

**Street Dedication and Improvement**  
**Section 17.30.310 Rio Dell Municipal Code**

**17.30.310 Street Dedication and Improvement.**

(1) Requirement. No building or structure shall be erected or relocated, or expanded or altered in an amount exceeding 50 percent of the value of the existing structures or improvements on said premises, and no building permit shall be issued therefore, on any lot unless such dedication and improvements have been assured to the satisfaction of the Director of Public Works, subject to the following limitations:

(a) In any zone other than TC, the maximum area of land required to be dedicated shall not exceed 25 percent of any lot area, and in no event shall such dedication reduce the lot below the required minimum lot sizes, widths and areas specified in this title unless lesser area, width or depth is approved by the City Council. In no case, however, shall such dedication be required if:

(i) Lot depth is reduced to less than 50 feet;

(ii) Lot width is reduced to less than 25 feet;

(iii) Lot area is reduced to 4,800 square feet, or to less than 80 percent of the area size of any lot that:

(A) Is less than 6,000 square feet on the date the ordinance codified in this title was adopted by the City Council;

(B) Is not required to be merged with another lot by the provisions of Section 66424.2 of the Government Code.

(b) No such dedication may be required with respect to the portion of a lot occupied by a main building, although an irrevocable offer of dedication, not to be exercised by the City while the main building exists on the land to be dedicated, may be required of the owner.

(c) No additional improvement shall be required on any lot where all of the following exist within the present dedication contiguous thereto and on the block: complete roadway, curb, gutter, and sidewalk improvements.

(2) Requirement – Private Streets. The provisions of subsection (1)(a)(ii) of this section shall apply to lots or parcels abutting a private street or road right-of-way established by recorded document or easement, with the exception that the City Planning Commission or City Council may, in lieu of requiring a dedication as hereinafter provided, require an irrevocable offer of dedication which shall be recorded and shall not become a part of the City street system until therefore accepted into the City's street system by resolution of the City Council. The Commission or City Council, as the case may be, may waive the dedication requirement of this section where it is found and determined that there is little likelihood that the remaining right-of-

way adjacent to other lots or parcels in the area will be acquired for the public use and that the acquisition of said right-of-way in connection with the proposed improvements to any given parcel would be of no public benefit.

(3) Dedication Standards. Said street right-of-way shall be dedicated to and in accordance with the width, standards and right-of-way lines of the general plan.

(4) Dedication in UR and SR Zone. Dwellings or accessory buildings in the UR and SR zone shall be subject to the provisions of this subsection, where in addition the following conditions exist:

(a) The maximum area of land required to be dedicated shall not exceed 20 feet of lot depth and 25 percent of lot area and in no event shall said lot be reduced to less than 80 percent of the minimum required lot size of this title; and

(b) The right-of-way line to which dedication is required is consistent with the minimum right-of-way widths required by the City Council in the circulation element of the general plan in effect on the date of application for said building permit; or

(c) The right-of-way line to which dedication is required is not shown on any general or specific plan element, but has been established on adjoining properties on the same side of the block by the construction of street improvements, including curbs, gutters, and sidewalks, in which event dedication shall be to the greater established right-of-way line created by the reason of such street improvements, or any lesser width thereof as established by the Public Works Director or the Planning Commission if ratified by the City Council, in applying the principles of this section, and subject to subsection (4)(a) of this section.

(5) Improvements. Before a building or structure subject to the provisions of this section may be occupied or utilized, curbs, gutters, sidewalks, streets, and private drainage structures shall be constructed at the grade and location specified by the Director of Public Works, unless there already exists within the present right-of-way, on the property the owner has agreed to dedicate, curbs, gutters, sidewalks or drainage structures and streets which shall be in accordance with City standards and RDMC Title 16, if applicable.

(6) Waiver. The Planning Commission may recommend to the City Council, upon determination of hardship, other than financial hardship, by reason of unusual circumstances applicable to the owner of any parcel of property subject to the provisions of this section, waiver of any and all provisions of this section.

(7) Appeal. Any person required to dedicate land or make improvements under the provisions of this section may appeal any determination or decision made hereunder to the City Council. Such appeal shall be in writing and shall be accompanied by any appeal fee established or set by the City Council. The appeal shall state in clear and concise language the grounds thereof. In addition, any member of the City Council may appeal any decision or determination made under this section to the City Council for hearing thereof.

The City Council may make such modifications in the requirements of this section or may grant such waivers or modification of the determinations required or made hereunder as it shall determine is required to prevent an unreasonable hardship under the facts of any case and as long as each such modification or waiver is in conformity with the general spirit and intent of this section.

(8) Improvement and Dedication in Connection with the Granting of a Zone Change, Variance or Conditional Use Permit. In addition to the provisions of this section, the Commission or Council granting any change of zone, conditional use permit or variance may, as a condition of the same, require the dedication and improvement of street rights-of-way beyond that designated on any general or specific plan element of the City, where the granting of such zone change, variance or conditional use permit would otherwise be detrimental to the public peace, health and safety by reason of increased parking, traffic congestion, or other reason occasioned by the improvement of such property under such a proposed zone change, variance, or conditional use permit.

(9) Agreement to Dedicate and Improve. In lieu of dedication, where required by this section, an owner may, subject to the discretion of the officer, board or agency authorized to accept said dedication, enter into an agreement with the City to dedicate, signed by all persons having any right, title, interest or lien in the property, or any property, or any portion thereof to be dedicated. The signatures on such agreement shall be acknowledged and the agreement shall be prepared for recordation.

In lieu of any required improvement under this section, the officer, board or agency authorized or required to accept the same may in its discretion enter into an agreement with the owner, secured by cash or surety bond to the approval of the City Attorney, guaranteeing the installation of said improvements.

(a) Failure to Dedicate or Improve. In any case where dedication or improvement is required pursuant to any provision of this section and such dedication or improvement is not made or installed within the time specified in the issuance of any permit, motion, resolution, order or ordinance by any officer, the Commission or Council, any authority to construct any building, or to receive or have a conditional use permit, variance or zone change granted or approved on the condition of such dedication or improvement shall terminate automatically unless the time to dedicate or improve is extended by the City Council, or the improvement or dedication, as the case may be, is accomplished as follows:

(i) In any case where dedication or improvement as required by this section is not made or installed within the time specified in any agreement made and entered into pursuant hereto, the Director of Public Works may forfeit any bond or security given therefor and cause said work to be performed, remitting to the owner any balance remaining after deducting the cost of said work, plus all engineering and overhead expenses. Should the cost exceed the amount of security supplied by the owner, the owner shall pay the difference upon demand, or through a tax lien upon the property.

(ii) In lieu of completing said dedication or improvement, the Director of Public Works may recommend to the City Council that the City improve and cancel and revoke all permits issued pursuant to this section.

In the event of termination, as hereinbefore provided, all rights, privileges, permits, variances, or zone changes granted pursuant to this permit are automatically rescinded and of no legal force or effect.

(10) Maintenance and Repair of Sidewalks. Anything in this chapter to the contrary notwithstanding, the maintenance and repair of sidewalk areas and the making, confirming and collecting of assessments for the cost and expenses of said maintenance and repair may be done and the proceedings therefor may be had and taken in accordance with this chapter and

the procedure therefor provided in Chapter 22 of Division 7, Part 3, of the Streets and Highways Code of the State as the same is now in effect or may hereafter be amended. In the event of any conflict between the provisions of said Chapter 22 of Division 7, Part 3, of the Streets and Highways Code of the State and this chapter, the provisions of chapter shall control.

The owners of lots or portions of lots adjacent to or fronting on any portion of a sidewalk area between the property line of the lots and the street line, including parking strips, sidewalks, curbs and gutters, and persons in possession of such lots by virtue of any permit or right shall repair and maintain such sidewalk areas and pay the costs and expenses therefor, including a charge for the City of Rio Dell's cost of inspection and administration whenever the city awards a contract for such maintenance and repair and including the costs of collection of assessments for the costs of maintenance and repair, the first paragraph of this subsection, or handling of any lien placed on the property due to failure of the property owner to promptly pay such assessments.

For the purposes of this section, maintenance and repair of sidewalk area shall include, but not be limited to, maintenance and repair of surfaces including grinding, removal and replacement of sidewalks, repair and maintenance of curb and gutters, removal and filling or replacement of parking strips, removal of weeds and/or debris, supervision and maintenance of signs, tree root pruning and installing root barriers, trimming of shrubs and/or ground cover and trimming shrubs within the area between the property line of the adjacent property and the street pavement line, including parking strips and curbs, so that the sidewalk area will remain in a condition that is not dangerous to property or to persons using the sidewalk in a reasonable manner and will be in a condition which will not interfere with the public convenience in the use of said sidewalk area. Notwithstanding the provisions of Section 5614 of the state Streets and Highways Code, the Director of Streets and Parks may, in his or her discretion and for sufficient cause, extend the period within which required maintenance and repair of sidewalk areas must commence by a period of not to exceed ninety days from the time the notice referred to in said Section 5614 is given.

The property owner required by this section to maintain and repair the sidewalk area shall owe a duty to members of the public to keep and maintain the sidewalk area in a safe and nondangerous condition. If, as a result of the failure of any property owner to maintain the sidewalk area in a nondangerous condition as required by this section, any person suffers injury or damage to person or property, the property owner shall be liable to such person for the resulting damages or injury. [Ord. 264, 2009; Ord. 252 § 6.18.5, 2004.]