

ZONING ORDINANCE

TOWN OF LA POINTE

MADELINE ISLAND

ASHLAND COUNTY, WISCONSIN

DRAFT MAY 20, 2026

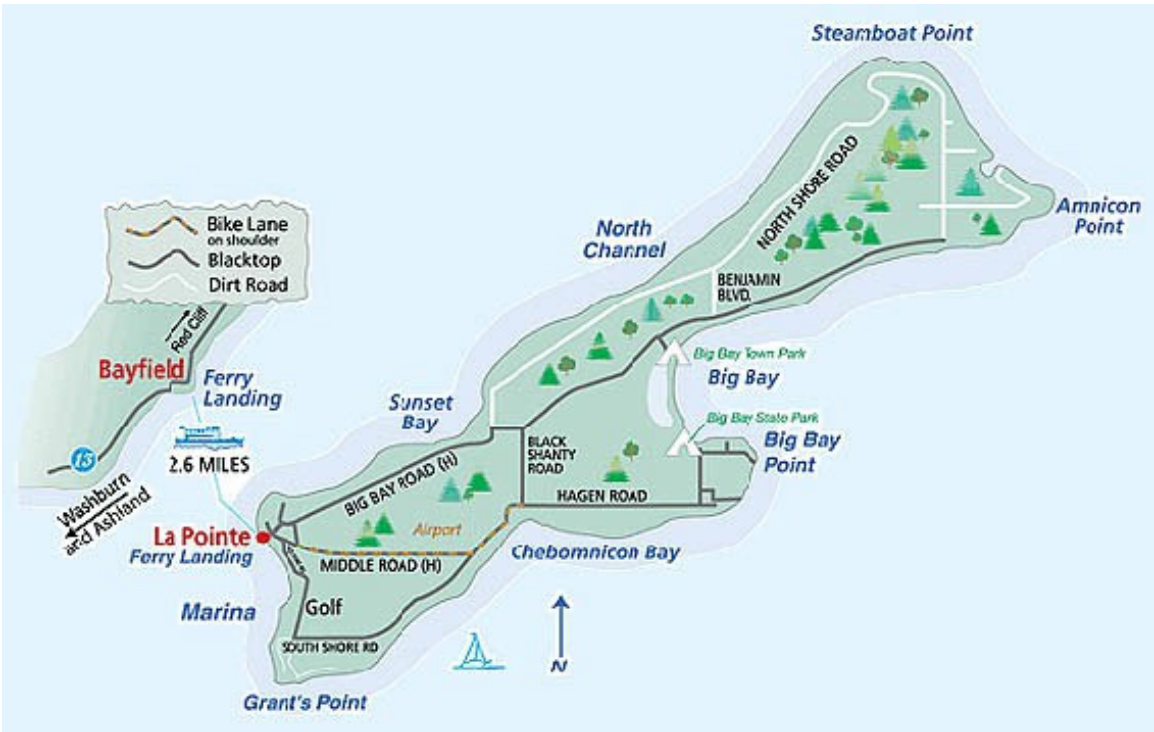


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ZONING MAP
(available online or @ Town Hall)

ZONING ORDINANCE TOWN OF LA POINTE ASHLAND COUNTY, WISCONSIN

SECTION 1.0 INTRODUCTION

1.1 AUTHORITY AND PURPOSE

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

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

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

1.2 INTERPRETATION

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

1.3 REPEAL

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of the Town inconsistent or conflicting with this Ordinance to the extent of their inconsistency only are hereby repealed.

SECTION 2.0 DEFINITIONS

2.1

For this Ordinance certain terms or words herein shall be interpreted or defined as follows:

- Words used in the present tense include the future tense.
- The singular includes the plural.
- The word "person" includes an individual, all partnerships, associations, and bodies, political and corporate.
- The word "lot" includes the word "plot" or "parcel".
- The term "shall" is always mandatory.
- The word "used" or "occupied" as applied to any land or building shall be construed to include words "intended, arranged or designed to be used or occupied".
- Undefined terms shall be given their plain, ordinary meaning according to the dictionary.
- A document is considered filed when it has been received and stamped by one of the following: Town Clerk, Zoning Administrator, Administrative Assistant, or Clerical Assistant. This date is when the ten (10) day or thirty (30) day time limit begins; it is counted as day one. In counting a ten (10) day limit under this Ordinance weekends or holidays are not included and in counting a thirty (30) day time limit all days are counted.

The following definitions shall be listed in alphabetical order:

(1) AGENT:

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

(2) AGRICULTURAL CROPS & PRODUCT:

The raising of farm animals for sale, including horticulture, floriculture, apiculture, viticulture products, livestock, or poultry husbandry and the growing of crops (e.g., grain, vegetables, fruit, grass for pasture or sod, trees, shrubs or flowers).

(3) APARTMENT:

1. A building containing three (3) or more individual dwelling units.
2. An individual dwelling unit within such a building.

(4) ALLOWED USE:

A property owner's lawful use of their property and structures which conform to the regulations of the Zoning District in which it is situated. Allowed Use does not normally require a permit. Reference Section 4.2 G. of this Ordinance.

(5) BED AND BREAKFAST:

A place of lodging that: a) provides eight (8) or fewer rooms for rent to no more than twenty (20) 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-household dwelling.

(6) BOARDING HOUSE:

A structure where lodging and meals are offered for three (3) to eight (8) non-transients who are not members of the household. This definition includes employee housing.

(7) BUILDING:

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

(8) BUILDING FOOTPRINT:

The square footage of the structure based on the foundation area.

(9) BUILDING, HEIGHT OF:

The measurement of the vertical line segment starting at the lowest point of any exposed wall and its intersection with the ground (Point A outlined in Section 16.24 diagram) to a line horizontal to the highest point of a ~~structure~~building (Point B in Section 16.24 diagram).

(10) BUILDING INSPECTOR:

A Town staff person, contractor or other designated Town agent who inspects and administers building construction procedures and processes, code enforcement or property maintenance requirements for the Town of La Pointe according to Wisconsin State Statutes and Codes.

(11) CAMP SITE:

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

(12) CAMPGROUND:

A parcel that is designed, maintained, intended or used for the purpose of providing sites for non-permanent overnight use by more than two (2) camping units.

(13) CAMPING PARTY:

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

(14) CAMPING UNIT:

A portable unit, no more than four hundred (400) square feet in area, used as a temporary dwelling. Wheels and tires shall remain in the in-transit position.

(15) CERTIFIED SURVEY MAP: (CSM)

A map made according to Wisconsin State Statutes Chapter 236 .
Refer to Technical Memorandum # 3 Subdivision Ordinance.

(16) COMMERCIAL ACTIVITY:

An enterprise that promotes, creates, or exchanges products or services (e.g., advertising; fund-raising; buying or selling any product or service; encouraging paid memberships in any group, association, or organization; or the marketing of commercial activities).
Commercial activities do not include such activities by or for governmental entities.

(17) CONDITIONAL USE:

A property owner’s lawful use of their property and structures which conform to the regulations of the Zoning District in which it is situated. Conditional Use does require a permit. A Conditional Use does not include a variance. Reference Sections 3.0 and ~~4.2~~ 6-7.0 of this Ordinance.

(18) CONDOMINIUM:

1. A structure or complex of structures in which units of property (e.g., apartments) are owned by individuals, and common parts of the property (e.g., grounds and buildings) are owned jointly by the unit owners or a condominium association established pursuant to Wisconsin State Statutes Section 703.15 or 703.155.
2. A unit in such a structure or complex. Reference Wisconsin State Statutes Chapter 703.

(19) CONDOMINIUM, EXPANDABLE:

A condominium to which additional property or units or both may be added in accordance with the provisions of a declaration and Wisconsin State Statutes Chapter 703.

(20) DECK:

An attached or free-standing unroofed platform and is unenclosed except by a railing. Where attached to a building, a deck is considered part of the building for setback requirements. Where free-standing, a deck is considered an Accessory Structure. Reference Section 4.2G of this Ordinance.

(21) DESIGNATED TOWN AGENT:

A Town staff person or contractor designated to act on behalf of the Town in carrying out the responsibilities designated in this Ordinance.

(22) DORMITORY:

A structure or part of a structure with sleeping accommodations for staff and instructors at, or students enrolled in, a commercial educational facility located in the Town of La Pointe.

(23) DRIVEWAY (PRIVATE):

An improved or unimproved ground surface, that is privately owned and maintained, extending from a public street, road or private road which provides vehicular ingress and egress for one (1) to three (3) improved lots, parcels, or principal structures.

(24) DWELLING:

A structure or part thereof designed or used exclusively as a residence or sleeping place. A dwelling may be used for transient occupancy only when the owner complies with Section 3 of the Town of La Pointe Rental Ordinance.

(25) DWELLING, ACCESSORY:

A structure or part of a structure with a permanent foundation (e.g., guest house) that is used for habitation other than the principal dwelling. It shall not exceed fifteen hundred (1,500) square feet or sixty-five percent (65%) of the square footage of the principal dwelling, whichever is less. Once the square footage has been calculated and recorded on the permit, the square footage shall not be increased. Accessory dwellings require a Land Use Permit, a Ashland County Sanitary Permit (plus an Ashland County Building Permit where applicable). Must conform to Wisconsin UDC (Building Codes). Only one (1) Accessory Dwelling or ~~two~~ one (21) Incidental Dwelling ~~are~~is allowed on a parcel, not both.

(26) DWELLING, INCIDENTAL:

Property that may have been designed as transportable or as a vehicle but may be used for intermittent human habitation other than the principal dwelling (e.g., ~~camping unit~~, park model, bus, motorhome and shipping container). Incidental Dwellings require a Land Use Permit, a Sanitary Permit (plus an Ashland County Building Permit where applicable). Only one (1) Incidental Dwelling or one (1) Accessory Dwelling is allowed on a parcel, not both.

(27) DWELLING, MULTI-HOUSEHOLDS:

A dwelling on one lot containing separate living units for two (2) to four (4) households, but which may have joint services or facilities or both. Multi-household Dwellings are not considered Accessory Dwellings.

Specifically:

- a. A dwelling on one (1) lot containing separate living units for two (2) to four (4) households in one (1) structure (e.g., duplex, triplex or fourplex).
- b. Or two (2) dwellings on one (1) lot containing separate living units, totaling not more than four (4) units combined, each on a permanent foundation(e.g., townhome).
- c. Or four (4) separate tiny house dwellings on one (1) lot, each containing one (1) living unit on a permanent foundation, none of which is larger than five hundred (500) square feet.

Multi-household dwellings require a Town Land Use Permit and an Ashland County Sanitary Permit (plus an Ashland County Building Permit, where applicable). Multi-household Dwellings must meet the required lot area minimums of the underlying

Zoning District, unless modified by a Conditional Use Permit or Planned Unit Development. Reference Technical Memorandum #3.

(28) DWELLING, PRINCIPAL

The largest structure (based on square footage) on a parcel that is used for habitation. Requires a Town Land Use Permit and an Ashland County Sanitary Permit (plus an Ashland County Building Permit where applicable). Must conform to Wisconsin UDC (Building Codes).

(29) DWELLING, SINGLE-HOUSEHOLD:

A structure designed or constructed to be occupied by a single household for the purpose of human habitation.

(30) EASEMENT:

A legal right that grants another person or entity to use a property for a specific purpose without owning said property. Such an easement shall not be used to satisfy setback requirements as listed in Section 16 of this Ordinance.

~~human habitation.~~

(31) EDUCATIONAL FACILITY, COMMERCIAL/PRIVATE:

A school limited to special instruction (e.g., business, art, music, trades, handicraft, dancing, or riding).

(32) EDUCATIONAL FACILITY, PUBLIC:

A structure 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 regular classes.

(33) EMPLOYEE HOUSING:

A dwelling unit provided for an employee by an employer. These units are considered short-term or long-term rentals and shall comply with Section 3 of the Ordinance to Regulate Rental Properties.

(34) ENTERTAINMENT FACILITY, COMMERCIAL:

A structure in which a profit-making business is conducted, related to the entertainment field and open to the public.

(35) ESSENTIAL SERVICES:

Those provided by public and private utilities which are necessary for the exercise of the use or service of the principal structure (e.g., underground, surface and overhead gas,

electrical, steam, water, sanitary sewage, storm water drainage and communication systems). Also included are accessories (e.g., 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.

(36) FLOODPLAIN:

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

(37) FOREST CROPS AND PRODUCTS:

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

(38) FRONTAGE WIDTH, SHORELINE PARCEL:

The distance measured perpendicular to the mean (average) bearing of the side lot lines. This measurement shall start at the point where the side lot intersects the Ordinary High Water Mark (OHWM) and then measured on the perpendicular mean (average) to intersect the opposing side lot line. Reference Section 16.6 of this Ordinance.

(398) GARAGE SHELTER CANOPY

Any structure with a collapsible frame and fabric cover and sides used to shelter vehicles, boats or other items.

(3940) GLAMPGROUND:

A parcel that is designed, maintained, intended or used for the purpose of providing sites for non- permanent overnight use by more than one (1) glamping unit.

(419) GLAMPING UNIT:

A self-contained glamping structure designed to be used or occupied for transient and recreational purposes. Reference 2015 Wisconsin Act 49 SPS 327.

(421) GRADE:

The average elevation of the finished ground at the exterior walls of the main building.

(432) GREENHOUSE:

A structure with transparent walls and roof, usually of glass, for the cultivation and exhibition of plants under controlled conditions.

(443) GREENHOUSE COMMERCIAL:

A structure for the growing of flowers, plants, shrubs, trees and similar vegetation ~~which are not necessarily transplanted outdoors on the same lot containing such greenhouse but~~ and are sold directly from such lot at wholesale or retail.

(454) HEALTH CARE FACILITY:

A structure or property used as 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.

(46) HOLDING TANK, ABOVE GROUND – A compliant wastewater holding tank no larger than 500 gallons placed above ground temporarily used by a property owner for their Recreational Vehicle/Travel Trailer while having a current, valid Land Use Permit. Approval and use are based on the same process used for the installation of in-ground holding tank systems with some additional requirements as described in Section 4.2.H.

(475) HOME BUSINESS:

The secondary and incidental use of a dwelling or accessory structure by a person residing therein to conduct an enterprise for gain or support in a manner that meets the requirements of Section 6.4 BC. of this Ordinance.

(486) HOME OCCUPATION:

The secondary and incidental use of a dwelling or accessory structure by a person residing therein to produce goods and/or services that meets the requirements of Section 6.4. AB of this Ordinance.

(497) HOTEL/MOTEL:

A building in which lodging, with or without meals, is offered to transient guests for compensation, in which there are five (5) or more transient occupancy units, each not exceeding four hundred (400) square feet in floor area.

(5048) HOUSEHOLD:

A person living alone or two (2) or more people living together as a single housekeeping unit, as distinguished from a group occupying a Boarding House or Rooming House.

(5149) IMPERVIOUS SURFACE:

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

(520) JUNK/SALVAGE YARD:

Any place which is maintained, operated or used for collecting, storing, dismantling, buying or selling junk (e.g., unregistered motor vehicles or vessels not in running condition, machinery, scrap metal, appliances, building materials, paper, rags or tires). Reference Section 6.1 B. of this Ordinance.

(531) LAND DISTURBING ACTIVITY:

Any man-made change of the land surface including (e.g., stumping of vegetative cover, excavating, filling, soil deposits, and grading, and foundation removal).

This does not include agricultural land uses (e.g., planting, growing, cultivating, and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscaping). Any Land Disturbing Activity in excess of one hundred (100) square feet does require a permit. Reference Section 4.2 G of this Ordinance.

(542) LIGHT INDUSTRY:

Production of small goods or light objects in small factories.

(553) LOADING AREA:

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

(564) LOT-OF-RECORD:

A parcel of land occupied or capable of being occupied by one (1) building or one (1) dwelling and the accessory buildings or uses customarily incidental to it. Reference Section 16.1 of this Ordinance.

(575) LOT AREA:

The total footage lying within the peripheral boundaries of a parcel of land. This excludes any portion of public right-of-way and areas of navigable water.

(586) LOT DEPTH:

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

(597) LOT LINE:

Any line dividing one (1) lot from another.

(6058) LOT OF RECORD:

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

(5961) LOT WIDTH:

The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth. For irregular shaped lots, reference Section 16.32 of this Ordinance.

(620) MANUFACTURED/MOBILE/MODULAR HOME/PARK MODEL:

A prefabricated structure, transportable in one (1) or more sections, that is designed for use with or without a permanent foundation and is intended for habitation. This term does not include a recreational vehicle. These structures are considered a Principal or ~~Acessory~~ Incidental Dwelling.

(634) MARKET, OPEN AIR:

An establishment or premises where farm products of a local farming community are sold at retail and/or where crafts, artwork and local products are sold at retail from uncovered or open areas designed for individual retailers. Local means within fifty (50) miles of the Town of LaPointe.

(642) NAVIGABLE WATER:

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

(653) 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 areas, or other open space provisions of this Ordinance.

(664) 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.

(675) NONCONFORMING USE:

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

(686) NUDITY:

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

(697) NUISANCE:

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

(7068) OVERLAY DISTRICT:

A regulatory tool that creates a special zoning district, placed over an existing base zone(s) which identifies special provisions in addition to those in the underlying base zone. The overlay district can share common boundaries with the base zone or cut across base zone boundaries.

(7169) OWNERSHIP INTEREST:

Individuals, families, LLCs, partnerships, trusts, corporate entities or other ownership

structures who have a financial interest in a parcel or dwelling.

(729) PARKING LOT:

A structure or premises containing five (5) or more parking spaces open to the public.

(731) PARKING SPACE, OFF STREET:

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

(742) PERMITTED USE:

A property owner's lawful use of their property and structures which conform to the regulations of the Zoning District in which it is situated. Permitted Use may require a permit. Permitted Use does not include any non-conforming use. Reference Sections 3.0 and ~~4.2G~~ of this Ordinance.

(753) PLAT MAP:

A map of a subdivision of a piece of land subdivided into lots with streets, alleys, etc. usually drawn to scale. Refer to Technical Memorandum #3 Subdivision Ordinance.

(764) PROJECT BEGINNING:

When land disturbing activity begins on a parcel.

(775) PROPERTY MANAGER:

A person or entity who is not the property owner but provides property management services on behalf of the owner.

(786) RECREATIONAL FACILITY:

A structure for public or private recreation.

(797) RENTAL OF PROPERTY:

See Ordinance to Regulate ~~er~~ Rental Properties.

(8078) RESORT:

A commercial lodging facility that provides amenities (e.g., recreation, entertainment, dining or shopping).

(8179) RESTAURANT:

A business licensed to prepare and serve food and beverages on-site to the public for consumption on or off the premises.

(829) RETAIL TRADE:

A business that resells new and/or used goods or provides services directly to the consumer for personal or household consumption or utilization.

(831) ROAD ACCESS:

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

(842) ROAD/DRIVEWAY EXTENSION:

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

(853) ROADWAY PRIVATE:

An improved or unimproved ground surface that is privately owned and maintained, which provides primary vehicle ingress and egress to four (4) or more improved parcels or principal structures.

(864) ROAD RIGHT-OF-WAY:

A strip of land reserved for the construction and maintenance of a public roadway and its appurtenances. Reference Wisconsin State Statutes 82.18 and Town of LaPointe Chapter 394.

(875) ROOMING HOUSE:

A structure where lodging only is offered for three (3) to eight (8) non-tourist/transients who are not members of a household. This definition includes employee housing.

(886) SETBACK:

The minimum distance required between a structure and a property line, road right-of-way or the ordinary ~~high-water~~high-water mark of navigable waters. The required setback from a road right-of-way is the distance measured from the edge of the dedicated roadway (e.g., a line normally measured from the centerline and equal to one-half (½) the width of said roadway) to the proposed structure. These required setbacks are measured from the foundation wall while allowing the roof overhang to extend no more than twenty-four (24) inches into the setback area. Setbacks are also areas where structures cannot be built, installed or maintained.

(897) SEXUAL CONDUCT:

Acts of masturbation, sexual intercourse, sadomasochistic abuse or physical contact with a person's unclothed genitals, pubic area, buttocks or female breasts.

(9088) SEXUAL EXCITEMENT:

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

(9189) SEXUALLY-ORIENTED BUSINESS:

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

(920) SIGN:

A display containing letters, numbers and/or symbols used to identify or advertise a place of business, a product or an event.

(931) SINGLE HOUSEHOLD:

Use in this Ordinance shall mean and refer to one (1) household as opposed to more than one (1) household.

(942) SPECIAL EXCEPTION:

Setback relief for nonconforming lots of record.

(953) STEEP SLOPE:

A grade that is greater than twenty percent (20%).

(964) STRUCTURE:

Anything constructed or erected with a fixed location on the ground or attached to anything having a fixed location on the ground. 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 is 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 which it is, or may be occupied or maintained as a Permitted Use or its equivalent, are deemed “structures”, the use of which requires a permanent location on the land or is attached to something having a permanent location on the land.

(975) STRUCTURE, ACCESSORY:

A detached, non-habitable building that is customarily found in connection with the principal structure or use to which it is related. It shall conform to the setback and other dimensional requirements of the zoning district within which it is located. Such units may require a Land Use Permit. Reference Section 4.2 G. of this Ordinance. Use of an Accessory Structure is customarily and subordinate to the principal use or building located on the same lot with such principal use or structure.

(986) STRUCTUREAL, ALTERATION:

A change in the supporting members of a structure (e.g., foundations, bearing walls, columns, beams or girders or any structural change in the roof or external walls). Ordinary maintenance and repairs are not considered structural repairs, modifications or additions. A Structural Alteration requires a Uniform Dwelling Code (UDC) Permit.

~~**(97) STRUCTURE, MINOR ACCESSORY:**~~

~~A small, moveable accessory erection or construction (e.g., birdhouses, tool sheds, pet houses, play equipment and arbors). Reference Section 4.2.G. of this Ordinance.~~

(998) SUBDIVISION:

The dividing of a lot by the owner or the owner’s agent for the purpose of sale and/or building development where 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 they are created by successive divisions within a period of five (5) years. Reference Technical Memorandum #3 Subdivision Regulations and Ashland County Sub-Division Control Regulations.

(10099) SUBDIVISION, MINOR:

The dividing of a lot by the owner or the owner’s agent resulting in the creation of two (2) or more parcels or building sites but does not create a subdivision as defined herein. Reference Technical Memorandum #3 Subdivision Regulations and Ashland County Sub-Division Control Ordinance.

(1019) SUBSTANTIAL COMPLETION:

The stage when a construction project is deemed sufficiently completed to the point where the owner can use it for its intended purpose. This does not imply a certificate of occupancy has been issued.

(1024) SUBSTANTIAL EVIDENCE:

Facts and information, other than personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a Condition Use Permit or Variance and that reasonable persons would accept in support of a conclusion.

(1023) TENT:

A collapsible structure, no more than two hundred (200) square feet in area, of canvas or other fabric stretched and sustained by poles and/or ropes designed for use as temporary living or sleeping quarters.

(1043) TINY HOUSE:

A single-household, free-standing dwelling on a permanent foundation that is five hundred (500) square feet or less.

(1054) TOURIST/TRANSIENT:

A person who travels to a location away from his or her permanent physical address for fewer than thirty (30) consecutive days for vacation, pleasure, recreation, culture, business or employment. The day of check-in is counted as a day; however, the day of checkout is not counted as a day.

(1065) TOURIST ROOMS:

A room rented to no more than two (2) adult tourists/transients and children in their care, without meals or cooking facilities and with or without an individual bathroom. A “Tourist Room” is only allowed in a principal single-household dwelling. Reference Ordinance to Regulate Rental Properties.

(1076) TOWN OF LA POINTE:

Name of the Town village with adopted village powers which encompasses all of Madeline Island.

(1087) UNIT:

- A. A single residence (e.g., an apartment ~~or tiny house~~) that is part of an apartment, condominium or similar building or complex.
- B. A single dwelling (e.g., an apartment) that is part of a larger structure.

(1098) 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.

(1109) VARIANCE:

A relaxation of a dimensional standard in land use regulation.

(1110) YARD, FRONT:

An open, unoccupied space on the same lot with the structure between the front line of the building and the front line of the lot and extending the full width of the lot. ~~For shoreline parcels, the lakeside shall be considered the front. For inland parcels, the unoccupied space that provides the parcel's principal access shall be considered the front. Setbacks are measured from the right-of-way.~~

(1121) YARD, REAR:

An open, unoccupied space on the same lot with the structure between the rear line of the building and the rear line of the lot and extending the full width of the lot and located on the opposite side of the structure from the front yard. ~~Setbacks are measured from the right-of-way.~~

(1132) YARD, SIDE:

An open, unoccupied space on the same lot with the structure situated between the structure and the sideline of the lot and extending from the front yard to the rear yard. Any lot lines not a front line or a rear line shall be deemed a sideline. ~~Setbacks are measured from the right-of-way.~~

(1143) ZONING ADMINISTRATOR:

An individual duly authorized to perform the duties and functions of the Zoning Administrator. Reference Section 8.0 of this Ordinance.

SECTION 3.0 ZONING DISTRICTS

3.1 ESTABLISHMENT OF DISTRICTS

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

- 3.2 W – P Wetland Protection Overlay District
- 3.3 W – 1 Wilderness Preservation District
- 3.4 W – 2 Wilderness Preservation District
- 3.5 R - 1 Residential District, ~~Low Density~~
- 3.6 R - 2 Residential District, ~~Medium Density~~
- 3.7 R - 3 Residential District, ~~High Density~~
- 3.8 R – 4 Residential District, ~~Higher Density~~
- 3.9 S - 1 Shoreland Protection District (See Note 1)
- 3.10 S - 2 Shoreland Protection District (See Note 1)
- 3.11 C - 1 Commercial/Town Center District
- 3.12 MU-1 Mixed-Use, Residential/Commercial Overlay District
- 3.13 S - O Shoreland Overlay District
- 3.14 F - O Flood Hazard Overlay District
- 3.15 L I - 1 Light Industrial District
- 3.16 LI – 2 Light Industrial District
- 3.17 G – I Government and Institutional District
- 3.18 P – R Public Resource Land District
- 3.19 C – V Conservancy District
- 3.20 T – P Town Park District
- 3.21 M - 1 Marina District

Note 1 = 2015 Senate Bill 104 - 2015 Wisconsin ACT 146

***Wisconsin State Statutes 59.692 (2) (bm) of the statutes is created to read:
59.692 (2) (bm) If a town ordinance enacted by a town that is located entirely on
an island in Lake Superior and authorized to exercise village powers under s.
60.22 (3) is more restrictive than an ordinance enacted under this section
affecting the same shorelands, regardless of the order of enactment, the town
ordinance applies in all respects to the extent of greater restrictions, but not
otherwise.***

Note 2: Reference Section 16.1 DIMENSIONAL REQUIREMENTS and Section 16.53 ZONING DISTRICT USE MATRIX for further information on specific districts.

Note 3:

Allowed Use: A property owner's lawful use of their property and structures which conform to the regulations of the Zoning District in which it is situated. Allowed Use does not require a permit. Reference Section 4. 2G. of this Ordinance.

Permitted Use: A property owner's lawful use of their property and structures which conform to the regulations of the Zoning District in which it is situated. Permitted Use may require a permit. Permitted Use does not include any non-conforming use. Reference Sections 3.0 ~~and 4.2G.~~ of

this Ordinance.

Conditional Use: -A property owner’s lawful use of their property and structures which conform to the regulations of the Zoning District in which it is situated. Conditional Use does require a permit. A Conditional Use does not include a variance. Reference Sections 3.0 and ~~4.2G.7.0~~ of this Ordinance.

3.2 W - P WETLAND PROTECTION OVERLAY DISTRICT

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

A. Permitted Uses

1. Road Access
2. Land Disturbing Activity (see Note 1)

B. Conditional Uses

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

Note 1: Land Disturbing Activity is allowed only for the **Permitted** and **Conditional Uses** listed in **A.** and **B.** above in addition to the Allowed Uses listed in 4.2 G. of this Ordinance.

3.3 W-1 WILDERNESS PRESERVATION DISTRICT

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

All Uses must conform to the requirements of the Ashland County Shoreland Protection Ordinance and the Ashland County Floodplain Ordinance.

A. Permitted Uses

1. Agriculture Crops and Products
2. Dwelling, Accessory
3. Dwelling, Incidental
4. Dwelling, Single-Household
5. Forest Crops and Products
6. Home Occupation
7. Land Disturbing Activity
8. Livestock Production/Products
9. Road Access
10. Road/Driveway Extension
11. Structure, Accessory
12. Tourist Room

B. Conditional Uses

1. Campground
2. Cemetery
3. Fish Hatchery
4. Fuel Storage Facility
5. Game Preserve
6. Greenhouse, Commercial
7. Home Business
8. Junk/Salvage Yard
- ~~9.~~ 9. Mining, Non-Metallic
- ~~9.10.~~ 9.10. Office, Professional
- ~~10.11.~~ 10.11. Planned Unit Residential Development
- ~~11.12.~~ 11.12. Public Service Utility
- ~~12.~~ 12. Professional Office
13. Public Utility
14. Sewage Disposal Facility
15. Veterinary Care Facility
16. Wind Generator, Telecommunication and Radio Tower, Solar Collector Over thirty-five feet (35)' high

3.4 W-2 WILDERNESS PRESERVATION DISTRICT

This district provides for the continuation of forest programs and related uses in the interior areas of Madeline Island best suited for such activities. It provides for ~~a very low density of~~ development ~~and that~~ is intended to accommodate small-scale enterprises compatible with the general character of the area depending upon location relative to existing facilities and services to provide a continuation of the wilderness character and a sense of isolation. All Uses must conform to the requirements of the Ashland County Shoreland Protection Ordinance and the Ashland County Floodplain Ordinance.

A. Permitted Uses

1. Agriculture Crops and Products
2. Dwelling, Accessory
3. Dwelling, Incidental
4. Dwelling, Single-Household
5. Forest Crops and Products
6. Home Business
7. Home Occupation
8. Land Disturbing Activity
9. Livestock Production/Products
10. Road Access
11. Road/Driveway Extension
12. Structure, Accessory
13. Tourist Room

B. Conditional Uses

1. Bed and Breakfast
2. Boarding House
3. Building, Municipal
4. Cemetery
5. Dormitory
6. Educational facility, Commercial/Private
7. Fish Hatchery
8. Fuel Storage Facility
9. Game Preserve
10. Greenhouse, Commercial
11. Junk/Salvage Yard
12. Mining, Non-Metallic
13. Office, Professional
14. Planned Unit Residential Development
15. Public Service Utility
16. Public Utility
17. Rooming House
18. Sewage Disposal Facility
19. Veterinary Care Facility
20. Warehouses/Storage Facility

21. Wind Generator, Telecommunication and Radio Tower, Solar Collector over thirty-five feet (35') high.

3.5R - 1 RESIDENTIAL DISTRICT, SINGLE-HOUSEHOLD, LOW-DENSITY

This district is intended to provide for housing opportunities on ~~larger lots~~. large lots. ~~This low-density residential~~ It provides for development ~~that will provide for lots sufficient~~ strives to preserve, for the most part, the ~~low-density and~~ historic character of the Island. All Uses must conform to the requirements of the Ashland County Shoreland Protection Ordinance and the Ashland County Floodplain Ordinance.

A. Permitted Uses

1. Agricultural Crops and Products
2. Dwelling, Accessory
3. Dwelling, Incidental
- ~~4.~~ 4. ~~Dwelling, Multi-Household (see Note 1)~~
- ~~5.~~4. Dwelling, Single-Household
- ~~6.~~5. Forest Crops and Products
- ~~7.~~6. Home Occupation
- ~~8.~~7. Land Disturbing Activity
- ~~9.~~8. Religious Facility
- ~~10.~~9. Road Access
- ~~11.~~10. Road/Driveway Extension
- ~~12.~~11. Structure, Accessory
- ~~13.~~12. Tourist Room

B. Conditional Uses

1. Bed and Breakfast (three (3) acre minimum parcel area)
2. Boarding House (up to four (4) persons, three (3)-acre minimum parcel area)
- ~~3.~~ 3. Cemetery
3. Dormitory
4. Dwelling, Multi-Household (see Note 1)
5. Educational Facility, Commercial/Private
6. Greenhouse, Commercial
7. Home Business
8. Office, Professional
9. Parking Lot
10. Planned Unit Residential Development (see Notes 1 and 2)
- ~~11.~~
- ~~12.~~11. Public Service Utility
- ~~13.~~12. Public Utility
- ~~14.~~13. Rooming House (up to four (4) persons, three (3)-acre minimum parcel area)
- ~~15.~~14. Wind Generator, Telecommunication and Radio Tower, Solar Collector Over thirty-five feet (35') high

Note 1: Required lot size for Multi-Household Dwellings and Planned

Unit Residential Developments shall be the number of residential units times the Minimum Required Lot Area. Minimum lot width shall be the number of residential units times the Minimum Lot Width for the Zone specified in Section 16.1 Dimensional Requirements.

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

3.6 R-2 RESIDENTIAL DISTRICT, MEDIUM DENSITY

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

A. Permitted Uses:

- ~~1. Apartment~~
- ~~2. Condominium~~
- ~~3. Condominium, Expandable~~
- 4.1. Dwelling, Accessory
- ~~5.2.~~ Dwelling, Incidental
- ~~6.3.~~ Dwelling, Multi-Household (see Note 1)
- ~~7.4.~~ Dwelling, Single Household
- ~~8.5.~~ Home Occupation
- ~~9.6.~~ Land Disturbing Activity
- ~~10.7.~~ Religious Facility
- ~~11.8.~~ Road Access
- ~~12.9.~~ Road/Driveway Extension
- ~~13.10.~~ Structure, Accessory

B. Conditional uses

- 1. Building, Municipal
- ~~2. Cemetery~~
- ~~3.2.~~ Health Care Facility
- ~~4.3.~~ Home Business
- ~~5.4.~~ Public Service Utility
- ~~6.5.~~ Public Utility

Note 1: Required lot size for Multi-Household Dwellings and Planned Unit Residential Developments shall be one (1) unit for every three thousand (3000) square feet of lot area, provided the indicated minimum lot area requirements of nine thousand six hundred (9600) square feet are met.

3.7 R - 3 RESIDENTIAL DISTRICT

This district provides ~~for high~~-residential ~~density~~housing in locations close to major public services. It is intended to provide for housing opportunities near existing major recreation resources. All Uses must conform to the requirements of the Ashland County Shoreland Protection Ordinance and the Ashland County Floodplain Ordinance.

A. Permitted Uses

1. Apartment
2. Dwelling, Accessory
3. Dwelling, Incidental
4. Dwelling, Multi-Household (see Note 1)
5. Dwelling, Single-Household
6. Home Occupation
7. Land Disturbing Activity
8. Religious Facility
9. Road Access
10. Road/Driveway Extension
11. Structure, Accessory
12. Tourist Room

B. Conditional Uses

1. Bed and Breakfast
2. Boarding House
- ~~3. Cemetery~~
- ~~4.3.~~Health Care Facility
- ~~5.4.~~Home Business
- ~~6.5.~~Planned Unit Residential Development
- ~~7.6.~~Public Service Utility
- ~~8.7.~~Public Utility
- ~~9.8.~~Recreational Facility
6. Rooming House

Note 1: Required lot size for Multi-Household Dwellings and Planned Unit Residential Developments shall be one (1) unit for every three thousand (3000) square feet of lot area, provided the indicated minimum lot area requirements of nine thousand six hundred (9600) square feet are met.

3.8R - 4 RESIDENTIAL DISTRICT

This district is intended to enhance the public welfare by providing the availability of Dwelling Units that are affordable to persons and households of low- and moderate-incomes. ~~This district provides a higher level of control over density and intensity~~ while preserving the wilderness character of the area. All Uses must conform to the Ashland County Shoreland Protection Ordinance and the Ashland County Floodplain Ordinance.

~~This District (Parcel # 014-00199-0000) has been reserved for development by the Affordable Housing Advisory Committee and approved for such development by the Town Board. This option for development will expire on 1-14-2028 with the option for extension by the Town Board.~~

A. Permitted Uses

1. Apartment
2. Dwelling, Multi-Household (see Note 1)
3. Dwelling, Single-Household
4. Land Disturbing Activity
5. Road Access
6. Road/Driveway Extension
7. Structure, Accessory

B. Conditional Uses

1. None

Note 1: Required lot size for Multi-Household dwellings shall be nine thousand six hundred (9600) square feet.

3.9 S - 1 SHORELAND PROTECTION DISTRICT

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

The Town of Lapointe Ordinance related to shorelands is more restrictive than Ashland County Shoreland Protection Ordinance. The Town of La Pointe Ordinance continues in all respects to the extent of greater restrictions but not otherwise.

A. Permitted Uses

1. Agricultural Crops and Products (outside of the Shoreland Overlay District)
2. Dwelling, Accessory
3. Dwelling, Incidental
4. Dwelling, Single-Household
5. Forest Crops and Products
6. Home Occupation

7. Land Disturbing Activity
8. Road Access
9. Road/Driveway Extension
10. Structure, Accessory

B. Conditional uses

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

Note 1: Required lot size for Planned Unit Residential Developments shall be the number of residential units times the Minimum Required

Lot Area. Minimum lot width shall be the number of residential units times the minimum lot width for the Zone specified in Section 16.1 Dimensional Requirements.

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

3.10 S - 2 SHORELAND PROTECTION DISTRICT

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

The Town of Lapointe Ordinance related to shorelands is more restrictive than Ashland County Shoreland Protection Ordinance. The Town of La Pointe Ordinance continues in all respects to the extent of greater restrictions but not otherwise.

A. Permitted Uses

1. Dwelling, Accessory
2. Dwelling, Incidental
3. Dwelling, Single-Household
4. Land Disturbing Activity
5. Road Access
6. Road/Driveway Extension
7. Structure, Accessory

B. Conditional uses

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

3.11 C - 1 COMMERCIAL/TOWN CENTER DISTRICT

This district is intended to be a development cluster with a range of uses and activities (e.g., small retail stores, restaurants, offices and businesses) commonly found in a small urban area. ~~(e.g., small retail stores,, restaurants, offices and businesses)~~ All Uses must conform to the requirements of the Ashland County Shoreland Protection Ordinance and the Ashland County Floodplain Ordinance.

A. Permitted Uses

1. Apartment
2. Automobile Sales Establishment
3. Automobile Service and Supply Facility
4. Bank
5. Building, Municipal
6. Condominium
7. Dwelling, Accessory
8. Dwelling, Incidental
9. Dwelling, Multi-Household (See Note 1)
10. Dwelling, Single-Household
11. Educational Facility, Commercial/Private
12. Educational Facility, Public
13. Entertainment Facility, Commercial
14. Greenhouse, Commercial
15. Health Care Facility
16. Home Business
17. Home Occupation
18. Land Disturbing Activity
19. Laundry Facility
20. Market, Open Air
21. Museum
22. Office, Professional
23. Parking Lot
24. Religious Facility
25. Restaurant
26. Retail Trade Facility
27. Road Access
28. Road/Driveway Extension
29. Structure, Accessory
30. Tavern
31. Tourist Rooms
32. Transportation Facility

B. Conditional Uses

1. Bed & Breakfast
2. Boarding House
3. Dormitory

4. Fuel Storage & Retail Facility
5. Hotel, Motel, Resort
6. Light Industry
7. Marina
8. Public Service Utility
9. Public Utility
10. Recreational Facility
11. Rooming House
12. Sexually-Oriented Business
13. Veterinary Care Facility
14. Warehouse/Storage Facility

Note 1: Required lot size for Multiple Family Dwellings shall be one (1) unit for every three thousand (3000) square feet of lot area, provided the indicated minimum lot area requirements of nine thousand six hundred (9600) square feet are met.

3.12 MU-1 MIXED-USE, RESIDENTIAL/COMMERCIAL OVERLAY DISTRICT

This district is intended to encourage development as a mix of compatible residential and small-scale commercial uses. This district will accommodate limited commercial use opportunities within the mixed use area while preserving the attractiveness of the area for residential housing. This district provides a higher level of control over nonresidential uses to ensure that the use and enjoyment of residential properties is not substantially diminished by nonresidential development. All Uses must conform to the requirements of the Ashland County Shoreland Protection Ordinance and the Ashland County Floodplain Ordinance.

A. Permitted Use (In addition to those uses listed in the underlying district)

1. Automotive Service and Supply Facility
2. Dwelling, Multi-Household
- ~~3.~~ Home Business
- ~~3.4.~~ Home Occupation
- ~~4.5.~~ Market, Open Air
- ~~5.6.~~ Religious Facility
- ~~6.7.~~ Retail Trade Facility
- ~~7.~~ Home Occupation

B. Conditional Use (In addition to those uses listed in the underlying district)

1. Apartment
2. Condominium
3. Educational Facility, Public
4. Light Industry
5. Parking Lot
6. Recreational Facility
7. Veterinary Care Facility
8. Warehouse/Storage Facility

Note 1: All commercial activities in this District shall require the property owner to occupy a dwelling on the same parcel as the commercial activity.

~~**Note 2:** All commercial activities in this District whereas the property owner does not occupy a dwelling on the same parcel as the commercial activity shall require a Conditional Use Permit.~~

Note 23: All Permitted Uses and Conditional Uses in this Overlay District must conform to the setback requirements of the Underlying District.

Note 34: All Overlay District restrictions/requirements take precedence over those of the Underlying District.

MAP TO BE ADDED

3.13 S - 0 SHORELAND OVERLAY DISTRICT

This district provides for the protection of waters and shorelands, and for safe and orderly Shoreland development in the Town of La Pointe. The intent is to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and uses, and to preserve shore cover and natural beauty. The district includes all lands of the township within the following distance from the ordinary high-water elevation of navigable water; one thousand (1000) feet from a lake, pond, or flowage, and three hundred (300) feet from a river or stream or to the landward side of a flood plain whichever distance is greater. All Uses must conform to the requirements of the Ashland County Shoreland Protection Ordinance and the Ashland County Floodplain Ordinance.

A. Permitted Uses

1. Any Permitted Use allowed in the underlying districts, subject to the Ashland County Shoreland Protection Ordinance.
2. Any Accessory Structure permitted in the underlying districts, subject to the Ashland County Shoreland Protection Ordinance.
3. Accessory Dwelling, subject to minimum lot size requirements of Ashland County Shoreland Protection Ordinance.

B. Conditional Uses

1. Any Conditional Use allowed in the underlying districts subject to the Ashland County Shoreland Protection Ordinance.
2. Public Utility

3.14 F - 0 FLOOD HAZARD OVERLAY DISTRICT

This district provides for the protection of real property improvements and for safe and orderly shoreland development and rehabilitation in the Town of La Pointe. The intent is to ensure that new development and rehabilitation of existing real property improvements are made with proper regard to still-water, storm set-up and wave run-up elevations. The flood protection elevation enforced by the Ashland County Zoning Department within the Floodplain Hazard Overlay District shall be the 604.5 plus wave Run-up National Geographic Vertical Datum (NGVD). All Uses must conform to the requirements of the Ashland County Shoreland Protection Ordinance, where applicable, and the Ashland County Floodplain Ordinance.

A. Permitted Uses

1. Any Permitted Use allowed in the underlying districts is subject to the Ashland County Shoreland Protection Ordinance and the Ashland County Floodplain Ordinance.
2. Any Accessory Structure permitted in the underlying districts is subject to the Ashland County Shoreland Protection Ordinance and the Ashland County Floodplain Ordinance.
3. Accessory Dwelling, subject to minimum lot size requirements of Ashland County Shoreland Protection Ordinance.

B. Conditional Uses

Any Conditional Use allowed in the underlying districts subject to the Ashland County Shoreland Protection Ordinance and the Ashland County Floodplain Ordinance.

3.15 LI-1 LIGHT INDUSTRIAL DISTRICT

This district is intended to accommodate a wide array of uses (e.g., manufacturing, warehousing, and airport facilities) All Uses must conform to the requirements of the Ashland County Shoreland Protection Ordinance and the Ashland County Floodplain Ordinance.

A. Permitted Uses

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

B. Conditional Uses

1. None.

3.16 LI-2 LIGHT INDUSTRIAL DISTRICT

This district is intended to accommodate a wide array of uses (e.g., manufacturing and warehousing). All Uses must conform to the requirements of the Ashland County Shoreland Protection Ordinance and the Ashland County Floodplain Ordinance.

A. Permitted Uses.

1. Automobile Sales Establishment
2. Automobile Service and Supply Facility
3. Building, Municipal
4. Contracting/Building Storage and Service
5. Forest Crop and Products
6. Fuel Storage Facility
7. Greenhouse, Commercial
8. ~~Junk/Salvage Yard~~/Heavy Equipment/Machine Storage and Service
- 8-9. ~~Junk/Salvage Yard~~
- 9-10. _____ Land Disturbing Activity
- 10-11. _____ Laundry Facility
- 11-12. _____ Light Industry
- 12-13. _____ Museum
- 13-14. _____ Office, Professional
- 14-15. _____ Parking Lot
- 15-16. _____ Public Service Utility
- 16-17. _____ Public Utility
- 17-18. _____ Road Access
- 18-19. _____ Road/Driveway Extension
- 19-20. _____ Structure, Accessory
- 20-21. _____ Transportation Facility
- 21-22. _____ Warehouse/Storage Facility
- 22-23. _____ Wastewater Treatment Plant

B. Conditional Uses

None.

3.17 G-I GOVERNMENT AND INSTITUTIONAL DISTRICT

This district includes governmental and institutional uses, some which may occupy a significant land area (e.g., educational facilities, municipal buildings, and hospitals). All uses must conform to the requirements of the Ashland County Shoreland Protection Ordinance and the Ashland County Floodplain Ordinance.

A. Permitted Uses

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

B. Conditional Uses

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

Note 1: Required lot size for Planned Unit Residential Developments shall be the number of residential units times the Minimum Required Lot Area. Minimum lot width shall be the number of residential units times the minimum lot width for the Zone specified in Section 16.1 Dimensional Requirements.

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

3.18 P-R PUBLIC RESOURCE LAND DISTRICT

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

A. Permitted Uses

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

B. Conditional Uses

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

3.19 C-V CONSERVANCY DISTRICT

This district is intended to protect and conserve important environmental resources by limiting further development. All Uses must conform to the requirements of the Ashland County Shoreland Protection Ordinance and the Ashland County Floodplain Ordinance.

A. Permitted Uses

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

B. Conditional Uses

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

3.20 T-P TOWN PARK DISTRICT

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

A. Permitted Uses

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

B. Conditional Uses

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

3.21 M-1 MARINA DISTRICT

This district includes large marinas, public or private, where the primary use is related to the storage, mooring, docking, launching, and servicing of boats. All Uses must conform to the requirements of the Ashland County Shoreland Protection Ordinance and the Ashland County Floodplain Ordinance.

A. Permitted Uses

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

B. Conditional Uses

1. Fuel ~~s~~Storage & Retail ~~f~~Facility
2. Transportation Facility
3. Warehouse/Storage Facility

3.22 ZONING MAP AND DISTRICT BOUNDARIES

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

This map, together with all explanatory matter and regulations thereon, is an integral part of this Ordinance. District boundaries are normally lot lines, section and quarter section lines, and center lines of streets, highways, and alleys. Exact location of district boundaries shall be decided by the Zoning Administrator. Decisions may be reviewed by the Zoning Board of Appeals as provided in Section 10 of this Ordinance.

An official copies of the "Official Zoning Map, Town of La Pointe," together with a copy of this Ordinance, shall be kept for public inspection upon request. This map shall be certified by the Chair of the Town Board and attested by the Town Clerk. Any change affecting zoning district boundaries or explanatory matter and regulations shall be made in accordance with provisions of Wisconsin State Statutes, §60.61.

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

4.2 STANDARD DISTRICT REQUIREMENTS

A. Yard Requirements

1. No part of the yard or open space required for a given building shall be included as a part of the yard or other space required for another building.
2. Every part of a required yard shall be open to the sky and unobstructed, except in commercial areas, where a permanent awning and its accessory columns or struts may project not more than five (5) feet into a required front or side yard.
3. Open or enclosed fire escapes may project into a required yard not more than five (5) feet and into a required court not more than three and one half (3½) feet, provided it be so located as not to obstruct light or ventilation.

B. Height Exceptions

A chimney and/or decorative cupola shall be allowed to extend five (5) feet above the thirty-five (35) foot height regulation of this Ordinance and a roof-mounted antenna shall be allowed to extend ten (10) feet above the thirty-five (35) foot height regulation of this Ordinance. Wind generators, telecommunication and radio towers and solar collectors may extend beyond the (35) foot height regulation of this Ordinance. Chimney and roof mounted antennas shall be erected in accordance with other regulations and Ordinances of the Town. Architectural projections (e.g., spires, belfries, parapet walls, domes, chimneys or cupolas) 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 not contain living quarters. Wind generators, telecommunication and radio towers and solar collectors shall conform to state and federal requirements.

C. Visual Clearance at Intersections

In each quadrant of every street intersection there shall be designated a

vision clearance triangle, bounded by the inner street lines and a line connecting them thirty-five (35) feet from their intersection. Within this triangle no object shall be allowed above the height of two and one-half (2½) feet above the streets if it obstructs the view across the triangle. This provision shall not apply to tree trunks, posts or wire fences.

D. Access Driveway.

The maximum number of access driveways to public and/or private roads and highways shall not be more than two (2). Driveways constructed after August 8, 2017 are subject to **Private Driveway Private Roadway Ordinance**.

E. Lot Sizes

1. After adoption of this Ordinance, or amendments thereto, no lot area shall be so reduced that the dimensional and yard requirements required by this Ordinance cannot be met. Lots existing and of record prior to adoption of this Ordinance, but of substandard size, may be devoted to uses permitted in the district in which they are located.
2. Lots created after adoption of this Ordinance, or amendments thereto, and which are not served by public sewer systems shall meet minimum area requirements of the Ashland County Sanitary and Private Sewage System Ordinance, the Wisconsin Administrative Code, and this Ordinance.
3. All Land Divisions and reconfigurations shall and do require a Certified Survey Map. Reference Technical Memorandum #3 Subdivision Ordinance.

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

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

1. Any building, structure, and /or land use is required to meet all district requirements for the zone in which it is located, including setbacks. A Special Exception shall not be granted if setbacks can be met in any other zone.
2. A Permitted Use is restricted to the zone(s) in which it is explicitly allowed as a Permitted Use in Section 3 of this Ordinance. If a parcel has three (3) Zoning Districts and a use is permitted in two (2), the Permitted Use will only be granted in those two (2) zones.
3. A Conditional Use is restricted to the zone(s) in which it is

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

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. In the S-1 Zoning District, the front and/or rear setback in the S-1 Zoning District shall be taken from the right-of-way of the County Highway or Town Road on which it is located.
5. If the parcel is nonconforming, it must be a lot of record.

G. Accessory Structures and Mobile Assemblies

~~An accessory use or structure is one~~ 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 may require a land use permit.

The following Accessory Structures are an Allowed Use without a Land Use Permit unless there is land disturbing activities in excess of one hundred (100) square feet done in conjunction with placement of such structure:

1. Birdhouse and Bird Feeder
2. Brick Bar-B-Q
- ~~3.~~ 3. Chicken Coop - not to exceed one hundred (100) square feet**
- ~~3.4.~~ 3.4. Deck, freestanding, not to exceed one hundred (100) square feet and only one (1) only without a permit **
- ~~4.5.~~ 4.5. Driveway Pillars and Gate*
- ~~5.6.~~ 5.6. Electrical Service/Pedestal
- ~~6.7.~~ 6.7. Fences under ten (10) feet in height*
- ~~7.8.~~ 7.8. Garage Shelter Canopy or Storage Tent - not to exceed two hundred fifty (250) square feet and one (1) only without a permit **
- ~~8.9.~~ 8.9. Garbage and Refuse Bin
- ~~9.10.~~ 9.10. Greenhouse- not to exceed two hundred fifty (250) square feet and one (1) only without permit **
- ~~10.11.~~ 10.11. Hunting Blind – not to exceed one hundred (100) square feet
- ~~11.12.~~ 11.12. Ice Fishing Shack
- ~~12.13.~~ 12.13. LP Storage Tank and Fuel Oil Tank used for heating
- ~~13.14.~~ 13.14. Pet House not to exceed one hundred (100) square feet**
- ~~14.15.~~ 14.15. Picnic table
- ~~15.16.~~ 15.16. Planter and Flower Box*
- ~~16.17.~~ 16.17. Play Equipment
- ~~17.18.~~ 17.18. Residential Compost Container
- ~~18.19.~~ 18.19. Satellite Dish
- ~~19.20.~~ 19.20. Solar Collector
- ~~20.21.~~ 20.21. Tool/Storage Shed not to exceed one hundred (100) square feet and one (1) only without permit**
- ~~21.22.~~ 21.22. Tree House for children
- ~~22.23.~~ 22.23. Warming Shed for school children*
- ~~23.24.~~ 23.24. Well House Cover – not to exceed sixteen (16) square feet
- ~~24.25.~~ 24.25. Wind Generator, Telecommunication/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. Reference Section 16.14.2.A.1.
~~Note: Other Permits may be required due to land disturbing activities.~~
~~Note: Moveable shall mean no slab, foundation, or sanitary connection.~~

Note: If an accessory structure exceeds the square footage listed, or is an additional structure of the same type, it shall require a Land Use permit.

H. Drainage, Sanitation and Water Supply

1. No building shall be erected, structurally altered, or relocated on land which is always not adequately drained by reason of adverse soil conditions, steep slopes, shallow impermeable bedrock, periodic flooding, or where the lowest floor level is less than four (4) feet above the highest groundwater level.
2. No building or dwelling unit intended for human use or occupancy shall be erected, structurally altered, or relocated on a lot, unless provision is made for safe and adequate facilities for water supply and disposal of sewage in accordance with the regulations of the Ashland County Sanitary and Private Sewage System Ordinance and the appropriate requirements of the Wisconsin Administrative Code.
3. The Zoning Administrator shall not hereafter authorize a building to be erected, structurally altered, or relocated that has a private waste disposal system unless the plans for the system have been reviewed in accordance with the provisions of the Ashland County Sanitary and Private Sewage System Ordinance, and a Sanitary Permit has been issued. Private sewage disposal systems for dwelling units shall meet the location requirements of the Ashland County Sanitary and Private Sewage System Ordinance, and the applicable standards of the Wisconsin Administrative Code.
4. Where connection is not to be made to public water system, no residential use shall be permitted unless provision is made for a safe and adequate supply of drinking water.
5. Planned Unit Residential Developments shall be served by sewage facilities that meet the requirements of the Ashland County Sanitary and Private Sewage System Ordinance and the applicable minimum standards of the Wisconsin Administrative Code.

6. The use of an above ground holding tank by a property owner for their Recreational Vehicle/Travel Trailer can be approved following all requirements in the Ashland County Sanitary and Private Sewage Ordinance and the applicable minimum standards of the Wisconsin Administrative Code. In addition, the use also must comply with the following items:

- a. Size Limitation – No larger than 500 gallons.
- b. The above ground holding tank shall be installed under the camping unit whenever possible or placed no more than 2 feet horizontally from the camping unit body recessed into the finish grade no more than four inches with adequate anchoring to prevent flotation and provisions made to protect the unit from physical damage.
- c. All black and gray water tanks from the unit must be routed into the above ground holding tank.
- d. Time of Use – April through October; it may not be used over the winter months.
- e. The tank must have a functioning gauge or alarm that notifies the owner when it is 75% to 80% full.
- f. The property owner must have applied for and been approved by the Madeline Sanitary District.
- g. The property owner must have a signed agreement with a licensed pumping service.
- a.h. The use of an above ground holding tank is not allowed after the permanent holding tank is installed and functional.

I. Construction site maintenance and erosion control

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

- 1. This Section applies to all construction sites and land disturbing activities (e.g., activity prior to excavation for foundation work, installation of driveways or parking areas, filling or grading, and development of ponds and channelized water courses.

This Section does not apply to the following:

- a. Construction or land disturbing activity regulated by the Wisconsin Department of Safety and Professional Services, Uniform Dwelling Code or Commercial Building Code.

- b. Nonpoint discharge from agricultural or silviculture land uses (e.g., harvesting of crops, growing and tending of gardens, harvesting of trees, and landscaping).
 - c. Maintenance and repair of existing driveways.
- 2. Where land-disturbing activity is to occur, erosion and sediment control practices shall be employed as necessary and maintained to prevent or reduce the potential deposition of soil or sediment from leaving the site.
- 3. Land disturbing activities, except those activities necessary to implement erosion or sediment control practices, may not begin until the sediment control practices are in place for each area to be disturbed.
- 4. Erosion control devices (e.g. sedimentation basins, filter fences, straw bales, mulch, tarps, temporary and permanent seeding sodding and channeling surface water around disturbed areas) shall be used where necessary to minimize erosion and sedimentation.
- 5. Monitoring. The owner or owner's agent shall check the erosion and sediment control practices for maintenance needs at all the following intervals until the site is stabilized:
 - a. At least weekly.
 - b. Within twenty-four (24) hours after a rainfall event of point five (0.5) inches or greater. A rainfall event shall be considered to be the total amount of rainfall recorded in any continuous twenty-four (24) hour period.
- 6. Site de-watering. Water may not be discharged in a manner that causes erosion of the site, adjacent land, or receiving channels.
- 7. All waste and unused building materials, (e.g., garbage, oil, toxic materials, or hazardous materials) shall be properly disposed of and are not allowed to be carried by runoff into a receiving channel or stormwater drainage system.
- 8. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.
- 9. Each site shall have a driveway surface of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment or mud tracking reaching a public or

private road shall be removed before the end of each working day or more frequently if tracking causes a nuisance to the traveling public.

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

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

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

4.3 SUPPLEMENTARY REGULATIONS

A. Airport Safety Zones

Except for field crops and fences under five (5) feet high, the maximum height of any object located within five hundred (500) feet of either side of the centerline of a landing strip and extended to 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. Reference the **Height Limitation Zoning Map for Madeline Island Airport**.

B. Off-Street Parking

Any building hereafter erected, or converted to commercial use, or placed on a lot, or added onto in such way as to increase the square footage of usable floor space, shall provide off-street parking spaces specific to its use and in the manner and number described below.

1. All dwelling units (e.g., apartment, bed and breakfast, condominium, hotel/motel, multi-household, single-household ~~and other rental units~~) shall provide off-street parking either on-premises or on adjacent premises in the number and manner described below:
 - a. Single-household dwellings shall each provide two

(2) off-street parking spaces.

b. Each rental unit and each unit in an apartment, condominium, hotel/motel, multi-household dwelling, bed and breakfast, or similar use shall provide at least two (2) off-street parking spaces.

2. Loading and Unloading Requirements. Any use that requires deliveries or shipments shall provide enough off-street loading and unloading space so that no public street, alley, or access to any parking area is blocked by such activities.
3. The number of off-street parking spaces required for non-residential uses is shown in the following table:

USE	MINIMUM PARKING REQUIRED
Auditorium, Theater, Religious Facility, Community Center, and Places of Public Assembly, Boarding House	One (1) space _____ for every seven (7) <u>seats</u>
	One (1) space per bedroom/ sleeping unit
Campground	Two (2) spaces per campsite
Commercial Entertainment or Recreational Facility	One space for each two hundred fifty (250) square feet of building footprint plus one (1) space for every five thousand (5000) square feet of outdoor recreation area

Convenience Store/Grocery	Three (3) spaces for each one thousand (1000) square feet of building footprint
Dormitory/ Student Housing unit	One (1) space per bedroom/sleeping unit
Educational Facility, Public teacher, staff Elementary/Junior High and aid plus two (2) spaces	One (1) space per member, per classroom
Educational Facility, Public High School/Adult	One (1) space per teacher, staff member, and aide plus one space per every three (3) students
Educational Facility, Commercial/ Private	One (1) space per teacher, three (3) staff members, and/or aides
Health Care Facility	Three (3) spaces for every doctor and one (1) space for every three (3) employees on the largest work shift
Home Business	Two (2) spaces in addition to residential parking requirements
Home Occupation	One (1) space in addition to residential parking requirements
Government Building	One (1) space for each two hundred (200) square feet of floor area used by the public

Marina	One (1) space for each five (5) slips and/or moorings
Post Office	Five (5) spaces for each five hundred (500) square feet of building footprint plus one space for each employee on the largest work shift
Professional Office	One (1) space for every two hundred fifty (250) square feet of building footprint
Recreational Trail, Public	Two (2) spaces at each trail entrance/exit
Restaurant/Tavern	One (1) space for each one hundred (100) square feet of area used by the public or one space per three (3) seats, whichever is greater, plus one (1) space for every three (3) employees on the largest work shift
Retail Trade Facility	One (1) space for every two hundred (200) square feet of building footprint plus one (1) space for every two (2) employees on the

Rooming House	largest work shift One (1) space per bedroom or sleeping unit
Sexually-Oriented (200) Business	One (1) space for every two hundred square feet of building footprint plus, one space for every two (2) employees on the largest work shift
Tourist Rooms	One (1) space per rental unit
Veterinarian	Two (2) spaces for every doctor and one (1) space for each employee

4. In the case of structures or uses not mentioned, the provision for a use that is similar shall apply, as determined by the Town Plan Commission.
5. For structures and/or properties containing more than one (1) use, the required number of spaces shall be computed by adding space required for each use.
6. Handicap Parking Requirements.
In addition to any other requirements relating to parking spaces contained in this Ordinance, the provisions contained in State Statute Section 101.13, 346.503, and 346.56 and any Wisconsin Administrative Code Sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities whenever constructed.
7. Landscaping.
All public and private off-street parking areas which serve four (4) vehicles or more, are located within fifteen (15) feet of any lot line or right-of-way and are created or redesigned and rebuilt subsequent to the adoption of this Section shall be provided with accessory landscape areas totaling not less than ten percent (10%) of the parking area. The minimum size for each landscaped area shall not be less than one hundred (100) square feet.
8. Lighting.

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

9. Exceptions.

No off-street parking shall be required for buildings existing in the C-1 District as of the date of enactment of this section (INSERT DATE WHEN KNOWN), except such off-street parking as is already in existence as of the date of enactment of this Section.

10. Abandonment.

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

11. The Board of Appeals

The Board of Appeals may, by granting of a variance, relax the regulations of this Section as provided in Section 10.4.C. of this Ordinance.

C. Non-Conforming Lots of Record

Any lot that does not meet current dimensional length, width, or area requirements of a District as specified in Section 316.1 of this Ordinance is “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 “a Lot of Record.”

1. Setback Relief for Non-Conforming Lots of Record

Non-Conforming Lots of Record shall be eligible for relief from the setback requirements specified in Section 316.1 of this Ordinance in accordance with the following provisions:

- a. Owners of ~~n~~Non-~~e~~Conforming ~~H~~lots of record may apply to the Town Plan Commission for a Special Exception for reduced setbacks excluding height requirements and/or Ashland County setback requirements. The legal standard and the procedure for obtaining a Special Exception before the Town Plan Commission for reduced setbacks shall be the same as for a conditional use permit as set forth in Section 7 of this Ordinance except that the decision will be made by the Town Plan Commission. The standards of approval or denial

are those set forth in Section 7 of this Ordinance. All members of the Town Plan Commission shall make every effort to personally inspect the proposed site before the Public Hearing on the matter.

- b. A ~~s~~Special Exemption exception granted under this Section may reduce normal setbacks by twenty-five percent (25%) and in extraordinary cases 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.. The Town Plan Commission shall consider the size of the lot as a whole with a smaller lot justifying a smaller buildable core.
 - c. If a ~~s~~Special Exemption exception for reduced setbacks is granted, there may be conditions set forth (e.g., no additional buildings are erected on this lot). ~~requiring there be no further buildings, development, or impervious surface on the non-conforming lot~~. The Town Plan Commission shall also have the discretion to impose a storm water management or other mitigation plan in the case of lots not within the Shoreland Overlay. For lots within the Shoreland Overlay the Town Plan Commission shall require a Shoreland Restoration and/or Storm Water Management Plan for review and recommendation by the Ashland County Land & Water Conservation Department. The Town Plan Commission shall also be entitled to impose other conditions reasonably related to the purposes of the Ordinance and the considerations for granting a Special Exception. A violation of any condition imposed pursuant to this Section shall be enforceable under Section 8.7 of this Ordinance.
 - d. The filing fee for a Special Exception shall be the same as for a Conditional Use.
 - e. Any property owner of a non-conforming Lot of Record aggrieved by the dimensional requirements of Section 316.1 of this Ordinance that are not relieved by the procedures of this Section may appeal for a variance to the Zoning Board of Appeals.
2. Alteration of Non-Conforming Lots of Record
Notwithstanding the provisions of Section 4.2.E of this Ordinance, alteration or reconfiguration of a non-conforming lot of record may be permitted subject to the recommendation of the Town Plan Commission and approval by the Town Board of a Certified Survey Map and subject to the following:

- a. Such alteration of a non-conforming lot of record would need to be approved by the Town Plan Commission.
- b. The newly altered non-conforming lot may not increase the non-conformity, including that insufficient dimensions in newly configured lots may not be further reduced.

D. Camping on Private Lands

1. Temporary Camping

- a. A Temporary Camping Unit shall be allowed on a lot by the landowner and one (1) temporary camping party or, if the landowner is not camping, two (2) temporary parties with the landowners permission shall be allowed without issuance of a Land Use Permit, subject to the following:
 - Camping shall be allowed in all Zoning Districts, except ~~Wetland Protection (W-P), Light Industrial 1, and Light Industrial 2 (LI-1 and LI-2)~~.
 - Camping units shall not be erected and/or used within the front, rear or side yard setbacks established for the Zoning District in which the property is located.
 - Camping shall not exceed thirty (30) days in a calendar year.
 - Not more than ~~one two~~ (12) camping unit shall be allowed on a lot.
 - Sanitary waste disposal shall be provided by one (1) of the following:
 - Self-contained holding tank with disposal at an approved sanitary dump station*
 - A portable toilet with disposal at an approved sanitary dump station*
 - Permitted connection to an Ashland County approved on- site waste disposal system (if camping exceeds fourteen (14) days)
 - Ashland County approved non-plumbing system (if camping exceeds fourteen (14) days)

- The camping unit shall be removed from the property after each temporary camping stay. If a principal dwelling is located on the lot, one (1) temporary camping unit may be stored outdoors. The stored temporary camping unit shall meet all required setbacks. The stored temporary camping unit shall be in an in-transit position with no utility connections, windows and doors closed, and not used for sleeping purposes.
- Requires approval of the Madeline Sanitary District and Ashland County Zoning.
- ~~A Temporary Camping Unit, if rented, shall require a Rental Permit.~~

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

- A Land Use Permit for a single-family dwelling has been issued and project beginning has commenced.
- Sanitary waste disposal shall be provided by one (1) of the following:
 - Permitted connection to an Ashland County approved on- site waste disposal system (if camping exceeds fourteen (14) days).
 - Self-contained holding tank with disposal at an approved sanitary dump station.*
 - A portable toilet with disposal at an approved sanitary dump station.*
 - Ashland County approved non-plumbing system (if camping exceeds fourteen (14) days).
- The camping activity shall cease upon the occupancy of the single-family dwelling on the property, or in two (2) years, whichever is lesser.
- Requires approval of the Madeline Sanitary District and Ashland County Zoning.

2. Long Term Camping Unit

A long-term camping unit shall be allowed subject to the following:

- a. A Camping Unit in use for more than thirty (30) days in a

calendar year ~~is considered an Incidental Dwelling and~~ shall require a Town Land Use Permit, an Ashland County Building Permit (where applicable), and an Ashland County Sanitary Permit. The Camping Unit can be considered a Principal Dwelling if there is not a Dwelling with a permanent foundation on the same lot. Wheels and tires shall remain in the in-transit position.

- b. No more than one (1) long-term camping unit shall be allowed on a lot.
- c. No porches, lean-tos, or additions shall be constructed onto or immediately adjacent to a camping unit. Canvas screens or awnings shall be allowed.
- d. A wooden deck may be provided adjacent to a camping unit subject to the following:
 - The deck shall not exceed two hundred fifty (250) square feet in area.
 - The deck may be enclosed by open railings but shall not have built-in benches or tables.
 - The deck shall not have a permanent foundation in the ground.
 - Appropriate permits have been issued.
- e. A camping unit and deck may only be skirted with lattice; however, solid skirting may be installed immediately adjacent to the tires.
- ~~f. Camping Units shall not be erected and/or used within the front, rear or side yard setbacks established for the Zoning District in which the property is located.~~
- ~~g. No accessory dwelling currently exists on the property.~~
- ~~f. * Requires approval of the Madeline Sanitary District and Ashland County Zoning.~~
- ~~g. A Long-term Camping Unit, if rented, shall require a Rental Permit.~~

4.4 SHORELAND REGULATIONS

A. Setback

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

1. All permanent structures shall be set back seventy-five (75) feet

from the ordinary high-water mark of navigable waters. Boathouses shall conform to the Ashland County Shoreland Amending Ordinance.

2. Private sewage disposal systems shall conform to the setback requirements of the Ashland County Private Sewage System Ordinance and the applicable rules, regulations and laws as set forth in the Wisconsin Statutes and the Wisconsin Administrative Code.
3. The Ashland County Zoning Administrator and/or the Ashland County Assistant Zoning Administrator shall determine the ordinary high-water mark where not established.

B. Removal of Shoreline Cover

The Shoreland Buffer Zones created in this Ordinance, which restrict the removal of shore cover, are intended to provide ecological benefits (e.g., minimize the impact on the water resource from adjacent, upland and landward activities; filter sediment and runoff, encourage the absorption of nutrients, stabilize shoreland, provide food and cover for wildlife, and improve aesthetics).

1. The Shoreland Buffer Zone, for parcels of land abutting navigable water or containing navigable water, which qualify as existing parcels as the Ashland County Shoreland Protection Ordinance, is thirty-five (35) feet deep.
2. The Shoreland Buffer Zone, for parcels of land abutting navigable water or containing navigable water, and do not qualify as existing parcels as the Ashland County Shoreland Protection Ordinance, is fifty (50) feet deep.
3. The cutting or removal of trees, shrubs, or other vegetation within a Shoreland Buffer Zone is prohibited, except as provided for in Section 4.4.B.4 of this Ordinance.
4. Within any one hundred (100) foot length of the Shoreland Buffer Zone, up to thirty (30) feet in length of the Shoreland Buffer Zone may be clear-cut to the depth of the buffer zone.
5. Natural shrubbery shall be preserved as far as practicable.
6. From the inland edge of the Shoreland Buffer Zone to the outer limits of the shoreland area, the cutting or removal of trees, shrubs, and other vegetation is allowed when accomplished using generally accepted

forestry management and soil conservation practices, which protect water quality.

7. Reference the Ashland County Shoreland Protection Ordinance.

C. Filling, grading and dredging

These activities may be permitted only in accordance with Wisconsin State Law and where protection against erosion, sedimentation, and impairment against fish and aquatic life has been assured. All required permits shall be obtained prior to construction. All shorelands within the corporate limits of Ashland County are subject to the Ashland County Shoreland Protection Ordinance that is incorporated into this Ordinance by reference. The enforcement of the Shoreland Protection Ordinance is the responsibility of the Ashland County Zoning Administrator and/or the Ashland County Assistant Zoning Administrator.

4.5 FLOODPLAIN REGULATIONS

All lands within the corporate limits of Ashland County are subject to the current Ashland County Floodplain Ordinance that is hereby incorporated into this Ordinance by reference. Enforcement of the Floodplain Ordinance and the provisions of the Flood Hazard Overlay District of the Town of La Pointe is the responsibility of the Ashland County Zoning Administrator and/or the Ashland County Assistant Zoning Administrator.

4.6 PRIVATE PONDS

Removal of material from a pond is exempt from permit and contract requirements under this section if all of the following apply:

1. The pond has an area of 5 acres or less.
2. The pond is not hydrologically connected to a natural navigable waterway except as a result of storm events.
3. The pond has no public access.
4. It is surrounded by land privately owned by the same person(s).

SECTION 5.0 SIGNS

5.1 OBJECTIVE

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

5.2 PURPOSE

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

5.3 GENERAL PROVISIONS

Except as otherwise specifically authorized, no sign may be located, erected, moved, reconstructed, extended, enlarged or structurally altered within the Town of LaPointe until a permit has been issued by the Zoning Administrator. No permit shall be issued for a sign not in conformity with the size, type, number, location and use regulations affecting each Zoning District.

5.4 SIGNS NOT REQUIRING A PERMIT

A. A permit shall not be required for Class A and Class B signs.

1. **Class A signs:**

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

2. **Class B signs:**

On premise ~~real estate signs, residential identification, warning and similar~~ signs not greater than six (6) square feet in area to include the following:

- a. “Open/Closed” (two (2) per business)
- b. “No Hunting”
- c. “No Trespassing”

- d. “No Dumping”
- e. Vacancy/No Vacancy” (one (1) per business)
- f. “Fire Number”
- g. “Welcome”
- h. Real Estate
- i. Residential Identification
- j. Construction signs that identify the architects, engineers, contractors, and other individuals or firms involved with the construction. The sign shall be removed upon completion of construction.
- k. On site produced agricultural crops and products
- l. Temporary on-premise signs advertising an event (e.g., yard sale) are allowed with the following conditions:
 - 1. Only two (2) such signs are allowed per event
 - 2. Such signs may be erected one (1) day prior to the event and shall be removed the day following the event.
 - 3. Only one (1) such event is allowed in thirty (30) day period.

B. Prohibited Characteristics of Signs

- 1. No sign shall resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals or devices.
- 2. No sign shall be so located as to interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at an access point or intersection.
- 3. No sign shall be erected, relocated, or maintained so as to prevent free ingress or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.
- 4. No sign shall contain any rotating or moving parts or be illuminated by flashing lights.
- 5. No sign shall exceed the maximum height limitation of the Zoning District in which it is located.
- 6. No sign shall be located on a lot to reduce the required side yard requirements of the Zoning District in which it is located. The sign may be in the lot’s front setback, provided that it doesn’t interfere

with the passage of vehicles, pedestrians, or visibility of traffic control signals.

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

~~8. No window signs~~ shall not exceed twenty-five percent (25%) of the total window area.

~~8.9. No permanent, off-premise directional sign shall be erected to advertise a business or commercial activity.~~

5.5 SIGNS REQUIRING PERMIT

A. A permit shall be required for Class C and Class D signs.

B. Class C Signs

On premise signs that advertise a business activity or service performed on the property. A business or service fronting two (2) or more streets, ~~is~~ (e.g., corner lot), may consider each street separately.

1. Type 1 Conditional Use or Professional Office:

Such signs shall not exceed six (6) 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.

2. Type 2 ~~Public, Charitable, Home Business or Public/Charitable /Home Occupation, or Religious Institutions:~~

Such signs ~~including bulletin boards~~ shall not exceed twelve (12) square feet in area, and no more than one (1) such sign for each street upon which the property faces shall be permitted. Such signs may be placed at the right-of-way of the street or highway.

3. Type 3 Business or Service in a Commercial Zone

Such signs shall not exceed forty (40) square feet in area when non-lighted, and if illuminated, shall not exceed twenty (20) square feet in area. Not more than one (1) freestanding sign per business, such sign may be attached to a building facade, ~~and no sign or~~ may project more than four (4) feet beyond a building when attached thereto, or be higher than the roofline. Freestanding signs (~~e.g., such as sandwich boards~~) shall not exceed eight (8) square feet in height and four (4) feet in height from the ground. Freestanding signs may be displayed only between the hours of 8:00 am to 8:00 pm. Feather flags shall not exceed thirty (30) square feet in area and no more than one (1) such sign per property. When more than one (1) business

establishment is in a single building or on one (1) lot, such signage shall comply with the following requirements: each business within the multiple business establishment shall be permitted one (1) sign, not to exceed twelve (12) square feet in area.

In addition, multiple business establishments shall be allowed one (1) collective sign, not to exceed forty (40) square feet ~~in area~~ when non-lighted, and if illuminated shall not exceed twenty (20) square feet in area.

4. Type 4: **Resort or Recreational Business**

Such signs shall not exceed twenty (20) square feet in area, and no more than one (1) ~~such~~ sign per property, except as governed through Ashland County Shoreland Protection Ordinance.

5. Type 5: **Business or Service in a Non-Commercial Zone.**

Such signs (e.g., feather flag, banner or guidon) shall not exceed ~~twenty~~~~hirty~~ (320) square feet in area and no more than one (1) such sign per property.

C. Class D Signs

Temporary off-premises Special Event signs that promote an event shall require authorization by the Town Board.

5.6 CLASSES AND TYPE OF SIGNS PERMITTED IN ZONING DISTRICTS

↓ DISTRICT ↓	CLASS AND TYPE OF SIGN							
	A	B	C-1	C-2	C-3	C-4	C-5	D
W-P	X	X	X					
W-1	X	X	X	X		X	X	X
W-2	X	X	X	X		X	X	X
R-1	X	X	X				X	X
R-2	X	X	X				X	X
R-3	X	X	X				X	X
R-4	X	X	X				X	X
S-1	X	X	X	X		X	X	X
S-2	X	X	X				X	X
C-1	X	X	X	X	X	X	X	X
MU-1	X	X	X	X		X	X	X
LI-1	X	X		X		X	X	X
LI-2	X	X		X		X	X	X
G-1	X	X	X	X				X
P-R	X	X	X			X		X
C-V	X	X	X	X				X
T-P	X	X	X			X		X
M-1	X	X	X					X

SECTION 5 MATRIX

12-4-25

<u>Class and Type of Sign</u>	<u>Zoning District</u>
Class A Signs:	All
Class B Signs:	All
Class C Signs:	<p>Type 1: W-1, W-2, S-1, S-2, C-1, R-1, R-2, R-3, G-1, P-R, C-V, T-P, M-1, MU-1</p> <p>Type 2: W-1, W-2, S-1, C-1, C-V, G-1, LI-1, LI-2, MU-1</p> <p>Type 3: C-1,</p> <p>Type 4: W-1, W-2, S-1, C-1, T-P, P-R, LI-1, LI-2, MU-1</p> <p>Type 5: W-1, W-2, S-1, S-1, R-1, R-2, R-3, LI-1, LI-2, MU-1</p>
	Class D Signs: All, except W-P District

5.7 NON-CONFORMANCE

Signs lawfully existing before the date of enactment or amendment of this Ordinance may be continued although the use, size, or location does not conform to the provision of this Ordinance. Permits shall be obtained for all signs erected before such date, and such signs shall be deemed a non-conforming use or structure, and the provision of **Section 9 of this Ordinance** shall apply. However, permits shall be obtained, and Zoning District requirements met if the use, size, or location of the sign changes.

5.8 REMOVAL OF SIGNS

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

SECTION 6.0 REGULATION OF SPECIAL USES

6.1 GENERAL PROVISIONS FOR SPECIAL USES REQUIRING A CONDITIONAL USE PERMIT

A. Non-Metallic Mining

All mining operations are regulated by the Ashland County Non-Metallic Mining Reclamation Ordinance and are allowed as Conditional Uses in Zoning Districts specified in Section 3 of this Ordinance.

B. Junk/Salvage Yards

All Junk/Salvage Yards must conform with the standards, rules and regulations of the Wisconsin Administrative Code, and may be permitted in accordance with the following conditions: ~~the requirements herein specified.~~

1. Outdoor storage of more than five (5) and less than ten (10) unregistered motor vehicles requires a Land Use Permit that must be renewed every two (2) years.
2. Outdoor storage of more than nine (9) unregistered motor vehicles requires a Land Use Permit that must be renewed annually and must comply with Wisconsin State Statutes.
3. They shall be screened so that the junk/salvage materials are not visible from other properties in the vicinity, nor from a public right-of-way (e.g., road, street, highway or waterway).
4. They are a Permitted Use in Zoning Districts LI-1 and LI-2. Setbacks shall be as listed in Section 16.1 of this Ordinance.
5. They are a Conditional Use in Zoning Districts W-1 and W-2 and shall have a minimum front, side and rear setbacks of two hundred (200) feet.

C. Garbage and Refuse Disposal Sites

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

D. Planned Unit Residential Developments

1. Those consisting exclusively of single-household dwelling units and ~~p~~Planned ~~u~~Unit ~~r~~Residential ~~d~~Developments that include any multi-family dwelling units are permitted as a Conditional Use in those Zoning Districts specified in Section 3 of this Ordinance.

They 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. Reference Technical Memorandum #3: Subdivision Ordinance.

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 Zoning District in which the project is located. All other Zoning District requirements shall be complied with (e.g., 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 and shall not exceed the regulations for the Zoning District in which it is to be developed.
4. An application for a Conditional Use Permit shall be submitted in accordance with Section 7 of this Ordinance and Technical Memorandum #3 Subdivision Regulations.

E. Campgrounds

These developments may be permitted as Conditional Uses in the Zoning Districts specified in Section 3 of this Ordinance in accordance with the following provisions:

1. The minimum size shall be five (5) acres.
2. The maximum number of campsites shall be fifteen (15) per acre.
3. Minimum dimensions of a campsite shall be twenty-five (25) feet wide by forty (40) feet long.
4. No campsite shall be occupied for a period of more than thirty (30) consecutive days.
5. Each campsite shall be separated from other campsites by a space not less than fifteen (15) feet wide.
6. Two (2) parking spaces shall be provided per site.
7. There shall be a minimum yard setback of forty (40) feet at all lot lines.
8. It shall conform to the requirements of the

Wisconsin Administrative Code.

9. Unless adequately screened by existing vegetative cover it shall be screened by a temporary planting of fast-growing material, capable of reaching a height of fifteen (15) feet or more. The individual trees are to 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.

6.2 REGULATION OF SPECIAL USES REQUIRING A LAND USE PERMIT

A. Accessory Dwellings

1. A principal ~~single~~-household dwelling must exist on the site proposed for the location of the accessory dwelling or be constructed thereon in conjunction with the accessory dwelling. It shall not exceed fifteen hundred (1500) square feet or sixty-five percent (65%) of the square footage of the principal dwelling, whichever is less.
2. Only one (1) accessory dwelling shall be allowed per parcel.
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.

6.3 LIGHT INDUSTRIAL DISTRICT

A. Light Industrial District 1

Permitted Uses ~~that~~ are listed in Section 3.1~~55~~ of this Ordinance may be allowed in accordance with the following conditions:

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

2. All lease payments shall be made to the Town of La Pointe.
3. Each business shall provide adequate off-street parking for its customers, employees and if applicable, adequate off-street loading and unloading space.
4. Minimum dimensions of lots shall be fifty (50) feet wide by eighty-five (85) feet long. More than one (1) lot may be combined to form the entire area used by the lessee.
5. Only Permitted Uses are allowed in the LI-1 District. Conditional Uses are not allowed.
6. All lots and buildings shall comply with the Wisconsin Administrative Code.
7. Reference Section 16.1 of this Ordinance and the Airport Ordinance.

B. Light Industrial District 2 (LI-2)

Permitted Uses that are listed in Section 3.1~~66~~ of this Ordinance may be allowed in accordance with the following conditions:

1. Each business shall provide adequate off-street parking for its customers, employees and, if applicable, adequate off-street loading and unloading space.
2. Minimum lot area is one (1) acre. Minimum lot width requirement is one hundred fifty (150) ft.
3. Only Permitted Uses are allowed in the LI-2 District. Conditional Uses are not allowed.
4. All lots and buildings shall comply with the Wisconsin Administrative Code.
5. Reference Section 16.1 of this Ordinance and the Airport Ordinance.

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

A. HOME OCCUPATION: A Permitted Use or a Conditional Use in ~~all~~ Zoning Districts specified in Section 3 of this Ordinance that may be allowed in accordance with the following conditions:

1. All activities at the site must be conducted entirely within the principal dwelling or in one (1) accessory building not larger than fifty percent (50%) of the principal dwelling.
2. Business activities may be carried out by persons residing in the principal dwelling or by no more than two (2) other persons employed by the resident of the dwelling.
3. There shall be no retail or wholesale of projects or displays of products except for those products or services that are actually produced at the site.
4. Provide adequate off-street parking for employees and visitors. Reference Section 4.3 B.3 of this Ordinance.
5. There shall be no outdoor storage ~~or display~~ of products, materials, equipment or machinery associated with the Home Occupation with the except of 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 and/or trailer must be licensed, operable and routinely used during the activities of the enterprise.
- ~~5.6. Activities shall not include any machinery, tools, appliances, or equipment that make excessive noise, dust, odors, or exhaust. Reference Town of La Pointe Noise Ordinance.~~
- ~~6. No machinery, tools or appliances shall be used that cause excessive noise, dust, odors or exhaust.~~
- ~~7.~~
- ~~8.7.~~ Sanitary facilities shall be provided in accordance with County and State requirements.
- ~~9.8.~~ A Home Occupation requires a permit.

B. HOME BUSINESS:

A Permitted Use or a Conditional Use in ~~all~~ Zoning Districts specified in Section 3 of this Ordinance that may be allowed in accordance with the following conditions:

1. All activities at the site shall be conducted entirely within the principal dwelling or in one (1) accessory building.
2. Business activities may be carried out by persons residing in the principal dwelling or by no more than five (5) other persons employed by the resident of the dwelling. ~~in one (1) accessory building.~~
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. Provide adequate off-street parking for employees and visitors. Reference Sections 4.3 B.3.
5. Outdoor storage of products, materials, equipment and/or machinery is permitted if the storage areas are fenced, vegetative screening is provided, or provided with a landscape buffer of trees so the storage area is not visible from right-of-ways or neighboring properties.
6. Activities shall not include any machinery, tools, appliances, or equipment that make excessive noise, dust, odors or exhaust. Reference Town of La Pointe Noise Ordinance.
7. Licensed and operable vehicles and trailers related to the business activity may be parked or stored on site provided no more than one (1) such vehicle and trailer is visible from the right-of-way or neighboring property.
8. Sanitary facilities shall be provided in accordance with County and State requirements.
9. A Home Business requires a permit.

6.5 SEXUALLY-ORIENTED BUSINESS

A. Findings and Purpose

The Town Board finds that the unregulated location and operation of sexually- oriented businesses, as defined in Section 2 of this Ordinance, in the Town of La Pointe may have significant adverse impacts upon the areas surrounding them, including contributing to the deterioration of nearby residential neighborhoods and impairing the values of nearby residential housing; adversely influencing children frequenting nearby facilities (e.g., schools, churches, recreational facilities and parks, and the Town’s main shopping area); increasing the risk of illegal activities in the

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

The Town of La Pointe is an island community in Lake Superior, approximately two (2) miles from the City of Bayfield. The island's economy is heavily dependent upon summer tourism and summer property owning residents. Both tourists and residents enjoy the outdoors and engage in several healthy family-oriented recreational activities. Any sexually oriented business is likely to discourage tourist trade and recreational business, and adversely affect property values.

B. Zoning District Limitations

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

C. Distance limitations

No sexually-oriented businesses shall be operated or maintained:

1. Within two-hundred fifty (250) feet of the boundary of ~~the following any Residential Zoning~~ -Districts (R-1, R-2, R-3, R-4, W-1, W-2, S-1, S-2).
2. Within two-hundred fifty (250) feet of a church, public recreational facility or park, licensed daycare facility, public library, public or private school, or educational facility serving persons under 18 years of age.

D. Operating Standards

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

1. No employee shall solicit business outside the building in which the business is located.
2. No person, while on the premises, shall expose to public view his or her genitals, pubic area, anus, or anal cleft.
3. No person on the premises shall engage in sexual conduct, sadomasochistic abuse, or fondle his or her genitals.
4. There shall be no sexual activity that is prohibited by federal, state, or local law.

5. There shall be no sale or consumption of alcohol on any premises conducting a sexually-oriented business.
6. If any portion of this Ordinance is found to be unconstitutional for any reason, that portion of the Ordinance shall be severed from it and the remaining portions of the Ordinance will remain in full force and effect.

SECTION 7.0 CONDITIONAL USES

7.1 PURPOSE

- A. To divide the Town of La Pointe into ~~Zoning d~~Districts within which the use of land and buildings, and the bulk and location of buildings in relation to the land are mutually compatible and substantially uniform. ~~Generally, two categories of land uses are allowed in each zoning district: Permitted Uses and Conditional Uses. A Permitted Use is allowed as a matter of right in all locations in a district as allowed in Section 3 of this Zoning Ordinance and may require a permit. A Conditional Use is permitted in a District as allowed in Section 3 of this Zoning Ordinance and does require a permit. There are three (3) categories of Land Uses in each Zoning District: Allowed Use, Permitted Use and/or Conditional Use. An Allowed Use does not normally require a permit, a Permitted Use may require a permit and a Conditional Use does require a permit. These Uses for each District are listed in Sections 3.0 and 4.2 G. of this Ordinance.~~
- B. If an applicant for a Conditional Use Permit (CUP) meets or agrees to meet all of the requirements and conditions specified in the Town's ~~Zoning e~~Ordinance, the Town shall grant the CUP. Any condition imposed must be related to the purpose of ~~theis e~~Ordinance and be based on substantial evidence.
- C. A CUP shall remain in effect as long as the conditions upon which the permit was issued are followed. The Town Board may impose conditions (e.g., permits duration, transfer, renewal) or any other conditions specified in the Zoning Ordinance or by the Town Plan Commission.

7.2 Standards for approval: ~~STANDARDS FOR APPROVAL~~

When applying the standards of this Section the Town Plan Commission and Town Board shall bear in mind the statement of purpose for the Zoning District such that the proposed Conditional Use does not defeat the purposes and objective of the Zoning District. The Town Plan Commission and Town Board shall consider the overall effect of such grant of CUP on the health, general welfare, safety, and economic prosperity of the Town and the immediate area in which such use would be located, including the following, without limitation because of specific enumeration:

- a) Established character and quality of the area. The uses, values, and owner enjoyment of other property in the neighborhood for purposes already permitted shall in no foreseeable manner be substantially impaired or diminished by the establishment,

maintenance, or operation of the Conditional Use.

- b) Its physical appearance and compatibility with the use of adjacent land.
- c) Existing topography.
- d) Drainage conditions.
- e) Erosion
- f) Vegetative cover.
- g) The prevention and control of water pollution including sedimentation.
- h) Floodplain regulations governing the site.
- i) Traffic Movement: Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in public or private roads.
- j) The production of hazardous, harmful, noxious, offensive or nuisance effects resulting from the requested use.

7.3 Procedure

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

The requirements and conditions described in SECTION 7.2 of this Ordinance, must be reasonable and to the extent practical, measurable and may include conditions (e.g., permit duration, transfer or renewal). The applicant must demonstrate that the application and all requirements and conditions established by the Town related to the eConditional use are or shall be satisfied, both of which must be supported by substantial evidence. The Town Plan Commissions decision to recommend approval or denial of the CUP must be supported by substantial evidence.

1. Applications for a CUP shall be made on application forms approved by the Town Plan Commission.
2. The application fee, established by the Town Board in the Town Fee Schedule, shall be paid at the time the application is filed and shall not be refundable unless the application is withdrawn prior to consideration by the Town Plan Commission. Any expense incurred by the Town for publishing notices prior to the withdrawal of the application will be deducted from the refund. Applications originated by the Town shall be exempt from the

application fee.

3. Applications and supporting documents shall be submitted in twelve (12) copies to the Zoning Administrator, who shall receive the application and conduct a review and research of the application and documents. Within ten (10) days after the Zoning Administrator's receipt of the application, the Zoning Administrator shall deliver the application and related materials to the Town Plan Commission for its review and consideration at their next scheduled meeting. The Zoning Administrator shall make a preliminary inspection of the property to confirm the accuracy of the application and identify potential issues or considerations. The Town Plan Commission and/or Zoning Administrator may require the applicant to submit other pertinent data and information they deem necessary to properly evaluate the request. Such information may include, without limitation because of specific enumeration:

- a) A plan of the area showing contours, soil types, wetlands, ordinary high- water mark, groundwater conditions, bedrock, slope and vegetative cover.
- b) A survey prepared by the owner(s) or a registered land surveyor showing existing and proposed development, location of buildings, structures, parking areas, traffic access, driveways, walkways, piers, open spaces, ~~and~~ landscaping, and dimensional requirements.
- c) Sewage disposal facilities, water supply systems and arrangements of operations thereof.
- d) Specifications for areas of proposed filling, grading and lagooning.
- e) Building plans, including floor plans and exterior designs or elevations.
- f) Development schedule indicating the appropriate date when construction can be expected to begin and be completed, including initiation and completion dates of separate stages of a phased development.

4. The Town Plan Commission shall establish a date for a Public Hearing on the application to be held within thirty (30) days of receipt of the completed application and related documents. Publish Aa Class 2 notice in a local newspaper pursuant to under Wisconsin State Statutes Chapter 985. ~~Wisconsin Statutes shall be published in the Ashland Daily Press once per week for two (2) consecutive weeks with the last insertion occurring at least seven (7) days prior to the Public Hearing.~~ Notice of the Public Hearing shall be mailed by 1st class mail at least ten (10) days before the Public

Hearing to all owners of record of lots or parcels within three hundred (300) feet of the property, except as may be extended or expanded otherwise at the discretion of the Zoning Administrator and/or the Town Plan Commission. If the property is within one thousand (1,000) feet from Lake Superior, the Wisconsin Department of Natural Resources and the Ashland County Zoning Administrator shall be mailed a notice. Notice shall also be posted at the posting locations designated by the Town Board at least ten (10) days prior to the Public Hearing. A copy of the application and relevant documents shall be kept by the Zoning Administrator in the Zoning Office for public inspection.

5. The public hearing shall be a joint hearing of the quorum of Town Plan Commission and the Town Board with a quorum of Town Plan Commission Members in attendance.

6. All members of the Town Plan Commission and Town Board shall make every effort to personally inspect the proposed site before the Public Hearing on the matter.

7. Unless the applicant waives the right to timely action in writing, within thirty (30) days of the Public Hearing, the Town Plan Commission shall meet to consider the application and make a recommendation to approve or deny to the Town Board. Section 10.2(A.) (1-~~through~~ 3) shall apply to Members of the Commission when making a recommendation. The recommendation shall be in the form of a motion approved by a majority of the Town Plan Commission members. No Commissioner may vote on the application without having

attended the Public Hearing or having submitted a signed affidavit stating that they listened to the recording of the Public Hearing. If the recommendation is for approval, the motion shall include any terms or conditions recommended to be included in the CUP. These conditions may address the site plan, timetable of development, operation of the proposed use, surety requirements for performance of required activities, or other considerations relevant to applicable standards. The decision of the Town Plan Commission shall be recorded in the minutes and shall be specifically related to the standards of this chapter and/or of documents related to this chapter.

8. Within five (5) days after the Town Plan Commission decides to recommend approval or denial of a CUP, the Commission shall provide notice by personal delivery or by first class mail to the applicant, all owners of record of lots or parcels within three hundred (300) feet of the property and each objector of record and shall post the recommendation at the designated Town posting sites. The Zoning Administrator shall forward a copy of all records associated with the recommendation to the Town Board.

9. Within twenty-one (21) days of its receipt of notice that the Town Plan Commission has made a recommendation, the Town Board shall act on the recommendation of the Town Plan Commission. No Town Board Supervisor may vote on the application without having attended the public hearing or having submitted a signed affidavit stating that they listened to a recording of the Public Hearing. Section 10.2(A.) (1 ~~- through~~ 3) shall apply to Members of the Board when deciding a CUP. After review of the application, recommendation, and file, the Town Board will consider the recommendation under the standards established in this chapter and compliance with the provisions of this zoning ordinance and may approve, approve with modification, or deny the recommendation of the Town Plan Commission. The decision of the Town Board shall be recorded in the minutes and shall be specifically related to the standards of this chapter or of documents related to this chapter.

10. Within five (5) days of the decision by the Town Board, the Town Clerk shall provide notice by personal service or by first class mail to the applicant, objectors of record, and owners of lots or parcels within three hundred (300) feet of the decision and conditions included therein and shall post the decision at the designated Town posting sites. If the Town Board approves the issuance of a CUP, the Town Clerk shall draft a CUP which sets forth each of the conditions approved by the Town Board. The Permit is to be signed by the Town Chair and Town Clerk, with acknowledgement of the conditions placed on the property signed by the applicant. After thirty (30) days following the Town Board's decision to issueapprove a CUP, the Town Clerk shall approve the permit. The thirty (30) day period for issuance of the CUP may be shortened or waived at the Town Board's discretion. ~~All conditions set forth in the CUP shall be binding upon the property.~~

11. Where the Town Board has approved or conditionally approved an application for a CUP, such approval shall automatically become null and void

within twelve (12) months of the date of the issuance of the CUP unless the use is commenced, construction is underway, or the current owner possesses a valid Land Use Permit for each building and/or structure contemplated. Construction under such Land Use Permit(s) shall be commenced within six (6) months of issuance and shall be substantially complete upon permit expiration. If a timetable of developments is approved as a condition under paragraph 7 of this Section, only those uses, buildings, and/or structures contemplated within this twelve (12) month time shall be required. Upon timely application and for justifiable cause, the Town Plan Commission may grant a specific extension of this twelve (12) month period.

12. When a Conditional Use is discontinued for twelve (12) consecutive

months, the CUP shall be rendered void and any future use shall conform to this Ordinance. Upon timely application prior to the expiration of this twelve (12) month period and for good cause, the Town Plan Commission may grant a specific extension of this twelve (12) month period.

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

14. The decision of the Town Board to approve or deny a CUP is reviewable only by certiorari by the circuit court.

SECTION 8.0 ADMINISTRATION

8.1 ZONING ADMINISTRATOR

A. Designation

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

B. Duties

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

1. Land Use Permit Applications.
Receive and review ~~all~~such applications before forwarding them ~~Zoning/Land Use Permits and refer applications~~ to the Town Plan Commission for action thereon as defined in this Zoning Ordinance.
2. Land Use Applications for Conditional Use.
Receive and review such applications before and review such ~~forwarding them applications and forward them~~ to the Town Plan Commission for action thereon as defined in this Zoning Ordinance.
3. Land Use Applications for Special Exceptions.
Receive and review such applications ~~and~~before ~~forwarding~~ them to the Town Plan Commission for action thereon as defined in ~~this~~ise Zoning Ordinance.
4. Land Use Applications for Appeals ~~or~~and Variances.
Receive and review such applications ~~for appeals and~~before ~~forwarding~~ them to the Zoning Board of Appeals for action thereon as defined in ~~this Town of La Pointe Zoning~~ ise Town of La Pointe Zoning ~~e~~Ordinances.
5. Surveys. Certified Survey Maps and Plat Maps.
Receive and review such applications before forwarding them to the Town Plan Commission for action thereon as defined in this Zoning Ordinance and surveys as required to determine compliance or non-compliance with the terms of the Technical Memorandum #3 ~~Subdivision Ordinance and forward these applications to the Town Plan Commission for action thereon.~~

~~6. Presentation of Facts.~~

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

~~7.6. Application for Signs Sign Permit Application.~~

~~Receive, review, issue or deny such application in compliance with this Zoning Ordinance. Land Use Permit Applications for signs. Any sign to be erected in the Town of La Pointe shall require a permit unless specifically exempted.~~ No such sign shall be erected, altered, or the content changed, except directory, until a permit is issued by the Zoning Administrator.

~~8.7. Petitions for Zoning District Change and/or Amendment
Petition to Zoning Ordinance.~~

~~Receive and review such petitions before zoning district changes and forwarding them to the Town Plan Commission for action thereon as defined in this Town of La Pointe Zoning Ordinances.~~

8. Presentation of Facts.

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

C. Powers and Authority

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

1. Issuance of Permits.

The Zoning Administrator may issue Town of La Pointe permits only when there is compliance with the provisions of ~~this Ordinance and with other~~ the Town of La Pointe Ordinances.

2. Issuance of Orders.

With approval ~~of~~, or direction from, the Town Board ~~of La Pointe~~, issue Stop-Work, Cease-and-Desist ~~and/or Orders and Correction~~ Orders correction, in writing, of all conditions found to be in violation of the provisions of this Ordinance. Such Written Orders shall be served personally or by certified mail upon persons, firms, or corporations deemed by the Zoning Administrator to be violating the terms of this Ordinance. It shall be unlawful for any person to violate such Order lawfully issued by the Zoning Administrator, and any person violating such Order shall be guilty of a violation of this Ordinance.

3. Notwithstanding 8.1.C.2, the Zoning Administrator may order the removal of any sign erected in violation of Section 5. The Zoning Administrator shall give five (5) days notice in writing to the owner of such sign, or of the building, structure, or premises on which the sign is located, to remove the sign or to bring it into compliance. The Zoning Administrator may remove a sign immediately and without notice if, in their opinion, the condition or location of the sign is such as to present an immediate threat to the safety of the public. If the sign owner does not comply with the orders of the Zoning Administrator, the Zoning Administrator is authorized to have the sign removed and the removal charged to the owner of the sign.
4. **Revocation of Rental Permit**
With approval ~~of~~ or direction from the Town Board, revoke by Order a Rental Permit in violation of the Ordinance to Regulate Rental Properties.
5. **Court Action.**
With the approval ~~of,~~ or direction from; the Town Board, institute in the name of the Town of La Pointe any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, moving, altering, repair, conversion, maintenance or use of any building, structure or land, or to prevent any illegal act, business, or use in or about such premises.
6. **Revocation of Orders.**
Revoke by Order a Zoning/Land Use Permit issued under a mistake of fact or contrary to the law or the provisions of this Ordinance.
7. **Maintenance of Zoning Ordinance.**
Maintain an up-to-date copy of the Zoning Ordinance and amendments thereto and maintain the Zoning Map showing the current ~~z~~Zoning Districts~~classifications of all land~~.
8. **Maintenance and Custodian of Records.**
Keep an official record and file all applications for permits with accompanying plans and documents for that period required by law. The Zoning Administrator is the official responsible for requests for zoning public records and will follow the procedures in Wisconsin State Statute Chapter 19.
9. **Access.**
Access to any structure or premises for the purpose of performing his/her duties between 9:00 A.M. and 5:00 P.M. by the permission of the owner or upon issuance of a special inspection warrant.

8.2 TOWN SANITARY AGENT

A. Designation

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

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

B. Duties and Powers

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

8.3 LAND USE PERMITS

A. Permit Required

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

The Zoning Administrator shall not issue a permit for a structure or a use not in conformity with the requirements of this Ordinance.

The Town Plan Commission shall annually establish a schedule of fees and a collection procedure for all ~~zoning~~ permits required by this Ordinance and the Ordinance to Regulate Rental Properties. The schedule of fees shall be posted in the office of the Town Clerk after approval by the Town Board. A copy of the current fee schedule shall be kept on file in the offices of the Town Clerk and the Zoning Administrator.

B. Land Use Permit Application Requirements

Applications submitted for Land Use Permits to the Town of La Pointe shall be completed in their entirety in permanent ink, bearing signatures of all property owners on approved application forms. A Land Use Permit Application may require any of the following:

1. Approved Ashland County Sanitary Permit or approved Madeline Sanitary District Permit if on municipal sewer (if applicable).
- ~~1.~~ 2. Approved Ashland County Highway Permit (if applicable).

- ~~2.~~ 3. Approved Ashland County Building Permit (if applicable).
- ~~3.~~ 4. Elevations (~~for each side of structure~~~~(, if an addition~~ or alteration, the existing elevations shall be shown).
- ~~4.~~ 5. Plot Plan. Accurately show the location, size, and shape of the lot(s) involved. Identify all existing structures and improvements. Identify all lakes, ponds, streams or wetlands. Identify relationship to streets, roads, alleys and/or easements being active, platted or reserved, wells and sanitary systems, both on or abutting property. Identify directly adjacent landowners and property use.
- ~~5.~~ 6. Applications for ~~e~~Changes ~~in of land u~~Use shall identify changes in detail.
- ~~6.~~ 7. Floor plans showing exterior dimensions.
- ~~7.~~ 8. Fees.
- ~~8.~~ 9. The actual building site shall be staked out prior to the Zoning Administrator's inspection.

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

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

C. **Expiration and Extension**

1. Expiration: Land Use Permits for construction, alteration, or removal of structures shall expire twenty-four (24) months from

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

Substantial completion shall be defined as the stage when a construction project is deemed sufficiently completed to the point where the owner can use it for its intended purpose.; ~~This does not imply a certificate of occupancy has been issued. where applicable, as "foundation in" and, where applicable, "external walls up, windows in, roof on, doors installed."~~

2. Extension:

- a) A twelve (12) month extension may be granted by the Zoning Administrator upon payment as per fee schedule.
- b) Additional twelve (12) month extensions may be granted by the Zoning Administrator upon payment of a fee that is double the amount paid for the previous extension.

8.4 PERMIT PROCESS

- A. Application by owner accompanied by necessary fees.
- B. Screening by the Zoning Administrator or designated official.
- C. If sanitary system is included, an approved ~~s~~Sanitary ~~p~~Permit must accompany Land Use Permit application.
- D. Inspection by Zoning Administrator or designated official.
- E. Decision by Town Plan Commission if applicable.
- F. Issuance of permit within ten (10) days after approval of Town Plan Commission, where applicable.

8.5 ENFORCEMENT

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

8.6 WRITTEN ORDERS

- A. The Zoning Administrator and any other official designated by the Town Board shall have the power and authority to, on behalf of the Town, issue a Written Order to any person, requiring such person to do an act or to cease from doing an act so as to comply with this Ordinance.
- B. A person, upon receipt of such a lawful Written Order, shall comply with such Written Order as soon as is reasonably possible under the circumstances then existing. It shall be rebuttably presumed that such Written Order can be complied with immediately.
- C. A person, who upon receipt of such a lawful Written Order fails to comply with the same as soon as is reasonably possible under the circumstances then existing shall be guilty of violating this Section of this Ordinance. The violation of such a lawful Written Order in and of itself shall constitute a separate violation of this Ordinance and the violation is subject to the penalty set out in this Ordinance whether or not such person is convicted of any other violation of this Ordinance. In the event such a Written Order was mailed, such Order shall be arguably presumed to have been received by the person to whom it was addressed upon evidence being presented that the same was mailed by certified mail via the Postal Service.

8.7 VIOLATION

Any person found to have violated any provision of this Ordinance shall, upon conviction, be subject to a forfeiture of up to five hundred dollars (\$500) plus court costs plus any applicable fees and assessments. Each day a violation exists or continues shall constitute a separate offense. In addition to such forfeiture, a violator may also be required to reimburse the Town for the costs of prosecution, including reasonable attorney fees. A person who fails to pay any forfeitures, costs and assessments imposed by the Court, shall, upon being found in contempt of Court, be subject to imprisonment for not to exceed thirty (30) days.

8.8 NUISANCE

A violation of any provision of this Ordinance shall constitute a nuisance that the violator be required to abate. Injunctive relief may be ordered to terminate or prevent a violation of any provision of this Ordinance. There shall be an arguable presumption that any violation of this Ordinance causes irreparable harm to the public. A violator of any provision of this Ordinance may be required to pay for restitution performed by another party.

8.9 UNLAWFUL BUILDING OR STRUCTURE

Any building or structure hereafter erected, moved, reconstructed, removed, extended, enlarged or structurally altered in violation of any provision of this

Ordinance shall be deemed an unlawful structure and the Zoning Administrator or any other official designated by the Town Board may bring action to enjoin such violation, or cause such structure to be vacated or removed.

It shall be unlawful to hereafter erect, move, reconstruct, remove, extend, enlarge or structurally alter any building or structure in violation of any provision of this Ordinance, and any person violating any such provision shall be subject to the penalty set forth in this Ordinance.

Each and every day during which said violation continues shall be deemed a separate offense. In case any building or structure is or is proposed to be erected, constructed or reconstructed, or any land is proposed to be used in violation of any provision of this Ordinance, the Zoning Administrator, or any other official designated by the Town Board or any neighboring property owner who would be specially damaged by such violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or other appropriate action or proceedings to prevent or enjoin or abate or remove such unlawful erection, construction or reconstruction.

SECTION 9.0 NONCONFORMING USES AND STRUCTURES

9.1 NONCONFORMING USE

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

- A. The nonconforming use may not be changed, extended, or expanded.
- B. If such nonconforming use is discontinued for a period of twelve (12) months, any future use of the building and premises shall conform to this Ordinance.
- C. Buildings housing nonconforming uses are allowed routine maintenance and repairs.
- D. Once a nonconforming use has been changed or altered so as to comply with the provisions of this Ordinance, it shall not revert back to a nonconforming use.
- E. Uses that are nuisances shall not be permitted to continue as nonconforming uses.

9.2 NONCONFORMING STRUCTURE

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 dimensional requirements of the district in which it is located. Reference Section 16.1 of this Ordinance. A nonconforming structure can be moved, altered, or reconstructed subject to the following conditions:

- A. A nonconforming structure may be structurally altered within the limits of the existing building envelope.
- B. An addition to a nonconforming structure is allowed provided the addition complies with current requirements of this Ordinance, including dimensional requirements and setbacks. Reference ~~(Section~~SECTION 16.1 of this Ordinance). The addition shall not exceed fifty percent (50%) of the existing building footprint including overhangs, and other impervious surfaces. Total enclosed square footage of building and proposed additions shall not exceed ~~two-~~ thousand fifteen hundred (21,50000) square feet.
- C. Nonconforming structures are allowed routine maintenance and repairs.

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

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. Reference Wisconsin State Statutes 59.69 (10e) (b).

- E. Structures that are nuisances shall not be permitted to continue as nonconforming uses.
- F. Once a nonconforming structure has been changed or altered so as to comply with the provisions of this Ordinance, it shall not revert back to a nonconforming structure.

9.3 NONCONFORMING STRUCTURE TO SHORELINE SETBACK

This section is intended to apply to structures that are nonconforming as to shoreline setback. The lawful use of a building, structure, or property existing at the time this Ordinance or an amendment to this Ordinance takes effect, that is not in conformity with the provisions of this Ordinance, including the routine maintenance of such building or structure, may be continued subject to the following conditions:

- A. If such use is discontinued for twelve (12) consecutive months, any future use of the building, structure, or property shall conform to this Ordinance.
- B. The maintenance and repair of nonconforming boathouses that extend beyond the ordinary high-water mark of any navigable water shall comply with the requirements of the Wisconsin State Statutes.
- C. The continuance of the nonconforming use of a temporary structure may be prohibited.
- D. Uses that are nuisances shall not be permitted to continue as nonconforming uses.
- E. Nonconforming ~~principal~~ structures less than forty (40) feet from the ordinary high-water mark are permitted ordinary maintenance and repair. Such structures may be improved internally provided:
 - 1. Internal improvement is confined to the building envelope (~~i.e.~~, ~~n~~No new basements, additional stories, lateral expansion or

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

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

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

1. The addition does not exceed fifty percent (50%) of the existing footprint or ~~two thousand fifteen hundred~~ (20001500) square feet of total enclosed area, including the additions.
2. All expansion is no closer to the water than the landward façade of the existing ~~principal~~ structure (placement of standard or walkout basements under existing structures is prohibited).
3. Existing nonconforming accessory structures are removed from the property excluding legally erected boathouses and structures covered under the applicable Section of the Ashland County Shoreline Protection Ordinance.
4. The property owner implements a plan, approved by the County Land Conservationist, which restores the shoreland cover buffer zone.

SECTION 10.0 ZONING BOARD OF APPEALS

10.1 COMPOSITION

A Zoning Board of Appeals (hereafter referred to as ZBA) is hereby created. The ZBA shall be appointed and have such powers in accordance with the provisions under Wisconsin State Statutes Section 62.23 §(7)(e). The ZBA will meet to consider certain appeals and variances. The ZBA shall consist of five (5) members appointed by the Town Board (TB) Chair subject to confirmation of the TB and shall serve terms of three (3) years, except that of those first appointed, one (1) shall serve for one (1) year, two (2) for two (2) years, and two (2) for three (3) years. The Town Chair shall designate one of the members as chairperson.

~~Two~~

Two (2) alternates shall be selected by the TB to serve a three (3) year term non-concurrent to one another. Annually, the Town Chair shall designate one of the alternate members as first alternate and the other as second alternate. Terms of alternates shall be staggered and be designated as first alternate and second alternate. Alternates to the ZBA shall participate only if regular members are absent or recuse themselves from participation at a ZBA meeting. The members of the ZBA shall be given such compensation as to be fixed by the TB and shall be removable by the TB for cause upon written charges and after a Public Hearing. Vacancies shall be filled for the un-expired terms of members whose terms become vacant. In appointing members to the ZBA, the TB shall consider any history of past zoning violations involving property owned by a potential appointee. The ~~TB~~board will not appoint anyone to the ZBA who is a property owner with a pending zoning violation in the Town of La Pointe.

10.2 RULES AND PROCEDURES

A. Conflicts of Interest

1. Members of the ZBA shall avoid conflicts of interest. As used here, a conflict of interest shall include, but not necessarily be limited to, the following:
 - a. Reviewing, deliberating upon, or voting on a case concerning oneself or work on land owned by oneself.
 - b. Reviewing, deliberating upon, or voting on a case concerning a property located adjacent to or within three hundred (300) feet of one's property.
 - c. Reviewing, deliberating upon, or voting on a case involving a corporation, company, partnership, or any other entity in which the person is a part owner, or has any other relationship where the person may stand to have a financial gain or loss.
 - d. Reviewing, deliberating upon, or voting on a case, if such

action results in a pecuniary benefit to oneself.

- e. Reviewing, deliberating upon, or voting on a case concerning one's spouse, child, stepchild, grandchild, brother, sister, parent, grandparent, or member of one's household.
 - f. Reviewing, deliberating upon, or voting on a case where an employee or employer of the member is: an applicant or agent for an applicant, or has a direct interest in the outcome.
2. When a conflict of interest exists, the member shall do the following upon determining that a conflict exists:
- a. Declare that a conflict exists as soon as possible to the ZBA.
 - b. Cease to participate as a ZBA member at the ZBA meetings until the case giving rise to the conflict has been decided; and refrain from representing oneself as a ZBA member before the ZBA or its staff.
3. Ex Parte Contact.
- a. Members of the ZBA shall attempt to avoid ex parte contact between a ZBA member and a person who has a matter before the ZBA. As defined here, ex parte contact refers to communication that occurs outside of a noticed meeting. Members of the ZBA have a duty to not prejudge a case, and to base their decisions only on the material and facts presented at public meetings and hearings on the case.
 - b. Despite one's best efforts it is sometimes not possible to avoid ex parte contact. When that happens, the member should publicly report the content and context of the ex parte contact in full at the public hearing or meeting on the case prior to the ZBA making a decision on the issue.
4. ZBA's Office.

The office of the ZBA shall be located at the La Pointe Town Hall within the office of the Zoning Department. All records of the ZBA shall be available for public inspection during the Zoning Administrator's regular office hours.

B. Officers and Duties

1. Officers. The Town Board shall designate a Chairperson and the ZBA shall elect a Vice-Chairperson from among its members at the annual organization meeting. These officers shall hold office

until their successors are elected. The ZBA may, at any meeting or hearing, elect from among the membership the replacement for an officer, who dies or for whatever reason is unable to perform the duties of the office. The officer, so elected as a replacement, shall serve until the next organizational meeting of the ZBA.

2. Duties of Officers. The Chairperson, if present, otherwise the Vice Chairperson, shall preside over and direct the conduct of all meetings and hearings of the ZBA and may administer oaths and compel the attendance of witnesses. In the absence of both the Chairperson and Vice-

Chairperson, the members shall appoint a Chairperson. The Chairperson shall report on all pertinent matters that have not otherwise come to the attention of the ZBA. The Chairperson shall, subject to these rules and further instructions from the ZBA, direct the official business of the ZBA, supervise the work of the ZBA and request necessary help when required. The Chairperson or the presiding officer, subject to these rules, shall decide all points of procedure or order, unless otherwise directed by a majority of the members in attendance on motion duly made and approved. The ZBA may retain legal counsel.

C. Meetings

1. ~~Time;~~ How Called: Meetings and hearings of the ZBA shall be held, or may be cancelled, at the call of the Chairperson and at such other times as the ZBA may determine, provided that all ZBA members shall be notified by the Secretary at least five (5) business days prior to such meeting. All meetings shall be open to the public and in accordance with the Open Meeting Law, except that the ZBA may call a closed session on issues permissible under the Wisconsin Open Meeting law. Hearings shall be advertised as required by law and these rules.
2. Quorum. A quorum shall consist of ~~a majority of all members of the ZBA three (3 members)~~ members of the ZBA and no action may be taken except by a majority vote of such quorum. ~~except a lesser number may meet and adjourn any meeting duly called and noticed to a time certain.~~

D. Procedure for Hearings

1. Appearances. At the time of the hearing, the applicant or appellant may appear in his own behalf or be represented by his counsel or agent.
2. Witnesses. The Chairperson, or Acting Chairperson, may compel the attendance of witnesses and may require those wishing to

testify to state their names and their interests in the matter before the ZBA. Testimony shall be taken under oath.

3. Order of Hearings. Hearings on cases shall normally follow this order:
 - a. Hearing call to order by the Chairperson
 - b. Roll Call
 - c. Notice of Public Hearing (Read by Secretary or Zoning Administrator)
 - d. Posting (Statement of publication of notice and distribution)
 - e. Filing (Filing of application, date and information)
 - f. Summary of the nature of the case (including uncontroverted facts) by the Zoning Administrator
 - g. Content of Hearing. Hearings shall be conducted with the applicant presenting his or her case first, including any witnesses the applicant wishes to call. After the applicant presents his or her case, anyone else in favor of the applicant's request shall also be allowed to speak. Then all those opposed to the application shall be allowed to speak. The applicant has the burden of proof to show that he or she is entitled to a variance or other relief being sought. In more controversial, contested cases, in which parties appear with attorneys, opening and closing statements shall be allowed. If witnesses testify regarding the facts of the case to support or rebut the claim of the applicant, cross-examination may be allowed. Usually cross-examination of witnesses does not occur. All supporting evidence for or against each case shall be presented to the ZBA. The applicant or appellant shall be responsible for the presentation of all information supporting the case. The ZBA may take administrative notice of the ordinances of the County and laws of Wisconsin to dispute, on its own motion or motion of a party.
 - h. Closing of testimony (statement and time).
 - i. Deliberation: Restricted to the ZBA. No public or staff participation. ZBA shall find the appropriate facts and conclusions of the law upon which a decision can be made. The ZBA may consult with legal counsel.

- j. Decision: The ZBA shall make an appropriate motion, including findings of fact, conclusions of law, approvals or denials, and conditions or statement of hardship for variances.
 - k. Adjournments. A recess or adjournment of a hearing, made at a properly noticed hearing, to a time and place certain, is adequate notice to the members and public of a new hearing date.
 - l. Adjournment.
4. Preliminary Matters. Following the reading of a notice of appeal or application, the ZBA may hear arguments on the question of jurisdiction or timeliness of the application to the ZBA and request that briefs be filed on the point. The ZBA may proceed with the hearing and the taking of testimony in any event and reserve its determination on a jurisdictional question until after the testimony is closed and render a decision on the merits as if it had jurisdiction. Generally, some testimony or other factual information will need to be presented to determine whether the ZBA has jurisdiction.

The ZBA may make an immediate determination and close the hearing upon a finding that it lacks jurisdiction. If the ZBA determines by motion that it lacks jurisdiction, the Secretary shall record the decision as a vote to deny the request.

5. Parties Not to Interrupt. Orderly procedure requires that each side shall proceed without interruption by the other; that all arguments and factual presentations shall be addressed to the ZBA; and that there be no questioning or arguments between individuals, except as permitted by the ZBA.
6. Questions and Debate. During the hearing, ZBA members may ask questions and make appropriate comments pertinent to the case. However, no member shall debate or argue an issue with the applicant. The Chairperson and ZBA members may direct questions to the applicant or to any person speaking in order to bring out all relevant facts, circumstances and conditions affecting the case and may call for questions from members of the Zoning Department staff.
7. Additional Evidence. The ZBA may take a case under advisement for later consideration and determination, or may defer action, whenever it concludes that additional evidence is needed, or further study is required.

8. Postponement of Hearing. Cases may be postponed only by prior arrangement with the Chairperson.
9. Rules of Evidence. The ZBA shall not be bound by court rules of evidence, but it may exclude irrelevant, immaterial, incompetent, unduly argumentative or repetitious testimony or evidence.
10. Chairperson to Rule on Admissibility. The Chairperson shall rule on all questions relating to the admissibility of evidence, provided that he/she may be overruled by a majority of the ZBA present.
11. Interested Persons May Testify. Persons having an interest in the case may attend the hearing and may request an opportunity to testify provided they identify themselves. All testimony shall be under oath.
12. Record of Hearing. All proceedings at a hearing shall be tape recorded or recorded by the ZBA secretary. The ZBA secretary shall prepare minutes of each meeting and hearing, which shall include discussions, witnesses, appearances, roll calls, votes and all other matters constituting the substance of the proceedings, and which shall be submitted to the ZBA for review and approval and shall become part of the written record filed in the office of the ZBA and open to the public. Any party or member of the public may make a record of the proceeding by any means which does not disturb the hearing or others present. The ZBA Secretary shall record and maintain permanent minutes of the ZBA proceedings, showing the vote of each member upon every ~~question~~motion, or if absent or failing to vote, indicating that fact; shall keep records of its official actions; shall summarize accurately the testimony of those appearing before the Board and keep a verbatim recording of all hearings; shall record the names and addresses of all persons appearing before the ZBA in person, or by attorney; and shall, subject to the direction of the ZBA and Chairperson, conduct the correspondence of the ZBA and have posted , public notices of meetings or hearings as required by law and these rules of procedure; shall file said minutes and records in the office of the ZBA, which minutes and records shall be a public record.
13. Adjustments. When all appeals or applications cannot be disposed of in one day, the ZBA may adjourn to another day (does not have to be the next day) as a continuance of the hearing. Notice of such adjournment shall be given to the absent members of the ZBA.

14. Withdrawal of Appeal. An appellant or applicant may withdraw an appeal at any time prior to the decision, but a pending motion to grant or dismiss the appeal shall have precedence over withdrawal. Withdrawal of the appeal shall not entitle the appellant or applicant to remission of the filing fee.

E. Decision of the ZBA

1. All members of the ZBA shall make every effort to personally inspect the site before voting on the application.
2. Majority Vote Required. If a quorum is present, the ZBA may take any action by a majority vote of the members present.
3. Decisions to be Written. All decisions shall be in writing and contain the findings of facts and conclusions of law upon which the decision is based. Legal counsel may assist the ZBA in drafting the written decision.
4. Decisions to be Mailed. Within thirty (30) days after the close of the hearing to which a decision relates, written copies of such decision shall be mailed to the applicant and all interested parties and delivered to the Zoning Administrator, which shall constitute filing the decision in the office of the ZBA under Wisconsin State Statutes Sec. 62.23(7)(h). The approval or granting of appeals by the ZBA is deemed to constitute an order to the Zoning Administrator to issue a zoning permit. A denial of the application or appeal by the ZBA is deemed to be an order to deny the permit. Copies of written decisions authorizing variances in Shoreland/wetland/non-metallic mining or floodplain cases shall be mailed to the Wisconsin Department of Natural Resources and Ashland County Zoning. A member may also disqualify himself/herself from voting whenever the applicant or the applicant's agent has sought to influence the vote of the member on his/her case outside the public hearing. All decisions of the ZBA shall be made at a public meeting, by motion made, seconded and passed. If conditions are imposed in the granting of a variance, such conditions shall be included in the motion.
5. Decision to Relate to Specific Property. The decision of the ZBA shall be deemed as applying to the property rather than to the individual and is valid only for the specific premises in the case and is not transferable to other properties.
6. Informal Advice Not Binding. The ZBA need not respond to

informal requests for advice or moot questions. Any advice, opinion or information given by any ZBA member, or any other official or other employee of the Town of La Pointe or Ashland County shall not be binding on the ZBA.

7. Cases to be Determined Individually. No action of the ZBA shall set a binding precedent. Each case shall be decided upon its merits and upon the attendant particular facts and circumstances, provided the ZBA shall not act arbitrarily or capriciously.
8. Costs. Costs shall not be allowed against the ZBA unless it shall appear to the court that the ~~Board-ZBA~~ acted with gross negligence or in bad faith, or with malice, in making the decision brought up for review. The Town Board may establish reasonable fees for the filing of an appeal to the ZBA.

F. Re-filings and Re-hearings

1. Re-filing Rule. No matter that has been previously acted upon by the ZBA shall be considered upon a new application unless one or more of the following applies:
 - a. The case does not involve a request for an identical permit or does not allege the same misinterpretation or error.
 - b. The case does not contain the original request for specific variance.
 - c. Substantial change in the use of adjacent property has occurred since the previous case was heard.
 - d. The previous case was closed without a hearing because the applicant was not present at the time such case was scheduled for a hearing.
 - e. There is a claim that there should be a rehearing based upon newly discovered evidence. A rehearing will only be granted on this basis when all the following apply:
 - The evidence has come to the moving party's notice after the initial hearing.
 - The moving party's failure to discover the evidence earlier did not arise from lack of diligence in seeking to discover it.
 - The evidence is material and not cumulative.
 - The new evidence ~~w~~could probably change the result.

2. Re-openings and Re-hearings Limited. The ZBA, on its own motion, may not reopen any case upon which a previous hearing has been held, except in the following circumstances:
 - a. To correct a manifest error or when there is some ambiguity or missing element in the decision that makes it impossible for the Town Plan Commission or Zoning Department to apply the decision(s). In such a situation, the ZBA may reopen a case at its next scheduled meeting.
 - b. The ZBA, at the request of the Town Plan Commission, may also reopen a case without regard to time limits if an interpretation of a prior decision is necessary, or if interpretation, modification or enforcement of conditions of a ~~board-ZBA~~ decision is necessary. Nothing in Section F. should be interpreted as allowing a complete reopening of the case, nor require or presume that the ZBA should make any substantial change in their decision. There shall be a filing fee (reference fee schedule) assessed if the applicant is the party seeking a partial reopening under Section F. for purposes of deleting or substantially modifying a condition placed on a ZBA decision. There shall be no filing fee if the request for reopening is solely at the request of the Town Plan Commission. In any rehearing or reopening of a ZBA decision, the criteria for decision shall be the same legal criteria as for the original decision.
3. Closure of Case. A case will be considered as heard and closed at such time as the ZBA approves or rejects an application or appeal by motion. No request for reconsideration by the applicant shall be considered unless filed within thirty (30) days after the written decision of the ZBA is mailed to the applicant by the ZBA Secretary.
4. Procedures for Reconsideration. A simple majority vote shall be sufficient to reconsider a previous decision. If reconsideration is refused to an interested party who has requested reconsideration, the ZBA shall enter on the minutes the basis of the request, the reason why it was refused, and the vote of the ~~BoardZBA~~ members thereon. If reconsideration is approved, the case will be placed on the agenda for the next regular meeting/hearing and notice given as required for an original hearing upon payment of the re-hearing fee.

G. Staff.

The ZBA may utilize the assistance of the Town Hall staff and may delegate administrative tasks to such staff or to other county employees

as authorized by the Town Board.

H. By-laws

The ZBA may organize and adopt rules for its own governance in accordance with Wisconsin State Statutes and Ordinance requirements.

I. Public Hearing Location

Any Public Hearing which the ZBA 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.

J. Notification of Public Hearing

Notice of any Public Hearing, which the ZBA 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 ZBA at such hearing, and such notice shall be given in the following ways:

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

K. Notice of Hearing for Interested Parties

By mailing notice thereof to the parties in interest, said ~~publication-posting~~ and mailing to be made at least ten (10) days prior to the date of hearing (~~Class 2~~). The ZBA shall thereafter reach its decision within sixty (60) days from the filing of the completed application.

L. Certiorari

In the case of all appeals the ZBA shall call upon the Town Plan Commission for all information pertinent to the decision appealed from. Decisions of the ZBA shall be appealed to the circuit court by Certiorari review. Costs shall not be allowed against the ZBA, unless the ~~Board of~~ ZBA acts with malice or bad faith.

10.3 APPEALS

A. Application for Appeals

Any person aggrieved or any officer, department, board or commission of the Town affected by any decision of the Zoning Administrator or the Town Plan Commission under this Ordinance may appeal to the ZBA by filing a notice of appeal with the Zoning Administrator, Town Clerk, Administrative Assistant or Clerical Assistant specifying the grounds of appeal within thirty

(30) days after the decision or action complained of or the right to review will be lost. The thirty (30) day period will start to run on the day that the decision is mailed by first class mail to the applicant or permit holder. The applicant will be responsible for keeping the Town advised of a current mailing address. Mailing to the address where the property tax bills are sent for the property will be considered adequate.

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

The decision of the Town Plan Commission regarding special exceptions and the interpretation of ~~e~~C~~o~~n~~d~~i~~t~~i~~o~~n~~a~~l ~~u~~S~~e~~ ~~p~~P~~e~~r~~m~~i~~t~~s shall be appealable to the ZBA. Nothing in this Section is intended to replace the procedure in Section 7.2 of the ordinance whereby the Town Plan Commission makes a recommendation on a ~~e~~C~~o~~n~~d~~i~~t~~i~~o~~n~~a~~l ~~u~~S~~e~~ ~~p~~P~~e~~r~~m~~i~~t~~, but that the final decision is by the Town Board on a ~~e~~C~~o~~n~~d~~i~~t~~i~~o~~n~~a~~l ~~u~~S~~e~~ ~~p~~P~~e~~r~~m~~i~~t~~, and that the decision is reviewable only by Certiorari by the circuit court.

10.4 VARIANCES

A. Application for Variance

An application for a variance shall be filed in writing with the Zoning Administrator, Town Clerk, Administrative Assistant or Clerical Assistant. The application shall contain such information as the ZBA may, by rule, require.

If the property involved is within one thousand feet (1000) feet of the Lake, the Nnotice of hearing for a variance shall be sent to the Wisconsin Department of Natural Resources and the Ashland County Zoning Administrator. ~~if the property involved is within one thousand (1000) feet of the lake.~~ The Chairperson of the ZBA shall screen the application and, if supporting documentation is required, may request it from the proper custodian of the appropriate files.

B. Standards for Variances

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

There are two types of variances: ~~u~~S~~e~~ ~~v~~V~~a~~r~~i~~a~~n~~c~~e~~s and ~~a~~A~~r~~e~~a~~ ~~v~~V~~a~~r~~i~~a~~n~~c~~e~~s. A ~~u~~S~~e~~ ~~v~~V~~a~~r~~i~~a~~n~~c~~e~~ regulates the way in which land in a

~~z~~Zoning ~~District classification~~ is used. A ~~u~~Use ~~v~~Variance may not be granted unless the landowner can show that without the variance, they would have no reasonable use of their property.

An ~~a~~Area ~~v~~Variance involves an increment of relief ~~of~~ (no more than twenty-five percent (25%) from a physical dimension restriction ~~such~~(e.g., ~~as~~ setbacks, frontage, height, or density)~~regulations~~.

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

In determining whether the unnecessary hardship burden is met in individual cases, the ZBA should consider the facts of the case related to:

1. The purpose of the zoning restriction in question.
2. Its effect on the property.
3. The effect of the variance on the neighborhood.
4. The larger public interest.

Variances are meant to be a remedy where an ordinance imposes a unique and substantial burden. The ZBA 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.

C. Authorized Variances

Variances from the regulation of this Ordinance shall be granted by the ~~Zoning Board of Appeals~~ only in accordance with the standards established in **SECTION 10.4 B.**

SECTION 11.0 AMENDMENTS

11.1 INTENT

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

11.2 AUTHORITY AND LIMITATIONS

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

11.3 INITIATION

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

11.4 PETITION FOR AMENDMENT

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

11.5 PETITION FOR THE AMENDMENT OF ZONING DISTRICT BOUNDARIES

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

- A. Name, mailing and physical address, and telephone number of the affected real property owner.
- B. Legal description, parcel number, and fire number of the affected real property, and legal description of the area proposed to be rezoned if less than the affected real property.
- C. Existing zoning district.
- D. Proposed zoning district.
- E. Existing uses of the area to be rezoned.

- F.** Proposed uses of the area to be rezoned (with respect to any proposed use that requires new construction, substantial alteration of existing buildings or structures, or substantial movements of earth). Include a detailed narrative statement describing the proposed development activities, including the nature and purpose of the proposed development activities, the number, size and use of the buildings or other significant structures or features, the type of proposed construction, and required public improvements.
- G.** Compatibility of the proposed amendment with the Town's Comprehensive Plan.
- H.** Compatibility of the proposed zoning and use with the zoning and use of neighboring properties.
- I.** Survey plat or scaled site plan of the affected real property showing the boundaries of the affected real property, the boundary of the area to be rezoned, the location, type and use of existing and proposed buildings, structures and improvements on the affected real property, significant natural or manmade features such as highway, roads, and driveways, sewer, water drainage facilities, navigable waters, and wetlands.
- J.** Documentation of the applicant's ownership in the real property affected by the proposed amendment.
- K.** Any additional information requested by the Zoning Administrator, Town Plan Commission or Town Board.
- L.** The fee required by the Schedule of Fees for Zoning Permits.

11.6 PETITION FOR THE AMENDMENT OF THE ORDINANCE TEXT

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

- A. The text of the proposed amendment.
- B. A specific statement explaining why the petitioner desires the adoption of the proposed text amendment and how the proposed amendment will affect the petitioner's real property or use thereof.
- C. A detailed statement of the potential impact of the proposed text amendment on other property owners or users.
- D. Any additional information requested by the Zoning Administrator, Town Plan Commission, or Town Board.
- E. The fee required by the Schedule of Fees for Zoning Permits.

11.7 RESOLUTION FOR PROPOSED AMENDMENT

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

11.8 REVIEW AND APPROVAL

- A. After receipt of a complete petition for any amendment to this Ordinance, or after drafting any amendment proposed by resolution of the Town Plan Commission or Town Board, the Zoning Administrator shall promptly submit the petition and/or drafted amendment and related materials to the Town Plan Commission by written communication within ten (10) days. The Town Plan Commission shall place the matter on the agenda of their next regularly scheduled monthly meeting to schedule ~~Town Plan Commission to schedule~~ a Public Hearing. The sixty (60) day period referred to in Wisconsin State Statute Section 62.23(7)(d)(2), shall begin on the day following such submission of the petition or drafted amendment to the Town Plan Commission.
- B. Notice of any Public Hearing on any petition for amendment or any amendment proposed by resolution of the Town Plan Commission or Town Board shall be published as a Class 2 Notice pursuant to in a local newspaper pursuant Wisconsin State Statute Ch. 985. In addition, written notice of the Public Hearing shall be mailed to the address listed on the tax roll of the owners of all real property within three hundred (300) feet of the exterior boundaries of the real property affected by any proposed amendment of the zoning classification of any real property or any proposed amendment of the boundaries of any zoning district. Non-

receipt of such actual notice by any property owner shall not invalidate any action taken by the Town Plan Commission or Town Board. For good cause shown, the petitioner may request the Town Plan Commission postpone or adjourn the Public Hearing. The Town Plan Commission may, for good cause shown, postpone or adjourn the Public Hearing on its own motion. No further publication or mailing of notice shall be required if the notice of the date, time and location of the postponed or adjourned meeting is publicly announced at the place and approximate time of the scheduled Public Hearing.

- C. Upon completion of the Public Hearing and consideration of any proposed amendment to this Ordinance, the Town Plan Commission shall make a recommendation and report to the Town Board relating to the proposed amendment. Any substantial changes in the proposed amendment not covered by the published notice of the Public Hearing or not a subject of discussion at the Public Hearing shall require a new Public Hearing and recommendation and report by the Town Plan Commission.
- D. Upon receipt of the Town Plan Commission recommendation and report, the Town Board may:
 - 1. Adopt the amendment as proposed.
 - 2. Deny the proposed amendment.
 - 3. Refer the proposed amendment to the Town Plan Commission for further review, study and/or drafting in light of expressed concerns and/or requested changes.
 - 4. Adopt a proposed amendment with minor changes, or with substantial changes provided that such substantial changes were covered by the published notice of the Public Hearing and were subject of discussion at the Public Hearing.

11.9 PROTEST

- A. If one or more protests are filed with the Town Clerk at least twenty-four (24) hours prior to the scheduled date and time of the meeting of the Town Board, or if the day before the meeting is a holiday or weekend than said protest shall be filed by 5:00 p.m. of the last working day prior to the day at which adoption of a proposed amendment to this Ordinance is considered, and such protest(s) is (are) determined to be valid and sufficient, individually or on the aggregate, then such amendment shall not be adopted except by favorable vote of three-quarters ($\frac{3}{4}$) of the Members of the Town Board voting on the proposed amendment.

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

1. Whether the protester is protesting as an owner of the land proposed to be rezoned, as an owner of adjacent land, and/or as an owner of opposite land.
2. The tax parcel number(s) and fire number(s) (if applicable) of the protester's land that provided the basis for the protest.
3. Whether the protester is the sole owner of such land and, if not, the protester's percentage of ownership of such land.
4. Additionally, if the protester's ownership is not of record, the protester shall attach to the protest a copy of the deed or other instrument based on which the protester claims to be owner.

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

11.10 APPEAL

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

SECTION 12.0 PUBLIC HEARINGS

12.1 NOTICE

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

A. Posting and Publishing

1. Notice of Public Hearings shall be given as per Wisconsin State Statute Section §60.61(4)(c), 60.62 and 985.07(2).
2. When the hearing involves a proposed change in the zoning district classification of any property, the granting of a Conditional Use, or sSpecial eException, a copy of the notice shall be posted at the posting locations designated by the Town Board at least seven (7) days prior to the pPublic Hearing and shall be mailed by first class mail to the owners of all lands within three hundred (300) feet of any part of the land included in such proposal. The failure of such notice to reach any property owner shall not invalidate any ordinance amendment, granting of a Conditional Use Permit, or Special Exception.

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

SECTION 13.0 TOWN PLAN COMMISSION

13.1 ESTABLISHMENT

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

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

13.2 COMPLIANCE

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

13.3 MEMBERSHIP

The Town Plan Commission shall consist of five (5) ~~residents-members of the Town~~ appointed by the Town Board. Four (4) such members shall be residents of the Town of La Pointe and one (1) member may be a non-resident that currently owns improved property on Madeline Island. 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 Wisconsin State Statute Section §19.01 within ten (10) days of receiving notice of their appointments. Vacancies shall be filled for the un-expired term in the same manner as appointments for the full term.

13.4 ORGANIZATION

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

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

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

Quorum shall be three (3) members, and all actions shall require the concurring vote of at least a majority of the voting members.

13.5 POWERS

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

- A. Hear and decide applications for Land Use Permits, ~~and Special Exceptions, Rental of Single-Family Dwelling Permits.~~
- B. Hear and make recommendations to the Town Board regarding Conditional Use Permits, Certified Survey Maps and Subdivision Plats.
- C. Interpret this Ordinance and all other ordinances under the jurisdiction of this Commission. Interpret all prior applications or permits issued for a particular parcel of land, including Conditional Use Permits.
- D. Approve, deny, or conditionally approve applications and may request such modifications as they may deem necessary to carry out the purposes of this Ordinance.
- E. The Town Plan Commission may request assistance from other municipal officers, departments, boards, commissions, county, state and regional authorities.
- F. Request applicant to furnish additional information.
- G. Prepare and make recommendations to the Town Board regarding any changes or amendments to the Zoning Ordinance including Official Zoning Map.
- H. Consider and report to the Town Board on the following:
 - 1. The location and architectural design of any public building.
 - 2. The location of any statue or other memorial.
 - 3. The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land or lease of land for any street, alley or other public way, park, playground, airport, area for parking vehicles, or other memorial or public grounds.
 - 4. The location, extension, abandonment or authorization for any public utility whether publicly or privately owned.
 - 5. All plats of lands in the Town or within the territory over which the Town is given platting jurisdiction by Wisconsin State Statute Chapter 236.
 - 6. The location, character and extent or acquisition, leasing, or sale of lands for public or semipublic housing, slum clearance, relief of

congestion, or vacation camps for children.

7. The amendment or repeal of any ordinance adopted pursuant to ~~this~~ Wisconsin State Statute Section 62.23 ~~Wis. Stats.~~

13.6 LAND USE APPLICATIONS

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

13.7 HEARINGS

The Town Plan Commission shall schedule, by publishing a Class 2 Notice in a local newspaper pursuant to Wisconsin State Statutes Ch. 985, a reasonable time and place for the hearing and cause notice to be mailed by 1st class mail to the parties of interest at least seven (7) days prior to the hearing. An affidavit of mailing consisting of all the parties of interest receiving notices shall be filed. The applicant may appear in person, by agent, or by attorney. In cases where shorelands are involved, a copy of the notice shall be sent to the Wisconsin Department of Natural Resources and the Ashland County Zoning Administrator. Reference Section 12.0 of this Ordinance.

13.8 FINDINGS

The Town Plan Commission shall not approve an application unless it finds by evidence which is clear, satisfactory and convincing, that the facts, circumstances and conditions of the application exist. The Town Plan Commission shall act on all completed applications within sixty (60) days after filing or as otherwise specified in this Ordinance.

13.9 APPEALS

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

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.

SECTION 15.0 COMPLAINTS

15.1 LAND USE PERMITS

Any person who reasonably believes that a person or entity owning, using or occupying real property in the Town is, by act or omission, violating a Land Use Permit, or lacks a required permit, may file a written complaint with the Zoning Administrator. Such written complaint shall set forth the name, address and telephone number of the complainant, the name and address of the property being complained about and a detailed statement on the grounds and basis for such a complaint. Such complaint shall be signed by the complainant. Complaint forms will be available in the Zoning Administrator's office. The Zoning Administrator shall receive and evaluate all written complaints received at such office.

A) Within thirty (30) days of receipt of the complaint, the Zoning Administrator shall conduct a preliminary evaluation of complaints and may do any of the following:

- 1) Forward the matter to another agency.
- 2) Forward to the Town Plan Commission for ordinance interpretation.
- 3) Attempt to reconcile the matter between the complainant and the property owner, user, or occupier, if it is a minor dispute.
- 4) Close the matter if it does not present sufficient information of cause to proceed.

~~5) B) If the complaint presents significant information to support an allegation of possible violation of this Ordinance, after completion of an investigation and within sixty (60) days of receipt of the complaint, the Zoning Administrator may do any of the following: Investigate any complaint that presents significant information to support an allegation of possible violation of this Ordinance and upon completion of an investigation, the Zoning Administrator may do any of the following:~~

1. Dismiss the complaint for lack of sufficient cause to proceed.
2. Divert the matter to another agency.
3. With the approval of the Town Board:
 - a. Issue a Stop-Work, Cease-and-Desist Order or Order of Correction
 - b. Issue one or more citations for apparent violations or, with the assistance of the

Town's attorney, cause such violation to be prosecuted.

- c. Pursue such court action (e.g., seeking an injunction, restraining order or restitution) as is appropriate. ~~including, but not limited to, seeking injunction, restraining order or restitution.~~

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

15.2 CONDITIONAL USE PERMITS

Any person who reasonably believes that a person or entity owning, using, or occupying real property in the Town is, by act or omission, violating a ~~e~~Conditional ~~u~~Use ~~p~~Permit (CUP) may file a written complaint with the Town Zoning Administrator. If the Zoning Administrator is the complainant, the complaint shall be filed with the Town Plan Commission. Such written complaint shall set forth the name, address, and telephone number of the complainant, the name and address of the property being complained about, and a detailed statement on the grounds and basis for such a complaint. Such complaint shall be signed by the complainant. Complaint forms will be available in the Town Zoning Administrator's office. The Zoning Administrator and the Town Plan Commission shall receive and evaluate all written complaints in accordance with the following procedure:

- 1) During an open meeting of the Town Plan Commission within thirty (30) days of receipt of the complaint the Town Plan Commission may close the matter if the complaint does not present enough information of cause to proceed, is warrantless or frivolous. The Town Plan Commission shall state the reason(s) to close the complaint.
- 2) If the complaint presents enough information of cause to proceed, the Town Plan Commission shall schedule a Public Hearing within thirty (30) days of receipt of the complaint. ~~A~~Publish a Class 2 ~~N~~Notice in a local newspaper pursuant to Wisconsin State Statute Chapter 985 ~~shall be published in the Ashland Daily Press once per week for two (2) consecutive weeks with the last insertion occurring at least seven (7) days prior~~

~~to the public hearing.~~ Notice of the public hearing shall be mailed by first class mail at least ten (10) days before the public hearing to all owners of record of lots or parcels within three hundred (300) feet of the property, except as may be extended or expanded otherwise at the discretion of the Zoning Administrator and/or the Town Plan Commission. If the property is within one thousand (1000) feet from Lake Superior or navigable waterway, the WI Department of Natural Resources and Ashland County Zoning Administrator shall also be mailed a notice. Notice shall also be posted at the posting locations designated by the Town Board at least ten (10) days prior to the public hearing.

- 3) The public hearing shall ~~be a~~ require a quorum of the Town Plan Commission Members ~~in attendance~~present.
- 4) All Members of the Town Plan Commission and Town Board shall make every effort to personally inspect the property before the public hearing on the matter.
- 5) The Town Plan Commission shall meet to consider the complaint and make a recommendation to the Town Board. The recommendation shall be in the form of a motion approved by a majority of the voting Town Plan Commission Members. No Commissioner may vote without either attending the public hearing or having submitted a signed affidavit stating they listened to the recording of the public hearing. The recommendation may be to dismiss the complaint or may be to amend, suspend, or revoke the ~~conditional use permit~~ CUP after consideration of the same criteria used to grant a CUP ~~conditional use permit~~ in Section 7.1.C. The Town Plan Commission may also consider the subject matter of the complaint against the holder of the conditional use permit and whether the holder of the ~~CUP conditional use permit~~ has complied with the conditions of the CUP ~~conditional use permit~~ and applicable zoning and other regulations in the past.
- 6) Within five (5) days of the recommendation the Town Plan Commission shall provide notice of their recommendation by personal delivery or by first class mail to the complainant and owner(s) of the property governed by the ~~CUP conditional use permit~~.
- 7) Within twenty-one (21) days of its receipt of notice that the Town Plan Commission has made a recommendation, the

Town Board shall act on the recommendation of the Town Plan Commission. No Town Board Supervisor may vote on the complaint without either attending the public hearing or having submitted a signed affidavit stating that they have listened to a recording of the public hearing. After review of the recommendation and file the Town Board may accept, accept with modification, or deny the recommendation of the Town Plan Commission after consideration of the same criteria used in deciding to grant a ~~Conditional Use Permit~~ in Section 7.1.C. The Town Board may also consider the subject matter of the complaint against the holder of the ~~Conditional Use Permit~~ and whether the holder of the ~~Conditional Use Permit~~ has complied with the conditions of the ~~Conditional Use Permit~~ and applicable zoning and other regulations in the past.

- 8) Within five (5) days of the decision by the Town Board, the Town Clerk shall provide notice of their decision by personal service or by first class mail to the complainant and owner(s) of the property governed by the ~~CUPconditional use permit~~. Notice is complete upon mailing to the property owner's address where property tax bills are sent. The decision shall also be posted at designated posting sites. If the Town Board decides to amend the ~~CUPconditional use permit~~ the Town Clerk shall draft the amended ~~CUPconditional use permit~~ which sets forth each of the conditions approved by the Town Board. The permit is to be signed by the Town Chair and Town Clerk, with acknowledgement of the conditions placed on the property signed by the property owner(s).
- 9) The decision of the Town Board is reviewable only by certiorari by the circuit court.

SECTION 16.0 APPENDICES

16.1 DIMENSIONAL REQUIREMENTS

ZONING SCHEDULES – DIMENSIONAL REQUIREMENTS

12-10-22

SECTION 16.0 APPENDICES								
16.1 DIMENSIONAL REQUIREMENTS								
ZONING DISTRICT ↓	BUILDING HEIGHT	REQUIRED LOT SIZE	MINIMUM LOT WIDTH		YARD REQUIREMENTS ^D (SETBACKS)			
			Frontage Road	Lake FRONTAGE	Frontage Road	Navigable Water	Side	Rear
W-1	35 ft.	20 Acres	660 ft.	N/A	75 ft.	N/A	75 ft.	75 ft.
W-2	35 ft.	5 Acres	300 ft.	N/A	60 ft.	N/A	50 ft.	50 ft.
R-1	35 ft.	1 Acre	150 ft.	150 ft.	40 ft.	75 ft.	30 ft.	30 ft.
R-2	35 ft.	9600 sq ft.	80 ft.	150 ft.	30 ft.	75 ft.	10 ft.	25 ft.
R-3	35 ft.	9600 sq ft.	80 ft.	N/A	20 ft.	75 ft.	6 ft.	25 ft.
R-4	35 ft.	5000 sq ft.	50 ft.	N/A	20 ft.	75 ft.	6 ft.	20 ft.
S-1	35 ft.	3 Acres	200' 250 ft.	20' N/A	60 ft.	75 ft.	50 ft.	40 ft.
S-2	35 ft.	30,000 sq ft.	N/A	200 ft.	N/A	75 ft.	50 ft.	20' 10 ft.
C-1	35 ft.	9600 sq ft.	50' 80 ft.	150 ft.	5 ft.	75 ft.	10 ft.	10 ft.
M-1								
LI-1	35 ft.	85 ft. x 50 ft.	50 ft.	N/A	5 ft.*	N/A	10 ft.*	10 ft.*
LI-2	35 ft.	1 Acre	150 ft.	150 ft.	40 ft.	75 ft.	30 ft.	30 ft.
G-1	35 ft.	9600 sq ft.	50' 80 ft.	150 ft.	5 ft.	75 ft.	10 ft.	10 ft.
P-R	35 ft.	20 Acres	660 ft.	N/A	75 ft.	N/A	75 ft.	75 ft.
C-V	35 ft.	20 Acres	660 ft.	N/A	75 ft.	N/A	75 ft.	75 ft.
T-P	35 ft.							
M-1	35 ft.	9600 sq ft.	50' 80 ft.	150 ft.	5 ft.	75 ft.	10 ft.	10 ft.

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

* As required by governing Governmental Agency

Note: All setbacks are measured from the road-right-of-way of~~ft~~ from the adjacent property lines.

16.2 BUILDING HEIGHT To protect and preserve wildlife habitat and natural scenic beauty, the height of all structures are subject to the following standards:

Structure height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and it's intersect with the ground (Point A in the following diagram) to a line horizontal to the highest point of a structure (Point B in the following diagram), unless specified under other sections of this Ordinance

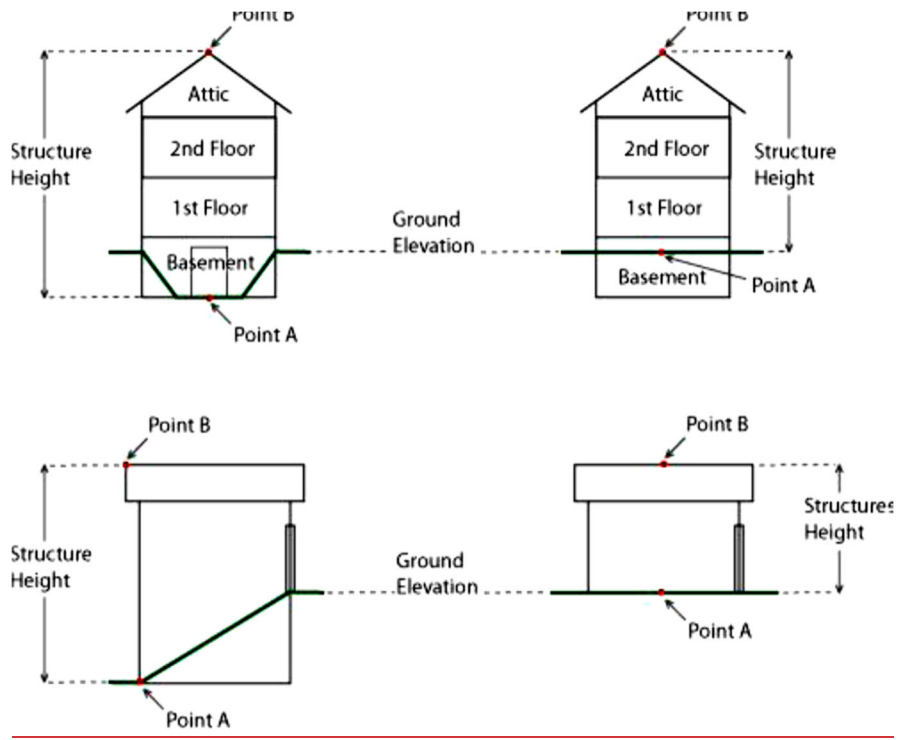
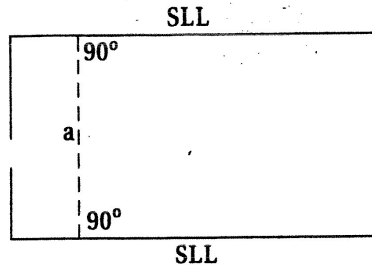


Table 2

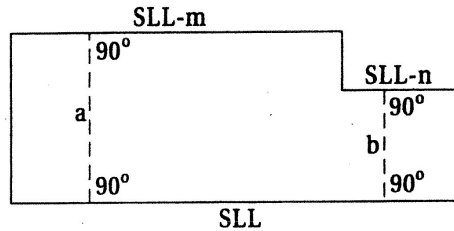
Average Lot Width. The following illustrations and formulas are provided to explain the methods of average lot width determination.

(a) Parallel Lot Lines



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

(b) Parallel Side Lot Lines, Alternate.

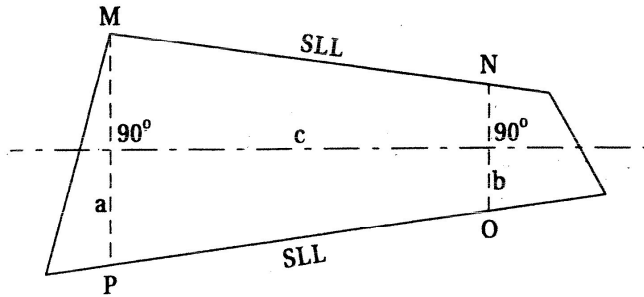


Average Lot Width is

$$a \times \frac{m}{m+n} + b \times \frac{n}{m+n}$$

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

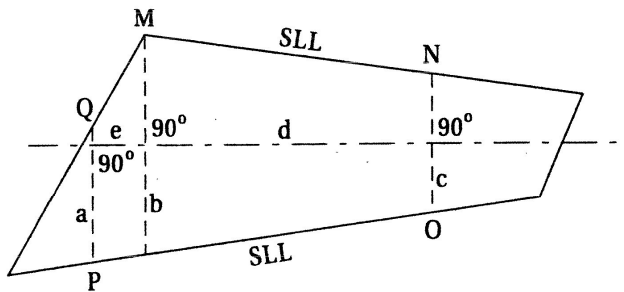
(c) Nonparallel Lot Lines



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

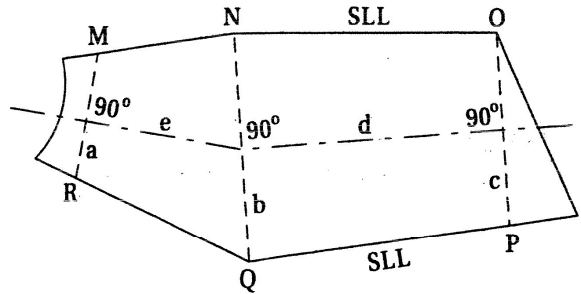
Area of MNOP equals Minimum Lot Area, and line c bisects angle formed by lines MN and OP extended.

(d) Nonparallel Lot Lines, Alternate 1.



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

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



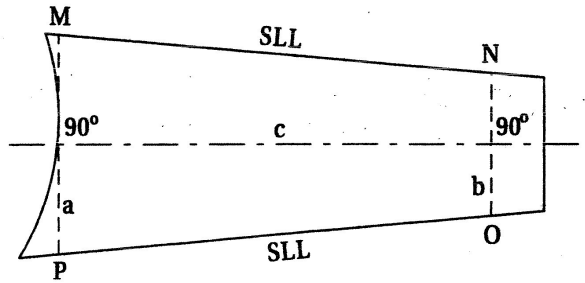
Average Lot
Width is

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

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

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

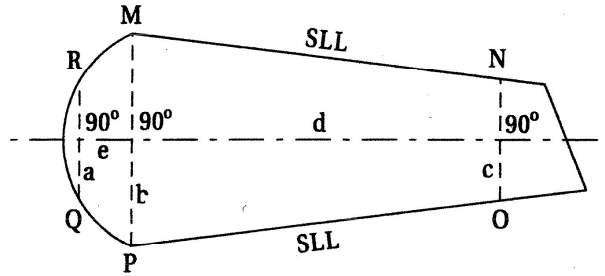
(e) *Nonparallel Lot Lines, Alternate 2.*



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

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

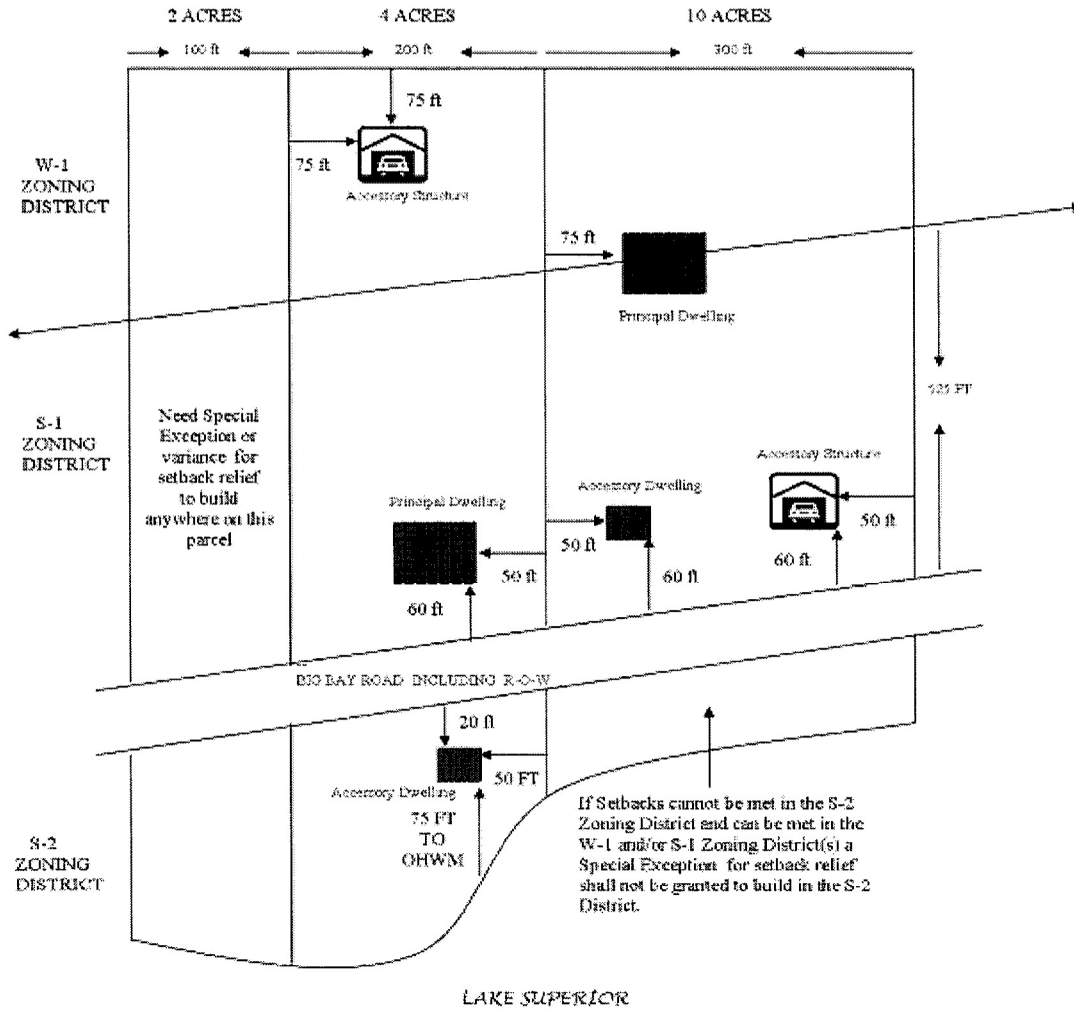
(f) *Nonparallel Lot Lines, Alternate 3.*



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

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

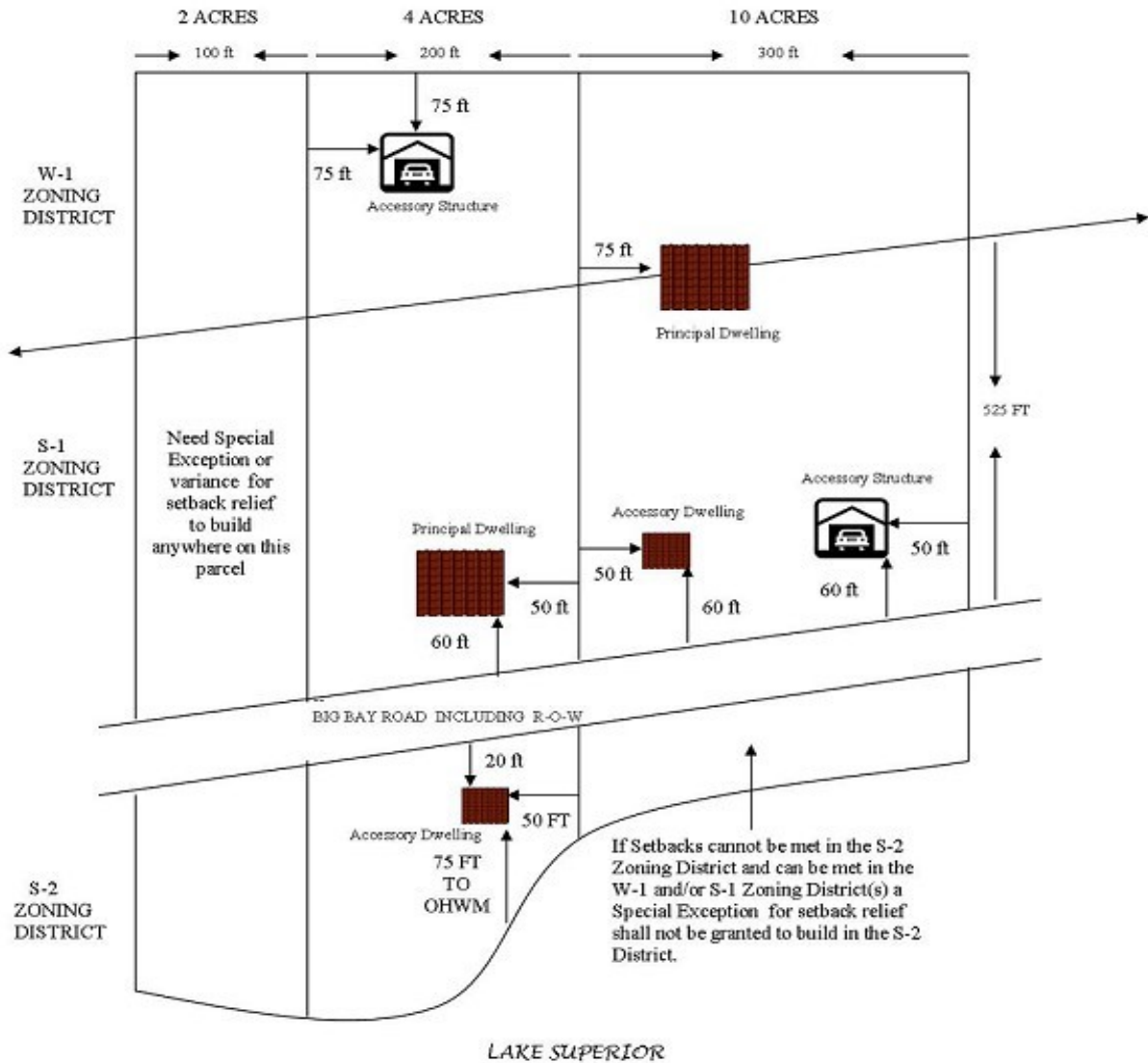
16.45 LOTS IN MULTIPLE ZONING DISTRICTS



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

TABLE 4. 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

16.5 ZONING DISTRICT USE MATRIX

	W-P	W-1	W-2	R-1	R-2	R-3	AR-1	S-1	S-2	CA	MA	SO	LI-I	L-2	G-1	P-R	C-V	T-P	M-1
Agricultural Crops & Products	C	P	P	P												P	P	P	
Aircraft/Airplane Hangar																			
Airport								P/C					P						
Apartment					X	P	P			P	C								
Automotive Sales Establishment										P	X		P	P					
Automotive Service & Supply Facility										P	P		P	P					
Bank										P									
Bed & Breakfast			C	C						C									
Boarding House			C	C						C									
Building, Municipal			C	C						P			P	P	P			C	
Campground			C																
Cemetery			C	C	X	X	X	C											
Condominium					X					P	C								
Condominium, Expandable					X														
Contracting/Building Storage & Service																			
Dormitory			C	C															
Dwelling, Accessory		P	P	P	P	P		P	P	P									
Dwelling, Incidental		P	P	P	P	P		P	P	P									
Dwelling, Multi-Household				P	P	P				P	P								
Dwelling, Single-Household		P	P	P	P	P		P	P	P									

P = Permitted C = Conditional Use * = See Section 3.8

R-4

	W-P	W-1	W-2	R-1	R-2	R-3	AV	S-1	S-2	C-1	MU- IX	LI- SO	LI- I	LI- 2	G-1	P-F	C-V	T-P	M-1
PRIVATE																			
Educational Facility, Commercial		C	C	C						P						C		C	
Educational Facility, Public										P	C				P				
Entertainment Facility, Commercial										P									
Fish Hatchery	C	C	C					C											
Forest Crops & Products		P	P	P				P				P	P			P	P	P	
Fuel Storage Facility		C	C									P	P						
Fuel Storage & Retail Facility										C									C
Game Preserve	C	C	C					C								C	C	C	
Greenhouse, Commercial		C	C	C				C		P		P	P						
Health Care Facility						C	C			P					P				
Heavy Equipment/Machinery Storage & Service												P	P						
Home Business		C	P	C	C	C		C		P	P								
Home Occupation		P	P	P	P	P		P	C	P	P								
Hotel, Motel, Resort										C									
Junk/Salvage Yard		C	C																
Land Disturbing Activity	P	P	P	P	P	P		P	P	P		P	P	P	P	P	P	P	P
Laundry Facility										P									
Light Industry										C			P	P					
Livestock Production & Products		P	P					C											

P = Permitted C = Conditional Use

R-t

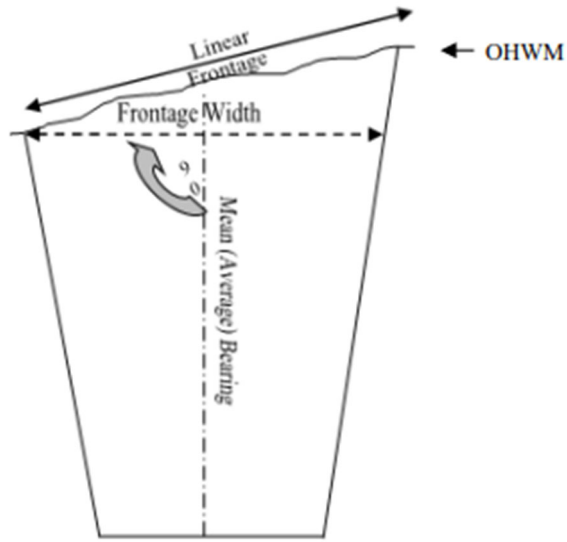
	W-P	N-I	W-2	R-1	R-2	R-3	AR	S-1	S-2	C-1	MA	SO	L-I-1	L-I-2	G-1	P-R	C-V	T-P	M-1
Marina										C									P
Market, Open Air										P									
Materials Recovery Facility															P				
Mining, Non-Metallic		C	C																
Museum										P				P					
Office, Professional		C	C	C						P			P						P
Park / Campground, Municipal								C										C	
Parking Lot					C					P	C		P	P	P	C	C	C	P
Planned Unit Residential Development		C	C	C	C	C		C							C				
Public Lake Access																			P
Public Service Utility	C	C	C	C	C	C		C	C	C			P	P	P	C	C	C	
Public Utility	C	C	C	C	C	C		C	C	C			P	P	P	C	C	C	
Recreation Facility						C				C	C					C		C	
Recreation Trail																P	P	P	
Religious Facility										P	P								
Restaurant										P									
Retail Trade Facility										P	P								P
Road Access	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P	P
Road / Driveway Extension	C	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P

P = Permitted C = Conditional Use * = See Section 3.8

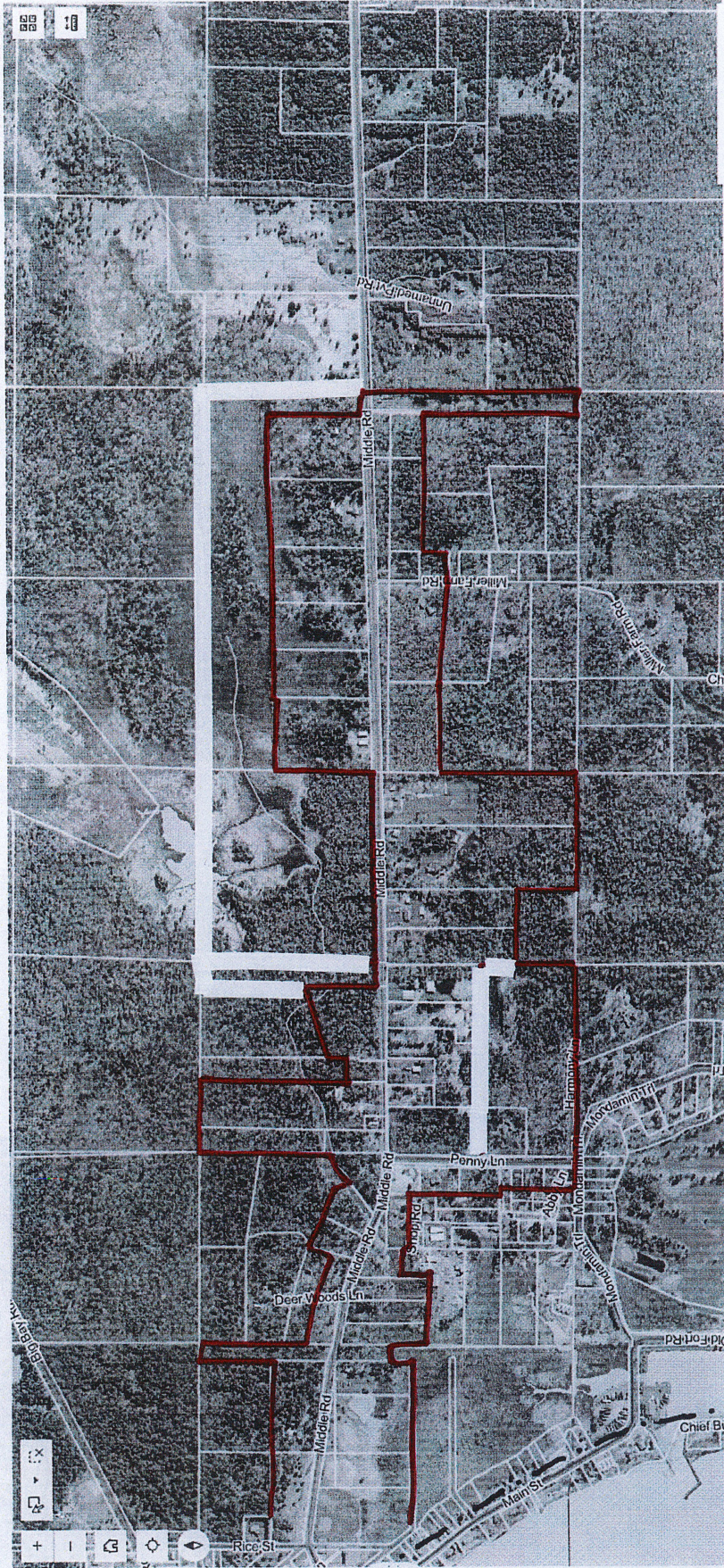
	R-4																		
	W-P	W-1	W-2	R-1	R-2	R-3	AM	S-1	S-2	C-1	MA	LI-1	LI-2	G-1	P-R	C-V	T-P	M-1	
Rooming House			C	C		C				C									
Sewage Disposal Facility		C	C							C									
Sexually-Oriented Business																			
Structure, Accessory	P	P	P	P	P	P	P	P	P	P		P	P	P	P	C	P	P	
Tavern										P									
Tourist Room		P	P	P		P				P									
Transportation Facility										P		P	P	P					C
Veterinary Care Facility		C	C							C	C								
Warehouse/Storage Facility			C							C	C	P	P						C
Wastewater Treatment Plant													P	P					
Wind Generator, Telecommunication and Radio Tower, Solar Collector over thirty-five (35) feet high		C	C	C					C						C	C	C	C	

P = Permitted C = Conditional Use * = See Section 3.8

16.6 FRONTAGE WIDTH – SHORELINE LOTS



The frontage width shall be measured perpendicular to the mean (average) bearing of the side lot lines. This measurement shall start at the point where the side lot line intersects the Ordinary High Water Mark (OHWM) and then measured on the perpendicular mean (average) to intersect the opposing lot line.



Town of La Pointe - Zoning Ordinance

Proposed Mixed Use

**EXCLUDES ALL MADELINE
ISLAND WILDERNESS PASSIVE
PROPERTIES**

**DRAFT
MAY 20, 2026**