
ORDINANCE NO. 2015-07**ORDINANCE TO REPEAL AND RECREATE ARTICLE VII, DIVISION 1, SECTION 40.415 REGARDING TEMPORARY AND/OR SEASONAL USES AND STRUCTURES**

The Village Board of the Village of Pewaukee, Waukesha County, Wisconsin, do ordain as follows:

WITNESSETH

WHEREAS, the desire to clarify the process for approval of temporary and/or seasonal uses is desired; and

WHEREAS, the proposed amendment to the Land Development Code was reviewed by the Plan Commission of the Village on October 9, 2014 and was recommended to the Village Board for approval; and

WHEREAS, notice of this proposed Code amendment was given through the publication of a legal notice as required pursuant to Article 2 Division 2 of Chapter 40 of the Municipal Code of the Village of Pewaukee as well as Wisconsin Statute Section 62.23(7).

NOW THEREFORE, the Village Board of the Village of Pewaukee, Waukesha County, Wisconsin, do ordain as follows:

SECTION ONE:

Sec. 40.415 is repealed and recreated to read as follows:

Section 40.415 Temporary and/or seasonal uses and structures

- (1) Any temporary and/or seasonal structure or use intended to remain in place for nine months or less with the intent to discontinue such use upon the expiration of such fixed time, which structure and/or use does not include the addition of any permanent physical modifications or improvements to the property upon which it is located may be permitted subject to the approval of the Village of Pewaukee Village Administrator upon his review of potential impacts (including but not necessarily limited to such matters as traffic generation, noise emission, light emission, anticipated crowd size/attendance, proposed security, hours of operation, utility service needs such as gas or electricity, odor emission, refuse containment, consistency with neighboring land uses, frequency of use occurrence, duration of use, parking provisions and sanitary provisions) of the use and/or structure. Plan Commission approval shall be required if the proposed temporary and/or seasonal use, as previously described, is intended to remain for more than nine months.
- (2) Under the following circumstances, a conditional use permit shall be required prior to establishing the temporary or seasonal use or structure:

- (a) Where such structure does not comply with the offset or setback requirements of the zoning district in which it is located;
 - (b) If the proposed use includes outdoor service and/or consumption of alcohol not otherwise previously approved by the village;
 - (c) If the use involves food/concession sales/vending and/or retail-type peddling to the general public for more than two consecutive days or three days cumulatively in any 30 day period;
 - (d) If the use includes permanent physical modifications or improvements to the property it is to locate upon;
 - (e) If the Village Administrator determines that the proposed structure or use may adversely impact neighboring property owners or the general public health, safety and welfare of the Village in whole or in part.
- (3) Request for Temporary and/or Seasonal Use approval shall be submitted to the Village Administrator for review and dispensation on forms provided by the Village. The submittal shall include such plans and information as he shall deem necessary in order to fully assess the request and to accurately document it for the Village record.
- (4) Fees for application, review, consideration and approval of Temporary and/or Seasonal Uses may be levied in accordance with applicable Section(s) of the Village's Code of Ordinances and may include a requirement for the applicant to execute the Village's "Professional Services Reimbursement Notice" .

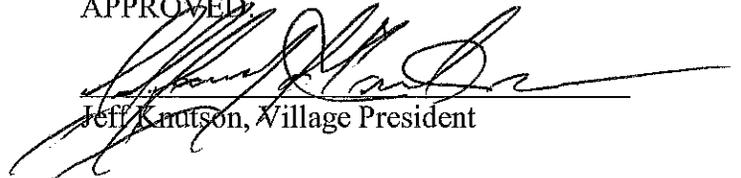
SECTION TWO: All ordinances or parts of ordinances contravening the terms and conditions of this ordinance are hereby to that extent repealed.

SECTION THREE: The several sections of this ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of other portions of the ordinance.

SECTION FOUR: This ordinance shall take effect immediately upon passage and publication as required by law.

Passed and adopted this 2nd day of April, 2015, by the Village Board of the Village of Pewaukee.

APPROVED


Jeff Knutson, Village President

Countersigned:

Nancy J. Zastrow, Village of Pewaukee Clerk