SPECIAL DEVELOPMENT REQUIREMENTS– TOWN OF LA POINTE

1.0 DEFINITIONS

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.

2. 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.

3. 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.

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

5. BUILDING, HEIGHT OF:
The vertical distance measured from the average of outermost corners to the highest point on the roof.

6. 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.

7. 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).

8. 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.

9. GARAGE SHELTER CANOPY:
Any structure with a steel collapsible frame and fabric cover and sides.

10. GREENHOUSE:
A building with transparent walls and roof, usually of glass, for the cultivation and exhibition of plants under controlled conditions.

11. 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.

12. HOME BUSINESS:
A business, profession, occupation, or trade conducted for gain or support in conjunction with a residence.

13. 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 (examples include woodworking, pottery, hair care, licensed day care or a tradesman using the home as a base of operations).

14. 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 (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).

15. HOOPHOUSE:
A flexible plastic covered structure for the cultivation and exhibition of plants.

16. 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.

17. LIGHT INDUSTRY:
An industry that produces small goods or light objects in small factories using light machinery

18. 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.

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

20. LOT LINE:
Any line dividing one lot from another.

21. 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 the Appendix.

22. MINOR ACCESSORY STRUCTURE:
Any small, moveable accessory erection or construction including, but not limited to, birdhouses, tool sheds, pet houses, play equipment, and arbors. Refer to Section 3.4.

23. 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 Ashland County Sub-Division Control Ordinance.

24. 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.

25. 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, 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.

26. PROJECT BEGINNING:
Where applicable, project begins at land disturbing activity.

27. 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.

28. ROAD RIGHT-OF-WAY:
A strip of land reserved for the construction and maintenance of a public roadway and its appurtenances.

29. 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.

30. 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.

31. SHORELAND:
The area within the following distances from the ordinary high-water mark of navigable waters, as defined under s. 281.31 (2) (d): 1) One thousand feet from a lake, pond or flowage. If the navigable water is a glacial pothole lake, this distance shall be measured from the high-water mark of the lake; 2) Three hundred feet from a river or stream or to the landward side of the floodplain, whichever distance is greater. Wis. Stats. 59.692 (1) (b).

32. SINGLE FAMILY:
Single Family shall mean and refer to one family as opposed to more than one family.

33. 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 its 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."

34. 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.

35. 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:

(1) 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*

(2) 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.

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

2.0 GENERAL PROVISIONS

2.1 Review

(1) The Special Development Requirements have a two year sunset clause to allow the Town to pursue legislative remedy along with other affected communities through the Wisconsin Towns Association. If the remedy does not occur by May 1, 2016, county zoning goes into effect in the shoreland area of Madeline Island.

(2) The Special Development Requirements will be formally reviewed by the Zoning Committee after six months (on or before November 1, 2014) to determine any documented increase in work load by the Ashland County Zoning Administrator and Assistant Zoning Administrator.

2.2 Application of Regulations

The use of any land or water within the Town of La Pointe, 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 regulations set forth on the "Official Zoning Map, Town of La Pointe" as an attachment to this Ordinance. This section of the Ordinance shall also apply to all land use and development within the Town of La Pointe in the shoreland area.

The various zoning districts in the shoreland area of La Pointe, as well as the permitted and conditional uses in each district, are as set forth in the appendix. The appendix also includes a chart for dimensional requirements in each district and a drawing to aid in interpretation of how this ordinance applies to lots in multiple zoning districts. All appendices are incorporated into these special shoreland development requirements by this reference.

3.0 STANDARD DISTRICT REQUIREMENTS

3.1 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.

3.2 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 contiguous frontage have the same ownership as of the effective date of this Ordinance, or amendments thereto, the lots involved shall be considered to be a single parcel for the purposes of this Ordinance.

(3) All Land Divisions and reconfigurations shall and do require a Certified Survey Map. Refer to Town of La Pointe Technical Memorandum #3 Subdivision Ordinance, which is incorporated by this reference as it relates to when a certified survey map is required. The content of a Certified Survey Map is as set forth in Sec. 236 of the Wisconsin Stats. or the successor statute.

3.3 Parcels in Multiple Zoning Districts (See Appendix)

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 (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 (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).

(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.

3.4 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.

The following Minor Accessory Structures are allowed without a Land Use Permit unless there are land disturbing activities done in conjunction with placement of such structure:

(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) Garage shelter canopy not to exceed two hundred fifty (250) square feet (one (1) only without a permit) **

(7) Garbage and refuse bins
(8) Greenhouses not to exceed one hundred twenty (120) square feet) (one (1) only without permit)**
(9) Hoophouses not to exceed two hundred fifty (250) square feet (one (1) only without permit)**
(10) Hunting blinds
(11) Ice fishing shacks
(12) LP storage tanks and fuel oil tanks used for heating
(13) Pet house not to exceed one hundred (100) square feet**
(14) Picnic tables
(15) Planters and flower boxes*
(16) Play Equipment
(17) Residential Compost Containers
(18) Satellite Dishes
(19) Solar Collectors
(20) Tool/storage shed not to exceed one hundred (100) square feet (one (1) only without permit)**
(21) Tree Houses for children
(22) Warming sheds for school children*
(23) Well house covers (small)
(24) Wind Generator, Telecommunication and Radio Tower, Solar Collector under thirty five (35) feet 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.
**Note: Shall meet required setbacks.
Note: Other Permits may be required due to land disturbing activities.
Note: Moveable shall mean no slab, foundation, or sanitary connection.

4.0 SUPPLEMENTARY REGULATIONS

4.1 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.

4.2 Non-Conforming Lots of Record

Any lot that does not meet current dimensional length, width, or area requirements of a District 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 in accordance with the following provisions:

a. Owners of non-conforming lots of record may apply to the Ashland County Zoning Committee 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 for reduced setbacks shall be the same as for a conditional use permit except that the decision will be made by the Committee.

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 Ashland County Zoning Committee shall consider the size of the lot as a whole with a smaller lot justifying a smaller buildable core.

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

d. Any property owner of a non-conforming Lot of Record aggrieved by the dimensional requirements that are not relieved by the procedures of the above Section may appeal for a variance.

4.3 Alteration of Non-Conforming Lots of Record

(1) 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 Ashland County Zoning Committee 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 Ashland County Zoning Committee.

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.

5.0 SPECIAL USES

5.1 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.

5.2 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.

(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.

5.3 Travel Trailer Parks & Campgrounds

(1) Travel Trailer Parks and Campgrounds are only permitted as Conditional Uses in the districts that specifically allow them.

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

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

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

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

(7) It shall conform to the requirements of the Wisconsin Administrative Code.

(8) 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 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.

5.4 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. 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) 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.

(2) Only one accessory dwelling shall be allowed per parcel. 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.

(3) 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.

(4) 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 Zoning Ordinance.

5.5 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 Ashland County Zoning Committee 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.

6.0 USE OF RESIDENTIAL DWELLINGS AND PROPERTY FOR OCCUPATIONAL OR BUSINESS USES

6.1 A Home Office/Studio is an authorized use without a permit in all districts 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.

(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.

6.2 A Home Occupation is authorized if the following criteria are met:

(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.

6.3 A Home Business is authorized if the following criteria are met and the zoning district chart in the appendix allows for the use in a particular district:

(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
(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.

6.4 Sexually-oriented Business

(1) Zoning District Limitations
Sexually-oriented businesses may be operated or maintained only within the C-1 Zoning District.
(2) Distance limitations
No sexually-oriented businesses shall be operated or maintained:
    (a) Within two-hundred fifty (250) feet of the boundary of any Residential District (R-1, R-2, R-3, S-1, S-2)
    (b) 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.

6.5 Conditional Use Permit

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.

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.

(1) Applications for a Conditional Use Permit shall be made on application forms approved by Ashland County. The application fee shall be paid at the time the application is filed and shall not be refundable unless the application is withdrawn prior to consideration.

(2) Applications and supporting documents shall be submitted to the Zoning Administrator, who shall receive the application and conduct a review and research of the application and documents.

(3) 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.

(4) A Conditional Use Permit application that has been denied 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 Ashland County Zoning Committee.

(5) The procedure and criteria for the granting of any Conditional Use Permit shall be in accordance with Section 11.3 of the Shoreland Amendatory Ordinance.

(6) The decision to approve or deny a Conditional Use Permit is reviewable only by certiorari by the circuit court.

7.0 LAND USE PERMITS

7.1 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.

8.0 NONCONFORMING

8.1 Nonconforming Uses

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

(1) The nonconforming use may not be changed, extended, or expanded.

(2) 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.

(3) Total structural alterations for buildings housing such nonconforming uses shall not during its life exceed fifty percent (50%) of the building footprint and shall not increase the structure's nonconformity.

(4) Buildings housing nonconforming uses are allowed routine maintenance and repairs.

(5) 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.

(6) 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.

(7) Uses that are nuisances shall not be permitted to continue as nonconforming uses.

8.2 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:

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

(2) An addition to a nonconforming structure is allowed provided the addition 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.

(3) Total enclosed square footage of building and proposed additions shall not exceed two thousand (2,000) square feet.

(4) Nonconforming structures are allowed routine maintenance and repairs.

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

(6) 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.

(7) Structures that are nuisances shall not be permitted to continue as nonconforming uses.

8.3 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:

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

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

(3) The continuance of the nonconforming use of a temporary structure may be prohibited.

(4) Uses that are nuisances shall not be permitted to continue as nonconforming uses.

(5) 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:

   (a) Internal improvement is confined to the building envelope (i.e., no new basements, additional stories, lateral expansion or accessory construction outside of the perimeter of existing enclosed dwelling space are permitted but replacement of windows, doors, roofing, siding and upgrading of the insulation of a structure are permitted).

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

(6) 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:

   (a) 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.

   (b) 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).

   (c) 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.

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

9.0 TOWN PLAN COMMISSION

9.1 Establishment

The Town of La Pointe has an existing Town Plan Commission that will have certain functions under this Ordinance.

9.2 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.

9.3 Organization

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

9.4 Purpose

The Town Plan Commission shall have such duties as may be necessary to enable it to perform its functions and promote Town planning and zoning enforcement. The Town Plan Commission will investigate, evaluate and make recommendations to the Town Board. The recommendations are to be sent to the proper county entity by the Town Board with any additional recommendations the Town Board may wish to make.

(1) Hear and make recommendations regarding applications for Land Use Permits, Special Exceptions, Rental of Single Family Dwelling Permits.

(2) Hear and make recommendations to the Town Board regarding Conditional Use Permits, Certified Survey Maps and Subdivision Plats.

(3) Make recommendations to the Town Board regarding applications and may request such modifications as they may deem necessary to carry out the purposes of this Ordinance.

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

The Clerk shall immediately publish this Ordinance as a Class I Notice under Chapter 985 of Wisconsin Statutes.

APPENDIX 1: ZONING SCHEDULES – DIMENSIONAL REQUIREMENTS

Zoning District	**R-1 & LZ2**	**R-2**	**R-3**	**S-1**	**S-2**	**C-1**
Building Height	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft
Required Lot Area	1 Acre	9,600 sq. ft.	9,600 sq. ft	3 Acres	30,000 sq. ft.	9,600 sq. ft.

Minimum Lot Width

Frontage	**R-1 & LI2**	**R-2**	**R-3**	**S-1**	**S-2**	**C-1**
Road	150 ft	80 ft	80 ft	200 ft	N/A	80 ft
Lake	150 ft	150 ft	N/A	250 ft	200 ft	150 ft

Yard Requirements (Setbacks)

Frontage	**R-1 & LI2**	**R-2**	**R-3**	**S-1**	**S-2**	**C-1**
Road	40 ft	30 ft	20 ft	60 ft	N/A	5 ft
Navigable Water	75 ft	75ft	75 ft	75 ft	75 ft	75 ft
Side	30 ft	10 ft	6 ft	50 ft	50 ft	10 ft
Rear	30 ft	25 ft	20 ft	40 ft	20 ft	10 ft

Districts:

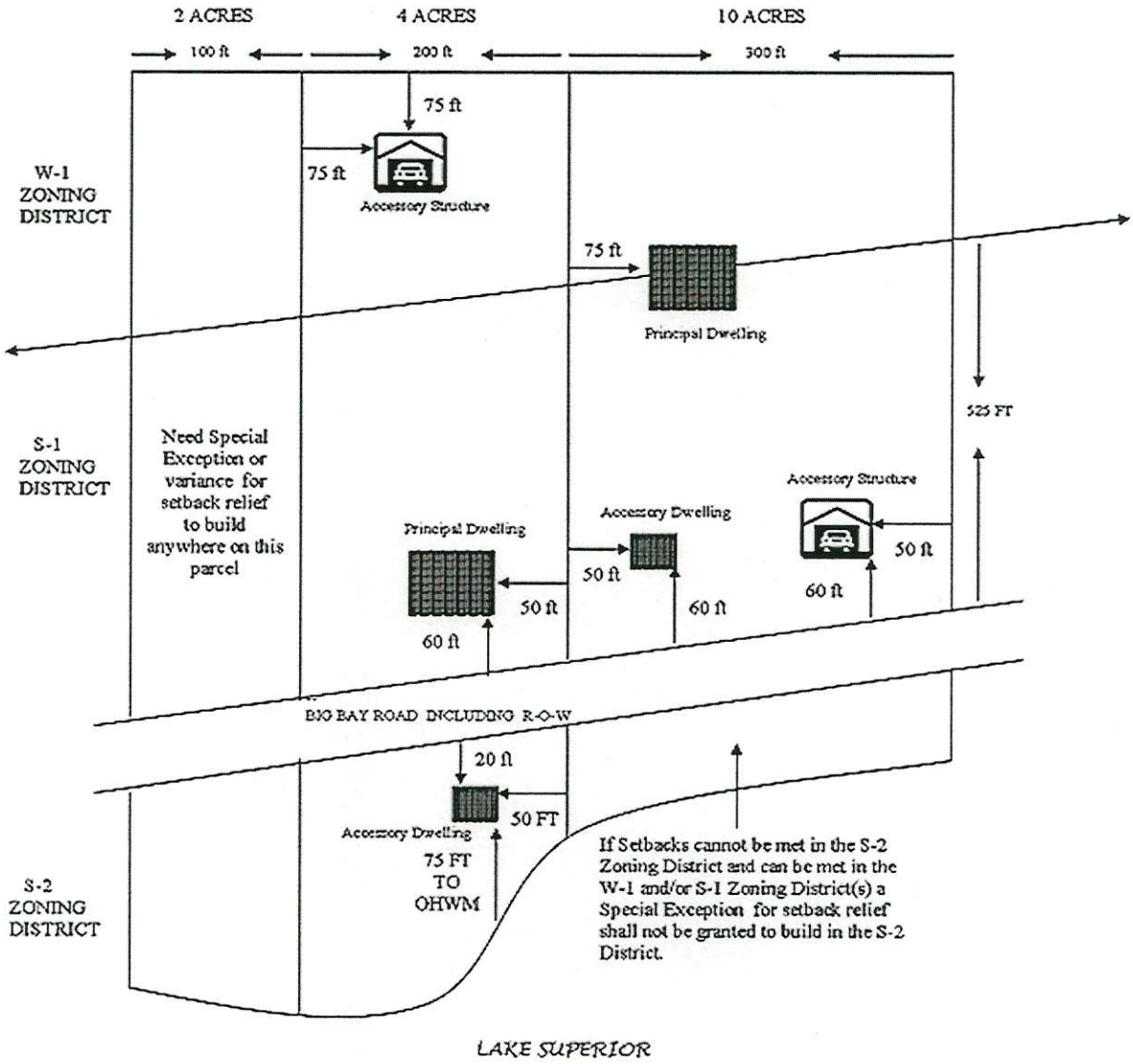
R-1: Residential District, Single Family, Low Density
R-2: Residential District, Single Family, Medium Density
R-3: Residential District, Multifamily
S-1: Shoreland Protection District
S-2: Shoreland Protection District
C-1: Commercial District
LI-2: Light Industrial District

APPENDIX 2: ZONING DISTRICTS

USE	LZ-2	R-1	R-2	R-3	S-1	S-2	C-1	USE	LZ-2	R-1	R-2	R-3	S-1	S-2	C-1
Accessory Dwelling (1 only)		P	P	P	P	P	P	Home Office/Studio		P	P	P	P	P	P
Accessory Dwelling, rental of		P	P	P	P	P	P	Hotel, Motel, Resort							C
Accessory Structure	P	P	P	P	P	P	P	Junk/Salvage Yard	P						
Agricultural Crop Farming		P			*			Land Disturbing Activity	P	P	P	P	P	P	P
Agricultural Crops & Products								Laundry Facility	P						P
Aircraft/Airplane Hangar								Light Industry	P						C
Airport								Livestock Production/Products					C		
Automobile Sales Establishment	P						P	Marina							C
Automobile Service & Supply Facility	P						P	Materials Recovery Facility							
Bank							P	Museum	P						P
Bed & Breakfast		C		C			C	Non-Metallic Mining							
Boarding House and Rooming House		C		C			C	Park/Campground, Municipal					C		
Building, Municipal	P		C				P	Parking Lot	P	C					P
Campground							C	Planned Unit Residential Development		C		C	C		
Cemetery		C	C	C	C			Professional Office		C					P
Commercial Entertainment Facility							P	Public Lake Access	P						
Contracting & Building Storage & Service	P							Public Service Utility	P	C	C	C	C	C	C
Dormitory/Student Housing		C					C	Public Utility	P	C	C	C	C	C	C
Dwelling, Multiple Family		C		P			P	Recreational Facility				C			C
Dwelling, Multiple Family, Rental of		C	P	P			P	Recreational Trail							
Dwelling, Single Family (1 only)		P	P	P	P	P	P	Religious Facility		P	P	P			P
Dwelling, Single Family, rental of		P	P	P	P	P	P	Restaurant & Tavern							P
Educational Facility, Public							P	Retail Trade Facility							P
Educational Facility, Commercial		C					P	Road Access		P	P	P	P	P	P
Fish Hatchery					C			Road/Driveway Extension	P	P	P	P	P	P	P
Forest Crops & Products	P	P			*			Sewage Disposal Facility	P						
Fuel Storage Facility	P							Sexually-Oriented Business							C
Fuel Storage Retail Facility							C	Tourist Rooms		P		P			P
Game Preserve					C			Transportation Facility	P						P
Health Care Facility			C	C			P	Veterinary Care Facility							C
Home Business					*		P	Warehouse/Storage Facility	P						C
Home Occupation		P	P	P	*	C	P	Wastewater Treatment Plant	P						
								Wind Generator, Telecommunication, and Radio Tower, Solar Collector over thirty-five feet (35') high		C			C		

* Asterisk means a requirement of a conditional use permit within the shoreland district.

APPENDIX 3: LOTS IN MULTIPLE ZONING DISTRICTS



ALL PARCELS IN THIS EXAMPLE HAVE CONTIGUOUS OWNERSHIP ON EITHER SIDE OF BIG BAY ROAD AND ARE LEGAL LOTS OF RECORD. SETBACKS SHOWN ARE MINIMUM REQUIREMENTS TO THE NEAREST LOT LINE.

N

NOT TO SCALE

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Dated at the City of Ashland, Wisconsin this 22nd day of May, 2014.

Signed:

[signature]	Richard Pufall
[signature]	Jerry [signature]
[signature]	Patrick [signature]
[signature]	[signature]
Kathy L Schutte	
Gary C. Mertig	
[signature]	
Clarence Campbell	
[signature]	
George [signature]	
[signature]	

** Motion was made by Donna Williamson and seconded by Joe Rose to adopt the ordinance with the inclusion of "lifting the Moratorium on building permits passed on March 20, 2014 within the Town of LaPointe on the effective date of this ordinance".

Roll Call: Yes-19; No-0; Excused-2