

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 accomplish the purposes listed in s. 236.45(1), Wis. Stats.; to fulfill the requirement of NR 115.05(4), Wis. Admin. Code; and to:

- (1) Ensure accurate legal descriptions of subdivided land.
- (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 subdivisions.
- (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) Help guide future development that is consistent with adopted County comprehensive or development plans or their components.
- (8) Minimize 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.
- (10) Ensure that size, shape, and orientation of lots will be appropriate for the location of the subdivision and for the type of development and use contemplated.
- (11) Provide a system of public review of proposed site condominiums that is identical to the review procedures for subdivisions. Such review of site condominiums is deemed appropriate because they function in the same manner as, and have the same neighborhood and environment impacts as, subdivisions.

1.04 “State Plats.” Land divisions that result in a “subdivision” as defined in s. 236.02(12), Wis. Stats., (such land divisions are 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 of power granted or appearing in this Ordinance or elsewhere, relating to the subdivision or other division of land or creation of a condominium.
- (3) The Door County Land Division Ordinance, adopted by the Door County Board of Supervisors on August 24, 2004, 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 or condominium 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 with, 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 condominiums in the unincorporated areas of the County as follows:

- (1) Land divisions that create 4 or fewer parcels or building sites that are 10 acres or less 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, and Chapter 6, Design Standards, Improvements and Dedications.
- (2) The creation of 5 or more parcels or building sites, 10 acres or less 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, and Chapter 6, Design Standards, Improvements and Dedications.
- (3) The creation of site condominiums where units of 10 acres or less in area are established shall comply with the requirements of Chapter 4, Minor Site Condominiums, or Chapter 5, Major Site Condominiums, as appropriate.

- (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 site condominiums.

1.09 Land Suitability.

- (1) Municipal landfills shall not be divided into building sites or units.
- (2) Environmentally sensitive areas, specifically, slopes in excess of 25% when measured over 50 feet or more of horizontal distance, wetlands, and navigable and non-navigable streams, shall be depicted on certified survey maps, on preliminary and final plats, and on condominium plats. Such areas shall not be used for building placement. This limitation shall be so stated on the face of certified survey maps, plats, and condominium plats.

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