

ORDINANCE NO. 287

AN ORDINANCE TO CREATE SECTION 17.19(1)(j)
OF THE VILLAGE OF OCONOMOWOC LAKE ZONING CODE
REGARDING REQUIRED REMEDIATION WORK APPROVAL PROCESS

WHEREAS, it has come to the attention of the Village Board that certain properties within the Village are subject to remediation or monitoring requirements imposed by State or federal laws; and

WHEREAS, the Village Board intends to allow such remediation work to be completed in compliance with State or federal laws, provided that the applicant first submits to the Village Plan Commission a site plan and a plan of operation describing the proposed remediation work and receives approval from the Plan Commission; and

WHEREAS, the Village Board has referred this issue to the Village Plan Commission for report and recommendation; and

WHEREAS, upon receipt of the Village Plan Commission's recommendation, the Village Board 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 Village Code and other applicable laws; and

WHEREAS, the Village Board finds that this change to the Village Zoning Code is not a down zoning ordinance because it does not decrease the development density of land and it does not reduce the permitted uses of land, and therefore the super majority requirements of Section 66.10015, Wisconsin Statutes, does not apply to this ordinance; 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: Chapter 17 of the Village of Oconomowoc Lake Village Code entitled "Zoning Code," Section 17.19 entitled "Use, Structure, and Signage Restrictions," subsection (1) entitled "Use Restrictions," subsection (j) is hereby created as follows:

- (j) **Required Remediation Work.**
Remediation and monitoring of environmentally contaminated land that is ordered by the State of Wisconsin or United States government or agencies thereof, and site restoration to restore the land to previously existing conditions, is subject to the following requirements and is otherwise not regulated by this Zoning Code.
1. **Application.** The property owner shall submit an application to the Village Administrator which includes a site plan and plan of operation, for the proposed remediation or monitoring work.
 2. **Fee.** The application shall include payment of a fee in an amount which shall be determined by the Village Board by separate resolution from time to time.
 3. **Plan Commission Action.** The Village Plan Commission shall review the site plan and plan of operation and may impose reasonable conditions, which may include requirements concerning: commencement, staging, and completion dates; hours of operation limitations; noise controls; highway access and loading restrictions; protection of existing roadways; or other special requirements characteristic to the proposed remediation or monitoring as may be deemed necessary to protect the property values of the adjoining properties or the Village as a whole. The decision of the Plan Commission shall be final and shall not be subject to the review powers of the Board of Zoning Appeals.
 4. **Compliance.** All work must be conducted in compliance with all orders, conditions, rules and regulations of the United States, the State of Wisconsin, and Village of Oconomowoc Lake, and the approved site plan and plan of operation, and in the event of a conflict the more restrictive shall apply.

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

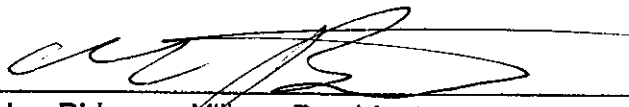
and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

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

Dated this 19th day of June, 2017, ~~2016~~

VILLAGE OF OCONOMOWOC LAKE



Joe Birbaum, Village President

ATTEST:



Jennifer A. Moore, Village Clerk/Treasurer
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