

Appendix E - Parkland Dedication Ordinance Review

Edinburg Parks and Recreation Master Plan

According to **Section 155.12, Standards and Specifications**, of the City's Subdivision Regulations, whenever a final plat is filed for approval for the development of a residential area that is zoned R-A1, R-A2, R-B1, and/or R-B2, the plat must contain a clear fee simple dedication of land to the City for park purposes. As illustrated in **Table E.1,**

Table E.1, Parkland Dedication Requirements

Municipality	Required Acreage	Dwelling units per residents per acres of development
Edinburg	1 acre	125 proposed dwelling units
Mission	1 acre	125 proposed dwelling units
League City	1 acre	101 proposed dwelling units (single-family)
	1 acre	125 proposed dwelling units (duplex and multi-family)
Rosenberg	1 acre	160 proposed dwelling units
McAllen	5 acres	1,000 ultimate residents
Pharr	1 acre	15 acres of development

Parkland Dedication Requirements, the ordinance requires one acre of land dedicated for each 125 dwelling units. Similarly, Mission also requires one acre per 125 dwelling units. By contrast, Rosenberg (in the Houston area) requires less land dedication, only requiring one acre per 160 dwelling units. This ratio is based upon their requisite needs to meet national standards. League City (also in the Houston area), McAllen, and Pharr have greater dedication requirements. League City requires one acre per 101 single-family dwelling units and one acre per 125 duplex and other multi-family dwelling units. In McAllen, the minimum acreage per 1,000 people population to be dedicated for park purposes is based on five acres of land per 1,000 ultimate residents. Since the average number of persons residing in a residential unit in McAllen is 3.18 persons, this equates to 5 acres per 314 residential units, or 1 acre per 63 residential units. Pharr requires one acre of parkland for every 15 acres of development. Assuming a density of 6 residential units per acre, Pharr requires one acre per 90 residential units.

Recommendation: Based on this comparative analysis, and noting that adjacent Rio Grande Valley communities (i.e. Pharr and McAllen) have higher parkland dedication requirements, it is advisable for the City to consider increasing its requirements for fee simple dedication. Particularly since the City is currently deficient by 58 acres (refer to **Table 6.3, Recommended Parkland Acreage for the Current Year 2005**) and, based upon a Year 2025 projected population of 105,307 persons, in need of an additional 188 acres by the Year 2025 (refer to **Table 6.6, Recommended Parkland Acreage in the Year 2025**), it is recommended that the ratio of parkland acres to dwelling units be changed to one acre per 75 dwelling units. This equates to 4 acres per 1,000 persons, which is consistent with national standards.

Payment In-Lieu Option

As an alternative to fee simple dedication, the City’s ordinance states that the required dedication may be met, in whole or in part, by payment in-lieu of land. If fewer than 125 units are proposed, the developer is required to pay cash in-lieu of land. It further specifies that no plat showing a dedication of less than one acre shall be approved. Similarly, in Mission and McAllen, payment in-lieu is required for development that requires less than one acre of parkland to be dedicated. By contrast, in Pharr, the development of an area resulting in a land dedication smaller than five acres for public park purposes is considered impractical. As such, if fewer than 75 acres are proposed by a plat filed for approval, the developer is required to pay the fee in-lieu of land dedication.

Recommendation: Based upon the community survey indicating greater usage of larger parks in the community, and a concern for maintaining numerous small parcels spread throughout the community, it is recommended that the City consider revising the ordinance to require payment in-lieu of land for any dedication less than five acres in size (the minimum desired size of a neighborhood park). Furthermore, the ordinance should allow the City Parks Board, in coordination with the Planning and Zoning Commission, the discretion for determining whether to accept land dedication or fee in-lieu of land based upon criteria such as the proximity of the land proposed for dedication to other existing park facilities, the amount of acreage already available within the park zone, and the size of the parcel proposed for dedication. Where sufficient acreage exists, the fee in-lieu may

be used to expand and improve existing facilities.

As identified in **Table E.2, Payment-in-Lieu** a plat will not be approved in McAllen unless there is a payment of a park development fee in the amount of \$450 per dwelling unit. In Rosenberg, the fee is \$350 per dwelling unit. In Mission, per dwelling unit price is computed on the basis of \$200 per dwelling unit. In League City the fee-in-lieu of land requirement is \$198 per dwelling unit (single-family) and \$160 per dwelling unit (duplex and multi-family). Notably, League City also charges a park development fee of \$358 per dwelling unit

Municipality	Payment-in-Lieu
Edinburg	\$125 per lot and \$125 per dwelling (single-family subdivision)
	\$125 per lot and \$125 per dwelling (two-family and multi-family subdivision)
Mission	\$200 per dwelling unit
League City	\$198 per dwelling unit plus a \$358 development fee (single-family)
	\$160 per dwelling unit plus a \$292 development fee (duplex and multi-family)
Rosenberg	\$350 per dwelling unit
McAllen	\$450 per dwelling unit
Pharr	\$1,250 per acre of development plus a \$250 development fee per residential dwelling unit

for single-family developments and \$292 for duplex and multi-family developments. Developers have the option of paying to construct the neighborhood park improvements in lieu of the park development fee. In Pharr, the payment-in-lieu is calculated per acre rather than on a per unit basis. The payment-in-lieu is \$1,250 per acre of development. Developers are also charged \$250 per residential dwelling unit as a development fee. By contrast, Edinburg requires a payment of \$125 per subdivision lot that is to be made at or prior to the time of final plat approval for each lot in a single-family subdivision, and a further \$125 is required at the time a building permit is applied for a dwelling in a single family subdivision. For two-family and multi-family subdivisions, a payment of \$125 in lieu of land must be made prior to final plat approval for each lot, and a \$125 payment must be made at the time a building permit is applied for a single-family, two-family and multi-family dwelling in a two-family and multi-family subdivision.

In Section (2)(c) of the City's ordinance, it states that the rate for the payment in-lieu of land may be set from time to time by City Council. In McAllen, for instance, the park development fee is adjusted on January 1st of each year, based on projected inflationary influences of the cost of the value of real property. The following reflects McAllen's rate of adjustment:

January 01, 2003 - $\$1,393.16 \times 35.9\% = \500.00^1

January 01, 2004 - $\$1,393.16 \times 39.5\% = \550.00

January 01, 2005 - $\$1,393.16 \times 41.1\% = \600.00

January 01, 2006 - $\$1,393.16 \times 46.7\% = \650.00

January 01, 2007 - $\$1,393.16 \times 50.2\% = \700.00

Recommendation: It is recommended that the City consider increasing its payment-in-lieu fee from \$250 (\$125/lot and \$125/dwelling unit) to \$350 or \$400. The City may want to consider staging the increase on an annual basis rather than increasing it in a single step. The City may also consider a park development fee to account for the cost of developing the park facilities and improvements. Furthermore, a regular schedule of review of the fee amounts in advisable to allow periodic assessment of the fee schedule.

¹ \$1,393.16 is derived from a calculation that takes into account the minimum acreage requirement of five acres per 1,000 persons, the average number of persons residing in any one housing unit in McAllen (3.18 persons), the average cost per acre of parkland for purposes of purchase (\$27,620.00), and the average development cost per acre of a basic neighborhood and community parks (\$60,000).

Fee Allocation

An innate problem with the structure of most parkland dedication ordinances is that the developing areas are the only areas of the community that receive funds for the expansion and improvement of parks and recreation facilities. Therefore, those areas of the community that are not experiencing any development do not directly benefit. While there must be a rational nexus between the payment of parkland improvement fees and the benefit derived by the paying development, i.e. fees collected in one zone may not be used entirely for improvements in another zone, it is reasonable that a proportionate share of the fees may be used for the development of larger community parks that have a more significant service area. In this way, the City's ordinance is not leading to numerous small parks that are difficult to maintain and are less used than larger parks. Therefore, the zone structure may be designed to include both neighborhood and community park zones whereby there are more than one neighborhood zone within a community park zone. Therefore, fees collected from a development are proportionally distributed both within the neighborhood zone as well as the community park zone. Therefore, there is benefit derived both within the immediate proximity and throughout the larger area.

Recommendation: It is recommended that the zonal system within the City and ETJ be redesigned to designate both neighborhood and community park zones. The actual alignment of the zone boundaries should match the "need areas" identified in the Parks and Recreation System Plan as opposed to being segmented in four north-south strips as presently designated.

Use of Funds

The City's ordinance requires that any funds paid into the parkland dedication fund must be expended by the City within five years from the date received by the City for acquisition. If not expended within this time frame, the owners of the property may on the last day of such period be entitled to a refund. Rosenberg, Mission, and League City's ordinances also has a five-year time frame, which is the most common. By contrast, McAllen has a six-year time period within which the funds must be spent, and Pharr has a ten-year time period.

Recommendation: An extended time period would allow for a longer development period thereby better accommodating multi-phase developments. It is recommended that the City review its ordinance to decide whether it wishes to increase the spending period provided for under the parkland dedication fee.

Suitable Land Provisions

While the City's ordinance identifies that any land dedicated must be suitable for park and recreation uses, the ordinance needs to be enhanced to more specifically identify what land is acceptable for parkland dedication. Mission, McAllen, and Pharr's ordinances indicate that any area primarily located in the 100-year floodplain is not suitable for parkland dedication.

Recommendation: It is advisable for the City to add a clause to the ordinance indicating that land within the 100-year floodplain is not suitable for park use and, therefore, does not receive credit toward the dedication requirements. Furthermore, there are additional requirements that should be included, such as the need for off-street parking on the same side of the street and adjacent to the land dedicated for park use; access from adjacent areas; locations that do not require users to cross arterial streets to access them; sites that do not have unusual topography which render the land unusable for recreational activities; locations adjacent to a greenbelt system; and, park sites located adjacent to schools. It is further recommended that the City consider proportional credits for parkland dedication. In other words, golf courses, open spaces with drainage issues, etc. would only be eligible to partially fulfill the parkland dedication requirements because they can not be fully used for parks and recreation purposes. Where partial credit is received for a fee simple dedication, the developer would be required to pay a parkland dedication fee to account for the remainder of the required parkland.

Roles and Responsibilities

Section (1)(c) of the Edinburg ordinance makes reference to the fact that the Planning and Zoning Commission and the Parks and Recreation Board recommend to the City that a parcel be accepted or refused, and that this recommendation must be considered by the City. The Rosenberg ordinance identifies that development plans and specifications must be reviewed and recommended by the Parks Board and Planning and Zoning Commission and approved by the City Council. Similarly, in Mission, an action of the City shall be by the City Council, after consideration of the recommendations of the Planning and Zoning Commission and the Parks and Recreation Board. In League City, the Parks and Recreation Advisory Board must make a recommendation to the Planning and Zoning Commission prior to it making a decision. By contrast, the McAllen ordinance identifies a parkland dedication advisory board, which is made up of seven members that are appointed by the board of commissioners. At least three of the members must be chosen from the parks and recreation advisory board and the remaining members must be City employees or officials.

Recommendation: It is recommended that the above provision of the current ordinance be further articulated to specify that the recommendation must be recommended by the Parks Board to the Planning and Zoning Commission who then shall make a recommendation for final consideration of the City Council.