

ORDINANCE NO. 318

AN ORDINANCE TO REGULATE SPORT COURTS  
AND TO REPEAL AND RECREATE THE DEFINITION FOR STRUCTURE, ACCESSORY  
TO BE INSERTED INTO SECTION 17.10  
AND TO REPEAL AND RECREATE SECTION 17.375 R-2 B(4)(b) IN THE R-2 B ZONING DISTRICT  
DEALING WITH SPORT COURT LOCATION  
OF THE VILLAGE OF OCONOMOWOC LAKE ZONING CODE

WHEREAS, an issue has arisen as to how to regulate sport courts in the Village of Oconomowoc Lake;

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 October 17, 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Section 1: The definition of STRUCTURE, ACCESSORY in SECTION 17.10 entitled Definitions is hereby repealed and recreated to read as follows:

## STRUCTURE, ACCESSORY

A structure whose use is customarily incidental to the principal permitted use of the lot in the zoning District and located up on the same lot occupied by the principal structure.

Sport courts, whether the intended use is for basketball, pickleball, tennis, volleyball, or other similar sporting activity and whether the surface is permeable or impermeable, are accessory structures and,

Sport courts are not allowed between the main building and the Oconomowoc Lake and/or the Oconomowoc River, and

Sport courts are not allowed to be lit, and

Sport courts shall be only allowed on lots of 2 acres or more, and

Sport courts shall be subject to the landscaping requirements found in zoning code (see section 17.17 for example)

Sport courts shall be required to meet all accessory structure locational requirements including all setback, sideyard and offset requirements except as follows:

Sport courts need only be setback 25 feet from the street as defined by the code in the R-1 Zoning District and need only be setback 15 feet in the R-2 A, R-2 B and R-3 Zoning Districts from the street as defined by the code.

SECTION 2: Section 17.37 of the Village of Oconomowoc Lake Zoning Code entitled, "R-2 B Suburban Residential District," Subsection (4) entitled, "Structure, Accessory," Subsection (b) entitled, "Setback," is hereby repealed and re-created as follows:

(4) STRUCTURE, ACCESSORY

...

(b) Setback for all  
accessory structures  
other than Sport Courts  
Setback for Sport Courts

Minimum 25 ft.  
Minimum 15 ft.

Section 3: SEVERABILITY

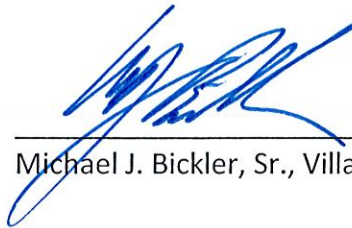
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, 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 17 day of October, 2022.

VILLAGE OF OCONOMOWOC LAKE



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Michael J. Bickler, Sr., Village President

ATTEST:



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Theresa Sayles, Village Clerk