

ORDINANCE NO. 293

AN ORDINANCE TO REPEAL AND RE-CREATE NUMEROUS
SECTIONS OF THE VILLAGE OF OCONOMOWOC LAKE ZONING
CODE RELATED TO CONDITIONAL USE REGULATION

WHEREAS, the Village Zoning Administrator has recommended that changes be made throughout the Zoning Ordinance based adoption of State Statutes modifying Section 62.23; 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 upon at least 10 days prior written notice to the clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the proposed Zoning Code territory as required by Wisconsin Statutes Section 62.23(7)(d), the Village Board held a public hearing regarding the tentative recommendation, on October 15, 2018; and

WHEREAS, the Village Plan Commission of the Village of Oconomowoc Lake has recommended the ordinance be adopted; 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, the Village Board of the Village of Oconomowoc Lake has referred the matter to the Village Plan Commission for the Village of Oconomowoc Lake for consideration and recommendation; and

WHEREAS, pursuant to Section 17.62(4) of the Village Code, the Village Plan Commission has reviewed the proposed changes and has made its recommendations to the Village Board; and

WHEREAS, upon consideration of the tentative recommendations made by the Village of Oconomowoc Lake Plan Commission, and of all the information received at the public hearing, and being fully advised; and for the purpose of promoting the health, safety, morals and the general welfare of the community; and to provide for a safe and efficient system for pedestrian and vehicular traffic, attractive recreation 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 to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and the general welfare, to

provide adequate light and air, to encourage the protection of groundwater resources, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, and to preserve burial sites; and upon reasonable consideration of, among other things, the character of the Districts hereby created and their particular suitability for particular uses; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Village of Oconomowoc Lake, the Village Board of the Village of Oconomowoc Lake, Waukesha County, Wisconsin hereby adopts the recommendations 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: Chapter 17 of the Village of Oconomowoc Lake Village Code entitled, "Zoning Code," Section 17.50, entitled, "Permit," is hereby repealed and recreated as follows:

17.50 PERMIT.

The Village Board of Trustees may authorize the Zoning Inspector to issue a conditional use permit for conditional uses after review, public hearing upon notice as required by Wisconsin Statutes §62.23(7)(de) 3., and a recommendation by the Village Plan Commission, subject to the requirements of this Chapter. The determination of such conditional use by the Village Board shall be based on whether or not the proposed use will violate the spirit or intent of the chapter; be contrary to the public health, safety or general welfare; be hazardous, harmful, noxious, offensive or a nuisance by reason of noise, dust, smoke, odor or other similar factor; or for any other reason cause an adverse effect on the property values and general desirability of the neighborhood. Except as may be specifically otherwise provided, any such use shall conform to the building location, height, area, yards, parking, loading, traffic and highway access regulations of the district in which it is located and the approving body may require compliance with such other conditions as may be deemed necessary in the specific situation in addition to any which may be herein stated. The location, building plan, site plan, and plan of operation shall be in sufficient detail to enable the Village to make its determination as to the appropriateness of the proposed grant of conditional use. The Village may take into consideration architectural and landscape treatments. Satisfactory provision shall be made for parking and circulation needs, for drainage and sewage disposal, for adequate planting screen where necessary, for operational control devices where necessary to eliminate noise, dust, odor or smoke; and such other factors as would be pertinent to such determination. ~~provided that such conditional uses and structures are in accordance with the purpose and intent of this chapter and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community.~~

(1) ~~The recommendations of the Village Plan Commission may only be overruled by a vote of five (5) members of the Village Board.~~

SECTION 2: Chapter 17 of the Village of Oconomowoc Lake Village Code entitled, "Zoning Code," Section 17.51, entitled, "Application," is hereby repealed and recreated as follows:

17.51 APPLICATION.

Applications for conditional use permits shall be made in duplicate to the Zoning Inspector on forms furnished by the Zoning Inspector and shall include the following:

- (1) All of the information required under Section 17.17 for a Zoning Permit.
- (2) The names and addresses of the parties of interest.
- (3) The plat of survey required by Section 17.17(3) shall include the mean and historic high water lines, on land and within one-hundred (100) feet of the subject lot.
- (4) The plat of survey required by Section 17.17(3) shall include All existing and proposed landscaping.
- (5) Fee Receipt from the Village Treasurer in the amount specified by the Village Board of Trustees.

SECTION 3: Chapter 17 of the Village of Oconomowoc Lake Village Code entitled, "Zoning Code," Section 17.52, entitled, "Review and Approval," subsection (4) entitled, "Standard Conditional Use Conditions" is hereby created as follows:

- (4) Standard Conditional Use Conditions. Any conditional use granted by the Village shall automatically be deemed to include all of the following conditions unless stated otherwise in the conditional use order:
 - (a) Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In case of a question as to the classification of use, the question shall be submitted to the Village Plan Commission for determination.
 - (b) No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the municipal governing body, the County of Waukesha, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by Village ordinance or other law.

- (c) This conditional use hereby authorized shall be confined to the subject property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Village Plan Commission as being in compliance with all pertinent ordinances.
- (d) Should the permitted conditional use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the petitioner be delinquent in payment of any monies due and owing to Village, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the conditional use may be terminated by action of the Village Plan Commission, pursuant to the enforcement provisions of this Conditional Use Order, and all applicable ordinances.
- (e) Any change, addition, modification, alteration and/or amendment of any aspect of this conditional use, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises (including but not limited to any change to the boundary limits of the subject property), structures, lands or owners, other than as specifically authorized herein, shall require a new permit and all procedures in place at the time must be followed.
- (f) Unless this conditional use permit expressly states otherwise, plans that are specifically required by this conditional use order may be amended upon the prior approval of the Village Plan Commission if the Village Plan Commission finds the plan amendment to be minor and consistent with the conditional use permit. Any change in any plan that the Village Plan Commission feels, in its sole discretion, to be substantial shall require a new permit, and all procedures in place at the time must be followed.
- (g) Petitioner and Owner Agreement. As a condition precedent to the issuance of the conditional use permit, the owner of the Subject Property shall approve the issuance of this conditional use permit upon the terms and conditions described herein in writing, and the Petitioner is required to accept the terms and conditions of the same in its entirety in writing.
- (h) Professional fees. Petitioner shall, on demand, reimburse the Village for all costs and expenses of any type that the Village incurs in connection with this application, including the cost of professional services incurred by the Village (including engineering, legal, planning and other consulting fees) for the review and preparation of the necessary documents or attendance at meetings or other related professional services for this application, as well as for any actions the Village is required to take to enforce the conditions in this conditional approval due to a violation of

these conditions.

- (i) Payment of charges. Any unpaid bills owed to the Village by the Subject Property Owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Village; shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of billing by the Village, pursuant to section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval, that is subject to all remedies available to the Village, including possible cause for termination of this approval.
- (j) Current Address. The Petitioner is obligated to file with the Village Clerk a current mailing address and current phone number at which the Petitioner can be reached, which must be continually updated by the Petitioner if such contact information should change, for the duration of this conditional use. If the Petitioner fails to maintain such current contact information, the Petitioner thereby automatically waives notice of any proceedings that may be commenced under this conditional approval, including proceedings to terminate this conditional use.
- (k) Conditions Shown in Minutes Incorporated. All conditions of approval imposed by duly adopted motion of the Village Board in its consideration of the Petitioner's application, as noted in the Minutes of the Village Board meeting at which approval was granted, are specifically incorporated herein by reference.
- (l) Should any paragraph or phrase of this conditional use permit be determined by a Court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use and the remainder shall continue in full force and effect.
- (m) If any aspect of this conditional use permit or any aspect of any plan contemplated and approved under this conditional use is in conflict with any other aspect of the conditional use or any aspect of any plan of the conditional use, the more restrictive provision shall be controlling as determined by the Village Plan Commission.

SECTION 4: Chapter 17 of the Village of Oconomowoc Lake Village Code entitled, "Zoning Code," Section 17.52, entitled, "Review and Approval," subsection (5) entitled, "Performance Standards" is hereby created as follows:

PERFORMANCE STANDARDS:

- (1) Intent and Compliance. It is the intent of this Section to describe performance standards for the regulation of conditional uses and to

establish an objective and equitable basis for control and to ensure that the community is adequately protected from potential hazardous and nuisance-like effects. These performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or zoning district. In addition, these performance standards are intended to comply with other applicable local, state and federal codes and standards. These performance standards are in addition to, and not in lieu of, the performance standards described elsewhere in this Code. All structures, lands, air and water regulated by conditional use shall hereafter comply with the following performance standards.

- (2) Control of Hazardous Air Pollutants and Emissions. Operations or activities which emit into the ambient air from any direct or portable source any matter that will affect air quality shall perform in accord with the limitations and procedures established by applicable laws, including but not limited to Ch. NR 400 through NR 449, Wis. Adm. Code. Hazardous pollutants are specifically controlled in accord with NR 445.
- (3) Control of Particulate Emissions and Dust.
 - (a) Operations or activities which emit into the ambient air from any direct or portable source any particulate emissions shall perform in accord with the limitations and procedures established by applicable laws, including but not limited to Ch. NR 415, Wis. Adm. Code, or in other applicable Chapters which regulate particulate emission.
 - (b) Fugitive dust and other types of emissions and air pollution from sources such as storage areas, outdoor operation yards, and roads or parking lots with any lot shall be kept to a minimum by appropriate paving, spraying/watering, application of suitable chemicals, landscaping, or other acceptable and environmentally safe methods in accord with applicable laws, including but not limited to Ch. NR 415.04, Wis. Adm. Code.
- (4) Control of Odors. No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined in Ch. NR 429, Wis. Adm. Code.
- (5) Control of Fire and Explosive Hazards.
 - (a) All uses involving the manufacturing, utilization, processing, or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate firefighting and fire suppression equipment and devices as may be required by the Village Code.
 - (b) All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have noncombustible exterior walls and an automatic fire

extinguishing system.

- (c) The storage of fuels and other materials that produce flammable or explosive vapors shall be permitted only after review and approval by the Village Fire Department and in accord with their requirements to minimize fire and explosive hazards

(6) Glare, Heat and External Lighting.

- (a) No operation or activity shall produce any intense lighting, glare or heat with the source directly visible beyond the boundary of the property line. Operations producing intense light, glare, or heat shall be conducted within an enclosed building.
- (b) External lighting shall be shielded so that light rays do not adversely affect adjacent uses.

(7) Water Quality Standards.

- (a) No activity shall locate, store, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that might runoff, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness, or be harmful to human, animal, plant, or aquatic life.
- (b) No activity shall withdraw water or discharge any liquid or solid materials so as to exceed or contribute toward exceeding the minimum standards and those other standards and the application of those standards set forth in applicable laws.

- (8) Noise. No operation or activity shall transmit any noise beyond the boundaries of the property so that it becomes a nuisance.

(9) Vibration.

- (a) No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the source. Vibration perception threshold means the minimum ground- or structure-borne vibrational motion necessary to cause a reasonable person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.
- (b) Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be

exempt from the above standard.

SECTION 5: Chapter 17 of the Village of Oconomowoc Lake Village Code entitled, "Zoning Code," Section 17.53, entitled, "Residential Uses," is hereby repealed.

SECTION 6: Chapter 17 of the Village of Oconomowoc Lake Village Code entitled, "Zoning Code," Section 17.54, entitled, "Public and Semipublic Uses," is hereby repealed and re-created as follows:

17.54 PUBLIC AND SEMIPUBLIC USES.

The following shall be conditional uses:

(1) PUBLIC UTILITY BUILDINGS, subject to the following required standards:

- (a) All of the following plans shall be submitted and shall be subject to the review and approval of the Village Plan Commission: building plan, security plan; landscaping plan; lighting plan; ingress/egress traffic and paving plan; stormwater management plan; plan of operation, including hours of operation; and site plan.
- (b) An, architectural plan shall be submitted and shall be subject to the review and approval of the Architectural Control Board.

(2) CHURCHES, subject to the following required standards:

- (a) All of the following plans shall be submitted and shall be subject to the review and approval of the Village Plan Commission: building plan, security plan; landscaping plan; lighting plan; ingress/egress traffic and paving plan; stormwater management plan; plan of operation, including hours of operation; and site plan.
- (b) An, architectural plan shall be submitted and shall be subject to the review and approval of the Architectural Control Board.
- (c) The structure shall conform to double the offset requirements of the district in which it is located.
- (d) The height limitation of the district in which the use is located shall not exceed 50' provided the minimum required setback and offsets shall be increased 2' for every additional foot of height in excess of the permitted maximum in that district. The aforesaid height regulation shall not apply to the spire or belfry of a church except where airport safety zone regulations specifically limit the maximum height.
- (e) The open space for the facility shall be a minimum of 50%.
- (f) Site shall meet Village parking requirements.

- (g) Access locations shall meet site distance requirements.
 - (h) Traffic study shall be provided to determine additional improvements to adjacent streets and impact on adjacent development.
 - (i) The buildings and grounds shall be maintained in a neat, attractive and orderly way.
 - (j) The property shall comply with all rules and regulations of the Village and the local Fire Department, including submission to routine inspections of the Village and the Fire Department.
- (3) SCHOOLS, subject to the following required standards:
- (a) All of the following plans shall be submitted and shall be subject to the review and approval of the Village Plan Commission: building plan, security plan; landscaping plan; lighting plan; ingress/egress traffic and paving plan; stormwater management plan; plan of operation, including hours of operation; and site plan.
 - (b) An architectural plan shall be submitted and shall be subject to the review and approval of the Architectural Control Board.
 - (c) The structure shall conform to double the offset requirements of the district in which it is located.
 - (d) The height limitation of the district in which the use is located shall not exceed 50' provided the minimum required setback and offsets shall be increased 2' for every additional foot of height in excess of the permitted maximum in that district.
 - (e) The open space for the facility shall be a minimum of 50%.
 - (f) Site shall meet Village parking requirements.
 - (g) Access locations shall meet site distance requirements.
 - (h) Traffic study shall be provided to determine additional improvements to adjacent streets and impact on adjacent development.
 - (i) The buildings and grounds shall be maintained in a neat, attractive and orderly way.
 - (j) The property shall comply with all rules and regulations of the Village and the local Fire Department, including submission to routine inspections of the Village and the Fire Department.
- (4) CLUBS, not conducted for profit, subject to the following required

standards:

- (a) All of the following plans shall be submitted and shall be subject to the review and approval of the Village Plan Commission: building plan, security plan; landscaping plan; lighting plan; ingress/egress traffic and paving plan; stormwater management plan; plan of operation, including hours of operation; and site plan.
- (b) An architectural plan shall be submitted and shall be subject to the review and approval of the Architectural Control Board.
- (c) The structure shall conform to double the offset requirements of the district in which it is located.
- (d) The height limitation of the district in which the use is located shall not exceed 50' provided the minimum required setback and offsets shall be increased 2' for every additional foot of height in excess of the permitted maximum in that district.
- (e) The open space for the facility shall be a minimum of 50%.
- (f) Site shall meet Village parking requirements.
- (g) Access locations shall meet site distance requirements.
- (h) Traffic study shall be provided to determine additional improvements to adjacent streets and impact on adjacent development.
- (i) The buildings and grounds shall be maintained in a neat, attractive and orderly way.
- (j) The property shall comply with all rules and regulations of the Village and the local Fire Department, including submission to routine inspections of the Village and the Fire Department.

SECTION 7: Chapter 17 of the Village of Oconomowoc Lake Village Code entitled, "Zoning Code," Section 17.55, entitled, "Highway Oriented Uses," is hereby repealed and re-created as follows:

17.55 HIGHWAY ORIENTED USES.

The following commercial uses shall be conditional uses and may be permitted within five hundred (500) feet of the existing or proposed rights-of-way of controlled access traffic ways, but not closer than one hundred (100) feet to existing residential property:

(1) Drive-in banks

- (a) All of the following plans shall be submitted and shall be subject to the review and approval of the Village Plan Commission: building plan, security plan; landscaping plan; lighting plan; ingress/egress traffic and paving plan; stormwater management plan; plan of operation, including hours of operation; and site plan.
- (b) An, architectural plan shall be submitted and shall be subject to the review and approval of the Architectural Control Board.
- (c) The open space for the facility shall be a minimum of 50%.
- (d) Site shall meet Village parking requirements.
- (e) Access locations shall meet site distance requirements.
- (f) Traffic study shall be provided to determine additional improvements to adjacent streets and impact on adjacent development.
- (g) The buildings and grounds shall be maintained in a neat, attractive and orderly way.
- (h) The property shall comply with all rules and regulations of the Village and the local Fire Department, including submission to routine inspections of the Village and the Fire Department.

(2) Vehicle sales, service, washing and repair stations.

- (a) All of the following plans shall be submitted and shall be subject to the review and approval of the Village Plan Commission: building plan, security plan; landscaping plan; lighting plan; ingress/egress traffic and paving plan; stormwater management plan; plan of operation, including hours of operation; and site plan.
- (b) An, architectural plan shall be submitted and shall be subject to the review and approval of the Architectural Control Board, Plan Commission and Village Board.
- (c) The open space for the facility shall be a minimum of 50%.
- (d) Site shall meet Village parking requirements.
- (e) Access locations shall meet site distance requirements.
- (f) Traffic study shall be provided to determine additional improvements to adjacent streets and impact on adjacent development.

- (g) The buildings and grounds shall be maintained in a neat, attractive and orderly way.
- (h) The property shall comply with all rules and regulations of the Village and the local Fire Department, including submission to routine inspections of the Village and the Fire Department.

(3) Bowling alleys.

- (a) All of the following plans shall be submitted and shall be subject to the review and approval of the Village Plan Commission: building plan, security plan; landscaping plan; lighting plan; ingress/egress traffic and paving plan; stormwater management plan; plan of operation, including hours of operation; and site plan.
- (b) An, architectural plan shall be submitted and shall be subject to the review and approval of the Architectural Control Board.
- (c) The open space for the facility shall be a minimum of 50%.
- (d) Site shall meet Village parking requirements.
- (e) Access locations shall meet site distance requirements.
- (f) Traffic study shall be provided to determine additional improvements to adjacent streets and impact on adjacent development.
- (g) The buildings and grounds shall be maintained in a neat, attractive and orderly way.
- (h) The property shall comply with all rules and regulations of the Village and the local Fire Department, including submission to routine inspections of the Village and the Fire Department.

(4) Retail establishments selling and storing only new merchandise, including bakeries, barber shops, bars, beauty shops, business offices, clinics, clothing stores, clubs, drug stores, florists, gift stores, grocery stores, hardware stores, hobby shops, optical stores, beverage stores, professional offices, self-service and pickup laundry and dry cleaning establishments, supermarkets, and sporting goods.

- (a) All of the following plans shall be submitted and shall be subject to the review and approval of the Village Plan Commission: building plan, security plan; landscaping plan; lighting plan; ingress/egress traffic and paving plan; stormwater management plan; plan of operation, including hours of operation; and site plan.
- (b) An, architectural plan shall be submitted and shall be subject to the

review and approval of the Architectural Control Board.

(c) The open space for the facility shall be a minimum of 50%.

(d) Site shall meet Village parking requirements.

(e) Access locations shall meet site distance requirements.

(f) Traffic study shall be provided to determine additional improvements to adjacent streets and impact on adjacent development.

(g) The buildings and grounds shall be maintained in a neat, attractive and orderly way.

(h) The property shall comply with all rules and regulations of the Village and the local Fire Department, including submission to routine inspections of the Village and the Fire Department.

(2) Mini warehousing and small cubical storage, which shall include but not be limited to all of the following conditions:

(a) All of the following plans shall be submitted and shall be subject to the review and approval of the Village Plan Commission: building plan, security plan; landscaping plan; lighting plan; ingress/egress traffic and paving plan; stormwater management plan; plan of operation, including hours of operation; and site plan.

(b) An architectural plan shall be submitted and shall be subject to the review and approval of the Architectural Control Board.

(c) No illegal or hazardous substance or product may be stored on site.

(d) There shall be no outside storage on site.

(e) There shall be no outdoor parking except temporary parking by tenants only while they are present at the site, parking by employees of the property only while they are working at the site, and parking by individuals hired to service the property while servicing the property.

(f) There shall be no flammable or explosive materials stored on the site other than fuel contained in a motorized vehicle or piece of equipment that is being stored indoors on the site.

(g) There shall be no live animals stored on site.

(h) There shall be no sale of merchandise from the site.

(i) There shall be no perishable products stored on site.

- (j) There shall be no individual electrical, gas, plumbing or telephone service provided to any of the individual units on site.
- (k) There shall be no residential use on the property.
- (l) The Village Plan Commission reserves the right to require fencing, an office, and bathroom facilities if the Village Plan Commission, at its sole discretion, deems any or all of the same are needed.
- (m) The individual units cannot be sold or owned separately.
- (n) From May 1st until September 1st, no motorized water craft may be stored on the property other than those motorized water craft titled to Village of Oconomowoc Lake residents.
- (o) Persons renting units within the facility must be placed on notice on all of the foregoing conditions, and violations of any one of these conditions by any person on the property shall be a violation of the Conditional Use Permit and subject the property owner to revocation of the Conditional Use Permit and other such remedies as may apply.

SECTION 8: Chapter 17 of the Village of Oconomowoc Lake Village Code entitled, "Zoning Code," Section 17.56, entitled, "Planned Unit Developments," is hereby repealed.

SECTION 9: Chapter 17 of the Village of Oconomowoc Lake Village Code entitled, "Zoning Code," Section 17.57, entitled, "Protest," is hereby repealed.

SECTION 10: Chapter 17 of the Village of Oconomowoc Lake Village Code entitled, "Zoning Code," Section 17.19 entitled, "Use, Structure and Signage Restrictions," Subsection (4) entitled, "Pre-Existing Accessory Structures" is hereby repealed and re-created as follows:

(4) PRE-EXISTING ACCESSORY STRUCTURES

Regardless of the foregoing provisions in subsection (1) and (2) above, subject to Architectural Control Board approval, the use of an accessory structure or accessory structures that were legally established, whether legal or legal non-conforming in their location, may be continued even if the principal structure on the property is removed and the only remaining structure or structures on the property after the removal of the principal structure is the accessory structure or the accessory structures as long as the use of the accessory structure or accessory structures are only for storage by the owner of the property of the property owner's personal property. The accessory structure or accessory structures may not be used for human habitation or for any commercial use at any time including vehicle or equipment repair, for a studio, for a home occupation or for a professional office and the same may not contain a bathroom unless there is an existing operating bathroom which preexists the adoption of this ordinance on October 20, 2014 or kitchen or the equivalent of a bathroom or kitchen. No animals may be maintained on the property other than as may be allowed by

Section 17.53 of this code. There shall be no use of motor homes, houseboats, campers, or any similar vehicles on the land or in the accessory structure or accessory structures on the property for recreational purposes or human habitation. The accessory structure or accessory structures shall be considered legal non-conforming accessory structures and may be modified, rebuilt or reconstructed only as may be allowed by Section 17.32(2) of this Code. In passing upon such matters, the Architectural Control Board shall consider all of the following factors: the size of the lot; the size and location of all of the existing accessory structures on the lot; the impact, if any, that the allowing of the accessory structure to remain on the lot may have upon neighboring properties; whether the use of the accessory structure would violate the intent of the Zoning Ordinance; and such other matters as the Architectural Control Board finds to be relevant in the interests of the public health, safety, welfare, and protection of property values of the Village.

SECTION 11: Chapter 17 of the Village of Oconomowoc Lake Village Code entitled, "Zoning Code," Section 17.335 entitled, "Time Share Property Restricted," is hereby repealed and re-created as follows:

17.335 TIME SHARE PROPERTY RESTRICTED

Time share property, as defined herein, shall be subject to all of the following requirements:

- (1) The property must be owned in such a way, and must include such uses, so as to subject the property to the regulations of Chapter 707 Wisconsin Statutes; and
- (2) The property must fully and strictly comply with the requirements of Chapter 707 Wisconsin Statutes at all times; and
- (3) If the property is located in a district which permits residential uses, the property shall be subject to approval of a legal, conforming multi-family use, in accordance with all of the rules and regulations of this code, and must fully and strictly comply with the same at all times. If the property is located in a business district, and no residential uses are permitted, the time share instrument and time share plat shall be subject to the approval of the Village of Oconomowoc Lake Plan Commission, and must be specifically authorized in a conditional use permit issued for the property. ~~The property shall be subject to issuance of a Planned Unit Development conditional use permit, in accordance with all of the rules and regulations of section 17.56 of this code, and must fully and strictly comply with the same at all times.~~

Time share property that does not satisfy the above-listed requirements is prohibited in all districts in the Village of Oconomowoc Lake. These regulations are intended to impose the same requirements upon property that is regulated by Chapter 707, Wisconsin Statutes, that are imposed upon physically identical property in the Village of Oconomowoc Lake that is not in time share ownership.

SECTION 12: Chapter 17 of the Village of Oconomowoc Lake Village Code entitled, "Zoning Code," Section 17.34 entitled, "Condominium Property Restricted," is hereby repealed and re-created as follows:

17.34 CONDOMINIUMS PROPERTY RESTRICTED

Condominium, as defined in Chapter 703, Wisconsin Statutes, shall be subject to all of the following requirements:

- (1) The property must be owned in such a way, and must include such uses, so as to subject the property to the regulations of Chapter 703 Wisconsin Statutes; and
- (2) The property must fully and strictly comply with the requirements of Chapter 703 Wisconsin Statutes at all times; and
- (3) If the condominium is located in a district which permits residential uses, the condominium shall be subject to approval of a legal, conforming multi-family use ~~issuance of a Planned Unit Development conditional use permit~~, in accordance with all of the rules and regulations of ~~section 17.56 of this code~~, and must fully and strictly comply with the same at all times. If the condominium is located in a business district, and no residential uses are permitted, ~~a Planned Unit Development conditional use permit is not required~~, but the Condominium Declaration and condominium plat shall be subject to the approval of the Village of Oconomowoc Lake Plan Commission, and must be specifically authorized in a conditional use permit issued for the property.

Condominium property that does not satisfy the above-listed requirements is prohibited in all districts in the Village of Oconomowoc Lake. These regulations are intended to impose the same requirements upon property that is regulated by Chapter 703, Wisconsin Statutes, that are imposed upon physically identical property in the Village of Oconomowoc Lake that is not in condominium ownership.

SECTION 13: Chapter 17 of the Village of Oconomowoc Lake Village Code entitled, "Zoning Code," Section 17.36 entitled, "R-1 General Agriculture/Rural Residential District," Subsection (2) entitled, "Conditional Uses" is hereby repealed and re-created as follows:

- (2) **CONDITIONAL USES.**
Those uses permitted in ~~§17.32(5)17.53, 17.54, and 17.56~~, subject to the procedures and standards as outlined in § 17.50, 17.51, and 17.52 and 17.60.

SECTION 14: Chapter 17 of the Village of Oconomowoc Lake Village Code entitled, "Zoning Code," Section 17.37 entitled, "R-2 Suburban Residential District," Subsection (2) entitled, "Conditional Uses" is hereby repealed and re-created as follows:

- (2) **CONDITIONAL USES.**
Those uses permitted in ~~§17.32(5)17.53, 17.54, and 17.56~~, subject to the procedures and standards as outlined in § 17.50, 17.51, and 17.52 and 17.60.

SECTION 15: Chapter 17 of the Village of Oconomowoc Lake Village Code entitled, "Zoning Code," Section 17.38 entitled, "R-3 Low Density Residential District," Subsection (2) entitled, "Conditional Uses" is hereby repealed and re-created as follows:

(2) **CONDITIONAL USES.**

Those uses permitted in ~~§17.32(5)17.53, 17.54, and 17.56~~, subject to the procedures and standards as outlined in §17.50, 17.51, ~~and 17.52 and 17.60~~.

SECTION 16: Chapter 17 of the Village of Oconomowoc Lake Village Code entitled, "Zoning Code," Section 17.385 entitled, "R-4 Low Density Residential District," Subsection (2) entitled, "Conditional Uses" is hereby repealed and re-created as follows:

(2) **CONDITIONAL USES.**

Those uses permitted in ~~§17.32(5)17.53, 17.54, and 17.56~~, subject to the procedures and standards as outlined in §17.50, 17.51, ~~and 17.52 and 17.60~~.

SECTION 17: Chapter 17 of the Village of Oconomowoc Lake Village Code entitled, "Zoning Code," Section 17.39 entitled, "B-1 Business District," Subsection (2) entitled, "Conditional Uses," Subsection (b) entitled, "Permissible Uses" is hereby repealed and re-created as follows:

(b) **Permissible Uses.** Those uses specified in Section ~~17.54, 17.55 and 17.32(5)~~ subject to the procedure and standards as outlined in Sections 17.50, 17.51, 17.52 and 17.60.

SECTION 18: Chapter 17 of the Village of Oconomowoc Lake Village Code entitled, "Zoning Code," Section 17.43 entitled, "Upland Conservancy Overlay District," Subsection (3) is hereby repealed and re-created as follows:

(3) **Upland Conservancy District Overlay lands may be included in a conditional use.** ~~planned unit development pursuant to s. 17.56.~~

SECTION 19: Chapter 17 of the Village of Oconomowoc Lake Village Code entitled, "Zoning Code," Section 17.45 entitled, "L-1 Lowland Conservancy Overlay District," Subsection (3) is hereby repealed and re-created as follows:

(3) **Residential, commercial and industrial development is not permitted in this zoning district, although Lowland Conservancy District lands may be included in a conditional use.** ~~a planned unit development pursuant to s. 17.56.~~

SECTION 20: 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 21: CONTINUATION OF EXISTING PROVISIONS

The provisions of this ordinance, to the extent that they are substantively the same as those of the ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances. In addition, the adoption of this ordinance shall not affect any action, prosecution or proceeding brought for the enforcement of any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance for the time that such provision was in effect, and the repeal of any such provisions is stayed pending the final resolution of such actions, including appeals.

SECTION 22: EFFECTIVE DATE

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

Dated this 1 day of November, 2018.

VILLAGE OF OCONOMOWOC LAKE



Joe Birbaum, Village President

ATTEST:

Chris Astrella, Village Clerk

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