TOWN OF LAFAYETTE

DEVELOPMENT REVIEW AND PERMITTING

ORDINANCE 8 - 02

The Town Board of the Town of LaFayette, Walworth County, Wisconsin, does hereby ordain as follows:

SECTION 1.0 PURPOSE

The purpose of this ordinance is to promote the comfort, health, safety, prosperity, aesthetics and general welfare of this community.

SECTION 2.0 AUTHORITY

WHEREAS, the Town Board of LaFayette, County of Walworth, Wisconsin, has heretofore been directed, on April 6, 1965, at an Annual Town Meeting of the qualified electors to exercise all powers relating to and conferred upon villages, and whereas these regulations were adopted under the authority granted by § 60.18(12), 60.29(13), 60.74(7), which are now 60.10(2)(c), 60.22(3), 60.62(2), 60.61, 61.35, 62.23, 236.02(13) and 236.45, WI Statutes, and whereas authority to adopt this ordinance has been granted by referendum at an Annual Town Meeting of the qualified electors.

SECTION 3.0 INTENT

It is the general intent of this ordinance to ensure the authority of the already established Town Plan Commission; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and prepare and implement a Town comprehensive plan or plan components. It is further intended to provide for the administration and enforcement of this ordinance and to provide penalties for its violation.

SECTION 4.0 ABROGATION AND GREATER RESTRICTIONS

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

SECTION 5.0 INTERPRETATION

In their interpretation and application, the provisions of this chapter 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 law. Nothing in the Town Ordinances is intended to be more restrictive than the time limits, deadlines, notice requirements and other provisions of Wisconsin Statutes Chapter 236 that provide protections for a subdivider. To the extent any provision of the Town Ordinances conflicts with the time limits, deadlines, notice requirements or other provisions of Wis. Stats. Ch. 236 that provide protections for a subdivider, the provisions of Wis. Stat. Ch. 236 shall apply.

SECTION 6.0 REPEAL

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

SECTION 7.0 BUILDING INSPECTOR

A. There is herewith created the office of building inspector which office may be a full-time or part-time position, as the Town Board in its discretion shall determine; the building inspector shall be appointed

by the Town Board and shall hold office until replaced by the Town Board. The inspector's duties shall be to administer, supervise and enforce the provisions of the Town Development Review and Permitting Ordinance. His compensation shall be determined by the Town Board. The building inspector shall make an annual report of his activities to the Town Board.

B. The building inspector shall prepare and issue building permits; assist the applicant in preparing their application; advise the applicant as to the provisions of this ordinance and the Town building code; inspect each project for which a permit has been applied or granted; and report violations.

SECTION 8.0 TOWN PLAN COMMISSION

There is hereby established a Town Plan Commission for the Town of LaFayette.

A. How Constituted. The Town Plan Commission shall consist of seven (7) members. One (1) member shall be the Town Chairman, who shall be its presiding officer and serve for a period of two (2) years, as allowed under § 66.0501(2), WI Statutes, concurrent with his or her term on the Town Board. Six (6) citizen members, who may be other Town officials, shall be appointed by the Town chair, subject to confirmation by the Town Board.

B. Terms of Office. The term of office for each citizen member of the commission shall be for a period of three (3) years, ending on April 30th, or until a successor is appointed and qualified.

C. Qualifications. All citizen members shall be persons with recognized experience and qualifications and shall hold office until their respective successors are selected and qualified.

D. Vacancies. Whenever a vacancy shall occur, the proper authority shall appoint the appropriate member to fill the remainder of the unexpired term.

E. Duties. The Plan Commission shall have the following functions and duties:

1. To make and recommend a Master Plan or Comprehensive Plan and amendments thereto to the Town Board for the physical development of the Town in accordance with § 62.23 and § 66.1001, WI Statutes. The Plan Commission's recommendation shall be in the form of a resolution approved by a majority of the full membership of the Commission.

2. To propose or review and recommend text and map amendments to the Walworth County Zoning Ordinance for consideration by the Town Board.

3. To prepare and recommend land division regulations and amendments thereto to the Town Board in accordance with § 236.45, WI Statutes.

4. To review preliminary plats and certified survey maps (CSMs) and recommend approval, approval with conditions, or rejection of plats and CSMs to the Town Board.

5. To review conditional use permit applications referred to the Town for review by the Walworth County Zoning Agency and make a recommendation regarding such applications to the Town Board.

6. To make and recommend an Official Map and amendments thereto to the Town Board in accordance with § 62.23(6), WI Statutes.

7. To consider and report and recommend on all matters referred to the Commission by the Town Board.

8. All other duties and functions prescribed by the Wisconsin Statutes.

F. Meetings. Regular meetings shall be held at least annually, at the Town hall, as specifically determined by the Plan Commission. Special meetings may be called by the presiding officer or upon written request of two (2) Commission members. Notice of a special meeting shall be given by personal service to all members at least twenty-four (24) hours prior to the called special meeting.

G. Minutes. The minutes shall be kept by the secretary and filed in the office of the Town clerk.

H. Quorum. Four (4) members shall constitute a quorum to transact any business and formulate its proper action thereon.

I. Organization. The presiding officer shall name the secretary. The Commission may also formulate any lawful rules for its operation and procedures.

J. Compensation. The members shall be compensated as determined by the Town Board.

SECTION 9.0 PERMIT FEES

All persons, firms or corporations shall pay a Building Permit Fee in an amount determined by Resolution of the Town Board.

SECTION 10.0 DOUBLE FEES

A double fee may be charged by building inspector if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this ordinance nor from prosecution for violation of this ordinance.

SECTION 11.0 REMEDIAL ACTION

Whenever an order of the building inspector has not been complied with, within thirty (30) days after written notice has been mailed to the owner, resident agent or occupant of the premises, the Town Board of Supervisors, the building inspector or Town attorney may institute appropriate legal action or proceedings to prohibit such owner, agent or occupant from using such structure, land or water.

SECTION 12.0 PUBLIC INPUT

The Town Board shall refer to the Town Plan Commission to receive public input on the following matters:

A. Rezoning Petitions. Petitions for a rezoning under the Walworth County Zoning Ordinance are referred to the Town for review by the Walworth County Zoning Agency. Referral to the Town is required by Section 59.69(5), WI Statutes.

B. Petitions to Amend the Walworth County Zoning Ordinance. Petitions for an amendment to the Walworth County Zoning Ordinance are referred to the Town for review by the Walworth County Zoning Agency. Referral to the Town is required by Section 59.69(5), WI Statutes.

C. Applications for Conditional Use Permits. Applications for conditional use permits under the Walworth County Zoning Ordinance are referred to the Town for review by the Walworth County Zoning Agency. Referral to the Town is an optional procedure authorized by Section 59.69(6), WI Statutes.

D. Adoption or amendment of a Town Comprehensive Plan. A public hearing by the Town Board is required by Section 66.1001(4), WI Statutes.

E. Variances. Applications for a variance under the Walworth County Zoning Ordinance are referred to the Town for review by the Walworth County Zoning Agency.

SECTION 13.0 VACANT

SECTION 14.0 REFERRAL TO TOWN PLAN COMMISSION

Before making its decision, the Town Board shall refer all petitions and applications to the Town Plan Commission for review and recommendation.

SECTION 15.0 FEES

The fee for Conditional Use, Rezone, Rezone & Conditional Use, and Variance applications, in the amount determined by Resolution of the Town Board, shall be paid to the town treasurer at least fourteen (14) days prior to the meeting.

SECTION 16.0 TOWN BOARD DETERMINATION

After careful consideration of the Town Plan Commission's recommendations and public input, the Board shall act on the proposed rezoning, zoning ordinance amendment, conditional use, comprehensive plan or plan amendment. The recommendations of the Town Plan Commission may be overruled by a majority of the full membership of the Town Board.

A. Rezonings and Zoning Ordinance Amendments. For rezonings and proposed amendments to the Walworth County Zoning Ordinance, the Town Board shall set forth its recommendations and file a copy of its recommendation with the Walworth County Clerk within the time limits specified in § 59.69(5)(e)(3) and (3m), WI Statutes. In the event a petition for rezoning under the Walworth County Zoning Ordinances is denied, the Town will not review another petition for a rezone for the same parcel for a period of six (6) months.

B. Conditional Use Permits. For conditional uses under the Walworth County Zoning Ordinance, the Town Board shall set forth its recommendation and provide a copy of its recommendation to the Walworth County Zoning Agency as soon as possible following its adoption.

C. Variances. For variances under the Walworth County Zoning Ordinance, the Town Board shall set forth its recommendations and provide a copy of its recommendation to the Walworth County Zoning Agency as soon as possible following its adoption.

SECTION 17.0 LAND DIVISIONS

A. Preliminary Plat Review. Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat with supporting data and a letter of application. The preliminary plat and supporting data shall be prepared in accordance with the Land Division Ordinance, and the subdivider shall file an adequate number of copies of the plat, with supporting data and the application, with the Town Clerk together with all necessary fees. In addition:

1. Within two (2) days after the preliminary plat is submitted for approval, legible copies, together with a list of the authorities to which the plat must be submitted for approval, under Wisconsin Statutes 236.10, or objection under this subsection, furnished by the subdivider at the subdivider's expense, shall be sent, by the Town Clerk to the following agencies which have authority to object to the plat:

   (i) 2 copies each – the Director of Plat Review, Wisconsin Department of Administration and, if applicable, the Clerk of a City or Village having extraterritorial jurisdiction who shall examine the plat for compliance with Wisconsin Statutes 236.15, 236.16, 236.18, 236.20 and 236.21(1) and (2).

   (ii) 2 copies - Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or connecting street.

(iii) 2 copies - Wisconsin Department of Commerce if the subdivision is not served by a public sewer and provision for such service has not been made.

(iv) 2 copies – Wisconsin Department of Natural Resources if shoreland areas are contained within the proposed subdivision.

(v) 4 copies – Walworth County Planning, Zoning and Sanitation Committee.

2. In lieu of the procedure under subsection (a), the subdivider may submit the original plat to the Town Clerk which shall forward two (2) copies to each of the agencies authorized by subsection (1) to object. The Town Clerk shall have the required number of copies made at the subdivider's expense.

3. The Town Clerk shall also transmit a copy of the preliminary plat and supporting data to all other affected Town commissions or departments, school districts and all affected local utility companies for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Town Plan Commission within fifteen (15) days from the date the Plat is filed. 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 ordinances, rules, regulations, comprehensive plans and comprehensive plan components, and neighborhood plans. The Town Plan Commission shall then recommend approval, conditional approval or rejection of the preliminary plat to the Town Board which shall act upon the preliminary plat at its next duly noticed meeting.

B. Preliminary Plat Approval. The objecting agencies shall, within twenty (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 based upon failure of the plat to comply with this ordinance or rules which its examination under Wisconsin Statute 236.12(2) is authorized to cover. 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 an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the plat. In addition:

1. The Town Plan Commission shall, within ninety (90) days of the date of filing of a preliminary plat and supporting data with the Town Clerk, approve, approve conditionally, or reject such plat. One (1) copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One (1) copy each of the plat and letter shall be placed in the Town Board's permanent file.

2. Failure of the Town Board to act within ninety (90) days or within the time as extended by agreement with the subdivider, shall constitute an approval of the plat as filed.

3. 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 (6) months of preliminary plat approval and conforms substantially to the preliminary plat as indicated in Section 236.11(1)(b) of the Wisconsin Statutes, the final plat shall be entitled to approval. 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.

C. Final Plat Review. The subdivider shall prepare a final plat and a letter of application in accordance with the Land Division Ordinance and shall file an adequate number of copies of the plat and the application with the Town Clerk. In addition:

1. Within two (2) days after the final plat is submitted for approval, legible copies, together with a list of the authorities to which the plat must be submitted for approval under Wisconsin

Statutes § 236.10 or objection under this subsection, furnished by the subdivider at the subdivider's expense, shall be sent, by the Town Clerk to the following agencies which have authority to object to the plat:

(i) 2 copies each – the Director of Plat Review, Wisconsin Department of Administration and, if applicable, the Clerk of a City or Village having extraterritorial jurisdiction who shall examine the plat for compliance with Wisconsin Statutes 236.15, 236.16, 236.18, 236.20 and 236.21(1) and (2).

(ii) 2 copies - Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or connecting street.

(iii) 2 copies - Wisconsin Department of Commerce if the subdivision is not served by a public sewer and provision for such service has not been made.

(iv) 2 copies – Wisconsin Department of Natural Resources if shoreland areas are contained within the proposed subdivision.

(v) 4 copies – Walworth County Planning, Zoning and Sanitation Committee.

(vi) 1 copy – each of the affected public or private utilities.

(vii) 10 copies and the Original – the Town Plan Commission

2. In lieu of the procedure under subsection (1), the subdivider may submit the original plat to the Town Clerk which shall forward two (2) copies to each of the agencies authorized by subsection (1) to object. The Town Clerk shall have the required number of copies made at the subdivider's expense.

3. The Town Plan Commission shall examine the final plat as to its substantial conformance with the approved preliminary plat; any conditions of approval of the preliminary plat; this Ordinance, the Land Division Ordinance and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it, and shall recommend approval, or rejection of the plat to the Town Board. The conclusion and recommendation are not required to be in writing but must be made part of the public record at the proceeding in which the final plat is being considered.

4. 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, each such phase shall be final platted and designated as a 'phase' or 'addition' to the approved preliminary plat.

D. Final Plat Approval. The objecting agencies shall, within twenty (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 twenty (20) days, it shall be deemed to have no objection to the Plat.

1. Submission. If the final plat is not submitted within thirty-six (36) months after the last required approval of the preliminary plat, the Town Board may refuse to approve the final plat or may extend the time for submission of the final plat.

2. The Town Plan Commission shall, within thirty (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. In examining the final plat, the Town Plan Commission shall apply only those requirements

which were in effect on the date the preliminary plat was filed or, if no preliminary plat was filed, those requirements in effect on the filing date of the final plat

3. The Town Board shall, within sixty (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 supplied to the subdivider. 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 twenty (20) days, or if filed, have been met.

4. Failure of the Town Board to take action on the plat within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved and upon demand, a certificate to that effect shall be made on the face of the plat by the Town Clerk.

E. Certified Survey Maps – Review and Approval. The subdivider shall prepare the certified survey map in accordance with the Land Division Ordinance and shall file ten (10) copies of the map and the letter of application with the Town Clerk.

1. The Town Clerk shall, within two (2) days after filing, transmit the copies of the map and letter of application to the Town Plan Commission.

2. 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. Copies may also be transmitted to the Walworth County Land Conservation Committee and to the Southeastern Wisconsin Regional Planning Commission for review and comment. Their recommendations shall be transmitted to the Town Plan Commission within ten (10) days from the date the map is filed.

3. The map shall be reviewed by the Town Plan Commission for conformance with the Land Division Ordinance and all ordinances, rules, regulations, comprehensive plans, and comprehensive plan components, and neighborhood plans as may be applicable. The Town Plan Commission shall, within sixty (60) 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.

4. The Town Board shall approve, approve conditionally and thereby require resubmission of a corrected Certified Survey Map, or reject such Certified Survey Map within ninety (90) 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. 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.

SECTION 18.0 SEVERABILITY

A. If any section, clause, 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.

B. If any application of this ordinance to a particular structure, land or water, is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water, not specifically included in said judgment.

This ordinance shall be effective after its adoption by the Town Board of Supervisors and posting as provided by law.

This Ordinance adopted by the Town Board of the Town of LaFayette on this 19th day of August, 2026.

Town Board Supervisor

Cairie L. Virrueta, Town Clerk-Treasurer

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Revised 11.14.2012
Revised 01.13.2016
Revised 08.19.2026