

PARKLAND DEDICATION ORDINANCE – AGENDA ITEM Backup

Recommended Staff Amendments

Late Backup

September 17, 2015

We recommend that Council adopt the proposed ordinance with the changes shown below, which are responsive to issues raised after backup for the item was posted last week. These changes are all fairly minor and do not change the overall substance of the ordinance.

The amendments were drafted by the Law Department and will not prevent Council from passing the ordinance on all three readings, should you wish to do so.

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Amendment 1

Purpose: The ordinance clarifies that, when parkland is dedicated with a site plan, it must be conveyed to the City “by deed.” This amendment makes it clear that, during the review process, staff will work with the applicant to determine a fair and appropriate “impervious cover” allocation that minimizes impact on development of the site plan while allowing for development of parkland with recreational amenities.

Text: At page 4 of the ordinance, replace Section 25-1-602 (*Dedication of Parkland*) with the following language. (Other than correcting a typo, the final sentence is the only difference from the draft ordinance in backup).

- (C) For a site plan, the area to be dedicated must be shown on the site plan as “Parkland Dedicated to the City of Austin” and in a deed to the City. The applicant shall dedicate the parkland required by this article to the City by deed ~~[all parkland required by this article]~~ before the site plan is ~~[approved]~~ released, except that dedication may be deferred until issuance of a certificate of occupancy if construction of amenities is authorized under Section 25-1-605 (Fee In-Lieu of Parkland Dedication) or Section 25-1-606 (Parkland Development Fee). In negotiating a deed for parkland

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under this section, the director may require a reasonable allocation of impervious cover that allows for construction of parkland amenities without unduly impacting development of the proposed site plan.

Amendment 2

Purpose: This amendment would require PARD to establish a process to let applicants determine whether payment of a fee in-lieu of dedication will be allowed before submitting a formal site plan application. This could be done with a “development assessment” or through some other administratively established process.

Text: At page 8 of the ordinance, add the following language as a new Subsection (C) in Section 25-1-605 and re-designate the remaining subsection accordingly:

(C) The director shall, at the request of an applicant, determine whether payment of a fee in-lieu of parkland dedication will be allowed prior to formal submittal of a site plan or subdivision application. The director may establish requirements for obtaining the determination in the Parkland Dedication Operating Procedures and may require an applicant to provide information relevant to the criteria in Subsection (B) of this section.

Amendment 3

Purpose: In defining “density classifications,” it should be clearer that the ordinance is referring to number of units and not number of people.

Text: At page 4 of the ordinance, add the word “units” after each of the numbers stated in the first column of the table in Section 25-1-602(F).