

ORDINANCE NO. 215

AN ORDINANCE TO CREATE SECTION 18.14 and 18.15 OF  
THE VILLAGE OF OCONOMOWOC LAKE SUBDIVISION AND PLATTING ORDINANCE  
REGARDING COMPLIANCE WITH LAND DIVISION PROCEDURES FOR LAND DIVISIONS  
WITHIN THE EXTRATERRITORIAL PLAT APPROVAL JURISDICTION OF  
THE VILLAGE OF OCONOMOWOC LAKE

WHEREAS, the Village of Oconomowoc Lake has the authority pursuant to Wisconsin §236.45(3) to regulate the division or subdivision of land within the extra territorial plat approval jurisdiction of the Village of Oconomowoc Lake; and

WHEREAS, the Wisconsin Supreme Court recently announced a decision which upheld the City of Madison's denial of an extraterritorial land division for failure to meet the standards described in §16.23(3)(c) of the City of Madison Land Division Ordinance, because the intended use of the land that was being divided outside the City's borders was not in accordance with the uses described in the City's Ordinance (*Wood v. City of Madison*); and

WHEREAS, the Village of Oconomowoc Lake Village Board has submitted this issue to the Village of Oconomowoc Lake Plan Commission, to consider whether the Village of Oconomowoc Lake should regulate the subdivision of land in the Village of Oconomowoc Lake's extraterritorial plat approval jurisdiction in the same manner that the City of Madison regulates the division of land outside its borders as was approved by the Wisconsin Supreme Court; and

WHEREAS, the Village of Oconomowoc Lake Plan Commission has considered the matter and has recommended to the Village of Oconomowoc Lake Village Board that the amendment to the Village of Oconomowoc Lake Subdivision and Platting Ordinance be granted as described herein; and

WHEREAS, upon due notice being provided as described in Wisconsin Statute §236.45(4), the Village of Oconomowoc Lake Village Board held a public hearing in this matter on \_\_\_\_\_, 2003, as required by Wisconsin Statute §236.45(4); and

WHEREAS, upon careful consideration of the recommendation of the Village of Oconomowoc Lake Plan Commission and information received at the public hearing; and upon consideration of the character of the Village of Oconomowoc Lake and surrounding towns in Waukesha County, with a view to conserving the value of building space upon land, providing the best possible environment for human habitation, and for encouraging the most appropriate use of land throughout the Village of Oconomowoc Lake, the

surrounding towns and Waukesha County; the Village of Oconomowoc Lake Village Board hereby finds that the amendment of the ~~Subdivision and Platting Ordinance as described~~ herein is consistent with the Declaration of Purpose of the Subdivision and Platting Ordinance and is consistent with the Village of Oconomowoc Lake Master Plan; and that the amendment will promote the public health, safety, and general welfare of the community, and that the regulations are designed to lessen congestion in the streets and highways; will further the orderly layout and use of land; will secure safety from fire, panic and other dangers; will provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; will prevent the overcrowding of land; will avoid undue concentration of population; will facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; and will facilitate the further resubdivision of larger tracts into smaller parcels of land where appropriate.

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

SECTION 1: Chapter 18 of the Village of Oconomowoc Lake Municipal Code entitled "Subdivision and Platting", Section 18.14 is hereby created as follows:

**18.14 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.

SECTION 2: Village of Oconomowoc Lake Municipal Code Chapter 18 entitled "Subdivision and Platting", Section 18.15 is hereby created as follows:

**18.15 SUBDIVISIONS AND CERTIFIED SURVEY MAPS IN EXTRATERRITORIAL PLAT APPROVAL JURISDICTION.**

The Plan Commission may recommend or approve the division of lands in the extraterritorial plat approval jurisdiction based on the applicable criteria enumerated hereinafter. The Plan Commission shall not consider any subdivision or certified survey map which does not have prior approval by the approving authorities for both the Town(s) and Waukesha County. The Plan Commission may require any conditions in the approval of a subdivision or certified survey map, including the

use of any restrictive covenant.

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1. Criteria for Agricultural Land Division. The Plan Commission may grant approval of a subdivision or certified survey map for portions of agricultural lands provided the Commission shall determine that the proposed land division will assist and assure the continuation of the agricultural use.
  
2. Criteria for Nonagricultural Subdivision or Land Division. In the case of nonagricultural lands, the Plan Commission may recommend approval of a subdivision or certified survey map that complies with each of the following four criteria:
  - a. The proposed subdivision or certified survey map shall be compatible with adjacent land uses and shall maintain the general land use pattern of the area in question.
  
  - b. The proposed subdivision or certified survey map shall result in a development pattern which is compatible with surrounding developments and land uses. Measures of compatibility shall consider lot sizes, traffic generation, access, noise and visual features.
  
  - c. The proposed subdivision or certified survey map and the resulting development shall not demonstrably adversely affect the Village's ability to provide public services, install public improvements or accomplish future annexations. The Plan Commission may consider annexation agreements with the property owner in order to comply with this requirement. The Plan Commission may also consider whether the Village and Town(s) have reached an agreement on necessary public improvements and public services facilities required to serve the development.

SECTION 3: SEVERABILITY.

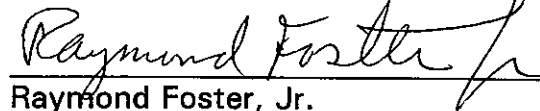
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, 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 ordinances 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 immediately upon passage and posting or publication as provided by law.

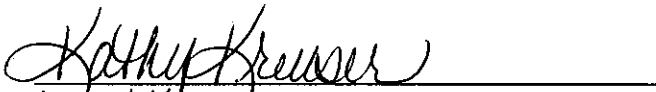
Dated this 19<sup>th</sup> day of January, 2004.

VILLAGE OF OCONOMOWOC LAKE



Raymond Foster, Jr.  
Village President

ATTEST:

  
KATHY KRAUSER  
Village Clerk

Published and/or posted this 2<sup>nd</sup> day of February 2004.  
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STATE OF WISCONSIN )  
 )  
COUNTY OF WAUKESHA )

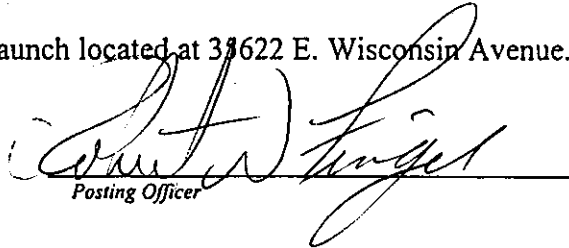
AFFIDAVIT OF POSTING

Ordinance 215

The undersigned, being first duly sworn, on oath deposes and states that on  
February 2, 2004, at the direction of the Clerk of the Village of  
Oconomowoc Lake, he posted copies of the foregoing proceedings of the Village Board  
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) At the entrance to the Village Hall on West Pabst Road;
- (3) At the Village Boat Launch located at 31622 E. Wisconsin Avenue.

  
Posting Officer

Subscribed and sworn to before me

This 2<sup>nd</sup> day of February, 2004

  
Notary Public, Waukesha County, Wisconsin  
My Commission expires: \_\_\_\_\_