

FILED FEB 12 '03

SENATE FILE 133

BY SHULL

(COMPANION TO LSB
1830HH BY JACOBS)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act authorizing cities to impose park impact fees.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22

SF 133
WAYS & MEANS

1 Section 1. NEW SECTION. 364.26 PARK IMPACT FEE
2 ORDINANCES.

3 1. DEFINITIONS. As used in this section, unless the
4 context otherwise requires:

5 a. "Capital costs" means the costs of land acquisition for
6 and construction of parks and recreational facilities,
7 including costs of grading, seeding, planting, utility
8 connections, roads, and street frontage. "Capital costs" also
9 includes necessary and reasonable legal, engineering, design,
10 and other professional fees. "Capital costs" does not include
11 the costs of maintenance, repair, upkeep, salaries of public
12 employees, any other costs of operation, or the costs of
13 recreational or sports equipment or other implements used for
14 games or sports that are not permanently attached to land or
15 are not fixtures.

16 b. "Park impact fee" means the fee authorized in
17 subsection 2.

18 c. "Parks and recreational facilities" means parks,
19 playgrounds, sports fields, sports courts, shelters,
20 restrooms, other park and recreation buildings, walking
21 trails, bicycle trails, mixed-usage trails, green spaces, and
22 other similar facilities.

23 d. "Plan" means a parks and recreational facilities plan,
24 or a parks and recreational facilities plan incorporated into
25 a comprehensive plan, that is adopted by a city pursuant to
26 subsection 3.

27 e. "Residential real estate development" means the
28 development of new residential housing, including single or
29 multifamily dwellings, apartment complexes, manufactured home
30 communities, and mobile home parks.

31 2. PARK IMPACT FEE AUTHORIZED -- USE -- LIMITATIONS.

32 a. A city may adopt an ordinance imposing a park impact
33 fee to be paid by developers of residential real estate in the
34 city for the purpose of funding the capital costs of
35 accommodating the need for additional parks and recreational

1 facilities created by residential real estate development in
2 the city. A park impact fee shall only be adopted as an
3 ordinance after twenty days' notice published in accordance
4 with section 362.3, and a public hearing. A park impact fee
5 ordinance may be amended by a city as necessary to conform to
6 changes in the city's plan, to reflect changes in capital
7 costs, or to address other factors deemed relevant by the
8 city.

9 b. A park impact fee ordinance shall establish a schedule
10 for the imposition of park impact fees that reasonably
11 allocates park impact fees for the anticipated capital costs
12 identified in the city's plan. A park impact fee may be
13 collected at the time that residential real estate is
14 subdivided, when an application for a residential building
15 permit is made, or at both times. A park impact fee schedule
16 may be established for each area or zone designated in a
17 city's plan or for the entire city as a whole. A park impact
18 fee imposed and collected on residential real estate developed
19 in a particular area or zone shall be used only for capital
20 costs associated with construction of parks and recreational
21 facilities in that area or zone, consistent with the city's
22 plan. If no area or zone is designated, the fee must be used
23 only for capital costs associated with construction of parks
24 and recreational facilities located in an area reasonably
25 accessible to residents of the residential real estate
26 development area.

27 c. A park impact fee shall only be imposed pursuant to
28 this section upon the development of residential real estate.

29 d. A park impact fee shall be paid in full when due, but a
30 city may allow a full or partial credit against the amount of
31 a park impact fee due if a contribution of land or other
32 contribution is made that reduces the capital costs of
33 constructing the necessary parks and recreational facilities.
34 Notwithstanding the provisions of this section, a city may
35 waive a park impact fee on the development of residential real

1 estate that is defined as providing low-income or moderate-
2 income housing or affordable housing as defined by the city.

3 e. A park impact fee shall bear a rational relationship to
4 the capital costs associated with constructing the new parks
5 and recreational facilities identified in the city's plan.

6 f. Park impact fees collected by a city shall be collected
7 and accounted for in an account separate from the city's
8 general fund, and shall be used only for the payment of the
9 capital costs for which the fees were collected.

10 g. The adoption of a park impact fee ordinance does not
11 prohibit a city from using any other lawful means to finance
12 parks and recreational facilities, including the imposition of
13 other lawful fees or assessments.

14 h. An ordinance establishing a park impact fee shall
15 require the refund of any park impact fees collected that are
16 not used by the city within a reasonable time, not exceeding
17 eight years.

18 i. An ordinance establishing a park impact fee shall
19 provide a means for a person upon whom the fee is imposed to
20 appeal the imposition of or the calculation of the amount of
21 the fee.

22 j. This section does not prohibit a city from imposing
23 other fees for the development of real estate in the city that
24 are authorized by law.

25 k. This section does not limit any power or authority
26 previously granted to or presently exercised by a city.

27 3. PARKS AND RECREATIONAL FACILITIES PLAN. Prior to
28 adopting a park impact fee ordinance, a city shall adopt by
29 resolution a parks and recreational facilities plan, or
30 incorporate a parks and recreational facilities plan into the
31 city's comprehensive plan adopted under section 414.3. The
32 plan shall include an inventory of existing parks and
33 recreational facilities located in the city and make an
34 assessment of future needs for additional parks and
35 recreational facilities. The city may be divided into

1 designated areas or zones as the city deems appropriate.

2 EXPLANATION

3 This bill adds a new section to the Code that authorizes
4 cities to adopt an ordinance imposing a park impact fee to be
5 paid by developers of residential real estate in the city for
6 the purpose of funding the capital costs of constructing
7 additional parks and recreational facilities which are
8 reasonably accessible to the residential real estate being
9 developed. The bill defines "residential real estate
10 development" as the development of new residential housing
11 including single or multifamily dwellings, apartment
12 complexes, manufactured home communities, and mobile home
13 parks.

14 A city is authorized to impose park impact fees in a manner
15 that is consistent with the city's parks and recreational
16 facilities plan or a comprehensive city plan, keep the fees
17 collected in a separate account, and use the fees only for
18 payment of the capital costs for which the fees were
19 collected.

20 A park impact fee ordinance can only be adopted after
21 giving notice at least 20 days before a public hearing on the
22 proposed ordinance.

23 The adoption of a park impact fee ordinance does not
24 prevent a city from using any other lawful means to finance
25 parks and recreational facilities or from imposing other fees
26 for the development of real estate in the city and does not
27 limit any other power or authority previously granted or
28 presently exercised by a city.

29 The bill defines capital costs as the costs of land
30 acquisition for and construction of parks and recreational
31 facilities, including costs of grading, seeding, planting,
32 utility connections, roads, and street frontage, and necessary
33 and reasonable legal, engineering, design, and professional
34 fees. Capital costs do not include costs of maintenance,
35 repair, upkeep, salaries of public employees, costs of

1 operation, or costs of recreational or sports equipment or
2 other implements used for games or sports that are not
3 permanently attached to land or are not fixtures.

4 Parks and recreational facilities that can be funded by
5 park impact fees include parks, playgrounds, sports fields,
6 sports courts, shelters, restrooms, other park and recreation
7 buildings, walking trails, bicycle trails, mixed-usage trails,
8 green spaces, and other similar facilities.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35