

**AN ORDINANCE TO
REPEAL AND RECREATE SECTIONS 17.39(2), 17.40(2), AND
REPEAL AND RECREATE SECTION 17.60 OF THE ZONING CODE
CONCERNING ARCHITECTURAL REVIEW STANDARDS**

WHEREAS, the Village of Oconomowoc Lake Plan Commission has initiated a zoning amendment regarding architectural and site plan review standards to be utilized by the Plan Commission and Architectural Control Board; and

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

WHEREAS, said zoning amendment 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 amendment to the zoning code be made; and

WHEREAS, all required data has been received pursuant to the Village of Oconomowoc Lake Zoning Code and a public hearing was conducted by the Plan Commission of the Village of Oconomowoc Lake on May 1, 2006, 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 rezoning 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 others 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 a 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 is consistent with the recommendations found in the Village of Oconomowoc Lake Master Plan.

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

SECTION 1: Section 17.24 of the Village of Oconomowoc Lake Code of Ordinance pertaining to the preservation of topography is hereby repealed and recreated to read as follows:

17.24 PRESERVATION OF TOPOGRAPHY.

- (1) Every building hereafter erected, structurally altered or relocated shall be at a grade approved by the Architectural Control Board or Plan Commission as required by Section 17.60(1) so as to be in harmony with the existing or established grade of the street and/or water frontage area of the lot on which said building is to be situated, the grade of adjoining lots, and the requirements for drainage and safe vehicular traffic.

SECTION 2: Section 17.39(2) of the Village of Oconomowoc Lake Code of Ordinances, pertaining to conditional uses in the B-1 Business district, is hereby repealed and recreated to read as follows:

- (2) **CONDITIONAL USES**
Those uses specified in Section 17.55 subject to the procedure and standards as outlined in Sections 17.50, 17.51, 17.52 and 17.60.

SECTION 3: Section 17.40(2) of the Village of Oconomowoc Lake Code of Ordinances, pertaining to conditional uses in the I-1 Restricted Industrial district, is hereby repealed and recreated to read as follows:

- (2) **CONDITIONAL USES.**
Industries of a restrictive character which are not detrimental to the district or to the adjoining areas by reason of appearance, noise, dust, smoke, odor or any other physical or operational characteristic, subject to such regulatory controls as will reasonably insure compatibility with other uses in the adjoining areas subject to the procedure and standards as outlined in Sections 17.50, 17.51, 17.52 and 17.60.

SECTION 4: Section 17.60, "Architectural Control Board", of the Village of Oconomowoc Lake Code of Ordinances is hereby repealed and recreated to read as follows:

17.60 ARCHITECTURAL CONTROL.

- (1) **PURPOSE AND INTENT**
 - (a) For the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values, no person shall commence any use or erect any

structure without first obtaining the approval of detailed site and architectural plans as set forth in this section.

- (b) The Architectural Control Board shall review the site, existing and proposed structures, architectural plans, neighboring uses, utilization of landscaping and open space, parking areas, driveway locations, loading and unloading, highway access, traffic generation and circulation, drainage, sewerage and water systems, utilization of landscaping and open space, topography alterations, and the proposed operation in the R-1 through R-4 Residential Districts.

Additionally, the Architectural Control Board shall review the architectural plans of all structures in all districts in the Village other than the R-1 through R-4 in those instances where either a building permit is required or where there is a proposed change in the topography upon referral of the same from the Plan Commission under Section 17.60(1)(c) and the Architectural Control Board shall make a recommendation to the Plan Commission regarding the same. A copy of said recommendation shall be filed with the Village Board.

- (c) The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, utilization of landscaping and open space, parking areas, driveway locations, loading and unloading, highway access, traffic generation and circulation, drainage, sewerage and water systems, utilization of landscaping and open space, topography alterations and the proposed operation in all districts in the Village other than the R-1 through R-4 Residential Districts after referral to the Architectural Control Board by the Plan Commission of the architectural plans of all structures in all districts in the Village other than the R-1 through R-4 in those instances where either a building permit is required or where there is a proposed change in the topography for a recommendation and review of the Architectural Control Board's recommendation by the Plan Commission upon filing of the same by the Architectural Control Board with the Village Board and Plan Commission. Review by the Plan Commission shall be conducted in conjunction with its review proceedings under Section 17.52 of this Code.

(2) ARCHITECTURAL BOARD

- (a) ESTABLISHMENT.
There is hereby established an Architectural Control Board for the Village of Oconomowoc Lake, Waukesha County, for the purpose of promoting compatible development, aesthetics, stability of

property values, and to prevent impairment or depreciation of existing developments.

(b) MEMBERSHIP.

1. The Architectural Control Board shall consist of seven (7) residents of the Village appointed by the Village President subject to confirmation by the Village Board of Trustees. At least one (1) citizen plan commissioner, and one (1) real estate broker, real estate appraiser, registered architect or registered professional engineer shall be appointed to such Architectural Control Board.
2. Terms shall be for staggered three year periods.
3. Chairman shall be appointed by the Village President.
4. Secretary shall be selected by the members.
5. Official oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within ten (10) days of receiving notice of their appointments.
6. Vacancies shall be filled for the unexpired term in the same manner as appointment for the full term.
7. Two alternate members may be appointed by the Village President for staggered terms of (3) years, in addition to the seven (7) members above provided. Annually, the Village President shall designate one of the alternate members 1st alternate and the other as 2nd alternate. The 1st alternate shall act, with full power, only when a member of the board refuses to vote because of interest or when a member is absent. The 2nd alternate shall so act only when the 1st alternate so refuses or is absent or when more than one member of the board so refuses or is absent.

(c) ORGANIZATION.

1. The Architectural Control Board shall organize and adopt rules for its own government in accordance with the provisions of this Section.
2. Meetings shall be held at the call of the Chairman or when requested by the Zoning Inspector and shall be open to the public.
3. Minutes shall be kept showing all actions taken and shall be

a public record. The grounds for every decision shall be stated.

4. Quorum shall be four (4) members, and all actions shall require the concurring vote of at least four (4) members.

(d) POWERS.

The Architectural Control Board shall have the following power:

1. Hear and decide applications for permission to erect, move, reconstruct, extend, alter or change the exterior of all structures within any residential district. In considering such applications, the Architectural Control Board's authority is not limited to the structure(s), but also includes neighboring uses and exterior areas of the affected lot (including, but not limited to, review of the existing and proposed topography), proposed landscaping, review of the site, existing and proposed structures, architectural plans, utilization of landscaping and open space, parking areas, driveway locations, loading and unloading, highway access, traffic generation and circulation, drainage, sewerage and water systems, utilization of landscaping and open space, and the proposed operation in the all residential districts
2. Approve, deny, or conditionally approve the application and may request such modifications as they may deem necessary to carry out the purpose of this Section.
3. May request assistance from the other municipal officers, departments, boards, and other commissions.
4. Request applicant to furnish additional information.

(e) HEARINGS.

The Architectural Control Board shall schedule a reasonable time and place for the hearing and cause notice to be mailed to the applicant, the Zoning Inspector, and to the parties of interest at least five (5) days prior to the hearing. The applicant may appear in person, by agent, or by attorney.

(f) FINDINGS.

1. The Architectural Control Board shall not approve any application unless they find beyond a reasonable doubt after viewing the site and application materials provided that all applicable Standards set forth in Section 3 below will be met.

2. The Architectural Control Board shall decide all applications within ten (10) days after the final hearing and shall transmit a signed copy of their decision to the applicant and file a copy with the Zoning Inspector.

(3) STANDARDS.

To implement and define criteria for the purposes set forth in Section 17.60(1), the following standards are established to apply to all new structures and uses and to changes or additions to existing structures and uses.

- (a) No building shall be permitted the design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
- (b) No building shall be permitted the design or exterior appearance of which is so identical with those adjoining as to create excessive monotony or drabness.
- (c) No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.
- (d) The facade of a manufacturing building which faces upon a street right-of-way shall be finished with an aesthetically pleasing material. A minimum of 50 percent of a facade facing a street shall be finished with brick or decorative masonry material. Such masonry facing shall extend for a distance of at least 10 feet along the sides of the structure. Manufacturing buildings on corner lots shall have the required masonry facade facing each street.
- (e) Building Scale and Mass. The relative proportion of a building to its neighboring buildings, to pedestrians and observers, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.
- (f) Building Rooflines and Roof Shapes. The visual continuity of roofs and their contributing elements (parapet walls, coping, and cornices) shall be maintained in building development and redevelopment.
- (g) Colors. Since the selection of building colors has a significant impact upon the public and neighboring properties, color shall be

selected in general harmony with existing neighboring buildings.

- (h) **Siting of Structures.** No building or sign shall be permitted to be sited on the property in a manner which would unreasonably destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties. A 10-foot offset to paving shall be provided in all non-residential areas.
- (i) **Health and Safety.** No building or use shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the Village.
- (j) **Outdoor Storage.** No articles, goods, material, finished or unfinished product, incinerators, storage tanks, refuse containers, or equipment shall be exposed to public view or exposed to view from adjacent buildings and property. The Plan Commission may permit the outdoor display of product or merchandise when it makes a finding that such display is essential to a business .
- (k) **Topography and Drainage.** Buildings and uses shall maintain existing topography insofar as is practical. The Architectural Control Board and Plan Commission may require that drainage easements be executed. Buildings and uses shall conform to any adopted storm water management plan.
- (l) **Erosion Control.** Appropriate erosion control measures shall be utilized in all construction projects.
- (m) **Traffic Circulation.** Buildings and uses shall provide for safe traffic circulation and safe driveway locations.
- (n) **Parking and Loading.** Buildings and uses shall provide adequate parking and loading areas and shall be in compliance with the zoning code regulations.
- (o) **Loading Docks and Overhead Doors.** No loading dock or overhead door in the B-1 Business District or I-1 Restricted Industrial District shall face upon a street right-of-way unless a determination is made by the Village Plan Commission to allow the same, as described herein. The Village Plan Commission shall not allow the same unless the Village Plan Commission first finds:
 - 1. That adequate vehicle turn-around areas have been

provided on the lot, such that no maneuvering of vehicles will take place within the street right-of-way in order to access the loading dock or overhead door.

2. If the Village Plan Commission finds (o)(1) , above, then the Village Plan Commission may allow the loading dock or overhead door to face the street right-of-way upon consideration of the following additional factors, without limitation by reason of enumeration:

- a. Whether the loading dock or overhead door is set back sufficiently from the street right-of-way to adequately limit the adverse visual impact of the loading dock or overhead door;
- b. Whether the number of loading docks or overhead doors that are proposed to face the street right-of-way, due to their number, would create an adverse visual impact;
- c. Whether the natural terrain and other existing features of the lot may affect the visual impact of the loading dock or overhead door; and
- d. Whether the loading dock or overhead door will be appropriately screened by berms or other landscaping.

(p) Utilities. Buildings and uses shall be provided with adequate public services as approved by the appropriate utility.

(q) Open Spaces. Buildings and uses shall make appropriate use of open spaces and the Village Plan Commission may require appropriate landscaping and planting screens.

(r) Landscaping. Development in all business and industrial districts shall provide adequate open space and landscaping. All landscaped areas shall provide a mix of climax trees, tall and medium deciduous trees, tall and medium coniferous trees, deciduous and coniferous shrubs, and grasses. The appropriate mix shall be determined by the Plan Commission.

(s) Lighting. Lighting shall be installed and maintained in accordance with the standards set forth herein. No exterior lighting used for parking lots, recreational facilities, product display, or security shall be permitted to spillover on operators of motor vehicles, pedestrians, and uses of land in the vicinity of the light source. These requirements shall not apply to lighting placed in a public right-of-way for public safety. The requirements are:

1. Type. Shielded luminaires, or luminaires with cutoff optics, and careful fixture placement shall be required so as to

facilitate compliance with this section.

2. **Orientation.** Exterior lighting fixture shall be orientated so that the lighting element (or a transparent shield) does not throw rays onto neighboring properties. No lighting source shall be visible from outside its premises. Light rays shall not be directed into street rights-of-way or upward into the atmosphere. No horizontal throw via outward projecting lenses or optics shall be permitted contributing as a point glare source.
3. **Minimum Lighting Standards.** All areas designated on approved site plans for vehicular parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity of 0.4 foot-candles, exclusive of approved anti-vandal lighting. This standard shall not apply to properties in agricultural and single-family residential districts.
4. **Intensity of Illumination.** The intensity of illumination, measured at the property line, shall not exceed 0.2 foot candles.
5. **Location.** Light fixtures shall not be permitted within required buffer yards.
6. **Flashing, Flickering, and Other Distracting Lighting** which may distract motorists is prohibited.
7. **Nuisances.** Lighting which creates or becomes a public nuisance is not permitted.
8. **Accent Lighting and low voltage lighting (12 volts or less)** is exempt from these requirements.
9. **Nonconforming Lighting.** All lighting fixtures approved prior to the adoption of this Ordinance shall be treated as and regulated as legal nonconforming uses.

- (t) **Heating, Ventilating, and Air Conditioning Equipment.** Heating, Ventilating, and Air Conditioning Equipment shall be located in such manner as to be unobtrusive or screened from view.

(4) **APPLICATIONS.**

- (a) Applications for approval by the Architectural Control Board shall be made to the Zoning Inspector and shall be accompanied by the Zoning Permit application required under ss 17.17 and, in addition, shall be accompanied by all information provided for in subsection (c), below.
- (b) Approval by the Plan Commission shall be considered as part of the Conditional Use Permit review under Sections 17.50 *et seq.* In addition to the application information required under Section 17.51, applications for conditional uses in the B-1 Business District or I-1 Restricted Industrial District shall also include all information

- provided for in subsection (c), below.
- (c) Plan data to be submitted with all plan review applications shall include the following:
1. Site plan drawn to a recognized engineering scale.
 2. Name of project noted.
 3. Owner's and/or developer's name and address noted.
 4. Architect and/or engineer's name and address noted.
 5. Date of plan submittal.
 6. Scale of drawing noted on plan.
 7. Existing and proposed topography shown at a contour interval of two (2) feet or less.
 8. The characteristics of soils related to contemplated specific uses.
 9. Total number of parking spaces noted.
 10. The type, size, and location of all structures with all building dimensions shown.
 11. Indicate height of building(s) as defined in the zoning ordinance under the definition of building height.
 12. Existing and proposed street names indicated.
 13. Indicate existing and proposed public rights-of-way and widths.
 14. North arrow shown.
 15. Locate existing and general location of proposed sanitary sewers, storm sewers, and water mains.
 16. Locate any proposed storm water management facilities, including detention/retention areas.
 17. Locate existing trees that are at least three inches and greater in diameter measured three feet above ground.
 18. Note location, extent, size, diameter, height and type of proposed plantings.
 19. Note location of pedestrian sidewalks and walkways.
 20. A graphic outline of any development staging which is planned is required to be shown on the site plan.
 21. Architectural plans, elevations, and perspective drawings and sketches illustrating the design and character of proposed structures.

(5) **APPEALS.**

Any person or persons aggrieved by any decisions of the Architectural Control Board may appeal the decision to the Board of Zoning Appeals. Such appeal shall be filed with the Secretary of the Board of Zoning Appeals within thirty (30) days after the date of written notice of the decision of the Architectural Control Board.

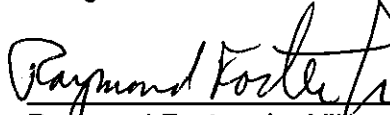
SECTION 5: SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent

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


Dated this 17th day of July, 2006.

Village of Oconomowoc Lake



Raymond Foster, Jr., Village President

ATTEST:



Kathy Kreuser, Village Clerk/Treasurer

Published and/or posted this 18th day of July 2006, 2006.

STATE OF WISCONSIN)
)
COUNTY OF WAUKESHA)

AFFIDAVIT OF POSTING

Ordinance # 232

The undersigned, being first duly sworn, on oath deposes and states that on July 18, 2006, 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.

Paul Kelly
Posting Officer

Subscribed and sworn to before me

This 18th day of July, 2006

Kathy Kusan
Notary Public, Waukesha County, Wisconsin

My Commission expires: 3-23-08