



# LAND & SKIES

The Hill Country is known for its sweeping scenic beauty and diverse wildlife, as well as its unique geological formations and water resources. Preserving open space, star-filled skies, native trees, and plant communities is essential to the health and well-being of the region's residents. Protecting these iconic open spaces and skies ensures that future generations of residents and visitors will have access to the natural resources, quality of life, and outdoor recreational opportunities that make the Hill Country unique.

OPEN SPACE PRESERVATION.....LS-4  
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CONSERVATION SUBDIVISION DESIGN.....LS-15  
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# Using the Guides

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This guidebook is organized into topical chapters: Water, Land and Skies, Transportation, and Zoning and Development. Each chapter contains *guides* that focus on a particular ordinance, or aspect of an ordinance, your community may be interested in adopting. Each guide introduces the ordinance topic and includes strong example ordinances, resources for further research, and a list of best practices.

## EXAMPLE ORDINANCES

A selection of ordinances from the Hill Country and beyond are available for download throughout this guidebook. Strong components and necessary context are included as needed.

CITY NAMES and underlined text **link to ordinances and code sections.**


## RESOURCES

The guides are snapshots of ordinances. Resources include relevant organizations and guiding documents that provide more in-depth information about each topic.

► *Underlined and italicized titles link to the corresponding document.*

## BEST PRACTICES

A compilation of methods to undertake when crafting the ordinance. These suggestions are widely accepted as the most responsible and effective procedures for the given topic.



*“The environment is where we all meet, where we all have a mutual interest; it is the one thing all of us share. It is not only a mirror of ourselves, but a focusing lens on what we can become.”*

*- Lady Bird Johnson*

**“MILKY WAY OVER TEXAS WILDFLOWERS”**  
ENCHANTED ROCK STATE NATURAL AREA 🌻  
PHOTO COURTESY OF ROB GREEBON

# Open Space Preservation

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Open space is undeveloped land or land that is minimally developed for outdoor recreation or agriculture. Open spaces can be meadows, woodlands, savannahs, agricultural lands, river bottoms, floodplains, steep slopes, or hilltops. Preserved open spaces can be publicly owned lands or private lands where the owners have sold or donated the development rights, choosing to leave the land undeveloped in perpetuity.

## **BENEFITS OF PRESERVING OPEN SPACE**

- Prevents sprawl and encourages efficient and fiscally responsible land use by clustering road, water, and sewer infrastructure in developed areas.
- Protects drinking water supplies from overuse and pollution.
- Increases groundwater recharge and preserves water quality by limiting development over critical recharge features where water can cleanly enter our aquifers.
- Increases property values in surrounding areas.
- Provides outdoor recreation opportunities for residents and visitors.
- Reduces habitat fragmentation for wildlife.
- Preserves natural landmarks that give our communities their specific identities and create a sense of place.
- Preserves land for farming and ranching.
- Provides buffers between incompatible land uses.
- Improves air quality and cools the surrounding area.
- Mitigates the impacts of flooding.

Open space preservation is a potent policy initiative because it is innately multi-functional and cost effective. Most preserved open spaces perform several, if not all, of the functions listed above for a fraction of the cost of traditional development. Open space can be preserved through a variety of approaches including overlay districts, cluster or conservation developments, public parks, greenbelts or corridors, and conservation easements. These and other strategies for open space preservation will be covered in subsequent portions of this guidebook.

## EXAMPLE ORDINANCES

CITIES

**DRIPPING SPRINGS** (SEC 28.05.015)

**AUSTIN** (CHAPTER 6)

▶ Traditional Neighborhood District

COUNTY

**HAYS COUNTY**

*see page 47*

## BONDS FOR PARKS AND OPEN SPACE

Public investments in land conservation can help offset the ever-growing impacts related to development. Conservation projects can help protect water quality, mitigate flood risks, preserve wildlife habitat, provide public recreation opportunities, and preserve rural lands that will help maintain the character of the Hill Country. Bonds to protect and preserve open space have been approved by the following communities:

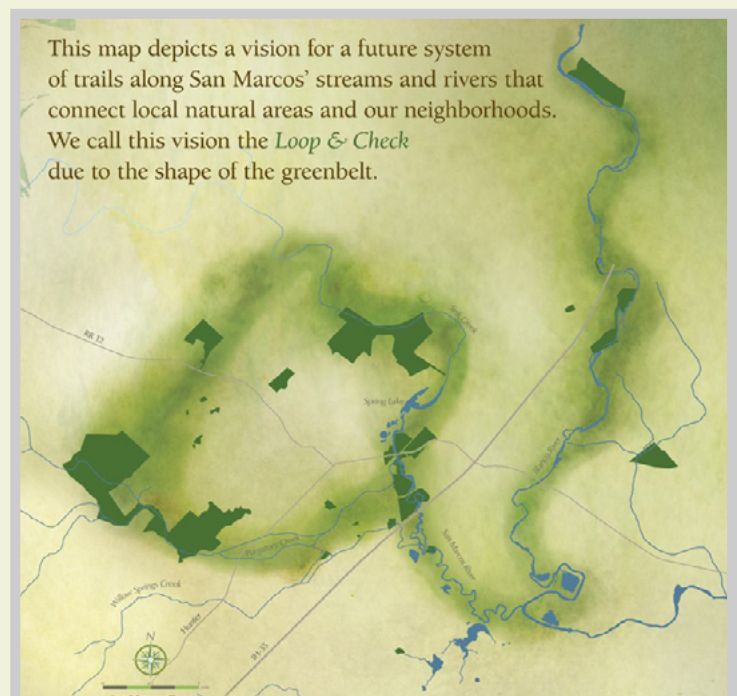
- **Hays County** voters approved, in November 2021, a \$75 million bond to protect Purgatory Creek Nature Preserve with a 1,068-acre conservation easement that permanently preserves the land from future development. Learn more at [haysparksbond.com](http://haysparksbond.com).
- **City of Boerne** voters approved \$13 million to improve several parks, trails and open spaces in November 2022.
- **Kendall County** voters approved in November 2022 a \$20 million bond for open space and conservation land to protect wildlife habitat and the water quality of creeks, rivers and springs.

## GREENBELTS & CORRIDORS

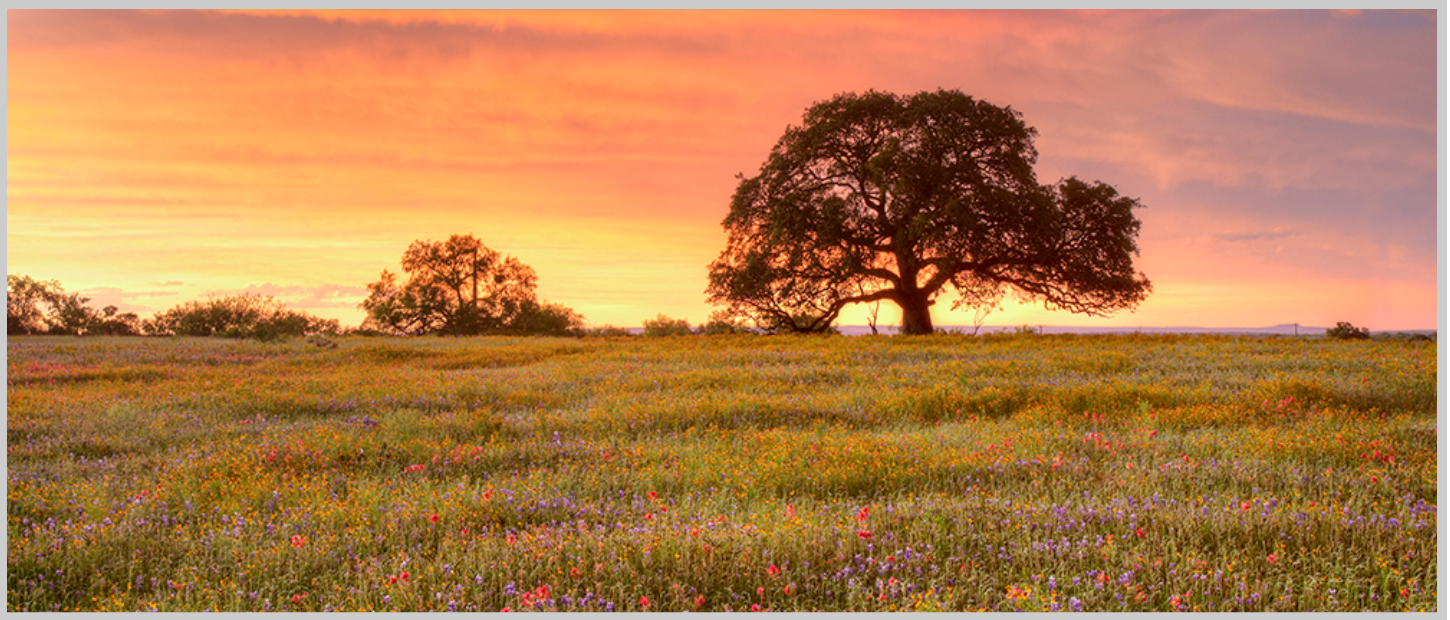
Greenbelts, or green corridors, are a great way to link parks, open spaces, and mixed use land in cities. For greenbelts to add the most value, they must be large enough to provide opportunities for people and wildlife to access and enjoy. Whenever possible, greenbelts should provide connections between existing green spaces, local amenities, commercial hotspots, and transportation hubs.

The San Marcos Greenbelt Alliance (SMGA) is a non-profit organization that works to preserve and protect the natural areas of San Marcos while connecting the community to its natural beauty.

▶ Learn more about SMGA at [smgreenbelt.org](http://smgreenbelt.org).



MAP OF FUTURE TRAIL SYSTEM ALONG SAN MARCOS' STREAMS AND RIVERS  
PHOTO COURTESY OF SAN MARCOS GREENBELT ALLIANCE



FIELD OF WILDFLOWERS BETWEEN LLANO AND MASON COUNTIES  
PHOTO COURTESY OF ROB GREEBON

## BEST PRACTICES

**Identify types of open space.** Not all open space needs to be parkland, or even be publicly owned. Open space can be categorized into natural, recreational, and agricultural types, each representing varying levels of human impact on the environment. By identifying these types, a community can determine the desired amount of each and make informed decisions about how to allocate resources.

**Designate policies for acquisition of open space areas in community comprehensive plans.** Open space is a vital land use and should be considered in a variety of local planning efforts from transportation to parks and recreation. Long-term goals for open space preservation are necessary for reducing habitat fragmentation, managing municipal and regional stormwater, and protecting sensitive natural resources and wildlife from the effects of transportation projects and other development.

**Connect open spaces in order to reduce habitat fragmentation and preserve recreational opportunities.** Collaborating with other municipalities, regional partners, area non-profits, and land trusts can help in creating larger tracts of connected open space.

**Create equitable access to open space.** Everyone deserves access to nature. While contiguous tracts are ecologically beneficial, it is equally as important that the benefits of open space are enjoyed and shared across multiple neighborhoods within a community.



# Tree Preservation

A tree ordinance helps a city manage and protect its urban forest by providing for the preservation of existing trees, communicating tree health maintenance practices, and setting short and long-term management standards. Heritage trees have been growing for decades, often centuries, making them precious and finite resources that are vital to protect.



PROTECTED LIVE OAK ON THE CAPITOL GROUNDS IN AUSTIN. SIGN IN PHOTO BELOW READS "PLEASE HELP PRESERVE THIS HISTORIC TREE, KEEP OFF."



PHOTOS COURTESY OF SYDNEY BECKNER

## EXAMPLE ORDINANCES

JOHNSON CITY (ARTICLE 15.01)

BLANCO (CHAPTER 5, SEC. 5.11)

BULVERDE (SEC. 4.06)

MARBLE FALLS (SECTION 9.1.1)

- Includes language around penalties for properties that are clear-cut for any reason making them ineligible for approval of other permits for three years.

HELOTES (ARTICLE 1, SEC. 94.1)

BOERNE (CHAPTER 8, SEC. 8.3)

NEW BRAUNFELS (SEC. 144-5.3)

- Includes one of the more extensive lists of protected tree and shrub species of any community.

AUSTIN (ENVIRONMENTAL CRITERIA MANUAL, SEC 3)

SAN ANTONIO (UNIFIED DEVELOPMENT CODE, SEC. 35-523)

- An example of a thorough ordinance including helpful images, graphs and equations.





TREES ALONG SOUTH GRAPE CREEK IN LUCKENBACH.  
(CC) DIANN BAYES / FLICKR

## RESOURCES

This in-depth resource from the **International Society of Arboriculture** examines existing tree ordinances, discusses community forest management strategies, methods for evaluating tree ordinances and urban forests, performance standards for tree ordinances, and more.

▶ [\*Guidelines for Developing and Evaluating Tree Ordinances\*](#)

**City Hall Essentials**, a Texas-based firm, provides background on legal issues related to tree ordinances, specifically private property and takings law precedents. The document also contains example ordinances and best practices for providing a sound legal backdrop to your city's legislation. This resource is specific to Texas communities.

▶ [\*Municipal Regulation of Trees and Landscaping\*](#)

**Penn State College of Agricultural Sciences** provides an overview of a maintenance strategy for your community's urban forest.

▶ [\*Annual Working Plans for Tree Commissions\*](#)

**NC State** provides a broad overview of tree ordinances that covers types of tree ordinances, ordinance components, aspects of community involvement, and offer guidance on the ordinance writing process.

▶ [\*Developing Successful Tree Ordinances\*](#)

# Levels of Tree Ordinance Protection



## 8" and larger

- Survey required on commercial site plan submittals



## 19" and larger are Protected Trees

- All species are protected
- Tree permit required for removal or impacts (residential and public)



## 24" and larger may be Heritage Trees

- Only specific species qualify
- Variance required for removal or impacts that exceed code requirements
- Variances can be administrative
- Greater penalties for unpermitted impacts



## 30" and larger Heritage Trees

- Proposed variances must go through public process

ON PRIVATE PROPERTY, THE CITY OF AUSTIN USES THREE CLASSIFICATIONS OF TREES FOR PROTECTION PURPOSES: 8- TO 18-INCH DIAMETER, PROTECTED TREES, AND HERITAGE TREES.

SOURCE: CITY OF AUSTIN

## BEST PRACTICES

**Fostering community support is critical to an ordinance's effectiveness.** Before drafting an ordinance, develop a working relationship with interested civic groups, such as neighborhood associations, environmental groups, community clubs, etc.

**Consider establishing a citizen advisory board and/or appointing a city arborist.** This approach gives appointed residents the authority to propose and review revisions to the tree ordinance to city council. It also provides an avenue for community education of tree conservation and provides an additional forum for public input. Another approach can be to appoint a city arborist with expertise in forestry or horticulture to oversee compliance.

**Develop and implement a master tree management plan.** A successful management plan reflects the goals and values of the community and helps ensure that tree preservation is part of a community's larger natural resource management strategy. Successful implementation of a master tree plan requires commitment of personnel and resources. Developing an implementation schedule, delegating roles, and setting aside resources will ensure the success of an ordinance.



# Outdoor Lighting

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Outdoor lighting ordinances help communities keep their rural nighttime character, preserve star-filled skies, and maintain public safety while growth occurs. To be clear, outdoor lighting ordinances do not prohibit outdoor lighting - they simply limit the amount of light pollution. When nighttime lighting is shining where it's not intended - onto neighbors' properties, into the eyes of drivers and pedestrians, or up into the sky - it is considered light pollution. Reducing light pollution in our communities benefits human health, safety, and quality of life while also saving money in energy costs. Proper outdoor lighting protects starry views, which increases the tourism draw of our communities, benefits wildlife, and preserves a connection to the stars for children and adults.

Remember, it's not about "no lighting," it's about thoughtful lighting.

## EXAMPLE ORDINANCES

### BLANCO (SECTION 5.12)

- Addresses the city's extraterritorial jurisdiction (ETJ).

### WIMBERLEY (ARTICLE 4.09)

### LIBERTY HILL (APPENDIX A, CHAPTER 6, SEC. 6.13)

- Uses the Texas Model Outdoor Lighting Ordinance (from Texas IDA).

### FREDERICKSBURG (ARTICLE XV)

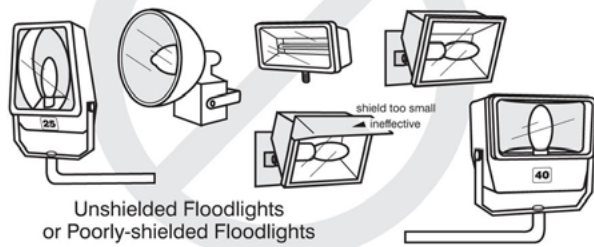
**The Hill Country Alliance** Night Sky Program helps Hill Country communities minimize the impacts of light pollution through education and outreach, the establishment of outdoor lighting policies, and the celebration of designated Dark Sky Places in our region.

- ▶ Explore our resources at [hillcountryalliance.org/our-work/night-skies](https://hillcountryalliance.org/our-work/night-skies)

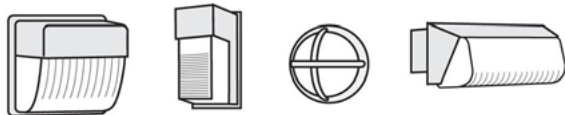
# Examples of Acceptable / Unacceptable Lighting Fixtures

## Unacceptable / Discouraged

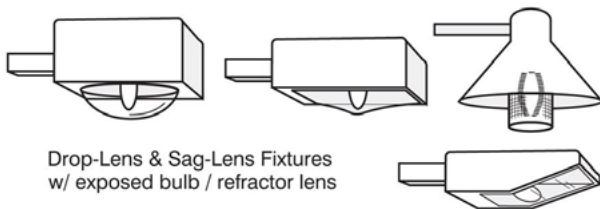
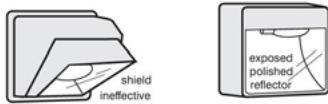
Fixtures that produce glare and light trespass



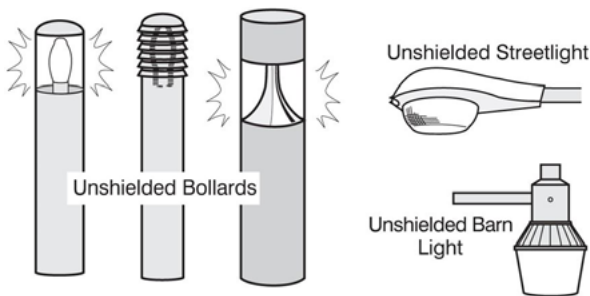
Unshielded Floodlights or Poorly-shielded Floodlights



Unshielded Wallpacks & Unshielded or Poorly-shielded Wall Mount Fixtures



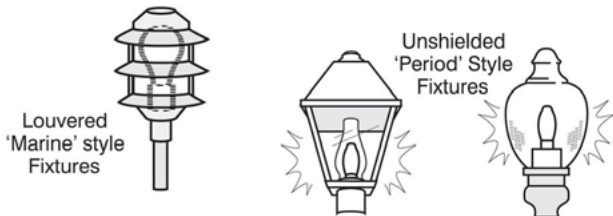
Drop-Lens & Sag-Lens Fixtures w/ exposed bulb / refractor lens



Unshielded Streetlight

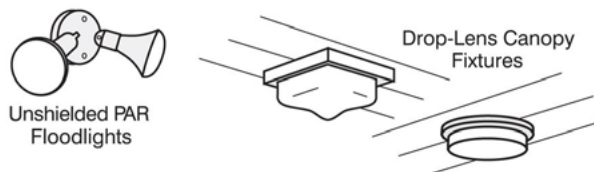
Unshielded Bollards

Unshielded Barn Light



Louvered 'Marine' style Fixtures

Unshielded 'Period' Style Fixtures

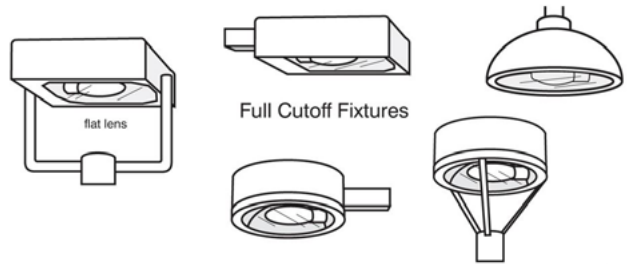


Unshielded PAR Floodlights

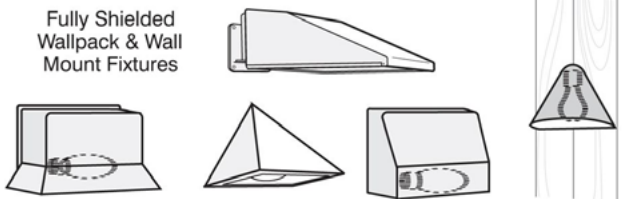
Drop-Lens Canopy Fixtures

## Acceptable

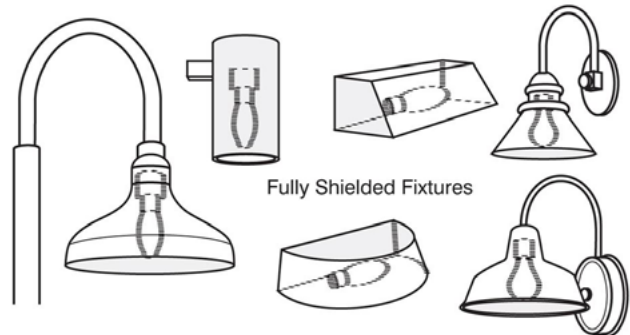
Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



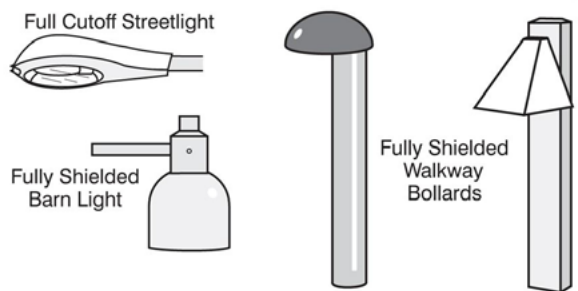
Full Cutoff Fixtures



Fully Shielded Wallpack & Wall Mount Fixtures



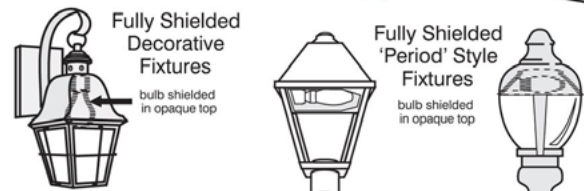
Fully Shielded Fixtures



Full Cutoff Streetlight

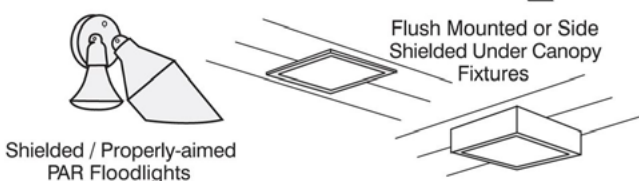
Fully Shielded Barn Light

Fully Shielded Walkway Bollards



Fully Shielded Decorative Fixtures

Fully Shielded 'Period' Style Fixtures



Shielded / Properly-aimed PAR Floodlights

Flush Mounted or Side Shielded Under Canopy Fixtures

(CC) ILLUSTRATION BY BOB CRELIN

# IDSC

## INTERNATIONAL DARK-SKY COMMUNITY

Established by the **International Dark-Sky Association (IDA)**, the IDSC designation is granted to towns, cities, or otherwise legally organized communities that show exceptional dedication to night sky preservation through the implementation and enforcement of a quality outdoor lighting ordinance, dark sky education, and citizen support of dark skies.

The **IDA** is an advocacy network working to protect night skies.

- ▶ Learn more about IDSC and IDA resources at [darksky.org](https://darksky.org)
- ▶ Visit the Texas chapter at [darkskytexas.org](https://darkskytexas.org)

The IDA and **Illuminating Engineering Society (IES)** developed a Model Lighting Ordinance to simplify the ordinance process (see Liberty Hill).

- ▶ [Model Lighting Ordinance](#)

### TEXAS IDSC CITIES

DRIPPING SPRINGS (2014)

HORSESHOE BAY (2015)

WIMBERLEY VALLEY (2018)

LAKWOOD VILLAGE (2019)

FREDERICKSBURG (2020)

BLANCO (2022)

BEE CAVE (2023)

**CHAPTER 3000 OF THE TEXAS GOVERNMENT CODE** mandates that any municipality that adopts or enforces an outdoor lighting ordinance must also adopt a resolution stating the community's intention to pursue an International Dark-Sky Community (IDSC) designation through the International Dark-Sky Association (IDA). The resolution does not need to indicate a timeline for pursuing the IDSC designation.

- ▶ [City of Liberty Hill Resolution Supporting Dark-Sky Certification](#)



"THE STARGAZER"  
PHOTO COURTESY OF TODD WINTERS

## BEST PRACTICES

**Use visual aids and approachable language to encourage understanding and support.** Lighting is a visual subject and diagrams and images are helpful for illustrating permitted designs. Lighting is also a technical subject and uses terms and concepts that will likely require community education. Some terms, like "lumens" and "correlated color temperature (CCT)" are less important to understand technically, and more important to simply get the gist (e.g. "lumens" is a measure of brightness, and "CCT" refers to the color of the light). It is important to discuss the value of an outdoor lighting ordinance with the community to gain support and cooperation.

**Limit the amount of unshielded lighting per acre.** One of the primary components of an outdoor lighting ordinance is the requirement that outdoor lighting be fully shielded. However, it is typical to allow for some low output lights to remain unshielded, to accommodate string lights and other special uses, provided they do not shine onto neighboring properties or into streets.

**Require that outdoor lighting be warmer (amber) in color, using a cap of 3000 Kelvin, CCT.** The move to LEDs has led to the proliferation of bright blue-white or “daylight” fixtures in our night time streetscapes. Warmer tones - lights that have less blue in them (lower CCT ratings) - are better for our bodies as well as those of animals and plants. They also create less glare in the eyes of drivers and pedestrians and do less to wash out our view of the stars in the sky. While warmer tones from LEDs were once more expensive, that is no longer the case.

**Limit the total amount of lighting on an acre of commercial property or residential property.** Typical numbers to use are 17,500 lumens per acre of residential property and 75,000 lumens per acre of commercial property. It is a best practice to define the acreage of the property using “net acres,” meaning the portion of the property not covered by a building.

**Prohibit light trespass.** Light trespass occurs whenever light shines directly across a property line. Reducing light trespass is a key motivator for many residents to support outdoor lighting ordinances. A fully shielded light will not create light trespass, unless it is very close to the property line, so the requirement to fully shield lighting will address most, but not all, instances of light trespass.

**Address streetlights and sports lighting.** In general terms, the same standards (e.g. CCT maximum of 3000K, full shielding, light trespass restriction) should apply to street lighting. Sports lighting policies should follow similar standards, and have a curfew for what time the lights go out if no scheduled game is underway.

**Allow nonconforming lighting to stay in place for a set number of years before needing to be replaced.** Grace periods of 5 years or 10 years are typical for this provision.

**Address signage,** if there is not a sign ordinance that already addresses sign lighting. Lighting for externally lit signs should conform to the same standards as other lighting. Internally lit signs should have a dark background with lighter lettering, as opposed to a white background with darker lettering.

**Require a lighting plan and inspection.** It is best to require evidence (e.g. an inspection) that the ordinance has been followed, prior to issuing a certificate of occupancy.



# Conservation Subdivision Design

A conservation subdivision design (CSD) ordinance is a type of development ordinance that encourages or requires developers to design and construct subdivisions in a way that minimizes the impact on the natural environment and preserves open space, wildlife habitats, and scenic landscapes.

Typically, CSD ordinances require or incentivize developers to cluster homes and infrastructure on one portion of the land and set aside another portion for conservation purposes, such as parks, trails, wetlands, and woodlands. This approach helps to reduce the amount of land needed for development and protect natural resources, while still allowing for growth and development in a community and preserving a landowner's ability to profitably develop their land.

## BENEFITS OF CSD

- Preserves natural resources, protects wildlife, promotes biodiversity, and maintains the ecological balance of an area.
- Creates public amenities like new parks, trails, and other recreational amenities for residents to enjoy.
- Reduces costs to local governments and developers by reducing the distances that infrastructure such as roads, electricity, water, and sewer must run to serve the development.
- Improves quality of life by promoting a connection to nature and providing shared access to outdoor spaces.
- Increases property values.

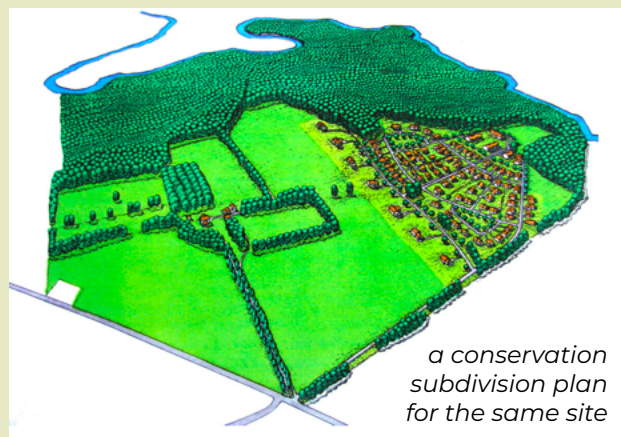


IMAGE FROM ARENDT, R., M. COLLINS, AND A. VALENTINE (1996) OPEN SPACE DESIGN GUIDEBOOK



## EXAMPLE ORDINANCES

CITIES

DRIPPING SPRINGS  
SAN ANTONIO

COUNTIES

HAYS COUNTY  
TRAVIS COUNTY

## BEST PRACTICES

**Recognize roles played by active parties (developers, local governments, residents, ecologists, and land trusts/management associations) and support them to overcome barriers.**

**Connect open space to existing city green space, trail networks, or green corridors** to amplify their utility. Connections to pedestrian trail networks enhance public recreation quality.

**Incentivize CSDs by allowing design flexibility in ordinance language.** Flexibility in lot sizes and setback requirements helps developers meet density requirements that are sensitive to natural land characteristics and achieve conservation goals. This flexibility can address a potential barrier for developers in instances where conserving designated ecological areas is difficult due to other existing ordinances setting limits on minimum lot size and setbacks. Flexibility in lot sizes and setback ordinances also allows developers to maximize use of the site while preserving natural characteristics and ecological priorities.

## RESOURCES

**Randal Arendt** is a landscape planner, site designer, and an advocate of conservation planning. In addition to the resources below, Arendt has written two books on the subject titled: *Conservation Design for Subdivisions and Growing Greener: Putting Conservation into Plans and Ordinances*.

- ▶ Free downloads available at: [www.greenerprospects.com/products.html](http://www.greenerprospects.com/products.html)
- ▶ [YouTube video presentation on CSD in Hays County](#)

**North Carolina State University** published a helpful guide on CSDs that outlines what they are, perceived barriers and ways to overcome them, and how to promote CSDs.

- ▶ [Conservation Subdivision Handbook](#)

**University of Nebraska-Lincoln's** Institute of Agriculture and Natural Resources describes CSDs on their website as a way to collectively enhance environmental quality.

- ▶ [Key Considerations for Conservation Subdivision Design](#)

## HOW ARE CSDS DIFFERENT FROM PUDS?

Planned Unit Developments (PUDs) and Conservation Subdivision Designs (CSDs) represent two distinct approaches in development planning, each with its unique characteristics and objectives. PUDs typically prioritize flexibility and innovation in land use, allowing developers to deviate from conventional development regulations to create mixed-use communities or achieve specific design goals. In contrast, CSDs are primarily aimed at preserving natural features and open spaces within a development, emphasizing conservation and environmentally sustainable practices. However, it's essential to recognize that **PUDs can incorporate elements of CSDs to create more holistic and sustainable developments.**

By integrating green spaces, adopting sustainable building practices, and preserving natural landscapes within PUDs, planners can strike a balance between development and environmental conservation. In doing so, they can create communities that are not only vibrant and adaptable but also environmentally responsible, reflecting the best of both PUDs and CSDs in urban planning.

### FOUR-STEP PROCESS TO CONSERVATION SUBDIVISION DESIGN

1. Identify critical conservation areas, including wetlands, floodplains, steep slopes, woodlands, meadows, wildlife habitats, streams, farmlands, and cultural features. This identification guides development placement.
2. Cluster home sites to minimize road and utility infrastructure length while maintaining privacy and providing residents with views of and easy access to natural green spaces.
3. Plan streets logically for access to homes and incorporate trails connecting neighborhoods and open spaces, offering benefits like preserved farmland and scenic buffers from major roadways.
4. Allow lot lines to vary in order to accommodate natural features, ensuring conservation areas remain unfragmented. Neighboring conservation subdivision districts can form large, connected open space expanses.

# Parkland Dedication

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Parkland dedication ordinances are an important tool in municipal authority to balance residential and commercial development with environmental preservation and community well-being. In the face of rapid development, preserving access to green spaces and maintaining the natural landscape's integrity can become increasingly challenging. Parkland dedication ordinances can help address these challenges by requiring developers to set aside land or contribute funds for parks and recreational areas when creating new developments. Parkland dedication ordinances are an effective tool for raising funds for parkland without raising taxes. **This helps ensure that a growing community can continue to provide ample opportunities for outdoor recreation, while preserving wildlife habitat and protecting overall quality of life for residents.**

Parkland dedication ordinances help ensure that a community's park network grows at the same pace as the community itself, without passing on the cost of that growth to current residents. New development generates a need for new parks, and through parkland dedication ordinances, new development can also bear the cost of providing new amenities to meet that

## RESOURCES

Research for this guide relied heavily on the work of **Dr. John Crompton**, University Distinguished Professor at Texas A&M University. Dr. Crompton's interest in financing public leisure and tourism led him to research and publish several resources on parkland dedication. Dr. Crompton often assists city attorneys working to develop ordinances for their communities.

- ▶ [An Analysis of Parkland Dedication Ordinances in Texas](#)
- ▶ [Parkland Dedications: Optimizing an Underutilized Resource](#)
- ▶ [The Trend of Expanding the Scope of Parkland Dedication Ordinances](#)

## PARK TYPES

Parkland dedication ordinances can support the creation of different types of parks, including: pocket parks, greenways, neighborhood parks, private parks, regional parks, natural resource areas, public recreation facilities, and others.

**Each individual community can define its parks in a way that makes the most sense for their available parklands and recreation needs.**



**TIMMERMAN PARK IN NEW BRAUNFELS MADE POSSIBLE THROUGH PARKLAND DEDICATION FEES.**  
IMAGE COURTESY OF THE CITY OF NEW BRAUNFELS

New Braunfels utilized their Parkland Dedication ordinance to establish Timmermann Park, a 2-acre public city park on an existing city trail system. Through a negotiated development agreement where the subdivision HOA assumed responsibility for maintenance, New Braunfels balanced the need for more parkland with maintenance staff capacity.

Depending on ordinance language, municipalities can deploy parkland dedication fees to add new amenities to existing parks. For instance, the City of Fredericksburg used parkland dedication fees to pay for a new bathroom at Cross Mountain Park.



**BATHROOM FACILITIES AT CROSS MOUNTAIN PARK IN FREDERICKSBURG BUILT USING PARKLAND DEDICATION FEES.**  
IMAGE COURTESY OF THE CITY OF FREDERICKSBURG

## BENEFITS OF PARKLAND DEDICATION ORDINANCES

- **Enhanced Public Spaces:** By requiring developers to dedicate land for parks, these ordinances contribute to the creation and preservation of public green spaces, enhancing quality of life for residents.
- **Improved Community Health:** Access to parks encourages physical activity and outdoor recreation, which can lead to improved physical and mental health outcomes for individuals and communities.
- **Increased Property Values:** Proximity to parks and green spaces can increase property values, benefiting homeowners and contributing to economic stability in neighborhoods.
- **Social Equity:** Parkland dedication ensures that access to green spaces is distributed equitably across communities, regardless of socioeconomic status, promoting social inclusion and cohesion.
- **Long-Term Planning:** These ordinances facilitate long-term urban planning by ensuring that sufficient land is set aside for parks and recreational facilities as cities grow and develop.
- **Community Engagement:** The process of implementing parkland dedication ordinances often involves community input and engagement, fostering a sense of ownership and pride in local parks and green spaces.
- **Environmental Protection:** Parkland dedication helps preserve natural habitats and green corridors, supporting biodiversity and mitigating the effects of urbanization on ecosystems.

## EXAMPLE ORDINANCES

Parkland dedication ordinances should reflect the individual nuances of their communities. The following cities are good examples of parkland dedication ordinances and include many best practices, but municipalities looking to adopt a parkland dedication ordinance should ensure their ordinance language reflects their specific community's priorities and context.

[DRIPPING SPRINGS](#) (ARTICLE 28.03)

[FREDERICKSBURG](#) (CHAPTER 38, SECTION 6.15)

[NEW BRAUNFELS](#) (PARKLAND MANUAL)

## BEST PRACTICES

This list of best practices for crafting a parkland dedication ordinance includes information pulled from Dr. Crompton's publication: [Parkland Dedications: Optimizing an Underutilized Resource](#).

**Ensure recitals or introductory paragraphs sufficiently address “rough proportionality.”** One outcome of the U.S. Supreme Court case, *Dolan vs City of Tigard* (512 U.S. 374, 1994), is that a park dedication ordinance must demonstrate the impact an individual development has on creating a need for parks. The introductory paragraph of Austin's ordinance includes language addressing the requirements set in the *Dolan* decision.

*“The City of Austin has determined that recreational areas in the form of public parks are necessary for the well-being of residents and employees. The City has further determined that the approval of new residential and commercial development is reasonably related to the need for additional parkland and park amenities to serve new development. This article establishes a fair method for determining parkland dedication, or the payment of a fee in-lieu of dedication, to be required as a condition to the approval of new development in an amount proportionate to the impact of development on existing parks and established levels of service.”*

**Include a land requirement.** Provide a calculation for developers to determine acreage requirements for dedications. For example, Travis County's code states that the amount of parkland required to be dedicated by a subdivider is five acres for every 1,000 residents while the City of Austin requires 9.4 acres per 1,000 residents.

**Offer a fee-in-lieu of land and specify a timeframe for expending funds.** Fees-in-lieu are an alternative to the land requirement and ensure that adequate fees are collected to cover the cost of land acquisition by the local government. To align with court expectations, ordinances should also include a deadline for utilizing fees-in-lieu. Typically, an 8- to 10-year period is sufficient for most communities. Should this timeframe not be met, ordinances must detail a refund process (refer to p. 87 of [Crompton, 2010](#) for example language).

**Offer incentives to achieve the community's preferred outcome.** Identify community preference between land acquisition or fee collection and craft the ordinance to incentivize that outcome by making that path the most cost effective for developers.



KAYAKERS AT BLUE HOLE REGIONAL PARK IN WIMBERLEY.  
PHOTO COURTESY OF JAZZMIN AQUAYO

**Include a parks development fee** to cover the costs of transforming dedicated parkland into active parks. Without it, cities rely on existing taxpayer funds, often leaving parklands undeveloped. Mandate this fee alongside land dedication and in-lieu requirements in ordinances, even if developers opt for fee-in-lieu arrangements. New Braunfels includes on page 12 of their Parkland Manual a list of acceptable park amenities and requires a minimum of 3 are used.

**Create a parks master plan to guide planning and development** of the city's park system. Well-planned parks can promote active lifestyles, build a more connected community and provide other health and economic benefits. A parks plan should result from a participatory process with community members and stakeholders to guide decision-making and future planning. It is important that any parks plan is a dynamic and flexible planning tool that can adapt to a community's evolving vision, needs, and priorities.

**Consider a timeline for revisions.** An appealing feature of parkland dedication is that it is responsive to the market. If more people move to a city, then there is more money for parks, and more will be built. Additionally, as the cost of land acquisition increases (or decreases) then parkland dedication requirements can increase (or decrease) accordingly. This is especially useful in fast-growing communities within the Hill Country, where land prices have increased consistently over time.

## COMMON PITFALLS TO AVOID WHEN CRAFTING A PARKLAND DEDICATION ORDINANCE

### **Don't confuse dedications with impact fees.**

Often there is confusion around these two funding mechanisms for local government that operate very differently. Parkland dedications are considered a “police power” of Texas home rule municipalities, allowing cities to take actions that promote the health, safety, and welfare of their residents. Impact fees, by contrast, cannot be implemented at the local level unless there is a law passed by the state legislature that explicitly allows local governments to impose these fees. Texas is one of five states that does not allow impact fees to fund parks ([Crompton, 2010](#)).

### **Don't base dedications on land percentages.**

Avoid legal challenges by basing dedications on development density rather than land percentage. Parkland dedication requirements expressed as a percent of land do not take into account development density and are likely to be rejected by courts for failing to meet the “rough proportionality” standard, set by the US Supreme Court in *Dolan vs City of Tigard* (512 U.S. 374, 1994).

The City of College Station's parkland dedication requirements differentiates based on development density by using “development units (DUs) per acre.” For single-family units they require 1 acre per 102 DUs (1 acre per 125 DUs for multi-family units). For a more detailed breakdown of this see page 75 of [Crompton, 2010](#).

### **Don't use dedication fees for park maintenance.**

Parkland dedication requirements are restricted to the acquisition and improvement of parks, not for maintaining or operating them. Maintenance costs should be considered and accounted for separately.







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