

CHAPTER 159

ACQUISITION, DEVELOPMENT AND FINANCING OF PARK SYSTEM

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159.01 LEGISLATIVE FINDINGS. The City Council of the City of Grimes finds, determines, and declares that:

A. The City of Grimes must expand its park system in order to maintain current park standards if new development is to be accommodated without decreasing current standards. This must be done in order to promote and protect the public health, safety, and welfare. It is a primary concern that the increasing development of residential communities in the City will create a situation in which families and, more importantly, children, residing in new communities will not have open areas and safe areas in which to play and enjoy recreational activities. When such a situation arises, children often play in or near public streets. This gives rise to grave safety concerns for these children and the traveling public.

B. Requiring developers to dedicate land for public parks is one method of ensuring that new development takes care of the park needs created by the new residents and their families moving into the new developments. This must be done in order to promote and protect the public health, safety and welfare of the citizens that will be residing in, or occupying, the new developments.

C. Each of the types of land development described in Sections 159.07.A.1 hereof will create demand for park facilities and park improvements and, without a dedication of additional parkland, will create a drain on the City's current park infrastructure.

159.02 SHORT TITLE. This ordinance shall be known and may be cited as the "City of Grimes Public Parkland Dedication Ordinance."

159.03 INTENTS AND PURPOSES.

A. The purpose of this ordinance is to regulate the use and development

of land so as to assure that new developments provide for the health, safety and welfare of future residents by providing land for public parks within the City of Grimes and within areas being newly developed or redeveloped for residential purposes.

159.04 RULES OF CONSTRUCTION.

A. The provisions of this ordinance shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety, and welfare.

B. For the purposes of administration and enforcement, unless otherwise stated in this ordinance, the following rules of construction shall apply to the text of this ordinance:

1. In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, summary table, or illustrative table, the text shall control.

2. The word *shall* is always mandatory and not discretionary; the word *may* is permissive.

3. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

4. The phrase *used for* includes *arranged for, designed for, maintained for, or occupied for*.

5. The word *person* includes an individual, a corporation, a partnership, an incorporated association, or any other legal entity.

6. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction *and, or* or *either...or*, the conjunction shall be interpreted as follows:

a. *And* indicates that all the connected terms, conditions, provisions, or events shall apply.

b. *Or* indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

c. *Either...or* indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

7. The word *includes* shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

8. *Zoning Administrator* means the zoning administrator or the municipal officials he/she may designate to carry out the administration of this ordinance.

159.05 DEFINITIONS.

A. A *capital improvement* includes parks planning, land acquisition, site improvements, buildings, and equipment but excludes maintenance and operation.

B. *Development order* means a regulatory approval by the City of Grimes.

C. A *Dwelling Unit* means a room or group of rooms which are arranged, designed, or used as a dwelling for the occupancy of one (1) family containing sleeping, bathroom, and kitchen facilities.

D. *Multiple-Family Dwelling*. A dwelling designed for or occupied by three (3) or more families with separate housekeeping and cooking facilities for each but excluding townhomes or condominiums.

E. *Single-family Attached Dwelling* includes a two family dwelling, townhomes and condominiums.

F. A *Single-family Detached* dwelling is a one family dwelling.

G. A *Mobile Home* is defined in Section 165.03.54.

H. *Private recreational facility* is any recreational facility which is not owned by or dedicated to the City of Grimes.

I. *Recreational facility improvements* consist of the acquisition and installation of equipment, building construction, grading, landscaping, and extension of services. These improvements include only those activities that are directly associated with the development of the proposed recreational facilities from raw ground.

- J. *Developer* means any person, individual, firm, partnership, association, corporation, estate, trust or other entity acting or proposing to subdivide land for the construction of any of the residential buildings.
- K. *Park* means any neighborhood park or neighborhood recreational trail.
- L. *Pond* means any still body of standing water.
- M. *Waterway* means a channel through which water runs.

159.06 REQUIREMENT OF DEDICATION OF PUBLIC PARKLAND.

- A. Any developer who, after the effective date of this ordinance, seeks to develop land for residential purposes within the City of Grimes, Iowa shall be required to dedicate public parkland.
- B. No new plats or site plans for residential development shall be approved unless and until the provisions of this ordinance are complied with.

159.07 COMPUTATION OF THE AMOUNT OF PUBLIC PARKLAND REQUIRED BY SECTION 159.06. This section shall prescribe the minimum amount of space to be provided in a proposed development for use as a public park. Such space shall be required to be provided for by a developer who, after the effective date of this ordinance, seeks to develop land within the City of Grimes, Iowa, by submitting a plat or site plan for approval.

- A. The amount of Public Parkland required in a proposed development shall be a minimum of 20,000 square feet and computed as follows:
 - 1. Residential Occupancy Per Living Units: In determining the anticipated occupancy for the proposed development it shall be assumed that the following dwellings will accommodate the following number of individuals:

LAND USE TYPE (UNIT)	
Individuals Per Each Residential Living Unit:	
Single-Family Detached	2.980 individuals
Single-Family Attached	1.954 individuals
Multi-Family	1.615 individuals
Mobile Home each Unit	1.600 individuals

- 2. Public Parkland Per Individual: In determining the space required for public parkland in a proposed development, it shall be

required that 5 acres of recreational space be provided for every 1,000 individuals. Since some developments will not house 1,000 individuals, the space requirement is to be applied on a per individual basis. Therefore, .005 acres of public parkland shall be provided for each individual proposed to be housed in the new development based on the assumptions contained in paragraph A.1, above.

3. Calculation of Required Public Parkland For Each Development.

a. For Single Family Detached Developments generally intended for individual ownership, the following formula shall be utilized:

$$(\text{number of lots}) \times (2.980 \text{ individuals/lot}) \times (.005 \text{ acres/individual})$$

Example for illustration purposes only: For a Single Family Detached residential development subject to the requirements of this ordinance that proposes 75 lots, the calculation under this paragraph would be as follows:

$$75 \text{ lots} \times 2.980 \times .005 = 1.118 \text{ acres}$$

Under this illustration, the developer would be required to dedicate public parkland of at least 1.118 acres of property within the proposed development.

b. For Single Family Attached Developments generally intended for individual ownership, the following formula shall be utilized:

$$(\text{number of lots}) \times (1.954 \text{ individual/lot}) \times (.005 \text{ acres/individual})$$

Example for illustration purposes only: For a Single Family Attached residential development subject to the requirements of this ordinance that proposes 75 lots, the calculation under this paragraph would be as follows:

$$75 \text{ lots} \times 1.954 \times .005 = .7328 \text{ acres}$$

Under this illustration, the developer would be required to dedicate public parkland of at least .7328 acres of property within the proposed development.

c. For Multi Family Developments generally intended for rental, the following formula shall be utilized:

(number of units) x (1.615 individuals/unit) x (.005 acres/individual)

(Note: The 1.615 is based upon 2000 census for rental occupancy.)

Example for illustration purposes only: For a multi family residential development subject to the requirements of this ordinance that proposes 100 units, the calculation under this paragraph would be as follows:

$$100 \text{ units} \times 1.615 \times .005 = .8075 \text{ acres}$$

Under this illustration, the developer would be required to dedicate public parkland of at least .8075 acres of property within the proposed development.

d. For Mobile Home Developments, the following formula shall be utilized:

(number of lots) x (1.60 individuals/lot) x (.005 acres/individual)

Example for illustration purposed only: For a mobile home development subject to the requirements of this ordinance that proposes 75 mobile home lots, the calculation under this paragraph would be as follows:

$$75 \text{ lots} \times 1.60 \times .005 = .60 \text{ acres}$$

Under this illustration, the developer would be required to dedicate public parkland of at least .60 acres of property within the proposed development.

B. If a plat or site plan is requested for mixed uses, then paragraph A of this section shall apply only to those areas of the plat or site plan devoted to residential uses.

C. The dedicated public parkland may include waterways and ponds, provided the area of such waterways and ponds is not used to satisfy the amount of public parkland required in paragraph A of this section. The area of any pond or waterway shall be considered the top of bank of such feature.

D. In the case of change of use, redevelopment, or expansion or modification of an existing use which requires the approval of an amended plat or site plan, the above space requirements for public parkland shall be based upon the new lots or new units being proposed for development.

E. Where proposed subdivisions abut undeveloped lands, the dedicated public parkland shall be located adjacent to the subdivision boundaries with the undeveloped land, at the discretion of the City Council, to allow the public parkland to be increased in size when the adjacent property develops.

F. The amount of public parkland required to be dedicated under this section shall be capped and shall not exceed the following percentages when compared to the amount of acres being developed.

1. Single-Family Detached: The amount of acres required to be dedicated as public parkland shall not exceed 5% of the total number of acres being developed as single-family detached.
2. Single-Family Attached and Multifamily: The amount of acres required to be dedicated as public parkland shall not exceed 10% of the total number of acres being developed as long as the proposed development does not exceed 12 units per acre. If the proposed development exceeds 12 units per acre, the amount of acres required to be dedicated as public parkland shall not exceed 15% of the total number of acres being developed as single-family attached or multifamily.
3. Mobile Homes: The amount of acres required to be dedicated as public parkland shall not exceed 10% of the total number of acres being developed as mobile homes.

159.08 REQUIREMENT OF DEDICATION AND INSTALLATION OF LAND OR EASEMENTS FOR TRAILS. Where bike/pedestrian or recreational trails are indicated in the Comprehensive Plan the developer shall be required to dedicate land or trail easements at least twenty (20) feet in width. Furthermore, the developer is required to install the trails to the width and specifications are required by the City Engineer. This land or easements, if approved by the City

Council, may serve to satisfy parkland dedication requirements. The area of this land shall be considered the length of the trail multiplied by 20-feet. This includes land that is within public right of way.

159.09 ALTERNATIVE TO DEDICATION OF PUBLIC PARKLAND REQUIRED BY SECTION 159.07. If a developer does not desire to dedicate public parkland required in Section 159.07, the developer may make a request to the City Council that the Developer be allowed to meet the requirements of Section 159.07 through other arrangements agreeable to the City Council and the Developer as long as such agreement provides equal value to the City. Such arrangements shall be made between the City Council and the Developer in the form of a Development Agreement.

159.10 EXEMPTIONS AND CREDITS.

A. The following shall be exempted from the requirements of sections 159.06, 159.07 and 159.08:

1. Alterations or expansion of an existing building where no additional residential units are created and where the use is not changing.
2. The construction of accessory buildings or structures.
3. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use.
4. The installation of a replacement mobile home.
5. The construction of any non residential building or structure or the installation of a nonresidential mobile home.

Any claim of exemption shall be made no later than the time of application for a preliminary plat approval. Any claim not so made shall be deemed to be waived.

159.11 PENALTY PROVISION. A violation of this ordinance shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction the violator shall be punishable according to law; however, in addition to or in lieu of any criminal prosecution, the City of Grimes shall have the power to issue a civil infraction for any violation of this chapter and shall be entitled to any fines, injunctive relief and other remedies allowed the City under the civil infraction provisions of the Code of Iowa. It is specifically declared that the failure or a

developer, individual or entity to comply with the above provisions of the Public Parkland Dedication Ordinance, shall be a nuisance subject to all fines and remedies provided in this Code.