

ORDINANCE NO. 82-031

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

MAY 6 1982

AN ORDINANCE REPEALING SECTION 40.335;
AMENDING SECTIONS 40.1313 and 40.1314,
AND ADDING SECTION 40.1317 TO THE
SACRAMENTO CITY CODE, RELATING TO PARKLAND
DEDICATION REQUIREMENTS

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

SECTION 1.

Section 40.335 of the City Code is hereby repealed.

SECTION 2.

Sections 40.1313(c) and 40.1313(d) of the City Code are hereby amended to read as follows:

(c) In the event the City Council determines fees are to be charged in lieu of any or all of the required dedication, the subdivider shall submit to the City an appraisal of the land to be subdivided by the proposed final subdivision or parcel map. The appraisal shall be made pursuant to Section 40.1306(b) of this Article and shall be dated not more than 90 days prior to the filing of the final subdivision or parcel map.

(d) At the time of the filing of a final subdivision or parcel map including the same amount of land as included in the applicable tentative 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.

SECTION 3.

Section 40.1314 of the City Code is hereby amended to read as follows:

40.1314 Exemptions.

The provisions of this Article shall not apply to subdivisions:

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(a) not used for residential purposes. Provided however that a condition shall be placed on the approval of such subdivision that if a building permit is requested for construction of a residential structure or structure on one or more of the parcels within four (4) years of the filing of the map, the owner of each such parcel shall be required to pay an in-lieu fee pursuant to this Article, calculated as of the date the building permit is issued, as a condition to the issuance of a building permit; a note to this effect shall be placed on the final map.

(b) to permit separate ownership of two or more existing residential dwelling units when all such units are more than five (5) years old and no new units are added.

SECTION 4.

Section 40.1317 shall be added to the City Code to read as follows:

40.1317 Phased Maps.

(a) At the time of the filing of a final subdivision or parcel map including less land than was included in the tentative map, the Planning Director or his designee shall recalculate the amount of land required to be dedicated in accordance with Section 40.1304, based on the land included in the proposed final subdivision or parcel map.

(b) If the City Council determined at the hearing on the tentative map that the requirements of this Article would be satisfied by the payment of a fee and/or that land located within the proposed final subdivision or parcel map be dedicated and the amount of such land is equal to or smaller than the amount of land required to be dedicated pursuant to (a) of this section, the subdivider shall dedicate the land and/or pay the fees at the time of filing the final subdivision or parcel map.

(c) If the City Council determined at the hearing on the tentative map that the requirements of this Article would be satisfied by the dedication of land located outside the proposed final subdivision or parcel map or the amount of land required to be dedicated at the time of approving the tentative map exceeds the amount required to be dedicated pursuant to (a) of this section, the Planning Director or his designee shall recommend that the subdivider

1. dedicate full title to part of the parksite, or

2. dedicate an undivided partial ownership interest in entire parksite, or

3. dedicate as specified in (c)1 or (c) 2 of this section and enter into an agreement with the city to reserve the undedicated portion, or

4. solely pay in-lieu fees; and/or

5. be granted credit(s) in accordance with Section 40.1311 and 40.1312.

If the subdivider concurs with the recommendation of the Planning Director, the subdivider shall dedicate the land and/or pay the fees in accordance with the recommendation prior to filing the final subdivision or parcel map. Open space covenants for private park or recreational facilities shall be submitted to the City Council prior to the approval of the final subdivision map or parcel map and shall be recorded contemporaneously with the final map.

If the subdivider objects to the recommendation of the Planning Director, the City Council shall determine at a public hearing the land to be dedicated, whether a fee is to be charged, and whether any credits shall be granted. Prior to filing the final subdivision or parcel map, the subdivider shall dedicate the land and/or pay the fees, as determined by the City Council. Open space covenants for private park or recreational facilities shall be submitted to the City Council prior to the approval of the final subdivision or parcel map and shall be recorded contemporaneously with the final map

(d) Nothing in (c) of this section shall be construed to:

1. require the dedication of land located outside the proposed final subdivision or parcel map, or

2. prohibit a subdivider from dedicating land in excess of the amount required to be dedicated pursuant to (a) of this section.

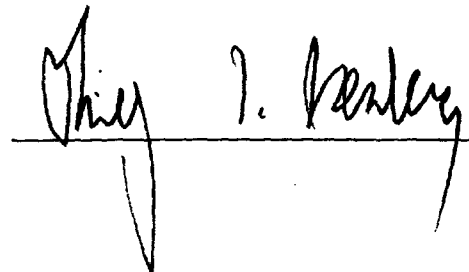
PASSED FOR PUBLICATION: April 27, 1982

ENACTED: May 6, 1982

EFFECTIVE: June 5, 1982

ATTEST:


CITY CLERK


MAYOR