

CHAPTER 7 SUBDIVISION AND PLATTING

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7.1 PURPOSE.

The purpose of this chapter is to promote the public health, safety, and general welfare of the community and these regulations are designed to lesson congestion in the streets and highways; to further the orderly layout and 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 re-subdivision of large tracts into smaller parcels of land. These regulations are made with reasonable consideration, among other things, of the character of the Village with a view of conserving the value of the buildings placed upon the land, providing the best possible environment for human habitation, and for encouraging the most appropriate use of land throughout the Village.

7.2 DISCLAIMER OF LIABILITY.

The Village does not guarantee, warrant or represent that only those areas delineated as floodlands on plats and certified survey maps will be subject to periodic inundation, nor does the Village guarantee, warrant or represent that the soils show to be unsuited for a given land use from tests required by the Chapter are the only unsuited soils within the jurisdiction of this chapter; and thereby asserts that there is no liability on the part of the Village Board of Trustees, its agencies, or employees for flooding problems, sanitation problems or structural damages that may occur as a result of reliance upon, and conformance with, this Chapter.

7.3 LAND SUITABILITY.

No land shall be divided that is held unsuitable for the purposed use by the Board of Trustees, after review and recommendation by the plan commission, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, for reasons state in the Zoning Ordinance of the Village of Lac La Belle, or for any other reason likely to be harmful to the health, safety or welfare of the future residents of the proposed land division or of the community or feature. The Board of Trustees, in applying the provisions of the section, shall recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider so desires. Thereafter, the Board of Trustees may affirm, modify or withdraw its determination of unsuitability.

7.4 CONSTRUCTION.

- (1) Commencement or continuation. No construction or installation of improvements shall be commenced or continued on any property within the Village until a final plat, or certified survey map submitted to the Village Board for approval, has been reviewed by the Plan

Commission, approved by the Village Board and recorded with the Register of Deeds regarding such property; the Village building inspector has given written authorization; and all inspection and permit fees have been paid.

- (2) Building permits. No building or street opening permits shall be issued for erection of a structure on any lot until all applicable requirements for issuance of said building permit(s) have been complied with and all applicable fees have been paid.

7.5 GENERAL REQUIREMENTS FOR DIVISION OF LAND.

- (1) Any division of land within the Village that results in a subdivision as defined herein shall be surveyed and a plat thereof approved and recorded as required by the Chapter and Chapter 236 of the Wisconsin Statutes.
- (2) Any division or re-division of land other than a subdivision within the Village, of which a plat has not been approved and recorded, shall be surveyed and a certified survey map of such division approved and recorded as required by Section 7.11 of this Chapter and Chapter 36 of the Wisconsin Statutes.
- (3) The provisions of this Chapter, as it applies to divisions of tracts of land into less than five (5) parcels, shall not apply to:
 - (a) Transfers of interests in land by will or pursuant to court order;
 - (b) Leases for a term not to exceed ten (10) years, mortgages or easements;
 - (c) The sale or exchange of parcels of land between owners of adjoining property if all of the following are true:
 - (i) Additional lots are not thereby created;
 - (ii) The lots resulting are not reduced below the minimum sizes required by this Chapter, the Zoning Ordinance, or other applicable laws or ordinances;
 - (iii) The parcels of land and/or any existing improvements thereon do not violate, or become violative of, the provisions of this Chapter or the Zoning Ordinance; and
 - (iv) No modification is made to the exterior boundaries or lot lines of an existing lot or outlot that has previously been recorded on a plat or certified survey map.

7.6 DEFINITIONS.

For the purposes of this Chapter, the following terms are defined:

(1) ALLEY.

A public or private way that provides secondary access to property.

(2) BLOCK.

A parcel of land bounded on at least one side by a street and on the other sides by a natural or fabricated barrier.

(3) BUILDING SITE.

A parcel of land occupied or intended to be occupied by a structure as permitted under applicable zoning regulations.

(4) CERTIFIED SURVEY MAP.

A map of a land split prepared in accordance with Chapter 236 of Wisconsin Statutes. That has been approved by the Village Board of Trustees and recorded with the Register of Deeds.

(5) CUL-DE-SAC.

A short street having one end open to motor traffic and a vehicular turn-around provided on the other end.

(6) FRONTAGE.

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

(7) LAND SPLIT.

A division of land other than a subdivision.

(8) MINOR LAND DIVISION.

Any division of land not defined as a subdivision. Minor land divisions include the division of land by the owner or subdivider resulting in the creation of two (2), but not more than four (4) parcels or building sites, or the changing of the exterior boundaries of an existing lot or outlot created by plat or certified survey map. All minor land divisions shall be made by a certified survey map subject to the approval of the Village Board of Trustees.

(9) OFFICIAL PLAN.

A plan or map adopted by the Village Board that defines or describes in sufficient detail the site location of proposed public facilities so that their boundaries can be clearly determined and located.

(10) PLAT.

A map of a subdivision completed with all certificates and engineering data per Chapter 236 of the Wisconsin Statutes.

(11) STREET.

(a) A way for vehicular traffic.

- (b) Major streets and highways are those which are used primarily for fast or heavy traffic.
- (c) Collector streets are those that carry traffic from minor streets to the systems of major streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
- (d) Minor streets are those that are used primarily for access to the abutting properties (local access).
- (e) Frontage streets are minor streets that are parallel to and adjacent to major streets and highways and provide access to abutting properties and protection from through traffic.

(12) SUBDIVISION.

A division of a lot, parcel or tract of land by the owner thereof, or his agent, for the purpose of sale or of building development, where:

- (a) The act of division creates five (5) or more parcels or building sites of four (4) acres or less in area; or
- (b) Five or more parcels or building sites of four (4) acres or less in area are created by successive divisions within a period of five (5) years.

7.7 PROCEDURE.

(1) CERTIFIED SURVEY MAPS.

A certified survey map prepared by a registered land surveyor shall be required for all minor land divisions and any other division of land not otherwise expressly exempted under sec. 7.05(3) of this Ordinance. Such a certified survey map shall comply in all respects with the requirements of Wis. Stats. § 236.34. The minor land division shall comply with the design standards and improvement requirements set forth in this Chapter. Certified survey maps shall be submitted to the Plan Commission and reviewed in the manner set forth for preliminary plats under code 7.07(2).

(2) PRELIMINARY PLATS.

- (a) Before submitting a preliminary plat for approval, the subdivider may submit a preliminary layout to the Plan Commission in order that general agreement may be reached on layout and arrangements of streets and lots before a preliminary plat is prepared.
- (b) No preliminary plat shall be recommended for approval by the Plan Commission until the same has been submitted to all other approving authorities by the subdivider as

required by Chapter 236 of the Wisconsin Statutes, and their approval obtained for such preliminary plat. The Plan Commission may refer any preliminary plat to the Village Engineer for examination, and in such cases, the Plan Commission shall not be recommended for approval such preliminary plat until the Village Engineer has examined such plat and filed a written report with the Plan Commission concerning such proposed plat. The subdivider shall be required to furnish all technical data and other information required by approving authorities under the provisions of Chapter 236 of the Wisconsin Statutes and as required by the Village Engineer in accordance with this chapter at the subdivider's own cost and expense.

- (c) The subdivider shall furnish satisfactory proof to the Plan Commission of the approval of said proposed subdivision by the Wisconsin Department of Transportation if the proposed subdivision or any lot contained therein abuts on a state trunk highway or connecting street.
- (d) Following preliminary consultation the plat, and such copies as may be required, shall be filed with the Village Clerk who shall forthwith forward the necessary copies thereof to the Southeastern Wisconsin Regional Planning Commission and where necessary to the Waukesha County Park and Planning Commission, as required by Wis. Stats. § 236.12, retain one copy in the official file, and return two (2) copies to the Plan Commission. The Plan Commission shall refer the preliminary plat to the Village Board of Trustees, together with its recommendation regarding approval or objection.
- (e) The Village Board of Trustees shall within ninety (90) days of the filing, approve, conditionally approve, or reject the plat unless an agreement has been reached with the subdivider extending the time for consideration. Pursuant to Wis. Stats. § 236.11, failure of the Board of Trustees to act on a preliminary plat. The subdivider shall be notified in writing of any conditions of approval shall be granted until it has been certified that there is no objection to the plat by any agency authorized to object.
- (f) Approval of the preliminary plat shall entitle the subdivider to final approval of the layout shown by such plat if the final plat conforms substantially to such layout and conditions of approval have been met.
- (g) Prior to approval of the preliminary plat, the subdivider shall procure and file with the Plan Commission a letter from the Superintendent of the controlling school district certifying that there are (or will be prior to final approval) adequate school facilities to accommodate the increased population that will be created by the proposed subdivision.

- (h) Dependent upon the size and possible contiguity to other developments, taken separately or as a whole, the Plan Commission shall have the right to request adequate provision of either privately owned and maintained non lake frontage recreational areas for the residents of said subdivision; or in the alternate the right to request non lake frontage, dedication of not to exceed five percent (5%) of the area involved for such further purpose under the sponsorship and control of the Village, and open to the Village as a public facility for the Village residents, location and planning thereof to be at the direction of the Village.

(3) ENGINEERING DATA.

Following approval of the preliminary plat, and prior to submittal of a final plat the subdivider shall furnish to the Village Plan Commission the following engineering data pertaining to utilities and improvements in the plat as a pertinent and as requested by the Plan Commission:

- (a) Plan and profiles showing existing and proposed grades for all streets, alleys, public right-of-ways, and proposed buildings.
- (b) Plan and profiles of all storm and sanitary sewers, culverts and surface water drainage facilities.

(4) FINAL PLAT.

- (a) A final plat and such copies thereof as shall be required shall be submitted within six (6) months of the approval of the preliminary plat by the Village Board of Trustees. The Village Board of Trustees may waive failure to comply with this requirement.
- (b) The Village Plan Commission shall refer the final plat with its recommendation to the Village Board within sixty (60) days of this submission unless the time is extended by the Board. The Board shall approve or reject the final plat within sixty (60) days of its submission to the Plan Commission, unless the time is extended by agreement with the subdivider. Reasons for rejection shall be stated in the minutes of the Village Board meeting and a copy of such minutes or a written statement of such reasons shall be supplied the subdivider.
- (c) If the original of the final plat has been filed with another approving authority, the subdivider may file a true copy of such plat in lieu of the original. However, before approval of the Village Board will be inscribed on the original of the final plat, the surveyor or the subdivider shall certify the respects in which the original final plat differs from the true copy. All modifications must first be approved.

7.8 GENERAL REQUIREMENTS AND DESIGN STANDARDS.

(1) GENERAL.

The proposed land division shall conform to:

- (a) The provisions of chapter 236 of the Wisconsin Statutes.
- (b) Applicable ordinances of the Village.
- (c) Design and construction standards as established by Village Ordinance.
- (d) The master plan, if any exists.
- (e) The official map, if any exists.

(2) STREETS.

- (a) DESIGN CRITERIA. The streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as streams and existing tree growth, to public convenience and safety, and in their appropriate relation to the proposed users of the land to be served by such streets.
- (b) CONSTRUCTION STANDARDS. Construction of all streets shall conform to the current standards as established by the Village, with the minimum construction standards in all cases being at least equal to those required by Wisconsin Statutes for Village streets or Village roads.
- (c) The arrangement, width, grade, and location of all streets shall conform to the official map, if any exists.
- (d) ARRANGEMENT.
 - (i) Major streets shall be properly integrated with the existing and proposed system of major streets and highways.
 - (ii) Collector streets shall be properly related to mass transit routes, to special traffic generating from facilities such as schools, churches, and shopping centers, to population densities, and to the major streets into which they feed.
 - (iii) Minor streets shall be laid out to conform as much as possible to topography, to discourage use by traffic, to permit efficient drainage and sewer systems, to require the minimum amount of street necessary to provide convenient, safe access to property.
- (e) CONTROLLED ACCESS. Where a subdivision borders on or contains an existing or proposed major street, the Plan Commission may require that marginal access streets be provided, that the backs of lots abut the major streets and be provided with screen

planting contained in a non-access reservation along the real property line, that deep lots with rear service alleys be provided or that other provisions be made for the adequate protection of residential properties and the separation of through and local traffic.

- (f) WIDTH. The right-of-way of all streets shall be of the width specified on the official map or master plan, or, if no width is specified there, they shall be not less than the width specified below:
 - (i) Major streets – one-hundred (100) feet.
 - (ii) Collector streets – sixty (60) feet.
 - (iii) Local access streets – sixty (60) feet.
 - (iv) Frontage streets – sixty (60) feet.
 - (v) At the election of the Plan Commission, the above widths may be reduced under certain conditions such as unusual terrain or topography or location, or other compelling circumstances of hardship (not financial or practical difficulty) but in no case to be reduced to less than three (3) rods in width.
- (g) GRADES. The grade of major and collector streets shall not exceed six percent (6%) and the grade of all other streets shall not exceed ten percent (10%) unless necessitated by exceptional topography and approved by the Plan Commission. The minimum grade for all streets shall be less than one-half percent ($\frac{1}{2}$ %) and such minimum shall not be permitted for long sustained distances.
- (h) HORIZONTAL CURVES. A minimum sight difference with clear visibility measure along the centerline shall be provided of at least three hundred (300) feet on major streets, two hundred (200) feet for collector streets and 100 feet on minor streets.
- (i) VERTICAL CURVES. All changes in street grades shall be connected by vertical curves of a minimum length equivalent to fifteen (15) times the algebraic difference in the rate of grades for major streets and collector streets and one-half ($\frac{1}{2}$) of this minimum length for all other streets.
- (j) TANGENTS. A Tangent at least one-hundred (100) feet long shall be introduced between reverse curves on major and collector streets.
- (k) STREET NAMES. New Street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the name of the existing street.

- (l) CUL-DE-SAC OR DEAD END STREETS. Streets designed to have one (1) end permanently closed shall not normally exceed five-hundred (500) feet in length and shall terminate with a turnaround of not less than one-hundred twenty (120) feet in diameter of right-of-way and a roadway of not less than one-hundred (100) feet in diameter.
- (m) RESERVE STRIPS. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the Village under conditions approved by the Plan Commission.
- (n) EXISTING HALF-STREETS. Where a half-street exists adjacent to the subdivision, the other half of the street shall be dedicated by the subdivider. Platting of new half-streets along property lines shall not be permitted except by approval of the Plan Commission.

(3) INTERSECTIONS.

- (a) RIGHT ANGLE. Streets shall intersect as nearly as possible at right angles and not more than two streets shall intersect at one point unless approved by the Plan Commission.
- (b) ROUNDED. Property lines at street intersections shall be rounded with a radius of fifteen (15) feet or of a greater radius where the Plan Commission considers it necessary.
- (c) JOGS. Street jogs with center line offsets of less than one-hundred twenty-five (125) feet shall be avoided. Where streets intersect major streets, their alignment shall be continuous.

(4) PARKING AND SERVICE AREAS.

In all commercial and institutional districts, provision shall be made for service access, such as off-street loading and parking, consistent with the adequate for the uses proposed.

(5) ALLEYS.

- (a) RESIDENTIAL. Alleys shall not be approved in residential areas unless necessary because of topography or other exceptional circumstances.
- (b) WIDTH. The width of alleys shall be not less than twenty (20) feet.
- (c) DEAD END. Dead end alleys are prohibited except under very unusual circumstances, and crooked and “T” alleys shall be discouraged. Where dead end alleys are unavoidable, they shall be provided with adequate turn-around facilities at the dead end.

(6) EASEMENTS.

- (a) UTILITY. Easement across lots or centered on rear or side lot lines shall be provided for utilities where required by the Plan Commission and shall be at least twenty (20) feet wide.

- (b) DRAINAGE. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and such further width or construction, or both as will be adequate for the purpose. Wherever possible it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

(7) BLOCKS.

- (a) SHAPE AND SIZE. The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated.
- (b) CROSSWALKS. Pedestrian crosswalks not less than fifteen (15) feet wide may be required by the Plan Commission where deemed desirable to provide convenient pedestrian circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

(8) LOTS.

- (a) GENERAL. 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.
- (b) LOT DIMENSIONS.
 - (i) Lot minimums shall be one acre in area and one-hundred (100) feet in width, and in the event of odd shaped lots, average may be used for arriving at said minimum widths, provided that minimum frontage of such lots shall not be less than seventy-five (75) feet; these minimums shall not control in lands wholly located within five-hundred (500) feet of Lac La Belle shore line, wherein the presently existing zoning standard shall apply.
 - (ii) Residential lots shall be connected to the Village sanitary sewer system prior to the granting of any occupancy permit.
 - (iii) Depth and width of properties reserved or laid out for commercial or institutional purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
 - (iv) Residential lots abutting on major streets and highways shall be platted with sufficient depth to permit adequate separation between the building and such traffic ways.
 - (v) Lots should be designed with a suitable proportion between width and depth. Neither long narrow nor wide shallow lots are normally desirable. Normal depth

should not exceed two and a-half (2 ½) times the width, nor be less than one-hundred fifty (150) feet.

- (c) CORNER LOTS. Corner lots shall be designed to permit full setback on both streets as required by the applicable zoning district requirements.
- (d) ACCESS TO PUBLIC STREETS. Every lot shall front or abut on a public street. Lots with an access only to private drives or streets shall be permitted only with Plan Commission approval upon demonstration that adequate emergency access will be available to such lot.
- (e) LOTS AT RIGHT ANGLES. Lots at right angles to each other should be avoided wherever possible, especially in residential areas.
- (f) LOT LINES. Side lot lines shall be substantially at right angles or radial to street lines.
- (g) LARGE LOTS. Where lots are created of a size larger than normal for the area, the Plan Commission may require that the plat be so designed as to allow for the possible future re-division of such lots into normal sized compatible with the area.
- (h) MUNICIPAL BOUNDARIES. Lots shall follow municipal boundary lines whenever practicable, rather than cross them.
- (i) DOUBLE FRONTAGE. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

7.9 REQUIRED IMPORVEMENTS.

(1) MONUMENTS.

The subdivision shall be monumented as required by Wis. Stats. § 236.15, which is hereby adopted by reference.

(2) REQUIRED INSTALLATIONS.

Before a certified survey map or the final plat of a subdivision located within the Village of Lac La Belle will be approved, the subdivider shall provide and dedicate the following facilities and improvements, all of which facilities and improvements must be made within the time required by the Village Board, but I no event to exceed two (2) years;

- (a) STREETS. Streets graded and surfaced according to established standards of the Village.
- (b) DRAINAGE. Drainage channels, culvert and such other facilities necessary to provide adequately for surface water drainage according to established standards of the Village.
- (c) STREET SIGNS. Street signs shall be provided at all intersections.

(3) FINANCIAL GUARANTEE.

In the event the aforesaid facilities and improvement have not been fully installed at the time the plat is submitted for final approval the subdivider shall file with the Village Clerk a letter of credit or other satisfactory financial guarantee approved by the Village Attorney to cover the cost of completing said facilities and improvements, in such amount as the Village Board shall determine to be adequate, which letter shall be executed by the subdivider as principal and a responsible financial institution duly licensed and authorized to do business in the State of Wisconsin, the same to be payable to the Village of Lac La Belle, Wisconsin, and to be conditioned upon the faithful performance and payment of any and all work to be performed by the subdivider pursuant to this Chapter in accordance with the development agreement entered into by the parties.

(4) ENGINEER'S APPROVAL.

The adequacy of such facilities and improvements and their proper installation shall be subject to approval of the Village Board or their agent such as the Village Engineer.

(5) PHASED DEVELOPMENT.

In all instances where it shall appear to the satisfaction of the Village Board that the whole or a platted subdivision cannot immediately be fully improved with respect to the installation of the required improvements, by reason of unavoidable delay in obtaining necessary engineering data and information, or for other good reason or cause, the Village Board may, in its sole discretion authorize the subdivider to proceed with the installation of improvements required under this Chapter on a portion or part of said subdivision and in such event, the requirements of this Chapter shall apply to that portion or part thereof, authorized for immediate improvement.

7.10 PLATS AND DATA.

(1) PRELIMINARY CONSULTATION DATA.

The following information shall be provided at the time of the preliminary consultation:

- (a) GENERAL. Information including data on existing covenants, land characteristics and available community facilities and utilities, and information describing the subdivision proposal such as number or residential lots, typical lot width and depth, business areas, playgrounds, park and other public areas, tree planting, proposed protective covenants, and proposed utilities and street improvements.
- (b) LOCATION MAP. A location map showing the relationship of the proposed subdivision to existing community facilities which serve or would be influenced by it, and including the development name and location; main traffic arteries; title, scale, north arrow, and date.

- (c) PROPOSED LAYOUT. A sketch plan showing in simple sketch from the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plan may be fee hand made directly on a print of topographical survey.

(2) PRELIMINARY PLAT.

- (a) The preliminary plat shall be drawn with waterproof non-fading black ink or legibly drawn with pencil on tracing cloth, or tracing paper of good quality to a scale of two-hundred (200) feet to an inch and shall show correctly on its face:
 - (i) The date, scale, and north point.
 - (ii) The proposed subdivision name, which shall not duplicate the name of any plat previously recorded in Waukesha County.
 - (iii) The name and address of the owner, the subdivider and the engineer or surveyor preparing the plat.
 - (iv) Location of the subdivision by government lot, quarter-quarter section, section, township, range and county.
 - (v) A small scale drawing of the section or government subdivision of the section in which the subdivision lies with the location of the subdivision indicated thereon.
 - (vi) The exact length and bearing of the exterior boundaries of the subdivision.
 - (vii) Location and names of adjacent subdivisions and the owners of adjoining parcels of land that has not been subdivided.
 - (viii) Zoning on the adjacent to the subdivision.
 - (ix) Location, widths and names of all existing and platted streets, alleys or other public ways and easements, railroad and utility right-of-ways, parks, cemeteries water course, drainage ditches, permanent building, bridges, and other pertinent data as determined by the Plan Commission.
 - (x) The water elevations of adjoining lakes or streams at the date of the survey and the approximate high and low water elevations of such lake and streams.
 - (xi) If the subdivision borders a lake or stream, the distances and bearings of a meander line established not less than twenty (20) feet back from the ordinary high water mark of the lake or stream.
 - (xii) Layout, width, and approximate grades of all new street and right-of-ways, such as alleys, highways, easements for drainage and her public utilities.

- (xiii) Approximate dimensions of and areas of lots.
- (xiv) Proposed building lines.
- (xv) Approximate radii of all curves and length of tangents.
- (xvi) Approximate location and area of property proposed to be dedicated for public use or to be reserved by deed covenant for use of all property owners in the subdivision with the conditions, if any, of such dedication or reservation.
- (xvii) Contours at two (2) foot vertical contour intervals, or at more frequent intervals if required by the Plan Commission for land of unused terrain characteristics. All pertinent elevations should be shown and shall be based on local datum.
- (xviii) FINAL PLAT.
 1. Compliance with Wis. Stats. § 236.20. A final plat of subdivided land shall comply with the requirements of Wis. Stats. § 236.20, which is hereby adopted by reference.
 2. Legibility of Affidavits. The affidavits and certificates required by Chapter 236 of the Wisconsin Statutes, shall be lettered or printed legibly with black durable ink or typed with black ribbon on the final plat.
 3. Duplicate Tracing. A duplicate tracing of the final plat shall be filed with the Plan Commission.

7.11 LAND DIVIDISONS OTHER THAN SUBDIVISIONS.

(1) COMPLIANCE REQUIRED.

No existing land shall be divided, re-divided, or split in any fashion without compliance with the section.

(2) PRELIMINARY PLAT.

Before submitting a final plat for approval the subdivider shall submit a preliminary plat according to the procedure designated for a subdivision under section 7.07(2) above except that no state or county agency actions are required.

(3) FINAL PLAT.

The final plat in the form of a certified survey map shall be submitted according to the procedure designated for a subdivision under sec. 7.07(4) above except that no state or county agency actions are required.

(4) REQUIREMENTS.

- (a) Reasonable Compliance. To the extent reasonably practicable the plat shall comply with the provision of this Chapter hereinbefore stated relating to general requirements and design standards and required improvements.
- (b) Registered Surveyor. The survey shall be performed and the map prepared by a registered surveyor. Such map shall describe the entire ownership involved in the process of division, provided however that where the division results in a residual parcel in excess of 10 acres, not intended for immediate sale or other conveyance, the Plan Commission may waive the requirement for inclusion of the residential parcel.
- (c) Monuments. All corners shall be monumented in accordance with Wis. Stats. § 236.15(1)(c) and (d).
- (d) Engineering Standards. The final plat shall be prepared in accordance with Wis. Stats. § 236.20(2)(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k) and (l), on durable white paper 8 ½ inches by 14 inches long. All lines shall be made with non-fading black ink to a scale of two-hundred (200) feet to an inch.
- (e) Percolation Tests. If any lots in the plat are not to be served by municipal sanitary sewer, percolation tests shall be submitted according to the procedure designed under the rules of the State of Wisconsin applicable to subdivisions.

(5) CERTIFICATES AND AFFIDAVITS.

- (a) Owner's and Surveyor's. The map shall include the certificate of ownership and the affidavit of the surveyor who surveyed and mapped the parcel, typed, lettered or reproduced legibly with non-fading black ink, giving a clear and concise description of the land surveyed by bearings and distances, commencing with some corner marked and established in the U.S. Public Land Survey or some corner providing reference to a corner marked and established in the Public Land Survey System of the United States. Such affidavit shall include the statement of the surveyor to the effect that he has fully complied with the requirement of this section.
- (b) Village Board of Trustees. The certificate of approval of the Village Board of Trustees shall be typed, lettered, or reproduced legibly with non-fading black ink on the face of the map.

(6) RECORDING.

Within thirty (30) days after final approval by the Village Board of Trustees of the Final Plat or Certified Survey Map, it shall be filed by the subdivider for recording with the Register of Deeds for Waukesha County and with the Village Clerk.

7.12 SUBDIVISIONS CREATED BY SUCCESSIVE DIVISIONS.

(1) ASSESSOR'S PLAT.

Where it is not practicable to require that a final plat of a subdivision created by successive divisions be filed in accordance with this Chapter, the Village Board may in lieu thereof order an assessor's plat to be made under Wis. Stats. § 70.27, and may assess the cost thereof as provided in such section, or to the subdivider.

(2) REASONABLE COMPLIANCE.

Regardless of the type of plan filed, any such subdivision shall comply with all provisions of this Ordinance to the extent that they may reasonably be applied.

7.13 VARIANCES.

Any person aggrieved, or any officer, department, or board of the Village affected by a decision of an administrative officer may appeal such decision to the Village Board of Appeals under Section 8.19 of the Village Code of Ordinances provided such appeal be taken within thirty (30) days of the decision appealed from.

7.14 APPLICABLE FEES.

(1) GENERAL.

To provide for adequate investigation by the Village of Lac La Belle of proposed division and subdivision of land within the Village, and to promote the public interests enumerated within forth in sec. 7.01 of this Chapter and those set forth in Wis. Stats. § 236.01 as amended from time-to-time, the applicant shall, at the times specified, pay the Village Clerk all fees hereinafter specified before being entitled to receive approval of a Plat, Replat, or Certified Survey Map submitted to the Village. The Village Board and the Plan Commission have full authority to establish and collect the fees hereinafter specified within this section.

(2) PRELIMINARY PLAT REVIEW FEE.

- (a) FIRST APPLICATION. The applicant shall pay an initial fee of five hundred dollars (\$500.00); plus fifteen dollars (\$15.00) for each lot, dwelling unit, or parcel within the preliminary plat, replat, or certified survey map; to the Village Clerk at the time of first application for approval of any preliminary plats or certified survey maps to assist in defraying the cost of review.
- (b) REAPPLICATION. A reapplication fee amounting to one-hundred dollars (\$100.00) shall be paid to the Village Clerk at the time of the reapplication for approval of any preliminary plat that has previously been reviewed. However, in the event that material alterations have been made to the proposed plat, replat or certified survey map since

the original application, or if six (6) months have passed since the original filing of the application, the fees within paragraph (a) of this subsection shall apply.

(3) FINAL PLAT REVIEW FEE.

- (a) FIRST APPLICATION. The applicant shall pay an initial fee of five-hundred dollars (\$500.00) plus fifteen dollars (\$15.00) for each lot, dwelling unit, or parcel within the final plat to the Village Clerk at the time of first application for final plat approval of said plat to assist in defraying the cost of review.
- (b) REAPPLICATION. A reapplication fee of sixty dollars (\$60.00) shall be paid to the Village Clerk at the time of a reapplication for approval of any final plat that has previously been reviewed. However, in the event that material alterations have been made to the proposed plat, replat, or certified survey map since the original application, or if six (6) months have passed since the original filing of the application, the fees within paragraph (a) of this subsection shall apply.

(4) IMPROVEMENT REVIEW FEE.

At the time of the submission of improvement plans and specifications, the applicant shall pay to the Village Clerk a fee equal to two percent (2%) of the cost of the required public improvements as estimated by the Village Engineer to partially cover the cost to the Village of checking and reviewing such plans and specifications. Following completion of the improvement construction, on request from the Village Board, the Village Engineer, or the applicant, this fee may be recomputed in accordance with the actual cost of such improvements. The final amount of the applicant's improvement Review Fee shall then be re-calculated. The applicant shall be responsible for any amount in excess of the Initial amount paid in. Any amount paid by the applicant in excess of two percent (2%) of the actual amount of the cost of the public improvements shall be remitted to the applicant by the office of the Village Clerk. Evidence of cost shall be in such detail and form as required by the Village Engineer subject to the approval of the Village Board of Trustees.

(5) ADMINISTRATIVE FEES.

- (a) In General. In addition to the initial fees set forth in this section, upon review of any proposed preliminary plat, final plat, replat, or certified survey map, the Village Board, or Plan Commission may determine that, in order to adequately protect the interests set forth in subsection (1) of this section, professional assistance will be required to provide adequate assessment. Said professional assistance may include, but is not limited to, the services of engineers, planners, architects, attorneys or other related professional experts. The actual expense of said professional assistance shall be paid by the applicant. The Village shall retain the right to select the source of the professional service to be provided.

(b) Administrative and Legal Expenses. The applicant shall pay a fee equal to the cost of any legal, planning, administrative or fiscal work which may be undertaken, by the Village in connection with the plat, replat, or certified survey map. Legal expenses may include, but are not limited to, expenses incurred by the Village due to services provided by the Village Attorneys (during or outside of Village Board or Plan Commission meetings) on behalf of the Village in connection with the application.

(c) Time and amount of payment.

(i) Upon determination by the Village Board or Plan Commission that expenses enumerated in sec. 7.12(5)(a) and/or (b) will be incurred by the Village, an initial estimate of said costs shall be provided to the applicant by the Village Clerk. An amount equal to this initial estimate shall then be deposited with the Village Clerk prior to any action being taken by the Village in connection with the application. The Village shall then apply the amount deposited towards the actual expenses connected with the application as they are incurred.

Notwithstanding any contrary provisions contained within this Chapter, in the event that the requested monies are not received within ten (10) days, the Village Clerk shall inform the applicant in writing that the application has been rejected for failure to comply with this ordinance.

(ii) If the Village Board or Plan Commission determines that costs in excess of the initial amount deposited by the applicant will be incurred, additional funds shall be requested from the applicant by the Village Clerk to cover the additional expenses. Said additional fees shall be paid by the applicant within ten (10) days of notification by the Village Board or Plan Commission. Notwithstanding any contrary provisions contained within this Chapter, in the event that the requested monies are not received within ten (10) days, the Village Clerk shall inform the applicant in writing that the application has been rejected for failure to comply with this ordinance.

(6) COST OF APPLICATION.

Following completion of the review by the Village, the actual costs of the application shall be determined and the difference, if any shall be paid in full to the Village Clerk by the applicant within ten (10) days of notification by the Clerk. Any payment by the applicant in excess of the actual costs incurred in the review shall be remitted to the applicant. Upon request of the applicant, the Village Clerk shall provide copies of invoices reflecting the actual costs incurred by the Village. Payment equal to the actual costs for review of the application shall be received before final action is taken by the Village as to the application. Notwithstanding any contrary provisions contained within this Chapter, in the event that the requested

monies are not received within ten (10) days, the Village Clerk shall inform the applicant in writing that the application has been rejected for failure to comply with this ordinance.

(7) ENGINEERING AND INSPECTION FEES.

(a) General. In addition to all other fees enumerated in this section, the applicant shall pay a fee equal to the actual cost to the Village for all engineering and inspection work incurred by the village in connection with a plat, replat, or certified survey map.

(i) The term “engineering work” shall include the preparation of construction plans and standard specifications. The Village Engineer may permit the applicant 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.

(ii) The term “inspection work” shall include the inspection, checking and reviewing of work the Village Engineer deems necessary to assure that the construction of work the Village Engineer deems necessary to assure that the construction of the required improvements complies with the plans, specifications, and ordinances of the Village or any other governmental authority.

(b) Time and amount of payment.

(i) Upon determination by the Village Board or Plan Commission that expenses specified in sec. 7.12(6) will be incurred by the Village, an initial estimate of said costs shall be provided to the applicant by the Village Clerk. An amount equal to this initial estimate shall then be deposited with the Village Clerk prior to any action being taken by the Village in connection with the application. The Village shall then apply the amount deposited towards the actual expenses connected with the application as they are incurred. Notwithstanding any contrary provisions contained within this Chapter, in the event that the requested monies are not received within ten (10) days, the Village Clerk shall inform the applicant in writing that the application has been rejected for failure to comply with the ordinance.

(ii) If the Village Board or Plan Commission determines that costs in excess of the initial amount deposited by the applicant will be incurred, additional funds shall be requested from the applicant by the Village Clerk to cover the additional expenses. Said additional fees shall be paid by the applicant within ten (10) days of notification by the Village Board or Plan Commission. Notwithstanding any contrary provisions contained within this Chapter, in the event that the requested monies are not received within ten (10) days, the Village Clerk shall

inform the applicant in writing that the application has been rejected for failure to comply with this ordinance.

- (iii) Following completion of the engineering work by the Village, the actual cost of the work shall be determined and the difference, if any, shall be paid in full to the Village Clerk by the applicant within ten (10) days of notification by the Clerk. Any payment by the applicant in excess of the actual costs incurred in the review shall be remitted to the applicant. Upon request of the applicant, the Village Clerk shall provide copies of invoices reflecting the actual costs incurred by the Village. Notwithstanding any contrary provisions contained within this Chapter, in the event that the requested monies are not received within ten (10) days, the Village Clerk shall inform the applicant in writing that the application has been rejected for failure to comply with this ordinance.

7.15 VIOLATIONS.

It shall be unlawful to build upon, divide, convey, record, or place monuments on any land in violation of this Chapter or the State statutes; and no person shall be issued a building permit by the Village authorizing the building on, or improvement of, any subdivision, minor land division, or replat within the jurisdiction of the Chapter not of record and approved by the Village Board of Trustees as of the effective date of this Chapter until the provisions and requirements of this Chapter have been fully met. The Village may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable statutes.

7.16 – 7.19 RESERVED.

7.20 PENALTY.

Any person who shall violate any provision of this Chapter shall be subject to penalties as provided in sec. 15.04 of this Municipal Code. In addition, an assessor's plat made under Wis. Stats. § 70.27 may be ordered as a remedy by the Village, at the expense of the subdivider, when a subdivision as defined is created by successive divisions. Violations and concomitant penalties under this Chapter shall also include, but are not limited to:

- (1) Recordation improperly made carries penalties as provided in Wis. Stats. § 236.30.
- (2) Conveyance of lots in unrecorded plats carries penalties as provided for in Wis. Stats. § 236.31.
- (3) Monuments disturbed or not placed carries penalties as provided for in Wis. Stats § 236.32.