

CHAPTER IV

LAND DIVISION AND PLATTING

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CHAPTER IV

LAND DIVISION AND PLATTING

4.01 Statutory Authorization.

These regulations are adopted under the authority granted by Chapter 236 of the Wisconsin Statutes.

4.02 Purpose.

The purpose of this Chapter is to promote the public health, safety, and general welfare of the community. Therefore, the regulations authorized to be made are designed to lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; to facilitate the further re-subdivision of larger tracts into smaller parcels of land. The regulations provided for by this Chapter shall be made with reasonable consideration, among other things, of the character of the Village with a view of conserving the value of the buildings placed upon land, providing the best possible environment of human habitation, and for encouraging the most appropriate use of land throughout the Village.

4.03 Abrogation and Greater Restrictions.

It is not the intent of this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations, permits, or approvals previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, and such restrictions do not contravene rights vested under law, the provisions of this Ordinance shall govern.

4.04 Interpretation.

The provisions of this Ordinance shall be interpreted to be minimum requirements and shall be liberally construed in favor of the Village, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

4.05 Severability.

If any section, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

4.06 Repeal.

All other ordinances found in other chapters of the Village of West Salem Code of Ordinances which are inconsistent or conflicting with this ordinance, to the extent of said inconsistency of conflict, shall be subordinate to the provisions of this chapter and the provisions of this chapter shall control.

4.07 Disclaimer of Liability.

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

4.08 Area of Jurisdiction.

This Ordinance shall apply to all lands within the corporate limits of the Village of West Salem and to all lands within the extraterritorial plat approval jurisdiction of the Village.

4.09 Applicability.

(A) Subdivision: Any division of land within the Village or the extraterritorial plat approval jurisdiction of the Village that results in a subdivision as defined in Section 4.25 shall be, and any other division of land may be, surveyed and a plat thereof approved and recorded pursuant to the provisions of Section 4.20 this Ordinance and Chapter 236 of the Wisconsin Statutes.

(B) Land Division Other Than Subdivisions: Any division of land within the Village or the extraterritorial plat approval jurisdiction of the Village that results in a minor land

division as defined in Section 4.25 shall be surveyed and a certified survey map of such division approved and recorded as required by Section 4.20 of this Ordinance and Chapter 236 of the Wisconsin Statutes.

(C) It is the Express Intent of this Ordinance to regulate condominiums having one (1) or more principal structures on any parcel, except for condominium conversions of existing structures where no additional units are being created. The maximum number of family units allowed in a condominium project shall be no more than one (1) family unit per every 3500 square feet of lot size for multi-family condominiums exceeding two (2) units and no more than one (1) family per every 5000 square feet of lot size for two (2) unit condominiums unless this requirement is waived by the Village Board on the recommendation of the Planning Commission upon a specific finding that the higher density will not be a problem because of the specific location of the development in relation to neighboring property types, streets, and parks or specific occupancy/use restrictions of the project found within the condominium by-laws, association rules or deed restrictions which control use of the property itself and which alleviate density concerns for the specific project.

(D) The provisions of this Ordinance shall not apply to:

(1) Cemetery plats made under Section 157.07 of the Wisconsin Statutes.

(2) Assessors' plats made under Section 70.27 of the Wisconsin Statutes; however, assessors' plats shall comply with Sections 236.15(1)(a) through (g), and 236.20(1), and (2)(a) through (e) of the Wisconsin Statutes unless waived under Section 236.20(2)(L).

(3) Sale or exchange of parcels of public utilities or railway rights-of-way to adjoining property owners if the Village Board and the county planning agency approve such sale or exchange on the basis of applicable local ordinances or the provisions of Chapter 236 of the Wisconsin Statutes.

(4) Transfers pursuant to any court order, or transfers of ownership interests of a decedent either by Will, court order or other statutory procedure.

(5) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting

are not reduced below the minimum sizes required by this Ordinance or other applicable laws or ordinances.

(6) Any other divisions which the Village Board shall exempt by ordinance.

4.10 Compliance.

No person shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision as defined herein; no such subdivision shall be entitled to record; and, no street shall be laid out or improvements made to land without compliance with all requirements of this Ordinance and the provisions of Chapter 236, Wisconsin Statutes; rules of the Wisconsin departments or agencies regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made; rules of the Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting street; duly approved comprehensive plan, or comprehensive plan component including the Zoning Ordinance and official map of the Village of West Salem, applicable Village and County Ordinances.

4.11 Land Suitability.

No land shall be divided which is held unsuitable for such use by the Village Plan Commission, upon recommendation of the Village Engineer or other agency as determined by the Plan Commission, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, or any other feature likely to be harmful to the health, safety, or welfare of the future residents or occupants of the proposed land division, or the Village, or poses an imminent harm to the environment.

The Village Plan Commission, in applying the provisions of this section, shall, in writing, recite the particular facts upon which it based its conclusion that the land is not suitable for the intended use and afford the subdivider an opportunity to present evidence regarding such unsuitability, if so desired. The Plan Commission may thereafter affirm, modify, or withdraw its determination of unsuitability.

4.12 Dedication and Reservation of Lands.

(A) Streets, Highways, and Drainageways. Whenever a proposed subdivision, minor land division, or condominium

plat encompasses all or any part of an arterial street, drainageway, or other public way which has been designated in the comprehensive plan or component thereof or the official map of the Village, said public way shall be made a part of the plat or certified survey map and dedicated or reserved, as determined by the Village, by the subdivider in the locations and dimensions indicated on said plan or map and as set forth in Section 4.21.

(B) Park, Open Space, and School Sites. Park and school sites shall be dedicated or reserved as provided in Section 4.21.

4.13 Homeowner 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 or condominium association, subject to the provisions set forth herein. The homeowners or condominium association shall be governed according to the following:

(A) The Subdivider shall provide the Village with a description of the homeowners or condominium association, including its bylaws, and all documents governing maintenance requirements and use restrictions for common areas and facilities. These documents shall be subject to review as to form by the Village Attorney at the subdivider's expense.

(B) The Association shall be established by the owner or applicant and shall be operating prior to the sale of any lots or units in the subdivision or condominium.

(C) Membership in the association shall be mandatory for all purchasers of lots or units therein and their successors and assigns.

(D) The Association shall be responsible for maintenance and insurance of common areas and facilities.

(E) A Land Stewardship Plan for any common open space to be retained in a natural state shall be included in the submittal of association documents.

(F) The Members of the association shall share equitably the costs of maintaining, insuring, and operating common areas and facilities.

(G) The Association shall have or hire adequate staff to

administer, maintain, and operate common areas and facilities.

(H) The Subdivider shall arrange with the Village Assessor 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 for such common areas and facilities.

(I) The Village may require that it 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 to all members of the association and to the Village at least 30 days prior to such transfer.

(J) 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 Village 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 Ordinance, in which case the Village shall have the right to enter the premises and take the needed corrective actions. The costs of corrective actions by the Village shall be assessed against the properties that have the right of enjoyment of the common areas and facilities.

4.14 Improvements.

Before approval of any final plat located within the corporate limits of the Village, the subdivider shall install street and other improvements as hereinafter provided. In the alternative, if such improvements are not installed at the time the final plat is submitted for approval, the subdivider shall, before the recording of the plat, enter into a development agreement with the Village agreeing to install the required improvements and meet all of the other requirements and payments required under this Chapter IV and shall file with said agreement a bond or letter of credit with good and sufficient surety covering all of the subdivider's obligations under the development agreement and other requirements of this Chapter IV, which bond or letter of credit meets the approval of the Village Attorney. In the alternative, for small projects wherein the

Village Engineer determines that his estimated cost of the improvements are \$50,000 or less, the subdivider may transfer collectable funds by certified check to the Village of West Salem in an amount equal to 1-1/2 times the Village Engineer's estimated cost of the improvements, which funds would be deposited and held by the Village of West Salem pending satisfaction of all of the subdivider's obligations under the development agreement and the other requirements of this Chapter IV and which would be returned to the subdivider upon satisfaction of all said obligations.

4.15 Developer Agreement.

Before or as a condition of receiving final approval from the Village Board of any final plat, condominium plat, or certified survey map for which public improvements are required by this Ordinance; or for which public improvements, dedications, or fees are being deferred under this Ordinance; or for which phasing approval is being granted under Section 4.23 of this Ordinance, the subdivider shall sign and file with the Village Board a development agreement. The development agreement shall be approved as to form by the Village Attorney, and shall be approved by the Village Board prior to approval of the final plat, condominium plat, or certified survey map.

4.16 Waiver of Requirements.

When, in the judgment and upon approval of the Village Board after recommendation of the Village Planning Commission, it would be inappropriate to apply literally a provision of this Chapter because the subdivision is located outside the corporate limits or because extraordinary or undue hardship would result, it may waive or modify any such provisions so that substantial justice may be done and the public interest secured, provided that in no event shall the requirement of filing and recording the plat or survey be waived. Reasons for such waiver or modification shall be stated in the minutes of its meeting.

4.17 Violations.

No person, firm, or corporation shall build upon, divide, convey, record or place monuments on any land in violation of this Ordinance or the Wisconsin Statutes. No person, firm, or corporation shall be issued a building permit by the Village authorizing the building on, or improvement of, any subdivision, minor land division, replat, or condominium within the jurisdiction of this Ordinance not of record as of the effective date of this Ordinance, until the provisions and requirements of this Ordinance have been fully met. The Village may institute appropriate action or proceedings to enjoin violations of this

Ordinance.

4.18 Penalties and Remedies.

Any person violating any provision of this Chapter, including applicable provisions of the Wisconsin Statutes, Wisconsin Administrative Code and other materials incorporated by reference shall upon conviction thereof forfeit not less than \$25 nor more than \$200. In default of payment of such forfeiture such person shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Every day a violation of any provision of this Chapter exists is a separate violation subject to a separate forfeiture.

In addition, the remedies provided by Section 236.30 and 236.31 of the Wisconsin Statutes shall be available to the Village.

4.19 Appeals

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

4.20 Procedure.

(A) Preliminary Consultation. Previous to filing a preliminary plat the subdivider may consult the Planning Commission and its staff for advice and assistance.

(B) Preliminary Plat.

(1) Before submitting a final plat for approval, the subdivider shall submit a preliminary plat and such copies thereof as shall be required to the Village Administrator who shall forward the plat to the Planning Commission and to the state and county agencies which are required to review the plat pursuant to Section 236.12, Wisconsin Statutes, unless such agencies have designated local officials to act for them.

(2) The Planning Commission shall then review the preliminary plat for conformance with this Chapter, and all ordinances, rules, regulations, master plan and

master plan components which affect it.

(3) The Planning Commission within the time specified in Chapter 236 of the Wisconsin Statutes of the filing date of the preliminary plat with the Village Administrator, shall approve, approve conditionally, or reject such plat provided that an extension of time has not been agreed upon. One copy of the Plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One copy each of the plat and letter shall be placed in the permanent file.

(4) The Planning Commission's failure to act within this time limitation shall constitute an approval.

(5) Approval of the preliminary plat shall entitle the subdivider to approval of the final plat if the final plat conforms substantially to the layout shown by the preliminary plat and conditions of approval have been met.

(C) Final Plat.

(1) If the final plat is not submitted within the time specified in Chapter 236 of the Wisconsin Statutes, the Village Board may refuse to approve the final plat.

(2) The Planning Commission shall, within thirty (30) days of the filing date of the final plat with the Administrator, recommend approval or rejection of the plat and shall transmit the final plat and application along with its recommendations to the Board unless the time for plat approval had been extended by mutual agreement between the Plan Commission and the developer.

(3) The Planning Commission shall, when it determines to recommend approval of a plat, notify the Administrator who shall give at least ten (10) days prior written notice of the intention to approve to the Administrator of any municipality within one thousand (1000') feet of the plat.

(4) The Village Board shall approve or reject such plat. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons supplied to the subdivider. The Village Board may not inscribe its approval of the

final plat unless the Village Administrator certifies on the fact of the plat in compliance with Chapter 236 of the Wisconsin Statutes. Failure of the Village Board to approve or reject such plat within the time specified in Chapter 236 of the Wisconsin Statutes, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.

(5) After the final plat has been approved by the Village Board and required improvements installed or a contract and sureties (bond, letter of credit or certified check as spelled out elsewhere in this Chapter) insuring their installation is filed, the Village Administrator shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the County Register of Deeds. The Register of Deeds shall not record the plat unless it is offered within the time specified in Chapter 236, Wis. Stats.

(D) Certified Survey Map.

(1) The divider shall file a Certified Survey Map accompanied by a fee as set forth in Appendix "A" Fee Schedule to the Village Administrator. The Village Administrator shall submit said Certified Survey Map to the Planning Commission, which shall approve, approve conditionally, or reject the map within forty (40) days. A reapplication fee as also set forth in Appendix "A" Fee Schedule shall be paid to the Village Administrator at the time of reapplication for approval of any Certified Survey Map, which has previously been reviewed.

(E) Subdivisions Created by Successive Divisions.

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

(2) Compliance Required. Regardless of the type of plat filed, any such subdivision shall comply with all provisions of this Chapter to the extent that they may reasonably be applied.

(F) Plats within the Extraterritorial Plat Approval Jurisdiction of the Village.

(1) When the land to be subdivided lies within the extraterritorial plat approval jurisdiction of the Village, the subdivider shall proceed as specified in Sections 4.20(A) through 4.20(E) except:

(a) If the subdivider elects to initially submit the proposed plat to a local municipality, the plat shall, as a matter of courtesy, be first submitted to the Town Clerk concerned. The Town Clerk shall then assume the responsibility for transmitting the plat to the objecting agencies and other approving authorities, including the Village.

(b) Approving agencies include the Village Board, Town Board, and County Planning Agency; and the subdivider must comply with the land subdivision ordinances of the Village, Town, and County.

(2) The subdivider may proceed with the installation of such improvements and under such regulations as the Town Board of the Town within whose limits the plat lies may require. Wherever connection to any Village utility is desired, permission for such connection shall be approved by the Village Board.

(3) All improvement requirements specified by the Town Board or any special improvement district in matters over which they have jurisdiction shall be met before the final plat is filed.

(G) Replats.

(1) When it is proposed to replat a recorded subdivision, or part thereof, so as to vacate or alter areas within a plat dedicated to the public, or to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Sections 236.40 through 236.44 of the Wisconsin Statutes. If the replat is proposing to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall then proceed as specified in Sections 4.20(A) through 4.20(E) of this Ordinance.

(2) The Village Clerk shall schedule a public hearing before the Plan Commission when a preliminary plat of a replat of lands within the Village is filed, and shall cause notices of the proposed replat and public hearing to be published and mailed to the owners of record of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 200 feet of the exterior boundaries of the proposed replat.

(H) Condominium Plats.

A condominium plat prepared by a land surveyor registered in Wisconsin is required for all condominium plats or any amendments or expansions thereof. Such plat shall comply in all respects with the requirements of Section 703.11 of the Wisconsin Statutes and shall be reviewed and approved or denied in the same manner as a subdivision plat as set forth in Sections 4.20(A) through 4.20(E) of this Ordinance. Such plat shall comply with the design standards, improvements, and all other requirements of this Ordinance that would otherwise apply to subdivision plats, including, but not limited to, those set forth in Sections 4.22 and 4.23 of this Ordinance.

4.21 Required Data.

(A) Preliminary Consultation. The following information shall be provided at the time of the preliminary consultation or upon filing the preliminary plat if the preliminary consultation is held:

(1) Information including data on existing covenants, land characteristics and available community facilities and utilities; and information describing the subdivision proposal such as number of residential lots, typical lot width and depth, price range, business areas, playgrounds, park area, and other public areas, tree planting, proposed protective covenants and proposed utilities and street improvements.

(2) A location map showing the relationship of the proposed subdivision to existing community facilities which serve or influence it. Include development name and location; main arteries of traffic; public transportation lines; shopping centers; elementary and high school parks and playgrounds; principal places of employment; other community features such as railroad stations, hospitals and churches; title; scale; north arrow and date.

(3) A sketch plan showing in simple sketch form the proposed layouts of streets, lots, and other features in relation to existing conditions. The sketch plan may be a freehand pencil sketch made directly on a print of the topographic survey.

(B) Site Analysis. The following site analysis information shall be inventoried and mapped at a scale no smaller than one inch equals 100 feet in sufficient detail, with brief descriptions if necessary, to allow for the proper evaluation of a preliminary plat. The site analysis map and accompanying descriptions shall be included with the submittal of the preliminary plat. The map shall include:

(1) Topographic Features, with two-foot intervals for slopes less than 12 percent and at no more than five-foot intervals for slopes 12 percent and greater. Elevations shall be marked on such contours, referenced to National Geodetic Vertical Datum (NGVD) of 1929. Any rock outcrops, slopes of 12 percent or greater, ridge lines, and hilltops shall be noted.

(2) Hydrologic Characteristics, including lakes, ponds, rivers, streams, creeks, drainage ditches, wetlands, floodplains, shoreland areas, and surface drainage patterns. The boundaries of wetlands shall be as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission. The boundaries of the 100-year recurrence interval floodplain, as determined by the Federal Emergency Management Agency or the Southeastern Wisconsin Regional Planning Commission, shall be shown. Where such floodplain data are not available, the floodplain boundaries and related stages shall be determined by a registered professional engineer retained by the subdivider and the engineer's report providing the required data shall be subject to review and approved by the Village Engineer.

(3) Delineations of Natural Resource Areas, including the boundaries of primary and secondary environmental corridors and isolated natural resource areas as identified by the Southeastern Wisconsin Regional Planning Commission, and the location and type of any rare or endangered species habitat.

(4) Soil Types, as shown on the soil survey maps prepared by the U. S. Soil Conservation Service (now known as the Natural Resources Conservation Service).

(5) Existing Vegetation, including the boundaries and characteristics of woodlands, hedgerows, and prairies. Predominant species of hedgerows and woodlands shall be identified. Unless located within an area proposed to be maintained in open space, specimen trees shall be located and identified by species, size, and health.

(6) Historic, Cultural, and Archaeological Features, with a brief description of the historic character of buildings, structures, ruins, and burial sites.

(7) Scenic Vistas, both into the proposed subdivision from adjacent roads and public areas and views from within the proposed subdivision.

(8) The Location and Classification of existing streets and highways within or adjacent to the proposed subdivision and desirable or undesirable entry points into the subdivision.

(9) Existing Land Uses within the proposed subdivision and within 200 feet therefrom, including cultivated and non-cultivated fields, paved areas, buildings, structures, and all encumbrances, such as easements or covenants.

(10) Public Parks and Open Space Areas within or adjacent to the proposed subdivision, and potential open space connections between the proposed subdivision and adjacent lands.

(11) Existing and Proposed Zoning on and adjacent to the proposed subdivision.

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

(1) Description and Delineation.

(a) Title under which the proposed subdivision is to be recorded which shall not be a duplicate name or descriptively similar name of any plat previously recorded in La Crosse County.

(b) Location of proposed subdivision by: government lot, private claims, quarter section, quarter-quarter section, township, range, county and state noted immediately under the title.

(c) Date, scale and north point.

(d) Names and addresses of owner, subdivider and land surveyor preparing the plat.

(e) A small scale drawing of the section or government subdivision of the section in which the subdivision lies with the location of the subdivision indicated thereon.

(2) Existing Conditions.

(a) The exact length and bearing of the exterior boundaries of the subdivision.

(b) Location and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land.

(c) Zoning on and adjacent to the subdivision.

(d) Location, widths and names of all existing and platted streets, alleys or other public ways and easements, railroad and utility right-of-ways, parks, cemeteries, water courses, drainage ditches, permanent buildings, bridges and other pertinent data as determined by the Planning Commission.

(e) Direction and distance to nearest water and sewer mains.

(f) Contours of vertical intervals of not more than five (5') feet or at more frequent intervals if required by the Plan Commission for land of unusual topography.

(g) Normal and high water levels of all water courses, if any, and the distance and bearing of any stream's meander line established at least twenty (20') feet back from the ordinary high water mark of the lake or stream, shall be indicated in the same datum used for contour elevations.

(h) All elevations shall be referred to some

permanent established datum plane.

(3) Proposed Conditions.

(a) Layout, width and approximate grades of all new streets and right-of-ways such as alleys, highways, easements for sewers, water mains, and other public utilities.

(b) Approximate dimensions of and areas of lots.

(c) Proposed building lines.

(d) Approximate radii of all curves and length of tangents.

(e) Approximate location and area of property proposed to be dedicated for public use or to be reserved by deed covenant for use of all property owners in the subdivision with the conditions, if any, of such dedication or reservation.

(f) Location and description of street lights and their wiring system.

(g) Covenants and Condominium or Homeowners Association Documents.

(i) A draft copy of any proposed protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision shall accompany the preliminary plat. The proposed covenants shall be subject to review and approval by the Village Attorney as to form.

(ii) A Draft Copy of any proposed condominium or homeowners association declarations, covenants, or other documents shall accompany the preliminary plat. These documents shall include the information specified in Section 4.13. The proposed documents shall be subject to review and approval by the Village Attorney as to form.

(D) Final Plat.

(1) A final plat of subdivided land shall comply with

all the requirements of Chapter 236 of the Wisconsin Statutes.

(2) The affidavits and certificates required by Chapter 236 shall be printed or lettered legibly in non-fading black ink on the final plat.

(E) Certified Survey Map.

(1) Requirements.

(a) To the extent reasonably practicable, the division shall comply with the provisions of this Chapter relating to general requirements and design standards and required improvements.

(b) The survey shall be performed and the map prepared by a registered surveyor. All corners shall be monumented in accordance with Section 236.15(1)(c) and (d), Wisconsin Statutes.

(c) The certified survey map shall be prepared in accordance with Section 236.34, Wisconsin Statutes, on durable white paper, 8½ inches wide by 14 inches long. All lines shall be made with non-fading black ink to a scale of 500 feet to an inch.

(d) If any lots in the certified survey map are not to be served by municipal sanitary sewer, percolation tests shall be submitted according to the procedure designated under the rules of any State of Wisconsin agency or department applicable to subdivisions.

(2) Certificates of Affidavits.

(a) The map shall include the certificate of ownership and the affidavit of the surveyor who surveyed and mapped the parcel, typed, lettered or reproduced legibly with non-fading black ink, giving a clear and concise description of the land surveyed by bearings and distances, commencing with some corner marked and established in the U.S. Public Land Survey or some corner referenced to a corner marked and established as such. Such affidavit shall include the statement of the surveyor to the effect that he has fully complied with the requirements of this Section.

(b) The certificate of approval of the

Plan Commission shall be typed, lettered or reproduced legibly with non-fading black ink on the face of the map.

(3) Recording. Following approval of the final plat, the certified survey map shall be filed by the subdivider for record with the Register of Deeds.

4.22 Design Standards.

(A) Streets.

(1) In any new subdivision, the street layout shall conform to the arrangement, width and location indicated on the Village's official map or master plan. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of land to be served by such streets, and to the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street.

Refer to Table 1 for a summary of minimum street design standards and typical roadway sections for minor and major streets. A major street is described as an arterial, collector, and industrial.

Table I
Village of West Salem
Minimum Street Design Standards
2009

Description	ROW	Pavement Width (1) E-E	Lane Width	Parking	Sidewalk 1 side or 2 sides	Min. Return Rad.	Min. Rad.	Min. Reverse Curve Tangent	Max. ⁴ Grade	Cul-De-Sac			Temporary ⁵ Dead End	
										Max. Length	ROW	Dis.	Pavement Width (1) E-E	Max. Length
Arterials	100'	47'	12'	None	2	30'	450'	100'	6%	---	---	---	1000'	44'
Collector (2)	80'	36'	12'	2 Sides	2	20'	450'	100'	6%	---	---	---	1000'	36'
Industrial	80'	40'	12'	Optional ³	Optional ³	30'	320'	100'	6%	500'	140'	94'	1000'	40'
Local	66'	32'	10'	2 Sides	1	20'	200'	100'	10%	500'	100'	94'	1000'	32'
Alleys	24'	18'	---	None	None	10'	---	---	---	---	---	---	---	---
1 Way Street	48'	18'	10'	1 Side	1	20'	200'	50'	10%	---	---	---	---	---

(1.) Pavement width without curb and gutter (edge of pavement to edge of pavement).

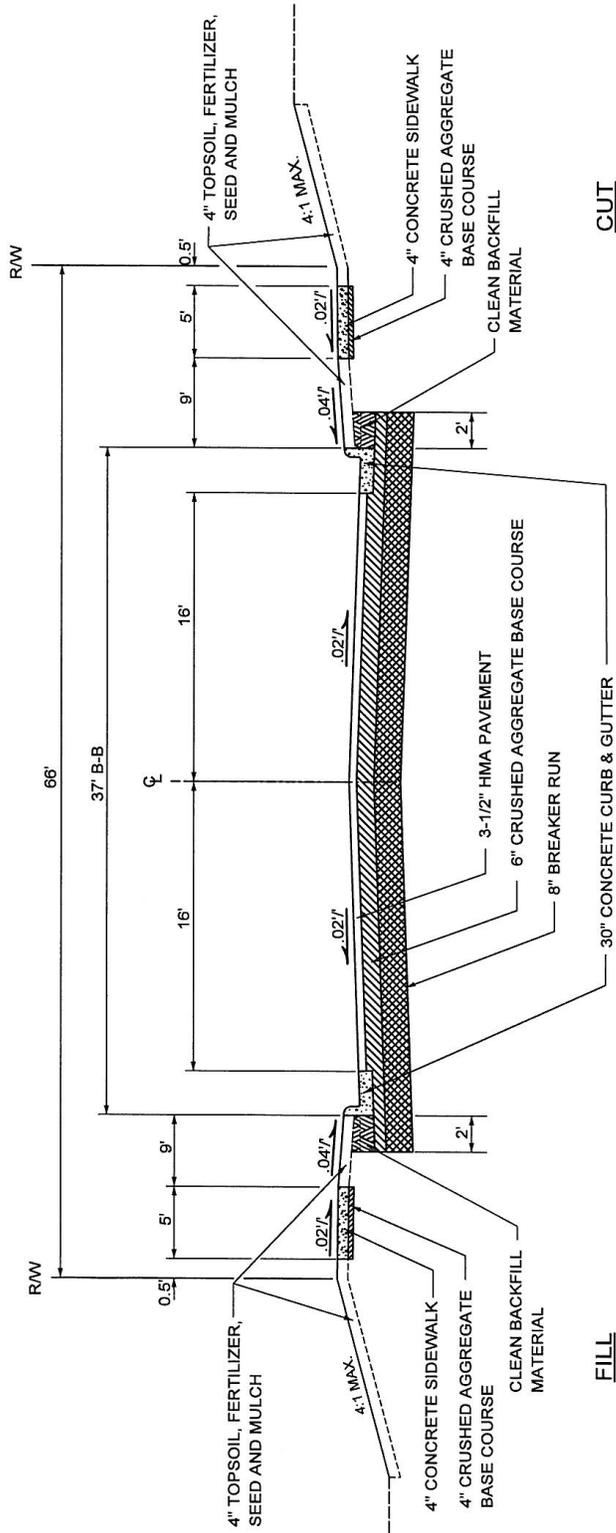
(2.) If a vertical curve is under 500' radius, the maximum grade allowed is 5% minus .5% for each 50' of radius under 500'.

(3.) Requirement to be determined by Plan Commission.

(4.) Minimum street grade .4% - Shall not exceed standards, unless necessitated by topography and approved by Village Board upon recommendation by Village Engineer.

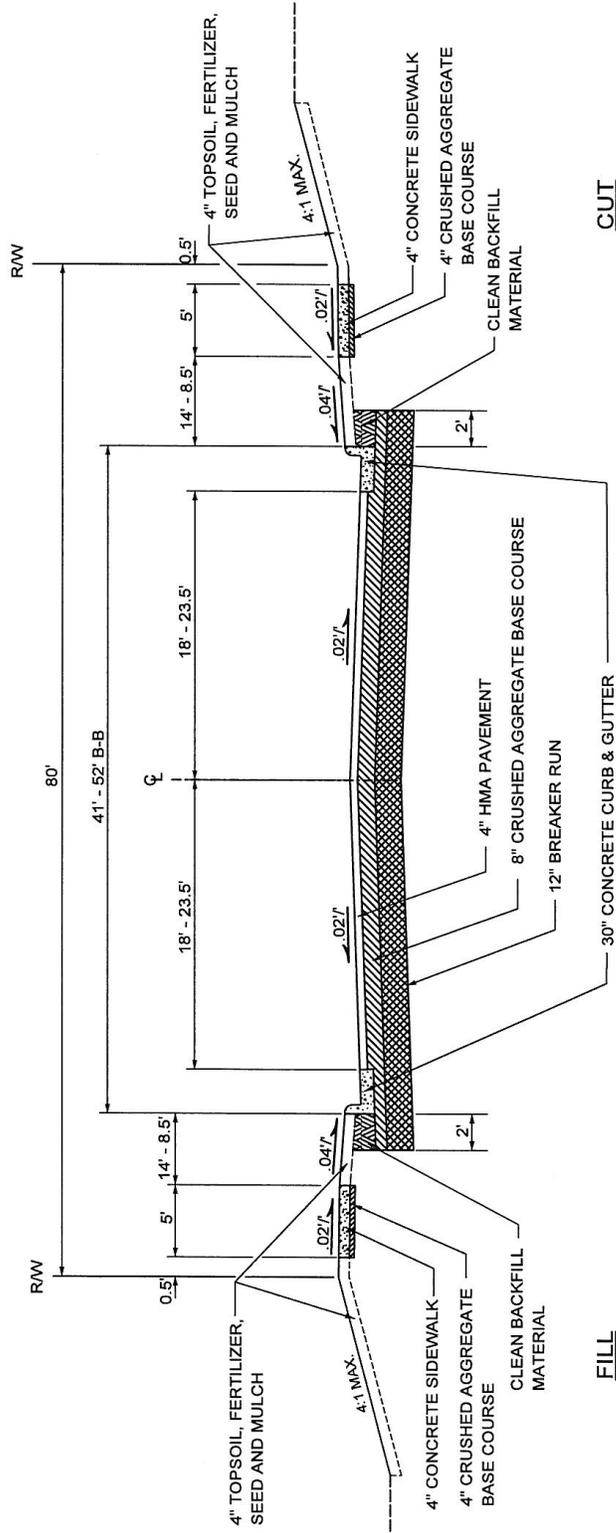
(5.) "T" type turnaround may be used. Turnaround shall extend a minimum of 20' behind the back of the curb on the permanent street and be 20' wide. Turnaround shall be paved.

VILLAGE OF WEST SALEM



TYPICAL ROADWAY SECTION - MINOR STREET

VILLAGE OF WEST SALEM



TYPICAL ROADWAY SECTION - MAJOR STREET

(2) Street Arrangement.

(a) Major streets shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, shopping areas, recreation areas, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.

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

(c) Local streets, as defined above, 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 to minimum street area necessary to provide safe and convenient access to abutting property.

(d) Railroad right-of-way or limited access highway. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Plan Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land as for park purposes in residential districts or for commercial or industrial purposes in other districts.

(e) Frontage streets. Where a subdivision borders on or contains an existing or proposed major street the Planning Commission may require that frontage streets be provided, that screen planting contained in a non-access reservation along the rear property line, that deep lots with rear service alleys be provided or that other provisions be made for the adequate protection of

residential properties and the separation of through and local traffic.

(f) Cul de sac or dead end streets. Streets designed to have one end permanently closed shall not exceed five hundred (500') feet in length and shall terminate with a turnaround of not less than 100 feet in diameter of a right-of-way and a roadway turnaround of eighty (80') feet in diameter back of curb to back of curb unless waived by the Village Board.

(g) Reserve strips. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the Village under conditions approved by the Plan Commission.

(h) Half streets. Where a half street is adjacent to the subdivision, the other half of the street shall be dedicated by the subdivider.

(i) Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by the topography or other physical conditions or unless, in the opinion of the Village Board, after review and recommendation by the Planning Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts.

(j) Width. The right-of-way and roadway of all streets shall be the width specified on the official map or master plan or, if no width is specified there, they shall be not less than the width specified below.

Street Type	Minimum Right-of-Way	Minimum Roadway ¹
Major	100 feet	47 feet
Collector	80 feet	36 feet
Industrial	80 feet	40 feet
Local & Frontage	66 feet	36 feet
Alleys	24 feet	18 feet

Footnote 1: Edge of Pavement to edge of pavement.

(k) Grades. The grade of major and collector streets shall not exceed 6%, unless necessitated by exceptional topography and approved by the Planning Commission. The grade of all other streets shall not exceed 10%. The minimum grade of all streets shall be 0.4%.

(l) Horizontal curves. A minimum sight distance with clear visibility, measured along the centerline, shall be provided of at least three hundred (300') feet on major streets, 200 feet for collector (and industrial) streets and one hundred (100') feet on all other streets.

(m) Vertical curves. All changes in street grades shall be connected by vertical curves. If a vertical curve is under 500 radius, the max grade allowed is 5% minus .5% for each 50' of radius under 500'.

(n) Tangents. A tangent at least one hundred (100') feet long shall be introduced between reverse curves on major and collector streets.

(o) Street names. New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the name of the existing streets.

(B) Intersections.

(1) Streets shall intersect as nearly as possible at right angles as topography and other limiting factors of good design permit.

(2) Not more than two streets shall intersect at one point unless approved by the Planning Commission.

(3) Intersections of local streets shall be at least one hundred twenty-five (125') feet from each other. Where local streets intersect and cross major streets

their alignment shall be continuous.

(C) Alleys.

(1) Alleys shall be provided in all business and industrial districts, unless the Planning Commission waives this requirement when other definite and assured provision is made for service access such as off street parking and loading consistent with and adequate for the proposed uses.

(2) Alleys shall not be approved in residential areas unless necessary because of topography or other exceptional circumstances.

(3) The width of alleys shall be not less than eighteen (18') feet.

(4) Dead end alleys are prohibited except under very unusual circumstances, and crooked and "T" alleys shall be discouraged. Where dead end alleys are unavoidable they shall be provided with adequate turn around facilities at the dead end.

(D) Driveways, Permits, and Installation Requirements.

(1) Permit Required. Unless otherwise especially permitted by resolution of the Village Board, upon written application giving the reason therefore, no person shall construct, repair or reconstruct any driveway across or through any sidewalk or curbing without having first obtained a permit from the Village Board, for which a fee of \$10 shall be charged. Such permit shall be issued upon application form provided by the Village and shall contain such information as the Board shall deem necessary. No permit shall be necessary for repair which does not exceed 18 square feet unless the Superintendent deems it necessary in his sole discretion.

(2) Installation Requirements.

(a) No driveway shall exceed 24 feet in width at the outer or street edge of the sidewalk except by specific resolution of the Village Board.

(b) No driveway shall be closer than 10 feet to extended street line at an intersection.

(c) No driveway apron shall extend out into the street further than the facing of the curb. All

driveway entrances and approaches shall be so constructed as not to interfere with the drainage of streets, side ditches or roadside areas or with any existing structure on the right-of-way. When required by the Village Board so as to provide for adequate surface water drainage along the abutting street, the property owner shall provide any necessary culvert pipe at such owner's expense.

(d) Not more than one driveway entrance and approach shall be constructed for any lot or premises except where deemed necessary and feasible without the impairment of safety, convenience and utility of the street by the Village Board. Driveway approaches shall be at least 16 feet apart except by special permission from the Board, and driveways shall in all cases be placed wherever possible as not to interfere with utilities in place. Any costs of relocating utilities shall be the responsibility of the property owner with approval of the Board necessary before any utility may be relocated and the driveway installed.

(e) Driveways shall not be less than 6 inches in depth, including the sidewalk portion, and a sidewalk permit is also required for the sidewalk portion of the driveway.

(f) Permit applications shall be made at least 24 hours in advance of intended installation but this shall not be deemed to be a limitation of time within which a permit must be granted, and the Superintendent shall have such time as reasonably necessary for examination and consideration of any application before granting the permit, subject always to specific direction of the Village Board.

(g) In no case shall any driveway be installed prior to commencement of new construction on the premises to be served by such driveway if such driveway is intended to service such new building or buildings following completion of construction.

(3) Culvert Installation Requirements. A corrugated metal culvert pipe of the size and length as specified by this subsection shall be installed:

(a) Residential minimum length will be 20 feet.

(b) Minimum size on all culverts will be 15

inches unless otherwise approved by the Superintendent of Public Works.

(c) All culverts will have flare ends.

(d) At a distance of 10 feet from the edge of the bituminous pavement the finished grade of the driveway shall be at least 5 inches below the grade of the edge of the adjacent roadway and 5 feet from the property line.

(e) All existing road regulations shall be complied with and the installation will be made without danger to or interference with Village roads.

(f) All driveway surfaces and filling immediately adjacent to the travelled way shall, unless specifically authorized above, slope away from the edge of the traveled way.

(g) Highway surfaces, slopes, shoulders, ditches and vegetation disturbed shall be restored by the applicant.

(h) The entire cost of installing and maintaining the culvert shall be borne by the applicant.

(i) The applicant shall be responsible for contacting all utility companies and shall be responsible for any damage done to any person or property resulting from or connected with the installation of such culvert.

(E) Easements.

(1) Utility Easements. The Planning Commission may require utility easements, with widths deemed adequate for the intended purpose, across lots or centered on rear or side lot lines where necessary and advisable for electric power and communication poles, wires, conduits, storm and sanitary sewers, and gas, water and other utility lines. All utility easements shall clearly state that they include the permanent right of access for installation, maintenance and reconstruction to their full width and length.

(2) Drainage Easements. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, an adequate drainageway or easement shall be provided which substantially conforms to the lines of

each watercourse. Where necessary, storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. All drainage easements shall clearly state that they include the permanent right of access for installation, maintenance and reconstruction to their full width and length.

(3) Stormwater Facility Easements. The Planning Commission shall require access easements to and over the entire length and width of all stormwater facility easements for the purposes of installation, maintenance and reconstruction of said stormwater facilities.

(F) Blocks.

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

(2) Length. Blocks in residential areas shall not be less than three hundred (300') feet nor exceed fifteen hundred (1500') feet in length (unless otherwise dictated by exceptional topography or other limiting factors of good design).

(3) Pedestrian crosswalks of not less than ten (10) feet in width may be required near the center of any block over nine hundred (900') feet in length to provide adequate pedestrian circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

(G) Lots.

(1) In General. The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

(2) Lot Dimensions.

(a) Lot dimensions shall conform to the requirements of the zoning ordinance and in no case in a residential district have less than a minimum width of sixty (60') feet at the building line and minimum area of eight thousand (8,000') feet.

(b) Residential lots to be served by private sewage disposal systems shall comply with rules promulgated by any agency or department of the State of Wisconsin.

(c) Properties intended for business and industrial purposes shall have a depth and width adequate to facilitate off street service and parking required by the type of development and use contemplated.

(d) Residential lots which front major streets or highways should be platted with extra depth to separate the residences from through traffic.

(e) Excessive depth in relation to width shall be avoided. Normally, a proportion of approximately 2.5:1 shall be the desirable maximum for lot widths of sixty (60') feet or more.

(f) Corner lots. Corner lots for residential use shall have extra width to permit full building setback of at least twenty (20') feet from both streets or as required by applicable zoning ordinance.

(g) Access to Public Street. Every lot shall front or abut on a public street. Lots that do not front or abut on a public street but have a written recorded easement or written private drive agreement upon review by the Planning Commission may be permitted by the Planning Commission but only subject to the execution of restrictive covenants by all owners, users and mortgage holders of the land over which the easement or private drive covers as well as others deemed necessary by the Planning Commission under relevant conditions approved by the Planning Commission and recorded in favor of the Village of West Salem.

(h) Lots at Right Angles. Lots at right angles to each other should be avoided whenever possible, especially in residential areas.

(i) Lot Lines. Side lot lines shall be substantially at right angles or radial street lines.

(j) Large Lots. In case a tract is subdivided into parcels containing one or more acres, such parcels shall be arranged to allow the resubdivision of any parcels into normal lots in accordance with the provisions of this Ordinance.

(k) Municipal Boundaries. Lots shall follow municipal boundary lines whenever practicable, rather than cross them.

(l) Double Frontage. Double frontage and reversed frontage lots shall be avoided except where necessary to separate residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

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

4.23 Required Improvements.

(A) The subdivision shall be monumented as required by Section 236.15, Wisconsin Statutes.

(B) Before the final plat of a subdivision located within the Village's corporate limits will be approved, the subdivider shall provide the following facilities, give satisfactory proof that he has contracted to install such facilities, or file sureties in the form of a bond, letter of credit or certified check as defined and required under other sections of this Chapter insuring such facilities will be installed within the time specified by the Planning Commission.

(1) Water and sanitary sewer mains, and laterals to the lot line, where connection to existing systems can be reasonably provided.

(2) Stormwater Management Facilities. The subdivider shall construct stormwater drainage facilities, which may include curbs and gutters, catch

basins and inlets, storm sewers, road ditches, open channels, and storage facilities as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate potential volumes of flow. The type of facilities required and the design criteria shall be determined by the Village Engineer. Storm drainage facilities shall be so designed as to prevent and control soil erosion and sedimentation and present no hazard to life or property. The size, type, and installation of all stormwater management facilities proposed to be constructed shall be in accordance with the plans and specifications approved by the Village Engineer.

The subdivider shall assume the costs entailed in constructing stormwater conveyances and storage facilities necessary to serve the proposed development and to carry the existing stormwater flows through the proposed development. If larger conveyance and storage facilities are required to accommodate flows originating from outside of the proposed development, or to avoid flooding attendant to increased flows downstream of the proposed development caused not by the development but by preexisting development upstream, the cost of such facilities shall be prorated in proportion to the contributing rates of flows, and the excess cost shall be borne by the Village or assessed against the tributary drainage areas concerned.

(3) Erosion and Sedimentation Control.

(a) The subdivider shall prepare an erosion and sedimentation control plan addressing the installation and maintenance of soil erosion and sedimentation control measures. Such plans shall meet the requirements set forth in the Village Erosion Control Ordinance Section 7.21.

(b) The subdivider shall plant those grasses, trees, and groundcover of species and size specified by the Plan Commission, upon recommendation of the Village Engineer, necessary to prevent soil erosion and sedimentation, in accordance with the approved erosion and sedimentation control plan.

(c) The subdivider shall install those 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, set forth in the approved erosion and sedimentation control plan.

(4) Roadway subgrade installed, streets graded to subgrade, improved bituminous or cement surface installed along with curb and gutter both sides.

(5) Installation of adequate street lights or reimbursement of the cost thereof to the Village.

(6) Developers must provide services of a testing laboratory, approved by the Village of West Salem, to take compaction tests on new streets as follows:

(a) Compaction of fill areas and all trenches on public streets shall be taken every two hundred (200') lineal feet of street at every two (2') feet of lift.

(b) Compaction of sand lift and gravel base course shall be taken every two hundred (200') lineal feet of street.

(c) Compaction in all areas shall meet a minimum relative density of ninety-five (95%) percent of ASTM: D 698-70 (standard proctor).

(d) The total cost of compaction and tests shall be paid by the developer.

(7) In addition to provisions of (B)(2) above as to on site drainage, the developer is subject to assessment for storm sewer off site mains serving the development and other areas of development on a benefit formula of area served times maximum 10-year storm run-off factor of 4.3 times engineering coefficient of run-off equals a unit factor for the development which is converted to a percentage of the total cost of said main. Engineering coefficient of run-off is dependent upon the zoning use of the parcels served by the storm sewer main with the following factors adopted: residential .50; commercial .72 and industrial .85.

(8) Park and Public Land Dedications.

(a) Dedication Requirement. In order that adequate open spaces, parks, and public recreation areas may be properly located and

reserved and in order that the cost of providing public areas, such as but not limited to, parks and recreation areas may be equitably apportioned on the basis of additional need created by the subdivision development, each subdivider shall be required to dedicate land or fees in lieu of land for parks, open spaces, or other public recreation areas.

(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, and public recreation areas. Such sites are to be shown on the Preliminary Plat and Final Plat, and shall comply with the Village Master 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.

(c) Dedication Calculation.

(1) Whenever a proposed playground, park, or public recreation area designated in the comprehensive plan, comprehensive plan component, or on the official map is embraced, all or in part, in a tract of land to be subdivided, these proposed public land shall be made part of the plat and shall be dedicated to the public by the subdivider at the rate of one (1) acre for each thirty-eight (38) proposed dwelling units, but said dedication shall not be less than two (2) acres. In addition to the land dedication required in this Subsection, the subdivider shall pay to the Village before certification of approval is affixed to the Final Plat, the sum of Three Hundred Forty-five (\$345.00) Dollars per dwelling unit for the purpose of payment of capital improvements costs for park development. These fees shall only be used for capital costs not included in Section 4.07(B)(7)(j) of this Chapter. This fee shall be in force as of the effective date of this Ordinance. (Res. 2.05 - 3/1/05)

(2) If no playground, park, or other public recreation area has been proposed as of the date of the application of a subdivider, but the Village determines that a public facility should be provided in the area of the proposed plan to carry out the spirit and intent of this Chapter, the Village may require dedication and fee as set forth in (1) above.

(3) In lieu of the above paragraph, the Village may, at its option, if land within the tract is not designated for a proposed playground, park, school site, or other public land, other than streets or drainage ways in the comprehensive plan or comprehensive plan component, levy a public site fee against the subdivider at the time of application for Final Plat approval at the rate and according to the procedures established in Section 4.23(B)(7)(k).

(4) The Village Board of Trustees, upon the recommendation of the Planning Commission, shall have sole authority to determine the suitability and adequacy of parklands proposed for dedication. Drainage ways, wetlands, or areas reserved for streets shall not be considered as satisfying land dedication requirements.

(d) Lake and Stream Shore Plats.

(1) All subdivisions abutting on a navigable lake or stream shall provide public access at least sixty (60) feet wide providing access to the low watermark so that there will be public access, which is connected to existing public roads, at not more than one-half (1/2) mile intervals as measured along the lake or stream shore except where greater intervals and wider access is agreed upon by the Wisconsin Department of Natural Resources and the Wisconsin Department of Development, and excluding shore areas where public parks or open-space streets or roads on either side of a stream are provided. No public access established under this Chapter may be

vacated except by Circuit Court action. This Subsection does not require the Village to improve land provided for public access.

(2) The lands lying between the meander line, established in accordance with Section 236.20(2)(g), Wis. Stats., and the water's edge, and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots, or public dedications in any plat abutting a lake or stream. This Subsection applies not only to lands proposed to be subdivided, but also to all lands under option to the subdivider or in which the subdivider holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream.

(e) Unknown Number of Dwelling Units. Where the Plat does not specify the number of dwelling units to be constructed, the land dedication shall be based upon the maximum number of units permitted by the Village Zoning Chapter and this Chapter.

(f) Deeded to the Village. Land dedicated for public purposes shall be deeded to the Village at the time the Final Plat is approved.

(g) Access to Dedicated Land. All dedicated land shall have frontage on a public street and shall have unrestricted public access.

(h) Utility Extensions. The subdivider 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.

(i) Reservation of Additional Land. When public parks and sites for public recreation areas as shown on the Outdoor Recreation Facilities Plan or Master Plan lie within the proposed area for development and are greater in area than required by Section 4.23(B)(7)(c), the owner shall reserve for acquisition by the Village, 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.

(j) Development of Park Area.

(1) When parklands are dedicated, the subdivider is required to:

(a) Properly grade and contour for proper drainage;

(b) Provide surface contour suitable for anticipated use of area; and

(i) Cover areas to be seeded with a minimum of six (6) inches of quality topsoil, seed as specified by the Director of Public Works.

(ii) Seeding rate: Ten (10) pounds per One Thousand (1,000) square feet, fertilized with 20-10-10 (at least thirty (30%) percent of the nitrogen to be in the form of slow release nitrogen) at a rate of one (1) pound of nitrogen per one thousand (1,000) square feet of area, and mulched (clean straw mulch one-half (1/2") inch cover or paper mulch.

(iii) Topsoil shall comply with Section 4.26(V) of this Code and conform to D.O.T., Section 625, and meet acceptable soil test levels as determined by the State laboratory or a recognized commercial laboratory. The soil test should assess the levels of pH and organic matter; magnesium, potassium, and phosphorous levels; and soluble salt levels. Applied topsoil should be reasonably free of stones, coarse sands, lumps, roots, sticks, and other foreign debris over one and one-half (1½") inch (3.8 cm) across, as well as parts of weed species such as thistle, quackgrass, or other species specified.

(iv) Grass Seed: All grass seed shall conform to the requirements of Section

4.26(Y) of this Code and to Wisconsin State Statutes, Chapter 94 (Seed Law), and the Wisconsin Administrative Code Chapter ATCP 20, regarding noxious weed seed content and labeling. Seed shall not be used later than one (1) year following the test date labeled.

(v) 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 Director of Public Works.

(vi) Improved Area: 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 subdivider to maintain the area until the Village accepts the dedication. (Amended 1/16/07 - Ord. 413)

(2) A neighborhood park area shall be provided by the subdivider 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.

(3) The Village Board of Trustees may require certification of compliance by Village officials. The subdivider shall pay the cost of such report.

(4) Development of parklands is to be completed as soon as twenty (20%) percent of the planned lots in the subdivision are sold or developed, as determined by the Village Board of Trustees.

(5) If the subdivider fails to satisfy the requirements of this Section, the Village Board of Trustees may contract said completion and bill such costs to the

subdivider, following written notice to the subdivider of noncompliance. Failure to pay such costs may result in the immediate withholding of all building permits until such costs are paid.

(k) Fees in Lieu of Land.

(1) Method of Calculation. Where, in the opinion of the developer, the developer prefers to pay impact fees in lieu of donating park land, the developer shall pay to the Village as impact park fee according to the Schedule set forth in subsection (2) below. The fees collected shall be held in a non-lapsing fund to be used for purchase, development and improvement of parks, playgrounds, athletic fields, and open spaces. (Ordinance No. 407 - 9/5/06)

(2) Computation of Fees in Lieu of Dedication.

(a) Fee. If the developer has elected not to have public lands dedicated with the subdivider's plat as provided in Sections 4.23(B)(7)(a) and (b), a fee for the acquisition or capital improvement of public sites to serve the future inhabitants of the proposed subdivision shall be paid to the Village Administrator by the developer or subsequent property owner within fourteen (14) days of the issuance of a building permit in the amount of Eight Hundred Thirty-nine (\$839.00) Dollars for each dwelling unit within the plat. Said fee shall be in force as of the effective date of this Ordinance. A comprehensive review of the amount of the fees charged under Section 4.23(B)(7) shall be conducted by the Village of West Salem Recreation Committee at least every two (2) years with the first such review being conducted no later than April 2005. The above fees may be amended by resolution of the Village Board of Trustees. (Resolution 2.05 - 3/1/05) (Ordinance No. 407 - 9/05/06)

(b) Exemptions. Where a lot or parcel for which payment has once been made is further divided, payment shall be required only for the additional lots or parcels created.

(c) Time of Payment. Payment shall be made before certification of approval is affixed to the Final Plat.

(d) Park Fees for Annexed Lands. Upon development of annexed land to the Village of West Salem, there shall be charged to the owners of land in the area annexed a park fee. Said fee shall be the current fee per dwelling unit under Section (2)(a) above, and shall be paid according to the terms of this Ordinance.

(3) Dedication Criteria. The Planning Commission shall determine the location of sites dedicated to such public uses and the types of uses to which said sites shall be put. In making these determinations, consideration shall be given to the needs of the community in general and of the residents of the proposed subdivision or other land division, correlation with existing and planned sites and facilities dedicated for such public uses, feasibility and practicality of requiring dedication of land, zoning regulations, and compatibility with a comprehensive community development plan or a park and open space plan. (Ord. 407 - 9/5/06)

(4) Park Fees. Fees to be paid in lieu of dedication under this Section shall be paid to the Village Administrator and shall be placed in a separate fund to be used only for the acquisition or capital improvements of park, playgrounds, or athletic fields. (Ord. 407)

(5) Park Impact Fees. All impact park fees are to be expended by the Village to pay for capital costs for such park development for which the fees were imposed, under the above

provisions, within seven (7) years from collection or are to be refunded to the current owner of lands upon which the fees were collected; provided, however, the seven (7) year limit may be extended for three (3) additional years if the Village Board adopts a resolution stating that due to extenuating circumstances or hardship in meeting the seven (7) year limit, specifying the extenuating circumstances or hardship, it needs an additional three (3) years to use the park impact fees. (Ord. 407 - 9/5/06)

Amended per Ord. 413 - 1/16/07)

(9) State Development.

(a) The Village Board may authorize the subdivider to proceed with the installation of improvements required on a portion of such subdivision with the requirements of these regulations applying only to that portion.

(b) The subdivider shall provide satisfactory proof that he has contracted to install the required improvements or shall file a performance bond ensuring such installation within the time required by the Village Board.

(C) All improvements shall be inspected and found to have been installed according to specifications, prior to either acceptance of the improvement by the Village Board or release of the subdivider's bond. In order that adequate inspections can be made, the subdivider must notify the Village Board at least two weeks prior to the time each improvement is to be installed and upon its completion.

4.24 Construction.

(A) Commencement. No construction or installation of improvements shall commence in a proposed land division or condominium development until a development agreement has been executed, the Village Engineer has given written authorization to proceed, and a preconstruction meeting of concerned parties, such as the utilities and contractors concerned, has been called by the Village Engineer.

(B) Phasing. The Village Board may permit the construction and installation of public improvements in phases corresponding to the development phases of a final

plat.

(C) Building Permits. No building permits shall be issued for a structure on any lot not of record on the date of adoption of this Ordinance until all the requirements of this Ordinance have been met.

(D) Plans. Each of the following plans and accompanying construction specifications shall, except for the landscaping plan, be approved by the Village Engineer and any other agency having relevant approving authority before commencement of the installation of the relevant improvement. The landscaping plan shall be approved by the Village Plan Commission.

(1) Street plans and profiles showing existing and proposed grades, elevations, cross-sections, materials, and other details of required improvements.

(2) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations, materials, and other details of required facilities.

(3) Plans for stormwater management facilities showing the locations, grades, sizes, elevations, materials, and other details of required facilities, together with the path of drainage to the receiving storm sewer, drainage channel, or watercourse.

(4) Water supply and distribution plans and profiles showing the locations, sizes, elevations, materials, and other details of required facilities.

(5) Grading plans showing existing and proposed topographic contours, mass and finished grading plans, proposed top of building foundation and finished yard grade elevations, and such supplemental information as required by the Village Engineer.

(6) Erosion and sedimentation control plans showing those structures necessary to retard the rate of runoff water and those measures and practices that will minimize erosion and sedimentation.

(7) Landscaping plans showing and describing in detail the location, size, and species of any proposed new trees, shrubs, and other vegetation; existing trees, shrubs, and other vegetation proposed to be retained; nonliving durable material such as rocks, sand, gravel, or mulch; and structures such as walls,

fences, and entrance signs.

(8) Additional special plans or information required by the Village staff, Plan Commission, or Village Board.

(E) Earth Moving. 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, channeling, clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to minimize erosion and sedimentation and disturbance of the natural fauna, flora, watercourse, water regimen, and topography.

(F) Preservation of Existing Vegetation. The subdivider shall make every effort to protect and retain all existing desirable trees, shrubs, grasses, and groundcover not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, and bicycle and pedestrian ways. Trees shall be protected and preserved during construction in accordance with the approved landscaping plan and with sound conservation practices, including the preservation of trees by well islands or retaining walls, whenever abutting grades are altered.

(G) Inspection. The subdivider, prior to commencing any work within the land division or condominium, shall make arrangements with the Village Engineer to provide for inspection. The Village Engineer shall inspect and approve all completed work prior to approval of the final plat or release of the sureties.

(H) Completion of Improvements. All of the improvements required under this Ordinance shall be completed prior to the final approval of a subdivision or condominium plat by the Village Board, except that in lieu of completion of construction, a certified check, surety bond, or letter of credit approved by the Village Attorney may be furnished as provided in Section 4.14.

(I) As-Built Plans. Within 30 days following completion and acceptance by the Village Engineer of all improvements, the subdivider shall provide reproducible copies of plans and profiles that accurately show the location, extent, and horizontal and vertical location and alignment of all improvements as actually constructed. Horizontal and vertical locations shall be expressed in terms of Wisconsin State Plane Coordinates, North American Datum of 1927.

4.25 Fees.

The subdivider shall pay to the Village Administrator all fees required under this Chapter prior to being entitled to record the plat or certified survey map concerned. For those fees which cannot be calculated at the time of recordation the subdivider shall pay those additional fees required under this Chapter when calculated by the Village but in all cases prior to the release of any surety bond, letter of credit or certified check.

(A) Preliminary plat or certified survey map. The subdivider shall pay a fee as set forth in Appendix "A" Fee Schedule to the Village Administrator at the time of first application for approval of any Preliminary Plans to assist in defraying the cost of review. A reapplication fee as set forth in Appendix "A" Fee Schedule shall be paid to the Village Administrator at the time of reapplication for approval of any Preliminary Plan, which has previously been reviewed.

(B) Improvement review fee.

(1) The subdivider shall pay a fee as set forth in Appendix "A" or present a letter of credit or a bond equal to one percent of the cost of the required public improvements as estimated by the Village Engineer at the time of the submission of improvement plans and specifications to partially cover the cost to the Village of reviewing such plans and specifications.

(2) The fee may be recomputed, upon demand of the subdivider or Village Engineer, after completion of improvement construction in accordance with the actual cost of such improvements and the difference, if any, shall be paid by or remitted to the subdivider. Evidence of cost shall be in such detail and form as required by the Village Engineer.

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

(D) Final plat review fee. The subdivider shall pay a fee as set forth in Appendix "A" Fee Schedule to the Village Administrator at the time of first application for approval

of said plat to assist in defraying the cost of review. A reapplication fee as set forth in Appendix "A" Fee Schedule shall be paid at the time of a reapplication for approval of any Final Plat which has previously been reviewed.

(E) Public site fee. See Section 4.23(B)(7)

(F) Engineering fee. The subdivider shall pay a fee equal to the actual cost to the Village for all engineering work incurred by the Village in connection with the plat. Engineering work shall include the preparation of construction plans and standard specifications. The Village Board may permit the subdivider to furnish all, some or part of the required construction plans and specifications, in which case no engineering fees shall be levied for such plans and specifications.

(G) Administrative fee. The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Village in connection with the plan. Legal work shall include the drafting of contracts between the Village and the subdivider.

(H) No surety in the form of a bond or letter of credit shall be released or certified check funds returned until the Village Administrator has received written confirmation from the Village Engineer that all terms and conditions of the plat or certified survey map, the developer's agreement, and the provisions of Chapters III, IV and V of the Village Code have been substantially complied with and written confirmation from the Village Attorney that the terms and conditions of the plat or certified survey map, the developer's agreement and the provisions of Chapters III, IV and V of the Village Code have been substantially complied with.

4.26 Definitions.

(A) "Alley" means a public or private right-of-way shown on a plat, which provides secondary access to a lot, block or parcel of land.

(B) "Certified survey map" means a map, prepared in accordance with Section 236.34 of the Wisconsin Statutes and this Ordinance, for the purpose of dividing land into not more than four parcels; or used to document for recording purposes survey and dedication data relating to single parcels.

(C) "Common open space" means a privately-owned land within

a land division or condominium that has been restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the land division or condominium. Common open space shall be substantially free of structures, but may contain recreational facilities approved by the Village.

(D) "Condominium" means a form of ownership combining individual unit ownership with shared use and ownership of common property or facilities, established in accordance with Chapter 703 of the Wisconsin Statutes. Common areas and facilities are owned by all members of the condominium association on a proportional, undivided basis. A condominium is a legal form of ownership, and not a specific building type or style.

(E) "Condominium association" means an association, whose members consist of owners of units in a condominium, which administers and maintains the common property and common elements of a condominium.

(F) "Condominium declaration" means an instrument by which property becomes subject to Chapter 703 of the Wisconsin Statutes.

(G) "Condominium unit" means a part of a condominium intended for any type of independent use, including one or more cubicles of air at one or more levels of space or one or more rooms or enclosed spaces located on one or more floors (or parts thereof) in a building. A unit may include two or more noncontiguous areas.

(H) "Cul de sac" means a local street closed at one end with a turn-around provided for vehicles.

(I) "Deed restriction" means a restriction on use or development of a property set forth either in a deed or some other sort of recordable document which is binding on the owners of the property.

(J) "Development Agreement" means an agreement entered into by and between the Village and a subdivider whereby the Village and subdivider agree as to the design, construction, and installation of required public improvements; the payment for such public improvements; dedication of land; and other matters related to the requirements of this Ordinance. The Development Agreement shall not come into effect unless and until a letter or credit, surety bond or certified check has been provided to the Village by the subdivider under the terms of this

Chapter.

(K) "Double frontage lots" means lots having frontage on opposite property boundaries with public streets.

(L) "Extraterritorial plat approval jurisdiction" means the unincorporated area within 1.5 miles of the Village's corporate limits.

(M) "Final plat" means a map prepared in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and this Ordinance for the purpose of creating a subdivision.

(N) "Half street" means a street located on the boundary of a plat whose centerline meets the boundary at an angle less than 30 degrees or whose required right-of-way width is cut off by the boundary.

(O) "Homeowners association" means an association combining individual home ownership with shared use, ownership, maintenance, and responsibility for common property or facilities, including private open space, within a land division.

(P) "Land division" means a generic term that includes both subdivisions and minor land divisions, as those terms are defined in this Section.

(Q) "Letter of credit" means a irrevocable written agreement guaranteeing payment for improvements and completion and payment of all of the subdivider's obligations under the development agreement, including payment of all fees required under the Village of West Salem Code of Ordinances, entered into by a bank, savings and loan, or other financial institution authorized to do business in the State of Wisconsin and which has financial standing acceptable to the Village, which secures the subdivider's obligation to pay the cost of designing, constructing and installing the required public improvements and all other obligations in connection with an approved land division or condominium.

(R) "Minor land division" means any division of land that:

(1) Creates more than one, but less than five, parcels or building sites, inclusive of the original remnant parcel, any one of which is five acres or less in area, by a division or by successive divisions of any part of the original parcel within a period of

five years; or

(2) Divides a block, lot, or outlot within a recorded subdivision plat into more than one, but less than five, parcels or building sites, inclusive of the original remnant parcel, without changing the exterior boundaries of said plat or the exterior boundaries of blocks within the plat, and the division does not result in a subdivision.

(S) "Official map" means the map showing the streets, highways, parks and other features theretofore laid out, adopted and established by law, and amendments thereto resulting from Village Board action, pursuant to Section 62.23(6), Wisconsin Statutes.

(T) "Plat" in a map of a subdivision.

(U) "Preliminary plat" is a map showing the salient features of a proposed subdivision submitted to an approving authority for preliminary consideration.

(V) "Quality Topsoil" has a pH level of 5.5 to 8.0, soil texture class: sandy clay loam (less than seventy (70%) percent sand, less than thirty (30%) percent clay) or sandy loam (less than seventy (70%) percent sand) or clay loam and silty clay loam (less than thirty (30%) percent clay) and organic matter content of greater than one (1%) percent.

(W) "Replat" means the process of changing, or the plat or map which changes, the boundaries of a recorded subdivision plat, certified survey map, or a part thereof. The division of a large block, lot, or outlot within a recorded subdivision plat or certified survey map without changing the exterior boundaries of said block, lot, or outlot is not a replat.

(X) "Reverse frontage lots" means corner lots with no provision for extra width to permit side yard to be as wide as front yards of other lots on that side.

(Y) "Seed" means Athletic Field Mixture which consists of: fifty (50%) percent of a minimum of one (1) variety of fineleaf Improved Kentucky Bluegrass, twenty-five (25%) percent of a minimum of one (1) variety of Improved Creeping Red Fescue, twenty-five (25%) percent of a minimum of one (1) variety of fineleaf Improved Perennial Ryegrass. Above mixture must achieve a minimum germination percentage of eighty (80%) percent and seed purity of ninety (90%) percent.

(Z) "Street" means a public way for vehicular traffic, other than an alley.

(1) Major streets and highways - those which serve as the principle arteries of through traffic movement.

(2) Collector streets - those which carry traffic from minor streets to the system of major streets and highways, including the principal entry streets of a residential development and streets for circulation within the development.

(3) Local streets - those which are used primarily for access to the abutting properties.

(4) Frontage streets - local streets which are parallel to and adjacent to major streets and highways and which provide access to abutting properties and protection from through traffic.

(AA) "Subdivider" means any and all legal owners of the real estate which is the subject of the land division and all of their designated agents, dividing or proposing to divide land resulting in a subdivision, a minor land division, or replat, or any and all owners of the real estate which is part of the condominium project and their agents who create a condominium under Chapter 703 of the Wisconsin Statutes. Reference in Chapter IV to developer shall mean subdivider.

(BB) "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:

(1) The act of division creates 5 or more parcels or building sites of 1½ acres each or less in area;
or

(2) Five or more parcels or building sites of 1½ acres each or less in area are created by successive divisions within a period of 5 years.

(CC) "Surety bond" means a bond guaranteeing performance of a subdivider obligation under the development agreement, including payment of all fees required under the Village of West Salem Code, through forfeiture of the bond if said subdivider obligation is unfulfilled.