



Parkland Dedication Ordinance Frequently Asked Questions

➤ **Q: What is a parkland dedication ordinance?**

Cities use parkland dedication ordinances to help provide neighborhood parks for residents who move into new developments. In Austin, this ordinance sets the standard for determining how much parkland will be needed to serve the new residents and then requires the developer to either provide that land or pay a fee in-lieu.

• **Q: What would this specific ordinance do?**

This proposal would modernize Austin's parkland dedication ordinance by updating the parkland dedication formula and fee in-lieu structure.

The last time City Council updated this ordinance was in 2007. However, the city's population has grown by roughly 20 percent since then, while park availability has fallen steadily. Currently, the Parks and Recreation Department (PARC) has a goal of 24 park acres per thousand Austinites. Yet the city has not seen that level of park availability in over a decade.

With a net growth of over 20,000 new Austinites per year, City Council believed it was time to update the parkland ordinance to better serve the city's rapid growth. This proposal does that by:

- Increasing the amount of parkland or fee in-lieu required of new developments to keep pace with higher demand; and
- Establishing a new formula for determining how much parkland is required, based on the size and density of the new development.

PARC has reported that Austin currently has one of the lowest parkland dedication fees among other cities in Texas and across the nation.

➤ **Q: Wasn't this supposed to be voted on in December? Why was this pushed back?**

The previous City Council started this process of reviewing and updating the parkland dedication ordinance in 2014. The present Council reviewed the proposal through its Open Space, Environment, and Sustainability Committee (OSSES) and later passed it on first reading in November. Council was then set to take the ordinance up on second and third readings in December.

Between the November and December meetings, business stakeholders and some park advocates met with PARC staff to propose amendments to the draft ordinance. However, Council had not had adequate time to evaluate those new amendments before the December meeting and thus postponed discussion until those amendments could be more fully vetted.

➤ **Q: What happened at the stakeholder discussions regarding potential amendments?**

Business stakeholders and some parks advocates met with PARD staff to discuss potential amendments to the draft ordinance ahead of the December meeting. PARD took stakeholder requests and concerns into account and reached a consensus on several high-level concepts.

Stakeholders, PARD staff, and Council staff continued to meet on this topic after Council postponed discussion. These groups discussed the specifics of the broad concepts and how to apply them to the ordinance. PARD then considered these different views and released a report that balanced the concerns of individual groups with the needs of the broader Austin community.

Council will have the opportunity to consider any remaining requests from individual stakeholder groups when OSES takes up the ordinance at its January 27 meeting, and when the full Council takes up the ordinance on second and third readings at its January 28 meeting.

➤ **Q: What new amendments are being proposed in the staff report?**

The staff report recommends amendments to:

- **Clarify legislative language.** The staff amendments include several changes that clarify parts of the draft ordinance, but do not alter its substantive content.
- **Flesh out fee in-lieu criteria.** Current code allows the PARD Director to permit payment of a fee in-lieu of land dedication. This amendment would provide a more detailed list of criteria that the Director will use when making a determination of whether to require fee in-lieu or land dedication, in order to provide more guidance and clarity to that process.
- **Codify PARD's ability to accept combination of fee in-lieu and land dedication.** According to existing practice, the PARD Director may accept a combination of land dedication and fee in-lieu in order to meet the development's parkland requirements. This amendment would codify this existing practice in order to provide more clarity to the process.
- **Establish an appeals process for developers.** Currently, there is no process by which a developer could appeal the PARD Director's decision to require land dedication rather than accept fee in-lieu. This proposal would allow developers to appeal those decisions to the Land Use Commission. Having an appeals process for these determinations appears to be common practice in many peer cities.
- **Establish a cap on amount of land dedication per site in the urban core.** This amendment would define the boundaries of the urban core for park purposes and cap the amount of parkland dedication that the city can require within that urban core at 15 percent of gross site area, unless there is a critical need and the Land Use Commission has approved waiving this cap. This gives developers more certainty about how much land they will be able to develop in their projects.
- **Credit developers for publicly accessible, privately owned parkland and amenities.** Current code allows the PARD Director to permit the developer to fulfill up to half of their parkland dedication requirements through providing privately owned and maintained parkland that is open to the public. This amendment would increase the credit for privately owned and maintained parkland up to 100 percent and expand that credit to include privately owned and maintained amenities, as well.