

ORDINANCE NO. 128

AN ORDINANCE REPEALING AND RECREATING
CERTAIN SUBSECTION OF CHAPTER 17
OF THE VILLAGE OF OCONOMOWOC LAKE MUNICIPAL CODE
ENTITLED ZONING ORDINANCE

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

SECTION 1. Chapter 17 of the Municipal Code of the Village of Oconomowoc Lake entitled Zoning Ordinance, Village of Oconomowoc Lake, Waukesha County, Wisconsin, Subsection 17.52 entitled REVIEW AND APPROVAL, subsection 17.52.(3), and Subsection 17.61 entitled BOARD OF ZONING APPEALS, subsection 17.61(4) entitled Powers, subsection 17.61(4)(b), are both hereby repealed and recreated to read as follows:

17.52 REVIEW AND APPROVAL.

- (3) Compliance with all other provisions of this chapter, such as lot width and area, setback and offsets and height, including such provisions as may be established in ss 17.56, shall be required of all conditional uses. Variances shall only be granted by the Board of Zoning Appeals as provided in ss 17.61.

17.61 BOARD OF ZONING APPEALS.

(4) POWERS.

- (b) Variance. To hear and grant appeals for variances that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this chapter shall be observed and the public safety, welfare and justice secured. Use variances shall not be granted. Setback variances shall not be granted without public hearing, approval of the Village Plan Commission pursuant to ss 17.02 and ss 17.03, and approval of the Architectural Control Board pursuant to ss 17.60, herein.

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 there 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 Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.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 15th day of March, 1993.

BY THE VILLAGE BOARD OF THE
VILLAGE OF OCONOMOWOC LAKE:


EDMUND O. TEMPLETON, PRESIDENT

ATTEST:


CHERYL WIERDSMA, CLERK

STATE OF WISCONSIN)
COUNTY OF WAUKESHA)

AFFIDAVIT OF POSTING

Ord 128

The undersigned, being first duly sworn, on oath deposes and states that on March 29, 1993, at the direction of the Clerk of the Village of Oconomowoc Lake, he posted copies of the foregoing proceedings of the Village Board of Trustees 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

29 day of March, 1993.

Cheryl A Wierdsma

Notary Public, Waukesha County, Wisconsin

My Commission expires

11-19-95

Copy

(over)

STATE OF WISCONSIN VILLAGE OF OCONOMOWOC LAKE WAUKESHA COUNTY

Ordinance No. 127

AN ORDINANCE CREATING
CHAPTER 12
OF THE VILLAGE OF OCONOMOWOC LAKE MUNICIPAL CODE
ENTITLED
SHORELAND PROTECTION ORDINANCE

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

SECTION 1: Chapter 12 of the Municipal Code of the Village
of Oconomowoc Lake entitled Shoreland Protection Ordinance is
hereby created to read as follows:

12.01 STATUTORY AUTHORIZATION, FINDINGS OF FACT, STATEMENT OF
PURPOSE AND TITLE.

- (1) STATUTORY AUTHORIZATION. This Code is adopted pursuant to the authorizations in §§61.35, 61.351, 87.30 and 144.26, Wis. Stats.
- (2) FINDINGS OF FACT. Uncontrolled use of shorelands and pollution of the navigable waters in the Village of Oconomowoc Lake would adversely effect the public health, safety, convenience and general welfare and impair the tax base. The legislature of Wisconsin has delegated to the Village of Oconomowoc Lake responsibility to:
 - (a) Promote the public health, safety, convenience and general welfare;
 - (b) Maintain the storm and flood water storage capacity of wetlands;
 - (c) Prevent and control water pollution by preserving shorelands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 - (d) Protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat;
 - (e) Prohibit certain uses detrimental to shoreland buffer areas;

Minutes of the Board of Trustees
VILLAGE OF OCONOMOWOC LAKE

January 18, 1993

The regular monthly meeting of the Village Board of Trustees was held at 8:00 p.m. on Monday, January 18, 1993, at the Village Hall, 35328 W. Pabst Road, Oconomowoc. All legal requirements for notification of the news media have been met. In the absence of President Templeton, the meeting was called to order by the Clerk. Roll was taken with the following members in attendance:

Mr. Templeton/President -- absent
Messrs. Kneiser, Foster, L. Weiss, Owens, Fischer/Trustees -- present
Mr. Mortonson/Trustee -- absent
Mr. Wiemer/Police Chief and Administrator -- present
Mr. Macy/Attorney -- present
Mr. Meyer/Treasurer -- present
Ms. Wierdsma/Clerk -- present

PUBLIC WORKS:

New Plow Truck: Mr. Wiemer stated that the new truck was received last week and was used the same day during a snow storm. He reports that the new truck works very efficiently.

PLAN COMMISSION:

Shoreland Protection Ordinance: A public hearing was held at the January Plan Commission meeting with several residents in attendance with comments on the ordinance being received. A motion to rescind the ordinance was defeated.

Pollock Playhouse: A public hearing was held per a request for a variance to move a playhouse. Variance approved.

Shoreland Protection Ordinance: Mr. Owens motioned to rescind the Shoreland Protection Ordinance and direct the Plan Commission to further study the ordinance and the concept of the ordinance be remanded to the Plan Commission for appropriate reaction to the public hearing input by Village citizens. The motion was seconded by Mr. Fischer.

Mr. Macy reported that research proved that a public hearing is not legally necessary to repeal an ordinance, but is a courtesy done by the municipality.

All those in favor of the motion: Messrs. Kneiser, Foster, Fischer, Owens (4); those opposed: Mr. Weiss (1). Motion CARRIED.