

Mayor and Council Communication

DATE: 11/14/23

M&C FILE NUMBER: M&C 23-0990

LOG NAME: 80NEIGHBORHOOD AND COMMUNITY PARK DEDICATION POLICY UPDATE

SUBJECT

(ALL) Conduct a Public Hearing and Adopt the Attached Ordinance Repealing and Restating the Neighborhood and Community Park Dedication Policy to Meet the Requirements of House Bill 1526 Relating to Multifamily Parkland Dedications and Making Non-Substantive Changes to the Policy

(**PUBLIC HEARING** - a. Report of City Staff: Joel McElhany; b. Public Comment; c. Council Action: Close Public Hearing and Act on M&C)

RECOMMENDATION:

It is recommended that the City Council conduct a public hearing and adopt the attached ordinance repealing and restating the Neighborhood and Community Park Dedication Policy to meet the requirements of House Bill 1526 relating to multifamily parkland dedications, including:

1. Designating all territory within the municipal boundaries of the City of Fort Worth as a Suburban Area, Urban Area, or Central Business District Area, and adopting the attached municipal map depicting such areas;
2. Setting the City's density factor to one (1) for Suburban Areas, four (4) for Urban Areas and forty (40) for Central Business District Areas;
3. Setting the City's dwelling unit factor at .005 for multifamily units; and
4. Making non-substantive changes to the Policy.

DISCUSSION:

The purpose of this Mayor and Council Communication (M&C) is for the City Council to authorize the adoption of updates to the Neighborhood and Community Park Dedication Policy to meet the requirements of House Bill (HB) 1526 as it pertains to multifamily parkland dedications. In addition, HB 1526 mandates that the City designate all territory within the municipal boundaries as Urban, Suburban, or Central Business District Areas, establish dwelling unit factors and density factors for the calculation of parkland dedicaitons for multifamily units in the municipality.

Background

The Neighborhood and Community Park Dedication Policy (Policy) originated in 1977 and is part of the City's Subdivision Ordinance. Since then, the Policy has been revised several times to strategically enhance the City's ability to meet the recreational and open space needs of a growing population without hindering development and re-development initiatives. The purpose of the Policy is to ensure that adequate recreational areas in the form of neighborhood and community-based parks are provided to meet the need created by residential development.

Current Update

This policy update is to comply with HB 1526, which includes new conditions for multifamily park dedication in municipalities of 800,000 residents or larger.

Changes are summarized in the following table:

REQUIREMENT	CURRENT	REVISED
Development Districts	N/A	City Divided into Central Business District, Urban and Suburban areas
Multifamily Dwelling Unit Factor	.014	.005
Multifamily Density Factor	Zoning Category	1 for Suburban 4 for Urban 40 for Central Business District
Land Dedication Cap	Based on Population Generated by Development	10% of Development Site Regardless of the Population Generated
Land Value Per Acre	Calculated by Fair Market Value Appraisal (Per Project)	Calculated by County Appraisal District Once Every 10 Years, Increase by Consumer Price Index in Years 2-9
Alternate Fee Calculation	N/A	2% of the Median Family Income of Municipality

Fee Collection	At Building Permit of Final Plat	At Certificate of Occupancy
Determination of Fee-in-Lieu or Land Dedication	Unspecified	City Determines Fee in Lieu or Land Dedication
Appeals	Department Director, City Council	City Plan Commission

Further, as required by HB 1526, and after providing 30 days' public notice, the City Council must designate all territory within the City of Fort Worth's municipal boundaries as a Suburban Area, Urban Area, or Central Business District Area. With this M&C, the City Council will be taking official action to designate the areas in accordance with the recommendations of City staff and the attached maps depicting each designated area. After the Area territory is approved, within ten (10) days, the City shall notify each appraisal district in which the City is wholly or partly located of the designation and request a land value for each Area.

This M&C will also set the City's dwelling unit factor and density factor in accordance with HB 1526. Specifically, the dwelling unit factor, which reflects the number of parkland acres for each dwelling unit proposed by a plan application, may not be more than .005 for multifamily units. The City's density factor, which reflects the diminishing expectation of parkland acres per dwelling unit in increasingly dense urban environments, will be one (1) for the Suburban Area, four (4) for the Urban Area, and forty (40) for the Central Business District Area.

HB 1526 requires the following formula for calculating the amount of parkland dedication fees for each multifamily development:

$$(\#[\text{Multifamily units} - \text{A.D.U.}] \times \text{Density factor}) \times \text{Average land value for area} = \text{Fee}$$

Density factor

* A.D.U. means the number of affordable dwelling units

If the City requires the dedication of parkland, the City must calculate parkland dedication fee using the foregoing formula and then subtract from the fee the value of the land dedicated. If the result is a negative number, the City must pay the difference to the landowner. The City is authorized to charge a parkland dedication fee and require parkland dedication, subject to the limitations in this paragraph. The City also has the option of charging a low fee, which is calculated per dwelling unit basis at any amount not greater than two percent of the median family income.

HB 1526 establishes an appeal procedure for determinations related to multifamily parkland dedication requirements. A landowner may appeal a determination to the City Plan Commission. A decision of the Plan Commission may be appealed to the Fort Worth City Council.

On September 27, 2023, the Park & Recreation Advisory Board recommended that the Policy be adopted as amended by the City Council.

Upon adoption, the amended Neighborhood and Community Park Dedication Policy will be effective on January 1, 2024.

This program services ALL COUNCIL DISTRICTS.

This M&C does not request approval of a contract with a business entity.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that approval of these recommendations will have no material effect on City funds.

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