

**Town of La Pointe Zoning
Town Plan Commission Special Meeting Minutes
February 24, 2011**

Town Plan Commission (TPC) Members Present: Ted Pallas, Chair, Charles Brummer, Vice-Chair, Larry Whalen, Greg Thury, Ron Madich, Suellen Soucek, (6).

Town Plan Commission Members Absent: Carey Baxter (1).

Public Present: none.

Town Staff Members Present: Jennifer Croonborg-Murphy, ZA, Margaretta Kusch, ZCA (2).

I. Call to Order/Roll Call

Chair Pallas called the meeting to order at 4:33 PM at the Town Hall. Roll call reflected members present or absent as recorded above.

II. Zoning Ordinance Revision Project

Discuss and possibly make changes to draft Zoning Ordinance Sections 1-16 and Zoning Map, dated 10/6/2010 in consideration of public comment received at December 1 and December 8 Public Hearings.

- In 2.0 Definitions, add definition to read “*BED AND BREAKFAST: A place of lodging that: a) provides six (6) or fewer rooms for rent to no more than sixteen (16) tourists or transients; b) provides no meals other than breakfast and provides breakfast only to renters of the place; c) is the owner’s personal residence; d) is occupied by the owner at the time of rental; e) was originally built or occupied as a single family dwelling.*”
- In 2.0 Definitions, add definition to read “*BOARDING HOUSE: A building where lodging and meals are offered for three (3) or more persons, but not to exceed eight (8), non-transients who are not members of a family. This definition includes employee housing.*”
- In 2.0 Definitions, add definition to read “*ROOMING HOUSE: A building where lodging only is offered for three (3) or more persons, but not to exceed eight (8), non-transients who are not members of a family. This definition includes employee housing.*”
- In 2.0 Definitions, add definition to read “*DORMITORY: A building, or part of a building with sleeping accommodations for students enrolled in a commercial educational facility located in the Town of La Pointe.*”
- Change name of “*Employee/ Student Housing*” to “*Boarding House and Rooming House*” throughout entire Ordinance.
- In Section 3.4 W-2 Zone and in 16.3 Zoning Use Matrix, add “*Bed and Breakfast*” as a Conditional Use.
- In Section 3.4 W-2 Zone and in 16.3 Zoning Use Matrix, add “*Dormitory*” as a Conditional Use.
- In Section 3.5 R-1 Zone and in 16.3 Zoning Use Matrix, add “*Dormitory*” as a Conditional Use.

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- In Section 3.5 R-1 Zone and in 16.3 Zoning Use Matrix, add “*Bed and Breakfast*” as a Conditional Use.
- In Section 3.7 R-3 Zone and in 16.3 Zoning Use Matrix, add “*Bed and Breakfast*” as a Conditional Use.
- In Section 3.10 C-1 Zone and in 16.3 Zoning Use Matrix, add “*Bed and Breakfast*” as a Conditional Use.
- In Section 3.10 C-1 Zone and in 16.3 Zoning Use Matrix, add “*Dormitory*” as a Conditional Use.
- In Section 4.3.B.1.b, add “*Bed and Breakfast*” to after “*multi-family dwelling, motel, condominium.*”
- In 6.1 General Provisions for Special Uses Requiring a Conditional Use Permit, add a new item G to read
“*Bed and Breakfasts*”
 1. *Bed and Breakfasts may be permitted as a conditional use in districts specified in Section 3 of this Ordinance*
 2. *Type of dwelling. A bed and breakfast shall only occur within a single family dwelling.*
 3. *Number of allowable guest rooms. No more than six (6) guest rooms shall be offered.*
 4. *Exterior character. The exterior appearance of the building shall not be altered from its single family dwelling appearance.*
 5. *Food Preparation. No food preparation or cooking shall be allowed in guest rooms.*
 6. *Meals. Breakfast shall only be offered to overnight guests.*
 7. *Residency. The bed and breakfast shall be the owner’s personal residence.*
 8. *Occupancy. The owner shall occupy the bed and breakfast at the time of rental.*
 9. *Licensing. Prior to establishment of this use and at periodic intervals that may be required thereafter, the owner shall obtain and maintain a license as required by State law.”*
- In 6.1 General Provisions for Special Uses Requiring a Conditional Use Permit, replace item H with language to read
“*H. Boarding Houses and Rooming Houses*”
The purpose of this Section is to establish minimum standards to preserve and promote compatible development, aesthetics, stability of property values, and to fix the responsibility of owners, operators, and occupants to provide a suitable environment for safe, healthy, and desirable living conditions.
 1. *Boarding and Rooming Houses may be permitted as outlined in Section 3 of this Ordinance in accordance with Section 7 and the following provisions:*
 - a. *Annual building inspection and permit are required.*
 - b. *Adequate sanitation shall service the building or buildings in accordance with Section 4.2.H of this Ordinance and applicable State, County, and/or municipal regulations.*
 - c. *Minimum Requirements for Boarding Houses and Rooming Houses:*
 - *Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor area for the first occupant thereof and at least one hundred (100) additional square feet of floor area for every additional occupant thereof, the floor area to be calculated on the basis of total habitable room floor area. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall*

contain at least seventy (70) square feet of habitable floor area and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of habitable floor area for each occupant thereof.

- *No dwelling unit containing two or more sleeping rooms shall have such room arrangement that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment. One bathroom/water closet compartment is required for every four (4) occupants.*
 - *In all dwelling units the average ceiling height shall be not less than seven feet six inches (7'6") and the minimum ceiling height shall be not less than seven feet zero inches (7') in the entire first floor area. The minimum ceiling height shall be seven feet six inches (7'6") for all floor areas above the first floor except under sloping roofs where the minimum shall be seven feet six inches (7'6") for not less than fifty percent (50%) of the floor area, and that portion of the floor area under the sloping roof having a ceiling height of less than five (5) feet shall not be considered as part of the floor area in computing the maximum permissible occupancy thereof.*
 - *No habitable room shall have its floor level below the alley, court, yard or street grade immediately adjoining or abutting upon said habitable room except that it may be permitted when constructed to comply with the building code.*
 - *Every Boarding and Rooming House shall have a kitchen. A kitchen means any room or area that has provisions for a sink, stove, refrigerator, cabinets, and shelves for storage of food, equipment and utensils, and a counter or table for food preparation.*
- d. Off-street parking in accordance with Section 4.3.B of this Ordinance shall be provided.*
- e. There shall be no accumulation of garbage, refuse, junk, or waste including boxes, scrap lumber, scrap metal, appliances, or motor vehicles in nonworking condition. Garbage, refuse, and waste shall be stored and disposed of in a clean and safe manner.*
- f. Boarding and rooming houses shall not be the location of any condition that causes a nuisance. Persons housed, and their guests, shall respect the privacy of surrounding properties.*
- g. Vegetative screening and/or fencing may be required to accomplish a visual and sound buffer with neighboring properties.*
- h. No floodlights or spotlights shall be allowed.*
- i. Windows and doors shall be closed and secured when the building is not occupied.*
- j. All premises are to be supervised by the owner/operator or authorized agent.*
- k. No camping unit may be converted or used as a lodging facility.*

2. Annual Inspection and Lodging Permit

- a. *The Town of La Pointe designated Building Inspector shall inspect the premises no later than May 1st of each year and with at least twenty-four (24) hours' notice to the owner, operator and/ or authorized agent shall be granted entrance to any locked premises.*
 - b. *Following the inspection and based upon applicable building codes the designated Building Inspector shall advise the Zoning Administrator in writing whether the annual Lodging Permit should be granted.*
 - c. *If the designated Building Inspector's report recommends approval the Zoning Administrator shall issue the Lodging Permit within two (2) weeks of receipt of the report if the property is also in compliance with its Conditional Use Permit.*
 - d. *If the designated Building Inspector's report recommends denial, the basis for such decision shall be provided. The Zoning Administrator shall notify the owner of the lodging facility by first class mail within five (5) days of receipt of the report recommending denial including the basis for such decision. The Zoning Administrator shall not issue any lodging permit contrary to the recommendation of the designated Building Inspector. The owner, operator and/ or designated agent shall not occupy or let to another for occupancy any space in a boarding or rooming house unless it possesses a current lodging permit, complies with the requirements of applicable building codes, and occupancy is limited to the maximum permitted by the building code.*
 - e. *Non-occupancy for reason of non-compliance with this section for a period of twelve (12) months may render the Conditional Use Permit void in accordance with Section 7.2.J of this Ordinance.*
3. *Existing boarding and rooming houses operating at the time of amendment to this Ordinance may be allowed to continue. However, to further the purpose of this Section any boarding or rooming house not in compliance with the following provisions shall constitute a nuisance and will not be allowed to continue:*
 - a. *Within six (6) months of amendment of this Ordinance the owner must prove the legality of the nonconforming use by the greater weight of credible evidence. The original nonconforming use shall not in its lifetime have been added to, expanded, changed, or discontinued for a period of twelve (12) months.*
 - b. *The Boarding or Rooming House and its premises shall comply with annual inspection and permitting requirements.*
 4. *In any case where a provision of this Section or of any regulation adopted pursuant thereto is found to be in conflict with a provision of any building, fire, safety, or health code or ordinance, the provision that established the higher standard for the promotion of health and safety of the public shall prevail.*
 5. *Complaints shall be filed in accordance with Section 15 of this Ordinance. Retaliatory eviction for reporting alleged violations of this Section or the Conditional Use Permit is prohibited and will be interpreted as a violation of the Conditional Use Permit.*
 6. *The decision of any inspector's findings may be appealed to the regulating governing body.*
 7. *Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any provision of this Section may be found in violation in accordance with Section 8.7 of this Ordinance. All clauses in rental agreements contrary to the expressed provisions of this Section and any Conditional Use Permit issued to the property are prohibited and will be interpreted as a violation of the Conditional Use Permit and of this Section of the Ordinance."*

- In 6.1 General Provisions for Special Uses Requiring a Conditional Use Permit, add a new item I to read

“I. DORMITORIES

Dormitories may be permitted as outlined in Section 3 of this Ordinance in accordance with Section 7 and the following provisions:

1. *Occupancy. Occupancy of dormitories shall be provided only to students and teachers currently enrolled in classes at the associated Town of La Pointe Private Educational Facility.*
2. *Food Preparation. No food preparation or cooking shall be allowed in dormitory sleeping rooms.*
3. *Off-street parking in accordance with Section 4.3.B of this Ordinance shall be provided.*
4. *There shall be no accumulation of garbage, refuse, junk, or waste including boxes, scrap lumber, scrap metal, appliances, or motor vehicles in nonworking condition. Garbage, refuse, and waste shall be stored and disposed of in a clean and safe manner.*
5. *Dormitories shall not be the location of any condition that causes a nuisance. Students and teachers housed shall respect the privacy of surrounding properties.*
6. *Vegetative screening and/or fencing may be required to accomplish a visual and sound buffer with neighboring properties.*
7. *No floodlights or spotlights shall be allowed.*
8. *Windows and doors shall be closed and secured when the building is not occupied.*
9. *All premises are to be supervised by the owner/ operator or authorized agent while occupied by students and/or teachers.”*

- In 6.2 Regulation of Special Uses Requiring a Land Use Permit, add a new item 3 with language to read *“Accessory Dwellings shall not exceed sixty-five percent (65%) of the square footage of the principal dwelling or up to fifteen hundred (1500) square feet, not including decks, whichever is lesser. The term “guest house” and “accessory dwelling” are synonymous for the purposes of this Ordinance. The sixty-five percent (65%)/fifteen hundred (1500) square feet limitation is only that portion of the building devoted to habitation.”*

- In 6.2 Regulation of Special Uses Requiring a Land Use Permit, replace text of item C with language to read:

“C. Rental of Accessory Dwellings

For the purpose of increasing the availability of rental opportunities and residential housing within the Town of La Pointe, the short or long term rental of accessory dwellings on lots improved with a single family dwelling may be permitted. To ensure such use is compatible with areas zoned for residential use, rental is permitted pursuant to the requirements of this Section.

1. *Provisions for the rental of a principal single-family dwelling shall be met.*
2. *The principal single-family dwelling shall not be rented short or long term and shall not possess a permit to rent.”*

- In 7.1.C, add “The” to before “Town Plan Commission.”

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- In 7.1.C.1, change “*shall be in no foreseeable manner substantially*” to “*shall in no foreseeable manner be substantially.*”
- In 8.1.B.1, 8.1.B.2, and throughout Ordinance, change “*the Ordinance*” to “*this Ordinance.*”
- In 8.4.C, insert “*sanitary*” between “*an approved*” and “*permit.*”

III. Schedule Future Meetings

- The next Town Plan Commission Special Monthly Meeting to be held on Wednesday, March 2, 2011, at 4:00 pm.

IV. Adjournment

G. Thury moves to adjourn. S. Soucek seconds. All in favor, 6 aye. Motion Carries. Meeting ends at 5:50 pm.

Town Plan Commission minutes are respectfully submitted by Margaretta Kusch, ZCA on Thursday, February 24, 2011.

Town Plan Commission minutes are approved as amended by Margaretta Kusch, ZCA on Wednesday, March 02, 2011.