

ORDINANCE NO. 286

AN ORDINANCE TO AMEND THE ZONING CODE OF THE
VILLAGE OF OCONOMOWOC LAKE TO ALLOW SPECIFIED
ASSESSORY STRUCTURES ON A STRICTLY LIMITED
BASIS BETWEEN THE MAIN BUILDING AND THE HIGH WATER MARK

WHEREAS, the Village Plan Commission has considered the issue of allowing inground swimming pools and associated fencing and outdoor swimming pools to be located on lots in the Village between the main building on the lot and the high water mark, and in offset areas of the main building; and

WHEREAS, the Village Plan Commission has initiated this Zoning Code Amendment pursuant to Section 17.62(2) of the Village of Oconomowoc Lake Zoning Code; and

WHEREAS, upon receipt of the Village Plan Commission's recommendation, the Village Board of Trustees held a public hearing on June 19, 2017, after providing all notice as required by Section 17.62(5)(a) of the Village of Oconomowoc Lake Zoning 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 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 17.10 of the Village of Oconomowoc Lake Zoning Code entitled, "Definitions" the definition of "Outdoor Cooking Facility" is hereby created and inserted within Section 17.10 in alphabetical order, as follows:

OUTDOOR COOKING FACILITY

An accessory structure that includes a permanently installed grill, stove or similar cooking device, and may also include features directly related to cooking and eating, such as permanently installed tables and chairs and a hardscape patio surface at grade. An outdoor cooking facility does not include a roofed structure, gazebo, pergola, arbor, screen enclosure, deck, wall, fence, lighting, amplified sound producing device, topography

change, or any additional feature specifically regulated by this Code, unless such additional feature is specifically separately permitted in the proposed location by the applicable provisions of this Code; and if so permitted, such additional feature shall be included within the footprint, height and other restrictions applicable to the outdoor cooking facility.

SECTION 2: Section 17.36 of the Village of Oconomowoc Lake Zoning Code entitled, "R-1 General Agriculture/Rural Residential District," Subsection (4) entitled, "Structure, Accessory," Subsection (g) entitled, "Accessory Structure Location," is hereby repealed and re-created as follows:

(g) **Accessory Structure Location.** No accessory structure shall be located between the main building and the high water mark nor in the offset areas of the main building, except the following. An in ground pool and associated fencing, and an Outdoor Cooking Facility as defined herein may be located between the main building and the high water mark or the offset areas of the main building, subject to the following restrictions.

1. In ground pools and associated fencing and Outdoor Cooking Facilities are prohibited within 75 feet of the ordinary high water mark of Oconomowoc Lake.
2. In ground pools and associated fencing and Outdoor Cooking Facilities are only permitted in locations where a principal structure could lawfully be located in compliance with this Zoning Code.
3. The total square footage of Outdoor Cooking Facilities shall not exceed 120 square feet.
4. No part of the Outdoor Cooking Facility shall exceed 6 feet in height, except that the chimney for the cooking device may be up to 12 feet in height.
5. The Outdoor Cooking Facility shall not be further than 50 feet from the footprint of the existing principal structure.
6. In ground pools and associated fencing and Outdoor Cooking Facilities located in a side yard cannot be located closer than 30 feet to an existing structure that is located on an adjacent lot.
7. These limitations shall not be interpreted to prohibit construction that is part of the principal structure, including construction in the area defined by the footings of the principal structure.

SECTION 3: Section 17.37 of the Village of Oconomowoc Lake Zoning Code entitled, "R-2 Suburban Residential District," Subsection (4) entitled, "Structure, Accessory," Subsection (g) entitled, "Accessory Structure Location," is hereby repealed and re-created as follows:

(g) Accessory Structure Location. No accessory structure shall be located between the main building and the high water mark nor in the offset areas of the main building, except the following. An in ground pool and associated fencing, and an Outdoor Cooking Facility as defined herein may be located between the main building and the high water mark or the offset areas of the main building, subject to the following restrictions.

1. In ground pools and associated fencing and Outdoor Cooking Facilities are prohibited within 75 feet of the ordinary high water mark of Oconomowoc Lake.
2. In ground pools and associated fencing and Outdoor Cooking Facilities are only permitted in locations where a principal structure could lawfully be located in compliance with this Zoning Code.
3. The total square footage of Outdoor Cooking Facilities shall not exceed 120 square feet.
4. No part of the Outdoor Cooking Facility shall exceed 6 feet in height, except that the chimney for the cooking device may be up to 12 feet in height.
5. The Outdoor Cooking Facility shall not be further than 50 feet from the footprint of the existing principal structure.
6. In ground pools and associated fencing and Outdoor Cooking Facilities located in a side yard cannot be located closer than 30 feet to an existing structure that is located on an adjacent lot.
7. These limitations shall not be interpreted to prohibit construction that is part of the principal structure, including construction in the area defined by the footings of the principal structure.

SECTION 4: Section 17.38 of the Village of Oconomowoc Lake Zoning Code entitled, "R-3 Low Density Residential District," Subsection (4) entitled, "Structure, Accessory," Subsection (g) entitled, "Accessory Structure Location," is hereby repealed and re-created as follows:

(g) Accessory Structure Location. No accessory structure shall be located between the main building and the high water mark nor in the offset areas of the main building, except the following. An in ground pool and associated fencing, and an Outdoor Cooking Facility as defined herein may be located between the main building and the high water mark or the offset areas of the main building, subject to the following restrictions.

1. In ground pools and associated fencing and Outdoor Cooking Facilities are prohibited within 75 feet of the ordinary high water mark of Oconomowoc Lake.

2. In ground pools and associated fencing and Outdoor Cooking Facilities are only permitted in locations where a principal structure could lawfully be located in compliance with this Zoning Code.
3. The total square footage of Outdoor Cooking Facilities shall not exceed 120 square feet.
4. No part of the Outdoor Cooking Facility shall exceed 6 feet in height, except that the chimney for the cooking device may be up to 12 feet in height.
5. The Outdoor Cooking Facility shall not be further than 50 feet from the footprint of the existing principal structure.
6. In ground pools and associated fencing and Outdoor Cooking Facilities located in a side yard cannot be located closer than 30 feet to an existing structure that is located on an adjacent lot.
7. These limitations shall not be interpreted to prohibit construction that is part of the principal structure, including construction in the area defined by the footings of the principal structure.

SECTION 5: Section 17.385 of the Village of Oconomowoc Lake Zoning Code entitled, "R-4 Low Density Residential District," Subsection (4) entitled, "Building, Accessory," Subsection (f) entitled, "Accessory Structure Location," is hereby repealed and re-created as follows:

- (f) **Accessory Structure Location.** No accessory building shall be located between the main building and the high water mark or on an outlot ("outlot" being defined for purposes of this provision as land that is legally bound to a lot, that is not physically contiguous to the part of the lot that is improved with a main building, due to separation by water, by public right of way, or by any other physical separation), except the following. An in ground pool and associated fencing, and an Outdoor Cooking Facility as defined herein may be located between the main building and the high water mark, subject to the following restrictions.

1. In ground pools and associated fencing and Outdoor Cooking Facilities are prohibited within 5075 feet of the ordinary high water mark of Oconomowoc Lake.
2. In ground pools and associated fencing and Outdoor Cooking Facilities are only permitted in locations where a principal structure could lawfully be located in compliance with this Zoning Code.
3. The total square footage of Outdoor Cooking Facilities shall not exceed 120 square feet.
4. No part of the Outdoor Cooking Facility shall exceed 6 feet in height, except that the chimney for the cooking device may be up to 12 feet in height.

5. The Outdoor Cooking Facility shall not be further than 50 feet from the footprint of the existing principal structure.
6. In ground pools and associated fencing and Outdoor Cooking Facilities located in a side yard cannot be located closer than 30 feet to an existing structure that is located on an adjacent lot.
7. These limitations shall not be interpreted to prohibit construction that is part of the principal structure, including construction in the area defined by the footings of the principal structure.

SECTION 6: 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.

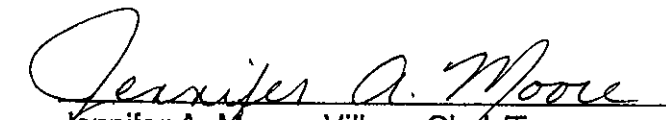
Dated this 19th day of June, 2017.

VILLAGE OF OCONOMOWOC LAKE



Joe Birbaum, Village President

ATTEST:



Jennifer A. Moore, Village Clerk/Treasurer

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