

Ordinance No. 11-24-782
Monona Common Council

**AN ORDINANCE AMENDING CHAPTER 473 OF THE CODE OF ORDINANCES
REGARDING LAND DIVISIONS AND MINOR LAND DIVISIONS**

WHEREAS, a number of Certified Survey Map applications have been received for the single and two-family Zoning Districts. These districts have dimensional standards and are often simpler in their nature than those in commercial Zoning Districts. Changes have been proposed to allow for a Minor Land Division that meets requirements as specified in the Ordinance which may be approved administratively. These will still be reviewed by Department Heads and a qualified land surveyor working on behalf of the City. Discretion remains for the City Planner to bring a request forward an application to Plan Commission if necessary; and,

WHEREAS, the Plan Commission reviewed and discussed the proposed Ordinance updates at its November 11, 2024 meeting; and,

WHEREAS, on November 11, 2024, the Plan Commission voted five (5) in favor and zero (0) opposed with one (1) abstention to recommend approval of the proposed Ordinance amendments (Attachment A) to the City Council; and,

WHEREAS, the proposed revised language to 473-4 was drafted with input from the City Administrator, Public Works Director, the Director of Planning and Economic Development and the City Attorney and is recommended by the Plan Commission.


NOW, THEREFORE, the Common Council of the City of Monona, Dane County, Wisconsin, do ordain as follows:

SECTION 1. Section 473-4 of the City of Monona Code of Ordinances, is hereby amended to read as set forth in Attachment A.

SECTION 2. This ordinance shall take effect upon passage and publication as provided by law.


Adopted this 2 day of December, 2024.

BY ORDER OF THE CITY COUNCIL
CITY OF MONONA, WISCONSIN



Mary K. O'Connor
Mayor

ATTEST:



Alene Houser
City Clerk

Requested By: Plan Commission
Drafted By: Douglas Plowman, Director of Planning and Economic Development

Council Action:

Date Introduced: 11-18-24

Date Approved: 12/2/24

§_473-4. Land divisions.

A. Definition. As used in this section, the following terms shall have the meanings indicated:

LAND DIVISION—

The division of any parcel of land within the City for purposes of sale or building development, including lot combinations. It shall not include:

- (1)** Transfers of interest in land by will or pursuant to court order.
- (2)** Leases for a term not to exceed 10 years, mortgages or easements.
- (3)** The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the parcels resulting are not reduced below the minimum lot sizes required by this chapter or other applicable laws or ordinances. (if minimum lot sizes are required).
- (4)** Land division creating four or more lots or building sites within a period of five years.

B. Certified survey map. A division creating not more than four lots in a period of five years. Any person desiring to accomplish land division by certified survey map shall file with the Plan Commission a certified survey map as defined in §_236.34, Wis. Stats., and eight acceptable copies thereof together with a written application for approval at least ~~five~~fourteen days prior to the meeting of the Plan Commission at which action is desired.

C. Public hearing. The Plan Commission may schedule a public hearing on the proposed land division before taking action. In such case, the City Clerk shall give notice of the proposed land division to property owners within the area in which the land division is proposed as shall be deemed necessary.

D. Review of division. The proposed land division shall be reviewed and approved by the ~~Plan Commission and the~~ Public Works ~~Committee~~ Director and City Planner, or their respective designees, for conformity with the provisions of this Code and the Official Map and Master Plan of the City. The Public Works Director may refer any proposed land division to the Public Works Committee if he/she deems it necessary or appropriate.

E. Access to streets required. No proposed land division shall be approved unless all of the resulting lots adjoin a dedicated street at least 32 feet in width (face to face) located within a public right-of-way at least 60 feet in width. ~~[Amended 10-2-2023 by Ord. No. 9-23-770]~~

F. Action on application. The Plan Commission and Council shall, within 90 days of application, approve, approve conditionally, or reject the proposed land division. The applicant shall be notified in writing of any conditions of approval or the reasons for rejection. The Plan Commission and Council may review and take action upon the proposed land division in one

meeting of each body.

G. Compliance with statutes. The certified survey map shall comply with §-236.34, Wis. Stats., which is adopted by reference as part of this chapter.

H. Variances. When in the judgment of the Plan Commission or Council, it would be inappropriate to apply literally any of the provisions of this chapter because extraordinary hardship would result, the Council may grant such variance from the provisions hereof so that substantial justice may be done and the public interests secured.

I. Approval Authority of Minor Land Divisions by Certified Survey Map.

(1) The City Planner is the approving authority for minor land divisions through a certified survey map. A certified survey map qualifies as a minor land division if all of the following criteria apply, as determined by the city planner:

(a) The parcel is classified as a single family or two-family residence;

(b) All resulting parcels meet the minimum requirements of their respective zoning districts, controls relating to environmentally sensitive features, and minimum lot standards as required in this Code;

(c) The certified survey map will not involve the dedication of right-of-way, other lands to the public or grant easement interests;

(d) The certified survey map does not involve any matters required to be referred to the Plan Commission pursuant to section 62.23(5) of the Wisconsin Statutes, as may be amended from time to time.

(e) Upon satisfaction of all the requirements of this section, the city planner may approve the certified survey map for the minor land division without a public hearing or action by the Plan Commission or Council as otherwise provided in this section.

(2) All parcels not classified as a single family or two-family residence shall be referred to the Plan Commission for review.

(3) The City Planner may refer the certified survey map to the Plan Commission if he/she deems it necessary or appropriate. The applicant may appeal any decision of the city planner to the Plan Commission. If referred or appealed to the Plan Commission, the certified survey map shall be placed on the agenda within thirty (30) days of the referral, or request for appeal, for consideration by the Plan Commission, and shall follow the

procedures outlined within this chapter for review and consideration of a certified survey map.

J. Administrative Costs. The subdivider shall pay the actual cost of all legal, planning, other consultant, staff, and administrative work incurred by the City in connection with any proposed land division. The subdivider shall pay the actual cost to the City for all engineering work incurred by the City in connection with any proposed land division, including construction observation as the City Council deems necessary to ensure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the City or any other governmental authority. The subdivider shall pay the charges within 30 days of each billing by the City Clerk. The City may require an applicant to tender an escrow amount upon application in an amount determined by the City Planner or their designee to reasonably approximate the administrative costs estimated to be incurred by the City.