

ORDINANCE NO. 316

AN ORDINANCE TO AMEND SECTION 17.35 ENTITLED ESTABLISHMENT, AMEND SECTION 17.22(4)(d)(1) ENTITLED PROPERTY MAINTENANCE, AMEND SECTION 17.42 ENTITLED LOTS WHICH INCLUDE MULTIPLE ZONING DISTRICTS, SUBSECTION (2) ENTITLED MINIMUM LOT SIZES TO BE USED IN COMPUTATION, AMEND SECTION 17.37 ENTITLED R-2 SUBURBAN RESIDENTIAL ZONING DISTRICT, AND CREATE SECTION 17.37 ENTITLED R-2 B SUBURBAN RESIDENTIAL ZONING DISTRICT OF THE VILLAGE OF OCONOMOWOC ZONING CODE

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 September 19, 2022; 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 17.35 entitled ESTABLISHMENT is hereby amended to read as follows:

17.35 ESTABLISHMENT.

(1) DISTRICTS.

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

- (a) R-1 General Agriculture/Rural Residential District
- (b) R-2 A Suburban Residential District
- (c) R-2 B Suburban Residential District
- (c) R-3 Low Density Residential District
- (d) R-4 Low Density Residential District
- (e) B-1 Business District
- (f) I-1 Restricted Industrial District
- (g) U-1 Upland Conservancy Overlay District
- (h) L-1 Lowland Conservancy Overlay District
- (i) G-1 Government District

Section 2: Section 17.22(4)(d)(1) entitled Property Maintenance is hereby amended to read as follows:

1. The requirements of this Section 17.22(4) are only applicable to properties in the Village that are zoned R-1 General Agricultural/Rural Residential District, R-2 A and R-2 B Suburban Residential District, and R-3 Low Density Residential District; and R-4 Low Density Residential District; all other zoning districts are excluded; (R4 effective 1/1/2005)

Section 3: Section 17.42 entitled LOTS WHICH INCLUDE MULTIPLE ZONING DISTRICTS, subsection (2) entitled MINIMUM LOT SIZES TO BE USED IN COMPUTATION is hereby amended to read as follows:

(2) MINIMUM LOT SIZES TO BE USED IN COMPUTATION

ZONING DISTRICT: MINIMUM LOT SIZE:

ZONING DISTRICT	MINIMUM LOT SIZE
L-1 Lowland Conservancy Overlay	5.0 Acres <i>(The fractional value allowed for wetland under the formula in 17.42(1) shall not exceed 0.6 irrespective of the amount of additional wetland which may be included within the lot.)</i>
U-1 Upland Conservancy Overlay	5.0 Acres
R-1	5.0 Acres
R-2 A and R-2 B	2.0 Acres
R-3	1.0 Acres

Section 4: The title to Section 17.37 entitled R-2 SUBURBAN RESIDENTIAL ZONING DISTRICT is hereby amended to read as follows:

SECTION 17.37 R-2 A SUBURBAN RESIDENTIAL ZONING DISTRICT

Section 5: Section 17.375 entitled R-2 B SUBURBAN RESIDENTIAL ZONING DISTRICT is hereby created to read as follows:

17.375 R-2 B SUBURBAN RESIDENTIAL DISTRICT

- (1) PRINCIPAL USE. Single-Family dwelling
- (2) CONDITIONAL USES.  
Those uses permitted in § 17.32(5), subject to the procedures and standards as outlined in §17.50, 17.51, 17.52 and 17.60.
- (3) BUILDING, MAIN.
  - (a) Height. Not to exceed height described in definition of

	“Building Height, Height of Main Building”
(b) Area.	Minimum 2,250 sq. ft.
(c) Street Setback.	Minimum 25 ft.
(d) Offset.	Minimum 20 ft.; Aggregate 50 ft.
(e) Waterfront Setback.	Minimum 75 ft.
(f) Wetland Setback.	Minimum 25 ft.
(g) Building Width	The principal structure width cannot exceed sixty percent (60%) of the lot width when measured at the waterfront if any portion of the principal structure is located within 150 feet from the ordinary high water mark.

(4) STRUCTURE, ACCESSORY

(a) Height.	Maximum 16 ft.
(b) Setback.	Minimum 25 ft.
(c) Offset.	Minimum 15 ft.
(d) Distance to residence on adjoining lot.	Minimum 50 ft.
(e) Waterfront Setback.	Minimum 75 ft.
(f) Wetland Setback.	Minimum 25 ft.
(g) Accessory Structure Location	

No accessory structure can be located between the main building and any highwater mark except as follows:

(For purposes of this code: The front of the main building shall be the side facing the predominant body of water with the order as follows: Oconomowoc Lake, Oconomowoc River and channels connected to the Oconomowoc Lake and/or Oconomowoc River. Behind the main building shall be that area other than the area in front of the main building or on any side of the main building.)

accessory structure(s) behind the main building can be located between the main building and the Oconomowoc Lake or the Oconomowoc River if the accessory structure(s) is/are at least 75 feet back from the highwater mark of the Oconomowoc Lake or the Oconomowoc River, but

accessory structure(s) behind the main building can be located between the main building and a channel connected to the Oconomowoc Lake or the Oconomowoc River if located 75 feet back from the highwater mark of the channel connected to the Oconomowoc Lake or the Oconomowoc River, and

accessory structure(s) are allowed in the side yard between the main building and the highwater mark of a channel connected to the Oconomowoc Lake or Oconomowoc River if the accessory structure(s) is/are at least 200 feet from high water mark of Oconomowoc Lake or Oconomowoc River and at least 75 feet back from the channel connected to the Oconomowoc Lake or the Oconomowoc River, and except the following.

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.

Paths to the Lakeshore.

1. Other than the 1 path, sidewalk and/or stairway and/or any combination of the same allowed under the definition of structure, not more than 1 additional path, sidewalk and/or stairway and/or any combination of the same between the main building and the high-water mark 6 feet in width or less if the same is constructed of permeable materials 50% of which has to be grass, subject to the approval of the Zoning Administrator, issuance of a permit and payment of all applicable fees.
  
2. In addition to the 2 paths, sidewalks and/or stairways and/or any combination of the same allowed by right, additional paths, sidewalks and/or stairways and/or any combination of the same located between the main building and the high-water mark 4 feet in width or less whether permeable or impermeable, are allowed with Plan Commission approval on lots with over 200 feet of water frontage, issuance of a permit and payment of all applicable fees. In determining whether to allow additional paths, sidewalks and/or stairways and/or any combination of the same the Plan Commission is to look to whether:
  - The proposed additional path, sidewalk and/or stairway and/or any combination of the same is not contrary to the public interest; and
  - The property has a special or unique condition; and
  - The proposed additional path, sidewalk and/or stairway and/or any combination of the same is not objectionable from the lake.

- |     |                     |                                |
|-----|---------------------|--------------------------------|
| (5) | LOT                 |                                |
|     | (a) Width.          | Minimum 200 ft.                |
|     | (b) Area.           | Minimum 2 acres.               |
|     | (c) Water Frontage. | Minimum 200 ft.(if applicable) |
|     | (d) Lake Frontage.  | Minimum 200 ft (if applicable) |

Section 6: SEVERABILITY

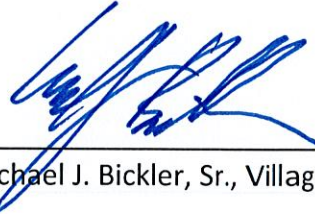
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision 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 7: EFFECTIVE DATE

This Ordinance shall take effect and be enforced from and after its passage and publication as provided by law.

Dated this 20<sup>th</sup> day of September, 2022.

VILLAGE OF OCONOMOWOC LAKE



Michael J. Bickler, Sr., Village President

ATTEST:



Teri Sayles, Village Clerk