

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTER 25-1 AND ORDINANCE NO. 20070621-027 RELATING TO PARKLAND DEDICATION AND ASSOCIATED PARKLAND FEES.

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

PART 1. The City Council makes the following findings:

- A. Core principles of the *Imagine Austin Comprehensive Plan* envision the City of Austin as a healthy community, with ample recreational opportunities and open space integrated into a compact and connected city.
- B. Since 1985, the City of Austin has required new development to dedicate parkland or pay a fee in-lieu of dedication consistent with well-established case law recognizing municipal authority to require parkland dedication.
- C. With the adoption of Resolution No. 20141211-219, the City Council initiated amendments to update the City of Austin's parkland dedication to better achieve the goals of *Imagine Austin* and better align the City's parkland requirements with those of peer cities.
- D. The current fee in-lieu of parkland dedication in Austin has not changed since 2007 and is among the lowest in the state and the country.
- E. The City's Parkland Dedication Fee Methodology Report ("Report") issued on November 19, 2014, concluded that the existing parkland dedication fee does not cover costs for acquiring and developing parkland and that the current formula for determining the amount of land required to be dedicated is insufficient to maintain the current quality of life.
- F. Professor John L. Crompton, a Texas expert on Parkland Dedication ordinances, advised the Parks and Recreation Department that a fair parkland dedication fee should maintain existing residents' level of park service and be based on a per-person assessment method.
- G. The amendments adopted by this ordinance reflect the findings in the Report, as well as the advice of Professor Crompton, and will ensure that new growth and development contribute its fair share towards maintaining the City's park system.

PART 2. City Code Chapter 25-1, Article 14 (*Parkland Dedication*) is amended to read:

ARTICLE 14. - PARKLAND DEDICATION.

§ 25-1-601 GENERAL PROVISIONS [APPLICABILITY].

(A) The City of Austin has determined that recreational areas in the form of public parks are necessary for the well-being of residents. The City has further determined that the approval of new residential development is reasonably related to the need for additional parkland and park amenities to serve new development. This article establishes a fair method for determining parkland dedication, or the payment of a fee in-lieu of dedication, to be required as a condition to the approval of new development in an amount proportionate to the impact of development on existing parks and established levels of service.

(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*).

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

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

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

- (5)] a subdivision or site plan for which parkland was previously dedicated or payment made under this title, except for the dwelling units or lots that exceed the number for which dedication or payment was made[-];
- (2) development within the City's extraterritorial jurisdiction that is within Travis County and governed by Title 30 (Austin/Travis County Subdivision Regulations); and
- (3) affordable dwelling units that are certified under the S.M.A.R.T. Housing Policy approved by the city council.

(D) The following definitions apply throughout this article:

- (1) ANNUAL OCCUPANCY RATE means the hotel-motel occupancy rate for the City of Austin, as reported annually by the Texas Economic Development & Tourism Office.
- (2) DIRECTOR means the director of the Parks and Recreation Department.
- (3) DISTRICT PARK means a park of 31 to 100 acres with a two-mile service area.
- (4) GREENWAYS means a multi-functional linear park that:
- (a) links two or more separate parks;
 - (b) serves as a wildlife corridor;
 - (c) provides flood control; or
 - (d) contains routes for non-motorized vehicles.
- (5) METRO PARK means a park of 200 or more acres that serves the entire city.
- (6) NEIGHBORHOOD PARK means a park of two to thirty acres with a one-mile service area.
- (7) POCKET PARK means a park of no more than two acres with a one-quarter mile service area.

§ 25-1-602 DEDICATION OF PARKLAND [REQUIRED].

- (A) Except where payment of a fee in-lieu of dedication is allowed under Section 25-1-605 (Fee In-Lieu of Parkland Dedication), a [A-subdivider] subdivision or site plan applicant shall provide for the parkland needs of the residents by the dedication of suitable land for park and recreational purposes under this article.

- (B) For a subdivision, the area to be dedicated must be shown on the preliminary plan and ~~[the]~~ final plat as “Parkland Dedicated to the City of Austin [and included in the dedication statement].” The subdivider shall dedicate to the City all parkland required by this article when a plat is approved, except that the director may defer dedication of parkland to site plan approval if development within the subdivision will require a site plan under Chapter 25-5 (Site Plan).
- (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 under this section, the director may require that a reasonable portion of the total impervious cover permitted on the site be allocated to the dedicated parkland to allow for construction of parkland amenities without unduly impacting development of the proposed site plan.
- (D) For a building permit that is subject to 25-1-608 [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.
- (E) The amount of parkland required to be dedicated to the City is ~~[five]~~ 9.4 acres for every 1,000 residents, as determined by the following formula:

$$\frac{9.4 \text{ [5]} \times (\text{Number of Units})}{1000 \times (\text{Residents Per Unit})} = \text{Acres of parkland}$$

- (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</u> [Dwelling Units Per Acre]	Residents In Each Dwelling Unit
<u>Low Density:</u> Not more than 6 <u>units per acre</u>	2.8
<u>Medium Density:</u> More than 6 and not more than 12 <u>units per acre</u>	2.2

<u>High Density: More than 12 units per acre</u>	1.7
<u>Hotel-Motel Density: Total number of rooms</u>	<u>1.7 x Annual Occupancy Rate</u>

(G) If the density of a development is not known:

- (1) the density is assumed to be the highest permitted in the zoning district, or if the property is not zoned, 24 dwelling units per acre; or
- (2) for a residential subdivision within the extraterritorial jurisdiction, the applicant [developer] may reduce the assumed density by [restricting density in a restrictive covenant] agreeing, in a manner that is enforceable by the City and approved by the city attorney, that any subsequent increases in density may require additional dedication of parkland under this section or payment of a fee in-lieu of dedication under Section 25-1-605 (Fee In-Lieu of Parkland Dedication).

(H) The subdivision [subdivider] or site plan applicant shall pay all costs of transferring the parkland to the City, including the costs of:

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

(I) Development within a Planned Unit Development (PUD) zoning district may, if required by the ordinance adopting the PUD, be subject to additional parkland requirements and may be entitled to count dedicated parkland towards meeting open space requirements under Chapter 25-2, Article 2, Division 5 (Planned Unit Developments).

§ 25-1-603 STANDARDS FOR DEDICATED PARKLAND.

1 (A) In addition to the requirements of this article, land ~~[Land]~~ to be dedicated as
2 parkland must meet the requirements of this subsection[:].

3 (1) Parkland must be easily accessible to the public and open to public view
4 so as to benefit area residents, enhance the visual character of the City,
5 protect public safety, and minimize conflicts with adjacent land uses.

6 (2) On-street and off-street connections between residential neighborhoods
7 shall be provided, wherever possible, to provide reasonable access to
8 parks and open space areas.

9 (3) In addition to the requirements of this subsection, parkland must comply
10 with the standards in the Comprehensive Plan, the Park and Recreation
11 [Action] Long-Range Plan, the Environmental Criteria Manual
12 [Administrative Criteria Manual], and the Parkland Dedication Operating
13 Procedures [this section].

14 (B) The director ~~[of the Parks and Recreation Department]~~ shall determine whether
15 land offered for dedication complies with the standards for dedication under
16 Subsection (A) of this section and may require a subdivision or site plan
17 applicant to provide information deemed necessary to determine compliance.

18 (C) Unless otherwise required under the Parkland Dedication Operating Procedures,
19 fifty [Fifty] percent of acreage in the 100 year floodplain that is dedicated as
20 parkland may be credited toward fulfilling the requirements of this article if any
21 [the] adjoining land within the 25 year floodplain[, if any,] is also dedicated as
22 parkland. The land within the 25 year floodplain may not be credited toward
23 fulfilling the requirements of this article.

24 (D) Land identified on the ~~[Critical Areas]~~ Deficient Parkland Area Map maintained
25 by the Parks and Recreation ~~[Watershed Protection and Development Review]~~
26 Department that does not otherwise comply with the standards for parkland
27 dedication may be accepted as dedicated parkland if the director ~~[of the Parks~~
28 ~~and Recreation Department]~~ determines that the land will provide recreational
29 or educational opportunities for the surrounding community. In this event, 50
30 percent of the acreage may be credited toward fulfilling the requirements of this
31 article.

32
33 **§ 25-1-604 PRIVATE PARKLAND.**

34 (A) The director ~~[of the Parks and Recreation Department]~~ may allow up to a 50
35 percent credit toward fulfilling the requirements of:

- (1) Section 25-1-602 (*Dedication of Parkland*) ~~[this article]~~ for privately owned and maintained parkland ~~[park and recreational facilities]~~ or recreational easements that are available for use by the public; and
- (2) Section 25-1-606 (*Parkland Development Fee*) for recreational facilities that are located on privately owned and maintained parkland and available for use by the public.
- (B) The director ~~[of the Parks and Recreation Department]~~ may allow up to a 100 percent credit toward fulfilling the requirements of this article for private parkland in a subdivision or site plan located outside the city limits, if:
- (1) the director ~~[of the Parks and Recreation Department]~~ determines that the private parkland meets City parkland standards; and
- (2) the land owner agrees to dedicate the private parkland to the City when the City annexes the land for all purposes.
- (C) If private parkland will include construction of recreational amenities, the applicant must post fiscal surety in an amount equal to the fee in-lieu provided for under Section 25-1-605 (*Fee In-Lieu of Parkland Dedication*) and the development fee required under Section 25-1-606 (*Parkland Development Fee*). The fiscal surety must be posted:
- (1) before final plat approval; or
- (2) before site plan release, for any portion of the subdivision that will require a site plan.
- (D) ~~[Private parkland excludes yards]~~ Yards, setback areas, and private personal open spaces required by this title may not be counted as private parkland under this section, except for a required setback or yard that includes a public trail.
- (E) Private common open space designated as a condition to site plan approval under Chapter 25-2, Subchapter E, Section 2.7 (*Private Common Open Space and Pedestrian Amenities*) may count up to 50 percent towards the amount of parkland dedication required by this article if the land:
- (1) satisfies the requirements of Section 25-1-603 (*Standards for Dedicated Parkland*);
- (2) includes one or more of the optional active amenities in Paragraphs 4-9 of Chapter 25-2, Subchapter E, Section 2.7.3 (*Standards*); and
- (3) is open to the public.

1 **§ 25-1-605 FEE IN-LIEU OF PARKLAND DEDICATION [PAYMENT INSTEAD**
2 **OF LAND].**

3 (A) In lieu of the dedication of land required by Section 25-1-602 (*Dedication of*
4 *Parkland*), the [The] director [of the Parks and Recreation Department] may
5 require or allow a [subdivider] subdivision or site plan applicant to[:] deposit
6 with the City a [cash payment or fiscal security instead] fee in-lieu of [the]
7 dedication of parkland if:

8 (1) less than six acres is required to be dedicated; or

9 (2) the land available for dedication does not comply with the standards for
10 dedication.

11 (B) [A subdivider must make the deposit before the subdivision may be approved,
12 except that for the portion, if any, of the subdivision that requires a site plan, the
13 subdivider may defer the deposit until after a site plan is filed.] The director
14 shall determine whether to require or allow payment of a fee in-lieu of
15 dedication under this section based on the feasibility of dedicating parkland and
16 whether the land available for dedication, if any, would help to maintain or
17 enhance the City's park system. In making this determination, the director shall
18 consider whether the proposed subdivision or site plan:

19 (1) is located within the Deficient Park Area Map;

20 (2) is adjacent to existing parkland; and

21 (3) has sufficient acreage to meet the standards for dedicated parkland under
22 the Parkland Dedication Operating Procedures.

23 (C) The director shall, at the request of an applicant, determine whether payment of a
24 fee in-lieu of parkland dedication will be allowed prior to formal submittal of a site
25 plan or subdivision application. The director may establish requirements for
26 obtaining the determination in the Parkland Dedication Operating Procedures and
27 may require an applicant to provide information relevant to the criteria in
28 Subsection (B) of this section. A determination issued under this subsection is
29 valid for a period of one-year from the date of issuance. [A site plan applicant
30 must make the deposit before the site plan may be approved.]

31 (D) The amount of the fee in-lieu of parkland dedication is determined according to the
32 density classification established by Section 25-1-602(F) (*Dedication of Parkland*)
33 in the manner prescribed by this subsection.

34 (1) Fee In-Lieu of Dedication:

<u>Density Classification</u>	<u>Fee In-Lieu Amount</u>
<u>Low Density: Not more than 6 units per acre</u>	<u>2.8 x Land Cost Per Person</u>
<u>Medium Density: More than 6 and not more than 12 units per acre</u>	<u>2.2 x Land Cost Per Person</u>
<u>High Density: More than 12 units per acre</u>	<u>1.7 x Land Cost Per Person</u>
<u>Hotel-Motel Density: Total number of rooms</u>	<u>1.7 x Land Cost Per Person x Annual Occupancy Rate</u>

(2) For purposes of determining the fee in-lieu under Subsection (C)(1):

$$\frac{\text{Land Cost Per Person} = \text{Parkland Cost Factor}}{\text{Parkland Level-of Service}}$$

where:

(a) “Parkland Cost Factor” is an amount approved by the city council, concurrent with adoption of the annual fee ordinance, based on the average purchase price to the City for acquiring an acre of parkland, excluding a metro or district park or golf course; and

(b) “Parkland Level-of-Service” is:

$$\frac{\text{City Population}}{\text{Net Park Acreage}}$$

where “City Population” is determined by the city demographer and “Net Park Acreage” is the total citywide acreage of neighborhood parks, pocket parks, and greenways, as determined by the director prior to adoption of the annual fee ordinance by the city council.

~~[deposit is determined by multiplying the number of dwelling units by the parkland cost for each dwelling unit, excluding the affordable dwelling units. The determination is made on the date of the deposit using the most recent parkland cost for each dwelling unit. In this subsection:~~

- 1 ~~(1) The number of dwelling units is:~~
- 2 ~~(a) for a deposit made at the time of subdivision, calculated in~~
- 3 ~~accordance with Section 25-1-602 (Dedication Of Parkland~~
- 4 ~~Required); or~~
- 5 ~~(b) for a deposit made at the time of site plan, the number shown on~~
- 6 ~~the site plan.~~
- 7 ~~(2) The parkland cost for each dwelling unit is:~~
- 8 ~~(a) based on a report by the city manager that analyzes of the costs of~~
- 9 ~~acquiring and developing parkland and determines the~~
- 10 ~~proportionate share of those costs attributable to new residential~~
- 11 ~~development;~~
- 12 ~~(b) approved by council; and~~
- 13 ~~(c) periodically reviewed by the city manager and council.~~
- 14 ~~(3) Affordable dwelling unit means a dwelling unit that is certified by the~~
- 15 ~~director of the Neighborhood Housing and Community Development~~
- 16 ~~Department as being reasonably priced under the S.M.A.R.T. Housing~~
- 17 ~~Program standards adopted by council resolution for rental or purchase~~
- 18 ~~by a household earning not more than 80 percent of the median family~~
- 19 ~~income for the Austin statistical metropolitan area.~~
- 20 ~~(E) A deposit must be placed in the City's Neighborhood Park and Recreation~~
- 21 ~~Improvement Fund. The deposit must be used for the acquisition or~~
- 22 ~~improvement of neighborhood parks that will benefit the residents of the~~
- 23 ~~subdivision or site plan and that are located in the service area defined by the~~
- 24 ~~Parks and Recreation Department.~~
- 25 ~~(F) The City shall expend a deposit within five years from the date it is received.~~
- 26 ~~This period is extended by five years if, at the expiration of the initial five year~~
- 27 ~~period, less than 50 percent of the residential units in the subdivision or on the~~
- 28 ~~site plan have been constructed.~~
- 29 ~~(G) If the City does not expend a deposit by the deadline described in Subsection~~
- 30 ~~(F), and the actual number of residential units constructed is less than the~~
- 31 ~~number assumed at the time the deposit was calculated, the owner may request~~
- 32 ~~a refund. The request must be in writing and filed with the director of the Parks~~
- 33 ~~and Recreation Department not later than 180 days after the expiration of the~~
- 34 ~~time period described in Subsection (F). A refund is calculated by multiplying~~
- 35 ~~the percentage of the reduction in the number of residential units times the~~

amount of the deposit. A refund may not exceed the unexpended amount of a deposit.]

§ 25-1-606 PARKLAND DEVELOPMENT FEE.

(A) Except as provided in Subsection (C), an applicant must pay a parkland development fee as a condition to subdivision or site plan approval in order to ensure that land is developed with recreational amenities sufficient for park use.

(B) The amount of the development fee is determined according to the density classification established by Section 25-1-602(F) (*Dedication of Parkland*) in the manner prescribed by this subsection.

(1) Parkland Development Fee:

<u>Density Classification</u>	<u>Development Fee Amount</u>
<u>Low Density: Not more than 6 units per acre</u>	<u>2.8 x Park Development Cost Per Person</u>
<u>Medium Density: More than 6 and not more than 12 units per acre</u>	<u>2.2 x Park Development Cost Per Person</u>
<u>High Density: More than 12 units per acre</u>	<u>1.7 x Park Development Cost Per Person</u>
<u>Hotel-Motel Density: Total number of rooms</u>	<u>1.7 x Park Development Cost Per Person x Annual Occupancy Rate</u>

(2) For purposes of determining the development fee under Subsection (B)(1):

Park Development Cost = Park Development Cost Factor

Park Facilities Level-of Service

where:

(a) “Park Development Cost Factor” is an amount approved by the city council, concurrent with adoption of the annual fee ordinance, based on the average cost of developing an acre of parkland up to the standards of a neighborhood park as determined by the director; and

(b) “Park Facilities Level-of-Service” is:

City Population

Number of Developed Parks

where “City Population” is determined by the city demographer and “Number of Developed Parks” is the total number of parks developed with a recreational amenity or trail, as determined by the director prior to adoption of the annual fee ordinance by the city council.

(C) The director may allow an applicant to construct recreational amenities on public parkland or private parkland, if applicable, in-lieu of paying the development fee required by this section. In order to utilize this option, the applicant must:

- (1) post fiscal surety in an amount equal to the development fee;
- (2) if a dedication of land is required, construct recreational amenities prior to the dedication in a manner consistent with the Parkland Dedication Operating Procedures; and
- (3) document the required amenities concurrent with subdivision or site plan approval, in a manner consistent with the Parkland Dedication Operating Procedures.

§ 25-1-607 FEE PAYMENT AND EXPENDITURE.

(A) Payment of a fee required under Section 25-1-605 (*Fee In-Lieu of Parkland Dedication*) or Section 25-1-606 (*Parkland Development Fee*) must be paid as required by this subsection.

- (1) If a fee in-lieu of dedication or a parkland development fee is required as a condition to subdivision approval, the applicant must deposit the fee with the City before final plat approval. The applicant may defer payment of a fee until site plan approval unless development proposed within the subdivision is exempt from the requirement to submit a site plan under Section 25-5-2 (*Site Plan Exemptions*).
- (2) If a fee in-lieu of dedication or a parkland development fee is required as a condition to site plan approval, the applicant must deposit the fee with the City before the site plan may be approved.

(B) The director shall place fees paid under Section 25-1-605 (*Fee In-Lieu of Parkland Dedication*) and Section 25-1-606 (*Parkland Development Fee*) into

1 separate funds and use the fees consistently with the requirements of this
2 subsection.

3 (1) Except as provided in Subsection (B)(3), the director shall use fees paid
4 under Section 25-1-605 (*Fee In-Lieu of Parkland Dedication*) solely to
5 acquire parkland or recreational easements that will benefit residents of
6 the development for which the fees are assessed and are located within a
7 service area designated by the director under the Parkland Dedication
8 Operating Procedures.

9 (2) The director shall use fees paid under Section 25-1-606 (*Parkland*
10 *Development Fees*) solely to acquire and develop recreational amenities
11 that will benefit residents of the development for which the fees are
12 assessed and are located within a service area designated by the director
13 under the Parkland Dedication Operating Procedures.

14 (3) The director may use fees paid under Section 25-1-605 (*Fee In-Lieu of*
15 *Parkland Dedication*) consistent with the purposes described in
16 Subsection (B)(2) if, within one year from the date the fees are
17 appropriated for expenditure, the director determines that land which
18 meets the requirements of Section 25-1-603 (*Standards for Dedicated*
19 *Parkland*) is unavailable for purchase within the service area for which
20 the fees were assessed.

21 (C) The City shall expend a fee collected under this article within five years from
22 the date the fees are appropriated for expenditure by the director. This period is
23 extended by five years if, at the end of the initial five-year period, less than 50
24 percent of the residential units within a subdivision or site plan have been
25 constructed.

26 (D) If the City does not expend a fee payment by the deadline required in
27 Subsection (C), the subdivision or site plan applicant who paid the fee may
28 request a refund under the requirements of this subsection.

29 (1) The refund request must be made in writing and filed with the Parks and
30 Recreation Department not later than 180 days after the expiration of the
31 deadline under Subsection (C).

32 (2) If the refund request is timely filed, the director shall:

33 (a) refund the amount of unspent fees that were collected under this
34 article in connection with approval of a subdivision or site plan;
35 and

36 (b) if a site plan for which fees were assessed was subsequently
37 revised to reduce the number of units, recalculate the amount due

1 based on the reduced number of units and refund any fees paid in
2 excess of that amount.
3

4 **§ 25-1-608 ~~[25-1-606]~~ DEDICATION OF LAND OR PAYMENT IN-LIEU AT**
5 **BUILDING PERMIT.**

6 (A) Dedication of parkland or payment in lieu of dedication, as determined by the
7 director ~~[of the Parks and Recreation Department]~~ under this article, is required
8 as a condition to obtaining a building permit for residential development located
9 within a subdivision that:

- 10 (1) at the time of approval, was deemed to be exempt from a requirement to
11 dedicate parkland or pay a fee in-lieu of dedication based on the
12 assumption that development within the subdivision would be limited to
13 non-residential uses; and
14 (2) has not subsequently developed with a use for which parkland was
15 dedicated or a fee in-lieu of dedication was paid.

16 (B) The amount of a fee in-lieu of parkland dedication under this section shall be
17 calculated in accordance with Section 25-1-602 (*Dedication of Parkland*) and
18 Section 25-1-605 (*Fee In-Lieu of Parkland Dedication*) ~~[(Payment Instead of~~
19 Land)].

20
21 **~~[§ 25-1-607 - SUBMITTAL REQUIREMENTS.~~**

- 22 ~~(A) The director of the Parks and Recreation Department may request that the~~
23 ~~subdivider or site plan applicant provide information relating to proposed~~
24 ~~parkland to determine whether the proposed parkland complies with this article.~~
25 ~~(B) A subdivider or site plan applicant shall provide the information requested~~
26 ~~under this section.]~~

27
28 **§ 25-1-609 ADMINISTRATIVE AUTHORITY.**

29 (A) The director is authorized to adopt administrative rules and take other actions
30 that are necessary to implement this article.

31 (B) The director shall, at a minimum, adopt the following by administrative rule
32 under Chapter 1-2 (*Administrative Rules*):

- 33 (1) a Deficient Park Area Map illustrating shortages in parkland; and
34 (2) Parkland Dedication Operating Procedures establishing:

- 1 (a) boundaries for service areas required by Section 25-1-607 (*Fee*
2 *Payment and Expenditure*) for use of a fee in-lieu of parkland
3 dedication and parkland development fee;
- 4 (b) general standards for dedicated parkland under Section 25-1-603
5 (*Standards for Dedicated Parkland*);
- 6 (c) methodology for determining:
- 7 (i) parkland cost factor and park level-of-service under Section
8 25-1-605 (*Fee In-Lieu of Parkland Dedication*); and
- 9 (ii) park development cost factor and facilities level-of-service
10 under Section 25-1-606 (*Parkland Development Fee*); and
- 11 (d) other provisions deemed necessary for implementing this article.

12 (C) Before initiating the administrative rules process, as required by Subsection (B)
13 of this section, the director shall present a proposed Deficient Park Area Map and
14 Parkland Dedication Operating Procedures to the Parks Board for a recommendation.

15
16 **PART 3.** Part 4 of Ordinance No. 20070621-027 is repealed.

17
18 **PART 4.** This ordinance takes effect on _____, 2016.

19
20 **PASSED AND APPROVED**

21
22 §
23 §
24 _____, 2016 § _____
25 Steve Adler
26 Mayor

27
28
29 **APPROVED:** _____
30 Anne L. Morgan
31 City Attorney

32
33
34 **ATTEST:** _____
Jannette S. Goodall
City Clerk