

ORDINANCE NO. 20140807-169

**AN ORDINANCE AMENDING CITY CODE CHAPTERS 25-1 AND 25-4
RELATING TO PARKLAND DEDICATION IN RESIDENTIAL SUBDIVISIONS.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Subsection (A) of City Code Section 25-1-601 (*Applicability*) is amended to read:

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

- (1) residential subdivisions; ~~and~~
- (2) site plans with three or more dwelling units; and [-]
- (3) residential building permits, as provided under Section 25-1-606
(Dedication of Land or Payment In-Lieu at Building Permit).

PART 2. City Code Section 25-1-602 (*Dedication of Parkland Required*) is amended to add a new Subsection (D) to read as follows and to re-designate the remaining subsections accordingly:

(D) For a building permit that is subject to Section 25-1-606 (*Dedication of Land or Payment In-Lieu at Building Permit*), the area to be dedicated must be shown in a deed to the City. The applicant shall dedicate to the City all parkland required by this article before a building permit is issued.

PART 3. City Code Chapter 25-1, Article 14 (*Parkland Dedication*) is amended to add a new Section 25-1-606 to read as follows and to renumber the remaining section of that article accordingly:

§ 25-1-606 DEDICATION OF LAND OR PAYMENT IN-LIEU AT BUILDING PERMIT.

(A) Dedication of parkland or payment in lieu of dedication, as determined by the director of the Parks and Recreation Department, is required as a condition to obtaining a building permit for residential development located within a subdivision that:

- (1) at the time of approval, was deemed to be exempt from a requirement to dedicate parkland or pay a fee in-lieu of dedication based on the assumption that development within the subdivision would be limited to non-residential uses; and

(2) has not subsequently developed with a use for which parkland was dedicated or a fee in-lieu of dedication was paid.

(B) The amount of a fee in-lieu of parkland dedication under this section shall be calculated in accordance with Section 25-1-605 (*Payment Instead of Land*).

PART 4. City Code Chapter 25-4, Article 3, Division 5 (*Parkland Dedication*) is amended to add a new Section 25-4-212 to read:

§ 25-4-212 DOCUMENTING EXEMPTIONS FROM PARKLAND DEDICATION.

(A) In approving a subdivision or site plan that is required to dedicate parkland under Section 25-1-602 (*Parkland Dedication Required*), the director may require a notation on the plat or site plan indicating that land has been dedicated or a fee in-lieu paid as required by this article.

(B) If an application for a preliminary plan or final plat is submitted for a non-residential development that is exempt from this article under Section 25-1-601 (*Applicability*), the director may require a plat notation stating that any subsequent residential development within the subdivision is required to dedicate parkland or make payment in-lieu of dedication as required by Chapter 25-1, Article 14 (*Parkland Dedication*) or other applicable ordinance.

(C) If a plat note prohibiting residential uses was required by the City of Austin in order to document an exemption from parkland dedication for a non-residential subdivision on or after July 25, 1985, the applicant may amend the plat in order to conform the notation with the plat note authorized under Subsection (A) or (B) of this section.

PART 5. This ordinance takes effect on August 18, 2014.

PASSED AND APPROVED

_____, August 7, 2014

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Lee Leffingwell
Mayor

APPROVED: _____
Karen M. Kennard
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk