

## TITLE 14

### Land Division Regulations

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
Chapter 1	Minor Land Divisions	2004-03 (recod) 2006-02	6/15/04 01/17/06
Chapter 2	Drainage, Development and Construction	2004-03 (recod)	6/15/04
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## CHAPTER 1

### Minor Land Divisions

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
14-1-1	Purpose; INTENT	2018-04	06/04/18
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#### SEC. 14-1-1 PURPOSE; INTENT.

- (a) **In General.** The general purpose of this Chapter is to promote the public health, safety and general welfare of the community. The regulations authorized to be made are desired to lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic and other danger; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; to facilitate the further resubdivision of larger tracts into smaller parcels of land. The regulations provided in this Chapter have been made with reasonable consideration, among other things, of the character of the Village with a view to conserve the value of the buildings, providing the best possible environment for human habitation, and encouraging the most appropriate use of land throughout the Village.

- (b) **Specific Purposes.** This Ordinance is adopted for the following purposes:
- (1) To guide the future growth and development of the community in accordance with the Village's adopted comprehensive plan, as amended from time-to-time.
  - (2) To protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to existing vegetation, and manage primary and secondary environmental corridors.
  - (3) To ensure that appropriate conservation lands will be identified, protected and restored during the development design process to meet future community needs for storm water management, floodwater storage, and ground water recharge.
  - (4) To provide for a diversity of lot sizes, housing choices and building densities to accommodate a variety of age and income groups.
  - (5) To allow housing to be concentrated on portions of a parcel in order to protect, preserve and restore environmentally-sensitive areas or agriculture-productive areas on other portions of the parcel.
  - (6) To preserve scenic views by minimizing visibility of new development from existing roads.
  - (7) To provide buffering between residential development and non-residential uses.
  - (8) To preserve significant archaeological sites, historic buildings and their settings.
  - (9) To allow the flexibility of utilizing Minor Land Divisions for the development of nonresidential parcels.

#### SEC. 14-1-2 DEFINITIONS.

- (a) **Applicant.** A person or entity making a Minor Land Division.
- (b) **Building Envelopes.** Areas within which primary structures will be located.
- (c) **Certified Survey Map.** A survey map, showing a Minor Land Division, conforming to the provisions of Sec. 236.34, Wis. Stats., the Village's Code of Ordinances, and prepared by a Land Surveyor registered in the State of Wisconsin.
- (d) **Flag Lot.** A lot with access to the public right-of-way only by a narrow strip of land providing access to the public right-of-way and the bulk of the lot containing no frontage on the public right-of-way. A parcel of land shaped like a flag is generally not considered to conform to sound planning principles.
- (e) **Floodplains.** Those lands, including the floodplains, floodways, and channels, subject to inundation by the 100-year recurrence interval flood or, where such data are not available, the maximum flood of record.
- (f) **Lot Averaging.** A design technique for Minor Land Divisions whereby the area of a lot may be reduced below the Village's minimum area requirement, provided that the area by which it is reduced is added to another lot being created by the Minor Land Division, and where the lots subject to the lot averaging plan are restricted from further Minor Land Divisions or Subdivisions.
- (g) **Minor Land Division.**
  - (1) For parcels not zoned commercial, industrial or mixed-use, a division of land by the owner resulting in the creation of not more than 4 parcels or building sites, any one of which is 35 acres in size or less, or the division of a block, lot or outlot within a recorded subdivision plat into not more than 4 parcels or building sites without

- changing the exterior boundaries of said block, lot or outlot. The remnant parcel, if any, shall count as one of the parcels or building sites created by said division; and
- (2) For parcels zoned commercial, industrial or mixed use parcels, a division of land by the owner resulting in the creation of not more than 10 parcels or building sites, or the division of a block, lot or outlot within a recorded subdivision plat into not more than 10 parcels or building sites without changing the exterior boundaries of said block, lot or outlot. The remnant parcel, if any, shall count as one of the parcels or building sites created by said division.
- (h) **Parent Parcel.** The existing parcel of record, as of the effective date of this Ordinance.
- (i) **Preliminary Certified Survey Map.** A concept plan for the proposed Minor Land Division including the future development plan for the abutting properties, if the properties are also owned or controlled by the Applicant, including approximate street, driveway and building locations. If the properties are not owned by the Applicant, the concept plan shall show the existing street, driveway and building locations on the abutting properties.
- (j) **Primary Environmental Corridor.** A concentration of significant natural resources at least 400 acres in area, at least two miles in length, and at least 200 feet in width, as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission. **Other.** Other terms shall be as defined in Sec. 236.02, Wis. Stats.
- (k) **Protective Areas.** Those areas abutting a lake, pond, wetland, river or stream as classified and within the distances specified under NR 151.12(5)(d) of the Wisconsin Administrative Code.
- (l) **Road, Street or Highway.** A public right-of-way for pedestrian and vehicular traffic whether designated as a street, highway, thoroughfare, road, avenue, boulevard, lane, place or other designation.
- (m) **Secondary Environmental Corridor.** A concentration of significant natural resources at least 100 acres in area and at least one mile in length. Where such areas serve to link primary environmental corridors, no minimum area or length criteria apply. Secondary Environmental Corridors are delineated and mapped by the Southeastern Wisconsin Regional Planning Commission.
- (n) **Woodlands.** Upland areas at least one acre in extent covered by deciduous or coniferous trees as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission.

### SEC. 14-1-3 JURISDICTION AND APPLICATION OF CHAPTER.

- (a) No Minor Land Division within the Village shall be recorded, or any street laid out, or any improvements made to the land; or any building permits issued without complying with
- (1) The provisions of this Chapter.
  - (2) Sec. 236.34, Wis. Stats.
  - (3) The rules, ordinances, and procedures of the Village of Caledonia, including but not limited to Titles 16 and 18 of the Code of Ordinances.
  - (4) The rules and regulations of county, state and federal agencies with jurisdiction over such matters.
- (b) This Chapter shall apply to Minor Land Divisions which create condominiums as defined in and subject to, Ch. 703, Wis. Stats.

- (c) The Village Board shall not approve any Minor Land Division which is unsuitable for development due to flooding or bad drainage, adverse earth or rock formation or topography, inadequate or unsafe water supply, or other feature likely to be harmful to the health, safety or welfare of the residents and occupants of the proposed Minor Land Division or of the community or any portion thereof.
- (d) The provisions of this Chapter shall not apply to:
  - (1) Leases for a term not to exceed 10 years, mortgages or easements.
  - (2) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not created and the resulting lots are not reduced below the minimum sizes required by Ch. 236, Wis. Stats., or other applicable laws or ordinances.
  - (3) Cemetery plats as provided in Sec. 157.07, Wis. Stats.
  - (4) Assessor's plats as provided in Sec. 70.27 and 236.03(2), Wis. Stats.
- (e) Land divisions that do not require a Certified Survey Map pursuant to this Chapter must still be submitted and reviewed by the Village's Public Works Director to ensure compliance with this Chapter, and Titles 14, 16 and 18 under the Village's Municipal Code.

**SEC. 14-1-4 COMPLIANCE.**

Failure to comply with the requirements of this Chapter, may, at the option of the Village Board or purchaser, invalidate purported transfers of titles of land, in accordance with provisions of Ch. 236, Wis. Stats.

**SEC. 14-1-5 APPLICATION PROCEDURE AND APPROVAL PROCESS.**

- (a) **Pre-application Conference.** Prior to the filing of an application for the approval of a Certified Survey Map, the Applicant shall meet and consult to obtain assistance in planning with the Village Utility Director, the Public Works Director and the Village Zoning Administrator to obtain information concerning this Ordinance, the Village Zoning Code, the Village Comprehensive Plan, as amended from time-to-time, and the Official Map.
- (b) **Initial Application.**
  - (1) **Contents.** After the Pre-application Conference, the Applicant shall submit an executed pre-development agreement pursuant to this Section, the deposit, the checklist for Certified Survey Maps and the Preliminary Certified Survey Map to the Department of Public Works for review. As a condition of further review of the Preliminary Certified Survey Map, the Applicant shall and hereby does grant permission for Village officials, employees and agents to enter upon the subject property in furtherance of their official duties.
  - (2) **Evidence of Ownership or Authority; Report of Title.** The Applicant, if not the owner of record, shall submit a letter of agency from the owner of record granting permission to make the application on behalf of the owner. The Village Public Works Director may require the Applicant to submit a report of title from a title company acceptable to the Village showing current ownership of the property

- proposed to be divided and all encumbrances shall be detailed on the Certified Survey Map when submitted if required by the Village Public Works Director
- (3) **Waiver.** The Village Public Works Director may waive the Preliminary Certified Survey Map and require the submission of the Final Certified Survey Map for a residential Minor Land Division and follow a combined process for the initial application and the requirements for the Final Certified Survey Map under this Chapter.
- (4) **Development Plan.** Any Minor Land Division proposed for a parcel zoned commercial, industrial or mixed-use shall submit a development plan for the whole of the Parcel to be divided including lot layout with a preliminary storm water management plan pursuant to Section 9-2-10 of the Village’s Code of Ordinances for the whole parcel with a refinement of the subarea to be divided now.
- (5) **Pre-Development Agreement.**
- a. The Applicant and Village shall enter into a pre-development agreement requiring the Applicant to reimburse the Village all reasonable costs for engineering, planning, consulting, legal and administrative expenses incurred by the Village in:
    1. processing, reviewing, revising, and acting upon any conceptual, preliminary or final development plans, including Certified Survey Maps; and
    2. processing, reviewing, revising, drafting and approving any agreements, easements, deed restrictions or other documents associated with the proposed certified survey map.

Such costs shall include the costs of the Village’s own staff, engineers, consultants, attorneys, inspectors, agents, sub-contractors and employees. The cost for Village employees’ time shall be based upon the classification of the employee and the rates established by the Village Board, from time to time, for each such classification.
  - b. At the time of the submission or review of a conceptual plan or Preliminary Certified Survey Map with the signed Pre-Development Agreement, the Applicant shall deposit with the Village Treasurer the amount of the deposit set by Resolution of the Village Board from time-to-time. The amount of the deposit may vary depending on whether the proposed Minor Land Division is zoned commercial, industrial or mixed-use. The Village shall apply such funds toward payment of the above costs. If at any time said deposit becomes insufficient to pay expenses incurred by the Village for the above costs, the Applicant shall deposit required additional amounts within fifteen (15) days of written demand by the Village Public Works Director. Until the required funds are received, no additional work or review will be performed by the Village as to the development plan under consideration. The Village may also reject any pending Certified Survey Map for non-payment of the costs under this section. Within 60 days after final approval of the Certified Survey Map, and execution of any documents by all parties, or upon abandonment of the Certified Survey Map and prior to final approval, (including abandonment due to rejection by any reviewing agency), the Village shall furnish the Applicant with a statement of all such

costs incurred by it with respect to such Certified Survey Map. Any excess funds shall be remitted to Applicant, and any costs in excess of such deposit shall be paid by the Applicant. Any interest earned on said deposit shall remain the property of the Village to partially offset administrative expenses associated with planning and development.

- (6) **Inventory.** The Department of Public Works may require the Applicant to submit at the time of the Initial Application a complete inventory of items listed under Section 14-1-5(d)(1)(d) through (i) as an attachment to the Preliminary Certified Survey Map.
- (7) **Mail List; Notice.** The Applicant shall prepare a list of all parcels within Three Hundred (300) feet of the proposed Minor Land Division, envelopes and copies of necessary information, including the certified survey map, in form and in such content as determined by the Village Public Works Director complete with postage affixed. These items shall be delivered to the Village Public Works Director at the time of submittal of the initial application. Notice of the meeting shall be sent by regular U.S. mail by the Village Public Works Director to land owners within 300 feet of the Parcel at least seven days in advance of the meeting at which the initial application and Preliminary Certified Survey Map shall be considered by the Plan Commission. If the Preliminary Certified Survey Map is waived, then the notice shall be provided for the meeting at which the Final Certified Survey Map shall be considered by the Plan Commission. The cost of such notice shall be borne by Applicant.
- (8) **Copies.** The Applicant or Applicant's agent shall file with the Department of Public Works 25 8½" x 14" copies of the Certified Survey Map, along with an application for review and approval of a Certified Survey Map by the Village Plan Commission. One complete copy of the entire submittal shall be emailed to the Village Public Works Director as a pdf document.
- (9) **Referral.** Administrative staff and utility commission reviews. The Department of Public Works shall provide copies of the Certified Survey Map to Village department heads and to the appropriate utilities for their review and comment. The Village staff and utility comments will be forwarded to the Village Plan Commission and Village Board for consideration during the review process. Staff from appropriate County and State agencies may be requested by the Village to review the application and Applicant shall be liable for costs for any reviews.
- (10) **Engineering Review.** The Department of Public Works shall make the determination of whether the initial application is complete within 15 days following the filing of an initial application.
- (11) **Optional Site Visit.** The Department of Public Works may also schedule a visit to the site with the Applicant to review the existing features of the site and the proposed Certified Survey Map.
- (12) **Engineer Report.** Within 15 days following the complete initial application, the Department of Public Works shall provide a written report informing the Applicant of any additions, changes, or corrections to the Preliminary Certified Survey Map submitted as part of the initial application and may schedule a meeting with the Applicant.

- (13) **Public Informational Meeting.** The Public Works Director has discretion to require the Applicant to hold a public informational meeting prior to the Plan Commission meeting. If such a meeting is held, then notice of such meeting shall be provided as set forth in Subsection (7) above and held prior to the Plan Commission Review under Subsection (14) below.
  - (14) **Plan Commission Review.** The initial application and Preliminary Certified Survey Map shall be submitted to the Plan Commission for review and action along with the written report from the Department of Public Works, unless the Village Public Works Director waives the Preliminary Certified Survey Map and in such case the Final Certified Survey Map shall be reviewed and acted upon in accordance with Sec. 14-1-5(c) below. The Village Clerk shall give notice of the Plan Commission’s review of the Preliminary Certified Survey Map by listing it as an agenda item in the Plan Commission’s meeting notice. The notice shall include the name of the applicant, the address of the property in question, and the requested action. The public shall have an opportunity to speak as to the certified survey map at the Plan Commission meeting.
  - (15) **Exception to Requirement of Plan Commission Review of Final Certified Survey Maps.** The Plan Commission, upon the recommendation of the Village Public Works Director, may permit the Applicant to file the Final Certified Survey Map for Village Board consideration, without first submitting the Final Certified Survey Map to the Plan Commission. In such a case, notice to surrounding property owners of the Village Board’s consideration of the Final Certified Survey Map must be given in accordance with the procedures set forth in section 14-1-5(b)(7).
- (c) **General Requirements for Final Certified Survey Map.**
- (1) The Final Certified Survey Map shall comply with the provisions of Sec. 236.34, Wis. Stats., and shall describe the entire lands involved in the process of division, as well as all lands owned or controlled by the Applicant that are contiguous to the land to be divided.
  - (2) If any lots in the Certified Survey Map are not served by municipal sanitary sewer, soil and site evaluations shall be submitted for approval to the County Code Administration Office and/or the Department of Commerce according to the procedure and standards established under the applicable rules of Wis. Adm. Code, Comm. 83.
  - (3) Where the Applicant owns or controls land that is contiguous to the land being divided, a conceptual development plan shall be submitted along with the proposed Final Certified Survey Map. The plan shall be drawn to scale, and shall identify proposed future development of the parcels, including approximate street, driveway and building locations.
- (d) **Detailed Requirements for a Certified Survey Map.**
- (1) The Final Certified Survey Map shall correctly show on its face, in addition to the information required by Sec. 236.34, Wis. Stats. the following:
    - a. Date of the map.
    - b. Graphic scale, location map and north point.
    - c. Name and address of the owner, Applicant and surveyor.

- d. All existing buildings, drainage ditches, water courses and existing and required easements.
  - e. Names of adjoining streets, highways, parks, cemeteries, subdivisions, ponds, streams, lakes, flowages and delineated wetlands.
  - f. The zoning setback lines required by Village Ordinances and list zoning of the property.
  - g. Soil boring locations on sites to be served with an on-site waste disposal system.
  - h. All lands reserved for future public acquisition or dedication.
  - i. Significant natural resource features on the site, including: wetlands, floodplains, watercourses, shoreland boundaries, existing wooded areas, slopes of 12% or greater, drainage ways, rare, threatened and endangered species, all environmental corridors as mapped by the Southeastern Wisconsin Regional Planning Commission (“SEWRPC”) and Racine County, and other natural resource features, views and other prominent visual features, including for buffers are required in Sec. 9-2-10(h)(4)(f) of the Village’s Code of Ordinances and NR151.121(5)(d), Wis. Adm. Code.
- (e) **Final Certified Survey Map Review and Approval Procedures.** Following review and comment of the Department of Public Works on the initial application and Preliminary Certified Survey Map, the Applicant shall file with the Department of Public Works 25 8 ½” x 14” copies of the proposed Final Certified Survey Map, along with an application for review and approval of a Certified Survey Map by the Village Plan Commission. One complete copy of the entire submittal shall be emailed to the Village Public Works Director as a pdf document.
- (1) **Referral.** The Department of Public Works shall provide copies of the Certified Survey Map to Village department heads and to the appropriate Village utilities, State agencies and Racine County, if required, for their review and comment. The Village staff and other comments will be forwarded to the Village Plan Commission and Village Board for consideration during the review process.
  - (2) **Village Plan Commission Review.** The Village Clerk shall give notice of the Plan Commission’s review of the Final Certified Survey Map by listing it as an agenda item in the Plan Commission’s meeting notice. The notice shall include the name of the applicant, the address of the property in question, and the requested action. If the property owners within 300 feet received written notice of the Preliminary Certified Survey Map, then such notice is not required for the Final Certified Survey Map review. If such notice was not sent, then the Applicant shall prepare such notice under Sec. 14-1-5(b)(7).
  - (3) **Plan Commission Recommendation.** After review of the Final Certified Survey Map and discussions with the Applicant on changes and the type and extent of public improvements that will be required, if any, the Plan Commission shall recommend to the Village Board disapproval, approval, or conditional approval of the Final Certified Survey Map within 45 days of the filing date of the proposed Final Certified Survey Map.
  - (4) **Board Action.** After receipt of the Village Plan Commission’s recommendation, the Village Board shall, within 90 days of the date the proposed Final Certified Survey Map was filed with the Department of Public Works, approve, approve



conditionally, or reject such Certified Survey Map and shall state, in writing, conditions of approval or reasons for rejection. Unless the time is extended by agreement with the Applicant, failure of the Village Board to act within 90 days, or extension thereof, shall constitute an approval of the proposed Final Certified Survey Map. The Village Public Works Director shall communicate to the Applicant the action of the Village Board. If the Final Certified Survey Map is approved, the Board shall endorse it after it meets any and all conditions of approval. The Certified Survey Map shall be recorded with the Register of Deeds office for Racine County within twelve (12) months after Final Village Board approval and within thirty-six (36) months after the first approval of the map. Applicant shall not record any certified survey map that was approved by the Village if the recording is beyond the required timeframes in this Section.

- (5) In addition, a land division fee, in the amount set by Resolution of the Village Board from time-to-time, per parcel created shall be paid by the Applicant to the Village upon approval of the Certified Survey Map.
- (f) **Public Improvements; Storm Water Improvements.** In the event public improvements are required for the Certified Survey Map, plans, computations and specifications which conform to the provisions of Title 18 and Sec. 9-2-10 of the Village’s Code of Ordinances shall be submitted to the Village Public Works Director at the time of submission of the Preliminary Certified Survey Map. Said plans must be approved by the Village Public Works Director before Village Board approval of the Final Certified Survey Map. Prior to, or as a condition of, Village Board approval of the Certified Survey Map, the Applicant shall enter into a Development Agreement pursuant to applicable provision of Section 14-3-3(g), securities, fees and guarantees shall be provided, and the deposit of required fees, as provided in Sections 14-1-5(b), 14-1-5(e)(5), 9-2-10(l) of the Village Ordinances (the “Development Agreement”). In cases where public lands or rights-of-way are reserved or dedicated for future construction of public improvements, the Applicant shall enter into an agreement with the Village concerning future costs and liability prior to, or as a condition of, Final Certified Survey Map approval. In the event that the plans for the public improvements result in minor revisions to the Final Certified Survey Map, the Director of Public Works shall have authority to approve such minor revisions prior to recording of the Final Certified Survey Map. In the case of Minor Land Divisions involving public improvements, the applicant shall be responsible for all legal, administrative and engineering costs associated with the review of improvement plans and for drafting any necessary agreements and for the construction inspection and field layout work necessary during the construction of such improvements as provided in Title 18 of the Village’s Code of Ordinances.
- (g) **Lots.**
- (1) The size, shape and orientation of lots shall be appropriate for the location of the land division and for the type of development and use contemplated. The lots shall be designed to provide an aesthetically pleasing building site, and a proper architectural setting for the buildings contemplated.
- a. **Shape.** Lots shall be approximately rectangular, with the exception of lots located on a curved street or on a cul-de-sac.
  - b. **Flag Lots.** Flag Lots shall not be approved unless a waiver is granted by the Plan Commission under this subsection. The Plan Commission may allow a

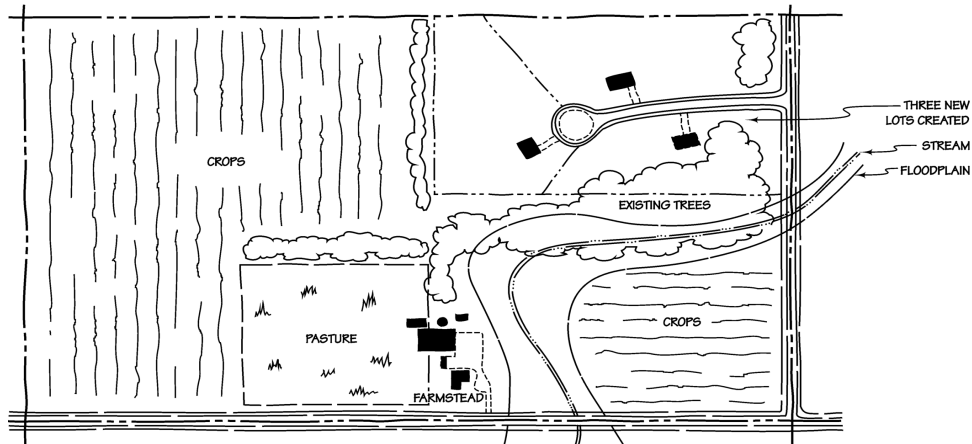
Flag Lot under the following circumstances:

- i. The parent lot is irregular in shape;
  - ii. The parent lot is already a Flag Lot;
  - iii. The parent lot contains encumbrances such as wetlands, floodplain or environmental corridors;
  - iv. Allowing of the Flag Lot would eliminate a landlocked parcel;
  - v. The parent lot is located outside of the water and sanitary sewer service area; and
  - vi. Other abnormal circumstances specific to the parcel as recommended by the Public Works Director.
- (2) Every lot shall front or abut on a public street and obtain access by such public street or other officially approved means of access.
- (3) Except as otherwise provided in this section, lot dimensions shall conform to the minimum requirements of this ordinance, the Village’s Zoning Code, as amended from time to time, the Village’s Land Use Plan and any applicable statutes and regulations, provided that:
- a. Unless a lot is created by lot averaging under Sec. 14-1-5(h), all lots not served by public sanitary sewer and located outside the approved sanitary sewer service area shall have an area of not less than five acres, exclusive of areas dedicated for public rights-of-way, and at least 150’ of frontage on a public street that extends into the depth of the lot at the setback line. A lot on a cul-de-sac must satisfy the front footage requirements on the right-of-way or at the setback line.
  - b. The ratio of the entire length of the side of a residential lot to the frontage on the public street or at the setback line, whichever is greater, of the lot shall not be greater than 2.5:1 unless waived by the Plan Commission. Long lots normally cannot be divided without exceeding the 2.5:1 ratio. The Public Works Director may recommend allowing an exceedance by waiver of the 2.5:1 ratio based on surrounding lots, availability of utilities and/or to eliminate a land locked parcel.
- (4) Side lots lines, where practical, shall be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.
- (5) Protective Areas shall be subject to the setback and vegetative buffer requirements set forth in section 14-3-4(c)(2)d.
- (6) All lots shall comply with the sewer and water service requirements under subsection 14-3-4(c)(6).
- (h) **Lot Averaging.**
- (1) **Intent.** The intent of this subsection is to employ ecological planning principles in the design and construction in dividing land; to preserve the rural character of the Village through the permanent preservation of meaningful open space and sensitive natural resources, including those areas identified in the Village’s resource inventory maps; to protect environmentally sensitive areas and biological diversity, minimize disturbance to existing vegetation, and manage primary and secondary environmental corridors; to ensure that appropriate conservation lands will be

identified, protected and restored during the development design process to meet future community needs for storm water management, floodwater storage, and ground water recharge; to provide for a diversity of lot sizes, housing choices and building densities; to allow housing to be concentrated on portions of a parcel in order to protect, preserve and restore environmentally-sensitive areas or agriculture-productive areas on other portions of the parcel; to preserve scenic views by minimizing visibility of new development from existing roads; to provide buffering between residential development and non-residential uses;

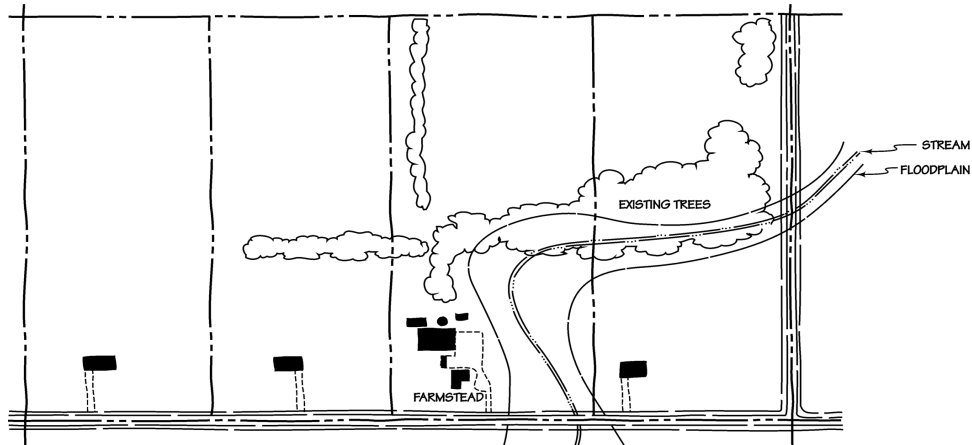
- (2) **Purpose.** The purpose of this subsection is to provide an alternative design technique for Minor Land Divisions through the use of Lot Averaging where the purposes set forth in section 14-1-1 are furthered. The use of Lot Averaging shall be permitted at the discretion of the Village Board, subject to the provisions set forth below.
- (3) **Lot Area.** When using Lot Averaging, the area of a lot may be reduced below the five (5) acre minimum, provided that the area by which it is reduced is added to another lot being created by the Minor Land Division. The area of a lot shall not be reduced to less than forty thousand (40,000) square feet, excluding any public rights-of-way.
- (4) **Restrictions.** Each lot or portion of a lot that is part of a lot averaging plan shall be permanently restricted from any further Minor Land Division or Subdivision by deed restriction or other agreement in a form acceptable to the Village Board and duly recorded in the Racine County Register of Deeds Office.
- (5) **Examples.** Figures A and B below provide examples of application of lot averaging in a Certified Survey Map:

COMPARISON OF MINOR LAND DIVISIONS USING LOT AVERAGING AND CONVENTIONAL DESIGNS



A. Lot Averaging Design

Note: Farmland remains in private ownership but is deed-restricted to prevent further subdivision.



B. Conventional Design

Source: SEWRPC.

(i) **Residential Dwelling Siting Standards.**

- (1) Residential dwellings shall be located to minimize negative impacts on the natural, scenic and cultural resources of the site and conflicts between incompatible uses.
- (2) Residential dwellings shall avoid encroaching on rare plant communities, high quality sites, or endangered species identified by the Department of Natural Resources.
- (3) If any common space is planned, Common Open Space shall connect, whenever possible, with existing or potential Common Open Space lands on adjoining parcels and local or regional recreational trails.
- (4) Residential dwellings should be sited to achieve the following goals, to the extent practicable.
  - a. Minimize impacts to prime farmland soils and large tracts of land in agricultural use, and avoid interference with normal agricultural practices.

- b. Minimize disturbance to woodlands, wetlands, grasslands, primary or secondary environmental corridors, mature trees or other significant native vegetation.
  - c. Prevent downstream impacts due to runoff through adequate on-site storm water management practices.
  - d. Protect scenic views of open land from adjacent roads. Visual impact should be minimized through use of landscaping or other features.
  - e. Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.
- (5) Landscaping around the proposed residential dwellings may be required to Buffer and reduce off site views of residences.
- (j) **Street Access.** The provisions of Sec. 14-3-4(c)(5) are incorporated herein and made applicable to Minor Land Divisions.
- (k) **Modification or Waivers.** The provisions of Sec. 14-3-1(k) are incorporated herein and made applicable to Minor Land Divisions.

**SEC. 14-1-6 PENALTIES.**

- (a) Any person, firm or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction, forfeit not less than \$100 nor more than \$500 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 for not more than 6 months or until full payment is made. Each day a violation exists or continues to exist shall constitute a separate offense. The Village may institute appropriate action or proceedings to enjoin violations of this Ordinance
- (b) The Caledonia Village Board, or its agent, shall have the power to institute appropriate action for injunctive relief to prevent a person, firm or corporation from acting in violation of the provisions of this ordinance.