

**Town of La Pointe Zoning
Town Plan Commission Workshop Minutes
Tuesday March 9, 2010**

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

Town Plan Commission Members Absent: Ron Madich (1)

Public Present: none.

Town Staff Members Present: Margaretta Kusch; ZCA (1)

I. Call to Order/Roll Call

Chair Pallas called the meeting to order at 1:00 PM at the Town Hall. Roll call reflected members present or absent as recorded above.

II. Public Comment

III. 1. Zoning Ordinance Revision Project

a. Review and possibly revise working draft of tentative Ordinance Revision, with amendments as of January 6, 2010, Section 1.0 through Section 14.0

Chair Pallas moves to move to item III b. to the top of item III. C. Brummer seconds. All in favor, 6 aye. Motion Carries.

b. Section 6.0 Regulation of Special Uses: discuss possible addition of regulations regarding employee housing

A rough draft section of regulations regarding employee housing -- to be referred to as "lodging facilities" -- has been created by the Zoning Administrator. The language is primarily from other Wisconsin town ordinances and Wisconsin Administrative Codes [statutes]. The Town Plan Commission discusses this rough draft, which reads as follows:

"6.1 GENERAL PROVISIONS FOR SPECIAL USES REQUIRING A CONDITIONAL USE PERMIT

F. Lodging Facilities

The purpose of this Section is to establish minimum standards to preserve and promote compatible development, esthetics, 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. Lodging Facilities may be permitted as a conditional use in districts specified in Section 3 of this Ordinance in accordance with Section 7 and the following provisions:

- a. Annual building inspection and Lodging Permit are required.*
- b. Adequate sanitation shall service the building or buildings in accordance with Section 4.2 G of this Ordinance and applicable State, County, and/or municipal regulations.*
- c. Off-street parking in accordance with Section 4.3 B of this Ordinance shall be provided.*

- d. *There shall be no accumulation of garbage, refuse, junk, or waste including boxes, lumber, scrap metal, appliances, or motor vehicles in non-working condition. Garbage, refuse, and waste shall be disposed of in a clean and safe manner.*
- e. *Lodging 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.*
- f. *Vegetative screening and/or fencing may be required to accomplish a visual and sound buffer with neighboring properties.*
- g. *No floodlights or spotlights shall be allowed.*
- h. *Windows and doors shall be closed and secured when the building is not occupied.*
- i. *All premises are to be well supervised.*
- j. *No hotel, motel, or camping unit may be converted or used as a lodging facility.*

2. *Annual Inspection and Lodging Permit*

- a. *The Town of La Pointe 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 and/or operator shall be granted entrance to any locked premises.*
- b. *Following the inspection and based upon applicable building codes the Building Inspector shall advise the Zoning Administrator in writing whether the annual Lodging Permit should be granted.*
- c. *If the Building Inspector's report recommends approval the Zoning Administrator may 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 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 Building Inspector. The owner and/or operator shall not occupy or let to another for occupancy any space in a lodging facility 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 thirty-six (36) months may render the Conditional Use Permit void in accordance with Section 7.2 K of this Ordinance.*

3. *Existing lodging facilities operating at the time of amendment to this Ordinance may be allowed to continue. However, to further the purpose of this Section any lodging facility not in compliance with the following provisions shall constitute a public 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 lodging facility 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. Retaliatory eviction shall be construed as to mean eviction occurring within a period of one month following receipt of a complaint or within one month following affirmative action by the Town to secure compliance with this Ordinance.*
- 6. 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 the rough draft, item 1.i states “*all premises to be well supervised.*” The Town Plan Commission decides that “*well supervised*” is too vague, so deletes “*well*” and adds “*by owner/ operator or authorized agent.*”

In the rough draft, item 1.j states “*No hotel, motel, or camping unit may be converted or used as a lodging facility.*” The Town Plan Commission decides that hotels and motels should be allowed to be converted to lodging facilities as long as the conversion brings such buildings into compliance with the Ordinance. It is pointed out that other towns in the state such as Wisconsin Dells allow them to be converted. Chair Pallas feels that it is fine to allow hotels and motels to be converted because it would be a Conditional Use in any case. C. Baxter agrees, stating that he doesn’t mind if there’s restrictions as long as it is possible to create housing.

The Town Plan Commission decides to delete “*hotel, motel, or,*” but leaves “*camping unit*” prohibited because a camping unit could not be converted into a lodging facility that would meet the requirements in this Section.

The Town Plan Commission discusses item 1d. of the rough draft. It is decided that the phrase “*waste shall be disposed of in a clean and safe manner*” should be changed to “*waste shall be stored and disposed of in a clean and safe manner.*”

There is discussion that this item might be misinterpreted as another “junk ordinance.” Chair Pallas notes that these proposed requirements are for lodging facilities, not any other type of dwelling or property. It is also decided that “*lumber*” should be changed to “*scrap lumber,*” to differentiate between, for instance, wood for construction and a burn pile.

The Town Plan Commission discusses what zoning districts lodging facilities should be Permitted and/or Conditional Uses in. It is decided that this information should be listed in Section 3, and that the first sentence of item 1 should be changed from “*Lodging Facilities may be permitted as a conditional use outlined in districts specified in Section 3 of this Ordinance*” to “*Lodging Facilities may be permitted as outlined in districts specified in Section 3 of this Ordinance.*”

Further, the Town Plan Commission decides that lodging facilities will be allowed in the following districts:

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- Lodging Facilities (of up to 4 occupants): a Permitted Use in the Commercial District
- Lodging Facility (of more than 4 occupants): a Conditional Use in the Commercial District.
- Lodging facilities will be a Conditional Use in the R-1 Residential District 1.
- Lodging facilities will be a Conditional Use in the R-3 Residential District 3.
- Lodging facilities will be a Conditional Use in the W-2 Wilderness Preservation District 2.

In the rough draft, item 2, the Town Plan Commission decides that the term “*Building Inspector*” should be modified to “*designated Building Inspector*” because there might be more than one individual filling that role (i.e. the Ashland County Health Inspector, the UDC Inspector, etc).

The Town Plan Commission adds two new items to this draft, one dealing with eviction and one with appeals. They read as follows:

5. *Termination of the rental agreement and eviction shall be governed by State and County law.*
7. *The decision of any inspector’s findings may be appealed to the regulating governing body.*

In the rough draft, item 2.d., the Town Plan Commission feels that the sentence “*The Zoning Administrator shall not issue any Lodging Permit contrary to the recommendation of the designated Building Inspector*” is problematic, as UDC inspectors are compelled to recommend the best practices for commercial buildings (i.e., a restaurant or bank). The state grants variances on UDC rulings for buildings that do not need to meet such stringent standards (for example, a multi-family dwelling does not need the sprinkler system that a public school does). Therefore, the Town Plan Commission adds the following phrase to the end of the sentence: “*unless a variance has been issued by the state overriding the recommendation of the designated Building Inspector.*”

The Town Plan Commission agrees to modify two definitions, “Rental, Short Term” and “Rental, Long Term”, in order to clarify language in the new section.

The definition of Rental, Short Term is changed from “*Rental not to exceed one month*” to “*Rental for less than one month. “One month” means the lesser of: (1) a calendar month, or (2) a continuous period of thirty (30) days. The day of check-on is counted as a day, however, the day of check-out is not counted as a day.*”

The definition of Rental, Long Term is changed from “*No less than month-to-month rental or monthly lease*” to “*Rental for one month or more. “One month” means the lesser of: (1) a calendar month, or (2) a continuous period of thirty (30) days. The day of check-in is counted as a day, however, the day of check-out is not counted as a day.*”

A definition for Tourist/Transient is added, and reads:

Tourist/Transient:

A person who travels to a location away from his or her permanent physical address for less than one month for vacation, pleasure, recreation, culture, business, or employment. “One month” means the lesser of: (1) a calendar month (2) a continuous period off thirty (30) days. The day of check-in is counted as a day; however, the day of checkout is not counted as a day.

The draft of this Section, with the changes listed above, is attached to these minutes.

IV. Section 4.0 General Provisions: discuss possible addition of regulations regarding erosion control.

Not discussed.

3. Review and possibly revise Official Zoning Map RE: Comprehensive Plan Future Land Use Map

Not discussed.

IV. Future Agenda Items

- Discuss who carries out the duties of the designated Building Inspector
- Lodging facility definition
- Discuss possible lodging room definition (including height requirements (for attics), square footage requirements)
- Discuss possibility of requirements on bathroom, sanitary systems, kitchen facilities

V. Schedule of Next Meeting

Next TPC Regular Monthly Meeting to be held Wednesday, March 17, 2010, at 4 pm.

VI. Adjournment

Chair Pallas moves to adjourn. C. Brummer seconds. All in favor, 6 aye. Motion Carries. Meeting ends at 3:10 pm.

Draft Town Plan Commission Minutes respectfully submitted by Margareta Kusch, ZCA, on Wednesday, March 10, 2010.

Town Plan Commission Minutes are approved as amended by Margareta Kusch; ZCA on Wednesday, March 17, 2010.