

ORDINANCE NO. 281

AN ORDINANCE TO CREATE SECTION 17.19(4)  
ENTITLED PRE-EXISTING ACCESSORY STRUCTURES  
IN THE VILLAGE OF OCONOMOWOC LAKE ZONING CODE

WHEREAS, the Village Administrator has recommended that the Village Zoning Code be amended to clarify whether a property owner may continue the use of an accessory structure when the principal structure on the property is removed; and

WHEREAS, upon receipt of the Village Administrator's recommendation, the Village Plan Commission initiated this amendment to the Village of Oconomowoc Lake Village Zoning Code; and

WHEREAS, upon receipt of the Village Plan Commission's recommendation, the Village Board of Trustees held a public hearing on October 20, 2014, after providing all notice, as required by §17.62(5)(a) of the Village of Oconomowoc Lake Village Code; and

WHEREAS, the Village Board for the Village of Oconomowoc Lake finds that the public necessity, convenience, general welfare and good zoning practice requires the Village Board to amend, change or supplement the regulations established by the Village of Oconomowoc Lake Zoning Code as described herein.

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

SECTION 1: Section 17.19 entitled USE, STRUCTURE AND SIGNAGE RESTRICTIONS, subsection 17.19(4) entitled PRE-EXISTING ACCESSORY STRUCTURES of the Village of Oconomowoc Lake Zoning Code is hereby created to read as follows:

17.19(4). PRE-EXISTING ACCESSORY STRUCTURES

Regardless of the foregoing provisions in subsection (1) and (2) above, subject to Architectural Control Board approval, the use of an accessory structure or accessory structures that were legally established, whether legal or legal non-

conforming in their location, may be continued even if the principal structure on the property is removed and the only remaining structure or structures on the property after the removal of the principal structure is the accessory structure or the accessory structures as long as the use of the accessory structure or accessory structures are only for storage by the owner of the property of the property owner's personal property. The accessory structure or accessory structures may not be used for human habitation or for any commercial use at any time including vehicle or equipment repair, for a studio, for a home occupation or for a professional office and the same may not contain a bathroom unless there is an existing operating bathroom which preexists the adoption of this ordinance on October 20, 2014 or kitchen or the equivalent of a bathroom or kitchen. No animals may be maintained on the property other than as may be allowed by Section 17.53 of this code. There shall be no use of motor homes, houseboats, campers, or any similar vehicles on the land or in the accessory structure or accessory structures on the property for recreational purposes or human habitation. The accessory structure or accessory structures shall be considered legal non-conforming accessory structures and may be modified, rebuilt or reconstructed only as may be allowed by Section 17.32(2) of this Code. In passing upon such matters, the Architectural Control Board shall consider all of the following factors: the size of the lot; the size and location of all of the existing accessory structures on the lot; the impact, if any, that the allowing of the accessory structure to remain on the lot may have upon neighboring properties; whether the use of the accessory structure would violate the intent of the Zoning Ordinance; and such other matters as the Architectural Control Board finds to be relevant in the interests of the public health, safety, welfare, and protection of property values of the Village.

## SECTION 2: SEVERABILITY.

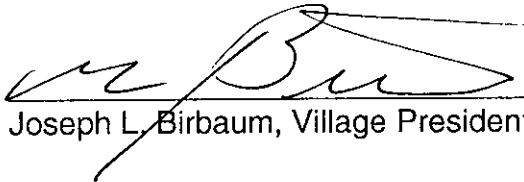
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision,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

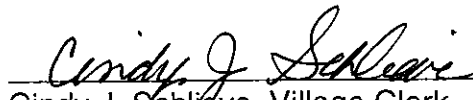
This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 20~~th~~ day of OCT, 2014.

VILLAGE OF OCONOMOWOC LAKE

  
\_\_\_\_\_  
Joseph L. Birbaum, Village President

ATTEST:

  
\_\_\_\_\_  
Cindy J. Schlieve, Village Clerk

Published and/or posted this 6~~TH~~ day of February, 2015

**VILLAGE OF OCONOMOWOC LAKE**  
**35328 W. PABST ROAD**  
**OCONOMOWOC, WI 53066**

STATE OF WISCONSIN    )  
                                  )  
COUNTY OF WAUKESHA    )

AFFIDAVIT OF POSTING

Ordinance No. 281 to Create Section  
17.19(4) Entitled Pre-Existing Accessory  
Structures Adopted 10/20/2014

The undersigned, being first duly sworn, on oath deposes and states that on February 6, 2015, 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 Signature

Subscribed and sworn to before me

This 6th day of February 2015

  
\_\_\_\_\_  
Notary Public, Waukesha County, Wisconsin  
My Commission expires: June 7, 2015