

TOWN OF PORT WASHINGTON

ORDINANCE NO. 2019 - 1

**ORDINANCE TO AMEND CHAPTER 340 ZONING AND
SUBDIVISION CODE**

The Town Board of the Town of Port Washington, Ozaukee County, Wisconsin, does hereby ordain as follows:

Section I: Section 340-96 Existing nonconforming uses, is hereby amended to read:

The lawful nonconforming use of a building, premises, structure, fixture, land, or water existing at the time of the adoption of or amendment of this chapter may be continued although the use does not conform to the provisions of this chapter; however:

- A. If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the building, premises, structure, or fixtures shall conform to the provisions of this chapter.
- B. Substitutions of other nonconforming uses for existing nonconforming uses may be permitted, provided that no structural alterations are to be made and the Town Plan Commission has made a review and determines that the new use would result in no greater degree of nonconformity. The nonconforming use may not thereafter be changed without application.
- C. Subject to the provisions of Article IV, conditional use status may be granted to existing legal nonconforming uses upon petition of the owner and where such use is determined to be not adverse to the public health, safety or welfare, would not conflict with the spirit or intent of this chapter or would not be otherwise detrimental to the community and particularly the surrounding neighborhood. The conditional use may not thereafter be changed without application. If this conditional use is terminated for any reason, the property shall not revert back to legal nonconforming status but the use shall terminate.
- D. A current file of all nonconforming uses shall be maintained by the Building Inspector listing the following: owner's name and address; and use of the structure, land, or water.

Section II: Section 340-97 Abolishment or replacement is hereby repealed.

Section III: Section 340-98 Existing nonconforming structures is hereby amended to read:

- A. A lawful nonconforming structure existing at the time of the adoption or amendment of this chapter may be continued although its size or location does not conform to the lot width, lot area, yard, height, parking and loading, and access provisions of this chapter.
- B. Except for residential structures in the A-1 District, lawful nonconforming structures in all other zoning districts may only be extended, enlarged, reconstructed, moved, or

structurally altered if the extension, enlargement, reconstruction, moving, or alteration is required to comply with applicable state or federal requirements or so as to comply with the provisions of this chapter, or will not cause the structure to be in greater nonconformity with this chapter.

- C. A nonconforming structure which is damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation on or after March 2, 2006 may be restored in accordance with the provisions of §60.61(5m), Wis. Stats.

ADOPTED THIS 4th day of February, 2019

BY THE TOWN BOARD OF SUPERVISORS
TOWN OF PORT WASHINGTON
OZAUKEE COUNTY, WI

James P. Melichar
James Melichar, Town Chair

Michael Didier
Michael Didier, Town Supervisor

Gary Schlenvogt
Gary Schlenvogt, Town Supervisor

Attest:

Heather Krueger
Heather Krueger, Town Clerk