

ORDINANCE NO.

1 **AN ORDINANCE AMENDING CHAPTERS 25-1 AND 25-4 OF THE CITY CODE**
2 **AND REPEALING CHAPTER 25-2, SUBCHAPTER E, SUBSECTION 4.3.3.F,**
3 **PARAGRAPH 5 OF THE CITY CODE RELATING TO PARKLAND**
4 **DEDICATION; AND ESTABLISHING THE PARKLAND COST FOR EACH**
5 **DWELLING UNIT.**

6
7 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

8
9 **PART 1.** Chapter 25-1 (*General Requirements And Procedures*) of the City Code is
10 amended to add Article 14 to read:

11 ***ARTICLE 14. PARKLAND DEDICATION.***

12 **§ 25-1-601 APPLICABILITY.**

13 (A) Except as provided in Subsections (B) and (C), the parkland dedication
14 requirements of this article apply to:

- 15 (1) residential subdivisions; and
16 (2) site plans with three or more dwelling units.

17 (B) This article does not apply in the portion of the City's extraterritorial
18 jurisdiction that is within Travis County. Parkland dedication for that area is
19 governed by Title 30 (*Austin / Travis County Subdivision Regulations*).

20 (C) The following are exempt from the requirements of this article:

- 21 (1) a plat with not more than four lots designated for a single-family
22 residential use that may be approved without a preliminary plan;
23 (2) a resubdivision of land that does not increase the number of dwelling
24 units or lots by more than three;
25 (3) a subdivision for which a preliminary plan was approved after June 30,
26 1984 and before July 8, 1985;
27 (4) a subdivision or site plan within a municipal utility district that has a
28 consent agreement and land use plan approved by the City that provides
29 for the dedication of parkland or recreational facilities or the payment of
30 fees instead of dedication of the parkland or facilities; and

1 (5) a subdivision or site plan for which parkland was previously dedicated or
2 payment made under this title, except for the dwelling units or lots that
3 exceed the number for which dedication or payment was made.

4 **§ 25-1-602 DEDICATION OF PARKLAND REQUIRED.**

5 (A) A subdivider or site plan applicant shall provide for the parkland needs of the
6 residents by the dedication of suitable land for park and recreational purposes
7 under this article.

8 (B) For a subdivision, the area to be dedicated must be shown on the preliminary
9 plan and the plat and included in the dedication statement. The subdivider
10 shall dedicate to the City all parkland required by this article when a plat is
11 approved.

12 (C) For a site plan, the area to be dedicated must be shown on the site plan and in
13 a deed to the City. The applicant shall dedicate to the City all parkland
14 required by this article before the site plan is approved.

15 (D) The amount of parkland required to be dedicated to the City is five acres for
16 every 1,000 residents, as determined by the following formula:

17
$$\frac{5 \times (\text{Number Of Units}) \times (\text{Residents Per Unit})}{1000} = \text{Acres of parkland}$$

18
19 (E) In calculating the amount of parkland to be dedicated under this section, the
20 number of residents in each dwelling unit is based on density as follows:

<u>Dwelling Units Per Acre</u>	<u>Residents In Each Dwelling Unit</u>
Not more than 6	2.8
More than 6 and not more than 12	2.2
More than 12	1.7

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24
25 (F) If the density of a development is not known:

26 (1) the density is assumed to be the highest permitted in the zoning district,
27 or if the property is not zoned, 24 dwelling units per acre; or

28 (2) the developer may reduce the assumed density by restricting density in a
29 restrictive covenant enforceable by the City and approved by the city
30 attorney.

1 (G) The subdivider or site plan applicant shall pay all costs of transferring the
2 parkland to the City, including the costs of:

- 3 (1) an environmental site assessment without any further recommendations
4 for clean-up, certified to the City not earlier than the 120th day before
5 the closing date;
- 6 (2) a Category 1(a) land title survey, certified to the City and the title
7 company not earlier than the 120th day before the closing date;
- 8 (3) a title commitment with copies of all Schedule B and C documents, and
9 an owner's title policy;
- 10 (4) a fee simple deed;
- 11 (5) taxes prorated to the closing date;
- 12 (6) recording fees; and
- 13 (7) charges or fees collected by the title company.

14 **§ 25-1-603 STANDARDS FOR DEDICATED PARKLAND.**

- 15 (A) Land to be dedicated as parkland must comply with the standards in the
16 Comprehensive Plan, the Park and Recreation Action Plan, the Administrative
17 Criteria Manual, and this section.
- 18 (B) The director of the Parks and Recreation Department shall determine whether
19 land offered for dedication complies with the standards for dedication.
- 20 (C) Fifty percent of acreage in the 100 year floodplain that is dedicated as parkland
21 may be credited toward fulfilling the requirements of this article if the
22 adjoining land within the 25 year floodplain, if any, is also dedicated as
23 parkland. The land within the 25 year floodplain may not be credited toward
24 fulfilling the requirements of this article.
- 25 (D) Land identified on the Critical Areas Map maintained by the Watershed
26 Protection and Development Review Department that does not otherwise
27 comply with the standards for parkland dedication may be accepted as
28 dedicated parkland if the director of the Parks and Recreation Department
29 determines that the land will provide recreational or educational opportunities
30 for the surrounding community. In this event, 50 percent of the acreage may
31 be credited toward fulfilling the requirements of this article.

1 (a) for a deposit made at the time of subdivision, calculated in
2 accordance with Section 25-1-602 (*Dedication Of Parkland*
3 *Required*); or

4 (b) for a deposit made at the time of site plan, the number shown on
5 the site plan.

6 (2) The parkland cost for each dwelling unit is:

7 (a) based on a report by the city manager that analyzes of the costs of
8 acquiring and developing parkland and determines the
9 proportionate share of those costs attributable to new residential
10 development;

11 (b) approved by council; and

12 (c) periodically reviewed by the city manager and council.

13 (E) A deposit must be placed in the City's Neighborhood Park and Recreation
14 Improvement Fund. The deposit must be used for the acquisition or
15 improvement of neighborhood parks that will benefit the residents of the
16 subdivision or site plan and that are located in the service area defined by the
17 Parks and Recreation Department.

18 (F) The City shall expend a deposit within five years from the date it is received.
19 This period is extended by five years if, at the expiration of the initial five year
20 period, less than 50 percent of the residential units in the subdivision or on the
21 site plan have been constructed.

22 (G) If the City does not expend a deposit by the deadline described in Subsection
23 (F), and the actual number of residential units constructed is less than the
24 number assumed at the time the deposit was calculated, the owner may request
25 a refund. The request must be in writing and filed with the director of the
26 Parks and Recreation Department not later than 180 days after the expiration
27 of the time period described in Subsection (F). A refund is calculated by
28 multiplying the percentage of the reduction in the number of residential units
29 times the amount of the deposit. A refund may not exceed the unexpended
30 amount of a deposit.

31 **§ 25-1-606 SUBMITTAL REQUIREMENTS.**

32 (A) The director of the Parks and Recreation Department may request that the
33 subdivider or site plan applicant provide information relating to proposed
34 parkland to determine whether the proposed parkland complies with this
35 article.

1 (B) A subdivider or site plan applicant shall provide the information requested
2 under this section.

3 **PART 2.** Chapter 25-2, Subchapter E, Subsection 4.3.3.F, Paragraph 5 of the City Code
4 is repealed, and the remaining paragraph renumbered accordingly.

5 **PART 3.** Chapter 25-4, Article 3, Division 5 (*Parkland Dedication*) of the City Code is
6 repealed and replaced with a new Division 5 to read:

7 **Division 5. Parkland Dedication.**

8 **§ 25-4-211 PARKLAND DEDICATION.**

9 The platting requirement for parkland dedication is governed by Chapter 25-1,
10 Article 14 (*Parkland Dedication*).

11 **PART 4.** In calculating a deposit under Section 25-1-605(B) (*Payment Instead Of Land*),
12 the parkland cost for each dwelling unit is \$650. This dollar amount is based on a report
13 by the city manager that analyzes the cost of parkland acquisition and development and
14 determines the proportionate share of those costs attributable to new residential
15 development. The city manager is instructed to prepare a similar report every three years
16 that includes a recommendation for adjusting the dollar amount.

17 **PART 5.** This ordinance takes effect on _____, 2007.

18 **PASSED AND APPROVED**

19 _____, 2007 §
20 §
21 §
22 _____, 2007 §

23 Will Wynn
24 Mayor

25
26
27 **APPROVED:** _____
28 David Allan Smith
29 City Attorney

27 **ATTEST:** _____
28 Shirley A. Gentry
29 City Clerk