

ORDINANCE NO. 213

## AN ORDINANCE TO INCLUDE THE R-4 DISTRICT WITHIN THE REQUIREMENTS OF THE VILLAGE OF OCONOMOWOC LAKE OUTDOOR STORAGE REQUIREMENTS OF THE PROPERTY MAINTENANCE CODE

WHEREAS, the Village of Oconomowoc Lake has adopted outdoor storage requirements as part of the Property Maintenance requirements for all R-1, R-2 and R-3 zoning districts throughout the Village; and

WHEREAS, the Village of Oconomowoc Lake Village Board has considered whether the outdoor storage requirements of the Property Maintenance Code should also apply in the R-4 zoning district in the Village and has referred the matter to the Plan Commission of the Village of Oconomowoc Lake for consideration in compliance with the requirements of Section 17.62(2) of the Village of Oconomowoc Lake Zoning Code; and

WHEREAS, the Village Plan Commission of the Village of Oconomowoc Lake has recommended to the Village Board of the Village of Oconomowoc Lake that the Village of Oconomowoc Lake that the Village of Oconomowoc Lake Zoning Code be amended as described herein to make the R-4 zoning district subject to the Outdoor Storage Requirements of the Property Maintenance Code; and

WHEREAS, the Village of Oconomowoc Lake Board held a public hearing on the matter on October 20, 2003, after having provided due notice as required by Section 17.62(5) of the Village of Oconomowoc Lake Zoning Code; and

WHEREAS, the Village Board of the Village of Oconomowoc Lake intends to allow the property owners in the R-4 district a one-year period of time to become accustomed to the requirements of the Outdoor Storage Requirements of the Property Maintenance Code and to bring properties in compliance with the Code, and therefore establishes an approximately one year delay before this zoning code amendment will go into effect; and

WHEREAS, the Village Board of the Village of Oconomowoc Lake having carefully reviewed the recommendation of the Plan Commission of the Village of Oconomowoc Lake, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such zoning amendment, on the health, safety and welfare of the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved as well as the impact on the surrounding properties as to noise, dust, smoke and odor, and others, hereby determine that the public necessity, convenience, general welfare and good zoning practice requires that the rezoning be granted, as the rezoning will not violate the spirit or

intent of the zoning code for the Village of Oconomowoc Lake, will not be contrary to the public health, safety or general welfare of the Village of Oconomowoc Lake, will not be hazardous, harmful, noxious, offensive or nuisance by reason of noise, dust, smoke, odor or other similar factors and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood, and will be consistent with the recommendations found in the Village of Oconomowoc Lake Master Plan.

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

SECTION 1: Chapter 17 of the Village of Oconomowoc Lake Municipal Code entitled "Zoning Code", Section 17.22 entitled "Property Maintenance", Subsection 17.22(4) entitled "Outdoor Storage of Vehicles, Equipment and Other Materials", subsection 17.22(4)(d) entitled "Exceptions", Subsection 1 is hereby repealed and recreated as follows:

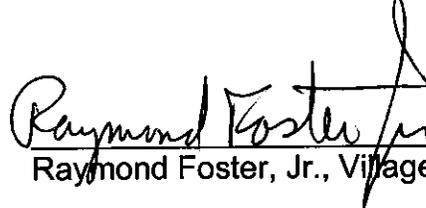
The requirements of this Section 17.22(4) are only applicable to properties in the Village that are zoned R-1 General Agricultural/.Rural Residential District, R-2 Suburban Residential District, R-3 Low Density Residential District, and R-4 Low Density Residential District; all other zoning districts are excluded ;

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.

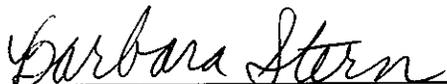
SECTION 3: EFFECTIVE DATE. This ordinance shall take effect on January 1, 2005, following passage and posting or publication as provided by law.

Dated this 17<sup>th</sup> day of November, 2003.

VILLAGE OF OCONOMOWOC LAKE

  
Raymond Foster, Jr., Village President

ATTEST:

  
Barbara Stern, Village Clerk

Posted this 19<sup>th</sup> day of November, 2003.

STATE OF WISCONSIN )  
 )  
COUNTY OF WAUKESHA )

AFFIDAVIT OF POSTING

Ord # 213  
R-4 Property Maintenance  
Exclusion

The undersigned, being first duly sworn, on oath deposes and states that on Nov 19th, 2003, 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:

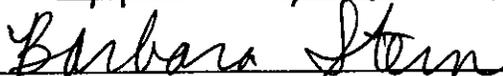
to-wit:

- (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 Village Boat Launch located at 35622 E. Wisconsin Avenue.

  
Posting Officer

Subscribed and sworn to before me

This 19th day of November, 2003

  
Notary Public, Waukesha County, Wisconsin  
My Commission expires: 4-15-07