

**ORDINANCE 2024 -03 TO AMEND CHAPTER 340 OF THE TOWN OF PORT
WASHINGTON MUNICIPAL CODE, KNOWN AS THE ZONING AND
SUBDIVISION CODE, TO MODIFY REGULATIONS FOR OUTSIDE STORAGE OF
JUNKED EQUIPMENT, NONRESIDENTIAL BUILDING AND SITE PLAN REVIEW,
BUILDING PERMITS, OCCUPANCY PERMITS, AND FEES**

WHEREAS, the Town of Port Washington has enacted a Zoning and Subdivision Code, which is codified as Chapter 340 of the Town of Port Washington Municipal Code and known as the Zoning and Subdivision Code; and

WHEREAS, the Town Board of Supervisors of the Town of Port Washington, with assistance from the Town Plan Commission, periodically reviews Chapter 340 to ensure that the requirements are fair and equitable to allow Town property owners adequate use of property while protecting the health, safety and welfare of the general public; and

WHEREAS, after careful consideration at regular and publicly posted meetings, the Plan Commission discussed changes to the regulations for outside storage of junked equipment, nonresidential building and site plan review, building permits, occupancy permits and fees in the Town; and

WHEREAS, at the publicly posted meeting of June 12, 2024, the Plan Commission recommended approval to the Town Board to amend Chapter 340 to modify the regulations for outside storage of junked equipment, nonresidential building and site plan review, building permits, occupancy permits, and fees; and

WHEREAS, after due public notice, the Town Board held a public hearing on July 1, 2024, soliciting public comment regarding the Plan Commission recommendation; and

WHEREAS, the Town Board of the Town of Port Washington having carefully reviewed the recommendation of the Plan Commission, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration and considered the effect of the proposed ordinance amendment on the health, safety and welfare of the community, has determined that the zoning amendment will not violate the spirit or intent of the Zoning and Subdivision Code for the Town of Port Washington, will not be contrary to the public health, safety or general welfare of the Town of Port Washington, will not be hazardous, harmful, noxious, offensive or a nuisance by reason of noise, dust, smoke, odor or other similar factors and is consistent with the recommendations found in the Comprehensive Plan 2035 for the Town of Port Washington.

NOW THEREFORE, the Board of Supervisors of the Town of Port Washington, do hereby ordain as follows:

SECTION I. Section 340-11C. of the Zoning and Subdivision Code of the Town of Port Washington is hereby amended to read as follows:

§340-11. Use restrictions; similar use interpretations; outside storage.

C. Outside storage of junked equipment is prohibited in accordance with §250-7 of the Code of the Town of Port Washington.

SECTION II. Section 340-145 of the Zoning and Subdivision Code of the Town of Port Washington Municipal Code is hereby amended to read as follows:

§ 340-145. Nonresidential building and site plans.

- A. Required. In any commercial, industrial, park and recreation, or institutional zoning district, no site may be developed or altered, and no building or structure may be erected, expanded, altered on the exterior or relocated until a building and site plan has been approved by the Plan Commission.
- B. Application. Application for approval of a building and site plan shall be made to the Town Clerk on forms furnished by the Town and shall include the following where applicable:
 - (1) Name(s) and address(es) of the applicant, owner of the site, architect, professional engineer, or contractor.
 - (2) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 - (3) Two plats of survey prepared by a registered land surveyor or, if approved by the Town Building Inspector, a sketch at a scale of no less than one inch equals 40 feet showing the location, boundaries, dimensions, elevations, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; and existing and proposed street, side and rear yards and also 10 copies of a plat or sketch 11 inches by 17 inches for Plan Commission review. In addition, the Building Inspector or the Plan Commission may require that the plat of survey show the location, elevation and use of any abutting lands and their structures within 150 feet of the subject premises; the mean and high water line; the type, slope, degree of erosion and boundaries of soil as shown on the operational soil survey maps prepared by the United States Soil Conservation Service; wetlands; and county zoning districts.
 - (4) Proposed sewage disposal plan, if municipal sewerage services is not available. This shall include a copy of the permit issued by the Ozaukee County Environmental Health Department for the installation of an on-site soil absorption sanitary sewage disposal system, or other appropriate means of waste disposal.
 - (5) Proposed water supply plan, if municipal water service is not available. This plan shall be in accordance with Ch. NR 812, Wis. Adm. Code.
 - (6) Detailed plans and specifications.
 - (7) Additional information as may be required by the Town Plan Commission, Town Engineer, and Building, Health or Plumbing Inspector.
- C. Review and approval. The Plan Commission shall review the application for the building and site plan for its completeness and conformance with this chapter. The building and site plan shall be granted or denied in writing by the Plan Commission within 60 days of

the first consideration. The approval shall be good for one year and may be extended upon application and personal appearance, with the plans for completion, before the Town Plan Commission.

SECTION III. Section 340-146 of the Zoning and Subdivision Code of the Town of Port Washington Municipal Code is hereby amended to read as follows:

§ 340-146. Building permits.

- A. Permit required. In all zoning districts no building shall be erected or structurally altered, relocated, or used, unless excepted by §340-10, until a building permit has been issued by the Building Inspector certifying that such building would follow the provisions of this Ordinance and with the Building Code of the Town of Port Washington.
- B. Application. Application for a building permit shall be made in duplicate to the Building Inspector. Application will be made on forms furnished by the Town.
- C. Review and approval. The Building Inspector shall review the application for the building permit for its completeness and conformance with this chapter. The building permit shall be granted or denied in writing by the Building Inspector within 60 days. The permit shall be good for one year and may be extended upon application and personal appearance, with the plans for completion, before the Town Plan Commission. No building permit shall be issued until:
 - a. A county zoning permit has been issued, where applicable, by the county zoning administrator, certifying that such activity complies with the provisions of the Ozaukee County Shoreland and Floodplain Zoning Ordinance.
 - b. A permit has been issued by the county for the installation of an on-site soil absorption sanitary sewage disposal system, or other appropriate means of waste disposal.
 - c. A conditional use permit, where applicable, has been issued by the Town.
 - d. A site plan for any nonresidential use has been approved by the Town in accordance with §340-145.

SECTION IV. Section 340-148 of the Zoning and Subdivision Code of the Town of Port Washington Municipal Code is hereby amended to read as follows:

§ 340-148. Occupancy permit.

- A. Occupancy permit required.
 - (1) Residential occupancy permits. No new building and no existing building which has been remodeled, relocated, structurally altered, enlarged, or converted for residential dwelling purpose, unless excepted by §340-10, shall be occupied or used until an occupancy permit has been issued by the Building Inspector. Such a permit shall certify that prior to occupancy the premises or building or part thereof was in compliance with this chapter and all applicable conditions, regulations, and laws.
 - (2) Nonresidential occupancy permits. No new building, no existing building which has been remodeled, relocated, structurally altered, enlarged, or converted for nonresidential use, or has had a change in use, unless excepted by §340-10, shall

be occupied or used until an occupancy permit has been issued by the Building Inspector. Such a permit shall certify that prior to occupancy the premises or building or part thereof was in compliance with this chapter and all applicable conditions, regulations, and laws.

- B. Application. An occupancy permit shall be applied for from the Building Inspector at the time of substantial completion and prior to occupancy of any land and/or building.
- C. Review. Where the proposed use involves human occupancy and connections are not made to municipal water and sewer systems, satisfactory evidence of a safe and adequate water supply and sewage disposal service is to be provided.
- D. Approval. Within 10 days after the notification of the completion, the Building Inspector shall make an inspection of the premises and if the building and intended use thereof and the proposed use of the premises comply with this chapter shall issue an occupancy permit.
- E. Expiration. If within 12 months of the date of application an occupancy permit has not been issued, any building permit related to the building shall lapse and the Building Inspector shall make immediate investigation to ascertain that no use or occupancy has in fact commenced without proper authority. Upon showing of valid cause, the Building Inspector may grant an extension of such permit not to exceed six months.
- F. Temporary occupancy permit. Pending the issuance of a regular permit, a temporary permit for nonresidential use may be issued for a period not exceeding six months during the completion of alterations or during partial occupancy of a building pending its permanent occupation. Such temporary permit shall not be issued except under such restrictions and provisions as will adequately ensure the safety of the occupants. A temporary permit shall be voided if the building fails to such a degree as to render it unsafe for the occupancy proposed.

SECTION V. Section 340-150 of the Zoning and Subdivision Code of the Town of Port Washington Municipal Code is hereby amended to read as follows:

§340-150. Fees.

All persons, firms or corporations performing work which by this chapter requires the review of plans, appearance at a public hearing, or issuance of a permit shall pay all fees and charges as required by Chapter 183 of the Town Code of the Town of Port Washington. No permits shall be granted or issued until all fees and charges required under Chapter 183 have been paid.

SECTION VI. Severability. The several sections and portions of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION VII. This ordinance shall take effect immediately upon passage and publication or posting as provided by law.

ADOPTED THIS 1st day of July, 2024.

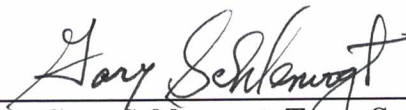
BY THE TOWN BOARD OF SUPERVISORS

TOWN OF PORT WASHINGTON

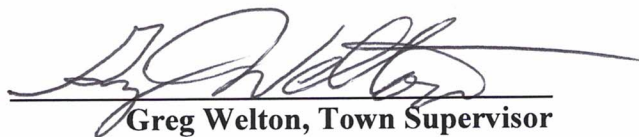
OZAUKEE COUNTY, WI



Michael Didier, Town Chair

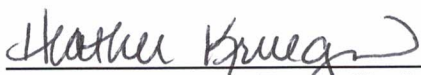


Gary Schlenvogt, Town Supervisor



Greg Welton, Town Supervisor

Attest:



Heather Krueger, Town Clerk