

ORDINANCE NO. 265

**AN ORDINANCE TO REPEAL AND RE-CREATE
SECTION 18.14 ENTITLED ALL LAND DIVISIONS REGULATED
WITHIN THE VILLAGE OF OCONOMOWOC LAKE
SUBDIVISION AND PLATTING CODE**

WHEREAS, the Village Board requested that the Village Plan Commission investigate whether or not Chapter 18 of the Village of Oconomowoc Lake Subdivision and Platting Code should be amended to allow for the transfer of lands to or from a legal non-conforming lot of record in limited situations; and

WHEREAS, the Village Plan Commission initiated this amendment to the Village of Oconomowoc Lake Village Subdivision and Platting Code and recommended the same to the Village Board; and

WHEREAS, upon receipt of the Village Plan Commission's recommendation, the Village Board of Trustees held a public hearing on August 20, 2012 after providing all required notice, as set forth in Section 236.45(4), Wis. Stats.; and

WHEREAS, the Village Board for the Village of Oconomowoc Lake finds that the public necessity, convenience, general welfare and good platting practice requires the Village Board to amend, change or supplement the regulations established by the Village of Oconomowoc Lake Subdivision and Platting Code as described herein.

NOW, THEREFORE, the Village Board of the Village of Oconomowoc Lake, Waukesha County, Wisconsin DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 18 of the Village of Oconomowoc Lake Village Code entitled "SUBDIVISION AND PLATTING" Section 18.14 entitled "All Land Divisions Regulated," is hereby repealed and recreated to read as follows:

18.14 ALL LAND DIVISIONS AND LAND TRANSFERS REGULATED.

(1) **ALL LAND DIVISIONS REGULATED.**

No person, firm or corporation shall divide any land located within the corporate limits of the Village of Oconomowoc Lake or within the Extraterritorial Plat Approval Jurisdiction thereof which shall result in a Subdivision or Certified Survey Map as defined herein without complying with the provisions of this Chapter 18 of the Village of Oconomowoc Lake Code.

(2) ATTACHMENT OF LANDS TO AND/OR DETACHMENT OF LANDS FROM A LEGAL NON-CONFORMING LOT OF RECORD.

(A) Conveyance. In the case of legal lot of record which does not conform to the zoning regulations of the Village of Oconomowoc Lake (legal non-conforming lot) which adjoins a legal lot of record which does conform to the zoning regulations of the Village of Oconomowoc Lake (legal conforming lot) or another legal non-conforming lot, no lands may be attached to a legal non-conforming lot (unless all of the resulting lots are in compliance with the Village of Oconomowoc Zoning Code and a certified survey map of all of the lots is approved by the Village of Oconomowoc Lake) and no lands may be detached from a legal non-conforming lot except in conformity with the following:

- 1) Petition for Determination. The owner of any legal lot of record or legal non-conforming lot, as set forth above may, at any time prior to the proposed conveyance of all or portion of said lot, file an application.
- 2) Refer to Village Administrator. Such petition shall be submitted to the Village Administrator who shall prepare a report for the Village Plan Commission for use in making a recommendation to the Village Board. The Village Administrator shall determine whether the proposed conveyance is in compliance with this section and shall comment on the following objective and subjective criteria.
- 3) Refer to Village Plan Commission. Such petition shall be submitted to the Village Plan Commission and the Village Plan Commission shall make a recommendation to the Village Board upon consideration of the following objective and subjective criteria as to whether approval of the proposed conveyance should be granted.
- 4) Village Board Action. The Village Board shall make a final determination after careful consideration of the Village Plan Commissions' recommendation as well as the following objective and subjective

criteria as to whether approval of the proposed conveyance should be granted.

- a. Compatibility. The size, quality, and character of the existing lots and building development in the immediate area with a view toward maintaining compatibility and protecting existing property values as determined in the sole discretion of the Village Board.
- b. Practicality. The economic and engineering practicality of any possible re-division or combination of the lots as determined in the sole discretion of the Village Board.
- c. Building Location. All newly created parcels shall have a building site location, which complies with locational requirements of Village of Oconomowoc Zoning Code.
- d. Public Improvements. All newly created lots must meet the minimum standards for right-of-way access. In making its decision, the Village Board shall look to whether or not the transfer of lands:
 1. enhances ingress and egress to a public or private road or drive; or
 2. eliminates easements,as determined in the sole discretion of the Village Board.
- e. Compliance with Zoning District Regulations. All newly created lots must comply with the zoning district regulations for the district in which the lots are located pursuant to the Village of Oconomowoc Zoning Code to the extent determined necessary by the Village Board.
- f. Value to Village. The proposed conveyance will create a value to the Village as determined in sole discretion of the Village Board.
- g. Conformity. The proposed conveyance will bring

the legal non-conforming lot more into compliance with the Village of Oconomowoc codes as determined in the sole discretion of the Village Board.

- h. Impact. The impact on the lot from which the lands are proposed to be detached will be de minimis as determined in the sole discretion of the Village Board.
- i. Additional Lots. No additional lots may be created under this procedure.
- j. Adjoining Properties. There can be no material negative impact on the subject lots or adjoining properties as determined in the sole discretion of the Village Board. Additional, in making its decision, the Village Board shall look to whether or not the transfer of lands will eliminate or minimize potential conflicts between neighbors as determined in the sole discretion of the Village Board.
- k. Principal Structures. There can be no material negative impact on the principal structures on the subject lots or the adjoining properties as determined in the sole discretion of the Village Board. No such transfer shall create a non-conforming principal structure.
- l. Accessory Structures. There can be no material negative impact on the accessory structures on the subject lots or on any adjoining properties as determined in the sole discretion of the Village Board. No such transfer shall create a non-conforming accessory structure.
- m. Use of the Property. The transfer of lands will not result in the increase use of the subject lots as determined in the sole discretion of the Village Board. The Village Board may require the elimination of any or all legal non-conforming use on either of the subject lots as a condition of approval.
- n. Additional Structures on the Subject Lots. The

transfer of the lands will not result an increase in the number and/or size of structures, which will result in a negative effect on the subject lots or the adjoining properties as determined in the sole discretion of the Village Board.

- o. Intent of Zoning Code. The transfer of lands will meet the spirit of the Village of Oconomowoc Zoning Code and in particular the purpose and intent of the same as set forth in sections 17.02 and 17.03 as determined in the sole discretion of the Village Board.

- 5) The Village Plan Commission shall make its recommendation to the Village Board within a reasonable time after receiving all necessary information and the Village Board shall act within a reasonable time to receipt of the Village Plan Commission's recommendation. The Village Board may impose reasonable conditions upon any approval.

(B) Certified Survey Map Required. Any approval by the Village Board under this section must be accomplished by a Certified Survey Map for the subject lots, which is subject to the approval of the Village Board.

(C) At no time can an existing legal conforming lot be made non-conforming by the transfer of lands between adjoining property owners.

(D) For purposes of this ordinance, for properties to be considered adjoining, the properties must connect at more than a point and may not be separated in any way by right-of-way or navigable water.

SECTION 2: SEVERABILITY.

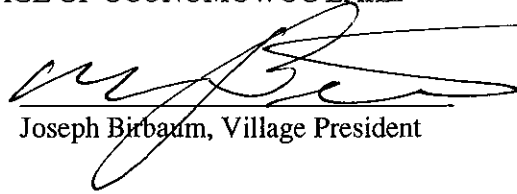
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, 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 ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

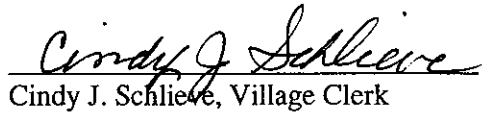
Dated this 20th day of August, 2012.

VILLAGE OF OCONOMOWOC LAKE



Joseph Birbaum, Village President

ATTEST:



Cindy J. Schlieve, Village Clerk

Published and/or posted this 27th day of August, 2012.