

ORDINANCE NO. 236

**AN ORDINANCE TO REPEAL AND RE-CREATE SECTION 17.52(3) OF  
THE VILLAGE OF OCONOMOWOC LAKE VILLAGE CODE TO  
ALLOW MODIFICATIONS TO HEIGHT OF STRUCTURES  
IN LIMITED CIRCUMSTANCES**

**WHEREAS**, the Village of Oconomowoc Lake Plan Commission has initiated a zoning amendment petition regarding exceeding height limitations for structures on properties in the Village of Oconomowoc Lake in limited circumstances; 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; 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 Village Board of the Village of Oconomowoc Lake on October 1, 2007; 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 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 a nuisance by reason of noise, dust, smoke, odor or other similar factors 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, Wisconsin, **DOES ORDAIN AS FOLLOWS:**

SECTION 1: Chapter 17 of the Village of Oconomowoc Lake Municipal Code entitled "Zoning Code," Section 17.52 entitled "Review and Approval," subsection (3) is hereby repealed and re-created as follows:

- (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 §17.56, shall be required of all conditional uses, except as follows:

(a) Variances shall only may be granted as provided in §17.61.

(b) Modifications and special exceptions shall may be allowed, ~~however,~~ as provided in §17.31.

(c) Height of structure requirements of this chapter may be modified by the Village Board within the conditional use order, in the following limited circumstances:

(1) The proposed structure is located on property in the B-1 Business District and the reason for the height modification is: (i) to install or shield equipment or facilities which serve the structure, such as an air conditioning unit or heating unit; or (ii) to allow for the orderly redevelopment of the property, if the Village Board finds that the increased height of the redeveloped property will not be contrary to the public health, safety or general welfare of the Village, will not cause a substantial adverse effect on the property values and general desirability of the neighborhood, and will be consistent with the planning objectives of the Village.

(2) The conditional use is for the keeping of horse(s), poultry or domestic livestock and the sole reason for the modification is to construct one or more accessory structure(s) needed to house and maintain the horse(s), poultry or domestic livestock.

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.

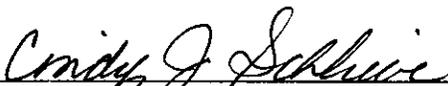
This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 15<sup>th</sup> day of October, 2007.

VILLAGE OF OCONOMOWOC LAKE

  
Richard J. Kneiser, Village President

ATTEST:

  
Cindy J. Schieve, Village Clerk/Treasurer

Published and/or posted this 25<sup>th</sup> day of January, 2008

STATE OF WISCONSIN )  
 )  
COUNTY OF WAUKESHA )

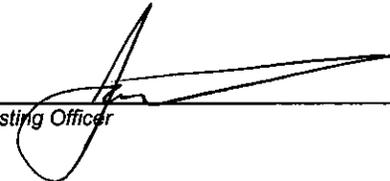
AFFIDAVIT OF POSTING

Ordinances 236 & 237

The undersigned, being first duly sworn, on oath deposes and states that on January 25, 2008, 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:

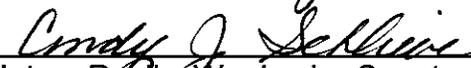
to-wit:

- (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 25th day of Jan., 2008

  
\_\_\_\_\_  
Notary Public, Waukesha County, Wisconsin  
My Commission expires: 7/3/2011