

## ARTICLE B

### Definitions

#### SEC. 14-1-10 DEFINITIONS.

- (a) The following definitions shall be applicable in this Chapter:
- (1) Alley. A public right-of-way which normally affords a secondary means of vehicular access to abutting property.
  - (2) Arterial Street. A street which provides for the movement of relatively heavy traffic to, from or within the Village. It has a secondary function of providing access to abutting land and to collector and minor streets.
  - (3) Bikeway. A bike route completely apart from a street and restricted to bicycle, pedestrian, and maintenance vehicle traffic.
  - (4) Block. An area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision and streams or water bodies.
  - (5) Building Line or Building Setback Line. A line parallel to a lot line and at a distance from the lot line so as to comply with the yard and setback requirements of the Village Zoning Code, or any restriction on the plat which identifies a line on the plat as a building setback line.
  - (6) Village. The Village of Marshall, Dane County, Wisconsin, and, where appropriate, its Village Board, commissions, committees and authorized officials.
  - (7) Collector Street. A street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.
  - (8) Commission. The Plan Commission created by the Village Board pursuant to Sec. 62.23 of the Wisconsin Statutes.
  - (9) Comprehensive Development Plan. A comprehensive plan prepared by the Village indicating the general locations recommended for the various functional classes of land use, places and structures and for the general physical development of the Village and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
  - (10) Concept Plan. A preliminary drawing, made to approximate scale, of a proposed land division for discussion purposes.
  - (11) Condominium Development. A real estate development in which a condominium form of ownership pursuant to Chapter 703, Wis. Stats., is utilized.
  - (12) Consolidation. Legally merging two (2) or more recorded parcels into a single parcel.
  - (13) Conveyance. Where the title or any part thereof is transferred by the execution of a land contract, option to purchase, offer to purchase and acceptance, deed or certified survey.

- (14) Cul-de-sac. A short street having but one (1) end open to traffic and the other end being permanently terminated in a vehicular turnaround.
- (15) Dead End Street. A street permanently or temporarily closed at one end, with or without turnarounds.
- (16) Division of Land. A division of a lot, parcel or tract of land by the owner thereof or the owner's agent for any purpose, including sale or development.
- (17) Drainage way. An open area of land, either in an easement or dedicated right-of-way, the primary purpose of which is to carry storm water on the ground surface in lieu of an enclosed storm sewer. Drainage ways may serve multiple purposes in addition to their principal use including, but not limited to, maintenance, bicycle and pedestrian traffic, sanitary sewers, water mains, storm sewers, storm water detention, park development, and other related uses. Drainage ways may also be referred to as "greenways."
- (18) Easement. The area of land set aside or over or through which a liberty, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.
- (19) Extraterritorial Plat Approval Jurisdiction. The unincorporated area within one and one-half (1-1/2) miles of a fourth-class city or a village and within three (3) miles of all other cities.
- (20) Final Plat. The final map, drawing or chart, on which the subdivider's plan of subdivision is presented for approval and which, if approved, will be submitted to the County Register of Deeds.
- (21) Frontage Street. A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
- (22) Half Street. A street, either existing as or proposed to be, half of the required right-of-way width with the intention that the adjoining half will be platted at the time the adjoining lands are subdivided; or an existing street, of which, due to reasons of ownership, only half of the right-of-way is within the boundaries of a proposed land division or annexation.
- (23) Improvement, Public. Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip or other facility for which the Village may ultimately assume the responsibility for maintenance and operation.
- (24) Local Street. A Street of little or no continuity designed to provide access to abutting property and leading into collector streets.
- (25) Lot. A parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this Chapter and any applicable zoning ordinance.
- (26) Lot, Area. The area contained within the exterior boundaries of a lot excluding streets, and land under navigable bodies of water.
- (27) Lot, Corner. A lot abutting intersecting streets at their intersection.
- (28) Lot Depth. The average dimension of a parcel measured from the rear lot line to the front lot line along each side yard setback.
- (29) Lot Lines. The peripheral boundaries of a lot as defined herein.

- (30) Lot. Reversed Corner. A corner lot which is oriented so that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.
- (31) Lot. Through. A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a “through lot”, both street lines shall be deemed front lot lines.
- (32) Lot Width. The width of a parcel of land measured along the front building line.
- (33) Major Thoroughfare. A street used or intended to be used primarily for fast or heavy through traffic. Major thoroughfares shall include freeways, expressways and other highways and parkways, as well as arterial streets.
- (34) Master Plan. An extensively developed plan, map, or other document pertaining to planning and adopted by the Village Board or other Village agency which may pertain to the division of lands, including the Comprehensive Development Plan, the Official Map, comprehensive utility plans, and other planning documents including proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as ordinances pertaining to zoning, official map, land division, and building development and capital improvement plans shall be considered as planning documents within this definition.
- (35) Minor Street. A street used, or intended to be used, primarily for access to abutting properties; also referred to as a “local street.”
- (36) Minor Subdivision (Certified Survey). The division of land by the owner or subdivider resulting in the creation of not more than four (4) parcels or building sites, any one (1) of which is thirty-five (35) acres in size or less, or the division of a block, lot or outlot within a recorded subdivision plat into not more than four (4) parcels or building sites without changing the exterior boundaries of said block, lot or outlot.
- (37) Official Map. A map indicating the location, width, and extent of existing and proposed streets, highways, drainage ways, parks, playgrounds; and other facilities, as adopted by the Village Board pursuant to Chapter 62, Wis. Stats.
- (38) Outlot. A parcel of land, other than a lot, so designated on a plat or certified survey and which is not intended for building or structure development, in the proposed land division.
- (39) Owner. Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these, having any pecuniary interest in lands regulated by this Chapter.
- (40) Parcel. Contiguous lands under the control of a subdivider whether or not separated by a combination of streets, exterior subdivision boundary lines, streams, or other water bodies.
- (41) Person. Includes the plural as well as the singular and may mean any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity.
- (42) Planned Commercial Site. A specified area of land comprising one (1) or more contiguous ownership parcels or building sites for nonresidential uses and which area is legally limited by a reciprocal land use agreement

and plan of building placement, reciprocal use of off-street parking facilities and reciprocal use of ingress and egress facilities for each building, loading and parking site. A planned commercial site must have a plan and reciprocal land use agreement approved by the Village recorded in the office of the Dane County Register of Deeds. An approved plan and reciprocal land use agreement may not be changed without approval by the Village. No portion of a planned commercial site may include or front on a street, highway, walkway, parkway, or utility route designated in the Master Plan or Official Map at the time of initial recording unless the designated facility is in public ownership or easement.

- (43) Planned Unit Development or PUD. A form of development, usually characterized by a unified site design, for a number of housing units. The concept usually involves clustering of buildings, providing common open space, and mixing different types of housing (single family, duplexes, and multi-family). Ordinances permitting planned unit developments permit planning a project and calculating densities for the entire development rather than on an individual lot by lot basis. It is hereby declared that regulating planned unit developments require greater involvement of public officials in site plan review and development aspects of both zoning and land division regulation since such developments require exceptions from both types of regulation.
- (44) Pedestrian Pathway. A public way, usually running at right angles to streets, which is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.
- (45) Plat. The map, drawing or chart on which the subdivider's plat of subdivision is presented to the Village for approval.
- (46) Preliminary Plat. The Preliminary Plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Plan Commission for its consideration as to compliance with the Comprehensive Development Plan and these regulations along with required supporting data.
- (47) Protective Covenants. Contracts entered into between private parties or between private parties and public bodies pursuant to Sec. 236.293, Wis. Stats., which constitute a restriction on the use of all private or platted property within a 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.
- (48) Replat. The process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.
- (49) Residential Dwelling Unit or Dwelling Unit. A single family dwelling or part of a duplex, apartment, or other multiple family dwelling occupied by one (1) family or one (1) distinct set of inhabitants or occupants.
- (50) Right-of-way. A public way dedicated to the public for its intended use.
- (51) Shorelands. 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.
- (52) Street. A public way for pedestrians and vehicular traffic and utility access including but not limited to highways, thoroughfares, parkways, through highways, roads, avenues, boulevards, lanes, places, and courts, and any pavements, turf, fixtures, facilities, structures, plantings, signs, and other elements of the right-of-way.
- (53) Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground, excepting public utility fixtures and appurtenances.
- (54) Subdivider. Any person, firm, corporation, agent, partnership, or entity of any sort, which divides or proposes to divide, by plat or certified survey, or replat land in any manner, including such heirs and assigns as may be responsible for the obligations of the subdivider under the provisions of this Chapter.
- (55) Subdivision. Subdivision is a division of a lot, parcel or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development where:
- a. The act of division creates five (5) or more parcels, lots or building sites of thirty-five (35) acres each or less in area; or
  - b. Five (5) or more parcels, lots or building sites of thirty-five (35) acres each or less in area are created by successive divisions within a period of five (5) years.
- (56) Urban Service Area. That portion of the Village and the area within its extraterritorial jurisdiction which has been designated by the Village Board as the area to which services required in urban areas shall be provided in a planned and orderly process, particularly those facilities which are placed on or in the land as part of the urban development process. Such services include, but are not limited to, public sanitary and storm sewers, water supply and distribution system, streets and highways.
- (57) Wetlands. 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. (Sec. 23.32(1), Wis. Stats.)
- (58) Wisconsin Administrative Code. The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system, as directed by Sec. 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

**SEC. 14-1-11 THROUGH SEC. 14-1-19 RESERVED FOR FUTURE USE**