

Chapter 29

Official Map Ordinance

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29.1 PURPOSE

An Official Map is hereby declared and established to serve and promote the public health, safety, convenience, economy, orderliness, and general welfare of the Village of Amherst; to enhance the orderly layout and use of land; to locate and fix real property boundary lines; to ensure proper legal descriptions and proper monumenting of land; to facilitate adequate provision for transportation, parks, playgrounds, sewerage; and to facilitate the subdivision of larger tracts of land into smaller tracts and parcels.

Effective: 11-13-82

29.2 CONTENT OF OFFICIAL MAP

A. Existing Facilities: The Official Map shall portray all existing streets, highways, parkways, parks, playgrounds, railroad rights-of-way, and public transit facilities, including as to each its location, direction and dimensions.

B. New Facilities: The Official Map shall also portray all new, relocated, widened, or closed streets, highways, parkways, parks, playgrounds, railroad rights-of-way, and public transit facilities, including as to each its location, direction and dimensions.

C. Planned Facilities: The Official Map shall also portray all streets, highways, parkways, parks, playgrounds, railroad rights-of-way, and public transit facilities planned or in progress of construction, and any planned widening, extension, or closing of same, including as to each its location, direction, and dimensions.

D. Subdivision Plat Approval Jurisdiction: The Official Map shall also portray all existing, altered, and planned facilities within the subdivision plat approval jurisdiction of the Village as provided in Sec. 236.10(1)(b) Stats.

E. Extraterritorial Jurisdiction: The Official Map shall also portray all existing, altered, and planned facilities within the extraterritorial planning and zoning jurisdiction of the Village as provided in Sections 61.35, 62.23(2), 62.23(7a), 66.052, and 146.10 Stats.

F. Conclusiveness: The Official Map, as amended from time to time, is conclusive with respect to the location and width of streets, highways, parkways, parks, playgrounds, railroad rights-of-way, and public transit facilities.

Effective: 11-13-82

29.3 AMENDMENTS

A. Village Board May Amend. The Village Board may amend the Official Map of the Village so as to establish the exterior lines of planned new streets, highways, parkways, parks, playgrounds, railroad rights-of-way, and public transit facilities, or to widen, narrow, extend, or close any such facilities so existing.

B. Plan Commission. Before amending the Map, the Village Board shall refer the matter to the Village Plan Commission for report, to be returned within sixty (60) days. If within such sixty (60) days, such report is not forthcoming, the Village Board may act without further reference to the Plan Commission.

C. Public Hearing. No amendment to the Official Map shall become effective until after a public hearing concerning the proposed change before the Village Board or a committee appointed by the Village Board from its members, at which parties and interested citizens shall have an opportunity to be heard. Notice of the public hearing shall be published as a Class 2 notice under Chapter 95 Stats.

D. Conclusive Upon Adoption. When adopted, amendments become a part of the Official Map of the Village, and are conclusive with respect to the location, relocation, directions, and dimensions of such facilities.

E. Amendment Not Construed as Opening, Establishment, or Taking. The placing of any street, highway, or other facility on the Official Map does not constitute the opening or establishment of any street, parkway, railroad right-of-way, public transit facility, park or playground, or the taking or acceptance of any land for these purposes.

F. De Facto Amendment. The locating, relocating, widening or closing of any such facility, or the approval of such locating, relocating, widening or closing by the Village under provisions of law other than this Ordinance shall be deemed to amend the Official Map, and are subject to this Ordinance, except that changes or additions made by a subdivision plat approved by the Village under Chapter 236 do not require the public hearing specified in 29.3 C., if the changes or additions do not affect any land outside the platted area.

29.4 PROHIBITIONS

A. Municipal Improvements. No public sewer or other municipal street utility or improvement shall be constructed in any street, highway, or parkway until such street, highway or parkway is duly placed on the Official Map.

B. Building Construction. No permit for the erection of any building, or for the repair or reconstruction of a building for which a permit is required, shall be issued unless a street, highway, or parkway giving access to such proposed structure has been placed on the Official Map.

C. Other Conflicts with Map. No permit may be issued for any building in the bed of any street, highway, railroad right-of-way, public transit facility, parkway, park, or playground facility shown or laid out on the Map except as otherwise provided in this Ordinance.

Effective: 11-13-82

29.5 APPEALS

A. Board of Zoning Appeals. The Board of Zoning Appeals shall have the non-exclusive jurisdiction to hear and review any administrative decision by the Village Building Inspector to deny the permit for the erection of a structure under this Ordinance and to grant relief from the requirements from the Ordinance under the provisions of Sec. 62.23(6)(d),(s)(g) Stats. Except as expressly prohibited by statute, the Village Board shall have concurrent jurisdiction, and at its option such jurisdiction shall be preemptive.

B. Permits, Conditions. If land within a mapped street, highway, railroad right-of-way, public transit facility or parkway is not yielding a fair return, the Board of Appeals may, by the vote of a majority of its members, grant a permit for a building in the path of such street, highway, railroad right-of-way, public transit facility, or parkway, which will as little as practicable increase the cost of opening a street, highway, railroad right-of-way, transit facility, or parkway or tend to cause a change of the Official Map. The Board of Appeals may impose reasonable requirements as a condition of granting the permit to promote the health, convenience, safety, and general welfare of the community. The Board shall refuse the permit where the applicant will not be substantially damaged by placing the building outside the mapped street, highway, railroad right-of-way, public transit facility, or parkway.

C. Required Public Hearing. Before taking any action authorized by this Ordinance, the Board of Appeals shall hold a hearing at which parties in interest and others shall have an opportunity to be heard. At least fifteen (15) days before the hearing, notice of the time and place of the hearing shall be published as a Class 1 notice under Chapter

95 Stats. Any such decision shall be subject to review by certiorari issued by a court of record in the same manner and pursuant to the same provisions as in appeals from the decisions of a Board of Appeals upon zoning regulations.

D. Hardship. Where enforcement of the provisions of this Ordinance would entail practical difficulty or unnecessary hardship, and where the circumstances of the case do not require the structure to be related to existing or proposed streets, highways, or parkways, the applicant for such a permit may appeal from the decision of the administrative officer having charge of the issue or permits of the Board of Appeals, and the same provisions are applied to such appeals and to such Boards as are provided in cases of appeals on zoning regulations. The Board may in passing on such appeal make any reasonable exception and issue the permit subject of conditions that will protect any future street, highway, or parkway layout. Any such decision shall be subject to review by certiorari issued by a court of record in the same manner and pursuant to the same provisions as in appeals from the decision of such Board upon zoning regulations.

Effective: 11-13-82

29.6 ENFORCEMENT

It shall be the duty of the Village Building Inspector, with further assistance as may be necessary from the Village Board and its designees, to enforce the provisions of this Ordinance.

Effective: 11-13-82

29.7 CERTIFIED COPY OF MAP

There shall be a certified copy of the Official Map kept at all times in the office of the Village Clerk, which shall be available for inspection by any interested person during regular office hours. The certified copy shall bear on its face a certification that it is a true copy of the Official Map described in and accompanying this Ordinance and shall show the date of adoption of this Ordinance and shall be signed by the Village President and countersigned by the Village Clerk. Thereafter, no change or addition to such Official Map shall become effective until it shall have been indicated by the appropriate convention on the aforesaid certified copy of the Official Map and a certificate placed thereon or attached thereto bearing the number and date of adoption of the amending ordinance. The certificate shall be signed by the Village President and countersigned by the Village Clerk.

Effective: 11-13-82

29.8 REGISTRATION REGISTER OF DEEDS

The Village Clerk shall immediately file, with the Register of Deeds for Portage County, a certificate stating that the Village of Amherst has established an Official Map, a certified copy of which is available for inspection at the office of the Village Clerk. In addition, at the option of the Village Board, the Village Clerk shall file for recording a certified copy of the Official Map, as amended, with the Register of Deeds.

Effective: 11-13-82

29.9 SEVERABILITY AND REPEAL

If any section or part of the Ordinance is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby. All other ordinances or parts of ordinances of the Village of Amherst inconsistent with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

Effective: 11-13-82

29.10 EFFECTIVE DATE

This ordinance shall become effective after adoption by the Village Board and publication or posting as provided by law.

Effective: 11-13-82