

ARTICLE 14. PARKLAND DEDICATION

§ 25-1-601 GENERAL PROVISIONS.

Removed commercial parkland dedication requirements from Article as required by state law

- (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 the method for determining the amount of parkland dedication to be required as a condition to the approval of new development.
- (B) Before receiving approval for a development application, an applicant shall provide for the parkland needs of the new residents.
- (C) Except as otherwise provided in this section, the parkland dedication requirements of this article apply to:
 - (1) a subdivision that includes residential units or a hotel-motel use within the planning jurisdiction;
 - (2) a site plan within the zoning jurisdiction that includes residential units or a hotel-motel use; and
 - (3) a building permit for development that:
 - (a) at the time of approval, was deemed exempt from parkland dedication based on the assumption that development within the subdivision would be limited to non-residential uses; or
 - (b) is proposing additional residential units that exceed the number of units for which parkland dedication was previously provided for.
- (D) The following are exempt from the requirements of this article:
 - (1) 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;

Previously Section 25-1-608 (Dedication of Land or Payment In-Lieu at Building Permit)

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

43
 44 (3) dwelling units that are certified under the S.M.A.R.T. Housing Policy
 45 approved by the city council; or

46
 47 Amended to
 48 align with state
 49 law exception

(4) dwelling units that are income-restricted under a municipal, county, state,
 or federal program.

50 (E) The following definitions apply throughout this article:

51
 52 New
 53 definition

(1) CONSUMER PRICE INDEX means the Consumer Price Index for all
 Urban Consumers (CPI-U), U.S. City Average, published by the Bureau of
 Labor Statistics of the United States Department of Labor or its successor
 in function.

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

(3) DIRECTOR means the director of the Parks and Recreation Department.

(4) DISTRICT PARK means a park of 31 to 199 acres with a two-mile service
 area.

66
 67 New
 68 definition

(5) GEOGRAPHIC AREA means the City's designation of land within its
 municipal boundaries as a suburban area, urban area, or central business
 district area for determining the amount of multi-family parkland
 dedication fee required.

(6) GOLF COURSE means a city-operated golf course open for public use
 including 9 or 18 holes.

(7) GREENWAYS means a multi-functional linear park that:

(a) links two or more separate parks;

(b) serves as a wildlife corridor;

81 (c) provides flood control; or

82
83 (d) contains routes for non-motorized vehicles.

84
85 **New**
86 **definition**

(8) LAND VALUE means the market value of land per acre, not including an improvement to the land.

87
88 (9) METRO PARK means a park of 200 or more acres that serves the entire
89 city.

90
91 **New**
92 **definition**

(10) MEDIAN FAMILY INCOME means the United States Census Bureau's most recent American Community Survey five-year estimate of median family income for all families within the applicable municipality.

93
94
95 **New**
96 **definition**

(11) MULTI-FAMILY means a residential use other than a detached single-family or two-family dwelling. This use also includes hotel and motel rooms ordinarily used for sleeping.

97
98
99 (12) NEIGHBORHOOD PARK means a park of two to thirty acres with a one-
100 mile service area.

101
102 (13) PARKLAND DEDICATION URBAN CORE means an area bound by
103 Highway 71/Ben White Boulevard to the south; Highway 183 to the east
104 and north; Loop 1 (MOPAC) on the west to FM 2222; FM 2222 on the
105 north to Loop 360; Loop 360 on the west to Lake Austin; Lake Austin on
106 the west to Loop 1 (MOPAC); and Loop 1 (MOPAC) on the west to
107 Highway 71 (Ben White).

108
109 (14) POCKET PARK means a park of no more than two acres with a one-
110 quarter mile service area.

111 **New**
112 **definition**

(15) SINGLE-FAMILY means a residential use consisting of detached single-family or two units.

113
114
115
116 **Previously**
117 **Section**
118 **25-1-602(N)**

(F) 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, Subchapter B, Division 5 (*Planned Unit Developments*).

Modified so these requirements only apply to single-family development

§ 25-1-602 SINGLE-FAMILY DEDICATION OF PARKLAND.

- (A) For a development proposing single-family uses, parkland dedication will be satisfied by the dedication of suitable land for park and recreational purposes in accordance with this section or by payment of a fee in-lieu of dedication under Section 25-1-606 (*Single-Family Fee In Lieu of Parkland Dedication*).
- (B) The following formula will apply to determine the amount of parkland dedication required:

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

- (C) In calculating the amount of parkland to be dedicated, the number of residents per unit is based on density as follows:

Density Classification	Residents Per 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

- (D) If the density of a single-family 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 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 25-1-606 (*Single-Family Fee In Lieu of Parkland Dedication*).

- 150 (E) The amount of parkland required to be dedicated within the Parkland Dedication
151 Urban Core may not exceed 15% of gross site area for the development required
152 to provide the dedication except upon consent of the applicant or as authorized
153 under this subsection.
- 154
- 155 (1) The director may request that the Land Use Commission approve
156 dedication greater than 15% off the gross site area, up to the amount
157 required under Subsection (B) of this section, if doing so is necessary to:
- 158
- 159 (a) address a critical shortage of parkland for an area identified in the
160 Deficient Parkland Area Map; or
- 161
- 162 (b) provide connectivity with existing or planned parks or recreational
163 amenities.
- 164
- 165 (2) Before the Land Use Commission considers a request under this subsection
166 for approval, the director shall present the request to the Parks Board for a
167 recommendation.
- 168
- 169 (3) In considering a request from the director under this subsection, the Land
170 Use Commission may:
- 171 (a) deny the director's request and limit the required dedication to no
172 more than 15% of gross site area; or
- 173
- 174 (b) require additional parkland dedication greater than the 15% if gross
175 site area, up to the lesser of:
- 176
- 177 (i) the amount required under Subsection (B) of this section; or
- 178
- 179 (ii) the minimum amount the Land Use Commission finds to be
180 necessary based on the criteria in Paragraph (1)(a)-(b) of this
181 subsection and the Parkland Dedication Operating Procedures.
- 182
- 183 (4) If an applicant dedicates less than the amount of land required for
184 dedication under Subsection (B) due to the cap imposed by this subsection,
185 the director shall require payment of a fee in-lieu of dedication under
186 Section 25-1-606 (*Single-Family Fee In Lieu of Parkland Dedication*) for
187 the remaining undedicated land.
- 188
- 189
- 190

191 § 25-1-603 MULTI-FAMILY DEDICATION OF PARKLAND.
 192

New section to align
with state law

- 193 (A) For a development application proposing multi-family uses, the director shall
 194 determine how the applicant will satisfy applicable parkland dedication
 195 requirements. The director may require the applicant to:
- 196
- 197 (1) dedicate land that meets the criteria in 25-1-604 (*Standards for Dedicated*
 198 *Parkland*) as parkland;
- 199
- 200 (2) pay a parkland dedication fee under Section 25-1-608 (*Multi-Family*
 201 *Parkland Dedication Fee*); or
- 202
- 203 (3) dedicate land that meets the criteria in 25-1-604 (*Standards for Dedicated*
 204 *Parkland*) as parkland and pay a reduced parkland dedication fee
 205 calculated under Section 25-1-608 (*Multi-Family Parkland Dedication*
 206 *Fee*).
- 207
- 208 (B) In determining how an applicant will satisfy their parkland dedication
 209 requirements under this article, the director shall consider whether the
 210 development:
- 211
- 212 (1) is located within the Deficient Park Area Map;
- 213
- 214 (2) is adjacent to existing parkland;
- 215
- 216 (3) has sufficient acreage to meet the standards for dedicated parkland under
 217 the Parkland Dedication Operating Procedures;
- 218
- 219 (4) is needed to address a critical need for parkland or to remedy a deficiency
 220 identified by the Deficient Park Area Map; or
- 221
- 222 (5) would provide increased connectivity with existing or planned parks or
 223 recreational amenities.
- 224
- 225 (C) Subject to Subsection (D), if the director is requiring an applicant to satisfy their
 226 parkland dedication requirements entirely through land dedication, the following
 227 formula will apply to determine the amount of land required:

228

229
$$[\# \text{ of multifamily units } \times .005] + [\# \text{ of hotel/motel rooms } \times .004] = \text{Acres of parkland}$$

230

231 (D) The amount of land required to be dedicated may not exceed 10% of gross site
 232 State law area of the development.

233 requirement

234 (E) If a development application proposes both multi-family and commercial uses,
 235 State law the amount of land dedication required is based on a prorated portion of the land
 236 requirement proposed for the multi-family use.

237
 238 **§ 25-1-604 STANDARDS FOR DEDICATED PARKLAND**

239
 240 (A) In addition to the requirements of this article, land to be dedicated as parkland
 241 Previously must meet the requirements of this subsection.

242 Section

243 25-1-603(A)

244 with new

245 subsection

246 (A)(4)

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

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

(3) In addition to the requirements of this subsection, parkland must comply
 with the standards in the Comprehensive Plan, the Parks and Recreation
 Long-Range Plan, the Environmental Criteria Manual, and the Parkland
 Dedication Operating Procedures.

(4) If an applicant is proposing multifamily uses, the parkland shall not be
 encumbered with restrictions that will negatively impact the parkland's
 ability to be used for recreational purposes with park amenities unless:

(a) there is no feasible and prudent alternative land available for
 parkland dedication as determined by the director; and

(b) the land will provide a critical greenbelt or trail connection with
 sufficient recreational opportunities.

(B) The director shall determine whether land offered for dedication complies with
 the standards for dedication under Subsection (A) and may require a subdivision
 or site plan applicant to provide information deemed necessary to determine
 compliance.

271 (C) If an applicant is proposing single-family uses, then the director may allow land
 272 that does not otherwise meet the standards under Subsection (A) to be dedicated
 273 as parkland if the land meets the requirements of this subsection.

274 Modified so
 275 crediting is
 276 only available
 277 for single-
 278 family
 279 development

(1) 50 percent of acreage in the 100-year floodplain that is dedicated as parkland may be credited toward fulfilling the requirements of this article if any adjoining land within the 25-year floodplain is also dedicated as parkland. The land within the 25-year floodplain may not be credited toward fulfilling the requirements of this article, unless it complies with Subdivision 25-1-604(C)(2).

(2) Land identified on the Deficient Parkland Area Map may be accepted if the director determines that the land will provide recreational or educational opportunities for the surrounding community. If the director determines the land has recreational or educational opportunities, 50 percent of the acreage may be credited toward fulfilling the requirements of this article.

289 (D) If land dedication is required for subdivision approval, the area to be dedicated
 290 must be shown on the preliminary plan and final plat as "Parkland Dedicated to
 291 the City of Austin." The subdivider shall dedicate to the City all parkland
 292 required by this article when a plat is approved, except that the director may defer
 293 dedication of parkland to site plan approval if development within the
 294 subdivision will require a site plan under Chapter 25-5 (*Site Plan*).

291 Previously
 292 Section
 293 25-1-602(C)

296 (E) If land dedication is required for site plan approval, the area to be dedicated must
 297 be shown on the site plan as "Parkland Dedicated to the City of Austin". Unless
 298 the director has deferred the land dedication until time of issuance of occupancy
 299 under Subsection (F), the applicant shall dedicate the parkland required by this
 300 article to the City by deed or easement before the site plan is released.

297 Previously
 298 Section
 299 25-1-602(D)
 300 with
 301 additional
 302 changes

(F) The director may defer the land dedication until the time of an issuance of certificate of occupancy if the land proposed to be dedicated is necessary for the construction of the proposed development and the applicant will restore the parkland. If the director authorizes the deferral of land dedication until this subsection, the development shall not receive any type of certificate of occupancy, temporary or permanent, until the land has been dedicated.

309 (G) For a building permit that is required to dedicate parkland the area must be
 310 dedicated in a deed or easement to the City. The applicant shall dedicate to the
 311 City all parkland required by this article before a building permit is issued.

312
313 (H) The applicant shall pay all costs of transferring the parkland to the City,
314 including the costs of:

315 **Previously**
316 **Section**
317 **25-1-602(M)**

- 318 (1) an environmental site assessment without any further recommendations for
319 clean-up, certified to the City not earlier than the 120th day before the
320 closing date;
321 (2) a Category 1(a) land title survey, certified to the City and the title company
322 not earlier than the 120th day before the closing date;
323 (3) a title commitment with copies of all Schedule B and C documents, and an
324 owner's title policy;
325 (4) a fee simple deed;
326 (5) taxes prorated to the closing date;
327 (6) recording fees; and
328 (7) charges or fees collected by the title company.
329

330
331
332 **§ 25-1-605 PRIVATE PARKLAND.** **Previously Section 25-1-604; changes made to distinguish**
333 **between multi-family and single-family requirements**

334
335
336 (A) The director may allow up to a 100 percent credit toward fulfilling the
337 requirements of:

- 338
339 (1) Section 25-1-602 (*Single-Family Dedication of Parkland*) or Section 25-1-
340 603 (*Multi-Family Dedication of Parkland*) for privately owned and
341 maintained parkland that is available for use by the public and meets the
342 standards of the Parkland Dedication Operating Procedures; and
343
344 (2) Section 25-1-607 (*Single-Family Parkland Development Fee*) for
345 recreational facilities that are located on privately owned and maintained
346 parkland and available for use by the public.
347

348 (B) The director may allow up to a 100 percent credit toward fulfilling the
349 requirements of this article for private parkland in a subdivision or site plan
350 located outside the city limits if the director determines that the private parkland
351 meets City parkland standards.
352

- 353 (C) For an application proposing single-family development, if private parkland will
 354 include construction of recreational amenities, the applicant must post fiscal
 355 surety in an amount equal to the fee in-lieu provided for under Section 25-1-606
 356 (*Single-Family Fee In-Lieu of Parkland Dedication*) and the development fee
 357 required under Section 25-1-607 (*Single-Family Parkland Development Fee*).
 358 The fiscal surety must be posted:
 359
- 360 (1) before final plat approval; or
 - 361
 - 362 (2) before site plan release, for any portion of the subdivision that will require
 363 a site plan.
 - 364
- 365 (D) Yards, setback areas, and private personal open spaces required by this title may
 366 not be counted as private parkland under this section, except for a required
 367 setback or yard that includes a public trail.
- 368
- 369 (E) If private parkland is allowed, an access easement to the parkland must be
 370 recorded prior to site plan or subdivision approval.
 371

372 § 25-1-606 SINGLE-FAMILY FEE IN LIEU OF PARKLAND DEDICATION

- 373
- 374 (A) For single-family development, the director may require or allow an applicant to
 375 deposit with the City a fee in lieu of parkland dedication under Section 25-1-602
 376 (*Single-Family Dedication of Parkland*) if:

376 Previously
 377 Section
 378 25-1-605 and
 379 modified so
 380 only applies
 381 to single-family
 382 development

- 378 (1) the director determines that payment of a fee in lieu of dedication is
 379 justified under the criteria in Subsection (B) of this section; and
- 380
- 381 (2) the following additional requirements are met:
 382
- 383 (a) less than six acres is required to be dedicated under Section 25-1-
 384 602 (*Single-Family Dedication of Parkland*); or
- 385
- 386 (b) the land available for dedication does not comply with the standards
 387 for dedication under Section 25-1-604 (*Standards for Dedicated*
 388 *Parkland*).

- 389
- 390 (B) In determining whether to require dedication of land under Section 25-1-602
 391 (*Single-Family Dedication of Parkland*) or allow payment of a fee in-lieu of

dedication under this section, the director shall consider whether the subdivision or site plan:

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

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

(1) Single-Family 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 not more than 12 units per acre	2.2 × Land Cost Per Person
<i>High Density:</i> More than 12 units per acre	1.7 × Land Cost Per Person

(2) For purposes of determining the amount of single-family fee in lieu under Subdivision (D)(1):

Land Cost Per Person =

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

421 where:

422
423 (a) "Parkland Cost Factor" is determined by the director based on the
424 average purchase price to the City for acquiring an acre of parkland,
425 excluding a metro or district park or golf course; and

426
427 (b) "Parkland Level-of-Service" is:

428 City Population
429 Net Park Acreage
430

431
432 where "City Population" is determined by the city demographer and "Net
433 Park Acreage" is the total citywide acreage of neighborhood parks, pocket
434 parks, and greenways, as determined by the director prior to adoption of
435 the annual fee ordinance by the city council.
436

437 (D) If the director determines that payment of a fee in lieu of parkland dedication is
438 authorized under this section for only a portion of the land required to be
439 dedicated under Section 25-1-602 (*Single-Family Dedication of Parkland*), the
440 director may allow an applicant to pay a fee in lieu for that portion and require
441 that the remaining land be dedicated. If an applicant dedicates parkland under
442 Section 25-1-602 (*Single-Family Dedication of Parkland*), the director may not
443 include that acreage in calculating the fee in lieu required by this section for any
444 remaining land not included in the dedication.
445

446 **§ 25-1-607 SINGLE-FAMILY PARKLAND DEVELOPMENT FEE** Previously Section
447 25-1-606

448 (A) Except as provided in Subsection (C), an applicant proposing single-family
449 development must pay a parkland development fee as a condition to subdivision
450 or site plan approval to ensure that land is developed with recreational amenities
451 sufficient for park use.
452

453 (B) The amount of the development fee is established in the annual fee schedule
454 based on a recommendation by the director in accordance with this subsection.
455
456
457
458
459
460

(1) Parkland Development Fee:

Density Classification	Development Fee Amount
<i>Low Density</i> : Not more than 6 units per acre	$2.8 \times$ Park Development Cost Per Person
<i>Medium Density</i> : More than 6 and not more than 12 units per acre	$2.2 \times$ Park Development Cost Per Person
<i>High Density</i> : More than 12 units per acre	$1.7 \times$ Park Development Cost Per Person

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

Park Development Cost =

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

where:

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

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

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

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:

- 492 (1) post fiscal surety in an amount equal to the development fee;
- 493
- 494 (2) if a dedication of land is required, construct recreational amenities prior to
- 495 the dedication in a manner consistent with the Parkland Dedication
- 496 Operating Procedures; and
- 497
- 498 (3) document the required amenities concurrent with subdivision or site plan
- 499 approval, in a manner consistent with the Parkland Dedication Operating
- 500 Procedures.
- 501

502 **§ 25-1-608 MULTI-FAMILY PARKLAND DEDICATION FEE** *New section to align*

503 *with state law*

- 504 (A) For purposes of determining the amount of a parkland dedication fee required for
- 505 approval of a development permit proposing multi-family development, City
- 506 Council has designated all the land within its municipal boundaries into
- 507 geographic areas via separate ordinance. These designations may be modified as
- 508 set out under state law.
- 509
- 510 (B) The dwelling unit factor shall be: *State law requires the City to set a dwelling unit*
- 511 *factor. Staff recommends using the highest value*
- 512 *allowed.*
- 513 (1) .005 for multifamily units; and
- 514 (2) .004 for rooms in a hotel or motel ordinarily used for sleeping.
- 515
- 516 (C) The density factor shall be: *State law requires the City to set a dwelling unit*
- 517 *factor. Staff recommends using the lowest value*
- 518 *allowed.*
- 519 (1) one for the suburban area;
- 520 (2) four for the urban area; and
- 521 (3) forty for the central business district area.
- 522
- 523
- 524 (D) Every 10 years, the City will use the average land value for each geographic area
- 525 calculated by the applicable appraisal district. For the years in which the
- 526 *Required* applicable appraisal district does not calculate the average land value, the City
- 527 *under state* shall calculate the average land value for each geographic area by multiplying the
- 528 *law* previous year's average land value for each geographic area by one plus the
- 529 average CPI for each month of the previous year.
- 530

- 531 (E) If the director has determined that an applicant will satisfy their parkland
 532 dedication requirements entirely by paying a parkland dedication fee, the dollar
 533 amount required is calculated using the following formula:

533 Formula
 534 under state
 535 law

$$\frac{\{[(\# \text{ of multifamily units}) \times .005] + [(\# \text{ of hotel/motel rooms}) \times .004]\} \times (\text{Avg Land Value of Geographic Area})}{\text{Density Factor}}$$

- 537
- 538 (1) First, add the product of the number of multifamily units proposed to be
 539 developed by .005 and the product of the number of hotel and motel rooms
 540 ordinarily used for sleeping proposed to be developed by .004.
- 541
- 542 (2) Then, multiply the sum calculated under Subdivision (D)(1) by the average
 543 land value for the geographic area where the development is located.
- 544 (3) Finally, divide the number calculated under Subdivision (D)(2) by the
 545 applicable density factor.
- 546
- 547 (F) If the director has determined that an applicant is satisfying their parkland
 548 dedication requirements through dedicating land and paying a parkland
 549 dedication fee, the dollar amount of parkland dedication fee owed is calculated
 550 using the following formula:

551 Formula
 552 under
 553 state law

$$[\text{Parkland dedication fee per Subsection (E)}] - [(\text{Applicable land value}) \times (\# \text{ of acres})]$$

- 554 (1) First, calculate the amount of fee using the formula described in
 555 Subsection (E).
- 556
- 557 (2) Then, subtract the product of the land value applicable to the land and the
 558 number of acres dedicated from the total amount of the parkland dedication
 559 fee.
- 560
- 561 (G) If the applicant is dedicating land and paying a reduced fee, the applicant will
 562 only be required to dedicate for development approval an acreage amount that
 563 has a land value that does not exceed the amount of parkland dedication fee
 564 calculated under this section. Additionally, the acreage amount shall not exceed
 565 10% of gross site area of the development.
- 566
- 567 (H) If there is a remaining amount of parkland dedication fee after subtracting the
 568 land value of the acreage required to be dedicated as parkland, the applicant may
 569 choose to construct recreational facilities on the future parkland in lieu of paying
 570 the remaining parkland dedication fee amount. The recreational facilities must be
 571 shown on the subdivision or site plan application and constructed before the land
 572 is dedicated.

Previously Section 25-1-604; changes made
to distinguish
between multi-family and single-family
requirements

573
574 **§ 25-1-609 FEE PAYMENT AND EXPENDITURE.**
575

576 (A) Payment of a fee required under Section 25-1-606 (*Single-Family Fee In-Lieu of*
577 *Parkland Dedication*) or Section 25-1-607 (*Single-Family Parkland Development*
578 *Fee*) must be paid as required by this subsection.

579
580 (1) If a fee in lieu of dedication or a parkland development fee is required as a
581 condition to subdivision approval, the applicant must deposit the fee with
582 the City before final plat approval. The applicant may defer payment of a
583 fee until site plan approval unless development proposed within the
584 subdivision is exempt from the requirement to submit a site plan under
585 Section 25-5-2 (*Site Plan Exemptions*).

586 (2) If a fee in lieu of dedication or a parkland development fee is required as a
587 condition to site plan approval, the applicant must deposit the fee with the
588 City before the site plan may be approved.

589
590 (B) Payment of a parkland dedication fee required under Section 25-1-608 (*Multi-*
591 *Family Parkland Dedication Fee*) shall be paid prior to issuance of a certificate
592 of occupancy.

593
594 (C) The director shall place fees paid under Section 25-1-607 (*Single-Family*
595 *Parkland Development Fee*) into a separate fund than fees paid under Section 25-
596 1-606 (*Single-Family Fee In-Lieu of Parkland Dedication*) and Section 25-1-608
597 (*Multi-Family Parkland Dedication Fee*). All fees collected shall be spent
598 consistent with the requirements of this subsection.

599
600 (1) Except as provided in Subsection (C)(2), the director shall use fees paid
601 under Section 25-1-606 (*Single-Family Fee In Lieu of Parkland*
602 *Dedication*) and Section 25-1-608 (*Multi-Family Parkland Dedication*
603 *Fee*) solely to acquire land or easements for park purposes that will benefit
604 residents of the development for which the fees are assessed and are
605 located within a service area designated by the director under the Parkland
606 Dedication Operating Procedures.

607
608 (2) The director may use fees paid under Section 25-1-606 (*Single-Family Fee*
609 *In Lieu of Parkland Dedication*) and Section 25-1-608 (*Multi-Family*
610 *Parkland Dedication Fee*) and consistent with the purposes described in
611 Subsection (C)(3) if, after one year from the date the fees are collected for
612 expenditure, the director determines that land which meets the
613 requirements of Section 25-1-604 (*Standards for Dedicated Parkland*) is

614 unavailable for purchase within the service area for which the fees were
615 assessed.

616
617 (3) The director shall use fees paid under Section 25-1-606 (*Single-Family*
618 *Parkland Development Fees*) to acquire and develop recreational amenities
619 that will benefit residents of the development for which the fees are
620 assessed and are located within a service area designated by the director
621 under the Parkland Dedication Operating Procedures. If, after one year
622 from the date the single-family parkland development fees are collected for
623 expenditure, the director determines there are no longer any parks within
624 the service area for which fees were assessed that need new recreational
625 facilities, then the parkland development fees can be used to acquire land
626 or easements for park purposes that will benefit residents of the
627 development for which the fees are assessed and are located within a
628 service area designated by the director under the Parkland Dedication
629 Operating Procedures.

630
631 (D) The City shall expend a fee collected under this article within five years from the
632 date the fees are appropriated for expenditure by the director. This period is
633 extended by five years if, at the end of the initial five-year period, less than 50
634 percent of the residential units within a subdivision or site plan have been
635 constructed.

636
637 (E) If the City does not expend a fee payment by the deadline required in Subsection
638 (C), the subdivision or site plan applicant who paid the fee may request a refund
639 under the requirements of this subsection.

640
641 (1) A refund may only be requested for unbuilt units for which a fee in-lieu of
642 dedication or parkland dedication fee was paid. The refund request must be
643 made in writing and filed with the Parks and Recreation Department not
644 later than 180 days after the expiration of the deadline under Subsection
645 (C).

646
647 (2) If the refund request is timely filed, the director shall:

648
649 (a) refund the amount of unspent fees that were collected under this
650 article in connection with approval of a subdivision or site plan; and

651
652 (b) if a site plan for which fees were assessed was subsequently revised
653 to reduce the number of units, recalculate the amount due based on

654 the reduced number of units and refund any fees paid in excess of
655 that amount.

657 **§ 25-1-610 PARKLAND DEDICATION DETERMINATION** New section to align with
658 state law

- 659 (A) An applicant may make a written request to the director asking for a formal
660 determination of the amount of parkland dedication that will be required to obtain
661 approval for a proposed development on their property.
- 662 (B) After receiving a written request for a parkland dedication determination, the
663 director may request additional information from the requestor. Any additional
664 information requested shall be:
- 665 (1) public and readily available; and
- 666 (2) necessary for the director to provide a parkland determination.
- 667 (C) The director shall respond in writing to a request for a parkland dedication
668 determination within 30 days after receiving a complete application.
- 669 (D) Except as provided in Subsection (E), a parkland dedication determination issued
670 under this section is valid for the property that is the subject of the determination
671 for a period that is the lesser of
- 672 (1) the time between the date of the determination is issued and the date a
673 development application is filed that uses or relies on the determination; or
- 674 (2) two years.
- 675 (E) A requestor can void the applicability of a parkland dedication determination to
676 their property by providing written notice to the director.

682 **§ 25-1-611 APPEAL** New section to align with state law

- 683 (A) A landowner or an applicant authorized by the landowner may appeal the
684 director's decision on any element of the parkland dedication ordinance,
685 including amount, orientation, or suitability, as that element applies to the
686 landowner's property to the Planning Commission consistent with the procedures
687 in Article 7, Division 1 (*Appeals*).

- 694 (B) An applicant may appeal the Planning Commission's determination to city
695 council.
- 696
- 697 (C) The Planning commission or city council shall uphold, reverse, or modify an
698 appeal not later than the 60th date after the appeal is filed with the commission or
699 city council.

700
701 **§ 25-1-612 ADMINISTRATIVE AUTHORITY.** *Previously Section 25-1-609*

- 702
- 703 (A) The director is authorized to adopt administrative rules and take other actions that
704 are necessary to implement this article.
- 705
- 706 (B) The director shall, at a minimum, adopt the following by administrative rule
707 under Chapter 1-2 (*Adoption of Rules*):
- 708
- 709 (1) a Deficient Park Area Map illustrating shortages in parkland; and
- 710
- 711 (2) Parkland Dedication Operating Procedures establishing:
- 712
- 713 (a) boundaries for service areas required by Section 25-1-609 (*Fee*
714 *Payment and Expenditure*) for use of a fee in-lieu of parkland
715 dedication, parkland development fee, and parkland dedication fees;
- 716
- 717 (b) general standards for dedicated parkland under Section 25-1-604
718 (*Standards for Dedicated Parkland*);
- 719
- 720 (c) methodology for determining:
- 721
- 722 (i) parkland cost factor and park level-of-service under Section
723 25-1-606 (*Single-Family Fee In-Lieu of Parkland*
724 *Dedication*); and
- 725
- 726 (ii) park development cost factor and facilities level-of-service
727 under Section 25-1-606 (*Single-Family Parkland*
728 *Development Fee*); and
- 729
- 730 (d) other provisions deemed necessary for implementing this article.
- 731
- 732 (C) Before initiating the administrative rules process, as required by Subsection (B)
733 of this section, the director shall present a proposed Deficient Park Area Map and

Parkland Dedication Operating Procedures to the Parks Board for a recommendation.

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DRAFT