

ORDINANCE NO. 024-058

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 58 OF THE CODE OF ORDINANCES BY CREATING NEW ARTICLE V ENTITLED “DEDICATION OF LAND FOR PARKS, TRAILS, AND RECREATIONAL AREAS AND ASSESSMENT OF PARK DEVELOPMENT FEES”; PROVIDING FOR DEVELOPER-FUNDED RECREATIONAL AREAS IN THE FORM OF PARKS AND TRAILS; PROVIDING REQUIREMENTS AND GUIDELINES FOR PARKLAND DEDICATION; PROVIDING FOR PARK DEVELOPMENT FEES; PROVIDING FOR FEE CREDITS; PROVIDING FOR REGULAR REVIEW; PROVIDING FOR A PENALTY NOT TO EXCEED \$500 FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Town of Addison, Texas, is a home rule municipality given broad discretionary powers under the Texas Constitution to regulate the public health, safety, and general welfare of its citizens; and

WHEREAS, the Texas Local Government Code and the Texas Parks and Wildlife Code empower local governments to enact policies to support the acquisition and development of parkland; and

WHEREAS, the City Council of the Town of Addison (“City Council”) finds that parks and recreational areas vital to the public health, safety, and general welfare and that providing its citizens with parks and recreational areas serves a legitimate public goal; and

WHEREAS, the City Council has adopted a Comprehensive Plan and a Parks and Recreation Open Space Master Plan, which provide for the acquisition and development of parkland to serve the recreational needs of the Town and to provide for its citizens’ health, safety, and general welfare; and

WHEREAS, both new residential development and redevelopment that increases density create additional demand on the Town’s parks and recreational system and the need for additional park and recreation facilities; and

WHEREAS, the Town of Addison is currently experiencing a high rate of urban growth, and the Town’s population is projected to grow by approximately 5,000 residents by 2034; and

WHEREAS, the City Council finds this ordinance necessary to maintain the existing level of service for parks and recreation to accommodate the Town’s rapidly growing population; and

WHEREAS, the primary purpose of parkland dedication and development fees is to ensure that the need for parkland that arises from new development or redevelopment is satisfied by the development so that those who generate the need for additional park facilities contribute their proportionate share by making a reasonable contribution to the acquisition or development of new park facilities; and

WHEREAS, the parkland dedication and development fee requirements established by this ordinance have been determined using current, accurate values derived from the relevant data, including population, the existing level of service for parklands, and the cost of land and construction; and

WHEREAS, the City Council finds and determines that the average cost of parkland development is \$400,000 per acre, and the average cost of parkland acquisition is \$536,000 per acre at the time of the passage of this ordinance; and

WHEREAS, in accordance with the formula set forth herein, the parkland dedication requirements for parks is established at 100 dwelling units per one (1) acre of parkland; and

WHEREAS, the fee-in-lieu of land is established at \$5,360 per dwelling unit and the park development fee is established at:

Residential: \$2,549 per dwelling unit

Industrial: \$0.58 per sq. ft.
Hotel: \$0.61 per sq. ft.
Retail: \$1.36 per sq. ft.
Office: \$1.34 per sq. ft.

WHEREAS, the Town of Addison Parkland Development Fee Advisory Board has reviewed and provided guidance on the provisions of this ordinance; and

WHEREAS, the City Council finds that this ordinance serves the best interests of the public by providing for the preservation of parks and open spaces to promote the health, safety, and general welfare of the Town’s residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, THAT:

SECTION 1. The foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

SECTION 2. The Code of Ordinances for the Town of Addison is hereby amended by adding new Article V (Dedication of Land for Parks, Trails and Recreational Areas and Assessment of Park Development Fees) to Chapter 58 (Parks and Recreation) of the Code, which shall read as provided in Exhibit “A” (including Appendix A and B), attached hereto.

SECTION 3. If any section, subsection, paragraph, sentence, phrase, or clause of this ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect, and to this end, the provisions of this ordinance are declared to be severable.

SECTION 4. This ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this ordinance and such ordinances shall remain intact and are hereby ratified, verified and affirmed.

SECTION 5. This ordinance shall become effective from and after the date of its final passage and publication as provided by law.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas, on the 22nd day of OCTOBER 2024.



TOWN OF ADDISON, TEXAS

Signed by:
Bruce Arfsten
2CF81DF986514EA

Bruce Arfsten, Mayor

ATTEST:

DocuSigned by:
Valencia Garcia
BCF0B0F86484442

Valencia Garcia, City Secretary

APPROVED AS TO FORM:

Signed by:
Whitt L. Wyatt
BCBCE4D8115D41A...

Whitt L. Wyatt, City Attorney

EXHIBIT A

Chapter 58 (Parks and Recreation) of the Code of Ordinances is hereby amended to add new Article V, which shall read as follows:

“ARTICLE V. DEDICATION OF LAND FOR PARKS, TRAILS, AND RECREATIONAL AREAS AND ASSESSMENT OF PARK DEVELOPMENT FEES

DIVISION 1. – GENERALLY

Sec. 58-110. Purpose.

It is hereby declared by the city council that public parks, recreational facilities, trails, and open spaces are valuable assets that advance the public's health, safety, and welfare, and improve the overall quality of life of the community's residents. New residential development in the Town creates the need for additional parks, trails, and recreation resources because of the increased population. Requiring that new residential development dedicate parkland and pay park development fees in proportion to its impacts on the Town's parks and recreation resources is recognized as a fair, reasonable, and uniform method of financing these assets that does not impose an unfair burden on new or existing development.

The parkland dedication and park development fee requirements established in this Article aim to maintain the current level of service in the Town and generally flow from the assessment of needs reported in the Comprehensive Plan, Parks, Recreation, Open Space Master Plan, City-Wide Trails Master Plan, and Master Transportation Plan. Accordingly, this Article requires the dedication of parkland and payment of park development fees to:

- (1) Meet the goals and objectives set forth in the Parks, Recreation, and Open Space Master Plan and the City-Wide Trails Master Plan.
- (2) Deliver new and/or updated parks, recreation facilities, trails, and open space resources to meet the increased demand generated by new development on the parks system.
- (3) Establish proportionate costs that are associated with providing new or updated parks and facilities, so the increased costs are borne by those who are responsible for creating the additional demand.
- (4) Create and maintain a variety of recreational opportunities for residents within reasonable proximity to their homes.
- (5) Provide credit for applicable private and semi-public parkland and park-like amenities that offset the increased demand on the parks system generated by new development.

Sec. 58-111. Authority; Administration.

- (a) The regulations contained in this Article are authorized by and have been adopted in conformance with:

- (1) Chapter 212. Municipal Regulation of Subdivisions and Property Development of the Texas Local Government Code, which authorizes a municipality to adopt rules governing plats and subdivisions of land within the municipality's jurisdiction.

(2) Chapter 51. General Powers of Municipalities of the Texas Local Government Code, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or trade and commerce of the municipality.

(3) The Home Rule Charter of the Town of Addison, which authorizes the city council to exercise all powers granted to municipalities by the constitution or the laws of the State of Texas.

(b) Unless otherwise specified, the provisions of this Article shall be administered by the city manager, or their designee, with the city council having final approval authority. Various Town departments along with the Planning and Zoning Commission will review and make recommendations based on the standards and criteria contained within this Article are deemed to be minimum standards.

Sec. 58-112. Definitions.

The following words, terms, and phrases when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Department means the Parks and Recreation Department for the Town of Addison.

Director has the meaning ascribed in Section 58-1 of this Chapter

Developer means any person, firm, partnership, joint venture, association, or corporation participating as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale, or lease of real property that is developed or redeveloped subject to the provisions of this Article.

Park property has the meaning ascribed in Section 58-1 of this Chapter

Sec. 58-113. Applicability; Effective Date.

(a) The parkland dedication and fee-in-lieu of dedication provisions of this Article apply to the following activities upon any land within the corporate limits of the Town:

(1) all new residential development; and

(2) all residential re-development involving the remodeling, rehabilitation, or construction of other improvements to an existing residential structure, including repair of a damaged residential structure, if such activity results in an increase in the number of dwelling units within the structure.

(b) The park development fee provisions of this Article apply to all development or re-development of any residential, retail, office, industrial, hotel, or motel property within the corporate limits of the Town.

(c) If the actual number of completed dwelling units exceeds the figure upon which the original dedication was based, additional dedication shall be required and may be made by payment of a fee-in-lieu of land at the Town's sole discretion.

(d) No building permit shall be issued or permanent utility service established until the requirements of this Article have been met.

(e) The provisions of this Article shall take effect on December 1, 2024.

Sec. 58-114. Exemptions; Waivers; Appeal.

(a) The following shall be exempt from the requirements of this Article:

- (1) Non-residential development is exempt from the parkland dedication or paying a fee-in-lieu of land, but shall be subject to the park development fee.
- (2) Remodeling, rehabilitation, or other improvements to an existing structure, or the rebuilding of a damaged structure that does not increase the number of dwelling units or commercial square footage, as applicable.
- (3) A re-plat that does not increase the number of dwelling units or commercial square footage, as applicable.
- (4) Any development plan, permit, or approval commenced or issued prior to the effective date of this Article, or amendment hereto, that is subject to vesting under Chapter 245 Texas Local Government Code shall not be affected by this Article, provided, that any increase in the number of dwelling units or commercial square footage for the development after said effective date may require dedication under this Article.
- (5) Development which was in the Planning and Zoning review process prior to the effective date of this Article, provided, that any increase in the number of dwelling units or commercial square footage for the development after said effective date may require dedication under this Article.

(b) The city council may waive a requirement imposed on development by this Article upon application by a developer and a finding by the city council that the requested waiver is in the best interest of the Town.

(c) A developer may appeal a final determination by the Director related to the application of this Article to a development by submitting the appeal in writing to the Director within thirty (30) days following the final determination. The appeal shall identify the final determination being appealed, the basis for the appeal, and a description of the requested relief. The filing of an appeal shall not stay the enforcement of any other provisions in this Article.

Sec. 58-115. Parkland Fees; Review.

(a) The method for determining the value of parkland dedication and the other fees adopted in this Article shall be as provided in Appendix B.

(b) The city council shall review the valuations for parkland dedication and the other fees adopted in this Article at least once every five (5) years. Notwithstanding, the city council's failure to timely review said valuations shall not affect the validity of the current valuations set forth in Appendix B or stay the enforcement of any other provision of this Article, which shall remain in full force and effect.

(c) If the city council fails to timely review the valuations set forth in Appendix B in conformance with subsection (b), above, any person submit a written request to the city manager for the city council to perform the review. If the city manager finds that the city council has not timely completed such review, they will present the request to the city council, which will commence such review within sixty (60) days following the date of the request and continue until completion.

(d) The Director will review the fees in Appendix B on or before October 1st each year as part of the Town's annual budgeting process and may recommend an annual adjustment of any fee(s) therein based upon changes in the U.S. Department of Labor Statistics Dallas-Fort Worth-Arlington Consumer Price Index for All Urban Consumers.

Sec. 58-116. Penalty; Enforcement.

- (a) Any person that violates any of the provisions of this Article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed \$500.00 and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
- (b) The penalty provided in this section is in addition to and cumulative of any other remedies as may be available at law and equity, including the assessment of civil penalties and Town's right to seek injunctive relief to enforce the provisions of this Article.

Secs. 58-117 – 58-120. – Reserved.

DIVISION 2. – PARKLAND DEDICATION STANDARDS AND PROCEDURES

Sec. 58-121. Parkland Dedication and Park Development Fee Standards in General.

- (a) A developer of property that will be subdivided for residential use shall dedicate land for parks, pay a fee-in-lieu of dedication, or a combination of both in accordance with provisions of this Article as a condition of the building permit for the proposed development. The Town may, in its sole discretion, agree to allow an alternative method to comply with the foregoing, provided that the alternative satisfies the intent and purpose of this Article.
- (b) In addition to the parkland dedication requirement, a developer of residential or commercial property shall pay a park development fee. Subject to the approval of the Town, a developer may elect to construct required park improvements as identified by the Director on Town-owned parkland in lieu of paying the associated park development fee as outlined in this Article.
- (c) Requirements herein are based on actual residential dwelling units, actual commercial square footage, or a combination thereof for an entire development. Increases or decreases in the final measurement count may require an adjustment in fees paid or land dedicated.
- (d) Parkland dedication requirements for single-family and duplex residential units (or payment of fees in lieu of parkland dedication) and payment of park development fees shall be satisfied on or before the date the final plat is recorded in the real property records and before the issuance of any building permit.
- (e) For a phased development, all parkland to be dedicated shall be platted concurrently with the final plat for the initial phase of the development.
- (f) The land dedication requirements and all applicable fee schedules are contained in Appendix B, which is incorporated and made a part of this Article for all purposes.

Sec. 58-122. Parkland Dedication Procedures.

- (a) During the pre-development meeting process, the Director shall make an initial determination whether the Town will require parkland dedication or the payment of a fee in lieu of dedication under this Article. Additional meetings between the developer and the

Department may be necessary to evaluate the suitability of potential land for parkland dedication. Additionally, the Department may request a site visit to the subject property as a part of its determination. The following information may be required as a part of the initial determination prior to the Town accepting land for dedication:

- (1) A narrative outlining the intended use, number of residential units proposed, and description of housing and commercial type(s) within the subject property;
- (2) Lot dimensions or metes and bounds acreage of parkland to be dedicated;
- (3) Total acreage of floodplain as well as the land located outside of the floodplain;
- (4) A tree survey;
- (5) A slope analysis; and
- (6) An environmental survey identifying critical environmental features, such as but not limited to, protected species, habitat, and water features.

Sec. 58-123. Parkland Acceptance Criteria.

(a) General Parkland Dedication Requirements

Any parkland dedicated to the Town must be suitable for use as a park facility and comply with all provisions of this Article, including:

- (1) Must be approved by the city council based on recommendations of the Director.
- (2) Must be conveyed prior to issuance of a building permit.
- (3) Must be by lot and block and shown on a recorded plat of record.
- (4) For a phased development the parkland dedication area shall not be accepted by the Town until such time that all necessary roadway, utility, and other public improvements are constructed to provide accessibility to the proposed parkland and have been accepted by the Town, unless otherwise approved by the Director.

(b) Guidelines

- (1) The Town shall be dedicated fee simple title in the land, free and clear of any and all liens and encumbrances that may interfere with the use of the land for park purposes. The Town's representatives must be permitted to make onsite inspections of the proposed parkland for the purposes of determining site suitability and identifying any visual hazards or impediments to the use of the land for the intended purpose.
- (2) If the property owner or developer has any form of environmental assessment on the tract, a copy of that assessment shall be provided. The Town may initiate and/or require the developer to initiate specific environmental studies or assessments if the Town's visual inspection of the proposed parkland gives rise to the belief that an environmental problem may exist on the site. The Director may also require the employment of consultants necessary to evaluate any environmental issues relating to the site. If an environmental hazard is identified, the developer must remove or remediate the hazard prior to Town's acceptance of the proposed parkland dedication. The Town will not accept parkland dedication sites previously or currently encumbered by hazardous and/or waste materials or dump sites.

- (3) The developer is responsible for providing, at no cost to the Town, convenient access by improved streets, sidewalks, and adequate drainage improvements so the proposed parkland is suitable for the purpose intended. The developer is responsible for providing water, sewer, and electrical utilities to the proposed parkland in accordance with the procedures applicable to other public improvements, including:
 - a. A metered water supply located 12 feet behind the curb or as otherwise determined by the Director; and
 - b. If applicable, an appropriately sized sewer stub located 10 feet behind the curb or as otherwise determined by the Director.
- (4) An ALTA land title survey and associated AutoCad File, certified to the Town and the title company must be provided 90 days prior to acceptance, unless otherwise determined by the Director.
- (5) If soils have been disturbed, they shall be restored to their pre-disturbance condition, have positive drainage, and the soil stabilized by vegetative cover by the developer prior to the dedication of the proposed parkland to the Town. All trash, debris, dead trees, and unusable material must be removed. The site must be sprayed with an approved herbicide to eliminate dangerous and undesirable plant materials, such as briars, poison ivy, and nettles. The selected herbicide shall be approved by the Director prior to spraying.
- (6) Parks should be easy to access and open to public view to benefit area development, enhance the visual character of the Town, protect public safety, and minimize conflict with adjacent land uses.
- (7) Sidewalks conforming to the Town's sidewalk design standards shall be constructed adjacent to or on parkland to provide contiguous walkways on all sides of the adjoining development unless this requirement is waived by the Town.
- (8) A current title insurance policy acceptable to the Town in an amount equal to the fair market value of the proposed parkland dedication must be provided.
- (9) Each corner of the parkland shall be marked with a permanent marker consisting of three-fourths iron pins set in concrete unless otherwise determined by the Director.
- (10) The property owner shall pay all taxes or assessments owed on the property up to the date of acceptance of the parkland dedication by the Town. A tax certificate from the County Tax Assessor shall be submitted with the parkland dedication.

(c) Land Requirements

- (1) Land that is unsuitable for development is typically unsuitable for use as a park facility.
- (2) Due to the constraints and costs associated with maintaining smaller areas for use as park facilities, land for dedication shall generally be:
 - a. No less than one (1) acre of contiguous land;
 - b. A land area that is consistent with the Parks and Recreation Master Plan objectives;
 - c. Land identified as a trail connection to expand the existing trail network or as an identified need;

- d. Land that can be connected to a larger tract of existing open space; or
- e. Land that provides park space to an area that is lacking within ½ mile of the site.

The total parkland required shall be as provided in Appendix B.

- (3) Parkland dedication sites should be located to serve the greatest number of users and should be located to minimize the number of users crossing arterial roadways and shall be uninterrupted by roads or free from physical barriers that would prohibit walkable access to the park.
- (4) Where feasible, parkland dedication sites should be located adjacent to schools to encourage shared facilities and joint development of new sites; access ways may be required to facilitate access to the park.
- (5) Parkland should have well-drained and suitable soils and level topography. Parkland dedication sites should not be severely sloping or have unusual topography that would render the land unusable for recreational activities.
- (6) Dedicated parkland shall not exceed a 20% grade on more than 50% of the land.
- (7) Where feasible dedicated parkland shall provide connectivity to or enhance existing looped trails, and hike and bike trails.
- (8) A minimum of twenty-five percent (25%) of the perimeter of the parkland should abut a public street. Notwithstanding, the Director may provide for an alternative percentage that is similarly proportionate taking into consideration the unique characteristics of the specific parcel.
- (9) Dedicated parkland shall include visible, attractive, and suitable means of ingress and egress proportionate to the size and amenities to be located in the park.
- (10) No more than two (2) sides of a park may be adjacent to the rear lot lines of residential homes.
- (11) The parkland dedication site should not be encumbered by overhead utility lines, above-ground improvements, or easements that might create a dangerous condition or limit the opportunity for development and use of the parkland for its intended purpose.
- (12) Parkland with existing trees or other scenic elements desirable for the intended park facilities is preferred, subject to review by the Director.
- (13) Rare, unique, endangered, historic, or other significant natural areas will be given a high priority for consideration as a parkland dedication site pursuant to this Article. Areas that provide an opportunity for linkages between parks or that preserve the natural character of the surrounding environment may be required by the Town to be included in the parkland dedication.
- (14) Consideration will be given to a potential parkland dedication site that is in the floodplain or an area that may be considered "floodable" even though not in a federally regulated floodplain if the proposed parkland site is suitable for park improvements. At the discretion of the Town, land in floodplains may be considered as part of a parkland dedication requirement on a three-to-one (3:1) basis. That is, three (3) acres of floodplain will be deemed equal to one (1) acre of parkland, but not more than 50% of any parkland dedication site shall be allowed in a floodplain.
- (15) Detention/retention areas may not be used to meet parkland dedication

requirements but may be accepted by the Town in addition to the required parkland dedication. If accepted as part of a park, the detention/retention area design must meet the Town's design specifications.

Secs. 58-124 – 58-130. – Reserved.

DIVISION 3. – PAYMENT OF FEES IN LIEU OF PARKLAND DEDICATION.

Sec. 58-131. Requirements, Generally.

- (a) The Town may require that a fee be paid in lieu of dedication to satisfy some or all of the dedication requirements set forth in this Article. All fees required to be paid under this section shall be based on the average cost of land in the Town and calculated in conformance with the applicable fee schedules provided in Appendix B.
- (b) The payment of fees in lieu of dedication under this section shall comply with the following:
 - (1) The fees must be approved by the city council upon recommendation of the Director.
 - (2) The fees shall be used for the purpose of acquisition, development, or improvement of park property.
 - (3) All fees shall be paid prior to issuance of any building permit unless otherwise determined by the Director.
 - (4) The fees shall be deposited in separate Town fund for parkland dedication.

Secs. 58-132 – 58-140. – Reserved.

DIVISION 4. – PARK DEVELOPMENT FEE

Sec. 58-141. Fee Required.

Park development fees are required for all development to ensure that adequate park facilities conforming to the Town's parks and recreation standards, including neighborhood and community parks, and passive park conservation areas, are available to meet the needs created by such development. Accordingly, park development fees shall be used for the acquisition, development, and improvement of park facilities. Park development fees are required in addition to the parkland dedication requirements established by this Article and shall be paid simultaneously with the dedication.

Sec. 58-142. Administration of the Fee.

The Director shall be responsible for the administration and approval of the park development fee, which shall be calculated based upon the fee schedule in Appendix B.

Sec. 58-143. Alternative Park Improvements

The developer may request to provide park improvements in conformance with Division 5 as an alternative to payment of all, or a portion of, the park development fee.

Sec. 58-144. Right to Refund.

The Town shall account for all fees paid in lieu of parkland dedication and all park development fees paid under this Article. Any fees paid for such purposes should be encumbered or expended by the Town within fifteen (15) years from the date received by the Town for the acquisition, development, or improvement of park property in conformance with this Article. Such funds shall be considered to be spent on a first-in, first-out basis. If not so expended, the current owner(s) of the property on the date of expiration of such period shall, upon timely written request, be entitled to a prorated share of the remaining unencumbered funds without interest. For residential developments, the prorated share shall be computed based on the number of dwelling units in the residential development for which such unencumbered and unexpended fees were paid. Any person entitled to a refund under this section shall submit a written request for refund within one (1) year from the initial date of entitlement. Failure to timely submit the required application for refund shall constitute an absolute waiver of all rights, title, and/or interest the person may have to any portion of the funds eligible for reimbursement. Upon expiration of the reimbursement period, all remaining funds shall be retained by the Town and used for any lawful purpose.

Secs. 58-145 – 58-150. – Reserved.

DIVISION. 5 – APPLICATION OF CREDITS TO PARK DEVELOPMENT FEES

Sec. 58-151. Park Improvements as an Alternative to Fees.

Upon recommendation of the Director and subject to the city council's approval, a developer may enter into a development agreement with the Town to construct required park improvements as an alternative to payment of the park development fees assessed by this Article.

Sec. 58-152. Requirements for Public Park Improvements

- (a) Park improvements provided by a developer shall be constructed on land dedicated for use by the public for park purposes and shall generally conform to the requirements set forth in this Article.
- (b) Park improvements shall be designed and constructed in accordance with all applicable federal, state, and local laws, regulations, and guidelines, including, but not limited to the following:
 - 1. International Play Equipment Manufacturer's Association (IPEMA);
 - 2. Consumer Product Safety Commission (CPSC) Handbook for Public Safety;
 - 3. American Society for Testing and Materials (ASTM and ASTM F08);
 - 4. Accessibility Standards for Play Areas through the ADA Accessibility Guidelines (ADAAG);
 - 5. Illuminating Engineering Society of North American (IESNA RP- 6-01);
 - 6. Sports Turf Management Association (STMA);
 - 7. North Central Texas Council or Governments (NCTCOG) Construction Standards; and
 - 8. The Town's design standards.
- (c) A park site plan, developed in cooperation with the Department, shall be submitted by the developer and approved by the Director prior to submission of final plat or upon application for a site building permit, whichever is applicable.
- (d) Detailed plans and specifications for proposed park improvements hereunder shall be

due and processed in accordance with the procedures and requirements pertaining to public improvements for final plats and for building permit issuance, whichever is applicable. Plans and proposed improvements must be reviewed and approved by the Town's Development Review Committee (DRC.)

- (e) All plans and specifications for the proposed park improvements shall meet or exceed the Town's regulations and standards in effect at the time of the submission.
- (f) If the park improvements are constructed on land that is being dedicated to, has already been dedicated to, and/or is owned by the Town, then the developer shall provide at no cost to the Town payment and performance bonds in the form approved by the Town that identify the Town as a beneficiary in an amount equal to the greater of the park development fees due or the cost of the park improvements pursuant to Texas Government Code 2253.001, *et seq.* to guarantee the developer completes the work in accordance with the approved plans, specifications, ordinances, or other applicable laws. The park improvements shall be completed, and final accepted by the Town prior to final plat recordation.
- (g) Park improvements may be constructed on parkland dedicated to the Town that satisfies the requirements of this Article or, with the approval of the Director, improvements may be made in an existing or proposed park that is located in the Town.
- (h) The developer shall also provide to the Town, at the developer's sole cost, a two-year maintenance bond that is equal in amount to twenty percent (20%) of the construction cost of said park improvements. The developer shall also provide to the Town a manufacturer's letter certifying that any play structure, equipment, facilities, and safety surfaces were installed in accordance with the manufacturer's installation requirements.
- (i) 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 of their contracted reviewer for compliance with the Architectural Barriers Act, codified as Chapter 469 of the Texas Government Code.
- (j) Upon issuance of a Certificate of Completion and Acceptance, all manufacturers' warranties shall be provided for any equipment installed in the park as part of these improvements.
- (k) The developer shall warranty all park improvements for a period of two (2) years from the date of the Town's acceptance of the same. The warranty shall be in the form of a maintenance bond covering 100% of the total cost of the improvements, provided, that the Director may accept an alternative form of warranty in the Director's sole discretion.
- (l) For a public park, the developer shall be liable for any costs required to complete the park development, including all park improvements, if:
 - 1. The developer fails to timely complete the improvements in accordance with the approved plans; or
 - 2. The developer fails to timely complete any warranty work.
- (m) All public park improvements shall be inspected by the Department while construction is in progress and when complete to verify park requirements have been satisfied.
- (n) Once the public park improvements are constructed, and after the Director has accepted such improvements, the developer shall convey such improvements to the Town free and clear of any lien or other encumbrances.
- (o) The park improvements will be considered complete with a Letter of Completion and Acceptance from the Town and will be issued after the following requirements are met:

1. Park improvements have been constructed in accordance with the approved plans; and
2. Park improvements have been inspected and reviewed by Department staff and determined to satisfy the terms, conditions, and requirements under this Article; and
3. The developer has provided the Town with a bills paid affidavit and such additional documentation as the Town may require to confirm that all of developer's contractors and materialmen have been fully paid; and
4. The developer has provided the Town with all warranties and the required Maintenance Bond.

Sec. 58-153. Credits for Public Park Improvements

The developer shall receive a credit to the required park development fee equal to the amount paid by the developer for the public park improvements accepted by the Town. The credit shall be applied solely for costs directly attributable to the acquisition, construction, and installation of the improvements and generally excludes soft costs such as developer's overhead and profit, and the costs associated with the developer's architects consultants, engineers, other consultants or advisors, and all other costs that would customarily be considered "soft costs" by industry standards. The developer shall provide the Town with all invoices, payment records, and any other supporting documentation reasonably necessary for the Town to verify the amount paid by the developer for the improvements.

Sec. 58-154. Credits for Private Parks and Open Space

- (a) A credit of up to fifty percent (50%) of the total parkland dedication fees assessed by this Article may be provided in consideration for the construction of private park facilities in conformance with this Article. The remaining parkland dedication fees will be deposited in the Town's parkland dedication fund to defray the financial burden private subdivisions impose on the Town's public park system.
- (b) Small passive spaces that are privately owned but provide public access may be considered for the 50% open space credit at the discretion of the Town.
- (c) Yards, court areas, setbacks, and other open areas required under the Town's zoning, subdivision, and other development regulations shall not be eligible for a credit if said areas are privately owned and maintained by the residents or, in the case of an apartment complex, the property manager.

Sec. 58-155. Private Park Requirements

- (a) Private ownership and maintenance of the private park and open space shall be adequately provided for by recorded agreement, covenants, or restrictions.
- (b) Use of the private park is restricted for park and recreation purposes by a recorded covenant, which runs with the land in favor of future owners of the property and which cannot be defeated or eliminated without the approval of the city council.
- (c) Facilities shall be similar or comparable to what would be required to meet public park standards and recreational needs as set forth in this Article and applicable federal, state, and local laws.
- (d) Private parks and park improvements shall be owned by the property developer, owner, or an incorporated nonprofit homeowners association comprised of all property owners in the association, which is an organization, operated under recorded land agreements

through which each lot owner in the subdivision is automatically a member, and each lot is subject to a charge for a proportionate share of maintaining the facilities.

- (e) The governing documents for private parks subject to the provisions of this Article shall contain a covenant providing that if any owner fails to maintain the private park facilities in a safe and clean condition in accordance with the standards of the Town, then the Department may access the private park facilities for the purpose of maintaining or repairing the same in conformance with the standards of the Town. Further, the Town shall be entitled to assess and charge the costs of such maintenance and repairs to the person(s) having the primary responsibility for the maintenance of the same.
- (f) Private park facilities must be similar or comparable to the facilities that would be required to meet public park standards and recreational needs as required per the Town's development regulations and Parks Master Plan and other federal, state, and local laws. The following design features are ineligible for private park credit: leasing offices, yards, common open space, entry features, areas devoted to decorative landscaping, medians, utility easements, setback areas, areas following perimeter walls, land used for mining or oil and gas wells, and private personal areas.
- (g) Eligible private park improvements include various active and passive outdoor amenities such as those amenities typically found in public parks.
- (h) For a multi-phased development, the private park design shall be reviewed and approved by the Director before the development plat for the initial phase is approved by the Town.
- (i) The cost of construction for private parks shall be equal to or greater than the park development fee per dwelling unit set forth in Appendix B.
- (j) Before a reimbursement is approved, the Town shall make written findings that certain conditions are met, pursuant to this Article, including the following, but not limited to:
 - (a) The developer is required to submit all invoices and checks paid or other proof of payment toward the construction of the private park.
 - (b) The developer shall allow the Department staff to conduct a site visit to verify private park improvements.
 - (c) The developer shall provide an affidavit stating the cost of private park improvements meets or exceeds the required full park development fee per dwelling unit from Appendix B.
- (k) All private parks shall be constructed on or before the issuance of a certificate of occupancy for the final unit of the development.
- (l) To receive the credit for private parks, the developer shall submit sufficient documentation to establish that the requirements of this Article have been satisfactorily met on or before the date the final plat is approved by the Town. The Director shall evaluate and approve the documentation submitted prior to any credit being given.

Sec. 58-156. Reimbursement For Town-Acquired Parkland.

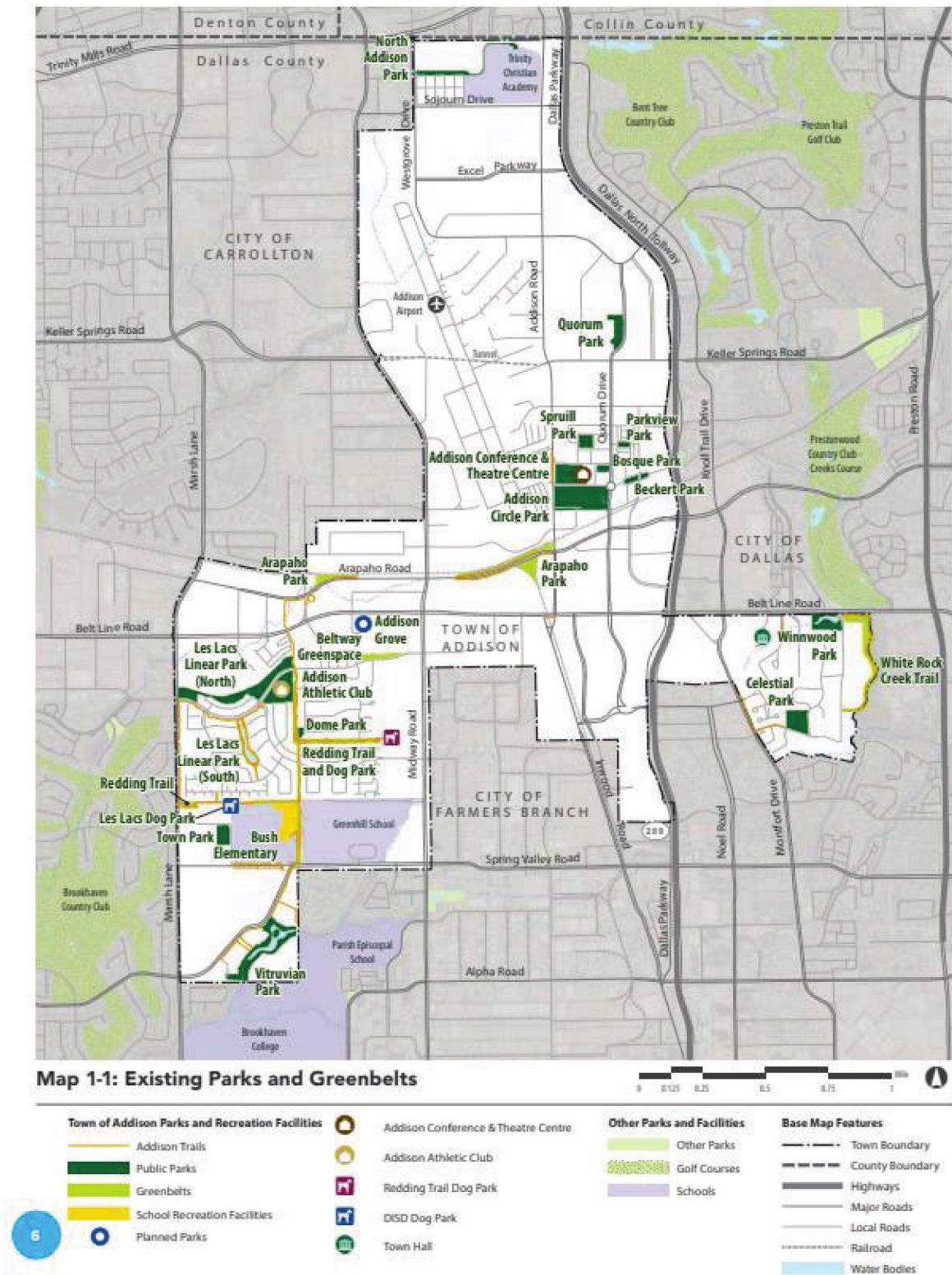
The Town may from time to time acquire land for parks and develop and improve park facilities on such land in advance of actual or potential development. If the Town acquires parkland and/or develops and improves park facilities thereon in advance of development, the Town may

require subsequent parkland dedications to be made in the form of paying a fee in lieu of parkland dedication only.

Secs. 58-157 – 58-160. – Reserved.

Appendix A

Map of Town of Addison from the Parks, Recreation and Open Space Master Plan.



Appendix B

PARKLAND DEDICATION & FEE CALCULATIONS

Starting Values: per U.S. Census and ESRI data from 2019 Parks and Recreation Department Open Space Master Plan Master Plan.

Population: 16,661

Number of Dwelling Units: 10,591

Average Persons Per Dwelling Unit: 1.57

Current Level of Service (LOS):

Number of Parks: 17

Total Park Acreage: 113.4

- Developed Parks: 67.5 acres

- Greenbelts, linear parks, trail corridors, etc.: 45.9 acres

Cost of Land per Acre: \$536,000

Cost of Park Development per Acre: \$400,000 per acre for developed parks and (based on recent construction costs)

Part 1 – PARKLAND DEDICATION

Sec. 1(a) Calculating the Value of Land Dedication

The number of dwelling units per acre of parks is calculated by dividing the population by the total park acreage (LOS) to determine the number of persons per acre:

$16,661 \div 113.4 = 146.92$ (rounded to 147).

Then, divide the number of persons per acre by the average persons per dwelling unit:

$147 \div 1.57 = 93.4$ (rounded to 100).

The result is a land dedication requirement of one (1) acre per 100 dwelling units to meet the current level of service.

Sec. 1(b) Calculating the Fee-in-Lieu of Dedication

The cost of land per acre is \$536,000. The fee is the cost for an acre of land divided by the number of dwelling units, 100, per acre based on current level of service: \$5,360

Part 2 – PARK DEVELOPMENT FEES

Sec. 1(a) Residential Fee Calculations

The park development fee per dwelling unit is calculated using a discounted approach to account for the difference in cost of a fully developed park versus a more passive park. The cost of park development per acre of a developed park is \$400,000. This cost is divided by the dwelling units per acre of each park type:

$\$400,000 \div 157 = \$2,549$ fee per dwelling unit for developed parks, greenbelts, trail corridors, etc.

The combined maximum fee for Fee-in-Lieu of Land and Park Development is \$7,909 per dwelling unit for developed parks, greenbelts, trail corridors, etc.

Sec. 1(b) Non-Residential Fee Calculations

To determine the fee per square foot of nonresidential development, first, divide the number of persons per acre by the cost of park development per acre
 $\$400,000 \div 147 = \$2,723.00$ cost of park development per person per acre (A).

The fee per square foot calculation is $(A \times B \times C \times D) / E$, whereas:

A = Cost of park development per person per acre

B = Occupancy rate % (Commercial Edge and Economic Pulse)

C = Operational hours %

D = Commuter % (total employees in Addison less population)

E = Square feet per employee (U.S. Green Building Council)

Type	Sq Ft Per Employee (E)	Occupancy Rate % (B)	Operational Hours % (C)	Commuter % (D)	Fee Per Sq Ft
Industrial	2,500	95%	71%	79%	\$0.58
Hotel	1,500	60%	71%	79%	\$0.61
Retail	550	93%	38%	79%	\$1.36
Office	300	79%	24%	79%	\$1.34