

ORDINANCE NO. 205AN ORDINANCE TO AMEND THE
VILLAGE OF OCONOMOWOC LAKE ZONING CODE
TO REQUIRE PRE-CONSTRUCTION AND
POST-CONSTRUCTION LANDSCAPING PLANS
AND TOPOGRAPHY PLANS IN THE
VILLAGE OF OCONOMOWOC LAKE

The Village Board of the Village of Oconomowoc Lake, Waukesha County, Wisconsin, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 17 of the Village of Oconomowoc Lake Municipal Ordinances, entitled "Zoning Code," Section 17.17 entitled "Zoning Permit," subsections (6) and (7) are hereby renumbered subsection (8) and (9), respectively, as follows:

- (8) Additional information as may be required by the Village Plan Commission, Architectural Control Board, Village Engineer, Zoning, Building, Plumbing or Health Inspectors.
- (9) Fee receipt from the Village Treasurer in the amount specified by the Village Board. The zoning permit shall be granted or denied in writing by the Zoning Inspector within thirty (30) days. The permit shall expire within six (6) months unless substantial work has commenced. Any permit issued in conflict with the provisions of this chapter shall be null and void.

SECTION 2: Chapter 17 of the Village of Oconomowoc Lake Municipal Ordinances, entitled "Zoning Code," Section 17.17 entitled "Zoning Permit," subsection (6) is hereby created as follows:

- (6) Topography map showing grade contour lines measured at every two feet or less of grade, and also showing the location of trees, bushes, shrubs and other vegetation which has a trunk diameter of 6" at 4' above the ground, or a height of 8' or more, said grade contour lines and vegetation being shown both as existing and as proposed. In addition, upon completion of construction, an "as built" plan must be submitted showing the final topography of the parcel. Said

pre-construction and post-construction plans must be submitted to, and are subject to the approval of, the Architectural Control Board. The requirement for a post-construction plan may be waived by the Zoning Inspector in writing, if the Zoning Inspector finds upon viewing the site that the changes are so readily apparent, and so clearly in accordance with the pre-construction plan that the post-construction plan would serve no useful purpose.

Compliance with this subsection (6) is not required if: (a) the difference between the existing and both proposed and actual post-construction topography is less than 2' in height or depth, and (b) the total disturbed area is less than 400 square feet in area.

SECTION 3: Chapter 17 of the Village of Oconomowoc Lake Municipal Ordinances, entitled "Zoning Code," Section 17.17 entitled "Zoning Permit," subsection (7) is hereby created as follows:

- (7) Landscaping plan showing the existing landscaping and proposed landscaping. In addition, upon completion of construction, a post-construction landscaping plan must be submitted showing the final landscaping to be installed on the parcel, specifically noting any changes that may be proposed as a result of the construction. Said pre-construction and post-construction plans must be submitted to, and are subject to the approval of, the Architectural Control Board. The requirement for a post-construction plan may be waived by the Zoning Inspector in writing, if the Zoning Inspector finds upon viewing the site that the changes are so readily apparent, and so clearly in accordance with the pre-construction plan that the post-construction plan would serve no useful purpose. Compliance with this subsection (7) is not required if: (a) the only reason for the zoning permit is remodeling of an existing structure and (b) the footprint of the existing structure will not be expanded by 400 square feet or more.

SECTION 4: Chapter 17 of the Village of Oconomowoc Lake Municipal Ordinances, entitled "Zoning Code," Section 17.24 entitled "Preservation of Topography," subsection (2) is hereby repealed and recreated as follows:

- (2) No change in existing topography of any land shall be made which will alter the existing drainage or flood control areas or adversely affect adjoining properties or increase the slope to a ratio greater than one and one-half (1-1/2) horizontally to one (1) vertically within fifteen (15) feet from the lot lines without the approval of the Zoning Inspector; and such approval may be conditioned upon a requirement that an adequate retaining wall be constructed. In addition, no change in existing topography of any land shall be made which will alter the grade of any portion of the property by two feet or more in height or depth, or which makes any alteration to the existing topography in an area of 1000 square feet or more, without approval of the Zoning Inspector. The Zoning Inspector is authorized to impose such requirements as may be necessary to ensure compliance, and to enforce compliance herewith. In considering whether to grant the approval of a topography change regulated by this section, the Zoning Inspector shall consider the following factors: whether it clearly appears that there will be no adverse impact upon other properties in the Village as to drainage, visual impact, property values, or other cause; whether it clearly appears that there will be no adverse impact upon the property where the work is being performed in terms of drainage or property values; whether the proposed work is in compliance with other applicable laws; and whether adequate protections are made, or sufficient conditions are imposed upon the approval, to ensure that the work is performed as initially proposed and that the topography changes function as intended. The Zoning Inspector's determination shall be made in writing, and shall be provided to the property owner. The owner of the property for which such topography changes are proposed may appeal the Zoning Inspector's determination to the Plan Commission by filing a written appeal with the Village Clerk within 30 days of receipt of the Zoning Inspector's written determination. The Zoning Inspector also shall have the authority to refer requests for topography changes directly to the Plan Commission in lieu of making the determination if the Zoning Inspector concludes that the request poses significant policy or interpretation questions. If the matter comes before the Plan Commission, either upon appeal or upon the Zoning Inspector's request, (a) the Plan Commission shall cause notice to be mailed to the applicant, the Zoning Inspector, and to the parties in interest at least five (5) days prior to the Plan Commission meeting, (b) the

Plan Commission shall consider the matter based upon the same factors that would apply to the Zoning Inspector, and (c) the Plan Commission's determination shall be final. The requirements of this section, and the authority granted to the Zoning Inspector by this section, are in addition to all other applicable provisions of this Zoning Code, including such review as may be required by Section 17.17(6), and 17.60(5) of this Zoning Code.

SECTION 5: Chapter 17 of the Village of Oconomowoc Lake Municipal Ordinances, entitled "Zoning Code," Section 17.27 entitled "Certificate of Occupancy and Compliance," subsection (1) is hereby repealed and recreated as follows:

- (1) No vacant lands shall be occupied or used for other than farming purposes and no building now or hereafter erected, altered, or moved, shall be occupied, used or changed in use, until a certificate of occupancy and compliance shall have been issued by the Zoning Inspector stating that the building or proposed use of a building or vacant land complies with the provisions of this chapter. Certificates of occupancy and compliance shall be applied for with the application for a zoning permit and shall be issued within ten (10) days after the erection, alteration or moving of such building shall have been completed in conformity with the statements on the application, provided that all requirements of this Zoning Code have been satisfied, including, but not limited to, the requirements of the zoning permit as stated in Section 17.17 of this Zoning Code.

SECTION 6: Chapter 17 of the Village of Oconomowoc Lake Municipal Ordinances, entitled "Zoning Code," Section 17.27 entitled "Certificate of Occupancy and Compliance," subsection (3) is hereby created as follows:

- (3) All landscaping must be installed in accordance with the approved post-construction landscaping plan within one (1) year following the issuance of the certificate of occupancy and compliance.

SECTION 7: Chapter 17 of the Village of Oconomowoc Lake Municipal Ordinances, entitled "Zoning Code," Section 17.60 entitled "Architectural Control Board," subsection (5) entitled "Powers," subsection (a) is hereby repealed and recreated as follows:

(5) **POWERS.**

The Architectural Control Board shall have the following power:

- (a) Hear and decide applications for permission to erect, move, reconstruct, extend, alter or change the exterior of all structures. In considering such applications, the Architectural Control Board's authority is not limited to the structure, but includes exterior areas of the affected lot, including, but not limited to, review of the existing and proposed topography, and proposed landscaping.

SECTION 8: SEVERABILITY.

The several sections 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 section 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 9: EFFECTIVE DATE.

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