



Park Land Dedication Ordinance and Policy
June 16, 2018

On March 26, 2018, the Lakewood City Council approved Ordinance O-2018-4 which revised the City’s park land dedication requirement as originally stated in O-1983-137. The ordinance requires that subdividers of new residential lots and developers of new residential units submitted for formal approval after June 16, 2018 to the City of Lakewood, shall dedicate land for parks and open space or pay a cash-in-lieu fee.

The land dedication or fee-in-lieu is assessed at the time the property is subdivided, or if subdivision is not required at the time of site plan approval. Land dedications should be completed with the plat, however, in certain cases they may be done by a separate instrument. Fees assessed on plats are due when the plat is recorded. Fees assessed on site plans will be due at the time of building permit issuance. Park improvements may be substituted for fees at the discretion of the Director of Community Resources.

Park Land Dedication

The amount of land for park land dedication is calculated based on a standard of 5.5 acres for every 1000 additional population generated by the new residential development. For all developments greater than 15 acres, land shall be dedicated. The following per-unit density factors are used to determine the number of people generated by different housing unit types:

Dwelling Unit Type	Persons per Dwelling Unit	Land Dedication Required per Unit
Single Family Detached	3.00	.0165 acres
Single Family or Multi-family attached	1.50	.00825 acres
Senior Housing	1.25	.006875 acres

Fee-In Lieu of land dedication

The Director for the purpose of this ordinance, has determined that the fair market value of land to satisfy the park land requirements in this ordinance for the time period of June 16, 2018 to December 31, 2019 to be approximately \$254,545 per acre.

Dwelling Unit Type	Per Unit Fee-in-Lieu of land dedication
Single Family Detached	\$4,200
Single Family or Multi-family attached	\$2,100
Senior Housing	\$1,750

Any interpretations or questions of the Ordinance and policy should be directed to Ross Williams, Facility Planner at 303-987-7814 or roswil@lakewood.org.

Approved by Kit Newland,
Director of Community Resources

7/3/18
Date

O-2018-4

AN ORDINANCE

REPEALING AND REENACTING IN ITS ENTIRETY CHAPTER 16 OF TITLE 14 OF THE LAKEWOOD MUNICIPAL CODE RELATING TO REQUIREMENTS FOR PARK AND OPEN SPACE DEDICATION AND FEES IN LIEU THEREOF

WHEREAS, the provisions of the Lakewood Municipal Code regarding park and open space dedication, including those provisions containing the formula for calculating fees in lieu, have not been updated for many years, and the City Council wants to ensure that such fees are reasonably related to the City's costs; and

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide City staff and the public an opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood:

SECTION 1. Chapter 16 of Title 14 of the Lakewood Municipal Code is hereby repealed and reenacted in its entirety with the following:

14-16-010. Scope and application.

Each development containing residential land uses shall dedicate to the city park sites and open space areas in accordance with the provisions of this title. Except as provided in this section, at the discretion of the Director of Community Resources (Director), fees in lieu of dedications shall be levied as set forth herein. The Director shall use current, adopted city planning documents as a guide for determining park and recreation needs in proximity to the proposed development area. The park and open space requirements in this chapter 16 shall be reasonably related to the needs of the residents of the proposed development. All developments containing residential uses greater than 14.99 acres in size shall dedicate land in accordance with this chapter 16 unless the City Council approves a fee in lieu alternative.

14-16-020. Park standards.

For purposes of this title, the city's park standards shall be a minimum of ten and five-tenths (10.5) acres of park area per one thousand anticipated population within

the proposed development. This standard of ten and five-tenths (10.5) acres per one thousand (1,000) population is composed of the following elements:

- A. Five (5) acres per one thousand (1,000) population for regional parks;
- B. Three (3) acres per one thousand (1,000) population for community parks;
- C. Two and five-tenths (2.5) acres per one thousand (1,000) population for neighborhood parks.

14-16-030. Regional parks provided.

The City Council determines, as of the time of adoption of the ordinance codified in this chapter, that the regional park needs of the residents of the City are satisfied by Bear Creek Lake Park, William Frederick Hayden Park, the Bear Creek Greenbelt, Jefferson County Parks, and State of Colorado parks to the west and south of the City. Therefore, a residential development shall not be obligated to dedicate land for regional park purposes in the City. Consequently, that the operating standard for dedication of parkland shall be five and five-tenths (5.5) acres of parkland per one thousand (1,000) population for community parks and neighborhood parks.

14-16-040. Calculation of land dedication requirements for park and open space.

- A. Parkland Standard. All residential developers shall provide a minimum of five and five-tenths (5.5) acres of park area per one thousand (1,000) anticipated population or cash in lieu thereof, except for developments of 14.99 acres or greater where no fee-in-lieu option shall be applicable.
- B. Density Factor. To provide an estimated and equitable population standard among different housing types, a density factor (representing average number of persons within the unit type) shall be applied to the calculation as follows:
 - 1. Single Family Detached = 3.00
 - 2. Single Family or Multi-Family Attached = 1.50
 - 3. Senior Housing = 1.25

C. Example Calculation:

Proposed development size: 10 acres

Proposed density: 10 units/acre, multi-family attached

Park and open space acreage required:

10 development acres x 10 units/acre x 1.5 density factor x 5.5 acres parkland/1000 people = .825 acres of parkland required.

- D. Dwelling Unit Changes. If an area is replatted prior to construction of the development, and the number of anticipated dwelling units increases or decreases by more than ten percent (10%), the developer shall be required to adjust either the amount of parkland dedicated consistent with the aforementioned provisions and formula or the amount of cash in lieu thereof to provide for the change in units.
- E. At the discretion of the Director, all or a portion of the park dedication required may remain in private ownership, provided the privately owned park land is open to public use. The land area that may remain in private ownership shall:
 - 1. Not exceed an average slope of 4:1;
 - 2. Be privately maintained; and
 - 3. Be noted on development plans as a fulfillment of parkland dedication requirements.

14-16-050. Criteria for land eligible for park and open space use.

The following criteria will normally apply in determining what type and nature of land will meet the requirement for dedication:

- A. Land that is accessible from two (2) separate locations by standard maintenance vehicles or from one location with a minimum fifty-foot frontage;
- B. Land or water bodies contiguous to other acceptable parkland or existing parkland;
- C. Usable land within the one hundred-year floodway fringe that would not be inundated in a five-year storm; and
- D. Special areas of natural, historical or cultural significance.

The Director will develop criteria to further define usable land.

14-16-060. Criteria for land not eligible for park and open space use.

The following criteria will normally apply in determining what type and nature of land will not meet the requirement for dedication:

- A. Land required by city's zoning code for private open space;
- B. Land used to fulfill requirements of the city's storm drainage ordinances, such as detention ponds, retention ponds or drainageways;

- C. Rights-of-way and easements for irrigation ditches, laterals and aqueducts, power lines, pipelines or other public or private utilities without the written permission of the right-of-way owner; and
- D. Hazardous geological land area, mineral extraction areas and hazardous wildfire areas.

14-16-070. Procedure/fee determination.

- A. All land dedications, and/or fee requirements in lieu of land dedications, for subdivisions and other residential development shall be met at the time of platting or, if platting is not required, at time of site plan approval. The Director may delay the collection of fees to the time of building permit issuance. The amount of the fee to be paid shall be the fee in effect at the time payment is made.
- B. If the Director determines that a land dedication in accordance with this chapter would not serve the public interest, the Director may require payment of a fee in lieu of the dedication, or may require dedication of a smaller amount of land than would otherwise be required and payment of a fee in lieu of the portion not dedicated. The Director may also accept improvements of equal or greater value of the fee that would have been collected. The Director shall set the amount of the fee equal to the amount of the fair market value of the land that would otherwise be dedicated.
- C. Fees shall be payable to the City of Lakewood and shall be designated for the acquisition and/or development of park and open space land in the same Planning District as shown in 14-16-090.
- D. In those instances where the Director elects to require a fee-in-lieu of land dedication, the Director may, subject to City Council approval, waive all or a portion of the fee requirements for individual housing units set aside for households earning no more than eighty percent (80%) of the area median income (AMI) through recorded deed restriction for a minimum period of twenty (20) years.

14-16-080. Site development standards-General.

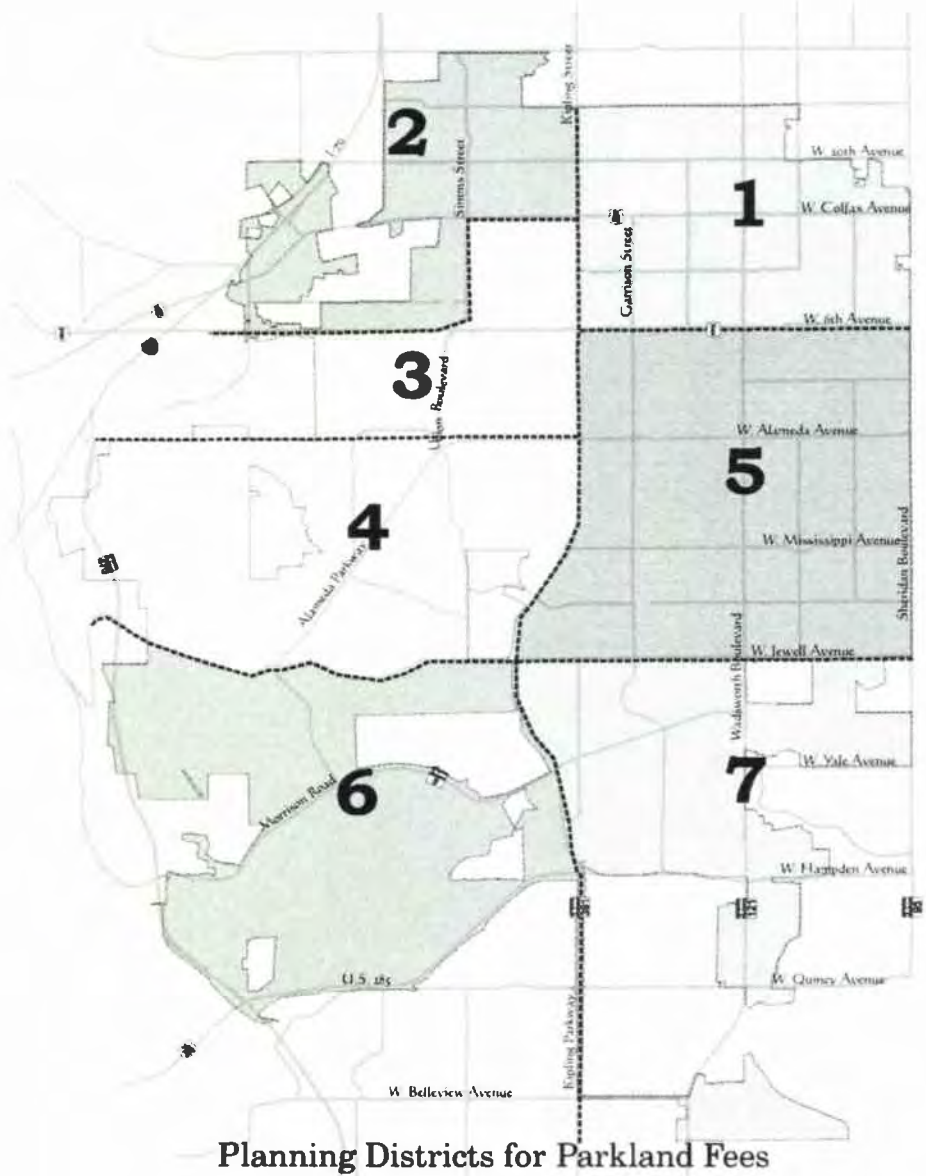
- A. Land that has been platted as public park and open space, or otherwise dedicated to the city, shall not be used in the development process of adjoining lands, except as stated in subsections (B), (C) and (D) of this section, or as reflected in an approved subdivision grading plan.
- B. The developer shall be responsible for the installation of public improvements adjacent to the park site including, but not limited to, curb and gutters, streets, storm drainage facilities, and bridges made necessary by the development. Such public improvements will normally be limited to two hundred ten (210)

linear feet per acre of parkland. This does not include park development or tap fees unless such improvements are part of an Improvement Agreement.

C. All slopes shall be stabilized in accordance with acceptable engineering standards to prevent public endangerment, and for ease of maintenance. The maximum slope shall normally not exceed 4:1 or other slope treatment will be required.

D. Sites shall be made easily accessible to city maintenance equipment.

14-16-090. Planning Area Map.



14-16-100. Review.

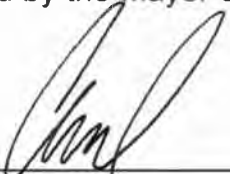
This Chapter shall be reviewed by City Council every 5 years, beginning five years after the effective date of Ordinance O-2018-4, and no later than December 31, 2023.

SECTION 2. Effective Date. This ordinance shall take effect thirty (30) days after final publication, and its provisions shall apply only to land use applications submitted to the City after such effective date.

SECTION 3. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that the within and foregoing Ordinance was introduced and read on first reading at a regular meeting of the Lakewood City Council on the 26th day of March, 2018; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 29th day of March, 2018; set for public hearing on the 14th day of May, 2018, read, finally passed and adopted by the City Council on the 14th day of May, 2018 and, signed and approved by the Mayor on the 15th day of May, 2018.






Adam Paul, Mayor

ATTEST:



Margy Greer, City Clerk

APPROVED AS TO FORM:



Tim Cox, City Attorney