

ORDINANCE NO. 171

AN ORDINANCE TO REPEAL AND RECREATE
CERTAIN PROVISIONS IN THE ZONING CODE
OF THE VILLAGE OF OCONOMOWOC LAKE
WHICH RELATE TO STRUCTURES AND USE
DEFINITIONS AND RESTRICTIONS

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

SECTION 1: Chapter 17 of the Village of Oconomowoc Lake Code of Ordinances, entitled Zoning Code; Section 17.10 entitled Definitions; subsection entitled Accessory Use or Structure, is hereby repealed.

SECTION 2: Chapter 17 of the Village of Oconomowoc Lake Code of Ordinances, entitled Zoning Code; Section 17.10 entitled Definitions; as to the following definitions is hereby repealed and recreated to read as follows, to be inserted in alphabetical order among the definitions of Section 17.10:

BUILDING

Any structure having a roof supported by columns or walls that is intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials.

BUILDING HEIGHT

Height of Main Building:

A point measured from the lowest point of the exposed structure to the highest floor line shall not exceed 27 feet.

A point measured from the lowest point of the exposed structure to any eave line shall not exceed 36 feet.

A point measured from the lowest point of the exposed structure to the highest point of any roof shall not exceed 46 feet.

It is the intent of this section that no more than three (3) stories of habitable space shall exist when viewed from the waterfront.

Height of any other Building:

Building height, other than for the Main Building, shall be defined as the distance from the average discharge grade (not to exceed 5 feet) to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to a point half way between the ridge and eave line of the gambrel, hip or pitched roof.

BUILDING, PRINCIPAL OR MAIN

A building or structure that is used or intended to be used for the principal use permitted on such lot by the regulations of the zoning District in which it is located.

STRUCTURE

Anything, other than natural terrain or plant growth, whether or not moveable,

1. Constructed or erected above grade,
2. Constructed or erected at grade, or
3. Attached to something constructed or erected on the ground.

Unless specifically excluded hereinafter, examples of structures shall include but are not limited to:

1. Principal structures
2. Accessory structures
3. Nonconforming structures
4. Legal Nonconforming structures
5. Minor Structures
6. Temporary Structures

Also included in the definition of structure are buildings of all types including prefabricated or pre-built buildings.

Specific examples of structures shall include but are not limited to:

1. Gazebos
2. Screen enclosures
3. Statuary in excess of 6 feet in height or 4 feet in width
4. Fences
5. Decks
6. Handrails
7. Lean-tos
8. Silos
9. Carports
10. Towers

11. Masts
12. Booms
13. Machinery
14. Equipment
15. Walls
16. Retaining walls two (2) feet or greater above grade.
(For this purpose, the vertical rise of walls with less than two (2) horizontal feet of planting area between them shall be cumulated.

Structures shall not include:

1. Wood, concrete or masonry slabs more than 75 feet from the water at grade or less than 8 inches above the original grade,
2. Wood, concrete or masonry slabs 75 feet or less from the water and less than 150 square feet in size.
3. Statuary 6 feet or less in height or 4 feet or less in width,
4. Retaining walls less than two (2) feet above grade, for this purpose, the vertical rise of walls with less than two (2) horizontal feet of planting area between them shall be cumulated)
5. Seawalls or rip rap at the shoreline which have been approved by the Wisconsin Department of Natural Resources, and
6. Stairways not in excess of four (4) feet in width together with associated handrails and landings not in excess of thirty-six (36) sq. feet where such stairways are necessary to provide convenient access to the shoreline.

STRUCTURE, ACCESSORY

A structure that is customarily incidental to the principal permitted use of the lot in the zoning District and located upon the same lot occupied by the principal structure.

STRUCTURE, MINOR

Any small, accessory, portable erection or construction, not necessarily a "structure" as defined herein, including, but not limited to, birdhouses, moveable pet houses, play equipment, portable grills, patio furniture, basketball hoops, light fixtures, clothes poles/clothes lines, small water pump buildings, flag poles and airplane winches/hoists. Any questions as to whether any of the aforementioned structures are in fact minor structures or any question as to whether any other structure shall be deemed a minor structure, shall be referred to the Plan Commission for the Village of Oconomowoc Lake for review and determination. Any such determination by the Plan Commission for the Village of Oconomowoc Lake as to whether or not a structure is a minor structure is a final determination and the

same cannot be appealed to the Zoning Board of Appeals for the Village of Oconomowoc Lake.

STRUCTURE, NONCONFORMING

A structure which does not conform to the regulations of the district in which it is located with respect to its size, construction, or location on a lot.

STRUCTURE, TEMPORARY

Any structure which is located on a lot for less than (12) days in any 12 month period. For purposes of this definition and the restrictions herein related to temporary structures, a structure is located on a lot for any one day if it is present on the lot at any time during that day, even if it is not present for 24 hours.

USE, ACCESSORY

A use customarily incidental to the principal permitted use of a lot in the zoning District and located upon the same lot as the principal use, or a use customarily incidental to the principal permitted use of a principal structure and located in the same principal structure.

USE, CONDITIONAL

A special use, for which this code imposes a conditional use permitting requirement.

USE, NONCONFORMING

A use which does not conform to the regulations of the district in which it is situated.

USE, PRINCIPAL

The main or primary use of land, premises, buildings or structures as specified and permitted by the regulations of the district in which such use is located.

SECTION 3: Chapter 17 of the Village of Oconomowoc Lake Code of Ordinances, entitled Zoning Code; Section 17.10 entitled Definitions; as to the following definitions is hereby created to read as follows, to be inserted in alphabetical order among the definitions of Section 17.10:

LEGAL NONCONFORMING USE

Any lawfully established use of land, premises, building or structure existing at the time of the enactment of this chapter or any amendment applicable thereto that does not conform to the use regulations described in this chapter or any amendment applicable thereto for the district in which it is located.

LEGAL NONCONFORMING STRUCTURE

Any lawfully established building or structure at the time of enactment of this chapter or any amendment applicable thereto that does not conform to the use regulations or dimensional regulations of this chapter or any amendment applicable thereto for the district in which it is located.

STRUCTURE, PRINCIPAL

A building or structure that is used or intended to be used for the principal use permitted on such lot by the regulations of the zoning District in which it is located.

USE, TEMPORARY

Any use which is located on a lot for less than (12) days in any 12 month period. For purposes of this definition and the restrictions herein related to temporary uses, a use is located on a lot for any one day if it is present on the lot at any time during that day, even if it is not present for 24 hours.

USE, UNCLASSIFIED OR UNSPECIFIED

A use that is not described in this code.

SECTION 4: Chapter 17 of the Village of Oconomowoc Lake Code of Ordinances, entitled Zoning Code; Section 17.19 entitled Use Restrictions; is hereby repealed and recreated to read as follows:

17.19 USE, STRUCTURE AND SIGNAGE RESTRICTIONS.

The following use, structure and signage restrictions and regulations shall apply in all zoning Districts in the Village:

(1) USE RESTRICTIONS

(a) Compliance

Except as may be otherwise specifically provided, the use of land, premises, buildings or structures now existing or hereafter erected, converted, relocated, enlarged, structurally altered, occupied or re-

occupied, shall be in compliance with the regulations established herein for the district in which the same is located.

- (b) **Uses Restricted**
In any district, no land, premises, buildings or structures shall be used and no buildings shall be erected, converted, relocated, enlarged, structurally altered, occupied or re-occupied except for the uses as permitted in that district and in compliance with the regulations established for that district in this chapter.
- (c) **Permitted Uses**
The permitted uses are permitted by right, subject to the provision of this chapter.
- (d) **Principal Uses**
Principal Uses are the main or primary uses of land, premises, buildings or structures as permitted by the regulations of the district in which such use is located.
- (e) **Accessory Uses**
Accessory uses are permitted in any district but not until the principal structure on the lot where the use is conducted 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 ss 17.10. Accessory uses include incidental repairs; storage; parking facilities; nurseries; gardening; private swimming pools; and private emergency shelters. No accessory structure shall be intended to be used or actually used for human habitation.
- (f) **Conditional Uses**
Conditional uses and their accessory uses are special uses that are permitted to the extent allowed by the zoning District regulations, subject to the conditional use permitting procedures and standards of sections 17.50, 17.51 and 17.52 of this code.
- (g) **Unclassified or Unspecified Uses.**
Unclassified or unspecified uses are prohibited, except that they may be permitted by the Village Board of Trustees as conditional uses, subject to the conditional use permitting procedures and standards of sections 17.50, 17.51 and 17.52 of this code.

- (h) Temporary Uses.
Temporary uses may be permitted by the Board of Zoning Appeals in accordance with ss 17.61. No temporary structure shall be intended to be used or actually used for human habitation.
- (i) Legal Nonconforming Uses.
Legal nonconforming uses are permitted, subject to the procedures and standards of section 17.32 of this code.

(2) STRUCTURE RESTRICTIONS

- (a) Compliance
Except as may be otherwise specifically provided, all buildings or structures now existing or hereafter erected, converted, relocated, enlarged, structurally altered, occupied or re-occupied, shall be in compliance with the regulations established herein for the district in which the same is located.
- (b) Structures Restricted
In any district, no buildings or structures shall be used and no buildings or structures shall be erected, converted, relocated, enlarged, structurally altered, occupied or re-occupied, except as permitted in compliance with the regulations established for the district in which the same is located.
- (c) Main Building
The main building that is used or intended to be used for the principal use as specified for a district is allowed on a lot as permitted by the regulations of the district in which the structure is located.
- (d) Accessory Structures
Accessory structures are permitted to the extent described in the zoning District regulations of the district in which the structure is located, but not until the principal structure on the lot where the accessory structure is located is present or under construction.
- (e) Minor Structures
Minor structures are permitted in any district, but only if located on a lot in compliance with the offset requirements for accessory structures in the district in which the minor structure is located.
- (f) Temporary Structures
Temporary structures shall be subject to all of the regulations of this code that apply to temporary uses.

- (g) Legal Nonconforming Structures.
Legal nonconforming structures are permitted, subject to the procedures and standards of section 17.32 of this code.

(3) SIGNAGE RESTRICTIONS

- (a) Compliance
Except as may be otherwise specifically provided, all signs now existing or hereafter erected, converted, relocated, enlarged or structurally altered, shall be in compliance with the regulations established herein.
- (b) Signs Restricted
In any district, signs are prohibited to be erected, converted, relocated, enlarged or structurally altered, except as described in this section.
- (c) Signs in the Business District
Signs may be permitted in the B-1 Business District, subject to the requirements and standards described in the B-1 Business District regulations.
- (d) Signs in Residence Districts
No sign of any character shall be permitted in any Residence District, except as provided in ss 17.10 (Office, Professional Home) and except for one sign for each main building not exceeding four (4) square feet in area pertaining to the lease, hire, or sale of such premises.
- (e) Temporary Signs
Temporary signs advertising the general and subcontractors, architects, etc., are permitted with the permission of the Zoning Inspector during construction, provided the new construction is valued at Ten Thousand Dollars (\$10,000.00) or more.
- (f) Non-Commercial Signs
Notwithstanding any other provision contained herein to the contrary, non-commercial messages may be contained on any authorized sign.
- (g) Government Signs
Official signs that are authorized or required by the federal government, State of Wisconsin, Waukesha County or Village, or by order of a duly authorized official thereof, for control of traffic and other regulatory purposes, are excluded from the requirements of this code.

SECTION 5: Chapter 17 of the Village of Oconomowoc Lake Code of Ordinances, entitled Zoning Code; Section 17.36 entitled R-1 General Agriculture/Rural Residential District; subsection 17.36(3) entitled Building, Main; subsection 17.36(3)(a) entitled Height is hereby repealed and recreated to read as follows:

17.36(3) BUILDING, MAIN.

(a) Height. Not to exceed height described in definition of "Building Height, Height of Main Building".

SECTION 6: Chapter 17 of the Village of Oconomowoc Lake Code of Ordinances, entitled Zoning Code; Section 17.37 entitled R-2 Suburban Residential District; subsection 17.37(3) entitled Building, Main; subsection 17.37(3)(a) entitled Height is hereby repealed and recreated to read as follows:

17.37(3) BUILDING, MAIN.

(a) Height. Not to exceed height described in definition of "Building Height, Height of Main Building".

SECTION 7: Chapter 17 of the Village of Oconomowoc Lake Code of Ordinances, entitled Zoning Code; Section 17.38 entitled R-3 Low Density Residential District; subsection 17.38(3) entitled Building, Main; subsection 17.38(3)(a) entitled Height is hereby repealed and recreated to read as follows:

17.38(3) BUILDING, MAIN.

(a) Height. Not to exceed height described in definition of "Building Height, Height of Main Building".

SECTION 8: Chapter 17 of the Village of Oconomowoc Lake Code of Ordinances, entitled Zoning Code; Section 17.39 entitled B-1 Business District; subsection 17.39(3) entitled Building, Main; subsection 17.39(3)(a) entitled Height is hereby repealed and recreated to read as follows:

17.39(3) BUILDING, MAIN.

(a) Height. Not to exceed height described in definition of "Building Height, Height of Main Building".

SECTION 9: Chapter 17 of the Village of Oconomowoc Lake Code of Ordinances, entitled Zoning Code; Section 17.60 entitled Architectural Control Board; subsection 17.60(2) entitled Compliance is hereby repealed and recreated to read as follows:

17.60(2) COMPLIANCE.

No structure, except minor structures, shall hereafter be erected, moved, reconstructed, extended, enlarged or have its exterior altered or changed without the Architectural Control Board approval.

SECTION 10: 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 11: EFFECTIVE DATE.

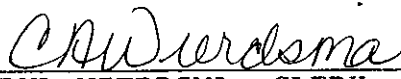
This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

This Ordinance passed this 16th day of November, 1998.

BY ORDER OF THE VILLAGE BOARD OF
THE VILLAGE OF OCONOMOWOC LAKE,
WAUKESHA COUNTY, WISCONSIN


RAYMOND FOSTER, JR., PRESIDENT

ATTEST:


CHERYL WIERDSMA, CLERK

Published and Posted this 12th day of December, 1998.

This document was drafted by Attorney John P. Macy, Village Attorneys for the Village of Oconomowoc Lake, ARENZ, MOLTER, MACY & RIFFLE, S.C., 720 N. East Avenue, Waukesha, WI 53186.

STATE OF WISCONSIN)
)
COUNTY OF WAUKESHA)

AFFIDAVIT OF POSTING

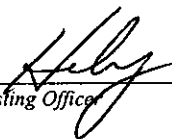
STRUCTURES + USE

ORD 171 - DEFS - RESTRICTS

The undersigned, being first duly sworn, on oath deposes and states that on Dec 16th, 1998, at the direction of the Clerk of the Village of Oconomowoc Lake, he posted copies of the foregoing proceedings of the Village Board 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 northern corner of the junction of West Beach Road and the private drive of South Beach Road leading into the Fischer, Lowry, et al properties.



Posting Officer

Subscribed and sworn to before me

This 16 day of Dec, 1998

Cheryl A. Weidman

Notary Public, Waukesha County, Wisconsin

My Commission expires: 11-14-99