

ORDINANCE NO. 319

AN ORDINANCE
TO CLARIFY WHEN LEGAL NON-CONFORMING LOTS OF RECORD CAN BE SUBDIVIDED
BY REPEALING AND RECREATING SECTION 18.05(5)
OF CHAPTER 18 ENTITLED SUBDIVISION AND PLATTING
OF THE VILLAGE OF OCONOMOWOC LAKE MUNICIPAL CODE

WHEREAS, an issue has arisen as to how to whether a legal non-conforming lot of record can be subdivided;

WHEREAS, the Plan Commission has initiated this Code Amendment pursuant to Section 236.46 of the Wisconsin Statutes; and

WHEREAS, the Village Plan Commission recommended adoption of the ordinance and the Village Board has received the recommendation of the Plan Commission; and

WHEREAS, upon November 21, 2022; 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 Municipal 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Section 1: Section 18.05(5) is hereby repealed and recreated to read as follows:

- (5) The Plan Commission and the Village Board of Trustees may not approve any certified survey map creating a lot unless the land in question complies with:
- (a) All applicable zoning ordinance requirements contained in Chapter 17, or the land in question is determined to be a legal nonconforming lot of record under the provisions of Chapter 17,
 - (i) **A legal non-conforming lot once recognized by a certified survey map cannot be subdivided, except as follows:**
 - (a) **A legal non-conforming lot has an approved certified survey map for the entire legal non-conforming parcel in compliance with Chapter 18; and**
 - (b) **No new lake lots or new lake access right can be created and a note must be placed on the Certified Survey Map so stating; and**
 - (c) **The degree of non-conformity that exists after the land division cannot be any greater than the degree of non-conformity existing before the land division;**
 - (d) **There can only be one lot that is legal non-conforming and all other parcels must be in full compliance with Chapter 17 and Chapter 18.**

or

the land in question has been modified pursuant to the procedure set forth in Section 18,14(2), or

the land in question is subject to a legal non-conforming conditional use for the land, or a variance has been approved by the Zoning Board of Appeals pursuant to Subsection 17.61 of the Zoning Ordinance, and

- (b) All Subdivision and Platting Ordinance requirements contained in Chapter 18, or a variance has been approved by the Plan Commission and Village Board of Trustees pursuant to Subsection 18.08 of the Subdivision and Platting Ordinance.

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 21st day of November, 2022.

VILLAGE OF OCONOMOWOC LAKE



Michael J. Bickler, Sr., Village President

ATTEST:



Theresa Sayles, Village Clerk