

CREATING A LOT *or* LOTS / SUBDIVIDING A PARCEL

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Sec. 13-1-26 Substandard Lots of Record.

- (66) **Substandard Lot.** A lot which does not meet the applicable lot size and dimensional requirements of this Chapter.

The following substandard lots of record, if recorded in the Bayfield County Register of Deeds Office, may be used as building sits, subject to the provisions set forth in subsection (b), below:

- (1) A non-shoreland substandard lot of record which is not served by a public sanitary sewer and which is at least 10,000 sq. ft. in area and 65 ft. in width at the building line;
- (2) A non-shoreland substandard lot of record which is served by a public sanitary sewer and which is at least 7500 sq. ft. in area and 50 ft. in width at the building line;
- (3) A shoreland substandard lot of record which is not served by a public sanitary sewer and which is at least 20,000 sq. ft. in area and an average of 100 ft. in width;
- (4) A shoreland substandard lot of record which is served by a public sanitary sewer and which is at least 10,000 sq. ft. in area and an average of 65 ft. in width.

Sec. 14-1-21 Compliance.

- (a) **No person, firm, or corporation shall divide land for the purpose of sale, transfer, or development that creates one or more lots of less than five (5) acres, or of less than nineteen (19) acres on a parcel of land which has frontage on navigable waters.** (as defined in Section 13-1-4 (60), without obtaining approval of the Zoning Committee and without complying with the provisions of this Chapter.
- (b) Where applicable, the subdivider shall also comply with the provisions of Ch. 236, Wis. Stats.; the rules of the Wisconsin Department of Commerce as they relate to private sewage systems; the rules of the Wisconsin Department of Transportation as they relate to safety of access and preservation of public interest concerns; and all other laws, regulations or requirements having appropriate authority.
- (c) Should any provision of this Chapter conflict with any other law, then the provisions of the more stringent requirement, regulation, restriction or limitation shall prevail.
- (d) No land use permit shall be issued, nor shall any construction activity commence on any lot requiring approval under this Chapter, until final lot division approval has been granted.

Definitions.

- (c) **Certified Survey Map.** A map prepared by a registered land surveyor of a land division of up to four (4) lots, meeting the requirements of Ch. 236.34, Wis. Stats., and of this Chapter.
- (d) **Cul-de-Sac.** A road having one end open to traffic and the other permanently terminated by a vehicular turnaround.

- (e) **Easement.** The legal authorization by a property owner providing for the use by another of a designated portion of his/her property for a specified purpose.
- (f) **Lot.** A parcel of land under common ownership. (Except for lots and outlots established by certified survey map or plat approved pursuant to this chapter), contiguous lands under common ownership shall constitute a single lot for purposes of this chapter and land under common ownership but separated by a river, stream, county highway, town road, private road or easement shall constitute a single lot for purposes of this chapter. Lands under common ownership separated by a state or federal highway shall not constitute a single lot.
- (g) **Lot Area.** The horizontal projection of a lot, exclusive of any portion of public right of way or any portion of a lot thirty (30) feet or less in width. Measurements are to be made by standard surveying methods. Any portion of a lot covered by a private easement shall be included in the lot area.
- (h) **Lot, Average Width.** The average horizontal straight line measurement between side lines of a lot. A lot shall be judged to meet the minimum average width requirement for the district in which it is located, if the district's average width dimensions are maintained from the point(s) at which the lot's frontage width is determined to the point(s) at which the lot's minimum area requirement has been satisfied; no additional area of a particular lot in question need meet the minimum average width requirement.
- (i) **Outlot.** A parcel of land not suitable for or not intended for development and designated as an outlot on a certified survey map or plat approved pursuant to this chapter. No outlot may be improved with a building or other structure unless a conditional use permit has been issued therefore.
- (j) **Preliminary Map or Plat.** A map showing the salient features of a proposed land division to an approving authority for purposes of preliminary consideration.
- (k) **Plat.** A map of subdivisions, prepared in the manner prescribed in Ch. 23, Wis. Stats.
- (l) **Replat.** The process of changing, or the map or plat which changes, the boundaries of a recorded plat or part thereof.
- (m) **Road Frontage.** The shortest horizontal straight line which can be established between the point where one side lot line intersects the right-of-way to the other side line.
- (n) **Service Road.** Streets parallel and adjacent to arterial roads which provide access to abutting properties and separation from through traffic.
- (o) **Shoreline Measurement.** The shortest horizontal straight line which can be established between points on the side lot lines at the waterfront end of a lot or parcel abutting a navigable lake or stream. At least one point along the horizontal straight line must lie on the ordinary high water mark, and its entire extent must lie wholly within the lot or parcel.
- (p) **Street.** Any public way, road, avenue, highway or part thereof.
- (q) **Surety Bond.** A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the applicant.
- (r) **Subdivision.** The division of a parcel of land for the purpose of transfer or development which results in the creation of five (5) or more parcels of less than five (5) acres in area within a period of five (5) years.
- (s) **Variance.** In specific cases, a deviation from the terms of the Chapter as will not be contrary to the public interest and where owing to conditions peculiar to the lot or property in question, a literal enforcement of the provisions of this Chapter will result in unnecessary hardship.

- (t) **Zoning Committee.** The Bayfield County Planning and Zoning Committee. A committee created by the County Board of Supervisors under the authorization of the Wisconsin Statutes to act in matters of land use.
- (u) **Zoning Department.** The Bayfield County Planning and Zoning Department.

Sec. 13-1-60 Zoning District Dimensional Requirements.

- (a) Subject to subsections (b), (c), (d) and (e) below, Zoning District Dimensional Requirements shall be as follows:

Zoning District	Minimum Area	Minimum Average Width	Minimum Side & Rear Yards	
			Principal Building	Accessory Building
R-RB, R-1	30,000 sq. ft.	150'	10'	10'
F-1, R-2, A-1	4 ½ acres	300'	75'	30'
R-3	2 acres	200'	20'	20'
F-2, A-2	35 acres	1,200'	75'	30'
I, C*	20,000 sq. ft.	100'	5'	5'
R-4				
(a) Sewer/water	10,000 sq. ft.	75'	10'	10'
(b) Sewer only	15,000 sq. ft.	75'	10'	10'
(c) Water only	20,000 sq. ft.	100'	10'	10'

For Setback: Requirements See Section 13-1-22.

Lots must have legal access from public roads and comply with Article C, Section 14-1-40 Survey and Recording Requirements

- (b) Commercial zoning districts within and utilizing the services of a sanitary district shall be permitted to apply R-4 Zoning District lot size standards. Commercial zoning districts not located within a sanitary district that involves a residence shall apply R-1 Zoning District lot size standards.
- (c) The minimum road frontage on a cul-de-sac shall be fifty (50) feet in a R-1, R-3, R-4, R-RB, Commercial, or Industrial Zoning District.
- (d) The radius of a cul-de-sac shall not be less than forty-five (45) feet in a F-1, R-2, A-1, R-3, F-2, A-2, Industrial, Commercial, or R-4 Zoning District.
- (e) The side yard setback for buildings and structures may be reduced to not less than one-third of the otherwise required setback where a proposed division of land will separate buildings of an existing farmstead.

The reduced setback shall apply only along the property line that separates the existing farmstead and only to buildings and structures that predate the proposed division. The Zoning Committee may require drainage, visual screening, and other measures to mitigate the effect of side yard setback reduction as a condition of division approval.

- (f) Compliance with the minimum average width requirement shall be determined whenever feasible as demonstrated by the following example. In applying the example, the side of the

rectangle equivalent to the required minimum average width shall be aligned with the side of the lot fronting a road, or, if there is no road frontage, with the side of the lot to which is access provided. If, due to a lot's configuration, it is not feasible to determine the minimum average width as demonstrated by the example, such determination shall be made as reasonably determined by the zoning and planning administrator.

General Provisions Regarding Subdivision Control Ordinance

Sec. 14-1-22 Exclusions.

The provisions of this Chapter shall not apply to:

- (a) Transfers of land pursuant to court order or will.
- (b) The sale or exchange of parcels 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 the Bayfield County Zoning Code or other applicable laws or ordinances.
- (c) Leases for a term not to exceed ten (10) years, mortgages or easements.
- (d) Cemetery plats and assessor plats made under the provisions of Secs. 157.07 and 10.27, Wis. Stats.
- (e) Sale and exchange of parcels of public utility or railroad right of way to adjoining property owners where approved by the city, village, town or County.

Sec. 14-1-23 Violations and Penalties.

- (a) Any violation of the terms of this Chapter not corrected on the written order of the Zoning Committee or Department within the time specified, shall be referred to the Zoning Committee who shall determine the further action to be taken.
- (b) The violation of any condition attached by the Zoning Committee to a land division approval shall constitute a violation of this Chapter.
- (c) Any person, firm, or corporation found guilty of violating any provisions of this Chapter, shall, upon conviction thereof, forfeit not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) and the full cost of prosecution, plus the costs of any compliance required to rectify the violation. Each day of violation shall constitute a separate offense.
- (d) Violations of the provisions of this Chapter are also subject to the terms of Ch. 66.119, Wis. Stats., and Title 1, Chapter 2 and Section 1-1-6 of the Bayfield County Code of Ordinances.

Sec. 14-1-29 Vacating and Replatting.

Recorded maps or plats may be vacated or altered pursuant to Secs. 236.36 through 236.44, Wis. Stats., which are adopted by reference and applied to all land divisions regulated by this Chapter.

Surveying and Recording Requirements

Sec. 14-1-40 Survey Requirements.

- (a) Prior to the final approval of land divisions to which this Chapter applies, the owner of the land shall have the parcels surveyed by a registered land surveyor. The surveyor shall create a certified survey map or plat, in the manner prescribed in Ch. 236.34, Wis. Stats.; unless exempt under the provisions of Section 14-1-22 or unless waived in writing by the Zoning Committee.
- (b) A certified survey map shall be prepared and recorded for all land divisions resulting in the creation of 1, 2, 3, or 4 lots of less than five (5) acres, or of less than nineteen (19) acres if a shoreland lot (as defined in Section 13-1-4 (60)).
- (c) Subdivisions created under Ch. 236.03, Wis. Stats., shall be subject to all applicable provisions of this Chapter.

Sec. 14-1-41 Recording Requirements.

All certified survey maps and subdivision plats shall be recorded at the office of the Bayfield County Register of Deeds, in the manner described in Chs. 59.51 and 236, Wis. Stats.

Sec. 14-1-42 Fees.

- (a) The applicant shall pay a fee amount of Fifty Dollars (\$50.00) for each lot created. Such fee shall be remittable to the Bayfield County Zoning Department.
- (b) The applicant shall also pay the recording fee as determined by the Register of Deeds prior to recording a certified survey map or plat.

Procedure for Dividing Land

Sec. 14-1-61 Preliminary Land Division Approval

- (a) The applicant shall submit to the County Zoning Department an application form provided by that Department. The applicant shall also submit to the Zoning Department, and those having authority to review plats under Ch. 236, Wis. Stats., sufficient copies of a preliminary survey map or plat.
- (b) The preliminary layout should clearly indicate the existing condition of the proposed land division and of adjoining sites. Data should be included on physical features, bodies of water, public access, wetland areas, existing vegetation, slopes over ten percent (10%), areas subject to flooding, soil conditions, available community facilities and utilities, recorded easements for covenants, street and road locations and lot widths, depths and areas. The proposed layout shall be drawn at a legible scale and shall identify any improvements (road construction, grading, dedication of land, installation of amenities, or any other construction activity) which the applicant proposes to make and shall indicate when these improvements will be provided.
- (c) As stated in Section 13-1-42(b)(1) of the Bayfield County Zoning Code, an impact analysis shall be provided for "any subdivision consisting of twenty-five (25) lots or more". This analysis shall be prepared in the manner prescribed in Section 13-1-42.
- (d) The Zoning Committee shall approve, reject, or approve conditionally the preliminary land division within ninety (90) days of receiving the preliminary land division application and layout, as provided by statute. Any condition of approval or reason for disapproval, shall be described in writing and shall be made a part of the file record of the application.

Sec. 14-1-62 Final Lot Division Approval.

- (a) Final survey maps, certified survey maps or plats shall be submitted to the Zoning Department within twelve (12) months of preliminary plan acceptance, unless this requirement is waived by the Zoning Committee. Final maps or plats shall be considered by the Zoning Committee and accepted or rejected within sixty (60) days of the date of submission.
- (b) The final map or plat shall conform to the preliminary layout as approved, and to all applicable ordinances and laws. The final map or plat shall be accompanied by detailed construction plans of all improvements to be provided by the applicant.
- (c) A certificate of approval of the County Zoning Department shall appear on the face of all required maps or plats prior to their recording.
- (d) Any land division resulting in the creation of five (5) or more lots and requiring approval under the terms of this Chapter shall require the approval of the local town board and any municipality having extraterritorial plat approval jurisdiction.
- (e) No lot shall be sold or transferred without fully complying with the terms of this Chapter. An offer or contract to convey may be made if that offer or contract states on its face that it is contingent upon approval of the final land division and shall be void if such approval is not received.

Design Standards

Sec. 14-1-80 Lot Sizes.

- (a) Lot sizes shall conform with the area and width dimensional requirements outlined in Section 13-1-60 of the Bayfield County Zoning Code. In those townships which have not ratified the Bayfield County Zoning Code, the minimum lot size standards of the Residential-1 District shall apply. No lot shall be reduced below the minimum size for the zoning district in which it is located.
- (b) The Zoning Committee may require larger lot sizes in cases of adverse soil, topographical, or locational conditions to provide a greater degree of protection for natural or community resource concerns.
- (c) The size, shape, elevation, and slope of a lot shall permit the installation of sanitary facilities meeting the requirements of the Bayfield County Sanitary and Private Sewage Code, unless such are obviated by central or public facilities.
- (d) In determining lot area, any part of a lot thirty (30) feet or less in width shall not be used in computing lot area nor shall the right-of-way of any public road be used in determining lot area or width.

Sec. 14-1-81 Access.

- (a) Every lot created, and requiring approval under the terms of the Chapter, shall have access to a public street, road, or highway. Such access can be accomplished through the establishment of either a public or private road, as determined by the Zoning Committee.
- (b) Where more than one (1) lot abuts a street, highway or road; a service road or other form of shared access may be required to allow a minimum number of access driveways.

Sec. 14-1-82 Dedications.

- (a) Unless specifically waived by the Zoning Committee, all streets, roads, and other public ways which are proposed to be established to service lots created under this Chapter shall be offered for dedication to the county or town.
- (b) The Zoning Committee may require the dedication, reservation, or easement of certain lands for public access points, parks, drainageways, playgrounds, natural resource areas, or special use areas to a specified unit of government, subject to acceptance.
- (c) Dedications shall be affected as provided in Sec. 236.29, Wis. Stats. Dedication offers shall be limited to a duration of three (3) years from the date of final land division approval by which time public acquisition must be exercised.
- (d) Where open space land is conveyed in common to each of the owners of lots in a land division, a home owner's association or similar legally constituted body shall be created to maintain such land.

Sec. 14-1-83 Improvements.

- (a) The applicant shall be responsible for the installation of survey monuments in accordance with the requirements of Ch. 236.15, Wis. Stats.
- (b) Unless waived by the Zoning Committee, the applicant shall be responsible for the construction of all roadways to the standards specified in this Chapter.
- (c) The Zoning Committee may require the applicant to provide other improvements to insure quality land divisions which fulfill the intent of this Chapter. Such required improvements include the construction of sewer and water facilities, utility systems, drainage facilities, sidewalks, culverts, street lighting and signing, and other improvements deemed to be in the public

Sec. 14-1-84 Bonds.

- (a) The Zoning Committee may require the applicant to file with the County, a surety bond in which the applicant enters into a contract agreeing to install all required improvements. This contract and bond shall be subject to the approval of the District Attorney and may be in the form of a surety bond, certificate of deposit, certified check or other security equal in amount to the estimated cost of improvements.
- (b) Required improvements shall be made by the applicant or his/her agents not later than one (1) year from the date of final land division approval or at a later date specified by the Zoning Committee.
- (c) Verification of completion of improvements shall be made by the Zoning Department. Upon termination of the bonding period, or completion of improvements, the Zoning Committee shall determine to what extent improvements have been completed and shall return all or a commensurate portion of the bond.

Sec. 14-1-85 Streets and Roads.

- (a) Construction of public streets and roads shall conform with the applicable town and County standards and shall be consistent with the provisions found in Ch. 86.26, Wis. Stats.
- (b) Streets and roads shall be located with due regard to topographical conditions, natural features, existing and proposed utilities and land uses, and public safety and convenience. Where practicable, streets shall intersect at right angles to afford maximum visibility.
- (c) The minimum frontage for lots on the outer edge of a curved street shall be one hundred (100) feet, as measured by the shortest horizontal straight line which can be established between points on the side lot lines at the road frontage end of a lot or parcel. At least one point along the horizontal straight line must lie on the right of way line.
- (d) The minimum frontage for lots fronting on a cul-de-sac shall be fifty (50) feet as measured along the arc between the points where the side lines of a lot intersect the outer edge of the cul-de-sac.
- (e) All cul-de-sacs shall have a minimum radius of no less than forty-five (45) feet.

Sec. 14-1-86 Planned Unit Developments.

Regulations for planned unit developments, condominiums, resorts, multiple unit dwellings, motels and hotels, shall be governed by Section 13-1-29 of the Bayfield County Zoning Code and applicable provisions of this Chapter.