

ORDINANCE NO. 2018-10

**AN ORDINANCE AMENDING CHAPTER 94 OF THE CODE OF ORDINANCES FOR
THE VILLAGE OF UNION GROVE, RACINE COUNTY, WISCONSIN,
PERTAINING TO LAND DIVISIONS**

The Village Board of the Village of Union Grove, Racine County, Wisconsin, do ordain as follows:

1. That subsection 94-3(a) of the Code of Ordinances for the Village of Union Grove be, and hereby is, amended to read as follows:

“(a) It is the goal of the village in adopting this chapter to regulate and control all land divisions within the corporate limits of the Village of Union Grove in order to promote and protect the public health, safety, aesthetics, and general welfare of the community.”

2. That subsection 94-3(b)(3) of the Code of Ordinances for the Village of Union Grove be, and hereby is, amended to read as follows:

“(3) The provisions of Wis. Stats. ch. 236 and ch. 703.”

3. That subsection 94-3(b)(7) of the Code of Ordinances for the Village of Union Grove be, and hereby is, amended to read as follows:

“(7) All applicable local, county, and state regulations including zoning, subdivision, sanitary, utility, building, highway access, water quality and official mapping ordinances.”

3. That section 94-4 of the Code of Ordinances for the Village of Union Grove be, and hereby is, amended to read as follows:

“Sec. 94-4. Conservation subdivisions.

Conservation subdivisions are allowed, but are not required for land divisions resulting in the creation of a subdivision.”

4. That subsection 94-5 of the Code of Ordinances for the Village of Union Grove be, and hereby is, amended to read as follows:

“Sec. 94-5. Condominium plats.

A condominium plat, prepared under Wis. Stats. ch. 703, shall be submitted to the village for review and approval in the same manner as a subdivision plat as set forth

in this chapter and shall comply with this chapter, including applicable design standards and required improvements.”

5. That the definitions of “common open space” in subsection 94-9 of the Code of Ordinances for the Village of Union Grove be, and hereby are, amended to read as follows:

“*Common open space* means undeveloped land within a subdivision, minor subdivision, or conservation subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development and possibly for the preservation, restoration and management of historical, agricultural or environmentally sensitive features. Common open space shall not be part of individual residential lots. It shall be substantially free of structures, but may contain historical structures and archaeological sites including Indian mounds and/or such recreational facilities for residents as indicated on the approved development plan. With respect to a conservation subdivision, it shall be restored and managed in accordance with a stewardship plan that shall be prepared for the open space.”

6. That subsection 94-48(a)(1) of the Code of Ordinances for the Village of Union Grove be, and hereby is, amended to read as follows:

“(1) Such agreement shall be secured by such security, in such amount, and for such duration as is allowed by state statute and as the village board determines to be adequate to ensure performance by the subdivider in accord with the development agreement within a reasonable period of time. Such security shall contain, as reasonably determined by the village engineer, a contingency amount which shall be held for the period allowed by statute and shall be in a form reasonably acceptable to the village attorney.”

7. That subsection 94-48(a)(6) of the Code of Ordinances for the Village of Union Grove be, and hereby is, repealed, and the remaining subsections renumbered accordingly.

8. That subsection 94-49 of the Code of Ordinances for the Village of Union Grove be, and hereby is, amended to read as follows:

“Except as otherwise required by state statute, until all improvements are installed as required by this article and the development agreement in section 94-48, including the binder course of asphalt, the building inspector shall issue no building permits for construction in such subdivision. However, upon written consent of the village board, the subdivider may develop the subdivision in such stages as approved by the village board, in which case the village board may provide that building permits may issue as to such portions of the subdivision wherein all such improvements have been installed. The prevailing permit fee, at the time of issuance of any

building permit, shall be paid to the village by the subdivider or other appropriate person.”

9. That subsection 94-85(a) of the Code of Ordinances for the Village of Union Grove be, and hereby is, amended to read as follows:

“(a) In addition to complying with applicable provisions of this section, a lot created in a conservation subdivision whether by subdivision or condominium plat shall comply with the additional lot requirements set forth in section 94-153.”

10. That subsection 94-87(b) of the Code of Ordinances for the Village of Union Grove be, and hereby is, amended to read as follows:

“(b) Required. Subdividers proposing to create a conservation subdivision shall comply with article IV in addition to all other applicable provisions of this chapter.”

11. That the title of Article IV of Chapter 94 of the Code of Ordinances for the Village of Union Grove be, and hereby is, amended to be “Conservation Subdivisions”.

12. That subsection 94-121 of the Code of Ordinances for the Village of Union Grove be, and hereby is, amended to read as follows:

“Sec. 94-121. Conservation subdivision development.

All proposed conservation subdivisions, whether by condominium or subdivision plat, are required to comply with the requirements of this article in addition to all other applicable sections of this chapter.”

13. That subsection 94-155(e) of the Code of Ordinances for the Village of Union Grove be, and hereby is, amended to read as follows:

“(e) Effect of approval. Approval of a preliminary plat shall be valid for 36 months from the date of approval or conditional approval. Subject to Wis. Stats. § 236.11(1)(b), approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat, which will be subject to further consideration by the plan commission and village board at the time of its submission.”

14. That subsection 94-182 of the Code of Ordinances for the Village of Union Grove be, and hereby is, amended to read as follows:

“Sec. 94-182. Filing of plat, letter of application; evidence of ownership.

The subdivider shall file with the village engineer an application for review and approval of a final plat, a completed checklist, 18 copies of the plat, and one copy of the final plat in a digital format as specified by the village, at least 60 days prior to the meeting of the plan commission at which action is desired. Copies of the final plat shall also be filed with the village clerk-treasurer, village attorney, and the proposed conservation easement holder. The owner or subdivider shall file the final plat not later than 36 months after the date of approval of the preliminary plat; otherwise, the preliminary plat and final plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the village. The subdivider shall also submit at this time a current certified abstract of title or such other evidence as the village may require showing ownership or control in the applicant. Preparation of the final plat shall be in accordance with applicable state statute and this chapter. If the final plat is not complete or is not submitted in accordance with applicable statutes or ordinances, it shall not be considered filed. The village engineer shall make the determination of whether the entire submittal is complete within 30 days following the filing of the above materials. Written notice of the engineer's determination that there is a complete submittal shall be delivered to the subdivider and village clerk.”

15. That subsection 94-185 of the Code of Ordinances for the Village of Union Grove be, and hereby is, amended to read as follows:

“Sec. 94-185. Installation, protection and management plans.

With respect to conservation subdivisions, the subdivider shall also submit stewardship plans prepared by a professional ecological service for areas to be protected and/or into which native vegetation will be introduced or in the alternative a landscape plan pursuant to section 94-89. The village may provide information to guide the subdivider and the village will set minimum standards which may be amended from time to time by resolution of the village board. Village approval shall be required of the professional ecological service to be used; the village's approval shall not be unreasonably withheld. The stewardship plan shall be reviewed by the proposed easement holder if it has a qualified ecologist on staff and acceptable to the village. If the proposed easement holder does not have a qualified staff person, then a qualified professional ecologist acceptable to the village and unaffiliated shall review the plan with the drafter of the stewardship plan. The reviewer shall provide a written report and any recommended revisions to the village engineer at the time the final plat is submitted for approval. The plan shall be revised, if deemed necessary by the village board prior to consideration of the final plat. Any costs incurred for the review of the stewardship plan by the easement holder or a qualified professional ecologist shall be the responsibility of the subdivider. The final stewardship plan shall be submitted to the plan commission, along with the written report, for its information and reference, when it reviews the final plat.”

16. That subsection 94-188(3) of the Code of Ordinances for the Village of Union Grove be, and hereby is, amended to read as follows:

“(3) After the final plat has been approved by the village board and required improvements either installed or a contract and sureties ensuring their installation is filed, the clerk-treasurer 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, along with all conservation easements and deed restrictions. The final plat can be recorded when it has received all required approvals pursuant to applicable state statutes, the county Code and this chapter. The register of deeds cannot record the plat unless it is offered within twelve months from the date of the village board's final approval and within 36 months after the first approval.”

17. That subsection 94-230 of the Code of Ordinances for the Village of Union Grove be, and hereby is, amended to read as follows:

“Sec. 94-230. Board action.

After receipt of the village plan commission's recommendation, the village board shall, within 90 days of the date of the engineer's notice of a complete final certified survey map submittal, approve, approve conditionally, or reject such certified survey map and shall state, in writing, conditions of approval or reasons for rejection. Unless the time is extended by agreement with the subdivider, failure of the village board to act within 90 days or extension thereof shall constitute an approval of the proposed final certified survey map. The clerk-treasurer shall communicate to the subdivider the action of the village board. If the certified survey map is approved, the village clerk shall endorse it for the village board. The certified survey map shall be recorded with the register of deeds office for the county within twelve months after final village board approval and within 36 months after the first approval of the map.”

18. That, prior to approval, the Village of Union Grove Plan Commission has reviewed and made a recommendation as to the above changes, per Wis. Stat. s. 236.45(4).

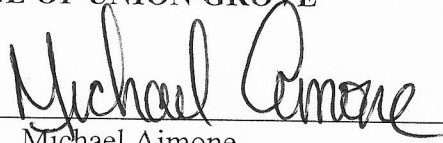
19. That, prior to approval, the Village Board held a public hearing, preceded by a duly-given Class 2 Notice, in order to receive public input as to the proposed changes, per Wis. Stat. s. 236.45(4).

20. That this ordinance shall become effective upon adoption and publication as provided by law.

Adopted by the Village Board of the Union Grove, Racine County, Wisconsin, this 11th day of June, 2018.

VILLAGE OF UNION GROVE

By: _____



Michael Aimone

Village President

Attest: _____



Jill M. Firkus

Village Clerk/Treasurer