

CHAPTER 18

SUBDIVISION AND PLATTING

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18.01 STATUTORY AUTHORIZATION, PURPOSE and APPLICATION.

(1) **STATUTORY AUTHORIZATION.** This chapter is adopted pursuant to *SS 236.45, Wis. Stats.*, and for the purpose listed in *SS236.01 and 236.45, Wis. Stats.*

(2) **STATEMENT OF PURPOSE.** The following regulations are adopted for the purpose of promoting and protecting the public health, safety convenience and general welfare of the residents of the Village and to:

(a) Facilitate sound and orderly development of land in the Village by encouraging well planned, well designed subdivision plats to retain and perpetuate the natural attractiveness and characteristic amenities of the Village.

(b) Protect the Village, present and future homeowners, mortgage lenders and subdividers from costly development mistakes.

(c) Insure that new residential development is consistent with the general development goals and policies of the Village.

(d) Provide space for adequate community and neighborhood facilities, such as parks, schools, churches and shopping centers.

(e) Promote safe, healthy and intelligent development of lands adjacent to water bodies.

(f) Secure recorded protective covenants to insure the individual owners of lots in the subdivision against inharmonious and undesirable land use and building developments.

(g) Provide workable design standards for subdivision layouts (utilities, drainageways, streets).

(h) Secure proper monumenting and accurate descriptions of subdivided land in the Village.

(3) **APPLICATION .** This chapter shall apply not only to the subdivision and additions as set forth in the body of this chapter, but shall also apply, insofar as payment of costs for improvements of subdivision is concerned, to those subdivisions and additions or parts thereof already platted and approved, which are undeveloped, wholly or partially, as of the effective date of this chapter.

18.02 GENERAL PROVISIONS.

(1) **COMPLIANCE.** (a) Any division of land which results in a subdivision as herein defined shall be in compliance with all the provisions of this chapter and those sections of *Ch. 236, Wis. Stats.*, relating to subdivisions as defined under *SS236.02 (8)*, including review procedures by State agencies having authority to object to plats.

(b) When a replat of a recorded subdivision or part thereof is proposed, the subdivision shall be vacated or altered according to the provisions of *SS236.40* through *236.445, Wis Stats.*

(2) **APPLICABILITY.** These regulations apply to any division of land within the Village, which results in subdivision. A subdivision, for the purposes of this chapter, is defined as the division of a legally described and recorded lot, parcel or tract for the purpose of transfer of ownership or building development where:

(a) The act of division creates 3 or more parcels or building sites of 5 acres each or less in area.

(b) The act of division creates 3 or more parcels or building sites of 5 acres each or less in area by successive divisions within a 5 year period.

(3) **EXCLUSIONS.** In no instance shall the provisions of this chapter 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 minimum sizes required by this chapter or other applicable laws or ordinances.

(4) **INTERPRETATION.** (a) The provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

(b) Where the conditions imposed by any provisions of this chapter upon the subdivision of land are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this chapter or of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

(c) This chapter is not intended to abrogate any easement, covenant or any other private agreement, provided that where the regulations of this chapter are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, the requirements of this chapter shall govern.

(5) **SEVERABILITY.** Invalidation of any part of this chapter by a court shall not invalidate the rest of this chapter. If for any reason a clause, sentence, paragraph, section or other part of this chapter should ever be judged invalid by a court of competent jurisdiction, such invalidity shall not affect the other provisions which shall remain in effect without the invalid provision.

18.03 DEFINITIONS. Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense include the future and the plural includes the singular. The word "shall" is mandatory.

ALLEY or SERVICEWAY. A public way, which provides secondary access to a lot, block or parcel of land.

BLOCK. A group of lots existing within well defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers and having as assigned number, letter or other name through which it may be identified.

CERTIFIED SURVEY MAP. A map of division of land prepared in accordance with *SS236.34, Wis. Stats.*

COMPREHENSIVE PLAN. The official guide for the physical, social and economic growth of the Village or its constituent parts, properly enacted or adopted according to statute, which is now or may hereafter be in effect.

CROSSWALK. A designated pedestrian walk or pathway to define pedestrian travel across a street at or near the intersection of 2 streets or at any intervening location.

CROSSWAY OR PEDESTRIAN WAY. A public right-of-way traversing a block for the purpose of providing pedestrian access.

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

DEAD-END STREET. A street having only one outlet for vehicular traffic and no vehicular turnaround.

DEVELOPMENT. The act of constructing buildings or installing site improvements.

EASEMENT. Any strip of land reserved by the subdivider for public utilities, drainage, sanitation or other specified uses having limitations, the title to which shall remain in the property owner, subject to the right of use designated in the reservation or the servitude.

FINAL PLAT. The map or drawing of subdivision prepared in compliance with the provisions of *Ch. 236, Wis. Stats.*, and any accompanying material as described in *SS18.07*.

FRONTAGE. The length of the front property line of the lot, lots or tract of land abutting a public street, road, highway or rural right of way.

GRADIENT. The slope of a road, street or other public way specified in percent.

IMPROVEMENT, PUBLIC. Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, sidewalk, pedestrian way, planting strip, municipal dock, pier, parks, swimming beach, off-street parking area or other facility for which the local municipality may ultimately assume the responsibility for maintenance and operation.

LOT. A single parcel of contiguous land occupied or intended to be occupied by such structures and uses as permitted under the Village ordinances, together with the open spaces required in such ordinances, together with the open spaces required in such ordinances and abutting on a public street or officially approved way and not bisected by a street or way.

NEIGHBORHOOD UNIT. A residential lining environment where the internal street system discourages through traffic and where major thoroughfares preferably bound the neighborhood, centrally located community buildings, schools and playgrounds are provided maximum pedestrian accessibility. Local shops to meet daily household needs are grouped together at accessible points providing a harmony of design and development.

OFFICIAL MAP. The map of the Village showing thereon streets, highways, parkways, parks and playgrounds and the exterior lines of planned streets, highways, parkways, parks, or playgrounds as provided new by *SS62.23, Wis. Stats.*

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

PLAT. A map of a subdivision.

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

PROTECTIVE COVENANTS. A covenant recorded and running with the land to establish guidelines and regulations for the minimum requirements applicable to the development and use of the lots for the protection of owners, mortgage holders and the community.

REPLAT. The changing of the boundaries of a recorded subdivision plat or part thereof.

RIGHT-OF-WAY. A strip of land occupied or intended to be occupied for a special use. Rights-Of-Way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separated and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

ROADWAY. The surface portion of the street available for vehicular traffic.

SERVICE DRIVE. A public street generally paralleling and contiguous to a main traveled way, primarily designed to promote safety by eliminating ingress and egress to the right-of-way and providing safe and orderly points of access at fairly uniformly spaced intervals.

STREET. Includes all accessways in common use, such as streets, roads, lanes, highways, avenues, boulevards, alleys parkways, viaducts, circles, courts and cul-de-sacs and includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets whether improved or unimproved and whether dedicated for public use or held in trust under the terms of a reservation, but shall not include those accessways, such as easements and right-of-ways, intended solely for limited utility purposes such as for electrical power lines, gas lines, telephone lines, water lines or drainage and sanitary sewers.

STREET ARTERIAL. A major, high capacity street designed to carry large volumes of traffic between various areas of the community.

STREET, COLLECTOR. A street which carries traffic from minor streets to the system of major streets and highways including the principal entrance streets of a residential development and the principal circulating streets within such development.

STREET, MINOR (OR LOCAL). A street of limited continuity used primarily for access to abutting properties and local needs of a neighborhood.

SUBDIVIDER. Any individual firm, association, syndicate, partnership, corporation, guardian, attorney, trust or any other legal entity commencing proceedings under the regulations of this chapter to effect a subdivision of land hereunder for himself or for another or for others.

SUBDIVISION. A subdivision for the purpose of this chapter is defined as the division of a lot, parcel or tract for the purpose of transfer of ownership or building development where the act of division creates 3 or more parcels or building sites of 5 acres each or less in area by successive division within a 5 year period.

SURVEYOR. A land surveyor registered in the State.

THOROUGHFARE. A street with a high degree of continuity including collectors, major arterials and limited access of highways.

18.04 PROCEDURE FOR SUBMITTING PLATS. (1) PRELIMINARY

CONSULTATION. Before filing a preliminary plat for approval, the subdivider is encouraged to consult with the Plan Committee and the staff of the County Planning Department for advice and assistance. As a part of this consultation, the subdivider should submit a sketch of his proposed subdivision of sufficient scale and reasonable accuracy, together with evidence that the proposed lots will be serviced with water and sewage facilities acceptable to local, county and/or State health authorities.

(2) PROCEDURE FOR APPROVAL OF PRELIMINARY PLAT.

(a) The subdivider or surveyor submits 8 copies of a preliminary plat and 8 copies of preliminary drafts of protective covenants in the format specified. The copies of the preliminary plat and of the protective covenants shall be filed with the Village Clerk, together with a signed application form, requesting review and approval of the preliminary subdivision plat and protective covenants.

(b) Within 2 days of receipt, the Village Clerk shall transmit 2 copies of the preliminary plat and the protective covenants to the Wisconsin Department of Local Affairs and Development and 2 copies are kept for review by the Plan Committee and the Village Board. In addition, any additional copies and other procedures provided by *Ch. 236, Wis. Stats.*, shall apply when applicable.

(c) Within 20 days of receipt of such subdivision plat, the State agencies shall inform the subdivider and other local review agencies of any objections to the proposed plat. If the State agencies have no objections, they shall so certify on the face of a copy of the preliminary plat and shall return that copy to the Plan Committee. If an objecting State agency fails to act within 20 days of the date of receipt of the preliminary plat, it shall be deemed to have no objection to the plat.

(d) The Village Board and any other local approving agency shall approve, approve conditionally or reject any preliminary plat within 40 days after receipt of the plat, unless the time is extended by agreement in writing with the subdivider. One copy of the plat shall thereupon be returned to

the subdivider with the date and action endorsed thereon and if approved conditionally or rejected, shall be accompanied by a letter setting forth the conditions of the approval or the reasons for rejection.

(e) If approved, the subdivider must then prepare and submit the final plat within 6 months of the preliminary plat approval, together with 4 copies of the final draft of the protective covenants executed by the owners and all lien holders of record.

(f) Approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within 6 months of the preliminary plat approval and conforms substantially to the preliminary play layout as indicated in *SS236.11 (1) (b), Wis. Stats.*, the final plat shall be entitled to approval with respect to such layout.

(g) Approval of a preliminary plat shall not constitute automatic approval of the final plat. Submission of the final plat shall follow the requirements of *SS236.11, Wis. Stats.*, and any pertinent statutes.

(3) **PROCEDURE FOR APPROVAL OF FINAL PLAT.** (a) The subdivider submits the original of the final plat to the Director, Local and Regional Planning Department of Local Affairs and Development, for State agency review. The final plat must conform to the preliminary plat as approved and to the requirements of all applicable Village and County ordinances and State law. The final plat must be drawn as specified in *SS18.07* of this chapter and be accompanied by detailed construction plans of all improvements to be provided by the subdivider, together with the protective covenants ready for recording.

(b) After the original plat or copy thereof has been returned to the subdivider with certification that it is nonobjectionable to the State agencies involved, the subdivider then submits the original drawing and 2 copies for each agencies involved, the subdivider then submits the original drawing and 2 copies for each agency required by par. (c) to the Village Clerk. If the subdivider fails to submit the final plat to the Clerk within 6 months of preliminary plat approval, the Village Board may refuse to approve the final Plat, unless such agency extends the time limit.

(c) Within 2 days, the Village Clerk transmits copies of the final plat as per the following schedule:

1. Retains 2 copies.
2. Two copies to the County Health Department.
3. Two copies to the County Highway Department if the subdivision is adjacent to or provides access to a county highway.

(d) Within 60 days of receipt, each approving authority must approve or reject the final plat. Such action can be taken on the copies of the plat, but the subdivider must then take the original drawing to each approving agency for the inscription of approvals thereon. Failure of the approving agency to

act within 60 days of the date of receipt of the application for final plat approval at the Plan Committee shall constitute an approval by that agency.

(e) After the original drawing of the final plat has been inscribed by the proper authorities, the subdivider shall have it recorded in the office of the Door County Register of Deeds as required by *SS236.25, Wis. Stats.*, before any lots are sold.

(f) At such time of the recording of the final plat, there shall also be recorded by the subdivider an original of the protective covenants as approved by the Plan Committee so drafted as to run 30 years with the land, such covenants to be properly executed by the owners and lienholders of record. The original final plat shall have the recording data of the protective covenants inscribed thereon. The subdividers shall also submit 3 copies of the protective covenants and evidence of the ownership and of lienholders to the Plan Committee.

18.05 GENERAL REQUIREMENTS AND DESIGN STANDARDS.

(1) **GENERAL REQUIREMENTS.** The proposed subdivision shall conform to:

(a) The provisions of *Ch. 236, Wis. Stats.*

(b) All applicable local ordinances including the official map and Ch. 17 of this Code of Ordinances.

(c) The rules of the Wisconsin Department of Health and Social Services and the Department of Natural Resources relating to sewage disposal facilities if the subdivision is not served by a public sewer and provision for such service has not been made. Sewer and water plans must meet approval of the DNR where sewer and water extensions are proposed.

(d) The rules of the Division of Highways, Department of Transportation, relating to safety of access and the preservation of the public interest and investment in the streets if the subdivision or any lot contained therein abuts on a State highway or connecting streets.

(2) **STREETS AND HIGHWAYS.**

(a) Street Arrangement. 1. The arrangement, character, extent, width, grade, and location of all streets shall conform to all applicable plans officially adopted by the Village and shall be related to existing and planned streets, topographic conditions, existing natural features, public convenience and safety and to the proposed uses of land to be served by such streets. The street arrangement shall reflect those streets that serve as major arterials, collectors and minor streets.

a. Major arterial streets shall be properly integrated with the proposed system of collector and minor streets.

b. Collector streets shall be properly related to special traffic generating from facilities, such as schools, churches and shopping centers, to population densities and to the arterial streets into which they feed.

c. Minor streets shall be laid out to conform as much as possible to topography, shall permit efficient drainage and sewer systems and shall be laid out in such a manner as to require the minimum amount of street necessary to provide convenient, safe access to property.

2. When a subdivision abuts or contains an existing or proposed arterial street, the Plan Committee may require service drives, reverse frontage lots with a screen planting strip containing in a nonaccess reservation along the rear of the property line, deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

3. Property lines at street intersections shall be rounded with a radius of 12' or greater where the Plan Committee considers it necessary.

4. A tangent at least 100' long shall be introduced between reverse curves on major and collector streets.

5. Arc distances, when appropriate for lot frontages on curved rights-of-way, shall be provided for municipal assessment purposes.

6. Streets shall be laid out so as to intersect as nearly as possible at right angles and no streets shall intersect any other street at less than 60° and more than 2 streets intersecting at one point shall be discouraged.

(b) Street Right of Way Width. 1. All street rights-of-way shall be of the width specified on the official map, but shall be no less than the width below:

<u>Street Type</u>	<u>Minimum Width</u>
Major Arterial	60'
Collector	50'
Minor	50'

2. Service drives adjoining major arterial streets shall be at least 30' in addition to the streets shall be at least 30' in addition to the street it adjoins.

(c) Street Sight Distance. 1. Clear visibility, measured along the centerline, shall be no less than the minimum distance specified below:

<u>Street Type</u>	<u>Minimum Sight Distance</u>
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Major Arterial	100'
Collector	100'
Minor	100'

2. Street sight distances at intersections, serviceways, alleys and driveway approaches shall be as stated above.

3. The protective covenants shall include the following:

" No sign, fence, wall, hedge or shrub planting which obstructs sight lines at elevations between 2' and 6' above the roadway shall be placed or permitted to remain on a corner lot or tract within the area for or reserved for sight clearance. Sight clearance shall be provided at the entrance to each service way, alley or driveway over triangular parcels on both sides commencing at 12' inside the front lot line and extending 6' in width along the front line of the street right-of-way, on both sides of the alley, service way and / or driveway.

(d) Street Curvature. The minimum radii curvature on the centerline shall be as specified below

Major Arterial	200'
Collector	100'
Minor	100'

(e) Cul-de-sacs. Streets designed to have one end permanently closed shall not exceed 1, 000' in length and shall provide a turnaround with a minimum right-of-way radius of 80' and an island therein with a radius of 30'. One thousand foot measurement shall not include the cul-de-sac.

(f) Street Grades. Street grades shall conform to the following specifications:

Major Arterial	6%
Collector	8%
Minor	8%
Shorter than 500'	8%

(g) Street Names. 1. Any street which s the reasonable continuation of an existing street shall bear the same name. If the topography or other features of a permanent nature are such as to render the continuation of the actual roadway impossible and where such nomenclature is apt to produce confusion, the street shall not carry the same name as the street to which it may be geometrically aligned.

2. The Plan Committee may disapprove the name of any street shown on the plat which has already been used elsewhere in the Village, which because of similarity may cause confusion.

3. The following table shall be considered in nomenclature:

<u>Type of Street</u>	<u>Dead End</u>	<u>Curving</u>	<u>Straight</u>
Short	Places or Courts	Crescent, Way Circle or Lane	Terrace, Row Lane
Long		Drive or Road	Street or Avenue

(3) **SERVICE WAYS OR ALLEYS.** (a) Service ways or alleys shall not be approved in residential areas unless necessary because of topography or other exceptional circumstances.

(b) Service ways or alleys shall be provided in all commercial and industrial districts, except that the Plan Committee may waive this requirement if definite and assured provision is made for service access, such as off-street loading and parking consistent with and adequate for the uses proposed.

(c) The width of all service ways and alleys shall not be less than 30'.

(d) Dead-end alleys or service ways shall be prohibited unless suitable turnarounds are provided.

(4) **EASEMENTS OR RESTRICTIVE COVENANTS.** (a) Utility Easement. Easements centered on rear or side lot lines shall be provided for utilities where required by the Plan Committee and shall be at least 6' wide on each side of the lot line or a total of 12' wide.

(b) Storm Water or Drainage Easements. Where a subdivision is traversed by a watercourse, drainageway, channel or streams, there shall be provided a storm water easement or drainage right-of-way of sufficient width conforming substantially to the floodway line of such watercourse.

1. Grading or construction adequate for the purpose may be required.

2. Wherever possible, the drainage shall be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow as determined by the Plan Committee.

3. Such improvements of drainage shall be guaranteed prior to approval of the final plat.

(5) **BLOCKS.** The length, widths and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated.

(a) Length of blocks in residential areas shall not exceed 1,500' between right-of-way lines.

(b) A block over 900' in length may be provided with a pedestrian way at least 15' wide through the block.

(c) Pedestrian ways shall be located so that there is direct pedestrian access to schools, local shopping centers, parks and playgrounds.

(6) **LOTS.** (a) The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use proposed.

(b) All lots in the subdivision shall comply with *Ch. ILHR 85, Wis. Adm. Code*, pertaining to subdivisions not served by public sewers, except that all lots shall meet the minimum lot size requirements of Ch. 17 of this code of Ordinances.

(c) Every lot in a subdivision shall abut on a public street. No lot shall be sold if it abuts on a street which has not been accepted as a public street, unless the seller informs the purchaser in writing of the fact that the street is not a public street and that it is not required to be maintained by the Village or county.

(d) Side lot lines shall be substantially at right angles or radial to street lines.

(e) Double frontage or reverse frontage lots shall be avoided, except where essential to provide separation of residential development from traffic arteries as defined in *SS18.05 (2) (a) 2*. Or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least 25' length may be required along the line of residential lots abutting such a traffic artery.

(7) **SUBDIVISIONS ABUTTING LAKES OR STREAMS.** (a) The lands lying between the meander line, established in accordance with *SS236.20 (2) (g), Wis. Stats.*, and the water's edge, and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream. This requirement applies not only to lands proposed to be subdivided but also to all lands under option to the subdivider or in which he holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream as provided in *SS236.16 (4), Wis. Stats.*

(b) No land shall be subdivided which is held unsuitable for the proposed use by the Plan Committee for reason of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the community. The Committee, in applying the provisions of this section, shall in writing recite

the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such suitability at public hearing. Thereafter, the Committee may affirm, modify or withdraw its determination of unsuitability.

18.06 DEDICATIONS, RESERVATIONS AND IMPROVEMENTS. (1)

SURVEY MONUMENTS. The surveyor shall install survey monuments in accordance with the requirements of *SS236.15, Wis Stats.*, or as amended, which is hereby adopted by reference and incorporated herein as though fully set out.

(2) **DEDICATIONS AND RESERVATIONS.** (a) General. All subdivision layouts shall be developed in proper relation to existing layouts shall be developed in proper relation to existing and proposed streets, the topography, surface water, vegetative cover, other natural features and the most advantageous development of adjoining areas. The Plan Committee may require that suitable sites be dedicated or reserved for future public use, such as parks, playgrounds, public access and open spaces as needed by the subdivision. Any part of a street, drainageway or other public way which is indicated on comprehensive plan or plan component shall conform to the arrangement, width and location indicated and shall be offered for dedication to the Village

(b) Dedication of Land in Public Use. 1. Whenever a preliminary plat includes a proposed dedication of land to public use and the Plan Committee finds that such land is not required or not suitable for public use, the Committee may either refuse to approve such dedication or require the rearrangement of lots in the proposed subdivision.

2. When a final plat of a subdivision has been approved by the public bodies and all other required approvals are obtained and the plat is recorded, that approval shall constitute acceptance for the purpose designated in the plat of all lands shown on the plat as dedicated to the public, including street dedications where improvements have been completed to the satisfaction of the Village Board. Where improvements have not been satisfactorily completed, acceptance shall be by resolution of the Village Board and inscribed on the face of the plat with the date of resolution.

(c) Dedication of Public Access to Water. Subdivisions abutting on a navigable lake or stream shall, according to the provisions of *SS236.16 (3), Wis. Stats.*, provide access at least 60' wide to the low watermark so that there will be public access, which is connected to existing public roads at least at 1/2 mile intervals as measured along the lake or stream shore, except where greater intervals and wider access is agreed upon by the State Conservation Commission and the head of the planning function of the Department of Local Affairs and Development, and excluding shore areas where public parks or open spaces and streets or roads on either side of a stream are provided. Such access shall be dedicated to the Village.

(d) Reservation of Public Spaces and Sites. Whenever a tract to be subdivided includes a proposed street, highway or parkway or proposed site for a park, playground or other public use as indicated on any official map adopted and authorized by **SS62.23, Wis. Stats.**, such space shall be suitably incorporated by the developer into his subdivision plat after the proper determination of its necessity by the Plan Committee and the Village Board.

(e) Acquisition of Land for Public Use. The acquisition of land designated on the preliminary or final plat as reserved for acquisition by the Village Board shall be instituted within 3 years. The owner of the property shall notify the Board of the proposed development and a tentative schedule of construction. Failure on the part of the Board to institute acquisition within the prescribed 3 years shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for development. Reserved land shall be shown as outlots on the final plat. Restrictive covenants shall be placed on plats identifying the outlots reserved for this purpose and the date of release from the restrictions.

(3) **REQUIRED IMPROVEMENTS.** (a) General Provisions. The following provisions shall apply to the subdivisions platted within the Village and may be applied to subdivisions platted within the extraterritorial plat approval jurisdiction of the Village:

1. The improvements required under these regulations shall be constructed by the subdivider and at the subdivider's expense prior to the filing with the Plan Committee and Village Board of the final plat for final approval in accordance with the specifications and under the supervision of the officials having jurisdiction and a performance bond or surety bond shall be filed with the Village Clerk, approved by the Village Board, in the amount of 120% of the cost of the improvements prior to the beginning of such improvements.

2. In lieu of constructing the improvements as required above, the subdivider shall furnish the Village Board with a surety performance bond or other form of surety to the Village sufficient to cover the subdivided cost of such required improvements, as estimated by the Village Engineer, thereby to secure the actual construction and installation of such improvements immediately after final approval of the plat or at a time in accordance with the requirements of the Village Board. In any event, the construction of all improvements required by these regulations must be completed within 2 years from the date of approval of the final plat by the Village Board unless good cause can be shown for the granting of an extension of time by authority of the Village Board.

(b) Improvements That May be Required at the Expense of the Subdivider

1. Streets rough graded from property line to property line, terraces

topsoiled and streets paved to conform to specifications established by the Village Board and on file in the Clerk's office.

2. All subdivisions developed after the Village has its public sewer system shall be provided with a complete sanitary sewer system, including a lateral connection for each lot, and shall be connected to the Village sanitary sewer system in a satisfactory manner. Until such time as the Village has a public sewer system, individual sewage treatment facilities shall be permitted in accordance with the minimum standards and regulations of the State Department of Industry, Labor and Human Relations.

3. All subdivisions developed after the Village has its public water supply system shall be provided with a complete water distribution system, including connections for each lot, and shall be connected to the Village water supply system. The entire system shall be designed to meet the approval of the Village Board and the Village Engineer. The Village shall pay for and install all necessary fire hydrants, providing that the developer appropriately advises the Village of the time when the system is ready for the installation of such hydrants. Until such time that the Village constructs its public water system, individual water supply systems shall be permitted in accordance with the minimum standards and regulations of the State Department of Industry, Labor and Human Relations and the Door County Health Commission. The Village Board and the Plan Committee shall determine the feasibility of connecting and providing water and / or sewerage services to the subdivision should such services not be economically feasible.

4. A Storm water drainage system adequate to serve the area being platted and otherwise meeting the approval of the Village Board and Village Engineer. Storm drainage facilities shall be designed to permit the unimpeded flow of natural watercourses and to insure the drainage of all points along the line of streets. The plan Committee and Village Board may require that easements or drainageways be provided to accommodate anticipated storm water runoff.

5. If a pumping station is required to pump either sanitary wastes or storm water into the Village systems, the subdivider shall install, at no expense to the Village, a pumping station and force main approved by the Village Board and adequate to service the installation and shall deed such pumping station, force main, equipment and site to the Village. If a greater capacity system is desired by the Village, the subdivider shall be required to pay only that portion of the total costs attributable to his subdivision.

6. All bridges and culverts.

7. Concrete curb and gutter constructed to conform with specifications established by the Village Board.

8. Concrete sidewalks of such width and type of construction as required by the Village Board.

(c) Improvements Required by Village. 1. Whenever any improvements are required by the Village, construction plans for improvements to be installed shall be furnished in accordance with the specifications of the officials having jurisdiction and shall receive approval of these officials before improvements are installed. The following plans may be required:

a. The profile of each proposed street with tentative grades indicated.

b. The cross section of each proposed street showing the width of the pavement, curb and gutter; the location and width of sidewalks and terraces; and the location and size of utility mains.

c. Any such other related plans or information, whether enumerated herein or not, that may be required by the officials having jurisdiction.

2. Prior to starting any of the work covered by the plans approved as above, arrangements shall be made to provide for inspection by the Village Board or the Village Engineer or such other person as the Board may designate of the work, sufficient to ensure compliance with the plans and specifications as approved, and written approval shall be obtained from the Village Board to start the work. All costs of such inspection shall be borne by the subdivider.

3. The subdivider is to engage his own contractors on his own responsibility for all required work. He may, however, contract with the Village to do part of all of the work for him at the subdivider's expense. Nothing contained herein shall obligate the Village to perform such work, unless it so voluntarily contracts with the subdivider to perform part or all of the work.

18.07 PLATS AND DATA REQUIRED. (1) **PRELIMINARY**

CONSULTATION DATA. The following information shall be provided at the time of the preliminary consultation.

(a) The boundaries of the property being considered for the proposed subdivision showing shorelines, high water lines and any areas periodically flooded.

(b) A location map showing the relationship of the proposed subdivision to adjacent land uses and to existing community facilities which serve or influence it, including main traffic arteries, easements, public access to navigable water and utilities. Map shall also include title, scale north arrow and date.

(c) A sketch plan showing the proposed layout of streets, lots and other features in relation to existing conditions. Any proposed filing, grading, dredging or lagooning shall also be shown on this map.

(d) A map of the general soil conditions of the proposed subdivision, showing seasonable wet areas, rock outcroppings and areas with slopes over 15% and evidence from a qualified engineer of the adequacy of the load bearing quality of the soil.

(e) Evidence that the soil conditions are acceptable for individual sewage disposal systems.

(f) A description of all property owned or controlled by the subdivider contiguous to the proposed plat even though only a part of the area is proposed for development.

(g) Environmental impact statement may be required.

(2) **PRELIMINARY PLAT REQUIREMENTS.** (a) Base Information. The preliminary plat shall be shown on map at a scale of not more than 100' equals 1" and shall be based upon an exterior boundary survey prepared by a registered land surveyor. The preliminary plat shall include:

1. The length and bearings of the exterior boundaries of the subdivision.
2. Location and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land.
3. Locations, widths and names of all existing platted or dedicated streets, alleys of other public ways or easements, railroad and utility rights-of-way, watercourses, drainage ditches, permanent buildings, bridges and other pertinent data.
4. The water elevations of adjoining lakes or streams at the date of the survey and the approximate high and low water elevations of such lakes or streams. All elevations shall be referred to U.S. Coast and Geodetic Survey or established county datum.
5. If the subdivision borders a lake or stream, the distances and bearings of a meander line established not less than 20' back from the normal high watermark of the lake or stream.
6. Layout and width of all new streets and right-of-ways, such as alleys, highways, easements for sewers, water mains and other public utilities.
7. Directions and distance to nearest sewer and water mains.
8. Dimensions and area of each lot.

9. Radius of all curves and lengths of tangents.
10. Location and area of all property proposed to be dedicated for public use or to be reserved by deed covenant for use of all property owners in the subdivision, with the conditions, if any, of such dedication or reservation.
11. Location of all preplanned sites for individual sewage disposal facilities.
12. Date, scale and north point.
13. The proposed subdivision name which shall not duplicate the name of any plat previously recorded in Door County.
14. The name and address of the owner, subdivider and a surveyor registered in the State preparing the plat.
15. Location of the subdivision by government lot, quarter, quarter section, section, township, range and county.
16. A small scale drawing of the section or government subdivision of the section in which the subdivision is, with the location of the subdivision indicated thereon.
17. Zoning on and adjacent to the subdivision.
18. A list of approving and objecting agencies to which the plat must be submitted.
19. Name and Address of engineer preparing sewer and water plans if subdivision will be served by sewer and water extensions.

(b) Supplementary Information. The subdivider shall furnish the following information along with his preliminary plat:

1. A brief description of the improvements, such as grading, paving, tree plantings and installation of utilities.
2. A brief description of the proposed restrictive covenants, the recording date which will be put on the plat prior to recording.

(3) **FINAL PLAT REQUIREMENTS.** (a) The final plat shall conform to the preliminary plat as approved and shall comply with the requirements of this chapter and of *Ch. 236, Wis. Stats.*, which is hereby adopted, as amended, by reference and incorporated herein as though fully set out.

(b) The final plat shall be accompanied by detailed construction plans of all improvements to be provided by the subdivider.

(c) The final plat shall be recorded in the Door County Register of Deeds office as required by *SS236.25, Wis. Stats.*, as amended, after having been approved by all State and local agencies having authority to object. Copies of the final approved plat shall be forwarded by the subdivider to the Village Board, the Door County Planning Department and other appropriate agencies.

18.08 PLANNED UNIT AND/OR CLUSTER SUBDIVISION. (1) **PURPOSE.**

The planned unit development is intended to permit lots and setbacks where the physical layout of the lots is so arranged (often by setting them back farther from the street or navigable water) as to better assure the control of pollution and preservation of ground cover than would be expected if the lot were developed with otherwise applicable requirements. A condition of all planned unit subdivisions would require the preservation of certain open space, preferably on the shoreline or at the rear of the lots in perpetuity.

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(2) **REQUIREMENTS FOR PLANNED UNIT AND/OR CLUSTER SUBDIVISION.**

The Village Board, upon petition, approved a planned unit development for the specific planned project on finding after a public hearing that all of the following facts exist:

(a) The location and nature of the sewage treatment facilities which will serve the sites individually or collectively is such as to assure that effluent from the facilities will not reach the ground or surface waters in a condition which will contribute to health hazards, taste, odor, turbidity, fertility or impair the aesthetic character of the adjacent or nearby navigable waters.

(b) The location of sites and the restriction planned on part of the land for use by the public residents of the planned unit subdivision are such as to preserve the ground cover of the area and the scenic beauty of the navigable waters and prevent erosion. Excess land not used for lots and streets shall be dedicated in perpetuity to remain in open space. This may be accomplished by conveyance in common to each of the owners of lots in the development or to a corporation formed by them or by dedication to the county, town or municipality. Lands dedicated to the public must be accepted by action of the governing body of the accepting unit of government. If the land is to be conveyed to owners of lots in the development, an owner's association or similar legally constituted body shall be created to maintain the open space land. Restriction shall be placed on

record on the platted land by covenant, grant of easement or any other manner which is required by a public body or which names a public body as grantee, promisee or beneficiary, shall vest in the public body the right to enforce the restriction at law or in equity against anyone who has or acquired an interest in the land subject to the restriction. Protective covenants following the specified format shall be followed for recorded restrictions on the individual lots.

(c) The number of platted sites will not exceed those which would have been possible if the same land were platted in accordance with the minimum lot sizes, setbacks and widths provided by the applicable provisions of Ch. 17 of this Code of Ordinances. In a planned or cluster subdivision, the width of the lots at the front setback line shall not be less than 60% designed for the district and the area of the lot shall not be less than 60% for the district. The balance shall be reserved or dedicated as open space.

(3) PROCEDURE FOR ESTABLISHING A CLUSTER AND/OR PLANNED SUBDIVISION. The procedure for establishing limited rezoning in the form of a planned unit subdivision shall be as follows:

(a) A petition setting forth all of the facts shall be submitted to the Village Clerk with sufficient copies to provide for distribution.

(b) The petition shall be submitted to the Plan Committee which shall hold a public hearing thereon and make report to the Village Board as required by law. The hearing must be held as in any regular amendment to Ch. 17 of this Code of Ordinances

(c) The Village Board shall make written findings as to the compliance or noncompliance of the proposed overlay district with each of the applicable requirements set forth in **SS18.5**. If the petition is granted in whole or part, the Village Board shall attach such written conditions to the approval as shall be required. The condition of approval shall in all cases establish the specific restrictions applicable with regard to minimum lot sizes, width, setbacks and the location of septic tanks and the preservation of ground cover and /or open space.

(d) A landowner or petitioner shall at his own expense develop the facts required to establish compliance with these provisions or shall contribute funds to the Village to defray all or part of the cost of such studies being undertaken by the Village or any agency or persons with whom the Village contracts for such work.

18.09 ADMINISTRATION. (1) **ENFORCEMENT.** The administration and enforcement of the provisions of this chapter shall be the responsibility of the Village Board and the Plan Committee or their authorized representative.

(2) **FEES.** Prior to approval of the final plat, the applicant shall pay a fee to the Village Board in accordance with a fee schedule determined by the Board.

(3) **MODIFICATIONS OR VARIANCES.** The Board of Zoning and Building Appeals may grant variances from the provisions of this chapter after holding public hearing, with 10 days notice in writing to owners of adjoining lands and upon finding that:

(a) Because of the unique topographic or other conditions of the lands involved, literal application of this chapter would impose a hardship.

(b) The variance will not violate the spirit of this chapter or the provisions of *Ch. 236 Wis. Stats.*

(4) **REPLATTING OF EXISTING RECORDED SUBDIVISIONS.** (a) Procedure. When it is proposed to replat a recorded subdivision or part thereof, so as to change the boundaries of a recorded subdivision or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in *SS236.40* through *236.44, Wis. Stats.* The subdivider or person wishing to replat shall then proceed as specified in *SS18.04* for a new subdivision plat.

(b) Public Hearing. A public hearing shall be scheduled before the Board of Zoning and Building Appeals when a preliminary plat of a replat of lands within the Village is filed and notices of the proposed replat and public hearing shall be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 200' of the exterior boundaries of the proposed replat.

(5) **VIOLATIONS.** Any subdivider or his agent who offers or contracts to convey or conveys any subdivision, as defined in this chapter, a lot or parcel which lies in a subdivision, as defined in this chapter, without having an approved and a recorded final plat for the subdivision of such land shall be in violation of this chapter. All violators shall upon conviction thereof forfeit not less than \$25 nor more than \$500 and the costs of prosecution for each violation. This forfeiture shall be imposed for each lot or parcel created by the subdivision. Each day a violation exists or continues shall constitute a separate offense. In default of payment of the forfeitures and other costs, the violator shall be imprisoned in the county jail until payment thereof but not exceeding 30 days. Compliance therewith may also be enforced by injunctive order at the suit of the Village or the owners of real estate within the area affected by the regulations of this chapter. In addition, the remedies provided by *SS236.30* and *236.361, Wis. Stats.,* shall be available to the Village.

18.10 AMENDMENTS. For the purpose of promoting the public health, safety and general welfare, the Village Board may from time to time amend the

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regulations imposed by this chapter. The plan Committee shall hold a public hearing on all proposed amendments as required by *SS236.45, Wis. Stats.* Notice of the hearing shall be given by publication of a Class 2 notice under *Ch. 985, Wis. Stats.*