

ORDINANCE 2023-02

**AN ORDINANCE TO AMEND CHAPTER 6 OF THE CODE OF ORDINANCES
OF THE TOWN OF SPRINGFIELD, DANE COUNTY, WISCONSIN TO
ADDRESS PARK DEDICATION AND FEE REQUIREMENTS**

Section 1. Sections 6.10(2)(b)(iv) and (v) of the Town Code of Ordinances [Final Plat inclusions] is hereby amended to read as follows:

- (iv) All land to be dedicated to the public for park, open space, and stormwater management; reserved for future public acquisition; and/or reserved for the common use of property owners within the plat but retained in private ownership.
- (v) Special restrictions required by the Town Board relating to access control along public ways, the preservation of open space, ~~or to~~ the provisions of planting strips, or the satisfaction of other Town ordinance requirements.

Section 2. Section 6.11(7)(c) of the Town Code of Ordinances [CSM information required] is hereby amended and Section 6.11(7)(f) is hereby created to read as follows:

- (c) All lands to be dedicated to the public for park, open space, and stormwater management; reserved for future public acquisition; and/or reserved for the common use of property owners within the CSM but retained in private ownership.
- (f) Special restrictions required by the Town Board relating to access control along public ways, the preservation of open space, the provision of planting strips, or the satisfaction of other Town ordinance requirements.

Section 3. Section 6.13(11)(b) of the Town Code of Ordinances [Reservation and dedication of land] is hereby amended to read as follows:

- (b) Public Sites-Parks and Open Spaces. In designing a land division or subdivision intended for residential use, the Town Board may require public dedication of land for park and open space use at a rate of 2,000 square feet for every dwelling unit authorized. Any such dedication must be consistent with the Town Comprehensive Plan and any Town park plan, but need not be specifically enumerated or authorized by either such plan. ~~due consideration shall be given by the developer to the reservation of suitable sites of adequate area for future drainage ways or other public purposes.~~ In the location of such facilities dedicated public park and open space, consideration shall be given to the protection and preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, water courses, watersheds, wetlands, wildlife habitat and ravines, such dedicated space shall be usable for the intended function and have sufficient public access, as determined by the Town Board. If the Town Board determines that a proposed dedication is only partially usable for the intended function, not

sufficiently accessible, or both, the Board may approve acceptance of that land with partial credit to the park and open space dedication requirement. Lands dedicated and designed for storm water management shall not be credited towards the public park and open space dedication requirement.


Section 4. Section 6.15(4)(c) of the Town Code of Ordinances [Park and recreation impact fee] is hereby amended to read as follows:

(c) Amount. The park and recreational facility impact fee shall be \$1,~~000~~125 per new residential dwelling unit, regardless of whether such dwelling unit was authorized by plat, certified survey map, or metes and bounds description. Such impact fee shall be waived where the development within which the dwelling unit is located dedicated sufficient public parkland per Section 6.13(11)(b). The Town Board may grant a waiver or exception/reduction to this ~~amount~~-impact fee if it determines that its imposition would have a substantial adverse effect on the availability of low-cost housing.

Section 5. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. If an application of this ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an authorization given under this ordinance is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

This ordinance shall take effect the day after passage and publication as provided by law.

PRESENTED: 6-6-23
ADOPTED: 6-6-23
PUBLISHED: 6-7-23



Jim Pulvermacher, Town Chairperson



Dianah Fayas, Town Clerk