
B Dayton Park Dedication Ordinance

CITY OF DAYTON

SUBDIVISION ORDINANCE

Section 1002.07 (Subd. 6) Design Standards: Dedication of Lands for Public Purposes

In addition to land dedicated for roadway, utility, storm water holding and similar utilities and improvements as required by the City and as shown on the plat, the following dedications shall be made:

- (1) The owners or developers of lands for residential, commercial or industrial uses, or a Planned Development which includes residential, commercial and industrial uses or any combination thereof, shall be required, as a prerequisite to approval of a plat, subdivision or development of any lands, to convey to the City, or dedicate to the public use, a reasonable portion of the area being platted, subdivided or developed, or, in lieu thereof, the owners or developers shall, at the option of the City, pay the City, for use in the acquisition of parks, playgrounds, public open space development of existing park and playground sites, public open space, and debt retirement in connection with land previously required for public purposes, an equivalent amount in cash based upon the undeveloped land value of that portion of the land that would have been required to be dedicated.
- (2) The Planning Commission shall develop and recommend to the Council for adoption standards and guidelines for determining what portion of each development should reasonably be required to be so conveyed or dedicated. The standards and guide lines may take into consideration the zoning classification to be assigned to the land to be developed, the particular use proposed for the land, amenities to be provided and factors of density and site development as proposed by the owners or developers. Planning Commission shall further recommend changes and amendments from time to time to the standards and guide lines to reflect changes in the usage of land which may occur, changes in zoning classifications and concepts and changes in planning and development concepts that relate to the development and usages to which land may be put.
- (3) The Planning Commission shall, in each case, recommend to the Council the total area and location of the land to be so conveyed or dedicated within the development for public purposes as set out in Subdivision 5(1) above.
- (4) In those instances where a cash contribution is to be made by the owners or developers in lieu of a conveyance or dedication of land for public purposes as set out in Subdivision 5(1) above, the Planning Commission shall recommend to the Council the amount of cash to be so contributed which recommendation shall be based upon the equivalent undeveloped land value of the area that would otherwise have been conveyed or dedicated. In arriving at the recommendation the Planning Commission shall consider the zoning classification to be assigned to the land and may use the same measure or method of valuation which at the time is being customarily used by buyers and sellers of land to determine value as the value relates to the use which is proposed for the land.

(5) A percentage of the land so conveyed or dedicated for the public purposes set out in Subdivision 5(1) above may be used by an owner or developer as an allowance for purposes of calculating the density requirements of the development as set out in the City Zoning Section when it is found by the City Council after receiving a report from the Planning Commission to be necessary for the completion of a portion of the comprehensive storm sewer plan.

(6) The City shall establish a separate fund into which all cash contributions received from owners and developers in lieu of conveyance or dedication of land for public purposes shall be deposited. The City shall establish separate budgeting and accounting procedures for the fund and shall from time to time make appropriations from the fund for acquisition of land for public purposes, for developing existing public sites or for debt retirement in connection with land previously acquired for public purposes.

(7) Prior to the approval by the Council of any plat, subdivision or development, any proposed conveyance or dedication of lands for public purposes shall be reviewed by the Planning Commission and/or Parks and Recreation Advisory Commission whichever is appropriate, and the Commission(s) shall make recommendations to the Council with respect thereto. The Commission's review shall consider the proposal for conveyance or dedication as it relates to open space requirements of the City and in reference to any comprehensive City plan relating to park and open space lands.

(Prior Code § 1002.07)