

**Town of La Pointe Zoning
Town Plan Commission Special Monthly Meeting Minutes
Wednesday, May 5, 2010**

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: William Tibble (1).

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 4:30 PM at the Town Hall. Roll call reflected members present or absent as recorded above.

II. Public Comment

None.

III. Approval of Previous Meeting Minutes

1. Town Plan Commission Special Meeting, April 30, 2010

- Add “*the*” between “*complete*” and “*project*” on page 3, end of 3rd bullet point.

Chair Pallas moves to approve the Town Plan Commission Special Monthly Meeting minutes of April 30, 2010 as amended. L. Whalen seconds. All in favor, 5 aye, 1 abstain (G. Thury). Motion Carries.

IV. Zoning Administrator’s Report

To be submitted next week. The Zoning Administrator reports that she and Dorothy Tank have been collecting data for all the island’s fire numbers this week.

V. Consideration and/or Action of Permit Applications:

a. Markquardt/McClelland. 1406 North Shore Rd. LP # 014-00115-0000. Addition/Alteration for decks.

They are removing and replacing old decks and there is an old mound system underneath the deck. The Zoning Administrator asks the Town Plan Commission for direction on this permit as the structure is non-conforming (it doesn’t meet the 75 foot setbacks from the lake). She reports that Larry Hildebrandt is fine with it. Chair Pallas asks W. Tibble, the agent for the property, if the deck size is being increased. W. Tibble responds that the decks are actually going to be a bit smaller. Town Plan Commission consensus that this permit is fine to be approved.

VI. Old Business

a. Zoning Ordinance Revision Project

In Section 2.0, Definitions, change definition of “(42) NONCONFORMING USE” from

“Land Use existing at the time of enactment or amendment of this Ordinance, and which does not conform to the regulations of the district or zone in which it is situated.”

To read:

“The lawful use of a building, structure, or land existing at the time of enactment or amendment of this Ordinance, and which does not conform to the regulations of the district or zone in which it is situated.”

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

1. Review and possibly revise Section 4.3: Off-Street Parking

A draft of this section has been created for review at this meeting. The text of this draft reads as follows:

2. Off-Street Parking

Any building hereafter erected, or converted to commercial use, or placed on a lot, or added onto in such way as to increase the square footage of usable floor space, shall provide off-street parking spaces specific to its use and in the manner and number described below.

A. All dwelling units, whether a single family dwelling, condominium, multi-family dwelling, motel or other rental unit shall provide off street parking either on-premises or on adjacent premises in the number and manner described below:

1. Single Family dwellings shall each provide two (2) off-street parking spaces.

2. Each rental unit and each unit in a multi-family dwelling, motel, condominium or other shall provide at least two (2) off-street parking spaces.

B. Loading and Unloading Requirements

1. Any use that requires deliveries or shipments shall provide sufficient off-street loading and unloading space so that no public street, alley, or access to any parking area is blocked by such activities.

C. *Number of off-street parking spaces for non-residential use are shown in the following table:*

<u>USE</u>	<u>MINIMUM PARKING REQUIRED</u>
<i>Adult Oriented Entertainment Business</i>	<i>1 space for every 200 square feet of building footprint plus 1 space for every 2 employees on the largest work shift</i>
<i>Religious Facility, Theatres, Auditoriums, community centers and places of public assembly</i>	<i>1 space for every 7 seats</i>
<i>Campground</i>	<i>2 spaces per campsite</i>
<i>Commercial Entertainment or Recreational Facility</i>	<i>1 space for each 250 square feet of building footprint plus 1 space for every 5,000 square feet of outdoor recreation area</i>

<i>Convenience Store/Grocery</i>	<i>3 spaces for each 1,000 square feet of building footprint</i>
<i>Educational Facility, Elementary/Junior High</i>	<i>1 space per teacher and aid plus 2 space per classroom</i>
<i>Educational Facility, High School/Adult</i>	<i>1 space per teacher, staff member, and aid plus 1 space per 3 students</i>
<i>Health Care Facility</i>	<i>3 spaces for every doctor and 1 space for every 3 employees on the largest work shift</i>
<i>Home Business</i>	<i>2 spaces in addition to residential parking requirements</i>
<i>Home Occupation</i>	<i>1 space in addition to residential parking requirements</i>
<i>Government Building</i>	<i>1 space for each 200 square feet of floor area used by the public</i>
<i>Marina</i>	<i>1 space for each 5 slips and/ or moorings</i>
<i>Post Office</i>	<i>3 spaces for each 500 square feet of building footprint plus one space for each employee on the largest work shift</i>
<i>Professional Office</i>	<i>1 space for every 250 square feet of building footprint</i>
<i>Recreational Trail, Public</i>	<i>2 spaces at each trail entrance/exit</i>
<i>Restaurant/Tavern</i>	<i>1 space for each 200 square feet of building footprint plus 1 space for every 3 employees on the largest work shift</i>
<i>Retail Trade Facility</i>	<i>1 space for every 200 square feet of building footprint plus 1 space for every 2 employees on the largest work shift</i>
<i>Veterinarian</i>	<i>2 spaces for every doctor</i>

D. In the case of structures or uses not mentioned, the provision for a use that is similar shall apply, as determined by the Plan Commission.

- E. *For structures/properties containing more than one use, the required number of spaces shall be computed by adding space required for each use.*
- F. *Handicap Parking Requirements. In addition to any other requirements relating to parking spaces contained in this Ordinance, the provisions contained in State Statute Section 101.13, 346.503, and 346.56 and any Wisconsin Administrative Code Sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities whenever constructed.*
- G. *Landscaping. All public and private off-street parking areas which serve four (4) vehicles or more, are located within fifteen (15) feet of any lot line or right of way and are created or redesigned and rebuilt subsequent to the adoption of this Section shall be provided with accessory landscape areas totaling not less than 10% of the surfaced area. The minimum size for each landscaped area shall not be less than 100 square feet.*
- H. *Lighting. Any lighting used to illuminate off-street parking area shall be directed away from residential properties and public or private streets in such a way as not to create a nuisance.*
- I. *Exceptions. No off-street parking shall be required for buildings existing in the C-1 District as of (date of enactment of this section), except such off-street parking as is already in existence as of (date of enactment of this Section).*
- J. *Abandonment. No parking space, or driveway providing access thereto, shall be abandoned, closed, converted to another use, or in any way eliminated from use as a parking space or driveway, unless adequate off-street parking and access are provided to the property in full compliance with the provisions of this Ordinance.*
- K. *The Board of Appeals may, by granting of a variance, relax the regulations of this Section as provided in Section 10.2(13) of this Ordinance.*

The Town Plan Commission makes the following changes to the above draft:

- Replace “*building footprint*” with “*area used by the public*” throughout section.
- Add “*Lodging Facility*” to read “*One space per bedroom or sleeping unit.*”
- Under “*Post Office*”, change “*3 spaces*” to “*5 spaces.*”
- Under *Restraurant/Tavern*, change “*200 square feet*” to “*100 square feet*” and add the phrase “*or one space per three (3) seats, whichever is greater*” after “*building footprint.*”
- In Item K., change “*Section 10.2(13)*” to “*Section 10.2 M.*”

2. **Review and possibly revise Section 9.0: Non-Conforming Uses**

A draft of this section has been created for review at this meeting. The text of this draft reads as follows:

9.1 NONCONFORMING USES

The lawful use of a building or premise existing at the time of the adoption or amendment of this Ordinance may be continued although such use does not conform to the provisions of the Ordinance subject to the following conditions:

- A. *The nonconforming use may not be changed, extended, or expanded.*

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- B. *If such nonconforming use is discontinued for a period of twelve (12) months, any future use of the building and premises shall conform to this Ordinance.*
- C. *Total structural alterations for buildings housing such nonconforming uses shall not during its life exceed 50% of the current equalized assessed value.*
- D. *Buildings housing nonconforming uses are allowed routine maintenance and repairs.*
- E. *Once a nonconforming use or structure has been changed or altered so as to comply with the provisions of this Ordinance, it shall not revert back to a nonconforming use or structure*
- F. *Where a legal nonconforming building or structure has been destroyed by fire or other natural disaster to the extent that the cost of repair or restoring the structure to before-damaged condition is not more than 50% of its current fair market value, the same may be rebuilt if a land use permit is obtained from the Zoning Administrator within six (6) months after the date of the fire or other disaster and if the building is reconstructed within 24 months of permit issuance.*
- G. *Uses that are nuisances shall not be permitted to continue as nonconforming uses.*

9.2 NONCONFORMING STRUCTURES

The use of a structure existing at the time of the adoption or amendment of this Ordinance may be continued although the structure does not conform to the established setback, height, or floor area ratio requirements of the district in which it is located. A nonconforming structure can be moved, altered, or reconstructed subject to the following conditions:

- A. *A nonconforming structure may be structurally altered within the limits of the existing building envelope.*
- B. *An addition to a nonconforming structure is allowed provided the addition complies with current requirements of this Ordinance.*
- C. *Nonconforming structures are allowed routine maintenance and repairs.*
- D. *A nonconforming structure may be moved provided the structure complies with the current requirements of this chapter.*
- E. *Where a legal nonconforming building or structure has been destroyed by fire or other natural disaster to the extent that the cost of repair or restoring the structure to before-damaged condition is not more than 50% of its current fair market value, the same may be rebuilt if a land use permit is obtained from the Zoning Administrator within six (6) months after the date of the fire or other disaster and if the building is reconstructed within 24 months of permit issuance.*
- F. *Structures that are nuisances shall not be permitted to continue as nonconforming uses.*

9.3 NONCONFORMING STRUCTURES TO SHORELINE SETBACK

The lawful use of a building or structure existing at the time this Ordinance or an amendment to this Ordinance takes effect, which is not in conformity with the provisions of this Ordinance, including the routine maintenance of such a building or structure, may be continued subject to the following conditions:

- A. *If such use is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to this Ordinance.*
- B. *The maintenance and repair of nonconforming boathouses that extend beyond the ordinary high water mark of any navigable waters shall comply with the requirements of Section 30.121, Wisconsin Statutes.*
- C. *The continuance of the nonconforming use of a temporary structure may be prohibited.*
- D. *Structures and uses that are nuisances shall not be permitted to continue as nonconforming uses.*
- E. *A nonconforming principal structures less than 40 feet from the ordinary high water mark are permitted ordinary maintenance and repair. Such structures may be improved internally provided:*
 - 1. *Internal improvement is confined to the building envelope (i.e., no new basements, additional stories, lateral expansion or accessory construction outside of the perimeter of existing enclosed dwelling space are permitted but replacement of windows, doors, roofing, siding and upgrading of the insulation of a structure are permitted)*
 - 2. *The property owner implements a plan approved by the County Land Conservationist that restores the shoreland cover buffer zone.*
- F. *A nonconforming principal structure located between 40 and 75 feet from the ordinary high water mark that includes at least 500 square feet (footprint) of enclosed area may be expanded providing:*
 - 1. *The addition does not exceed 50% of the existing footprint or 2000 square feet of total enclosed area*
 - 2. *All expansion is no closer to the water than the landward facade of the existing principal structure (placement of standard or walkout basements under existing structures is prohibited)*
 - 3. *Existing nonconforming accessory structures are removed from the property excluding legally erected boathouses and structures covered under 5.3*
 - 4. *The property owner implements a plan approved by the County Land Conservationist that restores the shoreline cover buffer zone.*

The Town Plan Commission makes the following changes to the above draft:

- In 9.1, change “*or premise*” with “*structure, or land.*”
- In 9.1 F, change “*six (6) months*” to “*twelve (12) months.*”
- In 9.2 E, change “*six (6) months*” to “*twelve (12) months.*”
- Delete the text of 9.3 and replace with the phrase: “*Non-conforming structures to shoreline setbacks are required to comply with the Ashland County Shoreland Amendatory Ordinance.*”

3. **Review and possibly revise Dimensional Table**

The Town Plan Commission discusses the existence of many 5-acre plots on the island that are only 300 ft wide, and the possibility of dropping the width requirement to 300 ft from 330 ft. It is decided to do so for the W-2 Zone.

The many 10-acre lots are also discussed at length. It is decided to revisit this subject, and the Dimensional table as well.

4. **Review and possibly revise Permitted and Conditional Uses Matrix**
Not discussed.

VII. New Business

VIII. Future Agenda Items

IX. Schedule of Next Meeting

The next Town Plan Commission Regular Monthly Meeting will be held May 19, 2010, at 4:30 pm.

X. Adjournment

G. Thury moves to adjourn. S. Soucek seconds. All in favor, 6 aye. Motion Carries. Meeting ends at 6:10 pm.

Draft Town Plan Commission Minutes respectfully submitted by Margaretta Kusch, ZCA, on Thursday, May 6, 2010.

Town Plan Commission Minutes are approved as submitted by Margaretta Kusch; ZCA on Wednesday, May 19, 2010.