

ORDINANCE NO. 304

AN ORDINANCE TO CREATE SECTION 17.31(5) OF THE VILLAGE OF OCONOMOWOC LAKE ZONING CODE CONCERNING SETBACK AND SIDE YARD MODIFICATIONS PERMITTED ON CORNER LOTS ABUTTING OCONOMOWOC LAKE

WHEREAS, the Village Board finds that corner lots that abut Oconomowoc Lake, that are divided by a street that runs approximately parallel to the lake shore with the larger portion of the lot away from the lake, face unique setback and side yard challenges, which should be addressed in the Zoning Code; and

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

WHEREAS, upon publication of a class 2 notice per Chapter 985, Wisconsin Statutes, once each week for two consecutive weeks prior to the hearing, and such other notice as required by law, the Village Board held a public hearing regarding this ordinance on or about January 20, 2020; and

WHEREAS, the Village Board finds that this change to the Village Zoning Code is not a down zoning ordinance because it does not decrease the development density of land and it does not reduce the permitted uses of land, and therefore the super-majority 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 recommendation of the Village of Oconomowoc Lake Plan Commission.

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

SECTION 1: Chapter 17 of the Village of Oconomowoc Ordinances, entitled, "Zoning Code," Section 17.31 entitled, "Modifications," Subsection (5) entitled, "Setback and Side Yard on Corner Lots Abutting Oconomowoc Lake" is hereby created as follows:

(5) SETBACK AND SIDE YARD ON CORNER LOTS ABUTTING OCONOMOWOC LAKE

On a corner lot that abuts Oconomowoc Lake, that has the larger portion of the lot separated from the lake by West Beach Road, the following setback and side yard modifications are permitted:

- (a) The street setback from the public street that abuts the lake, and the waterfront setback, may be reduced to allow construction of a principle structure that has a waterfront setback distance that equals or exceeds the waterfront setback distance of the existing principal structure on the abutting lot.
- (b) The street setback from the public street that does not abut the lake may be reduced to 30 feet, provided that the total of such distance plus the side yard distance on the opposite side of such principle structure shall be equal to or greater than 50 feet.

SECTION 2: SEVERABILITY.


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

SECTION 3: EFFECTIVE DATE.

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

Dated this 23 day of January, ~~2019~~ ²⁰²⁰.

VILLAGE OF OCONOMOWOC LAKE



Michael Bickler Sr., Village President

ATTEST:



Katelyn Vaughan, Village Clerk

Published and/or posted this 23 day of January, 2020.