

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

**AN ORDINANCE REPEALING AND RESTATING THE NEIGHBORHOOD AND COMMUNITY PARK DEDICATION POLICY OF THE CITY OF FORT WORTH TO COMPLY WITH THE REQUIREMENTS OF HOUSE BILL 1526 RELATING TO MULTIFAMILY PARKLAND DEDICATIONS; PROVIDING FOR NONSUBSTANTIVE CHANGES TO THE POLICY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL PRIOR ORDINANCES AND REPEAL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Fort Worth seeks to provide adequate parks in the City to ensure the health, safety, welfare, and quality of life of the citizens of Fort Worth; and

**WHEREAS**, Section 212.002 of the Texas Local Government Code provides that after a public hearing, the governing body of a municipality may adopt rules governing plats and subdivision of land within the municipality’s jurisdiction to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality; and

**WHEREAS**, Section 212.010 of the Texas Local Government Code provides that the municipal authority responsible for approving plats shall approve a plat if, in addition to meeting other requirements, the plat conforms to the general plan of the municipality and its current and future parks and playgrounds, and the plat conforms to any rules adopted under Section 212.002 of the Texas Local Government Code; and

**WHEREAS**, the Subdivision Ordinance of the City of Fort Worth requires compliance with the Neighborhood and Community Park Dedication Policy of the City of Fort Worth in order to obtain approval of a plat; and

**WHEREAS**, during the 88<sup>th</sup> legislative session, the Texas Legislature enacted House Bill 1526 which amended Chapter 212 of the Texas Local Government Code to add Subchapter H to regulate parkland dedication requirements for multifamily, hotel, and motel land uses; and

**WHEREAS**, the City Council finds that it is necessary to revise the Neighborhood and Community Park Dedication Policy to update the requirements concerning multifamily parkland dedications to conform with the new state law; and

**WHEREAS**, the City will not impose parkland dedication requirements on hotel and motel land uses;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, THAT:**

**SECTION 1.**

The Neighborhood and Community Park Dedication Policy of the City of Fort Worth, Texas, as amended, is hereby repealed and restated in its entirety to be and read as set forth in Attachment “A” to this Ordinance, which is attached hereto and incorporated herein.

**SECTION 2.**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (2015), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

**SECTION 3.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 4.**

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of the Code of the City of Fort Worth, or any other ordinances of the City, that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance, but may be prosecuted until final disposition by the courts.

**SECTION 5.**

This ordinance shall take effect on January 1, 2024, and it is so ordained.

**APPROVED AS TO FORM AND LEGALITY:**

**ATTEST:**

\_\_\_\_\_  
Taylor C. Paris  
Assistant City Attorney

\_\_\_\_\_  
Jannette Goodall, City Secretary

ADOPTED: \_\_\_\_\_

# ATTACHMENT A

## NEIGHBORHOOD AND COMMUNITY PARK DEDICATION POLICY

### I. PREMISE

The premise of the Neighborhood and Community Park Dedication Policy (“Policy”) is that these “local, close-to-home” park facilities are integral City infrastructure that are needed in residential neighborhoods to ensure the health, safety, welfare and quality of life of the citizens of Fort Worth.

### II. PURPOSE

This Policy shall ensure the provision of adequate park and recreational areas with needed facilities in the form of Neighborhood Based Parks and Community Parks. New residential development or an increase in density by redevelopment in existing neighborhoods creates the need for additional park and recreation facilities. This Policy shall govern all park dedication and improvement requirements within the corporate limits of the City of Fort Worth. The implementation of the Policy shall furnish developed Neighborhood Based Parks that are in place when neighborhoods are built. The Policy also shall provide for needed land acquisition for Community Parks that serve new residential development or an increase in density by redevelopment in existing neighborhoods. The City has developed and adopted standards for Neighborhood Based and Community Parks that are included in the Park, Recreation and Open Space Master Plan adopted in Resolution 4399-01-2015 by the City Council on January 27, 2015. These standards are the basis for the adoption and application of amendments to this existing Policy. Parkland dedication and parkland dedication fees are not required for commercial, hotel, or motel uses.

### III. DEFINITION OF TERMS

A. For purposes of this Policy, the following terms shall be defined as follows:

1. Central City (PPD4) – will be defined as the area within I-820.
2. City Council – The City Council of the City of Fort Worth, Texas
3. Community Park – Open space area encompassing 30 to 500 acres within a one and a half (1 1/2) mile service radius serving approximately 18,000 to 36,000 in population and six Neighborhood Park Units for the purpose of providing both preservation of natural features within the urban environment and programmed recreational needs on a community-wide basis. (Refer to the Park, Recreation and Open Space Master Plan for a more detailed description, recreation activity menu and an example of a typical Community Park.)

4. Community Park Unit – A Community Park Unit consists of a minimum of six Neighborhood Park Units and is the designated service area of one Community Park. Community Park Units are defined by the Park & Recreation Department and result from the service area definition included in the Park, Recreation and Open Space Master Plan.
5. Consumer Price Index – The published price index of the United States Department of Labor, or its successor in function, that indicates increases or decreases in prices of goods and services.
6. Developer or Owner – Individual, firm, association, corporation or any other organization dividing or proposing to divide land for the purpose of developing or making improvements to such land.
7. Director – The ranking official of the Park & Recreation Department, or any successor department of the City of Fort Worth charged with the management of the City parks system, or their designee.
8. Dwelling Unit – A building, or any portion thereof, containing independent living facilities for occupancy and use by one family, including permanent provisions for living, sleeping, eating, and sanitation for the exclusive use of the occupants whose intent is to live in the dwelling unit.
9. Family – Any individual or two or more persons related by blood, adoption, marriage or guardianship, or not more than five unrelated persons operating as a single housekeeping unit and expressly excluding lodging, boarding, fraternity, and sorority houses.
10. Neighborhood Based Park – A classification of parks that include Neighborhood Parks, Pocket Parks and Urban Parks, which are easily accessible by park users and are typically within walking distance of homes in the adjacent neighborhoods.
11. Neighborhood Park – Open space area generally encompassing five (5) to thirty (30) acres. Neighborhood Based Parks should provide a one-quarter (1/4) to one-half (1/2) mile service radius serving approximately 3,000 to 6,000 in population for the purpose of providing daily unprogrammed recreational needs of residential areas within the Neighborhood Unit. (Refer to the Park, Recreation and Open Space Master Plan for a more detailed description, recreation activity menu and an example of a typical Neighborhood Based Park).

12. Neighborhood Based Park Development Concept Plan – A park site plan drawn at an appropriate scale that indicates the required park facilities and the relationship of those facilities to the proposed park development. The Neighborhood Based Park Development Concept Plan must indicate the following: (1) Scale, (2) North arrow, (3) Topography indicating existing one-foot (1’) contours and any proposed grading with appropriate spot elevations, (4) Location of required facilities proposed for the Neighborhood Based Park. The plan must identify existing and proposed easements, existing vegetation, and indicate if the vegetation will remain or be removed. The plan must indicate the 100-year floodplain, the 100-year floodway and the course of any stream, river, creek, or drainage channel in the proposed Neighborhood Based Park.
13. Neighborhood Park Unit – A residential area bounded by major thoroughfares and geographical boundaries which generally encompasses approximately one square mile and serves approximately 3,000 to 6,000 in population. The Neighborhood Park Unit is defined in the Park, Recreation and Open Space Master Plan.
14. Park & Recreation Department (PARC) – the department of the City of Fort Worth charged with design, construction and management of the City’s park system.
15. Park Planning Districts (PPD's) – geographic areas defined by the Park & Recreation Department and derived from the physical characteristics of the City, based on population size, roadways, rivers, creeks, topographic features and/or defined political boundaries.
16. Pocket Parks – are a subset of Neighborhood Based Parks that are less than five (5) acres. Dedication of land for use as a public Pocket Park shall be considered for sites 1.0 acres and greater, at the discretion of the Park & Recreation Department.
17. Subdivision of Land - Division of any lot, tract, or parcel of land into a minimum of five (5) or more lots for the purpose of developing residential Dwelling Units or the submission of a Multi-Family Development Site Plan whether immediate or future.
18. Urban Park – are a subset of Neighborhood Based Parks and are less than one (1) acre. Dedication of land for use as an Urban Park shall be considered for sites less than 1.0 acres, at the discretion of the Park & Recreation Department.

#### IV. PLANNING

- A. The overall program and full implementation of the Fort Worth Neighborhood and Community Park Dedication Policy shall generally follow the City of Fort Worth's

Comprehensive Plan and the officially adopted Park, Recreation and Open Space Master Plan. The Park & Recreation Department may develop implementation guidelines to ensure the fair and objective application of this park Policy.

- B. There should be a minimum of one Neighborhood Based Park within each designated "Neighborhood Unit" as defined by the Park, Recreation and Open Space Master Plan and delineated by the Park & Recreation Department. The park should include needed recreational facilities to service the recreation needs of the neighborhood unit.
- C. The City of Fort Worth shall require residential Developers to dedicate subdivision land and recreation improvements for parks, or to pay fees for land and improvements, to meet the recreational needs as a condition of the platting process, or as a condition to the issuance of a final certificate of occupancy for multifamily developments, just as land for streets, alleys, utility easements and other improvements directly attributable to the development of a new residential neighborhood is dedicated. A combination of fees in lieu of parkland dedication and parkland dedication shall be considered at the sole discretion of the Park & Recreation Department.
- D. Where private recreation facilities are built for the residents of a subdivision development, a credit may be given to the Developer/Owner for Neighborhood Based Park Development Fee, neighborhood land dedication or fee-in-lieu thereof, based on the value of such Neighborhood Park recreational facility development. If the proposed development falls outside the Central City, at the discretion of the Director, credit may be issued for up to 50% of the total amount of Neighborhood Based Park Development Fee, and up to 50% of the fair market value of the required land dedication or fee-in-lieu thereof from such development. Credits exceeding 50%, and up to 75%, will require prior written approval from the Director. Credits greater than 75% will require City Council approval before they can be issued on any development. Credit will be granted for those recreation facilities that are listed as part of the minimum Neighborhood Park configuration. (See Section VI(B)(1)) Credit may also be given for recreation facilities that address the specific neighborhood recreational needs of the development. The Developer must provide sufficient documentation to the Park & Recreation Department demonstrating that the recreational needs of the proposed neighborhood are different than the needs of a typical Neighborhood Park Unit. The Park & Recreation Department may at the discretion of the Director award credit for those recreational facilities that are deemed to meet the neighborhood recreational needs of a new community. If the proposed residential development falls within the Central City (Park Planning District 4), the Director may issue up to 100% credit for qualifying private plazas and recreational facilities that are publicly accessible.
- E. Should a submitted subdivision development be located within a previous development concept or preliminary plat in which park dedication requirements have been met and

the submitted development does not increase the overall population density, then additional park dedication requirements shall not be required. However, if the submitted subdivision development reflects an increased population density, then additional park dedication requirements will be required for the increase in population. New preliminary plats within an existing concept plan shall require Community Park dedication and will also be subject to the application of the Neighborhood Based Park Development Fee based on the portion of the Neighborhood Park dedication that can be attributed to that preliminary plat. The requirements of this paragraph do not apply to Park Planning District 4.

F. Neighborhood Park Infrastructure - The Developer shall bear the cost of all improvements, including streets, water, sewer, storm drainage and street frontage directly related to the Neighborhood Based Park site. For multifamily developments, the costs will be subject to the limitations in this Policy and Chapter 212 of the Texas Local Government Code.

1. Required Street Frontage – The Developer shall provide street frontage that is equal to thirty five percent (35%) of the linear measurement of a square area equal to the required Neighborhood Based Park dedication. In the event the subdivision requires the payment of a fee in lieu of park dedication, a fee must also be submitted for Neighborhood Based Park Infrastructure. The Park & Recreation Department may participate in a Community Facilities Agreement for additional street frontage and infrastructure when there is a need determined by the Park & Recreation Department or it is in the interest of the City of Fort Worth to provide additional street frontage. The determination of the need for additional frontage is at the sole discretion of the Park & Recreation Department.
2. In the event that additional land is donated to the City of Fort Worth for park purposes at the same time as a required park dedication the Park & Recreation Department may elect to participate in park infrastructure development. Any additional street, utility and storm drainage frontage participation is contingent on the availability of capital improvement funds for additional street frontage and City Council approval. The Park & Recreation Department may participate in up to fifty percent (50%) of the cost of additional street frontage, water and sewer front foot charges generated by the additional donation of parkland. When the street frontage is related to a Neighborhood Based Park the 50% participation cap applies to only a residential street section. The Park & Recreation Department will only participate in up to fifty percent (50%) of storm drainage improvements that are directly related to storm water run-off generated by park development. Costs for the required extension of neighborhood storm drainage systems to the cut bank of any existing channels, streams, creeks, rivers or other park water bodies are the responsibility of



the Developer. Any participation in additional infrastructure is at the sole discretion of the Park & Recreation Department.

V. SITE SELECTION/CHARACTERISTICS OF PARK

- A. In selecting a site for a park, the City shall avoid an accumulation of unrelated parcels of land or an accumulation of land unsuitable for park purposes.
- B. Parks sites shall be selected on the basis of obtaining natural, park-like settings where available and shall consist of diverse topography and open space suitable for the development of recreational facilities.
- C. Neighborhood Park size should generally be a minimum of five (5) acres and obtained as one complete parcel. If a Developer cannot provide the minimum five-acre parcel or a smaller parcel which can potentially be contiguous to existing or future park parcels, then a fee in lieu of parkland or a combination of a fee in lieu of parkland and parkland dedication shall be required at the discretion of the Park & Recreation Department.
- D. Parcels less than five (5) acres outside of Park Planning District 4 will only be considered for a park if they are contiguous with an existing park or school property, unless approved by the Director. Credits for publicly accessible private open spaces less than 1.0 acre will be considered on a case-by-case basis. (See Section IV(D))
- E. Neighborhood Based Parks or Community Based Parks to be dedicated as public parkland must meet the following criteria:
  - 1. Park sites to be dedicated to the City as public parkland shall be the appropriate size for the classification;
  - 2. Over 50% of the neighborhood must not be served by existing public or private parkland;
  - 3. Property should meet the needs of the neighborhood;
  - 4. Site should be easily accessible from the neighborhood;
  - 5. No drainage structures shall cut through or drain onto the public park site without the approval of the Director;

6. Topographically the site shall be suitable for Neighborhood Based Park or Community Based Park uses as further defined in the Park, Recreation and Open Space Master Plan, Section V;
7. Land must be out of the floodway and be accessible by maintenance and emergency vehicles;
8. Funding must be identified for maintenance; and
9. Permanent or ongoing maintenance operations must be addressed.

The Director shall have the discretion to allow Neighborhood Based Parks that do not meet all of the criteria outlined above.

- F. Both Neighborhood Based and Community Park sites shall be located, whenever possible, adjacent to and contiguous with school sites and other public or non-profit agency sites in order to make maximum use of common facilities and grounds.
- G. Careful consideration shall be given to the need for development of linear parks around natural drainage and wooded areas which provide potential recreational uses. Criteria for floodplain area (based upon 100-year floodplain) usage is as follows:
  1. Floodplain and natural drainage areas shall generally not exceed seventy-five (75%) percent of the total park site.
  2. Additional floodplain acreage may be acquired at a ratio of three acres of floodplain for each acre of non-floodplain property required to be dedicated. Any such consideration of additional floodplain acreage shall be as agreed upon between the Park & Recreation Department and the Developer/ Owner.
- H. Proposed parkland boundaries of Community Park dedications shall provide reasonable access to improved street frontage for readily accessible entry into the park area by the public. The minimum size for a Community Park dedication is thirty (30) acres. When the subdivision development is not of sufficient size to generate a thirty (30) acre Community Park, a dedication fee in lieu of park dedication will be assessed or a combination of a fee in lieu of park dedication and park dedication may occur at the discretion of the Park & Recreation Department. The Park & Recreation Department at its sole discretion may determine that land in an amount less than the minimum dedication for a Community Park is needed: (1) when the property adjoins unplatted land that is zoned residential; (2) when the proposed land use according to the City's Comprehensive plan is residential; (3) when market and development patterns in the area indicate that the property is likely to be rezoned as a residential use;

or (4) when there is a larger park system need that will be met by the dedication of Community Park land in an amount less than the minimum size.

VI. LAND DEDICATION AND DEVELOPMENT FEES: DETACHED SINGLE- FAMILY AND TWO-FAMILY DWELLINGS OUTSIDE THE CENTRAL CITY (PARK PLANNING DISTRICT 4)

Single-family and two-family residential developments located outside the Central City (Park Planning District 4) shall dedicate parkland and pay park development fees in accordance with this Section.

A. Park Dedication Requirements

1. For single-family and two-family residential dwellings, 3.25 acres of Neighborhood Based Park dedication and 3.75 acres of Community Park dedication per 1,000 population are required. For each submitted residential preliminary plat for single-family or two-family dwellings the following formula shall apply for the calculation of parkland needs.

i. Neighborhood Based Park Dedication Formula:

$$\frac{3.25 \text{ Acres} \times (\text{No. of Dwelling Units}) \times (\text{Persons/Unit})}{1,000 \text{ population}} = \text{Acres to be dedicated}$$

ii. Community Park Dedication Formula:

$$\frac{3.75 \text{ Acres} \times (\text{No. of Dwelling Units}) \times (\text{Persons/Unit})}{1,000 \text{ population}} = \text{Acres to be dedicated}$$

2. The number of persons per Dwelling Unit shall be based on both current U.S. Census information and population data compiled by the City and shall be reviewed and adjusted administratively by the Director of the Park & Recreation Department as necessary to fairly and accurately reflect trends in household size. The following figure represents the average number of persons per unit by current density categories, and shall be used to calculate parkland dedication:

Detached Single-Family and Two-Family                      3.0 Persons/unit

3. If the calculation for required Neighborhood Based Park dedication within the proposed subdivision development results in less than five (5) acres and/or the calculation for required Community Park dedication does not result in thirty (30) acres and/or does not meet site selection criteria as per Section V. of this Policy,

the Park & Recreation Department may require that a fee-in-lieu of Neighborhood Based and/or Community Park land dedication be paid.

**B. Park Development Requirements**

1. The Developer shall bear a proportional cost of improvements of a Neighborhood Based Park which shall include the following recreational facilities as a minimum Neighborhood Based Park configuration:
  - i. Playground;
  - ii. Picnic shelter;
  - iii. Practice field with backstop;
  - iv. Walking trail;
  - v. Multi-Use Slab with basketball backboard and goal;
  - vi. Site grading and preparation; and
  - vii. Turf and vegetation
2. The Developer shall pay a Neighborhood Based Park Development Fee for each acre of land required to be dedicated for the subdivision plat. The Per Acre Rate for the Neighborhood Based Park Development Fee for detached single-family or two-family units shall be as follows:

<b>Calendar Year</b>	<b>Per Acre Rate for the Neighborhood Based Park Development Fee</b>
2018	\$30,000.00
2019	\$47,000.00
2020	\$64,000.00
2021	\$81,000.00
2022	\$98,000.00
2023	\$115,000.00

3. The Neighborhood Based Park Development Fee is based on the current construction costs of recreational facilities and may be adjusted administratively by

the Park & Recreation Department Director up to the annual amount of the change in the Consumer Price Index (CPI). Any fee adjustment greater than the annual amount of change in the Consumer Price Index shall require City Council approval. The acreage of required Neighborhood Based Park dedication will be determined at the time of the preliminary plat. This fee shall be in addition to the amount needed for the Developer to provide the Neighborhood Based Park infrastructure development.

4. Development Options and Offsets - If mutually agreed between the Developer and the Park & Recreation Department, the Developer may choose to develop the park site prior to final plat approval in lieu of submitting the Neighborhood Based Park Development Fee. The cost of the Developer to provide the Neighborhood Based Park and recreation facilities shall offset the required Neighborhood Based Park Development Fee by the amount of the estimated cost of the Developer to design and construct the Neighborhood Based Park recreational facilities based on Park & Recreation Department Facility Standards. The estimated costs for recreational facilities shall be based on current bid prices for similar recreational facilities and be annually updated by January 1 by the Park & Recreation Department. Prior to approval of a Neighborhood Based Park development agreement, the Developer must submit a Neighborhood Based Park Concept Plan to the City indicating the proposed Neighborhood Based Park facilities and their locations. Upon approval of the proposed Neighborhood Based Park Development Concept Plan the Developer may authorize preparation of construction documents for neighborhood park development.
  
5. In the event that the Park & Recreation Department and the Developer reach a development agreement for park development prior to final plat approval, the developer shall be required to submit Neighborhood Based Park development construction plans that conform to Park & Recreation Department design, construction and specification standards. The Park & Recreation Department will review the construction documents for compliance with City park construction requirements. The Developer must agree to standard City construction inspections of Neighborhood Based Park improvements. Neighborhood Based Park construction must be approved and accepted by the City of Fort Worth before Neighborhood Based Park fees that have been paid by the Developer are reimbursed to the Developer.

C. Payment of Fees in Lieu of Parkland Dedication

1. The Director may authorize the payment of a fee in lieu of parkland dedication. The amount of the fee in lieu of parkland dedication shall be determined by the following method:



- i. The amount equal to the Fair Market Value of the required land dedication, and, if applicable, less a credit for the value of the land actually dedicated for park and recreational purposes. The Fair Market Value will be determined by the City of Fort Worth.
- ii. The Developer/Owner, at their own expense, may obtain an appraisal of the property by a State of Texas certified real estate appraiser, mutually agreed upon by the City and the Developer/Owner, which may be considered by the City in determining fair market value.
- iii. If the property was acquired by the Developer within the last year the Developer may submit the contract for sale or appraisal documents related to the acquisition of the property to be considered by the City in determining Fair Market Value.

D. Submission of Fees Related to Final Plats, which are Part of Larger Preliminary Plats.

- 1. All fee payments made in lieu of land dedication in accordance with this Policy shall be pro-rated on a per Dwelling Unit charge based on the Fair Market Value of the required dedication of the land and relative to the number of Dwelling Units included in the final plat submittal.
- 2. Fees for Neighborhood Based Park development will be pro-rated on a per Dwelling Unit rate based on the required dedication for that portion of the preliminary plat being submitted as a final plat.
- 3. Time of Payment/Calculation
  - i. Fees established at the time of preliminary plat submittal shall apply to subsequent final plats submitted on any or all portions thereof for a period of two years from the date of preliminary plat approval by the Plan Commission. Subsequent Final plat submittals after such two-year period shall be reassessed new fee values per Dwelling Unit as per current Fair Market Value of the land and the current Neighborhood Park Development Fee at time of Final plat submittal.
- 4. All required fees shall be paid and received before release of the final plat on any or all portions of the subdivision indicated on the original preliminary plat thereof by the City for filing in the County plat record.

E. In areas where the residential density is lower than one unit per acre or it is in the interests of the City, the Park & Recreation Department may combine the Neighborhood and Community Park dedication and development requirements to create an adjoining neighborhood and Community Park facility that meets the recreational needs of these suburban and rural neighborhoods.

VII. LAND DEDICATION AND DEVELOPMENT FEES: DETACHED SINGLE- FAMILY AND TWO-FAMILY DWELLINGS IN THE CENTRAL CITY (PARK PLANNING DISTRICT 4)

A. If the proposed development falls within the Central City (Park Planning District 4), the Developer shall pay a Central City Flat Fee per each additional detached single-family or two-family residential Dwelling Unit. Fees will be assessed at the time of building permitting. Fees must be paid before a building permit will be issued. If mutually agreed between the Developer and the Park & Recreation Department, credits against this fee may be granted when there is public or private parkland proposed for the site and/or when park facility development is proposed. Agreements concerning parkland classification and acceptability, and determinations of allowable fee credits, must be formalized prior to release of the first building permit. The Central City Flat Fee is based on current costs for land acquisition and park development and may be adjusted administratively on an annual basis up to the annual amount of change in the Consumer Price Index (CPI). Any fee increase or decrease greater than the CPI shall require the approval of the City Council. The Central City Flat Fee shall be:

<b>Calendar Year</b>	<b>Central City Flat Fee Per Each Additional Residential Dwelling Unit</b>
2018	\$500.00
2019	\$660.00
2020	\$820.00
2021	\$980.00
2022	\$1,140.00
2023	\$1,300.00

VIII. LAND DEDICATION AND PARKLAND DEDICATION FEES FOR MULTIFAMILY UNIT DEVELOPMENTS

A. Multifamily unit developments shall dedicate parkland, pay a parkland dedication fee, or dedicate parkland and pay a parkland dedication fee as determined by the

Director in accordance with chapter 212 of the Texas Local Government Code, the Subdivision Ordinance, and this Policy.

- B. Land dedication and parkland dedication fees for multifamily units shall be determined by the Director upon submission of a plan application to the City. In addition, a request for a determination may be delivered to the Director. The determination shall be made within 30 days of the City receiving a completed request.
- C. Land dedications may include a combination of community-based parks and neighborhood-based park types, including Pocket Parks. The site character of the land being dedicated must meet or exceed the requirements in this Policy and the Park, Recreation and Open Space Master Plan.
- D. For purposes of this Policy, all territory within the City’s municipal boundaries is designated as a suburban area, urban area, or central business district area as indicated Exhibit B to this Policy.
- E. The City’s dwelling unit factor, which reflects the number of parkland acres for each dwelling unit by a proposed plan application shall be .005 for multifamily units.
- F. The City’s density factor, which reflects the diminishing expectation of parkland acres per dwelling unit in increasingly dense urban environments, shall be:
  - 1. 1 for suburban areas;
  - 2. 4 for urban areas; and
  - 3. 40 for central business district areas.
- G. For each plan application or request for a determination, the maximum parkland dedication fee shall be calculated by the Park & Recreation Department in accordance with the following provisions and as depicted in Figure 1:
  - 1. The number of multifamily units, less any affordable dwelling units, shall be multiplied by the dwelling unit factor.
  - 2. The sum calculated in subsection (1) shall be multiplied by the average land value for the area calculated in accordance with chapter 212 of the Texas Local Government Code.
  - 3. The sum of subsection (2) shall be divided by the applicable density factor.



**Figure 1**

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

- H. After calculating the maximum parkland dedication fee, the Park & Recreation Department will determine the parkland dedication, the parkland dedication fee, or the combination of parkland dedication and parkland dedication fees required for each plan application or request for a determination. The value of the parkland required to be dedicated, the parkland dedication fee required to be paid, or the combination of the parkland dedication and parkland dedication fees shall not exceed the maximum parkland dedication fee.
  - 1. The value of the parkland required to be dedicated shall be calculated by multiplying the number of acres to be dedicated by the market value of the land, not including an improvement to the land.
  - 2. The City shall not require a landowner to dedicate as parkland more than 10 percent, without adjustment or disqualification for impairment, of the gross site area of the land subject to a plan application.
- I. The Director may authorize the payment of a low fee in accordance with Chapter 212, subchapter H of the Texas Local Government Code instead of the fees required by this Section.
- J. The City shall provide a landowner a written determination of the fees owed before approving a plan application. The City will collect the parkland dedication fees for multifamily unit developments prior to the issuance of a final certificate of occupancy.

**IX. GENERAL ASSESSMENT AND DEDICATION REQUIREMENTS**

- A. All determinations of required land dedication shall be based upon review of the developers' plat or plan application, in accordance with Chapter 212 of the Texas Local Government Code, submitted through the City of Fort Worth's Development Services Department to the Park & Recreation Department. Failure to indicate proposed park dedications on the submitted plat or plan application shall be sufficient grounds for the Plan Commission to deny a concept plan or preliminary plat. Upon final agreement between the Park & Recreation Department and the Developer/Owner regarding mutually acceptable parkland, such land shall be

indicated on the revised preliminary plat and final plat. Such park property shall be conveyed by General Warranty Deed, or special warranty deed with a title policy, before the Neighborhood Based Park fees are reimbursed to the Developer. Submission of park dedication documents is required for final plat. Park dedication documents include: (1) a general warranty deed or a special warranty deed with a title policy; (2) a metes and bounds description of the park dedication property; (3) a survey plat of the park property only; (4) an abstractors certificate that indicates that the Developer has clear title to the property and the legal ability to deliver the title to the City of Fort Worth; and (5) an environmental statement that indicates that the park site is free of environmental contamination or hazards. The Park & Recreation Department can provide Developers with example documents for use in meeting this submission requirement.

- B. The land required to be conveyed for Neighborhood Based Park dedications may be located inside or outside the subdivision development so long as the land is so located within the Neighborhood Unit and is of such proximity to the development so as to serve or benefit the neighborhood residents. Land required to be conveyed for Community Park dedications may be located within the Park Planning District where the development is located.
- C. If a replat is filed, the dedication requirements shall be controlled by the policy in effect at the time of replat. Additional land dedication (or fee in lieu of) shall be required if the actual density of structures constructed on the property is greater than the former assumed density.
- D. Prior to dedication of land and/or improvements, the Developer/Owner shall make full disclosure of the presence of any hazardous substances and/or underground storage tanks (U.S.T.'s) and all construction processes affecting the site of which the Developer/Owner has knowledge. The City, at its discretion, may proceed to conduct such initial construction inspections, environmental tests and surveys on the land and improvements as it may deem appropriate, and the Developer/Owner shall grant to the City and its agents and employees such reasonable access to the land as is necessary to conduct such construction inspections, surveys, and tests.
- E. If the results of such construction inspections, surveys and tests indicate a reasonable possibility of construction failure, construction dumping, flawed construction, environmental contamination or the presence of U.S.T.s, or other environmental hazards the City may require further surveys and tests to be performed at the Developer/Owner's expense as the City may deem necessary prior to its acceptance of the dedication and improvements, or in the alternative, the Developer/Owner may be required to identify alternative property or pay the Neighborhood Based Park Fee in lieu of dedicating parkland.

- F. In areas where the residential density is lower than one unit per acre or it is in the interests of the City, the Park & Recreation Department may combine the Neighborhood and Community Park dedication and development requirements to create an adjoining neighborhood and Community Park facility that meets the recreational needs of these suburban and rural neighborhoods.

X. USE OF PARK DEDICATION AND DEVELOPMENT FEES

- A. All fees received for park acquisition and development and will be dedicated for the purpose of acquiring and developing parkland within the proposed subdivision development. However, if acquisition and development of a Neighborhood Based or Community Park is not achievable within the proposed subdivision development, then the Park & Recreation Department shall:
  - 1. Have the discretion of determining if park and recreational needs of the proposed subdivision development would be served by the expansion of existing park sites located within the same Neighborhood Unit where the proposed subdivision development is located.
  - 2. If such acquisition opportunities are not available within the Neighborhood Unit, then areas within the adjacent contiguous Neighborhood Unit(s) may be considered for acquisition if it will beneficially serve the residents of the proposed subdivision development.
  - 3. If such acquisition opportunities are not available within the adjacent contiguous Neighborhood Unit(s), then areas within the adjacent contiguous Community Park Unit(s) or within the Park Planning District may be considered for acquisition if it will beneficially serve the residents of the proposed subdivision development. Additionally, funding for Community Park acquisition may be accumulated from Community Park Units with the Park Planning District, adjacent contiguous Community Park Units or adjacent Park Planning District equal to the percentage of service radius (1.5 mile) within the adjacent Park Planning District.
  - 4. Notwithstanding subsections (1) through (3) above, for the Central Business District Community Park Unit and the Near Southside Community Park Unit, as those units are identified in Exhibit A to this Policy, the following rules shall apply:

- i. All Central City Flat Fees collected within the Central Business District Community Park Unit shall only be spent within the Central Business District Community Park Unit;
  - ii. Central City Flat Fees collected outside the Central Business District Community Park Unit shall not be spent within the Central Business District Community Park Unit;
  - iii. All Central City Flat Fees collected within the Near Southside Community Park Unit shall only be spent within the Near Southside Community Park Unit;
  - iv. Central City Flat Fees collected outside the Near Southside Community Park Unit shall not be spent within the Near Southside Community Park Unit;
- B. All payments made in accordance with this Policy shall be deposited in a designated Neighborhood Park Unit Acquisition and Development Fund and/or a Community Park Unit Acquisition Fund. The City shall account for all such funds paid with reference to each subdivision development, neighborhood unit and Community Park unit.
- C. Interest earned on accumulated park acquisition and development fees designated for a specific subdivision development shall be used for additional acquisition and development as described in this Policy.
- D. All fees received must be expended within five years from date of receipt of the last fee paid on the original preliminary plat. If such fees are not expended, the Developer/Owner shall be entitled to a refund on interest earned, less inflation as determined by the Consumer Price Index as published by the U.S. Department of Labor, with the principal held by the City. The Developer/Owner must request such refund in writing within ninety (90) days of entitlement or such right shall be waived.

## XI. INSTALLATION OF PARK IMPROVEMENTS

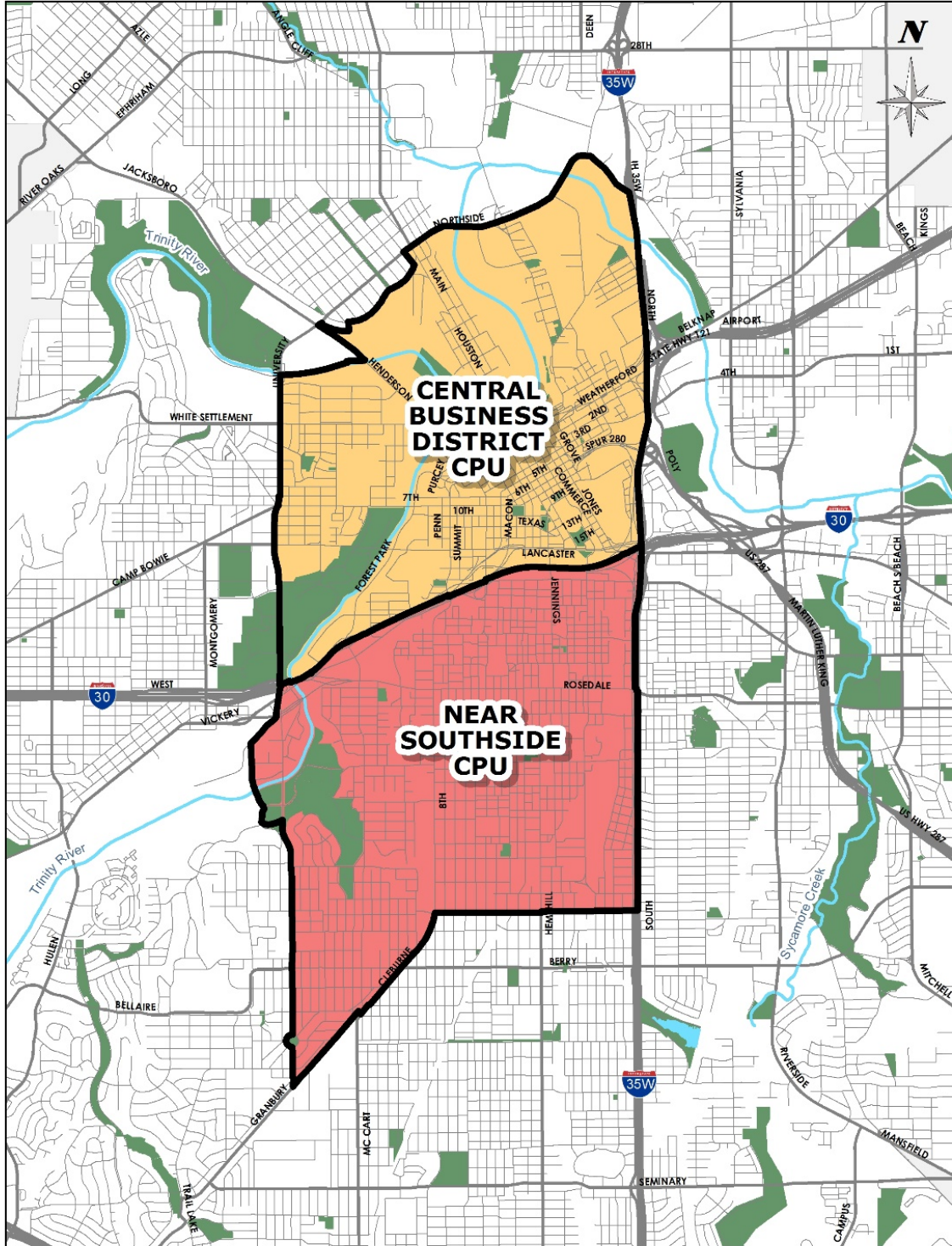
- A. Installation of Neighborhood Based Park improvements by the City generally will occur when there is:
- 1. A minimum population of 2,000 or, at the City's discretion, a minimum fifty (50%) percent build out within the Neighborhood Park Unit;
  - 2. Availability of funds for such improvement; and

3. Appropriation of maintenance funds for ongoing maintenance operations.
- B. Installation of Community Park improvements by the City generally will occur when there is:
1. A minimum population of 8,000 or, at the City's discretion, a minimum fifty (50%) percent build out within the Community Park Unit, and
  2. Availability of funds for such improvement; and
  3. Appropriation of maintenance funds for ongoing Community Park maintenance and operations.

## XII. DECISION MAKING; APPEALS

All appeals of this Policy shall be made in accordance with State law. All notices of appeal shall be delivered to the Director of the Park & Recreation Department.

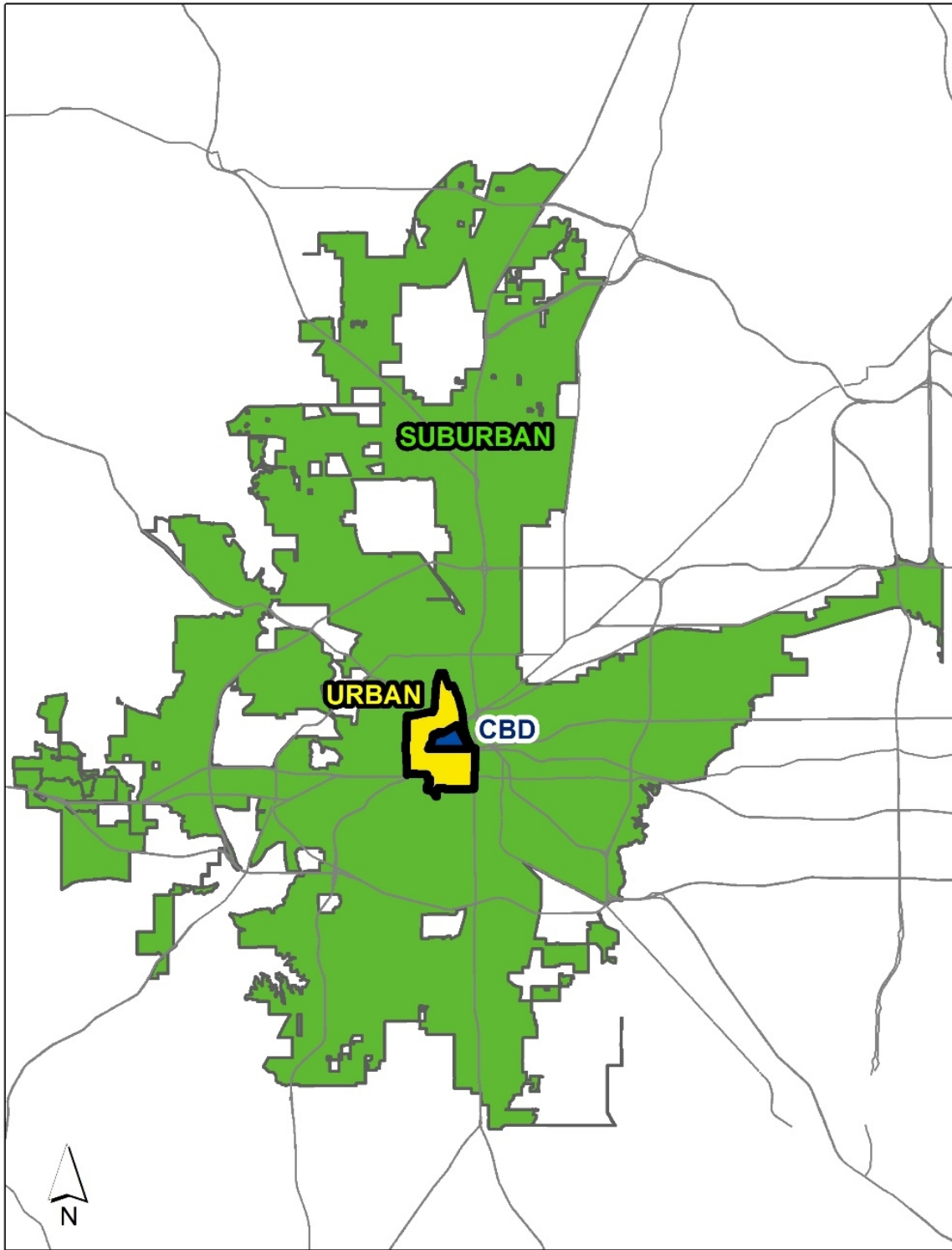
# EXHIBIT A



Revised November 21, 1995 G-11306  
Adopted April 18, 2000 G-12893  
Revised September 19, 2000 G-13015  
Revised December 19, 2000 G-13114  
Revised September 25, 2001 G-13388

Revised December 11, 2001 G-13463  
Revised January 27, 2004 G-14225  
Revised June 9, 2009 G-16592  
Revised January 29, 2019 G-19470  
Revised January 1, 2024 \_\_\_\_\_

**EXHIBIT B**

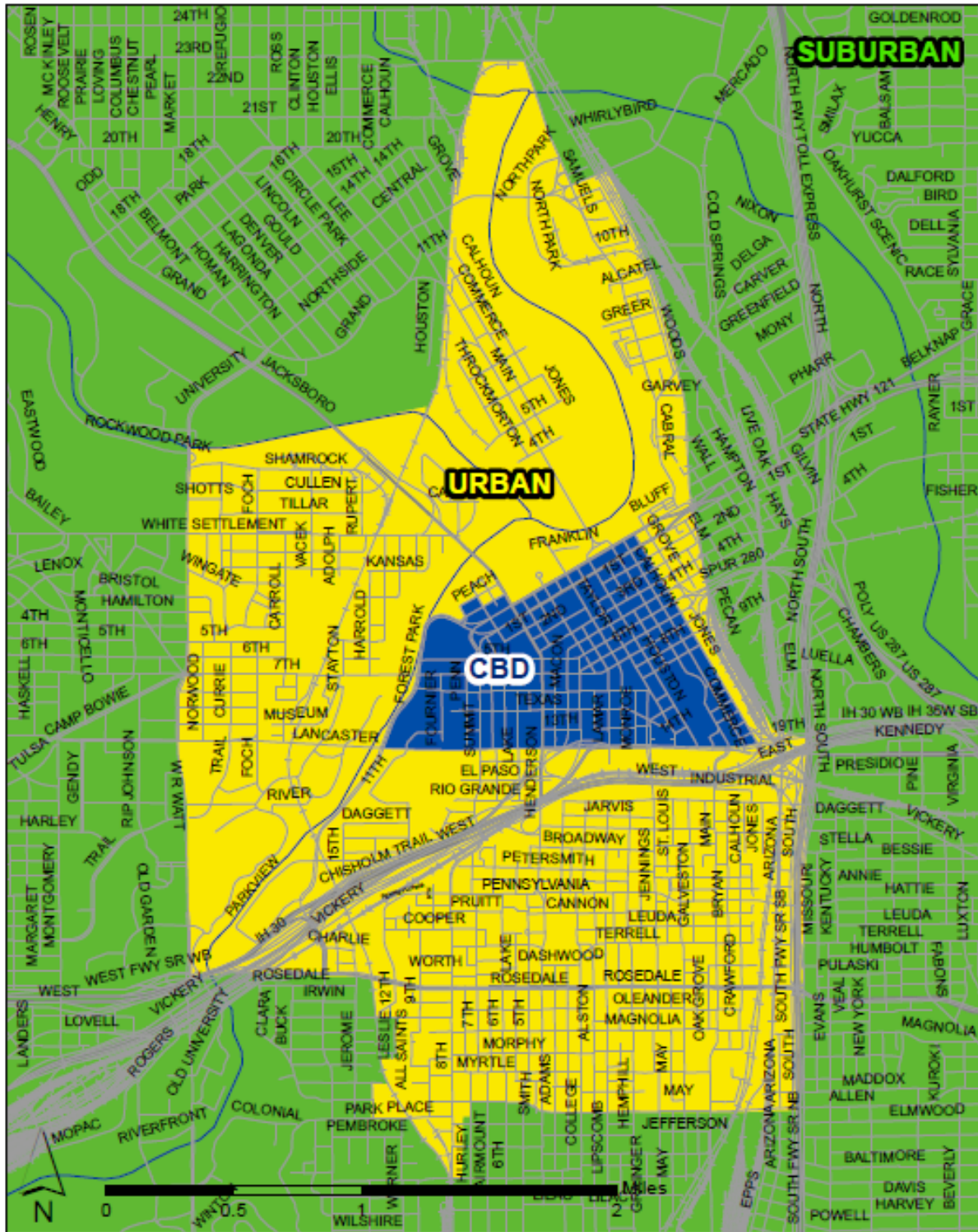


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Revised January 27, 2004 G-14225  
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Revised January 29, 2019 G-19470  
Revised January 1, 2024 \_\_\_\_\_



# Urban Area Boundary

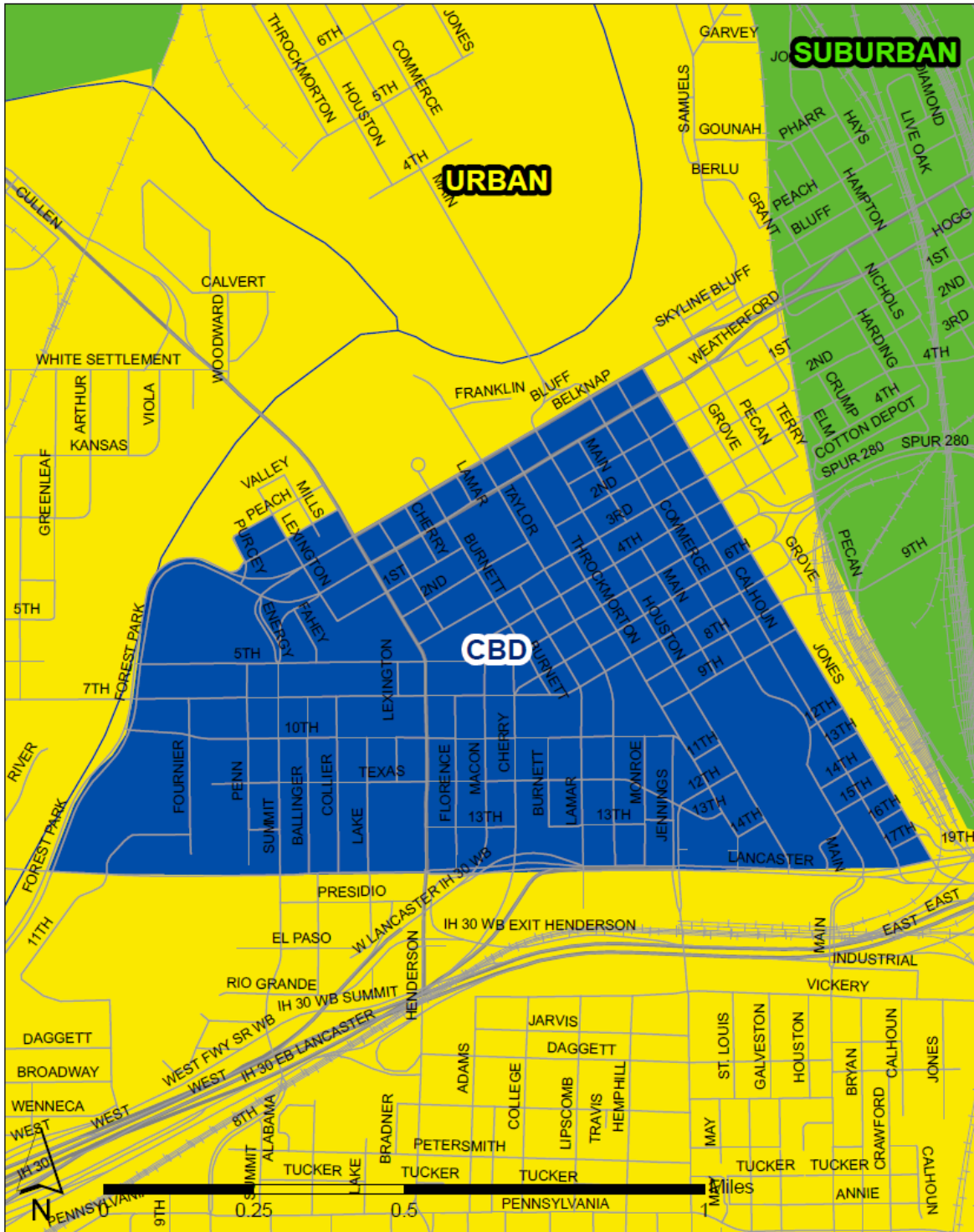


Revised November 21, 1995 G-11306  
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Revised December 11, 2001 G-13463  
 Revised January 27, 2004 G-14225  
 Revised June 9, 2009 G-16592  
 Revised January 29, 2019 G-19470  
 Revised January 1, 2024 \_\_\_\_\_



# Central Business District Area Boundary



Revised November 21, 1995 G-11306  
 Adopted April 18, 2000 G-12893  
 Revised September 19, 2000 G-13015  
 Revised December 19, 2000 G-13114  
 Revised September 25, 2001 G-13388

Revised December 11, 2001 G-13463  
 Revised January 27, 2004 G-14225  
 Revised June 9, 2009 G-16592  
 Revised January 29, 2019 G-19470  
 Revised January 1, 2024 \_\_\_\_\_