

**CITY OF VICTORIA  
COUNTY OF CARVER  
STATE OF MINNESOTA**

**ORDINANCE NO. 401**

**AN ORDINANCE AMENDING CHAPTER 107, SUBDIVISIONS,  
OF THE VICTORIA CITY CODE,  
SECTION 107-30, PARKS, PUBLIC SITES AND OPEN SPACES;**

**AND AMENDING APPENDIX B OF THE VICTORIA CITY CODE,  
FEE SCHEDULE**

THE VICTORIA CITY COUNCIL ORDAINS:

Section 1. Section 107-30 of the Victoria City Code, the City's Parks, Public Sites and Open Spaces Ordinance, is hereby repealed in its entirety and replaced as follows:

**Sec. 107-30 – Parkland Dedication**

a) *Findings.*

- (1) The development and preservation of parks, playgrounds, trails, open space and recreational opportunities contribute to a healthy community for residents and visitors to the city while advancing the goals of the comprehensive plan.
- (2) Parkland dedication offers opportunity to improve, develop and create a system of planned open spaces and sensitively managed green space corridors. The park system shall provide for both recreational opportunity as well as the protection and enhancement of environmental resources.

b) *Dedication Requirements.*

- (1) Every plat or subdivision will require dedication for public use such as parks, playgrounds, trails and open space. As a prerequisite to subdivision approval, subdividers shall dedicate land or provide a fee in lieu of the land dedication requirement for residential, commercial, and industrial development in accordance with this section to uphold the goals and intent of the Park Plan in congruence with the comprehensive plan.
- (2) A proposed park, playground, recreational area, or other public ground as indicated on the city's comprehensive plan and located in whole or in part within a proposed plat shall be dedicated to the public. The required land dedication shall be conveyed to the City of Victoria by deed, thereby conveying fee title in a format acceptable to the city, without any encumbrances, restrictions or reservations at the time of final plat. If the amount of parkland dedication required of the development is less than the total desired by the City, the subdivider shall reserve the additional property for public purchase at the fair market value at the time of plat approval.

- (3) No areas may be dedicated for public use until such areas have been approved as being suitable and needed for the public health, safety, convenience and/or general welfare. The city council may deem a calculated land dedication from an individual subdivision as too small for practical use and accept a fee in lieu of parkland dedication.
- (4) In cases where a subdivider proposes to dedicate parkland to the city which is not generally identified in the comprehensive plan, said subdivider shall propose the area to the city for consideration to determine whether the parkland is a reasonable dedication within the context of city's planned comprehensive park system. Should the city review said proposal for park dedication and determine the subdivider's desired dedication unreasonable in meeting a desired outcome for the park system as identified in the comprehensive plan, the subdivider shall provide a fee in lieu of land dedication.

c) *Land Suitability.*

- (1) Land to be dedicated shall be reasonably suitable for its intended use and shall be at a location consistent with the comprehensive plan which is determined to be convenient to the people to be served. Factors in evaluating the proposed park shall include size, shape, topography, geology, hydrology, tree cover, access and location.
- (2) In addition to the dedication of land this ordinance requires the provision of initial development for neighborhood parks. Reasonable improvements and access to the land dedicated, including full street improvements and utility connections such as curbs, gutters, street paving and traffic control devices will be required as well as limited on site improvements including grading and seeding.

d) *Trails.*

- (1) Trails constructed by a subdivider within dedicated public open space having at least 30 feet of width are eligible for park credit. The maximum amount of trail dedication credit shall not exceed 25% of the total dedication.

e) *Review and Approval.*

- (1) The park and recreation committee shall review proposed subdivisions and recommend to the city how the Park Plan can be implemented within the proposed subdivision.
- (2) The subdivider may construct the recreational facilities for the park with the written approval of the city. The amenities in the park shall be consistent with a park plan reviewed and recommended for approval by the park and recreation committee to the city council.
- (3) Fee in Lieu of Land Dedication.
  - a. The subdivider shall have the option to pay one half of the park dedication fee to the city at the time of final subdivision recording and the remaining one half of dedication fees shall be paid at time of permit.

b. Cash contributions shall be deposited in the city's park dedication fund.

- (4) Subdividers of land abutting streets that have been designated in the city's comprehensive trail plan for the installation of a trail shall be required to dedicate the land for the trail to the city and construct the trail. A trail fee credit shall be granted.

f) *Park Dedication Calculation.*

- (1) Residential subdivisions require one acre of land conveyed to the city by deed for every 75 residents the subdivision could house.

Traditional Single-Family Homes	3.5 Residents Per Dwelling Unit
Townhomes (Attached and Detached)	2 Residents Per Dwelling Unit
Apartments and Condominiums	1.5 Residents Per Dwelling Unit
Senior Housing*	Rate of Apartments Reduced by 1/2
Assisted Living and Memory Care	Exempt from Dedication

\*Defined as a restricted multi-family community for independent residents over the age of 55

- (2) The parkland acreage required can be dedicated to the city in the forms of land dedication, cash dedication, or trail dedication if the trail is located within public open space having at least 30 feet in width. Dedication can also be made through a combination of land, cash or trail as deemed appropriate by the city council.
- (3) For cash dedication, the value of one acre of parkland shall be established in the adopted fee schedule.
- (4) Commercial and Industrial projects under one acre shall be exempt from park land dedication. A commercial or industrial project exceeding one acre shall require dedication calculated at 5% of the cost of each acre of land included in the project with the value of an acre of parkland as set forth in the City's adopted fee schedule.
- (5) Mixed Use development will require dedication in accordance with the use of the building. The dedication shall be based on the number of residential units as well as the percentage required for land devoted to a different use. If the development includes both residential and commercial or industrial, the number of units in the development will follow the calculation prescribed above. The dedication rate for industrial or commercial will also be required to fulfill the required dedication.
- (6) In cases where a subdivider proposes unique improvements to a development that achieve adopted parkland or park facility goals of the City on private property, the City may grant credit for the unique improvements. Said credit may not exceed 50% of the required parkland dedication requirement for the development.
- (7) Dedication Formulas:

<b>DEVELOPMENT USE</b>	<b>FORMULA</b>
Residential (non-Senior)	$[\# \text{ of units in development}] \times [\text{calculated number of residents}] / 75 = \text{Acres of Land Dedication}$
Senior Housing	$[\# \text{ of units in development}] \times [\text{calculated number of residents}] / 75 / 2 = \text{Acres of Land Dedication}$
Mixed-Use	*to follow prescribed formula for each use within the building(s) or site*
Commercial/Industrial (over 1 acre in size)	$[\# \text{ of acres in the project}] \times [0.05] = \text{Acres of Land Dedication}$
Fee In Lieu of Land Dedication	$[\text{Acres of Land Dedication Required}] \times [\text{Adopted Parkland Value (See City's Fee Schedule)}] = \text{Cash Fee}$

Section 2. Appendix B of the Victoria City Code, the City's Fee Schedule, shall hereby be amended to add a Parkland Value of \$100,000.00.

Section 3. This ordinance shall be effective immediately upon its passage and publication.

**Adopted this 23<sup>rd</sup> day of May, 2016 by the Victoria City Council.**

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Tom O'Connor, Mayor

ATTEST:

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Laurie Hokkanen, City Manager