

## **20.01.000 TITLE, AUTHORITY, PURPOSE, SCOPE, SEVERABILITY**

**20.01.010 TITLE.** This ordinance shall be known as the Zoning Ordinance of the City of Port Washington.

**20.01.020 AUTHORITY.** This Ordinance is adopted pursuant to the authorization in §62.23 (7) of the Wisconsin Statutes.

**20.01.030 PURPOSE.** The provisions of this Ordinance shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the City of Port Washington. Among other purposes, such provisions are intended to provide for adequate light, air, sanitary drainage, convenience of access and safety from fire and other dangers; to promote the safety and efficiency of the public streets and highways, to aid in conserving and stabilizing the economic values of the community; to preserve and promote the general attractiveness and character of the community environment; to guide the proper distribution and location of population and of the various land uses; to conserve and protect from misuse such areas as flood plains and wetlands; and prevent flood damage to persons and property, minimize expenditures for flood relief and flood control projects, and otherwise provide for the healthy and prosperous growth of the community.

**20.01.040 SCOPE.** It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing easement, covenants, or agreements between parties or with any rules, regulations or permits previously adopted or issued pursuant to laws; provided however, that where this Ordinance in any way imposes greater restrictions, than are required by other rules, regulations or permits or by easements, covenants or agreements, the provisions of this Ordinance shall govern.

**20.01.050 SEVERABILITY.** The several sections, subsections and paragraphs of this Ordinance are hereby declared to be severable. If any section, subsection, paragraph, or subparagraph of this Ordinance shall be declared by a decision of a Court of competent jurisdiction to be invalid, such decisions shall not affect the validity of the other provisions of this Ordinance, or of the section of which the invalid portion or paragraph may be a part.

**20.01.060 COMPLIANCE-OTHER PERMITS.** Any development within or adjacent to floodplains and wetlands as regulated by this Ordinance may also require permits from other agencies with jurisdiction over the same area, such as the Wisconsin Department of Natural Resources or the US Army Corps of Engineers under section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334. It is the responsibility of the applicant to secure such other permits as may be appropriate from these agencies.

**20.01.070 MUNICIPALITIES AND STATE AGENCIES REGULATED.** Unless specifically exempted by State Statute, all state, county, city or other municipal lands or facilities within the jurisdiction of this Ordinance shall comply with this Ordinance and obtain all of its necessary permits. State agencies are required to comply if s. 13.48 (13) Wis Stats applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when s.30.1294) (a), Wis. Stats. applies.

## **20.01.000 TITLE, AUTHORITY, PURPOSE, SCOPE, SEVERABILITY**

### **20.01.080 ABROGATION AND GREATER RESTRICTIONS.**

- A. ABROGATION. It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules or permits previously adopted or issued pursuant to law nor is it the intent of this Ordinance to abrogate, impair or interfere with the legal rights of individuals or corporations as they may be guaranteed by the state or federal constitutions, statutes, or administrative rules. Claims for such interference may be processed through the appeals procedure provided for in Section 20.08 of this ordinance.
- B. GREATER RESTRICTIONS. Where this ordinance permits a property to be placed in more than one zone, as is the case of overlay districts, or where a property is subject to both wetland and floodplain regulations, the more restrictive regulations shall apply. Where this Ordinance regulates the same or similar items as contained in easements, covenants, deed restrictions, and where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall apply.