ORDINANCE 30

(Effective June 1, 1969)

ZONING ORDINANCE
VILLAGE OF OCONOMOWOC LAKE
WAUKESHA COUNTY
WISCONSIN

TABLE OF CONTENTS

SECTION 1.0 **Introduction**
- 1.1 Authority
- 1.2 Purpose
- 1.3 Intent
- 1.4 Abrogation and Greater Restrictions
- 1.5 Interpretation
- 1.6 Severability
- 1.7 Repeal
- 1.8 Title
- 1.9 Effective Date

SECTION 2.0 **General Provisions**
- 2.1 Jurisdiction
- 2.2 Compliance
- 2.3 Zoning Permit
- 2.4 Site Restrictions
- 2.5 Use Restrictions
- 2.6 Reduction or Joint Use
- 2.7 Permitted Structures in Street Setback Areas
- 2.8 Maintenance and Use of Setback and Offset Areas
- 2.9 Vision Setback
- 2.10 Preservation of Topography
- 2.11 Driveways
- 2.12 Waterfront Use Density
- 2.13 Certificate of Occupancy and Compliance
- 2.14 Records of Permits and Certificates
- 2.15 Fees
- 2.16 Public Notice
- 2.17 Violations
- 2.18 Penalties

SECTION 3.0 **Zoning Districts**
- 3.1 Establishment
- 3.2 Zoning Map
- 3.3 R-1 Single-Family Residential District
- 3.4 R-2 Single-Family Residential District
- 3.5 R-3 Single-Family Residential District

SECTION 4.0 **Conditional Uses**
- 4.1 Permit
- 4.2 Application
- 4.3 Review and Approval
- 4.4 Public and Semipublic Uses
- 4.5 Highway Orientated Uses
- 4.6 Protest

SECTION 5.0 **Modifications**
5.1 Height
5.2 Yards – Offset

SECTION 6.0 **Nonconforming Uses, Structures and Lots**
6.1 Existing Nonconforming Uses
6.2 Abolishment or Replacement
6.3 Existing Nonconforming Structures
6.4 Single Family Residence
6.5 Substandard Lots
6.6 Changes and Substitutions

SECTION 7.0 **Architectural Control Board**
7.1 Establishment
7.2 Compliance
7.3 Membership
7.4 Organization
7.5 Powers
7.6 Applications
7.7 Hearings
7.8 Findings
7.9 Appeals

SECTION 8.0 **Board of Zoning Appeals**
8.1 Establishment
8.2 Membership
8.3 Organization
8.4 Powers
8.5 Appeals and Applications
8.6 Hearings
8.7 Findings
8.8 Decision
8.9 Review by Court of Record

SECTION 9.0 **Changes and Amendments**
9.1 Authority
9.2 Initiation
9.3 Petitions
9.4 Recommendations
9.5 Hearings
9.6 Action of the Village Board of Trustees
9.7 Protest

SECTION 10.0 **Definitions**

INTRODUCTION

SECTION 1.0

1.1 AUTHORITY

These regulations are adopted under the authority granted by Sections 61.35 and 62.23(7) of the Wisconsin Statutes. Therefore, the Village Board of Trustees of the Village of Oconomowoc Lake, Waukesha County, Wisconsin, do ordain as follows:

1.2 Purpose

Whereas the area comprising the Village of Oconomowoc Lake, Waukesha County, Wisconsin, is a residential community, generally devoted to single family residential uses, and

Whereas it is in the public interest to control the population density of the Village of Oconomowoc Lake, thereby preventing the pollution and deterioration of wells, lakes and rivers within the community,

It is the declared purpose of this Ordinance to prevent the overcrowding of land and undue concentration of population and to promote the health, safety, morals, comfort, prosperity, aesthetics and general welfare of this community.

1.3 Intent

It is the general intent of this Ordinance to regulate and restrict the use of all structures, lands and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to: lessen congestion and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic, and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources, preserve and promote the beauty of the community; and implement the community's comprehensive plan or plan components. It is further intended to provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.

1.4 Abrogation and Greater Restrictions

It is not intended by this Ordinance to repeal, abrogate, annul, impair, or to interfere with any existing easements, convenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to laws. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

1.5 Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

1.6 Severability

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

1.7 Repeal

This Ordinance repeals and replaces the following ordinances or sections thereof of the Village of Oconomowoc Lake:

1. ORDINANCE No. 4 – Section 2.06
2. ORDINANCE No. 30 – Complete

All other ordinances or parts of ordinances of the Village inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

1.8 **Title**

This Ordinance shall be known as, referred to, or cited as the "ZONING ORDINANCE, VILLAGE OF OCONOMOWOC LAKE, WAUKESHA COUNTY, WISCONSIN."

1.9 **Effective Date**

This Ordinance shall be effective after a public hearing, adoption by the Village Board of Trustees, and publication or posting as provided by law.

GENERAL PROVISIONS

SECTION 2.0

2.1 **Jurisdiction**

The jurisdiction of this Ordinance shall include all lands and waters within the corporate limits of the Village of Oconomowoc Lake. The jurisdiction of this Ordinance shall also extend to those lands and waters lying within the unincorporated area within one and one-half (1-1/2) miles of the corporate limits that are approved by a majority of the members of the appropriate Joint Extraterritorial Zoning Committee pursuant to Section 62.23(7a) of the Wisconsin Statutes.

2.2 **Compliance**

No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit except minor structures and without full compliance with the provisions of this Ordinance and all other applicable local, county, and state regulations.

Architectural Control Board Approval shall be obtained as provided in Section 7.0.

The Duty of the Zoning Inspector, with the aid of the Police Department, shall be to investigate all complaints, give notice of violations, and to enforce the provisions of this Ordinance. The Zoning Inspector and his duly appointed deputies may enter at any reasonable time onto any public or private lands or waters to make a zoning inspection.

2.3 **Zoning Permit**

Applications for a zoning permit shall be made in duplicate to the Zoning Inspector on forms furnished by the Zoning Inspector and shall include the following where applicable:

Names and Addresses of the applicant, owner of the site, architect, professional engineer or contractor.

Description of the Subject Site by address of the subject site; lot, block, and recorded subdivision or by metes and bounds; zoning district within which the subject site lies; existing and proposed operation or use of the structure and/or site; number of employees; and the type of structure.

Plat of Survey prepared by a registered land surveyor, if so requested, showing the location, boundaries, dimensions, elevations, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within fifty (50) feet of the subject site.

Proposed Sewage Disposal Plan if municipal sewerage service is not available. This plan shall be approved by the Village Engineer or County Health Department who shall certify in writing that satisfactory, adequate, and safe sewage disposal is possible on the site as proposed by the plan in accordance with applicable local, county and state board of health regulations.

Proposed Water Supply Plan if municipal water service is not available. This plan shall be approved by the Village Engineer or County Health Department who shall certify in writing that an adequate and safe supply of water will be provided.

Additional Information as may be required by the Village Plan Commission, Architectural Control Board, Village Engineer, Zoning, Building, Plumbing or Health Inspectors.

Fee Receipt from the Village Treasurer in the amount specified by the Village Board of Trustees. Zoning Permit shall be granted or denied in writing by the Zoning Inspector within thirty (30) days. The permit shall expire within six (6) months unless substantial work has commenced. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

2.4 **Site Restrictions**

No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Village Plan Commission by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Village Plan Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter the Village Plan Commission may affirm, modify, or withdraw its determination of unsuitability.

All Lots shall abut upon a public street, and each lot shall have the minimum requirements of the district in which it is located, and have adequate access to a public street.

All Principal Structures shall be located on a lot, and only one principal structure shall be located, erected, or moved onto a lot.

Drainage Regulations. The damming, filling, relocation, or other interference with the natural flow of surface water along any surface water drainage channel or natural water course, or the filling of areas which lie below the ordinary high water mark or which serve as natural overflow or flood control basins, shall not be permitted without public hearing, recommendation by the Village Plan Commission, and authorization of the Village Board.

No Zoning Permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

Lots Abutting More Restrictive district boundaries shall provide an abutting offset and setback not less than that required in the more restrictive district. The adjacent setback and offset requirements shall be the average of the two adjacent requirements.

2.5 **Use Restrictions**

The following use restrictions and regulations shall apply:

Principal Uses. Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in that district.

Accessory Uses and structures are permitted in any district but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry other than a household occupation or a professional home office as defined in Section 10.0. Acessory uses include incidental repairs; storage; parking facilities; nurseries; farming and gardening (not including farms operated for the disposal and reduction of garbage, sewage,

rubbish or offal, for the raising of commercial poultry or of animals for their fur, or as rendering plants); private swimming pools; and private emergency shelters.

Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Village Plan Commission in accordance with Section 4.0

Unclassified or Unspecified Uses may be permitted by the Village Board of Trustees in accordance with Section 4.0.

Temporary Uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Board of Zoning Appeals in accordance with Section 8.0.

No Accessory Building, nor trailer, tent or temporary structure shall be used for human habitation in any Residence District.

No Advertising Sign of any character shall be permitted in any Residence District, except as provided in Section 10.0 (Office, Professional Home) and except for one sign for each main building not exceeding four (4) square feet in area pertaining to the lease, hire, or sale of such premises.

Temporary Signs, advertising the general and subcontractors, architects, etc., are permitted with the permission of the Zoning Inspector during construction, provided the new construction is valued at Ten Thousand Dollars ($10,000.00) or more.

2.6 **Reduction or Joint Use**

No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this Ordinance. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.

2.7 **Permitted Structures in Street Setback Areas**

The only structures permitted within the area between any street line and a street setback line shall be necessary highway and traffic signs, public utility poles and lines, fences, retaining walls, rural mail boxes and signs which are permitted in the district in which the lot is located.

2.8 **Maintenance and Use of Setback and Offset Areas**

All setback and offset areas shall be kept clean and free from any accumulation of debris or refuse and shall not be used for the storage or display of equipment, products, vehicles or any other material, except for the private storage of boats, fishing gear, and other aquatic recreational equipment in regular seasonal use within such setback or offset areas.

2.9 **Vision Setbacks**

At an intersection of streets where grades are not separated, the vision setback line for each corner shall be the straight line connecting the points located on the intersecting setback lines of each street which are fifty (50) feet from the intersection of such setback lines.

At an interesection of a street and a railroad where grades are not separated, vision setback lines across each sector formed by such intersection shall be straight lines connecting the points located on the setback lines of the street and the line of the railroad right-of-way which are one-hundred (100) feet from the intersection of such setback line and railroad right-of-way.

No building or structure of any kind, in excess of three (3) feet in height, except necessary highway and traffic signs, public utility lines, mail boxes, and open fences through which there shall be clear vision, shall be constructed, erected or moved into the space between the street lines or railroad right-of-way and a vision setback line as herein above established.

No plants or other objects or material, whether natural or otherwise, which obscure safe vision of the approaches to any such intersection shall be permitted to grow, exist or accumulate between a street line or a railroad right-of-way and a vision setback line.

2.10 **Preservation of Topography**

Every building hereafter erected, structurally altered or relocated shall be at a grade approved by the Architectural Control Board as in harmony with the existing or established grade of the street and/or waterfrontage 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.

No Change in Existing Topography of any land shall be made which will alter the existing drainage or flood control areas or adversely affect adjoining premises or increase the slope to a ratio greater than one and one-half (1-1/2) horizontally to one (1) vertically within fifteen (15) feet from the lot lines without the approval of the Zoning Inspector; and such approval may be conditioned upon a requirement that an adequate retaining wall be constructed. The Zoning Inspector is authorized to impose such requirements and to enforce compliance herewith.

2.11 **Driveways**

All driveways installed, altered, changed, replaced or extended after the effective date of this Ordinance shall meet the following requirements:

Islands, shrubbery, natural vegetation or grass between openings shall be provided with a minimum of twelve (12) feet between all driveways and six (6) feet to lot lines at the street line.

Driveways shall be such that all vehicles parking, loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back onto any public way.

Driveway openings shall not be located closer than fifty (50) feet to the intersection of street lines of intersecting streets.

2.12 **Waterfront Use Density**

No lot or tract of land within any Residence District shall be used, occupied, subdivided into lots, sold, leased, or otherwise transferred or disposed of, nor shall any easement or interest therein be created, so as to grant the use of, or access to, Oconomowoc Lake or any waterway connected therewith to more than one (1) family for the minimum required water frontage of such lot or tract of land as specified above, nor shall the water frontage of any lot or tract of land within any Residence District be increased by filling or dredging.

2.13 **Certificate of Occupancy and Compliance**

No vacant land shall be occupied or used for other than farming purposes and no building now or hereafter erected, altered, or moved, shall be occupied, used or changed in use, until a certificate of occupancy and compliance shall have been issued by the Zoning Inspector stating that the building or proposed use of a building or vacant lands complies with the provisions of the Ordinance. Certificates of occupancy and compliance shall be applied for coincidentally with the application for a zoning permit and shall be issued within ten (10) days after the erection, alteration or moving of such building shall have been completed in conformity with the statements on the application.

Temporary Permit. Pending issuance of a regular permit, a temporary permit may be issued for a period not exceeding six (6) months during completion of alterations or during the partial occupancy of a building pending its permanent occupancy. Such temporary permit shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants. A temporary permit shall be voided if the building fails to conform to the provisions of this Ordinance and/or the Building Code to such a degree as to render it unsafe for the occupancy proposed.

2.14 **Records of Permits and Certificates**

The Zoning Inspector shall keep an accurate record of all permits and certificates issued by him, each type of permit and certificate being numbered sequentially in the order of issuance and recorded in a separate record book which shall be the property of the Village.

2.15 **Fees**

No fee shall be charged for an original zoning permit applied for coincidentally with the application for a building permit. For all other zoning permits or for copies of any original permit, there shall be a charge as specified by the Village Board of Trustees.

2.16 **Public Notice**

Any public notice of hearing required by law to be given in connection with proceedings of the Plan Commission, Board of Zoning Appeals. the Architectural Control Board or the Village Board of Trustees with respect to zoning matters shall be given by posting the same in not less than three (3) public places in the Village at least ten (10) days before the date of such hearing and shall set forth the time, place and purpose of such hearing.

2.17 **Violations**

It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Ordinance. In case of any violation, the Village Board of Trustees, The Village Plan Commission, the Zoning Inspector, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Ordinance.

2.18 **Penalties**

Any person, firm or corporation who fails to comply with the provisions of this Ordinance shall upon conviction thereof, forfeit not less than Twenty-Five Dollars ($25.00) nor more than Two-Hundred Dollars ($200.00) and costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

ZONING DISTRICTS

SECTION 3.0

3.1 **Establishment**

For the purpose of this Ordinance, the Village of Oconomowoc Lake is hereby divided into the following three zoning districts:

R–1 Single-Family Residential District
R–2 Single-Family Residential District
R–3 Single-Family Residential District

Boundaries of These Districts are hereby established as shown on the official map entitled "Zoning Map, Village of Oconomowoc Lake, Wisconsin." Such boundaries shall be constructed to follow: corporate limits; U.S. Public Lane Survey lines; lot or property lines; centerlines of streets, highways, easements, and railroad right-of-way or such lines extended; unless otherwise noted on the Zoning Map.

Vacation of public streets shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

Annexations to or consolidations with the Village subsequent to the effective date of this Ordinance shall be placed in the R–1, Single-Family Residential District, unless the annexation ordinance temporarily places the land in another district. Within one (1) year the Village Plan Commission shall evaluate and recommend a permanent district classification to the Village Board of Trustees.

3.2 **Zoning Map**

A certified copy of the Zoning Map shall be adopted and approved with the text as part of this Ordinance and shall bear upon its face the attestation of the Village President and the Village Clerk and shall be available to the public in the office of the Village Clerk.

Changes thereafter to the districts shall not be effective until entered and attested on this certified copy.

3.3 **R–1 Single-Family Residential District**

Principal Use	One-Family dwelling
Conditional Uses	See Section 4.0
Building, Main	
Height	Maximum 35 ft.
Area	Minimum 3000 sq. ft.
Setback	Minimum 75 ft.
Offset	Minimum 20 ft.
	Aggregate 50 ft.
Structure, Accessory	
Height	Maximum 16 ft.
Setback	Minimum 75 ft.
Offset	Minimum 15 ft.
Distance to residence on adjoining lot	Minimum 50 ft.
Lot, Interior	
Width	Minimum 250 ft.
Area	Minimum 3 acres.
Lot, Waterfront	
Water frontage	Minimum 200 ft.
Area	Minimum 4 acres, provided that such required area shall be reduced at the rate of 1/10 acre for every fifteen (15) feet of water frontage of such lot in excess of the above specified minimum, but in no case shall the lot area be less than 2 acres.

3.4 **R–2 Single–Family Residential District**

Principal Use	One-Family dwelling
Conditional Uses	See Section 4.0
Building, Main	
Height	Maximum 35 ft.
Area	Minimum 2250 sq. ft.
Setback	Minimum 75 ft.
Offset	Minimum 20 ft.
	Aggregate 50 ft.
Structure, Accessory	
Height	Maximum 16 ft.
Setback	Minimum 75 ft.
Offset	Minimum 15 ft.
Distance to residence on adjoining lot	Minimum 50 ft.
Lot, Interior	
Width	Minimum 200 ft.
Area	Minimum 2 acres.

Lot, Waterfront

Water frontage	Minimum 100 ft.
Area	Minimum 2 acres, provided that such required area shall be reduced at the rate of 1/10 acre for every fifteen (15) feet of water frontage of such lot in excess of the above specified minimum, but in no case shall the lot area be less than 1 acre.

3.5 **R–3 Single-Family Residential District**

Principal Use	One-Family dwelling
Conditional Uses	See Section 4.0
Building, Main	
Height	Maximum 35 ft.
Area	Minimum 1500 sq. ft.
Setback	Minimum 50 ft.
Offset	Minimum 15 ft.
	Aggregate 40 ft.
Structure, Accessory	
Height	Maximum 16 ft.
Setback	Minimum 50 ft.
Offset	Minimum 15 ft.
Distance to residence on adjoining lot	Minimum 50 ft.
Lot	
Width	Minimum 150 ft.
Area	Minimum 1 acre.

CONDITIONAL USES

SECTION 4.0

4.1 **Permit**

The Village Board of Trustees may authorize the Zoning Inspector to issue a conditional use permit for conditional uses after review, public hearing, and a recommendation by the Village Plan Commission, provided that such conditional uses and structures are in accordance with the purpose and intent of this Ordinance and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community.

4.2 **Application**

Applications for conditional use permits shall be made in duplicate to the Zoning Inspector on forms furnished by the Zoning Inspector and shall include the following:

All of the information required under Section 2.3 for a Zoning Permit.

The names and addresses of the parties in interest.

The mean and historic high water lines, on and within one-hundred (100) feet of the subject lot.

All existing and proposed landscaping.

Fee Receipt from the Village Treasurer in the amount specified by the Village Board of Trustees.

4.3 **Review and Approval**

The Village Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation.

Conditions, such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed

restrictions, highway access restrictions, increased yards, or parking requirements, may be required by the Village Board of Trustees upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.

Compliance with all other provisions of this Ordinance, such as lot width and area, setback and offsets and height shall be required of all conditional uses. Variances shall only be granted as provided in Section 8.0

4.4 **Public and Semipublic Uses**

The following shall be conditional uses:

Municipal and/or public utility buildings
Churches
Schools
Clubs, not conducted for profit

4.5 **Highway Orientated Uses**

The following commercial uses shall be conditional uses and may be permitted within five hundred (500) feet of the existing or proposed rights-of-way of controlled access trafficways, but not closer than one hundred (100) feet to existing residential property:

Drive-in banks.
Vehicle sales, service, washing and repair stations.
Bowling Alleys
Retail establishments selling and storing only new merchandise, including backeries, barber shops, bars, beauty shops, business offices, clinics, clothing stores, clubs, drug stores, florists, gift stores, grocery stores, hardware stores, hobby shops, optical stores, beverage stores, professional offices, self-service and pick-up laundry and dry cleaning establishments, supermarkets, and sporting goods.

4.6 **Protest**

In the case of a protest against the granting of such application, filed in writing prior to the granting of such application and duly signed and acknowledged by the owners of twenty (20) per cent or more of the area of land immediately adjacent extending 100 feet therefrom or by owners of twenty (20) per cent or more of the land directly opposite thereto, extending 100 feet from the street frontage of such opposite land, the application shall not be granted except by the favorable vote of three-fourths (3/4) of the members of the Village Board of Trustees.

MODIFICATIONS

SECTION 5.0

5.1 **Height**

The district height limitations stipulated elsewhere in this Ordinance may be exceeded, but such modification shall be in accord with the following:

Architectural Projections such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this Ordinance.

Special Structures, such as radio and television receiving antennas, and flag poles are exempt from the height limitations of this Ordinance.

Essential Services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this Ordinance.

Communication Structures, such as radio and television transmission and relay towers and aerials, shall not exceed in height three (3) times their distance from the nearest lot line.

Agricultural Structures, such as barns, silos and windmills, shall not exceed in height twice (2) their distance from the nearest lot line.

5.2 **Yards–Offset**

The offset requirements stipulated elsewhere in this Ordinance may be modified as follows:

Uncovered Stairs, landings, and fire escapes may project into any yard but not to exceed six (6) feet and not closer than nine (9) feet to any lot line.

Architectural Projections, such as chimneys, flues, sills, eaves belt courses and ornaments, may project into any required offset area, but such projection shall not exceed two (2) feet.

Residential Fences are permitted on the property lines in residential districts but shall not in any case exceed a height of six (6) feet; and shall not be closer than two (2) feet to any public right-of-way. The finished design side must face abutting property.

Essential Services, utilities, electric power and communication transmission lines are exempt from the offset and distance requirements of this Ordinance. Landscaping and vegetation are exempt from the offset and setback requirements of this Ordinance.

NONCONFORMING USES, STRUCTURES AND LOTS

SECTION 6.0

6.1 **Existing Nonconforming Uses**

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance; however:

Only that Portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Ordinance.

Total Lifetime Structural Repairs or alterations shall not exceed fifty (50) per cent of the Village equalized value of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this Ordinance.

Substitution of New Equipment may be permitted by the Board of Zoning Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

No Nonconforming Use shall be expanded or enlarged.

6.2 **Abolishment or Replacement**

If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty (50) per cent of its current equalized value, it shall not be restored except so as to comply with the use provisions of this Ordinance.

A Current File of all nonconforming uses shall be maintained by the Zoning Inspector listing the following: owner's name and address, use of the structure, land or water; and equalized value at the time of its becoming a nonconforming use.

6.3 **Existing Nonconforming Structures**

The lawful nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although its size or location does not conform with the lot width, lot area, yard, and height provisions of this Ordinance; however, it shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Ordinance.

6.4 **Single-Family Residence**

A lawfully existing building used as the principal single family dwelling which does not conform to the regulations of the district in which it is situated with respect to height

or location or which is located on a lot which does not conform to the area, width or water frontage requirements of such district may nevertheless be repaired, reconstructed, altered and/or enlarged, so long as it shall comply with the other applicable provisions hereof; provided, that the degree of such nonconformity shall not in any case be increased by any such repair, reconstruction, alteration or enlargement and shall be lessened whenever and insofar as practicable as determined by the Zoning Inspector.

6.5 **Substandard Lots**

In any residential district, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the Waukesha County Register of Deeds office before the effective date or amendment of this Ordinance.

Such Lot or Parcel shall be in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this Ordinance. If in separate ownership, all the district requirements shall be complied with insofar as practical.

6.6 **Changes and Substitutions**

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure.

Once the Village Board of Trustees has permitted the substitution of another nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Village Board of Trustees.

ARCHITECTURAL CONTROL BOARD

SECTION 7.0

7.1 **Establishment**

There is herby 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.

7.2 **Compliance**

No structure shall hereafter be erected, moved, reconstructed, extended, enlarged, or have its exterior altered or changed without the Architectural Control Board approval. Minor accessory structures are exempt unless the Zoning Inspector requests a determination by the Architectural Control Board.

7.3 **Membership**

The Architectural Control Board shall consist of six (6) 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.

Terms shall be for staggered three year periods.

Chairman shall be appointed by the Village President.

Secretary shall be selected by the members.

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.

Vacancies shall be filled for the unexpired term in the same manner as appointment for the full term.

7.4 **Organization**

The Architectural Control Board shall organize and adopt rules for its own government in accordance with the provisions of this Section.

Meetings shall be held at the call of the Chairman or when requested by the Zoning Inspector and shall be open to the public.

Minutes shall be kept showing all actions taken and shall be a public record. The grounds for every decision shall be stated.

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

7.5 **Powers**

The Architectural Control Board shall have the following power:

Hear and Decide applications for permission to erect, move, reconstruct, extend, alter, or change the exterior of all structures.

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.

Assistance. The Architectural Control Board may request assistance from other municipal officers, departments, boards, and other commissions.

Request applicant to furnish additional information.

7.6 **Applications**

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 Section 2.3 and, in addition, shall be accompanied by plans showing the exterior elevations of the existing and proposed structure, description of the proposed materials, proposed floor graded, and a list of the names and addresses of the parties in interest.

7.7 **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 in interest at least five (5) days prior to the hearing. The applicant may appear in person, by agent, or by attorney.

7.8 **Findings**

The Architectural Control Board shall not approve any application unless they find beyond a reasonable doubt after viewing the site that the following facts and conditions exist and shall so indicate in the minutes of their proceedings:

The Exterior Design proposed is not unsightly or obnoxious and is not disharmonious or so similar to existing or proposed neighboring developments that substantial depreciation of neighboring property or development will be caused by the applicant's proposal.

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.

7.9 **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.

BOARD OF ZONING APPEALS

SECTION 8.0

8.1 **Establishment**

There is herby established a Board of Zoning Appeals for the Village of Oconomowoc Lake, Waukesha County, for the purpose of hearing appeals and applications, and granting variances and exceptions to the provisions of this Zoning Ordinance in harmony with the purpose and intent of the Zoning Ordinance.

8.2 **Membership**

The Board of Zoning Appeals shall consist of five (5) members appointed by the

Village President and confirmed by the Village Board of Trustees.

Terms shall be for staggered three-year periods.

Chairman shall be designated by the Village President.

An Alternate Member may be appointed by the Village President for a term of three (3) years and shall act only when a regular member is absent or refuses to vote because of interest.

One Member shall be a Village Plan Commissioner.

Secretary shall be selected by the members.

Zoning Inspector shall attend all meetings for the purpose of providing technical assistance when requested by the Board.

Official Oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statues within ten (10) days of receiving notice of their appointments.

Vacancies shall be filled for the unexpired term in the same manner as appointment for a full term.

8.3 **Organization**

The Board of Zoning Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Ordinance.

Meetings shall be held at the call of the Chairman and shall be open to the public.

Minutes of the proceedings and a record of all actions shall be kept by a recording secretary, showing the vote of each member upon each question, the reason for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Board and shall be a public record.

The Concurring Vote of four (4) members of the Board shall be necessary to correct an error; grant a variance; make an interpretation; and permit a temporary use.

8.4 **Powers**

The Board of Zoning Appeals shall have the following powers:

Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector or Architectural Control Board.

Variances. To hear and grant appeals for variances that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this Ordinance shall be observed and the public safety, welfare and justice secured. Use variances shall not be granted. Setback variances shall not be granted without public hearing, approval of the Village Plan Commission, and approval of the Architectural Control Board pursuant to Section 7, herein.

Interpretations. To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Village Plan Commission has made a review and recommendation.

Temporary Uses. To hear and grant applications for temporary uses (Section 2.5) in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses and the Village Plan Commission has made a review and recommendation. The permit shall be temporary, revocable, subject to any conditions required by the Board of Zoning Appeals, and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Ordinance shall be required.

Permits. The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issue of a permit.

Assistance. The Board may request assistance from other Village officers, departments, commissions and boards.

Oaths. The Chairman may administer oaths and compel the attendance of witness.

8.5 **Appeals and Applications**

Appeals from the decision of the Zoning Inspector or the Architectural Control Board concerning the literal enforcement of this Ordinance may be made by any person

aggrieved or by any officer, department, board, or commission of the Village. Such appeals shall be filed with the Secretary within thirty (30) days after the date of written notice of the decision or order of the Zoning Inspector or Architectural Control Board. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the Secretary. Such appeals and applications shall include the following:

All of the Information Required under Section 2.3 for a Zoning Permit.

The Names and Addresses of the parties in interest.

Additional Information required by the Village Plan Commission, Village Engineer, Board of Zoning Appeals, or the Zoning Inspector.

Fee Receipt from the Village Treasurer in the amount specified by the Village Board of Trustees.

8.6 **Hearings**

The Board of Zoning Appeals shall fix a reasonable time and place for the hearing, give public notice thereof at least ten (10) days prior, and shall give due notice to the parties in interest, the Zoning Inspector, and the Village Plan Commission. At the hearing the appellant or applicant may appear in person, by agent, or by attorney.

8.7 **Findings**

No variance to the provisions of this Ordinance shall be granted by the Board unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates in the minutes of its proceedings.

Exceptional Circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that does not apply generally to the other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.

Preservation of Property Rights. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

Absence of Detriment. That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

8.8 **Decision**

The Board of Zoning Appeals shall decide all appeals and applications within thirty (30) days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, the Zoning Inspector, and the Village Plan Commission.

Conditions may be placed upon any zoning permit ordered or authorized by this Board.

Variances, or Temporary Use Permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

8.9 **Review by Court of Record**

Any person or persons aggrieved by any decision of the Board of Zoning Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board of Zoning Appeals.

CHANGES AND AMENDMENTS

SECTION 9.0

9.1 **Authority**

Whenever the public necessity, convenience, general welfare or good zoning practice require, the Village Board of Trustees may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this Ordinance or amendments thereto.

Such Change or Amendment shall be subject to the review and recommendation of the Village Plan Commission and the appropriate Joint Extra-territorial Zoning Committee.

9.2 **Initiation**

A change or amendment may be initiated by the Village Board of Trustees, Village Plan Commission, or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.

9.3 **Petitions**

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Village Clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:

Plot Plan drawn to a scale of one (1) inch equals one-hundred (100) feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within two-hundred (200) feet of the area proposed to be rezoned.

Owners' Names and Addresses of all properties lying within two-hundred (200) feet of the area proposed to be rezoned.

Additional Information required by the Village Plan Commission, Joint Extra-territorial Zoning Committee, or the Village Board of Trustees.

Fee Receipt from the Village Treasurer in the amount specified by the Village Board of Trustees.

9.4 **Recommendations**

The Village Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified, or denied. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Village Board of Trustees.

The Appropriate Joint Extra-territorial Zoning Committee and the Village Plan Commission shall review all proposed changes and amendments within the extra-territorial zoning jurisdiction, but only the members of the appropriate Joint Committee shall vote on matters relating to their zoning jurisdiction.

9.5 **Hearings**

The Village Board of Trustees shall hold a public hearing upon each recommendation, giving at least ten (10) days prior notice by posting in at least three (3) public places, listing the time, place, and the changes or amendments proposed. The Village Board of Trustees shall also give at least ten (10) days prior written notice to the Clerk of any municipality within one-thousand (1000) feet of any land to be affected by the proposed change or amendment.

Prior to the Hearing of the Village Board of Trustees, the appropriate Joint Extra-territorial Zoning Committee shall hold a public hearing upon each proposed change or amendment within their zoning jurisdiction, giving at least ten (10) days prior notice by publication at least three (3) times during the preceding thirty (30) days, listing the time, place, and the changes or amendments proposed. The Joint Committee shall mail notice to the affected municipality.

9.6 **Action of the Village Board of Trustees**

Following such hearing and after careful consideration and recommendation of the Village Plan Commission and appropriate Joint Extra-territorial Zoning Committee, the Village Board of Trustees shall vote on the passage of the proposed change or amendment.

The Recommendations of the Village Plan Commission may only be overruled by three-fourth (3/4) of the full membership of the Village Board of Trustees.

A Favorable Vote of a majority of the six (6) members of the appropriate Joint Extra-territorial Zoning Committee is required before the Village Board of Trustees may adopt any changes or amendments affecting their extra-territorial zoning jurisdiction.

9.7 **Protest**

In the event of a protest against such district changes or amendments to the regulations of this Ordinance, duly signed and acknowledged by the owners of twenty (20) per cent or more either of the areas of the land included in such proposed change, or by the owners of twenty (20) per cent or more of the land immediately adjacent extending one-hundred (100) feet therefrom, or by the owners of twenty (20) per cent or more of the land directly opposite thereto extending one-hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the full membership of the Village Board of Trustees.

DEFINITIONS

SECTION 10.0

Definitions

For the purposes of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number, and the plural number includes the singular number. The word "shall" is mandatory and not directory.

Accessory Use or Structure

A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incident to the principal use of the principal structure.

Basement

That portion of any structure located partly below the average adjoining lot grade.

Boathouse

Any structure designed for the purpose of protecting or storing of boats used in conjunction with a residence, for non-commercial purposes, located on the same lot as the principal building and not for human habitation.

Building

Any structure having a roof support by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials. The word "Building" includes the word "Structure".

Building Area

The total living area bounded by the exterior walls of a building at the floor levels, but not including utility rooms, garages, porches, breezeways, unfinished attics and that portion of the basement not designed and finished as living area or with no outside entrance at level grade.

Building Height

The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip or pitch roof.

Building, Principal

The main building on a lot, intended for primary use as permitted by the regulations of the district in which it is located.

Building, Public and Semi-Public

Public and semi-public buildings in the sense of this Ordinance are structures principally of an institutional nature and serving a public need such as: churches, hospitals, rest-homes, schools, including private academic schools and nursery schools, libraries, museums, post offices, police and fire stations, public and private utilities and other public services; but not including the operation of a public bar, restaurant or recreational facility as a commercial enterprise.

Club, Private

A building or grounds used for regular or periodic meetings or gatherings of a group of persons organized for a non-profit purpose, but not groups organized to render a service customarily carried on as a business.

District

A section of the Village of Oconomowoc Lake for which the regulations governing the height, area, and the use of buildings and premises are the same.

Dwelling

A detached building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins or mobile homes.

Dwelling, Multiple

A building or portion thereof designed for and occupied by more than two (2) families including row houses, apartment houses and apartment hotels.

Dwelling, Single Family

A building designed for and occupied exclusively as the residence of only one (1) family.

Dwelling, Two Family

A detached or semi-detached building designed for and occupied exclusively by two (2) families.

Family

Any number of persons related by blood, adoption, or marriage, or not to exceed four (4) persons not so related, living together in one (1) dwelling as a single housekeeping entity in a domestic relationship, as distinguished from a group occupying a boarding house, lodging house, club, cooperative living unit, fraternity or hotel.

Frontage, Street

The smallest dimension of a lot abutting a public street measured along the street line.

Frontage, Water

The shortest distance between the two (2) points where the lines of a lot abutting on a lake, river, stream or other body of water or waterway intersect the water's edge at the normal water level.

Garage, Private

A structure primarily intended for and used for the enclosed storage or shelter of the private motor vehicles of the families resident upon the premises. Carports shall be considered garages within this definition.

Hospital

An institution intended primarily for the medical diagnosis, treatment, and care of patients being given medical treatment. A hospital shall be distinguished from a clinic by virtue of providing for bed patient care.

Lot

A parcel of contiguous land held in one (1) ownership and occupied or intended to be occupied by such buildings and uses as are permitted under this Ordinance together with the open spaces required hereby. The area of a lot shall not include any land occupied by or dedicated for use as a street. A lot must be land so recorded on the records of Waukesha County.

Lot Area

The area of contiguous land bounded by lot lines, exclusive of land provided for public thoroughfare.

Lot, Corner

A lot situated at the junction of and fronting on two (2) or more streets or highways.

Lot, Depth

The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

Lot, Interior

A lot not abutting upon a waterway or body of water.

Lot Lines

The lines bounding a lot so defined herein.

Lot, Non-conforming

A lot which does not conform to the Lot Size Regulations of the district in which it is located.

Lot, Waterfront

A lot abutting upon a river, stream, lake, or other waterway or body of water.

Lot, Width

The quotient produced by dividing the area of a lot in square feet by the depth of such lot in linear feet.

Occupation, Household

Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises does not exceed twenty-five (25) per cent of the area of any floor, uses only household equipment, and no stock in-trade is kept or sold except that made on the premises. A household occupation includes such uses as baby sitting, millinery, dressmaking, canning, laundering, and crafts, but does not include the display of any goods, nor such occupations as barbering, beauty shops, dance schools, real estate brokerage, or photographic studios.

Office, Professional Home

Residence of a doctor, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other practitioner of a recognized profession. When established in a Residence District, a professional office shall be incidental to the residential occupancy, not more than twenty-five (25) per cent of the floor area of

only one story of a dwelling shall be occupied by such office, and only one (1) unlighted name plate, not exceeding one (1) square foot in area and containing the name and profession of the occupant of the premises, shall be exhibited.

Offset

The shortest horizontal distance between any lot line, other than a street line or the water's edge at normal water level, and the nearest point of a building or any projection thereof (excluding uncovered steps located on such lot).

Parties in Interest

Includes all abutting property owners, all property owners within one hundred (100) feet, and all property owners of opposite frontages.

Setback

The shortest horizontal distance between the water's edge at normal water level or any street line, and the nearest point of a building or any projection thereof (excluding uncovered steps).

Story

That portion of a building included between the surface of a floor and the surface of the floor next above it; or, if there be no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having one-half (1/2) or more of its height above grade shall be deemed a story for purposes of height regulation.

Street

Any property dedicated or intended for use as a public or private right-of-way for vehicular travel, or subject to easements therefor, including all public roads and highways, the terms "street", "road", "right-of-way" and "highway" being synonomous for purposes of this Ordinance.

Street Line

The dividing line between a lot, tract or parcel of land and a contiguous street. If a lot is situated on a recorded plat or abuts on a street dedicated or reserved by grant or other instrument, the street line shall be as specified on said plat, grant or reservation. If a lot abuts on a public highway, the street line shall be the boundary line of said highway.

Structural Alteration

Any change in the supporting members of a structure such as bearing walls, foundations, columns, beams or girders or any substantial change in the roof or exterior walls of a structure.

Structure

Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground, including fences.

Structure, Minor

Any small, movable accessory erection or construction such as birdhouses, pet-houses play equipment.

Structure, Nonconforming

A structure which does not conform to the regulations of the district in which it is located with respect to its size, construction, or location on a lot.

Structure, Temporary

Any structure other than a permanent structure.

Use

The main or primary use of property or buildings as specified and permitted by the regulations of the district in which it is located.

Use, Accessory
A use customarily incidental to the principal permitted use of a lot or building and located upon the same lot as the principal use.

Uses, Conditional
Uses of a special nature as to make impractical their predetermination as a principal use in a district.

Use, Non-conforming
Lawful use which does not conform to the regulations of the district in which it is situated.

Vision Setback
An unoccupied triangular space, at the street corner of a corner lot (Section 2.9).

Yard
An open space, on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street, waterfront and rear yards extend the width of the lot.

This ordinance shall take effect after passage and posting as required by law.

Adopted this 21st day of April, 1969 to become effective on June 1, 1969.

Village President

Countersigned:

Village Clerk

STATE OF WISCONSIN)
) SS
COUNTY OF WAUKESHA)

AFFIDAVIT OF POSTING
ORDINANCE

Ordinance #30 - Zoning Ordinance

The undersigned, being first duly sworn, on oath deposes and states that on May 30, 19 69, at the direction of the Clerk of the Village of Oconomowoc Lake, he posted copies of the above ordinance 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) ~~On the west side of the bend on County Trunk Highway "P" at the junction with Lindsay Road.~~ At the entrance to the Village Hall on Hwy. P.

(3) At the northeast corner of the junction of County Trunk Highway "P" and the private drive leading into the Borisch, Robinson, Morsell, et al. properties.

Subscribed and sworn to before me
this 30th day of May, 19 69.

Kathryn B. Cato

Notary Public, Waukesha, County, Wisconsin.
My Commission Expires 5-20-73

Repealed Apr. 21st. 1969 - See Ord #30 - adopted & effective 6/1/69

ORDINANCE NO. 30

Zoning Ordinance
Village of Oconomowoc Lake
Waukesha County, Wisconsin

The Village Board of Oconomowoc Lake do ordain as follows:

14.01 DECLARATION OF PURPOSE.

Whereas the Village of Oconomowoc Lake, in Waukesha County, Wisconsin which has been and is now being devoted almost exclusively to high quality residential uses, this zoning ordinance is hereby adopted, in accordance with section 61.35 and 62.23 (7), Wisconsin Statutes, to prevent overcrowding of land and undue concentration of population, and to promote the health, safety and welfare of residents of the Village.

14.02 DISTRICTS ESTABLISHED

The Village of Oconomowoc Lake is hereby divided into three (3) districts designated as follows:

Residence District No. 1
Residence District No. 2
Residence District No. 3

The boundaries of such districts are hereby established as shown on the map entitled "Zoning Map of Village of Oconomowoc Lake dated April 18, 1967," which is on file with the Clerk of the Village of Oconomowoc Lake. All notations, references and other information on said map shall be made a part ~~of~~ hereof as though fully described herein. Reduced photographic copies of such map may be attached to this ordinance for informational purposes, but shall not have the force of law. Where land has been platted into lots and blocks, unless otherwise indicated, the district boundary lines are intended to follow the center lines of streets, or such lines extended. District boundary lines within blocks are intended to follow lot lines. In lands which have not been platted, unless otherwise indicated, district boundary lines are intended to follow the center lines of streets, section and quarter-section lines, and municipal boundaries, or such lines extended.

14.03 DEFINITIONS

For the purposes of this ordinance, certain words and terms are defined as hereinafter set forth. Except where the context requires a different construction, a word used, but not defined herein, shall be construed as defined in the Building Code of the Village of Oconomowoc Lake; words used in the present tense include the future tense; words used in the plural number include the singular and words used in the singular include the plural; and the word "shall" is mandatory and not merely directory.

(1) Accessory Building. A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises.

(2) Accessory Use. A use customarily incidental to the principal permitted use of a lot or building and located upon the same lot as the principal use.

(3) Building. Any structure having a roof supported by columns or walls. When separated from the ground up by division walls without openings, each portion of such building shall be deemed a separate building. The word "building" includes the word "structure".

(4) Depth of Lot. The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

(5) Family. One or more persons occupying a dwelling unit as a single housekeeping entity in a domestic relationship, as distinguished from a group occupying a boarding house, lodging house, club, cooperative living unit, fraternity or hotel.

(6) Height (of Building). The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip or pitch roof.

(7) Interior lot. A lot not abutting upon a waterway or body of water.

(8) Lot. A parcel of contiguous land held in one ownership and occupied or intended to be occupied by such buildings and uses as are permitted under this ordinance together with the open spaces required hereby. The area of a lot shall not include any land occupied by or dedicated for use as a street.

(9) Offset. The shortest horizontal distance between the water's edge at normal water level or any lot line, other than a street line, and the nearest point of a building or any projection thereof, (excluding uncovered steps located on such lot).

(10) Non-conforming Use. A building, structure, land or premises occupied by an otherwise lawful use which does not conform to the regulations of the district in which it

is situated.

(11) Professional Office. The office of a doctor, dentist, minister architect, landscape architect, professional engineer, lawyer, author, musician or other practitioner of a recognized profession. When established in a Residence District, a professional office shall be incidential to the residential occupancy, not more than 25 per cent of the floor area of only one story of a dwelling shall be occupied by such office, and only one unlighted name plate, not exceeding one square foot in area and containing the name and profession of the occupant of the premises, shall be exhibited.

(12) Setback. The shortest horizontal distance between the street line and the nearest point of a building or any projection thereof, (excluding uncovered steps.)

(13) Single Family Dwelling. A building designed for and occupied exclusively as the residence of only one family and having no party wall in common with an adjacent building.

(14) Street. Any property dedicated or intended for use as a public or private right-of-way for vehicular travel, or subject to easements therefor, including all public roads and highways, the terms "street", "road", "right-of-way" and "highway" being synonomous for purposes of this ordinance.

(15) Street Line. The dividing line between a lot, tract or parcel of land and a contiguous street. If a lot is situated on a recorded plat or abuts on a street dedicated or reserved by grant or other instrument, the street line shall be as specified on said plat, grant or reservation. If a lot abuts on a public highway, the street line shall be the boundary line of said highway as laid out unless said highway is a highway for which the ultimate width has been established by the Highway Width Ordinance of Waukesha County, in which case the street line shall be the boundary line of said highway at its ultimate width as so established.

(16) Structural Alteration. Any change in the supporting members of a structure such as bearing walls, columns, beams or girders or any substantial change in the roof or exterior walls of a structure.

(17) Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground.

(18) Use. The main or primary use of property or buildings as specified and permitted by the regulations of the district in which it is located.

(19) Water Frontage. The shortest distance between the two points where the lines of a lot abutting on a lake, river, stream or other body of water or waterway intersect the water's edge at normal water level.

(20) Waterfront Lot. A lot abutting upon a river, stream, lake, or other waterway or body of water.

(21) Width of Lot. The quotient produced by dividing the area of a lot in square feet by the depth of such lot in linear feet.

14.04 GENERAL PROVISIONS

(1) Use and Height Regulations. The use and height of buildings hereafter erected, converted, moved, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such land or building is located. Chimneys and flues shall not be considered in determining building height. Watertowers, ornamental towers, spires, wireless, television or broadcasting towers, masts or aerials, microwave radio relay structures, telephone, telegraph and power poles and lines and necessary mechanical appurtenances may be excepted from the height regulations of this ordinance by the Board of Zoning Appeals upon petition and subject to such conditions as the Board may impose.

(2) Lot Size Regulations. Except as otherwise provided herein, no building or structure shall hereafter be erected, converted, moved, enlarged or structurally altered on a lot having less than the minimum required area, width or water frontage prescribed herein for the district in which it is located; nor shall the area of any lot be reduced by any means so as to create a lot possessing less than such required area, width or water frontage or, if already less than the required size, so as to further reduce such size.

(3) Building Location Regulations. No building or structure shall hereafter be erected, converted, moved, enlarged or structurally altered except in conformity with the setback, offset and other regulations of building location specified for the district in which such building or structure is or will be located. In no case shall there be more than one principal building on a lot.

(a) Basic setbacks. No building or structure shall hereafter be erected, converted, moved, enlarged or structurally altered so that any portion thereof shall be

closer to the street line then the setback distance hereinafter specified for the district in which the building or structure shall be located, except as hereinafter provided.

(b) Setback Exceptions for Adjacent Buildings. Where the nearest exisiting building on either side of a proposed building is at less then the required setback and within 300 feet of a proposed building, the required setback shall be established at an angle from the setback of the existing building which is reasonable considering the setback of the existing building and the distance between the buildings. Such angle shall be computed by drawing the hypotenuse of a right triangle with a base 300 feet long on the required setback line and its side along the nearer side of the existing building and as long as the distance between the setback of the existing building and the required setback line. The setback line for the proposed building shall be established so that no part of such building shall be in front of the hypotenuse of said right triangle. If there are existing buildings on both sides of the proposed building at less than the required setback and within 300 feet of the proposed building, the side of said triangle shall be located long the nearer side of the nearest building and shall be as long as the distance between the average setback of the existing buildings and the required setback line.

(c) Permitted Structures in Basic Setback Areas. The only structures permitted within the area between any street line and a basic setback line shall be necessary highway and traffic signs, public utility poles and lines, fences, rural mail boxes and signs which are permitted in a Residence District.

(d) Vision setbacks. At an intersection of streets where grades are not separated, the vision setback line for each corner shall be the straight line connecting the points located on the intersecting setback lines of each street which are 50 feet from the intersection of such setback lines. At an intersection of a street and a railroad where grades are not separated, vision setback lines across each sector formed by such intersection shall be the straight lines connecting the points located on the setback lines of the street and the line of the railroad right-of-way which are 100 feet from the intersection of such setback line and railroad right-of-way. No building or structure of any kind, in excess of 3 feet in height, except necessary highway and traffic signs, or public utility lines and open fences through which there shall be clear vision, shall be constructed, erected or moved into the space between the street lines or railroad right-of-way

and a vision setback line as hereinabove established. No plants or other objects or material, whether natural or otherwise, which obscure safe vision of the approaches to any such intersection shall be permitted to grow, exist or accumulate between a street line or a railroad right-of-way and a vision setback line.

(e) Corner Lot Exception. With respect to any corner lot of record at the time this ordinance shall become applicable thereto, the foregoing setback requirements shall not reduce the width of the area of such lot in which there may be buildings to less than 30 feet.

(f) Basic Offsets. No building or structure shall hereinafter be erected, converted, moved, enlarged, or structurally altered so that any portion thereof shall be closer to any lot line, other than the street line, than the offset distance hereinafter specified for the district in which it is located except as follows:

(i) Where the lot abuts upon a lake, river, stream or other body of water or waterway, the regulations pertaining to "Waterfront Offsets" set forth in paragraph (g) below shall apply in lieu of the basic offset regulations.

(ii) Where a lot abuts upon a district boundary line, the offset from such line in the district of less restrictive building location requirements shall not be less than that required for the district of more restrictive building location requirements.

(iii) Fences and retaining walls shall be permitted structures within the basic offset area.

(g) Waterfront Offsets. No building shall hereafter be converted, moved, enlarged, or structurally altered on any lot abutting on a lake, river, stream, or other body of water or waterway so that any portion thereof shall be closer to the water's edge at normal water level than the waterfront offset distance hereinafter specified for the district in which it is located, however, ~~inasmuch as~~ it is not the intent of this ordinance to abolish, or entirely prohibit structures in the waterfront offset area, upon due application, including the written consent of adjoining landowners and residents, a description of the size, height, use and general appearance of the proposed structure, or proposed changes to an existing structure, and an accurate map of the property showing lot lines, location of existing

structures and location of proposed structure, the Board of Zoning Appeals may grant a variance for such structures, or changes to existing structures, if they feel it is in general harmony with the surrounding area, and not against the public interest to do so.

(h) Maintenance and Use of Setback and Offset Areas. All basic and vision setback areas and basic and waterfront offset areas shall be kept clean and free from any accumulation of debris or refuse and shall not be used for the storage or display of equipment, products, vehicles or any other material, except for the private storage of boats, fishing gear, and other aquatic recreational equipment within a waterfront offset area.

(i) Accessory Buildings. No accessory building shall be erected, converted, moved, enlarged, or structurally altered so that any roofed or enclosed portion thereof shall be closer than 10 feet to the principal building on a lot.

(4) Nonconformity to Regulations. The nonconformity to any use, height, lot size, building location or other regulation herein of any building, structure or land actually and lawfully existing at the time of adoption of this ordinance, within the original boundaries of the Village, or existing at the date of annexation to the Village, as to any area included in such annexation, may be continued subject to the limitations prescribed by statute and the conditions hereinafter set forth:

(a) No nonconforming use shall be expanded or enlarged.

(b) No existing building or structure devoted to a nonconforming use and no existing building or structure, other than a single family dwelling, which does not conform to the regulations of the district in which it is situated with respect to size, height, location (offsets and setbacks) or area, width or water frontage of the lot on which it is located shall be expanded or enlarged; nor may total structural repairs or alterations made to any such building or structure during its life exceed 50% of its equalized value at the time it became nonconforming, unless such nonconformity shall be eliminated. When any such nonconforming building or structure shall be damaged to the extent of more than 50% of its current equalized value prior to such damage, it shall not be restored unless such nonconformity shall be eliminated.

(c) A lawfully existing building used as a single family dwelling which does not conform to the regulations

of the district in which it is situated with respect to height or location or which is located on a lot which does not conform to the area, width or water frontage requirements of such district may nevertheless be repaired, reconstructed, alteredand/or enlarged, so long as it shall comply with the other applicable provisions hereof; provided, that the degree of such nonconformity shall not in any case be increased by any such repair, reconstruction, alteration or enlargement and shall be lessened whenever and insofar as practicable as determined by the Building Inspector.

(d) Except as provided in (c) above, no building or zoning permit or certificate of occupancy and compliance shall be issued with respect to any building upon or use or occupancy of any existing lot which does not fulfill the lot size requirements for the district in which it is situated; nor shall the size or shape of any such lot be altered in any way so as to increase the degree of nonconformity with such requirements.

(e) If no structural alterations are made, a nonconforming use of a building or structure may be changed to another use determined by the Board of Zoning Appeals, upon petition, to involve a lesser degree of nonconformity. Whenever such a change shall have been made, such nonconforming use shall not thereafter be changed to a use involving a greater degree of nonconformity.

(f) Whenever any nonconforming use or nonconformity to regulations shall have been discontinued for a period of 12 consecutive months, any future use of the building, structure or land shall conform to the applicable regulations for the district in which it is located.

(5) Undesirable Structures, Stacking or Piling Materials, etc.

(a) No building or structure of any kind whatsoever shall be erected, converted, moved, enlarged or structurally altered, with a design or appearance by reason of shape, size material of which constructed, painting or decoration, which is so unorthodox, abnormal or unharmonious with buildings in the vicinity and the surroundings as to be so unsightly or offensive that it affects, in a substantially adverse way, the value of the property on which it is located or of adjoining properties and the general desirability of the neighborhood. The Building Inspector is empowered to enforce this sub-section and to order the removal or alteration of any building or structure not meeting the requirements of this sub-section.

(b) No lumber, materials, furniture, or other equipment shall, without the approval of the Building Inspector, be stacked or piled on any premises which is so unsightly or offensive as to affect, in a substantially adverse manner, the value of adjoining properties and the general desirability of the neighborhood. The Building Inspector is empowered to enforce this subsection and to order the removal or alteration of any such stack or pile not meeting with the requirements of this subsection.

(6) Drainage Regulations. No main building shall be erected, converted, moved, enlarged, structurally altered, or remodeled on land which is not adequately drained at all times, nor which is subject to periodic flooding or with such distance of the ordinary high water line of any surface water drainage channel, natural water course, or pond or lake on which the lot abuts so that the lowest floor (excluding the basement floor) of said building is less than 2 feet above the ordinary high water mark. The damming, filling, relocating or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural water course or the filling of areas which lie below the ordinary high water mark or which serve as natural overflow or flood control basins, shall not be permitted except with approval of the Village Board.

SHOULD BE WITHIN

(7) Sanitation and Water Supply. No building intended for human use or occupancy shall be erected, converted, moved, enlarged ro structurally altered unless a sewer is installed running to a septic tank, designed and located in accordance with the Village Building code and other government laws or regulations then applicable to sewage disposal systems or to an approved municipal or other state approved disposal system and unless satisafactory evidence has been submitted to the Building Inspector to show that suitable provision for disposal of sewage based on the proposed use of said lot is possible, if it is not served by an approved municipal or other state approved sewage disposal system. No outhouses or privies shall hereafter be erected, structurally altered or relocated and no zoning permit or certificate of occupancy and compliance for a building to be used as a residence shall be issued unless provision is made for a safe and adequate supply of water.

(8) Required Access. No lot shall hereafter be created nor shall any building be erected or placed upon any lot which does not abut on a public street, unless such lot shall have access to a public street by permanent easement or right-of-way at least 21 feet in width.

(9) Preservation of Topography. Every building hereafter erected, structurally altered or relocated shall be

at a grade approved by the Building Inspector as in harmony with the existing or established grade of the street or waterfrontage area on which the lot on which said building is to be situated abuts, the grade of adjoining lots, and the requirements for drainage and safe vehicular access. No change in the existing topography of any land shall be made which will alter the existing drainage or flood control areas or adversely affect adjoining premises or increase the slope to a ratio greater than 1-1/2 horizontal to 1 vertical within 20 feet from the lot lines, without the approval of the Building Inspector; and such approval may be conditioned upon a requirement that an adequate retaining wall be constructed. The Building Inspector is authorized to impose such requirements and to enforce compliance therewith.

14.05 RESIDENCE DISTRICTS

(1) Uses. No building other than single-family dwellings and buildings accessory thereto shall be erected, converted, moved, enlarged, structurally altered or used upon any parcel of land within any Residence District of the Village, except as provided in Section 14.08 hereof. There shall be no more than one such single-family dwelling upon any one lot within said Residence Districts, except that on any lot containing five (5) acres or more, there may be an accessory building used as living quarters only for caretakers or servants employed on the premises, but such quarters shall not be rented as a separate domicile. No land within any Residence District shall be used for other than the following purposes:

(a) single family dwellings and accessory buildings;
(b) professional offices in single family dwellings;
(c) nurseries, farming and gardening (not including farms operated for the disposal and reduction of garbage, sewage, rubbish or offal, for the raising of commercial poultry or of animals for their fur, or as rendering plants).

No accessory building, except as provided above, nor trailer, tent or temporary structure shall be used for human habitation in any Residence District. No advertising sign of any character shall be permitted in any Residence District, except as provided in Section 14.03 (11) and except for one sign for each main building not exceeding 4 square feet in area pertaining to the lease, hire or sale of such premises.

(2) Height of Buildings. In the Residence Districts main buildings shall not exceed 35 feet in height and accessory buildings shall not exceed sixteen (16) feet in height, except as provided in Section 14.04 (1) hereof.

(3) Setbacks. In Residence Districts No. 1 and No. 2

the basic setback distance shall be seventy-five (75) feet and in Residence District No. 3, the basic setback distance shall be fifty (50) feet.

(4) Offsets. In all Residence Districts, the water front offset distance shall be seventy-five (75) feet. In Residence District No. 1 and No. 2, the aggregate offset distance for dwellings shall be not less than Fifty (50) feet and no single offset shall be less than twenty (20) feet. The offset distance for accessory buildings shall be fifteen (15) feet, but in no instance shall an accessory building be constructed within fifty (50) feet of an existing residence on the adjoing lot. In Residence District No. 3, the basic offset distance shall be twenty (20) feet; provided, that in Residence District No. 3, the basic offset distance from one lot line may be reduced by not more than five (5) feet if the basic offset distance from the opposite line of such lot shall be increased by a corresponding distance.

(5) Lot Size. With respect to lots situated in one of the Residence Districts, the minimum required area of each such lot and minimu required width or water frontage shall be as follows:

(a) Residence District No. 1.

(i) Waterfront lots.

Minimum water frontage: Two hundred (200) feet.
Minimum area: Five (5) acres; provided that such required area shall be reduced at the rate of one (1) acre for every fifty (50) feet of water frontage of such lot in excess of the above specified minimum but in no case shall such lot area be less than three (3) acres.

(ii) Interior lots.

Minimum width; three hundred (300) feet.
Minimum area; Five (5) acres.

(b) Residence District No. 2.

(i) Waterfront lots.
Minimum water frontage: 100 feet.
Minimum area; Two (2) acres; provided that such required area shall be reduced at the rate of 1/10 acre for every fifteen (15) feet of water frontage of such lot in excess of the above specified mini-

mum but in no case shall such lot area be less than 1 acre.

(ii) Interior lots.
Minimum Width: 200 feet.
Minimum area; 2 acres.

(c) Residence District No. 3
Minimum width: 150 feet.
Minimum area: 1 acre.

(6) Waterfront Use Density. No lot or tract of land within any Residence District shall be used, occupied, subdivided into lots, sold, leased, or otherwise disposed of, nor shall any easement or interest be created herein, so as in any way to give access to Oconomowoc Lake or any waterway connected therewith to more than one (1) family for the minimum required water frontage of such lot or tract of land as specified above, nor shall the water frontage of any lot or tract of land within any Residence District be artifically increased , for any of the above reasons, by such means as filling, dredging, etc.

14.06 BOARD OF ZONING APPEALS.

The Board of Zoning Appeals appointed in accordance with Section 2.06 of Ordinance 4 of the Village shall be organized and constituted and shall function in accordance with the provisions of Section 62.23(e), Wisconsin Statutes, and shall have and exercise the powers granted therein; provided, that no action of the Board of Zoning Appeals shall have the effect of permitting in any district a use prohibited in such district.

14.07 PERMITS AND CERTIFICATES.

(1) Zoning Permits. No building shall hereinafter be erected and no existing building shall hereinafter be altered or moved within the Village until a zoning permit has been applied for in writing and has been obtained from the Village Building Inspector. Said permit shall be posted in a prominent place on the premises prior to and during the period of construction, alteration or moving. All applications for zoning permits shall be filed in the office of the Building Inspector on forms supplied by the Building Inspector and containing such information and data as the Building Inspector shall reasonably deem necessary for purposes of ascertaining compliance herewith.

(2) Certificate of Occupancy and Compliance. No vacant land shall be occupied or used for other than farming purposes, and no building now or hereafter erected, altered, or moved, shall be occupied, used or changed in use, until a certificate of occupancy

and compliance shall have been issued by the Building Inspector stating that the building or proposed use of a building or vacant lands complies with the provisions of the ordinance. Certificates of occupancy and compliance shall be applied for coincident with the application for a zoning permit and shall be issued within 10 days after the erection, alteration or moving of such building shall have been completed and in conformity with the statements on the application.

(3) Temporary Permit. Pending issuance of a regular permit, a temporary permit may be issued for a period not exceeding 6 months during the completion of alterations or during the partial occupancy of a building pending it permanent occupancy. Such temporary permit shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants. A temporary permit shall be voided if the building fails to conform to the provisions of this ordinance to such a degree as to render it unsafe for the occupancy proposed.

(4) Records of Permits and Certificates. The Building Inspector shall keep an accurate record of all permits and certificates issued by him, each type of permit and certificate being numbered sequentially in the order of issuance and recorded in a separate record book which shall be the property of the Village.

(5) Fees. No fee shall be charged for an original zoning permit applied for coincidentally with the application for a building permit. For all other zoning permits or for copies of any original permit, there shall be a charge of $1.00 each.

14.08 PERMITS FOR CERTAIN BUILDINGS.

(1) Village Board Approval Required. Upon application in writing to the Village Board, said Board may, after first submitting the application to the Village Plan Commission for study and recommendation, authorize the following uses and/or direct the Building Inspector to grant a permit for the erection of buildings for the following uses:

(a) Municipal and/or public utility buildings.
(b) Churches.
(c) Schools.
(d) Clubs, not conducted for profit.
(e) Temporary structures for use in connection with the construction of other buildings for a period not exceeding one (1) year.
(f) Certain uses and situations which are of such a special nature, or are so dependent upon actual contemporary circumstances as to make impractical the predetermination of permissability or the detailing in the Ordinance of specific standards, regulations, or conditions which would permit such determination in each individual situation, may be permitted as conditional uses.

Except for variation of the use ~~of~~ restrictions, such buildings shall be subject to all other applicable provisions of this ordinance and all other applicable ordinances of the Village, including the Building Code.

(2) Plan Commission Report. The Village Plan Commission shall investigate said application, hold such meetings as it deems necessary, and report its recommendations to the Village Board. Unless such report is made within thirty (30) days, or such longer period as may be stipulated in each instance by the Village Board, the Village Board may take final action without it.

(3) Public Hearing and Findings Required. Upon receipt of the report of the Plan Commission, the Village Board shall hold a public hearing upon said application. Before granting any such application, the Village Board shall in each case determine as a fact that the requirements of sanitation will be met and that a need for said building or buildings exists within the Village, including in the case of churches, schools, and clubs, the extent of membership or enrollment of residents, and that the size and nature of the building or buildings is such as will not be detrimental to the health, safety and general welfare of residents of the Village. The Village Board shall, in making its findings, take into consideration the report of the Plan Commission.

(4) Protest. In the case of a protest against the granting of such application, filed in writing prior to the granting of such application and duly signed and acknowledged by the owners of twenty per cent (20%) or more of the area of land immediately adjacent therto, or by owners of twenty per cent (20%) oe more of the land directly opposite thereto, the application shall not be granted except by the favorable vote of three-fourths (3/4) of the members of the Village Board.

14.09 NOTICE.

Any public notice of hearing required by law to be given in connection with proceedings of the Board of Zoning Appeals, the Plan Commission or the Village Board with respect to zoning matters shall be given by posting the same in not less than three public places in the Village at least 10 days before the date of such hearing and shall set forth the time, place and purpose of such hearing.

14.10 ENFORCEMENT AND PENALTIES.

All provisions hereof shall be enforced by the Building Inspector under the directions of the Village Board. Any person, firm or corporation which shall fail or refuse to comply with the provisions of this ordinance or any orders of the Building Inspector or the Board of Zoning Appeals issued in accordance herewith shall be subject to a forfeiture of not to exceed the sum of

$200.00 for each offense, together with the costs of any action to recover such forfeiture, and in default of payment thereof shall be imprisoned in the Waukesha County Jail until such forfeiture and costs shall have been paid, but not to exceed sixty (60) days. Each and every day during which a violation continues shall be deemed a separate offense punishable as such. The foregoing shall be in addition to and not exclusive of the measures of enforcement, remedies and penalties provided in Section 62.23, Wisconsin Statutes.

14.11 VALIDITY AND INTERPRETATION.

(1) Severability. The several sections, subsections, paragraphs and sub-paragraphs of this ordinance are hereby declared to be severable. If any section, sub-section, paragraph or sub-paragraph of this ordinance shall be finally declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of any other provision of this ordinance.

(2) Other restrictions. It is not intended by this ordinance to repeal, abrogate, annul impair or interfere with any existing easement, covenants or agreements between parties or with any ordinance, rule, regulation, or permit previously adopted or issued pursuant to laws and applying to any area included in the Village; provided, that where this ordinance imposes a greater restriction or requirement respecting the character, construction or use of a building structure or land or the height or area of a building or structure, or requires larger open speaces, more water frontage, wider lots or larger lot areas, than are required by other ordinances, rules, regulations or permits or by easements, covenants, or agreements, the provisions of this ordinance shall govern.

(3) Statutory References. References herein to sections of the Wisconsin Statutes shall be deemed to include all amendments to or substitutions for such statutory provisions made after the date of adoption of this ordinance.

Passed and Adopted by the Village Board of Oconomowoc Lake this 18th day of April, 1967.

Burdette O. Downey
Village President

Countersigned:

Kathryn B. Cato
Village Clerk

STATE OF WISCONSIN)
) SS
COUNTY OF WAUKESHA)

AFFIDAVIT OF POSTING
ORDINANCE

ZONING ORDINANCE
ORDINANCE #30

The undersigned, being first duly sworn, on oath deposes and states that on April 19, 19 62, at the direction of the Clerk of the Village of Oconomowoc Lake, he posted copies of the above ordinance 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) On the west side of the bend on County Trunk Highway "P" at its junction with Lindsay Road.

(3) At the northeast corner of the junction of County Trunk Highway "P" and the private drive leading into the Borisch, Robinson, Morsell, et al. properties.

Subscribed and sworn to before me
this 19th day of April, 1962.

Notary Public, Waukesha County, Wis.
My Commission Expires: 5-30-65

Amended by Ord. #52

15.04 Penalties

(1) Except as described in subsections (2) and (3) hereof, any person who shall violate any provision of this ordinance shall, upon conviction thereof, forfeit not less than $1 nor more than $100, together with costs of the prosecution and, in default of payment of such forfeitures and costs of prosecution, shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.

(2) If the services of a Fire Department are necessary to extinguish a fire that has gone out of control because of violation of any of the provisions of this ordinance, the person responsible will be required to pay for the fire call.

(3) Any person who causes damage to any public property because of violation of any of the provisions of this ordinance shall be liable for the costs of replacing or repairing such damaged property.

15.05

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

15.06 Validity and Effective Date

(1) The several sections and subsections of this ordinance are hereby declared to be severable. If any section or subsection of this ordinance shall be finally declared by a decision of a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of any other provision of this ordinance.

(2) This ordinance shall take effect and be in full force after its passage and posting.

Passed and adopted by the Village Board of the Village of Oconomowoc Lake, this 16th day of July, 1962.

Burdette O. Bonney
Village President

Countersigned:

(Village Seal)

Kathryn B. Cato
Village Clerk