

KENOSHA COUNTY LAND DIVISION ORDINANCE

BEING

CHAPTER 14 OF THE MUNICIPAL CODE OF KENOSHA COUNTY



ORIGINAL ADOPTION DATE

September 21, 1971

REVISION DATE

Includes amendments adopted through September 19, 2017

NOTE: The Kenosha County Land Division Ordinance may be amended by Kenosha County Board of Supervisors at any time. Please contact the County Zoning Administrator to verify zoning regulations in effect on your property.

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SECTION I. INTRODUCTION

14.01-1 TITLE

This Ordinance shall be known as the "LAND DIVISION ORDINANCE, KENOSHA COUNTY, WISCONSIN" and is referred to as the "Ordinance" in this Chapter.

14.01-2 AUTHORITY

The regulations of this Ordinance are adopted under the authority granted by Sections 59.692, 236.45, 281.31, and 703.115 of the Wisconsin Statutes.

14.01-3 PURPOSE

The purpose of this Ordinance is to regulate and control the division of land within the unincorporated areas of Kenosha County in order to promote and protect the public health, safety, morals, prosperity, aesthetics and general welfare of the County.

14.01-4 INTENT

It is the general intent of this Ordinance to regulate the division of land so as to:

- (a) **Promote the Wise Use**, conservation, protection, and proper development of the County's soil, water, wetland, woodland, and wildlife resources, and to achieve a balanced relationship between land use and development to the supporting and sustaining natural resource base;
- (b) **Lessen Congestion** in the streets and highways;
- (c) **Provide Proper Ingress** to and egress from development sites;
- (d) **Further the Orderly Layout** and appropriate use of land;
- (e) **Avoid the Harmful Effects** of premature division or development of land;
- (f) **Secure Safety and Resiliency** from disastrous storms, fire, flooding water pollution, disease, and other hazards to help minimize expenditures for disaster relief and mitigation projects;
- (g) **Provide Adequate Light**, air, and water;
- (h) **Prevent the Overcrowding** of land;
- (i) **Facilitate Adequate Provision** for housing, transportation, bicycling, pedestrian/recreation ways, water, sewerage, stormwater management, schools, parks, playgrounds, and other public facilities and services;
- (j) **Further the Sustainability** of the County and local communities by accommodating green development and infrastructure;
- (k) **Prevent and Control Erosion**, sedimentation, and other pollution of surface and subsurface waters;
- (l) **Preserve Natural Vegetation** and cover to the extent practicable, and promote the natural beauty of the County and towns;

- (m) **Preserve the Distinct Character** of hamlets, urban neighborhoods, or rural agricultural areas, as appropriate;
- (n) **Restrict Building Sites** on areas covered by poor soils or in other areas poorly suited for development;
- (o) **Facilitate the Further Division** of larger tracts into smaller parcels of land in accordance with adopted comprehensive plans;
- (p) **Ensure Adequate Legal Description** and proper survey monumentation of divided land;
- (q) **Provide for the Administration** and enforcement of this Ordinance;
- (r) **Provide Penalties** for its violation; and
- (s) **Implement those Municipal**, county, watershed, or regional comprehensive plans or their components adopted by the County and towns and facilitate enforcement of County and town development standards as set forth in adopted regional, County and town comprehensive plans, adopted plan components, the County zoning ordinance, town building codes and land division ordinances, the County bicycle plan and highway access management plans adopted by Kenosha County, and the and the highway width map prepared by Kenosha County Division of Highways.

14.01-5 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions and such restrictions do not contravene rights under law, the provisions of this Ordinance shall govern, except that this Ordinance may not modify in a more restrictive way time limits, deadlines, notice requirements, or other provisions of Chapter 236 of the Wisconsin Statutes that provide protections for a subdivider in accordance with Section 236.45(2)(ac).

14.01-6 INTERPRETATION

The provisions of this Ordinance shall be interpreted to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

14.01-7 SEVERABILITY AND NON-LIABILITY

- (a) **Severability.** If any section, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- (b) **Non-Liability.** The County does not guarantee, warrant, or represent that only those areas designated as floodplains on plats and certified survey maps will be subject to periodic inundation and that those soils listed as being unsuited for specific uses are the only unsuited soils within the County and thereby asserts that there is no liability on the part of the County Board, its agencies or agents, or employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with, this Ordinance.

14.01-8 REPEAL

All other ordinances or parts of ordinances of the County inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

14.01-9 EFFECTIVE DATE

This Ordinance and amendments thereto shall be effective after a public hearing, adoption by the County Board of Supervisors, and publication or posting as required by law.

SECTION II. GENERAL PROVISIONS

14.02-1 JURISDICTION

Jurisdiction of these regulations shall include all unincorporated lands and waters within Kenosha County, Wisconsin.

14.02-2 APPLICABILITY

All proposed land divisions, except those exempted in accordance with Sections 14.02-2(d) and (e), shall be subject to the affected town and County review and approval in which the town and County shall approve, approve with conditions and/or deed restrictions, or reject proposed plats and certified survey maps.

- (a) **Subdivision.** Any division of land within the unincorporated areas of the County that results in a subdivision as defined in Section XI shall be, and any other division of land may be, surveyed and a plat of such division approved and recorded pursuant to the provisions of Section V of this Ordinance and Chapter 236 of the Wisconsin Statutes.
- (b) **Minor Land Division.** Any division of land within the unincorporated areas of the County that results in a minor land division as defined in Section XI shall be surveyed, and a certified survey map of such division approved and recorded as required by Section VI of this Ordinance and Chapter 236 of the Statutes.
- (c) **Condominiums.** Any development within the unincorporated areas of the County that creates a condominium as defined in Section XI shall be surveyed and a condominium plat thereof approved and recorded pursuant to the provisions of Section 14.03-10 of this Ordinance and Chapter 703 of the Statutes. Any condominium that creates a new lot, parcel, or outlot shall also comply with the requirements of Chapter 236 of the Statutes and the requirements of this Ordinance as applicable to land divisions. It is the express intent of this Ordinance to regulate condominiums having one or more principal structures on any parcel or lot, except condominium conversions in existing structures where no additional units are being developed, provided such conversions comply with Chapter 703 of the Statutes. In no case shall the maximum number of units in a condominium exceed the maximum number of residential lots or dwelling units the same parcel or lot could have accommodated under the County zoning ordinance if the parcel or lot had been conventionally divided or developed.
- (d) **The Provisions of this Ordinance,** as it applies to divisions of tracts of land into less than 5 parcels or lots, shall not apply to:
 1. Transfer of interest in land by will or pursuant to court order.
 2. Leases for a term not to exceed 10 years, mortgages, or easements.
 3. Sale or exchange of parcels of land between owners of adjoining property, subject to County review and approval for compliance with the standards in this Ordinance and County zoning requirements, if additional lots are not thereby created and the lots resulting are not reduced below the minimum size required by these regulations, the County zoning ordinance, or other applicable laws or ordinances.

(e) **All of the Following Specific Uses** and activities are exempted from this Ordinance:

1. Cemetery plats made under Section 157.07 of the Wisconsin Statutes.
2. Assessors' plats made under Section 70.27 of the Statutes; however, assessors' plats shall comply with Sections 236.151(1)(a) to (g), and 236.20(1) and (2)(a) to (e) of the Statutes, unless waived under Section 236.20(2)(L).
3. Public transportation project plats made under Section 84.095 of the Statutes.
4. Sale or exchange of parcels of public utilities or railway rights-of-way to adjoining property owners if the town board and the County zoning committee approve such sale or exchange on the basis of applicable local and County ordinances or the provisions of Chapter 236 of the Statutes.

14.02-3 COMPLIANCE

No person, firm, or corporation shall divide any land, unless specifically exempted under the Ordinance, located within the jurisdictional limits of these regulations and which results in a subdivision, minor land division, condominium, or replat as defined herein; no such subdivision, minor land division, condominium, or replat shall be entitled to recording; and no street shall be laid out or improvements made to land without compliance with all requirements of this Ordinance and the following:

- (a) **Provisions of Chapters 236** of the Wisconsin Statutes for proposed land divisions.
- (b) **Provisions of Chapter 703** of the Statutes for proposed condominiums.
- (c) **All Applicable Local and County Regulations**, including zoning, land division, erosion and stormwater management, sanitary, building, and official mapping ordinances.
- (d) **Comprehensive Plans** or plan components adopted by the County or town boards.
- (e) **Rules of the Wisconsin Department of Safety and Professional Services** regulating lot size and lot elevation for proper sanitary conditions if any lot or unit is not served by a public sewer and provisions for such service have not been made.
- (f) **Rules of Wisconsin Department of Transportation** and the Kenosha County Division of Highways relating to provision for the safety of entrance upon and departure from County and State trunk highways or connecting highways or streets and for the preservation of the public interest and investment in such highway systems if the land owned or controlled by the subdivider abuts on a County or State trunk highway or connecting highway or street.
- (g) **Rules of the Wisconsin Department of Natural Resources** setting water quality standards preventing and abating pollution and regulating development within floodplain, wetland, and shoreland areas.
- (h) **Rules of the U.S. Army Corps of Engineers** and U.S. Environmental Protection Agency.
- (i) **All Other** applicable ordinances and State and Federal regulations.

14.02-4 LAND SUITABILITY

Lands shall not be divided that are determined to be unsuitable for such use by the County zoning committee or town board for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, or any other feature likely to be harmful to the health, safety, or welfare of the future residents or occupants of the proposed land division, or the County or town, or poses an imminent harm to the environment. In addition:

(a) **Floodplains.**

1. Lots served by public sanitary sewerage facilities shall contain at least the minimum required lot area, as specified in the County zoning district regulations, outside of the 1 percent annual probability (100-year recurrence interval) flood as identified by the Federal Emergency Management Agency (FEMA) and be contiguous to lands outside of the floodplain limits. Where such data is not available, the floodplain elevation shall be determined by a professional engineer or professional land surveyor and the sealed documents be reviewed and approved by the County engineer.
2. Lots served by a private onsite wastewater treatment system (POWTS) shall contain at least 40,000 square feet of land outside of the 1 percent annual probability flood as identified by FEMA and be contiguous to land outside of the floodplain limits. Where such data is not available, the floodplain elevation shall be determined by a professional engineer or professional land surveyor and the sealed documents be reviewed and approved by the County engineer.
3. Undeveloped lands that access or would access existing streets located within the 1 percent annual probability floodplain may not be subdivided for residential, commercial, manufacturing, or institutional uses unless an alternative access is provided to streets located outside of such floodplain or meet the provisions of Section 14.07-4(j) of this Ordinance or the floodplain provisions in the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance.

- (b) **Lands Altered or Filled** shall not be divided into building sites which are to be served by POWTS except where soil tests performed by a certified soil tester clearly show that the soils are suited to such use. Soil reports shall include, but need not be limited to, an evaluation of soil permeability, depth to bedrock, soil compaction and depth to groundwater or seasonal water table determined by using redoximorphic features or other methods approved by the governing agencies having jurisdiction. To accomplish this purpose, a minimum of one test per acre shall be made initially where in situ soils or altered sites dictate such frequency. The town or County does not guarantee, warrant, or represent that the required samples represent conditions on an entire property and thereby asserts that there is no liability on the part of the town or County board, its agencies, agents, or employees for sanitary problems or structural damages that may occur as a result of reliance upon such tests.

The POWTS evaluation requirements specified herein shall be followed and any additional relevant requirements specified in Chapter 15, "Kenosha County Sanitary Code and Private Sewage System Ordinance," of the County municipal code.

- (c) **A Soil and Site Evaluation** shall be required, or an evaluation as determined by the POWTS regulatory staff (i.e. County Sanitarian), for any lands proposed to be divided that contain an existing POWTS installed before July 1, 1980, and/or is intended to continue operation in

order to establish and designate a replacement area for a future POWTS, other than or except a holding tank. The evaluation report shall include a soil test at or near the existing POWTS.

Such existing POWTS, including holding tanks, that will continue to serve an existing structure and is a part of or a remnant parcel of a subdivision plat or certified survey map shall be evaluated by a Wisconsin licensed master or master restricted service plumber or POWTS inspector to document compliance with the requirements of Chapter SPS 383 of the Wisconsin Administrative Code. The evaluator shall provide to the POWTS regulatory staff a written report regarding its compliance. Any POWTS found not to be in compliance with Chapter 383 or other sections or chapters of the Wisconsin Administrative Code governing POWTS shall be in violation of Chapter 15 of the County municipal code and must have a Sanitary Permit issued for a replacement POWTS prior to or at the time of application submittal to the County for a land division approval. The County will issue orders and require the owner/subdivider to enter into an installation agreement with the County as part of the land division application. The owner/subdivider must install the permitted replacement POWTS within one (1) year from the date of Sanitary Permit issuance. The use of holding tanks to serve proposed land divisions for new residential development is prohibited in accordance with the provisions in Chapter 15 of the County municipal code.

- (d) **Lands Having a Slope** of 12 percent or more may be required by the County zoning committee or town board to be maintained in natural open uses. Lots shall have at least its minimum required lot area or 20,000 square feet, whichever is less, in slopes of less than 20 percent. Proposed POWTS area shall have slopes of 25 percent or less and, if the absorption area for POWTS contains slopes exceeding 18 percent, there shall be sufficient available area for both a primary and replacement POWTS absorption area. Where in situ soils exist and land slope reduction or modification (i.e. shaping, grading, cutting, filling, or other alteration from existing conditions) is proposed in the POWTS area, a soil test (morphological evaluation) shall be conducted to determine that sufficient suitable in situ soils remain for a proposed inground or subsurface POWTS system. The proposed use of pretreatment devices for POWTS shall not be allowed as an alternative or used in lieu of meeting the in situ soil standards stated in this Ordinance. The slope and altered area shall provide sufficient topography alteration to prevent surface or subsurface water ponding which may adversely affect the POWTS performance. Surface designed POWTS may be prohibited on such described soils.
- (e) **Lands Having Bedrock** within 7 feet of the natural undisturbed surface shall not be divided into building sites to be served by POWTS, unless the sites are compliant with standards set forth in Chapter 15 of the County municipal code, Chapters SPS 383, 384, and 385 of the Wisconsin Administrative Code, and the Wisconsin Department of Safety and Professional Services (SPS) most recent edition of POWTS design component manuals. The minimum depth of suitable soil over bedrock must comply with the specifications set forth in Table 383.44-3 of Chapter SPS 383, or any amendments or replacements thereto. The depth of soil required over bedrock will be dependent on soil texture, soil structure, and the quality of the influent entering the proposed soil dispersal area. The land division layout shall permit the infiltrative surfaces of dispersal cells to be located at least 36 inches above bedrock.
- (f) **Lands Having Permanent Groundwater and/or Seasonal Water Table** (as determined by redoximorphic features or other approved methodology) within 7 feet of the natural undisturbed surface shall not be divided into building sites to be served by POWTS unless the sites are compliant with standards set forth in Chapter 15 of the County municipal code, Chapters SPS 383, 384, and 385 of the Wisconsin Administrative Code, and the SPS most

recent edition of POWTS design component manuals. The minimum depth of unsaturated soil above seasonal groundwater must comply with the specifications set forth in Table 383.44-3 of Chapter SPS 383, or any amendments or replacements thereto. The land division layout shall permit the infiltrative surfaces of dispersal cells to be located at least 36 inches above the highest groundwater elevation as estimated utilizing soil redoximorphic features. At least 6 of the 36 inches of soil separation required shall be comprised of an in situ (original or natural glaciated form) soil type for which soil treatment capability is credited under the aforementioned Table. Seasonal soil saturation shall be assumed to reach the ground surface where redoximorphic features are present within 4 inches of the bottom of the "A" horizon. Soils meeting this "A + 4" criteria shall contain at least in situ soil formed in place, as described above, and at least 4 inches of unmottled soil of a "B", "E", or "C" soil characteristic horizon directly below the in situ "A" horizon or non-redoximorphic features.

- (g) **Land Covered by Soils Having Coarse Textures** such as sand, coarse sand, loamy sand, and loamy coarse sand with more than 35 percent coarse fragment content shall have "described" soils of 5 or more feet below proposed POWTS elevation. The described soils shall not contain limiting characteristics other than coarse fragment quantity to be deemed acceptable for POWTS. When at surface POWTS are proposed on the aforementioned soils and soil conditions, the in situ surface soils must remain unaltered to preserve site suitability for accommodating a POWTS. A percolation rate slower than 120 minutes per inch or a soil load rate of less than 0.20 gallons per square foot per day shall not be divided into building sites to be served by POWTS unless compliance with Chapter 15 of the County municipal code, Chapters SPS 383, 384, and 385 of the Wisconsin Administrative Code, and the SPS most recent edition of POWTS design component manuals can be demonstrated. The use of pretreatment devices in a POWTS design to make a proposed land division site suitable for POWTS in lieu of the site meeting the abovementioned soil standards shall be prohibited.
- (h) **Lands Drained** by farm drainage tile or farm ditch systems shall not be divided into building sites to be served by POWTS unless compliance with Chapter 15 of the County municipal code, Chapters SPS 383, 384, and 385 of the Wisconsin Administrative Code, and the SPS most recent edition of POWTS design component manuals can be demonstrated.
- (i) **The County Zoning Committee** or town board, in applying the provisions of this Section, shall in writing recite the particular facts upon which it based its conclusion that the land is not suitable for a proposed use and afford the subdivider an opportunity to present evidence in rebuttal to such finding of unsuitability if he so desires. Thereafter, the Committee or town board may affirm, modify, or withdraw its determination of unsuitability.

14.02-5 DEDICATION, RESERVATION, AND PROTECTION OF LANDS

- (a) **Streets, Highways, and Drainageways.** Whenever a land division encompasses all or any part of a street, highway, drainageway, other public way or public access to navigable lakes, rivers, or streams, which has been designated in the adopted County or town comprehensive plans or adopted plan components or on the highway width map of Kenosha County, said public way shall be made a part of the plat or certified survey map and dedicated or reserved, as determined by the County or town, by the subdivider in the locations and dimensions indicated on said plans or map and as set forth in Section VII of this Ordinance.
- (b) **Park and School Sites.** Park, playground, and school sites shall be dedicated or reserved in accordance with Section 14.07-11.

- (c) **Protection of Open Space.** Whenever land to be divided encompasses all or any part of open space lands, as defined in Section XI, such open space land shall be protected. Acceptable means of protection shall include, but not be limited to, the following:
1. Reservation or dedication to the town, County, or State.
 2. Donation to a nonprofit conservation organization.
 3. Conservation easement.
 4. Deed restriction or restrictive covenant. Common open space to be permanently preserved shall be protected by providing a deed restriction or restrictive covenant that prohibits any land division or development of said open space, except limited recreational amenities as approved by the agency or organization having jurisdiction.

14.02-6 HOMEOWNER AND CONDOMINIUM ASSOCIATIONS

Common areas or facilities within a land division or condominium shall be held in common ownership as undivided proportionate interests by the members of a homeowners or condominium association, subject to the provisions set forth herein. The homeowners or condominium association shall be governed according to the following:

- (a) **The Subdivider** shall provide the town and County with a description of the homeowners or condominium association, including its bylaws, and all documents governing maintenance requirements and use restrictions for common areas and facilities. These documents shall be subject to review by the town and County.
- (b) **The Association** shall be established by the owner or applicant and shall be operating prior to the sale of any lots or units in the subdivision or condominium.
- (c) **Membership** in the association shall be mandatory for all purchasers of lots therein and their successors and assigns.
- (d) **The Association** shall be responsible for maintenance and insurance of common areas and facilities.
- (e) **A Land Stewardship Plan** for any common open space to be retained in a natural state shall be included in the submittal of association documents.
- (f) **The Members** of the association shall share equitably the costs of maintaining, insuring, and operating common areas and facilities.
- (g) **The Association** shall have or hire adequate staff to administer, maintain, and operate common areas and facilities.
- (h) **The Subdivider** shall arrange with the town assessor a method of assessment of any common areas and facilities, which will allocate to each lot or unit within the subdivision or condominium a share of the total assessment for such common areas and facilities.
- (i) **The Town or County** may require that it receive written notice of any proposed transfer of common areas or facilities by the association or the assumption of maintenance of

common areas or facilities. Such notice shall be given to all members of the association and to the town and County at least 30 days prior to such transfer.

- (j) **In the Event** that the association established to own and maintain common areas and facilities, or any successor organization thereto, fails to properly maintain all or any portion of the aforesaid common areas or facilities, the town or County may serve written notice upon such association setting forth the manner in which the association has failed to maintain the aforesaid common areas and facilities. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the association, or any successor association, shall be considered in violation of this Ordinance, in which case the town or County shall have the right to enter the premises and take the needed corrective actions. The costs of corrective actions by the town shall be assessed against the properties that have the right of enjoyment of the common areas and facilities.

14.02-7 IMPROVEMENTS

Before approval of any final plat or, where applicable, certified survey map located within the unincorporated areas of the County, the subdivider shall install street, utility and other public improvements as hereinafter required, provided the town board concurs with and requires said improvements. In the alternative, if such improvements are not installed as required by the time that the final plat or certified survey map is submitted for approval, the subdivider shall, before recording of the final plat or certified survey map, enter into a development agreement with the town, which may include required County improvements, agreeing to install the required improvements, and shall file with said agreement a bond or letter of credit with good and sufficient surety meeting the approval of the town attorney or a certified check in an amount equal to the estimated cost of the improvements. Said estimate shall be made by the town and, if applicable, the County engineer as a guarantee that such improvements will be completed by the subdivider or his or her subcontractors not later than the dates set forth in the development agreement and as a further guarantee that all obligations to subcontractors for work on the development are satisfied. In addition:

- (a) **Contracts** and contract specifications for construction of street and utility improvements within public street rights-of-way, as well as contractors and subcontractors providing such work, shall be subject to the approval of the town board.
- (b) **Governmental Units** to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this Section.
- (c) **Survey Monuments.** Before final approval of any plat or certified survey map, the subdivider shall cause survey monuments to be installed in accordance with the requirements of Section 236.15 of the Wisconsin Statutes and as may be required by the town board. The town board may waive the placing of monuments, required under Section 236.15(1)(h), for a reasonable time, not to exceed one year, on the condition that the subdivider provide a letter of credit, certified check, or surety bond equal to the estimated cost of installing the monuments to ensure the placing of such monuments within the time required by Statute. Additional time may be granted upon show of cause.

14.02-8 DEVELOPMENT AGREEMENT

Before or as a condition of receiving final approval from the town and County of any final plat or certified survey map for which public improvements are required by this Ordinance; or for which public improvements, dedications, or fees are being deferred under this Ordinance; or for which phasing approval is being granted under Section 14-09.2 of this Ordinance, the subdivider shall sign and file with the town board a development agreement. The development agreement shall be approved as to form by the town attorney at the subdivider's expense and shall be subject to approval by the town board prior to approval of the final plat or certified survey map.

14.02-9 EXCEPTIONS AND MODIFICATIONS

Where, in the judgment of the County zoning committee or town board, it would be inappropriate to apply literally the provisions of Sections VII and VIII of this Ordinance because exceptional or undue hardship would result, the County zoning committee or town board may waive or modify any requirement to the extent deemed just and proper. Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Ordinance or the desirable general development of the County in accordance with adopted County or town comprehensive plans or components thereof. No exception or modification shall be granted unless all the following facts and conditions exist and the County zoning committee or town board so indicates in the minutes of its proceedings:

- (a) **Exceptional Circumstances.** There are exceptional, extraordinary, or unusual circumstances or conditions where literal enforcement of the requirements of this Ordinance would result in severe hardship. Such hardships should not apply generally to other properties or be such a recurrent nature as to suggest that this Ordinance should be changed.
- (b) **Preservation of Property Rights.** That such exception or modification is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.
- (c) **Absence of Detriment.** That the exception or modification will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.
- (d) **A Majority Vote** of the quorum of the County zoning committee shall be required to grant any exception or modifications to the provisions of this Ordinance over which the County zoning committee has jurisdiction, and the reasons shall be entered in the minutes of the Committee. A majority vote of a quorum of the town board shall be required to grant any modifications to the provisions of this Ordinance over which the town board has jurisdiction, and the reasons shall be entered in the minutes of the town board.

14.02-10 VIOLATIONS

No person, firm, or corporation shall build upon, divide, convey, record, or place monuments on any land in violation of this Ordinance or the Wisconsin Statutes. No person, firm, or corporation shall be issued a County zoning permit or sanitary permit, and authorizing the building on, or improvement of, any lot or any part of any subdivision, minor land division, replat, or condominium within the jurisdiction of this Ordinance not of record as of the effective date of this Ordinance, until the provisions and requirements of this Ordinance, or the Land Division Ordinance in effect on the date a plat or certified survey map was filed with the County zoning administrator, have been fully met. The County may institute appropriate action or proceedings to enjoin violations of this Ordinance.

14.02-11 PENALTIES AND REMEDIES

Any person, firm, or corporation who fails to comply with the provisions of this Ordinance or Chapter 236 of the Wisconsin Statutes shall, upon conviction thereof, face penalties set forth below plus any additional costs incurred by the town or County for each violation. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include the following:

- (a) **Recordation** improperly made carries penalties as provided in Section 236.30 of the Wisconsin Statutes.
- (b) **Conveyance** of lots in unrecorded plats carries penalties as provided in Section 236.31 of the Statutes.
- (c) **Monuments** disturbed or not placed carries penalties as provided in Section 236.32 of the Statutes.
- (d) **Dividing a Lot or Parcel**, or use if so divided, in a recorded plat or certified survey map for purposes of sale or building development not in compliance with the provisions of Chapter 236 of the Statutes, to any applicable ordinance of an approving authority, or to the rules of the Wisconsin Department of Safety and Professional Services carries penalties as provided in Section 236.335 of the Statutes.
- (e) **An Assessors' Plat** made under Section 70.27 of the Statutes may be ordered as a remedy by the town or County, at the expense of the subdivider, when a subdivision, as defined in this Ordinance, is created by successive divisions.

14.02-12 APPEALS

Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Section 236.13(5) of the Wisconsin Statutes, within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable, or discriminatory.

SECTION III. PROCEDURES

14.03-1 PRE-APPLICATION CONSULTATION

Prior to the filing of an application for the approval of a preliminary subdivision plat, condominium plat, or certified survey map, the subdivider shall consult with affected utilities, town officials, and the County zoning administrator and/or his staff in order to obtain advice and assistance (see Illustration Nos. 1 and 3). A sketch or concept plan of the proposed subdivision, condominium, or certified survey map shall be brought by the applicant to the meeting. This consultation is intended to inform the subdivider of the purpose and objectives of these regulations, the adopted County and town comprehensive plan or adopted plan components, and duly adopted plan implementation ordinances of the County and town and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and planning agency may reach mutual conclusions regarding the general objectives of the proposed development and its possible effects on the neighborhood, town, and County, and the subdivider will gain a better understanding of the subsequent required procedures.

14.03-2 PRELIMINARY PLAT REVIEW

Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and complete an application and review checklist (see Illustration No. 1). The preliminary plat shall be prepared in accordance with this Ordinance, and the subdivider shall file an adequate number of copies and an electronic copy, as determined by the County zoning administrator, together with the appropriate fee, of the plat and the application with the County zoning administrator at least 30 days prior to the meeting of the County zoning committee at which action is desired. In addition:

- (a) **The County Zoning Administrator** shall, within 2 normal work days after filing, transmit:
1. Adequate number of copies to the County zoning committee together with one copy of the soil boring and percolation results.
 2. Two (2) copies to the following agencies and companies for review and approval or comments concerning matters within their jurisdiction:
 - a. Town clerk, who is responsible for distributing to town officials and the fire department and sanitary or utility districts, if applicable.
 - b. Clerk of each adjoining city or village if the subdivision lies within their extraterritorial plat approval jurisdiction.
 - c. The Kenosha County Highway Department, if the land owned or controlled by the subdivider abuts a County trunk highway.
 - d. Southeastern Wisconsin Regional Planning Commission.
 - e. The applicable school district.
 - f. The applicable natural gas and electric power companies.
 - g. Affected County departments concerning matters within their jurisdiction.
- (b) **Wisconsin Department of Administration.** In accordance with Section 236.12(2) of the Wisconsin Statutes, the subdivider shall submit a paper copy or electronic copy of the preliminary plat that is capable of clearly legible reproduction to the Director of Plat Review of the Wisconsin Department of Administration, who will transmit copies of the plat at the subdivider's expense to objecting agencies.

14.03-3 **PRELIMINARY PLAT APPROVAL**

The objecting agencies shall, within 20 days of the date of receiving their copies of the preliminary plat, notify the subdivider and all other approving and objecting agencies, including the County zoning administrator and town board, of any objections (see Illustration No. 1). If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Wisconsin Department of Administration, who shall certify the plat and provide notice to the County zoning committee. If an objecting agency fails to act within 20 days and the Department of Administration fails to act within 30 days from the date on which they received the copy or copies of the plat they shall be deemed to have no objection to the plat and, upon demand, the Department of Administration shall so certify on the face of the plat. In addition:

- (a) **The County Zoning Committee**, within 90 days of the date of filing of a preliminary plat with the County zoning administrator and after considering a recommendation from the affected town, shall approve, approve conditionally, or reject such plat, unless the time is extended by written mutual agreement with the subdivider. The Committee shall examine the preliminary plat and objections and comments received from the objecting and reviewing agencies for conformance with this Ordinance and all other applicable ordinances, laws, regulations, and the adopted town and County comprehensive plan or components thereof. One (1) copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One copy each of the plat and letter shall be placed in the County zoning committee permanent file.
- (b) **Failure of the County Zoning Committee** to act within 90 days of the date of filing or within the time(s) as extended by written mutual agreement(s) with the subdivider shall constitute approval of the plat as filed.
- (c) **Approval or Conditional Approval** of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within 36 months after the last required approval of the preliminary plat and conforms substantially to the preliminary plat, including any conditions of that approval, and to local plans and ordinances, the final plat shall be entitled to approval as indicated in Section 236.11(1)(b) of the Wisconsin Statutes. An approved preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted, and used as a guide to the preparation of the final plat, which will be subject to further consideration by the County zoning committee at the time of its submission. The Committee may extend the time for submission of the final plat. See Section 14.03-4(d) pertaining to partial platting or phasing.

14.03-4 **FINAL PLAT REVIEW**

(The subdivider shall prepare a final plat and a letter of application in accordance with this Ordinance and shall file with the County zoning administrator the application, together with appropriate fees, and adequate number of copies and an electronic copy, as determined by the County zoning administrator, of the plat at least 30 days prior to the meeting of the County zoning committee at which action is desired (see Illustration No. 2). In addition:

- (a) **The County Zoning Administrator** shall, within 2 normal work days after filing, transmit:
 - 1. Adequate number of copies to the County zoning committee together with one copy of the soil boring and percolation results.

2. Two (2) copies to the following agencies and companies for review and approval or comments concerning matters within their jurisdiction:
 - a. Town clerk, who is responsible for distributing to town officials and the fire department and sanitary or utility districts, if applicable.
 - b. Clerk of each adjoining city or village if the subdivision lies within their extraterritorial plat approval jurisdiction.
 - c. The Kenosha County Highway Department, if the land owned or controlled by the subdivider abuts a County trunk highway.
 - d. The Southeastern Wisconsin Regional Planning Commission.
 - e. The applicable school district.
 - f. The applicable natural gas and electric power companies.
 - g. Affected County departments concerning matters within their jurisdiction.

- (b) **Wisconsin Department of Administration.** In accordance with Section 236.12(2) of the Statutes, the subdivider shall submit a paper copy or electronic copy of the final plat that is capable of clearly legible reproduction to the Director of Plat Review of the Wisconsin Department of Administration, who will transmit copies of the plat at the subdivider's expense to the objecting agencies.

- (c) **The County Zoning Committee** shall examine the final plat as to its conformance with the approved preliminary plat; any conditions of approval of the preliminary plat; this Ordinance and all other ordinances, laws, regulations, and the adopted town and County comprehensive plan or components thereof which may affect it; and review comments from objecting agencies, town board and other agencies which reviewed and commented on the final plat and shall recommend, after considering a recommendation from the affected town, approval, conditional approval, or rejection of the plat to the County Board.

- (d) **Partial Platting.** The final plat may, if permitted by the County zoning committee and affected town, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time; however, it is required that each such phase be final platted and designated as a phase of the approved preliminary plat.

14.03-5 FINAL PLAT APPROVAL

- (a) **Submission.** If the final plat is not submitted within 36 months after the last required approval of the preliminary plat, the County Board may refuse to approve the final plat or may extend the time for submission of the final plat, as provided in Section 236.11(1)(b) of the Wisconsin Statutes (see Illustration No. 2).

- (b) **The Objecting Agencies** shall, within 20 days of the date of receiving their copies of the final plat, notify the subdivider and all other approving and objecting agencies, including the County zoning committee and town board, of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Wisconsin Department of Administration, who shall certify the plat and provide notice to the County zoning committee. If an objecting agency fails to act within 20 days and the Department of Administration fails to act within 30 days from the date on which they received the copy or copies of plat, they shall be deemed to have no objection to the plat and, upon demand, the Department of Administration shall so certify on the face of the plat.

- (c) **The County Zoning Committee** shall, within 30 days of the date of filing of the final plat with the County zoning administrator and after considering a recommendation from the affected town, recommend approval, conditional approval, or rejection of the plat and shall transmit the final plat and application along with its recommendations to the County Board.
- (d) **Notification.** The County zoning committee shall, when it determines to recommend approval or rejection of the plat to the County Board, give at least 10 days prior written notice of its recommendation to the clerk of any municipality within 1,000 feet of the plat, but failure to give such notice shall not invalidate the plat.
- (e) **The County Board** shall, in accordance with Section 236.11(2) of the Wisconsin Statutes, within 60 days of the date of filing the original final plat with the County zoning administrator, approve or reject such plat unless the time is extended by written agreement with the subdivider. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider and surveyor. The County Board may not inscribe its approval on the final plat unless the County clerk certifies on the face of the plat that no objections have been filed within 20 days or, if filed, have been met, and the County treasurer certifies that there are no unpaid taxes or special assessments on any of the lands included in the plat.
- (f) **Failure of the County Board** to act within 60 days, the time having not been extended and no unsatisfied objections having been filed and all fees payable by the subdivider having been paid,, shall constitute approval of the final plat.
- (g) **Recordation.** After the final plat has been approved by the County Board and required improvements as shall be required by the County or town, or both, either installed or a contract and sureties insuring their installation is filed, the County clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the County Register of Deeds at the subdivider's expense. The Register of Deeds shall not record the plat unless it is offered for recording within 12 months after the date of the last approval and within 36 months after the date of the first approval, as required by Section 236.25(2)(b) of the Wisconsin Statutes.
- (h) **Copies.** The subdivider shall file a digital file, compatible with the County digital system, and adequate true copies of the recorded final plat with the County zoning administrator for distribution to the town clerk, County treasurer, County highway commissioner, County engineer, County surveyor, and other affected County departments for their files.

14.03-6 CERTIFIED SURVEY MAP REVIEW (Minor Land Division)

(When it is proposed to divide land into at least 2 but not more than 4 parcels or building sites, inclusive of the original remnant parcel, any one of which is less than 35 acres in size, by a division or by successive divisions of any part of the original parcel within a 5-year period; or when it is proposed to divide a block, lot, or outlot within a recorded subdivision plat into at least 2 but not more than 4 parcels or building sites, inclusive of the remnant parcel, without changing the exterior boundaries of said block, lot, or outlot, the subdivider may divide by use of a certified survey map. Illustration No. 3 shows a flow chart of the review and approval process for a certified survey map.

In accordance with Sections 236.02(12)(bm) and 236.34(1)(ar) of the Wisconsin Statutes and as defined in Section XI of this Ordinance, a certified survey map may also be used for dividing

land into 6 or fewer parcels or lots, not including outlots, for land in a B-1, B-2, B-3, B-4, B-5, BP-1, B-94, M-1, or M-2 zoning district. Certified survey maps shall be prepared in accordance with Section VI of this Ordinance. In addition:

- (a) **A Pre-Application Consultation** in accordance with Section 14.03-1 is required.
- (b) **The Subdivider** shall file adequate copies of a certified survey map, together with the appropriate fee, and the letter of application with the County zoning administrator at least 30 days prior to the meeting of the County zoning committee at which first consideration is desired.
- (c) **The County Zoning Administrator** shall, within 2 normal work days after filing, transmit adequate copies of the map and letter of application to the County zoning committee for review and comment. Two (2) copies of the certified survey map shall be transmitted to the applicable town clerk. The recommendations of the town board shall be transmitted to the County zoning administrator within 30 days from the date the map is transmitted to the town by the County zoning administrator.
- (d) **The County Zoning Administrator** shall transmit two copies of the map to all affected County departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the County zoning administrator within 20 days from the date the map is transmitted by the County zoning administrator.
- (e) **The County Zoning Administrator** shall transmit two copies of the map for review to the Wisconsin Department of Administration if the provisions of Section 236.34(1m)(em) apply, and the Wisconsin Department of Transportation if the provisions of Section 236.34(1m)(er) apply.
- (f) **The Map** shall be reviewed by the County zoning committee and town for conformance with this Ordinance and all ordinances, laws, regulations, and the adopted town and County comprehensive plan or adopted plan components.

14.03-7 CERTIFIED SURVEY MAP APPROVAL (Minor Land Division)

- (a) **The County Zoning Committee** shall approve, approve conditionally and/or with deed restrictions, or reject the certified survey map, after considering recommendations from the affected town, within 30 days from the date of filing of the map unless the time is extended by written agreement with the subdivider. If the map is rejected, the reasons shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider and surveyor. If the map is approved, the chairman of the County zoning committee shall so certify on the face of the original map. Illustration No. 3 shows a flow chart of the review and approval process for a certified survey map.
- (b) **The Town Board of Supervisors** shall approve, approve conditionally and/or with deed restrictions, or reject the certified survey map within 90 days from the date of filing of the map unless the time is extended by written agreement with the subdivider. If the certified survey map is rejected by the town, the reasons shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider and surveyor. If the map is approved, the chairman of the town board shall so certify on the face of the original map and return the map to the subdivider. The town clerk shall notify the County zoning committee of the Town's action to approve, approve conditionally and/or with deed restrictions, or reject the map.

- (c) **Failure** of the County zoning committee to act within 90 days, or any extension mutually agreed to with the subdivider, constitutes an approval of the map and, upon demand, a certificate to that effect shall be made on the face of the map by the County zoning committees.
- (d) **Recordation.** After the certified survey map has been approved by the County zoning committee, the County zoning committee shall cause a certification to be inscribed on the map attesting to such approval, and the County zoning administrator shall record the map with the County Register of Deeds at the subdivider's expense. The Register of Deeds shall not record the map unless it is offered for recording within 12 months after the date of the last approval and within 36 months after the first approval.
- (e) **Copies.** The subdivider shall provide adequate copies of the map, along with a digital file of the map that is compatible with the County digital system, to the County zoning administrator for distribution as necessary to the town and affected County departments for their files. One (1) copy of the map shall be placed in the County zoning committee permanent files.

14.03-8 REVIEW AND APPROVAL OF EXTRATERRITORIAL SUBDIVISION PLATS AND CERTIFIED SURVEY MAPS

When the land to be subdivided lies within the extraterritorial plat approval jurisdiction of a village or city, the subdivider shall proceed as specified in Sections 14.03-1 through 14.03-7, with the following exceptions or additions (Illustration Nos. 1 to 3 show flow charts that indicate the review and approval process for plats and certified survey maps subject to extraterritorial approval by a city or village):

- (a) Prior to filing an application for approval of a preliminary subdivision plat or certified survey map, the subdivider shall consult with the County and town staff in accordance with the provisions of Section 14.03-1 as well as with the applicable village and/or city having extraterritorial approval jurisdiction in order to obtain their advice and assistance. This consultation is intended to inform the subdivider of the purpose and objectives of the regulations of the applicable approving authority's ordinances and plans; however, the subdivision plat or certified survey map shall not be reviewed by said village or city within the context of the land's proposed use in accordance with Section 236.45(3)(b) of the Wisconsin Statutes unless an adopted extraterritorial zoning or intergovernmental boundary agreement applies. As a result of the consultation, both the subdivider and the approving authorities may reach mutual conclusions regarding the general objectives of the proposed development and its possible effects on the neighborhood, community, and County. The subdivider will gain a better understanding of the subsequent required procedures. The subdivider shall specify in his letter of application to whom the original application was or is to be submitted.
- (b) **Approving Authorities** include the town board, the County zoning committee or County Board, and any village or city that has extraterritorial authority to review subdivision plats under Section 236.10 or that exercises extraterritorial authority to review certified survey maps (CSMs) under Section 236.45 of the Statutes. The subdivider must comply with the land division ordinances of the County, town, and applicable village or city.
- (c) **The Subdivider** may proceed with the installation of such improvements and under such regulations as the town within whose limits the plat or CSM lies may require. Wherever

connection to any city, village, or special district is desired, permission for such connection shall be subject to city, village, or special district review and approval.

- (d) **All Improvement Requirements** specified by the County, town, and/or special district in matters over which they have jurisdiction shall be met before filing of the final plat or, if applicable, CSM.

14.03-9 REPLATS AND RECONFIGURATIONS

- (a) **Vacate or Alter.** When it is proposed to replat a recorded subdivision, or part thereof, so as to vacate or alter areas within a plat dedicated to the public, or to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Sections 236.36 through 236.445 of the Wisconsin Statutes. If the replat is proposing to change the boundaries of a recorded subdivision, or part thereof, the subdivider, or person wishing to replat, shall then proceed as specified in Sections 14.03-1 through 14.03-5 of this Ordinance.
- (b) **The County Clerk** shall schedule a public hearing before the County zoning committee when a preliminary plat of a replat of lands within the County's jurisdiction is filed, and shall cause a Class 2 notice of the public hearing to be published and mailed to the owners of record of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 200 feet of the exterior boundaries of the proposed replat.
- (c) **Reconfigure.** An applicant wishing to reconfigure a recorded certified survey map shall create a new certified survey map and proceed as specified in Sections 14.03-7 and 14.03-8 of this Ordinance, provided the reconfiguration does not result in a subdivision, no additional parcels are created, and no changes are made to areas previously dedicated to the public or to a restriction or easement placed on the land concerned.
- (d) **Change Boundaries.** A certified survey map may be used to change the boundaries of lots and outlots within a recorded plat or a recorded assessor's plat under Section 70.27 of the Wisconsin Statutes if the reconfiguration does not result in a subdivision. A certified survey map used to reconfigure lots within a recorded plat may not alter areas previously dedicated to the public or a restriction placed on the platted land by covenant, by grant of an easement, or by any other manner; or change the exterior boundaries of a plat.
- (e) **Changes to Condominium Instruments,** including condominium plats, shall comply with the requirements of Chapter 703 of the Wisconsin Statutes.

14.03-10 REVIEW AND APPROVAL OF CONDOMINIUM INSTRUMENTS

Condominium instruments, including condominium plats, prepared by a professional land surveyor are required to create a condominium or any amendments or expansions thereof, and are subject to County review and approval in accordance with Section 703.115 of the Wisconsin Statutes. Condominiums and associated plats shall comply with the requirements of Chapter 703 of the Statutes and the design standards, improvements, and all other requirements, as applicable, of this Ordinance that would otherwise apply to conventional subdivision plats, with the exception of Sections 14.03-2 through 14.03-5 if no new lots, parcels, or outlots will be created as part of the condominium. Condominium instruments may not be used to create or alter lots, parcels, outlots, public streets, or other areas to be dedicated to the public. Changes to recorded

condominium instruments to create, alter, or remove any condominium units, easements, restrictions, or other encumbrances on the land included in a condominium shall require County review and approval of a correction instrument prepared in accordance with Section 703.095 of the Statutes. In accordance with Section 703.27 of the Statutes, condominium projects shall be subject to no more restrictive rules than non-condominium projects that are physically equivalent.

SECTION IV. PRELIMINARY PLAT

14.04-1 GENERAL REQUIREMENTS

A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a professional land surveyor; shall be prepared on paper of good quality, as well in a digital form compatible with County digital requirements, at a scale of not more than 100 feet to the inch; and shall show correctly on its face the following information:

- (a) **The Preliminary Plat** shall be clearly noted and labeled on its face, "Preliminary Plat."
- (b) **Inset Map** of the area concerned showing the general location of the proposed subdivision in relation to U.S. Public Land Survey section and quarter-section lines and abutting and nearby public streets and highways. The inset map shall be oriented on the sheet in the same direction as the main drawing.
- (c) **Title or Name** under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is an addition to a previously recorded plat and is so stated on the plat.
- (d) **Description of the Location** of proposed subdivision by quarter section, township, range, county, and state.
- (e) **Date**, graphic scale, and north point.
- (f) **Names** and addresses of the owner, subdivider, and professional land surveyor preparing the plat.
- (g) **The Entire Area Contiguous** to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The County zoning committee may waive this requirement where it is deemed unnecessary to fulfill the purposes and intent of this Ordinance and undue hardship would result from strict application thereof.

14.04-2 SITE ANALYSIS INFORMATION

The following site analysis information shall be inventoried and mapped at a scale no smaller than one inch equals 100 feet in sufficient detail, with brief descriptions if necessary, to allow for the proper evaluation of a preliminary plat. The site analysis map and accompanying descriptions shall be included with the submittal of the preliminary plat. The map(s) shall include:

- (a) **Existing and Proposed Lot**, street, and highway right-of-way lines.
- (b) **Topographic Features**, including existing contours within the exterior boundaries of the plat and extending to the centerline of adjacent public streets at vertical contour intervals of preferably one-foot intervals but not more than two-foot intervals. Elevations shall be marked on such contours, referenced to a vertical datum approved by the town or County engineer. Any rock outcrops, slopes of 12 percent or greater, ridge lines, and hilltops shall be noted.

- (c) **Hydrologic Characteristics**, including lakes, ponds, rivers, streams, creeks, drainage ditches, wetlands, floodplains, shoreland areas, and surface drainage patterns. The boundaries of wetlands shall be as delineated on the Wisconsin Wetland Inventory or more precise field identification. The boundaries of the one percent annual probability (100-year recurrence interval) floodplain, as determined by the Federal Flood Insurance Study or other technical document, shall be shown. Where such floodplain data are not available, the floodplain boundaries and related stages shall be determined by a professional engineer retained by the subdivider and the engineer's report providing the required data shall be subject to review and approved by the town or County engineer.
- (d) **Delineations of Natural Resource Areas**, including the boundaries of primary and secondary environmental corridors and isolated natural resource areas as identified by the Southeastern Wisconsin Regional Planning Commission (SEWRPC), and the location and type of any rare or endangered species habitat.
- (e) **Soil Types** and their boundaries, as shown on the soil survey maps prepared by the U.S. Natural Resources Conservation Service.
- (f) **Existing Vegetation**, including the boundaries and characteristics of woodlands and hedgerows. Predominant species of hedgerows and woodlands shall be identified. Unless located within an area proposed to be maintained in open space, specimen trees (i.e. large or distinct ornamental, mature, or rare old-growth trees such as ginkgo, bur oak, and American beech or hornbeam trees) shall be located and identified by species, size, and health.
- (g) **Historic, Cultural, and Archaeological Features**, with a brief description of the historic character of buildings, structures, ruins, and burial sites.
- (h) **Scenic Vistas**, both into the proposed subdivision from adjacent roads and public areas and views from within the proposed subdivision.
- (i) **The Location and Classification** of existing streets and highways within or adjacent to the proposed subdivision and desirable or undesirable main entry and exit points for the subdivision.
- (j) **Existing Land Features** within the proposed subdivision and within 100 feet therefrom, including cultivated and non-cultivated fields, paved areas, buildings, structures, and all encumbrances, such as easements or covenants.
- (k) **Public Parks and Open Space Areas** within or adjacent to the proposed subdivision, and potential open space connections between the proposed subdivision and adjacent lands.
- (l) **Existing and, if Applicable, Proposed Zoning** and land uses on and adjacent to the proposed subdivision.
- (m) **Any Additional Information** requested by the County zoning administrator or staff, County zoning committee, or town board, plan commission, or staff.

14.04-3 PRELIMINARY PLAT DATA

All preliminary plats shall show the following:

- (a) **Length and Bearing** of the exterior boundaries of the proposed subdivision referenced to at least two corners established in the U.S. Public Land Survey and the total acreage encompassed thereby. The lengths of lines shall be given to the nearest 0.01 foot and bearings to the nearest one second of arc. The arc length, chord length, radius length, and bearing shall be given for all curved line.
- (b) **Location of Civil Division Boundary Lines** and U.S. Public Land Survey system section and one-quarter section lines within the plat and within 100 feet of the exterior boundaries of the plat.
- (c) **Topographic Features** including existing contours within the exterior boundaries of the plat and extending to the centerline of adjacent public streets at vertical contour intervals of preferably one-foot intervals but not more than two-foot intervals. Elevations shall be marked on such contours, referenced to a vertical datum approved by the town or County engineer. Any rock outcrops, slopes of 12 percent or greater, ridge lines, and hilltops shall be noted.
- (d) **Location and Elevation of Ordinary High Water Marks (OHWM)** of all navigable creeks, streams, rivers, ponds, lakes, flowages, and drainage ditches within the exterior boundaries of the plat and within 100 feet therefrom. The OHWM elevation shall be referenced to a vertical datum approved by the town or County engineer. The status of navigability of these surface water features shall be indicated based upon a determination by the Wisconsin Department of Natural Resources.
- (e) **Shoreland Boundaries** and boundaries of the one percent annual probability (100-year recurrence interval) flood and related floodplain regulatory stages, as determined by the Federal Emergency Management Agency. Where such data are not available, the elevation shall be determined by a professional engineer retained by the subdivider, and the sealed engineer's report providing the required data shall be submitted with the plat for review and approval by the town or County Engineer. The contour line lying a vertical distance of two feet above the one percent annual probability flood shall also be shown.
- (f) **Boundaries of Primary and Secondary Environmental Corridors** and isolated natural resource areas, as delineated and mapped by SEWRPC. The boundaries of wetlands shall also be shown. The wetland boundaries shall be shown as determined on the basis of a field survey made to identify, delineate, and map those boundaries; and the name of the person, agency, or firm identifying, delineating, and mapping the boundaries shall be provided together with the date of the field survey concerned.
- (g) **Location of Any Woodlands** as mapped by SEWRPC and/or field surveyed, and existing vegetation to be retained or removed within the proposed subdivision.
- (h) **Location, Right-of-Way Width**, and names of all existing and proposed streets, highways, alleys, or other public ways, bicycle and pedestrian/recreational ways, active and abandoned railroad rights-of-way, utility rights-of-way, access-control and vision corner clearance easements, deed restricted areas, conservation easements, and other easements within the exterior boundaries of the plat or immediately adjacent thereto.

- (i) **Type, Width, and Elevation** of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations, all referenced to a vertical datum approved by the town or County engineer.
- (j) **Location and Names** of any adjacent subdivisions, parks, cemeteries, public lands, and watercourses, including impoundments. The owners of record of abutting unplatted lands shall also be shown.
- (k) **Locations of All Existing** structures, together with an identification of the type of structure, such as residence, garage, barn, or shed; the distances of such structures from existing and proposed property boundary lines, wells, drives, watercourses, drainage ditches, wetlands, wooded areas, railroad tracks, and other similar significant natural or manmade features; and existing property lines in the area adjacent to the exterior boundaries of the proposed plat and within 100 feet thereof. The proposed use of existing structures to be retained shall be noted. All wells within the exterior boundaries of the plat and within 100 feet of the exterior boundaries of the plat shall be shown.
- (l) **Location, Size, and Invert Elevation** of any existing sanitary or storm sewers, culverts, and drain pipes; the location of manholes, catch basins, hydrants, electric and communication facilities, whether overhead or underground; and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the subdivision, the nearest such sewers or water mains which might be extended to serve the subdivision shall be indicated by their direction and distance from the nearest exterior boundary of the plat, and by their size, and invert elevations. All elevations shall be referenced to a vertical datum approved by the town or County engineer.
- (m) **Location of Existing and Proposed POWTS** (private onsite wastewater treatment systems) if public sanitary sewer service is not available.
- (n) **Location of Soil Boring and Percolation Tests** within the exterior boundaries of the plat.]
- (o) **Existing and, if Applicable, Proposed Zoning** on and adjacent to the proposed subdivision.
- (p) **Building or Setbacks Lines** including those which are proposed to be more restrictive than the regulations of the zoning district in which the plat is located.
- (q) **Existing and Proposed Lot Lines**, approximate dimensions and size of lots, the minimum lot area required by the zoning district in which the plat is located, together with proposed lot and block numbers. Lots and blocks shall be numbered consecutively.
- (r) **Location Approximate Dimensions, and Area** of any sites to be reserved or dedicated for parks, playgrounds, drainageways, open space preservation, or other public use or which are to be used for multi-family housing, shopping centers, church sites, or other nonpublic uses not requiring lotting.
- (s) **Location, Approximate Dimensions, and Area** of any proposed common areas or facilities.
- (t) **Approximate Radii** of all curved lines within the exterior of the plat.
- (u) **Lake, River, and Stream Meander Lines** proposed to be established if applicable.

- (v) **Any Proposed Lake** and stream access, and the width of the proposed access, to be provided within the exterior boundaries of the plat.
- (w) **Any Proposed Lake, river,** and stream improvement or relocation, and notice of application for approval by the Wisconsin Department of Natural Resources, when applicable.
- (x) **Additional Information** requested by the County zoning administrator or staff, County zoning committee, or town board, plan commission, or staff.

14.04-4 STREET PLANS AND PROFILES

The town or County engineer shall require the subdivider to provide street plans and profiles showing the existing ground surface and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be referenced to a datum and the datum, plans, and profiles shall meet the approval of the town or County engineer.

14.04-5 SOIL BORINGS AND TESTS

- (a) **The Town or County Engineer** may require that soil borings and soundings be made in specified areas to ascertain subsurface soil, rock, and water conditions, including depths to bedrock and groundwater table, in order to determine the suitability of specific areas for the construction of buildings and supporting roadways. The number of such borings and soundings shall be adequate to portray for the intended purpose the characteristics of the soil and the depths to bedrock and groundwater from the undisturbed surface. The town or County does not guarantee, warrant, or represent that only those soils tested and shown to be unsuited for specific uses are the only unsuited soils on the development site and thereby asserts that there is no liability on the part of the County Board, its agencies, or employees for sanitation problems or structural damages that may occur as a result of reliance upon, and conformance with, this Ordinance.
- (b) **Where a Subdivision** will not be served by public sanitary sewer, soil borings and tests shall be made to determine the suitability of the site for the use of private onsite wastewater treatment systems (POWTS). Such borings and tests shall meet the requirements of Chapter 15 of the County municipal code and Chapters SPS 383, 384, and 385 of the Wisconsin Administrative Code, and the POWTS regulatory staff (i.e. County Sanitarian) may require additional soil borings and tests be made to determine the suitability of specific areas for POWTS. The location of the borings shall be shown on the preliminary plat, and the findings, with respect to the suitability of the site for the use of POWTS, shall be set forth in a separate report submitted with the plat.

14.04-6 STORMWATER MANAGEMENT AND EROSION AND SEDIMENTATION CONTROL

After approval of the preliminary plat and prior to approval of the final plat, stormwater management and erosion and sedimentation control plans and specifications shall be submitted and approved in accordance with Chapter 17, “Kenosha County Stormwater Management, Erosion Control, and Illicit Discharge Ordinance,” of the County municipal code.

14.04-7 COVENANTS AND HOMEOWNERS OR CONDOMINIUM ASSOCIATION DOCUMENTS

- (a) **A Draft Copy of Any Proposed Protective Covenants** whereby the subdivider intends to regulate land use in the proposed subdivision shall accompany the preliminary plat. The proposed covenants shall be subject to review by the town and County.
- (b) **A Draft Copy of Any Proposed Homeowners or Condominium Association Declarations**, covenants, or other documents shall accompany the preliminary plat. These documents shall include the information specified in Section 2.06. The proposed documents shall be subject to review by the town and County.
- (c) **A Draft Copy of Any Proposed Land Stewardship Plan** and/or documents for proper management of the common open space in condominiums or subdivisions, including open space or cluster developments, shall accompany the preliminary plat. The proposed plan or document shall be subject to review by the town and County.

14.04-8 AFFIDAVIT

The professional land surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all exterior boundaries of the proposed plat and all existing land divisions and features within and adjacent thereto; and that the surveyor has fully complied with the provisions of this Ordinance and Chapter 236 and, if applicable, Chapter 703 of the Wisconsin Statutes.

SECTION V. FINAL PLAT

14.05-1 GENERAL REQUIREMENTS

A final plat prepared by a professional land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Chapter 236 of the Wisconsin Statutes.

14.05-2 FINAL PLAT DATA

The plat shall show correctly on its face, in addition to the information required by Section 236.20 of the Statutes, the following:

- (a) **Length and Bearing** of the centerline of all streets. The lengths shall be given to the nearest 0.01 foot and bearings to the nearest one second of arc. The arc, chord, and radius lengths and the chord bearings, together with the bearings of the radii at the ends of the arcs and chords, shall be given for all curved streets.
- (b) **Street Width** along the line of any obliquely intersecting street to the nearest 0.01 foot.
- (c) **Active and Abandoned Railway** rights-of-way within and abutting the exterior boundaries of the plat.
- (d) **Building or Setback Lines** required by the County zoning committee, town board, or other approving or objecting agency, including those which are more restrictive than the regulations of the zoning district in which the plat is located or which are proposed by the subdivider to be included in recorded protective covenants.
- (e) **Easements for Any Public** sanitary sewers, water supply mains, stormwater management facilities, drainageways, and access ways.
- (f) **Easements or Rights-of-Way** for any existing and proposed streets, utilities, and bicycle and pedestrian/recreational ways.
- (g) **Shoreland Boundaries** and boundaries of the one percent annual probability (100-year recurrence interval) flood and related floodplain regulatory stages as determined by the Federal Emergency Management Agency. Where such floodplain data is not available, the elevation shall be determined by a professional engineer retained by the subdivider, and the sealed engineer's report providing the required data shall be submitted with the plat for review and approval by the town or County engineer. The contour line lying a vertical distance of two feet above the one percent annual probability flood shall also be shown.
- (h) **All Lands Reserved** for future public acquisition or reserved for the common use of property owners within the plat. If property reserved for common use is located within the subdivision, the information required by Section 14.02-5 shall be submitted with the plat, together with any associated deed or plat restrictions required by the County zoning committee.
- (i) **Notations or Restrictions** required by the County zoning committee or town and any other approving or objecting agency relating to access control along public ways within or adjacent to the plat; the provision and use of planting strips; or provisions for the protection of any existing wetlands or other environmentally significant lands within the exterior boundaries of the plat.

- (j) **Any Additional Information** requested by the County zoning administrator or staff, County zoning committee, or town board, or plan commission, or staff.

14.05-3 DEED RESTRICTIONS

The County zoning committee or town board may require deed restrictions to be filed and recorded with the final plat.

14.05-4 SURVEYING AND MONUMENTING

All final plats shall meet all surveying and monumenting requirements of Section 236.15 of the Wisconsin Statutes.

14.05-5 WISCONSIN COORDINATE SYSTEM

The plat shall be tied directly to a minimum of two adjacent section or quarter-section corners defining a quarter section line located, monumented, and placed on a Coordinate System authorized under Section 236.18 of the Wisconsin Statutes. The grid bearing and distance of each tie shall be determined by field measurements. The coordinates, together with a description of the monuments marking the section or quarter-section corners to which the plat is tied, shall be shown on the plat. All distances and bearings shall be referenced to a Coordinate System and a horizontal datum approved by the town or County engineer, and shall be adjusted to the control survey network.

14.05-6 SURVEY ACCURACY

The town or County engineer shall examine all final plats within the town and may make, or cause to be made by a professional land surveyor under the supervision or direction of the town or County engineer, field checks for the accuracy and closure of survey, proper type and location of monuments, and liability and completeness of the drawing. In addition:

- (a) **The Maximum Error of Closure** before adjustment of the survey of the exterior boundary of the subdivision shall not exceed that which is allowed by Section 236.15(2) of the Wisconsin Statutes.
- (b) **All Street, Block, and Lot Dimensions** shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey.
- (c) **The County and Town Boards** shall receive the results of the town or County engineer's examination prior to approving the final plat. The town board may, however, in accordance with Section 14.02-6(c) of this Ordinance, waive the placing of monuments for a reasonable time, not to exceed one (1) year, on the condition that the subdivider provide a letter of credit, certified check, or surety bond equal to the estimated cost of installing the monuments, to ensure the placing of such monuments within the time required by Statute. In that case, the town or County engineer's examination required under this Section and any related field checks shall be made after the required monuments have been installed. The letter of credit, certified check, or surety bond concerned shall not be released until the town or County engineer is satisfied with the accuracy of the land surveying concerned.

14.05-7 CERTIFICATES AND AFFADAVIT

All final plats shall provide all the certificates required by Section 236.21 of the Wisconsin Statutes; and, in addition, the surveyor shall certify that he or she has fully complied with all the provisions of this Ordinance and, if applicable, Chapter 703 of the Statutes.

14.05-8 RECORDING, FILING, AND COPIES

- (a) **The Final Plat** shall be submitted for recording in accordance with Section 14.03-5(f) of this Ordinance.
- (b) **The County Register of Deeds** shall record the plat in accordance with Section 14.03-5(f) of the Ordinance and as provided by Section 236.25 of the Wisconsin Statutes.
- (c) **The Subdivider** shall file a copy of the final plat with the County clerk in accordance with Section 14.03-5(g) of this Ordinance and as provided in Section 236.27 of the Statutes.

SECTION VI. CERTIFIED SURVEY MAP (Minor Land Division)

14.06-1 GENERAL REQUIREMENTS

- (a) **A Certified Survey Map** prepared by a professional land surveyor registered in Wisconsin shall be required for all minor land divisions. It shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes. The minor land division shall comply with the design standards set forth in Section VII and the improvement requirements set forth in Section VIII of this Ordinance.
- (b) **Prior to Filing an Application** for review and approval of a certified survey map, the subdivider shall consult with the County zoning committee and/or its staff in accordance with Section 14.03-1 in order to obtain advice and assistance. A sketch or concept plan of the proposed certified survey map shall be brought by the subdivider to the meeting.

14.06-2 CERTIFIED SURVEY MAP DATA

The map shall show correctly on its face, in addition to the information required by Section 236.34 of the Wisconsin Statutes, the following:

- (a) **The Certified Survey Map** shall be clearly noted and labeled on its face “Certified Survey Map.”
- (b) **Inset Map** of the area concerned showing the location of the proposed certified survey map in relation to the U. S. Public Land Survey section and quarter-section lines and abutting and nearby public streets and highways. The inset map shall be oriented on the sheet in the same direction as the main drawing.
- (c) **Date of Map**, graphic scale, and north arrow.
- (d) **Name and Address** of the owner, subdivider, and professional land surveyor preparing the certified survey map.
- (e) **Description of the Location** of the proposed certified survey map by quarter section, township, range, county, and state.
- (f) **All Existing Structures**, together with an identification of the type of structure, such as residence, garage, barn, or shed; the distances of such structures from existing and proposed property lines, wells, watercourses, and drainage ditches; existing property boundary lines in the area adjacent to the exterior boundaries of the proposed certified survey map and within 100 feet thereof, and any other features pertinent to proper land division. The proposed use of existing structures to be retained shall be noted. All wells within the exterior boundaries of the certified survey map, and within 100 feet of the exterior boundaries of the map, shall be shown.
- (g) **Location of Existing and Proposed POWTS** (private onsite wastewater treatment systems) if public sanitary sewer service is not available.
- (h) **Location of Soil Boring and Percolation Tests** within the exterior boundaries of the certified survey map.

- (i) Location and **Names of Adjoining Streets**, highways, parks, cemeteries, subdivisions, public lands, water courses, including impoundments. The owners of record of abutting unplatted lands shall also be shown.
- (j) **Existing and, if Applicable, Proposed Zoning** within and adjacent to the proposed land division.
- (k) **Existing and Proposed Lot Lines**, dimensions and size of all lots, and the minimum lot area required by the zoning district in which the land division is located.
- (l) **Building or Setback** lines required by the County zoning committee, town board, or other approving or objecting agency, including those which are more restrictive than the regulations of the zoning district in which the certified survey map is located or which are proposed by the subdivider to be included in recorded protective covenants.
- (m) **Location, Dimensions, and Area** of any sites to be reserved or dedicated for parks, playgrounds, drainageways, opens space preservation, or other public use.
- (n) **Length and Bearing** of the centerline of all streets. The lengths shall be given to the nearest 0.01 foot and the bearings to the nearest one second of arc. The arc, chord, and radius lengths, and the chord bearing, together with the bearings of the radii of the ends of the arcs and chords, shall be given for all curved lines.
- (o) **Street Width** along the line of any obliquely intersecting street line to the nearest 0.01 foot.
- (p) **Active and Abandoned Railway Rights-of-Way** within and abutting the exterior boundaries of the proposed certified survey map.
- (q) **Notations or Restrictions** required by the County zoning committee, town board, or other approving or objecting agency relating to access control along any public ways within or adjacent to the proposed certified survey map; the provision and use of planting strips; or provisions for the protection of any existing wetlands or other environmentally significant lands within the exterior boundaries of the map.
- (r) **Easements for Any Public** sanitary sewers, water supply mains, stormwater management facilities, drainageways, and access ways.
- (s) **Easements or Rights-of-Way** for any existing and proposed streets, utilities, and bicycle and pedestrian ways.
- (t) **Shoreland Boundaries** and boundaries of the one percent annual probability (100-year recurrence interval) flood and related floodplain regulatory stages as determined by the Federal Emergency Management Agency. Where such floodplain data is not available, the elevation shall be determined by a professional engineer retained by the subdivider, and the sealed engineer's report providing the required data shall be submitted with the certified survey map for review and approved by the town or County Engineer. The contour line lying a vertical distance of 2 feet above the one percent annual probability flood shall also be shown.

- (u) **Boundaries of Primary and Secondary Environmental Corridors** and isolated natural resource areas, as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission (SEWRPC). The boundaries of wetlands shall also be shown. The wetland boundaries shall be determined by a field survey conducted to identify, delineate, and map those boundaries; and the name of the person, agency, or firm identifying, delineating, and mapping the wetland boundaries shall be provided together with the date of the field survey concerned.

14.06-3 **ADDITIONAL INFORMATION**

The town or County may require that the following additional information be provided when necessary for the proper review and consideration of the proposed land division:

- (a) **Topographic Features**, including existing and, if applicable, proposed contours, with preferably one-foot intervals but no smaller than two-foot intervals. Elevations shall be marked on such contours, referenced to a vertical datum approved by the town or County engineer. The requirement to provide topographic data may be waived if the parcel or parcels proposed to be created are fully developed.
- (b) **Location and Water Elevation of Ordinary High Water Marks (OHWM)** of all navigable creeks, streams, rivers, ponds, lakes, flowages, and drainage ditches within the exterior boundaries of the proposed certified survey map and within 100 feet therefrom. The OHM elevations shall be referenced to a vertical datum approved by the town or County engineer. The status of navigability of the surface water features shall be indicated based upon a determination by the Wisconsin Department of Natural Resources.
- (c) **Soil Types** and their boundaries, as shown on the soil survey maps prepared by the U.S. Natural Resources Conservation Service.
- (d) **The Square Footage and Elevation** of the first floor as well as the overall total square footage of all floors of buildings proposed to remain on parcels or outlots within the proposed land division.
- (e) **If Available in the Vicinity, Location, Size, and Invert Elevation** of any existing sanitary or storm sewers, culverts, and drain pipes; the location of manholes, catch basins, hydrants, electric and communication facilities, whether overhead or underground; and the location and size of any existing water and gas mains within the exterior boundaries of the certified survey map or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the land division, the nearest such sewers or water mains which might be extended to serve the land division shall be indicated by their direction and distance from the nearest exterior boundary of the certified survey map, and by their size, and invert elevations. All elevations shall be referenced to a vertical datum approved by the town or County engineer.
- (f) **The Location of Woodlands**, as mapped by SEWRPC, within the proposed land division.
- (g) **Historic, Cultural, and Archaeological Features**, with a brief description of the historic character of buildings, structures, ruins, and burial sites.
- (h) **The County Zoning Committee** or town board may require that the entire area contiguous to the land encompassed within the proposed certified survey map and owned or controlled by the subdivider be included in the certified survey map even though only a portion of

said area is proposed for immediate development. The County zoning committee or town board may also require the submission of a sketch plan, drawn to scale, showing the entire contiguous holdings owned or controlled by the subdivider and identifying proposed future development of the parcel, including general street and lot or parcel locations.

- (i) **Any Additional Information** requested by the County zoning administrator or staff, County zoning committee, or town board, plan commission, or staff.

14.06-4 DEED RESTRICTIONS

The County zoning committee or town board may require deed restrictions to be filed and recorded with the certified survey map.

14.06-5 WISCONSIN COORDINATE SYSTEM

The Wisconsin Coordinate System requirements in Section 14.05-5 of this Ordinance for plats shall also apply to certified survey maps.

14.06-6 SURVEY ACCURACY

The survey accuracy requirements in Section 14.05-6 of this Ordinance for plats shall also apply to certified survey maps.

14.06-7 CERTIFICATES AND AFFIDAVIT

- (a) **Certified Survey Maps** shall provide all of the certificates required for final plats by Section 236.21 of the Statutes. In addition, the surveyor shall certify on the face of the map that all provisions of this Ordinance have been met. The town board and County zoning committee shall certify their approval on the face of the map.
- (b) **Dedication of Streets** and other public areas and granting of easements shall require, in addition, the owner's certificate, mortgagee's certificate, and certification of approval by the town or County board having jurisdiction in substantially the same form as required by Section 236.21(2)(a) of the Statutes.

14.06-8 RECORDING, FILING, AND COPIES

- (a) **The Certified Survey Map** shall be submitted for recording in accordance with Section 14.03-8(e) of this Ordinance.
- (b) **The County Register of Deeds** shall record the certified survey map in accordance with Section 14.03-8(e) of this Ordinance and as provided by Section 236.34 of the Statutes.
- (c) **The Subdivider** shall file a copy of the certified survey map with the County clerk in accordance with Section 14.03-8(f) of this Ordinance

SECTION VII. DESIGN STANDARDS

14.07-1 GENERAL REQUIREMENTS

All plans and specifications for land divisions and condominium developments shall comply with design standards established herein and in adopted County and town ordinances, referenced Best Management Practices, and comprehensive plans or components thereof while accommodating alternative sustainable or green-related design standards where appropriate. Such plans and specifications shall also comply with design related requirements in Section VIII, "Required Improvements," and Section IX, "Construction," of this Ordinance.

14.07-2 STREET ARRANGEMENTS

In any new land division or condominium, the street layout shall conform to the arrangement, width, and location indicated on the official map, highway width map, comprehensive plan or component neighborhood development plan, if any, of the town or County and shall be so designed as to be within the capability of the land and water resources, least disturb the existing terrain, flora, fauna and water regimen; and meet all the use, site, sanitary, floodplain, and shoreland regulations contained in the town, County, and State ordinances and regulations. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The land division or condominium shall be designed so as to provide each lot with satisfactory access to a public street. In addition:

- (a) **Arterial Streets** shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
- (b) **Collector Streets** shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the arterial street and highway system and shall be properly related to the mass transit system, to special traffic generators such as schools, churches, shopping centers, and other concentrations of population, and to the arterial streets to which they are to connect.
- (c) **Minor Streets**, sometimes called minor land-access streets, shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.
- (d) **Proposed Streets** shall extend to the boundary lines of the lot, parcel, or tract being subdivided or developed unless prevented by topography or other physical conditions or unless the County zoning committee finds that such extension is not necessary or desirable for the coordination of the layout of the land division or condominium or for the advantageous development of the adjacent lands.

- (e) **Arterial Street and Highway Protection.** Whenever the proposed land division or condominium contains or is adjacent to an arterial street or highway, adequate protection of residential properties, limitation of access to the arterial street or highway, and separation of through and local traffic shall be provided by reversed frontage or by use of frontage, cul-de-sac, or looped streets. A restricted non-access easement along any property line abutting an arterial street or highway shall be required (see Sections 14.07-3(a) and 14.07-9(d)). Permanent screening such as earth berms, decorative walls or fencing, landscape plantings, or any combination thereof, shall be required in any restricted non-access area (see Section 14.07-2(a)).
- (f) **Public Access to All Navigable Stream or Lake Shores.** See Section 14.07-11(b).
- (g) **Reserve or Development Access Control Strips** shall not be allowed on any plat or certified survey map to control access to streets or alleys, except where control of such strips is placed with the town or County under conditions approved by the County zoning committee.
- (h) **Access** shall be provided in commercial, industrial, and mixed-use areas for off-street loading/unloading and service areas.
- (i) **Street Names** shall be approved by the County in coordination with the town and in accordance with Chapter 6, "Road Naming and Building Numbering," of the County municipal code. New street names shall not duplicate or be similar to existing street names, unless the proposed streets are extensions or continuations of others already in existence and, therefore, shall bear the names of the existing streets.
- (j) **Private Streets** may be allowed only in sewered planned unit developments and are subject to town and County approval. All lots shall abut upon a public street or other officially approved means of access, such as a private street.

14.07-3 LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT-OF-WAY TREATMENTS

Whenever the proposed land division or condominium contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:

- (a) **Non-Access Easement and Planting Area.** When lots within the proposed land division or condominium back upon the right-of-way of an existing or proposed limited access highway or railroad, a non-access easement (see Section Sections 14.07-9(d)) and planting strip (sometimes called a landscaped buffer yard) at least 20 feet in depth and/or width shall be provided adjacent to the highway or railroad in addition to the normal lot depth and/or width. The minimum lot depth and/or width, where applicable, for the land division shall be increased 20 feet to accommodate the non-access easement and planting strip. Where a pedestrian and/or bicycle/recreation path is proposed in the strip by the subdivider or required by the town or County, this strip shall be increased to 30 feet. This strip shall be a part of the lots and shall have the following restriction lettered on the face of the plat or certified survey map:

"This strip is reserved for the planting of trees and shrubs. Bicycle and pedestrian facilities and access may also be permitted. No motor vehicle access shall be permitted across this area. The building of all structures, except public or private utilities structures, is prohibited hereon."

- (b) **In Commercial and Industrial Districts, streets** shall be provided on each side of the limited access highway or railroad right-of-way that are approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.
- (c) **Streets Parallel to a Limited Access Highway** or railroad right-of-way, when intersecting a major street and highway or collector street which crosses said railroad or highway, shall be located at least 300 feet from said highway or railroad right-of-way or at a distance as determined by the town or County engineer. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- (d) **Minor Streets** immediately adjacent and parallel to railroad rights-of-way shall be avoided in residential areas.
- (e) **Cross- and Shared-Accesses.** See Section 14.07-9(d).

14.07-4 STREET, BICYCLE, AND PEDESTRIAN/RECREATION WAY DESIGN STANDARDS

- (a) **Cross-Sections.** The minimum right-of-way and roadway width of all proposed streets shall be as specified by this Ordinance, town and County comprehensive plan or component, County highway width map or jurisdictional highway system plan, or neighborhood development plan, and in accordance with plans and specifications approved by the town and, if applicable, County. If no right-of-way width is specified therein, the minimum widths shall be as specified in Table 14.07-1.

**Table 14.07-1
MINIMUM RIGHT-OF-WAY WIDTH REQUIREMENTS
FOR STREETS AND OTHER PUBLIC WAYS**

Urban Street	Minimum Right-of-Way Width
Arterial	As shown on the County Highway Width Map but generally not less than 130 feet
Collector	80 feet
Minor	66 feet
Pedestrian and Bicycle/ Recreation Ways ^a	20 feet
Cul-de-sac Turn-around	65-foot radius
Rural Street	Minimum Right-of-Way Width
Arterial	As shown on the County Highway Width Map but generally not less than 130 feet
Collector	80 feet
Minor	66 feet
Pedestrian and Bicycle/ Recreation Ways ^a	20 feet
Cul-de-sac Turn-around	65-foot radius

Note: Refer to Section 82.50 of the Wisconsin Statutes for minimum cross-sections for town roads.

^aRight-of-way width for combined pedestrian, bicycle, and recreation ways separate from street rights-of-way.

- (b) **Urban and Rural Arterial Street and Highway Cross-Section Standards** shall not apply to freeways and expressways. Freeway and expressway systems shall be based upon detailed engineering studies approved by the County highway commission, the Wisconsin Department of Transportation, Division of Transportation System Development, or the U.S. Department of Transportation, Federal Highway Administration.
- (c) **Cul-de-Sac Streets** designed to have one end permanently closed shall not exceed 1,000 feet in length, unless otherwise approved by the town board and provisions are made for adequate emergency access. For lengths proposed to exceed 1,000 feet, the subdivider shall present extraordinary circumstances forcing the use of such lengths due to exceptional environmental constraints, the preservation of hilltops, irregular tract shape, or other limiting factors; however, provisions for adequate emergency access must still be provided.

Cul-de-sac streets shall typically terminate in a circular or “teardrop” turn-around having a minimum right-of-way radius as specified in Illustration No. 4, depending on the type of design configuration, if landscape islands are provided, and other factors as noted. The design, size, construction, and maintenance of a cul-de-sac shall be as determined by the town board, after considering a recommendation from the town engineer, based in part on the minimum design standards specified in Illustration No. 4. Such turnarounds with landscape planting islands, including “eyebrow” turnarounds (half circular cul-de-sacs or looped streets), may be allowed provided that the islands are maintained by private means such as a homeowners or condominium association. The town may require curb and gutter at the perimeter of such islands (also see Section 14.08-6(a)).

- (d) **Temporary Termination** of streets intended to be extended at a later date shall be accomplished with the construction of a temporary circular- or “T”-shaped turnaround within the street right-of-way. Temporary turnarounds must be connected and extended when the adjoining property is developed. If the right-of-way for the temporary turnaround is wider than 66 feet, then the wider “bump-out” portion shall be a temporary easement which shall eventually be removed or vacated when the subject road is extended and constructed in accordance with the provisions of Section 14.08-5 of this Ordinance. Required front yards or building setbacks would be measured from the street right-of-way that is to be permanently dedicated.
- (e) **Bicycle and Pedestrian/Recreation Ways** with a right-of-way, outlot, or public access easement width of not less than 20 feet may be required where deemed necessary by the town or County to provide adequate bicycle, pedestrian, and other recreational circulation or access to schools, parks, houses of worship, shopping centers, or transportation facilities. Bicycle and pedestrian/recreational paths in wooded and wetland areas shall be so designed and constructed as to minimize the removal of noninvasive trees, shrubs, and other vegetation, and to preserve the natural beauty of the area. Also see Sections 14.08-8 and 14.08-17(c) for requirements that may affect such facility design.

Design specifications should be determined during engineering studies for specific street and highway projects, and should be based on recommendations in the most recent edition of the

“Guide for the Development of Bicycle Facilities,” published by the American Association of State Highway and Transportation Officials (AASHTO); the “Wisconsin Bicycle Facility Design Handbook,” and “Facilities Development Manual,” published by the Wisconsin Department of Transportation; Section 7.05, “ Bicycle Lanes,” of the Kenosha County Traffic and Boating Laws Code; and the adopted Kenosha County Comprehensive Bicycle Plan. Signing, traffic control devices, and striping configurations for bicycle facilities should be provided in accordance with the most recent edition of the “Manual on Uniform Traffic Control Devices,” also published by AASHTO.

(f) **Grades.**

1. Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and indiscriminate leveling of the terrain. All changes in street grades that exceed one (1) percent shall be connected by vertical curves that meet the standards for “stopping” sight distance established in AASHTO, “A Policy on Geometric Design of Highways and Streets”.
2. Unless necessitated by exceptional topography and subject to the approval of the town or County zoning committee, the maximum centerline grade of any street or public way within public street rights-of-way shall not exceed the following:
 - a. Arterial streets: 6 percent.
 - b. Collector, minor, frontage, and cul-de-sac streets: 8 percent.
 - c. Sidewalks/
Pedestrian ways: 8 percent. Where a sidewalk/pedestrian way runs along an existing roadway with a grade that exceeds 8 percent, the sidewalk/pedestrian way may also exceed 8 percent but shall be less than or equal to the existing roadway grade in accordance with the Americans with Disabilities Act Accessibility Guidelines (ADAAG).
3. The grade of any street shall in no case exceed 10 percent or be less than one-half of one (0.5) percent for streets with an urban cross section, or less than one (1) percent for streets with a rural cross section, unless otherwise approved by the town or County.
4. See Section 14.07-5(f) for grades at street intersections.

(g) **Crowns.** Unless otherwise approved, roadway pavements shall be designed with a centerline crown. Offset crowns or continuous cross-slopes may be utilized upon approval of the town or County engineer.

(h) **Radii of Curvatures.** When a continuous street centerline deflects at any one point by more than 7 degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:

1. Arterial streets
and highways: 500 feet.
2. Collector streets: 300 feet.
3. Minor streets: 100 feet.

Minimum curve radii shall be further based on the consideration of traffic speed, sight distances, and other factors. A tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.

- (j) **Half-Streets.** Where an existing dedicated or platted half-street is adjacent to the proposed land division, the other half of the street shall be dedicated by the subdivider. The platting of new half-streets should be avoided where possible.
- (j) **Street Elevations in Floodplains.** Elevations of streets passing through floodplains shall be designed in the following manner:
 - 1. At least 2 feet above the 2 percent annual probability (50-year recurrence interval) flood elevation for arterials streets.
 - 2. At least 2 feet above the 10 percent annual probability 10-year recurrence interval) flood elevation for collector and minor streets.
 - 3. Freeways, expressways, and railways shall be designed so that they will not be overtopped by the 1 percent annual probability (100-year recurrence interval) flood.
- (k) **Bridges and Culverts.** All new and replacement bridges and culverts carrying highways and arterial streets over waterways, in addition to meeting other applicable requirements, shall be designed to accommodate the 2 percent annual probability (50-year recurrence interval) flood flow, with the upstream or downstream high water elevation not to exceed a level of 2 feet below the roadway elevation and no hydraulic head loss through the structure. Waterway openings of all new bridges and culverts carrying collector and minor streets and pedestrians over waterways shall be adequate to accommodate the 10 percent annual probability (10-year recurrence interval) flood flow, and with upstream or downstream highwater elevation not to exceed a level of 2 feet below the roadway elevation and no hydraulic head loss through the structure. However, the combination of the waterway opening and the approach road elevations on the floodplains shall not increase the flood stages, either upstream or downstream, upon the occurrence of the 1 percent annual probability (100-year recurrence interval) flood established by the Federal Emergency Management Agency. Flood stage increases may be acceptable for reaches having topographic or land use conditions which could accommodate increased stages without creating additional flood damage potential upstream or downstream of the proposed structure, provided flood easements or other appropriate legal arrangements have been secured with all affected units of government and property owners and local zoning ordinances affected by the increase in the flood stage are amended. Such bridges and culverts shall be so designed and constructed as to facilitate the passage of ice floes and other debris.

New and replacement bridges shall be constructed in accordance with applicable State regulations and shall be submitted to the Wisconsin Department of Natural Resources, excluding ordinary maintenance repair or resurfacing of such bridges, to assure compliance therewith.

- (l) **Street Curb and Gutters.** See Section 14.08-6.
- (m) **Passing and Acceleration/Deceleration Lanes.** When the land to be subdivided is proposed to have a street connection to an arterial street or highway, the town or County zoning committee, after considering a recommendation from the town or County engineer, may require that the subdivider install a “passing” or “bypass” lane adjacent to the traffic lane

opposite the intersection as well as an acceleration and a deceleration lane adjacent to the traffic lane nearest the intersection, all of which shall be approved by the town or County engineer.

14.07-5 STREET INTERSECTIONS

- (a) **Right Angle.** Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
- (b) **Hills.** The location of street intersections immediately below the crest of hills shall be avoided.
- (c) **Number of Streets Converging** at one intersection shall be reduced to a minimum, preferably not more than two.
- (d) **Number of Intersections** along arterial streets and highways shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than 1,200 feet.
- (e) **Corner Curves.** Property lines at street intersections shall be rounded to an arc with a minimum radius of 15 feet or of a greater radius when required by the town or County engineer, or shall be cut off by a straight-line through the points of tangency of an arc having a radius of 15 feet or greater.
- (f) **Grades.** Intersections shall be approached on all sides by grades not to exceed 3 percent for a distance of no less than 100 feet from property/right-of-way lines of said intersection, unless exceptional topography would prohibit these grades.
- (g) **Minor and Collector Streets** shall not necessarily continue across arterial streets; but, if the distance between the centerline intersection of such streets is less than 300 feet measured along the centerline of the arterial street, then the location of the collector and/or minor street shall be so adjusted that the distance is increased or the alignment/adjoinment across the intersecting street is continuous and a jog is avoided. Such jogs for minor and collector streets intersecting other minor or collector streets shall not be less than 125 feet, otherwise the distance shall be increased or said streets shall be adjusted to be continuous in alignment.
- (h) **Curb Ramps or Openings.** On all streets where curbs and sidewalks or pedestrian/recreation paths are required by the town or County, ramps or openings to accommodate people with disabilities, including individuals in wheelchairs and personal assistive mobility devices, shall be provided in accordance with Section 66.0909 of the Wisconsin Statutes and Americans with Disabilities Act Accessibility Guidelines (ADAAG) requirements.
- (i) **Vision Corner or Clearance Easements** shall be provided at street and highway intersections as required by Section 12.13-1(a) and shown in Illustration No. 2 of the Kenosha County zoning ordinance and by any approving or objecting authority concerned.
- (j) **Street Signs and Signals.** See Sections 14.07-2(i) and 14.08-14 of this Ordinance.

14.07-6 **BLOCKS**

The widths, lengths, shapes, and orientation of blocks shall be suited to the planned use of the land, including supporting green development; zoning requirements; need for convenient pedestrian, bicycle, and motor vehicle access; control and safety of street traffic; and the limitations and opportunities of topography and other natural resource features. In addition:

- (a) **Lengths.** Blocks in residential areas shall not as a general rule be less than 600 feet nor more than 1,500 feet in length unless otherwise dictated by preservation of natural resource features, including exceptional topography, or other limiting factors of good design.
- (b) **Bicycle and Pedestrian/Recreation Ways** of not less than 20 feet in easement or right-of-way width may be required between side and/or rear lot lines where deemed necessary by the town or County zoning committee to provide safe and convenient pedestrian, bicycle, or recreational circulation or access between individual lots, streams, lakeshores, park lands, or other public areas, or may be required near the center and entirely across any block over 900 feet in length where deemed essential by the town or County zoning committee to provide adequate pedestrian, bicycle, or recreational circulation or access to schools, parks, shopping centers, employment centers, houses of worship, or transportation facilities. The final plat, CSM, or condominium plat shall contain a special restriction addressing by whom these ways will be maintained.
- (c) **Width.** Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth except where a single tier of lots may be necessary to separate development from through traffic, such as with reverse frontage lots, or to protect and preserve natural resources.
- (d) **Utility Easements.** See Section 14.07-9(a).

14.07-7 **LOTS**

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 should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated. Lot lines shall follow municipal boundary lines rather than cross them. In addition:

- (a) **Side Lot Lines** shall be at right angles to straight street lines or radial to curved street lines on which the lots face, unless a non-conventional lot layout is approved by the town or County zoning committee.
- (b) **Double or Reverse Frontage Lots** shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
- (c) **Access.** Every lot shall front or abut on a public street or other officially approved means of access in accordance with the provisions of the Kenosha County zoning ordinance based on the zoning of the subject land to be divided. Also see Section 14.07-9(d) pertaining to cross- and shared-accesses.
- (d) **Area and Dimensions of All Lots** shall conform to the requirements of the County zoning ordinance for land divisions and condominiums. Building sites that will not be served by a public sanitary sewer system or other approved system shall be of sufficient size to permit the use of an private onsite wastewater treatment system (POWTS) designed in accordance

with Chapters SPS 383, 384, and 385 of the Wisconsin Administrative Code, the most recent edition of SPS POWTS design component manuals, and the County sanitary code and private sewage system ordinance. Buildable lots that will not be served by a public water supply system or other approved system shall be of sufficient size to allow the use of a private water supply system (well) designed in compliance with Chapter NR 812 of the Wisconsin Administrative Code. Lots shall also contain sufficient area to comply with all required yards (setbacks), including those set forth in the County zoning ordinance and those that may be required to meet the requirements of Chapter Trans 233 of the Wisconsin Administrative Code.

- (e) **Lot Sizes for Cluster and Planned Unit Developments** may be reduced to less than the minimum lot area and dimensions required for a zoning district, but in no case shall the density be more than that permitted in the zoning district. The remaining area of the development site shall be maintained in permanent open space, which may include compatible amenities, by proper deed restrictions and/or conservation easements and shall be restricted from further land division.
- (f) **Re-Divisions.** Whenever a lot, parcel, or tract is subdivided into lots or parcels 5 acres or less in area and more than twice the minimum lot area required for the zoning district in which the lot or parcel is located, the County zoning committee may require such lots or parcels be arranged and dimensioned to allow for possible future re-division of any such lots or parcels into lot or parcel sizes compatible with the zoning district and in accordance with the provisions of this Ordinance.
- (g) **Depth.** Lots shall have a minimum average depth of 100 feet. The typical lot depth in the land division should be increased relative to the width of any buffer strips required along abutting arterial streets, highways, and railways. Where applicable, the minimum lot depth shall be increased relative to the width of any required drainage easement, bicycle way, pedestrian/recreation way, or landscaped buffer strip along a front or rear lot line (also see Section 14.07-3(a)). Excessive depth in relation to width shall be avoided and a proportion of 2 to 1 (2:1) shall be considered a desirable ratio under normal conditions, unless a deeper lot is needed to accommodate easements, buffers, or protect natural resources.
- (h) **Width of Lots** shall conform to the requirements of the County zoning ordinance. Where applicable, the minimum width shall be increased relative to the width of any required drainage easement, bicycle way, pedestrian/recreation way, or landscaped buffer strip along a side lot line (also see Section 14.07-3(a)).
- (i) **Corner Lots** shall be designed and platted with at least 20 feet extra width over and above the width the minimum required for the zoning district wherein located to allow adequate yards or building setbacks from two streets and to accommodate sufficient side and rear yards for the intended use and any required buffers and easements.
- (j) **Depth and Width of Lots or Parcels** reserved or laid out for commercial or industrial use shall be adequate to provide for off-street parking and service (loading/unloading) areas required by the use contemplated and the area zoning restrictions for such use.
- (k) **The Shape of Lots** shall be approximately square or rectangular, with the exception of lots located on a curved street or cul-de-sac turnaround. Flag lots or easements or other lot stacking techniques shall be prohibited, except where necessary to accommodate exceptional

topography, preserve natural resources, or address extraordinary circumstances, and are subject to County zoning committee approval.

- (l) **Lands Lying Between the Meander Line and the Water's Edge** and any otherwise undeveloped lands which lie between a proposed land division or condominium and the water's edge shall be included as part of outlots or public dedications if not developable (i.e. wetlands, floodplains, or steep slopes), or as part of lots, outlots, or public dedication if developable in any plat or certified survey map abutting a stream, river, or lake.
- (m) **Remnants of Lots** below minimum size remaining after subdividing a large tract or parcel shall be added to an adjacent lot, or a plan shall be submitted indicating future use of the remnant area rather than allowing them to remain as unusable parcels.
- (n) **Restrictions Prohibiting Development.** Whenever a lot appearing on a final plat, condominium plat, or certified survey map is not intended to be buildable, or is intended to be buildable only upon certain conditions, an express restriction to that effect, running with the land and enforceable by the town or County, shall appear on the face of the plat or map.

14.07-8 BUILDING SETBACK LINES

Building setback lines, appropriate to the location and type of development contemplated, which are more restrictive than the regulations of the zoning district in which the land division is located, may be required by the town or County zoning committee and shall be shown on the final plat, condominium plat, or certified survey map. Examples of the application of this Section would include requiring greater setbacks to meet the minimum lot width requirement at the setback line for lots on cul-de-sac or curved streets, conform to setbacks of existing adjacent developments (see Section 12.10-8 of the County zoning ordinance), accommodate a coving or other unique design, avoid placing buildings within buffers, easements, or vision clearance triangles while providing adequate yards for the intended use, protect natural resources, or conform to greater setbacks required by Chapter Trans 233 of the Wisconsin Administrative Code for lots along arterial streets and highways.

The yards and building pad or envelope on a lot, which is determined by required building setbacks, shall be generally similar to those on adjacent lots and contain sufficient areas to accommodate the intended use including any required buffers, easements, a principal building and any accessory structures, a driveway, and, if applicable, a private onsite wastewater treatment system (POWTS).

14.07-9 EASEMENTS

- (a) **Utility Easements.** The County zoning committee may require easements of widths deemed adequate for the intended purpose as determined by the town or County engineer. Such easements shall be located as determined by the applicable utility company and subject to approval by the town or County engineer, but preferably should be located within midblock easements (see Section 14.07-6(b)) or on each side of all rear lot lines, on each side of all side lot lines, or across lots where necessary or advisable. Easements for electric power transformers and similar equipment should not be located in the flow lines of drainage swales and ditches. All easements shall be noted on the final plat, condominium plat, or certified survey map followed by reference to the use or uses for which they are intended.

All lines, pipes, cables, and similar equipment shall be installed underground unless the town or County finds that the topography, soils, depth to bedrock, woodlands, wetlands, or other physical barriers would make underground installation impractical, or that the lots to be served by said facilities can be served directly from existing overhead facilities and requiring underground installation would constitute an undue hardship upon the subdivider. Associated equipment and facilities which are appurtenant to underground electric power, communications, and gas facility systems, including but not limited to substations, pad-mounted transformers, pad-mounted sectionalizing switches, above-grade pedestal-mounted terminal boxes, junction boxes, meter points, and similar equipment may be installed at ground level and shall be placed in an visually unobtrusive location or screened from public view while maintaining necessary access.

- (b) **Drainage Easements.** Where a land division is traversed by a drainageway or stream, an adequate easement shall be provided as may be required by the town or County zoning committee. The location, width, alignment, and improvement of such drainage or easement shall be subject to the approval of the town or County engineer. Where necessary, stormwater drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, subject to review and approval by the town or County.
- (c) **Conservation Easements.** See Section 14.07-10.
- (d) **Vision Clearance Easements and Cross-, Controlled-, and Shared-Access Easements.** The town and County zoning committee may require vision corner or clearance easements, cross-access easements, non- or controlled-access easements, and shared-access easements as a condition of plat or certified survey map approval in order to minimize potential traffic hazards. Access provisions shall be evaluated on case-by-case basis to determine the safety and practicability of cross- and shared-access (i.e. shared entryway or driveway entrance). If the location of cross-access is not known and is dependent on future development or site plan layout, then a note shall be added to the plat or certified survey map indicating that a cross-access shall be provided and the subject lot replatted accordingly when the cross-access location is determined.

14.07-10 PROTECTION OF NATURAL RESOURCES

Where natural drainage channels, floodplains, wetlands, woodlands, or other environmentally sensitive areas are encompassed in whole or in part within a proposed land division, the town and County zoning committee may require that these areas be dedicated or that restrictions, including those for conservation easements, be placed on the plat or certified survey map to protect such resources. The town or County zoning committee may further require that such areas be included in outlots designated on the plat or certified survey map and be restricted from development, including those for common areas within cluster subdivisions and condominiums. Conservation easements may be held by the town, a nonprofit conservation organization, or another entity approved by the town board.

14.07-11 PARK, OPEN SPACE, AND OTHER PUBLIC SITES

- (a) **In the Design** of the subdivision plat or certified survey map, due consideration shall be given to the dedication or reservation of suitable sites of adequate size for future schools, parks, playgrounds, drainageways, public access to navigable waters, trail corridors, and other public purposes. If designated on the town or County comprehensive plan or

comprehensive plan component, official map, or component neighborhood development plan, such areas shall be made a part of the plat or certified survey map as stipulated in Section 14.02-5 of this Ordinance. If not so designated, consideration shall be given to preserving open space sites such as environmental corridors, scenic and historic sites, stands of fine trees, wetlands, lakes, ponds, and watercourses.

- (b) **Navigable Streams or Lakeshores** shall have a public access-way dedicated at least 60 feet in width platted to the low water mark at intervals of not more than one-half mile and connecting to existing public streets, highways, or other public way, unless wider access or greater shoreline intervals are agreed upon by the Wisconsin Department of Administration, the Wisconsin Department of Natural Resources, and the town or County, as required by Section 236.16(3) of the Wisconsin Statutes.

14.07-12 OTHER RELATED DESIGN REQUIREMENTS

Section VIII, "Required Improvements," and Section IX, "Construction," of this Ordinance contain other design related requirements relevant to land division and condominium design. Such requirements or standards include those for curbs and gutters, street lights, street name signs, traffic control signs and signals, street trees, landscaping including for buffer yards, grading, erosion control, sedimentation control, stormwater management facilities, water supply facilities, sanitary sewerage disposal facilities, and other utilities. Even though some of these standards may not be shown on plats and certified survey maps, they are relevant to plans and specifications required for the development of subdivisions and condominiums. The Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance and Kenosha County Stormwater Management, Erosion Control, and Illicit Discharge Ordinance also contain requirements that may affect land division design or development.

SECTION VIII. REQUIRED IMPROVEMENTS

14.08-1 GENERAL REQUIREMENTS

All required improvements shall be constructed in accordance with plans and specifications approved by the town or County engineer. Such improvements may include those for green infrastructure subject to town or County engineer approval in accordance with accepted engineering practices to ensure proper functioning and monitoring of green stormwater infrastructure. Also see Section VII for design standards.

14.08-2 SURVEY MONUMENTS

The subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes and as may be required by the town or County engineer.

14.08-3 GRADING

- (a) **Cut and Filled Lands** shall be graded in accordance with grading plans and specifications approved by the town or County engineer. Slopes shall not be steeper than one (1) vertical to 4 horizontal, or the soil's angle of repose, whichever is the lesser, and such slopes shall be covered with permanent vegetation. To the extent practicable, grading shall be minimized.
- (b) **After the Installation** of temporary block corner monuments or other survey control points by the subdivider and approval of street grades by the town or County engineer, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and specifications approved by the town board for town roads and the County Highway Commissioner for improvements to County trunk highways. The subdivider shall grade the roadbeds in the street rights-of-way to subgrade. Any cut and filled lands immediately adjacent to street or highway rights-of-way shall be graded and restored in accordance with the approved plans and specifications.
- (c) **Finished Grade.** Streets and lots shall be brought to finished grades as specified in a site grading plan approved by the town or County engineer.
- (d) **Where Electric and Communication Facilities** are to be installed underground, the utility easements shall be graded to finished grade elevation, and no earth fill, mounds of dirt, or construction materials shall be stored on such easement areas.

14.08-4 STREET SURFACING

- (a) **After the Installation**, inspection, and approval by the town or County engineer of all utility and stormwater drainage improvements, the subdivider shall surface all roadways in streets proposed to be dedicated to the widths prescribed by this Ordinance, a local official map or County highway width map, or County and town comprehensive plans or components thereof. Said surfacing shall be done in accordance with plans and specifications approved by the town engineer for town roads and by the County engineer for improvements to County trunk highways. The second lift of asphalt shall not be installed sooner than one (1) year after the first lift of asphalt is installed or as otherwise specified in the development agreement. The cost of surfacing any arterial streets or highways in excess of 48 feet in width that would serve traffic beyond that generated by the proposed land division or condominium development will be borne by the unit or agency of government having jurisdiction.

- (b) **The Binder Course** shall be placed initially upon completion of the utilities using interim inlets and asphalt wedged curb and gutter. The surface course of asphalt shall be installed not later than 6 months after 60 percent of the lots in the land division have been developed provided the weather meets town or County standards for paving, but in no case shall the surface be placed sooner than one (1) year or more than 3 years after paving the binder course. All failures in the binder course shall be repaired prior to paving the surface. Surfacing shall be done in accordance with plans and specifications approved by the town or County engineer.

14.08-5 REMOVAL OF TEMPORARY TURNAROUNDS

Where a land division abuts an existing temporary circular cul-de-sac or “T” turnaround and the town plan includes extending the street ended by said temporary turnaround, the subdivider shall be responsible for the removal of the turnaround, reconstruction of the drainage and roadside ditches or curb and gutter as applicable, reinstallation of culverts, reconstruction of driveways, restoration of all disturbed areas, and removing or vacating the portion of the street containing a temporary easement if applicable (see Section 14.07-4(d)). The town engineer will determine if existing culverts, if any, may be salvaged and reused.

14.08-6 CURBS AND GUTTERS

- (a) **In Land Divisions**, including condominiums, the town board may require the subdivider to construct concrete curbs and gutters in accordance with plans and specifications approved by the town engineer. Curbs and gutters may be required on cul-de-sac “islands” and on streets with steep topographical conditions. Openings in curbs for drainage may be allowed, upon approval of the town engineer, to accommodate green stormwater management measures such as drainage into street tree wells, infiltration trenches, or bioretention basins with under drains. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts or construction of “mountable” type curb and gutter if permitted by the town.
- (b) **Curb Ramps or Openings** shall be installed, where applicable, in accordance with Section 66.0909 of the Wisconsin Statutes, Americans with Disabilities Act Accessibility Guidelines, and as approved by the town engineer. Also see Section 14.07-5.

14.08-7 RURAL STREET SECTIONS

When permanent rural street sections have been approved by the town engineer, the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and specifications approved by the town engineer.

14.08-8 SIDEWALKS AND PEDESTRAIN/RECREATIONAL PATHS

- (a) **The Town Board** or County zoning committee may require the subdivider to construct a concrete sidewalk or asphalt path, including pervious pavements, on one side of all frontage streets, and on one or both sides of all other streets within and/or adjacent to the land division. Off-street pedestrian/recreational paths may also be required within the open spaces of land divisions. All such facilities shall be located within a dedicated public right-of-way or a public pedestrian/recreation access easement. If located within a public access easement, said easement shall be at least 20 feet wide. The construction of all sidewalks or pedestrian/recreational paths, including bicycle facilities, shall be in accordance with plans

and specifications approved by the town or County engineer and adopted pedestrian, bicycle, park, and recreational plans.

- (b) **Wider than Standard** sidewalks or off-street pedestrian/recreational paths may be required by the town board in the vicinity of schools, commercial areas, and other places of public assemblage, and the town board may require the construction of such facilities in locations other than required under the preceding provisions of this Ordinance if such walks or paths are necessary, in their opinion, for safe and adequate pedestrian, bicycle, or recreational circulation. The town board or County zoning committee may waive the requirement for sidewalks or paths upon a finding that such walks or paths are not required because of the provision of a separate network of pedestrian/recreational ways, low vehicular or pedestrian traffic volumes, or lot arrangement.

14.08-9 SANITARY SEWAGE DISPOSAL FACILITIES

- (a) **The Subdivider** shall make provision for adequate private onsite wastewater treatment systems (POWTS), as specified by the County or State agencies concerned, where public sanitary sewer facilities are not available.
- (b) **When Public Sanitary Sewer Facilities** are available or when it is proposed to establish a private sanitary sewerage system to serve 2 or more lots or condominium units, the subdivider shall construct sanitary sewerage facilities in such a manner as to make adequate sanitary sewerage service available to each lot or unit within the land division.
- (c) **The Town Board** may require the installation of sewer laterals to the street right-of-way line.
- (d) **The Size, Type and Installation** of all sanitary sewers and sanitary sewer laterals proposed to be constructed shall be in accordance with plans and specifications approved by the town engineer.
- (e) **Where a Town Sanitary District** has been created pursuant to Section 60.20 of the Wisconsin Statutes for the purpose of providing and constructing sanitary sewers, such plans and specifications shall be further subject to approval by the town sanitary district commission.
- (f) **The Subdivider** shall assume the cost of installing all sanitary sewers, sewer laterals, and sewer appurtenances within the proposed land division, except for the added cost of installing sewers greater than 8 inches in diameter which are necessary to serve tributary drainage areas lying outside of the proposed land division, unless the over-sizing is required to serve vacant lands owned or controlled by the subdivider. In addition, the subdivider shall pay to the town or town sanitary district wherein the land division is located, a sanitary sewer trunk line connection fee based on the added cost of installing larger sewers in the total tributary drainage area which shall be prorated in proportion to the ratio which the total area of the proposed land division is to the total drainage area to be served by such larger sewers.

14.08-10 STORMWATER MANAGEMENT FACILITIES

The Subdivider shall construct stormwater drainage facilities adequate to serve the land division, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, water retention and detention facilities, and settling basins, including bioretention

basins with under drains, infiltration trenches, and other green stormwater infrastructure. In addition:

- (a) **All Such Facilities** shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazard to life or property. The type of facilities required and the design criteria shall be determined by the town or County engineer. All facility plans shall be reviewed and evaluated on a case-by-case basis taking into consideration the nature of the topography and discharge location within and adjacent to the land division. The subdivider shall obtain a stormwater permit and install the size and type of stormwater management facilities proposed to be constructed in accordance with plans and specifications approved by the County engineer based on the stormwater management requirements in Chapter 17 of the County municipal code.
- (b) **The Subdivider** shall assume the cost of installing all stormwater conveyances and storage facilities within the proposed land division, except for the added cost of installing storm sewers greater than 24 inches in diameter which are necessary to serve tributary drainage areas lying outside of the proposed land division, or to avoid flooding attendant to increased flows downstream of the proposed development caused not by the development but by preexisting development upstream. The subdivider shall pay to the town or town sanitary district wherein the land division is located a storm sewer trunk line connection fee based on the added cost of installing larger sewers in the total tributary drainage area which shall be prorated in proportion to the ratio which the total area of the proposed land division is to the total drainage area to be served by such larger sewers.

14.08-11 WATER SUPPLY FACILITIES

- (a) **The Subdivider** shall make provision for adequate private water systems as required by the County in accordance with the standards of the Wisconsin Department of Natural Resources, if municipal (public) water service is not available.
- (b) **When Public Water Supply** and distribution facilities are available to the land division or when it is proposed to establish a private water supply and distribution system to serve 2 or more lots or condominium units, the subdivider shall cause such water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot or unit within the land division.
- (c) **The Town Board** may require the installation of water laterals to the street lot line.
- (d) **The Size, Type, and Installation** of all public water mains proposed to be constructed shall be in accordance with plans and specifications approved by the town board.
- (e) **Where a Town Sanitary District** has been created pursuant to Section 60.30 of the Wisconsin Statutes for the purpose of providing and constructing a system of water works, such plans and specifications shall be further subject to approval by the town sanitary district commission.
- (f) **The Subdivider** shall assume the cost of installing all water mains, water laterals, and water system appurtenances within the proposed land division except for the added cost of installing water mains greater than 6 inches in diameter. The added cost of water mains greater than 6 inches in diameter shall be borne by the town or the town sanitary district wherein the

land division is located. If water mains greater than 6 inches in diameter are required to serve areas outside the proposed development and not owned by the subdivider, the excess cost shall be borne by the town or town sanitary district.

14.08-12 OTHER UTILITIES

- (a) **The Subdivider** shall cause gas, electrical power, television cable, telephone, and other communication facilities to be installed, where available, in such a manner as to make adequate service available to each lot or unit in the land division.
- (b) **All New Electric**, telephone, or other communication lines from which lots or condominium units are individually served shall be installed underground within all newly platted subdivisions containing 5 or more lots or units in all residence districts shown on the County zoning maps, unless the town board, after considering a recommendation from the town engineer, or the County zoning committee shall find after study that the location, topography, soil, stands of trees or other physical barriers would make underground installation unreasonable or impracticable or that the lots or units to be served by said facilities can be served directly from existing overhead facilities. Associated equipment and facilities which are appurtenant to underground electric, telephone, and other communication systems including, but not limited to, substations, pad mounted transformers, pad mounted sectionalizing switches, and above-grade pedestal-mounted terminal boxes may be located above ground. Any landscape screening plan required for such above-ground equipment shall be submitted to the affected utility company for approval.
- (c) **Plans** indicating the proposed location of all gas, electrical power, telephone, and other communication distribution and transmission lines required to service the land division shall be approved by the town engineer.

14.08-13 STREET LAMPS

The town board may require the subdivider to install street lamps along all streets proposed to be dedicated of a design compatible with the neighborhood and type of development proposed. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the town board. The specific type and location of such light posts shall be approved by the town engineer. Shielded luminaires with downward reflections, luminaries with cutoff optics, LED or similar energy-saving luminaries, and careful fixture placement may be required by the town board.

In lieu of or in addition to the installation of public street lamps, the town board may permit the installation of private posts lamps at appropriate locations within a land division. The type and location of such post lamps shall be subject to approval by the town engineer and shall be maintained by the homeowners or condominium association.

14.08-14 STREET AND TRAFFIC CONTROL SIGNS AND SIGNALS

The subdivider shall install or pay for the material and installation of a street name sign of a design specified by the town engineer at the intersection of all streets proposed to be dedicated. The subdivider shall also pay for the material and installation of any traffic control signs or signals required, where warranted, as a result of the traffic generated from the proposed land division. Traffic control signs and signals are subject to review and approval by the town engineer or the government agency having jurisdiction.

Traffic control and street name signs shall meet the following standards:

- (a) **The Design** and placement of traffic control signs shall comply with applicable State and County requirements.
- (b) **The Subdivider** shall install at least 2 street name signs, of a design and color compatible with the neighborhood and as approved by the town engineer, at each four-way street intersection proposed to be dedicated and one (1) sign at each “T” intersection. Street name signs shall be installed so as to be free of visual obstructions.

14.08-15 STREET TREES

- (a) **Trees.** The subdivider shall plant street trees of approved species at least 3 inches in diameter at breast height (dbh-approximately 4.5 feet above ground). The total number of trees to be planted shall be based on one (1) for every 50 feet of frontage on all streets proposed to be dedicated and be spaced on average about 50 feet apart. The required trees shall be planted in the existing or planned curb lawn area between sidewalk and curb when an urban street cross-section is used; to the property side of the road ditch when a rural street cross-section is used; or on private property within 5 feet of a front lot line when an easement for such use has been designated on the final plat and at least 10 feet from driveways. Tree plantings shall be completed in accordance with landscaping plans and specifications approved by the town board.
- (b) **Alternative.** The requirement for street trees may be waived by the town board if substantial alternative landscaping, including trees, is to be provided within the land division or condominium development in accordance with a landscaping plan approved by the town board.

14.08-16 LANDSCAPING

- (a) **Plans and Specifications.** The subdivider shall install landscaping in accordance with landscape plans and specifications approved by the town as required by Section 14.09-4. Such landscaping may include drought-tolerant landscaping and landscaping in common open areas, and landscape screening within buffer areas, condominium developments, or open space subdivisions, sometimes called cluster developments. If plantings are not installed prior to approval of a final plat or condominium plat, a landscaping schedule shall be specified in a development agreement and appropriate sureties shall be provided.
- (b) **Maintenance** of all landscaping included in approved landscaping plans and specifications shall be the responsibility of the property owner, or, for landscaping installed in common areas, the homeowners or condominium association. Provisions for the maintenance of such landscaping shall be included in the homeowners or condominium association documents required under Section 14.02-5.

14.08-17 SHORELAND PLANTING AND EROSION AND SEDIMENTATION CONTROL

The subdivider shall prepare erosion and sedimentation control plans and specifications in accordance with Chapter 17, “Kenosha County Stormwater Management, Erosion Control, and Illicit Discharge Ordinance,” of the of the County municipal code. Such plans shall be submitted by the subdivider for review and approval by the County engineer, and an erosion

control permit shall be obtained by the subdivider. The subdivider shall plant those grasses, trees, shrubs, groundcover, and vines of a species and size native to Wisconsin and as specified by the County zoning committee, necessary to prevent soil erosion and sedimentation and protect stream and lake banks. In addition:

- (a) **The County Zoning Committee** may require the subdivider to provide or install certain stream and lake protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles, and grade stabilization structures.
- (b) **Tree Cutting** and shrubbery clearing shall be so conducted as to prevent erosion and sedimentation and preserve and improve scenic qualities.
- (c) **Paths and Trails** in wooded and wetland areas shall not exceed 10 feet in width, unless otherwise approved by the town or County engineer, and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs and the minimum impairment of natural beauty.
- (d) **Earth Movements**, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen and topography. Such activities shall comply with applicable County and State regulations.
- (e) **Review of Such Cutting**, clearing, and movement may be requested by the County Conservationist the Wisconsin Department of Natural Resources, the town, or the County zoning committee as it deems appropriate.

14.08-18 IMPROVEMENTS EXTENDED TO LIMIT OF PARCEL OR LOT

Any and all improvements or utility services required by this Ordinance for land divisions and condominiums shall be extended to the farthest limit of the parcel or lot upon which a building permit is requested unless the owner is exempted from meeting such requirement by the town board after considering a recommendation from the town engineer. In the event the improvements are required to the end of the parcel or lot, the subdivider shall be required to post bond or other financial sureties with the town if improvements are not installed.

SECTION IX. CONSTRUCTION

14.09-1 COMMENCEMENT

No construction or installation of improvements shall commence in a proposed land division or condominium development until the preliminary plat or certified survey map has been approved, a development agreement in accordance with Section 14.02-8 has been executed, and the approving authorities having jurisdiction have given written authorization to proceed upon receipt of all necessary fees, sureties, and required permits. A preconstruction meeting of concerned parties, such as the utilities and contractors concerned, may be required by the County or town engineer prior to an approving authority issuing authorization to proceed.

14.09-2 PHASING

In accordance with Section 236.13(2)(a) of the Wisconsin Statutes, the County, with the concurrence of the town board concerned, may permit development of a project in phases and such shall include construction and installation of public improvements deemed necessary by the County or town. The County or town board will require security to be provided before improvements required for each phase are commenced and in an amount only for the phase currently being constructed. The required security shall be calculated in accordance with Section 14.02-7 of this Ordinance.

14.09-3 PERMITS

- (a) **Issuance.** No zoning, building, sanitary, erosion control, stormwater management, or other permit shall be issued for erection of a structure on any lot not of record at the time of adoption of this Ordinance until all the requirements of this Ordinance have been met.
- (b) **Access.** The County zoning administrator shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this Ordinance. If, however, he is refused entry after presentation of his identification, he may procure a special inspection warrant in accordance with Section 66.0119 of the Statutes, except in cases of emergency.

14.09-4 PLANS AND SPECIFICATIONS

The following plans and accompanying construction specifications shall be required and approved by the town or County engineer, town board, County zoning committee, and any other agency having relevant approving authority before construction or installation of improvements is authorized:

- (a) **Street Plans** and profiles showing existing and proposed grades, elevations, cross sections, materials, and other details of required improvements, including street lights, street signs and signals, and public sidewalks and pedestrian/recreational paths.
- (b) **Sanitary Sewer Plans** and profiles showing the locations, grades, sizes, elevations, materials, and other details of required facilities.
- (c) **Stormwater Management and Erosion and Sedimentation Control Plans**, calculations, and profiles meeting the requirements of Section 14.08-10 and 14.08-17 of this Ordinance and Chapter 17 of the County municipal code.

- (d) **Water Supply and Distribution Plans** and profiles showing the locations, sizes, elevations, materials, and other details of required facilities.
- (e) **Utility Plans** showing the locations and sizes, where applicable, of all gas, electrical power, telephone, and other communication facilities.
- (f) **Grading Plans** showing limits of all grading with existing and proposed topographic contours, mass (“rough”) and finished grading plans not to exceed two-foot contour intervals unless otherwise approved by the town or County engineer, proposed top of building foundation and finished yard grade elevations, and such supplemental information as required by the town or County engineer.
- (g) **Landscaping Plans** showing and describing in detail the locations, sizes, and species of proposed grasses, vines, shrubs, and trees; existing shrubs, trees with a diameter at breast height (dbh) of 5 inches or larger, and other vegetation to be retained, transplanted, or removed; nonliving durable landscaping material such as rocks, sand, gravel, decorative mulch, and hardscape features; and structures such as walls, fences, trellises, and entryway/gateway signs. Plants shall meet the American Standard for Nursery Stock. The use of drought-tolerant plants is encouraged where appropriate.
- (h) **Additional Special Plans** or information as required by the town or County engineer, town board, or County zoning committee, which may include street lighting plans, land stewardship plans, hydraulic and hydrologic studies, additional design considerations, and data and computations involved in preparing required plans.

14.09-5 EARTH MOVING

Earth moving, such as grading, topsoil removal, stream course changing, road cuttings, waterway construction or enlargement, removal of stream bed materials, excavating, channeling, clearing, ditching, drain tile removal or laying, dredging and lagooning, and other land surface disturbances, shall be so conducted as to minimize erosion and sedimentation and disturbance of the natural fauna, flora, watercourses, water regimen and topography, and shall comply with all applicable town, County, and State requirements.

14.09-6 PRESERVATION OF EXISTING VEGETATION

The subdivider shall make every effort to protect and retain all existing noninvasive trees, shrubs, vines, grasses, and groundcover not actually lying in paved portions of public street rights-of-way, drainageways, building foundation sites, private driveways, private onsite wastewater treatment areas, and pedestrian/recreation pathways. In addition:

- (a) **Existing Trees** are to be protected and preserved during construction in accordance with the approved landscaping plan and with sound conservation practices, including the preservation of trees by well islands or retaining walls whenever abutting grades are altered.
- (b) **Temporary Vegetation and Mulching** shall be used to protect critical areas (i.e. steep slopes and tree root zones (area extending from the tree trunk to the tree canopy drip line)), and permanent vegetation shall be installed as soon as practical.
- (c) **Construction** at any given time shall be confined to the smallest practical area and for the shortest practical period of time.

- (d) **Sediment Basins** shall be installed and maintained at all drainageways to trap, remove, and prevent sediment and debris from being washed outside the area being developed.

14.09-7 INSPECTION AND COMPLETION OF IMPROVEMENTS

The subdivider, prior to commencing any work within the land division, shall notify and make arrangements with the approving authorities having jurisdiction, to provide for inspection. The approving authorities having jurisdiction or their representative shall inspect and approve all completed work prior to release of sureties.

14.09-8 AS-BUILT PLANS

Within 30 days following completion and acceptance of all improvements by the approving authority having jurisdiction, the subdivider shall provide two complete sets of plans and profiles and a digital copy, compatible with the town or County digital system, of such plans and profiles that accurately show the location, extent, and horizontal and vertical location and alignment of all improvements as actually constructed. Horizontal and vertical locations shall be expressed in terms of the Wisconsin Coordinate System and horizontal and vertical datums as approved by the town or County engineer.

SECTION X. FEES

14.10-1 GENERAL REQUIREMENTS

All fees shall be paid in full at the time an application is submitted. The subdivider shall pay the County any outstanding fees as hereinafter required before being entitled to record a plat or certified survey map.

14.10-2 PLAT AND CERTIFIED SURVEY MAP REVIEW FEES

- (a) **The Subdivider** shall pay a fee to the County Division of Planning and Development at the time of first application for approval of any preliminary plat, final plat, condominium plat, certified survey map, or County related improvement construction plans and specifications, to assist in defraying the cost of administration and review. The required plat and certified survey map review fees shall be established by separate resolution by the Kenosha County zoning committee from time to time as deemed appropriate.
- (b) **A Reapplication Fee** shall be paid to the County Division of Planning and Development at the time of reapplication for approval of any preliminary plat, final plat, condominium plat, or certified survey map which has previously been reviewed. The required reapplication fees shall be established by separate resolution by the Kenosha County zoning committee from time to time as deemed appropriate.

14.10-3 ENGINEERING AND INSPECTION FEES

The subdivider shall pay a fee equal to the actual cost for all engineering work, including related administration and inspection, incurred by Kenosha County in connection with the plat or certified survey map. Engineering work shall include the preparation of construction plans and standard specifications, and construction layout. Kenosha County may permit the subdivider to furnish all, some, or part of the required construction plans and specifications, in which case no engineering fees other than those necessary for plan review shall be levied for such plans and specifications. The fee also covers inspections deemed necessary to ensure that the construction of the required improvements is in compliance with the approved plans, specifications, and ordinances of Kenosha County. Any funds remaining after covering actual cost for work conducted by the County will be refunded to the subdivider.

14.10-4 OTHER FEES

- (a) **The Subdivider** shall pay a fee, upon approval of the preliminary plat, final plat, condominium plat, certified survey map, and construction plans and specifications and acceptance of required improvements, equal to the cost of any legal, , planning, or fiscal work which may be undertaken by Kenosha County in connection with the plat or certified survey map. Legal work shall include the review, negotiation, and drafting of contracts between the approving authority having jurisdiction and the subdivider. These fees may also include the cost of obtaining professional opinions including, but not limited to, attorneys, engineers, landscape architects, and land planners, requested by the County zoning committee or staff in connection with the land division being considered.
- (b) **The Subdivider** shall pay fees to the County Division of Planning and Development for required erosion control plan reviews and engineered stormwater management plan reviews undertaken by Kenosha County for plats and certified survey maps, if applicable, in accordance with Chapter 17 of the Kenosha County municipal code.

- (c) **The Subdivider** is responsible for paying other fees required as a result of obtaining permits from other agencies as indicated in Section 14.09-3. Such permits and fees include obtaining permits from towns having jurisdiction over required improvements and the cost for town engineer and legal work related to such improvements, including town street and sidewalk pavement, street signs, street trees, street lamps, and public sanitary sewer, if applicable.

SECTION XI. DEFINITIONS

For the purpose of this Ordinance, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meaning or are intended to be interpreted to have a specific meaning. Words used in the present tense include the future. The word “person” includes a firm, association, partnership, trust, company, or corporation as well as an individual. The word “he” includes the word “she”. The singular number includes the plural number, and the plural number includes the singular number. The word "shall" is mandatory and not advisory, the word "should" is advisory, and the word "may" is permissive. Any words not defined in this Ordinance shall be presumed to have their customary dictionary definitions.

Agency, Advisory. Any agency, other than an objecting agency, to which a plat or certified survey map may be submitted for review and comment. An advisory agency may give advice to the town and County and suggest that certain changes be made to the plat or certified survey map, or it may suggest that a plat or certified survey map be approved or denied. Suggestions made by an advisory agency are not binding on the County zoning committee or town board. Examples of advisory agencies include the Southeastern Wisconsin Regional Planning Commission (SEWRPC), Wisconsin Department of Natural Resources, local school districts, and local utility companies.

Agency or Authority, Approving. Each governmental body having authority to approve or reject a subdivision plat or minor land division as set forth in Section 236.10 of the Wisconsin Statutes. Governing bodies with approving authority include the town board, the governing body of the municipality having extraterritorial plat approval authority such as the City of Kenosha and villages within the County, and the Kenosha County Board.

Agency, Objecting. An agency empowered to object to a subdivision plat pursuant to Chapter 236 of the Statutes. The town and County may not approve any plat upon which an objection has been certified until the objection has been satisfied. Objecting agencies include the Wisconsin Department of Administration, the Wisconsin Department of Safety and Professional Services if the land to be subdivided will be served by a private onsite wastewater treatment system (POWTS), and the Wisconsin Department of Transportation if the land to be subdivided abuts a State trunk highway or connecting highway or street.

Alley. A special public way providing only secondary access to abutting properties.

Block. A tract of land bounded by streets or by a combination of one or more streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines, or shorelines of waterways, or corporate boundary lines.

Buffer. An area separating land uses and may consist of open areas, existing natural vegetation, or new landscaping, such as trees, shrubs, and berms.

Buildable Lot Area. The portion of a lot remaining after required yards have been provided and conservancy, floodplain, and other unbuildable areas excluded, which contains sufficient buildable area to properly accommodate a building and driveway, and a well and POWTS if required.

Building. Any structure having a roof supported by columns or walls.

Building Setback Line. A line generally parallel to a lot line and at a distance from the lot line to comply with the County zoning ordinance's yard requirements and the requirements of this Ordinance.

Certified Check. A form of check in which a bank verifies that sufficient funds exist in an account to cover the check, and the bank certifies accordingly, at the time the check is written. The funds are then held in the bank's internal account until the check is cashed or returned by the payee. Said check shall have sufficient funds, and its liquidity is similar to cash, absent failure of the bank.

Certified Survey Map. A map prepared in accordance with Section 236.34 of the Statutes and this Ordinance for the purpose of dividing land into not more than 4 (or 6 in the B-1, B-2, B-3, B-4, B-5, BP-1, B-94, M-1, or M-2 zoning districts) parcels or building sites; or used to document, for recording purposes, survey and dedication data relating to single parcels. Certified survey maps are also referred to as minor land divisions.

Common Open Space. See “Open Space, Common”.

Comprehensive Plan. Any extensively developed plan adopted by the County board or by the governing body of a city, village, or town pursuant to Section 66.1001 of the Wisconsin Statutes. Components of a comprehensive plan include, but are not limited to, a land use, transportation system, urban redevelopment, park and open space, stormwater management, and neighborhood unit development plans, and public facility plans. Devices for the implementation of such plans include zoning, official map, and land division control ordinances.

Condominium. A form of ownership combining individual unit ownership with shared use and ownership of common property or facilities, established in accordance with Chapter 703 of the Wisconsin Statutes. Common areas and facilities are owned by all members of the condominium association on a proportional, undivided basis. A condominium is a legal form of ownership and not a specific building type or style.

Condominium Association. An association, whose members consist of owners of units in a condominium, which administers and maintains the common property and common elements of a condominium. The association is responsible for maintaining the common facilities and grounds and delivering services, but does not own the common facilities.

Condominium Declaration. The condominium instrument by which property becomes subject to Chapter 703 of the Statutes.

Condominium Instrument. Recorded documents relating to the creation and subsequent modification of the condominium, including the declaration, plats, and plans of a condominium together with any attached exhibits or schedules and addendums or amendments.

Condominium Plat. See “Plat, Condominium.”

Condominium, Small. For the purpose of this Ordinance, small condominium means a condominium with not more than 6 units.

Condominium Unit. A part of a condominium intended for any type of independent use, including one or more cubicles of air at one or more levels of space or one or more rooms or enclosed spaces located on one or more floors (or parts thereof) in a building. A unit may include two or more noncontiguous areas.

Conservation Easement. The grant of a property right or interest from the property owner to another person, agency, unit of government, or other organization stipulating that the described land shall remain in its natural, scenic, open, agricultural, or wooded state, precluding future or additional development.

Conversion Condominium. A structure which, before the recording of a condominium declaration, was wholly or partially occupied by persons other than those who have contracted for the purchase of condominium units or those who occupy with the consent of the purchasers.

County Zoning Committee and/or Planning Agency. The Kenosha County Planning, Development and Extension Education Committee created by the County Board as authorized by Statute to plan land use and to review subdivision plats, condominium plats, and certified survey maps. The Committee is supported by staff from the Kenosha County Division of Planning and Development and other applicable supporting County departments.

County Zoning Ordinance. Chapter 12, “Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance,” of the County municipal code.

Covenant. A restriction on the use of land, usually set forth in a deed.

Cross Access. A shared access drive or traffic aisle between adjoining or adjacent properties with compatible land uses which usually allows access between adjacent parking areas located on different lots without traveling on adjacent public streets or highways.

Datum. A system that serves as a basis for land survey measurements and calculations.

Declaration of Restrictions. A set of restrictions filed by a subdivider, subdivision (homeowners) association, or condominium association stating rules residents must follow, including a statement of all the covenants, conditions, and restrictions that affect a parcel of land. A subdivider may note the restrictions on the map or plat when recording the subdivision or condominium plat. If the restrictions are numerous, the subdivider may prepare a separate document called a declaration or declaration of restrictions, listing all the restrictions, and then record that declaration.

Deed Restrictions. A restriction on the use of a property set forth in a deed.

Development or Subdivider’s Agreement. An agreement entered into by and between a town and a subdivider whereby the town and subdivider agree as to the design, construction, and installation of required public improvements, including improvements required by this Ordinance; the payment for such public improvements; dedication of land; and other matters related to the requirements of this Ordinance. The development agreement shall not come into effect unless and until a letter of credit or other appropriate surety or fees have been provided to the town and County by the subdivider.

Engineer, Town or County. A professional engineer who is a full-time employee of the town or County or consulting professional engineer who provides consulting or resident staff services to the town or County.

Environmental Corridor. Those lands containing concentrations of scenic, recreational, and other natural resources as identified and delineated by SEWRPC. These natural resources and resource-related elements include the following: 1) lakes, rivers, and streams, and their associated riparian buffers and floodplains; 2) wetlands; 3) forests and woodlands; 4) prairies; 5) wildlife habitat areas; 6) rugged terrain and high-relief topography; 7) wet, poorly-drained, and organic soils; 8) existing park and open space sites; 9) potential parks and open space sites; 10) historic sites; 11) significant scenic areas and viewpoints; and 12) natural areas and critical species habitat sites.

Environmental Corridor, Primary. A concentration of significant natural resources at least 400 acres in area, at least 2 miles in length, and at least 200 feet in width, as delineated and mapped by SEWRPC.

Environmental Corridor, Secondary. A concentration of significant natural resources at least 100 acres in area and at least one (1) mile in length. Where such corridors serve to link primary environmental corridors, no minimum area or length criteria apply. Secondary environmental corridors are delineated and mapped by SEWRPC.

Extraterritorial Plat and Certified Survey Map Approval Jurisdiction. The unincorporated area within one-and-one-half (1½) miles of a fourth class city or a village and within 3 miles of all other cities. Wherever such statutory extraterritorial powers overlap with those of another city or village, the jurisdiction over the overlapping area shall be divided on a line, all points of which are equidistant from each community, so that not more than one city or village exercises extraterritorial powers over any area.

Final Plat. See “Plat, Final.”

Floodplains. Those lands, including the floodplains, floodways, and channels, subject to inundation by the one percent annual probability (100-year recurrence interval) flood, or, where such data is not available, the maximum flood of record.

Frontage. The smallest dimension of a lot abutting a public street measured along the street line.

Green Development. The integration of techniques that help conserve natural resources by arranging land uses and site features (i.e. lots, buildings, and infrastructure) to include or be close to services, employment centers and alternative transportation systems (i.e. public transit, sidewalks, and bicycle facilities); protecting existing natural resources; providing opportunities to practicably harness renewable energy sources, where possible (i.e. south-oriented buildings capturing passive solar radiation); utilizing sun, wind, and/or earth for natural lighting, ventilation, heating, cooling, and other purposes (i.e. solar panels, wind turbines, wind catchers/ventilation shafts, and geothermal systems); using green infrastructure; incorporating local, reused, recycled, recyclable, or eco-friendly construction materials and energy efficient appliances; and including other energy and water conservation and efficiency measures into site and building designs. The term is also sometimes referred to as “low impact development (LID).”

Green Infrastructure. Incorporating stormwater management systems (sometimes called “green stormwater infrastructure”) that mimic nature to improve water quality and reduce flooding by storing, infiltrating, or evapotranspiring stormwater through the use of bioswales, infiltration trenches, bioretention basins with under drains, curb openings into tree wells, rain gardens and barrels or cisterns, rooftop and wall or “vertical” gardens, porous or permeable pavements with restricted salt and pollutants in such areas, drought-tolerant landscaping materials and techniques, and other energy and water conservation and efficiency measures into site and building designs. It also means to include or use natural hydrologic features of an ecological system such as vegetation (wetlands and woodlands), soil, waterways and other natural processes often located in environmental corridors that provide habitat, flood protection, and cleaner air and water.

Hedgerow. A row of shrubs or trees planted or preserved for enclosure or separation of fields.

High Groundwater Elevation. The highest elevation to which subsurface water rises. This may be evidenced by the actual presence of water during wet periods of the year, or by soil mottling during drier periods. Mottling is a mixture or variation of soil colors. In soils with restricted internal drainage, gray, yellow, red, and brown colors are intermingled giving a multicolored effect.

Homeowners Association. An association combining individual home ownership with shared use, ownership, maintenance, and responsibility for common property or facilities, including private open space, within a land division. The association is responsible for maintaining the common facilities and grounds and delivering services, but may or may not own such common facilities.

Improvement, Public. Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public sidewalk, pedestrian or recreational way, planting strip, or other facility for which the County or town may ultimately assume the responsibility for maintenance and operation.

Isolated Natural Resource Area. An area containing significant natural resources at least 5 acres in area and at least 200 feet in width, as delineated and mapped by SEWRPC.

Land Division. Any division or conveyance of land or of an interest in land that results in the creation of one or more additional lots or parcels, including, without limitation, any subdivision or minor land division (certified survey map). A land division can be legally created only by means of a subdivision plat or certified survey map, and not a condominium plat.

Land Division, Minor (Certified Survey Map). A minor land division is any division of land that:

1. Creates at least 2 but not more than 4 parcels or building sites, inclusive of the original remnant parcel, any one of which is less than 35 acres in size, by a division or by successive divisions of any part of the original parcel within a period of 5 years; or
2. Divides a block, lot, or outlot within a recorded subdivision plat into at least 2 but not more than 4 parcels or building sites, inclusive of the original remnant parcel, without changing the exterior boundaries of said plat or the exterior boundaries of blocks within the plat, and the division does not result in a subdivision.

For the purpose of this Ordinance and in accordance with Sections 236.015(12)(bm) and 236.34(1)(ar) of the Statutes, a minor land division also includes a division of land into 6 or fewer parcels or lots, not including outlots, that may be created by a certified survey map for land zoned commercial, industrial, or mixed-use development (land in a B-1, B-2, B-3, B-4, B-5, BP-1, B-94, M-1, or M-2 zoning district).

Landscaping. Living noninvasive plant material, such as grass, groundcover, flowers, shrubs, vines, hedges, and trees; nonliving durable material such as rocks, pebbles, sand, mulch, wood chips, or bark; and structures such as fences, walls, and trellises.

Letter of Credit. An irrevocable written agreement guaranteeing payment for improvements, entered into by a bank, savings and loan, or other financial institution authorized to do business in the State of Wisconsin and which has a financial standing acceptable to the town, which secures a subdivider's obligation to pay the cost of designing, constructing, and installing required public improvements (including any improvements required by this Ordinance), and certain other obligations in connection with an approved land division.

Lot. A parcel of land having frontage on a public street or other officially approved means of access occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the minimum lot width, lot frontage, lot area, yard/setback, parking area, and other provisions of the County zoning ordinance. No land dedicated to the public or reserved for roadway purposes shall be included in the computation for meeting minimum lot or parcel area requirements except in the A-1, A-2, A-3 and A-4 Agricultural Districts.

Lot, Corner. A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side. (See Illustration No. 5.)

Lot, Through (Double Frontage Lot). A lot which has a pair of opposite lot lines along two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines

but in the case of two or more contiguous through lots, a common front lot line shall be identified on the plat or CSM. The term is also sometimes referred to as a “double frontage lot”. (See Illustration No. 5).

Lot, Flag. A lot not fully fronting on or abutting a public street and where access to the public street system is by a narrow strip (sometimes called a “neck,” “narrow leg,” or “flag staff”) of land, easement, or private right-of-way where a driveway is usually located. Flag lots generally are not considered to conform to sound planning principles. (See Illustration No. 5.)

Lot, Interior. A lot with frontage on one street which is bounded by adjacent lots along each side and usually a lot behind it fronting on a different street. (See Illustration No. 5.)

Minor Land Division. See “Land Division, Minor.”

Municipality. An incorporated city or village.

Native Plants. Plants such trees, shrubs, grasses, and other plants that have developed naturally, or existed for many years in a given area.

Navigable Water. Lake Michigan, all natural inland lakes within Wisconsin, and all rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of Wisconsin which are navigable under the laws of this State. The Wisconsin Supreme Court has declared navigable all bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. The Wisconsin Department of Natural Resources is responsible for determining if a water body or watercourse is navigable.

Official Map. A document prepared and adopted by a city, village, or town with village powers pursuant to Section 62.23(6) of the Wisconsin Statutes, which shows the location of existing and planned streets, parkways, parks, playgrounds, railway rights-of-way, waterways, and public transit facilities.

Open Space. Any site, parcel, lot, area, or outlot of land or water that has been designated, dedicated, reserved, or restricted from further development. Open space may be privately- or publicly-owned and shall be substantially free of structures, but may be used for landscaping and contain recreational facilities approved by the town or County. Such open space may include, but not be limited to, floodplains, wetlands, woodlands, prairie remnants, steep slopes, natural areas, critical species habitat sites, and other significant natural resource features, including those within environmental corridors and isolated natural resource areas.

Open Space, Common. Privately-owned land within a land division that has been restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the land division. Common open space shall be substantially free of structures, but may be used for landscaping and contain recreational facilities approved by the town or County.

Open Space, Public. Land within a land division that has been dedicated to the public for recreational or conservation purposes. Open space lands shall be substantially free of structures, but may be used for landscaping and contain recreational facilities approved by the town or County.

Ordinary High Water Mark (OHWM) or Elevation. The average annual high water level of a pond, stream, lake, flowage, or wetland referred to an established datum plane, or where such elevation is not available, the elevation of the line up to which the presence of the water is so frequent as to leave a distinctive mark by erosion, change in, or destruction of, terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized topographic, geologic, or vegetative characteristic.

Outlot. A parcel of land, other than a lot or block, so designated on the plat, but usually not of standard lot size, which is used to convey or reserve parcels of land. Outlots may be created to restrict a lot which is unbuildable due to high groundwater, steep slopes, or other physical constraints, or to create common open space. Outlots may also be parcels of land intended to be either redivided into lots or combined with one or more other adjacent outlots or lots in adjacent land divisions in the future for the purpose of creating buildable lots. An outlot may also be created if a lot fails to meet requirements for a POWTS, but which may be buildable if public sewer is extended to the lot or land division.

Section 236.13(6) of the Statutes prohibits using an outlot as a building site unless it complies with all the requirements imposed for buildable lots. The County will generally require that any restrictions related to an outlot be included on the face of the plat.

Parcel. A single piece of land separately owned, either publicly or privately, and capable of being conveyed separately. For the purpose of this Ordinance, public dedications and public rights-of-way are not considered parcels. No land dedicated to the public or reserved for roadway purposes shall be included in the computation of parcel or lot area except in the A-1, A-2, A-3 and A-4 Agricultural Districts.

Planning Documents. Plans adopted by the town and County Boards for public facilities, transportation, future land use, sanitary sewer, water, storm sewer, capital improvements, and the County highway width map.

Plat, Condominium. A map (not a certified survey map) prepared in accordance with Chapter 703 of the Wisconsin Statutes and this Ordinance for the purpose of creating and recording condominium units as defined herein. A “condominium plat” may be used to create condominium units along with specifying a condominium owner’s proportional share or ownership of common facilities and/or grounds and shall not be used to create lots or parcels. The creation of lots or parcels requires a “certified survey map” or “subdivision plat.”

Plat, Final. A map prepared in accordance with the requirements of Chapter 236 of the Statutes and this Ordinance for the purpose of creating a subdivision.

Plat, Preliminary. A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration. A preliminary plat precisely describes the location and exterior boundaries of the parcel proposed to be divided, and shows the approximate location of lots, streets, and other improvements.

Plat, Subdivision. A map prepared in accordance with Chapter 236 of the Wisconsin Statutes and this Ordinance for the purpose of creating and recoding a subdivision as defined herein.

Public Improvement. Any sanitary sewer, storm sewer, open channel, water main, street, park, sidewalk, bicycle or pedestrian way, or other facility for which the town or County may ultimately assume the responsibility for maintenance and operation.

Public Way. Any public road, street, highway, bicycle or pedestrian way, drainageway, or part thereof.

Recreation Path or Way. For the purpose of this Ordinance, a multi-use path that provides opportunities for hiking/pedestrians and may accommodate bicycling, rollerblading, skateboarding, and other recreational uses.

Redoximorphic Features. A feature formed in the soil matrix by the process of reduction, translocation, and oxidation of iron and manganese compounds in seasonally saturated soil which appear “mottled.”

Replat. The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat, certified survey map, or part thereof. The legal dividing of a large block, lot, or outlot within a recorded subdivision plat or certified survey map without changing exterior boundaries of said block, lot, or outlot is not a replat. Changes to condominium plats, such as merging or removal of condominiums, must meet the requirements of Chapter 703 of the Wisconsin Statutes, and condominium plats may not be used nor are considered a replat of a subdivision, certified survey map, or part thereof.

Reserve Strip. Any land which would prohibit or interfere with the orderly extension of streets, bicycle or pedestrian ways, sanitary sewer, water mains, storm water facilities, or other utilities or improvements between two abutting properties.

Resiliency. To withstand or recover from social, economic, and environmental crises or disasters.

Sanitarian, County. The Kenosha County Division of Planning and Development, Environmental Sanitarian, and Assistant Environmental Sanitarian, operating under the jurisdiction of the County and duly licensed by the State of Wisconsin, responsible for enforcement of County sanitary code and private sewage system ordinance (Chapter 15 of the County municipal code).

Shorelands. Those lands lying within the following distances: 1,000 feet from the ordinary high water mark or elevation of navigable lakes, ponds, and flowages; or 300 feet from the ordinary high water mark or elevation of navigable streams, or to the landward side of the floodplain, whichever distance is greater.

Sketch or Concept Plan. A conceptual plan of a proposed land division that is submitted for informal review and shows the proposed layout of streets, lots, and other features in relation to existing conditions.

Soil. The naturally occurring pedogenically developed and undeveloped regolith overlying bedrock.

Soil, In Situ. Soil that is naturally formed or deposited in its present location or position and includes soil material that has been plowed using normal tillage implements and depositional material resulting from erosion or flooding.

Soil Horizon. A layer of soil material approximately parallel to the land surface and differing from adjacent genetically related layers in physical, chemical, or biologic characteristics.

Soil Horizon, "A". A layer of mineral soil or soil material that formed at the surface or below an "O" horizon and 1) are characterized by an accumulation of humified organic matter intimately mixed with the mineral fraction and not dominated by properties characteristic of "E" or "B" horizons or 2) have properties resulting from cultivation, pasturing, or similar kinds of disturbance.

Soil Horizon, "A+4". A layer of mineral soil or soil material located typically at ground surface and containing 4 inches of soil below the "A" horizon that is free of any redoximorphic soil features indicative of soil saturation and consist of soil diagnostic characteristics indicative of "B", "C", or "E" horizons. [For purposes of this Ordinance and Chapter 15 of the County municipal code, this is the soil criteria used for all lands being subdivided.]

Soil Horizon, "B". A layer formed below an A, E, or O horizon and is dominated by an obliteration of all or much of the original rock structure and by 1) illuvial concentration of silicate clay, iron, aluminum, humus, carbonates, gypsum, or silica, alone or in combination thereof; 2) evidence of removal of carbonates; 3) residual concentration of sesquioxides; 4) coatings of sesquioxides that make the horizon conspicuously lower in value, higher in chroma, or redder in hue than overlying and underlying horizons without apparent

illuviation of iron; 5) alteration that forms silicate clay or liberates oxides or both and that forms granular, blocky, or prismatic structure if volume changes accompany changes in moisture content; or 6) any combination of these.

Soil Horizon, “C”. A layer, excluding hard bedrock, that is little affected by pedogenic processes and lack properties of O, A, E, or B horizons. Most C horizons are mineral layers, but limnic layers, whether organic or inorganic, are included. The material of C layers may be either like or unlike that from which the solum presumably formed.

Soil Horizon, “E”. A mineral horizon in which the main feature is loss of silicate clay, iron, aluminum, or some combination thereof, leaving a concentration of sand and silt particles of quartz or other resistant minerals.

Soil Horizon, “O”. A layer dominated by organic material, except limnic layers that are organic. Some layers are saturated with water for long periods or were once saturated by are now artificially drained and others have never been saturated.

Soil Mapping Unit. Soil type, slope, and erosion factor boundaries as shown on the operational soil survey maps prepared by the U.S. Natural Resources Conservation Service (formerly known as the U.S. Soil Conservation Service).

Street, Arterial. A street used, or intended to be used, primarily for fast or heavy through traffic. Arterial streets shall include freeways and expressways as well as standard arterial streets and highways.

Street, Collector. A street used, or intended to be used, to carry traffic from minor land-access streets to the system of arterial streets, including the principal entrance streets to residential developments and/or activity or employment centers.

Street, Cul-de-sac. A minor land-access street with only one (1) outlet and closed at the other end with a turn-around for safe and convenient traffic movement.

Street, Frontage. A minor land-access street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

Street, Minor Land-Access. A street used, or intended to be used, primarily for access to abutting properties. Such streets are sometimes called land-access streets or minor streets.

Street or Highway, Connecting. A marked route, not a State trunk highway per se, of the state trunk highway system over certain streets and highways in municipalities which the Wisconsin Department of Transportation has designated as a “connecting highway” (see Section 86.32 of the Wisconsin Statutes).

Subdivider. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision, or replat, or any person who creates a condominium under Chapter 703 of the Wisconsin Statutes.

Subdivision. The division of a lot, outlot, parcel, or tract of land by the owner thereof, or the owner’s agent, for the purpose of sale, transfer of ownership, or building development, where the act of division creates 5 or more parcels or building sites, inclusive of the original remnant parcel, of less than 35 acres in area, by a division or by successive division of any part of the original property within a period of 5 years. In accordance with Sections 236.015(12)(bm) and 236.34(1)(ar) of the Statutes, the word “subdivision” does not include a

division of land into 6 or fewer parcels or lots, not including outlots, that may be created by a certified survey map for land in a B-1, B-2, B-3, B-4, B-5, BP-1, B-94, M-1, or M-2 zoning district.

Surety Bond. A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider.

Sustainability. The capacity to meet the needs of the present generation without compromising the ability of future generations to meet their own needs.

Vision Clearance Triangle. A triangular shaped portion of land established at street or highway intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to severely limit or substantially obstruct the sight distance of motorists entering or leaving the intersection. (See Illustration No. 2 in the Kenosha County zoning ordinance.)

Wetlands. An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation, and which has soils indicative of wet conditions.

Wisconsin Administrative Code. Regulations, commonly referred to as rules, written and promulgated by State agencies to supplement, implement, or interpret laws enacted by the Wisconsin Legislature. The rules are referred to based on the agency that is responsible for administering the rules. For example, “SPS” refers to rules administered by the Department of Safety and Professional Services; “NR” refers to rules administered by the Department of Natural Resources, and “Trans” refers to rules administered by the Department of Transportation. Portions of the Administrative Code that particularly affect planning include SPS 383 (requirements for private onsite wastewater treatment systems); NR 115 (requirements for shoreland areas and shoreland-wetlands in towns and counties); NR 116 (floodplain requirements); NR 117 (requirements for shoreland-wetlands in cities and villages); and Trans 233 (requirements for subdivisions abutting State highways). The Wisconsin Administrative Code is available on the Legislature’s web page at <https://docs.legis.wisconsin.gov/code>.

Wisconsin Statutes. The body of law enacted by the Wisconsin State Legislature. Portions of the Wisconsin Statutes that particularly affect planning include Chapter 236 (land division requirements); Chapter 703 (condominium plat requirements); Section 62.23 (zoning and master planning requirements for cities and villages, and towns that have adopted village powers); Section 66.1001 (comprehensive planning requirements); and Chapter 59 (zoning requirements for counties). The Wisconsin Statutes are available on the Legislature’s web page at <https://docs.legis.wisconsin.gov/statutes>.

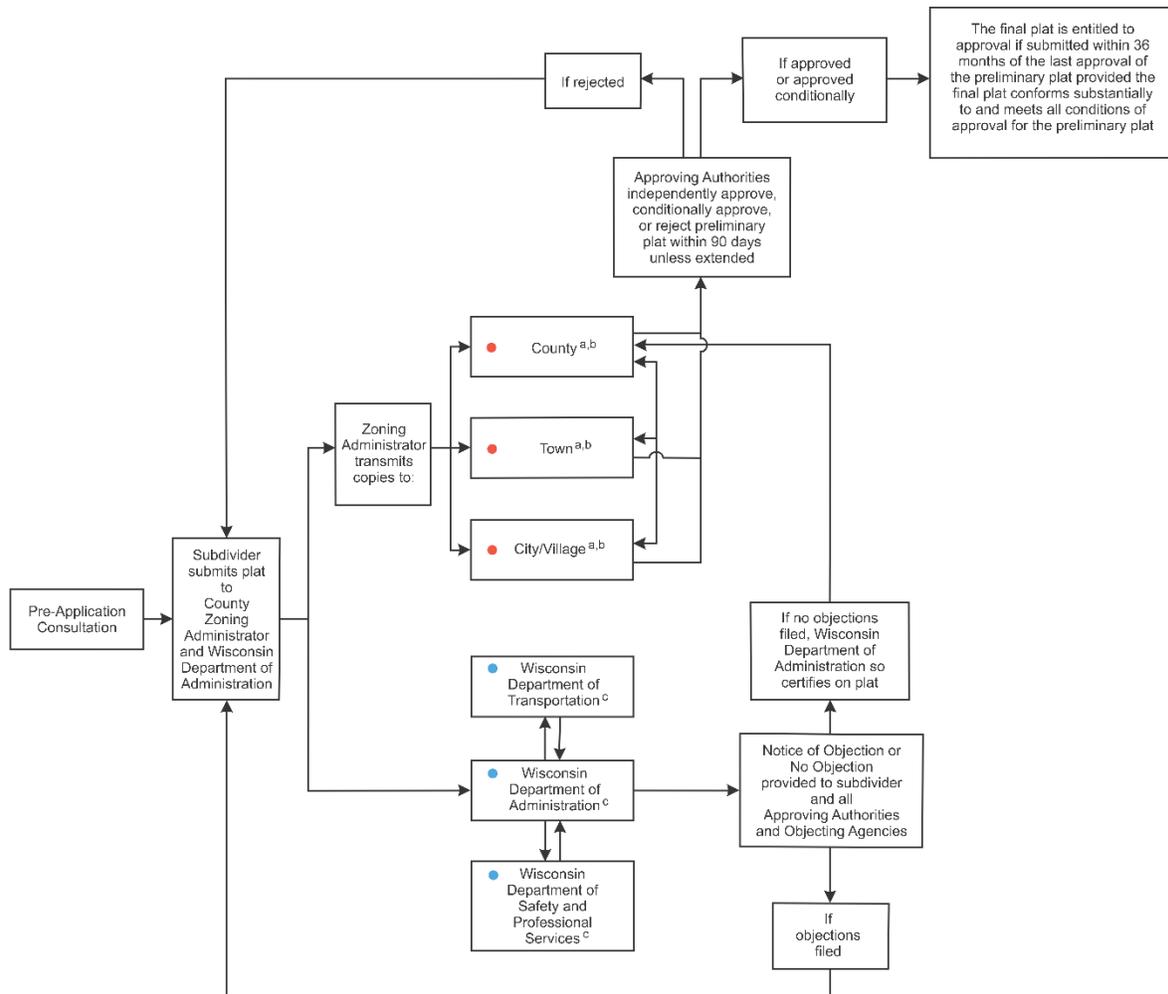
Woodlands. Upland areas at least one (1) acre in extent covered by deciduous or coniferous trees as delineated and mapped by SEWRPC.

Zoning Administrator. The officer designated by the County Board of Supervisors to administer this Ordinance such as the Director of the Division of Planning and Development.

APPENDIX - ILLUSTRATIONS

**Illustration No. 1
(Relates to Sections 14.03-2 and 14.03-3)**

PRELIMINARY PLAT REVIEW PROCESS AND TIME FRAME



● Approving Authority

● Objecting Agency

^a Approving authorities have 90 days in which to review a preliminary plat unless extended. Both the town and county are approving authorities for plats located in a town. In cases where a plat in a town is located within the extraterritorial plat approval jurisdiction of a city or village, the city or village is also an approving authority.

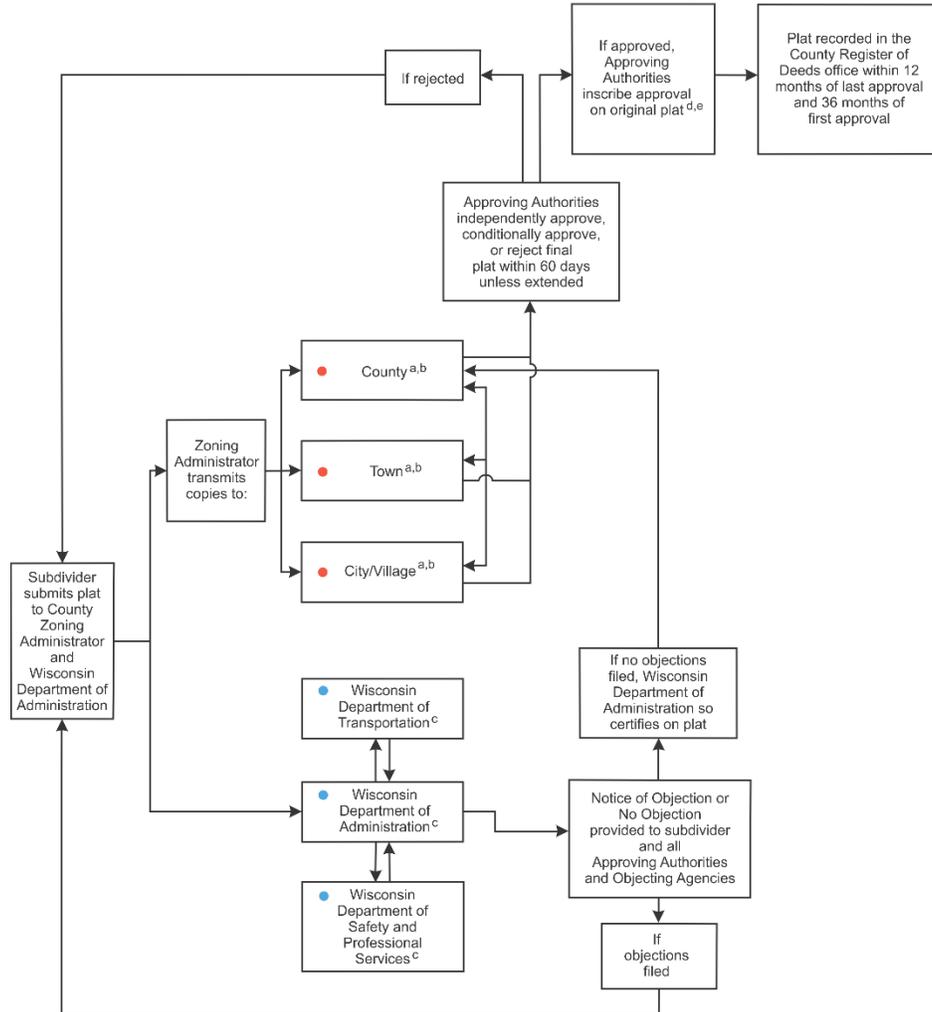
^b The authority to approve or reject preliminary plats may be delegated by the governing body to a plan commission or planning committee, however, final plats dedicating streets, highways, or other public lands must be approved by the governing body.

^c The Wisconsin Department of Administration has 30 days in which to review the plat from the date received. The other objecting agencies have 20 days, within that 30-day period, in which to review the plat. The Department of Administration coordinates the objecting agency review of plats.

Source: SEWRPC.

Illustration No. 2
 (Relates to Sections 14.03-4 and 14.03-5)

FINAL PLAT REVIEW PROCESS AND TIME FRAME



- Approving Authority
- Objecting Agency

^a Approving authorities have 60 days in which to review a final plat unless extended. Both the town and county are approving authorities for plats located in a town. In cases where a plat in a town is located within the extraterritorial plat approval jurisdiction of a city or village, the city or village is also an approving authority.

^b The authority to approve or reject final plats may be delegated by the governing body to a plan commission or planning committee, however, final plats dedicating streets, highways, or other public lands must be approved by the governing body.

^c The Wisconsin Department of Administration has 30 days in which to review the plat from the date received. The other objecting agencies have 20 days, within that 30-day period, in which to review the plat. The Department of Administration coordinates the objecting agency review of plats.

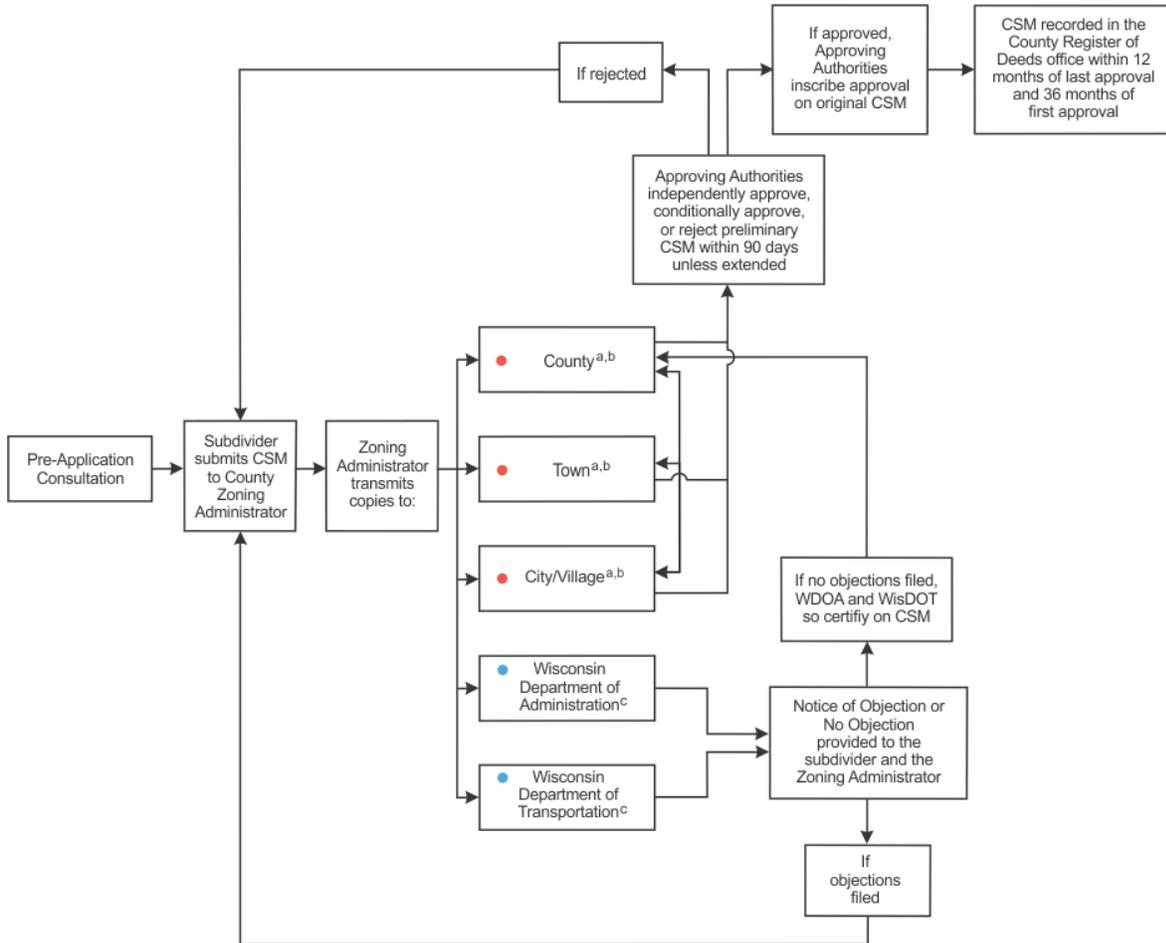
^d If a preliminary plat for a subdivision has been approved, the final plat is entitled to be approved if submitted within 36 months of the last approval of the preliminary plat, provided the final plat conforms substantially to and meets all conditions of approval placed on the preliminary plat.

^e No approving authority may inscribe its approval on a plat prior to the clerk executing the certificate that no objections were filed.

Source: SEWRPC.

Illustration No. 3
 (Relates to Sections 14.03-6 and 14.03-7)

CERTIFIED SURVEY MAP (CSM) REVIEW PROCESS AND TIME FRAME



● Approving Authority

● Objecting Agency

^a Both the town and county are approving authorities for CSMs located in a town. In cases where a CSM in a town is located within the extraterritorial CSM approval jurisdiction of a city or village, the city or village is also an approving authority.

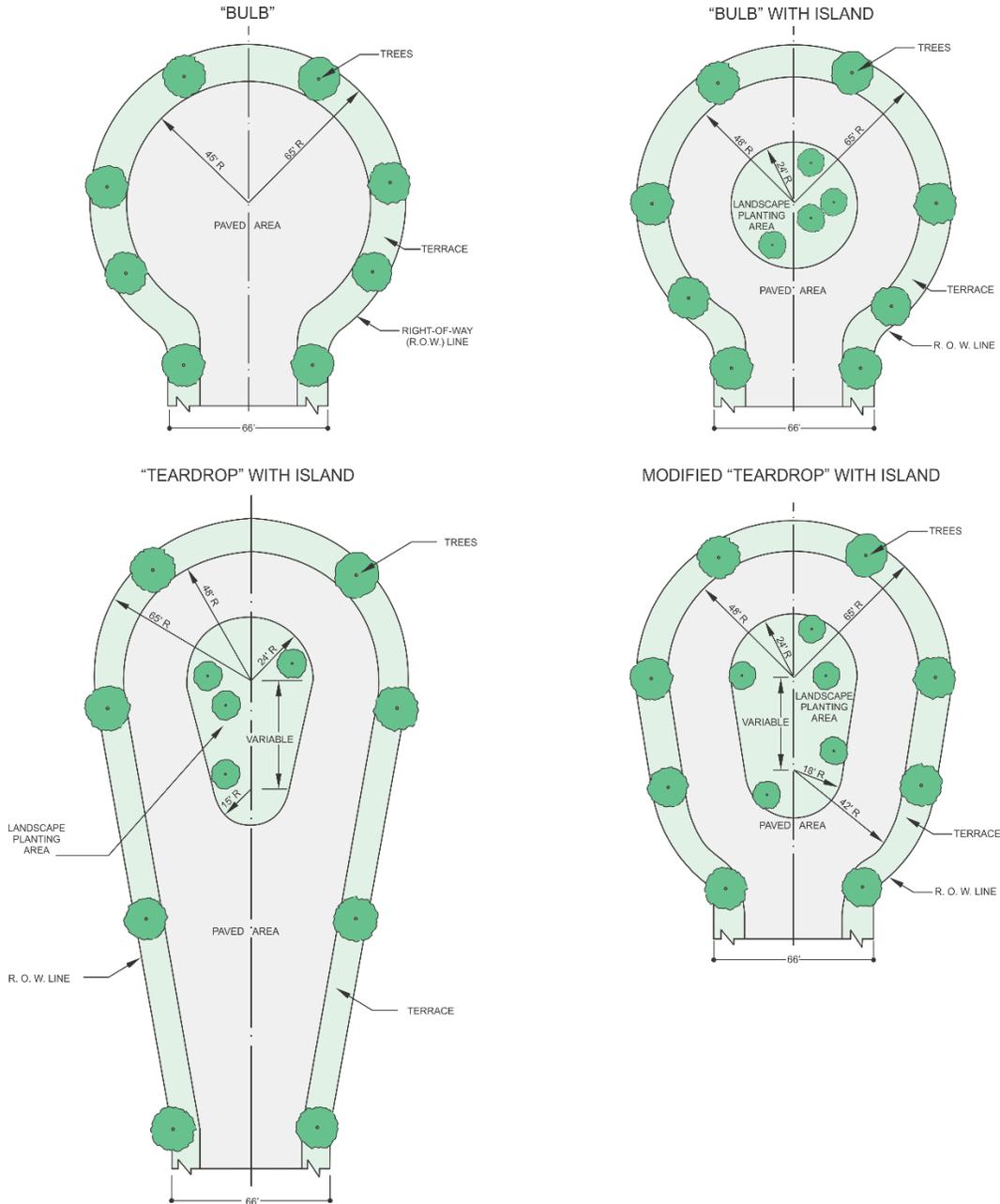
^b The authority to approve or reject CSMs may be delegated by the governing body to a plan commission or planning committee, however, CSMs dedicating streets, highways, or other public lands must be approved by the governing body.

^c The Wisconsin Department of Administration (WDOA) shall review a CSM if the provisions Section 236.34 (1m)(em) of the Wisconsin Statutes apply. The Wisconsin Department of Transportation (WisDOT) shall review a CSM if the provisions of Section 236.34 (1m)(er) of the Statutes apply.

Source: SEWRPC.

Illustration No. 4
 (Relates to Sections 14.07-4 (a) and (c))

ALTERNATIVE MINIMUM RURAL CUL-DE-SAC TURNAROUND DESIGNS

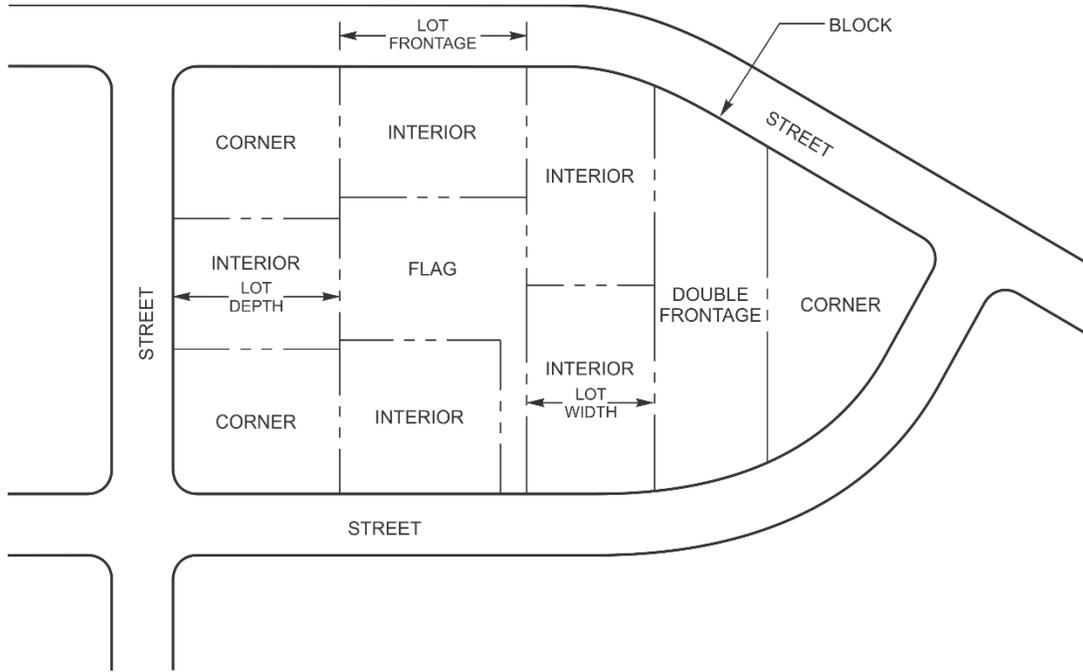


Note: The alternative designs are for rural cul-de-sac streets with roadside swales. For urban cul-de-sacs with curb, gutter, and stormwater infrastructure, the right-of-way radius as well as distance between the outside pavement edge and right-of-way line may be reduced up to 5' depending on detailed design, including if accommodating sidewalks/pedestrian paths, street trees, or bio-retention areas. The illustrations are typical and are subject to variations with regard to a number of considerations, including topography, vehicular and pedestrian traffic patterns, right-of-way widths, and relation to adjacent land uses, with such variations being subject to further consideration under subsequent preliminary engineering studies or designs.

Source: SEWRPC.

Illustration No. 5
(Relates to Section XI)

TYPICAL CORNER, DOUBLE, FLAG, AND INTERIOR LOTS



Source: SEWRPC.