

Enrolled 158-59  
~~PROPOSED ORDINANCE 158-61~~

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AMEND PROVISIONS OF THE WAUKESHA COUNTY SHORELAND  
AND FLOODLAND SUBDIVISION CONTROL ORDINANCE

WHEREAS the Waukesha County Board of Supervisors, on June 23, 1970, passed and adopted the Shoreland and Floodland Subdivision Control Ordinance for Waukesha County, Wisconsin, and

WHEREAS said Ordinance contains requirements for the dedication and reservation of lands in order that adequate open spaces and sites for public uses may be properly located and preserved, and arrangements made for their acquisition, and

WHEREAS the code requires that such tracts of land be reserved for a period of three (3) years and if not acquired by a public entity within that time, said tracts of land shall be released for disposal or development by the owner, and

WHEREAS typically property appraisals and purchase offers can be prepared by units of government within eighteen (18) months.

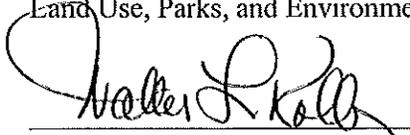
THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the references to three (3) years in Sections 2.4 (B), ( C) and (F) of the Waukesha County Shoreland and Floodland Subdivision Control Ordinance be amended to eighteen (18) months.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

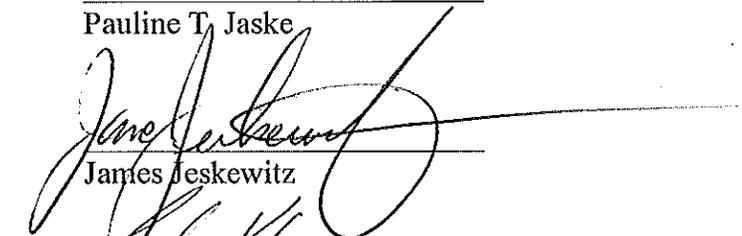
BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of provisions of this Ordinance are hereby repealed.

AMEND PROVISIONS OF THE WAUKESHA COUNTY SHORELAND  
AND FLOODLAND SUBDIVISION CONTROL ORDINANCE

Presented by:  
Land Use, Parks, and Environment Committee

  
Walter L. Kolb, Chair

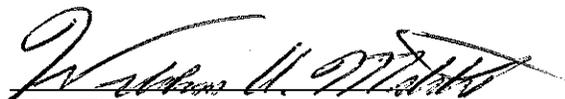
Absent  
Pauline T. Jaske

  
James Jeskewitz

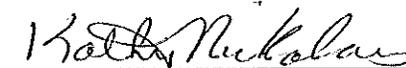
  
Scott J. Klein

  
Daniel Pavelko

  
Vera Stroud

  
~~Matt Thomas~~  
William Mitchell

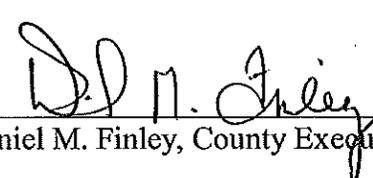
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 9-26-03,   
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: ✓

Vetoed: \_\_\_\_\_

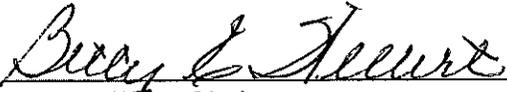
Date: 9-29-03,   
Daniel M. Finley, County Executive

COMMISSION ACTION

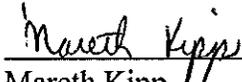
The Waukesha County Park and Planning Commission after giving consideration, for approval to discuss and schedule a public hearing for amendments to the Waukesha County Shoreland and Subdivision Control Ordinance, pertaining to the amount of time allowed for public agencies to acquire lands.

PARK AND PLANNING COMMISSION

May 1, 2003

  
Betty Willfert, Chairperson

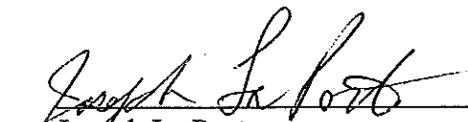
Absent  
Vy Janusonis

  
Mareth Kipp

  
Ellen Gennrich

  
Walter Kolb

  
Walter Baade

  
Joseph La Porte

Supervisor: Refers to the Supervisor of Plat Review of the State of Wisconsin Department of Development.

2.4 Dedication and Reservation

In order that adequate open spaces and sites for public uses may be properly located and preserved as the County develops; and in order that the cost of providing the public school, park and recreation sites and facilities necessary to serve the additional number of people brought into the community by subdivision development may be most equitably apportioned on the basis of the additional need created by such developments the following provisions are established.

- A. The subdivider shall dedicate an amount of land equal to one (1) acre for every fifteen (15) dwelling units being proposed. This land being dedicated and its location shall be subject to acceptance by the County and the Town and shall be in a suitable location to fulfill the need of the community. Lands unsuitable for residential development may be dedicated to fulfill the above obligation only upon acceptance by the Town and the County.
- B. Where a subdivision or minor land division contains land indicated in whole or in part as a site for a public park, school, recreation area or other public use on the Waukesha County Park and Open Space Plan, as adopted by the Waukesha County Board on an official plan of the Commission or any municipality of the County which as been adopted prior to submission of a preliminary plat for approval, said land shall be dedicated to Waukesha County or the municipality in which the land is located in an amount equal to 1 acre of land for every 15 dwelling units. However, where such Official Plans call for a larger tract of land than would be set aside if the above standard were applied, the subdivider, in lieu of dedicating the land (in excess of one (1) acre for every 15 dwelling units) shall reserve said land, for acquisition by Waukesha County, or the municipality in which the land is located, for a period not to exceed three (3) years.
- C. Where a subdivision or minor land division abuts a public use area such as a park, lake, stream, hunting grounds or any similar type of public recreational area, the subdivider at the option of the County or local municipality, shall provide a pedestrian access easement at least 20 feet wide connecting such public area with a public street.

Section 2.4 DEDICATION AND RESERVATION (Continued)

If it is deemed to be in the public interest by the County to reserve additional area for proper development of the public access thoroughfare, the subdivider shall reserve for acquisition by Waukesha County or the municipality in which the land is located a tract of land adjacent to the thoroughfare which in the judgment of the County will adequately serve the public interest. Such tract shall be reserved for a period of ~~three (3) years~~ <sup>18 months</sup> from the date of recordation of the plat or certified survey map and if not acquired within that time it shall be released for disposal by the owner. \*

- D. Where the proposed subdivision or minor land division abuts an existing or proposed State, County or Town road, the subdivider shall be required to dedicate any additional lands abutting the road in accordance with the width as required by the County Established Street and Highway Width Map or any other officially approved plan in effect within the area.
- E. The dedication of land for public purposes, such as rights-of-way, parks, school sites, easements, becomes effective at the time of approval and recording of the Final Plat or Certified Survey Map. The acceptance of the constructed roadway for maintenance purposes shall be by a separate resolution adopted by the municipality in which the plat is located.
- F. On sites reserved for eventual public acquisition no building development is permitted during the period of reservation. The reservation period shall not be longer than ~~three (3) years~~ <sup>eighteen months</sup> unless arranged otherwise with the subdivider. Land so reserved must be shown on the Final Plat or on the Certified Survey Map. \*
- G. Fee in Lieu of Required Dedication: Where the applications of the area standards of Sec. 2.4 (A) would result in an open space or recreation site too small to be usable, or if a comprehensive plan or component thereof calls for such local recreation site to be located elsewhere, or if a suitable local recreation site cannot be properly located in the subdivision as determined by the Town or the County, a payment of a fee in lieu of dedication of such land shall be required as follows:
  - 1. The amount of fee must be equal to the fair market value (as determined by a Certified Appraiser acceptable to both the subdivider and the County or local municipality) of the land that would be set aside if the above standards were applied.

WAUKESHA COUNTY BOARD OF SUPERVISORS *ED 158-59*

V

DATE-09/23/03

(ORD) NUMBER-1580014

- 1 K. HERRO.....AYE
- 3 D. STAMSTA.....AYE
- 5 J. MARCHESE.....AYE
- 7 J. JESKEWITZ.....AYE
- 9 P. HAUKOHL.....NAY
- 11 K. HARENDA.....AYE
- 13 J. MORRIS.....AYE
- 15 D. SWAN.....
- 17 J. BEHREND.....AYE
- 19 W. MITCHELL.....AYE
- 21 W. KOLB.....AYE
- 23 P. PRONOLD.....AYE
- 25 K. CUMMINGS.....NAY
- 27 D. PAULSON.....NAY
- 29 M. THOMAS.....AYE
- 31 V. STROUD.....AYE
- 33 D. PAVELKO.....AYE
- 35 C. SEITZ.....AYE

- 2 R. THELEN.....NAY
- 4 H. CARLSON.....AYE
- 6 D. BROESCH.....AYE
- 8 J. DWYER.....AYE
- 10 S. WOLFF.....AYE
- 12 J. GRIFFIN.....
- 14 J. LA PORTE.....AYE
- 16 R. MANKE.....AYE
- 18 B. MORRIS.....
- 20 M. KIPP.....AYE
- 22 G. BRUCE.....AYE
- 24 A. SILVA.....AYE
- 26 S. KLEIN.....AYE
- 28 P. JASKE.....AYE
- 30 K. NILSON.....AYE
- 32 P. GUNDRUM.....
- 34 R. SINGERT.....AYE

TOTAL AYES-27

TOTAL NAYS-04

CARRIED X

DEFEATED \_\_\_\_\_

UNANIMOUS \_\_\_\_\_

TOTAL VOTES-31