

**CHAPTER 54. SUBDIVISIONS**

**ARTICLE III. Design Standards**

**Division 2. Public Sites and Open Spaces**

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\*State law reference--Authority to required dedication, Minn. Stats. § 462.358, subd. 2b.  
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**Section 54-101. Application of division.**

The requirements of this division shall apply at the time of the final approval of the plat, replat, subdivision or waiver of platting. The provisions of section 54-113 and shall apply to any plat, replat, subdivision, waiver of platting, or development receiving final approval after August 24, 1980.

**Section 54-102. Park and Recreation Director review.**

The director of planning shall transmit a copy of all preliminary plats involving land to be dedicated for parks to the park and recreation director, who shall report back to the director of planning within 15 days on the appropriateness of any proposed park dedication.

**Section 54-103. Dedication required.**

In every plat, replat, or subdivision of land allowing development for residential land uses, or where a waiver of platting is granted (but excluding simple lot line adjustments which do not create additional lots), and at the sole determination by the City, applicants and/or developers shall dedicate land for parks, playgrounds, public open spaces or trails and/or shall make a cash contribution to the City's Park Dedication Fund roughly related to the anticipated effect of the subdivision on the park and trail system. The amounts listed in this section or established in the Anoka Master Fee Schedule Ordinance are the City's best estimate of the dedication or cash contribution needed to offset the effect of the subdivision on the park and trail system. The requirement may also be met with a combination of land and cash, if approved by the City Council.

**Section 54-104. Land Dedication.**

(a) The amount of land required to be dedicated by a developer shall be based upon the gross area of the subdivision or development, which could be developed for residential, commercial, or industrial purposes and shall be determined as follows:

(1) *Residential development.*

Dwelling Unit/Acre	Land to be Dedicated
0--1	5%
2--3	10%
4--5	12%

6--7	14%
8--12	16%
13--16	18%

For each unit over 16/acre, add 0.5%

Provided that if a lot, which is a platted lot as of August 1, 1986, is split into two lots, the land to be dedicated shall be five percent (5%).

- (2) Commercial and industrial subdivisions shall be exempt from Park Land Dedication.
- (b) In establishing a reasonable portion to be dedicated, the City may give credit for open space, park, recreational or common areas and facilities reserved for the subdivision.
- (c) Land shall be 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 park land will include tree cover, topography, access, location, and future park needs pursuant to the Comprehensive Plan. Wetlands, ponding areas, and drainage ways shall not be eligible for park dedication credit. Park land to be dedicated shall be above the ordinary high water level. Grades exceeding twelve percent (12%) or areas unsuitable for park development will not be considered for dedication unless specifically accepted by the City Council for an intended public purpose. Land with trash, junk, pollutants and/or unwanted structures is not acceptable.

**Section 54-105. Conformance with comprehensive plan.**

Land dedicated under this provision shall reasonably conform to the City's Comprehensive Plan. The Planning Commission and Park Board shall review proposed dedication of land or proposed payment of cash in lieu of land and shall recommend to the City Council appropriate action. If the Comprehensive Plan of the parcel of land to be divided shows public property in excess of that required in subsection 54-104(a) the Planning Commission, Park Board and City Council shall, before they approve or disapprove the plat, consider the Comprehensive Plan and determine whether to take the necessary steps to acquire, by purchase or condemnation, all or part of the public property as shown on the Comprehensive Plan.

**Section 54-106. Cash contributions in lieu of accepting dedication of land.**

The City shall have the option to require cash contributions in lieu of accepting dedication of land or the City may require a combination of land dedication and cash payment. The cash contribution shall be an amount adopted in the Anoka Master Fee Schedule Ordinance reflecting roughly proportional effect that the new subdivision will have on the City parks, playgrounds, open space and trail system and the estimated fair market value of the property at the time of the final plat. The estimate of fair market value shall include value added to the property by utilities, streets, and other public improvements serving the land but shall exclude value added by all other improvements to the land.

**Section 54-107. Cash payments in special fund.**

Contributions of cash payments in lieu of land dedication shall be placed in a special fund which shall be held and used by the City to acquire land for, or to improve, parks, playgrounds, trails, public open space, or storm water holding areas or ponds.

**Section 54-108. When cash shall be required.**

The City shall require a cash payment in lieu of park dedication whenever the proposed dedication of land for public use is not needed, is not suitable for the intended use, is too small for practical maintenance, or whenever cash payment would be more beneficial to the development of the overall park system than dedication of land within the property to be developed.

**Section 54-109. Less dedication.**

If the City accepts park dedication in an amount less than that specified in subsection 54-104(a), the subdivider or developer shall pay in addition a fraction of the park dedication fee otherwise payable, the numerator of which is the difference between the percentage of land dedicated and the percentage of land required to be dedicated, and the denominator of which is the percentage of land to be dedicated.

**Section 54-110. More dedication.**

If the City requires park dedication in excess of the amount required by subsection 54-104(a), the City shall pay to the subdivider or developer the fair market value of the land in excess of the percentage of land required to be dedicated.

**Section 54-111. Credit for private open space.**

Where a private open space for park or recreation purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision, a credit of up to 25 percent (25%) of the requirements of subsection 54-104(a) may be given, provided that the following conditions are met:

- (a) That such land area is not occupied by non-recreational buildings and is available for the use of all the residents of the proposed subdivision.
- (b) That required setbacks shall not be included in the computation of such private open space.
- (c) That the use of the private open space is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of the property within the tract and which cannot be defeated or eliminated without the consent of the City Council.
- (d) That the proposed private open space is of a size, shape, location, topography, and usability for park and recreational purposes or contains unique natural features that are important to be preserved.
- (e) That the proposed private open space reduces the demand for public recreational facilities to serve the development.

**Section 54-112. Dedication appeal.**

If the applicant or developer does not believe that the park dedication required by this ordinance fairly and accurately represents the effect of the subdivision on the park or trail

system of the City, the applicant or developer may request that the City prepare an in-depth study of the effect of the subdivision on the park and trail system and an estimate of that effect in money and/or land. The applicant may provide evidence and information in support of their claims to be included or considered in conjunction with the study. All costs of said study shall be borne by the developer or applicant.

Upon receipt of the study and support information, the City Council shall make a determination as to whether an adjustment in the park dedication is warranted.

The City shall approve or disapprove a preliminary plat application within one hundred-twenty (120) days following delivery of a completed application in compliance with City ordinances. In the event a dedication study as set forth herein is required, the applicant may be requested to extend the deadline for plat approval for a period not to exceed sixty (60) days, in order to conduct, receive and review the study.

If cash in lieu of land dedication is being required, the developer or applicant may deposit the required cash dedication in an escrow and request preparation of the study. The application may then proceed as if the fee has been paid.

**Sections 54-113--54-140. Reserved.**