

ORDINANCE 98-1

TOWN OF SUGAR CREEK

**An Ordinance Repealing and Recreating the
Town of Sugar Creek Subdivision Ordinance**

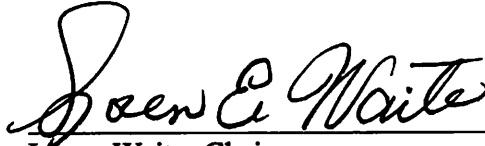
The Town Board of the Town of Sugar Creek does hereby ordain as follows:

1. That the Subdivision Ordinance currently in existence as part of the Town of Sugar Creek Municipal Code is hereby repealed in its entirety.
2. That the attached ordinance containing subdivision regulations, as more specifically set forth in the body of this ordinance, is hereby adopted to read as follows:

3. That this ordinance shall take effect upon its passage and publication as provided by law; In lieu thereof, upon notice and public access at the Town Hall.

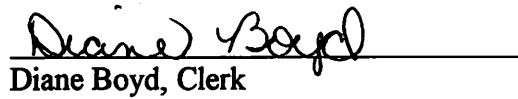
Dated this 17th day of August, 1998.

Town of Sugar Creek

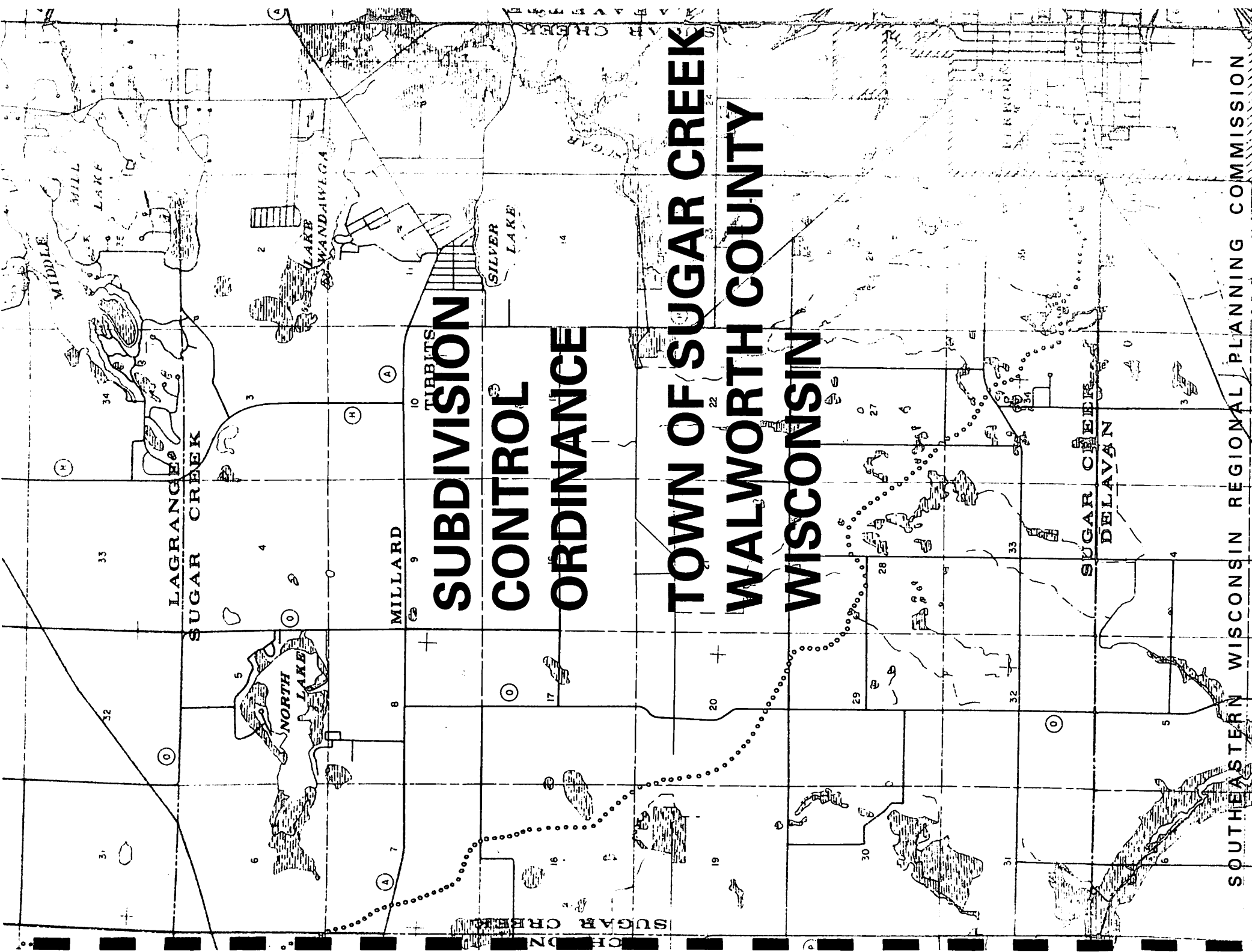
A handwritten signature in cursive script that reads "Loren E. Waite". The signature is written in black ink and is positioned above a horizontal line.

Loren Waite, Chairman

Attest:

A handwritten signature in cursive script that reads "Diane Boyd". The signature is written in black ink and is positioned above a horizontal line.

Diane Boyd, Clerk



**SUBDIVISION
CONTROL
ORDINANCE**

**TOWN OF SUGAR CREEK
WALWORTH COUNTY
WISCONSIN**

TOWN OF SUGAR CREEK OFFICIALS

Town Board

Chairperson Loren Waite
Supervisors Charles Papcke
Dale Wuttke

Town Plan Commission

Chairperson Loren Waite
Members Edward Nezworski
Dorothy Bever
Walter Utter
Henry Schmitt
Sarah Delazzer
Dale Wuttke

Town Clerk
Diane Boyd

Town Attorney
Patrick Hudec

Town Treasurer
Sharri Loveless

**Town of Sugar Creek
Walworth County, Wisconsin**

Ordinance #98-1

SUBDIVISION CONTROL ORDINANCE

**Adopted May 20, 1996
Repealed, Recreated and Re-adopted August 17, 1998**

**Prepared By: Southeastern Wisconsin Regional Planning Commission
916 N. East Avenue
P.O. Box 1607
Old Courthouse
Waukesha, Wisconsin 53187-1607**

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**SUBDIVISION CONTROL ORDINANCE
TOWN OF SUGAR CREEK, WALWORTH COUNTY, WISCONSIN**

SECTION 1.00 INTRODUCTION

1.01 AUTHORITY

These regulations are adopted under the authority granted by Section 236.45 of the Wisconsin Statutes.

1.02 TITLE

This Ordinance shall be known as the SUBDIVISION CONTROL ORDINANCE, TOWN OF SUGAR CREEK, WALWORTH COUNTY, WISCONSIN.

1.03 PURPOSE

The purpose of this Ordinance is to regulate and control the division of land within the civil boundaries of the Town in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the community.

1.04 INTENT

It is the intent of this Ordinance to regulate the division of land so as to lessen congestion in the streets and highways; to further the orderly layout and appropriate use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements; to facilitate the further division of larger tracts into smaller parcels of land; to ensure adequate legal description and proper survey monumentation of subdivided land; to provide for the administration and enforcement of this Ordinance; to provide penalties for its violation and in general to facilitate enforcement of community development standards as set forth in the applicable comprehensive plan, comprehensive plan components, zoning codes, building codes and official maps.

1.05 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

1.06 INTERPRETATION

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, shall be liberally construed in favor of the Town, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

1.07 SEVERABILITY

If any section, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court jurisdiction, the remainder of this Ordinance shall not be affected thereby.

1.08 REPEAL

All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

1.09 DISCLAIMER OF LIABILITY

The Town does not guarantee, warrant, or represent that only those areas delineated as floodlands on plats and certified survey maps will be subject to periodic inundation, nor does the Town guarantee, warrant, or represent that the soils shown to be unsuited for a given land use from tests required by the Ordinance are the only unsuited soils within the jurisdiction of this Ordinance; and thereby assets that there is no liability on the part of the Town Board of Supervisors, its agencies or agents, or employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with this Ordinance.

SECTION 2.00 DEFINITIONS

2.01 GENERAL DEFINITIONS

For the purposes of this Ordinance, the following definitions shall apply. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular. The word "shall" is mandatory.

2.02 SPECIFIC WORDS AND PHRASES

Advisory Agency. Any agency, other than an objecting agency, to which a plat or certified survey map may be submitted for review and comment. An advisory agency may give advice to the Town any suggest that certain changes be made to the plat or certified map, or it may suggest that a plat or certified survey map be approved or denied. Suggestions made by an advisory agency are not, however binding on the Sugar Creek Town Board or on the Town Plan Commission. Examples of advisory agencies include the Walworth County Land Conservation Committee, the Southeastern Wisconsin Regional Planning Commission, and local utility companies.

Alley. A special public way affording only secondary access to abutting properties.

Arterial Street. A street used, or intended to be used, primarily for fast or heavy through traffic. Arterial streets shall include freeways and expressways as well as standard arterial streets, highways, and parkways.

Back Lot Development. The practice whereby a lot, outlot, or common open space is used for waterfront access by a large number of lots located away from the water body; also known as "lot pyramiding," "keyhole development," and "development funneling."

Basement. An area below the first floor, having part but no more than one-half of its height above grade.

Block. A tract of land bounded by streets, or a combination of streets, public parks, cemeteries, railroad rights-of-way, bulkhead lines, shorelines of waterways, and city, village or town boundaries.

Building. Any structure having a roof supported by columns or walls.

Building Line. A line parallel to a lot line and at a distance from the lot line to comply with the building setback requirements of the Walworth County Zoning Ordinance.

Building Setback Line. See Building Line.

Collector Street. A street used, or intended to be used, to carry traffic from minor streets to the system of arterial streets, including the principal entrance streets to residential developments.

Comprehensive Plan. The extensively developed plan, also called a master plan, adopted by the Town Plan Commission and certified to the Town Board pursuant to Sections 61.35 and 62.23, of the Wisconsin Statutes. Comprehensive Plans may include a master plan prepared and adopted by the Southeastern Wisconsin Regional Planning Commission and the Walworth County Park and Planning Commission. The master plan may include detailed neighborhood plans, and proposals for future land use, transportation, and public facilities.

Condominium. Property subject to a condominium declaration as defined, regulated, and established under Chapter 703 of the Wisconsin Statutes. A condominium is a legal form of ownership, and not a specific building type or style.

County Planning Agency. The Walworth County Planning, Zoning, and Sanitation Committee, authorized by statute to plan land use within Walworth County.

Cul-de-sac Street. A local street with only one outlet and having an appropriate turn-around for vehicular traffic.

Final Plat. A map prepared in accordance with the requirements of Chapter 236 of the Wisconsin Statutes, the Walworth County Subdivision Control Ordinance, and this Ordinance for the purpose of dividing larger parcels into lots and conveying those lots. The lines showing where lots and other improvements are located are precise.

Floodlands. Those lands, including the floodplains, floodways, and channels, subject to inundation by the 100-year recurrence interval flood or, where such data is not available, the maximum flood of record.

Floor Area, First. The square foot area of a dwelling unit on its lowest floor completely above grade, excluding the basement or cellar, measured from the exterior faces of the walls, including fully enclosed porches, but excluding open porches, breezeways, terraces, exterior stairways, and garages.

Floor Area, Total. The sum of the areas of the several floors of a dwelling unit, as measured from the exterior faces of the walls, including fully enclosed porches, but excluding open porches, breezeways, terraces, exterior stairways, garages, basements, cellars, and attics.

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.

High Water Elevation (Surface Water). The average annual high water level of a pond, stream, lake, flowage, or wetland referred to an established datum plane or, where such elevation is not available, the elevation of the line up to which the presence of the water is so frequent as to leave a distinct mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic, geologic, or vegetative characteristic.