

NOTICE OF PUBLIC HEARING

Notice is hereby given by the Common Council of the City of Watertown, Wisconsin, that a public hearing will be held on the 2nd day of May, 2017 in the Council Chambers of the Municipal Building, 106 Jones Street, Watertown, Wisconsin at 7:00 P.M., or shortly thereafter, to amend through the recreation of language to Section 545-09B, Fee and Dedication Schedule; to amend through removal of Section 545-09C, Fee and Dedication Schedule; to amend through addition of language to Sections 545-33A(1) & 545-33A(2), Parkland Dedication Fees and Land Dedications; to amend through addition and removal of language to Sections 545-33C(3) – (5), Fee Revenue Administration, all within Chapter 545, Subdivision Regulations of the City of Watertown. A copy of the proposed amendments are on file at the City Clerk's Office for review 8:00 a.m. to 4:30 p.m., Monday through Friday.

All persons wishing to be heard are invited to be present. Written comments may be submitted to City Clerk Cindy Rupprecht, 106 Jones Street, Watertown, WI 53094.

CITY OF WATERTOWN

Jacob A. Maas
Zoning Administrator

JM/nmz

PUBLISH:

April 18, 2017
and
April 25, 2017

(BLOCK AD)

AN ORDINANCE

TO AMEND CHAPTER 545, SUBDIVISION OF LAND, THROUGH THE RECREATION,
REMOVAL AND ADDITION OF LANGUAGE

Sponsor: Mayor David
From: Plan Commission with Positive Recommendation

SECTION 1. Recreate Section 545-09B:

* * *

B. Fees to Defray Administrative Expenses. The subdivider of land divisions within the city shall reimburse the city for its actual cost of design, inspection, inventorying, mapping, and collecting attribute information for infrastructure features for the GIS database, testing, construction, and associated legal and real estate fees for the required public improvements for the land division unless otherwise recovered through other fees. The subdivider shall pay to the City of Watertown fees as set by the Common Council and provided under separate fee schedule. Site Plan Review Committee review fees applicable to zoning and development-related issues shall not be applied to land divisions. The city's costs shall be determined as follows:

- 1. The cost of city equipment employed;
- 2. The actual costs of City materials incorporated into the work including transportation costs plus a restocking and/or handling fee not to exceed ten percent (10%) of the cost of the materials;
- 3. All consultant fees associated with the public improvements at the invoiced amount in compliance with Section 66.0628(3), Wisconsin Statutes.

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SECTION 2. Remove Section 545-09C

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~~C. Payment for engineering, planning or legal services. The subdivider shall pay to the City of Watertown the actual cost of any engineering, planning or legal work undertaken by consultants hired by the City, outside of the City budget, at the request of the developer and the Plan Commission.~~

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SECTION 3. Amend Sections 545-33A(1) & 545-33A(2) :

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A. Parkland Dedication Fees and Land Dedications

1. Any development approval, which enables the creation of additional dwelling units, shall require compliance with this parkland dedication fee and land dedication requirement. This would include any land division, which creates new lots. It would also include any building permit for any dwelling unit per existing lot (single-family, duplex, or other multi-family building.) Except for developments submitted to the City for approval prior to June 14, 2006, and after September 7, 2016, each new development within the corporate limits of the City shall be required to comply with the parkland dedication requirements here stated, including the parkland dedication fee imposed in lieu mechanism authorized under this Chapter (as applicable), as well as the subsections following hereto

2. In the design of a subdivision, including minor subdivisions, or planned developments, provision shall be made for suitable sites of adequate area for parks, playgrounds, open spaces, schools, drainage ways, storm water management or treatment facilities and other public purposes. Such sites as are shown on the Official Map, Master Plan or Parks and Open Space Plan shall be made a part of the design. Where such are not shown on said plans or map, consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, ponds, streams, and woodland, prairie and wetland plant and animal communities.

* * *

SECTION 3. Amend Sections 545-33C(3) – (5):

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3. Revenues derived from funds collected from impact fees imposed and collected but not used as statutorily required within the applicable statutory period from the date of payment of the impact fee, as prescribed in Section 66.0617(9), Wisconsin Statutes ~~period of ten (10) years after the time of collection, for which the impact fees were imposed~~, shall be refunded on a pro-rated, proportional basis, as determined by the Common Council, to the then-current Owner of Record of the property with respect to which the impact fee was imposed.

4. Any funds subject to a refund may be obtained upon application of the then-current Owner of Record, who shall be entitled to return of the original impact fee paid, together with interest at the rate of one percent (1.0 %) per year from the date of said payment to the date of said refund. The Owner of Record must submit a written application for a refund to the City Clerk-Treasurer of the City of Watertown within

one hundred eighty (180) days after the expiration of the applicable statutory time as prescribed in Section 66.0617(9), Wisconsin Statutes ~~period outlined in this section.~~

5. The payment of an impact fee imposed under this section as a condition of a permit for new construction or issuance of a zoning permit, conditional use permit, or land division may be contested as to the amount, collection, refund, or use of the impact fee to the Watertown Public Works Commission, provided that the applicant files a written notice of appeal in the Office of the City Clerk -Treasurer within fifteen (15) days of the approval of the Full Building Permit by the Office of the Building Inspector for new construction or issuance of any other permit or land division permit upon which the impact fee is imposed. Such notice of appeal shall be entitled, "Notice of Appeal of Impact Fee" and shall state the applicant's name, address, telephone number, address (if available) and legal description of the land development upon which the impact fee is imposed, and a statement of the nature of and reasons for the appeal. Said "Notice of Appeal of Impact Fee" shall be immediately forwarded by the Clerk/Treasurer of the City to the Watertown Public Works Commission Chairperson. The Chairperson shall schedule the appeal for consideration by the Watertown Public Works Commission at a regular meeting as soon as reasonably practicable under the circumstances and shall notify the applicant of the time, date and place of such meeting in writing by regular mail, deposited in the mail no later than at least three (3) days before the date of such meeting. Upon review of such appeal, the Watertown Public Works Commission may adjust the amount, collection, refund or use of the Impact Fee upon just and reasonable cause shown. On and after June 14, 2006, and prior to September 7, 2016, all impact fees imposed under this chapter that are not otherwise required to be paid by the developer or land owner as provided above in this subsection shall be imposed upon each buildable lot in a development and shall be payable in full, at the annually adjusted rate then in effect, within fourteen (14) days of issuance of any zoning, conditional use or building permit. After September 7, 2016, all impact fees imposed under this chapter that are not otherwise required to be paid by the developer or land owner as provided above in this subsection shall be imposed upon each buildable lot in a development and shall be payable in full, at the annually adjusted rate then in effect, at the time of issuance of any zoning, conditional use or building permit under this chapter or any other controlling authority.

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SECTION 4. Create Section 545-33C(12):

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12. The current owner of a property on which an impact fee has been paid may apply for a refund of such fee if the City has not used such impact fee within the applicable statutory period from the date of payment of the impact fee, as prescribed in Section 66.0617(9), Wisconsin Statutes; or (b) the building permit for which the impact fee has been paid has lapsed for non-commencement of construction; or (c) the project for which a building permit has been issued has

been altered in a manner which has resulted in a decrease in the amount of the impact fee due; or (d) as otherwise authorized in this Ordinance.”

* * *

SECTION 5. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed

SECTION 6. This ordinance shall take effect and be in force the day after its passage and publication.

DATE:	05/16/2017		06/06/2017	
READING:	1ST		2ND	
	YES	NO	YES	NO
MCFARLAND				
SMITH				
BERG				
LARSEN				
ZGONC				
RAETHER				
TIETZ				
MARON				
KILPS				
MAYOR DAVID				
TOTAL				

ADOPTED _____

CITY CLERK/TREASURER

APPROVED _____

MAYOR