

Ordinance No. 2007-44

**AN ORDINANCE AMENDING THE ZONING ORDINANCE REGARDING PARK DEDICATION CASH
IN-LIEU CALCULATIONS**

The Rockville City Council ordains:

**SECTION I. Section 25 of the City Code is hereby amended by deleting all and replacing same
with the following:**

**SECTION 25
PUBLIC LAND DEDICATION**

Subdivision 1: DEDICATIONS OF PUBLIC SITES AND OPEN SPACES

All residential subdivisions shall dedicate land for public use such as parks, playgrounds, open spaces, natural sites, or other uses according to the following schedule.

Subdivision 2: SCHEDULE FOR PUBLIC USE DEDICATION

- (A) 1,800 square feet of land shall be dedicated for each single family residential lot.
- (B) 1,500 square feet of land shall be dedicated for each multi-family residential unit.

Subdivision 3: DEDICATIONS FOR PREVIOUS SUBDIVISIONS

The following criteria will adjust the above schedule:

- (A) For subdivisions that create a maximum of two lots, and that have one existing single family home on the property, no public use dedication will be required for the lot with the existing single family home, regardless if the single-family lot is credited with previously dedicating land for public use.
- (B) If the subdivision, or any portion thereof, was previously required to dedicate land for public use, the public use dedication required will be adjusted as follows:
 - (1) By reducing the number of single-family lots which are subject to the schedule in Subdivision 2 by the number of previous single-family lots eliminated by the new subdivision. If more single-family lots are eliminated than are included in the new subdivision, the difference is subtracted from the number of multi-family units included in the new subdivision on a one-for-one basis, and
 - (2) By reducing the number of multi-family units subject to the schedule in Subdivision 2 by the number of multi-family units eliminated by the new subdivision. If more multi-family units are eliminated than are included in the new subdivision, the difference is subtracted from the number of single-family lots included in the new subdivision based on a ratio of six units-to-five lots ratio.
- (C) If no portion of the subdivision was required to dedicate land, the entire subdivision will be subject to the requirements of this Section 25.
- (D) In no event will a new subdivision result in a return of previously dedicated land, or a refund of funds paid in-lieu of dedication.

Subdivision 4: SUBDIVISIONS INVOLVING MIXED USES

For subdivisions incorporating a mixture of uses and/or densities, the public use areas shall be determined by applying the appropriate dedication requirement proportionate for each use listed in this Section.

Subdivision 5: DEDICATION OF LAND INCLUDED ON MASTER PLAN

Where a proposed public site or open space is identified in the Master Park Plan or Comprehensive Plan of the City for public site or open space and is located in whole or in part in a subdivision, the Planning Commission may require the dedication of this land within the subdivision in complying with the dedication requirements of this Section 25. The subdivision must provide access by public street to the dedicated land, unless other access is acceptable to the Planning Commission.

Subdivision 6: DEDICATION OF LAND NOT SHOWN ON MASTER PLAN

Where the subdivision proposes to dedicate land for public use to comply with the requirements of this Section 25 that is not identified in the Master Plan or Comprehensive Plan of the City for public site or open space, the land must:

- (A) Have frontage on one (1) or more streets, unless otherwise approved by the City Council after recommendation of the Planning Commission, and
- (B) Be of a character and location suitable for the intended use as determined by the Planning Commission.

Subdivision 7: DEDICATION OF PHASED SUBDIVISIONS

The City shall require the dedication of all land identified in the preliminary plat within the first final plat (first phase) adopted for the subdivision. In addition, the subdivision must dedicate sufficient proposed right-of-way to access the dedicated land.

Subdivision 8: CASH IN LIEU OF LAND

- (A) The Planning Commission may require the subdivision to pay to the City the equivalent cash value of the land which would otherwise be dedicated. Such amount shall be made pursuant to the requirements of Minn. Stat. § 462.358 Subd 2(b), as amended, and shall be based on the value of the land at the time the subdivision, or any first phase, is approved.
- (B) In determining whether to require a cash in lieu of land payment includes, the Planning Commission must consider whether: (1) a subdivision is too small, (2) the subdivision does not include any land shown on the Master Park Plan or Comprehensive Plan, (3) the proposed land to be dedicated doesn't meet the requirements of Subdivision 6, and (4) the need for funds to develop existing park land or acquire higher-priority park land in the area.

Subdivision 9: PARK DEDICATION FEE

The City may, by resolution, adopt a park dedication fee, in accordance with the following:

- (A) The fee shall be based on the average value of land within the City. The City may use the values as determined by the County Assessor, or any licensed or approved appraiser.
- (B) Such resolution shall be reviewed at least annually.
- (C) The City may adopt various park dedication fees specific to an area or portion of the City which are based on the values of the land located within the area.
- (D) The park dedication fee will be the cash in lieu of land payment, unless:
 - (1) The subdivision opts to have the City calculate the cash in lieu of land payment based on its actual value;
 - (2) The subdivision pays for the costs to the City to determine the value of the cash in lieu of land payment pursuant to Subdivision 8; and
 - (3) The City may require security of its choosing to ensure payment of the costs of Subdivision 9(D) (3).

The subdivision must pay the cash in lieu of land payment as determined by the City, if this process is followed.

Subdivision 10: SPECIAL PARK FUND

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 such public purposes shall be deposited. Said funds shall only be used only for the acquisition and development or improvement of parks, recreational facilities, playgrounds, trails, wetlands, or open space. Cash contributions must not be used for ongoing operation or maintenance.

Subdivision 11: DEED TO PROPERTY

Such dedication of land for public use shall be without restrictions or reservations and shall be transferred to the City by Warranty Deed or unrestricted plat dedication.

Subdivision 12: PROPERTY TAXES ON DEDICATED PROPERTY

Property taxes due and payable on dedicated properties must be paid by subdivision prior to recording of the subdivision.

Subdivision 13: IMPROVEMENTS IN FRONT OF DEDICATED PROPERTY

The subdivision shall be responsible for the cost of all street, storm sewer, water and sewer and other municipal improvements which run in front of or through land dedicated as part of a subdivision. Such costs shall be paid by the subdivision directly if the improvements are privately installed. If the improvements are publicly installed such costs shall be equally assessed to the subdivision lots.

SECTION II. This Ordinance shall be effective immediately upon its passage and publication.

Adopted this 19TH day of December, 2007.

Brian Herberg
Mayor

ATTEST:

Verena M. Weber-CMC
City Administrator-Clerk