

ORDINANCE No. 2018-33

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS; PROVIDING FOR DEVELOPER FUNDED RECREATIONAL AREAS IN THE FORM OF NEIGHBORHOOD/COMMUNITY AND REGIONAL PARKS; PROVIDING FOR APPLICABILITY; PROVIDING FOR REQUIREMENTS AND GUIDELINES FOR PARK LAND DEDICATION AND FEES; PROVIDING FOR PARK DEDICATION FEES; PROVIDING FOR PRIVATE PARK CREDIT; PROVIDING FOR REGULAR REVIEW; PROVIDING FOR PENALTY FOR THE VIOLATION HEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City Council of the City of New Braunfels finds that parks and recreational areas are a vital and integral part of a municipality's health and general welfare;

WHEREAS, the City Council of the City of New Braunfels finds that providing its citizens parks and recreational areas serves a legitimate public goal;

WHEREAS, urban development imposes increased demands based upon a City's parks and recreational system;

WHEREAS, the City of New Braunfels is experiencing a high rate of urban growth and based on predictions through 2031 the population is projected to approximately increase by 41%;

WHEREAS, the City Council of the City of New Braunfels finds this ordinance necessary to maintain current level of service for parks for its rapidly growing population;

WHEREAS, the City Council of the City of New Braunfels has a Parks and Recreation Strategic Master Plan which provides for acquisition and development of parks to serve the recreational needs of the City and provide for its citizens health and general welfare;

WHEREAS, the following park land requirements are based the accurate values including population, level of service for neighborhood/community and regional parks, and the cost of land and construction;

WHEREAS, the City Council hereby finds and determined that the average cost of park development is Three Hundred Forty-Two Thousand Five Hundred Dollars (\$342,500) per acre and the average cost of park land acquisition is Thirty-Five Thousand (\$35,000);

WHEREAS, in accordance with this formula, the park land dedication requirements for neighborhood/community parks is set at One Hundred Sixty-Eight (168) dwelling units per one (1) acre of park land and regional parks is set at Two Hundred Forty-Seven (247) dwelling units per one (1) acre of park land.

WHEREAS, in accordance with this formula, the fees in lieu of neighborhood/community parks is set at Two Hundred Eight Dollars (\$208) and for regional parks is set at One Hundred Forty-Two Dollars (\$142);

WHEREAS, in accordance with this formula, the park development fees for neighborhood/community parks is set at Two Thousand and Thirty-Eight Dollars (\$2,038) and for regional parks is set at One Thousand Three Hundred Eighty-Seven Dollars (\$1,387); and

WHEREAS, the City of New Braunfels Parks Advisory Board and the Planning Commission has reviewed and recommended this proposed ordinance;

WHEREAS, the City Council of the City of New Braunfels finds that this ordinance is not arbitrary and imposes reasonable regulations on development.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

Chapter 118 of the City Code of Ordinances for the City of New Braunfels, Texas, hereby is amended to provide for a neighborhood park dedication ordinance, to read as follows:

## **ARTICLE V: PARK LAND**

### **Section 118-57 Purpose.**

This Article is adopted to provide public recreational areas in the form of neighborhood/community and regional park facilities as a function of subdivision and site development in the City of New Braunfels and its Extra-Territorial Jurisdiction (ETJ). This Article is enacted in accordance with the home rule powers of the City of New Braunfels granted under the Texas Constitution, and the statutes of the State of Texas, including, but not by way of limitation, Texas Local Government Code Chapter 212 as may be amended from time to time.

It is hereby declared by the City Council that public recreational areas in the form of neighborhood/community and regional parks are necessary and in the public welfare, and that the only adequate procedure to provide neighborhood/community and regional parks is to integrate such requirements into the procedure for planning and developing property or subdivisions in the City and its ETJ.

Neighborhood/community parks are those parks providing for a variety of outdoor recreational opportunities. Neighborhood parks are generally between five (5) to 10 acres, are located within half-mile to one-mile from a majority of the residences to be served and can be linear in nature. Community parks are generally 10 to 75 acres, are located within one-mile to three-mile of the majority of the residences to be served and can be linear in nature.

Regional parks are those parks that provide outdoor recreational opportunities for all city residents, rather than only those residents who reside proximate to them. The acquisition and development of the "basic" infrastructure and facilities for the usage of these parks should be based upon the demand from the area residents they are intended to serve. The primary cost of regional parks should be borne by all city residents.

The City has adopted by council action the Comprehensive Plan and the Parks and Recreation Strategic Master Plan, as well as other master plans which serve as planning policy and guidance for the development of a municipal park and recreation system for the city. The plans assess the needs for park land and park improvements.

The park districts established by the New Braunfels City Council are shown in Appendix A to this ordinance and shall be prima facie proof that any park located therein is within such a convenient distance from any residence located therein. The primary cost of neighborhood/community parks should be borne by the landowners of residential property who, by reason of the proximity of their property to such parks, shall be the primary beneficiaries of such facilities.

### **Section 118-58 Applicability.**

- (a) This Article applies to a landowner who develops land for residential use located within the City or within its ETJ. Typically, the landowner of a proposed residential development is the developer.

- (b) Non-residential use is exempt.
- (c) This Article does not apply to activities involving the remodeling, rehabilitation or other improvements to an existing residential structure, or to the rebuilding of a damaged structure.
- (d) If a dedication requirement arose prior to enactment or amendment of this Article, subsequent development for the subject tract to which the dedication requirement applies may be subject to vesting as set forth in Chapter 245 Texas Local Government Code. Additional dedication may be required if there is an increase in the number of dwelling units from what was originally proposed.

**Section 118-60 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 Planning Commission, the Parks and Recreation Advisory Board and various city departments as specified herein.
- (b) As a condition of subdivision development, a developer of residential property shall be required to dedicate land for neighborhood/community and regional parks, pay of a fee in lieu thereof or a sanctioned alternative or a combination of both. In addition to the land dedication a developer of residential property shall park development fees for neighborhood/community and regional parks.
- (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 required land dedications and schedules of fees are attached hereto as Appendix B and incorporated and made a part of this Article for all purposes.
- (e) Implementation process, minimum design and construction standards are set forth by the Parks and Recreation Department in the Park Land Dedication Manual and the minimum drainage standards set forth by the City's Drainage Manual, as may be amended from time to time, referenced herein and incorporated by reference.
- (f) The total amount of land dedicated for the development, public or private, shall be dedicated:
  1. In fee simple by filed deed, if dedicated to the city; and
  2. Prior to the issuance of any site development building permits for multi-family development,
  3. Prior to recordation of the final plat for a single family, duplex, or townhouse development, or
  4. For a phased development the entire park shall be platted concurrently with the plat of the first phase of the development.

**Section 118-61 Park Land Dedication Procedures**

Any land dedicated under this Article must be suitable for park and recreation uses and meet requirements in this Article. The following guidelines and requirements shall be used in the dedication and design of park land in conjunction with the Park Land Dedication Manual.

When considering park land dedication, the developer should meet with the Parks and Recreation Department (PARAD) 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 for prior to accepting public park dedication:

1. Lot dimensions or metes and bounds acreage of park land to be dedicated;
2. Total acreage of floodplain, as well as land located outside floodplain;
3. A tree survey;
4. A slope analysis; and
5. An environmental survey identifying critical environmental features, such as but not limited to species, habitat, and water features.

## **Section 118-62 Park Land Acceptance Criteria**

### General Guidelines.

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

- (a) Encumbrances. Free and clear of any and all liens and encumbrances that interfere with its use for park purposes and permit the City's representatives 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.
- (b) Environmental Assessment. If the property owner or developer has any form of environmental assessment on the tract, a copy of that assessment shall be provided to the City. The City may initiate and/or require the developer to initiate 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 Director of Parks and Recreation may require the employment of consultants necessary to evaluate any environmental issues relating to the site providing that 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 and recreation system of the City. The City will not accept park land dedication sites encumbered by hazardous and or waste materials or dump sites.
- (c) Utilities. Require the developer to be responsible for certain minimum utilities as listed below. The Director of Parks and Recreation or designee will be required to approve such location prior to final approval and release of fiscal requirements of said subdivision.
  - i. A metered water supply located 12 feet behind the curb in accordance with the size of the park; and
  - ii. A six-inch sewer stub, or in accordance with the size of the park, ten feet behind the curb
- (d) Soils. If disturbed, be restored, and the soil stabilized by vegetative cover by the developer prior to dedication to the city.
- (e) Parks should be easy to access and open to public view to benefit area development, enhance the visual character of the City, protect public safety and minimize conflict with adjacent land use.

- (f) Park land may provide a connection to existing or future City park land; the land available for dedication provides an opportunity to expand an existing or future city park or trail; and
- (g) Park land should support the goals of the Parks Strategic Master Plan and the City's Comprehensive Plan.
- (h) A current title report must be provided with the land dedication.
- (i) 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 Comal County Tax Assessor shall be submitted with the dedication or plat.

#### Land Requirements.

- (a) Park land requirements will be no less than two (2) acres of contiguous land or the total park land required by Appendix B.
- (b) Land parcels that are unsuitable for development are typically unsuitable for a neighborhood park, and therefore should be selected prior to a subdivision being platted and acquired as a part of the development process.
- (c) Park sites should be adjacent to residential areas in a manner that serves the greatest number of users and should be located to minimize users having to cross arterial roadways to access them.
- (d) Must be located within one-mile from all residences and the distance should be uninterrupted by roads or free from physical barriers that would prohibit walkable access to the park.
- (e) Where feasible, park 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.
- (f) Sites should not be severely sloping or have unusual topography which would render the land unusable for recreational activities.
- (g) Must not exceed a 20% grade on more than 50% of the land.
- (h) Park must be centrally located with connectivity to looped trails and if feasible citywide hike and bike trail.
- (i) At least twenty-five percent (25%), or proportionate to the size of the park, of the perimeter of a park abut a public street.
- (j) Park must be adjacent to a street for ease of pedestrian, bike or parking accommodations.
- (k) No more than two (2) sides of the park may abut the rear of homes.
- (l) Park must include at least visible, attractive and suitable means of ingress and egress proportionate to the size and amenities in the park.

- (m) The site should not be encumbered by overhead utility lines or easements of any type which might limit the opportunity for park and recreation development.
- (n) 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.
- (o) 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 or that preserve the natural character of the surrounding environment may be required by the city to be included in the park land dedication. Park should have well-drained and suitable soils and level topography.
- (p) Consideration will 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 or not more than 50% shall be allowed in a floodplain.
- (q) Detention/retention areas may not be used to meet dedication requirements but may be accepted in addition to the required dedication. If accepted as part of the park, the detention/retention area design must meet specific specifications in the City's Drainage Manual.

#### **Section 118-63 Fee in Lieu of Park Land.**

The City may, from time to time, require that a fee be submitted in lieu of land dedication in amounts as set forth in Appendix B for, either, both, some or all of neighborhood/community and regional park land dedications. Likewise, the City may, from time to time, require that land be dedicated in amounts as set for in Appendix B that no fee in lieu of land will be accepted. Such fees shall be due at the same time as park development fees are due for final platting.

#### **Section 118-64 Park Development Fee.**

In addition to the park land dedication requirements, park development fees are established herein, sufficient to develop neighborhood/community and regional public parks in ways that meet the City of New Braunfels' standards.

The amount of development fees assessed to a development and the basis for the calculation is as shown in Appendix B. The process for the approval and collection of development fees shall be the same as for the park land dedication requirements as specified in Section 118-60.1 and 118-60.3. The park development fees shall be processed simultaneously with the park land dedication requirements.

#### **Section 118-65 Public Park Improvement In Lieu of Park Development Fees**

With approval of the City, a developer may elect to construct required park improvements in lieu of paying the associated development fee as set forth herein.

In such event:

- (a) Facilities 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 terms, conditions and requirements under this Article, or as otherwise approved by the Director of Parks and

Recreation, in accordance with related federal, national, state or local codes 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); and
6. Sports Turf Management Association (STMA).

#### General Requirements for Public Park Improvements

- (a) A park site plan, developed in cooperation with the Parks and Recreation Department staff, is submitted and approved by the Director of the Parks and Recreation Department or his/her designee prior to submission of final plat or upon application for a site building permit, whichever is applicable.
- (b) Any public park improvements must be shown on the site plan or construction plan, unless the Director of Parks and Recreation authorizes another method of approval, and requires review and approval of the City Engineer.
- (c) Detailed plans and specifications for 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.
- (d) All plans and specifications shall meet or exceed the City's standards in effect at the time of the submission.
- (e) If the improvements are constructed on land that has already been dedicated to and/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 agreed upon, whichever is greater to guarantee the payment to subcontractors and suppliers and to guarantee the developer completes the work in accordance with the approved plans, specifications, ordinances, and other applicable laws. This includes guaranteeing performance in lieu of completing the park improvements prior to final plat recordation.
- (f) Park improvements may be constructed on park land dedicated to the city that satisfies requirements of Section 118-62; or, if approved by the Director of Parks and Recreation, improvements may be made in an existing or proposed City park that is located in the appropriated park district, within a half-mile to one-mile walking or biking distance to the residents it will serve.
- (g) For a public park, the developer shall be required to provide 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.
- (h) 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 Vernon's Ann. Civ. St. art 9102.

- (i) For a public park, all manufacturers' warranties shall be provided for any equipment installed in the park as part of these improvements.
- (j) 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.
- (k) For a public park, the developer shall be liable for any costs required to complete park development if:
  - 1. Developer fails to complete the improvements in accordance with the approved plans; or
  - 2. Developer fails to complete any warranty work.
- (l) 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.
- (m) Once the public park improvements are constructed, and after the Director of Parks and Recreation has accepted such improvements, the developer shall convey such improvements to the city free and clear of any lien or other encumbrances.
- (n) The public park improvements will be considered complete with a Letter of Completion and Acceptance from the City and will be issued after the following requirements are met:
  - 1. Improvements have been constructed in accordance with the approved plans;
  - 2. Improvements have been inspected and reviewed by PARD staff for satisfying park ordinance pursuant to the terms, conditions and requirements under this Article.

**Section 118-67 Credit for Private Parks**

- (a) The fee in-lieu-of land dedication is not eligible for reimbursement and shall be paid at the amount calculated in Appendix B and Section 118-63.
- (b) Up to seventy-five percent (75%) of the park development fees paid by a developer may be eligible for reimbursement toward the construction of private park facilities pursuant to the terms, conditions and requirements under this Article and in the Park Land Dedication Manual. The amount retained for deposit in the city's park land dedication fund are for purposes of defraying the financial burden private subdivisions impose on the existing public park system in New Braunfels.

**Private Park Improvements Requirements & Standards.**

- (a) Yards, court areas, setbacks and other open areas required to be maintained by the zoning and subdivision rules and regulation ordinances shall not be included in the computation privately-owned and maintained by the future residents of the subdivision or by the owner of the rental facility.
- (b) Private ownership and maintenance of the private park and open space is adequately provided for by recorded agreement, covenants or restrictions.



- (c) Use of the private park is restricted for park and recreation 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.
- (d) Facilities must be similar or comparable to what would be required to meet public park standards and recreational needs as set forth in Section 118-62 and 118-65 and the Park Land Dedication Manual, City Drainage Manual, and other national, federal, state and local laws.
- (e) Eligible private park improvements include various active and passive outdoor amenities.
- (f) Private park design must be reviewed and approved by the Director of Parks and Recreation prior to the platting of the first unit, if a multi-phased development.
- (g) Private park must include at least three (3) signature elements, two (2) complementary park elements and include the standard park improvements requirements set forth in the Park Dedication Manual.
- (h) The cost of construction for private parks must meet or exceed the full park development fee per dwelling unit from Appendix B.
- (i) Before a reimbursement is approved, the City shall make written findings that the certain conditions are met, pursuant to this Article and the Park Land Dedication Manual, including the following, but not limited to:
  - i. Developer is required to submit all invoices and checks paid toward the construction of the private park.
  - ii. Developer must allow PARD staff to conduct a site visit to verify private park improvements.
  - iii. Developer must provide an affidavit stating the cost of private park improvements meet or exceed the required full park development fee per dwelling unit from Appendix B
- (j) All private parks should be constructed no later than prior to the application of the final unit. Fees for in-lieu-of land and park development are due at the time of recordation.
- (k) Required documentation. In order to receive the reimbursement for private parks, the developer shall submit the required documentation in Section 118-60 to the city at the time of final plat filing sufficient to establish that the requirements of above have been satisfactorily met. The Parks and Recreation Director shall evaluate and approve the documentation submitted prior to any credit being given.

#### **Section 118-68 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 quadrant for a neighborhood/community or regional park, the City may require subsequent dedications to be in fee in lieu of land only. This will be to reimburse the City for the cost(s) of acquisition.

#### **Section 118-69 Application Review Process.**

With each subdivision application, planned development application, mixed-use and multifamily site development permit, the developer shall submit to Planning and the Parks Departments a completed park land dedication worksheet, identified in Appendix D and a letter indicating the developer's intent to meet the park land dedication requirements pursuant to this Article.

**Section 118-70 Appeal Process.**

Any decision under this Article made by the Director of Parks and Recreation may only be appealed to the City Parks and Recreation Advisory Board and must be appealed within ten working days of the City's decision.

The Director of Parks and Recreation may refer approval of park land dedication or park development fees to the City Parks and Recreation Advisory Board for any reason.

Within ten working days, any decision made by the City Parks and Recreation Advisory Board may only be appealed in writing through the City Manager to the City Council.

**Section 118-71 Submitting Park Fees.**

Any fees required to be paid in cash pursuant to this article shall be remitted:

- a. Prior to the issuance of any site development building permits for multi-family development, or mixed-development; or
- b. At the time of plat recordation for single family, duplex or townhouse development; however
- c. *All development in the ETJ must pay fees at the time of plat recordation.*

**Section 118-72 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 district to which they relate. Regional park land dedication fees will be deposited in a fund referenced to regional parks. Funds shall be used solely for the acquisition or leasing of park land and the development, improvement, or upgrades of new and existing 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.

**Section 118-73 Ordinance Review & Reporting**

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. Failure to review by the City Council shall not invalidate this ordinance.

**Section 118-74 Right to Refund.**

The City shall account for all fees in lieu of land and all development fees paid under this Article with reference to the individual plat(s) involved. Any fees paid for such purposes must be expended by the City within seven (7) years from the date received by the City for acquisition and/or development of a park as required herein. Such funds shall be considered to be spent on a first-in, first-out basis. If not so expended, the payor shall be entitled to a prorated refund of such sum, computed on a square footage of area basis. The payor must request such refund within one (1) year of entitlement, in writing, or such right shall be barred.

**Section 118-75 Effective Date and Publication.** This Ordinance shall become adopted upon its second reading and effective 90-days from adoption (August 13, 2018), signature required by City Charter, and filing by the City Secretary.

That if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

PASSED AND APPROVED: First Reading on the 9<sup>th</sup> day of April, 2018.

PASSED AND APPROVED: Second Reading on the 14<sup>th</sup> day of May, 2018.

**CITY OF NEW BRAUNFELS**

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**BARRON CASTEEL, Mayor**

**ATTEST:**

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**PATRICK D. ATEN, City Secretary**

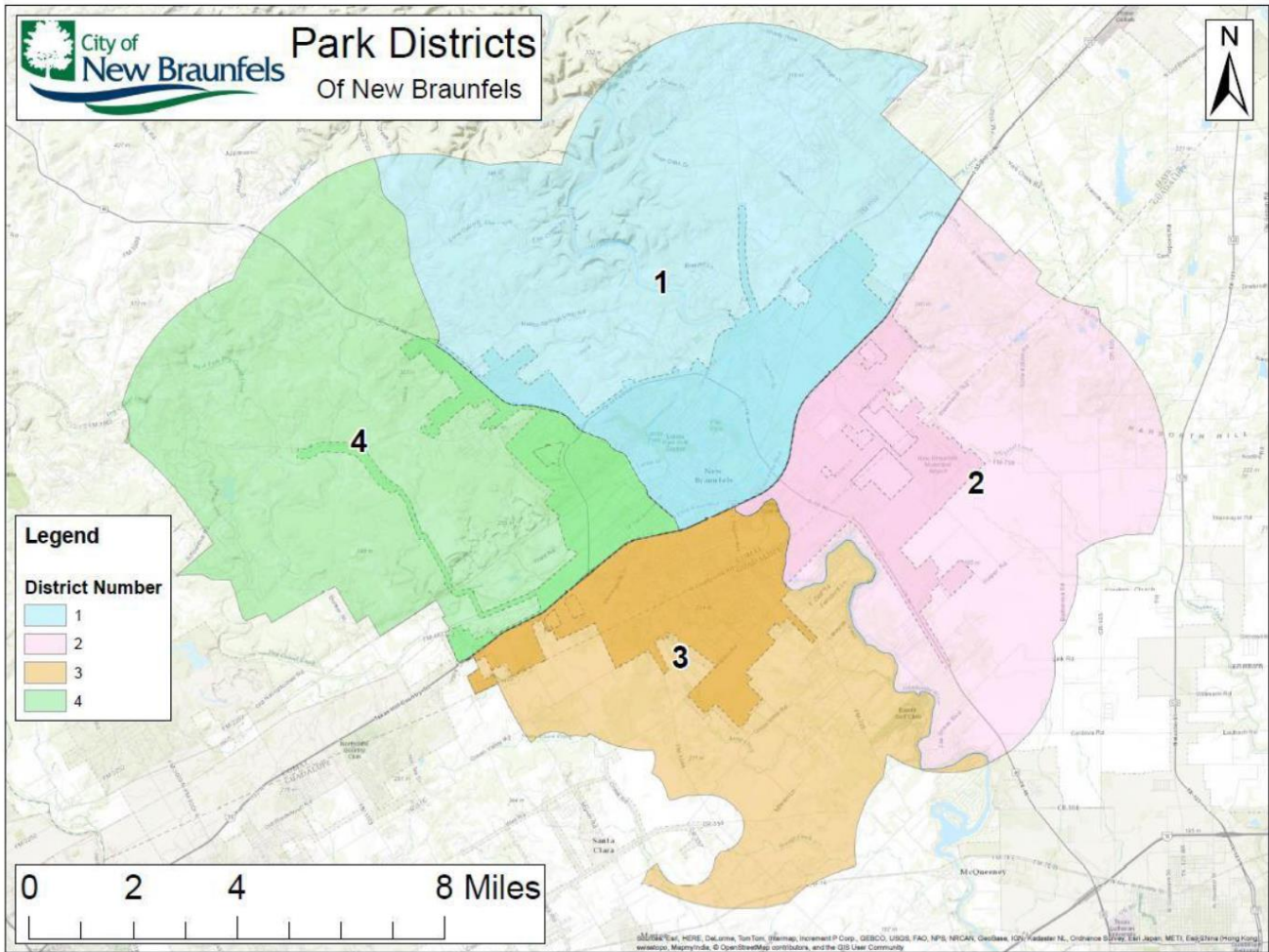
**APPROVED AS TO FORM:**

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**VALERIA M. ACEVEDO, City Attorney**

# Appendix A

## Map of New Braunfels Park Districts



## Appendix B

### Park Land Dedication Requirements & Calculations

**Starting Values:**

**City/ETJ Population:** 91,611 per U.S. Census and ESRI data from 2017 Parks Strategic Master Plan

**City/ETJ Residents per Household (HH):** 2.85 per U.S. Census and ESRI data from 2017 Parks Strategic Master Plan

**Current Level of Service (LOS):**

- Community/Neighborhood Parks: 190.95 acres
- Regional Parks: 130 acres

**Cost of Land per Acre in New Braunfels:** \$35,000

**Cost of Construction per Acre:** \$342,500 (based on construction costs of most recent city parks)

**Neighborhood/Community Park Land Requirements:**

Part 1 – LAND REQUIREMENT

1a. Land Requirement

To determine park land requirements, first take the population and divide by the current level of service for neighborhood/community parks to establish the number of residents per acre. Then take the number of residents per acre and divide by the residents per household for the maximum number of dwelling units per 1 acre of neighborhood/community park land.

$$91,611 \div 190.95 = 480 \text{ residents per park acre}$$

$$480 \div 2.85 = \mathbf{168 \text{ dwelling units per park acre}}$$

1b. Fee In-Lieu-of Land Requirement

To determine the fee in lieu of land, use the \$35,000 per acre of land and divided by the number of dwelling units.

$$\$35,000 \div 168 = \mathbf{\$208 \text{ fee per dwelling units}}$$

Part 2 – PARK DEVELOPMENT COST (to determine fee for development)

To determine the maximum fee the cost of construction is divided by the dwelling units per acre.

$$\$342,500 \div 168 = \mathbf{\$2,038 \text{ fee per dwelling unit}}$$

**Combined Maximum Fee for Neighborhood/Community Parks: \$2,246 per dwelling unit**

**Fees are set by City Council implemented based on the following schedule:**

	YEAR 1	YEAR 2	YEAR 3
Phase In %	75%	85%	100%
<b>Neighborhood/community park</b>			
Fee in-lieu-of	\$ 208	\$ 208	\$ 208
Fee for park development	\$ 1,528	\$ 1,732	\$ 2,038
Combined fee per dwelling unit	\$ 1,736	\$ 1,940	\$ 2,246

**Regional Park Land Requirements:**

Part 1 – LAND REQUIREMENT

1a. Land Requirement

To determine park land requirements, first take the population and divide by the current level of service for regional parks to establish the number of residents per acre. Then take the number of residents per acre and divide by the residents per household for the maximum number of dwelling units per 1 acre of regional park land. To set the residents per acre, divide 1,000 by the number of residents per acre.

$$91,611 \div 130 = 705 \text{ residents per acre}$$

$$705 \text{ residents} \div 2.85 \text{ HH} = 247 \text{ dwelling units per 1 acre}$$

1b. Fee In-Lieu-Of

To determine the fee in lieu of land, use the \$35,000 per acre of land and divided by the number of dwelling units.

$$\$35,000 \div 247 \text{ DU}$$

$$\$35,000 \div 247 = \text{\$142 fee per dwelling unit}$$

Part 2 – PARK DEVELOPMENT COST (to determine fee for development)

To determine the maximum fee the cost of construction is divided by the dwelling units per acre.

$$\$342,500 \div 247 \text{ DU} = \text{\$1,387 fee per dwelling unit}$$

<b>Combined Maximum Fee for Regional Parks: \$1,528 per dwelling unit</b>
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**Fees are set by City Council; the Regional fee is set at \$0.00.**

## Appendix C

### Development Costs for City of New Braunfels Neighborhood/Community Parks (3-15 acres)

Average Cost per one acre of land: \$35,000

Development cost per acre \$342,500

<b>Neighborhood Park (3-5 ac)</b>	
<u>Item</u>	
Professional Service	\$252,767.83
Mobilization	\$89,592.16
Sitework	\$145,600.00
Parking/Roadway	\$100,975.00
Utilities	\$120,821.64
Typical Park Amenities	\$515,225.00
Miscellaneous	\$13,300.00
Landscape/Irrigation	\$247,500.00
Construction Costs	\$1,233,013.80
Contingency (10%)	\$123,301.38
<b>Total Project Cost*</b>	<b>\$1,609,083.01</b>

<b>Community Park (10-15 ac)</b>	
<u>Item</u>	
Professional Service	\$756,846.48
Mobilization	\$296,502.50
Sitework	\$504,375.00
Parking/Roadway	\$364,200.00
Utilities	\$418,500.00
Typical Park Amenities	\$1,656,350.00
Miscellaneous	\$21,600.00
Landscape/Irrigation	\$721,875.00
Construction Costs	\$3,983,402.50
Contingency (10%)	\$398,340.25
<b>Total Project Cost*</b>	<b>\$5,138,589.23</b>

*\*Does not include the cost of land.*

**Appendix D**

**Park Land Dedication Worksheet**

**Project Name:**

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**Location:**

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**Applicant:**

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**Email:**

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**Phone:**

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**What type of development is this? Select all that apply.**

- Residential (detached single family)
- Residential (2-family)
- Residential (commercial)
- Residential (multi-family)
- Other, please describe:

Does this subdivision have 5 or more acres for public park land dedication? If yes, please describe the terrain and the location of the public park land.

Does this subdivision have 2 or more acres for a private park? If yes, please describe the terrain and the location of the private park and potential amenities and who will maintain the private park.

Please list number of dwelling units.

Master Plan: \_\_\_\_\_

Unit 1: \_\_\_\_\_

Unit 2: \_\_\_\_\_

Unit 3: \_\_\_\_\_

TOTAL: \_\_\_\_\_