

**Sec. 28-8. Remedies; exceptions.**

- (a) Remedies. Failure to comply with the requirements of this chapter shall invalidate purported transfers of titles at the option of the purchaser in accordance with the provisions of Wis. Stat. § 236.31(3). The village may also take any action authorized under Wis. Stats. ch. 236. Building permits shall not be issued by the building inspector for construction on sites created in violation of these requirements.
  
- (b) Exceptions. The provisions of this chapter shall not apply to:
  - (1) Transfers of interest in land by will or pursuant to court order.
  - (2) Cemetery plats under Wis. Stat. § 157.07.
  - (3) Assessors' plats made under Wis. Stat. § 70.27, but such plats shall comply with Wis. Stat. § 236.15(1)(a)-(g) and Wis. Stat. § 236.20(1),(2) (a)-(e).
  - (4) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this chapter, the Village's zoning ordinance or other applicable laws or ordinances ("Lot Line Adjustment"). Before conveyance documents related to a Lot Line Adjustment are signed or recorded in the Racine County Register of Deeds office, they must be reviewed and approved by the Village Administrator and Zoning Administrator pursuant to Section 28-8(b)(4)a.2. below.
    - a. Lot Line Adjustment Review and Approval. To ensure that additional lots are not created by Lot Line Adjustment and that the resulting lots are not reduced below the minimum sizes required by the Village's land division and zoning codes, or other applicable laws or ordinances, an application for review and approval of the proposed Lot Line Adjustment shall be made to the Village Administrator and Village Zoning Administrator on forms furnished by the Village Administrator.
      - 1. Such applications shall include the following information:
        - i. Name, address, and phone number of the applicant, owner of the sites, and authorized agent.
        - ii. Description of the subject sites by lot, block and recorded subdivision or by metes and bounds; addresses of the subject sites; type of structure; existing and proposed use of the structure or sites; and the zoning district within which the subject sites lie and tax parcel numbers.
        - iii. A plat of survey and/or site plan layout consisting of a survey prepared by a professional land surveyor or other map drawn to scale and approved by the Administrator, showing the locations, boundaries, dimensions, uses and sizes of the following, as deemed appropriate by the

Administrator: subject sites, proposed parcel boundaries and parcel dimensions following adjustment; dimensions for applicable street, side, rear and shore yard setbacks following adjustment; existing and proposed structures; and the location and size of any septic field, well, utilities and roadways.

- iv. A copy of the proposed deed or other document of conveyance to be recorded to accomplish the Lot Line Adjustment, if approved.
2. The Administrator and Zoning Administrator shall review and approve/deny the proposed Lot Line Adjustment within thirty (30) days of the date a complete application, as determined by the Village Administrator, is filed with the Village. The determinations of the Administrator and Zoning Administrator shall be in writing. If the application is denied by either the Administrator or Zoning Administrator, the Lot Line Adjustment shall not be completed and the applicant and/or property owners may not record a deed or other record of the proposed sale, conveyance or exchange with the Racine County Register of Deeds office. The applicant may seek relief from an adverse determination by seeking a waiver or modification under Section 28-261 or, where the applicant believes the determination is in error, by appeal to the Board of Appeals pursuant to Section 55-2.
3. Any person submitting to the Racine County Register of Deeds any document effecting the sale or exchange of parcels or portions thereof of land between owners of adjoining property without first obtaining review and approval as required under the provisions of this article shall be subject to the penalties set forth in Section 28-12.
4. The applicant seeking approval of a Lot Line Adjustment shall be responsible for reimbursement of the Village's engineering, planning, legal and administrative costs pursuant to Section 28-51.

### **Sec. 28-9. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section. All other pertinent terms shall be as defined in Wis. Stat. ch. 236. Words used in the present tense shall include the future tense. Words used in the singular form shall include the plural form. Words used in the plural form shall include the singular form. The word "shall" is mandatory, and the word "may" is permissive.

*Certified survey map* means a map showing a division of land, conforming to Wis. Stat. § 236.34 and the Village Code, and prepared by a land surveyor registered in the state.