

*Amended by # 53
77*

Ordinance No. 98

To Regulate the Division and Platting of Land
Within the Jurisdiction of the Village of Oconomowoc Lake

The Village Board of the Village of Oconomowoc Lake
do ordain as follows:

5.01 DECLARATION OF PURPOSE.

The purpose of this ordinance is to promote the public health, safety and general welfare of the community and these regulations are designed to further the orderly layout and use of land; to prevent the overcrowding of land; to lessen congestion in the streets and highways; to provide for adequate light and air; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; to provide for proper ingress and egress; to promote proper monumenting of land subdivided and conveyancing by accurate legal description; to secure safety from fire, panic and other dangers; to avoid undue concentration of population; to facilitate the further resubdivision of larger tracts into smaller parcels of land; to prevent the exploitation, direct or indirect, of lands set aside for the common good as conservancy districts; to prevent flooding; to prevent pollution of streams, lakes and other bodies of water; and to prevent indiscriminate crowding of streams, lakes and other bodies of water. These regulations have been made with reasonable consideration, among other things, of the character of the village as presently constituted and as it may in the future grow with a view of conserving the value of the buildings placed upon the land, providing the best possible environment for human habitation, and for encouraging the most appropriate use of land throughout the village. The approval to be obtained by the subdivider from the Village of Oconomowoc Lake shall be based on requirements designed to accomplish the aforesaid purposes.

5.02 APPLICATION.

A. The provisions of Chapter 236, Wisconsin Statutes

are herewith specifically made applicable to any division of land which shall result in a subdivision as hereinafter defined in the Village of Oconomowoc Lake or within its extraterritorial plat approval jurisdiction as defined in Section 236.02(2) thereof occurring after the adoption and posting of this ordinance insofar as such provisions are not inconsistent with this ordinance.

B. Pursuant to the power delegated by Section 236.45 (2), Wisconsin Statutes, it is the intent of this ordinance, in certain respects, to be more restrictive in its provisions than said Chapter 236.

C. The provisions of this ordinance insofar as such provisions are inconsistent with said Chapter 236, shall not apply to divisions of any lot, parcel or tract of land into less than five parcels or building sites, where such division occurs in any of the following manners:

(a) Transfers of interests in land by will or pursuant to court order;

(b) Leases for a term not to exceed 10 years, mortgages or easements;

(c) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this ordinance or other applicable laws or ordinances.

5.03 DEFINITIONS.

*Repealed - Amended Ord # 73
Oct. 28, 1966*

1. The term "subdivision" as used herein is a division of a lot, parcel or tract of land by the owner thereof or by his agent for the purpose of sale or of a building development, where:

(a) The act of division creates two (2) or more parcels or building sites of any size; or

(b) Two (2) or more parcels or building sites of any size are created by successive divisions within a

~~period of five (5) years.~~

5.04 DELEGATION OF AUTHORITY.

In accordance with Section 236.10(3), Wisconsin Statutes, the authority to approve preliminary or final plats is herewith delegated to the Village Plan Commission of the Village of Oconomowoc Lake, except as to final plats dedicating streets, highways or other lands within the village, as to which the authority to approve is retained by the Village Board.

5.05 PRELIMINARY PLATS.

Unless the Plan Commission of the Village Board shall otherwise provide, before submitting a final plat for approval, the subdivider shall submit a preliminary plat for preliminary approval.

5.06 PUBLIC SITES AND OPEN SPACES.

All subdivision plats must provide by dedication suitable areas for public purposes in the aggregate amounting to at least five per centum (5%) of the total area of every subdivision, or in the alternative as the Plan Commission shall elect, amounting to at least one lot in every fifty or any fraction thereof of the total number of lots comprising the subdivision.

5.07 MINIMUM LOT WIDTH AND AREA.

~~Each lot shall have the minimum average width and area required for its location by the applicable zoning ordinance, and in the event two or more such ordinances are applicable, then the plat shall comply with the most restrictive requirements, provided, in no event shall any lot have an average width of less than one hundred and fifty (150) feet or an area of less than one and one-half (1 1/2) acres.~~

Repealed, amended by Ordinance #53 - 10/28/66 and amended by Ord. 66 12/18/72

5.08 PROHIBITED DIVISIONS.

A. No division of land resulting in a subdivision shall be made within any conservancy district heretofore

established by any authority, state, county or municipal.

B. No division resulting in a subdivision shall be made of land within one-half (1/2) mile of the outermost limits of any conservancy district heretofore established by any authority, state, county, or municipal, by any owner, by the agent of any owner, or by the grantee of any owner who has, within five (5) years prior thereto, altered or caused to be altered the topographical character of such conservancy district or any part of it in any way, as by filling, flooding, draining, grading, daming or the like, which alteration was made with the end in view of subdividing any of the area surrounding such conservancy district.

5.08 VARIANCES.

When, in the judgement of the Plan Commission or of the Village Board, it would be inappropriate to apply literally any provision of this ordinance, it may waive or vary such provision so that substantial justice may be done and the public interest secured.

5.09 PENALTIES AND REMEDIES.

Any person, firm, partnership, corporation or other entity who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than \$25 nor more than \$200 and the costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense. This Section is in addition to and no way limits the availability to the village of the remedies provided by Sections 236.30 and 236.31, Wisconsin Statutes.

5.10 VALIDITY, INTERPRETATION AND EFFECTIVE DATE.

A. Severability. The several sections, subsections, paragraphs and subparagraphs of this ordinance are hereby declared to be severable. If any section, subsection, paragraph or subparagraph of this ordinance shall be finally declared by

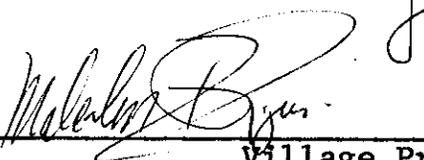
a decision of a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not effect the validity of any other provision of this ordinance.

B. Statutory References. References herein to Sections of the Wisconsin Statutes shall be deemed to include all amendments to or substitutions for such statutory provisions made after the date of adoption of this ordinance.

C. Construction. This ordinance shall be liberally construed in favor of the Village of Oconomowoc Lake and shall not be deemed a limitation or repeal of any requirement or power granted or appearing in Chapter 236, Wisconsin Statutes or elsewhere in such Statutes, relating to the subdivision of land.

D. Effective Date. This ordinance shall take effect and be in full force after its passage and posting.

Passed and adopted by the Village Board of the Village of Oconomowoc Lake upon recommendation of the Village Plan Commission, and after a public hearing hereon held upon due public notice thereof, this 17th day of February, 1960.



Village President

Countersigned:

[VILLAGE SEAL]



Village Clerk

STATE OF WISCONSIN)
)
COUNTY OF WAUKESHA)

SS

AFFIDAVIT OF POSTING
ORDINANCE

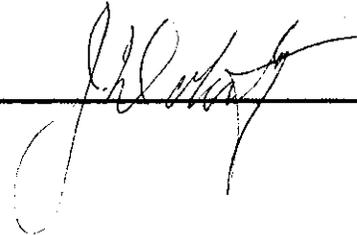
ORDINANCE NO. 8

The undersigned, being first duly sworn, on oath deposes and states that on February 18, 19 60, at the direction of the Clerk of the Village of Oconomowoc Lake, he posted copies of the above ordinance in the following public places in said Village, to-wit:

(1) Opposite the entrance to the Oconomowoc Lake Club on the northern side of the road in front of the Club.

(2) On the west side of the bend on County Trunk Highway "P" at its junction with Lindsay Road.

(3) At the northeast corner of the junction of County Trunk Highway "P" and the private drive leading into the Borisch, Robinson, Morsell, et al. properties.



Subscribed and sworn to before me
this 18th day of February, 1960.

Ruth H. Lindsay
Notary Public, Waukesha County, Wis.
My Commission Expires: Dec. 22, 1963