

DIVISION 3.0700

ACCESSORY AND TEMPORARY USE STANDARDS AND REGULATIONS

SECTION 3.0701

GENERAL STANDARDS FOR ACCESSORY USES

- A. Accessory Uses. Accessory uses and structures are permitted in any zoning district but not until the principal structure is present or under construction on the lot or parcel. Residential accessory uses shall not involve the conduct of any business, trade, or industry except as may be otherwise permitted by the Ordinance as a home occupation (See Section 3.0802) or agricultural use. Accessory uses include incidental repairs, storage, parking, facilities, gardening, servants, owners, itinerant agricultural laborers, and watchmen's temporary quarters, not for rent, decks, private swimming pools, and private emergency shelters.
- B. Location of Accessory Structures. No part of an accessory building shall be within the required front yard setback. No part of an accessory building shall be located within a required side yard or rear yard of, except:
1. Required Minimum Distance from Alley Right-of-Way. When an alley exists, no part of an accessory building shall be closer than five (5) feet to the right-of-way line of said alley,
 2. Minimum Side and Rear Yard Setbacks of Accessory Buildings Not Exceeding 150 Square Feet in Area. That this shall not prohibit the erection of one (1) accessory building not exceeding one-hundred fifty (150) square feet in area to be no closer than five (5) feet to the side and rear lot lines,
 3. Minimum Setbacks of Accessory Buildings Exceeding 150 Square Feet in Area. Accessory building exceeding one-hundred fifty (150) square feet in area shall meet the setback requirements of the principal use of the parcel or lot.
- C. Time of Construction. No accessory building or structure shall be constructed on any lot before the start of construction of the principal building to which it is accessory.
- D. Percentage of Required Rear Yard Occupied. No accessory building or buildings shall occupy more than forty (40) percent of the area of a required rear yard.
- E. Height of Accessory Buildings and Structures (including Garages) in Required Rear Yards. No accessory building or structure, or portion thereof, located in a required rear yard setback shall exceed the maximum permitted height of the zoning district in which the accessory building or structure is located. (Also see Section 3.0703(B).)
- F. No Slab Required for Accessory Building of 150 Square Feet or Less in Area. Accessory buildings of one-hundred fifty (150) square feet or less in area (excluding trash, recycling material, and garbage waste receptacles, or dumpsters, in the all nonresidential zoning districts) shall not require a concrete slab foundation. If a concrete slab foundation is not provided for such accessory building, the flooring shall be constructed of decay resistant material (or other approved hard surface) and the building shall be securely anchored to the ground.
- G. Maximum Number of Accessory Structures (Including Garages) Per Lot. The following regulations shall apply (Also see Section 2.0206 regarding the maximum number of principal buildings on a zoning lot):

1. The maximum number of accessory structures per zoning lot in the A-4 and A-5 Districts (“Conventional Subdivisions” only) shall be three (3) accessory structures per zoning lot.
2. The maximum number of accessory structures per zoning lot in the A-1 (“Open Space Subdivision” option only), A-4 (“Open Space Subdivision” option only), A-5 (“Open Space Subdivision” option only), R-1, R-2, R-3, and R-4 Districts shall be two (2) accessory structures per zoning lot.
3. The maximum number of accessory structures per zoning lot in the B-1, M-1, SG, I-1, and P-1 Districts shall be determined by the Plan Commission at the time of the Site Plan Review.

H. Maximum Area of Individual Accessory Buildings.

1. Maximum Area of Individual Accessory Building (Including Detached Garages) on Parcels of Land or Lots Having an Area of Forty-Thousand (40,000) Square Feet or Less. The maximum area of individual accessory buildings (including detached garages) on parcels of land or lots having an area of forty-thousand (40,000) square feet or less shall be seven-hundred twenty (720) square feet. (Also see Section 3.0701(I) for “Maximum Total Cumulative Area” requirements.)
2. Maximum Area of Individual Accessory Buildings (Including Detached Garages) on Parcels of Land or Lots Having an Area of Greater than Forty-Thousand (40,000) Square Feet but Less than five (5) Acres. The maximum area of individual accessory buildings (including detached garages) on parcels of land or lots having an area greater than forty-thousand (40,000) square feet but less than five (5) acres shall be nine-hundred (900) square feet plus an additional two-hundred seventy-five (275) square feet for each acre over fourth-thousand (40,000) square feet. (Also see Section 3.0701(I) for “Maximum Total Cumulative Area” requirements.)
3. Maximum Area of Individual Accessory Buildings (Including Detached Garages) on Parcels of Land or Lots Having an Area of Greater than Five (5) Acres.
 - a. In the A-4 and A-5 Districts (“Conventional Subdivisions” only), the maximum total area of individual accessory buildings (including detached garages) shall be two-thousand five-hundred (2,500) square feet. Sidewalls of such structures shall not exceed twelve (12) feet in height, and all such structures shall have a roof overhang of not less than twelve (12) inches on all sides and gable ends. Under circumstances consistent with the provisions and goals of the Land Use Plan and the spirit and intent of the Zoning Ordinance, the Town Board may vary from the requirements of this subsection to authorize an accessory structure according to the design standards and conditions as specified by the Board, for reconstruction, renovation or replication of a historically accurate barn or similar structure using materials consistent with the time period represented. (*Rev. 9-18-01, Ord. 2001-4*)
 - b. In the A-1 (“Open Space Subdivision” option only), A-4 (“Open Space Subdivision” option only), A-5 (“Open Space Subdivision” option only), R-1, R-2, R-3, and R-4 Districts, the maximum of individual accessory buildings (including detached garages) shall be nine-hundred

(900) square feet. (Also see Section 3.0701 (I) for “Maximum Total Cumulative Area” requirements.)

- I. Maximum Total Cumulative Area of Accessory Buildings.
 - 1. In the A-4 and A-5 Districts (“Conventional Subdivisions” only), the maximum total cumulative area of all accessory buildings (including detached garages) shall be two-thousand five-hundred (2,500) square feet. Sidewalls of such structures shall not exceed twelve (12) feet in height, and all such structures shall have a roof overhang of not less than twelve (12) inches on all sides and gable ends. Under circumstances consistent with the provisions and goals of the Land Use Plan and the spirit and intent of the Zoning Ordinance, the Town Board may vary from the requirements of this subsection to authorize an accessory structure according to the design standards and conditions as specified by the Board, for reconstruction, renovation r replication of a historically accurate barn or similar structure using materials consistent with the time period represented. (*Rev. 9-18-01, Ord. 2001-4*).
 - 2. In the A-1 (“Open Space Subdivision” option only), A-4 (“Open Space Subdivision” option only), A-5 (“Open Space Subdivision” option only), R-1, R-2, R-3, and R-4 Districts, the maximum total cumulative area of all accessory buildings (including detached garages) shall be nine-hundred (900) square feet.
- J. Special Exception for Historical Accessory Buildings and Structures. In any zoning district, the Plan Commission may grant a special exemption to exceed the maximum total cumulative area of accessory buildings allowable in a parcel which contains historical accessory buildings or structures that are being preserved. The floor area of the accessory buildings(s) to be preserved shall not be counted in determining the amount of accessory building floor area allowable on the subject parcel. The historic character of the accessory buildings to be preserved shall be defined in Section 3.0910E. (See rev Ord. 2003-0)
- K. Accessory Buildings Over Two-Thousand Five-Hundred (2,500) Square Feet. In any zoning district, any accessory building or structure larger than two-thousand five-hundred (2,500) square feet shall require a Conditional Use Zoning Action in accord with procedures in Section 3.0600. (See rev Ord. 2005-3)

SECTION 3.0702 DETAILED STANDARDS FRO ACCESSORY USES IN THE A-1, A-2, A-3, A-4, A-5, R-1, R-2, R-3, AND R-4 DISTRICTS

The following are detailed standards for certain accessory uses which are permitted accessory uses in the A-1, A-2, A-3, A-4, A-5, R-1, R-2, R-3, and R-4 Districts:

- A. Automobile or Motor Vehicle Repair. The repair of an automobile or motor vehicle is subject to the following restrictions:
 - 1. Minor Repairs and Maintenance. Only minor repairs and maintenances may be done on vehicles owned by the occupant of the structure, family member, or vehicle used for work which, for purposes of this Paragraph, are the changing and replenishment of fluid levels, such as hydraulic fluid, windshield washer fluid, and lubricating oil; the replacement of sparkplugs or ignition points; the rotation of tires and the checking of adequate pressure; and the replacement of drive belts and hydraulic lines.

2. Other Repairs. Any other repairs on the motor vehicle or automobile shall be restricted to totally enclosed spaces that are properly ventilated and only accomplished on privately registered vehicles lawfully licensed and owned by the occupant of the structure.
- B. Commercial Vehicle Parking (Not Including Agricultural-Related Vehicles). The parking of more than one (1) commercial vehicle in any residential or agricultural district is prohibited. This requirement shall not be interpreted to prohibit vehicles from loading and unloading in any agricultural or residential district.
- C. Fences.
1. General. The following are required of all fences installed in the Town of Saukville:
 - a. All fences shall be maintained in good repair and in structurally sound condition. All fences shall be constructed and maintained in a good aesthetic condition and in such a manner and of such materials and colors so as not to adversely affect the value of adjoining property or property in the immediate neighborhood. No fence may be constructed or maintained which is detrimental to human life or safety or causes a traffic hazard. All fences shall be constructed and maintained straight and plumb.
 - b. No advertising or signs shall be permitted on any fence in any zoning district.
 - c. No material shall be stored between a fence located adjacent to a lot line and the lot line.
 - d. Fencing shall be constructed with the finished or decorative side facing the adjacent or abutting property or public street.
 2. Fencing in R-1, R-2, R-3, and R-4 Zoning Districts and in Town-Approved "Open Space Subdivisions":
 - a. Fencing having a height of six (6) feet or less may be used to locate property lines within the required side and rear yard areas.
 - b. Fences may not be within the front yard, except decorative fencing not exceeding a maximum height of four (4) feet may be installed within the front yard areas. Chain-link fences shall not be allowed in the front yards.
 - c. No barbed wire, razor wire, chicken wire (except for gardening purposes), or electrically charged fences shall be allowed in residential zoning districts or residential portion of a Town-approved "Open Space Subdivision."
- D. Recreational Vehicle Parking. Any owner of domestic or recreational vehicles or private pleasure crafts may park or store such vehicles on their own private residential property subject to the following conditions.
1. Location and Appearance. The recreational vehicle in the yard of the residential lot shall be kept in a clean and neat appearance and in usable condition at all times.
 2. Prohibition of Vehicle as Dwelling Unit. No vehicle shall be lived in, have housekeeping maintained, or have hookup to utilities while parked or stored on a residential lot unless a Temporary Use Permit is granted by the Town pursuant to the requirements of Section 7.0104 of this Ordinance.

3. Parking and Storage in Garage. The vehicle may be parked or stored inside an enclosed structure, such as a garage, which conforms to the zoning requirements of the particular district where such vehicle is located.
4. Vehicle Registration and Licensing. A vehicle that requires State of Wisconsin licensing shall have a current vehicle registration plate affixed to the vehicle at all times.
5. Recreational Vehicle(s) and/or Private Pleasure Craft(s) Ownership. The recreational vehicle(s) and/or private pleasure craft(s) shall be owned by the resident of the premises upon which such recreation vehicle(s) and/or private pleasure craft(s) are parked.
6. Parking and the Loading/Unloading of Recreational Vehicles. A recreational vehicle or private pleasure craft may be parked anywhere on the resident lot for up to twenty-four (24) hours for the purposes of loading or unloading the vehicle.
7. Recreational Vehicles and Private Pleasure Crafts Twenty (20) Feet or less in Length, and Recreational Vehicles of Any Length Which Are Used and Licensed as the Primary Means of Transportation for the Physically Disabled. Recreational vehicles and private pleasure crafts twenty (20) feet or less in length, and recreational vehicles of any length which are used and licensed as the primary means of transportation for the physically disabled may be parked or stored in any yard of a residential lot if it is not closer than ten (10) feet to any side or rear lot line.
8. Recreational Vehicle or Private Pleasure Craft Greater Than Twenty (20) Feet in Length. If a recreational vehicle or private pleasure craft is greater than twenty (20) feet in length and cannot be parked in an enclosed structure, the vehicle shall be parked or stored in the rear yard if feasible or in the side yard if the rear yard is not feasible, and shall not be nearer than ten (10) feet to any side or rear lot line.
9. Parking or Storage of Recreational Vehicles or Private Pleasure Crafts Over Twenty (20) Feet in Length Permitted in Front Driveway. Parking or storage of the recreational vehicle or private pleasure craft more than twenty (20) feet in length is permitted in the front driveway if:
 - a. Enclosed parking is not possible due to the physical limitations of the existing lot or structure.
 - b. Space is not available in the side yard, or there is no reasonable access to either the side or rear yard. A lot shall be deemed to have reasonable access to the rear yard if the terrain permits and access can be had without substantial damage to existing trees or other landscaping or to existing structures. A corner lot shall normally be deemed to have reasonable access to the rear yard.
 - c. It shall be parked or stored a minimum of seven (7) feet plus the length of the recreational vehicle or private pleasure craft from the front property line and/or street right-of-way line, and a minimum of ten (10) feet from the side property line.
10. Minimum Setback from Dwelling Unit. To protect against fire hazards, the recreational vehicle or private pleasure craft shall be set back at least five (5) feet from the primary dwelling unit and any accessory structures on the residential lot.
11. Parking in Public Right-of-Way Prohibited. No recreational vehicles or private pleasure crafts shall be parked or stored in the public rights-of-way.

12. Percentage of Rear Yard Permitted to be Occupied by the Recreational Vehicle or Private Pleasure Craft. The recreational vehicle or private pleasure craft with any accessory structures shall not occupy more than fifty (50) percent of the rear yard.

E. Swimming Pools (Private Outdoor). The following requirements shall be met for swimming pools located in residential districts and in Town-approved "Open Space Subdivisions":

1. Enclosure and Fencing.

- a. Every person owning land upon which there is situated a swimming pool that contains twenty-four (24) inches or more of water depth at any point, shall erect and maintain thereon an adequate enclosure surrounding the pool area.
- b. Private swimming pools shall be enclosed with an enclosure or fence not less than four (4) feet in height above the ground. Such enclosure or fencing shall be equipped with self-closing and self-latching gate(s) and shall be designed so as to make the swimming pool inaccessible to children. Latches to said gates shall be placed at least four (4) feet from the ground. For the above-ground swimming pools, the pool side shall count towards the minimum required fence height.
- c. Enclosures and fences shall be constructed so as to prohibit the passage of a sphere larger than four (4) inches in diameter through any opening or under the enclosure or fence.
- d. Enclosures and fences shall be designed to withstand a horizontal concentrated load of two-hundred (200) pounds applied on a one (1) square-foot area at any point of the enclosure or fence.
- e. If a pool is higher than four (4) feet and has a ladder, the ladder shall be able to be locked in an up position.

2. Location and Placement.

- a. A private pool shall not occupy required front or side yards, except for corner lots, pools and their surrounding decking shall be permitted within one (1) front yard, which functions as a side yard, provided the pool or decking is located no more than ten (10) feet into the required front yard, as measured from the rear line of the front yard. However, in districts requiring side yards greater than ten (10) feet, this permitted intrusion shall be increased up to a distance equal to said required side yard.
- b. For double frontage lots, pools and their surrounding decking shall be permitted within the front yard which functions as a rear yard, provided that the pool is screened from the rear street by a fence, wall, or hedge.
- c. No wall of a swimming pool shall be located less than the required yard setback.
- d. No swimming pool shall be located within a horizontal distance of ten (10) feet from any overhead utility or electrical wiring.
- e. No swimming pool shall be placed in any easement.
- f. No swimming pool shall be placed closer than twelve (12) feet from any principal structure.

SECTION 3.0703 DETAILED STANDARDS FOR ACCESSORY USES IN AGRICULTURAL AND NONRESIDENTIAL DISTRICTS

A. Agricultural Equipment, Storage of. The storage of agricultural equipment such as but not limited to tractors, trailers, fertilizer spreaders, wagons, planters, and the like, as a use accessory to a permitted use in the A-1, A-2, and A-3 Districts, shall be subject to the following requirements:

1. Use of Equipment. The equipment shall be used in association with the permitted use.
2. Storage of Junk. The storage of junk is prohibited.
3. Motor Vehicle Sales Prohibited. This provision shall not be used to permit the establishment of motor vehicle sales as a use within the A-1, A-2, and A-3 Districts.
4. Inoperable Machinery Prohibited. The accumulation of inoperable machinery is prohibited.

B. Barns, Silos, and Storage Buildings (Not Including Private Stables or Garages).

1. Maximum Height of Barns or Storage Buildings in the A-1, A-2, and A-3 Districts. The provisions of Division 3.0200 for "Accessory Structures" notwithstanding, the maximum height of barns or storage buildings (not including garages) in the A-1, A-2, and A-3 Districts shall be no more than forty (40) feet for a new structure and to exceed the height of a former barn which is being restored or replicated.
2. Maximum height of Silos in the A-1, A-2, and A-3 Districts. The provision of Division 3.0200 for "Accessory Structures" notwithstanding, the maximum height of silos in the A-1, A-2, and A-3 Districts shall be nor more than eighty (80) feet.

C. Fences.

1. General. The following are required of all fences installed in the Town of Saukville.
 - a. All fences shall be maintained in good repair and in structurally sound condition. All fences shall be constructed and maintained in a good aesthetic condition and in such a manner and of such materials and colors so as not to adversely affect the value of adjoining property or property in the immediate neighborhood. No fence may be constructed or maintained which is detrimental to human life or safety or causes a traffic hazard.
 - b. No advertising or signs shall be permitted on any fence in any zoning district.
 - c. No materials shall be stored between a fence located adjacent to a lot line and the lot line.
 - d. Fencing shall be constructed with the finished or decorative side facing the adjacent or abutting property or street.
2. Fencing in Nonresidential Zoning Districts (Excluding A-1, A-2, A-3, I-1, and P-1 Districts).
 - a. Fences installed in nonresidential zoning districts shall not exceed six (6) feet in height, except when required to enclose outside storage areas or when approved by the Plan commission may be up to ten (10) feet in height.

- b. Fencing constructed to enclose outside storage areas shall be at least eight (8) feet in height and in no case lower in height than the enclosed storage area.
 - c. Barbed wire may be allowed on the top of fences eight (8) feet or more in height.
 - d. All fencing constructed to enclose outside storage areas in nonresidential zoning districts shall be approved by the Plan Commission.
3. Fencing in the A-1 (Excluding Town-Approved “Open Space Subdivisions”), A-2, and A-3 Zoning Districts.
- a. Fencing shall be permitted in all yards in the A-1 (excluding Town-approved “Open Space Subdivisions”), A-2, and A-3 Districts and in all yards on legal nonconforming agricultural uses for replacement of existing fencing. Fencing shall be permitted in front yards only for the enclosure of cultivated fields, pastures and animal pens.
 - b. Fencing for areas other than those described in Paragraph a. above shall comply with the residential zoning districts fencing requirements.
 - c. Fencing may be constructed in the A-1 (excluding Town-approved “Open Space Subdivisions”), A-2, and Au-3 Districts for cultivated fields and pastures before a principal structure is present.
4. Location of Fencing in the I-1 and P-1 Zoning District.
- a. Fencing more than six (6) feet in height, enclosing a park, elementary, middle or a high school site shall be permitted in all yards.
 - b. All fencing in the I-1 and P-1 Districts shall be limited to open mesh-type fencing (chain link).

- D. Open Storage, Screening of. Open storage areas shall be screened from view of any street, and from the view from all residential zoning districts or residential portion of a Town-approved “Open Space Subdivision” as follows:
- 1. Abutting a Collector or Arterial Street. When an open storage area abuts a collector or arterial street, the method of screening shall consist of solid masonry walls or solid wooden fences at least six (6) feet in height, with access only through solid gates that shall be closed except when said storage area is in use. An existing permanent structure any be used to screen such storage areas. The gates shall not face the abutting collector or arterial street.
 - 2. Abutting a Residential Zoning District or Town-Approved “Open Space Subdivision”. When an open storage area abuts a residential zoning district or Town-approved “Open Space Subdivision”, the methods of screening shall consist of solid wooden fences or masonry walls at least six (6) feet in height along the boundary of the storage areas and the entire residential district or residential portion of a Town –approved “Open Space Subdivision”. The gates shall not face any residential zoning district or residential portion of a Town-approved “Open Space Subdivision”.
 - 3. Fencing. All fencing shall conform to the requirements of Section 3.0703(C).

- E. Roadside Stands for the Sale of Agricultural Products. The following specific standards shall be used in the A-1 (excluding Town-approved “Open Space Subdivisions”), A-2, and A-3 Districts:
1. Off-Street Parking and Loading. The use shall provide for all required off-street parking and loading on private property.
 2. Vehicular Access to Public Street. The use shall be located along and have direct vehicular access to a public street.
 3. Sales or Display on Public Lands Prohibited. No sales or display activity shall be located on public land.
 4. Access. Access to and from the site shall be in accord with the requirements of the applicable highway or arterial street access authority including the Wisconsin Department of Transportation, Ozaukee County, and/or the Town of Saukville.
 5. Use Location. The use shall be located on a commercially productive farm.
- F. Stables, Private. The following specific standards shall be used:
1. Required Setbacks. Private stables shall meet the minimum required setbacks.
 2. Manure Maintenance. Manure shall:
 - a. Be stored for removal and disposed of in accord with all applicable county, state and federal regulations. Ozaukee County Sanitation and Health Ordinance, the Wisconsin Department of Natural Resources and the Department of Agriculture Trade and Consumer Protection have laws in place that regulate animal housing, manure storage and animal waste runoff.
 - d. No manure piles shall be stored closer than fifty (50) feet to any lot line.
 3. Stable Location. All points on the perimeter of any stable building and/or corral shall be at least fifty (50) feet from the nearest boundary line or right-of-way line of the parcel on which it is located.
- G. Trash Dumpsters and Garbage Receptacles (Trash and Garbage Storage). The following requirements shall be met for trash dumpsters and garbage receptacles in nonresidential districts:
1. Trash, Dumpster, Recycling Containers, and Garbage Receptacle Enclosures Required. All garbage cans, trash dumpsters, trash containers, recycling container, and other storage devices situated on any property shall be closed containers with lids and shall be concealed or suitably screened from public view. Sight-proof fencing (wood or masonry) and landscaping shall be used to obstruct vision into the storage areas totally. Where such facilities are provided outside a building, they shall be screened from public rights-of-way and adjacent property by an enclosure constructed of material compatible with the materials on the front building wall of the main building.
 2. Trash Dumpster, Recycling Containers, and Garbage Receptacle Enclosures Required.
 - a. All garbage cans, trash dumpsters, trash containers, recycling container, and other storage devices situated on any property shall be closed containers with lids and shall be concealed or suitably screened from public view.

- b. Slight-proof fencing (wood or masonry) and landscaping shall be used to obstruct vision into the storage areas totally.
 - c. Where such facilities are proved outside a building, they shall be screened from public rights-of-way and adjacent property by an enclosure constructed of materials compatible with the materials on the front building wall of the main building.
 - d. A visually opaque access gate which obscures the view of garbage cans, trash dumpsters, trash containers, recycling container, and other storage devices, shall be provided to all such enclosures. Said gate shall be a minimum of five (5) feet in width.
 - e. All garbage cans, trash dumpsters, trash containers, recycling container, and other storage devices shall be emptied and the contents there of properly disposed of not less than once every seven (7) days.
3. Unenclosed Storage of Trash, Recyclable Materials, or Waste Prohibited. No portion of the lot shall be used for open or unenclosed storage of trash or waste of any kind.
 4. Trash Dumpster, Recycling Containers, and Garbage Receptacle Location in Off-Street Parking Space or Drive Prohibited. No trash dumpster or other trash recycling, or waste receptacle shall be permitted in any off-street parking space or drive.
 5. Concrete Slab or Other Hard Surface Required. Except in the A-1, A-2, A-3, A-4, and A-5 Districts, all trash dumpsters, recycling, and garbage receptacles shall be placed upon a concrete slab or other hard surfaces.
 6. Adequate Size to Accommodate Recycling Materials. All trash dumpster, recycling, and garbage receptacle areas shall be of an adequate size to accommodate the storage of materials to be replaced.
 7. Accessibility. Garbage, trash, waste, recycling containers, and dumpster enclosures shall be located on the site to provide reasonable accessibility to waste collection vehicles.
 8. Building Permit Required for the Construction of Garbage, Trash, Waste, Recycling Containers, and Dumpster Enclosures. A Building Permit shall be required for the construction of any garbage, trash, waste, or dumpster enclosure.

SECTION 3.0704 DETAILED STANDARDS FOR THE INSTALLATION AND MAINTENANCE OF SEWAGE HOLDING TANKS

- A. General. Under the authority of Wisconsin Statutes, Wisconsin Administrative Code COMM 83, and Chapter IX of the Ozaukee County Code of Ordinances Certain, certain requirements are necessary and desirable for:
 1. The proper protection of individual, public and community health;
 2. The prevention of the creation of nuisances, sources of filth, and conditions detrimental to public health;
 3. The protection of our drinking water of ground water resources;
 4. The promotion of the health safety and welfare of the people of the Town of Saukville these regulations and standards are adopted pursuant to;

5. The limitation of the installation of sewage holding tanks; and
 6. The prompt installation of permanent on site waste disposal systems as the alternative of choice to sewage holding tanks and ensuring that such systems will ultimately be installed where property owners represent that they wish to utilize a holding tank on a temporary basis prior to the construction and installation of a permanent on site waste disposal system.
- B. Sewage Holding Tanks for Existing Uses. Sewage holding tanks shall be permitted for uses existing on January 16, 1996 [*the effective date of the Town of Saukville Ordinance No. 96-2*] where it has been determined by the Ozaukee County Department of Environmental Health and the State Department of Commerce that the existing sewage disposal system upon the premises is inoperative and does not meet the requirements of the Ozaukee County Department of Environmental Health or the State Department of Commerce or that existing sewage disposal system is inadequate to meet the demands of an expansion of the existing use on the site and that the construction of new sewage disposal system or mound system or any type of alternate sewage disposal system will not be approved by the Ozaukee County Department of Environmental Health and the State Department of Commerce. No sewage Holding Tank Permit shall be issued for a sewage holding tank for existing uses until a written report is filed with the Town Clerk from the Ozaukee County Department of Environmental Health indicating that a holding tank is the only acceptable solution and that no other alternate sewage disposal system would be approved. At the time such request is made to the Town Zoning Administrator for a Sewage Holding Tank Permit as provided in this Section, the applicant shall file with the Town Clerk all papers and other documents that he has filed or received from the State Department of Commerce and Ozaukee County Department of environmental Health or an other appropriate governmental agency that he has applied to for approval of an alternate sewage disposal system, including a mound system. No sewage holding tank will be permitted if the county and the state have approved an alternate sewage system, including a mound system for the property involved.
- C. Approval of Plans and Specifications for Installation of Sewage Holding Tanks.
1. Plans. Plans and specifications for the construction of a sewage holding tank for existing uses as herein provided must be submitted to the Town zoning Administrator and the Ozaukee County Department of Environmental Health by the owner of the real estate where said holding tank is proposed to be installed for their approval. Such approvals shall be obtained before the proposed holding tank is installed. At the time of the filing of the plans and specifications for a sewage holding tank with the Town Zoning Administrator, the owner of the premises where said sewage holding tank is proposed to be installed shall pay an application fee to the Town Clerk and deposit with the Town Clerk a cash deposit as set forth in the "Town of Saukville Fee Schedule," which fees shall be used to reimburse the Town for any expenses incurred in the inspection, operation or pumping out of the holding tank in the event the owner fails to do so and to defray any costs to the Town in connection with any legal action required by the Town relating to the installation, operation and maintenance of said sewage holding tank. In the event plans for the installation of the sewage holding tank are not approved and the sewage holding tank is not installed, the cash deposit shall be refunded to the owner upon written request of the owner filed within twenty-one (21) days of the denial.
 2. Cash Deposit. The cash deposit shall be maintained at all times in the amount provided set forth in the "Town of Saukville Fee Schedule." The owner shall promptly reimburse the Town for any costs and expenses incurred by the Town in connection with the operation, maintenance or pumping out of the sewage holding tank in the event the owner fails to do so.
 3. Reimbursement of Expenditures.

- a. The owner shall reimburse such cash deposit within thirty (30) days after receiving written notice from the Town Clerk as to and expenditures from said fund as herein provided. In the event that the Town incurs expenses in connection with the maintenance and operation of said sewage holding tank in excess of the cash deposit made by the owner as herein provided, notice thereof shall be given to the property owner and the property owner shall reinstate said cash deposit and pay any excess amount of such expenses incurred by the Town to the Town Clerk within thirty (30) days from the date of billing therefore. In the event such cash deposit is not reinstated as herein proved and any additional amount owed to the Town is not paid, the total amount paid by the Town, shall be placed on the next succeeding tax roll as an assessment against said property and shall be paid the same as other real estate taxes assessed against said property.
- b. The cash deposit made by the applicant shall be retained by the Town of Saukville as long as the sewage holding tank is in operation. The Town Treasurer shall deposit such cash deposit in a bank account to be selected by the Town Treasurer paying interest thereon and that interest accruing on said deposit shall be retained by the Town to defray its costs and expenses incident to the supervision of the operation of said sewage holding tank. If such sewage holding tank shall be abandoned in favor of public sewer or other means of sewage disposal, the balance of such cash deposit shall be refunded to the owner upon written request made within twenty-one (21) days of tank abandonment of the holding tank complies with all town, county and state regulations and documentation is filed that demonstrated compliance.

D, Semi-Annual Reporting Required. The owner of any premises being served by a sewage holding tank shall be responsible for filing written reports with the Town Clerk on a semi-annual basis. The first semi-annual report is due by July 15th and second semi-annual report is due by January 15th. The report shall include, by not be limited to:

1. The number of times that a sewage holding tank on said premises has been pumped during the proceeding six (6) month period;
2. The amount of sewage removed from such sewage holding tank;
3. The name and address of the person, firm or corporation pumping said sewage holding tank; and
4. Any other information that the Town Board might reasonably require.

The owner of the sewage holding tank shall be required to sign an agreement before approval of such sewage holding tank acknowledging the above conditions regarding filing of semi-annual reports and a written commitment to the effect that the owner shall be held responsible for filing such reports as required by this ordinance. Any failure to file such semi-annual reports as required by this Section, shall constitute a violation of this Ordinance and subject the owner to the penalties as provided herein.

E. Temporary Sewage Holding Tanks.

1. Application for Temporary Sewage Holding Tank. Any property owner desiring to use a temporary sewage holding tank as herein provided shall make application therefore to the Town Zoning Administrator and the Town Clerk, and shall submit with the application the required Temporary Sewage Holding Tank Permit fee set forth in the "Town of Saukville Fee Schedule" together with the plans and specifications for the proposed

temporary sewage holding tank and related installation, and the Ozaukee County approved plans for the proposed permanent conventional or mound on site waste disposal system which is ultimately to be constructed.

2. Conditions of Temporary Sewage Holding Tank Permit Approval. The Town Zoning Administrator may approve the installation and use of a temporary sewage holding tank for any property where a conventional or mound on site waste disposal system has been approved by the Ozaukee County Department of Environmental Health. The fee for the issuance of a Temporary Sewage Holding Tank Permit is set forth in the “Town of Saukville Fee Schedule.” An application so submitted may not be approved by the Town Zoning Administrator unless conditioned upon the following:
 - a. The deposit with the Town of cash, letter of credit or surety bond, which letter of credit or surety bond is in a form satisfactory to and approved by the Town Attorney, in an amount equal to 150% of the cost of the proposed conventional or mound on site waste disposal system which has been approved by Ozaukee County Department of Environmental Health for construction and use on the property;
 - b. The use of the temporary sewage holding tank shall be limited to a period nine (9) months from and after issuance of the Temporary Sewage Holding Tank Permit for its installation;
 - c. Should the proposed permanent conventional or mound on site waste disposal system which has been approved by Ozaukee County Department of Environment Health and which is ultimately to be constructed, not be completed within such nine (9) months period, the Town may:
 - 1) Condemn the holding tank installation, and declare the premises uninhabitable, and enjoin the further occupancy thereof; or
 - 2) Utilize the cash deposit, or call the letter of credit, or surety bond using the proceeds thereof to properly abandon the holding tank and to construct the permanent conventional or mound on site waste disposal system which has been approved by Ozaukee County Department of Environmental Health to completion; after completion, any excess proceeds shall be refunded to the owner of the property;
 - d. If the permanent conventional or mound on site waste disposal system which has been approved by Ozaukee County Department of Environmental Health is completed as provided for within nine (9) months by the owner of the property, then the cash deposit shall be released and returned, or the letter of credit or surety bond canceled by the Town.
- F. Prohibition of Sewage Holding Tanks for New Construction. No sewage holding tanks shall be permitted for any new construction in the Town and the sewage holding tanks provided for in this Section shall be limited only to use of existing premises which cannot be served by an alternate type of sewage disposal system of the type approved by the Ozaukee County Department of Environmental Health and the State Department of Commerce.
- G. Nuisances. Every wage disposal system placed or maintained in violation of this ordinance is a public nuisance and the creation thereof may be enjoined and maintenance thereof may be abated by action at suit of the State, the County, the Town, or any citizen thereof.

SECTION 3.0705 GENERAL STANDARDS FOR TEMPORARY USES

A. General Standards. No Temporary Use Permit for a temporary use shall be granted by the Town Zoning Administrator pursuant to the Ordinance unless the applicant shall establish the following;

1. Zoning Ordinance Purposes and Intent. The proposed use will be in harmony with the general and specific purposes for which this Ordinance was enacted and for which the regulations of the zoning district in question were established;
2. Adverse Impact. The proposed use will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood.
3. Interference with Surrounding Development. The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property according to the applicable zoning district regulations.
4. Adequate Facilities. The proposed use will be served adequately by streets, off-street or on-street parking, police and fire protection, refuse disposal, and other public facilities or the applicant will provide adequately for such facilities as well as provide for safe vehicular and pedestrian access and egress to the site.
5. Traffic Congestion. The proposed use will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets or upon residential property. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public streets.
6. Destruction of Significant Features. The proposed temporary use will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.
7. Permanent Changes to the Site Prohibited. The proposed temporary use will not result in permanent changes to the site.
8. Signage. The proposed temporary use shall, in all other respects, conform to the applicable dimensional regulations of the district in which it is located. The proposed use shall comply with all additional standards imposed on it by the particular provision of this Ordinance.

B. Considerations. In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Zoning Administrator shall consider the following:

1. Public Benefit. Whether and to what extent the proposed temporary use at the particular location requested is necessary or desirable to provide a service that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.
2. Alternative Locations. Whether and to what extent such public benefit goals can be met by the location of the proposed temporary use at another site or in another area that may be more appropriate than the proposed site.
3. Mitigation of Adverse Impacts. Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use on the immediate vicinity through site design and screening.

- C. Conditions on Temporary Use Permit for a Temporary Use. The Zoning Administrator may impose such conditions and limitations concerning use, location, maintenance, screening, operation, hours of operation (except as may be allowed by other Federal, State, or County requirements), and other matters relating to the purposes and objectives of this Ordinance upon the premises benefited by the issuance of a Temporary Use Permit for a temporary use as the Zoning Administrator deems may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements near the subject property, upon such public facilities and services, protection of the public interest, and to secure compliance with the standards and requirements specified in the Ordinance. Such conditions shall be expressly set forth in the Temporary Use Permit for a temporary use. Violation of any such condition or limitation shall be a violation of this Ordinance and shall constitute grounds for revocation of the Temporary Use Permit for a temporary use.
- D. Effect of Issuance of a Temporary Use Permit for a Temporary Use. The grant of a Temporary Use Permit for a temporary use shall not authorize the establishment or extension of any such use as a permanent use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any other permits or approvals that may be required by the Ordinances of the Town, including but not limited to Building Permit, Zoning Permit, Occupancy Permit, land divisions approval, site plan approval, or other type of permit or approval.
- E. Limitations on Temporary Use Permit for a Temporary Use.
1. Time Limitations. Subject to an extension of time granted by the Zoning Administrator, no Temporary Use Permit for a temporary use shall be valid for a period longer than thirty (30) days in any one (1) calendar year.
 2. Temporary Use Discontinuance. A Temporary Use Permit for a temporary use shall be deemed to authorize only the particular temporary use for which it was issued. Such Temporary Use Permits for a temporary use shall automatically expire and cease to be of any force or effect if such use shall be discontinued.
- F. Amendments to Temporary Use Permit for a Temporary Use. A Temporary Use Permit for a temporary use may be amended, varied, or altered only pursuant to the procedures and subject to the standards and limitations provided in this Ordinance for the original approval of a temporary use.
- G. Review of Temporary Use Permit for a Temporary Use. An existing Temporary Use Permit for a temporary use may be reviewed by the Town as follows:
1. The Zoning Administrator may review a Temporary Use Permit for a temporary use if any of the following determinations are made by the Zoning Administrator:
 - a. The temporary use has not continued in conformity with the Town's conditions of approval of the Temporary Use Permit for a temporary use or with any subsequent amendments to the Temporary Use Permit for a temporary use;
 - b. Violations of other statutes, or laws;
 - c. A change in the character of the surrounding area or in the temporary use itself which has caused the temporary use to become incompatible with the surrounding uses.
 2. The determination of a review of a granted Temporary Use Permit for a temporary use shall be made by the Zoning Administrator after due notice to the property owner,

occupant, or agent as indicated on the Temporary Use Permit for a temporary use, as to the reason(s) for the review.

3. Upon review of the Temporary Use Permit for a temporary use, the Zoning Administrator may take no action, revise the Temporary Use Permit for a temporary use, specify additional conditions to be added to the Temporary Use Permit for a temporary use, or may terminate the Temporary Use Permit for a temporary use.

H. Applications for a Temporary Use Permit for a Temporary Use. See Section 7.0104 of the Ordinance.

SECTION 3.0706 DETAILED STANDARDS FOR TEMPORARY USES

A. Seasonal Activities (When Charged an Entrance Fee or Participation Fee) and Sales Lot (Including Temporary Roadside Stands for the Sale of Agricultural Products). The following specific standards shall be used:

1. Access. The use shall be located along and have direct vehicular access to a public street. Access to and from the site shall be in accord with the requirements of the applicable highway or arterial street access authority including the Wisconsin Department of Transportation, Ozaukee County, and/or the Town of Saukville.
2. Sales Prohibited on Public Land and Public Rights-of-Way. No seasonal activities and/or seasonal outdoor sales uses shall be located on Town-owned land or public rights-of-way. All parking provided such uses shall be located off-street.
3. Location. The use shall be restricted to a clearly defined area on the property as approved by the Town Board.
- 4.
4. No Seasonal Outdoor Sales Uses Permitted Not Accessory to Enclosed Building. No seasonal activities and/or seasonal outdoor sales shall be permitted which are not accessory to a permanent enclosed use.
5. Considered as an Accessory Use. The seasonal activities and/or seasonal outdoor sales use shall be considered and accessory use to the principal use of this property.
6. Hazardous and Chemical Materials. No hazardous and chemical materials that include explosives and blasting agents, flammable and combustible liquids, liquefied petroleum gas, and chemicals (including fertilizers) shall be located outdoors.
7. Visibility. The location of seasonal activities and/or seasonal outdoor sales uses on the property shall not block visibility for vehicles or pedestrians on or off the lot in a way that would create a safety hazard or obscure the public view of a neighboring business.
8. Trash and Debris. All trash and debris shall be removed or contained daily.
9. Written Consent Required. Written consent from the owner, or authorized agent, of the property shall be provided.
10. Signage. All signage shall be according to the sign regulations set forth in the Town sign regulations. The following signs are hereby prohibited:

- a. Any sign which, or any part of which, is in motion by any means, including fluttering or rotating, or other signs set in motion by movement of the atmosphere. This includes all flags (except that of the United States of America and State of Wisconsin), pennants, whirling objects, banners, or other entity(s) attached to strings or lines.
 - b. Inflatable advertising devices or signs.
 - c. Changeable copy and portable trailer signs, either fixed or moveable.
 - d. Banners which are temporary signs or devices of paper, fabric, plastic, or other flexible materials and are suspended by wires or poles to advertise a special event (except as may be permitted by the Town Board).
 - e. Statues and stuffed animals.
 - f. A sign on a motor vehicle or trailer parked on public or private property so as to be seen from the public right-of-way for more than three (3) consecutive hours, which has attached thereto or lactated thereon any sign for the purpose of advertising a product or direction people to a business activity.
11. Removal of Materials. All materials shall be removed within twenty-four (24) hours of the end of the operation.
 12. Limitations on Use of Drives or Required Off-Street Parking Spaces. No temporary seasonal activities and/or seasonal outdoor sales area shall occupy any drive and/or off-street parking space which is required by this Ordinance for the principal use of the property.
 13. Blocking of Ingress/Egress Routes Prohibited. No temporary seasonal activities and/or seasonal outdoor sales area shall block any permanent vehicular and/or pedestrian ingress and egress route or access aisle or drive (including entrances and/or exits to a site or building).
 14. Setbacks. No temporary seasonal activities and/or seasonal outdoor sales area may directly abut any residential zoning district.
 15. Fire Hazards. All temporary seasonal activities and/or seasonal sales areas shall be maintained in such a manner so as to eliminate insofar as possible any fire hazards.
 16. Duration. No business shall be issued more than two (2) Certificates of Occupancy for a temporary seasonal outdoor sales within any one (1) calendar year. The duration of one or both of the requests for the Certificate(s) of Occupancy for the temporary seasonal outdoor sales shall not exceed a total of sixty (60) days within any one (1) calendar year.
 17. Electrical Wiring. Electrical wiring shall be installed by a licensed electrical contractor and approved by the Town Electrical Inspector.
 18. Certificate(s) of Insurance Required. No seasonal activities and/or seasonal outdoor sales use shall be permitted until the applicant therefore has placed on file with the Zoning Administrator a certificate or certificates of insurance indicating that there is in effect adequate public liability insurance covering any damages arising out of the use or operation of any devices and facilities operated in connection with such seasonal outdoor sales use. The Town shall be held harmless by the appointment.

19. Hours of Operation. The sales shall be limited to between the hours of 7 a.m. and 9 p.m.
20. Other Requirements. Any other requirements and/or conditions deemed appropriate by the Zoning Administrator.

B. Construction Trailers as Temporary Offices.

1. Removal of Trailer Required Upon Completion of Work. A licensed contractor engaged upon a construction project for which a Building Permit has been issued by the Building Inspector may temporarily use a construction trailer for office facilities in the location where the work is being done, provided such construction trailer shall:
 - a. Not be placed upon the public streets but upon the property on which the Building Permit authorizes the construction.
 - b. Not to be placed more than fifteen (15) days prior to the commencement of the work for which the Building Permit has been issued.
 - c. Be removed within fifteen (15) days after completion of the work for which the Building Permit has been issued.
2. Use of Mobile Homes, or Modular Homes, as Temporary Offices During New Construction or Remodeling. A Zoning Permit may be issued by the Plan Commission for a one (1) year period for mobile homes, or modular homes, as temporary offices while business properties are being constructed or remodeled, if they are placed upon the property for which there is a Building Permit issued by the Building Inspector for the remodeling. The permit shall be for one (1) year or until the new construction or remodeling is completed, whichever is the shorter period. The Zoning Permit may be renewed after the expiration of the one (1) year period.

C. Dumpsters for Trash and Garbage Required for Construction Sites.

1. No Building Permit to be Issued. No Building Permit shall be issued to construct any building in any zoning district or for any other construction as required by the Building Inspector or Zoning Administrator, unless the applicant shows to the satisfaction of the Building Inspector that the applicant will provide and maintain on each construction site a dumpster with a minimum capacity of ten (10) cubic yards. The dumpster shall be packed in such a way to eliminate the possibility of its contents from blowing about the construction site or on to neighboring properties. The dumpster shall be placed on the property before commencing of the framing of the new structure. A fenced area for the temporary storage of recyclable material shall be provided on-site.
2. Failure to Comply. Failure to comply with obtaining, utilizing, emptying, and maintaining of a dumpster for construction debris shall, after notification to the builder by the Zoning Administrator or Building Inspector and the lapsing of a grace period of forty-eight (48) hours, necessitate the issuance of citations to the builder in the matter. The Building Inspector may also authorize, obtain and maintain dumpsters on construction sites pursuant to the procedures in Chapter 66.62 of the Wisconsin Statutes as amended. Pursuant to Chapter 66.62 of the Wisconsin Statutes as amended, the Town can provide reasonable notice and a hearing before the Town Board about whether this section has been violated. If the Town Board finds that this section has been violated, the Town Board may order a dumpster be obtained and maintained on the construction site with the cost charged to the property owner benefited thereby and placed as a special assessment and a lien against the property.

- D. Garage and Yard Sales. Garage, yard, tag, patio, and apartment sales are specifically permitted, as a temporary use, in all agricultural or residential portions of a Town-approved “Open Space Subdivision” or residential zoning districts without a Zoning Permit granted. Such sales shall be limited to one (1) such sale during each six (6) month period, for a duration not to exceed three (3) consecutive days.
- E. Model Homes, Model Dwelling Units, and Pre-Construction Sales Offices. Model homes, model dwelling units, and preconstruction sales offices are residential type structures used as sales offices by a builder/developer and the display the builder/developer’s product. The same may be furnished within, since its purpose is to display the perspective buyers the builder/developer’s features (such as exterior siding treatments, roofing materials, interior trim, moldings, floor covering, etc.) in the environment of a completed home, and may be staffed by the builder/developer’s sales force. Model homes, model dwelling units, and preconstruction sales offices shall be subject to the following restrictions.
1. District Dimensional Requirements to be Met. The model dwelling unit shall meet all district requirements for lot and yard setbacks.
 2. Sign Illumination. Signs shall not be illuminated after 9:00 p.m.
 3. Business Activity Not Permitted Before 9:00 a.m. Nor After 9:00 p.m. The model dwelling unit shall not be used for any business activity before 9:00 a.m. nor later than 9:00 p.m.
 4. Lighting. All exterior lighting must be “downlighting,” so that absolutely no light shall be cast onto adjoining residential properties. All off –street parking areas must be illuminated. All exterior lighting shall be extinguished at the closing time of the model home. (Also see Division 5.0400 for compliance with maximum permitted outdoor lighting levels.)
 5. Off-Street Parking. All model homes shall provide off-street, paved parking for the public. Such off-street, paved parking shall be located as directed by the Plan Commission. The number of required off-street parking spaces shall be six (6) per model home. The driveway of the model home may be used for not more than two (2) of the required spaces.
 6. Screening and Trash Receptacles. Landscape drawings shall be required and show adequate landscaping and screening from adjoining residential lots, with the clear marking of the boundaries of the model home lot. Trash receptacles shall be provided around the model home for use by the public.
 7. Construction and Issuance of Certificate of Occupancy. The construction of all model homes shall be approved by the Plan Commission and a Certificate of Occupancy shall not be issued until after the abutting street has been dedicated to the Town and provided with a paved surface all weather roadway access, public fire protection, and all public utilities.
 8. Termination of Use. The use of model homes within a residential subdivision, or within any single phase of a multi-phase subdivision, shall terminate when building permits have been issued for eighty-five (85) percent of the lots therein.
 9. Model Dwelling Unit Constructed in Nonresidential Zoning Districts. Model dwelling units may be erected or displayed in districts that exclude residential uses, if such models shall not be used for residential purposes, but only for display as a means to sell homes in

districts in which they are permitted and if all other requirements of the district in which the model dwelling unit is erected shall be met.