



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 (D) <i>Ordinance: pg. 3</i> <i>Staff Report: pg. 3</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: pgs. 7-8</i> <i>Staff Report: pgs. 5-6</i>	<u>Draft Ordinance</u> PARD Director may allow a fee in-lieu or require land based on whether: <ul style="list-style-type: none"> The site is in a park deficient area; Less than 6 acres is required to be dedicated; The land complies with the standards (under Section 25-1-603) for dedication; Has sufficient acreage to meet standard for dedicated land under PDOP; Is adjacent to existing parkland. 	<u>Amendment 1(B)</u> PARD director may allow a fee in-lieu or require land based on whether: <ul style="list-style-type: none"> The site is in a park deficient area; Less than 6 acres is required to be dedicated; The land complies with the standards (under Section 25-1-603) for dedication; Has sufficient acreage to meet standard for dedicated land under PDOP; Provides connectivity with existing or planned parks or recreational amenities; Is needed to address a critical need for parkland. If a developer dedicates parkland for a portion of what is owed, and pays a fee-in-lieu for the remainder, PARD may not include the portion of dedicated parkland when calculating the fee-in-lieu.
Section 25-1-605 <i>Ordinance: pg. 9</i> <i>Staff Report: pg. 6</i>	<u>Draft Ordinance</u> No change from current code. No appeals process.	<u>Amendment 1(C)</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: pgs. 7-8</i></p>	<p><u>Draft Ordinance</u> No change from current code. No cap on urban core parkland dedications.</p>	<p><u>Amendment 2(A)</u></p> <ul style="list-style-type: none"> • Caps land dedication at 15 percent of gross site area within the Urban Core boundaries. • Requires the PARL Director to receive approval from the Land Use Commission if more than 15 percent of gross site area is required within the Urban Core boundaries.
<p>Sections 25-1-602(J) & 25-1-605(B) <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 2(B)</u> Establishes interim criteria:</p> <ul style="list-style-type: none"> • For PARL to use when determining whether to require land dedication or allow fee in-lieu; and • For the Land Use Commission to use when ruling on the PARL Director’s decision to seek land dedication over fee in-lieu, or when greater than 15 percent of gross site area in the Urban Core is required. <p>PARL currently uses a part of their current 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 PARL develops new official criteria in PDOP.</p>
<p>Section 25-1-604 <i>Ordinance: pgs. 6-7</i> <i>Staff Report: pgs. 9-10</i></p>	<p><u>Draft Ordinance</u> No change from current code. Developers may seek up to 50 percent credit toward fulfilling parkland dedication requirements for privately owned and maintained parkland that is open to the public. No credit is available for amenities constructed on private parkland.</p>	<p><u>Amendment 3</u> Grants up to 100 percent credit for fulfilling parkland dedication requirements for privately owned and maintained parkland available for use by the public, and up to 100 percent credit for amenities available for use by the public.</p> <p>PARL does have some limited criteria in the current code related to amenities and intends to revise and expand these criteria in the PDOP. That criteria language is not yet available.</p>
<p>Section 25-1-607(D) <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 PARL.</p>	<p><u>Amendment 4</u> Clarifies wording establishing a refund for unbuilt units for which a parkland dedication fee has already been paid but not spent by PARL.</p>