

ORDINANCE NO. 22-254

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, AMENDING CHAPTER 22 "PARKS AND RECREATION," BY REPLACING THE TEXT OF ARTICLE III "PARK DEDICATION" WITH UPDATED TEXT PROVIDING FOR NEW FEES AND DEDICATION REQUIREMENTS FOR PARK LAND DEDICATION OR PAYMENT OF CASH IN LIEU AS A CONDITION TO SUBDIVISION PLAT APPROVAL AND PROVIDING FOR PAYMENT OF PARK DEVELOPMENT FEES AS A CONDITION TO BUILDING PERMIT ISSUANCE IN ORDER TO PROVIDE FOR NECESSARY PARK DEVELOPMENT, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Denton adopted Ordinance No. 98-039 on February 17, 1998 to amend Chapter 22 "Parks and Recreation" of the Code of Ordinances of the City of Denton to include an Article III "Parkland Dedication" that outlined City policy for park land dedication and payment of park development fees, and

WHEREAS, the City Council recognizes that the establishment of public open space in the form of recreational park land is necessary and in the interest of public welfare, and that an effective method to provide for the same is the incorporation of procedures for the dedication of park land and facilities into the development process as set forth in the City's development rules and regulations, ordinances and state law, and

WHEREAS, in the intervening twenty-four (24) years since the adoption of the City's original parkland dedication and park development fee ordinance (No. 98-039) both the cost of land for park dedication and the cost of parkland development have continued to rise, and

WHEREAS, park land fees in lieu of dedication and park development fees under Ordinance 98-039 no longer provides for adequate provision of current levels of service for new development, the following changes represent an effective and revised method to provide for the same to meet the present need and future demand represented by new residential development, and

WHEREAS, the revised levels of park land dedication and fees in lieu of dedication as well as park development fees are based on the City's current level of service for passive and active recreational areas, and such funding will be used proximally to new development, NOW, THEREFORE

THE CITY COUNCIL OF THE CITY OF DENTON, TEXAS HEREBY ORDAINS

SECTION 1. That Chapter 22, Article III of the City of Denton Code of Ordinances is hereby deleted in its entirety and replaced with a new Article III entitled "Park Dedication," attached hereto and incorporated herein as Exhibit A.

SECTION 2. That, pursuant to Section 22-34, Article III of the Code of Ordinances, as amended hereby, park zones for the purpose of park land dedication shall be those zones depicted in Exhibit B, attached hereto and incorporated herein by reference, and the current park land inventory is shown by zone in Exhibit C, attached.

SECTION 3. That, pursuant to Sections 22-37(e) and 22-45, Article III of the Code of Ordinances, as amended hereby, the current park land dedication requirement and fee-in-lieu

requirement and bases therefore are as provided in Exhibit D, attached hereto and incorporated herein by reference.

SECTION 4. That, pursuant to Sections 22-39(d) and 22-45, Article III of the Code of Ordinances, as amended hereby, the current park development fee and bases therefore are as provided in Exhibits E and F, attached hereto and incorporated herein by reference.

SECTION 5. That if any section, subsection, paragraph, sentence, clause, phrase or word in this ordinance, or application thereof to any person or circumstances is held invalid by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and the City Council of the City of Denton, Texas hereby declares it would have enacted such remaining portions despite any such invalidity.

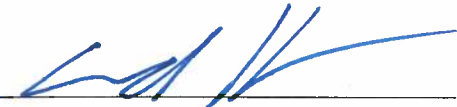
SECTION 6. That save and except as amended hereby, all the provisions, sections, subsections, paragraphs, sentences, clauses, and phrases of Chapter 22 of the Code of Ordinances shall remain in full force and effect

SECTION 7. That this ordinance shall become effective August 1, 2022 and that the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record-Chronicle, a daily newspaper published in the City of Denton, Texas within ten (10) days of the date of its passage

The motion to approve this ordinance was made by Deb Armintor and seconded by Brian Beck, the ordinance was passed and approved by the following vote [5 - 2]:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Gerard Hudspeth, Mayor:	___	<u>✓</u>	___	___
Vicki Byrd, District 1:	<u>✓</u>	___	___	___
Brian Beck, District 2:	<u>✓</u>	___	___	___
Jesse Davis, District 3:	___	<u>✓</u>	___	___
Alison Maguire, District 4:	<u>✓</u>	___	___	___
Deb Armintor, At Large Place 5:	<u>✓</u>	___	___	___
Paul Meltzer , At Large Place 6:	<u>✓</u>	___	___	___

PASSED AND ADOPTED this the 3rd day of May 2022.

  
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 GERARD HUDSPETH, MAYOR

ATTEST:

ROSA RIOS, CITY SECRETARY

BY: *Rosa Rios*

APPROVED AS TO LEGAL FORM:

MACK REINWAND, CITY ATTORNEY



BY: *Scott Bray* Digitally signed by Scott Bray  
Date: 2022.05.03 09:49:11  
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## Exhibit A

### ARTICLE III. - PARK DEDICATION

#### Sec. 22-33. Purpose

- (a) This Article is enacted in accordance with the home rule powers of the City of Denton granted under the Texas Constitution, and the statutes of the State of Texas, including, but not by way of limitation, Texas Local Government Code § 51.071 et seq. and § 212.001 et seq. as may be amended from time to time.
- (b) Parks provide for a variety of outdoor recreational opportunities that serve areas within a park zone. The acquisition of land and development of the infrastructure and facilities necessary to facilitate usage of these parks should be based upon the demand from the area residents they are intended to serve. The primary cost of parks should be borne by the owners of residential property who shall be the primary beneficiaries of such facilities. That any residence is located within the same park zone as any park shall be *prima facie* proof that the owner(s) of such residence is a beneficiary of such park.
- (c) The ordinance recognizes two types of parks: parks that provide outdoor recreation opportunities for residents within the same park zone as their homes such as neighborhood and community parks; and city-wide parks that provide outdoor opportunities for all city residents. The primary cost of new, expanded or renovated city parks should be borne by all new city residents who have created the demand for them. Development fees collected for neighborhood or community parks in park zones may be used to acquire or improve city parks if it can be shown they benefit residents within that zone.
- (d) To ensure a rough proportionality between the dedication required from a developer and the demand from occupants of residents in a new development, the City has determined that new residents' demands for parks will be the same as those of existing residents in the area of the City surrounding any new development.

#### Section 22-34 Definition of Terms

- (a) For purposes of this policy, the following terms shall be defined as follows:
  - (1) *Developer/owner* means the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
  - (2) *Residential Subdivision* means the division or redivision of land into five (5) or more lots, tracts, sites, or parcels for the purpose of developing residential dwelling units.
  - (3) *Dwelling unit* means a building or portion of a building which is arranged, occupied or intended to be occupied as living quarters and includes facilities for food preparation and sleeping.

- (4) *Park zone* means one of several zones within the City as established or amended by City Council as a park zone by ordinance. The park zones shall be large enough to offer flexibility for acquiring parkland, while being responsive to the needs of new development.
- (5) *Neighborhood / Community Parks* means open space area that provides recreational land and opportunities for outdoor activity for residents who reside within the same park zone as the open space area. The primary cost of a neighborhood park should be borne by residents within the same park zone as the neighborhood park.
- (6) *City Park* means open space area that provides recreational land and opportunities for outdoor activity for all city residents. The primary cost of a city park should be borne by all new city residents who have created the demand for the park.
- (7) *Park dedication requirements* means, collectively, dedication and/or construction of park facilities, in-lieu dedication fee, and park development fee.

**Section 22-35. Applicability**

- (a) The park dedication requirements of this Article shall apply to every residential subdivision and every building permit for construction of a dwelling unit approved after the effective date of the ordinance, except as hereinafter expressly provided to the contrary.
- (b) This Article does not apply to the remodeling, rehabilitation or other improvement of an existing residential structure, or to the rebuilding of a structure, except to the extent to which such activity results in the creation of additional dwelling units.
- (c) Pursuant to Chapter 245 of the Texas Local Government Code, applications for building permits shall be subject to the dedication requirements of this Code, if any, in effect at the time of the application or at the time of any increase in the number of dwelling units over an original application.
- (d) To the extent that any revised plat applications for residential subdivisions or renewed applications for building permits to construct residential dwellings would result in an increase in the number of dwelling units, the park dedication requirements of this Article shall apply to the additional dwelling units proposed in the application.
- (e) Where a proposed residential subdivision contains multifamily dwelling units and information is not provided concerning the number of such units, the City shall assume the highest density allowed for the property to determine the project population for the development.
- (f) This Article does not apply where a detailed development agreement has been approved by City Council and:
  - (1) Identifies the land to be dedicated, value of the land, site condition, maintenance agreement, conveyance process, and credits associated with the agreed upon dedication to be developed and executed; and / or
  - (2) Outlines the improvements, value of the improvements, and fee credits associated with the agreed upon public improvement to be developed pursuant to Section 22-40.

**Section 22-36. General Requirements**

- (a) The City Manager or his/her designee shall administer this Article, with certain review, recommendation and approval authorities being assigned to the Parks, Recreation and Beautification Board and other city departments as needed.
- (b) As a condition of subdivision development, a developer of residential property shall be required to dedicate land for neighborhood, community, and city parks, pay a fee-in-lieu thereof, construct park improvements, or a combination of these options. The particular form of the requirement will be at the sole discretion of the City. In addition to the land dedication, a developer of residential property shall pay a park development fee as provided in Section 22-39 of this Article for neighborhood, community, and city parks, which will be used to pay the costs of developing the raw dedicated land into a functioning park.
- (c) Requirements herein are based on actual dwelling units for an entire development. Increases or decreases in final unit count may require an adjustment in fees paid or land dedicated.
- (d) The total amount of land dedicated for the development shall be dedicated in fee simple by filed deed if dedicated to the city and
  - (1) Prior to the issuance of any site development building permits for multi-family development or
  - (2) Prior to recordation of the final plat for a single family, duplex, or townhouse development.
- (e) Notwithstanding subsection (d) above, for a phased development the entire park shall be platted concurrently with the plat of the first phase of the development, or the developer may provide the City with financial security against the future dedication by providing a bond, irrevocable letter of credit, or other alternative financial guarantee such as a cash deposit in the amount equal to the number of acres park land required, and in a form acceptable to the City. The amount of the financial guarantee shall be the amount of fee in lieu of land dedication. The financial guarantee will be released to the developer, without interest, upon the filing of the final plat for the subsequent phase that dedicates the required park land.

**Section 22-37. Park Land Dedication Guidelines and Requirements**

- (a) Any land dedicated under this Article must be suitable for park uses and meet requirements in this Article and the Denton Development Code. The guidelines and requirements in this Section shall be used in the dedication and design of park land in conjunction with the Park Land Dedication and Development Handbook.
- (b) When considering park land dedication, the developer should meet with the Parks and Recreation Department (PARD) before a development application is submitted to evaluate the suitability of the land. Additionally, PARD may request a site visit as a part of its determination. The following information may be required as a part of the process prior to accepting land for a public park dedication:
  - (1) Lot dimensions or metes and bounds acreage of park land to be dedicated;
  - (2) Total acreage of floodplain, and the acreage of land located outside the floodplain;
  - (3) A tree survey;
  - (4) A slope analysis; and

- (5) A Phase 1 Environmental Site Assessment identifying potential or existing environmental contamination liabilities.

(c) General Guidelines

Any park land dedicated to the City pursuant to the terms, conditions and requirements under this Article must be suitable for park uses and meet the following guidelines:

- (1) A current title report must be provided with the land dedication.
- (2) Wherever possible, park sites should be located contiguous with school sites or other public or nonprofit agency land in order to make maximum use of common facilities.
- (3) Encumbrances. Free and clear of any and all liens and encumbrances that may interfere with its use for park purposes. This includes overhead utility lines or easements of any type which might limit the land's use as a park. The City's representatives must be authorized to make onsite inspections of the property for the purposes of determining site suitability and identification of any visual hazards or impediments to park development and use.
- (4) Environmental Assessment. A Phase 1 Environmental Assessment is required on any land planned for dedication to the City. If the property owner or developer has any form of environmental assessment previously conducted on the tract, a copy of that assessment may be submitted for this requirement. The City may initiate and/or require the developer to initiate additional specific environmental studies or assessments if the visual inspection of the site gives rise to the belief that an environmental problem may exist on the site. The employment of consultants necessary to evaluate any environmental issues relating to the site may be required by the City, providing the City makes such determination in good faith. If an environmental hazard is identified on the site, the developer must remove the hazard prior to its acceptance into the park system of the City. The City will not accept park land dedication sites encumbered by hazardous and or waste materials or dump sites.
- (5) Utilities. The developer shall be responsible for the provision of minimum utilities as outlined in the Park Land Dedication and Development Handbook, the Denton Development Code and other adopted design and construction guidelines as they apply to neighborhood, community, or city park. The City will be required to approve such location prior to final acceptance and release of fiscal requirements of a subdivision.
- (6) Parks should be easy to access and open to public view so they benefit area development, enhance the visual character of the City, protect public safety, and minimize conflict with adjacent land use.
- (7) Where appropriate, sites with existing trees or other scenic elements are preferred and may be reviewed by the City's Urban Forester to make recommendations.
- (8) Rare, unique, endangered, historic or other significant natural areas will be given a high priority for dedication pursuant to this article. Areas that provide an opportunity for linkages between parks and/or trails or that preserve the natural character of the surrounding environment may be required by the City to be included in the park land dedication.

- (9) Land for dedication may be accepted by the City if it provides an opportunity to expand an existing or future city park or trail.
- (10) The property owner shall pay all taxes or assessments owed on the property up to the date of acceptance of the dedication by the City. A tax certificate from the County Tax Assessor shall be submitted with the dedication or plat.
- (11) Identified land that does not otherwise comply with the standards for park land dedication may be accepted as dedicated park land if the Director determines that the land will provide recreational, educational, or preservation opportunities for the surrounding community. A detailed development agreement including but not limited to identifying the land to be dedicated, value of the land, site condition, maintenance agreement, conveyance process, and credits associated with the agreed upon dedication will be developed and executed upon City Council approval.

(d) Land Requirements

- (1) The city in most cases will not accept a dedication that is smaller than 5 acres of contiguous land.
- (2) Land parcels that are unsuitable for development are typically unsuitable for a park. Hence, potential land to be dedicated should be selected prior to a subdivision being platted and acquired as a part of the development process.
- (3) Consideration may be given to land that is in the floodplain or may be considered "floodable" even though not in a federally regulated floodplain if, due to its elevation, it is suitable for park improvements. At the discretion of the City, land in floodplains may be considered as part of a dedication requirement on a three for one (3:1) basis. That is, three (3) acres of floodplain will be equal to one (1) acre of park land, but not more than 75% of the required land dedication shall be allowed in a floodplain.
- (4) Detention/retention areas may be used to meet dedication requirements provided the area enhances recreational opportunities and does not increase maintenance above normal standards. If accepted as part of the park, the detention/retention area design must meet the City's standards and specifications.
- (5) Sites with existing trees or other scenic elements are preferred. The health and suitability of existing trees may be reviewed by the City's Urban Forester for inclusion into a park.

(e) Calculation of Land Dedication Amount

The city shall base park dedication requirements on the number of persons expected to reside in a development and the present demand for park space by applying the following formula:

$$\frac{\text{No. of Units} * \text{Density Factor}}{\text{Population Service Level}} = \text{No. of acres to be dedicated}$$



Where "population service level" is the population of the City of Denton divided by the number of existing acres of developed neighborhood and community park land in the City at the time of City Council's regular review pursuant to Section 22-45 of this Article and "density factor" is:

- (1) 2.6 persons per unit for single-family dwelling units and
- (2) 1.8 persons per unit for multi-family dwelling units.

#### **Section 22-38. Fee-in-Lieu of Park Land**

The City may, at its discretion, require that a fee be submitted in lieu of land dedication. The amount of the fee in lieu of park land dedication shall be calculated by dividing the average estimated value of a residential parcel in the City by the total amount of land required to be dedicated in accordance with section 22-37. The average estimated value of a residential parcel in the City shall be determined by City Council during its regular review pursuant to Section 22-45 of this Article by dividing the total value of all residential parcels in the City by the total number of residential parcels in the City. For the purposes of this Section, the total value of all residential parcels in the City shall be based on the valuations provided by the Denton County Appraisal District at the time of City Council's determination.

An amount equal to 10 percent of the assessed fee in lieu of park land dedication will be allocated to city parks. The funding will be used in accordance with Section 22-44 for any park that serves the entire geographic area of the City.

#### **Section 22-39. Park Development Fee**

- (a) Park development fees shall be established for the purpose of funding park improvements. Fees shall be proportional to the cost of neighborhood and community park facilities, the demand for which is generated by each new dwelling unit. Fees shall be established separately for single-family and multi-family dwelling units. Park development fees shall be used to develop and improve public parks in ways that meet the City of Denton's standards as set forth in the Park Land Dedication and Development Handbook, the Denton Development Code and other adopted specification documents
- (b) Park development fees shall be imposed at the time of building permit application and shall be paid prior to issuance of building permits for the number of dwelling units designated in the application.
- (c) Ten percent (10%) of the park development fees shall be expended on park improvements located in city parks, and the remaining portion of the park development fees shall be expended on neighborhood and community parks that benefit the dwelling unit paying the fee. The funding will be used in accordance with Section 22-44 on any park that serves the entire geographic area of the City.
- (d) The park development fee per unit is determined by the following formula:

$$\frac{\text{Cost of Park Development Per Acre}}{\text{Number of Dwelling Units per Park Acre}} = \text{Park Development Fee per Dwelling Unit}$$

Where the cost of park development per acre and number of dwelling units per park acre are amounts determined by City Council during its regular review pursuant to Section 22-45 of this Article.

#### **Section 22-40. Public Park Improvement In-Lieu of Park Development Fees**

- (a) With approval of the City, a developer may elect to construct required park improvements in lieu of paying the park development fee as set forth herein and in conjunction with the Park Land Dedication and Development Handbook. Structures and improvements provided by a developer shall be constructed on lands dedicated as public park land and shall be designed and installed to meet the requirements of the Park Land Dedication and Development Handbook and in accordance with related federal, national, state or local codes.
- (b) The City and a developer may agree to terms and conditions in the construction of public park improvements specific to and serving a residential development. A detailed development agreement outlining the improvements, value of the improvements, and fee credits associated with the agreed-upon public improvement will be developed and executed upon City Council approval.
- (c) General Requirements for Public Park Improvements In-Lieu of Park Development Fees
  - (1) A park site plan, developed in cooperation with the City must be submitted and approved by the City prior to submission of final plat or upon application for a site building permit, as applicable.
  - (2) Any public park improvements must be shown on the site plan or construction plan unless the City authorizes another method of approval.
  - (3) Detailed plans and specifications for park improvements shall be due and processed in accordance with the procedures and requirements pertaining to public improvements for final plats and for building permit issuance, as applicable.
  - (4) All plans and specifications shall meet or exceed the City's standards in effect at the time of submission of final plat or application for site building permit.
  - (5) If the improvements are constructed on land that has already been dedicated to or is owned by the City, then the developer must post payment and performance bonds equal to park development fees or value of the park as determined by City, whichever is greater, to guarantee payment to subcontractors and suppliers and to guarantee that developer completes the work in accordance with the approved plans, specifications, ordinances, and other applicable laws.
  - (6) Park improvements may be constructed on park land dedicated to the City or, if approved by the City, improvements may be made in an existing or proposed City park that is located in the same park zone as the development.
  - (7) For a public park, the developer will provide to City a two-year maintenance bond that is equal in amount to the twenty percent (20%) of the construction cost of said park improvements and a manufacturer's letter stating any play structure, equipment, and safety surfaces were installed in accordance with the manufacturers' installation requirement.

- (8) For a public park, the developer shall provide a copy of the application and subsequent inspection report prepared by the State Department of Licensing and Regulation's contracted reviewer for compliance with the Architectural Barriers Act, codified as Texas Government Code Chapter 469.
- (9) For a public park, all manufacturers' warranties shall be provided for any equipment installed in the park as part of these improvements.
- (10) For a public park, upon issuance of a Certificate of Completion and Acceptance, the developer shall warrant the improvements for a period of two (2) years.
- (11) For a public park, the developer shall be liable for any costs required to complete park development if Developer fails to complete the improvements in accordance with the approved plans or Developer fails to complete any warranty work.
- (12) All public park improvements shall be inspected by the City while construction is in progress and when complete to verify park requirements have been satisfied.
- (13) Once the public park improvements are constructed, and after the City has accepted such improvements, the developer shall convey such improvements to the city free and clear of any lien or other encumbrances as approved by the Director of Parks and Recreation.
- (14) The public park improvements will be considered complete, and City will issue a Letter of Completion and Acceptance after the following requirements are met:
  - (i) Improvements have been constructed in accordance with the approved plans;
  - (ii) A set of revised or as-built drawings are provided to the City in digital format;
  - (iii) Improvements have been inspected and reviewed by City staff and City staff has confirmed that the improvements have been constructed in accordance with the requirements of this Article.

**Section 22-41 Credit for Park-like Facilities included in a Development**

- (a) Up to fifty percent (50%) of the fee-in-lieu of land and park development fees paid by a developer may be reimbursed at City's discretion if Developer installs or constructs private park-like amenities within a subdivision.
- (b) Eligible private park improvements include various active and passive outdoor amenities outlined in the Park Land Dedication and Development Handbook.
- (c) To receive reimbursement for private facilities, Developer must provide for future private ownership and maintenance of the open space or facilities by recorded agreement, covenants, or restrictions.
- (d) The use of the private open space or facilities must be restricted for park purposes by recorded covenant, which runs with the land in favor of future owners of the property and which cannot be defeated or eliminated without the written consent of the City or its successors.

- (e) Developer's reimbursement under this Section shall not exceed its cost to install or construct the private park-like amenities in the subdivision. Developer must provide proof of such costs to City prior to reimbursement.
- (f) Developer must construct or install all facilities subject to reimbursement prior to completion of the final unit of the development or completion of the related phase of the development.

#### **Section 22-42. Reimbursement for City Acquired Park Land**

The City may from time to time acquire land for parks in advance of actual or potential development. If the City does acquire park land in a park zone for a neighborhood/community or city park, the City may require developers of subsequent developments to provide a fee-in-lieu of land dedication only. This will be used to reimburse the City for the cost(s) of acquisition.

#### **Section 22-43. Timing of Payment of Park Fees**

Any fees required to be paid pursuant to this article shall be paid as follows:

- (a) Land dedication and/or construction requirements for park facilities shall be imposed at the time of preliminary plat approval; or
- (b) Fees in lieu of park land dedication for all other residential subdivisions shall be paid at the time of release of the final plat for any portion of the subdivision; however
- (c) Park development fees for all other residential building permits shall be paid prior to issuance of such permits.

#### **Section 22-44. Use of Park Fees**

All park land dedication and park development fees for neighborhood/community parks will be deposited in a fund referenced to the park zone to which they relate. The fees for neighborhood/community parks must be spent in the same park zone in which they were collected and in accordance with Use and Expenditure priorities outlined in the Handbook. Park land dedication and park development fees for neighborhood/community parks can be used in an adjacent zone in contexts where a development occurs close to a zone border if it meets the Use and Expenditure priorities outlined in the Handbook. City park land dedication and development allocations will be deposited in a fund referenced to city parks. All expenditures shall be administered in accordance with the current purchasing requirements of the City.

Funds shall not be used for the operation and maintenance of parks or city staff overhead expenses. Funds shall be used solely for the acquisition or leasing of park land and the development, improvement, upgrades, or restoration/renovation of new and existing parks. Indirect costs reasonably incurred in connection with park acquisition and improvement, such as appraisal fees, environmental assessment costs, legal expenses, engineering and design, and construction labor costs are limited to a maximum of 20 percent of total acquisition or improvement costs.

#### **Section 22-45. Ordinance Review**

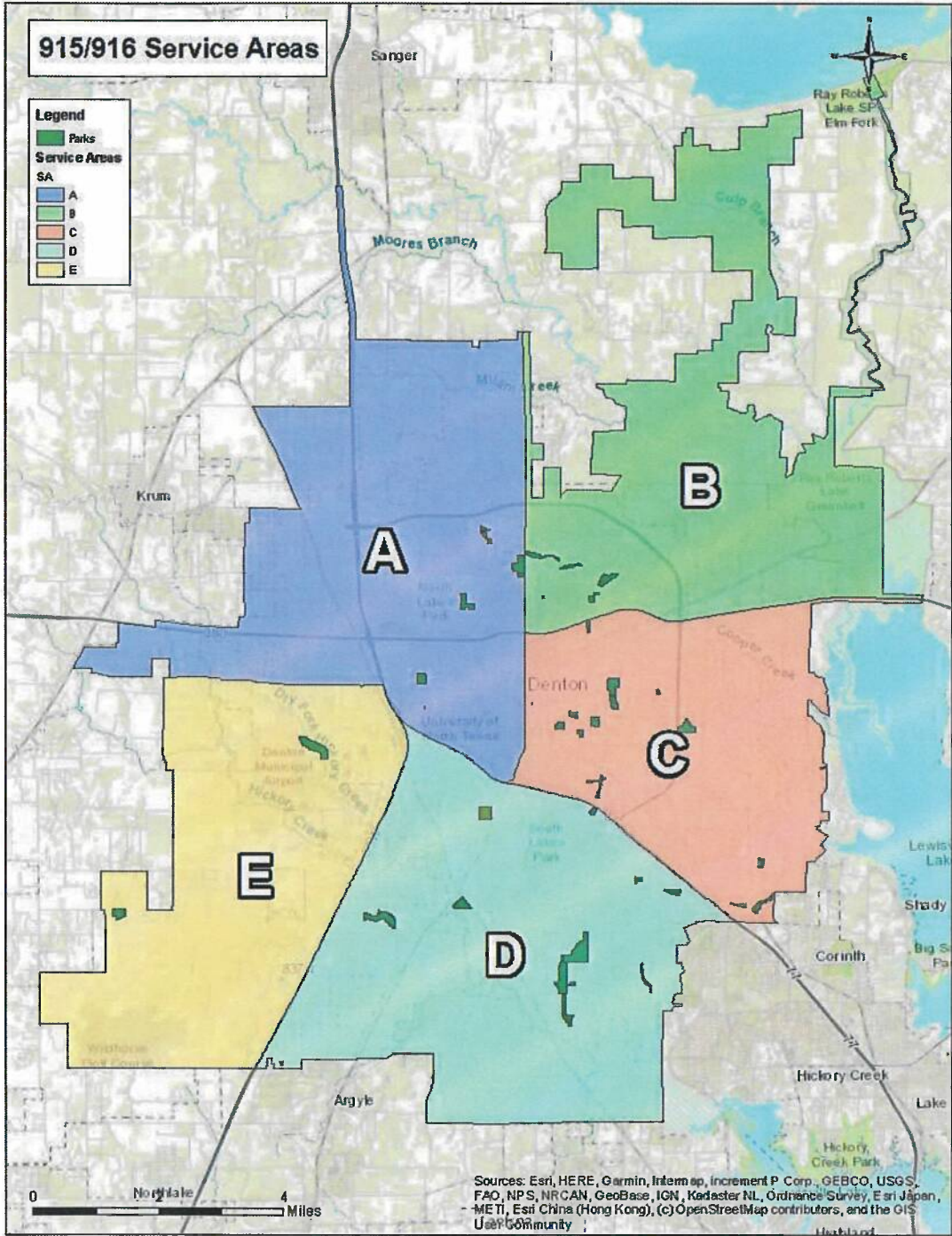
The City shall review the fees established and the amount of park land dedication required in this Article at least once every three (3) years during its consideration of the annual budget. Failure to review by the City Council shall not invalidate this ordinance.

#### **Section 22-46. Right to Refund**

- (a) There is hereby established a special fund for the deposit of all fees in lieu of park land dedication collected under this article, which fund shall be known as the park land dedication fund. Within the fund, fees paid shall be earmarked for acquisition of new neighborhood parks or for improvements in existing parks located within the same park zone as the residential subdivision upon which the fee is imposed.
- (b) There is hereby established a special fund for the deposit of all park development fees collected under this article, which fund shall be known as the park development fund. Within the fund, park development fees paid shall be earmarked for expenditure on park improvements in a neighborhood park located within the same park zone as the subdivision in which the dwelling unit for which the fee is paid is located.
- (c) All fees in lieu of park land dedication and all park development fees paid must be expended within seven (7) years from the date of receipt for park facilities benefiting the residential subdivision or dwelling unit for which the fees are paid. Fees shall be considered expended on a first-in-first-out basis. If fees are not expended within such period, the developer/owner shall be entitled to a refund of the principal deposited by the developer/owner in such fund, together with accrued interest. The developer/owner must request such refund in writing within three hundred sixty-five (365) days of entitlement or such right shall be waived.
- (d) Interest accruing to the park land dedication fund and to the park development fund shall be expended on neighborhood park land acquisition and for neighborhood park improvements, respectively.

# Exhibit B

## Parkland Dedication Fee Service Areas



## Exhibit C

### 915 / 916 Park Inventory by Zone

Park Name	Park Type	Address	Service Area	Acres		
Bowling Green Park	Neighborhood	2200 Bowling Green St., Denton, TX, 76207	A	17.88	<b>Acres Total</b>	
McKenna Park	Neighborhood	700 N Bonnie Brae St, Denton, TX 76201	A	15.03		
North Lakes Park	City	2001 W Windsor Dr, Denton, TX 76207	A	389.49		
Evers Park	Community	3201 N Locust St, Denton, TX 76209	A	32.01		
North Pointe Park	Neighborhood	1400 W Hercules Ln, Denton, TX 76207	A	10.34		
Owsley Park	Neighborhood	2425 Stella St, Denton, TX 76201	A	0.53		
Rayzor Ranch Property	Neighborhood	3230 Heritage Trail, Denton, TX 76201	A	9.86	<b>85.65</b>	<b>A</b>
Avondale Park	Neighborhood	2021 Devonshire Dr. , Denton, TX 76209	B	18.23		
Clear Creek Natural Heritage Center	Preserve	3310 Collins Rd, Denton, TX 76208	B	2835		
Hartlee Field Mtn Bike Lease	Special Use	TBD	B	195		
Cooper Creek Linear Park	Linear	1511 Stuart Rd, Denton, TX 76209	B	3.65		
Cooper Glen Park	Neighborhood	3330 N Locust St, Denton, TX 76207	B	9.61		
Jimmy Carter Park	Neighborhood	2603 N Bell Ave, Denton, TX 76209	B	0.31		
Nette Shultz Park	Neighborhood	1517 Mistywood Ln, Denton, TX 76209	B	8.7		
Skate Works	Special Use	2400 Long Rd, Denton, TX 76207	B	1.16		
Water Works Park	Special Use	2400 Long Rd, Denton, TX 76207	B	15.76	<b>40.5</b>	<b>B</b>
Carl Gene Young Sr. Park	Neighborhood	327 S. Wood St, Denton, TX 76205	C	6.76		
Fred Moore Park	Neighborhood	500 S Bradshaw St, Denton, TX 76205	C	9.69		
Industrial Street Park	Neighborhood	108 Industrial St, Denton, TX 76201	C	0.11		
Mack Park	Community	1800 E McKinney St, Denton, TX 76209	C	37.55		
Martin Luther King Jr. Park	Neighborhood	1300 Wilson St, Denton, TX 76205	C	4.74		
Milam Park	Neighborhood	256 Mockingbird Ln, Denton, TX 76209	C	1.86		
Quakertown Park	City	700 Oakland St, Denton, TX 76201	C	32.32		
Sequoia Park	Neighborhood	1404 E University Dr, Denton, TX 76209	C	5.54		
Spc. Ernest W. Dallas Jr. Veterans Memorial Park	Neighborhood	6100 Sun Ray Dr, Denton, TX 76208	C	4.99		
Township II	Neighborhood	1561 Angelina Bend Dr, Denton, TX 76205	C	10.22		
Villages of Carmel Property	Neighborhood	5493 Edwards Rd, Denton, TX 76208	C	6.42	<b>87.88</b>	<b>C</b>
Briercliff Park	Neighborhood	3200 State School Rd, Denton, TX 76210	D	9.07		
Carnegie Ridge Property	Neighborhood	6500 Ringlea Ct, Argyle, TX 76226	D	1.4		
Cross Timbers Park North	Community	7601 Waterside Pl, Denton, TX 76210	D	45.98		
Cross Timbers Park South	Neighborhood	8402 Clear River Ln, Denton, TX 76210	D	22.64		
Denia Park	Community	1001 Parvin St, Denton, TX 76205	D	23.52		
Frontier Park	Neighborhood	3001 Frontier Dr, Denton, TX 76210	D	4.89		
Joe Skiles Park	Neighborhood	1721 Stonegate Dr, Denton, TX 76205	D	5.78		
Lake Forest Park	Community	1760 Ryan Rd, Denton, TX 76210	D	64.81		
South Lakes Park	City	556 Hobson Ln, Denton, TX 76205	D	184.43		
Southwest Park Property	City	4300 S Bonnie Brae St, Denton, TX 76226	D	198.97		
Wheeler Ridge Park	Linear	3100 Lipizzan Dr, Denton, TX 76210	D	7.84	<b>185.93</b>	<b>D</b>
Robson Ranch Property	Neighborhood	11200 H Lively Rd, Denton, Texas, United States	E	17.04	<b>17.04</b>	<b>E</b>
<b>Total Acres</b>				<b>4,269.13</b>	<b>417</b>	

## Exhibit D

### Land Dedication Assessment

Variables	Calculation Factor	Description
<b>Land Dedication</b>		
Population	139,869	2020 Census
Park Acres	417	Community and Neighborhood parks
Population Service Level	335.42 people per 1 acre	Population / Park Acres
Single Family Density	2.6	People per dwelling unit (DU)
Multi-family Density	1.8	People per dwelling unit (DU)
<b>Fee In Lieu of Land</b>		
# of Residential Parcels	30,832	Single family and Multi-family residences listed in DCAD
Total Value of Residential Parcels	\$1,728,789,052	DCAD land value
Average Value of Residential Parcels	\$56,071.26	Total Value / # of Parcels

#### Land Dedication Formula

*STEP 1: Population Service Level / Density Factor = DU's per Park Acre*

335.42 / 2.6 = 129.01 Single Family DU's per Park Acre

335.42 / 1.8 = 186.34 Multi-family DU's per Park Acre

Dedication Requirement (Minimum 5 acres)

1 Park Acre for every 129 Single Family DU's

1 Park Acre for every 186 Multi-family DU's

#### Fee in Lieu of Land Formula

*STEP 1: Total Residential Land Value / # of Residential Parcels = Average Value of Residential Parcel*

*STEP 2: Average Value of Residential Parcel / Dedication Requirement = Fee in Lieu*

\$1,728,789,052 / 30,832 = \$56,071.26

\$56,071.26 / 129.01 = \$434.64 per Single Family DU

\$56,071.26 / 186.34 = \$300.90 per Multi-family DU

Fee in Lieu of Requirement

\$435 per Single Family DU

\$301 per Multi-family DU



**Exhibit E**

**Park Development Fee**

<b>Variable</b>	<b>Calculation Factor</b>	<b>Description</b>
<b>Park Development</b>		
Single Family DU per Park Acre	129	# of Single Family DU's per park acre
Multi-family DU per Park Acre	186	# of Multi-family DU's per park acre
Average Cost of Park Development per Acre	\$324,412	Average cost per acre to develop a neighborhood and community park

**Park Dedication Formula**

*STEP 1: Average Cost of Park Development per Acre / DU's per Park Acre =  
Development Fee per DU*

$\$324,412 / 129 = \$2,514.69$  per Single Family DU

$\$324,412 / 186 = \$1,740.94$  per Multi-family DU

Development Fee Requirement

\$2,515 per Single Family DU

\$1,741 per Multi-family DU

## Exhibit F

### City of Denton Neighborhood and Community Park Development Costs

City of Denton Parks and Recreation Neighborhood Park (Based on 3-5 acre park)					City of Denton Parks and Recreation Community Park (Based on 10-12 acre park)				
Item	Unit	Qty	Unit Cost	Total Amount	Item	Unit	Qty	Unit Cost	Total Amount
<b>Professional Service</b>					<b>Professional Service</b>				
Arch/Eng/Survey Design Services	Percentage		10%	\$ 84,357.16	Arch/Eng/Survey Design Services	Percentage		10%	\$ 363,382.50
Project Management	Percentage		3%	\$ 25,307.15	Project Management	Percentage		3%	\$ 151,409.38
Geotech/Construction Testing	Percentage		2%	\$ 16,871.43	Geotech/Construction Testing	Percentage		2%	\$ 60,563.75
				\$ 126,535.75					\$ 575,355.63
<b>Mobilization</b>					<b>Mobilization</b>				
Mobilization	Percentage		5.00%	\$ 14,352.43	Mobilization	Percentage		5.00%	\$ 131,875.00
Bond and Insurance	Percentage		3%	\$ 21,528.65	Bond and Insurance	Percentage		3%	\$ 79,125.00
General Conditions	Percentage		2.00%	\$ 14,352.43	General Conditions	Percentage		2.00%	\$ 52,750.00
Contractor Profit	Percentage		10.00%	\$ 71,762.16	Contractor Profit	Percentage		10.00%	\$ 263,750.00
				\$ 121,995.68					\$ 527,500.00
<b>Sitework</b>					<b>Sitework</b>				
Permits	LS	1	\$ 10,000.00	\$ 10,000.00	Permits	LS	1	\$ 25,000.00	\$ 25,000.00
SWPPP	AC	4	\$ 1,000.00	\$ 4,000.00	SWPPP	AC	12.5	\$ 1,000.00	\$ 12,500.00
Tree Protection	AC	4	\$ 1,200.00	\$ 4,800.00	Tree Protection	AC	12.5	\$ 1,200.00	\$ 15,000.00
Clearing and Grubbing	AC	4	\$ 2,500.00	\$ 10,000.00	Clearing and Grubbing	AC	12.5	\$ 2,500.00	\$ 31,250.00
Excavation (50% of Avg. Site)	SY	3200	\$ 24.00	\$ 76,800.00	Excavation (50% of Avg. Site)	SY	10000	\$ 24.00	\$ 240,000.00
Embankment (50% of Avg. Site)	SY	3200	\$ 8.00	\$ 25,600.00	Embankment (50% of Avg. Site)	SY	10000	\$ 8.00	\$ 80,000.00
Demolition/Removal/Remediation	LS	1	\$ 14,000.00	\$ 14,000.00	Demolition/Removal/Remediation	LS	1	\$ 30,000.00	\$ 30,000.00
Drainage/Detention Structure	LS	1	\$ 15,000.00	\$ 15,000.00	Drainage/Detention Structure	LS	1	\$ 110,000.00	\$ 110,000.00
				\$ 160,200.00					\$ 543,750.00
<b>Parking/Roadway</b>					<b>Parking/Roadway</b>				
Excavation	CY	225	\$ 26.00	\$ -	Excavation	CY	700	\$ 26.00	\$ 18,200.00
Lime Treated Subgrade (8")	SY	650	\$ 15.00	\$ -	Lime Treated Subgrade (8")	SY	1680	\$ 15.00	\$ 25,200.00
Geogrid	SY	650	\$ 10.00	\$ -	Geogrid	SY	1680	\$ 10.00	\$ 16,800.00
Flexible Base	SY	650	\$ 35.00	\$ -	Flexible Base	SY	1680	\$ 35.00	\$ 58,800.00
HMAC 2"	SY	650	\$ 17.50	\$ -	HMAC 2"	SY	1680	\$ 17.50	\$ 29,400.00
Curb	LF	1000	\$ 15.00	\$ -	Curb	LF	2100	\$ 15.00	\$ 31,500.00
Striping	LF	1000	\$ 5.00	\$ -	Striping	LF	2100	\$ 5.00	\$ 10,500.00
Stops/Bollards	EA	25.0	\$ 150.00	\$ -	Stops/Bollards	EA	70.0	\$ 150.00	\$ 10,500.00
				\$ -					\$ 200,900.00
<b>Utilities</b>					<b>Utilities</b>				
Water Impact Fee	LS	1	\$ 53,321.64	\$ 53,321.64	Water Impact Fee	LS	1	\$ 75,000.00	\$ 75,000.00
Water Pipe	LF	250	\$ 185.00	\$ -	Water Pipe	LF	100	\$ 55.00	\$ 5,500.00
Sewer Impact Fee	LS	0	\$ 35,000.00	\$ -	Sewer Impact Fee	LS	1	\$ 65,000.00	\$ 65,000.00
Sewer Pipe (6")	LF	0	\$ 185.00	\$ -	Sewer Pipe (6")	LF	100	\$ 55.00	\$ 5,500.00
Manholes	EA	1	\$ 4,000.00	\$ -	Manholes	EA	10	\$ 4,000.00	\$ -
Irrigation Impact Fee	LS	1	\$ 12,000.00	\$ 12,000.00	Irrigation Impact Fee	LS	1	\$ 30,000.00	\$ 30,000.00
Electric Connection	LS	1	\$ 20,000.00	\$ 20,000.00	Electric Connection	LS	1	\$ 20,000.00	\$ 20,000.00
Light Poles	EA	6	\$ 3,500.00	\$ 21,000.00	Light Poles	EA	25	\$ 3,500.00	\$ 87,500.00
Electric Infrastructure	LS	1	\$ 15,000.00	\$ 15,000.00	Electric Infrastructure	LS	1	\$ 115,000.00	\$ 115,000.00
				\$ 121,321.64					\$ 403,500.00
<b>Typical Park Amenities</b>					<b>Typical Park Amenities</b>				
Misc Park Amenities - Bridges, retaining walls, stage, etc.	LS	1	\$ 30,000.00	\$ 30,000.00	Misc Park Amenities - Bridges, retaining walls, stage, etc.	LS	2	\$ 60,000.00	\$ 120,000.00
Restroom Building	EA	0	\$ -	\$ -	Restroom Building	EA	1	\$ 500,000.00	\$ 500,000.00
Playground Equipment/Support	EA	1	\$ 175,000.00	\$ 175,000.00	Playground Equipment	EA	1	\$ 300,000.00	\$ 300,000.00
Shade Structures	LS	1	\$ 55,000.00	\$ 55,000.00	Shade Structures	LS	1	\$ 90,000.00	\$ 90,000.00
10' wide concrete paths	SY	950	\$ 60.00	\$ 57,000.00	10' wide concrete paths	SY	3000	\$ 60.00	\$ 180,000.00
Concrete multi-sport court (50'x85' area)(lazer grade, soil improvements and sod)	SY	420	\$ 65.00	\$ 27,300.00	Concrete multi-sport courts	SY	840	\$ 65.00	\$ 54,600.00
Protective Fencing	LS	1	\$ 35,000.00	\$ 35,000.00	Protective Fencing	LS	1	\$ 75,000.00	\$ 75,000.00
Trash Receptacles with pads	EA	2	\$ 1,250.00	\$ 2,500.00	Trash Receptacles with pads	EA	15	\$ 1,250.00	\$ 18,750.00
Pavilion	EA	1	\$ 30,000.00	\$ 30,000.00	Pavilion	EA	2	\$ 30,000.00	\$ 60,000.00
Picnic tables with pads	EA	2	\$ 1,400.00	\$ 2,800.00	Picnic tables with pads	EA	20	\$ 1,400.00	\$ 28,000.00
Drinking fountain w/ slab	EA	1	\$ 3,500.00	\$ 3,500.00	Drinking fountain w/ slab	EA	6	\$ 3,500.00	\$ 21,000.00
Bike rack	EA	1	\$ 1,000.00	\$ 1,000.00	Bike rack	EA	4	\$ 1,000.00	\$ 4,000.00
Benches	EA	4	\$ 2,000.00	\$ 8,000.00	Benches	EA	10	\$ 2,000.00	\$ 20,000.00
				\$ 427,100.00					\$ 1,471,350.00
<b>Miscellaneous</b>					<b>Miscellaneous</b>				
Park Sign	EA	1	\$ 8,300.00	\$ 8,300.00	Park Sign	EA	2	\$ 8,300.00	\$ 16,600.00
Dog Bag Dispenser	EA	2	\$ 350.00	\$ 700.00	Dog Bag Dispenser	EA	4	\$ 350.00	\$ 1,400.00
				\$ 9,000.00					\$ 18,000.00
<b>Landscape/Irrigation</b>					<b>Landscape/Irrigation</b>				
Irrigation System	AC	2	\$ 25,000.00	\$ 50,000.00	Irrigation System	AC	4.0	\$ 25,000.00	\$ 100,000.00
Landscaping	EA	1	\$ 50,000.00	\$ 50,000.00	Landscaping	EA	1	\$ 200,000.00	\$ 200,000.00
Hydroseed (70%)	AC	3	\$ 2,650.00	\$ 7,950.00	Hydroseed (70%)	AC	9	\$ 2,650.00	\$ 23,875.00
Sod (30%)	AC	1	\$ 18,000.00	\$ 18,000.00	Sod (30%)	AC	4	\$ 18,000.00	\$ 72,000.00
				\$ 125,950.00					\$ 390,687.50
<b>Hard Cost (Formula Ref Only)</b>					<b>Hard Cost (Formula Ref Only)</b>				
				\$ 717,621.64					\$ 2,637,500.00
<b>Construction Cost</b>					<b>Construction Cost</b>				
				\$ 843,571.64					\$ 3,028,187.50
<b>Professional Service/Mobilization</b>					<b>Professional Service/Mobilization</b>				
				\$ 248,531.42					\$ 1,102,855.63
<b>Contingency (10%)</b>					<b>Contingency (10%)</b>				
				\$ 84,357.16					\$ 302,818.75
<b>Total Project Cost</b>					<b>Total Project Cost</b>				
				\$ 1,176,460.23					\$ 4,433,861.88