



To: Village of Weston Plan Commission

From: Mark Roffers, AICP, Village Planning Consultant, Keith Donner, Administrator & Jennifer Higgins, Director of Planning & Development

Date: July 11, 2022

Re: Proposed Park Fee Revisions and Subdivision Ordinance Amendments

Future Requests: Recommendation from the Plan Commission and approval by the Village Board of (1) a “public facilities needs assessment” in support of amended park and recreational impact fee and (2) ordinance text amendments, mainly to the Village’s subdivision regulations, related to this fee and other matters. Pursuant to different statutory requirements, the Village will notice public hearings on these requests before the Plan Commission and the Village Board.

Background: Weston has required a fee in lieu of parkland dedication on new residential development since prior to its incorporation as a village in 1996, which is specified in its Subdivision Regulations (Chapter 74). This fee is charged where no or reduced dedicated public park land is included within the development. That fee amount has been \$244 per single family residential lot, \$446 per duplex lot, \$138 per one bedroom multiple-family unit, \$204 per two bedroom multiple-family unit, and \$244 per 3+ bedroom unit.

In 2018, the State adopted a new law that requires the village to re-adopt its park fee as an impact fee(s) under Section 66.0617 of Statutes. This State law requires that the fee amount be based on a “public facilities needs assessment,” and has other limitations that the village has to follow. Notably, these require collection of an impact fee at the time a building permit for a new residence is issued, rather than when a residential subdivision plat is approved or recorded (unless the developer agrees otherwise).

Meanwhile, the village has had a few years of experience with its fully updated Subdivision Regulations (Chapter 74), including over past few years with the Misty Pines subdivision. The State has adopted other law changes over this period. These have suggested the need for other minor amendments to Chapter 74.

Proposal Overview: The replacement “park and recreation impact fee” would be charged on a new residence where the subdivision or other development did not include any or sufficient improved public parkland to meet ordinance requirements. Therefore, this impact fee may not be required of every new residence in the village, or may be reduced, depending on the history of the development within which the residence is located.

The following park land and park improvement impact fees are smaller and differently focused than the fees suggested in 2020. In May 2020, the general direction we received from the Plan Commission was to reanalyze fee amounts and to shift the focus from fees to acquire parkland to fees to develop parkland already in the village’s possession. Development of the Prohaska Family Nature Center was specifically mentioned.

Following more recent guidance from the Plan Commission in June 2022, the proposed ordinance now includes a park and recreation impact fee of \$300 per single family residential unit and \$250 per duplex or multiple family unit.

The fee amounts are different because different types of housing units, on average, have different numbers of occupants (e.g., park users). These fees in the proposed ordinance are lower than the amounts the revised Impact Fee Needs Assessment would enable the village to charge, which is a policy decision of the village. That policy decision does not change the technical analysis in the Assessment that would have allowed for higher fees.

The proposed amendatory ordinance would make other changes to Chapter 74. Some of these changes are in response to other State law changes over the past few years. Other proposed changes address minor issues discovered with experience over the past few years. These are all minor and tend to add more flexibility to existing regulations.

The attached amendatory ordinance contains all of the proposed ordinance amendments. Language that is underlined would be new language in the zoning or subdivision code and language that is ~~crossed out~~ would be removed from the code. Language that is neither underlined or crossed out is existing code language that would remain, except where an entire section is proposed for repeal and replacement.