

ORDINANCE NO.: 4830

AN ORDINANCE to amend Subsections 14.18 of the Code of Ordinances of the City of La Crosse to bring the Extraterritorial Plat Approval Jurisdiction in compliance with State Statutes.

SECTION I: Subsection 14.18 is hereby amended to read as follows:

14.18 PLATS WITHIN THE EXTRATERRITORIAL PLAT APPROVAL JURISDICTION.

The Plan Commission and Common Council may ~~recommend or approve~~, conditionally approve, or deny the ~~subdividing~~ of lands in the extraterritorial plat approval jurisdiction based on the applicable criteria enumerated hereinafter. The Plan Commission may not consider any subdivision or land division which did not have prior approval by the approving authorities for both the Town(s) and La Crosse County. The Plan Commission may require any conditions in the approval of a subdivision or land division, including the use of any restrictive covenant.
(2nd Am. Ord. #4162 - 2/12/04)

- (A) When the land to be ~~subdivided~~ lies within the extraterritorial plat approval jurisdiction of the City, the ~~subdivider~~ applicant shall proceed as specified in Sections 14.13 through 14.17 except transmittal responsibility lies with the City Clerk, Town Clerk or County Planning Agency to whomever the plat is first submitted; and the subdivider shall indicate which one in his application.
- (B) Approval agencies shall be as specified in Chapter 236 of the Wisconsin Statutes; and the ~~subdivider~~ applicant must comply with the land division regulations of said agencies or units of government.
- (C) ~~Subdivider~~ Applicant may proceed with the installation of such improvements and under such regulations as the Town Board of the Town within whose limits the plat lies may require, provided that none of the approval agencies object to such improvements. Whenever connection to any City utility is desired, permission for such connection shall be approved by the governing body. All improvement requirements specified by the Town Board, other approval agencies or any special improvement district in matters over which they have jurisdiction, shall be met before filing of the Final Plat.
- (D) ~~Criteria for Agricultural Land Division. The Plan Commission may grant approval of a land division subdividing portions of agricultural lands provided the Commission shall determine that the proposed land division~~

~~will assist and assure the continuation of the agricultural use.~~

~~(E)~~ Criteria for Nonagricultural Subdivision or Land Division. No subdivision as defined in this Ordinance will be permitted within the City of La Crosse's extraterritorial jurisdiction. Certified Survey Maps may be permitted provided the divided parcels will each be at least 35 acres, subject to Plan Commission and Common Council approvals. ~~In the case of nonagricultural lands, the Plan Commission may recommend approval of a subdivision to the Common Council or may grant approval of a land division provided that~~ The Plan Commission and Common Council may make exceptions, provided ~~shall determine~~ that the proposed subdivision or land division complies with each of the following ~~four~~ criteria:

- (1) The proposed subdivision or land division shall be compatible with adjacent land uses and shall maintain the general land use pattern of the area in question.
- (2) 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.
- (3) The proposed subdivision or land division and the resulting development shall not demonstrably adversely affect the City's ability to provide public services, install public improvements or accomplish future annexations. The Plan Commission and Common Council may consider annexation agreements with the property owner in order to comply with this requirement but shall not conditionally approve a subdivision subject to receiving a petition for annexation. The Plan Commission and Common Council may also consider whether the City and Town(s) have reached an agreement on necessary public improvements and public services facilities required to serve the development.
- (4) The proposed subdivision or land division shall comply with one of the following:
 - (a) The proposed subdivision or land division shall represent infilling of vacant land. Infilling is defined as a subdivision or land division which will accommodate the development of vacant land located such that surrounding existing land uses render the land impractical for any but similar uses.

(b) The proposed subdivision or land division shall provide permanent open space lands for use by the general public in conformance with the adopted Parks and Open Space Plan for La Crosse County, Wisconsin, the City of La Crosse adopted Parks and Open Space Plan or the City's other adopted Comprehensive Plan elements. The permanent open space lands shall be accessible and open for use by the general public. The open space lands shall be exclusive from, and in addition to, lands required for dedication to comply with applicable public parks and open space dedication requirements. For the purpose of this provision, wetlands, flood plain lands, steep slopes, or other lands which are not developable because of sensitive environmental features shall be counted as permanent open space lands. Steep slopes shall include lands which have grades of thirty percent (30%) or more. (2nd Am. Ord. #4162 - 2/12/04)

(5) No land shall be subdivided which is held by the City Plan Commission and Common Council to be unsuitable for use by reason of flooding, bad drainage, soil or rock formations with severe limitation for development, severe erosion potential, or unfavorable topography, or any other feature likely to be harmful to health, safety or welfare of future residents or landowners in the proposed subdivision or of the community. The City Plan Commission and Common Council in applying the provisions of this section shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use, after affording the subdivider an opportunity to present evidence regarding such suitability at a public hearing."

(6) The proposed subdivision or land division does not conflict with existing or planned public investments by the city or village, such as a conflict with park, parkway, expressway, major highways, airports, drainage channels, schools, or other planned public development.

(7) In evaluating the proposed land division, the City shall enforce the most stringent land division ordinance whether it be the County, the Town or the City's ordinance as required by State Law. SECTION IV: This ordinance shall take effect and be in force from and after its passage and publication.

SECTION IV: This ordinance shall take effect and be in force from
and after its passage and publication.

____/s/_____
Tim Kabat, Mayor

____/s/_____
Teri Lehrke, City Clerk

Passed: 8/14/14

Approved: 8/15/14

Published: 8/23/14