

**Town of La Pointe Zoning
Town Plan Commission Special Monthly Meeting Minutes
April 17, 2013**

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

Town Plan Commission members absent: Larry Whalen (1).

Public Present: Dave Thomas, Paul Brummer (2).

Town Staff Members Present: J. Croonborg-Murphy, Zoning Administrator, Lisa Potswald, ZAA (2).

I. Call to Order/Roll Call

Chair Pallas called the Meeting to order at 4:30 PM at the La Pointe Town Hall. Roll call reflected members present or absent as recorded above.

II. Public Comment

- A. J. Croonborg-Murphy and Charlie Brummer recognized Larry Whalen for his contributions to the community.
- B. P. Brummer read aloud a letter dated April 15, 2013 he has submitted (attached to these minutes and part of the record) commenting on agenda item V.a (the requested amendments to the Madeline Island School of the Arts Conditional Use Permit as proposed by the Town Administrator), and regarding the Town Administrator's most recent report to the Town Board. P.Brummer also recognized Larry Whalen's contributions to the community.
- C. C. Baxter welcomed Lisa Potswald to the position of Zoning Administrator Assistant (ZAA).

III. Approval of Previous Meeting Minutes

- A. Town Plan Commission Special Monthly Meeting, April 5, 2013.
 - 1. G. Thury moved to approve the Town Plan Commission Regular Monthly Meeting minutes of April 5, 2013. S. Soucek seconds. All in favor. Motion carries.

IV. Zoning Administrator's Report

- A. Three Town Plan Commission members' terms are up. The Town Plan Commission will make a recommendation to the Town Board, and the members will be appointed at 4/23/13 Town Board meeting.
- B. Discussion of new opportunities with ZAA position.
- C. Purchase of new vehicle (2007 Ford Escape).

V. Consideration and/or Action of Permit Applications

None for consideration and/or action.

VI. New Business

- A. Zoning Administrator Request For Interpretation

Town of La Pointe Zoning
Town Plan Commission Minutes
Regular Monthly Meeting
April 17, 2013

1. Minor accessory structures –small outdoor shower
The 5 x 8 outdoor shower will have walls but will not be attached to the home. There will be no slab, and it will be attached to the sanitary district. It first must receive a sanitary permit.

C. Brummer moved that a small outdoor shower is not a minor accessory structure as it is connected to sanitary and not moveable. S. Soucek seconded. All in favor.
2. Town of La Pointe Light Industrial Zone Survey for Lots 7-14.
C. Brummer moved to recommend approval of the survey map for Light Industrial Lots 7-14 as permitted under the Comprehensive Plan, future Land Use map, and Zoning Ordinance within the Light Industrial Zone. S. Soucek seconded. All in favor.

VII. Old Business

- A. La Pointe Zoning Ordinance text changes:
 1. Board of Appeals Zoning Ordinance text change language – finalize to send to Attorney Fauerbach for legal review.
 - Attorney Fauerbach’s recommended changes:
 - Section 10.1, delete “shall serve at the pleasure of the town board”. Commissioners agreed to this change.
 - Section 10.2.A.3.a, add “between a board member and a person who has a matter before the board”. Commissioners agreed to this change.
 - On page 4, F, substitute “Zoning Administrator” for the Town Plan Commission. Commissioners agreed to this change.
 - Section 4, page 4, Preliminary Matters, add the sentence “Generally, some testimony or other factual information will need to be presented to determine whether the board has jurisdiction”. Commissioners agreed to this change.
 - On page 8, Section F.2.a., add “Zoning Department”. Commissioners agreed to this change.
 - In Section B, should it say “f” instead of “b”? Commissioners agreed it should remain as “b”.
 - In Section 10.2, Rules and Procedures, Section L regarding Certiorari, add the language “Decisions of the Board of Zoning Appeal shall be appealed to the circuit court by Certiorari review. Costs shall not be allowed against the Board of Zoning Appeals unless the Board of Zoning appeals acts with malice or bad faith.” Commissioners agreed to this change.
 - In Section 10.3, page 10, replace the last paragraph with “The decision of the Town Planning commission regarding special exceptions and the interpretation of conditional use permits shall be appealable to the Board of Zoning Appeals. Nothing in this section is intended to replace the procedure in Section 7.2 of the ordinance whereby the Town Plan Commission makes a recommendation on a conditional use permit, but that the final decision is by the town board on a conditional use permit, and that decision is reviewable only by Certiorari by the circuit court.” Commissioners agreed to this change.
 - At the bottom of page 11, the reference should be changed from 10.2.M to 10.4.B. Commissioners agreed to this change.
 2. Section 2 – Commissioners agreed to add definitions for greenhouses, garage shelters and hoopouses:

- “Greenhouse: “A building with transparent walls and roof, usually of glass, for the cultivation and exhibition of plants under controlled conditions, not to exceed 120 square feet.”
 - “Garage Shelter Canopy: “Typically a steel collapsible frame with a fabric cover and sides not to exceed 250 square feet.”
 - “Hoophouse: A flexible-plastic covered structure for the cultivation and exhibition of plants not to exceed 250 square feet.”
3. Section 4.2(G) - Minor Accessory Structures:
Commissioners decided to leave the language as is in the March 1, 2012 draft, adding “Tool/storage shed” on number 17.
 4. Section 4.3(D) – Camping on private lands:
Commissioners decided to leave the language as is in the March 1, 2012 draft, only substituting “accessory” for “principal” in f.
 5. Section 7 – Reference to Board of Appeals procedure for decisions:
Commissioners decided to add “Section 10.2(A)(1 through 3) shall apply to Members of the Board when deciding a conditional use permit” to 7.2.G and I.
 6. Section 15.2 – Complaints:
Commissioners made a change in 15.2.G.
 7. Change Department of Commerce to Department of Safety and Professional Services:
Commissioners agreed to this change.
 8. Misspellings and Typos: Commissioners decided the following:
 - Page 6 “(17) A building, or part of a building”. Take out comma.
 - Page 8 “(31) 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 in a manner that meets the requirements of Section 6.4.A (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).” Remove first) and add at the end of the sentence.
 - Page 11 (53) “A structure or premises containing five or more parking spaces open to the public.” Add (5) after “five”.
 - Page 12 (57), (58). “One month” means the lesser of: (1) a calendar month, or (2) a continuous period of thirty (30) days.” Change (1) to (A) and (2) to (B).
 - Page 14 (73) “One month” means the lesser of: (1) a calendar month, or (2) a continuous period of thirty (30) days.” Change (1) to (A) and (2) to (B).
 - Page 18 “16. Wind Generator, Telecommunication and Radio Tower, Solar Collector Over thirty-five feet (35)’ high”. ” Establish consistent approach: (35) feet.
 - Page 38 4.2 C “bounded by the inner street lines and a line connecting them thirty five (35) feet from their intersection”. Establish consistent approach: (35) feet.

Page 39	4.2 F. 2 and 3. “(if a parcel has three zoning districts and a use is permitted in two, the permitted use will only be granted in those two zones)”. Establish consistent approach: three (3).
Page 40	G. “Minor Accessory Structures Allowed Without Land Use Permit include but <u>isn’t</u> limited to the following”.
Page 44	3. “The number of off street parking spaces required for non-residential uses <u>is</u> shown in the following table”.
Page 56	A.1. First sentence “Signs on multiple business establishments <u>in</u> the Commercial Zone”
Page 56	A.3. “Signs on multiple business establishments <u>in</u> the Commercial Zone”.
Page 58	“The Zoning Administrator may remove a sign immediately and without notice, if, in their opinion, the condition and/or location of the sign <u>are</u> such as to present an immediate threat to the safety of the public, and the cost of the removal of the sign charged to the owner of the sign.”
Page 59	Junk/salvage yards shall be screened so that the salvage materials are not visible from other property in the vicinity, <u>or</u> from a public right-of-way such as a road, street, highway, or waterway.
Page 78	I. Within twenty-one (<u>21</u>) days of its receipt of notice
Page 78	J. After <u>forty</u> -five (45) days.
Page 85	8.6.B “ It shall be <u>rebuttably</u> presumed that such Written Order can be complied with immediately”. “Rebuttably” is not a word in the dictionary; however Commissioners will leave it as is based on Attorney Fauerbach’s recommendation.
Page 88	9.3. ...”an amendment to this Ordinance takes <u>effect that</u> is not in conformity with the provisions of this Ordinance”
Page 101	13.5 A. “Hear and decide applications for Land Use Permits, Special Exceptions, <u>and</u> Rental of Single Family Dwelling Permits”.
Page 102	13.5.5 “All plats of lands in the Town or within the territory over which the Town is given platting jurisdiction by <u>Ch.</u> 236 Wis. Stats”

****Commissioners Thury and Martin leave at 5:49 p.m.**

B. Comprehensive Plan Review:

1. Review Draft Public Participation Procedure.

The procedure will be presented to the Town Board in the form of a resolution at the joint Town Plan Commission/Town Board meeting to be held on April 25, 2013.

Town of La Pointe Zoning
Town Plan Commission Minutes
Regular Monthly Meeting
April 17, 2013

2. Review Draft Survey questions and Timeline for distribution/responses.
Discussion about questionnaire regarding what information Town Plan Commission/Town Board members want and why they want it.
3. Tentative schedule/budget for 2013.
Present resolution recommending schedule and budget to Town Board. Presently have budgeted \$1,000 toward planning; would like to transfer additional funds for planning.

VIII. Future Agenda Items

- A. Draft Survey questions
- B. Timeline for distribution/responses
- C. Schedule Public Hearing

IX. Schedule Future Meetings

- A. Joint TPC/Town Board meeting on Thursday, April 25, 2013 at 2:15.
- B. Next Regular Monthly Meeting to be held Wednesday, May 1, 2013 at 4:30 pm.

X. Adjournment

- C. Brummer moves to adjourn. S. Soucek seconds. All in favor. Motion Carries. Meeting ends at 6:20 pm.

Town Plan Commission minutes respectfully submitted by Lisa Potswald, ZAA on Monday, April 29, 2013.

Town Plan Commission minutes approved as amended on May, 1, 2013.