

ORDINANCE AMENDMENT REVIEW SHEETC9
1**Amendment:** C20-2014-010**Description:** Consider an ordinance amending Title 25 of the City Code relating to parkland dedication requirements and subdivision plat notes.**Proposed Language:** See attached draft ordinance for details.**Summary**

- Allows for the amendment of plat notes that restrict residential development such that residential development is allowed as long as parkland dedication fees are paid.

Background: Initiated by Planning Commission on May 27, 2014.

Starting in the mid-1980s, the City of Austin required parkland dedication fees to be paid at subdivision. To avoid these fees (which are only required for residential development), some property owners chose to create a plat note stating that no residential uses would be built. Today, these plat notes sometimes make it difficult to obtain loans for residential construction on property where a plat note states that no residential uses may be built; the proposed code amendment will create a way for said plat note to be amended (but not removed) so that residential development may occur, so long as parkland dedication occurs.

Staff Recommendation: Staff recommends the proposed code amendment.**Board and Commission Actions****July 15, 2014:** Recommended by the Codes and Ordinances Subcommittee on a 5-0 vote.**July 22, 2014:** To be reviewed by Planning Commission.**Council Action****August 7, 2014:** A public hearing has been scheduled.**Ordinance Number:** NA**City Staff:** Greg Dutton**Phone:** 974-3509**Email:** Greg.Dutton@austintexas.gov

C9/2

ORDINANCE NO. _____

**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) If parkland dedication is required at building permit under 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

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

3 (B) The amount of a fee in-lieu of parkland dedication under this section shall be
4 calculated in accordance with Section 25-1-605 (*Payment Instead of Land*).
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6 **PART 4.** City Code Chapter 25-4, Article 3, Division 5 (*Parkland Dedication*) is
7 amended to add a new Section 25-4-212 to read:

8 **§ 25-4-212 DOCUMENTING EXEMPTIONS FROM PARKLAND**
9 **DEDICATION.**

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

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

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

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26 **PART 5.** This ordinance takes effect on _____, 2014.

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28 **PASSED AND APPROVED**

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32 _____, 2014

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Lee Leffingwell
Mayor

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37 **APPROVED:** _____
38 Karen M. Kennard
39 City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk