

Passed 12-17-87

ZONING ORDINANCE

TOWN OF LAPOINTE

ASHLAND COUNTY, WISCONSIN

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ZONING ORDINANCE
TOWN OF LA POINTE
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SECTION 1.0 INTRODUCTION

1.1 Authority and Purpose

For the purposes listed in Wisconsin Statutes, Section 60.10 (2) (c) (h), 60.62, 61.35, 62.23 and 87.30; the Town Board of La Pointe in regular session this 12th day of May, 1987 do 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.

1.2 Interpretation

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

1.3 Repeal

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of the Town inconsistent or conflicting with this ordinance, to the extent of their inconsistency only, are hereby repealed.

SECTION 2.0 DEFINITIONS

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

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

- (1) ACCESSORY USE: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.
- (2) BOATHOUSE: Any structure located on the same lot as the principal building and used for protecting or storing of boats used for non-commercial purposes in conjunction with a residence.
- (3) BUILDING: Any structure used, designed or intended for the protection, shelter, or roofed enclosure of persons, animals, or property.
- (4) BUILDING, HEIGHT OF: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof.
- (5) CAMPING GROUND: A parcel of land used or intended to be used, let or rented for occupancy by campers or for occupancy by or of trailers, tents or movable or temporary dwellings, rooms, or sleeping quarters of any kind.
- (6) DWELLING: A building designed or used exclusively as the living quarters for one or more families.
- (7) DWELLING, MULTI-FAMILY: A dwelling or group of dwellings on one plot containing separate living units for two or more families, but which may have joint services of facilities or both.
- (8) ESSENTIAL SERVICES: Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.
- (9) FAMILY: One or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit.
- (10) FARMING, GENERAL: 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.
- (11) FLOODPLAIN: The land which has been or may be covered by flood water during the regional flood and includes the floodway and flood fringe as defined in the Ashland County Zoning Ordinance.

- (12) HOME OCCUPATION: A gainful occupation conducted solely by members of the family, within his or her place of residence, where the space used is incidental to residential use and no article is sold or offered for sale except such as is produced by such home occupation. Home occupations shall occupy no more than 25% of the total floor area of the dwelling and shall not consist of an operational activity that would create a nuisance to be otherwise incompatible with the surrounding residential area.
- (13) HOSPITAL: Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, preventorium, clinic, rest home, nursing home, convalescent home and any other place for the diagnosis, treatment or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment or other care of human ailments.
- (14) 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.
- (15) LOT: A parcel of land occupied or capable of being occupied by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this Ordinance.
- (16) LOT, DEPTH OF: A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.
- (17) LOT, WIDTH OF: The mean width measured at right angles to its depth.
- (18) LOT LINES: Any line dividing one lot from another.
- (19) 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; which is intended for occupancy and meets the following criteria:
1. The manufactured home must have been built on or after October 1, 1974 in compliance with either the ANSI or HUD Codes enforced by DILHR;
 2. All manufactured homes shall have the crawl space enclosed by using a foundation siding material.
- (20) 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.

- (21) **NONCONFORMING USE:** A building, structure or use of land existing at the time of enactment of this Ordinance, and which does not conform to the regulations of the district or zone in which it is situated.
- (22) **SIGN:** A sign is any structure or natural object or part thereof or device attached thereto or printed or represented thereon 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.
- (23) **STRUCTURE:** Anything constructed or erected with a fixed location on the ground, or attached to anything having a fixed location on the ground. Among other things, structures include buildings, mobile homes, fences, billboards, and poster panels.
- (24) **TRAILER:** A portable vehicle designed and used for temporary sleeping purposes while its occupants are engaged in the pastime of camping.
- (25) **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 shall not be deemed to include any non-conforming use.
- (26) **YARD, FRONT:** An open unoccupied space on the same lot with the building between the front line of the building and the front line of the lot and extending the full width of the lot. For shoreline parcels, the lakeside shall be considered the front; for inland parcels, the unoccupied space which provides the parcel's principal access shall be considered the front.
- (27) **YARD, REAR:** An open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot, and, located on the opposite side of the structure from the front yard..
- (28) **YARD, SIDE:** An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

SECTION 3.0 ZONING DISTRICTS

3.1 Establishment of Districts

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

- (1) W-P Wetland Protection
- (2) W-1 Wilderness Preservation
- (3) W-2 Wilderness Preservation
- (4) R-1 Residential, Single Family, Low Density
- (5) R-2 Residential, Single Family, Medium Density
- (6) R-3 Residential, Multi-family
- (7) S-1 Shoreland Protection
- (8) C-1 Commercial
- (9) S-0 Shoreland Overlay

1. W-P WETLAND PROTECTION DISTRICT

This district includes swamplands and areas which have a water table at or near the surface all or a substantial part of the year. The purpose of this district is to prevent development from areas: (1) not generally capable of supporting structural development; (2) having vegetative cover which is easily destroyed or damaged; (3) providing the wetlands necessary to the support of various species of wildlife.

A. Permitted Uses

1. None

B. Conditional Uses

1. Public fish hatcheries
2. Forest management programs
3. Game preserves
4. Public recreation facilities
5. Sewage disposal facilities
6. Public utilities

2. WILDERNESS PRESERVATION DISTRICTS 1 & 2

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

A. Permitted Uses

1. Production of forest crops
2. Production of agricultural crops and products
3. Single family dwellings
4. Seasonal and recreational dwellings
5. Game preserves
6. Public recreation facilities
7. Public utilities
8. Public facilities

B. Conditional Uses including but not limited to:

1. Airports
2. Private recreational facilities
3. Home occupations or professional offices
4. Junk, salvage and storage yards
5. Public Fish hatcheries
6. Cemetery
7. Sewage and solid waste disposal facilities
8. Quarrying and mining
9. Planned unit developments
10. Travel trailer parks
11. Fuel storage

3. R-1 RESIDENTIAL, SINGLE-FAMILY, LOW DENSITY

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

A. Permitted Uses

1. Single-family dwellings
2. Seasonal and recreational dwellings
3. Production of forest products
4. Production of agricultural products except livestock
5. Public recreation facilities
6. Public utilities
7. Public service facilities
8. Religious facilities

B. Conditional Uses including but not limited to:

1. Mobile home parks
2. Planned unit developments
3. Home occupation or professional offices
4. Private recreation facilities
5. Production of agricultural livestock products
6. Travel trailer parks
7. Resorts
8. Game preserves
9. Fish hatcheries
10. Quarrying and mining
11. Cemetery
12. Airports
13. Public buildings
14. Storage yards

4. R-2 RESIDENTIAL, SINGLE-FAMILY, MEDIUM DENSITY

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

A. Permitted Uses

1. Single-family dwellings
2. Seasonal and recreational dwellings
3. Religious facilities
4. Public recreation facilities
5. Public utilities
6. Public service facilities

B. Conditional Uses including but not limited to:

1. Public buildings
2. Home occupations
3. Private recreational facilities
4. Cemetery
5. Public and private health care
6. Mobile home park
7. Planned unit developments

5. R-3 RESIDENTIAL, MULTI-FAMILY

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

A. Permitted Uses

1. Single-family dwellings
2. Multi-family dwellings
3. Seasonal and recreational dwellings
4. Single and multi-family rental dwellings
5. Public recreation facilities
6. Religious facilities
7. Public utilities
8. Health care facilities
9. Public service facilities

B. Conditional Uses including but not limited to:

1. Private recreational facilities
2. Home occupations
3. Cemetery
4. Planned unit developments

6. S-1 SHORELAND PROTECTION DISTRICT

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

A. Permitted Uses

1. Single-family dwellings
2. Seasonal recreational dwellings
3. Production of agricultural products except livestock
4. Production of forest crops

B. Conditional Uses including but not limited to:

1. Airports
2. Cemeteries
3. Public facilities
4. Public utilities
5. Game preserves
6. Production of livestock products
7. Public and private recreation facilities
8. Quarrying and mining
9. Fish hatcheries
10. Parking lots
11. Single and multi-family rental dwellings
12. Planned unit developments
13. Home Occupations

7. C-1 COMMERCIAL DISTRICT

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

A. Permitted Uses

1. Retail trade facilities
2. Business and professional offices
3. Health care facilities
4. Automobile service and supply facilities
5. Restaurants and taverns
6. Banks
7. Commercial entertainment facilities
8. Laundromats
9. Public and semi-public buildings and institutions
10. Public utilities and services

B. Conditional Uses including but not limited to:

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

8. S-0 SHORELAND OVERLAY DISTRICT

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

A. Permitted Uses

1. Any use permitted in the underlying districts, subject to the shoreland provisions of this Ordinance.
2. Any accessory use permitted in the underlying districts, subject to the shoreland provisions of this Ordinance.

B. Conditional Uses

1. Any conditional use authorized in the underlying districts subject to the shoreland provisions of this Ordinance.

3.2 Zoning Map and District Boundaries

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

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

The single official copies of the "Official Zoning Map, Town of La Pointe", together with a copy of this ordinance shall be kept for public inspection upon request. This map shall be certified by the chairman of the Town Board and attested by the Town Clerk. Any changes affecting zoning district boundaries or explanatory matter and regulations shall be made in accordance with provisions of Wisconsin Statutes, Section 60.62, 61.35 and 62.23 (7) (h).

SECTION 4.0 GENERAL PROVISIONS

4.1 Application of Regulations

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

4.2 Standard District Regulations

1. Yard Requirements

- A. No part of the yard or open space required for a given building shall be included as a part of the yard or other space required for another building.
- B. Every part of a required yard shall be open to the sky unobstructed, except for accessory buildings and the ordinary projections of sills, cornices and ornamental features projecting not more than 48 inches; except that in commercial areas a permanent awning and its accessory columns or struts may project not more than five feet into a required front or side yard.

- C. Open or enclosed fire escapes may project into a required yard not more than 5 feet and into a required court not more than 3 1/2 feet, provided it be so located as not to obstruct light or ventilation.

2. Height Exceptions

A. Chimneys, elevator bulkheads, fire towers, monuments, silos, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless or broadcasting towers, masts or aerials and necessary mechanical appurtenances are hereby excepted from the height regulations of this Ordinance and may be erected in accordance with other regulations and ordinances of the Town.

3. Visual Clearance at Intersections

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

4. Access Driveways

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

5. Lot Sizes

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

6. Accessory Uses and Structures

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

7. Drainage, Sanitation and Water Supply

- A. No principal building shall be erected, structurally altered, or relocated on land which is not adequately drained at all times by reason of adverse soil conditions, steep slopes, shallow impermeable bedrock, periodic flooding, or where the lowest floor level is less than 4 feet above the highest groundwater level.
- B. No principal building intended for human use or occupancy shall be erected, structurally altered, or relocated on a lot, unless provision is made for safe and adequate facilities for water supply and disposal of sewage in accordance with the regulations of the Ashland County Sanitary and Private Sewage System Ordinance and the appropriate requirements of the Wisconsin Administrative Code.
- C. The Town Zoning Administrator shall not hereafter authorize a building to be erected, structurally altered, or relocated which has a private waste disposal system unless the plans for the system have been reviewed in accordance with the provisions of the Ashland County Sanitary and Private Sewage System Ordinance, and a sanitary permit has been issued.

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

- D. Where connection is not to be made to public water system, no residential use shall be permitted unless provision is made for a safe and adequate supply of drinking water located on the premises, a permit for which has been obtained in accordance with the provisions of the Ashland County Sanitary and Private Sewage System Ordinance.
- E. Planned unit developments shall be served by sewage facilities which meet the requirements of the Ashland County Sanitary and Private Sewage System Ordinance and the applicable minimum standards of the Wisconsin Administrative Code.

8. Development in Areas with Poor Soils

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

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

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

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

In areas with a high water table and/or slopes over ten (10) percent, practices such as terracing, landscaping and retaining walls will be adhered to in order to prevent erosion of topsoil and damage to natural vegetation.

9. Lots Abutting Public Lands

Where the lots abut lands which have been dedicated to the public for recreation or open space purposes the abutting public lands areas may be included in calculating the minimum lot area requirements of abutting lots, provided however, that said public lands shall not exceed twenty-five (25) percent of the minimum lot area requirements.

4.3 Supplementary Regulations

1. Airport Safety Zones

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

2. Off-Street Parking

Any building hereafter erected or placed on a lot shall be permanently provided with off-street parking spaces for those using such building: Such parking shall be provided either on-premise or on adjacent premises.

- A. Each parking space required shall be at least 200 square feet in area.
- B. Residential uses shall be provided with at least the following number of parking spaces per unit: Parking space shall include garages and carports.
 - 1. Single-family detached - 2 spaces
 - 2. Single-family attached and condominium - 1 1/2 spaces
- C. Commercial and industrial uses as listed and permitted in the zoning districts shall be provided, except as noted below with 1 parking space for each 200 square feet of floor area. However, restaurants, taverns, and similar establishments shall be provided with at least 1 space for each 3 seats devoted to patron use; motels, tourist cabins and similar establishments shall be provided with at least 1 space for each unit; drive-in eating stands offering in-car service shall be provided with at least 5 spaces for each person employed to serve customers.
- D. Public gathering uses shall be provided with at least 1 space for each 5 patrons to be accommodated on the premises.

3. Off-Street Loading and Unloading

Any commercial or industrial building hereafter erected or placed on a lot, shall be provided with sufficient off-street loading and unloading space so that no public streets or alleys need be blocked by such activities.

4.4 Shoreland Regulations

1. Setback

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

- A. All permanent structures, except piers and boathouses, shall be set back 75 feet from the ordinary high-water mark of navigable waters. Boathouses shall conform to the Ashland County Shoreland/wetland Zoning Ordinance.

- B. A setback equal to the average setback of existing principal buildings within 200 feet of a proposed building site, shall be permitted where such existing building do not conform with the appropriate setback line. A minimum setback of 40 feet shall be required in all such cases.
- C. Private sewage disposal systems shall conform to the setback requirements of the "Ashland County Sanitary and Private Sewage System Ordinance" and the applicable rules, regulations and laws as set forth in the Wisconsin Statutes and the Wisconsin Administrative Code.
- D. The Town Zoning Administrator shall determine the ordinary high water mark where not established.

2. Removal of Shoreline Cover

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

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

3. Commercial forestry, from the inland edge of the thirty-five (35) foot strip to the outer limits of the shoreland, shall be allowed when accomplished under accepted forest management practices. The maintenance and improvement of water quality shall be emphasized in all timber harvesting operations. The purpose of this order will favor long-lived species adapted to the site and will prescribe slash disposal methods necessary for aesthetic value.

4. Filling, grading lagooning and dredging may be permitted only in accord with state law and where protection against erosion, sedimentation, and impairment of fish and aquatic life has been assured. All shorelands within the corporate limits of Ashland County are subject to the Ashland County Shoreland Amendatory Ordinance as amended September 10, 1985 which, is incorporated into this ordinance by reference. The enforcement of the Amendatory Ordinance is the responsibility of the Ashland County Zoning Administrator.

4.5 Floodplain Regulations

All lands within the corporate limits of Ashland County are subject to the Ashland County Floodplain Zoning Ordinance adopted April 21, 1981 which is hereby incorporated into this Ordinance by reference. Enforcement of the Floodplain Zoning Ordinance is the responsibility of the Ashland County Zoning Administrator.

SECTION 5.0 SIGNS

5.1 General Provisions

1. Permit Required

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

2. Exceptions

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

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

3. Prohibited Characteristics of Signs:

- A. No sign shall resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals or devices.
- B. No sign shall be so located as to interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.
- C. No sign shall be erected, relocated, or maintained so as to prevent free ingress or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.
- D. No sign shall contain any rotating or moving parts, or be illuminated by flashing light.
- E. No sign shall exceed the maximum height limitation of the district in which it is located.
- F. No sign shall be located on a lot so as to reduce the required dimensional setback and side yard requirements of the district in which it is located.

5.2 Classification of Signs Requiring Permit

1. Class C Signs:

On premise signs which advertise a business activity or service performed on the property.

- A. Type 1: Signs advertising a permitted home occupation or professional office. Such signs shall not exceed 3 square feet in area, and if illuminated shall be indirectly lighted. No more than one such sign for each use located on the premises shall be permitted.
- B. Type 2: Signs or bulletin boards for public, charitable, or religious institutions. Such signs shall not exceed 12 square feet in area, and no more than one such sign for each street upon which the property faces shall be permitted. Such signs may be placed at the right-of-way of the street or highway.

- C. Type 3: Signs advertising a business activity or a service available in a commercial area. Such signs shall not exceed 40 square feet in area when non-lighted, and if illuminated shall not exceed 20 square feet in area. Not more than one such sign may be attached to a building facade, and no sign may project more than 4 feet beyond a building when attached thereto, or be higher than the roof line. Free standing signs shall not exceed 15 feet in height from the ground.
- D. Type 4: Signs advertising a resort or recreational business activity or product available. Such signs shall not exceed 20 square feet in area and no more than one such sign for each highway (street) upon which the property faces shall be permitted.

2. Class D Signs

Signs or billboards which advertise a general brand of product shall be prohibited.

3. Class E Signs:

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

- A. Type 1: Recreational directory signs indicating the direction to a cottage, resort, residence or similar use. Such signs shall not exceed 4 square feet in area. When a common posting is provided all such signs shall be attached thereto. Recreational directory signs may be placed at the right-of-way line of the highway provided they are not within 300 feet of an existing residence. Information on such signs may be of reflective material.
- B. Type 2: Signs advertising a business or activity conducted, area of interest, or service available. Such signs shall not exceed 12 square feet in area, and no more than 2 such signs relating to any one use shall be permitted in the approaching direction along any one highway. A larger number of signs and a greater distance from the premises may be permitted by the Zoning and Planning Committee by a Conditional Use Permit finding it necessary for directing the traveling public.

5.3 Class and Type of Signs Permitted In Zoning Districts

Class and Type of Sign	Zoning District
Class A signs	All, except Wetland Protection District
Class B signs	All, except Wetland Protection District
Class C signs	
Type 1	W-1, W-2, S-1, C-1
Type 2	W-1, W-2, S-1, C-1
Type 3	C-1
Type 4	W-1, W-2, S-1, C-1
Class D signs	Prohibited
Class E signs	
Type 1	All, except Wetland Protection District
Type 2	All, except Wetland Protection District

5.4 Non-Comformance

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

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

SECTION 6.0 REGULATION OF SPECIAL USES

6.1 General Provisions

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

6.2 Quarries (gravel pits) and mines

1. Application Required

Application requesting Town Zoning and Planning Committee approval of a proposed quarrying activity shall be accompanied by:

- A. A description of all phases of the contemplated operation including types of machinery and equipment which will or might be used to carry on the operation. Where the operation is to include sand and gravel washing, the estimated daily quantity of water required, its source and its disposition shall be identified.

- B. A legal description of the proposed site.
- C. A topographic map (at a minimum contour interval of five feet) of the proposed site and the area extending beyond the site to a minimum distance of 300 feet on all sides.

2. Consideration of Compatibility

In interviewing a proposal for a quarrying activity, the Town Zoning and Planning Committee shall take into consideration:

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

3. Restoration Plan and Financial Guarantee Required

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

4. Conditions for Approval

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

5. Duration of Conditional Use Permit

The initial permit to carry on a quarrying operation shall not be effective for more than five years. Authorization may be extended for three additional years, subject to conditions specified by the Town Zoning and Planning Committee.

6. Existing Quarry Operations

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

6.3 Junk/Salvage Yards

No salvage yard shall be permitted in the Town of La Pointe except in conformance with the standards, rules and regulations of Wisconsin Administrative Code, NR 180 and the requirements herein specified.

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

6.4 Garbage and Refuse Disposal Sites

No garbage or refuse disposal sites shall be permitted in the Town of LaPointe except in conformance with the rules and regulations of NR 180 Wisconsin Administrative Code.

6.5 Planned Unit Residential Developments

1. Planned unit residential developments consisting exclusively of single-family dwelling units are permitted as conditional uses in the W-1, W-2, S-1, R-1, R-2 and R-3 districts. Planned unit developments which include any multi-family dwelling units are permitted as conditional uses in the W-1, W-2, S-1, R-1, R-2 and R-3 districts.

2. A successful applicant for a conditional use permit for a planned unit development maybe allowed to modify the lot size, setback and yard requirements of the district in which the project is located. All other district requirements shall be complied with as well as any fire, building, plumbing or electrical codes and applicable subdivision regulations.
3. The overall density of a planned unit residential development defined as the number of living units per acre shall not exceed the district regulations for the district in which it is to be developed.
4. A planned unit residential development may include closely related commercial uses intended to serve only the needs of the proposed development.
5. An application for a conditional use permit shall be submitted in accordance with Section 7.0 and shall contain the information required under Section 8.0 of this Ordinance and Section VII (F) of the Town Subdivision Ordinance.

6.6 Mobile Home Park

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

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

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

It shall conform to the requirements of Chapter 77, Wisconsin Administrative Code;

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

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

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

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

6.7 Travel Trailer Parks

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

The minimum size of a travel trailer park or campground shall be 5 acres;

The maximum number of travel trailers or campsites shall be 15 per acre;

Minimum dimensions of a travel trailer site or campsite shall be 25 feet wide by 40 feet long;

No travel trailer or campsite shall be occupied for a period of more than 30 consecutive days;

Each travel trailer site or campsite shall be separated from other travel trailer spaces or campsites by a yard not less than 15 feet wide;

Two (2) parking spaces shall be provided per site;

There shall be a minimum yard setback of 40 feet at all lot lines of a travel trailer park or campground;

It shall conform to the requirements of Chapter 77, Wisconsin Administrative Code;

The screening provisions for mobile home parks shall be met.

SECTION 7.0 CONDITIONAL USES

7.1 General Provisions

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

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

1. Approval Required

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

2. Basis of Approval

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

3. Application

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

4. Schedule of Fees

The Town Zoning and Planning Committee shall annually establish a schedule of fees and a collection procedure for zoning permits, certificates of zoning compliances, and conditional use permits as required by this Ordinance. The schedule of fees, shall be posted in the office of the Town Clerk after approval by the Town Board.

No zoning, compliance, or conditional use permit shall be issued unless or until such application fees, shall have been paid in full to the Town Clerk, nor shall any action be taken on proceedings before the Board of Adjustments unless or until the application fees have been paid in full.

5. Hearing

The Town Zoning and Planning Committee shall schedule a public hearing on the application within 30 days after it is filed.

6. Determination

The Town Zoning and Planning Committee shall report its decision within 60 days after the filing of the application. Its decision shall include an accurate description of the use permitted, of the property on which it is permitted, and all conditions made applicable thereto.

7. Mapping and Recording

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

8. Termination

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

SECTION 8.0 ADMINISTRATION

8.1 Town Zoning Administrator

1. Designation

The Town Board shall appoint a Town Zoning Administrator for the administration and enforcement of the provisions of this Ordinance under the guidance of the Town Zoning and Planning Committee..

- A. The Zoning Administrator shall be appointed by the Town Board for a term of three years.
- B. The salary of the Zoning Administrator shall be annually established by the Town Zoning and Planning Committee and approved by the Town Board.

2. Duties

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

- A. Provide necessary forms and applications for use permits.

- B. Issue land use permits where the provisions of this Ordinance have been complied with within ten days after approval by the Town Zoning and Planning Committee.
- C. Issue conditional use permits within ten days after being authorized by the Town Zoning and Planning Committee.
- D. Survey the Town, upon adoption of this Ordinance and when necessary upon the passage of amendments, identify and record information relative to non-conforming uses and structures.
- E. Maintain files of applications, permits and other relevant documents at the Town Hall.
- F. Make an annual report of activities for presentation by the Town Zoning and Planning Committee to the Town Board.

3. Powers

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

- A. Access to any structure or premises for the purpose of performing his 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.
- B. Upon reasonable cause or question as to proper compliance, to revoke any land use permit and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this Ordinance.

8.2 Town Sanitary Agent

1. Designation

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

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

B. The Agent shall be appointed for a period of three years with the salary established annually by the Town Zoning and Planning Committee and approved by the Town Board.

2. Duties and Powers

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

8.3 Land Use Permits

1. Permit Required

No structure shall be built, moved or structurally altered, and no land use shall be substantially altered until a land use permit has been issued by the Town Zoning Administrator. He shall not issue a permit for a structure or a use not in conformity with the requirements of this Ordinance. The fee for filing of applications for land use permits shall be established by the Town Zoning and Planning Committee. A copy of the current fee schedule shall be kept on file in the offices of the Town Clerk and the Town Zoning Administrator.

2. Application Procedure

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

3. Expiration

Land use permits for construction, alteration, or removal of structures shall expire twelve months from their date of issuance unless substantial completion has occurred within such time. Land use permits for land use changes shall expire 18 months from their date of issuance where no action has been taken to accomplish such changes.

8.4 Permit Process

1. Land Use Permit

- A. Application by owner accompanied by necessary fees.
- B. Screening by Zoning Administrator
- C. If sanitary system is included, then appropriate permit applications must accompany land use permit application for forwarding to the Sanitary Agent or to the Sanitary District.
- D. Inspection by Zoning Administrator
- E. Action by Town Zoning and Planning Committee
- F. Issuance of permit within ten days after approval of Town Zoning and Planning Committee
- G. Inspection by Zoning Administrator and Sanitary Agent
- H. Issuance of certificate of compliance

2. Conditional Use Permit

- A. Application by owner accompanied by necessary fees.
- B. Screening by Zoning Administrator
- C. If sanitary system is included, then appropriate permit applications must accompany the conditional use application for forwarding to the Sanitary Agent or to the Sanitary District.
- D. Inspection by Zoning Administrator
- E. Review by Town Zoning and Planning Committee
- F. Public Hearing - Class 2 notice
- G. Town Zoning and Planning Committee refers recommendation to Town Board for action. If application is approved - permit will be issued within ten days
- H. Inspection by Zoning Administrator and Sanitary Agent
- I. Issuance of certificate of compliance

3. Zone and Map Changes

- A. Application.
- B. Screening by Administrator.
- C. Review by Town Zoning and Planning Committee.
- D. Public hearing - Class 2 notice.
- E. Town Zoning and Planning Committee refers recommendation to Town Board for action. If application approved - certification to County Board and County Zoning Administrator.
- F. Issuance of zone or map change within ten (10) days.

8.5 Violations

Any person violating any provision of this ordinance shall, upon conviction, be guilty of a misdemeanor (fine up to \$300). Each day such violation continues shall constitute a separate offense.

SECTION 9.0 NONCONFORMING USES

Present uses of land, buildings, signs and premises may be continued even though they do not conform to the restrictions of this ordinance. However, structural repairs or alterations of such buildings, signs, or premises shall not during its life exceed 50 percent of their equalized value at the time they become nonconforming unless a building, sign or premises conforming to this ordinance results. Any nonconforming use that is abandoned for two years shall be discontinued permanently.

SECTION 10.0 BOARD OF ADJUSTMENT

10.1 Composition

A Board of Adjustment is hereby created. Such board shall be appointed and have such powers in accordance with the provisions of Section 62.23 (7) (e) Wisconsin Statutes.

10.2 Rules

1. Call for Meetings

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

2. Meetings

All meetings of the Board of Adjustment shall be open to the public.

3. Public Hearing Location

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

4. Notification of Public Hearing

Notice of any public hearing which the Board of Adjustment 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 Board of Adjustment at such hearing, and such notice shall be given in each of the following ways;

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

5. Minutes

The Board of Adjustment 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, and shall keep records of its examinations and other official actions, all of which shall be public record.

6. Performance of Duties

The Chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.

7. Effectuation

The Board of Adjustment may adopt such rules as are necessary to carry into effect the regulations of the Town Board.

8. Certiorari

In the case of all appeals, the Board of Adjustment shall call upon the town Zoning and Planning Committee for all information pertinent to the decision appealed from.

9. Appeals and Variances

Any person aggrieved or any officer, department, board or commission of the Town affected by any decision of the Town Zoning Administrator or the Town Zoning and Planning Committee under this Ordinance may appeal to the Board of Adjustment by filing a notice of appeal with the Zoning Administrator, Town Clerk and with the Board specifying the grounds of appeal within 30 days after the decision or action complained of. The Board of Adjustment after a public hearing, may determine and vary the regulations of this Ordinance in harmony with their general purposes and intent, only in the specific instances hereinafter set forth, where the Board of Adjustment 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.

10. Application for Variance and Notice of Hearing

An application for a variance shall be filed in writing with the Zoning Administrator. The application shall contain such information as the Board of Appeals may, by rule, require. Notice of the time and place of such public hearing shall be published at least twice in a newspaper of general circulation in the Town and also by mailing notice thereof to the parties in interest, said publication and mailing to be made at least 10 days prior to the date of hearing (Class 2). The Board shall thereafter reach its decision within 90 days from the filing of the application.

11. Standards for Variances

The Board of Adjustment shall not vary the regulations of this Ordinance unless it shall make findings based upon the evidence presented to it in each specific case that:

Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;

The conditions upon which a petition for a variation is based are unique to the property for which the variance is sought and are not applicable, generally, to other property within the same zoning classification;

The purpose of the variance is not based exclusively upon a desire to make more money out of the property;

The alleged difficulty or hardship is caused by this Ordinance and has not been created by any person presently having an interest in the property;

The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvement in the neighborhood in which the property is located; and the proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The Board of Adjustment 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.

12. Authorized Variances

Variances from the regulations of this Ordinance shall be granted by the Board of Adjustment only in accordance with the standards established in this Section and may be granted only in the following instances and in no others: To permit any yard or setback less than a yard or a setback required by an applicable regulation;

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

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

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

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

SECTION 11.0 AMENDMENTS

11.1 Procedure

The Town Board may amend this Ordinance in accordance with the procedures prescribed by Wisconsin Statutes 62.23 (7) (d).

SECTION 12.0 PUBLIC HEARINGS

12.1 Notice

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

12.2 Procedure

1. Posting and Publishing

- A. Notice of public hearing shall be given as per Wisconsin Statutes 62.23(7)(d) and 985.07(2).
- B. In addition, when the hearing involves a proposed change in the zoning district classification of any property, or the granting of a conditional use, a copy of the notice shall be posted in the vicinity of the proposed change or conditional use where practical and notice of the public hearing shall be mailed to the owners of all lands within 300 feet of any part of the land included in such proposed change or conditional use at least 10 days before such public hearing. The failure of such notice to reach any property owner shall not invalidate any amending ordinance or grant of a conditional permit.

SECTION 13.0 ZONING AND PLANNING COMMITTEE

13.1 Establishment

There is hereby established a Town Zoning and Planning Committee 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 or depreciation of existing developments.

13.2 Compliance

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

13.3 Membership

The Zoning and Planning Committee shall consist of seven (7) residents of the Town appointed by the Town Board.

Terms shall be staggered for three-year periods.

Chairman shall be elected by the seated members of the Town Zoning and Planning Committee.

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

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

13.4 Organization

The Zoning and Planning Committee shall organize and adopt rules for its own government in accordance with the provisions of this Section.

Meetings shall be held at the call of the chairman 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 those present.

13.5 Powers

The Zoning and Planning Committee shall have the following powers:

Hear and decide applications for all land use permits.

Hear and make recommendations to the Town Board on conditional use permits and zoning map changes.

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

Approve, deny, or conditionally approve the application and may request such modifications as they may deem necessary to carry out the purpose of this Section.

The Zoning and Planning Committee may request assistance from other municipal officers, departments, boards, commissions, county, state and regional authorities.

Request applicant to furnish additional information.

13.6 Applications

Applications for approval shall be made to the Zoning Administrator and shall be accompanied by the Zoning Permit application required under Section 8.0 and, in addition, shall be accompanied by plans showing the exterior elevations of the existing and proposed floor structure, description of the proposed materials, proposed floor grades, and a list of the names and addresses of the parties in interest. The Committee may require the applicant to submit other pertinent data and information necessary to evaluate the request.

13.7 Hearings

The Zoning and Planning Committee shall schedule, by class 2 notice, a reasonable time and place for the hearing and cause notice to be mailed to the parties in interest at least ten (10) days prior to the hearing. 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.

13.8 Findings

The Zoning and Planning Committee shall not approve any application unless they find beyond a reasonable doubt after deliberation, that the facts and conditions of the application exist and shall so indicate in minutes of their proceedings:

The Zoning and Planning Committee shall decide all applications within thirty (30) days after the final hearing and shall transmit a signed copy of their decision to the applicant and file a copy with the Zoning Administrator.

13.9 Appeals

Any person or persons aggrieved by any decisions of the Zoning and Planning Committee may appeal the decision to the Board of Adjustment. such appeal shall be filed with the Town Clerk within thirty (30) days after filing of the decision with the Zoning Administrator.

SECTION 14.0 VALIDITY

14.1 Separability

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

14.2 Court Invalidation

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

14.3 Force and Effect

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

END

ZONING SCHEDULES - DIMENSIONAL REQUIREMENTS

	<u>W-1</u>	<u>W-2</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>S-1</u>	<u>C-1</u>
Building Height	35	35	35	35	35	35	35
Required Lot Area	20 A	5 A	1 A	9,600 Ft.	9,600 Ft.*	3 A	9,600 Ft.
Minimum Lot Width	660	330	150	80	80	250+	80
Yard Requirements						Inland ++	
Front	75	60	50	30	20	Lots 60	5
Side	75	50	30	10	6	50	10
Rear	75	50	40	25	20	50	10

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

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

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

