

ORDINANCE NO. 963

AN ORDINANCE OF THE CITY OF SHAKOPEE, MINNESOTA AMENDING SHAKOPEE CITY CODE SECTION 150.65, PARKS AND DEDICATIONS

THE CITY COUNCIL OF THE CITY OF SHAKOPEE, MINNESOTA, ORDAINS:

Section 1. Section 150.65, Paragraph (B) of the Shakopee City Code is amended to read as follows:

(B) *Standards for accepting dedication of land for public purposes.* It should be the policy of the city that the following standards and guidelines for the dedication of land for park, playground, and open space purposes (or cash contribution in lieu of such dedications) in the subdividing and developing of land within the city, shall be directly related to density and intensity of each subdivision and development.

(1) As a prerequisite to subdivision approval, subdividers shall dedicate land for parks, playgrounds, public open spaces, and trails and/or shall make a cash contribution to the City's Park Fund and Trail Fund as provided by this section.

(2) Land to be dedicated shall be reasonably suitable for its intended use and shall be at a location convenient to the people to be served. Factors used in evaluating the adequacy of the proposed park and recreation areas shall include size, shape, topography, geology, hydrology, tree cover, access, and location.

(3) The Parks and Recreation Advisory Board shall recommend to the Planning Commission and City Council the land dedication and cash contribution requirements for proposed subdivisions.

(4) Changes to the density of plats shall be reviewed by the Parks and Recreation Advisory Board for reconsideration of park dedication and cash contribution requirements.

(5) When a proposed park, playground, recreational area, school site, or other public ground has been indicated in the city's official map or comprehensive plan and is located in whole or in part within a proposed plat, it shall be designated as such on the plat and shall be dedicated to the appropriate governmental unit. If the subdivider elects not to dedicate an area in excess of the land required hereunder for such proposed site, the city may consider acquiring the site through purchase or condemnation.

(6) Land conveyed or dedicated to the city shall not be used in calculating density requirements of the city zoning ordinance, and shall be in addition to and not in lieu of open space requirements for planned unit developments.

(7) In establishing the amount of land to be dedicated or preserved or the amount of the cash contribution, the city will give due consideration to the open space, recreational, or common areas and facilities proposed by the applicant to be open to the public.

(8) The city, upon consideration of the particular type of development, may require larger or lesser parcels of land to be dedicated if the city determines that present or future residents would require greater or lesser land for park and playground purposes.

(9) In residential plats, the city shall have a standard of 1 acre of park land for every 75 people. Thus, 1 acre of land shall be conveyed to the city as an outlot warranty for every 75 people the platted land could house based on the following population calculations.

Apartments, townhouses, condominiums, other multiple-family dwelling units	1 person per bedroom
Duplex-twin homes	3.0 persons per dwelling unit
Single-family detached dwelling lots	3.0 persons per lot

(10) In plats other than residential, the city hereby finds that, as a general rule, it requires that an amount of land equal to 10% of the buildable land proposed to be subdivided be dedicated or reserved to the public for public use for parks, playgrounds, trails, wetlands, or open space. "Buildable land" is determined by calculating the gross acreage of all land in the proposed subdivision in its pre-subdivided condition excluding wetlands as defined in § 151.002. Should the land to be dedicated have greater fair market value than the average fair market value in the plat, the city shall only be authorized to require dedication of an amount of land equal to 10% of the fair market value of all the property being platted.

(11) In lieu of park land dedication, the city may require an equivalent cash dedication based upon the average fair market value of undeveloped land that is, or under the city's adopted comprehensive plan, may be served by municipal sanitary sewer and water service. The cash dedication requirement shall be established annually by the City Council.

(12) The subdivider will be required to construct all public trails within the development or adjacent at the time of development.

(12~~3~~) In lieu of trail donation, trail construction, or trail easement dedication, the city may require a cash donation for the trail system. The cash dedication requirement shall be established annually by the City Council. Dedication for trails in the form of cash shall apply only to residential plats.

(13~~4~~) The city may elect to receive a combination of land and cash for park use. The city shall determine the amount of land dedication it requires, and the cash contribution shall be calculated based on the percentage of unmet land dedication.

(14~~5~~) Planned unit developments with mixed land uses shall make cash and/or land contributions in accordance with this section based upon the percentage of land devoted to the various uses.

(15~~6~~) Park and trail cash contributions are to be calculated based on the fees in place at the time of the final plat approval.

(167) The cash contributions for parks and trails shall be deposited in either the city's Park ~~Reserve Development~~ Fund or Multi-Purpose Pedestrian Fund and shall be used only for acquisition, improvement, development, or redevelopment of parks and trails.

(178) If a subdivider is unwilling or unable to make a commitment to the city as to the type of building that will be constructed on lots in the proposed plat, the land and cash contribution will be a reasonable amount determined by the City Council.

(189) Wetland and ponding areas, ~~drainageways and utility easements~~ accepted by the city shall not be considered in the park land and/or cash contribution to the city.

(1920) When a proposed trail has been indicated in the city's official comprehensive plan map, and it is located in whole or in part within the proposed plat, it should be designated on the plat and should be dedicated to the city. If the subdivider elects not to dedicate an area in excess of the land required for a trail, the city may consider acquiring it through condemnation.

(2021) Required land dedication and/or payment of fees in lieu of land dedication shall be required at the time of recording the final plat.

Section 2. Effective Date. This ordinance becomes effective from and after its passage and publication.

Adopted in regular session of the City Council of the City of Shakopee, Minnesota held this 5th day of July, 2017.

Mayor of the City of Shakopee

Attest:

_____,
City Clerk

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