

TITLE 14

Subdivision Regulations

Chapter 1 Subdivision Regulations

Title 14 – Chapter 1

Subdivision Regulations

Article A – Adoption; Introduction

- 14-1-1 Introduction and Purpose
- 14-1-2 Abrogation and Greater Restrictions
- 14-1-3 Interpretation
- 14-1-4 Severability
- 14-1-5 Repeal
- 14-1-6 Title
- 14-1-7 through
- 14-1-9 Reserved for Future Use

Article B – Definitions

- 14-1-10 Definitions
- 14-1-11 through
- 14-1-19 Reserved for Future Use

Article C – General Provisions

- 14-1-20 General Provisions
- 14-1-21 Land Suitability
- 14-1-22 Condominium Developments
- 14-1-23 Homeowner, Property Owner or Condominium Associations
- 14-1-24 through
- 14-1-29 Reserved for Future Use

Article D – Plat Review and Approval

- 14-1-30 Preliminary Consultation
- 14-1-31 Submission of Preliminary Plat
- 14-1-32 Preliminary Plat Review and Approval
- 14-1-33 Final Plat Review and Approval
- 14-1-34 Land Divisions and Consolidations by Certified Survey Map
- 14-1-35 Replat
- 14-1-36 Determination of Adequacy of Public Facilities and Services
- 14-1-37 Procedures and Criteria for Land Divisions Within the Extraterritorial Plat Approval Jurisdiction
- 14-1-38 Disclaimers on Approvals
- 14-1-39 Reserved for Future Use

Appendix A: City of Westby Environmental Assessment Checklist for Subdivisions and Land Divisions by Certified Survey

Article E – Technical Requirements for Plats and Certified Surveys

- 14-1-40 Technical Requirements for Preliminary Plats
- 14-1-41 Technical Requirements for Final Plats
- 14-1-42 Technical Requirements for Certified Survey Land Divisions;
Review and Approval
- 14-1-43 through
- 14-1-49 Reserved for Future Use

Article F – Required Improvements

- 14-1-50 Improvements Required
- 14-1-51 Developer’s Required Agreement Providing for Proper Installation of
Improvements; Survey Monumentation
- 14-1-52 Required Construction Plans; City Review; Inspections
- 14-1-53 Street Improvements
- 14-1-54 Curb and Gutter; Drainage Facilities
- 14-1-55 Sidewalks and Bikeways
- 14-1-56 Sanitary Sewerage System
- 14-1-57 Water Supply Facilities
- 14-1-58 Storm Water Drainage Facilities
- 14-1-59 Other Utilities
- 14-1-60 Street Lamps; Street Trees
- 14-1-61 Street Signs
- 14-1-62 Erosion Control
- 14-1-63 Partition Fences
- 14-1-64 Easements
- 14-1-65 Extra-Sized and Off-Site Facilities
- 14-1-66 Acceptance of Improvements and Dedications
- 14-1-67 Site Grading
- 14-1-68 through
- 14-1-69 Reserved for Future Use

Article G – Design Standards

- 14-1-70 General Street Design Standards
- 14-1-71 Specifications for Preparation, Construction and Dedication of Streets and Roads
- 14-1-72 Block Design Standards
- 14-1-73 Lot Design Standards
- 14-1-74 Drainage and Stormwater Management System
- 14-1-75 Non-Residential Subdivisions
- 14-1-76 Grading
- 14-1-77 Erosion Control
- 14-1-78 through
- 14-1-79 Reserved for Future Use

Article H – Park and Public Land Dedication; Impact Fees

14-1-80 General Park and Public Land Dedication Requirements

14-1-81 Land Dedications

14-1-82 Reservation of Additional Land

14-1-83 Development of Park Area

14-1-84 through

14-1-89 Reserved for Future Use

Article I – Fees

14-1-90 Administrative and Other Fees

14-1-91 through

14-1-99 Reserved for Future Use

Article J – Variances; Penalties and Violations

14-1-100 Variances and Exceptions

14-1-101 Enforcement, Penalties and Remedies

14-1-102 Disclaimers on Approvals

14-1-103 Restrictions for Public Benefits

Article A: Adoption; Introduction

Sec. 14-1-1 Introduction and Purpose.

- (a) **Introduction.** In accordance with the authority granted by Sections 236.13(1)(b) and 236.45 of the Wisconsin Statutes and for the purposes listed in Sections 236.01 and 236.45 of the Wisconsin Statutes, the Common Council of the City of Westby, Wisconsin, does hereby ordain as follows:
- (1) The provisions of this Chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the City of Westby.
 - (2) This Chapter shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.
- (b) **Purpose.** This Chapter is intended to regulate and control the division and subdivision of land within the corporate limits and the extraterritorial plat approval jurisdiction of the City of Westby in order to promote the public health, safety and general welfare, to encourage the most appropriate use of land, to provide the best possible living environment for people and to conserve the value of building placed upon the land by:
- (1) Furthering the orderly layout and use of land;
 - (2) Insuring proper legal description and proper monumenting of land;
 - (3) Preventing overcrowding of land and avoiding undue concentration of population;
 - (4) Lessening congestion in the streets and highways;
 - (5) Securing safety from fire, flooding, water pollution and other hazards;
 - (6) Providing adequate light and air;
 - (7) Facilitating adequate provisions for transportation, water, sewerage, schools, parks, playgrounds, open space, storm water drainage, the conservation of land, natural resources, scenic and historic sites, energy and other public requirements;
 - (8) Facilitating further re-subdivision of larger parcels into smaller parcels of land;
 - (9) Insuring enforcement of the development concepts, policies and standards delineated in the City of Westby Comprehensive Plan ("Smart Growth Plan") and related components, and, but not limited to, the Official Map, the Parks and Open Space Plan, the Transportation Plan, the Zoning Code, Erosion Control and Storm Water Runoff Code, and the Building Code of the City of Westby, if such plans are adopted by the City. [Note: Section 66.1001, Wis. Stats., requires that significant land use actions be consistent with the local Comprehensive Plan.]
- (b) **Intent.** It is the general intent of this Chapter to regulate the division of land so as to:
- (1) **Obtain the Wise Use**, conservation, protection and proper development of the City's soil, water, wetland, woodland, and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base;
 - (2) **Lessen Congestion** in the streets and highways;
 - (3) **Further the Orderly** layout and appropriate use of land;
 - (4) **Secure Safety** from fire, panic, and other dangers;
 - (5) **Provide Adequate Light** and air;
 - (6) **Facilitate Adequate Provision** for housing, transportation, water supply, storm water, wastewater, schools, parks, playgrounds, and other public facilities and services;
 - (7) **Secure Safety** from flooding, water pollution, disease, and other hazards;
 - (8) **Prevent Flood Damage** to persons and properties and minimize expenditures for flood relief and flood control projects;
 - (9) **Prevent and Control Erosion**, sedimentation, and other pollution of surface and subsurface waters;

- (10) ***Preserve Natural Vegetation and Cover*** and promote the natural beauty of the City of Westby;
 - (11) ***Restrict Building Sites*** in areas covered by poor soils or in other areas poorly suited for development;
 - (12) ***Facilitate the Further Division*** of larger tracts into smaller parcels of land;
 - (13) ***Ensure Adequate*** legal description and proper survey monumentation of subdivided land;
 - (14) ***Provide for the Administration*** and enforcement of this Chapter;
 - (15) ***Provide Penalties*** for its violation; and
 - (16) ***Implement*** those municipal, county, watershed, or regional comprehensive plans or their components adopted by the City of Westby, and in general to facilitate enforcement of City development standards as set forth in the adopted regional, county, and local Comprehensive Plans, adopted plan components, City Zoning Code, City Building Code and other planning documents of the City of Westby described in Subsection (b)(9) above.
- (d) **Dedication and Reservation of Land.**
- (1) Whenever a tract of land to be divided within the jurisdiction of this Chapter encompasses all or any part of a street, highway, bikeway, pedestrianway, greenway, environmental corridor, waterway, or a drainage or utility easement designated in the Comprehensive Plan or Official Map (if adopted by the City), the subdivider shall plat said public way in the locations and dimensions indicated on said Comprehensive Plan or Official Map (if adopted by the City). The Common Council, upon the recommendation of the Plan Commission, shall determine whether said public way should be dedicated to the public or reserved by the subdivider.
 - (2) Whenever a tract of land to be divided within the jurisdiction of this Chapter encompasses all or part of a park site, open space or other recreation area or school site designated in the Comprehensive Plan, Park and Open Space Plan, or Official Map (if adopted by the City), said public sites shall be platted and dedicated or reserved by the subdivider at the discretion of the Common Council, upon the recommendation of the Plan Commission, in the locations and dimensions indicated on said plans or map in accordance with the requirements of Article G of this Chapter.
 - (3) Once a preliminary plat or certified survey is approved, any lands proposed for public use above shall not be altered without the written approval of the Common Council, upon the recommendation of the Plan Commission.

State Law Reference: Chapter 236, Wis. Stats.

Sec. 14-1-2 Abrogation and Greater Restrictions.

It is not intended by this Chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

Sec. 14-1-3 Interpretation.

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

Sec. 14-1-4 Severability.

If any provision of this Chapter is invalid or unconstitutional, or if the application of this Chapter to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Chapter which can be given effect without the invalid or unconstitutional provision or application.

Sec. 14-1-5 Repeal.

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

Sec. 14-1-6 Title.

This Chapter shall be known as, referred to, or cited as the "City of Westby Subdivision Chapter" or "City of Westby Land Division and Subdivision Chapter."

Sec. 14-1-7 through Sec. 14-1-9 Reserved for Future Use.

Article B: Definitions

Sec. 14-1-10 Definitions.

- (a) The following definitions shall be applicable in this Chapter:
- (1) ***Alley.*** A public right-of-way which normally affords a secondary means of vehicular access to abutting property.
 - (2) ***Arterial Street.*** A street which provides for the movement of relatively heavy traffic to, from or within the City of Westby. It has a secondary function of providing access to abutting land and to collector and minor streets.
 - (3) ***Bikeway.*** A bike route completely apart from a street and restricted to bicycle, pedestrian, and maintenance vehicle traffic.
 - (4) ***Block.*** An area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision and streams or water bodies.
 - (5) ***Building Line or Building Setback Line.*** A line parallel to a lot line and at a distance from the lot line so as to comply with the yard and setback requirements of the City of Westby Zoning Code, or any restriction on the plat which identifies a line on the plat as a building setback line.
 - (6) ***Certified Survey Map.*** See "Minor Land Division."
 - (7) ***City.*** The City of Westby, Vernon County, Wisconsin, and where appropriate, its Common Council, commissions, committees and authorized officials.
 - (8) ***City Engineer.*** The staff engineer or consulting engineering firm providing professional engineering services solely to the City; references herein to "City Engineer" may also mean that certain tasks may be performed by the Director of Public Works.
 - (9) ***Collector Street.*** A street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.
 - (10) ***Commission.*** The Planning Commission created by the Common Council pursuant to Sec. 62.23 of the Wisconsin Statutes.
 - (11) ***Comprehensive Plan (Master Plan).*** The extensively developed plan, also called a Smart Growth Plan or master plan, adopted by the City Planning Commission and certified to the Common Council pursuant to Secs. 62.23 and 66.1001, Wis. Stats., including detailed neighborhood plans, 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.
 - (12) ***Concept Plan.*** A preliminary drawing, made to approximate scale, of a proposed land division for discussion purposes.
 - (13) ***Condominium Development.*** A real estate development in which a condominium form of ownership pursuant to Chapter 703, Wis. Stats., is utilized.
 - (14) ***Consolidation.*** Legally merging two (2) or more recorded parcels into a single parcel.
 - (15) ***Conveyance.*** Where the title or any part thereof is transferred by the execution of a land contract, option to purchase, offer to purchase and acceptance, deed or certified survey.
 - (16) ***Cul-de-sac.*** A local street having but one (1) end open to traffic and the other end being permanently terminated in a vehicular turnaround.
 - (17) ***Dead End Street.*** A street permanently or temporarily closed at one end, with or without turnarounds.

- (18) **Development.** Residential, commercial, industrial, governmental and institutional development in sufficient concentrations or densities to require a variety and high level of traditional urban services and facilities including, but not limited to: full- or part-time municipal police and fire protection, and community administration; additional public streets and highways; neighborhood parks and playgrounds; neighborhood schools; local libraries; public sanitary sewer facilities, public water supply facilities, and public solid waste removal; storm sewers; continual street maintenance; curbs, gutters, and sidewalks; street lighting; and neighborhood convenience shopping. Such development may be expected to alter or require the alternating of land and land cover and have detrimental impact on the ground and surface waters.
- (19) **Division of Land.** A division of a lot, parcel or tract of land by the owner thereof or the owner's agent for any purpose, including sale, development, foreclosure or condemnation.
- (20) **Drainageway.** An open area of land, either in an easement or dedicated right-of-way, the primary purpose of which is to carry storm water on the ground surface in lieu of an enclosed storm sewer. Drainageways may serve multiple purposes in addition to their principal use including, but not limited to, maintenance, bicycle and pedestrian traffic, sanitary sewers, water mains, storm sewers, storm water detention, park development, and other related uses. (Also referred to as "greenways").
- (21) **Easement.** The area of land set aside or over or through which a liberty, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.
- (22) **Extraterritorial Plat Approval Jurisdiction.** The unincorporated area within one and one-half (1-1/2) miles of a fourth-class city or a village and within three (3) miles of all other cities. Wherever such statutory extraterritorial powers overlap with those of another city or village, the jurisdiction over the overlapping area shall be divided on a line all points of which are equidistant from each community so that not more than one (1) community exercises extraterritorial powers over any area.
- (23) **Floodlands.** Those lands, including the floodplains, floodways, and channels, subject to inundation by the one hundred (100) year recurrence interval flood or, where such data is not available, the maximum flood of record.
- (24) **Final Plat.** The final map, drawing or chart on which the sub-divider's plan of subdivision is presented for approval and which, if approved, will be submitted to the County Register of Deeds.
- (25) **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.
- (26) **Half Street.** A street, either existing as or proposed to be, half of the required right-of-way width with the intention that the adjoining half will be platted at the time the adjoining lands are subdivided; or an existing street, of which, due to reasons of ownership, only half of the right-of-way is within the boundaries of a proposed land division or annexation.
- (27) **High Groundwater Elevation.** The highest elevation to which subsurface water rises. This may be evidenced by the actual presence of water during wet periods of the year, or by soil mottling during drier periods. "Mottling" is a mixture or variation of soil colors. In soils with restricted internal drainage, gray, yellow, red, and brown colors are intermingled giving a multi-colored effect.
- (28) **High Water Elevation (Surface Water).** The average annual high water level of a pond, stream, lake, flowage, or wetland referred to an established datum plane or, where such elevation is not available, the elevation of the line up to which the presence of the water

- is so frequent as to leave a distinct mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic, geologic, or vegetative characteristic.
- (29) ***Impervious Lot Area.*** Roof areas, gravel bituminous surfaces, sidewalks, decks or other hard surface areas.
- (30) ***Improvement, Public.*** Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip or other facility for which the City may ultimately assume the responsibility for maintenance and operation.
- (31) ***Local Street.*** A street of little or no continuity designed to provide access to abutting property and leading into collector streets.
- (32) ***Lot.*** A parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this Chapter and any applicable zoning ordinance.
- (33) ***Lot, Area.*** The area contained within the exterior boundaries of a lot excluding streets, and land under navigable bodies of water.
- (34) ***Lot, Corner.*** A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of one hundred thirty-five degrees (135°) or less, measured on the lot side.
- (35) ***Lot Depth.*** The average dimension of a parcel measured from the rear lot line to the front lot line along each side yard setback.
- (36) ***Lot, Double Frontage.*** A lot, other than a corner lot, with frontage on more than one (1) street. Double frontage lots shall normally be deemed to have two (2) front yards and two (2) side yards and no rear yard. Double frontage lots shall not generally be permitted unless the lot abuts an arterial highway. Double frontage lots abutting arterial highways should restrict direct access to the arterial highway by means of a planting buffer or some other acceptable access buffering measure.
- (37) ***Lot Lines.*** The peripheral boundaries of a lot as defined herein.
- (38) ***Lot, Reversed Corner.*** A corner lot which is oriented so that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.
- (39) ***Lot, Through.*** A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a "through lot," both street lines shall be deemed front lot lines.
- (40) ***Lot Width.*** The width of a parcel of land measured along the front building line.
- (41) ***Major Thoroughfare.*** A street used or intended to be used primarily for fast or heavy through traffic. Major thoroughfares shall include freeways, expressways and other highways and parkways, as well as arterial streets.
- (42) ***Master Plan.*** An extensively developed plan, map, or other document pertaining to planning and adopted by the Common Council or other City agency which may pertain to the division of lands, including the Comprehensive Plan, Smart Growth Plan, the Official Map, comprehensive utility plans, and other planning documents (if available) including proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as ordinances pertaining to zoning, official map, land division, and building development and capital improvement plans shall be considered as planning documents within this definition.
- (43) ***Minor Land Division (Certified Survey Map).*** 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 of building sites, anyone of which is less than thirty-five (35) acres in size; or the division of

- a block, lot or outlot within a recorded subdivision. A certified survey map may be used to change the boundaries of lots and outlots within a recorded plat or recorded, certified survey map if the redivision does not result in a subdivision or violate a local subdivision regulation. A certified survey map may not alter the exterior boundary of a recorded plat, areas previously dedicated to the public or a restriction placed on the platted land by covenant, by grant of an easement or by any other manner.
- (44) **Minor Street.** A street used, or intended to be used, primarily for access to abutting properties; also referred to as a "local street."
 - (45) **National Map Accuracy Standards.** Standards governing the horizontal and vertical accuracy of topographic maps and specifying the means for testing and determining such accuracy, endorsed by all federal agencies having surveying and mapping functions and responsibilities.
 - (46) **Navigable Stream.** Any stream capable of floating any boat, skiff, or canoe of the shallowest draft used for recreational purposes.
 - (47) **Official Map.** A map indicating the location, width, and extent of existing and proposed streets, highways, drainageways, parks, playgrounds, and other facilities, as adopted by the Common Council pursuant to the Wisconsin Statutes.
 - (48) **Outlot.** A parcel of land, other than a lot, so designated on a plat or certified survey and which is not intended for building or structure development, in the proposed land division.
 - (49) **Owner.** Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these, having any pecuniary interest in lands regulated by this Chapter.
 - (50) **Parcel.** Contiguous lands under the control of a sub-divider whether or not separated by a combination of streets, exterior subdivision boundary lines, streams, or other water bodies.
 - (51) **Person.** Includes the plural as well as the singular and may mean any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity.
 - (52) **Planned Unit Development or PUD.** A form of development usually characterized by a unified site design for a number of housing units. The concept usually involves clustering of buildings, providing common open space, and mixing different types of housing (single family, duplexes, and multi-family). Ordinances permitting planned unit developments permit planning a project and calculating densities for the entire development rather than on an individual lot by lot basis. It is hereby declared that regulating planned unit developments requires greater involvement of public officials in site plan review and development aspects of both zoning and land division regulation since such developments require exceptions from both types of regulation.
 - (53) **Pedestrian Pathway.** A public way, usually running at right angles to streets, which is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.
 - (54) **Plat.** The map, drawing or chart on which the sub-divider's plat of subdivision is presented to the City for approval.
 - (55) **Preliminary Plat.** The Preliminary Plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Plan Commission for its consideration as to compliance with the Comprehensive Plan (if one is adopted) and these regulations along with required supporting data.
 - (56) **Protective Covenants.** Contracts entered into between private parties or between private parties and public bodies pursuant to Sec. 236.293, Wis. Stats., which constitute a restriction on the use of all private or platted property within a sub-division for the

- benefit of the public or property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.
- (57) **Public Way.** Any public road, street, highway, walkway, drainageway, or part thereof.
- (58) **Replat.** The process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.
- (59) **Residential Dwelling Unit or Dwelling Unit.** A single family dwelling or part of a duplex, apartment, or other multiple family dwelling occupied by one (1) family or one (1) distinct set of inhabitants or occupants.
- (60) **Right-at-Way.** A public way dedicated to the public for its intended use.
- (61) **Sewer Service Area.** If the City adopts such a classification, that portion of the City and the area within its extraterritorial jurisdiction which has been designated by the Common Council as the area to which services required in urban areas shall be provided in a planned and orderly process, particularly those facilities which are placed on or in the land as part of the urban development process. Such services include, but are not limited to, public sanitary and storm sewers, water supply and distribution system, streets and highways.
- (62) **Shorelands.** Those lands within the following distances: one thousand (1,000) feet from the high-water elevation of navigable lakes, ponds and flowages or three hundred (300) feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.
- (63) **Soil Mapping Unit.** Soil type, slope, and erosion factor boundaries as shown on the operational soil survey maps prepared by the U.S. Soil Conservation Service.
- (64) **Street.** A public way for pedestrians and vehicular traffic and utility access including but not limited to highways, thoroughfares, parkways, through highways, roads, avenues, boulevards, lanes, places, and courts, and any pavements, turf, fixtures, facilities, structures, plantings, signs, and other elements of the right-of-way.
- (65) **Structure.** Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground, excepting public utility fixtures and appurtenances.
- (66) **Sub-divider.** Any person, firm, corporation, agent, partnership, or entity of any sort, which divides or proposes to divide, by plat, minor subdivision, certified survey, or replat land in any manner, including such heirs and assigns as may be responsible for the obligations of the sub-divider under the provisions of this Chapter.
- (67) **Subdivision.** Subdivision is a division of a lot, parcel or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development where:
- a. The act of division creates five (5) or more parcels, lots or building sites of thirty-five (35) acres each or less in area; or
 - b. Five (5) or more parcels, lots or building sites of thirty-five (35) acres each or less in area are created by successive divisions within a period of five (5) years.
- (68) **Surety Bond.** A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the sub-divider.
- (69) **Wetlands.** An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. (Sec. 23.32(1), Wis. Stats.)
- (70) **Wisconsin Administrative Code.** The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system, as directed by Sec. 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent

amendments to those rules.

Sec. 14-1-11 through Sec. 14-1-19 Reserved for Future Use.

Article C: General Provisions

Sec. 14-1-20 General Provisions.

- (a) **Compliance.** No person shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, land division, land conveyance, consolidation, or a replat as defined herein; no such subdivision, land division, land conveyance, consolidation, or replat shall be entitled to recording; and no street shall be laid out, nor improvements made to land, nor building permits issued for any land division without compliance with all requirements of this Chapter and the following:
- (1) The provisions of Ch. 236 and Sec. 80.08, Wis. Stats.
 - (2) The rules of the Division of Plumbing, Wisconsin Department of Commerce, contained in Wis. Adm. Code Chapter H85 for subdivisions not served by public sewer.
 - (3) The rules of the Division of Highways, Wisconsin Department of Transportation contained in Wis. Adm. Code Chapter HY 33 for subdivisions which abut a state trunk highway or connecting street.
 - (4) The rules of the Wisconsin Department of Natural Resources contained in the Wis. Adm. Code for the Floodplain Management Program, and the Shoreland/Wetlands Management Program.
 - (5) Comprehensive plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the Common Council.
 - (6) All applicable local and county regulations, including zoning, sanitary, building and official mapping ordinances.
 - (7) The City of Westby Comprehensive Plan ("Smart Growth Plan") and Official Map, or components thereof, if adopted:
 - a. Pursuant to Sec. 66.1001, Wis. Stats., land division determinations shall be consistent with the local Comprehensive Plan.
 - b. Whenever a parcel to be subdivided embraces any part of a street, highway or greenway designated in said Comprehensive Plan or Official Map, such part of such proposed public way shall be platted and dedicated by the sub-divider in the location and at a width indicated along with all other streets in the subdivision.
 - c. Where a proposed school site or other public ground shown on the Comprehensive Plan or Official Map of the City of Westby is located in whole or in part within the proposed subdivision, such proposed public ground or park shall be dedicated to the public when dedication is required by this Chapter or reserved for a period of up to five (5) years from the date of approval of the final plat for acquisition by the City of Westby, Vernon County, or any other appropriate agency having the authority to purchase said property. The City, or other agency having the authority to purchase said property, and the sub-divider shall enter into an agreement which provides for the purchase of the lands held in reserve prior to the conclusion of the five (5) year period.
 - (8) All applicable rules contained in the Wisconsin Administrative Code not listed in this Subsection.
 - (9) The City's water rules are on file with the Public Service Commission of the State of Wisconsin concerning water installations and services. These rules are incorporated herein by reference and made a part hereof as though fully set forth herein.
- (b) **Jurisdiction; Extra-Territorial Plat Approval Jurisdiction.** Jurisdiction of these regulations shall include all lands within the corporate limits of the City as well as pertinent unincorporated areas within areas of statutory extraterritorial jurisdiction. The City of Westby, as a Fourth Class

City, has elected to approve plats under its extraterritorial plat approval jurisdiction as provided in Chapter 236 and Section 66.23 of Wisconsin Statutes. The provisions of this Chapter, as they apply to divisions of tracts of land into less than five (5) parcels, shall not apply to:

- (1) Transfers of interests in land by will or pursuant to court order;
 - (2) Leases for a term not to exceed ten (10) years, mortgages or easements;
 - (3) Sale or exchange of parcels of land between adjoining property owners or where not more than one (1) additional lot is created and said lot is not less than the minimum size required by applicable laws or ordinances. No more than one (1) lot may be created in this fashion within a one (1) year period.
- (c) **Certified Survey.** Any division of land other than a subdivision as defined in Sec. 236.02(8), Wis. Stats., shall be surveyed and a certified survey map prepared as provided in Sec. 236.34, Wis. Stats.
- (d) **Compliance; Issuance of Permits.** The City of Westby shall not recognize, and no building or other permits shall be issued by the City authorizing the building on, occupancy, or improvement of any parcel of land not on record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been fully complied with and a resolution approving the land division has been adopted by the Common Council of the City.
- (e) **Applicability to Condominiums.** This Chapter is expressly applicable to condominium developments within the City's jurisdiction, pursuant to Sec. 703.27(1), Wis. Stats. For purposes of this Chapter, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a lot or parcel created by the act of subdivision.
- (f) **Recording of Plats or Certified Surveys.** Plats and certified surveys, approved by the Common Council of the City of Westby, must be recorded together with the adopting resolution, with the Vernon County Register of Deeds within thirty (30) days of the date of the last resolution of approval and not later than six (6) months following the date of the first resolution of approval. Land divisions shall not be recognized by the City until recorded with the Register of Deeds. The volume, page, and document numbers of the recording, shall be filed with the City Clerk-Treasurer and Building Inspector prior to issuance of any permits. The sub-divider shall file six (6) certified copies of the approved land division with the City Clerk-Treasurer.

Sec. 14-1-21 Land Suitability.

- (a) **Suitability.** No land shall be subdivided for residential, commercial or industrial use which is held unsuitable for such use by the Common Council, upon the recommendation of the Planning 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 Common Council, 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 the proposed use and afford the sub-divider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter the Common Council, upon the recommendation of the Planning Commission, may affirm, modify, or withdraw its determination of unsuitability.
- (b) **Existing Flora.** The sub-divider shall make every effort to protect and retain all existing trees, especially with a trunk diameter of six (6) inches or more, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, possibly including the preservation of trees by well islands or retaining walls whenever abutting grades are altered, pursuant to a landscaping plan filed by the sub-divider.

- (c) **Miscellaneous Provisions.** City officials shall also consider, but not be limited to, the following items in determining land suitability:
- (1) **Floodlands.** No lot served by public sanitary sewer facilities shall have more than fifty percent (50%) of its required lot area below an elevation at least two (2) feet above the elevation of the one hundred (100) year recurrence interval flood, or where such data is not available, five (5) feet above the maximum flood of record.
 - (2) **Lands Having a Slope** of twenty percent (20%) or more shall be maintained in permanent open space use. No lot shall have more than fifty percent (50%) of its minimum required area in slopes of ten percent (10%) or greater.
- (d) **Application of Standards By Plan Commission.** The City Planning 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 unsuitable for residential use and afford the sub-divider an opportunity to present evidence in rebuttal to such finding of unsuitability if he/she so desires. Thereafter the Planning Commission may affirm, modify, or withdraw its determination of unsuitability.

Sec. 14-1-22 Condominium Developments.

- (a) **Purpose.**
- (1) The City of Westby Common Council hereby finds that certain issues arise in condominium developments that require limited applicability of this Chapter to condominium developments. The State Legislature has recognized that subdivision ordinances may apply to condominiums but that subdivision ordinances shall not impose burdens upon condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.
 - (2) The factor that makes this Chapter applicable to a condominium development is the creation of multiple, distinct property entities at or near the ground surface, subject to property taxation as separate "parcels," with each property entity having different ownership and management. The City of Westby determines that this factor makes a condominium development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary ownership, management, and control.
 - (3) Thus, the Common Council hereby finds that new condominium developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into lots. These impacts include:
 - a. Additional population density.
 - b. Possibility of use of particular land in a manner unsuitable to the land's characteristics.
 - c. Additional demands upon City of Westby area parks, recreation areas, utility facilities and schools.
 - d. Additional traffic and street use.
- (b) **Portions of Chapter Applicable to Condominium Developments.** The following Sections of this Chapter shall apply to condominium developments:
- (1) Section 14-1-21 relating to land suitability and construction practices.
 - (2) Sections 14-1-30 through 14-1-33 relating to preliminary and final plat approval. The technical requirements for preliminary plats set forth in Section 14-1-40 shall not apply, since condominiums have separate technical standards set forth in Chapter 703, Wis. Stats.
 - (3) Article I relating to fees for review.
 - (4) Article F relating to required improvements.

- (5) Article G relating to design standards for improvements.
- (6) Article H relating to dedication requirements.
- (c) **Exceptions.** This Section shall not apply to the following condominiums:
 - (1) Any condominium plat recorded prior to the effective date of this Chapter.
 - (2) Any conversion of a structure or structures in existence on the effective date of this Chapter to a condominium after the effective date of this Chapter.

Sec. 14-1-23 Homeowner, Property Owner or Condominium Associations.

Common areas or facilities within a land division or condominium shall be held in common ownership as undivided proportionate interests by the members of a homeowners, property owners or condominium association, subject to the provisions set forth herein. The homeowners, property owners or condominium association shall be governed by the following:

- (a) **Documents To Be Submitted.** The sub-divider shall provide the City of Westby with a description of the homeowners, property owners or condominium association, including its bylaws, and all documents and restrictive covenants governing maintenance requirements and use restrictions for common areas and facilities. These documents shall be subject to review as to form by the City Attorney at the sub-divider's expense. The documents required by this Section shall be filed with the City at the time of preliminary plat submittal.
- (b) **Timetable For Creation.** The association shall be established by the owner or applicant of the land division/condominium, and such association shall be operating prior to the sale of any lots or units in the subdivision, land division or condominium.
- (c) **Mandatory Membership.** Membership in the association shall be mandatory and on-going for all purchasers of lots or units within the subdivision, land division or condominium and their successors and assigns.
- (d) **Maintenance Responsibilities.**
 - (1) The association shall be responsible for maintenance of and insurance for common areas and facilities. Included in such responsibilities is on-going maintenance of any stormwater detention/retention system facilities or shared community private septic system for that subdivision or condominium, pursuant to a maintenance plan approved by the City and incorporated in the development agreement; such requirement is only inapplicable where the City of Westby has expressly determined to have, in the alternative, the City maintain such facilities and areas.
 - (2) The members of the association shall share equitably the costs of maintaining, insuring, and operating common areas and facilities. The sub-divider shall arrange with the City a method of assessment of any common areas and facilities which will allocate to each lot, parcel or unit within the land division or condominium a share of the total assessment of costs for such common areas and facilities; the services of the City Assessor or City Engineer may be utilized in developing such methodology, at the sub-divider's expense.
- (e) **Plan For Natural Areas.** A land stewardship plan for any common open space or prairies to be maintained in a natural state shall be included in the submittal of association documents.
- (f) **Notice Of Transfer Of Common Areas.** The City of Westby shall receive written notice of any proposed transfer of common areas or facilities by the association or the assumption of maintenance of common areas or facilities. Such notice shall be given by the association to all members of the association and the City at least thirty (30) days prior to such transfer.
- (g) **Failure To Maintain.** In the event that the association established to own and maintain common areas and facilities, or any successor organization thereto, fails to properly maintain all or any portion of the aforesaid common areas or facilities, the City may serve written notice upon such

association setting forth the manner in which the association has failed to maintain the aforesaid common areas and facilities. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the association, or any successor association, shall be considered in violation of this Chapter, in which case the City of Westby shall have the right to enter the premise and take the needed corrective actions. The costs of corrective actions by the City of Westby shall be assessed against the properties that have the right of enjoyment of and/or are served by the common areas and facilities.

Cross-Reference: Section 14-1-74.

Sec. 14-1-24 through Sec. 14-1-29 Reserved for Future Use.

Article D: Plat Review and Approval

Sec. 14-1-30 Preliminary Consultation.

- (a) Before filing of an application for the approval of a Preliminary Plat or certified survey map, the sub-divider is encouraged to submit a conceptual plan and to consult with City of Westby staff for advice regarding general subdivision requirements. Information on meeting dates, agenda deadlines and filing requirements may be obtained from the City Clerk-Treasurer. The conceptual plan would show the relationship of the proposed subdivision or certified survey to traffic arteries and existing community facilities. This consultation is neither formal nor mandatory but is intended to inform the sub-divider of the purpose and objectives of these regulations, the Comprehensive Plan, Comprehensive Plan components and plan implementation devices of the City of Westby and to otherwise assist the sub-divider in planning his development. The sub-divider will gain a better understanding of the subsequent required procedures.
- (b) Prior to filing an application for the approval of a Preliminary Plat, the sub-divider shall attend a preliminary consultation meeting with the Planning Commission. The Planning Commission may waive this requirement for small projects.

Sec. 14-1-31 Submission of Preliminary Plat.

- (a) **Submission.** Before submitting a Final Plat for approval, the sub-divider shall prepare a Preliminary Plat and a letter of application. The sub-divider shall submit fifteen (15) copies of the Preliminary Plat. The Preliminary Plat shall be prepared in accordance with the standards of this Chapter, particularly Section 14-1-40, and the sub-divider shall file copies of the Plat and the application as required by this Section with the City Clerk-Treasurer at least thirty (30) days prior to the meeting of the Plan Commission at which action is desired. The City Clerk-Treasurer shall submit copies of the Preliminary Plat to the Plan Commission, and to the City Engineer and City Attorney for review and written report of their recommendations and reactions to the proposed plat. An abstract of title or a registered property report may be requested of this time by the City Attorney for his/her examination and report.
- (b) **Public Improvements.** Simultaneously with the filing of the Preliminary Plat of map, the owner shall file with the City Clerk-Treasurer a concept report addressing sewer and water service feasibility, drainage facilities and centerline profiles showing streets in the sub-division.
- (c) **Property Owners Association; Restrictive Covenants.** A draft of the legal instruments and rules for proposed property owners associations, when the sub-divider proposes that common property within a subdivision would be either owned or maintained by such an organization of property owners or a subunit of the City pursuant to Sec. 236.293, Wis. Stats., and proposed deed restrictions or restrictive covenants, shall be submitted at the time of filing the Preliminary Plat with the City Clerk-Treasurer.
- (d) **Environmental Assessment.**
 - (1) **Filing Requirement.** An Environmental Assessment Checklist (Appendix A) shall be completed by the sub-divider for review by the Planning Commission with the Preliminary Plat, or preferably as part of the pre-application conference, for any subdivision or land division by certified survey which the City has authority to approve.
 - (2) **Purpose.** The purpose of this Environmental Assessment Checklist is to provide the basis for an orderly, systematic review of the effects of all new subdivisions upon the community environment in accordance with the principles and procedures of Wisconsin Statutes set for local subdivision regulation. The Planning Commission will use these procedures in determining land suitability. The goals of the community in requiring this

checklist are to eliminate or reduce pollution and siltation to an acceptable standard, assume ample living space per capita, preserve open space and parks for recreation, provide adequately for stormwater control, maintain scenic beauty and aesthetic surroundings, administer to the economic and cultural needs of the citizens and provide for the effective and efficient flow of goods and services.

- (2) **Coverage.** The Environmental Assessment Checklist shall apply to all reviewable subdivisions, and land divisions by certified survey. The Planning Commission may waive the requirement for the filing of an Environmental Assessment Checklist for land divisions by certified survey of less than five (5) acres total area.
 - (3) **Preliminary Checklist for Environmental Assessment of Plats, Land Divisions and Community Development Plans.** An Environmental Assessment Checklist form as required under this Subsection is available from the City Clerk-Treasurer. The Plan Commission shall review the checklist annually.
- (e) **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 Chapter.
- (f) **Supplementary Data to be Filed with Preliminary Plat.** The following shall also be filed with the Preliminary Plat:
- (1) **Use Statement.** A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population; and
 - (2) **Zoning Changes.** If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions; and
 - (3) **Area Plan.** Where the sub-divider owns property adjacent to that which is being proposed for the subdivision, the sub-divider shall comply with the requirements of Section 14-1-40(a)(5) for the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions.
- (g) **Street Plans and Profiles.** The sub-divider shall provide preliminary street profiles showing existing ground surface, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested.
- (h) **Soil Testing.** The sub-divider may be required to provide a preliminary soils report, listing the types of soil in the proposed subdivision, their effect on the subdivision and a proposed soil testing and investigation program. Pursuant to the public policy concerns prescribed in Section 14-1-21, the City Engineer may, in addition, 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. A minimum of one boring per thousand feet of centerline street to a minimum depth of fifteen (15) feet is required.
- (i) **Referral to Other Agencies and Utilities.**
- (1) **Utilities.** The sub-divider shall also forward a copy to the local electric, gas, cable television and telephone utilities. When the sub-divider expects the City to act as the transmitting authority in accordance with Sec. 236.12, Wis. Stats., the application shall state that the transmittal responsibility lies with the City of Westby, shall contain a list of the other authorities to which the plat must be submitted, and shall be accompanied by such additional fees and copies of the plat as are necessary to be transmitted to such authorities.
 - (2) **State Agencies.** The sub-divider shall, within two (2) days after the filing of the Preliminary Plat with City Clerk-Treasurer, transmit copies to the Director of the

Planning Function in the Wisconsin Department of Administration, additional copies to the Director of the Planning Function for retransmission of copies to the Wisconsin Commerce of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street, and an adequate number of copies to the Planning Commission. The Wisconsin Department of Administration and the Wisconsin Department of Transportation shall be hereinafter referred to as objecting agencies. The City Clerk-Treasurer shall also transmit a copy of the Preliminary Plat to other affected City boards, commissions or departments for their review and recommendations concerning matters within their jurisdiction. The sub-divider shall provide written verification to the City that these submittals have been made.

- (3) **Action by Outside Agencies.** Within twenty (20) days of the date of receiving the copies of the Preliminary Plat, any state or county agency having authority to object under Subsection (h) (1) above shall notify the sub-divider and all approving or objecting authorities of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover, or, if all objections have been satisfied, it shall so certify on the face of a copy of the plat and return that copy to the approving authority from which it was received. The plat shall not be approved or deemed approved until any objections have been satisfied. If the objecting agency fails to act within the twenty (20) day limit, it shall be deemed to have no objection to the plat. The recommendations of City agencies shall also be transmitted to the Plan Commission within twenty (20) days from the date the plat is filed.

Sec. 14-1-32 Preliminary Plat Review and Approval.

- (a) **Advisory Plan Commission Review.** After review of the Preliminary Plat and negotiations with the sub-divider on changes deemed advisable and the kind and extent of public improvements which will be required, the Planning Commission shall, within sixty (60) days of the date the plat was filed with the City Clerk-Treasurer, make a recommendation to approve, approve conditionally or reject such plat and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by agreement with the sub-divider. The Planning Commission may obtain an extension of time from the sub-divider by which the Planning Commission must act on said Plat from the developer (this procedure is recommended in those cases where objections are made to the layout, design or similar aspects of said Preliminary Plat and there is insufficient time in which said corrections may be made by the sub-divider and resubmitted to the Planning Commission for action). The sub-divider shall be notified in writing of any conditions for approval or the reasons for rejection. The recommendations of the Planning Commission shall be submitted to the Common Council for approval.
- (b) **Council Action.** After receipt of the Planning Commission's recommendation, the Common Council shall, within ninety (90) days of the date the plat was filed with the City Clerk-Treasurer, approve, approve conditionally or reject such plat and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by agreement with the sub-divider. Failure of the Common Council to act within ninety (90) days or extension thereof shall constitute an approval of the Preliminary Plat, unless other authorized agencies object to the plat. The City Clerk-Treasurer shall communicate to the sub-divider the action of the Common Council. If the Preliminary Plat is approved, the City Clerk-Treasurer shall endorse it for the Common Council.
- (c) **Effect of Preliminary Plat Approval.** Approval or conditional approval of a Preliminary Plat shall entitle the Final Plat to approval provided the Final Plat conforms substantially to the Preliminary Plat, including any conditions of that approval, conforms to applicable local plans

and ordinances, and is submitted within thirty-six (36) months of the last required approval of the Preliminary Plat. If the Preliminary Plat is approved, the Final Plat must be approved by the Common Council within thirty-six (36) months or the Preliminary Plat approval is void. Previous Preliminary Plat approvals shall not constitute grounds for approval upon resubmission.

- (d) **Preliminary Plat Amendment.** Should the sub-divider desire to amend the Preliminary Plat as approved, he may resubmit the amended plat which shall follow the same procedure outlined herein, unless the amendment is, in the opinion of the Planning Commission, of such scope as to constitute a new plat, in which such case it shall be refiled.

Sec. 14-1-33 Final Plat Review and Approval.

(a) **Filing Requirements.**

- (1) The sub-divider shall prepare a Final Plat and a letter of application in accordance with this Chapter and shall file fifteen (15) copies of the Plat and the application with the City Clerk-Treasurer at least twenty-one (21) days prior to the meeting of the Planning Commission at which action is desired. The owner or sub-divider shall file twenty (20) copies of the Final Plat not later than thirty-six (36) months after the date of approval of the Preliminary Plat; otherwise, the Preliminary Plat and Final Plat will be considered void unless an extension is requested in writing by the sub-divider and for good cause granted by the City of Westby. The owner or sub-divider shall also submit at this time a current certified abstract of title or registered property report and such other evidence as the City Attorney may require showing title or control in the applicant. A written transmittal letter shall identify all substantial changes that have been made to the plat since the Preliminary Plat. When the sub-divider expects the City to act as the transmitting authority in accordance with Sec. 236.12, Wis. Stats., the application shall state that transmittal responsibilities lie with the City and shall contain a list of the other authorities to which the plat must be subjected and shall be accompanied by such additional fees and copies of the plat as are necessary to be transmitted to such authorities. [Note: The City of Westby prefers that the sub-divider be the party responsible for transmitting the plat to outside agencies.]
- (2) If the City is acting as the transmitting authority, the City Clerk-Treasurer shall, within two (2) days after filing, transmit copies to the Director of the Planning Function in the Wisconsin Department of Administration, additional copies to the Director of the Planning Function for retransmission of copies to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street, copies to all affected City boards, commissions and committees, and the original Final Plat and adequate copies to the Planning Commission. The Wisconsin Department of Administration and the Wisconsin Department of Transportation shall be hereinafter referred to as objecting agencies.
- (3) The Final Plat shall conform to the Preliminary Plat as approved and to the requirements of all applicable ordinances and state laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided by Sec. 236.12(2).
- (4) The City Clerk-Treasurer shall refer two (2) copies of the Final Plat to the Planning Commission, one (1) copy to the City Engineer, one (1) copy to the City Attorney, and a copy each to the telephone and power and other utility companies. The proposed developer's agreement and abstract of title or registered property report and Final Plat shall be referred to the City Attorney for his/her examination and report. The City Clerk Treasurer shall also refer the proposed developer's agreement and final plans and specifications for public improvements required by this Chapter to the City Engineer for

review. The recommendations of the Planning Commission, City Attorney, and City Engineer shall be made within thirty (30) days of the filing of the Final Plat. The City Engineer shall examine the plat or map and final plans and specifications of public improvements for technical details and, if he/she finds them satisfactory, shall so certify in writing to the Planning Commission. If the plat or map or the plans and specifications are not satisfactory, the City Engineer shall return them to the owner and so advise the Planning Commission.

(b) **Planning Commission Review.**

- (1) The Planning Commission shall examine the Final Plat as to its conformance with the approved Preliminary Plat, any conditions of approval of the Preliminary Plat, this Chapter and all applicable 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 Common Council.
- (2) The objecting state agencies shall, within twenty (20) days of the date of receiving their copies of the Final Plat, notify the sub-divider and all other approving and objecting agencies of any objections, except that the Wisconsin Department of Administration has thirty (30) days in which to make 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 City of Westby. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat.
- (3) The Final Plat shall be examined by the City Engineer, City Planner, City Attorney or other qualified staff to determine whether the Final Plat conforms substantially to the Preliminary Plat. Any such conclusions shall be made a part of the record of any meeting at which the Final Plat is considered, pursuant to Section 236.11 (1)(e), Wis. Stats.
- (4) If the Final Plat is not submitted within thirty-six (36) months of the last required approval of the Preliminary Plat, the Plan Commission may refuse to make a recommendation and advance the Final Plat and the Common Council may refuse to approve the Final Plat.
- (5) The Plan Commission shall, within forty-five (45) days of the date of filing of the Final Plat with the City Clerk-Treasurer, recommend approval, conditional approval or rejection of the Plat and shall transmit the Final Plat and application along with its recommendations to the Common Council. The Planning Commission may hold the matter in abeyance if there is incomplete or inadequate information, provided the timetables in Subsection (c) below are complied with.

(c) **Council Review and Approval.**

- (1) a. The Common Council shall, within sixty (60) days of the date of filing the original Final Plat with the City Clerk-Treasurer.
 1. Approve the Final Plat.
 2. Approve the Final Plat with conditions.
 3. Reject the Final Plat with reasons.
 4. Obtain a written agreement from the developer extending the time in which the Common Council must act on the Final Plat (this method is recommended in those cases in which objections are made to the layout, design or similar aspects of said Final Plat and there is insufficient time for said corrections to be made and resubmitted to by the developer to the Council for action).
- b. 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 sub-divider.
- c. The Common Council may not inscribe its approval on the Final Plat unless the

City Clerk-Treasurer 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.

- (2) The Common Council shall, when it determines to approve a Final Plat, give at least ten (10) days' prior written notice of its intention to the Municipal Clerk of any municipality within one thousand (1,000) feet of the Final Plat.
 - (3) Failure of the Common Council 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. In the case of time extensions, the Common Council and applicant must mutually agree upon such extension.
- (d) **Recordation.**
- (1) After the Final Plat has been approved by the Common Council, required improvements are either installed or a contract and sureties insuring their installation is filed, all outstanding special assessments have been made, and park and recreation fees required by this Chapter have been paid to the City, the City Clerk-Treasurer shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the Plat returned to the sub-divider for recording with the county register of deeds. Recording fees shall be paid by the sub-divider.
 - (2) The sub-divider has filed proof of recording of all deed restrictions, covenants, agreements or other documents required to be recorded with the Register of Deeds as a condition of approval. In the event any such document may not be recorded prior to the recording of the Plat, the sub-divider shall provide duplicate originals of all such documents along with written authorization for the City to record such documents, at the sub-divider's expense, in the event they are not recorded at the same time as the Final Plat.
- (e) **Final Copies.** The sub-divider shall file ten (10) copies of the Final Plat as approved with the City Clerk-Treasurer for distribution to the approving agencies, affected utilities and other affected agencies for their files. One (1) Mylar copy shall also be filed with the City Clerk-Treasurer.
- (f) **Partial Platting.** The Final Plat may, if permitted by the Planning Commission, constitute only that portion of the approved Preliminary Plat which the sub-divider proposes to record at the time.

Sec. 14-1-34 Land Divisions and Consolidations by Certified Survey Map.

(a) Use of Certified Survey Map.

- (1) **Requirements.** A Certified Survey Map (CSM), prepared and recorded in accordance with Sec. 236.34, Wis. Stats. and the requirements of this Article, and having been approved by the Common Council, may be used in lieu of a subdivision plat to divide or consolidate lands, or dedicate lands, provided that one of the following conditions is met:
 - a. The division or consolidation is of any lot, outlot, parcel, or other lands previously approved by the City of Westby and recorded with the Vernon County Register of Deeds as a subdivision plat, certified survey, or assessor's plat, of any size, which results in not more than four (4) lots, outlots, parcels, or mortgage descriptions, being created by any division or successive division, regardless of any changes in ownership, within any five (5) year period; or
 - b. The division or consolidation is of any lot, outlot, parcel, or other lands previously recorded with the Vernon County Register of Deeds, including those recorded by a metes and bounds description, provided any of the resulting parcels are not less than thirty-five (35) acres in size and which results in not more than four (4) lots, outlots, parcels, or mortgage descriptions, being created by any division or

successive division, regardless of changes of ownership, within any five (5) year period.

- (2) **Application.** The sub-divider shall prepare the Certified Survey Map in accordance with this Chapter and shall file ten (10) copies of the Map and the letter of application with the City Clerk-Treasurer at least fifteen (15) days prior to the meeting of the city Planning Commission at which action is desired.
 - (3) **Comprehensive Plan Consistency.** The Certified Survey Map shall be consistent with the local Comprehensive Plan as required by Sec. 66.101, Wis. Stats.
 - (4) **When Plat is Required.**
 - a. In the event a proposed land division does not meet the above requirements, the proposed land division must be pursued as a subdivision plat.
 - (5) **Required Standards.** The Certified Survey Map shall include the entire original parcels of land owned or controlled by the sub-divider, including those proposed for division or consolidation. The sub-divider shall comply with all requirements of this Chapter including Article G (Design Standards) and Article F (Required Public Improvements) when a certified survey map is used. A certification of the approval of the certified survey map by the Common Council shall be inscribed legibly on the face of the map. A certificate of the City Clerk-Treasurer stating that there are no unpaid special assessments or taxes on the lands shall be included on the certified survey map.
 - (6) **Copies.** The applicant for a land division shall file twenty (20) acceptable reproductions of a certified survey map and a written application requesting approval with the City Clerk-Treasurer.
- (b) **Referral to Plan Commission.** The City Clerk-Treasurer shall, within two (2) normal work days after filing, transmit the copies of the map and letter of application to the Planning Commission.
 - (c) **Review by Other City Agencies.** The City Clerk-Treasurer shall transmit a copy of the CSM to the City Engineer, City Attorney, Director of Public Works and to all affected City boards, commissions or departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Planning Commission within ten (10) days from the date the CSM is filed. The CSM shall be reviewed by the Planning Commission for conformance with this Chapter and all ordinances, rules, regulations, comprehensive plans, comprehensive plan components and neighborhood plans. The applicant shall be required to file at the time of application public improvement plans as required for Final Plats.
 - (d) **Planning Commission Review and Common Council Approval.** The Planning Commission shall, within forty (40) days from the date of filing of the Certified Survey Map, recommend approval, conditional approval or rejection of the CSM and shall transmit the CSM along with its recommendations to the Common Council. The Common Council shall approve, approve conditionally and thereby require resubmission of a corrected CSM or reject such CSM within sixty (60) days from the date of filing of the CSM unless the time is extended by written agreement with the applicant. If the CSM is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the applicant. If the CSM is approved, the Common Council shall cause the City Clerk-Treasurer to so certify on the face of the original CSM and return the CSM to the applicant.
 - (e) **Certified Survey Map Procedure for Zero-Lot Line Duplexes.**
 - (1) **Zoning Determination.** No Certified Survey Map purporting to create lots to accommodate zero-lot line dwellings may be approved and recorded unless the Zoning Administrator first determines that the lots are zoned R-3 Two-Family Residential District, conform to the minimum requirements for zero-lot line duplexes in that District, and properly show existing easements, dedications, and restrictions. This requirement

shall also apply to zero-lot line duplex parcels created by a plat.

- (2) **Required Certified Survey Map Notation.** A Certified Survey Map or plat creating zero-lot line duplex parcels must display the following notation:

“When attached zero-lot line duplex dwelling units are created, matters of mutual concern to the adjacent property owners, due to construction, maintenance and catastrophe, shall be addressed by private covenants and deed restrictions and the approving authorities shall not be held responsible for the same. Both such lots shall be subject to a perpetual easement along and six (6) feet either side of the zero-lot line side property line to allow for normal maintenance of each single family unit and access to sewer and water laterals.”

(f) **Recordation.**

- (1) **Recording with Register of Deeds.** The applicant shall file a copy of the approved Certified Survey Map together with the approving resolution with the County Register of Deeds within thirty (30) days of the date of the last resolution of approval and not later than six (6) months following the date of the first resolution of approval. All recording fees shall be paid by the applicant.

- (2) **Building Permit Issuance.** No building permits shall be issued and no improvements shall be made until the Certified Survey Map is recorded and a document recording number is filed with the City.

- (g) **Copies.** The sub-divider shall file ten (10) copies of the adapted Certified Survey Map with the City Clerk-Treasurer for distribution to the city Engineer, Zoning Administrator, Building Inspector and other affected departments for their files.

Sec. 14-1-35 Replat.

- (a) Except as provided in Section 70.27(1), Wis. Stats., when it is proposed to replat a recorded subdivision, or part thereof, so as to change the exterior boundaries of a recorded subdivision, or part thereof, the sub-divider 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 sub-divider or person wishing to replat shall then proceed, using the approval procedures for Preliminary and Final Plats prescribed in this Article.
- (b) Whenever a Preliminary Plat of a replat is filed, the Planning Commission shall schedule and hold a public hearing before it acts on the plat. Notices of the proposed replat and public hearing shall be published as a Class 3 notice and be mailed at the sub-divider's expense, 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 two hundred (200) feet of the proposed replat.
- (c) Whenever an approved Final Plat is submitted for re-approval within six (6) months of the initial resolution approving the plat, and which is substantially in conformance with the approved plat, and which has not been recorded with the Register of Deeds, said plat shall be reapproved by the Common Council. No Final Plats shall be reapproved by the Common Council following the expiration of the six (6) month period. Such plats shall be submitted as a new plat. All previous approvals shall be null and void and shall have no further bearing on the subsequent review and approval of the plat by the City.
- (d) Where lots are more than double the minimum size required for the applicable zoning district, the Planning Commission may require that such lots be arranged so as to allow re-subdivision of such parcels into normal lots in accordance with the provisions of the Chapter.

Sec. 14-1-36 Determination of Adequacy of Public Facilities and Services.

- (a) A Preliminary Plat, Final Plat or certified survey map shall not be approved unless the Planning Commission and the Common Council determine that adequate public facilities and public services will be available to meet the needs of the proposed land division, that no significant public funds other than those already provided in an adopted capital or operating budget are required, and that the application is consistent with the Comprehensive Plan.
- (b) The applicant shall furnish any data requested by the City Clerk-Treasurer who shall transmit this information to the appropriate commission(s), committee(s) and staff for review; the City Clerk-Treasurer shall act as coordinator of the reports from staff to the Planning Commission and Common Council on the adequacy of water, sanitary and storm sewers, fire service, police, parks and open space and recreation facilities, transportation facilities, traffic counts, and schools.
- (c) Public facilities and public services for a proposed land division may be found to be adequate when the following conditions exist:
 - (1) The proposed land division is located in an urban service area where adequate sewer service is presently available for extension, under construction or designated by the Common Council for extension of sewer service, and funds are specifically provided for such extension either from public or private financing. The Planning Commission and the Common Council shall consider the recommendations of the City Engineer and the appropriate committee(s) on the capacity of trunk lines and of sewerage treatment facilities and any other information presented.
 - (2) The proposed land division is located within an urban service area contiguous to an arterial transmission water main of adequate capacity for the proposed development or if the water distribution system that is needed is under construction or scheduled for construction and funds, either public or private, are available for the program. The Planning Commission and the Common Council shall consider the recommendations from the City's utilities and the City Engineer and the appropriate committee(s) on line capacities, water sources and storage facilities, as well as any other information presented.
 - (3) The City Clerk-Treasurer verifies to the Planning Commission and the Common Council that adequate funds, either public or private, are available to insure the installation of all necessary storm water management facilities.
 - (4) The Director of Public Works can demonstrate to the Planning Commission and the Common Council that street maintenance and refuse collection services, either public or private, are so situated that adequate and timely service can be provided so as not to involve danger or injury to the health, safety or general welfare to the future residents of the proposed land division or existing City residents.
 - (5) The Planning Commission verifies that the future residents of the proposed land division can be assured park, recreation and open space facilities and services which meet the standards of the City's Master Plan.
 - (6) The Police Department, E.M.S. and Fire Department verify that timely and adequate service can be provided to the residents.
 - (7) The proposed land division is accessible by existing or officially mapped, publicly maintained, all-weather roadway system, adequate to accommodate both existing traffic and that traffic to be generated by the proposed land division in accordance with the Official Map and City Standards.
- (d) Where the Planning Commission and the Common Council determine that one (1) or more public facilities or services are not adequate for the proposed development, but that a portion of the area could be served adequately, or that careful phasing of the development could result in all public facilities and public services being adequate, conditional approval may include only such

- portions or may specify phasing of the development.
- (e) No land shall be divided which has been officially mapped as public lands storm water management facility or is determined by the Common Council to be unsuitable for use by reason of flooding, bad drainage, soil or rock formations with severe limitations for development, severe erosion potential or unfavorable topography, or any other feature likely to be harmful to health, safety or welfare of future residents or landowners in the proposed land division or of the community.
 - (f) The above requirements shall not apply to those areas outside the corporate limits of the City of Westby and within the City's extraterritorial limits. Areas within the City capable of being served by public sewer and water shall be required to connect to the City of Westby public water distribution and/or public sewerage system as required by the City Engineer.

Sec. 14-1-37 Procedures and Criteria for Land Divisions Within the Extraterritorial Plat Approval Jurisdiction.

- (a) **Application Required.** No person, firm or corporation shall divide any land located within the one and one-half (1-1/2) mile extraterritorial plat approval jurisdiction of the City of Westby without first filing an application and a certified survey map with the City for approval by the Planning Commission.
- (b) **Pre-application Procedure.**
 - (1) Before filing an application for approval of a certified survey, the sub-divider shall consult with the Planning Commission and shall:
 - a. Prepare a preliminary sketch for review and approval.
 - b. Complete an Environmental Assessment Checklist.
 - (2) This procedure will assist the developer in appraising the objectives of these regulations, the Comprehensive Plan(s), the Official Map(s) and other pertinent City of Westby ordinances.
 - (3) The pre-application information shall be submitted to the Planning Commission for review and approval, fifteen (15) days prior to when the application will be considered.
- (c) **Land Division by Certified Survey Map Procedure.** For land divisions by certified survey map as defined in Section 14-1-34, the procedure for approval by the City shall be as specified in Section 14-1-34. The Planning Commission may require approval of the certified survey map by the pertinent Town Board before acting as specified under this Section.
- (d) **Extraterritorial Land Division Policies.** The following policies shall govern the City Planning Commission in approving division of land within the one and one-half (1-1/2) mile extraterritorial area in order to protect the rural character and farming viability:
 - (1) No subdivisions without public sanitary sewer service as defined in this Chapter except for land divisions by certified survey as referred to in Section 14-1-34 will be permitted within the one and one-half (1-1/2) mile extraterritorial limits of the City of Westby other than those allowed by the pertinent Town regulations.
 - (2) The City of Westby will attempt to seek consistency of locally adopted Town Plans, including Comprehensive Plans.

Sec. 14-1-38 Disclaimers on Approvals.

- (a) The purpose of requiring approvals under this Chapter is to insure the health, safety, morale, comfort, prosperity and general welfare of the City of Westby. This Chapter shall not be interpreted as placing any responsibility or liability on any City official, City employee or the City as a municipal corporation for the granting of approval or the denial of any approval. All

approvals rendered as part of this Chapter shall be considered as being approved conditionally based on the information and circumstances apparent at that time.

- (b) Approvals issued by the City shall not be construed as an assumption or expression of any responsibility, warranty or guarantee for the design or construction of any improvements within the land division.

Sec. 14-1-39 Reserved for Future Use.

APPENDIX A

City of Westby Environmental Assessment Checklist

for Subdivisions and Land Divisions by Certified Survey

All "yes" answers must be explained in detail by attaching maps and supportive documentation describing the impacts of the proposed development.

Land Resources	Yes	No
Does the project site involve (if "yes", how does the developer propose to address the matter?):	_____	_____
A. Changes in relief and drainage patterns (attach a topographic map showing, at a minimum, two (2) foot contour intervals).	_____	_____
B. A floodplain. (If yes, attach two (2) copies of a typical stream valley cross-section showing the channel of the stream, the 100-year floodplains limits and the floodway limits (if officially adopted), of each site of the channel and a cross-section of area to be developed).	_____	_____
C. An area of soil instability -greater than 20% slope and/or organic soils, peats, or mucks at or near the surface.	_____	_____
D. Prime agricultural land (Class I, II or III soils).	_____	_____
E. Wetlands and mapped environmental corridors.	_____	_____
F. Unique physical features or wildlife habitat.	_____	_____
Water Resources		
Does the proposed project involve:	_____	_____
A. Location within the area traversed by a navigable stream or dry run.	_____	_____
B. Lake frontage.	_____	_____
Human and Scientific Interest		
Does the project site involve:	_____	_____
A. An area or buildings of archeological or geological interest.	_____	_____
B. An area of historical interest.	_____	_____
C. An area of buildings or monuments with unique architecture.	_____	_____

D. Unique, uncommon, rare, plants, animal habitats,
old growth, trees significant for research or preservation. _____

Energy, Transportation and Communications

A. Does the development encompass any future street
appearing on the City of Westby Official Map? _____

B. Is the development traversed by an existing or planned
utility corridor (gas, electricity, water, sewer interceptor,
communications, storm sewer)? _____

City Planning

A. Is the development consistent with the City Comprehensive
Plan and other adopted planning documents? _____

Article E: Technical Requirements for Plats and Certified Surveys

Sec. 14-1-40 Technical Requirements for Preliminary Plats.

- (a) **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 mylar or paper of good quality at a scale of not more than one hundred (100) feet to the inch and shall show correctly on its face the following information:
- (1) **Title** under which the proposed subdivision is to be recorded, which name shall not duplicate or be alike in pronunciation of the name of any plat heretofore recorded in the City unless considered an addition to the subdivision.
 - (2) **Legal Description/Location** of the proposed subdivision by government lot, quarter section, township, range, county and state.
 - (3) **Date, Scale and North Point.**
 - (4) **Names, Telephone Numbers, and Addresses** of the owner, and any agent having control of the land, engineer, sub-divider, land surveyor preparing the plat.
 - (5) **Entire Area** contiguous to the proposed plat owned or controlled by the sub-divider shall be required by the Common Council or Plan Commission to be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development. Where a sub-divider owns or controls adjacent lands in addition to those proposed for development at that time, he shall submit a concept plan for the development of the adjacent lands showing streets, utilities, zoning districts, and other information as may affect the review of the Preliminary Plat in question. The City Engineer may waive these requirements where adjacent development patterns have already been established.
- (b) **Plat Data.** All Preliminary Plats shall show the following:
- (1) **Exact Length and Bearing** of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
 - (2) **Locations of all Existing Property Boundary Lines**, structures, drives, streams and water courses, marshes, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto.
 - (3) **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.
 - (4) **Location and Names of any Adjacent Subdivisions**, parks and cemeteries and owners of record of abutting unplatted lands.
 - (5) **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.
 - (6) **Location, Size and Invert Elevation** of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, electric and communication facilities, whether overhead or underground 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 the direction and distance from the tract, size and

- invert elevations.
- (7) **Corporate Limit Lines** within the exterior boundaries of the plat or immediately adjacent thereto.
 - (8) **Existing Zoning** on and adjacent to the proposed subdivision.
 - (9) **Contours** within the exterior boundaries of the plat and extending to the centerline of adjacent public streets to National Map Accuracy Standards based upon Mean Sea Level Datum at vertical intervals of not more than two (2) feet. At least two (2) permanent bench marks shall be located in the immediate vicinity of the plat; the location of the bench marks shall be indicated on the plat, together with their elevations referenced to Mean Sea Level Datum and the monumentation of the bench marks clearly and completely described.
 - (10) **High-Water Elevation** of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom.
 - (11) **Water Elevation** of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom at the date of the survey.
 - (12) **Floodland and Shoreland Boundaries** and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, two (2) feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within one hundred (100) feet therefrom.
 - (13) **Location, Width and Names** of all proposed streets and public rights-of-way such as alleys and easements.
 - (14) **Approximate Dimensions of All Lots** together with proposed lot and block numbers. The area in square feet of each lot shall be provided.
 - (15) **Location and Approximate Dimensions** of any sites to be reserved or dedicated for parks, playgrounds, drainageways or other public use.
 - (16) **Approximate Radii of all Curves.**
 - (17) **Any Proposed Lake and Stream Access** with a small drawing clearly indicating the location of the proposed subdivision in relation to access.
 - (18) **Any Proposed Lake and Stream** improvement or relocation, and notice of application for approval by the Division of Environmental Protection, Department of Natural Resources, when applicable.
 - (19) **Soil Tests and Reports** as may be required by the City Engineer for the design of roadways, storm drainage facilities, on-site sewage disposal systems, erosion control facilities, and/or other subdivision improvements and features.
 - (20) **Design Features.**
 - a. Locations and widths of proposed alleys, pedestrian ways and utility easements.
 - b. Layout numbers and preliminary acreages and dimensions of lots and blocks.
 - c. Minimum front, rear, side, and street yard building setback lines.
 - d. Location and size of proposed sanitary sewer lines and water mains.
 - e. Gradients of proposed streets, including centerline profiles.
 - f. Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.
 - g. Location and description of survey monuments.
 - h. An identification system for the consecutive numbering of all blocks and lots

within the subdivision.

- i. Sites, if any, to be reserved for parks or other public uses.
 - j. Sites, if any, for multi-family dwellings, shopping centers, churches, industry or other non-public uses exclusive of single-family dwellings.
 - k. Provisions for surface water management including both minor and major system components, detention/retention facilities, including existing and post development one hundred (100) year flood elevations, etc.
 - l. Potential re-subdivision and use of excessively deep [over two hundred (200) feet] or over-sized lots must be indicated in a satisfactory manner.
 - m. Any wetlands, floodplains, or environmentally sensitive areas provided for by any local, state or federal law.
- (21) **Where the Common Council, Planning Commission or City Engineer** finds that it requires additional information relative to a particular problem presented by a proposed development in order to review the Preliminary Plat, it shall have the authority to request in writing such information from the sub-divider.
- (c) **Soil and Water Conservation.** The Common Council shall require the sub-divider to provide soil erosion and sedimentation control plans and specifications. Such plans shall generally follow the guidelines and standards set forth in the latest revision of publication WR-222, *Wisconsin Construction Site Best Management Practice Handbook*, as prepared' by the Wisconsin Department of Natural Resources Bureau of Water Resources Management Nonpoint Source and Land Management Section.
- (d) **Additional Information.** The Common Council, Planning Commission and/or City officials may require a proposed subdivision layout of all or part of the contiguously owned land even though division is not planned at the time.

Sec. 14-1-41 Technical Requirements for Final Plats.

- (a) **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, Wis. Stats., and this Chapter.
- (b) **Additional Information.** The Final Plat shall show correctly on its face, in addition to the information required by Section 236.20, Wis. Stats., the following: .
- (1) **Exact Length and Bearing** of the center line of all streets.
 - (2) **Exact Street Width** along the line of any obliquely intersecting street.
 - (3) **Exact Location and Description** of lighting utility easements.
 - (4) **Railroad Rights-of-Way** within and abutting the plat.
 - (5) **All Lands Reserved** for future public acquisition or reserved for the common use of property owners within the Plat.
 - (6) **Special Restrictions** required by the Common Council, upon the recommendation of the Planning Commission, relating to access control along public ways or to the provision of planting strips.
 - (7) **Taxes.** Certifications by attached information showing that all taxes and special assessments currently due on the property to be subdivided have been paid in full.
 - (8) **Drainage Flows.** The sub-divider shall cause to be set upon the final plat arrows indicating the directions of drainage flows for each property line not fronting on a street on all parcels and along each street as will result from the grading of the site, the

construction of the required public improvements, or which are existing drainage flows and will remain. The arrows indicating the directions of flows shall be appropriately weighted so as to differentiate between the minor and major [one hundred (100) year event] drainage components. The arrows shall be accompanied on the plat with the following note:

Arrows indicate the direction of drainage flows in various components resulting from site grading and the construction of required public improvements. The drainage flow components located in easements shall be maintained and preserved by the property owner.

- (9) **Groundwater Presence.** Where the ground water table is equal to or less than nine (9) feet from the proposed street centerline elevation, the sub-divider shall place the following note on the plat:

Subsoil information indicates the presence of ground water conditions that may require basement elevations on Lot(s) _____ to be at elevation _____ or higher, or that a modified structural plan of the structure's foundation shall be submitted to the Building Inspector for approval with the application for a Building Permit as required information.

The elevation of the basement as described in the paragraph to be placed on the plat shall be a minimum of two (2) feet higher than the elevation of the ground water table.

- (10) **Dimensions of Lot Lines** shall be shown in feet and hundredths; no ditto marks shall be permitted. When lot lines are not at right angles to the street right-of-way line, the width of the lot shall be indicated at the building setback line in addition to the width of the lot at the street right-of-way line.

- (11) **A Numbered Identification System** for all lots and blocks.

- (c) **Deed Restrictions.** Restrictive covenants and deed restrictions for the proposed subdivision shall be filed with the Final Plat.

- (d) **Property Owners Association.** The legal instruments creating a property owners association for the ownership and/or maintenance of common lands in the subdivision shall be filed with the Final Plat.

- (e) **Survey Accuracy.**

- (1) **Examination.** The Common Council and Planning Commission, or their designees, shall examine all Final Plats within the City of Westby and may check for the accuracy and closure of the survey, the proper kind and location of monuments, and legibility and completeness of the drawing.

- (2) **Maximum Error of Closure.** 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 five thousand (1:5,000), nor in azimuth, four (4) seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until 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.

- (3) **Street, Block and Lot Dimensions.** 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 checks disclose an error for any interior line of the plat greater than the ratio of one part in three thousand (1:3,000), or an error in measured angle greater than one (1) 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 (1) 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.

- (4) **Plat Location.** Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the City, the tie required by Section 236.20(3)(b), Wis. Stats., may 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.
- (f) **Surveying and Monumenting.** All Final Plats shall meet all the surveying and monumenting requirements of Section 236.15, Wis. Stats.
- (g) **State Plane Coordinate System.** All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone.
- (h) **Certificates.** All Final Plats shall provide all the certificates required by Section 236.21, Wis. Stats.; and in addition, the surveyor shall certify that he has fully complied with all the provisions of this Chapter.

Sec. 14-1-42 Technical Requirements for Certified Survey Land Map Divisions; Review and Approval.

- (a) **Certified Survey Map Requirements.** When it is proposed to divide land into not more than four (4) parcels or building sites, anyone of which is less than thirty-five (35) 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 exterior boundaries of the block, lot or outlot, the sub-divider shall subdivide by use of a certified survey map, prepared in accordance with Section 236.34, Wis. Stats., and this Chapter.
- (b) **Submission and Review.** The sub-divider is encouraged to first consult with the Planning Commission regarding the requirements for certified survey maps before submission of the final map. Following consultation, two (2) copies of the final map in the form of a certified survey map shall be submitted to the City of Westby. The certified survey shall be reviewed, approved or disapproved by the Planning Commission and Common Council pursuant to the procedures use for Preliminary Plats in Sections 14-1-30 through 14-1-32, including notice and hearing requirements.
- (c) **Additional Information.** The Certified Survey Map shall show correctly on its face, in addition to the information required by Section 236.34, Wis. Stats., the following:
 - (1) **All Existing Buildings,** watercourses, drainage ditches and other features pertinent to proper division.
 - (2) **Setbacks or Building Lines** required by the Common Council and the City Zoning Code.
 - (3) **All Lands Reserved** for future acquisition.
 - (4) **Date of the Map.**
 - (5) **Graphic Scale.**
 - (6) **Name and Address** of the owner, sub-divider and surveyor.
 - (7) **Square Footage** of each parcel.
 - (8) **Present Zoning** for the parcels.

- (9) **Critical Building Locations.** Any building or structure and its location on the lot shall be dimensioned to the nearest one-tenth of one (0.1) foot where the location of such building or structure will be critical in relation to proposed property boundaries or to the zoning yard requirements.
- (d) **State Plane Coordinate System.** All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone.
- (e) **Certificates.** The surveyor shall certify on the face of the certified survey map that he has fully complied with all the provisions of this Chapter. The Common Council, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.
- (f) **Street Dedication.** 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.
- (g) **Recordation.** The sub-divider shall record the certified survey map with the County Register of Deeds within thirty (30) days of its approval by the Common Council and any other approving agencies. Failure to do so shall necessitate a new review and reapproval of the certified survey map by the Common Council.
- (h) **Requirements.** To the extent reasonably practicable, the certified survey map shall comply with the provisions of this Chapter relating to general requirements, design standards and required improvements. Conveyance by metes and bounds shall be prohibited where the lot(s) involved is less than one and one-half (1-1/2) acres or three hundred (300) feet in width.
- (i) **Critical Building Locations.** Any building or structure and its location on the lot shall be dimensioned to the nearest one-tenth of one (0.1) foot where the location of such building or structure will be critical in relation to proposed property boundaries or to the zoning yard requirements.

Sec. 14-1-43 through Sec. 14-1-49 Reserved for Future Use.

Article F: Required Improvements

Sec. 14.1.50 Improvements Required.

- (a) **General Requirement.**
- (1) In accordance with the authority granted by Sec. 236.13, Wis. Stats., the City of Westby hereby requires that, as a condition of Final Plat or certified survey map approval, the sub-divider agrees to make and install designated public improvements required by this Chapter and that the sub-divider shall provide the City with security to ensure that the sub-divider will make the required improvements. As a further condition of approval, the Common Council hereby requires that the sub-divider be responsible for the cost of any necessary alterations of any existing utilities which, by virtue of the platting or certified survey map, fall within the public right-of-way.
 - (2) As a condition for the acceptance of dedication of public rights-of-way, the City of Westby requires that the public ways have been previously provided with all necessary facilities constructed to City specifications, including, but not limited to, sewerage, storm drainage, water mains and services, grading and improvement of the streets and other public ways, sidewalks, street signing, street lighting and such other facilities required by the Common Council.
- (b) **Options.** The City of Westby may determine that one (1) of the following options be used when improvements are to be installed:
- (1) The required public improvements shall be installed by the sub-divider at his/her cost; or
 - (2) The City of Westby may enter into a recapture agreement with the sub-divider agreeing to require payment of recapture costs of public improvements from those properties benefitting from the improvements. The City shall prohibit development on those properties until payment has been made. The sub-divider may contract directly with adjacent property owners and/or sub-dividers of adjacent land for reimbursement of the oversize and/or off-site improvements constructed.
 - (3) Any workable combination of the above determined by the Common Council as acceptable.
 - (4) If the City of Westby finds that City construction of such public improvements would not be warranted as a special assessment to the intervening properties, or as a governmental expense until some future time, the developer shall be required, if he/she wishes to proceed with the development, to obtain necessary easements or right-of-way and construct and pay for such public improvement extensions as provided under Subsections (b)(1) or (2) above.
- (c) **General Standards.** The required public improvements shall be installed in accordance with the engineering standards and specifications which have been adopted by the Common Council. Where standards and specifications have not been adopted, the improvements shall be made in accordance with established engineering practices, approved prior to the start of construction by the City Engineer. When new or revised standards and/or specifications have been adopted by the City, work on public improvements not begun within four (4) years of the date of Final Plat adoption shall be made to the new or revised standards and/or specifications. The City Engineer shall review and approve the construction plans, specifications and calculations for the construction of the required public improvements.
- (d) **Project Manager.** The sub-divider shall designate a project manager who shall be readily available on the project site during the construction of the required public improvements. The project manager shall be granted authority on behalf of the sub-divider to make decisions related

to the construction of the required public improvements as they may arise during the course of the construction. The project manager shall also be responsible for the scheduling and coordination of the required work to construct the required improvements. Correspondence with or verbal orders to the designated project manager shall have the same authority as with the sub-divider directly.

Sec. 14-1-51 Developer's Required Agreement Providing for Proper Installation of Improvements; Survey Monumentation.

(a) Developer's Agreement Required; Financial Security for Improvements.

- (1) ***Condition of Approval.*** Prior to the final approval and recording of any Certified Survey Map, Subdivision Final Plat, or Condominium requiring improvements located within the jurisdictional limits of this Chapter, and prior to the installation of any required improvements, and as a condition of said approval, the Subdivision, Condominium or Certified Survey Map Developer (as applicable), shall enter into a contract ("Developer's Agreement" or "Sub-divider's Agreement") with the City of Westby agreeing to furnish, construct, and install the required improvements at the sole cost of the Subdivision, Condominium or Certified Survey Map Developer (as applicable) and shall file with said contract a performance bond, irrevocable letter of credit, or certified check in the amount equal to, or not exceeding, one hundred twenty percent (120%) of the City Engineer's estimate. Such security amount determination shall be made by the Common Council after review and recommendation of the City Engineer's estimated total cost to complete the required public improvements. It shall be the Developer's option whether to execute a performance bond or whether to provide a letter of credit or certified check to satisfy the City's requirement that the Developer provide security to ensure that the required public improvements are made within a reasonable time per the Sub-divider's Agreement. Security phasing, pursuant to Subsection (b) below, shall be utilized if the project is to be completed pursuant to an approved phasing plan.
- (2) ***Purpose of Guarantee.*** The purpose of the guarantee and surety is to ensure that such required improvements will be completed by the Subdivision, Certified Survey Map or Condominium Developer (as applicable), or the Developer's subcontractor or agent, and serves as a further guarantee that all obligations to subcontractors for work on the development are satisfied. Such improvements shall be completed by the Developer of the Subdivision, Certified Survey Map or Condominium project, or by his/her subcontractor, as set forth in the Sub-divider's Agreement.
- (3) ***Form of Agreement.*** The contract form shall be approved by the City Attorney and provided by the City and may provide for a phasing of public improvements construction, providing such phasing is approved by the Common Council. The City reserves the right to control the phasing through limits and sequence so as to provide for continuity of streets, sewers, water mains, and other necessary public improvements within and between the phases. The amount of security that can be required by the City is limited to the phase of the project that is currently being constructed.
- (4) ***Authorized Reductions of Security Amounts.*** The City may allow for the reduction of the performance bond, irrevocable letter of credit, or certified check as work is completed on the project or phases of the project.
- (5) ***Disputes Over the Amount of Financial Sureties.*** In a dispute over the amount of a surety, the estimate prepared by the City Engineer shall be given the greater weight.

- (6) ***Partial Completion of Improvements; Escrow Account/Security Reductions.*** On request of the Subdivision, Certified Survey Map or Condominium Developer (as applicable), the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat, and in such event the amount of the escrow deposit and/or required security may be reduced in a sum equal to the estimated cost of the improvements so completed prior to acceptance of the plat only. The amount of any reduction in an escrow account (see Section 14-1-100 regarding escrow account) or required security shall be at the sole discretion of the Common Council, upon the recommendation from the City Engineer and City Attorney. Any balance remaining after such improvements have been made shall be returned to the Subdivision, Certified Survey Map or Condominium Developer (as applicable). The Common Council, at its option, may extend the escrow deposit period for an additional period not to exceed two (2) years for non-secured warranty purposes.
- (7) ***City Authority to Draw on Escrow Accounts.*** The Common Council shall have the authority to draw upon the required security or escrow account if at any time:
- a. The developer is in default under this Chapter in any aspect of the Developer's Agreement with the City of Westby; or
 - b. The developer does not complete the installation of improvements within the time established in the Developer's Agreement, unless otherwise extended by agreement or action of the Common Council; or
 - c. The security on file with the City is dated to expire in the next sixty (60) days and has not been extended, renewed or replaced, or the escrow deposit is seventy-five (75%) exhausted; or
 - d. The Subdivision, Certified Survey Map or Condominium Developer (as applicable) otherwise fails to maintain the required security in the amount approved by the City Engineer and agreed to in the Developer's Agreement.
- (8) ***Improvements Completion Schedule.*** The time for completion of the infrastructure work and the several parts thereof required by this Chapter shall be determined by the Common Council, upon recommendation of the City Engineer, after consultation with the Subdivision, Certified Survey Map or Condominium Developer (as applicable). The completion date shall be a component of the contract.
- (9) ***Review and Inspection Costs.*** The Subdivision, Certified Survey Map or Condominium Developer (as applicable) shall pay the City for all costs incurred by the City for review and inspection of the development. (See Section 14-1-100). This would include review, and preparation at the Common Council's discretion, of plans and specifications by the City Engineer, Planner, and Attorney, as well as other costs of a similar nature. The City may draw on the escrow account for this purpose.
- (10) ***Legal Signatories to Contract.*** If the Subdivision, Certified Survey Map or Condominium Developer (as applicable) and the individual or entity holding title to the property on which the development is to occur are different entities or individuals, then both shall sign the Developer's Agreement. If either or both the Subdivision, Certified Survey Map or Condominium Developer (as applicable) or titleholder to the development property are a corporate or legal entity, then all of the owners of that entity (or entities if both the sub-divider and the title holder are legal entities) shall sign the Developer's Agreement on behalf of the corporate or legal entity and in their individual capacities. Developer's Agreements shall also be acknowledged and executed by all project mortgagees.

- (11) **Miscellaneous Provisions.** In addition, the following requirements shall apply:
- a. Contracts and contract specifications for the construction of street and utility improvements on dedicated street lights-of-way, as well as the contractors and subcontractors providing such work, shall be subject to the inspection of construction by the City or its agent, and approval of the City. Unless otherwise authorized by the City Engineer, said specifications shall follow those specified in this Chapter or as directed by the City Engineer.
 - b. The amount of the required security or certified check shall be determined by the Common Council following the City Engineer's estimate.
 - c. Governmental units to which these security and contract provisions apply may file, in lieu of said contract and bond/security, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this Section, subject to the approval of the City Attorney.

(b) **Phasing.**

- (1) **Infrastructure Phasing Option.** Pursuant to Sec. 236.13(2)(a), Wis. Stats., if the project is approved to be constructed in phases, which approval shall not be unreasonably withheld, the security required to be deposited shall be limited to the phase of the project currently being constructed. The agreement shall provide a reasonable time not exceeding fourteen (14) months by which such security shall be provided, which shall be no sooner than is reasonably necessary before the commencement of the installation of the improvements. In addition, the City may require by agreement that the Developer provide non-secured improvements warranties. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) may elect, with the approval of the City, to install the improvements in construction phases provided that:
- a. The phases are specified in the contract for land division improvements;
 - b. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) submits security in an amount equal to one hundred twenty percent (120%) of the estimated costs of improvements required for the installation and construction schedules for that phase. Improvements constructed during that phase shall not be accepted nor shall any building permit be issued for construction within the completed area of that phase of the land division unless required infrastructure for that phase has been properly installed pursuant to this Chapter;
 - c. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) is responsible for recording deed restrictions, approved by the City Attorney, which specify that the lots which are included in future construction phases of the land division will not be transferred or sold unless the City's approval is obtained;
 - d. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) minimizes grading and other disturbances to lands included in future construction phases in order to prevent erosion; and
 - e. Erosion control plans and measures submitted and approved herein shall address the individual phases of construction.
- (2) **Phasing Timeline Considerations.** The time period for completion of a phased improvement program shall take into account the needs of the City and adjacent property owners for street and other improvements to serve lands adjacent to and/or within the

land division.

(3) ***Reduction of Security Upon Phase Completion.*** As work progresses on installation of improvements constructed as part of the contract, the City Engineer, upon written request from the Subdivision, Condominium or Certified Survey Map Developer (as applicable) from time to time, is authorized to recommend a reduction in the amount of surety as hereinafter provided. When portions of construction (any required utilities infrastructure, street, sidewalk, greenway, stormwater management or other improvements) are completed by the Subdivision, Condominium or Certified Survey Map Developer (as applicable) and determined acceptable by the City Engineer, the City Clerk-Treasurer is authorized, upon submission of lien waivers by the Subdivision, Condominium or Certified Survey Map Developer's (as applicable) contractors, to reduce the amount of surety. The amount of surety may be reduced at the time any required underground utilities are installed and tested. The amount of surety remaining shall be equal to one hundred twenty percent (120%) of the estimate of the City Engineer of costs of work remaining to be completed and accepted and to ensure performance of the fourteen (14) month guarantee as specified in Subsection (d) below against defects in workmanship and materials on work accepted.

(4) ***City Acceptance of Surety Reduction.*** When the work on the major components of construction has been substantially completed, except for work which cannot be completed because of weather conditions or other reasons which, in the judgment of the City Engineer are valid for non-completion, the Common Council is authorized to accept a reduction in the amount of surety to an amount in the estimate of the City Engineer, sufficient to cover the work remaining to be completed, including performance of the fourteen (14) month guarantee period against defects in workmanship and materials. As a further guarantee that all obligations under contract for work on the development are satisfied, the contractor and subcontractors who are to be engaged in the construction of utilities or street improvements on the street right-of-way to be dedicated shall be approved for such work by the City Engineer prior to commencing construction.

(c) **Issues To Be Addressed by Developer's Agreement.** The Developer's Agreement should, but is not limited to, address the following development issues:

- (1) The Developer's Agreement shall identify all individuals or business entities holding an ownership interest in the subject property or holding an interest under an executed purchase agreement at the time the Developer's Agreement is executed. The Developer's Agreement shall also be executed and acknowledged by current and known future mortgagees and shall be binding on the successors and assigns of the named developers, owners and mortgagees.
- (2) The Developer's Agreement shall contain a full and accurate description of the area being subdivided.
- (3) The Developer's Agreement shall address all exceptions to design standards being sought or being granted by the City and affecting the area being subdivided.
- (4) The Developer's Agreement shall require that acceptable security be posted with and in favor of the City if all public improvements called for under this Chapter for the Subdivision, Certified Survey Map, or Condominium development are not fully installed and accepted by the City by the time a plat receives Preliminary Plat approval or when a Certified Survey Map is finally approved. The Developer's Agreement shall address whether and when said security can be released and shall further require the developer to take all steps necessary to maintain the required security in the City's possession and not

to allow it to expire.

- (5) The Developer's Agreement shall disclose and confirm relevant details regarding the developer's insurance, warranties, continuing maintenance requirements and responsibilities, and other contracts and agreements affecting the subject property.
 - (6) Where any platted area in a Subdivision or Certified Survey Map will serve as open or buffer space and be jointly maintained and controlled by the owners of the platted lots or where erosion control or stormwater management devices will be installed in the area being subdivided that will require ongoing maintenance, the Developer's Agreement shall require that a homeowners' association be created with membership on an equal basis of all platted lots not commonly owned and on an equal basis, that association bylaws be developed and that a restrictive covenant or other perpetual, binding legal device be employed that will create, administer and enforce the collective responsibilities of the individual members of said homeowners' association concerning commonly held areas and/or erosion control or storm water management devices.
 - (7) A Developer's Agreement shall contain measures to protect the investments and expectations of existing and future lot owners against unilateral changes in the organizational or governing documents of a homeowners' association by a developer so long as the subject area is under the developer's control by requiring advance City approval of material changes to the homeowners' association bylaws or restrictive covenants from the time the Developer's Agreement is executed until a majority of the lots are conveyed to individual homeowners.
 - (8) The Developer's Agreement shall contain the developer's representation concerning intended subdivision design standards and home price ranges and its agreement to maintain such standards through build out of the Subdivision, Certified Survey Map or Condominium development (as applicable).
 - (9) The Developer's Agreement shall address the timing of joint driveway paving, shall require shared maintenance agreements concerning shared driveways and shall address the control and removal of debris and rubbish during initial construction on lots being created.
 - (10) The Developer's Agreement shall refer to or include as exhibits the following information:
 - a. Preliminary Plat (or Certified Survey Map);
 - b. Final Plat, to be added once approved and recorded;
 - c. Road design and construction plans;
 - d. Stormwater calculations and plans;
 - e. City permits for any incoming transfer of development rights that will operate to create greater dwelling unit densities in the development than would be allowed under this Chapter without a transfer of development rights; and
 - f. Other project-related information as required by the City of Westby.
 - (11) The Developer's Agreement shall require the developer to pay all of the City's professional fees and expenses related to the Developer's Agreement.
 - (12) The Developer's Agreement may also address areas not included in this Chapter or otherwise expressly required by law but that are nonetheless mutually agreeable to the developer and the City and which promote the public health, safety and welfare of the residents and taxpayers of the City of Westby.
- (d) **Approval of Subdivider's Agreement.** The Subdivider's Agreement shall be drafted or approved as to form and content by the City Attorney, and shall be approved by the Common

Council prior to the final approval of the Certified Survey Map, Subdivision Final Plat, or Condominium Plat.

(e) **Improvement Guarantee.**

- (1) **Types of Required Security.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall include in said contract an instrument of public improvement guarantee by irrevocable letter of credit, certified check, or performance bond whereby a bonding company [with assets exceeding Ten Million Dollars (\$10,000,000.00) and authorized to do business in the State of Wisconsin] guarantees maintenance, repair, replacement by the Subdivision, Condominium or Certified Survey Map Developer (as applicable) of said required public improvements which deteriorate or fail to meet performance or operating standards during the bond/security term, or any penalties which may be incurred as a result thereof, equal to one hundred twenty percent (120%) of the City Engineer's estimate of the cost of the public improvements. Pursuant to Sec. 236.13(2)(a)1, Wis. Stats., it is the Developer's choice as to whether to provide as required security a performance bond, irrevocable letter of credit, or a certified check.
- (2) **City Authority to Correct Deficient Improvements.** If within fourteen (14) months after the date the public improvements for which the security is provided are substantially completed are found by the City to be deficient or substandard, the Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall remove it and replace it with non-defective work in accordance with written instructions given by the City Engineer. If the Subdivision, Condominium or Certified Survey Map Developer (as applicable) does not promptly comply with the terms of such instructions, or in an emergency where delay would cause serious risk of loss or damage, the City may cause the removal and replacement of said defective work and charge all direct, indirect and consequential costs of such removal and replacement to the performance bond or improvement guarantee instrument.
- (3) **Warranty Period.** The agreement may require a non-secured warranty period longer than the fourteen (14) month secured guarantee period.
- (4) **Definition of Substantially Completed.** For purposes of this Section pursuant to Section 236.13(2)(a)2, Wis. Stats., public improvements reasonably necessary for a project or phase of a project are considered to be "substantially completed" at the time the binder course is installed on streets or roads to be dedicated or, if the required public improvements do not include a street or road to be dedicated, at the time that ninety percent (90%) of the public improvements by cost are completed. The Common Council may allow for the reduction of the security as work is completed.

(f) **Survey Monuments.**

- (1) **Monument Installation.** Before final approval of any plat within the corporate limits of the City, the Sub-divider or Condominium Developer (as applicable) shall cause survey monuments to be installed as required by and placed in accordance with the requirements of Section 236.15, Wis. Stats., and as may be required by the City Engineer.
- (2) **Waiver.** The City Engineer may waive the placing of monuments, as provided in Section 236.15(1)(6), Wis. Stats., for a reasonable time, not to exceed one (1) year, on condition that the Sub-divider or Condominium Developer (as applicable) provide a letter of credit, certified check, or performance bond to ensure the placing of such monuments within the time required by Wisconsin Statute under and in compliance with the provisions of Subsection (f)(1) above. Additional time may be granted by the City Engineer upon show of cause.

- (3) **Preservation of Established Monuments.** Building permits shall not be issued until all survey monumentation for the block(s) of lots in which the lot(s) for which building permits are being applied for within the phase of the land division under development has been installed. When the land division includes an established one-half (1-1/2), one quarter (1/4), one quarter-one quarter (1/4-1/4), or other such section monument, the established monument shall be preserved and/or fully restored by the Subdivision, Condominium or Certified Survey Map Developer (as applicable).

Sec. 14-1-52 Required Construction Plans; City Review; Inspections.

- (a) **Engineering Reports, Construction Plans and Specifications.** As required by Section 14-1-31, engineering reports, plans and proposed specifications shall be submitted simultaneously with the filing of the Final Plat or certified survey map. At the Final Plat stage, construction plans for the required improvements conforming in all respects with the standards of the City Engineer and the ordinances of the City shall be prepared at the sub-divider's expense by a professional engineer who is registered in the State of Wisconsin, and said plans shall contain his/her seal. Such plans, together with the quantities of construction items, shall be submitted to the City Engineer for his/her approval and for his/her estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required. Simultaneously with the filing of the Final Plat with the City Clerk-Treasurer or as soon thereafter as practicable, copies of the construction plans and specifications shall be furnished for the following public improvements:
 - (1) **Street Plans and Profiles** showing existing and proposed grades, elevations and cross sections of required improvements.
 - (2) **Sanitary Sewer** plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
 - (3) **Storm Sewer and Open Channel** plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
 - (4) **Water Main** plans and profiles showing the locations, sizes, elevations and materials of required facilities.
 - (5) **Erosion and Sedimentation Control** plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. Such plans shall comply with the City's Erosion Control Chapter (Title 15, Chapter 2) if applicable.
 - (6) **Planting Plans** showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.
 - (7) **Master Site Grading Plan.** Showing existing and proposed lot corner elevations, top of curb elevations, building location and proposed first floor building elevation, and shall show control and direction of drainage for each lot within the subdivision and for drainage adjacent to the plat.
 - (8) **Additional** special plans or information as required by City officials.
- (b) **Action by the City Engineer.** The City Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Chapter and other pertinent City ordinances and design standards recommended by the City Engineer and approved by the Common Council. If the City Engineer rejects the plans and specifications, he/she shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are collected, the City Engineer shall approve the plans and specifications for transmittal to the Common Council. The Common Council shall approve the plans and

specifications before the improvements are installed and construction commenced.

(c) **Construction and Inspection.**

- (1) Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the City Engineer upon receipt of all necessary permits and in accordance with the construction methods of this Chapter. Building permits shall not be issued until all improvements required by this Chapter are satisfactorily completed, and the developer has furnished lien waivers for all contractors.
- (2) During the course of construction, the City Engineer shall make such inspections as he/she or the Common Council deems necessary to insure compliance with the plans and specifications as approved. The City shall have full-time inspections during construction phases. The owner shall pay the actual cost incurred by the City for such inspections. This fee shall be the actual cost to the City of inspectors, engineers and other parties necessary to insure satisfactory work. The engineering costs will be per the engineering agreement.

(d) **Sub-divider to Reimburse the City for Costs Sustained.** The sub-divider of land divisions within the City shall reimburse the City for its actual cost of design, inspection, testing, construction and associated legal and real estate fees for the required public improvements for the land division. The City's costs shall be determined as follows:

- (1) The cost of City employees' time engaged in any way with the required public improvements based on the hourly rate paid to the employee multiplied by a factor determined by the City Clerk-Treasurer to represent the City's cost for expenses, benefits, insurance, sick leave, holidays, vacation and similar benefits.
- (2) The cost of City equipment employed.
- (3) The cost of mileage reimbursed to City employees which is attributed to the land division.
- (4) The actual costs of City materials incorporated into the work, including transportation costs plus a restocking and/or handling fee not to exceed ten percent (10%) of the cost of the materials.
- (5) All consultant fees associated with the public improvements at the invoiced amount plus administrative costs. Unless the amount totals less than Fifty Dollars (\$50.00), the City shall bill the sub-divider monthly for expenses incurred by the City. Statements outstanding for more than thirty (30) days shall accrue interest at the rate of one and one half percent (1-1/2%) per month. Bills outstanding for more than ninety (90) days shall be forwarded to the sub-divider's surety agency for payment. Amounts less than Fifty Dollars (\$50.00) shall be held for billing by the City until amounts total more than Fifty Dollars (\$50.00) or until the conclusion of project activities.

(e) **Record Plans.** After completion of all public improvements and prior to final acceptance of said improvements, the sub-divider shall make or cause to be made one (1) Mylar and three (3) blue line plan sets showing the actual recorded location of all valves, manholes, stubs, sewers and water mains and such other facilities as the City Engineer shall require. These plans shall be prepared on the original mylars of the construction plans and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the record plans shall be a condition of final acceptance of the improvements and release of the surety bond assuring their completion.

Sec. 14-1-53 Street Improvements.

The sub-divider shall construct his/her designated portion of streets, roads and alleys as outlined on the approved plans based on the requirements of this Chapter, particularly Sections 14-1-70 and 14-1-71:

- (a) **General Considerations.** 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 uses 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 City in this Chapter and elsewhere and shall be subject to approval of the City Engineer before acceptance.
- (c) **Conform to Official Map.** The arrangement, width, grade and location of all streets shall conform to the Official Map.
- (d) **Survey Monumentation.** Before final approval of any plat or certified survey within the corporate limits of the City, the sub-divider shall install monuments placed in accordance with the requirements of Chapter 236, Wis. Stats. All survey monumentation located adjacent to street or public rights-of-way, but not located within street pavement, shall be protected with steel fence posts erected near the survey monumentation. The City Engineer may waive the placing of monuments for a reasonable time during public improvement construction on condition that the sub-divider executes a survey to insure the placing of such monuments within the time required. On behalf of the City, the City Clerk-Treasurer is authorized to accept such surety bonds and contracts for monumentation in an amount approved by the City Engineer. Building permits shall not be issued until all survey monumentation for the block(s) of lots in which the lot(s) for which building permits are being applied for within the phase of the land division under development has been installed. When the land division includes an established one-half (1/2), one-quarter (1/4), one-quarter one-quarter (1/4-1/4), or such other section monument, the established monument shall be preserved and/or fully restored by the sub-divider at his/her cost.
- (e) **Street Construction.** After the installation of all required utility and storm water drainage improvements, the sub-divider shall prepare for surfacing all roadways and construction of curb and gutter in streets proposed to be dedicated to the widths prescribed by these regulations, by placing crushed rock on said roadways and, in addition, shall surface the developer's portion of said street, in a manner and quality consistent with this Chapter and plans and specifications approved by the City Engineer. Construction shall be to City standard specifications for street improvements.
- (f) **Street Cross Sections.** When permanent street cross sections have been approved by the City, the sub-divider shall finish grade shoulders and ditches (if used), 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 City Engineer.

Sec. 14-1-54 Curb and Gutter; Drainage Facilities.

- (a) After the installation of all utility and storm water drainage improvements, the sub-divider shall be required to construct concrete curbs and gutters or, if approved by the City, a system of ditches and culverts. The sub-divider shall install concrete curb and gutter along both sides of all streets and boulevards shown on the plat. The City shall pay for the construction of curb and gutter of the first street in a new subdivision to a maximum of one thousand (1,000) feet, i.e., five hundred (500) feet on each side of the first street in a residential subdivision. The cost of the

developer's remaining portion of curb and gutter construction, required inspections, supervision and engineering fees shall be paid for by the sub-divider. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.

- (b) Suitable concrete curb and gutter shall be constructed along the outside edge of all street pavements. Curb and gutter in residential areas shall have a six (6) inch barrier curb with a twenty-four (24) inch flag, except at driveway aprons where depressed curb shall be constructed. Depressed curb ramps shall be constructed at all handicap ramps for sidewalks and at all bikeways. Said curbs and gutters shall be constructed of concrete, 3500 PSI strength at seven (7) days, and contain three (3) continuous one-half (1/2) inch diameter deformed steel reinforcing rods ten (10) feet long, six (6) inches on center in the gutter flag at locations crossing underground utility excavations or where otherwise directed by the City Engineer. Expansion joints three quarter (3/4) inch thick shall be placed in the curb at each starting and ending of a radius, three (3) feet at each side of inlets, and at intervals not exceeding two hundred fifty (250) feet and where otherwise directed by the City Engineer. Tie bars shall be provided where curb and gutter is adjacent to rigid pavements.
- (b) Contraction joints shall be tooled, saw cut, or formed by insertion of a metal plate in the concrete at intervals not exceeding twelve (12) feet.

Sec. 14-1-55 Sidewalks and Bikeways.

- (a) **Where Required.** In all new subdivisions and additional areas as required by the Common Council, the construction of all sidewalks shall be in accordance with plans and standard specifications approved by the City Engineer and in compliance with Section 6-2-2 of this Code of Ordinances.
- (b) **Extra-Sized Sidewalks.** Wider-than-standard sidewalks may be required by the Common Council in the vicinity of schools, commercial areas and other places of public assemblage; and the Common Council may require the construction of sidewalks in locations other than required under the preceding provisions of this Section if such walks are necessary, in their opinion, for safe and adequate pedestrian circulation.
- (c) **Location.**
 - (1) The sub-divider shall be required to provide sidewalks and bikeways where required by the City's Sidewalk Master Plan, at City specifications as follows: Sidewalks and bikeways shall normally be located as far from the traffic lane as is possible, but not closer than six (6) inches to the right-of-way line. Where, as a result of such major obstructions as large and established trees, steep hills, drainageways, or major utility Subdivision Regulations lines, the construction costs of the sidewalk or bikeway in its normal location would be prohibitive, sidewalks or bikeways may be located elsewhere within the street right-of-way, or within an easement, with the approval of the City Engineer. Sidewalks and bikeways constructed at street intersections or within five (5) feet of a legal crosswalk shall include provisions for curb ramping in accordance with City standards. In all cases where the grades or sidewalks or bikeways have not been specifically fixed by ordinance, the sidewalks and bikeways shall be laid to the established grade of the street. In areas where sidewalks and bikeways are to be laid to the established grade of the street, the street edge of the sidewalk or bikeway pavement shall be at an elevation above the top of the curb determined by a slope of a minimum of one-fourth (1/4) inch per foot up to a maximum of three-fourths (3/4) inch per foot times

the distance between the curb and the street sidewalk or bikeway edge. The sidewalk or bikeway pavement shall be sloped at a minimum of one-fourth (1/4) inch per foot and a maximum of three-fourths (3/4) inch per foot toward the street - unless public drainage is available behind the sidewalk or bikeway.

(2) Sidewalks in street right-of-ways shall be specifically intended to serve adjacent lots and the pedestrian traffic generated from and to those lots.

(d) **Bikeways.**

(1) Bikeways shall be intended to serve both pedestrian and bicycle traffic in areas where the majority of the adjoining lots do not have frontage or access to the street or are not being served by the bikeway. In general, those lots which do not front or have access on the street in question are not the generating or terminating point for the pedestrian or bicycle traffic.

(2) More specifically, bikeways shall be designed to transport the majority of pedestrian or bike traffic through the area as opposed to serving the adjoining lots as a sidewalk does.

(3) Bikeways shall not be installed in lieu of sidewalks. However, where permitted by City ordinance, persons may ride a bicycle upon public sidewalks.

(e) **Location Determination.** The Director of Public Works shall determine where sidewalks and/or bikeways are required in accordance with this Section.

(f) **Construction Standards.** Bikeways shall be constructed of bituminous pavement, at least eight (8) feet in width, in accordance with standard City specifications. Sidewalks shall be constructed according to the standards in Section 6-2-2.

(g) **Required Locations.** The subdivider shall be required to install sidewalks and/or bikeways in accordance with the following:

(1) On all streets within new subdivisions.

(2) Other streets, both major and minor, which serve as major pedestrian access routes to and from such pedestrian traffic generators as business establishments, restaurants, schools, neighborhood parks, high density multi-family developments, etc.

(3) All streets which currently have sidewalk along only a portion of street between consecutive intersections shall be completed from intersection to intersection.

Cross-Reference: Section 6-2-2.

Sec. 14-1-56 Sanitary Sewerage System.

(a) There shall be provided a sanitary sewerage system to all lots, approved by the City Engineer. The sub-divider shall install adequate sanitary sewer facilities and connect them to City sewer mains subject to specifications and inspection of the City Engineer. All sanitary sewers shall be in accordance with NR 110, Wis. Adm. Code. The sub-divider shall pay all the costs of all sanitary sewer work including the bringing of the sanitary sewer of adequate capacity and depth from where it exists to the land division in question as well as providing all sanitary sewer work within the land division.

(b) Sanitary sewers, including all related items (manholes, lift stations, wyes, tees, stubs for future extensions, etc.), shall be installed meeting the specifications and requirements of the City. Where sewers larger than ten (10) inches in diameter are required, the land divider shall be responsible for the cost of a ten (10) inch sewer. The difference in cost between the ten (10) inch sewer and that installed shall be borne by the City.

- (c) The sub-divider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. Where public sanitary sewers of adequate capacity are determined by the City Engineer to be available, extensions of the public sanitary sewer system shall be made so as to provide sewer service to each lot. Gravity sanitary sewers shall be extended to the land division and to each buildable lot as approved by the City Engineer. Sewerage service lines of the sizes and materials required by the Plumbing Inspector shall be installed from the sanitary sewers to the property line of every lot in the subdivision. This installation will be coordinated with the installation of sanitary sewers. 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 City Engineer. Where sanitary sewers are located within the floodplain, sanitary manholes shall be floodproofed.
- (d) The ends of the services for each lot shall be accurately measured and recorded with the City Engineer and marked in the field with appropriate staking.

Sec. 14-1-57 Water Supply Facilities.

- (a) (1) There shall be provided a water supply system in conformity with the master plan of the water system as approved by the City utilities. The sub-divider shall install and connect City water to serve all lots subject to specifications and inspection of the City utilities and the State of Wisconsin or shall petition the City for installation and connection of City water to serve all lots. The sub-divider shall pay all costs of installing and connecting adequate City water including the bringing of water from where it exists to the land division in question as well as providing all waterworks within the land division. The sub-divider shall provide for a minimum watermain diameter of eight (8) inches, except in cul-de-sacs where six (6) inches may be allowed, and the location of public fire hydrants along the public streets are not greater than a six hundred (600) foot spacing. With new residential subdivisions, the City shall pay for the extra cost of upgrading the required Class 52 Ductile iron watermain from six (6) to eight (8) inch diameter size line. The use of plastic pipe is prohibited. Fire hydrants which have not passed testing or have not been operationalized shall be covered with securely attached bags to preclude their being inadvertently used by the Fire Department in an emergency situation. The centerline of the pumper nozzle of each hydrant shall be a minimum of twenty-one (21) inches above the pavement.
- (2) The land divider shall have prepared plan and profile drawings and specifications for the installation of water main facilities in accordance with City master water main plan, including the water main, pipe fittings, valves, hydrants and lateral house-connections for each lot in the subdivision extended to the lot line. Upon approval of the plans by the City Engineer and the City utilities, the land divider shall cause to be installed, in accordance with the "Standard Specifications for Sewer and Water Construction in Wisconsin", all facilities required, and the cost of same, including inspection. Supervision and engineering fees, shall be paid for by the sub-divider.
- (3) Where water mains larger than ten (10) inches in diameter are required, the sub-divider shall be responsible for the cost of a ten (10) inch main. The difference in cost between the ten (10) inch main and that installed shall be borne by the City or its utilities.
- (4) The rules of the City's utilities on file with the Wisconsin Public Service Commission are hereby adopted by reference and made a part hereof as though fully set forth herein.

- (b) The sub-divider shall construct water mains in such a manner as to make adequate water service available to each lot within the land division. Extensions of the public water supply system shall be designed so as to provide public water service to each lot and required fire flow protection to each hydrant. 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 City Engineer.

Sec. 14-1-58 Storm Water Drainage Facilities.

Pursuant to Section 14-1-74, the sub-divider shall provide storm water drainage facilities which include curb and gutter, manholes, catch basins and inlets, storm sewers, storm sewer laterals from the main to the lot line, 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 now, the type of facility required, the design criteria and the sizes and grades to be determined by the City Engineer. Only where sump pumps are required, storm sewer laterals of the sizes and materials required by the Director of Public Works or City Engineer shall be installed from the mains to the lot line of every lot in the subdivision when storm sewer mains shall be required by this Section. Storm drainage facilities shall be so designed as to present no hazard to life or property, minimize shoreland erosion and siltation of surface waters, shall prevent excess run-off on adjacent property and shall provide positive drainage away from on-site sewage disposal facilities. The size, type and installation of all storm water drain and sewers proposed to be constructed shall be in accordance with this Chapter and plans and standard specifications approved by the City Engineer. Storm drainage facilities shall be so designed as to minimize hazards 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 specifications approved by the City Engineer. Storm sewers over-sized to handle runoff from offsite properties will be installed by the sub-divider; however, the cost of oversizing above a twenty-four (24) inch diameter storm sewer shall be paid by other users connecting to the system.

Sec. 14-1-59 Other Utilities.

(a) **General Utilities Requirements.**

- (1) In so far as possible, all utilities, including but not limited to natural gas, telephone, cable TV, electric, and water shall be installed underground with an affidavit by the sub-divider that the maintenance of said public improvements will be guaranteed by the sub-divider due to use of the improvements by purchasers and construction traffic.
- (2) Prior' to any maintenance, repair or replacement being performed by the developer during the bond period, it shall notify the City Engineer at least three (3) work days prior to the doing of the work and obtain approval of the City Engineer as to the nature and manner of work to be done.

(b) **Extension of Service.**

- (1) The sub-divider shall cause gas, electric power, cable television and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision, certified surveyor land division, except that the City shall provide and pay for secondary underground electric service to the meter socket of each new home in a residential subdivision. The sub-divider shall pay for electric utility extensions of service, either primary three-phase or primary single-phase electric service, as determined by the Director of Public Works; such costs shall include both labor and material expenditures.

- (2) All new electrical distribution television cables and telephone lines from which lots are individually served shall be underground unless the Common Council, upon the recommendation of pertinent City utilities or Plan Commission, specifically allows overhead poles because topography, soil, water table, solid rock, boulders, or other physical conditions would make underground installation unreasonable or impractical.
- (c) **Plan Approval.** Plans indicating the proposed location of all gas, electrical power, cable television and telephone distribution and transmission lines required to service the plat shall be approved by the Director of Public Works.

Cross-Reference: Sections 9-3-50 and 9-3-100.

Sec. 14-1-60 Street Lamps; Street Trees.

- (a) **Street Lighting.** Street lighting for residential subdivisions shall be provided by the City at the City's expense. The sub-divider shall provide for 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 Director of Public Works.
- (b) **Street Trees.** Street trees shall be planted throughout all residential land divisions. Such trees shall be planted in the parkways equidistant between the sidewalks and curb, or in street tree easements, and no closer than five (5) feet from any sanitary sewer service, water service, or driveway apron. The City shall let contracts for planting of street trees. At street corners, trees shall be located at least twenty-five (25) feet from the intersection of right-of-way lines. A fee of Twenty-five Dollars (\$25.00) per residential lot shall be collected for a street tree at the time a building permit is issued for the initial construction of the residence. The fee shall be placed into a City Forestry Fund to be used for the planting of new street trees in the neighborhood in which the residence is located.

Sec. 14-1-61 Street Signs.

- (a) Street signs for residential subdivisions shall be provided by the City at the City's expense. The sub-divider shall arrange with the City the providing of the street signing necessary to serve the development. Such signing shall include street name signs and such temporary barricades and "road closed" signs as may be required by the Director of Public Works until the street improvements have been accepted by Common Council resolution.
- (b) The Director of Public Works shall have the authority to impose any restrictions to traffic on street improvements not yet accepted by the City as he/she may deem necessary to protect the improvements from damage and to protect the safety of the public. Such restrictions shall include, but not be limited by enumeration to, weight restrictions, street closings, access restrictions, or the posting of temporary traffic control measures.

Sec. 14-1-62 Erosion Control.

The sub-divider shall cause all gradings, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented. The sub-divider shall submit an erosion control plan that specifies measures that will be taken to assure the minimization of erosion problems.

Cross-Reference: Title 15, Chapter 2.

Sec. 14-1-63 Partition Fences.

When the land included in a subdivision plat or certified map abuts upon or is adjacent to land used for farming or grazing purposes, the sub-divider shall erect partition fences, satisfying the requirements of the Wisconsin Statutes for a legal and sufficient fence, between such land and the adjacent land. A covenant binding the developer, its grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for farming or grazing purposes, shall be included upon the face of the Final Plat or certified survey map.

Sec. 14-1-64 Easements.

- (a) **Utility Easements.** The Common Council, on the recommendation of appropriate departments, utilities and agencies serving the City, shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. It is the intent of this Chapter to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area.
- (b) **Drainage Easements.** Drainage easements shall comply with the requirements of Section 14-1-74(e).
- (c) **Easement Locations.**
 - (1) Utility easements shall be at least twelve (12) feet wide, or wider where recommended by the City Engineer, and may run across lots or alongside of rear lot lines. Such easements should preferably be located along rear lot lines. Evidence shall be furnished the Common Council and/or Planning Commission that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.
 - (2) All easements dedicated on final plat or certified survey maps for survey maps for poles, cables or conduits for electricity, telephone or other private utility lines shall be noted thereon as "Utility Easement". All easements for storm and sanitary sewers, water and force mains, pedestrian walks and other public purposes shall be noted thereon as "Public Easement for" followed by reference to the use or uses for which they are intended.
- (d) **Deed Restrictions for Easements.** Deed restrictions shall accompany each final plat or certified survey map, and shall be filed in the Register of Deeds office. In addition to whatever else may be contained therein, such restrictions shall describe the location and width of utility and public easements which are being established; a description by reference to the final plat or certified survey map shall suffice. Such restrictions shall further recite that the utility companies and the public agencies using such easements are granted the right to place, and shall state that the elevation of such easements as graded by the sub-divider may not be altered thereafter by him/her, or any subsequent landowner by more than six (6) inches.

Sec. 14-1-65 Extra-Sized and Off-Site Facilities.

When any public improvements of adequate capacity are not available at the boundary of a proposed land division, the City, or its duly authorized representative, shall require, as a prerequisite to approval

of a Final Plat or certified survey map, assurances that such improvement extensions shall be provided as follows in accordance with the following standards:

- (a) **Design Capacity.** All improvements within or entering or leaving the proposed development shall be installed to satisfy the service requirements for the entire service or drainage area in which the development is located and the improvements shall be of sufficient capacity to handle the expected development of the overall service area involved.
- (b) **Extra-sized and Off-size Improvements.** Where improvements of adequate size needed to serve the development are not available at the boundary of the development, the sub-divider shall proceed under one (1) of the alternatives as identified in Section 14-1-50(a).
- (c) **Lift Stations.** Where sanitary or storm sewer lift stations and force mains are required to lift sewage to the gravity system, the sub-divider shall have plans, profiles, specifications and estimated operation and maintenance costs prepared for the installation of such facilities to the City Engineer's requirements. Equipment similar to existing City equipment shall be utilized whenever possible. The installation, inspection, supervision and engineering fees for lift stations and/or force mains shall be paid for by the sub-divider unless otherwise determined and agreed upon by the Common Council. Gravity sanitary sewer service shall be employed whenever determined by the City Engineer to be feasibly accessible.

Sec. 14-1-66 Acceptance of Improvements and Dedications.

- (a) **Acceptance of Improvements.** The dedication of any improvements, utilities, streets, parks, easements, rights-of-way or other lands or rights to the City or the public shall not be considered accepted by the City for public ownership until such time as the required public improvements within the intended dedication or necessary because of the intended dedication have been completed and accepted by the Common Council by adoption of a resolution accepting such dedication. The sub-divider shall be responsible for and liable for the maintenance, safety and operation of all required public improvements until such time as the improvements are accepted by the Common Council by resolution. In the event the City must take measures to maintain, operate or make safe a public improvement existing or required as a result of the land division but which has not yet been accepted by the City, the costs of such measures shall hereby be determined to be City-included costs to be reimbursed to the City by the subdivider in accordance with the provisions of this Chapter.
- (b) **Inspection and Certification of Improvements.**
 - (1) After any of the following increments of the required improvements have been installed and completed, the sub-divider shall notify the City Engineer or Director of Public Works, in writing, that the work is complete and ready for final inspection, shall file reproducible record drawings of the completed improvements and shall file lien waivers or affidavits, in a form acceptable to the City Clerk-Treasurer and approved by the City Attorney, evidencing that there are no claims, actions or demands for damages, based upon contract or tort arising out of or in any way related to the project and that no moneys are owned to any surveyor, mechanic, contractor, subcontractor, materialman or laborer after all required improvements have been installed. Improvements acceptance may be requested in the following increments:
 - a. Sewer mains and services (either storm or sanitary).
 - b. Water mains and services.
 - c. Streets comprised of all grading, gravel, curb and gutter, culverts and the first lift of paving (sub-divider's portion).

- d. Other miscellaneous appurtenances to the above increments such as sidewalks, bikeways, street lighting, street signing, etc.
- (2) The City Clerk-Treasurer shall certify that there are no unpaid taxes or unpaid special assessments on any of the lands included in the area of acceptance and shall prepare final billing for engineering, inspection and legal fees and submit it to the sub-divider for payment. The City Engineer shall conduct any necessary final inspections of the improvements and forward a report to the City Clerk-Treasurer recommending either approval or disapproval. When the engineering, inspection, taxes, special assessments and legal fees have been paid and when the necessary lien waivers and affidavits have been filed, the report of the City Engineer, together with the recommendation of the City Clerk-Treasurer, shall be forwarded to the Common Council for approval and acceptance of the improvements and dedications.

Sec. 14-1-67 Site Grading.

The sub-divider shall be required to grade the full land division in accordance with the requirements of Section 14-1-76.

Sec. 14-1-68 through Sec. 14-1-69 Reserved for Future Use.

Article G: Design Standards

Sec. 14-1-70 General Street Design Standards.

- (a) **Compliance with Statutes.** In laying out a subdivision or other land division, the owner shall conform to the provisions of Chapter 236, Wis. Stats., and all applicable City of Westby regulations. In all cases where the requirements of this Chapter are different from the requirements of Chapter 236, Wis. Stats., the more restrictive provision shall apply.
- (b) **Dedication.** The sub-divider shall dedicate land and improve streets as provided in this Chapter and Section 14-1-53. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land uses and public convenience and safety. Streets shall conform to Official Map if adopted by the Common Council. The subdivision, certified survey map parcel or land division shall be so designed as to provide each lot with satisfactory access to a public street or road.
- (c) **Compliance with Comprehensive Plan and Ordinances.**
 - (1) **Plan Compliance.** The arrangement, character, features, and layout of land divisions in the City of Westby shall be designed to comply with the standards of this Chapter, the Comprehensive Plan, the Official Map, and/or any comprehensive utility plans or other planning documents which may pertain to the standards of design for land divisions and which have been adopted by the Common Council. Where no such planning documents have been adopted, subdivisions shall be designed according to engineering and planning standards approved by the City Engineer and applied so as to properly relate the proposed development with adjacent development, the topography, natural features, public safety and convenience, and the most advantageous development of undeveloped adjacent lands. The absence of a street being shown on the official map, streets shall be provided in locations determined necessary by the City Engineer and to the right-of-way widths required in this Article for the classification of street required.
 - (2) **Street Locations.** The arrangement, character, extent, width, grade, and location of all streets shall conform to City Comprehensive Plans, the Official Map, and to this Chapter, and other City planning documents and shall be considered in their relation to: existing and planned streets, reasonable circulation of traffic, topographical conditions, run-off of storm water, public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
 - (3) **Continuation.** The arrangement of streets in new subdivisions shall make provision for the appropriate continuation at the same or greater width of the existing streets in adjoining areas.
- (d) **Areas Not Covered by Official Map or Plan.** In areas not covered by an Official Map or a City Comprehensive Plan, the layout of streets shall conform to the plan for the most advantageous development of adjoining areas of the neighborhood. Streets shall be designed and located in relation to existing and officially planned streets, topography and natural terrain, streams and lakes and existing tree growth, public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets.
- (e) **Proposed Streets.** 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 Common Council, such extension is not necessary or desirable for the coordination of the layout of the subdivision or land division or for the advantageous development of the adjacent tracts.

- (f) **Streets Classifications.** Streets shall be required and classified by the City Engineer in accordance with the City's Comprehensive Plan and where not identified in said plan, in accordance with sound engineering standards, into the classifications indicated below:
- (1) **Arterial Streets.** Arterial streets shall be arranged to provide through traffic for a heavy volume of vehicles.
 - (2) **Collector Streets.** Collector streets shall be arranged so as to provide ready collection of traffic from individual areas and conveyance of this traffic to the major street and highway system and shall be properly related 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.
 - (3) **Local/Minor Streets.** Local streets 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.
 - (4) **Alleys.** Alleys shall be located at rear property lines, shall discourage through traffic, shall serve less than fifty (50) vehicles/day, shall be intended to provide access to off-street loading and service areas and not primary access to parcels.
- (g) **Reserve Strips.** 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 City under conditions approved by the Common Council.
- (h) **Extraterritorial Streets.** Streets located in the extraterritorial plat jurisdiction of the City shall provide for the dedication of the minimum widths of right-of-way in accordance with the standards adopted by the pertinent Town government in which the project is located. Other streets within the extraterritorial plat jurisdiction of the City shall meet or exceed the town road standards of Sec. 86.26, Wis. Stats.
- (i) **Alleys; Cul-de-Sac Streets.**
- (1) **Commercial and Industrial.** Alleys may be provided in commercial and industrial districts. The width of the right-of-way for residential alleys shall be not less than twenty four (24) feet and the width of the right-of-way for commercial and industrial alleys shall be not less than thirty-two (32) feet. Alleys shall be constructed according to base and surfacing requirements for streets.
 - (2) **Residential.** Alleys shall not be approved in residential areas unless necessary because of topography or other exceptional circumstances.
 - (3) **Dead End.** Dead-end alleys are prohibited except under very unusual circumstances, and crooked and "T" alleys shall be discouraged. Temporary dead-end streets shall not be over six hundred (600) feet in total length, shall provide for an eventual intersection spacing meeting the requirements of this Chapter and shall provide for temporary cul-de-sacs or turn-arounds as approved by the City Engineer.
 - (4) **Permanent Dead-End Streets; Cul-de-Sac Streets.** Permanent dead-end streets or cul-de-sacs shall not be longer than six hundred (600) feet, shall have a minimum width of sixty (60) feet and terminate with a turn-around having minimum radii of thirty (30) feet for roadway and forty (40) feet for a street line.
- (j) **Continuation.** Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. The use of cul-de-sacs shall be held to a minimum and permanently dead ended streets shall be prohibited. Provisions shall be made so that all proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect. Proposed streets shall be extended to the boundary

lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Common Council, upon the recommendation of the Planning Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with existing layout or the most advantageous future development of adjacent tracts.

- (k) **Minor Streets.** Minor streets shall be so laid out so as to discourage their use by through traffic.
- (l) **Frontage Roads.** Where a land division abuts or contains an existing or proposed arterial highway, or railroad right-of-way, the sub-divider shall provide a frontage road, platted access restriction along the property contiguous to such highway, or such other treatment as may be determined necessary by the City Engineer to ensure safe, efficient traffic flow and adequate protection of residential properties.
- (m) **Private Streets.** Private streets shall not be approved nor shall public improvements be approved for any private street; all streets shall be dedicated for public use.
- (n) **Width; Radii of Curvature; Grades.** All street right-of-way widths, radii of curvature and grades shall conform to the following requirements:

Street Type	Right-of-Way	Minimum Radius	Max. Grade
	Minimum Width	of Curvature	
Arterial or Highway	120 feet	300 feet	6%
Collector	80 feet	80 feet	7%
Minor	66 feet	100 feet	10%

- (o) **Visibility.** Streets shall afford maximum visibility and safety for motorist, bicycle, and pedestrian use and shall intersect at right angles, where practicable. A minimum sight distance with clear visibility, measured along the centerline, shall be provided of at least five hundred (500) feet on major thoroughfares, two hundred (200) feet on collector-distributor streets, and one hundred fifty (150) feet on all other streets.
- (p) **Tangents.** A tangent at least one hundred (100) feet long shall be required between reverse curves on arterial and collector streets.
- (q) **Vertical Curves.** All changes in street grades for arterials and changes in street grades for collector and local streets where the algebraic difference in the rate of grade exceeds one percent (1%) shall be connected by vertical curves. The minimum length, in feet, of the vertical curve shall be the product of the "K" value for the associated street design speed times the algebraic difference in the rate of grade.
- (r) **Half Streets.** Half streets shall not be platted unless necessary to provide the full width of an existing street platted to half width. All newly platted streets shall be platted to the required full width. Where a half street exists adjacent to a proposed land division, the subdivider shall endeavor to acquire and dedicate the remaining half street.
- (q) **Intersections.**
 - (1) **Angled** Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. The curved street shall intersect another street with not less than forty (40) feet of tangent right-of-way between the end of curvature and the right-of-way of the street being intersected.
 - (2) **Number of Streets Converging.** The number of streets converging at one (1) intersection shall be reduced to a minimum, preferably not more than two (2). Intersections of local streets shall be at least one hundred twenty-five (125) feet from each other.
 - (3) **Number of Intersections - Arterial Streets.** The number of intersections along arterial streets shall be held to a minimum. Wherever practicable, the distance between such intersections shall be not less than one thousand two hundred (1,200) feet, unless otherwise determined by the City Engineer to provide better safety.

- (4) **Local Street Spacing.** Local streets and frontage roads intersecting with other local streets shall be spaced no closer than three hundred (300) feet between centerlines and spaced no closer than eight hundred (800) feet between centerlines on collector streets, unless otherwise approved by the Planning Commission.
- (5) **Property Lines at Street Intersections.** Property lines at street intersections shall be rounded with a minimum radius of fifteen (15) feet, except that with all intersections with arterial and collector streets the radius shall be increased to twenty-five (25) feet or of a greater radius when required by the City Engineer.
- (6) **Local Streets.** Local streets shall not necessarily continue across arterial or collector streets, but if the centerlines of such local streets approach the major streets from opposite sides within one hundred fifty (150) feet of each other, measured along the centerline of the arterial or collector streets, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous and a jog is avoided.
- (7) **Additional Sight Easements.** At any intersection determined by the City Engineer, restricted development easements or additional street right-of-way shall be platted to provide for adequate sight distances in every direction of travel. At a minimum, the sub-divider shall grade, clear or otherwise provide for an unobstructed sight triangle at all intersections incorporating the area within a triangle formed by the intersection of the street right-of-way lines and a point on each right-of-way line being not less than twenty-five (25) feet from the intersection point.

(t) **Street Names.**

- (1) **Approval.** Street names shall be approved by the Common Council following the guidelines of this Subsection.
- (2) **Continuation; Conformance with Street Numbering.** Where a street maintains the same general direction except for curvilinear changes for short distances, the same name shall continue for the entire length of the street. House numbering difficulties shall be considered the determining factor in considering whether a change of name is necessary due to curvilinear changes. A street name shall be changed when required to conform to the proposed or existing house numbering base.
- (3) **Future Through Street.** A name which is assigned to a street which is not presently a through street, due to intervening land over which the street extension is planned, shall be continued for the separate portions of the planned through street.
- (4) **Name Guidelines.** The following designations are guidelines for the naming of streets:
 - a. "Boulevard." A street with a divided pavement, either existing or planned. If the divided pavement ends but the street continues, the same street name and suffix shall continue.
 - b. "Lane." To be limited to a street, one (1) block long, not ending in a cul-de-sac.
 - c. "Circle." To be limited to a cul-de-sac of nine (9) lots or more.
 - d. "Court." To be limited to a cul-de-sac of eight (8) lots or less.
 - e. "Parkway." To be limited to a street abutting a park or greenway or creek.
- (5) **Cul-de-Sacs.** The name of any projection of a street shall remain unchanged even if the projection terminates in a cul-de-sac.
- (6) **Preliminary Approvals.** Approval of street names on a preliminary plat will not reserve the names nor shall the City be required to accept such names at the time of final platting.
- (7) **Annexed Lands.** When a project area includes lands annexed to the City and has a roadway with an existing name, the Common Council may rename the roadway to comply with City street naming standards. The City shall assign addresses to all existing parcels within the annexation area including properties with pre-existing addresses.

- (8) **Street Name Length.** Street names shall have no fewer than three (3) and no more than twelve (12) characters. A space between two (2) words is considered a character.
 - (9) **Duplication.** To eliminate potential confusion and delay of emergency responses, duplication of street names shall not be permitted. Roadways with the same name but different suffix designations shall be considered duplicate roadway names (e.g. "Oak Drive" and "Oak Lane" are duplicates).
 - (10) **Similar or Confusing Spelling.** To eliminate confusion, street names that are difficult to spell, have similar spelling, can be spelled several different ways or have phonetically confusing spelling shall not be approved (e.g. "Broome" vs. "Broom" - spelled two different ways).
 - (11) **Unconventional Spelling.** To avoid confusion and allow for accurate communication in emergency situations, unconventional spelling of words in roadway names shall be prohibited (e.g. "Wynd Chime Lane").
 - (12) **Offensive or Frivolous Names.** Roadway names that may be offensive (slang, double meanings, discriminatory, slanderous, etc.) will not be approved. Street names that could be considered frivolous or overly complicated will not be approved ("I Did It My Way").
 - (13) **Vanity Names.** Roadway names that identify with a specific company, individual, family or private entity will not be approved unless it is demonstrated that such parties have made exceptional civic contributions to the community.
 - (14) **Use of Roadway Type Suffix or Directional Prefix Words.** Street names that include a directional prefix or the roadway type suffix as the roadway name or in the roadway name will not be approved (e.g. "Madison Court Drive" or "West Avenue").
 - (15) **Punctuation.** Punctuation is not permitted in roadway names (e.g. "New-World Court"). Names shall not include hyphens, apostrophes, or other non-letter characters.
- (u) **Limited Access Highway and Railroad Right-of-way Treatment.** Whenever the proposed subdivision contains or is adjacent to a limited access highway, arterial street or railroad right-of way, the design shall provide the following treatment:
- (1) **Subdivision Lots.** 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 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. "
 - (2) **Commercial and Industrial Districts.** Commercial and industrial districts shall have provided, on each side of the limited access highway, arterial street 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 fifty (150) feet.
 - (3) **Streets Parallel to a Limited Access Highway.** 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 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.
 - (4) **Minor Streets.** 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.

Sec. 14-1-71 Specifications for Preparation, Construction and Dedication of Streets and Roads.

(a) General Requirements.

- (1) **Construction Standards.** All roadway construction and materials used shall be performed in accordance with the construction methods as listed in the appropriate sections of the "State of Wisconsin Department of Transportation Standard Specifications for Road and Bridge Construction" and its supplements, and this Chapter, whichever is more restrictive. The design requirements of this Section and Section 14-1-70 shall be applicable to all streets and roads that are to be dedicated to the City, regardless of whether such streets or roads are part of a new subdivision or land division. Design requirements for the pavement shall be adequate for the zoning classification of the area served by the subject street. A street which divides areas with different zoning classifications shall be constructed in accordance with the requirements of the area requiring the higher quality pavement. Any variation of this must have prior approval of the City Engineer. Combination concrete curb and gutter is required on all streets. (Refer to the Section describing requirements for curbs and gutters.) A copy of all design assumptions and computations on which the proposed design is based shall be submitted to the City Engineer.
- (2) **Project Costs.** All roadway surveys, dedications, plans and specifications and construction will be at the expense of the applicant or applicants, except where the City assumes portions of construction cost per Section 14-1-54 (curb and gutter) and Subsection (b)(7) below (street paving). This includes any expense incurred by the City in the preparation of plans and review and inspection of plans and construction.
- (3) **Preliminary Consultation.** Prior to the design, preparation and construction of any roadway to be dedicated to the City of Westby, the applicant shall notify the City Engineer. An on-site meeting will then be arranged to be attended by the City Engineer and the applicant. Plans must be provided in order for the City Engineer to check the design and the drainage.
- (4) **Material Slips.** Copies of material slips for all materials furnished for the road construction projects shall be delivered to the City before the City approves the final construction.
- (5) **Required Inspections.** Prior to the commencement of any street construction, the sub-divider shall notify the City Engineer, at least three (3) workdays in advance, as to the nature of the work being done. The City Engineer shall be contacted for required inspections during the following phases of construction:
 - a. Subbase grading;
 - b. Crushed aggregate base course;
 - c. Concrete gutter, curb and sidewalks;
 - d. Bituminous surface course; and
 - e. Shouldering.Any deficiencies found by the City Engineer shall be corrected before proceeding to the next phase of construction.
- (6) **Tests of Materials.** The City shall be provided with a sample of the roadway base material prior to placement on the roadway. The City shall also be provided with copies of test reports performed by an independent testing lab indicating test results for material gradation and soundness.

(7) **Pavement Samples.** Samples of bituminous concrete will be taken by the City during pavement construction operations for purposes of determining that the material meets specifications.

(b) **Construction Standards.** All streets and highways constructed in the City or to be dedicated to the City shall fully comply with the following construction standards, and shall be adequate for the zoning classification or projected use of the area served by the street:

(1) **General.** After completion of the underground utilities and approval thereof, the streets shall be constructed. Unless excepted, building permits shall not be issued prior to the installation of the street improvements and the approval of an individual lot grading plan that conforms to the guidelines of the master site grading plan, as determined by the City Engineer, or his/her designee.

(2) **Temporary Streets.** Construction of temporary streets shall require authorization of the Common Council.

(3) **Standard Street Improvements.**

- a. Standard street improvements shall include street lights, crushed stone base course, concrete curb and gutter, bituminous binder and surface course and, when required, walkways.
- b. The construction of standard street improvements can begin only when the construction of underground utilities has been completed and mechanical compaction test reports have been approved by the City Engineer.
- c. Upon obtaining the written approval of the City Engineer the sub-divider can proceed with the construction of the standard street improvements. Standard street improvements shall be installed to the boundary line of the subdivision unless the street culminates in a cul-de-sac, the topography or other physical conditions make it impossible to do so, or unless this requirement is waived, in writing, by the Planning Commission.

(4) **Roadway Base Standards.**

- a. The sub-divider must bring all streets and alleys to a grade established by the Common Council. All site work by City employees in determining grade shall be billed at the City rate and paid by the owner.
- b. Residential streets shall have a minimum nine (9) inch thick, compacted in-place, crushed stone roadway base. Roadway base shall consist of four (4) inch minimum depth of compacted, crushed stone conforming to requirements of Gradation No.2 of Section 304 - Crushed Aggregate Base Course of "State of Wisconsin, Standard Specifications For Road and Bridge Construction," latest edition, in top layer over five (5) inch minimum depth of compacted, crushed stone in bottom layer, which conforms to following gradation specifications:

Sieve Size	Percentage Passing by Weight
3 inch	100
2-1/2 inch	90-100
2 inch	35-70
1-1/2 inch	0-15
3/4 inch	0-5

- c. On commercial, arterial or other heavy-use streets, as determined by the City Engineer, a ten (10) inch minimum depth base course shall be constructed upon an inspected and approved subgrade, with crushed rock approximately six (6) inches in depth conforming to the specifications in Subsection (b)(4)b above and overlaid with one (1) four (4) inch layer of crushed stone conforming to Gradation No. 2 as specified in Subsection (b)(4)b above.

- d. In the case of commercial, arterial or other heavy-use roads, the Common Council may, in the alternative to the above standards, have the City Engineer provide specifications for such roads after researching the site(s) and conducting a soil analysis for separate pavement design analysis.
 - e. In any case, the Common Council shall have the sole discretion in determining the use and construction classification to be adhered to.
 - f. In all cases, the base course shall be compacted to the extent necessary to produce a condition so that there will be no appreciable displacement of material laterally and longitudinally under traffic and shall conform to line, grades and shape shown on the approved plans, profiles and cross sections. Compaction shall be to ninety-five percent (95%) modified Proctor ASTM D1557. Testing shall be conducted by nuclear density meter or as otherwise approved by the City Engineer.
 - g. The sub-divider shall furnish drawings which indicate the proposed grades of streets shown on the plat and, after approval of those grades by the City Engineer and adoption by the Common Council, the streets shall be graded to full width of the right-of-way of the proposed street to the subgrade elevations shown on the typical cross-section. The grading is to be completed prior to installation of utilities. All stumps and trees which cannot be saved, boulders and other similar items shall be removed by the sub-divider.
- (5) **Roadway Subgrade Quality.** All subgrade material shall have a minimum California Bearing Ratio (CBR) of three (3). Subgrade material having a CBR less than three (3) shall be removed and replaced with a suitable fill material, or the pavement must be designed to compensate for the soil conditions. The soil support CBR values selected for use by the designer should represent a minimum value for the soil to be used.
- (6) **Roadway Sub-Base.** Stable and nonorganic sub-base material is required. Unstable and organic material must be sub-cut, removed and replaced with a suitable granular or breaker-run material approved by the City Engineer.
- (7) **Street Width; Pavement Thickness.**
- a. Local streets shall be constructed as required by this Chapter, provided, however, that a greater or lesser roadway width may be required by the City where necessary to assure uniformity along the entire length of any street. The thickness of the pavement shall be three (3) inches total of hot mix bituminous concrete, installed in two (2) lifts of one and one-half (1-1/2) inches each.
 - b. Collector streets shall be constructed as required by this Chapter provided, however, that a greater or lesser roadway width may be required by the City where necessary to assure uniformity along the entire length of any street. Thickness of the pavement shall be three (3) inches total of hot mix bituminous concrete, installed in two (2) lifts of one and one-half (1-1/2) inches each.
 - c. Arterial streets shall be constructed as required by this Chapter provided, however, that a greater or lesser roadway width may be required by the City where necessary to assure uniformity along the entire length of any street. The thickness of the pavement shall be three (3) inches total of hot mix bituminous concrete, installed in two (2) lifts of one and one-half (1-1/2) inches each.
 - d. When drainage ditches are utilized in a land division outside of the public service area, concrete curbs and gutters shall not be required and streets shall be constructed as required by this Chapter. The thickness of the pavement shall be three (3) inches total of hot mix bituminous concrete, installed in two (2) lifts of one and one-half (1-1/2) inches each.

- e. The sub-divider shall install and pay for the first one and one-half (1-1/2) inch lift of hot mix paving (binder course). When directed by the City, the City shall pay for the final one and one-half (1-1/2) inch lift of hot mix paving after all lots are developed in each phase of a subdivision.
 - f. The final lift will be installed after all utility construction and grading are completed and heavy truck and construction equipment traffic on the new street is minimal. Prior to construction of the final lift, the streets must be dedicated to, and accepted by, the City.
- (8) **Roadway Culverts and Bridges.** Roadway culverts and bridges shall be constructed as directed by the City Engineer and sized utilizing the methods listed in Chapter 13, entitled "Drainage," of the "Facilities Development Manual" of the Wisconsin Department of Transportation. All roadway culverts shall be provided with concrete or metal apron end walls. All culverts shall be designed to pass a ten (10) year, twenty-four (24) hour duration storm event.
- (9) **Driveways.**
- a. Curbs shall not be interrupted by openings for driveways or other access ways to private property unless the number and location of such interruptions have been approved by the City Engineer.
 - b. When allowed, curb openings for driveways within the public service area shall be no less than fourteen (14) feet nor more than twenty-four (24) feet in width unless the opening is intended to afford access to a commercially zoned parcel. The width of any driveway opening intended to afford access to commercial property shall not be more than thirty-five (35) feet, unless otherwise prescribed by the City Engineer.
 - c. Driveways outside of the public service area shall be no less than twelve (12) feet in width, shall have a culvert at the ditch line, and shall, in all other respects, comply with the requirements of any ordinance regulating driveways adopted by the pertinent adjacent town.
 - d. The culverts shall be placed in the ditch line at elevations that will assure proper drainage, and they shall be provided with concrete or metal end walls.
- (10) **Topsoil, Grass, Seed, Fertilizer and Mulch.** All disturbed areas (ditches, back slopes) within the road right-of-way not provided with pavement and shouldering material shall be restored utilizing four (4) inches of topsoil and good quality grass seed, fertilizer and mulch. Ditches along the roadway with greater than a two percent (2%) slope shall be protected by erosion control materials such as hay bales, sod, erosion control mats, etc.
- (11) **Drainage Improvements.** All new roads and streets shall be provided with storm water retention areas and storm sewers in order to provide for proper drainage.
- (12) **Continuity and Transitions.**
- a. All street pavement widths on streets continued from previously developed or platted streets shall, wherever practical, provide for the greater of either the existing or required pavement type, width, grade and cross slope.
 - b. Where it is necessary to provide for a transition of pavement width and/or type between new and existing streets, the transition shall occur in a safe manner at an intersection. In width transitions, the ratio of the transition length to width shall not be less than forty to one (40:1) unless the City Engineer determines that special circumstances prevent use of such ratio, in which case the minimum transition ratio shall be twenty to one (20:1).
- (13) **Curb and Gutter.** Combination concrete curb and gutter is required on all streets. Refer to Section 14-1-54 describing requirements for curbs and gutters.

- (14) **Post-Construction Traffic Limited.** No vehicular traffic shall be permitted on the pavement for a minimum period of between twenty-four (24) and seventy-two (72) hours following paving, as determined necessary by the City Engineer to protect the new pavement.
- (c) **Final Inspection.** Upon completion of proposed streets and the installation of the first lift pavement, the City Engineer will proceed to make a final inspection, accepting or rejecting the street as the case may be. After all of the provisions of this Chapter have been complied with, the street will be inspected by City officials and, at that time, proof will be made by the presenting of waivers of liens or receipted bills that all work that has been done has been paid for, or arrangements have been made for the payment through written instrument by the sub-divider. If the street is rejected, corrections shall be made as required by the Common Council, upon the City Engineer's recommendation, before final inspection can then be made again. If final acceptance is then made, the owner or owners shall dedicate to the City all land necessary for streets. The sub-divider shall warranty the fitness of street improvements for one (1) year after construction.

Sec. 14-1-72 Block Design Standards.

- (a) **Length; Arrangement.** The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated, but block length (measured in the long dimension from street centerline to street centerline) shall not be less than five hundred (500) feet nor exceed one thousand two hundred (1,200) feet nor have less than sufficient width to provide for two (2) tiers of lots of appropriate depth between street lines. Blocks shall be so designated as to provide two (2) tiers of lots, unless it adjoins a railroad, major thoroughfare, river or park where it may have a single tier of lots. Cul-de-sacs may be used where the interblock spacing of adjacent streets exceeds the appropriate depth of two (2) tiers of lots.
- (b) **Pedestrian Pathways.** Pedestrian pathway easements not less than ten (10) feet wide, with a five (5) foot sidewalk, may be required by the Common Council, upon the recommendation of the Planning Commission, through the center of a block more than nine hundred (900) feet long, where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.
- (c) **Street Tree Planting Strip Easements.** Tree planting strip easements shall be provided for on both sides of all streets when the street terrace is insufficient. The minimum easement width shall be ten (10) feet and shall be adjacent to the front property line. Street trees shall be maintained by the adjacent property owner in accordance with City ordinances.

Sec. 14-1-73 Lot Design Standards.

- (a) **Size.**
- (1) The size, shape and orientation of lots shall be appropriate for the location of topography of the land division, and for the type of development contemplated, provided that no lot shall be smaller in area than the minimum lot size for the appropriate zone as established by the City Zoning Code.
 - (2) Lot dimensions, shape and size shall provide for conformance to the requirements of the Zoning Code for the permitted land use(s) without the need for the granting of Zoning Code variances by the Zoning Board of Appeals. Excessive depth in relation to width shall be avoided.
- (b) **Commercial or Industrial Lots.** Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and

parking facilities required by the type of use and development contemplated, as required by the City Zoning Code.

- (c) **Minimum Lot Frontage.** All lots on curved streets and cul-de-sacs shall have a minimum of fifty (50) feet of platted frontage on a public street to allow access by emergency and service motor vehicles unless part of a Planned Unit Development approved by the Common Council. In any case, minimum lot width at building setback line shall be in conformance with the requirements of the Zoning Code. Alley frontage (public or private) shall not constitute meeting this minimum frontage requirement.
- (d) **Corner Lots.** Corner lots for residential use shall have extra width to permit full building setback from both streets, or as required by applicable zoning regulations.
- (e) **Access to Public Streets.** Every lot shall front or abut on a public street.
- (f) **Side Lots.** Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines. Lot lines shall follow City boundary lines.
- (g) **Double and Reversed Frontage Lots.** 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.
- (h) **Natural Features.** In the dividing of any land, regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
- (i) **Land Remnants.** All remnants of lots below minimum size left over after dividing of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.
- (j) **Large Lots.** In case a tract is divided and results in parcels of more than twice the minimum lot size provided for by the City Zoning Code for the zoning district in which the land is located, such parcels shall be so arranged to permit re-dividing into parcels in accordance with this Chapter and with the Zoning Code.
- (k) **Trunk Highway Proximity.** All lots adjacent to state trunk and federal highways shall be platted with additional depth necessary to provide for a building setback line not less than fifty (50) feet from the nearer right-of-way line or one hundred ten (110) feet from the centerline, whichever is more restrictive (Ref. Wis. Adm. Code HY 33). The sub-divider may appeal this requirement to the City Engineer. Upon written request of the City Engineer; the Wisconsin Department of Transportation is hereby authorized to then determine building setback requirements equal to or less than those required above in all land divisions (including certified surveys) adjacent to state and federal highways in accordance with the authority granted in the Administrative Code. The required building setback line and additional lot depth shall be platted so as to accommodate such required building setbacks.
- (l) **Easement Allowance.** Lots containing pedestrian or drainage easements shall be platted to include additional width in allowance for the easement.
- (m) **Drainage Way and Watercourses.** Lots abutting upon water course, drainage way, channel or stream shall have such additional depth or width as required by the City Engineer to obtain building sites that are not subject to flooding from a post development one hundred (100) year twenty-four (24) hour duration storm event.

Sec. 14-1-74 Drainage and Stormwater Management System.

- (a) **Purpose.**
 - (1) The sub-divider shall construct storm water drainage facilities, adequate to serve the subdivision which may include curbs and gutters, catch basins and inlets, storm sewers,

road ditches, open channels, water retention structures and settling basins. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazards to life or property.

- (2) Shoreland drainage facilities shall, if required, include water retention structures and settling basins so as to prevent erosion and sedimentation where such facilities discharge into streams or lakes. The design criteria, the size, type, grades and installation of all storm water drains and sewers and other cross-section, invert and erosion control paving check dams, flumes or other energy dissipating structures and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications approved by the City Engineer.
- (3) The sub-divider shall assume the cost of installing all storm sewers of thirty-six (36) inches or smaller within the proposed subdivision, except for the added cost of installing storm sewers greater than thirty-six (36) inches which are necessary to serve tributary drainage areas lying outside of the proposed subdivision. In addition, the sub-divider shall pay to the City, a storm sewer trunk line connection fee based on the added cost of installing larger sewers in the total tributary drainage area which 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 sewers.
- (5) The following provisions in this Section are established to preserve and provide properly located public sites and facilities for drainage and stormwater management as the community develops, and to insure that the costs of providing and developing such public sites are equitably apportioned on the basis of serving the need for the management of increased stormwater quantities resulting from land development.

(b) **Drainage System Required.**

- (1) As required by Section 14-1-58, a drainage system shall be designed and constructed by the sub-divider to provide for the proper drainage of the surface water of the land division and the drainage area of which it is a part. Post-development peak runoff rates shall be limited to pre-development levels, up to and including twenty-five (25) year return period storms. A Final Plat shall not be approved until the sub-divider shall submit plans, profiles and specifications as specified in this Section, which have been prepared by a registered professional engineer and approved or modified by the Common Council, upon the recommendations of the Planning Commission and City Engineer.
- (2) Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.
- (3) The Planning Commission shall not recommend for approval nor the Common Council approve any subdivision plat which does not provide adequate means for stormwater or floodwater runoff. Any stormwater drainage system will be separate and independent of any sanitary sewer system. Storm sewers, where necessary, shall be designed in accordance with all governmental regulations, and a copy of design computations for engineering capacities shall accompany plans submitted by the planning engineer for the final plat. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point.

(c) **Drainage System Plans.**

- (1) The sub-divider shall submit to the City at the time of filing a Final Plat a drainage plan or

engineering report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the additional runoff which would be generated by the development of the land within the subdivision. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed subdivision. The report shall also include:

- a. Estimates of the quantity of storm water entering the subdivision naturally from areas outside the subdivision.
- b. Quantities of flow at each inlet or culvert.
- c. Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.

(2) A grading plan for the streets, blocks and lots shall be submitted by the sub-divider for the area within the subdivision.

(3) The design criteria for storm drainage/detention systems shall be based upon information provided by the City Engineer, and a plan for permanent maintenance.

(4) Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, sod, etc.) shall be in compliance with specifications provided by the City Engineer.

(d) **Drainage System Requirements.** The sub-divider shall install all the storm drainage facilities indicated on the plans required in Subsection (a) of this Section necessary to serve, and resulting from, the phase of the land division under development:

(1) **Street Drainage.** All streets shall be provided with an adequate storm drainage system. The street storm system shall serve as the minor drainage system and shall be designed to carry street, adjacent land and building storm water drainage. Storm water shall not be permitted to be run into the sanitary sewer system within the proposed subdivision.

(2) **Off-Street Drainage.** The design of the off-street major drainage system shall include the entire watershed affecting the land division and shall be extended to a watercourse or ditch adequate to receive the storm drainage. When the drainage system is outside of the street right-of-way, the sub-divider shall make provisions for dedicating an easement pursuant to Subsection (e) of the City to provide for the future maintenance of said system.

(e) **Protection of Drainage Systems.** The sub-divider shall adequately protect all ditches to the satisfaction of the City Engineer. Ditches and open channels shall be seeded, sodded or paved depending upon grades and soil types. (Generally ditches or channels with grades up to one percent [1 %] shall be seeded; those with grades up to four percent [4%] shall be sodded.)

(f) **Drainage Easements.** Where a land division is traversed by a watercourse, drainage way, channel or stream:

(1) 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 and as may be necessary to comply with this Section; or

(2) The watercourse, drainage way, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with storm water easement or drainage right-of-way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this Section; or

(3) Wherever possible, drainage shall be maintained in an easement by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases,

such easements shall be of a minimum width established at the high water mark or, in the absence of such specification, not less than thirty (30) feet.

- (g) **Dedication of Drainage Ways.** Whenever a parcel is to be subdivided or consolidated and embraces any part of a drainage way identified on a City Storm Water Management Plan, City of Westby Comprehensive Plan and/or Official Map or any portion thereof, such part of said existing or proposed public drainage way shall be platted and dedicated by the sub-divider as an easement or right-of-way in the location and at the size indicated along with all other streets and public ways in the land division. Maintenance arrangements shall be as prescribed in Subsection (m) below. Whenever any parcel is to be subdivided or consolidated and is part of a drainage district established under the authority of Chapter 88, Wis. Stats., the sub-divider shall petition the Circuit Court to transfer the jurisdiction of that portion of the drainage district being subdivided or consolidated to the City of Westby in accordance with Chapter 88.83, Wis. Stats.
- (h) **Dedication/Preservation of Storm Water Management Facilities.** The sub-divider shall dedicate sufficient land area for the storage of storm water to meet the needs to be created by the proposed land development and in accordance with the standards for on-site detention and as determined by the City Engineer. Whenever a proposed storm water management facility (e.g., detention or retention basin) shown on the City Storm Water Management Plan, Comprehensive Plan and/or Official Map is located, in whole or in part, within the proposed land division, ground areas for providing the required storage capacity in such proposed public facility shall be dedicated to the public or property owners association, as determined by the City, to the requirements of the master plan and/or official map. Storage areas necessary to serve areas outside the land division shall be held in reserve for a period of five (5) years from the date of final plat approval for future dedication to the City or other appropriate agency.
- (i) **Storm Drainage Facilities.**
- (1) The sub-divider, at his/her cost, shall install all drainage facilities identified in the Erosion Control Plan or determined by the City Engineer as being necessary for the management of all lands and roadways within the development. In addition, drainage capacity through the development from other areas shall be provided in accordance with a Comprehensive Surface Water Management Study, if applicable. All required storm drainage facilities shall be constructed and operational prior to acceptance of any dedications and/or public improvements served by the storm drainage facilities.
 - (2) The sub-divider shall submit to the City Engineer for his/her review and approval a report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the land division to handle the additional runoff which would be generated by the development of the land within the land division. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed land division. The report shall also include:
 - a. Estimates of the quantity of storm water entering the land division naturally from areas outside the land division.
 - b. Quantities of flow at each inlet or culvert.
 - c. Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.
 - (3) A grading plan for the streets, blocks and lots shall be submitted by the sub-divider for the area within the land division.
 - (4) The design criteria for storm drainage systems shall be reviewed by the City Engineer and approved or modified.

- (5) Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, code, etc.) shall be in compliance with standards and specifications provided by City ordinance and/or the City Engineer.

(j) **Maintenance.**

- (1) A maintenance agreement shall be required between the City and the sub-divider. The agreement shall be recorded as a property deed restriction by the sub-divider with the County Register of Deeds in a form which shall be binding upon all subsequent owners of land covered by the agreement. Such agreement shall assign on-going responsibility for maintenance and repair of the storm water management system, including detention/retention facilities and drainage ways, to a homeowners, property owners or condominium association per Section 14-1-23. Prior to Final Plat approval, the sub-divider shall submit to the City for its approval an on-going maintenance and mowing plan for such facilities, which shall be incorporated by reference into all approvals and development agreements. In the alternative, if unique circumstances or a special benefit to the public can be demonstrated, such ownership and maintenance responsibility may be assumed by the City.
- (2) If the City at any time finds that the storm water management measures constructed in accordance with the system plan are not being properly maintained, or if altered in any way from the location, configuration and capacity of the measures specified in the approved plan, the City shall have the right to undertake the needed maintenance or repair. This right shall include the right to enter onto private property as necessary to carry out the needed maintenance or repair. The cost of such maintenance or repair shall be levied as a special assessment or special charge against the properties concerned. The special charge or assessment shall be collectible in the same manner as all other special assessments/charges levied by the City.

- (k) **Minor Drainage System.** The sub-divider shall install all minor drainage system components necessary to reduce inconvenience and damages from frequent storms. Minor drainage components shall include all inlets, piping, gutters, channels, ditching, pumping and other facilities designed to accommodate the post-development runoff resulting from a ten (10) year, twenty-four (24) hour rainfall event as determined in the most current edition of the Soils Conservation Service Technical Release 55 (TR 55) or the "Rational Method". Temporary accumulations of storm runoff from ponding or flowing water, in or near minor system components, shall be permitted providing such accumulations do not allow the water to flow across the crown of the street from one side to the other. For arterial streets and streets located in commercial districts, ponding within normal traffic lanes [ten (10) feet on each side of the centerline of the street] is prohibited. In drainage-ways and drainage way easements, accumulations of water shall not inundate beyond the limits of the drainage way or drainage way easement. Cross-street drainage channels (valley gutters) shall not be permitted except on cul-de-sac or permanent dead-end streets serving less than ten (10) dwelling units and where the minimum grade in the valley gutter and street gutter between the valley gutter and the next downstream drainage inlet is not less than one percent (1.00%).

- (l) **Major Drainage System.** The sub-divider shall install all major drainage system components necessary to reduce inconvenience and damages from infrequent storms. Major system components shall include large channels and drainage ways, streets, easements and other paths and shall be capable of accommodating post-development runoff in excess of that accommodated by minor system components resulting from twenty-four (24) hour rainfall events for storms with return frequencies greater than two (2) years up to and including the one hundred (100) year return event (as identified in TR 55). Runoff resulting from a one hundred (100) year, twenty-four (24) hour rainfall event shall be contained within the street right-of-way or designated storm

drainage easement or detention facility.

(m) **Drainage Piping Systems.**

- (1) Unless otherwise approved by the City Engineer, all drainage piping of twelve (12) inches diameter and greater shall be constructed of reinforced concrete pipe class adequate for proposed street loading. Open drainage inlet pipes or culverts with any opening dimension in excess of eighteen (18) inches shall be equipped with debris grates having an exposed area at least seven (7) times the pipe opening area to avoid backwater accumulations from trash buildup and unsafe stream velocities and a maximum opening size of six (6) inches. Drainage piping outfalls with any opening dimension in excess of thirty-six (36) inches shall be protected from unauthorized entry by fencing, partial or total submergence of the outlet, debris grates or other methods approved by the City Engineer unless in such a location as to render routine maintenance operations impossible. Outfalls and their channels shall be protected from damages due to scour and erosion to the satisfaction of the City Engineer.
- (2) Agricultural drain tiles which are disturbed during construction shall be restored, reconnected or connected to public storm drainage facilities.

(n) **Open Channel Systems.**

- (1) Unpaved road ditches and street gutters shall be permitted only within the City's extraterritorial plat approved jurisdictional area and shall be shaped and seeded and/or sodded as grassed waterways. Where the velocity of flow is in excess of four (4) feet per second on soils having a severe or very severe erosion hazard and in excess of six (6) feet per second on soils having moderate, slight, or very slight erosion hazard, the sub-divider shall install check dams, flumes, or other energy dissipating devices.
- (2) Where open channels are utilized in either the minor or major drainage system, they shall be designed so as to minimize maintenance requirements and maximize safety. Drainage easements (in lieu of dedications) shall be utilized to accommodate open channels provided adequate access by the City for maintenance of drainage capacity. Side slopes shall not exceed a four-to-one (4:1) slope. Drainage ways where subject to high ground water, continuous flows, or other conditions as determined by the City Engineer that would hamper maintenance operations due to consistently wet conditions, shall have a paved concrete invert of not less than eight (8) feet wide and side slopes to a point one (1) foot above the channel invert.
- (3) In areas where invert paving is not required, the drainage way bottom shall be grass. If the drainage way has a bare soil bottom or the natural grasses in the drainage way are disturbed due to development operations, the drainage way bottom shall be sodded and securely staked to one (1) foot above the elevation of inundation resulting from a predevelopment five (5) year, twenty-four (24) hour storm event. Other disturbed areas shall be seeded and prepared in accordance with the City's Erosion Control requirements. Velocities for grass lined channels shall not exceed those presented in the City's Surface Water Management Study, if one is adopted.

(o) **Standards for On-Site Detention Storage.** When the sub-divider employs on-site detention to control erosion and sedimentation, reduce the post-development peak runoff rate or temporarily store storm water runoff due to inadequate downstream drainage facilities. The detention (storage) facilities shall be subject to regulation in accordance with the following standards:

- (1) Temporary on-site detention for erosion and sedimentation control shall be designed in conformance with the "Wisconsin Construction Site Best Management Practices

- Handbook".
- (2) Where on-site detention is permanently employed to reduce the post-development peak runoff, the detention facility shall safety contain the post-development runoff from a twenty-five (25) year storm event of twenty-four (24) hour duration within the limits of the facility.
 - (3) Post-development peak runoff rates shall be limited to pre-development levels, up to and including twenty-five (25) year return period storms. Curve numbers of 30, 58, and 78 for Hydrologic Soil Groups A, B, C and D respectively shall be used when computing pre-development runoff rates.
 - (4) All detention facilities shall safety contain or pass the runoff from any storm of any duration which exceeds the maximum storm required to be contained up to the one hundred (100) year storm event of twenty-four (24) hour duration.
 - (5) All permanent detention facilities shall safety contain the runoff from the one hundred (100) year storm event of twenty-four (24) hour duration on both public and, if necessary, private properties without inundating any building at the ground elevation, the travel lanes of any arterial street, the center ten (10) feet of any collector street or the top of the curb on any local street.
 - (6) Determination of on-site detention volumes shall be computed by procedures established by the United States Soil Conservation Service in the most current edition of its technical publication entitled "Urban Hydrology for Small Watersheds, TR-55 or TR-20," and as accepted and approved by the City Engineer.
 - (7) The storage of storm water runoff shall not encroach on any public park (except parks designed with detention facilities) or any private lands outside the land division unless an easement providing for such storage has been approved and recorded for said lands.
 - (8) All detention facilities shall be designed with the safety of the general public and any considerations for ease of maintenance as top proprieties.
 - (9) Any wet detention facilities shall include riprap to not less than two (2) feet above the normal pool elevation for protection from wave action, or other slope stabilization methods approved by the City Engineer, for protection from wave action.
 - (10) The sides of all detention facilities shall have a maximum slope ratio of four to one (4:1) (horizontal to vertical), with flatter slopes being required where determined practical by the City Engineer.
 - (11) The Common Council, upon recommendation by the City Engineer, may require the installation of fencing or other such security measures in detention facilities with excessively long down times or permanent water features, or other features requiring additional security for safety reasons.

Sec. 14-1-75 Non-Residential Subdivisions.

(a) General.

- (1) If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provisions as the City may require.
- (2) A non-residential subdivision shall also be subject to all the requirements of site plan approval set forth in the City Building Code. A non-residential subdivision shall be subject to all the requirements of this Chapter, as well as such additional standards required by the City and shall conform to the proposed land use standards established by any City Comprehensive Plan or Official Map and the City Zoning Code.

- (b) **Standards.** In addition to the principles and standards in this Chapter, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Common Council that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:
- (1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
 - (2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
 - (3) Special requirements may be imposed by the Common Council, upon the recommendation of the City Engineer, with respect to street, curb, gutter and sidewalk design and construction.
 - (4) Special requirements may be imposed by the Common Council, upon the recommendation of the City Engineer, with respect to the installation of public utilities, including water, sewer and storm water drainage.
 - (5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strips when necessary.
 - (6) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

Sec. 14-1-76 Grading.

The sub-divider shall grade each land division in order to establish street, block and lot grades in proper relation to each other and to topography as follows:

- (a) **Master Site-Grading Plan.**
- (1) A Master Site-Grading Plan shall be prepared by the sub-divider for all new subdivisions. This plan shall be prepared in accordance with the requirements and standards of the City.
 - (2) The Master Site-Grading Plan shall show existing and proposed elevations of all lot corners, control points and building locations. The plan shall also indicate all overland storm drainage in and adjacent to the subdivision. The cost of the preparation of such a plan shall be paid for by the sub-divider.
 - (3) After approval or modification of these plans by the City Engineer, the full width of the right-of-way of the proposed streets within the subdivision and the entire subdivision lot area shall be graded in accordance with the Master Site-Grading Plan. The owners of the subdivision lots shall adhere to those plans.
 - (4) Upon completion of all street and subdivision grading, the grades shall be checked and inspected by the Building Inspector to determine that the completed grading work is in accordance with the Master Site-Grading Plan. All grades shall be within four-tenths (.4) of a foot of the elevations shown on the master site grading plan.
 - (5) The cost of all required grading work, supervision, certification, inspection and engineering fees shall be paid for by the sub-divider.
- (b) **Right-of-Way Grading.** The sub-divider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans, including the grading of site triangles at each intersection.
- (c) **Block Grading.** Block grading shall be completed by one (1) or more of the following methods prior to the installation of utilities:

- (1) Regrading along the side or rear lot lines which provides for drainage to the public drainage facilities.
 - (2) Parts of all lots may be graded to provide for drainage to a ditch or to a swale, provided any ditches or swales are in public drainage easements.
 - (3) Draining across rear or side lot lines may be permitted provided that the course of drainage is within a public drainage easement and is toward public drainage facilities.
- (d) **Miscellaneous Grading Requirements.**
- (1) Lot grading shall be completed so that water drains away from each building site toward public drainage facilities at a grade approved by the City Engineer and provisions shall be made to prevent drainage onto properties adjacent to the land division unless to a public drainage facility. Buildable lots shall be graded so that the elevation of each building site is at least one (1) to two (2) feet above the centerline elevation of the adjacent public street.
 - (2) Grading activities shall not result in slopes greater than three to one (3:1) on public lands or lands subject to public access. Cut on filled land shall be graded to a maximum slope of three to one (3:1).
 - (3) The topsoil stripped for grading shall not be removed from the site unless identified in the Erosion Control Plan approved by the City Engineer as not being necessary for erosion control or site landscaping purposes. Topsoil shall be uniformly returned to the lots when rough grading is finished. Topsoil piles shall be leveled and seeded for erosion control prior to the City releasing the one (1) year guarantee provision on public improvements in the streets adjacent to the lots on which the topsoil is stockpiled.
 - (4) Such grading shall not result in detriment to any existing developed lands, either within or outside of the corporate limits.
 - (5) The Common Council shall require the sub-divider to provide or install certain protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles and grade stabilization structures. Seeding of the site shall occur within thirty (30) days of rough grading.
 - (6) Tree cutting and shrubbery clearing shall not exceed fifty percent (50%) of the lot or tract and shall be so conducted as to prevent erosion and sedimentation; preserve and improve scenic qualities; and, during foliage, substantially screen any development from stream or lake users.
 - (7) Paths and trails in wooded and wetland areas shall not exceed ten (10) feet in width unless otherwise approved by the Common Council, and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs, and the minimum impairment of natural beauty.
 - (8) Earth moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel, clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen, and topography.
 - (9) Review of the conduct of such cutting, clearing, and moving may be requested of the County Soil and Water Conservation District Supervisors, the State District Fish and Game Managers, and the State District Forester by the City Engineer or Plan Commission as they deem appropriate.
- (e) **Drainage Flows.** The sub-divider shall cause to be set upon the master grading plan arrows indicating the directions of drainage flows for each property line not fronting on a street on all parcels and along each street as will result from the grading of the site, the construction of the

required public improvements, or which are existing drainage flows and will remain. The arrows indicating the directions of flows shall be appropriately weighted so as to differentiate between the minor and major [one hundred (100) year event] drainage components. The arrows shall be accompanied on the master grading plan with the following note:

“Arrows indicate the direction of drainage flows in various components resulting from site grading and the construction of required public improvements. The drainage flow components located in easements shall be maintained and preserved by the property owner unless approved by the City Engineer.

Sec. 14-1-77 Erosion Control.

The City finds that urbanizing land uses have accelerated the process of soil erosion, runoff and sediment deposition in the waters of the City. Therefore, it is declared to be the purpose of this Section to control and prevent soil erosion and minimize storm water runoff increases and thereby to preserve the natural resources, control floods and prevent impairment of dams and reservoirs, protect the quality of public waters, protect wildlife, protect the tax base, and protect and promote the health, safety and general welfare of the people of the City. All land disturbing activities shall be subject to the provisions of the City's Construction Site Erosion Control Ordinance (Title 15).

Cross-Reference: Title 15, Chapter 2, "Construction Site Erosion Control".

Sec. 14-1-78 through Sec. 14-1-79 Reserved for Future Use.

Article H: Park and Public Land Dedications; Impact Fees

Sec. 14-1-80 General Park and Public Land Dedication Requirements.

- (a) **Dedication Requirement.** In order that adequate open spaces and sites for public uses may be properly located and reserved and in order that the cost of providing public areas, such as but not limited to, parks, recreation areas may be equitably apportioned on the basis of additional need created by the subdivision development, each sub-divider shall be required to dedicate land or fees in lieu of land for park or other public uses.
- (b) **General Design.** In the design of a subdivision, land division, planned unit development or development project, provision shall be made for suitable sites of adequate area for parks, playgrounds, open spaces, drainage-ways and other public purposes. Such sites are to be shown on the Preliminary Plat and Final Plat, and shall comply with the City of Westby Comprehensive Plan or component of said Plan. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities.

Sec. 14-1-81 Land Dedication.

- (a) **Dedication of Sites.** Where feasible and compatible with the Comprehensive Plan or Master Parks Plan of the City, the sub-divider shall provide and dedicate to the public adequate land to provide for park, recreation, school and open space needs of the land development within the City of Westby. The location of such land to be dedicated and its suitability for park/recreation purposes shall be determined solely by the Common Council. Where the dedication is not compatible with the Comprehensive Plan or Master Parks Plan, or for other reasons is not feasible as determined by the Common Council, the sub-divider shall, in lieu thereof, pay to the City of Westby a fee as established by this Article, or a combination thereof.
- (b) **Dedication of Parks, Playgrounds, Recreation and Open Spaces.** The sub-divider shall dedicate sufficient land area to provide adequate park, playground, recreation and open space to meet the needs to be created by and to be provided for the land division, subdivision or comprehensive development. The minimum dedication shall be:
 - (1) Five percent (5%) of the total acreage intended to be used for commercial or industrial uses;
 - (2) Ten percent (10%) of the total acreage intended to be used for single-family and two-family dwelling units;
 - (3) Fifteen percent (15%) of the total acreage intended to be used for multi-family dwellings.
- (c) **Combination of Residential Uses.** Where a combination of residential uses is intended, the minimum dedication shall be the sum obtained by adding ten percent (10%) of the acreage intended for single-family and two-family dwellings, and fifteen percent (15%) of the acreage intended for multi-family dwellings. Where a definite commitment is made to the City by the developer with respect to those portions of the total acreage intended for single family, duplex and multi-family dwellings, the dedication shall be based upon the maximum dedications which the zoning classification of the parcel will permit.
- (d) **Minimum Size of Park and Playground Dedications.**
 - (1) In general, land reserved for recreation purposes shall have an area of at least two (2) acres. Where the amount of land to be dedicated is less than two (2) acres, the Common Council may require that the recreation area be located at a suitable place on the edge of the proposed land division, subdivision or certified survey map project so that additional land may be added at such time that the adjacent land is subdivided. In no case shall an

area of less than one (1) acre be reserved for recreational purposes if it will be impractical or impossible to secure additional lands in order to increase its area.

- (2) Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield or for other recreation purposes, and shall be relatively level and dry. A recreation site shall have a total frontage on one (1) or more streets of at least two hundred (200) feet, and no other dimension of the site shall be less than two hundred (200) feet. Conservancy or drainage way lands are not counted as part of such required recreational dedication.

(e) **Fees in Lieu of Land.**

- (1) Where, in the sole discretion of the Common Council, there is no land suitable for parks within the proposed land division or the dedication of land would not be compatible with the City's Comprehensive Plan or Master Park Plan, the minimum size under Subsection (d) cannot be met, or City of Westby officials determine that a cash contribution would better serve the public interest, the Common Council shall require the sub-divider to contribute a park and recreation development fee in lieu of land. The fees collected shall be held in a non-lapsing fund to be used for purchase, development, improvement and maintenance of parks, playgrounds, open spaces and other recreational sites and facilities. The total fee shall be computed on the basis of the maximum residential use of each parcel permitted in the particular zoning district under the Zoning Code. For each proposed residential development, the fee shall be per Section 1-3-1 for each residential unit. The fee shall be paid to the City at the time of final plat or certified survey approval. This fee shall be annually adjusted by the City Clerk-Treasurer by adding to the base fee the Consumer Price Index (CPI) cost on March 1st of that year for each possible dwelling unit within the plat/land division allowed by the Zoning Code.
- (2) The Common Council may, in its sole discretion, permit the sub-divider to satisfy the requirements of this Article by combining a land dedication with a fee payment. If a land dedication of twenty-five percent (25%) of the required dedication is made, the sub-divider shall also contribute an amount equal to seventy-five percent (75%) of the required per unit fee in lieu of land. If a land dedication of fifty percent (50%) of the required dedication is made, the sub-divider shall also contribute an amount equal to fifty percent (50%) of the required per unit fee in lieu of land. If a land dedication of seventy-five percent (75%) of the required dedication is made, the sub-divider shall also contribute an amount equal to twenty-five percent (25%) of the required per unit fee in lieu of land.
- (3) The City of Westby shall place any fee collected pursuant to the provisions of this Section in a separate account to be used at the discretion of the Common Council in any community park, for developing adequate parks, playgrounds, recreation and open spaces.

- (f) **Suitability of Lands.** The Common Council, upon the recommendation of the Plan Commission, shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication. Drainage ways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.

- (g) **Deeded to the City.** Land dedicated for public purposes shall be deeded to the City of Westby at the time the Final Plat is approved.

- (h) **Utility Extensions.** The sub-divider shall install or provide for installation of water and sanitary sewer lines to the property line of all dedicated land, where such services are to be provided to the adjacent properties.

Sec. 14-1-82 Reservation of Additional Land.

When public parks and sites for other public areas as shown on the Master Plan or Master Plan component lie within the proposed area for development and are greater in area than required by Section 14-1-81, the owner shall reserve for acquisition by the City, through agreement, purchase or condemnation, the remaining greater public area for a period of one (1) year of Final Plat approval unless extended by mutual agreement.

Sec. 14-1-83 Development of Park Area.

- (a) When parklands are dedicated to the City of Westby, the sub-divider is required to:
 - (1) Properly grade and contour for proper drainage;
 - (2) Provide surface contour suitable for anticipated use of area as approved by the City Engineer; and
 - (3) Cover areas to be seeded with a minimum of six (6) inches of quality topsoil, seed as specified by the Director of Public Works, fertilized with 16-6-6 at a rate of seven (7) pounds per one thousand (1,000) square feet, and mulched, as specified in the standard "Specifications for Road and Bridge Construction Section 627 and 629". The topsoil furnished for the park site shall consist of the natural loam, sandy loam, silt loam, silty clay loam or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline. Fine grading and seeding must occur within one (1) year following issuance of the first building permit within that land division unless otherwise authorized by the Common Council. The improved area shall not be deemed officially accepted until a uniform grass cover to a two (2) inch height has been established. It shall be the responsibility of the sub-divider to maintain the area until the City accepts the dedication.
- (b) It shall be the responsibility of the City to maintain the dedicated areas upon their dedication and acceptance by the City. The owner of said land shall be responsible for its maintenance and liability thereon except that said owner shall not develop the surrounding area in a manner which would unduly depreciate the purpose, use or value of the dedicated property.
- (c) A neighborhood park area shall be provided by the sub-divider with a standard residential water service unless located directly adjacent to a fire hydrant. A community park area shall be provided by the developer with a minimum six (6) inch water service or at least one (1) fire hydrant, and at least one (1) four (4) inch sanitary sewer lateral, all located at the street property line.
- (d) The Common Council may require certification of compliance by City officials. The cost of such report shall be paid by the sub-divider.
- (e) If the sub-divider fails to satisfy the requirements of this Section, the Common Council may contract said completion and bill such costs to the sub-divider, following a public hearing and written notice to the sub-divider of noncompliance. Failure to pay such costs may result in the immediate withholding of all building permits until such costs are paid.
- (f) The sub-divider shall pay all costs of public improvements in the public streets adjacent to or within all public and/or park lands.
- (g) Development of park lands is to be completed as soon as twenty percent (20%) of the planned lots in the subdivision are sold or developed, as determined by the Common Council.

Sec. 14-1-84 through Sec. 14-1-89 Reserved for Future Use.

Article I: Fees

Sec. 14-1-90 Administrative and Other Fees.

(a) **General.**

- (1) The sub-divider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the City of Westby in connection with the plat or certified survey map. Legal work shall include the drafting of contracts between the City of Westby and the sub-divider. These fees may also include the cost of obtaining professional opinions including, but not limited to attorneys, engineers, landscape architects, and land planners, requested by the Common Council, Planning Commission, or City staff in connection with the land division being considered.
- (2) The City of Westby may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the City's review of a proposal coming before the Common Council. The submittal of a development proposal application or petition by a sub-divider, shall be construed as an agreement to pay for such professional review services applicable to the proposal. The City may charge the costs for these services to the sub-divider. The City may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until such fees are paid by the sub-divider. Review fees which are charged to a sub-divider, but which are not paid, may be levied by the City as a special assessment against the subject property. The sub-divider shall be required to provide the City with an executed copy of an Agreement as to Costs, as set forth in the Appendix, to pay for said consulting services as a prerequisite to the processing of the development application.
- (3) At the time of submission of a plat or certified survey map, the Planning Commission or Common Council, at their sole discretion, may require the sub-divider to make a good faith deposit with the City Clerk-Treasurer to cover, in all or part, the expenses anticipated to be incurred by the City because of the land division. Unused portions of such fund may be refunded to the sub-divider.

(b) **Engineering Fee.** The sub-divider shall pay a fee equal to the actual cost to the City for all engineering work incurred by the City in connection with the plat or certified survey map, including inspections required by the City. The sub-divider shall pay a fee equal to the actual cost to the City for such engineering work and inspection as the Common Council and/or City Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the City or any other governmental authority. Engineering work shall include the preparation of construction plans, standard specifications and administration of the engineering work.

(c) **Administrative Fee.** The sub-divider shall pay a fee to the City equal to the cost of any legal, administrative or fiscal work which may be undertaken by the City in connection with the plat or certified survey map.

(d) **Concept Plan.** There shall be no fee for the City's review of a concept or sketch plan of a proposed land division. However, such reviews shall be conducted only as staff time permits.

(e) **Preliminary Plat.**

- (1) A sub-divider who submits a Preliminary Plat for the City Planning Commission and the Common Council shall file said Preliminary Plat with the City Clerk-Treasurer and shall deposit with the City Clerk-Treasurer a fee to cover the costs of reviewing said application. The fee for a Preliminary Plat shall be as prescribed in Section 1-3-1 for up to and including six (6) lots plus an additional fee per each additional lot over six (6). If the plat is rejected, no part of the fee shall be returned to the petitioner.

- (2) A reapplication fee as prescribed in Section 1-3-1 shall be paid to the City Clerk-Treasurer at the time of reapplication for approval or amendment of any Preliminary Plat which has previously been reviewed.
- (f) **Final Plat Review Fee.**
- (1) The sub-divider shall pay a fee as prescribed in Section 1-3-1 per lot within the Final Plat to the City Clerk-Treasurer at the time of first application for Final Plat approval of said plat to assist in defraying the cost of review.
- (2) A reapplication fee as prescribed in Section 1-3-1 shall be paid to the City Clerk-Treasurer at the time of a reapplication for approval or amendment of any Final Plat which has previously been reviewed.
- (g) **Certified Survey Map.**
- (1) The sub-divider shall pay an application fee as prescribed in Section 1-3-1 for each certified survey map.
- (2) Should the sub-divider submit an amended or revised Certified Survey, the resubmittal fee shall be as prescribed in Section 1-3-1 for each amended or revised certified survey map.
- (h) **Objecting Agency Review Fees.** The sub-divider shall transmit all fees required for state agency review to the City Clerk-Treasurer at the time of application if the City Clerk-Treasurer will be transmitting those documents. Said review fees shall be retransmitted to the proper state review agency by the City Clerk-Treasurer. Said fees shall be applicable, where appropriate, to review fees required by the Wisconsin Department of Transportation, Wisconsin Department of Administration and the Wisconsin Department of Natural Resources.
- (i) **Public Site Fee.** If the subdivision does not contain lands to be dedicated as required in this Chapter, the City Clerk-Treasurer shall require a fee pursuant to Section 14-1-84 for the acquisition and development of public sites to serve the future inhabitants of the proposed subdivision.
- (j) **Improvement Review Fee.** The sub-divider shall pay a fee or present a bond, certified check, or irrevocable letter of credit equal to five percent (5%) of the cost of the required public improvements as estimated by the City Engineer at the time of the submission of improvement plans and specifications to partially cover the cost to the City of checking and reviewing such plans and specifications. Fee may be recomputed, upon demand of the sub-divider or City 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 sub-divider. At the Common Council's option, this procedure may be used as an alternative to the escrow account in Subsection (1) below. Evidence of cost shall be in such detail and form as required by the City Engineer.
- (k) **Assessments.** All outstanding assessments due to the City shall be due prior to the signing of the Final Plat or certified survey map by the City of Westby.
- (l) **Administrative Costs.**
- (1) **Cost Determination.** The sub-divider of land divisions within the City of Westby shall reimburse the City for its actual cost of design, inspection, testing, construction and associated legal, real estate and other fees incurred by the City in connection with the preliminary plat, final plat, replat or certified survey. The City's costs shall be determined as follows:
- a. The cost of City employees' time engaged in any way with the land division based on the hourly rate paid to the employee multiplied by a factor determined by the City Clerk-Treasurer to represent the City's cost for expenses, benefits, insurance, sick leave, holidays, vacation and similar benefits.
 - b. The cost of City equipment employed.

- c. The cost of mileage reimbursed to City employees which is attributed to the land division.
 - d. The actual costs of City materials incorporated into the work, including transportation costs plus a restocking and/or handling fee not to exceed ten percent (10%) of the cost of the materials.
 - e. All consultant fees, including but not limited to legal and engineering fees, at the invoiced amount plus administrative costs. Unless the amount totals less than Fifty Dollars (\$50.00), the City shall draw against the escrow account or bill the sub-divider monthly for expenses incurred by the City. Statements outstanding for more than thirty (30) days shall accrue interest at the rate of one and one-half percent (1-1/2%) per month. Bills outstanding for more than ninety (90) days shall be forwarded to the sub-divider's surety agency for payment. Amounts less than Fifty Dollars (\$50.00) shall be held for billing by the City until amounts total more than Fifty Dollars (\$50.00) or until the conclusion of project activities.
- (2) ***Escrow for Fees.***
- a. At such time as the sub-divider submits a Preliminary Plat or certified survey map for review by the City of Westby, it shall deposit with the City Clerk-Treasurer, in escrow, the sum required by the following schedule to guarantee the timely payment of the City's administrative costs:
 - 1. Minor Subdivision (Certified Survey Map): Three Hundred Dollars (\$300.00).
 - 2. Subdivisions: One Thousand Dollars (\$1,000.00) for each five (5) lots or units, up to a maximum of Five Thousand Dollars (\$5,000.00).
 - b. In the event the amount deposited with the City Clerk-Treasurer falls below twenty-five percent (25%) of the amount required to be deposited, the Common Council shall have the option of requiring the sub-divider to replenish the escrow to the original amount required hereunder. In the event the sub-divider withdraws his/her plat or certified survey map, or the same is approved, and money remains in escrow over and above the City's fees, the excess shall be refunded to the sub-divider. The escrow account shall not draw interest for the benefit of the sub-divider. The City Clerk-Treasurer, with the approval of the Common Council, shall have the right to draw upon the escrow to reimburse the City for the fees it has incurred in reviewing the certified survey map or subdivision on a periodic basis. An accounting of all fees incurred by the City and the status of the escrow shall also be provided to the sub-divider periodically. In the event the sub-divider defaults in establishing or replenishing the escrow, the City of Westby shall not be required to act further upon the sub-divider's request. Failure to replenish the escrow shall be sufficient cause to reject the land division.

Sec. 14-1-91 through Sec. 14-1-99 Reserved for Future Use.

APPENDIX

Sample Agreement as to Costs With the City of Westby

_____ The applicant/petitioner for _____
_____ dated _____ (nature of application/
petition) agrees, in addition to those normal costs payable by an applicant/petitioner (e.g. filing,
or permit fees, publication expenses, recording fee, etc.), that in the event the action applied or petitioned
for requires the City of Westby, in the judgment of its staff, to obtain additional professional services(s)
(e.g. engineering, surveying, planning, environmental, recreational, legal) than normally would be
routinely available "in house" to enable the City to properly address, take appropriate action on, or
determine the same, applicant/petitioner shall reimburse the City for the costs thereof.

Dated this _____ day of _____, _____.

(Signature of Applicant/Petitioner)

Article J: Variances; Penalties and Violations

Sec. 14-1-100 Variations and Exceptions.

- (a) Where the sub-divider alleges that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, he/she may request variations or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of this Chapter. When in the judgment of the Common Council it would be inappropriate to apply literally a provision of this Chapter because the land division is located outside the corporate limits of the City or because extraordinary hardship would result or because the City deems it to be in the public interest, it may waive or vary such provision so that substantial justice will be done and the public interest secured; provided the requirement of filing and recording the land division shall not be waived. Application for any such variance shall be made in writing by the sub-divider to the City Clerk-Treasurer at the time when the Preliminary Plat or certified survey map is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans, or other additional data which may aid City officials in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the project. The City Clerk-Treasurer may request that the City Engineer, City Attorney or other officials review each situation to insure that the request is consistent with the requirements and standards of this Chapter. The City Clerk-Treasurer shall refer the matter to the Planning Commission with a written report and recommendation from City staff. The previous granting of variances or exceptions in the same or similar circumstances shall not of itself constitute grounds for the granting of a variance or exception, nor shall strictly financial rationale.
- (b) The Common Council shall not grant variations or exceptions to the regulations of this Chapter unless it shall make findings based upon the evidence presented to it in each specific case that:
- (1) Failure to grant the variation may be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 - (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property;
 - (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the strict letter of the regulations were carried out.
 - (4) There would be no costs (present or future) to the City resulting from the granting of the variance or exception, and the variance or exception would not be in conflict with the Comprehensive Plan.
- (c) Any recommendations for variances or exceptions by the Planning Commission must be approved by a three-fourths (3/4) majority vote of the Planning Commission and shall be so endorsed by the Secretary and transmitted to the Common Council. The Common Council, if it approves, shall do so by resolution adopted by three-fourths (3/4) vote and shall instruct the City Clerk-Treasurer to notify the Planning Commission and the sub-divider.
- (d) Variances from the strict application of this Chapter may also be granted in accordance with this Chapter in the case of Planned Unit Developments provided the Common Council, upon review and recommendations from the Planning Commission, shall find that the proposed development is fully consistent with the purpose and intent of this Chapter, City Zoning Ordinances, and any City of Westby Comprehensive Plan.

Sec. 14-1-101 Enforcement; Penalties and Remedies.

- (a) **Violations.** It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Chapter or the Wisconsin Statutes and no person shall be issued a building permit by the City of Westby authorizing the building on, or improvement of, any subdivision, land division or replat with the jurisdiction of this Chapter not of record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been fully met. The City of Westby may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.
- (b) **Penalties.**
- (1) Any person, firm or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit no less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) and the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.
 - (2) Recordation improperly made has penalties provided in Sec. 236.30, Wis. Stats.
 - (3) Conveyance of lots in unrecorded plats has penalties provided for in Sec. 236.31, Wis. Stats.
 - (4) Monuments disturbed or not placed have penalties as provided for in Sec. 236.32, Wis. Stats.
 - (5) Assessor's plat made under Sec. 70.27 of the Wisconsin Statutes may be ordered by the City at the expense of the sub-divider when a subdivision is created by successive divisions.
- (c) **Revocation of Permits and/or Approvals.**
- (1) The City Engineer, Director of Public Works or Building Inspector may revoke or suspend any permit or approval issued under the regulations of this Chapter and may stop construction or use of approved materials, equipment, methods of construction, devices or appliances for any of the following reasons:
 - a. Whenever the City Engineer shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the sub-divider or his/her contractor has refused to conform after written warning or instruction has been issued to him/her.
 - b. Whenever the continuance of any construction becomes dangerous to life or property.
 - c. Whenever there is any violation of any condition or provisions of the application for permit, or of the permit or of any approval.
 - d. Whenever, in the opinion of the City Engineer, Director of Public Works or Building Inspector, the sub-divider has provided inadequate management of the project.
 - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the City Engineer, Director of Public Works or Building Inspector for the use of all materials, equipment, methods of construction, devices or appliances.
 - (2) The notice revoking a permit or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his/her agent, if any, and/or on the person having charge of construction.
 - (3) A revocation placard shall also be posted upon the premises in question by the City Engineer, Director of Public Works or Building Inspector.

- (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the City Engineer, Director of Public Works or Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as that official may require for the preservation of life and safety.
 - (5) Any appeals of such revocations or suspensions must be made in writing and within seven (7) calendar days to the City Clerk-Treasurer for consideration by the Common Council at its next regularly scheduled meeting, provided the appeal is filed not less than seven (7) days prior to the meeting date.
 - (6) The Building Inspector is hereby directed to withhold the issuance of building permits within the land division until compliance with the provisions of this Chapter is obtained.
 - (7) The Building Inspector is hereby directed to withhold the issuance of occupancy permits within the land division if violations of this Chapter may result in health or safety problems for the occupants.
- (d) **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, 14 and 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.

Sec. 14-1-102 Disclaimers on Approvals.

- (a) The purpose of requiring approvals under this Chapter is to insure the health, safety, morale, comfort, prosperity and general welfare of the City of Westby. This Chapter shall not be interpreted as placing any responsibility or liability on any City official, City employee, or the City of Westby as a municipal corporation for the granting of approval, or the denial of any approval. All approvals rendered as part of this Chapter shall be considered as being approved conditionally based on the information and circumstances apparent at that time.
- (b) Approvals issued by the City of Westby shall not be construed as an assumption or expression of any responsibility, warranty, or guarantee, for the design or construction of any improvements within the land division.

Sec. 14-1-103 Restrictions for Public Benefit.

Pursuant to Sec. 236.293, Wis. Stats., any restriction placed on platted lands by covenant, grant of easement, land division or consolidation approval, which was required by the City of Westby and which names a public body or public utility as grantee, promisee or beneficiary, vests in the public body or utility the right to enforce the restriction by law or in equity against anyone who has interest in the land subject to the restriction. The restriction may be released or waived by resolution of the Common Council.