

ORDINANCE # 111

AN AMENDMENT TO THE ZONING ORDINANCE OF  
THE VILLAGE OF OCONOMOWOC LAKE

The Village Board of the Village of Oconomowoc Lake does ordain as follows:

SECTION 1:

The following shall be an amendment to the Zoning Ordinance, Ordinance #30, and shall be as follows:

SECTION 2.5 Entitled USE RESTRICTIONS is amended to read as follows:

2.5 ACCESSORY USES is amended to read as follows:

ACCESSORY USES and structures are permitted in any district but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry other than a household occupation or a professional home office as defined in Section 10.0. Accessory uses include incidental repairs, storage, parking facilities, nurseries, gardening, private swimming pools, and private emergency shelters.

SECTION 3.1 is revised to read as follows:

3.1 ESTABLISHMENT

For the purpose of this ordinance, the Village of Oconomowoc Lake is hereby divided into the following zoning districts:

R-1 General Agriculture/Rural Residential District  
R-2 Suburban Residential District  
R-3 Low Density Residential District  
B-1 Business District  
I-1 Restricted Industrial District  
U-1 Upland Conservancy Overlay District  
L-1 Lowland Conservancy Overlay District

BOUNDARIES OF THESE DISTRICTS are hereby established as shown on the official map entitled "Zoning Map - Village of Oconomowoc Lake, Wisconsin-1990." Such boundaries shall be constructed to follow: corporate limits, U.S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, easements, and railroad right-of-way or such lines extended; unless otherwise noted on the Zoning Map.

The remaining portions of Section 3.1 of Ordinance #30, as amended, are unchanged.

SECTION 3.2 (Unchanged)

SECTION 3.3 is repealed in its entirety and a new Section 3.3 is created to read as follows:

3.3 R-1 GENERAL AGRICULTURAL/RURAL RESIDENTIAL DISTRICT

PRINCIPAL USE           Single-Family dwelling  
                          Agricultural Use - See Section 3.12

CONDITIONAL USES       See Section 4.0

BUILDING, MAIN

Height                   Maximum 35 ft.  
Area                     Minimum 3000 sq. ft.  
Street Setback          Minimum 75 ft.  
Offset                   Minimum 30 ft.  
                          Aggregate 75 ft.  
Waterfront Setback      Minimum 75 ft.  
Wetland Setback         Minimum 25 ft.

STRUCTURE, ACCESSORY

Height                   Maximum 16 ft.  
Street Setback          Minimum 75 ft.  
Offset                   Minimum 25 ft.  
Distance to  
  residence on  
  adjoining lot         Minimum 60 ft.  
Waterfront Setback      Minimum 75 ft.  
Wetland Setback         Minimum 25 ft.

LOT

Width                   Minimum 250 ft.  
Area                     Minimum 5 acres  
Water Frontage          Minimum 250 ft.  
                          (if applicable)

SECTION 3.4 is repealed in its entirety and a new Section 3.4 is created to read as follows:

3.4 R-2 SUBURBAN RESIDENTIAL DISTRICT

PERMITTED USE           Single-Family dwelling

CONDITIONAL USES       See Section 4.0

**BUILDING, MAIN**

Height Maximum 35 ft.  
Area Minimum 2250 sq. ft.  
Street Setback Minimum 75 ft.  
Offset Minimum 20 ft.  
Aggregate 50 ft.  
Waterfront  
Setback Minimum 75 ft.  
Wetland Setback Minimum 25 ft.

**STRUCTURE, ACCESSORY**

Height Maximum 16 ft.  
Street Setback Minimum 75 ft.  
Offset Minimum 15 ft.  
Distance to  
residence on  
adjoining lot Minimum 50 ft.  
Waterfront  
Setback Minimum 75 ft.  
Wetland Setback Minimum 25 ft.

**LOT**

Area Minimum 2.0 acres  
Width Minimum 200 ft.  
Water Frontage Minimum 200 ft.  
(if applicable)

SECTION 3.5 is repealed in its entirety and a new Section 3.5 is created to read as follows:

**3.5 R-3 LOW DENSITY RESIDENTIAL DISTRICT**

**PERMITTED USE** Single-Family Dwelling

**CONDITIONAL USES** See Section 4.0

**BUILDING, MAIN**

Height Maximum 35 ft.  
Area Minimum 1500 sq. ft.  
Street Setback Minimum 50 ft.  
Offset Minimum 15 ft.  
Aggregate 40 ft.  
Waterfront Setback Minimum 75 ft.  
Wetland Setback Minimum 25 ft.

**STRUCTURE, ACCESSORY**

Height Maximum 16 ft.  
Street Setback Minimum 50 ft.  
Offset Minimum 15 ft.  
Distance to  
residence on  
adjoining lot Minimum 50 ft.  
Waterfront Setback Minimum 75 ft.  
Wetland Setback Minimum 25 ft.

LOT		
Area		Minimum 1.0 acres
Width		Minimum 150 ft.

SECTION 3.6 (Unchanged)

SECTION 3.7 (Unchanged)

SECTION 3.8 is repealed and a new Section 3.8 is created as follows:

3.8 PLANNED UNIT DEVELOPMENT

Planned Unit Developments are expressly permitted as conditional uses and shall conform to the provisions of Section 4.0. Planned Unit Developments are limited to residential uses and may be located only within R-1, R-2, R-3, U-1 and L-1 zoning districts.

SECTIONS 3.9, 3.10, 3.11 and 3.12 are created to read as follows:

3.9 LOTS WHICH INCLUDE MULTIPLE ZONING DISTRICTS

A. Should any proposed lot include land in more than one zoning district, where each such district has a different requirement for minimum lot size, then the minimum lot size for such lot shall be computed by the following formula such that the result must be equal to or greater than one (1.0).

$$\frac{X}{XR} + \frac{Y}{YR} + \frac{Z}{ZR} > 1.0$$

Where: X = Lot Area located in most restrictive district (expressed in acres rounded to three decimal places).

XR = Minimum lot size in "X" district.

Y = Lot Area located in the next most restrictive district (expressed in acres rounded to three decimal places).

YR = Minimum lot size in "Y" district.

Z = Lot Area located in least restrictive district (expressed in acres rounded to three decimal places).

ZR = Minimum lot size in "Z" district.

B. MINIMUM LOT SIZES TO BE USED IN COMPUTATION

<u>ZONING DISTRICT</u>	<u>MINIMUM LOT SIZE</u>
L-1 Lowland Conservancy Overlay	5.0 acres. The fractional value allowed for wetland area shall not exceed 6/10
U-1 Upland Conservancy Overlay	5.0 acres
R-1	5.0 acres
R-2	2.0 acres
R-3	1.0 acres

Lots located in multiple zoning districts must conform to all other zoning standards of the most restrictive zoning district.

3.10 U-1 UPLAND CONSERVANCY OVERLAY DISTRICT

The Upland Conservancy Overlay District is established to protect and enhance significant woodlands and related scenic areas, to preserve the rural character, and to encourage the forestation and reforestation of marginal farmlands within the Oconomowoc Lake and the Oconomowoc River drainage areas.

The Upland Conservancy Overlay District shall include all lands designated by Southeastern Wisconsin Regional Planning Commission (SEWRPC) as "Primary Environmental Corridor" or "Isolated Natural Area" in "A WATER QUALITY MANAGEMENT PLAN FOR OCONOMOWOC LAKE" dated March 1990, irrespective of the underlying zoning district in which they may lie, excepting those lands located within the L-1 Lowland Conservancy Overlay District.

The provisions of this section shall be construed as being supplementary to the regulations being imposed on the same lands by the underlying zoning regulation. Where the Upland Zoning Regulation and the underlying zoning regulation conflict, the most restrictive regulations shall govern.

The boundaries of this district shall be presumed to be as shown on the official zoning map of the Village of Oconomowoc Lake. It is the obligation of any applicant for building permit or approval of certified survey map to provide acceptable verification by survey and botanical analysis of the district boundaries utilizing the biological criteria employed by SEWRPC.

Lands within the Upland Conservancy Overlay District shall be subject to all the restrictions and regulations contained in Section 3.3, as amended, of this Zoning Ordinance.

### 3.10A UPLAND CONSERVANCY REGULATED

All property lying within the Upland Conservancy Overlay District as established by the Village under this Ordinance shall remain so zoned irrespective of any activities or occurrences accidental or otherwise that might result in a change in the character of the land. The Upland Conservancy District is established to protect significant woodlands and related scenic areas and no land owner shall be permitted to avoid that purpose by accidental or intentional destruction of the vegetation or the character of the land.

### 3.11 L-1 LOWLAND CONSERVANCY OVERLAY DISTRICT

Consistent with the water resources management objectives announced by SEWRPC, the Lowland Conservancy Overlay District is established to preserve, protect and enhance the wetland areas of the Oconomowoc Lake and Oconomowoc River drainage areas. The provisions of this section are in addition to the provisions of the Shoreland/Wetland Zoning Ordinance adopted November 21, 1988.

The Lowland Conservancy Overlay District includes all wetlands as defined in Section 10.0 hereof.

Residential, Commercial and Industrial development is not permitted in this zoning district.

The boundaries of this district shall be presumed to be as shown on the official zoning map of the Village of Oconomowoc Lake. It is the obligation of any applicant for building permit or approval of certified survey map to provide acceptable verification by survey and botanical analysis of the district boundaries utilizing the biological criteria employed by SEWRPC.

Wherever a conflict arises between the Shoreland/Wetland Zoning Ordinance and the Lowland Conservancy Overlay District, the Shoreland/Wetland ordinance shall apply.

### 3.12 AGRICULTURAL USE

Agricultural use shall be limited to those lands currently used or intended to be used as farmland.

Agricultural use is only available to lots of five (5) acres or more. Agricultural use shall not include farms operated for the disposal or reduction of garbage, sewage, rubbish or offal, for the raising of commercial poultry, hogs or goats, for the raising or breeding of animals for their fur, or as slaughtering or rendering plants. Riding stables shall be allowed only as conditional uses.

SECTION 4.6 is revised to read as follows:

#### 4.6 PLANNED UNIT DEVELOPMENTS

The first paragraph of Section 4.6 is revised to read as follows:

Planned Unit Developments shall be conditional uses. The purpose of this Ordinance is to allow flexibility to create a desirable utilization of land in an aesthetically pleasing residential environment, consistent with the preservation and the enhancement of the quality of the natural environment including Oconomowoc Lake and its tributaries, shoreline, wetlands, woodlands and wildlife habitats. It is further the purpose of the Planned Unit Development Ordinance to create areas of open spaces while retaining the same overall residential density that would normally be permitted in a conventional type of layout. This Ordinance shall be construed to allow for greater flexibility and design freedom than would be permitted by the standard application of normal district regulations, taking into account significant and natural features worthy of protection and the more logical use of land. Planned Unit Developments are permitted within R-1, R-2 and R-3 Districts, subject to the provisions of Section 4.0, the requirements of the L-1 and U-1 Conservancy Overlay District, and the following regulations.

4.6A General (Unchanged)

4.6B is revised to read as follows:

B. Residential Density. The maximum unit density shall not exceed the following:

ZONING DISTRICT	MINIMUM LOT SIZE
L-1 Lowland Conservancy Overlay	5.0 acres. The fractional value allowed for wetland areas may not exceed 6/10.

U-1 Upland Conservancy Overlay	5.0 acres
R-1	5.0 acres
R-2	2.0 acres
R-3	1.0 acre

SECTION 4.6G PLANNED UNIT DEVELOPMENT - OPEN SPACE PRESERVATION is hereby created to read as follows:

The PUD Agreement shall be recorded against the property to assure the permanent preservation at the overall residential density and of the aesthetic and environmental consideration agreed by the Village and the owner. Where land is divided under this Section 4.6 in a manner such that any individual lot contains more than 1.5 times the required minimum lot area otherwise applicable, then and in that event the owner of said lot or lots will present the Village with recordable deed restrictions in a form and content acceptable to the Village Attorney providing for the permanent preservation of said lot or lots against further division. In the event common open space is part of the PUD, then and in that event separate deed restrictions shall be recorded so that the common open space always remains preserved to carry out the purpose for the Planned Unit Development.

SECTION 10 DEFINITIONS is hereby revised to add the following definitions:

STRUCTURE, ACCESSORY - A structure whose use is customarily incidental to the principal permitted use of a lot or building and located upon the same lot as its principal structure. An Accessory Structure shall not be intended or used for human habitation.

WETLAND - Wetlands shall include all wetlands in the municipality which are shown on the final Wetland Inventory Map that has been adopted and made a part of the Shoreland/Wetland Zoning Ordinance of the Village of Oconomowoc Lake. Wetlands shall also include all lands designated by SEWRPC as "Lowland Conservancy" in "A WATER QUALITY MANAGEMENT PLAN FOR OCONOMOWOC LAKE" dated March 1990.

The following definition in Section 10 is revised as follows:

SETBACK - The shortest horizontal distance between the water's edge at the "high water mark", the boundary of any wetland or any street right-of-way line and the nearest point of a building or any projection thereof (excluding any uncovered steps).

SECTION 2:

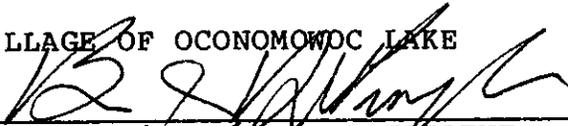
DECLARATION OF SEVERABILITY. The several sections, subsections and paragraphs of this chapter are hereby declared to be severable. If any section, subsection, or paragraph or subparagraph of this ordinance shall be declared by a decision of a Court of competent jurisdiction to be invalid, such decision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

SECTION 3:

EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and posting.

Passed and adopted by the Village Board for the Village of Oconomowoc Lake this 15<sup>th</sup> day of October, 1990.

VILLAGE OF OCONOMOWOC LAKE

  
BENN S. DIPASQUALE, PRESIDENT

ATTEST:

  
JUNE PERKINS, CLERK

STATE OF WISCONSIN }  
COUNTY OF WAUKESHA } SS

AFFIDAVIT OF POSTING  
#111 ORDINANCE

*Ordinance amending Ordinance # 30*

*Approved on October 15, 1990, and*

The undersigned, being first duly sworn, on oath deposes and states that on 19th/November, 1990, at the direction of the Clerk of the Village of Oconomowoc Lake, he posted copies of the above ordinance in the following public places in said

*Bonny  
Thompson*

Village, to-wit:

- (1) Opposite the entrance to the Oconomowoc Lake Club on the northern side of the road in front of the Club;
- (2) At the entrance to the Village Hall on West Pabst Road;
- (3) At the northeast corner of the junction of County Trunk Highway "P" (West Beach Road) and the private drive (South Beach Road) leading into the Ibach, LaBelle, McNellis, et al properties.

*R. W. [Signature]*

Subscribed and sworn to before me this

19th day of November, 1990

*Jane Perkins*  
Notary Public, Waukesha County, Wisconsin

My Commission expires June 23, 1991