

Chapter 16.04
Introductory Provisions and Definitions

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16.04.010 Purpose and jurisdiction.

The purpose of this title shall be to regulate and control subdivision and division of land within the corporate limits and within the area of extra-territorial plat approval jurisdiction of the village of Oakfield in order: to regulate the subdivision of land to promote public health, safety and general welfare; to further the orderly layout and use of land; to prevent the overcrowding of land; to lessen congestion in the streets and highways; to provide for adequate light and air; to facilitate adequate provision for water, sewerage and other public requirements; to provide ingress and egress; and to promote proper monumenting of land subdivided and conveyancing by accurate legal description. The approvals to be obtained by the subdivider as required in this title are based on requirements designed to accomplish the aforesaid purposes. (Ord. dated 3/9/94 § 8.21)

16.04.020 General provisions.

A. The provisions contained in Chapter 235 of the Wisconsin Statutes governing the subdivision and platting of land, and such other state laws as may apply and any revisions or amendments thereof enacted by the State Legislature; the rules of the Department of Natural Resources relating to lot size and lot evaluation if the subdivision is not served by a public sewer and provisions for such service have not been made and relating to safety of access and preservation of the public

interest and investment in the streets if the subdivision abuts on a state trunk highway or connecting street; are all made a part hereof with the same force and effect as if here set out in full verbatim except that where the provisions of this title are more restrictive the provisions of this title shall apply.

B. Any division of land within the village or its extraterritorial plat approval jurisdiction which results in a subdivision as defined herein shall be and any other division may be, surveyed and a plat thereof made, approved and recorded as required by this title and Chapter 236 of the Wisconsin Statutes.

C. Any division of land other than a subdivision within the village or its extraterritorial plat approval jurisdiction, of which a plat has not been approved and recorded, shall be surveyed and a certified survey map of such division approved and shall be recorded with the Register of Deeds as required in Section 16.08.040 by this title and Chapter 236 of the Wisconsin Statutes.

D. The provisions of this title insofar as they may apply to divisions of less than five parcels shall not apply to:

1. Transfers of interests in land by will or pursuant to court order;

2. Leases for a term not to exceed ten years, mortgages, or easements;

3. 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 title or other applicable laws or ordinances. (Ord. dated 3/9/94 § 8.22)

16.04.030 Definitions.

A. General. In this title, all terms used which are defined in Chapter 236 of the Wisconsin Statutes shall have the same meaning as ascribed

thereto in the chapter, and as the chapter may hereafter be amended, unless otherwise defined in this title or unless the context or subject matter clearly indicates otherwise. All words used in the present tense include the future tense; the singular includes the plural and the plural the singular; the word "person" includes associations, co-partnerships, or corporations; and the word "shall" is mandatory while the word "may" is permissive.

B. Definitions of Words and Phrases.

"Alley" means a permanent public service way or right-of-way dedicated to public use, other than a street, place, road or easement, designed to provide a secondary means of access for the accommodation of abutting property.

"Block" means a unit of property entirely surrounded by public highways, streets, railroad rights-of-way, or other barriers, or a combination thereof.

"Building inspector" means the building inspector of the village of Oakfield, or his duly authorized representative.

"Building setback line" means a line within a lot or other parcel of land so designated on a preliminary plat which denotes the area between such line and the adjacent street right-of-way line where an enclosed building and other obstructions are prohibited, except those obstructions that are permitted by zoning ordinance regulations.

"Director" means the director of public works of the village of Oakfield.

"Drainage right-of-way" means the lands required for the installation of stormwater sewers or drainage ditches. They are required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

"Easement" means a quantity of land set aside over or under which a liberty, privilege, or advantage in land without profit, is dedicated and

is distinct from ownership of the land, is granted either to the public, a particular person, or a combination of both.

"Final plat" means the final map of all or a portion of the subdivision which is presented to the plan commission and village board for final approval in accordance with these regulations, and which, if approved by the village board, shall be entitled to be filed with the proper county recording officer.

"Gross land area" means the total amount of land to be subdivided including lots, streets, alleys, easements, any other land dedicated to the public, and any existing abutting right-of-way measured to the centerline of such right-of-way.

"Jurisdiction" means the corporate area of the village of Oakfield, and the unincorporated area contiguous thereto that is within one and one-half miles of the corporate limits.

"Land improvement" means any sanitary sewerage system, storm sewer system, water supply and distribution system, roadway, terrace, sidewalk, pedestrian pathway, no-access strip, off-street parking area or other improvement which the village of Oakfield requires under this title.

"Lot" means a portion of a subdivision or other parcel of land intended for transfer of ownership or for building development.

"Lot frontage" means the narrowest portion of the lot having access to a public street.

Lot Types.

1. "Corner lot" means a lot located at the intersection of two or more streets. A lot abutting a curved street or streets shall be considered a corner lot if tangent lines to the curve along the right-of-way line, drawn from the intersection of the right-of-way line and each side lot line form an angle of less than one hundred thirty-five (135) degrees.

2. "Butt lot" means a lot located at the end of a block between two corner lots.

3. "Interior lot" means a lot other than a corner lot with only one frontage on a street.

4. "Double frontage lot" means a lot other than a corner lot with frontage on more than one street.

"Master plan" means the composite elements of the master plan of the village of Oakfield and its environs, or any segment thereof, in the form of plans, maps, charts, and textual material, as adopted by the plan commission.

"Mini storm sewers" means a small diameter storm sewer installed by the developer to insure proper yard drainage and for the direct connection of sump pump lines directly into the storm sewer system.

"Net land area" means the amount of land to be subdivided, exclusive of streets, alleys, any other land dedicated to the public.

"No-access' strip" means a strip of land of at least twelve (12) feet wide along the rear lot line of a double-frontage lot and abutting a thoroughfare.

"Occupied lot" means any lot which contains a residential structure fit for human habitation.

"Official map" means an official policy guide adopted by the village board on the location of streets, recreation areas, schools, parks, and other municipal facilities.

"Owner" means any person, firm, corporation, partnership, association, organization, or any other group acting as a unit having sufficient proprietary interest in the land sought to be subdivided or divided to commence and maintain a proceeding under the provisions of this title.

"Pedestrian pathway" means a public way, usually running at right angles to streets, which is intended for the convenience of pedestrians only; it may also provide public utility rights-of-way.

"Plan commission" or "commission" means the village of Oakfield plan commission.

"Preliminary plan" means a generalized sketch or map of a tract of land used for preliminary study and discussion.

"Preliminary plat" means a tentative map or plan of a proposed subdivision prepared in accordance with the requirements of Section 16.08.020 of this title.

"Protective covenants" means contracts entered between private parties or between private parties and public bodies pursuant to Section 236.293, Wisconsin Statutes, which constitute a restriction on the use of all private or platted property within a minor land division or subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

"Right-of-way" means a strip of land used or intended to be used for pedestrian, vehicular, and utility line circulation and access for the general public. Said strip of land is that total area between the boundary lines of a street, alley or easement and not reserved for the exclusive right of any individual property owner and subject to the rights of the public usage.

"Roadway" means that portion of the street designated for vehicular use.

"Shorelands" means those lands within the following distances: one thousand (1,000) feet from the high-water elevation of navigable lakes, ponds and flowages or three hundred (300) feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.

"Sidewalk" means that portion of a street designated for pedestrian use.

"Street" means a right-of-way which affords primary means of access by pedestrians and vehicles to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane or however otherwise designated.

Street Types.

1. "Expressway" means a vehicular right-of-way with the roadway designed, planned

and intended entirely for the task of high volume traffic movement. Access to such expressway shall be fully controlled. All federal highways shall be designated as expressways.

2. "Major thoroughfare" means a street with a high degree of continuity which also serves as an arterial trafficway between the various districts of the village of Oakfield and its environs.

3. "Minor thoroughfare" means a street within a subdivision which has a wider roadway width than that of a minor street, and which is a prime entrance or circulation street. Its primary function is to collect and distribute traffic from minor streets.

4. "Minor street" means a street of limited continuity. Its primary purpose is to serve abutting properties.

5. "Frontage road" means a minor street which is parallel to and either adjacent to or within the right-of-way of an expressway or a major thoroughfare.

6. "Cul-de-sac" means a street having one end open to traffic and being permanently terminated by an adequate vehicular turnaround.

7. "Half street" means a street of less than the total required width along one or more property lines of a subdivision.

"Street width" means the shortest distance between the right-of-way lines of a given street.

"Subdivider" means any owner who proposes to or is engaged in developing or improving a tract of land which complies with the definition of subdivision as defined in this title.

"Subdivision" means a division of a lot, parcel or tract of land by the owner thereof or his agent for the purpose of sale or of building development, where:

1. The act of division creates five or more parcels or building sites any one of which is four acres or less in area; or

2. Five or more parcels or building sites any one of which is four acres or less in area which are created by successive divisions within a period of five years.

The public acquisition either by purchase or dedication of additive strips of land for the widening or opening of a street or other right-of-way is not a subdivision.

"Subdivision standards" means the basic land-planning principles established as guides for the preparation of preliminary plats.

"Surveyor" means a person certified by the Wisconsin Examining Board of Architects and Professional Engineers as a Registered Land Surveyor.

"Terrace" means an unpaved strip of land situated within the street.

"Vacant lot" means any lot not containing a residential structure fit for human habitation. A lot containing only a garage, barn, shed or other types of utility structures is considered vacant.

"Village" means the village of Oakfield.

"Village board" means the village board of the village of Oakfield.

"Village clerk" means the village clerk of the village of Oakfield.

"Village engineer" means the village engineer or a designated engineering consultant of the village of Oakfield.

"Wetlands" means an area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. (Section 23.32(1), Wisconsin Statutes) (Ord. dated 3/9/94 § 8.23)