



Department of Planning & Community & Economic Development

Planning Division

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TO: Plan Commission

FROM: Timothy M. Parks, Planner

DATE: June 12, 2023

SUBJECT: Ordinance ID [78130](#) – Repealing and Recreating Section 16.23 of Madison General Ordinances to Update the Land Subdivision Regulations.

An ordinance sponsored by Mayor Satya Rhodes-Conway was introduced at the June 6, 2023 Common Council meeting to repeal and replace the City’s Land Subdivision Regulations, Section 16.23 of Madison General Ordinances. The proposed ordinance is mostly a technical update to the regulations, which govern the division of land in the City and its extraterritorial plat approval jurisdiction. The current ordinance was originally adopted in February 1960 and has mostly only received minor updates since.

As part of its adoption of the Complete Green Streets Policy Guide on January 3, 2023 (Resolution 23-00003, ID [74926](#)), the Common Council directed staff to revise Chapters 16 and 33 of Madison General Ordinances to be consistent with the Complete Green Streets Policy Guide. Since mid-January, staff from the Planning Division, City Engineering Division, and Department of Transportation have been working to update Section 16.23 to incorporate references to the street typologies included in the Complete Green Streets Policy.

While codifying Complete Green Streets into the Subdivision Regulations provided the impetus, staff used the occasion to also propose a series of revisions to Section 16.23 consistent with an objective in the 2018 Comprehensive Plan to update the Subdivision Regulations. Staff believes that most of the changes proposed in the new ordinance reflect current practices and are intended to make the ordinance more contemporary than the current ordinance, which principally dates back to the 1960. The changes include updates to the definitions, submittal requirements, standards and criteria for approval, and design requirements for new subdivisions and land divisions. Of note, the proposed ordinance:

- eliminates or updates outdated definitions and eliminates the Comprehensive Development Plan alternative to a preliminary plat;
- emphasizes consistency with the Comprehensive Plan and adopted neighborhood or sub-area plans as part of its update to the standards and criteria for approval;
- provides the ability for the Plan Commission to preserve stands of mature trees as part of a subdivision or land division approval when warranted based on data provided by the subdivider;
- provides enabling language to allow for the electronic submittal of subdivision applications for plats and certified survey maps (CSMs) consistent with submittal procedures established during the Covid-19 pandemic circa April 2020, and updates the review processes to reflect longstanding

procedures, including tying submittals to the calendar published annually by the Planning Division;

- updates the information required for subdivision plats and CSMs;
- expands the 80-foot minimum lot depth requirements for certain lots to include most of the Traditional Residential zoning districts (TR-C, TR-V, TR-U, and TR-P but not TR-R); the 100-foot minimum depth is maintained elsewhere;
- places land divisions by CSM on equal footing to plats in terms of how they may be conditioned, to the extent allowed by law; and
- clarifies the Plan Commission's role in using building setback lines.

The ordinance also incorporates gender-neutral language and updates references to other statutes and ordinances.

In addition to the proposed ordinance language and current ordinance ('78130-Body'), a comparison document highlighting the changes between the current and proposed ordinance is attached to ID 78130. A copy of the Complete Green Streets Policy and Guide adopted in January is also attached to the legislative file for reference.

As noted on the June 12 agenda, the discussion of the proposed amendments to the Subdivision Regulations will include an overview of the ordinance update by staff, an opportunity for the Plan Commission to take public comment on the proposed ordinance revisions, and discussion of the ordinance by the Commission, including any additional information it needs before it may make its recommendation. Following the overview, public comment period, and discussion, the Plan Commission should continue the public hearing and refer the ordinance to its June 26 meeting, at which time a recommendation by the Commission may be appropriate. Additionally, the amendments to the Subdivision Regulations were discussed by the Transportation Commission at its June 7 meeting, and its recommendation will be provided once they are available. The Board of Public Works will review the ordinance on June 21 prior to the second schedule Plan Commission meeting on June 26. The Common Council is scheduled to consider the ordinance at its July 11 meeting.