## Chapter 16.20
## Variances and Exceptions

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### 16.20.005. PUD Exceptions

Where, in the judgement of the village board, on the recommendation of the plan commission through the adoption of a Planned Unit Development district, the village board may waive or modify any requirements to the extent deemed just and proper.

The plan commission shall not recommend nor shall the village board grant exceptions to the regulations of this title unless it shall make findings based upon the evidence presented to it in each specific case that:

A. the granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

B. this would not require meeting 16.20.020.

### 16.20.010 Application for variance.

Where, in the judgment of the village board, on the recommendation of the plan commission, it would be inappropriate to apply literally the provisions of this title because exceptional or undue hardship would result, the village board may waive or modify any requirements to the extent deemed just and proper. Application for any such variance shall be made in writing by the subdivider at the time when the preliminary plat is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans or other additional data which may aid the plan commission and village board in the analysis of the proposed project. (Ord. dated 3/9/94 § 8.27(1))

### 16.20.020 Conditions for variance.

The plan commission shall not recommend nor shall the village board grant variances or exceptions to the regulations of this title unless it shall make findings based upon the evidence presented to it in each specific case that:

A. The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

B. The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property.

C. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the strict letter of the regulations were carried out.

D. Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other similar properties in the vicinity. (Ord. dated 3/9/94 § 8.27(2))

### 16.20.030 Recommendation by plan commission and vote by village board.

Any recommendations by the plan commission shall be transmitted to the village board. The village board, if it approves the variance, shall do so by a majority vote of its membership and instruct the village clerk to notify the plan commission and the subdivider. (Ord. dated 3/9/94 § 8.27(3))

### 16.20.040 Procedure for amending

**title.**

Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this title or the desirable general development of the village in accordance with this title or the village zoning code, codified in Title 17 of this code. A majority vote of the entire membership of the village board shall be required to grant any modification of this title, and the reasons shall be entered in the minutes of the village board. (Ord. dated 3/9/94 § 8.27(4))

### 16.20.050 Condition for waiving the placing of monuments.

The village board may waive the placing of monuments, required under Section 236.15(b), (c) and (d), Wisconsin Statutes, for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monuments within the time required by the village. (Ord. dated 3/9/94 § 8.27(5))

## Chapter 16.24
## Administration and Enforcement

**Sections:**


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### 16.24.010 Building permit.

No building permit shall be issued by the governing official for the construction of any building, structure or improvement to the land or any lot within a subdivision as defined herein which has been approved for platting or re-platting until all requirements of this title and other pertinent ordinances have been fully complied with. (Ord. dated 3/9/94 § 8.28)

### 16.24.020 Occupancy permit.

No occupancy permit shall be granted by any governing official for the use of any structure within a subdivision or land division approved for platting or re-platting until required utility improvements have been installed and made ready to service the property; and that roadways providing access to the subject lot or lots have been constructed or are in the course of construction and are suitable for vehicular traffic. Required improvements include: sanitary sewer mains and laterals, water mains and laterals, storm sewers and street excavation and street base construction. Required building and lot improvements include but are not limited to: gutters and downspouts, water meter installation, lot grades to ± 1" of drainage plan, contrasting color house numbers, mail box, paved driveway, and thorough cleanup of construction materials. (Ord. dated 3/9/94 § 8.29)

### 16.24.030 Record of plats.

All plats of subdivisions, after the same have been submitted and approved as provided in this title, shall be filed and kept in a master book of plats to be maintained by the village of Oakfield among its permanent records. (Ord. dated 3/9/94 § 8.31)

### 16.24.040 Permits for utility services.

A. Private. A master permit shall be obtained from the building inspector for the installation of communication, cable television, electric power, gas and any other private utilities in public or private rights-of-way or easements as shown on the final plat, and a twenty-five-dollar ($25.00) permit fee shall be paid before installation is started. The master permit shall be issued to the developer and shall cover the installation of private utilities throughout the subdivision.

B. Public. A permit shall be obtained from the building inspector for the extension of public utilities such as water, sanitary sewer, laterals and storm sewer. Per Section 16.16.120, the cost of the permit shall be seventy-five dollars ($75.00) per lot and shall include the cost of plan review and inspection of utilities prior to acceptance by the village. (Ord. dated 3/9/94 § 8.33)

### 16.24.050 Fee for filing preliminary plat.

A fee of one dollar ($1.00) per lot, with a minimum fee of twenty-five dollars ($25.00) and a maximum fee of one hundred dollars ($100.00), shall be paid by the subdivider to the village at the time of filing the preliminary plat with the office of the village clerk. (Ord. dated 3/9/94 § 8.34)

### 16.24.060 Approval and inspection fees.

Any extraordinary costs incurred by the village for the approval of improvement plans and/or inspection during the course of construction shall

be paid by the subdivider. (Ord. dated 3/9/94 § 8.34)

**16.24.070 Public site fee.**

If the subdivider has elected not to dedicate public lands within his plat as provided in Section 16.12.070(A)(2), a fee for the acquisition or capital improvement of public sites to serve the future inhabitants of the proposed subdivision shall be paid to the village in the amount of one hundred twenty-five ($125.00) for each dwelling unit within the plat. The value of dedicated lands is to equal the number of dwelling units times one hundred twenty-five dollars ($125.00). (Ord. dated 3/9/94 § 8.36)

**16.24.080 Violations—Penalties-Appeals.**

A. It is unlawful to build upon, divide, convey, record or monument any land in violation of this title or the Wisconsin Statutes and no person, firm or corporation shall be issued a building permit by the village authorizing the building on, or improvement of, any subdivision, land division or replat with the jurisdiction of this title not of record as of the effective date of the ordinance codified in this title until the provisions and requirements of this title have been fully met. The village may institute appropriate action or proceedings to enjoin violations of this title or the applicable Wisconsin Statutes.

B. Penalties.

1. Any person, firm or corporation who fails to comply with the provisions of this title shall, upon conviction thereof, forfeit no less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) and the costs of prosecution for each violation, and in default of payment of such forfeiture costs shall be imprisoned in the county jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

2. Recordation improperly made has penalties provided in Section 236.30 Wisconsin Statutes.

3. Conveyance of lots in unrecorded plats has penalties provided in Section 236.31 Wisconsin Statutes.

4. Monuments disturbed or not placed have penalties as provided for in Section 236.32 Wisconsin Statutes.

5. Assessor's plat made under Section 70.27 of the Wisconsin Statutes may be ordered by the village as a remedy at the expense of the subdivider when a subdivision is created by successive divisions.

C. Appeals. Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Sections 236.13(5) and 62.23(7)(e)10, 14 and 15 of the Wisconsin Statutes, within thirty (30) days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory. (Ord. dated 3/9/94 §§ 8.30, 8.37)