ORDINANCE 19-20

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, AMENDING THE TITLE OF SECTION 104-26 OF THE LAND DEVELOPMENT CODE FROM "DEDICATION OF PARKLANDS" TO "PARKLAND IMPACT FEE OR LAND CONVEYANCE IN LIEU OF FEE;" REVISING THE STATED PURPOSE FOR THE PARKLAND IMPACT FEE; PROVIDING FOR THE IMPOSITION OF A PARKLAND IMPACT FEE ON THE CONSTRUCTION OF ANY TYPE OF NEW RESIDENTIAL DWELLING; DELETING CONDITIONS FOR THE IMPOSITION OF THE PARKLAND IMPACT FEE; DELETING THE DEFINITIONS OF "NEIGHBORHOOD PARK" AND "COMMUNITY PARK;" AMENDING THE POPULATION FORMULA OF THE CODE; AMENDING THE DETERMINATION OF RESIDENT POPULATION; ESTABLISHING A PARKLAND ACREAGE EQUIVALENT; REVISING THE AMOUNT OF THE PARKLAND IMPACT FEE; AMENDING THE PROVISION RELATING TO THE DETERMINATION OF PARKLAND CONVEYED IN LIEU OF THE PARKLAND IMPACT FEE; AMENDING THE CREDIT FOR PRIVATE RECREATION AREAS OF THE CODE; AMENDING THE TIME OF CONVEYANCE OR PAYMENT OF PARKLAND IMPACT FEES/PROCEDURE OF THE CODE; AMENDING THE POSSIBLE USES OF PARKLAND IMPACT FEES OF THE CODE; REPEALING SECTION 103-23.24.9 WHICH PROVIDED FOR PARKLAND DEDICATION DISCOUNTS, INCENTIVES AND CREDITS; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, City staff reviewed Section 104-26, Dedication of Parklands, of the Land Development Code and has recommended that certain revisions are necessary; and

WHEREAS, the recommendations of staff have been found meritorious by the City Commission; and

WHEREAS, the City Commission has received input from the public at two public hearings.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. That Section 104-26 of Chapter 104 of the Land Development Code is hereby amended to read as follows:

104-26 - PARKLAND IMPACT FEE OR LAND CONVEYANCE IN LIEU OF FEE

104-26.1 - Purpose

The purpose of this section is to establish a Parkland Impact Fee to ensure that future residential land development within the city provides land and facilities for park or recreational purposes in accordance with the Recreation and Open Space Element of the Comprehensive Plan adopted by the city. The Parkland Impact Fee or Land Conveyance in lieu of fee is to provide a source of revenue to fund the acquisition of parkland and construction or expansion of the city park system necessitated by growth. Requiring the payment of a fee to acquire and construct such parklands and recreational facilities or the conveyance of land and facilities in lieu of payment thereof by each residential developer or builder is a fair and equitable method of provide such additional parklands and recreational facilities.

104-26.2 - Applicability

A Parkland Impact Fee is hereby imposed on the construction of any type of new residential dwelling unit whether single-family, duplex, triplex or multifamily, or the installation of manufactured or mobile homes. A residential use shall include the residential component of mixed-use developments, or the conversion of any existing non-residential use to a new residential use. This fee shall apply to new dwelling units whether individual or multiple building permits are applied for relative to construction on lots in existing subdivisions, parcels or tracts of property; as part of an existing approved Site Plan or new approved Subdivision or Site Plan. The provisions of this section however, shall not apply to accessory dwelling units, bed and breakfast, hotel and motel establishments, and nursing homes (as defined by the state).

104-26.3 - General standards

104-26.3.1 - Density Relation

The ultimate density of the proposed development shall bear directly upon the amount of Parkland Impact Fee. The total requirement of park and recreational lands shall be six acres of land per 1,000 of ultimate population in accordance with the following classifications:

Park Facility	Area Per 1,000 Population
Neighborhood park	3 acres
Community park	3 acres

104-26.4 - Population Formula

The following table of persons per unit was determined by the report of the US Census Data for the City of Dunedin and shall be used in calculating the required Parkland Impact Fee. This table is subject to review by the City Commission every five years or as frequently as deemed necessary.

Type of Unit	Total Persons per unit (Population Standard)
Single-family residential (attached or detached)	2.73
Multifamily unit	1.49

104-26.5 - Determination of Additional Resident Population

Employing the persons per unit standard set forth in § *104-26.4 Population Formula*, the additional resident population for any new residential development shall be determined by multiplying the number of additional residential units to be developed by the population standard per unit. The result will be the total anticipated population for the associated development. This formula is expressed as follows:

Additional Residential units × population standard per unit =

Additional Resident Population

If a residential development involves the demolition and replacement of an existing residential dwelling unit, the number of additional residential units shall be determined by subtracting the number of replaced residential units from the number of residential units in the new construction. The development fee will be assessed only on the number of additional residential units.

104-26.6 - Parkland Acreage Equivalent

The Parkland Acreage Equivalent shall be calculated factoring in the standard of 6 acres per 1,000 people. This acreage is determined by multiplying the Additional Resident Population by the constant of .006. This formula is expressed as follows:

Additional Resident Population x 0.006 = Parkland Acreage Equivalent

104-26.7 – Amount of the Parkland Impact Fee

The Parkland Cost shall be determined by the average purchase cost of an acre of vacant land (land acquisition) along with the capital improvement costs to develop such lands into accessible and functional parks for public use (park development). The current average costs for acquisition and development of parkland in the City of Dunedin are $314,335 per acre for acquisition and $166,000 for development for a total of $480,335 per acre. This calculation is subject to review by the City Commission every five years or more frequently ad deemed necessary.

The Parkland Impact Fee shall be determined by multiplying the Parkland Acreage Equivalent by the Parkland Cost. The formula is expressed as follows:

Parkland Acreage Equivalent x Parkland Cost (per acre) =

Parkland Impact Fee

Due to the limitations of smaller developments to provide for parkland or private recreation space, when the development consists of one (1) to four (4) residential units, the Parkland Impact Fee will be reduced by the maximum allowable Private Recreation Area Credit of 37.5%.

104-26.8 - Determination of Parkland conveyed in Lieu of the Parkland Impact Fee

The city reserves the right to accept or deny the conveyance of parkland to the City in lieu of the parkland impact fee for the purposes of such land serving as a public park. Proposals for parkland conveyances for the consideration of the city shall include the site location, acreage, and site plan including potential park design and amenities appropriate and feasible for the acreage. The determination of the city commission as to whether land shall be conveyed or whether a fee shall be charged, or a combination thereof, shall be final and conclusive. Whether the city commission accepts a land conveyance or elects to require payment of the parkland impact fee, or a combination of both, shall be determined by consideration of the following:

(A) Compatibility of the parkland with the city's general parks and recreation strategic plan or city-wide business plan. The

location of the proposed park shall be in an area identified as a service area gap for park access or other identified need.

(B) Desirability of a recreational element at the specific location of the potential parkland. Proposed recreational elements and park amenities shall be needed facilities such as those identified in the parks and recreation strategic plan or the city-wide business plan.

(C) The topography, geology, access and location of land available for conveyance shall be appropriate for a park. Conveyed lands shall be easily accessible to the public and appropriate size and topography to accommodate the proposed park elements and use.

(D) The feasibility of conveyance. The land and proposed site plan shall be functional as usable acreage for recreating. Only the upland land portions (non-submerged land) of the conveyed lands shall be considered in acreage calculations for credit. Submerged lands may be considered if the appropriate access and amenities are in place to ensure the areas are accessible and usable for recreation.

If the City provides a credit for parkland conveyed to the City, the credit will be determined as follows:

Acreage of Conveyed Parkland x Average Land Acquisition Cost per Acre (as identified in §104.26.7) = Credit for Conveyed Parkland

At no time shall the credit exceed the Parkland Impact Fee (as identified in §104.26.7).

104-26.9 - Credit for Private Recreation Areas

The city will consider credit for Private Recreation Areas up to a maximum of 75 percent of the neighborhood park requirement, which equates to 37.5% of the Parkland Acreage Equivalent, if the City Commission finds that it is in the public interest to do so and if all the following standards are met:

(A) Easements, setbacks, and buffers required to be maintained by the zoning and building code regulations shall not be included in the computation of such recreational lands. In areas where the zoning or building code does not require setbacks or buffers, narrow sections of green space or landscaping serving the essential function of a setback or separation between buildings shall not be included in the calculation of the private recreation credit. Court yards and common areas, with appropriate amenities designed for

human interaction and gathering, are encouraged and shall be counted toward the private credit.

(B) Private Recreation areas must be privately owned and maintained by the future residents of the subdivision, planned residential development or multiunit development. The private ownership and maintenance of the recreational lands shall be set forth in a recorded covenant and shall be restricted for park, recreational, or gathering purposes, which runs with the land in favor of the future owners of property and which cannot be defeated or eliminated without the consent of the City or its successor.

(C) The proposed private recreational area is reasonably adaptable for use for park, recreational, or gathering purposes, taking into consideration such factors as size, shape, topography, geology, access and location. The location of the park should be conveniently located and provide reasonable and easy access for all of the residents of the development. Credit shall not be given for submerged lands for storm water or other required infrastructure. Other submerged lands may be considered if appropriate access and amenities are in place to ensure the areas are accessible and usable for recreation.

(D) In general, a substitution of private recreational areas will imply a substantially higher degree of improvement in the installation of recreational facilities, including equipment by the developer as part of his/her/their obligation. Detailed plans of such areas, including specifications and facilities to be installed, must be approved by the City before any credit is given for private recreational areas, and the subdivider or developer must guarantee that these private recreation areas will be permanently maintained for such use by the execution of the appropriate legal documents. The approved private recreational area shall include appropriate amenities for a park which encourages active use by the community. Examples of such features include, but are not limited to, walking and jogging paths, bicycle trails, benches, picnic tables, picnic shelters, playgrounds, outdoor exercise equipment, sports fields, basketball courts, tennis courts, shuffleboard courts, swimming pools, etc.

Requests for credit for Private Recreation Areas shall be submitted in writing by the applicant and shall include at a minimum the following:

(1) Detailed plans of the proposed areas and facilities and the location of such within the proposed residential development;

(2) Identification of the types of and specifications of facilities to be installed;

(3) A statement guaranteeing that the private recreation area will be permanently maintained for such use and the type of legal document to be used for such guarantee;

(4) A statement identifying the ultimate ownership and maintenance of such areas and the type of legal document to be used to insure such;

(5) A guarantee that the use of the Private Recreation Area shall be restricted for park and recreational purposes by recorded covenant or such other document as approved by the City Attorney; which shall run with the land in favor of future owners of the property and which cannot be defeated or eliminated without the consent of the City or its successor;

(6) The time frame in which development of the private recreational area and facilities will be commenced and when such shall be completed.

If the City provides a credit for private recreation areas, the credit will be determined as follows:

Private Recreation Acreage x Average Land Acquisition Cost per Acre (as identified in §104.26.7) = Credit for Private Recreation Areas

At no time shall the Credit for Private Recreation Areas exceed 37.5% of the Parkland Impact Fee (as identified in §104.26.7).

104-26.10 - Time of Conveyance or Payment of Parkland Impact Fee; Procedure

At the time of a final plat or replat of a subdivision, or a final site plan or amendment of any site plan of a planned residential development, the City Commission shall determine, pursuant to the standards set forth in this article, the land to be conveyed and/or fees to be paid by the subdivider or developer. Upon the issuance of a Certificate of Occupancy, the subdivider or developer shall convey the land and/or pay the fees as deemed appropriate by the City Commission. Open space written covenants for private park or recreational facilities shall be submitted to the City and recorded in the Public Records of Pinellas County, Florida, prior to the issuance of a Certificate of Occupancy. At the time when the City Commission considers the Parkland Impact Fee or Conveyance of Land in lieu thereof, the City Commission shall specify when development of any private recreational facilities may be developed in phases. Failure to develop private recreational facilities in accordance with the schedule approved by the City Commission shall constitute grounds for the

withholding of the Certificate of Occupancy until such completion is accomplished or until such guarantee of accomplishment is provided to the City.

104-26.11 - Use of Parkland Impact Fees

The Parkland Impact Fees shall be held in trust by the city solely for the acquisition and development of park and recreation land as classified in this article, or for the improvement of other existing local park and recreation land which already serves such needs. Improvements to existing park or recreational lands shall only be to develop vacant land already owned by the city into a park or for the expansion of facilities in order to serve the needs of the additional residents and participants. The funds shall not be used for maintenance purposes or like replacement of an existing facility. At no time shall more than 20% of the total monies received into the fund be expended on park development. Such funds shall be expended for such purposes within a reasonable time following obligation of those funds.

Section 2. That Section 103-23.24.9 of Chapter 103 of the Land Development Code is hereby repealed.

Section 3. That this Ordinance shall become effective upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 25th day of July, 2019.

Julie Ward Bujalski
Mayor

ATTEST:

Denise M. Kirkpatrick
City Clerk

READ FIRST TIME AND PASSED: July 11, 2019

READ SECOND TIME AND ADOPTED: July 25, 2019