

ORDINANCE NO. 217

AN ORDINANCE TO REPEAL AND RECREATE SECTION 17.61(4)(b)  
OF THE VILLAGE OF OCONOMOWOC LAKE ZONING CODE  
REGARDING LOT AREA VARIANCES

WHEREAS, the Village of Oconomowoc Lake Village Board has initiated a zoning amendment petition regarding lot area variances; and

WHEREAS, said rezoning petition seeks to amend the zoning code for the Village of Oconomowoc Lake as described herein; and

WHEREAS, said zoning amendment petition has been submitted to the Village Plan Commission of the Village of Oconomowoc Lake for report and recommendation; 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 said amendments to the zoning code be made;

WHEREAS, all required data has been received pursuant to the Village of Oconomowoc Lake zoning code and a public hearing was conducted by the Village Board of the Village of Oconomowoc Lake on \_\_\_\_\_, after due notice was provided pursuant to Section 17.62(5)(a) of the Village of Oconomowoc Lake zoning code; 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 and the health, safety and welfare of the community, and having given due consideration to the municipal problems involved as well as the impact on the surrounding properties as to noise, smoke and odor, and other factors hereby determines that the public necessity, convenience, general welfare and good zoning practice requires that the zoning amendment be granted, as the zoning amendment 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 reason cause a substantial adverse effect on the property values and general desirability of the Village and is consistent with the recommendations founds in the Village of Oconomowoc Lake master plan.

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

SECTION 1: Chapter 17 of the Village of Oconomowoc Lake municipal code entitled "Zoning Code", Section 17.61 entitled "Board of Zoning Appeals", subsection 17.61(4) entitled "Powers", subsection 17.61(4)(b) entitled "Variance" is hereby repealed and recreated as follows:

- (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 Section 17.02 and Section 17.03, and approval of the Architectural Control Board pursuant to Section 17.60, herein. Lot area variances shall not be granted if the purpose of the variance is to allow the lot to be divided into more parcels than would be allowed absent the variance.

SECTION 2: SEVERABILITY.

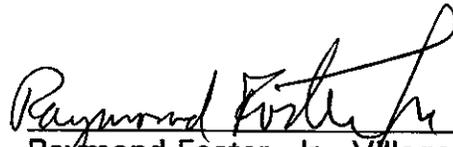
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, 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.

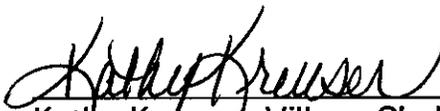
This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 21<sup>st</sup> day of June, 2004.

VILLAGE OF OCONOMOWOC LAKE

  
Raymond Foster, Jr., Village President

ATTEST:

  
Kathy Kreuser, Village Clerk

Published and/or posted this 22<sup>nd</sup> day of June, 2004.

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