

**ORDINANCE NO. 2006-08**

**An Ordinance Amending Various Sections of the Land  
Division and Subdivision, and Condominium  
Regulations Code Pertaining to Condominium  
Reference**

The Common Council of the City of Cedarburg, Wisconsin, hereby ordains as follows:

**SEC. 14-1-6 TITLE.**

This Chapter shall be known as, referred to, or cited as the “City of Cedarburg Land Division, Subdivision, and Condominium Chapter.”

**SEC. 14-1-10 DEFINITIONS**

(a) (6a) Condominium A building or group of buildings in which units are owned individually and the structure, common areas, and facilities are owned by all owners on a proportional, undivided basis. It is a legal form of ownership or real estate and not a specific building type or style.

**SEC. 14-1-20 GENERAL PROVISIONS**

(a) **Compliance.** No person, firm or corporation shall divide any land located within the City or its extraterritorial plat approval jurisdiction jurisdictional limits of these regulations which results in a subdivision, minor land division or a replat as defined herein...

(b) **Jurisdiction.** Jurisdiction of these regulations shall include all lands within the corporate limits of the City of Cedarburg and its extraterritorial plat approval jurisdictional area.

(e) Declaration of Condominium. Any declaration of condominium or amended declaration for expansion purposes, affecting property within the City or its extraterritorial plat approval jurisdiction shall be reviewed and the condominium plat approved and recorded pursuant to the provisions of this Chapter and Wis. Stats. ch. 703.

**ARTICLE D**

Land Division and Condominium Procedures

**SEC. 14-1-30 PRE-APPLICATION.**

(a) **Pre-Application Conference.** It is recommended that, prior to the filing of an application for the approval of a preliminary plat, minor land division, or condominium, the subdivider consult with the Plan Commission...

**SEC. 14-1-31 PRELIMINARY PLAT OR CONDOMINIUM REVIEW.**

(a) Before submitting a final plat for approval, the subdivider shall prepare a preliminary subdivision plat or condominium plat if the is proposing a condominium

and a letter of application. The preliminary subdivision plat or condominium plat shall be prepared in accordance with this Chapter...

(c) The City Clerk shall also transmit a copy of the preliminary subdivision plat or condominium plat to all affected City boards, commissions or departments...

**SEC. 14-1-32 PREIMINARY SUBDIVISION OR CONDOMINIUM PLAT APPROVAL**

(a) **Review by Objecting Agencies.** The objecting agencies shall, within thirty (30) days of the date of receiving their copies of the preliminary subdivision or condominium plat, notify the subdivider and all other approving and objecting agencies of any objections....

(b) **Review and Decision by the Plan Commission and Common Council.** The Plan Commission and Common Council shall, within ninety (90) days of the date of the filing of a preliminary subdivision or condominium plat with the City Clerk, approve, approve conditionally or reject such plat...

(d) **Effect of Approvals.** Approval or conditional approval of a preliminary subdivision or condominium plat shall not constitute automatic approval of the final plat or condominium declaration, except that if the final plat or condominium declaration is submitted within six (6) month of preliminary subdivision or condominium plat approval and conforms substantially to the preliminary subdivision or condominium plat layout as indicated in Sec. 236.11(1)(b) of the Wisconsin Statutes, the final subdivision plat or condominium declaration shall be entitled to approval with respect to layout. The preliminary subdivision or condominium plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final subdivision plat or condominium declaration which will be subject to further consideration by the Plan Commission and Common Council at the time of its submittal.

**SEC. 14-1-33 FINAL PLAT OR CONDOMINIUM DECLARATION REVIEW**

(a) **Copies and filing Time.** The subdivider shall prepare a final subdivision plat or condominium declaration document and a letter of application in accordance with this Chapter and shall file an adequate number of copies of the subdivision plat or condominium declaration document ...

(c) **Plan Commission Review.** The Plan Commission shall examine the final subdivision plat or condominium declaration document as to its conformance with the approved preliminary subdivision or condominium plat...

(d) **Partial Platting.** If permitted by the Common Council, the approved preliminary subdivision or condominium plat may be final subdivision platted or the declaration of condominium be in phases with each phase encompassing only that portion of the approved preliminary subdivision or condominium plat which the subdivider proposes to record at one (1) time; however, it is required that each such phase be final platted or the declaration of condominium be designated as a "phase" of the approved preliminary subdivision or condominium plat...

**SEC. 14-1-34 FINAL SUBDIVISION PLAT CONDOMINIUM DECLARATION APPROVAL**

(a) **Review by Objecting Agencies.** The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the final subdivision plat or condominium declaration, notify the subdivider and all other approving and objecting agencies of any objections...

(b) **Submission.** If the final subdivision plat or condominium declaration is not submitted within six (6) months of the preliminary subdivision or condominium plat, the Common Council may refuse to approve the final subdivision plat or condominium declaration.

(c) **Plan Commission Review.** The plan Commission shall, within thirty (30) days of the date of the filing of the final subdivision plat or condominium declaration with the City Clerk.....

(e) **Council Review.**

(1) The Common Council shall, within sixty (60) days of the date of filing the original final subdivision plat or condominium declaration with the City Clerk, approval or reject such subdivision plat or condominium declaration unless the time is extended by agreement with the subdivider. If the subdivision plat or condominium declaration is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider. The Common Council may not inscribe its approval of the final subdivision plat or condominium declaration unless the City Clerk certifies on the face of the subdivision plat or condominium declaration that the copies were forwarded to objecting agencies as required herein...

(2) **Recordation.** After the final subdivision plat or condominium declaration has been approved by the Common Council and required improvements either installed or a contract and sureties insuring their installation is filed, the City Clerk shall cause the certification inscribed upon the subdivision plat or condominium declaration attesting to such approval to be duly executed and the subdivision plat or condominium declaration returned to the subdivider for recording in the County Register of Deeds....

## ARTICLE E

### Technical Requirements of Preliminary Subdivision or Condominium Plats.

(a) **General.** A Preliminary Plat shall be required for all subdivisions or condominiums and shall be based upon a survey by a registered land surveyor and the plat prepared on Mylar at a scale of not more than one hundred (100) feet to the inch and shall show correctly on its face the following information:...

### SEC. 14-1-41 TECHNICAL REQUIREMENTS FOR FINAL SUBDIVISION PLAT OR CONDOMINIUM DECLARATION.

(a) **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, Wis. Stats., and this Chapter. A Condominium Document and Plan prepared by register

**land surveyor and licensed attorney shall be required for all condominiums. It shall comply in all respects with the requirements of Wis. Stats. Ch. 703, and this Chapter.**

(b) **Additional Information.** The Final Subdivision Plat or Condominium Plan shall show correctly on its face, in addition to the information required by Section 236.20, for subdivision plat and ch. 703 for condominium plan Wis. Stats. the following:...

(c) **Deed Restrictions.** Restrictive covenants and deed restrictions which include Architectural Standards for the proposed subdivision or condominium shall be filed with the Final Plat or Condominium Declaration.

(d) **Property Owners Association.** The legal instruments creating a property owners or condominium association for the ownership and/or maintenance of common lands on the subdivision or condominium shall be filed with the Final Plat or Condominium Declaration.

(e) **Survey Accuracy.**

(1) Examination. The City Engineer shall examine all Final Plats or Condominium Plans within the City of Cedarburg...

#### **SEC. 14-1-50 IMPROVEMENTS REQUIRED.**

(a) **Payment for improvements.** The improvements prescribed in this Chapter are required as a condition of approval of a land division or condominium...

#### **SEC. 14-1-51 REQUIRED AGREEMENT PROVIDING FOR PROPER INSTALLATION OF IMPROVEMENTS**

(a) **Contract.** Prior to installation of any improvements and prior to approval of the Final Plat or Condominium Declaration, the subdivider shall enter into a contract with the City requiring the subdivider to furnish and construct said improvements as his sole cost and in accordance with plans and specifications....

#### **SEC. 14-1-52 REQUIRED CONSTRUCTION PLANS; CITY REVIEW; INSPECTIONS.**

(a) As required by Section 14-1-31, engineering reports and plans shall be submitted with the filing of the preliminary subdivision or condominium plat....

#### **SEC. 14-1-53 STREET IMPROVEMENTS**

(d) **Grading**

(1) With the submittal of the Final Plat or Condominium Declaration, the subdivider shall furnish drawings which indicate the existing and proposed grades of roads, streets and alleys shown on the plat.

### **ARTICLE G**

#### **Design Standards**

#### **SEC 14-1-70 GENERAL STREET DESIGN STANDARDS.**

(a) **Compliance with Statutes.** In laying out a subdivision *or condominium*, the owner shall conform to the provisions of Chapter 236, for a subdivision and Chapter 703 for a condominium, Wis. Stats., and all applicable City regulations. In all cases where the requirements of this Chapter are different for the requirements of Chapter 236 or Chapter 703, the more restrictive provision shall apply.

**SEC. 14-1-91 ENFORCEMENT, PENALTIES AND REMEDIES.**

(b) **Penalties.**

(2) Recordation improperly made has penalties provided for in Sec.236.30 for subdivisions or Chapter 703 for Condominiums, Wis. Stats.

**SEC. 14-1-100 ADMINISTRATIVE AND OTHER FEES**

(a) **General.** The subdivider shall pay the City all fees as hereinafter required and at the times specified before entitled to recording of a plat, certified survey map, or condominium document.

(b) **Engineering Fee.** The subdivider shall pay a fee equal to the actual cost to the City for all engineering work incurred by the City in connection with the subdivision plat, certified survey map, or condominium plat...

(c) **Administrative Fee.** The subdivider shall pay a fee equal to the cost of any legal , administrative, or fiscal work which may be undertaken by the City in connection with the Plat, certified survey map, or condominium plat, per the City Engineering Services Policy.

(d) **Preliminary subdivision or condominium Plat Review Fee.**

(e) **Final Subdivision Plat or Condominium declaration Fee.**

**SECTION 2.** This ordinance shall take effect upon its passage and publication as provided by law.

Passed and adopted this 13<sup>th</sup> day of March 2006.

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Gregory P. Myers, Mayor

Attest:

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Sandra M. Ingram, City Clerk

Approved as to form:

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Kaye K. Vance, City Attorney