

ORDINANCE # 113

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:

Section 3.6 entitled B-1 BUSINESS DISTRICT is hereby
repealed and recreated to read as follows:

3.6 B-1 BUSINESS DISTRICT

PRINCIPAL USES None
CONDITION USES Highway Oriented Uses Specified in
Section 4.5

BUILDING, MAIN

Height Maximum 25 ft.
Area Minimum 1500 sq. ft.
Setback Minimum 75 ft., except a minimum of 15
 ft. may be utilized on the north side
 of Plank Road beginning with Tax Key
 No. OCLV 585-973-001 westward.
Offset Minimum 15 ft., aggregate 40 ft.

STRUCTURE, ACCESSORY

Height Maximum 16 ft.
Setback Minimum 75 ft., except a minimum of 15
 ft. may be utilized on the north side
 of Plank Road beginning with Tax Key
 No. OCLV 585-973-001 westward.
Offset Minimum 15 ft.

ENLARGEMENTS

No enlargements or extension to any
existing building or structure shall
be permitted unless the existing one
is made to conform substantially with
all the requirements for new
construction for such building or
structure. Any enlargement,
alteration, or extension to any
existing building, structure or use
shall require application for a zoning
certificate and conditional use permit
as if such enlargement, alteration or
extension were a new building,
structure or use. Any new building or
structure shall be considered a
conditional use and be subject to the
provisions of Section 4.0 Conditional
Use.

LOT

Width Minimum 150 ft.
Area Minimum 1 acre

SIGNS

Area and Number Any sign shall be considered a conditional use and be subject to the provisions of Section 4.0, Conditional Use.

Height Free standing signs shall not exceed 20 feet in height as measured from the normal ground level beneath the sign, and shall have a clearance from the ground of at least 10 feet where vehicles will travel beneath the sign.

PARKING, OFF-STREET

One space for each 200 square feet of floor area located at least 10 feet from any lot line. Parking areas shall be graded and surfaced so as to be dust free, clearly marked, and properly drained. Uniform lighting shall be hooded or beamed so as to avoid undesirable glare or illumination on adjacent property. Landscaping buffers or fencing shall be provided where required by the Village.

SECTION 2:

Section 3.11(A) entitled LOWLAND CONSERVANCY REGULATED is hereby created to read as follows:

3.11A LOWLAND CONSERVANCY REGULATED

All property lying within the Lowland 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 Lowland Conservancy District is established to protect the wetlands areas and district as defined in this ordinance and no land owner shall be permitted to avoid that purpose by accidental, intentional, and/or permitted modification, destruction or filling of the wetlands area.

SECTION 3:

Section 4.3 entitled REVIEW AND APPROVAL is hereby repealed and recreated to read as follows:

4.3 REVIEW AND APPROVAL

The Village Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation, including but not limited to consideration of the following as applicable: noise, odor, lighting, signage, hours of operation, number of employees, etc.

CONDITIONS, such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements, may be required by the Village Board of Trustees upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.

COMPLIANCE WITH ALL OTHER PROVISIONS of this Ordinance, such as lot width and area, setback and offsets and height shall be required of all conditional uses. Variances shall only be granted as provided in Section 8.0.

SECTION 4:

The introductory paragraph of Section 4.6 is hereby repealed and recreated to read:

4.6 PLANNED UNIT DEVELOPMENTS

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 this ordinance to create areas of open spaces while retaining the same overall residential density that 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 not permitted to increase density. 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.

SECTION 5:

Section 4.6(A) entitled GENERAL is hereby repealed and recreated to read as follows:

A. GENERAL

1. The unified and planned development of a site, in single or corporate ownership at the time of development, may be permitted without the customary division into individual lots, subject to the requirements of this section and subject to the grant of a Conditional Use Permit. Lot size, setback, offset and open space may be modified according to the following conditions:

(a) That all sanitary provisions are in conformance with the requirements of the State Division of Health, the County Health Department, the local sanitary district and any other sanitary provisions.

(b) That the proposed development is in conformity with any local comprehensive plan, is not contrary to the general welfare or economic balance of the community, and that benefits and amenities of the resultant development justify the variation from the normal requirements of the district in which it is located.

(c) That all requirements as herein established are complied with.

(d) That all setback and offset requirements at the perimeter of the Planned Unit Development Site must conform to the requirements of the underlying zoning district.

(e) Each residential unit must meet all lot size requirements of the underlying zoning by each proposed residential unit either:

- i. being situated on a lot which satisfies the minimum lot size requirements of the underlying zoning district, or
- ii. being situated on a lot which in combination with a proportionate undivided ownership interest in the common areas satisfies the minimum lot size requirement of the underlying zoning district.

SECTION 6:

Section 4.6(B) entitled Residential Density is hereby repealed and recreated as 4.6(B)(1) to read as follows:

B. Residential Density.

1. The maximum unit density shall not exceed the following:

ZONING DISTRICT:	MAXIMUM UNIT DENSITY:
L-1 Lowland Conservancy Overlay	1 residential unit for every 5.0 acres The fractional value allowed for wetland area shall not exceed 6/10
U-1 Upland Conservancy Overlay	1 residential unit for every 5.0 acres
R-1	1 residential unit for every 5.0 acres
R-2	1 residential unit for every 2.0 acres
R-3	1 residential unit for every 1.0 acres

SECTION 7:

Section 4.6(B)(2) is hereby created to read as follows:

2. The maximum unit density of the lands in any Planned Unit Development Site shall not exceed the density which would have been allowed on the Site pursuant to the underlying zoning if developed conventionally.

SECTION 8:

Section 4.6(B)(3) is hereby created to read as follows:

3. In any Planned Unit Development Site which includes lands abutting waterways, each residential unit must satisfy the conditions of Section 2.12, Waterfront Use Density, and have a separate ownership interest in at least the minimum water frontage as required by the underlying zoning district.

SECTION 9:

Section 4.6(D) entitled Open Areas is hereby repealed and recreated to read as follows:

D. Open areas or common areas created under this ordinance shall be permanent. Open areas shall be restricted to the use of residents within the Planned Unit Development. Buildings or uses for non-commercial, recreational or accessory facilities may be permitted in such open space areas with the approval of the Village Board and shall be made a part of the Conditional Use Permit. Perpetual care and maintenance of such open space areas shall be provided for, and an operational plan shall be submitted for approval by the Village Board and made a part of the Conditional Use Permit. Ownership and tax liability of the open space areas shall be established in a manner acceptable by the Village Board and made a part of the conditions of approval and must be by an undivided equal interest of all unit owners. No open areas or common areas abutting waterways are allowed.

SECTION 10:

Ordinance #30 and all subsequent ordinances amending, modifying or adding to the same are hereby repealed, recreated and renumbered as Chapter 17 Section 1 through 69 for the Village of Oconomowoc Lake.

SECTION 11:

Ordinance #94 and all subsequent ordinances amending, modifying or adding to the same are hereby repealed, recreated and renumbered as Chapter 17 Section 70 through 79 for the Village of Oconomowoc Lake.

SECTION 12:

Ordinance #8 and all subsequent ordinances amending, modifying or adding to the same are hereby repealed, recreated and renumbered as Chapter 18 for the Village of Oconomowoc Lake.

SECTION 13:

The Violation and Penalty provisions of both Ordinance #30 and Ordinance #94 and all subsequent ordinances amending, modifying or adding to the same are hereby repealed, recreated and renumbered as Chapter 17 Sections 80 and 81 for the Village of Oconomowoc Lake.

SECTION 14:

Ordinance #108 and all subsequent ordinances amending, modifying or adding to the same are hereby repealed, recreated, renumbered as Chapter 11 for the Village of Oconomowoc Lake.

SECTION 15:

DECLARATION OF SEVERABILITY. The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of 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 not affect the validity of all other provisions, sections, or portions thereof of the Ordinance which 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 16:

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

Passed and adopted by the Village Board for the Village of Oconomowoc Lake this 17th day of December, 1990.

VILLAGE OF OCONOMOWOC LAKE


BENN S. DIPASQUALE, PRESIDENT

ATTEST:


JUNE PERKINS, CLERK