

ORDINANCE NO. 301

AN ORDINANCE TO REPEAL AND RECREATE SECTION 17.36 ENTITLED "R-1 GENERAL AGRICULTURE/RURAL RESIDENTIAL DISTRICT", SUBSECTION (4) ENTITLED "STRUCTURES, ACCESSORY", SUBSECTION (G) ENTITLED "ACCESSORY STRUCTURE LOCATION" OF THE VILLAGE OF OCONOMOWOC LAKE ZONING ORDINANCE DEALING WITH ACCESSORY STRUCTURES BETWEEN THE MAIN BUILDING AND THE HIGH WATER MARK AND TO CREATE A DEFINITION FOR CHANNELS TO BE INSERTED INTO SECTION 17.10 OF THE VILLAGE OF OCONOMOWOC ZONING CODE

WHEREAS, the Village Plan Commission has considered the issue of allowing accessory structures on lots in the "R-1 GENERAL AGRICULTURE/RURAL RESIDENTIAL DISTRICT" between the main building on the lot and the high-water mark in certain instances; and

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 publication of a class 2 notice per Chapter 985, Wisconsin Statutes once each week for two consecutive weeks prior to the hearing, and such other notice as required by law, the Village Board held a public hearing regarding this Ordinance on December 16, 2019; 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 "STRUCTURES, ACCESSORY", SUBSECTION (G) ENTITLED "ACCESSORY STRUCTURE LOCATION" is hereby repealed and recreated as follows:

(g) Accessory Structure Location.

An accessory structure shall be located only in the area behind the main building as it relates to any high water except accessory structures between the main building and the high water mark of a channel connected to the Oconomowoc Lake if the accessory structure is at least 200 feet from high water mark of Oconomowoc Lake, 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.

Section 2: A definition of Channel is hereby created to be inserted into SECTION 17.10 entitled Definitions as follows:

CHANNEL: A stream of water whether natural or man-made which runs either into or out of Oconomowoc Lake including rivers.

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 2nd day of January, ~~2019~~
2020

VILLAGE OF OCONOMOWOC LAKE



Michael J. Bickler, Sr., Village President

ATTEST:



Katelyn Vaughan, Village Clerk

