF THE TPC SUGGESTS "MULTI-FAMILY/DOUBLE FAMILY" ARE "FAST TRACKED" FOR CHANGES, WHY IS IT NOT IMPORTANT ENOUGH TO DEFINE 'FAMILY' CONSTITUTIONALLY?**

(11) FARMING, GENERAL:

The production of field or truck crops, or the raising of livestock and livestock products for the commercial gain; as opposed to home gardening which is the production of the above items for home consumption or on-premise sale.

(12) FILED/TIME LIMITS:

A document is considered filed when it has been received and stamped by one of the following: Town Clerk, Zoning Administrator, Administrative Assistant or Clerical Assistant. This date is when the (10 day/30 day) time limit begins, and is counted as day one.

In counting a 10 day time limit under the ordinance, you do not include weekends or holidays, and in counting a 30 day time limit, you just count the number of days.

(13) FLOODPLAIN:

The land which has been or may be covered by flood water during the regional flood and

includes the floodway and flood fringe as defined in the Ashland County Zoning Ordinance.
THE TPC PROPOSES TO DELETE THE OVERLAY OF THIS AREA BUT CANNOT PER NR 115

(14) FOREST CROPS AND PRODUCTS:

The growing and harvesting of trees. The processing of logs by sawing, kiln-drying, shaping, planing and otherwise preparing lumber for re-sale. The sale of lumber processed on the property, as well as, the sale of crops such as logs and firewood.

(15) GUEST HOUSE:

~~Guest House is any structure used for habitation other than the principle dwelling. The intended use of a Guest House is for a sleeping place which is not to be used independently from the principle dwelling. The design or use of a Guest House does not include boarding, lodging, motels, hotels, tents, tourist cabin or rentals for monetary gain. Guest houses shall and do require a sanitary permit.~~

*Any structure used for habitation other than the principle dwelling on a plot “**PLOT**” IS NOT DEFINED IN THIS ORDINANCE of land intended to be used as temporary lodging. Guesthouses may not be used as a permanent place of residence **THIS SPECIFICALLY OMITTS RENTALS TO YEAR-ROUND ISLANDERS FOR THE PURPOSE OF CREATING AFFORDABLE HOUSING AND ONLY BENEFITS TRANSIENT HOUSING** and shall not have a living area greater in floor area than the principle dwelling structure. Rental of guesthouses for use by one functional family unit or no more than four unrelated persons who do not normally function as a family unit **PLEASE READ YOUR CODIFICATION PORTFOLIO PAGE 25 – OUR DEFINITION OF ‘FAMILY’ IS UNCONSTITUTIONAL YET IT IS REITERATED HERE** is permitted for periods not to exceed twenty-one (21) continuous days. A Single Family Dwelling Rental permit is required before any guesthouse is rented. **IF I BUILD A 10,000 SQ FOOT HOUSE CAN I BUILD (9) 1,000 SQ FOOT GUEST HOUSES AND RENT THEM ALL OUT? IF YOU REVIEW THE RSFD SECTION, IT DOES NOT LIMIT RENTAL. ANY PROPERTY RENTING OVER 5 BEDROOMS GETS A HOTEL LICENSE FROM THE STATE. DOES THE TOWN SEE THIS RENTAL DEVELOPMENT AS A HOTEL/RESORT OR IS IT A MAIN HOUSE WITH GUEST HOUSE(S) EACH PERMITTED WITH A RSFD PERMIT?***

(ADDED) HOME BUSINESS:

A business enterprise carried out by resident(s) of a dwelling that may involve activities on the premises outside of the dwelling including storage and use of equipment and may include activities of employees not residing in the dwelling. (Examples include landscaping and welding but not automotive repair or spray painting.)

(ADDED) HOME OCCUPATION ENTERPRISE:

The secondary and incidental use of a dwelling or accessory structure by a person residing in

the dwelling to produce goods and services with limited visits by customers and vehicles and limited activities outside of the dwelling and accessory structure. (Examples include woodworking, pottery, hair care, licensed day care or a tradesman using the home as a base of operations.)

(ADDED) HOME OFFICE/STUDIO:

The secondary and incidental use of a dwelling by a person residing therein conducting business activities that does not include visits from the public to the premises or activities outside of the dwelling. (Examples of activities are telemarketing, writing, drafting, electronic commerce via the internet, and arts and crafts not requiring machinery not normally used in a residential dwelling.)

(16) HOSPITAL:

Unless otherwise specified, the term "hospital" includes a sanitarium, prevention clinic, rest home, nursing home, convalescent home and any other place for the diagnosis, treatment or other care of ailments, and is limited to places for the diagnosis, treatment or other care of human ailments.

(17) JUNK/SALVAGE YARD:

A lot, land or structure, or part thereof, used primarily for the collecting, storage and/or sale of waste paper, rags, scrap metal or discard material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and/or for the sale of parts thereof.

(18) LOT:

A parcel of land occupied or capable of being occupied by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this Ordinance.

(19) LOT, DEPTH OF:

A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

(20) LOT, WIDTH OF:

The mean width measured at right angles to its depth.

(21) LOT LINES:

Any line dividing one lot from another.

(22) MINOR LOT SUBDIVISION:

A minor lot subdivision is any division of land by the owner or subdivider resulting in the creation of two (2) or more parcels or building sites and which division does not create a subdivision as defined herein. Refer to Town of La Pointe Technical Memorandum #3 Subdivision Ordinance.

(23) MOBILE HOME

Any structure originally designed to be capable of transportation by any motor vehicle upon public highways; which does not require substantial on-site fabrication, and which is intended for occupancy.

(24) NAVIGABLE WATER:

Lake Superior, all natural inland lakes within the Town of La Pointe and all streams, ponds, sloughs, flowages and other waters within the territorial limits of the Town.

(25) NONCONFORMING USE:

A building, structure or use of land existing at the time of enactment of this Ordinance, and which does not conform to the regulations of the district or zone in which it is situated.

(25) PARKING SPACE:

Each off-street parking space, whether inside or outside, shall be not less than 9 feet wide, not less than 18 feet long, not less than 180 square feet in area, and be so located and situated so as to not block any on-street parking.

Amended: March 20, 2006

(26) PLAT MAP:

A plat map is a map of a subdivision of a piece of land subdivided into lots with streets, alleys, etc. usually drawn to scale.

(27) ROAD ACCESS:

Is that portion of the road that includes the right of way and the culvert only.

(28) SIGN:

A sign is any structure or natural object or part of it, or device attached to it or printed or represented on it which is intended to attract attention to any object, product, place, activity, person, institution, organization, or business, or which shall display or include any letter, work, model, banner, flag, pennant, insignia, device, or representation used as or which is in the nature of an announcement, direction, or advertisement.

(29) SINGLE FAMILY:

Single Family shall mean and refer to one family as opposed to more than one family. **OUR DEFINITION OF FAMILY IS UNCONSTITUTIONAL.**

(30) SINGLE FAMILY DWELLING:

Single Family Dwelling shall mean a building or structure designed or constructed to be occupied by a single family **OUR DEFINITION OF FAMILY IS UNCONSTITUTIONAL. THE DISTRICT USES CALL THIS A “DWELLING, SINGLE FAMILY”. FOR EASE OF REFERENCE, IT SHOULD BE TITLED THE SAME THING IN THE DEFINITIONS AND MOVED UP AFTER “DWELLING, MULTI-FAMILY” LIKE GENERAL CODE SUGGESTED** for the purposes of human habitation.

(31) STEEP SLOPE:

A steep slope is a slope greater than 20 percent.

(32) STRUCTURE :

Anything constructed or erected with a fixed location on the ground, or attached to anything having a fixed location on the ground. Structures shall include buildings and mobile homes, but structures shall not include fences. **FENCES ARE INCLUDED IN THE ‘ACCESSORY**

STRUCTURE DEFINITION. THIS IS A CONFLICT CREATED BY THE TPC PROPOSAL. For further information, refer to "Procedural Guidelines/ Zoning and Planning List of Interpretations." **PER ATTORNEY ADVISEMENT, THIS SHOULD BE DELETED FROM THE ORDINANCE OR THE PROCEDURAL GUIDELINES INCORPORATED AS PART OF THE ORDINANCE.**

(33) SUBDIVISION:

A subdivision is a division of a lot, parcel or tract of land by the owner or the owner's agent for the purpose of sale or of building development where:

- a) the act of division creates five (5) or more parcels or building sites of 2.5 acres or less in area *or*
- b) five or more parcels or building sites of 2.5 acres each or less in area are created by successive divisions within a period of five years. **NOTE: "OR BUILDING SITES" – IF THERE ARE 5 OR MORE HOUSES/GUESTHOUSES OR DWELLINGS ETC ON A SITE, IS THAT A SUBDIVISION ACCORDING TO THIS DEFINITION?**

(34) TIME LIMITS:

See Section 2.1(12) above.

(35) TRAILER:

A portable vehicle designed and used for temporary sleeping purposes while its occupants are engaged in the pastime of camping.

(36) USE:

The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent does not include any non-conforming use.

(37) YARD, FRONT:

An open, unoccupied space on the same lot with the building between the front line of the building and the front line of the lot and extending the full width of the lot. For shoreline parcels, the lakeside shall be considered the front; for inland parcels, the unoccupied space which provides the parcel's principal access shall be considered the front.

(38) YARD, REAR:

An open, unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot, and, located on the opposite side of the structure from the front yard.

(39) YARD, SIDE:

An open, unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

Amended: Definitions renumbering - December 9, 2005; March 20, 2006

SECTION 3.0 ZONING DISTRICTS

I PREFER THIS FORMAT TO THE NEW TABLE FORMAT. IT IS EASY TO REFERENCE AND HAS ALL THE DISTRICT INFORMATION IN ONE PLACE. GENERAL CODE DID NOT RECOMMEND CHANGING TO THIS FORMAT.

3.1 ESTABLISHMENT OF DISTRICTS

A. For the purposes of this Ordinance, the area of the Town of La Pointe (Madeline Island) is hereby divided into the following districts:

- (1) W - P Wetland Protection *District*
- (2) W - 1 Wilderness Preservation *District 1*
- (3) W - 2 Wilderness Preservation *District 2*
- (4) R - 1 Residential, ~~Single Family~~, Low Density *District*
- (5) R - 2 Residential, ~~Single Family~~, Medium Density *District*
- (6) R - 3 Residential, ~~Multi Family~~ *High Density District*
- (7) S - 1 Shoreland Protection *District*
- (8) S - 2 Shoreland Protection *District*
- (9) C - 1 Commercial *District*
- (10) *L - Z Light Industrial Zone District*
- (11) *M- U Mixed Use Zone District*
- (10) ~~S - O Shoreland Overlay~~ **CANNOT DELETE - COUNTY/STATE REQUIRES SHORELAND OVERLAY**
- (11) ~~F - O Flood Hazard Overlay~~ **CANNOT DELETE - COUNTY/STATE REQUIRES FLOOD HAZARD OVERLAY**
- (12) ~~L - Z Light Industrial Zone~~

See: "Zoning Schedules — Dimensional Requirements" in Appendix for further information on specific districts.

1. W - P WETLAND PROTECTION DISTRICT **NOTE THE WORD "PROTECTION"**

This district includes swamp lands and areas which have a water table at or near the surface all or a substantial part of the year. The purpose of this district is to prevent development **NOTE: "PREVENT DEVELOPMENT"** from areas:

- (1) Not generally capable of supporting structural development;
- (2) Having vegetative cover which is easily destroyed or damaged;
- (3) Providing the wetlands necessary to the support of various species of wildlife.

A. Permitted Uses in the Zone:

~~1. None~~

1. Driveway Access **IF THIS IS A PERMITTED USE IT SHOULD BE SPECIFIED IN THE ORDINANCE THAT PROJECT BEGINNING FOR ROAD DEVELOPMENT STARTS AT SOIL DISTURBANCE AND A DNR REGULATIONS AND PERMITTING REQUIREMENTS APPLY**

B. Conditional Uses Use Permit Required in the Zone:

~~1. Public Fish Hatcheries~~

~~2. Forest Management Programs~~

~~3. 2. Game Preserves~~

~~4. 3. Public Utilities~~

~~5. 4. Public Service Utilities~~

~~6. 5. Sewage Disposal Facilities~~ **DNR WILL NOT ALLOW A BUILDING OR STRUCTURE PER JOHN SPANGBERG**

~~6. Solid Waste Disposal Facility~~ **PLEASE DEFINE - LANDSPREADING NOT ALLOWED**

~~7. Agricultural Crop Farming~~ **SOIL DISTURBANCE IN WETLANDS NOT ALLOWED**

~~8. Livestock Production/Products~~

~~9. Recreation Facilities, Private~~ **DNR WILL NOT ALLOW A BUILDING OR STRUCTURE PER JOHN SPANGBERG**

~~10. Recreational Facilities, Public~~ **DNR WILL NOT ALLOW A BUILDING OR STRUCTURE PER JOHN SPANGBERG**

(NOTE: THIS ENTIRE SECTION DELETED – SEE NEW ZONING DISTRICT TABLE INSTEAD. THIS SECTION ONLY SHOWN TO ENABLE THE VIEWER TO BETTER UNDERSTAND PROPOSED CHANGES TO THE ZONING ORDINANCE)

2. W-1 WILDERNESS PRESERVATION DISTRICT 1 NOTE THE WORD "PRESERVATION"

These districts provide for the continuation of forest programs and related uses **NOTE "RELATED USES"** in the interior areas of Madeline Island best suited for such activities. It provides for a very low density of development **NOTE "VERY LOW DENSITY"**, depending upon location relative to existing facilities and services, to provide a continuation of the wilderness character and a sense of isolation **NOTE "WILDERNESS CHARACTER' AND 'SENSE OF ISOLATION'"**.

A. Permitted Uses in the Zone:

1. ~~Production of f~~ Forest crops and products
2. ~~Production of a~~ Agricultural ~~e~~Crops and products *Farming*
3. ~~Single-Family~~ Dwellings, *Single Family*
4. ~~Seasonal and Recreational Dwellings~~
5. ~~4.~~ Game Preserves
6. ~~5. Rental of Single-Family Dwellings ,~~*Single Family Rental*
7. ~~6. Dwelling, One-Guest House only is allowed-~~ **HOW MANY ARE ALLOWED? 10,000 SQ' MAIN AND (9) 1,000 SQ' GUEST HOUSES?**
7. ~~Dwelling, Guest House Rental~~ **RENT ALL (9) GUESTHOUSES? SENSE OF ISOLATION? VERY LOW DENSITY?**
8. *Accessory Structure*
9. *Driveway Access*
10. *Home Office/Studio*
11. *Home Occupation Enterprise*
12. ~~Home Business~~ **THE DESCRIPTION OF THE ZONE ONLY PROVIDES FOR FOREST PROGRAMS AND RELATED USES**
13. *Livestock Production/Products*

B. Conditional Uses ~~Including But Not Limited To~~ Use Permit Required in the Zone:

1. Airports
2. ~~Private~~ Recreational Facilities, *Private* **NOT DEFINED**
3. ~~Professional Offices~~
3. ~~Recreational Facilities, Public~~ **NOT DEFINED**
4. Junk/Salvage Yards
5. ~~Public~~ Fish Hatcheries y
6. Cemetery
7. Sewage and ~~Solid Waste~~ Disposal Facilities
8. ~~Solid Waste Disposal Facility~~ **DEFINE WHAT IS THE DIFFERENCE BETWEEN THIS AND THE PREVIOUS USE?**
8. ~~9.~~ Quarrying/ and Mining
9. ~~10.~~ Planned Unit Developments

10. *11. Travel Trailer Parks/ Campground*

11. *12. Fuel Storage Facility* DEFINE 'FACILITY'. ADDING "FACILITY" MEANS ADDING THE FOLLOWING DEFINITION FROM STATUTE: "ALL BUILDINGS, EQUIPMENT AND STRUCTURES LOCATED ON A SINGLE PARCEL OR ON ADJACENT PARCELS THAT ARE OWNED OR OPERATED BY THE SAME PERSON".

12. *13. Public Utilities*

13. *15. Public Service Utilities*

16. Mobile Home Park HIGH DENSITY

17. Parking Lots WITHOUT ASSOCIATION TO ANOTHER USE?

18. Veterinary Care Facilities ZONE DEFINITION IS FOR FOREST PROGRAMS AND RELATED USES

19. Warehouse/Storage Facility ZONE DEFINITION IS FOR FOREST PROGRAMS AND RELATED USES

20. Wind Generator, Solar Collector Over 35' High MAY CONFLICT WITH STATUTES – SEE ALTERNATIVE ENERGY COMMITTEE CORRESPONDENCE

3. W-2 WILDERNESS PRESERVATION DISTRICT 2 NOTE THE WORD "PRESEVATION"

These districts provide for the continuation of forest programs and related uses NOTE "RELATED USES" in the interior areas of Madeline Island best suited for such activities. It provides for a very low density of development NOTE "VERY LOW DENSITY", depending upon location relative to existing facilities and services, to provide a continuation of the wilderness character and a sense of isolation NOTE "WILDERNESS CHARACTER" AND "SENSE OF ISOLATION".

A. Permitted Uses in the Zone:

1. ~~Production of f Forest e-Crops and p Products~~

2. ~~Production of a Agricultural eCrops and products~~ Farming

CAN A FARMER NOT PRODUCE AGRICULTURAL PRODUCTS?

3. ~~Single Family Dwellings,~~ *Single Family*

4. ~~Seasonal and Recreational Dwellings~~

5. ~~4. Game Preserves~~

6. ~~5. Rental of Single Family Dwellings,~~ *Single Family Rental*

6. ~~6. One Dwelling, Guest House only is allowed~~ UNLIMITED NUMBER?

7. *Dwelling, Guest House Rental* 10,000 SQ' MAIN HOUSE = (9) 1000 SQ ' RENTABLE GUEST HOUSES? THIS IS A "VERY LOW DENSITY" DISTRICT. HOTEL/MOTEL/RESORT?

8. *Driveway Access*

9. *Home Office/Studio*

10. *Home Occupation Enterprise*

11. *Home Business* **FOR FORESTRY PROGRAMS AND RELATED USES AS DEFINED?**
12. *Accessory Structure*

B. Conditional Uses ~~Including But Not Limited To~~ Use Permit Required in the Zone:

1. Airports
2. ~~Private~~ Recreational Facilities, *Private* **NOT DEFINED**
3. *Recreational Facilities, Public* **NOT DEFINED**
- ~~3.~~ Professional Offices
4. Junk/Salvage Yards
5. ~~Public~~ Fish Hatcheries-y
6. Cemetery
7. Sewage and Solid Waste Disposal Facilities y
8. *Solid Waste Disposal Facility* **DEFINE – WHAT IS THE DIFFERENCE BETWEEN THIS AND A SEWAGE DISPOSAL FACILITY?**
- ~~8.~~ 9. Quarrying/ and Mining
9. 10. Planned Unit Developments
- ~~10.~~ 11. Travel Trailer Parks/ *Campground*
- ~~11.~~ 12. Fuel Storage *Facility* **ADDING “FACILITY” MEANS ADDING**

THE FOLLOWING DEFINITION FROM STATUTE: “ALL BUILDINGS, EQUIPMENT AND STRUCTURES LOCATED ON A SINGLE PARCEL OR ON ADJACENT PARCELS THAT ARE OWNED OR OPERATED BY THE SAME PERSON”.

- ~~12.~~ 13. Public Utilities
- ~~13.~~ 14. Public Service Utilities
15. *Buildings, Public* **WOULD THIS ALLOW ANY COMMERCIAL BUILDING FOR ANY PURPOSE IN THE WILDERNESS ZONE?**
16. *Livestock Production/Products*
17. *Mobile Home Park* **THE LOT AREA REQUIREMENTS FOR W-2 IS 5 ACRES. EXISTING ORDINANCE REQUIRES A MOBILE HOME PARK TO BE AT LEAST 10 ACRES**
18. *Parking Lots* **A PARKING LOT NECESSARY FOR A CONDITIONAL USE WILL BE COVERED UNDER THE CONDITIONAL USE PERMIT. WOULD THIS ALLOW SOMEONE TO CLEAR CUT A PARCEL IN THE WILDERNESS PRESERVATION DISTRICT FOR PARKING SPACES INDEPENDENT FROM ANY OTHER USE? IS THIS A USE RELATED TO FORESTRY?**
19. *Veterinary Care Facilities* **IS THIS A USE RELATED TO FORESTRY NOT COVERED UNDER HOME BUSINESS?**
20. *Warehouse Storage Facility* **IS THIS RELATED TO FORESTRY OR IN ANY WAY RELATED TO WILDERNESS PRESERVATION/LOW DENSITY? POLE BUILDINGS ARE A PERMITTED USE (PRIVATE).**

21. Wind Generator, Solar Collector Over 35' High **SEE AEC MEMO
IN REGARD TO REGULATIONS AND FEES**

4. R - 1 RESIDENTIAL, SINGLE-FAMILY, LOW DENSITY **NOTE "LOW DENSITY"
DEFINITION OF "LOW": "BELOW THE GENERAL LEVEL". DEFINITION OF
"DENSITY": "THE # OF INHABITANTS, DWELLINGS OR THE LIKE PER UNIT
AREA".**

This district is intended to provide for a large lot development. This low density residential development **NOTE "LOW DENSITY RESIDENTIAL" DEFINITION OF**

“RESIDENTIAL”: **“SUITED FOR OR CHARACTERIZED BY PRIVATE RESIDENCES”**, will provide for lots sufficient to preserve, for the most part, the low-density character of the Island.

THE TPC PROPOSED CHANGES TO THIS SECTION OFFER THE SAME DENSITY AS THE HIGH DENSITY RESIDENTIAL ZONE IF NOT MORE BECAUSE OF THE ADDITION OF COMMERCIAL USES. THE TPC HAS, IN EFFECT, CREATED A SECOND ‘MIXED USE DISTRICT’ OF HIGHER DENSITY WITHOUT CHANGING THE NAME OR DEFINITION OF THE ZONE.

MUCH OF THIS ZONE LIES ON THE LAKESHORE. THE HIGHEST DENSITY RESIDENTIAL (R-3) CURRENTLY LIES INLAND TO PROTECT NATURAL AND SCENIC RESOURCES FROM OVERCROWDING. PLEASE ALSO SEE THE STATEMENT OF PURPOSE FOUND IN SECTION 1.1 OF THE ORDINANCE

A. Permitted Uses *in the Zone*:

1. ~~Single Family Dwellings, *Single Family*~~
2. ~~Seasonal and Recreational Dwellings for single family use~~
2. ***Accessory Structure***
3. ~~Production of forest products~~
4. ~~3. Production of agricultural products except livestock *Crop Farming*~~ **PRODUCTS?**
5. ~~4. Religious Facilities~~
6. ~~5. Rental of Single Family Dwellings, *Single Family Rental*~~
7. ~~6. One *Dwelling*, Guest House only is allowed~~ **4,000 SQ’ MAIN HOUSE AND (3) 1000 SQ’ GUEST HOUSES ...LOW DENSITY?**
7. ~~*Dwelling, Guest House Rental* ...THEN RENT THEM ALL? IS THIS A COMPATIBLE USE IN A LOW DENSITY DISTRICT WITHOUT ANY CONDITIONS OR RESTRICTIONS?~~
8. ~~*Dwelling, Multiple (3 or more) Rental* NOT LOW DENSITY~~
9. ~~*Dwelling, Double Family Rental* NOT LOW DENSITY~~
10. *Home Office/Studio*
11. *Home Occupation Enterprise*
12. *Driveway Access*

B. Conditional Uses ~~including but not limited to~~ *Use Permit Required In the Zone*:

1. ~~Mobile & Home Parks~~ **THIS IS A 1 ACRE ZONE – MOBILE HOME PARKS REQUIRE 10 ACRES PER ORDINANCE. HIGH DENSITY**
2. *Planned Unit Developments*
3. ~~Professional offices~~
3. ***Recreational Facilities, Public* DEFINE. IS THIS A COPATIBLE LAND USE IN A RESIDENTIAL DISTRICT?**
4. ~~Private & Recreation Facilities, *Private*~~ **NOT DEFINED**
5. ~~Production of agricultural livestock products~~
5. ***Restaurants and Taverns* CAN CONDITIONS BE PLACED ON**

THIS COMMERCIAL USE TO MAKE IT COMPATIBLE IN THE LOWEST DENSITY RESIDENTIAL ZONE?

6. Travel & Trailer & Parks/Campground **REQUIRES 5 ACRES PER SECTION 6.7. A CAMPGROUND CAN FIT IN 15 SITES PER ACRE!**

7. Resorts, Hotels, Motels **RESIDENTIAL? LOW DENSITY? CAN ANY CONDITIONS BE PLACE ON A HOTEL/MOTEL TO MAKE IT A COMPATIBLE LAND USE IN A LOW DENSITY RESIDENTIAL ZONE?**

~~8. Game preserves~~ **WHY IS THIS DELETED?**

8. Dwelling, Double Family **LOW DENSITY?**

~~9. Fish hatcheries~~

9. Dwelling, Multiple (3 or more) Family **LOW DENSITY? NO UPPER LIMIT IN LOW DENSITY DISTRICT?**

~~10. Quarrying and mining~~

10. Parking Lots **UNATTACHED TO ANY OTHER USE?**

11. Cemetery

~~12. Airports~~

12. Public Buildings, Public **RESIDENTIAL? IS THIS A CATCH - ALL FOR ANY COMMERCIAL USE NOT SPECIFICALLY LISTED?**

13. Public Utilities

14. Public Service Utilities

14. Transportation Facilities **NOT DEFINED. RESIDENTIAL? TAXI CAB TERMINAL? COMPATIBILITY?**

16. Wind Generator, Solar Collector Over 35' High **SEE AEC MEMO ABOUT REGULATIONS AND FEES.**

5. R-2 RESIDENTIAL, SINGLE-FAMILY, MEDIUM DENSITY **DEFINITION OF “MEDIUM”: A MIDDLE STATE OR CONDITION, MEAN”. DEFINITION OF “DENSITY”: THE # OF INHABITANTS, DWELLINGS OR THE LIKE PER UNIT AREA”.**

This district provides for year-round and seasonal housing opportunities on smaller lots within the community area near public services.

SOME OF THIS ZONE LIES ON THE LAKESHORE. THE HIGHEST DENSITY RESIDENTIAL (R-3) CURRENTLY LIES INLAND TO PROTECT NATURAL AND SCENIC RESOURCES FROM OVERCROWDING. PLEASE ALSO SEE THE STATEMENT OF PURPOSE FOUND IN SECTION 1.1 OF THE ORDINANCE

THE TPC PROPOSED CHANGES OFFER THE SAME DENSITY AS THE HIGHEST DENSITY DISTRICT. THE TPC HAS, IN EFFECT DESIGNATED THIS DISTRICT R-3 WITHOUT CHANGING ITS NAME OR DEFINITION.

A. Permitted Uses in the Zone:

1. Single-Family Dwellings, *Single Family*
2. ~~Seasonal and Recreational Dwellings for single-family use~~
2. *Accessory Structure*
3. Religious Facilities
4. Rental of Single-Family Dwellings, *Single Family Rental*
5. ~~One Dwelling, Guest House only is allowed~~ **AS MANY AS CAN FIT WITHIN SETBACKS?**
6. *Driveway Access*
7. *Dwellings, Double Family Rental*
8. *Dwelling, Guest House Rental* **MEDIUM DENSITY TO RENT OUR SEVERAL GUEST HOUSES?**
9. *Dwelling, Multiple (3 or more) Family Rental* **MEDIUM DENSITY?**
10. *Home Office/Studio*
11. *Home Occupation Enterprise*

B. Conditional uses including but not limited to Use Permit Required in the Zone:

1. ~~Public~~ *Public Buildings, Public* **RESIDENTIAL? ANY AND ALL TYPES OF COMMERCIAL BUILDINGS? IS THIS A ONE SIZE FITS ALL CONDITIONAL USE PERMIT FOR COMMERCIAL USE IN A RESIDENTIAL ZONE?**
2. ~~Private Recreational Facilities, Private~~ **NOT DEFINED**
3. Cemetery
4. ~~Public and private~~ *Health e Care Facilities* **NOT DEFINED. RESIDENTIAL?**
5. ~~Mobile~~ *Home p Park* **THIS IS A 9,600 SQ’ LOT – A MOBILE HOME PARK REQUIRES 10 ACRES PER ORDINANCE**
6. Planned Unit Developments

7. Public Utilities
8. Public Service Utilities
9. *Dwellings, Double Family*
10. *Dwellings, Multiple (3 or more) Family* **MEDIUM DENSITY?**
THIS IS HIGHEST DENSITY.
11. *Parking Lots* **WITH NO OTHER ATTACHED USE?**
12. *Recreational Facilities, Public* **NOT DEFINED – WATERPARK?**
RESIDENTIAL?
13. *Wind Generator, Solar Collector Ove 35' High* **SEE AEC MEMO**

6. R - 3 RESIDENTIAL, MULTI-FAMILY-HIGH DENSITY DISTRICT

This district provides for the highest residential densities in locations close to major public services. It is intended to provide for year-round and seasonal housing opportunities in close proximity to existing major recreation resources.

A. Permitted Uses in the Zone:

1. ~~Single Family Dwellings, *Single Family*~~
2. ~~Multi Family Dwellings, *Multiple (3 or more) Family*~~
3. ~~Single and multi-family rental d Dwellings, *Single Family Rental*~~
4. ~~*Dwelling, Multiple (3 or more) Family Rental*~~
4. ~~Religious Facilities~~
5. ~~Health Care Facilities~~
6. ~~Rental of Single Family Dwellings~~
7. ~~5. One Dwelling, Guest House only is allowed~~ **NO LOMIT TO THE # OF GUESTHOUSES WOULD INCREASE THE DENSITY IN THE ALREADY HIGHEST DENSITY DISTRICT**
6. ~~*Dwelling, Guest House Rental*~~ **SEE PREVIOUS COMMENT**
7. ~~*Accessory Structure*~~
8. ~~*Driveway Access*~~
9. ~~*Dwellings, Double Family*~~
10. ~~*Dwelling, Double Family Rental*~~
11. ~~*Home Office/Studio*~~
12. ~~*Home Occupation Enterprise*~~

B. Conditional Uses including but not limited to Use Permit Required in the Zone:

1. ~~Private Recreational Facilities, *Private*~~ **NOT DEFINED**
2. ~~Cemetery~~
3. ~~Planned Unit Developments~~
4. ~~Public Utilities~~
5. ~~Public Service Utilities~~
6. ~~*Healthcare Facilities*~~ **NOT DEFINED – DOES THIS INCLUDE ALTERNATIVE MEDICINES ETC**
7. ~~*Mobile Home Park*~~ **9,600 FT LOT SIZE – A MOBLE HOME PARK REQUIRES 10 ACRES PER ORDINANCE**
8. ~~*Parking Lots*~~ **NOT ATTACHED TO ANY OTHER USE? COMMERCIAL?**
9. ~~*Recreational Facilities, Public*~~ **RESIDENTIAL? COMPATIBLE WITH LOT SIZE?**
10. ~~*Wind Generator, Solar Collector Over 35' High*~~ **SEE AEC MEMO**

7. S - 1 SHORELAND PROTECTION DISTRICT

This district is intended to provide for development along the shorelines in a manner which will not deplete or destroy the character of shoreline resources. **DEFINITION OF “DEplete”:** **“TO DECREASE SERIOUSLY OR EXHAUST THE ABUNDANCE OR SUPPLY OF”.** **DEFINITION OF “DESTROY”:** **“TO PUT AN END TO, EXTINGUISH”.** **DEFINITION OF “CHARACTER”:** **“THE AGGREGATE OF TRAITS AND FEATURES THAT FORM THE INDIVIDUAL NATURE OF A PERSON OR THING”.**

ASHLAND COUNTY SHORELANDS ARE DIVIDED INTO THREE DISTRICTS: GENERAL PURPOSE, RECREATIONAL RESIDENTIAL, AND WETLAND. THE ISLAND INCLUDES ALL THREE DISTRICTS. EACH DISTRICT ALLOWS, ALLOWS AS CONDITIONAL OR DISALLOWS CERTAIN USES.

THE RECREATIONAL RESIDENTIAL DISTRICT IS LOCATED IN THE TOWN’S S-1 AND S-2 ZONING DISTRICTS ALL AROUND THE ISLAND. CONDITIONAL USES INCLUDE “RESORTS, DINNER CLUBS, TAVERNS, MARINAS, MOBILE HOME PARKS NON-METALLIC MINING AND SIMILAR USES”.

THIS DISTRICT ALSO REQUIRES A 150 FOOT LOT WIDTH FOR EACH SINGLE FAMILY DWELLING UNIT FOR ALL PARCELS OF LAND CREATED AFTER JULY 24, 2000. A SECOND DWELLING UNIT WOULD REQUIRE A DOUBLE LOT WIDTH TO 300 FEET.

THE PROPOSED LOT WIDTH FOR THIS DISTRICT OF 250 FEET FOR ONLY 20% OF THE LOT DEPTH WILL NOT AFFORD A LOT TO HAVE A GUEST HOUSE ACCORDING TO COUNTY SHORELANDS ORDINANCE.

THE PROPOSED MULTI-FAMILY AND LIMITLESS # OF GUESTHOUSES ARE INCAPATIBLE WITH COUNTY REGULATIONS AND THE PROTECTION OF SHORELANDS.

A. Permitted Uses in the Zone

1. Single Family Dwellings, *Single Family*
2. ~~Seasonal and Recreational Dwellings for single family use~~
2. *Accessory Structure*
3. ~~Production of a Agricultural products except livestock~~ *Crop Farming*
4. ~~Production of f Forest e Crops~~ *and Products*
5. ~~Rental of Single Family Dwellings,~~ *Single Family Rental*
6. ~~One Dwelling, Guest House only is allowed~~ **POSSIBLE SHORELAND DENSITY INCAPATIBILITY WITH COUNTY REGULATIONS**
7. *Dwelling, Guest House Rental* **POSSIBLE SHORELAND DENSITY INCAPATIBILITY WITH COUNTY REGULATIONS**
8. *Driveway Access*
9. *Dwelling, Double Family Rental* **SHORELAND DENSITY AND LOT**

WIDTH INCAPATIBILITIES WITH ASHLAND COUNTY

10. *Dwelling, Multiple (3 or more) Family Rental* **RESORTS AND SIMILAR USES ARE A CONDITIONAL USE IN THE COUNTY**
11. *Home Office/Studio*
12. *Home Occupation Enterprise*
13. *Home Business* **COMMERCIAL USES IN THE COUNTY'S RESIDENTIAL RECREATIONAL DISTRICT ARE CONDITIONAL USES**

B. Conditional uses including but not limited to Use Permit Required in the Zone:

- ~~1. Airports~~
1. *Recreational Facilities, Public* **DEFINE. ALSO A CONDITIONAL USE AS FAR IN THE COUNTY**
2. Cemeteries
3. Public Utilities
4. Public Service Utilities
5. Game Preserves
6. ~~Production of Livestock~~ *Production/Products*
7. ~~Quarrying/ and Mining~~ **CONDITIONAL USE IN THE COUNTY**
8. ~~Fish hatcheries~~ *Hatchery*
9. Parking Lots
10. ~~Multi-family rental & Dwellings, Multiple (3 or more) Family~~ **DENSITY INCAPATIBILITY WITH A 250 FOOT WIDE LOT IN THE COUNTY**
11. Planned Unit Developments
- ~~12. Public Facilities~~
12. *Dwelling, Double Family* **POSSIBLE SHORELAND DENSITY INCAPATIBILITY WITH COUNTY REGULATIONS**
13. ~~Private Recreation Facilities, Private~~ **DEFINE**
14. *Wind Generator, Solar Collector Over 35' High*

8. S - 2 SHORELAND PROTECTION DISTRICT

This district is intended to provide for development along the shorelines in a manner which will not deplete or destroy the character of shoreline resources. The S-2 Shoreland Protection District will contain the land from the center of Big Bay Road to the lake and from the Big Bay Town Park to the Schoolhouse Road. ~~The property is located in Sections 7, 8, 5, 4 and 3 T50N R2W.~~

PLEASE SEE NARRATIVE IN S-1 DISTRICT. IN ADDITION, THE SIDEYARD SETBACKS OF 15' PROPOSED BY THE TPC IN THIS DISTRICT ARE LESS RESTRICTIVE THAN THE COUNTY AND ARE THEREFORE NOT LEGAL. THE COUNTY REQUIRES A MINIMUM OF 40' AGGREGATE. A MINIMUM OF 20 FOOT SIDEYARD SETBACKS WOULD BE CONSISTENT WITH COUNTY REGS.

PLEASE ADD THE CONCERN THAT THE LOT WIDTH HERE IS EVEN NARROWER AND FEWER SECONDARY DWELLINGS WILL BE ALLOWED ON LOTS CREATED AFTER JULY 24, 2000. CONDITIONAL USES ARE THE SAME IN THIS ZONE AS THEY PERTAIN TO THE COUNTY.

A. Permitted Uses *in the Zone:*

1. ~~Single Family~~ *Dwellings, Single Family*
2. ~~Seasonal and Recreational dwellings for single family use~~
2. *Accessory Structures*
3. ~~Production of a Agricultural products except livestock~~ *Crop Farming*
ASHLAND COUNTY LANGUAGE IS "THE CULTIVATION OF AGRICULTURAL CROPS" AND "HORTICULTURE" (SEPARATE USES) CONSISTENCY WITH ASH CO WOULD BE BENEFICIAL
4. ~~Production of forest crops~~ **ASHLAND COUNTY ALLOWS "THE PRACTICE OF SILVICULTURE, INCLUDING THE PLANTING, THINNING AND HARVESTING OF TIMBER**
5. ~~Rental of Single Family Dwellings,~~ *Single Family Rental*
6. ~~One Dwelling, Guest House only is allowed~~ **POSSIBLE DENSITY INCAPATIBILITY WITH THE COUNTY REGARDING LOT WIDTH**
7. *Dwelling, Guest House Rental* **DENSITY INCAPATIBILITY WITH THE COUNTY REGULATIONS REGARDING LOT WIDTH**
8. *Driveway Access*
9. *Home Office/Studio*
10. *Home Occupation Enterprise*

B. Conditional uses ~~including but not limited to~~ Use Permit Required *in the Zone:*

1. ~~Airports~~
1. *Recreational Facilities, Public* **DEFINE. CONDITIONAL USE IN THE COUNTY AND A POSSIBLE DENSITY ISSUE DEPENDING ON THE FACILITY.**
2. ~~Cemeteries~~
2. *Wind Generator, Solar Collector Over 35' High*

- 3. Public Utilities
- 4. Public Service Utilities
- 5. Game Preserves **WHY DELETED?**
- ~~6. Production of livestock products~~ **ASHLAND COUNTY ALLOWS "THE PASTURING OF LIVESTOCK" AS A PERMITTED USE**
- ~~7. Quarrying and mining~~
- ~~8. Fish hatcheries~~
- 9. 5. Parking Lots
- 10. Multi-family rental dwellings
- 11. 6. Planned Unit Developments
- 12. Public Facilities
- 13. 7. Private Recreation Facilities, *Private* **DEFINE. POSSIBLE COUNTY CONDITIONAL USE.**
- 8. *Forest Crops and Products* **ASHLAND COUNTY ALLOWS AS A PERMITTED USE "THE PRACTICE OF SILVICULTURE, INCLUDING THE PLANTING, THINNING AND HARVESTING OF TIMBER"**

9. C - 1 COMMERCIAL DISTRICT

This district is intended to provide for the orderly grouping of retail stores, services, and businesses. **RESIDENTIAL USE IS NOT INCLUDED IN THE DEFINITION**

I LOOK AT THE PERMITTED USES OF THIS DISTRICT AND I ASK ONE QUESTION – EVEN THOUGH IT IS A COMMERCIAL DISTRICT – ARE ALL THESE PERMITTED USES COMPATIBLE WITH EACH OTHER WITHOUT ANY CONDITIONS?

A. Permitted Uses *in the Zone*:

1. Retail Trade Facilities
2. Business ~~and~~ *or* Professional Offices
3. Health-Care Facilities
4. Automobile Service and Supply Facilities
5. Restaurants and Taverns
6. Banks
7. Commercial Entertainment Facilities

DEFINE – THIS WILL ALLOW NUDE ENTERTAINMENT. I AM UNSURE IF THAT IS THE INTENT OF THE COMMISSION. IF NOT, THE ORDINANCE NEEDS TO SPECIFY THAT SUCH ESTABLISHMENTS ARE NOT A PERMITTED USE IN ANY ZONE. OTHERWISE IT IS CASE LAW THAT A NUDE BAR IS PERMITTED UNDER THE 1ST AMENDMENT RIGHTS OF FREE SPEECH.

8. Laundromats
9. ~~Single Family~~ Dwellings, *Single Family*
10. ~~Multi Family~~ Dwellings, *Multiple (3 or more) Family*
LIMITLESS?
11. ~~Rental of Single Family~~ Dwellings, *Single Family Rental*
12. ~~One Dwelling~~, Guest House only is allowed **LIMITLESS?**
13. *Dwelling, Guest House Rental*
14. *Dwelling, Double Family*
15. *Dwelling Double Family Rental*
16. *Dwelling, Multiple (3 or more) Rental*
17. *Accessory Structure*
18. *Auto Sales Establishments*
19. *Buildings, Public*
20. *Contracting and Building Supply Sales* **BETTER INDUSTRIAL DISTRICT USE**
21. *Driveway Access*
22. *Forest Crops and Products* **?**
23. *Home Office/Studio*
24. *Home Occupation Enterprise*
25. *Home Business*
26. *Parking Lots*
27. *Religious Facilities*
28. *Resorts, Hotels, Motels*
29. *Transportation Facilities*

**B. Conditional Uses including but not limited to Use Permit Required
In the Zone:**

1. Warehouses/*Storage Facility*
- ~~2. Transportation Facilities~~
2. *Recreational Facilities, Public* **DEFINE**
- ~~3. Hotels, motels, resorts~~
3. *Recreation Facilities, Private* **DEFINE**
- ~~4. New and used car establishments~~
4. *Wind Generator, Solar Collector Over 35' High*
5. Fuel Storage
6. Light industrial establishments *Industry*
7. Veterinary establishments *Care Facilities*
- ~~8. Contracting and building supplies and services~~
9. 8. Public Utilities
- ~~10. 9. Public Service Utilities~~

10. S - 0 SHORELAND OVERLAY DISTRICT

WHY IS THIS DELETED?

**CHAPTER NR 115.02 WI SHORELANDS MANAGEMENT PROGRAM
“APPLICABILITY. THE PROVISIONS OF THIS CHAPTER ARE APPLICABLE TO
COUNTY REGULATION OF THE USE AND DEVELOPMENT OF
UNINCORPORATED SHORELAND AREAS. UNLESS SPECIFICALLY EXEMPTED
BY LAW, ALL CITIES, VILLAGES, TOWNS, COUNTIES AND WHEN s. 13.48(13),
STATS., APPLIES, STATE AGENCIES ARE REQUIRED TO COMPLY WITH AND
OBTAIN ALL NECESSARY PERMITS UNDER, LOCAL SHORELAND
ORDINANCES.”**

**ASHLAND COUNTY SHORELAND AMENDATORY ORDINANCE 3.2 “AREAS TO
BE REGULATED: AREAS REGULATED BY THIS ORDINANCE SHALL INCLUDE
ALL THE LANDS (REFERRED TO HEREIN AS SHORELANDS) IN THE
UNINCORPORATED AREAS OF ASHLAND COUNTY ...”**

~~This district provides for the protection of waters and shorelands, and for safe and orderly shoreland development in the Town of La Pointe. The intent is to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and uses, and to preserve shorecover and natural beauty. The district includes all lands of the township within the following distance from the ordinary high water elevation of navigable water; 1,000 feet from a lake, pond, or flowage, and 300 feet from a river or stream or to the landward side of a flood plain whichever distance is greater.~~

~~A. Permitted Uses~~

- ~~1. Any use permitted in the underlying districts, subject to the shoreland provisions of this Ordinance.~~
- ~~2. Any accessory use permitted in the underlying districts, subject to the shoreland provisions of this Ordinance~~
- ~~3. Rental of Single Family Dwellings~~
- ~~4. One Guest House only is allowed~~

~~B. Conditional Uses~~

- ~~1. Any conditional use authorized in the underlying districts subject to the shoreland provisions of this Ordinance~~
- ~~2. Public Utilities~~
- ~~3. Public Service Utilities~~

11. F - 0 FLOOD HAZARD OVERLAY DISTRICT

WHY IS THIS DELETED?

CHAPTER NR 116.01 WI FLOODPLAIN MANAGEMENT PROGRAM“PURPOSE. (1) THE WI LEGISLATURE IN ENACTING CHAPTER 614, LAWS OF 1965, RECOGNIZE THAT FLOODPLAIN ZONING IS A NECESSARY TOOL TO PROTECT HUMAN LIFE, HEALTH, AND TO MINIMIZE PROPERTY DAMAGES AND ECONOMIC LOSSES. MUNICIPALITIES ARE REQUIRED BY S. 87.30(1), STATS., TO ADOPT REASONABLE AND EFFECTIVE FLOODPLAIN ZONING ORDINANCES WITHIN THEIR RESPECTIVE JURISDICTIONS...”

ASHLAND COUNTY FLOODPLAIN ORDINANCE: “UNLESS SPECIFICALLY EXEMPTED BY LAW, ALL CITIES, VILLAGES, TOWNS, AND COUNTIES ARE REQUIRED TO COMPLY WITH THIS ORDINANCE...”

~~This district provides for the protection of real property improvements and for safe and orderly shoreland development and rehabilitation in the Town of La Pointe. The intent is to ensure that new development and rehabilitation of existing real property improvements are made with proper regard to still water, storm set-up and wave run-up elevations. Sheets 1 of 2 and 2 of 2 prepared by Nelson Surveyors and Warzyn Engineering (dated August 17, 1987) which are attached hereto and made a part hereof, indicated two levels of potential inundation.~~

~~The elevation indicated by the term "FIS 100 year instantaneous maximum" shall be the flood elevation to be enforced by the Ashland County Zoning Department within the Flood Hazard Overlay District which has the following boundary: Lake Superior, the Madeline Island Ferry Terminal Pier, the northernmost Marina breakwater and the centerline of Main Street.~~

~~A. Permitted Uses~~

- ~~1. Any principal use permitted in the underlying districts, subject to the shoreland provisions of this ordinance and the Ashland County Floodplain Zoning Ordinance.~~
- ~~2. Any accessory use permitted in the underlying districts subject to the shoreland provisions of this ordinance and the Ashland County Floodplain Zoning Ordinance.~~
- ~~3. Rental of Single Family Dwelling~~
- ~~4. One Guest House only is allowed.~~

~~B. Conditional Uses~~

~~Any Conditional use authorized in the underlying districts subject to the shoreland provisions of this ordinance and the Ashland County Floodplain Zoning Ordinance.~~

- ~~1. Public Utilities~~
- ~~2. Public Service Utilities~~

12. 10. LZ LIGHT INDUSTRIAL ZONE DISTRICT

That the LZ District will contain the land "Commencing at a quarter corner common to Sections 20 and 29; thence along a line common to said Sections 20 and 29 S89° 37'01"E 1335.45 feet to the ~~POINT OF BEGINNING~~ *point of beginning*; thence N00° 39'21"E 450.23 feet to an iron rod located on the Southerly right-of-way line of County Hwy. "H"; thence along said sSoutherly right-of-way line N64° 55'00"E 2011.97 feet; thence S89° 03'30"E 63.81 feet; thence S00° 40'30" W 93.91 feet; thence S43° 14'49" W 2772.21 feet; thence N00° 39'21"E 811.16 feet to the ~~POINT OF BEGINNING~~ *point of beginning*; containing 1,299,510 square feet, which is 29.83 acres, and is subject to any easements of record."

This district is intended to provide for the orderly grouping of Commercial and Light Industrial businesses on Town-owned property which are generally listed as Conditional Uses in the C-1 (Commercial) Zoning District. **NOTE: "GENERALLY LISTED AS A CONDITIONAL USE IN THE C-1" DISTRICT THERE ARE FEW CONDITIONAL USES PROPOSED IN THE C-1 DISTRICT – PERHAPS THE MORE "INDUSTRIAL" TYPE USES LISTED AS PERMITTED USES IN THE C-1 ZONE SHOULD BE LISTED AS CONDITIONAL SO THEY MIGHT BE PERMITTED IN THIS ZONE WHERE IT MAY BE MORE APPROPRIATE.**

A. Permitted Uses.

1. Warehouses/*Storage Facility*
2. Transportation Facilities
3. Fuel Storage *Facility*
4. Light Industrial Establishments **Industry**
5. Contracting and Building ~~Storage and Services~~ *Supply Sales*
6. Public Service Utilities
7. Public Utilities
8. Auto Service and Supply *Facilityies*
9. *Auto Sales Establishments*
10. *Accessory Structure*
11. *Driveway Access*
12. *Forest Crops and Product*
13. *Laundromats*
14. *Junk/Salvage Yard*
15. *Parking Lots*

B. Conditional Uses *Use Permit Required in the Zone:*

~~Conditional Use Permits may be issued in accordance with the process outlined in the Zoning Ordinance.~~

SECTION 6.9 OF THIS ORDINANCE SAYS "THE INDUSTRIAL ZONE SHALL BE AN EXCLUSIVE PERMITTED USE AREA..."

1. *Airport*
2. *Wind Generator, Solar Collector Over 35' High*

11. MIXED USE ZONE DISTRICT (Note: this is a new Zoning District. The current Zoning District in this location is largely W-2 Wilderness Preservation)

This District is intended to provide for the limited and controlled expansion of businesses and commercial enterprises on land parcels immediately adjacent to and on either side of Middle Road from Rice Street to South Shore Road. A Conditional Use Permit is Required for all such land uses **THE LAST SENTENCE OF THE DEFINITION IS CONFUSING TO ME - IS A CONDITIONAL USE PERMIT REQUIRED FOR A PERMITTED USE?**

THE SMART GROWTH PLAN DESCRIBES THIS DISTRICT AS “INTENDED TO ACCOMMODATE RESIDENTIAL USES AND COMMERCIAL USES ON THE SAME PARCEL. COMMERCIAL USES WOULD BE COMPATIBLE WITH THE GENERAL CHARACTER OF THE AREA AND WOULD BE SMALL SCALE ENTERPRISES. EXAMPLES OF THE APPROPRIATE COMMERCIAL USES INCLUDE OWNER-OCCUPIED CONTRACTOR YARDS, COTTAGE INDUSTRIES, AND HOME OCCUPATIONS. THE COMMERCIAL USES WOULD BE LOCATED AT OR NEAR THE ROAD, WITH RESIDENTIAL BEHIND. COMMERCIAL USES WOULD BE REVIEWED ON A CASE BY CASE BASIS AS A CONDITIONAL USE.”

WHY DIDN'T THE TPC USE THE CAPP DEFINITION AND GUIDELINES TO BE CONSISTENT WITH THE SMART GROWTH PLAN?

“COTTAGE INDUSTRY” IS DEFINED AS: “THE PRODUCTION, FOR SALE, OF GOODS AT HOME, AS THE MAKING OF HANDICRAFTS AT HOME BY RURAL FAMILIES”

A. Permitted Use in the Zone:

1. *Accessory Structure*
2. *Agricultural Crop Farming* **PRODUCTS? FARM STAND?**
3. *Business or Professional Office* **AS A PERMITTED USE? COTTAGE INDUSTRY – RESIDENCE ON SITE?**
4. *Driveway Access*
5. *Dwellings, Single Family*
6. *Dwelling, Single Family Rental*
7. *Dwelling, Double Family*
8. *Dwelling, Double Family Rental*
9. *Dwelling, Guest House* **LIMITLESS #? IS THIS “COMPATIBLE WITH THE GENERAL CHARACTER OF THE AREA”?**
10. *Dwelling, Guest House Rental* **LIMITLESS #?**
11. *Home Office/Studio*
12. *Home Occupation Enterprise*
13. *Home Business* **AS A PERMITTED USE? ANY TYPE OR THOSE LISTED IN THE SMART GROWTH PLAN?**
14. *Parking Lots* **PERMITTED USE? WITH NO OTHER ATTACHED USE? IS THIS COMPATIBLE WITH THE GENERAL CHARACTER OF THE AREA?**

B. Conditional Use Permit Required in the Zone:

1. *Auto Service and Supply Facilities*
2. *Auto Sales Establishments* COTTAGE INDUSTRY? OWNER OCCUPIED?
3. *Bank* OWNER OCCUPIED? COTTAGE INDUSTRY?
4. *Buildings, Public* ANY AND ALL USES?
5. *Commercial Entertainment Facilities* THIS WILL ALLOW A NUDE ENTERTAINMENT FACILITY. IS THIS THE INTENT OF THE TPC? IF NOT THE ORDINANCE NEEDS TO EXPRESSLY SAY THEY ARE NOT PERMITTED OR THE 1ST AMMENDMENT SAYS THEY ARE
6. *Contracting and Building Supply Sales*
7. *Dwelling, Multiple (3 or more) Family*
8. *Dwelling, Multiple (3 or more) Family Rental* IS A SEPARATE CUP REQUIRED TO RENT THE MFD THAT REQUIRED A CUP?
9. *Forest Crops and Products*
10. *Laundromats* DOES NOT SEEM FEASIBLE TO HAVE THIS USE OFF THE SANITARY DISTRICT COLLECTION SYSTEM
11. *Light Industry* HAS IS OWN DISTRICT
12. *Mobile Home Park*
13. *Public Service Utilities*
14. *Public Utilities*
15. *Recreation Facilities, Private* DEFINE.
16. *Recreational Facilities, Public* DEFINE.
17. *Resorts, Hotels, Motels* NOT COMPATIBLE WITH EXISTING CHARACTER OF AREA – NOT COTTAGE INDUSTRY – NOT SMALL IN SCALE.
18. *Restaurants and Taverns* NOT COMPATIBLE WITH EXISTING CHARACTER OF AREA – NOT COTTAGE INDUSTRY
19. *Retail Trade Facilities* DEFINE.
20. *Travel Trailer Park/Campground*
21. *Veterinary Care Facilities*
22. *Warehouse/Storage Facility*
23. *Wind Generator, Solar Collector Over 35' High*

3.2 B. ZONING MAP AND DISTRICT BOUNDARIES

The location and boundaries of these districts are shown on a single map officially designated "Official Zoning Map, Town of La Pointe".

I. This map, together with all explanatory matter and regulations thereon, is an integral part of

~~this Ordinance incorporated into this Ordinance by reference.~~ District boundaries are normally lot lines, section and quarter section lines, center lines of streets, highways, or alleys. Questions regarding exact location of district boundaries shall be decided by the Town Zoning Administrator ~~and Planning Commission~~ **THE NAME OF THE COMMISSION IS THE TOWN PLAN COMMISSION BY STATUTE, NOT THE TOWN ZONING AND PLANNING COMMISSION. A ZONING BOARD IS A SEPARATE ENTITY. 8.1.3 CHARGES THE ZA WITH THE RESPONSIBILITY OF MAINTAINING AND UPDATING THE OFFICIAL ZONING MAP. IS THE ZA THEN NOT ALLOWED TO ANSWER QUESTIONS IN REGARD TO THE MAP SINCE IT IS THE POSITION WHO IS MOST KNOWLEDGEABLE? THE TPC IS NOT GIVEN THIS AUTHORITY IN SECTION 13 OF THIS ORDINANCE.** Decisions may be reviewed by the ~~Zoning Board of Appeals as provided in Section 10.0 of this Ordinance.~~ **the Town Board.** **THIS SECTION SHOULD NOT BE CHANGED. IF THERE WAS A QUESTION IN REGARD TO THE ZA'S DECISION IN ZONING DISTRICT BOUNDARIES, AN ADMINISTRATIVE APPEAL WOULD BE FILED.**

2. The single official copies of the "Official Zoning Map, Town of La Pointe", together with a copy of this ordinance shall be kept for public inspection upon request. This map shall be certified by the Chair of the Town Board and attested by the Town Clerk. Any change affecting zoning district boundaries or explanatory matter and regulations shall be made in accordance with provisions of Wisconsin Statutes, Section 60.62.

C. Land Uses Within Zoning Districts

Permitted and Conditional Uses of Land within the Town of La Pointe shall be in accordance with the following table: (INSERT NEW ZONING DISTRICT USE TABLE HERE)

I HAVE BEEN USING THIS TABLE OFTEN IN THE PAST FEW WEEKS AND IT IS VERY DIFFICULT TO FOLLOW. I PREFER THE CURRENT FORMAT MAINTAINED IN THE ORDINANCE.

D. Dimensional Requirements Within Zoning Districts

Lot area and width, yard setbacks, and building height limitations shall be in accordance with the following table: (SEE COMPARISON TABLE NEXT PAGE) **PLEASE SEE MY COMMENTS REGARDING THIS SECTION ON THE DIMENSIONAL TABLE**

SECTION 4.0 GENERAL PROVISIONS

4.1 APPLICATION OF REGULATIONS

The use of any land or water; the size, shape and placement of lots; the use, size, height, type and location of structures thereon, and the provisions for open spaces shall be in compliance with the regulation set forth on the "Official Zoning Map, Town of La Pointe" and in the text of this Ordinance.

4.2 STANDARD DISTRICT REQUIREMENTS

1. Yard Requirements

- A. No part of the yard or open space required for a given building shall be included as a part of the yard or other space required for another building.
- B. Every part of a required yard shall be open to the sky, unobstructed, except that in commercial areas a permanent awning and its accessory columns or struts may project not more than five feet into a required front or side yard.
- C. Open or enclosed fire escapes may project into a required yard not more than 5 feet and into a required court not more than 3 1/2 feet, provided it be so located as not to obstruct light or ventilation.

2. Height Exceptions

A chimney shall be allowed to extend five (5) feet above the thirty-five (35) foot height regulation of this ordinance and a roof mounted antenna shall be allowed to extend ten (10) feet above the thirty-five (35) foot height regulation of this ordinance. Chimney and roof mounted antennas shall be erected in accordance with other regulations and ordinances of the Town. **THIS SECTION MAY BE IN CONFLICT WITH 'ACCESSORY STRUCTURE' DEFINITION AND DISTRICT USES?**

3. Visual Clearance at Intersections

In each quadrant of every street intersection there shall be designated a vision clearance triangle, bounded by the inner street lines and a line connecting them 35 feet from their intersection. Within this triangle no object shall be allowed above the height of two and one-half (2-1/2) feet above the streets if it obstructs the view across the triangle. This provision shall not apply to tree trunks, posts or wire fences.

4. Access Driveways

The maximum number of access driveways to public roads and highways shall not be more than two (2).

5. Lot Sizes

- A. After adoption of this Ordinance, no lot area shall be so reduced that the dimensional and yard requirements required by this Ordinance cannot be met. Lots existing and of record prior to adoption of this Ordinance, but of substandard size, may be devoted to uses permitted in the district in which located.
- B. If two or more substandard lots with continuous frontage have the same ownership as of the effective date of this Ordinance, the lots involved shall be considered to be an individual parcel for the purposes of this Ordinance.
- C. Lots created after adoption of this Ordinance and which are not served by public sewer systems shall meet minimum area requirements of the Ashland County Sanitary and Private Sewage System Ordinance, the Wisconsin Administrative Code and this Ordinance.
- D. All Land Divisions shall and do require a Certified Survey Map. Refer to Technical Memorandum #3 Section III and/or Section IV.

6. Accessory Uses and Structures

Any permanent, roofed structure serving as an accessory if attached to the principal building, shall be considered a part of the principal building. It shall conform to the setback and other dimensional requirements of the district within which it is located. All other accessory structures shall also conform to the setback requirements required of the principal building in the district within which it is located. **THIS SECTION COMBINED WITH THE NEW DEFINITION OF ACCESSORY STRUCTURE IS CONFLICTING. HERE, AN ACCESSORY IS PERMANENT AND ROOFED – AN ANTENNA WOULD NOT QUALIFY.**

7. Drainage, Sanitation and Water Supply

- A. No principal building shall be erected, structurally altered, or relocated on land which is not adequately drained at all times by reason of adverse soil conditions, steep slopes, shallow impermeable bedrock, periodic flooding, or where the lowest floor level is less than 4 feet above the highest groundwater level.
- B. No principal building intended for human use or occupancy shall be erected, structurally altered, or relocated on a lot, unless provision is made for safe and adequate facilities for water supply and disposal of sewage in accordance with the regulations of the Ashland County Sanitary and Private Sewage System Ordinance and the appropriate requirements of the Wisconsin Administrative Code.
- C. The Town Zoning Administrator shall not hereafter authorize a building to be erected, structurally altered, or relocated which has a private waste disposal system unless the plans for the system have been reviewed in accordance with the provisions of the Ashland County Sanitary and

Private Sewage System Ordinance, and a sanitary permit has been issued. Private sewage disposal systems for dwelling units shall meet the location requirements of the Ashland County Sanitary and Private Sewage System Ordinance, and the applicable standards of the Wisconsin Administrative Code.

D. Where connection is not to be made to public water system, no residential use shall be permitted unless provision is made for a safe and adequate supply of drinking water located on the premises, a permit for which has been obtained in accordance with the provisions of the Ashland County Sanitary and Private Sewage System Ordinance.

E. Planned unit developments shall be served by sewage facilities which meet the requirements of the Ashland County Sanitary and Private Sewage System Ordinance and the applicable minimum standards of the Wisconsin Administrative Code.

8. Developments in Areas with Poor Soils

Where the proposed development lies entirely or partially within areas indicated as having severe soil limitations according to the large-scale soil maps entitled "Soil Limitations for Disposal Fields"; and "Soil Limitations for Low Buildings" the conditional use permit procedure and Section 6.5 shall be followed to ensure that proposed developments will be adequately and safely accommodated by the underlying soils. In areas not served by the public sewage system the former map shall be used whereas in areas served by the public sewage system the latter map shall apply. Said maps are on file in the office of the Town Clerk.

Provisions of the County Sanitary and Private Sewage System Ordinance and the State Administrative Code can and will be met.

Proposed structural foundations and footings will adequately compensate for any deficiencies in engineering characteristics of the soils for the type of development contemplated.

Adequate provisions for waterproofing and drain tile around foundations is provided in areas having a high water table.

In areas with a high water table and/or slopes over ten percent, practices such as terracing, landscaping and retaining walls will be adhered to in order to prevent erosion of topsoil and damage to natural vegetation.

4.3 SUPPLEMENTARY REGULATIONS

1. Airport Safety Zones

Except for field crops and fences under 5 feet high, the maximum height of any object located within 500 feet of either side of the centerline of a landing strip, and extended to a distance of 2 miles from the end of the runway shall be no higher than 1/100 of the distance of the object to the landing strip.

Refer to the Height Limitation Zoning Map for Madeline Island Airport.

2. Off-Street Parking

Any building hereafter erected, or converted to commercial use, or placed on a lot or added onto in such way as to increase the square footage of usable floor space shall provide off-street parking spaces specific to its use and in the manner and number described below.

A. All dwelling units, whether a single family dwelling, condominium, multi-family dwelling, motel or other rental unit shall provide off street parking either on-premises or on adjacent premises in the number and manner described below:

- 1) Single Family dwellings shall each provide 2 off-street parking spaces.
- 2) Each rental unit and each unit in a multi-family dwelling, motel, condominium or other shall provide at least one and one-half off-street parking spaces. The total, if a fraction, shall be rounded up to the next whole number.

Amended: March 20, 2006

4.4 SHORELAND REGULATIONS THIS OVERLAY DISTRICT PROPOSED TO BE DELETED BY THE TPC?

1. Setback

For lots that abut on navigable waters the following setback regulations apply:

- A. All permanent structures shall be setback 75 feet from the ordinary high-water mark of navigable waters. Boathouses shall conform to the Ashland County

Shoreland/Wetland Zoning Ordinance.

- B. Private sewage disposal systems shall conform to the setback requirements of the "Ashland County Private Sewage System Ordinance" and the applicable rules, regulations and laws as set forth in the Wisconsin Statutes and the Wisconsin Administrative Code.
- C. The Ashland County Zoning Administrator shall determine the ordinary high water mark where not established

2. Removal of Shoreline Cover

Cutting of trees and natural shrubbery within a strip paralleling the shoreline and extending 35 feet inland from all points along the ordinary high water mark of the shoreline shall be limited in accordance with the following provisions:

- A. No more than 30 percent of the length of this strip (as measured along the ordinary high water mark) shall be clear cut to the depth of the strip.
- B. Provided further, that cutting of this 30 percent shall not create a clear cut opening in this strip greater than thirty (30) feet wide for every one hundred (100) feet of shoreline (measured along the ordinary high water mark).
- C. In the remaining 70 percent length of this strip (distance measured along the ordinary high water mark) cutting shall leave sufficient cover to screen cars, dwellings, accessory structures, except boathouses, as seen from the water; to preserve natural beauty and to control erosion.
- D. Natural shrubbery shall be preserved as far as practicable.
- E. Refer to the Ashland County Shoreland Amendatory Ordinance.

3. Commercial forestry, from the inland edge of the thirty-five (35) foot strip to the outer limits of the shoreland, shall be allowed when accomplished under accepted forest management practices. The maintenance and improvement of water quality shall be emphasized in all timber harvesting operations. The purpose of this order will favor long-lived species adapted to the site and will prescribe slash disposal methods necessary for aesthetic value.

4. Filling, grading lagooning and dredging may be permitted only in accordance with State Law and where protection against erosion, sedimentation, and impairment against fish and aquatic life has been assured. All required permits shall be obtained prior to construction. All shorelands within the corporate limits of Ashland County are subject to Ashland Shoreland Amendatory Ordinance which is incorporated into this Ordinance by reference. The enforcement of the Amendatory Ordinance is the responsibility of the Ashland County Zoning Administrator.

4.5 FLOODPLAIN REGULATIONS

All lands within the corporate limits of Ashland County are subject to the Ashland County Floodplain Zoning Ordinance adopted April 21, 1981 which is hereby incorporated into this Ordinance by reference. Enforcement of the Floodplain Zoning Ordinance and the provisions of the Flood Hazard Overlay District of the Town of La Pointe is the responsibility of the Ashland County Zoning Administrator. **THIS OVERLAY DISTRICT PROPOSED TO BE DELETED BY THE TPC?**

SECTION 5.0 SIGNS

5.1 GENERAL PROVISIONS

1. Permit Required

Except as otherwise specifically authorized, no sign shall be located, erected, moved, reconstructed, extended, enlarged, or structurally altered within the Town of La Pointe, until a permit has been issued by the Town Zoning Administrator. No permit shall be issued for a sign not in conformity with the size, type, number, location and use regulations affecting each zoning district. All signs exceeding four square feet in area shall be subject to review and approval by the Town Plan Commission in accordance with provisions of this Ordinance.

2. Exceptions

A permit shall not be required for the following classes of signs:

- A. Class A signs:** Official traffic control signs, and informational or directional notice erected by federal, state or local units of government.
- B. Class B signs:** On premise real estate signs, residential identification, warning and similar signs not greater than four square feet in area.

3. Prohibited Characteristics of Signs:

- A. No sign shall resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals or devices.
- B. No sign shall be so located as to interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at an access point or intersection.
- C. No sign shall be erected, relocated, or maintained so as to prevent free ingress or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.
- D. No sign shall contain any rotating or moving parts, or be illuminated by flashing light.
- E. No sign shall exceed the maximum height limitation of the district in which it is located.

F. No sign shall be located in a lot so as to reduce the required rear and side yard requirements of the district in which it is located. The front yard setback for a sign located on a lot shall be a minimum of twelve (12) feet from the edge of the right of way. This requirement shall pertain to all lots in all Zoning Districts upon which signs are allowed, except for the C-1 (Commercial Zoning District.) The front yard setback in the C-1 (Commercial District) shall remain at the minimum of five (5) feet from the edge of the right of way.

5.2 CLASSIFICATION OF SIGNS REQUIRING PERMIT

1. Class C Signs: On premise signs which advertise a business activity or service performed on the property.

A. Type 1: Signs advertising a conditional use permit or professional office. Such signs shall not exceed 3 square feet in area, and if illuminated shall be indirectly lighted. No more than one such sign for each use located on the premises shall be permitted.

B. Type 2: Signs or bulletin boards for public, charitable or religious institutions. Such signs shall not exceed 12 square feet in area, and no more than one such sign for each street upon which the property faces shall be permitted. Such signs may be placed at the right-of-way of the street or highway.

C. Type 3: Signs advertising a business activity or a service available in a commercial area. Such signs shall not exceed 40 square feet in area when non-lighted, and if illuminated shall not exceed 20 square feet in area. Not more than one such sign may be attached to a building facade, and no sign may project more than 4 feet beyond a building when attached thereto, or be higher than the roof line. Free standing signs shall not exceed 15 feet in height from the ground.

D. Type 4: Signs advertising a resort or recreational business activity or product available. Such signs shall not exceed 20 square feet in area and no more than one such sign for each highway (street) upon which the property faces shall be permitted.

2. Class D Signs: Signs or billboards which advertise a general brand of product shall be prohibited.

3. Class E Signs: Off premise directory signs in the specific interest of the traveling public which advertise a business activity, area of interest or a service available at a specific location within 12 air miles of the premises on which it is located.

5.3 CLASS AND TYPE OF SIGNS PERMITTED IN ZONING DISTRICTS:

<u>Class and Type of Sign</u>	<u>Zoning District</u>
Class A Signs:	All, except W-P District (Wetland Protection)
Class B Signs:	All, except W-P District
Class C Signs:	Type 1: W-1, W-2, S-1, S-2, C-1, R-1, R-2, R-3 Type 2: W-1, W-2, S-1, C-1 Type 3: C-1 Type 4: W-1, W-2, S-1, C-1
Class D Signs:	Prohibited
Class E Signs:	Prohibited

5.4 NON-CONFORMANCE

Signs lawfully existing before the date of enactment of this Ordinance may be continued although the use, size, or location does not conform with the provision of this Ordinance. However, permits shall be obtained for all signs erected before such date, and such signs shall be deemed a non-conforming use or structure, and the provision of Section 5.0 shall apply.

All non-conforming signs, of all types not exempted by the definition thereof, shall be removed and made to conform to the provisions of this Ordinance within a period of two years after the adoption of this Ordinance and the mailing of a notice by the Zoning Administrator instructing such removal.

SECTION 6.0 REGULATION OF SPECIAL USES

6.1 GENERAL PROVISIONS

Except as needed to, or altered hereafter in this section, the procedures and requirements of Section 7.0 governing conditional uses shall apply.

6.10 USE OF RESIDENTIAL DWELLINGS AND PROPERTY FOR OCCUPATIONAL OR BUSINESS USES

A. A Home Office/Studio is an authorized use without a permit in all districts except WP that meet the following criteria:

- 1. All activities must be conducted entirely within the primary residential dwelling and carried out only by persons residing therein and no others.***
- 2. There shall be no retail, wholesale or other business activities which require visits from the public.***
- 3. There shall be no storage of goods, products, inventories of raw materials, animals or vehicles or equipment dedicated to the enterprise stored or used outside of the primary residential dwelling.***
- 4. There shall be no use of machinery, tools, or appliances that make excessive noise, dust, odors, or exhaust.***
- 5. There shall be no on or off –premises advertising signs.***
- 6. The area dedicated to this use shall not exceed 25% of the area Of the dwelling.***

B. A Home Occupation Enterprise is an authorized use with a permit issued by the Zoning Administrator in all districts except the WP that meet the following criteria:

- 1. All activities at the site must be conducted entirely within the primary residential dwelling or in an accessory building not larger than 25% of the primary dwelling.***
- 2. Business activities may be carried out by persons residing in the dwelling or by no more than one other person employed by the resident(s) of the dwelling.***
- 3. There shall be no retail or wholesale of products or displays of products except for those products or services that are actually produced at the site.***
- 4. There shall be no outdoor storage or display of products, materials, equipment, or machinery except except that there may be one vehicle bearing the business insignia and one trailer used in conjunction with the enterprise stored outside provided they are screened from the right-of-way and neighboring properties. Any such vehicle or trailer must be licensed, operable, and routinely used in the course of activities in the enterprise.***
- 5. One off-street parking spot will be provided for an employee or visitors.***
- 6. Only one on-premises advertising sign, not illuminated and not***

to exceed four (4) square feet in area, shall be permitted. The sign may be located in the lot set-back provided it does not interfere with passage or obstruct the view of vehicles or pedestrians.

- 7. No machinery, tools, or appliances shall be used that cause excessive noise, dust, odors, or exhaust.*
- 8. Sanitary facilities shall be provided in accordance with county and state requirements.*
- 9. A conditional Use Permit is required for any exception to these requirements.*

C. A Home Business is an authorized use with a permit issued by the Zoning Administrator upon approval by the Zoning and Planning Commission in all Districts except WP, R-1, R-2, R-3, and S-2 that meet the following criteria:

- 1. The Home Business may occupy 25% of the dwelling and/or an accessory building.*
- 2. The Home business may employ up to five (5) employees who may work on or off the site.*
- 3. No retail or wholesale products may be sold on the site except those products and services that are actually produced on the site.*
- 4. There shall be no outdoor display of products.*
- 5. Only one on-premises advertising sign, not illuminated and not to exceed twelve (12) square feet in area, shall be permitted. The sign may be located in the lot set-back provided it does not interfere with the passage of vehicles or pedestrians.*
- 6. Activities shall not include any machinery, tools, appliances, or equipment that make excessive noise, dust, odors, or exhaust nor shall it include any vehicle or heavy machinery repair or spray painting services.*
- 7. Outdoor storage of products, materials, equipment, or machinery is permitted if the storage areas are fenced, vegetative screened, or provided with a landscape buffer of trees so that the storage is not visible from the rights-of-way or neighboring properties.*
- 8. Licensed and operable vehicles and trailers related to the business activity may be parked or stored on-site provided no more than one such vehicle and trailer are visible from the rights-of-way or neighboring property.*
- 9. Off-street parking must be provided for all employees and visitors.*
- 10. Sanitary facilities shall be provided in accordance with county and state requirements.*
- 11. A Conditional Use Permit is required for any exception to these requirements.*

6.2 QUARRIES (GRAVEL PITS) AND MINES

1. Application Required

An Application requesting Town Plan Commission approval of a proposed quarrying activity shall be accompanied by:

- A. A description of all phases of the contemplated operation including types of machinery and equipment which will or might be used to carry on the operation. Where the operation is to include sand and gravel washing, the estimated daily quantity of water required, its source and its disposition shall be identified.
- B. A legal description of the proposed site.
- C. A topographic map (at a minimum contour interval of five feet) of the proposed site and the area extending beyond the site to a minimum distance of 300 feet on all sides.

2. Consideration of Compatibility

In interviewing a proposal for a quarrying activity, the Town Plan Commission shall take into consideration:

- A. The effect of the proposed operation on drainage and water supply, particularly in connection with sand and gravel washing.
- B. The possibility of soil erosion as a result of the proposed operation.
- C. The most suitable land use for the area.

3. Restoration Plan and Financial Guarantee Required

No permit to carry on a quarrying operation shall be given until the Town Plan Commission approves a restoration plan and the owner agrees to restore the quarried area to a condition of practical usefulness and reasonable physical attractiveness as soon as possible after the quarrying activities have ceased. The owner shall provide sufficient financial guarantee to secure the performance of the restoration agreement. The agreement and financial guarantee shall be in a form approved by the Town Attorney.

4. Conditions for Approval

The Town Plan Commission may set forth conditions regarding appropriate setback and other dimensional requirements to avoid nuisance effects on surrounding residential uses. Suitable fencing and landscaping may be required.

5. Duration of Conditional Use Permit

The initial permit to carry on a quarrying operation shall not be effective for more than five years. Authorization may be extended for additional three year periods, subject to conditions specified by the Town Plan Commission.

6. Existing Quarry Operations

- A. Within 60 days after the effective date of this Ordinance, the owners of all existing quarrying operations shall submit to the Town Plan Commission the names of the quarry owners and operators and information regarding its operation.
- B. Within one year after adoption of this Ordinance, the owners shall submit to the Town Plan Commission a plan for restoration of the quarrying site in accordance with subsection (3) of this section. The restoration plan shall not impose requirements which are unreasonable from an economic or engineering standpoint with respect to conditions resulting from operations prior to enactment of this Ordinance.
- C. Within three years after the effective date of this Ordinance any such existing operation shall be subject to the provisions of subsections 4, 5, and 6 of this section.

6.3 JUNK/SALVAGE YARDS

No junk/salvage yard shall be permitted in the Town of La Pointe except in conformance with the standards, rules and regulations of the Wisconsin Administrative Code, and the requirements herein specified.

1. All junk/salvage yards shall have a minimum front, side and rear yards of 200 feet. **JUNK/SALVAGE YARD IN THE LIGHT INDUSTRIAL ZONE CANNOT MEET THESE SETBACK REQUIREMENTS – THE PLOTS ARE TOO SMALL**
2. Junk/salvage yards shall be screened so that the salvage materials are not visible from other property in the vicinity, nor from a public right-of-way such as roads, streets, highways and waterways.

6.4 GARBAGE AND REFUSE DISPOSAL SITES

No garbage or refuse disposal sites shall be permitted in the Town of La Pointe except in conformance with the rules and regulations of the Wisconsin Administrative Code.

6.5 PLANNED UNIT RESIDENTIAL DEVELOPMENTS **THIS SECTION NEEDS TO INCLUDE IMPACT FEES. THE TOWN BOARD NEED TO ADOPT A RESOLUTION THAT EMPOWERS THE TPC TO INSTITUTE IMPACT FEES ON PUDS AND HIGH DESITY DEVELOPMENTS OF THE LIKE THAT TAX OUR INFRASTRUCTURE AND TAKE GREEN SPACE. IT IS COMMON IN MANY MANY COMMUNITIES.**

1. Planned unit residential developments consisting exclusively of single-family dwelling units are permitted as conditional uses. Planned Unit Developments will be allowed within the interior physical boundaries of the roads that circle the

Island **NOTE THIS BOUNDARY** starting at the beginning of North Shore Road to School house Road to Big Bay Road to Black Shanty Road to Middle Road to South Shore Road to Old Fort Road to Main Street to Big Bay Road and to North Shore thus completing the loop. Refer to Map on file in Town Hall.

For additional information refer to Technical Memorandum #3: Subdivision Regulations.

2. A successful applicant for a conditional use permit for a planned unit development may be allowed to modify the lot size, setback and yard requirements of the districts in which the project is located. All other district requirements shall be complied with as well as any fire, building, plumbing or electrical codes and applicable subdivision regulations.

3. The overall density of a planned unit residential development defined as the number of living units per acre shall not exceed the districts regulations for the district in which it is to be developed.

4. A planned unit residential development may include closely related commercial uses intended to serve only the needs of the proposed development. **NOTE THIS SECTION**

5. An application for a conditional use permit shall be submitted in accordance with Section 7.0 **7.0 NOT THE APPLICATION PROCESS PROPOSED BY THE TPC** and shall contain the information required under Section 8.0 of this Ordinance and Section VII (F) of the Town Subdivision Ordinance (Technical Memorandum #3).

6.6 MOBILE HOME PARK

Mobile home parks are permitted as conditional uses in the districts specified in Section 3.0 of this Ordinance.

The minimum size of a mobile home park shall be 10 acres; **NOTE THIS SECTION**

The maximum number of mobile homes shall be ten per acre;

It shall conform to the requirements of the Wisconsin Administrative Code;

Two (2) parking spaces shall be provided for each mobile home site;

Minimum dimensions of a mobile home site shall be 50 feet wide by 85 feet long;

There shall be a minimum yard setback of 40 feet at all exterior boundary lines of the mobile home park;

Unless adequately screened by existing vegetative cover it shall be screened by a temporary planting of fast growing material, capable of reaching a height of 15 feet or more. The individual trees to be such a number and so arranged that within 10 years they will have formed a screen equivalent in opacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than 15 feet.

6.7 TRAVEL TRAILER PARKS

Travel trailer parks and campgrounds may be permitted as conditional uses in the districts specified in Section 3.0 of this Ordinance.

The minimum size of a travel trailer park or campground shall be 5 acres;

The maximum number of travel trailers or campsites shall be 15 per acre;

Minimum dimensions of a travel trailer site or campsite shall be 25 feet wide by 40 feet long;

No travel trailer or campsite shall be occupied for a period of more than 30 consecutive days;

Each travel trailer site or campsite shall be separated from other travel trailer spaces or campsites by a yard not less than 15 feet wide;

Two (2) parking spaces shall be provided per site;

There shall be a minimum yard setback of 40 feet at all lot lines of a travel trailer park or campground; **NOTE THIS SETBACK FOR SMALLER PARCELS**

It shall conform to the requirements of the Wisconsin Administrative Code;

The screening provisions for mobile home parks shall be met.

6.8 RENTAL OF SINGLE FAMILY DWELLINGS

Rental of Single-Family Dwellings shall be a permitted use in all zoning districts except the W-P Wetland Protection District

Land use permits will be required for Rental of Single-Family Dwellings and will be issued by the Zoning Administrator upon application by the owner accompanied by the necessary fees.

There are no requirements for issuance of a Land Use Permit for Rental of Single-Family Dwellings other than those specified in this section.

Permit holders for Rental of Single-Family Dwellings must provide adequate off-street parking in accordance with section 4.3(2). Rental of Single-Family Dwellings Land Use Permits can be revoked at any time under the procedure set forth in Section 15.0.

A Single-Family Dwelling shall mean a building or structure designed or constructed to be occupied by a single family for purposes of human habitation.

6.9 LIGHT INDUSTRIAL ZONE

1. The Industrial Zone shall be an exclusive permitted use area that is located near the Airport and Town Maintenance buildings.
2. The minimum size of the Industrial Zone will consist of 29.83 acres.
3. All buildings will be required to meet normal commercial setback requirements as in 5 ft. front – 10ft side – 10 ft rear and /or as required by other government standards. **CONTRARY TO PERMITTING A SALVAGE YARD IN THE ZONE WHICH REQUIRES A 200' SETBACK**
4. Minimum dimensions of the lots will be 50 feet wide x 85 feet long. **NOT POSSIBLE TO HAVE A SALVAGE YARD WITH 200' SETBACK REQUIREMENTS**
5. More than one lot can be combined to form the entire area used by the lessee. **A SALVAGE YARD WOULD NEED SEVERAL LOTS**
6. Each business will provide adequate on-site parking for its customers and

employees.

7. Lease payments will be made to the Town of La Pointe.
8. The La Pointe Town Board will reserve the right to decline applications if the business does not meet the scope of this planned development.
9. The Town of La Pointe will offer electrical power to the site. (Not connected to buildings.)
10. Regulations for holding tanks and well water shall be complied with under current laws. (Lot size has to be at least 30,000 sq. ft. that is approximately 7 lots combined. **NOTE THIS SECTION**)
11. All lots shall conform to the requirements of the Wisconsin Administrative Code.
12. There shall be a signed lease agreement between the Town of La Pointe and the applicant on file before issuance of a permit.

SECTION 7.0 CONDITIONAL USES PLEASE REFER TO GENERAL CODE CODIFICATION PORTFOLIO PAGE 31 “WE STRONGLY RECOMMEND THAT S 450-49B (SECTION 7.0) CONDITIONAL USE PERMIT, BE MOVED AND INCLUDED IN ARTICLE VII, CONDITIONAL USES, SO THAT ALL REQUIREMENTS FOR CONDITIONAL USE PERMITS ARE IN ONE PLACE.” THE TPC HAS NOT PROPOSED DELETION OF THIS SECTION – CONFLICT AND REDUNDANCY HAVE BEEN CREATED

7.1 GENERAL PROVISIONS

One of the purposes of this Ordinance is to divide the Town of La Pointe into districts within which the use of land and buildings, and the bulk and location of buildings in relation to the land are mutually compatible, and substantially uniform.

There are certain uses that may be entirely appropriate and not necessarily incompatible with the basic uses permitted in any district, but not at every or any location therein or without restrictions or conditions being imposed by reason of unique problems the use of its particular location presents from a zoning standpoint, including the impact of those uses upon neighboring land, and the public need for the particular use at a particular location. Such uses may be necessary or desirable to be allowed in a particular district provided that due consideration is given to their location, development, and operation. Such uses are hereby classified as conditional uses and are subject to the provisions specified herein.

1. Approval Required

Any conditional use listed in this Ordinance shall be permitted only when recommended for approval by the Town Plan Commission and subject to the approval of the Town Board. Upon such approval, issuance of a Conditional Use Permit will be granted.

2. Basis of Approval

The Town Plan Commission and the Town Board shall consider the effect of such grant on the health, general welfare, safety and economic prosperity of the Town and of the immediate area in which such use would be located, including such considerations as the effect on the established character and quality of the area, its physical attractiveness, existing topography, drainage features, erosion potential, vegetative cover, the prevention and control of water pollution, the location with respect to floodplains and floodways, the movement of traffic and the relationship to existing and proposed roads, the demand for related services, the possible hazardous, harmful, noxious, offensive or nuisance effects resulting from noise, dust, smoke, or odor and other factors.

3. Application

Application for a Conditional Use Permit shall be made to the Town Zoning Administrator who shall, within ten (10) days, refer the application to the Town Plan Commission. In addition to the information required under Section 8.0 for a

Land Use Permit, the Town Plan Commission may require the applicant to submit other pertinent data and information necessary to properly evaluate the request.

4. Schedule of Fees

No zoning, compliance, or Conditional Use Permit shall be issued unless or until such application fees shall have been paid in full to the Town Clerk, nor shall any action be taken on proceedings before the Town Board unless or until the application fees have been paid in full.

5. Hearing

The Town Plan Commission shall schedule a public hearing on the completed application within 30 days after it is filed. The Wisconsin Department of Natural Resources and the Ashland County Zoning Administrator must be notified if Shorelands are involved (property within 1,000 ft from Lake Superior) as per Section 13.7.

6. Mapping and Recording

When a Conditional Use Permit is granted, an appropriate record shall be made of the land use and building permits, and such grant shall be applicable solely to the structures, use and property so described.

7. Termination

Where a permitted conditional use does not continue in conformity with the conditions of the original approval, the Conditional Use Permit shall be terminated by action of the Town Plan Commission.

SECTION 8.0 ADMINISTRATION

8.1 ZONING ADMINISTRATOR

Amended March 28 2007

1. Designation

- A. The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator who shall be employed by the Town Of La Pointe and shall report directly to the Town Board of Supervisors and with guidance from the Town Plan Commission.
- B. The salary of the Zoning Administrator shall be approved by the Town Board of Supervisors.

2. Duties

In administering and enforcing this Ordinance, Zoning Administrator shall perform the following duties:

- A. Receive and examine all applications for zoning/land use permits, uniform dwelling permits and POWTS permits and to refer applications to the Town Plan Commission for action thereon as defined in the Zoning Ordinance.
- B. Land Use Applications for Conditional Use. Receive applications for conditional use permits and forward these applications to the Town Plan Commission for action thereon as defined in the Zoning Ordinance.
- C. Land Use Applications for Appeals and Variances. Receive applications for appeals and variances and forward these applications to the Zoning Board of Appeals for action thereon as defined in the Town of La Pointe Ordinances. Receive applications for appeals from alleged error of the Zoning Administrator and forward these applications to the Town Plan Commission for action thereon.
- D. Surveys. Review surveys as required to determine compliance or non-compliance with the terms of the Town of La Pointe Technical Memorandum #3 Subdivision Ordinance and forward these applications to the Town Plan Commission for action thereon.
- E. Presentation of Facts. Upon the request of the Town Board of Supervisors, the Town Plan Commission or the Zoning Board of Appeals, present to such bodies facts, records, or reports which they may request to assist them in making decisions.
- F. Application for Signs. Any sign to be erected in the Town of La Pointe shall require a permit unless specifically exempted. No such sign shall be erected, altered, or the content changed, except directory, until reviewed by the Town Plan Commission and a permit issued by the Zoning Administrator.

- G. Application for Zoning District Change. Receive applications for zoning district changes and forward these to the Town Plan Commission for action thereon as defined in the Town of La Pointe Ordinances.
- H. Applications for Quarries and Mines. Receive applications for quarries and mines and forward these applications to the Town Plan Commission for action thereon as described in the Town of La Pointe Ordinances.

3. Powers and Authority

The Town Zoning Administrator shall have powers and authority including but not limited to the following:

- A. Issuance of Permits. Notwithstanding Sections 13.1, 13.2, 13.5, 13.7, 13.8 or any other Section of this Ordinance, the Zoning Administrator may issue Town of La Pointe permits only when there is compliance with the provisions of this Ordinance and with other Town of La Pointe Ordinances.
- B. Issuance of Orders. With approval of/or direction from the Town Board of La Pointe, issue stop, cease and desist orders and order correction, in writing, of all conditions found to be in violation of the provisions of this Ordinance. Such written orders shall be served personally or by certified mail upon persons, firms, or corporations deemed by the Zoning Administrator to be violating the terms of this Ordinance. It shall be unlawful for any person to violate such order lawfully issued by the Zoning Administrator, and any person violating such order shall be guilty of a violation of this Ordinance.
- C. Court Action. With the approval of the Board of Supervisors, or when directed by them, institute in the name of the Town any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, moving, altering, repair, conversion, maintenance or use of any building, structure or land, or to prevent any illegal act, conduct business, or use in or about such premises.
- D. Revocation of Orders. Revoke by order, a zoning/land use permit issued under a mistake of fact or contrary to the law or the provisions of this Ordinance.
- E. Maintenance of Zoning Ordinance Map. Maintain an up-to-date copy of the Zoning Ordinance and amendments thereto and maintain the Zoning Map showing the current zoning classifications of all land.
- F. Maintenance and Custodian of Records. Keep an official record and file all applications for permits with accompanying plans and documents for that period required by law. Is the official responsible for requests for zoning public records and will follow the procedures in State Statute Chapter 19.
- G. Access to any structure or premises for the purpose of performing his/her duties between 9:00 A.M. and 5:00 P.M. by the permission of the owner or upon issuance of a special inspection warrant.

8.2 TOWN SANITARY AGENT

1. Designation

The Town Board may appoint a Town Sanitary Agent for the local administration and enforcement of the Ashland County Sanitary and Private Sewage System Ordinance under the guidance of the Town Plan Commission and the Ashland County Zoning Committee.

- A. The agent shall meet the training and certification requirements of the relevant Wisconsin Administrative Codes.
- B. The Agent shall be appointed for a period of three years with the salary established annually by the Town Plan Commission and approved by the Town Board.

2. Duties and Powers

The Agent shall have those duties and powers as are mutually agreed upon by the Town Board and the Ashland County Zoning Committee.

8.3 LAND USE PERMITS

1. Permit Required

No structure shall be built, moved or structurally altered and no land use shall be substantially altered until a land use permit has been issued by the Town Zoning Administrator. The Zoning Administrator shall not issue a permit for a structure or a use not in conformity with the requirements of this Ordinance. The fee for filing of applications for land use permits shall be established by the Town Plan Commission.

The Town Plan Commission shall annually establish a schedule of fees and a collection procedure for Zoning permits, certificates of zoning compliance, and Conditional Use Permits as required by this Ordinance. The schedule of fees shall be posted in the office of the Town Clerk after approval by the Town Board. A copy of the current fee schedule shall be kept on file in the offices of the Town Clerk and the Town Zoning Administrator.

2. Application Procedure

Applications for land use permits shall be accompanied by scale maps or drawings showing accurately the location, size, and shape of the lot(s) involved, and of any proposed structures, including the relationship to abutting streets and any abutting lakes or streams, and the existing and proposed use of each structure and lot, and the number of families to be accommodated.

The Applicant shall declare: "I (we) declare that this application (including any accompanying schedule) has been examined by me (us) and to the best of my (our) knowledge and belief it is true, correct and complete. I (we) acknowledge that I (we) am (are) responsible for the detail and accuracy of all information I (we) am (are) providing that will be relied upon by the Town Plan Commission in determining whether to issue a permit. I (we) further accept all liability which may be a result of the Town Plan Commission relying on the information provided in this application. I (we) agree to permit officials charged with administering the Zoning Ordinance or any other authorized person to have access to the above-described premises at any reasonable time for the purpose of inspection."

3. Expiration

Land use permits for construction, alteration, or removal of structures shall expire 24 (twenty-four) months from their date of issuance unless substantial completion has occurred within such time. Land use permits for land use changes shall expire 24 (twenty-four) months from their date of issuance where no action has been taken to accomplish such change.

Substantial completion shall be defined as "external walls up, windows in, roof on, doors installed."

8.4 PERMIT PROCESS

1. Land Use Permit

- A. Application by owner accompanied by necessary fees.
- B. Screening by the Zoning Administrator.
- C. If sanitary system is included, then appropriate permit applications must accompany land use permit application for forwarding to the Sanitary Agent or to the Sanitary District.
- D. All applicable permits and documentation are required to be in hand before an application will appear on the Town Plan Commission agenda.
- E. Inspection by Zoning Administrator.
- F. Decision by Town Plan Commission.
- G. Issuance of permit within ten days after approval of Town Plan Commission.
- H. Inspection by Zoning Administrator and Sanitary Agent.
- I. Issuance of certificate of compliance.

2. Conditional Use Permit

~~The following process shall be used where a new Conditional Use Permit (CUP) is sought, or where the holder of an existing CUP seeks a modification of the existing CUP. Modification shall include any amendment, revision, expansion or any change to the existing CUP.~~

- ~~A. Application by owner, submit 15 copies, to the Zoning Administrator accompanied by the necessary fees.~~
- ~~B. If sanitary system is included then the appropriate Sanitary Permit Application must accompany the Conditional Use Application for forwarding to the Sanitary District or other sanitary agency.~~
- ~~C. Screening of application and inspection of property by Zoning Administrator who shall, within ten (10) days after receiving the completed application, refer the application to the Town Plan Commission.~~
- ~~D. Review by the Town Plan Commission. The Commission may require the applicant to submit other pertinent data and information necessary to properly evaluate the request.~~
- ~~E. The Town Plan Commission shall schedule a public hearing on the application within 30 days after it is filed with the Commission and all data and information requested by the Commission has been submitted. Class 2 notice and mailed notice shall be given of the hearing as required by Section 12 of this Ordinance. If the subject property is within 1,000 ft from Lake Superior, the Wisconsin Department of Natural Resources and the Ashland County Zoning Administrator shall be mailed a notice.~~
- ~~F. All members of the Town Plan Commission shall personally inspect the proposed site before voting on the application. The Town Plan Commission shall consider all requirements listed in this Ordinance, Section 7.1(2) "Basis of Approval" before making its decision. After the decision is made the Commission shall list the grounds for their decision in the minutes as required by Section 13.4 of this Ordinance.~~
- ~~G. Within 30 days of the public hearing, the Town Plan Commission shall make its decision and in five days of the decision shall mail notice of its decision to the applicant and all objectors of record. The notice shall also be posted at the official Town posting places. If the decision is to recommend approval, the notice shall include an accurate description of the use permitted, of the property on which it is permitted, and of all property on which it is permitted, and of all conditions made applicable. The notice shall also include a description of the appeal rights available to all persons.~~
- ~~H. Once the Town Plan Commission makes its decision, the application and~~

~~related materials for the CUP will be forwarded to the Town Board. The Town Board shall have two functions in the CUP application process. The first function of the Town Board is to approve, deny, or approve with conditions, in accordance with Section 8.4(2)(L). This function will be exercised by the Town Board for every CUP application. In addition, the Town Board will have the additional function to act as the Zoning Board of Appeals in a CUP case if an appeal is filed.~~

~~I. Any person aggrieved by a Town Plan Commission decision regarding a CUP may appeal that decision to the Town Board in accordance with the time limit and any procedures set forth in Section 10.2(10) specifically, and Section 10.2 generally, except that the appeal in a CUP shall be to the Town Board acting in the capacity of the Zoning Board of Appeals.~~

~~J. The Town Board will not act on the decision of the Town Plan Commission in a CUP matter until 30 days after the Town Plan Commission decision has been mailed to the applicant and all objectors of record. The purpose of this section is to allow and facilitate an appeal to the Town Board by any aggrieved party before the Town Plan Commission.~~

~~K. All members of the Town Board shall personally inspect the proposed site before voting on the request for a Conditional Use Permit. The Town Board shall consider all requirements listed in this Ordinance Section 7.1(2) "Basis of Approval" before deciding on the request for the CUP.~~

~~L. The Town Board shall decide to approve, modify or deny the application for the Conditional Use Permit. After the Town Board approves the application for the CUP, upon receipt of a sworn, notarized signed affidavit by the applicant, owner and partners in business (if applicable) agreeing to abide by the conditions placed upon the CUP by the Town Board, the Town Board shall notify the Zoning Administrator, in writing, of their decision. Their decision, together with the grounds for their decision shall be entered in the minutes of the Town Board meeting. If the permit is approved, the Town Board shall authorize and direct the Zoning Administrator to issue the CUP within ten (10) days after the Zoning Administrator receives an approved sanitary permit from the applicant.~~

~~M. Inspection by Zoning Administrator and Sanitary Agent.~~

~~N. Issuance of certificate of compliance.~~

~~O. Termination~~

~~1. A conditional use permit shall automatically terminate twelve (12) months from its date of issuance if the authorized building activity, land alteration, or use has not begun within such time.~~

- ~~2. If a conditional use is discontinued for 36 consecutive months, the conditional use permit authorizing it shall automatically terminate, and any future use of the building, structure, or property to which the permit pertained shall conform to this Ordinance.~~
- ~~3. Conditional uses with conditions shall be reviewed periodically by the Zoning Administrator. Where such a use does not continue in conformity with the conditions of the original approval, the permit shall be terminated and such noncompliance shall constitute a violation under this Chapter.~~

2. Conditional Use

THIS ENTIRE SECTION IS REDUNDANT AND/OR IN CONFLICT WITH SECTION 7.0 CONDITIONAL USES AND 13.9 APPEALS WHICH ARE NOT PROPOSED TO BE DELETED. THIS SECTION CREATES TWO SEPARATE APPLICATION PROCESSES AND PROCEDURES FOR A CONDITIONAL USE. THE PURPOSE OF CODIFICATION IS TO LIMIT CONFLICTING AND/OR REDUNDANT SECTIONS TO THE LA POINTE ZONING ORDINANCE. SEE CODIFICATION PORTFOLIO 450(L).

THIS REVISION OF THIS SECTION OF THE ORDINANCE SHOULD BE DELETED. THE TPC SHOULD NOT WORK FROM A "BLANK PAGE" FOR THE REASON IT CREATES AN ENTIRELY NEW SET OF REDUNDANCIES AND CONFLICTS. AS RECOMMENDED BY GENERAL CODE, THE TWO EXISTING SECTIONS TO THE LA POINTE ORDINANCE SHOULD BE JOINED INTO ONE WITH THE DECISION AND APPEAL PROCESS HANDLED LEGALLY. THE TOWN PLAN COMMISSION SHOULD SERIOUSLY CONSIDER "IMPACT FEES" BECAUSE NEITHER OUR CURRENT INFRASTRUCTURE OR THE INFRASTRUCTURE RECOMMENDED IN THE SMART GROWTH PLAN WILL MANAGE SIGNIFICANT INCREASES IN DENSITY. CONSIDER THE IMPACT ON OUR SANITARY FACILITIES/EMERGENCY SERVICES/ROADS AND TRANSPORTATION ETC. PUBLIC GREEN SPACE/PARKS CAN ALSO BE REQUESTED IN IMPACT FEES.

1. Purpose.

- A. One of the purposes of this Ordinance is to divide the Town of La Pointe into districts within which the use of the land and buildings, and the bulk and location of buildings in relation to the land are mutually compatible, and substantially uniform. SEVERAL PROPOSED CONDITIONAL USES IN RESIDENTIAL, WILDERNESS PRESERVATION AND WETLAND PROTECTION DISTRICTS ARE NOT MUTUALLY COMPATIBLE OR SUBSTANTIALLY UNIFORM. PLEASE CONSIDER WHETHER THE USES PROPOSED WILL BE ABLE TO HAVE CONDITIONS PLACED ON THEM THAT WILL MAKE THEM COMPATIBLE WITH THE ZONE.***
- B. There are certain uses that may be entirely appropriate and not***

necessarily incompatible with the basic use permitted in the district, but not at every or any location therein or without restrictions or conditions being imposed by reason of unique problems the use of its particular location presents from a zoning standpoint, including the impact of those uses on neighboring land, and the public need for a particular use at a particular location. Such uses may be necessary or desirable to be allowed in a particular district provided that due consideration is given to their location, development, and operation. Those uses are hereby classified as Conditional Use but are a matter of discretionary judgement by the Town Board of Supervisors acting upon the recommendation of the Town Plan Commission. Conditional Use is not “as of right”. It is within the power of the Town Plan Commission and Town Board of Supervisors to determine that there are no conditions which would allow a use to coexist with its neighbors. The provisions for the application, review, approval, and appeal are specified herein.

- C. *The Town Plan Commission, the Town Board of Supervisors and Board of Appeals shall consider the overall effect of such grant of Conditional Use on the health, general welfare, safety, and economic prosperity of the town and the immediate area in which such use would be located, including such considerations as the effect on the established character and quality of the area, its physical appearance, existing topography, drainage features, erosion potential, vegetative cover, the prevention and control of water pollution, the location with respect to floodplains, the movement of traffic, the demand for related services and the possible hazardous, harmful, noxious, offensive or nuisance effects resulting from the requested use. REDUNDANT. SEE UNDELETED SECTION 7 OF THE ORDINANCE.*

2. *Conditional Use Permit*

The following process shall be used where a new Conditional Use Permit (CUP) is sought or where the holder of an existing CUP seeks modification of the existing CUP or a complainant seeks to have a CUP revoked. REVOCATION SHOULD BE DELETED FROM THIS PART. Modification shall include any amendment, revision, expansion, or any change to the existing CUP. ARE AMENDMENTS TO A CUP LIMITLESS? CAN I MODIFY A CUP 10 TIMES?

- A. *Applications for conditional use approval shall be made on application forms developed and approved by the Plan Commission. SECTION 13.6 REQUIRES ALL APPLICATIONS TO INCLUDE CERTAIN INFORMATION AND MATERIALS – THAT SECTION INCLUDES CUP APPLICATIONS.*

An application fee, as established by the Town Board of Supervisors in the Town Fee Schedule IT'S CALLED THE “SCHEDULE OF FEES FOR ZONING PERMITS”, shall be paid at the time the application is filed and shall not be refundable unless the application is withdrawn prior to consideration by the Plan Commission. ACCORDING TO

THIS PHRASE AND THE NEXT, THE APPLICANT GETS A FREE “REVIEW AND RESEARCH” BY THE ZA INCLUDING A SITE INSPECTION, Any expense incurred by the Town for publishing notices prior to withdrawal of the application **DELETE “FOR PUBLISHING NOTICES” SO ANY EXPENSE INCURRED BY THE TOWN CAN BE REIMBURSED** will be deducted from the refund. Applications originated by the Town shall be exempt from the application fee.

- C. Applications and supporting documents shall be submitted in twelve (12 copies) **WHY WAS THIS REDUCED – THE CURRENT (15) WAS ADEQUATE** to the Zoning Administrator who shall receive the application and conduct a review and research of the application and documents. The Plan Commission and/or Zoning Administrator may require the applicant to submit other pertinent data and information necessary to properly evaluate the request. **THE TPC HAS NOT YET RECEIVED A COPY OF THE APPLICATION – HOW DO THEY KNOW TO REQUIRE MORE DATA?** Within thirty (30) days the Zoning Administrator shall make a preliminary inspection of the property to confirm the accuracy of the application and identify potential issues or considerations. Within ten (10) days after the completion of the review, the Zoning Administrator shall transmit the application and materials **DEFINE HERE WHAT ‘MATERIALS’ ARE REQUIRED. THE ZONING BOARD HANDBOOK SPECIFIC to the Town Plan Commission for its review and consideration.**
- D. The Town Plan Commission shall establish a date for a public hearing on the application to be held within thirty (30) days of receipt of the completed application and related documents. **BEFORE ESTABLISHING A DATE FOR A PH, AT A REGULAR TPC MEETING THE TPC REVIEWS THE APPLICATION AND THE ZA ‘S REVIEW AND RESEARCH. THE TPC SHOULD VISIT THE SITE PRIOR TO THIS MEETING TO KNOW IF THEY FEEL ANY ADDITIONAL INFORMATION WILL BE REQUIRED FROM THE APPLICANT PRIOR TO SCHEDULING A PH. ONCE THE PH IS HELD, ABSOLUTELY NO ADDITIONAL OR NEW INFORMATION IS ALLOWED FOR TPC CONSIDERATION WITHOUT AN ADDITIONAL PH.** Class 2 notice shall be given prior to such hearing. **GIVEN BY WHOM? MINISTERIAL DUTY.** Notice of the public hearing shall be mailed to all owners of record of lots or parcels within 300 feet of the property, except may be extended or expanded otherwise at the discretion of the Town Plan Commission. **MAILED BY WHOM?? MINISTERIAL DUTY.** If the property is within 1,000 feet from Lake Superior, the Wisconsin Department of Natural Resources and Ashland County Zoning Administrator shall be mailed notice. **WHO IS MAILING THE NOTICE?? IS ELECTRONIC MAIL ACCEPTABLE OR IS THIS VIA 1ST CLASS**

MAIL? MINISTERIAL DUTY. ASHLAND COUNTY WILL BE NOTIFIED IF THE PROPERTY IS WITHIN 300 FEET OF ANY NAVIGABLE WATER OR WATERWAY. THE DNR AND ARMY CORPS OF ENGINEERS WILL BE CONTACTED IF THE PROPERTY IS FURTHER THAN 1000 FEET FROM THE LAKE AND 300 FEET FROM ANY NAVIGABLE WATER IF WETLANDS APPEAR TO BE A CONSIDERATION IN USE/DEVELOPMENT UPON INITIAL SITE INSPECTION BY THE ZA.

- E. *All members of the Town Plan Commission shall personally inspect the proposed sit ebefore the Public Hearing on the matter. SHOULD BE DONE WHEN THE TPC RECEIVES THE APPLICATION BEFORE SETTING THE PH TO BE SURE THEY DO NOT FEEL MORE INFORMATION IS NECESSARY TO EVALUATE THE USE AND ITS COMPATIBILITY WITH SURROUNDING LAND/USES.*
- F. *Unless the applicant waves the right to timely action in writing, within ten (10) days of the public hearing A SPECIAL MEETING JUST FOR THIS PERMIT APPLICATION? THE APPLICATION CAN BE REVIEWED AT THE NEXT REGULARLY SCHEDULED TPC MEETING. TPC MEMBERS ARE GOING TO HAVE TO UNDERSTAND AND COMPLY WITH THE RULES OF EXPARTE COMMUNICATION, the Town Plan Commission shall meet to consider the application and make a recommendation to the Town Board of Supervisors. THERE IS NO REASON THIS CANNOT STAY AT 30 DAYS AS IT DOES IN THE CURRENT ORDINANCE. OFTENTIMES IT HAS TAKEN 2 MEETINGS TO WEIGH PUBLIC INPUT AND MAKE A RECOMMENDATION The recommendation shall be in the form of a motion approved by a majority of the Town Plan Commission members. REDUNDANT. THE TPC OPERATES BY ROBERT'S RULES AS LISTED IN THEIR BYLAWS. If the recommendation is for approval, the motion shall include any terms or conditions recommended to be included in the Conditional Use Permit. These conditions may address the site plan timetable of development operation of the proposed use, surety requirements for the performance of required activities, , or other considerations relevant to applicable standards. NONE OF THESE WERE REQUIRED IN THE APPLICATION PROCESS BUT ABSOLUELY SHOULD BE PART OF THE APPLICATION FOR PROPER EVALUATION OF SITE SUITABILITY AND CAPATIBILITY WITH NEIGHBORING LAND USES. THE CUP MAY ALSO BE DENIED IF NO CONDITIONS COULD MAKE THE PROPOSED USE MEET THE REQUIREMENTS OF THIS SECTION. PLEASE INCLUDE THIS OPTION. The decision of the Plan Commission shall be recorded in the minutes REDUNDANT. SEE SECTION 13.4 "MINUTES SHALL BE KEPT SHOWING ALL ACTIONS TAKEN AND SHALL BE PUBLIC RECORD. THE*

“GROUNDS FOR EVERY DECISION SHALL BE STATED” and shall contain a written statement of reasons specifically related to the standards of this chapter or of documents related to this chapter by each Plan Commission Member voting on the matter. ANY TPC MEMBER VOTING ON THE APPLICATION WHO IS ALSO A TB MEMBER MAY NOT VOTE ON THE APPLICATION TWICE. LEAGUE OF WI MUNICIPALITIES: “A GOVERNING BODY MEMBER WHO SERVES ON THE PLAN COMMISSION IS DISQUALIFIED FROM PARTICIPATING IN A QUASI-JUDICIAL ZONING DECISION THAT COMES BEFORE THE GOVERNING BODY IF THE MEMBER VOTED ON THE MATTER WHEN IT WAS BEFORE THE PLAN COMMISSION.

- G. *Within five (5) days of a motion taking action on an application, the Commission shall notify the applicant, IS IT THE RECOMMENDATION OF THE COMMISSION NOT TO FOLLOW ATTORNEY FAUERBACH’S ADVISE TO HAVE THE ZA PERFORM MINESTERIAL DUTIES? all owners of record OWNERS OF WHAT?, and the Town Board of Supervisors of the recommendation and conditions included therein and shall post the recommendation at the designated Town posting sites. WHO IS POSTING? AGAIN, MINESTERIAL DUTIES The complete file shall be forwarded to the Town Board of Supervisors. BY WHOM? DO YOU MEAN THE ORIGINAL FILE? THE CUSTODIAN COULD NOT DO THAT. A CONDITIONAL USE PERMIT APPLICATION AND CORRESPONDING MATERIAL IS A ZONING RECORD. DO YOU MEAN THE FILE IS COPIED TO EACH MEMBER OF THE TB?*
- H. *Within ten (10) days of notification, the Town Board of Supervisors shall act on the recommendation of the Town Plan Commission. ANOTHER SPECIAL MEETING? TEN DAYS IS ENTIRELY TOO LITTLE. THE TB NEEDS TIME TO REVIEW THE ENTIRE FILE – INFORMATION THAT TOOK THE TPC OVER A MONTH TO COMPILE – PERFORM A SITE INSPECTION AND REVIEW THE CONDITIONS/RECOMMENDATION/PUBLIC COMMENT. After review of the application, recommendation and complete file, the Town Board will consider the recommendation under the standards established in this chapter and may approve, approve with modification, or deny the recommendation of the Town Plan Commission. NO TOWN BOARD MEMBER HAVING ALREADY VOTED ON THE APPLICATION AS A TPC MEMBER MAY VOTE AGAIN. LEAGUE OF WI MUNICIPALITIES; “A GOVERNING BODY MEMBER WHO SERVES ON THE PLAN COMMISSION IS DISQUALIFIED IN FROM PARTICIPATING IN AQUASI-JUDICIAL DECISION THAT COMES BEFORE THE GOVERNING BODY IF THE MEMBER VOTED ON THE MATTER WHEN IT WAS BEFORE THE PLAN*

COMMISSION.”QUASI-JUDICIAL DECISIONS REQUIRE IMPRTIAL DECISION MAKER.

The decision the Town Board shall be recorded in the minutes and shall contain a written statement of reasons specifically related to the standards of this chapter or related to this chapter by each Town Board member voting on the matter.

- I. *Within five (5) days of the decision of the Town Board, the Town Clerk shall notify the applicant, objectors of record and owners of record of lots or parcels within 300 feet of the decision and conditions therein and shall post the decision at the designated Town posting sites. If approved by the Town Board, the Town Clerk shall prepare a legal document stating all terms and conditions approved by the Town Board to be signed by the applicant, the Town Board Chairman, and the Town Clerk. After forty-five (45) days the Town Clerk shall then cause the document to be filed in relationship to the property at the Ashland County Register of Deeds and all conditions shall be binding upon the property as if they were specific terms of this ordinance.*

RECORDING A REVOKABLE PERMIT AT THE REGISTRAR OF DEEDS IS NOT A GOOD IDEA. WHO IS IN CHARGE OF UN-RECORDINAG IT IF THE PERMIT IS REVOKED? WHY IS THE CLERK PERFORMING LAND-OWNER REQUIREMENTS? IT COSTS \$11.00 TO RECORD A DOCUMENT AT THE REGISTER OF DEEDS. IS THE TOWN PAYING THAT FEE FOR THE APPLICANT AS WELL? AT NO OTHER TIME (CSMS, SANITARY, PERMANENT PROPERTY CHANGES ETC) DOES THE TOWN RECORD ANYTHING FOR THE APPLICANT IN REGARD TO THEIR DEED. I CALLED THE REGISTER OF DEEDS OFFICE AND THEY DO NOT RECORD CUPS ON PROPERTIES – NOT THAT SHE COULD EVER REMEMBER ANYWAY.

- J. *Where an approved conditional use contemplates construction or erection of buildings and structures, failure to substantially commence construction* **AMBIGUOUS. WHAT IS THE DEFINITION OF SUBSTATIALLY COMMENCE CONSTRUCTION?** *within twelve (12) months after approval of a conditional use shall render the approval void unless otherwise noted. Upon timely application* **WHAT IS TIMELY APPLICATION? IS THIS AN APPLICATION FORM ALSO APPROVED BY THE TPC?** *and for good cause* **AMBIGUOUS. WHAT IS THE DEFINITION OF GOOD CAUSE AND WHAT IS THE DUE PROCESS FOR DETERMINING GOOD CAUSE? the Plan Commission may grant a specified extension. I DO NOT AGREE WITH AN EXTENSION. A CUP IS A PRIVELGE NOT A RIGHT AND A DEVELOPER SHOULD HAVE TAKEN PRECAUTIONS PRIOR TO APPLYING. EXTENSIONS ARE A LAND USE MATTER COVERED BY THE LAND USE PERMIT PROCESS.**

- K. *Where a conditional use is discontinued for thirty six (36) consecutive*

months, the conditional use permit shall be rendered void and any future use shall conform to this Ordinance. **NOTICE AND HEARING ARE REQUIRED TO REVOKE A CONDITIONAL USE PERMIT PER ZONING BOARD HANDBOOK.** Upon timely application and for good cause, the Plan Commission may grant a specified extension. **THIS IS A SPECIAL EXCEPTION TO A SPECIAL EXCEPTION PERMIT. GOOD CAUSE IS VAGUE AND UNDEFINED. IS THERE AN APPLICATION FORM? DOES THE TPC APPROVE THE APPLICATION FORM? IS THERE A FEE?**

- L. Any person owning land within on half mile, any member of the Town Board of Supervisors or any Town Plan Commission Member may file a signed complaint of violation of terms and conditions of a CUP. **CONTRADICTORY TO 8.5 OF THIS ORDINANCE. THE ZA DOES NOT HAVE THIS RIGHT EVEN THOUGH THE POSITION IS AN ENFORCEMENT AGENT?** Upon receipt of a reasonable complaint, **THIS CIRCUMVENTS DUE PROCESS. WHO DETERMINES IF THE COMPLAINT IS "REASONABLE" WITHOUT TESTIMONY FROM BOTH PARTIES??** the Town Plan Commission shall evaluate possible violations of the terms and conditions of a CUP **AFTER A PUBLIC HEARING** and may **SHALL** hold a public hearing on the matter after notice by means of a Class 1 notice. The Plan Commission may **SHALL** make a recommendation to the Town Board to suspend or revoke the CUP for cause. **DEFINE CAUSE. THEY MIGHT ALSO RECOMMEND TO NOT SUSPEND OR REVOKE THE CUP. The Town Board shall, within ten (10) days ANOTHER SPECIAL MEETING?** review the recommendation and act to approve, approve with modification, or reject the recommendation.
- M. A conditional Use application which has been denied by the Town Board shall not be accepted for re-submittal within six (6) months from the date of the denial, unless there has been a significant change in the proposal or relevant conditions as determined by the Town Plan Commission. **THIS IS A COMPLETELY NEW APPLICATION - WHY IS IT NOT FOLLOWING THE SAME PROCEDURE AS A NEW PERMIT APPLICATION? DOES THE ZA REVIEW THE APPLICATION/SITE INSPECT ETC BEFORE SENDING IT TO THE TPC AS WITH A NEW APPLICATION?**
- N. A decision by the Town Board in granting, denying, or revoking a conditional use may be appealed to the Zoning Board of Appeals. **THIS IS ILLEGAL. THE BOA MAY NOT OVER-RULE THE GOVERNING BODY AS PROVED BY CASE LAW IN THE TOWN OF LA POINTE. SEE ALSO ZONING BOARD HANDBOOK. IF A GOVERNING BODY MAKES THE FINAL DECISION, THE ONLY APPEAL IS JUDICIARY. IF THE PLAN COMMISSION MAKES THE FINAL DECISION THE BOA MAY HEAR THE APPEAL. THEREAFTER IT IS A JUICIAL REVIEW.** Application

for such appeal shall be signed by the applicant or by persons who have protest rights under 62.23(7), **SORRY ABOUT TRANSCRIBING THIS STATUTE INCORRECTLY PREVIOUSLY** Wis. Stats., were by the matter one of rezoning, or by any Town Board Member. Not with standing **NOTWITHSTANDING IS ALL ONE WORD** any other provisions of this ordinance, an appeal of a decision regarding a conditional use by the Town Board shall be filed within fifteen (15) days of the date of the Town Board action **HARDSHIP. THE APPLICANT/OBJECTORS DID NOT NEED TO BE NOTIFIED OF THE DECISION UNTIL 5 DAYS AFTER THE DECISION. THIS LEAVES THEM ONLY 10 DAYS TO GET ALL THE LEGAL DOCUMENTS/PAPERWORK/FEEES TOGETHER. IF THEY HAVE TO REQUEST DOCUMENTS FROM THE TOWN RECORDS CUSTODIAN(S), THEY MAY NOT BE SUPPLIED FOR 10 DAYS ACCORDING TO OPEN RECORDS LAW LEAVING NO TIME LEFT TO OBJECT TO THE DECISION.** The application for appeal fee, as established by the Town Board in the Town Fee Schedule **IT IS CALLED THE "SCHEDULE OF FEES FOR ZONING PERMITS", shall be paid by the applicant for appeal SINCE THE TOWN BOARD HAS THE RIGHT TO APPEAL -- IF A TOWN BOARD MEMBER APPEALS IS THE TOWN PAYING THE APPEAL FEE OR IS IT WAVED OR DOES THE INDIVIDUAL PAY? DIDN'T THE TOWN BOARD ALREADY HAVE THEIR RIGHT TO VOTE ON THE APPLICATION?** the time of filing. Upon such filing, the entire Plan Commission and Town Board file **THE ORIGINAL FILES WILL NOT BE SENT ON.** along with reproduced copies of the minutes of the Town Plan Commission and Town Board shall be transmitted by the Town Clerk to the Chair of the Zoning Board of Appeals who shall call a meeting of the Board. The Board of Appeals shall deal with the matter with or without a public hearing, at its discretion. **I UNDERSTAND THIS IS LANGUAGE SUGGESTED BY GENERAL CODE, BUT IT SOUNDS TURSE. BOA IS REQUIRED TO HAVE A PH TO 'DEAL WITH' THE MATTER . THEIR REQUIREMENTS TO HEAR AN APPEAL IS IN SECTION 10 AND SHOULD SIMPLY BE REFERRED TO HERE.** In making its determination, the Board of Appeals shall be guided and controlled by this Section and may either affirm or reverse the action of the Town Board for cause **DEFINE CAUSE - AMBIGUOUS. DELETE.**

3. Zone and Map Changes

- A. Application
- B. Screening by Administrator. If subject property is within 1,000 ft of Lake Superior then the WIS-DNR and the Ashland County Zoning Administrator

shall receive a notice.

- C. Review by Town Plan Commission.
- D. Public Hearing - Class 2 notice
- E. Mail a notice of the Town Plan Commission's decision to the applicant and all objectors of record.
- F. Town Plan Commission shall refer its decision to the Town Board for action. If the application is approved by the Town Board, certification is sent to the Ashland County Board and the Ashland County Zoning Administrator.
- G. Issuance of Zone or Map Change within ten (10) days. Once Zone and Map Change is approved by Ashland County and the final draft resolution is posted and published, the change shall be issued within ten (10) days.

8.5 ENFORCEMENT

A. The Town Zoning Administrator and any other official designated by the Town Board shall have the power and authority to enforce all provisions of this Ordinance on behalf of the Town.

B. The Town Zoning Administrator and any other official designated by the Town Board shall have the power and authority to, on behalf of the Town, issue citations and/or complaints **IN CONFLICT WITH NEW CUP PROCESS WHICH DOES NOT INCLUDE ZA AS HAVING THE AUTHORITY TO FILE A COMPLAINT ON A CUP** charging any person with violating any provision of this Ordinance which he or she reasonably believes such person to have violated.

8.6 WRITTEN ORDERS

A. The Town Zoning Administrator and any other official designated by the Town Board shall have the power and authority to, on behalf of the Town, issue a written Order to any person, requiring such person to do an act or to cease from doing an act so as to comply with this Ordinance.

B. A person, upon receipt of such a lawful written order shall comply with such written order, as soon as is reasonably possible under the circumstances then existing. It shall be rebuttably presumed that such written order can be complied with immediately.

C. A person, who upon receipt of such a lawful written order fails to comply with the same as soon as is reasonably possible under the circumstances then existing shall be guilty of violating this Section of this Ordinance. The violation of such a lawful written order in and of itself shall constitute a separate violation of this Ordinance and the violation is subject to the penalty set out in this Ordinance whether or not such person is convicted of any other violation of this Ordinance. In the event such a written order was mailed, such order shall be rebuttably presumed to have been received by the person to whom it was addressed upon evidence being presented that the same was mailed by certified mail via the U.S. Postal Service.

8.7 VIOLATION

Any person found to have violated any provision of this Ordinance shall, upon conviction, be subject to a forfeiture of up to \$500.00 plus court costs plus any fees and assessments applicable. Each day a violation exists or continues shall constitute a separate offense. In addition to such forfeiture, a violator may also be required to reimburse the Town for the costs of prosecution, including reasonable attorney fees. A person who fails to pay any forfeitures, costs and assessments imposed by the Court, shall, upon being found in contempt of Court, be subject to imprisonment for not to exceed thirty (30) days.

8.8 NUISANCE

A violation of any provision of this Ordinance shall constitute a nuisance which the violator may be required to abate. Injunctive relief may be ordered to terminate or prevent a violation of any provision of this Ordinance. There shall be a rebuttable presumption that any violation of this Ordinance causes irreparable harm to the public. A violator of any provision of this Ordinance may be required to pay for restitution performed by another due to the violator's failure to make restitution.

8.9 UNLAWFUL BUILDING OR STRUCTURE

Any building or structure erected, constructed or reconstructed in violation of any provision of this Ordinance shall be deemed an unlawful structure and the Town Zoning Administrator or any other official designated by the Town Board or by the Town Plan Commission may bring action to enjoin such erection, construction or reconstruction, or cause such structure to be vacated or removed. It shall be unlawful to erect, construct or reconstruct any building or structure in violation of any provision of this Ordinance, and any person violating any such provision shall be subject to the penalty set forth in this Ordinance for a violation of this Ordinance. Each and every day during which said illegal erection, construction or reconstruction continues shall be deemed a separate offense. In case any building or structure is or is proposed to be erected, constructed or reconstructed, or any land is proposed to be used in violation of any provision of this Ordinance, the Town Zoning Administrator, or any other official designated by the Town Board or by the Town Plan Commission or any neighboring property owner who would be specially damaged by such violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or other appropriate action or proceedings to prevent or enjoin or abate or remove such unlawful erection, construction or reconstruction.

SECTION 9.0 NONCONFORMING USES

9.1 The lawful use of a building, structure, or property existing at the time this Ordinance or an amendment to this Ordinance takes effect, which is not in conformity with the provisions of this Ordinance, including the routine maintenance of such building or structure, may be continued subject to the following conditions:

1. If such use is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to this Ordinance.
2. The maintenance and repair of nonconforming boathouses that extend beyond the ordinary high water mark of any navigable waters shall comply with the requirements of the Wisconsin Statutes.
3. The continuance of the nonconforming use of a temporary structure may be prohibited.
4. Uses which are nuisances shall not be permitted to continue as nonconforming uses.
5. Nonconforming principal structures less than 40 feet from the ordinary high water mark are permitted ordinary maintenance and repair. Such structures may be improved internally provided:
 1. Internal improvement is confined to the building envelope (i.e., no new basements, additional stories, lateral expansion or accessory construction outside of the perimeter of existing enclosed dwelling space are permitted but replacement of windows, doors, roofing, siding and upgrading of the insulation of a structure are permitted);
 2. The property owner implements a plan approved by the County Land Conservationist which restores the Shoreland cover buffer zone.
6. A nonconforming principal structure located between 40 and 75 feet from the ordinary high water mark which includes at least 500 square feet (footprint) of enclosed area may be expanded providing:
 1. The addition does not exceed 50 percent of the existing footprint or 2000 square feet of total enclosed area;
 2. All expansion is no closer to the water than the landward façade of the existing principal structure (placement of standard or walkout basements under existing structures is prohibited);
 3. Existing nonconforming accessory structures are removed from the property excluding legally erected boathouses and structures covered under the applicable section of the Ashland County Shoreline Amendatory Ordinance; and
 4. The property owner implements a plan approved by the County Land Conservationist which restores the shoreline cover buffer zone.
7. All inland nonconforming structures may be expanded in the form of an addition. The addition shall meet required setbacks.

Amended March 28 2007

SECTION 10.0 ZONING BOARD OF APPEALS

10.1 COMPOSITION

A Zoning Board of Appeals is hereby created. Such board shall be appointed and have such powers in accordance with the provisions of Sections 59.69 and 62.23 of Wisconsin Statutes. The Zoning Board of Appeals will meet to consider certain appeals and variances. The Zoning Board of Appeals shall consist of 5 members appointed by the Town Board and shall serve terms of 3 years, except that of those first appointed, one shall serve for one year, 2 for 2 years, and 2 for 3 years. The members of the Zoning Board of Appeals shall serve at the pleasure of the Town Board, shall be given such compensation as to be fixed by the Town Board, and shall be removable by the Town Board for cause upon written charges and after a public hearing. The Town Board shall designate one of the members as chairperson. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.

10.2 RULES

1. Call for Meetings

The Zoning Board of Appeals shall meet at the call of the chairperson, and at such other times as the Zoning Board of Appeals may determine, at a fixed time and place.

2. Meetings

All meetings of the Zoning Board of Appeals shall be open to the public.

3. Public Hearing Location

Any public hearing which the Zoning Board of Appeals is required to hold shall be held in the Town Hall or other place as convenient as may be to the location or locations to be considered at such public hearing, and a full description of the location of such place of hearing by name, address, or other commonly known means of identification, shall be included in the notice given of such hearing.

4. Notification of Public Hearing

Notice of any public hearing which the Zoning Board of Appeals is required to hold under the terms of this ordinance shall specify the date, time and place of hearing, and the matter to come before the Zoning Board of Appeals at such hearing, and such notice shall be given in each of the following ways;

- A. By publication in the official newspaper of the Town, at least twice, in two separate weeks, not less than seven days prior to the date of the hearing (class 2 notice).
- B. By posting, not less than seven days prior to the date of such hearing, in each of the public places in which official notices are usually published.

5. Notice of Hearing.

Notice of the time and place of such public hearing shall be published at least twice in a newspaper of general circulation in the Town and also by mailing

notice thereof to the parties in interest, said publication and mailing to be made at least 10 days prior to the date of hearing (class 2). The Board shall thereafter reach its decision within 60 days from the filing of the completed application.

6. Minutes

The Zoning Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. Facts of finding shall be included on the record for each decision. The Zoning Board of Appeals shall keep records of its examinations and other official actions, all of which shall be public record.

7. Performance of Duties

The Chairperson, or in his/her absence, the acting chairperson may administer oaths and compel the attendance of witnesses.

8. Effectuation

The Zoning Board of Appeals may adopt such rules as are necessary to carry into effect the regulations of the Town Board, the Town Zoning Ordinance, and applicable Wisconsin Statutes.

9. Certiorari

In the case of all appeals the Zoning Board of Appeals shall call upon the Town Plan Commission for all information pertinent to the decision appealed from.

10. Application for Appeals

Any person aggrieved or any officer, department, board or commission of the Town affected by any decision of the Town Zoning Administrator or the Town Plan Commission under this Ordinance may appeal to the Zoning Board of Appeals by filing a notice of appeal with the Zoning Administrator, Town Clerk, Administrative Assistant or Clerical Assistant and with the Zoning Board of Appeals specifying the grounds of appeal within 30 days after the decision or action complained of. **IN CONFLICT WITH TPC REVISION OF 8.4.2 CUP PROCESS** The 30-day period will start to run on the day that the decision is mailed by first class mail to the applicant or permit holder. The applicant will be responsible for keeping the Town advised of a current mailing address. Mailing to the address where the property tax bills are sent for the property will be considered adequate notice. The Zoning Board of Appeals, after a public hearing, may determine and vary the regulations of this Ordinance in harmony with their general purposes and intent, only in the specific instances hereinafter set forth, where the Zoning Board of Appeals makes findings of fact in accordance with the standards hereinafter prescribed and further, finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance.

This section shall not apply to Conditional Use Permits or to the Section 15 Permit Complaint process . Decisions of the Town Plan Commission with regard

to Conditional Use Permits and Section 15 Permit Complaints **SEC 15 PROPOSED TO BE DELETED** shall be appealable only to the Town Board, which shall act as a Zoning Board of Appeals in Conditional Use Permits and Section 15 Permit Complaints **CONFLICT**. See: Section 8.4(2)(H) and Section 15.

11. Application for Variance

An application for a variance shall be filed in writing with the Zoning Administrator, Town Clerk, Administrative Assistant or Clerical Assistant. The application shall contain such information as the Zoning Board of Appeals may, by rule, require. Notice of hearing for a variance shall be sent to the Wisconsin Department of Natural Resources and the Ashland County Zoning Administrator if the property involved is within 1000 feet of the lake. The Chairperson of the Zoning Board of Appeals shall screen the application and if supporting documentation is required may request same from proper custodian of the appropriate files.

12. Standards for Variances

A variance is a relaxation of a dimensional standard in land use regulations (e.g., area, height, setback, etc.). The variance procedure allows land use regulations to be adapted to unique properties. It preserves private property rights while still protecting the public interest.

There are two types of variances: use variances and area variances. A use variance regulates the way in which land in a zoning classification is used. A use variance may not be granted unless the landowner can show that without the variance they would have no reasonable use of their property.

An area variance involves an increment of relief (normally small) from a physical dimension restriction such as setbacks, frontage, height, bulk or density regulations.

A landowner may not obtain an area variance unless they can demonstrate that an unnecessary hardship exists. "Unnecessary hardship" is best explained as whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, or density would unreasonably prevent the owner from using the property for a permitted purpose or render conformity with such restrictions unnecessarily burdensome.

In determining whether the unnecessary hardship burden is met in individual cases, the Board of Zoning Appeals should consider the facts of the case related to the following:

- a. The purpose of the zoning restriction in question.
- b. Its effect on the property.
- c. The effect of the variance on the neighborhood.'
- d. The larger public interest.

Variations are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden. They are not intended as an accommodation for a property owner's convenience. The Zoning Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this Section.

Amended: March 20, 2006

The above standards for variations are based upon Wisconsin case law standards at the time of this particular amendment to the Zoning Ordinance. In the event that the case law has some significant change at a later date the Board of Appeals is authorized to apply the current appropriate legal standard if it differs from the above standards for variations.

Amended: November 6, 2007

13. Authorized Variations

Variations from the regulation of this Ordinance shall be granted by the Zoning Board of Appeals only in accordance with the standards established in the Section and may be granted only in the following instances and in no others:

(a.) To permit the use of a lot for a use otherwise prohibited solely because of the insufficient area or width of the lot, but in no event shall the respective area or width of the lot be less than 75 percent of the requirement;

(b.) To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;

(c.) To reduce the applicable off-street parking or loading facilities required by not more than one parking space or loading facilities required by not more than one parking space or loading space, or 20 percent of the applicable regulations, whichever number is greater;

(d.) To increase by not more than 25 percent the maximum distance that required parking spaces are permitted to be located from the use served.

(e.) Variations may also be granted in accordance with the standards set forth in Sec. 12 "Standards for Variations" above.

Amended: March 20, 2006

14. Decision.

(a.) All members of the Zoning Board of Appeals shall personally inspect the proposed site before voting on the application.

Amended November 6, 2007

(b.) The written decision of the Zoning Board of Appeals should state the questions before the Zoning Board of Appeals and cite the applicable standards for deciding such questions such as local ordinances, State Administrative Rules, Statutes or Judicial decisions. The decision should recount the facts which establish that applicable standards were or were not met. The Zoning Board of Appeals should direct the authority requested to issue or withhold the permit. The decision document often contains this information under subheadings titled "Findings of Fact, Conclusions of Law, Determination and Order." A notice of appeal rights and effective date of the order must also be contained to implement the decision.

(c.) A quorum of the Board of Appeals shall be three members. If a quorum is present, a majority of those present shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance. The grounds of every such determination shall be stated

Amended November 6, 2007

(d.) Costs shall not be allowed against the Zoning Board of Appeals unless it shall appear to the court that the Board acted with gross negligence or in bad faith, or with malice, in making the decision brought up for review.

(e.) The Town Board may establish reasonable fees for the filing of an appeal to the Zoning Board of Appeals.

SECTION 11.0 AMENDMENTS

11.1 PROCEDURE

The Town Board may amend this Ordinance in accordance with the procedures prescribed by Wisconsin Statutes, Section 60.62, and any other applicable sections.

SECTION 12.0 PUBLIC HEARINGS

12.1 NOTICE

Adequate notice shall be given of any public hearing required by the provisions of this Ordinance, stating the time and place of such hearing and the purpose for which it is being held.

1. Posting and Publishing

- A. Notice of public hearings shall be given as per Wisconsin Statutes, Sections 60.61(4)(c), 60.62 and 985.07(2).
- B. In addition, when the hearing involves a proposed change in the zoning district classification of any property, or the granting of a conditional use, a copy of the notice shall be posted in the vicinity of the proposed change or conditional use where practical and notice of the public hearing shall be mailed by first class mail to the owners of all lands within 300 feet of any part of the land included in such proposed change or conditional use at least 10 days before such public hearing. The failure of such notice to reach any property owner shall not invalidate any amending ordinance or grant of a conditional permit.

SECTION 13.0 TOWN PLAN COMMISSION

13.1 ESTABLISHMENT

There is hereby established a Town Plan Commission for the Town of La Pointe, Ashland County, Wisconsin for the purpose of promoting compatible development, esthetics, stability of property values and to prevent impairment of depreciation of existing developments **PLEASE NOTE THIS SECTION**

The authority to establish the Town Plan Commission is found in Wisconsin Statutes, Section 60.62.

13.2 COMPLIANCE

No structure shall hereafter be erected, moved, reconstructed, extended, enlarged, or have its exterior altered or changed without the Commission's approval. Small accessory structures may be exempt at the direction of the Town Plan Commission.

13.3 MEMBERSHIP

The Town Plan Commission shall consist of seven (7) residents of the Town appointed by the Town Board. Terms shall be staggered for three-year periods. A Chairperson shall be elected by the seated members of the Town Plan Commission.

Official Oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within ten (10) days of receiving notice of their appointments.

Vacancies shall be filled for the unexpired term in the same manner as appointments for the full term.

Amended: August 20, 2005

13.4 ORGANIZATION

The Town Plan Commission shall organize and adopt rules for its own government in accordance with the provisions of this Section.

Meetings shall be held at the call of the chairperson or when requested by the Zoning Administrator and shall be open to the public.

Minutes shall be kept showing all actions taken and shall be a public record. The grounds for every decision shall be stated. **REVISED CUP SECTION REDUNDANT WITH THIS**

Quorum shall be four (4) members, and all actions shall require the concurring vote of at least a majority of the voting members. **REVISED CUP SECTION REDUNDANT WITH THIS.**

Amended: August 20, 2005

13.5 POWERS

The Town Plan Commission shall have the following powers:

Hear and decide applications for all land use permits.

Hear and make recommendations to the Town Board on Conditional Use Permits and Zoning Map Changes.

Interpret this Ordinance and all other ordinances under the jurisdiction of this Commission.

Approve, deny, or conditionally approve the application and may request such modifications as they may deem necessary to carry out the purpose of this Section.

The Town Plan Commission may request assistance from other municipal officers, departments, boards, commissions, county, state and regional authorities. Request applicant to furnish additional information.

13.6 APPLICATIONS

Applications for approval shall be made to the Zoning Administrator and shall be accompanied by the Zoning Permit application required under Section 8.4 and, in addition, shall be accompanied by plans showing the exterior elevations of the existing and proposed floor structure, description of the proposed materials, proposed floor grades, and a list of the names and addresses of the parties in interest. The Commission may require the applicant to submit other pertinent data and information necessary to evaluate the request. **THIS WILL INCLUDE CUP APPLICATIONS – THIS CONFLICTS WITH TPC PROPOSAL FOR SECTION 8.4.2**

13.7 HEARINGS

The Town Plan Commission shall schedule, by class 2 notice, a reasonable time and place for the hearing and cause notice to be mailed by first class mail to the parties in interest at least ten (10) days prior to the hearing. An affidavit of mailing consisting of all the parties in interest receiving notices shall be filed. The applicant may appear in person, by agent, or by attorney. In cases where shorelands are involved, a copy of the notice shall be sent to the Wisconsin Department of Natural Resources and the Ashland County Zoning Administrator.

13.8 FINDINGS

The Town Plan Commission shall not approve an application unless it finds by evidence which is clear, satisfactory and convincing, that the facts, circumstances and conditions of the application exist. The Town Plan Commission shall act on all completed applications within thirty (30) days after filing. **INCONSISTENT WITH NEW CUP SECTION 8.4.2**

13.9 APPEALS

Any person or persons aggrieved by any decisions of the Town Plan Commission, other than a Conditional Use Permit, may appeal the decision to the Zoning Board of Appeals. Appeals regarding Conditional Use Permits are made directly to the Town Board. **IN CONFLICT WITH REVISED 8.4.2** Such appeals shall be filed with the Town Clerk, Zoning Administrator, Administrative Assistant or Clerical Assistant within thirty (30) days after the decision is made. **IN CONFLICT WITH REVISED 8.4.2** Where this Zoning Code provides for a decision by the Town Board (as in the case of Conditional Use Permits), the decision of the Town Board shall be final and not reviewable by the Zoning Board of Appeals **IN CONFLICT WITH REVISED 8.4.2**, but only by certiorari in the Circuit Court. Such a request for certiorari review must be requested within 30 days or the right of review will be lost. The 30 days in any certiorari review will begin to run when the decision is mailed to the applicant by first class mail to the address on the application.

SECTION 14.0 VALIDITY

14.1 SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

14.2 COURT INVALIDATION

Invalidation by a court of any part of this Ordinance shall not invalidate the rest of the Ordinance.

14.3 FORCE AND EFFECT

Following passage and posting by the Town Board as provided in Wisconsin Statutes this Ordinance shall be in full force and effect.

SECTION 15.0 PERMIT COMPLAINT PROCESS

~~Land use permits and conditional use permits can be revoked if one or more persons, owning real estate which is located within one half mile of land covered by the permit, file a signed written complaint with the Town Plan Commission or the Town Zoning Administrator setting forth their names and addresses, the name and address of the holder of the permit complained about, and a detailed statement of the reasons for such complaint.~~

~~The Town Plan Commission shall review the complaint and if it is in order shall schedule a public hearing on such complaint within sixty (60) days of its review of the same.~~

I DO NOT UNDERSTAND WHY THIS SECTION IS DELETED. THIS SECTION IS NOT ONLY FOR COMPLAINTS AGAINST A CUP BUT FOR ANY LAND USE PERMIT OR RENTAL OF SINGLE FAMILY DWELLING PERMIT. DO LAND OWNERS NO LONGER HAVE THE RIGHT TO FILE A COMPLAINT? WHAT WILL DUE PROCESS BE IF A COMPLAINT IS SUBMITTED AFTER THIS SECTION IS DELETED? I ABSOLUTELY DO NOT AGREE WITH DELETING THIS SECTION. IT TAKES RIGHTS AWAY FROM LANDOWNERS.

15.1 PROCESS

~~Notice to the public of the public hearing shall be by means of a public Class 1 notice. The persons filing the complaint and the holder of the permit being complained about shall be mailed notice of the public hearing by certified mail or personal service at least ten (10) days in advance of the public hearing.~~

~~The Town Plan Commission shall consider all relevant facts and evidence including those factors set forth in Section 7.1(2).~~

~~After the public hearing on such complaint, the Town Plan Commission shall, by majority vote, make a decision:~~

- ~~—— To continue the permit as it exists;~~
- ~~—— To amend or modify the permit by allowing the permit to continue with conditions deemed appropriate; or~~
- ~~—— To revoke and terminate such permit.~~

~~The decision of the Town Plan Commission is then forwarded to The Town Board who, acting as a Zoning Board of Appeals, may by a majority vote, decide:~~

- ~~To continue the permit as it exists;~~
- ~~To amend or modify the permit by allowing the permit to continue with conditions deemed appropriate; or~~
- ~~To revoke and terminate such permit.~~

15.2 APPEAL

~~The Town Plan Commission decision under this Section is not reviewable by the Zoning Board of Appeals but only by the Town Board, and that body shall act as a Zoning Board of Appeals in cases under Section 15.0. Other than possible certiorari review in Circuit~~

~~Court, there shall be no other review under Section 15.0 cases. The Town Board will not act on the decision of the Town Plan Commission until after the 30 day appeal period in Section 13.9 has expired. If an appeal of the Town Plan Commission decision is filed, the applicant shall be entitled to a public hearing before the Town Board on issues raised by the appeal. If no appeal is filed within the 30 days, the Town Board may act on the decision of the Town Plan Commission without a public hearing.~~

END

MAP CHANGES

April 1994

East 1/2 of the Northeast 1/4 of the Northeast 1/4 and the East 1/2 of the Southeast 1/4 of the Northeast 1/4, all in Section 5, Township 50 North, Range 2 West.

Restrictive Covenant: No parcel of the aforementioned property may be sold unless said lots conform to the size required in the adjacent area. This restrictive covenant shall be incorporated in any and all deeds to 5 acre lots in the aforementioned property. (Warren Anderson)

January 1994

Does hereby approve the Town of La Pointe amending its zoning ordinance and map as requested by Nichevo Ferry Lines, Inc. to rezone the South 1/2 of the Northwest 1/4 of the Northeast 1/4 of Section 27, Township 50 North, Range 3 West in the Town of La Pointe, Ashland County, Wisconsin into two lots of approximately ten acres each. (Nichevo Ferry Lines - Wayne Nelson)

Posted July 5, 1996

From W-1 (20 acres) to W-2 (five acres) lot size for the property described as part of the SW 1/4 SW 1/4 described in Volume 392, page 262, Section 28, Township 50 North, Range 3 West. (Elizabeth Coleman)

Posted March 7, 1996:

>From R-1 to R-3 for the property located in the Southwest Quarter of Southwest Quarter of Section 29, Township 50 R3W, Town of La Pointe, Ashland County, as described in Volume 421 on page 25 and which consists of 1.5 acres. (Marina Point)

Posted July 5, 1996:

From (W-1) 20 acres to (W-2) 5 acres for the property described as the South 229 feet of SW1/4 SW1/4 less east 165 feet and less west 208 feet Volume 309 page 346, Section 28 Township 50 North Range 3 West which consists of 5 acres. (Elgie Roy Perrin)

Posted November 18, 1998

From W-1 to W-2 for that part of the East One-half of the Southwest Quarter (E1/2 SW1/4) of Section Twenty-eight (28) Township Fifty (50) Range Three (3) West, lying south of Highway H, in the Town of La Pointe, Ashland County, Wisconsin, which is land parcel No. 14-179.0100. (John J. Nelson)

Posted May 2, 2000

Establishment of new S-2 District: S-2 Shoreland Protection District. The S-2 District will

contain the land from the center of Big Bay Road to the lake and from the Big Bay Town Park to the Schoolhouse Road. The property is located in Sections 7, 8, 5, 4, and 3 Township 50N R2W. Building Height: 35 ft; Minimum Lot Area: 30,000 sq. ft.; Minimum Lot Width: 200 ft. Sideyard Setback: 50 ft.; Rear: 30 ft measured from r-o-w

Posted July 2, 2001

Zoning District Map amended as follows for a parcel of land located in the NW 1/4 - SE1/4 and SW 1/4 - SE 1/4 of Section 28 T50N R3W in the Town of La Pointe, Ashland County, Wisconsin, lying south of County H as follows: That the existing W-1/W-2 Zoning District line be moved to the south so as to create a W-2 Zoning District Line on the northern border of the southern most 20 acre parcel all located in the southern portion of LP# 14-181.1500. (Former Cowett, WI land)

Posted November 25, 2002

Zoning Map Change: (12) L – Z Light Industrial Zone Town of La Pointe Airport
That the LZ District will contain the land "Commencing at a quarter corner common to Sections 20 and 29; thence along a line common to said Sections 20 and 29 S89° 37'01"E 1335.45 feet to the POINT OF BEGINNING; thence N00° 39'21"E 450.23 feet to an iron rod located on the Southerly right-of-way line County Hwy. "H"; thence along said Southerly right-of-way line N64° 55'00"E 2011.97 feet: thence S89° 03'30"E 63.81 feet; thence S00° 40'30" W 93.91 feet; thence S43° 14'49" W 2772.21 feet; thence N00° 39'21"E 811.16 feet to the POINT OF BEGINNING; containing 1,299,510 square feet, which is 29.83 acres, and is subject to any easements of record."

This district is intended to provide for the orderly grouping of Commercial and Light Industrial businesses on Town owned property which are generally listed as Conditional Uses in the C-1 (Commercial) Zoning District.

ZONING SCHEDULES - DIMENSIONAL REQUIREMENTS								
Zoning District		W-1	W-2	R-1	R-2	R-3	S-1	
Building Height		35	35	35	35	35	35	
Required Lot Area		20 Acres	5 Acres	1 Acre	9,600 ft.	9,600 ft. *	3 Acres	M 30
Minimum Lot Width		660 ft	330 ft	150 ft	80 ft	80 ft	250+	
Yard Requirements:							Inland Lots ++	
	Front	75	60	50	30	20	60	
	Side	75	50	30	10	6	50	
	Rear	75	50	40	25	20	50	(Me from

*Minimum for one-family dwellings; one unit for every 3,000 square feet of lot area is permitted in multifamily dwellings provided the indicated minimum lot area requirements of 9,600 square feet are met.

+These frontage requirements are to be interpreted as average frontages within a given subdivision plat and as minimum frontage where single lots, not part of a subdivision plat are involved.

++ Shoreland lots shall conform to the Ashland County Shoreland Amendatory Ordinance.

PUBLISHED AMENDMENT DATES

SECTION	1.1	FEBRUARY 24, 1995
SECTION	1.1	MARCH 20, 2006
SECTION	2.1 (CSM, Plat Map, Minor Lot Subdivision Subdivision, Primary Residence, Steep Slope Dwelling, Multi-Family)	MARCH / 2000
SECTION	2.1 (Filed, Road Access)	NOVEMBER 25, 2002
SECTION	2.1(4)	MARCH 8, 1996
SECTION	2.1(9)	JANUARY 29, 1994
SECTION	2.1(12)	AUGUST 3, 2000
SECTION	2.1(12)	JANUARY 29, 1994
SECTION	2.1(12)	AUGUST 3, 1999
SECTION	2.1(13)	AUGUST 3, 1999
SECTION	2.1(14) Forest Crops and Products; 2.1(14-38)	DECEMBER 9, 2005
SECTION	2.1(15) Home Occupation deleted	MAY 1, 2004
SECTION	2.1(27) Primary Residence deleted	MAY 1, 2004
SECTION	2.1(19)	JANUARY 10, 1996
SECTION	2.1(23)	JANUARY 29, 1994
SECTION	2.1(24)	AUGUST 3, 2000
SECTION	2.1(25) Parking Space; 2.1(25-39)	MARCH 20, 2006
SECTION	2.1(27)	AUGUST 3, 2000
SECTION	2.1(27) Primary Residence	OCTOBER 29, 2003
SECTION	2.1(29)	JANUARY 29, 1994
SECTION	2.1(30)	JANUARY 29, 1994
SECTION	2.1(31)	JANUARY 29, 1994
SECTION	2.1(32)	JANUARY 29, 1994
SECTION	2.1(33)	MARCH 8, 1996
SECTION	2.2(36) Subdivision	OCTOBER 29, 2003

SECTION	3.1: (1)(B)(4, 5, 6); (2)(B)(12, 13,14), (3)(B)(15,16,17); (4)(B)(7, 8, 9); (5)(B)(4, 5, 6) (6)(B)(3, 4, 5); (7)(B)(11, 12); (8)(B)(2, 3, 4); (9)(B)(1, 2, 3)	JULY 10, 1996
SECTION	3.1.2; 3.1.2(A)(2-7); 3.1.3; 3.1.3(A)(2-7)	DECEMBER 9, 2005
SECTION	3.1: (2)(A)(6, 7); (3)(A)(6, 7); (4)(A)(4, 5); (5)(A)(7, 8); (6)(A)(5, 6); (7)(A)((10, 12); (8)(A)(3, 4); (9)(A)(3, 4)	JANUARY 29, 1994
SECTION	3.1(1)(A)	JANUARY 29, 1994
SECTION	3.1(2)(A)(8); 3.1(3)(A)(8); 3.1(4)(A)(9) 3.1(5)(A)(6); 3.1(6)(A)(9); 3.1(7)(A)(7) 3.1(8)(A)(13); 3.1(8)(A)(5); 3.1(10)(A)(5)	AUGUST 3, 1999
SECTION	3.1(2)(A); 3.1(3)(A); 3.1(4)(A); 3.1(5)(A); 3.1(6)(A); 3.1(7)(A); 3.1(8)(A); 3.1(9)(A) 3.1(10)(A); 3.1(11)(A): Delete Home Occupation	MAY 1, 2004
SECTION	3.1(7)(A)(11)	JUNE 24, 1995
SECTION	3.1(8)(A)(9)	AUGUST 3, 2000
SECTION	3.1 (9), (10), (11)	MAY 2, 2000
SECTION	3.1.9(A)(9); 3.1.9(A)(10-12)	DECEMBER 9, 2005
SECTION	3.1.9(A)(1-12)	MARCH 20, 2006
SECTION	3.1(8)	MAY 2, 2000
SECTION	3.1(B)(4)	MARCH 28, 2007
SECTION	3.2	FEBRUARY 24, 1995
SECTION	3.2(B)(12)	MARCH 28, 2007
SECTION	3.3(B)(12)	MARCH 28, 2007
SECTION	3.4(B)(14)	MARCH 28, 2007
SECTION	3.5	MARCH 28, 2007
SECTION	3.5(B)(7)	MARCH 28, 2007
SECTION	3.6	MARCH 28, 2007
SECTION	3.6(B)(4)	MARCH 28, 2007
SECTION	3.7(B)(3)	MARCH 28, 2007

SECTION	3.8(B)(3)	MARCH 28, 2007
SECTION	3.9(B)(1)	MARCH 28, 2007
SECTION	3.10(B)(2)	MARCH 28, 2007
SECTION	3.11(B)(1)	MARCH 28, 2007
SECTION	4.2(1)(B)	FEBRUARY 24, 1995
SECTION	4.2(2)(A)	MARCH 8, 1996
SECTION	4.2(2)(A)	JULY 2, 2001
SECTION	4.2(2)	MAY 1, 2004
SECTION	4.2(5)(D)	MAY 2, 2000
SECTION	4.2(5)(D)	OCTOBER 29, 2003
SECTION	4.2(6)	FEBRUARY 24, 1995
SECTION	4.2(9)	MAY 2, 2000
SECTION	4.3(1)	OCTOBER 29, 2003
SECTION	4.3(1); 4.3(2); 4.3(2)(A); 4.3(2)(A)(1); 4.3(2)(A)(2)	MARCH 20, 2006
SECTION	4.3(2)	MARCH 8, 1996
SECTION	4.3(2)(B)	AUGUST 3, 1999
SECTION	4.3(2)(B)	JULY 2, 2001
SECTION	4.3(2)(B)(4)	AUGUST 3, 1999
SECTION	4.3(2)(B)(4)(a)	AUGUST 3, 1999
SECTION	4.4(1) (A), (B), (C) & (D)	NOVEMBER 25, 2002
SECTION	4.4(2)(E)	NOVEMBER 25, 2002
SECTION	4.4(4)	MARCH 28, 2007
SECTION	5.2(1)(A) Type 1	OCTOBER 29, 2003
SECTION	5.2(1)(A)	MAY 1, 2004
SECTION	5.2(3)	JULY 10, 1996

SECTION	5.3	JULY 10, 1996
SECTION	5.3Type 1	OCTOBER 29, 2003
SECTION	6.2(5)	MAY 2, 2000
SECTION	6.5(1)	OCTOBER 29, 2003
SECTION	6.8	JANUARY 29, 1994
SECTION	6.8	AUGUST 3, 2000
SECTION	6.9	JANUARY 29, 1994
SECTION	6.9	AUGUST 3, 1999
SECTION	6.9 REPEALED	MAY 1, 2004
SECTION	6.10(1)(2)	MARCH 8, 1996
SECTION	7.1(1) and (5)	NOVEMBER 25, 2002
SECTION	7.1(4)	OCTOBER 29, 2003
SECTION	8.1(2)(C)	JUNE 25, 1994
SECTION	8.1(3)(C)	OCTOBER 29, 2003
SECTION	8.1(3)(C)	NOVEMBER 25, 2002
SECTION	8.1 ALL	MARCH 28, 2007
SECTION	8.3(1)	OCTOBER 29, 2003
SECTION	8.3(2)	OCTOBER 29, 2003
SECTION	8.3(3)	JUNE 24, 1995
SECTION	8.3(3)	MAY 1, 2004
SECTION	8.4(2)	JUNE 25, 1994
SECTION	8.4(2)(A)(E)(H)(I)&(J)	NOVEMBER 25, 2002
SECTION	8.4(D)(E)(F)(G)(H)(I)	OCTOBER 29, 2003
SECTION	8.4(2)(G)	AUGUST 3, 1999
SECTION	8.4(2)(O)	MARCH 28, 2007
SECTION	8.4(3)(B)(F)&(G)	NOVEMBER 25, 2002

SECTION	8.4(3)(E & F)	JULY 10, 1996
SECTION	8.5	JULY 28, 1992
SECTION	8.6	JULY 28, 1992
SECTION	8.7	JULY 28, 1992
SECTION	8.8	JULY 28, 1992
SECTION	8.9	JULY 28, 1992
SECTION	9.0	FEBRUARY 24, 1995
SECTION	9.1(5), 9.1(6) and 9.1(7)	OCTOBER 29, 2003
SECTION	9.1(7)	MARCH 28, 2007
SECTION	10.1	FEBRUARY 24, 1995 & NOVEMBER 25, 2002
SECTION	10.12	MARCH 20, 2006
SECTION	10.13	MARCH 20, 2006
SECTION	10.2(4)(A)	JULY 2, 2001
SECTION	10.2(4)(B)	JULY 2, 2001
SECTION	10.2(5)	JANUARY 27, 2000
SECTION	10.2(5)	NOVEMBER 25, 2002
SECTION	10.2(10)	JULY 2, 2001
SECTION	10.2(10)	JANUARY 27, 2000 & NOVEMBER 25, 2002
SECTION	10.2(11)	JANUARY 27, 2000 & NOVEMBER 25, 2002
SECTION	10.2(12)	JANUARY 27, 2000
SECTION	10.2(12)	NOVEMBER 6, 2007
SECTION	10.2(13)	JANUARY 27, 2000
SECTION	10.2(14)	NOVEMBER 25, 2002
SECTION	10.2(14)(a)	NOVEMBER 6, 2007

SECTION	10.2 (14)(c)	NOVEMBER 6, 2007
SECTION	11.1	FEBRUARY 24, 1995
SECTION	12.1(1)(A)	FEBRUARY 24, 1995
SECTION	12.1(B)	NOVEMBER 25, 2002
SECTION	13.3	SEPTEMBER 5, 1995
SECTION	13.4	NOVEMBER 25, 2002
SECTION	13.7	NOVEMBER 25, 2002
SECTION	13.8	NOVEMBER 25, 2002
SECTION	13.8	OCTOBER 29, 2003
SECTION	13.9	MAY 2, 2000
SECTION	13.9	NOVEMBER 25, 2002
SECTION	15.0	JANUARY 29, 1994
SECTION	15.1	NOVEMBER 25, 2002
DIMENSIONAL TABLE (Transcription Error Correction per TPC 11.15.06 RMM)		NOVEMBER 29, 2006