Sec. 66-1101. - Provision of public lands and open spaces.

The subdivider or condominium developer shall provide and dedicate to the public adequate land to provide for park, recreation and open space needs of the land development within the city and its extraterritorial area. The location of such land to be dedicated shall be determined by the plan commission. Where a land dedication is not compatible with the comprehensive plan or the parks and open space plan, or for other reasons is not advised by the plan commission, the subdivider or condominium developer shall, in lieu thereof, pay a fee to the city to meet this requirement in whole or on a pro-rata basis.

(1) *Land dedication requirement.* After consultation with the parks and recreation committee, the plan commission shall determine whether the dedication of land for parks or monies in lieu thereof will better serve the public interest. Where land is to be dedicated, 1,468 square feet of land shall be dedicated for each residential dwelling unit proposed. If no particular number of dwelling units is proposed, the requirements shall be based on the number of dwelling units permitted by right under the proposed subdivision or condominium plat and the zoning in effect at the time of preliminary plat or condominium plat submittal. Lands dedicated for stormwater management shall not be credited towards a subdivision or condominium plat's park land dedication requirements. Unless otherwise approved by the plan commission, the minimum size of the dedicated land shall not be less than one acre. All dedicated lands shall be accompanied by an environmental assessment indicating that such lands present no environmental hazard, and that they will not require environmental mitigation or remediation measures. Said environmental assessment shall be paid for at the subdivider or condominium developer's expense.

(2) *Monies in lieu of land dedication.* The amount of any fee imposed, at the date of adoption of this section, shall be $2,805.00 for each single-family residential dwelling unit, $2,104 for each two-bedroom apartment unit and $1,402 for each studio or one-bedroom apartment unit for park acquisition costs. Such fees are based upon the Public Facilities Needs Assessment and Impact Fee Study dated January 2009. The fees imposed under this section shall be increased annually at a rate equal to the percentage change in the Engineering News Record Construction Cost Index for the previous 12

months, with the adjustment effective January 1 of each year. The city treasurer or designee shall calculate the adjusted fees and maintain a copy of the calculation and the adjusted impact fees in the office of the city clerk.

(3) *Park improvement fee.* Regardless of whether land dedication or monies in lieu of land dedication are required, a park improvement fee shall be paid for each dwelling unit proposed. See chapter 67 Impact fees for the fee schedule.

(4) *Fees and dedications required for all new developments.* In all instances where additional residential dwelling units are being created, without the need for land division review and approval, all fees and dedications required by this chapter shall apply.

(Ord. No. 0-7-09, 6-23-2009)

Sec. 66-1102. - Specifications for dedicated land.

(a) *Unity.* The dedicated land shall form a single parcel of land except where the plan commission determines that two parcels or more would be in the public interest.

(b) *Shape.* The shape of the dedicated parcel of land shall be configured to be usable for recreational activities planned for the area or the type of park intended.

(c) *Location.* The dedicated land shall be located so as to serve the recreation and open space needs of the subdivision or condominium plat from which the dedication was made. Where the amount of land dedicated is less than one acre, the plan commission may require that the recreation area be located in a suitable place on the edge of the proposed plat area so that additional land may be added at such time adjacent land is subdivided.

(d) *Access.* Public access to the dedicated land shall be provided by adjoining street frontage of sufficient width to assure safe, comfortable access to the dedicated land with a minimum public street frontage as recommended by the planning commission and approved by city council.

(e) *Usability.* The dedicated land shall be usable for recreation, as determined by the parks and recreation committee. Wetlands or sloped areas may not be considered usable for recreational purposes. When usable land is dedicated for active recreational use, the subdivider or condominium developer shall grade, topsoil,

and seed the land for its intended use before it will be accepted by the city. When useable land is dedicated for passive recreational use, the balance of the land should be restored to a natural state to the extent practicable and necessary.

(f) *Plans.* If specifically designated on the comprehensive plan, comprehensive plan component, official map, or park and open space plan, such park areas shall be made a part of the plat to the extent allowed under this section. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, watercourses, watersheds, natural prairies and ravines.

(Ord. No. 0-7-09, 6-23-2009)

Sec. 66-1103. - Allocation of monies in lieu of dedicated land and park improvement fees.

The city, when receiving monies in lieu of dedicated land and park improvement fees, shall hold these monies in separate reserve accounts to be used, respectively, for purchasing land for parks and other public open spaces and improving such lands. Where possible, these monies shall be spent to directly fill the needs of the subdivision or condominium plat which generated the monies. However, where such a practice could result in insufficient funds for any one acquisition or improvement, then a set of priorities for improvements shall be established by city council resolution. These priorities shall rank order the planned acquisitions and/or improvements. Each improvement and/or acquisition shall be identified by the general area it is to serve. Each subdivision or condominium plat contributing to the general reserve funds shall be shown as planned to be benefited by one of the projects in the list of priorities unless that subdivision or condominium plat is already adequately served.

(Ord. No. 0-7-09, 6-23-2009)

Sec. 66-1106. - Land reservation.

Whenever a proposed park or other public open space land designated on the city's official map, comprehensive plan, park and open space plan, or components thereof is within a proposed subdivision or condominium plat, and the amount of public land suggested by said plan is in excess of the required park land dedication requirements set forth in this section, the city may require the reservation of such land for a period not exceeding five years from the date of final plat approval, unless extended by mutual agreement. Such reserved lands shall be kept in one or

more outlots to be held by the subdivider or condominium developer. Over that period, the public agency having jurisdiction over said land shall have the ability to negotiate the purchase of said land at undeveloped land prices.

(Ord. No. 0-7-09, 6-23-2009)

Sec. 66-1107. - Park lands within extraterritorial jurisdiction.

If public dedication is not required by another jurisdiction with authority, proposed public lands outside of the corporate limits of the city but within the extraterritorial jurisdiction shall be reserved for acquisition by the town, county, or city at undeveloped land costs for a period not exceeding five years.

(Ord. No. 0-7-09, 6-23-2009)

Sec. 66-1108. - Access to waterways.

(a) A subdivision or condominium plat abutting a navigable waterway shall, according to the provisions of Wisconsin Statutes, Section 236.16(3), provide access at least 60 feet wide to the low water mark so that there will be public access, connected to public roads, at one-half-mile intervals as measured along the lake or stream shore, except where greater intervals or different access is agreed upon by the State of Wisconsin, and excluding shore areas where public parks or open space, streets, or roads on either side of a stream are provided.

(b) The city may require a land dedication or public access easement to and/or along all navigable waterways, and in other locations identified by the city, to connect with existing or planned public roads and/or pedestrian facilities. Where natural waterways traverse the subdivision or condominium plat, the subdivider or condominium developer shall leave such channels in their natural state and shall dedicate, or provide public access easements, both to and/or along such waterways as directed by the city. Such dedication shall be credited towards meeting the park land dedication requirements specified in this section and dedications in excess of those requirements shall be compensated.

(Ord. No. 0-7-09, 6-23-2009)

Secs. 66-1105—66-1200. - Reserved.