DRAFT ZONING ORDINANCE

TOWN OF LA POINTE

ASHLAND COUNTY, WISCONSIN

WITH PROPOSED AMENDMENTS

AS OF 9-7-11

Final Draft

TABLE OF CONTENTS **Page Number**

SECTION 1.	INTRODUCTION	3
SECTION 2.	DEFINITIONS	4 - 15
SECTION 3.	ZONING DISTRICTS	16 - 37
SECTION 4.	GENERAL PROVISIONS	38 - 53
SECTION 5.	SIGNS	54 - 58
SECTION 6.	REGULATION OF SPECIAL USES	59 - 73
SECTION 7.	CONDITIONAL USES	74 - 78
SECTION 8.	ADMINISTRATION	79 - 85
SECTION 9.	NONCONFORMING USES	86 - 88
SECTION 10.	BOARD OF ZONING APPEALS	89 - 93
SECTION 11.	AMENDMENTS	94 - 98
SECTION 12.	PUBLIC HEARINGS	99
SECTION 13.	TOWN PLAN COMMISSION	100 - 102
SECTION 14.	VALIDITY	103
SECTION 15	COMPLAINTS	104 - 105
SECTION 16	APPENDICES	
	1. DIMENSIONAL REQUIREMENTS	106
	2. IRREGULAR LOT WIDTHS	107 - 110
	3. ZONING DISTRICT USES MATRIX	111 - 112
	4. LOTS IN MULTIPLE ZONING DISTRICTS	113*
SECTION 17	ZONING MAP*	

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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, §s 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, § 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 ensure that development occurs in an orderly manner so as to recognize and respect existing land uses.

1.2 INTERPRETATION

The provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and 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.

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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.
- 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 ten/thirty (10/30) day time limit begins and it is counted as day one. In counting a ten (10) day limit under this Ordinance weekends or holidays are not included and in counting a thirty (30) day time limit all days are counted.

The following definitions shall be listed in alphabetical order:

(1) ACCESSORY DWELLING:

An Accessory Dwelling is any structure or part of a structure used for habitation other than the principal dwelling. Accessory Dwellings shall and do require a sanitary permit. Accessory Dwellings shall not exceed sixty-five percent (65%) of the square footage of the principal dwelling or up to fifteen hundred (1500) square feet, not including decks, whichever is lesser. The term “guest house” and “accessory dwelling” are synonymous for the purposes of this Ordinance.

(2) ACCESSORY STRUCTURE:

A detached subordinate structure is one that is clearly incidental to and customarily found in connection with the principal structure or use to which it is related. 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 of the principal building in the district within which it is located. Refer to Section 4.2.G of this Ordinance.

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(3) 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.

(4) AGENT:

"Agent" shall mean the person designated by the owner as the person in charge of a project and whose identity shall be filed in writing with the Zoning Administrator upon application.

(5) AGRICULTURAL CROPS & PRODUCTS

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

(6) BED AND BREAKFAST:

A place of lodging that: a) provides six (6) or fewer rooms for rent to no more than sixteen (16) tourists or transients; b) provides no meals other than breakfast and provides breakfast only to renters of the place; c) is the owner's personal residence; d) is occupied by the owner at the time of rental; e) was originally built or occupied as a single family dwelling.

(7) BOARDING HOUSE:

A building where lodging and meals are offered for three (3) or more persons, but not to exceed eight (8), non-transients who are not members of a family. This definition includes employee housing.

(8) BUILDING:

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

(9) BUILDING FOOTPRINT:

The building footprint shall be the area under the horizontal projection of the roof, to include eaves and overhangs.

(10) BUILDING, HEIGHT OF:

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

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(11) CAMPGROUND:

Any parcel or tract of land owned by a person, the state or a local government unit which is designated, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four or more camping units, or by one to three camping units if let or rented.

(12) CAMPING PARTY:

The maximum occupancy of the camping unit up to ten (10) persons ten years and older.

(13) CAMP SITE:

A segment of a campground that is designated for a camping party.

(14) CAMPING UNIT:

Any portable device, no more than four hundred (400) square feet in area, used as a temporary dwelling, including but not limited to a camping trailer, motor home, bus, van, pick-up truck or tent.

(15) CERTIFIED SURVEY MAP:

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

(16) COMMERCIAL ENTERTAINMENT FACILITY:

A public entertainment facility including, but not limited to, theaters, bowling alleys, mini golf, arcades, etc.

(17) DORMITORY/STUDENT HOUSING:

A building, or part of a building with sleeping accommodations for students enrolled in a commercial educational facility located in the Town of La Pointe.

(18) DWELLING:

A building or part thereof designed or used exclusively as a residence or sleeping place, but not used for transient occupancy, except when complying with Sections 6.2.B and 6.2.C of this Ordinance.

(19) DWELLING, MULTI-FAMILY:

A dwelling on one plot containing separate living units for two or more families, but no more than four (4), but which may have joint services or facilities or both.

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(20) DWELLING, SINGLE FAMILY:

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.

(21) EDUCATIONAL FACILITY, COMMERCIAL:

A school limited to special instruction such as business, art, music, trades, handicraft, dancing, or riding.

(22) EDUCATIONAL FACILITY, PUBLIC:

A building where persons regularly assemble for the purpose of educational classes and instruction, together with the playgrounds, athletic fields, stadiums, and other structures or grounds used in conjunction therewith; provided, however, that the definition of "educational facility, public" is limited to public or private schools used for primary or secondary education in which classes for students in kindergarten and/or all or some of grades one through twelve (12) are regularly taught, or special education facilities in which students with physical or learning disabilities regularly receive specialized education in lieu of attending kindergarten or any of grades one through twelve (12).

(23) 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, 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.

(24) FAMILY:

A person living alone or two or more people living together as a single housekeeping unit as distinguished from a group occupying a boarding house or rooming house.

(25) FLOODPLAIN:

The land that has been or may be covered by flood water during the regional flood and includes the floodway and flood fringe and may include other areas as designated by Ashland County Zoning for regulatory purposes.

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(26) 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.

(27) GRADE:

When used as a reference point in measuring the height of a building, the grade shall be the average elevation of the finished ground at the exterior walls of the main building.

(28) HEALTH CARE FACILITY*:*

Unless otherwise specified, the term "Health Care Facility" includes a sanitarium, prevention clinic, rest home, nursing home, convalescent home, assisted living facility, and any other place for the diagnosis, treatment or other care of ailments.

(29) HOME BUSINESS:

A business, profession, occupation, or trade conducted for gain or support in conjunction with a residence in a manner that meets the requirements of Section 6.4.C of this Ordinance.

(30) HOME OCCUPATION:

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 in a manner that meets the requirements of Section 6.4.B (examples include woodworking, pottery, hair care, licensed day care or a tradesman using the home as a base of operations).

(31) 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) in a manner that meets the requirements of Section 6.4.A (examples of activities are telemarketing, writing, drafting, electronic commerce via the internet, and arts and crafts not requiring machinery not normally used in a residential dwelling.

(32) IMPERVIOUS SURFACE

An area that releases as runoff all or a majority of the precipitation that falls on it. Impervious surface excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious.

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(33) 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.

(34) LAND DISTURBING ACTIVITY:

Any man-made change of the land surface including stumping of vegetative cover, excavating, filling, soil deposits and grading but not including agricultural land uses such as planting, growing, cultivating, and harvesting of crops: growing and tending of gardens; harvesting of trees; and landscaping.

(35) LIGHT INDUSTRY:

An industry that produces small goods or light objects in small factories using light machinery.

(36) LOADING AREA:

A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

(37) LOT:

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

(38) LOT AREA:

As it pertains to any property division and/or reconfiguration, lot area shall be the total footage lying within the peripheral boundaries of a parcel of land. In any zoning jurisdiction, the area of a lot specifically excludes: any portion of public right-of-way, areas of navigable water.

(39) LOT, DEPTH OF:

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

(40) LOT LINE:

Any line dividing one lot from another.

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(41) LOT OF RECORD:

A parcel of land legally created and recorded at the Ashland County Register of Deeds Office prior to the effective date of this Ordinance or subsequent amendment thereto.

(42) LOT, WIDTH OF:

The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth. On irregularly (non-perpendicular) shaped lots, the width shall be the average width of the lot computed according to Section 16.2.

(43) MINOR ACCESSORY STRUCTURE:

Any small, moveable accessory erection or construction such as birdhouses, tool sheds, pet houses, play equipment, and arbors. See Section 4.2.G.

(44) MINOR SUBDIVISION:

A minor 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 does not create a subdivision as defined herein. Refer to Technical Memorandum #3 Subdivision Ordinance. Refer to Ashland County Sub-Division Control Ordinance.

(45) 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.

(46) 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.

(47) NONCONFORMING LOT OF RECORD:

A parcel of land legally created and recorded at the Ashland County Register of Deeds Office prior to the effective date of this Ordinance or subsequent amendments thereto and having insufficient size to meet the lot width, lot area, setback, off-street parking area, or other open space provisions of this Ordinance.

(48) NONCONFORMING STRUCTURE:

One that was legally constructed prior to the effective date of this Ordinance or subsequent amendment thereto that is not in conformance with the setback, height,

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coverage, or floor area ratio requirements of the district in which it is located. A structure located on a nonconforming lot shall not be classified as a nonconforming structure solely because of insufficient lot area or width.

(49) NONCONFORMING USE:

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

(50) NUDITY:

The showing of the human male or female genitals or pubic area with less than a fully opaque covering or the depiction of covered male genitals in a discernibly turgid state and/or the appearance of bare buttocks, anus, or female breast.

(51) NUISANCE:

A thing or condition causing danger or annoyance either to a limited number or persons (private nuisance) or to the general public (public nuisance) or, because of its attraction, to children who will be unlikely to recognize its dangerous quality (attractive nuisance).

(52) RECREATIONAL FACILITY:

A public or private facility for recreation, including but not limited to ball fields, tennis courts, golf courses, ice skating rinks, and swimming pools.

(53) PARKING LOT:

A structure or premises containing five or more parking spaces open to the public.

(54) PARKING SPACE:

Each off-street parking space, whether inside or outside, shall be not less than nine (9) feet wide, not less than eighteen (18) feet long, not less than one hundred and sixty two (162) square feet in area, and be so located and situated so as to not block any on-street parking.

(55) 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. Refer to Technical Memorandum #3 Subdivision Ordinance.

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(56) PROJECT BEGINNING:

Where applicable, project begins at land disturbing activity.

(57) RENTAL, SHORT TERM:

Rental for less than one month. “One month” means the lesser of: (1) a calendar month, or (2) a continuous period of thirty (30) days. The day of check-in is counted as a day; however, the day of check-out is not counted as a day.

(58) RENTAL, LONG TERM:

Rental for one month or more. “One month” means the lesser of: (1) a calendar month, or (2) a continuous period of thirty (30) days. The day of check-in is counted as a day; however, the day of check-out is not counted as a day.

(59) ROAD ACCESS:

That portion of the road/driveway that includes the right of way and the culvert only.

(60) ROAD/DRIVEWAY EXTENSION:

That portion of road/driveway beyond the right of way to provide ingress and egress.

(61) ROAD RIGHT-OF-WAY:

A strip of land reserved for the construction and maintenance of a public roadway and its appurtenances.

(62) ROOMING HOUSE:

A building where lodging only is offered for three (3) or more persons, but not to exceed eight (8), non-transients who are not members of a family. This definition includes employee housing.

(63) SEXUAL CONDUCT:

Acts of masturbation, sexual intercourse, sadomasochistic abuse or physical contact with a person's unclothed genitals, pubic area, buttocks, or, if such person be a female, her breast.

(64) SEXUAL EXCITEMENT:

The condition of the human male or female genitals when in a state of sexual stimulation or arousal.

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(65) SEXUALLY-ORIENTED BUSINESS:
An adult bookstore, adult theater, adult massage parlor, adult sauna, adult entertainment center, adult cabaret, adult health/sport club, adult steam room/bathhouse facility, or any other business whose primary business activity is characterized by emphasis on matters depicting, describing, or relating to nudity, sexual conduct, or sexual excitement as defined herein.

(66) 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.

(67) SINGLE FAMILY:

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

(68) STEEP SLOPE:

A steep slope is a slope greater than twenty (20) percent.

(69) 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**,** but are not limited to, buildings and mobile homes. Just because a structure is mounted on wheels does not mean that it lacks a fixed location on the ground. When the primary function of things on wheels is not for mobility but it's use shifts to a specific purpose for which land or a building is designed, arranged, intended, or for which it is, or may be occupied or maintained as a permitted use or its equivalent, such objects shall be deemed "structures."

(70) STRUCTURAL ALTERATION:

Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders, or any structural change in the roof or in the exterior walls. Ordinary maintenance and repairs are not considered structural repairs, modifications or additions. Such ordinary maintenance and repairs include internal and external painting, decorating, paneling, and replacement of doors, windows, roof surface, siding, and other nonstructural components.

(71) 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:

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A. The act of division creates five (5) or more parcels or building sites of two point five (2.5) acres or less in area *or*

B. Five (5) or more parcels or building sites of two point five (2.5) acres each or less in area are created by successive divisions within a period of five years.

(72) SUBSTANTIAL COMPLETION:

Substantial completion shall be defined, where applicable**,** as "foundation in" and, where applicable, "external walls up, windows in, roof on, doors installed."

(73) TOURIST/TRANSIENT:

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

(74) TOURIST ROOMS:

A room rented to no more than two (2) adult tourists/transients and related children, without meals or cooking facilities and with or without an individual bathroom. A "Tourist Room" includes a room or rooms so rented in a principal single family dwelling.

(75) UNIT:

A single residence, as an apartment, that is part of a complex (a rental unit).

(76) 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.

(77) 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 that provides the parcel's principal access shall be considered the front. Setbacks are measured from the right of way.

(78) YARD, REAR:

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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. Setbacks are measured from the right of way.

(79) 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 lines not a rear line or a front line shall be deemed a side line. Setbacks are measured from the right of way.

(80) ZONING ADMINISTRATOR:

The Zoning Administrator or an individual duly authorized to perform the duties and functions of the Zoning Administrator (see Section 8).

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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:

A. W – P Wetland Protection Overlay District
B. W – 1 Wilderness Preservation District
C. W – 2 Wilderness Preservation District
D. R - 1 Residential District, Single Family, Low Density
E. R - 2 Residential District, Single Family, Medium Density
F. R - 3 Residential District, Multi-Family
G. S - 1 Shoreland Protection District
H. S - 2 Shoreland Protection District
I. C - 1 Commercial/Town Center District
J. S - O Shoreland Overlay District
K. F - O Flood Hazard Overlay District
L. L I - 1 Light Industrial District
M. LI – 2 Light Industrial District
N. G – I Government and Institutional District
O. P – R Public Resource Land District
P. C – V Conservancy District
Q. T – P Town Park Overlay District
R. M - 1 Marina District

See "Zoning Schedule--Dimensional Requirements" in Section 16.1 and Conditional Use Matrix, Section 16.3 for further information on specific districts.

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3.2 W - P WETLAND PROTECTION OVERLAY DISTRICT

This district includes swamplands and areas that have a water table at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions. The purpose of this district is to prevent development from areas not generally capable of supporting structural development and to provide the wetlands necessary to the support of various species of wildlife. All Permitted and Conditional Uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Ordinance.

A. Permitted Uses

1. Road Access

B. Conditional Uses

1. Agricultural Crop Farming
2. Fish Hatchery
3. Game Preserve
4. Public Service Utility
5. Public Utility
6. Road/Driveway Extension

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3.3 W-1 WILDERNESS PRESERVATION DISTRICT 1

This district provides 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. All Permitted and Conditional Uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Ordinance.

A. Permitted Uses

1. Accessory Dwelling (1 only)
2. Accessory Dwelling, Rental of
3. Accessory Structure
4. Agricultural Crop Farming
5. Dwelling, Single Family (1 only)
6. Dwelling, Single Family Rental of
7. Forest Crops and Products
8. Home Office/Studio
9. Home Occupation
10. Land Disturbing Activity
11. Livestock Production/Products
12. Road Access
13. Road/Driveway Extension
14. Tourist Rooms

B. Conditional Uses

1. Airport
2. Campground
3. Cemetery
4. Fish Hatchery
4. Fuel Storage Facility
5. Game Preserve
6. Home Business
6. Junk/Salvage Yard
7. Non-Metallic Mining
8. Planned Unit Residential Development
9. Professional Office
10. Public Service Utility
11. Public Utility
12. Sewage Disposal Facility
13. Veterinary Care Facility
14. Wind Generator, Telecommunication and Radio Tower, Solar Collector over thirty five feet (35)' high

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3.4 W-2 WILDERNESS PRESERVATION DISTRICT 2

This district provides 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, and is intended to accommodate small-scale enterprises compatible with the general character of the area depending upon location relative to existing facilities and services to provide a continuation of the wilderness character and a sense of isolation. All Permitted and Conditional Uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Ordinance.

A. Permitted Uses
   1. Accessory Dwelling (1 only)
   2. Accessory Dwelling, Rental of
   3. Accessory Structure
   4. Agricultural Crop Farming
   5. Dwelling, Single Family (1 only)
   6. Dwelling, Single Family, Rental of
   7. Forest Crops and Products
   8. Home Business
   9. Home Occupation
   10. Home Office/Studio
   11. Land Disturbing Activity
   12. Livestock Production/Products
   13. Road Access
   14. Road/Driveway Extension
   15. Tourist Rooms

B. Conditional Uses
   1. Airport
   2. Bed and Breakfast
   3. Boarding House (up to four (4) persons)
   4. Building, Municipal
   5. Campground
   6. Cemetery
   7. Dormitory/Student Housing
   8. Educational facility, Commercial
   9. Fish Hatchery
   10. Fuel Storage Facility
   11. Game Preserve
   10. Junk/Salvage Yard
   11. Non-Metallic Mining
   11. Planned Unit Residential Development
   12. Professional Office
   13. Public Service Utility
   14. Public Utility
   15. Rooming House (up to four (4) persons)

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16. Sewage Disposal Facility
17. Veterinary Care Facility
18. Warehouses/Storage Facility
19. Wind Generator, Telecommunication and Radio Tower, Solar Collector over thirty five feet (35') high

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3.5 R - 1 RESIDENTIAL DISTRICT, 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 and historic character of the Island. All Permitted and Conditional Uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Ordinance.

A. Permitted Uses

1. Accessory Dwelling (1 only)
2. Accessory Dwelling, Rental of
3. Accessory Structure
4. Agricultural Crop Farming
5. Dwelling, Single Family (1 only)
6. Dwelling, Single Family, Rental of
7. Forest Crops and Products
8. Home Occupation
9. Home Office/Studio
10. Land Disturbing Activity
11. Religious Facility
12. Road Access
13. Road/Driveway Extension
14. Tourist Rooms (one room only)

B. Conditional Uses

1. Bed and Breakfast
2. Boarding House (up to (4) persons)
3. Cemetery
4. Dormitory/student housing
5. Dwelling, Multiple Family (See Note 1)
6. Dwelling, Multiple Family, Rental of
7. Educational facility, Commercial
8. Parking Lot
9. Planned Unit Residential Development (See Notes 1 & 2)
10. Professional offices
11. Public Service Utility
12. Public Utility
13. Rooming House (up to (4) persons)
14. Wind Generator, Telecommunication and Radio Tower, Solar Collector Over thirty five feet (35') high

Note 1: Required lot size for Multiple Family Dwellings and Planned Unit Residential Developments shall be the number of residential units times the Minimum Required Lot Area. Minimum lot width shall be the number of residential units times the Minimum Lot Width for the Zone specified in the Zoning Schedule-Lot Dimensional Requirements.
Note 2: Planned Unit Residential Developments are allowed only in the interior of the island as described in Section 6.1.D.

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3.6 R-2 RESIDENTIAL DISTRICT, SINGLE-FAMILY, MEDIUM DENSITY

This district provides for housing opportunities on smaller lots within the community area near public services to preserve for the most part the current density and historic character of the district. All Permitted and Conditional Uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Ordinance.

A. Permitted Uses:

1. Accessory Dwelling (1 only)
2. Accessory Dwelling, Rental of
3. Accessory Structure
4. Dwelling, Multiple Family, Rental of Existing
5. Dwelling, Single Family (1 only)
6. Dwelling, Single Family, Rental of
7. Home Occupation
8. Home Office/Studio
9. Land Disturbing Activity
10. Religious Facility
11. Road Access
12. Road/Driveway Extension

B. Conditional uses

1. Building, Municipal
2. Cemetery
3. Health Care Facility
4. Public Service Utility
5. Public Utility

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3.7 R - 3 RESIDENTIAL DISTRICT, MULTI-FAMILY

This district provides for the highest residential density in locations close to major public services. It is intended to provide for housing opportunities in close proximity to existing major recreation resources. All Permitted and Conditional Uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Ordinance.

A. Permitted Uses
   1. Accessory Dwelling (1 only)
   2. Accessory Dwelling, Rental of
   3. Accessory Structure
   4. Dwelling, Multiple Family (1 only)*
   5. Dwelling, Multiple Family, Rental of
   6. Dwelling, Single Family (1 only)
   7. Dwelling, Single Family, Rental of
   8. Home Occupation
   9. Home Office/Studio
   10. Land Disturbing Activity
   11. Religious Facility
   12. Road Access
   13. Road/Driveway Extension
   14. Tourist Rooms

B. Conditional Uses
   1. Bed and Breakfast
   2. Boarding House
   3. Cemetery
   4. Health Care Facility
   5. Planned Unit Residential Development
   6. Public Service Utility
   7. Public Utility
   8. Recreational Facility
   9. Rooming House

*Required lot size for Multiple Family Dwellings and Planned Unit Residential Developments shall be one unit for every three thousand (3,000) square feet of lot area, provided the indicated minimum lot area requirements of nine thousand six hundred (9,600) square feet are met.

Final Draft

3.8 S - 1 SHORELAND PROTECTION DISTRICT

This district is intended to provide for development along the shoreline in a manner that will not deplete or destroy the character of shoreline resources. All Permitted and Conditional Uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Ordinance.

A. Permitted Uses

1. Accessory Dwelling (1 only)
2. Accessory Dwelling, Rental of
3. Accessory Structure
4. Agricultural Crop Farming (outside the Shoreland Overlay District)
5. Dwelling, Single Family (1 only)
6. Dwelling, Single Family Rental of
7. Forest Crops and Products (outside the Shoreland Overlay District)
8. Home Occupation (outside the Shoreland Overlay District)
9. Home Office/Studio
10. Land Disturbing Activity
11. Road Access
12. Road/Driveway Extension

B. Conditional uses

1. Agricultural Crop Farming (within Shoreland Overlay District)
2. Cemetery
3. Fish Hatchery
4. Forest Crops and Products (within Shoreland Overlay District)
5. Game Preserve
6. Home Business (outside Shoreland Overlay District)
7. Home Occupation (within Shoreland Overlay District)
8. Livestock Production/Products
9. Park/Campground, Municipal
10. Planned Unit Residential Development (See Notes 1 & 2)
11. Public Service Utility
12. Public Utility
13. Wind Generator, Telecommunication and Radio Tower, Solar Collector over thirty five feet (35') high

Note 1: Required lot size for Planned Unit Residential Developments shall be the number of residential units times the Minimum Required Lot Area. Minimum lot width shall be the number of residential units times the minimum lot width for the Zone specified in the Zoning Schedule-Lot Dimensional Requirements.

Note 2: Planned Unit Residential Developments are allowed only in the interior of the island as described in Section 6.1.D.

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3.9 S - 2 SHORELAND PROTECTION DISTRICT

This district is intended to provide for development along the shoreline in a manner that 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. All Permitted and Conditional Uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Ordinance.

A. Permitted Uses

1. Accessory Dwelling (1 only)
2. Accessory Dwelling, Rental of
3. Accessory Structure
4. Dwelling, Single Family (1 only)
5. Dwelling, Single Family Rental of
6. Home Office/Studio
7. Land Disturbing Activity
8. Road Access
9. Road/Driveway Extension

B. Conditional uses

1. Home Occupation
2. Public Service Utility
3. Public Utility

Final Draft

3.10 C - 1 COMMERCIAL/TOWN CENTER DISTRICT

This district is intended to be a development cluster with a range of uses and activities commonly found in a small urban area. Typical uses include small retail stores of various kinds, restaurants, offices and businesses of various types. All Permitted and Conditional Uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Ordinance.

A. Permitted Uses

1. Accessory Dwelling (1 only)
2. Accessory Dwelling, Rental of
3. Accessory Structure
4. Automobile Sales Establishment
5. Automobile Service and Supply Facility
6. Bank
7. Building, Municipal
8. Commercial Entertainment Facility
9. Dwelling, Multiple Family*
10. Dwelling, Multiple Family, Rental
11. Dwelling, Single Family (1 only)
12. Dwelling, Single Family Rental of
13. Educational Facility, Commercial
14. Educational Facility, Public
15. Health Care Facility
16. Home Business
17. Home Occupation
18. Home Office/Studio
19. Land Disturbing Activity
20. Laundry Facility
21. Museum
22. Parking Lot
23. Professional Office
24. Religious Facility
25. Restaurant and Tavern
26. Retail Trade Facility
27. Road Access
28. Road/Driveway Extension
29. Tourist Rooms
30. Transportation Facility

B. Conditional Uses

1. Bed & Breakfast
2. Boarding House
3. Campground
4. Dormitory/Student Housing
5. Fuel Storage Retail Facility
6. Hotel, Motel, Resort

Final Draft

7. Light Industry
8. Marina
9. Public Service Utility
10. Public Utility
11. Recreational Facility
12. Rooming House
13. Sexually-Oriented Business
14. Veterinary Care Facility
15. Warehouse/Storage Facility

*Required lot size for Multiple Family Dwellings shall be one unit for every three thousand (3,000) square feet of lot area, provided the indicated minimum lot area requirements of nine thousand six hundred (9,600) square feet are met.

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3.11 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 shore cover and natural beauty. The district includes all lands of the township within the following distance from the ordinary high water elevation of navigable water; one thousand (1,000) feet from a lake, pond, or flowage, and three hundred (300) feet from a river or stream or to the landward side of a flood plain whichever distance is greater. All Permitted and Conditional Uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Ordinance.

A. Permitted Uses

1. Any use permitted in the underlying districts, subject to the Ashland County Shoreland Amendatory Ordinance.

2. Any accessory use permitted in the underlying districts, subject to the Ashland County Shoreland Amendatory Ordinance.

3. Accessory Dwelling (1 only) subject to minimum lot size requirements of Ashland County Shoreland Amendatory Ordinance.

B. Conditional Uses

1. Any conditional use authorized in the underlying districts subject to the Ashland County Shoreland Amendatory Ordinance.

2. Public Utility

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3.12 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. The flood protection elevation enforced by the Ashland County Zoning Department within the Floodplain Hazard Overlay District shall be the 604.5 plus wave Run-up National Geographic Vertical Datum (NGVD). All Permitted and Conditional Uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance, where applicable, and the Ashland County Floodplain Ordinance.

A. Permitted Uses

1. Any principal use permitted in the underlying districts, subject to the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Ordinance.

2. Any accessory use permitted in the underlying districts subject to the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Ordinance.

3. Accessory Dwelling (1 only) subject to minimum lot size requirements of Ashland County Shoreland Amendatory Ordinance.

B. Conditional Uses

Any Conditional use authorized in the underlying districts subject to the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Ordinance.

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3.13 LI-1 LIGHT INDUSTRIAL DISTRICT

This district is intended to accommodate a wide array of uses including manufacturing, warehousing, and airport facilities, and the like. All Permitted and Conditional Uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Ordinance.

A. Permitted Uses

1. Accessory Structure
2. Aircraft/Airplane Hangar
3. Airport
4. Automobile Sales Establishment
5. Automobile Service and Supply Facility
6. Building, Municipal
7. Contracting and Building Storage and Service
8. Forest Crops and Products
9. Fuel Storage Facility
10. Junk/Salvage Yard
11. Land Disturbing Activity
12. Light Industry
13. Parking Lot
14. Professional Office
15. Public Service Utility
16. Public Utility
17. Road Access
18. Road Driveway/Extension
19. Transportation Facility
20. Warehouse/Storage Facility
21. Wastewater Treatment Plant

B. Conditional Uses

1. None.

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3.14 LI-2 LIGHT INDUSTRIAL DISTRICT

This district is intended to accommodate a wide array of uses including manufacturing, warehousing, and the like. All Permitted and Conditional Uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Ordinance.

A. Permitted Uses.

1. Accessory Structure
2. Automobile Sales Establishment
3. Automobile Service and Supply Facility
4. Building, Municipal
5. Contracting and Building Storage and Service
6. Forest Crop and Products
7. Fuel Storage Facility
8. Junk/Salvage Yard
9. Land Disturbing Activity
10. Laundry Facility
11. Light Industry
12. Museum
13. Parking Lot
14. Professional Office
15. Public Service Utility
16. Public Utility
17. Road Access
18. Road/Driveway Extension
19. Transportation Facility
20. Warehouse/Storage Facility
21. Wastewater Treatment Plant

B. Conditional Uses

None.

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3.15 G-I GOVERNMENT AND INSTITUTIONAL DISTRICT

This district includes governmental and institutional uses, some which may occupy a significant land area. Examples include educational facilities, municipal buildings, and hospitals.

A. Permitted Uses

1. Accessory Structure
2. Building, Municipal
3. Educational Facility, Public
4. Health Care Facility
5. Land Disturbing Activity
6. Material Recovery Facility
7. Museum
8. Parking Lot
9. Public Service Utility
10. Public Utility
11. Road Access
12. Road/Driveway Extension
13. Transportation Facility

B. Conditional Uses

1. Cemetery
2. Planned Unit Residential Development
3. Wind Generator, Telecommunication and Radio Tower, Solar Collector over 35 feet (35') high

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3.16 P-R PUBLIC RESOURCE LAND DISTRICT

This district includes those state lands that are currently operated as a park and those parcels that could be used as a State Park in the future. All permitted and conditional uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Ordinance.

A. Permitted Uses

1. Accessory Structure
2. Agricultural Crops and Products
3. Forest Crops and Products
4. Land Disturbing Activity
5. Recreational Trail
6. Road Access
7. Road/Driveway Extension

B. Conditional Uses

1. Campground
2. Educational Facility, Commercial
3. Game Preserve
4. Parking Lot
5. Public Service Utility
6. Public Utility
7. Recreational Facility
8. Wind Generator, Telecommunication and Radio Tower, Solar Collector over 35 feet (35') high

Final Draft

3.17 C-V CONSERVANCY DISTRICT

This district is intended to prohibit future development for the most part in order to protect and conserve important environmental resources. All permitted and conditional uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Ordinance.

A. Permitted Uses

1. Agricultural Crops and Products
2. Forest Crops and Products
3. Land Disturbing Activity
4. Recreational Trail
5. Road Access
6. Road/Driveway Extension

B. Conditional Uses

1. Accessory Structure
2. Game Preserve
3. Parking Lot
4. Public Service Utility
5. Public Utility
6. Wind Generator, Telecommunication and Radio Tower, Solar Collector over 35 feet (35') high

Final Draft

3.18 T-P TOWN PARK OVERLAY DISTRICT

This district includes those Town lands that currently are operated as a park and those parcels that could be used as a Town Park in the future. All permitted and conditional uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Ordinance.

A. Permitted Uses

1. Accessory Structure
2. Agricultural Crops and Products
3. Forest Crops and Products
4. Land Disturbing Activity
5. Public Lake Access
6. Recreational Trail
7. Road Access
8. Road/Driveway Extension

B. Conditional Uses

1. Building, Municipal
2. Educational Facility, Commercial
3. Game Preserve
4. Park/Campground, Municipal
5. Parking Lot
6. Public Service Utility
7. Public Utility
8. Recreational Facility
9. Wind, Telecommunication and Radio Tower, Solar Collector over 35 feet (35') high

Final Draft

3.19 M-1 MARINA DISTRICT

This district includes large marinas, whether public or private, where the primary use is related to the storage, mooring, docking, launching, and servicing of boats and the like.

A. Permitted Uses

1. Accessory Structure
2. Land Disturbing Activity
3. Marina
4. Parking Lot
5. Professional Office
6. Retail Trade Facility
7. Road Access
8. Road/Driveway Extension

B. Conditional Uses

1. Fuel storage/retail facility
2. Transportation Facility
3. Warehouse/Storage Facility

Final Draft

3.20 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, and center lines of streets, highways, or alleys. Questions regarding exact location of district boundaries shall be decided by the Zoning Administrator. Decisions may be reviewed by the Zoning Board of Appeals as provided in Section 10 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, §60.62.

Final Draft

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*s* set forth on the "Official Zoning Map, Town of La Pointe" and in the text of this Ordinance.

4.2 STANDARD DISTRICT REQUIREMENTS

A. Yard Requirements

1. 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.

2. Every part of a required yard shall be open to the sky and unobstructed, except in commercial areas, where a permanent awning and its accessory columns or struts may project not more than five feet into a required front or side yard.

3. Open or enclosed fire escapes may project into a required yard not more than five (5) feet and into a required court not more than three and one half (3½) feet, provided it be so located as not to obstruct light or ventilation.

B. Height Exceptions

A chimney and/or decorative cupola 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. Wind generators, telecommunication and radio towers and solar collectors may extend beyond the (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. Architectural projections shall not exceed sixty four (64) square feet in floor area, including stairwells, shall not be higher than eight (8) feet above the adjacent roof ridge, and shall contain no living quarters. Architectural projections include spires, belfries, parapet walls, domes, chimneys, and cupolas. Wind generators, telecommunication and radio towers and solar collectors shall conform to state and federal requirements.

C. 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 thirty five (35) feet from their intersection. Within this triangle no object shall be allowed above the height of two and one-half (2½) feet above the streets if it obstructs the view across the triangle. This provision shall not apply to tree

Final Draft

trunks, posts or wire fences.

D. Access Driveways

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

E. Lot Sizes

1. After adoption of this Ordinance, or amendments thereto, 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 they are located.

2. If two or more substandard lots with continuous frontage have the same ownership as of the effective date of this Ordinance, or amendments thereto**,** the lots involved shall be considered to be an individual parcel for the purposes of this Ordinance.

3. Lots created after adoption of this Ordinance**,** or amendments thereto, 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.

4. All Land Divisions and reconfigurations shall and do require a Certified Survey Map. Refer to Technical Memorandum #3 Subdivision Ordinance.

F. Parcels in Multiple Zoning Districts (See illustration, Section 16.4)

If a parcel is located in two (2) or more Zoning Districts a property owner may build in any zoning district subject to the other restrictions in this Ordinance and subject to the following restrictions:

1. Any building, structure, and /or land use is required to meet all district requirements for the zone in which it is located, including setbacks. A Special Exception shall not be granted if setbacks can be met in any other zone.

2. A permitted use is restricted to the zone(s) in which it is explicitly allowed as a permitted use in Section 3 of this Ordinance (if a parcel has three zoning districts and a use is permitted in two, the permitted use will only be granted in those two zones).

3. A conditional use is restricted to the zone(s) in which it is explicitly allowed as a conditional use in Section 3 of this Ordinance (if a parcel has three zoning districts and a use is conditional in two, the conditional use will only be granted in those two zones).

Final Draft

4. In the S-2 Zoning District, the rear setback shall be taken from the right-of-way of the County Highway/Big Bay Road. The front and/or rear setback in the S-1 Zoning District shall be taken from the right-of-way of the County Highway or Town Road on which it is located.

5. If the parcel is nonconforming, it must be a lot of record.

G. Accessory Uses and Structures

An accessory use or structure is one that is clearly incidental to and customarily found in connection with the principal use or structure to which it is related. If attached to the principal building shall be considered part of the principal building. All accessory structures shall conform to the setback requirements required of the principal building of the district within which it is located. Accessory structures require a land use permit.

Minor Accessory Structures Allowed Without Land Use Permit include but aren't limited to the following:

1. Birdhouses and Birdfeeders
2. Brick BBQ's
3. Chicken Coops not to exceed one hundred (100) square feet
4. Driveway pillars and gates*
5. Fences under ten (10) feet in height*
6. Garbage and refuse bins
7. Hunting blinds
8. Ice fishing shacks
9. LP storage tanks and fuel oil tanks used for heating
10. Pet house not to exceed one hundred (100) square feet
11. Picnic tables
12. Planters and flower boxes*
13. Play Equipment
14. Residential Compost Containers
15. Satellite Dishes
16. Solar Collectors
17. Tool shed not to exceed one hundred (100) square feet (one only without permit)
18. Tree Houses for children
19. Warming sheds for school children*
20. Well house covers (small)
21. Wind Generator, Telecommunication and Radio Tower, Solar Collector under thirty five feet (35') high

*Note: Does not need to meet road frontage setback, however, shall not be located in the right of way of any public or private road.

Final Draft

G. Drainage, Sanitation and Water Supply

1. No 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 four (4) feet above the highest groundwater level.

2. No building or dwelling unit 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.

3. The Zoning Administrator shall not hereafter authorize a building to be erected, structurally altered, or relocated that 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.

4. 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.

5. Planned Unit Residential Developments shall be served by sewage facilities that meet the requirements of the Ashland County Sanitary and Private Sewage System Ordinance and the applicable minimum standards of the Wisconsin Administrative Code.

I. Construction site maintenance and erosion control

It is the intent of this Section to require erosion control practices that will reduce the amount of sedimentation and other pollutants from leaving project sites during construction or land disturbing activities and entering wetlands, shoreland areas, floodplains, drainage ways, waters of the State, adjacent property, or any public or private roadway.

1. This Section applies to all construction sites and land disturbing activities such as, but not limited to, land disturbing activity prior to excavation for foundation work, installation of driveways, parking areas, earth work on sites not directly related to structural concerns (filling and grading), and development of ponds and channelized water courses. This Section does not apply to the following:

Final Draft

a. Construction or land disturbing activity regulated by the Wisconsin Department of Commerce Uniform Dwelling Code or Commercial Building Code.

b. Nonpoint discharge from agricultural or silviculture land uses including but not limited to the harvesting of crops, growing and tending of gardens, harvesting of trees, and landscaping.

c. Maintenance and repair of existing driveways.

2. Where land-disturbing activity is to occur, erosion and sediment control practices shall be employed as necessary and maintained to prevent or reduce the potential deposition of soil or sediment from leaving the site.

3. Land disturbing activities, except those activities necessary to implement erosion or sediment control practices, may not begin until the sediment control practices are in place for each area to be disturbed.

4. Erosion control devices shall be used where necessary to minimize erosion and sedimentation. Erosion control devices include sedimentation basins, filter fences, straw bales and mulch, tarps, temporary and permanent seeding, sodding and channeling surface water around disturbed areas.

5. Monitoring. The owner or owner's agent shall check the erosion and sediment control practices for maintenance needs at all the following intervals until the site is stabilized:

a. At least weekly.

b. Within twenty-four (24) hours after a rainfall event of 0.5 inches or greater. A rainfall event shall be considered to be the total amount of rainfall recorded in any continuous twenty-four (24) hour period.

6. Site de-watering. Water may not be discharged in a manner that causes erosion of the site, adjacent land, or receiving channels.

7. All waste and unused building materials, including but not limited to garbage, oil, toxic materials, or hazardous materials, shall be properly disposed of and are not allowed to be carried by runoff into a receiving channel or stormwater drainage system.

8. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.

10. Each site shall have a driveway surface of sufficient width and

Final Draft

length to prevent sediment from being tracked onto public or private roadways. Any sediment or mud tracking reaching a public or private road shall be removed before the end of each working day or more frequently if tracking causes a nuisance to the traveling public.

11. Re-vegetation shall take place as soon as practicable, upon completion of construction. Re-vegetation involves seeding, sodding or mulching of bare soil as soon as possible. If construction is completed after September 15 of any given year, seeding or sodding may be delayed to the following year. Applying mulch is recommended. Straw bales or filter fences must be maintained until final seeding or sodding is completed in the spring, or no later than June 15 the following year.

12. Runoff from sites on slopes greater than ten percent (10%) may require additional or different controls. Requirements for such slopes shall be as recommended by the Wisconsin Department of Natural Resources.

12. Shoreland filling, grading, lagooning, dredging, ditching or excavation may be permitted only in accordance with State Law and the Ashland County Shoreland Amendatory Ordinance. All permits shall be obtained prior to land disturbing activity.

4.3 SUPPLEMENTARY REGULATIONS

A. Airport Safety Zones

Except for field crops and fences under five (5) feet high, the maximum height of any object located within five hundred (500) feet of either side of the centerline of a landing strip, and extended to a distance of two (2) miles from the end of the runway shall be no higher than one one-hundredth (1/100) of the distance of the object to the landing strip. Refer to the Height Limitation Zoning Map for Madeline Island Airport.

B. 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.

1. 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:

    a. Single Family dwellings shall each provide two (2) off-street parking spaces.
    b. Each rental unit and each unit in a multi-family dwelling, motel,

Final Draft

hotel, condominium, bed and breakfast, or similar use shall provide at least two (2) off-street parking spaces.

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

3. The number of off street parking spaces required for non-residential uses are shown in the following table:

USE	MINIMUM PARKING REQUIRED
Auditorium, Theater, Religious Facility, Community Center, and Places of Public Assembly	One space for every seven (7) seats
Boarding House	One space per bedroom or sleeping unit
Campground	Two (2) spaces per campsite
Commercial Entertainment or Recreational Facility	One space for each two hundred fifty (250) square feet of building footprint plus one space for every five thousand (5,000) square feet of outdoor recreation area
Convenience Store/Grocery	Three (3) spaces for each one thousand (1,000) square feet of building footprint
Dormitory/Student Housing	One space per bedroom/sleeping unit
Educational Facility, Public Elementary/Junior High	One space per teacher, staff member, and aid plus two (2) spaces per classroom
Educational Facility, Public	One space per teacher, staff

Final Draft

High School/Adult	member, and aide plus one space per every three (3) students
Educational Facility, Commercial	One space per teacher, three (3) staff members, and aide
Health Care Facility	three (3) spaces for every doctor and one space for every three (3) employees on the largest work shift
Home Business	two (2) spaces in addition to residential parking requirements
Home Occupation	One space in addition to residential parking requirements
Government Building	One space for each two hundred (200) square feet of floor area used by the public
Marina	One space for each five (5) slips and/or moorings
Post Office	Five (5) spaces for each five hundred (500) square feet of building footprint plus one space for each employee on the largest work shift
Professional Office	One space for every two hundred fifty (250) square feet of building footprint
Recreational Trail, Public	Two (2) spaces at each trail entrance/exit

Final Draft

Restaurant/Tavern	One space for each one hundred (100) square feet of area used by the public or one space per three (3) seats, whichever is greater, plus one space for every three (3) employees on the largest work shift
Retail Trade Facility	One space for every two hundred (200) square feet of building footprint plus one space for every two (2) employees on the largest work shift
Rooming House	One space per bedroom or sleeping unit
Sexually-Oriented Business	One space for every two hundred square feet of building footprint plus one space for every two (2) employees on the largest work shift
Tourist Rooms	One per rental unit
Veterinarian	Two (2) spaces for every doctor

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

5. For structures and/or properties containing more than one use, the required number of spaces shall be computed by adding space required for each use.

6. Handicap Parking Requirements.
   In addition to any other requirements relating to parking spaces contained in this Ordinance, the provisions contained in State Statute Section 101.13, 346.503, and 346.56 and any Wisconsin Administrative Code Sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities whenever constructed.

Final Draft

7. Landscaping.
   All public and private off-street parking areas which serve four (4) vehicles or more, are located within fifteen (15) feet of any lot line or right of way and are created or redesigned and rebuilt subsequent to the adoption of this Section shall be provided with accessory landscape areas totaling not less than ten percent (10%) of the parking area. The minimum size for each landscaped area shall not be less than one hundred (100) square feet.

8. Lighting.
   Any lighting used to illuminate an off-street parking area shall be directed away from residential properties and public or private streets in such a way as not to create a nuisance.

9. Exceptions.
   No off-street parking shall be required for buildings existing in the C-1 District as of the date of enactment of this section, except such off-street parking as is already in existence as of the date of enactment of this Section.

10. Abandonment.
    No parking space, or driveway providing access thereto, shall be abandoned, closed, converted to another use, or in any way eliminated from use as a parking space or driveway, unless adequate off-street parking and access are provided to the property in full compliance with the provisions of this Ordinance.

11. The Board of Appeals
    The Board of Appeals may, by granting of a variance, relax the regulations of this Section as provided in Section 10.2.N of this Ordinance.

C. Non-Conforming Lots of Record

Any lot that 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 that becomes non-conforming because of a subsequent revision of the dimensional requirements of the Town of La Pointe Zoning Ordinance after May 26, 1972, or because of the construction of a public roadway by the Town of La Pointe or Ashland County, is considered to be "a Lot of Record."

1. Setback Relief for Non-Conforming Lots of Record
   Non-Conforming Lots of Record shall be eligible for relief from the setback requirements specified in Section 3 of this Ordinance in accordance with the following provisions:

Final Draft

a. Owners of non-conforming lots of record may apply to the Town Plan Commission for a special exception for reduced setbacks excluding height requirements and/or Ashland County setback requirements. The legal standard and the procedure for obtaining a special exception before the Town Plan Commission for reduced setbacks shall be the same as for a conditional use permit as set forth in Section 7. The standards of approval in deciding whether or not a special exception will be granted are those set forth in Section 7.

b. A special exception granted under this Section may reduce normal setbacks by twenty five percent (25%) and in extraordinary cases may reduce setbacks up to fifty percent (50%). However, the twenty-five (25%) reduction in setbacks shall only be exceeded in circumstances where there is no reasonable buildable core within the lot unless the twenty five percent (25%) is exceeded. In considering whether or not there is a reasonable buildable core in the lot the Town Plan Commission shall consider the size of the lot as a whole with a smaller lot justifying a smaller buildable core.

c. If a special exception for reduced setbacks is granted by the Town Plan Commission the special exception may be conditioned upon a requirement that there be no further buildings, development, or impervious surface on the non-conforming lot. The Town Plan Commission shall also have the discretion to impose a storm water management or other mitigation plan in the case of lots not within the shoreland overlay. For lots within the shoreland overlay the Town Plan Commission shall require a Shoreland Restoration and/or Storm Water Management Plan for review and recommendation by the Ashland County Land & Water Conservation Department. The Town Plan Commission shall also be entitled to impose other conditions reasonably related to the purposes of the Ordinance and the considerations for granting a special exception. A violation of any condition imposed pursuant to this Section shall be enforceable under Section 8.7 of this Ordinance.

d. The filing fee for a special exception shall be the same as for a conditional use.

e. Any property owner of a non-conforming Lot of Record aggrieved by the dimensional requirements of Section 3 of this Ordinance that are not relieved by the procedures of the above Section may appeal for a variance to the Zoning Board of Appeals.

2. Alteration of Non-Conforming Lots of Record
Not withstanding the provisions of Section 4.2.E of this Ordinance,

Final Draft

alteration or reconfiguration of a non-conforming lot of record may be permitted subject to the recommendation of the Town Plan Commission and approval by the Town Board of a Certified Survey Map and further subject to the following conditions:

a. Such alteration of a non-conforming lot of record would need to be approved by the Town Plan Commission.

b. The newly altered non-conforming lot may not increase the non-conformity, including that insufficient dimensions in newly configured lots may not be further reduced.

c. If two or more adjacent non-conforming lots are or become titled in such a way that the ownership is exactly the same for both or all such adjoining lots, then such adjoining lots are considered fused for the purposes of zoning and may not again be separated except for reasons that would be allowed were they not non-conforming lots of record.

D. Camping on Private Lands

1. Temporary Camping

a. Camping on a lot by one camping party including the landowner or by one temporary party with the landowner's written permission shall be allowed without issuance of a Land Use Permit, subject to the following:

- Such temporary camping shall be allowed in all zoning districts, except Wetland Protection (W-P), Light Industrial 1, and Light Industrial 2 (LI-1 and LI-2).

- Temporary 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.

- Temporary Camping shall not exceed thirty (30) days in any calendar year.

- Not more than one camping unit shall be permitted on a lot.

- Sanitary waste disposal shall be provided by either
  - Self-contained holding tank with disposal at an approved sanitary dump station
  - A portable toilet with disposal at an approved sanitary dump station

Final Draft

- Permitted connection to an Ashland County approved on-site waste disposal system (if camping exceeds fourteen (14) days)
- Ashland County approved non-plumbing system (if camping exceeds fourteen (14) days)

- The Temporary Camping unit shall be removed from the property after each temporary camping stay. If a principal building is located on the lot, one temporary camping unit may be stored outdoors. The stored temporary camping unit shall meet all required setbacks and yards. The stored temporary camping unit shall be in an in-transit position with no utility connections, windows and doors closed, and not used for sleeping purposes.

- A temporary camping unit shall not be let or rented.

b. Camping on a lot during construction of a single-family dwelling shall be allowed without issuance of a Land Use Permit, subject to the following:

- A Land Use Permit for a single family dwelling has been secured and project beginning has commenced.

- Sanitary waste disposal shall be provided by either
  - Permitted connection to an Ashland County approved on-site waste disposal system.
  - Self-contained holding tank with disposal at an approved sanitary dump station.
  - A portable toilet with disposal at an approved sanitary dump station.
  - Ashland County approved non-plumbing system

- The camping activity shall cease upon the occupancy of the single family dwelling on the property, or in two (2) years, whichever is lesser.

2. Long Term Camping Unit
   A long-term camping unit shall be allowed subject to the following:

   a. A camping unit in use for more than thirty (30) days in any calendar year shall require a Town Land Use Permit, an Ashland County Building Permit (where applicable), and an Ashland County Sanitary Permit for such activity. Wheels and tires shall remain in the in-transit position.

Final Draft

b. No more than one long-term camping unit shall be allowed on any individual lot.

c. No porches, lean-tos, or additions shall be constructed onto or immediately adjacent to a camping unit. Canvas screens or awnings shall be allowed.

d. A wooden deck may be provided adjacent to a camping unit subject to the following:

- The deck shall not exceed two hundred fifty-six (256) square feet in area.
- The deck may be enclosed by open railings, but shall not have built-in benches or tables.
- The deck shall not have a permanent foundation in the ground.
- Appropriate permits have been obtained.

e. A camping unit and deck may only be skirted with lattice; however, solid skirting may be installed immediately adjacent to the tires.

f. No principal dwelling currently exists on the property

g. The Long-term camping unit shall not be let or rented.

4.4 SHORELAND REGULATIONS

A. Setback

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

1. All permanent structures shall be set back seventy-five (75) feet from the ordinary high-water mark of navigable waters. Boathouses shall conform to the Ashland County Shoreland Amendatory Ordinance.

2. 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.

3. The Ashland County Zoning Administrator and/or the Ashland County Assistant Zoning Administrator shall determine the ordinary high water mark where not established.

Final Draft

B. Removal of Shoreline Cover

The shoreland buffer zones created in this Ordinance, which restrict the removal of shore cover, are intended to provide ecological benefits, including, but not limited to: minimizing the impact on the water resource from adjacent, upland and landward activities, filtering sediment and runoff, encouraging the absorption of nutrients, stabilizing shoreland, providing food and cover for wildlife, and improving aesthetics.

1. The shoreland buffer zone for parcels of land abutting navigable water or containing navigable water, which qualify as existing parcels as the Ashland County Shoreland Amendatory Ordinance, is thirty-five (35) feet deep.

2. The shoreland buffer zone for parcels of land abutting navigable water or containing navigable water, which do not qualify as existing parcels as the Ashland County Shoreland Amendatory Ordinance, is fifty (50) feet deep.

3. The cutting or removal of trees, shrubs, or other vegetation within a shoreland buffer zone is prohibited, except as provided for in Section 4.4.B.4 of this Ordinance.

4. Within any one hundred (100) foot length of the shoreland buffer zone, up to thirty (30) feet in length of the shoreland buffer zone may be clear-cut to the depth of the buffer zone.

5. Natural shrubbery shall be preserved as far as practicable.

6. From the inland edge of the shoreland buffer zone to the outer limits of the shoreland area, the cutting or removal of trees, shrubs, and other vegetation is allowed when accomplished using generally accepted forestry management and soil conservation practices, which protect water quality.

7. Refer to the Ashland County Shoreland Amendatory Ordinance.

C. Filling, grading, lagooning, and dredging

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 the Ashland County Shoreland Amendatory Ordinance that is incorporated into this Ordinance by reference. The enforcement of the Amendatory Ordinance is the responsibility of the Ashland County Zoning Administrator and/or the Ashland County Assistant Zoning Administrator.

Final Draft

4.5 FLOODPLAIN REGULATIONS

All lands within the corporate limits of Ashland County are subject to the current Ashland County Floodplain Ordinance that is hereby incorporated into this Ordinance by reference. Enforcement of the Floodplain 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 and/or the Ashland County Assistant Zoning Administrator.

Final Draft

SECTION 5.0 SIGNS

5.1 FINDINGS

It is a primary objective of the Town of La Pointe to maintain and enhance its unique visual character. That character, emphasizing water vistas, scenic beauty, and historic buildings, could be threatened by the uncontrolled proliferation of signs. The resultant scenic blight would diminish the community's attractiveness to residents and tourists, reduce property values, and the distractions of excessive signage could aggravate traffic safety concerns.

5.2 PURPOSE

The purpose of this section is to set forth additional requirements to safeguard life, health, property, and public welfare and to preserve and enhance aesthetic values by regulating and controlling the size, number, location, construction, illumination, installation, and maintenance of all signs referred to in this section.

5.3 GENERAL PROVISIONS

A. 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 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.

B. Exceptions

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

1. Class A signs:
   Official traffic control signs, and informational or directional notice erected by federal, state or local units of government.

2. Class B signs:
   On premise real estate signs, residential identification, warning and similar signs not greater than four square feet in area. Examples include:

   a. "Open/Closed" (two per business)

   b. "No Hunting"

   c. "No Trespassing"

   d. "No Dumping"

   e. Vacancy/No Vacancy" (one per business)

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f. Construction signs that identify the architects, engineers, contractors, and other individuals or firms involved with the construction. The sign shall be removed upon completion of construction.

C. Prohibited Characteristics of Signs

1. No sign shall resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals or devices.

2. 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.

3. 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.

4. No sign shall contain any rotating or moving parts, or be illuminated by flashing light*s*.

5. No sign shall exceed the maximum height limitation of the district in which it is located.

6. No sign shall be located on a lot so as to reduce the required side yard requirements of the district in which it is located. The sign may be located in the lot's front setback, a minimum of five (5) feet from the right of way, provided that it doesn't interfere with the passage of vehicles, pedestrians, or visibility of traffic control signals.

7. No sign shall be placed on or over the roof of any buildings.

8. Window signs shall not exceed twenty-five percent (25%) of the total window area.

5.4 CLASSIFICATION OF SIGNS REQUIRING PERMIT

A. **Class C Signs**
On premise signs that advertise a business activity or service performed on the property.

1. Type 1
Signs advertising a Conditional Use Permit or professional office. Such signs shall not exceed three (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.
Signs on multiple business establishments in the Commercial Zone: When

Final Draft

more than one business establishment is located in a single building or on one lot, such signage shall comply with the following requirements: each business within the multiple business establishment shall be permitted one sign, not to exceed twelve (12) square feet in sign face area. In addition, multiple business establishments shall be allowed one collective sign, not to exceed forty (40) square feet of sign face area when non-lighted, and if illuminated shall not exceed twenty (20) square feet in area.

2. Type 2
   Signs or bulletin boards for public, charitable, home business, home occupation, or religious institutions. Such signs shall not exceed twelve (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.

3. Type 3
   Signs advertising a business activity or a service available in a commercial area. The total square footage of such signs shall not exceed forty (40) square feet in area when non-lighted, and if illuminated shall not exceed twenty (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 four (4) feet beyond a building when attached thereto, or be higher than the roofline. Freestanding signs (such as sandwich boards) shall not exceed fifteen (15) feet in height from the ground. Signs on multiple business establishments in the Commercial Zone: when more than one business establishment is located in a single building or on one lot, such signage shall comply with the following requirements: each business within the multiple business establishment shall be permitted one sign, not to exceed twelve (12) square feet in sign face area. In addition, multiple business establishments shall be allowed one collective sign, not to exceed forty (40) feet of sign face area when non-lighted, and if illuminated shall not exceed twenty (20) square feet in area.

4. Type 4 Signs advertising a resort or recreational business activity. Such signs shall not exceed twenty (20) square feet in area.

B. Class D Signs

Signs or billboards that advertise a brand name of product except as per Section 5.3.C.8.

C. Class E Signs

Off-premise directory signs in the specific interest of the traveling public that advertise a business activity, area of interest, or a service available at a specific location within twelve (12) air miles of the premises on which it is located.

D. Class F Signs

Final Draft

Temporary off-premises special event signs that promote events of community significant shall require authorization of the La Pointe Town Board.

5.5 CLASSES AND TYPE OF SIGNS PERMITTED IN ZONING DISTRICTS

Class and Type of Sign	Zoning District
Class A Signs:	All, except W-P District
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, G-I, P-R, C-V, T-P, M
	Type 2: W-1, W-2, S-1, C-1 C-V, G-I, LZ-1, LZ-2
	Type 3: C-1, LZ-1, LZ-2, M-1
	Type 4: W-1, W-2, S-1, C-1, T-P, P-R, LZ-1, L-Z-2
Class D Signs:	Prohibited, except as per Section 5.3.C.8
Class E Signs:	Prohibited
Class F Signs	All, except W-P District

5.6 NON-CONFORMANCE

Signs lawfully existing before the date of enactment or amendment of this Ordinance may be continued although the use, size, or location does not conform to the provision of this Ordinance. 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~~ 9 shall apply. However, permits shall be obtained and district requirements met if the use, size, or location of the sign changes.

5.7 REMOVAL OF SIGNS

The Zoning Administrator may order the removal of any sign erected in violation of this Section. The Zoning Administrator shall give five (5) days' notice in writing to the owner of such sign, or of the building, structure, or premises on which the sign is located, to remove the sign or to bring it into compliance. If the sign owner does not comply with the orders of the Zoning Administrator, the Zoning Administrator is authorized to remove the

Final Draft

sign or have the sign removed and the removal charged to the owner of the sign. The Zoning Administrator may remove a sign immediately and without notice, if, in their opinion, the condition and/or location of the sign is such as to present an immediate threat to the safety of the public and the cost of the removal of the sign charged to the owner of the sign.

Final Draft

SECTION 6.0 REGULATION OF SPECIAL USES

6.1 GENERAL PROVISIONS FOR SPECIAL USES REQUIRING A CONDTIONAL USE PERMIT

Except as needed to, or altered hereafter in this Section, the procedures and requirements of Section 7 governing Conditional Uses shall apply.

A. Non-Metallic Mining

Non-Metallic mines are regulated by the Ashland County Non-Metallic Mining Reclamation Ordinance and are allowed as Conditional Uses in zones specified in Section 3.

B. 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 outside the LZ-1 District shall have ~~a~~ minimum front, side and rear yards of two hundred (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 a road, street, highway, or waterway.

3. Junk/salvage yards may be a permitted use in LZ-1. Setback for the junk/salvage yard shall be as listed in Section 16.1 Dimensional Requirements.

C. 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.

D. Planned Unit Residential Developments

1. Planned Unit Residential Developments consisting exclusively of single-family dwelling units and planned unit residential developments that include any multi-family dwelling units are permitted as a Conditional Use in those areas specified by the this Ordinance. Planned Unit Residential Developments may be allowed within the interior physical boundaries of the roads that circle the Island starting at the beginning of North Shore Road to Schoolhouse 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. For additional information refer to Technical Memorandum #3: Subdivision Ordinance.

Final Draft

2. A successful applicant for a Conditional Use Permit for a Planned Unit Residential 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 is defined as the number of living units per acre shall not exceed the regulations for the district in which it is to be developed.

4. An application for a Conditional Use Permit shall be submitted in accordance with Section 7 and shall contain the information required under Section 7 of this Ordinance and Technical Memorandum #3 Subdivision Ordinance.

E. Travel Trailer Parks & Campgrounds

Travel Trailer Parks and Campgrounds are only permitted as Conditional Uses in the districts that specifically allow them in Section 3 of this Ordinance.

1. The minimum size of a travel trailer park or campground shall be five (5) acres unless it is located in the C-1 District.

2. The maximum number of travel trailers or campsites shall be fifteen (15) per acre.

3. Minimum dimensions of a travel trailer site or campsite shall be twenty-five (25) feet wide by forty (40) feet long.

4. No travel trailer or campsite shall be occupied for a period of more than thirty (30) consecutive days.

5. Each travel trailer site or campsite shall be separated from other travel trailer spaces or campsites by a yard not less than fifteen (15) feet wide.

6. Two (2) parking spaces shall be provided per site.

7. There shall be a minimum yard setback of forty (40) feet at all lot lines of a travel trailer park or campground.

8. It shall conform to the requirements of the Wisconsin Administrative Code.

9. 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 fifteen (15) feet or more. The individual trees are to

Final Draft

be such a number and so arranged that within ten (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 fifteen (15) feet.

F. Bed and Breakfasts

1. Bed and Breakfasts may be permitted as a Conditional Use in districts specified in Section 3 of this Ordinance.

2. Parking. Off-street parking in accordance with Section 4.3.B shall be provided.

3. Type of dwelling. A Bed and Breakfast shall only occur within a single family dwelling.

4. Number of allowable guest rooms. No more than six (6) guest rooms shall be offered.

5. Exterior character. The exterior appearance of the building shall not be altered from its single family dwelling appearance.

6. Food Preparation. No food preparation or cooking shall be allowed in guest rooms

.

7. Meals. Breakfast shall only be offered to overnight guests.

8. Residency. The Bed and Breakfast shall be the owner's personal residence.

9. Occupancy. The owner shall occupy the Bed and Breakfast at the time of rental.

10. Licensing. Prior to establishment of this use, and at periodic intervals that may be required thereafter, the owner shall obtain and maintain a license as required by State law.

G. Boarding Houses and Rooming Houses

The purpose of this Section is to establish minimum standards to preserve and promote compatible development, aesthetics, stability of property values, and to fix the responsibility of owners, operators, and occupants to provide a suitable environment for safe, healthy, and desirable living conditions.

1. Boarding and Rooming Houses may be permitted as outlined in Section 3 of this Ordinance in accordance with Section 7 and the following provisions:

Final Draft

a. Annual building inspection and permit are required.

b. Adequate sanitation shall service the building or buildings in accordance with Section 4.2.H of this Ordinance and applicable State, County, and/or municipal regulations.

c. Minimum Requirements for Boarding Houses and Rooming Houses:

- Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor area for the first occupant thereof and at least one hundred (100) additional square feet of floor area for every additional occupant thereof, the floor area to be calculated on the basis of total habitable room floor area. In every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of habitable floor area and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of habitable floor area for each occupant thereof.

- No dwelling unit containing two (2) or more sleeping rooms shall have such room arrangement that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment. One bathroom/water closet compartment is required for every three (3) occupants.

- In all dwelling units the average ceiling height shall be not less than seven feet six inches (7'6") and the minimum ceiling height shall be not less than seven feet zero inches (7') in the entire first floor area. The minimum ceiling height shall be seven feet six inches (7'6") for all floor areas above the first floor except under sloping roofs where the minimum shall be seven feet six inches (7'6") for not less than fifty percent (50%) of the floor area, and that portion of the floor area under the sloping roof having a ceiling height of less than five (5) feet shall not be considered as part of the floor area in computing the maximum permissible occupancy thereof.

- No habitable room shall have its floor level below the alley, court, yard or street grade immediately adjoining or abutting upon said habitable room except that it may be permitted when constructed to comply with the building code.

Final Draft

- Every Boarding and Rooming House shall have a kitchen. A kitchen means any room or area that has provisions for a sink, stove, refrigerator, cabinets, and shelves for storage of food, equipment and utensils, and a counter or table for food preparation.

d. Off-street parking in accordance with Section 4.3.B of this Ordinance shall be provided.

e. There shall be no accumulation of garbage, refuse, junk, or waste including boxes, scrap lumber, scrap metal, appliances, or motor vehicles in nonworking condition. Garbage, refuse, and waste shall be stored and disposed of in a clean and safe manner.

f. Boarding and rooming houses shall not be the location of any condition that causes a nuisance. Persons housed, and their guests, shall respect the privacy of surrounding properties.

g. Vegetative screening and/or fencing may be required to accomplish a visual and sound buffer with neighboring properties.

h. No floodlights or spotlights shall be allowed.

i. Windows and doors shall be closed and secured when the building is not occupied.

j. All premises are to be supervised by the owner/operator or authorized agent.

k. No camping unit may be converted or used as a boarding house or rooming house.

2. Annual Inspection and Lodging Permit

a. The Town of La Pointe designated Building Inspector shall inspect the premises no later than May 1st of each year and with at least twenty-four (24) hours' notice to the owner, operator and/or authorized agent shall be granted entrance to any locked premises.

b. Following the inspection and based upon applicable building codes the designated Building Inspector shall advise the Zoning Administrator in writing whether the annual Lodging Permit should be granted.

Final Draft

c. If the designated Building Inspector's report recommends approval the Zoning Administrator shall issue the Lodging Permit within two (2) weeks of receipt of the report if the property is also in compliance with its Conditional Use Permit.

d. If the designated Building Inspector's report recommends denial, the basis for such decision shall be provided. The Zoning Administrator shall notify the owner of the boarding/rooming house by certified mail within five (5) days of receipt of the report recommending denial including the basis for such decision. The Zoning Administrator shall not issue any lodging permit contrary to the recommendation of the designated Building Inspector. The owner, operator and/or designated agent shall not occupy or let to another for occupancy any space in a boarding or rooming house unless it possesses a current lodging permit, complies with the requirements of applicable building codes, and occupancy is limited to the maximum number of persons permitted.

e. Non-occupancy for reason of non-compliance with this section for a period of twelve (12) months may render the Conditional Use Permit void in accordance with Section 7.2.J of this Ordinance.

3. Existing boarding and rooming houses operating at the time of amendment to this Ordinance may be allowed to continue. However, to further the purpose of this Section any boarding or rooming house not in compliance with the following provisions shall constitute a nuisance and will not be allowed to continue:

   a. Within six (6) months of amendment of this Ordinance the owner must prove the legality of the nonconforming use by the greater weight of credible evidence. The original nonconforming use shall not in its lifetime have been added to, expanded, changed, or discontinued for a period of twelve (12) months.

   b. The Boarding or Rooming House and its premises shall comply with annual inspection and permitting requirements.

4. In any case where a provision of this Section or of any regulation adopted pursuant thereto is found to be in conflict with a provision of any building, fire, safety, or heath code or ordinance, the provision that established the higher standard for the promotion of health and safety of the public shall prevail.

5. Complaints shall be filed in accordance with Section 15 of this Ordinance. Retaliatory eviction for reporting alleged violations of this Section or the

Final Draft

Conditional Use Permit is prohibited and will be interpreted as a violation of the Conditional Use Permit.

6. The decision of any inspector's findings may be appealed to the regulating governing body.

7. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any provision of this Section may be found in violation in accordance with Section 8.7 of this Ordinance. All clauses in rental agreements contrary to the expressed provisions of this Section and any Conditional Use Permit issued to the property are prohibited and will be interpreted as a violation of the Conditional Use Permit and of this Section of the Ordinance.

H. Dormitories/Student Housing

Dormitories/Student Housing may be permitted as outlined in Section 3 of this Ordinance in accordance with Section 7 and the following provisions:

1. Occupancy. Occupancy of dormitories/student housing shall be provided only to students and teachers currently enrolled in classes at the associated Town of La Pointe Commercial Educational Facility. The maximum number of occupants shall not exceed twenty-four (24) persons per parcel, and there shall be no more than three (3) dormitories/student housing per parcel.

2. Off-street parking in accordance with Section 4.3.B of this Ordinance shall be provided.

3. There shall be no accumulation of garbage, refuse, junk, or waste including boxes, scrap lumber, scrap metal, appliances, or motor vehicles in nonworking condition. Garbage, refuse, and waste shall be stored and disposed of in a clean and safe manner.

4. Dormitories/student housing shall not be the location of any condition that causes a nuisance. Students and teachers housed shall respect the privacy of surrounding properties.

5. Vegetative screening and/or fencing may be required to accomplish a visual and sound buffer with neighboring properties.

6. No floodlights or spotlights shall be allowed. This does not include lighting for safety and security.

7. Windows and doors shall be closed and secured when the building is not occupied.

Final Draft

8. All premises are to be supervised by the owner/operator or authorized agent while occupied by students and/or teachers.

6.2 REGULATION OF SPECIAL USES REQUIRING A LAND USE PERMIT

A. Accessory Dwellings

No Accessory Dwelling on the same lot as the principal dwelling shall be used as an independent dwelling (except by property owners, guests, security personnel, caretakers, or other domestic employees whose employment is directly related to the function of the principal dwelling) or as a rental, unless all other applicable sections of this Ordinance are satisfied. An accessory dwelling may have separate sleeping and/or cooking facilities provided it meets the specific provisions of the zoning district in which it is located. Accessory Dwellings shall have adequate sanitary facilities.

1. The term "guest house" and "accessory dwelling" are synonymous for the purposes of this Ordinance.

2. A principal single-family dwelling must exist on the site proposed for the location of the accessory dwelling or be constructed thereon in conjunction with the accessory dwelling.

3. Only one accessory dwelling shall be allowed per parcel.

4. Accessory Dwellings shall not exceed sixty-five percent (65%) of the square footage of the principal dwelling or up to fifteen hundred (1500) total square feet, not including decks, whichever is lesser.

5. If no principal or accessory use is discernable for residential dwellings existing at the time of amendment to this Ordinance, the dwelling with the lesser square footage shall be considered the accessory dwelling for purposes of this Ordinance.

6. A principal dwelling may be converted to an accessory dwelling, but a Land Use Permit is required for that conversion and the new principal dwelling and the new accessory dwelling must comply with all requirements of this Section 6.2 and the balance of this Zoning Ordinance.

B. Rental of Principal Single Family Dwellings

Rental of a principal single family dwelling shall be a permitted use in zoning districts specified in Section 3 of this Ordinance only in accordance with the following provisions:

1. A Rental of Single Family Dwelling Permit is required for the long or short-term rental of a principal single-family dwelling. Permit expiration is May 15 each calendar year. Annual permit renewal is required.

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2. Off-street parking in accordance with Section 4.3.B shall be provided.

3. Adequate sanitation shall service the dwelling in accordance with Section 4.2.H of this Ordinance and applicable state and county regulations.

4. Safe and sanitary removal and disposal of all refuse and garbage shall be provided.

5. The rental of a principal single-family dwelling shall not result in excessive noise, traffic, and/or parking congestion. Renters shall respect the privacy of surrounding properties including private docks and beaches.

6. Short-term rentals must obtain licensure and inspection through the Ashland County Health Department.

7. Where the Zoning Administrator reasonably believes a rental does not continue in conformity with the requirements of this Section, the Zoning Administrator will notify the property owner and/or authorized agent. Upon receipt of such notification, the property owner shall abate such action or inaction so as to comply with this Ordinance as soon as reasonably possible under the circumstances. It shall be arguably presumed that this Section can be complied with immediately. The Zoning Administrator shall thereafter forward the matter to the Town Board for action thereon according to Section 8.1.C including but not limited to revocation of the Land Use Permit for rental of a principal single-family dwelling.

8. Where a written complaint regarding a rental property is received by the Zoning Administrator, the procedure set forth in Section 15 shall apply.

C. Rental of Accessory Dwellings

For the purpose of increasing the availability of rental opportunities and residential housing within the Town of La Pointe, the long or short term rental of accessory dwellings on lots improved with a principal single family dwelling may be permitted. To ensure such use is compatible with areas zoned for residential use, rental is permitted pursuant to the requirements of this Section.

1. Provisions for the rental of a principal single-family dwelling shall be met.

2. The principal single family dwelling shall not be rented short or long term and shall not possess a permit to rent.

3. The principal single family dwelling shall not possess a permit for tourist room rental.

Final Draft

D. Tourist Rooms

1. Tourist rooms may be permitted in districts specified in Section 3 of this Ordinance.

2. Parking. Off-street parking in accordance with Section 4.3.B shall be provided.

3. Type of Dwelling. Tourist rooms shall only occur within a principal single-family dwelling.

4. Number of allowable guest rooms. No more than two (2) guest rooms shall be offered. No more than two (2) adult guests are allowed per room.

5. Exterior character. The exterior appearance of the building shall not be altered from its single family dwelling appearance.

6. Food preparation. No food preparation or cooking shall be allowed in guest rooms.

7. Meals. No meals shall be offered to guests.

8. Residency. The single family dwelling offering tourist rooms shall be the owner's personal residence.

9. Occupancy. The owner shall occupy the dwelling at the time of rental.

10. A Land Use Permit is required for the rental of tourist rooms in a principal single-family dwelling. Permit expiration is May 15 each calendar year. Annual permit renewal is required.

11. Licensing. Prior to establishment of this use and at periodic intervals that may be required thereafter, the owner shall obtain and maintain a license as required by State law.

12. Provisions for the rental of single-family dwellings shall be met.

6.3 LIGHT INDUSTRIAL DISTRICT

A. Light Industrial District 1

This Light Industrial District shall be an exclusive permitted use area located near the airport and Town Maintenance Buildings. Each business will provide adequate off-street parking for its customers, employees, and, if applicable, adequate off-street loading and unloading space. All lots and buildings shall comply with the Wisconsin Administrative Code.

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1. There shall be a signed lease agreement between the Town of La Pointe and the Applicant before issuance of a Land Use Permit.

2. Lease payments shall be made to the Town of La Pointe.

3. The La Pointe Town Plan Commission reserves the right to decline applications if the business does not meet the scope of this planned development.

4. Minimum dimensions of lots will be fifty (50) feet wide by eighty-five (85) feet long. More than one lot may be combined to form the entire area used by the lessee.

5. The Town of La Pointe will offer electrical power to the site.

B. Light Industrial District 2

This Light Industrial District shall be an exclusive permitted use area. Each business will provide adequate off street parking for its customers, employees, and if applicable adequate off-street loading and unloading space. All lots and buildings shall comply with the Wisconsin Administrative Code.

1. The Town Plan Commission reserves the right to decline applications if the business is not listed as a permitted use in the district.

2. Minimum lot area is one acre. Minimum lot width requirement is one hundred fifty (150) ft.

6.4 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 only in accordance with 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 that 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.

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5. There shall be no on or off-premises advertising signs.

6. The area dedicated to this use shall not exceed twenty-five percent (25%) of the area of the dwelling.

B. A Home Occupation is an authorized use in districts specified in Section 3 that meet the following criteria:

1. All activities at the site must be conducted entirely within the principal dwelling or in one accessory building not larger than twenty five percent (25%) of the principal 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 associated with the home occupation 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 right-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 twelve (12) square feet in area, shall be permitted. The sign may be located in the lot setback, but not the right of way**,** 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 in districts specified in Section 3 that meet the following criteria:

Final Draft

1. The Home Business may occupy twenty five percent (25%) of the principal dwelling and/or one 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-premise 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 setback, but not in the right of way, 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 they 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 screening is provided, 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 is visible from the right-of-way or neighboring property.

9. Off-street parking must be provided for all employees and visitors, per Section 4.3.B.

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.

6.5 SEXUALLY-ORIENTED BUSINESS

A. Findings and Purpose

The Town Board finds that the unregulated location and operation of sexually-oriented businesses, as defined in Section 2 Definitions, in the Town of La Pointe may have significant adverse impacts upon the areas surrounding them, including contributing to the deterioration of nearby residential neighborhoods and impairing the values of nearby residential housing; adversely influencing

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children frequenting nearby facilities such as schools, churches, recreational facilities and parks, and the Town's main shopping area; increasing the risk of illegal activities in the vicinity of such businesses, thereby increasing demands upon the Town's law enforcement personnel; and adversely affecting the Town's tourism economy in that the location of such businesses in the Town's main business area would be detrimental to its distinctive charm, upon which its tourism economy is based. The purpose of this article is to protect the health, safety, and welfare of the Town and its citizens by minimizing such adverse impacts upon nearby lands and land uses.

The Town of La Pointe is an island community in Lake Superior, approximately two miles from the City of Bayfield. The island's economy is heavily dependent upon summer tourism and summer property owning residents. Both tourists and residents enjoy the outdoors and engage in a number of healthy family-oriented recreational activities. Any sexually oriented business is likely to discourage tourist trade and recreational business, and adversely affect property values.

B. Zoning District Limitations

Sexually-oriented businesses may be operated or maintained only within the C-1 Zoning District.

C. Distance limitations

No sexually-oriented businesses shall be operated or maintained:

1. Within two-hundred fifty (250) feet of the boundary of any Residential District (R-1, R-2, R-3, W-1, W-2, S-1, S-2)

2. Within two-hundred fifty (250) feet of a church, public recreational facility or park, licensed daycare facility, public library, public or private school, or educational facility serving persons under 18 years of age.

D. Operating Standards

All sexually-oriented businesses shall operate in accordance with the following:

1. No employee shall solicit business outside the building in which the business is located.

2. No person, while on the premises, shall expose to public view his or her genitals, pubic area, anus, or anal cleft.

3. No person on the premises shall engage in sexual conduct, sadomasochistic abuse, or fondle his or her genitals.

4. There shall be no sexual activity prohibited by federal, state, or local law.

5. There shall be no sale or consumption of alcohol on any premises

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conducting a sexually oriented business.

E. If any portion of this Ordinance is found to be unconstitutional for any reason, that portion of the Ordinance shall be considered to be severed from it and the remaining portions of the Ordinance will remain in full force and effect.

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SECTION 7.0 CONDITIONAL USES

7.1 PURPOSE

A. 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. 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 Section 3 of this Zoning Ordinance.

B. 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 Section 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 ten thousand (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 may determine that there are no conditions that would allow a use in a specific location. General performance standards and specific design standards for approval are provided in the following Section 7.1.

C. An applicant must demonstrate that the proposed project complies with each of the standards. The Town Plan Commission 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.

Final Draft

D. Standards for approval. When applying the standards of this Section the Town Plan Commission shall bear in mind the statement of purpose for the zoning district such that the proposed Conditional Use at its location does not defeat the purposes and objective of the zoning district. The Town Plan Commission 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 the following, without limitation because of specific enumeration:

1. Established character and quality of the area. The use~~s~~, value~~s~~, and owner enjoyment of other property in the neighborhood for purposes already permitted shall ~~be~~ in no foreseeable manner be substantially impaired or diminished by the establishment, maintenance, or operation of the Conditional Use. The establishment of the Conditional Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

2. Its physical appearance and compatibility with the use of adjacent land.

3. Existing topography.

4. Drainage features. Adequate measures have been or will be taken to provide drainage and other necessary site improvements.

5. Erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.

6. Vegetative cover.

7. The prevention and control of water pollution including sedimentation.

8. The prevention of the overcrowding of any natural resource.

9. The location with respect to floodplains. The use may not violate floodplain regulations governing the site.

10. The movement of traffic. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in public or private roads.

11. The demand for related services.

12. The possible hazardous, harmful, noxious, offensive or nuisance effects resulting from the requested use.

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13. The extent to which the proposed use would be compatible or incompatible with the Comprehensive Plan of the Town.

7.2 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 Conditional Use Permit seeks modification of the existing Conditional Use Permit. Modification shall include any amendment, revision, expansion, or any change to the existing Conditional Use Permit.

A. Applications for a Conditional Use Permit shall be made on application forms approved by the Town Plan Commission.

B. The application fee, established by the Town Board 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. Within ten (10) days after the Zoning Administrator's receipt of the application, the Zoning Administrator shall deliver the application and related materials to the Town Plan Commission for its review and consideration. The Zoning Administrator shall make a preliminary inspection of the property to confirm the accuracy of the application and identify potential issues or considerations. 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. Such information may include, without limitation because of specific enumeration:

1. A plan of the area showing contours, soil types, wetlands, ordinary high water mark, groundwater conditions, bedrock, slope and vegetative cover.

2. A survey prepared by a registered land surveyor showing existing and proposed development, location of buildings, structures, parking areas, traffic access, driveways, walkways, piers, open spaces, and landscaping.

3. Sewage disposal facilities, water supply systems and arrangements of operations thereof.

4. Specifications for areas of proposed filling, grading and lagooning.

5. Building plans, including floor plans and exterior designs or elevations.

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6. Development schedule indicating the appropriate date when construction can be expected to begin and be completed, including initiation and completion dates of separate stages of a phased development.

D. The Town Plan Commission 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. A Class 2 notice under Chapter 985 Wisconsin Statutes shall be published in the Ashland Daily Press once per week for two (2) 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 1st class mail at least ten (10) days before the Public Hearing to all owners of record of lots or parcels within three hundred (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 one thousand (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 posting locations designated by the Town Board at least ten (10) 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 shall make every effort to 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 thirty (30) days of the Public Hearing, the Town Plan Commission shall meet to consider the application and make a decision. The decision shall be in the form of a motion approved by a majority of the Town Plan Commission members. No Commissioner may vote on the application without either attending the Public Hearing or having submitted a signed affidavit stating that they listened to the recording of the Public Hearing. 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 Town Plan Commission shall be recorded in the minutes and shall be specifically related to the standards of this chapter and/or of documents related to this chapter.

G. Within five (5) days after the Town Plan Commission decides to issue a Conditional Use Permit, or denies an application for a Conditional Use Permit, the Town Plan Commission shall provide notice by personal service or by 1st class mail to the applicant, all owners of record of lots or parcels within three hundred (300) feet of the property, and each objector of record, and shall post the decision at the designated Town posting sites.

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H. If the Town Plan Commission approves the issuance of a Conditional Use Permit, the Zoning Administrator shall draft a Conditional Use Permit that sets forth each of the conditions approved by the Town Plan Commission, which permit is to be signed by the Town Plan Commission Chair and Zoning Administrator, with an acknowledgment of the conditions placed on the property signed by the applicant. After forty-five (45) days following the Town Plan Commission's decision to issue a Conditional Use Permit, the Zoning Administrator shall issue the permit. All conditions set forth in the Conditional Use Permit shall be binding upon the property.

I. Where the Town Plan Commission has approved or conditionally approved an application for a conditional use, such approval shall automatically become null and void within twelve (12) months of the date of the issuance of the Conditional Use Permit unless the use is commenced, construction is underway, or the current owner possesses a valid Land Use Permit for each building and/or structure contemplated. Construction under such Land Use Permit(s) shall be commenced within six (6) months of issuance and shall be substantially complete upon permit expiration. If a timetable of developments is approved as a condition under paragraph (F) of this Section, only those uses, buildings, and/or structures contemplated within this twelve (12) month time period shall be required. Upon timely application and for justifiable cause, the Town Plan Commission may grant a specific extension of this twelve (12) month period.

J. When a Conditional Use is discontinued for twelve (12) 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 twelve (12) month period and for good cause, the Town Plan Commission may grant a specific extension of this twelve (12) month period.

K. A Conditional Use Permit application that has been denied by The Town Plan Commission shall not be accepted for re-submittal unless there has been a significant change in the proposed use or relevant conditions as determined by the Town Plan Commission.

L. The decision of the Town Plan Commission to approve or deny a Conditional Use Permit may be appealed to the Zoning Board of Appeals (See Section 10 of this Ordinance).

Final Draft

SECTION 8.0 ADMINISTRATION

8.1 ZONING ADMINISTRATOR

A. Designation

1. 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 and with guidance from the Town Plan Commission.

2. The salary of the Zoning Administrator shall be approved by the Town Board.

B. Duties

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

1. Land Use Permit Applications.
   Receive and examine all applications for Zoning/Land Use Permits, and refer applications to the Town Plan Commission for action thereon as defined in this Zoning Ordinance.

2. 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 this Zoning Ordinance.

3. Land Use Applications for Special Exceptions.
   Receive applications for special exceptions and forward the application to the Town Plan Commission for action thereon as defined in the Zoning Ordinance.

4. 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.

5. Surveys. Certified Survey Maps and Plat Maps.
   Review surveys as required to determine compliance or non-compliance with the terms of the Technical Memorandum #3 Subdivision Ordinance and forward these applications to the Town Plan Commission for action thereon.

6. Presentation of Facts.
   Present to the Town Board, the Town Plan Commission and/or the Zoning Board of Appeals, facts, records, or reports to assist them in making

Final Draft

decisions.

7. Application for Signs.
   Receive Land Use Permit applications 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 a permit is issued by the Zoning Administrator.

8. Petitions for Zoning District Change and/or Amendment to Zoning Ordinance.
   Receive petition for zoning district changes and forward these to the Town Plan Commission for action thereon as defined in the Town of La Pointe Ordinances.

C. Powers and Authority

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

1. Issuance of Permits.
   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.

2. Issuance of Orders.
   With approval of, or direction from, the Town Board of La Pointe, issue Stop-Work, 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.

3. Notwithstanding 8.1.C.2, the Zoning Administrator may order the removal of any sign erected in violation of Section 5. The Zoning Administrator shall give five (5) days' notice in writing to the owner of such sign, or of the building, structure, or premises on which the sign is located, to remove the sign or to bring it into compliance. The Zoning Administrator may remove a sign immediately and without notice if, in their opinion, the condition or location of the sign is such as to present an immediate threat to the safety of the public. If the sign owner does not comply with the orders of the Zoning Administrator, the Zoning Administrator is authorized to have the sign removed and the removal charged to the owner of the sign.

Final Draft

4. Revocation of Rental of Single Family Dwelling Permit for Rental of Principal and/or Accessory Dwelling.
   With approval of or direction from the Town Board, revoke by Order a Rental of Single Family Dwelling Permit for the rental of a principal or accessory dwelling or violation of Section 6.

5. Court Action.
   With the approval of, or direction from, the Town Board**,** 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, business, or use in or about such premises.

6. 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.

7. Maintenance of Zoning Ordinance.
   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.

8. 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. The Zoning Administrator is the official responsible for requests for zoning public records and will follow the procedures in State Statute Chapter 19.

9. Access.
   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

A. 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 Ashland County Zoning Administrator.

1. The agent shall meet the training and certification requirements of the relevant Wisconsin Administrative Codes.

B. Duties and Powers

The Agent shall have those duties and powers as are mutually agreed upon by

Final Draft

the Town Board and the Ashland County Zoning Committee.

8.3 LAND USE PERMITS

A. Permit Required

No structure shall be hereafter erected, moved, reconstructed, removed, extended, enlarged or structurally altered and no land use shall be substantially altered until a Land Use Permit has been issued by the 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 Town Plan Commission shall annually establish a schedule of fees and a collection procedure for all zoning permits-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 Zoning Administrator.

B. Land Use Application Requirements

Applications submitted for Land Use Permits to the Town of La Pointe shall be completed in their entirety in permanent ink, bearing signatures of all property owners on approved application forms. Applicants are advised that applications shall not be considered without submitting to the Zoning Administrator four (4) complete sets (one set to be the original) of the following information:

1. Applications for Land Use Permit and Certificate of Compliance (shall be filled out in their entirety).

2. Approved Ashland County Sanitary Permit or approved Madeline Sanitary District Permit if on municipal sewer (if applicable).

3. Approved Ashland County Highway Permit (if applicable).

4. Approved Ashland County Building Permit (if applicable).

5. Elevations (for each side of structure, if addition/alteration existing shall be shown).

6. Site Plan. Accurately show the location, size, and shape of the lot(s) involved. Identify all existing structures and improvements. Identify all lakes, ponds, streams or wetlands. Identify relationship to streets, roads, alleys and/or easements being active, platted or reserved, wells and sanitary systems, both on or abutting property. Identify directly adjacent landowners and property use.

7. Applications for changes in land use shall identify changes in detail.

Final Draft

8. Fees.

9. Town Driveway application from Town Foreman (if applicable).

10. The actual building site shall be staked out prior to the Zoning Administrator's inspection.

NOTE: The Town of La Pointe does not require plans to be professionally drawn, however, they shall be of a legal and understandable quality that properly conveys all information necessary to complete project. Actual dimensions are preferred to scale maps. Failure to comply with the above instructions will result in delays in processing of applications.

The Applicant shall acknowledge by signature: "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 and/or the Zoning Administrator in determining whether to issue a permit. I (we) further accept all liability that may be a result of the Town Plan Commission and/or the Zoning Administrator 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.

C. Expiration

Land Use Permits for construction, alteration, or removal of structures shall expire twenty-four (24) months from their date of issuance unless substantial completion has occurred within such time. Land Use Permits for land use changes shall expire twenty-four (24) months from their date of issuance where no action has been taken to accomplish such change and an extension has not been granted.

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

8.4 PERMIT PROCESS

A. Application by owner accompanied by necessary fees.

B. Screening by the Zoning Administrator or designated official.

C. If sanitary system is included, an approved sanitary permit must accompany Land Use Permit application.

Final Draft

D. Inspection by Zoning Administrator or designated official.

E. Decision by Town Plan Commission if applicable.

F. Issuance of permit within ten (10) days after approval of Town Plan Commission, where applicable.

G. Property owner request for Certificate of Compliance inspection.

H. Certificate of Compliance inspection by Zoning Administrator or designated official.

I. Issuance of Certificate of Compliance.

8.5 ENFORCEMENT

A. The 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 Zoning Administrator and any other official designated by the Town Board shall have the power and authority to, on behalf of the Town, issue Orders 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 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 arguably presumed to have been received by the person to

Final Draft

whom it was addressed upon evidence being presented that the same was mailed by certified mail via the 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 five hundred dollars ($500) plus court costs plus any applicable fees and assessments. 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 that the violator be required to abate. Injunctive relief may be ordered to terminate or prevent a violation of any provision of this Ordinance. There shall be an arguable 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 party.

8.9 UNLAWFUL BUILDING OR STRUCTURE

Any building or structure hereafter erected, moved, reconstructed, removed, extended, enlarged or structurally altered in violation of any provision of this Ordinance shall be deemed an unlawful structure and the Zoning Administrator or any other official designated by the Town Board may bring action to enjoin such violation, or cause such structure to be vacated or removed.

It shall be unlawful to hereafter erect, move, reconstruct, remove, extend, enlarge or structurally alter 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.

Each and every day during which said violation 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 Zoning Administrator, or any other official designated by the Town Board 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.

Final Draft

SECTION 9.0 NONCONFORMING USES AND STRUCTURES

9.1 NONCONFORMING USES

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

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

B. If such nonconforming use is discontinued for a period of twelve (12) months, any future use of the building and premises shall conform to this Ordinance.

C. Total structural alterations for buildings housing such nonconforming uses shall not during its life exceed fifty percent (50%) of the current equalized assessed value.

D. Buildings housing nonconforming uses are allowed routine maintenance and repairs.

E. Once a nonconforming use or structure has been changed or altered so as to comply with the provisions of this Ordinance, it shall not revert back to a nonconforming use or structure.

F. Where a legal nonconforming building or structure has been destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation, the structure may be restored to the size, location, and use that it had immediately before the damage or destruction occurred. The size of the structure may be larger than the size it was immediately before the damage or destruction only if necessary for the structure to comply with applicable state or federal requirements.

G. Uses that are nuisances shall not be permitted to continue as nonconforming uses.

9.2 NONCONFORMING STRUCTURES

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

A. A nonconforming structure may be structurally altered within the limits of the existing building envelope.

B. An addition to a nonconforming structure is allowed provided the addition

Final Draft

C. complies with current requirements of this Ordinance, including setbacks. The addition shall not exceed fifty percent (50%) of the existing building footprint including overhangs, eaves, and other impervious surfaces. Total enclosed square footage of building and proposed additions shall not exceed two thousand (2,000) square feet.

D. Nonconforming structures are allowed routine maintenance and repairs.

E. A nonconforming structure may be moved provided the structure complies with the current requirements of this Ordinance.

F. Where a nonconforming building or structure has been destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation, the structure may be restored to the size, location, and use that it had immediately before the damage or destruction occurred. The size of the structure may be larger than the size it was immediately before the damage or destruction only if necessary for the structure to comply with applicable state or federal requirements.

G. Structures that are nuisances shall not be permitted to continue as nonconforming uses.

9.3 NONCONFORMING STRUCTURES TO SHORELINE SETBACK

This section is intended to apply to structures that are nonconforming as to shoreline setback. The lawful use of a building, structure, or property existing at the time this Ordinance or an amendment to this Ordinance takes effect, that 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:

A. If such use is discontinued for twelve (12) consecutive months, any future use of the building, structure, or property shall conform to this Ordinance.

B. The maintenance and repair of nonconforming boathouses that extend beyond the ordinary high water mark of any navigable water shall comply with the requirements of the Wisconsin Statutes.

C. The continuance of the nonconforming use of a temporary structure may be prohibited.

D. Uses that are nuisances shall not be permitted to continue as nonconforming uses.

E. Nonconforming principal structures less than forty (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

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basements, additional stories, lateral expansion or accessory construction outside of the perimeter of existing enclosed dwelling space are permitted but replacement of windows, doors, roofing, siding and upgrading of the insulation of a structure are permitted).

2. The property owner implements a plan approved by the County Land Conservationist that restores the shoreland cover buffer zone.

F. A nonconforming principal structure located between forty (40) and seventy five (75) feet from the ordinary high water mark that includes at least five hundred (500) square feet (footprint) of enclosed area may be expanded providing:

1. The addition does not exceed fifty percent (50%) of the existing footprint or two thousand (2000) square feet of total enclosed area, including the additions.

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.

4. The property owner implements a plan, approved by the County Land Conservationist, which restores the shoreland cover buffer zone.

Final Draft

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 62.23 §(7)(e) of the Wisconsin Statutes. The Zoning Board of Appeals will meet to consider certain appeals and variances. The Zoning Board of Appeals shall consist of five (5) members appointed by the Town Board and shall serve terms of three (3) years, except that of those first appointed, one shall serve for one year, two for two (2) years, and two for three (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 un-expired terms of members whose terms become vacant.

10.2 RULES

A. 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.

B. Meetings

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

C. By-laws

The Zoning Board of Appeals shall organize and adopt rules for its own governance in accordance with State statutes and Ordinance requirements.

D. 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.

E. 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:

1. By publication in the official newspaper of the Town, at least twice, in two (2) separate weeks, not less than seven days prior to the date of the hearing (Class 2 notice).

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2. By posting, not less than seven (7) days prior to the date of such hearing, in each of the public places in which official notices are usually published.

F. 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 ten (10) days prior to the date of hearing (Class 2). The Board shall thereafter reach its decision within sixty (60) days from the filing of the completed application.

G. 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. Finding of fact 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.

H. Performance of Duties

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

I. 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.

J. 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.

K. Application for Appeals

Any person aggrieved or any officer, department, board or commission of the Town affected by any decision of the 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 thirty (30) days after the decision or action complained of or the right to review will be lost. The thirty (30) day period will start to run on the day that the decision is mailed by certified 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

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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.

The decision of the Town Plan Commission regarding Special Exceptions and Conditional Use Permits shall be appealable to the Board of Zoning Appeals.

L. 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 one thousand (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 it from the proper custodian of the appropriate files.

M. 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 Zoning Board of Appeals should consider the facts of the case related to:

Final Draft

1. The purpose of the zoning restriction in question.

2. Its effect on the property.

3. The effect of the variance on the neighborhood.

4. The larger public interest.

Variances 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.

The above standards for variances 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 Zoning Board of Appeals is authorized to apply the current appropriate legal standard if it differs from the above standards for variances.

N. Authorized Variances

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

1. To permit the same off-street parking facility to qualify as required facilities for two (2) 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

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

3. To increase by not more than twenty five percent (25%) the maximum distance that required parking spaces are permitted to be located from the use served

4. Variances may also be granted in accordance with the standards set forth in Section 10.2.M “Standards for Variances” above.

O. Decision

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

The written decision of the Zoning Board of Appeals should state the questions

Final Draft

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 that 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.

P. Quorum

A quorum of the Board of Appeals shall be three (3) 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.

Q. Costs

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

Final Draft

SECTION 11.0 AMENDMENTS

11.1 INTENT

While stability of zoning within the Town is generally desirable, zoning is by no means static. It is the intent of this section to recognize that changed or changing conditions may require a change in the zoning map or text of this Ordinance.

11.2 AUTHORITY AND LIMITATIONS

Whenever the public necessity or general welfare requires, the Town Board may, in its discretion, amend any part of this Zoning Ordinance by Town ordinance. Such amendments may include the zoning district classification, changes in the zoning district boundaries, and/or changes in the text. Such amendments shall be enacted in accordance with the applicable provisions of Wisconsin Statutes and this Ordinance. Amendments shall be made to maintain internal consistency of this Ordinance. Amendments may also be made upon a showing of a mistake or error on the part of the Town.

11.3 INITIATION

A petition for amendment to this Ordinance may be made by any owner of real property in the Town affected by the proposed amendment. Without filing a petition for an amendment, any Member of the Town Plan Commission or Town Board may initiate consideration of an amendment to this Ordinance by making a resolution that is adopted by such body.

11.4 PETITION FOR AMENDMENT

A Petition for any amendment to this Ordinance shall be filed with the Zoning Administrator, Town Clerk, Administrative Assistant, or Clerical Assistant on forms approved by the Town Plan Commission.

11.5 PETITION FOR THE AMENDMENT OF ZONING DISTRICT BOUNDARIES

A petition for the amendment of zoning district boundaries or for an amendment of the zoning district classification of real property shall include, at a minimum, the following information:

A. Name, mailing and physical address, and telephone number of the affected real property owner.

B. Legal description, parcel number, and fire number of the affected real property, and legal description of the area proposed to be rezoned if less than the affected real property.

C. Existing zoning district.

D. Proposed zoning district.

E. Existing uses of the area to be rezoned.

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F. Proposed uses of the area to be rezoned (with respect to any proposed use that requires new construction, substantial alteration of existing buildings or structures, or substantial movements of earth). Include a detailed narrative statement describing the proposed development activities, including the nature and purpose of the proposed development activities, the number, size and use of the buildings or other significant structures or features, the type of proposed construction, and required public improvements.

G. Compatibility of the proposed amendment with the Town's Comprehensive Plan.

H. Compatibility of the proposed zoning and use with the zoning and use of neighboring properties.

I. Survey plat or scaled site plan of the affected real property showing the boundaries of the affected real property, the boundary of the area to be rezoned, the location, type and use of existing and proposed buildings, structures and improvements on the affected real property, significant natural or manmade features such as highway, roads, and driveways, sewer, water drainage facilities, navigable waters, and wetlands.

J. Documentation of the applicant's ownership in the real property affected by the proposed amendment.

K. Any additional information requested by the Zoning Administrator, Town Plan Commission or Town Board.

L. The fee required by the Schedule of Fees for Zoning Permits.

11.5 PETITION FOR THE AMENDMENT OF THE ORDINANCE TEXT

A petition for the amendment of the text to this Ordinance shall include, at a minimum, the following:

A. The text of the proposed amendment.

B. A specific statement explaining why the petitioner desires the adoption of the proposed text amendment and how the proposed amendment will benefit the petitioner's real property or use thereof.

C. A detailed statement of the potential impact of the proposed text amendment on other property owners or users.

D. Any additional information requested by the Zoning Administrator, Town Plan Commission, or Town Board.

Final Draft

E. The fee required by the Schedule of Fees for Zoning Permits.

11.7 RESOLUTION FOR PROPOSED AMENDMENT

The Zoning Administrator shall draft, or oversee the drafting of, any amendment to this Ordinance proposed by resolution of the Town Plan Commission or Town Board.

11.8 REVIEW AND APPROVAL

A. After receipt of a complete petition for any amendment to this Ordinance, or after drafting any amendment proposed by resolution of the Town Plan Commission or Town Board, the Zoning Administrator shall promptly submit the petition and/or drafted amendment and related materials to the Town Plan Commission by written communication within ten (10) days. They shall place the matter on the agenda of the Town Plan Commission to schedule a Public Hearing. The sixty (60) day period referred to in 62.23(7)(d)(2), Wis. Stats., shall begin on the day following such submission of the petition or drafted amendment to the Town Plan Commission.

B. Notice of any Public Hearing on any petition for amendment or any amendment proposed by resolution of the Town Plan Commission or Town Board shall be published as a Class 2 notice pursuant to Ch. 985, Wis. Stats. In addition, written notice of the Public Hearing shall be mailed to the address listed on the tax roll of the owners of all real property within three hundred (300) feet of the exterior boundaries of the real property affected by any proposed amendment of the zoning classification of any real property or any proposed amendment of the boundaries of any zoning district. Non-receipt of such actual notice by any property owner shall not invalidate any action taken by the Town Plan Commission or Town Board. For good cause shown, the petitioner may request the Town Plan Commission postpone or adjourn the Public Hearing. The Town Plan Commission may, for good cause shown, postpone or adjourn the Public Hearing on its own motion. No further publication or mailing of notice shall be required if the notice of the date, time and location of the postponed or adjourned meeting is publicly announced at the place and approximate time of the scheduled Public Hearing.

C. Upon completion of the Public Hearing and consideration of any proposed amendment to this Ordinance, the Town Plan Commission shall make a recommendation and report to the Town Board relating to the proposed amendment. Any substantial changes in the proposed amendment not covered by the published notice of the Public Hearing or not a subject of discussion at the Public Hearing shall require a new Public Hearing and recommendation and report by the Town Plan Commission.

D. Upon receipt of the Town Plan Commission recommendation and report, the Town Board may:

Final Draft

1. Adopt the amendment as proposed.

2. Deny the proposed amendment.

3. Refer the proposed amendment to the Town Plan Commission for further review, study and/or drafting in light of expressed concerns and/or requested changes.

4. Adopt a proposed amendment with minor changes, or with substantial changes provided that such substantial changes were covered by the published notice of the Public Hearing and were subject of discussion at the Public Hearing.

11.9 PROTEST

A. If one or more protests are filed with the Town Clerk at least twenty-four (24) hours prior to the scheduled date and time of the meeting of the Town Board, or if the day before the meeting is a holiday or weekend than said protest shall be filed by 5:00 p.m. of the last working day prior to the day at which adoption of a proposed amendment to this Ordinance is considered, and such protest(s) is (are) determined to be valid and sufficient, individually or on the aggregate, then such amendment shall not be adopted except by favorable vote of three-quarters (¾) of the Members of the Town Board voting on the proposed amendment.

B. To be valid and sufficient, one or more protests must be filed timely and must be duly signed and acknowledged, in accordance with requirements of 62.23(7)(d)2m a and b, Wis. Stats., by the owners of twenty (20) percent or more of the area of the land proposed to be rezoned, or by the owners of twenty (20) percent or more of the area of land immediately adjacent to the land proposed to be rezoned and extending one hundred (100) feet from the street frontage of such opposite land, and said protest(s) shall be duly signed. Alternatively, the protest will be valid and sufficient if it complies with § 66.23(7)(d)2m b. Further, each protester shall state in the protest:

1. Whether the protester is protesting as an owner of the land proposed to be rezoned, as an owner of adjacent land, and/or as an owner of opposite land.

2. The tax parcel number(s) and fire number(s) (if applicable) of the protester's land that provided the basis for the protest.

3. Whether the protester is the sole owner of such land and, if not, the protester's percentage of ownership of such land.

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4. Additionally, if the protester's ownership is not of record, the protester shall attach to the protest a copy of the deed or other instrument on the basis of which the protester claims to be owner.

C. The Town Board's vote may be deferred until the Town Clerk is able to determine the validity and sufficiency of the protest(s), or the Town Board may proceed to vote, with the outcome to abide the Clerk's determination as to the effect of the protest(s). Any and all protest(s) determined to be invalid or insufficient may be disregarded.

11.10 APPEAL

The decision of the Town Board regarding amendments to this Ordinance is reviewable only by certiorari by the circuit court.

Final Draft

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 date, time and place of such hearing and the purpose for which it is being held.

A. Posting and Publishing

1. Notice of Public Hearings shall be given as per Wisconsin Statutes, §60.61(4)(c), 60.62 and 985.07(2).

2. In addition, when the hearing involves a proposed change in the zoning district classification of any property, the granting of a Conditional Use, or special exception, 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 three hundred (300) feet of any part of the land included in such proposal. The failure of such notice to reach any property owner shall not invalidate any ordinance amendment, granting of a Conditional Use Permit, or special exception.

The Town Plan Commission, Zoning Board of Appeals, and/or the Town Board shall consider any comments made or submitted.

Final Draft

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, aesthetics, stability of property values and to prevent impairment and depreciation of existing developments

The authority to establish the Town Plan Commission is found in Wisconsin Statutes, §62.23.

13.2 COMPLIANCE

No structure shall be hereafter erected, moved, reconstructed, extended, enlarged or structurally altered and no land use shall be substantially altered until a Land Use Permit has been issued by the Zoning Administrator.

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 (3) year periods. A Chairperson shall be appointed by the Town Chairperson. The Vice-Chairperson shall be elected by the seated members of the Town Plan Commission. Official Oaths shall be taken by all Commissioners in accordance with §19.01 of the Wisconsin Statutes within ten (10) days of receiving notice of their appointments. Vacancies shall be filled for the un-expired term in the same manner as appointments for the full term.

13.4 ORGANIZATION

The Town Plan Commission shall organize and adopt rules for its own governance 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.

13.5 POWERS

The Town Plan Commission shall have such powers and duties as may be necessary to enable it to perform its functions and promote Town planning and zoning enforcement. The Town Plan Commission, in performance of its functions, may enter upon any land, make examinations and surveys, and place monuments and marks thereon. Such powers and duties include the following:

A. Hear and decide applications for Land Use Permits, Special Exceptions, Rental of Single Family Dwelling Permits, and Conditional Use Permits.

B. Hear and make recommendations to the Town Board regarding Certified Survey Maps and Subdivision Plats.

Final Draft

C. Interpret this Ordinance and all other ordinances under the jurisdiction of this Commission. Interpret all prior applications or permits issued for a particular parcel of land, including Conditional Use Permits.

D. Approve, deny, or conditionally approve applications and may request such modifications as they may deem necessary to carry out the purposes of this Ordinance.

E. The Town Plan Commission may request assistance from other municipal officers, departments, boards, commissions, county, state and regional authorities.

F. Request applicant to furnish additional information.

G. Prepare and make recommendations to the Town Board regarding any changes or amendments to the Zoning Ordinance including Official Zoning Map.

H. Consider and report to the Town Board on the following:

1. The location and architectural design of any public building.

2. The location of any statue or other memorial.

3. The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land or lease of land for any street, alley or other public way, park, playground, airport, area for parking vehicles, or other memorial or public grounds.

4. The location, extension, abandonment or authorization for any public utility whether publicly or privately owned.

5. All plats of lands in the Town or within the territory over which the Town is given platting jurisdiction by ch. 236 Wis. Stats.

6. The location, character and extent or acquisition, leasing, or sale of lands for public or semipublic housing, slum clearance, relief of congestion, or vacation camps for children.

7. The amendment or repeal of any ordinance adopted pursuant to this 62.23 Wis. Stats.

13.6 LAND USE APPLICATIONS

Applications for approval shall be made to the Zoning Administrator and shall be accompanied by the documents required under Section 8. The Town Plan Commission may require the applicant to submit other pertinent data and information necessary to evaluate the request.

Final Draft

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 1st class mail to the parties of interest at least ten (10) days prior to the hearing. An affidavit of mailing consisting of all the parties of 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 or as otherwise specified in this Ordinance.

13.9 APPEALS

Any person or persons aggrieved by any decisions of the Town Plan Commission may appeal the decision to the Zoning Board of Appeals. Such appeal shall be filed with the Town Clerk, the Zoning Administrator or Administrative Assistant or Clerical Assistant within thirty (30) days after the decision is made. Such a request for review by the Zoning Board of Appeals must be filed within thirty (30) days or the right to review will be lost. The thirty (30) days in any such Zoning Board of Appeals review will begin to run when the decision is mailed to the applicant by 1st class mail to the address on the application.

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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.

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SECTION 15.0 COMPLAINTS

15.1 LAND USE PERMITS

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 Permit, or lacks a required permit, may file a written complaint with the 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 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:

A. Forward the matter to another agency.

B. Forward to the Town Plan Commission for ordinance interpretation.

C. Attempt to reconcile the matter between the complainant and the property owner, user, or occupier, if it is a minor dispute.

D. Close the matter if it does not present sufficient information of cause to proceed.

E. 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-Work, 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.

F. Any person aggrieved by a decision of the Zoning Administrator/and or the Town Plan Commission may appeal such decision to the Zoning Board of Appeals, as per §62.23(7) (e) WI Statutes and Section 10 of this Ordinance. Any

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person aggrieved by the decision of the Zoning Board of Appeals may appeal to the Circuit Court.

15.2 CONDITIONAL USE PERMITS

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 conditional use permit may file a written complaint with the Town Zoning Administrator. If the Zoning Administrator is the complainant, the complaint shall be filed with the Town Plan Commission. 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 and the Town Plan Commission shall receive and evaluate all written complaints in accordance with the following procedure:

A. During an open meeting of the Town Plan Commission within thirty (30) days of receipt of the complaint the Town Plan Commission may close the matter if the complaint does not present sufficient information of cause to proceed, is warrantless or frivolous. The Town Plan Commission shall state the reason(s) to close the complaint.

B. If the complaint presents sufficient information of cause to proceed, the Town Plan Commission shall schedule a Public Hearing within thirty (30) days of receipt of the complaint. Notification of the Public Hearing date shall be mailed by certified mail to the property owner, complainant, and to property owners within three hundred (300) feet of the property complained of.

C. The Town Plan Commission shall schedule a decision meeting within thirty (30) days of the Public Hearing.

D. At the decision meeting the Town Plan Commission may amend, suspend, or revoke the Conditional Use Permit after consideration of the same criteria used in deciding to grant a Conditional Use Permit in Section 7.1.C. The Town Plan Commission may also consider the subject matter of the complaint against the holder of the Conditional Use Permit and whether the holder of the Conditional Use Permit has complied with the conditions of the Conditional Use Permit and applicable zoning and other regulations in the past.

E. The property owner and complainant shall be notified of the decision by certified mail within five (5) days. Notice will be complete upon mailing the decision to the property owner's tax bill mailing address.

Any person aggrieved by a decision of the Town Plan Commission 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 seek certiorari review in the circuit court.

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SECTION 16.0 APPENDICES

16.1 DIMENSIONAL REQUIREMENTS

ZONING SCHEDULES – DIMENSIONAL REQUIREMENTS

Zoning District	L-Z-1	W-1, C-V, & P-R	W-2	R-1 & LZ-2	R-2	R-3	S-1	S-2	C-1, M-1, & G-1
Building Height	35 ft*	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft
Required Lot Area	85 ft x 50 ft	20 Acres	5 Acres	1 Acre	9,600 sq. ft.	9,600 sq. ft	3 Acres	30,000 sq. ft.	9,600 sq. ft.

Minimum Lot Width

Frontage									
Road	50 ft	660 ft	300 ft	150 ft	80 ft	80 ft	200 ft	N/A	80 ft
Lake	N/A	N/A	N/A	150 ft	150 ft	N/A	250 ft	200 ft	150 ft

Yard Requirements (Setbacks)

Frontage									
Road	5 ft* ☺	75 ft ☺	60 ft ☺	40 ft ☺	30 ft ☺	20 ft ☺	60 ft ☺	N/A	5 ft ☺
Navigable Water	N/A	N/A	N/A	75 ft	75ft	75 ft	75 ft	75 ft	75 ft
Side	10 ft*	75 ft	50 ft	30 ft	10 ft	6 ft	50 ft	50 ft	10 ft
Rear	10 ft*	75 ft ☺	50 ft	30 ft ☺	25 ft ☺	20 ft	40 ft ☺	20 ft ☺	10 ft ☺

- Overlay Districts have the same requirements as the underlying district.
- The setback and dimensional requirements of the Town Park Zone shall continue to be that which the property was zoned upon purchase by the Town of La Pointe.
- All Permitted and Conditional Uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Zoning Ordinance.

* As required by governing Governmental Agency

☺ Measured from the road-right-of-way

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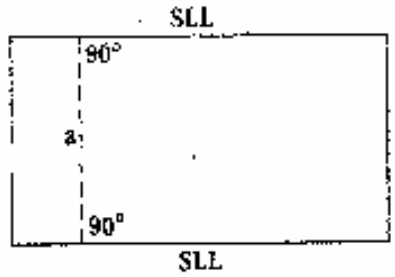
16.2 LOT WIDTH FOR IRREGULAR SHAPED LOTS

Table 2

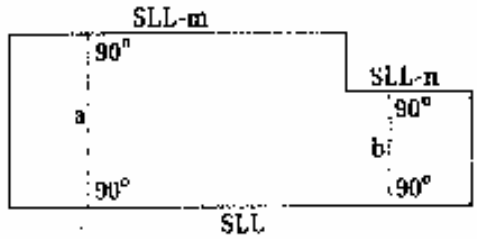
Average Lot Width. The following illustrations and formulas are provided to explain the methods of average lot width determination.

(a) Parallel Lot Lines



Average lot width is the perpendicular distance between Side Lot Lines (SLL)

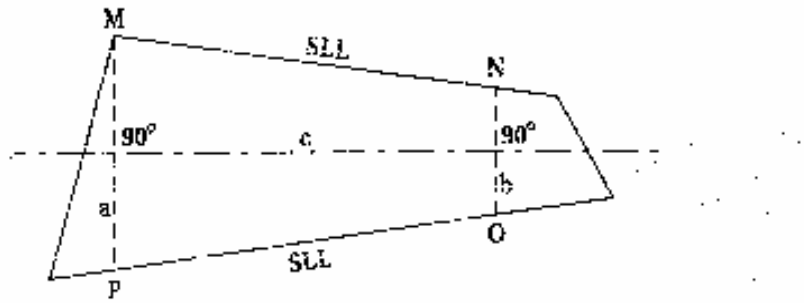
(b) Parallel Side Lot Lines, Alternate.



Average Lot Width is $\left[a \times \frac{x}{x + y} + b \times \frac{n}{m + n} \right]$

Use only that part of length n that, when added to area of m portion of lot, satisfies minimum area requirements.

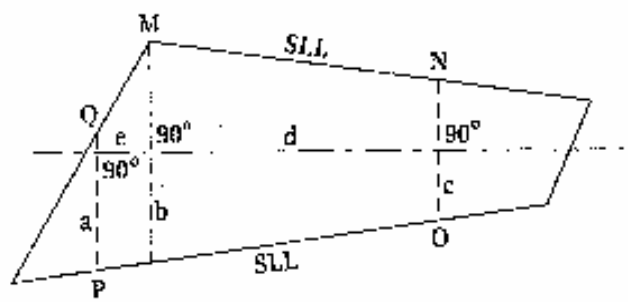
(c) *Nonparallel Lot Lines*



Average Lot Width is $\boxed{\frac{a + b}{2}}$

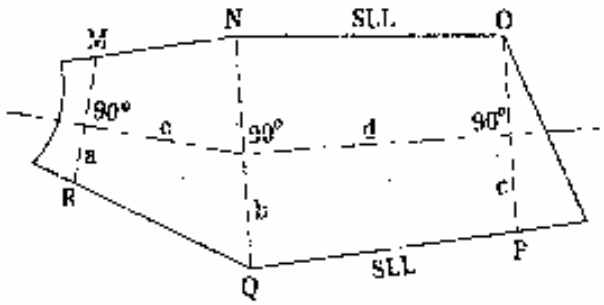
Area of MNOP equals Minimum Lot Area, and line c bisects angle formed by lines MN and OP extended.

(d) *Nonparallel Lot Lines, Alternate 1.*



Average Lot Width is $\boxed{\frac{a + b}{2} \times \frac{e}{e + d} + \frac{b + c}{2} \times \frac{d}{e + d}}$

Area of MNOPQ equals Minimum Lot Area and line d bisects angle formed by lines MN and OP extended. d is the perpendicular distance



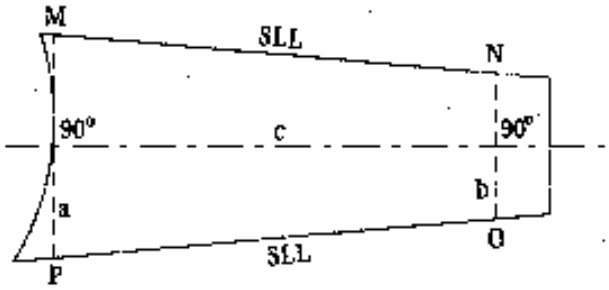
Average Lot Width is

$$\frac{a + b}{2} \times \frac{c}{c - d} + \frac{b - c}{2} \times \frac{d}{e - d}$$

Area of MNOPQR equals Minimum Lot Area, line e bisects angle formed by lines MN and QR extended, and line d bisects angle formed by lines NO and PQ extended. d is the perpendicular distance between lines b and c, and e is the perpendicular distance between lines c and b.

between lines b and c. e is the perpendicular distance between lines a and b.

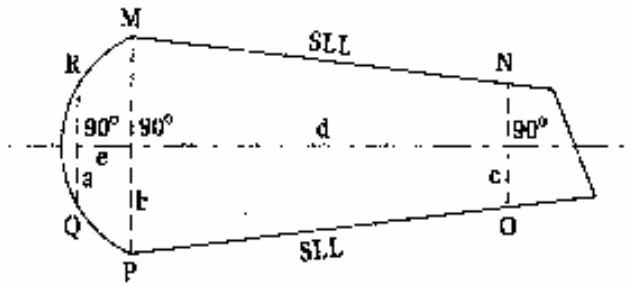
(c) *Nonparallel Lot Lines, Alternate A.*



Average Lot Width is $\left[\dfrac{a + b}{2}\right]$

Area of MNOP equals Minimum Lot Area and line c bisects angle formed by lines MN and OP extended. c is the perpendicular distance between lines a and b.

(d) *Nonparallel Lot Lines, Alternate B.*



Average Lot width is $\left[\dfrac{a + b}{2} \times \dfrac{e}{e + c} + \dfrac{b + c}{2} \times \dfrac{d}{e + d}\right]$

Area of MNOQR equals Minimum Lot Area and line d bisects angle formed by lines MN and OP extended. d is the perpendicular distance between lines b and c. e is the perpendicular distance between lines a and b.

16.3 ZONING DISTRICT USE MATRIX

USE	ZONING DISTRICT															
	W-P	W-1	W-2	R-1	R-2	R-3	S-1	S-2	C-1	LI-1	LI - 2	G-I	P-R	C-V	T-P	M-1
Accessory Dwelling (1 only)		P	P	P	P	P	P	P	P							
Accessory Dwelling, rental of		P	P	P	P	P	P	P	P							
Accessory Structure		P	P	P	P	P	P	P	P	P	P	P	P	C	P	P
Agricultural Crop Farming	C	P	P	P			*									
Agricultural Crops & Products													P	P	P	
Aircraft/Airplane Hangar										C						
Airport		C	C							P						
Automobile Sales Establishment									P	P	P					
Automobile Service & Supply Facility									P	P	P					
Bank									P							
Bed & Breakfast			C	C		C			C							
Boarding House and Rooming House			C	C		C			C							
Building, Municipal			C		C				P		P	P			C	
Campground		C	C						C				C			
Cemetery		C	C	C	C	C	C					C				
Commercial Entertainment Facility									P							
Contracting & Building Storage & Service										P	P					
Dormitory/Student Housing			C	C					C							
Dwelling, Multiple Family				C		P			P							
Dwelling, Multiple Family, Rental of				C	P	P			P							
Dwelling, Single Family (1 only)		P	P	P	P	P	P	P	P							
Dwelling, Single Family, rental of		P	P	P	P	P	P	P	P							
Educational Facility, Public									P			P				
Educational Facility, Commercial			C	C					P				C		C	
Fish Hatchery	C	C	C				C									
Forest Crops & Products		P	P	P			*			P	P		P	P	P	
Fuel Storage Facility		C	C							P	P					
Fuel Storage Retail Facility									C							C
Game Preserve	C	C	C				C						C	C	C	
Health Care Facility					C	C			P			P				
Home Business		C	P				*		P							
Home Occupation		P	P	P	P	P	*	C	P							

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USE	W-P	W-1	W-2	R-1	R-2	R-3	S-1	S-2	C-1	LI-1	LI-2	G-I	P-R	C-V	T-P	M
Home Office/Studio		P	P	P	P	P	P	P	P							
Hotel, Motel, Resort									C							
Junk/Salvage Yard		C	C							P	P					
Land Disturbing Activity		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Laundry Facility									P		P					
Light Industry									C	P	P					
Livestock Production/Products		P	P				C									
Marina									C							P
Materials Recovery Facility												P				
Museum									P		P	P				
Non-Metallic Mining		C	C													
Park/Campground, Municipal							C								C	
Parking Lot				C					P	P	P	P	C	C	C	P
Planned Unit Residential Development		C	C	C		C	C					C				
Professional Office		C	C	C					P	P	P					P
Public Lake Access															P	
Public Service Utility	C	C	C	C	C	C	C	C	C	P	P	P	C	C	C	
Public Utility	C	C	C	C	C	C	C	C	C	P	P	P	C	C	C	
Recreational Facility						C			C				C		C	
Recreational Trail													P	P	P	
Religious Facility				P	P	P			P							
Restaurant & Tavern									P							
Retail Trade Facility									P							P
Road Access	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Road/Driveway Extension	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Sewage Disposal Facility		C	C													
Sexually-Oriented Business									C							
Tourist Rooms		P	P	P		P			P							
Transportation Facility									P	P	P	P				C
Veterinary Care Facility		C	C						C							
Warehouse/Storage Facility			C						C	P	P					C
Wastewater Treatment Plant										P	P					
Wind Generator, Telecommunication, and Radio Tower, Solar Collector over thirty-five feet (35') high		C	C	C			C					C	C	C	C	

*See Section 3.8

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