

CHAPTER 1

GENERAL PROVISIONS

1.01 Title. This Ordinance shall be known as the “Door County Land Division Ordinance”, hereinafter referred to as “this Ordinance.”

1.02 Authority. The provisions of this Ordinance are adopted by the Door County Board of Supervisors pursuant to the authority granted by Ch. 59, Wis. Stats., s. 236.45, Wis. Stats., and s. 703.27, Wis. Stats.

1.03 Purpose and Intent. The purpose and intent of this Ordinance are to accomplish the purposes listed in s. 236.45(1), Wis. Stats., and to:

- (1) Ensure accurate legal descriptions of subdivided land and adequate records of land titles.
- (2) Ensure proper monumenting of subdivided land.
- (3) Ensure that the design of the street system will not have a negative long-term effect on neighborhood quality, traffic flow and safety.
- (4) Facilitate sound, orderly development of land by encouraging well planned and designed plats with workable design standards.
- (5) Secure safety from fire, flooding, and other dangers.
- (6) Facilitate adequate provision for housing, transportation, water supply, storm water, wastewater, parks, playgrounds and other recreational facilities, and other public facilities and services;
- (7) Ensure that future development is consistent with adopted county comprehensive or development plans or their components.
- (8) Prevent and control erosion, sedimentation, and other pollution of surface and subsurface waters.
- (9) Facilitate conservation, protection, and proper use of the County’s soil, water, wetland, woodland, and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base.
- (10) Ensure the size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lots shall be designed to provide aesthetically pleasing, safe and convenient building sites.

1.04 State Regulations. The provisions of Ch. 236, Wis. Stats., are applicable to the subdivision or other division of land governed by this ordinance per s. 236.45, Wis. Stats., To the extent it is more restrictive than Ch. 236, Wis. Stats., this Ordinance governs the subdivision or other division of land.

1.05 Abrogation and Interpretation.

(1) It is not the intent of this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, or regulations or permits previously adopted or issued pursuant to laws. After enactment, where it imposes greater restrictions, the provisions of this Ordinance shall govern.

(2) This ordinance shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any requirement of power granted or appearing in this ordinance or elsewhere, relating to the subdivision or other division of land.

(3) The Door County Subdivision Ordinance, adopted by the County Board on August 28, 1996, is hereby repealed.

(4) Nothing in this Ordinance shall be construed to prohibit a town, village, or city from adopting an ordinance more restrictive than the limitations contained herein.

(5) Where a town has adopted a Land Division Ordinance pursuant to the authority granted to the town by ss. 60.22(3), 236.45, or 703.27, Wis. Stats., the subdivider shall first obtain approval from such town in which the land division is located prior to submittal to the county.

(6) Land divisions abutting a state trunk highway, are subject to and shall comply with all applicable Wisconsin Administrative Codes. The onus relative to applicability of, compliance with, or waiver from Wisconsin Administrative Codes lies with the landowner.

1.06 Effective Date. This Ordinance shall become effective upon adoption by the Door County Board of Supervisors.

1.07 Severability. If any provision of this Ordinance is held to be invalid or unenforceable by a court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected thereby and shall be valid and in force to the fullest extent permitted by law.

1.08 Applicability. The provisions of this Ordinance shall apply to divisions of land in the unincorporated areas of the County as follows:

(1) Land divisions which create 4 or less parcels or building sites that are 10 acres or less in size either through a single division or successive divisions, by either the same or subsequent owner(s), within a period of 5 years shall comply with the requirements of Chapter 2, Minor Land Divisions, and Chapter 5, Design Standards, Improvements and Dedications, where applicable.

(2) The creation of 5 or more parcels or building sites 10 acres or less in size either through a single division or successive divisions by either the same or subsequent owner(s) within a period of 5 years shall comply with the requirements of Chapter 3, Major Land Divisions, and Chapter 5, Design Standards, Improvements and Dedications.

(3) The creation of a land-only condominium where building sites of 10 acres or less in size are established, shall comply with the requirements of Chapter 4, Land-Only Condominiums. A land-only condominium is a condominium established according to Ch. 703, Wis. Stats., in which land is allocated into building sites where the individual portions of land are defined as "units."

(4) Exceptions. The provisions of this Ordinance shall not apply to:

(a) Transfers of interest in land by will or pursuant to court order.

(b) Leases for a term not to exceed 10 years, mortgages, or easements.

(c) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this or other applicable ordinances or laws.

(d) Cemetery plats created under s. 157.07, Wis. Stats.

(e) Assessors plats created under s. 70.27, Wis. Stats, but such plats shall comply with ss. 236.15(1)(a) to (g), 236.20(1), and 236.20(2)(a) to (e), Wis. Stats., unless waived under s. 236.20(2)(L), Wis. Stats.

(f) Condominium plats created under Ch. 703, Wis. Stats., except land-only condominiums.

1.09 Land Suitability.

(1) Municipal land fills shall not be divided into building sites.

(2) The Planning Department may require restrictive covenants to be filed with the final plat or certified survey that will have the effect of protecting environmentally sensitive areas such as, slopes in excess of 25%, wetlands, and navigable and non-navigable streams, from development.

(3) The Planning Department, in applying the provisions of this section, shall in writing cite the particular facts on which it bases its conclusion that the land is not suitable for the proposed division and afford the subdivider the opportunity to present documented evidence regarding such suitability if he/she so desires. Thereafter, the Planning Department may affirm, modify, or withdraw its determination of unsuitability.

1.10 Compliance. Any division of land subject to the requirements of this Ordinance shall not be entitled to recording and/or improvements to the land unless such division is in compliance with all the requirements of this Ordinance. All approved certified survey maps and plats shall be filed for recording with the Register of Deeds of Door County prior to transferring ownership of any parcels created by a land division.

CHAPTER 2
MINOR LAND DIVISIONS

2.01 Certified Survey Map Required. Land divisions which create 4 or less parcels or building sites that are 10 acres or less in size either through a single division or successive divisions, by either the same or subsequent owner(s), within a period of 5 years shall follow the procedures contained in this chapter.

2.02 Submittal. The certified survey map shall be submitted to the Planning Department. The certified survey map shall be prepared according to s. 236.34, Wis. Stats., and shall show clearly on its face the following:

- (1) All existing buildings, ingress and egress locations, driveways, and setbacks if the Door County Zoning Ordinance is applicable to the land being divided.
- (2) Date the map was prepared.
- (3) A certificate by the owner of the land in substantially the following form: "As owner I hereby certify that I caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on the map." This certificate shall be signed by the owner, the owner's spouse, and all persons holding an interest in the fee of record or by being in possession and, if the land is mortgaged, by the mortgagee of record.

2.03 Requirements for Minor Land Divisions. Minor land divisions shall comply with the following:

- (1) Minor land divisions shall comply with the Door County Zoning Ordinance.
- (2) If applicable, Chapter 5, Design Standards, Improvements and Dedications, of this Ordinance.

2.04 Review and Approval.

- (1) Review. The Planning Department shall review the minor land division for compliance with this Ordinance and shall approve or reject the certified survey map within 5 working days of its submission, unless such time is mutually extended by both parties, or unless the approval of the government entity(ies) is required under s. 2.05, Minor Land Divisions Involving Dedication of Land. Failure of the Planning Department to act within the time limits imposed in this subsection shall constitute an approval.
- (2) Approval. If approved, a written statement certifying approval shall be affixed to the certified survey map.
- (3) Rejection. If rejected, the applicant shall be notified, in writing, of the reasons for rejection.

2.05 Minor Land Divisions Involving Dedication of Land. Minor land divisions which involve the dedication of public rights-of-way or other dedications of public lands shall require approval of the applicable governmental entity(ies). The Planning Department shall

not approve such minor land divisions until approval of the applicable government entity(ies) has been obtained.

CHAPTER 3

MAJOR LAND DIVISIONS

3.01 General.

- (1) Land divisions which create 5 or more parcels or building sites that are 10 acres or less in size either through a single division or successive divisions, by either the same or subsequent owner(s), within a period of 5 years shall follow the procedures contained in this chapter.
- (2) Major land divisions shall comply with the Door County Zoning Ordinance.
- (3) No lot(s) shall be advertised, offered for sale, or sold prior to final plat approval.

3.02 Conceptual Sketch Plan

- (1) Before submitting a preliminary plat for approval, the subdivider shall prepare a conceptual plan and shall submit to the Planning Department one full size copy together with 2 copies of the plan accurately photocopied and reduced to 11 inches by 17 inches.
- (2) The conceptual plan shall cover the entire area proposed for development at the time, of submittal and shall be prepared in accordance with this ordinance. Where a subdivider owns, has an interest in, or controls adjacent lands in addition to those proposed for development at the time of submittal, such subdivider shall submit a conceptual plan for the development of the adjacent lands if the applicant proposes to develop those lands in the future. The conceptual plan shall show streets, utilities, driveways, wetlands, natural features, zoning districts, and other information as may affect the review of the conceptual plan in question. The County Planning Director may waive these requirements where adjacent development patterns have already been established.
- (3) Layout and Format. The conceptual plan shall contain or have attached thereto the following information:
 - (a) Existing Conditions.
 1. Applicable existing zoning districts for land in and abutting the land division;
 2. Total approximate acreage of the entire area proposed for subdividing and including each lot;
 3. Location and right-of-way width of existing or proposed streets or other public ways. Parks and other public lands, permanent buildings and structures, easements and section and corporate lines within the conceptual plan and all land owned or controlled by the subdivider to a

distance 200 feet beyond shall also be indicated. Aerial photos may be used to accomplish this requirement;

4. Boundary lines of adjoining unsubdivided or subdivided land within 200 feet of the conceptual map, identified by name and ownership, but including all contiguous land owned or controlled by the subdivider;

5. Topographic data shall be provided at vertical intervals of 2 feet. Door County Digital Contour Maps shall be used for all topographic mapping (the digital contour maps can be requested from the Door County Land Information Office).

6. Location and size of all existing navigable and non-navigable streams, wetlands, wooded areas, rock outcrops, rock holes, escarpments, drainage courses, lakes, ponds, wells, septic systems, cesspools, sewers, water mains, culverts, driveways, power transmission poles and lines, underground facilities, and other utilities within the conceptual plan area and to a distance of 200 feet beyond. Aerial photos may be used to accomplish this requirement;

7. All areas within the proposed plat and contiguous property of the owner where the slope is 25% or greater;

8. Parcel Identification Numbers for all parcels proposed to be subdivided.

(b) Conceptual Plat Design Features.

1. Number of residential lots and outlots;

2. Sites, if any, to be reserved for public uses;

3. Easements;

4. Ingress and egress locations including driveway layout;

5. Sites, if any, for multifamily dwellings, shopping centers, churches, industry or other non-public uses exclusive of single family dwellings.

(c) Supplementary Data to be Supplied with Conceptual Plan.

1. Provision for water supply;

2. Provisions for sewage disposal;

3. A letter from the town in which the proposed land division is located, and signed by the Town Chairperson that the town has been made aware of the proposed land division;

(4) Review. The subdivider or an agent acting on behalf of the subdivider, may present the conceptual plan to the Committee in order to facilitate discussion in an informal atmosphere regarding the layout and design of the proposed plat. The Planning Department shall within 30 days of a request of a subdivider or their agent, schedule a presentation at a regularly scheduled Resource Planning Committee meeting.

3.03 Preliminary Plat. The preliminary plat shall conform substantially to the conceptual plan presented to the Committee.

(1) Submittal. The applicant shall prepare and file with the Planning Department 6 full size copies and 8 copies accurately photocopied and reduced to 11 inches by 17 inches of all pages of the preliminary.

(2) Requirements. The preliminary plat of the proposed subdivision shall contain or have attached thereto all of the requirements described in s. 3.02(3), Layout and Format, and Chapter 5, Design Standards, Improvements and Dedications, where applicable, including the following:

(a) The preliminary plat of subdivision shall be prepared by a land surveyor who is registered in the state of Wisconsin, and shall conform to all state and county requirements and the requirements of this ordinance.

(b) The proposed name of subdivision, which name shall not duplicate or be alike in pronunciation of the name of any plat heretofore recorded in the county unless considered an addition to the subdivision.

(c) A legal description of property to include section, town, and range numbers.

(d) The names, phone numbers and address of the owner, and any agent having control of the land, subdivider, surveyor, engineer, and designer of the plan and certification of ownership or owner's authorization of agent.

(e) A graphic scale not less than one inch to 100 feet or a scale as agreed to by staff and applicant.

(f) A north point arrow or symbol.

(g) A certification of surveyor certifying to the accuracy of the survey.

(h) The date of preparation and date of subsequent revisions.

(i) A small detailed scale drawing of the land division in relation to its location within the section(s).

(j) A copy of all proposed private restrictions shall be submitted.

(k) Soil evaluation reports as may be required for the design of roadways, storm drainage facilities, private on-site wastewater treatment systems (POWTS), erosion control facilities, and/or other subdivision improvements and features.

(l) The layout of proposed streets, showing right-of-way widths and proposed names of streets. The name of any street heretofore used in the County or which is alike in pronunciation of the name of any street heretofore established, shall not be used, unless the proposed street is an extension of an already named street, in which event the name shall be used.

(m) The locations and widths of proposed sidewalks, bikepaths, and utility easements.

(n) The dimensions of lots and blocks.

(o) The front, rear, side, road right-of-way, and building setback lines for principle structures.

(p) Any area, other than streets, sidewalks, bikepaths, and utility easements, intended to be dedicated or reserved for public use, including the size, right-of-way, and area(s) in acres.

(q) The location and description of survey monuments.

(r) An identification system for the consecutive numbering of all blocks and lots within the subdivision.

(s) All sites, if any, to be reserved for parks or other public uses to include dimensions and acreage.

(t) All wetlands shall be delineated and a wetland delineation report and map shall be submitted, reviewed, and approved by the Planning Department.

(3) Review and Decision.

(a) The preliminary plat shall have met the requirements of ss. 3.01(2), 3.02, Conceptual Plan, 3.03, Preliminary Plat, and Chapter 5, Design Standards, Improvements and Dedications, where applicable, prior to scheduling the plat for review before the Committee.

(b) After reviewing the preliminary plat and data for compliance with this Ordinance, the Committee shall either approve, approve conditionally, or reject the preliminary plat and shall state in writing any conditions of approval or reasons for rejection. Conditions of approval may include the kind and extent of improvements to be made by the applicant.

(c) Failure of the Committee to act within 40 calendar days of submittal of a complete preliminary plat shall constitute an approval of the preliminary plat, unless such time is extended by agreement between the County and the applicant.

(d) Approval of the preliminary plat shall entitle the applicant to final approval of the layout shown by such plat, subject to the following conditions:

1. The final plat conforms exactly to the layout and conditions attached to the approved preliminary plat;

3.04 Final Plat.

(1) Submittal. The applicant shall submit the following:

(a) The original plat shall be legibly prepared and the plat shall have a binding margin 1½ inches wide on the left side, and a one-inch margin on all other sides. Its graphic scale shall not be more than 100 feet to one inch.

(b) The original plat shall be 22 inches wide by 30 inches long and on any material that is capable of clearly legible reproduction.

(c) Final plats shall conform substantially to the approved preliminary plat, except contours do not have to be shown.

(d) If the major land division results in a subdivision as defined in s. 236.02(12), Wis. Stats, the applicant shall also submit the original drawing of the final plat to the appropriate state plat review agency, in accordance with s. 236.12(6), Wis. Stats. Such plats shall comply fully with the requirements of Ch. 236, Wis. Stats.

(e) Where a plat is applicable to s. 236.02(12), The Wisconsin Department of Transportation Trans 233 Certification Number when any portion of the platted property abuts a highway under its jurisdiction.

(2) Requirements.

(a) The final plat of subdivision shall be prepared by a land surveyor who is registered in the state of Wisconsin, and shall conform to all state and County requirements and the requirements of this Ordinance.

(b) The final plat shall show on its face all lands reserved for future public dedication or reserved for the common use of property owners within the plat. If common property is located within the plat, then provisions for its use, maintenance, and ownership must also be provided with the plat.

(c) Limits of the post-development 100 year floodplain elevation shall be shown on the final plat, or if no floodplain exists, a note stating this fact shall be provided.

(d) Certificates. All final plats shall provide all the certificates required by s. 236.21, Wis. Stats.

(3) Final Plat Review and Approval.

(a) The Planning Department shall examine the final plat as to its conformance with the approved preliminary plat, any conditions of approval of the preliminary plat and the requirements of this Ordinance.

(b) The Planning Department shall approve or reject the final plat and shall state in writing any reasons for rejection.

(c) The Planning Department shall act within 40 calendar days of plat submittal.

3.05 Improvements Required. All improvements required to be installed by the subdivider shall be inspected and approved by the Planning Department prior to issuance of a building permit.

3.06 Recordation. Within 30 calendar days of the date of the last approval of the final plat, the plat shall be filed by the applicant for recording with the Register of Deeds of Door County in accordance with s. 236.25, Wis. Stats. Failure to record the plat within 30 calendar days shall nullify the approval of the final plat.

3.07 Replat. Any replat of a recorded plat or part thereof shall be done in accordance with s. 236.36, Wis. Stats.

CHAPTER 4

LAND-ONLY CONDOMINIUMS

4.01 Applicability. Any condominium, including, if applicable, lands designated for condominium expansion and/or multiple condominiums subject to the same master

association, which shall be construed to be one condominium for the purposes of this Ordinance, established or amended according to Ch. 703, Wis. Stats, in which land is allocated into building sites of 10 acres or less where the individual portions of land are defined as “units,” shall be subject to the requirements and approval procedures of this chapter.

4.02 Submittal. The condominium declaration and plat shall be submitted to the Planning Department. The declaration and plat shall be prepared according to the applicable provisions of Ch. 703, Wis. Stats., and shall show and/or include the following:

- (1) All existing buildings, if the Door County Zoning Ordinance is applicable.
- (2) Date the plat was prepared.
- (3) Storm water runoff control plan as required by Chapter 5.06, Storm Water Runoff Control Plans, of this Ordinance.
- (4) If dedication of public roads or other public lands are involved, a certificate by the owner of the land in substantially the following form: “As owner I hereby certify that I caused the land described on this map to be surveyed, mapped, and dedicated as represented on the plat.” This certificate shall be signed by the owner, the owner’s spouse, and all persons holding an interest in the fee of record or by being in possession and, if the land is mortgaged, by the mortgagee of record. These signatures shall be acknowledged in accordance with s. 706.07, Wis. Stats.

4.03 Requirements. If applicable, condominium declarations and plats shall comply with the Door County Zoning, Floodplain, and Airport Height Limitation Ordinances, and Chapter 5, Design Standards, Improvements and Dedications, of this Ordinance where applicable.

4.04 Review and Approval.

- (1) Review. The Planning Department shall within 30 working days of receipt of the fee and submittal of the completed condominium declaration and plat, review and approve or reject the same
- (2) Approval. If approved, a written statement certifying approval shall be affixed to the condominium declaration and plat.
- (3) Rejection. If rejected, the applicant shall be notified, in writing, of the reasons for rejection.

4.05 Recordation. Within 30 calendar days of the date of the last approval of the condominium declaration and plat, the condominium declaration and plat shall be filed by the applicant for recording with the Register of Deeds of Door County in accordance with s. 703.11, Wis. Stats. Failure to record the condominium declaration and plat within 30 calendar days shall nullify the approval of the declaration and plat.

4.06 Land-Only Condominiums Involving Dedication of Land. Land-only condominiums which involve the dedication of public rights-of-way or other dedications of public lands shall require approval of the applicable governmental entity(ies). The Planning Department shall not approve such condominiums until approval of the applicable governmental entity(ies) has been obtained.

4.07 Amendments to Land-Only Condominium Plats. Any amendments to land-only condominium plats shall be done in accordance with ss. 703.255, 703.26, and/or 703.275, Wis. Stats., whichever are applicable, and shall be subject to approval by the Planning Department. Requirements and procedure shall be as outlined in this chapter.

CHAPTER 5

DESIGN STANDARDS, IMPROVEMENTS AND DEDICATIONS

5.01 General

- (1) The purpose of subdivision design is to create a functional, safe, and attractive development.
- (2) General Design Standards.
 - (a) Subdivision design shall take into consideration existing County plans and existing and/or proposed developments in the surrounding areas.
 - (b) Design shall be based on a site analysis. To the maximum extent practicable, the design shall: preserve the natural features of the site; avoid areas of environmental sensitivity; avoid adverse effects on ground water; minimize any adverse effects of cut and fill; avoid unnecessary impervious cover; prevent flooding; provide adequate access to lots; minimize adverse effects of traffic, drainage, and utilities on neighboring properties.
 - (c) Non-buildable areas of the lot(s) shall be depicted.

5.02 Roads.

- (1) As large tracts of land are divided, sold, transferred, and developed, private roads are being created to provide access to the newly divided properties. Door County determines it is in the best interest of the public health, safety, and welfare to regulate the construction, improvement, extension, and use of private roads.
- (2) Private roads serving 4 lots or less shall not have less than 30 feet of right-of-way, and 16 feet of travel surface width.
- (3) Private roads within a major land division shall meet the following standards:
 - (a) A design/construction plan shall be submitted by a professional engineer registered in the State of Wisconsin
 - (b) The road shall be designed with width, surface, and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance, and other safety vehicles.
 - (c) The road shall be designed to comply with the requirements of this chapter, American Association of State Highway Transportation Officials (AASHTO), and town road standards when applicable.
 - (d) The road shall be constructed of suitable materials to ensure minimal maintenance and safe passage.

- (e) The road shall not have less than 66 feet of right-of-way, 22 feet of roadway width, and 18 feet of travel surface width.
 - (f) Spacing of private road intersections along arterial roads shall be at least 2,640 feet, wherever practicable.
 - (g) Road intersections with centerline offsets shall not be less than 250 feet between intersections.
 - (h) Not more than 2 roads shall intersect at one point.
 - (i) The intersection angle of a road to a road, shall not be less than 75 degrees.
 - (j) Intersection vision clearance corners shall be required and shall be designed in accordance with the Wisconsin Department of Transportation Facility Development Manual standards.
 - (k) A cul-de-sac road shall not exceed 1000 feet in length unless approved by the Planning Department.
 - (l) The outside traveled way within a cul-de-sac shall provide a minimum radius of 45 feet.
 - (m) The road shall be constructed in a manner to provide effective storm water drainage and prevent run-off as well as soil erosion onto adjacent property.
 - (n) An adequate sub-grade shall be prepared by removing topsoil or other surface material to a suitable sub-surface condition.
 - (o) The road shall have a vertical clear zone of 14 feet, and horizontal clear zone of 22 feet.
 - (p) All private road right-of-way's shall be platted as an outlet. Each lot abutting the private road right-of-way shall have a perpetual easement for ingress and egress. A statement regarding the perpetual easement for each abutting lot shall be affixed to the face of the plat.
- (4) The center line radius on private road right-of-way shall be a minimum of 50 feet at all changes in direction of the road except at T-intersections and cross road intersections.
- (5) Proposed road names shall conform to the Door County Uniform Addressing System Ordinance.
- (6) The Committee may require that provision be made for the extension of a cul-de-sac road to the boundary of the subdivision.

- (7) Joint driveways shall be required when practicable .
- (8) All lots shall access the lowest class road for ingress and egress.
- (9) A recorded and binding private road maintenance agreement is required. This agreement must contain the following provisions:
 - (a) The owner(s) of real property that abuts or benefits from the road are solely responsible for road construction, maintenance (including snow or ice removal and dust control) and repair. The road shall be constructed, maintained and repaired in a manner sufficient to allow ingress and egress by law enforcement vehicles, fire trucks, ambulances and other emergency vehicles.
 - (b) It is understood that the County is not obliged to accept the road into the county maintained road system and that County is not responsible for road construction, maintenance, or repair.
 - (c) It is agreed that County may, at County's sole discretion, maintain, repair or improve the road (to bring the road up to the minimum standards specified) and then levy a special assessment or charge for any and all associated costs against the real property that abuts or benefits from the road. Said special assessment or charges shall be a lien against the real property and collected in the same manner as taxes.

5.03 Utility Easements.

- (1) The subdivider shall provide the Planning Department with correspondence from all relevant utility companies identifying their needs, if any, for easements. Easement areas shall be identified on the plat or certified survey map.
- (2) Lots shall be served by underground electric, gas, telephone, and cable television lines, if available, unless waived by the Committee. Land disturbed by installing the lines shall be stabilized by the subdivider.

5.04 Lots.

- (1) All lots that fall under county zoning jurisdiction shall depict the building zone for each lot on the preliminary plat only, based on all applicable setbacks.
- (2) Where 2 or more lots are proposed:
 - (a) Each lot shall have access to a public road or a private road.
 - (b) A lot not on a road radius or radius of a cul-de-sac shall have a minimum road frontage equal to at least one-half its width (flag lots are prohibited).

- (c) A lot on a cul-de-sac shall have a minimum of 60 feet. of frontage on a road as measured along the arc.
 - (d) All roads shall be constructed to standards described in this chapter.
- (3) No lot shall be approved that does not have road access as specified in this chapter.
- (4) Lot width and lot area shall conform to the requirements of the Door County Zoning Ordinance, and where the lot is not under the jurisdiction of the Door County Zoning Ordinance, the lot area shall not be less than 1.5 acres where public sewer service is not available. The Committee may set different minimums to match municipal standards for subdivisions that are within the extraterritorial jurisdiction of a municipality;
- (5) The ratio of lot depth to lot width shall not exceed 3.5:1, unless previously approved by the Resource Planning Committee.
- (6) Side lot lines shall be at least 75 degrees to the road right-of-way.
- (7) Lot lines shall follow municipal boundary lines rather than cross them.
- (8) Double frontage lots and building sites shall be disallowed, except where lots and building sites abut an existing or proposed arterial street or where necessary to overcome specific disadvantages of topography and orientation. The Committee may require a planting screen easement of at least 15 feet in width and outside of a non-access reservation along the property line abutting such arterial street, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

5.05 Blocks. When blocks are used, the following shall apply:

- (1) The length, width, and shape of blocks shall be appropriate to the need for convenient access, control, and safety of street traffic and the limitations and opportunities of the topography.
- (2) Width. Blocks shall generally have sufficient width to provide for 2 tiers of lots or building sites of appropriate depth, except one tier of lots or building sites is sufficient where blocks abut a lake, stream, plat boundary, park, or an arterial street.
- (3) Within blocks, pedestrian rights-of-way of at least 15 feet in width may be required by the Committee to provide improved circulation or access to schools, playgrounds, parks, shopping centers, waterways, and other community facilities.
- (4) Blocks adjoining arterial streets shall be so oriented that the long dimension of the block shall front on the arterial street in order to create as few intersections as possible along the arterial street.

5.06 Storm Water Runoff Control Plans.

(1) Major land divisions and land-only condominiums shall include storm water runoff control plans designed, submitted, and approved at the time of preliminary plat submittal, and installed in compliance with this Ordinance and the Door County Soil and Water Conservation Department (DCSWCD) Urban Storm Water Runoff Control Design Criteria at the time of final plat submittal. The DCSWCD shall notify the subdivider in writing of the decision to approve or deny the submitted plan and forward a copy of the notice to the Planning Department.

(2) If required by the County, a "Storm Water Runoff Control Easement" shall be recorded in the Register of Deeds office with Door County listed as the grantee. The easement shall include covenants, terms, conditions and restrictions to ensure proper installation and the long-term operation & maintenance of the storm water runoff control plan's components.

5.07 Public Water/Sanitary Sewer Systems. In areas that have a public water and/or sanitary sewer system on or near the proposed land division, the local municipality furnishing such service shall determine the feasibility of serving the land division. The Committee may require the subdivider to join the water and/or sanitary District.

5.08 Dedication and Reservation of Land.

(1) If the tract of land being divided contains all or part of a proposed street, drainage way, or other public lands which have been designated in an adopted regional, county, or local comprehensive plan, adopted plan component, or official map, such public way shall be made a part of the plat and either dedicated or reserved by the applicant in the locations and dimensions indicated on such plan's or official map, subject to acceptance thereof by the County or town.

(2) All streets and other open ways to be dedicated to the public shall be subject to acceptance by the County or town, and designed and constructed in accordance with this chapter and the specifications of the municipality to receive the dedication.

(3) All public access to the low watermark of navigable lakes and streams required by s. 236.16(3), Wis Stats, shall be at least 60 feet wide to provide sufficient areas for turning movements and parking.

CHAPTER 6

ADMINISTRATION AND ENFORCEMENT

6.01 Administration. The administration and enforcement of the provisions of this Ordinance shall be the responsibility of the Committee or its authorized representative in the Planning Department.

6.02 Fee.

(1) The subdivider shall pay all fees as hereinafter required and at the times specified before being entitled to review or to recording of a minor land division:

(a) Application fee to be paid at submittal: \$100 plus \$25 per lot.

(b) Re-submittal fee paid at re-submittal: \$100 plus \$25 per lot.

(2) The subdivider shall pay all fees as hereinafter required and at the times specified before being entitled to review or to recording of a major land division:

(a) Submittal of preliminary plat:

1. Application fee to be paid at submittal – (includes processing, review, field inspections, and mailings): \$500+ \$25 per lot;

2. Re-submittal fee paid at re-submittal: \$500+ \$25 per lot.

(b) Submittal of final plat:

1. Application fee to be paid at submittal – (includes processing, review, field inspections, and mailings): \$350.

2. Re-submittal fee paid at re-submittal: \$350.

(3) The subdivider shall pay all fees as hereinafter required and at the times specified before being entitled to review or to recording of a land-only condominium: Application fee to be paid at submittal: \$350+\$25 per building site.

(4) The subdivider shall pay a fee equal to the cost of any extraordinary legal, administrative or fiscal work which is done in connection with the major or minor land division. Legal work shall include the drafting or review of proposed agreements between the subdivider and the County, the utility companies, lot owners, and others. These fees may also include the cost of obtaining professional work or opinions including, but not limited to, attorneys, engineers, landscape architects, land planners, or the County Zoning Administrator.

6.03 Violations. No person shall divide, convey, record or monument any land in violation of this Ordinance. The County shall institute action or proceedings to enjoin violations of this Ordinance.

6.04 Variances.

(1) Where the Committee finds that extraordinary hardships will result from strict compliance with the regulations of this Ordinance, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variance will not have the effect of nullifying the intent and purpose of this Ordinance.

(2) Public Hearing. Prior to deciding variance requests, the Committee shall hold a public hearing. Notice of the time and place of such hearing shall be given by publication in the County by a class 1 notice under Ch. 985, Wis. Stats.

(3) A majority vote of the entire membership of the Committee shall be required to grant any variance to these regulations and any variance thus granted shall be entered into the minutes of the Committee setting forth the reasons which, in the judgment of the Committee, justified the variance.

6.05 Appeals. Any person aggrieved by an objection to a plat or failure to approve a plat or certified survey map, or land-only condominium declaration and plat, may appeal therefrom as provided in s. 236.13(5), Wis. Stats.

6.06 Penalties. Any person, firm or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than \$500 nor more than \$1,000 and the cost of prosecution for each violation, and in default of payment of such forfeiture and the cost, shall be imprisoned in the County jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense. Compliance therewith may also be enforced by an injunction at the suit of the County or the owner or owners of real estate within the area affected by the regulations of this Ordinance, as provided by law.

6.07 Amendments. The Door County Board of Supervisors may from time to time amend the regulations imposed by this Ordinance. The Committee shall hold a public hearing on all proposed amendments as required by s. 236.45, Wis. Stats. Notice of the hearing shall be given by publication of a class 2 notice, as required by s. 236.45(4), Wis. Stats.

CHAPTER 7

DEFINITIONS

7.01 Word Usage. For purposes of this Ordinance, words used in the present tense include the future; singular number includes the plural number; and the plural number includes the singular number. The word “shall” is intended to be mandatory.

7.02 Definitions. For purposes of this Ordinance, the following definitions shall be used:

- (1) **Arterial Street:** A street used, or intended to be used, primarily for fast or heavy through traffic, including freeways, expressways, as well as standard arterial streets, highways and parkways.
- (2) **Block:** A group of lots existing within well defined and fixed boundaries, bounded on at least one side by a street, bounded on the other sides by other streets, natural or man-made barriers, or unplatted land, and having as assigned number, letter or other name through which it may be identified.
- (3) **Building Zone:** The horizontal plane within a lot bounded by all applicable setbacks.
- (4) **Certified Survey Map:** A map of a minor land division, as defined in this Ordinance, prepared in accordance with s. 236.34, Wis. Stats.
- (5) **Collector Street:** A street used, or intended to be used, to carry traffic from minor streets to the major system or arterial streets including the principal entrance streets to residential developments.
- (6) **Committee:** The Door County Resource Planning Committee.
- (7) **Conceptual Plan:** A concept drawing made to approximate scale of a proposed land division for discussion purposes prior to the filing of a preliminary plat.
- (8) **County:** Door County, including any agency, department or committee thereof.
- (9) **Cul-de-sac:** A minor street with only one outlet and having a turnaround for the safe and convenient reversal of traffic movement.

- (10) **Final Plat:** The map or plan of record of a major land division and any accompanying material.
- (11) **Land-Only Condominium:** A condominium established according to Ch. 703, Wis. Stats., in which land is allocated into building sites where the individual portions of land are defined as “units.”
- (12) **Land Division:** The act or process of dividing land into two or more parcels or building sites. See also Major Land Division, Minor Land Division, and Land-Only Condominium.
- (13) **Lot:** Designated parcel, tract, building site, or area of land established by plat, land division or as otherwise permitted by law to be used, developed, or built upon as a unit.
- (14) **Lot, Double Frontage:** A lot, other than a corner lot, with frontage on more than one street.
- (15) **Major Land Division:** The creation of five or more parcels 10 acres or less in size either through a single division or successive divisions by either the same or subsequent owner(s) within a period of 5 years.
- (16) **Minor Land Division:** Land divisions which create 4 or less parcels or building sites that are 10 acres or less in size either through a single division or successive divisions, by either the same or subsequent owner(s), within a period of 5 years.
- (17) **Minor Street:** A street used, or intended to be used, primarily for access to abutting properties.
- (18) **Outlot:** A parcel of land not to be used for building purposes, so designated on the plat.
- (19) **Planning Department:** Door County Planning Department.
- (20) **Plat:** A map of a major land division.
- (21) **POWTS:** Private on-site waste water treatment system.
- (22) **Preliminary Plat:** A map showing the salient features of a proposed major land division submitted to the Resource Planning Committee for purposes of preliminary consideration.
- (23) **Private Road:** A road serving 5 or more lots that has not been dedicated to, or accepted by a public agency and is owned by the adjoining property owners.

- (24) **Replat:** The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat, certified survey map, or a part thereof.
- (25) **Street:** A way for vehicular traffic that provides vehicular access to lots, not including access driveways within lots.
- (26) **Working Day:** Any day in which the office of the Door County Planning Department is open for public business, regardless of whether the office is open for a full day or not.

7.03 Authority Cited. References herein to the administrative code, ordinances or statutes are to these in effect as of the date this Ordinance is enacted and as such are subsequently amended or revised.