

ORDINANCE NO. 329

AN ORDINANCE TO
REPEAL AND RECREATE THAT PORTION OF THE DEFINITION FOR STRUCTURE
DEALING WITH WHAT DOES NOT CONSTITUTE A STRUCTURE
TO BE INSERTED INTO SECTION 17.10
OF THE VILLAGE OF OCONOMOWOC LAKE ZONING CODE

WHEREAS, an issue has arisen as to whether single person mobility devices are allowed in the Village of Oconomowoc Lake;

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 December 18, 2023; 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 Lake 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: That portion of the definition of STRUCTURE in SECTION 17.10 entitled Definitions, dealing with what does not constitute a structure is hereby repealed and recreated to read as follows:

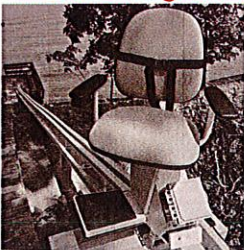
Structures shall not include:

1. Decks and patios more than 75 feet from the water at grade or less than 8 inches above the original grade.
2. Not more than 1 deck or patio 75 feet or less from the water at grade or less than 12 inches above the original grade and less than 300 square feet in size as long as said deck or patio does not have any railings and is screened with natural materials when viewed from the lake.
3. Statuary 6 feet or less in height or 4 feet or less in width,
4. Retaining walls less than two (2) feet above grade, for this purpose, the vertical rise of walls with less than two (2) horizontal feet of planting area between them shall be cumulated.
5. Seawalls or rip rap at the shoreline which have been approved by the Wisconsin Department of Natural Resources, and
6. **More than 1 single chair mobility device and** not ~~Not~~ more than 1 path, sidewalk and/or stairway and/or any combination of the same whether permeable or impermeable per property located between the main building and the high-water mark not in excess of four (4) feet in width together with associated handrails and landings not in excess of thirty-six (36) sq. feet where such path, sidewalk and/or stairway and/or any combination of the same are necessary to provide convenient access to the shoreline subject to approval of the Zoning Administrator, issuance of a permit and payment of applicable fees. Please see the individual zoning districts for additional information on regulation of paths, sidewalks and/or stairways and/or any combination of the same, and
7. All paths, sidewalks and/or stairways and/or any combination of the same whether permeable or impermeable located within 25 feet of the main building.

Section 2: **SECTION 17.10 entitled Definitions is hereby amended to add the following:**

SINGLE CHAIR MOBILITY DEVICE

The following constitutes a Single Chair Mobility Device:



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 18th day of December, 2023.

VILLAGE OF OCONOMOWOC LAKE



Michael J. Bickler, Sr., Village President

ATTEST:



Teri Sayles, Village Clerk