

PARKLAND DEDICATION

Zoning code changes adopted under Ord. 15-27
Effective October 3, 2015

Sec. 61.302. – Application forms and fees.

(b) *Fee schedule.* Fees for the following zoning control applications shall be as follows:

(1) *Site plan review:*

...

- b. Five hundred twenty-five dollars (\$525.00) up to ten thousand (10,000) square feet of land and two hundred ten dollars (\$210.00) for each additional ten thousand (10,000) square feet of land for all other uses, and an additional fee of two hundred seventy-three dollars (\$273.00) for sites on steep slopes or in the river corridor or tree preservation overlay districts. For any site plan for which a travel demand management plan is required, there is an additional fee of four hundred seventy-three dollars (\$473.00). For any site plan for which parkland dedication is required, there is an additional fee of five (5) percent of the parkland dedication fee up to one-hundred two dollars (\$102.00).

Sec. 61.402. - Site plan review by the planning commission.

...

(b) *Site plan application:*

...

- (6) Pre-application consultation. A pre-application consultation shall be held for residential, commercial, or industrial development on sites greater than ten (10) acres in area, abutting existing public parkland, without a park within a one-half (½) mile radius of the site, or within adopted station area plans to discuss parkland dedication requirements and options. Development on land that has been platted within two (2) years or for which parkland has been dedicated as part of platting shall be exempt from this requirement.

ARTICLE VII. 63.700 PARKLAND DEDICATION

Sec. 63.701. - Parkland dedication requirements.

Pursuant to Laws of Minnesota 2013, Chapter 85, Section 44, for development that increases the number of residential dwelling units and/or increases the floor area of commercial and/or industrial buildings on a parcel of land, a reasonable portion of the buildable land, proportionate to the additional need for parks created by the development, may be required to be conveyed, or a fee in lieu of land shall be paid, on a one time basis, prior to the issuance of building permits, for public use for neighborhood- and community-scale parks, as defined in adopted city plans, playgrounds, recreation facilities, trails, wetlands, or open space needed as a result of the development, based on the following standards. Land conveyed or dedicated for this purpose shall be in close proximity to the development, and the conveyance of land shall be subject to agreement by the city council and the developer. Without such agreement, a parkland dedication fee shall be paid in lieu of the land.

- (1) Residential development: For an increase in the number of residential dwelling units on a parcel of land, the amount of land conveyed or dedicated for this purpose shall be one hundred fifty (150) square feet per additional dwelling unit, to a maximum of four and one-half (4.5) percent of the buildable land, and the fee in lieu of land shall be twelve hundred dollars (\$1,200.00) per additional dwelling unit, to a maximum of four and one-half (4.5) percent of the county assessor's estimated market value of the land on which the development is built.

- (2) Commercial and industrial development: For an increase or change in use of gross floor area for commercial and/or industrial use on a parcel of land, the amount of land conveyed or dedicated for this purpose shall be based on the additional floor area and/or change in use as follows, to a maximum of one-half (0.5) percent of the buildable land, and the fee in lieu of land shall be the county assessor's estimated market value of the land that would otherwise be conveyed or dedicated, to a maximum of one-half (0.5) percent of the county assessor's estimated market value of the land on which the development is built. An increase or change in use of less than five thousand (5,000) square feet of gross floor area for commercial use, less than twelve thousand five hundred (12,500) square feet of gross floor area for industrial use, and less than twenty-five thousand (25,000) square feet of gross floor area for wholesale, warehousing and storage use, shall be exempt from this requirement.

Table 63.701. Parkland Dedication for Commercial and Industrial Development

Land Use	Parkland Dedication Requirement
Commercial	28 square feet per 1,000 square feet of GFA
Industrial	11 square feet per 1,000 square feet of GFA
Wholesale, warehousing and storage	6 square feet per 1,000 square feet of GFA

- (3) For mixed residential and commercial/industrial development that increases the number of residential dwelling units and/or increases the floor area of commercial and/or industrial buildings on a parcel of land, the amount of land conveyed or dedicated for this purpose shall be the sum of the amount for each use based on the standards in (1) and (2) above, to a maximum of four and one-half (4.5) percent of the buildable land, and the fee in lieu of land shall be the sum of the fee in lieu for each use based on the standards in (1) and (2) above, to a maximum of four and one-half (4.5) percent of the county assessor's estimated market value of the land on which the development is built.
- (4) Buildings removed from the site prior to January 1, 2000, shall not be considered in the parkland dedication calculation.
- (5) Reduced parkland dedication fee for affordable housing. For dwelling units required to be affordable under the city housing and redevelopment authority or other similar financing agreements, or other contractual agreement with the city, the parkland dedication fee otherwise required shall be multiplied by the specified percentage of Twin Cities area median income at which the dwelling unit is required to be affordable.
- (6) The city council shall determine the amount, location, and configuration of any land dedicated, taking into consideration the suitability and adaptability of the land for its intended purpose, future needs of the proposed development, and the criteria identified in subsection 69.511(a)(1)—(10) of this Code.
- (7) One-time basis of parkland dedication requirements. Once the maximum parkland dedication requirement under this section has been conveyed through the dedication of land or the payment of a dedication fee, there shall be no further parkland dedication requirement at the time of building permits. Should the property change uses from a use with a lower maximum dedication requirement to that with a higher maximum dedication requirement, the maximum

dedication requirement for the new development shall be the difference between the higher and lower maximum dedication requirement.

Sec. 63.702. - Parkland dedication option; private land maintained for public use.

The city council may, at its discretion, waive all or a portion of the land or cash dedication required under section 63.701 and enter into an agreement for the private development and/or maintenance of land for public use for parks, playgrounds, recreation facilities, wetlands, trails, or open space subject to the following conditions:

- (1) The land area or value of the land and improvements privately developed and maintained for public use for parks, playgrounds, trails, open space, or conservation purposes must at least equal that otherwise required under section 63.701.
- (2) Land, facilities, and improvements accepted under this provision shall be accessible to the public in a manner similar to public land.
- (3) The city council must find, after recommendation of the director of parks and recreation and the parks commission, that such land and improvements will serve the purposes listed in section 63.701.
- (4) The city and the owners or developers of the land must have executed a parkland development agreement insuring that specified land shall be developed and maintained by the owners or developers, and any and all successors in interest thereof, of any type whatsoever, which includes, but is not limited to heirs and assigns, for the purposes listed in section 63.701. The owners or developers must include a covenant running with the specified land indicating that the land to be developed and maintained for the purposes listed in section 63.701 will revert to the city in the event of a failure to comply with this requirement. When a recordable covenant concerning the ownership, maintenance or use of private areas and facilities for parkland development is required, the covenant shall be submitted to the city for approval. Such covenant shall be recorded prior to obtaining building permits for the development.

Sec. 63.703. - Parkland dedication conveyance standards.

Prior to conveyance of the property to the city, the owners or developers shall provide the city with an acceptable deed of all land dedicated for park purposes, evidencing good and marketable title without liens or encumbrances of any kind except those that the city council has approved. The foregoing deed shall otherwise evidence good and marketable title free and clear of any mortgages, liens, encumbrances, assessments and taxes. The landowner shall record all deeds for conveyance of the property to the city prior to receiving building permits for the development.

Sec. 63.704. - Parkland dedication; parkland development special fund.

There is hereby established a parkland development special fund. All parkland dedication fees collected pursuant to this article shall be deposited in the parkland development special fund and used solely for the acquisition, development, or improvement of public parks, playgrounds, recreation facilities, wetlands, trails, or open space within the city. Funds collected shall be used for the aforementioned purposes within one-half (½) mile of the project for which the funds were collected or for the neighborhood or community park nearest to the project. Use of the funds collected shall be documented and made publically available in an annual report. Such funds may not be used for ongoing operations or maintenance. All fund expenditures shall be approved by the city council by resolution. Expenditures from the parkland development special fund shall be in conformance with the city's adopted comprehensive plan and development or project plans for sub-areas of the city. Payments made to satisfy the requirements of this section shall be made separately from any payments for building permits or any other payment to the city.