

**Town of La Pointe Zoning
Town Plan Commission Special Monthly Meeting Minutes
Wednesday, January 06, 2010**

Town Plan Commission (TPC) Members Present: Ted Pallas; Chair, Charles Brummer; Vice-Chair, Larry Whalen (leaves at 5:55), Ron Madich, Greg Thury (arrives at 5:05), Suellen Soucek, Carey Baxter (7)

Town Plan Commission Members Absent: none

Public Present: Paul Brummer

Town Staff Members Present: Jennifer Croonborg; ZA, Margaretta Kusch; ZCA (2)

I. Call to Order/Roll Call

Chair Pallas called the meeting to order at 5:02 PM at the Town Hall. Roll call reflected members present or absent as recorded above.

II. Public Comment

S. Soucek states that she would like to thank all the Commissioners, the Zoning Administrator, and the Zoning Clerical Assistant for all of the work that has gone into the Zoning Ordinance Revision Project.

III. Approval of Previous Meeting Minutes:

a. Town Plan Commission Workshop, December 16, 2009

C. Brummer moves to approve the minutes of the Town Plan Commission Workshop of Wednesday, December 16, 2009 as submitted. G. Thury seconds. All in favor, 6 aye. 1 abstain (Chair Pallas). Motion Carries.

b. Town Plan Commission Regular Monthly Meeting, December 16, 2009

Insert "*The Town Plan Commission agrees to leave the remaining review and revision of Section 2.0 Definitions at this point and instead move to the review and revision of Section 8.4.2 Conditional Uses, as this is one of the sections under moratorium and is a higher priority. Section 2.0 and other sections will be revisited at a later meeting*" on page 3 between Section 2.0 and Section 8.4.2 for clarity as to reason for moving to the latter section.

G. Thury moves to approve as amended the Town Plan Commission Regular Monthly Meeting of Wednesday, December 16, 2009 minutes. S. Soucek seconds. All in favor, 5 aye. 2 abstain (Chair Pallas and R. Madich). Motion Carries.

c. Town Plan Commission Special Meeting, December 30, 2009

On page three, replace "*and*" with "*an.*"
In header and footers, replace "*Special Monthly Meeting*" with "*Special Meeting.*"

C. Brummer moves to approve the Town Plan Commission Special Meeting minutes of Wednesday, December 30, 2009 as amended. S. Soucek seconds. All in favor, 7 aye. Motion Carries.

L. Whalen asks that all submitted documents be dated prominently.

IV. Zoning Administrator's Report

J. Croonborg, ZA states that the Zoning Administrator's Report is due on Tuesday, January 12, 2010. She will be submitting an Annual Report for 2009 on that date as well.

V. Consideration and/or Action of Permit Applications:

None.

VI. Old Business

A. Zoning Ordinance Revision Project

Review and Possibly Revise working draft of tentative Ordinance Revision, Section 1.0 through Section 14.0

J. Croonborg, ZA asks that before going through the entire 1.0-14.0, the Town Plan Commission be sure they have everything together for the Public Hearing regarding the Sections under moratorium: Sections 4.3, 7.0, 8.4.2 and anything they affect elsewhere in the Ordinance.

- Move Section 8.4.2 Administration: Permit Process: Conditional Uses to Section 7.0 Conditional Uses, replacing all the deleted text. This change will avoid unnecessary repetition. Also, change any references to 8.4.2 to 7.0 throughout the Ordinance.

Agreement that the proposed drafts of Sections 4.3, 7.0, and 8.4.2 are ready to be presented to the Town Board and at the Public Hearing.

The following items from elsewhere in the Zoning Ordinance revision draft are also to be presented at the Public Hearing:

- In Section 2.0 Definitions, the new definition for "*Nonconforming Lot of Record: A parcel of land legally created and recorded at the Ashland County Register of Deeds Office prior to the effective date of this Ordinance.*"
- In Section 6.5 Planned Unit Residential Developments, the change of "...*information required under Section 8.0...*" "...*information required under Section 7.0...*"
- In Section 8.1.2 Zoning Administrator Duties, show the new item C, which authorizes the Zoning Administrator to receive Special Exception applications
- In Section 10.2.10 Application for Appeals, show the deletion of the final paragraph and replacement text drafted by Attorney Mike Fauerbach.
- In Section 10.2.13 Authorized Variances, show the deletion of item (a) per Attorney Mike Fauerbach.
- In Section 13.5 Powers, the change from "*Hear and decide applications for all land use permits*" "*Hear and decide applications for land use permits and special exceptions,*" which allows the Town Plan Commission to decide Special Exceptions
- In Section 13.9 Appeals, show replacement, in its entirety, of the text
- The creation of a new Section 15.0 Complaints, using the language of Section 8.4.2 N in its entirety (remove the language from 8.4.2 as well).

C. Brummer moves to approve the changes to the sections in the Ordinance Nonconforming Grandfathered Lots and Conditional Uses and any other sections pertaining to those two sections. G. Thury seconds. All in favor, 7 aye. Motion Carries.

The Town Plan Commission returns to the general review and revision of the Zoning Ordinance at this time.

Section 2.0 Definitions

- Delete the entry for Grade
- In (13) Dwelling, Multifamily, change “*A dwelling or group of dwellings on one plot containing separate living units for two or more families, but no more than three, but which may have joint services or both*” to read “*A dwelling on one plot containing separate living units for two or more families, but no more than four, but which may have joint services or both.*”
- Change “(26) *Land Disturbance Activity*” to read “(20) *Land Disturbing Activity.*”
- In (34) Minor Structure, delete “*and walls.*”
- In (57) Structure, add “*ten feet or less*” to the end of the definition.
- Add definition: “(11) *Commercial Entertainment Facility: A public entertainment facility, including but not limited to theaters, bowling alleys, mini golf, arcades, etc.*”
- In (33) Lot, Width of, add “2” between “*Table*” and “*in Appendix.*”

Section 3.0 Zoning Districts

- In 3.0 Establishment of Districts, delete “(14) *Non-Metallic Mining.*” This deletion will affect future revision of the Comprehensive Plan’s Future Land Use Map.
- In 3.0 Establishment of Districts, add “*Table 1*” before “*...in Appendix.*”
- Add “(28) *Adult-Oriented Entertainment Businesses*” as a permitted use in 3.1.9 C-1 Commercial/Town Center
- In 3.1.2 W-1 Wilderness Preservation District 1, add “14. *Accessory Structure*” to list of Permitted Uses.
- In 3.1.5 B R-2 Residential, Single Family, Medium Density Conditional Uses, change “7. *Recreation Facility*” to “7. *Recreational Facility.*”
- Add the following new districts per the Comprehensive Plan Future Land Use Map:

13. GOVERNMENT AND INSTITUTIONAL DISTRICT

This district includes governmental and institutional uses, some which may occupy a significant land area. Examples include educational facilities, municipal buildings, and hospitals.

A. Permitted Uses

- 1. Accessory Structure*
- 2. Building, Municipal*
- 3. Educational Facility/ School/ Museum*
- 4. Health Care Facility*
- 5. Land Disturbing Activity*
- 6. Materials Recovery Facility*
- 7. Parking Lot*
- 8. Public Utility*
- 9. Public Service Utility*
- 10. Road Access*
- 11. Road/ Driveway Extension*
- 12. Transportation Facility*

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B. Conditional Uses

1. Cemetery
2. Planned Unit Development
3. Wind Generator/ Solar Collector over 35 feet (35') High/ Communications Tower

14. PUBLIC RESOURCE LAND DISTRICT

This district includes those State lands that are currently operated as a park and those parcels that could be used as a State Park in the future. All permitted and conditional uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Zoning Ordinance.

A. Permitted Uses

1. Accessory Structure
2. Agricultural Crops and Products
3. Forest Crops and Products
4. Game Preserve
5. Land Disturbing Activity
6. Road Access
7. Road/Driveway Extension
8. Recreational Trail

B. Conditional Uses

1. Campground
2. Educational Facility/ School
3. Parking Lot
4. Public Utility
5. Public Service Utility
6. Recreational Facility
7. Wind Generator/ Solar Collector over 35 feet (35') High

15. CONSERVANCY DISTRICT

This district is intended to prohibit future development for the most part in order to protect and conserve important environmental resources. All permitted and conditional uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Zoning Ordinance.

A. Permitted Uses

1. Agricultural Crops and Products
2. Forest Crops and Products
3. Game Preserve
4. Land Disturbing Activity
5. Road Access
6. Road/Driveway Extension
7. Recreational Trails

B. Conditional Uses

1. Parking Lot

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2. *Public Utility*
3. *Public Service Utility*
4. *Wind Generator/ Solar Collector over 35 feet (35') High*

16. TOWN PARK DISTRICT

This district includes those Town lands that currently are operated as a park and those parcels that could be used as a Town Park in the future. All permitted and conditional uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Zoning Ordinance.

A. Permitted Uses

1. *Accessory Structure*
2. *Agricultural Crops and Products*
3. *Forest Crops and Products*
4. *Game Preserve*
5. *Land Disturbing Activity*
6. *Road Access*
7. *Road/Driveway Extension*
8. *Recreational Trails*
9. *Public Lake Access*

B. Conditional Uses

1. *Building, Municipal*
2. *Campground*
3. *Educational Facility/ School*
4. *Parking Lot*
5. *Public Utility*
6. *Public Service Utility*
7. *Recreational Facility*
8. *Wind Generator/ Solar Collector over 35 feet (35') High*

18. MARINA DISTRICT

This district includes large marinas, whether public or private, where the primary use is related to the storage, mooring, docking, launching, and servicing of boats and the like.

A. Permitted Uses

1. *Accessory Structure*
2. *Business and Professional Office*
3. *Land Disturbing Activity*
4. *Marina*
5. *Retail Trade Facility*
6. *Road Access*
7. *Road/Driveway Extension*
8. *Parking Lot*

B. Conditional Uses

1. *Warehouse/Storage Facility*

2. *Transportation Facility*
3. *Underground retail fuel storage*

B. Review and possibly revise Official Zoning Map RE: Comprehensive Plan Future Land Use Map
Not discussed.

VII. New Business

A. Review Article for *Island Gazette* regarding Ordinance Review

No article is prepared yet; J. Croonborg, ZA will create a draft article per the Town Plan Commission's request, including the process underway, the number of workshops that have been held and the fact that as soon as possible, all draft information will be online.

B. Schedule Public Hearing, per Town Board directive, for Zoning Ordinance Sections under moratorium (Section 4.3.3 Nonconforming Grandfathered Lots and Conditional Use Sections)

1. Wording of the Public Hearing agenda

Include changes to be discussed: definition for Nonconforming Lot of Record in Section 2.0, Section 4.3.3 Nonconforming Grandfathered Lots, Section 7.0 Conditional Uses, Section 8.4.2 Conditional Uses, and relevant parts of Section 8.1, Section 10.0, Section 13.0.
A packet containing all these changes shall also be created and distributed at the Town Hall and elsewhere for interested public.

2. Schedule Public Hearing date

Public Hearing to be held on Wednesday, January 27, 2010, at 5 pm.

VIII. Future Agenda Items

IX. Schedule of Next Meeting

Next TPC Workshop to be held Thursday, January 14, 2010, at 1 pm.

Next TPC Regular Monthly Meeting to be held Wednesday, January 20, 2010, at 5 pm.

X. Adjournment

G. Thury moves to adjourn. C. Baxter seconds. All in favor, 7 aye. Motion Carries. Meeting ends at 7:05 pm.

Draft Town Plan Commission Minutes respectfully submitted by Margaretta Kusch, ZCA, on Friday, January 8, 2010.

Town Plan Commission Minutes approved as amended by Margaretta Kusch; ZCA, on Wednesday, January 20, 2010.