VILLAGE OF PRAIRIE DU SAC
SAUK COUNTY
STATE OF WISCONSIN

ORDINANCE NO. 4, SERIES 2019

AMENDMENTS TO TITLE 10, CHAPTERS 1 (ZONING) AND 3 (SUBDIVISION AND LAND DIVISION REGULATIONS) OF THE CODE OF ORDINANCES, TO MAKE TECHNICAL CHANGES AND RESPOND TO STATE LAW CHANGES, INCLUDING TO ESTABLISH PARK LAND AND RECREATION IMPROVEMENT IMPACT FEES

WHEREAS, 2017 Wisconsin Act 243 requires that any park fee on new residential development may be imposed only under the requirements and procedures of Wisconsin's impact fee law (Section 66.0617, Wis. Stats.), including the preparation and adoption of a public facilities needs assessment; and

WHEREAS, the Village's park fee on new development in place prior to adoption of this ordinance did not comply with the new requirements under 2017 Wisconsin Act 243; and

WHEREAS, 2017 Wisconsin Act 243, other recent state law changes, and experience gained through land division activity over the past few years have prompted the need for other minor amendments to the Village's subdivision and land division regulations; and

WHEREAS, the Village Plan Commission held a public hearing on the proposed amendments to Title 10, Chapters 1 (Zoning) and 3 (Subdivision and Land Division Regulations) of the Municipal Code included in this ordinance, and have favorably recommended Village Board adoption of the same; and

WHEREAS, the Village Board held a second public hearing on this ordinance to conform with various statutory requirements for amendments to Chapters 1 and 3; and

WHEREAS, the Village Board finds that the proposed amendments to the Municipal Code in this ordinance are consistent with the Sauk Prairie Comprehensive Plan and with the Public Facilities Needs Assessment adopted by the Village Board via Resolution No. 09-24-2019(a).

NOW, THEREFORE, BE IT RESOLVED that the Village Board of Prairie du Sac, Sauk County, Wisconsin, does ordain that the following amendments to Title 10, Chapter 1 (Zoning) and Title 10, Chapter 3 (Subdivision and Land Division Regulations) of the Code of Ordinances are hereby adopted:

Section 1: Amend the table of contents located within Title 10, Chapter 1 such that "Chapter 3 Subdivision Regulations" is amended to "Chapter 3 Subdivision and Land Division Regulations".

Section 2: Repeal and recreate Section 10-1-1319 to read as follows:

Section 10-1-1319: Park Land and Recreation Improvement Impact Fees

(a) **Purpose.** This section is intended to impose park land and recreation improvement impact fees for new dwelling units constructed within the Village limits. Such fees are intended to finance the acquisition of park land and the improvement of park and recreational facilities, the demand for

which is generated by new dwelling units. Collected fees shall be used to finance capital costs for new, enlarged or improved capital improvements that substantially benefit those dwelling units that pay the fees. The park land impact fee and recreation improvement impact fee described in this section have been imposed under, and are authorized by, Sec. 66.0617, Wis. Stats., which is Wisconsin's authorizing legislation for development impact fees.

(b) **Timing**. The impact fees described in this section shall be paid at the time of issuance of each building permit, except that a development agreement under Section 10-1-1006 or under 10-3-0703 of the subdivision and land division regulations may specify fee payment at an earlier date. As used in this subsection, the term "building permit" shall not include permits required for remodeling, rehabilitation, or other improvements to an existing structure, or for rebuilding or replacing a removed, damaged, or destroyed structure, where no increase in the number of dwelling units results.

Notwithstanding the previous paragraph, if the total amount of impact fees due is more than $75,000, a developer may defer payment of the impact fees for a period of 4 years from the date of the issuance of the building permit or until 6 months before the Village 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 Village. A developer may not defer payment of impact fees for projects that have been previously approved.

(c) **Amounts.** The park land impact fee shall be $650 per dwelling unit. The recreation improvement impact feet shall be $1,250 per dwelling unit.

(d) **Basis.** The fee amounts in subsection (c) are per the public facility needs assessment adopted pursuant to Resolution No. 09-24-2019(a) and on file with the Village Clerk. The adopted needs assessment shall also be used as the basis for expenditure of collected impact fees pursuant to this section. At the time the Village collects each impact fee, it shall provide to the applicant or developer from which it received the fee an accounting of how the fee will be spent, which may be the needs assessment or a summary thereof.

(e) **Accounting.** The Village Treasurer shall place all collected impact fees in separate segregated interest-bearing accounts, which shall be accounted for separately from the other Village funds. Each collected fee shall be identified by parcel number and date paid within the fund. Impact fee revenues and interest earned on impact fee revenues may be expended only for the particular capital costs for which the impact fee was imposed, unless the fee is refunded under subsection (g).

(f) **Potential Waiver or Reduction.** The fee amounts under subsection (c) may be waived or reduced in one or more of the following circumstances:

(1) By the Zoning Administrator, where the development that includes the dwelling unit dedicated public park land pursuant to the requirement in Section 10-3-0902 of the subdivision and land division regulations, with the reduction proportionate to the extent that the full requirement was met by such dedication.

(2) By the Zoning Administrator, where the developer improved public park land in the development that includes the dwelling unit pursuant to the improvement requirement in Section 10-3-0903(b)(7), with the reduction proportionate to the extent that that value of such improvements covered the total recreation improvement impact fee that would otherwise be assigned to that development.

(3) By the Zoning Administrator, where the development within which the dwelling unit is located provided private open space and/or recreational improvements as described in Section 10-3-0905, to the extent the Village Board approved impact fee credits for such provision.

(4) By the Village Board, by request of the builder of the proposed dwelling unit, where it determines that their imposition would have a substantial adverse effect on the availability of housing intended to be affordable to those below the median household income in Sauk County. The substantial adverse effect must be supported by evidence provided by the builder.

For any waiver or reduction associated with a development approved after August 1, 2019, the Village Board shall have first entered into a development agreement with the developer, which shall specify the land dedication, private open space, and/or improvements to be provided, the cost thereof, and the amount of credit granted against the impact fees. In no event shall the Village provide a credit that is greater than either the impact fees otherwise due or the fair market value of the land or improvements provided. Any decision to allow a developer to provide land dedication, private open space, and/or improvements in lieu of or to reduce impact fees shall rest in the sole discretion of the Village Board.

(g) **Refunds.** Any collected impact fee that is not used within 8 years after it is collected to pay the capital costs for which it was imposed shall be refunded to the payer of such fee, along with any interest that has accumulated.

(h) **Appeals.** A developer or an applicant for a building permit may appeal the amount, collection, or use of the impact fees, and any property owner may appeal a decision on a claim for refund of unexpended impact fees, under the provisions of Chapter 68, Wis. Stats. If the notice of appeal challenges the imposition of an impact fee, or the amount imposed, the developer or applicant may pay the fees imposed under protest and the building inspector shall issue any building permits withheld solely due to the nonpayment of the fees. If the applicant prevails on appeal, the Village Treasurer shall refund that portion of the fees so paid as finally determined in the appeal process.

Section 3: Amend Section 10-3-0102 to read as follows:

Section 10-3-0102: Authority

This Chapter is enacted pursuant to the authority granted by Wisconsin Statutes, including but not limited to Chapters 61, 62.23, 66, 80.08, 236, and 703. Specific statutory references are provided within the body of this Chapter solely as a means of assisting the reader. Such references are not to be considered as all inclusive, may not always be up to date, and shall in no manner be construed so as to limit the application or interpretation of this Chapter.

Section 4: Renumber Section 10-3-0104(b)(7) as Section 10-3-0104(b)(8) and create a new Section 10-3-0104(b)(7) [Compliance] to read as follows:

(7) The Village's water and electric rules on file with the Public Service Commission of the State of Wisconsin concerning electric and water installations and services. These rules are incorporated herein by reference and made a part hereof as though fully set forth herein.

Section 5: Amend Section 10-3-0202(a) to read as follows:

(a) **Format for Submittal.** The prospective subdivider may submit the required initial submittal documents to the Zoning Administrator in hard copy ~~and~~ or digital PDF format.

Section 6: Amend Section 10-3-0304(c)(4) [Preliminary Engineering Plans] to read as follows:

(4) Proposed street tree ~~type,~~ locations~~, and size~~.

Section 7: Amend the first paragraph of Section 10-3-0304(d) to read as follows:

(d) **Preliminary Covenants.** The subdivider shall submit a model or draft of protective covenants to

be recorded against the affected land with the preliminary plat application, including the following provisions:

Section 8: Repeal Section 10-3-0304(e)(4) [Required Preliminary Plat Submittal Materials, Other Required Information] and renumber Sections 10-3-0304(5) through (8) accordingly.

Section 9: Amend Section 10-3-0402(a) to read as follows:

(a) **Final Plat Submittal to Village.** Following the submittal of the preliminary plat, the subdivider may submit to the Zoning Administrator an application for final plat approval. The submittal shall include hard copies in quantities specified on the application form and a digital PDF copy of the completed application, the final plat, and all supplemental materials under Section 10-3-0404. A complete final plat application shall be required at least 21 ~~14~~days prior to the date of the Plan Commission or Joint Extraterritorial Committee meeting at which a recommendation is expected. Upon the submittal of a final plat for lands within the Village or requiring Village infrastructure, the subdivider and Village shall begin negotiations on a development agreement specifying responsibilities of both parties, as described in greater detail in Section 10-3-0903.

Section 10: Amend Section 10-3-0404(b)(3) [Technical Requirements for Final Plat] to read as follows:

(3) Location, ~~approximate~~ area, dimensions, and proposed ownership of any sites to be reserved or dedicated for parks, playgrounds, drainageways, environmental corridors, or other public and/or permanent open space uses.

Section 11: Repeal Section 10-3-0404(b)(7) [Technical Requirements for Final Plat] and renumber Section 10-3-0304(8) accordingly.

Section 12: Amend Section 10-3-0404(c)(7) [Final Plat Review Procedure, Other Required Information] to read as follows:

(7) Whenever a subdivider proposes that any common open space, storm water management facility, drainageway, private road or other required development component is to be privately managed by a property owners' association, ~~revised~~ legal instruments and rules for the proposed property owners' association.

Section 13: Renumber Sections 10-3-0404(c)(9) through (11) as Sections 10-3-0404(c)(10) through (12) and create a new Section 10-3-0404(c)(9) [Final Plat Review Procedure, Other Required Information] to read as follows:

(9) A map showing the outer edges of all woodlands and parts of woodlands proposed to be preserved within the plat area, and the locations and specimens of all other mature trees not located within a woodland that are proposed to be preserved.

Section 14: Amend Section 10-3-0502(j) to read as follows:

(j) Copies of Recorded CSM and Other Documents. Within one month of the CSM being recorded by the county Register of Deeds, the subdivider shall provide 2 hard copies ~~of the CSM~~ and a digital version of the ~~plat~~ CSM referenced to the Sauk County Coordinate System in an AutoCAD compatible format, to the Zoning Administrator and Village Engineer. The subdivider shall also provide verification of recordation of the CSM and the other documents required under subsection (i) before the Village will issue building permits or zoning permits within the CSM area.

Section 15: Amend Section 10-3-0504(a)(3) [Technical Requirements for CSM] to read as follows:

(3) Location, ~~approximate~~ area, and dimensions, and proposed ownership of any sites to be reserved or dedicated for parks, playgrounds, drainageways, environmental corridors, or other public and/or permanent open space uses.

Section 16: Repeal Section 10-3-0504(b)(7) [Technical Requirements for CSM] and renumber Sections 10-3-0504(b)(8) accordingly.

Section 17: Renumber Sections 10-3-0504(c)(9) through (11) as Sections 10-3-0504(c)(10) through (12) and create a new Section 10-3-0404(c)(9) [Required CSM Submittal Materials, Other Required Information] to read as follows:

(9) A map showing the outer edges of all woodlands and parts of woodlands proposed to be preserved within the CSM area, and the locations and specimens of all other mature trees not located within a woodland that are proposed to be preserved.

Section 18: Amend Section 10-3-0602(a) [Street Arrangement and Classification] to read as follows:

(a) Conformance with Village Plans and Ordinances. In any new subdivision, land division, or condominium development, the layout of public streets, bikeways, and pedestrian paths shall substantially conform to the arrangement and location indicated on the official map, Comprehensive Outdoor Recreation Plan, and Comprehensive Plan~~,~~ including neighborhood development plan components.

Section 19: Amend the first paragraph of Section 10-3-0604(b) [Street Names] to read as follows:

(b) **Standards.** Street names shall not duplicate or be similar to existing street names in the zip codes that encompass the Village of Prairie du Sac, the Village of Sauk City, and their extraterritorial areas. Streets that are or are planned to be continuations of others already in existence and named shall bear the name of the existing street, except where otherwise required by intergovernmental agreement or approved by the Village Board. The following matters shall be considered when naming any street:

Section 20: Amend Section 10-3-0611(b) to read as follows:

(b) **Multiuse Paths.** Multiuse paths shall be provided by the subdivider where recommended by the Comprehensive Plan, Comprehensive Outdoor Recreation Plan, or Safe Routes to Schools Plan, and per Section 10-3-0612. The substitution of a multiuse path for one or both sidewalks, where required in Table 10-3-0606(1), may be approved at the discretion of the Zoning Administrator and Village Engineer where it can be demonstrated that such provision will better meet the needs of residents and is consistent with ~~the Village's Comprehensive Plan or Safe Routes to Schools Plan~~ one or more of the aforementioned plans and best practices. All multiuse paths shall be designed in accordance with the AASHTO Guide for the Development of Bicycle Facilities, except where modified by the Village Engineer.

Section 21: Amend Section 10-3-0613(a) to read as follows:

(a) **Generally.** The size, shape, and orientation of lots or condominium building sites shall be appropriate for the location of the land division, subdivision, or condominium development and for the type and intensity of development and use contemplated in the Comprehensive Plan and zoning ordinance. Each ~~The~~ lot~~s~~ shall be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building(s) contemplated.

Section 22: Amend Section 10-3-0702(b) to read as follows:

(b) **Required Data from Subdivider.** With or following the submittal of any preliminary plat, condominium plat, final plat, or certified survey map, the subdivider shall furnish any data requested by the Village Engineer related to the adequacy of public facilities and public services. The Village Engineer shall work with the Zoning Administrator to transmit this information to appropriate Village staff, commissions, committees, and boards for review. The Zoning Administrator shall act as coordinator for their reports to the appropriate Village approval authority on the adequacy of water, sanitary and storm sewers, fire service, police, parks and open space, recreation facilities, and transportation facilities. Failure to submit such data as requested may be grounds for denial of the preliminary plat, condominium plat, final plat, or certified survey map.

Section 23: Repeal and recreate Sections 10-3-0703(b) and (c) to read as follows:

(b) **Performance Guarantee.** The subdivider or condominium developer shall file with said development agreement, subject to the approval of the Village Attorney, a certificate of deposit, irrevocable letter of credit, certified check, or performance bond in an amount equal to 110% of the cost of improvements required to serve the land division, subdivision, or condominium development. Such cost shall be calculated per the procedure in Sec. 236.13(2)(am)1d., Wis. Stats. When a letter of credit is posted as security, the Village must be the beneficiary. When a performance bond is posted, the requirements of Sec. 236.13(2)(am)1m., Wis. Stats. apply. The subdivider may construct the project in such phases as the Village Board approves. If the subdivider's project will be constructed in phases, the amount of any surety required shall be limited to the phase of the project that is currently being constructed and any remaining surety obligations from previous phases.

(c) **Required Development Agreement Contents.** Each development agreement shall:

(1) Specify the public improvements required for the land division, subdivision, or condominium plat, and require their construction according to approved engineering plans and specifications.

(2) Provide that all required improvements shall be completed by the subdivider or condominium developer or his contractors not later than 18 months from the date of Village approval of the engineering plans and specifications for the land division, subdivision, or condominium development, unless otherwise specified in the development agreement or extended by the Village Board. This shall include all required park, recreational, and multiuse path improvements.

(3) Provide for guarantees by the subdivider of all public improvements for not less than one year following final acceptance by the Village, and an additional one year after each replacement of any guaranteed work.

(4) Provide adequate supervision, inspection, testing, and regulation of construction schedules and methods.

(5) Outline requirements for acceptance of public improvements by the Village.

(6) Require that contractors engaged in work on public improvements be adequately insured for liability, including workers' compensation liability.

(7) Assure that the subdivider and all contractors agree to indemnify the Village and its professional consultants for any liability arising out of the construction of public improvements.

(8) Provide for the payment of required fees and the dedication of required lands and improvements.

(9) Provide for the reimbursement of the Village for staff time, professional consultant's fees, and other costs incurred in connection with the development of the property.

(10) Provide for the surety to guarantee completion of the public improvements and the other obligations of the subdivider under the agreement and this Chapter.

(11) Require the subdivider to submit record drawings in a digital format specified by the Village Engineer following the completion and acceptance of all public improvements.

(12) Require the subdivider to control weeds and all growth of natural vegetation in a manner consistent with Village ordinances on each lot, outlot, or publicly dedicated parcel until such time as that land is transferred to another entity.

(13) Require that the subdivider be responsible for clearing all soil, vegetation, gravel, and similar construction site debris that is tracked onto public streets during the day on which such tracking occurs.

(14) Require the construction and maintenance of street terrace trees, landscape buffer strip landscaping, arterial street noise mitigation, and mature tree and/or woodland protection or mitigation measures as approved to meet any applicable requirements under this Chapter.

(15) Require the subdivider's compliance with all other Village ordinances, conditions of approval, and other applicable regulation.

(16) Provide for all required easements, restrictions, and other encumbrances to be properly prepared, recorded, and maintained.

(17) Include such other provisions as deemed necessary or appropriate by the Village Administrator to carry out the intent of this Chapter and other provisions of the Municipal Code applicable to the development.

Section 24: Amend Section 10-3-0704(c) to read as follows:

(c) **Responsibility.** Except as indicated in this Section or required by development agreement, the subdivider shall be responsible for all costs for installation of all public infrastructure necessary to serve the land division, subdivision, or condominium development, including the bringing of the such infrastructure from where it exists to the division in question as well as providing all infrastructure within the division.

Section 25: Amend Section 10-3-0704(d)(14) to read as follows:

(14) Street Trees. The subdivider shall install at least one street tree for every 50 lineal feet, or fraction thereof, of frontage a property has on a public street right-of-way. Trees shall be located within the terrace area wherever possible, midway between the sidewalk and curb. Street trees shall be installed in accordance with Section 10-1-0701(c)(1) and Figure 10-1-0701(d) of the zoning ordinance, and placed so as to not conflict with utility installation or traffic visibility. The development agreement may alternatively specify that the developer pay a fee to the Village, which in such case shall be responsible for street tree installation.

Section 26: Create Section 10-3-0704(d)(17) [Required Improvements] to read as follows:

(17) Park Improvements. Per Article 9, where a public park is included in the development.

Section 27: Amend Section 10-3-0802 to read as follows:

Section 10-3-0802: Commencement

Initial site preparation shall meet the applicable provisions of this Article and Title 10, Chapter 9 of the Municipal Code. Except for initial site preparation, no construction or installation of improvements shall commence in a proposed land division, subdivision, or condominium development until (a) the certified survey map, final plat, or condominium plat has been approved and recorded; ~~and~~ (b) the Village Engineer has approved associated engineering plans and given written authorization and (c) where required, a development agreement has been executed.

Section 28: Amend Section 10-3-0803 to read as follows:

Section 10-3-0803: Relationship to Building Permits

No Village building or zoning permit associated with a land division, subdivision, or condominium development shall be issued until the associated plat or certified survey map is recorded. No Village building permit within the Village shall be within a land division, subdivision, or condominium development before the construction and Village acceptance of curb and gutter, binder street pavement, and sidewalks, or other improvement ~~if~~ specified in the development agreement, unless otherwise provided within the development agreement or approved by the Village Board.

Section 29: Amend Section 10-3-0804(k) [Engineering Plans] to read as follows:

(k) An improvement and master plan for the development of any public parks, open spaces, or recreational areas within the division per Section 10-3-0903(b). ~~, including playground equipment, utility connections, and other facilities appropriate to the type, purpose, and location of such public lands.~~

Section 30: Amend Section 10-3-0901(c) to read as follows:

(c) **Parks Dedication and Fees, Generally.** The need and location of park and recreation sites to be dedicated shall be determined by the appropriate Village approval authority, following a recommendation from the Village Board's Parks Committee if the division is a plat in the Village. Where such authority determines that park and recreation site dedication is not compatible with the Comprehensive Plan or official map, or for other reasons is not advised by the Village, the subdivider or building permit applicant shall, in lieu thereof, pay a park land impact fee to the Village to meet this requirement in whole or on a pro-rata basis, per Section 10-1-1319 of the zoning ordinance. Where park and recreation site dedication is required, the subdivider shall be responsible for improving the park and recreation site under the terms of Section 10-3-0903. Where park and recreational site dedication is not required, the subdivider or building permit applicant shall be responsible for paying a recreation improvement impact fee to improve other public park and recreational lands that will benefit the future residents of the division, in addition to a ~~fee in lieu of park and recreational site dedication~~park land impact fee, per Section 10-1-1319.

Section 31: Amend Sections 10-3-0902(a), (b), and (f) to read as follows:

(a) **Park Dedication Ratio.** Where the dedication of park and recreation sites is required under this Article, the normal amount of park and recreation site dedication shall be 1,300 square feet for each single family unit, 1,100 square feet for each duplex unit, and 1,000 square feet for each multifamily unit. If no particular number or type of dwelling units is proposed, the dedication requirement shall be based on the number of dwelling units permitted by right under the proposed land division, subdivision, or condominium development and the zoning in effect upon the approval of the ~~at the time of the preliminary~~ plat or certified survey map~~, or condominium plan submittal~~.

(b) **Relationship to Comprehensive Plan and Official Map.** Whenever a public park or recreation

site proposed in the Comprehensive Plan, Comprehensive Outdoor Recreation Plan, or official map is embraced, in whole or in part, in a tract of land to be divided, that proposed public park or recreation site shall be dedicated and credited toward the requirements of subsection (a). Where a public park and recreation site as shown on ~~the Comprehensive Plan~~ one or both of these plans or official map within the tract are greater in area than required by dedication under subsection (a), the Village Board may require that the subdivider reserve for acquisition by the Village, through agreement, purchase, or condemnation, the remaining greater park area for a period of 2 years of final plat, certified survey map, or condominium plat approval unless extended by mutual agreement. Such reserved lands shall be kept in one or more outlots to be held by the subdivider. Over that period, the Village shall have the ability to negotiate the purchase of said land at undeveloped land prices.

(f) **Usability.** The dedicated land shall be usable for recreation, as determined by the appropriate Village approval authority. Lands dedicated for storm water management shall not be credited towards the park and recreation site dedication requirement. Wetlands or sloped areas may be considered usable for recreational purposes at the discretion of the approval authority. The shape of the dedicated parcel of land shall be sufficiently square or round to be usable for recreational activities planned for the area or the type of park intended. If the Village Board determines that a proposed dedication meets some but not all of the usability criteria in this subsection, it may approve acceptance of that land with partial credit to the parkland dedication requirement in subsection (a).

Section 32: Amend Sections 10-3-0903(a) and (b) to read as follows:

(a) **Generally.** Where a public park or recreational site is included within a plat or certified survey map, it shall be the responsibility of the subdivider to improve the park or recreational site in accordance with this Section, specifications approved by the Village Board (such as within the Comprehensive Outdoor Recreation Plan), and a park master plan prepared by the Subdivider and approved by the Zoning Administrator.

(b) **Improvement Standards.** When public park and recreation lands are dedicated to the Village, prior to final Village acceptance of such lands, the subdivider is required to:

(1) Properly grade and contour for proper drainage.

(2) Provide surface contour suitable for anticipated use of area.

(3) Cover areas to be seeded with a minimum of 6 inches of quality topsoil, seed ~~as specified by the Village Engineer~~, fertilized ~~with 16-6-6 at a rate of 7 pounds per one 1,000 square feet~~, and mulched, as specified by the Village Engineer and ~~per in~~ pursuant to the standard "Specifications for Road and Bridge Construction Section 627 and 629." The topsoil furnished for the park or recreational site shall consist of the natural loam, sandy loam, silt loam, silty clay loam, or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline. Fine grading and seeding must occur within one year following execution of the Development Agreement, unless otherwise authorized by the Village Board. The improved area shall not be deemed officially accepted until a uniform groundcover to a minimum 2 inch height has been established.

(4) For natural areas include within a dedicated park or recreational site, restore the land to a natural state to the extent practicable and necessary.

(5) For each neighborhood park, provide a standard residential water service unless located directly adjacent to a fire hydrant and provide a standard residential sewer service. For each community park, provide a minimum 6 inch water service or at least 1 fire hydrant, and at

least one 4 inch sanitary sewer lateral, all located at the street property line.

(6) In cases where private lots adjoin the public park and recreational site, grade, sign, and/or landscape the area along such property lines to clearly demarcate the borders between private lots and the public site.

~~(6)~~(7) For each park, install playground equipment and other park improvements appropriate to the type, purpose, and location in accordance with a park master plan prepared by the subdivider and approved by the Village Board's Parks Committee, with the value of such equipment and other improvements (not including those in subsections (1) through (6)) based on the recreation improvement fee that would otherwise be required under Section 10-1-1319(c) of the zoning ordinance.

~~In cases where private lots adjoin the public park and recreational site, grade, sign, and/or landscape the area along such property lines to clearly demarcate the borders between private lots and the public site.~~

Section 33: Repeal and recreate Section 10-3-0904 to read as follows:

Section 10-3-0904: Park Land and Recreation Improvement Impact Fees

Where the appropriate Village approval authority determines that impact fees shall be paid in lieu of dedication and improvement of a park and recreational site, in whole or in part, such fees shall be determined and paid pursuant to Section 10-1-1319 of the zoning ordinance.

Section 34: Amend Sections 10-3-0905(a) and (b) to read as follows:

(a) **Private Open Space Provision.** Where the appropriate Village approval authority agrees that private open space for park and recreation purposes is to be provided in a proposed land division, subdivision, or condominium development, following a recommendation from the Village Board's Parks Committee, and such space is to be privately owned and maintained as recreational space by the future residents of the division or development, such areas shall be credited against the requirement of public land dedication for park and recreation purposes or the payment of park land impact fees in lieu thereof.

(b) **Private Open Space Improvement.** Where the appropriate Village approval authority agrees that private open space can be used to satisfy all or part of the Village's park land dedication requirements, and the subdivider agrees to install improvements such as play equipment or athletic facilities within the private open space, the value of such improvements may be credited toward the requirement for ~~park~~recreation improvement impact fees.

Section 35: This ordinance shall become effective upon its adoption and publication in the manner provided for by law.

Adopted this 24th day of September, 2019.

Published this 3rd day of October, 2019.

Village of Prairie du Sac, WI

Cheryl A. Sherman
Village President

Niki Conway
Village Clerk

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