

Section 23.08 Park and Open Space Dedication

~~In order that sites for public open spaces and parks may be properly located and preserved as the community develops and in order that the cost of providing public park and recreation sites and facilities necessary to serve the additional families brought into the community by subdivision development may be most equitably apportioned on the basis of the additional need created by the individual subdivision development and pursuant to §236.45(1), Wis. Stats., the following provisions are established:~~

~~(1) RESERVATION OF POTENTIAL FUTURE SITES:~~

~~(a) In the design of the plat, consideration shall be given to the adequate provision of and correlation with open public park and recreation sites and facilities.~~

~~(b) When it is determined by the Park Commission that a portion of the plat is required by such future public park and recreation sites and facilities, the subdivider may be required to reserve such area for not more than 3 years, during which the City shall either acquire the property or release the reservation.~~

~~(2) PARK AND OPEN SPACE OBLIGATION:~~

~~(a) Within the jurisdiction as set forth in §23.01(2), the subdivider shall pay a fee to the City to provide for land and facilities to meet the park and recreation needs of the subdivision, except as provided in sub. (3) or §23.09.~~

~~(b) The amount to be paid shall be computed using the following table:~~

~~Dwelling Unit Type~~

~~People Per Unit~~

~~Recommended Fee Per~~

~~Unit~~

~~Efficiency~~

~~1.0~~

~~\$100.00~~

~~One Bedroom~~

~~1.5~~

~~\$150.00~~

~~Two Bedroom~~

~~2.0~~

~~\$200.00~~

~~Three-Bedroom~~

~~3.5~~

~~\$350.00~~

~~Mobile Home~~

~~2.5~~

~~\$250.00~~

~~Duplex Unit~~

~~2.5~~

~~\$250.00~~

~~Single Family~~

~~3.5~~

~~\$350.00~~

~~(c) The fee shall be paid to the City prior to recording of the final plat, except if an area is platted for multi-family development, the payment shall be made prior to issuance of building permits.~~

~~(d) Such fees collected shall be placed in a nonlapsing fund to be used for park and recreation development and for immediate or future site acquisition or capital improvement within the subdivision or reasonable proximity of the subdivision.~~

~~(e) Payment may be in one lump sum or proportionate payment may be in the same proportion and at the same time as payments are made on the performance bond.~~

~~(f) When a lot or parcel for which payment has once been made is further divided, payment shall be required only for the additional lots or parcels created.~~

~~(g) No payment shall be required for a parcel on which a permanent residential structure has existed for at least one year prior to the date of the approval of the final plat.~~

~~(3) DEDICATION OF LAND.~~

~~(a) Where land has been required to be reserved pursuant to sub. (1) or when the subdivider owns other land that has been determined by the Plan Commission to be acceptable for park~~

and recreation purposes, the subdivider may be required to dedicate such land as part of the fee payment.

(b) The representative cash value of the land to be dedicated shall be determined by the City and subdivider on the basis of full and fair market value of the land to be dedicated. If the value of such land cannot be determined satisfactorily by the City and the subdivider, an appraisal board consisting of one appraiser selected by the City at its own expense, one selected by the property owner at his own expense, and a third selected by the other 2 appraisers at City expense, shall determine the value.

(4) ~~PRIVATE OWNERSHIP OF PARK AND RECREATION LANDS.~~ In lieu of payment or dedication, the subdivider may upon determination by a $\frac{3}{4}$ vote of the full Plan Commission retain in private ownership equivalent an adequate lands as recommended by the Park and Recreation Board for the park and recreation needs of the subdivision. Such retained lands must be satisfactorily and permanently developed and maintained by the private owner per agreed minimum standards as set forth by the Park and Recreation Board and in conformity with all pertinent requirements and regulations. The private owner shall pay for all expenses to meet and maintain these requirements and standards. If at any time, upon determination by the Plan Commission, the private owner of the park and recreation lands does not meet the standards and requirements hereinabove referred to, the City may require the private owner and the private owner so contracted agrees with the City to dedicate such lands to the City and the private owner shall so dedicate the land or the City may establish a special assessment district.

(1) (5) DETERMINATION OF FEASIBILITY. The determination as to the feasibility of dedication shall be made by the Plan Commission. **Purpose and Intent.** The Common Council has determined that it is in the interest of the general welfare of the citizens of the City of Waukesha that ample public open spaces, recreation facilities and parks be located throughout the City and be readily accessible to all citizens, and that new development within the City occur with this policy taken into account. The City has created a Comprehensive Plan for development which determines the location and size of public parks, open space and recreation facilities to implement this policy. To ensure that development of land complies with the Comprehensive Plan, and that the cost of providing for public parks, open spaces and recreation facilities in compliance with the Comprehensive Plan is equitably apportioned on the basis of the demand for such facilities created by the development of land, the City establishes this Ordinance.

(2) Provision for Parks, Open Spaces and Recreation Facilities. All subdivision plats, and all certified survey maps creating more than eight residential lots, shall take into consideration the requirements of the City's Comprehensive Plan for public parks, open spaces and recreation facilities, and shall be subject to the determination of the Plan Commission of the adequacy of provisions within the plat or certified survey map of lands reserved for such uses. Approval of the plat or certified survey map shall be conditioned upon the finding of the Plan Commission that adequate provisions are made within the plat or certified survey map for public parks, open spaces and recreation facilities, and the Plan Commission may require amendment of the plat or certified survey map to make adequate

provisions. If the Plan Commission finds that adequate provisions for public parks, open spaces and recreation facilities cannot practically be made by the reservation of lands, for reasons including, but not limited to, the unsuitability of land within the development for such facilities, or the requirements of the Comprehensive Plan already being met by lands reserved in other nearby developments, then all or a portion of the developer's obligation may be met through the Impact Fees assessed pursuant to §4.10 of the Municipal Code, and reservation of land may not be required.

(3) Dedication of Land, Credit Towards Impact Fee. Lands required to be reserved for public parks and open spaces pursuant to Subsection (2), above, shall be dedicated to the City for development and use as public parks, public open spaces or public recreation facilities, as determined by the Plan Commission. The plat or certified survey map shall indicate the dedication. Dedication of lands pursuant to this section shall not relieve the developer from the assessment of Impact Fees under §4.10, however, the fair market value of all lands dedicated as a condition of approval of plats and certified survey maps pursuant to this Section shall be credited towards the portion of Impact Fees allocated for parks, playgrounds and athletic fields under Municipal Code §4.10, however, the credit shall not exceed the amount of the portion of the Impact Fee allocated for parks, playgrounds and athletic fields.

(4) Determination of Fair Market Value. For purposes of Subsection (3), above, fair market value shall be determined by the mutual agreement of the City and the developer. If the City and developer are unable to agree within 30 days of the Plan Commission's final determination pursuant to Subsection (2), above, then the fair market value shall be the average of the fair market values determined by a panel made up of an appraiser appointed by the City, an appraiser appointed by the developer, and an appraiser appointed by the agreement of the City's appraiser and the developer's appraiser. Fair market values shall be determined on the assumption that the land is vacant and unimproved. The fees of the developer's appointed appraiser shall be paid by the developer, the fees of the remaining two appraisers shall be paid by the City. All appraisers shall be MAI certified.