

ORDINANCE NO. 81 007

FEB 3 - 1981

AN ORDINANCE ADDING ARTICLE XIII TO  
CHAPTER 40 OF THE SACRAMENTO CITY  
CODE RELATING TO THE DEDICATION OF  
LAND, PAYMENT OF FEES, OR BOTH, FOR  
PARK AND RECREATIONAL PURPOSES

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO AS FOLLOWS:

SECTION 1.

Article XIII is hereby added to Chapter 40 of the Sacramento City Code to read as follows:

ARTICLE XIII - REGULATION FOR DEDICATION OF  
LAND, PAYMENT OF FEES, OR  
BOTH, FOR PARK AND  
RECREATIONAL PURPOSES

Sec. 40.1300 Purpose and Intent.

This Article is enacted pursuant to the authority granted by Section 66477 of the Government Code of the State of California. The park and recreational facilities for which dedication of land and/or payment of a fee is required by this article are in accordance with the recreational element of the General Plan of the City of Sacramento. It is the intent of this article primarily to provide for the acquisition of land for parks consistent with the provisions of this article granting discretion to require fees in lieu of dedication of land.

Sec. 40.1301 Definitions.

- (a) "Residential dwelling unit" means a group of rooms or a single room with kitchen facilities occupied or intended for occupancy as separate living quarters by a family or other group of persons living together, or by a person living alone.
- (b) "Single family dwelling unit" means a detached building designed exclusively for occupancy by one family.
- (c) "Two family dwelling unit" means a detached building designed exclusively for occupancy by two families living independently of each other, under one roof.
- (d) "Multiple family dwelling unit" means a building or portion thereof designed for occupancy by three or more families living independently of each other, but under one roof.

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(e) "Mobile home lot" means any area designated, designed or usable for the occupancy of one mobile home on a temporary, semi-permanent or permanent basis.

Sec. 40.1302 Requirements.

As a condition of approval of a final subdivision map or parcel map, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the City, for park or recreational purposes at the time and according to the standards and formula contained in this Article.

Sec. 40.1303 General Standards.

It is hereby found and determined that the public interest, convenience, health, welfare, and safety require that five (5) acres of property for each one thousand (1,000) persons residing within the City be devoted to local recreational and park purposes.

Sec. 40.1304 Standards and Formula for Dedication of Land.

Where a recreational or park facility has been designated in the Recreation and Parks Plan, an element of the General Plan of the City, and is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall dedicate land for a local park sufficient in size and topography to serve the residents of the subdivision. The amount of land to be provided shall be determined pursuant to the following standards and formula: Where the City requires the dedication of land, the subdivider or owner shall dedicate land for local parks according to the formula  $D \times F = A$  in which:

D = the number of dwelling units

F = a "factor" herein described

A = the amount of land, in acres, to be dedicated

The factors of .0149, .0112, and .0088 are constants which when multiplied by the number of dwelling units permitted in the subject area will produce five (5) acres per thousand population. In multiple family areas, unless the subdivider enters into an agreement with the City for a lower density, the number of dwelling units shall be calculated as follows:

(a) when a rezoning application accompanies the tentative map, density shall be calculated according to the highest density of the zoning designation applied for; or,

(b) when the tentative map is not accompanied by a rezoning application, density shall be calculated according to the highest

density of the existing zoning designation or existing specific plan density designation, whichever allows the highest density. The factors referred to above are as follows:

- (Fs= .0149 relating to single family dwelling units)
- (Ft= .0112 relating to two family dwelling units)
- (Fm= .0088 relating to multiple family dwelling units)
- (Fmh= .0088 relating to mobilehome dwelling units)

Sec. 40.1305 Formula for Fees in Lieu of Land Dedication.

(a) If there is no park or recreational facility designated in the City's Recreation and Park Plan to be located in whole or in part within the proposed subdivision to serve the needs of the residents of the subdivision, and/or where the City Council requires the payment of in lieu fees, the subdivider shall, in lieu of dedication of land, pay a fee equal to the value of the land prescribed for dedication in Section 40.1304 (Standards and Formula for Dedication of Land) hereof and in an amount determined in accordance with the provisions of Section 40.1306 (Calculation of In Lieu Fees) hereof, such fee to be used for recreational and park facilities which will serve the residents of the area being subdivided.

(b) If the proposed subdivision contains fifty (50) parcels or less, the subdivider shall pay a fee equal to the land value of the portion of the local park required to serve the needs of the residents of the proposed subdivision as prescribed in Section 40.1304 hereof, and in an amount determined in accordance with the provisions of Section 40.1306.

Sec. 40.1306 Calculation of In Lieu Fees.

The amount to be paid shall be a sum calculated pursuant to the following formula:

$$A \times V = M$$

where

A = the amount of land required for dedication as determined in Section 40.1304;

V = fair market value (per acre) of the property to be subdivided as established by a current appraisal approved by the City; and,

M = the number of dollars to be paid in lieu of dedication of land.

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Sec. 40.1307 Use of Fees.

Fees collected pursuant to this Article shall be used and expended solely for the acquisition, improvement, and expansion of the public parks, playgrounds and recreational facilities reasonably related to serve the needs of the residents of the proposed subdivision. Said fees may also be used for the development of recreational areas and facilities on public school grounds which provide a desirable recreational site and immediate access to a public street.

Sec. 40.1308 Subdivisions Not Within the General Plan.

Where the proposed subdivision lies within an area not then but to be included within the City's General Plan, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, in accordance with the adopted park and recreational principles and standards of the City's General Plan and in accordance with the provisions of this Article.

Sec. 40.1309 Determination of Land or Fee.

Whether the City accepts land dedication or elects to require payment of a fee in lieu thereof, or a combination of both, shall be determined by consideration of the following:

- (a) Recreation and Parks Plan, an element of the City's General Plan;
- (b) Topography, geology, access and location of land in the subdivision available for dedication;
- (c) Size and shape of the subdivision and land available for dedication;
- (d) Feasibility of dedication;
- (e) Compatibility of dedication with the City of Sacramento's Recreation and Park Plan; and,
- (f) Availability of previously acquired park property. The determination of the City Council as to whether land shall be dedicated, or whether a fee shall be charged, or a combination thereof, shall be final and conclusive.

Sec. 40.1310 Time Schedule for Use of Land/Fees.

Any fee collected under the ordinance shall be committed within five (5) years after the payment of such fees or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If such fees are not committed, they shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision.

Sec. 40.1311 Credit for Privately Owned Recreational Facilities.

The City may grant credit for privately owned and maintained open space or local recreation facilities, or both, in planned unit developments, townhouse developments, or trailer parks adopted or permitted pursuant to the Zoning Ordinance. Such credit, if granted in acres, or comparable in lieu fees, shall be subtracted from the dedication or fees, or both, otherwise required under this Article, provided:

(1) Yards, court areas, setbacks, and other open space areas required to be maintained by this title and other regulations shall not be included in private open space and local recreation credit;

(2) Provision is made by written agreement, recorded covenants running with the land, or other contractual instrument that the areas shall be adequately maintained;

(3) The use of private open space or recreation facilities is limited to park and local recreation purposes and shall not be changed to another use without the express written consent of the City Council.

Land or facilities or both which may qualify for credit towards the land dedication or in lieu fee, or both, will generally include the following types of open space or local recreational facilities:

(a) Open spaces, which are generally defined as parks and parkway areas, ornamental parks, extensive areas with tree coverage, low lands along streams or areas of rough terrain when such areas are extensive and have natural features worthy of scenic preservation, golf courses, or open areas on the site in excess of twenty thousand (20,000) square feet.

(b) Court areas, which are generally defined as tennis courts, badminton courts, shuffleboard courts or similar hard-surfaced areas especially designed and exclusively used for court games.

(c) Recreational swimming areas, which are defined generally as fenced areas devoted primarily to swimming, diving or both, including decks, lawned area, bathhouse, or other facilities developed and used exclusively for swimming and diving and consisting of not less than fifteen (15) square feet of water surface area per person for the planned population of the subdivision, provided, however, that in no event shall credit be computed on or allowed for more than three percent (3%) of the planned population of the subdivision.

(d) Recreation buildings, designed and primarily used for the recreational needs of the residents of the development.

(e) Special areas, which are generally defined as areas of scenic or natural beauty, historic sites, hiking, riding or motorless bicycle trails, including pedestrian walkways separated from public roads, planting strips, lake site or river beaches, improved access or right-of-way in excess of requirements, and similar type open space or recreational facilities which in the sole judgment of the City of Sacramento qualifies for a credit.

Sec. 40.1312 Computation of Credit.

The categories for credit for private open space and facilities described in Section 40.1311 shall be given equal weight, each category not to exceed twenty percent (20%) of the total which may be granted by the City. The City Council may, however, upon petition of the subdivider grant additional credit for each of the above categories if there is substantial evidence that:

(1) The open space or recreational facilities is above average in aesthetic quality, arrangement or design; or,

(2) The open space or recreational facility is clearly proportionately greater in amount or size than required by this title or usually provided in other similar types of development; or,

(3) The open space or recreational facility is situated so as to compliment open space or local recreational facilities in other private or public developments.

Sec. 40.1313 Procedure.

At the time of the approval of the tentative subdivision map, the Planning Commission shall recommend to the City Council, after a report and recommendation from the Director of the Planning Department or his designee, the land to be dedicated and/or fees to be paid by the subdivider. The recommendation by the Director of Planning or his designee shall include the following:

(a) the amount of land required; or,

(b) that a fee be charged in lieu of land; or,

(c) that land and a fee be required; and/or,

(d) that a stated amount of credit be given for private recreation facilities or unique natural and special features, etc.;

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(e) the location of the park land to be dedicated or use of in lieu fees;

(f) the approximate time when development of the park or recreation facility shall commence.

This action shall be reviewed by the Planning Commission for recommendation to the City Council. In making its determination, the City Council shall be guided by the standards contained in this Article where applicable. At the time of the filing of the final subdivision map or parcel map, the subdivider shall dedicate the land and/or pay the fees as previously determined by the City Council. Open space covenants for private park or recreational facilities shall be submitted to the City Council prior to approval of the final subdivision map or parcel map and shall be recorded contemporaneously with the final subdivision map.

Sec. 40.1314 Industrial Subdivisions.

The provisions of this Article shall not apply to industrial subdivisions.

Sec. 40.1315 Access Requirements.

All land offered for dedication to local park or recreational purposes shall have access to at least one existing or proposed public street. This requirement may be waived by the City Council if the City Council determines that public street access is unnecessary for the maintenance of the park area or use thereof by the residents.

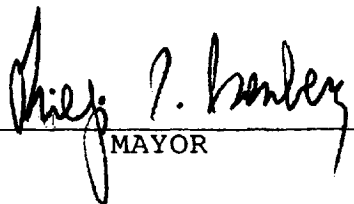
Sec. 40.1316 Sale of Dedicated Land.

If during the ensuing times between dedication of land for park purposes and the commencement of first stage development, circumstances arise which indicate that another site would be more suitable for local park or recreational purposes serving the subdivision and the neighborhood (such as gift of park land or change in school location), by mutual agreement of the subdivider or owner and the City Council, the land may be sold upon the approval of the City Council with the resultant funds being used for the purchase of a more suitable site.

PASSED FOR PUBLICATION: January 20, 1981

ENACTED: February 3, 1981

EFFECTIVE: March 5, 1981

  
MAYOR

ATTEST:

  
CITY CLERK

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