

**3-23**

**AN ORDINANCE AMENDING SECTION 17-3(d) OF CHAPTER 17 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO GENERAL PROVISIONS; DEDICATION AND RESERVATION OF LANDS.**

(City Plan Commission – 2-1-2023)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Section 17-3(d) of Chapter 17 of the Municipal Code of the City of Appleton, relating to general provisions; dedication and reservation of lands, is hereby amended to read as follows:

**Sec. 17-3. General provisions.**

(d) *Dedication and reservation of lands.* Streets, Highways, Trails, Parks, Drainageways, Stormwater Facilities, and Floodplain. Whenever a tract of land to be divided or developed within the jurisdiction of this ordinance encompasses all or any part of a street, highway, trail, park, drainageway, stormwater facility, floodplain, or other public way which has been designated on the official map, comprehensive plan, or other plan officially adopted by Common Council, said public way shall be dedicated or reserved by the owner in the locations and dimensions indicated on said plan and as set forth in this ordinance.

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication.

**4-23**

**AN ORDINANCE AMENDING SECTION 17-4 OF CHAPTER 17 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PREPLATTING REQUIREMENTS.**

(City Plan Commission – 2-1-2023)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Section 17-4 of Chapter 17 of the Municipal Code of the City of Appleton, relating to preplattting requirements, is hereby amended to read as follows:

#### **Sec. 17-4. Preplatting requirements.**

(a) ***Preplatting conference.*** Prior to submitting an application for the approval of a Preliminary Plat within the corporate limits, the subdivider shall schedule a preplatting conference with the City Engineer or their designee. The purpose of the preplatting conference is to provide an opportunity for communication between the subdivider and City staff, regarding the purpose and objectives of these regulations, the Official Map, Comprehensive Plan, Comprehensive Outdoor Recreation Plan, Trails Master Plan, zoning regulations, erosion control and stormwater management practices, neighborhood plans, and duly adopted plan implementation devices of the City, and to otherwise assist the subdivider in planning the development. The subdivider will receive information regarding required procedures.

- (1) The City staff involved in the preplatting conference shall include, but not be limited to, representatives from the Department of Public Works, Community and Economic Development Department, Parks, Recreation and Facilities Management Department, and Fire Department.

(b) ***Required information.*** The following information shall be submitted to the City Engineer or their designee prior to the preplatting conference:

- (1) The scaled sketch plan shall show:
  - a. The title, scale, north point, and date;
  - b. The boundaries of the property to be subdivided;
  - c. Natural characteristics such as drainage, wetlands, steep slopes, hills, ridges, floodplains, environmentally sensitive lands, and wooded areas;
  - d. Development characteristics such as surrounding streets, existing structures, and available utilities;
  - e. The proposed layout of streets, blocks, and lots;
  - f. The proposed location of business, parkland, trails, and other nonresidential areas;
  - g. Existing easements and covenants affecting the property; and
  - h. Where site conditions permit, any tract subdivided into parcels containing one (1) or more acres shall be arranged to allow future resubdivision of any parcels into smaller lots.
- (2) The scaled location sketch shall show the relationship of the proposed subdivision to:

- a. Traffic arterials;
  - b. Schools, parks, playgrounds, trails, and other community facilities;
  - c. Churches and retail facilities;
  - d. Public transportation;
  - e. Local zoning districts; and
  - f. Existing plats.
- (3) The subdivider shall indicate how they propose to accommodate parkland and/or trail needs in a manner that is consistent with §17-29.

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication.

### **5-23**

#### **AN ORDINANCE AMENDING SECTION 17-29 OF CHAPTER 17 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO DEDICATION OF PUBLIC PARKS AND OTHER PUBLIC SITES.**

(City Plan Commission – 2-1-2023)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Section 17-29 of Chapter 17 of the Municipal Code of the City of Appleton, relating to dedication of public parks and other public sites, is hereby amended to read as follows:

#### **Sec. 17-29. Dedication of public parks and other public sites.**

(a) ***Purpose.*** The requirements of this section are established to ensure that adequate parks, open spaces, and sites for other public uses are properly located and preserved as the community develops. This section has also been established to ensure that the cost of providing park and recreation sites and facilities necessary to serve the additional people brought into the community by development may be equitably apportioned on the basis of the additional need created by the individual development. The requirements shall apply to all lands proposed for all residential development.

(b) **Applicability.** Any subdivision or minor land division (certified survey map) approval which enables the creation of additional dwelling units, and that has not already been subject to the requirements of this section, shall require compliance with the parkland and/or trail dedication and fee in lieu of dedication requirements included in this section.

(c) **Exception.** Reconfiguration of existing lots and redevelopment which does not create new, additional lots shall not be subject to the provisions of this section. Zoning districts not listed in the tables under §17-29(e)(1) and §17-29(f)(1) are exempt from the provisions of this section.

(d) **Conformance with adopted ordinances and planning documents.** The location, size, standards, and recommendations related to parkland and/or trail dedication and fee in lieu of parkland and/or trail dedication shall be consistent with the following adopted city documents: Official Map, Comprehensive Plan, Comprehensive Outdoor Recreation Plan, Trails Master Plan, and/or other document officially adopted by Common Council.

(e) **Parkland and/or trail dedication.** Within the corporate limits of the City, the subdivider shall dedicate land to provide for park, trail, and/or recreation needs in accordance with the adopted ordinances and planning documents described in subsection (d) above.

- (1) **Dedication area calculation.** The dedication to the public shall be a minimum of three (3) acres or an amount of land to be determined as specified in the following table, whichever is greater.

<i>Zoning District</i>	<i>Land Dedication (per dwelling unit)</i>
R-1A, R-1B, R-1C, and R-2	800 square feet
R-3, PD, and TND	650 square feet

- (2) **Dedication consultation and land evaluation.** The location, suitability, and dimensions of the land to be dedicated shall be determined in consultation between the subdivider and appropriate City departments (see §17-4), prior to submission of the preliminary plat or certified survey map. The land to be dedicated must be free of wetlands, floodplain, or other limitations that would prevent the land from being used for parkland purposes, unless this requirement is waived by the Director of Parks, Recreation and Facilities Management or their designee.

- a. Factors used in evaluating the adequacy of land to be dedicated shall include, but not be limited to, size, shape, topography, geography, tree cover, access, and location of people to be served.
- b. Stormwater ponds may be located within the land to be dedicated, but pond square footage shall not count toward the dedication requirement unless designed and constructed to serve as a park

amenity, as determined by the Director of Parks, Recreation and Facilities Management or their designee.

- (3) **Reservation of additional land.** Where the adopted ordinances and planning documents described in §17-29(d) call for a larger amount of land than the subdivider is required to dedicate, the land needed beyond the minimum amount shall be reserved for subsequent purchase by the City. Such acquisition must occur within three (3) years from the date of approval of the final plat or certified survey map, unless the timing or other details regarding the conveyance are modified by the development agreement. If such acquisition does not occur within the specified time period, the City shall release the reservation.

(f) **Proportionate payment in lieu of parkland and/or trail dedication.** Where such dedication is not feasible or is not consistent with the adopted ordinances and planning documents described in subsection (d) above, the landowner shall, in lieu thereof, pay to the City a fee equivalent to the value of the required dedication.

- (1) **Fee amount.** In lieu of parkland and/or trail dedication, the landowner shall pay to the City a fee according to the zoning classification of each lot as specified in the following table:

<i>Zoning District</i>	<i>In Lieu Payment (per dwelling unit)</i>
R-1A, R-1B, R-1C, and R-2	\$1,100.00
R-3, PD, and TND	\$900.00

- (2) **Fee collection.** The required payment shall be made by the landowner upon the issuance of a building permit for individual lots.
- (3) **Fee deposit.** Such fees shall be deposited and held in a nonlapsing fund to be used exclusively for immediate or future site acquisition or capital improvement.
- (4) **Further division of land.** If a lot or parcel is further divided, payment of the fee as specified in this section must be made, upon issuance of a building permit, for each additional undeveloped lot or parcel created by the land division.

(g) **Provision of land for trails.** The following requirements are included in this chapter to recognize the importance of trails within and between developments. Trails provide access to parks, open spaces, and other community destinations.

- (1) Within the corporate limits of the City, the subdivider shall provide land for trail needs in accordance with the adopted ordinances and planning documents described in subsection (d) above. The location, suitability, and dimensions shall be determined in consultation between the subdivider and appropriate City departments (see §17-4), prior to submission of the preliminary plat or certified survey map. The following factors and criteria shall be considered:
  - a. A subdivision and/or minor land division adjacent to an existing trail shall provide connection(s) to said trail.
  - b. A subdivision and/or minor land division in an area identified with a proposed trail, per the Trails Master Plan, shall accommodate future trail placement using outlot(s) dedicated to the public and/or widened street right-of-way. In limited cases, the use of easements may also be considered.
  - c. Outlots dedicated to the public for trail purposes shall be exempt from any dimensional standards on lot width and lot area found in Chapter 23, Zoning of the Municipal Code and from lot design standards found in §17-26. These outlots must be noted as such on the Final Plat or Certified Survey Map.
  - d. Exact trail placement and configuration is adaptable, based on site features at the time of subdividing. The location and dimensions of land needed for a trail shall reasonably accommodate development of the property. To allow for trail pavement, clearances, and other amenities, a corridor width of twenty (20) feet will be considered typical.
  - e. Unless otherwise agreed upon, the City is responsible for design, construction, and maintenance of trails after the land is dedicated or transferred to the City.
  - f. Rules governing trail use are found in Chapter 13, Parks and Recreation of the Municipal Code.
- (2) The area of the outlot(s) and/or widened street right-of-way dedicated for trail purposes shall be counted toward the parkland dedication requirement as specified in §17-29(e).

(h) ***Determination of feasibility.*** The determination as to the feasibility of dedication shall be made by the Common Council. When dedication to the public is proposed for a certified survey map, the acceptance of the dedication must be approved by Common Council before administrative approval of the certified survey map.

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication.

**6-23**

**AN ORDINANCE AMENDING SECTION 17-30 OF CHAPTER 17 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO IDENTIFICATION OF DEDICATED AREAS.**

(City Plan Commission – 2-1-2023)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Section 17-30 of Chapter 17 of the Municipal Code of the City of Appleton, relating to identification of dedicated areas, is hereby amended to read as follows:

**Sec. 17-30. Identification of dedicated areas.**

All areas to be dedicated to the public for streets shall be clearly identified as such on the Final Plat or Certified Survey Map. All other areas to be dedicated for public use shall be clearly identified on the Final Plat or Certified Survey Map, with its intended purpose noted.

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication.

**7-23**

**AN ORDINANCE AMENDING SECTION 17-31 OF CHAPTER 17 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO RESERVATION OF STREET WIDTHS.**

(City Plan Commission – 2-1-2023)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Section 17-31 of Chapter 17 of the Municipal Code of the City of Appleton, relating to reservation of street widths, is hereby amended to read as follows:

**Sec. 17-31. Reservation of street widths.**

Minimum street right-of-way widths are identified in §17-25. Any street widths requested in excess of the minimum requirements must be reserved as specified in §17-29(e)(3).

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication.

**8-23**

**AN ORDINANCE AMENDING SECTION 17-32 OF CHAPTER 17 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO RESERVATION OF PUBLIC SITES.**

(City Plan Commission – 2-1-2023)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Section 17-32 of Chapter 17 of the Municipal Code of the City of Appleton, relating to reservation of public sites, is hereby amended to read as follows:

**Sec. 17-32. Reservation of public sites.**

Where sites for parks, schools, playgrounds or other public uses except streets are located within the subdivision or minor land division area, the Common Council shall require that the sites be reserved by the subdivider as specified in §17-29(e)(3). If a government agency, other than the City, passes a resolution expressing its intent to acquire the land to be reserved, the reservation process and time period specified in §17-29(e)(3) shall apply.

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication.

**9-23**

**AN ORDINANCE AMENDING SECTION 17-33 OF CHAPTER 17 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PRIVATE RESERVATIONS.**

(City Plan Commission – 2-1-2023)

The Common Council of the City of Appleton does ordain as follows:



**Section 1:** That Section 17-33 of Chapter 17 of the Municipal Code of the City of Appleton, relating to private reservations, is hereby amended to read as follows:

**Sec. 17-33. Private reservations.**

Reservation of areas for the exclusive use of the occupants of a subdivision may be permitted by the Common Council when such reservations will not be contrary to the public health, safety, morals or general welfare, and such areas shall be clearly identified on the preliminary and final plats or certified survey maps as private reservations.

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication.

**10-23**

**AN ORDINANCE AMENDING SECTION 17-34 OF CHAPTER 17 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO RIGHT OF REFUSAL.**

(City Plan Commission – 2-1-2023)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Section 17-34 of Chapter 17 of the Municipal Code of the City of Appleton, relating to right of refusal, is hereby amended to read as follows:

**Sec. 17-34. Right of refusal.**

The number, size and location of all dedications, reservations or easements shall be subject to approval, and the Common Council shall ascertain that the proposed sites are suitable for the proposed uses. The Council retains the right to refuse any dedication. Upon refusal, an alternative parkland and/or trail dedication or payment in lieu of dedication shall occur.

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication.

**11-23**

**AN ORDINANCE AMENDING SECTION 17-35 OF CHAPTER 17 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO ACCEPTANCE OF DEDICATION.**

(City Plan Commission – 2-1-2023)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Section 17-35 of Chapter 17 of the Municipal Code of the City of Appleton, relating to acceptance of dedication, is hereby amended to read as follows:

**Sec. 17-35. Acceptance of dedication.**

When a final plat of a subdivision located in the City has been approved by the Common Council and all other required approvals are obtained and the plat is recorded, that approval constitutes acceptance for the purpose designated on the plat of all lands shown in the plat as dedicated to the public, including street dedications. This also applies to certified survey maps following the process described in §17-29(h).

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication.