



2013 SENATE BILL 502

1 **AN ACT** *to renumber* 236.02 (12) (b) and 236.34 (1) (a) to (f); *to renumber and*
2 *amend* 236.02 (12) (intro.), 236.02 (12) (a) and 236.34 (1) (intro.); *to amend*
3 77.25 (2r), 236.03 (1), 236.31 (2), 236.34 (2) (a) and 236.34 (2) (b) 2.; *to repeal*
4 *and recreate* 236.34 (1) (title); and *to create* 236.02 (12) (bm), 236.34 (1) (ar),
5 236.34 (1m) (em) and 236.34 (1m) (er) of the statutes; **relating to:** authorizing
6 ordinances and resolutions that specify a greater number of parcels into which
7 certified survey maps may divide land.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

8 **SECTION 1.** 77.25 (2r) of the statutes is amended to read:
9 77.25 (2r) Under s. 236.29 (1) or (2) or 236.34 (~~1~~) (1m) (e) or for the purpose of
10 a road, street, or highway, to the United States or to this state or to any
11 instrumentality, agency, or subdivision of either.

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1 **SECTION 2.** 236.02 (12) (intro.) of the statutes is renumbered 236.02 (12) (am)
2 (intro.) and amended to read:

3 236.02 (12) (am) (intro.) “~~Subdivision~~” is Except as provided in par. (bm),
4 “subdivision” means a division of a lot, parcel, or tract of land by the owner thereof
5 or the owner’s agent for the purpose of sale or of building development, ~~where~~ and
6 to which any of the following applies:

7 **SECTION 3.** 236.02 (12) (a) of the statutes is renumbered 236.02 (12) (am) 1. and
8 amended to read:

9 236.02 (12) (am) 1. The act of division creates 5 or more parcels or building sites
10 of 1 1/2 acres each or less in area; ~~or,~~

11 **SECTION 4.** 236.02 (12) (b) of the statutes is renumbered 236.02 (12) (am) 2.

12 **SECTION 5.** 236.02 (12) (bm) of the statutes is created to read:

13 236.02 (12) (bm) “Subdivision” does not include a division of land into 5 or more
14 parcels or building sites by a certified survey map in accordance with an ordinance
15 enacted or a resolution adopted under s. 236.34 (1) (ar) 1.

16 **SECTION 6.** 236.03 (1) of the statutes is amended to read:

17 236.03 (1) Any division of land ~~which~~ that results in a subdivision as defined
18 in s. 236.02 (12) (a) (am) 1. shall be, and any other division may be, surveyed and a
19 plat thereof approved and recorded as required by this chapter. No map or survey
20 purporting to create divisions of land or intending to clarify metes and bounds
21 descriptions may be recorded except as provided by this chapter.

22 **SECTION 7.** 236.31 (2) of the statutes is amended to read:

23 236.31 (2) Any municipality, town, county, or state agency with subdivision
24 review authority may institute injunction or other appropriate action or proceeding
25 to enjoin a violation of any provision of this chapter, an ordinance, or a rule adopted

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1 pursuant to under this chapter. Any such municipality, town, or county may impose
2 a forfeiture for violation of any such ordinance, and order an assessor's plat to be
3 made under s. 70.27 at the expense of the subdivider or the subdivider's agent when
4 a subdivision is created under s. 236.02 (12) ~~(b)~~ (am) 2. by successive divisions.

5 **SECTION 8.** 236.34 (1) (title) of the statutes is repealed and recreated to read:

6 236.34 (1) (title) DESCRIPTION AND USES.

7 **SECTION 9.** 236.34 (1) (intro.) of the statutes is renumbered 236.34 (1) (am) and
8 amended to read:

9 236.34 (1) (am) A certified survey map of not more than 4 parcels of land, or
10 such greater maximum number specified by an ordinance enacted or resolution
11 adopted under par. (ar) 1., consisting of lots or outlots may be recorded in the office
12 of the register of deeds of the county in which the land is situated.

13 (bm) A certified survey map may be used to change the boundaries of lots and
14 outlots within a recorded plat, recorded assessor's plat under s. 70.27, or recorded,
15 certified survey map if the reconfiguration does not result in a subdivision or violate
16 a local ~~subdivision regulation~~ ordinance or resolution.

17 (cm) A certified survey map may not alter areas previously dedicated to the
18 public or a restriction placed on the platted land by covenant, by grant of an
19 easement, or by any other manner.

20 (dm) A certified survey map that crosses the exterior boundary of a recorded
21 plat or assessor's plat shall apply to the reconfiguration of ~~fewer than 5 parcels~~ not
22 more than 4 parcels, or such greater maximum number specified by an ordinance
23 enacted or resolution adopted under par. (ar) 1., by a single owner, or if no additional
24 parcels are created. Such a certified survey map must be approved in the same
25 manner as a final plat of a subdivision must be approved under s. 236.10, must be

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1 monumented in accordance with s. 236.15 (1), and shall contain owners' and
2 mortgagees' certificates that are in substantially the same form as required under
3 s. 236.21 (2) (a).

4 (1m) PREPARATION. A certified survey must meet the following requirements:

5 **SECTION 10.** 236.34 (1) (a) to (f) of the statutes are renumbered 236.34 (1m) (a)
6 to (f).

7 **SECTION 11.** 236.34 (1) (ar) of the statutes is created to read:

8 236.34 (1) (ar) 1. Notwithstanding s. 236.45 (2) (ac) and (am), a municipality,
9 town, or county that has established a planning agency may enact an ordinance or
10 adopt a resolution that specifies a maximum number of parcels that is greater than
11 4 into which land that is situated in the municipality, town, or county and zoned for
12 commercial, industrial, or mixed-use development may be divided by certified
13 survey map.

14 2. Before the enactment of an ordinance or the adoption of a resolution under
15 subd. 1., the governing body of the municipality, town, or county shall receive the
16 recommendation of its planning agency and shall hold a public hearing on the
17 ordinance or resolution. Notice of the hearing shall be given by publication of a class
18 2 notice, under ch. 985. Any ordinance enacted or resolution adopted shall be
19 published in a form suitable for public distribution.

20 3. Notwithstanding subd. 1., an ordinance enacted or resolution adopted under
21 subd. 1. by a municipality may specify the number of parcels into which land within
22 the extraterritorial plat approval jurisdiction of the municipality, as well as land
23 within the corporate limits of the municipality, may be divided by certified survey
24 map if the municipality has the right to approve or object to plats within that area
25 under s. 236.10 (1) (b) 2. and (2).

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1 4. If more than one governing body has authority to enact an ordinance or adopt
2 a resolution under subd. 1. with respect to the same land and those governing bodies
3 enact ordinances or adopt resolutions with conflicting provisions, any certified
4 survey map affecting that land must comply with the most restrictive provisions.

5 **SECTION 11m.** 236.34 (1m) (em) of the statutes is created to read:

6 236.34 (1m) (em) 1. Except as provided in subd. 2., if the certified survey map
7 divides land into more than 4 parcels in accordance with an ordinance enacted or
8 resolution adopted under sub. (1) (ar) 1., notwithstanding pars. (b) and (c), the survey
9 and the map shall comply with ss. 236.15, 236.20, and 236.21 (1) and (2) and the map
10 shall be submitted to the department of administration for a review of the compliance
11 with those sections.

12 2. Subdivision 1. does not apply if any of the following applies:

13 a. The certified survey map is only changing the boundaries of lots and outlots
14 in a recorded plat, recorded assessor's plat under s. 70.27, or recorded certified
15 survey map, regardless of whether the certified survey map crosses the exterior
16 boundary of the recorded plat, assessor's plat, or certified survey map.

17 b. The certified survey map is dividing land that is wholly situated in a 1st class
18 city.

19 c. The certified survey map is dividing unincorporated land in a county with
20 a population of 500,000 or more.

21 **SECTION 11r.** 236.34 (1m) (er) of the statutes is created to read:

22 236.34 (1m) (er) 1. Except as provided in subd. 2., the certified survey map and
23 survey shall comply with the rules of the department of transportation described in
24 s. 236.13 (1) (e) and the map shall be submitted to the department of transportation
25 for a review of the compliance with those rules if all of the following apply:

