



# CITY OF HOUSTON

City Council

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To: Mayor John Whitmire

Subject: Open Space Ordinance

CC: Cynthia Wilson, Steven David,  
Josh Sanders, Marlene Gafrick,  
Vonn Tran, Kenneth Allen

From: Sallie Alcorn,  
Budget and Fiscal Affairs Committee Chair

Date: February 5, 2026

Dear Mayor Whitmire,

Planning Director Vonn Tran, Parks Director Kenneth Allen, and Senior Assistant City Attorney Tami Kim presented an overview of the open space ordinance at the February 3 Budget & Fiscal Affairs (BFA) Committee meeting. Following the presentations by department directors and staff, members of the public provided comments. My recommendations for moving forward to update this ordinance are outlined below:

1. **Compliance with State Law:** Recent changes under House Bill 1526 require Houston to align our ordinance with new provisions, including density factors, land value calculations, and timing of fee collection. According to city legal, updating the ordinance ensures compliance and reduces litigation risk. The new draft is currently being worked on in Legal, and hearings will follow.
2. **Outdated Fee Structure:** The current fee-in-lieu amount of \$700 per dwelling unit has not changed since 2007, despite significant increases in land values.

*Section 42-253 (c) states that each year following certification of the city's tax roll, the planning and parks directors shall report to the Planning Commission on the amount of fees in lieu of dedication received, expended or encumbered during the preceding 12 months. The report shall also include an analysis of changes in the taxable value of land within the city as certified by each respective county appraisal district. The planning and parks director may recommend an increase in the fee in lieu of dedication based on increases in appraised value.*

This required reporting and appraisal analysis has never been done since the inception of the ordinance. According to new state rules, the maximum the city can charge for the fee in lieu of dedication is \$1260. I recommend we update the fee to this level using current appraisal amounts as justification.



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3. **Disparities in Distribution:** The current sector-based spending model creates disparities. Some sectors have multiple parks and amenities, as well as development, while others have very few. I want to explore options to revise boundaries and/or consider a split model (like the 70/30 split in the sidewalk fee in lieu of ordinance) to ensure fair and just distribution of park resources.
4. **Opportunity to Leverage Funds:** These park dedication funds help support our existing system and help secure matching grants from local, state, and federal sources. Increasing funding and improving flexibility in spending will enhance these opportunities.
5. **Community Support:** Advocacy groups and residents who spoke at committee support raising the fee and improving equity by updating the park sector map. My staff also sent the BFA agenda notice to the Houston Apartment Association, Greater Houston Builders Association, and Houston Real Estate Council. Although not present at the meeting, these stakeholders should be included in discussions related to updating the ordinance.

## Next steps:

I recommend initiating a formal review and amendment process for Chapter 42's open space provisions. This should include:

- Aligning ordinance language with state requirements by May 2026
- Updating the fee structure to reflect current land values and costs
- Revisiting sector boundaries and considering a more equitable distribution model

Regarding the open space ordinance amendments, **I recommend we discuss the fee and the park sector boundaries in more detail at the March 3 BFA meeting.** At subsequent BFA meetings, potential revisions will be discussed and debated. It makes sense to update these sections of the ordinance while also drafting language to bring the ordinance in line with state code.

Please let me know if I may proceed with Planning and Parks to present on these topics at the March BFA meeting.

Thanks for your consideration.