# City of Madison

City of Madison
Madison, WI 53703
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## Master

### File Number: 78130

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| **File ID:** | 78130 | **File Type:** | Ordinance | **Status:** | Public Hearing |
| **Version:** | 1 | **Reference:** | | **Controlling Body:** | PLAN COMMISSION |
| | | | | **File Created Date :** | 05/30/2023 |
| **File Name:** | Land Subdivision Regulations | | | **Final Action:** | |

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

**Notes:** 6760LandSubdivisionRegulationsRR

**CC Agenda Date:** 06/06/2023

**Sponsors:** Satya V. Rhodes-Conway

**Effective Date:**

**Attachments:** 78130-Body, 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

**Enactment Number:**

**Author:** Kate Smith

**Hearing Date:**

**Entered by:** mglaeser@cityofmadison.com

**Published Date:**

**Related Files:**

### Approval History

| Version | Seq # | Action Date | Approver | Action | Due Date |
|---|---|---|---|---|---|
| 1 | 1 | 5/30/2023 | Michael Haas | Approved as to Form | 6/19/2023 |
| 1 | 2 | 5/30/2023 | Maggie McClain | Approve | 6/19/2023 |

### 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 | | | 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) | | | | | |

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| 1 | PLAN COMMISSION | 06/06/2023 | Refer | TRANSPORTATION COMMISSION | 06/07/2023 | |

**Action Text:** This Ordinance was Refer to the TRANSPORTATION COMMISSION

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|---|---|---|---|---|---|---|
| 1 | PLAN COMMISSION | 06/06/2023 | Refer | BOARD OF PUBLIC WORKS | 06/21/2023 | |

**Action Text:** This Ordinance was Refer to the BOARD OF PUBLIC WORKS

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| 1 | TRANSPORTATION COMMISSION | 06/07/2023 | Return to Lead with the Recommendation for Approval | PLAN COMMISSION | | Pass |

**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.

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| 1 | PLAN COMMISSION | 06/12/2023 | RECOMMEND TO COUNCIL TO RE-REFER - PUBLIC HEARING | PLAN COMMISSION | 06/26/2023 | Pass |

**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.

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| 1 | BOARD OF PUBLIC WORKS | 06/21/2023 | Return to Lead with the Recommendation for Approval | PLAN COMMISSION | 06/26/2023 | Pass |

**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.

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| Ayes: | 3 | Nikki Conklin; Jaclyn (Jac) L. Weitzeland Joseph R. Clausius |
| Noes: | 1 | Kristen Slack |
| Excused: | 2 | Lisa Sternand Aaron J. Williams |
| Non Voting: | 1 | Michael Cullen |

**Text of Legislative File 78130**

**Fiscal Note**

No City appropriation required.

**Title**

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.

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**Please see Legistar File No. 78130-Body in Attachments.**