

**CHAPTER 267 SUBDIVISION OF LAND**

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**267.1 ARTICLE 1 - GENERAL PROVISIONS**

**267.1.1 Purpose.**

This chapter is enacted for the purpose of safeguarding the best interests of the public, the homeowner, the subdivider and the investor and encouraging well-planned subdivisions by the establishment of adequate standards for design and construction and in order that new subdivisions will be integrated in the general plans for the Village, thereby contributing an attractive, orderly, stable and wholesome community environment with adequate municipal services and safe streets.

**267.1.2 Word usage and definitions.**

- A. Word usage. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.
- B. Definitions. For the purpose of these regulations, the following terms, phrases, words and their derivations shall have the meanings given in this section:

ATTORNEY and ENGINEER -- The attorney or engineer employed by the Village, unless otherwise stated in the text.

BLOCK -- An area of land within a subdivision that is entirely bounded by a street or combination of streets, exterior boundary lines of a subdivision and streams or water bodies.

BOND -- Any form of security, including a cash deposit, surety bond, collateral, property or instrument of credit, in any amount and form satisfactory to the Village. All bonds shall be approved by the Village Plan Commission upon recommendation of the Village Attorney.

BOULEVARD -- That portion of the street right-of-way between the curblin and the property line.

BUILDING LINE or BUILDING SETBACK -- A line on a plat, parallel to the street, indicating the limit beyond which no building may be erected. The building line shall be consistent with the front yard setback of the zoning district in which the plat is located.

CONSTRUCTION PLAN -- The maps or drawings accompanying a subdivision plat showing the specific location and design of improvements to be installed by the subdivider in accordance with either the requirements of this chapter or conditions placed on the plat by the Plan Commission.

EASEMENT -- Authorization by a property owner for use of land by another person for a specific purpose.

EXTRATERRITORIAL PLAT APPROVAL JURISDICTION -- The unincorporated area within 1 1/2 miles of the Village in which the Village has the authority to approve subdivision plats.

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**FINAL PLAT** -- The final plat map and supporting data described in § 267-7 of this chapter which are submitted to the Plan Commission and Village Board for approval.

**FLOODPLAIN** -- Those lands subject to inundation by a one-hundred-year-interval flood as determined by the Plan Commission from official floodplain maps or other applicable data.

**FRONTAGE** -- The side or sides of a lot adjacent to a public right-of-way or private road.

**GOVERNING BODY** -- The Village Board of Fall Creek.

**IMPROVEMENT, PUBLIC** -- Any sanitary sewer, storm sewer, open channel, drainageway, water main, roadway, park, sidewalk or pedestrian way or other facility for which the Village may ultimately assume the responsibility for maintenance and operation.

**LOT** -- A parcel of land having frontage on a public street or approved private road intended as a unit for the purpose, whether immediate or future, of transfer of ownership or building development.

**LOT, BUTT** -- A lot at the end of a block and located between two corner lots.

**LOT, CORNER** -- A lot at the intersection of two or more streets with two or more adjacent sides of the lot abutting a street.

**LOT, THROUGH** -- A lot with two opposite sides abutting two or more streets.

**OUTLOT** -- A parcel of land in a subdivision which for one reason or another cannot be included in a lot.

**OWNER** -- Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

**PEDESTRIANWAY** -- The right-of-way across or within a block for use by pedestrian traffic, whether designated as a pedestrian way, crosswalk or however otherwise designated.

**PERSON** -- Any individual, firm, association, syndicate or partnership, corporation, trust or any other legal entity.

**PLAN COMMISSION** -- The Plan Commission of the Village of Fall Creek.

**PRELIMINARY PLAT** -- The preliminary map of a subdivision, described in Article II of this chapter, indicating the proposed layout of the subdivision. The preliminary plat shall be submitted to the Plan Commission for approval.

**PROTECTIVE COVENANT** -- A contract entered into between private parties, and which constitutes a restriction on the use of all private property within a subdivision for the benefit of the property owners and provides mutual protection against undesirable aspects of development which would tend to impair the stability of values.

**RIGHT-OF-WAY** -- A strip of land occupied or intended to be occupied by a street, curb and gutter, ditches, public sewer and water, other utilities and sidewalks.

**STREET and ALLEY:**

- (1) ALLEY -- A minor way which is used as a secondary means of vehicular access to the side or rear of abutting lots<sup>2</sup>.
- (2) ARTERIAL STREET -- A street primarily designed to carry large volumes of traffic and provide traffic movement from one part of the Village to another. Examples of arterial streets are state and county roads and major through streets.
- (3) COLLECTOR STREET -- A street which carries traffic from minor streets to arterial streets or from arterial street to arterial street. It includes the principal streets of large residential subdivisions.
- (4) CUL-DE-SAC -- A minor street with only one outlet having an appropriate terminal for the safe and convenient reversal of traffic movement. Cul-de-sac may be either temporary or permanent.
- (5) MINOR STREET -- A street of limited continuity used primarily for access to the abutting properties and serving the local needs of a neighborhood.
- (6) PRIVATE STREET -- A privately owned street serving two or more lots.
- (7) SERVICE STREET -- A limited access street which is parallel and adjacent to an arterial street which provides access to abutting properties and protection from through traffic.
- (8) STREET -- A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, arterial, parkway, throughway, road, avenue, lane or place.

SUBDIVIDER -- Any person commencing proceedings under these regulations to affect a subdivision of land hereunder for himself or for another.

SUBDIVISION -- The division of a parcel of land into five or more lots, or successive divisions creating five or more lots or parcels within a five-year period, any of which resultant parcels is less than 1-1/2 acres in area, for the purpose of transfer of ownership or building development; or, if a new street is involved, any division of a parcel of land. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

### **267.1.3 Conformance with other regulations.**

In addition to this chapter, the division of any land within the Village of Fall Creek shall conform to W.S.A. Ch. 236, other applicable state laws, Chapter 268, Zoning, of this Code and the Official Map.

**267.2 ARTICLE 2 – PLAT APPROVAL PROCEDURE**

**267.2.1 Applicability.**

Any division of land within the Village of Fall Creek which results in a subdivision as herein defined shall follow the procedures as outlined in this article.

**267.2.2 Sketch Plan.**

- A. Subdividers are invited to prepare, for review with the Plan Commission and the Village Engineer, a sketch plan of the proposed subdivision. The sketch plan shall contain, at a minimum, the following information:
  - (1) Site location within the Village showing adjacent streets and adjoining development types.
  - (2) Subdivision boundaries.
  - (3) Topographic and physical features.
  - (4) Proposed general street design.
  - (5) Proposed lot layout.
  - (6) Proposed surface water drainage.
- B. The sketch plan will be considered as a basis for discussion between the subdivider and the Plan Commission. The Commission will unofficially advise the subdivider of the extent to which the proposed subdivision conforms to this chapter and other applicable village ordinances and will discuss possible modifications to the subdivision proposal. The Plan Commission shall then make a recommendation to the Village Board regarding acceptance of the sketch plan as presented or with suggested modifications. The Village Board, at its next meeting, shall review the sketch plan and suggest any changes. No fee shall be required of the subdivider for the submission of sketch plans.

**267.2.3 Preliminary plat.**

- A. Submission to the Plan Commission.
  - (1) At least 15 days prior to the Plan Commission meeting at which a plat is to be reviewed, the subdivider shall file three copies of the plat with the Village Clerk-Treasurer. The preliminary plat shall be prepared by a registered land surveyor and meet the requirements for preliminary plats outlined in W.S.A. s. Ch. 236.
  - (2) A fee of \$100 plus \$5 per lot shall be paid by the subdivider to the Village upon submission of the preliminary plat. The fee will be used for public expenses incurred in connection with the approval of the preliminary and final plat. An additional fee of \$10 per final plat may be charged for each final plat in excess of one.
  - (3) The Village Clerk-Treasurer shall transmit one copy to the Village Engineer for his review and comment.
  - (4) The Plan Commission shall have the preliminary plat on the agenda for its next regular meeting.

- (5) Within 90 days of receipt of the plat, the Plan Commission shall approve, approve conditionally or reject such plat and shall state, in writing, any conditions for approval or reasons for rejection. Failure to take action on the plat within 90 days shall constitute approval unless the subdivider agrees to an extension of the review period.
  - (6) Approval or rejection of a preliminary plat by the Plan Commission shall be conditioned on compliance with the provisions of:
    - (a) W.S.A. Ch. 236.
    - (b) This chapter.
    - (c) The provisions of Chapter 268, Zoning, of this Code or other applicable ordinances.
    - (d) The Village Official Map.
- B. Submission to objecting agencies.
- (1) The subdivider shall submit the original of the preliminary plat to the Department of Administration. The Department shall, at the subdivider's expense, forward copies to the following agencies which have the authority to object to plats:
    - (a) The Department of Transportation if the subdivision abuts a state trunk highway.
    - (b) The Department of Commerce if not served by public water and sewer facilities.
    - (c) The Eau Claire County Planning and Zoning Office.
  - (2) Within 20 days of the receipt of the plat, the Department of Administration shall notify the subdivider, the Village and other objecting agencies of any objections made to the plat. If no objections are made, the Department of Administration shall so certify on the face of the plat and so notify the subdivider and the Village<sup>3</sup>.
  - (3) The Plan Commission shall have the authority to waive any or all of the requirements in this Subsection B.
- C. Information required with preliminary plat. The following information shall be included on the preliminary plat:
- (1) Existing conditions.
    - (a) Boundary line survey, including measured distances and angles, which shall be tied to the nearest 1/4 corner section corner by transverse.
    - (b) Existing zoning classifications for land in and abutting the subdivision.
    - (c) Total acreage.
    - (d) Location, right-of-way width and names of existing streets or other public ways, parks or other public lands, buildings and structures, easements and section and
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corporate limits within the plat and to a distance of 100 feet beyond the plat.

- (e) Location and size of existing sewers, water mains, culverts, utilities or other like facilities within the plat area and to a distance of 100 feet beyond. Such data as grades, invert elevations and locations of catch basins, manholes, hydrants and street pavement width and type shall also be included.
  - (f) Boundary lines of adjoining subdivided or unsubdivided land within 100 feet of the plat boundary, identified by name and ownership, including all adjoining land owned by the subdivider not proposed to be subdivided.
  - (g) Topographic data, including vertical intervals of not more than two feet, watercourses, wetlands, wooded area, rock outcrops and other significant features.
  - (h) A copy of proposed private restrictions and restrictive covenants.
  - (i) Soil tests conducted according to the standards of Chapter COMM 65 of the Wisconsin Administrative Code for all lots to be served by septic system seepage beds<sup>4</sup>.
- (2) Subdivision design features.
- (a) Layout of proposed streets, showing right-of-way widths and proposed names of streets.
  - (b) Locations and widths of proposed alleys and pedestrian ways
  - (c) Proposed layout of streets and blocks.
  - (d) Parks, pedestrian ways or other areas intended to be dedicated or reserved for public use.
  - (e) Sites, if any, for multiple-family dwellings, shopping centers, churches, industry or other uses, except single-family dwellings.
- (3) Supplementary data to be supplied with preliminary plat.
- (a) Statement of the proposed use of lots stating the type of residential building with the proposed number of dwelling units and the type of business or industry so as to reveal the effect of development on traffic, fire hazards and congestion.
  - (b) Source of water supply and sanitary waste disposal.
  - (c) Provisions for surface water drainage and flood control.
  - (d) If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions.
  - (e) Other information as may be requested by the Plan Commission or Village Engineer.
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- D. Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Plan Commission may require that the subdivider submit a sketch plan of the remainder of the parcel so as to show the possible relationship between the proposed subdivision and future subdivision.

**267.2.4 Final plat.**

- A. Within six months of approval of the preliminary plat, the developer shall submit a final plat to the Plan Commission for consideration. If the subdivider fails to submit a final plat within the six-month time limit, the Commission may, at its option, void the preliminary plat and require the subdivider to resubmit an amended preliminary plat. The final plat shall incorporate any conditions placed on the approval of the preliminary plat. If the final plat conforms to the layout of the preliminary plat, including any conditions of that approval, it shall be entitled to approval in respect to such layout. The subdivider may submit only a portion of the preliminary plat for final plat approval. In such cases, the subdivider shall submit a phasing plan for final approval of the remaining portions of the final plat to be approved by the Plan Commission. Any amendments to the phasing plan shall be submitted, in writing, by the developer for approval by the Plan Commission.
- B. Submission to objecting agencies. Prior to the submittal of the final plat to the Plan Commission for review, the subdivider shall submit the original to the Department of Commerce for distribution to the objecting agencies. The Department shall certify on the face of the plat that the objecting agencies have no objections and return the plat to the subdivider. The subdivider shall submit the certified original to the Plan Commission for review and approval.
  - (1) At least five days prior to the Plan Commission meeting at which a plat is to be reviewed, the subdivider shall file the certified original and three copies of the final plat and supplementary documents with the Village Clerk-Treasurer. The Village Clerk-Treasurer shall transmit one copy to the Village Engineer and one to the Village Attorney for their review and comment.
  - (2) The plat shall be placed on the agenda for the next Plan Commission meeting.
  - (3) The Plan Commission shall review the plat and supplementary data and consider the recommendation of the Village Attorney and Village Engineer and approve or reject the plat. If rejected, the Commission shall state the reasons for rejection, in writing, and return the plat to the subdivider.
  - (4) If approved by the Plan Commission, the final plat shall be forwarded to the Village Board for final approval. The plat shall be placed on the agenda for the next Village Board meeting. The Village Board may approve or reject the plat. If the plat is rejected, the Village Board shall state the reasons for rejection, in writing, and return the plat to the subdivider. If approved, the Village President shall sign on the designated place on the face of the plat.
  - (5) The time period for review of the final plat from the date of submittal to the

Clerk-Treasurer to the final approval by the Village Board shall be 60 days. Failure to act within the sixty-day period shall constitute approval unless the subdivider agrees to an extension.

- C. Information required with the final plat. The following information shall be submitted either on the final plat or as accompanying documents as designated below:
- (1) Information required on the final plat.
    - (a) Accurate angular and linear dimensions for all lines, angles and curvatures used to describe boundaries, streets, alleys, easements and areas to be reserved for public use. Dimensions of lot lines shall be shown in feet and hundredths. When lot lines are not at right angles to the street right-of-way line, the width of the lot shall be indicated at the building setback line.
    - (b) A numbered identification system for all lots and blocks.
    - (c) A boundary line survey, including the measured distance and angles, and the true list distance and bearing between a known point on the boundary and the nearest official monument, which shall be accurately described on the plat.
    - (d) Municipal, township and section lines accurately tied to the lines of the subdivision by distances and angles.
    - (e) Radii, internal angles, points and curvatures, tangent bearings and lengths of arcs.
    - (f) Name and location of the subdivision.
    - (g) Accurate location of all monuments.
    - (h) Graphic scale and North point.
    - (i) Certifications required by W.S.A. s. Ch. 236.
    - (j) Names of all streets.
    - (k) Location of water bodies.
  - (2) Required supplementary data.
    - (a) A copy of private restrictions or restrictive covenants, if any.
    - (b) Construction plans for all improvements and utility facilities to be provided by the subdivider intended to be dedicated to the Village, as required in Article VIII of this chapter.
    - (c) Surety bonds or other guarantee documents as provided in Article V of this chapter.
    - (d) Certifications showing that all taxes due on the property to be subdivided have been paid in full.
    - (e) A drainage plan for the subdivision showing anticipated flow of stormwater from its origin within the subdivision to its termination in either the Village storm

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sewer system or a natural watercourse. The Plan Commission may require runoff calculations to ensure adequate sizing of sewer lines and drainage ditches.

- D. Plat layout. The final plat shall be on sheets 22 inches wide by 30 inches long and have a binding margin of 1-1/2 inches on the left side and a one-inch margin on all other sides and shall be at a minimum scale of 100 feet equals one inch and in all other respects shall comply with the Wisconsin statutes.
- E. Notification to Eau Claire County Department of Planning and Development. Within two working days of approval of a final plat, the Village of Fall Creek shall submit the names and range of addresses of all of the streets or roads established in the new subdivision to the Eau Claire County Department of Planning and Development. This shall include the names and range of addresses of all new streets or roads and the names and extended range of addresses for any existing streets or roads that are extended into the new subdivision. Eau Claire County shall use this information to update the Master Street Address Guide (MSAG) for the Enhanced-911 System.

**267.3 ARTICLE 3 - MINIMUM DESIGN STANDARDS**

**267.3.1 Applicability; exceptions.**

The following design standards shall be followed unless the Plan Commission specifically allows a variance because of unusual circumstances due to topography, placement of existing buildings or other factors making it reasonable to vary the standards set forth below without nullifying the intent of the provisions of Chapter 268, Zoning, or this chapter.

**267.3.2 Street Plan.**

The arrangement, character, extent, width, grade and location of streets shall conform to the Official Map and to this chapter and shall be considered in their relation to existing and planned street patterns, to reasonable circulation of traffic, to topographic conditions, to runoff of stormwater, to public convenience and safety and to their appropriate relation to the proposed uses of the land to be served by such streets.

- A. Continuation of existing streets. The arrangement of streets in new subdivisions shall make provision for the appropriate continuation of streets which adjoin the subdivision.
- B. Future projection of streets. Where adjoining land is not subdivided but may be subdivided in the future, the arrangement of streets within a proposed subdivision shall be continued to the boundary line of the proposed subdivision. The Plan Commission may require the placement of temporary cul-de-sacs at subdivision boundary lines.
- C. In addition to the continuation of existing streets and projection of future streets under A. and B., above, the developer or platter of each subdivision shall also extend all required sidewalks and public utilities throughout the entire plat or certified survey map development, unless the Plan Commission and Village Board approve of requested exceptions. Said responsibility shall include the placement of such number of hydrants at such locations as is directed by the Village Engineer. In addition, all water mains installed shall be looped, where possible.

**267.3.3 Streets.**

- A. Widths. All streets shall have a minimum right-of-way width of 66 feet. Greater road widths may be required by the Plan Commission and the Village Board if, in their opinion, traffic volumes, planned function of the street and character of the planned abutting land uses warrant greater widths.
- B. Deflections. When connecting street lines deflect from each other at any one point by more than 10°, they shall be connected by a curve with a radius of not less than 150 feet.
- C. Street jogs. Street jogs shall have a center-line offset of 150 feet or more when applied to minor streets or service streets; in all other cases they shall be avoided.
- D. Cul-de-sacs. The maximum length of cul-de-sac streets shall be 500 feet measured along the center line from the intersection of origin to the end of the right-of-way. The

minimum radius to the face of the curb and gutter shall be 45 feet. The right-of-way radius shall be 60 feet.

- E. Widths. All streets shall have a minimum right-of-way width of 66 feet. Greater road widths may be required by the Plan Commission and the Village Board if, in their opinion, traffic volumes, planned function of the street and character of the planned abutting land uses warrant greater widths.
- F. Deflections. When connecting street lines deflect from each other at any one point by more than 10°, they shall be connected by a curve with a radius of not less than 150 feet.
- G. Street jogs. Street jogs shall have a center-line offset of 150 feet or more when applied to minor streets or service streets; in all other cases they shall be avoided.
- H. Cul-de-sacs. The maximum length of cul-de-sac streets shall be 500 feet measured along the center line from the intersection of origin to the end of the right-of-way. The minimum radius to the face of the curb and gutter shall be 45 feet. The right-of-way radius shall be 60 feet.

**267.3.4 Alleys.**

- A. Location requirements. Except in the case of a planned unit development, either a public or private alley shall be provided in a block where commercially zoned property abuts a major thoroughfare or a major street. The Plan Commission may waive this requirement if other means of off-street loading is provided. Alleys in residential zoning districts shall not be permitted.
- B. Widths. All alleys must have a minimum width of 24 feet with a minimum paving width of 20 feet.
- C. Grades. All center-line gradients shall be at least 0.5% and shall not exceed 8%.
- D. Dead-end alleys. Dead-end alleys shall be avoided where possible, but if unavoidable shall be provided with adequate turnaround space.

**267.3.5 Sidewalks.**

- A. Location. Sidewalks shall be provided along both sides of subdivision streets. Sidewalks shall be located within the street right-of-way adjacent to the property line.
- B. Construction. Sidewalks shall be constructed of four inches of concrete placed on six inches of sand with a minimum width of 48 inches and a slope of 1/4 inch per foot away from the property line. Maximum profile grades shall be 8%.

**267.3.6 Pedestrian ways.**

In blocks over 900 feet long, the Plan Commission may require paved pedestrian ways through blocks as deemed necessary to public health, convenience and safety. Such pedestrian ways shall be at least 12 feet wide.

**267.3.7 Water supply.**

Extension of the public water supply system shall be designed so as to provide public water supply to each lot.

**267.3.8 Sewage disposal.**

Extension of the public sanitary sewer system shall be designed so as to provide sewer service to each lot.

**267.3.9 Drainage.**

- A. A complete and adequate drainage system shall be required for the subdivision and shall be connected to the Village storm sewer system whenever possible.
- B. Where connection to the Village storm sewer system is not possible, drainage may be provided by a system of open ditches, culverts, pipes, catch basins or greenways. Dedication of greenways to the Village may be required.
- C. All drainage systems shall be approved by the Village Engineer.

**267.3.10 Easements.**

- A. Provided for utilities. Easements at least 12 feet wide, centered on rear and other lot lines, shall be provided for utilities where necessary. Utility easements shall have a continuity of alignment from block to block, and, at deflection points, easements for pole line anchors shall be provided where necessary.
- B. Provided for drainage. Drainage easements shall be provided along each side of the center line of any watercourse or water channel to a sufficient width to provide proper maintenance and protection and to provide for stormwater runoff and installation and maintenance of storm sewers.
- C. Dedications. Easements shall be dedicated for the required use.

**267.3.11 Blocks.**

- A. Factors governing dimensions. Block length and width shall be such as to accommodate the size of lots required by the zoning district in which the subdivision lies and to provide for convenient access, circulation control and safety of street traffic.
- B. Length. Block lengths should fit into existing development patterns. In general, blocks should not exceed 1,200 feet nor be less than 500 feet.
- C. Arrangement. A block shall be so designed as to accommodate two tiers of lots, unless it adjoins a railroad, major thoroughfare, water body or park, where it may have a single tier of lots.

**267.3.12 Lots.**

- A. Location. All lots shall abut by their full frontage on a publicly dedicated street.
- B. Size. The lot dimensions shall not be less than the dimensions required in the zoning district in which the lot is located.

- C. Corner lots. Corner lots shall have width to permit full front yard setbacks on the sides adjacent to streets.
- D. Butt lots. Butt lots shall be avoided whenever possible. However, when unavoidable, they shall be platted at least five feet wider than the average width of interior lots in the block.
- E. Side lot lines. Side lot lines shall be substantially at right angles to the street line.
- F. Watercourses. Lots abutting a watercourse, drainageway, channel or stream shall have additional depth or width as required to assure house sites are not subject to flooding.
- G. Lot remnants. All remnants of lots below the minimum lot size shall be added to adjacent lots. The use of outlots shall be avoided.
- H. Access to thoroughfares. In the case where a proposed plat is adjacent to a limited access highway or major highway, provisions shall be made for alternate means of access to lots.
- I. Through or double-frontage lots. Such lots shall not be permitted except where lots back onto a thoroughfare or major highway. Lots shall have an additional depth of 10 feet for screening and planting along rear lot lines.

**267.3.13 Grading.**

- A. Street. The Village shall establish all street grades.
- B. Lot. Grading shall be constructed so water drains away from each building site toward public drainage facilities. Grading shall be based on commonly accepted engineering design standards. Drainage shall not be onto a neighboring property.
- C. Driveway. Slope of driveway shall be between two and 12 percent from garage floor to sidewalk.

**267.4 ARTICLE 4 – PUBLIC SITES AND OPEN SPACES**

**267.4.1 Dedication of lands for parks and playgrounds (also known as “green space”).**

- A. Dedication of public ways. Whenever a tract of land to be subdivided embraces all or any part of a street, drainageway or other public way which has been designed in the Master Plan, Park Plan or the Official Map of the Village, the public way shall be made a part of the plat and dedicated by the subdivider in the locations and dimensions indicated on the plan or map.
- B. Dedication of parks, playgrounds, recreation and open spaces.
  - (1) Dedications.
    - (a) The developer shall dedicate sufficient land area to provide adequate park, playground, recreation and open space to meet the needs to be created by and to be provided for the land division, subdivision or comprehensive development. The minimum dedication shall be five percent of the total acreage.
  - (2) Minimum size of park and playground dedications. In general, land reserved for recreation purposes shall have an area of at least two acres. Where the amount of land to be dedicated is less than two acres, the Village may require that the recreation area be located at a suitable place on the edge of the proposed land division, subdivision or comprehensive development so that additional land may be added at such time that the adjacent land is subdivided. In no case shall an area of less than one acre be reserved for recreational purposes if it will be impractical or impossible to secure additional lands in order to increase its area.
  - (3) Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield or for other recreation purposes and shall be relatively level and dry. A recreation site shall have a total frontage on one or more streets of at least 200 feet, and no other dimension of the site shall be less than 200 feet.
  - (4) Where, in the sole discretion of the Village, there is no land suitable for parks within the proposed land division, subdivision or comprehensive development, the dedication of land required is not feasible, the dedication of land would not be compatible with the Village Master Plan or Park Plan, the minimum size cannot be met or the Village determines that a cash contribution will better serve the public interest, the Village may require the developer to pay a fee in lieu of making the required land dedication.
  - (5) The Village may, in its sole discretion, permit the subdivider to satisfy the requirements by combining a land dedication with a fee payment.
  - (6) The Village shall place any fee collected pursuant to the provisions of this section in a separate account to be used at the discretion of the Village in any community park or for developing adequate parks, playgrounds, recreation and open spaces.
  - (7) Where the land division, subdivision or comprehensive development is situated



within the extraterritorial jurisdiction of the Village and the township operates and maintains a park system, the park land area dedicated to the township or fees paid to the township in lieu of such dedication shall be credited against any dedication required by or fee imposed pursuant to this section.

- C. Reservation of public sites and open space. In designing a land division, subdivision or comprehensive development, due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainageways and other public purposes. In the location of such, consideration shall be given to the preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, watercourses, watersheds and ravines. The subdivider may be required to reserve such school, park, recreation and public use areas for a period not to exceed two years for acquisition by the Village, or in the case of school areas by the school district, at undeveloped land cost. Where the proposed public lands lie outside the limits of the Village but within the jurisdictional area of these regulations, they shall be reserved for acquisition by the county, city, school district or township at undeveloped land cost.
- D. Limitation. A subdivider shall not be required to dedicate more than 1/3 of the total area of the plat to meet the objectives of this section.

**267.4.2 (Reserved)**

**267.4.3 (Reserved)**

**267.5 ARTICLE 5 – IMPROVEMENTS**

**267.5.1 Liability for costs.**

Improvements required by this chapter, unless otherwise noted, are to be furnished, installed and paid for by the subdivider, as specified in Chapter 206, Public Improvements.

**267.5.2 Contract required; special assessments.**

- A. Prior to installation of any required improvements and prior to approval of the final plat, the subdivider shall enter into a contract with the Village requiring the subdivider to furnish and construct improvements at his sole cost in accordance with plans submitted by him, the specifications of this chapter and other usual contract conditions. The contract shall include a provision for the supervision of details of construction by the Village Engineer and grant the Engineer authority to correlate the work being done in the vicinity by the Village.
- B. The contract shall require the subdivider to make an escrow deposit or, in lieu thereof, to furnish a performance or surety bond. The amount of deposit or the penal amount of the bond shall be equal to 110% of the Engineer's estimate of the total cost of the sanitary sewer and water improvements to be furnished under the contract, including the cost of necessary inspections by the Village Engineer.
- C. The Village Board, at its sole discretion, may agree to initially finance all of the cost of the street and sidewalk improvements. The cost of street and sidewalk improvements will then be charged to the subdivider as a special assessment payable as outlined in Chapter 206, Public Improvements.
- D. The Village Board, at its sole discretion, may agree to initially finance up to 50% of the cost of the public water supply and sanitary sewer systems. The remaining percent shall be paid up front by the developer before the construction contract will be signed by the Village Board. The assessable cost of these systems will then be charged to the subdivider as a special assessment payable as outlined in Chapter 206, Public Improvements.
- E. If any part of a subdivision project is financed by special assessment as provided herein, the contract shall require that each such assessment be allocated among the lots of the subdivision. This allocation is to be based on the extent each lot is benefited by the assessed improvement. The contract will further provide that the subdivider will pay the balance of any lot's special assessments upon its sale.
- F. The contract shall require the subdivider to pay for all of the Village's engineering costs related to the subdivision project. These costs are not to be financed by special assessments and shall be payable no later than at the time of the completion of required improvements.
- G. The contract shall establish a timetable for completion of required improvements. Such timetable shall take into consideration the type and amount of work to be done, the time of year and like considerations. If the improvements are not completed on the date established by the contract, the Village, at its option, may cause forfeiture of the bond or

deposit, finish necessary improvements and return any unused funds to the subdivider or grant an extension of the contract.

- H. At the request of the subdivider, the contract may provide for the completion of part or all of the improvements covered thereby prior to the acceptance of the final plat. In such event, the amount of deposit or bond shall be reduced accordingly. The subdivider may also request that two or more contracts be entered into. In such case, the deposits or bonds shall be released as each contract is satisfied.

**267.5.3 Construction plans.**

Construction plans for the required improvements conforming in all respects to the standards of the ordinances of the Village and specifications of the Village Engineer shall be prepared at the subdivider's expense by a professional engineer registered in the State of Wisconsin and said plans shall bear his seal. Such plans, together with the quantities of construction items, shall be submitted to the Village Engineer for his approval and for his estimate of the total cost of the required improvements. Upon his approval, they shall become part of the contract required. The tracings of the plans approved by the Village Engineer plus two prints shall be furnished to the Village to be filed as a record.

**267.5.4 Inspections.**

All improvements on the site that are to be installed under the provisions of this chapter shall be inspected during the course of construction by the Village Engineer at the subdivider's expense, and acceptance shall be subject to the Village Engineer's certification of compliance with the contract.

**267.5.5 Completion prior to final plat approval.**

Required improvements which have been completed prior to application for or approval of the plat or execution of the contract shall be accepted as equivalent improvements in compliance with the requirements only if the Village Engineer certifies that they conform to applicable standards.

**267.5.6 Trunk facilities.**

Where a water main, sanitary sewer, storm drain or similar facility should be constructed at a larger size to serve areas outside the subdivision, the larger facilities must be constructed. The additional cost over the benefit to the subdivision shall be borne by the benefiting properties, and the assessments shall be determined according to the policies of the Village Board.

**267.5.7 Installation by village.**

The Village may elect to install any or all of the required improvements. This may be done under a cash escrow agreement with the subdivider or other means agreeable to both parties.

**267.6 ARTICLE 6 – LAND DIVISION BY CERTIFIED SURVEY**

**267.6.1 Certified survey map.**

Any land division not defined as a subdivision under the terms of this chapter shall be accomplished by means of a certified survey map as described in W.S.A. s. 236.34. All certified survey maps shall be approved by the Plan Commission and Village Board. The certified survey map shall be recorded in the office of the Eau Claire County Register of Deeds prior to the issuance of any building permit.

**267.6.2 Information required.**

- A. The certified survey map shall be prepared by a registered land surveyor and shall contain the following information either on the face of the map or as additional information accompanying the map:
  - (1) All data required under W.S.A. s. 236.34.
  - (2) All existing buildings, watercourses, drainage ditches and other features pertinent to proper land division.
  - (3) Location of existing water mains and sanitary and storm sewers if the lots are to be connected to these services.
  - (4) Soil and percolation tests performed according to Chapter COMM 85 of the Administrative Code for each lot proposed to be served by on-site sewage disposal systems.
  - (5) Normal high-water marks of navigable streams and water bodies and floodplain elevations.
  - (6) Date of map preparation, graphic scale and North arrow.
  - (7) Names of the property owner or owners, subdivider and surveyor.
  - (8) Any other data required by the Plan Commission and Village Board.
- B. The surveyor shall certify on the face of the plat that he has fully complied with all of the provisions of this chapter. Dedication of streets and other public areas shall require the owner's and mortgagee's certificate in substantially the same form as required by W.S.A. s. 236.21(2)(a).

**267.6.3 Submission to Clerk-Treasurer; fee.**

- A. At least 15 days prior to the Plan Commission meeting at which the certified survey map is to be considered, the owner of the property shall file three copies of the map and accompanying data with the Village Clerk-Treasurer.
- B. A fee of \$150, plus 50% of the engineering review fees shall accompany the certified survey map.
- C. The Village Clerk-Treasurer shall transmit one copy of the map to the Village Engineer for his review and comment.

**267.6.4 Plan Commission action.**

- A. The Plan Commission shall, within 40 days, take action on the map. Such action shall be to approve, reject or table for additional information. If the map is rejected or tabled, the minutes of the meeting shall state the particular reasons for rejection or the specific information requested, and the property owner shall be notified, in writing. If approved, the map shall be forwarded to the Village Board for its action.
- B. The Village Board shall, within 30 days, approve or reject the map. If approved, it shall be stated so on the face of the map. If the map is rejected, the particular reasons for rejection shall be stated in the minutes of the meeting, and the property owner shall be so notified, in writing.

**267.6.5 Design standards and improvements; payment of taxes and assessments.**

- A. The applicant shall comply with the provisions of Article III, Minimum Design Standards, Article V, Improvements, and Article VIII, Engineering Standards and Specifications, of this chapter.
- B. Before any certified survey map is recorded, the applicant must pay to the Village or other appropriate unit of government any accrued real estate taxes and special assessments on any land dedicated by the survey and to the Eau Claire County Treasurer any delinquent taxes on the dedicated land.

## **267.7 ARTICLE 7 – EXCEPTIONS AND VARIANCES**

### **267.7.1 Planned developments.**

Variations from the strict application of this chapter may be granted in the case of planned developments, provided that the Village Board, upon review and recommendation from the Plan Commission, shall find that the proposed development is fully consistent with the purpose and intent of this chapter. A planned development shall be considered as any development which consists of two or more principal structures or uses on a single lot or parcel of land for which a complete detailed plan has been submitted showing all proposed structures, uses, trafficways, sidewalks, landscaping, off-street parking and other features and facilities. This provision is intended to provide the flexibility needed for new land planning and land development trends and techniques.

### **267.7.2 Minor subdivisions.**

A lot or parcel in a recorded plat may be divided in order to add a parcel of land to an existing lot or divide an existing lot, provided that no lot is created in violation of this chapter or Chapter 268, Zoning. Such division may be approved by the Village Board after the submission of a survey by a registered land surveyor showing the original lot and the proposed division.

### **267.7.3 Variances.**

- A. The Village Board may grant a variance from these regulations upon receiving a report from the Plan Commission that, in a particular case, strict compliance with these regulations would cause an undue hardship caused by unique topography or other physical conditions. Such variance granted shall be the minimum needed to correct the hardship and shall not impair the intent or purpose of this chapter.
- B. Application for the variance shall be made, in writing, by the subdivider at the time of submittal of the preliminary plat. The subdivider shall state fully all facts relied upon and shall submit necessary documentation of alleged physical hardship.
- C. Any variance so granted shall be recorded in resolution form and entered into the minutes of the Village Board setting forth the reasons which justify the action.
- D. Any unused variance shall become void one year after date of issue or upon sale of property. A variance may be renewed for an additional period of up to two years by application to and approval of the Village Board.

**267.8 ARTICLE 8 – ENGINEERING STANDARDS & SPECIFICATIONS**

**267.8.1 General Provisions.**

Improvements required to be furnished and installed by the subdivider shall be constructed in accordance with the following standards and specifications as well as in compliance with other applicable Village ordinances. All work shall be periodically inspected by the Village Engineer at the subdivider's expense.

**267.8.2 Monuments.**

All monuments shall be in accordance with W.S.A. s. 236.15.

**267.8.3 Streets.**

- A. Streets shall be graded to the full thirty-six-foot width. The construction shall consist of 18 inches of granular subbase, six inches of crushed stone base course and two inches of bituminous concrete paving. The width of the street shall be 36 feet face-to-face of curbs with a thirty-inch curb and gutter section on each side of the bituminous paved travelway.
- B. Notification to Eau Claire County Department of Planning and Development. When an existing street or road is extended and the street or road extension is not planned as part of a subdivision plat, the Village of Fall Creek shall notify the Eau Claire County Department of Planning and Development of the name and extended range of addresses of the existing street or road that is extended. The county shall be notified anytime after the extension of the street or road has been approved by the Village Board and prior to final completion of the construction of the street or road. Eau Claire County shall use this information to update the Master Street Address Guide (MSAG) for the Enhanced-911 System.

**267.8.4 Water mains.**

- A. In residential subdivisions, water mains of a minimum of six-inch cast-iron or other approved pipe shall be required. Water service of one-inch copper pipe shall be provided up to the property line for each lot. A curb stop shutoff valve and riser shall be placed at the property line. Taps to the main valve shall be made with corporation cocks. Installation shall be in conformance with the Wisconsin Plumbing Code. Fire hydrants shall be installed at the time of water main extension at intervals approved by the Village Engineer. The minimum depth of the water main shall be seven feet six inches below finished grade.
- B. In industrial and commercial developments, requirements for water main and lot service pipe size may be increased by the Village Engineer.

**267.8.5 Sanitary sewers.**

Gravity sewer extensions into subdivisions shall be made by a main with a minimum diameter of eight inches. Sanitary sewer laterals of a four-inch minimum shall be installed from the main to the property line of each lot. Laterals shall connect to the main with a Y-type connection. Lateral installation shall be in conformance with the Wisconsin Plumbing Code.

**267.8.6 Storm sewer and surface drainage.**

All surface and underground drainage shall be installed to adequately remove all naturally accumulating surface water from the developed property. The subdivider shall furnish to the Village Engineer sufficient information to determine the necessity and size requirements for drainage facilities. The drainage system shall then be constructed according to the specifications of the Engineer.

**267.8.7 Sidewalks.**

Sidewalks shall be constructed according to the specifications listed in §267-12 of this chapter.

**267.8.8 Utilities located underground.**

Whenever practical and feasible, all utilities shall be placed underground. All underground work shall be completed prior to street surfacing. Whenever feasible, overhead utility lines shall be placed on easements along rear lot lines.

**267.8.9 Individual wells and sewage systems.**

Individual wells shall be constructed according to Chapter NR 112 of the Wisconsin Administrative Code. Individual sanitary sewer systems shall be constructed according to Section COMM 82.20 of the Wisconsin Administrative Code.



**267.9           ARTICLE 9 – ADMINISTRATION**

**267.9.1           Building permit.**

No building permit shall be issued for construction on any lot until all the requirements of this chapter have been complied with.

**267.9.2           Approval required.**

Unless approved as a final plat or certified survey as provided herein, no subdivision shall be entitled to be recorded in the office of the County Register of Deeds or have any validity, and the Village shall issue no building permits for any structure on any lot within the proposed subdivision.

**267.9.3           Violations and penalties.**

Any person, firm or corporation who or which violates, omits, neglects or refuses to comply with or who or which resists the enforcement of any of the provisions of this chapter or who or which sells or offers for sale any lot or block of land herein regulated before all the requirements of these regulations have been complied with shall be fined not less than \$15 and not more than \$500 or sentenced for containment in jail for a period not to exceed six months. Each day a violation is permitted to exist shall constitute a separate offense.