

§ 340-35. Application for permit.

Applications for conditional use permits shall be made in duplicate to the Town Clerk on forms furnished by the Town and shall include the following:

- A. Names and addresses of the applicant(s), owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.
- B. Description of the subject site by lot, block, and record subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- C. A plat of survey prepared by a registered land surveyor or a location sketch drawn to a scale of no less than one inch equals 40 feet. This drawing has to show 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 yard. **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. This sketch may also have to show the mean and historic high-water lines on or within 40 feet of the subject premises; 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; county zoning districts; and existing or proposed landscaping. **[Amended 6-4-2007 by Ord. No. 2007-1-B]**
- D. The Town Plan Commission or the Town Building Inspector may require additional information.

§ 340-36. Review and approval. [Amended 6-4-2007 by Ord. No. 2007-1-B]

The Town Plan Commission reviewing a proposed conditional use under this article shall give consideration to the character and suitability of the use for the proposed location. If these conditions are not hazardous, harmful, offensive, or otherwise adverse to the environment or property values within the Town of Port Washington, a conditional use permit may be granted.

- A. A notification of each conditional use permit granted in the A-1 Agricultural District shall be transmitted to the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP).
- B. Upon approval of a conditional use request, the Town will issue within 20 days a conditional use permit.
- C. The Town Building Inspector shall cause the recording of all conditional use permits with the Town Clerk.
- D. Appeal. See Article XV.

- E. Compliance review. All conditional use permits shall be reviewed every two years at a time determined by the Town in order to ensure compliance with the terms and conditions in the permit, unless an alternative review frequency is stated within the permit. **[Added 5-11-2011 by Ord. No. 2011-031]**

§ 340-37. Public and semipublic uses.

The following public and semipublic uses shall be conditional uses and may be permitted as specified:

- A. Airports, airstrips, and landing fields in the M-1 Industrial District and A-1 Exclusive Agricultural District, provided that the site is not less than 20 acres in area. Airstrips and landing fields shall be governmentally owned and operated or used for farm-related operations.
- B. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums in any district.
- C. Utilities in all districts provided that all principal structures and uses are not less than 50 feet from any residential district lot line.
- D. Public passenger transportation terminals such as heliports and bus and rail depots, but excluding airports, airstrips, and landing fields, in the B-1 Business District and in the M-1 Industrial District provided that all principal structures and uses are not less than 100 feet from any residential district boundary.
- E. Public, parochial, and private elementary and secondary schools and churches in the R-2 Residential District and the B-1 Business District provided that all principal structures and uses are not less than 50 feet from any lot line.
- F. Colleges; universities; hospitals; sanitariums; religious, charitable, penal, and correctional institutions; cemeteries; and crematories in the R-2 Residential District and the B-1 Business District provided that all principal structures and uses are not less than 50 feet from any lot line.
- G. A berm with any portion thereof five feet and above located between the minimum required building setback and the property line or that obstructs natural flow of drainage. A berm located within the Shoreland Protection Jurisdiction of Ozaukee County may be regulated by additional standards and permits by Ozaukee County. **[Added 12-7-2009 by Ord. No. 2009-07]**

§ 340-38. Agricultural uses.

The following agricultural and agricultural-related uses shall be conditional uses and may be permitted as specified:

- A. Housing for farm laborers and for seasonal and migratory farm workers in the A-1 and A-2 Agricultural Districts.

- B. An additional single-family or two-family residential dwellings for a child, sibling, or parent of the principal farm resident in the A-1 Agricultural District. The need for more than one single-family dwelling to support and carry on the permitted principal use or conditional use must be established to the satisfaction of the Town Plan Commission before the issuance of a conditional use permit. If approved, the second farm dwelling shall be placed on a parcel separated from the principal farm parcel and shall meet the following standards:
- (1) Lot.
 - (a) Minimum width: 120 feet.
 - (b) Minimum area: one acre.
 - (2) Structure.
 - (a) Maximum height: 35 feet.
 - (b) Minimum area:
 - [1] Single-family: 1,200 square feet.
 - [2] Two-family: 1,000 square feet per dwelling unit.
 - (3) Yards.
 - (a) Minimum street distance: 50 feet.
 - (b) Minimum side yard distance: 25 feet.
 - (c) Minimum rear yard distance: 40 feet.
- C. Commercial raising, propagation, boarding, or butchering of animals, such as mink; rabbits, foxes, goats, and pigs, and the hatching, raising, fattening, or butchering of the same in the A-1 and A-2 Agricultural Districts.
- D. Veterinary services intended to service farm animals in the A-1 and A-2 Agricultural Districts provided that all principal uses and structures are located not less than 200 feet from a residential district.
- E. Creameries and condenseries; agricultural warehousing; contract sorting, grading, and packaging of fruits and vegetables; corn shelling, hay baling, and threshing services; grist mill services; horticultural services; and poultry hatching services in the A-1 Agricultural District and the M-1 Industrial District.
- F. Boat and recreation vehicle storage in the A-1 and A-2 Agricultural Districts when the storage is in a completely enclosed structure which is at least 10 years old.
- G. Commercial agricultural uses in the A-1 Agricultural District:
- (1) Commercial hatcheries.
 - (2) Commercial greenhouses.

- (3) Animal kennels.
- (4) Parks, forest preserves, and recreational areas.
- (5) Horse riding academies and boarding stables.
- (6) Private utilities.
- (7) Raising of fur-bearing animals.
- (8) Stock raising
- (9) Commercial dairy.

H. Farm residences with or without other farm structures that existed prior to the adoption of the Town's Exclusive Agricultural Zoning District, October 7, 1996, may be separated from a larger farm parcel. **[Amended 7-6-1999 by Ord. No. 99-5; 12-7-2009 by Ord. No. 2009-07; 9-4-2012 by Ord. No. 2012-041**

- (¹) The separated farm residence or structure shall be placed on a parcel that meets the following standards:
 - (a) Lot.
 - [1] Minimum width: 120 feet.
 - [2] Area: a minimum of 1 1/2 acres.
 - (b) Yards.
 - [1] Minimum street yard distance: 50 feet.
 - [2] Minimum side yard distance: 25 feet.
 - [3] Minimum rear yard distance: 40 feet.
 - [4] Minimum yard distances may be waived for existing structures if it is not feasible to meet the minimum yard distance, provided that a set of deed restrictions as recorded on the certified survey map (CSM) will be attached to the parcel to prohibit the expansion of the existing structures unless the structures are made to comply with the minimum yard distances.
- (2) The landowner and the prospective buyers of farmland or separated farm residences or structures must appear in person before the Plan Commission. The prospective buyers must provide a written statement regarding their intentions for the use of the land.
- (³) If the separated farm parcel is not combined with another legal parcel, a set of deed restrictions as recorded on the certified survey map (CSM) will be attached to the parcel to accomplish the following:

- (a) Prohibit further land division for a period of five years.
 - (b) Prohibit the creation of any accessory uses for a period of eight years.
- I. Nonfarm accessory structures over 800 square feet in size. [**Added 8-4-2008 by Ord. No. 2008-01**]
- J. A berm with any portion thereof five feet and above located between the minimum required building setback and the property line or that obstructs natural flow of drainage. A berm located within the Shoreland Protection Jurisdiction of Ozaukee County may be regulated by additional standards and permits by Ozaukee County. [**Added 12-7-2009 by Ord. No. 2009-07**]
- K. Home industries. Home industries are intended to allow small homeowner-operated businesses without the necessity for relocation or rezoning, while at the same time protecting the interest of the adjacent property owner and any future development of the area with the following standards: [**Added 5-11-2011 by Ord. No. 2011-031**]
- (1) The minimum lot area shall be at least one acre.
 - (2) The access to the property shall be located along a county trunk highway, state trunk highway or one of the following Town roads: Dixie Road, Green Bay Road, Hawthorne Drive, Highland Drive, Hillcrest Drive, Lake Drive, Mink Ranch Road, Northwoods Road, Sauk Road, Sunset Road, Willow Lane, Willow Road, Woodland Road.
 - (3) The home industry shall not normally generate customer or client traffic to the premises or, at any time, generate an amount of customer or client traffic that is inconsistent with the character of the existing neighborhood.
 - (4) Any off-street parking area shall be maintained reasonably dustless and adequately screened from adjacent residential uses.
 - (5) No use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other environmental factor not normally associated with the residential use of property in the district.
 - (6) A plan of operation shall be submitted and approved by the Plan Commission that must identify and describe the following (If a listed item is not applicable, please state as such.):
 - (a) Type of home industry.
 - (b) Operational control - number of employees/relation to homeowner.
 - (c) Hours of operation.
 - (d) Location (in home, in accessory building, and/or outside).
 - (e) Construction commencement and completion dates.
 - (f) Architectural design.

- (g) Type of construction.
 - (h) Landscaping.
 - (i) Planting screens.
 - (j) Lighting.
 - (k) Fencing.
 - (l) Signage.
 - (m) Parking requirements.
 - (n) Exterior storage of business equipment, vehicles, materials, merchandise, inventory or heavy equipment.
 - (o) Inventory of equipment and vehicles to be used on site.
 - (p) Inventory of all materials to be stored on site.
 - (q) Hours of deliveries and refuse collection.
 - (r) Traffic circulation.
 - (s) Highway access restrictions.
 - (t) Increased yards.
- (7) A site plan shall be submitted and approved by the Plan Commission that shall identify both existing and proposed buildings/structures in addition to features identified in Subsection K(6)(e) through (t) above.
- (8) Any modification, alteration or expansion of a conditional use in violation of the approved conditional use permit or plan of operation, without approval by the Plan Commission, shall be grounds for termination of the conditional use permit. In the event of termination, a new permit must be obtained, and all procedures in place at the time must be followed to use the property for a home industry.

§ 340-39. Residential uses.

The following residential and quasi-residential uses shall be conditional uses and may be permitted as specified in R-1 and R-2 Zoning Districts.

- A. Rest homes, nursing homes, housing for the elderly, clinics and children's nurseries in any residential district provided that all principal structures and uses are not less than 50 feet from any lot line. **[Amended 12-7-2009 by Ord. No. 2009-071]**
- B. Horse and accessory private stables in the R-1 and R-2 Residential Districts provided that the lot is a minimum of five acres in area and provided also that any stable or shelter is located at least 100 feet from any existing adjoining residences. The Plan Commission

may permit a maximum of three large domesticated animals on a five-acre parcel and one additional domesticated animal for each additional two acres of lot area.

- C. Boathouses for storage of boats and related recreational equipment in the R-1 Residential District provided that:
- (1) Equipment stored is for use by the resident occupants.
 - (2) Boathouses shall not extend beyond the average high-water mark.
 - (3) Boathouses shall not exceed 576 square feet in area or 12 feet in height.
 - (4) Boathouses shall not be located closer than 10 feet to any side lot line.
- D. Two-family residences, two units per building, at densities not to exceed 0.67 dwelling unit per net acre, provided that the lot is a minimum of 1.5 acres.
- E. Accessory structures over 800 square feet in size. **[Added 8-4-2008 by Ord. No. 2008-01]**
- F. A berm with any portion thereof five feet and above located between the minimum required building setback and the property line or that obstructs natural flow of drainage. A berm located within the Shoreland Protection Jurisdiction of Ozaukee County may be regulated by additional standards and permits by Ozaukee County. **[Added 12-7-2009 by Ord. No. 2009-071]**
- G. Home industries. Home industries are intended to allow small homeowner-operated businesses without the necessity for relocation or rezoning, while at the same time protecting the interest of the adjacent property owner and any future development of the area with the following standards: **[Added 5-11-2011 by Ord. No. 2011-031]**
- (1) The minimum lot area shall be at least one acre.
 - (2) The access to the property shall be located along a county trunk highway, state trunk highway or one of the following Town roads: Dixie Road, Green Bay Road, Hawthorne Drive, Highland Drive, Hillcrest Drive, Lake Drive, Mink Ranch Road, Northwoods Road, Sauk Road, Sunset Road, Willow Lane, Willow Road, Woodland Road.
 - (3) The home industry shall not normally generate customer or client traffic to the premises or, at any time, generate an amount of customer or client traffic that is inconsistent with the character of the existing neighborhood.
 - (4) Any off-street parking area shall be maintained reasonably dustless and adequately screened from adjacent residential uses.
 - (5) No use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other environmental factor not normally associated with the residential use of property in the district.

- (6) A plan of operation shall be submitted and approved by the Plan Commission that must identify and describe the following (If a listed item is not applicable, please state as such.):
- (a) Type of home industry.
 - (b) Operational control - number of employees/relation to homeowner.
 - (c) Hours of operation.
 - (d) Location (in home, in accessory building, and/or outside).
 - (e) Construction commencement and completion dates.
 - (f) Architectural design.
 - (g) Type of construction.
 - (h) Landscaping.
 - (i) Planting screens.
 - (j) Lighting.
 - (k) Fencing.
 - (1) Signage.
 - (m) Parking requirements.
 - (n) Exterior storage of business equipment, vehicles, materials, merchandise, inventory or heavy equipment.
 - (o) Inventory of equipment and vehicles to be used on site.
 - (p) Inventory of all materials to be stored on site.
 - (q) Hours of deliveries and refuse collection.
 - (r) Traffic circulation.
 - (s) Highway access restrictions.
 - (t) Increased yards.
- (7) A site plan shall be submitted and approved by the Plan Commission that shall identify both existing and proposed buildings/structures in addition to features identified in Subsection G(6)(e) through (t) above.
- (8) Any modification, alteration or expansion of a conditional use in violation of the approved conditional use permit or plan of operation, without approval by the Plan Commission, shall be grounds for termination of the conditional use permit. In the event of termination, a new permit must be obtained, and all procedures in place at the time must be followed to use the property for a home industry.

§ 340-40. Business uses. [Amended 6-4-2007 by Ord. No. 2007-1-B]

A. The following business uses shall be conditional uses and may be permitted in the business districts:

- (1) Drive-in establishments serving food or beverages for consumption outside the structure.
- (2) Motels.
- (3) Funeral homes provided that all principal structures and uses are not less than 50 feet from any lot line.
- (4) Drive-in banks.
- (5) Gasoline service stations and car wash facility(s) provided that all gas pumps are not closer than 30 feet to a street right-of-way line or other property line.
- (6) Vehicle sales and service(s).
- (7) Animal hospitals provided that all boarding or housing of injured animals is in a fully enclosed structure.
- (8) Accessory structures over 800 square feet in size. **[Added 8-4-2008 by Ord. No. 2008-01]**

B. Other conditional uses in the B-1 Business District.

- (1) Cemeteries.
- (2) Crematory service.
- (3) Gift stores.
- (4) Florists (not including greenhouses).
- (5) Utilities provided that all principal structures and uses are not less than 50 feet from any residential district lot line.
- (6) Transmitting towers, receiving towers, and relay and microwave towers without broadcast facilities or studios.

C. Other conditional uses in the BP-1 Business Park District. Processing, manufacturing and/or storage, and uses such as the following, provided that the Plan Commission, in approving or disapproving proposed locations for uses under this subsection shall give due consideration to the character and suitability for development of the area in which any such use is proposed to be located and shall also base its decision on such evidence as may be presented to the Plan Commission in respect to the attributes of the proposed use, such as increased traffic on the public streets, heavy vehicular traffic, municipal water availability, sewage disposal systems, soil limitations, and the emission of noise, smoke, dust or dirt, odorous or noxious gases and the like which would be detrimental to such character and such suitability for development:

Apparel and findings-related products

Athletic clubs

Automatic temperature controls

Baked goods and bakery products

Barbershops and beauty salons that are physically and service oriented to business park users and employees

Blank books loose-leaf binders and devices

Books: publishing, printing, and binding

Boot and shoe cut stock and findings

Brooms and brushes

Canvas products
Child day-care facilities
Costume jewelry, costume novelties, buttons, and miscellaneous notions
Curtains and draperies
Dental equipment and supplies
Dress and work gloves
Drive-in or drive-through banks, savings and loan, or other financial institutions that are physically and service oriented to business park users and employees
Electrotyping and stereotyping
Engineering, laboratory, scientific, and research instruments and associated equipment
Envelopes
Fabrics, broad and narrow woven
Felt goods
Flavor extracts and flavor syrups
Floor coverings limited to rugs and carpeting
Florists (not including greenhouses)
Footwear
Fresh or frozen fruits, fruit juices, vegetables, and specialties
Gift shops that are physically and sales-wise oriented to business park users and employees
Greeting cards
Gymnasiums
Handbags and other personal leather goods
Hats, caps, and millinery
Health resorts
Household furniture and furnishings
Ice
Ice cream and frozen desserts
Jewelers findings and materials
Jewelry and other precious metals
Knit goods
Lace goods
Lamp shades
Luggage
Manifold business forms
Mechanical measuring and controlling instruments
Medical supply sales
Mens', youth, and boys' furnishings, work clothing, and allied garments
Morticians' goods

Musical instruments and parts
Newspapers: publishing and printing
Office furnishings
Ophthalmic goods
Optical instruments and lenses
Orthopedic, prosthetic, and surgical appliances and supplies
Paper coating and glazing
Partitions, shelving, lockers, and office and store fixtures
Pens, pencils, and other office and artist materials
Periodicals: publishing and printing
Pharmacies that are physically and sales-wise oriented to business park users and employees
Photoengraving instruments and apparatus
Photographic equipment and supplies
Pleating, decorative, and novelty stitching and tucking for the trade
Pressed and molded pulp goods
Printing, commercial
Raincoats and other waterproof outer garments
Restaurants (not including drive-in or drive-through facilities) that are physically and sales-wise oriented to business park users and employees
Rice milling
Robes and dressing gowns
Sanitary paper products
Sanitary products
Silverware and plated ware
Surgical and medical instruments and apparatus
Textiles, dyeing and finishing
Tire cord and fabric
Toys, amusement, sporting and athletic goods
Typesetting
Umbrellas, parasols and canes
Utilities
Venetian blinds and shades
Wallpaper
Warehousing
Watches, clocks, clockwork-operated devices and parts
Women's, misses, juniors', girls' and infants' furnishing, work and dress garments
Wooling, scouring, worsted combing, and towing to top threads
Yams

- D. A berm with any portion thereof five feet and above located between the minimum required building setback and the property line or that obstructs natural flow of drainage. A berm located within the Shoreland Protection Jurisdiction of Ozaukee County may be regulated by additional standards and permits by Ozaukee County. **[Added 12-7-2009 by Ord. No. 2009-07]**

§ 340-41. Industrial uses.

The following industrial uses shall be conditional uses and may be permitted in the M-1 Industrial District:

- A. Recycling stations and sewage disposal plants.
- B. Transportation terminals, truck terminals, and freight forwarding services.
- C. General warehousing and indoor storage.
- D. Lumberyards and building supply yards.
- E. Receiving or transmitting antennas.
- F. Retail and services, as defined in § 340-23.
- G. Accessory structures over 800 square feet in size. **[Added 8-4-2008 by Ord. No. 2008-01]**
- H. A berm with any portion thereof five feet and above located between the minimum required building setback and the property line or that obstructs natural flow of drainage. A berm located within the Shoreland Protection Jurisdiction of Ozaukee County may be regulated by additional standards and permits by Ozaukee County. **[Added 12-7-2009 by Ord. No. 2009-07]**

§ 340-42. Mineral extraction.

Mineral extraction operations, including washing, crushing, or other processing of natural resources indigenous to Ozaukee County, are conditional uses and may be permitted in the M-I Industrial District subject to the following:

- A. The application for the conditional use permit shall include an adequate description of the operation (operations plan). This list shall include the equipment, machinery, and structures to be used and topographic map of the site showing existing contours with minimum vertical contour interval of five feet, trees, proposed and existing, proposed excavations, and a restoration plan.
- B. The restoration plan provided by the applicant shall contain proposed contours after filling, depth of the restored topsoil, type of fill, planting or reforestation, and restoration commencement and completion dates. The applicant shall furnish the necessary fees to provide for the Town's inspection and administrative costs and the necessary sureties which will enable the Town to perform the planned restoration of the site in the event of default by the applicant. The amount of such sureties shall be based upon cost estimates

prepared by the Town Engineer, and the Town Attorney shall approve the form and type of such sureties.

- C. The conditional use permit shall be in effect for a period not to exceed two years and may be renewed upon application for a period not to exceed two years. Modifications or additional conditions may be imposed upon application for renewal.
- D. The Town Plan Commission shall particularly consider the effect of the proposed operation upon existing streets, neighboring development, proposed land use, drainage, water supply, soil erosion, natural beauty, character, and land value of the locality and shall also consider the practicality of the proposed restoration of the site.
- E. Lot and side yard.
- (1) Lot shall be a minimum of 50 acres.
 - (2) The minimum street yard (setback) shall be 150 feet from an existing or planned public street right-of-way.
 - (3) There shall be side yards and rear yards of not less than 150 feet on a side. The side yard and rear yard shall be planted with a double row of trees at not less than 40 feet on-center. The side yard and rear yard shall have a planted berm not less than 15 feet high.
- F. Public safety.
- (1) Noise. The maximum level of noise permitted to be generated by a mineral extraction operation shall be 85 decibels, as measured on the dB(A) scale, measured at the lot line.
 - (2) Fence required. A security fence shall surround all mineral extraction operations not less than eight feet in height.
 - (3) No operation shall reduce the current groundwater level more than five feet.
- G. Building height. No building, parts of a building, or equipment shall exceed 35 feet in height.
- H. Water. The washing of sand and gravel shall be prohibited in any operation where the quantity of water required will seriously affect the supply of other uses in the area, including where the disposal of water will seriously affect the supply of uses in the area or will result in contamination, pollution, or excessive siltation.
- I. A berm with any portion thereof five feet and above located between the minimum required building setback and the property line or that obstructs natural flow of drainage. A berm located within the Shoreland Protection Jurisdiction of Ozaukee County may be regulated by additional standards and permits by Ozaukee County. [Added 12-7-2009 by Ord. No. 2009-071]