

ORDINANCE NO. 2015-15

ORDINANCE TO REPEAL AND RECREATE SECTION 40.210(4)(b) OF THE R-5 LAKEFRONT OVERLAY DISTRICT REGARDING THE CONSTRUCTION OF BOATHOUSES

The Village Board of the Village of Pewaukee, Waukesha County, Wisconsin, do ordain as follows:

WITNESSETH

WHEREAS, the R-5 Lakefront Overlay District serves as single family residential zoning for lakefront properties and there is a desire to clarify the language regarding the construction of boathouses; and

WHEREAS, the proposed amendment to the Land Development Code was reviewed by the Plan Commission of the Village and was recommended to the Village Board for approval; and

WHEREAS, notice of this proposed Code amendment was given through the publication of a legal notice in the official newspaper for the Village as required pursuant to Article 2 Division 2 of Chapter 40 of the Municipal Code of the Village of Pewaukee as well as Wisconsin Statute Section 62.23(7).

WHEREAS, the matter was the subject of a public hearing held before the Village Board on December 15, 2015.

NOW THEREFORE, the Village Board of the Village of Pewaukee, Waukesha County, Wisconsin, do ordain as follows:

SECTION ONE:

ARTICLE VI DIVISION 7 Subdivision II. R-5 Lakefront Overlay District be repealed and recreated as follows:

Sec. 40.210.4.

Conditional uses.

(b) Construction of a boathouse on property abutting Pewaukee Lake may be allowed subject to the conditions set forth below unless one or more of these conditions has been specifically waived or modified by the Planning Commission, having first determined that relief or digression from such condition(s) in a specific circumstance is warranted, that such waiver or modification is unlikely to result in adverse impacts upon the surrounding properties, neighborhood or the Village as a whole, and that the final plan will uphold the spirit and intent of this Ordinance.

(1) Must be accessory to an existing permitted residential dwelling/use upon the same lot;

(2) Is placed no closer than five feet from the OHWM or base flood elevation and no closer than five feet to a side lot line;

(3) Has no plumbing, kitchen or built-in cooking facilities and is not used, rented or leased for overnight habitation;

(4) Shall be of a design, materials and colors consistent with the principal structure on the site and harmonious with the surrounding area;

(5) Shall be considered in lieu of, not in addition to, the permitted accessory storage structure as would otherwise be allowed under section 40.210.3(1) above;

(6) The maximum combined floor area of all accessory structures upon a lot which includes an approved boathouse shall not exceed 500 square feet;

(7) Shall be constructed upon a permanent foundation extending below the frost line or upon a concrete slab and shall contain not less than 200 square feet in floor area nor more than 400 square feet in floor area;

(8) Shall not increase the permanent impervious surface area coverage of that portion of the parcel that lies within 50 feet of the OHM or base flood elevation to more than 30 percent;

(9) Shall be subject to village engineer review and approval of a plan for erosion control and stormwater management to be implemented prior to the start of any construction or ground disturbance upon the property and maintained in place throughout the construction activity and so long after as deemed necessary by the village engineer in order to mitigate/prevent any adverse impacts upon the Pewaukee Lake and/or neighboring properties;

(10) A site survey and footprint field staking of the proposed boathouse shall be required prior to issuance of a building permit;

(11) Can meet all the regulations set forth herein and in the underlying zoning district.

*Please note: Any request for a conditional use permit must be accompanied by site and architectural plans for review by the plan commission, and in such detail as required by the plan commission in order to make an entirely informed decision as to the suitability and compatibility of the proposed use(s) and structure(s).

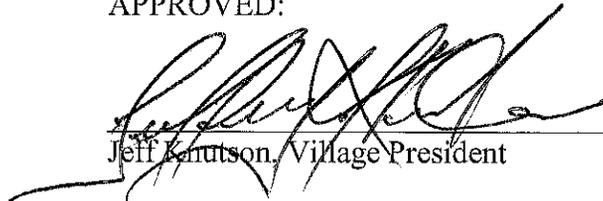
SECTION TWO: All ordinances or parts of ordinances contravening the terms and conditions of this ordinance are hereby to that extent repealed.

SECTION THREE: The several sections of this ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of other portions of the ordinance.

SECTION FOUR: This ordinance shall take effect immediately upon passage and publication as required by law.

Passed and adopted this 15th day of December, 2015, by the Village Board of the Village of Pewaukee.

APPROVED:



Jeff Knutson, Village President

Countersigned:



Chaz Schumacher, Village of Pewaukee Interim Clerk