

**Town of La Pointe Zoning  
Town Plan Commission Workshop Minutes  
Thursday, May 27, 2010**

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

Chair Pallas called the meeting to order at 4:00 PM at the Town Hall. Roll call reflected members present or absent as recorded above.

**II. Public Comment**

None.

**III. Zoning Ordinance Revision Project**

**a. Review and possibly revise working draft of tentative Ordinance Revision, Sections 1.0-16.0.**

**1. Dimensional Table**

The Town Plan Commission had previously discussed changing the Minimum Lot Width requirement for Road Frontage in the W-2 District from 330 feet to 300 feet. It is decided to go with this change, as it would help properties become conforming without having to create any new acreage requirements or zones.

**2. Permitted and Conditional Uses Matrix**

The matrix is a spreadsheet cross-referencing all possible land uses with all districts. The Town Plan Commission double-checks the chart with Section 3.0 Zoning Districts of the Ordinance for consistency. The following changes are made to the matrix and to Section 3.0:

- Alphabetize all permitted and conditional use lists in Section 3.0
- Change “*Airport facility*” to “*Airports*” throughout Section 3.0
- Change “*Business professional office*” to “*Professional office*” throughout Section 3.0
- Add “*Educational Facility/School/Museum*” as a permitted use in the matrix and in Section 3.0 for the C-1 District
- Add a double asterix (\*\*) under the S-1 District in the matrix for Agricultural Crop Farming, Forest Crops & Products, and Home Occupation Enterprise. Add text at the end of the matrix that reads “\*\* See Section 3.8.”

**3. Section 6.0 Regulation of Special Uses: discuss possible addition of regulations regarding employee housing: James Price input**

The Town Plan Commission had previously created an addition to Section 6.0 regarding Lodging Facilities (AKA employee housing), that reads as follows:

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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 outlined 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. Minimum Requirements for lodging facilities.*
  - 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 lodging room occupied for sleeping purposes by one person shall contain at least eighty (80) square feet of habitable floor area, and every room occupied for sleeping purposes by more than one person shall contain at least seventy-five (75) square feet of habitable floor area for each occupant thereof, provided that no more than seven (7) square feet of closet space may be included per occupant.*

- *Every lodging facility 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 non-working condition. Garbage, refuse, and waste shall be stored and disposed of in a clean and safe manner.*
  - f. *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.*
  - 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 1<sup>st</sup> 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 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 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 unless a variance has been issued by the state overriding 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 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. *Termination of the rental agreement and eviction shall be governed by State and County law.*
6. *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.*
7. *The decision of any inspector's findings may be appealed to the regulating governing body.*
8. *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."*

The Town Plan Commission revisits this draft section, taking into account the advice given by James Price of the UDC. The following changes will be made:

- In item 2 d., delete the phrase “*unless a variance has been issued by the state overriding the recommendation of the Designated Building Inspector*” from the end of the third sentence.
- In item 2 e., change “*thirty-six (36) months*” to “*twelve (12) months*.” Similarly, in Section 7.2 Conditional Use Permit, item K., change “*thirty-six (36)*” to “*twelve (12)*” throughout. This is the number of months a Conditional Use Permit may be held before being rendered void.
- In item 3, change “*public nuisance*” to “*nuisance*” for consistency of Ordinance terminology.
- Delete item 3.5 per James Price’s advice.

#### 4. Section 11.0 Amendments

Not discussed.

**5. Section 13.0 Town Plan Commission**

Not discussed.

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

Not discussed.

**IV. Future Agenda Items**

**V. Schedule of Next Meeting**

The next Town Plan Commission Special Monthly Meeting will be held June 2, 2010, at 4:30 pm.

**VI. Adjournment**

G. Thury moves to adjourn. S. Soucek seconds. All in favor, 7 aye. Motion Carries. Meeting ends at 5:40 pm.

**Draft Town Plan Commission Minutes respectfully submitted by Margaretta Kusch, ZCA, on Thursday, May 27, 2010.**

**Town Plan Commission Minutes are approved as amended by Margaretta Kusch; ZCA on Wednesday, June 02, 2010.**