

BUILDING SAFETY & ZONING DIVISION
PLAN COMMISSION STAFF REPORT

TO: Plan Commission
DATE: June 23rd, 2025
SUBJECT: Review Public Hearing Comments and Recommendation to Council – Text Amendments to Chapter 545 Subdivision of Land.

A request by the City of Watertown for text amendments to the City of Watertown Chapter 545 - Subdivision of Land.

BACKGROUND DESCRIPTION:

Proposed Amendments #1 & #2 - Parkland Fees

Chapter 545, Subdivision of Land, facilitates the dedication of parkland or the collection of a 'fee in lieu of land dedication' during the process of subdividing land for residential development. In addition, the chapter also facilitates the collection of 'recreation facilities improvement fees'. As currently written, the chapter requires both fees to be paid at the time of building permit issuance. In circumstances where a 'fee in lieu of land dedication' is required, the collection of this fee at the time of building permit issuance can be somewhat problematic. In situations where many years or even decades have passed since the lot was created there is often no way to know if that lot's requirement to dedicate parkland was satisfied by an actual land dedication or if a 'fee in lieu of land dedication' is required. These situations can lead to the possibility of the 'fee in lieu of land dedication' not being collected due to the uncertainty of a fee requirement. As a result, proposed text amendments #1 and #2 propose to change the 'fee in lieu of land dedication' fee requirement to occur at the time of land division approval by the City. In cases where adequate parkland is dedicated per ordinance, no 'fee in lieu of land dedication' is required. The collection of a 'recreation facilities improvement fee' will continue to be collected at the time of building permit issuance. The 'recreation facilities improvement fee' is based upon the number of residential units being built at the time of building permit issuance and, as such, cannot be calculated until the actual building and number of units being proposed are known.

Proposed Amendments #3 & #4 – Expanded Use of CSMs:

Wis. Stats. Chapter 236 limits the use of Certified Survey Maps (CSM) to land divisions that create four or less parcels. Recent legislation allows expanded use of CSMs in certain situations. CSMs can exceed four parcels, including lots and outlots, when:

1. Local units of government have an established planning agency.
2. An ordinance is enacted or a resolution is passed.
 - a. Must receive a recommendation from the planning agency.
 - b. Must hold a public hearing noticed by a Class II notice.
 - c. The enacted ordinance or resolution must be published in a public accessible format.
3. A maximum number of parcels is specified.
4. The affected land is zoned commercial, multifamily, industrial, or mixed use. Multi-family is defined in the statute (and reflected in the proposed changes below).

City staff have consulted with Vandewalle and Associates regarding the use of these statutory changes to implement the expanded use of CSMs within the City. As a result of these discussions, text amendments #3 & #4 propose to amend Chapter 545, Subdivision of Land, to expand the use of CSMs to allow additional lot creation in

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the situations allowed by State Statutes. In particular, the proposed text amendments will allow for the creation of up to 12 lots via a CSM for multi-family residential development and up to 8 lots for commercial and industrial development. The ability to create additional lots via the expanded use of CSMs will expedite the lot approval process for small to medium sized multi-family, commercial, and industrial developments. For example, a development proposal for six twin-homes would be allowed to create the required twelve twin-home lots via the expanded CSM process. Review and approval of expanded CSMs will follow the same approval process CSMs currently follow with review and approval conducted by the Plan Commission. Land Division proposals with lot numbers in excess of those stated under the proposed expanded use of CSMs will still be required to be approved through the subdivision platting process.

PROPOSED TEXT AMENDMENT LANGUAGE:

Amendment #1 - § 545-14A(5)

§ 545-14A(5) Final Plat Procedure (Proposed [Additions](#) and [Deletions](#)).

- (5) The final plat shall be recorded with the Dodge or Jefferson County Register of Deeds only after certificates of the Wisconsin Department of Administration, of the Common Council, of the surveyor, and those certificates required by § 236.21, Wis. Stats., are placed on the face of the plat. The developer shall record the final plat with the proper County Register of Deeds within 12 months after the date of the last approval of the plat and within 36 months after the first approval. All required fees, [including parkland dedication fees in lieu of land dedication](#), shall be due and payable prior to the proper City officials' signing of the approved final plat except for utility impact, ~~parkland dedication~~, and [park recreation facilities improvement](#) impact fees, which shall be paid prior to issuance of any building permits. Failure to record any plat within the required timeframes shall be deemed withdrawn, and a new certification is required.

Amendment #2 - § 545-42C(5) & § 545-42C(7)

§ 545-42C Dedication and Improvement of Public Parks and Other Public Sites – Fee Revenue Administration (Proposed [Additions](#) and [Deletions](#)).

- (5) The fees imposed under Subsections ~~A and B~~ above shall be paid in full by the subdivider, developer, or owner of record of the land development ~~unless expressly excepted under this section at the time of issuing a full building permit by the office of the Building Safety and Zoning Division Inspector for any new construction. final land division or plat approval.~~ [If the total amount of impact fees due for a development shall be more than \\$75,000, a developer may defer payment of the impact fees for a period of four years from the date of issuing the building permit or until six months before the municipality incurs the costs to construct, expand, or improve the public facilities related to the development for which the fee was imposed, whichever is earlier. If the developer elects to defer payment under this paragraph, the developer shall maintain in force a bond or irrevocable letter of credit in the amount of the unpaid fees executed in the name of the municipality. At the time the municipality collects an impact fee, it shall provide the developer from which it received the fee an accounting of how the fee will be spent.](#) [The fees imposed under Subsection B above shall be paid in full by the subdivider, developer, or owner of record of the land development at the time of issuing a building permit by the Building Safety and Zoning Division for any new construction.](#)

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- (7) For all unplatted lands requiring a plat and for all land divisions, rezonings, or conditional use permits requiring a certified survey map, no final plat or certified survey map shall be certified approved for recording unless the requirements for the dedication of parkland ~~dedication fee is~~ and/or a fee in lieu of land dedication are calculated and ~~noticed on the face of~~ invoiced for collection for the instruments to be recorded ~~for collection~~ under this section. A notation shall be placed upon the face of the plat, ~~certified survey map~~, survey, or other document to be recorded, ~~advising of fees to be imposed the~~ indicating that the parkland dedication and/or fee in lieu of land dedication requirements on all buildable lots or developments containing institutional or residential housing units have been satisfied. For all land divisions not requiring a plat or certified survey map, no rezoning permit, conditional use permit, or building permit shall be issued for land development unless the fees imposed under this section are calculated and invoiced for collection.

Amendment #3 - § 545-50

§ 545-50 Definition of Terms (Proposed Additions and Deletions)

Certified Survey Map

A map or plan of record of a minor subdivision meeting all the requirements of § 236.34, Wis. Stats. and of this chapter, or used to document, for recording purposes, survey and dedication data relating to single parcels. Certified survey maps are also referred to as minor subdivisions.

Minor Subdivision

The division of a lot or parcel of land for the purpose of transfer of ownership or building development where the act of division ~~creates four or fewer parcels, lots, or building sites, any one of which is 35 acres or less in area. A minor subdivision of a lot or parcel shall occur not more than once in five years. :~~

- A. Creates four or fewer parcels, lots, or building sites, any one of which is 35 acres or less in area by division or by successive divisions of any part of the original parcel within a period of five years; or
- B. Creates not more than 12 parcels, inclusive of lots or outlots, on land that is zoned for multi-family residential development; or
- C. Creates not more than 8 parcels, inclusive of lots or outlots, on land that is zoned for commercial or industrial development.

Multi-Family Development

“Multi-Family Residential Development” means development specified in Wis. Stat. Section 101.971 containing apartment buildings, rowhouses, townhouses, condominiums, or modular homes (defined in Wis. Stat. Section 101.971(6) and does not mean mobile or manufactured homes defined in Wis. Stat. Section 101.91(2) and (10)), that do not exceed 60 feet in height or 6 stories that consist of 3 or more attached dwelling units in which the initial construction began on or after January 1, 1993. Such developments do not include facilities licensed under Chapter 50 of the Statutes, such as adult family homes, community-based residential facilities, nursing homes, and residential care apartment complexes.

Subdivision

The division of a lot or parcel of land for the purpose of transfer of ownership or of building development where:

- A. The act of division creates five or more parcels or building sites of 35 acres each or less in area by division or by successive divisions of any part of the original property within a period of five years; or

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- B. ~~The act of division creates five or more parcels or building sites of 35 acres each or less in area by successive divisions within a period of five years.~~ In accordance with Wis. Stat. Section 236.34(1)(ar), the word “subdivision” does not include a division of land that creates not more than 12 parcels, lots, or outlots, on land that is zoned for multi-family residential development; or
- C. In accordance with Wis. Stat. Section 236.34(1)(ar), the word “subdivision” does not include a division of land that creates not more than 8 parcels, lots, or outlots, on land that is zoned for commercial or industrial development.

Amendment #4 - § 545-15

§ 545-15 Minor Subdivisions (Certified Survey Maps) (Proposed [Additions](#) and [Deletions](#))

No person, firm or corporation shall divide any land located within the corporate limits of the City of Watertown that shall result in a minor subdivision as defined by this chapter without first filing an application and a certified survey map for approval by the Plan Commission (and the Common Council when dedication of land is involved) and subsequently recording said map with the Dodge or Jefferson County Register of Deeds. The certified survey map shall comply fully with § 236.34, Wis. Stats. and with all applicable requirements of this chapter.

- A. Procedure.
- (1) Before filing an application for approval of a certified survey, the subdivider shall follow the preapplication consultation procedures outlined in § 545-11.
- B. Expanded use of certified survey maps.
- (1) In accordance with Wis. Stat. Section 236.34(1)(ar), a certified survey map may also be used for dividing land into more than four parcels under the following conditions:
 - (a) The division includes not more than 12 parcels if the land being divided is zoned for multi-family development as defined by this chapter.
 - (b) The division includes not more than 8 parcels if the land is zoned for commercial or industrial development.
 - (2) This section does not apply to land lying outside the City boundaries but within the extraterritorial plat review jurisdiction of the City.
- ~~B-C.~~ Certified survey map requirements.
- (1) The certified survey map shall be prepared by a professional land surveyor and shall comply with the provisions of § 236.34, Wis. Stats., and of this chapter.
 - (2) The certificate of approval shall be placed on the face of the map.
 - (3) When a dedication of land is required, the Common Council resolution accepting the dedication and approving the map shall be placed on the face of the map.
 - (4) The applicant shall comply with the provisions of § 545-4 (General requirements) and Article III (Required Improvements and Design Standards) of this chapter.
 - (5) Where streets or other areas are dedicated to the public, the certified survey map shall contain an owner's and a mortgagee's certificate that are in substantially the same form as required by § 236.21(2)(a), Wis. Stats.
- ~~C-D.~~ Plan Commission action. Within 90 days, the Plan Commission shall, or where there is dedication of land, the Common Council shall approve, approve conditionally, or reject the certified survey map. The reason for conditional approval or for rejection shall be recorded in the minutes, and a letter detailing the action taken shall be sent to the applicant. Before an approved certified survey map is recorded, the applicant must pay to the City or other unit of government any accrued real estate taxes and special assessments owing on any land dedicated by the survey and to the Dodge or Jefferson County Treasurer any delinquent taxes on the dedicated

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land. Upon recording by the developer, two copies of the recorded document shall be furnished to the City.

PUBLIC HEARING COMMENT:

Public comments from the June 3rd, 2025 Public Hearing before the Common Council, if any, are attached.

PLAN COMMISSION OPTIONS:

The following are possible options for the Plan Commission:

1. Negative recommendation of the Chapter § 545 Amendments to Common Council.
2. Positive recommendation of the Chapter § 545 Amendments to Common Council.
3. Positive recommendation of the Chapter § 545 Amendments to Common Council, with conditions identified by the Plan Commission:

STAFF RECOMENDATION:

- Staff recommends a positive recommendation to the Common Council for the Chapter § 545 Amendments.