

ORDINANCE NO. 2009 -

AN ORDINANCE UPDATING PARK DONATION PROVISIONS TO ESTABLISH STANDARDS FOR CREDITS AND FOR PLATS NOT ACCOMPANIED BY DEVELOPMENT PROPOSALS, THEREBY AMENDING CHAPTER 16 OF THE CITY CODE

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 16 of the City Code is hereby amended by deleting those words that are contained in brackets [] and adding those words that are underlined, to read as follows:

CHAPTER 16

LAND DEVELOPMENT AND PLATTING

ARTICLE I. SUBDIVISION REGULATIONS

SEC. 16.09. FINAL PLAT APPROVAL.

- (2) At the time of submission of the mounted copies of the final plat, the following additional requirements shall be completed:
- (A) Evidence of Title. At least 5 days in advance of requesting final approval of a subdivision, the subdivider shall submit to the City Attorney reasonable evidence of title to the tract.
 - (B) Park Donation.
 - (i) Findings and Purpose. The City Council finds that the preservation and development of parks, playgrounds, and open space areas within the City are essential to maintaining a healthy and desirable environment for residents and persons employed within the City, and it also finds that the value and attractiveness of residential and commercial/industrial developments to land owners, developers, purchasers, employers, and employees is significantly enhanced by the presence of such park and open space amenities.

The City Council finds that development of land for residential, commercial, and industrial purposes creates a need for park and recreational land and facilities within the City. The Council finds that residential development creates approximately 90% of this need and that commercial/industrial development creates approximately 10% of this need.

Minnesota Statutes Section 462.358, Subd. 2b provides that municipal subdivision regulations may require that a reasonable portion of any proposed subdivision be dedicated to the public or preserved for conservation purposes or for public use as parks, playgrounds, trails, wetlands, or open space, and that the municipality may alternatively accept an equivalent amount in cash.

The City Council finds that it is appropriate that each development within the City contribute toward the City's park system in proportion to the burden it will place upon that system. Therefore, these park donation regulations are established to require new developments at the time of subdivision to contribute toward the City's park system in rough proportion to the relative burden they will place upon that system.
 - (ii) Definitions.
 - (I) Development Employees - This term refers to the approximate number of employees that will result from the proposed commercial/industrial development of the land being subdivided, and it is equal to the product of (1) the number of square feet of floor area of the new structural improvements in the proposed commercial/industrial development and (2) the average number of employees per 1,000 square feet of floor area of the proposed type of development as shown on approved development plans (or for hotels, the average number of employees per hotel room), as reported by the Institute of Transportation Engineers in the publication "Trip Generation".
 - (II) Development Residents - This term refers to the approximate number of residents that will result from the proposed residential development of the land being subdivided, and it is equal to the product of (1) the number of new residential units in the proposed

- residential development as shown on approved development plans and (2) the average number of residents for the type of residential unit in the proposed development, according to the most recent figures of the Metropolitan Council.
- (III) Per Capita Commercial Share - 10% of the current fair market value of the City-owned parkland and park improvements, according to the most recent estimates of the City assessor, divided by the current number of jobs within the City, according to the most recent annual figures of the Minnesota Department of Employment and Economic Development.
 - (IV) Per Capita Residential Share - 90% of the current fair market value of the City-owned parkland and park improvements, according to the most recent estimates of the City Assessor, divided by the current number of City residents, according to the most recent certified figures of the Metropolitan Council.
 - (V) Proposed Development - the physical development proposed on approved development plans for the site being subdivided, not including existing structures.
 - (VI) Undeveloped Land Value - the estimate of market value as calculated by the City Assessor of the property included in the subdivision as of the date of approval of the final plat.
 - (VII) Public Park Easements – easements dedicated or reserved to the public, for public use for parks, playgrounds, trails, wetlands or public open space
- (iii) Basic Rule.
- (I) At the time of subdivision of land within the City, there shall be dedicated or reserved to the public, for public use for parks, playgrounds, trails, wetlands, or public open space, land or public park easements or cash equivalent, equal in value to the proposed development's proportional share of the City park system, but not exceeding 10% of the undeveloped land value of the land being subdivided. The subdivider may be eligible for credits as discussed in Code Section 16.09(2)(B)(v) that would reduce the amount of dedication required. The proposed development's proportional share of the City park system (the "development's proportional share") shall be as determined pursuant to paragraph (iv), below.
 - (II) The City shall have the option as to whether land, public park easements, or cash shall be donated to satisfy the dedication requirement. The cash payments shall be used for the acquisition and improvement of land for parks, playgrounds, trails, wetlands, or public open space, or as otherwise provided by statute. To determine the value of the land or public park easements being dedicated, the undeveloped land value shall be used.
 - (III) In any subdivisions which include outlots, the subdivider may pay to the City the development's proportional share for the entire subdivision, including the outlots, or the development's proportional share exclusive of the outlots. When such outlots are subdivided, the park dedication requirement for that area shall be paid if not previously paid.
 - (IV) In the event that the development's proportional share cannot be determined due to the lack of an accompanying development proposal, the subdivider shall dedicate or reserve land, public park easements or cash equivalent for public use for parks, playgrounds, trails, wetlands, or public open space equaling the lesser of:
 - a) 10% of the undeveloped land value of the land being subdivided, less any applicable credits, or
 - b) the maximum possible proportional share for the development under the applicable Zoning District and Comprehensive Plan Land Use Guide Plan Designation, less any applicable credits.
- (iv) Calculation of Development's Proportional Share.
- (I) Residential Developments. A residential development's proportional share is the product of (1) the Per Capita Residential Share and (2) the number of Development Residents.
 - (II) Commercial/Industrial Developments. A commercial/industrial development's proportional share is the product of (1) the Per Capita Commercial Share and (2) the number of Development Employees.
 - (III) Mixed Use Developments. The mixed use development's proportional share is the sum of the proportional share for the residential portion plus the proportional share for the commercial/industrial portion.

- (v) Credits, Final Park Dedication Amount Due.
Credit toward the park dedication due shall be granted for:
- (I) The actual amount of previous park dedication satisfied for the lot or lots proposed for development; or
 - (II) If no records exist regarding previous park dedication being satisfied:
 - a) all buildings on the lot or lots proposed for development that were present and occupied within the five years prior to the final plat approval;
 - b) in the case of vacant platted single or two family lots, the number of lots in existence prior to the subdivision.
 - (III) In the event that park dedication was previously satisfied for a larger land area than the lot or lots currently proposed for development, the previously satisfied park dedication shall be prorated to the lot or lots currently proposed for development on a per square foot basis.
 - (IV) For the purpose of calculating credits, previous park dedication satisfied through cash equivalents shall be adjusted for inflation or deflation as measured by changes in the average Consumer Price Index reported through the online inflation calculator of the Federal Bureau of Labor Statistics. Previous park dedication values satisfied through land or easement shall be fully credited on a per square foot basis.
 - (V) While credits may fully satisfy park dedication due, credits shall not result in refunds of park dedication previously satisfied.

Passed and adopted this _____ day of _____, 2009.

Mayor

ATTEST:

Secretary to the Council

APPROVED:

City Attorney