



Legislation Text

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Fiscal Note

The combined procedure may result in a modest loss of some General Fund revenues derived from developer application fees, but this loss may be offset by savings associated with streamlined administrative procedures and the potential expedition of various development projects.

Title

Creating Section 16.23(5) of the Madison General Ordinances to provide procedure for combined submission and approval of preliminary plats and final plats.

Body

DRAFTER'S ANALYSIS: This ordinance provides for a combined preliminary and final plat procedure. Section 28.04 (25), adopted in 2004, provides a combined process for some residential developments. This amendment in Chapter 16 extends the ability for combining preliminary and final plats to all developments subject to platting requirements.

The Common Council of the City of Madison do hereby ordain as follows:

Subsection (5) entitled "Detailed Procedure For Dividing Land Within The City Limits" of Section 16.23 entitled "Land Subdivision Regulations" of the Madison General Ordinances is amended to read as follows:

"(5) Detailed Procedure For Dividing Land Within The City Limits.

- (a) Pre-application Procedure. Previous to the filing of an application for approval of a preliminary plat, comprehensive development plan or certified survey map, the subdivider may consult the Plan Commission and its staff for advice and assistance. This step does not require formal application, or filing of a plat, but is intended to inform the subdivider of the objectives of these regulations and of the master plan and official map, to otherwise assist him in planning his development; and in so doing to informally reach mutual conclusions regarding the general program and objectives of the development.
- (b) Preliminary plat approval shall precede final plat approval unless the Director of the Department of Planning and Development has approved submission of the preliminary plat and final plat at the same time. If the preliminary plat will be submitted and approved prior to submission and approval of the final plat, the applicant shall comply with the procedures in (c) and (d) below. If the preliminary plat and final plat will be submitted together for joint approval, the applicant shall follow the procedure in (e) below.
- (bc) Preliminary Plat Procedure.
 1. Before submitting a final plat for approval, the subdivider shall cause to be prepared a preliminary plat and supplementary material and shall file with the secretary of the Plan Commission a written application on forms furnished by the Plan Commission for approval of said plat, accompanied by ~~fifteen (15)~~ eighteen (18) blue-line prints or other acceptable reproductions thereof at least twenty-one (21) days prior to the meeting of the Plan Commission at which action is desired. The applicant shall include a Report of Title satisfying the Real Estate Section of the Department of Planning and Development requirements. If the area submitted for development is adjacent to an expressway or freeway as defined in Wis. Admin. Code, TRANS 405, the subdivider shall supply to the Department of Planning and Development and the Transportation Department, a noise site study report satisfying TRANS 405 and Sec. 16.23(3)(d), Madison General Ordinances. The preliminary plat shall cover the entire area owned or controlled by the subdivider even though only a small portion thereof is proposed for development at the time. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purpose of the ordinance and undue hardship would result from strict application thereof. Where a subdivider has control of lands equal to or in excess of eighty (80) acres separated only by existing public roads or railroads, in lieu of a preliminary plat on the entire ownership, s/he may elect to submit a comprehensive development plan for her/his lands as provided for hereinafter.
 2. The preliminary plat shall be reviewed by the Department of Planning and Development for conformity with all ordinances, administrative rules and regulations, including title of ownership, encumbrances, easements, rights-of-way, leases, delinquent real estate taxes, special

assessments, the necessary certificates, all other appropriate items, and plans which affect subdivisions; and it shall transmit a copy of the preliminary plat to appropriate City agencies, as determined by the Director of Planning and Development, for review and comment concerning matters within their jurisdiction. The Department of Planning and Development shall submit the comments to the Plan Commission.

3. The Plan Commission shall submit the preliminary plat together with the recommendations of the Commission to the Mayor and Common Council. The Common Council shall, within ninety (90) days of filing of the plat for necessary action, unless the time is extended by agreement with the subdivider, take action to approve, approve conditionally, or reject the preliminary plat and shall state in writing or by resolution any conditions of approval or reasons for rejection. One copy of the preliminary plat shall be returned to the subdivider and one to the surveyor with the date and action endorsed thereon. Failure of the Common Council to act within the 90 days, or extension thereof, constitutes an approval of the preliminary plat.
4. Approval or conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather it shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat which will be subject to further consideration by the Plan Commission.
5. Whenever it is proposed to replat a recorded subdivision or subdivisions, or any part of a recorded subdivision or subdivisions, the Plan Commission shall hold a public hearing on the proposed preliminary plat of the replat before taking action. When a preliminary plat of a replat is filed with the secretary of the Plan Commission, the secretary shall schedule a public hearing before the Plan Commission. The secretary shall mail notices of the proposed replat and of the scheduled hearing thereon at least ten (10) days prior to the time of such hearing to the owners of all properties situated within the limits of the exterior boundaries of the proposed replat, and to the owners of all properties within a radius of two hundred (200) feet of the exterior boundaries of the proposed replat.

(ed) Final Plat Procedure.

1. ~~Thirteen (13)~~ Sixteen (16) reproductions of the final plat (plus a sufficient number to be submitted to state agencies as required under the provisions of Sec. 236.12, Wis. Stats. if the subdivider follows that procedure), an interim report of title satisfying the Real Estate Section of the Department of Planning and Development requirements, along with a written application for approval on forms provided by the Plan Commission shall be submitted to the ~~City Clerk~~ Secretary of the Plan Commission within six (6) months of the approval of the preliminary plat and at least fourteen (14) days prior to the meeting of the Plan Commission at which action is desired. However, if approval of the preliminary plat must be obtained from another approving authority subsequent to the preliminary plat approval by the Plan Commission, the final plat shall be submitted within six (6) months of such approval. The Plan Commission may, however, waive compliance with the six (6) months time limit in either case.
2. The ~~City Clerk~~ Secretary of the Plan Commission shall forthwith forward the ten (10) copies of the plat to the Plan Commission and shall within two (2) days of the submission forward such copies of the plat to the Director of Local and Regional Planning (if the subdivider follows that procedure) as may be required by Sec. 236.12, Wis. Stats. The Plan Commission shall examine the final plat as to its conformance with the preliminary plat, the requirements set forth in this ordinance, and with any other ordinances, administrative rules and regulations, and plans which may affect it; and shall recommend approval, conditional approval or rejection of the plat. The final plat may, if permitted by the Plan Commission, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time. In the event that the final plat constitutes only a portion of the approved preliminary plat, the interim Report of Title need only include those lands included in the final plat. The City Clerk shall forward the interim Report of Title and one copy of the final plat to the Real Estate Section of the Department of Planning and Development.
3. The Plan Commission shall transmit the plat, together with the recommendations of the commission to the Mayor and Common Council, within sixty (60) days of its submission to the City Clerk, for necessary action. The Council shall approve or reject the final plat within sixty (60) days of its submission to the City Clerk, unless the time is extended by agreement with the subdivider. Reasons for rejection shall be forwarded to the subdivider in writing. If the Common Council fails to act within sixty (60) days and the time has not been extended by agreement and

if no unsatisfied objections have been filed within that period, the plat shall be deemed approved, and, upon demand, a certificate to that effect shall be made on the face of the plat by the City Clerk.

4. After the final plat has been approved by the Common Council and petitions and a contract and bond insuring the installation of improvements filed in accordance with Subsection (9) hereof, the subdivider shall submit the final plat, an interim Report of Title, satisfying the Real Estate Section of the Department of Planning and Development requirements, to the City Clerk, along with a check in the amount of twelve dollars (\$12) to cover the cost of having six (6) copies of the recorded plat made by the Dane County Surveyor for City files. The interim Report of Title need only include those lands included in the final plat. If the final plat complies with the conditions of approval and is submitted within the required time of the date of approval by the Common Council pursuant to Wis. Stats. Sec. 236.25(2)(b), and when the Real Estate Section in consultation with the City Attorney has determined the certificates are acceptable and in proper form, the City Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording within thirty (30) days of the date of the last approval. If the plat is not recorded in accordance with the time requirements of said statute, reapproval by the Common Council may be required before the final plat is recorded and an additional interim Report of Title may be required at the time the final plat is resubmitted for approval. Copies of the recorded plat shall be distributed by the City Clerk to the following City agencies: two (2) to the Plan Commission and one each to the Engineering Division, Department of Transportation, Water Utility, and Assessor's office for their files.

(e) Combined Preliminary Plat and Final Plat Procedure. The procedures and required documentary submissions shall be the same as set forth in (c) and (d) above with the exception of the following.

1. All materials required for the preliminary plat and the Final Plat shall be submitted at the same time, at least twenty-one (21) days prior to the meeting of the Plan Commission at which action is desired.
2. The plan Commission shall submit both the preliminary plat and the final plat together with the recommendation of the Commission to the Mayor and Common Council. The Common Council shall, within ninety (90) days of the filing of both plats for necessary action, unless the time is extended by agreement with the subdivider, take action to approve, approve conditionally, or reject the preliminary plat and the final plat and shall state in writing any conditions of approval or reasons for rejection. Failure of the Common Council to act within the ninety (90) days, or extension thereof, constitutes an approval of any plat for which no action was taken.

(df) Comprehensive Development Plan Procedure.

1. When the subdivider has eighty (80) acres or more of land under her/his control, s/he may elect to file a comprehensive development plan in lieu of a preliminary plat for the entire lands under her/his control. The lands may be in a single parcel, or separated only by roads, streets, highways or railroad rights-of-way.
2. The applicant for a comprehensive development plan (CDP) shall file twelve (12) blueline prints and twelve (12) copies of all exhibits as required hereinafter with the secretary of the Plan Commission.
3. The CDP and exhibits shall be reviewed by the Department of Planning and Development, other City agencies as determined by the Director of Planning and Development, and Board of Education for conformity with the provisions of the ordinances and for the possible effect of the proposed division on any plans as set forth in the master plan, official map or neighborhood unit development studies, and comment concerning matters within their jurisdiction. Their recommendations in respect thereto shall be transmitted to the secretary of the Plan Commission not later than forty-five (45) days from the date the map is received by the reviewing departments. The Department of Planning and Development shall also refer the CDP and exhibits to the Dane County Regional Planning Commission staff for review and comment when the CDP is located outside the City limits.
4. The Plan Commission shall within sixty (60) days of the filing of the CDP and exhibits recommend approval, conditional approval or rejection. One copy of the plans shall be returned to the applicant with notification in writing of any conditions of approval or the reasons for rejection.
5. After action by the Plan Commission, the CDP and exhibits shall be referred to the Common Council for action. The Common Council shall within ninety (90) days of the filing of the CDP and

exhibits approve, approve conditionally or reject it. The approved CDP and exhibits shall be filed for record with the Dane County Register of Deeds by the applicant after action by the Common Council.

6. Any major changes to the recorded CDP and exhibits shall be approved by the Common Council after recommendation by the Plan Commission, and shall be recorded. The determination of what constitutes a major change shall be made by the secretary of the Plan Commission. His decision may be appealed to the Plan Commission as provided for preliminary plats and land divisions in Subsection (3)(e) of this ordinance.

(eg) Land Division (Certified Survey) Procedure.

1. Within the corporate limits of the City of Madison, or within the extraterritorial plat approval jurisdiction thereof a certified survey map approved by the Secretary of the City Plan Commission or her/his designee (and Common Council when dedication of land is involved) and meeting all of the requirements of Chapter 236.34, Wis. Stats. may be utilized in lieu of a final plat after being filed by the subdivider for record with the Dane County Register of Deeds, for creating a land division. Unless waived by the Secretary of the Plan Commission or her/his designee, an acceptable preliminary plat shall be filed by the subdivider prior to or with the certified survey map. In making a determination as to whether the preliminary plat requirement may be waived, the Secretary of the Plan Commission or her/his designee shall consider the recommendations of other reviewing departments and may require sketches and/or other information to be supplied by the subdivider to be circulated to City departments for determination of whether the objectives of the subdivision regulations can be achieved without the preliminary plat. The preliminary plat must be submitted on all lands under the control of the applicant and (or) lands in which the applicant has an ownership interest. The land will be determined by quarter-quarter section lines. The preliminary plat shall be circulated to City departments as required in Subsection (5)(b) of this ordinance. When the preliminary plat is waived, the certified survey map shall show the entire ownership with a survey for the parcel or parcels being separated and a scaled drawing from recorded information for the parcel remaining. The subdivider shall comply with the requirements of Subsection (6) for property outside the City limits and Subsection (9) for property within the City limits when a certified survey map is used. When required, the Common Council resolution approving the certified survey map shall be reproduced legibly on the face of the map. For property within the City limits, all outstanding special assessments shall be paid unless determined otherwise by the Board of Public Works.
2. The applicant for a land division shall file ten (10) blue-line prints or other acceptable reproductions of a certified survey map and written application for approval with the secretary of the Plan Commission on forms provided by him. The application shall include a report of title satisfying the Real Estate Section of the Department of Planning and Development requirements. The Real Estate Section shall review the map and title for ownership, encumbrances, easements, rights-of-way, leases, unpaid real estate taxes and unpaid special assessments and all other appropriate items and shall provide recommendations on the certificate page or pages and the necessary signatures. The Real Estate Section of the Department of Planning and Development shall consult with the City Attorney on matters of title as may be required. (Am. by Ord. 10,874, 3-31-94)
3. The map shall be reviewed by the Department of Planning and Development, and other City agencies as determined by the Director of Planning and Development for comment concerning matters within their jurisdiction, for conformity with the provisions of the ordinances and for the possible effect of the proposed division on any plans as set forth in the master plan, the official map or neighborhood unit development studies. The comments shall be submitted to the secretary of the Plan Commission. The Department of Planning and Development shall also refer the map to the Dane County Regional Planning Commission staff for review and comment when the land division is located outside the City limits.
4. The Secretary of the Plan Commission or her/his designee shall within forty-five (45) days of the filing of the complete application approve, approve conditionally or refer it to the Plan Commission for its consideration. Failure of the Secretary or her/his designee to act upon the proposed land division application within forty-five (45) days shall be deemed a rejection subject to review before the Plan Commission under subsection (3)(c). The Plan Commission shall act on the land division within ninety (90) days of the filing of the complete application, unless the

time is extended by agreement with the applicant. One copy of the map shall be returned to the subdivider with notification in writing of any conditions of approval or the reasons for rejection. After the conditions of approval have been satisfied, the necessary resolutions approving the survey and accepting the dedications contained therein shall be presented to the responsible governmental bodies for approval. After all certificates have been properly signed and the approval of the governmental bodies properly noted except for the Secretary of the Plan Commission or her/his designee, the survey, together with a copy of the approving resolution, shall be forwarded to the City Real Estate Section of the Department of Planning and Development for retaining until the subdivider requests the survey to be recorded. The request shall include:

- a. A check to the Dane County Register of Deeds for recording fees, eight dollars (\$8) for the first page plus two dollars (\$2) for each additional page or an amount as may be established by the Dane County Register of Deeds.
- b. An interim title report from the title company that prepared the report of title included with the application for land division satisfying the Real Estate Section of the Department of Planning and Development requirements.
- c. A check to the local agency for accrued real estate taxes and special assessments, if any, for the lands dedicated by the survey.
- d. A check to the Dane County Treasurer's Office covering any delinquent taxes on the lands dedicated by the survey.

When the Real Estate Section in consultation with the City Attorney has determined that the title is acceptable and the survey is in proper form the Secretary of the Plan Commission or her/his designee will sign a survey and the Real Estate Section will have it recorded. Ten (10) copies of the map for City departments' files shall accompany the original map at the time it is forwarded to the Real Estate Section of the Department of Planning and Development for recording.

5. When the Secretary of the Plan Commission determines that a proposed land division does not meet the standards for approval, or an applicant appeals a condition of approval or an applicant appeals the requirement for a preliminary plat, it shall be referred to the Plan Commission for further consideration. The Secretary of the Plan Commission shall schedule it for consideration at the next regular meeting after allowing for the required ten (10) day notice. An application for a proposed land division that does not meet the standards for approval shall only be scheduled after the Secretary receives a copy of both the Town(s)' and County's actions on the proposed land division. The Secretary shall mail notice of the scheduled meeting with the reasons for the referral at least ten (10) days prior to the meeting to the owners of all properties situated within the limits of the proposed land division application. When an appeal or a proposed land division application is rejected, the Plan Commission shall furnish the reasons therefor to the applicant in writing.

(fh) Fee and Dedication Schedule. So that each proposal shall pay its fair share of costs for public facilities and services and for review under this section, the following schedule of fees and/or dedications shall be applied to each subdivision and land division within the City. Review fees for subdivisions and land divisions shall also apply to land within the extraterritorial plat approval jurisdiction of the City.

1. Park and Open Space Dedication and Fees. There shall be a dedication of land and payment of a fee for each single-family, duplex, and multiple family dwelling unit. The Park and Plan Commissions shall recommend and the Common Council shall determine the land dedication and fee payment as well as the location of any land dedication and the acceptance of fee in accordance with procedures in Section 16.23(8)(f).
2. Water Service. The Madison Water Utility, in accordance with its Rules and Regulations approved by the Common Council on file with the Public Service Commission, shall annually establish a uniform schedule for the fees, or charges, for installation of a water service that is based on the size appropriate for each proposed dwelling and subject to filing the prescribed application, payment of fees and charges that have been established and currently in effect.
3. Any preliminary or final plat submitted for Plan Commission and Common Council review hereunder shall be accompanied by a fee of two hundred dollars (\$200), plus thirty-five dollars (\$35) per lot or outlot contained therein to contribute to the costs of such review.
4. Any certified survey map or land division submitted for approval by the secretary of the Plan Commission hereunder shall be accompanied by a fee of two hundred dollars (\$200) plus one

hundred fifty dollars (\$150) per lot or outlot contained therein to contribute to the costs of such review."