

Article 1. General Provisions

Sec. 17.0101. Authority1

Sec. 17.0102. Purpose.....1

Sec. 17.0103. Intent1

Sec. 17.0104. Abrogation and Greater Restriction2

Sec. 17.0105. Interpretation.....2

Sec. 17.0106. Severability2

Sec. 17.0107. Warning and Disclaimer of Liability3

Sec. 17.0108. Title3

Sec. 17.0109. Jurisdiction.....3

Sec. 17.0110. Compliance3

Sec. 17.0111. Municipalities and State Agencies Regulated.....3

Sec. 17.0101. Authority

These regulations are adopted under the authority granted by Sections 62.23(7), 62.231, 87.30, and 144.26 of the Wisconsin Statutes.

Sec. 17.0102. Purpose

The purpose of this Chapter is to promote the health, safety, morals, prosperity, aesthetics, and general welfare of City of Oak Creek.

Sec. 17.0103. Intent

It is the general intent of this Chapter to regulate and restrict the use of all structures, lands, and waters, and to:

- (a) Regulate lot coverage and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation, and drainage,
- (b) Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public services and utilities,

- (c) Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of the streets and highways,
- (d) Secure safety from fire, flooding, pollution, contamination, and other dangers,
- (e) Prevent flood damages to persons and property,
- (f) Minimize expenditures for flood relief and flood control projects,
- (g) Further the maintenance of safe and healthful water conditions,
- (h) Protect the traffic-carrying capacity of existing and proposed arterial streets and highways,
- (i) Stabilize and protect existing and potential property values,
- (j) Further the appropriate use of land and conservation of natural resources,
- (k) Preserve and protect the beauty of the community,
- (l) Facilitate the use of solar energy devices and other innovative sustainable development techniques,
- (m) Implement those municipal, county, watershed, and regional comprehensive plans or plan components adopted by the City of Oak Creek,
- (n) Provide for the administration and enforcement of this Chapter and to provide penalties for its violation.

Sec. 17.0104. Abrogation and Greater Restriction

It is not intended by the provisions of this Chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to laws. Except as otherwise provided in this Chapter, wherever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

Sec. 17.0105. Interpretation

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

Sec. 17.0106. Severability

If any section, clause, provision, or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.

Sec. 17.0107. Warning and Disclaimer of Liability

The degree of flood protection provided for by this Chapter is considered reasonable for regulatory purposes and is based on engineering experience and scientific methods of study. On rare occasions, larger floods may occur or the flood height may be increased by man-made or natural causes such as ice jams or bridge openings restricted by debris. Therefore, this Chapter does not imply that areas outside the delineated flood lands or uses permitted within the flood lands will be totally free from flooding and the associated flood damages. Nor shall this Chapter create a liability on the part of, or a cause of action against, the City of Oak Creek or any office or employee thereof for any flood damages that may result from reliance on this Chapter.

Sec. 17.0108. Title

This Chapter shall be known as, referred to, or cited as the “ZONING CHAPTER OF THE MUNICIPAL CODE OF ORDINANCES (ZONING CODE), CITY OF OAK CREEK, MILWAUKEE COUNTY WISCONSIN.”

Sec. 17.0109. Jurisdiction

The jurisdiction of this Chapter shall include all lands and waters within the corporate limits of the City of Oak Creek.

Sec. 17.0110. Compliance

No building, structure, land, or water shall hereafter be used or developed and no building, structure, or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered except in conformity with the regulations herein specified for the district in which it is located; except that in residence districts, a lot of record as of 12/1/64, even though not meeting the requirements of this Chapter as to area and width, may be used for single family residence purposes.

Sec. 17.0111. Municipalities and State Agencies Regulated

Unless specifically exempted by law all cities, villages, towns, counties, school districts, vocational school districts, the Milwaukee Metropolitan Sewerage District, and other public entities are required to comply with this Chapter and obtain all required permits. State agencies are required to comply if Section 13.48(13) of the Wisconsin Statutes applies. The construction, reconstruction, maintenance, and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt from compliance when Section 30.12(4)(a) of the Wisconsin Statutes applies.