

ORDINANCE NO. 317

AN ORDINANCE TO REPEAL AND RECREATE
SECTION 17.36 entitled R-1 GENERAL AGRICULTURE/RURAL RESIDENTIAL DISTRICT,
Subsection (4) entitled STRUCTURE, ACCESSORY, and
SECTION 17.37 entitled R-2 A SUBURBAN RESIDENTIAL DISTRICT,
Subsection (4) entitled STRUCTURE, ACCESSORY
OF THE VILLAGE OF OCONOMOWOC ZONING CODE

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

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

WHEREAS, upon notice as required by law, the Village Board held a public hearing regarding this Ordinance on September 19, 2022; 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 recommendation of the Village of Oconomowoc Lake Plan Commission.

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

Section 1: SECTION 17.36 entitled R-1 GENERAL AGRICULTURE/RURAL RESIDENTIAL DISTRICT, Subsection (4) entitled STRUCTURE, ACCESSORY, is hereby repealed and recreated to read as follows:

(4) STRUCTURE, ACCESSORY

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| (a) Height. | Maximum 16 ft. |
| (b) Setback for all accessory structures other than Sport Courts | Minimum 75 ft. |
| Setback for Sport Courts | Minimum 25 ft. |
| (c) Offset. | Minimum 25 ft. |
| (d) Distance to residence on adjoining lot. | Minimum 60 ft. |
| (e) Waterfront Setback. | Minimum 75 ft. |
| (f) Wetland Setback. | Minimum 25 ft. |
| (g) Accessory Structure Location. | |

No accessory structure can be located between the main building and any highwater mark except as follows:

(For purposes of this code: The front of the main building shall be the side facing the predominant body of water with the order as follows: Oconomowoc Lake, Oconomowoc River and channels connected to the Oconomowoc Lake and/or Oconomowoc River. Behind the main building shall be that area other than the area in front of the main building or on any side of the main building.)

accessory structure(s) behind the main building can be located between the main building and the Oconomowoc Lake or the Oconomowoc River if the accessory structure(s) is/are at least 75 feet back from the highwater mark of the Oconomowoc Lake or the Oconomowoc River, but

accessory structure(s) behind the main building can be located between the main building and a channel connected to the Oconomowoc Lake or the Oconomowoc River if located 75 feet back from the highwater mark of the channel connected to the Oconomowoc Lake or the Oconomowoc River, and

accessory structure(s) are allowed in the side yard between the main building and the highwater mark of a channel connected to the Oconomowoc Lake or Oconomowoc River if the accessory structure(s) is/are at least 200 feet from high water mark of Oconomowoc Lake or Oconomowoc River and at least 75 feet back from the channel connected to the Oconomowoc Lake or the Oconomowoc River, and except the following.

An in-ground pool and associated fencing, and an Outdoor Cooking Facility as defined herein may be located between the

main building and the high water mark or the offset areas of the main building, subject to the following restrictions.

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

Paths to the Lakeshore.

1. Other than the 1 path, sidewalk and/or stairway and/or any combination of the same allowed under the definition of structure, not more than 1 additional path, sidewalk and/or stairway and/or any combination of the same between the main building and the high-water mark 6 feet in width or less if the same is constructed of permeable materials 50% of which has to be grass, subject to the approval of the Zoning Administrator, issuance of a permit and payment of all applicable fees.
2. In addition to the 2 paths, sidewalks and/or stairways and/or any combination of the same allowed by right, additional paths, sidewalks and/or stairways and/or any combination of the same located between the main building and the high-water mark 4 feet in width or less whether permeable or impermeable, are allowed with Plan Commission approval on lots with over 200 feet of water frontage, issuance of a permit and payment of all

applicable fees. In determining whether to allow additional paths, sidewalks and/or stairways and/or any combination of the same the Plan Commission is to look to whether:

- The proposed additional path, sidewalk and/or stairway and/or any combination of the same is not contrary to the public interest; and
- The property has a special or unique condition; and
- The proposed additional path, sidewalk and/or stairway and/or any combination of the same is not objectionable from the lake.

Section 2: SECTION 17.37 entitled R-2 A SUBURBAN RESIDENTIAL DISTRICT, Subsection (4) entitled STRUCTURE, ACCESSORY, is hereby repealed and recreated to read as follows

(4) STRUCTURE, ACCESSORY

(a) Height.	Maximum 16 ft.
(b) Setback for all accessory structures other than Sport Courts	Minimum 75 ft.
Setback for Sport Courts	Minimum 15 ft.
(c) Offset.	Minimum 25 ft.
(d) Distance to residence on adjoining lot.	Minimum 60 ft.
(e) Waterfront Setback.	Minimum 75 ft.
(f) Wetland Setback.	Minimum 25 ft.
(g) Accessory Structure Location.	

No accessory structure can be located between the main building and any highwater mark except as follows:

(For purposes of this code: The front of the main building shall be the side facing the predominant body of water with the order as follows: Oconomowoc Lake, Oconomowoc River and channels connected to the Oconomowoc Lake and/or Oconomowoc River. Behind the main building shall be that area other than the area in front of the main building or on any side of the main building.)

accessory structure(s) behind the main building can be located between the main building and the Oconomowoc Lake or the Oconomowoc River if the accessory structure(s) is/are at least 75 feet back from the highwater mark of the Oconomowoc Lake or the Oconomowoc River, but

accessory structure(s) behind the main building can be located between the main building and a channel connected to the

Oconomowoc Lake or the Oconomowoc River if located 75 feet back from the highwater mark of the channel connected to the Oconomowoc Lake or the Oconomowoc River, and

accessory structure(s) are allowed in the side yard between the main building and the highwater mark of a channel connected to the Oconomowoc Lake or Oconomowoc River if the accessory structure(s) is/are at least 200 feet from high water mark of Oconomowoc Lake or Oconomowoc River and at least 75 feet back from the channel connected to the Oconomowoc Lake or the Oconomowoc River, and except the following.

An in-ground pool and associated fencing, and an Outdoor Cooking Facility as defined herein may be located between the main building and the high water mark or the offset areas of the main building, subject to the following restrictions.

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

Paths to the Lakeshore.

2. Other than the 1 path, sidewalk and/or stairway and/or any combination of the same allowed under the definition of structure, not more than 1 additional path, sidewalk and/or stairway and/or any combination of the same between the main

building and the high-water mark 6 feet in width or less if the same is constructed of permeable materials 50% of which has to be grass, subject to the approval of the Zoning Administrator, issuance of a permit and payment of all applicable fees.

2. In addition to the 2 paths, sidewalks and/or stairways and/or any combination of the same allowed by right, additional paths, sidewalks and/or stairways and/or any combination of the same located between the main building and the high-water mark 4 feet in width or less whether permeable or impermeable, are allowed with Plan Commission approval on lots with over 200 feet of water frontage, issuance of a permit and payment of all applicable fees. In determining whether to allow additional paths, sidewalks and/or stairways and/or any combination of the same the Plan Commission is to look to whether:

- The proposed additional path, sidewalk and/or stairway and/or any combination of the same is not contrary to the public interest; and
- The property has a special or unique condition; and
- The proposed additional path, sidewalk and/or stairway and/or any combination of the same is not objectionable from the lake.

Section 3: 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 4: EFFECTIVE DATE

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

Dated this 20th day of September, 2022.

VILLAGE OF OCONOMOWOC LAKE



Michael J. Bickler, Sr., Village President

ATTEST:



Teri Sayles, Village Clerk