

31 work more than twice a month and 74% indicated that business operations
32 would improve as a result of additional parkland dedication requirements.

33 H. The City’s Commercial Parkland Dedication Nexus Study (“Nexus Study”),
34 issued on August 10th, 2022, found that new office, retail, and industrial
35 developments result in additional park users from the employees who work in
36 those developments.

37 I. Because the existing parkland dedication ordinance does not address the impact
38 of the city’s commuting workforce, it is insufficient to maintain the City’s
39 existing park levels of service.

40 J. The amendments adopted by this ordinance reflect the findings in the Nexus
41 Study and ensure that new commercial development contributes its fair share
42 toward maintaining the City park system’s level of service.

43 **PART 2.** City Code Section 25-1-601 (*General Provisions*) is amended to read as
44 follows:

45 **§ 25-1-601 GENERAL PROVISIONS.**

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

55 (B) Except as otherwise provided in this section, the parkland dedication
56 requirements of this article apply to:

57 (1) a residential or commercial subdivision within the planning
58 jurisdiction;

59 (2) a site plan within the zoning jurisdiction that includes residential units
60 or [~~a hotel-motel use~~] commercial square footage; and

61 (3) a [~~residential~~] building permit for residential or commercial
62 development, as provided under Section 25-1-608 (*Dedication of*
63 *Land or Payment In-Lieu at Building Permit*).

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

65 (1) a subdivision or site plan for which parkland was previously dedicated
66 or payment made under this title, except for the dwelling units, [~~or~~]
67 lots, or commercial square footage that exceeds the number for which
68 dedication or payment was made;

69 (2) development within the City's extraterritorial jurisdiction that is
70 within Travis County and governed by Title 30 (*Austin/Travis County*
71 *Subdivision Regulations*); and

72 (3) affordable dwelling units that are certified under the S.M.A.R.T.
73 Housing Policy approved by the city council.

74 (D) The following definitions apply throughout this article:

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

78 (2) COMMERCIAL DEVELOPMENT means Hotel-Motel, Industrial,
79 Office, and Retail uses.

80 (3) COMMERCIAL OCCUPANCY RATE means the City of Austin's
81 current commercial occupancy rate as determined annually by the
82 director using the most recent data from the Austin Chamber of
83 Commerce or a comparable source deemed appropriate by the
84 director.

85 (4) COMMUTER POPULATION PERCENTAGE means the percentage
86 of employees who work onsite within the City but live outside of the
87 City.

88 (5[2]) DEFICIENT PARK AREA MAP means a map depicting areas that
89 the director has determined lack sufficient parkland based on
90 locational criteria established by the Parkland Dedication Operating
91 Procedures and the parkland policies of the Imagine Austin
92 Comprehensive Plan.

93 (6[3]) DIRECTOR means the director of the Parks and Recreation
94 Department.

95 (7[4]) DISTRICT PARK means a park of 31 to 100 acres with a two-mile
96 service area.

97 (8) EMPLOYEE means a person who works within the City of Austin's
98 corporate limits.

99 (9) EMPLOYEE DENSITY means the average amount of floorspace per
100 full-time employee, used to measure the intensity of the proposed
101 commercial development.

102 (10) FUNCTIONAL POPULATION means the effective population of a
103 commercial development for purposes of calculating the amount of
104 parkland dedication required under this article. This number is
105 calculated using a combination of factors to account for the time a
106 commercial development is occupied and thereby creating an impact
107 on the existing park system.

108 (11[5]) GREENWAYS means a multi-functional linear park that:

- 109 (a) links two or more separate parks;
- 110 (b) serves as a wildlife corridor;
- 111 (c) provides flood control; or
- 112 (d) contains routes for non-motorized vehicles.

113 (12) HOTEL-MOTEL means the use as described in Section 25-2-4
114 (*Commercial Uses Described*).

115 (13) INDUSTRIAL means a use described in Section 25-2-5 (*Industrial*
116 *Uses Described*).

117 (14[6]) METRO PARK means a park of 200 or more acres that serves the
118 entire city.

119 (15[7]) NEIGHBORHOOD PARK means a park of two to thirty acres with
120 a one-mile service area.

121 (16) OFFICE means Administrative and Business Offices, Medical
122 Offices, Professional Office, Software Development, and Research

123 Services as those uses are described in Section 25-2-4 (*Commercial*
124 *Uses Described*).

125 (17) OPERATION HOURS means the average number of hours a
126 commercial development is open for employee use.

127 (18[8]) PARKLAND DEDICATION URBAN CORE means an area bound
128 by Highway 71/Ben White Boulevard to the south; Highway 183 to
129 the east and north; Loop 1 (MOPAC) on the west to FM 2222; FM
130 2222 on the north to Loop 360; Loop 360 on the west to Lake Austin;
131 Lake Austin on the west to Loop 1 (MOPAC); and Loop 1 (MOPAC)
132 on the west to Highway 71 (Ben White); [A copy of map can be found
133 in city offices.]

134 (19[9]) POCKET PARK means a park of no more than two acres with a one-
135 quarter mile service area.

136 (20) RETAIL means a use described in Section 25-2-4 (*Commercial Uses*
137 *Described*) except for Hotel-Motel and Office uses.

138 (E) The commuter population percentage is calculated by subtracting the total
139 workers living and working in the City from the total working in the City
140 and dividing the difference by the total working in the City.

141 **PART 3.** City Code Section 25-1-602 (*Dedication of Parkland*) is amended to read as
142 follows:

143 **§ 25-1-602 DEDICATION OF PARKLAND.**

144 (A) A subdivision or site plan applicant shall provide for the parkland needs of
145 the residents and employees by the dedication of suitable land for park and
146 recreational purposes under this article or by payment of a fee in-lieu of
147 dedication under Section 25-1-605 (*Fee In-Lieu of Parkland Dedication*).

148 (B) For a residential subdivision, the area to be dedicated must be shown on the
149 preliminary plan and final plat as "Parkland Dedicated to the City of
150 Austin." The subdivider shall dedicate to the City all parkland required by
151 this article when a plat is approved, except that the director may defer
152 dedication of parkland to site plan approval if development within the
153 subdivision will require a site plan under Chapter 25-5 (*Site Plan*).

154 (C) For a site plan, the area to be dedicated must be shown on the site plan as
155 "Parkland Dedicated to the City of Austin" and in a deed to the City. The

156 applicant shall dedicate the parkland required by this article to the City by
157 deed before the site plan is released, except that dedication may be deferred
158 until issuance of a certificate of occupancy if construction of amenities is
159 authorized under Section 25-1-605 (*Fee In-Lieu of Parkland Dedication*) or
160 Section 25-1-606 (*Parkland Development Fee*). In negotiating a deed under
161 this section, the director may require that a reasonable portion of the total
162 impervious cover permitted on the site be allocated to the dedicated parkland
163 to allow for construction of parkland amenities without unduly impacting
164 development of the proposed site plan.

165 (D) For a building permit that is subject to Section 25-1-608 (*Dedication of Land*
166 *or Payment In-Lieu at Building Permit*), the area to be dedicated must be
167 shown in a deed to the City. The applicant shall dedicate to the City all
168 parkland required by this article before a building permit is issued.

169 (E) If a subdivision or site plan proposes both residential and commercial uses,
170 parkland dedication will be required for both uses. The amount of parkland
171 required will be calculated based on the number of residential units and
172 amount of commercial square footage being proposed in the development.

173 (F) For a development proposing a hotel-motel use, parkland dedication will be
174 required for both the residential and commercial uses.

175 (1) The amount of parkland required for the commercial component of a
176 hotel-motel use is based on the total amount of square footage,
177 including the square footage of all guest rooms.

178 (2) The amount of parkland required for the residential component of a
179 hotel-motel use is based on the number of guest rooms.

180 (G[E]) Except as provided under Subsection (O[F]) of this section, the amount of
181 parkland required to be dedicated to the City is 9.4 acres for every 1,000
182 residents or employees. ~~[, as determined by the following formula]~~

183 (H) For residential development, the following formula will apply:

$$\frac{9.4 \times (\text{Number Of Units})}{\times (\text{Residents Per Unit})} = \text{Acres of parkland}$$

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(I[F]) In calculating the amount of parkland to be dedicated for residential development, including hotel-motel rooms, [~~under this section~~], the number of residents in each dwelling unit is based on density as follows:

Density Classification	Residents In Each Dwelling Unit
<i>Low Density:</i> Not more than 6 units per acre	2.8
<i>Medium Density:</i> More than 6 and not more than 12 units per acre	2.2
<i>High Density:</i> More than 12 units per acre	1.7
<i>Hotel-Motel Occupancy Density:</i> Total number of rooms	1.7 × Annual Occupancy Rate

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(J[G]) If the density of a residential development is not known:

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(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

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(2) for a residential subdivision within the extraterritorial jurisdiction, the applicant may reduce the assumed density by 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*).

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(K) For commercial development, the following formula will apply:

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$$\frac{9.4 \text{ acres} \times \text{Functional Population}}{1,000} = \text{Acres of Parkland}$$

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where:

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(1) Functional Population = (Square Feet of Building/Square Feet Per Occupant) x Commercial Occupancy Rate x Operation Hours x Commuter Population Percentage)

204 (2) In calculating the amount of parkland to be dedicated for commercial
205 development, the employee density and operation hours are as
206 follows:

<u>Commercial Development Use</u>	<u>Employee Density (per employee)</u>	<u>Operation Hours</u>
<u>Industrial</u>	<u>2,500 sf</u>	<u>70.8%</u>
<u>Hotel-Motel</u>	<u>1,500 sq ft</u>	<u>70.8%</u>
<u>Office</u>	<u>300 sq ft</u>	<u>23.8%</u>
<u>Retail</u>	<u>550 sf</u>	<u>37.5%</u>

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208 (L) If the amount of square footage for a commercial development is not known
209 at the time parkland dedication is required for development approval, the
210 amount of parkland dedication shall be based on the maximum square
211 footage that could be built under the applicable zoning site development
212 standards. If the square footage built is less than the amount used to
213 calculate parkland dedication requirements, the director shall issue a refund
214 under Subsection 25-1-607(E).

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

- 217 (1) an environmental site assessment without any further
218 recommendations for clean-up, certified to the City not earlier than
219 the 120th day before the closing date;
- 220 (2) a Category 1(a) land title survey, certified to the City and the title
221 company not earlier than the 120th day before the closing date;
- 222 (3) a title commitment with copies of all Schedule B and C documents,
223 and an owner's title policy;
- 224 (4) a fee simple deed;
- 225 (5) taxes prorated to the closing date;

- 226 (6) recording fees; and
227 (7) charges or fees collected by the title company.

228 (N[F]) Development within a Planned Unit Development (PUD) zoning district
229 may, if required by the ordinance adopting the PUD, be subject to additional
230 parkland requirements and may be entitled to count dedicated parkland
231 towards meeting open space requirements under Chapter 25-2, Article 2,
232 Division 5 (*Planned Unit Developments*).

233 (O[F]) The amount of parkland required to be dedicated within the Parkland
234 Dedication Urban Core may not exceed 15% of gross site area for the
235 development required to provide the dedication except upon consent of the
236 applicant or as authorized under this subsection.

237 (1) The director may request that the Land Use Commission approve
238 dedication in excess of the 15% cap, up to the amount required under
239 Subsection (G[E]) of this section, if doing so is necessary to:

- 240 (a) address a critical shortage of parkland for an area identified in
241 the Deficient Parkland Area Map; or
242 (b) provide connectivity with existing or planned parks or
243 recreational amenities.

244 (2) Before the Land Use Commission considers a request under this
245 subsection for approval, the director shall present the request to the
246 Parks Board for a recommendation.

247 (3) In considering a request from the director under this subsection, the
248 Land Use Commission may:

249 (a) deny the director's request and limit the required dedication to
250 no more than 15% of gross site area; or

251 (b) require additional parkland dedication beyond the 15% cap, up
252 to the lesser of:

253 (i) the amount required under Subsection (G[E]) of this
254 section; or

255 (ii) the minimum amount the Land Use Commission finds to
256 be necessary based on the criteria in Paragraph (1)(a)-(b)

257 of this subsection and the Parkland Dedication Operating
258 Procedures.

259 (4) If an applicant dedicates less than the amount of land required for
260 dedication under Subsection (~~G~~[E]) due to the cap imposed by this
261 subsection, the director shall require payment of a fee in-lieu of
262 dedication under Section 25-1-605 (*Fee In-Lieu of Parkland*
263 *Dedication*) for the remaining undedicated land.

264 (5) A request by the director under this subsection may be consolidated
265 with an appeal by the applicant under Section 25-1-605(~~G~~[F])
266 (*Payment of Fee In-Lieu Dedication*).

267 **PART 4.** City Code Section 25-1-605 (*Fee In-Lieu of Parkland Dedication*) is amended
268 to read as follows:

269 **§ 25-1-605 FEE IN-LIEU OF PARKLAND DEDICATION.**

270 (A) The director may require or allow a subdivision or site plan applicant to
271 deposit with the City a fee in-lieu of parkland dedication under Section 25-1-
272 602 (*Dedication of Parkland*) if:

273 (1) the director determines that payment of a fee in-lieu of dedication is
274 justified under the criteria in Subsection (B) of this section; and

275 (2) the following additional requirements are met:

276 (a) less than six acres is required to be dedicated under Section 25-
277 1-602 (*Dedication of Parkland*); or

278 (b) the land available for dedication does not comply with the
279 standards for dedication under Section 25-1-603 (*Standards for*
280 *Dedicated Parkland*).

281 (B) In determining whether to require dedication of land under Section 25-1-602
282 (*Dedication of Parkland*) or allow payment of a fee in-lieu of dedication
283 under this section, the director shall consider whether the subdivision or site
284 plan:

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

- 286 (2) is adjacent to existing parkland;
- 287 (3) has sufficient acreage to meet the standards for dedicated parkland
- 288 under the Parkland Dedication Operating Procedures;
- 289 (4) is needed to address a critical need for parkland or to remedy a
- 290 deficiency identified by the Deficient Park Area Map; or
- 291 (5) would provide increased connectivity with existing or planned parks
- 292 or recreational amenities.

293 (C) If an applicant seeks payment of fee in-lieu of parkland dedication, the
 294 director shall not accept a preliminary plan or plat application until the
 295 applicant shall request payment, and the director shall determine whether
 296 payment will be allowed. The director shall, at the request of an applicant,
 297 determine whether payment of a fee in-lieu of parkland dedication will be
 298 allowed prior to formal submittal of a site plan. The director may establish
 299 requirements for obtaining the determination in the Parkland Dedication
 300 Operating Procedures and may require an applicant to provide information
 301 relevant to the criteria in Subsection (B) of this section. A determination
 302 issued under this subsection is valid for a period of one-year from the date of
 303 issuance.

304 (D) The amount of the fee in-lieu of parkland dedication for residential
 305 development is established in the annual fee schedule based on a
 306 recommendation by the director in accordance with this subsection.

307 (1) Residential Fee In-Lieu of Dedication:

Density Classification	Fee In-Lieu Amount
<i>Low Density:</i> Not more than 6 units per acre	2.8 × Land Cost Per Person
<i>Medium Density:</i> More than 6 and	2.2 × Land Cost Per Person

not more than 12 units per acre	
<i>High Density:</i> More than 12 units per acre	$1.7 \times \text{Land Cost Per Person}$
<i>Hotel-Motel Occupancy Density:</i> Total number of rooms	$1.7 \times \text{Land Cost Per Person} \times \text{Annual Occupancy Rate}$

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(2) For purposes of determining the residential fee in-lieu under Subsection (D[€])(1):

Land Cost Per Person =

$$\frac{\text{Parkland Cost Factor}}{\text{Parkland Level-of-Service}}$$

where:

(a) "Parkland Cost Factor" is determined by the director 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.

(E) The amount of the fee in-lieu of parkland dedication for commercial development is established in the annual fee schedule based on a recommendation by the director in accordance with this subsection.

330 (1) Commercial Fee In-Lieu of Dedication:

331 Commercial Fee In – Lieu =

332 Functional Population X Land Cost Per Person

333 (2) For purposes of determining the commercial fee in-lieu under
334 Subsection (E)(1):

335 Land Cost Per Person =

336 Parkland Cost Factor
337 Parkland Level-of-Service

338 where:

339 (a) "Parkland Cost Factor" is determined by the director
340 based on the average purchase price to the City for
341 acquiring an acre of parkland, excluding a metro or
342 district park or golf course; and

343 (b) "Parkland Level-of-Service" is:

344 City Population
345 Net Park Acreage

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

351 (F[E]) If the director determines that payment of a fee in-lieu of parkland
352 dedication is authorized under this section for only a portion of the land
353 required to be dedicated under Section 25-1-602 (*Dedication of Parkland*),
354 the director may allow an applicant to pay a fee in-lieu for that portion and
355 require that the remaining land be dedicated. If an applicant dedicates
356 parkland under Section 25-1-602 (*Dedication of Parkland*), the director may
357 not include that acreage in calculating the fee in-lieu required by this section
358 for any remaining land not included in the dedication.

(G[F]) If the director rejects a request to pay a fee in-lieu of dedication under Subsection (B) of this section, the applicant may appeal the director's decision to the Land Use Commission consistent with the procedures in Article 7, Division 1 (*Appeals*) of this chapter. Before the Land Use Commission considers the appeal, the director shall present the case to the Parks Board for a recommendation, but failure by the Parks Board to act shall not prohibit the Land Use Commission from considering the appeal.

PART 5. Subsection (B) of City Code Section 25-1-606 (*Parkland Development Fee*) is amended to read as follows:

(B) The amount of the development fee is established in the annual fee schedule based on a recommendation by the director in accordance with this subsection.

(1) Residential Parkland Development Fee

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

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

Park Development Cost =

378 Park Development Cost Factor
379 Park Facilities Level-of-Service

380 where:

381 (a) "Park Development Cost Factor" is determined by the director
382 based on the average cost of developing an acre of parkland up
383 to the standards of a neighborhood park; and

384 (b) "Park Facilities Level-of-Service" is:

$$\frac{\text{City Population}}{\text{Number of Developed Parks}}$$

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

392 (3) For purposes of determining the commercial development fee:

393 Commercial Park Development Fee =

394 Functional Population x Park Development Cost Per Person

395 where:

396 (a) Park Development Cost Per Person =

$$\frac{\text{Park Development Cost Factor}}{\text{Park Facilities Level-of-Service}}$$

397 (b) "Park Development Cost Factor" is determined by the director
400 based on the average cost of developing an acre of parkland up
401 to the standards of a neighborhood park; and

402 (c) "Park Facilities Level-of-Service" is:

$$\frac{\text{City Population}}{\text{Number of Developed Parks}}$$

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

410 **PART 6.** City Code Section 25-1-607 (*Fee Payment and Expenditure*) is amended to
411 read as follows:

412 **§ 25-1-607 FEE PAYMENT AND EXPENDITURE.**

- 413 (A) Payment of a fee required under Section 25-1-605 (*Fee In-Lieu of Parkland*
414 *Dedication*) or Section 25-1-606 (*Parkland Development Fee*) must be paid
415 as required by this subsection.
- 416 (1) If a fee in-lieu of dedication or a parkland development fee is required
417 as a condition to subdivision approval, the applicant must deposit the
418 fee with the City before final plat approval. The applicant may defer
419 payment of a fee until site plan approval unless development proposed
420 within the subdivision is exempt from the requirement to submit a site
421 plan under Section 25-5-2 (*Site Plan Exemptions*).
- 422 (2) If a fee in-lieu of dedication or a parkland development fee is required
423 as a condition to site plan approval, the applicant must deposit the fee
424 with the City before the site plan may be approved.
- 425 (B) The director shall place fees paid under Section 25-1-605 (*Fee In-Lieu of*
426 *Parkland Dedication*) and Section 25-1-606 (*Parkland Development Fee*)
427 into separate funds and use the fees consistently with the requirements of
428 this subsection.
- 429 (1) Except as provided in Subsection (B)(3), the director shall use fees
430 paid under Section 25-1-605 (*Fee In-Lieu of Parkland Dedication*)
431 solely to acquire parkland or recreational easements that will benefit
432 residents and employees of the development for which the fees are
433 assessed and are located within a service area designated by the
434 director under the Parkland Dedication Operating Procedures.
- 435 (2) The director shall use fees paid under Section 25-1-606 (*Parkland*
436 *Development Fees*) solely to acquire and develop recreational
437 amenities that will benefit residents and employees of the
438 development for which the fees are assessed and are located within a
439 service area designated by the director under the Parkland Dedication
440 Operating Procedures.

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

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

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

456 (1) A refund may only be requested for unbuilt units for which a fee in-
457 lieu of dedication was paid. The refund request must be made in
458 writing and filed with the Parks and Recreation Department not later
459 than 180 days after the expiration of the deadline under Subsection
460 (C).

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

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

465 (b) if a site plan for which fees were assessed was subsequently
466 revised to reduce the number of units, recalculate the amount
467 due based on the reduced number of units and refund any fees
468 paid in excess of that amount.

469 (E) If the applicant of a commercial development has paid a fee in lieu of
470 dedication and the amount of square footage for the commercial
471 development built is less than the square footage previously assessed, the
472 applicant may request a refund in writing to the director. The director shall
473 recalculate the amount due based on the reduced square footage and refund
474 any fees paid in excess of that amount.

475 **PART 7.** Subsection (A) of City Code Chapter 25-1-608 (*Dedication of Land or*
476 *Payment In-Lieu at Building Permit*) is amended to read as follows:

477 (A) Dedication of parkland or payment in lieu of dedication, as determined by
478 the director under this article, is required as a condition to obtaining a
479 building permit for [~~residential~~] development that:

- 480 (1) at the time of approval, was deemed to be exempt from a requirement
481 to dedicate parkland or pay a fee in-lieu of dedication based on the
482 assumption that development within the subdivision would be limited
483 to non-residential uses; [~~and~~]
- 484 (2) has not subsequently developed with a use for which parkland was
485 dedicated or a fee in-lieu of dedication was paid; and[-]
- 486 (3) adds additional square footage to a commercial development that is
487 required to dedicate parkland under this article.

488 **PART 8.** This ordinance will not apply to any required building permits necessary to
489 complete a “project” as defined in Section 25-1-531 (*Definitions*) for a subdivision or site
490 plan filed with the City on or before December 31, 2022.

491 **PART 9.** This ordinance takes effect on January 1, 2023.

492 **PASSED AND APPROVED**

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496 _____, 2022

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Steve Adler
Mayor

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501 **APPROVED:** _____
502 Anne L. Morgan
503 City Attorney

501 **ATTEST:** _____
502 Myrna Rios
503 City Clerk