

APPENDIX I

ORDINANCE NO. 85 0725-M

AN ORDINANCE AMENDING CHAPTER 13-3 (SUBDIVISIONS) OF THE AUSTIN CITY CODE OF 1981, AS AMENDED, ADDING TO ARTICLE III THEREOF A NEW DIVISION 4, "PARKLAND"; REQUIRING THE DEDICATION OF ADEQUATE LAND FOR LOCAL PUBLIC PARKS IN RESIDENTIAL SUBDIVISIONS; SETTING STANDARDS FOR DEDICATED PARKLAND; PROVIDING FOR CASH PAYMENTS IN LIEU OF PARKLAND DEDICATION AND ESTABLISHING PROCEDURES FOR THE RECEIPT AND EXPENDITURE OF SUCH PAYMENTS; PROVIDING CREDITS FOR CERTAIN PRIVATE PARKLAND; ESTABLISHING PROCEDURES FOR SUBMISSION OF INFORMATION REGARDING THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR APPLICABILITY AND THE PROMULGATION OF GUIDELINES AND APPEALS AND AN ANNUAL REVIEW PROCESS; PROVIDING FOR SEVERABILITY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

WHEREAS, the provision of adequate park land and open space to meet the needs of Austin's citizens is an important goal of the Austin Tomorrow Comprehensive Plan; and,

WHEREAS, the City of Austin enjoys many natural recreational advantages and opportunities; and,

WHEREAS, the participation rate in Austin parks is unusually high; and,

WHEREAS, the City has attempted to provide neighborhood parks to serve the immediate recreational needs of residents near their homes; and,

WHEREAS, the City Council finds that the average number of persons per residential unit in certain density categories is as set out in this Ordinance; and,

WHEREAS, Austin faces a severe shortage of local recreational space; and,

WHEREAS, the City may by ordinance require the dedication of land to the public for neighborhood parks through the subdivision process in accordance with the Austin Tomorrow Comprehensive Plan; and,

WHEREAS, the provision of neighborhood parks can be best accomplished in conjunction with the platting and development of the residential areas whose residents will utilize those parks; and,

WHEREAS, the provision of adequate land for use as neighborhood parks is necessary for the protection of the public health, safety and general welfare of the community; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That a new Division 4 be and is hereby added to Chapter 13-3, Article III of the Austin City Code of 1981, as amended, to read as follows:

DIVISION 4. PARKLAND

Sec. 13-3-116. Dedication of Parkland Required

All residential subdivisions shall be required to provide for the parkland needs of future residents through the clear fee simple dedication of suitable land for park and recreational purposes. The area shall be shown on the preliminary and final plat and included in the dedication statement.

- a. The subdivider shall dedicate to the City all parkland as a part of final plat approval. The amount of land required shall be calculated at a rate of not less than five acres of parkland per 1,000 ultimate residents. The following formula shall be used to determine the amount of parkland to be dedicated:

$$\frac{5.0 \times (\text{No. Units}) \times (\text{Persons/Unit})}{1000} = \text{Acres to be dedicated}$$

- b. The number of persons per unit shall be based on data compiled by the City and shall be reviewed and adjusted as necessary. The following figures represent the average number of persons per unit by current density categories, and shall be used to calculate parkland dedication:

<u>Gross Density Per Residential Land Area</u>	<u>Persons Per Unit</u>
From 0 to 6	2.8
Over 6 to 12	2.2
Over 12	1.7

- c. Where a subdivision plat is submitted for a multi-family residential development and information is not provided concerning the number of units, the City shall assume the highest density allowed in the zoning district applied to the property. If a property is not zoned, the City shall assume a density of twenty-four (24) units per acre which represents the highest density allowed in the MF-3 zoning district. This assumed density may be adjusted to a figure provided by the developer if recorded as a restrictive covenant enforceable by the City and approved by the City Attorney.

Sec. 13-3-117. Standards for Dedicated Parkland

Land dedicated for park and recreational purposes shall be of a size, character and location consistent with the standards outlined in the City's Comprehensive Plan and Park and Recreation Action Plan, any land to be dedicated as parkland shall meet the standards of the Parkland

Dedication Guidelines provided for in Section 13-3-123, including the following:

- a. When an area of less than six (6) acres is required to be dedicated, the City shall have the right to accept the dedication; or refuse the same and require the payment of fees in lieu thereof.
- b. Areas within the 100 year flood plain may be dedicated in fulfillment of the dedication requirement subject to the following additional restrictions:
 1. Areas in the 100 year flood plain shall be given a 50% credit against the requirement of land dedication or payment of fees provided that adjoining land within the 25 year flood plain is also dedicated, but that such land in the 25 year flood plain shall not be credited towards the requirement of land dedication or payment of fees.
 2. That such area shall meet any additional standards specified in the Parkland Dedication Guidelines pertaining to the dedication of the 100 year flood plain.
- c. In the case of areas that are mapped on the Critical Areas Map maintained by the Office of Environmental Resource Management, the City may, at its discretion, waive these standards subject to the following limitations:
 1. That such areas shall provide recreational or educational opportunities for the surrounding community.
 2. That such areas shall be given a 50 percent credit against the requirement of land dedication or payment of fees.
 3. That such areas shall meet any additional standards specified in the Parkland Dedication Guidelines pertaining to the dedication of Critical Areas.

The Parks and Recreation Department shall make recommendations, based upon the Parkland Dedication Guidelines and the provisions contained herein, to the Office of Land Development Services concerning the amount and location of parkland, credit for private parkland and/or facilities, credit for land in the 100 year floodplain, credit for areas mapped on the Critical Areas Map, and fees in lieu of parkland dedication.

Sec. 13-3-118. Payment in Lieu of Land Provision

Where, with respect to a particular subdivision, the dedication of land required pursuant to this section does not meet the standards referred to in Section 13-3-117, the subdivider shall deposit with the City a cash payment or letter of credit.

- a. Such deposit shall be placed in a Neighborhood Park and Recreation Improvement Fund established by the City and shall be used for the acquisition and/or improvement of neighborhood parks which will be

available to and benefit the residents of said subdivision and located within the service area defined by the Parks and Recreation Department.

- b. Any funds paid for such purposes must be expended by the City within five (5) years from the date received. This period shall be automatically extended an additional 5 years if less than 50 percent of the residential units have not been built in the subdivision in question. If funds are not expended, the owner(s) of the property on the last day of such period shall be entitled to a pro rata refund, computed on a square footage of area basis. The owner(s) of such property must request such refund in writing, within 180 days of the entitlement, or such right shall be waived.
- c. At the option of the subdivider, the amount of money to be deposited shall be determined by one of the following two methods:
 - 1. The amount equal to or exceeding the fair market value, as determined by the Real Estate Division of the City, of the amount of land required under the provisions of Section 13-3-116, less a credit for the amount of land actually dedicated for parkland recreational purposes. The subdivider, at his own expense, may obtain an appraisal of the property by a qualified real estate appraiser, mutually agreed upon by the City and the Subdivider, which may be considered by the City in determining fair market value.
 - 2. An amount as set forth in the schedule below for each dwelling unit to be constructed within the subdivided area. From the effective date of this ordinance until January 1, 1986, the amount of money to be deposited shall be as follows and for each fiscal year thereafter shall be adjusted to reflect current land values in the Austin area.

Fee Per Unit By Sectors*

Gross Density Per Res. Area	Western Sector	Central Sector	Eastern Sector
0-6	840	630	420
6-12	660	495	330
* over 12	510	382	255

* Sector Boundaries shall be as defined in the Parkland Dedication Guidelines.

Where areas and facilities for park and recreational purposes are to be provided in a proposed subdivision and where such areas and facilities are to be privately owned and maintained by or for the future residents of the subdivision, up to fifty (50) percent credit may, at the discretion of the City, be given against the requirement of land dedication or payment of fees.

For subdivisions located outside the city limits, up to (100) percent credit may, at the discretion of the City, be given if the subdivider

enters into a written agreement with the City stating that all private parkland shall be dedicated to the City at the time of full purpose annexation of said subdivision by the City.

In no event shall yards, court areas, setbacks, or other open areas required by the Zoning Ordinance be included in the computation of such private open space. All private parkland must meet the standards of the Parkland Dedication Guidelines concerning adequate size, shape, topography, geology, access and location.

Sec. 13-3-120. Submittal Requirements

The City shall have the option of requesting information relating to the proposed dedication site(s) in order to assess that the provisions of the ordinance are achieved.

Sec. 13-3-121. Minimum Standards

The provisions of this Division shall be minimum standards. None of the sections above shall be construed as prohibiting a developer from reserving or dedicating other land for recreational purposes in addition to the requirements of this Division.

Sec. 13-3-122 Applicability

- (a) Unless otherwise specified, the requirements of this Division shall apply to all residential subdivisions. Any resubdivision of land which does not increase the number of dwelling units shall be exempt from this ordinance.
- (b) A subdivision for which a preliminary plan was approved on or before the effective date of this ordinance, but not prior to July 1, 1984, shall be exempt from the requirements of this Division.
- (c) All subdivisions submitted which are a part of a Municipal Utility District (as indicated on the approved land use plan) which has an approved consent agreement and land use plan with the City of Austin including specific provisions for the dedication of parkland and/or recreational facilities or fees in lieu of dedication of such facilities shall not be subject to the provisions of this Section.

Sec. 13-3-123. Interpretation and Guidelines

The City Manager and his staff shall promulgate guidelines to aid in the interpretation of this Division. Such guidelines shall be approved by the City Council prior to their implementation. The Council hereby adopts the "Interim Parkland Dedication Guidelines" attached hereto as Exhibit "A" and incorporated herein for all purposes, which shall remain in effect until the adoption of permanent guidelines by the Council.

Sec. 13-3-124 Annual Review

Approximately one year after the effective date of this ordinance the Office of Land Development Services and Parks and Recreation Department shall conduct a review of the standards and procedures set forth by this ordinance to determine their applicability and effectiveness and shall report to the City Council any recommended revisions.

PART 2. That subsections 13-3-27 (e), (f) and (g) of the Austin City Code of 1981, as amended, (g) be and are hereby redesignated as subsections 13-3-27 (f), (g) and (h), respectively.

PART 3. That a new subsection 13-3-27(e) be and is hereby added to the Austin City Code of 1981, as amended, to read as follows:

(e) The preliminary plan shall be accompanied by the information required in Article III, Division 4 of this Chapter relating to property dedicated as parkland.

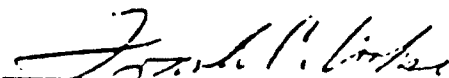
PART 4. If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the invalidity of the remaining portions of this ordinance shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion thereof or provisions, or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of this ordinance are declared to be severable for that purpose.

PART 5. WHEREAS, the provision of adequate parkland for neighborhood parks creates an emergency requiring action for the immediate preservation of order, health, safety and general welfare of the public, which emergency requires the suspension of the rule providing for the reading of an ordinance on three separate days, and requires that this ordinance become effective immediately upon its passage; therefore, the rule requiring the reading on three separate days is hereby suspended and this ordinance shall become effective immediately upon its passage as provided by the Charter of the City of Austin.

PASSED AND APPROVED

July 25, 1985

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Frank C. Cooksey
Mayor

APPROVED:



Paul C. Isham
City Attorney

ATTEST:



James E. Aldridge
City Clerk

Wmc/saf
parkland dedication

APPENDIX II

INTERIM PARKLAND DEDICATION GUIDELINES

SECTION 13-3-116 DEDICATION OF PARKLAND REQUIRED

13-3-116 (a) and (b) Calculation of Required Parkland

Sufficient information must be included on the preliminary plan to verify the amount of parkland required for dedication.

Show the calculations, using the formula established in the ordinance, which derive the acres to be dedicated.

- a. A separate calculation must be made for each type of residential land use to generate the number of acres required for dedication for each type of residential land use.
- b. The calculations must then be summed to show the aggregate amount of parkland required.

13-3-116 Density Transfer

The acreage to be dedicated for parkland in compliance with this ordinance may be used for purposes of calculating density and/or impervious cover restrictions required in other sections of the City Code. This includes density restrictions of the zoning ordinance and impervious cover restrictions required by the various special watershed provisions of the subdivision ordinance.

SECTION 13-3-117 STANDARDS FOR DEDICATION OF PARKLAND

The following standards shall be used in considering suitability of proposed park areas which shall be considered suitable for dedication.

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1. If necessary for optimum park placement, larger tracts to be dedicated may be split into two or more separate park sites as long as each site meets minimum size and other standards.
2. A central location within the subdivision which the park will serve will be required unless:
 - a. the park is adjacent to an existing or proposed school site or
 - b. the location at the edge of a subdivision will facilitate the combination of dedicated park areas to form a single park to serve two or more subdivisions.
 - c. Applicants may contact adjoining landowners and present a schematic plan proposing joint dedication.
3. The dedicated parkland should provide a maximum of exposure and public areas. A minimum of 200 feet of frontage on a dedicated public street is required, but the Parks and Recreation Department will consider reimbursement or credit for street frontage beyond the minimum requirement. The frontage should be contiguous and front on a street with 70 feet or less of dedicated right-of-way.
4. At least 50% of the dedicated park site should be level, well-drained and suitable for open play.
5. If potable water and sewage connections will serve the subdivision, such connections shall be readily available at the park site, with water and wastewater lines located along the street frontage. The applicant must demonstrate that sufficient LUEs to serve the park are available within these water and wastewater lines. Subdivisions which will utilize individual septic systems are not required to provide dedicated parkland with an individual septic system.
6. The restoration of any area or part of an area to be dedicated as parkland which is disturbed during any phase of the development must

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be restored in accordance to terms specified by the Parks and Recreation Department. The exact restoration requirements will be determined on a case-specific basis according to the pre- and post-construction condition of the parkland to be dedicated.

7. Any detention ponds and/or other drainage facilities to be placed in areas which are to be dedicated as parkland must be designed and constructed to allow for dual recreational use. Construction plans may be required to demonstrate that the design, placement, and construction of such ponds meets the requirements of the Parks and Recreation Department.

FLOODPLAINS

The following standards shall apply to all land proposed for dedication as parkland which is located in the 100-year floodplain:

- a. Every acre of dedicated parkland located outside the 25 year floodplain but within the 100 year floodplain shall count as $\frac{1}{4}$ acre of land toward subdivision's total parkland dedication requirement.
- b. Floodplain areas along the following creeks have been designated a high acquisition priority: Walnut, Williamson, Shoal, Waller, Onion, Slaughter, Barton, Bouldin (East and West), Blunn, Bull, and Bear Creeks and may be dedicated at the 2:1 ratio allowed by the ordinance, subject to the criteria listed below. This list is illustrative and not exhaustive in listing creeks with acceptable floodplain areas.

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c. Floodplain areas will be considered based on the following criteria:

- (1) The floodplain area is easily accessible and provided with adequate street frontage.
- (2) There has been minimal alteration of the natural character of the waterway and the floodplain area.
- (3) In no case will floodplain areas be accepted which are less than 100 feet in width.
- (4) The area's configuration and topography is suitable for the placement of low-intensity facilities such as playgrounds, picnic facilities, and open play-fields. All development in park sites shall comply with all special watershed requirements of the City Code.
- (5) Floodplain areas which provide access in the neighborhood between residences and park facilities may be considered as linear parkland as long adequate access is provided and such areas are visible and easily identified as public recreation areas.
- (6) Floodplain areas should provide areas suitable for passive recreation to complement the more intensive uses in non-floodplain areas.

CRITICAL AREAS

1. Every acre of dedicated parkland mapped on the Critical Areas Map shall count as $\frac{1}{4}$ acre of land toward the subdivision's total parkland dedication requirement.
2. It shall be the determination of the Parks and Recreation Department that all such critical areas dedicated may be properly administered,

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protected, and maintained as part of or adjacent to a neighborhood park facility.

13-3-117 CONSIDERATION FOR AREAS THAT DO NOT MEET PARK STANDARDS PER 13-3-117, ABOVE

For any areas which do not meet or exceed these standards enumerated above, the burden of proof shall be on the applicant to demonstrate that a lessening of one or more of these standards will result in a park area as good as or better than one which meets the strict standards of the ordinance.

In considering any area for dedication which does not meet the standards of the ordinance and where the ordinance allows the City to employ its discretion, the following may be considered.

1. Preservation of unique area of natural beauty, area possessing unique natural features, or other biologically valuable areas;
2. Facilities may be developed in partial fulfillment of required parkland dedication.
3. Whether the area is proposed to be contiguous to an existing or proposed school site.
4. A combination of land dedication and fees paid in lieu of a portion of the land dedication.
5. A demonstration that two or more required dedications may be combined to form a single, viable park area;
6. Acreage dedication which would expand existing parks or recreation facilities.
7. An applicant may transfer the required parkland in a subdivision to another location owned by the same applicant within the $\frac{1}{4}$ mile service

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radius. Information regarding the proposed transfer and information on the transfer site must be submitted as described above.

In all cases, the final determination of the area to be dedicated as parkland under the requirements of this ordinance shall rest with the Director of the Parks and Recreation Department.

CONVEYANCE OF TITLE

In addition to a formal dedication on the plat to be recorded, the subdivider shall convey the required lands to the City by general warranty deed. The land so dedicated and deeded shall not be subject to any reservations of record, encumbrances of any kind, or easements which, in the opinion of the Parks and Recreation Department, will interfere with the use of the land for park or recreational purposes.

SECTION 13-3-118 PAYMENT IN LIEU OF LAND PROVISIONS

13-3-118(a)

1. The Neighborhood Park and Recreation Improvement Fund shall be established, maintained, and utilized by the Parks and Recreation Department. In all cases, the disposition of the monies generated by this ordinance shall be required to adhere to the following guidelines, listed in priority order.
 - a. Preferably, acquisition of land for neighborhood parks within a 1/2 mile radius of the subdivision which generated the funds. Roadways and other physical features may create irregular rather than concentric service areas.
 - b. Acquisition of land could occur beyond the preferred 1/2 mile radius but within a distance which enables the land acquired to be of direct benefit of the residents of the subdivision which generated the funds.

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- c. In all cases the funds will not be spent for non-acquisition purposes until it becomes clear that the City will be unable to acquire land suitable under priorities 1 and 2 within the 5 year limit imposed by the ordinance.
- d. Lacking the opportunity to acquire additional lands within a reasonable distance to serve the residents of the subdivision which generated the funds, the funds shall be spent on improvements of existing park facilities which may be reasonably expected to be used by the residents of said subdivision.
- e. If priorities 1-4 are unable to be met within the five-year limit, the funds shall be refunded to the owner of the property at their written request according to the terms of 13-3-118 (b). Refunds shall include any accrued interest minus 1% administrative costs.

2. Development will occur when the subdivision(s) to be served by the park reach a 50% occupancy rate.

13-3-118 (c) (1) FEES BASED ON FAIR MARKET VALUE

When the subdivider must pay any required fees and chooses to base the payment on the fair market value of the tract to be subdivided, the following procedure is applicable:

- a. If the Parks and Recreation Department recommends that fees in lieu of parkland dedication be required, the subdivider must notify the Director, Office of Land Development Services of his/her intention to satisfy the requirements of this ordinance with fees equal to the fair market value of the tract to be subdivided. The Real Estate Division of the City will then consider the best available information to determine the fair market value of the property.

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- b. Any appraisal used must reflect the tract's status as an approved final subdivision and be appraised no more than 6 months prior to final approval of the subdivision.
- c. The subdivider has the option of providing additional evidence to establish fair market value.

13-3-118 (c) (2) FEE SCHEDULE PER UNIT

When the subdivider must pay any required fees and chooses to pay on a per unit basis, the fee table provided in the ordinance determines the amount to be paid based on the subdivision's unit density and geographic location by sector. The attached map locates each sector.

To calculate fees using the unit fee table:

- a. Calculate the density of each residential land use within the subdivision;
- b. Calculate the fees required for the number of units in each density category;
- c. The amount of required fees is the sum of the fees required for each density category.

13-3-118 TIMING FOR PAYMENT OF FEES

All required fees and letters of credit must be paid/posted as a part of the final plat approval.

For multi-family developments lacking an approved site plan or a plat note establishing a maximum density, all fees and letters of credit will be calculated based on the best information available (including the density assumptions in Section 13-3-116(c)) for estimating density at the time of

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final plat approval. If, at a later date, the applicant is able to provide an approved site plan showing a lower density or is able to demonstrate that the project will be constructed at a lower density, he/she may apply for a cash refund or reduction in the letter of credit based on the lower densities. Such refund requests must be submitted in writing to the Office of Land Development Services and be accompanied by an approved site plan or, when a site plan is not required by another ordinance, a park plan to be reviewed and approved by the City.

SECTION 13-3-119 PRIVATE PARKLAND CREDIT

The following standards shall apply for proposed parkland credit:

1. No more than 50% of a subdivision's total parkland dedication requirements may receive credit as private parkland. A combination of land and facilities may be counted toward the allowable 50% credit.
2. Examples of areas currently required by City ordinance which would not count as private parkland eligible for credit include: landscape areas required in the zoning ordinance, yard areas which would be owned by individuals, areas left vacant due to building setback requirements, setback requirements required by compatibility standards in the zoning ordinance, natural areas required by ordinances such as the Loop 360, 2244, and 2222 ordinances, and buffer and setback areas required along Principal Roadway Areas. This list is meant to be illustrative and is not exhaustive in listing all such areas.
3. All multi-family developments which comply with the open space requirements of Chapter 13-2A Sections 2254, 2279, 2304, 2329, 2339, 2345, and 2354 may receive credit for open space areas which meet the minimum standards for private parkland listed in these Guidelines.

LEGAL REQUIREMENTS FOR PRIVATE PARKLAND

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1. The applicant must submit a condominium declaration, homeowners' agreements, or similar document which establishes the private ownership and maintenance responsibility of any private park areas established to meet the requirements of this ordinance. In addition, a plat note must be included on the preliminary plan and final plat stating the ownership and maintenance responsibility of all private park areas.
2. A covenant to be recorded and to run with the land restricting use of private park areas and facilities for park and recreational purposes must be submitted prior to final plat acceptance.

PRIVATE PARK PLANS AND FACILITIES

1. Proposals for credit for private park areas must submit a park plan showing the placement and type of proposed facilities and landscape. Private park plans should address the following minimum standards:
 - a. Permissible facilities include: children's playscape, game court areas, open playfields, picnic areas, swimming pool, recreational building, and play slabs. In all cases, the number and type of facilities provided must adequately provide for the recreational needs of the ultimate user population. Facilities must be designed, installed, and maintained to the specifications of the Parks and Recreation Department, which in all cases shall be appropriate for private park development.
 - b. The placement and design of proposed facilities and improvements should result in a private park which is readily identifiable as a park distinct from parking areas, living areas, private yards, and other components of a subdivision and/or multi-family development.
 - c. A letter of credit in an amount equal to the value of the facilities to be provided must be posted at the time of final

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plat approval. This letter of credit will be released upon completion of the private park facilities.

13-3-120 SUBMITTAL REQUIREMENTS

TIMING

1. All information required by this ordinance must be submitted at the time the preliminary plan is submitted to the Office of Land Development Services for review.

ACREAGE

Indicate lot dimensions and acreage of park site to be dedicated.

SOILS AND VEGETATION

1. Information on soils and geology shall be required to give staff reviewers an overall description of the proposed park area. This information may be obtained from the Soil Survey prepared by the Soil Extension Service of the USDA prepared for the county in which the subdivision is located. General information should include general type and depth of topsoil, general type of subsurface soils, general type of geology, and the constraints given in the Soil Survey for construction and recreation use.
2. A vegetation survey should indicate the major types of vegetation and vegetative assemblages located on the proposed park land.

FACILITIES

The location and type of facilities to be provided is required only when an area is to be developed as private parkland or if applicant proposes to develop facilities to satisfy a portion of the dedicated acreage requirements.

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SCHEMATIC PLAN FOR LARGE DEVELOPMENTS OR MULTI-FAMILY DEVELOPMENTS

1. Large developments which may include multiple final plats should indicate required parkland dedication on a schematic plan or joint preliminary. Individual final plat submissions may not have park areas dedicated, but all finals must comply with the schematic plan submitted and approved by the Parks and Recreation Department.
2. For multi-family developments where a private park is to be developed and not platted separately, a schematic park plan must be submitted which provides the required information and indicates where on the tract the park is to be located.

Section 13-3-122 APPLICABILITY

1. All subdivisions or portions of subdivisions approved for non-residential use shall not be subject to the provisions of this Section. However, if an approved non-residential subdivision or portion of a subdivision is to be developed for residential use, they will become subject to the provisions of this ordinance prior to site plan approval.

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APPENDIX III
PROCESSING ORDINANCE
ORDINANCE NO. 871022-G, SECTION 13-1
SECTION 4 - LAND USE

4.1.0 MISCELLANEOUS CRITERIA AND PROCESSES

The following section is intended to provide criteria for the interpretation of various land use ordinances and policies. The section currently includes the Parks and Recreation procedures, guidelines and rules for zoning site development standards. As land use ordinances and policies change, this section will be amended accordingly.

4.1.1 PARK PROCEDURE AND GUIDELINES

A. Procedure for Obtaining Easements Across Parkland

1. Section 26.001 and 26.002 of the Texas Parks and Wildlife Code require that no easement be granted if there is a feasible and prudent alternative to crossing the parkland; require all reasonable planning to minimize harm to the area and that a notice of a public hearing be published.
2. Requests for permanent easements and/or temporary construction access easements must be in a written application and addressed to the Director, of the Parks and Recreation Department. Additional copies should be sent to the Real Estate Division of the Transportation and Public Services Department.
3. The written application requests are normally made by the engineering firm in charge of the project. Alternatively, requests may be made by the project manager of the requesting department.
4. The letter of application should state the reason for the request and should provide adequate reasons why there are no feasible and prudent alternatives to using the parkland, and should be very specific in regard to the location of the project.
5. The written application should include the following (on 8 1/2" x 11" paper for ease of reproduction):
 - o A location map identifying the park in relation to the neighborhood.
 - o A site plan showing the location of all easements through the park.
 - o Accurate metes and bounds field notes and a sketch for all easements. (All field notes must be certified for accuracy and form by the appropriate departmental engineers prior to submittal.)

6. The application request should also address the short and long term effects the construction will have on the parkland and should provide details of the specific steps that will be taken in order to minimize damage to the parkland and to restore any damaged areas.
7. The application request should also satisfy the City that the two conditions as stated in the first paragraph of this procedure will be met. In order to qualify for submittal to the Parks and Recreation Board, request packets must be complete.

The Director of Parks and Recreation Department will review the request and submit it to the Parks and Recreation Board for their consideration.

8. If the Parks and Recreation Board approves the request, the Director's office returns copies of the request, the Director's memo to the Park's Board, and the recommendation of the Parks and Recreations Board to the Transportation and Public Services Department Real Estate Division.
9. The Real Estate Division of the Transportation and Public Services Department will forward the information to the Law Department. The Law Department will cause a notice of the intended easement to be published once a week for three (3) consecutive weeks. The first publication shall be at least 30 days before the date of the public hearing, and the last date shall not be less than one (1) week or more than two (2) weeks before the date of the hearing. The newspaper chosen for the publication must be a general circulation paper that is published at least six (6) days per week in the county in which the park property is located. (Exceptions noted in Section 26 of Chapter 26, of the Texas Parks and Wildlife Code).
10. Keeping the limits of the publication dates in mind, the Real Estate Division of the Transportation and Public Services Department will prepare a request for the City Council to set a public hearing in connection with the requested permanent easement and/or any temporary construction access easements.
11. The request will indicate "Chapter 26, Texas Parks and Wildlife Code" and will contain all pertinent information, including field notes, maps, letters of request, and memos to the Director of the Parks and Recreation Department and to the Parks Board.
12. At the public hearing, the City Council will consider an ordinance granting the easement(s).

13. Again, all pertinent information that will enable the Council to make a decision will be attached to the request for ordinance. The ordinance will be drafted by the Law Department and attached to the request for ordinance prior to submittal to the Council.
14. Once the request for easements has been passed by Council, the Real Estate Division of the Transportation and Public Services Department will secure a certified copy of the ordinance from the City Clerk's Office and distribute copies to the Parks and Recreation Department, the applicant, and any other departments of the City affected by the ordinance.

B. Procedure For Parkland and Recreation Facility Standards For Municipal Utility Districts

1. Dedicated parkland of ten (10) acres per 1000 population for public neighborhood and community parks, suitable for development of both active and passive recreation opportunities.
2. Location of parkland adjacent to schools is encouraged.
3. Dedicate \$200 per living unit equivalent in the form of recreation facilities approved by the City of Austin, or a cash donation to the City of Austin for the construction of recreation facilities.

C. Parkland Dedication Guidelines

1. Calculation of Required Parkland: Sufficient information must be included on the preliminary plan to verify the amount of parkland required for dedication.

Show the calculations, using the formula established in the ordinance, which derive the acres to be dedicated.

o A separate calculation must be made for each type of residential land use to generate the number of acres required for dedication for each type of residential land use.

o The calculations must then be added to show the aggregate amount of parkland required.

2. Density Transfer

The acreage to be dedicated for parkland in compliance with this ordinance may be used for purposes of calculating density and/or impervious cover restrictions required in other sections of the City Code. This includes density restrictions of the zoning ordinance and impervious cover restrictions required by the various special watershed provisions of the subdivision ordinance.

3. Standards for Dedication of Parkland

The following standards shall be used in considering suitability of proposed park areas for dedication.

- o If necessary for optimum park placement, larger tracts to be dedicated may be split into two (2) or more separate park sites as long as each site meets minimum size and other standards.
- o A central location within the subdivision which the park will serve will be required unless:
 - The park is adjacent to an existing or proposed school site.
 - The location at the edge of a subdivision will facilitate the combination of dedicated park areas to form a single park to serve two or more subdivisions.
 - Applicants may contact adjoining landowners and present a schematic plan proposing joint dedication.
- o The dedicated parkland should provide a maximum of exposure and public areas. A minimum of 200 feet of frontage on a dedicated public street is required, but the Parks and Recreation Department will consider reimbursement or credit for street frontage beyond the minimum requirement. The frontage should be contiguous and front on a street with 70 feet or less of dedicated Right-of-Way.
- o At least 50 percent of the dedicated park site should be level, well drained and suitable for open play.
- o If potable water and sewage connections will serve the subdivision, such connections shall be readily available at the park site, with water and wastewater lines located along the street frontage. The applicant must demonstrate that sufficient living unit equivalents to serve the park are available within these water and wastewater lines. Subdivisions which will utilize individual septic systems are not required to provide dedicated parkland with an individual septic system.
- o The restoration of any area or part of an area to be dedicated as parkland which is disturbed during any phase of the development must be restored in accordance to terms specified by the Parks and Recreation Department. The exact restoration requirements will be determined on a case-specific basis according to the pre- and postconstruction condition of the parkland to be dedicated.

- o Any detention ponds and/or other drainage facilities to be placed in areas which are to be dedicated as parkland must be designed and constructed to allow for dual recreational use. Construction plans may be required to demonstrate that the design, placement and construction of such ponds meet the requirements of the Parks and Recreation Department.

4. Flood Plains

The following standards shall apply to all land proposed for dedication as parkland which is located in the 100 year flood plain:

- o Every acre of dedicated parkland located outside the 25 year flood plain but within the 100 year flood plain shall count as 1/2 acre of land toward the subdivision's total parkland dedication requirement.
- o Flood plain acres along the following creeks have been designated a high acquisition priority: Walnut, Williamson, Shoal, Waller, Onion, Slaughter, Barton, Bouldin (East and West), Blunn, Bull, and Bear Creeks and may be dedicated at the 2:1 ratio allowed by the ordinance, subject to the criteria listed below. This list is illustrative and not exhaustive in listing creeks with acceptable flood plain areas.
- o Flood plain areas will be considered based on the following criteria:
 - The flood plain area is easily accessible and provided with adequate street frontage.
 - There has been minimal alteration of the natural character of the waterway and the flood plain area.
 - In no case will flood plain areas be accepted which are less than 100 feet in width.
 - The area's configuration and topography is suitable for the placement of low-intensity facilities such as playgrounds, picnic facilities, and open play fields. All development in park sites shall comply with all special watershed requirements of the Austin City Code.
 - Flood plain areas which provide access in the neighborhood between residences and park facilities may be considered as linear parkland as long as adequate access is provided and such areas are visible and easily identified as public recreation areas.

- Flood plain areas should provide areas suitable for passive recreation to complement the more intensive uses in non-flood plain areas.

5. Critical Areas

- o Every acre of dedicated parkland mapped on the Critical Areas Map shall count as 1/2 acre of land toward the subdivision's total parkland dedication requirement.
- o It shall be the determination of the Parks and Recreation Department that all such critical areas dedicated may be properly administered, protected, and maintained as part of or adjacent to a neighborhood park facility.

6. Consideration for Areas that Do Not Meet Park Standards

For any areas which do not meet or exceed these standards enumerated above, the burden of proof shall be on the applicant to demonstrate that a lessening of one or more of these standards will result in a park area as good as or better than one which meets the strict standards of the ordinance.

In considering any area for dedication which does not meet the standards of the ordinance and where the ordinance allows the City to employ its discretion, the following may be considered:

- o Preservation of unique area of natural beauty, area possessing unique natural features, other biologically valuable areas.
- o Facilities may be developed in partial fulfillment of required parkland dedication.
- o Whether the area is proposed to be contiguous to an existing or proposed school site.
- o A combination of land dedication and fees paid in lieu of a portion of the land dedication.
- o A demonstration that two or more required dedications may be combined to form a single, viable park area.
- o Acreage dedication which would expand existing parks or recreational facilities.
- o An applicant may transfer the required parkland in a subdivision to another location owned by the same applicant within the 1/2 mile service radius. Information regarding the proposed transfer and information on the transfer site must be submitted as described above.

In all cases, the final determination of the area to be dedicated as parkland under the requirements of this ordinance shall rest with the Director of the Parks and Recreation Department.

7. Conveyance of Title

In addition to a formal dedication on the plat to be recorded, the subdivider shall convey the required lands to the City by general warranty deed. The land so dedicated and deeded shall not be subject to any reservations of record, encumbrances of any kind, or easements which, in the opinion of the Parks and Recreation Department, will interfere with the use of the land for park or recreational purposes.

8. Payment in Lieu of Land Provisions

- o The Neighborhood Parks and Recreation Improvement Fund shall be established, maintained and utilized by the Parks and Recreation Department. In all cases, the disposition of the monies generated by this ordinance shall be required to adhere to the following guidelines, listed in priority order:
 - Preferably, acquisition of land for neighborhood parks within a 1/2 mile radius of the subdivision which generated the funds. Roadways and other physical features may create irregular rather than concentric service areas.
 - Acquisition of land could occur beyond the preferred 1/2 mile radius but within a distance which enables the land acquired to be of direct benefit to the residents of the subdivision which generated the funds.
 - In all cases, the funds will not be spent for non-acquisition purposes until it becomes clear that the City will be unable to acquire land suitable under priorities one and two within the five (5) year limit imposed by the ordinance.
 - Lacking the opportunity to acquire additional lands within a reasonable distance to serve the residents of the subdivision which generated the funds, the funds shall be spent on improvements of existing park facilities which may be reasonably expected to be used by the residents of said subdivision.
 - If priorities 1-4 are unable to be met within the five (5) year limit, the funds shall be refunded to the owner of the property at their written request according to the terms of Section 13-118b of the Parkland Dedication Ordinance. Refunds shall include any accrued interest minus one percent administrative costs.

- o Development will occur when the subdivision(s) to be served by the park reach(es) 50 percent occupancy rate.

9. Fee Based on Fair Market Value

When the subdivider must pay any required fees and chooses to base the payment on the fair market value of the tract to be subdivided, the following procedure is applicable:

- o If the Parks and Recreation Department recommends that fees in lieu of parkland dedication be required, the subdivider must notify the Director, Office of Land Development Services of his/her intention to satisfy the requirements of this ordinance with fees equal to the fair market value of the tract to be subdivided. The Real Estate Division of the City will then consider the best available information to determine the fair market value of the property.
- o Any appraisal used must reflect the tract's status as an approved final subdivision and be appraised no more than six (6) months prior to final approval of the subdivision.
- o The subdivider has the option of providing additional evidence to establish fair market value.

10. Fee Schedule Per Unit

When the subdivider must pay any required fees and chooses to pay on a per unit basis, the fee table provided in the ordinance determines the amount to be paid based on the subdivision's unit density and geographic location by sector. The attached map locates each sector.

To calculate fees using the unit fee table:

- o Calculate the density of each residential land use within the subdivision.
- o Calculate the fees required for the number of units in each density category.
- o The amount of required fees is the sum of the fees required for each density category.

11. Timing for Payment of Fees

All required fees and letters of credit must be paid/posted as a part of the final plat approval.

For multi-family developments lacking an approved site plan or a plat note establishing a maximum density, all fees and letters of credit will be calculated based on the best information available (including the density assumptions in Section 13-3-116(c) of the Parkland Dedication Ordinance for estimating density at the time of final plat approval). If, at a later date, the applicant is able to provide an approved site plan showing a lower density or is able to demonstrate that the project will be constructed at a lower density, he/she may apply for a cash refund or reduction in the letter of credit based on the lower densities. Such refund requests must be submitted in writing to the Office of Land Development Services and be accompanied by an approved site plan or, when a site plan is not required by another ordinance, a park plan to be reviewed and approved by the City.

12. Private Parkland Credit

The following standards shall apply for proposed parkland credit:

- o No more than 50 percent of a subdivision's total parkland dedication requirements may receive credit as private parkland. A combination of land and facilities may be counted toward the allowable 50 percent credit.
- o Examples of areas currently required by City ordinance which would not count as private parkland eligible for credit include: landscape areas required in the zoning ordinance, yard areas which would be owned by individuals, areas left vacant due to building setback requirements, setback requirements required by compatibility standards in the zoning ordinance, natural areas required by ordinance such as the Loop 360, 2244 and 2222 Ordinances, and buffer and setback areas required along Principal Roadway Areas. This list is meant to be illustrative and is not exhaustive in listing all such areas.
- o All multi-family developments which comply with the open space requirements of Chapter 13-2A, Sections 2254, 2279, 2304, 2329, 2339, 2345 and 2354 may receive credit for open space areas which meet the minimum standards for private parkland listed in these guidelines.

13. Legal Requirements for Private Parkland

- o The applicant must submit a condominium declaration, homeowner's agreement, or similar document which establishes the private ownership and maintenance responsibility of any private park areas established to meet the requirements of this ordinance. In addition, a plat note must be included on the preliminary plan and final plat stating the ownership and maintenance responsibility of all private park areas.

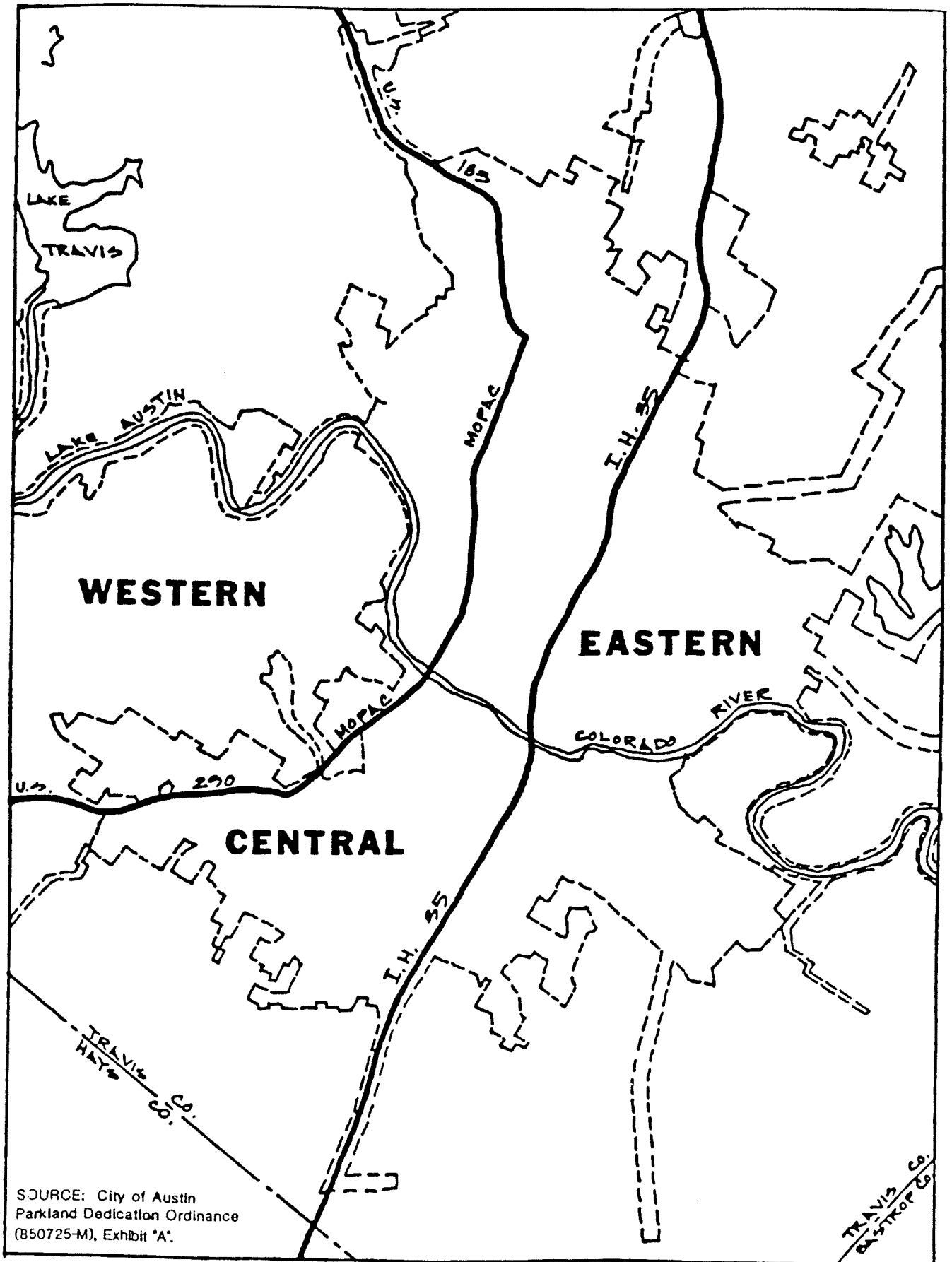
- o A covenant to be recorded and to run with the land restricting use of private park areas and facilities for park and recreational purposes must be submitted prior to final plat acceptance.

14. Private Park Plans and Facilities

- o Proposals for credit for private park areas must submit a park plan showing the placement and type of proposed facilities and landscape. Private park plans should address the following minimum standards:
 - Permissible facilities include: children's playscape, game court areas, open playfields, picnic areas, swimming pool, recreational building, and play slabs. In all cases, the number and type of facilities provided must adequately provide for the recreational needs of the ultimate user population. Facilities must be designed, installed, and maintained to the specifications of the Parks and Recreation Department, which in all cases shall be appropriate for private park development.
 - The placement and design of proposed facilities and improvements should result in a private park which is readily identifiable as a park distinct from parking areas, living areas, private yards, and other components of a subdivision and/or multi-family development.
 - A letter of credit in an amount equal to the value of the facilities to be provided must be posted at the time of final plat approval. This letter of credit will be released upon completion of the private park facilities.

15. Submittal Requirements: All information required by the Parkland Dedication Ordinance (850725-M) must be submitted at the time the preliminary plan is submitted to the Office of Land Development Services for review. Also refer to the Parkland Sector Boundaries Map (See Figure 4-1) that is attached to the Parkland Dedication Ordinance. The required information pertains to:

- o Acreage - Indicate lot dimensions and acreage of park site to be dedicated.
- o Soils and Vegetation
 - Information on soils and geology shall be required to give staff reviewers an overall description of the proposed park area. This information may be obtained from the Soil Survey prepared by the Soil Extension Service of the USDA prepared for the county in which the subdivision is located. General information should include general type and depth of topsoil,



SOURCE: City of Austin
 Parkland Dedication Ordinance
 (B50725-M), Exhibit "A".

FIGURE 4-1

SECTOR BOUNDARIES

general type of subsurface soils, general type of geology, and the constraints given in the Soil Survey for construction and recreation use.

- A vegetation survey should indicate the major types of vegetation and vegetative assemblages located on the proposed park land.

o Facilities

The location and type of facilities to be provided is required only when an area is to be developed as private parkland or if an applicant proposes to develop facilities to satisfy a portion of the dedicated acreage requirements.

16. Schematic Plan for Large Developments or Multi-Family Developments

- o Large developments which may include multiple final plats should indicate required parkland dedication on a schematic plan or joint preliminary. Individual final plat submissions may not have park areas dedicated, but all finals must comply with the schematic plan submitted and approved by the Parks and Recreation Department.
- o For multi-family developments where a private park is to be developed and not platted separately, a schematic park plan must be submitted which provides the required information and indicates where on the tract the park is to be located.

17. Applicability

All subdivisions or portions of subdivisions approved for non-residential use shall not be subject to the provisions of this section; however, if an approved non-residential subdivision or portion of a subdivision is to be developed for residential use, it will be subject to the provisions of this ordinance prior to site plan approval.

APPENDIX IV

VARIANCE REQUESTS SUMMARY
PARKLAND DEDICATION ORDINANCE

SUBDIVISION: Tumbleweed Hills
VARIANCE: Exemption from Parkland Ordinance
STAFF RECOMMENDATION: Deny
COMMISSION ACTION/DATE: Deny/8/25/85

SUBDIVISION: C. W. Hetherly
VARIANCE: Exemption from Parkland Ordinance
STAFF RECOMMENDATION: Consideration
COMMISSION ACTION/DATE: Grant/10/8/85

SUBDIVISION: Channing's Hollow
VARIANCE: Exemption from Parkland Ordinance
STAFF RECOMMENDATION: Consideration
COMMISSION ACTION/DATE: Grant/10/29/85

SUBDIVISION: Harding Addition
VARIANCE: Exemption from Parkland Ordinance
STAFF RECOMMENDATION: Deny
COMMISSION ACTION/DATE: Grant/11/26/85

SUBDIVISION: Jourdan Crossing
VARIANCE: 50% credit for 25 year flood plain
STAFF RECOMMENDATION: Grant
COMMISSION ACTION/DATE: Grant/12/3/85

SUBDIVISION: Arrowhead Ridge
VARIANCE: Exemption from Parkland Ordinance
STAFF RECOMMENDATION: Deny
COMMISSION ACTION/DATE: Deny/12/10/85

SUBDIVISION: Ganzert Park II
VARIANCE: 50% credit for 25 year flood plain
STAFF RECOMMENDATION: Grant
COMMISSION ACTION/DATE: Grant/3/4/86

SUBDIVISION: Meadows of Travis Oaks, Phase A
VARIANCE: 50% credit for 25 year flood plain
STAFF RECOMMENDATION: Grant
COMMISSION ACTION/DATE: Grant/3/11/86

SUBDIVISION: Viewpoint at Williamson Creek
VARIANCE: 50% credit for 25 year flood plain;
credit for excess street frontage
STAFF RECOMMENDATION: Grant
COMMISSION ACTION/DATE: Grant/3/25/86

SUBDIVISION: Holloway Crossing
VARIANCE: 50% credit for 25 year flood plain
STAFF RECOMMENDATION: Grant

COMMISSION ACTION/DATE: Grant/4/22/86

SUBDIVISION: Meadows of Trinity Crossing
VARIANCE: Defer parkland dedication to later phase
STAFF RECOMMENDATION: Grant
COMMISSION ACTION/DATE: Grant/4/22/86

SUBDIVISION: Shadowridge Crossing, Sections 9-11
VARIANCE: Exemption from Parkland Ordinance
STAFF RECOMMENDATION: Grant
COMMISSION ACTION/DATE: Grant/6/3/86

SUBDIVISION: Sunset Addition
VARIANCE: 50% credit for 25 year flood plain
STAFF RECOMMENDATION: Grant
COMMISSION ACTION/DATE: Grant/6/10/86

SUBDIVISION: Wells Point, Phase A
VARIANCE: Pay fees in lieu of parkland dedication over 6 acres
STAFF RECOMMENDATION: Grant
COMMISSION ACTION/DATE: Grant/8/5/86

SUBDIVISION: Canyon Mesa
VARIANCE: Exemption from Parkland Ordinance
STAFF RECOMMENDATION: Deny
COMMISSION ACTION/DATE: Grant/8/26/86

SUBDIVISION: Enclave at Walnut Creek
VARIANCE: 50% credit for 25 year flood plain;
street frontage for less than 200 feet
STAFF RECOMMENDATION: Grant
COMMISSION ACTION/DATE: Grant/9/2/86

SUBDIVISION: Mary Alice Arnold
VARIANCE: Exemption from Parkland Ordinance
STAFF RECOMMENDATION: Grant
COMMISSION ACTION/DATE: Grant/12/16/86

SUBDIVISION: Westfield Center
VARIANCE: Exemption from Parkland Ordinance
STAFF RECOMMENDATION: Grant
COMMISSION ACTION/DATE: Grant/3/10/87

SUBDIVISION: Legends Park
VARIANCE: 50% credit in 25 year flood plain
STAFF RECOMMENDATION: Grant
COMMISSION ACTION/DATE: Grant/5/5/87

SUBDIVISION: Filomena's Subdivision
VARIANCE: Exemption from Parkland Ordinance
STAFF RECOMMENDATION: Grant
COMMISSION ACTION/DATE: Grant/5/5/87

SUBDIVISION: Township, The

VARIANCE: Exemption from Parkland Ordinance
STAFF RECOMMENDATION: Grant
COMMISSION ACTION/DATE: Grant/6/23/87

SUBDIVISION: Chimney Hills P.U.D., Section III, Phase A
VARIANCE: Exemption from Parkland Ordinance
STAFF RECOMMENDATION: Grant
COMMISSION ACTION/DATE: Grant/7/28/87

SUBDIVISION: Northtown M.U.D., Sections 13-16
VARIANCE: To allow street frontage for park/greenbelt lot to be less
than 200 feet
STAFF RECOMMENDATION: Grant
COMMISSION ACTION/DATE: Grant/8/11/87

SUBDIVISION: Tarra Subdivision
VARIANCE: Exemption from Parkland Ordinance
STAFF RECOMMENDATION: Grant
COMMISSION ACTION/DATE: Grant/1/5/88

SUBDIVISION: Formby Oaks
VARIANCE: Exemption from Parkland Ordinance
STAFF RECOMMENDATION: Grant
COMMISSION ACTION/DATE: Grant/2/23/88

SUBDIVISION: 81 William Cannon Joint Venture
VARIANCE: 50% credit in 25 year flood plain
STAFF RECOMMENDATION: Grant
COMMISSION ACTION/DATE: Grant/3/1/88

PARKLAND DEDICATION ORDINANCE AMENDMENT SUMMARY SHEET

Amend Section 13-2-450(d) and Section 13-2-452(b), Title XIII (Land Development Code), Austin City Code of 1981, relating to the parkland requirements associated with multi-family developments, and the service radius relating to land acquisition and fees collected/expended within the parkland zones of the City of Austin and the Extra Territorial Jurisdictions of the City of Austin.

Although these amendments are being processed under one procedure, they are distinctly two separate ordinance amendments.

AMEND SECTION 13-2-450(d), LAND DEVELOPMENT CODE

The purpose of this ordinance amendment is to correct an error in the original Parkland Dedication Ordinance and Land Development Code, and to establish maximum densities for multi-family zoning districts for parkland requirements of the Parkland Dedication Ordinance.

The error in this section is that the 24 units per acre reference for the highest density allowed in the MF-3 zoning district is incorrect. This density should be 36 units per acre for the highest density allowed in the MF-3 zoning district, which is the density allowed for efficiencies.

The ordinance amendment is to allow a density of 30 units per acre to be used instead of the 24 units per acre. This 30 units per acre is the average between the existing 24 units per acre and the highest allowable density allowed in the MF-3 district (36 units per acre). Thirty (30) units per acre seems to be a more realistic density to be used within the MF-3 zoning district, as developments with efficiencies, (36 units per acre allowed), only occurs in the University area(s).

In addition, the proposed ordinance amendment establishes a maximum density for the MF-1, MF-2, MF-4 and MF-5 (Multi-Family Residence) zoning districts. The maximum density allowed in each of the multi-family residential zoning districts has been adjusted to reflect non-efficiency type developments.

PROPOSED ORDINANCE AMENDMENT

Where a subdivision is submitted for a multi-family residential development and information is not provided concerning the number of units, the City shall assume the highest following density allowed in the zoning district applied to the property, with a maximum density as shown:

<u>ZONING DISTRICT</u>	<u>MAXIMUM DENSITY</u>
<u>MF-1 Multi-Family Residence (Limited Density)</u>	<u>14 upa vs. 17 upa</u>
<u>MF-2 Multi-Family Residence (Low Density)</u>	<u>22 upa vs. 23 upa</u>
<u>MF-3 Multi-Family Residence (Medium Density)</u>	<u>30 upa vs. 36 upa</u>
<u>MF-4 Multi-Family Residence (Moderate-High Density)</u>	<u>45 upa vs. 54 upa</u>
<u>MF-5 Multi-Family Residence (High Density)</u>	<u>45 upa vs. 54 upa</u>

If a property is not zoned, the City shall assume a density of ~~twenty-four (24)~~ thirty-six (36) units per acre. ~~which represents the highest density allowed in the MF-3 district.~~ This assumed density may be adjusted to a figure provided by the developer with a (recorded) restrictive covenant enforceable by the City and approved by the City Attorney.

AMEND SECTION 13-2-452(b), LAND DEVELOPMENT CODE

The purpose of this ordinance amendment is to modify Article 4.1.1.C.8 (Payment in Lieu of Park Provisions) of the Administrative Criteria Manual, as a part of the original Parkland Dedication Ordinance and the Land Development Code. This modification is to facilitate the ability of the Parks and Recreation Department to expend funds generated from parkland requirements in lieu of land acquisition for the acquisition of land and/or facility improvements at existing parks. This expenditure would be allowed in areas identified as being park deficient. At present, some of the funds generated from parkland requirements have not been expended within the 1/2 mile service radius of the subdivision which generated the parkland requirement because of the lack of or the distant location of existing parks within this service radius. In this case, the Parks and Recreation Department is forced to expend the money at the closest park of said subdivision that generated the parkland fee, but within the parkland zone of said subdivision.

PROPOSED ORDINANCE AMENDMENT

The Neighborhood Parks and Recreation Improvement Fund shall be established, maintained and utilized by the Parks and Recreation Department. In all cases, the disposition of the monies generated by this ordinance shall be based on the following guidelines, listed in priority order:

1. Preferably, acquisition of land for neighborhood parks within the ~~1/2~~ 1 mile service radius of the subdivision which generated the funds. Roadways and other physical features may create irregular rather than concentric service areas.
2. Acquisition of land or payment of fees in lieu of the acquisition of land could occur beyond the ~~1/2~~ 1 mile service radius but within a distance which enables the land acquired to be of direct benefit to the residents of the subdivision which generated the funds. If, after it is determined that the acquisition of land or payment of fees in lieu of the acquisition of land can not be acquired or expended within the 1 mile service radius of the subdivision that generated the parkland requirement, this service radius may be extended to 2 miles for use at district parks and city wide for use at metropolitan parks within the regional area of said subdivision which generated the parkland requirement.

3. In all cases, the funds will not be spent for non-acquisition purposes until it becomes clear that the City will be unable to acquire land suitable under priorities one and two within the five (5) year limit imposed by the ordinance.
4. Lacking the opportunity to acquire additional lands within a reasonable distance to serve the residents of the subdivision which generated the funds, the funds shall be spent on improvements on improvements of existing facilities which may be reasonably expected to be used by the residents of said subdivision.
5. If priorities 1-4 are unable to be met within the five (5) year limit, the funds shall be refunded to the owner of the property at their written request according to the terms of Section 13-118b of the Parkland Dedication Ordinance. Refunds shall include ~~any accrued interest~~ the amount of the parkland fee paid minus one percent administrative costs.