

TITLE 13

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CHAPTER 1
Official Map

(2008-02 – 02/18/08)

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SEC. 13-1-1 INTENT.

It is the intent of the Village Board to establish an Official Map for the purpose of serving and promoting the public health, safety, convenience, economy, orderliness, and general welfare of the community; to further the orderly layout and use of land; to stabilize the location of real property boundary lines; to insure proper legal descriptions and proper monumenting of land; to facilitate adequate provision for transportation, parks, playgrounds, and storm water drainage; and to facilitate the further subdivision of larger tracts into smaller parcels of land.

SEC. 13-1-2 AUTHORITY.

This Ordinance is enacted under the authority granted by Sections 61.35 and 62.23(6) of the Wisconsin Statutes.

SEC. 13-1-3 JURISDICTION.

The jurisdiction area of this Ordinance shall include all land within the incorporated limits of the Village of Caledonia.

SEC. 13-1-4 OFFICIAL MAP.

There is hereby established, as the Official Map of the Village of Caledonia, the Map which accompanies and is made a part of this Ordinance bearing the first date of July, 1998 and the last revision date of February 5, 2008. This map is hereby designated as the “Official Map of the Village of Caledonia”. All notations, references, and other information shown thereon shall be as much a part of this Ordinance as though the matters and information thereon were fully described herein. The Official Map shall show the location and extent of all platted and existing streets, highways, waterways that are included in a comprehensive surface water drainage plan, parkways, parks and playgrounds, airports and airport-affected areas, historic districts, railroad rights-of-way, and public transit facilities within the corporate limits of the Village of Caledonia.

The map shall be conclusive with respect to the location and width of streets, highways, waterways and parkways, and the location and extent of railroad rights-of-way, public transit facilities, parks and playgrounds shown on the map.

SEC. 13-1-5 CHANGES AND ADDITIONS.

The Village Board may change or add to the Official Map so as to establish the exterior lines of planned new streets, highways, historic districts, parkways, railroad rights-of-way, public transit facilities, waterways, parks or playgrounds, or to widen, narrow, extend, or close any platted, existing, proposed, or planned streets, highways, waterways which are included in a comprehensive surface water drainage plan, parkways, and parks or playgrounds. The locating, widening or closing, or the approval of the locating, widening or closing of streets, highways, waterways, parkways, railroad rights-of-way, public transit facilities, parks or playgrounds by the Village under provisions of law other than this section shall be deemed to amend the Official Map, and are subject to this section, except that changes or additions made by a subdivision plat approved by the Village under Ch. 236, Wis. Stats., do not require the public hearing specified below if the changes or additions do not affect any land outside the platted area.

- (a) Referral to Village Plan Commission. The Village Board shall refer any change or addition to the Official Map to the Village Plan Commission for review and report thereon prior to adoption. The Village Plan Commission shall report its recommendation to the Village Board within sixty (60) days, but if the Village Plan Commission does not make its report within 60 days of referral, it forfeits the right to further suspend action.
- (b) Public Hearing Required. The Village Board shall hold a public hearing prior to adoption of any changes or additions to the Official Map. Notice of the public hearing shall be published as a Class 2 notice pursuant to Chapter 985 of the Wisconsin Statutes.
- (c) Effect of Amendment. When adopted, amendments become a part of the Official Map of the Village, and are conclusive with respect to the location and width of the streets, highways, historic districts, waterways and parkways and the location and extent of

railroad rights-of-way, public transit facilities, parks and playgrounds shown on the map. The placing of any street, highway, waterway, parkway, railroad right-of-way, public transit facility, park or playground line or lines upon the Official Map does not constitute the opening or establishment of any street, parkway, railroad right-of-way, public transit facility, park or playground or alteration of any waterway, or the taking or acceptance of any land for these purposes.

Publisher's note: Amendments to the official map have been adopted and recorded with the Office of the Register of Deeds for Racine County by the following actions: Resolution 2008-23, Adopted on October 21, 2008, Recorded on November 7, 2008 as Document #2193202.

SEC. 13-1-6 BUILDING PERMITS.

- (a) Building Permits Generally. No permit may be issued to construct or enlarge any building within the limits of any street, highway, waterway, railroad right-of-way, public transit facility or parkway, shown or laid out on the map except as provided in this section.
 - (1) Application. Any person desiring to construct or enlarge a building within the limits of a street, highway, waterway, railroad right-of-way, public transit facility or parkway shown on the Official Map within the incorporated limits of the Village shall apply to the authorized official of the Village for a building permit. Unless an application is made, and the building permit granted or not denied within 30 days, the person is not entitled to compensation for damage to the building in the course of construction of the street, highway, railroad right-of-way, public transit facility or parkway shown on the Official Map within the incorporated limits of the Village. Unless an application is made, and the building permit granted or not denied within 30 days, the person is not entitled to compensation for damage to the building in the course of construction or alteration of the waterway shown on the Official Map within the incorporated limits of the Village.
 - (2) Appeals. If the land within the mapped street, highway, waterway, railroad right-of-way, public transit facility or parkway is not yielding a fair return, the Village Board of Appeals may, by the vote of a majority of its members, grant a permit for a building or addition in the path of the street, highway, waterway, railroad right-of-way, public transit facility or parkway, which will as little as practicable increase the cost of opening the street, highway, waterway, railroad right-of-way, public transit facility or parkway or tend to cause a change of the Official Map. Before taking any action authorized in this subsection, the Village Board of Appeals shall hold a hearing at which parties in interest and others shall have an opportunity to be heard. At least 15 days before the hearing, notice of the time and place of the hearing shall be published as a class 1 notice, under Ch. 985,

Wis. Stats. Any such decision shall be subject to review by certiorari issued by a court of record in the same manner and pursuant to the same provisions as in appeals from the decisions of a board of appeals upon zoning regulations. The Village Board of Appeals may impose reasonable requirements as a condition of granting the permit to promote the health, convenience, safety or general welfare of the community. The Village Board of Appeals shall refuse a permit where the applicant will not be substantially affected by not constructing the addition or by placing the building outside the mapped street, highway, waterway, railroad right-of-way, public transit facility or parkway.

(b) Building Permits and Access Requirements.

- (1) No permit for the erection of any building shall be issued unless a street, highway or parkway giving access to such proposed structure has been duly placed on the Official Map.
- (2) Appeals. Where the enforcement of the provisions of this section would entail practical difficulty or unnecessary hardship, and where the circumstances of the case do not require the structure to be related to existing or proposed streets, highways or parkways, the applicant for such a permit may appeal from the decision of the administrative officer having charge of the issuance of permits to the Village Board of Appeals which has the power to grant variances or exceptions in zoning regulations, and the same provisions are applied to appeals of this section as are provided in cases of appeals on zoning regulations. Before taking any action authorized in this subsection, the Village Board of Appeals shall hold a hearing at which parties in interest and others shall have an opportunity to be heard. At least 15 days before the hearing, notice of the time and place of the hearing shall be published as a class 1 notice, under Ch. 985, Wis. Stats. The Village Board of Appeals may, in passing on such appeal, make any reasonable exception, and issue the permit subject to conditions that will protect any future street, highway or parkway layout. Any such decision shall be subject to review by certiorari issued by a court of record in the same manner and pursuant to the same provisions as in appeals from the decision of the Village Board of Appeals upon zoning regulations.

SEC. 13-1-7 MUNICIPAL IMPROVEMENTS.

No public sewer or other municipal street utility or improvement shall be constructed in any street, highway, or parkway within the jurisdictional area of the Ordinance until such street, highway, or parkway is duly placed on the Official Map.

SEC. 13-1-8 CERTIFIED COPY OF MAP.

There shall be a certified copy of the Official Map described in Section 13-1-4. The certified copy shall be kept in the office of the Village Clerk and shall be available for inspection by any interested person during regular office hours. The certified copy shall bear on its face a certification that it is a true copy of the Official Map described in and accompanying this Ordinance and shall show the date of adoption of this Ordinance and shall be signed by the Village President and countersigned by the Village Clerk. Thereafter, no change or addition to such Official Map shall become effective until adopted as provided above and until it shall have been indicated by the appropriate convention on the certified copy of the Official Map and a certificate placed thereon or attached thereto bearing the number and date of adoption of the amending ordinance. The certificate shall be signed by the Village President and countersigned by the Village Clerk.

SEC. 13-1-9 MAP TO BE RECORDED WITH REGISTER OF DEEDS.

The Village Clerk shall be responsible immediately upon adoption of the Official Map or any amendment thereto for recording a true copy of the Official Map, as amended, with the Register of Deeds of the County of Racine, State of Wisconsin.

SEC. 13-1-10 ENFORCEMENT.

It shall be the duty of the Village Building Inspector and the Chief of Police to enforce the provisions of this Ordinance.

SEC. 13-1-11 PENALTIES.

Any person, firm or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not more than Two Hundred Dollars (\$200.00) and not less than Fifty Dollars (\$50.00) and cost of prosecution for each violation, and in default of payment of such forfeiture and costs, shall be imprisoned in the County jail until such payment thereof, but not exceeding thirty (30) days. Each day a violation exists shall constitute a separate offense

SEC. 13-1-12 SEVERABILITY AND CONFLICT.

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