

ORDINANCE 2020 – 04
TO AMEND CHAPTER 340 OF THE TOWN OF PORT WASHINGTON MUNICIPAL
CODE, KNOWN AS THE ZONING AND
SUBDIVISION CODE, TO MODIFY REGULATIONS FOR ACCESSORY
STRUCTURES

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 accessory structures in residential zoning districts in the Town; and

WHEREAS, at the publicly posted meeting of October 7, 2020, the Plan Commission recommended approval to the Town Board to amend Chapter 340 to modify the size limits for accessory structures; and

WHEREAS, after due public notice, the Town Board held a public hearing on November 9, 2020, 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 340-21.H.(3) of the Zoning and Subdivision Code of the Town of Port Washington Municipal Code is hereby amended to read as follows:

- (3) Standards for an accessory structure between 150 square feet and 1,200 square feet in size. These structures:
 - (a) Shall comply with the setbacks of the R-1 District.

- (b) Shall not exceed 25 feet in height.

SECTION II. Section 340-21.H.(4) of the Zoning and Subdivision Code of the Town of Port Washington Municipal Code is hereby amended to read as follows:

- (4) Standards for an accessory structure 1,200 square feet and larger in size. These structures:
 - (a) Shall require Plan Commission approval as a conditional use, pursuant to the procedures of Article IV.
 - (b) Shall comply with the setbacks of the R-1 District.
 - (c) Shall not exceed 25 feet in height.

SECTION III. Section 340-21.1.H.(3) of the Zoning and Subdivision Code of the Town of Port Washington Municipal Code is hereby amended to read as follows:

- (3) Standards for an accessory structure between 150 square feet and 1,200 square feet in size. These structures:
 - (a) Shall comply with the setbacks of the R-3 District.
 - (b) Shall not exceed 25 feet in height.

SECTION IV. Section 340-21.1.H.(4) of the Zoning and Subdivision Code of the Town of Port Washington Municipal Code is hereby amended to read as follows:

- (4) Standards for an accessory structure 1,200 square feet and larger in size. These structures:
 - (a) Shall require Plan Commission approval as a conditional use, pursuant to the procedures of Article IV.
 - (b) Shall comply with the setbacks of the R-3 District.
 - (c) Shall not exceed 25 feet in height.

SECTION V. Section 340-22.H.(3) of the Zoning and Subdivision Code of the Town of Port Washington Municipal Code is hereby amended to read as follows:

- (3) Standards for an accessory structure 150 square feet and 1,200 square feet in size. These structures:
 - (a) Shall comply with the setbacks of the R-2 District.
 - (b) Shall not exceed 25 feet in height.

SECTION VI. Section 340-22.H.(4) of the Zoning and Subdivision Code of the Town of Port Washington Municipal Code is hereby amended to read as follows:

- (4) Standards for an accessory structure 1,200 square feet and larger in size. These structures:
 - (a) Shall require Plan Commission approval as a conditional use, pursuant to the procedures of Article IV.
 - (b) Shall comply with the setbacks of the R-2 District.
 - (c) Shall not exceed 25 feet in height.

SECTION VII. Section 340-38.I. of the Zoning and Subdivision Code of the Town of Port Washington Municipal Code is hereby amended to read as follows:

I. Nonfarm accessory structures over 1,200 square feet in size.

SECTION VIII. Section 340-39.E. of the Zoning and Subdivision Code of the Town of Port Washington Municipal Code is hereby amended to read as follows:

E. Accessory structures over 1,200 square feet in size.

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

ADOPTED THIS 9th day of November, 2020.

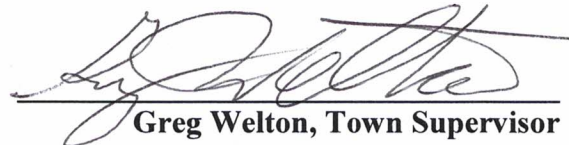
**BY THE TOWN BOARD OF SUPERVISORS
TOWN OF PORT WASHINGTON
OZAUKEE COUNTY, WI**



Michael Didier, Town Chair

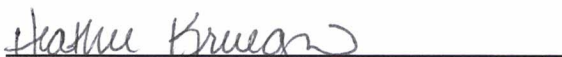


Gary Schlenvogt, Town Supervisor



Greg Welton, Town Supervisor

Attest:


Heather Krueger, Town Clerk