



Parkland Dedication Ordinance Comparison of Draft Ordinance to New Staff-Recommended Amendments

LDC Code Section (Page)	Original Draft Ordinance (Version dated January 5, 2016)	PARD Staff Ordinance Amendment Recommendations
Section 25-1-601 <i>Ordinance: pg. 3</i> <i>Staff Report: pg. 3-4</i>	<u>Draft Ordinance</u> No change from current code. Neither the “Urban Core” nor the “Deficient Park Area” are defined or used as concepts.	<u>Amendment 1(A)</u> The “Urban Core” boundaries defined as: <ul style="list-style-type: none"> • Ben White Blvd (South); • US-183 (East and North); and • MoPac to FM 2222 to Loop 360 to Lake Austin to MoPac to Ben White (West). Allows Parks and Recreation Department (PARD) to define a “Deficient Park Area” in the Parkland Dedication Operating Procedures (PDOP).
Section 25-1-605 <i>Ordinance: pg. 7-8</i> <i>Staff Report: pg. 5-6</i>	<u>Draft Ordinance</u> PARD Director may allow a fee in-lieu based on two requirements: <ul style="list-style-type: none"> • Less than 6 acres is required to be dedicated; or • The land available for dedication does not comply with the standards for dedicated parkland. PARD Director may require parkland dedication based on whether the site: <ul style="list-style-type: none"> • Is in a park deficient area; • Has sufficient acreage to meet standard for dedicated land under PDOP; and • Is adjacent to existing parkland. 	<u>Amendment 1(B)</u> PARD Director may allow a fee in-lieu based on two requirements: <ul style="list-style-type: none"> • Less than 6 acres is required to be dedicated; or • The land available for dedication does not comply with the standards for dedicated parkland. PARD director may allow a fee in-lieu or require land based on whether the site: <ul style="list-style-type: none"> • Is in a park deficient area; • Has sufficient acreage to meet standard for dedicated land under PDOP; • Is adjacent to existing parkland; • Is needed to address a critical need for parkland or remedy a deficiency; or • Increases park connectivity. Allows PARD Director to require a mix of fee in-lieu and land dedication.
Section 25-1-605 <i>Ordinance: pg. 9</i> <i>Staff Report: pg. 6-7</i>	<u>Draft Ordinance</u> No change from current code. No appeals process.	<u>Amendment 2</u> Applicant may appeal the PARD Director’s decision to require parkland instead of fee in-lieu. The Parks Board hears the case and issues a recommendation. The Land Use Commission then hears the case and may overturn or uphold the Director’s decision.

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<p>Section 25-1-602 <i>Ordinance: pg. 4</i> <i>Staff Report: pg. 7-9</i></p>	<p><u>Draft Ordinance</u> No change from current code. No cap on urban core parkland dedications.</p>	<p><u>Amendment 3(A)</u> Caps land dedication at 15 percent of gross site area within the urban core unless the applicant consents to dedicate more. PARD Director may seek to waive this cap and require more than the cap if the land:</p> <ul style="list-style-type: none"> • Is in a park deficient area; or • Increases park connectivity. <p>PARD Director presents the case for waiving the cap to the Parks Board, which issues a recommendation. The Land Use Commission then hears the case and may deny the request, require parkland up to the amount required by code or the minimum amount the Land Use Commission deems necessary based on:</p> <ul style="list-style-type: none"> • If it is in a park deficient area; • If it increases park connectivity; and • Any other criteria established in PDOP. <p>Requires applicants who are allowed to dedicate less than the amount of parkland required by code to make up the difference with fee in-lieu.</p>
<p>Part 4 of Ordinance <i>Ordinance: pg. 15</i> <i>Staff Report: pg. 9</i></p>	<p><u>Draft Ordinance</u> No change from current code. No criteria included.</p>	<p><u>Amendment 3(B)</u> Establishes interim criteria for PARD to use when determining whether to require land dedication or allow fee in-lieu; and PARD currently uses a part of their operating procedures known as “Exhibit A” to determine whether to require parkland or allow fee in-lieu. This amendment will adopt a modified Exhibit A into code as the interim criteria that will be used for the above purposes until PARD develops new official criteria in PDOP.</p>
<p>Section 25-1-604 <i>Ordinance: pg. 6-7</i> <i>Staff Report: pg. 9-10</i></p>	<p><u>Draft Ordinance</u> Allows PARD to grant up to 50 percent credit toward fulfilling parkland dedication requirements for privately owned and maintained parkland and amenities that are open to the public. <i>(Current code does not authorize credit for privately owned amenities, though it does contain some limited criteria related to amenities. PARD intends to revise and expand these criteria in PDOP.)</i></p>	<p><u>Amendment 4</u> Allows PARD to grant up to 100 percent credit toward fulfilling parkland dedication requirements for privately owned and maintained parkland and amenities that are open to the public.</p>

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<p>Section 25-1-607 <i>Ordinance: pg. 13</i> <i>Staff Report: pg. 10</i></p>	<p><u>Draft Ordinance</u> Includes wording that may be unclear on refunds for unbuilt units for which a parkland dedication fee has already been paid but not spent by PARD.</p>	<p><u>Amendment 5</u> Clarifies wording establishing a refund for unbuilt units for which a parkland dedication fee has already been paid but not spent by PARD.</p>
<p>Sections 25-1-605 & 606 <i>Ordinance pg. 8-9, 11</i> <i>Staff Report pg. 11</i></p>	<p><u>Draft Ordinance</u> The city code establishes how to calculate the fee in-lieu and the parkland development fee. Specifies that the City Council sets the “Parkland Cost Factor” that is used to determine fee in-lieu and the parkland development fee.</p>	<p><u>Amendment 6</u> PARD Director establishes the amounts of the fee in-lieu and the parkland development fee in the fee schedule that Council approves. Specifies that the PARD Director sets the “Parkland Cost Factor” that is used to determine fee in-lieu and the parkland development fee.</p>