



LIBRARIES

UNIVERSITY OF WISCONSIN-MADISON

Land development guide. no. 1 November 1963

[s.l.]: Southeastern Wisconsin Regional Planning Commission,
November 1963

<https://digital.library.wisc.edu/1711.dl/O6IZLBXF5X4DP8K>

<http://rightsstatements.org/vocab/InC/1.0/>

The libraries provide public access to a wide range of material, including online exhibits, digitized collections, archival finding aids, our catalog, online articles, and a growing range of materials in many media.

When possible, we provide rights information in catalog records, finding aids, and other metadata that accompanies collections or items. However, it is always the user's obligation to evaluate copyright and rights issues in light of their own use.

GRAPHIC SCALE
50 100 150

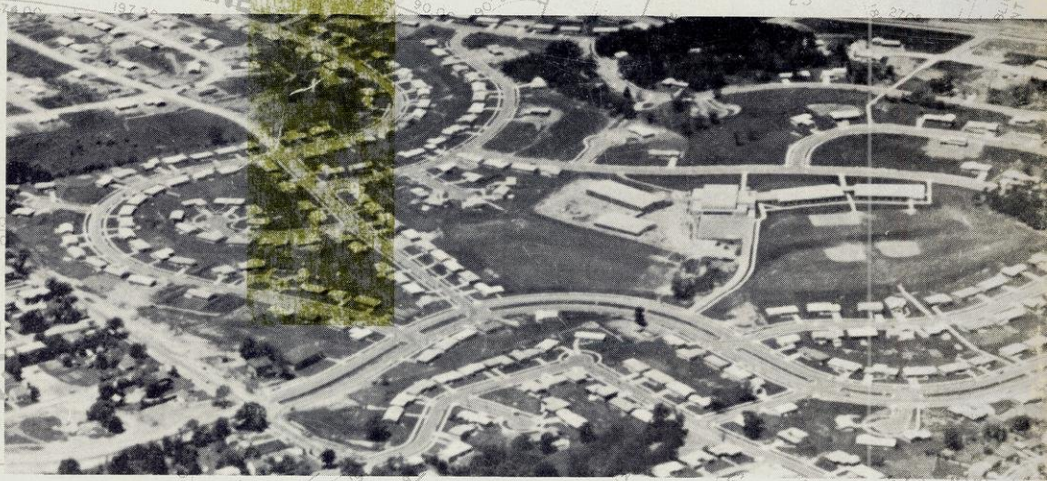
PLANNING GUIDE NO. AT IN MAP

W-Regional Planning

JEFFERSON AVE. S.T.H. 32
SW 1/4 SEC 35, T8N, R9E

RESEARCH CENTER
Department of Urban and Regional Planning
University of Wisconsin
Madison, Wisconsin

LAND DEVELOPMENT GUIDE



Department of Urban and Regional Planning
University of Wisconsin
Madison, Wisconsin

THE CO-ORDINATES OF THE SW CORNER OF THE SW 1/4 OF SECTION 35, T8N, R9E, ARE ON THE WISCONSIN CO-ORDINATE SYSTEM SOUTH ZONE; ALL BEARINGS ARE REFERRED TO SAID CO-ORDINATE GRID.

SW CORNER OF SW 1/4 SEC 35, T8N, R9E, MARKED BY BRONZE CAP IN 4" X 4" X 30" CONC MON, STATE PLANE CO-ORDINATES: 414557.85 FT N, 2185076.50 FT E

JEFFERSON AVE. S.T.H. 32

COMMISSION MEMBERS

KENOSHA COUNTY

George C. Berteau, Chairman - Kenosha
Erwin W. Lange - Kenosha
George L. Schlitz - Burlington

MILWAUKEE COUNTY

Richard W. Cutler, Secretary - Milwaukee
John P. Murphy - West Allis
Prof. Henry J. Schmandt - Milwaukee

OZAUKEE COUNTY

Ray F. Blank - Grafton
Nick R. Didier - Port Washington
James F. Egan - Mequon

RACINE COUNTY

Lester Hoganson - Burlington
Milton F. LaPour - Racine
Wilfred Patrick - Racine

WALWORTH COUNTY

Charles B. Coe - Whitewater
Eugene Hollister - Williams Bay
John D. Voss - Elkhorn

WASHINGTON COUNTY

Dr. Carlton M. Herman - Allenton
Joseph Schmitz, Vice-Chairman - Germantown
Arthur Weiner - West Bend

WAUKESHA COUNTY

Fortney Larson, Treasurer - Brookfield
Lyle L. Link - Waukesha
Maynard W. Meyer - Pewaukee

LAND DEVELOPMENT GUIDE

Prepared By

SOUTHEASTERN WISCONSIN REGIONAL

PLANNING COMMISSION

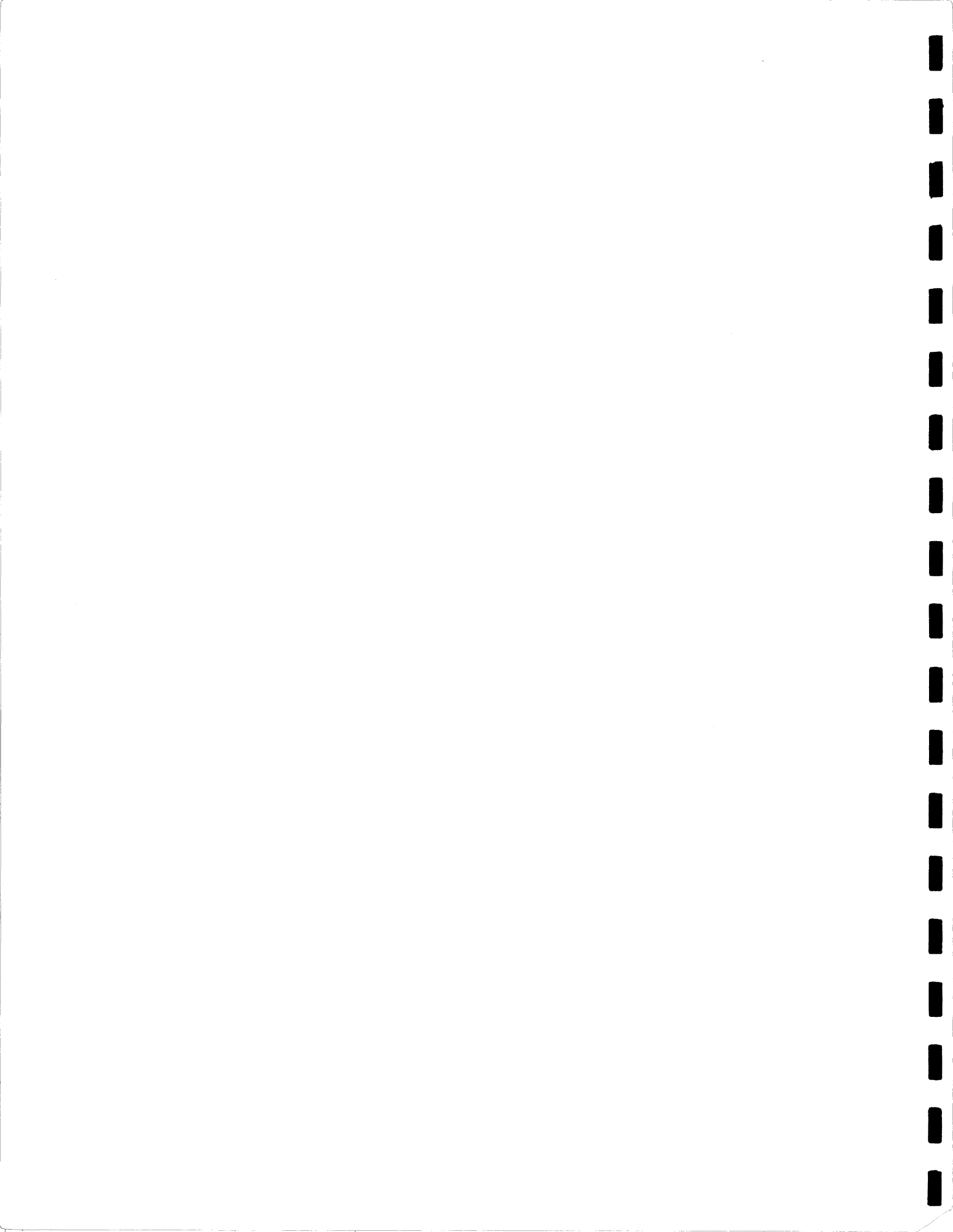
Old Courthouse

Waukesha, Wisconsin

The preparation of this guide was financed in part through an urban planning grant from the Housing and Home Finance Agency, under the provisions of Section 701 of the Housing Act of 1954, as amended.

November, 1963

Price: \$1.50



PREFACE

This publication is the first in a series of planning guides scheduled to be prepared by the Southeastern Wisconsin Regional Planning Commission for distribution to cities, villages, towns and counties within the seven-county Region.

The purpose of this guide on land subdivision is twofold. First, it is intended to explain clearly, through photographs, illustrations and explanatory text, the fundamentals of good land subdivision practice, procedure and design. Second, it is intended to be used as a guide in the formulation of local subdivision control ordinances, and thereby to assist the local units of government in achieving higher standards for land subdivision throughout the Region.

The guide is not intended to be applied indiscriminately without regard for local conditions, nor is it intended to supplant necessary professional planning, engineering, and legal advice at the local level. It assumes the existence of duly constituted local planning agencies charged with carrying out the local planning function, and is intended to assist these local planning agencies in the performance of their duties. Under the provisions of Section 236.45 (2) of the Wisconsin Statutes only the counties, towns and municipalities which have established local planning agencies may adopt subdivision control ordinances which are more restrictive than the Wisconsin Statutes.

It should be noted that the recommendations set forth in this guide, including the model land division ordinance, meet or exceed the standards recommended by the Housing and Home Finance Agency (HHFA) in that agency's publication entitled Suggested Land Subdivision Regulations.

Divided into three principal sections, this guide sets forth the fundamentals of good land subdivision practice, recommended general procedures and a suggested model ordinance for land subdivision regulation in Southeastern Wisconsin. Also included is a short bibliography to assist the reader in obtaining further information not included herein regarding land development.

This guide was prepared by the Community Assistance Division of the Southeastern Wisconsin Regional Planning Commission, and any communication or questions concerning the content and use of this guide should be addressed to that division. It is the hope of the Commission that this publication may be a helpful and informative aid to those interested in developing more pleasant and prosperous communities within the Region.



TABLE OF CONTENTS

Chapter I	INTRODUCTION	1
Chapter II	HISTORICAL DEVELOPMENT	3
Chapter III	PRINCIPLES OF GOOD LOCATION	11
Chapter IV	PRINCIPLES OF GOOD DESIGN	15
Chapter V	PHYSICAL IMPROVEMENTS	27
Chapter VI	ABOUT THE MODEL ORDINANCE	37
Chapter VII	DISCUSSION OF PROTECTIVE COVENANTS	53

A P P E N D I C E S

Appendix A	MODEL LAND DIVISION ORDINANCE	57
Appendix B	MODEL LAND DIVISION APPLICATION	83
Appendix C	MODEL CONTRACT FOR IMPROVEMENTS	85
Appendix D	MODEL DECLARATION OF RESTRICTIONS	87
Appendix E	PLAT APPROVAL AND REVIEW JURISDICTION	89
Appendix F	PLATTING PROCEDURE	93
Appendix G	ACKNOWLEDGMENTS AND BIBLIOGRAPHY	95

LIST OF FIGURES

Figure	1	Initial quarter-section development	4
Figure	2	Extensive quarter-section development	4
Figure	3	Initial highway development	5
Figure	4	Extensive highway development	5
Figure	5	Lake development - initial condition	6
Figure	6	Lake development - final problem stage	6
Figure	7	Grid development pattern	8
Figure	8	Curvilinear development pattern	8
Figure	9	Clustered development pattern	8
Figure	10	Strip commercial development	9
Figure	11	Neighborhood shopping	9
Figure	12	Attractive high-density residential development	9
Figure	13	Optimum travel distance chart	12
Figure	14	Impractical community development	13
Figure	15	Practical community development	13
Figure	16	Three-stage lot development	16
Figure	17	Loop and cul-de-sac street design	18
Figure	18	Residential development within flood plain	20
Figure	19	Proper flood plain development	20
Figure	20	Improper lot design	22
Figure	21	Improper siting	22
Figure	22	Proper lot design	22

Figure	23	Properly integrated neighborhood under development	24
Figure	24	Poor road-ditch improvements	28
Figure	25	Proper road-ditch improvements	28
Figure	26	Proper curb and gutter improvements	28
Figure	27	Road-ditch soil erosion	28
Figure	28	Poor major storm drainage development	29
Figure	29	Proper major storm drainage development	29
Figure	30	Proper major storm drainage development	29
Figure	31	Poor major storm drainage development	29
Figure	32	Urban and rural street cross sections	31
Figure	33	Flooded residential subdivision	32

LIST OF MAPS

Map	1	Neighborhood unit plan	25
Map	2	Sample preliminary plat	39
Map	3	Sample final plat	43 & 45
Map	4	Sample certified survey map	47 & 48



Chapter I

INTRODUCTION

Land subdivision is far more than a means of marketing land; it is the first step in the process of building a community. Much of the form and character of a community are determined by the quality of its land subdivisions and the standards which are built into them. Once land has been divided into blocks and lots, streets established, and utilities installed, the development pattern is permanently established and unlikely to be changed. For generations the entire community, as well as the individuals who occupy such subdivisions, will be influenced by the quality and character of their design.

A variety of interests are involved in, concerned with and affected by land subdivision. These include the landowner, the homeowner, the realtor, the developer, the builder, the investor, the local government, and sometimes the county and state governments.

Because land subdivision affects the welfare of the community in so many respects, its regulation and control has become widely accepted as a function of municipal, county and state government.

Such regulation and control are necessary to:

1. Ensure that land subdivision will fit into the land use pattern and general plan for the physical development of the community;
2. Ensure that adequate provision will be made for necessary community and neighborhood facilities - parks, schools, churches, shopping centers - so that a harmonious and desirable environment will result;
3. Provide for uniformly high standards in the development of land subdivisions with particular attention to such factors as utilities, drainage, street widths, street layouts, lot size and improvements;
4. Provide a basis for clear and accurate official property boundary line records; and
5. Promote the public health, safety and welfare of all citizens.

Ideally, subdivision control regulations are a means of implementing or carrying out a community's comprehensive plan.¹ As such, subdivision control regulations should coordinate and integrate development with the community's com-

prehensive plan and are, therefore, properly prepared only within the context of such a comprehensive plan. Practically, however, plan implementation devices, such as zoning and subdivision control ordinances, are often called upon to substitute for the necessary long-range plans, and in such situations must bear the full weight of guiding and shaping the physical development of the community. This is particularly true in many smaller communities within the Region; and, in such a situation, the preparation and administration of good subdivision regulations is all the more difficult and important. Although subdivision control is far more effective if based upon a comprehensive plan, it must be admitted there are substantial benefits to be derived from applying the techniques of subdivision regulations in the absence of a comprehensive plan. Such controls can either promote or retard change, an influence which may be either good or bad depending upon the soundness of the assumptions on which the controls are based in the absence of a plan.

1. The term comprehensive plan may be defined as an extensively developed plan including proposals for future land use, transportation, urban redevelopment, and public facilities including schools, parks, utilities, and drainage facilities. Devices for the implementation of these plans may include zoning, official mapping, subdivision control ordinances, and other regulatory ordinances and capital improvement programs.

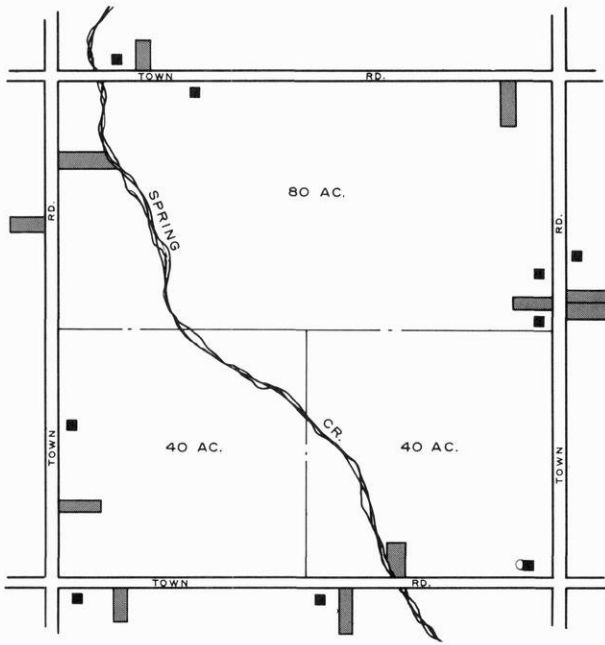
Chapter II

HISTORICAL DEVELOPMENT

With increasing urbanization in the United States has come the development of housing on a mass-production scale. This phenomenon, in addition to producing large numbers of relatively low-cost homes, has also produced a number of problems concerning community development, the effects of which are being felt by local government today. Many of these problems are the result of poor land subdivision practice. The most serious problems have often been the results of land being subdivided without the installation of necessary improvements such as water mains, sewers, storm water drains, street pavements, curbs, gutters, and sidewalks; in some cases, of the site itself being unsuitable for development; in many cases, of no provision being made for adequate schools, parks, and other necessary public facilities. Other manifestations of misuse of land in the past have been the lack of adequacy and uniformity in street width and methods of construction; construction of substandard homes, and a generally inferior arrangement of both lots and blocks, with little consideration being given to drainage, topography, and the natural assets of the landscape such as trees, streams and bodies of water. In many cases, streets were laid out with little thought as to their function, resulting in many unnecessary traffic conflicts and also in much area being devoted unnecessarily to streets. Poor platting, surveying and survey monumentation procedures have given rise to disputes over land ownership and public versus private rights in respect to land use controls.

The net results of this widespread misuse of land resources which occurred during the industrial revolution in the late nineteenth and early twentieth centuries are evidenced today in many of the older, deteriorating areas of our cities, particularly in the larger cities. These are the areas exhibiting traffic congestion, blight, high costs of municipal services, high vacancy ratios and tax delinquencies; each instance a dramatic symbol of the failure of cities to properly regulate the subdivision of land in the past. In terms of costs to the individual taxpayer, the damage is almost incalculable. The community has often been left the responsibility of installing and maintaining improvements which may never be fully used. Poor subdivision development has often made the areas generally undesirable for modern family living and has brought together many incompatible land uses, with the result that the areas contribute less and less to the municipal tax base by virtue of premature obsolescence, lowered property values and higher rates of tax delinquencies and vacancies.

The social costs of poor subdivision development are also significant where physical deterioration has led to social and moral deterioration. The results can be reflected in increased police protection, fire protection and public welfare costs.



LEGEND

- Original Farm Dwelling
- Initial Urban Development
- Extensive Urban Development

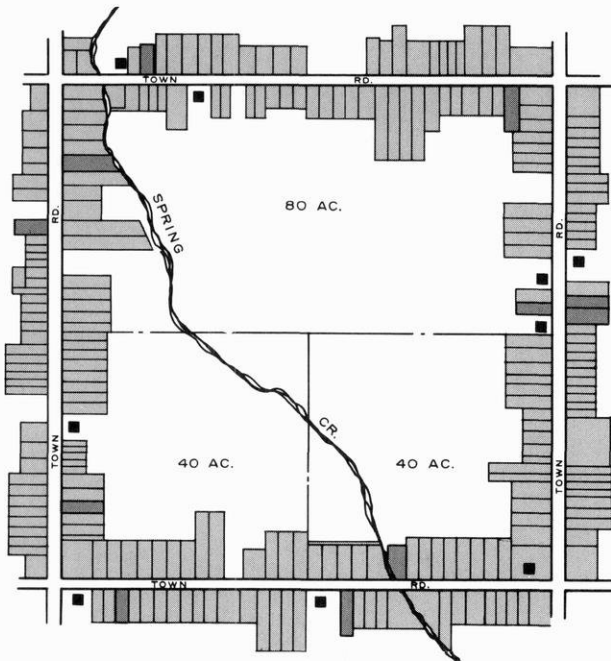


FIGURE 1

INITIAL QUARTER-SECTION DEVELOPMENT

The lack of good subdivision design and regulation can result in many costly municipal problems, Figure 1 illustrates a typical quarter section of land devoted to agricultural use with quarter section line roads, farm dwellings, and a few dispersed nonfarm dwellings. Figure 2 illustrates the possible end result of unguided land development. The originally dispersed dwelling pattern has become continuous around the quarter section, creating a need for urban improvements -- street pavements, sanitary sewers, water mains and sidewalks. Agricultural functions are boxed in and have become uneconomical, Moreover, the disjointed land ownership pattern makes further good urban development difficult. Cost for police and fire protection, schools, and other urban services are prohibitively high. The results are long term problems of water pollution, flooding, health, traffic, safety, and public finance. Rates of obsolescence will be increased, property values decline, and blight will appear.

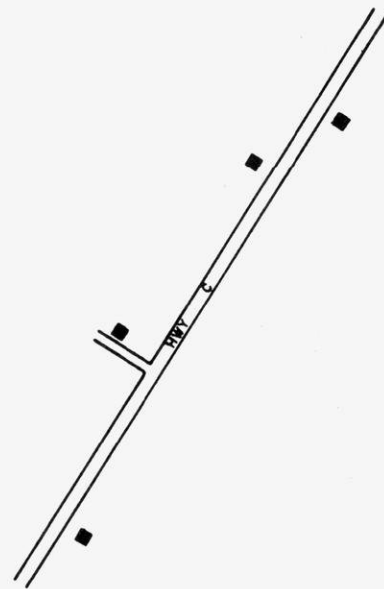
FIGURE 2

EXTENSIVE QUARTER-SECTION DEVELOPMENT

FIGURE 3

INITIAL HIGHWAY DEVELOPMENT

Further effects of unguided urban development are illustrated by Figures 3 and 4. The existing state and county truck highway system represents a heavy capital investment of public funds in their construction and improvement. This investment can be destroyed in a few short years as uncontrolled development disperses along such highways, converting existing arterial highways into residential or business streets and requiring the acquisition of expensive new rights-of-way and the construction of new pavements to replace lost traffic capacity. The effects can readily be understood by examining before and after conditions as illustrated.



LEGEND

- Original Farm Dwelling
- ▭ Extensive Urban Development

FIGURE 4

EXTENSIVE HIGHWAY DEVELOPMENT

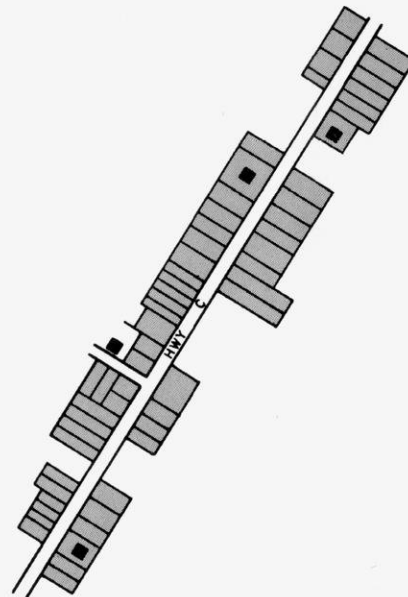


FIGURE 5

LAKE DEVELOPMENT
INITIAL CONDITION

Figures 5 and 6 illustrate the effect of unguided development on surface and ground water resources. Figure 5 shows initial conditions around an inland lake with low density summer cottage development. Such development has not been detrimental to the natural ecology of the lake. Figure 6 illustrates the final problem stage wherein the lake has been surrounded by an intensive permanent dwelling pattern without adequate sewer or water service. The public is cut off from lake access. Low water levels in summer leave mud flats which greatly impair value of the lake and may affect ground water levels. Pollution of the lake, river and private wells caused by septic tank development on unsuitable soils destroys the recreational value of the lake, is detrimental to fish and wildlife propagation, and creates a public health problem. Lack of water level and flood control systems geared to watershed characteristics results in frequent flood damage.

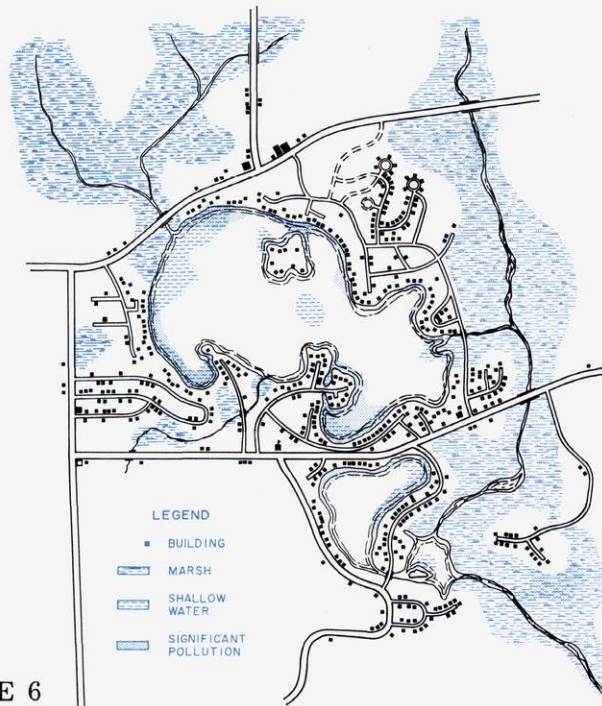
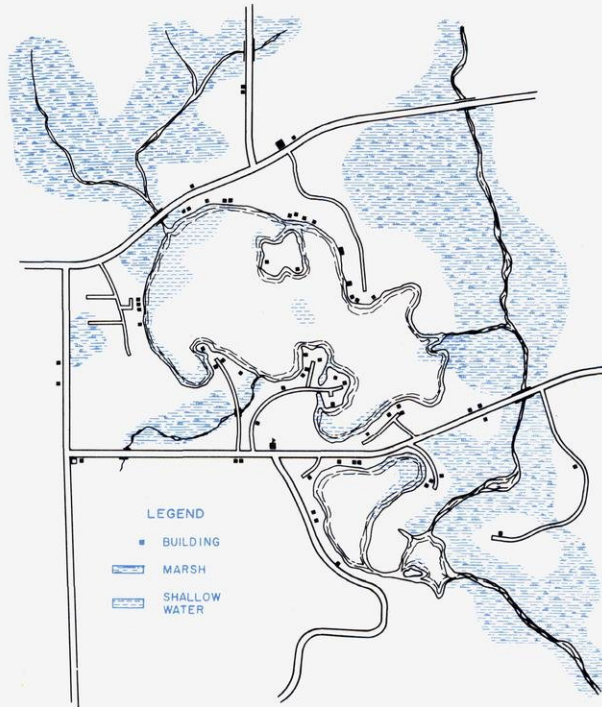


FIGURE 6

LAKE DEVELOPMENT
FINAL PROBLEM STAGE

It was in this type of physical and social framework that public-oriented individuals began, in the late 1920's, to awaken the public to the need for adequate subdivision regulation and control. Standardized platting procedures were then inaugurated, with enabling legislation for this type of regulation being provided by the state governments. The gridiron pattern of street layouts generally prevailed in the earlier periods of subdivision growth, probably as an expression of the "mechanistic philosophy" extant in the United States at that time, and because land surveyors found it an efficient, inexpensive and easy method of laying out city blocks. Before the advent of the automobile the gridiron pattern was a useful solution to the circulation problem. While it still has much validity as a platting procedure, the decline in the use of the gridiron pattern has been largely due to the complete rigidity it imposed upon the urban landscape. This type of pattern often did not and could not take into account factors such as functional requirements of various land uses, differentiation of street types in terms of their functions, topography, and livability as a major consideration in the design of neighborhoods.

The modern concept of subdivision design has been to think of the individual areas of the community as functional units, with particular needs: convenience, aesthetics, livability, utility, and serviceability. This type of thinking has been expressed in the use of streets which curve in adjustment to the contours of the land rather than rigidly following a fixed pattern over the landscape (see Figures 7 & 8); of street widths adjusted to the use which the street is intended to serve; of longer blocks and fewer cross streets; and of access control by use of marginal streets or reversed frontage lots. Shopping and industrial centers with adequate access and ample parking space are replacing commercial and industrial lineal or strip development with little or no parking and loading space. Integrated park and school sites are being located to efficiently serve the surrounding neighborhoods for years to come. These ideas are all design concepts which help to establish better subdivisions, better neighborhoods and, therefore, better communities.

Subdivision design today is a dynamic and changing thing with a constant flow of new ideas being continually tested in the laboratory of living and accorded a place in the landscape based upon their individual merit. Some of the newest ideas in subdivision design, such as cluster homes and garden apartments surrounded by common green areas, neighborhood drainage ways and pedestrian walks, have evolved from the "greenbelt" concept of years past (see Figure 9). This basic concept of green open spaces surrounding and separating developments or even whole communities is still sound. Other new ideas, such as large scale cooperative housing developments, high-rise apartment structures in open areas, mobile home parks, and marina developments, have not yet stood the "test of time" in a number of situations and areas, so that their validity in the urban complex cannot as yet be readily determined. The significance of all these concepts lies in the fact that, if eventually accepted as permanent features of the city, they may effect a significant departure from the convention-

FIGURE 7

GRID DEVELOPMENT PATTERN

Though simple to survey, this design ignores topography and results in drabness and monotony. Proportionate cost of street and utility improvements due to the impractical design become excessive.



FIGURE 8

CURVILINEAR DEVELOPMENT PATTERN

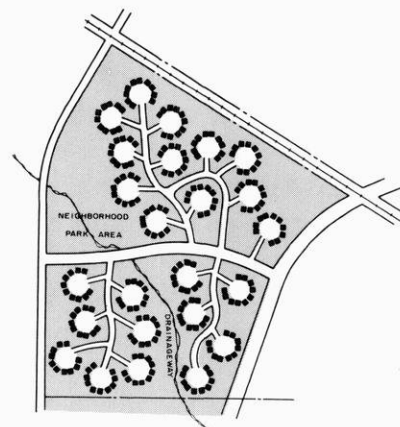
Recognizing the influence of the natural topography, this pattern is typical of most current subdivision planning. There is some reduction in total street frontage per lot, but the provision of utility services on a large lot basis becomes increasingly uneconomical.



FIGURE 9

CLUSTER DEVELOPMENT PATTERN

In addition to providing an opportunity for greater flexibility and imagination in site development, this design takes advantage of the site characteristics and is more economical to improve. Lot area has been exchanged for increased recreation and open spaces.



al subdivision design concepts, such as rows of structures fronting on streets.

If subdivision design is to be capable of new development and direction, then controls imposed on it, the subdivision regulations, must also be flexible. They must be more concerned with the effect produced than the controls themselves. A performance-type of thinking must prevail if we are to encourage progressive trends in urban development and particularly in subdivision development.

It is important to note here that subdivision regulations are not magic formulae by which the developer can mechanically extract the right solution to the development problem; that is, a perfect subdivision design. Good design is never a process of slavishly following a standard set of regulations.

Rather, the intent of subdivision regulations is: (1) to ensure compliance with minimum standards for the overall, as well as detailed, development of a new segment of the community: a subdivision tract, and (2) to prevent the further occurrence of those gross abuses in land development which have prevailed in the past.

The quality of the design will be a product of the developer's ingenuity in creating a livable and functional subdivision, using the limitations of the site and the regulations as the framework within which he must work.



FIGURE 10

STRIP COMMERCIAL
DEVELOPMENT



FIGURE 11

NEIGHBORHOOD
SHOPPING

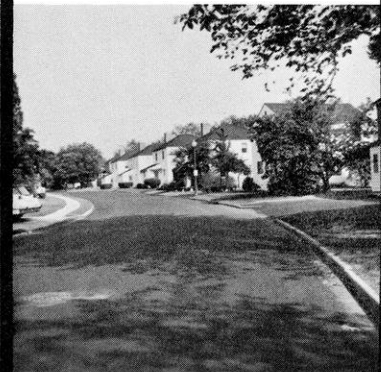


FIGURE 12

HIGH DENSITY
RESIDENTIAL
DEVELOPMENT

Chapter III

PRINCIPLES OF GOOD LOCATION

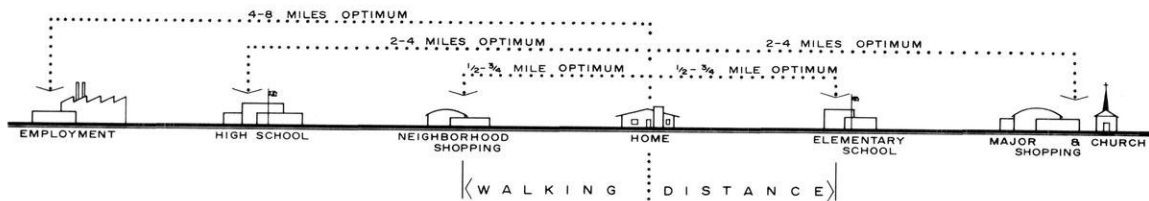
The nation's population is presently undergoing an unprecedented growth and urbanization. This growth and urbanization is not only unprecedented, but widely dispersed and of relatively low density. Our urban population is not only rapidly increasing numerically, but is spreading out horizontally, crossing city and county boundary lines. Under the effects of this urban diffusion, entire regions are becoming mixed rural-urban areas creating new and intensified areawide problems of an unprecedented scale. Because of the effects of such relatively recent innovations as the limited access highway, mass automotive transportation and far flung electric power and communications networks, land subdivision is no longer confined to the peripheries of existing urban areas, but can occur scattered throughout an urbanizing region in a random formless fashion. The term "urban sprawl" is often applied to such urban diffusion. This means that rural as well as urban people must increasingly concern themselves with the problems attendant to such urban sprawl or face irreparable damage to the land and water resources and to their communities.

Unless both the location and design of such scattered subdivision activity are carefully considered and controlled, serious environmental problems will be created. Areas devoted to extensive human activities, such as agriculture, extraction, recreation, and dispersed dwelling, require limited local public services and facilities. These include minimum road improvements, agricultural drainage facilities, schools, minimum police and fire protection, electric power and telephone service and limited miscellaneous general governmental services. Such extensive human activities also make limited demands upon the natural resource base, requiring only productive well-drained soils and limited ground water supplies.

Areas devoted to intensive human activities such as commerce, industry, and concentrated dwelling requires, on the other hand, a high level of local public services and facilities. These include full street improvements, sidewalks, street lighting, storm and sanitary sewerage systems, central water supply systems, local parks and playgrounds, schools, maximum police and fire protection, refuse collection, electric power, gas and telephone service and maximum miscellaneous governmental services. Such intensive human activities make heavy demands upon the natural resource base, requiring not only stable well-drained soils on moderate slopes, but large ground and surface water supplies and stream flows capable of receiving and assimilating sewage wastes without creating pollution problems.






Locational factors generally recognized as affecting good land subdivision include accessibility and convenience to work, schools and shopping, availability of community services and facilities, and site environment (see Figure 13). Less generally recognized are locational factors which affect the community as well as the individual subdivision. Development for intensive uses without provision for necessary public facilities at the time of development is extremely wasteful, both because cost for installing basic urban facilities in already developed areas usually run much higher than when installed at the time of original development, and because large investments in private facilities may have to be abandoned when public facilities are provided at a later date. Development not properly related to the resource base will progressively degrade the environment, causing serious problems such as flooding and pollution, and create additional public costs. Effective policies are needed, therefore, to properly place urban development in both time and space relative to the resource, public utility and urban service bases. Without such placement the problems attending scattered development will be greatly magnified as new limited access highways are completed and the accessibility of outlying land thereby greatly increased.

FIGURE 13 OPTIMUM TRAVEL
DISTANCE CHART



The consequences of scattered intensive development are not always commonly understood. Figure 14 illustrates the possible effects of such development spread over a 42 square-mile area. The intensive development shown actually utilizes only two and one-half square miles of the total area to accommodate 15,000 people. This pattern generates a need for 23 miles of high standard roads, 21 miles of sanitary sewers, and 9 miles of storm drains. Police and fire protection, school, refuse collection and mail delivery provision are costly and inefficient. The scattered subdivision locations shown are often felt to be practical because it is expected that intervening agricultural land will also shift to intensive urban use. The 42 square miles shown, however, can accommodate over 200,000 people; and a market demand for this much land in one location of a region cannot be expected for decades, if ever. This leaves the entire area with crippling financial and environmental problems, such as pollution, poor drainage, flooding, deteriorating roads and generally inadequate public facilities and services. Moreover, attempts to finance improvements place an impossible burden upon the land still held in agricultural use.

In contrast, Figure 15 illustrates a compact and economical pattern for the same amount of land subdivision activity. The feasible intensive service area is determined by the local drainage pattern and feasible urban service area.

- LEGEND
-  COMMUNITY
 -  HIGH STANDARD ROADS
 -  SANITARY SEWER
 -  SANITARY FORCE MAIN
 -  STORM SEWER

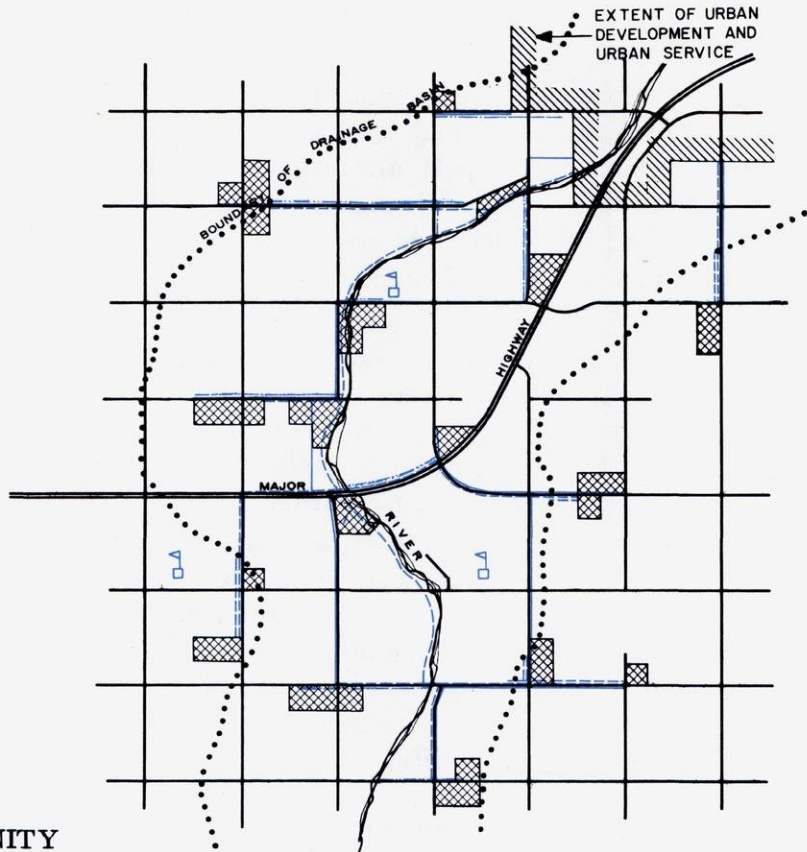







FIGURE 14

IMPRACTICAL COMMUNITY DEVELOPMENT

- LEGEND
-  COMMUNITY
 -  HIGH STANDARD ROADS
 -  SANITARY SEWER
 -  SANITARY FORCE MAIN
 -  STORM SEWER

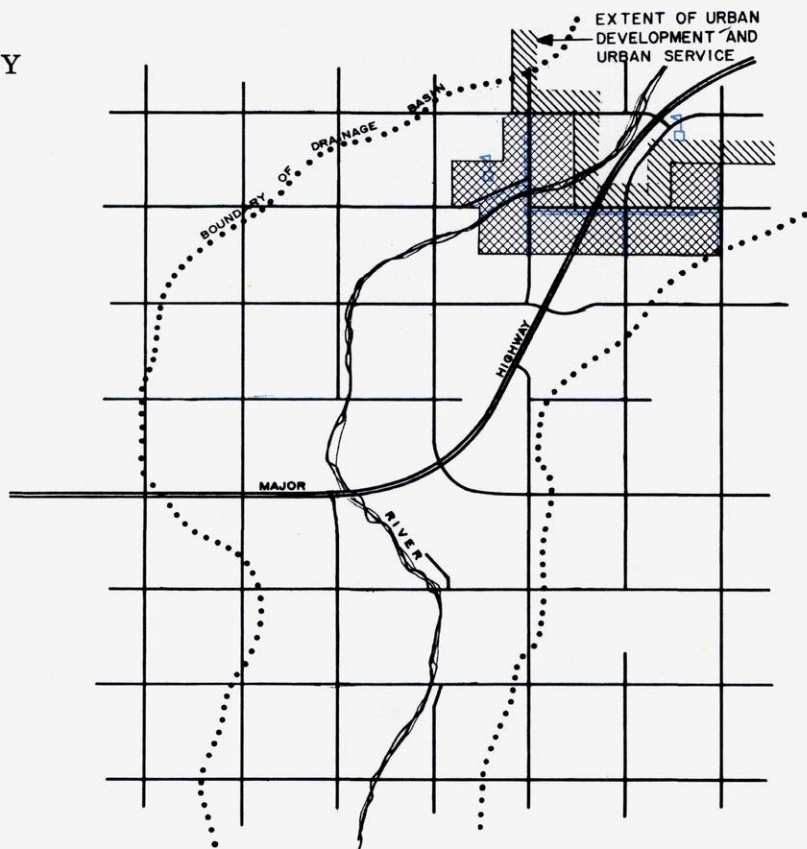


FIGURE 15

PRACTICAL COMMUNITY DEVELOPMENT

This pattern, while providing for the same amount of growth, generates a need for only 6 miles of high standard roads (a 74% reduction), 4 miles of sanitary sewers (an 81% reduction), and 3 miles of storm drains (a 67% reduction). It permits efficient provision of police and fire protection, school, refuse collection and mail delivery services, and does not impair the operations of the remaining agricultural lands.

The waste, inefficiencies, and impaired environment, resulting from poor functional locations and layouts ultimately burden everyone, since both public and private overhead costs are thereby greatly increased. The possible lowering of such overhead costs through reducing public service levels provides little hope for significant economies. National trends toward higher environmental standards for education, safety, health, recreation and other public facilities and services preclude such economies. The presence or absence of adequate facilities and services now play an important role in industrial location decisions; and no community will be able to depart significantly from what are widely accepted as adequate standards without quickly becoming substandard because such accepted standards represent a consensus by society regarding what is necessary for modern life.

Important reductions in public and private overhead costs are therefore possible only through improved environmental design, that is, through the coordination of development type and location with the available natural resource and public utility base. Such coordination must be based upon the advance planning, design and programming of such major public facilities as highways, trunk sewers and drains, water supply and recreation facilities. Only in this way can public service level requirements be keyed to permitted patterns of development densities and spatial locations.

Chapter IV

PRINCIPLES OF GOOD DESIGN

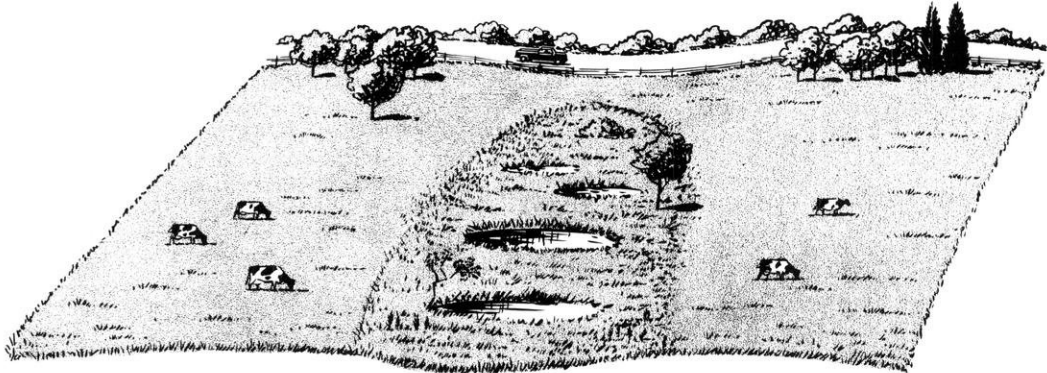
Modern land subdivision design is a process requiring considerable technical skill and a full realization of the importance of the design to the various interests involved. For this reason public regulation alone is no guarantee of high subdivision standards. The ultimate design must create building sites which meet the requirements of modern family life, which are not only presently marketable, but which can compete favorably with future developments, thereby presenting a stable and liquid investment and which are so arranged in relation to the rest of the community as to provide the best possible urban environment.

Such design can be achieved through the effective application of four basic design principles. These principles are easy to enumerate but very difficult to apply. The first principle of good subdivision design is that the design must provide for certain external factors of community-wide concern which affect the proposed subdivision. Provision should be made in the design for the proper extension of major thoroughfares and parkways; for the dedication of needed school and park sites; for the preservation of major drainage channels; and for the extension of utility trunk lines. The proper incorporation of these factors in the design requires the existence of an overall comprehensive community plan, and lack of such a plan can be a severe handicap to good subdivision design. The practice of arbitrarily requiring the dedication of a set percentage of the raw land for school or park purposes without a master plan for such dedication is particularly poor in this respect and can actually adversely influence proper design. Consideration should also be given in the design to the relation of the subdivision to such other external factors as local, community and regional shopping centers, places of employment, educational and recreational facilities and public transportation.

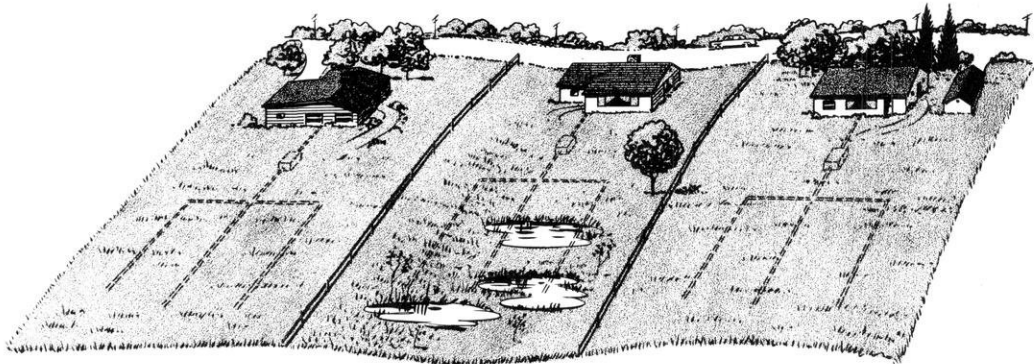
The second principle of good subdivision design is that the design must be properly related to proposed and existing land uses. That subdivision design is closely related to land use planning and zoning is axiomatic, for the layout of an area is inseparable from the use to which the land is to be put; and the design of a subdivision for single family residences of a certain lot area will differ from that for apartments or for business or industry. Moreover, adjacent land uses must be considered in the design. Some, such as parks, parkways, and certain types of institutional uses, may be definite assets to be utilized in the design to create value. Others, such as cemeteries, railroads, power transmission lines, poorly subdivided and developed areas, and unsightly "strip" commercial developments, may be detriments and require special design techniques.

Areas of natural beauty, such as fine stands of trees and high points offering exceptional vistas, should be conserved by the design. Low areas subject to flooding or areas of bedrock outcrop should not be utilized for residential use.

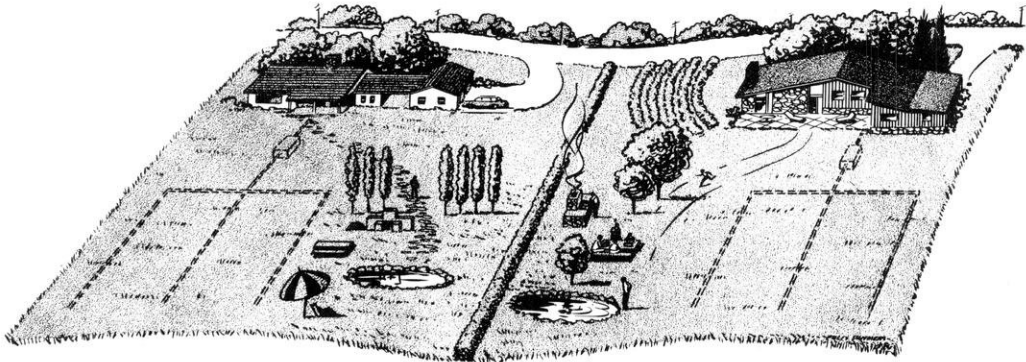
FIGURE 16



UNDEVELOPED TRACT



3 - LOT DEVELOPMENT



2 - LOT DEVELOPMENT

The third principle of good subdivision design is proper attention to internal detailing. This includes attention to the proper layout of streets, blocks, and lots and adjustment of the design to the topography and soil capabilities of the site.

The street system is the singularly most important element of subdivision design, as it is indeed the singularly most important element of the overall community plan. The street pattern forms the framework for the community's development and to a considerable extent determines the efficiency of the other functional parts of the community. In the individual subdivision the street pattern determines the shape, size and orientation of the individual building sites, and to a considerable extent the character and beauty of residential neighborhoods. The primary purpose of the street system is, of course, to provide for the free movement of traffic throughout the community, and to provide for the access of this traffic to the individual building sites including access by emergency vehicles such as police and fire equipment and ambulances. The street system serves two other important purposes, however; it forms the community drainage system, and it provides the location for the community utilities, the sewer lines, water and gas mains, and power and communication cables. The efficiency and cost of these services will be determined to a great extent by the layout of the street system. Sometimes easements will be required to supplement the street system as rights-of-way for utility and drainage systems. In high density areas the street system has historically also served the purpose of providing light and air to the individual building sites.

From a traffic standpoint, the street pattern evolved for any subdivision design should be functional, providing for at least three principle types of streets, arterial streets, collector streets, and minor streets. The arterial streets are those which interconnect the various areas of the community and form its major circulatory system, and their purpose is to move traffic quickly and safely. They should be of generous width, as specified in the community plan, be of proper grade and alignment, adequate continuity, and substantially paved. Direct access to these streets from adjacent property should not be permitted, and intersections with other streets should be held to a minimum.

The collector streets are those which carry traffic from the minor streets to the arterial streets and include the principle entrance streets to residential subdivisions. They should be designed to carry moderate amounts of traffic at low speeds and may, in some instances, carry bus lines. They should range in width from 60 to 100 feet, and access may or may not be limited.

Minor streets are those which serve only as a means of access to the abutting property. They should be designed to discourage use by heavy, through traffic and should be discontinuous and lightly paved. In residential areas these streets should be designed primarily to provide quiet and attractive neighborhoods. They may range in width from 50 to 66 feet and today are often designed as loop or cul-de-sac streets (see Figure 17).



FIGURE 17

LOOP AND CUL-DE-SAC
STREET DESIGN

The subdivision design should carefully adjust the minor and collector streets to the topography in order to minimize drainage problems and rough grading and in order to permit the most economical provision of sanitary sewer facilities. Generally, collector streets should follow valley lines while minor streets should cross contour lines at right angles. Side hill street locations should be avoided. Skillful adjustment of the street pattern to the topography can do much to save the natural beauty of a site, particularly existing tree growth, and to lend charm and beauty to a residential area. Probably the greatest weakness of the much maligned rectangular street pattern so widely used in older subdivisions was the fact that it could not be adjusted to the topography of the area.

Particularly careful attention must be given in the design to storm water drainage. The location of each stream or watercourse channel to be preserved should be carefully determined as should the boundaries of each floodwater detention basin. Each open channel right-of-way to be preserved should be established at a width sufficient to hydraulically accommodate peak runoffs as well as to provide space along the channel for access and proper operation of construction and maintenance equipment. Proper design may require some relocation or straightening of natural watercourses and the integration of the smaller uppermost reaches of natural channels and swales into a planned system of storm sewers and open drainage channels. Particular care must be taken, when natural drainage channels are proposed to be blocked, filled in, built over or otherwise enclosed, that the proposed changes will not obstruct drainage or cause flooding. The subdivision design should be carefully adjusted to the drainage pattern, including channels and detention basins within dedicated parks, parkways or other public grounds or along the rear lines of tracts for estate type homes or special uses (see Figure 19). Street layouts and grades should be designed so that the streets can, during times of excessively severe storms and extreme runoff, serve as open runoff channels auxiliary to the storm sewerage system without flooding adjoining building sites. This means that mid-block sags in street grades must be avoided and that street grades be established so as to generally parallel storm sewer gradients.

The primary purpose of land subdivision is the production of building sites; and ideally, every lot should provide a good site. In every subdivision, however, there are areas wherein the lots will be comparatively more valuable than in others due to the proximity to such features as existing tree growth, a park or parkway, a lake, or a commanding view. Considerable skill is required to produce comparable value in the less attractive areas of the same subdivision.

In general, all lots within a given subdivision should have approximately the same or similar areas. Minimum lot areas and frontages will usually be specified by local zoning ordinances; and in recent years the trend has been to larger and wider lots, a factor contributing to the problem of urban sprawl. Indeed, in some areas the very large lot sizes required will make the ultimate provision of even minimum level municipal services extremely expensive. Lots

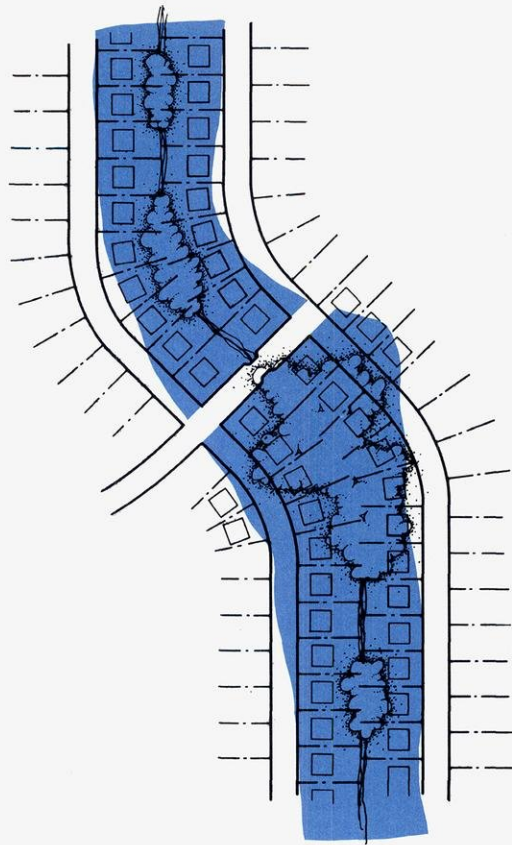


FIGURE 18
RESIDENTIAL DEVELOPMENT
WITHIN FLOOD PLAIN

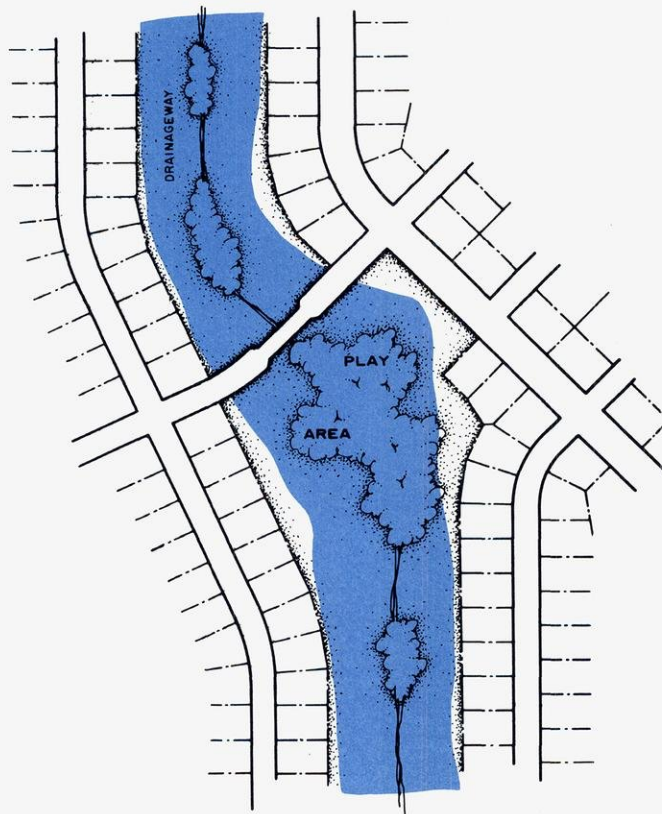


FIGURE 19
PROPER FLOOD PLAIN
DEVELOPMENT

should generally be more or less rectangular in shape in order to best accommodate the buildings that are to be erected on them, and side lot lines should be perpendicular or radial to the street right-of-way line. An architect, can, however, often make good use of unusually shaped lots. Corner lots should be somewhat wider than interior lots in order to permit adequate building setback lines to be obeyed on two sides. The building setback should not be too large or driveways and service walks become too expensive and the front yard area becomes too large at the expense of a reduced rear and private outdoor living area (see Figure 21). For maximum utility lots should be well shaped at the rear also, and narrow unusable slivers should be avoided. Generally, lots should drain either entirely toward the street or both toward the street and back lot line. In the latter case, lateral drainage along the rear lot lines will be required, necessitating careful attention to grading layout, particularly in flat areas, and the retention of drainage as well as utility easements along the rear lot lines. Topography may also require an occasional side lot line drainage easement.

The last, but most important, principle of good subdivision design is achievement of unity in design. The subdivision should, depending upon its size, either constitute a complete neighborhood unit or integral part of such a unit.

One point on which many planners today agree is that an urban area should be developed in a number of individual cellular neighborhood units rather than as formless mass.² These units should provide all of the facilities required by the family within the immediate vicinity of its dwelling. This is partly an aesthetic principle, partly a matter of efficiently organizing and supplying public services, partly a matter of convenience in living and traveling, and partly a matter of bringing the size of a district wherein a person lives into scale with the human individual who can feel at home and be a part of a community of five or ten thousand but who feels lost in a metropolis of a million persons.

Each neighborhood unit should have its own elementary school site, park area, church sites and local shopping area. Its size should be such as to provide housing for that population for which one public elementary school is required. The size will, therefore, vary with the size of the school, the development density, the ratio of public elementary school population to total population and the desirable maximum walking distance to school. Each neighborhood unit should have isolating boundaries such as arterial streets, major parks or parkways, or streams or lake shore lines to separate it from other such neighborhood units. Its internal street pattern should facilitate vehicular and pedestrian circulation within the unit, but discourage penetration of the unit by through traffic. There should be one central feature or focal point, such as the school or park site around which the design is built. Thus, a person entering the area realizes he is

2. Although the neighborhood unit concept is not universally accepted as the best form of urban development, it should be noted that any other development concept, such as the linear city, would also require detailed layouts for practical accomplishment.

FIGURE 20

EFFECTS OF IMPROPER LOT DESIGN

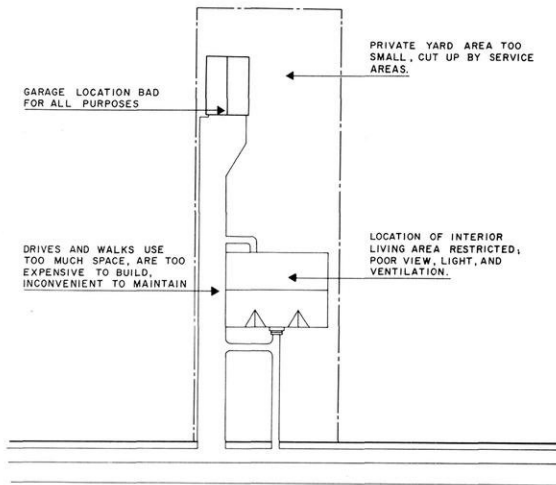


FIGURE 21

EFFECTS OF IMPROPER SITING

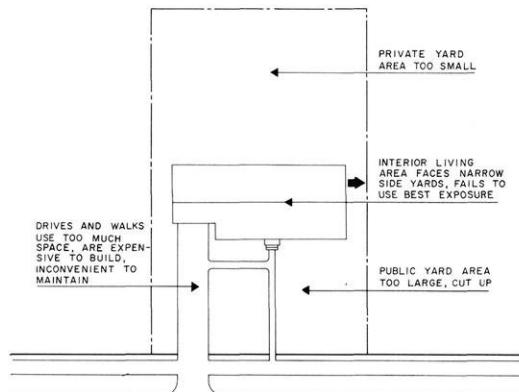
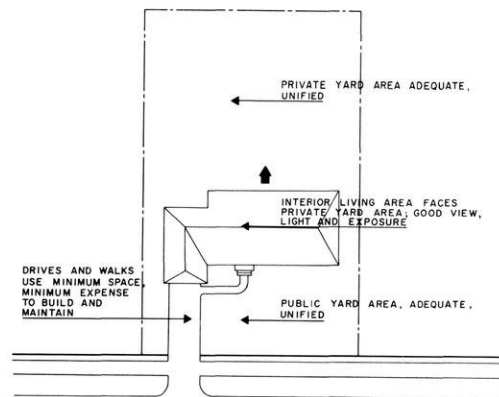


FIGURE 22

PROPER LOT DESIGN AND SITING



entering an integrated environment. Such an arrangement of urban development is not only good aesthetically but promotes a stable community, reduces the gross demand for travel and minimizes the cost of public services and facilities.

Map 1 depicts a design for a neighborhood unit which recognizes many of the concepts just discussed. It provides, for example:

A neighborhood park in conjunction with an elementary school site, centrally located, allowing dual use of facilities as well as ease of maintenance;

Collector streets designed to carry traffic into and out of the neighborhood rather than across it;

A neighborhood shopping center convenient to neighborhood collector and major streets;

Streets that can be built with a minimum of grading and destruction of tree growth and ground cover;

Good lotting due to good arrangement of streets in relation to land contour;

Major storm water drainage carried in open, green drainageways behind residential development;

Limited access to major streets by backing lots against such streets; and

Buffering of commercial uses from single family residential areas.

The neighborhood unit design shown is an actual one for a community in Wisconsin. As shown, its total area is slightly larger than one square mile. At the design development density of 10 persons per gross acres (6400 persons per square mile) the ultimate population is estimated at a probable peak of seven thousand persons, with a probable peak elementary school enrollment of 850 children. The sample preliminary plat shown on page 39 is for a part of this neighborhood unit.

Unity in design is much easier to obtain in large subdivisions which may in themselves comprise a neighborhood unit. Much of the land subdivision in growing areas, however, is done on a piecemeal basis by many different owners, each subdividing a small tract. This makes it impossible to achieve unity in design unless the community's comprehensive plan provides area planning studies, such as the one shown, for integrated neighborhood units; and such studies should be a part of every community plan.

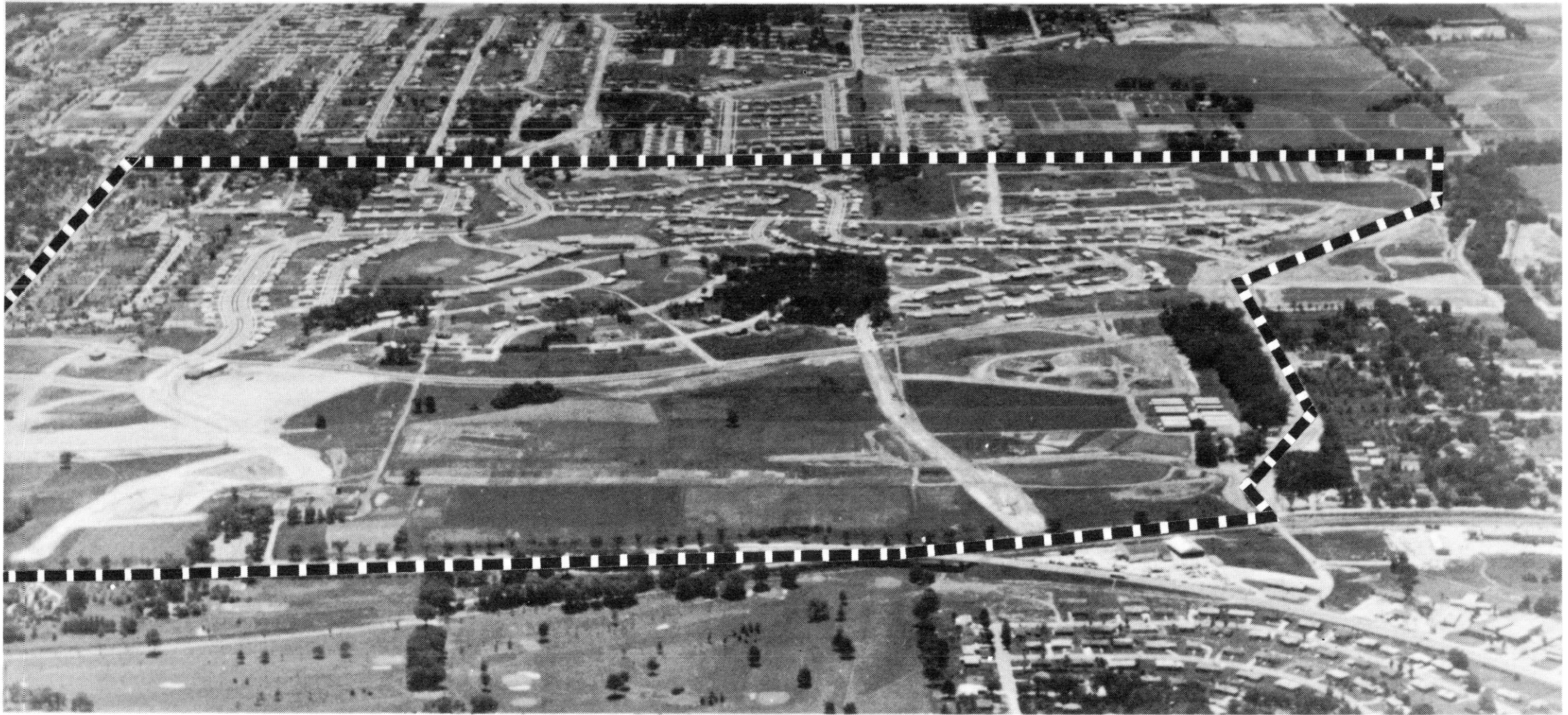
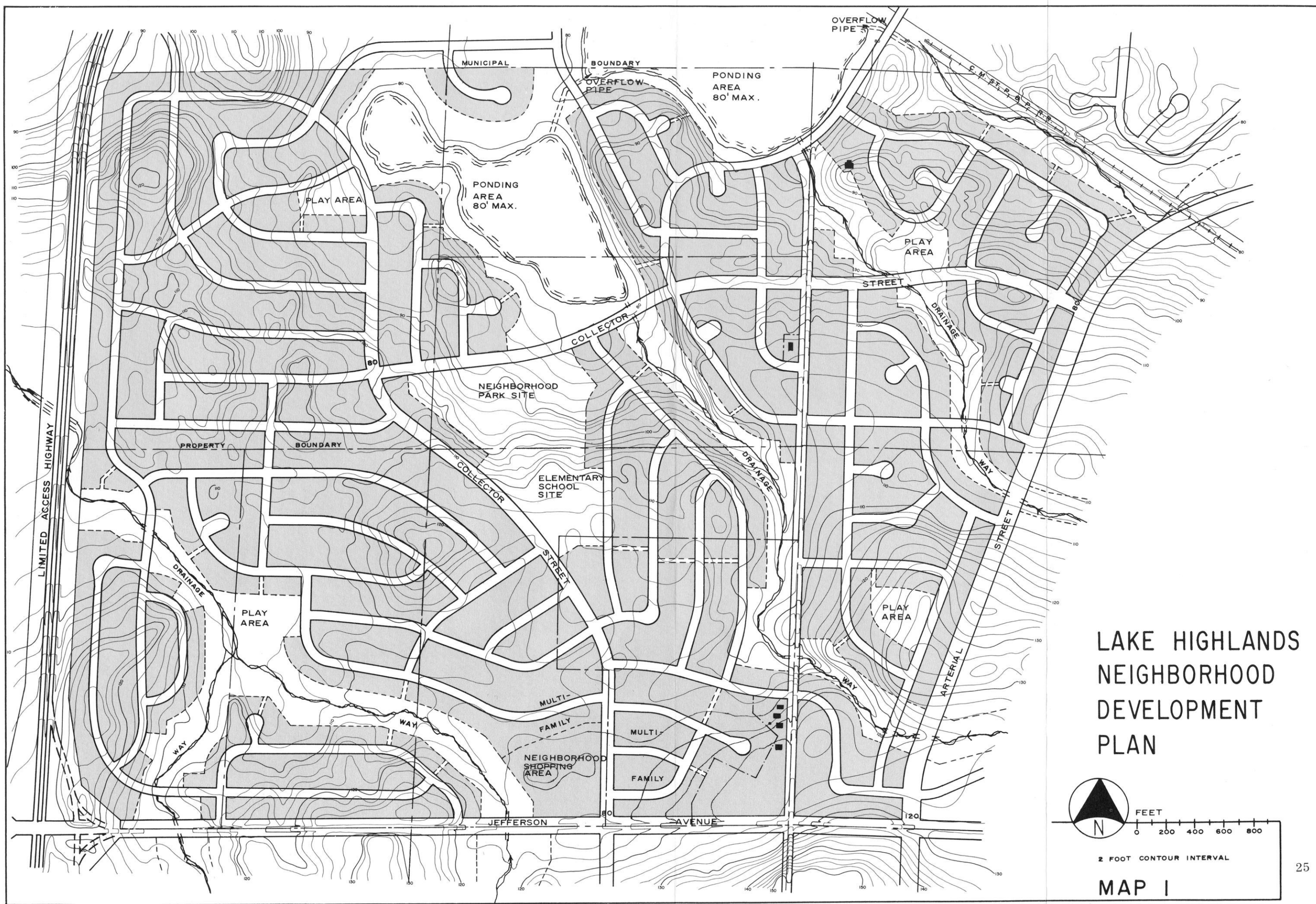



FIGURE 23

This aerial photograph shows a properly integrated neighborhood under development. Near the center of the neighborhood is an elementary school and a neighborhood park. A shopping center and apartments are being developed as shown in the lower left corner of the photograph. The street pattern is functional.



LAKE HIGHLANDS
 NEIGHBORHOOD
 DEVELOPMENT
 PLAN


 FEET
 0 200 400 600 800
 2 FOOT CONTOUR INTERVAL
MAP I



Chapter V

PHYSICAL IMPROVEMENTS

The creation and maintenance of attractive and stable residential areas require that good subdivision design be supplemented by the installation of adequate utility and street improvements. Requiring such improvements at the time of subdivision not only benefits the abutting lots but has a direct bearing on the cost of such improvements, their operation and maintenance to the community over many years. Moreover, requiring the subdivider to install such improvements tends to prevent excessive land subdivision, a problem which in the past has had some very serious consequences for many local governments.

The improvement standards should vary with the type of development, differing for multiple family residence areas, for high-density single family residence areas, for suburban "country estate" areas, or for commercial and industrial areas, and whether or not the community wishes to stimulate or retard land development. All improvements should be in accord with good municipal standards and subject to the approval of the village, city, town or county engineer concerned.

Minimum improvements in low-density areas should probably include, in addition to survey monuments, the following: streets graded to full width in accordance with standard cross sections and to established grades, and surfaced with a temporary pavement; adequate storm water drainage facilities, and public water mains.³ A public sewer system may be required if soil conditions are not suited to on-site private sewage disposal systems and becomes essential when the gross population density exceeds 2500 persons per square mile. In low-density areas the storm water drainage system may take the form of road ditches and culverts discharging to open drainage channels. In higher density areas, concrete curb and gutter and storm sewers may be required. Higher improvement standards may require the installation of permanent street pavements (in which case sewer and water laterals should be installed to the lot lines) concrete walks, street lights, and the planting of street trees and the seeding of planting strips.

3. The U. S. Public Health Service recommends the following criteria for public sewer and water facilities: (See table on following page.)

<u>Population Density</u> <u>Persons Per Square Mile</u> <u>(Gross area)</u>	<u>Equivalent</u> <u>Lot Sizes</u>	<u>Community Water</u> <u>Supply</u>	<u>Community Sanitary</u> <u>Sewer System</u>
5,000 and over	Less than one-half acre	Justified	Justified
2,500 - 5,000	1/2 to 1 acre	Justified	Normally Justified
1,000 - 2,500	1 to 2 acres	Normally Justified	Not Normally Justified
500 - 1,000	2 to 4 acres	Not Normally Justified	Rarely Justified
500 and under	Over 4 acres	Rarely Justified	Rarely Justified

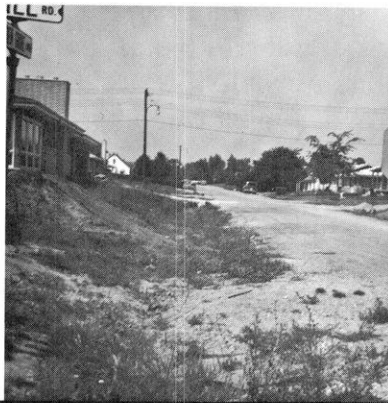
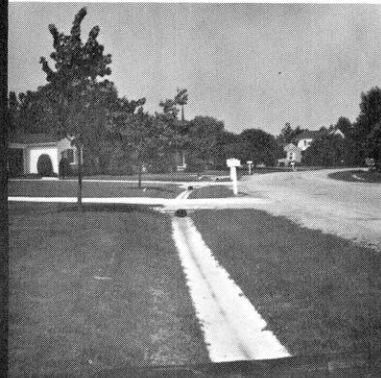


FIGURE 24

FIGURE 25



Poor road ditch improvement will result in soil erosion, blocked culverts, standing pools of water after rains or during spring thaw, and neighborhood appearances detrimental to property values. Proper road ditch improvement or curb and gutter construction will result in good storm water drainage without erosion and enhancement of neighborhood appearance.



FIGURE 26

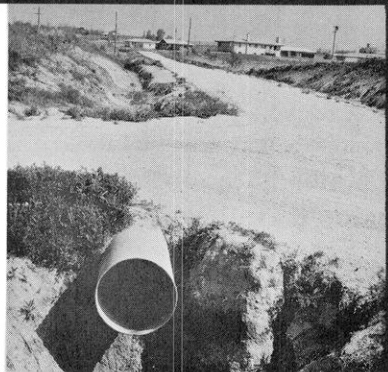


FIGURE 27



FIGURE 28

Poor major open storm water drainage channel improvement will result in reduction in channel capacity, maintenance problems, and safety hazards. Proper major open storm water drainage channel improvement will result in full runoff capacity, ease of maintenance, and enhancement of neighborhood appearance.

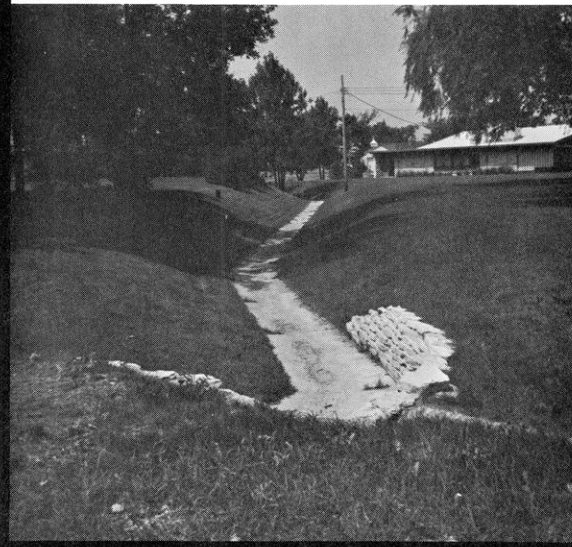


FIGURE 29

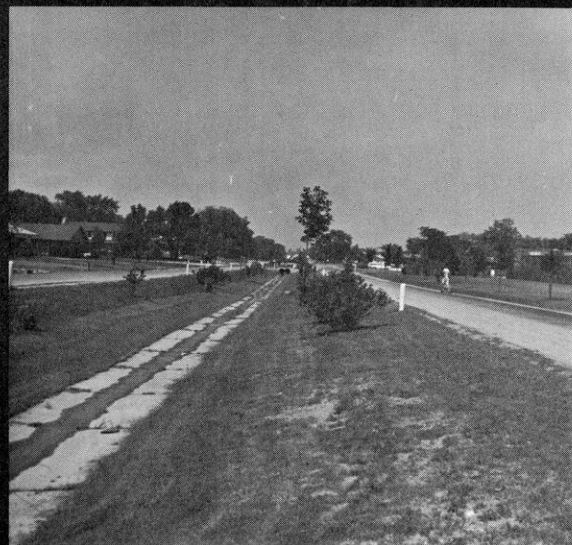


FIGURE 30

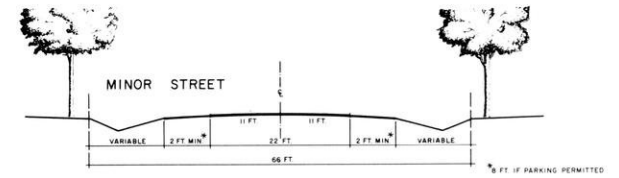
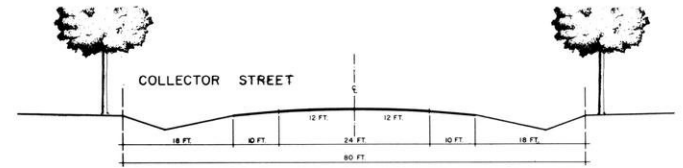
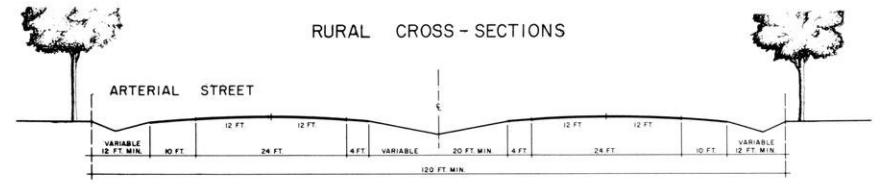
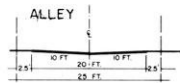
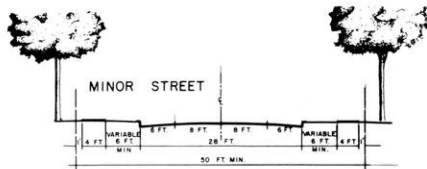
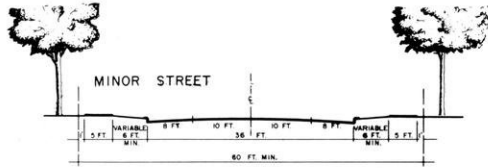
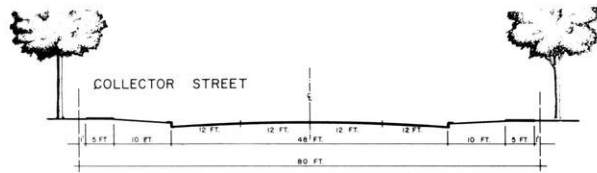
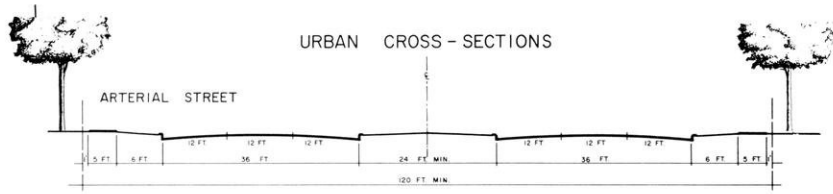
FIGURE 31

Many communities have adopted a policy of employing a permanent rural cross section for street improvement work in new areas of urban growth. Such rural cross sections employ roadside ditches for drainage as opposed to the standard urban street cross section which employs curb and gutter together with storm water sewers for such drainage (see Figure 32). Although such rural sections generally have a lower first cost than the standard urban section, they are not necessarily more economical in the long run and are in many respects less satisfactory than the urban section. Their use may be justified, however, in residential areas which have a relatively low density of population and which desire to maintain a rural appearance for aesthetic reasons. When so employed, the rural section presents design problems which are not encountered in the use of the urban section and which require careful engineering for their proper solution. These problems relate to the selection of the street cross section itself, the establishment of street grades, and the design of the attendant drainageways and structures. Since the use of a rural section usually dictates that all storm water must be carried and disposed of by means of surface drainage channels, the selection of street grades becomes considerably more critical than when urban storm sewers are available; and it is absolutely essential that the street grades be established in accordance with an overall plan encompassing the entire drainage area involved. The necessary areawide grade study is best made on a neighborhood unit development plan which shows all planned streets in the drainage area as well as contours.

The proper design of storm water drainage facilities, whether done in conjunction with the use of a rural or urban section, requires consideration of many factors including estimation of peak runoffs. Economically feasible storm water drainage facilities cannot be designed to carry the maximum possible storm runoffs. Instead, such facilities must be designed to carry the runoff from a "design storm" having a selected frequency and recurrence interval. Urban storm sewers are often designed to carry the runoff from a ten-year frequency rainstorm. Selection of such an average design frequency does not, however, fix the sequence of storm events nor does it give any indication of the magnitude of the events above the chosen maximum. It is possible, however, to compute the probability of a peak of any average recurrence interval being equaled or exceeded in any specified time interval; and these probabilities may be considered as risk factors since they represent the risk of possible flood damage connected with a chosen design storm.

Failure to consider the effects of these higher peaks in connection with subdivision design and improvement may result in flood damage when such excessive storms do occur (see Figure 33). Runoff, which cannot be carried in the sewers or drainage channels, ponds in the streets or flows along the pavement, accumulates in low spots built carelessly into the street system, overtops curbs and sidewalks, flows across low lots and blocks and sometimes into and through buildings. Planning agencies are seldom given a complete picture of how both the underground and surface drainage will function during extreme rainstorms. In areas presenting difficult drainage problems, it may, therefore, be desirable

FIGURE 32



to require that the flow and detention of surface water that will occur after extreme rainstorms be diagrammed on a two-foot contour map and the basis of the design of proposed sewers, culverts, and drainageways fully reported.



While high improvement standards are generally desirable, requiring overimprovement will do as much to retard good community development as underimprovement. In this respect, it is manifestly unfair to require a developer to install oversized utility lines for the benefit of areas which may develop beyond his land without assessing the excess costs of such oversized utilities to the benefited area.

Subdivision improvement costs vary widely, not only with required standards, but also with location, site characteristics and quality of the subdivision design. The following cost figures are given only to illustrate the possible variations in per dwelling unit costs with varying density and improvement standards. The cost figures are based upon good but standard subdivision design and do not reflect savings which might be possible through unusual design techniques.

<u>Density</u>	<u>Required Improvements</u>	<u>Improvement Cost Per Dwelling Unit (based on 1963 data)</u>
Single family: one acre lot area per dwelling unit	Water mains, skeleton storm drainage system, bituminous pavement, grading.	\$2,675.00
Single family: 10,000 sq. ft. lot area per dwelling unit	Sanitary sewer, water main, storm sewer, concrete curb and gutter, sidewalks one side, bituminous pavement, grading.	\$2,200.00
Multifamily: 3,000 sq. ft. lot area per dwelling unit	Sanitary sewer, water main, storm sewer, concrete curb and gutter, sidewalks, bituminous pavement, grading.	\$ 600.00

It should be noted that these cost figures represent the initial capital cost of improvements only and do not include land, engineering, legal, financing, or promotional costs. They do not in any way reflect total costs to the community over a long period of time. Additional capital investment can, up to a point, reduce total costs to the community over a long period of time by reducing operation and maintenance costs.

Table 1 indicates the variation in practice regarding the installation of improvements throughout 18 cities and villages within the Region.

TABLE 1
SUMMARY OF SUBDIVISION IMPROVEMENT REQUIREMENTS FOR
EIGHTEEN CITIES AND VILLAGES IN SOUTHEASTERN WISCONSIN, 1961

<u>UTILITIES:</u>	<u>PERCENTAGE OF CITIES & VILLAGES INVENTORIED</u>
<u>Sanitary Sewer</u>	
Require developer to install and pay for entire cost of:	
1. All sizes of sanitary sewers	55%
2. Equivalent cost of 8" diameter sanitary sewers only	28
3. Not required	17
<u>Sewage Lift Station</u>	
1. Sewage lift station to serve entire tributary area	12
2. Sewage lift station to serve subdivision only	44
3. Not required	44
<u>Storm Sewers</u>	
1. All sizes of storm sewer in streets of subdivision required to serve the subdivision and the entire drainage basin above subdivision	44
2. Equivalent cost of storm sewer sizes necessary to serve only subdivision	23
3. Not required	33

Table 1 continued

Catch Basins, Storm Sewer Inlets and Leads

- | | |
|---------------------------------------|----|
| 1. All inlets, catch basins and leads | 72 |
| 2. Not required | 28 |

Area Storm Sewers

- | | |
|---|----|
| 1. All or part of cost of channels or storm sewers outside of subdivision which serve subdivision | 17 |
| 2. Not required | 83 |

Water

- | | |
|---|--------|
| 1. All sizes of water main | 33 1/3 |
| 2. Equivalent cost of 6" diameter main only | 33 1/3 |
| 3. Not required | 33 1/3 |

Laterals

- | | |
|--|----|
| 1. Sewer and/or water laterals to lot line | 72 |
| 2. Sewer and/or water laterals to back of curb | 5 |
| 3. Not required | 23 |

STREET IMPROVEMENTS:

Require developer to install and pay for entire cost of:

Grading

- | | |
|-----------------|----|
| 1. Grading | 95 |
| 2. Not required | 5 |

Surfacing

- | | |
|---|----|
| 1. Gravel or crushed stone pavement | 17 |
| 2. Gravel or crushed stone pavement with bituminous seal coat | 17 |
| 3. Bituminous concrete pavement | 33 |
| 4. Concrete pavement | 28 |
| 5. Not required | 5 |

Table 1 continued

Sidewalks

1. Sidewalks both sides of street	39
2. Sidewalks one side of street	5
3. Not required	56

<u>Concrete Curb and Gutter</u>	50
---------------------------------	----

<u>Street Lights</u>	5
----------------------	---

<u>Street Name Signs</u>	22
--------------------------	----

<u>Street Trees</u>	5
---------------------	---

Chapter VI

ABOUT THE MODEL ORDINANCE

INTRODUCTION

Appended to this manual is a suggested model land division ordinance for South-eastern Wisconsin. This is presented to assist the local units of government in enacting their own subdivision regulations and is not intended to achieve a standard subdivision control ordinance on a regional basis.

Throughout the Region there are vast differences in the type and character of existing residential, commercial and industrial development, in topography, in soil capability, in accessibility, in the level of public services and facilities and in citizen desires. The complexity is such that the element of uniformity is almost non-existent; and standardization of development is therefore not desirable even if it were attainable. What is needed, rather, is a better understanding and finer application of the rules whereby good development and the best possible environment is achieved evenly over all parts of the Region.

There are, however, certain areas of uniformity which can and should be incorporated into subdivision regulations on a regional basis. Such desirable uniformity lies in the use of standardized procedures for the administration and enforcement of the regulations and not in the uniformity of the specifications. Such uniformity of the administrative procedures becomes increasingly important as local land developers extend their operations to the entire region when once they worked within a single jurisdiction only. Variations in design standards and improvement specifications are often confusing enough to the developer without further complicating his operations by requiring him to work with totally dissimilar wording, definitions, administrative processes and approval procedures.

It is, therefore, recommended that the local units of government use the model ordinance presented herewith as to code organization, common definitions, general procedures and plat preparation specifications. Thus, the specifics of regulation covering densities of development, lot sizes, improvement standards and the like are left to the respective localities. The following explanatory text relative to the suggested model ordinance is presented with this end in mind.

GENERAL PROCEDURES

As indicated on the adjoining page, the procedure for subdividing land in a municipality, town, or county, as recommended in the model ordinance, should entail three basic steps. The first step should be a meeting of the subdivider and

planning agency and/or planning staff to discuss the proposed subdivision. The second step should be the submission of the preliminary plat to the planning agency for review and approval. The third step should be submission of the final plat for planning agency and governing body review and approval. These steps are necessary in the subdivision of land if poorly planned and executed land development is to be avoided and if the development process is to be a smooth and expeditious one, satisfactory to both the governmental officials concerned and the private developer. Following these three basic steps, built upon a foundation of sound development standards and regulatory intent, will help to ensure good development and, therefore, a better community.

Step 1

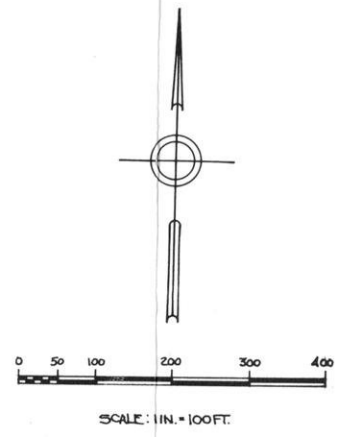
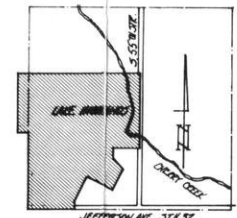
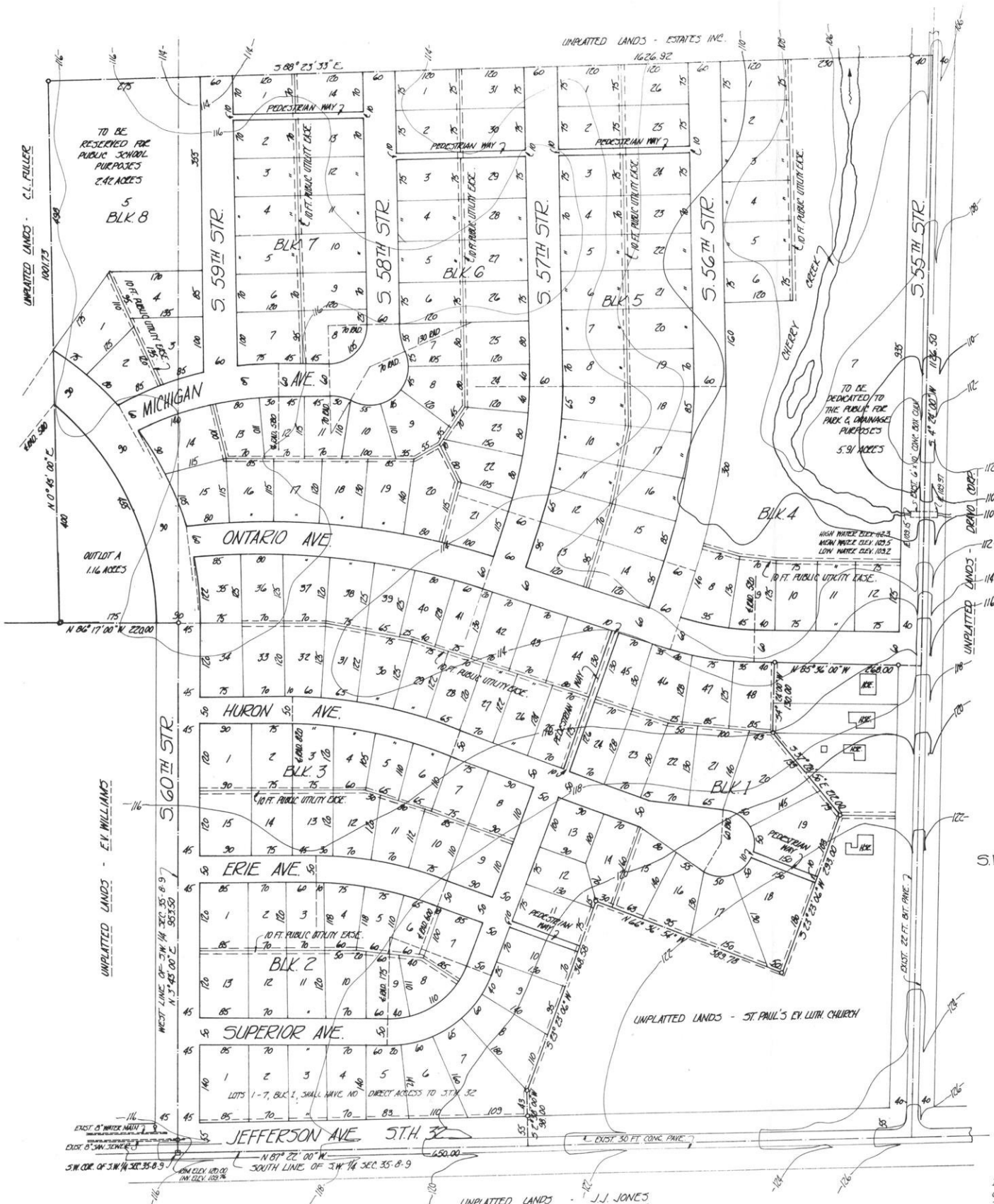
The subdivider contacts the municipal planning agency to discuss the proposed plat. This meeting allows the planning agency an opportunity to advise the subdivider as to the detailed platting procedures and regulations governing plats in the community and to provide him with pertinent information concerning the long-range plans of the community as they might affect the proposed development. At this time, the planning agency may furnish the developer with a check list of platting requirements relating to the preliminary and final plats in order to help him through the platting procedure. This step should be in all respects an informal one and is intended to save the developer as well as the municipality much time in the subsequent steps.

Step 2

The formal submission of a preliminary plat for approval is the first necessary step toward land subdivision. In fact, it is the most important because it offers the planning agency a unique opportunity to review proposed private development and to coordinate such private development with the long-range development objectives of the community. It offers the developer a chance to obtain general acceptance of the subdivision by all affected governmental agencies before large expenditures of time and money have been made.

The preliminary plat should include all of the contiguous land owned or controlled by the developer even though only a small portion of it is intended to be immediately developed. This is necessary in order to develop an overall picture of the entire area as it will be eventually developed and thereby ensure that any single development, no matter how small, will form an integral part of the whole. Only in this way can development problems having serious implications for the community be avoided. The plat shall show on its face all information pertinent to sound land subdivision as specified by the community's land division ordinance.

A letter of intent and application for approval should accompany the preliminary plat. Platting fees based on the acreage of the proposed plat or upon the number of lots in the proposed plat may be required at this time in order to help defray the cost of review. A sample preliminary plat is shown on Map 2 ; and a sample application is included in Appendix B.



PRELIMINARY PLAT
OF
LAKE HIGHLANDS
BEING A PART OF
S.E. 1/4 SECTION 34 AND SW 1/4 SECTION 35, T8N, R9E
CITY OF LAKE HIGHLANDS WISCONSIN
HIGHLANDS DEV. CO. OWNER
JOHN DOE SURVEYOR
NOV 15, 1963

- GENERAL NOTES:
1. ALL ELEVATIONS REFERRED TO CITY DATUM, CITY DATUM = 845.60 MEAN SEA LEVEL DATUM.
 2. TOTAL TRACT AREA = 53.428 ACRES
 3. ALL BLOCK CORNERS TO HAVE CORNER CUT OFFS OF 15 FT. END UNLESS OTHERWISE NOTED.
 4. LOTS 1 THROUGH 34, BLK. 1 AND ALL OF LOTS 2 & 3 TO BE USED FOR MULTI-FAMILY DWELLINGS; ALL OTHER LOTS TO BE USED FOR SINGLE FAMILY DWELLINGS UNLESS OTHERWISE NOTED. MIN. LOT AREA = 7000 SQ. FT.
 5. THE CO-ORDINATES OF THE S.W. COR. OF S.W. 1/4 SEC. 35, T8N, R9E, ON THE 1953 CO-ORD. SYSTEM, SOUTH ZONE: R = 412,562.50 FT., Y = 2,186,010.00 FT. ALL BEARINGS ARE REFERRED TO 5400 CO-ORD. GRID.

I, JOHN DOE, LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF THE SUBDIVISION REGULATIONS OF THE CITY OF LAKE HIGHLANDS IN PREPARING THIS PRELIMINARY SUBDIVISION PLAT.
JOHN DOE, LAND SURVEYOR

MAP 2



Upon submission of the preliminary plat, copies are sent by the local government to the state planning agency, utility companies, and local governmental departments or agencies affected by the proposed platting for their review and recommendation. After a reasonable length of time, sufficient to allow the reviewing agencies up to 20 days to present recommendations, a hearing is held before the planning agency, at which the subdivider may appear. Based on the recommendations of the reviewing agencies, or knowledge of the long-range plans for community development and upon other local considerations, the planning agency determines whether the preliminary plat shall: 1) be approved, 2) be approved conditionally, or 3) be rejected. This action must be taken within 40 days after plat submission. The developer may re-submit a revised preliminary plat for approval at a later date if the plat is rejected. He may proceed to prepare and submit a final plat when the preliminary plat is approved or approved conditionally.

Step 3

In submission of a final plat, the developer must, under the suggested model ordinance, follow one of three alternative procedures regarding the installation of improvements as indicated on the adjoining flow-chart, Appendix F. Each of these alternatives is intended to achieve the highest standard of development at the lowest initial cost to the municipality, town or county.

In the first alternative, Appendix F, the subdivider elects to install the required improvements in accordance with the approved preliminary plat and with county, town or municipal specifications. The subdivider then submits the final plat along with accompanying documents, fees, and evidence of approval of the installed improvements by affected government agencies to the local government for review. The local government agency, acting in accordance with Chapter 236 of the Wisconsin Statutes, submits the final plat to the state planning agency for necessary state review. A sample final plat is shown on Map 3.

The procedure for approval of a final plat is as follows: The plat is submitted to the local government which refers the plat to the local planning agency. The county, town, or municipal clerk must then, within two days, transmit copies of the plat to the reviewing agencies if the developer has not elected to do so himself. The reviewing agencies are given 20 days within which to state their recommendations if any, after which the local planning agency meets to review and act on the plat. The developer may appear at the meeting. The plan commission then determines whether the plat shall be recommended for approval, conditional approval, or rejection. The plat is then forwarded to the governing body, along with the recommendations of the planning agency, for rejection or approval. This action must be taken within sixty days after the plat has been submitted to the local government. If approved, the county, town, or municipal clerk must certify to the approval of the plat and the subdivider can then present it to the county register of deeds for recording. After recording, the lots may be sold.

As previously indicated, the subdivider may wish to proceed with final platting by either of the two alternative methods. In both, the subdivider must grade streets to specified grade and sub-grade levels.

The local government may, upon request of the subdivider, waive installation of the remaining improvements. In that event, the subdivider must submit to the local government, along with the final plat and accompanying documents, a contract and a performance or a surety bond for the total cost of the remaining improvements (alternative 2), or a contract and certified check covering the total cost of remaining improvements (alternative 3). Then the same procedure is followed as in the first alternative until the final plat is recorded. After recording, the subdivider must install the improvements to local government specifications within the time limits specified. If work has not been accomplished at the end of the time limits specified, the local government may require bond performance or, in the case of alternative three, use the funds in escrow to install the remaining improvements. A sample contract appears in Appendix C.

CERTIFIED SURVEY MAPS

The suggested model ordinance regulates all divisions of land resulting in parcels of four acres or less in area, whether or not these divisions result in a "subdivision" as defined in Section 236.02 (8) of the Wisconsin Statutes. This is done because the act of dividing land, whether it be a four acre tract or a single lot sixty feet wide, must be regulated in the public interest, for in no other way can the community hope to ensure a comprehensive and coordinated program of good physical development. Even one misplaced building can destroy the integrity of a major street plan or drainage scheme, and divisions of land which result in areas below minimum requirements for public health preservation can be as serious a problem if done on a piecemeal basis through metes and bounds sales as if done on a wholesale basis through platting.

The ordinance and preceding discussion outline platting procedures for preliminary and final land subdivision plats. These deal generally with large tracts of land and with the division of such tracts into three or more parcels. The certified survey map, on the other hand, is a method of regulating those divisions of land which, because they result in only two parcels, do not legally qualify as subdivisions.

The basic procedure for the eventual recording of a certified survey map is similar to that for a final plat. The time and expense involved to both community and the owner is, however, reduced to a minimum. Following the procedures recommended in the model ordinance relative to certified survey maps will not only permit the community to ensure compliance with its development plans, but will result in better legal descriptions and property boundary survey records. A sample certified survey is shown on Map 4.

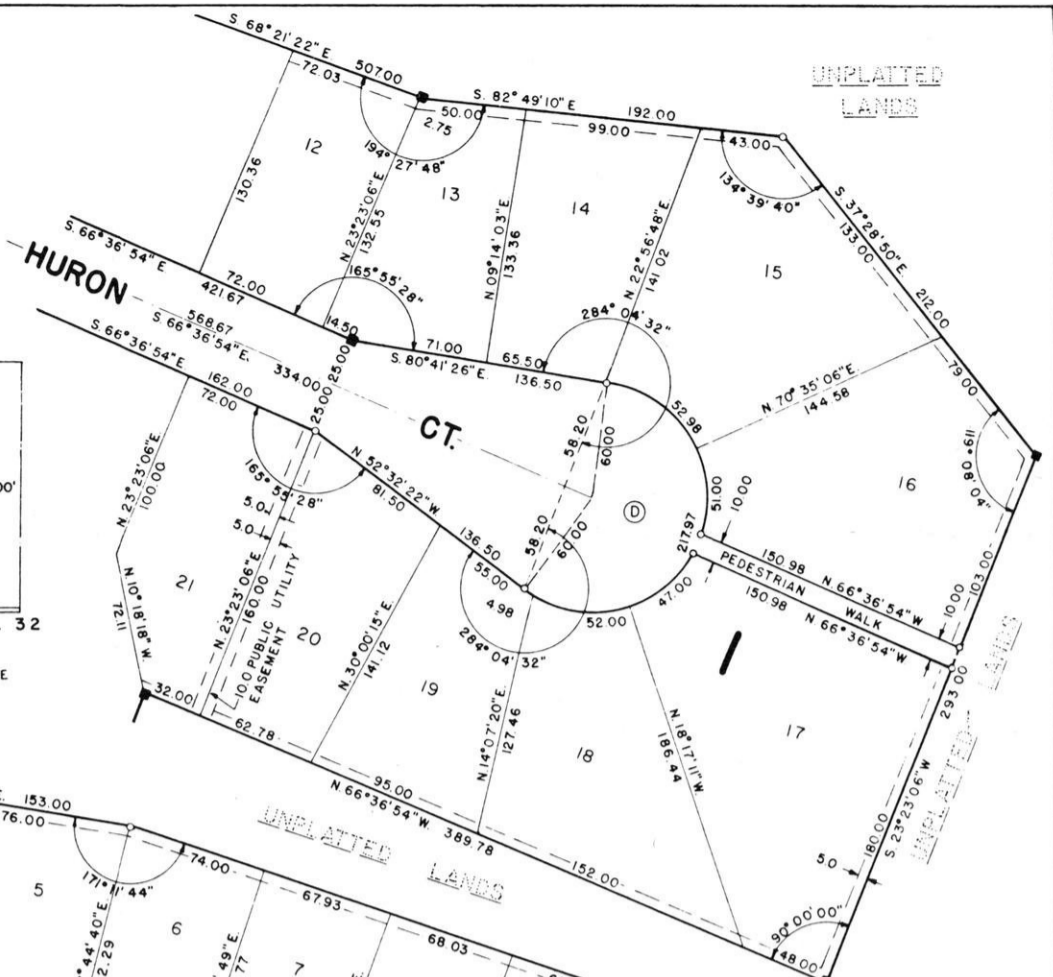
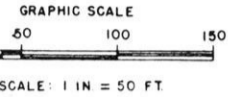
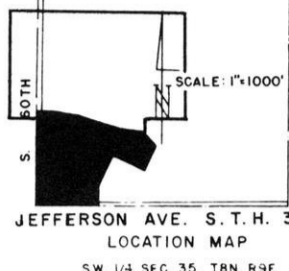
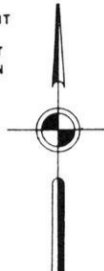
LAKE HIGHLANDS

BEING A SUBDIVISION OF A PART OF THE
SOUTHWEST ONE QUARTER OF SECTION 35,
TOWN 8 NORTH, RANGE 9 EAST,

CITY OF LAKE, LAKE COUNTY,
WISCONSIN

LEGEND:

- DENOTES 4" X 4" X 30" STONE MONUMENT
- DENOTES 2" IRON PIPE 30" LONG,
MIN. WT. 3.65 LBS. PER FOOT
- DENOTES 1" IRON PIPE 24" LONG,
MIN. WT. 1.13 LBS. PER FOOT



THE CO-ORDINATES OF THE SW CORNER OF THE SW 1/4 OF SECTION 35, T8N, R9E, ARE ON THE WISCONSIN CO-ORDINATE SYSTEM, SOUTH ZONE; ALL BEARINGS ARE REFERRED TO SAID CO-ORDINATE GRID.

JEFFERSON AVE. S.T.H. 32

MAP 3
SHEET 1 OF 2



LAKE HIGHLANDS

BEING A SUBDIVISION OF A PART OF THE SOUTHWEST ONE QUARTER OF SECTION 35,
TOWN 8 NORTH, RANGE 9 EAST,
CITY OF LAKE, LAKE COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN) SS
COUNTY OF LAKE)

I, John Doe, registered land surveyor, being first duly sworn, on oath hereby depose and say:
THAT I have surveyed, divided, and mapped "LAKE HIGHLANDS" being a Subdivision of a part of the S. W. 1/4 of Section 35, T 8 N, R 9 E, in the City of Lake, Lake County, Wisconsin, which is bounded and described as follows:

Beginning at the Southwest corner of said 1/4 Section; running thence North 03°43'00" East along the West line of said 1/4 Section 953.50 ft. to a point; thence South 86° 17' 00" East at right angles to the West line of said 1/4 Section 273.00 ft. to a point; thence South 77° 09' 38" East 153.00 ft. to a point; thence South 68° 21' 22" East 507.00 ft. to a point; thence South 82° 49' 10" East 192.00 ft. to a point; thence South 37° 28' 50" East 212.00 ft. to a point; thence South 23° 23' 06" West 293.00 ft. to a point; thence North 66° 36' 54" West 389.78 ft. to a point; thence South 23° 23' 06" West 368.58 ft. to a point; thence South 02° 38' 00" West, at right angles to the South line of said 1/4 Section 98.00 ft. to a point in the South line of said 1/4 Section; thence North 87° 22' 00" West along the South line of said 1/4 Section 650.00 ft. to the point of beginning. EXCEPTING therefrom those parts heretofore dedicated for road and highway purposes.

The coordinates of the Southwest corner of the said 1/4 section are on the Wisconsin Plane Coordinate System, South Zone: 414 557.85 feet North, 2 185 076.50 feet East, and all description bearings are referred to said coordinate grid.

THAT I have made such survey, land division and plat by the direction of HIGHLANDS INVESTMENT CORP., owner of said land.
THAT such plat is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof.
THAT I have fully complied with all the provisions of Chapter 236 of the Wisconsin Statutes and all the provisions of the Land Division Ordinance of the City of Lake in surveying, dividing and mapping the same.

/s/ JOHN DOE (SEAL)
John Doe, Registered Wisconsin Land Surveyor
No. S-157

CORPORATE OWNER'S CERTIFICATE OF DEDICATION

HIGHLANDS INVESTMENT CORP., a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said Corporation caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat.

HIGHLANDS INVESTMENT CORP., as owner, does further certify that this plat is required by S. 236.10 or S. 236.12 to be submitted to the following for approval or objection:

- (1) COMMON COUNCIL OF THE CITY OF LAKE
- (2) DIRECTOR OF STATE PLANNING DIVISION
- (3) STATE HIGHWAY COMMISSION
- (4) COUNTY PLANNING AGENCY

IN WITNESS WHEREOF, the said HIGHLANDS INVESTMENT CORP., has caused these presents to be signed by JOE SMITH, its President and countersigned by JOHN BROWN, its Secretary at Lake, Wisconsin, and its Corporation seal to be hereunto affixed this ___ day of _____, 1963.

In the Presence of:

/s/ JOHN GREEN

/s/ JANE GREEN

HIGHLANDS INVESTMENT CORP.

/s/ JOE SMITH (SEAL)
Joe Smith, President

COUNTERSIGNED:

/s/ JOHN BROWN (SEAL)
John Brown, Secretary

STATE OF WISCONSIN) SS
COUNTY OF LAKE)

On this ___ day of _____, 1963, before me, _____, the undersigned officer, personally appeared JOE SMITH, who acknowledged himself to be the President of the above named corporation and also personally appeared JOHN BROWN, who acknowledged himself to be the Secretary of the above named corporation, and that they, as such, being authorized to do so, executed the foregoing Corporate Owner's Certificate for the purposes therein contained, by signing the name of the corporation by themselves as President and Secretary.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

Notary Public JANE GREY, Wisconsin
My Commission Expires _____

ACCESS RESTRICTION

HIGHLANDS INVESTMENT CORP., a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby restrict Lots 28 through 34 of Block 1, in that no owner, possessor, user, licensee nor any other person shall have any right of direct vehicular ingress or egress with State Trunk Highway 32, as shown on the plat. This access restriction is expressly intended to constitute a restriction for the benefit of the public according to Section 236.293 of the Wisconsin Statutes and shall be enforceable by the State Highway Commission.

In the Presence of:

/s/ JOHN GREEN

/s/ JANE GREEN

HIGHLANDS INVESTMENT CORP.

/s/ JOE SMITH (SEAL)
Joe Smith, President

COUNTERSIGNED:

/s/ JOHN BROWN (SEAL)
John Brown, Secretary

CERTIFICATE OF CITY TREASURER

STATE OF WISCONSIN) SS
COUNTY OF LAKE)

I, JOHN BLACK, being duly appointed, qualified and acting City Treasurer of the City of Lake, do hereby certify that the records in my office show no unpaid taxes or unpaid special assessments as of _____ on any of the lands included in the plat of LAKE HIGHLANDS.

/s/ JOHN BLACK
John Black, Treasurer, City of Lake

Date _____

CERTIFICATE OF COUNTY TREASURER

STATE OF WISCONSIN) SS
COUNTY OF LAKE)

I, JOE BLACK, being duly elected, qualified and acting Treasurer of the County of Lake, do hereby certify that the records in my office show no unredeemed tax sales and no unpaid taxes or special assessments as of _____ affecting the lands included in the plat of LAKE HIGHLANDS.

/s/ JOE BLACK
Joe Black, Treasurer, Lake County, Wisconsin

Date _____

COMMON COUNCIL RESOLUTION

RESOLVED, that the plat of LAKE HIGHLANDS, being a Subdivision of a part of the S. W. 1/4 of Section 35, T 8 N, R 9 E, in the City of Lake, Lake County, Wisconsin, having been approved by the Plan Commission and the same is hereby approved by the Common Council of the City of Lake on this ___ day of _____, 1963.

/s/ JOHN GRAY
John Gray, Mayor, City of Lake

I, JOHN CLAY, do hereby certify that I am duly appointed, qualified and acting City Clerk of the City of Lake and the foregoing is a true and correct copy of a resolution passed and adopted by the Common Council of the City of Lake, Lake County, Wisconsin, this ___ day of _____, 1963.

AND I DO further certify that copies of this plat were forwarded as required by s. 236.12 (2) on the ___ day of _____, 1963 and that no objections to the plat have been filed or if filed have been met.

/s/ JOHN CLAY
John Clay, Clerk, City of Lake

Date _____

CERTIFICATE OF COUNTY REGISTER OF DEEDS

RECEIVED for record this ___ day of _____, 1963, at ___ o'clock ___ M., and recorded in Volume ___ of Plats on Page ___.

/s/ JOE MOON
Joe Moon, Register of Deeds, Lake County

GENERAL CURVE DATA						
CURVE	RADIUS	ARC	CHORD	CHORD BEARING	CEN. ANGLE	DEFLECTION
A-N. LINE	810.00	278.05	276.69	S.76°26'57"E.	19°40'06"	9°50'03"
A-S. LINE	785.00	269.47	268.15	S.76°26'57"E.	19°40'06"	9°50'03"
A-S. LINE	760.00	260.89	259.61	S.76°26'57"E.	19°40'06"	9°50'03"
B-N. LINE	135.00	165.72	155.51	N.58°33'03"E.	70°19'54"	35°09'57"
B-S. LINE	160.00	196.40	184.30	N.58°33'03"E.	70°19'54"	35°09'57"
B-S. LINE	185.00	227.09	213.10	N.58°33'03"E.	70°19'54"	35°09'57"
C-N. LINE	625.00	214.55	213.50	N.76°26'57"W.	19°40'06"	9°50'03"
C-S. LINE	600.00	205.97	204.96	N.76°26'57"W.	19°40'06"	9°50'03"
C-S. LINE	575.00	197.38	196.42	N.76°26'57"W.	19°40'06"	9°50'03"
D-SAC	60.00	217.97	116.40	S.23°23'06"W.	208°09'04"	104°04'32"
E-FILLET	25.00	39.27	35.36	N.21°36'54"W.	90°00'00"	45°00'00"

CURVE DATA BLOCK - 1						
LOT - 3	810.00	63.05	63.03	S.84°03'12"E.	4°27'36"	2°13'48"
4	810.00	65.00	64.98	S.79°31'28"E.	4°35'52"	2°17'56"
5	810.00	65.00	64.98	S.74°55'36"E.	4°35'52"	2°17'56"
6	810.00	65.00	64.98	S.70°19'44"E.	4°35'52"	2°17'56"
7	810.00	20.00	20.00	S.67°19'21"E.	19°24'54"	9°42'27"
15	60.00	52.98	51.28	S.55°23'38"E.	50°35'38"	25°17'48"
16	60.00	51.00	49.48	S.05°44'45"E.	48°42'10"	24°21'05"
PED. WAY	60.00	10.01	10.00	S.23°23'06"W.	9°33'32"	4°46'46"
17	60.00	47.00	45.81	S.50°36'21"W.	44°52'58"	22°26'28"
18	60.00	52.00	50.39	N.82°07'26"W.	48°39'28"	24°19'44"
19	60.00	4.98	4.98	N.54°55'02"W.	4°45'20"	2°22'40"
26	185.00	39.09	39.02	S.29°26'18"W.	12°06'24"	6°03'12"
27	185.00	64.00	63.68	S.45°24'09"W.	19°40'18"	9°50'09"
28	185.00	62.00	61.71	S.68°54'51"W.	18°12'06"	9°06'03"
29	185.00	62.00	61.71	S.84°06'57"W.	19°12'06"	9°36'03"

CURVE DATA BLOCK - 2						
LOT - 2	760.00	9.00	9.00	S.85°56'39"E.	00°40'42"	00°20'21"
3	760.00	77.00	76.97	S.82°42'09"E.	5°48'18"	2°54'09"
4	760.00	77.00	76.97	S.76°53'51"E.	5°48'18"	2°54'09"
5	760.00	73.00	72.98	S.71°14'36"E.	5°30'12"	2°45'06"
6	760.00	24.89	24.89	S.67°33'12"E.	19°52'36"	9°56'18"
8	25.00	39.27	35.36	S.21°36'54"E.	90°00'00"	45°00'00"
10	625.00	48.96	48.95	N.68°51'33"W.	4°29'18"	2°14'39"
11	625.00	70.00	69.96	N.74°18'43"W.	6°25'02"	3°12'31"
12	625.00	71.00	70.96	N.80°46'30"W.	6°30'32"	3°15'16"
13	625.00	24.59	24.59	N.85°09'23"W.	2°15'14"	1°07'37"

CURVE DATA BLOCK - 3						
LOT - 3	575.00	7.42	7.42	S.85°54'49"E.	00°44'22"	00°22'11"
4	575.00	74.00	73.95	S.81°51'25"E.	7°22'26"	3°41'13"
5	575.00	74.00	73.95	S.74°28'59"E.	7°22'26"	3°41'13"
6	575.00	49.96	41.95	S.68°42'20"E.	4°10'52"	2°05'26"
7	135.00	28.35	28.30	S.29°24'02"W.	12°01'52"	6°00'56"
8	135.00	121.00	116.99	S.61°05'36"W.	51°21'16"	25°40'58"
9	135.00	16.37	16.36	N.89°45'23"W.	6°56'46"	3°28'23"

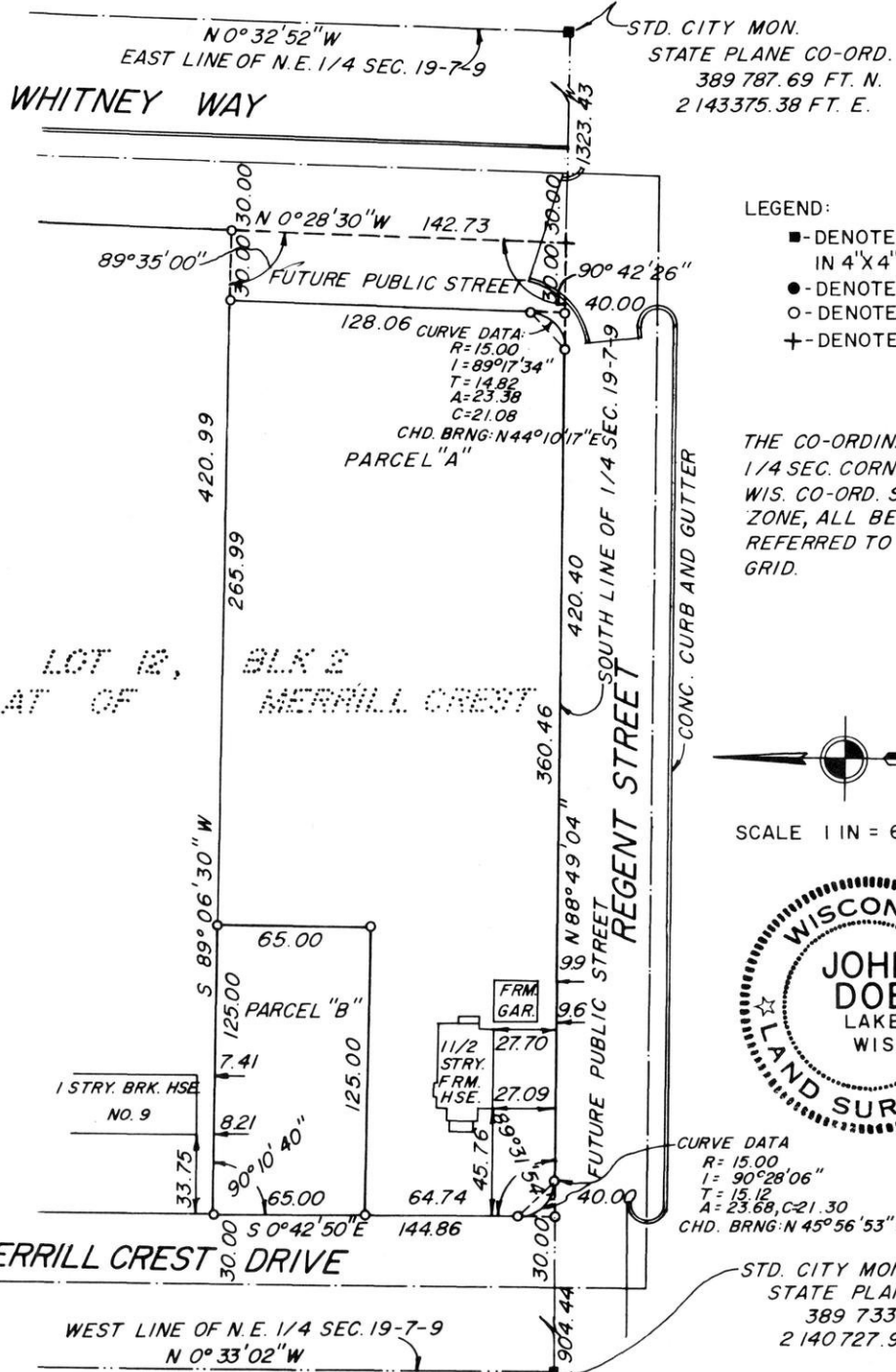


MAP 3

SHEET 2 OF 2

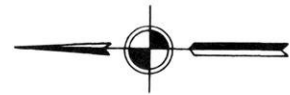


CERTIFIED SURVEY MAP
 OF A PART OF
NORTHEAST 1/4 SECTION 19, TOWN 7 NORTH, RANGE 9 EAST,
CITY OF LAKE LAKE COUNTY, WISCONSIN



- LEGEND:**
- - DENOTES BRONZE CAP IN 4"X4"X30" CONC. MON.
 - - DENOTES 2" IRON PIPE
 - - DENOTES 1" IRON PIPE
 - ⊕ - DENOTES CROSS IN PAVE.

THE CO-ORDINATES OF THE 1/4 SEC. CORNERS ARE ON THE WIS. CO-ORD. SYSTEM, SOUTH ZONE, ALL BEARINGS ARE REFERRED TO SAID CO-ORD. GRID.



SCALE 1 IN = 60 FT.



MAP 4

SHEET 1 OF 2

CERTIFIED SURVEY MAP
 OF A PART OF
NORTHEAST 1/4 SECTION 19, TOWN 7 NORTH, RANGE 9 EAST,
CITY OF LAKE LAKE COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE
 STATE OF WISCONSIN) :SS
 LAKE COUNTY)

I, John Doe, registered land surveyor, do hereby certify:

THAT I have surveyed, divided and mapped the South one-half of Lot 12, Block 2, Plat of Merrill Crest, in the Northeast one-quarter of Section 19, Town 7 North, Range 9 East, in the City of Lake, Lake County, Wisconsin, more particularly bounded and described as follows:

COMMENCING at the Southeast corner of the said one-quarter section; running thence S 88°49'04" W along the South line of the said one-quarter section 1323.43 feet to the point of beginning of the land about to be described; continuing thence S 88°49'04" W along the South line of the said one-quarter section, said line also being the Northerly line of Regent Street, 420.40 feet to a point on the Easterly line of Merrill Crest Drive; thence N 0°42'50" W along the Easterly line of Merrill Crest Drive 144.86 feet to a point; thence N 89°06'30" E 420.99 feet to a point, said point being 90 feet West of the Easterly line of Whitney Way; thence S 0°28'30" E along a line 90 feet West of and parallel to the Easterly line of Whitney Way 142.73 feet to the point of beginning.

The co-ordinates of the Southeast corner of said one-quarter section are, on the Wisconsin Co-ordinate System, South Zone: 389 787.69 feet North and 2 143 375.38 feet East; and all description bearings are referred to said co-ordinate grid.

THAT I have made such survey, land division, and this map by order and direction of Joe Smith, owner of said land.

THAT such map is a correct representation of all the exterior boundaries of the land surveyed and of the land division thereof made.

THAT I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the subdivision regulations of the City of Lake in surveying, dividing and mapping the same.



_____(SEAL)
 John Doe, Land Surveyor
 No. S-157

OWNER'S CERTIFICATE

AS OWNERS, WE hereby certify that we have caused the land described above to be surveyed, divided, and mapped as represented on this map in accordance with the requirements of the subdivision regulations of the City of Lake.

WITNESS the hand and seal of said owners this _____ day of _____, 19____.
 In the presence of:

_____(SEAL)
 Joe Smith

_____(SEAL)
 Mary Smith

STATE OF WISCONSIN) :SS
 COUNTY OF LAKE)

PERSONALLY came before me this _____ day of _____, 19____, the above named Joe Smith and Mary Smith, to me known to be the persons who executed the foregoing instrument and acknowledge the same.

My commission expires:

 Jane Gray, Notary Public, Lake Co., Wis.

PLANNING COMMISSION APPROVAL

APPROVED by the Planning Commission of the City of Lake on this _____ day of _____, 19____.

 Chairman

 Secretary

This instrument was drafted by John Doe. Sheet 2 of 2

FEES

The model land division ordinance included in Appendix A requires the payment of reviewing fees at the time of preliminary and final plat submission. These fees are intended to help defray office expenses incurred by the local government in the review of particular plats. Fees may also be required by the local government upon final plat approval in lieu of dedication of land for necessary public purposes.

Regarding the latter, it has long been generally accepted that the dedication of land by the subdivider for public streets in a subdivision is a necessary and reasonable requirement. There may, however, be demands for other public facilities requiring sites within a subdivision such as parks, schools, and drainageways. These must be acquired by the public either through purchase or dedication. It does not appear fair to require the community at large to purchase sites for facilities such as neighborhood schools, parks or playgrounds from which only a segment of the entire population derives direct benefit. On the other hand, it does not appear fair to require a subdivider of, say, an 80 acre tract of land to dedicate a park or school site which will benefit an entire neighborhood comprising, say, 560 acres of the surrounding land. Oftentimes, the most desirable locations for such facilities lie within one or two tracts, while adjacent tracts may have no such proposed facilities within their boundaries. It would seem, therefore, that the most equitable way to accomplish the acquisition of lands for public use is by charging each developer a uniform fee per acre or per lot in lieu of dedication, which fees would be pooled toward the purchase of parks, school sites, and major drainageways necessary to serve a particular neighborhood unit. In this way, each subdivider pays an equal share of the cost of these facilities in his area and can pass this cost directly on to the person purchasing a home site and, therefore, benefiting directly from the facilities.

This fee should be based upon careful consideration of the playground, park, school site, and open space standards expressed in the community's comprehensive plan, local land values, and upon local population density and characteristics. For example, if the community's standards provided for two acres of public sites for each 100 persons, and the average developable land value was \$2000 per acre and the average family size was 3.3 persons per dwelling unit, a reasonable public site fee might be \$132.00 per proposed lot. (0.02 acres per person times \$2000 per acre times 3.3 persons per dwelling unit.)

It may also be desirable to offer the developer having public lands within his plat a choice of outright dedication of all required public lands which may be contained within the limits of his tract in lieu of dedication fees.

In Wisconsin and elsewhere there is considerable uncertainty among municipal attorneys as to the dividing line between a legal and an illegal compulsory dedication of land or contribution of fees. Most municipal attorneys agree, however, that the legality of a particular proposed ordinance will in part be deter-

mined by the character of the land proposed to be platted, the development of the community, other local land use control ordinances such as zoning and official map ordinances, and other factors peculiar to the particular community.

The legality of a particular compulsory dedication or contribution will be enhanced if the quantity of land to be dedicated or the amount of fee to be contributed bears a reasonable relationship to the stated purpose of the ordinance; that is, to provide, at the developer's expense, those public sites such as parks and schools which will be reasonably required for the use of the future residents of the proposed subdivision.

Because of the unsettled nature of the law in this area it is particularly important that the advice of an experienced municipal attorney be obtained in drafting such a land division ordinance.

ADOPTION PROCEDURE

The adoption procedure for land division ordinances differs from the procedure a community uses to adopt other ordinances. Section 236.45 (4) of the Wisconsin Statutes provides that the governing body shall receive the recommendation of its planning agency and hold a public hearing before adopting a subdivision control ordinance or any amendments thereto. Notice of the public hearing must be given by publication in the official paper once a week for 3 weeks preceding the hearing, and the ordinance must be published in a form suitable for public distribution.

VACATING OR ALTERING A PLAT

The term to vacate means to annul or make void. The basic purpose then, of vacating a plat or a portion of a plat, is to void the existing legal divisions within the boundaries of the plat. Vacating a plat is the act of unplatting land.

There are two primary motives for vacating a plat of record. The plat may not have been developed or may only have been partially developed; and the owner, or owners, may wish, because of obsolescence, to abandon the original layout; or, in the process of urban renewal, a governmental agency may wish to vacate plats after clearance in order to permit the redesign of the area for new land uses. Because of the many private and public rights which may be affected by a plat vacation, the procedure is detailed in Sections 236.40 through 236.445 of the Wisconsin Statutes.

Under the provisions of the Wisconsin Statutes, owners of a parcel or parcels of land within a plat or a county which has acquired an interest in a plat by tax deed are the only parties that may propose and make application for a plat vacation or alteration. Application is made to the circuit court of the county in which the plat lies, and one copy of the plat of which all or a portion is to be vacated or altered should accompany the application. A legal description of the proposed vacation or alteration prepared by a registered land surveyor should

also accompany the application. Public notice of application and hearing before the court must be given at least three weeks prior to the hearing date as required in Sections 236.41 and 236.42 of the Wisconsin Statutes. After due consideration, the court may in its discretion grant an order vacating or altering the plat or any part thereof. If the court grants the vacation or alteration, the applicant must record the granted order together with a copy of the plat showing the part vacated or altered with the county register of deeds.

There are two important factors regarding plat vacation that should be noted here. Vacation of areas dedicated to the public or discontinuance of streets requires special consideration as outlined in Sections 236.43 and 66.296 of the Wisconsin Statutes. Secondly, there is no provision in the state law which requires a review or hearing before local planning agencies within whose jurisdiction the plat to be vacated or altered lies. Therefore, it behooves the local planning agency to make itself aware of plat vacation applications so that it may make recommendations, in the public interest, at the required court hearings.

EXTRATERRITORIAL PLAT APPROVAL JURISDICTION

In Wisconsin, cities and villages which have adopted subdivision regulations or an official map are given the authority to review plats which lie outside of their corporate limits under the provisions of Section 236.10 (1) (b) of the Wisconsin Statutes. The extraterritorial plat approval jurisdiction extends one and one-half miles beyond the corporate limits of villages and cities of the fourth class, and three miles beyond the corporate limits of cities of the first, second, and third class. This extension of jurisdiction allows these municipalities the opportunity to regulate land development in areas which may be of immediate concern to the community due to the fact that these areas lie in the path of future urban expansion.

If a proposed subdivision lies within the limits of the extraterritorial plat approval jurisdiction but outside the corporate limits of a city or village, the subdivision must conform to the requirements of the city or village subdivision regulations and must be reviewed and approved by the city or village before recording. The approving agencies in the village or city should be aware, however, that the town or county in which the proposed subdivision lies will be responsible for the maintenance of the streets, parks, utilities, and other public facilities required by the development. Therefore, every effort should be made by the villages, cities, towns and counties involved to come to mutual agreement and understanding regarding the platting of lands in unincorporated areas adjacent to villages and cities.

SURVEYING REQUIREMENTS

Local units of government may wish to adopt surveying accuracy requirements more stringent than those set forth in Section 236.15 (2) of the Wisconsin Statutes. The requirements of the statutes were designed primarily for rural areas where relatively low land values predominate and where the uncertainties of

title resulting from surveys of relatively low accuracy have not been regarded as serious problems. Such requirements are unsatisfactory in areas subject to rapid and intensive urbanization. Where more stringent accuracy requirements are considered desirable, the provisions set forth in Section 5.4 of the appended model ordinance may be adopted.

WISCONSIN STATE PLANE COORDINATE SYSTEM

It is recommended that all detailed planning base maps prepared by photogrammetric methods utilize a system of horizontal control based upon the U. S. public land survey system as well as the national geodetic datum. This survey control system requires the relocation and permanent monumentation of all section and quarter-section corners in the area to be mapped and the utilization of these corners in a second order traverse net tied to the national geodetic datum through the Wisconsin state plane coordinate system. Such a control system establishes the exact lengths and true bearings of all quarter-section lines, as well as the geographic position (state plane coordinates) of the public land survey corners, and provides a basic horizontal control net for all subsequent topographic and cadastral mapping.

When such a survey has been performed in a community, it is recommended that the community adopt requirements similar to Sections 5.6 and 6.3 of the appended model ordinance.

Chapter VII

DISCUSSION OF PROTECTIVE COVENANTS

Protective covenants are a way of ensuring continuing appeal and stability in residential neighborhoods by private rather than public action. Such covenants are legal agreements between the subdivider and the lot purchasers in which all parties seek to gain certain advantages: the subdivider to aid his development program, and the purchasers to protect their investments. It is an agreement to which all homeowners in the area are bound; and it gives assurance that no owner may use his land for any purpose which tends to downgrade the neighborhood, reduce the area's environmental quality, lower property values, or create a nuisance. To assure the legality and validity of the covenants, they should be drawn by a qualified attorney, and should then be recorded as a public declaration of restrictions with the county register of deeds in order that they may be transferred by deed from one owner to another.

Protective covenants should be used as supplements to village, city, town or county zoning restrictions. Whereas zoning districts and regulations may be modified at any time by the local government, protective covenants are agreements binding on all parties in the subdivision for a given period of time, usually from 15 to 25 years. After such time, the covenants are usually automatically extended for successive periods of 10 to 15 years unless changes are agreed to by a majority of the property owners within the restricted subdivision. In order to achieve design and development objectives, the protective covenants can be more restrictive than the local zoning ordinance and subdivision regulations.

The following provisions are usually included in protective covenants. Others may be added depending upon the particular needs of the subdivision.

1. Statement of Purpose
2. Description of the Area
3. Typical Residential Controls
 - a. Dwelling Value and Size
 - b. Building Location and Yards
 - c. Lot Width and Area
 - d. Detrimental Uses and Nuisances

4. Aesthetics
 - a. Landscaping and Screening
 - b. Watercourses and Lakes
 - c. Park and Recreation Facilities
 - d. Maintenance
 - e. Non-Residential Buildings
 - f. Signs
5. Safety Features
6. Enforcement
7. Severability
8. Attestation

A sample declaration of restrictive covenants is appended to this text to assist interested parties in the preparation of such covenants. (Appendix D)

CONCLUSION

In conclusion, it should be pointed out that, while good land subdivision design and improvement is essential to sound community growth and development and while this manual is intended to assist local units of government in regulating such subdivision design and improvement, such regulation is only one phase of the overall community planning operation. Moreover, good subdivision design is actually possible only within the framework of a community plan; and the preparation of such a plan is the responsibility, not of the subdivider, but of the local planning agencies and their staffs. It is these bodies, therefore, which must point the way to better subdivision practice and design.

APPENDICES



APPENDIX A

MODEL LAND DIVISION ORDINANCE

In the following model ordinance where the word *Village* appears in italics, the word City, Town, or County may be substituted; where the term *Plan Commission* appears in italics, the term Rural Planning Committee, Park Commission, Park and Planning Commission, or Zoning Committee may be substituted; and where the term *Village Board* appears in italics, the word Common Council, Town or County Board may be substituted. Other words or paragraphs appearing in italics are provided as alternatives and may be changed or omitted to best meet the needs and desires of the individual community.

Please note that this model land division ordinance is intended only as a guide to communities in the formulation of local ordinances. Competent legal, planning and engineering assistance should be sought in conjunction with the use of this guide by communities in developing local ordinances.

MODEL

LAND DIVISION ORDINANCE

Village of _____

_____, Wisconsin

VILLAGE PLAN COMMISSION

Village of _____

_____, Wisconsin

_____, *Village President*

_____, *Village Trustee*

_____, *School Board Member*

_____, *Park Board Member*

_____, *Citizen Member*

_____, *Citizen Member*

_____, *Citizen Member*

Adopted _____

Published _____

Effective _____

Countersigned:

Village President

Village Clerk

Price _____

TABLE OF CONTENTS

SECTION	1.0	<u>Introduction</u>
	1.1	Authority
	1.2	Purpose
	1.3	Intent
	1.4	Abrogation and Greater Restrictions
	1.5	Interpretation
	1.6	Severability
	1.7	Repeal
	1.8	Title
	1.9	Effective Date
SECTION	2.0	<u>General Provisions</u>
	2.1	Jurisdiction
	2.2	Compliance
	2.3	Dedication and Reservation of Lands
	2.4	Improvements
	2.5	Variances
	2.6	Land Suitability
	2.7	Violations
	2.8	Penalties
	2.9	Appeals
SECTION	3.0	<u>Procedure</u>
	3.1	Pre-Application
	3.2	Preliminary Plat Review Within the <i>Village</i>
	3.3	Preliminary Plat Approval Within the <i>Village</i>
	3.4	Final Plat Review Within the <i>Village</i>
	3.5	Final Plat Approval Within the <i>Village</i>
	3.6	<i>Plats Within the Extraterritorial Plat Approval Jurisdiction</i>
	3.7	Replat
	3.8	Minor Subdivision
SECTION	4.0	<u>Preliminary Plat</u>
	4.1	General
	4.2	Plat Data
	4.3	Street Plans and Profiles
	4.4	Testing
	4.5	Covenants
	4.6	Affidavit
SECTION	5.0	<u>Final Plat</u>
	5.1	General
	5.2	Additional Information
	5.3	Deed Restrictions
	5.4	Survey Accuracy
	5.5	Surveying and Monumenting
	5.6	State Plane Coordinate System
	5.7	Certificates
SECTION	6.0	<u>Certified Survey Map</u>
	6.1	General
	6.2	Additional Information
	6.3	State Plane Coordinate System
	6.4	Certificates
	6.5	Recordation

SECTION	7.0	<u>Design Standards</u>
	7.1	Street Arrangement
	7.2	Limited Access of Highway and Railroad Right-of-Way Treatment
	7.3	Street Design Standards
	7.4	Street Intersections
	7.5	Blocks
	7.6	Lots
	7.7	Building Setback Lines
	7.8	Easements
	7.9	Public Sites and Open Spaces
SECTION	8.0	<u>Required Improvements</u>
	8.1	Survey Monuments
	8.2	Grading
	8.3	Surfacing
	8.4	Curb and Gutter
	8.5	Rural Street Sections
	8.6	Sidewalks
	8.7	Public Sanitary Sewerage and Private Sewage Disposal Systems
	8.8	Storm Water Drainage Facilities
	8.9	Public Water Supply Facilities
	8.10	Other Utilities
	8.11	Street Lamps
	8.12	Street Signs
	8.13	Street Trees
SECTION	9.0	<u>Construction</u>
	9.1	Commencement
	9.2	Building Permits
	9.3	Plans
	9.4	Inspection
SECTION	10.0	<u>Fees</u>
	10.1	General
	10.2	Preliminary Plat Review Fee
	10.3	Improvement Review Fee
	10.4	Inspection Fee
	10.5	Final Plat Review Fee
	10.6	Public Site Fee
	10.7	Engineering Fee
	10.8	Administrative Fee
SECTION	11.0	<u>Definitions</u>

INTRODUCTION

SECTION 1.0

1.1 Authority

These regulations are adopted under the authority granted by Section 236.45 of the Wisconsin Statutes. Therefore, the *Village Board* of _____, Wisconsin do ordain as follows:

1.2 Purpose

The purpose of this Ordinance is to regulate and control the division of land within the corporate limits and extraterritorial plat approval jurisdiction of the *Village* of _____ in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the community.

1.3 Intent

It is the general intent of this Ordinance to regulate the division of land so as to lessen congestion in the streets and highways; to further the orderly layout and appropriate use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements; to facilitate the further division of larger tracts into smaller parcels of land; to ensure adequate legal description and proper survey monumentation of subdivided land; to provide for the administration and enforcement of this Ordinance; to provide penalties for its violation and in general to facilitate enforcement of community development standards as set forth in the comprehensive plan, comprehensive plan components, zoning ordinance, building code and official map of the *Village* of _____.

1.4 Abrogation and Greater Restrictions

It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any ex-

SECTION 1.4 (Cont'd)

isting easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to laws. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

1.5 Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the *Village* and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

1.6 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.

1.7 Repeal

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

1.8 Title

This Ordinance shall be known as, referred to, or cited as the "LAND DIVISION ORDINANCE, *VILLAGE* OF _____, WISCONSIN."

1.9 Effective Date

This Ordinance shall be effective after a public hearing, adoption by the *Village Board of Trustees* and publication or posting as provided by law.

GENERAL PROVISIONS

SECTION 2.0

2.1 Jurisdiction

Jurisdiction of these regulations shall include all lands within the corporate limits of the *Village* of _____ as well as the unincorporated area within (1½, 3) miles of the corporate limits. The provisions of this Ordinance as it applies to divisions of tracts of land into less than five (5) parcels shall not apply to:

Transfers of Interests in land by will or pursuant to court order.

Leases for a term not to exceed ten years, mortgages or easements.

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 these regulations, the zoning ordinance, or other applicable laws or ordinances.

2.2 Compliance

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

Provisions of Chapter 236, Wisconsin Statutes.

Rules of the Wisconsin State Board of Health regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made.

Rules of the State Highway Commission relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting street.

Duly Approved Comprehensive Plan, or comprehensive plan component including the zoning ordinance, official map and all other applicable ordinances of the *Village* of _____.

Applicable Local and County Ordinances.

2.3 Dedication and Reservation of Lands

Whenever a tract of land to be subdivided embraces all or any part of an arterial street, drainageway or other public way which has been designated in the comprehensive plan, comprehensive plan component, or on the official map of the *Village* of _____, said public way shall be made a part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or map and as set forth in Section 7.0 of this Ordinance.

Whenever a proposed Playground, Park, School Site or other public land, other than streets or drainageways, designated in the comprehensive plan, comprehensive plan component, or on the official map of the *Village* of _____, is embraced, all or in part, in a tract of land to be subdivided, these proposed public lands shall be made a part of the plat and shall be dedicated to the public by the subdivider at the rate of one (1) acre for each 15 proposed dwelling units; and said proposed public lands, other than streets or drainageways, in excess of the rate established herein shall be reserved for a period not to exceed two (2) years unless extended by mutual agreement for

SECTION 2.3 (Cont'd)

purchase by the public agency having jurisdiction; or all said proposed public lands, other than streets or drainageways, shall be reserved by the subdivider for a period not to exceed two (2) years unless extended by mutual agreement for acquisition by the *Village* at undeveloped land costs; and a public site fee shall be levied against the subdivider at the time of application for final plat approval at the rate and according to the procedures established in Section 10.6 of this Ordinance.

Proposed Public Lands lying outside the corporate limits of the *Village* but within the jurisdictional area of these regulations shall be reserved for acquisition by the town or county at undeveloped land costs.

2.4 Improvements

Before final approval of any plat located within the corporate limits of the *Village*, the subdivider shall install street and utility improvements as hereinafter provided. If such improvements are not installed as required at the time that the final plat is submitted for approval, the subdivider shall before the recording of the plat enter into a contract with the *Village* agreeing to install the required improvements and shall file with said contract a bond meeting the approval of the *Village* Attorney or a certified check in an amount equal to the estimated cost of the improvements, said estimate to be made by the *Village* Engineer, as a guarantee that such improvements will be completed by the subdivider or his subcontractors not later than one year from the date of recording of the plat and as a further guarantee that all obligations to subcontractors for work on the development are satisfied.

Contractors And Subcontractors who are to be engaged in the construction of street and utility improvements on dedicated street rights-of-way shall be subject to the approval of the *Village* Engineer.

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.

Survey Monuments. Before final approval of any plat within the corporate limits of the *Village*, 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 *Village* Engineer.

Plats Outside the Corporate Limits. Before final approval by the *Village* of any plat located outside the corporate limits of the *Village*, but within the plat approval jurisdiction of the *Village*, the subdivider shall give evidence that he has complied with all street and utility improvement requirements of the town in which the land being platted is located.

2.5 Variances

Where, in the judgment of the *Village Plan Commission*, it would be inappropriate to apply literally the provisions of Section 7.0 and 8.0 of this Ordinance because of the proposed subdivision being located outside of the corporate limits, or because exceptional or undue hardship would result, the *Village Plan Commission* may waive or modify any requirement to the extent deemed just and proper.

SECTION 2.5
(Cont'd)

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 community in accordance with the comprehensive plan or comprehensive plan component of the *Village*. A three-fourths ($\frac{3}{4}$) vote of the entire membership of the *Village Plan Commission* shall be required to grant any modification of this Ordinance, and the reasons shall be entered in the minutes of the *Commission*.

Village Board may waive the placing of monuments, required under Section 236.15(b), (c) and (d), for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monuments within the time required.

2.6 Land Suitability

No land shall be subdivided for residential use which is held unsuitable for such use by the *Village Plan Commission* 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 of the proposed subdivision or of the community. The *Village Plan Commission*, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for residential use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter the *Village Plan Commission* may affirm, modify, or withdraw its determination of unsuitability.

2.7 Violations

It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Ordinance or the Wisconsin Statutes; and no person, firm or corporation shall be issued a building permit by the *Village of _____*, authorizing the building on, or improvement of, any subdivision, minor subdivision or replat within the jurisdiction of this Ordinance not of record as of the effective date of this Ordinance until the

SECTION 2.7
(Cont'd)

provisions and requirements of this Ordinance have been fully met. The *Village* may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statutes.

2.8 Penalties

Any person, firm or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100) nor more than One Thousand Dollars (\$1,000) and the costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding six (6) months. Each day a violation exists or continues shall constitute a separate offense.

Recordation improperly made has penalties provided in Section 236.30 of the Wisconsin Statutes.

Conveyance of lots in unrecorded plats has penalties provided for in Section 236.31 of the Wisconsin Statutes.

Monuments disturbed or not placed have penalties as provided for in Section 236.32 of the Wisconsin Statutes.

Assessor's Plat made under Section 70.27 of the Wisconsin Statutes may be ordered by the *Village* at the expense of the subdivider when a subdivision is created by successive divisions.

2.9 Appeals

Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Sections 236.13(5) and 62.23(7)-(e)10 to 15 of the Wisconsin Statutes, within thirty (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.

PROCEDURE

SECTION 3.0

3.1 Pre-Application

It is recommended that, prior to the filing of an application for the approval of a preliminary plat, the subdivider consult with the *Village Plan Commission* and/or its staff in order to obtain their advice and assistance. This consultation is neither formal nor mandatory, but is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive plan, comprehensive plan components, and duly adopted plan implementation devices of the *Village* 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 program and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures.

3.2 Preliminary Plat Review Within the Village

Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat and a letter of application. The Preliminary Plat shall be prepared in accordance with this Ordinance, and the subdivider shall file an adequate number of copies of the Plat and the application with the *Village Clerk* at least twenty-five (25) days prior to the meeting of the *Village Plan Commission* at which action is desired.

The Village Clerk shall, within two (2) days after filing, transmit four (4) copies to the County Planning Agency; two (2) copies to the Director of the Planning Function in the State Department of Resource Development; additional copies to the Director of the Planning Function for re-transmission of two (2) copies each to the State Highway Commission if the subdivision abuts or adjoins a state trunk highway or a connecting street and the State Board of Health if the subdivision is not served by a public sewer and provision for such service has not been made; and an adequate number of copies to the *Village Plan Commission*. The *County Planning Agency*, the State Department of Resource Development, the State Highway Commission and the State Board of Health shall be hereinafter referred to as objecting agencies.

The Village Plan Commission, hereby designated as approving authority for all preliminary plats, shall transmit a copy of the Preliminary Plat to all affected *Village* boards, commissions or departments, and all affected local utility companies for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the *Village Plan Commission* within fifteen (15) days from the date the Plat is filed. The Preliminary Plat shall then be reviewed by the *Village Plan Commission* for conformance with this Ordinance and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which affect it.

3.3 Preliminary Plat Approval Within the Village

The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the Preliminary Plat, notify the subdivider and all other approving and objecting agencies 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 *Village Plan Commission*. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat.

The Village Plan Commission, within forty (40) days of the date of filing of Preliminary Plat with the *Village Clerk*, shall approve, approve conditionally, or reject such Plat. One 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 *Village Plan Commission's* permanent file.

Failure of the *Village Plan Commission* to act within forty (40) days shall constitute an approval.

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 six (6) months of preliminary plat approval and conforms substantially to the preliminary plat layout as indicated in Section 236.11(1)(b) of the Wisconsin Statutes, the Final Plat shall be entitled to approval with respect to such layout. 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 *Village Plan Commission* at the time of its submission.

3.4 Final Plat Review Within the Village

The subdivider shall prepare a Final Plat and a letter of application in accordance with this Ordinance and shall file an adequate number of copies of the Plat and the application with the *Village Clerk* at least twenty-five (25) days prior to the meeting of the *Village Plan Commission* at which action is desired.

The Village Clerk shall, within two (2) days after filing, transmit four (4) copies to the County Planning Agency; two (2) copies to the Director of the Planning Function in the State Department of Resource Development; additional copies to the Director of the Planning Function for retransmission of two (2) copies each to the State Highway Commission if the subdivision abuts or adjoins a state trunk highway or a connecting street and the State Board of Health if the subdivision is not served by a public sewer and provision for such service has not been made; and the original Final Plat and adequate copies to the *Village Plan Commission*.

The Village Plan Commission 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 ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it and shall recommend approval, conditional approval or rejection of the Plat to the *Village Board*.

Partial Platting. The Final Plat may, if permitted by the *Village Plan Commission*, constitute only that portion of the approved Preliminary Plat which the subdivider proposes to record at that time.

SECTION 3.5 Final Plat Approval Within the Village

The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the Final Plat, notify the subdivider and all other approving and objecting agencies 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 *Village Plan Commission*. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat.

Submission. If the Final Plat is not submitted within six (6) months of the last required approval of the Preliminary Plat, the *Village Board* may refuse to approve the Final Plat.

The Village Plan Commission shall, within thirty (30) days of the date of filing of the Final Plat with the *Village Clerk*, recommend approval, conditional approval or rejection of the Plat and shall transmit the Final Plat and application along with its recommendations to the *Village Board*.

Notification. The *Village Plan Commission* shall, when it determines to recommend approval of a Plat, give at least ten (10) days prior written notice of its intention to the clerk of any municipality within 1000 feet of the Plat.

The Village Board shall, within sixty (60) days of the date of filing the original Final Plat with the *Village Clerk*, approve or reject such Plat unless the time is extended by 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. The *Village Board* may not inscribe its approval on the Final Plat unless the *Village Clerk* certifies on the face of the Plat that the copies were forwarded to objecting agencies as required herein, the date thereof, and that no objections have been filed within twenty (20) days or, if filed, have been met.

Failure of the *Village Board* to act within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.

Recordation. After the Final Plat has been approved by the *Village Board* and required improvements either installed or a contract and sureties insuring their installation is filed, the *Village 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. The register of deeds cannot record the Plat unless it is offered within thirty (30) days from the date of the last approval.

Copies. The subdivider shall file ten (10) copies of the Final Plat with the *Village Clerk* for distribution to the *Village Engineer*, Building Inspector, Water Utility, Assessor and other affected departments for their files.

3.6 Plats Within the Extraterritorial Plat Approval Jurisdiction

When the land to be subdivided lies within *one and one-half (1½)* miles of the corporate limits of the *Village*, the subdivider shall proceed as specified in Sections 3.1 through 3.5 except:

Transmittal Responsibility lies with the *Village Clerk*, Town Clerk or County Planning Agency to whomever the Plat is first submitted; and the subdivider shall indicate which one in his application.

SECTION 3.6 (Cont'd)

Approval Agencies include the *Village Plan Commission* or *Village Board*, Town Board and the County Planning Agency; and the subdivider must comply with the land division ordinances of these agencies.

Subdivider may proceed with the installation of such improvements and under such regulations as the Town Board of the town within whose limits the Plat lies may require. Wherever connection to any Village utility is desired, permission for such connection shall be approved by the *Village Board*.

All Improvement Requirements, specified by the Town Board or any special improvement district in matters over which they have jurisdiction, shall be met before filing of the Final Plat.

3.7 Replat

When it is proposed to replat a recorded subdivision, or part thereof, so as 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 236.40 through 236.44 of the Wisconsin Statutes. The subdivider, or person wishing to replat, shall then proceed as specified in Sections 3.1 through 3.6.

The Village Clerk shall schedule a public hearing before the *Village Plan Commission* when a Preliminary Plat of a replat of lands within the Village is filed, and shall cause notices of the proposed Replat and public hearing to be mailed to the owners 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.

3.8 Minor Subdivision

When it is proposed to divide land into two (2) parcels or building sites, any one of which is less than four (4) acres in size, or when it is proposed to divide a block, lot or outlot into not more than four (4) parcels or building sites within a recorded subdivision plat without changing the boundaries of said block, lot or outlot, the subdivider may subdivide by use of a Certified Survey Map. The subdivider shall prepare the Certified Survey Map in accordance with this Ordinance and shall file an adequate number of copies of the Map and the letter of application with the *Village Clerk* at least fifteen (15) days prior to the meeting of the *Village Plan Commission* at which action is desired.

The Village Clerk shall, within two (2) days after filing, transmit the copies of the Map and letter of application to the *Village Plan Commission*.

The Village Plan Commission shall transmit a copy of the Map to all affected *Village* boards, commissions or departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the *Village Plan Commission* within ten (10) days from the date the Map is filed. The Map shall be reviewed by the *Village Plan Commission* for conformance with this Ordinance and all ordinances, rules, regulations, comprehensive plans, and comprehensive plan components which affect it. The *Village Plan Commission* shall, within thirty (30) days from the date of filing of the Map, recommend approval, conditional approval or rejection of the Map, and shall transmit the Map along with its recommendations to the *Village Board*.

SECTION 3.8
(Cont'd)

The Village Board shall approve, approve conditionally, or reject such Map within sixty (60) days from the date of filing of the Map unless the time is extended by agreement with the subdivider. If the Map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the Map is approved, the *Village Board* shall cause the *Village Clerk* to so certify on the face of the original Map and return the Map to the subdivider.

SECTION 3.8
(Cont'd)

Recordation. The subdivider shall record the Map with the county register of deeds within thirty (30) days of its approval by the *Village Board*.

Copies. The subdivider shall file ten (10) copies of the Certified Survey Map with the *Village Clerk* for distribution to the *Village Engineer*, Building Inspector, Water Utility, Assessor and other affected departments for their files.

PRELIMINARY PLAT

SECTION 4.0

4.1 General

A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on tracing cloth or paper of good quality at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

Title under which the proposed subdivision is to be recorded.

Location of proposed subdivision by: government lot, quarter section, township, range, county and state.

Date, Scale and North Point.

Names and Addresses of the owner, subdivider and land surveyor preparing the plat.

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 *Village Plan Commission* may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and undue hardship would result from strict application thereof.

4.2 Plat Data

All preliminary plats shall show the following:

Exact Length and Bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U. S. Public Land Survey and the total acreage encompassed thereby.

Contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten (10) percent, and of not more than five (5) feet where the slope of the ground surface is ten (10) percent or more. Elevations shall be marked on such contours based on _____ datum.

Water Elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to _____ datum.

Location, Right-of-Way Width and Names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.

Location and Names of Any Adjacent Subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.

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 to _____ datum.

Location, Size and Invert Elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catchbasins, hydrants, power and telephone poles, 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 tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their direction and distance from the tract, size, and invert elevations.

SECTION 4.2 (Cont'd)

Locations of All Existing Property Boundary Lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.

Location, Width and Names of all proposed streets and public rights-of-way such as alleys and easements.

Approximate Dimensions of All Lots together with proposed lot and block numbers.

Location and Approximate Dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public use or which are to be used for group housing, shopping centers, church sites, or other nonpublic uses not requiring lotting.

Approximate Radii of All Curves.

Existing Zoning on and adjacent to the proposed subdivision when the plat is located within the extraterritorial plat approval jurisdiction of the *Village*.

Corporate Limits Lines.

Any Proposed Lake and Stream Access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.

Any Proposed Lake and Stream improvement or relocation.

4.3 Street Plans and Profiles

The *Village Engineer* may require that the subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon _____ datum, and plans and profiles shall meet the approval of the *Village Engineer*.

4.4 Testing

The *Village Engineer* may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table. Where the subdivision will not be served by public sanitary sewer service, the provisions of Chapter H65 of the Wisconsin Administration Code shall be complied with; and the appropriate data submitted with the preliminary plat.

4.5 Covenants

The *Village Plan Commission* may require submission of a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.

4.6 Affidavit

The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this Ordinance.

FINAL PLAT

SECTION 5.0

5.1 General

A Final Plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Section 236.20 of the Wisconsin Statutes.

5.2 Additional Information

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

Exact Length and Bearing of the center line of all streets.

Exact Street Width along the line of any obliquely intersecting street.

Railroad Rights-of-Way within and abutting the plat.

Setbacks or Building Lines required by the *Village Plan Commission*.

All Lands Reserved for future public acquisition or reserved for the common use of property owners within the Plat.

Special Restrictions required by the *Village Plan Commission* relating to access control along public ways or to the provision of planting strips.

5.3 Deed Restrictions

The *Village Plan Commission* may require that deed restrictions be filed with the Final Plat.

5.4 Survey Accuracy

The *Village Engineer* shall examine all Final Plats within the *Village* and make field checks for the accuracy and closure of survey, proper kind and location of monuments and legibility and completeness of the drawing.

Maximum Error of Closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of one part in ten thousand (1:10000), nor in azimuth, four seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure is obtained. When a satisfactory closure of the field measurements has been obtained, the survey of the exterior boundary shall be adjusted to form a closed geometric figure.

All Street, Block and Lot Dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If field checks disclose an error for any interior line of the Plat greater than the ratio of one part in five thousand (1:5000), or an error

SECTION 5.4 (Cont'd)

in measured angle greater than one minute of arc for any angle where the shorter side forming the angle is three hundred (300) feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than three hundred (300) feet in length, the error shall not exceed the value of one minute multiplied by the quotient of three hundred (300) divided by the length of the shorter side; however, such error shall not in any case exceed five (5) minutes of arc.

Where The Plat Is Located within a quarter section the corners of which have been relocated, monumented and coordinated by the *Village*, the tie required by Section 236.20(3)(b) of the Wisconsin Statutes shall be expressed in terms of grid bearing and distance; and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the Plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.

Village Board shall receive the results of the *Village Engineer's* examination prior to approving the Final Plat.

5.5 Surveying and Monumenting

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

5.6 State Plane Coordinate System

Where the Plat is located within a quarter section the corners of which have been relocated, monumented and coordinated by the *Village*, the Plat shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the Plat is tied shall be indicated on the Plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the *Village's* control survey.

5.7 Certificates

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 has fully complied with all the provisions of this Ordinance.

CERTIFIED SURVEY MAP

SECTION 6.0

6.1 General

A Certified Survey Map prepared by a registered land surveyor shall be required for all minor subdivisions. It shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes. The minor subdivision shall be excepted from the improvements requirements set forth in Section 8.2 through 8.13 of this Ordinance.

6.2 Additional Information

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

All Existing Buildings, watercourses, drainage ditches and other features pertinent to proper division.

Setbacks or Building Lines required by the *Village Plan Commission*.

All Lands Reserved for future acquisition.

Date of the Map.

Graphic Scale.

Name and Address of the owner, subdivider and surveyor.

6.3 State Plane Coordinate System

Where the Map is located within a quarter section the corners of which have been relocated, monumented and coordinated by the *Village*, the Map

SECTION 6.3
(Cont'd)

shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinate of the monument marking the relocated section or quarter corner to which the Map is tied shall be indicated on the Map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the *Village's* control survey.

6.4 Certificates

The surveyor shall certify on the face of the Map that he has fully complied with all the provisions of this Ordinance. The *Village Board*, after a recommendation by the reviewing agencies, shall certify its approval on the face of the Map.

Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes.

6.5 Recordation

The Certified Survey Map shall only be recorded with the county register of deeds after the certificates of the *Village Board* and the surveyor are placed on the face of the Map.

DESIGN STANDARDS

SECTION 7.0

7.1 Street Arrangement

In any new subdivision the street layout shall conform to the arrangement, width and location indicated on the official map, comprehensive plan or component neighborhood development plan of the Village of _____ . 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 subdivision shall be designed so as to provide each lot with satisfactory access to a public street.

Arterial Streets, as hereafter defined, 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 major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.

Collector Streets, as hereafter defined, shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed.

Minor Streets, as hereafter defined, 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.

Proposed Streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Village Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts.

Arterial Street and Highway Protection. Whenever the proposed subdivision contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a nonaccess reservation along the rear property line, or by the use of frontage streets.

Stream or Lake Shores shall have sixty (60) feet of public access platted to the low water mark at intervals of not more than one-half mile as required by Section 236.16(3) of the Wisconsin Statutes.

SECTION 7.1 (Cont'd)

Reserve Strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the Village under conditions approved by the Village Plan Commission.

Alleys shall be provided in commercial and industrial districts for off-street loading and service access unless otherwise required by the Village Plan Commission, but shall not be approved in residential districts. Dead-end alleys shall not be approved, and alleys shall not connect to a major thoroughfare.

Street Names shall not duplicate or be similar to existing street names, and existing street names shall be projected wherever possible.

7.2 Limited Access Highway and Railroad Right-of-Way Treatment

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

When Lots Within the Proposed Subdivision back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least thirty (30) feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be a part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs, the building of structures hereon prohibited."

Commercial and Industrial Districts shall have provided, on each side of the limited access highway or railroad, streets 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 one-hundred and fifty (150) feet.

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 a minimum distance of two-hundred and fifty (250) feet from said highway or railroad right-of-way. 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.

Minor Streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

7.3 Street Design Standards

The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the comprehensive plan, comprehensive plan component, official map, or neighborhood development study; or if no width is specified therein, the minimum widths shall be as follows:

URBAN SECTION

<u>Type of Street</u>	<u>R.O.W. Width to be reserved</u>	<u>R.O.W. Width to be dedicated</u>	<u>Pavement Width (Face of curb to face of curb)</u>
Arterial streets	120 feet	80 feet	Dual 36 feet (24 feet median) 48 feet
Collector streets	80 feet	80 feet	
Minor streets, 1000 feet or more in length	60 feet	60 feet	36 feet
Minor streets, less than 1000 feet in length, cul-de-sac and frontage streets	50 feet	50 feet	32 feet
Alleys	25 feet	25 feet	20 feet
Pedestrian ways	10 feet	10 feet	5 feet

The suggested R.O.W. and pavement widths indicated above are for urban sections; if permanent rural sections are to be used, the following widths are suggested:

RURAL SECTION

<u>Type of Street</u>	<u>R.O.W. Width to be reserved</u>	<u>R.O.W. Width to be dedicated</u>	<u>Pavement Width</u>
Arterial streets	120 feet	80 feet	Dual 24 feet, 10 feet outside, shoulders—4 feet inside, shoulders—(20 feet median)
Collector streets	80 feet	80 feet	24 feet, 10 feet outside shoulders
Minor streets	66 feet	66 feet	22 feet, 8 feet outside shoulders

The minimum requirements expressed in this table generally exceed the minimum town road design standards set forth in Section 86.26 of the Wisconsin Statutes.

SECTION 7.3 (Cont'd)

Both urban and rural street sections are for standard arterial streets only. Cross sections for free-ways, expressways and parkways should be based upon detailed engineering studies.

Cul-de-Sac Streets designed to have one end permanently closed shall not exceed one thousand feet in length. All cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turn-around having a minimum right-of-way radius of sixty (60) feet and a minimum outside curb radius of forty (40) feet.

Street Grades. Unless necessitated by exceptional topography subject to the approval of the *Plan Commission* the maximum centerline grade of any street or public way shall not exceed the following:

- Arterial streets: six (6) percent.
- Collector streets: eight (8) percent.
- Minor streets, alleys and frontage streets: ten (10) percent.
- Pedestrian ways: Twelve (12) percent unless steps of acceptable design are provided.

The grade of any street shall in no case exceed twelve (12) percent or be less than one-half of one (0.5) percent.

Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to fifteen (15) times the algebraic difference in the rates of grade for major streets, and one-half (1/2) this minimum for all other streets.

Radii of Curvature. When a continuous street centerline deflects at any one point by more than ten (10) degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:

- Arterial streets and highways: 500 feet.
- Collector streets: 300 feet.
- Minor streets: 100 feet.

SECTION 7.3 (Cont'd)

A tangent at least one hundred (100) feet in length shall be provided between reverse curves on arterial and collector streets.

Half-Streets. Where an existing dedicated or platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. The platting of half-streets should be avoided where possible.

7.4 Street Intersections

Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.

Number of Streets Converging at one intersection shall be reduced to a minimum, preferably not more than two.

Number of Intersections along major streets and highways shall be held to a minimum. Whenever practicable the distance between such intersections shall not be less than twelve hundred (1200) feet.

Property Lines at Street Intersections shall be rounded with a minimum radius of fifteen (15) feet or of a greater radius when required by the *Village Plan Commission*, or shall be cut off by a straight line through the points of tangency of an arc having a radius of fifteen (15) feet.

Minor Streets shall not necessarily continue across arterial or collector streets; but if the centerlines of such minor streets approach the major streets from opposite sides within three hundred (300) feet of each other, measured along the centerline of the arterial or collector street, then the location shall be so adjusted that the adjointment across the major or collector street is continuous; and a jog is avoided.

7.5 Blocks

The widths, lengths, and shapes of blocks shall be suited to the planned use of the land; zoning requirements; need for convenient access, control and safety of street traffic; and the limitations and opportunities of topography.

SECTION 7.5
(Cont'd)

Length. Blocks in residential areas shall not as a general rule be less than six-hundred (600) feet nor more than fifteen hundred (1500) feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.

Pedestrian Ways of not less than ten (10) feet in width may be required near the center and entirely across any block over nine hundred (900) feet in length where deemed essential by the *Village Plan Commission* to provide adequate pedestrian circulation or access to schools, shopping centers, churches or transportation facilities.

Width. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

Utility Easements. All utility lines for electric power and telephone service shall be placed on mid-block easements along rear lot lines whenever carried on overhead poles.

7.6 Lots

The size, shape, and orientation of lots shall be appropriate for the location of the subdivision 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.

Side Lot Lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.

Double Frontage and 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.

Access. Every lot shall front or abut for a distance of at least thirty (30) feet on a public street.

Area and Dimensions of lots shall conform to the requirements of the zoning ordinance, and in areas not served by public sewer shall, in addition, conform to the requirements of the State Board of Health. Whenever a tract is subdivided into large parcels, such parcels shall be arranged and dimensioned as to allow resubdivision of any such parcels into normal lots in accordance with the provisions of this Ordinance.

Depth. Lots shall have a minimum average depth of one-hundred (100) feet. Excessive depth in relation to width shall be avoided and a proportion of two to one (2:1) shall be considered a desirable ratio under normal conditions. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

SECTION 7.6
(Cont'd)

Width of Lots shall conform to the requirements of the zoning ordinance, and in no case shall a lot be less than sixty (60) feet in width at the building setback line.

Corner Lots shall have an extra width of ten (10) feet to permit adequate building setbacks from side streets.

Lands Lying Between the Meander Line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream.

7.7 Building Setback Lines

Where not controlled by zoning regulations, building setback lines, appropriate to the location and type of development contemplated, shall be established as may be required by the *Village Plan Commission* and shall be based on requirements set forth in this section.

All Residential Lots shall have a setback from the front lot line of not less than twenty-five (25) feet.

Corner Residential Lots shall have a setback from the side street line of not less than fifteen (15) feet.

7.8 Easements

The *Village Plan Commission* may require utility easements of widths deemed adequate for the intended purpose on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for electric power and communication poles, wires, conduits; storm and sanitary sewers; and gas, water and other utility lines.

Drainage Easements. Where a subdivision is traversed by a watercourse, drainageway channel or stream, an adequate drainageway or easement shall be provided as may be required by the *Village Plan Commission*. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the *Village Engineer*; and parallel streets or parkways may be required in connection therewith. Where necessary storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the *Village Engineer*.

7.9 Public Sites and Open Spaces

In the design of the plat, due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainageways and other public purposes. If designated on the comprehensive plan, comprehensive plan component, official map, or component neighborhood development plan, such areas shall be made a part of the plat as stipulated in Section 2.3 of these regulations. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, watercourses, watersheds and ravines.

REQUIRED IMPROVEMENTS

SECTION 8.0

8.1 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 *Village Engineer*.

8.2 Grading

After the installation of temporary block corner monuments by the subdivider and establishment of street grades by the *Village Board*, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the *Village Engineer*. The subdivider shall grade the roadbeds in the street rights-of-way to sub-grade.

8.3 Surfacing

After the installation of all utility and storm water drainage improvements, the subdivider shall surface all roadways in streets proposed to be dedicated to the widths prescribed by these regulations and the comprehensive plan or comprehensive plan components of the *Village*. Said surfacing shall be done in accordance with plans and standard specifications approved by the *Village Engineer*. The cost of surfacing in excess of thirty-six (36) feet in width that is not required to serve the needs of the subdivision shall be borne by the *Village*.

8.4 Curb and Gutter

After the installation of all utility and storm water drainage improvements, the subdivider shall construct concrete curbs and gutters in accordance with plans and standard specifications approved by the *Village Engineer*. This requirement may be waived where a permanent rural section has been approved by the *Village Board*. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts. The cost of installation of all inside curbs and gutters for dual roadway pavements shall be borne by the *Village*.

8.5 Rural Street Sections

When permanent rural street sections have been approved by the *Village Board* 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 standard specifications approved by the *Village Engineer*.

8.6 Sidewalks

The subdivider shall construct a concrete sidewalk on one side of all frontage streets and both sides of all other streets within the subdivision. The *Village Plan Commission* may permit the construction of a concrete sidewalk on only one side of minor streets that serve lots having an average width of one hundred (100) feet or more fronting on said street and may waive the construction of sidewalks on collector and minor streets that serve lots having an average width of one hundred and fifty (150) feet or more fronting on said street. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the *Village Engineer*.

Wider Than Standard Sidewalks may be required by the *Village Engineer* in the vicinity of

SECTION 8.6 (Cont'd)

schools, commercial areas and other places of public assemblage; and the *Village Plan Commission* may require the construction of sidewalks in locations other than required under the preceding provisions of this Ordinance if such walks are necessary, in their opinion, for safe and adequate pedestrian circulation.

8.7 Public Sanitary Sewerage and Private Sewage Disposal Systems

The subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. If public sewer facilities are not available, the subdivider shall make provision for adequate private sewage disposal systems as specified by the *Village* and Wisconsin State and County Boards of Health. The *Village Plan Commission* may require the installation of sewer laterals to the street lot line. If, at the time of final platting, sanitary sewer facilities are not available to the plat, but will become available within a period of five (5) years from the date of plat recording, the subdivider shall install or cause to be installed sanitary sewers and sewer laterals to the street lot line in accordance with this section and shall cap all laterals as may be specified by the *Village Engineer*. The size, type, and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the *Village Engineer*.

Subdivider Shall Assume the Cost of installing all sanitary sewers eight (8) inches in diameter or less in size. If greater than eight (8) inch diameter sewers are required to handle the contemplated sewage flows, the cost of such larger sewers shall be prorated in proportion to the ratio which the total area of the proposed plat is to the total drainage area to be served by such larger sewer and the excess cost either borne by the *Village* or assessed against the total tributary drainage area.

8.8 Storm Water Drainage Facilities

The subdivider shall construct storm water drainage facilities, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate maximum potential volumes of flow; the type of facility required, the design criteria and the sizes and grades to be determined by the *Village Engineer*. Storm drainage facilities shall be so designed as to present no hazard to life or property; and the size, type, and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and standard specifications approved by the *Village Engineer*.

If Greater Than 24-Inch Diameter Sewers are required to handle the contemplated flows, the cost of such larger sewers shall be prorated in proportion to the ratio which the total area of the proposed plat is to the total drainage area to be served by such larger sewer, and the excess cost either borne by the *Village* or assessed against the total tributary drainage area.

8.9 Public Water Supply Facilities

The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision. If munici-

SECTION 8.9 (Cont'd) pal water service is not available, the subdivider, shall make provision for adequate private water systems as specified by the *Village* and Wisconsin State and County Boards of Health. The *Village Plan Commission* may require the installation of water laterals to the street lot line. The size, type, and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the *Village Engineer*.

The Subdivider Shall Assume the Cost of installing all water mains six (6) inches in diameter or less in size. If greater than six (6) inch diameter water mains are required, the excess cost of such mains over and above the cost of a six (6) inch main shall be borne by the *Village*.

8.10 Other Utilities

The subdivider shall cause gas, electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. No such electrical or telephone service shall be located on overhead poles along the front lot lines unless otherwise allowed due to exceptional topography or other physical barrier.

Plans Indicating the Proposed Location of all gas, electrical power and telephone distribution

SECTION 8.10 (Cont'd) and transmission lines required to service the plat shall be approved by the *Village Engineer*.

8.11 Street Lamps

The subdivider shall 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 *Village Engineer*.

8.12 Street Signs

The subdivider shall install at the intersection of all streets proposed to be dedicated a street sign of a design specified by the *Village Engineer*.

8.13 Street Trees

The subdivider shall plant at least one (1) tree of a species acceptable to the *Village Park Commission* and/or *Village Plan Commission* and of at least six (6) feet in height for each fifty (50) feet of frontage on all streets proposed to be dedicated. The required trees shall be planted in the curb lawn area between sidewalk and curb in accordance with plans and standard specifications approved by the *Village Park Commission* and/or *Village Plan Commission*.

CONSTRUCTION

SECTION 9.0

9.1 Commencement

No construction or installation of improvements shall commence in a proposed subdivision until the Preliminary Plat has been approved and the *Village* Engineer has given written authorization.

9.2 Building Permits

No building permits shall be issued for erection of a structure on any lot not of record until all the requirements of this Ordinance have been met.

9.3 Plans

The following plans and accompanying construction specifications may be required by the *Village* Engineer before authorization of construction or installation of improvements:

Street Plans and Profiles showing existing and proposed grades, elevations and cross sections of required improvements.

SECTION 9.3 (Cont'd)

Sanitary Sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.

Storm Sewer plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.

Water Main plans and profiles showing the locations, sizes, elevations and materials of required facilities.

Planting Plans showing the locations, age and species of any required street trees.

Additional special plans or information as required.

9.4 Inspection

The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the *Village* Engineer to provide for adequate inspection. The *Village* Engineer shall inspect and approve all completed work prior to approval of the Final Plat or release of the sureties.

FEES

SECTION 10.0

10.1 General

The subdivider shall pay the *Village* all fees as hereinafter required and at the times specified.

10.2 Preliminary Plat Review Fee

The subdivider shall pay a fee amounting to *Fifteen Dollars (\$15.00)* plus *One Dollar (\$1.00)* for each lot or parcel within the preliminary plat to the *Village* Treasurer at the time of first application for approval of any preliminary plats to assist in defraying the cost of review.

Reapplication Fee amounting to *Five Dollars (\$5.00)* shall be paid to the *Village* Treasurer at the time of reapplication for approval of any preliminary plat which has previously been reviewed.

10.3 Improvement Review Fee

The subdivider shall pay a fee equal to one (1) percent of the cost of the required public improvements as estimated by the *Village* Engineer at the time of the submission of improvement plans and specifications to partially cover the cost to the *Village* of checking and reviewing such plans and specifications.

Fee May Be Recomputed, upon demand of the subdivider or *Village* Engineer, after completion of improvement construction in accordance with the actual cost of such improvements and the difference, if any, shall be paid by or remitted to the subdivider. Evidence of cost shall be in such detail and form as required by the *Village* Engineer.

10.4 Inspection Fee

The subdivider shall pay a fee equal to the actual cost to the *Village* for such inspection as the *Village* Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the *Village* or any other governmental authority.

10.5 Final Plat Review Fee

The subdivider shall pay a fee amounting to *Seven and One-half Dollars (\$7.50)* plus *fifty cents (\$.50)* for each lot or parcel within the final plat to the *Village* Treasurer at the time of first appli-

SECTION 10.5 cation for approval of said plat to assist in defraying the cost of review.
(Cont'd)

Reapplication Fee amounting to *Five Dollars (\$5.00)* shall be paid to the *Village* Treasurer at the time of a reapplication for approval of any final plat which has previously been reviewed.

10.6 Public Site Fee

If the subdivider has elected not to dedicate public lands within his plat as provided in Section 2.3, a fee for the acquisition of public sites to serve the future inhabitants of the proposed subdivision shall be paid to the *Village* Treasurer at the time of first application for approval of a final plat of said subdivision in the amount of _____ Dollars for each dwelling unit within the plat allowed by the Zoning Ordinance.

Public Site Fees shall be placed in a separate Service District Fund by the *Village* Treasurer to be used only for the acquisition of park and school sites which will serve the proposed subdivision. Said fund shall be established on the basis of the service area of existing or proposed school and park facilities.

10.7 Engineering Fee

The subdivider shall pay a fee equal to the actual cost to the *Village* for all engineering work incurred by the *Village* in connection with the plat.

Engineering Work shall include the preparation of construction plans and standard specifications. The *Village* Engineer may permit the subdivider to furnish all, some or part of the required construction plans and specifications, in which case no engineering fees shall be levied for such plans and specifications.

Inspection, Checking and Reviewing Work has fees provided for in Sections 10.3 and 10.4.

10.8 Administrative Fee

The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the *Village* in connection with the plat.

Legal Work shall include the drafting of contracts between the *Village* and the subdivider.

DEFINITIONS

SECTION 11.0

For the purposes of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory.

Alley

A special public way affording only secondary access to abutting properties.

Arterial Street

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

Building Line

A line parallel to a lot line and at a distance from the lot line to comply with the *Village Zoning Ordinance's* yard requirements.

Collector Street

A street used, or intended to be used, to carry traffic from minor streets to the major system of arterial streets including the principal entrance streets to residential developments.

Community

A town, municipality, or a group of adjacent towns and/or municipalities having common social, economic or physical interests.

Comprehensive Plan

The extensively developed plan, also called a master plan, adopted by the *Village Plan Commission* and certified to the *Village Board* pursuant to Section 62.23 of the Wisconsin Statutes, including proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division, and building line ordinances and capital improvement programs shall also be considered a part of the comprehensive plan.

County Planning Agency

Any agency created by a county board and authorized by statute to plan land use such as a rural planning committee, a park commission, a zoning committee or a planning commission.

Cul-de-Sac Street

Minor street closed at one end with a turn-around provided for passenger vehicles.

SECTION 11.0 Extraterritorial Plat Approval Jurisdiction. (Cont'd)

The unincorporated area within one and one-half (1½) miles of a fourth class city or a village and within three (3) miles of all other cities.

Frontage Street

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

Minor Street

A street used, or intended to be used, primarily for access to abutting properties.

Minor Subdivision

The division of land by the owner or subdivider resulting in the creation of two (2) parcels or building sites, any one of which is four (4) acres in size or less, or the division of a block, lot or outlot within a recorded subdivision plat into not more than four (4) parcels or building sites without changing the exterior boundaries of said block, lot or outlot.

Municipality

An incorporated village or city.

Public Way

Any public road, street, highway, walkway, drainageway, or part thereof.

Replat

The changing of the boundaries of a recorded subdivision plat or part thereof.

Subdivider

Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat.

Subdivision

The division of a lot, parcel or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates three (3) or more parcels or building sites of four (4) acres each or less in area; or where the act of division creates three (3) or more parcels or building sites of four (4) acres each or less in area by successive division within a period of five (5) years.

Appendix B
MODEL LAND DIVISION APPLICATION

414 Corning Street
Lake, Wisconsin
HA 7-5262

City Clerk
City Hall
Lake, Wisconsin

November 15, 1963

Dear Sir:

Attached are ten (10) copies of a preliminary plat of Lake Highlands Subdivision formerly known as the Anderson Farm which is located on S. T. H. 32, (W. Jefferson Avenue) in the City of Lake. I have purchased this farm from Mr. R. Anderson for the purpose of residential development, as indicated on the enclosed plat.

The property contains a total of 59.4 acres, approximately 53.5 acres of which are now used in the cultivation of crops. The remaining acreage is made up of a drainage-way, wooded areas, or steep slopes which cannot be tilled. The existing buildings will be removed before final platting. I do not plan to develop the entire tract at one time.

I have marked the lots on the preliminary plat that I intend to develop for two and four family residential use. I will petition for a zoning change to residential 'B' district before final platting.

Portions of a school and park site have been included in the plat in conformance with the neighborhood unit development plan prepared by the City Plan Commission for the area. The City may purchase this site from me for \$800.00 an acre excluding all improvements.

My engineer informs me that the dedication to the City of the major drainageway shown on the preliminary plat would be the most satisfactory way to cope with the drainage problem in that area. Therefore, I propose to dedicate the drainageway to the public at the time of final platting rather than install storm sewer.

If development in this section of the state continues as it has for the past year, I hope to complete the development of Lake Highlands Subdivision within three (3) years.

Please accept this letter as an application for approval of the preliminary plat of Lake Highlands Subdivision. I would appreciate review and approval of the plat at the earliest convenient date.

If you should have any questions regarding the plat, please do not hesitate to call on me or my engineer.

Sincerely,

Joseph Smith, President
Highlands Investment Corp.

Appendix C
MODEL CONTRACT FOR IMPROVEMENTS

THIS AGREEMENT, made this _____ day of _____, 19____, by and between _____, of _____, Wisconsin, first party and the Village of _____, a municipal corporation located at _____, Wisconsin, second party.

WITNESSETH:

WHEREAS, the first party has made application to the Village of _____, for approval of a certain plat known as _____; and

WHEREAS, Section 236.13 (2) provides that as a condition of approval, the governing body of a municipality may require that the subdivider make and install, or have made and have installed, any public improvements reasonably necessary, and that he execute a surety bond that he will make, or have made, those improvements within a reasonable time, and

WHEREAS, the Village Ordinances require provision to be made for grading and paving of streets and installation of street improvements in all proposed subdivision plats;

NOW, THEREFORE, in consideration of the approval of said plat by the Village of _____ and as required by Village Ordinances, the first party hereby covenants and agrees as follows:

1. The first party agrees to grade the full width of the right-of-way of all streets as dedicated in said plat; to grade and full width of the roadway of all streets to sub-grade as established by the Village Engineer of the second party, said grading to be completed prior to the time that street utilities are installed. Streets dedicated to less than full width shall be graded to the width dedicated.
2. The first party agrees to surface all of said streets in said plat with crushed stone, said surfacing to be of widths specified in the Village Land Division Ordinance and at least eight (8) inches in depth, and in accordance with the standard specifications for street and road construction of the Village. Streets dedicated to less than full width shall be surfaced to not less than _____ feet in width and at least eight (8) inches in depth, and in accordance with the standard specifications for street and road construction of the Village.

3. The first party agrees to surface all of said streets in said plat with bituminous or other surfacing in accordance with the standard specifications for street and road construction of the Village.
4. The first party agrees further to construct standard sidewalks, curbs and gutters, and storm sewer inlets and leads on the sides of all streets which adjoin lands platted for private development in said plat in accordance with standard specifications for street and road construction of the Village.
5. The first party agrees that the surfacing referred to in Paragraphs 2 and 3 above shall be done in each block of each street as the utility and storm water drainage facility installations are complete in each said block, unless additional time be granted in writing by the Village Engineer.
6. The party of the first part agrees to the inspection by the Village Engineer of the aforementioned work and to pay the costs of such engineering and inspection work in connection with this on the basis of time devoted to the project at Village wage scales.
7. The first party agrees to furnish the second party with a corporate surety bond in the amount of _____ Dollars to secure the performance of this agreement.

IN WITNESS WHEREOF, the first party has hereunto set (its) (their) hand (s) and seal (s), has caused these presents to be signed by

_____, its President, and
(President)

_____, its Secretary, and its
(Secretary)

corporate seal affixed, and the second party has caused these presents to be signed by its President and Village Clerk, and its official seal hereunto affixed, the day and year first above written.

In the presence of: _____ (SEAL)

As to) _____ (SEAL)

First) _____ (SEAL)

Parties) _____ (SEAL)

As to) _____

Second) _____

Party) _____

Village President

Village Clerk

Appendix D

MODEL DECLARATION OF RESTRICTIONS

LAKE HIGHLANDS SUBDIVISION

KNOW ALL MEN BY THESE PRESENTS that the undersigned, being the sole owners of the real estate described in the plat of Lake Highlands attached hereto and made a part hereof, for the purpose of promoting the most appropriate development of said real estate hereby declare and establish the following restrictions, conditions, covenants, and easements.

1. Restriction of Use

No buildings or yards for the purpose of commercial, industrial or other non-residential use shall be allowed in said subdivision, and no buildings for the purpose of other than single family occupancy shall be allowed in said subdivision except in lots _____, block _____, and lots _____, block _____.

2. Lot Size

No lot or parcel in said subdivision for the purpose of building shall have an area of less than _____ square feet; shall have an average width of less than _____ feet; and shall have an average depth of less than _____ feet.

3. Living Area

No building intended for the purpose of single family occupancy shall be built in said subdivision which has a floor area of less than _____ square feet excluding garages, carports, basements, porches, and patios; no building intended for the purpose of multi-family occupancy shall be built in said subdivision which has a ground floor area of less than _____ square feet or more than _____ feet.

4. Structure Setbacks

No structure shall be erected in said subdivision which is less than _____ feet from the front property line, less than _____ feet from the side property lines, or less than _____ feet from the rear property line except street signs and street lamps (accessory structures).

5. Structure Height

No structure shall be erected in said subdivision which is greater than _____ feet in height from the ground level to the peak of roof or coping of the highest wall, measured at the front of the structure.

6. Location of Trees and Shrubs

No new tree or shrub growth which will grow to greater than three (3) feet in height shall be located between the property line and the front setback

lines established for structures on private property in said subdivision.

7. Removal and Harming of Trees

No existing tree greater than six (6) inches in diameter shall be marred, removed, filled around or otherwise harmed in said subdivision unless it is in the area or the lot or parcel to be used for the building of structures, walks, driveways, or parking areas; or unless a registered tree surgeon or forester has indicated that such tree should be removed due to disease or death.

8. Binding on Successor

Unless otherwise provided herein, the covenants, conditions, easements and restrictions contained in this Declaration are to run with the land and shall be binding on all parties and all persons claiming under them until December 1, 1978; at which time said covenants, conditions, easements and restrictions shall be automatically extended for successive periods of ten years each unless by a vote of a majority of the then landowners of the building sites within said subdivision, each building site being entitled to one (1) vote. It is agreed to change said covenants, conditions, easements or restrictions in whole or in part, provided, however, that this Declaration or any portion thereof, may be amended, modified or abolished by a written Declaration so providing executed by at least 75 percent of the owners of lots subject to this Declaration.

9. Enforcement

If any covenants, conditions, easements or restrictions contained herein are violated, it shall be lawful for any other person or persons owning real property subject to the provisions of this Declaration, or the City of Lake or any successor governmental unit, to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate such covenant, condition, easement or restriction, and either to prevent him or them from so doing or to recover damages for such violations.

10. Severability

If any section, sub-section, paragraph, sentence, clause or portion of this Declaration shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of any other section, sub-section, paragraph, sentence, clause or portion thereof.

IN WITNESS WHEREOF the undersigned have executed this Declaration of Restrictions this _____ day of _____, _____.

By: _____
Title or Name

In presence of:

Countersigned by:

Name

Title or Name

Name

Attorney

Appendix E

PLAT APPROVAL AND REVIEW JURISDICTION

1. The Subdivision is in a City or Village

	Approves, Approves with Conditions or Rejects	Reviews and Objects or Certifies No Objections
IN ALL CASES	City Council or Village Board	Director of the Planning Function of the Department of Resource Development
AND IN ADDITION IF provision is not made for public sewer		State Board of Health
IF it abuts or adjoins a State Trunk High- way or connecting street.		State Highway Commission
IF there is a County Planning Agency employing a full- time professional engineer, planner, or other person charged with planning administration.		County Planning Agency
IF there is no Planning Agency and the sub- division abuts a county park or parkway.		County Park Commission
IF in an area the annex- ation of which is being legally contested.	City Council and Town Board or Village Board and Town Board	

2. The Subdivision is in a Town and Within the Extraterritorial Plat Approval Jurisdiction of a City or Village

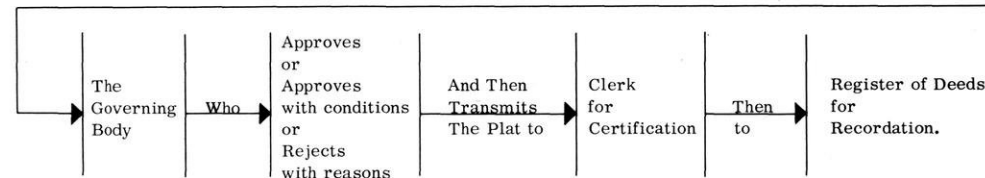
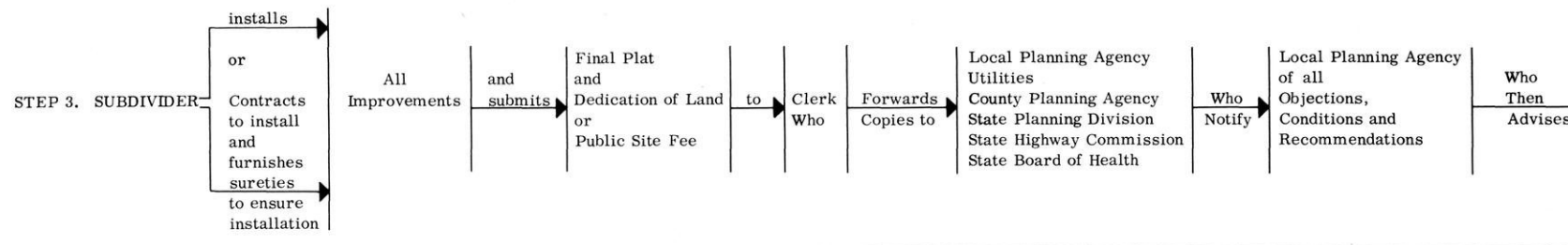
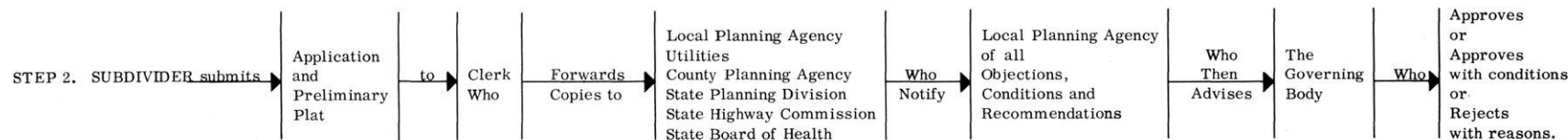
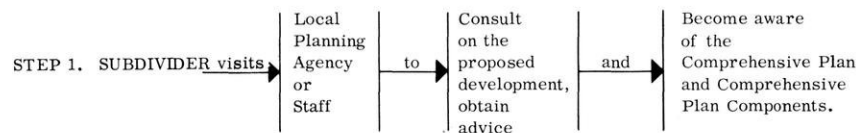
	Approves, Approves with Conditions or Rejects	Reviews and Objects or Certifies No Objections
IN ALL CASES	Town Board	Director of the Planning Function of the Department of Resource Development
AND IN ADDITION: IF the City or Village has adopted a sub- division ordinance or official map	City Council or Village Board	
IF provision is not made for public sewer		State Board of Health
IF it abuts or adjoins a State Trunk High- way or connecting street.		State Highway Commission
IF there is a County Planning Agency em- ploying a full time professional engineer, planner, or other per- son charged with planning administration.		County Planning Agency
IF there is no planning agency and the subdivision abuts a county park or parkway		County Park Commission
IF in an area the annexation of which is being legally contested.	City Council and Town Board or Village Board and Town Board	

<p>IF within the extra-territorial plat approval jurisdiction of more than one city or village</p>	<p>Possibly both municipalities since in case of overlapping of their extraterritorial power their jurisdiction over the overlapping area is a line equidistant from the boundaries of the municipalities</p>	
--	---	--

3. The Subdivision is in a Town and Outside the Extraterritorial Plat Approval Jurisdiction of a City or Village

	<p>Approves, Approves with Conditions or Rejects</p>	<p>Reviews and Objects or Certifies No Objections</p>
<p>IN ALL CASES</p>	<p>Town Board and County Planning Agency</p>	<p>Director of the Planning Function of the Department of Resource Development</p>
<p>AND IN ADDITION IF provision is not made for public sewer</p>		<p>State Board of Health</p>
<p>IF it abuts or adjoins a State Trunk High- way or connecting street.</p>		<p>State Highway Commission</p>

Appendix F PLATTING PROCEDURE





Appendix G

ACKNOWLEDGMENTS AND BIBLIOGRAPHY

Space does not permit us to acknowledge the many agencies and agency reports that were used in the formulation of this guide. Some of the more important reports and handbooks used have, however, been included in the selected bibliography which begins on this page. There are literally hundreds of books, manuals, guides and articles regarding various aspects of land planning and development. A few which might be most helpful to local planning agencies have been selected in addition to those used in preparing this manual for inclusion in the bibliography.

Publications included in the "A" list below should be in all planning agencies' libraries. Publications included in the "B" list below are of a more general nature and deal with more fundamental design concepts and criteria. Publications included under the "C" list below are legal works dealing with land development. The "D" list is a list of actual subdivision regulations from various communities in Southern Wisconsin.

A. BASIC PLATTING AND PLANNING INFORMATION

1. "Wisconsin Platting Statutes and Platting Rules and Regulations of the State Board of Health and the State Highway Commission" - Published jointly by the Department of Resource Development, State Board of Health and State Highway Commission, 1963.
2. "Local Planning Administration" - Published by the International City Manager's Association, 1313 East Sixtieth Street, Chicago, Illinois.
3. "Planning the Neighborhood" - Published by the American Public Health Association, Committee on the Hygiene of Housing. Distributed by the Public Administration Service, 1313 East Sixtieth Street, Chicago, Illinois.

B. REGULATION AND DESIGN CRITERIA

1. "Home Builders Manual for Land Development" - Published and distributed by the National Association of Home Builders, Washington, D. C.
2. "The Community Builders Handbook" - Published and distributed by the Urban Land Institute, 1200 18th Street, N. W., Washington 6, D. C.

3. "Suggested Land Subdivision Regulations" - Published by the U.S. Housing and Home Finance Agency. Distributed by the Bureau of Documents, Washington 25, D. C.
4. "Land Subdivision Regulations" - Published and distributed by the League of Wisconsin Municipalities, 30 East Johnson Street, Madison, Wisconsin.
5. "New Approaches to Residential Land Development," Technical Bulletin #40 - Published and distributed by the Urban Land Institute, 1200 18th Street, N. W. , Washington 6, D. C.

C. LEGAL ASPECTS OF LAND DEVELOPMENT

1. Cutler - "Legal and Illegal Methods for Controlling Community Growth on the Urban Fringe," May, 1961 - Wisconsin Law Review 370.
2. Reys - "Control of Land Subdivisions by Municipal Planning Boards," 40 Cornell Law Quarterly - (1955) - Page 258.

D. EXISTING SUBDIVISION REGULATIONS IN WISCONSIN

1. "Land Subdivision - Madison, Wisconsin" - Published by the Madison City Plan Commission and distributed by the City Purchasing Department, City-County Building, Madison 2, Wisconsin.
2. Ordinance #209 - City of Brookfield, Wisconsin, regulating the division and platting of land.

STAFF

**SOUTHEASTERN WISCONSIN REGIONAL
PLANNING COMMISSION**

Kurt W. Bauer Executive Director

Central Office

David Fonseca, Jr. Chief Resources Planner

Dallas R. Behnke Chief Draftsman

William J. Kockelman Chief Community Assistance Planner

Land Use-Transportation Study Office

J. Robert Doughty Study Director

Richard B. Sheridan Chief Transportation Planner

Harlan E. Clinkenbeard Chief Land Use Planner

Kenneth J. Schlager Chief Systems Engineer

Sheldon W. Sullivan Administrative Officer

Wade G. Fox Cartographic and Design Supervisor

Photo Acknowledgement:

Haley & Sons, Inc. - Madison, Wisconsin
United States Department of Agriculture - Soil Conservation Service

