

PROPOSED ZONING AMENDMENTS – PARKLAND DEDICATION

Chapter 69. Zoning Code - Subdivision Regulations

ARTICLE V. GENERAL REQUIREMENTS AND DESIGN STANDARDS

Sec. 69.511. ~~Parkland dedication requirements.~~

- (~~ab~~) *Parkland dedication requirement ~~at the time of platting.~~* Pursuant to Minn. Stat. Sec. 462.358, Subd. 2, as amended and as otherwise provided below, for platting of land for residential, commercial, or industrial development, ~~the property owners, subdividers or developers shall dedicate two (2) percent of the total acreage of the plat a reasonable portion of the buildable land may be required to be dedicated or conveyed to the city on a one time basis, prior to or at the same time as recording the final plat, for the purposes listed in subdivision (a) of this section~~ public use for parks, playgrounds, recreation facilities, trails, wetlands, or open space needed as a result of the plat, to a maximum of nine (9) percent of the total acreage of new lots that are being created for new residential or mixed-use development and to a maximum of four (4) percent of the total acreage of new lots that are being created for new commercial or industrial development. Land so dedicated shall be within the plat and/or, subject to agreement by the city council and the subdividers, in close proximity to the plat.
- (a) ~~Generally.~~ Pursuant to Minn. Stat. Sec. 462.358, Subd. 2, as amended and as otherwise provided below, for subdivision and development of land, the owners, subdividers, or developers of the land shall convey to the city or dedicate to the public use a reasonable portion of the land for public use for parks, playgrounds, trails, open space, or conservation purposes. 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 following criteria:
- (1~~8~~) The parkland standards in Sec. 63.702 for future development of the plat, and whether the development Priority will be given to areas that are under-served by parks due to distance to existing parks, population density, or inadequate size of existing nearby parks;
 - (2~~4~~) Conformance with the city's adopted comprehensive plan and development or project plans for sub-areas of the city, and ~~;(2)~~ areas identified for park or open space ~~conservation purposes~~ in an adopted city, regional, state, or national plan;
 - (3) Areas that connect existing components of the open space network;
 - (4) Areas adjacent to existing public parks, trails, or open space;
 - (5) Areas representing significant landforms, native plant communities, sensitive habitat, or historical events;
 - (6) Areas containing vegetation identified as endangered or threatened, or that provide habitat for animals identified as endangered, threatened, or of special concern under 15 U.S.C. §1531 et. seq. or Minn. Stat. § 84.0895, and rules adopted under these respective laws;
 - (7) Availability and commitment of resources, public and/or private, to develop, operate, and maintain the new park land;
 - (8~~9~~) Land to be dedicated shall be large enough for its intended purpose;

(914) Land dedicated solely for roadway, stormwater retention, or utility purposes, or otherwise unsuitable for the purposes listed above, shall not be accepted;

(104) Dedicated land shall be accessible to the public served unless the city council determines that the dedicated land is an environmentally or ecologically sensitive area for which public access would be detrimental.

(b) One-time basis of parkland dedication requirements. Once parkland has been dedicated or conveyed to the city under this section to meet the needs for parkland created by the plat, there shall be no further parkland dedication requirement under Sec. 63.701 at the time of building permits. If the property is later re-platted, or if a requirement for parkland dedication or a fee in lieu has previously been imposed at the time of building permits, the amount of parkland to be dedicated shall be based on the area of new lots and additional development for which parkland dedication or a fee in lieu has not previously been required.

~~(c) Parkland dedication option; land and/or cash dedication.~~ At the discretion of the city council, the owners, subdividers, or developers of property subject to this section shall contribute an amount of cash, prior to obtaining the city clerk's signature on the final plat, in lieu of all or a portion of the land required under subdivisions (a) and (b) of this section or an equivalent value of improvements as approved by the city council. The amount of cash shall be based upon the county assessor's estimated market value of the total acreage of the plat, at the time of city council approval of the plat, multiplied by one-third of the percentage of the land that would otherwise be dedicated. In determining whether land dedication or cash in lieu thereof will be required, the city council shall consider without limitation the suitability and adaptability of land within the site for the purposes listed in subdivision (a) of this section and criteria for land dedication in subdivision (a) of this section.

[Provisions for the option of a fee in lieu of the dedication of parkland are moved to Chapter 63, Regulations of General Applicability.]

~~(d) Parkland dedication at the time of building permits.~~ For new residential units, commercial or industrial development, the property owners, subdividers or developers shall dedicate land or cash in lieu of land, on a one time basis, for the purposes listed in subdivision (a) of this section based on the number of additional accessory off-street parking spaces, and conversion of existing commercial/industrial accessory parking to residential spaces, for the development. For residential development, the amount of land shall be one hundred (100) square feet per surface parking space and fifty (50) square feet per parking space within a structure, to a maximum of seven (7) percent of the total land area of the property. For commercial and industrial development, the amount of land shall be thirty (30) square feet per surface parking space and fifteen (15) square feet per parking space within a structure, to a maximum of two (2) percent of the property. Land so dedicated shall be within or in close proximity to the development. The amount of cash in lieu of land shall be based upon the county assessor's estimated market value of the parcel of land per square foot, multiplied by one-third of the square feet of land that would otherwise be dedicated. For parking spaces for dwelling units required to be affordable under Saint Paul Housing and Redevelopment Authority or other similar financing agreements, or other contractual agreement with the city, the amount of cash otherwise required shall be multiplied by the specified percentage of Twin Cities area median income at which the unit is required to be affordable. The city council may require the land dedication option under this subdivision (d) as a condition of plat approval, and in so doing may require that the land be dedicated prior to or at the same time as recording the final plat. In all other cases, the dedication of land or cash in lieu of land required under this subdivision (d) shall be done prior

~~to obtaining building permits for development to which the parking spaces are accessory, and the dedication of land shall be subject to agreement by the city council and the owners, subdividers or developers; without such agreement, cash shall be paid in lieu of land dedication.~~

[Requirements for parkland dedication at the time of building permits, and for a fee in lieu of the dedication of parkland, are moved to Chapter 63, Regulations of General Applicability.]

- (~~c~~e) *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 subdivisions ~~(b)~~, ~~(c)~~ ~~or (d)~~ (a) of this section 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, ~~or conservation purposes~~ within the proposed plat, 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 required under this ordinance.
 - (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 subdivision (a) of this section; ~~and.~~
 - (4) The city and the owners, subdividers, or developers of the land must have executed a parkland development agreement insuring that specified land shall be developed and maintained by the owners, subdividers, 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 subdivision (a) of this section. The owners, subdividers, 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 subdivision (a) 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 or at the same time as the final plat when related to requirements under subdivision (~~a~~b) of this section; ~~and prior to obtaining building permits when related to requirements under subdivision (d) of this section.~~
- (~~d~~f) *Parkland dedication; conveyance standards.* Prior to dedication and conveyance of the required property to the city, the owners, subdividers or developers shall provide the city with an acceptable abstract of title or registered property abstract for all land dedicated for park purposes, evidencing good and marketable title without liens or encumbrances of any kind except those encumbrances which the city council has approved or required in connection with the proposed plat. The foregoing abstracts shall otherwise evidence good and marketable title free and clear of any mortgages, liens, encumbrances, assessments and taxes. For any dedication of land required under subdivision (~~a~~b) of this section that is not formally dedicated to the city with the final plat, the landowner shall record all deeds for conveyance of the property to the city prior to or at the same time as recording the final plat. ~~For any dedication of land required under subdivision (d) of this section, the landowner shall record all deeds for conveyance of the property to the city prior to obtaining building permits for the development.~~

~~(g) *Parkland dedication; parkland development special fund created.* There is hereby established a parkland development special fund. All funds collected pursuant to the parkland dedication process shall be deposited in the parkland development special fund and used solely for the acquisition and development or improvement of lands dedicated for public use for parks, playgrounds, trails, open space, or conservation purposes in the planning district of the subdivision or development for which the funds were collected, or in an adjacent planning district within one half mile of the subdivision or development. Such funds may not be used for ongoing operations or maintenance. All fund expenditures shall be approved by the city council upon recommendation of the director of parks and recreation in consultation with the parks and recreation commission. 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, and shall be consistent with other applicable criteria in subdivision (a) of this section. Payments made to satisfy the requirements of this section shall be made separately from any payments for building permits or any other payment.~~

[Moved to Chapter 63, Regulations of General Applicability.]

Chapter 63. Zoning Code – Regulations of General Applicability

ARTICLE VII. 63.700 PARKLAND DEDICATION

Sec. 63.701. Parkland dedication requirement.

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 to the city, or a fee in lieu of land shall be paid to the city, on a one time basis, prior to the issuance of building permits, for public use for neighborhood- and community-scale parks, 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 to the city shall be subject to agreement by the city council and the developer. Without such agreement, a parkland dedication fee shall be paid to the city in lieu of the land.

- (a) 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 4.5% of the buildable land, and the fee in lieu of land shall be twelve hundred dollars (\$1,200) per additional dwelling unit, to a maximum of 4.5% of the county assessor's estimated market value of the land on which the development is built.
- (b) 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 0.5% 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 0.5% 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 shall be exempt from this requirement.

Table 63.701. Parkland Dedication for Commercial and Industrial Development

<u>Land Use</u>	<u>Parkland Dedication Requirement</u>
<u>Commercial</u>	<u>28 square feet per 1,000 square feet of GFA</u>
<u>Industrial</u>	<u>11 square feet per 1,000 square feet of GFA</u>
<u>Wholesale</u>	<u>7 square feet per 1,000 square feet of GFA</u>
<u>Warehousing & Storage</u>	<u>4 square feet per 1,000 square feet of GFA</u>

(c) 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 (a) and (b) above, to a maximum of 4.5% 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 (a) and (b) above, to a maximum of 4.5% of the county assessor's estimated market value of the land on which the development is built.

(d) *Reduced parkland dedication fee for affordable housing.* For dwelling units required to be affordable under Saint Paul 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.

[Moved here from § 69.511(d).]

(e) 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 Sec. 69.511(a) 1-10 of this code.

(f) *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:

(a) 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.

- (b) Land, facilities, and improvements accepted under this provision shall be accessible to the public in a manner similar to public land.
- (c) 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.
- (d) 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. Administrative fee.

An administrative fee of five (5) percent of the parkland dedication fee, to a maximum of one thousand dollars (\$1,000) per project, shall be paid by the building permit applicant to the city prior to permit issuance.

Sec. 63.704. 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. 63.705. Parkland dedication; parkland development special fund.

All parkland dedication fees collected pursuant to this article, excluding administrative fees collected under Sec. 63.703, shall be deposited in the parkland development special fund created pursuant to this article, and shall be 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 (1/2) 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 for a project shall be documented and reported annually to the owner and developer of the project until use of all of the funds has been reported. 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.

Chapter 61. Zoning Code – Administration and Enforcement

ARTICLE IV. 61.400 SITE PLAN REVIEW

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 10 acres in area, abutting existing public parkland, without a park within a one-half (1/2) mile radius of the site, or within one-quarter (1/4) mile of the Green Line 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.