



City of Madison

City of Madison
Madison, WI 53703
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File Number: 78130

File ID: 78130

File Type: Ordinance

Status: Council Public Hearing

Version: 3

Reference:

Controlling Body: PLAN COMMISSION

File Created Date : 05/30/2023

File Name: Land Subdivision Regulations

Final Action:

Title: SECOND SUBSTITUTE: Repealing and Recreating Section 16.23 of the Madison General Ordinances to Update Land Subdivision Regulations.

Notes: 6760LandSubdivisionRegulationsRR-SUB

Sponsors: Satya V. Rhodes-Conway And Tag Evers

Effective Date:

Attachments: 78130-Body-V3.pdf, 78130-Body-Version 2, 78130-Body-Version 1, Ordinance Comparison.pdf, Comp Green Streets Guide Final_Dec 2022.pdf, 78130-CGS MGO 16.23 Action Item.v2.pdf, Plan Commission Memo_06-12-23.pdf, Public Comment 06-12-23.pdf, Zellers Comments_06-22-23.pdf, 78130-Report_06-23-23.pdf, Public Comments_06-25-23.pdf, Public Comments 6-26-23.pdf, 78130 Version 1, Public Comments 7-10-23.pdf

Enactment Number:

Author: Kate Smith

Hearing Date:

Entered by: mglaeser@cityofmadison.com

Published Date:

Related Files:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Attorney's Office	05/30/2023	Referred for Introduction				
	Action Text:		This Ordinance was Referred for Introduction				
	Notes:		Plan Commission (6/26/23), Board of Public Works (6/21/23), Transportation Commission (6/7/23), Common Council (7/11/23)				
1	COMMON COUNCIL	06/06/2023	Refer	PLAN COMMISSION		06/26/2023	Pass
	Action Text:		A motion was made by Currie, seconded by Figueroa Cole, to Refer to the PLAN COMMISSION. The motion passed by voice vote/other.				
	Notes:		Additional Referrals to Board of Public Works (6/21/23), Transportation Committee (6/7/23)				
1	PLAN COMMISSION	06/06/2023	Refer	TRANSPORTATION COMMISSION		06/07/2023	

Action Text: This Ordinance was Refer to the TRANSPORTATION COMMISSION

1	PLAN COMMISSION	06/06/2023	Refer	BOARD OF PUBLIC WORKS	06/21/2023	
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Action Text: This Ordinance was Refer to the BOARD OF PUBLIC WORKS

1	TRANSPORTATION COMMISSION	06/07/2023	Return to Lead with the Recommendation for Approval	PLAN COMMISSION	06/26/2023	Pass
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Action Text: Lynch provided verbal reports and, along with Ped/Bike Administrator Renee Callaway with Traffic Engineering and City Traffic Engineer Yang Tao, was available for questions.

Kliems moved to Return to Lead with the Recommendation for Approval, seconded by Webber. With no further discussion, the motion passed by voice vote/other.

1	PLAN COMMISSION	06/12/2023	RECOMMEND TO COUNCIL TO RE-REFER - PUBLIC HEARING	PLAN COMMISSION	06/26/2023	06/26/2023	Pass
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Action Text: A motion was made by Figueroa Cole, seconded by Duncan, to RECOMMEND TO COUNCIL TO RE-REFER - PUBLIC HEARING to the PLAN COMMISSION and should be returned by 6/26/2023. The motion passed by voice vote/other.

Notes: On a motion by Ald. Figueroa Cole, seconded by Ald. Duncan, the Plan Commission continued the public hearing and referred the amendments to the Subdivision Regulations to June 26, 2023 as requested by staff. The motion to refer the ordinance passed by voice vote/other.

The motion to refer followed an overview of the update by staff, public comment on the proposed ordinance revisions, and discussion of the ordinance by the Commission.

1	BOARD OF PUBLIC WORKS	06/21/2023	Return to Lead with the Recommendation for Approval	PLAN COMMISSION	06/26/2023	06/26/2023	Pass
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Action Text: A motion was made by Slack, seconded by Conklin, to Refer to the BOARD OF PUBLIC WORKS to allow for additional review of the ordinance, due back on 7/5/2023. The motion failed by the following 2-3 vote: AYE: Ald. Conklin, Ald. Slack; NAY: Clausius, Cullen, Weitzel;

A subsequent motion by Ald. Slack to require a RESJI (Racial Equity Social Justice Initiative) analysis of the proposed ordinance failed for lack of a second.

A motion was made by Clausius, seconded by Weitzel, to Return to Lead with the Recommendation for Approval to the PLAN COMMISSION with the following recommendations, due back on 6/26/2023. The motion passed by the following vote:

- Members of the Board recommended that the Introduction and Purpose section ((1)) include language encouraging use of distributed green infrastructure, protection of the lakes, preservation of tree canopies, use of creative approaches to managing stormwater and accommodating urban agriculture.

- Members expressed interest in the ordinance being reviewed by the Food Policy Council and Sustainable Madison Committee prior to adoption.

Ayes: 3 Nikki Conklin; Jaclyn (Jac) L. Weitzel and Joseph R. Clausius

Noes: 1 Kristen Slack

Excused: 2 Lisa Sternand Aaron J. Williams

Non Voting: 1 Michael Cullen

1 PLAN COMMISSION 06/26/2023 RECOMMEND TO COUNCIL TO ADOPT WITH CONDITIONS - PUBLIC HEARING Pass

Action Text: A motion was made by Figueroa Cole, seconded by Solheim, to RECOMMEND TO COUNCIL TO ADOPT WITH CONDITIONS - PUBLIC HEARING. The motion passed by voice vote/other.

Notes: On a motion by Ald. Figueroa Cole, seconded by Solheim the Plan Commission recommended approval of the amendments to the Subdivision Regulations.

On a motion by Solheim, seconded by Mendez, the motion to recommend approval of the ordinance was amended to include Ledell Zellers' comments and revisions to the proposed ordinance text dated June 22, 2023 except Items 4 and 5. The motion to amend the main motion passed by voice vote/ other.

The revisions to the ordinance recommended by the Plan Commission with the amended main motion are included for reference herein (page references are to the 'Ordinance Comparison' attachment; "I" references refer to Ledell Zellers):

1. p.1 (1)(b) and in other places, appears the word should be "ensure" (as in (1) (e)) rather than "insure". I recommend that this be figured out and corrected in places needed.
2. Land combinations. There is scant mention of land combinations. (I only saw it in two places...) While I think the ordinance might benefit from a bit more clarity throughout when provisions apply to land combinations as well as divisions, certainly a change in the definition of "Certified Survey Map" (p. 2), as suggested by Tim to help make things clearer would help. The definition would then read: A drawing meeting all the requirements of Sec. 236.34 Wis. Stats. Which is a map or plan of record of a land division, including the combination of parcels for building development." I recommend we make this change to assist with clarity.
3. Top of p. 9 "between an adopted plan or the Street Type Map regarding the specific requirements for a street or highway, the recommendations of the most recently adopted plan, guide, or map should abide." Recommend "abide" be changed to "apply" for clarity.
6. On p. 20...under 1. It says "anticipated automobile traffic". I think we should use a term that would clearly include trucks. Staff suggests "Motor vehicle". I recommend we make this change.
7. On p. 34, I recommend that we add the same language to Collector streets ("to facilitate a healthy tree canopy;") as is added for Local Streets (shown on p. 35).
8. P. 36 the new paragraph right before b., I recommend we add the word "be" as follows: "the buffer strip may be located in an outlot to be maintained by a private association."
9. P. 37 under 5. This sentence does not read well: "Buffering From Arterial Streets And Highways. Whenever the proposed subdivision or land division contains or is adjacent to an arterial street or highway, adequate protection of residential properties shall be provided with a buffer that includes screening and/or landscape planting contained in a non-access reservation along the property line adjacent to such arterial street or highway." I recommend we add the word "with" as shown.
10. P. 43 - 44 I recommend we encourage that above ground electric facilities be a sensible distance (to be defined by [the Traffic Engineering Division]) from corners to avoid impeding the vision of motorists.
11. P. 48 2. The last sentence seems incomplete: "Where such dedication or other provision is not required, the developer may be required to reserve such area for a period not to exceed five (5) years after which the City, County or to." Staff indicates he believes we are missing "wn" to make the word "town" at the end of that section. I recommend we make that edit.

The main motion to recommend approval subject to the amended language above passed by voice vote/ other.

Text of Legislative File 78130

Fiscal Note

No City appropriation required.

Title

SECOND SUBSTITUTE: Repealing and Recreating Section 16.23 of the Madison General Ordinances to Update Land Subdivision Regulations.

Body

DRAFTER'S ANALYSIS: The City's regulation of the land division is enabled by Wis. Stats. Section 236.45(2), which allows any municipality, town or county that has established a planning agency to enact ordinances governing the subdivision or other division of land provided that the local regulations are not more restrictive regarding time limits, deadlines, notice requirements, or other provisions of Chapter 236 that provide protections for a subdivider. The City of Madison adopted local subdivision regulations in mid twentieth century. The ordinance has received mostly minor updates since; however, there has been no comprehensive update to the ordinance since its original adoption. Updating the Subdivision Regulations was identified as an objective in the 2018 Comprehensive Plan.

Part of the goals for the proposed repealed and re-created Subdivision Regulations is to update this section of MGO to reflect contemporary submittal requirements and review processes for subdivision plats and certified survey maps, as well as to update the standards and criteria for approval to reflect recent practices and emphasize consistency with adopted plans. The updated ordinance also includes references to the street typologies adopted as part of the "Complete Green Streets Policy" adopted by the Common Council on January 3, 2023 by Resolution 23-00003 (Legistar No. 74926) so that new streets created through the subdivision process may reflect the street types encouraged by the new policy.

This proposed ordinance incorporates Complete Green Streets policies as well as codifying current best practices of land division and current statutory requirements. Additionally, this ordinance has several editing changes - including updating language to be gender-inclusive, removing unnecessary terminology and correcting statutory references.

The Substitute incorporates changes recommended by the Board of Public Works, the Plan Commission and subsequent staff feedback. The proposed changes are in MGO Secs. 16.23(1), 16.23(1)(b), 16.23(2), 16.23(3)(a)2.c.i., 16.23(4)(c)1., 16.23(6)(a)3.b., 16.23(6)(a)4.a., 16.23(6)(a)5., 16.23(6)(b)1.e.ii., and 16.23(6)(f)2. Changes are minor and primarily grammatical. The substantive changes are as follows. First, MGO Sec. 16.23(1) is amended to add (f) which encourages right-of-way changes to account for the impacts of climate change. Second, MGO Sec. 16.23(6)(a)3.b. is amended in support of a healthy tree canopy adjacent to Collector Streets. Third, 16.23(6)(a)5., is removed entirely as it encourages a suburban land use form adjacent to arterials that would be inappropriate in some settings and the adjacent section is renumbered as a result of the deletion. Finally, MGO Sec. 16.23(6)(b)1.e.ii. is edited to designate the location of above-ground electric facilities to avoid motorist vision concerns.

The SECOND Substitute makes three changes to the Substitute draft. First, it amends MGO Sec. 16.23(1) to add subsection (g) to encourage the preservation of land for urban agriculture in the "Introduction and Purpose" section. Second, a definition of "Urban Agriculture" is added to MGO Sec. 16.23(2). Finally, MGO Sec. 16.23(6)(a)(5) is replaced to make it optional for staff to require buffers from arterials and highways so decisions can be made in context.

Please see Legistar File No. 78130-Body-Version 3 in Attachments.



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