



## Legislation Text

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**File #:** RES 15-1856, **Version:** 1

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Initiating amendments to the Saint Paul Zoning Code pertaining to parkland dedication fee expenditures by referring them to the Planning Commission pursuant to Minn. Stat. § 462.357, Subd. 4 for a study, report, and recommendation regarding their adoption. (Laid over from October 28.)

WHEREAS, pursuant to Minn. Stat. § 462.357, Subd. 4, the Council of the City of Saint Paul desires to initiate the following amendments to the City's Zoning Code and hereby directs that the proposed amendments be referred to the Saint Paul Planning Commission so that it may study and prepare a report on the proposed amendments and deliver to the Council its recommendation regarding the proposed amendments; and

WHEREAS, the Council hereby proposes the following amendment to Leg. Code § 63.704 by adding new language clarifying the process for expending funds from the parkland dedication special fund to read as follows:

### **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. Expenditures from the special fund shall be and used solely for the acquisition, development, or improvement of public parks, playgrounds, recreation facilities, wetlands, trails or open space within the city. purposes specified in section 63.701 and cannot be used for ongoing operations and maintenance. ~~Funds collect 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. Sources and Use of the funds collected shall be documented and made publically available in an reported annually report to the city council. Such funds may not be used for ongoing operations or maintenance.~~ Expenditures from the special fund shall be consistent with the parks and recreation chapter of the comprehensive plan including, by reference therein, the 2008 Vision Plan and other adopted development or project plans for sub-areas of the city. All fund expenditures shall be approved by the city council by resolution and shall be based upon an individualized determination recommended by the department of parks and recreation showing that the amount of funds to be expended are related to the nature and extent of the impact of the project from which the funds were collected. ~~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.

Funds collected may be used for the aforementioned purposes solely to meet the need for such facilities created by the development from which the funds were collected as follows:

(a) For a park classified under Table 5.1 of the Vision Plan, excluding parks classified as special use or regional parks, where the development from which the funds were collected is located within the park's service

area as defined in Table 5.1 or 5.3 of th Vision Plan; or

(b) The city council may, following a duly noticed public hearing, approve an expenditure of funds received from a development for a park eligible under Subd.(a) where the development from which the funds were collected is located outside of the park service area upon finding that each of the following conditions are met:

(1) Adequate park land and facilities already exist to serve the development within the service areas of eligible parks under subd. (a); and

(2) An area exists in the city that is:

a. Underserved by an eligible park under subd. (a); and

b. The comprehensive plan's parks and recreation chapter and/or the park department's 2008 Vision Plan has identified a need to acquire, develop, or improve eligible park assets in the underserved area; and

c. It is reasonably foreseeable that the specific park assets acquired, developed, or improved by funds from the development are related to the nature and extent of the impact of the development or that the inhabitants of the development will use the specific park assets acquired, developed, or improved by funds from the development.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Saint Paul hereby submits the proposed zoning code amendments as stated herein to the Planning Commission for its consideration pursuant to Minn. Stat. § 462.357, Subd. 4.