

- C. Conditional use permit. Conditional uses and their accessory uses are considered special uses that require review, public hearing, and approval by the Town Plan Commission. Conditional use permits shall be done in conformance with Article IV.
- D. Occupancy permit. No vacant land or principal use structure shall be occupied or used until an occupancy permit shall have been issued by the Town of Port Washington Building Inspector. Such permit shall show that the building or premises or part thereof is in compliance with the provisions of this chapter. Such permit shall be applied for to the Building Inspector prior to the time of occupancy of any land and/or building. Occupancy permits shall be done in conformance with § 340-148.
- E. Certificate of compliance. See § 340-147, Certificate of compliance. **[Amended 6-4-2007 by Ord. No. 2007-1-B]**

§ 340-10. Work not requiring a permit.

No zoning permit shall be required for any of the following cases; provided, however, that any work not requiring a permit shall comply with the applicable setback, yard, height and other requirements of this chapter:

- A. For building an accessory building less than 150 square feet in area.
- B. For any improvement or alteration of less than 150 square feet in area which does not effect a change in user utilities (electric, water, gas and/or sanitary sewer) to an existing building.
- C. For repair that does not alter the size or position of an existing structure on a lot. Such repairs shall not include the replacement or alteration of bearing walls.

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

- A. Only those uses specified for a district, their essential services, and the following uses shall be permitted in that district: **[Amended 8-16-2006 by Ord. No. 2006-3; 12-7-2009 by Ord. No. 2009-061]**
 - (1) Accessory uses and structures are permitted in any district but not until their principal structure is present and legally permitted. Residential accessory uses shall not involve the conduct of any business, trade or industry except home occupations and professional home offices as defined in this chapter.
 - (2) Gas and electric utility uses which have been issued a certificate of public convenience and necessity pursuant to § 196.491(3), Wis. Stats., are exempt from the requirements of this chapter and shall not be required to obtain a zoning permit.
 - (3) Unspecified or unclassified uses are prohibited.
 - (4) Except for short-term temporary uses defined in § 340-11A(5), temporary uses shall be allowed only after approval by the Plan Commission, in accordance with the following standards:

- (a) Temporary uses shall require a conditional use permit.
 - (b) The temporary use approval shall be valid for a maximum period of one year from the date of Plan Commission approval.
 - (c) The temporary use shall be for a temporary office. The temporary office, moreover, shall only be used for one or more of the following purposes: sales, marketing, rental or construction of residential, commercial, industrial, or institutional development or for construction purposes of public facilities and/or utilities.
 - (d) The temporary use shall comply with all applicable Town codes, and the Plan Commission may place standards or conditions upon the conditional use to mitigate adverse impacts upon neighboring properties.
 - (e) The temporary use shall obtain all necessary permits from the Town prior to placement.
- (5) Temporary uses of trailers or structures limited to a maximum period of six months shall be known as "short-term temporary uses" and shall be allowed only after approval by the Town Building Inspector, in strict accordance with the following standards:
- (a) Subject to the following provisions, any person shall obtain a building permit for the construction and/or use of a temporary trailer or structure to be used only as a construction shed and toolhouse for contractors, construction workers and materials on the site.
 - (b) The applicant requesting approval of a short-term temporary use shall submit to the Town Building Inspector:
 - [1] An affidavit indicating that the temporary use shall be removed within six months;
 - [2] A nonrefundable application fee of \$200;
 - [3] A detailed site plan showing the location of the temporary trailer or structure;
 - [4] Details of the construction and design of the temporary trailer or structure; and
 - [5] Any other information reasonably requested by the Town Building Inspector.
 - (c) Short-term temporary uses of temporary trailers or structures shall not be placed or erected on the property prior to the issuance of a building permit for the applicable construction, and shall be immediately removed upon the earlier of completion of the construction project, or six months from the date of issuance by the Town Building Inspector.

- (d) The temporary trailer or structures shall not be used for the purpose of living quarters, and the trailers or structures shall have upon the unit or attached thereto an identification sign designating the owner or company and the words "Short-Term Temporary Use Only" in full view.
- (e) All trailers or structures utilized as part of the short-term temporary use shall not be placed on any street, alley, right-of-way, or public property without advance written approval of the Town Building Inspector. All short-term temporary use structures must be placed on the lot in which the use is intended.
- (f) All temporary and portable storage units and structures, construction trailers and the like permitted in accordance with this section shall be constructed, altered, repaired, enlarged, placed, moved or demolished in accordance with applicable Town Code and/or provisions of the Wisconsin Building Code as well as all applicable federal, state and local regulations applying to the use and development of land.
- (g) A short-term temporary use may not be renewed. Any applicant seeking to extend the short-term temporary use beyond six months shall be required to obtain a conditional use permit in accordance with the Town Code.
- (h) Any person that fails to cease and desist the short-term temporary use within six months from the date of issuance by the Town Building Inspector shall be deemed in violation of this chapter and shall be subject to a forfeiture of \$200, plus costs. Each day that a violation is permitted to exist shall constitute a separate offense.

B. Similar use interpretations. [Added 8-16-2006 by Ord. No. 2006-31

- (1) Where a proposed unclassified or unspecified use is similar in character to a permitted or conditional use in a given district the Plan Commission is authorized to make similar use interpretation.
- (2) The following considerations shall be used to determine what category a use is in and whether the activities are to be considered principal or accessory uses:
 - (a) The similarity of the proposed or projected use or activity to already-permitted uses and activities.
 - (b) The relative amount of site area or floor space and equipment devoted to the activity.
 - (c) Relative amounts of sales from each activity.
 - (d) The type of customer for each activity.
 - (e) The relative number of employees in each activity.
 - (f) Hours of operation.
 - (g) Building and site arrangement.

- (h) Vehicles used in the activity.
 - (i) The relative number of vehicle trips generated by the use or activity.
 - (j) Signage.
 - (k) How the use or activity advertises itself.
 - (1) Whether the use or activity is likely to be found independent of the other uses or activities on the site.
- (³) Additional standards for similar use interpretations.
- (a) No similar use interpretation shall permit any use in any zoning district unless evidence shall be presented demonstrating that it will comply with all applicable use standards and all other applicable requirements and standards of this chapter.
 - (b) No similar use interpretation shall permit any use in a zoning district unless the use is similar to other uses allowed in the zoning district and is more similar to such uses than to permitted and conditional uses allowed in other zoning districts.
 - (c) If the proposed use is more similar to a use allowed only as a conditional use in the zoning district in which it is proposed to be located, then any similar use interpretation permitting that **use shall require a conditional** use permit.
- (4) A similar use interpretation finding that a particular use is permitted or conditionally permitted in a specific district shall not automatically authorize the establishment of such use or the development, construction, reconstruction, alteration, or moving of any building or structure. It merely authorizes the preparation, filing, and processing of applications for any permits and approvals that may be required by the Town of Port Washington's codes and ordinances or other governmental agencies having jurisdiction. These permits and approvals include, but are not limited to, site plan and architectural review, conditional use permits, building permits and certificates of occupancy.
- C. Outside storage of junked equipment is prohibited. No person or entity shall park, store or leave or permit the parking, storing, or leaving of any motor vehicle, trailer, travel trailer, motor home, recreational vehicle, boat, snowmobile, motorcycle, or any other vehicle or mode of transportation on land, air, or water which is in an abandoned, wrecked, dismantled, inoperative, junked, or partially dismantled condition, whether it is attended or not, upon any private or public property within the Town of Port Washington.
- D. Temporary uses. **[Added 3-11-2009 by Ord. No. 2009-021]**
- (1) Location. A temporary use or uses may be allowed by the Plan Commission within two specific areas of the Town of Port Washington as identified in the Knellsville Neighborhood Land Use Plan approved by the Plan Commission on March 15,

2006, and further controlled by Zoning Districts within this chapter 340, and § 340-33, ICnellsville Overlay Development Standards District.

- (2) Purpose. The intent of this § 340-11D is to allow an existing building, or portion thereof, on a property within the Knellsville Neighborhood, defined under § 340-33, to be gainfully utilized until sanitary sewer and/or public water is extended and available to serve properties within the Neighborhood while ensuring continued maintenance and upkeep of the existing Neighborhood buildings and properties.
- (3) Approval process.
 - (a) Written request shall be submitted to the Town Clerk requesting Plan Commission approval of a temporary use, no later than 15 days prior to the Plan Commission meeting.
 - (b) A full submittal of the written request for placement on the Plan Commission agenda for consideration shall include the following:
 - [1] The name, address and telephone number of the applicant, and the name of the business owner if different than the applicant.
 - [2] The name and address of the property owner, and the property owner's written consent that the applicant has authority to proceed with the request for temporary use, if different than the applicant.
 - [3] A submittal of a written plan of operations, which includes a description of the nature of the business, including hours of operation, anticipated number of employees, anticipated amount of customer visits, the amount and location of the on-site parking spaces available to the business, the type of equipment used in the business, and any building alterations, such as exterior painting. The applicant may submit additional information to explain the business to the Plan Commission, and the Plan Commission may request additional information from the applicant.
 - (c) During Plan Commission consideration of the application, the applicant or representative of the applicant shall present how the proposed temporary use conforms to the standards for granting of the temporary use, as described in § 340-11D(5). The Plan Commission may ask questions of the applicant and solicit input from the Town Zoning Administrator or any other resource. The general public shall be allowed to comment. At the same meeting as initially presented, the Plan Commission may approve the request, approve the request with conditions, deny the request, or table a decision regarding the request to a certain date for the purpose of gaining additional information.

1. Editor's Note: Former Subsection D(3)(b)111, regarding a nonrefundable application fee, was repealed 1-11-2012 by Ord. No. 2012-01. This ordinance also redesignated former Subsection D(3)(b)121, 131 and 141 as Subsection D(3)(b)111, 121 and 131, respectively.

- (d) The applicant may request approval for a sign for the temporary use in accordance with Article VI of Chapter 340.
- (4) Renewal and termination.
- (a) Temporary uses shall be renewed every two years. Prior to the renewal date, the applicant shall submit all applicable application fees and escrow fees in accordance with § 340-150, and the process of review as stated in § 340-11D(3) shall be followed, except that the applicant may choose not to submit written information if operations of the business remain unchanged. **[Amended 1-11-2012 by Ord. No. 2012-01]**
- (b) If an approved temporary use has a change in the Plan of Operations between renewal dates, the applicant shall request a renewal in accordance with the process of review as stated in § 340-11D(3).
- (c) If an approved temporary use does not request renewal, the temporary use is automatically terminated, and if the use does not cease operation, the Zoning Administrator shall take the appropriate actions to remove the use.
- (d) Temporary uses may be terminated by the Plan Commission, either at the annual review time or any other time for any of the following reasons.
- [1] Sanitary sewer and/or public water become available to the subject property allowing conformance with the Knellsville Neighborhood zoning and standards.
- [2] The structure is found to be structurally or aesthetically unsuitable for promoting future growth and development of the Knellsville Neighborhood.
- [3] The operation and maintenance of the temporary use does not conform to Plan Commission conditions of approval of the temporary use.
- [4] The operation and maintenance of the temporary use does not conform to other regulations of the Town of Port Washington Municipal Code and this Chapter 340, or to federal, State of Wisconsin and Ozaukee County laws.
- [5] The Plan Commission finds operation of the temporary use does not conform to the plan of operations and other information provided with the initial written application.
- (^c) Standards. Prior to approval or renewal of the temporary use by the Plan Commission, the Plan Commission shall find that the temporary use conforms to the following standards.