

ORDINANCE NO. 302

AN ORDINANCE TO CREATE SECTION 17.32 ENTITLED NONCONFORMING USES, STRUCTURES AND LOTS, SECTION 2 ENTITLED EXISTING LEGAL NONCONFORMING STRUCTURES, SUBSECTION (e) OF THE VILLAGE OF OCONOMOWOC ZONING CODE

WHEREAS, the Village received a petition pursuant to section 17.32(2) from one or more of the owners or lessees of property requested a text change to the Village of Oconomowoc Lake zoning ordinance; and

WHEREAS, the Village Administrator found the petition to be in proper order pursuant to section 17.32(3); and

WHEREAS, the Village Administrator referred the matter to the Village Plan Commission for report and recommendation and has received the recommendation of the Plan Commission to not approve the text amendment; and

WHEREAS, upon proper notice as required by law, the Village Board held a public hearing regarding this Ordinance on December 16, 2019; and

WHEREAS, the Village Board finds that this change to the Village Zoning Code is not a down zoning ordinance because it does not decrease the development density of land and it does not reduce the permitted uses of land, and therefore the supermajority requirement of Section 66.10015, Wisconsin Statutes, does not apply to this Ordinance; and

WHEREAS, upon consideration of the recommendations found by the Village of Oconomowoc Lake Plan Commission, and all of the information received at the public hearing, and being fully advised, and for the purpose of promoting the health, safety, morals and general welfare of the community, and to provide a safe and efficient system for pedestrian and vehicular traffic, attractive recreational and landscaped open spaces, economic design and location of public and private utilities and community facilities, and to ensure adequate standards of construction and planning; and to zone the land in accordance with the Village of Oconomowoc Lake Comprehensive Plan, and other purposes of the Village of Oconomowoc Zoning Code, the Village Board of the Village of Oconomowoc Lake, Waukesha County, Wisconsin hereby adopt the ordinance by a vote of 6 to 0 with one abstention overruling the recommendation of the Village of Oconomowoc Lake Plan Commission as allowed by section 17. 62(6)(b).

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

SECTION 1: SECTION 17.32 ENTITLED NONCONFORMING USES, STRUCTURES AND LOTS, SECTION 2 ENTITLED EXISTING LEGAL NONCONFORMING STRUCTURES, SUBSECTION (e) OF THE VILLAGE OF OCONOMOWOC ZONING CODE is hereby created to read as follows:

- (e) Notwithstanding the foregoing provisions as set forth in this subsection (2), a legal nonconforming primary residence located on a parcel containing a single conforming use on the entire parcel may, subject to Architectural Control Board approval, have a second floor space added above the first above grade floor of the nonconforming primary residence even though it will increase the size of the legal nonconforming primary residence provided that the proposed second floor addition does not in anyway: (i) extend beyond the existing footprint of the legal nonconforming structure; (ii) increase or exceed the existing maximum height of the primary residence; (iii) exceed any height restrictions set forth in Section 17.10 or elsewhere in the zoning code regardless of whether the primary residence is a legal nonconforming structure as to height; (iv) expand the total square footage of the legal nonconforming primary residence by an aggregate amount in one or more applications of more than 600 square feet or 20% of the existing square footage (which shall include the square footage of partially exposed below grade levels) of the primary residence, the lesser of; and (v) apply only to legal nonconforming structures that consist of a single above grade floor and partial second floor. For properties having water frontage, as defined in Section 17.10 of the zoning code, the proposed addition shall not be permitted to occur on the water frontage side of the legal nonconforming primary residence. Further, for legal nonconforming primary residences abutting Oconomowoc Lake, the proposed addition shall not unreasonably interfere with any existing views of Oconomowoc Lake from any property located within the District in which the legal nonconforming primary residence is located or any District located adjacent thereto. In passing upon such matters, the Architectural Control Board shall consider all of the following factors: the size of the lot; the size and location of the existing legal nonconforming structure; the size and location of surrounding structures; the size and location of any other structures on the lot; the size and location of the proposed addition; the impact, if any, that the expansion may have upon neighboring properties; whether the proposed expansion would violate the intent of the Zoning Ordinance; and such other matters as the Architectural Control Board finds to be relevant in the interests of the public health, safety, welfare, and protection or enhancement of property values of the Village.

Section 2: SEVERABILITY

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force

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

Section 3: EFFECTIVE DATE

This Ordinance shall take effect and be enforced from and after its passage and publication as provided by law.

Dated this 2nd day of January, ~~2019~~
2020

VILLAGE OF OCONOMOWOC LAKE



Michael J. Bickler, Sr., Village President

ATTEST:



Katelyn Vaughan, Village Clerk