



PARK LAND DEDICATION

Section 51A-4.1000

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Staff Contact for Park Land Dedication Requirements			
<u>Subject of Interest</u>	<u>Name</u>	<u>Email</u>	<u>Phone</u>
Permit Processes	Daunte Rushton	daunte.rushton@dallascityhall.com	214-948-4047
Platting & Subdivision	David Cossum	david.cossum@dallascityhall.com	214-948-4062
Predevelopment Meetings	Mike King	michael.king@dallascityhall.com	214-948-4343
Article X Tree Preservation/ Mitigation	Phil Erwin	philip.erwin@dallascityhall.com	214-948-4117
Park Land Dedication Requirements	Ryan O'Connor	ryan.oconnor@dallascityhall.com	214-670-4124

Web Links

Parks Department: <https://dallasparks.org/>

Sustainable Development & Construction:

<https://dallascityhall.com/departments/sustainabledevelopment/Pages/default.aspx>

About the Ordinance

The park land dedication ordinance was approved by the Dallas City Council on June 27, 2018. The development of the ordinance began in 2016 and included significant input from the development community as well as multiple briefings to the City Plan Commission and the City Council. The intent of the ordinance is to provide adequate park land and park amenities as the City grows for new residents without burdening existing taxpayers.

Do Other Cities Require Park Land Dedication?

Many suburbs around Dallas including Frisco, McKinney, Lancaster, Southlake and others have existing park dedication ordinances as well as Fort Worth and all the largest cities in Texas. The ordinances have existed in Texas since the 1950s with Corpus Christi being the first.

Does the Ordinance Apply to My Project/Development?

The ordinance is only applicable when the development types within the table below experience a **net-increase** in density. Each development type is accompanied with their respective unit of measurement for calculating the required amount(s) of land dedication and/or fees.

Comprehensive Fee Schedule	
<u>Type of Development</u>	<u>Unit of Measurement</u>
○ Single family or duplex	Dwelling Units
○ Multifamily (one bedroom or less)	Dwelling Units
○ Multifamily (two or more bedrooms)	Dwelling Units
○ College dormitory, fraternity, or sorority house	Sleeping Rooms
○ Hotel and Motel	Guest Rooms

Five Year Evaluation Period:

There will be a deduction from the initial calculation of the number of dwelling units, guest rooms, or sleeping rooms in existence within five years of the approval of the preliminary plat or the issuance of the first building permit for the proposed development.

Scenarios:

- If you demolish a single-family house and rebuild a single-family house of any size within five years on the same lot, you are not subject to the ordinance requirements and no fee is required.
- If you demolish a single-family house and build four condo units within five years of demolishing the house on the same lot, you would be required to pay a fee for the increased density of three dwelling units.

- If you demolish a single-family house and build four condo units after five years of demolishing the house on the same lot, you would be required to pay a fee for the increased density of four dwelling units.

Exceptions to Ordinance Applicability:

- *Developments located within planned development districts, existing on July 1, 2019, with open space or park land requirements are exempt from Section 51A-4.1000.*

Park Land Requirements

To satisfy the requirements of the Park Land Dedication Ordinance, applicants may:

1. **Pay a comprehensive fee** (fee-in-lieu of land dedication and park development form is attached); or
2. **Dedicate land in an amount prescribed by the ordinance and pay a park development fee;** or
3. **Execute a combination of the two options as long as other ordinance requirements are met**
4. **Apply for ordinance credits**

Fee Schedule & Dedication Requirements:

Comprehensive Fee Schedule				
Type of Development		Fee-In-Lieu	Park Development Fee	Total
○	Single family or duplex	\$762.00	\$403.00	\$1,165.00
○	Multifamily (one bedroom or less)	\$299.00	\$158.00	\$457.00
○	Multifamily (two or more bedrooms)	\$600.00	\$317.00	\$917.00
○	College dormitory, fraternity, or sorority house	\$299.00	\$158.00	\$457.00
○	Hotel and Motel	\$327.00	\$173.00	\$500.00

Land Dedication Requirement Calculation	
Type of Development	Unit of Measurement
○ Single family or duplex	1 Acre per 100 Dwelling Units
○ Multifamily (one bedroom or less)	1 Acre Per 255 Dwelling Units
○ Multifamily (two or more bedrooms)	1 Acre per 127 Dwelling Units
○ College dormitory, fraternity, or sorority house	1 Acre per 255 Sleeping Rooms
○ Hotel and Motel	1 Acre per 233 Guest Rooms

Examples:

- 8 single family residences requiring:
 - .08-acre land dedication + \$3,224 park development fee; **OR**
 - \$9,320 comprehensive fee¹
- 200 apartments (125 one-bedroom units & 75 two-bedroom units) requiring:
 - 1.1-acre land dedication + \$43,525 park development fee; **OR**
 - \$125,900 comprehensive fee
- 350 hotel guest rooms requiring:
 - 1.5-acre land dedication + \$60,550 park development fee; **OR**
 - \$175,000 comprehensive fee

Meeting the Requirements of the Ordinance:

As previously prescribed, applicants may achieve the ordinance through any of the following:

1) Paying the Comprehensive Fee:

If the applicant chooses not to dedicate land or seeks credits, they shall be required to pay a comprehensive fee. Please view the attached example for the checklist depicting 'Park Land Development Fees'. You will need to complete all applicable fields within the form. You will print and deliver this to Building Inspection when submitting your application materials for permit. The checklist will not be accepted when completed by hand.

2) Dedicating Land:

The applicant is encouraged to schedule a Predevelopment Meeting with the Department of Sustainable Development & Construction when attempting to satisfy the ordinance using methods other than paying the comprehensive fee.

If the applicant chooses to dedicate land or seeks ordinance credits, a meeting with Park and Recreation Department staff and site visit is required.

Land Dedication Process

- Land can be dedicated through the platting process or through a separate legal instrument
- Single family and duplex on-site dedications must be shown on the preliminary and final plat
 - Single family and duplex residential subdivisions require a fee simple dedication on the subdivision plat, which will be approved by Park and Recreation Department staff after ordinance requirements are met
- Multifamily and hotel/motel on-site dedications must be shown on the development plan or other plan typically submitted with a building permit application

¹ Land dedication requirement is less than 1 acre in size, comprehensive fee would be required in this example.

- Prior to issuance of a building permit, evidence of recording in the real property records of a general warranty deed and accepted by Park and Recreation staff and City of Dallas Real Estate Division. These transactions will be processed by the City of Dallas Real Estate Division
- All off-site land dedications require evidence of recording in the appropriate real property records of a general warranty deed prior to issuance of a building permit and must be accepted by Park and Recreation staff and City of Dallas Real Estate Division. These transactions will be processed by the City of Dallas Real Estate Division

Highlighted Land Dedication Standards

- Please note that the minimum size of a land dedication that will be accepted by the Park and Recreation Department is one (1) acre
- In most cases if your development requires a dedication of less than one acre, a comprehensive fee payment will be required to satisfy the ordinance
- In limited situations, a land dedication of less than one acre will be accepted and will be contingent upon the location of the land to be dedicated and the needs of the park system
- Land dedications may occur on-site of the development or off-site if within same Park Dedication Zone
- Land dedications cannot include water detention or retention areas.
- No more than 50% of the land dedication may be designated as floodplain
- Land must have connectivity to a public street

Required Submittal Materials

- Documentation of the total number and type of units proposed as part of the preliminary plat or the site plan application
- If platting, a legal description of proposed park/land to be dedicated
- If not platting, field notes to be approved by City of Dallas Survey Division
- Identification of site acreage amounts of land within the 100-year floodplain, as well as land located outside of the floodplain
- Tree survey by a qualified professional
- Phase 1 and Phase 2 (if needed) Environmental Site Assessment prepared by an environmental professional to be approved by the City of Dallas Office of Environmental Quality. Please contact the Office of Environmental Quality (OEQ) for additional information at [214-670-1200](tel:214-670-1200)
- Plan sheet detailing slope of property topography
- Documentation of the location of all existing and proposed structures, above and below-ground utilities, public and private easements, and all other encumbrances

3) Ordinance Credits/Offsets:

There are options available to the applicant to obtain credits to that can applied to the ordinance requirements. The options include:

- Publicly accessible private park – credit up to 100% of the required land dedication
- Non-publicly accessible private park – credit up maximum of 50% of the required land dedication
- Recreational amenities – credit up to 100% of the required park development fee for public parks and publicly accessible private parks; credit up to 50% in non-publicly accessible private parks
- Tree mitigation – preserved protected trees on dedicated park land or private park land may be used to meet Article X requirements for tree mitigation if specific conservation easement requirements are met
- Conservation Easement – parkland dedication requirements may be met on an acre by acre basis for any land placed into a conservation easement that meets specific conservation easement standards and the requirements of publicly accessible private parkland

Credits & Offsets: Things to Know

- Recreational amenities
 - A predevelopment meeting with Sustainable Development and Construction is advised and Park and Recreation staff is required (meetings can be combined)
 - Required to submit a set of plans describing details and specifications of improvements. Submit the plans to Parks and Recreation Department as early as possible
 - Plans should be developed by product manufacturer or landscape architect
 - When making improvements to existing public parks for credit towards park development fees requires City mandated insurance and other miscellaneous construction standards and requirements
- Tree mitigation/Conservation easements
 - If seeking tree mitigation and/or conservation easements, a tree survey, field notes and other submittal documents may be required if seeking credit

Common Terms

COMMUNITY PARK means a park that is larger than a neighborhood park and serves several neighborhoods.

FLOODWAY means a drainage area designated on a plat to accommodate the design flood as defined in Article V of Chapter 51A concerning flood plain and escarpment zone regulations.

FLOODWAY EASEMENT means an easement dedicating a drainage area to the city for control and maintenance of a flood plain.

FLOODWAY MANAGEMENT AREA means a drainage area dedicated in fee simple to the city for control and maintenance of a flood plain.

NEIGHBORHOOD PARK means a park that serves a variety of age groups within a limited area or neighborhood.

OPEN SPACE, IMPROVED means open space containing structures or improvements, including but not limited to hike and bike trails.

OPEN SPACE, UNIMPROVED means open space containing no buildings, fences, or other structures above or below grade.

PARK DEDICATION ZONE means an area as illustrated on the park land dedication map created by the park and recreation department defining the area where dedication may occur.

PHASE I ENVIRONMENTAL SITE ASSESSMENT means a site assessment that does not include invasive testing such as borings or monitoring wells on the subject property or surrounding properties. It is conducted to determine the presence or absence of Recognized Environmental Conditions (REC). This may also include, but is not limited to, asbestos, lead-based paint, and/or mold testing. For the purpose of this Administrative Directive, Phase I Environmental Assessments must comply with AAI rule.

PHASE II ENVIRONMENTAL SITE ASSESSMENT means a site assessment that includes invasive testing such as borings or monitoring wells to confirm the presence or absence of hazardous substances or petroleum products on the subject property or surrounding properties in media including, but not limited to soil, groundwater, sediment, or vapor. For the purpose of this Administrative Directive, Phase II ESAs must comply with the AAI rule and Texas Risk Reduction Program (TRRP) as defined in 30 TAC 350.

PLAT means the graphic presentation of one or more lots or tracts of land, or of a subdivision, resubdivision, combination, or recombination of lots or tracts.

PLAT RELEASE means approval by a department to verify that those conditions of approval required by that department have been satisfied before the final plat is endorsed by the commission chair.

PRELIMINARY PLAT means the initial plat proposed by the applicant, which is reviewed by city staff and presented by staff to the city plan commission for consideration. If the commission determines that approval subject to conditions is appropriate, the subdivision administrator ensures that those conditions are met before the plat is finalized for endorsement by the commission chair.

PRIVATE PARK LAND means privately owned park land, common area, or green spaces provided on-site that is accessible to the residents of a development.

REPLAT means a plat changing a previously approved and recorded plat that is not an amending plat (minor) or an amending plat (major).

Frequently Asked Questions (FAQ's)

The Frequently Asked Questions are categorized according to the following subjects:

General Questions

Q: I am building an accessory dwelling unit. Does this trigger the ordinance?

A: An accessory dwelling unit is considered a single-family use. It is subjected to the requirements of the ordinance.

Q: I am building a single-family home on a lot already established for single family residential use. If the lot is vacant prior to my construction, does the Park Land Dedication ordinance apply to me?

A: The applicant will be required to determine if the lot has been vacant for a period of five year or more and supply the evidence at the time of permit application. If it has been vacant for more than five years, a comprehensive fee to satisfy the ordinance will be required. If it has been vacant for a period of less than five years, a fee will not be required.

Q: If I am tearing down the existing single-family home, does the Park Land Ordinance apply to me?

A: If you are tearing down a home and replace it within five years, the ordinance does not apply to you. For more information see Section 51A-4.1007(b)(1).

Q: My Planned Development requires Open Space or Parks, does this exempt me from the Park Land Ordinance?

A: Any required provision of Open Space or Parks as required within a PD existing prior to July 1, 2019 shall not be required to meet 51A-4.1000.

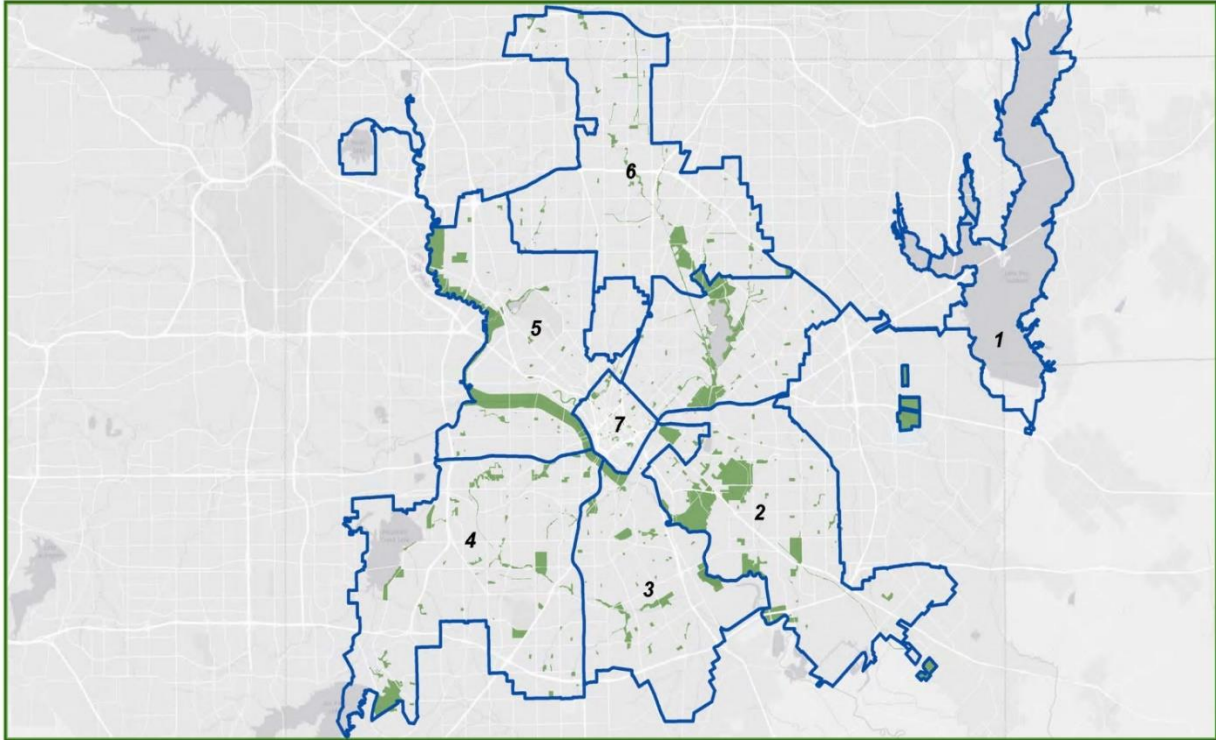
Q: My property contains a wooded area that I would like to dedicate as a park. What criteria must the area meet in order to be a satisfactory dedication? If my proposal is accepted for Park Land Dedication, what credit will I receive for the trees on that portion of my property?

A: A meeting with applicable staff is required to address this credit. The ordinance includes several criteria that staff will utilize to determine if the dedication is acceptable. You may be able to receive credit for the trees on the dedicated property if specific ordinance provisions are met. This type of credit will be addressed on a case by case basis.

Q: Who determines how much the amenities provided by the developer are worth?

A: If a developer chooses to build the improvements in lieu of paying the park development fee, documentation will be requested of the applicant that verifies/validates the costs and will be reasonably compared to the cost of City-provided amenities.

Park Dedication Zones



0 1.5 3 6 9 Miles



Park Nexus Zones



November 12, 2017