

**Community Planning and Economic Development Planning Division Report  
Zoning Code Text Amendment**

**Date:** August 2, 2010

**Initiator of Amendment:** Council Members Johnson and Goodman

**Date of Introduction at City Council:** July 2, 2010

**Specific Site:** City wide

**Ward:** All    **Neighborhood Organization:** All

**Planning Staff and Phone:** Merland Otto, Principal Planner (612) 673-2576

**Intent of the Ordinance:** To establish a park land dedication requirement or park dedication fees in lieu of dedication on new residential, commercial and industrial developments

**Appropriate Section(s) of the Zoning Code:** Chapter 598, Land Subdivision Regulations

**Background:** City staff has prepared a proposed Parkland Dedication ordinance for City Council consideration. The ordinance is authored by Council President Barbara Johnson and Council Member Lisa Goodman. It would require developers to either dedicate land within or near their development site for public open space or in lieu thereof to pay a Park Dedication Fee (PDF).

The City of Minneapolis has not previously had a parkland dedication requirement because statutory authorization tied such dedications to platting and sub-division and, as a built-out city, those procedures are relatively rare in Minneapolis. Special legislation approved in 2006 and 2008 opened the door to the City and MPRB cooperating to approve an ordinance that also can require park dedication for projects outside a platting or subdivision process. ). Pursuant to the legislative enabling authority, the identical ordinance must be adopted by the City Council and the Minneapolis Park and Recreation Board (MPRB).

Since the approval of the special legislation, the MPRB and City have been working for more than three years to craft ordinance terms that are mutually acceptable. The MPRB approved its initial version of the ordinance in July of 2007. After Council-directed research in 2008, the City Council approved an initial version of the ordinance in April 2009. MPRB then approved a similar but not identical ordinance in July, 2009. Since that time the City and Park Board have been working out differences between the varying ordinances and now present an identical ordinance for consideration.

More recently MPRB adopted the current ordinance (attached) on July 7, 2010.

**Purpose for the Amendment:**

**What is the reason for the amendment?**

**What problem is the Amendment designed to solve?  
What public purpose will be served by the amendment?**

This ordinance is intended to address a shortage of funds available to acquire and develop park facilities to meet future needs driven by population and employment growth.

Consideration and adoption of a Park Dedication Ordinance would be consistent with the City's goal of providing an enriched environment as well as a healthy, sustainable environment. From the City's list of goals, this ordinance would most closely support the following goal:

**ENRICHED ENVIRONMENT**  
Greenspace, Arts, Sustainability

*In five years there will be plentiful green spaces, public gathering areas, celebrated historic architectural features and urban forests in Minneapolis; lakes, rivers and the soil and air will be clean; the city's parks and the Mississippi riverfront will be valued and utilized; opportunities to experience diverse cultures and the arts will abound; and usage of renewable energy will be increasing.*

MPRB historically has developed neighborhood parks to be accessible from a six block radius and community parks generally serve a broader population within approximately a mile or two mile radius. Their comprehensive plan lists the priority order in which land would be considered for acquisition (dedication):

- Fulfills park needs for growing areas or implements adopted park plans
- Meets the needs of areas underserved due to poor access or insufficient parkland acreage per household
- Provides trail connections or natural areas
- Establishes clear park boundaries
- Eliminates easements and leases
- Promotes ecological function
- Secures unique sites or facilities

**What problems might the amendment create?**

- a. Upon enactment of the PDF, many projects will be in various stages of approvals or construction. Which projects will the PDF apply to, and which will be exempted?
- b. If the PDF is imposed when the building permit is issued, is there a refund mechanism?
- c. Work with the MPRB to propose a system for determining if the PDF is assessed, how the use of the fees in the pool will be approved for use.

## **Timeliness:**

**Is the amendment timely?**

**Is the amendment consistent with practices in surrounding areas?**

**Are there consequences in denying this amendment?**

The MPRB approved this ordinance for submittal to the City on June 16, 2010 and gave final approval to the ordinance on July 7, 2010. The proposed ordinance, if adopted, would be effective six months after adoption of the ordinance by the MPRB or upon legislative action on a fee issue whichever occurs later. Since both the MPRB and City must adopt an identical ordinance, the amendment is timely.

As part of the background work in preparing the draft ordinance, City staff consulted with City staff of St. Paul, reviewed Minnesota Park and Recreation Association surveys on park dedication of Minnesota communities, reviewed park consultant surveys and reviewed a number of park dedication ordinances from around the country. Staff direction from City Council was to look at park needs and funding requirements while proposing a dedication requirement or park dedication fees which would not place the City at either the highest or the lowest rates of similar communities. The proposed ordinance is similar to surrounding communities' requirements and meets Council directive.

The proposed ordinance seeks to add a source of funding to create and develop new park space to meet the demands projected by population and employment growth. Forecast growth indicates a need for an additional 276 acres of parkland to meet growing park needs for residential use alone. If this amendment is denied, it reduces the city's and MPRB's abilities to meet projected needs.

## **Comprehensive Plan:**

**How will this amendment implement the Comprehensive Plan?**

Comprehensive Plan: Consideration and approval of a PDF ordinance is consistent with the City's Comprehensive Plan and may be a necessary tool to implement desired policies. The following policies would be supported by adoption of a PDF ordinance.

*Policy 7.1: Promote the physical and mental health of residents and visitors by recognizing that outdoor amenities and spaces that support exercise, play, relaxation and socializing.*

*Policy 7.3: Maintain and improve the accessibility of open spaces and parks to all residents.*

*Policy 7.4: Work to restore and preserve ecosystem functions in green open space areas.*

*Policy 7.6: Continue to beautify open spaces through well designed landscaping that complements and improves the City's urban form on many scales – from street trees to expansive views of lakes and rivers.*

*Policy 7.7: Support the expansion and maintenance of open spaces and parks in order to increase economic development and to promote tourism.*

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*Policy 7.9: Work to develop high quality open spaces in Downtown.*

### **Recommendation of the Community Planning and Economic Development--Planning Division:**

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the zoning code text amendment. The City Planning Commission refers this text amendment to City Council Committee of the Whole.

### **Attachments:**

1. Ordinance amending Chapter 598