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DOOR COUNTY, WISCONSIN

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Amended: 24 March 2015, Ord. No. 2015-03; Effective: 30 March 2015
Amended: 27 February 2018, Ord. No. 2018-03; Effective: 04 March 2018
Amended: 26 March 2019, Ord. No. 2019-04; Effective 4 April 2019

Note: Ordinance 2019-04 (4 April 2019) replaced all references throughout this ordinance to the “Door County Planning Department” with “Door County Land Use Services Department”.

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 ss. 236.45 and 703.27, Wis. Stats.

1.03 Purpose and Intent. The purpose and intent of this Ordinance are to act in accordance with ss. 59.692, 236.45, and 703.27(1), Wis. Stats., NR 115.05(2), Wis. Admin. Code, and to accomplish the goals listed below. (Amended: 27 February 2018, Ord. No. 2018-03; Effective: 04 March 2018)

- (1) Promote the orderly layout of lots, units, and vehicular rights-of-way.
- (2) Ensure accurate legal descriptions of lots and units.
- (3) Ensure proper monumenting of lots and units.
- (4) Ensure adequate storm water management, when necessary.
- (5) Ensure a system for review of proposed site condominiums that is identical to the review procedures for land divisions. Such review of site condominiums is deemed appropriate because they function in the same manner as, and have the same neighborhood and environmental impacts as, land divisions.

1.04 “State Plats.” Land divisions that result in a “subdivision” as defined in s. 236.02(12), Wis. Stats. (such land divisions commonly referred to as “state plats”), are subject to both the applicable requirements of Chapter 236, Wis. Stats., and this Ordinance.

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 or power granted or appearing in this Ordinance or elsewhere relating to the subdivision or other division of land or creation of a site condominium.
- (3) Nothing in this Ordinance shall be construed to prohibit a town from adopting an ordinance. 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 or declarant shall first obtain approval from such town in which the land division or site condominium is located, prior to submittal to the County.
- (4) State plats 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. Upon enactment, this Ordinance and any amendments shall be in effect the day following publication.

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 or creation of site condominiums in the unincorporated areas of the County as follows:

(1) Land divisions that create 4 or fewer parcels that are less than 10 acres in area, 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.

(2) Land divisions that create 5 or more parcels that are less than 10 acres in area, 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.

(3) Site condominiums that create 4 or fewer units that are less than 10 acres in area, either as an original condominium or an addition to a condominium under s. 703.26, Wis. Stats. by either the same or subsequent owner(s) within a period of 5 years, shall comply with the requirements of Chapter 4, Minor Site Condominiums.

(4) Site condominiums that create 5 or more units that are less than 10 acres in area, either as an original condominium or an addition to a condominium under s. 703.26, Wis. Stats. by either the same or subsequent owner(s) within a period of 5 years, shall comply with the requirements of Chapter 5, Major Site Condominiums.

(5) 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 or units are not thereby created and the lots or units 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 for site condominium plats.

1.09 Compliance. Any division of land or creation of a condominium subject to the requirements of this Ordinance shall not be entitled to recording unless such division or condominium is in compliance with all the requirements of this Ordinance. All approved certified survey maps, major land division plats, and site condominium plats shall be filed for recording with the Register of Deeds of Door County prior to transferring ownership of any lots created by a land division or units created by a condominium.

CHAPTER 2
MINOR LAND DIVISIONS

2.01 General.

(1) Land divisions that create 4 or fewer parcels that are less than 10 acres in area, 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 this chapter.

(2) Municipal landfills shall not be divided into parcels.

2.02 Certified Survey Map.

(1) Submittal and Information Requirements. A certified survey map shall be submitted to the Land Use Services Department. The certified survey map shall be prepared according to s. 236.34, Wis. Stats., shall contain or have attached thereto all of the information required by Chapter 6, Design Standards, Improvements and Dedications, and shall also show clearly on its face the following:

(a) Date the map was prepared.

(b) Lakes, ponds, navigable streams, wetlands, escarpment areas, and regional flood elevation and floodway data. (Amended: 27 February 2018, Ord. No. 2018-03; Effective 04 March 2018)

(c) Location of existing buildings, structures, driveways, and access and utility easements.

(d) Area of proposed lots in square feet.

(e) Building zones, if applicable.

(2) Review and Decision. The Land Use Services Department shall review the certified survey map for compliance with this Ordinance and shall approve or reject the certified survey map within 15 working days of its submission, unless such time is mutually extended by both parties, or unless the approval of governmental entity(ies) is required under s. 2.03, Minor Land Divisions Involving Dedication of Land. Failure of the Land Use Services Department to act within the time limits imposed in this subsection shall constitute an approval.

(a) Approval. If approved, a written statement certifying approval by the Land Use Services Department shall be affixed to the certified survey map.

(b) Rejection. If rejected, the applicant shall be notified in writing of the reasons for rejection.

(3) Recordation. The certified survey map shall be recorded within six months of approval by the Land Use Services Department. Failure to record within this time limit shall void the Land Use Services Department's approval

2.03 Minor Land Divisions Involving Dedication of Land. Minor land divisions that involve the dedication of public rights-of-way or other dedications of public lands shall require approval of the applicable governmental entity(ies). The Land Use Services Department shall not approve such minor land divisions until approval of the applicable governmental entity(ies) has been obtained.

CHAPTER 3
MAJOR LAND DIVISIONS

3.01 General.

(1) Land divisions that create 5 or more parcels that are less than 10 acres in area 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 contained in this chapter.

(2) Municipal landfills shall not be divided into parcels.

3.02 Conceptual Sketch Plan.

(1) Submittal and Information Requirements. Before submitting a preliminary plat for approval, the subdivider shall submit a conceptual sketch plan to the Land Use Services Department. The conceptual sketch plan shall be submitted as one 24 inch by 36 inch copy of the plan and one copy of the plan reduced to 11 inches by 17 inches. The conceptual sketch plan shall have the date the map was prepared and contain or have attached thereto the following information:

(a) Existing Conditions.

1. Total acreage of the entire area proposed for subdividing.
2. Topographic data provided at vertical intervals of 2 feet.
3. Municipal boundaries, government section lines, and government lot lines within the area proposed for subdividing.
4. Owners of lands abutting the area proposed for subdividing.
5. Location of existing natural and built features within the area proposed for subdividing.
 - a. Lakes, ponds, navigable streams, wetlands, escarpment areas, and regional flood elevation and floodway data. (Amended: 24 March 2015, Ord. No. 2015-03; Effective 30 March 2015) (Amended: 27 February 2018, Ord. No. 2018-03; Effective 04 March 2018)
 - b. Utilities and utility easements, including sewers, water mains, power transmission poles and lines, and underground utilities.
 - c. Right-of-way width of roads, alleys, and easements.
 - d. Buildings, structures, and driveways.
6. Parcel Identification Numbers for all parcels proposed to be subdivided.

(b) Design Features.

1. Number and layout of lots and outlots.
 - a. Area in square feet.
 - b. Building zones, if applicable. Where s. 236.02(12), Wis. Stats., is applicable and any portion of the platted property abuts a highway under its jurisdiction, the setbacks per Trans 233.08(1) – (3), Wisconsin Administrative Code shall be shown. (Amended: 26 March 2019, Ord. No. 2019-02; Effective 4 April 2019)

2. Layout of roads and alleys.
3. Sites, if any, to be reserved for public uses.
4. Easements.

(c) Supplementary Data.

1. Provision for water supply.
2. Provision for sewage disposal.

(2) Review. After the Land Use Services Department has determined the conceptual sketch plan to be complete and accurate, it will be scheduled for review at the next available Committee meeting. The subdivider or an agent acting on behalf of the subdivider shall present the conceptual sketch plan to the Committee in order to facilitate discussion regarding the layout and design of the proposed land division.

3.03 Preliminary Major Land Division Plat. The preliminary major land division plat shall conform substantially to the conceptual sketch plan presented to the Committee. Such plat shall be prepared by a professional land surveyor and shall conform to the requirements of this Ordinance. (Amended: 24 March 2015, Ord. No. 2015-03; Effective 30 March 2015)

(1) Submittal and Information Requirements. The applicant shall prepare and file with the Land Use Services Department one full-size copy and one copy reduced to 11 inches by 17 inches of all pages of the preliminary plat. The preliminary plat shall contain or have attached thereto all of the information required by 3.02(1) and Chapter 6, Design Standards, Improvements and Dedications, and the following:

- (a) Date of preparation and date of subsequent revisions.
- (b) Names, phone numbers, and addresses of the owner, any agent having control of the land, subdivider, surveyor, and engineer of the plat.
- (c) Proposed name of the subdivision. Such name shall not duplicate or be alike in pronunciation of any plat heretofore recorded in the County, unless considered an addition to an existing subdivision.
- (d) Legal description of the property.
- (e) Graphic scale not more than one inch to 100 feet, unless agreed to by Land Use Services Department staff.
- (f) Small detailed scale drawing of the land division in relation to its location within the section(s).
- (g) North point arrow or symbol.
- (h) Proposed names of roads.
- (i) Locations and widths of proposed sidewalks and hiking or biking paths or trails.

(j) Any sites, in addition to roads, sidewalks, hiking or biking paths or trails, and utility easements, intended to be dedicated or reserved for parks or other public use. The dimensions and acreage of such sites shall be shown.

(k) Dimensions of blocks, lots, and outlots.

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

(m) Written explanation of all proposed private restrictions.

(n) Wetland delineation report and map reviewed by and approved by the Land Use Services Department, if applicable.

(2) Review and Decision.

(a) A complete preliminary plat application shall include supporting materials and shall comply with this Ordinance as in effect when the subdivider submitted the preliminary plat application. The Committee shall review and approve, approve conditionally, or reject the preliminary plat application 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.

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

3.04 Final Major Land Division Plat. The final major land division plat shall be prepared by a professional land surveyor and shall conform to the requirements of this Ordinance. Such plat shall conform substantially to the approved preliminary plat, except contours lines do not have to be shown. (Amended: 24 March 2015, Ord. No. 2015-03; Effective 30 March 2015)

(1) Submittal and Information Requirements. The applicant shall prepare and file with the Land Use Services Department a final plat in accordance with the following:

(a) The final plat shall show the location and provide a description of survey monuments.

(b) The final plat shall be legible and 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, unless agreed to by Land Use Services Department staff.

(c) The final plat shall be a permanent nonfading black image on durable white media that is 22 inches wide by 30 inches long.

(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.

(e) Certificates. All final plats shall provide the following certificates:

1. Surveyor's certificate of compliance with statute, as described in s. 236.21(1)(a) – (c), Wis. Stats.;

2. Certificate of taxes paid as described in s. 236.21(3), Wis. Stats.

3. Where s. 236.02(12), Wis. Stats., is applicable and any portion of the platted property abuts a highway under its jurisdiction, the Wisconsin Department of Transportation Trans 233 Certification Number. (Added: 26 March 2019, Ord. no. 2019-02; Effective 4 April 2019)

(f) 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.

(g) The final plat shall show on its face evidence of acceptance of any dedications by the governmental entity(ies) receiving the dedications.

(h) A complete final plat application shall include any legal easements or agreements required, such as but not limited to storm water runoff management plans and road agreements, as approved by the county and recorded by the subdivider.

(2) Review and Decision.

(a) A final major land division plat is entitled to approval if it is submitted within 36 months after approval of the preliminary plat and conforms substantially to the preliminary plat as approved, including any conditions of that approval, and to county ordinances adopted as authorized by law. If the final plat is not submitted within 36 months after the approval of the preliminary plat, any approving authority may refuse to approve the final plat or may extend the time for submission of the final plat. The final plat may, if permitted by the approving authority, constitute only that portion of the approved preliminary plat that the subdivider proposes to record at that time.

(b) The Land Use Services Department shall approve or reject the final plat and shall state in writing any reasons for rejection. If approved, a written statement certifying approval shall be affixed to the final plat.

(c) The Land Use Services Department shall act within 40 calendar days of final plat submittal, unless such time is mutually extended by both parties, or unless the approval of the governmental entity(ies) is required under s. 3.05, Major Land Divisions Involving Dedication of Land. Failure of the Land Use Services Department to act within the time limits imposed in this subsection shall constitute an approval.

3.05 Major Land Divisions Involving Dedication of Land. Major land divisions that involve the dedication of public rights-of-way or other dedications of public lands shall require approval of the applicable governmental entity(ies). The Land Use Services Department shall not approve such major land divisions until approval of the applicable governmental entity(ies) has been obtained.

3.06 Recordation. The final plat shall be recorded within 12 months of the date of the last approval of the plat and within 36 months after the first approval. Failure to record the plat within the time specified shall nullify the approval of the final plat.

3.07 Replats. Any replat of a recorded plat or part thereof that does not alter areas dedicated to the public shall comply with all requirements of this Ordinance. Any replat of a recorded plat or part thereof that alters areas dedicated to the public shall comply with all requirements of this ordinance and shall comply with s. 236.36, Wis. Stats.

CHAPTER 4 MINOR SITE CONDOMINIUMS

4.01 General.

(1) Establishment of site condominiums that create 4 or fewer units that are less than 10 acres in area, either as an original condominium or an addition to a condominium under s. 703.26, Wis. Stats. by either the same or subsequent owner(s) within a period of 5 years, shall comply with the requirements of this chapter.

(2) Municipal landfills shall not be used to create units.

4.02 Minor Site Condominium Plat.

(1) Submittal and Information Requirements. A minor site condominium plat shall be submitted to the Land Use Services Department. Such plat shall be prepared according to s. 703.11, Wis. Stats., and shall contain or have attached thereto all of the information required by Chapter 6, Design Standards, Improvements and Dedications, of this Ordinance. The plat shall also show clearly on its face the following:

(a) Date the site condominium plat was prepared.

(b) Lakes, ponds, navigable streams, wetlands, escarpment areas, and regional flood elevation and floodway data. (Amended: 27 February 2018, Ord. No. 2018-03; Effective: 04 March 2018)

(c) Location of existing buildings, structures, driveways, and access and utility easements.

(d) Area of proposed units in square feet.

(e) Building zones, if applicable.

(2) Review and Decision. The Land Use Services Department shall review the minor site condominium plat for compliance with this Ordinance and shall approve or reject the plat within 15 working days of its submission, unless such time is mutually extended by both parties, or unless the approval of the governmental entity(ies) is required under s. 4.03, Minor Site Condominiums Involving Dedication of Land. Failure of the Land Use Services Department to act within the time limits imposed in this subsection shall constitute an approval.

(a) Approval. If approved, a written statement certifying approval shall be affixed to the condominium plat.

(b) Rejection. If rejected, the applicant shall be notified, in writing, of the reasons for rejection.

(3) Recordation. The minor site condominium plat shall be recorded within six months of approval by the Land Use Services Department. Failure to record within this time limit shall void the Land Use Services Department's approval.

4.03 Minor Site Condominiums Involving Dedication of Land. Minor site condominiums that involve the dedication of public rights-of-way or other dedications of public lands shall require approval of the applicable governmental entity(ies). The Land Use Services Department shall not approve the condominium plat until approval of the applicable governmental entity(ies) has been obtained.

4.04 Modifications and Corrections. Any modification or correction of a recorded site condominium plat or part thereof shall conform to all requirements of this Ordinance and shall be done in accordance with s. 703.095, Wis. Stats.

CHAPTER 5
MAJOR SITE CONDOMINIUMS

5.01 General.

(1) Establishment of site condominium plats that create 5 or more units that are less than 10 acres in area, either as an original condominium or an addition to a condominium under s. 703.26, Wis. Stats. by either the same or subsequent owner(s) within a period of 5 years, shall comply with the requirements of this chapter.

(2) Municipal landfills shall not be used to create units.

5.02 Conceptual Sketch Plan.

(1) Submittal and Information Requirements. Before submitting a preliminary major site condominium plat for approval, the declarant shall prepare a conceptual sketch plan and shall submit to the Land Use Services Department one 24 inch by 36 inch copy of the plan and one copy of the plan reduced to 11 inches by 17 inches. The conceptual sketch plan shall have the date the map was prepared and contain or have attached thereto the following information:

(a) Existing Conditions.

1. Total acreage of the entire area proposed for development.
2. Topographic data provided at vertical intervals of 2 feet.
3. Municipal boundaries, government section lines, and government lot lines within the area proposed for development.
4. Owners of lands abutting the area proposed for development.
5. Location of existing natural and built features within the area proposed for development.
 - a. Lakes, ponds, navigable streams, wetlands, escarpment areas, and regional flood elevation and floodway data. (Amended: 27 February 2018, Ord. No. 2018-03; Effective 04 March 2018)
 - b. Utilities and utility easements, including sewers, water mains, power transmission poles and lines, and underground utilities.
 - c. Right-of-way width of roads, alleys, and easements.
 - d. Buildings, structures, and driveways.
6. Parcel Identification Numbers for all units proposed to be included in the condominium plat.

(b) Design Features.

1. Number and layout of units.
 - a. Area of units in square feet.
 - b. Building zones, if applicable. Where s. 236.02(12), Wis. Stats., is applicable and any portion of the platted property abuts a highway under its jurisdiction, the setbacks

per Trans 233.08(1) – (3), Wisconsin Administrative Code shall be shown. (Amended: 26 March 2019, Ord. No. 2019-02; Effective 4 April 2019)

2. Layout of roads and alleys.
3. Location of common elements.
4. Location of limited common elements.

(c) Supplementary Data.

1. Provision for water supply.
2. Provision for sewage disposal.

(2) Review. After the Land Use Services Department has determined the conceptual sketch plan to be complete and accurate, it will be scheduled for review at the next available Committee meeting. The declarant or an agent acting on behalf of the declarant shall present the conceptual sketch plan to the Committee in order to facilitate discussion regarding the layout and design of the proposed condominium plat.

5.03 Preliminary Major Site Condominium Plat. The preliminary major site condominium plat shall be prepared by a professional land surveyor and shall conform to the requirements of this Ordinance. Such plat shall conform substantially to the conceptual sketch plan presented to the Committee. (Amended: 24 March 2015, Ord. No. 2015-03; Effective 30 March 2015)

(1) Submittal and Information Requirements. The declarant shall prepare and file with the Land Use Services Department one full-size copy and one copy reduced to 11 inches by 17 inches of all pages of the preliminary condominium plat. The preliminary plat shall contain or have attached thereto all of the information required by 5.02(1) and Chapter 6, Design Standards, Improvements and Dedications, and the following:

- (a) Date of preparation and date of subsequent revisions.
- (b) Names, phone numbers, and addresses of the declarant, any agent having control of the land, surveyor, and engineer of the plan and certification of ownership or declarant's authorization of agent.
- (c) Proposed name of the condominium. Such name shall not duplicate or be alike in pronunciation of any condominium plat heretofore recorded in the County, unless considered an addition to an existing condominium plat.
- (d) Legal description and survey of the property as provided in s. 703.11(2)(b), Wis. Stats.
- (e) Graphic scale not more than one inch to 100 feet, unless agreed to by Land Use Services Department staff.
- (f) Small detailed scale drawing of the area proposed for development in relation to its location within the section(s).
- (g) North point arrow or symbol.
- (h) Proposed names of roads.
- (i) Locations and widths of proposed sidewalks and hiking or biking paths or trails.

(j) Any sites, in addition to roads, sidewalks, hiking or biking paths or trails, and utility easements, intended to be dedicated or reserved for parks or other public use. The dimensions and acreage of such sites shall be shown.

(k) Dimensions of blocks, units, common elements, and limited common elements.

(l) A unit identification system as provided in s. 703.11(3), Wis.Stats.

(m) Written explanation of the proposed condominium declaration.

(n) Wetland delineation report and map reviewed by and approved by the Land Use Services Department, if applicable.

(2) Review and Decision.

(a) A complete preliminary condominium plat application shall include supporting materials and shall comply with this Ordinance as in effect when the declarant submitted the preliminary plat application. The Committee shall review and approve, approve conditionally, or reject the preliminary plat application 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 declarant.

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

5.04 Final Major Site Condominium Plat. The final major site condominium plat shall be prepared by a professional land surveyor and shall conform to the requirements of this Ordinance. Such plat shall conform substantially to the approved preliminary plat, except contour lines do not have to be shown. (Amended: 24 March 2015, Ord. No. 2015-03; Effective 30 March 2015)

(1) Submittal and Information Requirements. The applicant shall prepare and file with the Land Use Services Department the final plat in accordance with s. 703.11(2)(d), Wis. Stats. and the following:

(a) The final plat shall show the location and provide a description of survey monuments.

(b) A copy of the final condominium declaration.

(c) Certificates. All final plats shall provide all the certificates required by s. 703.11(4), Wis. Stats. Where s. 236.02(12), Wis. Stats., is applicable and any portion of the platted property abuts a highway under its jurisdiction, the Wisconsin Department of Transportation Trans 233 Certification Number shall be provided. (Amended: 26 March 2019, Ord. No. 2019-02; Effective 4 April 2019)

(d) The final condominium plat shall show on its face all lands reserved for future public dedication or reserved for the common use of unit 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.

(e) The final plat shall show on its face evidence of acceptance of any dedications by the governmental entity(ies) receiving the dedications.

(f) A complete final condominium plat application shall include any agreements required, such as but not limited to storm water runoff management plans and road agreements, as approved by the county and recorded by the declarant.

(2) Review and Decision.

(a) A final condominium plat is entitled to approval if it is submitted within 36 months after approval of the preliminary plat and conforms substantially to the preliminary plat as approved, including any conditions of that approval, and to county ordinances adopted as authorized by law. If the final condominium plat is not submitted within 36 months after approval of the preliminary plat, any approving authority may refuse to approve the final plat or may extend the time for submission of the final plat. The final condominium plat may, if permitted by the approving authority, constitute only that portion of the approved preliminary plat that the declarant proposes to record at that time.

(b) The Land Use Services Department shall approve or reject the final plat and shall state in writing any reasons for rejection. If approved, a written statement certifying approval shall be affixed to the condominium declaration and plat.

(c) The Land Use Services Department shall act within 40 calendar days of final plat submittal, unless such time is mutually extended by both parties, or unless the approval of the governmental entity(ies) is required under s. 5.05, Major Site Condominiums Involving Dedication of Land. Failure of the Land Use Services Department to act within the time limits imposed in this subsection shall constitute an approval.

5.05 Major Site Condominiums Involving Dedication of Land. Major site condominiums that involve the dedication of public rights-of-way or other dedications of public lands shall require approval of the applicable governmental entity(ies). The Land Use Services Department shall not approve such major site condominiums until approval of the applicable governmental entity(ies) has been obtained.

5.06 Recordation. The final condominium plat shall be recorded within 12 months of the date of the last approval of the plat and within 36 months after the first approval. Failure to record the plat within the time specified shall nullify the approval of the final plat.

5.07 Modifications and Corrections. Any modification or correction of a recorded site condominium plat or part thereof shall conform to all requirements of this Ordinance and shall be done in accordance with s. 703.095, Wis. Stats.

CHAPTER 6
DESIGN STANDARDS, IMPROVEMENTS AND DEDICATIONS

6.01 Roads and Alleys. These standards shall apply to roads or alleys being created or those portions of existing roads being extended to accommodate land divisions and condominiums reviewed under this ordinance.

(1) Requirements for All Private and Public Roads.

(a) Proposed road names shall conform to the Door County Uniform Addressing System Ordinance.

(b) Ingress to and egress from all lots and units shall be via the lowest class road available. An access restriction clause shall be affixed to the face of the certified survey map or plat to ensure access from the lowest class road.

(2) Private Roads.

(a) Requirements for Roads Serving Minor Land Divisions (certified survey maps) or Minor Site Condominiums.

1. Roads shall terminate within at least one of the lots or units such that the road may not be extended to serve more than 4 lots or units. Roads that do not terminate within at least one of the lots or units shall possess the characteristics as described in s. 6.01(2)(b)3.

2. Roads shall have a minimum right-of-way width of 30 feet and a minimum travel surface width of 16 feet.

3. The centerline radius shall be a minimum of 50 feet at all changes in direction of roads, except at T-intersections and crossroad intersections.

4. The road shall be designed with width, surface, and grade to assure safe passage and maneuverability of private vehicles and police, fire, ambulance, and other safety vehicles.

(b) Requirements for Roads Serving Major Land Divisions or Major Site Condominiums.

1. A design/construction plan shall be submitted by a professional engineer registered in the State of Wisconsin. Plans need to be in compliance with professional road engineering standards.

2. The road shall be designed with width, surface, and grade to assure safe passage and maneuverability of private vehicles and police, fire, ambulance, and other safety vehicles.

3. The road shall not have less than 66 feet of right-of-way width, 22 feet of roadway width, and 18 feet of travel surface width.

4. Spacing of private road intersections along arterial roads shall be at least 2,640 feet, wherever practicable.

5. Road intersections with centerline offsets shall not be less than 250 feet between intersections.

6. Not more than 2 roads shall intersect at one point.

7. The intersection angle of a road to a road shall not be less than 75 degrees.

8. A cul-de-sac shall not exceed 1,000 feet in length, unless a greater distance is approved by the Committee.

9. If a cul-de-sac is to be used, the outside travel surface within the bulb of a cul-de-sac shall have a minimum radius of 45 feet.

10. The road shall have a vertical clear zone of 14 feet and a horizontal clear zone of 22 feet.

11. The road rights-of-way shall be platted as an outlot in major land divisions or as a common element in major site condominiums.

12. The centerline radius shall be a minimum of 50 feet at all changes in direction of the road, except at T-intersections and crossroad intersections.

13. The Committee may require that provision be made for the extension of a cul-de-sac to the boundary of a major land division or major site condominium.

(c) A recorded and binding private road agreement shall be required. This agreement shall contain the following provisions: (Amended: 24 March 2015, Ord. No. 2015-03; Effective 30 March 2015)

1. The subdivider or declarant, or their designee, is solely responsible for: (Amended: 26 March 2019, Ord. No. 2019-02; Effective 4 April 2019)

- Compliance with s. 6.01(1)(a) and (b) and either s. 6.01(2)(a), or s.6.01(2)(b), as applicable.
- Road construction.

2. The owner(s) of lots and units that benefits from the road are solely responsible for:

- Road maintenance and repair, including dust control, snow and ice removal, and elimination of potholes and rutting, maintenance of required clear zones; and
- Ensuring potential passage by law enforcement vehicles, fire trucks, ambulances and other emergency vehicles, and vehicles for sanitation purposes (trash, recycling, and private septic system maintenance and repair).

3. The County is not obliged to accept the road into the county-maintained road system and that County is not responsible for road construction or road maintenance and repair, as described in a. above.

(3) Public Roads.

(a) Roads that are to be dedicated as public roads shall be constructed according to the standards established by the governmental entity(ies) accepting the roads.

(b) Roads that are to be dedicated as public roads shall require acceptance of the dedication by the governmental entity(ies) to receive the dedication.

(4) Alleys.

(a) A design/construction plan shall be submitted by a professional engineer registered in the State of Wisconsin. Plans need to be in compliance with professional engineering standards.

(b) Alleys shall have a minimum right-of-way width and hard subsurface of 20 feet and a maximum right-of-way width of 30 feet. A minimum of 15 feet within the alley right-of-way shall be surfaced with gravel or paved and pitched to prevent ponding.

(c) The alley shall have a vertical clear zone of 14 feet and a horizontal clear zone of 20 feet.

(d) Alleys shall not exceed 600 feet in length, as measured from the intersecting road rights-of-way.

(e) The intersection angle of an alley to a road shall not be less than 75 degrees.

(f) Dead-end alleys shall be prohibited.

(g) Alley rights-of-way shall be platted as outlots in the case of major land divisions or as common elements in the case of major site condominiums.

(h) A recorded and binding private alley agreement shall be required. This agreement shall contain the following provisions:

a. The subdivider or declarant is solely responsible for alley construction.

b. The owner(s) of lots and units that abut an alley are solely responsible for:

- Alley maintenance and repair, including dust control, snow and ice removal, and elimination of potholes and rutting, maintenance of required clear zones; and
- Ensuring potential passage by law enforcement vehicles, fire trucks, ambulances and other emergency vehicles, and vehicles for sanitation purposes (trash, recycling, and private septic system maintenance and repair).

(i) Alleys that are to be dedicated as public alleys shall require acceptance of the dedication by the governmental entity(ies) to receive the dedication.

6.02 Lots and Units. The following requirements shall apply to minor and major land divisions and minor and major site condominiums, unless otherwise specified.

(1) No lot or unit shall be approved that does not have road access. Any lot that abuts an alley shall also abut a road. Property owners shall be responsible for securing road access. (Amended: 26 March 2019, Ord. No. 2019-02; Effective 4 April 2019)

(2) Lot and unit area and width shall conform to the requirements of the Door County Zoning Ordinance, if applicable. Where the lot or unit is not under the jurisdiction of the Door County Zoning Ordinance, the lot or unit area shall not be less than 1.5 acres.

(3) Side lot or unit lines shall be at an angle of at least 75 degrees to the road right-of-way.

(4) Lot or unit lines shall follow municipal boundary lines rather than cross them.

(5) For major land divisions and major site condominiums, double frontage lots and units shall be disallowed, except where lots and units abut an existing or proposed arterial road or where necessary to overcome specific disadvantages of topography and orientation.

(6) All lots and units created that fall under county or town jurisdiction for building setbacks shall depict the building zone for each lot or building site, or, if more restrictive, the building zone designated by the developer. The building zone shall be clearly designated as the "building zone" and a written statement shall be prominently displayed on the CSM or final plat stating that the

depicted building zones are based on setbacks in effect at time of final approval and should not be relied upon without first obtaining written verification thereof from the appropriate agency(ies).

(7) Ordinary High Water Mark

- (a) Property lines for all lots and units that front navigable water shall go to the water's edge and shall be shown on the CSM or final plat with the following statement included: "Any land below the ordinary high water mark of a lake or a navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1 of the state constitution." (Added: 24 March 2015, Ord. No. 2015-03; Effective 30 March 2015) (Amended: 27 February 2018, Ord. No. 2018-03; Effective 04 March 2018)
- (b) Any CSM or final plat that show an approximate ordinary high water mark shall state on its face that the mark is shown for reference only. (Added: 24 March 2015, Ord. No. 2015-03; Effective: 30 March 2015) (Amended: 27 February 2018, Ord. No. 2018-03; Effective 04 March 2018)
- (c) If the building zone described in par. (a) includes an ordinary high water mark setback, this setback shall be in effect if all of the following apply: (Amended: 27 February 2018, Ord. No. 2018-03; Effective 04 March 2018)
 - 1. The map, plat, or survey was prepared by a professional land surveyor, licensed under Ch. 443, Wis. Stats., after April 28, 2016.
 - 2. The Wisconsin Department of Natural Resources has not identified the ordinary high water mark on its Internet site as is required under s. 30.102, Wis. Stats.

(8) Floodplain. All CSMs or plats located in the floodplain districts described in ss. 1.5(1) and (2), Door County Floodplain Ordinance, shall show the following: (Amended: 27 February 2018, Ord. No. 2018-03; Effective 04 March 2018)

- (a) Regional flood elevation and floodway data.
- (b) Public utilities and facilities, such as sewer, gas, electrical, and water systems, are located to reduce exposure to flood hazards and minimize or eliminate flood damages.

6.03 Utility Easements.

(1) For major land division plats and major site condominium plats, the subdivider or declarant shall provide the Land Use Services Department with correspondence from all relevant utility companies identifying their needs, if any, for easements. Easement areas shall be identified on such plats.

(2) For major land division plats and major site condominium plats, lots and units shall be served by underground electric, gas, telephone, and cable television lines, if available, unless waived by the Committee. Land disturbed by installing the underground lines shall be stabilized by the subdivider or declarant.

6.04 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) 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.

6.05 Storm Water Runoff Control Plans for Major Land Divisions and Major Site Condominiums.

(1) For major land divisions and major site condominiums, storm water runoff control plans, as approved by the Door County Soil and Water Conservation Department, shall be presented at the time of preliminary plat submittal. The Door County Soil and Water Conservation Department shall notify the subdivider or declarant in writing of the decision to approve or deny the submitted plan and forward a copy of the decision to the Land Use Services Department.

(2) If required by the County, a "Storm Water Runoff Control Easement" shall be prepared by the applicant and approved by the Door County Soil and Water Conservation Department, Door County Land Use Services Department, and the Door County Corporation Counsel. After the Resource Planning Committee gives preliminary plat approval, but before the Door County Land Use Services Department approves and signs the final plat, the applicant shall record the easement 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 and maintenance of such storm water runoff control plan.

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

6.07 Improvements Required. Prior to the issuance of any zoning or building permit, verification of the installation of all improvements required to be installed by the subdivider or declarant that serve the lot or unit for which the permit is being issued shall be provided to the Land Use Services Department.

6.08 Land Dedicated to the Public. All land dedicated to the public, including roads and alleys, shall be clearly marked "Dedicated to the Public." (Added: 24 March 2015, Ord. No. 2015-03; Effective 30 March 2015)

CHAPTER 7
ADMINISTRATION AND ENFORCEMENT

7.01 Administration. The administration and enforcement of the provisions of this Ordinance shall be the responsibility of the Committee or its authorized representative in the Land Use Services Department.

7.02 Fee.

(1) Minor land division or minor site condominium. The subdivider or declarant shall pay all fees as established by the Door County Board of Supervisors at the times specified before being entitled to review of a minor land division or minor site condominium:

(a) Application fee to be paid at submittal.

(b) Re-submittal fee paid at re-submittal.

(2) Major land division or major site condominium. The subdivider or declarant shall pay all fees as established by the Door County Board of Supervisors at the times specified before being entitled to review of a major land division or major site condominium:

(a) Submittal of preliminary plat:

1. Application fee to be paid at submittal.

2. Re-submittal fee paid at re-submittal.

(b) Submittal of final plat:

1. Application fee to be paid at submittal.

2. Re-submittal fee paid at re-submittal.

(3) The subdivider or declarant shall pay a fee equal to the cost of any extraordinary legal, administrative, or fiscal work that is done in connection with a minor or major land division or minor or major site condominium. Legal work shall include the drafting or review of proposed agreements between the subdivider or declarant and the County, the utility companies, lot or unit 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 Door County Zoning Administrator.

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

7.04 Waiver of Requirements.

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

(2) A majority vote of the entire membership of the Committee shall be required to waive any requirements. Any waiver of requirement shall be entered into the minutes of the Committee setting forth the reasons that, in the judgment of the Committee, justified the waiver.

7.05 Appeals. Any person aggrieved by an objection to a plat or failure to approve a plat, certified survey map, or condominium plat may appeal as provided in s. 236.13(5), Wis. Stats.

7.06 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.

7.07 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 8 DEFINITIONS

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

8.02 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.

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

Alley: A right-of-way that provides only secondary access to abutting properties and which is not intended for general traffic circulation.

Arterial Road: A road used, or intended to be used, primarily for fast or heavy through traffic, including freeways, expressways, as well as standard arterial road, highways and parkways.

Block: A group of lots or units existing within well defined and fixed boundaries, bounded on at least one side by a road, bounded on the other sides by other roads, natural or man-made barriers, or unplatted land, and having an assigned number, letter or other name through which it may be identified.

Building Zone: The horizontal plane within a lot or unit bounded by all applicable setbacks.

Certified Survey Map: A map of a minor land division, as defined in this Ordinance, prepared in accordance with s. 236.34, Wis. Stats.

Committee: The Door County Resource Planning Committee.

Common Element: All of a condominium except its units.

Conceptual Sketch Plan: A concept drawing made to approximate scale of a proposed land division or condominium submitted to the Door County Resource Planning Committee for discussion purposes prior to the filing of a preliminary plat.

Condominium: As used in this Ordinance, it shall mean minor site condominiums and major site condominiums, unless one is specifically stated or is implied by context.

County: Door County, including any agency, department or committee thereof.

Cul-de-sac: A minor road with only one outlet and having a turnaround for the safe and convenient reversal of traffic movement.

Declarant: Any owner who subjects his or her property to a condominium declaration established under Ch. 703, Wis. Stats.

Final Plat: The map of record of a major land division or major site condominium and any accompanying material.

Land Division: The act or process of dividing land into two or more lots.

Land Use Services Department: Door County Land Use Services Department.
(Added: 26 March 2019, Ord. No. 2019-02; Effective 4 April 2019)

Limited Common Element: A common element identified in a declaration or on a condominium plat as reserved for the exclusive use of one or more but less than all of the unit owners.

Lot: Designated parcel, tract, or area of land established by plat, land division, or as otherwise permitted by law to be used, developed, or built upon.

Lot Depth: The shortest distance between the front lot line and the rear lot line.

Lot Width: The shortest distance between side lot lines, measured through the midpoint of the shortest line that can be drawn between the front lot line and the rear lot line.

Lot, Double Frontage: A lot, other than a corner lot, with frontage on more than one road.

Lot Line, Front: The lot line nearest to the centerline of the public or private road from which the lot takes access, except that for essentially rectangular lots abutting cul-de-sacs, the front lot line shall be that lot line that is generally parallel and closest to the centerline of the access road.

Lot Line, Rear: In the case of a rectangular or most trapezoidal shaped lots, that lot line that is generally parallel to and most distant from the front lot line of the lot. In the case of an irregular or triangular lot, a line 20 feet in length, entirely within the lot, parallel to, and at the maximum possible distance, from the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line.

Major Land Division: The creation of five or more parcels that are less than 10 acres in area either through a single division or successive divisions by either the same or subsequent owner(s) within a period of 5 years.

Major Site Condominium: The creation of a site condominium containing 5 or more units where the units are less than 10 acres in area either through a single division or successive divisions by either the same or subsequent owner(s) within a period of 5 years.

Minor Land Division: The creation of 4 or fewer parcels that are less than 10 acres in area either through a single division or successive divisions by either the same or subsequent owner(s) within a period of 5 years.

Minor Site Condominium: The creation of a site condominium containing 4 or fewer units where the units are less than 10 acres in area either through a single division or successive divisions by either the same or subsequent owner(s) within a period of 5 years.

Outlot: A parcel of land not to be used for building purposes, so designated on the certified survey map or plat.

Planning Department: Door County Planning Department. (Deleted and replaced with Land Use Services Department throughout 26 March 2019, Ord. No. 2019-02; Effective 4 April 2019)

Plat: A map of a major land division or major site condominium.

Preliminary Plat: A map showing the salient features of a proposed major land division or major site condominium submitted to the Door County Resource Planning Committee for purposes of preliminary consideration.

Private Road: A road that has not been dedicated to and accepted by a government entity.

Professional Land Surveyor: A person who is granted a license in the State of Wisconsin to engage in the practice of professional land surveying. (Added: 24 March 2015, Ord. No. 2015-03; Effective 30 March 2015)

Replat: The process of changing, or the map or plat which changes, the boundaries of a recorded major land division plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.

Road: A right-of-way that provides vehicular access to lots, but not including alleys or driveways.

Road, Minor: A road used, or intended to be used, primarily for access to abutting properties.

Site Condominium: A condominium as provided in Ch. 703, Wis. Stats., whereby the type of "unit" is the first type described in s. 703.02(15), Wis. Stats. Such "unit" provides the unit owner with the right to occupy a specific land area, or site.

Subdivision: As used in this Ordinance, the term means the same as a land division, except where it is used with specific reference to s. 236.02(12), Wis. Stats.

Unit: The specific land area within which the unit owner has the sole right to occupy, but does not take title.

Unit Owner: As defined in s.703.02 (17), Wis. Stats.

Wetland: Those areas where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

Working Day: Any day in which the office of the Door County Land Use Services Department is open for public business, regardless of whether the office is open for a full day or not.