

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2014-028 Parkland Dedication

Description: Consider an ordinance amending City Code Title 25 related to parkland dedication and associated parkland fees.

Proposed Language: See attached draft ordinance.

Summary of proposed code changes:

- Uses the current level of service for neighborhood parks of 9.4 acres per 1,000 instead of 5 acres per 1,000 residents designated in 1985
- Establishes a formula for fee in-lieu of land and a fee for park development to reflect current park costs
- Incentivizes recreation on infill lots by allowing private common open space, if designed for active uses and open to the public, to count toward parkland dedication and allows credit for amenities constructed
- Removes some exemptions created in 1985 that are obsolete and difficult to administer

Background:

On December 11, 2014, City Council passed Resolution No. 20141211-219 initiating amendments to City Code Chapter 25-1, Article 14 (*Parkland Dedication*) and approving staff's calculation methodology as found in the Parkland Dedication Fee Methodology Report ("Report") issued by staff on November 19, 2014. The resolution directed the City Manager to develop a draft ordinance implementing the Report's recommendations.

The "Report" responded to Council's prior direction in Resolution No. 20140807-093 directing the City Manager to evaluate the City's current approach and methodology for parkland dedication. The "Report" concluded that the existing parkland dedication ("PLD") fee does not cover costs for acquiring and developing parkland, and that the current formula for determining the amount of land to be dedicated is insufficient to maintain the current quality of life in Austin.

Stakeholder roundtables and public meetings were held between October 2014 and January 2015 and input was incorporated into the draft amendments. The Planning Commission voted unanimously to recommend the ordinance on June 23, 2015. The Parks Department held another stakeholder roundtable on August 28, 2015 to continue discussions and receive feedback on the draft ordinance.

Staff Recommendation:

The Parks Department recommends that Council adopt the proposed ordinance in backup, with the following additional changes (shown below) in response to concerns raised by stakeholders and by council.

Amendment No. 1 was previously submitted to Council at the public hearing on September 17, 2015. Amendment No. 2 was also submitted to Council at the September 17 hearing, but the version below includes a further change responding to stakeholder concerns. Amendment No. 3 is new.

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 that the total impervious cover allowed on the site is allocated in a manner that maximizes development potential 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 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, and would be binding for a period of one year.

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. A determination issued under this subsection is valid for a period of one-year from the date of issuance.

Amendment 3

Purpose: This amendment would extend the parkland dedication/fee in-lieu requirements, as well as the parkland development fee, to hotel/motel uses. The assumed density for hotel-motel uses would be 1.7 people per occupied room, reduced to reflect the annual occupancy rate as reported by the Texas Economic Development & Tourism Office.

Text:

- At page 2 of the ordinance, replace Subsection (B) in City Code Section 25-1-601 (*General Provisions*) with the following:

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

- (1) a residential subdivision [subdivisions] within the planning jurisdiction;
- (2) a site plan [plans] within the zoning jurisdiction that includes residential units or a hotel-motel use [with three or more dwelling units]; and
- (3) a residential building permit [permits], as provided under Section 25-1-608 [25-1-606] (*Dedication of Land or Payment In-Lieu at Building Permit*).

- At page 3 of the ordinance, in Subsection (D) of Section 25-1-601 (*General Provisions*), add a new definition of “Annual Occupancy Rate” to read as follows and renumber the remaining definitions accordingly:

(1) ANNUAL OCCUPANCY RATE is the hotel-motel occupancy rate for the City of Austin, as reported by the Texas Economic Development & Tourism Office.

- At page 4 of the ordinance, replace Subsection (F) in Section 25-1-602 (*Dedication of Parkland*) with the following:

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

<u>Density Classification [Dwelling Units Per Acre]</u>	<u>Residents In Each Dwelling Unit</u>
<i>Low Density</i> : Not more than <u>6 units</u>	2.8
<i>Medium Density</i> : More than 6 and not more than <u>12 units</u>	2.2
<i>High Density</i> : More than <u>12 units</u>	1.7
<i>Hotel-Motel Density</i> : Total number of rooms	<u>1.7 x Annual Occupancy Rate</u>

- At page 8 of the ordinance, replace the table in Section 25-1-605(C)(1) (*Fee In-Lieu of Parkland Dedication*) with the following:

(1) Fee In-Lieu of Dedication:

<u>Density Classification</u>	<u>Fee In-Lieu Amount</u>
<u>Low Density</u>	<u>2.8 x Land Cost Per Person</u>
<u>Medium Density</u>	<u>2.2 x Land Cost Per Person</u>
<u>High Density</u>	<u>1.7 x Land Cost Per Person</u>
<u>Hotel-Motel Density</u>	<u>1.7. x Land Cost Per Person x Annual Occupancy Rate</u>

- At page 10 of the ordinance, replace the table in Section 25-1-606(B)(1) (*Parkland Development Fee*) with the following:

(1) Parkland Development Fee:

<u>Density Classification</u>	<u>Development Fee Amount</u>
<u>Low Density</u>	<u>2.8 x Park Development Cost Per Person</u>
<u>Medium Density</u>	<u>2.2 x Park Development Cost Per Person</u>
<u>High Density</u>	<u>1.7 x Park Development Cost Per Person</u>

<u>Hotel-Motel Density</u>	<u>1.7 x Park Development Cost</u> <u>Per Person x Annual</u> <u>Occupancy Rate</u>
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Board and Commission Actions

November 18, 2014: Parks and Recreation Board. Fee calculation method approved.

May 27, 2015: City Council Open Space Committee. Draft ordinance amendment presented with opportunity for public comment. Lack of quorum/No action taken

June 23, 2015: Planning Commission. Approved Unanimously

Council Action

August 14, 2014: Council directed the City Manager to report and provide analysis and recommendation for adjustment of the parkland dedication fee and conduct a comprehensive review and make recommendations for revisions to the existing Parkland Dedication Ordinance

December 11, 2014: Council passed a resolution adopting the proposed new fee methodology and initiated a parkland dedication code amendment

August 6, 2015: Public Hearing set by City Council

September 17, 2015: Public Hearing at City Council

Ordinance Number: N/A

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