

ORDINANCE NO. 72

AMENDMENT TO THE ZONING ORDINANCE  
OF THE VILLAGE OF OCONOMOWOC LAKE  
ADDING PLANNED UNIT DEVELOPMENT

The Village Board of the Village of Oconomowoc Lake does ordain as follows:

The following shall be an amendment to the Zoning Ordinance, Ordinance No. 30, of the Village of Oconomowoc Lake, and subsequent amendments thereto, and shall be as follows:

I. Add planned unit development as follows:

3.8 Planned Unit Development.

Principal Use. Planned Unit Developments are hereby expressly prohibited within the Village of Oconomowoc Lake, except as is specifically authorized under Section 4.0. Planned Unit Developments are further restricted, as conditional uses, to residential uses within R-1, R-2 and R-3 Zoning Districts.

II. Amend Section 4.0 by renumbering Section 4.6 as 4.7 and adding thereto the following:

4.6 Planned Unit Developments. Planned Unit Developments shall be conditional uses. The purpose of this ordinance is to create a desirable utilization of land in an aesthetically pleasing residential environment. It is further the purpose of this ordinance to create imaginative, useable, creative and interesting areas of common open spaces while retaining the same overall residential density that would normally be permitted in a conventional type of layout. This ordinance shall be construed to allow for greater flexibility and design freedom than would be permitted by the

standard application of normal district regulations, taking into account significant and natural features worthy of protection and the more logical use of land. Planned Unit Developments are permitted within R-1, R-2 and R-3 Districts, subject to the provisions of Section 4.0 and subject to the following regulations:

A. General.

1. The unified and planned development of a site, in single or corporate ownership at the time of development, may be permitted without the customary division into individual lots, and without requiring strict compliance with the specific district regulations, subject to the requirements of this section and subject to the grant of a Conditional Use Permit. Lot size, setback, offset and open space may be modified according to the following conditions:

(a) That all sanitary provisions are in conformance with the requirements of the State Division of Health, the County Health Department, the local sanitary district and any other sanitary provisions.

(b) That the proposed development is in conformity with any local comprehensive plan, is not contrary to the general welfare or economic balance of the community, and that benefits and amenities of the resultant development justify the variation from the normal requirements of the district in which it is located.

(c) That all requirements as herein established are complied with.

2. Required standards as established by the Village relative to road design, drainage or other engineering patterns may be modified, subject to the approval by the Village Board of Trustees, as long as such modifications

are consistent with good engineering practices. The Village Board permits private rather than public roads whenever this is in the best interest of the Village.

B. Residential Density. The maximum dwelling unit density shall not exceed the maximum permitted in the residential district in which the land is located. The density factor shall not, in any event, exceed the following:

1. R-1 2 acres per dwelling unit.
2. R-2 1 acre per dwelling unit.
3. R-3 1 acre per dwelling unit.

Because optimum conditions are seldom encountered in nature, each case shall be evaluated on its own merits. Up to a maximum of 20% of the area of lands which are zoned Conservancy within the Planned Unit Development may be used to determine densities. However, in no event shall the total area of such zoned lands used in the computation exceed 25% of the net area of the project which is zoned other than Conservancy. Portions of the land included within official public road rights-of-way abutting or within the site shall not be included in computing density.

C. Detached Single Family Dwelling Units. The application of the Planned Unit Development Section shall be construed to permit only detached single family housing units, subject to specific approval under this section and subject to the conditions of the Conditional Use Permit. The total number of dwelling units allowed for the project shall be determined by utilizing the density computation referred to above. The height, and floor area requirements shall not be less than what is required in the underlying zoning district. Accessory structures shall not be allowed except as may be specifically authorized in the Conditional Use Permit. The architectural style of all buildings shall be subject to approval of the Architectural Control Board under Section 7.0.

D. Open Areas. Open areas or common areas created under this ordinance shall be permanent. Open areas shall be restricted to the use of residents within the Planned Unit Development. The provisions of Section 2.12 may be modified in a manner consistent with the waterfront use density in the underlying zoning district and the overall purpose of this ordinance. Buildings or uses for non-commercial, recreational or accessory facilities may be permitted in such open space areas with the approval of the Village Board and shall be made a part of the Conditional Use Permit. Perpetual care and maintenance of such open space areas shall be provided for, and an operational plan shall be submitted for approval by the Village Board and made a part of the Conditional Use Permit. Ownership and tax liability of the open space areas shall be established in a manner acceptable by the Village Board and made a part of the conditions of approval.

E. Basis for Approval. The Village Plan Commission, in making its recommendation to the Village Board for a determination as to the approval or denial of a Conditional Use Permit for the specific project shall give consideration to the purposes set forth in this section and shall be satisfied as to the following:

1. That the proposed development is consistent with the spirit and intent of the ordinance, is in conformity with the general character of the Village, and would not be contrary to the general welfare and economic prosperity of the Village or the immediate neighborhood. The benefits from the anticipated improved design of the resultant development shall justify a variation from the normal requirements of this ordinance to the application of these provisions.

2. That the size, quality and architectural design of all buildings in the project will not have an adverse effect upon the general character of the Village and surrounding neighborhood.

3. That the open space areas being provided shall be of such quality, usefulness, size and aesthetic value as to justify the approval of the project.

4. That the setbacks shall be maintained along any existing or boundary streets of the project area as required by the existing underlying basic district.

5. That no building shall be permitted closer to an exterior side or rear boundary lot line of the project than required by the applicable side or rear yard requirements of the adjoining or underlying basic district, whichever is the more restrictive.

6. The approval of a petition for conditional use shall be based on and include as conditions thereto the building, site and operational plans for the development as approved, as well as other conditions that may be required with regard to project value, character and other factors pertinent to an assurance that the proposed development will be carried out as presented.

7. Adequate surety in a form and amount approved by the Village Board of Trustees may be required of the petitioner to guarantee that the project will be completed as approved by the Village. This surety may be reduced as portions of the project are completed and certified to by the Village Board.

F. Subsequent Change or Addition. Any subsequent change or addition to an approved plan shall first be submitted for approval to the Village Planning Commission for review and recommendation to the Village Board and, if in the Board's opinion, such change or addition is not substantial, it may recommend approval without public hearings. Without limitation to the Village Board's right to determine whether any other change is substantial, a change in any of

the following respects shall be automatically construed to be substantial:

1. An increase in the number of dwelling units from that shown in the approved comprehensive project plan.
2. A significant change in the size, value or type of structure from that indicated in the approved comprehensive project plan.
3. The addition of any principal uses not included in the approved comprehensive project plan.
4. A change in the basic concept of site development which would significantly alter the relationship of uses and spacing of adjoining properties.

III. Amend Section 10.0 by adding the following definition:

**PLANNED UNIT DEVELOPMENT**

The unified and planned development of a site in single or corporate ownership at the time of development to create a desirable utilization of land in an aesthetically pleasing environment.

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

Passed and adopted by the Board of Trustees of the Village of Oconomowoc Lake this 18th day of October, 1976.

(VILLAGE SEAL)

William J. Roberts  
Village President

COUNTERSIGNED:

Chris Miller  
Village Clerk

STATE OF WISCONSIN )  
                          ) SS  
COUNTY OF WAUKESHA )

AFFIDAVIT OF POSTING  
ORDINANCE 72

To amend zoning ordinance #30 to allow  
planned unit developments

The undersigned, being first duly sworn, on oath  
deposes and states that on October 21st, 1976,  
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) At the entrance to the Village Hall on  
West Pabst Road.

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

Richard Riehl

Subscribed and sworn to before me  
this 21st day of October, 1976.

Chris Miller  
Notary Public, Waukesha County, Wisconsin

My commission expires: 3/23/80

STATE OF WISCONSIN )  
 ) SS  
COUNTY OF WAUKESHA )

AFFIDAVIT OF POSTING  
ORDINANCE #73

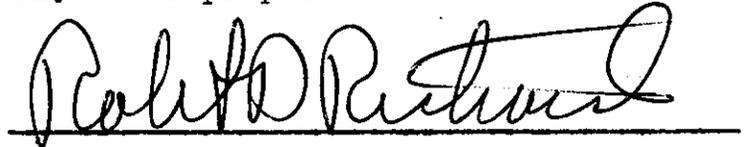
To Amend Ord. #10 & Ord. #38, entitled  
"An Ordinance to Prohibit Disorderly Conduct"

The undersigned, being first duly sworn, on oath  
deposes and states that on June 21, 1977.  
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) At the entrance to the Village Hall on  
West Pabst Road.

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



Subscribed and sworn to before me  
this 21 day of JUNE, 1977.

Richard Beell  
Notary Public, Waukesha County, Wisconsin

My commission expires: MAY 1981