

State of Wisconsin



2013 Senate Bill 502

Date of enactment: **April 16, 2014**
Date of publication*: **April 17, 2014**

2013 WISCONSIN ACT 272

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

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

SECTION 1. 77.25 (2r) of the statutes is amended to read:

77.25 (2r) Under s. 236.29 (1) or (2) or 236.34 (4) (1m) (e) or for the purpose of a road, street, or highway, to the United States or to this state or to any instrumentality, agency, or subdivision of either.

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

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

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

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

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

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

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

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

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

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

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

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication.”

a forfeiture for violation of any such ordinance, and order an assessor's plat to be made under s. 70.27 at the expense of the subdivider or the subdivider's agent when a subdivision is created under s. 236.02 (12) (b) (am) 2. by successive divisions.

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

236.34 (1) (title) DESCRIPTION AND USES.

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

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

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

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

(dm) A certified survey map that crosses the exterior boundary of a recorded plat or assessor's plat shall apply to the reconfiguration of fewer than 5 parcels not more than 4 parcels, or such greater maximum number specified by an ordinance enacted or resolution adopted under par. (ar) 1., by a single owner, or if no additional parcels are created. Such a certified survey map must be approved in the same manner as a final plat of a subdivision must be approved under s. 236.10, must be monumented in accordance with s. 236.15 (1), and shall contain owners' and mortgagees' certificates that are in substantially the same form as required under s. 236.21 (2) (a).

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

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

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

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

2. Before the enactment of an ordinance or the adoption of a resolution under subd. 1., the governing body of

the municipality, town, or county shall receive the recommendation of its planning agency and shall hold a public hearing on the ordinance or resolution. Notice of the hearing shall be given by publication of a class 2 notice, under ch. 985. Any ordinance enacted or resolution adopted shall be published in a form suitable for public distribution.

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

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

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

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

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

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

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

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

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

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

a. The certified survey map divides land into more than 4 parcels in accordance with an ordinance enacted or resolution adopted under sub. (1) (ar) 1.

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b. The certified survey map is changing the external boundary of a recorded plat, recorded assessor's plat, or recorded certified survey map.

c. The certified survey map or recorded plat, recorded assessor's plat, or recorded certified survey map shows lots that abut or adjoin a state trunk highway or connecting highway.

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

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

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

SECTION 12. 236.34 (2) (a) of the statutes is amended to read:

236.34 (2) (a) Certified survey maps prepared in accordance with ~~sub. subs.~~ (1) and (1m) shall be numbered consecutively by the register of deeds and shall be recorded in a bound volume to be kept in the register of deeds' office, known as the "Certified Survey Maps of ... County".

SECTION 13. 236.34 (2) (b) 2. of the statutes is amended to read:

236.34 (2) (b) 2. The certified survey map shows on its face all of the certificates and affidavits required under ~~sub. subs.~~ (1) and (1m).
