

## **Chapter 17**

# **COMMUNITY ENRICHMENT FUND FOR PUBLIC OPEN SPACE**

### **Sec. 17.01.001 Purpose.**

- A. The purpose of this Section is to provide City planned recreational areas in the form of public parks as a function of the subdivision of land for residential uses and site development in the City.
- B. Public parks are those public open spaces providing for a variety of outdoor recreational opportunities and located at convenient distances within a development from a majority of the residences to be served by said development. The primary cost of public parks should be borne by the City with the assistance of the ultimate residential property owners or developer who, by reason of the proximity of their property to such parks, shall be the primary beneficiaries of such facilities.

### **Sec. 17.01.002 Applicability.**

Public Park dedications shall be established at the time of filing a subdivision plat with the City of Bastrop. The development/developer will have the option to choose to pay a fee-in-lieu to the City of Bastrop to mitigate the parkland dedication requirements established in this Section. The fee will be assessed at the time of the filing of the plat with the City of Bastrop, and collected prior to the recordation of the plat at the Bastrop County Clerk's Office.

### **Sec. 17.01.003 Exemptions.**

- A. The following shall be excluded from the requirements of this Section:
  - 1. Land developed for nonresidential uses;
  - 2. Preliminary Plats shall either demonstrate the developments ability to satisfy the Parkland dedication requirements of this ordinance, OR have a plat note added to the face of the plat acknowledging the obligation to pay a fee-in-lieu in place of parkland dedication, which will be assessed at the time of submitting any plat for the project with for the purpose of recordation, and will be collected prior to the recordation of said plat at the Bastrop County Clerk's Office.
  - 3. Amending plats which have previously satisfied the requirements of this Section, OR are not creating additional lots;
  - 4. Other exemptions?

### **Sec. 17.01.004 Park Development Fund.**

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

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- B. The City shall account for all sums paid in lieu of land dedication under this Section with reference to the individual plats involved. Any funds paid for such purposes shall be expended by the City within seven years from the date received by the City for the acquisition or development of public parks.
    - 1. Such funds shall be considered to be spent on a first-in, first-out basis. If not so expended, the owners of the property on the last day of such period shall be entitled to a pro-rata refund of such sum, computed on a square footage of area basis. The owners of such property shall request such refund in writing within 12 months of the last day of the seven-year period, or such refund right shall be terminated.
  - C. If the City accepts the fee-in-lieu of land, the fees shall be placed in the City's Park Development Fund and shall be used within the applicable City Development Quadrant as established by the exhibit below.

### **Sec. 17.01.005 Land Dedication.**

- A. Whenever a final plat within the City's jurisdiction (City limits) for the development of a residential subdivision is filed with the City of Bastrop, such plat shall contain a clear, fee simple dedication of an area of land within the subdivision to the City for park purposes.
- B. For subdivisions where all lots are for single-family housing types, the dedication requirement shall be determined by the ratio of 1 acre for each 100 proposed dwelling units. (Example: 1 dwelling unit (du) = 0.01 acres; 25 du's = 0.25 acres; 75 du's = 0.75 acres; 200 du = 2 acres.)
  - 1. For residential subdivisions creating less than 50 residential lots, a fee-in-lieu as established in Section 17.01.006 shall be required in place of parkland dedication.
- C. For subdivisions where all lots are for multifamily housing types, the dedication requirement shall be determined by the ratio of 1 acre for each 200 proposed dwelling units. (Example: 1 dwelling unit (du) = 0.005 acres; 25 du's = 0.125 acres; 75 du's = 0.375 acres; 300 du = 1.5 acres.)
- D. For subdivisions with both single-family and multifamily housing types, the appropriate dedication requirement in paragraphs 17.01.005.B and 17.01.005.C shall apply proportionately.
- E. A preliminary plat shall show the area proposed to be dedicated under this Section. The required land dedication of this subsection may be met by payment of a fee-in-lieu of land when permitted or required by the other provisions of this Section.
- F. In the event that parkland dedication is required due to the change of a subdivision developed for nonresidential use into a residential subdivision and a preliminary or final plat is not required, this dedication shall be met prior to the issuance of a building permit.
- G. The area of the park to be dedicated shall be measured and calculated at the centerline of any street bound by said park within the subdivision.

### **Sec. 17.01.006 Park Enrichment Fee.**

- H. The City will require a fee in lieu of land dedication to be known as the Park Enrichment Fee. The Park Enrichment Fee shall be made at or prior to the time of filing the plat for recordation at the Bastrop County Clerk's Office.

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- I. The Park Development Fee shall be met by a payment each year based on city council action as part of the fiscal budgeting process
  - J. Park Development Funds shall be used for the acquisition of land for a public park and/or the development or construction of improvements for a public park, including utility extensions required to serve recreational areas.

**Sec. 17.01.007 Park Development Improvements.**

A developer may propose to construct the public park improvements in lieu of the park development fees described in Subsection 17.01.006. Before the City can approve the developer's proposal, a recommendation for approval of proposed improvements is required from the Director of the Parks and Recreation Department. All improvements either shall be financially guaranteed or accepted by the City prior to the filing of the plat. The process of financial guarantee shall be the same as that found in Section 1.4.003 of the Bastrop Building Block (B3) Code. Once improvements are accepted by the City, the developer shall deed the property and improvements to the City.

**Sec. 17.01.008 Additional Dedication.**

- A. If the actual number of completed dwelling units exceeds the figure upon which the original dedication was based, additional dedication shall be required and shall be made by the developer by payment of the cash in lieu of land or by the conveyance of additional land required by the City.
- B. For residential development where parkland was neither previously dedicated nor payment was made with the filing of a plat for recordation at the Bastrop County Clerk's Office, the additional dedication or payment in lieu of land required by this Section shall be made at the time of the building permit application.

**Sec. 17.01.009 Prior Dedication.**

- A. Credit shall be given for land dedicated or money paid in accordance with this Chapter.
- B. If a dedication requirement arose prior to the effective date of these provisions, that dedication requirement shall be controlled by the public open space dedication requirements in effect at the time such obligation arose, except that additional dedication shall be required if the actual density of structures constructed upon the property is greater than the previously- assumed density. Additional dedication shall be required only for the increase in density and shall be based upon the ratio set forth in Section 17.01.005 of this Section.

**Sec. 17.01.010 Additional Requirements.**

- A. Any land dedicated to the City under this Section shall be suitable for park and recreation uses as determined by the City.
- B. Detention or retention areas may be accepted in addition to the required dedication, but may not be the sole asset being dedicated for open space to the City. If accepted as part of the park, the detention or retention area design shall be as recommended by the Parks and Recreation Department and shall meet all park requirements consistent with the Parks, Recreation and Open Space Master Plan.

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

1. Where physically feasible, park sites should be located adjacent to greenways or schools in order to encourage both shared facilities and the potential co-development of new sites.
2. A proposed subdivision adjacent to a park shall not be designed to restrict reasonable access to the park from other area subdivisions. Street and greenway connections to existing or future adjoining subdivisions may be required to provide reasonable access to parks.
3. Streets abutting a public park shall be built in accordance with the Master Transportation Plan and the standards of this Bastrop Building Block (B3) Code, Code of Ordinances, and any other applicable code; however, the City may require any local collector street built adjacent to a park to be constructed to a primary multi-modal street width along the park frontage to ensure access and prevent traffic congestion. The developer shall be entitled to oversize participation in such situations.

#### **Sec. 17.01.011 Review of Dedication Requirements.**

The City Council shall review the fees set forth in this Section only once every two years. The City Council shall take into account inflation as it affects land and park development costs as well as the City's targeted level of service for parkland per 1,000 population.