

City of Fayetteville Staff Review Form

City Council Agenda Items  
and  
Contracts, Leases or Agreements

3/5/2013

City Council Meeting Date  
Agenda Items Only

Alison Jumper *AJ*  
Submitted By

Park Planning  
Division

Parks and Recreation  
Department

Action Required:

Approval of an ordinance amending Chapter 166.04 (I)(ii)(f) Dedication Ratios.

\$ -  
Cost of this request

\$ -  
Category / Project Budget

Program Category / Project Name

Account Number

\$ -  
Funds Used to Date

Program / Project Category Name

Project Number

\$ -  
Remaining Balance

Fund Name

Budgeted Item

Budget Adjustment Attached

*Connie Edmonston*  
Department Director 2-7-13  
Date

Previous Ordinance or Resolution # 5523

*Jeff Kelly*  
City Attorney 2-8-13  
Date

Original Contract Date:

Original Contract Number:

*Paul A. Buh*  
Finance and Internal Services Director 2-8-2013  
Date

Received in City Clerk's Office 03-13A10:07 RCVD  
*WJ*

*Ann Man*  
Chief of Staff 2-11-13  
Date

Received in Mayor's Office  
ENTERED 2/8/13  
*PH*

*Donnell Joseph*  
Mayor 2/4/13  
Date

Comments:



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THE CITY OF FAYETTEVILLE, ARKANSAS  
 DEPARTMENT CORRESPONDENCE

**CITY COUNCIL AGENDA MEMO**

**To:** Mayor Lioneld Jordan, City Council

**Thru:** Don Marr, Chief of Staff  
 Connie Edmonston, Parks and Recreation Director *C.E.*

**From:** Alison Jumper, Park Planning Superintendent

**Date:** February 7, 2013

**Subject:** Park Land Dedication Ordinance Update

**PROPOSAL:**

Chapter 166.04 (l)(ii)(g) of the Unified Development Code (UDC) requires the Parks Department to review the park land dedication contribution formula every two years and make recommendations to the City Council. The last update occurred in September 2012. Both the persons per unit and cost per acre were reviewed. The cost per acre was approved to remain the same, and the persons per unit value was approved to be updated to reflect the 2012 Census data, however, that update was left out of the resolution. Section 166.04 (l)(ii)(f) Dedication Ratios should be updated to reflect the 2010 census data and data from the Northwest Arkansas Regional Planning Commission as shown below.

Current Park Land Dedication Formula

Housing Type	Persons/Unit	Acres/1,000 Pop.	Acres/Unit	Cost/Acre	Fee in lieu/unit
Single Family	2.39	10	0.024	\$40,000	\$920
Multi-Family	1.7	10	0.017	\$40,000	\$560

Proposed Park Land Dedication Formula

Housing Type	Persons/Unit	Acres/1,000 Pop.	Acres/Unit	Cost/Acre	Fee in lieu/unit
Single Family	2.32	10	0.023	\$40,000	\$920
Multi-Family	1.39	10	0.014	\$40,000	\$560

**RECOMMENDATION:**

Staff recommends updating the persons per unit figure as provided by Northwest Arkansas Planning Commission from 2.39 for Single Family and 1.7 for Multi-family to 2.32 for Single Family and 1.39 for Multi-family. See proposed chart below.

Park Staff will review the cost of land again in 2014.

**BUDGET IMPACT:**

None.

**Attachments:**

Staff Review Form

Ordinance 5523

Excerpt from Chapter 166 UDC

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE AMENDING SUBSECTION 166.04(1)(ii)(f) OF CHAPTER 166 DEVELOPMENT OF THE UNIFIED DEVELOPMENT CODE TO CHANGE THE DEDICATION RATIOS RELATED TO PARKLAND DEDICATIONS

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends Subsection 166.04(1)(ii)(f) of Chapter 166 Development of the Unified Development Code so that, after amendment, the subsection shall read as follows:

“f. *Dedication ratios.* Land shall be dedicated at a ratio of .023 acres of land for each single-family dwelling unit and .014 acres of land for each multi-family dwelling unit.”

**PASSED and APPROVED** this 5<sup>th</sup> day of March, 2013.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**LIONELD JORDAN**, Mayor

By: \_\_\_\_\_  
**SONDRA E. SMITH**, City Clerk/Treasurer

Fayetteville Code of Ordinances

the developer's Preliminary Plat, Large Scale Development, or Large Site Improvement Plan prior to plat or plan approval.

f. *Dedication ratios.* Land shall be dedicated at a ratio of .024 acre of land for each single-family dwelling unit and .017 acre of land for each multi-family dwelling unit.

g. *Fee-in-lieu formulas.* A contribution in lieu of land dedication shall be made according to the following formula:

\$920.00 for each single-family unit

\$560.00 for each multi-family unit based upon actual density.

The Parks Department shall review the contribution formula every two (2) years and make recommendations to the City Council following such review.

h. *Dedication in excess.* If a developer wishes to dedicate park land which exceeds the requirement of this subsection, the developer shall make a written request to the Planning Commission who may grant the developer a credit equivalent to said excess. Said credit shall be applied toward the developer's obligation under this subsection for any subsequent development located in the same park quadrant.

(iii) *Timing of dedication and/or contribution.* All dedications of land must be made before the city signs the final plat, or issuance of building permits for a Large Scale Development or Large Site Improvement Plan. A Final Plat shall not be

released for recordation until the deed for a land dedication is received. Deeded land is dedicated public park land and not subject to any right of reversion or refund. A cash contribution in lieu of required land development shall be payable before the city signing the Final Plat, or issuance of building permits for a Large Scale Development or Large Site Improvement Plan. With the approval of the Planning Commission a developer may pay such contribution in three equal installments to be paid in full within one year of Final Plat approval. If a developer makes a cash contribution in lieu of land dedication, the developer shall be entitled to a pro rata refund, together with the accrued interest therefrom, in the event actual density is less than the density used as the basis for the developer's contribution; provided, no refund shall be made unless application therefore is made in writing to the Zoning and Development Administrator within one year from the date of Final Plat approval. In the event actual density is more than the density used as the basis for a dedication of land or case contribution the developer must make an additional land dedication or contribution in lieu of dedication.

(iv) *Zoning Requirements.* Lots created for the purpose of park land dedication shall not be required to meet the standards for lot size, bulk and area within any zoning district. Lots created for the purpose of park land dedication to serve the residents of the surrounding area shall not be subject to POA/HOA dues or other fees established for maintenance or other purposes within the neighborhood.

(v) *Fee-in-lieu allocation.* All money received under this subsection shall be deposited in an interest bearing account. Said money together with the

**ORDINANCE NO. 5523**

AN ORDINANCE AMENDING SUBSECTION 166.04(l)(ii)(g) OF CHAPTER 166 DEVELOPMENT OF THE UNIFIED DEVELOPMENT CODE TO CHANGE THE FEE-IN-LIEU FORMULAS RELATED TO PARKLAND DEDICATIONS

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends Subsection 166.04(l)(ii)(g) of Chapter 166 Development of the Unified Development Code so that, after amendment, the subsection shall read as follows:

*“g. Fee-in-lieu formulas. A contribution in lieu of land dedication shall be made according to the following formula:*

\$920.00 for each single-family unit

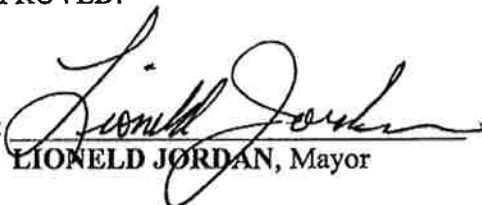
\$560.00 for each multi-family unit based upon actual density.

The Parks Department shall review the contribution formula every two (2) years and make recommendations to the City Council following such review.”

**PASSED and APPROVED** this 4<sup>th</sup> day of September, 2012.

APPROVED:

ATTEST:

By:   
LIONELD JORDAN, Mayor

By:   
SONDRA E. SMITH, City Clerk/Treasurer

