

Chapter 20.52

RECREATIONAL FACILITIES AND OPEN SPACE

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Commented [AR1]: Removed the word Neighborhood from the section about Community Park Impact Fee.

20.52.010 Mini-Parks Required.

- (a) Subject to Subsection (c), all residential developments shall provide (through dedication or reservation; see §[20.52.040, Dedication, Ownership, and Maintenance of Recreational Areas and Open Space](#)) recreational areas in the form of mini-parks (as described in §[20.52.020 \(Mini-Parks: Purpose and Standards\)](#)) in an amount equal to sixty-five square feet per person expected to reside in that development (as determined in accordance with Subsection (b)). Such recreational areas shall be provided in addition to the open space areas required by §[20.52.030 \(Usable Open Space\)](#).
- (b) For purposes of this section, one-bedroom dwelling units shall be deemed to house an average of 1.4 persons, two-bedroom units 2.2 persons, three-bedroom units 3.2 persons, and units with four or more bedrooms 4.0 persons. In residential subdivisions each lot that is large enough for only a single dwelling unit shall be deemed to house an average of 3.2 persons. Each lot that is large enough to accommodate more than one dwelling unit shall be deemed to house 2.2 persons for each dwelling unit that can be accommodated.
- (c) The City Council recognizes that mini-parks must be of a certain minimum size to be usable and that such mini-parks will not serve the intended purpose unless properly maintained. Therefore, residential developments that are small enough so that the amount of required mini-park space does not exceed two thousand square feet may: (i) dedicate the same amount of land outside of the project but adjacent to another park within the vicinity of the project; or (ii) deposit a fee per expected person as set by resolution (as calculated in Subsection (b)) into the “In Lieu Park Open Space Fund.” (~~Neighborhood / Mini-Park In Lieu Fee~~). Said fund is to be used for acquisition and development of mini-park land or provision of mini-park and recreation services within the service area of the plat.

Commented [AR2]: Added the reference to the fee and not just the fund in which the fees are held.

20.52.020 Mini-Parks: Purpose and Standards.

- (a) The purpose of the mini-park is to provide adequate active recreational facilities to serve the residents of the immediately surrounding neighborhood within the development. The following are illustrative of the types of facilities that shall be deemed to serve active recreational needs and therefore to count toward satisfaction of the mini-park requirements of this chapter: tennis courts, racquetball courts, swimming pools, sauna and exercise rooms, meeting or activity rooms within clubhouses, basketball courts, sport fields, swings, slides, and play apparatus.

- (b) Each development shall satisfy its mini-park requirement by installing the types of recreational facilities that are most likely to be suited to and used by the age bracket of persons likely to reside in that development. However, unless it appears that less than five percent of the residents of any development are likely to be children under twelve, then at least fifteen percent of the mini-park must be satisfied by the construction of "tot lots" (i.e., areas equipped with imaginative play apparatus oriented to younger children as well as seating accommodations for parents).
- (c) For developments of up to twenty-five dwelling units, at least one recreation facility, as listed in Subsection (a), shall be provided. For developments of twenty-six to fifty dwelling units, at least two such recreation facilities shall be provided. For developments of more than fifty dwelling units, at least one additional recreation facility shall be provided for every twenty-five dwelling units or fraction thereof. Facility as used herein does not mean the whole park, but the recreational element found therein. More than one facility may be developed in any one location.
- (d) The total acreage of mini-parks required by [§20.52.010 \(Mini-Parks Required\)](#) shall be divided into mini-parks of not less than two thousand square feet nor more than thirty thousand square feet.
- (e) All the required mini-park acreage shall be located in one designated area, unless the permit-issuing authority determines that multiple mini-parks, each having their own recreation facilities, would better serve residents of larger projects.
- (f) If the mini-park exceeds five thousand square feet in size, then a public street and/or parking area shall front on at least ten percent of its perimeter.
- (g) Mini-parks shall be attractively landscaped and shall be provided with sufficient natural or man-made screening or buffer areas to minimize any negative impacts upon adjacent residences.
- (h) Each mini-park shall be centrally located and easily accessible so that it can be conveniently and safely reached and used by those persons in the surrounding neighborhood it is designed to serve as well as public safety personnel.
- (i) Each mini-park shall be constructed on land that is relatively flat (maximum five percent slope), dry, and capable of serving the purposes intended by this chapter.
- (j) Mini-parks shall not be placed in or near utility easements for major transmission lines (e.g., power, natural gas, etc.)
- (k) Mini-parks shall be roughly square or rectangular, and in no instance have a dimension less than thirty feet or a length to width ratio greater than 2:1.
- (l) Each mini park shall be constructed in compliance with the City's Mini-Park Standards, and include water and electric services. A park plan shall be submitted as part of the preliminary plat application containing the requirements specified in the submittal checklist.
- (m) An applicant may propose a mini-park that differs from the above requirements provided that the intent of the requirements is met. As part of the land use permit application, the applicant shall submit a letter documenting the reason(s) for the proposed deviation(s) and how the intent of the requirement has been satisfied.

20.52.024 Community Parks Impact Fee.

In addition to the requirements of [§20.52.010 \(Mini-Parks Required\)](#) each residential development shall pay a Community Park impact fee pursuant to [§20.90.400 \(Community Parks Impact Fee\)](#).

20.52.030 Usable Open Space.

- (a) ~~Except as provided in Subsection (e), every~~ Every residential development shall be developed so that at least ~~five~~ ten percent of the total area of the development remains permanently as usable open space.
- (b) For purposes of this section, usable open space means an area that:
- (1) Is not encumbered with any substantial structure or utility easement for distribution lines,
 - (2) Is not devoted to use as a roadway, parking area, or sidewalk,
 - (3) Is left (as of the date development began) in its natural or undisturbed state if wooded, except for the cutting of trails for walking or jogging, or, if not wooded at the time of development, is landscaped for ball fields, picnic areas, or similar facilities, or is properly vegetated and landscaped with the objective of creating a wooded area or other area that is consistent with the objective set forth in ~~Subdivision section~~ (4),
 - (4) Is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation,
 - (5) Is legally and practicably accessible to the residents of the development out of which the required open space is taken, or to the public if dedication of the open space is required pursuant to [§20.52.040 \(Dedication, Ownership, and Maintenance of Recreational Areas and Open Space\)](#),
 - (6) Consists of land no more than twenty-five percent of which lies within a floodplain or floodway as those terms are defined in [§20.08.010 \(Definitions of Basic Terms\)](#) or of slopes greater than five percent, or a critical area buffer,
 - (7) The length of the area shall be no more than twice its width, and
 - (8) Those environmentally critical areas protected pursuant to ~~Chapter 20.88~~ [Chapter 20.93 \(Environmentally Critical Areas Ordinance\)](#) shall not be counted toward the project's usable open space requirement.
- ~~(e) Subdivided residential developments of less than twenty five dwelling units are exempt from the requirements of this section unless the city agrees that it will accept an offer of dedication of such open space, and in that case the offer of dedication shall be made.~~

Commented [AR3]: Increased the amount of open space on residential developments from 5 to 10 percent.

Commented [AR4]: Updated the name and chapter number for the Critical Area Ordinance.

Commented [AR5]: Removed this section of code to require all residential development to provide open space.

20.52.040 Dedication, Ownership, and Maintenance of Recreational Areas and Open Space.

- (a) Unless otherwise agreed to by Council, all park and recreation facilities and other open space to be provided by the developer in accordance with this chapter shall remain under the ownership and control of the developer (or his successor) or a homeowners association or similar organization that satisfies the criteria established in [§20.52.060 \(Homeowners Associations\)](#).
- (b) If any portion of any lot proposed for residential development lies within an area designated on the officially adopted recreation master plan as a neighborhood park or part of the greenway system or bikeway system, the area so designated (not exceeding five percent of the total lot area) shall be included as part of the area set aside to satisfy the requirement of [§20.52.030 \(Usable Open Space\)](#). This area shall be dedicated to public use.
- (c) If more than five percent of a lot proposed for residential development lies within an area designated as provided in Subsection (b), the city may attempt to acquire the additional land in the following manner:
1. The city may purchase or condemn the land.
- (d) The person or entity identified in Subsection (a) as having the right of ownership and control over such recreational facilities and open space shall be responsible for the continuing upkeep and proper maintenance of the same.

20.52.060 Homeowners Associations.

Homeowners associations or similar legal entities that, pursuant to §[20.52.040 \(Dedication, Ownership, and Maintenance of Recreational Areas and Open Space\)](#), are responsible for the maintenance and control of common areas, including recreational facilities and open space, shall be established in such a manner that:

- (a) Provision for the establishment of the association or similar entity is made before any lot in the development is sold or any building occupied;
- (b) The association or similar legal entity has clear legal authority to maintain and exercise control over such common areas and facilities;
- (c) The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities.

20.52.070 Flexibility in Administration Authorized.

- (a) The requirements set forth in this chapter concerning the amount, size, location, and nature of recreational facilities and open space to be provided in connection with residential developments are established by the council as standards that presumptively will result in the provision of that amount of recreational facilities and open space that is consistent with officially adopted city plans. The council recognizes, however, that due to the particular nature of a tract of land, or the nature of the facilities proposed for installation, or other factors, the underlying objectives of this chapter may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the permit-issuing body is authorized to permit minor deviations from these standards whenever it determines that: (i) the objectives underlying these standards can be met without strict adherence to them; and (ii) because of peculiarities in the developer's tract of land or the facilities proposed it would be unreasonable to require strict adherence to these standards.
- (b) Whenever the permit-issuing authority authorizes some deviation from the standards set forth in this chapter pursuant to Subsection (a), the official record of action taken on the development application shall contain a statement of the reasons for allowing the deviation.