

Sec. 23-20. - Park dedication and recreation improvements.

A. *Purposes.* The purposes of this section are to recognize that:

1. The provision of parks and open space will consider the 2001 Parks and Recreation Comprehensive Master Plan and Open Space Plan and the comprehensive plan;
2. The need for parkland generated by new development should be proportionate to the scale of the development that created the demand;
3. A combination of coordinated public and private solutions can preserve usable space for parks and recreation opportunities by preserving wetlands, floodplains, mature tree stands, and wildlife habitat, use BMP practices to maintaining vegetation around water features to improve water quality, design of stormwater areas to allow multiple uses, and using easement corridors;
4. All land is not suitable for public parkland but may be ideal for smaller scale private parks and recreation facilities maintained by a property owner association; and
5. The need for parkland can addressed by:
 - a. A community parks that serve several neighborhoods;
 - b. Adding new improvements to existing parks located in close proximity to new development;
 - c. Providing usable open space in exchange for development density bonuses for new development to provide recreation areas for the residents of that development;
 - d. Allowing developers to propose usable open space that can be used for recreation with recreation improvements that result in a fully improved private park that is maintained by a private property owners' association to sufficiently addresses the need for parkland generated by that development; and
 - e. Allowing developers to enter into improvement agreements with the city and Angleton Drainage District to provide regional detention areas with parks and recreation improvements.
6. The decision selected should be based on the considerations of each new development, the area of the city where development is proposed, and the constraints and opportunities of each site.

B. *Policy.* The parkland policies of the city are:

1. Parks and recreation opportunities shall be distributed equitably across the city;
2. Underserved areas will be given the highest priority for new parks and recreation facilities;
3. It is desirable to provide a variety of park sizes and improvements and essential that all parks and improvement comply with all ADA/TAS standards;
4. It is essential to update the fee in lieu of parkland dedication regularly so that it reflects the current cost of obtaining parkland;
5. The city shall map and annotate developments where fees in lieu of parkland are collected to ensure that parkland is obtained within the vicinity of each development, in accordance with TLGC requirements, and shall track the dates on which fees are collected to ensure that fees are utilized before they expire and are required to be refunded, in accordance with the TLGC;
6. It is desirable to consider a variety of public or private park alternatives as parks and usable open space in the areas where the residents who would use these spaces reside;
7. It is desirable that park improvement fees, if collected, are based on a rational study of the actual expenses associated with providing improvements within each of park type in the city and that this fee, if collected, be regularly updated to reflect current expenses;
8. All fees in lieu of parkland dedication, and park improvement fee, if collected, shall be applied equitably and proportionately to the immediate area where each fee is collected and equitably across the city to the greatest degree practical; and
9. Development incentives that encourage public park dedication with public park improvements, clustering to preserve open space, and private recreation spaces with active or passive recreation or park improvements are desirable and may be considered as alternatives.

C. *Considerations and residential development characteristics.*

1. The city is:
 - a. Traversed by ditches, bayous, streams, wetlands, and areas subject to periodic inundation that should remain in a natural condition;

- b. Underdeveloped in many areas that are readily accessible by regional highways and that can be provided utility services by the city;
 - c. Highly developed in its central core, with many residential areas that are underserved with parks and recreation facilities and are suitable for in-fill and redevelopment; and
 - d. Located within an area that may experience rapid growth and development due to its proximity to Houston, Galveston, and Port Freeport.
2. Based on those considerations, residential development of all types will:
- a. Be common on tracts of all sizes as in-fill development, with the redevelopment of older sections of the city, and as tract home development on large acreage tracts around the periphery of the city and the ETJ;
 - b. Need to be clustered in some areas, or have a higher density, to avoid natural hazards and maximize utility service to ensure that projects are economically viable;
 - c. Trend toward higher density development in some areas to compensate for development feasibility issues.
3. As a result of these considerations, the city, may find it desirable to accept fees in lieu of parkland with a size or location that does suit the needs of the city, or may accept usable open space, with or without park improvements, as a common recreation or conservation area maintained by a property owners' association. It's appropriate, and often desirable, to allow developers to provide and maintain such areas to provide park and recreation space and opportunities to the residents that are generating the demand to allow the city to focus on underserved areas and concentrate operations and maintenance funding on other parks. Each project shall be reviewed on a case-by-case basis, subject to recommendations by the parks and recreation director and the decision of the city council.

D. Parkland dedication requirements.

1. *Exemptions.* This section shall not apply to the following:
 - a. Any subdivision for which a preliminary plat or application was filed prior to the effective date of this LDC;
 - b. Alterations or expansion of an existing residential unit or a building of multiple units where no additional residential units are created and where the use is not changed;
 - c. The construction of accessory buildings or structures, including an accessory dwelling unit;
 - d. The replacement an existing manufactured home;
 - e. The replacement of a destroyed or partially destroyed residence; and
 - f. Replats or amending plats where the development density will not increase.
2. *Size.* Parks smaller than one acre may be approved if the city council finds that:
 - a. A public benefit would be derived;
 - b. The park is located in any underserved area; or
 - c. The park would address a public need or goal identified in the 2001 Parks and Recreation Comprehensive Master Plan and Open Space Plan or the 2007 Comprehensive Plan.
3. *Location.* Where practical, parklands shall be located adjacent to:
 - a. Schools to allow shared facilities;
 - b. Ponds and drainage improvements that have usable space for recreation; and
 - c. In proximity to an easement that can be used to install or bike path to link parks across the city into a linear park network.
4. *Park improvement standards.*
 - a. Park improvements shall be designed and installed to meet the minimum standards of the ACM, Americans With Disabilities Act (ADA), and U.S. Consumer Protection Report 325;
 - b. Where possible, parklands shall be designed and located to allow for an extension or connection to other park and recreational facility that abut the subdivision; and
 - c. Water and sewer stub outs shall be provided to all parkland conveyed to the city.
5. *Public improvements required.* Parkland conveyed to the city shall be improved as follows:
 - a. Park frontage shall be paved, and include curb and gutter, sidewalks, and utility stub outs the extension of all utilities

extensions for all park frontage abutting a right-of-way;

- b. Accessible parking spaces and routes shall be provided for all parkland, with an accessible route into the park interior, compliant with all ADA/TAS construction standards; and
- c. Grading, erosion control, irrigation, landscape plans shall indicate where existing vegetation will be preserved in an undisturbed condition and where natural vegetation will be preserved to satisfy BMP standards for TCEQ MS4 water quality purposes.

6. *Dedication requirements.*

- a. The subdivider or developer shall dedicate a site, or sites, to the public for parkland at a ratio of one-half acre of parkland for every 100 persons in the City of Angleton.
- b. Population shall be derived at a rate of 3.3 persons per single-family residence or 2.8 persons per multi-family living unit. For the purpose of administering these requirements, duplex, multiplex, and townhome development shall use the 3.3 persons per residence.
- c. The planning and zoning commission and city council shall approve the site(s) selected. The following definitions and conditions shall apply if there is a site dedication for park purposes:
 - i. The area of the park to be dedicated shall be clearly defined. Where streets, ditches or easements infringe on or are part of the area to be dedicated, the planning commission must agree to the acceptance of those areas.
 - ii. When a subdivision or residential development will be developed in phases or units, the platting, or dedication, of the park area by the subdivider or developer shall be completed and delivered to the city with the final plat of the first phase or unit of said subdivision, or in accordance with an approved phasing plan, as set out in section 23-18, Development phasing, terms a development or public improvement agreement, as set out in section 23-35, Development and public improvement agreements, or as set out in section 23-37, Deferral and permitting.
 - iii. Subsections 6.c.i and ii above, shall not apply in the case of a replat of a plat, subdivision or addition that has previously met park requirements or the re-subdividing of existing single lots, unless the replatting results in an increase in park requirements.
 - iv. Each park shall have access to a public street, with exceptions permitted to preserve wetlands, riverine land, mature tree stands, and similar conservation areas in a natural condition, and in the case of linear parks, all of which shall be made accessible by pedestrian access easements or other appropriate alternatives.
 - v. Final acceptance and approval of parklands and any improvements to be dedicated to the public shall be made by the city council.
- d. The city council, at its discretion, upon determining that an area proposed to be dedicated as parkland is not suitable or desirable, for any reason, may elect to accept fees in lieu of the dedication.
- e. A subdivider or developer may make a request with a plat or site plan application for paying a fee in lieu of dedication with a written statement of intent to deposit money in the city's park and recreation development fund at the initial rates of those listed in the fee schedule of the City of Angleton for each lot in a single-family residential subdivision and for each dwelling unit in a duplex, townhouse, apartment, or other multi-family development.
- f. The amount of money in lieu of park acres shall be set by the city council and shall be reviewed annually and adjusted as market values warrant.
- g. After approval of the application of the city council, the subdivider or developer shall make payment of the approved amount of money to the city prior to plat recordation.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018; Ord. No. 20210810-009, § 52, 8-10-21)