

Chapter 445

SUBDIVISION OF LAND

[HISTORY: Adopted by the Village Board of the Village of Francis Creek 10-16-1984 (Sec. 7.03 of the 1984 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 177.
Official Map — See Ch. 321.
Sewers — See Ch. 382.
Shoreland-wetland zoning — See Ch. 400.
Zoning — See Ch. 480.

ARTICLE I General Provisions

§ 445-1. Title.

This chapter shall be known, cited, or referred to as the "Village of Francis Creek Subdivision Regulations."

§ 445-2. Purpose.

The purpose of these regulations is to promote the public health, safety, and general welfare of the community; 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; to prevent the overcrowding of land to avoid undue concentration of population; to facilitate adequate provision of transportation, water, sewerage, schools, parks, playgrounds and other public requirements; and to facilitate the further resubdivision of larger tracts into smaller parcels of land.

§ 445-3. Authority.

These subdivision regulations are enacted pursuant to and under the authority of § 236.45, Wis. Stats., as amended.

§ 445-4. Incorporation of state laws.¹

The provisions contained in Ch. 236, Wis. Stats., governing the subdivision or platting of land and such other state laws as may apply and any revisions and amendments thereof enacted by the State Legislature, the rules of the Department of Safety and Professional Services relating to lot size and lot evaluation, if the subdivision is not served by public sewer, and the rules of the Department of Natural Resources, as they apply, are all made a part hereof with the same force and effect as if they were set out in full verbatim, except

¹. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

that where the provisions of these regulations are more restrictive, these regulations shall apply.

§ 445-5. Applicability.

- A. Any division of land within the Village of Francis Creek or its extraterritorial plat approval jurisdiction which results in a subdivision as defined herein shall be and any other division may be surveyed and a plat thereof made and approved and recorded as required by these regulations and by Ch. 236, Wis. Stats., as amended.
- B. The provisions of these regulations shall not apply to:
 - (1) The division of land into parcels greater than five acres.
 - (2) Transfers of interests in land by will or pursuant to court order.
 - (3) Leases for a term not to exceed 10 years, mortgages or easements.
 - (4) The sale or exchange of parcels of land between owners of adjoining property, if additional lots are not thereby created and the lots resulting are not reduced below the minimum size required by this chapter or other applicable laws or ordinances.

§ 445-6. Abrogation and greater restrictions.

It is not otherwise intended by this chapter to repeal, abrogate or impair any existing easements, covenants, agreements, ordinances, rules, or deed restrictions; however, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

§ 445-7. Warning and disclaimer of liability.

The degree of protection provided by this chapter is considered reasonable for regulatory purposes only and is based on engineering experience and study. This chapter, however, does not imply that land division permitted by these regulations will be totally free of problems, nor shall this chapter create a liability on the part of or cause of action against the Village of Francis Creek or any officer or employee thereof for any problems that may result from reliance on these regulations.

§ 445-8. Definitions and word usage.

- A. The following words are defined for the purpose of these regulations:

ALLEY — A public or private right-of-way shown on a plat which provides secondary access to a lot, block, or parcel of land.

ARTERIAL — A street or highway with high traffic volume and having a primary function of traffic movement. Arterials connect population centers to each other and may connect major centers of activity within a community.

BLOCK — A parcel of land bounded on at least one side by a street, but may be bounded on the other sides by natural or man-made barriers or unplatted land.

BUILDING LINE — The line establishing the minimum open space between the lot line and the area within the lot upon which a structure may be erected.

CERTIFIED SURVEY MAP — A map of a lot split prepared in accordance with § 236.34, Wis. Stats., as amended.

COLLECTOR — A street or highway serving a dual and equal function of traffic movement and access. Collector streets provide movement within rather than between areas; they collect and distribute traffic between arterials and local roads and they provide some access to property.

CROSSWALK — A public right-of-way across or within a block for use by pedestrian traffic.

CUL-DE-SAC — A short minor street having one end open to motor traffic and the other terminated by a vehicular turnaround.

DEAD-END STREET — A street having one end open for motor traffic and no vehicular turnaround.

EASEMENT — A grant by the property owner of a strip or portion of his land for use by the public, a corporation, or persons for specified purposes.

EXTRATERRITORIAL PLAT APPROVAL JURISDICTION — As defined in Ch. 236, Wis. Stats., and as it pertains therein to the Village of Francis Creek.

LOT SPLIT — A division of land other than a subdivision.

OUTLOT — A parcel of land, other than a lot or block, so designated on the plat.

PERMIT ISSUER — The Village Clerk-Treasurer or Building Inspector.²

PLAT — A map of a subdivision.

PRELIMINARY PLAT — A map showing the salient features of a proposed subdivision submitted for purposes of preliminary consideration.

RIGHT-OF-WAY — The width between property lines of a street, alley, crosswalk, or easement.

SUBDIVISION — 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 five or more parcels or building sites of 1 1/2 acres each or less in area; or
- (2) Five or more parcels or building sites of 1 1/2 acres each or less in area are created by successive divisions within a period of five years.

². Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- B. Terms or words used in these regulations, not defined above, shall be defined in § 236.02, Wis. Stats., as amended, or, if not defined in § 236.02, the words shall be as defined in other sections of the statutes, Wisconsin administrative rules, or other Village of Francis Creek ordinances, or, if not defined in any of the preceding, the terms or words shall be used with a meaning of common or standard utilization. Words used in the present tense include the future, words in the singular number include the plural number, and words in the plural number include the singular number. The word "shall" is mandatory, not permissive or directory. The word "person" includes any partnership, association, organization, firm, trust, company or corporation.

ARTICLE II Procedure

§ 445-9. Duty of owner or subdivider.³

Any owner or subdivider proposing to subdivide a tract of land within the Village or area of extraterritorial jurisdiction shall first contact the permit issuer and acquaint himself with the provisions of the Wisconsin Statutes and the regulations of the Village of Francis Creek, Wisconsin, and seek advice concerning the proper procedure for subdividing land.

§ 445-10. Sketch plan.

Any owner or developer subdividing a tract of land into five or more parcels or building sites of 1 1/2 acres each or less in area shall first submit a sketch of the proposed subdivision with necessary accompanying data to the Village Comprehensive Planning Commission and seek its advice and assistance prior to filing a preliminary plat.

§ 445-11. Submission of plats for approval.

- A. Before submitting a final plat, the owner or subdivider shall submit a preliminary plat to the permit issuer. It shall be clearly marked "Preliminary Plat" and shall be prepared in accordance with § 445-12 of this chapter in sufficient detail to determine whether the final plat will meet layout requirements.
- B. The permit issuer shall refer the preliminary plat to the Village Comprehensive Planning Commission, which shall review the plat for conformance with these regulations and other Village ordinances and shall recommend, in writing, the approval, conditional approval or rejection of the plat to the Village Board with any reasons or conditions clearly stated.
- C. Within 90 days of the filing of the preliminary plat, the Village Board shall grant approval or conditional approval with explanation or reject the plat, giving the reasons or conditions for such approval or rejection, unless the time is extended by agreement with the subdivider. Failure of the Village Board to act within the 90 days, or extension thereof, constitutes approval of the preliminary plat.

³. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- D. If the final plat conforms substantially to the preliminary plat as approved, including any conditions of that approval, and to local plans and ordinances adopted as authorized by law, it is entitled to approval. If, however, the final plat is not submitted within 36 months of the last required approval of the preliminary plat, the Village Board may refuse to approve the final plat or may extend the time for submission of the final plat. The final plat may, if permitted by the Village Board, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time.⁴
- E. Prior to submission of a final plat, the subdivider shall have provided three copies of the improvement plans, profiles, and other necessary engineering detail for streets, sanitary sewage system, stormwater drainage system, water distribution system, and other improvements prepared by a registered professional engineer in accordance with the requirements of these regulations. Plans and profiles for sanitary and storm sewers shall be at a scale of not less than one inch equals 40 feet. The improvement plans shall conform to the preliminary plat and the specifications of this chapter. If the plans are satisfactory, the permit issuer shall transmit one copy to the subdivider with a notation of approval placed on the plans; if unsatisfactory, the permit issuer shall notify the subdivider of the modifications required or the reason for disapproval.
- F. After the improvement plans have been approved, the final plat shall be submitted to the permit issuer for processing pursuant to § 236.12(3), (4) and (5), Wis. Stats., or an original plat shall be submitted to the Wisconsin Department of Administration pursuant to § 236.12(6), Wis. Stats., as amended. The plat shall be prepared in accordance with the provisions of §§ 236.20 and 236.21, Wis. Stats., as amended.⁵
- G. The permit issuer will forward the final plat to the Village Comprehensive Planning Commission for its review and recommendations to the Village Board.
- H. Within 60 days after the final plat has been submitted to the permit issuer, the plat shall be approved on the basis of § 236.13, Wis. Stats., as amended, or rejected. If approved, the Village Board shall indicate approval of the final plat by resolution and by signing the plat. If rejected, the reason for rejection shall be stated in the minutes of the Board and a written statement shall be supplied to the owner or subdivider.
- I. The owner or subdivider shall have the final plat recorded in the office of the Register of Deeds for Manitowoc County in accordance with the provisions of § 236.25, Wis. Stats., as amended.
- J. The final plat shall be approved or rejected by the Village Board within 60 days of its submission, unless the time is extended by agreement with the subdivider. Upon failure of the Village Board to act within the 60 days, and if the time has not been extended by agreement and if no unsatisfied objections have been filed by

⁴. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

⁵. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

approving or objecting authorities within that period, the plat shall be deemed approved in accordance with § 236.11(2), Wis. Stats., as amended.

- K. The owner or subdivider shall provide a mylar copy of the subdivision to the permit issuer. This requirement may be waived by the Village Board.

§ 445-12. Plat requirements.

Sketch plans, preliminary plats and final plats shall include, as a minimum, the information required by this section.

- A. Sketch plan. Sketch plans can be hand-drawn maps and do not have to be to scale but must include general location, proposed lot layout, future streets, adjacent streets and adjacent land division. Sufficient detail should be shown to provide a general understanding of the proposed land division.
- B. Preliminary plat.
 - (1) The preliminary plat shall be prepared by a registered land surveyor on tracing cloth, mylar, or paper of good quality at a scale of not more than 100 feet to one inch and shall have the following shown correctly on its face:
 - (a) Date, scale and North point.
 - (b) The title, in accordance with the Village standard for titling subdivisions, under which the proposed subdivision is to be recorded.
 - (c) The name and address of the owner, the subdivider and the state-registered surveyor preparing the plat.
 - (d) The location of the proposed subdivision by government lot, quarter section, township, range, county and state.
 - (e) Exact length and bearings of the exterior boundaries of the proposed subdivision and the approximate acreage therein.
 - (f) Location and names of adjacent subdivisions.
 - (g) Zoning on and adjacent to the proposed subdivision.
 - (h) Location, widths and names of any adjacent existing streets, highways, alleys or other public ways, easements, railroad and utility rights-of-way, parks and cemeteries.
 - (i) 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.
 - (j) The approximate location, size and elevations within the proposed subdivision and in the adjoining streets or property of any existing water mains, sewers, culverts, drainpipes, including farm drain tile, and electric conduits proposed to be used on the property to be subdivided, or direction and distance to the nearest water and sewer mains if not

adjacent to or within the tract to be divided. The location of the existing property lines, streets, drives, buildings, watercourses, utilities, railroads and other similar features within the tract being subdivided, the water elevations of adjoining lakes or streams at the date of survey and approximate high and low water elevations all referenced to United States Geological Survey (USGS) datum shall be shown.

- (k) Locations, widths and names of all proposed streets and rights-of-way, such as alleys and easements, and all parks and other open spaces.
 - (l) Street names shall be indicated and approved by the Village.
 - (m) Approximate dimensions of all lots together with proposed lot and block numbers.
 - (n) The area of each lot and outlot in square feet.
 - (o) The dimensions of all parcels of land proposed to be dedicated to public use and the conditions of such dedications, if any.
 - (p) Proposed building setback lines.
 - (q) Approximate radii of all curves and lengths of tangents.
 - (r) Source of domestic water supply and type of sewage disposal. Location of sites for community domestic water facilities and/or community sewage treatment or handling facilities, and all subject to the rules and regulations of the State of Wisconsin Department of Safety and Professional Services.⁶
 - (s) Contours at vertical intervals of not more than five feet where the slope is greater than 10% and not more than two feet where the slope is less than 10%. Elevations shall be marked on such contours based on United States Coast and Geodetic Survey (USCGS) datum.
- (2) In addition, the Village Board may require any one or all of the following:
- (a) Profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision.
 - (b) A draft of any protective covenants whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.
- C. Final plat. The final plat shall be prepared to include all of the information contained on the preliminary plat and shall also be prepared in accordance with §§ 236.20 and 236.21, Wis. Stats., as amended.

ARTICLE III

⁶. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Design Standards

§ 445-13. General requirements.

- A. The proposed subdivision shall conform in all respects to the regulations of Ch. 236, Wis. Stats., as amended, the Wisconsin Department of Transportation, the Wisconsin Department of Administration, the Wisconsin Department of Safety and Professional Services, the Wisconsin Department of Natural Resources, these regulations and other applicable rules, regulations and ordinances of the Village of Francis Creek, Wisconsin.⁷
- B. No land shall be subdivided or split which is held unsuitable for the proposed use by the Village Board for reason of flooding, inadequate drainage, rock formation, unfavorable topography, inadequate sewage disposal capabilities, or any other feature likely to be harmful to the health, safety or welfare of the future residents of the subdivision. The Village Board, in applying the provisions of this section, shall, in writing, indicate the particular facts upon which it based its conclusion that the land is not suitable for development and afford the subdivider an opportunity to present evidence regarding such suitability, if he so desires, at a public hearing called by the Board. Thereafter, the Village Board may affirm, modify or withdraw its determination of unsuitability.
- C. The subdivision layout shall conform to the Official Map of the Village of Francis Creek; however, where necessary and practical, a variance from the exact design shown on the Official Map may be permitted, if such variance is not detrimental to the public interest, the intent of these regulations or the integrity of the Official Map.

§ 445-14. Streets.

- A. General requirements. [Amended 11-21-2000]
 - (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 shall be applicable to all streets and roads that are to be dedicated to the Village of Francis Creek, 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. All roads shall be paved. 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 Village Board. Combination concrete curb and gutter is required on all streets. A copy of all design assumptions and computations on

⁷. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

which the proposed design is based shall be submitted to the Village of Francis Creek.

- (2) Project costs. All roadway surveys, dedications, plans and specifications and construction will be at the expense of the applicant or applicants. This includes any expense incurred by the Village of Francis Creek 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 Village of Francis Creek, the applicant shall notify the Village of Francis Creek President. An on-site meeting will then be arranged to be attended by an engineer hired by the Village and the applicant. Plans must be provided in order for the Village Engineer to check the design and the drainage.
- B. Wherever possible, streets shall intersect at right angles, with no street intersecting any other at an angle of less than 60°, and where they cross-jog, offsets of less than 130 feet center line to center line shall be avoided.
 - C. Minor streets shall be laid out so as to discourage through traffic.
 - D. Where a subdivision abuts or contains an existing or proposed arterial street, the Village Board may require marginal access streets, reverse frontage lots with screening plants placed along the rear lot line, deep lots with rear service alleys, or similar treatment deemed necessary for adequate protection of residential properties and to afford separation of local and through traffic.
 - E. The Village Board may require a subdivision bordering on a railroad or limited access highway right-of-way to include construction on a street approximately parallel to and on each side of that right-of-way at a distance suitable for the appropriate use of the intervening land.
 - F. A tangent of at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.
 - G. More than two streets intersecting at one point shall be discouraged.
 - H. A horizontal curve shall be required where a deflection of 5° or more exists.

§ 445-15. Street standards.

- A. All street rights-of-way shall be the width specified on the Official Map of the Village of Francis Creek, or, if not specified, they shall not be less than the width specified as follows:

Street Type	Minimum Width (feet)
Arterial	100
Collector	80

Local or minor 60

- B. Minor loop and cul-de-sac streets not over 500 feet in length may be 50 feet in right-of-way width.
- C. A cul-de-sac or street designed to have one end closed to vehicular traffic shall not exceed 500 feet in length and shall provide a turnaround with a minimum radius of 60 feet and shall have a reverse curve to tangent.
- D. Clear visibility, measured along the center line, shall not be less than specified as follows:

Street Type	Minimum Sight Distance (feet)
Arterial	500
Collector	250
Local or minor	200

- E. Street grades shall conform to the following specifications:

Street Type	Maximum Grade
Arterial	6%
Collector	7%
Local or minor	10%
Street shorter than 500 feet	12%

- F. All streets shall have a minimum grade of not less than 1/2 of 1%.

§ 445-16. Blocks.

- A. The lengths, widths and shapes of blocks shall be appropriate for the locality and type of development contemplated.
- B. Block lengths shall not exceed 1,350 feet between right-of-way lines.
- C. Pedestrian crosswalks not less than 10 feet wide shall be required where deemed necessary to provide circulation or access to parks, playgrounds, schools, shopping centers, transportation and other community facilities.

§ 445-17. Lots.

- A. The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development proposed.

- B. The lot area of proposed lots shall comply with the minimum standards set by the Wisconsin Department of Safety and Professional Services when public water and sewer are not available.⁸
- C. Side lines of lots shall be, whenever possible, perpendicular to road right-of-way lines. Variations shall be permitted in unusual situations but pointed lots should be avoided.
- D. Double lots with access on both streets should be avoided.
- E. Corner lots should be at least 10% wider than interior lots to provide adequate setbacks from both streets.

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ARTICLE IV
Required Improvements

§ 445-19. General provisions.

The following improvements are hereby required and they shall be designed, furnished and installed by the subdivider in accordance with these regulations and all other laws, codes, etc., of the Village and the State of Wisconsin except as otherwise noted. The improvements shall be installed before the final plat is approved unless the subdivider shall file with the Village an irrevocable letter of credit from a responsible bank, savings and loan association or other financial institution licensed and authorized to do business in this state or a surety bond, which bond or irrevocable letter of credit shall be in an amount equal to the cost of making the necessary public improvements. Such bond or letter of credit must be certified by the Village Attorney to be valid and enforceable.

- A. Prior to commencement of any construction required by these regulations, a preconstruction meeting will be held with the Village or its authorized representative to discuss the project and plans in regard to procedure, materials, inspection, etc.
- B. The subdivision shall be monumented as required in § 236.15, Wis. Stats., as amended, before final plat approval will be given.

§ 445-20. Drainage system.

A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part. A final plat shall not be approved until the subdivider shall submit plans, profiles and specifications as specified in this section which have been prepared by a registered professional engineer and approved by the Village Engineer.

- A. Drainage system plans.

⁸. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (1) The subdivider shall submit to the Village Engineer a 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 estimates of the quantity of stormwater entering the subdivision naturally from areas outside the subdivision, quantities of flow at each inlet or culvert, and the 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 subdivider for the area within the subdivision.
 - (3) The design criteria for storm drainage systems shall be based upon information provided by the Village Engineer.
 - (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 Village Board or Village Engineer.
- B. Grading. The subdivider shall grade each subdivision in order to establish street, block and lot grades in proper relation to each other and to topography as follows:
- (1) The subdivider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans.
 - (2) Block grading shall be completed by one or more of the following methods:
 - (a) A ridge may be constructed along the rear lot lines which provides for drainage onto the streets.
 - (b) Parts of all lots may be graded to provide for drainage to the street or to a ditch along the rear lot line.
 - (c) Draining across rear or side lot lines may be permitted, provided that drainage onto adjoining properties is skillfully controlled.
 - (3) Lot grading shall be completed so that water drains away from each proposed building at a minimum grade of 2%, and provisions shall be made to prevent excessive drainage onto adjacent properties.
 - (4) The topsoil stripped by grading shall not be removed from the site and shall be uniformly spread over the lots when rough grading is finished.
- C. Drainage system requirements. The subdivider shall install all the storm drainage facilities indicated on the plans required in this section.
- (1) Street drainage. All streets shall be provided with an adequate storm drainage system. The street storm system shall serve as the primary drainage system

and shall be designed to carry street, adjacent land and building stormwater drainage. No stormwater shall be permitted to be run into the sanitary sewer system within the proposed subdivision.

- (2) Off-street drainage. The design of the off-street drainage system shall include the watershed affecting the subdivision 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 subdivider shall make provisions for dedicating an easement to the Village to provide for the future maintenance of said system. Easements shall be a minimum of 20 feet, but the Village may require larger easements if more area is needed due to topography, size of watercourse, etc.

- D. Protection of drainage systems. The subdivider shall adequately protect all ditches to the satisfaction of the Village Board and Village 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 1% shall be seeded, those with grades up to 4% shall be sodded and those with grades over 4% shall be paved.)

§ 445-21. Sanitary sewer system.

- A. A sanitary sewer system shall be designed and constructed in accordance with state codes, these regulations and specifications of the Village Engineer to adequately serve all lots in the subdivision. In addition, pipe sizes, lift stations, force mains or other appurtenances shall be sized or provided to accommodate the orderly development of nearby land which is an integral part of the neighborhood service or drainage area. (See § 445-25 regarding off-site and oversize improvements.) The subdivision collection system shall be connected to the Village sewage system.
- B. Sanitary system plans. The subdivider shall submit to the Village Engineer a report including plans, profiles and specifications for the proposed sanitary sewerage system which shall show pipe sizes, gradients, types of pipe, invert and finished grade elevations, location, type and size of all lift stations or force mains for all sanitary facilities, including house laterals to each lot line. No final plat will be approved until sanitary sewer plans have been approved by the Village Engineer and installed by the subdivider in accordance with said plans. (Improvement guarantee in lieu of construction may be permitted by the Village Board.)
 - (1) The sanitary sewerage system shall be designed to serve the estimated future tributary area that can reasonably be expected to be developed within 40 years of plat approval. The Village Board will make this determination. Sewer capacities should be adequate to handle the anticipated maximum hourly quantity of sewage and nonresidential waste with an allowance for infiltration and other extraneous flow. Generally, a unit design flow of 0.02 cubic foot per second per acre may be used to compute tributary area flows from undeveloped upstream areas.
 - (2) No sewer pipe shall be less than eight inches in diameter.

- (3) House laterals up to each lot line of the subdivision shall be provided.
- (4) All sewers shall be designed to give mean velocities, when flowing full, of not less than two feet per second. Maximum slope shall provide velocity of from 12 feet to 15 feet per second at average flow. The following table may be used for minimum slopes:

Size of Sewer (inches)	Dead-End Sewers	Other Sewers
8	0.60 foot/100 feet	0.40 foot/100 feet
10	0.44 foot/100 feet	0.28 foot/100 feet
12	0.36 foot/100 feet	0.22 foot/100 feet
All other	In accordance with Village Engineer's specifications	

- (5) Manholes shall be provided at least at four-hundred-foot intervals, at the end of each line and at all changes in grade, size or alignment.
- (6) Not less than six feet of cover shall be provided over top of pipe in street right-of-way or four feet in all other areas.
- (7) A minimum horizontal distance of eight feet shall be maintained between parallel waterlines and sewer lines, except where same-trench burial of sanitary sewers and water mains is permitted in accordance with Subsection B(8). Where sewers cross water mains, the separation distance and pipe materials shall be as specified by the Village Engineer.
- (8) Same-trench burial of sewer mains and waterlines may be permitted by the Village Board after receiving a report and recommendation from the Village Engineer and Comprehensive Planning Commission where excavation is especially difficult due to the presence of rock near the surface or unstable soil. Where the water mains are permitted to be laid in the same trench with the sewer lines, the sewer lines and waterlines shall be laid in accordance with instructions provided by the Village Engineer. Backfill material shall be thoroughly tamped around and above the sewer until it forms a solid bed for the water main.
- (9) All sewers shall be laid with straight alignment between manholes unless otherwise directed or approved by the Village Engineer.

§ 445-22. Street system.

A street system shall be designed and constructed by the subdivider in accordance with these regulations and specifications of the Village so as to provide all lots in the subdivision with adequate frontage on or access to a public street.

- A. Street system plans. The subdivider shall submit to the Village Engineer a report including plan, profiles, typical cross sections and specifications for the proposed

street system throughout the subdivision with additional data supplied to indicate how all the streets in the subdivision which connect to surrounding streets will be designed. The street plans shall show the proposed right-of-way, pavement width, location and proposed alignment grade, geometric details, and cross sections as well as base course and thickness. No final plat will be approved unless all streets in the subdivision have been constructed in accordance with approved plans or an improvement guarantee in the form of a bond, letter of credit, etc., has been provided by the subdivider.

- B. The proposed street system shall be constructed to conform to the design standards of Article III of these regulations and other Village street specifications.
 - (1) Local streets shall be surfaced for a width of 36 feet.
 - (2) A minimum of nine inches of gravel base course shall be provided. Precise amount of base course shall be determined by the Village Engineer after an examination of soils and topography.

§ 445-23. Public utilities.

- A. Location. All utility facilities, including but not limited to gas, electric power, and telephone and television cables, existing and proposed throughout the subdivision shall be shown on the preliminary plat.
- B. Easements.
 - (1) Easements centered on rear lot lines shall be provided for utilities (private and municipal). Such easements shall be at least 20 feet wide. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements established in adjoining properties.
 - (2) Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least 20 feet in width shall be provided along side lot lines with satisfactory access to the road or rear lot lines. Easements shall be indicated on the preliminary and final plat.
- C. Underground utilities. [Added 11-21-2000 by Ord. No. 2000-06]
 - (1) Lines to be underground in newly platted areas. All new electric distribution lines (excluding lines of 15,000 volts or more), all new telephone lines from which lots are individually served, all new telegraph lines, and community antenna television cables and services installed within a newly platted area or planned development shall be underground unless the Village Board shall specifically find after study that:
 - (a) The placing of such facilities underground would not be compatible with the planned development;

- (b) Location, topography, soil, stands of trees or other physical conditions would make underground installation unreasonable or impracticable; or
 - (c) The lots to be served by said facilities can be served directly from existing overhead facilities.
- (2) Associated equipment and facilities which are appurtenant to underground electric and communications systems, such as, but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches and above-grade pedestal-mounted terminal boxes, may be located above ground.
 - (3) The subdivider or his agent shall furnish proof to the Comprehensive Planning Commission that such arrangements as may be required under applicable rates and rules filed with the Public Service Commission of Wisconsin have been made with the owner or owners of such lines or services for placing their respective facilities underground, as required by this section, as a condition precedent to approval of the final plat or certified survey map.
 - (4) Temporary overhead facilities may be installed to serve a construction site or where necessary because of severe weather conditions. In the latter case, within a reasonable time after weather conditions have moderated, such temporary facilities shall be removed, subject to any exception permitted by the Village Board under Subsection C(1) of this section.⁹

§ 445-24. Reservation of land for school and recreation purposes.

The Village shall require that land be reserved for parks, playgrounds, schools or other recreation purposes in locations designated on the Comprehensive Plan and Official Map of the Village.

§ 445-25. Off-site improvements; lift stations or force mains. [Amended 11-21-2000]

All improvements shall be installed to satisfy the service requirements for the service or drainage area in which the subdivision is located, and the improvements shall be of sufficient capacity to handle the expected development of the overall service or drainage area involved.

- A. Off-site extensions. When streets or utilities are not available at the boundary of the proposed subdivision, the Village or its duly authorized representative shall require, as a prerequisite to approval of a final plat, assurances that such improvement extensions shall be provided as follows:
 - (1) Extensions of utilities onto the property involved shall be adequate to serve the total development requirements of the service or drainage area. Utilities leaving the property shall be constructed in such a manner as to make their extension practical for servicing the adjacent areas of the service or drainage area.

⁹. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (2) If the Village or its duly authorized representative finds that extensions across undeveloped areas 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 wishes to proceed with the development, to obtain necessary easements or rights-of-way and construct and pay for such extensions. Such improvements shall be available for connections by subdividers of adjoining land, and the subdivider may contract with adjacent property owners and/or subdividers of adjacent land for reimbursement of the oversize and/or off-site improvements constructed.
- B. Lift stations and/or force mains. Where sanitary sewer lift stations and force mains are required to lift sewage to the gravity system, the subdivider shall have plans, profiles and specifications prepared for the installation of such facilities. The installation, inspection, supervision and engineering fees for lift stations and/or force mains shall be paid for by the subdivider, unless otherwise determined and agreed upon by the Village Board.

§ 445-26. Nonresidential subdivisions.

- A. 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 Village may require.
- B. A nonresidential subdivision shall also be subject to all the requirements of site plan approval set forth in Chapter 480, Zoning, of this Code. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the Village, and shall conform to the proposed land use standards established in the Comprehensive Plan, Official Map, and Chapter 480, Zoning.
- C. In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Village 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 Village with respect to street, curb, gutter and sidewalk design and construction.
 - (4) Special requirements may be imposed by the Village with respect to the installation of public utilities, including water, sewer and stormwater 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 a permanently landscaped buffer strip when necessary.

- (6) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

§ 445-27. Streetlighting.

The subdivider shall provide streetlights as required. Street trees and traffic control signs and devices shall be the responsibility of the Village or other appropriate governmental unit.

§ 445-28. Phased or partial improvements.

In all instances where it shall appear to the satisfaction of the Village Board that all of a platted subdivision cannot immediately be improved with respect to the installation of streets, storm sewers, sanitary sewers and related facilities, the Village Board may authorize the subdivider to proceed with the installation of improvements required under these regulations on one or a portion of the total number of lots covered by the plat.

§ 445-29. Costs.

The cost of installing all improvements specified in these regulations shall be paid for and borne by the subdivider, except as noted in § 445-25. In addition, the cost of all grading, supervision, certification, inspection and engineering shall be paid for by the subdivider.

§ 445-30. Inspections.

- A. The Village or its duly authorized representative shall be responsible for the inspection of all improvements.
- B. Inspectors employed by the Village shall be authorized to inspect all work done and all materials furnished. Such inspection may extend to all or any part of the work and to the preparation, fabrication, or manufacture of the materials to be used. The inspector shall not be authorized to revoke, alter or waive any requirements of the specifications or plans. He shall be authorized to call the attention of the contractor to any failure of the work or materials to conform to the specifications and contract. He shall have the authority to reject materials which do not meet specifications requirements or suspend the portion of the work involved until any question at issue can be referred to and decided by the Village or its duly authorized representative.
- C. Upon completion of all the improvements, the subdivider shall request, in writing, a final inspection by the Village or its duly authorized representative. The Village or its duly authorized representative shall make final inspection of streets, sidewalks, curbs and gutters, sanitary and storm sewers, water mains and other improvements required in these regulations.

- D. The subdivider shall provide the Village Clerk-Treasurer with as-built plans of the water, sanitary sewer, and storm sewer systems.

ARTICLE V
Other Land Divisions

§ 445-31. Lot splits.

Certified survey maps prepared in accordance with § 236.34, Wis. Stats., as amended, for the purpose of recording the division of land other than a subdivision, shall be submitted to the Village Clerk-Treasurer.

- A. Review procedure. The certified survey map shall, within 90 days, be approved by the permit issuer or be approved conditionally or rejected by the Comprehensive Planning Commission.¹⁰
- (1) If the permit issuer finds that the certified survey map complies with Ch. 236, Wis. Stats., as amended, and this chapter, then the permit issuer shall place the certificate of Village approval on the face of the map.
 - (2) If the permit issuer finds that the certified survey map cannot be approved without a variance, modification, or condition of approval, he shall forward the map to the Comprehensive Planning Commission for action in accordance with § 445-34 of this chapter.
- B. Requirements.
- (1) 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. All required improvements shall be designed, furnished and installed at the expense of the applicant before a certified survey map will be considered for approval, or, in lieu of construction, a surety bond, certified check, escrow account, or other financial assurance may be provided in accordance with Article IV.
 - (2) The survey shall be performed and the map prepared by a land surveyor registered in the state.
 - (3) All corners shall be monumented in accordance with § 236.15(1)(c) and (d), Wis. Stats., as amended.
 - (4) The map shall be prepared in accordance with § 236.20(2)(a), (b), (c), (e), (f), (g), (h), (i), (j), and (l) and (3)(a), (b), and (e), Wis. Stats., as amended, on a scale of not more than 500 feet to one inch.
 - (5) The map shall be prepared on durable white paper 8 1/2 inches wide by 14 inches long with nonfading black image or reproduced with photographic silver haloid image on double matt polyester film not less than four mil thickness, which is 8 1/2 inches wide by 14 inches long.

¹⁰. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

C. Certificates and affidavits.

- (1) The map shall include the certificate of the surveyor who surveyed and mapped the parcel, typed, lettered, or reproduced legibly with nonfading 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. Such affidavit shall include the certificate of the surveyor to the effect that he has fully complied with the requirements of these regulations and all requirements of § 236.34, Wis. Stats., as amended.
- (2) The certificate of Village approval shall be typed, lettered, or reproduced legibly with nonfading black ink on the face of the certified survey map in substantially the following form:
 - (a) For certified surveys that do not require Comprehensive Planning Commission action on a variance, modification, or condition of approval, the certificate shall read: "This certified survey map has been submitted to and approved by the Village of Francis Creek as complying with Chapter 236, Wisconsin Statutes, as amended, and the Subdivision Regulations of the Village of Francis Creek. Date _____ Signed _____."
 - (b) For certified surveys which require Comprehensive Planning Commission action on a variance, modification, or condition of approval, the certificate shall read: "This certified survey map has been submitted to and approved by the Village of Francis Creek as complying with Chapter 236, Wisconsin Statutes, as amended, and the Subdivision Regulations of the Village of Francis Creek. All the variances, modifications, or conditions of approval for this survey map are contained in the minutes of the _____ meeting of the Francis Creek Comprehensive Planning Commission. Date _____ Signed _____."
- (3) A certificate by the owner of the land in substantially the following form shall be provided: "As owner, I hereby certify that I caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on this map." This certificate shall be signed by the owner, his or her spouse, if any, and all persons holding an interest in the fee or record or by being in possession and, if the land is mortgaged, by the mortgagees of record.¹¹
- (4) The certified survey map shall be filed by the divider, subdivider, or owner for record with the Register of Deeds of Manitowoc County and a copy of said map shall be filed with the Village of Francis Creek.

D. Development plan.

- (1) A development plan shall be submitted to the Comprehensive Planning Commission after any division of a lot, parcel or tract of land by the owner

¹¹. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

thereof or his agent for other than a subdivision, where the act of division creates five or more parcels which are greater than 1 1/2 acres but are five acres or less in size or where five or more such parcels are created by successive divisions within a period of five years.

- (2) The development plan map and supporting information shall provide at least the requirements contained in § 445-12B of this chapter, except that certain map and data requirements may be waived by the Comprehensive Planning Commission for land division which involves 10 lots or fewer.
- (3) A development plan shall include all of the owner's or applicant's lands which are contiguous and which are bounded by private property lines, public rights-of-way, navigable streams, lakes, parks, or other watercourses which serve to define the contiguous area.
- (4) Development shall, to the extent reasonably practicable, conform to the requirements of Article III of this chapter and to all other related Village of Francis Creek ordinances and regulations.

§ 445-32. Subdivisions created by successive divisions.

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 of the Village of Francis Creek may, in lieu thereof, order an assessor's plat to be made under § 70.27, Wis. Stats., as amended.

ARTICLE VI
Administration and Enforcement

§ 445-33. Administrative determinations.

The permit issuer is hereby designated the administrative officer for these regulations. Administrative determinations and the reasons therefor shall be reduced to writing at the written request of a party who is adversely affected by an administrative determination and such information shall be mailed or delivered to the affected person.

- A. Decisions on state-defined plats by the Comprehensive Planning Commission or Village Board are also subject to further review in accordance with the provisions of § 236.13(5), Wis. Stats., as amended.
- B. Decisions on non-state plats or certified surveys are subject to review in accordance with the procedures and provisions of Ch. 68, Wis. Stats., as amended.
 - (1) The permit issuer shall, upon written request of any person aggrieved by his determination, reduce the determination and the reasons therefor to writing in accordance with § 68.07, Wis. Stats., as amended.
 - (2) The Village Board shall, upon written request of any person aggrieved by a determination of the permit issuer, provide for a review of that determination at a hearing conducted substantially in compliance with § 68.11, Wis. Stats.,

as amended, and in accordance with the procedures of §§ 68.09 and 68.11, Wis. Stats., as amended.

- (3) Any party to a proceeding under Subsection B(2) above may seek judicial review of the determination of the Village Board by a writ of certiorari in accordance with § 68.13, Wis. Stats., as amended.
- (4) Nothing in this section shall preclude the Village or aggrieved person from employing other methods of resolving disputes, nor is an aggrieved person precluded from seeking relief from the Village Board according to § 68.14, Wis. Stats., as amended.

§ 445-34. Variances and appeals.

Where the Comprehensive Planning Commission finds that extraordinary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice will be done and the public interest secured; provided, however, that such variations will not have the effect of nullifying the intent and purpose of the regulations. Any modification or variance thus granted shall be entered in the minutes of the Comprehensive Planning Commission, setting forth the reasons which, in the judgment of the Commission, justified the variance.

§ 445-35. Violations and penalties. ¹²

Any person, firm or corporation who or which fails to comply with the provisions of these regulations shall, upon conviction, be subject to a penalty as provided in § 1-5 and the cost of prosecution for each violation and, in default of payment of such forfeiture, shall be imprisoned in the county jail until payment thereof, not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense. Nothing herein shall limit or restrict any other remedies which may be available to the Village or owner of real estate as provided by law.

¹². Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).