

ORDINANCE # 122

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

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

SECTION 1: Section 17.32 entitled Non-conforming Uses,
Structures and Lots is hereby repealed and recreated to read as
follows:

17.32 NON-CONFORMING USES, STRUCTURES AND LOTS

1. **EXISTING NON-CONFORMING USES.**

A lawful use which existed at the time of the adoption or amendment of this chapter may be continued as a legal non-conforming use although the use does not conform with the provisions of this chapter, however;

- (a) Only that use in actual existence at the time of the adoption or amendment of this chapter may be so continued as a legal non-conforming use but said use may not in any way be extended, enlarged, substituted, moved, added to or changed.
- (b) A conforming or legal non-conforming structure containing a legal non-conforming use may be maintained or rebuilt in identical size, shape, location and use as the original structure, but may not be added to, extended or enlarged.
- (c) If a legal non-conforming use is discontinued or terminated for a period of twelve months, any future use of the structure, land or water shall conform to the provisions of this chapter.
- (d) A conforming structure containing a legal conforming use, on lands containing any legal non-conforming use, may be extended, enlarged, totally rebuilt, substituted, moved, remodeled, modified, or added to as

long as any such change conforms to all requirements of this chapter.

2. EXISTING NON-CONFORMING STRUCTURES.

A lawful structure which existed at the time of the adoption or amendment of this chapter may be continued as a legal non-conforming structure although the structure's size or location does not conform to all the requirements of this chapter.

- (a) A legal non-conforming structure containing conforming uses may be extended, enlarged, substituted, moved, remodeled, modified, or added to as long as any such change conforms to all the requirements of this chapter or a legal non-conforming structure may be totally rebuilt if such reconstruction is identical in size, shape, location and use as the original structure.

3. EXISTING NON-CONFORMING LOTS.

A lot lawfully filed and of record in the Waukesha County Register of Deeds Office before the adoption or amendment of this chapter may be continued as a legal non-conforming lot although the lot does not conform with the provisions of this chapter, however;

- (a) If a legal non-conforming lot is not in separate ownership from abutting lots, none of the lots shall be sold or used without all of the non-conforming lots being in full compliance with the provisions of this chapter unless all of the non-conforming lots have conforming or legal non-conforming single family residences upon them prior to the adoption or amendment of this chapter.

4. REVERSION. Once a legal non-conforming use, legal non-conforming structure or legal non-conforming lot has been changed to conform, it shall not revert back to legal non-conforming status. If the Zoning Board of Appeals permits the substitution of a more restrictive non-conforming use for an existing legal non-conforming use, the substituted use shall lose its status as a legal non-conforming use and become subject to all conditions required by the Zoning Board of Appeals.

5. **CONDITIONAL USE STATUSES.** Subject to the provisions of Section 17.50, 17.51 and 17.52, conditional use status may be granted to existing legal non-conforming uses, legal non-conforming structures, and legal non-conforming lots, upon petition of the owner where such use, structure or lot is determined to not be any of the following:
- (a) adverse to any of the following:
 - (1) public health,
 - (2) safety, or
 - (3) welfare;
 - (b) in conflict with the spirit or intent of the ordinance; or
 - (c) otherwise detrimental to the community and particularly the surrounding neighborhood.

Such conditional use status shall be granted only with approval of the Plan Commission following a public hearing and approval of the Village Board.

6. **BURDEN OF PROOF.** The property owner has the burden of showing that a use, structure or lot is legal non-conforming. The determination shall be made by the Plan Commission after a majority of the Plan Commission has been satisfied by proof presented by the property owner that the use, structure and/or lot is in fact legal non-conforming. Appeals from the decision of the Plan Commission concerning the determination of legal non-conformity may be made by any person aggrieved to the Village Board of Trustees. Such appeal shall be filed with the Village Clerk within thirty (30) days after the determination by the Plan Commission.

SECTION 2: 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 3: EFFECTIVE DATE.

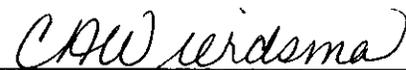
This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

This ordinance passed this 20th day of July, 1992.

BY THE VILLAGE BOARD OF THE
VILLAGE OF OCONOMOWOC LAKE:


EDMUND O. TEMPLETON, PRESIDENT

ATTEST:



CHERYL WIERDSMA, CLERK

STATE OF WISCONSIN }
COUNTY OF WAUKESHA } SS

ORDINANCE
AFFIDAVIT OF POSTING:
Public Hearing Notice
Approved Ordinance # 122

The undersigned, being first duly sworn, on oath deposes and states that on 7-27, 1992, 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 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.

James R. Fulmer

Subscribed and sworn to before me this

27th day of July, 1992

Cheryl A. Werdama
Notary Public, Waukesha County, Wisconsin

My Commission expires 11-19-95