

Chapter 14.04

Title, Purpose, and Scope

Sections:

14.04.010 Title.

14.04.020 Purpose.

14.04.030 Scope.

14.04.010 Title.

This title shall be known, and may be cited as, the zoning ordinance of the Village of Oakfield, Wisconsin. (Ord. dated 12/10/82 § 1.1)

14.04.020 Purpose.

These regulations are made for the purpose of promoting health, safety, morals and the general welfare of the village, and to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements and to minimize flood losses in areas subject to flood hazards. (Ord. dated 12/10/82 § 1.2)

14.04.030 Scope.

It is not intended by this title to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or resolutions, except those specifically repealed by the ordinance codified in this title or amendments hereto, or with private restriction placed upon property by covenant, deed, or other private agreement, or with restrictive covenants running with the land to which the village is a party. Where this title imposes a greater restriction upon land, buildings or structures than is imposed or required by such existing provisions of

law, ordinance, resolution, contract or deed, the provisions of this title shall control. (Ord. dated 12/10/82 § 1.3)

Chapter 14.08

Rules of Construction and Definitions

Sections:

14.08.010 Rules of construction.

14.08.020 Definitions.

14.08.010 Rules of construction.

The following rules shall apply in the construction and interpretation of this title and of the terms used herein:

A. The present tense includes the future.

B. The masculine gender includes the feminine and the neuter.

C. The singular number includes the plural, and vice versa.

D. The word "shall" is always mandatory; the word "may" is always permissive.

E. The word "person" includes a partnership, association, firm, trust, club, company or corporation, as well as an individual.

F. The word "used" or "occupied" or "located" as applied to any land, building, use, structure or premises shall be construed to include the words "intended, arranged or desired to be used or occupied or located."

G. The word "lot" shall include the words "plot" and "parcel." (Ord. dated 12/10/82 § 2.1)

14.08.020 Definitions.

Unless otherwise expressly stated, for the purpose of this title, the following terms, phrases, words and their derivations shall have the meaning herein indicated:

A. Governmental units, boards and officials.

"Board" means the board of appeals of the village.

"Plan commission" means the plan commission of the village, or if there be none, it means the Fond du Lac County planning agency.

"Village" means the Village of Oakfield,

county of Fond du Lac, Wisconsin.

"Village board" means the governing body of the village.

"Zoning officer" means the officer designated by the village board to enforce this title.

B. General terms.

"Accessory," as applied to a building, structure or use, means one which is on the same lot with, incidental and subordinate to the main or principal structure or use, and which is used for purposes customarily incidental to the main or principal structure, or the main or principal use.

"Alter" or "alteration" means any change in the bearing walls, columns, beams, girders, or supporting members of a structure; any change or rearrangement in the flow area of a building, any enlargement of a structure, whether by extending horizontally or by increasing in height, and/or any movement of a structure from one location or position to another.

"Block front" means property abutting on one side of a street and lying between the two nearest intersections or intercepting streets, or between the nearest intersecting or intercepting street and railroad right-of-way, waterway, unsubdivided area, or other definite boundary.

"Building" means an enclosed structure having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter or enclosure of persons, animals or chattels.

"Channel" means a natural or artificial water course of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

"Dwelling unit" means one or more rooms constituting all or part of a dwelling which are used exclusively as living quarters for one and not more than two roomers or boarders, and which contain a stove, sink and other kitchen facilities.

“Encroachment lines” means the lateral limit or line along each side and generally parallel to the stream or other bodies of water, within which no structure or fill may be added. Their purposes are to preserve the flood carrying capacity of the stream or other body of water and its floodplain, and to assure attainment of the basic objective of improvement plans that may be considered or proposed. Their location, if along a stream, should be such that the floodway between them will effectively carry and discharge a flood not less than the regional flood.

“Family” means an individual or two or more persons related by blood, marriage or adoption, or a maximum of five persons not so related together with his or their domestic servants and gratuitous guests maintaining a common household in a dwelling unit or lodging unit.

“Flood” means a temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.

“Floodplain” means a zoning district which is intended to include areas adjoining a water course or other body of water which has been or may be hereafter covered by floodwater.

“Floodway” means the channel of a stream or body of water and those portions of the floodplains which are reasonably required to carry and discharge the floodwater or flood flow of any river or stream.

“Height” means the vertical measurement from the average level of the surface or the ground immediately surrounding a structure to the ridgeline of the roof of the structure, or if unroofed, to the highest point of such structure.

“Home occupation” means a gainful occupation or profession conducted entirely within a dwelling or in a structure accessory thereto, or conducted in connection with a dwelling, and carried on by the residents therein, provided such occupation or

profession is clearly incidental and secondary to the use of the dwelling for residential living purposes and no persons other than those using the premises for residential living purposes are engaged in the conduct of the home occupation.

“Junkyard” means a lot, land, building or structure, or part thereof, used primarily for the collecting, storage and/or sale of waste paper, rags, scrap metal, or discarded material or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and for sale of parts therefrom.

Lots:

“Lot” means a single property, parcel, unit, tract or plot designated to be used as unit under single ownership or control, and which may be occupied by one or more structures and accessory structures, or uses customarily incidental to it, including such open spaces as are arranged and designed to be used in connection with such structures. A “zoning lot” may or may not coincide with a lot of record.

“Corner lot” means a lot located:

1. At the junction of and abutting two or more intersecting streets; or
2. At the junction of and abutting a street and the nearest shoreline or high water line of a storm water or flood water runoff channel or basin; or
3. At the junction of and abutting two or more storm water or flood water runoff channels or basins; or
4. At and abutting the point of abrupt change of a single street where the interior angle is less than one hundred thirty-five (135) degrees and the radius of the street is less than one hundred (100) feet.

“Lot of record” is a lot that exists as shown or described on a plat or deed in the

records of the Office of the County Register of Deeds, prior to the effective date of the zoning ordinance, December 10, 1982.

“Lot depth” means the average distance from the front to the rear lot lines measured in the general direction of the side lot lines.

“Lot, interior” means a lot other than a corner lot.

“Lot width” means the horizontal distance between the side lot lines measured along a straight line between them at a point as determined by the front yard depth.

“Manufactured home” means a dwelling structure certified and labeled as a manufactured home under 42 U.S.C., Sec. 5401 to 5426, which, when placed on site:

1. Is set on an enclosed foundation in accordance with 70.043(1), Stat., and subchapters III, IV, and V of Ch. 1L11R21, Wisconsin Administrative Code, or is set on a comparable enclosed foundation system approved by the building inspector;

2. Is installed in accordance with the manufacturer’s instructions;

3. Is properly connected to utilities, per building code.

“Mobile home” means any portable or mobile vehicle, mobile home, or structure intended for or capable of human habitation. For the purpose of this chapter, such vehicle shall be classified as a mobile home whether or not its wheels, rollers, skids, or other rolling equipment have been removed, or whether or not any addition thereto has been built on the ground. The term “mobile home” shall not include a dwelling classified as a manufactured home as defined above.

“Mobile home park” means a park, court, site, lot, parcel, or tract of land designed, maintained, intended, or used for the purpose of supplying a location or accommodations for two or more mobile homes and shall include all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the mobile

home park and its facilities. The term “mobile home park” shall not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for purposes of inspection and sale.

“Niagara Escarpment” means a discontinuous bedrock-controlled, geomorphologic feature composed of any and all outcrops that form a rock ridge or series of ridges at the bedrock surface along the western edge of the Silurian (Niagaran) outcrop belt. For regulatory purposes, this area is defined as an area which contains soil types, as defined by the NRCS Fond du Lac County Soil Survey, as Rm (lack of soil), located specifically within sections 13, 14, 22, 23, and 24, T14N, R16E. Where no outcrop is present on the surface of the land, the Niagara Escarpment shall be defined by connecting the nearest points of adjacent soil polygons from base to base, and crest to crest. This definition is subject to field verification and site-specific mapping during the development review and approval process. Reference points for measurement of buffers are made from either the base/toe or crest/brow (see subsequent definitions) of the Niagara Escarpment, or the linear extension of this soil type where no outcropping is present. Exhibit 1 illustrates this feature based on the definition.

“Niagara Escarpment Base or Toe” means the lowest elevation of any exposed bedrock outcropping or talus slope associated with the Niagara Escarpment (See Exhibit 1).

“Niagara Escarpment Crest or Brow” means the highest elevation of any exposed bedrock outcropping or talus slope associated with the Niagara Escarpment (See Exhibit 1).

“Talus Slope” means the area located at the base of an exposed bedrock outcropping of the Niagara Escarpment that is comprised of loose rocks or other debris which has separated from the outcrop face (See Exhibit 1). (Ord. 2004-11

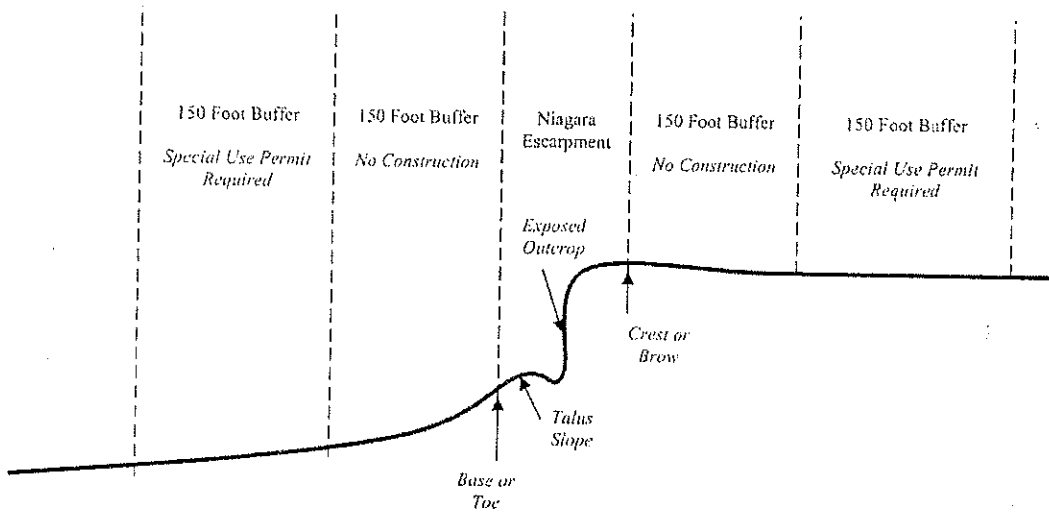


Exhibit 1 – Illustration of NE District Zones and Definitions

“Nonconforming use” means a building or premises lawfully used or occupied at the time of the passage of the ordinance codified in this title or amendments thereto, which use or occupancy does not conform to the regulations of this title or any amendments thereto.

“Premises” meanse a lot or tract of land and any structure located thereon.

“Public water supply” means a system of providing a potable water supply to two or more premises, including all associated structures, wells, distribution system and wich is approved by the Wisconsin Department of Natural Resources as a public water supply.

“Sanitary sewer” means a constructed conduit for the collection and carrying of liquid and solid sewage wastes from two or more premises, other than storm water, to a sewage treatment plant, and which is approved by the Wisconsin Department of Natural Resources.

“Setback line” means the minimum horizontal distance between the street line and the nearest building wall running parallel to the street.

“Sign” means any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government, or governmental agency, or any civic, charitable, religious, patriotic, fraternal, or similar organization, or any sign indicating address. (Ord. 2001-17)

“Speical use” means a use which is necessary or desirable for the public welfare, but which is potentially incompatible with the uses normally permitted in the zoning district. The phrase “special use” shall include and mean the same thing as the phrase “conditional use” and the phrase “conditional use” shall include and mean the same thing as the phrase “speical use”. (Ord. 2001-17)

“Story” means that portion of a building included between the surface of a floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having one-half or more of its height above grade shall be deemed a story for purposes of height regulation.

“Story, half” means the space under any roof, except a flat roof, wich is occupied for residential purposes, and shall be counted as a full story

“Street” means a thoroughfare within the right-of-way which affords the principal meanse of access to abutting property. A street may be designeated as an avenue, boulevard, drive, highway, expressway, lane, parkway, place, road, thoroughfare, or by other appropriate names. Streets are identified according to type of use.

1. “Highway” means a street designated on the official zoning map and representing a state or county trunk highway serving local, as well as through traffic.
2. “Collector street” means a street designated on the official zoning map generally meant to serve secondary traffic between highways and minor streets.
3. “Minor street” means a street designated on the official zoning map and primarily designed to provide access to abutting property, and to gather individual trips for delivery to a collector street.

“Structure” means anything constructed or erected with a fixed location on the surface of the ground, or affixed to something having a fixed location on the surface of the ground, or affixed to something having a fixed location on the surface of the ground, including, but not limited to, buildings, walls, swimming

pools, fences, billboards, and signs. The term "structure" shall include any projection thereof unless specifically exempt in this title.

"Structure, main or principal" means the structure in or on which is conducted the main or principal use of the lot on which it is located.

"Subdivision" means and includes any division of a parcel of land by the owner or his agent for the purpose of sale or building development where:

1. The act of division creates two or more parcels of one and one-half acres or less.
2. Two or more parcels of one and one-half acres or less each are created by successive divisions within a five-year period.

"Use" means the specific purpose for which land, a structure, or a premises is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

"Warehouse" means a structure used primarily for storage of goods and materials.

"Yard" means an open space, other than a court, on the same lot with a structure, lying between the structure and the nearest lot line, and is unoccupied and unobstructed from the surface of the ground upward, except as may be specifically provided by the regulations and standards herein.

"Yard, front" means a yard extending the full width of a lot and situated between the front lot line and the nearest line of a structure located on said lot. Where a lot is located such that its rear and front lot lines each abut a street right-of-way line, both such yards shall be classified as front yards. Every yard of a corner lot facing a street right-of-way line shall be classified as a front yard.

"Yard, rear" means a yard extending the

full width of a lot and situated between the rear lot line and the nearest line of a structure located on said lot.

"Yard, side" means a yard situated between the side lot line and the nearest projection of a structure located on said lot and extending from the rear line of the front yard to the front line of the rear yard. (Ord. dated 10/9/96 prior code §§ 2.235, 2.240; Ord. dated 12/11/96 prior code § 2.2555; Ord. dated 12/10/82 § 2.2)