

ORDINANCE 04-2021
AMENDING CHAPTERS 274 & 325
VILLAGE OF COTTAGE GROVE MUNICIPAL CODE

The Village Board for the Village of Cottage Grove, Dane County Wisconsin, does hereby ordain as follows:

SECTION I. – BACKGROUND RATIONALE

The Village of Cottage Grove’s Department of Parks, Recreation, and Forestry has reviewed the Village’s various park fees, and those of comparable communities, at several meetings in early 2021 based on the following considerations:

1. As currently written all park fees are applied equally to all housing units regardless of type, size, cost or any other factor. It can be argued that a smaller unit will likely have fewer residents and therefore represents a lesser burden on the park system. Therefore, the Committee has suggested a fee structure based on the number of bedrooms in a unit. Several comparable communities reduce park fees for multi-family units, and Verona specifically applies fees on a per-bedroom basis.
2. There is a recognized lack of affordable housing throughout the Dane County region and the Village has created an Ad Hoc Housing Task Force to study affordability and other housing issues in the Village. When a flat fee is applied equally for all housing units regardless of cost, size, or type smaller, less expensive units end up paying a higher percentage of building cost toward park fees than a more expensive unit. In addition to implementing a per-bedroom fee structure, the Committee is recommending a reduced rate for units that are guaranteed to remain affordable over a 30-year period which is the standard duration for tax credit affordable properties.
3. Like the zoning ordinances in many communities, the Village of Cottage Grove zoning ordinance allows approval of projects as Planned Unit Developments (PUD). In a PUD various aspects of the zoning regulations are negotiable in exchange for various public benefits. As currently written, park fees are considered negotiable in a Planned Unit Development. Given that many residential PUDs tend to be predominantly multi-family and would benefit from the above considerations, the Committee has recommended removing the ability to negotiate park fees in a PUD.

SECTION II. – CURRENT AND AMENDED LANGUAGE

Section 274-63(A) currently reads:

“Unknown number of dwelling units. Where the plat does not specify the number of dwelling units to be constructed, the land dedication shall be based upon the maximum number of units permitted by Chapter 325, Zoning.”

Section 274-63(A) shall be amended to read as follows:

“Unknown number of dwelling units. Where the plat does not specify the number of dwelling units to be constructed, the land dedication shall be based upon the maximum number of units permitted by Chapter 325, Zoning. In the event that a planned unit development or zoning amendment is later approved that increases the number of unit beyond that calculated at the time of platting, a fee in lieu of parkland dedication shall be paid for each of the additional units prior to issuance of a building permit at the rate that is current at the time of the building permit application, except in the case that excess park land was dedicated at platting in which case credit shall be granted at a rate of 0.067 acres per unit that may offset some or all of the fee in lieu of park land development.”

Section 274-65(B) currently reads:

“Where a fee is required to be paid in lieu of land dedication, the subdivider shall pay a fee for each planned dwelling unit set forth in the final plat or certified survey map in the amount specified in the Subdivision and Land Division Fee Ordinance. With prior approval, the Village Board may accept improvements made by the developer to offset some or all of the fees in lieu of dedication.”

Section 274-65(B) shall be amended to read:

“Where a fee is required to be paid in lieu of land dedication, the subdivider shall pay a fee for each planned dwelling unit set forth in the final plat or certified survey map in the amount specified in the Village Park Fee Schedule. With prior approval, the Village Board may accept improvements made by the developer to offset some or all of the fees in lieu of dedication.”

Section 274-65(C) currently reads:

“A base fee will be set at the time of this chapter and is recorded in the Village of Cottage Grove Subdivision and Land Division Fee Ordinance. This fee will be adjusted annually as of January 1 each year by the Zoning Administrator utilizing the CPU-I for the North Central States Small Metro Areas prepared by the Federal Department of Labor.”

Section 274-65(C) shall be amended to read:

“A base fee will be set by the Village Board and recorded on the Village Park Fee Schedule. This fee will be adjusted annually as of January 1 each year by the Zoning Administrator utilizing the Consumer Price Index, Midwest as prepared by the U.S. Bureau of Labor Statistics. In the event this dataset is no longer available the Zoning Administrator shall utilize the Consumer Price Index deemed most similar by the Zoning Administrator. The base fee may be reset at the discretion of the Village Board.”

Section 274-66(A) currently reads in part:

“Private recreation or open space in the PUD may be considered as a substitute for dedication or public park land where such private recreation and open space will meet or exceed the recreation and open space needs of the proposed development and is consistent with overall planning goals and objectives of the Village.”

Section 274-66(A) shall be amended to read in part:

“Private recreation or open space in the PUD shall not be considered as a substitute for dedication of public park land.”

Section 274-66(B) currently reads:

“The Village may reserve additional land or accept fees in lieu of land as provided in 274-64 and 274-65.”

Section 274-66(B) shall be amended to read:

“At its discretion the Village Board may accept less land than required under subsection A, and in such cases the developer shall pay a fee in lieu of park land dedication as described in 274-65.”

Section 274-66(C) shall be added to read:

“While aspects of a Planned Unit Development are intended to be negotiable, it is not the intent of this section that park land dedication requirements, park improvement fees, or fees in lieu of park land dedication as defined above shall be negotiable in a Planned Unit Development.”

Section 274-68 shall be eliminated because these fees will be combined with the park improvement fee and collected prior to issuing a building permit.

Section 325-18(B) currently reads:

“The zoning permit applicant shall pay a fee to the Village Treasurer equal to the amount specified in the Zoning Fee Ordinance. All zoning permits for undeveloped parcels shall submit the park improvement fees based on total number of dwelling units, in accordance with the Village of Cottage Grove Zoning Fee Ordinance. The park improvement fee schedule shall be adjusted annually as of January 1 of each year, by the Zoning Administrator, utilizing the CPI-U for the North Central States Small Metro Areas prepared by the Federal Department of Labor.”

Section 325-18(B) shall be amended to read:

“The zoning permit applicant shall pay a fee to the Village Treasurer equal to the amount specified in the Village Park Fee Schedule. All zoning permit applications for undeveloped parcels shall submit the park improvement fees based on total number of dwelling units, in

accordance with the Village Park Fee Schedule. The park improvement fee schedule shall be adjusted annually as of January 1 of each year, by the Zoning Administrator, utilizing the Consumer Price Index, Midwest as prepared by the U.S. Bureau of Labor Statistics. In the event this dataset is no longer available the Zoning Administrator shall utilize the Consumer Price Index deemed most similar by the Zoning Administrator. The base fee may be reset at the discretion of the Village Board.”

Section 325-18(C) currently reads:

“The park improvement fee shall be paid above and beyond the park improvement assessment as set forth in the Village of Cottage Grove Subdivision and Land Division Fee Ordinance. The park improvement assessment shall be paid by the zoning permit applicant, if not paid by the developer at the time of final plat.”

Section 325-18(C) shall be amended to read:

“The park improvement fee shall be paid above and beyond any fees in lieu of park land development, if applicable.”

Section 325-18(D) currently reads:

“The collected fees shall be utilized to construct park facilities that serve the parcel(s). The Village Board shall give priority to establishing neighborhood park facilities according to the most recent Parks and Open Space Plan and the generally accepted standards prior to expenditure for park facilities. The collected fees shall go into special segregated funds, based on the park or parks which serve the parcel(s).”

Section 325-18(D) shall be amended to read:

“The collected fees shall be utilized to construct park facilities that serve the parcel(s). The Village Board shall give priority to establishing neighborhood park facilities according to the most recent Parks and Open Space Plan, community parks serving the Village as a whole, and the generally accepted standards prior to the expenditure for park facilities. The collected fees shall go into a special segregated fund for park development.”

Section 325-115(B)(2) currently reads:

“Other development requirements imposed by the ordinance or plan. Requirements of Chapter 274 Subdivision of Land, Official Map, or other local regulations or plans may be waived or modified in a planned unit development as specified for the approved planned unit development.”

Section 325-115(B)(2) shall be amended to read:

“Other development requirements imposed by the ordinance or plan. Requirements of Chapter 274 Subdivision of Land, Official Map, or other local regulations or plans may be waived or

modified in a planned unit development as specified for the approved planned unit development. It is not the intent of this section that park land dedication requirements, park improvement fees, or fees in lieu of park land dedication as defined by Chapter 274 shall be negotiable in a planned unit development and in cases where a planned unit development creates additional units that were not accounted for at the time of platting, additional park land dedication or fees in lieu of parkland dedication may be due as described in 274-66.”

SECTION III. - CONFLICT AND SEVERABILITY

SECTIONS 1-10 and 1-11 of the MUNICIPAL CODE OF THE VILLAGE OF COTTAGE GROVE shall apply to this ordinance.

SECTION IV. - EFFECTIVE DATE

This ordinance shall take effect upon compliance with the publication/posting requirements of the Wisconsin Statutes.

Adopted this 19th day of April, 2021.

BY ORDER OF THE VILLAGE BOARD
VILLAGE OF COTTAGE GROVE

John Williams, Village President

Attest:

Lisa Kalata, Village Clerk