# Legislation Details (With Text)

| | | | | | |
|---|---|---|---|---|---|
| **File #:** | 78130 | **Version:** 4 | **Name:** | Land Subdivision Regulations | |
| **Type:** | Ordinance | | **Status:** | Passed | |
| **File created:** | 5/30/2023 | | **In control:** | COMMON COUNCIL | |
| **On agenda:** | 7/25/2023 | | **Final action:** | 7/25/2023 | |
| **Enactment date:** | 8/4/2023 | | **Enactment #:** | ORD-23-00075 | |

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

**Sponsors:** Kristen Slack, Tag Evers

**Indexes:**

**Code sections:**

**Attachments:** 1. 78130-Body-Version 3, 2. 78130-Body-Version 2, 3. 78130-Body-Version 1, 4. Ordinance Comparison.pdf, 5. Comp Green Streets Guide Final_Dec 2022.pdf, 6. 78130-CGS MGO 16.23 Action Item.v2.pdf, 7. Plan Commission Memo_06-12-23.pdf, 8. Public Comment 06-12-23.pdf, 9. Zellers Comments_06-22-23.pdf, 10. 78130-Report_06-23-23.pdf, 11. Public Comments_06-25-23.pdf, 12. Public Comments 6-26-23.pdf, 13. 78130 Version 1, 14. Public Comments 7-10-23.pdf, 15. 78130-Body-Version 4, 16. 78130-Floor Amendment, 17. Tischler floor amendment, 18. 071023-072523_CC_public_comments

| Date | Ver. | Action By | Action | Result |
|---|---|---|---|---|
| 7/25/2023 | 4 | COMMON COUNCIL | Adopt the Following Amendment(s) | Fail |
| 7/25/2023 | 4 | COMMON COUNCIL | Refer to a future Meeting to Adopt | Fail |
| 7/25/2023 | 4 | COMMON COUNCIL | Adopt as Substituted and Close the Public Hearing | Pass |
| 7/11/2023 | 2 | COMMON COUNCIL | Refer to a future Meeting to Adopt | Pass |
| 6/26/2023 | 1 | PLAN COMMISSION | RECOMMEND TO COUNCIL TO ADOPT WITH CONDITIONS - PUBLIC HEARING | Pass |
| 6/21/2023 | 1 | BOARD OF PUBLIC WORKS | Return to Lead with the Recommendation for Approval | Pass |
| 6/12/2023 | 1 | PLAN COMMISSION | RECOMMEND TO COUNCIL TO RE-REFER - PUBLIC HEARING | Pass |
| 6/7/2023 | 1 | TRANSPORTATION COMMISSION | Return to Lead with the Recommendation for Approval | Pass |
| 6/6/2023 | 1 | PLAN COMMISSION | Refer | |
| 6/6/2023 | 1 | PLAN COMMISSION | Refer | |
| 6/6/2023 | 1 | COMMON COUNCIL | Refer | Pass |
| 5/30/2023 | 1 | Attorney's Office | Referred for Introduction | |

## Fiscal Note

No City appropriation required.

## Title

AMENDED THIRD 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.

The AMENDED THIRD SUBSTITUTE makes two changes. First, it amends the definition of “Greenway” in MGO Sec. 16.23(2). Second, it adds to the design standards in MGO Sec. 16.23(6)(a)3.c.

**********

**Please see Legistar File No. 78130-Body-Version 4 in Attachments.**