

Motion Sheet #5 re: Agenda Item No. 53

I move to incorporate all changes adopted in Item 66 into Item 53 version 2.

I further move to make the following changes to the ordinance applicability date:

Modify 25-1-601 to add a new subsection (F) to read:

(F) Commercial Development:

(1) Except as set out in (F)(2), a commercial development shall comply with this article on or after January 1, 2023.

(2) A commercial development proposing a hotel-motel use shall comply with this article for the residential component of the hotel-motel use.

In addition, the following amendments and direction to the ordinance are hereby highlighted:

(Formerly Motion Adler #1 – incorporated in lines 528-543 of draft v2)

Add a new subsection (C) to 25-1-607 to read as follows and renumber accordingly:

(C) Calculating the Fee Rate.

(1) For a subdivision application accepted for filing on or after October 1, 2022, any fees required under Section 25-1-605 (*Fee In-Lieu of Parkland Dedication*) or Section 25-1-606 (*Parkland Development Fee*) shall be calculated using the rate set forth in the fee schedule in effect at the time the subdivision application was accepted for filing.

(2) For a site plan application filed on or after October 1, 2022, any fees required under Section 25-1-605 (*Fee In-Lieu of Parkland Dedication*) or Section 25-1-606 (*Parkland Development Fee*) shall be calculated using the rate set forth in the fee schedule in effect at the time the site plan application was filed.

- (3) For a subdivision accepted for filing or a site plan application filed before October 1, 2022, the fees required under Section 25-1-605 (*Fee In-Lieu of Parkland Dedication*) or Section 25-1-606 (*Parkland Development Fee*) shall be the rate set forth in Ordinance Number 20210811-002 (Fiscal Year 2021-2022 Fee Ordinance).

(Formerly Motion Adler #3 – incorporated in lines 75-79 of draft v2)

Modify Section 25-1-601 (C) to add a new (4) to read as follows:

(4) affordable dwelling units for which the applicant is participating in government-operated income-restricted housing program that requires the applicant to provide on-site income-restricted units including, but not limited to, housing developer assistance, low-income housing tax credits, and density bonus or other incentive programs.

(Formerly Motion Adler #4 – Added Direction)

I move to provide direction to the City Manager to conduct a multi-department stakeholder process to explore potential changes to the parkland dedication ordinance, including but not limited to, exploring and making recommendations on new methodologies for calculating parkland dedication fees for both residential and commercial properties. At minimum, stakeholders from the following communities should be included in any input process: parks advocates, housing affordability advocates, and development representatives.

This stakeholder process should include any planning commission recommendations not already adopted by Council, and the following language (formerly Motion Adler #2):

Modify Section 25-1-607 (A), add a new subsection (B) and reletter accordingly:

(B) Beginning January 1st, 2025, 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 as set out in (B)(2) 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 or the applicant has deferred payment of a fee under subsection (B)(1), the applicant must deposit the fee with the City before the issuance of any type of certificate of occupancy associated with the site plan application.

DRAFT