

ORDINANCE NO. 2006-37b

**An Ordinance Amending Land Divisions or Subdivisions,
Including Those Under Condominium Ownership,
in Extraterritorial Plat Approval Jurisdiction**

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

SECTION 1. Section 14-1-22 of the City of Cedarburg Municipal Code is hereby created to read as follows:

**“14-1-22 LAND DIVISIONS OR SUBDIVISIONS, INCLUDING THOSE UNDER
CONDOMINIUM OWNERSHIP, IN EXTRATERRITORIAL PLAT
APPROVAL JURISDICTION**

Subdivisions and land divisions in the City’s extraterritorial plat approval jurisdictional area, including those under condominium ownership, must be 35 acres or more per parcel. The Plan Commission may approve land divisions or subdivision of lands, including those under condominium ownership, in the extraterritorial plat approval jurisdiction into parcels of less than 35 acres in size based on applicable criteria enumerated below. The City shall not consider any subdivision or land division, including those under condominium ownership, which did not have prior approval by the Town; however, this prior approval does not limit the City’s extraterritorial plat approval authority. The City may require any conditions of approval of a subdivision or land division, including those under condominium ownership and including the use of restrictive covenants and the creation of a homeowner’s association.

Criteria for the subdivision of lands into parcels of less than 35 acres in size in the extraterritorial plat approval jurisdiction:

- (a) **Criteria for Agricultural Land Division.** The City may grant approval of a land division subdividing portions of agricultural lands provided that the City shall determine that the proposed land division will assist and assure the continuation of the agricultural use.
- (b) **Criteria for Nonagricultural Subdivision or Land Division.** In the case of nonagricultural lands, the City may grant approval of a subdivision provided that the City shall determine that the proposed subdivision or land division complies with each of the following four criteria:
 - (1) The parcel is located outside the City’s Sanitary Sewer Service Area (SSA).
 - (2) The proposed subdivision or land division shall be compatible with adjacent land uses and shall maintain the general land use pattern of the area.
 - (3) The proposed subdivision or land division shall result in a development pattern which is compatible with surrounding developments and land uses. Measures of compatibility shall consider lot sizes, traffic generation, access, noise and visual features.

Ordinance No. 2006-37b

Page 2

- (4) The proposed subdivision or land division and the resulting development shall not adversely affect the City's ability to provide public services, install public improvements."

Passed and adopted this 27th day of November 2006.

Gregory P. Myers, Mayor

Attest:

Sandra M. Ingram, City Clerk

Approved as to form:

Kaye K. Vance, City Attorney