

Chapter 4

Land Division Ordinance

Town of Lyons Walworth County, Wisconsin

Adopted by the Town of Lyons Town Board
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Conservation Subdivision Plat Review Procedure

Certified Survey Map (CSM) Review Procedure

Plat Review Checklist

CHAPTER 4.1 INTRODUCTION

4.1.1 AUTHORITY

These regulations are adopted under the authority granted by Section 236.45 of the Wisconsin Statutes. Therefore, the Town Board of Supervisors of the Town of Lyons, Walworth County, Wisconsin, do ordain as follows:

4.1.2 PURPOSE

The purpose of this Ordinance is to regulate and control the division of land within the limits of the Town of Lyons, Walworth County, Wisconsin, in order to promote the public health, safety, prosperity, aesthetics, and general welfare of the Town and its environs.

4.1.3 INTENT

It is the general intent of this Ordinance to regulate the division of land so as to:

- A. To guide the future growth and development of the community in accordance with adopted 2020 Land Use Plan for the Town of Lyons, Wisconsin.
- B. To preserve the rural character and protect environmentally sensitive lands through the permanent preservation of open space and natural resources.
- C. To preserve scenic views by minimizing views of any new development from existing roads.
- D. To allow housing to be concentrated on portions of a parcel that have low agricultural potential or low environmental value.
- E. To provide commonly-owned open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community.
- F. To provide buffering between residential development and non-residential uses.
- G. To minimize disturbance to environmentally sensitive areas, protect biological diversity and wildlife resources, and maintain environmental corridors.

- H. To facilitate adequate provision for housing, transportation, water supply, storm water, wastewater, schools, parks, playgrounds, emergency services, and other public facilities and services.
- I. To prevent flood damage to persons and properties, and to prevent and control erosion, sedimentation, and other pollution of surface and subsurface waters.
- J. To ensure adequate legal description and proper survey monumentation of subdivided land.
- K. To provide for the administration and enforcement of this Ordinance, and to provide penalties for its violation.

4.1.4 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 laws. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

4.1.5 INTERPRETATION

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and 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.

4.1.6 SEVERABILITY

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

4.1.7 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.

4.1.8 TITLE

This Ordinance shall be known as, referred to, or cited as the "LAND DIVISION ORDINANCE, TOWN OF LYONS, WALWORTH COUNTY, WISCONSIN".

SECTION 4.2 GENERAL PROVISIONS

4.2.1 JURISDICTION

Jurisdiction of these regulations shall include all unincorporated lands within the Town of Lyons, Walworth County, Wisconsin. The provisions of this Ordinance as it applies to divisions of tracts of land shall not apply to:

- A. Transfers of interests in land by will or pursuant to court order.
- B. Leases for a term not to exceed 10 years, mortgages, or easements.
- C. Cemetery plats made under Wisconsin Statutes 157.07.
- D. Assessors' plats made under Wisconsin Statutes 70.27 but such assessors' plats shall comply with Wisconsin Statutes 236.15(1)(a) to (g) and 236.20(1) and (2)(a) to (e).

4.2.2 COMPLIANCE

No person, firm, or corporation shall divide any land located within the jurisdictional limits of these regulations so that such division results in a condominium, planned development, subdivision, certified survey map, or replat shall be entitled to recording; and, no street shall be laid out or improvements made to land without compliance with all requirements of this Ordinance and the following documents:

- A. Chapter's 236 and 703 of the Wisconsin Statutes.
- B. Rules of the Wisconsin Department of Commerce regulating lot size and lot elevation if the land to be subdivided is not served by public sewer and provisions for such services have not been made.
- C. Rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting street.
- D. Rules of the Wisconsin Department of Natural Resources regulating development within floodplain, wetland and shoreland areas.
- E. Adopted 2020 Land Use Plan for the Town of Lyons, Wisconsin.
- F. All other applicable state, county, and local ordinances and regulations.

4.2.3 DEDICATION AND RESERVATION OF LANDS

Streets, highways, drainage ways, and open spaces: Whenever a tract of land to be divided within the jurisdiction of this Ordinance encompasses all or any part of an arterial or collector street, drainageway, or open space area, which has been designated on a duly adopted Town or regional comprehensive plan or comprehensive plan component, said street or public area shall be made a part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or component and as set forth in Section 4.12.10 of this Ordinance.

4.2.4 REVIEW FEES

All land divisions and land development within the Town of Lyons are subject to the provisions of Appendix C – Fees. Appropriate fees are required for all submittals in order to be placed on the Plan Commission or Town Board meeting agenda.

4.2.5 IMPACT FEE ORDINANCE

All land divisions and land development within the Town of Lyons is subject to the provisions of the Town of Lyons Impact Fee Ordinance, Chapter 28, of the Town of Lyons Municipal Code.

4.2.6 IMPROVEMENTS

Before final approval of any plat located within the jurisdiction limits of this Ordinance, the subdivider shall install street and utility improvements as hereinafter provided. If such improvements are not installed as required at the time that the final plan is submitted for approval, the subdivider shall, before the recording of the plat, enter into a contract with the Town agreeing to install the required improvements and shall file with said contract a bond or letter of credit meeting the approval of the Town Attorney or a certified check in an amount equal to the estimated cost of the improvements--said estimate to be made by the Town Plan Commission after review and recommendation by the Town Engineer--as a guarantee that such improvements will be completed by the subdivider or his subcontractors not later than three years from the date of recording of the plat and as a further guarantee that all obligations to subcontractors for work on the development are satisfied. In addition:

- A. Contracts and contract specifications for the construction of street and utility improvements on dedicated street right-of-way, as well as the contractors and subcontractors providing such work shall be subject to the approval of the Town Engineer.
- B. Governmental units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act

on their behalf agreeing to comply with the provisions of this section.

- C. Survey monuments: Before final approval of any plat within the Town, the subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes and as may be required by the Town Engineer. The Town Board may waive the placing of monuments, required under Section 236.15(1)(b), (1)(c), and (1)(d), for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monuments within the required time limits established by the Town.

4.2.7 VARIANCES

Where, in the judgement of the Town Board, it would be inappropriate to apply literally the provisions of this Ordinance because exceptional or undue hardship would result, the Town Board, after review and recommendation by the Town Plan Commission, may waive or modify any requirement to the extent deemed just and proper. No variance to the provisions of this Ordinance shall be granted unless the Town Board finds by the greater weight of the evidence that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

- A. Exception circumstances: There is exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this Ordinance would result in severe hardship. (Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that the Land Division Ordinance should be changed).
- B. Preservation of property rights: That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.
- C. Absence of detriment: That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

A simple majority vote of the entire membership of the Town Board shall be required to grant any modification of this Ordinance.

4.2.8 LAND SUITABILITY

No land shall be developed which is held to be unsuitable of any proposed use if identified as being environmentally sensitive. Areas identified as being environmentally sensitive include, but are not limited to:

- A. All areas mapped as floodplain by the Federal Emergency Management Agency (FEMA), Wisconsin Department of Natural Resources, or other public or private entity.
- B. All wetlands as defined in NR 103.02(5) of the Wisconsin Administrative Code, including a 75-foot buffer from the edge of the wetlands.
- C. All areas within 75-feet of the ordinary high-water mark of navigable streams and lakes, as identified by Wisconsin Department of Natural Resources Water Management Specialists.
- D. All areas having a natural slope of greater than 25-percent.
- E. Areas known to provide habitat for rare, threatened or endangered species.
- F. Burial sites and Indian mounds.
- G. Drainage ways that contain running water during spring runoff or rainfall events. A 30-foot buffer from the edge of the drainage way shall be included.
- H. All areas restricted by the Wisconsin Administrative Code for private on-site wastewater treatment systems including high groundwater or bedrock, filled lands, and lands drained by farm tiles.

4.2.9 APPLICABILITY TO CONSERVATION SUBDIVISION STANDARDS

- A. The conservation subdivision standards apply to the division of a parent parcel of 20 acres or more by a subdivider where the division creates more than four parcels of 15 acres or less in area. The number of parcels that can be created shall be consistent with the applicable zoning ordinance for the parent parcel. The overall development density for the parent parcel is the same as would be allowed for a conventional subdivision in the zoning district.
- B. The provisions of conservation subdivision standards apply to residential development with the following zoning districts as defined by the Walworth County Zoning Ordinance: A-1, A-2, A-5, C-2, C-3, R-1, R-2, R-2A, and R-3. Conservation subdivisions are not required, but are encouraged, in the following zoning districts: R-4, R-5, R-6, R-7, and R-8. Conservation subdivisions shall not be permitted in the following zoning districts: Business Districts and Industrial Districts. Residential developments within Business Zoning Districts shall conform to conservation subdivision requirements.
- C. A condominium plat prepared under Chapter 703 of the Wisconsin Statutes, creating at least four units with a parent parcel size of 20 acres or more shall be reviewed by the Town in the same manner as a conservation subdivision

as set forth in this ordinance and shall comply with the applicable design standards and required improvements of this ordinance.

4.2.10 VIOLATIONS

It shall be unlawful to build upon, divide, convey, record or place monuments on any land in violation of this Ordinance or the Wisconsin Statutes; and no person, firm or corporation shall be issued a building permit by the Town of Lyons authorizing the building on, or improvement of, any subdivision, minor land division or replat within the jurisdiction of this Ordinance not of record as of the effective date of this Ordinance until the provisions and requirements of this Ordinance have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statutes.

4.2.11 PENALTIES AND REMEDIES

Any person, firm or corporation who violates or fails to comply with the provision of this Ordinance shall, upon conviction thereof, forfeit not less than \$100 nor more than \$1,000 plus the costs of prosecution for each offense and the penalty for default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding six months. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include:

- A. Recordation improperly made carries penalties as provided in Section 236.30 of the Wisconsin Statutes.
- B. Conveyance of lots in unrecorded plats carries penalties as provided for in Section 236.31 of the Wisconsin Statutes.
- C. Monuments disturbed or not placed carries penalties as provided for in Section 236.32 of the Wisconsin Statutes.
- D. An assessor's plat made under Section 70.27 of the Wisconsin Statutes may be ordered as a remedy by the Town, at the expense of the subdivider, when a subdivision as defined herein is created by successive divisions.

4.2.12 APPEALS

Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal such objection or failure to approve as provided in Sections 236.13(5) of the Wisconsin Statutes, within 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.

SECTION 4.3 LAND DIVISION PROCEDURE

4.3.1 PRE-APPLICATION

It is recommended that, prior to the filing of a land division, the subdivider consult with the Town Plan Commission and/or its staff in order to obtain their advice and assistance. This consultation is neither formal nor mandatory, but is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive plan, comprehensive plan components, neighborhood plans, and duly adopted plan implementation devices of the Town, to inform the subdivider of the conservation subdivision procedures and process as shown in Appendix A, and to otherwise assist the subdivider in planning their development. In so doing, both the subdivider and planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible adverse effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures.

4.3.2 CONCEPTUAL PLAN

Prior to the filing of an application for the approval of a preliminary plat the subdivider shall submit a conceptual plan for review. The Town Plan Commission, at its discretion, may require a conceptual plan be submitted for any proposed land division. The subdivider shall submit 12 copies of a conceptual plan of the proposed land division prepared in accordance with this Ordinance for review and comment by the Town Plan Commission, Town Engineer, and staff at least 30 days prior to the Town Plan Commission meeting. The conceptual plan is intended to provide an early opportunity to review policy issues relating to the development and its possible adverse effects on the adjacent neighborhood and community.

4.3.3 PUBLIC NOTIFICATION

Within 20 days of the receipt of any preliminary plat, final plat, certified survey map, condominium plat, or site development plan, the Town Clerk shall send a written notice to all property owners within 200-feet of the subject property regarding the Town Plan Commission meeting date at which the proposed land division will be considered.

4.3.4 PRELIMINARY PLAT REVIEW

After submitting a conceptual plan and before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat and Preliminary Engineering Plan, with supporting data and a letter of application. The Preliminary Plat and supporting data shall be prepared in accordance with this Ordinance, and the subdivider shall file 14 copies of the Plat with supporting data and the application with the Town Clerk together with all necessary fees at least 30 days prior to the meeting of the Town Plan Commission at which first consideration is desired.

In addition:

- A. The Town Clerk shall, within two normal work days after filing, transmit copies of the Preliminary Plat and the letter of application as follows:

Town Board:	3 copies
Town Plan Commission:	5 copies
Town Engineer:	2 copies

The Preliminary Plat and supporting data shall then be reviewed by the Town Plan Commission and Town Engineer for conformance with this Ordinance and all Town ordinances, rules, regulations, comprehensive plans and comprehensive plan components, and neighborhood plans.

- B. The Town Clerk shall also transmit a copy of the Preliminary Plat and supporting data to the Town Fire Department and affected school district(s) for their review and recommendations concerning matters within their jurisdiction.
- C. The subdivider shall be responsible to submit the required copies to the Clerk of a City or Village having extraterritorial jurisdiction; Walworth County Park and Planning Commission; Wisconsin Department of Administration; Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street; Wisconsin Department of Commerce if the subdivision is not served by a public sewer and provision for such service has not been made and; Wisconsin Department of Natural Resources if shorelands or floodplains are contained within the proposed subdivision. The Wisconsin Department of Administration, the Wisconsin Department of Transportation and the Wisconsin Department of Commerce shall hereafter be referred to as objecting agencies.

4.3.5 PRELIMINARY PLAT APPROVAL

The objecting agencies shall, within 20 days of the date of receiving their copies of the Preliminary Plat and supporting data, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the Town Clerk. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the Plat. In addition:

- A. The Town Plan Commission shall, within 60 days of the date of filing of a Preliminary Plat and supporting data with the Town Clerk, recommend approval, conditional approval or rejection of the Plat and shall transmit the Preliminary Plat and application along with its recommendation to the Town Board.

- B. The Town Board shall, within 90 days of the date of filing the Preliminary Plat with the Town Clerk, approve or reject such Plat unless the time is extended by agreement with the subdivider. If the Plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider by the Town Clerk.

- C. Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat is submitted within six months of Preliminary Plat approval and conforms substantially to the preliminary plat layout as indicated in Section 236.11(1)(b) of the Wisconsin Statutes, the Final Plat shall be entitled to approval with respect to such layout. The Preliminary Plat and supporting data shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat which will be subject to further consideration by the Town Plan Commission and Town Board at the time of its submission.

4.3.6 FINAL PLAT REVIEW

The subdivider shall prepare a Final Plat with supporting data and a letter of application. The Final Plat and supporting data shall be prepared in accordance with this Ordinance, and the subdivider shall file 14 copies of the Plat with supporting data and the application with the Town Clerk together with all necessary fees at least 30 days prior to the meeting of the Town Plan Commission at which first consideration is desired. The subdivider shall file the Final Plat not later than six months after the date of Town Board approval of the preliminary plat; otherwise the preliminary plat and final plat will be considered void unless an extension is granted in writing by the Town Plan Board. In addition:

- A. The Town Clerk shall, within two normal work days after filing, transmit copies of the Final Plat and the letter of application as follows:

Town Board:	3 copies
Town Plan Commission:	5 copies
Town Engineer:	2 copies

The Final Plat and supporting data shall then be reviewed by the Town Plan Commission and Town Engineer for conformance with the approved Preliminary Plat; any conditions of approval of the Preliminary Plat; this Ordinance and all Town ordinances, rules, regulations, comprehensive plans and comprehensive plan components, and neighborhood plans which may affect it and shall recommend approval, or rejection of the Plat to the Town Board.

- B. The Town Clerk shall also transmit a copy of the Preliminary Plat and

supporting data to the Town Fire Department and affected school district(s) for their review and recommendations concerning matters within their jurisdiction.

- C. The subdivider shall be responsible to submit the required copies to the Clerk of a City or Village having extraterritorial jurisdiction; Walworth County Park and Planning Commission; Wisconsin Department of Administration; Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street; Wisconsin Department of Commerce if the subdivision is not served by a public sewer and provision for such service has not been made and; Wisconsin Department of Natural Resources if shorelands or floodplains are contained within the proposed subdivision. The Wisconsin Department of Administration, the Wisconsin Department of Transportation and the Wisconsin Department of Commerce shall hereafter be referred to as objecting agencies.
- D. Partial platting: If permitted by the Town Board, the approved Preliminary Plat may be final platted in phases with each phase encompassing only that portion of the approved Preliminary Plat which the subdivider proposes to record at one time, however, it is required that each such phase be final platted and be designated as a 'phase' or addition to the approved Preliminary Plat.

4.3.7 FINAL PLAT APPROVAL

The objecting agencies shall, within 20 days of the date of receiving their copies of the Final Plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the Town Plan Commission. If any objecting agency fails to act within 20 days, it shall be deemed to have no objection to the Plat.

- A. Submission: If the Final Plat is not submitted within six months of the last required approval of the Preliminary Plat, the Town Plan Commission may refuse to approve the Final Plat.
- B. The Town Plan Commission shall, within 30 days of the date of filing of the Final Plat with the Town Clerk, recommend approval, conditional approval or rejection of the Plat and shall transmit the Final Plat and application along with its recommendation to the Town Board.
- C. The Town Board shall, within 60 days of the date of filing the original Final Plat with the Town Clerk, approve or reject such Plat unless the time is extended by agreement with the subdivider. If the Plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider by the Town Clerk. The Town

Board may not inscribe its approval of the Final Plat unless the Town Clerk certifies on the face of the Plat that the copies were forwarded to objecting agencies as required herein, the date thereof, and that no objections have been filed within 20 days or if filed, have been met.

- D. Failure of the Town Board to take action on the Plat within 60 days, the time having not been extended and no unsatisfied objections having been filed, the Plat shall be deemed approved.
- E. Recordation: After the Final Plat has been approved by the Town Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Town Clerk shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the Plat returned to the subdivider for recording with the County Register of Deeds. The Register of Deeds shall not record the Plat unless it is offered within 30 days from the date of the last approval.
- F. Copies: The subdivider shall file five copies of the approved Final Plat with the Town Clerk for distribution to the Town Engineer, Building Inspector, Assessor, and other affected departments for their files.

4.3.8 PLATS WITHIN THE EXTRATERRITORIAL PLAT APPROVAL JURISDICTION

When the land to be subdivided lies within one and one-half (1-1/2) miles of the corporate limits of a village or city, the subdivider shall proceed as specified in Section 4.3 except:

- A. Transmittal responsibility lies with the Village or City Clerk, Town Clerk to whomever the plat is first submitted; and the subdivider shall indicate which one in his application.
- B. Approval agencies include the Village Plan Commission or Village Board or City Plan Commission or Common Council, Town Board, and the subdivider shall comply with the land division ordinances of these agencies.
- C. All improvement requirements, specified by the Village, City, Town or all, in matters over which they have jurisdiction, shall be met before signing of the final plat.

4.3.9 REPLAT

When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded Plat as provided in Section 236.40 through 236.44 of the Wisconsin Statutes. The subdivider, or person wishing to replat, shall then proceed as specified in Section 4.3.

4.3.10 CERTIFIED SURVEY MAP REVIEW

When it is proposed to divide land into four or less parcels, any one of which is 35 acres or less in area, the subdivider may subdivide by use of a Certified Survey Map. The Certified Survey Map shall include all parcels of land 35 acres or less in area and may at the owner's discretion include any other parcels containing more than 35 acres. The subdivider shall prepare a Certified Survey Map in accordance with this Ordinance and shall file 12 copies of the Map and the letter of application with the Town Clerk at least 30 days prior to the meeting of the Town Plan Commission which action is desired.

- A. The Town Clerk shall, within two normal work days after filing, transmit the copies of the Map and letter of application to the Town Plan Commission.
- B. The Town Clerk shall transmit a copy of the Map to the Town Engineer and all affected Town Boards, commissions or departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Town Plan Commission within 20 days from the date the Map is filed.

4.3.11 CERTIFIED SURVEY MAP APPROVAL

The Map shall be reviewed by the Town Plan Commission for conformance with this Ordinance and all ordinances, rules, regulations, comprehensive plans, and comprehensive plan components, and neighborhood plans.

- A. The Town Plan Commission shall, within 30 days from the date of filing of the Map, recommend approval, conditional approval or rejection of the Map, and shall transmit the Map along with its recommendations to the Town Board.
- B. The Town Board shall approve, approve conditionally and thereby require resubmission of a corrected Certified Survey Map, or reject such Certified Survey Map within 60 days from the date of filing of the Map unless the time is extended by agreement with the subdivider. If the Map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider by the Town Clerk. If the Map is approved, the Town Board shall cause the Town Clerk to so certify on the face of the original Map and return the Map to the subdivider.
- C. Recordation: The subdivider shall record the Map with the County Register of Deeds within 90 days of its approval by the Town Board.
- D. Copies: The subdivider shall file five copies of the Certified Survey map with the Town Clerk for distribution to the Town Engineer, Building Inspector, Assessor, and other affected departments for their files.

4.3.12 CONDOMINIUM DEVELOPMENT REVIEW

- A. Prior to submitting a Condominium Development Plan, the condominium developer shall submit a Preliminary Condominium Development Plan. It shall be clearly marked "Preliminary Condominium Development Plan" and shall be in sufficient detail to determine whether the proposed development will meet the requirements of the Ordinance. When it is proposed to develop land into a condominium, a Condominium Development Plan shall be filed with the Town Clerk. The condominium developer shall file 12 copies with the Town Clerk at least 30 days prior to the meeting of the Town Plan Commission at which action is desired. If the condominium developer makes application for a conditional use permit with the Walworth County Park and Planning Commission, the condominium developer shall submit a copy of the information provided to the County to the Town Clerk.
- B. The Town Clerk shall, within two days after filing, transmit a copy of the plan to the Town Plan Commission, Town Engineer and all affected Town Commissions or Departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Town Plan Commission within 20 days.

4.3.13 CONDOMINIUM DEVELOPMENT APPROVAL

The plan shall be reviewed by the Town Plan Commission for conformance with this Ordinance and all ordinances, rules, regulations, adopted regional, County or Town comprehensive plan or adopted plan components which affect it.

- A. The Town Plan Commission shall, within 30 days of the date of filing copies of the Condominium Development Plan with the Town Clerk, recommend approval, conditional approval or rejection of the Plan, and shall transmit the Plan along with its recommendations to the Town Board.
- B. The Town Board shall approve, approve conditionally and thereby require resubmission of a corrected Condominium Development Plan, or reject such Condominium Development Plan within 60 days from the date of filing of the Plan unless the time is extended by agreement with the subdivider. If the Plan is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider by the Town Clerk. If the Plan is approved, the Town Board shall cause the Town Clerk to so certify on the face of the original Plan and return the Plan to the subdivider.
- C. Failure of the Town Board to act within 60 days, the time not having been extended, the Condominium Development Plan shall be deemed approved.
- D. Recordation: The subdivider shall record the Condominium Development

Plan with the County Register of Deeds within 90 days of its approval by the Town Board.

- E. Copies: The subdivider shall file five copies of the Condominium Development Plan with the Town Clerk for distribution to the Town Engineer, Building Inspector, Assessor, and other affected departments for their files.

4.3.14 PLANNED DEVELOPMENT REVIEW

Prior to submitting a Planned Development, the developer shall submit a Preliminary Development Plan. It shall be clearly marked "Preliminary Development Plan" and shall be in sufficient detail to determine whether the proposed development will meet the requirements of the Ordinance. When it is proposed to develop land into a planned development, a Development Plan shall be filed with the Town Clerk. The developer shall file 12 copies with the Town Clerk at least 30 days prior to the meeting of the Town Plan Commission at which action is desired. If the developer makes application for a conditional use permit with the Walworth County Park and Planning Commission, the developer shall submit a copy of the information provided to the County to the Town Clerk.

- A. The Town Clerk shall, within two days after filing, transmit a copy of the Development Plan to the Town Plan Commission, Town Engineer and all affected Town Commissions or Departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Town Plan Commission within 20 days.

4.3.15 PLANNED DEVELOPMENT APPROVAL

The plan shall be reviewed by the Town Plan Commission for conformance with this Ordinance and all ordinances, rules, regulations, adopted regional, County or Town comprehensive plans or adopted plan components which affect it.

- A. The Town Plan Commission shall, within 60 days of the date of filing copies of the Development Plan with the Town Clerk, recommend approval, conditional approval or rejection of the Plan, and shall transmit the Plan along with its recommendations to the Town Board.
- B. The Town Board shall approve, approve conditionally and thereby require resubmission of a corrected Planned Development Plan, or reject such Planned Development Plan within 90 days from the date of filing of the Plan unless the time is extended by agreement with the subdivider. If the Plan is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider by the Town Clerk. If the Plan is approved, the Town Board shall cause the Town Clerk to so certify in a written statement and return the Plan to the subdivider.

- C. Failure of the Town Board to act within 90 days, the time not having been extended, the Development Plan shall be deemed approved.

SECTION 4.4 CONCEPTUAL PLAN

4.4.1 GENERAL

In order to promote the orderly development of the Town, a conceptual plan shall be required for all subdivisions. The Town Plan Commission, at its discretion, may require a conceptual plan for other land divisions, including Certified Survey Maps. Mapping for the Conceptual Plan can be done in any combination of features as long as the maps are clear and understandable by the Plan Commission. The conceptual plan shall show the future development plans of the entire area owned or controlled by the subdivider, even though only a portion of said area is proposed for immediate development.

A. Map requirements

1. General Location Map: The subdivider shall submit a map showing the general outlines of existing buildings, land use, and natural features such as water bodies or wooded areas, primary and secondary environmental corridors, isolated natural areas, roads, and property boundaries within 500-feet of the tract.
2. This information may be presented on an aerial photograph at a scale of no less than one inch = 400-feet.

In addition the following information shall be provided for conservation subdivisions:

B. Inventory of existing resources

Inventory and mapping of existing resources including the following mapped at a scale of no less than one inch = 200-feet:

1. Topographic contours at two foot intervals.
2. United States Department of Agriculture, Natural Resource Conservation Service soil type locations and identification of soil type characteristics such as agricultural capability, depth to bedrock and water table, and suitability for wastewater disposal systems.
3. Hydrologic characteristics, including surface water bodies, floodplains, groundwater recharge and discharge areas, wetlands, natural swales, drainage ways, and steep slopes.
4. Land cover on the site, according to general cover type (pasture, woodland, etc.), and stand-alone trees with a caliper of more than 24-inches measured four feet off the ground. The inventory shall include comments on the health and condition of the vegetation.
5. Current and past land use, all buildings and structures on the land, cultivated areas, brownfields, waste sites, and history of waste disposal practices, paved areas, and all encumbrances, such as easements or covenants.

6. Known critical habitat areas for endangered species including a review of existing inventories, including the State Department of Natural Resources Bureau of Endangered Resources inventory of endangered, threatened, or special concern species.
7. Views of the site, including views onto the site from surrounding roads, public areas and elevated areas, including photographs with a map indicating the location where the photographs were taken.
8. Unique geological resources, such as rock outcrops and glacial features.
9. Cultural resources: brief description of historic character of buildings and structures, historically important landscapes, and archeological features. This includes a review of existing inventories, including the State Historical Society of Wisconsin inventory of historic buildings, archaeological sites, and burial sites.
10. Environmental corridors, trails, roads, green spaces, and conservation subdivision themes adjacent to the parcel.

C. Development Yield Analysis

The subdivider shall submit a table showing the maximum number of dwelling units that would be permitted under the county zoning ordinance, consistent with the minimum lot size, lot widths, set backs, and other provisions of the zoning ordinance and compare it to the number of dwelling units proposed. Land that is undevelopable because of other laws and ordinances that prohibit development in certain areas (e.g. floodplains, wetlands, steep slopes, and drainage ways) shall be excluded from the development yield analysis.

D. Site Analysis and Conceptual Plan

Using the inventory of existing resources, the development yield analysis, and applying the standards specified in Section 4.12 of this Ordinance, the subdivider shall submit a conceptual plan including at least the following information at a scale of no less than one inch = 200-feet:

1. Open space areas indicating which areas are to remain undeveloped and proposed trail locations.
2. Boundaries of areas to be developed and proposed general street and lot layout.
3. Number of housing units proposed.
4. Proposed methods for and location of water supply, storm water management (e.g., best management practices), and sewage treatment.
5. Inventory of preserved and disturbed natural features and prominent views.

6. Preliminary development envelopes showing areas for lawns, pavement, buildings, and grading.
7. Proposed methods for ownership and management of open space.
8. Connectivity of environmental corridors, trails, roads, easements, utilities, and green spaces, as well as the conservation subdivision themes of adjacent properties shall be considered in the design of the development in accordance with Appendix A.

SECTION 4.5 PRELIMINARY PLAT

4.5.1 GENERAL

A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor at a map scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

- A. Title or name under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is an addition to a previously recorded plat and is so stated on the plat;
- B. The location of the proposed subdivision by government lot, quarter-section, section, township, range, county and state;
- C. General location sketch showing the location of the subdivision within the U.S. Public Land Survey section;
- D. Date, graphic scale and north arrow;
- E. Names and addresses of the owner, subdivider and land surveyor preparing the plat;
- F. Entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Town Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and severe hardship would result from strict application thereof.

4.5.2 PRELIMINARY PLAT DATA

All preliminary plats shall show the following:

- A. Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby;
- B. Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto;

- C. Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands;
- D. Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks, recreational trails, and other similar significant natural and man-made features within the tract begin subdivided or immediately adjacent thereto;
- E. Location, width and names of all proposed public rights-of-way and easements;
- F. Approximate dimensions of all lots together with proposed lot and block numbers and street setback lines;
- G. Legal description of the property.
- H. Location, approximate dimensions and size of any sites to be reserved or dedicated for parks, playgrounds, drainage ways, or other public use or which are to be used for group housing, shopping centers, church sites, or other private uses not requiring platting;
- I. Approximate radii of all curves;
- J. Existing zoning on and adjacent to the proposed subdivision;
- K. Any proposed lake and stream access clearly indicating the location of the proposed subdivision in relation to the access;
- L. Name of the School District and the boundary lines thereof when a proposed subdivision is situated in more than one school district;
- M. Conservation subdivision theme or themes and proposed development yield;
- N. Management Plan for restoration and long-term management of any open space areas;

4.5.3 COVENANTS

The Town Plan Commission shall require submission of a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision, condominium or planned development and otherwise protect the proposed development. The Town Attorney shall review all covenants and shall approve covenants as to form.

4.5.4 CERTIFICATES

All preliminary plats shall certify on the face of the plat that it is a correct representation of all existing land divisions and features, and a statement of compliance with this ordinance.

4.5.5 PRELIMINARY GRADING AND STORM WATER MANAGEMENT PLAN

All Preliminary Plat submittals shall include a Preliminary Engineering Plan showing the following on a separate sheet:

- A. The exterior boundaries of the proposed subdivision along with the proposed lots, lot numbers and drainage easements;
- B. Existing contours at vertical intervals of not more than two feet where the slope of the ground surface is less than 10 percent, and of not more than five feet where the slope of the ground surface is 10 percent or more. Elevations shall be marked on such contours based on National Geodetic Datum (mean sea level) where available;
- C. Water elevations of adjoining lakes and streams at the date of the submittal and approximate high and low water elevations, all referred to mean sea level datum where available;
- D. Floodplain limits and the contour line lying a vertical distance of two feet above the elevation of the 100-year recurrence interval flood.;
- E. Wetland limits as approved by the Wisconsin Department of Natural Resources where applicable;
- F. Location of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way;
- G. Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, all to mean sea level datum where available;
- H. Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sanitary or storm sewers or water mains are located on or immediately adjacent to the lands being platted, the nearest such sewers or water mains which might be extended to serve such lands shall be indicated by their direction and distance from the nearest exterior boundary of the plat and their size, and invert elevations;

- I. Preliminary street grading showing proposed streets with their proposed elevations and grades;
- J. Preliminary storm water management features showing proposed swales, storm sewers and storm water basins. Sizes of proposed storm sewers and storm water basins shall be shown and the supporting calculations included in a report, to be filed as part of the preliminary data.
- K. Any proposed lake and stream improvement or relocation;
- L. Soil, type and boundaries as shown on the detailed operational soil survey maps prepared by the U.S. Soil Conservation Service;
- M. Proposed erosion and sedimentation control practices;
- N. Proposed measures to protect areas of significant trees;
- O. All private on-site wastewater treatment systems shall be designed and permitted in accordance with the Wisconsin Administrative Code and as required by the Walworth County Sanitarian.

SECTION 4.6 FINAL PLAT

4.6.1 GENERAL

A Final Plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Section 236.20 of the Wisconsin Statutes.

4.6.2 ADDITIONAL INFORMATION

The Plat shall show correctly on its face, in addition to the information required by Section 236.20 of the Wisconsin Statutes, the following:

- A. Railroad rights-of-way within and abutting the plat;
- B. Setbacks or building lines if required by the Town Plan Commission or other ordinances;
- C. Utility and/or drainage easements;
- D. All lands reserved for future public acquisition or reserved for the common use of property owners within the plat;
- E. Special restrictions required by the Town Plan Commission relating to access control along public ways, delineation of floodplain limits, or the provision of planting strips.

4.6.3 FINAL CONSTRUCTION PLANS

Four sets of final construction drawings and project specifications for any required public improvements shall be filed with the Town Clerk at the time of filing the Final Plat for review by the Town Engineer and Town Plan Commission.

4.6.4 CONSERVATION SUBDIVISION REQUIREMENTS

The subdivider shall submit a document detailing the proposed conservation subdivision theme or themes, the proposed development yield, plans for areas to be protected and/or introduced with native vegetation, a management plan for restoration and long-term management of any open space areas, and the legal instruments detailing the ownership of the common open space.

4.6.5 COVENANTS AND DEED RESTRICTIONS

The Town Plan Commission shall require submission of the proposed protective covenants, deed restrictions, and conservation easements to be filed with the Final

Plat whereby the subdivider intends to regulate land use in the proposed subdivision, condominium or planned development and otherwise protect the proposed development. The Town Attorney shall review all covenants and deed restrictions, and shall approve covenants as to form. Covenants and deed restrictions shall be recorded at the courthouse.

4.6.6 DEED RESTRICTIONS

The Town Plan Commission and/or Town Board may require that deed restrictions be filed with the Final Plat.

4.6.7 SURVEY ACCURACY

Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of one part in 10,000, nor in azimuth, four seconds of arc per interior angle.

4.6.8 SURVEYING AND MONUMENTING

All final plats shall meet all the surveying and monumenting requirements of Section 236.15 of the Wisconsin Statutes.

4.6.9 STATE PLANE COORDINATE SYSTEM

Where the Plat is located within a U.S. Public Land Survey quarter-section, the corners of which have been relocated, monumented and coordinated by the Wisconsin Department of Transportation, the Southeastern Wisconsin Regional Planning Commission, or any County, City, Village or Town, the Plat shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner, to which the Plat is tied, shall be indicated on the Plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision. All distances and bearings shall be referenced directly to the Wisconsin Coordinate System, South Zone, and adjusted to the control survey.

4.6.10 CERTIFICATES

All final plats shall provide all the certificates required by Section 236.21 of the Wisconsin Statutes. The surveyor's certificate shall contain a description of the survey beginning at the U.S. Public Land Survey corner to which the survey is tied and a statement of compliance with this ordinance.

4.6.11 RECORDATION

The Final Plat shall only be recorded with the County Register of Deeds after the certificates have been signed by the Director of the Planning Function in the Wisconsin Department of Agriculture, Trade & Consumer Protection, the Town Board, the Surveyor, and those certificates required by Section 236.21 of the Wisconsin Statutes are placed on the face of the plat. The plat shall be recorded within 180 days of its approval by the Town Board. If the plat is not recorded within 180 days, the subdivider shall file a conceptual plan with the Town Plan Commission for consideration, unless waived by the Town Plan Commission.

SECTION 4.7 CERTIFIED SURVEY MAP

4.7.1 GENERAL

A Certified Survey Map prepared by a Wisconsin Registered Land Surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes. Certified Survey Maps shall comply with the design standards and improvement requirements set forth in the Development Standards Ordinance of the Lyons Municipal Code. Any land division requiring dedication of a new public right-of-way or other public areas, shall not be completed through the Certified Survey Map process, but rather the Preliminary and Final Plat process.

- A. All Certified Survey Maps shall include the words "No further division of any lot herein will be allowed within five years of the Town approval date shown on the Certified Survey Map. This restriction shall be deemed to run with the land for the time period specified, regardless of ownership."

4.7.2 ADDITIONAL INFORMATION

The Map shall show correctly on its face, in addition to the information required by Section 236.34 of the Wisconsin Statutes, the following:

- A. The remnant parcel if 35 acres or less in area, even if only a portion of said area is proposed for immediate development.
- B. All existing buildings, watercourses, drainage ditches and other features pertinent to proper land division.
- C. Setbacks or building lines required by the Town Plan Commission and/or other ordinances.
- D. Utility and/or drainage easements.
- E. Date of the map, graphic scale and north arrow.
- F. Name and address of the owner, subdivider and surveyor.
- G. General location sketch showing the location of the proposed land division.
- H. All private on-site wastewater treatment systems shall be designed and permitted in accordance with the Wisconsin Administrative Code and as required by the Walworth County Sanitarian.
- I. Name of the School District and the boundary lines thereof when a proposed certified survey map is situated in more than one school district.

- J. The Town Plan Commission or Town Engineer, may require a map showing existing contours at vertical intervals of not more than two feet on National Geodetic Vertical Datum (mean sea level), and a proposed lot grading and drainage plan.

4.7.3 SUPPORTING DOCUMENTATION

- A. A map showing all contiguous lands owned by the subdivider of more than 35 acres in area.
- B. A map showing existing contours at vertical intervals of not more than two feet on National Geodetic Vertical Datum (mean sea level), shall be submitted for review with the application unless waived by the Town Plan Commission.
- C. The Town Plan Commission or Town Engineer may require the design of a proposed lot grading and drainage plan for each lot based on the existing contour map.

4.7.4 STATE PLANE COORDINATE SYSTEM

Where the Map is located within a U.S. Public Land Survey quarter-section, the corners of which have been relocated, monumented and coordinated by the Wisconsin Department of Transportation, the Southeastern Wisconsin Regional Planning Commission, or any County, City, Village or Town, the Map shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the Map is tied shall be indicated on the Map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the control survey.

4.7.5 CERTIFICATES

The surveyor's certificate shall contain a description of the survey beginning at the U.S. Public Land Survey corner to which the survey is tied and a statement of compliance with this ordinance. The Town Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.

- A. In addition, dedication of existing road right-of-ways shall require the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes.

4.7.6 RECORDATION

The Certified Survey Map shall only be recorded with the County Register of Deeds after the certificates have been signed by the Town Board and the surveyor. The Map shall be recorded within 90 days of its approval by the Town Board. If the Map is not recorded within 90 days, the subdivider shall re-file the Certified Survey Map with the Town Plan Commission for consideration, unless waived by the Town Plan Commission.

SECTION 4.8 CONDOMINIUM PLAT

4.8.1 GENERAL

A condominium plat prepared by a registered land surveyor shall be required for all condominiums. It shall comply in all respects with the requirements of Section 703.11 of the Wisconsin Statutes. A Condominium Development Plan shall be required for all condominiums and shall comply with the design standards set forth in the Development Standards Ordinance of the Lyons Municipal Code, and with Section 4.4.5 of this Ordinance. If the condominium is to be subdivided into lots, the provisions of Sections 4.3, 4.4, 4.5 and 4.6 shall be complied with. If the condominium is not to be subdivided into lots, the provisions of Sections 4.11.7 and 4.11.8 shall be inapplicable.

- A. A preliminary condominium plat shall be submitted to the Town Plan Commission for all tracts of land proposed to be developed as a condominium and shall show all the data required by Section 4.5 of this Ordinance for preliminary plats.

4.8.2 ADDITIONAL INFORMATION

The Condominium Development Plan and Preliminary Condominium Development Plan shall show correctly on its face, in addition to the information required by Section 703.11 of the Wisconsin Statutes, the following:

- A. Date of plan.
- B. Graphic scale.
- C. Name and address of the owner, condominium developer, and surveyor.
- D. All existing buildings, proposed structures, streets, watercourses, drainage ditches and other features pertinent to the development.
- E. Names of adjoining streets, highways, parks, cemeteries, subdivisions, ponds, streams, lakes, flowages, and wetlands.
- F. Additional building setback lines required by the Town Plan Commission which are more restrictive than the regulations of the zoning district in which the condominium is located or which are proposed by the condominium developer and are to be included in recorded protective covenants.
- G. Additional yards required by the Town Plan Commission which are more restrictive than the regulations of the zoning district in which the condominium is located.

- H. All lands reserved for future public acquisition.
- I. Existing contours in the area of the land to be developed.
- J. Floodplain and shoreland boundaries and the contour line lying at a vertical distance of two feet above the elevation of the 100 year recurrence interval flood.
- K. All private on-site wastewater treatment systems shall be designed and permitted in accordance with the Wisconsin Administrative Code and as required by the Walworth County Sanitarian.
- L. General location sketch showing the location of the proposed land division.
- M. Where the Town Plan Commission finds that it requires additional information relative to a particular problem presented by a proposed development to review the condominium, it shall have the authority to request in writing, such information from the condominium developer.
- N. Name of the School District and the boundary lines thereof when a proposed condominium is situated in more than one.

4.8.3 DENSITY

Adequate open space shall be provided so that the average intensity and density of land use shall be no greater than that permitted for the zoning district in which it is located.

4.8.4 REVIEW AND APPROVAL

The Town Plan Commission shall review the proposed plan, the site, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, and the effects of the proposed use, structure, operation, and improvement upon the area and upon flood damage protection, water quality, shoreland cover, natural beauty and wildlife habitat.

- A. The Town Plan Commission may approve the Condominium Development Plan provided that the proposed uses and structures are in accordance with the purpose and intent of this Ordinance and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environmental quality, water quality, shoreland cover, or property values in the Town.

SECTION 4.9 PLANNED DEVELOPMENTS

4.9.1 GENERAL

- A. A Development Plan shall be required for all planned developments. The planned development shall comply with the design standards set forth in the Development Standards Ordinance of the Lyons Municipal Code and with Section 4.11 of this Ordinance. The provisions of Sections 4.11.7 and 4.11.8 shall not apply to planned developments.
- B. A preliminary development plan shall be submitted to the Town Plan Commission for all tracts of land proposed to be developed as a planned development that contain floodplains or shorelands and shall show all the data required by Section 4.5 of this Ordinance for preliminary plats.

4.9.2 ADDITIONAL INFORMATION

The Development Plan and Preliminary Development Plan shall show correctly on its face, the following:

- A. Date of plan.
- B. Graphic scale.
- C. Name and address of the owner, developer, and surveyor.
- D. All existing buildings, proposed structures, streets, watercourses, drainage ditches and other features pertinent to the development.
- E. Names of adjoining streets, highways, parks, cemeteries, subdivisions, ponds, streams, lakes, flowages, and wetlands.
- F. Additional building setback lines required by the Town Plan Commission which are more restrictive than the regulations of the zoning district in which the planned development is located or which are proposed by the developer and are to be included in recorded protective covenants.
- G. Additional yards required by the Town Plan Commission which are more restrictive than the regulations of the zoning district in which the planned development is located.
- H. All lands reserved for future public acquisition.
- I. Existing contours in the area of the land to be developed.

- J. Floodplain and shoreland boundaries; and the contour line lying at a vertical distance of two feet above the elevation of the one hundred (100) year recurrence interval flood
- K. All private on-site wastewater treatment systems shall be designed and permitted in accordance with the Wisconsin Administrative Code and as required by the Walworth County Sanitarian.
- L. Where the Town Plan Commission finds that it requires additional information relative to a particular problem presented by a proposed development, it shall have the authority to request in writing, such information from the developer.
- M. Name of the School District and the boundary lines thereof when a proposed planned development is situated in more than one.

4.9.3 DENSITY

Adequate open space shall be provided so that the average intensity and density of land use shall be no greater than that permitted for the zoning district in which it is located.

4.9.4 REVIEW AND APPROVAL

The Town Plan Commission shall review the proposed plan, the site, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, waste disposal, water supply systems, and the effects of the proposed use, structure, operation, and improvement upon the area and upon flood damage protection, water quality, shoreland cover, natural beauty and wildlife habitat.

- A. The Town Plan Commission may approve the Development Plan provided that the proposed uses and structures are in accordance with the purpose and intent of this Ordinance and are found to be no hazardous, harmful, offensive, or otherwise adverse to the environmental quality, water quality, shoreland cover, or property values in the Town.

SECTION 4.10 CONSERVATION SUBDIVISION REQUIREMENTS

4.10.1 GENERAL

Conservation Subdivisions shall identify a conservation theme or themes. This theme shall be identified at the time of the initial application. Conservation themes may include, but are not limited to; forest stewardship, water quality preservation, farmland preservation, natural habitat restoration, viewshed preservation, or archaeological and historic properties preservation. The Plan Commission shall have the ability to specify which areas shall be preserved. Refer to Appendix A for additional considerations of the design process.

4.10.2 RESIDENTIAL LOT REQUIREMENTS

- A. Lots shall be configured to minimize the amount of impervious surfaces. Maximum Lot Coverage = 35% (includes buildings and other impervious surfaces).
- B. Maximum Building Height = 35-feet
- C. Access to the majority of lots shall be by interior local streets with the exception of existing farmsteads to be preserved that have an existing driveway on a arterial street.
- D. Lots shall be configured to minimize the amount of road length required for the subdivision.
- E. Development envelopes shall be configured to minimize loss of woodlands.
- F. If agricultural uses are being maintained, lots shall be configured in a manner that maximizes the usable area remaining for such agricultural uses with appropriate buffers between agricultural uses and residential structures.
- G. All lots within a neighborhood shall abut open space on at least one side. A local street may separate lots from the open space.
- H. Lots shall be oriented around one or more of the following:
 - 1. A central green or square.
 - 2. A physical amenity such as a meadow, a stand of trees, or some other natural or restored feature.
- I. It is recommended that development envelopes not be located on ridges, hilltops, along peripheral public roads or in other visually prominent areas.

- J. Residential structures should be oriented to maximize solar gain in the winter months.
- K. A 75-foot buffer shall be maintained around all wetlands, lakes, and streams. A 30-foot native vegetation buffer shall be maintained around intermittent drainage ways or other open water areas, unless a specific common beach or grassed area is identified.
- L. Connectivity of environmental corridors, trails, roads, easements, utilities, and green spaces, as well as the conservation subdivision themes of adjacent properties shall be considered in the design of the development in accordance with Appendix A.

4.10.3 STORMWATER MANAGEMENT BEST MANAGEMENT PRACTICES

- A. Minimize the use of curb and gutter and maximize the use of open swales.
- B. Roof down spouts should drain to porous surfaces.
- C. Peak discharges shall be no more than predeveloped conditions in accordance with the Town Development Standards and other governmental agencies.
- D. The development should address capturing sediment and pollutant discharges in accordance with the Town Development Standards and other governmental agencies.
- E. Landscape plantings should be used to increase infiltration and decrease runoff.
- F. Natural open drainage systems shall be preserved.

4.10.4 RESIDENTIAL CLUSTER SITING STANDARDS

- A. All residential lots and dwellings shall be grouped into clusters. Each cluster shall contain no more than 20 dwelling units and no less than five units.
- B. Residential clusters shall be located to minimize negative impacts on the natural, scenic and cultural resources of the site and conflicts between incompatible uses.

- C. Residential clusters shall avoid encroaching on rare plant communities, high quality sites, or endangered species identified by the Department of Natural Resources.
- D. Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels and local or regional recreational trails.
- E. Residential clusters should be sited to achieve the following goals, to the extent practicable:
 - 1. Minimize impacts to prime farmland soils and large tracts of land in agricultural use, and avoid interference with normal agricultural practices.
 - 2. Minimize disturbance to woodlands, wetlands, grasslands, and mature trees.
 - 3. Prevent downstream impacts due to runoff through adequate on-site storm water management practices.
 - 4. Protect scenic views of open land from adjacent roads. Visual impact should be minimized through use of landscaping or other features.
 - 5. Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.
- F. Landscaping around the cluster may be necessary to reduce off site views of residences.

4.10.5 OPEN SPACE DESIGN

- A. The minimum Common Open Space required shall be owned and maintained under one of the alternatives listed in Section 4.11.6 below, as approved by the Town. The uses within the open space may be accessible to the residents of the development. These uses may also be available to the general public providing the proper approvals are received. The required open space shall be undivided and restricted in perpetuity from future development, as specified in Section 4.10.6 below.
- B. Open space shall be designated as part of the development. The minimum required open space is 60 % of the gross acreage.
- C. Open Space Conservation Ranking (in order of significance). The areas to be preserved shall be identified on a case-by-case basis in an effort to conserve and provide the best opportunities to restore and enlarge the best quality natural features of each particular site.

1. First priority will be given to intact natural communities, rare and endangered species, environmental corridors, natural and restored prairies, significant historic and archaeological properties, and steep slopes.
 2. Second priority will be given to areas providing some plant and wildlife habitat and open space values.
 3. Third priority will be given to areas providing little habitat but providing viewshed, recreation, or a sense of open space.
- D. The following areas or structures may be located within the open space area and shall be counted toward the overall open space percentage required:
1. Parking areas for access to and use of the open space developed at a scale limited to the potential users of the open space.
 2. Privately-held buildings or structures provided they are accessory to the use of the open space.
- E. Shared septic systems and shared potable water systems. Road rights of way shall not be counted towards the required minimum open space.
- F. No more than 50% of the required open space may consist of water bodies, ponds, floodplain, or wetlands.
- G. That portion of open space designed to provide plant and animal habitat shall be kept as intact as possible. Trails shall be designed to avoid fragmenting these areas.
- H. Accessible open space in upland areas shall be available for recreational uses such as trails, play fields, or community gardens but should be designed in a manner that avoids adversely impacting archeological sites.
- I. A pathway system connecting open space areas accessible to neighborhood residents, and connecting these areas to neighborhood streets and to planned or developed trails on adjacent parcels shall be identified in the plan.

4.10.6 OWNERSHIP AND MAINTENANCE OF OPEN SPACE

- A. Alternatives - The designated common open space and common facilities may be owned and managed by one or a combination of the following:
1. A homeowners' association.
 2. A condominium association established in accordance with the Condominium Ownership Act, Chapter 703 of the Wisconsin Statutes.
 3. A nonprofit conservation organization.

4. The Town or another governmental body empowered to hold an interest in real property.
 5. An individual who will use the land for open space purposes as provided by a conservation easement.
- B. Homeowners' Association - A homeowners association shall be established if the common open space is proposed to be owned by a homeowners association. Membership in the association is mandatory for all purchasers of homes in the development and their successors. The homeowners' association bylaws, guaranteeing continuing maintenance of the open space and other common facilities, and the declaration of covenants, conditions and restrictions of the homeowners association shall be submitted for approval to the Town as part of the information required for the preliminary plat.

The homeowners' association bylaws or the declaration of covenants, conditions and restrictions of the homeowners association shall contain the following information:

1. The legal description of the common land;
 2. A description of common facilities;
 3. The restrictions placed upon the use and enjoyment of the lands or facilities;
 4. Persons or entities entitled to enforce the restrictions;
 5. A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes and insurance premiums;
 6. A mechanism for resolving disputes among the owners or association members;
 7. The conditions and timing of the transfer of ownership and control of land or facilities to the association;
 8. Any other matter the developer deems appropriate.
- C. Condominium Associations - If the common open space and facilities is to be held under the Condominium Ownership Act, Chapter 703 of the Wisconsin Statutes, the condominium instruments shall identify the restrictions placed upon the use and enjoyment of the common open space. All common open space shall be held as a "common element" is defined in section 703.01(2) of the Wisconsin Statutes.
- D. Nonprofit Conservation Organization - If the common open space is to be held by a nonprofit conservation organization, the organization must be acceptable to the Town. The conveyance to the nonprofit conservation organization must contain appropriate provisions for reversion in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance.

- E. Public Dedication of Open Space and Streets - The Town may accept the dedication of fee title or dedication of a conservation easement to the common open space as set forth in this ordinance. The Town may accept the common open space provided:
1. The common open space is accessible to the residents of the Town;
 2. The Town agrees to and has access to maintain the common open space.
 3. Streets or other public ways which have been designated on a duly adopted official map or element of the Town comprehensive plan shall be dedicated or reserved by the subdivider to the Town. The street or public way shall be made a part of the plat in the locations and dimensions indicated in the comprehensive plan and as set forth in this ordinance.
- F. Individual Ownership - An individual may hold fee title to the land while a nonprofit conservation organization or other qualified organization holds a conservation easement prescribing the acceptable uses for the common open space.
- G. Maintenance Plan - Every conservation subdivision must include a plan that provides evidence of a means to properly manage the common open space in perpetuity and evidence of the long-term means to properly manage and maintain all common facilities, including any storm water facilities. The plan shall be approved by, the Town prior to final plat approval.
1. The plan shall do the following:
 - a. Designate the ownership of the open space and common facilities in accordance with this section.
 - b. Establish necessary regular and periodic operation and maintenance responsibilities.
 - c. Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
 - d. Include a land stewardship plan specifically focusing on the long-term management of common open space lands. The land stewardship plan shall include a narrative, based on the site analysis, describing:
 - Existing conditions including all natural, cultural, historic, and scenic elements in the landscape.
 - The proposed end state for each common open space area; and the measures proposed for achieving the end state.
 - Proposed restoration measures, including: Measures for correcting increasingly destructive conditions, such as

- erosion; and measures for restoring historic features and habitats or ecosystems.
- The operations needed for maintaining the stability of the resources, including: mowing schedules; weed control; planting schedules; clearing and cleanup; at the Town's discretion, the applicant may be required to place in escrow sufficient funds for the maintenance and operation costs of common facilities for a maximum of one year.
2. In the event that the organization established to own and maintain the open space and common facilities, or any successor organization, fails to maintain all or any portion of the common facilities in reasonable order and condition in accordance with the maintenance plan and all applicable laws, rules, and regulations, the Town may serve written notice upon such organization and upon the residents and owners of the open space and common facilities, setting forth the manner in which the organization has failed to maintain the common facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made.
 - a. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation this Ordinance, in which case the bond, if any, may be forfeited, and any permits may be revoked or suspended.
 - b. The Town may enter the premises and take corrective action.
 - c. The costs of corrective action by the Town shall be assessed ratably, in accordance with tax assessments, against the properties that have the right of enjoyment of the common facilities and shall become a lien on said properties.
 - d. The Town, at the time of entering upon such common facilities for the purpose of maintenance, shall file a notice of such lien in the office of the County Register of Deeds upon the properties affected by such lien.
 3. Management plans can be amended by the owner with the approval of the Town.

SECTION 4.11 REQUIRED LAND IMPROVEMENTS

4.11.1 GENERAL

No subdivision of land shall be approved, construction or installation of improvements began without receiving a statement signed by the Town Clerk certifying that the improvement described in the subdivision's plans and specifications, together with agreements, meet the minimum requirements of all ordinances and the Development Standards Ordinance of the Lyons Municipal Code.

4.11.2 STREET PLAN

The subdivision of land, including the arrangement, character, extent, width, grade and location of all streets, alleys, or other land to be dedicated for public use, shall conform to the County jurisdictional highway system plan, comprehensive plan or plan component, or neighborhood unit development plan of the Town of Lyons, Wisconsin, and other responsible governmental bodies and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

4.11.3 STREET IMPROVEMENTS

- A. Street improvements are required to be constructed in conformity with the Development Standards adopted by the Town.
- B. Final surface for public streets shall be delayed to avoid premature damage of final surface course. Final surface course should be installed after 50% to 75% of the lots have experienced construction, as determined in the "Contract for Subdivision or Development Improvements", but not more than three years.
- C. Urban type streets, including curb & gutter, storm sewer, and sidewalks, are recommended in all developments within a sewer district at the discretion of the Town.

4.11.4 MINIMUM STREET STANDARDS

- A. All minimum standards established are intended to be construed solely as minimums. Additional standards may be required depending on the topography, soil and overall geological or special conditions of each individual parcel being developed. The standards for streets shall be in conformance with the Development Standards established by the Town. The Town Engineer may recommend and the Town Plan Commission may

require standards beyond the minimums set forth when geological conditions or other conditions dictate the necessity for more restrictive or additional standards.

- B. All right-of-way widths shall conform to the dimensions shown in Development Standards adopted by the Town.
- C. Local streets shall be so laid out that their use by non-local traffic will be discouraged, without impairing overall traffic or utility efficiency.
- D. Alleys in residential Districts are not permitted, except where deemed necessary, and at the discretion of the Town Plan Commission.
- E. Half streets: Where an existing dedicated or platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. The platting of new half-streets shall not be permitted.
- F. Temporary termination of the streets intended to be extended at a later date shall be accomplished with a temporary cul-de-sac in accordance with the standards set forth above, or by construction of a temporary 'T' intersection, 33-feet in width and 33-feet in length abutting the right-of-way lines of the access street on each side.
- G. Street plans shall show and consider the placement of driveways and mailboxes on cul-de-sacs and shall include provisions for mailbox grouping and snow storage.
- H. No street names may be used which will duplicate, or be confused with the names of the existing streets. Existing street names must be projected wherever possible. Each street name shall be approved by the Town Plan Commission and Town Board.
- I. Provisions should be made for serving lots abutting arterial streets and highways by the use of restriction of access to internal subdivision streets. Frontage streets should be avoided.
- J. Streets are the preferred routing of the overland emergency floodway.
- K. An approval letter from the jurisdiction controlling driveway access shall be provided by the subdivider.
- L. Single purpose streets shall not be allowed.
- M. The installation of trees, shrubs, hedges, bushes, fences or any other improvements, other than those owned by the Town, shall be prohibited within the right-of-way unless otherwise approved by the Town.

4.11.5 STREET INTERSECTIONS

Streets should intersect each other at as nearly right angles as topography and other limiting factors of good design permit. In addition:

- A. The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two.
- B. The number of intersections along arterial streets and highways shall be held to a minimum. Wherever practicable the distance between such intersections shall not be less than 1,200-feet.
- C. Local streets shall not necessarily continue across arterial or collector streets; but if the centerlines of such minor streets approach the arterial or collector streets from opposite sides within 250-feet of each other, measured along the centerline of the arterial or collector street, then the location shall be adjusted such that the adjoinment across the arterial or collector street is continuous; and a jog is avoided.

4.11.6 EASEMENTS

- A. Easements when required for Town or Utility District owned and/or maintained utilities shall be at least 20-feet wide and shall include a provision prohibiting the installation of trees, shrubs, hedges, bushes, playground equipment, fences, sheds, or other buildings and any other type of structure or building other than those owned by the Town or Utility District. All other easements provided for non-municipally owned utilities shall meet the requirements of the individual company.
- B. The Town Plan Commission may require utility and drainage easements 12-feet in width (6-feet on either side of abutting rear lot lines) or such additional width deemed adequate for the intended purpose, on each side of all rear lot lines and on side lot lines where necessary or advisable for drainage swales, electric power and communication lines, wires, conduits, and other utility lines.
- C. Where a subdivision is traversed by a pre-existing water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such water course with provisions for adequate maintenance access.
- D. Easements shall be added when stormwater from public or other private areas drain to a publicly or privately owned and maintained (de) (re)ntention area such that a perpetual right to drain is established and the Town retains the right to enter the easement and perform any necessary maintenance if

the private property owner fails to adequately maintain the privately owned area. The Town reserves the right to charge a fee for such maintenance, if required, to the property owner(s) or association responsible for said maintenance.

4.11.7 BLOCK STANDARDS

- A. The lengths of blocks should as a general rule not to be less than 600-feet or more than 1,500-feet. Blocks over 900 feet may require crosswalk or walking path/trail. Crosswalk dedication of not less than 10-feet in width shall be provided where deemed necessary by the Town Plan Commission at the approximate centers of the blocks. A sidewalk, path, or trail shall be constructed on the centerline, and full length of the crosswalk. The use of additional crosswalks in any instance to provide safe and convenient access to schools, parks or other similar destinations will be specified by the Town Plan Commission.
- B. No specific rule concerning the shape of blocks is made, but blocks must fit easily into the overall plan of the subdivision and their design must evidence consideration of lot planning, traffic flow, and public areas.
- C. Blocks intended for commercial and industrial use must be designated as such and the plan must show adequate off-street areas suitably surfaced to provide for parking, loading docks and such other facilities that may be required to accommodate motor vehicles.

4.11.8 LOT STANDARDS

- A. The minimum lot dimensions for residential development shall be pursuant to the County Zoning Ordinance at the established building setback line. Corner lots shall be sufficiently larger than interior lots to allow maintenance of building set back lines on both streets.
- B. Building lines shall conform to the front yard provisions of the Zoning Ordinance, and in no instance shall the building lines be less than 25-feet from the right-of-way (or street pavement where private roadways are allowed).
- C. All lots shall abut publicly dedicated streets for a minimum distance of 66-feet or abut a 66-foot wide private access easement.
- D. Side lines of lots shall be approximately at right angles or radial to the street line.
- E. Double frontage lots are discouraged except where lots back upon an arterial street (major thoroughfare) and in such instances, vehicular access between

the lots and the thoroughfare is prohibited or where topography of the land might render subdividing otherwise unreasonable. Such lots shall have an additional rear yard depth of at least 20 feet in order to allow for a protective screen planting within a landscape easement.

- F. Lots abutting a limited access highway, railroad, watercourse, drainage way, channel or stream shall have additional minimum width or depth as required to provide an adequate building site and afford the minimum usable area required in the Zoning Ordinance for front, rear and side yards.

4.11.9 ALLEYS AND CROSSWALK IN COMMERCIAL AREAS

Alleys, shall be provided in commercial areas unless such areas are otherwise provided with off-street loading.

4.11.10 PUBLIC SITES AND OPEN SPACES

In the design of the plat, certified survey map, condominium or planned development due consideration shall be given to the reservation of suitable sites of adequate area for future schools, public parks, public playgrounds, drainageways and other public purposes. If designated on the comprehensive plan, comprehensive plan component, official map, or component neighborhood development plan, such areas shall be made a part of the plat, Condominium or Planned Development as stipulated in Section 4.2.3 of these regulations. If not so designated, open spaces shall be provided in accordance with the conservation subdivision requirements.

Accordingly, each subdivider or developer of land shall, at the discretion and direction of the Town Plan Commission, provide open space in accordance with the conservation subdivision requirements, and/or, dedicate open space lands designated by the Town Land Use Plan or plan component. The Town Plan Commission shall, at the time of reviewing the Preliminary Plat, Condominium Plat or Development Plan select one of the following options and record such selection in the minutes of the meeting at which the Preliminary Plat, Condominium Plat or Plan of Development is presented for approval. Certified Survey Maps shall be exempt from this provision.

- A. Conservation Subdivision – Open Space Provisions.
 - 1. The open space provisions for conservation subdivisions shall follow the requirements in Section 4.10 and as required by the Town Plan Commission.
- B. Dedication of Site Option.
 - 1. Whenever a proposed public playground, public park, or other public

open space land designated on the Town's Lake Use Plan, neighborhood unit development plan, or as required by the Town Plan Commission, or other comprehensive plan component is encompassed, all or in part, within a tract of land to be subdivided or developed, the public lands shall be made a part of the plat, condominium or development plan and shall be dedicated to the public by the subdivider or developer at the rate of one acre for each 50 proposed or potential dwelling units.

2. Any proposed public lands in excess of the area established herein, required to be reserved for future development of park lands by the Plan Commission, shall be reserved for a period not to exceed three years, unless extended by mutual agreement, for purchases by the Town or other public agency having jurisdiction at undeveloped land prices. If the area reserved is not acquired within the three year period as set forth herein, the land will be released from reservation to the owner.
3. The rate for dedication of public park areas shall not include wetlands, floodplain areas, or other undevelopable land, although these areas may be included in the area dedicated as approved by the Town Plan Commission.

4.11.11 HYDROLOGY AND SOILS

Direction shall be included in both the plans and special provisions in sufficient detail to define what physical measures the developer shall perform to eliminate the effects of soil erosion (refer to Wisconsin Construction Site Best Management Practice Handbook), mud tracking and the resultant sedimentation problems both on and off the site. Control of erosion shall be required both during and following construction, until the soils are stabilized and expiration of the required maintenance bond.

4.11.12 SANITARY SEWERS

Sanitary sewers shall be installed to comply with specifications established by the Sanitary District and shall be connected to the sanitary disposal system of the Sanitary District if reasonably accessible. Where public sanitary sewers are not reasonably accessible private on-site wastewater treatment systems shall be designed and permitted in accordance with the Wisconsin Administrative Code and as required by the Walworth County Sanitarian. All Town Utility District maintained utilities shall be placed within dedicated right of way and approved easements and specifically these utilities shall not be placed upon private properties except for condominium or planned developments in which alternate agreement(s) are entered into by the Town and Subdivider.

4.11.13 STORM WATER DRAINAGE FACILITIES

The subdivider or developer shall construct storm water drainage facilities, adequate to serve the subdivision, condominium or planned development, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, storm water detention or retention basins and structures and settling basins. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow and shall be designed in accordance with the Town Development Standards, and as required by the Town Engineer. Any changes in the storm water drainage system outside the proposed development which are necessary as a result of an increase in storm water discharge rates discharging from the proposed development shall be the responsibility of the subdivider or developer. All storm water detention basins shall discharge or improvements shall be designed such that all concentrated discharges are directed to an established stream, waterway, or water course.

4.11.14 PUBLIC UTILITIES

All existing utility lines, conduits or cable for electric, telephone, cable television and other communication services shall be placed a minimum of 24-inches underground within rear yard easements for all projects within a sewer district (or within 10-feet of the right-of-way line of dedicated public ways if approved by the Town Plan Commission for other areas) as recommended by the Town Engineer and as approved by the Town Plan Commission in conjunction with the approval of any final plat of subdivision, condominium or planned unit development. All transformer boxes shall be located so as not to be hazardous to the public.

4.11.15 LANDSCAPING

Landscaping shall be required to be constructed in accordance with the Development Standards adopted by the Town and as approved by the Town Plan Commission.

- A. Maintenance of the parkway area, defined as that area adjacent to any lot or parcel, between the property line and any street shoulder or curb, shall be the responsibility of the property owner of said lot or parcel including, but not limited to:
1. Mowing of grass or ground cover.
 2. Private driveway approaches.
 3. The curb (depressed) or flare from the pavement edge extended, for a private driveway approach.
 4. Tree trimming and watering to assure a healthy, well-shaped appearance and maintaining adequate roadway and sidewalk clearances, as approved by the building inspector.
 5. Keeping culvert opening free of debris.

6. Mailboxes and support structures.
7. Sidewalk installation and maintenance, where applicable.

4.11.16 STREET LIGHTING

Each subdivider or subdivision owner in a Streetlight District shall provide for the adequate lighting of public streets within the proposed subdivision in accordance with the standards and requirements established by the Town Engineer or Utility Company, in accordance with the provisions of this Code, and subject to the approval of the Town. All proposed lighting shall include provisions to eliminate "light pollution" as determined by the Town. It shall be the responsibility of the subdivider or subdivision owner to pay the installation cost of all such lighting. The operation costs of street lighting shall be the responsibility of the individual property owners as a special assessment by the Streetlight District. No light poles will be allowed within 15-feet of the pavement edge for rural type streets.

4.11.17 SURVEY MONUMENTS

The subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes and as may be required by the Town Engineer.

4.11.18 STREET SIGNS AND GUARD RAILS

Street signs and guard rails (for both public and private streets) shall, at the option of the Town Board, be obtained by the Town and placed where necessary by the Town and the cost of the same shall be paid for by the subdivider.

4.11.19 RECORD DRAWINGS

One mylar copy of Construction Record Drawings of all items covered in Town Development Standards, shall be furnished to the Town, within 60 days after the installation of the improvements covered therein.

4.11.20 IMPROVEMENTS EXTENDED TO LIMIT OF PARCEL

Any and all improvements or utility services required by this Ordinance for the subdivision and/or minor land division of lands within the Town shall be extended to the farthest limit of the parcel unless the owner is excused by the Town Board after referral to the Plan Commission and/or Utility District.

4.11.21 STREET TREES

The subdivider or developer shall plant, outside the public right-of way, at least one tree of an approved Wisconsin native species and of at least six-feet in height for each 50 feet of frontage on all streets. Tree plantings shall be completed in accordance with plans and specifications, or planting schedule approved by and at such time as directed by the Town Plan Commission and Town Board.

4.11.22 SIDEWALKS

Sidewalks shall be installed where required by the Town Board and/or Plan Commission and shall be installed on both sides of all streets constructed to an urban cross section. All sidewalks shall be installed within 5 years from the date of recording of the plat.

4.11.23 STUDIES AND REPORTS

The Town may require studies and reports presented detailing additional information on the impacts of the proposed development on transportation systems, surface and ground water quality, hydrology, water supply, sanitary sewerage facilities, wetlands, floodplains, and other environmentally sensitive areas. The studies or reports should include discussion of the alternatives, and steps necessary to minimize any adverse effects of the proposed development.

SECTION 4.12 ACCEPTANCE PROCEDURE

4.12.1 SUBSTANTIAL COMPLETION

- A. Upon written request of the subdivider, and after all the required improvements have been substantially completed, the Town Engineer shall make an inspection of the work.
 - 1. The Engineer shall then prepare a Substantial Completion Certificate and Punchlist for correction of items which do not comply with the approved drawings and specifications or Development Standards of the Town, which need immediate attention. Upon completion of all items listed in the punchlist, the subdivider shall sign and return the Substantial Completion Certificate. If all punchlist items are found to be completed, the Town Engineer shall notify the Town Clerk, in writing, that the project has been substantially completed. If items required for substantial completion are not taken care of in a timely manner, the Town Board reserves the right to make a claim on the developers bond or letter of credit to complete the necessary work, or withhold building and occupancy permits.
 - 2. Improvements shall be maintained by the developer until such time as they are accepted by the Town.

4.12.2 FINAL ACCEPTANCE

- A. Upon written request of the subdivider, after all the required improvements have been completed and mylar Construction Record Drawings have been submitted, the Town Engineer shall make a final inspection of the completed work.
 - 1. The Engineer shall then prepare a Final Completion Certification and Final Punchlist for correction of items which do not comply with the approved drawings and specifications or Development Standards of the Town. Upon completion of all items listed in the final punchlist, the subdivider shall request, in writing, a reinspection. If all punchlist items are found to be completed, the Town Engineer shall notify the Town Clerk, in writing, of his recommendation for approval and acceptance of the work. The Town Clerk shall schedule the acceptance for the next regular Town Board meeting.
 - 2. Prior to final acceptance of the public improvements, the subdivider shall pay any outstanding invoices and submit five percent guarantee bond for the full value of the public improvements as estimated by the subdivider's engineer and verified by the Town Engineer. Said bond shall be the developer's guarantee against defects of the public improvements and shall terminate two years after acceptance of the public improvements by the Town Board.

3. Upon acceptance by the Town Board, the balance of the public improvements construction guarantee, cash or letter of credit and any deposited fees remaining shall be released to the subdivider.

4.12.3 BUILDING PERMIT

No building permit shall be issued by any 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 replatting, until all requirements of this ordinance have been fully complied with, nor will any permit for any temporary or permanent facilities or structures be issued until all roadways are capable to support emergency equipment.

4.12.4 OCCUPANCY PERMIT

No final occupancy permit shall be granted by any governing official for the use of any structure within a subdivision approved for platting and replatting until required utility facilities have been installed and made ready to service the property, and that roadways providing access to the subject lot or lots have been substantially completed, excluding final surface course. In case of corner lots, this shall include both streets upon which the property is located.

4.12.5 ENFORCEMENT

No plat of any subdivision shall be entitled to be recorded until it shall have been approved in the manner prescribed by this Ordinance.

SECTION 4.13 AGREEMENTS

4.13.1 GENERAL

Prior to improving any property a Final Plat must be filed for record and be accompanied by the following:

- A. An opinion of probable cost of all public improvements prepared by a Professional Engineer licensed in the State of Wisconsin.
- B. Construction plans and specifications prepared by a Professional Engineer licensed in the State of Wisconsin for such improvements previously approved by the Town Engineer.
- C. Agreements executed by the Town and the subdivider wherein they agree to make and install the improvements, in accordance with the plans and specifications accompanying the Final Plat.
- D. Letter of Credit in a form approved by the Town Attorney in the amount of 115% of the Town Engineer's opinion of probable cost of the installation of such improvements with good and sufficient surety thereon, to be approved by the Town Board, conditioned upon the substantial completion of the required improvements within two years of the approval of the Final Plat and final completion (including roadway surface course) of the required improvements within three years of the approval of the Final Plat. The letter of credit shall not expire before the completion of the improvements based upon the work schedule.
- E. The work schedule for each major phase of work to be performed under this agreement, with estimated starting and completion dates.

4.13.2 MAINTENANCE BOND

- A. After construction is complete, a Maintenance Bond in an amount not less than five percent of all public improvements, approved by the Town Engineer, providing guarantee of workmanship and materials. In lieu of providing a separate bond, the letter of credit may be reduced to five percent and extended to the end of the warranty period. The maintenance bond shall be delivered to the Town and shall guarantee for a period of two years from the projects final acceptance the public improvements items and improvements of a public nature that are constructed in a private development, including but not limited to streets, ditches, sewer mains, water mains and street lights.

4.13.3 REDUCTION OF LETTER OF CREDIT

The Letter of Credit can be periodically reduced by the Town Board upon recommendation of the Town Engineer.

- A. The subdivider shall submit to the Town Engineer a list of completed items and their cost along with copies of Waivers of Lien for the completed items. Upon review of these submittals, the Town Engineer shall recommend to the Town Board the reduction in the value of the letter of Credit to be approved. Each reduction shall not be more than the value of items estimated in the letter of credit guaranty amount.
- B. The 15% contingency shall be held as retainage and not released until acceptance of the project and receipt of the five percent maintenance bond.

4.13.4 INSURANCE

The subdivider's contractor shall provide and maintain Comprehensive General Liability Insurance which will protect the Town of Lyons and each of its officers, employees, agents, and consultants from claims which may arise out of or result from the performance of work by anyone directly or indirectly employed by the contractor or subcontractor, or by anyone for whose acts the contractor may be liable.

- A. Comprehensive General Liability Insurance shall provide coverage in the amounts as shown in Exhibit C.
- B. The subdivider's contractor shall not commence work until certificates of insurance showing coverage of all insurance required, signed by the insurance companies or their authorized agents have been filed with both the Town and Town Engineer.
- C. The policies of insurance so required by this paragraph to be purchased and maintained shall:
 - 1. With respect to comprehensive general liability insurance, include as additional insureds the Town and the Town Engineer, all of whom shall be listed by name as additional insured, and include coverage for the respective officers and employees of all such additional insureds;
 - 2. Remain in effect at least until final payment and at all times thereafter when the subdivider may be correcting, removing or replacing defective work in accordance with this Ordinance, and

3. With respect to completed operations insurance, shall remain in effect for at least two years after final payment (and the subdivider shall furnish the Town and any other additional insured to whom an insurance policy has been furnished, evidence satisfactory to the Town and any such additional insured of continuation of such insurance at final payment and one year thereafter).

SECTION 4.14 DEFINITIONS

4.14.1 GENERAL DEFINITIONS

For the purposes of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory.

4.14.2 SPECIFIC WORDS AND PHRASES

Alley

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

Arterial Street

See Street Classification

BMP

"Best management practice" or "BMP" means a structural or non-structural practice, technique or measure, facility, system of practices or device that reduces soil, sediment or pollutants carried in runoff to waters of the state to a level compatible with the pollution control requirements of this ordinance.

Base Development Yield

The base development yield is defined as the number of dwelling units authorized for the Conservation Subdivision, not including any dwelling units authorized as a result of a development yield bonus. For Conservation Subdivisions which are to be located outside the sewer service area established in the Town's land use plan, the Base Development Yield is the same as the Net Density or adjusted Net Density established by the Plan Commission. For Conservation Subdivisions which are to be located within the sewer service area established in the Town's approved land use plan, the Base Development Yield is the Net Density or Adjusted Net Density plus an added factor of five percent.

Block

A tract of land bounded by streets or a combination of streets, public parks, cemeteries, railroad rights-of-way, shorelines of navigable waters, and municipal boundaries.

Building Line

A line parallel to a lot line and at a distance from the lot line to comply with the terms of this Ordinance.

Certified Survey Map

See Minor Land Division

Collector Street
See Street Classification

Common Open Space

Undeveloped land within a Conservation Subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development, or for the preservation, restoration and management of historical, agricultural or environmentally sensitive features. Common open space shall not be part of individual residential lots. It shall be substantially free of structures, but may contain such recreational facilities for residents as indicated on the approved development plan. It shall be restored and managed, as appropriate, and a restoration and management plan shall be prepared for the open space.

Common Facilities

Those facilities which are designated, dedicated, reserved, restricted or otherwise set aside for the use and enjoyment by residents of the development.

Community

A town, municipality, or a group of adjacent towns and/or municipalities having common social, economic or physical interests.

Comprehensive Plan

The extensively developed plan, also called a master plan, including detailed neighborhood plans, proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division, and building line ordinances and capital improvement programs shall also be considered a part of the comprehensive plan.

Condominium

A community association combining individual unit ownership with shared use or ownership of common property or facilities, established in accordance with the requirements of the Condominium Ownership Act, Chapter 703 of the Wisconsin Statutes. A condominium is a legal form of ownership of real estate and not a specific building type or style.

Conduit

A buried pipe for the installation of wires or cables or the conveyance of gas, water, storm water or sewage.

Contractor

An individual, company, firm or other party or organization who contracts to physically construct all or a portion of a project for either a Subdivider or the Town.

Conservation Easement

The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in its natural, scenic, open or wooded state, precluding future or additional development.

Conservation Subdivision

A residential development in which dwelling units are concentrated and/or clustered in specific areas at a higher density than provided for by the zoning classification or Town's land use plan in order to allow other portions of the development to be preserved for common open space, including restoration and management of historical, agricultural or environmentally sensitive features.

Cradle

Bedding placed under and around a conduit for proper support.

Crosswalk

A strip of land dedicated to public use, which is reserved across a block to provide pedestrian access to adjacent areas.

Cul-de-Sac

A local street with only one outlet and having an appropriate turn-around for the safe and convenient reversal of traffic movement.

Design Engineer

The individual or firm retained by the Subdivider who is responsible for the design and preparation of construction documents for a project.

Density Factor

The number of dwelling units permitted per acre according to the Town's land use plan, applicable neighborhood plans, the Town's ordinances, and applicable zoning regulations.

Development (Urban)

Residential, commercial, industrial, governmental and institutional development in sufficient concentrations or densities to require a variety and high level of traditional urban services and facilities including, but not limited to: full- or part-time municipal police and fire protection, and community administration; additional public streets and highways; neighborhood parks and playgrounds; neighborhood schools; local libraries; public sanitary sewer facilities, public water supply facilities, and public solid waste removal; storm sewers; mass transit facilities; continual street maintenance; curbs, gutters, and sidewalks; street lighting; and neighborhood convenience shopping. Such development may be expected to alter or require the altering of land and land cover and have detrimental impact on the ground and surface waters. Historically, in southeastern Wisconsin, urban development occurs

when residential development is concentrated in densities in excess of 0.2 dwelling units per gross acres (or one dwelling unit per five acres).

Development (Rural)

Agricultural, residential, recreational and other open space development at such concentrations and densities not requiring traditional urban services and facilities. Historically, in southeastern Wisconsin when residential development densities are less than 0.2 dwelling units per gross acres (or one dwelling unit per five acres), such traditional urban services are not required. Such rural development may be expected to result in minimum disturbance of the land and land cover, and therefore, less impact on the natural environment.

Development Envelopes

Areas within which pavement and buildings will be located.

Easement

A grant by a property owner for the use of a strip or parcel of land by the general public, a corporation, or a certain person or persons for a specific purpose or purposes.

Ecological Restoration

To protect, enhance, recreate or remediate functional and healthy plant and animal communities. Ecological restoration is accomplished by implementing a restoration plan for upland, wetland areas, and aquatic resource areas, which include specific remedial and management activities for sustainable maintenance of each of these areas and the planting of those varieties of plants that are indigenous to the area.

Extraterritorial Plat Approval Jurisdiction

The unincorporated area within one and one-half miles of a fourth-class city or a village and within three miles of all other cities.

Field Inspector

An individual, company or firm appointed by the Town to observe construction for compliance with approved drawings and specifications.

Flood Protection Elevation

An elevation two feet above the elevation of the 100 year recurrence interval flood.

Floodplains

Those lands, including the channels, floodways, and floodplain fringe of any given reach, which are subject to inundation by a flood with a given recurrence frequency. The 100 year recurrence interval flood (or that flood having a one percent probability of occurring in any given year) is generally used for zoning regulation. Other flood events used in this Ordinance are the 50 year recurrence interval flood (or that flood having a two percent probability of occurring in any give year) and the

10 year recurrence interval flood (or that flood having a ten percent probability of occurring in any given year).

Frontage Street

See Street Classification

Gross Acreage

The total area of a parcel including the area of perimeter street rights-of-way to the center line of the street.

High Groundwater Elevation

The highest elevation to which subsurface water may rise as defined by the Wisconsin Administrative Code. This may be evidenced by the actual presence of water during wet periods of the year, or by soil mottling during drier periods. "Mottling" is a mixture or variation of soil colors. In soils with restricted internal drainage, gray, yellow, red, and brown colors are intermingled giving a multi-colored effect.

Homeowners' Association

A community association, incorporated or not incorporated, combining individual home ownership with shared use or ownership of common property or facilities.

Live Storage

That volume available in a reservoir for holding storm water in accordance with the requirements of the Design Standards.

Local Streets

See Street Classification

Lot

A parcel of land of at least sufficient size to meet minimum zoning requirements for use, width, and area as set forth in County Ordinances.

Lot, Corner

A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

Lot, Double Frontage

A lot, other than a corner lot, with frontage on more than one street. Double frontage lots shall normally be deemed to have two front yards and two side yards and not rear yard. Double frontage lots shall not generally be permitted unless the lot abuts an arterial highway. Double frontage lots abutting arterial highways should restrict direct access to the arterial highway by means of a planting buffer or some other acceptable access buffering measure.

Minor Land Division

Any division of land not defined as a "subdivision". Minor land divisions include the division of land by the owner or subdivider resulting in the creation of not more than four, parcels, any one of which is 35 acres or less in area, by successive division within a period of five years. Such minor land divisions shall be made by a Certified Survey Map.

Municipality

An incorporated village or city.

National Map Accuracy Standards

Standards governing the horizontal and vertical accuracy of topographic maps and specifying the means for testing and determining such accuracy, endorsed by all federal agencies having surveying and mapping functions and responsibilities. These standards have been fully reproduced in Appendix D of SEWRPC Technical Report No. 7, Horizontal and Vertical Survey Control in Southeastern Wisconsin.

Navigable Stream

Any stream capable of floating any boat, skiff, or canoe of the shallowest draft used for recreational purposes as determined by the Wisconsin Department of Natural Resources.

Net Density

The number of dwelling units permitted in the Conservation Subdivision. This number is obtained by performing the following calculation:

- A. Derive the net acreage for the Parent Parcel by subtracting from the gross acreage of the Parent Parcel the acreage consisting of the following: existing street rights-of-way, restrictive utilities rights-of-way, floodplains, wetlands, navigable streams, ponds and lakes;
- B. Determine the Density Factor as permitted for the Parent Parcel from the Town land use plan and zoning requirements applicable to the Parent Parcel, taking into account the Town preference, if any is indicated on the land use plan, for a Density Factor consistent with the surrounding neighborhood;
- C. Multiply the net acreage result under sub. (A) times the applicable Density Factor under sub. (B) to obtain the Net Density for the Parent Parcel.

Non-Profit Conservation Organization

Any charitable corporation, charitable association or charitable trust (such as a land trust), the purposes or powers of which including retaining or protecting the natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archeological or cultural aspects of real property.

Outlot

A parcel of land, other than a lot or block, so designated on the plat, but not of standard lot size, which can be dedicated to the public, redivided into lots or combined with one or more other adjacent outlots or lots in adjacent subdivisions or minor subdivisions in the future for the purpose of creating buildable lots.

Parkway

That area of a street right-of-way between the back of curb or pavement edge and the right-of-way line intended for use primarily by pedestrian traffic or roadside ditches and developed in a park-like character.

Planned Development

A Planned Development is generally intended to apply to larger scale, integrated developments as a means of providing opportunities for creative and cohesive design concepts. The development method is intended to allow modification of requirements established by other zoning districts and diversification in the relationship of different uses, buildings, structures, lot sizes and open spaces, while ensuring compliance with, and implementation of, the general development plan and zoning code. Additional objectives of a Planned Development include the provision of development consistent with site characteristics, creation of optimum quantity and use of open space, to relate developments to the natural environment, encouragement of good design and promotion of compatible uses.

Private Street

See Street Classification

Public Way

Any public road, street, highway, walkway, drainageway, or part thereof.

Record Drawings

Design drawings checked in the field and which are revised to show as-constructed location, elevation, grading and specification of material for improvements and utilities.

Release Rate

The controlled rate at which storm water is released from a holding reservoir.

Replat

The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat, certified survey map, or part thereof. The division of a large block, lot or Outlot within a recorded subdivision plat or certified survey map without changing the exterior boundaries of said block, lot, or Outlot is not a replat.

Sewered Zoning District

Those lands lying within the boundaries of an area where sanitary sewers are required as defined by the Walworth County Zoning Code.

Shorelands

Those lands, lying within the following distances: 1,000-feet from the high water elevation of navigable lakes, ponds, and flowages or 300-feet from the high water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.

Single Purpose Road

Any road, driveway or way which primarily serves a single parcel of property and is determined by the State of Wisconsin Department of Transportation, to be in eligible for highway aids to the Town.

Site Development Plan

A detailed plan which depicts the location of existing and proposed improvements on a parcel of land containing all the information required by Town and County Ordinances..

Soil Mapping Unit

Soil type, slope, and erosion factor boundaries as shown on the operational soil survey maps prepared by the U.S. Soil Conservation Service.

Standard Specifications

The most current edition of the "Standard Specifications For Road and Bridge Construction", State of Wisconsin, Department of Transportation, which may be used in conjunction with the specifications of the Town.

Storm Water Detention Basin

A reservoir for the temporary storage of storm water.

Street

An area of land which serves or is intended to serve as a vehicular and pedestrian access to abutting lands or to other streets.

Street Classification

- A. Arterial Street: A street used, or intended to be used primarily for rapid, unimpeded, or heavy through traffic, primarily arranged on section lines.

- B. 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 large residential developments, and act as main feeders or connector streets between arterial streets for heavy traffic flow between the various residential districts and areas in and surrounding the Town.
- C. Local Street: An area of land which serves or is intended to serve as a vehicular and pedestrian access to abutting lands or to other streets primarily for use in low or medium density residential districts.
- D. Frontage Street: A minor street auxiliary to and located on the side of any arterial street for control of access and for service to the abutting development.
- E. Private Street: Any street designated for use by specific property owners and not dedicated for public use nor intended for access by the general public, serving more than two residences.

Street, Public

All streets which are shown on the subdivision plat and are to be dedicated for public use.

Street, Commercial and Industrial

Those streets which serve commercial and industrial districts from and between arterial or collector streets, serving heavy vehicle and truck traffic regardless of volume.

Subdivider

Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, Certified Survey Map, or replat, responsible for preparing and recording the plats of the subdivision and for complying with these requirements. The term "Developer" may be used interchangeably with Subdivider for the purpose of these standards.

Subdivision

The division of a lot, parcel or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates five or more parcels or building sites of 35 acres each or less in area; or where the act of division creates five or more parcels or building sites of 35 acres each or less in area by successive division within a period of five years.

Surety Bond

A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider.

Swale

A ditch or surface drainage channel meeting certain specific criteria as established herein for the surface movement of storm water.

Town Engineer

The individual or firm appointed or contracted by the Town who is licensed to practice professional engineering in the State of Wisconsin and is responsible for reviewing subdivision plans on behalf of the Town, recommends changes from time to time to these Design Standards and performs other duties as directed by Town Ordinance.

Wetlands

Those lands which are partially or wholly covered by marshland flora and generally covered with shallow standing water or lands which are wet and spongy due to a high water table as determined by the US Army Corps of Engineers, Wisconsin Department of Natural Resources, or the Walworth County Zoning Department.

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 Section 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

SECTION 4.15.0 ADOPTION AND EFFECTIVE DATE

4.15.1 PLAN COMMISSION RECOMMENDATION

The Town Plan Commission recommended to the Town Board the adoption of this Land Division Ordinance at a meeting held on October 3, 2007.

4.15.2 PUBLIC HEARINGS

The Town Board of the Town of Lyons held a public hearing on this proposed Land Division Ordinance on August 6, 2007 and December 10, 2007.

4.15.3 TOWN BOARD APPROVAL

The Town Board the Town of Lyons proceeded to adopt the Land Division Ordinance at a meeting held on January 14, 2008.

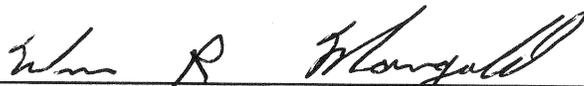
4.15.4 EFFECTIVE DATE

This Land Division Ordinance shall take effect upon passage and adoption by the Town Board and the filing of proof of posting or publication in the Office of the Town Clerk.

Date of Posting or Publication: January 24, 2008

Effective Date: January 24, 2008

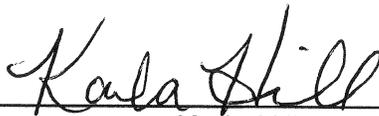
Town Chairman: _____



William R. Mangold

ATTESTED:

Town Clerk: _____



Karla Hill

Appendix A

THE CONSERVATION SUBDIVISION DESIGN PROCESS

Conservation subdivisions should be designed around the open space. That is, the areas for open space preservation should be set aside before the streets and lots are laid out. The design process for conservation subdivisions takes place in three basic steps:

1. Identification and analysis of existing conditions, or site analysis;
2. Delineation of preservation areas;
3. Layout of dwelling locations and street and lot pattern.

STEP ONE: SITE ANALYSIS

The design of a conservation subdivision around the open space first requires a proper site analysis. The site analysis should identify existing features that determine the landscape character of a site and analyze those features to determine the desirability of preserving them. A site analysis should also identify features that present problems that must be considered and overcome in the design.

The inventory of existing conditions should include all natural and man-made features of a site. Some of these will be natural areas protected by law, such as floodplains, wetlands, shoreland areas, and water bodies. Other areas that are developable, but contain certain features (see Figures C-1 and C-2) that may lend character to the rural landscape, should also be identified. Such areas could include hedgerows along an abutting road or dividing two fields; a healthy stand of trees atop a rise in terrain; diverse woodlands; wild flower meadows; fallow farm fields; wildlife habitats; areas that afford good views; historic buildings or ruins; fencerows; and even lone specimen trees. Problem areas that must be accommodated in the design may include such features as power line rights-of-way, transmission towers, utility easements, and drainageways.

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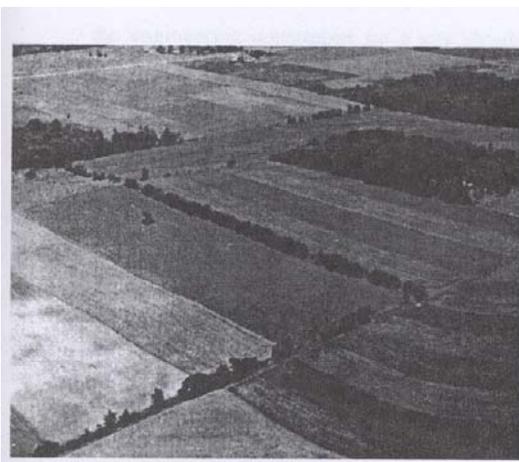


FIGURE C-1 Woodlands, hedgerows, and large single trees are important landscape elements to identify in a site analysis and to preserve in a final design.

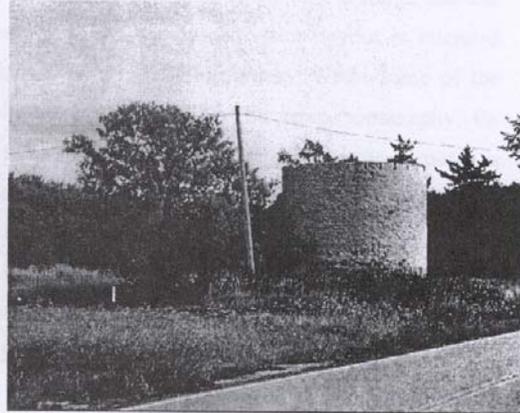


FIGURE C-2 Ruins, such as this old stone silo, are strong rural landscape elements which may be worthy of preservation.

It should be noted that a site analysis completed for the sketch-plan layout of a conservation subdivision is not usually as technically comprehensive as those required for engineered preliminary plats. Although the engineering constraints on a site should be generally understood and taken into account, the site analysis for the purposes of designing a sketch plan for conservation subdivision layout is intended primarily to identify landscape character, preservation areas, and building areas. While some of the elements required for sketch plans and typical preliminary plans will be the same, topography, for instance, the level of detail and accuracy required for documenting conditions for engineering purposes is not needed at the sketch-plan level. The elements of a site analysis for the purposes of conservation subdivision design would supplement and precede the site information normally required for conventional subdivision. When the approval process moves on to the preliminary-plat stage, complete documentation and analysis oriented toward proper engineering practices would then be needed. The conservation subdivision layout would then be adjusted, if necessary, to accommodate engineering considerations.

A good site analysis done for the purposes of conservation subdivision sketch-plan layout will include field investigations and should, at a minimum, consist of a map, or set of maps, showing the following:

1. A topographic analysis identifying slopes over 12 percent or greater and under 2 percent. The topographic map should have a scale of one inch equals 100 feet or more, with a vertical contour interval of two feet or less. Hilltops and ridge lines should be highlighted.
2. An analysis of drainage patterns. The management of storm water runoff from a site depends largely upon the existing drainage patterns which, for greatest economy and site preservation, generally should not be altered. Onsite

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drainage patterns are part of a larger drainage network and connect to the drainage patterns of adjacent sites. The role a particular site plays in the overall watershed should be recognized.

3. A vegetation analysis, identifying woodlands, hedgerows, lone specimen trees, grasslands, meadows, pastures, and active or fallow farm fields. Vegetation should be identified as evergreen or deciduous. The health and condition of each vegetative type should be identified. Predominant species in hedgerows and woodlands should be identified. Specimen trees should be identified by species, size, and health. Unique or endangered plant species should be noted.
4. A delineation of soil types and identification of selected soil characteristics, as provided by the information in the regional soil survey completed for the Regional Planning Commission by the U. S. Soil Conservation Service (now the U. S. Natural Resources Conservation Service). Such characteristics would include, for example, suitability of soils for crops, pasture, woodland, wildlife habitat, and recreation, as well as for building foundations, roadways, and onsite sewage-disposal systems. Prime agricultural soils and alluvial floodplain soils should be noted.
5. Shoreland protection areas, including the minimum 75-foot building setback from the ordinary high-water mark of navigable waters, the 100-year recurrence interval floodplain boundaries, and lakes, ponds, streams, and wetlands.
6. Boundaries and characteristics of primary and secondary environmental corridors and isolated natural resource areas, as identified in the adopted regional plans or local comprehensive plans.
7. Wildlife habitat, whether in fields, wetlands, or woodlands. Predominant species of birds, mammals, amphibians, fish, and reptiles should be identified when possible. The presence of rare or endangered species should be noted.
8. Historic or cultural features, including ruins and stone fencerows.
9. Other existing buildings and structures. All buildings in a farm complex should be located and identified as to their use, as well as the locations of existing wells and onsite sewage-disposal systems.
10. Scenic vistas, both into the site from adjacent roads and outward from the site.
11. Classifications of existing streets and highways adjacent to the development parcel, as well as especially desirable or undesirable points of entry into the parcel. Street connections required by the local official map should be noted.

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12. Existing physical conditions surrounding the development parcel within 200 feet. These might include such notes as "adjacent three-acre housing," "connection to regional trail," or "view to historic barn." The size and extent of existing adjacent open space areas should be noted, as well as any further open space connections these spaces may have.
13. Future area-wide plans that affect the site should also be taken into account. These could include, among others, plans for future parks; open space, trail, and bikeway systems; agricultural preservation areas; arterial street networks; storm water management systems and other utilities; and general land use plans.

Figure C-3 is an example of a typical site analysis. This is often accompanied by a written narrative that further explains the existing conditions on the site.

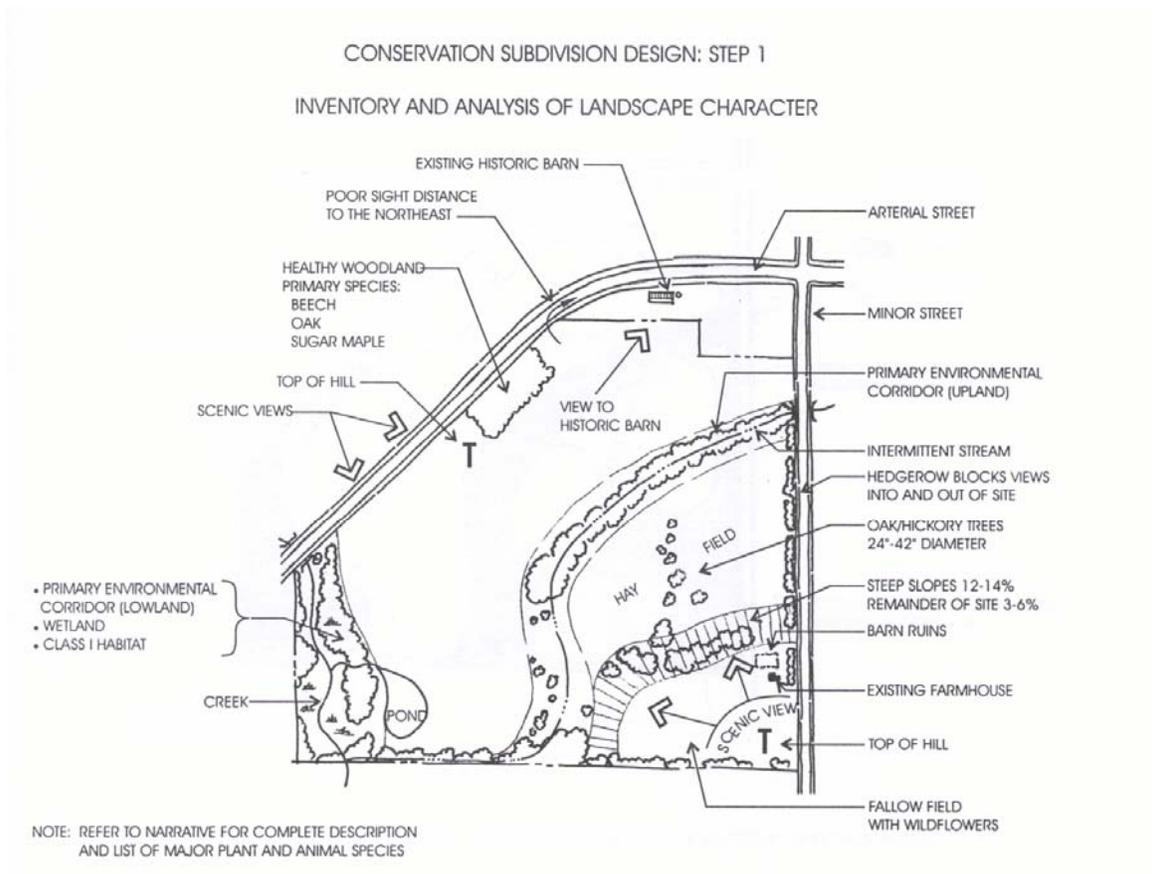


FIGURE C-3 A site analysis for the purpose of conservation subdivision design would supplement and precede the engineering information normally required for a conventional subdivision. When the approval process moves to the preliminary plat stage, the conservation subdivision layout would then be adjusted to accommodate engineering considerations.

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STEP TWO: DELINEATION OF PRESERVATION AREAS

After determining the existing conditions on a site, the next step is to determine which areas should be preserved, as shown in Figure C-4.

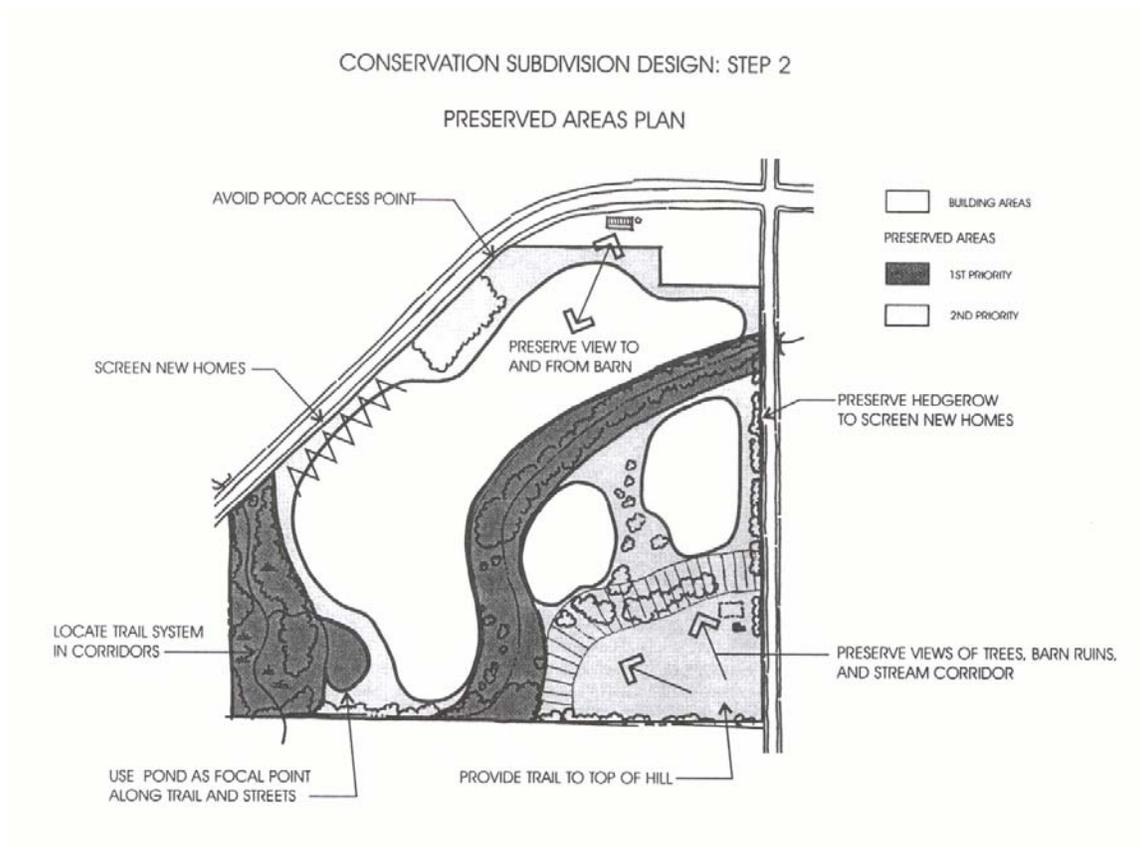


FIGURE C-4 Areas of first and second priority for preservation should be identified and preservation areas should be connected.

Areas of first and second priority for preservation should be identified. Areas of first priority will include two types of areas: those protected through State and Federal regulation, such as floodplains, wetlands, and shorelands, and those connecting to larger municipal, county, or regional park and greenway systems, such as primary environmental corridors. The more connected areas of open space are, the more valuable they become. The concept of connectedness is extremely important when trying to preserve meaningful open space. Fragmented open space areas lead to disrupted wildlife migration paths, nonfunctional wildlife corridors, inefficient farming operations, and piecemeal trail

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systems. Areas of disconnected open space preserved on a variety of development parcels, while valuable to some degree, can never have the same impact on preservation of landscape character as continuous open space does. When areas of open space in conservation subdivision developments on adjacent parcels abut each other, the impact on landscape character is greater than if they are separated by visible development.

The goal of connectedness in open space should always be kept in mind, not only in terms of the importance of connecting onsite open space with offsite open space, but also in terms of connecting all onsite open space as much as possible. While the opportunity to connect areas of onsite open space with adjacent offsite areas is not always available, areas of open space within the site can and should be connected. The zoning ordinance regulations should require that acceptable open space parcels be of a specified minimum size and that areas of open space be connected as much as is practicable.

After designating first priority areas for preservation, regulated environmentally constrained areas and areas that provide connections to offsite open space, areas of second priority are added. These would include other developable areas with natural features that have been identified as contributing to the particular rural landscape character of the site, as seen from adjacent roads and other public ways, as well as from within the site. Some judgements may have to be made at this stage as to the desirability of preserving certain areas of marginal value. For example, a hedgerow with weak-wooded or diseased trees may not be desirable for preservation.

Not all the open space will be environmentally constrained land, nor should it be. On parcels that have a great deal of environmentally constrained land, not all of it should be accepted as meeting the open space requirement of the ordinance. On parcels with few constraints, much of the open space will be in well-drained upland areas that would be considered buildable. Decisions would have to be made as to which portions of these areas should be used for lots and which should be saved for open space. These decisions should be based on the overriding objective of preserving rural landscape character.

In the process of determining the preservation areas, the areas available for buildings, streets and lots are, by default, also identified. These are the "left over" areas. This process is the opposite of that often used in the design of a conventional subdivision, where the leftover areas are the areas considered unsuitable for building. Often the areas with the most attractive natural amenities are set aside first to be included in a few prime lots that can be sold at a premium price.

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STEP THREE: CONCEPTUAL DELINEATION OF STREET AND LOT LAYOUT (SKETCH PLAN)

When preservation areas are set aside, their outlines give shape to the building areas. On many development parcels, the areas available for building will be larger than the area needed to accommodate the permitted number of lots. Thus, the third step in the conservation subdivision design process is to determine more specifically the preferred locations of building lots and how best to provide access to them with the streets (see Figure C-5).

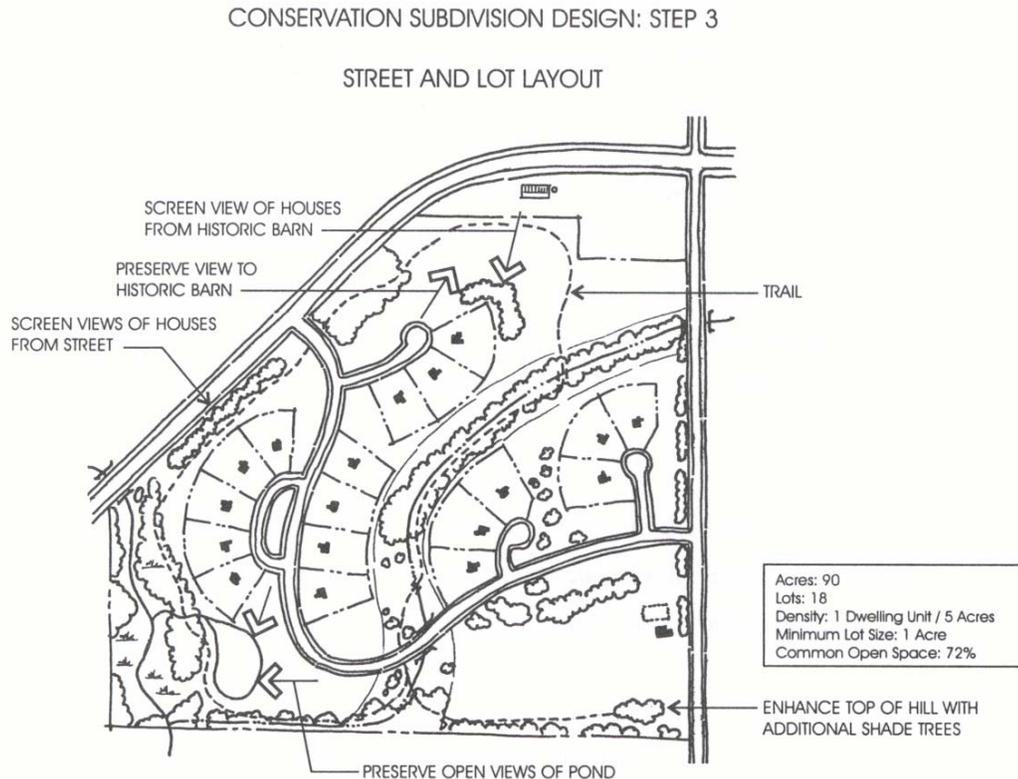


FIGURE C-5 After areas for preservation are identified, specific locations for building lots and streets are determined.

The street and lot layout at this stage in the design process is conceptual only. Because of the large variety of street layouts that are possible through the flexibility permitted by conservation subdivision regulations, agreement on the general acceptability of a plan should be reached before the plan is more precisely detailed. While general municipal engineering principles should be followed, no detailed site engineering is done at this stage, although all zoning and subdivision regulations should be met. It is beneficial for both the developer and the municipality to reach a consensus on a conceptual sketch plan before

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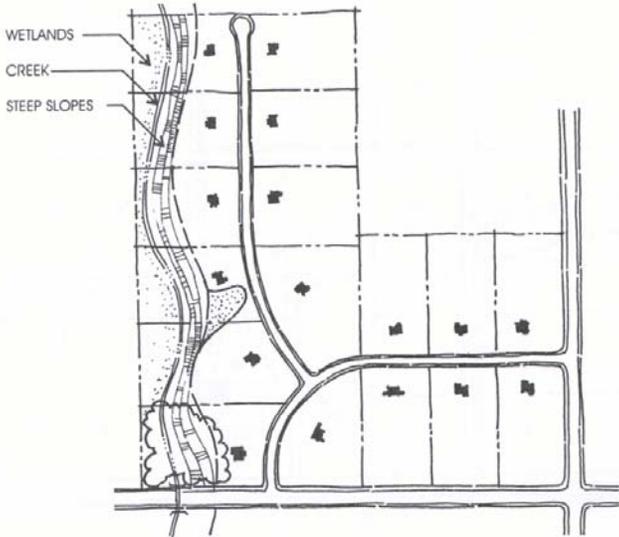
the developer incurs the costs of preliminary engineering. It is during review of the sketch plan that design changes can be made at little cost to the developer. Thus, before the preparation of preliminary plans is initiated, both the developer and the municipality should have agreed upon a conceptual layout.

The result of this process will be that streets and houses blend into the landscape in a natural way that protects the rural character of the site, rather than being forced onto the landscape in a form determined by rigid lot sizes and the configuration of parcel boundaries, as is often the case in conventional subdivision design and development.

EXAMPLES OF CONSERVATION SUBDIVISION DESIGNS

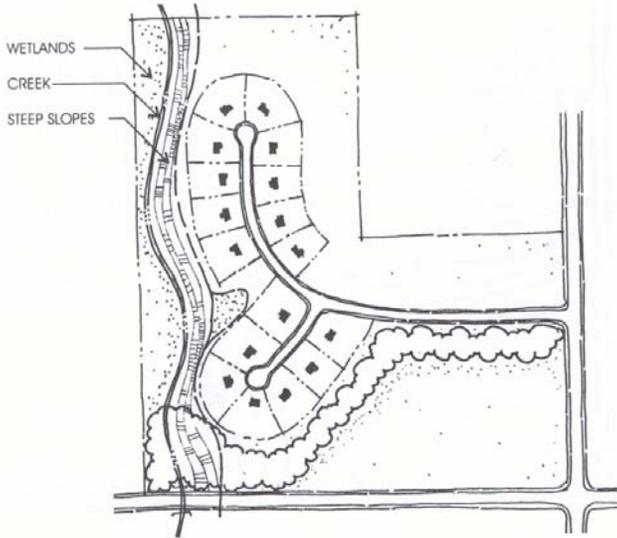
Hypothetical examples of conservation subdivision designs, contrasted with conventional designs for the same site, are presented in Figures C-6, C- 7, and C-8. Additional examples of conservation subdivision designs, along with means for implementing the conservation subdivision design concept, are presented in SEWRPC Planning Guide No.7, *Rural Cluster Development*, 1996.

Appendix A



CONVENTIONAL DEVELOPMENT
EACH RESIDENT CAN ACCESS 5-6 ACRES

Acres: 100
Lots: 17
Density: 1 Dwelling Unit / 6 Acres
Minimum Lot Size: 5 Acres
Common Open Space: 0



CONSERVATION SUBDIVISION DEVELOPMENT
EACH RESIDENT CAN ACCESS 76 ACRES
(1-ACRE LOT PLUS 75 ACRES OPEN SPACE)

Acres: 100
Lots: 17
Density: 1 Dwelling Unit / 6 Acres
Minimum Lot Size: 1 Acre
Common Open Space: 75%

FIGURE C-6 Through a reduction in lot size, open space can be created without losing density.

Appendix A

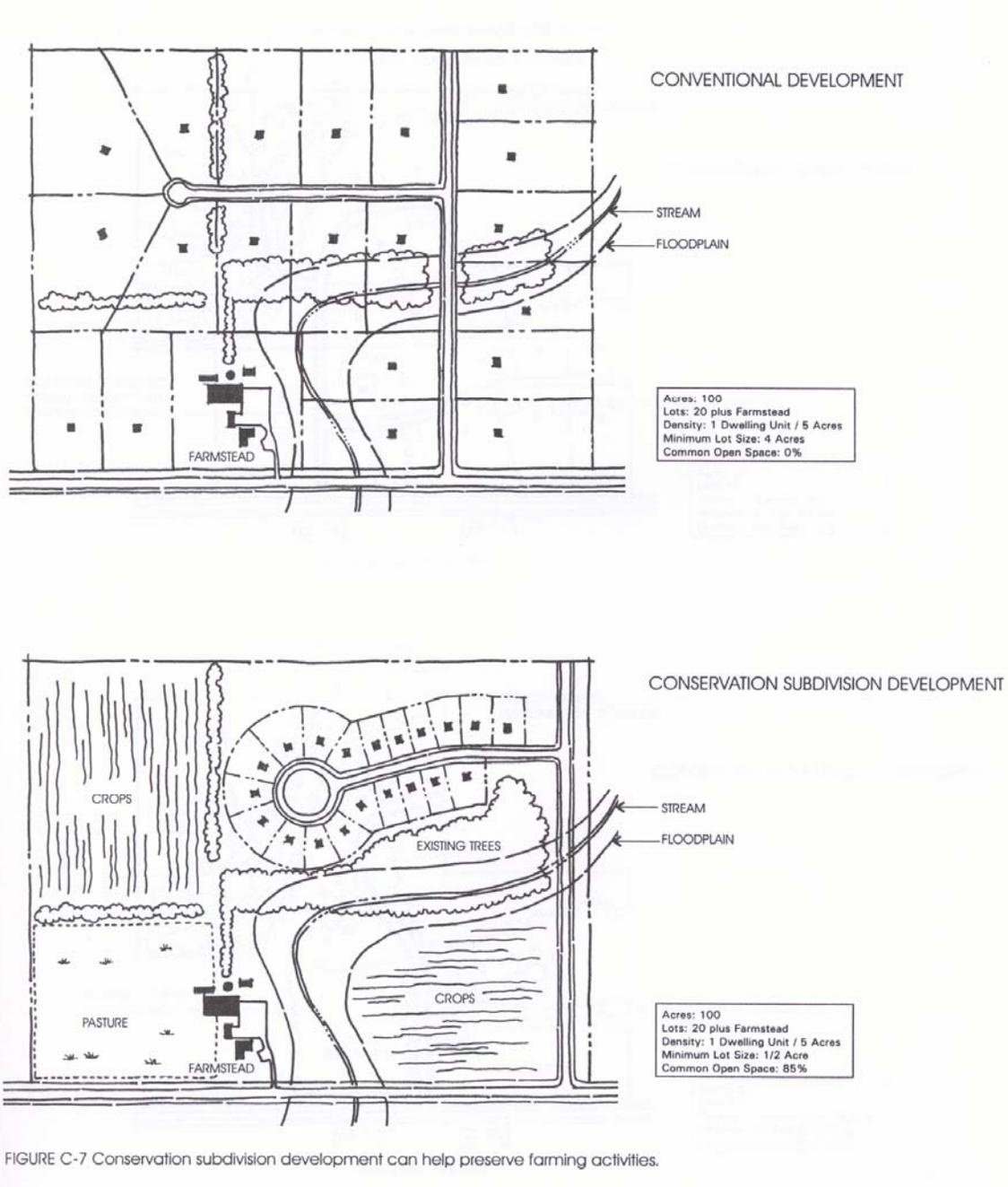


FIGURE C-7 Conservation subdivision development can help preserve farming activities.

Appendix A

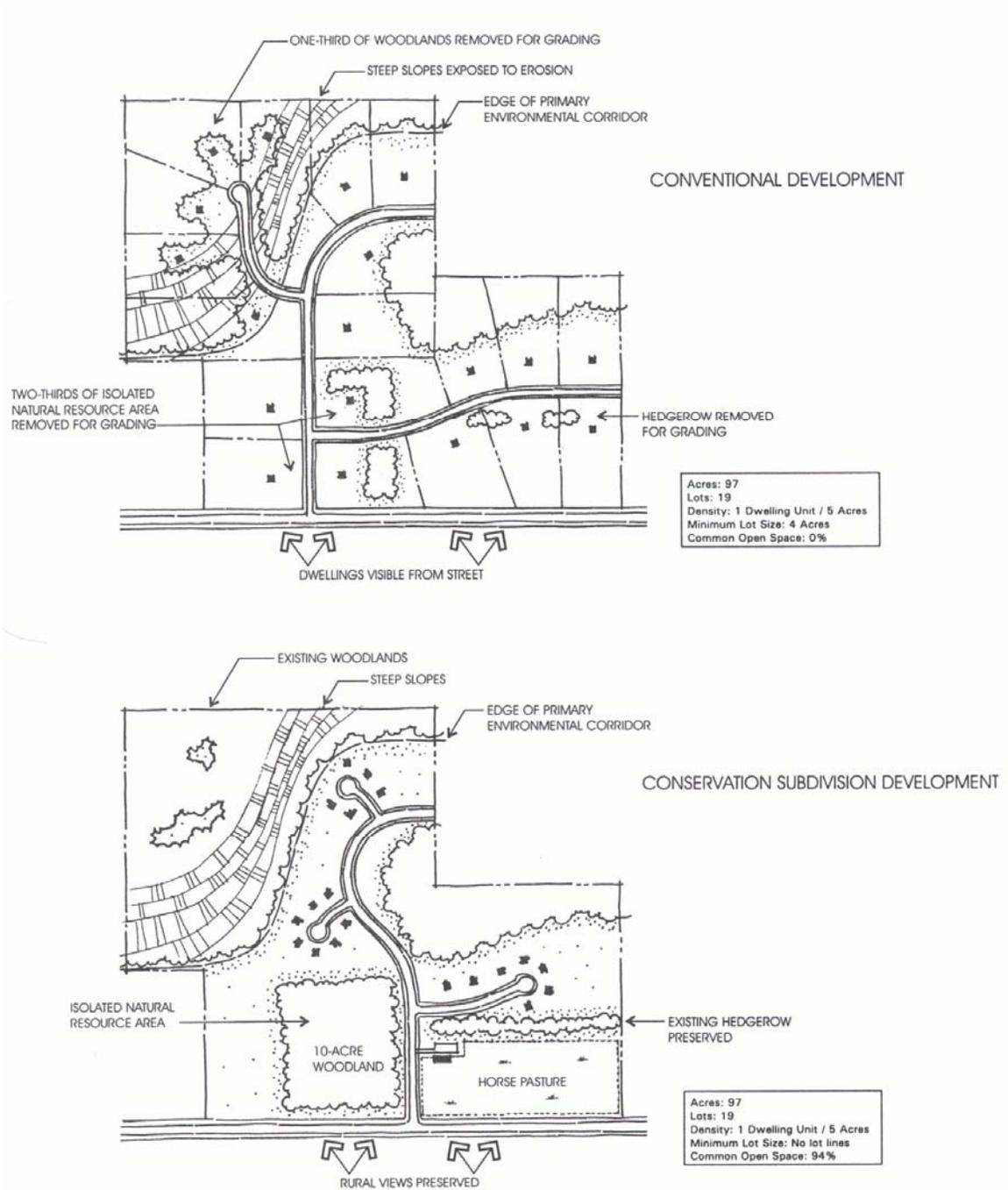


FIGURE C-8 Conservation subdivisions can preserve environmental features and views.

Source: SEWRPC Community Assistance Planning Report No. 249 - A Land Use Plan for the Town of Lyons, Walworth County, Wisconsin

Appendix B

OUTLINE FOR THE STANDARD FORM OF A
"DEVELOPER'S AGREEMENT"

THIS AGREEMENT, made this ____ day of _____, 20__,

by and between (name) _____

(address) _____

_____ (zip)

(contact person) _____

(telephone) _____

hereinafter known as the "DEVELOPER", and the Town of Lyons, Walworth County, Wisconsin, hereinafter referred to as the "TOWN", whose offices are at 6339 Hospital Road, Lyons, Wisconsin, 53148.

WITNESSETH:

WHEREAS, the DEVELOPER has received all necessary approvals from the TOWN for a development under the Land Division Ordinance located in Section _____, Town _____, Range _____ East and otherwise identified as (Include address, tax key number, owner on assessment records, or other identification if so desired).

A copy of said approved development plan, certified survey map, condominium plat, or final subdivision plat being made a part of this file and incorporated by reference;

WHEREAS, in the case of the divisions of land or subdivisions Chapter 236.13 of the Wisconsin Statutes authorized the TOWN as a condition of granting its approvals to require the DEVELOPER to install and dedicate reasonably necessary public improvements related to the subject lands;

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WHEREAS, particularly in the case of developments, certain other private improvements of private lands or public improvements located by easement on private lands are deemed necessary by the TOWN to serve the development or protect the public improvements being installed and dedicated for the benefit of the lands subject to this agreement.

NOW THEREFORE, in consideration of said approvals, the DEVELOPER agrees to the following:

ARTICLE I LIST OF IMPROVEMENTS

DEVELOPER shall install, at his own expense (unless provisions appended hereto provide for public or other private participation) according to plans and specifications as approved by the TOWN and incorporated in this agreement be reference:

A. GRADING, EROSION CONTROL

1. To grade the bed of all roadways to sub-base grades as established in the approved plans.
2. To grade the road shoulder, ditches, and (where required) sidewalks terraces, to the plan approved sub-base grades.
3. To grade lands adjacent to streets or other ways to maximum slopes are approved on the plans, and to take other measures as contained in the plans or specifications, to prevent or control erosion and to preserve sub-base and surface grades being established.
4. To grade vision corners at intersections.
5. To prevent or control erosion by installing erosion control measures as established in the approved plans.
6. To control dust at the site so as not to become a nuisance to neighboring property owners.
7. To construct and maintain a temporary sedimentation basin as established in the approved plans. To remove the temporary sedimentation basin and restore the area at the time of paving the roadway surface course for the second phase and prior to acceptance of the improvements by the Town Board.

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B. STORM WATER DRAINAGE AND DETENTION

1. To install at intersections, driveways and similar appropriate points as provided in the plans, culverts or other storm water conduits of the proper size and at the proper elevation.
2. To grade lands including those outside public right-of-way but within the development area to elevations for the various swales, detention basin or retention ponds as approved in the plans, to achieve the overall drainage district in which the subject land lies.
3. To install a system of underground storm sewers including appurtenant catch basins and laterals, if prescribed on the approved plans.
4. To maintain the storm water drainage facilities until acceptance of the improvements by the TOWN.

C. WATER SUPPLY AND DISTRIBUTION

1. To install a water distribution system including mains, laterals and fire hydrants and appurtenant valves, designed to supply the treated water available to property in the TOWN according to plans and specifications as approved by the TOWN or its designated utility. Where said water supply is not presently available to the subject tract, and where the approved plans and specifications so allow, the following alternative is agreed.
2. To drill a "community" well or wells, install an appropriate arrangement of reservoir pumps, and appurtenant pressuring equipment, together with a distribution system of water mains, laterals and fire hydrants and appurtenant valves, as called for in the approved plans and specifications. Said systems shall be designed for compatibility and eventual convertability to the local municipal system available to the TOWN.

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D. SANITARY SEWERS

To install a sanitary sewer system including mains, laterals, manholes and appurtenant facilities so as to provide sewage collection service to all lots and designed to flow into the overall collection system provided by the TOWN or its designated utility, according to their approved plans and specifications.

E. PAVING

1. To install base course material for the roadway and shoulder as provided in the plans and specifications, and including temporary turn-around areas.
2. To install finished paving in two courses as provided in the plans and specifications. The final wearing course shall be installed after __% of the lots have experienced construction within those designated places as shown on the plans or a specified amount of time from the approval of this contract, whichever comes first, but not more than three years.
3. To install curb and gutter as more particularly required in the approved plans and specifications, but generally in these locations:
4. To install sidewalks as more particularly required in the approved plans and specifications, but generally in these locations:

F. STREET LIGHTS

To install street lights of an approved type and at intervals and locations as shown on the approved plans and specifications, the operation costs of which shall be the responsibility of the individual property owners as a special assessment by the Streetlight District.

G. OTHER UTILITY INSTALLATIONS

1. To utilities such as gas, electric, telephone, and cable television, providing for example, proper easement areas within the subdivision lots for these and necessary public utilities, and arranging for timely and coordinated constructions activities, where more than one utility will be making installation in the same public way or private easement area.

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2. To pay electric, telephone, and cable television utility assessments or surcharges for underground service versus above ground service.

H. PLANTED AREAS, STREET SHADE TREES

1. To install topsoil and grass seed or sod and other suitable plantings in swales, ditches, and slopes and other areas, as may be necessary to prevent erosion and to preserve topography as contained in the plans and specifications.
2. To plant at least one tree of an approved Wisconsin native species and of at least six-feet in height for each 50-feet of lot frontage on all streets on each lot. DEVELOPER shall submit a planting schedule to TOWN for review.
3. Warranty: The DEVELOPER hereby agrees, at his own expense, to replace plant materials which die or are substantially damaged, and to repair graded areas which erode or are otherwise damaged, for a period of one year after installation, whether said death or damages are caused by an act of nature or by the activities of others such as contractors or property owners. This provision shall not preclude the DEVELOPER from seeking recovery of costs when damage is caused by others, however, the DEVELOPER's obligation to make timely replacements and repairs shall not be delayed, while recovery is sought from others.

I. BARRICADES, STREET SIGNS

1. Temporary. The DEVELOPER shall install and maintain, or shall arrange with all contractors that they install and maintain, those barricades, signs, warning lights, earth berms or mounds or other protective measures as set forth in the plans and specifications, which are hereby agreed to be reasonably necessary for the safety of the public during the improvement of the subject tract. These measures shall only be removed after approval by an authorized representative of the TOWN.
2. Permanent or Semi-Permanent. The DEVELOPER shall be responsible to pay for, and the TOWN will install street and traffic signs and those other informative or protective measures as street-end barricades and fences, and as may be provided for in the plans and specifications.

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J. SPECIAL FACILITIES

To install those special facilities or common areas such as public or private parks, malls, plazas, recreation areas, etc. or provide protective measures for natural conditions being preserved for ecological reasons such as fencing around wood lots or drainage levels near marsh-wetlands, etc. The DEVELOPER hereby agrees to (list special matters covered under this agreement.)

K. RESIDENTIAL UNITS

1. The minimum square footage of living space, excluding basement, contained in each residential unit shall be as follows:

(Fill in minimum square footage appropriate to the zoning district.)

2. A ___ car garage containing not less than ____ square feet shall be provided for each residential unit.

L. COVENANTS

The Restrictive Covenants entitled Exhibit _____ herein attached, shall be recorded by the DEVELOPER and incorporated into this document by reference.

M. WARRANTY

DEVELOPER agrees to warranty the improvements for a period of two years from the date of final acceptance by the Town Board.

(In the following space include the terms of any special warranty provisions being given by the DEVELOPER to the TOWN or enforceable by the TOWN.)

ARTICLE II GENERAL CONDITIONS

A. ENGAGING QUALIFIED CONTRACTORS

The DEVELOPER further agrees to engage contractors for all work included in this agreement that are, in the opinion of the TOWN, qualified to perform the work.

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B. WORK ACCORDING TO APPROVED PLANS AND SPECIFICATIONS

The DEVELOPER agrees to use materials and make the various installations in accordance with the approved plans and specifications made a part of this agreement by reference, and including those standard specifications as the TOWN or its Commissions may have adopted and published prior to this date.

C. CONSTRUCTION SITE PROVISIONS

1. The DEVELOPER agrees that a pre-construction meeting will be held with representatives of the contractor(s), DEVELOPER, and TOWN prior to any ground disturbing activities.
2. The DEVELOPER agrees that access to the site for the construction of improvements will be limited to _____.
3. The DEVELOPER agrees to repair any damage to TOWN roads that are damaged as result of their development, regardless of whether said damages are caused by the DEVELOPER's contractors activities or those of other sub-contractors working within their development. This provision shall not preclude the DEVELOPER from seeking recovery of costs when damage is caused by others; however, the DEVELOPER's obligation to make timely repairs shall not be delayed, while recovery is sought from others.
4. The DEVELOPER agrees that dust and mud will be controlled on the project site and TOWN roadways, and shall be monitored daily during construction activities. Any accumulation of mud or debris on the TOWN roadways shall be removed immediately and dust will be controlled on an as needed basis.
5. The DEVELOPER agrees to allow free and unlimited access to the project site at any time to any TOWN employee or agent, who is investigating the project's construction, operation, or maintenance.

D. PAYMENT OF TOWN REVIEW AND INSPECTION FEES

1. The DEVELOPER agrees to pay those fees for professional and inspection services incurred by the TOWN, including five percent overhead factor for TOWN supervision and administration of those services, related to engineering review of any plans and specifications

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submitted by the DEVELOPER for approval by the TOWN and related to inspection of work performed under this agreement.

Where the fees originate from non-TOWN employees, such as private engineering firms, the invoice amount shall be the actual fee as billed to the TOWN by the private firm, plus the TOWN's administrative, supervision, and overhead factor. Where the fees originate from services provided by TOWN employees (including those of TOWN Commissions or utility boards) the fee shall be according to the actual hours involved including supervision and administration and consisting of the employee's salaries plus overhead for their fringe benefits, office space, travel, and similar accepted components of overhead.

2. Review Fees

- a. Said conceptual plan review fees are estimate by the TOWN to be \$_____ in connection with this agreement, and shall be \$ _____ deposited upon the execution of this agreement.
- b. Said preliminary plat review fees are estimated by the TOWN to be \$_____ in connection with this agreement, and shall be \$_____ deposited upon the execution of this agreement.
- c. Said preliminary engineering, condominium or development plan review fees are estimated by the TOWN to be \$_____ in connection with this agreement, and shall be \$ _____ deposited upon the execution of this agreement.
- d. Said condominium or planned development plan review fees are estimated by the TOWN to be \$_____ in connection with this agreement, and shall be \$_____ deposited upon the execution of this agreement.
- e. Said final plat review fees are estimated by the TOWN to be \$ _____ in connection with this agreement, and shall be \$ _____ deposited upon the execution of this agreement.
- f. Said engineering and engineering review fees are estimated by the TOWN to be \$_____ in connection with this agreement, and shall be \$_____ deposited upon the execution of this agreement.

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- g. Said construction inspection fees are estimated by the TOWN to be \$_____ in connection with this agreement, and shall be \$_____ deposited upon the execution of this agreement.
- h. Unless otherwise entered here, the TOWN will deduct costs incurred from the deposited amount at monthly intervals (enter here any alternate billing and payment schedule.)

Any costs the TOWN may incur for plan review, inspection and administration which exceed the deposit amounts shall be billed to the DEVELOPER by the TOWN. If a fund balance exists in the inspection deposit after acceptance of all improvements and refund of the improvement guarantees, the DEVELOPER may request a refund of the remaining deposited amounts.

- 3. The foregoing fee estimate represents the TOWN's best judgement but the parties agree it is not a binding quotation. In the event the TOWN becomes aware that the estimate is substantially in error, it shall immediately notify the DEVELOPER so that an addendum to this agreement may be negotiated.

E. PUBLIC SITES AND OPEN SPACES

- 1. A fee shall be paid to the Town Treasurer at the time of application for a building permit of \$_____ for each of the proposed dwelling units within the (final subdivision plat, certified survey map, condominium plat, development) which in total is \$_____, for the acquisition of public sites to serve the future inhabitants of the proposed development.

F. TIME SCHEDULE AND CONSTRUCTION CONTRACT COPIES

- 1. Attached hereto is "Exhibit A", the "Work Schedule" for each major phase of work to be performed under this agreement, with estimated starting and completion dates. The parties hereby agree to abide by this schedule. Should it become impractical to continue the schedule of Exhibit A, (provided the impracticality arises from causes out of the control of both parties to this agreement such as: significant

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unforeseen subsoil conditions, weather or other acts of nature, strikes, area wide shortage of materials, or social disorders) either party to this agreement may submit a revision to Exhibit A for negotiation and acceptance by the other party.

2. Prior to the commencement of any work hereunder the DEVELOPER shall file with the TOWN a copy of each contract executed between the DEVELOPER and his contractors for specific work elements.
3. The DEVELOPER may seek, and the TOWN may grant, waivers to the foregoing provision in the case of later work elements where proper completion of earlier phases of work are not dependent upon starting these later elements. The granting of any such waivers shall be conditioned upon establishing dates for the submittal of executed contracts on the later work.

G. INSURANCE

1. The DEVELOPER shall require that all contractors being engaged to perform work under this agreement comply with TOWN Ordinances pertaining to damage claims and contractor's liability insurance. A certificate of such insurance must be filed with the TOWN prior to the commencement of any work hereunder.
2. Unless provided otherwise by law, contractors shall maintain insurance as will protect them from claims under Workmen's Compensation Acts and from any other claims for damages or personal injury, including death, which may arise from operations under this contract, including those by subcontractors, per the attached Insurance Requirements, shown as Exhibit C.

H. PAYMENT OF OUTSTANDING ASSESSMENTS AND CHARGES

Prior to the commencement of any construction hereunder the DEVELOPER hereby agrees to pay the following outstanding charges or assessments due against those portions of the subject tract being subdivided at this time: (List amounts to be paid.)

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ARTICLE III DEDICATION & GUARANTEE

A. DEDICATION & ACCEPTANCE OF PUBLIC FACILITIES

1. The DEVELOPER agrees that all dedications to the public of lands and improvements covered by the accompanying certified survey map or subdivision plat and this agreement are made without conditions.
2. The DEVELOPER further agrees that no improvement may be offered to the TOWN for acceptance of the dedication unless all review and inspection fees identified under II.C. are paid in full, and that all contractors who have performed work hereunder have received payment in full for their materials and services, certified in the form of affidavits, which shall be presented to the TOWN.

B. GUARANTEE

The DEVELOPER hereby agrees to provide a Maintenance Bond in an amount not less than five percent of all public improvements and guarantee all work performed under this agreement except those items separately warranted under I-H and I-J of this agreement, for a period of one year from the date of final acceptance by the TOWN Board. Such guarantee shall be against defects in materials or workmanship. If any such defect should appear, the DEVELOPER agrees to make the required replacement or acceptable repair at his own expense. This expense includes total and complete restoration of any disturbed surface or component of the improvement to the standard provided in the plans and specifications, regardless of improvements on lands where the repairs or replacement is required.

ARTICLE IV CONTRIBUTIONS TOWARD OFF-SITE IMPROVEMENTS

The parties agree that certain improvements located off the site of the subject tract covered by this agreement are directly beneficial to the subject tract and their installation and financing contemplate a financial reimbursement from this tract upon its development, in proportion to the site's benefit. The parties further agree that the dollar amount attributable as the fair share of this site, and not covered by F. of Article II, together with any accrued interest to this date, is \$_____, and results from the improvements summarized below:

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The DEVELOPER agrees the foregoing amounts are payable prior to the commencement of any construction hereunder.

ARTICLE V SURETY AGREEMENT

A. FORM, AMOUNT OF SURETY

As assurance of compliance with the DEVELOPER's obligations hereunder, the DEVELOPER shall file with the TOWN a Performance Bond, Irrevocable Letter of Credit (in the form of Exhibit B attached hereto) or escrow a cash deposit in the amount of \$_____ or 115% of the Town Engineer's estimate of the cost of improvements, representing the cost of the improvements, which Performance Bond, Irrevocable Letter of Credit, or cash deposit shall be adjusted periodically so that all times it equals or exceeds the total amount of improvement contracts entered into in accordance with this Agreement. The said Performance Bond, Irrevocable Letter of Credit, or cash deposit shall be filed with the Contract for Development Improvements and which Performance Bond shall be executed by the DEVELOPER, as principal, and a Surety Corporation duly licensed and authorized to do business under the Laws of the State of Wisconsin, as surety, that said Performance Bond shall be payable to the Town of Lyons and be conditioned upon the faithful performance of any and all services and labor furnished by the DEVELOPER.

B. USE OF PROCEEDS

The TOWN shall use funds drawn under the Performance Bond, Irrevocable Letter of Credit, or cash deposit in escrow only for the purposes of completing the improvements or correcting defects in or failures of the improvements.

C. FAILURE TO PAY FOR IMPROVEMENTS

In the event the DEVELOPER fails to pay the Contractor the required amount for the improvement or services enumerated herein within 30 days after being billed for each improvement of each stage, the Surety Corporation shall make the said payments to the contractor upon five days demand by the TOWN. Demand shall be by registered letter with a return receipt requested, addressed to the Surety Corporation at the address indicated on the Performance Bond described in Article V.A. above. It is understood between the parties to this Agreement, that the billing for the improvements shall take place as the various segments and sections of said

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improvements are completed and certified by the Town Engineer, and accepted by the TOWN. However, thereafter the sequence and timing of the billing is to be entirely at the discretion of the TOWN.

D. EVENTS OF DEFAULT

The following conditions, occurrences, or actions shall constitute a default by the DEVELOPER during the completion period:

1. DEVELOPER's failure to cure the defective construction of any improvement within the applicable cure period; or
2. DEVELOPER's failure to perform work within the Subdivision, Certified Survey Map, or Development for a period of more than 60 consecutive days; or
3. DEVELOPER's insolvency, the appointment of a receiver for the DEVELOPER or the filing of a voluntary or involuntary petition in bankruptcy respecting the DEVELOPER; or
4. Foreclosure of any lien against the property or a portion of the property or assignment or conveyance of the property in lieu of foreclosure.

The TOWN may not declare a default until written notice has been given to the DEVELOPER.

E. TOWN'S RIGHTS UPON DEFAULT

When any event of default occurs, the TOWN may draw on the Performance Bond, Irrevocable Letter of Credit, or cash deposit in escrow to the extent of the face amount of the credit less 90% of the estimated cost of all improvements theretofore accepted by the TOWN for which reduction has not been made. The TOWN shall have the right to complete improvements itself; assume any contract for the improvements, or contract with a third party for completion, and the DEVELOPER hereby grants to the TOWN, its successors, assigns, agents, contractors, and employees, a nonexclusive right and easement to enter the property for the purposes of constructing, maintaining, and repairing such improvements. Alternatively, the TOWN may assign the proceeds of the Performance Bond, Irrevocable Letter of Credit, or cash deposit in escrow to a subsequent DEVELOPER (or a lender) which agrees in writing to complete the unfinished improvements and provides security acceptable to the TOWN. In addition, the TOWN also may suspend Certified Survey Map, Final Plat, Condominium Plat, or

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Development approval during which time the DEVELOPER shall have no right to sell, transfer, or otherwise convey lots, homes, or units within the Certified Survey Map, Subdivision, Condominium, or Development without the express written approval of the TOWN or until the improvements are completed and accepted by the TOWN. These remedies are cumulative in nature.

F. DEVELOPER TO BE RESPONSIBLE FOR IMPROVEMENTS, FACILITIES, AND APPURTENANCES DURING IMPROVEMENT CONSTRUCTION

The DEVELOPER agrees that they shall be fully responsible for all improvements, facilities, and appurtenances thereto during the period of the improvement construction and that such damages as may occur to these facilities during this period shall be replaced or repaired by the DEVELOPER.

1. The DEVELOPER shall take all reasonable precautions to protect persons and property of others on or adjacent to the development from injury or damage. This duty to protect shall include the duty to provide, place and maintain at and about the site, guards, lights, and barricades.
2. Town Held Harmless
 - a. If the persons or property of others sustain loss, damage or injury resulting directly or indirectly from the work of the DEVELOPER or their subcontractors or material men, in their performance of this Agreement, or from his or their failure to comply with any of the provisions of this Agreement or of law, the DEVELOPER shall indemnify and hold the TOWN harmless from any and all claims and judgements for damages, and from costs and expenses to which the TOWN may be subjected or which it may suffer or incur by reason thereof.
 - b. In addition to, and not to the exclusion or prejudice of, any provisions of this Agreement or documents incorporated herein by reference, the DEVELOPER shall indemnify and save harmless the TOWN, its officers, agents and employees, and shall defend the same, from and against any and all liability, claims, loss, damages, interest, actions, suits, judgements, costs, expenses, attorney's fees, and the like to whomsoever and whenever brought or obtained, which in any manner results from or arises in the course of, or to, or as a result of the negligent performance of this Agreement, and negligent construction or operation of the improvements covered hereby, the violation of any law or ordinance, the infringement of any patent, trademark, trade

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name, or copyright. The DEVELOPER is not an agent or employee of the TOWN.

ARTICLE VI RIGHTS OF RECOVERY

The parties agree that certain improvements being installed by the DEVELOPER while related to the subject tract of land, benefit a larger area and, therefore, the DEVELOPER should be reimbursed for those additional costs hereinafter set forth.

A. OVERSIZING

1. The parties agree that the facilities summarized below are sized larger than are necessary to service the subject tract, and that the DEVELOPER's recoverable dollar amount attributable to such oversizing is \$_____ plus interest at the annual rate of ____%. (List below the type of improvement and dollar cost of oversizing in that improvement.)

B. SERVICE TO OTHER PROPERTIES

1. The parties agree that the facilities summarized below by virtue of their design and placement in relation to abutting or neighboring property will provide service to lands other than just the subject tract, and that the DEVELOPER's recoverable dollar amount attributable to such service to other properties is \$_____, plus interest at the annual rate of ____%. (List below the type of improvement and dollar share to be recovered from other benefiting properties.)

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TOWN OF LYONS
Lyons, Wisconsin

Witnessed By:

Town Clerk

Town Chairman

(Developer)
(Address)

Witnessed By:

(Title)

(Title)

Sample Irrevocable Letter of Credit
(On Bank or Savings & Loan Letterhead)

Issued in favor of the Town of Lyons
Walworth County, Wisconsin
NAME OF DEVELOPER:

Plat Name or CSM No.

We hereby establish our irrevocable credit in your favor up to the aggregate amount of \$(insert cost of improvements) available by your drafts drawn at sight, for the account of _____ (Subdivider)

This letter of credit is issued to guarantee the payments for improvements by (name of developer) under the provisions of Chapter 236 of the Wisconsin Statutes. Issuer agrees that in the event the facilities subject to this letter of credit and all work to be performed by said (name of developer) pursuant to the developer's agreement with the Town are not completed according to the terms of that agreement to the satisfaction of the said Town of Lyons, that the said Town may, after 10 days notice in writing to issuer and (name of developer), cause such improvements to be completed.

Issuer shall cause to be paid thereafter up to the aggregate amount set forth above, upon presentation by the Town of Lyons of sight drafts, for the completion of such improvements.

Issuer agrees that all such drafts shall be honored on presentation without notice to or subject to confirmation by (name of developer).

Drafts under this letter must be drawn and negotiated not later than (a date by which improvements must be completed) and will remain in effect for 60 days after a notice of expiration is sent to the Town Clerk. The Town Clerk as agent for the Town of Lyons shall be notified 60 days prior to the maturity of this letter.

Dated this ___ day of _____, ____.

(Name of Lender)

Issuer

By: _____
Signature and Title

Approved as to form:

Town Legal Advisor

Approved as to aggregate amount:

Approved as to Issuance:

Town Clerk

Developer

EXHIBIT B

INSURANCE REQUIREMENTS

Prior to starting work, the contractor (developer) responsible for construction of public improvements shall file with the Town Clerk a certificate of insurance. This certificate of insurance should include the following coverages and limits:

General Liability

General Aggregate Limit	\$2,000,000
Products & Completed Ops Aggregate	\$1,000,000
Personal & Advertising Injury	\$1,000,000
Each Occurrence Limit	\$1,000,000
Fire Damage Limit	\$ 50,000
Medical Payments Limit	\$ 5,000

The General Liability policy shall name the Town of Lyons, their officers, employees and agents as Additional Insureds.

Automobile Liability

Automobile Liability	\$1,000,000 Combined Single Limit
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Employers Liability

Bodily Injury by Accident	\$ 500,000 Each Accident
Bodily Injury by Disease	\$ 500,000 Each Employee
Bodily Injury by Disease	\$ 500,000 Policy Limit

Umbrella Liability

Each Occurrence Limit	\$3,000.000
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This certificate of insurance shall state that the coverage will not be terminated or reduced without 30 days advance written notice to the Town of Lyons, and the Town Engineer.

EXHIBIT C

APPENDIX C - FEES

1.0 GENERAL

The Subdivider or Developer shall pay all fees and costs associated with the review, inspection and administration of the land division or development equal to the actual cost incurred by the Town, plus a five percent overhead factor to assist in defraying costs for Town supervision and administration. The Subdivider shall submit all required fees, bonds, and letters of credit to the Town Clerk at the times specified before final approval of a plat, condominium, planned development or certified survey map. Any costs the Town may incur for plan review, inspection and administration which exceed the deposit amounts shall be billed to the Subdivider by the Town. If a fund balance exists in the inspection deposit after acceptance of all improvements and refund of the improvement guarantees, the subdivider may request a refund of the remaining inspection deposit amounts. In addition, the Developer's Agreement shall be executed and prior to final approval of any plat or certified survey map.

1.1 PRE-APPLICATION REVIEW FEE

The Subdivider shall pay a fee of \$75 to the Town Clerk at the time of request to be placed on the Plan Commission agenda for a discussion item.

1.2 CONCEPTUAL PLAN REVIEW FEE

The Subdivider shall pay a fee of \$200 and deposit a sum of \$500 to the Town Clerk at the time of application for the review of the Conceptual Plan.

1.3 CERTIFIED SURVEY MAP REVIEW FEE

The Subdivider shall pay a fee of \$200 and deposit a sum of \$400 for each Certified Survey Map to the Town Clerk at the time of the application for Town approval.

1.4 PRELIMINARY PLAT AND PRELIMINARY ENGINEERING REVIEW FEE

The Subdivider shall pay a fee of \$200 and deposit a sum of \$1,000 to the Town Clerk at the time of the application for Town approval of said Preliminary Plat.

1.5 CONDOMINIUM AND PLANNED DEVELOPMENT REVIEW FEE

The Developer of a Condominium or Planned Development shall pay a fee of \$200 and deposit a sum of \$750 to the Town Clerk at the time of application for Town approval.

1.6 FINAL PLAT REVIEW FEE

The Subdivider shall pay a fee of \$200 and deposit a sum of \$500 to the Town Clerk at the time of the application for Town approval of said Final Plat.

1.7 ENGINEERING REVIEW FEES

All public improvements proposed under the provisions of this Section shall be reviewed and approved by the Town Engineer. The Subdivider shall pay all fees and costs connected with the review of the drawings and specifications for the improvements. The Subdivider shall make an initial deposit of \$3,000 to the Town Clerk at the time of the application for approval of final engineering plans. After an initial review by the Town Engineer an additional fee deposit for engineering review may be required. The Subdivider, prior to any development plans being placed on the Planning Commission or Town Board agenda shall pay said additional fees to the Town Clerk.

1.8 ENGINEERING INSPECTION FEES

The Town Engineer shall inspect all public improvements proposed under the provisions of this Section during the course of construction. The Subdivider shall pay all fees and costs connected with the inspection of the construction of the improvements, including final approvals and project guarantee reductions. The inspection fee deposit shall be as established by the Town based upon the approved engineering plans. Said fee deposit is due prior to construction at the time of signing the developer's agreement.

1.9 ADMINISTRATIVE FEE

The Subdivider shall pay to the Town Clerk, the cost of any legal, administrative or fiscal services incurred by the Town in connection with its review of any Plat or Certified Survey Map. Legal work shall include, without limitation, the drafting of contracts between the Town and the Subdivider. These fees may also include the cost of obtaining professional opinions including, but not limited to those of attorneys, engineers, landscape architects, and land planners, requested by the Town Board in connection with the land division being considered.

1.10 EFFECT ON NONPAYMENT OF FEES

Notwithstanding any other provision of this Ordinance, no final approval of any Final Plat, Condominium or Planned Development, or Certified Survey Map shall be granted by the Town Board until such time as all fees imposed under this Ordinance have been paid in full, with the exception of construction-related fees. In the case of construction-related fees, the Town reserves the right to withhold building permits until all fees imposed under this Ordinance have been paid in full.

Conservation Subdivision Plat Review Procedure

Pre-application Meeting

Section 4.3.1

An informal consultation with the Plan Commission to inform the subdivider of the objectives of the Town Land Division Ordinance and Land Use Plan and to assist the subdivider in planning their development.

Conceptual Plan

Section 4.4

A conceptual plan is required for all conservation subdivisions and is intended to provide the Plan Commission with an inventory existing natural resources, a development yield analysis, and a proposed lot layout of the subdivision, as well as provide the subdivider with informal feedback from the Plan Commission to be utilized in preparation of the Preliminary Plat.

Submit Preliminary Plat for Review

Section 4.5

A Preliminary Plat and Preliminary Engineering Plan prepared in accordance with the Town Land Division Ordinance, Development Standards, and Land Use Plan shall be submitted at least 30 days prior to the Plan Commission meeting. The Town Clerk transmits the Plat and Plans to the Town Board, Town Engineer, and all affected departments.

Plan Commission Review

The Plan Commission has 60 days to recommend approval, conditional approval, or rejection of the Preliminary Plat to the Town Board.

Town Engineer Review

The Town Engineer reviews the proposed Preliminary Plat and Preliminary Engineering Plan for conformance with the Town Land Division Ordinance and Design Standards, and makes a recommendation to the Plan Commission.

Town Board Consideration

Based on the recommendations of the Plan Commission, the Town Board has 90 days to approve, conditionally approve, or reject the Preliminary Plat unless the time is extended by agreement with the subdivider. If the Preliminary Plat is rejected, the reason shall be stated in the minutes of the meeting. If the Preliminary Plat is conditionally approved, the applicant must satisfy all conditions before the Final Subdivision Plat is considered for approval by the Plan Commission.

Submit Final Plat for Review

Section 4.6

A Final Subdivision Plat and Engineering Plans prepared in accordance with the Town Land Division Ordinance, Development Standards, and Land Use Plan shall be submitted at least 30 days prior to the Plan Commission meeting. The Town Clerk transmits the Plat and Plans to the Town Board, Town Engineer, and all affected departments.

Plan Commission Review

The Plan Commission has 30 days to recommend approval, conditional approval, or rejection of the Final Subdivision Plat to the Town Board.

Town Engineer Review

The Town Engineer reviews the Final Plat and Engineering Plans for conformance with the Town Land Division Ordinance and Design Standards, and makes a recommendation to the Plan Commission.

Town Board Consideration

Based on the recommendations of the Plan Commission, the Town Board has 60 days to approve, conditionally approve, or reject the proposed Subdivision Plat unless the time is extended by agreement with the subdivider. If the Plat is rejected, the reason shall be stated in the minutes of the meeting. If the Plat is conditionally approved, the applicant must satisfy all conditions before the Plat and the Town signs Developers Agreement.

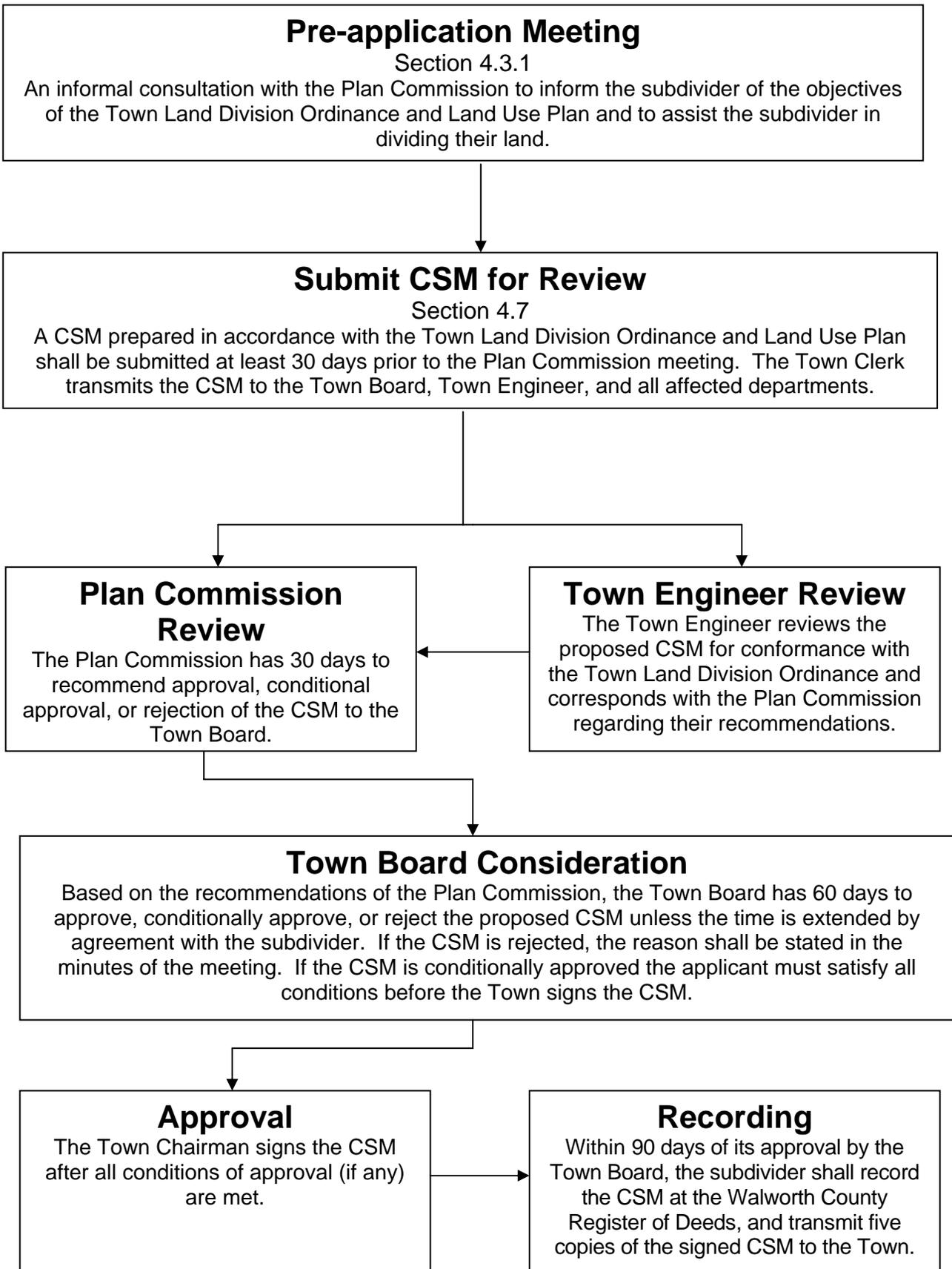
Approval

The Town Chairman, Town Clerk, and Town Treasurer signs the Final Subdivision Plat and Developers Agreement after all conditions of approval are met.

Recording

Within 180 days of approval by the Town Board, the subdivider shall record the Final Subdivision Plat, Covenants, and Deed Restrictions at the Walworth County Register of Deeds, and transmit 10 copies of the signed Plat to the Town.

Certified Survey Map (CSM) Review Procedure



Town of Lyons Plat Review Checklist

Project Title: _____

Owner: _____

Address: _____

Location: Section ____, T ____, N, R ____, E _____

Date map received: _____

Date of review: _____

Review fee paid

Maps transmitted to required parties

Adequate drainage and erosion controls provided

Served by sanitary sewers

Percent of slope: 0-6% 6-12% 12%-25% Over 25%

Lot Size: 15,000 s.f. 40,000 s.f. 2.5 acres 5 acres Other _____

Zoning district: _____, Min. lot area required _____, Min. lot width _____

Name and address of owner, subdivider, and surveyor

Location and size of lands reserved for future dedication

Graphic scale not more than 1"=100' for plats or 1"=500' for Certified Survey Maps

General location sketch

Conceptual plan submitted

Conservation subdivision requirements:

Inventory of existing resources

Development yield analysis

Conservation theme

Conceptual lot layout

Open space

Open space ownership /maintenance plan

Location of all existing buildings, watercourses, drainage ditches, percolation test holes, and other significant site characteristics

Existing and proposed contours

Water elevations of adjoining lakes and streams

Floodplain limits shown

Soil types shown

Town of Lyons

Plat Review Checklist

- Location, width, and names of adjacent right of ways
 - Type, width, and elevation of any existing street pavements within or adjacent to the plat or Certified Survey Map
 - Location and names of any adjacent subdivisions
 - Location, size, and invert elevations of any existing sanitary or storm sewers
 - Location of all existing property boundary lines
 - Location, width, and names of all proposed streets and public right of ways
 - Preliminary grading and storm water management plan for Preliminary Plats
 - Final engineering plans for proposed improvements
 - Dimensions of all lots shown
 - Radii of curves shown
 - Existing zoning on and adjacent to proposed land division
 - Any proposed lake or stream improvement access
 - Exact length and bearing of the centerline of all streets
 - Setbacks or proposed buildable area shown
 - Utility and drainage easements
 - Surveyors certificate stating compliance will all provisions of Town of Lyons Land Divisions Ordinance and Section 236 of Wisconsin State Statutes
 - Owners and mortgagee's certificate of dedication of streets and other public areas
 - Certification of Town/County taxes paid
 - Lot corners monumented
 - Covenants and Deed restrictions submitted
 - School district shown
 - Density Calculations
 - Special restrictions required: _____
 - Comments: _____
-

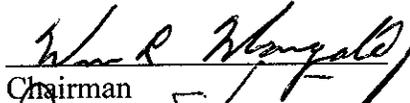
Town of Lyons, Walworth County, State of Wisconsin
Code of Ordinances, Chapter 4, Land Division Ordinance

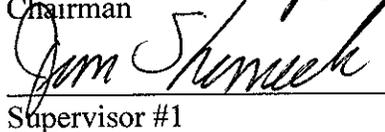
The Town Board of the Town of Lyons pursuant to its authority under Section 236.45 of Wisconsin Statutes does hereby amend the Town of Lyons Land Division Ordinance.

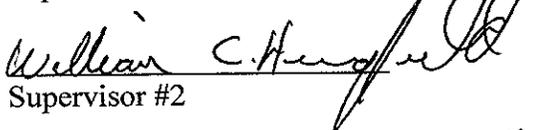
The specific paragraphs are amended as follows:

- Paragraph 4.3.5 C changes the Preliminary Plat approval time from 6 months to 36 months.
- Paragraph 4.3.7 A changes the Preliminary Plat approval time from 6 months to 36 months.
- Paragraph 4.3.7 E changes the Final Plat recording timeline from within 30 days to within 12 months of the last approval and 36 months after the first approval.
- Paragraph 4.3.11 C changes the Certified Survey Map recording timeline from within 90 days to within 12 months.
- Paragraph 4.3.13 D changes the Condominium recording time timeline from within 90 days to within 12 months.
- Paragraph 4.6.11 changes the Final Plat recording timeline from within 180 days to within 12 months of Town Board approval.
- Paragraph 4.7.6 changes the Certified Survey Map recording timeline from within 90 days to within 12 months of Town Board approval.
- Paragraph 4.13.1 D changes the Letter of Credit requirement to only be required for each approved phase of the plat.

Adopted this 11th day of April 2011 at a meeting of the Lyons Town Board.


Chairman


Supervisor #1


Supervisor #2

Attest: 
Town Clerk

Effective upon posting and publishing ^{May 26}~~April 21~~, 2011

CERTIFICATE OF POSTING

STATE OF WISCONSIN)

COUNTY OF WALWORTH)

Karla Hill, being first duly sworn says that on the 26th day of May, 2011 she posted the within notice at the following places.

- One notice at the Lyons Town Hall
- One notice at the Lyons Post Office
- One notice at the Springfield Post Office
- One notice at the Talmer Bank
- One notice at the Country Estates Clubhouse
- Notice sent to Standard Press news item only
- Notice sent to Regional News news item only

- Notice sent to Standard Press to be published as a legal notice one time
- Notice sent to Regional News to be published as a legal notice one time

TOWN OF LYONS

Karla Hill, Town Clerk