

**ZONING ORDINANCE**

**TOWN OF LA POINTE**

**ASHLAND COUNTY, WISCONSIN**

**WITH AMENDMENTS**

<b>TABLE OF CONTENTS</b>	<b>Page</b>
<b>Number</b>	
SECTION 1. INTRODUCTION	2
SECTION 2. DEFINITIONS	3 - 8
SECTION 3. ZONING DISTRICTS	9 - 22
SECTION 4. GENERAL PROVISIONS	23 - 30
SECTION 5. SIGNS	31 - 33
SECTION 6. REGULATION OF SPECIAL USES	34 - 39
SECTION 7. CONDITIONAL USES	40 - 41
SECTION 8. ADMINISTRATION	42 - 52
SECTION 9. NONCONFORMING USES	53
SECTION 10. BOARD OF ZONING APPEALS	54 - 58
SECTION 11. AMENDMENTS	59
SECTION 12. PUBLIC HEARINGS	60
SECTION 13. TOWN PLAN COMMISSION	61 - 62
SECTION 14. VALIDITY	63
MAP CHANGES	64 – 65
DIMENSIONAL TABLE	66
*PUBLISHED AMENDMENT DATES	67 - 72
FLOOD HAZARD OVERLAY MAPS AND ZONING MAP	Currently Not Available Electronically

**ZONING ORDINANCE  
TOWN OF LA POINTE  
ASHLAND COUNTY, WISCONSIN**

**SECTION 1.0 INTRODUCTION**

**1.1 AUTHORITY AND PURPOSE**

For the purposes listed in Wisconsin Statutes, Section 60.62, 61.35, 62.23(7), and 87.30; the Town Board of La Pointe in regular session does ordain and enact as follows:

An ordinance regulating and restricting the location, construction, and use of buildings, structures, and the use of land in the Town of La Pointe and for said purposes dividing the Township into districts. The Town of La Pointe has adopted village powers and this ordinance is authorized and was enacted under village powers and Wisconsin Statutes, Sections 60.62, 61.35, 62.23(7) and their predecessor statutes.

This ordinance is adopted for the purpose of promoting and protecting the public health, safety, convenience and general welfare to further the maintenance of safe and healthful conditions, to prevent and control water pollution, to protect spawning grounds, fish, and aquatic life, to control building sites, placement of structures and land uses, to prevent overcrowding of any natural resource, to preserve natural beauty, and to promote the better uses of scenic resources. The ordinance is not intended to prevent development, but it is intended to insure that development occurs in an orderly manner so as to recognize and respect existing land uses.

Amended: March 20, 2006

**1.2 INTERPRETATION**

The provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion and of the public health, morals, safety, or the general welfare. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted regulations, ordinances, or private covenants, the most restrictive, or that imposing the higher standards, shall govern.

**1.3 REPEAL**

All other zoning ordinances or parts of ordinances of the Town inconsistent or conflicting with this ordinance to the extent of their inconsistency only, are hereby repealed.

## **SECTION 2.0 DEFINITIONS**

2.1 For the purpose of this Ordinance certain terms or words herein shall be interpreted or defined as follows:

- \* Words used in the present tense include the future tense.
- \* The singular includes the plural.
- \* The word "person" includes an individual, all partnerships, associations, and bodies, political and corporate.
- \* The word "lot" includes the word "plot" or "parcel".
- \* The term "shall" is always mandatory.
- \* The word "used" or "occupied" as applied to any land or building shall be construed to include words "intended, arranged or designed to be used or occupied".
- \* Undefined terms have to be given their plain, ordinary meaning according to the dictionary

The following definitions shall be listed in alphabetical order:

**(1) ACCESSORY USE:**

A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

**(2) BOATHOUSE:**

Any structure located on the same lot as the principal building and used for protecting or storing of boats used for non-commercial purposes in conjunction with a residence.

**(3) BUILDING:**

Any structure used, designed, or intended for the protection, shelter, or roofed enclosure of persons, animals, or property.

**(4) BUILDING, HEIGHT OF:**

The vertical distance measured from the average of outermost corners to the highest point on the roof.

**(5) CAMPING GROUND:**

A parcel of land used or intended to be used, let or rented for occupancy by campers or for occupancy by or of trailers, tents or movable or temporary dwellings, rooms, or sleeping quarters of any kind.

**(6) CERTIFIED SURVEY MAP:**

A Certified Survey Map (CSM) is a map made according to Chapter 236 of Wisconsin State Statutes. Refer to Town of La Pointe Technical Memorandum # 3 Subdivision Ordinance.

**(7) DWELLING:**

A building designed or used exclusively as the living quarters for one or more families.

**(8) DWELLING, MULTI-FAMILY:**

A dwelling or group of dwellings on one plot containing separate living units for two or more families, but no more than three, but which may have joint services or facilities or both.

**(9) ESSENTIAL SERVICES:**

Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.

**(10) FAMILY:**

Family shall mean two or more individuals who are related to each other by blood, marriage, adoption or legal guardianship. For purposes of this Ordinance, a group of not more than four persons not necessarily related by blood or marriage, living together in a single living unit will be considered equivalent to a single family.

**(11) FARMING, GENERAL:**

The production of field or truck crops, or the raising of livestock and livestock products for the commercial gain; as opposed to home gardening which is the production of the above items for home consumption or on-premise sale.

**(12) FILED/TIME LIMITS:**

A document is considered filed when it has been received and stamped by one of the following: Town Clerk, Zoning Administrator, Administrative Assistant or Clerical Assistant. This date is when the (10 day/30 day) time limit begins, and is counted as day one.

In counting a 10 day time limit under the ordinance, you do not include weekends or holidays, and in counting a 30 day time limit, you just count the number of days.

**(13) FLOODPLAIN:**

The land which has been or may be covered by flood water during the regional flood and includes the floodway and flood fringe as defined in the Ashland County Zoning Ordinance.

**(14) FOREST CROPS AND PRODUCTS:**

The growing and harvesting of trees. The processing of logs by sawing, kiln-drying, shaping, planing and otherwise preparing lumber for re-sale. The sale of lumber processed on the property, as well as, the sale of crops such as logs and firewood.

Amended: December 9, 2005

**(15) GUEST HOUSE:**

Guest House is any structure used for habitation other than the principle dwelling. The intended use of a Guest House is for a sleeping place which is not to be used independently from the principle dwelling. Guest Houses shall and do require a sanitary permit.

Amended: June 2, 2009

**(16) HOME BUSINESS:**

A business enterprise carried out by resident(s) of a dwelling that may involve activities on the premises outside of the dwelling including storage and use of equipment and may include activities of employees not residing in the dwelling. (Examples include landscaping and welding but not automotive repair or spray painting.)

Amended: June 3, 2009

**(17) HOME OCCUPATION ENTERPRISE:**

The secondary and incidental use of a dwelling or accessory structure by a person residing in the dwelling to produce goods and services with limited visits by customers and vehicles and limited activities outside of the dwelling or accessory structure. (Examples include woodworking, pottery, hair care, licensed day care or a tradesman using the home as a base of operations.)

Amended: June 3, 2009

**(18) HOME OFFICE/STUDIO:**

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. (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.)

Amended: June 3, 2009

**(19) HOSPITAL:**

Unless otherwise specified, the term "hospital" includes a sanitarium, prevention clinic, rest home, nursing home, convalescent home and any other place for the diagnosis, treatment or other care of ailments, and is limited to places for the diagnosis, treatment or other care of human ailments.

**(20) JUNK/SALVAGE YARD:**

A lot, land or structure, or part thereof, used primarily for the collecting, storage and/or sale of waste paper, rags, scrap metal or discard material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and/or for the sale of parts thereof.

**(21) LOT:**

A parcel of land occupied or capable of being occupied by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this Ordinance.

**(22) LOT, DEPTH OF:**

A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

**(23) LOT, WIDTH OF:**

The mean width measured at right angles to its depth.

**(24) LOT LINES:**

Any line dividing one lot from another.

**(25) MINOR LOT SUBDIVISION:**

A minor lot subdivision is any division of land by the owner or subdivider resulting in the creation of two (2) or more parcels or building sites and which division does not create a subdivision as defined herein. Refer to Town of La Pointe Technical Memorandum #3 Subdivision Ordinance.

**(26) MOBILE HOME**

Any structure originally designed to be capable of transportation by any motor vehicle upon public highways; which does not require substantial on-site fabrication, and which is intended for occupancy.

**(27) NAVIGABLE WATER:**

Lake Superior, all natural inland lakes within the Town of La Pointe and all streams, ponds, sloughs, flowages and other waters within the territorial limits of the Town.

**(28) NONCONFORMING USE:**

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

**(29) PARKING SPACE:**

Each off-street parking space, whether inside or outside, shall be not less than 9 feet wide, not less than 18 feet long, not less than 180 square feet in area, and be so located and situated so as to not block any on-street parking.

Amended: March 20, 2006

**(30) PLAT MAP:**

A plat map is a map of a subdivision of a piece of land subdivided into lots with streets, alleys, etc. usually drawn to scale.

**(31) ROAD ACCESS:**

Is that portion of the road that includes the right of way and the culvert only.

**(32) SIGN:**

A sign is any structure or natural object or part of it, or device attached to it or printed or represented on it which is intended to attract attention to any object, product, place, activity, person, institution, organization, or business, or which shall display or include any letter, work, model, banner, flag, pennant, insignia, device, or representation used as or which is in the nature of an announcement, direction, or advertisement.

**(33) SINGLE FAMILY:**

Single Family shall mean and refer to one family as opposed to more than one family.

**(34) SINGLE FAMILY DWELLING:**

Single Family Dwelling shall mean a building or structure designed or constructed to be occupied by a single family for the purposes of human habitation.

**(35) STEEP SLOPE:**

A steep slope is a slope greater than 20 percent.

**(36) STRUCTURE :**

Anything constructed or erected with a fixed location on the ground, or attached to anything having a fixed location on the ground. Structures shall include buildings and mobile homes, but structures shall not include fences. For further information, refer to "Procedural Guidelines/ Zoning and Planning List of Interpretations."

**(37) SUBDIVISION:**

A subdivision is a division of a lot, parcel or tract of land by the owner or the owner's agent for the purpose of sale or of building development where:

- a) the act of division creates five (5) or more parcels or building sites of 2.5 acres or less in area *or*
- b) five or more parcels or building sites of 2.5 acres each or less in area are created by successive divisions within a period of five years.

**(38) TIME LIMITS:**

See Section 2.1(12) above.

**(39) TRAILER:**

A portable vehicle designed and used for temporary sleeping purposes while its occupants are engaged in the pastime of camping.

**(40) USE:**

The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent does not include any non-conforming use.

**(41) YARD, FRONT:**

An open, unoccupied space on the same lot with the building between the front line of the building and the front line of the lot and extending the full width of the lot. For shoreline parcels, the lakeside shall be considered the front; for inland parcels, the unoccupied space which provides the parcel's principal access shall be considered the front.

**(42) YARD, REAR:**

An open, unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot, and, located on the opposite side of the structure from the front yard.

**(43) YARD, SIDE:**

An open, unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

Amended: Definitions renumbering - December 9, 2005; March 20, 2006

## **SECTION 3.0 ZONING DISTRICTS**

### **3.1 ESTABLISHMENT OF DISTRICTS**

For the purposes of this Ordinance, the area of the Town of La Pointe (Madeline Island) is hereby divided into the following districts:

- ( 1) W - P Wetland Protection
- ( 2) W - 1 Wilderness Preservation
- ( 3) W - 2 Wilderness Preservation
- ( 4) R - 1 Residential, Single Family, Low Density
- ( 5) R - 2 Residential, Single Family, Medium Density
- ( 6) R - 3 Residential, Multi-Family
- ( 7) S - 1 Shoreland Protection
- ( 8) S - 2 Shoreland Protection
- ( 9) C - 1 Commercial
- (10) S - O Shoreland Overlay
- (11) F - O Flood Hazard Overlay
- (12) L - Z Light Industrial Zone

See: "Zoning Schedules -- Dimensional Requirements" in Appendix for further information on specific districts.

## **1. W - P WETLAND PROTECTION DISTRICT**

This district includes swamp lands and areas which have a water table at or near the surface all or a substantial part of the year. The purpose of this district is to prevent development from areas:

- (1) Not generally capable of supporting structural development;
- (2) Having vegetative cover which is easily destroyed or damaged;
- (3) Providing the wetlands necessary to the support of various species of wildlife.

### **A. Permitted Uses**

1. None

### **B. Conditional Uses**

1. Public Fish Hatcheries
2. Forest Management Programs
3. Game Preserves
4. Public Utilities
5. Public Service Utilities
6. Sewage Disposal Facilities

Amended March 28 2007

## **2. W-1 WILDERNESS PRESERVATION DISTRICT 1**

These districts provide for the continuation of forest programs and related uses in the interior areas of Madeline Island best suited for such activities. It provides for a very low density of development, depending upon location relative to existing facilities and services to provide a continuation of the wilderness character and a sense of isolation.

### **A. Permitted Uses**

1. Production of forest crops and products
2. Production of agricultural crops and products
3. Single-Family Dwellings
4. Seasonal and Recreational Dwellings
5. Game Preserves
6. Rental of Single-Family Dwellings
7. One Guest House only is allowed

Amended: December 9, 2005

### **B. Conditional Uses Including But Not Limited To:**

1. Airports
2. Private Recreational Facilities
3. Professional Offices
4. Junk/Salvage Yards
5. Public Fish Hatcheries
6. Cemetery
7. Sewage and Solid Waste Disposal Facilities
8. Quarrying and Mining
9. Planned Unit Developments
10. Travel Trailer Parks
11. Fuel Storage
12. Public Utilities
13. Public Service Utilities

Amended March 28 2007

### **3. W-2 WILDERNESS PRESERVATION DISTRICT 2**

These districts provide for the continuation of forest programs and related uses in the interior areas of Madeline Island best suited for such activities. It provides for a very low density of development, depending upon location relative to existing facilities and services to provide a continuation of the wilderness character and a sense of isolation.

#### **A. Permitted Uses**

1. Production of forest crops and products
2. Production of agricultural crops and products
3. Single-Family Dwellings
4. Seasonal and Recreational Dwellings
5. Game Preserves
6. Rental of Single-Family Dwellings
7. One Guest House only is allowed

Amended: December 9, 2005

#### **B. Conditional Uses Including But Not Limited To:**

1. Airports
2. Private Recreational Facilities
3. Professional Offices
4. Junk/Salvage Yards
5. Public Fish Hatcheries
6. Cemetery
7. Sewage and Solid Waste Disposal Facilities
8. Quarrying and Mining
9. Planned Unit Developments
10. Travel Trailer Parks
11. Fuel Storage
12. Public Utilities
13. Public Service Utilities

Amended March 28 2007

#### **4. R - 1 RESIDENTIAL, SINGLE-FAMILY, LOW DENSITY**

This district is intended to provide for a large lot development. This low density residential development will provide for lots sufficient to preserve, for the most part, the low-density character of the Island.

##### **A. Permitted Uses**

1. Single-Family Dwellings
2. Seasonal and Recreational Dwellings for single-family use
3. Production of forest products
4. Production of agricultural products except livestock
5. Religious Facilities
6. Rental of Single-Family Dwellings
7. One Guest House only is allowed

##### **B. Conditional Uses including but not limited to:**

1. Mobile home parks
2. Planned Unit Developments
3. Professional offices
4. Private recreation facilities
5. Production of agricultural livestock products
6. Travel trailer parks
7. Resorts
8. Game preserves
9. Fish hatcheries
10. Quarrying and mining
11. Cemetery
12. Airports
13. Public buildings
14. Public Utilities
15. Public Service Utilities

Amended March 28 2007

## **5. R-2 RESIDENTIAL, SINGLE-FAMILY, MEDIUM DENSITY**

This district provides for year-round and seasonal housing opportunities on smaller lots within the community area near public services.

Amended March 28 2007

### **A. Permitted Uses:**

1. Single-Family Dwellings
2. Seasonal and Recreational Dwellings for single-family use
3. Religious Facilities
4. Rental of Single-Family Dwellings
5. One Guest House only is allowed

### **B. Conditional uses including but not limited to:**

1. Public buildings
2. Private Recreational Facilities
3. Cemetery
4. Public and private health care
5. Mobile home park
6. Planned Unit Developments
7. Public Utilities
8. Public Service Utilities

Amended March 28 2007

## **6. R - 3 RESIDENTIAL, MULTI-FAMILY**

This district provides for the highest residential densities in locations close to major public services. It is intended to provide for year-round and seasonal housing opportunities in close proximity to existing major recreation resources.

Amended March 28 2007

### **A. Permitted Uses**

1. Single-Family Dwellings
2. Multi-Family Dwellings
3. Single and multi-family rental dwellings
4. Religious Facilities
5. Health Care Facilities
6. Rental of Single-Family Dwellings
7. One Guest House only is allowed

### **B. Conditional Uses including but not limited to:**

1. Private Recreational Facilities
2. Cemetery
3. Planned Unit Developments
4. Public Utilities
5. Public Service Utilities

Amended March 28 2007

## **7. S - 1 SHORELAND PROTECTION DISTRICT**

This district is intended to provide for development along the shorelines in a manner which will not deplete or destroy the character of shoreline resources.

### **A. Permitted Uses**

1. Single-Family Dwellings
2. Seasonal and Recreational Dwellings for single-family use
3. Production of agricultural products except livestock
4. Production of forest crops
5. Rental of Single-Family Dwellings
6. One Guest House only is allowed

### **B. Conditional uses including but not limited to:**

1. Airports
2. Cemeteries
3. Public Utilities
4. Public Service Utilities
5. Game Preserves
6. Production of livestock products
7. Quarrying and mining
8. Fish hatcheries
9. Parking Lots
10. Multi-family rental dwellings
11. Planned Unit Developments
12. Public Facilities
13. Private Recreation Facilities

Amended March 28 2007

## **8. S - 2 SHORELAND PROTECTION DISTRICT**

This district is intended to provide for development along the shorelines in a manner which will not deplete or destroy the character of shoreline resources. The S-2 Shoreland Protection District will contain the land from the center of Big Bay Road to the lake and from the Big Bay Town Park to the Schoolhouse Road. The property is located in Sections 7, 8, 5, 4 and 3 T50N R2W.

### **A. Permitted Uses**

1. Single-Family dwellings
2. Seasonal and Recreational dwellings for single-family use
3. Production of agricultural products except livestock
4. Production of forest crops
5. Rental of Single-Family Dwellings
6. One Guest House only is allowed

### **B. Conditional uses including but not limited to:**

1. Airports
2. Cemeteries
3. Public Utilities
4. Public Service Utilities
5. Game Preserves
6. Production of livestock products
7. Quarrying and mining
8. Fish hatcheries
9. Parking Lots
10. Multi-family rental dwellings
11. Planned Unit Developments
12. Public Facilities
13. Private Recreation Facilities

Amended March 28 2007

## **9. C - 1 COMMERCIAL DISTRICT**

This district is intended to provide for the orderly grouping of retail stores, services and businesses.

### **A. Permitted Uses**

1. Retail Trade Facilities
2. Business and Professional Offices
3. Health Care Facilities
4. Automobile Service and Supply Facilities
5. Restaurants and Taverns
6. Banks
7. Commercial Entertainment Facilities
8. Laundromats
9. Single Family Dwelling
10. Multi-Family Dwelling
11. Rental of Single –Family Dwellings
12. One Guest House only is allowed

Amended: December 9, 2005; March 20, 2006

### **B. Conditional Uses including but not limited to:**

1. Warehouses
2. Transportation Facilities
3. Hotels, motels, resorts
4. New and used car establishments
5. Fuel Storage
6. Light industrial establishments
7. Veterinary establishments
8. Contracting and building supplies and services
9. Public Utilities
10. Public Service Utilities

Amended March 28 2007

## **10. S - 0 SHORELAND OVERLAY DISTRICT**

This district provides for the protection of waters and shorelands, and for safe and orderly shoreland development in the Town of La Pointe. The intent is to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and uses, and to preserve shorecover and natural beauty. The district includes all lands of the township within the following distance from the ordinary high water elevation of navigable water; 1,000 feet from a lake, pond, or flowage, and 300 feet from a river or stream or to the landward side of a flood plain whichever distance is greater.

### **A. Permitted Uses**

1. Any use permitted in the underlying districts, subject to the shoreland provisions of this Ordinance.
2. Any accessory use permitted in the underlying districts, subject to the shoreland provisions of this Ordinance
3. Rental of Single-Family Dwellings
4. One Guest House only is allowed

### **B. Conditional Uses**

1. Any conditional use authorized in the underlying districts subject to the shoreland provisions of this Ordinance
2. Public Utilities
3. Public Service Utilities

Amended March 28 2007

## **11. F - 0 FLOOD HAZARD OVERLAY DISTRICT**

This district provides for the protection of real property improvements and for safe and orderly shoreland development and rehabilitation in the Town of La Pointe. The intent is to ensure that new development and rehabilitation of existing real property improvements are made with proper regard to still-water, storm set-up and wave run-up elevations. Sheets 1 of 2 and 2 of 2 prepared by Nelson Surveyors and Warzyn Engineering (dated August 17, 1987) which are attached hereto and made a part hereof, indicated two levels of potential inundation.

The elevation indicated by the term "FIS 100 year instantaneous maximum" shall be the flood elevation to be enforced by the Ashland County Zoning Department within the Flood Hazard Overlay District which has the following boundary: Lake Superior, the Madeline Island Ferry Terminal Pier, the northernmost Marina breakwater and the centerline of Main Street.

### **A. Permitted Uses**

1. Any principal use permitted in the underlying districts, subject to the shoreland provisions of this ordinance and the Ashland County Floodplain Zoning Ordinance.
2. Any accessory use permitted in the underlying districts subject to the shoreland provisions of this ordinance and the Ashland County Floodplain Zoning Ordinance.
3. Rental of Single-Family Dwelling
4. One Guest House only is allowed.

### **B. Conditional Uses**

Any Conditional use authorized in the underlying districts subject to the shoreland provisions of this ordinance and the Ashland County Floodplain Zoning Ordinance.

1. Public Utilities
2. Public Service Utilities

Amended March 28 2007

## **12. LZ LIGHT INDUSTRIAL ZONE**

That the LZ District will contain the land "Commencing at a quarter corner common to Sections 20 and 29; thence along a line common to said Sections 20 and 29 S89° 37'01"E 1335.45 feet to the POINT OF BEGINNING; thence N00° 39'21"E 450.23 feet to an iron rod located on the Southerly right-of-way line County Hwy. "H"; thence along said Southerly right-of-way line N64° 55'00"E 2011.97 feet; thence S89° 03'30"E 63.81 feet; thence S00° 40'30" W 93.91 feet; thence S43° 14'49" W 2772.21 feet; thence N00° 39'21"E 811.16 feet to the POINT OF BEGINNING; containing 1,299,510 square feet, which is 29.83 acres, and is subject to any easements of record."

This district is intended to provide for the orderly grouping of Commercial and Light Industrial businesses on Town-owned property which are generally listed as Conditional Uses in the C-1 (Commercial) Zoning District.

### **A. Permitted Uses.**

1. Warehouses
2. Transportation Facilities
3. Fuel Storage
4. Light Industrial Establishments
5. Contracting and Building Storage and Services
6. Public Service Utilities
7. Public Utilities
8. Auto Service and Supply Facility

### **B. Conditional Uses**

Conditional Use Permits may be issued in accordance with the process outlined in the Zoning Ordinance.

### **3.2 ZONING MAP AND DISTRICT BOUNDARIES**

The location and boundaries of these districts are shown on a single map officially designated "Official Zoning Map, Town of La Pointe".

This map, together with all explanatory matter and regulations thereon, is an integral part of this Ordinance. District boundaries are normally lot lines, section and quarter section lines, center lines of streets, highways, or alleys. Questions regarding exact location of district boundaries shall be decided by the Town Zoning Administrator. Decisions may be reviewed by the Zoning Board of Appeals as provided in Section 10.0 of this Ordinance.

The single official copies of the "Official Zoning Map, Town of La Pointe", together with a copy of this ordinance shall be kept for public inspection upon request. This map shall be certified by the Chair of the Town Board and attested by the Town Clerk. Any change affecting zoning district boundaries or explanatory matter and regulations shall be made in accordance with provisions of Wisconsin Statutes, Section 60.62.

## **SECTION 4.0 GENERAL PROVISIONS**

### **4.1 APPLICATION OF REGULATIONS**

The use of any land or water; the size, shape and placement of lots; the use, size, height, type and location of structures thereon, and the provisions for open spaces shall be in compliance with the regulation set forth on the "Official Zoning Map, Town of La Pointe" and in the text of this Ordinance.

### **4.2 STANDARD DISTRICT REQUIREMENTS**

#### **1. Yard Requirements**

- A. No part of the yard or open space required for a given building shall be included as a part of the yard or other space required for another building.
- B. Every part of a required yard shall be open to the sky, unobstructed, except that in commercial areas a permanent awning and its accessory columns or struts may project not more than five feet into a required front or side yard.
- C. Open or enclosed fire escapes may project into a required yard not more than 5 feet and into a required court not more than 3 1/2 feet, provided it be so located as not to obstruct light or ventilation.

#### **2. Height Exceptions**

A chimney shall be allowed to extend five (5) feet above the thirty-five (35) foot height regulation of this ordinance and a roof mounted antenna shall be allowed to extend ten (10) feet above the thirty-five (35) foot height regulation of this ordinance. Chimney and roof mounted antennas shall be erected in accordance with other regulations and ordinances of the Town.

#### **3. Visual Clearance at Intersections**

In each quadrant of every street intersection there shall be designated a vision clearance triangle, bounded by the inner street lines and a line connecting them 35 feet from their intersection. Within this triangle no object shall be allowed above the height of two and one-half (2-1/2) feet above the streets if it obstructs the view across the triangle. This provision shall not apply to tree trunks, posts or wire fences.

#### **4. Access Driveways**

The maximum number of access driveways to public roads and highways shall not be more than two (2).

## **5. Lot Sizes**

- A. After adoption of this Ordinance, no lot area shall be so reduced that the dimensional and yard requirements required by this Ordinance cannot be met. Lots existing and of record prior to adoption of this Ordinance, but of substandard size, may be devoted to uses permitted in the district in which located.
- B. If two or more substandard lots with continuous frontage have the same ownership as of the effective date of this Ordinance, the lots involved shall be considered to be an individual parcel for the purposes of this Ordinance.
- C. Lots created after adoption of this Ordinance and which are not served by public sewer systems shall meet minimum area requirements of the Ashland County Sanitary and Private Sewage System Ordinance, the Wisconsin Administrative Code and this Ordinance.
- D. All Land Divisions shall and do require a Certified Survey Map. Refer to Technical Memorandum #3 Section III and/or Section IV.

## **6. Accessory Uses and Structures**

Any permanent, roofed structure serving as an accessory if attached to the principal building, shall be considered a part of the principal building. It shall conform to the setback and other dimensional requirements of the district within which it is located. All other accessory structures shall also conform to the setback requirements required of the principal building in the district within which it is located.

## **7. Drainage, Sanitation and Water Supply**

A. No principal building shall be erected, structurally altered, or relocated on land which is not adequately drained at all times by reason of adverse soil conditions, steep slopes, shallow impermeable bedrock, periodic flooding, or where the lowest floor level is less than 4 feet above the highest groundwater level.

B. No principal building intended for human use or occupancy shall be erected, structurally altered, or relocated on a lot, unless provision is made for safe and adequate facilities for water supply and disposal of sewage in accordance with the regulations of the Ashland County Sanitary and Private Sewage System Ordinance and the appropriate requirements of the Wisconsin Administrative Code.

C. The Town Zoning Administrator shall not hereafter authorize a building to be erected, structurally altered, or relocated which has a private waste disposal system unless the plans for the system have been reviewed in accordance with the provisions of the Ashland

County Sanitary and Private Sewage System Ordinance, and a sanitary permit has been issued.

Private sewage disposal systems for dwelling units shall meet the location requirements of the Ashland County Sanitary and Private Sewage System Ordinance, and the applicable standards of the Wisconsin Administrative Code.

D. Where connection is not to be made to public water system, no residential use shall be permitted unless provision is made for a safe and adequate supply of drinking water located on the premises, a permit for which has been obtained in accordance with the provisions of the Ashland County Sanitary and Private Sewage System Ordinance.

E. Planned unit developments shall be served by sewage facilities which meet the requirements of the Ashland County Sanitary and Private Sewage System Ordinance and the applicable minimum standards of the Wisconsin Administrative Code.

#### **8. Developments in Areas with Poor Soils**

Where the proposed development lies entirely or partially within areas indicated as having severe soil limitations according to the large-scale soil maps entitled "Soil Limitations for Disposal Fields"; and "Soil Limitations for Low Buildings" the conditional use permit procedure and Section 6.5 shall be followed to ensure that proposed developments will be adequately and safely accommodated by the underlying soils. In areas not served by the public sewage system the former map shall be used whereas in areas served by the public sewage system the latter map shall apply. Said maps are on file in the office of the Town Clerk.

Provisions of the County Sanitary and Private Sewage System Ordinance and the State Administrative Code can and will be met.

Proposed structural foundations and footings will adequately compensate for any deficiencies in engineering characteristics of the soils for the type of development contemplated.

Adequate provisions for waterproofing and drain tile around foundations is provided in areas having a high water table.

In areas with a high water table and/or slopes over ten percent, practices such as terracing, landscaping and retaining walls will be adhered to in order to prevent erosion of topsoil and damage to natural vegetation.

## **4.3 SUPPLEMENTARY REGULATIONS**

### **1. Airport Safety Zones**

Except for field crops and fences under 5 feet high, the maximum height of any object located within 500 feet of either side of the centerline of a landing strip, and extended to a distance of 2 miles from the end of the runway shall be no higher than 1/100 of the distance of the object to the landing strip.

Refer to the Height Limitation Zoning Map for Madeline Island Airport.

### **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 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 one and one-half off-street parking spaces. The total, if a fraction, shall be rounded up to the next whole number.

Amended: March 20, 2006

### **3. Non-Conforming Grandfathered Lots**

Any lot which does not meet current dimensional length, width or area requirements of a District as specified in Section 3 of this Ordinance is considered to be “non-conforming”. Any lot created and recorded prior to May 26, 1972 or becomes non-conforming because of a subsequent revision of the dimensional requirements of the Town of LaPointe Zoning Ordinance after May 26, 1972 or because of the construction of public roadway by the Town of LaPointe or Ashland County, is considered to be “Grandfathered”.

#### **4.3.3.1 Setback Relief for Non-Conforming Grandfathered Lots**

Non-Conforming Grandfathered lots shall be eligible for relief from the setback requirements specified in Section 3 of this Ordinance as described in the following:

- A. If a lot is non-conforming by virtue of having less area than is required for the District, the amount of relief allowed in meeting setback requirements will be in the same ratio in which it is deficient. For example, if the area requirements in the District is three (3) acres and the lot has only two (2) acres (67% of the required acreage) the setbacks, except the shoreline setback, will

be decreased to 67% of the setback requirement in Section 3 of this Ordinance.

- B. If a lot is non-conforming by virtue of having less width than is required for the zone, the amount of relief allowed in meeting the setback requirements will be in the same ratio as the ratio in which it is deficient. For example, if the width requirement in the zone is eighty (80) feet and the lot is only sixty (60) feet wide (75% of the required width) the setback will be decreased to 75% of the width setback required in Section 3 of this Ordinance.
- C. If a lot is non-conforming because both the area and the width fail to meet the required requirements of Section 3 of this Ordinance, then relief shall be according to the formula that allows the greater relief.
- D. Notwithstanding the relief allowed under the preceding Sub-Sections A, B, and C, the maximum amount of relief allowed under this Section shall be 50% of the setback requirements of Section 3 of this Ordinance.

**4.3.3.2** Any property owner of a non-conforming grandfathered lot aggrieved by the dimensional requirements of Section 3 of this Ordinance which are not relieved by the provisions of 4.3.3.1 may apply for a variance to the Zoning Board of Appeals.

**4.3.3.3** Alteration of a Non-Conforming Grandfathered Lot

Notwithstanding the provisions of Section 4.2.5 of this Ordinance, alteration or reconfiguration of a non-conforming grandfathered lot may be permitted subject to the recommendation of the Town Plan Commission and approval by the Town Board of a Certified Survey Map provided it results in one or more of the following:

- A. The lot becomes conforming to the dimensional requirements of Section 3 of this Ordinance and loses its grandfathered status.
- B. The lot becomes less non-conforming in area but retains grandfathered status.
- C. The lot becomes less non-conforming in width but retains grandfathered status.
- D. A setback encroachment of a lawfully constructed structure is eliminated but retains grandfathered status provided it still does not meet the dimensional requirements of Section 3 of this Ordinance.

Amended: June 8, 2009

#### **4. Camping on Private Lands**

Camping on privately owned land by one camping party including the landowner or by one camping party with the landowner's written permission shall be allowed without issuance of a land use permit, subject to the following restrictions:

- A. The camping units shall not be erected and used within the front, rear or side yard setbacks established for the zoning district in which the property is located.
- B. No camping unit shall be occupied or used as a permanent place of abode, dwelling or business. Continuous occupancy greater than 180 days in any twelve (12) month period shall be presumed to be permanent occupancy for the purposes of this Ordinance.
- C. Sanitary waste disposal shall be provided by either:
  1. Connection to approved on-site waste disposal system.
  2. Self-contained holding tank with disposal at an approved sanitary dump station.
  3. A privy as permitted and defined by Chapter Comm 91.12, Wisconsin Department of Commerce
  4. A portable restroom as defined by Chapter Comm 91.13, Wisconsin Department of Commerce, subject to the following limitations:
    - a. The portable restroom must not be located in the front, rear, or side yard setback and must be at least fifty (50) feet from any frontage road right-of-way.
    - b. The portable restroom must be serviced on a regular basis by a licensed septic waste hauler and a copy of the service agreement must be placed on file with the LaPointe Zoning Administrator.
    - c. The door to the restroom must be locked when the property owner or authorized camping party leaves the premises for a period of more than two (2) days.
    - d. A portable restroom cannot be used for sanitary waste disposal at the site for more than ninety (90) days in any calendar year.
- D. The wheels of recreational vehicles, motor homes, travel trailers, or camping trailers shall not be removed (except for repair) nor shall there be any permanent plumbing or electrical connections or foundation.
- E. No porches, lean-to's, or additions shall be constructed onto or immediately adjacent to a camping unit. Canvas screen rooms and awnings are allowed.
- F. Wooden decks may be provided for camping subject to:
  1. The deck shall not exceed 256 square feet in area
  2. The deck may have railings but not built in benches or tables
  3. The deck shall not have a permanent foundation in the ground
- G. Violation of this ordinance shall result in the immediate termination of any camping activities until the activities are brought into compliance with the

provisions of this Ordinance and the property owner shall be subject to a fee as determined by the LaPointe Town Board of Supervisors.

Amended: June 5, 2009

## **4.4 SHORELAND REGULATIONS**

### **1. Setback**

For lots that abut on navigable waters the following setback regulations apply:

- A. All permanent structures shall be setback 75 feet from the ordinary high-water mark of navigable waters. Boathouses shall conform to the Ashland County Shoreland/Wetland Zoning Ordinance.
- B. Private sewage disposal systems shall conform to the setback requirements of the "Ashland County Private Sewage System Ordinance" and the applicable rules, regulations and laws as set forth in the Wisconsin Statutes and the Wisconsin Administrative Code.
- C. The Ashland County Zoning Administrator shall determine the ordinary high water mark where not established.

### **2. Removal of Shoreline Cover**

Cutting of trees and natural shrubbery within a strip paralleling the shoreline and extending 35 feet inland from all points along the ordinary high water mark of the shoreline shall be limited in accordance with the following provisions:

- A. No more than 30 percent of the length of this strip (as measured along the ordinary high water mark) shall be clear cut to the depth of the strip.
- B. Provided further, that cutting of this 30 percent shall not create a clear cut opening in this strip greater than thirty (30) feet wide for every one hundred (100) feet of shoreline (measured along the ordinary high water mark).
- C. In the remaining 70 percent length of this strip (distance measured along the ordinary high water mark) cutting shall leave sufficient cover to screen cars, dwellings, accessory structures, except boathouses, as seen from the water; to preserve natural beauty and to control erosion.
- D. Natural shrubbery shall be preserved as far as practicable.
- E. Refer to the Ashland County Shoreland Amendatory Ordinance.

**3. Commercial forestry**, from the inland edge of the thirty-five (35) foot strip to the outer limits of the shoreland, shall be allowed when accomplished under accepted forest management practices. The maintenance and improvement of

water quality shall be emphasized in all timber harvesting operations. The purpose of this order will favor long-lived species adapted to the site and will prescribe slash disposal methods necessary for aesthetic value.

**4. Filling, grading, lagooning and dredging** may be permitted only in accordance with State Law and where protection against erosion, sedimentation, and impairment against fish and aquatic life has been assured. All required permits shall be obtained prior to construction. All shorelands within the corporate limits of Ashland County are subject to Ashland Shoreland Amendatory Ordinance which is incorporated into this Ordinance by reference. The enforcement of the Amendatory Ordinance is the responsibility of the Ashland County Zoning Administrator.

Amended March 28 2007

#### **4.5 FLOODPLAIN REGULATIONS**

All lands within the corporate limits of Ashland County are subject to the Ashland County Floodplain Zoning Ordinance adopted April 21, 1981 which is hereby incorporated into this Ordinance by reference. Enforcement of the Floodplain Zoning Ordinance and the provisions of the Flood Hazard Overlay District of the Town of La Pointe is the responsibility of the Ashland County Zoning Administrator.

## **SECTION 5.0 SIGNS**

### **5.1 GENERAL PROVISIONS**

#### **1. Permit Required**

Except as otherwise specifically authorized, no sign shall be located, erected, moved, reconstructed, extended, enlarged, or structurally altered within the Town of La Pointe, until a permit has been issued by the Town Zoning Administrator. No permit shall be issued for a sign not in conformity with the size, type, number, location and use regulations affecting each zoning district. All signs exceeding four square feet in area shall be subject to review and approval by the Town Plan Commission in accordance with provisions of this Ordinance.

#### **2. Exceptions**

A permit shall not be required for the following classes of signs:

- A. Class A signs:** Official traffic control signs, and informational or directional notice erected by federal, state or local units of government.
- B. Class B signs:** On premise real estate signs, residential identification, warning and similar signs not greater than four square feet in area.

#### **3. Prohibited Characteristics of Signs:**

- A. No sign shall resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals or devices.
- B. No sign shall be so located as to interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at an access point or intersection.
- C. No sign shall be erected, relocated, or maintained so as to prevent free ingress or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.
- D. No sign shall contain any rotating or moving parts, or be illuminated by flashing light.
- E. No sign shall exceed the maximum height limitation of the district in which it is located.
- F. No sign shall be located in a lot so as to reduce the required rear and side yard requirements of the district in which it is located. The front yard setback for a sign located on a lot shall be a minimum of twelve (12) feet from the edge of the right of way. This requirement shall pertain to all lots in all Zoning Districts upon which signs are allowed, except for the C-1 (Commercial

Zoning District.) The front yard setback in the C-1 (Commercial District) shall remain at the minimum of five (5) feet from the edge of the right of way.

## **5.2 CLASSIFICATION OF SIGNS REQUIRING PERMIT**

**1. Class C Signs:** On premise signs which advertise a business activity or service performed on the property.

**A. Type 1:** Signs advertising a conditional use permit or professional office. Such signs shall not exceed 3 square feet in area, and if illuminated shall be indirectly lighted. No more than one such sign for each use located on the premises shall be permitted.

**B. Type 2:** Signs or bulletin boards for public, charitable or religious institutions. Such signs shall not exceed 12 square feet in area, and no more than one such sign for each street upon which the property faces shall be permitted. Such signs may be placed at the right-of-way of the street or highway.

**C. Type 3:** Signs advertising a business activity or a service available in a commercial area. Such signs shall not exceed 40 square feet in area when non-lighted, and if illuminated shall not exceed 20 square feet in area. Not more than one such sign may be attached to a building facade, and no sign may project more than 4 feet beyond a building when attached thereto, or be higher than the roof line. Free standing signs shall not exceed 15 feet in height from the ground.

**D. Type 4:** Signs advertising a resort or recreational business activity or product available. Such signs shall not exceed 20 square feet in area and no more than one such sign for each highway (street) upon which the property faces shall be permitted.

**2. Class D Signs:** Signs or billboards which advertise a general brand of product shall be prohibited.

**3. Class E Signs:** Off premise directory signs in the specific interest of the traveling public which advertise a business activity, area of interest or a service available at a specific location within 12 air miles of the premises on which it is located.

**5.3 CLASS AND TYPE OF SIGNS PERMITTED IN ZONING DISTRICTS:**

<b><u>Class and Type of Sign</u></b>	<b><u>Zoning District</u></b>
Class A Signs:	All, except W-P District (Wetland Protection)
Class B Signs:	All, except W-P District
Class C Signs:	Type 1: W-1, W-2, S-1, S-2, C-1, R-1, R-2, R-3 Type 2: W-1, W-2, S-1, C-1 Type 3: C-1 Type 4: W-1, W-2, S-1, C-1
Class D Signs:	Prohibited
Class E Signs:	Prohibited

**5.4 NON-CONFORMANCE**

Signs lawfully existing before the date of enactment of this Ordinance may be continued although the use, size, or location does not conform with the provision of this Ordinance. However, permits shall be obtained for all signs erected before such date, and such signs shall be deemed a non-conforming use or structure, and the provision of Section 5.0 shall apply.

All non-conforming signs, of all types not exempted by the definition thereof, shall be removed and made to conform to the provisions of this Ordinance within a period of two years after the adoption of this Ordinance and the mailing of a notice by the Zoning Administrator instructing such removal.

## **SECTION 6.0 REGULATION OF SPECIAL USES**

### **6.1 GENERAL PROVISIONS**

Except as needed to, or altered hereafter in this section, the procedures and requirements of Section 7.0 governing conditional uses shall apply.

### **6.2 QUARRIES (GRAVEL PITS) AND MINES**

#### **1. Application Required**

An Application requesting Town Plan Commission approval of a proposed quarrying activity shall be accompanied by:

- A. A description of all phases of the contemplated operation including types of machinery and equipment which will or might be used to carry on the operation. Where the operation is to include sand and gravel washing, the estimated daily quantity of water required, its source and its disposition shall be identified.
- B. A legal description of the proposed site.
- C. A topographic map (at a minimum contour interval of five feet) of the proposed site and the area extending beyond the site to a minimum distance of 300 feet on all sides.

#### **2. Consideration of Compatibility**

In interviewing a proposal for a quarrying activity, the Town Plan Commission shall take into consideration:

- A. The effect of the proposed operation on drainage and water supply, particularly in connection with sand and gravel washing.
- B. The possibility of soil erosion as a result of the proposed operation.
- C. The most suitable land use for the area.

#### **3. Restoration Plan and Financial Guarantee Required**

No permit to carry on a quarrying operation shall be given until the Town Plan Commission approves a restoration plan and the owner agrees to restore the quarried area to a condition of practical usefulness and reasonable physical attractiveness as soon as possible after the quarrying activities have ceased. The owner shall provide sufficient financial guarantee to secure the performance of the restoration agreement. The agreement and financial guarantee shall be in a form approved by the Town Attorney.

#### **4. Conditions for Approval**

The Town Plan Commission may set forth conditions regarding appropriate setback and other dimensional requirements to avoid nuisance effects on surrounding residential uses. Suitable fencing and landscaping may be required.

## **5. Duration of Conditional Use Permit**

The initial permit to carry on a quarrying operation shall not be effective for more than five years. Authorization may be extended for additional three year periods, subject to conditions specified by the Town Plan Commission.

## **6. Existing Quarry Operations**

- A. Within 60 days after the effective date of this Ordinance, the owners of all existing quarrying operations shall submit to the Town Plan Commission the names of the quarry owners and operators and information regarding its operation.
- B. Within one year after adoption of this Ordinance, the owners shall submit to the Town Plan Commission a plan for restoration of the quarrying site in accordance with subsection (3) of this section. The restoration plan shall not impose requirements which are unreasonable from an economic or engineering standpoint with respect to conditions resulting from operations prior to enactment of this Ordinance.
- C. Within three years after the effective date of this Ordinance any such existing operation shall be subject to the provisions of subsections 4, 5, and 6 of this section.

## **6.3 JUNK/SALVAGE YARDS**

No junk/salvage yard shall be permitted in the Town of La Pointe except in conformance with the standards, rules and regulations of the Wisconsin Administrative Code, and the requirements herein specified.

1. All junk/salvage yards shall have a minimum front, side and rear yards of 200 feet.
2. Junk/salvage yards shall be screened so that the salvage materials are not visible from other property in the vicinity, nor from a public right-of-way such as roads, streets, highways and waterways.

## **6.4 GARBAGE AND REFUSE DISPOSAL SITES**

No garbage or refuse disposal sites shall be permitted in the Town of La Pointe except in conformance with the rules and regulations of the Wisconsin Administrative Code.

## **6.5 PLANNED UNIT RESIDENTIAL DEVELOPMENTS**

1. Planned unit residential developments consisting exclusively of single-family dwelling units are permitted as conditional uses. Planned Unit Developments will be allowed within the interior physical boundaries of the roads that circle the Island starting at the beginning of North Shore Road to School house Road to Big Bay Road to Black Shanty Road to Middle Road to South Shore Road to Old Fort Road to Main Street to Big

Bay Road and to North Shore thus completing the loop. Refer to Map on file in Town Hall.

For additional information refer to Technical Memorandum #3: Subdivision Regulations.

2. A successful applicant for a conditional use permit for a planned unit development may be allowed to modify the lot size, setback and yard requirements of the districts in which the project is located. All other district requirements shall be complied with as well as any fire, building, plumbing or electrical codes and applicable subdivision regulations.

3. The overall density of a planned unit residential development defined as the number of living units per acre shall not exceed the districts regulations for the district in which it is to be developed.

4. A planned unit residential development may include closely related commercial uses intended to serve only the needs of the proposed development.

5. An application for a conditional use permit shall be submitted in accordance with Section 7.0 and shall contain the information required under Section 8.0 of this Ordinance and Section VII (F) of the Town Subdivision Ordinance (Technical Memorandum #3).

#### **6.6 MOBILE HOME PARK**

Mobile home parks are permitted as conditional uses in the districts specified in Section 3.0 of this Ordinance.

The minimum size of a mobile home park shall be 10 acres;

The maximum number of mobile homes shall be ten per acre;

It shall conform to the requirements of the Wisconsin Administrative Code;

Two (2) parking spaces shall be provided for each mobile home site;

Minimum dimensions of a mobile home site shall be 50 feet wide by 85 feet long;

There shall be a minimum yard setback of 40 feet at all exterior boundary lines of the mobile home park;

Unless adequately screened by existing vegetative cover it shall be screened by a temporary planting of fast growing material, capable of reaching a height of 15 feet or more. The individual trees to be such a number and so arranged that within 10 years they will have formed a screen equivalent in opacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than 15 feet.

## **6.7 TRAVEL TRAILER PARKS**

Travel trailer parks and campgrounds may be permitted as conditional uses in the districts specified in Section 3.0 of this Ordinance.

- The minimum size of a travel trailer park or campground shall be 5 acres;
- The maximum number of travel trailers or campsites shall be 15 per acre;
- Minimum dimensions of a travel trailer site or campsite shall be 25 feet wide by 40 feet long;
- No travel trailer or campsite shall be occupied for a period of more than 30 consecutive days;
- Each travel trailer site or campsite shall be separated from other travel trailer spaces or campsites by a yard not less than 15 feet wide;
- Two (2) parking spaces shall be provided per site;
- There shall be a minimum yard setback of 40 feet at all lot lines of a travel trailer park or campground;
- It shall conform to the requirements of the Wisconsin Administrative Code;
- The screening provisions for mobile home parks shall be met.

## **6.8 RENTAL OF SINGLE FAMILY DWELLINGS**

Rental of Single-Family Dwellings shall be a permitted use in all zoning districts except the W-P Wetland Protection District

- Land use permits will be required for Rental of Single-Family Dwellings and will be issued by the Zoning Administrator upon application by the owner accompanied by the necessary fees.
- There are no requirements for issuance of a Land Use Permit for Rental of Single-Family Dwellings other than those specified in this section.
- Permit holders for Rental of Single-Family Dwellings must provide adequate off-street parking in accordance with section 4.3(2). Rental of Single-Family Dwellings Land Use Permits can be revoked at any time under the procedure set forth in Section 15.0.
- A Single-Family Dwelling shall mean a building or structure designed or constructed to be occupied by a single family for purposes of human habitation.

## **6.9 LIGHT INDUSTRIAL ZONE**

1. The Industrial Zone shall be an exclusive permitted use area that is located near the Airport and Town Maintenance buildings.
2. The minimum size of the Industrial Zone will consist of 29.83 acres.
3. All buildings will be required to meet normal commercial setback requirements as in 5 ft. front – 10ft side – 10 ft rear and /or as required by other government standards.
4. Minimum dimensions of the lots will be 50 feet wide x 85 feet long.
5. More than one lot can be combined to form the entire area used by the lessee.
6. Each business will provide adequate on-site parking for its customers and employees.

7. Lease payments will be made to the Town of La Pointe.
8. The La Pointe Town Board will reserve the right to decline applications if the business does not meet the scope of this planned development.
9. The Town of La Pointe will offer electrical power to the site. (Not connected to buildings.)
10. Regulations for holding tanks and well water shall be complied with under current laws. (Lot size has to be at least 30,000 sq. ft. that is approximately 7 lots combined.)
11. All lots shall conform to the requirements of the Wisconsin Administrative Code.
12. There shall be a signed lease agreement between the Town of La Pointe and the applicant on file before issuance of a permit.

**6.10 USE OF RESIDENTIAL DWELLINGS AND PROPERTY FOR OCCUPATIONAL OR BUSINESS USES**

- A. A Home Office/Studio is an authorized use without a permit in all districts except WP that meet the following criteria:
  1. All activities must be conducted entirely within the primary residential dwelling and carried out only by persons residing therein and no others.
  2. There shall be no retail, wholesale or other business activities which require visits from the public.
  3. There shall be no storage of goods, products, inventories of raw materials, animals or vehicles or equipment dedicated to the enterprise stored or used outside of the primary residential dwelling.
  4. There shall be no use of machinery, tools, or appliances that make excessive noise, dust, odors, or exhaust
  5. There shall be no on or off-premises advertising signs.
  6. The area dedicated to this use shall not exceed 25% of the area of the dwelling.
- B. A Home Occupation Enterprise is an authorized use with a permit issued by the Zoning Administrator in all districts except WP that meet the following criteria:
  1. All activities at the site must be conducted entirely within the primary residential dwelling or in an accessory building not larger than 25% of the primary dwelling.
  2. Business activities may be carried out by persons residing in the dwelling or by no more than one other person employed by the resident(s) of the dwelling.
  3. There shall be no retail or wholesale of products or displays of products except for those products or services that are actually produced at the site.
  4. There shall be no outdoor storage or display of products, materials, equipment, or machinery except that there may be one vehicle bearing the business insignia and one trailer used in conjunction with the enterprise stored outside provided they are screened from the rights-of-way and neighboring properties. Any such vehicle or

trailer must be licensed, operable, and routinely used in the course of the activities of the enterprise.

5. One off-street parking spot will be provided for an employee or visitors.
  6. Only one on-premises advertising sign, not illuminated and not to exceed four (4) square feet in area, shall be permitted. The sign may be located in the lot set-back provided it does not interfere with passage or obstruct the view of vehicles or pedestrians.
  7. No machinery, tools, or appliances shall be used that cause excessive noise, dust, odors, or exhaust.
  8. Sanitary facilities shall be provided in accordance with county and state requirements.
  9. A Conditional Use Permit is required for any exception to these requirements.
- C. A Home Business is an authorized use with a permit issued by the Zoning Administrator upon approval by the Zoning and Planning Commission in all districts except WP, R-1, R-2, R-3, and S-2 that meet the following criteria:
1. The Home Business may occupy 25% of the dwelling and/or an accessory building.
  2. The Home Business may employ up to five (5) employees who may work on or off the site.
  3. No retail or wholesale products may be sold on the site except those products and services that are actually produced on the site.
  4. There shall be no outdoor display of products.
  5. Only one on-premises advertising sign, not illuminated and not to exceed twelve (12) square feet in area, shall be permitted. The sign may be located in the lot set-back provided it does not interfere with the passage of vehicles or pedestrians.
  6. Activities shall not include any machinery, tools, appliances, or equipment that make excessive noise, dust, odors, or exhaust nor shall it include any vehicle or heavy machinery repair or spray painting services.
  7. Outdoor storage of products, materials, equipment, or machinery is permitted if the storage areas are fenced, vegetative screened, or provided with a landscape buffer of trees so that the storage is not visible from rights-of-way or neighboring properties.
  8. Licensed and operable vehicles and trailers related to the business activity may be parked or stored on-site provided no more than one such vehicle and trailer are visible from the rights-of-ways or neighboring property.
  9. Off-street parking must be provided for all employees and visitors.
  10. Sanitary facilities shall be provided in accordance with county and state requirements
  11. A Conditional Use Permit is required for any exception to these requirements.

Amended June 3, 2009

## **SECTION 7.0 CONDITIONAL USES**

### **7.1 GENERAL PROVISIONS**

One of the purposes of this Ordinance is to divide the Town of La Pointe into districts within which the use of land and buildings, and the bulk and location of buildings in relation to the land are mutually compatible, and substantially uniform.

There are certain uses that may be entirely appropriate and not necessarily incompatible with the basic uses permitted in any district, but not at every or any location therein or without restrictions or conditions being imposed by reason of unique problems the use of its particular location presents from a zoning standpoint, including the impact of those uses upon neighboring land, and the public need for the particular use at a particular location. Such uses may be necessary or desirable to be allowed in a particular district provided that due consideration is given to their location, development, and operation. Such uses are hereby classified as conditional uses and are subject to the provisions specified herein.

#### **1. Approval Required**

Any conditional use listed in this Ordinance shall be permitted only when recommended for approval by the Town Plan Commission and subject to the approval of the Town Board. Upon such approval, issuance of a Conditional Use Permit will be granted.

#### **2. Basis of Approval**

The Town Plan Commission and the Town Board shall consider the effect of such grant on the health, general welfare, safety and economic prosperity of the Town and of the immediate area in which such use would be located, including such considerations as the effect on the established character and quality of the area, its physical attractiveness, existing topography, drainage features, erosion potential, vegetative cover, the prevention and control of water pollution, the location with respect to floodplains and floodways, the movement of traffic and the relationship to existing and proposed roads, the demand for related services, the possible hazardous, harmful, noxious, offensive or nuisance effects resulting from noise, dust, smoke, or odor and other factors.

#### **3. Application**

Application for a Conditional Use Permit shall be made to the Town Zoning Administrator who shall, within ten (10) days, refer the application to the Town Plan Commission. In addition to the information required under Section 8.0 for a Land Use Permit, the Town Plan Commission may require the applicant to submit other pertinent data and information necessary to properly evaluate the request.

#### **4. Schedule of Fees**

No zoning, compliance, or Conditional Use Permit shall be issued unless or until such application fees shall have been paid in full to the Town Clerk, nor shall any action be taken on proceedings before the Town Board unless or until the application fees have been paid in full.

#### **5. Hearing**

The Town Plan Commission shall schedule a public hearing on the completed application within 30 days after it is filed. The Wisconsin Department of Natural Resources and the Ashland County Zoning Administrator must be notified if Shorelands are involved (property within 1,000 ft from Lake Superior) as per Section 13.7.

#### **6. Mapping and Recording**

When a Conditional Use Permit is granted, an appropriate record shall be made of the land use and building permits, and such grant shall be applicable solely to the structures, use and property so described.

#### **7. Termination**

Where a permitted conditional use does not continue in conformity with the conditions of the original approval, the Conditional Use Permit shall be terminated by action of the Town Plan Commission.

## **SECTION 8.0 ADMINISTRATION**

### **8.1 ZONING ADMINISTRATOR**

Amended March 28 2007

#### **1. Designation**

- A. The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator who shall be employed by the Town Of La Pointe and shall report directly to the Town Board of Supervisors and with guidance from the Town Plan Commission.
- B. The salary of the Zoning Administrator shall be approved by the Town Board of Supervisors.

#### **2. Duties**

In administering and enforcing this Ordinance, Zoning Administrator shall perform the following duties:

- A. Receive and examine all applications for zoning/land use permits, uniform dwelling permits and POWTS permits and to refer applications to the Town Plan Commission for action thereon as defined in the Zoning Ordinance.
- B. Land Use Applications for Conditional Use. Receive applications for conditional use permits and forward these applications to the Town Plan Commission for action thereon as defined in the Zoning Ordinance.
- C. Land Use Applications for Appeals and Variances. Receive applications for appeals and variances and forward these applications to the Zoning Board of Appeals for action thereon as defined in the Town of La Pointe Ordinances. Receive applications for appeals from alleged error of the Zoning Administrator and forward these applications to the Town Plan Commission for action thereon.
- D. Surveys. Review surveys as required to determine compliance or non-compliance with the terms of the Town of La Pointe Technical Memorandum #3 Subdivision Ordinance and forward these applications to the Town Plan Commission for action thereon.
- E. Presentation of Facts. Upon the request of the Town Board of Supervisors, the Town Plan Commission or the Zoning Board of Appeals, present to such bodies facts, records, or reports which they may request to assist them in making decisions.
- F. Application for Signs. Any sign to be erected in the Town of La Pointe shall require a permit unless specifically exempted. No such sign shall be erected, altered, or the content changed, except directory, until reviewed by the Town Plan Commission and a permit issued by the Zoning Administrator.

- G. Application for Zoning District Change. Receive applications for zoning district changes and forward these to the Town Plan Commission for action thereon as defined in the Town of La Pointe Ordinances.
- H. Applications for Quarries and Mines. Receive applications for quarries and mines and forward these applications to the Town Plan Commission for action thereon as described in the Town of La Pointe Ordinances.

### **3. Powers and Authority**

The Town Zoning Administrator shall have powers and authority including but not limited to the following:

- A. Issuance of Permits. Notwithstanding Sections 13.1, 13.2, 13.5, 13.7, 13.8 or any other Section of this Ordinance, the Zoning Administrator may issue Town of La Pointe permits only when there is compliance with the provisions of this Ordinance and with other Town of La Pointe Ordinances.
- B. Issuance of Orders. With approval of/or direction from the Town Board of La Pointe, issue stop, cease and desist orders and order correction, in writing, of all conditions found to be in violation of the provisions of this Ordinance. Such written orders shall be served personally or by certified mail upon persons, firms, or corporations deemed by the Zoning Administrator to be violating the terms of this Ordinance. It shall be unlawful for any person to violate such order lawfully issued by the Zoning Administrator, and any person violating such order shall be guilty of a violation of this Ordinance.
- C. Court Action. With the approval of the Board of Supervisors, or when directed by them, institute in the name of the Town any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, moving, altering, repair, conversion, maintenance or use of any building, structure or land, or to prevent any illegal act, conduct business, or use in or about such premises.
- D. Revocation of Orders. Revoke by order, a zoning/land use permit issued under a mistake of fact or contrary to the law or the provisions of this Ordinance.
- E. Maintenance of Zoning Ordinance Map. Maintain an up-to-date copy of the Zoning Ordinance and amendments thereto and maintain the Zoning Map showing the current zoning classifications of all land.
- F. Maintenance and Custodian of Records. Keep an official record and file all applications for permits with accompanying plans and documents for that period required by law. Is the official responsible for requests for zoning public records and

will follow the procedures in State Statute Chapter 19.

- G. Access to any structure or premises for the purpose of performing his/her duties between 9:00 A.M. and 5:00 P.M. by the permission of the owner or upon issuance of a special inspection warrant.

## **8.2 TOWN SANITARY AGENT**

### **1. Designation**

The Town Board may appoint a Town Sanitary Agent for the local administration and enforcement of the Ashland County Sanitary and Private Sewage System Ordinance under the guidance of the Town Plan Commission and the Ashland County Zoning Committee.

- A. The agent shall meet the training and certification requirements of the relevant Wisconsin Administrative Codes.
- B. The Agent shall be appointed for a period of three years with the salary established annually by the Town Plan Commission and approved by the Town Board.

### **2. Duties and Powers**

The Agent shall have those duties and powers as are mutually agreed upon by the Town Board and the Ashland County Zoning Committee.

## **8.3 LAND USE PERMITS**

### **1. Permit Required**

No structure shall be built, moved or structurally altered and no land use shall be substantially altered until a land use permit has been issued by the Town Zoning Administrator. The Zoning Administrator shall not issue a permit for a structure or a use not in conformity with the requirements of this Ordinance. The fee for filing of applications for land use permits shall be established by the Town Plan Commission.

The Town Plan Commission shall annually establish a schedule of fees and a collection procedure for Zoning permits, certificates of zoning compliance, and Conditional Use Permits as required by this Ordinance. The schedule of fees shall be posted in the office of the Town Clerk after approval by the Town Board. A copy of the current fee schedule shall be kept on file in the offices of the Town Clerk and the Town Zoning Administrator.

## **2. Application Procedure**

Applications for land use permits shall be accompanied by scale maps or drawings showing accurately the location, size, and shape of the lot(s) involved, and of any proposed structures, including the relationship to abutting streets and any abutting lakes or streams, and the existing and proposed use of each structure and lot, and the number of families to be accommodated.

The Applicant shall declare: "I (we) declare that this application (including any accompanying schedule) has been examined by me (us) and to the best of my (our) knowledge and belief it is true, correct and complete. I (we) acknowledge that I (we) am (are) responsible for the detail and accuracy of all information I (we) am (are) providing that will be relied upon by the Town Plan Commission in determining whether to issue a permit. I (we) further accept all liability which may be a result of the Town Plan Commission relying on the information provided in this application. I (we) agree to permit officials charged with administering the Zoning Ordinance or any other authorized person to have access to the above-described premises at any reasonable time for the purpose of inspection."

## **3. Expiration**

Land use permits for construction, alteration, or removal of structures shall expire 24 (twenty-four) months from their date of issuance unless substantial completion has occurred within such time. Land use permits for land use changes shall expire 24 (twenty-four) months from their date of issuance where no action has been taken to accomplish such change.

Substantial completion shall be defined as "external walls up, windows in, roof on, doors installed."

## **8.4 PERMIT PROCESS**

### **1. Land Use Permit**

- A. Application by owner accompanied by necessary fees.
- B. Screening by the Zoning Administrator.
- C. If sanitary system is included, then appropriate permit applications must accompany land use permit application for forwarding to the Sanitary Agent or to the Sanitary District.
- D. All applicable permits and documentation are required to be in hand before an application will appear on the Town Plan Commission agenda.
- E. Inspection by Zoning Administrator.
- F. Decision by Town Plan Commission.
- G. Issuance of permit within ten days after approval of Town Plan Commission.

- H. Inspection by Zoning Administrator and Sanitary Agent.
- I. Issuance of certificate of compliance.

## 2. Conditional Uses

### 1. Purpose.

- A. One of the purposes of this Ordinance is to divide the Town of LaPointe into districts within which the use of land and buildings, and the bulk and location of buildings in relation to the land are mutually compatible, and substantially uniform. Generally, two categories of land uses are allowed in each zoning district: permitted uses and conditional uses. A permitted use is allowed as a matter of right in all locations in a district as allowed in §3 of this Zoning Ordinance. Authorization by the zoning administrator is non-discretionary if a project meets the standards. Additional conditions on design or construction may not be imposed. A permitted use is authorized by land use permit.
- B. The terms *special exception* and *conditional use* are used synonymously. In designated conditional uses, the Town, by ordinance, has determined that such uses are not suited to all locations in a zoning district but may be authorized if adaptable to the limitations of a particular site and adjacent land uses. In short, they must be custom tailored to a specific location. Conditional uses are limited to those listed in §3 of this ordinance for each zoning district. They may include uses of land (e.g. a public safety facility in a residentially zoned area) and specific construction activities (e.g. filling and grading in excess of 10,000 square feet adjacent to water bodies). There are certain uses that may be entirely appropriate and not necessarily incompatible with the basic use permitted in any district, but not at every or any location therein or without restrictions or conditions being imposed by reason of unique problems the use of its particular location presents from a zoning standpoint, including the impact of those uses upon neighboring land, and the public need for the particular use at a particular location. Such uses may be necessary or desirable to be allowed in a particular district provided that due consideration is given to their location, development, and operation. The decision to grant or deny a conditional use permit (CUP) is discretionary i.e., a permit may be denied if the project cannot be tailored to a site without significant harm to ordinance objectives. The Town Plan Commission and Town Board of Supervisors may determine that there are no conditions which would allow a use in a specific location. General performance standards and specific design standards for approval are provided in this ordinance for conditional uses. An applicant must demonstrate that the proposed project complies with each of the standards. The Town Plan Commission or the Town Board of Supervisors may impose additional limitations (conditions) on development consistent with standards for approval and ordinance objectives and may require an applicant to develop a project plan to accomplish specific performance standards (e.g., develop an erosion

control plan that contains all sediment on the site). The procedure to be followed for application, review and approval are set forth herein.

- C. The Town Plan Commission and Town Board of Supervisors shall consider the overall effect of such grant of Conditional Use on the health, general welfare, safety, and economic prosperity of the town and the immediate area in which such use would be located, including such considerations as the effect on the established character and quality of the area, its physical appearance, existing topography, drainage features, erosion potential, vegetative cover, the prevention and control of water pollution, the location with respect to floodplains, the movement of traffic, the demand for related services and the possible hazardous, harmful, noxious, offensive or nuisance effects resulting from the requested use.

2. Conditional Use Permit.

The following procedure shall be followed where a new Conditional Use Permit (CUP) is sought or where the holder of an existing CUP seeks modification of the existing CUP. Modification shall include any amendment, revision, expansion, or any change to the existing CUP.

- A. Applications for conditional use permit shall be made on application forms approved by the Plan Commission.
- B. The application fee, established by the Town Board of Supervisors in the Town Fee Schedule, shall be paid at the time the application is filed and shall not be refundable unless the application is withdrawn prior to consideration by the Town Plan Commission. Any expense incurred by the Town for publishing notices prior to the withdrawal of the application will be deducted from the refund. Applications originated by the Town shall be exempt from the application fee.
- C. Applications and supporting documents shall be submitted in twelve (12 copies) to the Zoning Administrator who shall receive the application and conduct a review and research of the application and documents. The Town Plan Commission and/or Zoning Administrator may require the applicant to submit other pertinent data and information they deem necessary to properly evaluate the request. Within thirty (30) days of the date the Zoning Administrator receives a properly completed application, the Zoning Administrator shall make a preliminary inspection of the property to confirm the accuracy of the application and identify potential issues or considerations. Within ten (10) days after the Zoning Administrator's completion of the review, the Zoning Administrator shall deliver the application and related materials to the Town Plan Commission for its review and consideration.
- D. The Town Plan Commission Chair shall establish a date for a public hearing on the application to be held within thirty (30) days of receipt of the completed application and related documents. Class 2 notice under Chapter 985 Wisconsin Statutes shall be published in the Ashland Daily Press once per week for two consecutive weeks with

the last insertion occurring at least seven (7) days prior to the public hearing. Notice of the public hearing shall be mailed by first class mail at least twenty-one (21) days before the public hearing to all owners of record of lots or parcels within 300 feet of the property, except as may be extended or expanded otherwise at the discretion of the Zoning Administrator and/or the Town Plan Commission. If the property is within 1,000 feet from Lake Superior, the Wisconsin Department of Natural Resources and the Ashland County Zoning Administrator shall be mailed a notice. Notice shall also be posted at the four (4) posting locations designated by the Town Board of Supervisors at least twenty-one (21) days prior to the public hearing. A copy of the application and relevant documents shall be kept by the Zoning Administrator in the Zoning Office for public inspection.

- E. All members of the Town Plan Commission may personally inspect the proposed site before the Public Hearing on the matter.
- F. Unless the applicant waives the right to timely action in writing, within ten (10) days of the public hearing, the Town Plan Commission shall meet to consider the application and make a recommendation to the Town Board of Supervisors. The recommendation shall be in the form of a motion approved by a majority of the Town Plan Commission members. If the recommendation is for approval, the motion shall include any terms or conditions recommended to be included in the Conditional Use Permit. These conditions may address the site plan, timetable of development, operation of the proposed use, surety requirements for performance of required activities, or other considerations relevant to applicable standards. The decision of the Plan Commission shall be recorded in the minutes and shall contain a written statement of reasons specifically related to the standards of this chapter or of documents related to this chapter by each Plan Commission member voting on the matter.
- G. Within five (5) days after the Town Plan Commission decides to recommend issuance of a CUP, or the denial of an application for a CUP, the Commission shall provide notice by personal delivery or by mail to the applicant, all owners of record of lots or parcels within 300 feet of the property, each objector of record, and the Town Board of Supervisors and shall post the recommendation at the designated Town posting sites. The Zoning Administrator shall forward the complete file to the Town Board of Supervisors.
- H. Within twenty-one (21) days of its receipt of notice that the Town Plan Commission has made a recommendation, the Town Board of Supervisors shall act on the recommendation of the Town Plan Commission. After review of the application, recommendation and file, the Town Board will consider the recommendation under the standards established in this chapter and may approve, approve with modification, or deny the recommendation of the Town Plan Commission. The decision of the Town Board shall be recorded in the

minutes and shall contain a written statement of the reasons specifically related to the standards of this chapter or related to this chapter by each Town Board member voting on the matter.

- I. Within five (5) days of the decision by the Town Board, the Town Clerk shall provide notice by personal service or by first class U.S. mail to the applicant, objectors of record and owners of record of lots or parcels within 300 feet of the decision and conditions included therein and shall post the decision at the designated Town posting sites. If the Town Board approves the issuance of a CUP, the Town Clerk shall draft a conditional use permit which sets forth each of the conditions approved by the Town Board, which permit is to be signed by the Town Chair and Town Clerk, with an acknowledgment of the conditions placed on the property signed by the applicant. After forty-five (45) days following the Town Board's decision to issue a conditional use permit, the Town Clerk shall cause the document to be recorded in at the Ashland County Register of Deeds office. All conditions set forth in the conditional use permit shall be binding upon the property.
- J. When an approved conditional use permit which has been issued contemplates the construction or erection of buildings and/or structures, the failure to commence substantial construction within twelve (12) months after approval of the issuance of a conditional use permit shall result in the conditional use permit being automatically null and void unless it specifically provides otherwise. Upon timely application and for good cause, the Town Plan Commission may grant a specific extension of this twelve (12) month period.
- K. When a conditional use permit is discontinued for thirty-six (36) consecutive months, the conditional use permit shall be rendered void and any future use shall conform to this Ordinance. Upon timely application prior to the expiration of this thirty-six (36) month period and for good cause, the Town Plan Commission may grant a specific extension of this thirty-six (36) month period.
- L. A conditional use application which has been denied by The Town Board shall not be accepted for re-submittal within six (6) months from the date of denial, unless there has been a significant change in the proposed use or relevant conditions as determined by the Town Plan Commission.
- M. The decision of the Town Board to approve or deny a conditional use permit may be appealed to the Circuit Court.
- N. Any person who reasonably believes that a person or entity owning, using or occupying real property in the Town is, by act or omission, violating a land use or conditional use permit, may file a written complaint with the Town Zoning Administrator. Such written complaint shall set forth the name, address and telephone number of the complainant, the name and address of the property being complained about and a detailed statement on the grounds and basis

for such a complaint. Such complaint shall be signed by the complainant. Complaint forms will be available in the Town Zoning Administrator's office. The Zoning Administrator shall receive and evaluate all written complaints received at such office. The Zoning Administrator shall conduct a preliminary evaluation of complaints and may do any one of the following:

- i. Forward the matter to another agency
- ii. Attempt to reconcile the matter between the complainant and the property owner, user or occupier, if it is minor dispute.
- iii. Close the matter if it does not present sufficient information of cause to proceed.
- iv. Investigate any complaint that presents significant information to support an allegation of possible violation of this ordinance and upon completion of an investigation, the Zoning Administrator may do one or more of the following:
  1. Dismiss the complaint for lack of sufficient cause to proceed.
  2. Divert the matter to another agency.
  3. With the approval of the Town Board:
    - a. Issue a stop, cease and desist order or order of correction
    - b. Issue one or more citations for apparent violations or, with the assistance of the Town's attorney, cause such violation to be prosecuted.
    - c. Pursue such court action as is appropriate including, but not limited to, seeking injunction, restraining order or restitution.
    - d. File a petition with the Town Plan Commission to amend, modify or revoke a conditional use permit, following the procedures set forth in Section 8.4.2.2 of this ordinance. In the event, the property owner shall be served with the petition and notice of hearing in the same manner as a summons is served in Chapter 801 Wisconsin Statutes.

Any person aggrieved by a decision of the Zoning Administrator may appeal such decision to the Board of Appeals, as per §62.23(7) (e) Wis. Stats. and Section 10 of this ordinance. Any person aggrieved by the decision of the Board of Appeals may appeal to the Circuit Court.

Amended: June 4, 2009

### **3. Zone and Map Changes**

- A. Application
- B. Screening by Administrator. If subject property is within 1,000 ft of Lake Superior then the WIS-DNR and the Ashland County Zoning Administrator shall receive a notice.
- C. Review by Town Plan Commission.
- D. Public Hearing - Class 2 notice
- E. Mail a notice of the Town Plan Commission's decision to the applicant and all objectors of record.
- F. Town Plan Commission shall refer its decision to the Town Board for action. If the application is approved by the Town Board, certification is sent to the Ashland County Board and the Ashland County Zoning Administrator.
- G. Issuance of Zone or Map Change within ten (10) days. Once Zone and Map Change is approved by Ashland County and the final draft resolution is posted and published, the change shall be issued within ten (10) days.

### **8.5 ENFORCEMENT**

- A. The Town Zoning Administrator and any other official designated by the Town Board shall have the power and authority to enforce all provisions of this Ordinance on behalf of the Town.
- B. The Town Zoning Administrator and any other official designated by the Town Board shall have the power and authority to, on behalf of the Town, issue citations and/or complaints charging any person with violating any provision of this Ordinance which he or she reasonably believes such person to have violated.

### **8.6 WRITTEN ORDERS**

- A. The Town Zoning Administrator and any other official designated by the Town Board shall have the power and authority to, on behalf of the Town, issue a written Order to any person, requiring such person to do an act or to cease from doing an act so as to comply with this Ordinance.
- B. A person, upon receipt of such a lawful written order shall comply with such written order, as soon as is reasonably possible under the circumstances then existing. It shall be rebuttably presumed that such written order can be complied with immediately.
- C. A person, who upon receipt of such a lawful written order fails to comply with the same as soon as is reasonably possible under the circumstances then existing shall be guilty of violating this Section of this Ordinance. The violation of such a lawful written order in and of itself shall constitute a separate violation of this Ordinance and the violation is subject to the penalty set out in this Ordinance

whether or not such person is convicted of any other violation of this Ordinance. In the event such a written order was mailed, such order shall be rebuttably presumed to have been received by the person to whom it was addressed upon evidence being presented that the same was mailed by certified mail via the U.S. Postal Service.

### **8.7 VIOLATION**

Any person found to have violated any provision of this Ordinance shall, upon conviction, be subject to a forfeiture of up to \$500.00 plus court costs plus any fees and assessments applicable. Each day a violation exists or continues shall constitute a separate offense. In addition to such forfeiture, a violator may also be required to reimburse the Town for the costs of prosecution, including reasonable attorney fees. A person who fails to pay any forfeitures, costs and assessments imposed by the Court, shall, upon being found in contempt of Court, be subject to imprisonment for not to exceed thirty (30) days.

### **8.8 NUISANCE**

A violation of any provision of this Ordinance shall constitute a nuisance which the violator may be required to abate. Injunctive relief may be ordered to terminate or prevent a violation of any provision of this Ordinance. There shall be a rebuttable presumption that any violation of this Ordinance causes irreparable harm to the public. A violator of any provision of this Ordinance may be required to pay for restitution performed by another due to the violator's failure to make restitution.

### **8.9 UNLAWFUL BUILDING OR STRUCTURE**

Any building or structure erected, constructed or reconstructed in violation of any provision of this Ordinance shall be deemed an unlawful structure and the Town Zoning Administrator or any other official designated by the Town Board or by the Town Plan Commission may bring action to enjoin such erection, construction or reconstruction, or cause such structure to be vacated or removed. It shall be unlawful to erect, construct or reconstruct any building or structure in violation of any provision of this Ordinance, and any person violating any such provision shall be subject to the penalty set forth in this Ordinance for a violation of this Ordinance. Each and every day during which said illegal erection, construction or reconstruction continues shall be deemed a separate offense. In case any building or structure is or is proposed to be erected, constructed or reconstructed, or any land is proposed to be used in violation of any provision of this Ordinance, the Town Zoning Administrator, or any other official designated by the Town Board or by the Town Plan Commission or any neighboring property owner who would be specially damaged by such violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or other appropriate action or proceedings to prevent or enjoin or abate or remove such unlawful erection, construction or reconstruction.

## **SECTION 9.0 NONCONFORMING USES**

**9.1** The lawful use of a building, structure, or property 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 building or structure, may be continued subject to the following conditions:

1. If such use is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to this Ordinance.
2. 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 the Wisconsin Statutes.
3. The continuance of the nonconforming use of a temporary structure may be prohibited.
4. Uses which are nuisances shall not be permitted to continue as nonconforming uses.
5. 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 which restores the Shoreland cover buffer zone.
6. A nonconforming principal structure located between 40 and 75 feet from the ordinary high water mark which includes at least 500 square feet (footprint) of enclosed area may be expanded providing:
  1. The addition does not exceed 50 percent of the existing footprint or 2000 square feet of total enclosed area;
  2. All expansion is no closer to the water than the landward façade 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 the applicable section of the Ashland County Shoreline Amendatory Ordinance; and
  4. The property owner implements a plan approved by the County Land Conservationist which restores the shoreline cover buffer zone.
7. All inland nonconforming structures may be expanded in the form of an addition. The addition shall meet required setbacks.

Amended March 28 2007

## **SECTION 10.0 ZONING BOARD OF APPEALS**

### **10.1 COMPOSITION**

A Zoning Board of Appeals is hereby created. Such board shall be appointed and have such powers in accordance with the provisions of Sections 59.69 and 62.23 of Wisconsin Statutes. The Zoning Board of Appeals will meet to consider certain appeals and variances. The Zoning Board of Appeals shall consist of 5 members appointed by the Town Board and shall serve terms of 3 years, except that of those first appointed, one shall serve for one year, 2 for 2 years, and 2 for 3 years. The members of the Zoning Board of Appeals shall serve at the pleasure of the Town Board, shall be given such compensation as to be fixed by the Town Board, and shall be removable by the Town Board for cause upon written charges and after a public hearing. The Town Board shall designate one of the members as chairperson. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.

### **10.2 RULES**

#### **1. Call for Meetings**

The Zoning Board of Appeals shall meet at the call of the chairperson, and at such other times as the Zoning Board of Appeals may determine, at a fixed time and place.

#### **2. Meetings**

All meetings of the Zoning Board of Appeals shall be open to the public.

#### **3. Public Hearing Location**

Any public hearing which the Zoning Board of Appeals is required to hold shall be held in the Town Hall or other place as convenient as may be to the location or locations to be considered at such public hearing, and a full description of the location of such place of hearing by name, address, or other commonly known means of identification, shall be included in the notice given of such hearing.

#### **4. Notification of Public Hearing**

Notice of any public hearing which the Zoning Board of Appeals is required to hold under the terms of this ordinance shall specify the date, time and place of hearing, and the matter to come before the Zoning Board of Appeals at such hearing, and such notice shall be given in each of the following ways;

- A. By publication in the official newspaper of the Town, at least twice, in two separate weeks, not less than seven days prior to the date of the hearing (class 2 notice).
- B. By posting, not less than seven days prior to the date of such hearing, in each of the public places in which official notices are usually published.

## **5. Notice of Hearing.**

Notice of the time and place of such public hearing shall be published at least twice in a newspaper of general circulation in the Town and also by mailing notice thereof to the parties in interest, said publication and mailing to be made at least 10 days prior to the date of hearing (class 2). The Board shall thereafter reach its decision within 60 days from the filing of the completed application.

## **6. Minutes**

The Zoning Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. Facts of finding shall be included on the record for each decision. The Zoning Board of Appeals shall keep records of its examinations and other official actions, all of which shall be public record.

## **7. Performance of Duties**

The Chairperson, or in his/her absence, the acting chairperson may administer oaths and compel the attendance of witnesses.

## **8. Effectuation**

The Zoning Board of Appeals may adopt such rules as are necessary to carry into effect the regulations of the Town Board, the Town Zoning Ordinance, and applicable Wisconsin Statutes.

## **9. Certiorari**

In the case of all appeals the Zoning Board of Appeals shall call upon the Town Plan Commission for all information pertinent to the decision appealed from.

## **10. Application for Appeals**

Any person aggrieved or any officer, department, board or commission of the Town affected by any decision of the Town Zoning Administrator or the Town Plan Commission under this Ordinance may appeal to the Zoning Board of Appeals by filing a notice of appeal with the Zoning Administrator, Town Clerk, Administrative Assistant or Clerical Assistant and with the Zoning Board of Appeals specifying the grounds of appeal within 30 days after the decision or action complained of. The 30-day period will start to run on the day that the decision is mailed by first class mail to the applicant or permit holder. The applicant will be responsible for keeping the Town advised of a current mailing address. Mailing to the address where the property tax bills are sent for the property will be considered adequate notice. The Zoning Board of Appeals, after a public hearing, may determine and vary the regulations of this Ordinance in harmony with their general purposes and intent, only in the specific instances hereinafter set forth, where the Zoning Board of Appeals makes

findings of fact in accordance with the standards hereinafter prescribed and further, finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance.

This section shall not apply to Conditional Use Permits or to the Section 15 Permit Complaint process. Decisions of the Town Plan Commission with regard to Conditional Use Permits and Section 15 Permit Complaints shall be appealable only to the Town Board, which shall act as a Zoning Board of Appeals in Conditional Use Permits and Section 15 Permit Complaints. See: Section 8.4(2)(H) and Section 15.

### **11. Application for Variance**

An application for a variance shall be filed in writing with the Zoning Administrator, Town Clerk, Administrative Assistant or Clerical Assistant. The application shall contain such information as the Zoning Board of Appeals may, by rule, require. Notice of hearing for a variance shall be sent to the Wisconsin Department of Natural Resources and the Ashland County Zoning Administrator if the property involved is within 1000 feet of the lake. The Chairperson of the Zoning Board of Appeals shall screen the application and if supporting documentation is required may request same from proper custodian of the appropriate files.

### **12. Standards for Variances**

A variance is a relaxation of a dimensional standard in land use regulations (e.g., area, height, setback, etc.). The variance procedure allows land use regulations to be adapted to unique properties. It preserves private property rights while still protecting the public interest.

There are two types of variances: use variances and area variances. A use variance regulates the way in which land in a zoning classification is used. A use variance may not be granted unless the landowner can show that without the variance they would have no reasonable use of their property.

An area variance involves an increment of relief (normally small) from a physical dimension restriction such as setbacks, frontage, height, bulk or density regulations.

A landowner may not obtain an area variance unless they can demonstrate that an unnecessary hardship exists. "Unnecessary hardship" is best explained as whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, or density would unreasonably prevent the owner from using the property for a permitted purpose or render conformity with such restrictions unnecessarily burdensome.

In determining whether the unnecessary hardship burden is met in

individual cases, the Board of Zoning Appeals should consider the facts of the case related to the following:

- a. The purpose of the zoning restriction in question.
- b. Its effect on the property.
- c. The effect of the variance on the neighborhood.'
- d. The larger public interest.

Variations are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden. They are not intended as an accommodation for a property owner's convenience. The Zoning Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this Section.

Amended: March 20, 2006

The above standards for variations are based upon Wisconsin case law standards at the time of this particular amendment to the Zoning Ordinance. In the event that the case law has some significant change at a later date the Board of Appeals is authorized to apply the current appropriate legal standard if it differs from the above standards for variations.

Amended: November 6, 2007

### **13. Authorized Variations**

Variations from the regulation of this Ordinance shall be granted by the Zoning Board of Appeals only in accordance with the standards established in the Section and may be granted only in the following instances and in no others:

(a.) To permit the use of a lot for a use otherwise prohibited solely because of the insufficient area or width of the lot, but in no event shall the respective area or width of the lot be less than 75 percent of the requirement;

(b.) To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;

(c.) To reduce the applicable off-street parking or loading facilities required by not more than one parking space or loading facilities required by not more than one parking space or loading space, or 20 percent of the applicable regulations, whichever number is greater;

(d.) To increase by not more than 25 percent the maximum

distance that required parking spaces are permitted to be located from the use served.

(e.) Variances may also be granted in accordance with the standards set forth in Sec. 12 “Standards for Variances” above.

Amended: March 20, 2006

#### **14. Decision.**

(a.) All members of the Zoning Board of Appeals shall personally inspect the proposed site before voting on the application.

Amended November 6, 2007

(b.) The written decision of the Zoning Board of Appeals should state the questions before the Zoning Board of Appeals and cite the applicable standards for deciding such questions such as local ordinances, State Administrative Rules, Statutes or Judicial decisions. The decision should recount the facts which establish that applicable standards were or were not met. The Zoning Board of Appeals should direct the authority requested to issue or withhold the permit. The decision document often contains this information under subheadings titled "Findings of Fact, Conclusions of Law, Determination and Order." A notice of appeal rights and effective date of the order must also be contained to implement the decision.

(c.) A quorum of the Board of Appeals shall be three members. If a quorum is present, a majority of those present shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance. The grounds of every such determination shall be stated

Amended November 6, 2007

(d.) Costs shall not be allowed against the Zoning Board of Appeals unless it shall appear to the court that the Board acted with gross negligence or in bad faith, or with malice, in making the decision brought up for review.

(e.) The Town Board may establish reasonable fees for the filing of an appeal to the Zoning Board of Appeals.

## **SECTION 11.0 AMENDMENTS**

### **11.1 PROCEDURE**

The Town Board may amend this Ordinance in accordance with the procedures prescribed by Wisconsin Statutes, Section 60.62, and any other applicable sections.

## **SECTION 12.0 PUBLIC HEARINGS**

### **12.1 NOTICE**

Adequate notice shall be given of any public hearing required by the provisions of this Ordinance, stating the time and place of such hearing and the purpose for which it is being held.

#### **1. Posting and Publishing**

- A. Notice of public hearings shall be given as per Wisconsin Statutes, Sections 60.61(4)(c), 60.62 and 985.07(2).
- B. In addition, when the hearing involves a proposed change in the zoning district classification of any property, or the granting of a conditional use, a copy of the notice shall be posted in the vicinity of the proposed change or conditional use where practical and notice of the public hearing shall be mailed by first class mail to the owners of all lands within 300 feet of any part of the land included in such proposed change or conditional use at least 10 days before such public hearing. The failure of such notice to reach any property owner shall not invalidate any amending ordinance or grant of a conditional permit.

## **SECTION 13.0 TOWN PLAN COMMISSION**

### **13.1 ESTABLISHMENT**

There is hereby established a Town Plan Commission for the Town of La Pointe, Ashland County, Wisconsin for the purpose of promoting compatible development, esthetics, stability of property values and to prevent impairment of depreciation of existing developments

The authority to establish the Town Plan Commission is found in Wisconsin Statutes, Section 60.62.

### **13.2 COMPLIANCE**

No structure shall hereafter be erected, moved, reconstructed, extended, enlarged, or have its exterior altered or changed without the Commission's approval. Small accessory structures may be exempt at the direction of the Town Plan Commission.

### **13.3 MEMBERSHIP**

The Town Plan Commission shall consist of seven (7) residents of the Town appointed by the Town Board. Terms shall be staggered for three-year periods. A Chairperson shall be elected by the seated members of the Town Plan Commission.

Official Oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within ten (10) days of receiving notice of their appointments.

Vacancies shall be filled for the unexpired term in the same manner as appointments for the full term.

Amended: August 20, 2005

### **13.4 ORGANIZATION**

The Town Plan Commission shall organize and adopt rules for its own government in accordance with the provisions of this Section.

Meetings shall be held at the call of the chairperson or when requested by the Zoning Administrator and shall be open to the public.

Minutes shall be kept showing all actions taken and shall be a public record. The grounds for every decision shall be stated.

Quorum shall be four (4) members, and all actions shall require the concurring vote of at least a majority of the voting members.

Amended: August 20, 2005

### **13.5 POWERS**

The Town Plan Commission shall have the following powers:

Hear and decide applications for all land use permits.

Hear and make recommendations to the Town Board on Conditional Use Permits and Zoning Map Changes.

Interpret this Ordinance and all other ordinances under the jurisdiction of this Commission.

Approve, deny, or conditionally approve the application and may request such

modifications as they may deem necessary to carry out the purpose of this Section.

The Town Plan Commission may request assistance from other municipal officers, departments, boards, commissions, county, state and regional authorities. Request applicant to furnish additional information.

### **13.6 APPLICATIONS**

Applications for approval shall be made to the Zoning Administrator and shall be accompanied by the Zoning Permit application required under Section 8.4 and, in addition, shall be accompanied by plans showing the exterior elevations of the existing and proposed floor structure, description of the proposed materials, proposed floor grades, and a list of the names and addresses of the parties in interest. The Commission may require the applicant to submit other pertinent data and information necessary to evaluate the request.

### **13.7 HEARINGS**

The Town Plan Commission shall schedule, by class 2 notice, a reasonable time and place for the hearing and cause notice to be mailed by first class mail to the parties in interest at least ten (10) days prior to the hearing. An affidavit of mailing consisting of all the parties in interest receiving notices shall be filed. The applicant may appear in person, by agent, or by attorney. In cases where shorelands are involved, a copy of the notice shall be sent to the Wisconsin Department of Natural Resources and the Ashland County Zoning Administrator.

### **13.8 FINDINGS**

The Town Plan Commission shall not approve an application unless it finds by evidence which is clear, satisfactory and convincing, that the facts, circumstances and conditions of the application exist. The Town Plan Commission shall act on all completed applications within thirty (30) days after filing.

### **13.9 APPEALS**

Any person or persons aggrieved by any decisions of the Town Plan Commission, other than a Conditional Use Permit, may appeal the decision to the Zoning Board of Appeals. Appeals regarding Conditional Use Permits are made directly to the Town Board. Such appeals shall be filed with the Town Clerk, Zoning Administrator, Administrative Assistant or Clerical Assistant within thirty (30) days after the decision is made. Where this Zoning Code provides for a decision by the Town Board (as in the case of Conditional Use Permits), the decision of the Town Board shall be final and not reviewable by the Zoning Board of Appeals, but only by certiorari in the Circuit Court. Such a request for certiorari review must be requested within 30 days or the right of review will be lost. The 30 days in any certiorari review will begin to run when the decision is mailed to the applicant by first class mail to the address on the application.

## **SECTION 14.0 VALIDITY**

### **14.1 SEPARABILITY**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

### **14.2 COURT INVALIDATION**

Invalidation by a court of any part of this Ordinance shall not invalidate the rest of the Ordinance.

### **14.3 FORCE AND EFFECT**

Following passage and posting by the Town Board as provided in Wisconsin Statutes this Ordinance shall be in full force and effect.

**END**

## **MAP CHANGES**

### **April 1994**

East 1/2 of the Northeast 1/4 of the Northeast 1/4 and the East 1/2 of the Southeast 1/4 of the Northeast 1/4, all in Section 5, Township 50 North, Range 2 West.

Restrictive Covenant: No parcel of the aforementioned property may be sold unless said lots conform to the size required in the adjacent area. This restrictive covenant shall be incorporated in any and all deeds to 5 acre lots in the aforementioned property. (Warren Anderson)

### **January 1994**

Does hereby approve the Town of La Pointe amending its zoning ordinance and map as requested by Nichevo Ferry Lines, Inc. to rezone the South 1/2 of the Northwest 1/4 of the Northeast 1/4 of Section 27, Township 50 North, Range 3 West in the Town of La Pointe, Ashland County, Wisconsin into two lots of approximately ten acres each. (Nichevo Ferry Lines - Wayne Nelson)

### **Posted July 5, 1996**

From W-1 (20 acres) to W-2 (five acres) lot size for the property described as part of the SW 1/4 SW 1/4 described in Volume 392, page 262, Section 28, Township 50 North, Range 3 West. (Elizabeth Coleman)

### **Posted March 7, 1996:**

From R-1 to R-3 for the property located in the Southwest Quarter of Southwest Quarter of Section 29, Township 50 R3W, Town of La Pointe, Ashland County, as described in Volume 421 on page 25 and which consists of 1.5 acres. (Marina Point)

### **Posted July 5, 1996:**

From (W-1) 20 acres to (W-2) 5 acres for the property described as the South 229 feet of SW1/4 SW1/4 less east 165 feet and less west 208 feet Volume 309 page 346, Section 28 Township 50 North Range 3 West which consists of 5 acres. (Elgie Roy Perrin)

### **Posted November 18, 1998**

>From W-1 to W-2 for that part of the East One-half of the Southwest Quarter (E1/2 SW1/4) of Section Twenty-eight (28) Township Fifty (50) Range Three (3) West, lying south of Highway H, in the Town of La Pointe, Ashland County, Wisconsin, which is land parcel No. 14-179.0100. (John J. Nelson)

### **Posted May 2, 2000**

Establishment of new S-2 District: S-2 Shoreland Protection District. The S-2 District will contain the land from the center of Big Bay Road to the lake and from the Big Bay Town Park to the Schoolhouse Road. The property is located in Sections 7, 8, 5, 4, and 3 Township 50N R2W. Building Height: 35 ft; Minimum Lot Area: 30,000 sq. ft.; Minimum Lot Width: 200 ft. Sideyard Setback: 50 ft.; Rear: 30 ft measured from r-o-w

**Posted July 2, 2001**

Zoning District Map amended as follows for a parcel of land located in the NW 1/4 - SE1/4 and SW 1/4 - SE 1/4 of Section 28 T50N R3W in the Town of La Pointe, Ashland County, Wisconsin, lying south of County H as follows: That the existing W-1/W-2 Zoning District line be moved to the south so as to create a W-2 Zoning District Line on the northern border of the southern most 20 acre parcel all located in the southern portion of LP# 14-181.1500. (Former Cowett, WI land)

**Posted November 25, 2002**

Zoning Map Change: (12) L – Z Light Industrial Zone Town of La Pointe Airport  
That the LZ District will contain the land "Commencing at a quarter corner common to Sections 20 and 29; thence along a line common to said Sections 20 and 29 S89° 37'01"E 1335.45 feet to the POINT OF BEGINNING; thence N00° 39'21"E 450.23 feet to an iron rod located on the Southerly right-of-way line County Hwy. "H"; thence along said Southerly right-of-way line N64° 55'00"E 2011.97 feet: thence S89° 03'30"E 63.81 feet; thence S00° 40'30" W 93.91 feet; thence S43° 14'49" W 2772.21 feet; thence N00° 39'21"E 811.16 feet to the POINT OF BEGINNING; containing 1,299,510 square feet, which is 29.83 acres, and is subject to any easements of record."

This district is intended to provide for the orderly grouping of Commercial and Light Industrial businesses on Town owned property which are generally listed as Conditional Uses in the C-1 (Commercial) Zoning District.

## ZONING SCHEDULES – DIMENSIONAL REQUIREMENTS

Zoning District	<u>L-Z</u>	<u>W-1</u>	<u>W-2</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>S-1</u>	<u>S-2</u>	<u>C-1</u>
<b>Building Height</b>	** 35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft
<b>Required Lot Area</b>	85 ft x 50 ft	20 Acres	5 Acres	1 Acre	9,600 sq. ft.	* 9,600 sq. ft See below	3 Acres	Minimum 30,000 sq. ft.	9,600 sq. ft.
<b>Minimum Lot Width</b>	50 ft	660 ft	330 ft	150 ft	80 ft	80 ft	+ 250 ft	200 ft	80 ft
<b>Yard Requirements:</b> (Measured in Feet)							++ Inland Lots See Below		
<b>Front:</b>	** 5 ft	75 ft	60 ft	50 ft	30 ft	20 ft	60 ft	See ++ Below	5 ft
<b>Side:</b>	** 10 ft	75 ft	50 ft	30 ft	10 ft	6 ft	50 ft	50 ft	10 ft
<b>Rear:</b>	** 10 ft	75 ft	50 ft	40 ft	25 ft	20 ft	50 ft	(Measured from r-o-w) 30 ft	10 ft

\*Minimum for one-family dwellings; one unit for every 3,000 square feet of lot area is permitted in multifamily dwellings provided the indicated minimum lot area requirements of 9,600 square feet are met.

\*\* As required by governing Governmental Agency

+ These frontage requirements are to be interpreted as average frontages within a given subdivision plat and as minimum frontage where single lots, not part of a subdivision plat, are involved.

++ Shoreland lots shall conform to the Ashland County Shoreland Amendatory Ordinance

## **PUBLISHED AMENDMENT DATES**

SECTION	1.1	FEBRUARY 24, 1995
SECTION	1.1	MARCH 20, 2006
SECTION	2.1 (CSM, Plat Map, Minor Lot Subdivision Subdivision, Primary Residence, Steep Slope Dwelling, Multi-Family)	MARCH / 2000
SECTION	2.1 (Filed, Road Access)	NOVEMBER 25, 2002
SECTION	2.1(4)	MARCH 8, 1996
SECTION	2.1(9)	JANUARY 29, 1994
SECTION	2.1(12)	AUGUST 3, 2000
SECTION	2.1(12)	JANUARY 29, 1994
SECTION	2.1(12)	AUGUST 3, 1999
SECTION	2.1(13)	AUGUST 3, 1999
SECTION	2.1(14) Forest Crops and Products; 2.1(14-38)	DECEMBER 9, 2005
SECTION	2.1(15)Home Occupation deleted	MAY 1, 2004
SECTION	2.1(15) Guest House – redefine	JUNE 2, 2009
SECTION	2.1(16) Add Home Business	JUNE 3, 2009
SECTION	2.1(17) Add Home Office/Studio	JUNE 3, 2009
SECTION	2.1(18) Add Home Occupation	JUNE 3, 2009
SECTION	2.1(27)Primary Residence deleted	MAY 1, 2004
SECTION	2.1(19)	JANUARY 10, 1996
SECTION	2.1(23)	JANUARY 29, 1994
SECTION	2.1(24)	AUGUST 3, 2000
SECTION	2.1(25) Parking Space; 2.1(25-39)	MARCH 20, 2006
SECTION	2.1(27)	AUGUST 3, 2000
SECTION	2.1(27)Primary Residence	OCTOBER 29, 2003
SECTION	2.1(29)	JANUARY 29, 1994

SECTION	2.1(30)	JANUARY 29, 1994
SECTION	2.1(31)	JANUARY 29, 1994
SECTION	2.1(32)	JANUARY 29, 1994
SECTION	2.1(33)	MARCH 8, 1996
SECTION	2.2(36)Subdivision	OCTOBER 29, 2003
SECTION	3.1: (1)(B)(4, 5, 6); (2)(B)(12, 13,14), (3)(B)(15,16,17); (4)(B)(7, 8, 9); (5)(B)(4, 5, 6) (6)(B)(3, 4, 5); (7)(B)(11, 12); (8)(B)(2, 3, 4); (9)(B)(1, 2, 3)	JULY 10, 1996
SECTION	3.1.2; 3.1.2(A)(2-7); 3.1.3; 3.1.3(A)(2-7)	DECEMBER 9, 2005
SECTION	3.1: (2)(A)(6, 7); (3)(A)(6, 7); (4)(A)(4, 5); (5)(A)(7, 8); (6)(A)(5, 6); (7)(A)((10, 12); (8)(A)(3, 4); (9)(A)(3, 4)	JANUARY 29, 1994
SECTION	3.1(1)(A)	JANUARY 29, 1994
SECTION	3.1(2)(A)(8); 3.1(3)(A)(8); 3.1(4)(A)(9) 3.1(5)(A)(6); 3.1(6)(A)(9); 3.1(7)(A)(7) 3.1(8)(A)(13); 3.1(8)(A)(5); 3.1(10)(A)(5)	AUGUST 3, 1999
SECTION	3.1(2)(A); 3.1(3)(A); 3.1(4)(A); 3.1(5)(A); 3.1(6)(A); 3.1(7)(A); 3.1(8)(A); 3.1(9)(A) 3.1(10)(A); 3.1(11)(A): Delete Home Occupation	MAY 1, 2004
SECTION	3.1(7)(A)(11)	JUNE 24, 1995
SECTION	3.1(8)(A)(9)	AUGUST 3, 2000
SECTION	3.1 (9), (10), (11)	MAY 2, 2000
SECTION	3.1.9(A)(9); 3.1.9(A)(10-12)	DECEMBER 9, 2005
SECTION	3.1.9(A)(1-12)	MARCH 20, 2006
SECTION	3.1(8)	MAY 2, 2000
SECTION	3.1(B)(4)	MARCH 28, 2007
SECTION	3.2	FEBRUARY 24, 1995
SECTION	3.2(B)(12)	MARCH 28, 2007
SECTION	3.3(B)(12)	MARCH 28, 2007

SECTION	3.4(B)(14)	MARCH 28, 2007
SECTION	3.5	MARCH 28, 2007
SECTION	3.5(B)(7)	MARCH 28, 2007
SECTION	3.6	MARCH 28, 2007
SECTION	3.6(B)(4)	MARCH 28, 2007
SECTION	3.7(B)(3)	MARCH 28, 2007
SECTION	3.8(B)(3)	MARCH 28, 2007
SECTION	3.9(B)(1)	MARCH 28, 2007
SECTION	3.10(B)(2)	MARCH 28, 2007
SECTION	3.11(B)(1)	MARCH 28, 2007
SECTION	4.2(1)(B)	FEBRUARY 24, 1995
SECTION	4.2(2)(A)	MARCH 8, 1996
SECTION	4.2(2)(A)	JULY 2, 2001
SECTION	4.2(2)	MAY 1, 2004
SECTION	4.2(5)(D)	MAY 2, 2000
SECTION	4.2(5)(D)	OCTOBER 29, 2003
SECTION	4.2(6)	FEBRUARY 24, 1995
SECTION	4.2(9)	MAY 2, 2000
SECTION	4.3(1)	OCTOBER 29, 2003
SECTION	4.3(1); 4.3(2); 4.3(2)(A); 4.3(2)(A)(1); 4.3(2)(A)(2)	MARCH 20, 2006
SECTION	4.3(2)	MARCH 8, 1996
SECTION	4.3(2)(B)	AUGUST 3, 1999
SECTION	4.3(2)(B)	JULY 2, 2001
SECTION	4.3(2)(B)(4)	AUGUST 3, 1999
SECTION	4.3(2)(B)(4)(a)	AUGUST 3, 1999
SECTION	4.3.3 Add Section – Nonconforming Lots	June 8, 2009
SECTION	4.3.4 Add Section – Camping on Private Lands	June 5, 2009

SECTION	4.4(1) (A), (B), (C) & (D)	NOVEMBER 25, 2002
SECTION	4.4(2)(E)	NOVEMBER 25, 2002
SECTION	4.4(4)	MARCH 28, 2007
SECTION	5.2(1)(A) Type 1	OCTOBER 29, 2003
SECTION	5.2(1)(A)	MAY 1, 2004
SECTION	5.2(3)	JULY 10, 1996
SECTION	5.3	JULY 10, 1996
SECTION	5.3Type 1	OCTOBER 29, 2003
SECTION	6.2(5)	MAY 2, 2000
SECTION	6.5(1)	OCTOBER 29, 2003
SECTION	6.8	JANUARY 29, 1994
SECTION	6.8	AUGUST 3, 2000
SECTION	6.9	JANUARY 29, 1994
SECTION	6.9	AUGUST 3, 1999
SECTION	6.9 REPEALED	MAY 1, 2004
SECTION	6.10(1)(2)	MARCH 8, 1996
SECTION	6.10(A) through (C) Add Home Office/Occ/Business	JUNE 3, 2009
SECTION	7.1(1) and (5)	NOVEMBER 25, 2002
SECTION	7.1(4)	OCTOBER 29, 2003
SECTION	8.1(2)(C)	JUNE 25, 1994
SECTION	8.1(3)(C)	OCTOBER 29, 2003
SECTION	8.1(3)(C)	NOVEMBER 25, 2002
SECTION	8.1 ALL	MARCH 28, 2007
SECTION	8.3(1)	OCTOBER 29, 2003
SECTION	8.3(2)	OCTOBER 29, 2003

SECTION	8.3(3)	JUNE 24, 1995
SECTION	8.3(3)	MAY 1, 2004
SECTION	8.4(2)	JUNE 25, 1994
SECTION	8.4(2)(A)(E)(H)(I)&(J)	NOVEMBER 25, 2002
SECTION	8.4(D)(E)(F)(G)(H)(I)	OCTOBER 29, 2003
SECTION	8.4(2)(G)	AUGUST 3, 1999
SECTION	8.4(2)(O)	MARCH 28, 2007
SECTION	8.4(2) Revision of Entire Section	June 4, 2009
SECTION	8.4(3)(B)(F)&(G)	NOVEMBER 25, 2002
SECTION	8.4(3)(E & F)	JULY 10, 1996
SECTION	8.5	JULY 28, 1992
SECTION	8.6	JULY 28, 1992
SECTION	8.7	JULY 28, 1992
SECTION	8.8	JULY 28, 1992
SECTION	8.9	JULY 28, 1992
SECTION	9.0	FEBRUARY 24, 1995
SECTION	9.1(5), 9.1(6) and 9.1(7)	OCTOBER 29, 2003
SECTION	9.1(7)	MARCH 28, 2007
SECTION	10.1	FEBRUARY 24, 1995 & NOVEMBER 25, 2002
SECTION	10.12	MARCH 20, 2006
SECTION	10.13	MARCH 20, 2006
SECTION	10.2(4)(A)	JULY 2, 2001
SECTION	10.2(4)(B)	JULY 2, 2001
SECTION	10.2(5)	JANUARY 27, 2000
SECTION	10.2(5)	NOVEMBER 25, 2002

SECTION	10.2(10)	JULY 2, 2001
SECTION	10.2(10)	JANUARY 27, 2000 & NOVEMBER 25, 2002
SECTION	10.2(11)	JANUARY 27, 2000 & NOVEMBER 25, 2002
SECTION	10.2(12)	JANUARY 27, 2000
SECTION	10.2(12)	NOVEMBER 6, 2007
SECTION	10.2(13)	JANUARY 27, 2000
SECTION	10.2(14)	NOVEMBER 25, 2002
SECTION	10.2(14)(a)	NOVEMBER 6, 2007
SECTION	10.2 (14)(c)	NOVEMBER 6, 2007
SECTION	11.1	FEBRUARY 24, 1995
SECTION	12.1(1)(A)	FEBRUARY 24, 1995
SECTION	12.1(B)	NOVEMBER 25, 2002
SECTION	13.3	SEPTEMBER 5, 1995
SECTION	13.4	NOVEMBER 25, 2002
SECTION	13.7	NOVEMBER 25, 2002
SECTION	13.8	NOVEMBER 25, 2002
SECTION	13.8	OCTOBER 29, 2003
SECTION	13.9	MAY 2, 2000
SECTION	13.9	NOVEMBER 25, 2002
SECTION	15.0	JANUARY 29, 1994
SECTION	15.1	NOVEMBER 25, 2002
SECTION	15 Repeal Entire Section	JUNE 4, 2009
DIMENSIONAL TABLE (Transcription Error Correction per TPC 11.15.06 RMM)		NOVEMBER 29, 2006