

Ordinance No. 2016-015

Town of Ledgeview  
Brown County, Wisconsin

**AN ORDINANCE TO AMEND CHAPTER 96 – Subdivision and Platting Regulations,  
Section 8-Dedications and Reservations Regarding Parkland Dedication and Fee-In-Lieu of Dedication.**

The Town Board of Supervisors of the Town of Ledgeview, Brown County, Wisconsin does ordain as follows:

**Section 1:** Chapter 96 Subdivision and Planning Regulations, Section 8-Dedications and Reservations regarding Parkland Dedication and Fee-In-Lieu of Dedication, of the Town of Ledgeview Code of Ordinances is hereby amended to read as follows:

§96-8 Dedications and Reservations.

- A. Streets and public ways. Whenever a parcel of land to be divided as a subdivision contains all of, or in part, a proposed street, highway, drainageway, stormwater management facility, public access to navigable lakes or streams, or other public way or access which has been designated in a Comprehensive Plan as defined in this chapter, an Official Map adopted under § 62.23, Wis. Stats., or as required in § 236.16(3), Wis. Stats., such public way or access shall be made a part of the plat and dedicated or reserved by the subdivider in the location and dimensions indicated by the subdivider after proper determination of its necessity by the Town Board or its designee and/or the appropriate body or public agency involved in the acquisition and/or use of each site.
- B. Reservation of lands for park, open space, school, or public sites. Subject to the provisions of Subsection G hereof, whenever a parcel of land to be divided as a subdivision or a land division contains all of, or in part, a site for a park or open space use, or a school or other public site, which has been designated in the Park & Recreation Plan, Comprehensive Plan, or the Official Map adopted under § 62.23, Wis. Stats., such park, open space, school, or public site shall be made a part of the plat. The subdivider shall reserve such proposed public lands for a period not to exceed three years, unless extended by mutual agreement for acquisition by the public agency having jurisdiction.
- C. Environmentally sensitive areas (ESAs). Whenever a tract of land to be subdivided includes any part of identified environmentally sensitive areas (ESA) as defined in the most recent iteration of the Brown County Sewage Plan or Brown County Shoreland Zone and Environmentally Sensitive Area Best Practices Report, such areas shall be made a part of the plat or CSM. Environmentally sensitive areas included within a subdivision plat shall be included within lots or outlets, or reserved for acquisition as provided in § 96-8B and C, or shall be reserved in perpetuity for the recreational use of the future residents of the land to be divided, if approved by the Town.
- D. Lands between meander line and water's edge. The lands lying between the meander line established in accordance with § 236.20(2)(g), Wis. Stats., and the water's edge, and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge, shall be included as part of lots, outlots, or public dedications in any plat abutting a lake or stream. This requirement applies not only to lands proposed to be subdivided but also to all lands under option to the subdivider or in which he or she holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream.
- E. Restrictions for public benefit.
  - (1) Any restrictions placed on platted land by covenant, grant of easement, or in any other manner which were required by the Town, or public utility, or which name the Town of Ledgeview as grantee, promisee, or beneficiary, vest in the Town of Ledgeview the right to

enforce the restriction at law or in equity against anyone who has or acquires an interest in land subject to the restriction. Such restrictions shall include obligations to pay maintenance assessments for commonly held open space property, shore protection works, erosion control measures, and other improvements. The restriction may be released or waived in writing by the Town of Ledgeview.

- (2) The Town Board reserves the right to require the provision of future public access across or through dedicated public lands for the purposes of sound engineering, planning, or development purposes.

F. Stormwater management facilities.

- (1) The Town retains the option to own and maintain the stormwater facilities; however the costs to maintain the stormwater facilities may be assessed to the property owners' tributary to the facilities based upon the property owners' amount of impervious surface.
- (2) Where the stormwater facilities are designed only for an approved subdivision or certified survey map, maintenance costs may be apportioned equally to all lots in the subdivision or CSM, and such costs may be collected as a special charge placed on the Town tax bill or specially assessed as provided by the Wisconsin Statutes.
- (3) Notification shall be placed on the face of subdivision plats and certified survey maps which contain designated stormwater management facilities that the property owner may be subject to maintenance charges or assessments for work done by the Town to maintain said facilities.

G. Fee-in-lieu of dedication.

- (1) Payment of a fee-in-lieu of dedication shall be required when, in the determination of the Zoning and Planning Commission, the dedication of land by the subdivider for park or open space use or a school or other public site or facility is not reasonably feasible or compatible with the Town's Comprehensive Plan, the Town's Parks & Recreation Plan, or the Official Map.
- (2) The fee-in-lieu of dedication calculation schedule shall be determined and established from time to time by the Town Board by resolution. The fee established thereunder shall be payable to the Town by the developer or the property owner to the municipality in full upon the issuance of a building permit by the municipality, unless otherwise proscribed in a Developer's Agreement executed with the Town.
- (3) Funds obtained from payment of fees-in-lieu of dedication shall be held in a separate non-lapsing account and shall be used only for acquisition or initial improvement of land for public parks or open spaces, schools or other public sites with priority given to lands within a reasonable vicinity of the subdivision from which the funds were paid. Improvement of land for public parks or open spaces, schools or other public construction of sidewalks, installation of playground equipment, and construction or installation of restroom facilities in accordance with §236.45(6), Wis. Stats. sites shall include grading, landscaping, installation of utilities, construction of sidewalks, installation of playground equipment, and construction or installation of restroom facilities in accordance with §236.45(6), Wis. Stats.

**TOWN OF LEDGEVIEW**

**SECTION 96-8G FEE-IN-LIEU OF DEDICATION**

**FEE SCHEDULE**

Pursuant to the provisions of Sec. 96-8G of the Town of Ledgeview Code of Ordinance the Town has authorized the establishment of a fee-in-lieu of dedication for those proposed platted subdivisions where, in the opinion of the Zoning and Planning Committee, the land in the proposed development is not reasonably feasible or otherwise compatible for a park or other open space use, or a school or other public site or facility under the Town's Comprehensive Plan, the Plan for Parks and Open Space of the Town or the Town's Official Map. Section 96-8G authorizes the Town Board to establish a fee schedule for the Sec. 96-8G fee-in-lieu of dedication.

The following Fee-in-Lieu of Dedication Fee Schedule is hereby adopted and established:

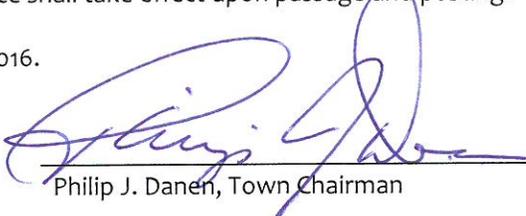
1. **FEE-IN-LIEU OF DEDICATION.** The fee-in-lieu of dedication shall be the fee as established in Appendix C of the Park & Recreation Plan 2015 – 2020 as adopted by the Town Board multiplied by the number of proposed residential units in the subdivision or development.
2. **PAYMENT OF FEE-IN-LIEU OF DEDICATION.** The fee-in-lieu of dedication determined hereunder shall be payable to the Town by the developer or the property owner to the municipality in full upon the issuance of a building permit by the municipality, unless otherwise proscribed in a Developer's Agreement executed with the Town.
3. **EFFECTIVE DATE.** The Effective Date of this Fee Schedule shall be August 1, 2016.

**Section 2:** Repeal of inconsistent ordinances. All existing town ordinances, parts of ordinances, and amendments thereto in conflict with any of the provisions of this ordinance are hereby repealed.

**Section 3:** Severability. If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provision shall not be affected hereby.

**Section 4:** Effective date. This ordinance shall take effect upon passage and posting.

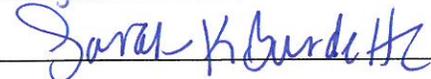
Approved: 1 Aug/16, 2016.

  
Philip J. Danen, Town Chairman

ATTEST:

I, Sarah K. Burdette, Clerk/Administrator of the Town of Ledgeview, Brown County, hereby certifies that the above is a true copy of an Ordinance adopted by the Town Board of the Town of Ledgeview on

August 1, 2016.

  
Sarah K. Burdette

Sarah K. Burdette  
Town Clerk/Administrator

Posted: August 8, 2016