

**Town of La Pointe Zoning
Town Plan Commission Special Meeting Minutes
August 31, 2011**

Town Plan Commission (TPC) Members Present: Ted Pallas, Chair, Charlie Brummer, Vice-Chair, Ron Madich, Larry Whalen, Greg Thury, Suellen Soucek, Carey Baxter (7).

Town Plan Commission Members Absent: none.

Public Present: Bob Vaa (1).

Town Staff Members Present: J. Croonborg-Murphy, Zoning Administrator, Margaretta Kusch, ZCA (2).

I. Call to Order/Roll Call

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

II. Public Comment

Bob Vaa asks suggests there be a definition for Conditional Use. The Zoning Administrator responds that Section 7 defines Conditional Uses.

III. Zoning Ordinance Revision Project

• **Review and possibly make changes to 2nd Draft per comments received at July 13 and July 20, 2011 Public Hearings**

The Zoning Administrator reports that Vierbicher, Inc. has amended the zoning map to correct the error pointed out previously (the two parcels that make up the old Catholic Mission cemetery should be designated G-I Government Institutional).

- Correct any miss numbering, alphabetize all lists, delete struck-through text, un-bold/un-italicize bold italic text, and capitalize all Permitted and Conditional Uses.
- See that all Permitted and Conditional Uses match between Section 3 and Section 16.3.
- In 2.1, delete *“The sixty-five percent (65%)/fifteen-hundred (1,500) square feet limitation is only that portion of the building limited to habitation.”*
- In 2.2, first sentence, change *“which is clearly incidental”* to *“is one that is clearly incidental.”*
- In 2.17, insert *“of a building with sleeping accommodations for students enrolled in a commercial educational facility located in the Town of La Pointe.”*
- In 2.23, change *“underground, surface, or overhead gas”* to *“underground/surface/overhead: gas.”*
- In 2.56, insert *“where applicable”* before *“Project begins.”*
- In 2.74, and throughout ordinance in reference to tourist rooms, insert *“principal”* before *“single family dwelling.”*
- In 2.78, add a second sentence to read *“Setbacks are measured from the right of way.”*

- In 3.2.A.1, and throughout ordinance, change “*Road/Driveway Access*” to “*Road Access*.”
- In 3.3, 3.4, 3.16, 3.17, and 3.18, change Game Preserve from a Permitted Use to a Conditional Use.
- In 3.4, add “*Campground*” as a conditional use.
- In 3.5.B.2 and 3.5.B.13, add “*(up to four (4) persons)*” after “*Boarding House*” and “*Rooming House*.”
- In 3.7, change “*residential densities*” to “*residential density*.”
- In 3.8, change “*the shorelines*” to “*shorelines*.”
- In 3.9, change “*the shorelines*” to “*shorelines*.”
- In 3.10 note, insert “*be*” before “*one unit for every*.”
- In 3.11.A.3, insert “*dwelling*” after “*Accessory*.”
- In 4.2.E.1, second sentence, insert “*they are*” before “*located*.”
- In 4.2.F.2, change “*conditional*” to “*permitted*.”
- In 4.2.F.3, change “*permitted*” to “*conditional*.”
- In 4.2.G, first sentence, change “*attached*” to “*accessory*.”
- In 4.3.C.1.a, second sentence, end sentence at “*Section 7*” to create a third sentence.
- In 4.3.C.1.a, new third sentence, replace “*considerations*” with “*standards for approval*.”
- In 4.3.D.1.a, third bullet point, delete “*fifteen (15) consecutive days nor more than*.”
- In 4.3.D.1.a, fifth bullet point, third sub-bullet point, add “*(if camping exceeds fourteen (14) days)*.”
- In 4.3.D.1.a, fifth bullet point, add a fourth sub-bullet point to read “*Ashland County approved non-plumbing system (if camping exceeds fourteen (14) days)*.”
- In 4.3.D.1.b, second bullet point, add a fourth sub-bullet point to read “*Ashland County approved non-plumbing system*.”
- In 4.3.D.2.a, delete “*fifteen (15) consecutive days and/or more*.”
- In 4.4.C, add “*Zoning Administrator*” to the end of the final sentence.
- In 5.2, delete “*design*.”
- In 5.3.C.6, first sentence, change “*in*” to “*on*.”

- In 5.3.C.6, replace *“The front and rear yard setback for a sign located on a lot may be placed at, but not in, the road right of way of a street or highway”* with *“the sign may be located in the lot setback, a minimum of five (5) feet from the right of way.”*
- In 5.4.A.4, delete *“or product available.”*
- In 5.4.B, change *“5.3.C.9”* to *“5.3.C.8.”*
- In 5.5 Chart, change *5.3.C.9”* to *“5.3.C.8”* under *“Class D Signs.”*
- In 6.1.D.1, delete *“Refer to map on file in Town Hall.”*
- In 6.1.E.1, add *“unless it is located in the C-1 District”* to the end of the sentence.
- In 6.1.E.2, delete *“unless it is located in the C-1 District.”*
- In 6.1.G.2.d, final sentence, change *“maximum permitted by the building code”* to *“maximum number of persons permitted.”*
- In 6.4.B.1, change *“primary”* to *“principal.”*
- In 6.4.C.5, change *“on-premises”* to *“on-premise.”*
- Change title of 6.5 from *“Sexually-Oriented Businesses”* to *“Sexually-Oriented Business.”*
- Delete 8.1.B.3.
- In 9.2, add *“This section is not intended to apply to structures that are non-conforming to shoreline setbacks”* to beginning of first sentence.
- In 12.1.A.2, change *“certified”* to *“first class.”*
- In 13.5.C, add second sentence to read *“Interpret all prior applications or permits issued for a particular parcel of land, including Conditional Use Permits.”*
- In 13.6, end sentence at *“Section 8”* to create a new second sentence.
- In 15.1.F, insert *“and/ or the Town Plan Commission”* after *“the Zoning Administrator.”*
- In 15.2.D, delete entire text and replace with *“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.”*
- In 16.1 Dimensional Requirements table, insert ☺ after *“75 ft rear Frontage”* in *“W-1, C-V, & P-R”* and *“S-1”* columns.

- **Possible recommendation to Town Board pending attorney review**
Chair Pallas moves to recommend the approval of the amendments to the Town of La Pointe Zoning Ordinance and Official Map with changes as of August 31, 2011, pending Attorney review, and also direct the Zoning Administrator to draft the report, per statute. S. Soucek seconds. All in favor, 7 aye. Motion Carries.

IV. Future Agenda Items

V. Schedule Future Meetings

VI. Adjournment

G. Thury moves to adjourn. S. Soucek seconds. All in favor. Motion Carries. Meeting ends at 6:20 pm.

Town Plan Commission minutes respectfully submitted by Margareta Kusch, ZCA on Thursday, September 01, 2011.

Town Plan Commission minutes approved as amended by Margareta Kusch, ZCA on Wednesday, September 07, 2011.