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CHAPTER 64 SITE DESIGN POLICIES

64.100 PURPOSE OF SITE DESIGN STANDARDS:

This Chapter establishes standards to guide the design and review of proposed developments involving the layout of new lots and streets and the installation of new public facilities.

64.110 LOT DESIGN STANDARDS:

This section sets forth the general regulations which provide the basis for the design of lots within a subdivision.

- 64.111 **Minimum Lot Standards:** Lots shall meet or exceed zoning district standards and shall be designed for their potential uses, so that adequate buildable area is provided, adequate room for yards and bufferyards will exist on the lot and access management standards can be met. Lots shall be laid out to provide for consistency between abutting rear and side yards. Except when the City Council determines that compatibility has been adequately addressed, lots shall be considered consistent if they are more than 70% of the width or depth of abutting lots, provided that no lot shall be required to be more than 1.5 times the minimum width or depth required for the zoning district. Where a minimum lot size is specified for a particular type of use, new lots shall meet this requirement and existing lots shall not be reduced below the minimum except as provided for in the ordinance. Except when approved for infill development, rear lot lines shall not abut side lot lines.
- 64.112 **Corner Lots:** Side lot lines of lots abutting a public or private right-of-way should, to the extent practical, run at right angles to the right-of-way line, or in the case of cul-de-sacs or curvilinear street right-of-ways radial to the curve.
- 64.113 **Adequate Frontage Required:** Subdivision 1. Lots shall be designed with adequate frontage for the purpose of providing direct physical access to the property for vehicles and utilities and for public safety equipment. Frontage requirements for access purposes need to satisfy the requirements of Section 64.140 and may, at the discretion of the City, be met through provision of direct access or the use of joint access agreements. A limited number of flag lots and lots with no frontage may be authorized to enable the more efficient use of irregularly shaped parcels of land, or where the integrated nature of multiple buildings on a site dictates the need for such lots. In the case of lots with no frontage, access for vehicles, utilities and emergency vehicles shall be insured through the use of common area agreements or private easements.

Subd. 2. Individual requirements for each type of lot include:

- A. For full frontage lots, continuous frontage shall be provided equal to or greater than the required minimum width at building line (if one is specified in the ordinance) or the actual width at the building line. In zoning districts where the required lot width is greater than 50 feet, continuous frontage of 50 feet may be permitted as long as the lot meets the minimum lot width at the front building line, the minimum lot area is provided, and the off-

street parking and spillover parking provisions are met. Full frontage lots shall provide adequate spacing of access points for the type of street they have frontage on.

- B. A lot located on a cul-de-sac shall provide:
 - (a) a lot frontage of at least 50 percent of the minimum required width or the actual width at the building line, but in no case less than 25 feet;
 - (b) a lot area equal to or greater than the minimum lot size (if one is specified); and
 - (c) the minimum required lot width at the building line is provided (if one is specified).
- C. Flag lots may be developed on a limited basis in subdivisions where individual development of each lot is contemplated and the Road Authority determines that no future street access through the property will be needed. The greater of one lot or five percent of the lots in a development, may be flag lots. However, there is no limitation on the number or percentage of lots in a development in the case of redevelopment or infill development of lots developed initially in reliance upon individual sewage treatment and having a lot size of 0.75 acres or greater. In the case of flag lots developed by subdivision of lots developed initially in reliance upon individual sewage treatment, all lots must be covered by a utility connection agreement providing for municipal services. Flag lots may be used to better use irregularly shaped properties or sites with physical limitations, or to eliminate or reduce access to collector, arterial or expressway streets. Flag lots shall not be permitted where they will increase the number of lots that take direct access from collector or arterial streets.
- D. On flag lots the minimum frontage at the right-of-way line shall be 24 feet.
- E. In a flag lot configuration, the portion of the lot with a width less than 80% of the required width at the building line is not considered in determining the area of the lot.
- F. Lots with no frontage may be used on the same basis and subject to the same restrictions as flag lots as identified in subsection (2) above. In addition, lots with no public street frontage may be created where they are the result of the integrated development of a site for which a development plan has been approved which uses common areas or shared driveways to provide access, parking and utility connections. In such instances there is no limitation on the number of lots that may be created which have no frontage on a public road.

- G. On lots with no frontage the minimum easement width shall be 24 feet. Requests for the creation of a lot with no frontage shall be accompanied by proposed or existing documents which provide proof of easement for access and utilities.

64.120 STREET LAYOUT STANDARDS:

These sections establish general standards regarding the manner in which the public street system of a development is planned.

- 64.121 **General Design:** The design of the proposed street system shall be consistent with the standards of the Comprehensive Plan, and provision shall be made for the major streets identified on the Thoroughfare Plan, unless prior agreement with the City Council regarding alternative facilities has been made.

64.122 Street Design Features:

Subdivision 1. The design of proposed streets should take into consideration:

- A. The location, width and grade of existing or planned streets;
- B. Existing and finished topographical conditions;
- C. The potential uses of the land to be served by the street;
- D. The manner the streets will be integrated in to the runoff control system; and
- E. The need for secondary access.

Subd. 2. The street system shall provide a safe traffic circulation pattern, with intersections, grades, tangents, and curve design appropriate for the traffic to be serviced. All intersections shall be designed to intersect one another as nearly to right angles as the topography permits.

Subd 3. Streets should be oriented on an east/west axis to the greatest possible extent. Orientation can vary up to 20% from this axis. Topography and environmental features shall be considered in variation from this guidance.

- 64.123 **Hazards:** To the extent practical, streets shall be routed to avoid hazard areas such as floodways, cliffs or ravines. A secondary means of access may be required when the sole means of access into a subdivision traverses a flood plain area. Such secondary access shall be elevated to remain passable during the 100-year storm. Secondary access shall be required when the anticipated level of traffic exceeds 1,500 average daily trips.
- 64.124 **Connectivity:** Local streets shall be designed to discourage through traffic, minimize the length of streets, provide safe access to residences with minimal need for steep driveways and maintain connectivity between and through adjacent residential neighborhoods and to neighborhood commercial areas for autos, pedestrians, emergency vehicles, school buses, and other service vehicles.
- 64.125 **Through Lots:** Through lots shall be avoided, except where dictated by topographical conditions or where necessitated by a lot layout which restricts access to abutting collector, arterial, expressway or freeway streets. Lots adjacent to arterial, expressway

or freeway streets shall access frontage roads, parallel streets or service drives to eliminate the need for direct access. Vehicular access restrictions shall be noted on final plat documents.

- 64.126 **Access to Public Water Bodies:** When a proposed development abuts a public body of water, the need for public access to such water body shall be reviewed and, where deemed necessary by the Council, public access of at least 66 feet in width shall be provided. Access to private water bodies shall be provided for emergency services.
- 64.127 **Street Hierarchy:** Streets shall be designed to create a hierarchy of streets according to the standards in this section. However, the City Engineer may recommend design modifications where such modifications are consistent with an adopted access management plan or necessary by reason of natural features or existing development, and do not create safety hazards or increased maintenance costs.
- 1) Limited local streets shall intersect with higher order streets and in such a manner as to discourage through traffic.
 - 2) Local streets shall intersect with a higher order street to prevent local street traffic from exceeding 1,000 average daily trips.
 - 3) Major local streets shall intersect with two streets of equal or higher classification.
 - 4) Alleys shall intersect with major local, local or limited local streets.
 - 5) Frontage roads shall be designed so that stacking areas of sufficient depth are provided at primary intersections. When located along collectors, such primary intersections should be at least 300 feet apart, while on higher order streets the separation shall be as recommended by the City Engineer.
 - 6) The Council may require a street to be of a collector level design where the anticipated average daily trips will exceed 3,000 trips and serves to collect and distribute traffic to the major street system identified on the Thoroughfare Plan.
 - 7) New access points along arterials or expressways in the Developing Districts may be established for the purpose of serving intersecting public streets or major private developments generating in excess of 1,500 average daily trips. Access points generally should be at intervals of no less than 1,250 feet. In an established district, arterial design reflects higher traffic volumes, more congestion and lower speeds. Intervals between access points can be reduced as recommended by the governing road authority. When access to an arterial or expressway is permitted, the adjoining property shall, where necessary, provide a public street in order to provide public access to adjoining lands.
 - 8) Reserve strips and cul-de-sac streets that interfere with street connections needed to serve existing or planned development are prohibited.
 - 9) Cul-de-sac, loop, circle and lane streets serving single family or duplex residential development shall be designed to serve development that is projected to generate no more than 300 average daily trips.

10) Secondary access will be required for any low density residential development that is projected to generate more than 500 average daily trips. Where secondary access is not constructed as part of the initial phase of development, the secondary access shall be provided before the City authorizes any construction that would be projected to generate traffic in excess of 1,200 average daily trips. The need for secondary access for non-residential development fronting on a collector or higher order street shall be determined based on a Traffic Impact Study.

64.128 **Street Extensions:** Where necessary to give access or to permit the reasonable future subdivision of adjacent land, right-of-ways and improvements shall be extended to the boundary of the development. Construction of a temporary turnaround shall be required where the dead end exceeds 150 feet in length. The platting of partial width right-of-ways shall be prohibited except where the remainder of the necessary right-of-way has already been platted, dedicated or established by other means.

64.129 **Alleys:** Where it is the purpose to restrict private access to collectors, arterials or expressways or where the development of a residential subdivision utilizing rear access is planned, alleys may be considered for approval by the Council. Blocks with alleys shall be platted with no access along the lot frontages paralleling the alley.

64.130 ADEQUATE PUBLIC FACILITIES STANDARDS:

The requirements of this section supplement facility standards established in the Stormwater Management Plan, the Long-Range Transportation Plan and other adopted facilities plans, and identify the standards to be followed in the establishment of infrastructure improvements associated with any development. Adequacy is defined in terms of the type, availability and capacity of public facilities.

64.131 **Required Facilities:** Subdivision 1. In a proposed development, the required improvements include, but are not limited to, streets, sidewalks, public sanitary sewer and water extensions, storm water management facilities, soil erosion and sedimentation control, and monumentation. Other items that are necessary or material to the project, such as school sites or park land, may be identified during the development approval process.

Subd. 2. An applicant may seek to stage or phase development in order to link the timing of development with the adequacy of public facilities. However, the Council must consider the demand for adequate public facilities generated by subsequent phases of the development and must require a development agreement as to the design and construction of on-site or off-site public or private facility improvements to serve those subsequent phases.

64.132 **Public Facilities:** Subdivision 1. Public facilities and utilities shall be installed according to the standards adopted by the appropriate agency. The use of private on-site sewage treatment systems or private water supply to serve any new development or the use of new or replacement on-site sewage treatment systems or private water supply to serve existing development shall not be permitted unless:

A. The Common Council has determined that public utilities will not be reasonably available and private utilities will not impair the ability to extend services in the future; and

- B. The responsible Olmsted County staff as identified in the Olmsted County Environmental Services Administrative Ordinance finds that proposed geologic and soil conditions and lot sizes are adequate to support the proposed use of private utilities.

Subd. 2. There shall be adequate area to relocate the drain field in case of system failure for any lot authorized for on-site sewage treatment. City Engineer approval shall be required for all planned work involving the use of public facilities or public right-of-way. The City Engineer also shall review and decide on all requests to connect private facilities to public facilities.

- 64.133 **Funding Required Improvements:** Required improvements reasonably related to the development shall be installed at the sole expense of the applicant. Assessment of costs to subsequent users or public participation may in certain instances be applicable to a proposed project. The City Engineer, or the Director of Parks or designee for boulevard trees, shall recommend to the Council when such policies may be applicable.
- 64.134 **Guarantees for Improvements:** Bonds or surety deposits shall be required, unless waived in the development agreement prior to commencing activity involving the installation of public improvements, which shall be in amounts sufficient to cover the cost of installation. Any unexpended portion of a surety deposit shall be returned to the developer upon satisfactory completion of the public improvements. (See Section 61.250) The Planning Director or designee may waive the requirement for a cash escrow, surety bond, or letter of credit related to the Boulevard Tree Green Facilities Agreement where a recorded private covenant provides for boulevard tree planting meeting the standards of Section 64.160 and where provision is made for assessments in accordance with Section 64.133.
- 64.135 **Maintenance:** Maintenance of newly installed public facilities shall remain with the developer for a period of two years from final inspection or as otherwise defined in an owner contract or development agreement, except that, for boulevard trees, the period shall be one year. Following the expiration of the required maintenance period, the city shall assume responsibility for maintenance and upkeep of public facilities.
- 64.136 **Dedications Required:** Development plans, construction plans, land subdivisions and site development plans shall identify needed right-of-way or easement locations necessary for the provision of utilities, drainage and vehicular or pedestrian circulation within the development and connecting to adjacent development which meet specified levels of service called for in adopted City plans and regulations. Easements shall be granted and right-of-way dedicated to the public by the applicant as part of the development approval process or through separate instrument, which shall be in a form approved by the City Attorney.
- 64.137 **Cost Sharing:** The City Engineer shall advise the Council regarding costs and right-of-way widths for major streets. The applicant shall provide right-of-way in accordance with the adopted Long-Range Transportation Plan, Official Map legislation and standards. However, an applicant may appeal a street dedication requirement to the Council and if the applicant provides sufficient evidence that the costs are not roughly proportional to the needs generated by the subdivision, the Council may decide to purchase a portion of the right-of-way that exceeds such rough proportionality.

64.138 **Drainage Easements Required:** Drainage easements needed for stormwater management as indicated on an approved drainage or grading plan shall be provided. The document ENGINEERING STANDARDS FOR PUBLIC WORKS IN CONJUNCTION WITH THE DEVELOPMENT OF SUBDIVISIONS, COMMERCIAL AND INDUSTRIAL PROPERTY, available from the Rochester Public Works Department, should be consulted for current design standards adopted by the City of Rochester.

64.139 **Utility Easements Required:** Utility easements required by the various public and private utilities shall be provided. The various utility agencies and the City Engineer shall be consulted as to current policy on design and required easement widths. Vegetation located on utility easements shall be placed so as to not interfere with the free movement of service vehicles. Structures shall not be placed on utility easements.

64.140 ACCESS MANAGEMENT STANDARDS:

The standards provided in Sections 64.141 through 64.147 will be used to determine the adequacy of lot layouts so that safe and adequate access to each lot is provided. The purpose of regulating the amount and nature of vehicular access points is to balance the need for providing access to individual private properties with the need to preserve an adequate level of capacity on the streets providing access. Vehicular access restrictions may be required to be shown on subdivision plats.

64.141 **Driveway Permit Required:** A driveway permit is required prior to the construction of any new or modified access point. Where a traffic study is required for any proposed development, no driveway permit will be issued until the traffic study process has been completed. Said permits are issued by the applicable road authority. A new driveway permit will be required when any non-residential change in use results in:

- 1) an increase of greater than 50 peak hour directional trips;
- 2) a 10 percent increase in average daily trips; or
- 3) over 20 additional daily vehicle trips made by vehicles exceeding 30,000 pounds in gross vehicle weight.

64.142 **Property Boundary Evaluation:** Changes in property boundaries or ownership, do not create the right to obtain additional access that is inconsistent with the standards of this section and adopted plans for access management. For the purposes of evaluating driveway permit requests, the boundary of a site is considered to be:

- 1) All contiguous parcels under common or related ownership;
- 2) All parcels included as part of a single development plan; or,
- 3) In the case where a proposed use is the first development on a property involving erection of building, the site and any adjacent lots which were created after the date of this provision was adopted as part of the ordinance.

64.143 **Access Spacing Standards:** Desired spacing between adjacent access locations or a proposed access location and an adjacent street intersection is shown in the table below. Where the indicated spacing is met, there is a presumptive understanding that access will be permitted subject to satisfying the design objectives of Section 64.144.

Table 64.143 Access Spacing Standards

Road Classification ⁽¹⁾⁽²⁾	Minimum Separation Between Driveways ⁽⁴⁾	Minimum Separation Between Driveways and Intersecting Streets ⁽⁵⁾
Local and Major Local Residential Streets (Projected traffic <3,000 adt)	8 ft.	35 ft.
Other Local, Major Local Collector and One-way Frontage Streets (Projected traffic □3,000 adt and <6000 adt)	60 ft.	75 ft.
Collector and Frontage Roads (Projected traffic □6000 adt)	125 ft.	150 ft.
Arterial (Projected traffic <15,000 adt)	400 ft.	480 ft.
Expressway and Arterial (Projected traffic >15,000 adt) ⁽³⁾	1,000 ft.	1,200

Notes for Table 64.143

(1) Roadway types refer to anticipated cross section based on and are defined by Thoroughfare Plan.

(2) All traffic volumes refer to the functional classification and street design volumes.

(3) May require installation of turn lanes.

(4) Access separation between driveways shall be measured from edge to edge.

(5) Access separation between a driveway and intersecting street shall be measured from the centerline of the driveway and the nearest point of curvature of the intersecting street.

1) **One Way Driveways:** The minimum separation between driveways may be reduced through the use of one-way driveways where such arrangement can be demonstrated to provide a higher level of safety or improved traffic operations.

2) **Interchange Management Areas:** Spacing of access within ¼ mile of ramp junctions along the minor crossroad of any interchange area will be addressed on a case-by-case basis to ensure that any resulting access locations protect the safety and operational efficiency of the interchange area and do not compromise the functioning of the ramp operations.

64.144 **Design Objectives:** In reviewing an application for a driveway permit for any non-residential or multi-family use, the City Engineer shall determine whether all of the following objectives have been met:

1) Adequate corner clearance from any adjacent street intersections has been provided to preserve the functional integrity of the intersection, and spacing

from adjacent driveways is sufficient to safely minimize conflicts between traffic entering and exiting adjacent driveways;

- 2) Adequate stopping sight distance and intersection sight distance is provided;
- 3) Auxiliary lanes are provided as needed to a) minimize speed differentials with mainline highway traffic, b) prevent the encroachment of turning vehicles on mainline traffic, and c) prevent the queuing of inbound traffic from impacting mainline traffic;
- 4) Sufficient vehicular stacking distance between the curb line and the first point of conflict for traffic on the site is provided to prevent the spill back of traffic onto public streets. This distance shall be adequate to absorb the maximum peak period inbound traffic during the normal weekday;
- 5) Appropriate conflict reduction measures have been provided to safely manage inbound and outbound left turning traffic. Median design features and driveway channelization shall be used as appropriate to accomplish conflict reduction;
- 6) Access locations have been properly offset from driveways or street intersections located across the roadway in order to limit conflicts within the mainline or median of the street;
- 7) The design of the access satisfies standard geometric guidelines for turning radii, driveway slope, angle of entry, design speed and width. The drainage design of the access should not interfere with the drainage system in the public right of way;
- 8) The access provides for the safe crossing of pedestrians, bicyclists and the handicapped;
- 9) The installation of necessary traffic control devices for the safe and proper operation of the access meet the requirements of the Manual of Uniform Traffic Control Devices (MUTCD) and, in the case of traffic signals, are located so as to allow for proper signal coordination and adequate left turn storage needs at the access and nearby intersections.

64.145 **Conditions on Approval:** Based upon receipt and approval of plans, specifications, reports and other supporting data, the City Engineer may approve a driveway permit application if he finds it consistent with the design objectives listed in Section 64.144, is not in conflict with the abutting roadway traffic and provides reasonable access to the property. In approving such permit, the City Engineer may require:

- 1) That unobstructed and unencumbered access, in accordance with the provisions of this ordinance, be provided from the approved access point to adjacent properties. Where such a requirement is made a condition of approval, the property owner shall record an easement with the deed allowing cross access to and from other designated properties to be served by the joint use driveway or access.

- 2) That an access point that does not comply with one or more objectives of this section be designated as temporary access, and that when an alternative means of access is available that better meets the objectives of this section is available, the temporary access be eliminated, altered or limited to certain turning movement.
- 3) That the applicant be required to participate in the cost of design, installation, operation and maintenance of the access construction and any associated traffic operation equipment required for the functioning of the access point.

64.146 **Substandard Access:** Where access meeting the spacing guidelines of Section 64.143 or the design objectives of Section 64.144 cannot be provided, the City Engineer shall be guided by the following process in determining whether a substandard access location may be permitted.

- 1) The City Engineer should first determine whether alternate access is available. Alternate access includes;
 - a) access to another street that meets the standards of the ordinance;
 - b) access provided jointly with an adjacent property that will meet the standards of the ordinance
- 2) Where alternate access opportunities are determined not to exist, the City Engineer may grant a reduction in spacing standards.
- 3) If after considering alternatives under (1) and (2) above the City Engineer determines that no feasible alternatives exist, a substandard access permit may be granted only subject to the variance provisions of Section 60.410 and the following findings:
 - a) Conditions or circumstances exist which limit the strict application of the ordinance, including the lack of a secondary access to another public street, the inability to use joint access, and the lack of engineering or construction solutions that can be applied to mitigate the condition;
 - b) The proposed access will not result in undue delay or congestion or be detrimental to the safety of motoring public using the roadway; and
 - c) That limiting access will create an exceptional and undue hardship on the applicant and that the permit issued will allow a reasonable use of the property.
- 4) The applicant agrees to mitigate the negative impacts of proposed substandard access.

64.147 **Land Subdivisions and General Development Plans:** Land subdivisions and general development plans shall be designed to facilitate compliance with the spacing guidelines and each of the following access design standards of this section at the time of development.

- 1) Proposed subdivisions fronting on freeways or expressways shall be designed so as to have access available via a lower level street ;

- 2) Where feasible, subdivisions shall be designed so that access to a development is not solely dependent on a roadway or driveway that intersects with an expressway as designated on the Thoroughfare Plan;
- 3) Where lots in a proposed subdivision front on an arterial street as designated on the Thoroughfare Plan, options for designing access that meets the standards of this section include the potential use of cross access easements and the use of lower level streets to provide secondary access; and
- 4) Vehicular ingress and egress restrictions along the frontage of arterial or higher level streets may be imposed by requiring subdivision plats to dedicate to the proper road authority access control authority.

64.150 LOT GRADING PRINCIPLES:

The following policies set forth general guidelines to be followed in establishing the grading plan for a development.

- 64.151 Developments shall be designed so that stormwater is managed to provide positive drainage flow towards approved drainage facilities. Plans for drainage facilities shall be approved by the City Engineer.
- 64.152 In the design of site grading plans the provision of adequate buildable areas as well as areas for off-street parking is encouraged. The site grading plan should also take into account the potential need for accessory buildings and, in the case of residential developments, required recreation area.

64.160 BOULEVARD TREE PLANTING STANDARDS:

Subdivision 1. Purpose and Intent. The City of Rochester finds that trees and especially shade trees along streets provide numerous community benefits including:

- A. Economic stability through enhanced property values, improved property marketability, and as a component of city infrastructure;
- B. Energy savings by reducing the urban heat island impacts, and reduced building heating and cooling costs;
- C. Health benefits through an increased sense of community, mental comfort, traffic safety, traffic calming, and support of a walkable community;
- D. Aesthetic values for residential and commercial areas;
- E. The amelioration of noise and glare;
- F. Air pollution reduction through removal of atmospheric chemicals including greenhouse gases and particulate matter; and
- G. Protection of water quality and enhancing stormwater control.

It is the City's intent to establish trees on boulevards on public streets in all neighborhoods and all zoning districts within the City.

Subd. 2. Boulevard tree planting standards are set forth in this section. Bufferyard standards, section 63.260 – 265 as prescribed by Bufferyard Class S1, will be instituted by a joint City/property owner process as established in this section.

- A. Boulevard trees shall be required for the following types of proposed development: (1) Type III final plats; (2) Type II land subdivisions; (3) conditional use permits (incentive development, restricted development, and conventional conditional use permits); or (4) site development plans.
- B. Boulevard trees shall be installed prior to or concurrent with the development of the property, unless otherwise allowed by the terms of the development agreement, or where applicable a Boulevard Tree Green Facilities Agreement, or a “payment in lieu” is made to the City.
- C. Repealed.
- D. All boulevard tree installation shall meet the minimum standards of section 63.150. A Boulevard Tree Planting Permit shall be obtained from the Director of Parks or designee prior to planting within the boulevard.
- E. A tree planting plan shall be submitted as a part of the required submittal documents for:
 - (1) A residential land subdivision as specified in section 64.160, subd. 2(A);
 - (2) A site development plan as required for residential development, commercial and industrial development as specified in section 61.581;
 - (3) An incentive development (section 62.600), restricted development (sections 62.700 – 760) or other conditional use permit; or
 - (4) Special district (section 62.900).
- F. The planting plan must be submitted and approved prior to final action by the Council or as part of a Type I development permit approval (Site Development Plan approval or zoning certificate/building permit). The Director of Parks or designee will have ten business days to complete the review of a complete planting plan. The number of planting spaces is determined by the standards of section 63.265. The Rochester Park and Recreation Department Policy on Boulevard Tree Placement and for Standards Associated with New Commercial Buildings with Business Signs will provide guidance on boulevard tree placement.

- G. The planting plan shall consist of the following plan elements:
- (1) The general location of the trees within the development based on the Park and Recreation Department policy on boulevard tree placement;
 - (2) The number of trees required by section 63.265;
 - (3) Species list and size as required by section 63.150 and based on the Park and Recreation Department policy on boulevard tree placement; and
 - (4) Phases of the development and schedule for planting.
- H. The planting plan will be considered a guide to compliance for the developer.
- I. Boulevard Preparation and Paving. The following provisions apply except in the CDC Districts and in areas of the City covered by a corridor plan identifying boulevard infrastructure as a City or other road authority responsibility.
- (1) No boulevard shall be paved by the property owner or developer outside of the area established for the sidewalk required for the property and driveway approach, unless found to be consistent by the City Public Works Department with a long term plan for pavement improvements. Where the City permits paving within the boulevard by separate permit, each tree location shall have a minimum of 60 square feet of non-paved permeable surface surrounding each tree.
 - (2) All boulevards must be vegetated with turf grass or other approved landscaping outside of the allowed pavement for sidewalk and driveway approach.
 - (3) Development requiring planting of boulevard trees shall be required to apply the standards and specifications for turf restoration and boulevard treatment as established by the Public Works Department.
- J. A fee for boulevard trees and installation shall be as established on an annual basis by the City Council.
- K. The document Policy on Boulevard Tree Placement and for Standards Associated with New Commercial Buildings with New Business Signs is adopted by reference herein. This document is available from the Park and Recreation Department and should be consulted for boulevard tree planting design guidelines adopted by the City.

Subd. 3. Payment in Lieu of Boulevard Tree Planting.

- A. Purpose and Intent: In order to be consistent with the purpose and intent of the boulevard tree requirements (section 64.160, subd. 1) and the policy on boulevard tree placement a payment in lieu will satisfy the purpose and intent of the ordinance. A payment in lieu is designed (1) to allow for business sign visibility, or (2) to avoid interference with infrastructure located within the boulevard that in the determination of the Park and Recreation Director or designee prevent compliance with the standards of section 63.265.
- B. Applicability. This section applies to all development specified in section 64.160, subd 2, and sections 63.264 and 63.265.
- C. Allowance for Sign Visibility. The Policy on Boulevard Tree Placement and for Standards Associated with New Commercial Buildings with new Business Signs establishes the basis for a “payment in lieu” to the city by the applicant proposing the development.
- D. Allowance for Infrastructure. Where the Park and Recreation Department determines that a development site cannot meet the minimum planting standards established in section 63.265 for the applicable zoning district, due to the location, extent and/or depth of infrastructure in the boulevard the applicant may propose a payment in lieu that is consistent with this subdivision.
- E. Sequencing. A “payment in lieu” will not be approved unless the city finds that the applicant has demonstrated that the trees or planting spaces cannot be provided as specified in section 63.265. The applicant must comply with the following principles in descending order of priority to demonstrate compliance:
 - (1) Use of alternate canopy tree species;
 - (2) The grouping of trees that may also include alternate tree species (this principle includes a reduction in the separation distance between trees acceptable to the Park and Recreation Director or designee);
 - (3) Substituting understory for canopy trees;
 - (4) Trimming of trees to provide business visibility;
 - (5) Altering sign location, design, height, or sign type;
 - (6) Compliance with the “payment in lieu” requirements.
- F. Payment: Payment shall be made prior to the recording of the Final Plat of the subdivision or issuance of a zoning certificate/building permit by the city, or as determined by the Development Agreement. The calculation of the amount of the cash payment required shall be computed based solely on the number of boulevard trees reduced by the applicant for the purpose of sign visibility or infrastructure constrictions multiplied by the annual fee established by the City Council pursuant to section 64.160, subd. 2(J).
- G. Funds Established. All payments collected pursuant to this section shall be placed in a neighborhood tree fund and shall be expended within two years of receipt. The funds may only be disbursed for the establishment of boulevard trees on public rights of way.

- H. Road Authority. This section does not apply where the road authority determines that boulevard trees will not be permitted.
- I. Responsible Agency. After consultation with the Park and Recreation Department, the Zoning Administrator shall act on the submittal of the request for the payment in lieu. The payment shall be submitted to the Park and Recreation Department.

64.200 ROADWAY AND SUBDIVISION DESIGN STANDARDS:

The requirements of this article shall be used in conjunction with the document ENGINEERING STANDARDS FOR PUBLIC WORKS IN CONJUNCTION WITH THE DEVELOPMENT OF SUBDIVISIONS, COMMERCIAL AND INDUSTRIAL PROPERTY to guide the design of roadway improvements within the City of Rochester.

64.210 IMPROVEMENTS REQUIRED:

Streets shall be graded to the full width of the right-of-way in accordance with grades submitted to and approved by the City Engineer. All street grading and gravel base construction shall be in accordance with approved plans. Where necessary, street grading shall be completed prior to the installation of applicable underground utilities, and gravel base construction undertaken after the installation of the utilities.

- 64.211 **Construction to be Consistent with Engineering Standards:** Following the City Engineer's approval of street grading and utility installation, streets shall be surfaced and provided with adequate stormwater facilities consistent with the engineering standards adopted by Public Works in conjunction with the development of subdivisions.

64.220 PUBLIC ROADWAY AND TRAIL THOROUGHFARE DESIGN STANDARDS:

Sections 64.221 through 64.263 establish the standards for the design of roadways within a public right-of-way which are supplementary to the City's adopted Long-Range Transportation Plan.

- 64.221 **Roadway Widths:** Reference the Currently Held Valid Thoroughfare Plan of the Rochester-Olmsted Council of Governments for the required roadway widths. The minimum radius to curb face for the roadways in a cul-de-sac shall be at least 40.5 feet. The roadway radius on a cul-de-sac may be increased up to 45 feet to provide additional emergency vehicle turning area on long curvilinear cul-de-sac stem streets where steep grades make it difficult to back fire fighting equipment. The minimum surface width of alleys shall be 18 feet. The right-of-way width for alleys shall be at least 18 feet. The right-of-way width for the radius of a cul-de-sac shall be adequate to accommodate any sidewalk width and boulevard width including area for snow storage, street hardware utilities and boulevard trees.
- 64.222 **Table of Design Standards:** Table 64.222 identifies for various classes of streets typical design standards to be utilized as a guide for establishing the layout of a street. Modifications to these standards may be approved by the City Engineer under a Type I Review Procedure. The City Engineer may require stricter design standards be applied where it can be shown such higher standards are necessary to protect the public safety.

Table 64.222
DESIGN STANDARDS FOR VARIOUS CLASSES OF STREETS

CHARACTERISTICS	TYPE OF STREET					
	ARTERIAL EXPRESSWAY		COLLECTORS MAJOR LOCAL		LOCAL STREETS	ALLEYS
Maximum Grade	6%		8%		10%	10%
Maximum Grade within 50' of Intersection	3%		4%		5%	5%
Minimum Horizontal Centerline Curve Radius	400'		250'		100'	100'
Minimum Tangent Between Curves	200'		100'		50'	50'
Minimum Intersection Corner Radius	20'		15'		5'	5'
	EXPRESS-WAY	ARTERIAL	COLLECTORS	MAJOR LOCAL		
Typical Design Speed	55	45	35	30	30	20
Minimum Stopping Sight Distance	550'	350'	250'	200'	200'	150'

64.223 Additional Roadway Design Standards: Roadway Design Standards shall be consistent with the engineering standards adopted by Public Works in conjunction with the development of subdivisions.

64.224 Intersections: Insofar as practical, streets shall intersect at an angle of ninety (90) degrees for a minimum of fifty (50) feet from the roadway intersection. In no case shall the angle be less than seventy (70) degrees unless the applicant submits a special intersection design for approval by the city engineer. Intersections having more than four (4) corners shall be prohibited.

Proposed streets which intersect opposite sides of another street (either existing or proposed) shall be laid out to intersect directly opposite each other. The offset between intersections shall be a minimum of two hundred (200) feet measured from centerline to centerline on through streets and as determined by the City Engineer on major streets.

64.225 Acceleration, Deceleration and Turning Lanes: Acceleration, deceleration, and turning lanes may be required by the Council along existing or proposed streets when indicated as needed by a Traffic Impact Report or by the Transportation Engineer of the Road Authority. The design of such facilities shall be based on the recommendation of the City Engineer.

64.226 **Islands:** When approved by the City Engineer, islands are permitted within the roadway of a public right-of-way subject to the following considerations: Islands shall be a minimum of 75 square feet in size;

- 1) Islands shall be designed so as to create a natural vehicle path within the travel lane.
- 2) Structures, permanent materials or plantings within the island shall not obscure the visibility of cars entering a cross street for a distance of 20 feet back from the curb face of the cross street, unless a larger setback is needed due to inadequate site distance created by horizontal or vertical curve alignment.
- 3) In designing islands consideration should be given to providing adequate illumination and reflectorization, provision of pedestrian and bicycle needs, provision of adequate access for adjacent properties, and the potential of future signalization or turning lane improvements.
- 4) Public and private maintenance obligations are clearly defined and consistent with City policy.

64.227 **Trail Thoroughfares and Sidewalks:**

Trail thoroughfares and sidewalks are a vital element of the City's transportation system -- providing access throughout the City for pedestrians and bicyclists, reducing traffic congestion, facilitating access to the transit system, and reducing emissions from automobiles. Unless otherwise exempted by these regulations, all new development shall provide sidewalk and trail thoroughfare improvements that are consistent with the City's adopted Thoroughfare and Sidewalk, Bike Path and Pedestrian Facilities Plan.

A. In addition to trails designated in the City's adopted Plans, the City shall require dedication of trails needed to maintain connectivity between and through subdivisions under each of the following circumstances, except where unique topographical conditions make the trails unfeasible:

- 1) Across any block exceeding 800 feet in length;
- 2) Between lots on a cul-de-sac or dead end street that abut a collector or arterial road. No more than one trail shall be required per cul-de-sac; or
- 3) Across any block exceeding 600 feet in length which abuts a school or park site.

B. The Zoning Administrator shall determine minimum trail widths based on the site's natural features and development patterns. Trail easements shall be a minimum of 15 feet in width if adjacent to a street or other public land. The minimum width of a trail easement between the rear or side lot lines of a parcel shall be 30 feet, unless otherwise approved by the Zoning Administrator.

C. Sidewalks shall be required along all public streets and shall be designed and constructed in accordance with the City's adopted Long-Range Transportation Plan and Public Works design standards.

- D. Credits for parkland dedication shall be granted for land which is dedicated for trails for those trails described in the Sidewalk, Bike Path and Pedestrian Facilities Plan and which provide a direct connection to a neighborhood park. Credits for parkland dedication may be granted for land which is voluntarily dedicated for other trails at the City's discretion. Credits shall not be given for land which is dedicated for trails adjacent to roadways.

64.230 DETERMINATION OF RIGHT-OF-WAY WIDTHS:

The requirements of Sections 64.231 and 64.232 are intended to provide flexibility in the determination of right-of-way widths through the use of a formula in which all required elements will be identified and their needs assessed, rather than specifying a certain width for each type of street. In certain instances where major impacts are anticipated on the existing transportation network, a Traffic Impact Study (TIS) will be required for the purpose of identifying what improvements will be needed in order to handle the expected traffic volumes.

- 64.231 Determining Right-of-Way Width:** The minimum right-of-way width shall not be less than required in the Official Map and Thoroughfare Plan. The formula in this section shall be used to identify additional right-of-way needs for public and private roadways and may, subject to the recommendation of the Planning Commission and approval of the Council, be used to reduce dedication requirements. To determine the right-of-way width for any proposed street or alley the developer or subdivider shall complete the following equation: $W = M + T + A + S + B + F$, where:

W = Right-of-way width

M = Median width (needed for left turn lanes, traffic separation, and future widening)

T = Width of Through Lanes (depends on number of lanes needed and the width of each lane, given the design speed and character of traffic.)

A = Width of Auxiliary Lanes (includes such items as parking lanes, bike lanes, additional width for bus stop bays, additional width for curb and gutter.)

S = Sidewalk Width

B = Boulevard Width (includes area for snow storage, street hardware, utilities, and boulevard trees)

F = Future Needs (includes anticipated or planned widening, and frontage roads)

For guidance in the general requirements expected for each street type, the subdivider or developer shall consult the Currently Held Valid Thoroughfare Plan.

- 64.232 Exceptions Approved by Council:** Where a proposed right-of-way differs substantially from the Official Map or Thoroughfare Plan, the applicant shall submit, along with the permit application, the justification or reasons for the changes requested, which will be acted upon as a design modification (see Section 60.440 and particularly Section 60.424 Subd. 1 (A)) by the City Council during the site planning or land subdivision review.

64.240 PRIVATE ROADWAYS:

Private roadways or streets developed as part of a subdivision, performance residential development, or integrated commercial, industrial, multifamily residential or institutional development, shall be of adequate width to serve anticipated traffic and proposed parking conditions, and shall be designed for the safe operation of vehicles on the roadway. The creator of any subdivision including private streets shall be required to notify property owners through deed restrictions and covenants that the City will not accept the dedication of any private street until it is brought into conformance with City street standards at the expense of property owners. Such notice shall also be provided in deed restrictions or subdivision covenants. Documents to assure private responsibility of future maintenance and repair shall be approved as to form and content by the City of Rochester. The developer shall install traffic signs at all intersections along any private roadway, according to the City of Rochester Traffic Sign and Roadway Name Standards. The Developer or subsequent owners of the roadway are responsible for installation and maintenance, including replacement of the roadway name signs. The width of a private roadway shall be determined pursuant to Section 64.231.

64.250 STREET CLASSIFICATION:

Classification of an existing or proposed street not already identified on the Thoroughfare Plan, for the purpose of determining the appropriate design of a roadway or development, or for the purpose of determining the appropriateness of a location for a proposed use, shall be done by the Zoning Administrator in consultation with the City Engineer.

64.251 Classification Factors: In determining the classification of a street, factors to be considered include the following existing or proposed features:

- 1) Facility Geometrics, including the number and width of traffic lanes, turning lanes, and parking lanes.
- 2) Access Conditions, including any restrictions on access, the spacing of private accesses, and average lot frontages.
- 3) Traffic Characteristics, including design volume, percentage of trucks, design speed, percentage of turning movements, origin-destination characteristics of the traffic, and peak hour characteristics of traffic.
- 4) Adjacent Land Uses.

Utilizing this information in conjunction with the Thoroughfare Plan Map and the narrative descriptions for each roadway classification provided in the Thoroughfare Plan Document, the Zoning Administrator shall determine which of the Thoroughfare Plan designations apply to the street under consideration.

64.260 QUADRANT STREET SYSTEM

The numerical quadrant system is hereby adopted as the primary basis for identifying all public roadways within the city, including without limitation public roadways created by

plat, deed, easement or user. Names may be used when the roadway alignment does not permit the use of numbers. In that case, the Planning Director or his authorized representative, as provided in Section 20.16, must approve the names.

- 64.261 **City Divided Into Quadrants:** For the purposes of roadway identification and unique E911 addresses, the City is divided into four quadrants of NW, SW, SE and NE. Any roadway that forms the dividing line between quadrants will be identified as N, S, E or W, as applicable.

The dividing line separating east from west extends north along the centerline of Highway 63, from its intersection with the southern most city limits, to a point at the intersection of U.S. 63 and East River Road N.E., thence due west to the imaginary intersection with the Zumbro River, thence north along the centerline of the Zumbro River, to the northern most city limits.

The dividing line separating north from south extends east from the intersection of Country Club Road West with the western most city limits, thence east along Country Club Road West (County Road 34) to its intersection with Wimbledon Hills Drive S.W. Thence north to the center of Section 33, Cascade Township. Thence easterly along the quarter section line to the section line. Thence southeasterly to the western end of West Center Street. Thence east along West Center Street to East Center Street and its intersection with 19th Avenue S.E., thence south along 19th Avenue S.E., to an intersection with College View Road East (County Road 9), thence east along College View Road East to an intersection with the eastern most city limits.

- 64.262 **Designation of Public or Private Roadways:** Public or private roadways may be designated according to the terms defined in this section:

1. **Avenue** means a roadway aligned in a north and south direction, conforming to the appropriate address grid line and generally designated by a number.
2. **Boulevard** means a roadway divided by a landscaped center island and generally designated by a name.
3. **Circle** means a roadway containing a closed loop that is not interrupted by a through roadway and generally designated by a name.
4. **Court** means a roadway having a horseshoe shape and whose terminus point begins and ends at the same roadway and generally designated by one name throughout its entire length.
5. **Drive** means a curvilinear roadway of more than 1,000 feet in length and generally designated by a name.
6. **Lane** means a roadway ending in a cul-de-sac that is not interrupted by a through roadway and generally designated by a name.
7. **Parkway** means a special scenic route or park drive generally designated by a name.
8. **Place** means a short curvilinear or diagonal roadway less than 1,000 feet in length generally designated by a name.

9. **Private Roadway** means a roadway constructed on private land and not maintained by a city, township or Olmsted County. (Refer to Section 64.240.).
10. **Road** means a diagonal or curvilinear roadway more than 1,000 feet in length and generally designated by a name.
11. **Street** means a roadway aligned in an east-west direction, conforming to the appropriate address grid line and generally designated by a number.

64.263 **Administration:** It shall be the responsibility of the Planning Director to administer the roadway identification system. The Planning Director, or his authorized representative, shall examine the roadway number or names on all proposed plats and submit a recommendation to the Council. The Planning Director, or his authorized representative, shall also, from time to time, examine the identification of existing public roadways and recommend to the Council such changes as deemed necessary in furtherance of the City roadway identification system.

64.270 SUBDIVISION NAME:

The proposed name of a subdivision shall be approved by the Planning Department and shall not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City except for the words "court", "addition", "place", "heights", "hills", and similar words, unless the land platted is contiguous to and platted by the same applicant that platted the existing subdivision bearing the name, or the applicant has obtained the written consent of the party who platted the subdivision bearing that name, or the Planning Department requires the use of the same name for purposes of clear identification. To bear the same name as an existing subdivision, the new subdivision must be contiguous.

64.300 SITE ALTERATION STANDARDS:

Drainage and grading plans shall be designed to satisfy the standards of the Rochester Stormwater Management Plan or adopted drainage or stormwater policies and this article regarding stormwater runoff, erosion and sedimentation control, wetlands and hillside. The City Engineer also may request review and comment by the Olmsted County Soil and Water Conservation District on the adequacy of the plans; and their recommendations may be used by the City Engineer in the final determination of permit issuance by the Building and Safety Department.

64.310 STORMWATER RUNOFF:

Increases in runoff from the 10 year and 100 year frequency storms due to development shall be detained within the development and released at a rate no greater than existed prior to the development unless otherwise permitted by the City Engineer. Storm sewers normally shall be designed for a 10 year frequency storm, however; sewers designed to a greater frequency storm may be required where safer overland flow routes to receiving waters or major drainage facilities or collector systems are provided in a manner consistent with the Stormwater Management Plan. Greater runoffs may be permitted by the City Engineer if downstream stormwater management facilities are adequate for the conveyance or if the development is adjacent to a receiving body of water such as a lake or river and proposed runoff is consistent with the Stormwater Management Plan.

64.311 Overland Drainage Encouraged: The use of overland drainage and retention as an integral part of the control of stormwater runoff is encouraged where it is consistent with the Stormwater Management Plan, benefits groundwater recharge and reduces long-term maintenance costs.

64.312 Channel Restrictions Prohibited: No fences or structures shall be constructed across an open drainage channel that will reduce or restrict the flow of water, unless part of an approved retention or detention facility.

- 1) All stormwater management facilities shall be designed and constructed in conformance with the City's stormwater management plan and other public works design criteria.
- 2) The City may require any water course or stormwater management facility to be located within a dedicated drainage easement that provides sufficient width for maintenance.

64.320 EROSION CONTROL:

Grading Permits shall address the manner in which soil erosion and sedimentation will be minimized during construction and following final completion of a development. The areas to be addressed include erodable slopes, streambanks and shorelines, drainageways, borrow and stockpile areas, and drainage structures.

64.321 Erosion Control Standards: The plans for erosion and sedimentation control shall conform with the City's Stormwater Management Plan and following standards:

- 1) The smallest practical area of land shall be exposed at any given time during development.
- 2) The duration of exposure shall be kept to as short a time as possible.
- 3) If practical, temporary vegetation, mulching or other cover should be used to protect areas exposed during development.
- 4) Final plant covering or permanent surface treatment shall be installed as soon as possible after completion of final grading.
- 5) Measures shall be taken to prevent erosion of and sedimentation onto adjacent properties during and after completion of grading activities.
- 6) Compliance with applicable state and federal requirements shall be noted on the plans.

64.322 Stockpiling of Fill in Right-of-Way Prohibited: Material excavated from or to be used as fill on any lot under development shall not be stockpiled or deposited on any improved public right-of-way.

64.330 LOT GRADING STANDARDS:

64.331 Positive Drainage Required:

Developments shall be designed and constructed with a positive drainage flow away from buildings towards approved drainage facilities. Plans for drainage facilities shall be approved by the City Engineer. All interim and permanent drainage facilities shall be designed and constructed in accordance with the standards established in the City's Stormwater Management Plan and the stormwater runoff standards in Section 64.310.

64.332 Drainage Plans to Account for All Development

In the design of site grading plans, the provision of adequate buildable areas and areas for off-street parking is required. The site grading plan shall also take into account the potential need for accessory buildings and, in the case of residential developments, required recreation area.

64.340 HILLSIDE DEVELOPMENT:

All slopes shall be stabilized, as required by the adopted Uniform Building Code. Revegetation or screening of permanent exposed slopes created by any new development shall be required to stabilize slopes or to enhance the character of development and provide visual and aesthetic benefit to the community. Where the use of seeding, sodding or other ground cover treatment cannot be expected to produce a growth cover, the use of vines or other plant materials to screen the slope shall be required.

64.350 WETLANDS

Stormwater runoff from a construction site directed to a wetland shall be substantially free of silt and debris and shall be discharged at a rate which will not disturb vegetation or increase turbidity.

64.400 PARKLAND DEDICATION:

The Common Council finds that as the City continues to increase in population and in land area, available financial resources to purchase and develop lands for neighborhood park purposes from sources other than the general tax levy have diminished. Appropriate municipal planning and control is needed to ensure that lands suitable for economical neighborhood park development are identified and preserved for public use during the land subdivision and development process and not developed for other purposes. The provisions by the City of adequate neighborhood park facilities in newly developed residential areas to serve the recreational needs of the residents of these areas, is an important factor in the maintenance of a high quality of life in the City; and contributes to the health and safety of citizens, especially those who are children. In addition, adequate open space land should be reserved to retain the character of the City, protect wildlife habitats, cleanse the air and stormwater runoff, and provide passive recreational opportunities.

It is therefore in the best interest of all of the citizens of the City to ensure that when new residential development is hereinafter created or made possible by subdivision of lands, that adequate measures are provided in the subdivision process to permit the City to identify land suitable for development as new neighborhood park facilities, and to obtain and develop such lands for the use of the public at a reasonable cost. It also is in the best interest of the all the citizens of the City to ensure that adequate open space is dedicated and reserved.

64.410 PURPOSE:

The provisions of this ordinance are intended by the city to be an exercise of the authority granted pursuant to Section 462.358, subd. 2(b) of the Minnesota Statutes to require that a reasonable portion of any proposed subdivision of residential lands within the City be dedicated to the public or preserved as neighborhood parks, playgrounds, or open space; or that a reasonable cash payment be received from the subdivider in lieu thereof in order to facilitate development of similar facilities.

64.420 SCOPE:

The provisions of this ordinance shall apply to a person who applies, pursuant to this chapter, for a subdivision or resubdivision (where the resubdivision causes an increased demand on parks) of lands that are classified pursuant to this code as being located in a residential zoning district; or, for a subdivision of lands that are classified as being in a nonresidential district at the time of such application, but are intended to be developed following their subdivision in a manner requiring their designation as a residential zoning district.

64.421 Reservation of Future Park Land

At the discretion of the Common Council, upon recommendation of the Park and Recreation Department, a subdivider may dedicate more land than would be required by the formulas established by this chapter and receive a written credit against future park land dedication requirements. Where a subdivider or property owner dedicates land against future requirements, the development which is thereby relieved of all or part of its mandatory park land dedication requirement must be in the same quadrant of

the City as where the credit lands are dedicated. The credit shall attach to the relieved land and remain with the relieved land, regardless of change in ownership thereof.

64.422 Subdivision Changes

In the event a subdivider deviates from the approved preliminary plat in a final plat, or replats property already platted, thereby increasing the projected population over the earlier population projections, or where the use of property is changed from a non-residential use to a residential use, the owner or subdivider shall be obligated to provide additional land or fee to compensate for the increase in population prior to the City issuing a building or occupancy permit.

64.423 Final Platting of a Portion of an Approved Preliminary Plat

Whenever a subdivider applies for approval of a final plat which contains only a portion of the land encompassed in the approved preliminary plat, the subdivider shall be responsible for making a dedication of park land or financial contribution as required, which is proportional to the population expected to reside in the area of the final plat. The conditions of such allowances shall be in the form and manner prescribed and approved by the Council.

64.424 Multi-Plat Developments

At the sole discretion of the Council, the City may enter into an agreement with the applicant for a development containing multiple plats concerning the timing and sequence of park land dedication. Notwithstanding any provision in this chapter to the contrary, the multiple plat agreement shall determine the time when the required park land dedication for multiple plat developments shall occur.

64.430 NEIGHBORHOOD PARK DEFINED:

For purposes of this ordinance, the term "neighborhood park" shall mean a public recreation facility, from four (4) to ten (10) acres in gross area, designed to give residents of nearby residential areas the opportunity for the enjoyment of open space, and which may also provide for the use of the residents playground equipment, picnic areas, and areas suitable for use as ball fields, tennis and basketball courts, and skating rinks, but not including lighted baseball or softball diamonds. Trail corridors providing access from residential areas to neighborhood park facilities may be considered part of the neighborhood park.

64.440 AMOUNT OF LAND REQUIRED TO BE DEDICATED; MINIMUM QUANTITY:

A person requesting a subdivision or resubdivision (where the resubdivision causes an increased demand on parks) of lands under Section 61.220 shall be required, as a precondition of approval of said subdivision request, to dedicate to the use of the public for neighborhood park purposes meeting the standards for Section 64.430, eight (8) acres per 1,000 projected residents within the subdivision after full development, which is: 0.008 multiplied by the number of persons per dwelling unit multiplied by the number of dwelling units allowed in the subdivision. The number of persons per dwelling unit listed in Table 64.440 is based on data compiled by the City. The City Council shall periodically review and adjust these assumptions as necessary.

Table 64.440: Population Density

Density in Dwelling Units per Gross Acre of Residential Land Area (dwelling units per acre)	Estimated Number of Persons per Dwelling Unit
0 to 5.99	3.05
6 to 11.99	2.22
Over 12	1.98

- 64.441 **Minimum Standards of Land Dedicated; General Requirements:** At least fifty (50) percent of the gross area of the land required to be dedicated pursuant to Section 64.440 shall have a natural slope of four (4) percent or less, be largely clear of forest vegetation, and shall not be located in an existing watercourse, a 100-year floodway, drainage easement or water ponding area. In addition, that portion of the land must have a cover of six (6) inches or more of topsoil suitable for the seeding and cultivation of grass.
- 64.442 **Dedication of Steep Land:** If land proposed to be dedicated has a natural slope in excess of that required by Section 64.441, but may be engineered to provide for a slope that meets the requirements imposed therein, the Common Council may, upon the favorable recommendation of the superintendent of the Park and Recreation Department, permit such land to be dedicated to satisfy the requirements of Section 64.440.
- 64.443 **Certain Activity Forbidden:** Following dedication of lands as provided herein, no person shall remove trees, vegetation or topsoil therefrom, nor shall the lands be used for the purpose of stockpiling of earth or construction material, or disposal of construction debris, without the written consent of the superintendent of the Department of Park and Recreation.

64.450 MARKETABILITY OF TITLE:

Prior to such dedication, a person proposing to subdivide the land shall deliver to the City Attorney for examination an up to date abstract of title or registered property certificate for examination, or a title opinion by a person licensed to practice law in Minnesota. If the examination of title by the City Attorney, or the title opinion indicates that title is not marketable, no subdivision of the land shall occur until such steps are taken by the subdivider to permit marketable title, subject to the exceptions set forth in Section 64.451, to be conveyed to the City by dedication upon the lands' subdivision or by a subsequent separate conveyance.

- 64.451 **Exceptions:** The title to lands proposed to be subdivided shall not be deemed unmarketable pursuant to this section by virtue of the fact that a mortgage or other equitable interest in the lands is held by a person other than the subdivider; or that the lands are subject to the lien of a special assessment. Provided, that any conveyance or other act of the subdivider which thereafter conveys to the city title to the lands dedicated shall be free and clear of any such equitable interest or mortgage.
- 64.452 **Special Assessments; Real Estate Taxes:** The City shall be responsible for the payment of any special assessments levied on the lands dedicated pursuant to this

section. Payment of real estate taxes payable on the land dedicated in the year of dedication shall be prorated between the City and the person subdividing the property.

64.460 CASH PAYMENT IN LIEU OF LAND DEDICATION:

If in the judgment of the Common Council the quantity of land to be subdivided is of a size or configuration that dedication of a portion thereof:

- 1) is not feasible or practical; or
- 2) will not create a parcel suitable for neighborhood park development or for usable open space or trail thoroughfares; or,
- 3) the land is adjacent or readily accessible to already existing public park and recreation facilities, or publicly maintained open space;

the requirement of dedication imposed by Section 64.440 of this ordinance may be satisfied by a payment of cash by the subdivider to the City or suitable provision in a development agreement entered into under Section 61.250, which may include fees for land acquisition, preparation and all other purposes and uses defined in Section 64.430. Said payment shall be made prior to recording the Final Plat of the subdivision in an amount equivalent to the fair market value of land which would otherwise required to be dedicated. The calculation of the amount of the cash payment required shall be computed on the following basis. The City Engineer shall determine the fair market value per acre of the undeveloped residential land proposed to be subdivided at the time the preliminary plat is proposed, giving due consideration to the value to be assigned to similarly situated land by the County Assessor following it's subdivision. The required payment shall be computed by multiplying the value per acre of land by the number of acres required to be dedicated.

64.461 Funds Established: All payments collected pursuant to Section 60.460 shall be placed in the appropriate neighborhood park acquisition and development fund established for the quadrant of the City where the lands subdivided are located, and may only disbursed for purposes consistent with the acquisition and development of neighborhood parks in that quadrant, as the Common Council may from time to time direct. For purposes of administration of this ordinance and this section, the City shall be divided into four quadrants -- northwest, northeast, southeast, and southwest, which are defined as follows:

- 1) The northwest quadrant shall contain all the lands of the City lying north of the alignment of West Center Street extended to the westerly municipal limits, and west of Trunk Highway 63.
- 2) The northeast quadrant shall contain all of the lands of the City lying east of Trunk Highway 63, and north of the alignment of East Center Street extended to the easterly municipal limits.
- 3) The southeast quadrant shall contain all of the lands of the City lying east of Trunk Highway 63, and south of the alignment of East Center Street extended to the easterly municipal limits.

- 4) The southwest quadrant shall contain all those lands of the City not otherwise contained in the other quadrants.

64.470 EFFECTIVE DATES/CREDITS:

In the event that subsequent to January 1, 1988, a landowner has dedicated lands to the City meeting the standards set forth in this ordinance for park purposes, or made available to the City, at a price less than fair market value, and for that purpose, the Common Council may permit the owner to apply the lands previously dedicated or sold to be applied as a credit against any requirements imposed by this ordinance.

Provided, that said credit shall be available with respect to lands sold, only in the amount equal to the difference between the purchase price and the fair market value. Provided further, that said credit shall only apply with respect to lands required to be dedicated in the same quadrant of the City as the lands originally dedicated or sold for less than fair market value.