

**Town of La Pointe Zoning
Town Plan Commission Work Shop Minutes
Thursday, December 10, 2009**

Town Plan Commission (TPC) Members Present: Ted Pallas; Chair, Charlie Brummer; Vice-Chair, Larry Whalen
C. Baxter, G. Thury, Ron Madich, Suellen Soucek (7)

Town Plan Commission Members Absent: none

Public Present: None.

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

I. Call to Order/Roll Call

TPC Chair Pallas calls the meeting to order at 1:05 pm at the Town Hall. Roll call reflected members present or absent as recorded above.

II. Public Comment

None.

III. Zoning Ordinance Revision Project

1. Review and Discussion RE: Zoning Ordinance Section 4 General Provisions

a. 4.3.3: Non-Conforming Grandfathered lots

TPC reviews Mike Fauerbach's fax dated 12/1/09 with suggestions for the section.

- Replace the term "grandfathered" with "non-conforming lots of record" throughout.
- In 4.3.3.3 A, insert "excluding height requirements and/or Ashland County setback requirements" to read *"Owners of non-conforming grandfathered lots may apply to the Town Plan Commission for a special exemption for reduced setbacks **excluding height requirements and/or Ashland County setback requirements.**"*
- Pluralize "setback" throughout to read **"setbacks."**
- In 4.3.3.3 C, delete "shoreland lots" and replace with ***lots not within the shoreland overlay.***
- In 4.3.3.3 C, change "For lots within the shoreland zone the Town Plan Commission shall require a mitigation plan and the mitigation plan shall be prepared by the Ashland County Land Conservation Department" to read *"For lots within the shoreland **overlay** the Town Plan Commission shall require a mitigation plan and the mitigation plan shall be prepared **and/or approved by** the Ashland County Land Conservation Department."*
- In 4.3.3.3 6, change "alteration" to ***"alteration."***

Consensus to adapt all other suggestions made by Mr. Fauerbach, replacing current 4.3 numbering with Mr. Fauerbach's simplified ordering as well as replacing current 4.3 language with his suggestions where applicable (Mr. Fauerbach's fax with all changes attached to this document).

b. 4.2.5: Lot Sizes

- Delete 4.2.5 C:
"Legally recorded substandard lots of record as of the effective date of this Ordinance may be joined provide the new lot is less substandard."
- Delete 4.2.5 F:
F. Alteration or reconfiguration of a Non-Conforming Grandfathered Lot may be permitted

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subject to the recommendation of the Town Plan Commission and approval by the Town Board of a Certified Survey Map provided it results in one or more of the following:

- 1) The lot becomes less non-conforming in area but retains grandfathered Lot of Record status.
The lot becomes less non-conforming in width but retains grandfathered Lot of Record status.”

- In 4.2.5 E, delete “combinations” to read “All land divisions and land reconfigurations shall and do require a Certified Survey Map.”

2. Review and Discussion RE: Zoning Ordinance Section 6.0 Regulation of Special Uses

a. 6.2 Quarries (Gravel Pits) and Mines

J. Croonborg, ZA points out that the Quarries and Mines section of the Ashland County Zoning Ordinance is 45 pages long. Consensus that this section should be revisited.

b. 6.8 Rental of Single Family Dwellings

J. Croonborg, ZA presents suggestions for this section (attached to these minutes), with additional sections dealing with the Rental of Guest Houses (accessory dwellings), Rental of Principal Single Family Dwellings, and Rental of a Guest House (accessory dwelling).

c. 6.10 Use of Residential Dwellings and Property for Occupational or Business Use

- In 6.10 B, change “A Home Occupation Enterprise is an authorized use with a permit issued by the Zoning Administrator in all districts except WP that meet the following criteria” to read “**A Home Occupation Enterprise is an authorized use with a permit issued by the Zoning Administrator in districts that meet the following criteria specified in Section 3.**”
- In 6.10 B.4, replace “rights-of-way” with “**right-of-way.**”
- In 6.10 C.8, replace “rights-of-ways” with “**right-of-way.**”
- In 6.10 C, change “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” to read “**A Home Business is an authorized use with a permit issued by the Zoning Administrator upon approval by the Town Plan Commission in districts specified in Section 3.**”

3. Review and Discussion RE: Zoning Ordinance Section 8.0 Administration

a. 8.1 Zoning Administrator

- In 8.1.2A, delete “uniform dwelling permits and POWTS permits.”
- In 8.1.2, add a new item C, to read “**Land Use Applications for special exceptions. Receive applications for special exceptions and forward the application to the Town Plan Commission for action thereon as defined in the Zoning Ordinance.**” Re-alphabetize following items in 8.1.2 accordingly.
- In 8.1.2C Land Use Applications for Appeals and Variances, delete final sentence: “Receive applications for appeals from alleged error of the Zoning Administrator and forward these applications to the Town Plan Commission for action thereon.”
- In 8.1.2D Surveys, replace “Surveys” with “**Certified Survey Maps.**”

- In 8.1.2E Presentation of Facts, change “*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*” to read “***Present to the Town Board of Supervisors, the Town Plan Commission, or the Zoning Board of Appeals facts, records, or reports to assist them in making decisions.***”
- In 8.3.1F Application for Signs, delete “*reviewed by the Town Plan Commission*” to read “***No such sign shall be erected, altered, or the content changed, except directory, until a permit is issued by the Zoning Administrator.***”
- In 8.1.3A Issuance of Permits, delete “*Notwithstanding Section 13.1, 13.2, 13.5, 13.7, 13.8 or any other Section of this Ordinance*” from beginning sentence.
- In 8.1.3, add a new item C, to read “***Revocation of Land Use Permit for rental of principal and/or accessory dwelling. With approval of or direction from the Town Board of La Pointe, revoke by order a land use permit for the rental of a principle or accessory dwelling or violation of Section 6.8.***” Re-alphabetize following items in 8.1.3 accordingly.

b. 8.2 Town Sanitary Agent

In 8.2.1, change “*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*” to read “***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 Ashland County Zoning Administrator.***”

- Delete 8.2.1B: “*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.*”

c. 8.3 Land Use Permits

- In 8.3.1 Permit Required, replace “*No structure shall be built, moved, or structurally altered...*” with “***No structure shall be hereafter erected, moved, reconstructed, extended, enlarged, or structurally altered.....***”

- In 8.3.1 Permit Required, change “*The Town Plan Commission shall annually establish a schedule of fees and a collection procedure for Zoning permits, certificates or zoning compliance, and Conditional Use Permits as required by this Ordinance.*” to read “***The Town Plan Commission shall annually establish a schedule of fees and a collection procedure for all Zoning permits required by this Ordinance.***”

- In 8.3.2 Application Procedure, add the following language after the first paragraph:

In order to speed the process of land use permit applications submitted to the Town of La Pointe, applicants are advised that applications SHALL NOT BE CONSIDERED WITHOUT SUBMITTING FOUR COMPLETE SETS (one set to be the original) OF THE FOLLOWING INFORMATION:

- i. Applications for Land Use Permit and Certificate of Compliance (shall be filled out in their entirety)***

- ii. *Approved Ashland County Sanitary Permit or approved Madeline Sanitary District Permit if on municipal sewer*
- iii. *Approved Ashland County Highway Permit*
- iv. *Approved Ashland County Building Permit (if applicable)*
- v. *Elevations (for each side of structure, if addition/alteration existing shall be shown)*
- vi. *Site Plan. Identify all lakes, ponds, streams or wetlands. Identify relationship to streets, roads, alleys and/or easements being active, platted or reserved, wells and sanitary systems, both on or abutting property. Identify directly adjacent land owners and property use.*
- vii. *The actual building site shall be staked out prior to the Zoning Administrator's inspection.*
- viii. *Applications for changes in land use shall identify change in detail.*

NOTE: The Town of La Pointe does not require plans to be professionally drawn, however, they shall be of a legal and understandable quality that properly conveys all information necessary to complete project. Actual dimensions are preferred to scale maps. Failure to comply with the above instructions will result in delays in processing of applications. Applications for Land Use Permits shall be submitted to the Town of La Pointe Zoning Administrator.

- In the second paragraph of 8.3.2 Application Procedure, add “**and/or the Zoning Administrator**” after “*Town Plan Commission.*”
- In 8.3.3 Expiration, change “*Substantial completion shall be defined as “external walls up, windows in, roof on, doors installed”*” to read “**Substantial completion shall be defined as “foundation in,” and, where applicable, “external walls up, windows in, roof on, doors installed.”**”
- In 8.4.1C Land Use Permit, change “*If sanitary system is included, then appropriate permit applications must accompany land use permit application...*” to read “**If sanitary system is included, an approved permit must accompany land use permit application....**”

d. 8.4 Permit Process

- In 8.4.1F, add “*if applicable*” to read “**Decision by Town Plan Commission if applicable.**”
- In 8.4.1H, add “/or” to read “**Inspection by the Zoning Administrator and/or Sanitary Agent.**”
- In 8.4.2.1A, delete “*Authorization by the zoning administrator is non-discretionary if a project meets the standards. Additional conditions on design or construction may not be imposed. A permitted use is authorized by land use permit*” from end of paragraph.
- In 8.4.2.1B, delete the first sentence “*The terms special exception and conditional use are used synonymously.*”
- In 8.4.2.2F, replace “*a written statement of reasons*” with “**the grounds for each commissioner's decision.**”
- In 8.4.2.2G, change “*...all owners of records of lots or parcels within 300 feet of the property, each objector of record, and the Town Board of Supervisors and shall post the recommendation at the Town posting*”

sites” to read “...***all owners of records of lots or parcels within 300 feet of the property, and each objector of record shall post the recommendation at the Town posting sites.***”

- In 8.4.2.2G, replace “*the complete file*” with “***a copy of all records associated with.***”
- In 8.4.2.2H, replace “*a written statement of the reasons*” with “***the grounds for each commissioner’s decision.***”
- In 8.4.2.2M, replace with Mike Fauerbach’s suggested language. Change from “*The decision of the Town Board to approve or deny a conditional use permit may be appealed to the Circuit Court*” to read “***The decision of the Town Board to approve or deny a conditional use permit is reviewable only by certiorari by the circuit court.***”

4. Review and Discussion RE: Zoning Ordinance Section 10.0 Board of Appeals

Consensus to apply these changes suggested by Mike Fauerbach in his fax (attached to these minutes):

- In 10.1 Composition, change “...*with the provisions of Sections 59.69 and 62.23 of Wisconsin Statutes*” to read “...***with the provisions of Section 62.23 (7)(e) of the Wisconsin Statutes.***”
- In 10.2.10 Rules, delete “*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 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. See: Section 8.4(2)(H) and Section 15.*” Replace with the following: “***The decision of the Town Plan Commission regarding special exceptions shall be appealable to the Board of Zoning Appeals.***”
- In 10.2.13 Authorized Variances, delete the following: “*(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 requirements*” and re-alphabetize the items which follow accordingly.

5. Review and Discussion RE: Zoning Ordinance Section 13.0 Town Plan Commission

- In 13.1 Establishment, replace “*Section 60.62*” with “***Section 62.63.***”
- In 13.2 Compliance, change “*No structure shall hereafter be erected, moved, reconstructed, extended, enlarged, or have its exterior altered or changed without the commission’s approval*” to read “***No structure shall be hereafter erected, moved, reconstructed, extended, enlarged or structurally altered and no land use shall be substantially altered until a land use permit has been issued by the Town Zoning Administrator.***”
- In 13.3 Membership, change “*A Chairperson shall be elected by the seated members of the Town Plan Commission*” to read “***A Chairperson shall be appointed by the Town Chairperson. The vice chairperson shall be elected by the seated members of the Town Plan Commission.***”
- In 13.4 Organization, replace “*government*” to read “***governance.***”
- In 13.5 Powers, change “*Hear and decide applications for all land use permits*” to read “***Hear and decide applications for land use permits and special exceptions.***”
- In 13.5 Powers, add “*and for Certified Survey Maps*” to read “***Hear and make recommendations to the Town Board on Conditional Use Permits and Zoning Map Changes and for Certified Survey Maps.***”

- In 13.6 Applications, add the following:
In order to speed the process of land use permit applications submitted to the Town of La Pointe, applicants are advised that applications SHALL NOT BE CONSIDERED WITHOUT SUBMITTING FOUR COMPLETE SETS (one set to be the original) OF THE FOLLOWING INFORMATION:
 - ix. *Applications for Land Use Permit and Certificate of Compliance (shall be filled out in their entirety)*
 - x. *Approved Ashland County Sanitary Permit or approved Madeline Sanitary District Permit if on municipal sewer*
 - xi. *Approved Ashland County Highway Permit*
 - xii. *Approved Ashland County Building Permit (if applicable)*
 - xiii. *Elevations (for each side of structure, if addition/alteration existing shall be shown)*
 - xiv. *Site Plan. Identify all lakes, ponds, streams or wetlands. Identify relationship to streets, roads, alleys and/or easements being active, platted or reserved, wells and sanitary systems, both on or abutting property. Identify directly adjacent land owners and property use.*
 - xv. *The actual building site shall be staked out prior to the Zoning Administrator's inspection.*
 - xvi. *Applications for changes in land use shall identify change in detail.*

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- In 13.8 Findings, add “*or as otherwise specified in this ordinance*” to the end of the section, to read “*The Town Plan Commission shall act on all completed applications within thirty (30) days after filing or as otherwise specified in this ordinance.*”

- In 13.9 Appeals, delete all language and replace with Mike Fauerbach’s suggestions from his fax (attached to these minutes):
~~“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. 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. 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, 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.~~
Any person or persons aggrieved by any decisions of the Town Plan Commission may appeal the decision to the Zoning Board of Appeals. Such appeal shall be filed with the Town Clerk, the Zoning Administrator or Administrative Assistant or Clerical Assistant within thirty (30) days after the decision is made. Such a request for review by the Board of Zoning Appeals must be requested within thirty (30) days or the right to review will be lost. The thirty (30) days in any such Zoning Board of Appeals review will begin to run when the decision is mailed to the applicant by first class mail to the address on the application.”

IV. Future Agenda Items

V. Schedule Next Meeting

Next Zoning Ordinance Revision Project workshop to be held at 4 pm on Wednesday, December 16, 2009.

Next Town Plan Commission meeting to be held immediately after Zoning Ordinance Revision Project workshop on Wednesday, December 16, 2009.

VI. Adjournment

Chair Pallas moves to adjourn. C. Brummer seconds. All in favor, 7 aye. Motion Carries. Meeting ends at 3:55 pm.

Draft Town Plan Commission Minutes respectfully submitted by **Zoning Clerical Assistant, Margareta Kusch** on Saturday, December 12, 2009.

Town Plan Commission Minutes are approved as submitted by **Margareta Kusch; ZCA** on Wednesday December 16, 2009.