

1 **Chapter 10**
2 **PARKLAND DEDICATION AND PARK ENRICHMENT FUND**

3 **ARTICLE 10.01 - PARKLAND DEDICATION AND PARK ENRICHMENT FUND**

4 **SECTION 10.01.001 BASTROP BUILDING BLOCK (B3) CODE – CHAPTER 1 SUBDIVISION**
5 **AND CHAPTER 7 PUBLIC REALM DEVELOPMENT STANDARDS.**

6 The Bastrop Building Block (B3) Code is incorporated by reference as though copied herein
7 fully, except such portions as are deleted, modified or amended in this chapter. The Code can
8 be found on the city's website.

9 **SECTION 10.01.002 ADOPTION.**

10 Section 10.01.003 - Purpose, Section 10.01.004 - Time of Dedication and Assessment, Section
11 10.01.005 - Exemptions, Section 10.01.006 - Land Dedication, Section 10.01.007 - Park
12 Development Fund (Fee in Lieu of Dedication), Section 10.01.008 Park Enrichment Fee, Section
13 10.01.009 - Park Development Improvements in Lieu of Park Enrichment Fee, Section 10.01.010
14 - Additional Dedication, Section 10.01.011 - Prior Dedication, Section 10.01.012 - Additional
15 Requirements, Section 10.01.013 - Review of Dedication Requirements, and Section 10.01.014
16 Definitions are hereby adopted and incorporated into the Bastrop Building Block (B3) Code,
17 Chapter 1 Subdivision and Chapter 7 Public Realm Development Standards.

18 **SECTION 10.01.003 PURPOSE.**

- 19 A. The purpose of this Chapter is to provide City planned recreational areas in the form of
20 public parks as a function of the subdivision of land for residential uses and site
21 development in the City.
- 22 B. Public parks are those public open spaces providing for a variety of outdoor recreational
23 opportunities and located at convenient distances within a development from a majority of
24 the residences to be served by said development.

25 **SECTION 10.01.004 TIME OF DEDICATION AND ASSESSMENT.**

26 Public Park dedications shall be established at the time of filing a subdivision plat with the City of
27 Bastrop. The developer shall have the option to pay a fee in lieu to the City of Bastrop, which shall
28 be calculated as provided for in the city's then-adopted Master Fee Schedule to mitigate the
29 parkland dedication requirements established in this section. The fee will be assessed at the time
30 of the filing of the plat, per the adopted fee in the Master Fee Schedule, and collected prior to the
31 recordation of the plat.

32
33 Plats filed with the City of Bastrop after the effective date of this ordinance shall be subject to the
34 provisions of this ordinance listed herein.

35
36 Preliminary Plats shall either demonstrate the developments ability to satisfy the Parkland
37 dedication requirements of this ordinance, OR have a plat note added to the face of the plat
38 acknowledging the obligation to pay a fee-in-lieu in place of parkland dedication.

39 **SECTION 10.01.005 EXEMPTIONS.**

- 40 A. The following shall be excluded from the requirements of this Section:

- 41 1. Amending plats which have previously satisfied the requirements of this Section,
42 or are not creating additional lots;
- 43 2. Commercial developments/uses that are not multi-family developments (as
44 defined in Section 10.01.014).

45 **SECTION 10.01.006 LAND DEDICATION.**

- 46 A. Whenever a final plat for a residential subdivision within the city limits of the City of Bastrop
47 is filed, such plat shall contain a clear, fee simple dedication within the subdivision to
48 the City for park purposes.
- 49 B. For subdivisions where all lots are for single-family housing types, the dedication
50 requirement shall be determined by the ratio of 1 acre for each 100 proposed dwelling
51 units (as defined in Section 10.01.014). (Example: 1 dwelling (du) = 0.01 acres; 25 du's =
52 0.25 acres; 75 du's = 0.75 acres; 200 du's = 2 acres.)
- 53 1. The land must be a minimum of three (3) contiguous acre in size. Land may be
54 considered contiguous if it abuts both sides of a street with a Local classification
55 and the separate areas are joined by a marked pedestrian crossing. For
56 subdivisions that will be dedicating less than 3 acres of land at the time of
57 dedication, a fee-in-lieu as established in Section 10.01.007 shall be required in
58 place of parkland dedication.
- 59 C. For subdivisions where lots are for multi-family units, the dedication requirement shall be
60 determined by the ratio of 1 acre for each 200 proposed multi-family units (as defined in
61 Section 10.01.014). (Example: 1 multi-family unit (mfu) = 0.005 acres; 25 mfu's = 0.125
62 acres; 75 mfu's = 0.375 acres; 300 mfu's = 1.5 acres.)
- 63 1. The land must be a minimum of three (3) contiguous acre in size. Land may be
64 considered contiguous if it abuts both sides of a street with a Local classification
65 and the separate areas are joined by a marked pedestrian crossing. For
66 subdivisions that will be dedicating less than 3 acres of land at the time of
67 dedication, a fee-in-lieu as established in Section 10.01.007 shall be required in
68 place of parkland dedication.
- 69 D. For subdivisions with both single-family and multi-family units, the appropriate dedication
70 requirement in paragraphs 10.01.006.B and 10.01.006.C shall apply proportionately.
- 71 E. A preliminary plat shall show the area proposed to be dedicated.
- 72 F. If parkland dedication is required due to a change from a nonresidential use to a residential
73 use, and a preliminary or final plat is not required, this dedication shall be met prior to the
74 issuance of a building permit.
- 75 G. The area to be dedicated shall be measured and calculated at the centerline of
76 any street bound by said park within the subdivision.
- 77 H. Park entrances shall be located along collector or higher classification roadways.
- 78 I. No more than 20% of the overall property being dedicated to the city shall be located in
79 the floodway or 100-year floodplain (1% annual chance flood hazard).
- 80 J. A developer may dedicate only a portion of the required dedication and pay a fee-in-lieu
81 of dedication for the remaining portion except that, the minimum land dedication shall be
82 3 acres.
- 83 K. In the case of Development Agreements, 380 Agreements, or Planned Development
84 Districts, the City may negotiate alternative methods of compliance (AMOC). The AMOC
85 shall meet or exceed the requirements of this ordinance.
- 86 L. Adequate vehicular access shall be provided for parkland operation and maintenance. For
87 public parkland areas not fronting a public street right-of-way or which back up to private
88 properties, an access lot encumbered by a public access easement containing a trail

89 connection, not less than thirty (30') feet in width, shall be dedicated and conveyed to
90 connect to the public parkland a minimum of every 1,000 linear feet along the public street.
91

92 **SECTION 10.01.007 PARK DEVELOPMENT FUND (FEE IN LIEU OF DEDICATION).**

93 A. A special fund is established for the deposit of all sums paid in lieu of land dedication in
94 accordance with this Section or any preceding regulations. The fund shall be known as
95 the "Park Development Fund."

96 B. The City shall account for all sums paid in lieu of land dedication under this Chapter with
97 reference to the individual plats involved. Any funds paid for such purposes shall be
98 expended by the City within ten (10) years from the date received by the City for
99 the acquisition or development of public parks.

100 1. Such funds shall be spent on a first-in, first-out basis. If not so expended, the
101 owners of the property on the last day of such period shall be entitled to a refund
102 of such sum, which shall be proportional to the amount of monies that remain
103 unutilized from the funds collected for the fee in lieu of dedication. The owners of
104 such property may request such refund in writing within 12 months of the last day
105 of the ten-year period, or such refund right shall be terminated.

106 C. Park Development Funds collected in Development Area 1 may only be expended in Area
107 1, and fees collected in Development Area 2 may only be expended in Area 2. If at the
108 time of dedication there is a conflict regarding fund allocation to the respective
109 Development Area, the City Manager shall make the final determination for the allocation
110 of fees to the appropriate Development Area.



111
112 *Please reference the Master Fee Schedule, Parkland Dedication for the fee-in-lieu amount

113 **SECTION 10.01.008 PARK ENRICHMENT FEE.**

114 A. The City will require a fee to be known as the Park Enrichment Fee. The Park Enrichment
115 Fee shall be made at or prior to the time of filing the plat for recordation

116 B. The Park Enrichment Fee shall be assessed at five hundred dollars (\$500.00) per dwelling
117 unit or multi-family unit, as defined in Section 10.01.014 of this ordinance.

118 C. The Park Enrichment Funds shall be used for the acquisition of land for public parks and
119 the development or construction of park improvements, including, but not limited to,
120 necessary utility extensions.

121 **SECTION 10.01.009 PARK DEVELOPMENT IMPROVEMENTS IN LIEU OF PARK**
122 **ENRICHMENT FEE.**

123 A developer may propose constructing public park improvements in lieu of the payment of a Park
124 Enrichment Fee. The City Council may approve proposed improvements after receiving a
125 recommendation from the Director of the Parks and Recreation Department. All improvements
126 shall either be financially guaranteed or accepted by the City prior to the filing of the plat. The
127 process of financial guarantee shall be the same as that found in the Bastrop Building Block (B3)
128 Code.

129
130 This section may only be applicable if the developer is dedicating parkland to the City. In the
131 instance where a developer is paying a fee in lieu of dedication, this section may not apply.

132 **SECTION 10.01.010 ADDITIONAL DEDICATION.**

133 A. If the actual number of completed dwelling units or multi-family units exceeds the figure
134 upon which the original dedication was based, additional dedication shall be required and
135 shall be made by the developer by payment of cash in lieu of land or by a conveyance of
136 additional land to the City as required by this ordinance.

137 B. Properties who are not vested under Chapter 245 of the Local Government Code shall be
138 required to pay the fee in lieu of dedication at the time of building permit application.

139 **SECTION 10.01.011 PRIOR DEDICATION.**

140 A. If a dedication requirement arose prior to the effective date of these provisions, that
141 dedication requirement shall be controlled by the public open space dedication
142 requirements in effect at the time such obligation arose, except that additional dedication
143 shall be required if the actual density of structures constructed upon the property is greater
144 than the previously- assumed density. Additional dedication shall be required only for the
145 increase in density and shall be based upon the ratio set forth in Section 10.01.006 of this
146 Section.

147 **SECTION 10.01.012 ADDITIONAL REQUIREMENTS.**

148 A. Any land dedicated to the City under this Chapter shall be suitable for park and recreation
149 uses as determined by the City.

150 B. Detention or retention areas may be accepted in addition to the required dedication but
151 shall not exceed 10% of the overall land being dedicated for parkland to the City. If
152 accepted as part of the park, the detention or retention area design shall be as determined
153 by the City and shall meet all park requirements consistent with the Parks, Recreation,
154 and Open Space Master Plan.

155 C. Parks should be easy to access and open to public view so as to benefit area
156 development, enhance the visual character of the City, protect public safety, and minimize
157 conflict with adjacent land uses. The following guidelines should be used in designing
158 parks and adjacent development:

159 1. Where feasible, park sites should be located adjacent to greenways or schools in
160 order to encourage both shared facilities and the potential co-development of new
161 sites.

162 2. A proposed subdivision adjacent to a park shall not be designed to restrict
163 reasonable access to the park from other area subdivisions. Street and greenway

164 connections to existing or future adjoining subdivisions may be required to provide
165 reasonable access to parks.

166 3. Notwithstanding another requirement, the City may require any local collector
167 street built adjacent to a park to be constructed to a primary multi-modal street
168 width along the park frontage to ensure access and prevent traffic congestion.
169 The developer shall be entitled to enter into an Oversize Agreement with the City
170 in such situations.

171 **SECTION 10.01.013 REVIEW OF DEDICATION REQUIREMENTS.**

172 The City Council shall review the fees set forth in this Section only. The City Council shall take
173 into account inflation as it affects land and park development costs as well as the City's targeted
174 level of service for parkland.

175 **SECTION 10.01.014 DEFINITIONS.**

176 *Commercial Uses* - shall mean Structures used for Office, Local Retail, General Retail, and
177 Commercial Services, property in a Planned Development District that allows for Commercial
178 Use. Commercial uses are those used for the sale, lease, or rent of goods, services, or property.

179 *Dwelling Unit* – A single unit providing complete, independent living facilities for one or more
180 persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

181 *Multi-family Unit* – A multifamily unit is a classification of housing where multiple separate dwelling
182 units for residential inhabitants are contained within one building or several buildings within one
183 complex.