

ORDINANCE NO. 76

AN ORDINANCE AMENDING
ZONING ORDINANCE NO. 30
OF THE
VILLAGE OF OCONOMOWOC LAKE,
WAUKESHA COUNTY, WISCONSIN

The Village Board of Trustees of the Village of Oconomowoc Lake, Waukesha County, Wisconsin, do ordain as follows:

Section 1

That Section 1.3 entitled "Intent" be amended by adding the following language following the words, "and protect property values;"

to prevent and control water pollution; protect spawning grounds, fish and aquatic life; protect against flood hazards, and preserve shore cover and natural beauty; . . .

Section 11

*Deleted. 9/17/84.
See Ordinance 94.*

That Section 1.65 of this Ordinance entitled "Warning and Disclaimer of Liability" be created to read as follows:

The Village of Oconomowoc Lake does not represent that only those areas designated as floodplain will be subject to flooding and flood damages, and it hereby asserts that there is no liability on the part of the Village or any officer or employee thereof for any flood damage that may occur as a result of reliance upon or conformance with this Ordinance.

Section 111

Revise Section 3.1 as follows:

3.1 Establishment. *9/17/84 Revised.*

See Ordinance 94.

For the purpose of this Ordinance, the Village of Oconomowoc Lake, is hereby divided into the following zoning districts:

R-1 Single Family Residential District

R-2 Single Family Residential District

R-3 Single Family Residential District

B-1 Business District

I-1 Restricted Business District

F-1 Flood Plain District

The remaining paragraphs of Section 3.1 are unchanged.

Section IV *9/17/84 repealed. See Ordinance 94.*

Add F-1 Flood Plain District Provisions as follows:

3.9 F-1 Flood Plain District /

3.91 Effect of Flood Plain Regulations: The regulations of this section shall be construed as being supplementary to the regulations imposed on the same lands by any underlying zoning regulations. When flood plain and underlying zoning regulations conflict, the most restrictive combination of such regulations shall govern.

3.92 The boundaries of the flood plain district shall be as they appear on the Zoning Map which is on file in the office of the Administrator of the Village of Oconomowoc Lake. The flood plain boundary lines on the map shall be determined by the use of the scale appearing on the map. Where there is a conflict between the flood plain boundaries illustrated on the map and the actual field conditions, the flood elevations for the point in question shall be the governing factor in locating the district boundary on the land.

3.93 Category of Uses

(a) Permitted Uses

The following open space uses shall be permitted within the flood plain district to the extent that they are not prohibited in a particular area by an underlying zoning ordinance.

(1) Private Recreation Uses not requiring Permanent or Temporary Structures designed for human habitation, such as wildlife and nature preserves, game farms, fish hatcheries, fishing and hiking areas.

- (2) Other water related uses such as docks, piers, bridges and culverts subject to any pier or dock line regulations pursuant to Chapter 30 Wisconsin Statutes.
 - (3) Roads, driveways, ramps and fences.
- (b) Preservation of Topography within Flood Plains: In order to protect the property owners from possible damage due to changes in the existing grade of the adjoining lands, and to aid in preserving and protecting the beauty and character of the landscape, dumping, filling, structures, dwellings, shelters and storage of materials are prohibited. Earth moving activities (except road and driveway construction) are to be considered as conditional uses and must not impede drainage, reduce the floodwater storage capacity of the flood plain, raise floodwater elevations or cause ponding. Dredging and pond construction are conditional uses.
- (c) The Board of Zoning Appeals may grant a variance from these regulations only if the proposed structure will meet the standards set forth in Chapters NR115 and 116 and Chapter H62 of the Wisconsin Administrative Code and the following requirements.
- (1) A structure, including any fill, roads and levies, shall not adversely affect the efficiency or the capacity of the floodway, the storage capacity of the flood plain, or increase flood heights based on the assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream.
 - (2) A structure shall have its lowest walking or storage level no less than 3 feet above the level of the Regional Flood.
 - (3) A structure shall not obstruct a floodway.

- (4) The ground level surrounding the structure shall be at least one foot above the Regional Flood for a horizontal distance of at least 15 feet from the outer face of the building walls.
- (5) A registered professional engineer or land surveyor shall certify that the finished building elevations, flood proofing measures, and other flood protection factors were accomplished in compliance with the provisions of this Ordinance and the provisions of State Law.

Section V *9/17/84 repealed. See Ord. 94.*

That Section 8.4 entitled "Powers", subtitle "Variances", be amended by adding the following language:

. . . No variances shall permit a lower degree of flood protection than a point two (2) feet above the regional flood elevation or be contrary to the State Law or Administrative Code. Notices and Decisions on Flood Plain Appeals, Variances and Special Exceptions shall be sent to the State Agency having jurisdiction in matters of flood plain preservation.

Section VI *9/17/84 repealed. See Ord. 94.*

That Section 10.0 entitled "Definitions" be amended to include the following definitions:

Channel: A channel is a natural or artificial watercourse with definite bed and banks to confine and conduct the normal flow of water.

Flood. A general and temporary condition of partial or complete inundation of normally dry land areas caused by the overflow or rise of rivers, streams or lakes.

Flood Fringe. The flood fringe is that portion of the flood plain outside of the floodway, which is covered by flood waters during the regional flood; it is generally associated with standing water rather than rapidly flowing water.

Flood Plain. The flood plain is the land which has been or may be hereafter covered by flood water during the regional flood. The flood plain includes the

floodway and the flood fringe.

FLOOD PROOFING. Flood proofing involves any combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the purpose of reducing or eliminating flood damage to properties, water and sanitary facilities, structures and contents of buildings in flood hazard areas.

FLOODWAY. The floodway is the channel of a river or stream and those portions of the flood plain adjoining the channel required to carry and discharge the flood water or flood flows associated with the regional flood.

Passed and adopted by the Village Board of Trustees of the Village of Oconomowoc Lake, upon recommendation of the Village Plan Commission and after a public hearing thereon held upon due public notice thereof, this 20th day of March, 1978.

William J. Roberts
Village President

(Village Seal)

Countersigned:

Chris Miller
Village Clerk

