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/**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:

- Removes some exemptions currently granted to parkland dedication
- Uses 9.4 acres per 1,000 residents instead of 5 to calculate land owed
- Establishes a formula for fee in-lieu of land
- Establishes a fee for parkland development
- Fee becomes part of the City's Annual Fee Schedule
- 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

Background: Initiated by Council Resolution 20141211-219.

On December 11, 2014, City Council passed Resolution No. 20141211-219. It initiated amendments to City Code Chapter 25-1, Article 14 (*Parkland Dedication*) to address issues related to fee inadequacy raised in the Parkland Dedication Fee Methodology Report ("Report") of November 19, 2014.

The report, initiated by the City Manager and written by Parks and Recreation Department staff, concluded that the existing parkland dedication ("PLD") fee does not cover costs for acquiring and developing parkland and the current formula for determining the amount of land required to be dedicated is insufficient to maintain the current quality of life in Austin. The fee has not been raised since it was first adopted in July of 2007.

The City Manager was directed to return to the Council with a draft ordinance implementing the Report's recommendations and to gather stakeholder input on such a draft. Five stakeholder meetings were held between October and January and input was incorporated into the draft amendment.

Staff Recommendation: Staff recommends the proposed code amendment with an effective date of January 1, 2016.

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Board and Commission Actions

November 18, 2014: Parks and Recreation Board. Approved fee calculation method.

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

June 23, 2015: Planning Commission. To be reviewed.

Council Action

Projected August 6, 2015: Possible hearing date at City Council

Ordinance Number: NA

City Staff: Ricardo Soliz **Phone:** 974-9452 **Email:** ricardo.soliz@austintexas.gov

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Major Proposed Parkland Dedication Code Changes
§25-1-601 to 25-1-607

Code Section	Current Concept	Proposed Concept	Explanation
<p>§ 25-1-601 – APPLICABILITY (exemptions)</p>	<p>The Code allows 5 exemptions:</p> <p>(1) a final plat that does not require a preliminary plan for fewer than five lots.</p> <p>(2) a resubdivision that does not increase the number of dwelling units or lots by more than three;</p> <p>(3) a subdivision for which a preliminary plan was approved after June 30, 1984 and before July 8, 1985;</p> <p>(4) a subdivision or site plan within a MUD that has a consent agreement related to parks; and</p> <p>(5) a subdivision or site plan for which parkland was previously dedicated or payment made, except for the dwelling units or lots not paid</p>	<p>The proposed Code would delete the first three exemptions</p> <p>It would add as exemptions</p> <ul style="list-style-type: none"> • affordable dwelling units, and • subdivisions in the City's extraterritorial jurisdiction that are within Travis County and governed by Title 30 (Austin/Travis County Subdivision Regulations) 	<ul style="list-style-type: none"> • Simplifies when the ordinance is applicable and removes special cases. • Moves language from another section to the Applicability section so it is clear that affordable units are exempt • Moves language from another section to the Applicability section so it is clear that subdivisions in the City's ETJ in Travis County are subject to Title 30, not Title 25
<p>§ 25-1-602 – DEDICATION OF PARKLAND</p>	<p>Uses a formula that incorporates 5 acres per 1,000 residents as the existing parks level of service.</p>	<p>Changes the formula to the current level of service which is <u>9.4</u> acres per 1,000 residents.</p>	<ul style="list-style-type: none"> • Updates 1986 ordinance to the current amount of neighborhood parkland provided in the City. Formula is Park Acres / (Population/1,000)

Parkland Dedication Proposed Ordinance Summary
 Parks and Recreation Department
 Planning and Development Division
 6/10/2015

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Code Section	Current Concept	Proposed Concept	Explanation
<p>§ 25-1-604 – PRIVATE PARKLAND</p>	<p>Excludes yards, setback areas, and open spaces from counting toward parkland dedication.</p>	<p>Splits the term "open space" into private personal open space and private common open space as in other parts of the Code.</p> <p>Does not allow parkland dedication for private <u>personal</u> open spaces.</p> <p>Allows parkland dedication for required private common open spaces if they are open to the public and have active recreation elements listed in Chapter 25-2, Subchapter E, Section 2.7.3 Paragraphs 4-9.* (See code citation below)</p> <p>Allows recreational easements and parkland dedication in a setback area if needed for connectivity to a park or to an existing or planned urban trail.</p>	<ul style="list-style-type: none"> • Incentivizes active play areas in infill developments by allowing private common open spaces to count also toward their parkland dedication if they are designed for that use.
<p>§ 25-1-605 - PAYMENT INSTEAD OF LAND.</p>	<p>Establishes a fee in-lieu of land formula: Fee = number of dwelling units X the parkland cost for each dwelling unit</p> <p>The Parkland Cost for each dwelling unit is based on a report by the city manager that analyzes the costs of acquiring and developing parkland and determines the proportionate share of those costs attributable to new residential development</p> <p>Ordinance 20070621-027, Part 4 set the fee at \$650 per dwelling unit and instructs the city manager to prepare a report cost</p>	<p>Codifies a formula for calculating the fee in-lieu of land by establishing a "Parkland Cost Factor" of average land prices and a "Parkland Level of Service"</p> <p>Nullifies Ordinance 20070621-027, Part 4 and establishes an annual review of the fee to be placed in the City's Annual Fee Schedule</p> <p>(See Proposed Parkland Fee Calculation Methodology Worksheet)</p>	<ul style="list-style-type: none"> • Establishes a formula that can be easily reviewed and updated • Places the fee in the City's fee schedule and allows the fee to be updated annually based on current costs.

Code Section	Current Concept	Proposed Concept	Explanation
	report every three years to adjust the dollar amount.		
<p align="center">§ 25-1-606 – PARKLAND DEVELOPMENT FEE (New Section)</p>	Existing fee pays for land acquisition and development of that land.	<p>Codifies a formula for calculating a parkland development fee by establishing a “Park Development Cost Factor” of average cost of park facilities and a “Park Facilities Level of Service”</p> <p>Also gives developers the choice of building amenities in-lieu of paying the development fee</p>	<ul style="list-style-type: none"> • Establishes a formula to calculate the portion of the fee for park construction / development • Codifies the ability of the developer to build recreation amenities open to the public as part of their parkland dedication (often done in PUDs)

* Chapter 25-2, Subchapter E, 2.7.3 **Amenity Required.** All development subject to this section shall devote a minimum of five percent of the gross site area to one or more of the following types of private common open space or pedestrian amenities:

1. A natural and undeveloped private common open space, for use of the residents, employees, and visitors to the development.
2. A landscape area other than one required by Subchapter C, Article 9 (Landscaping), provided such landscaped area has a minimum depth and width of 20 feet and a minimum total area of 650 square feet. The area shall include pedestrian amenities.
3. A patio or plaza with outdoor seating areas, provided the patio or plaza has a minimum depth and width of 20 feet and a minimum total area of 650 square feet. The area shall include pedestrian amenities including fully or partially shaded spaces with flexible or permanent seating to support these places as gathering areas.
4. A play area with amenities or equipment suitable for children under nine years of age, provided the play area has a minimum depth and width of 20 feet and a minimum total area of 650 square feet. Play areas shall comply with the most current Consumer Product Safety Commission guidelines for playgrounds as well as ASTM International standards as applicable and shall have impediments between the activity area and any nearby vehicular drives or parking areas to minimize the opportunities for young children to wander into traffic. Such impediments may include berms, fencing, landscaping or other barriers as appropriate to the site and which meet safety standards. Play areas shall include partially-shaded areas with flexible or permanent seating for adult supervision. A project which chooses this option may reduce the total amount of open space required by 10 percent.
5. Spaces that provide educational, historic, or cultural features, or sensory experiences, such as culinary, therapeutic or sculptural gardens; soundscapes, and interactive water features.
6. Swimming pools, wading pools, or splash pads.
7. Water quality and storm water detention ponds designed as an amenity and approved by the Director.
8. A multi-use trail connecting to or proposed in the City of Austin Trails Master Plan, Austin Parks and Recreation Long-Range Plan, Sidewalk Master Plan, or Bicycle Plan, or other trail connections as approved by the Director.
9. Basketball, tennis, volleyball, or other sport courts or playing fields.
10. A transit plaza, on private property, that is adjacent to a Capital Metro MetroRapid stop or station.
11. A combination of the above-listed amenities.



Proposed Parkland Fee Calculation Methodology May 2015

Variables	Calculation Factor	Description
Fee In-Lieu of Land		
Land Level of Service	1 acre per 106 people	Population/Park Acres
Park Acres	8,201	Park Acres (excludes Metro and District Parks and Golf Courses)
City Population	865,504 (2014)	Current city population
Parkland Cost Factor	\$39,000 per acre	Average land cost of acres purchased over the last five years
Park Development		
Facilities Level of Service	1 park per 4,306 people	Population / Number of Developed Parks
Number of Developed Parks	201	Count of all developed parks
City Population	865,504 (2014)	Current city population
Park Development Cost Factor	\$800,000	Average cost of last 5 neighborhood parks
Low Density Development	2.8	Persons per Household (PPH) per City
Medium Density Development	2.2	Persons per Household (PPH) per City
High Density Development	1.7	Persons per Household (PPH) per City

A. Fee In-lieu of Land

FORMULA:

A1. [Parkland Cost Factor/Parkland Level of Service = Land Cost Per Person]

A2. Density X Land Cost Per Person = Fee In-Lieu of Land by Density

FY 2016 Calculation:

A1. [\$39,000 per acre / 106 persons per acre = \$368 per person]

A2.

Low Density Fee – 2.8 PPH X \$368 = \$1,030

Medium Density Fee – 2.2 PPH X \$368 = \$810

High Density Fee – 1.7 PPH X \$368 = \$626

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B. Park Development Fee

FORMULA:

B1. [Parkland Cost Factor/Parkland Level of Service = Land Cost Per Person]

B2. Density X Park Development Cost Per Person = Parkland Development Fee by Density

FY 2016 Calculation:

B1: [\$800,000 neighborhood park cost / 4,306 people per developed park = \$186 per person]

B2:

Low Density Fee – 2.8 PPH X \$186 = \$521

Medium Density Fee – 2.2 PPH X \$186 = \$410

High Density Fee – 1.7 PPH X \$186 = \$317

Total Fee:

Low Density Fee – \$1,030+ \$521 = \$1,551

Medium Density Fee – \$810+ \$410 = \$1,220

High Density Fee – \$626+ \$317 = \$943

Parkland Dedication Code Amendment

Randy Scott, Park Development Coordinator
City of Austin Parks and Recreation Department

Presented to Codes and Ordinances Committee
of the Planning Commission

June 16, 2015



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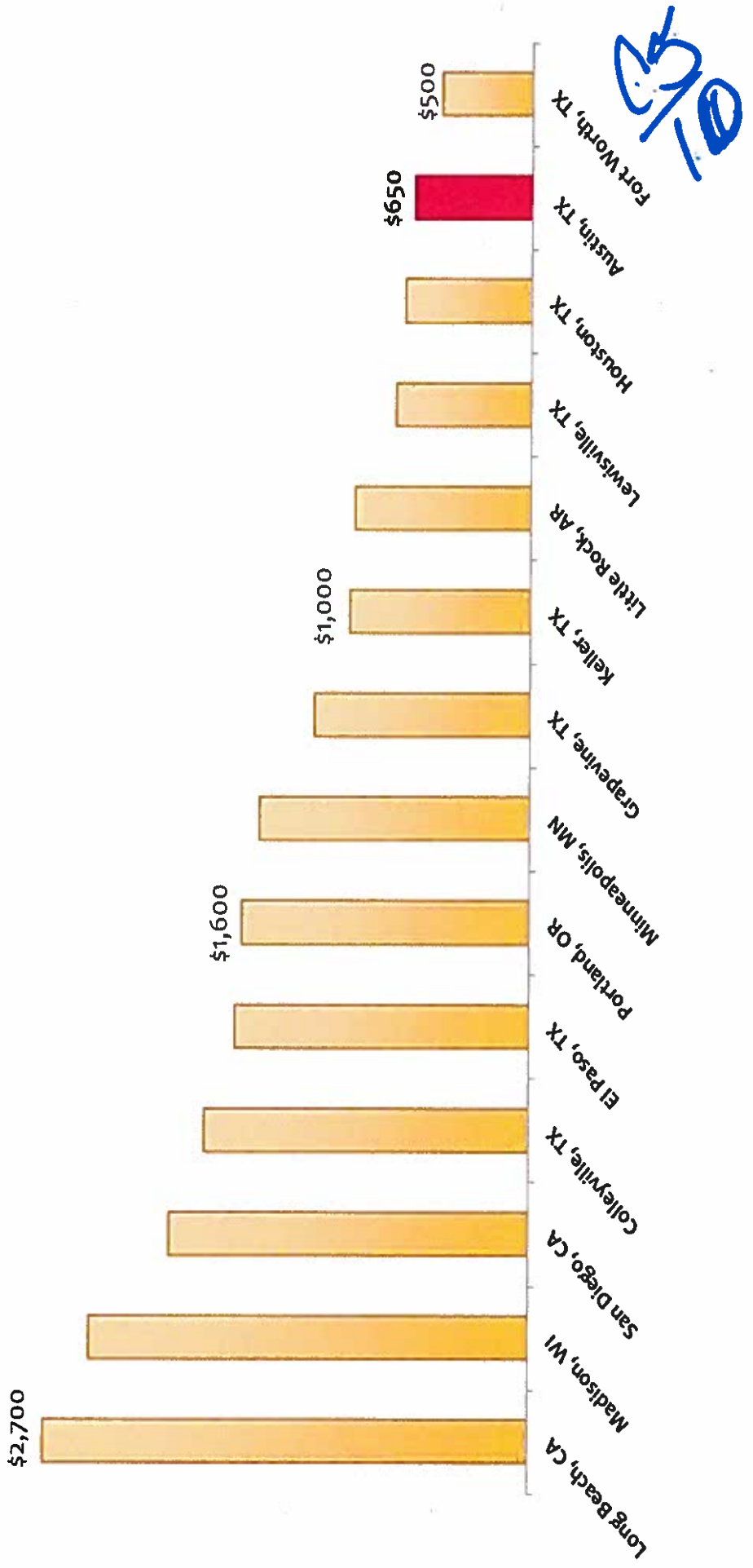
What is Parkland Dedication

- Parkland dedication is a local government requirement imposed on subdivision developers or builders, mandating that they dedicate land for a park and/or pay a fee to be used by the government entity to acquire and develop park facilities.
- The philosophy is that because new development generates a need for additional park amenities, the people responsible for creating that need should bare the cost of providing the new amenities.

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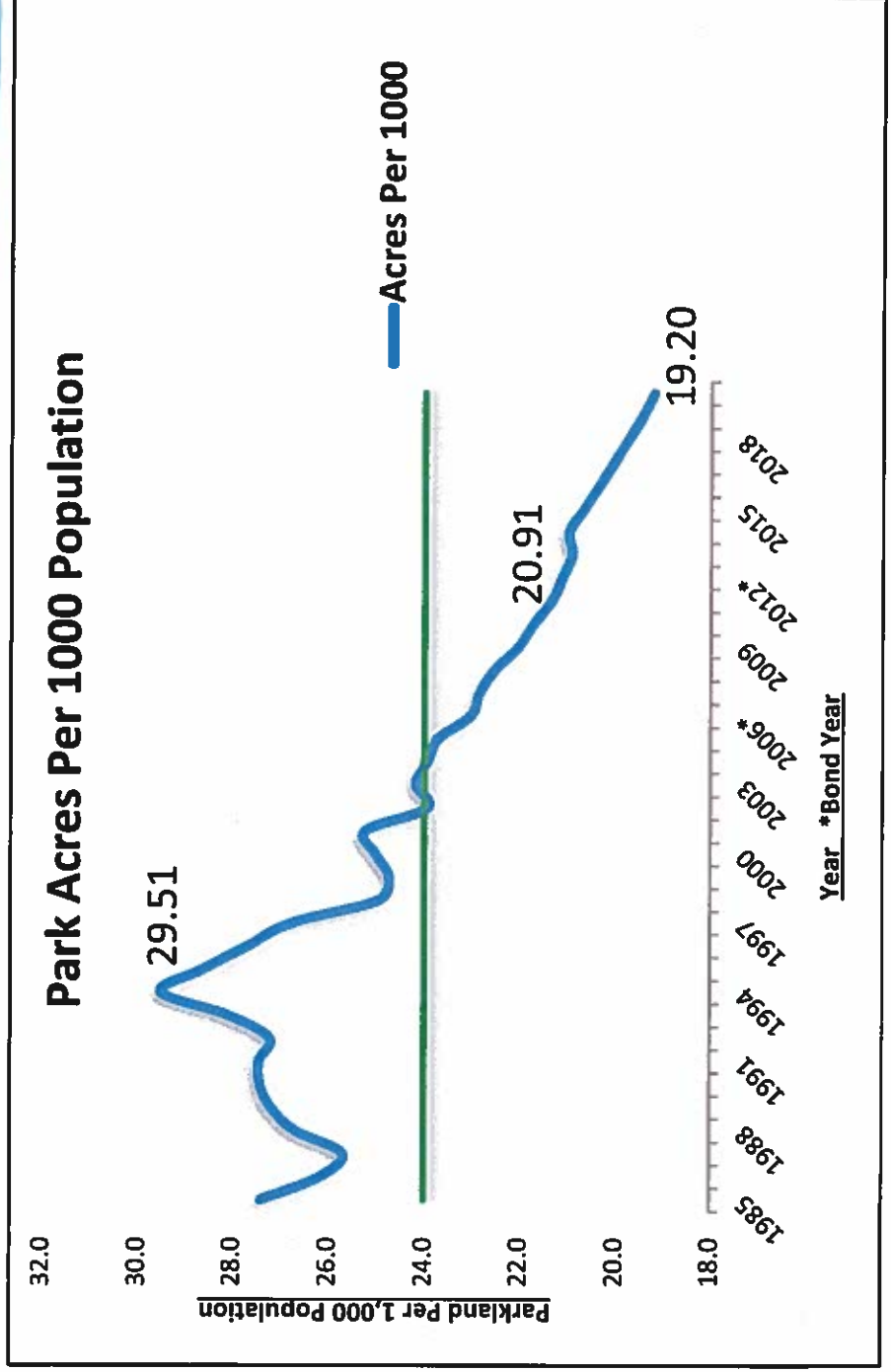
Background

- Austin's fee ranks among the lowest in the country



Background

- Austin parkland acres are not keeping pace with city's growth

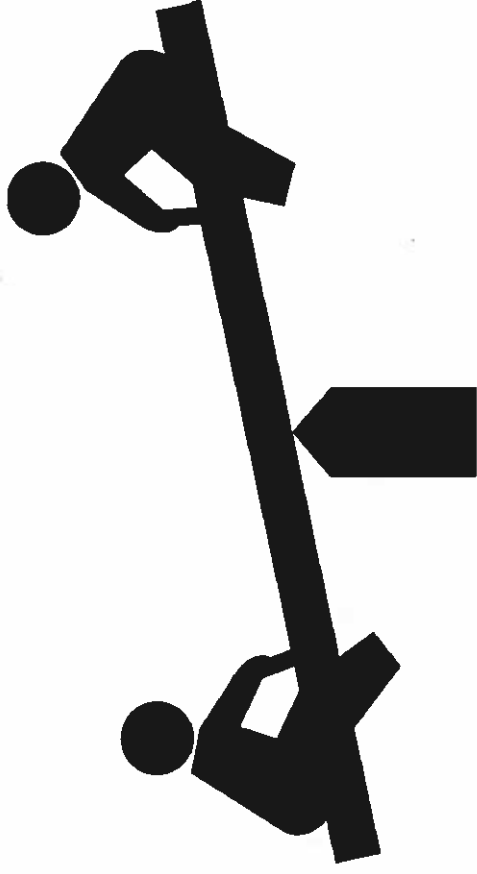


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Background

- \$650 per unit does not cover costs of land plus development

\$650



QOL

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Council Resolution No. 20141211-219

December 11, 2014, Austin City Council directed City Manager to:

- Develop an ordinance that implements the recommendations regarding PLD fee-in-lieu, Park Development Fee, and a land dedication requirement
- Develop an ordinance that implements the staff recommendation to integrate PLD fees into the Annual Fee Adoption process of the FY2015-2016 Council Budget
- Explore options for applying PLD requirements to commercial developments, including hotels; and
- Further study the timing for payment of parkland dedication fees

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Council Adopted Methodology

- Land costs \$368 for each new resident

FY 2016 Calculation:

\$39,000 per acre (Average)
865,504 Population / 8,201 Park Acres =
106 residents per acre
39,000 / 106 = \$368 per person

2.8 PPH X \$368 = \$1,030
2.2 PPH X \$368 = \$810
1.7 PPH X \$368 = \$626

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Council Adopted Methodology

- Park construction costs \$186 for each new resident

FY 2016 Calculation:

\$800,000 per park (Average)

865,50 / 201 Parks = 1 park per 4,306 residents

\$800,000 / 4,306 = \$186 per person

2.8 PPH X \$186 = \$521

2.2 PPH X \$186 = \$410

1.7 PPH X \$186 = \$317

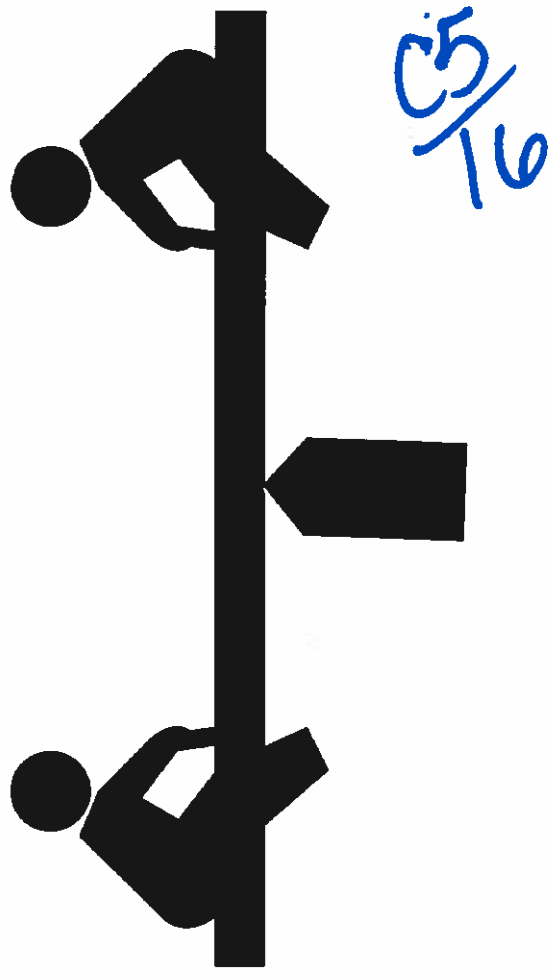
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Proposed 3-Tiered Fee

Low Density Fee – \$1,551
Med Density Fee = \$1,220
High Density Fee = \$943

QOL

New Fee



Stakeholder Input

- **Staff held 5 stakeholder meetings between October and January**
- **Stakeholders invited**
 - Real Estate Council of Austin, Austin Apartment Association, the Greater Austin Buildings Association, Downtown Austin Alliance, Executive Board of the Austin Neighborhood Council, and members of the Parks and Recreation Board and the Community Development Commission



Stakeholder Input

- **Feedback:**
 - Parkland increases Austin's QOL ✓
 - The parkland fee is too low ✓
 - Earlier determination if fee or land is required ✓
 - Credit for park facility construction is desired ✓
 - Fees increase development costs, which in turn decreases affordability ✓
 - It's too difficult on small lots to meet open space and parkland requirements ✓

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Proposed Code Amendment

- Removes some exemptions from parkland dedication
- Land requirement = current level of service of 9.4 acres per 1,000 residents
- Establishes a formula for fee in-lieu of land
- Establishes a fee for parkland development
- Fee becomes part of the City's Annual Fee Schedule
- Incentivizes recreation on infill lots by allowing private common open space to count, if designed for active uses and is open to the public

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Next Steps

- **June 2015:** Planning Commission considers code amendment
- **August 2015:** Council considers code amendment
- **October 1, 2015:** Council adopts new Fee Schedule
- **October – December 2015:** Educational campaign for internal and external stakeholders
- **January 1, 2016:** New park fees go into effect (grace period gives developers more time to incorporate new fees into project pro formas)

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Discussion

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