

ORDINANCE # 2019 - 460

**AN ORDINANCE AMENDING SECTION 42-6 (b) (1)
OF THE CODE OF ORDINANCES OF THE CITY OF MILTON CONCERNING LAND DEDICATION**

WHEREAS, the Common Council of the City of Milton finds that providing public lands for recreational opportunities for its residents is of great importance in helping to create a higher standard of living by providing public spaces to facilitate activities to be engaged in by individuals and families, as well as creating opportunities for greater interactions between residents of the city; and

WHEREAS, the Plan Commission of the City of Milton having recommended to the Common Council of the City of Milton the proposed amendment to Section 42-6 (b) (1) as set forth below, to more clearly and appropriately address the requirements for dedication of land and/or funds for the development and maintenance of lands for use by the public as part of the land division process; and

WHEREAS, the Common Council of the City of Milton having held a duly noticed public hearing on the proposed amendment to Section 42-6 (b) (1) of the Code of Ordinances of the City of Milton; and

WHEREAS, following said public hearing, the Common Council of the City of Milton having determined that the proposed amendment to Section 42-6 (b) (1) of the Code of Ordinances of the City of Milton is in the best interests of its residents and owners of property within the city.

NOW, THEREFORE, the Common Council of the City of Milton do ordain as follows:

Section I. Section 42-6 (b) (1) of the Code of Ordinances of the City of Milton is hereby amended to read as follows:

- a. Every developer shall be required to dedicate land to the city for public sites, parks and/or open spaces, or make payments in lieu of such land. If the master plan, master neighborhood plan, or official map indicates that public lands are required for the land within the proposed land division, the developer shall dedicate such land to the city. Lands dedicated for the purposes of streets, greenbelts, or other stormwater management facilities shall not be considered part of, or replace the requirement to dedicate lands for public sites, parks, and open spaces. The city shall not compensate the developer for any land so dedicated.
- b. If such dedications for public sites, parks, and open spaces is less than 5% of the total land within the proposed land division, the developer shall pay to the city a sum equal to 3% of the equalized value of all land within the total proposed land division area less any land so dedicated. The value shall be established by the City Assessor as the average per square-foot of equalized value of all residential land within the city at the time of the land division. The city may accept, in lieu of such sum, land within the proposed land division of equal value.

- c. Developers who desire approval of a Certified Survey Map may be required to dedicate lands, or make a payment in lieu of dedication, as set out in subsection (b) (1) (a.) and (b.) of this section.
- d. All funds received by the city under this subsection shall be spent solely for improvements in, acquisition of, changes or additions to public parklands and neighborhood parks in the area of the proposed land division or to community or regional city parks wherever located. Any land dedicated under this section may be sold by the city and the proceeds therefrom shall be spent by the city for improvements, acquisition of, changes or additions to any public parklands or neighborhood parks in the area of the proposed land division or to community or regional city parks wherever located.

Section II. This ordinance shall take effect upon passage and publication as provided by law.

Approved by the Common Council of the City of Milton this _____ day of _____, 2019.

CITY OF MILTON

By:

Anissa Welch, Mayor

Attest:

Leanne Schroeder, City Clerk

1st Reading: _____
 2nd Reading: _____
 3rd Reading: _____
 Date Adopted: _____

Effect of Ordinance: Amends Sec. 42-6 (b) (1) concerning land dedication