

## **Chapter 10**

# **PARKLAND DEDICATION AND PARK ENRICHMENT FUND**

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

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

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

#### **SECTION 10.01.002 ADOPTION.**

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

#### **SECTION 10.01.003 PURPOSE.**

- A. The purpose of this Chapter 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.

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

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

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

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.

#### **SECTION 10.01.005 EXEMPTIONS.**

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

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

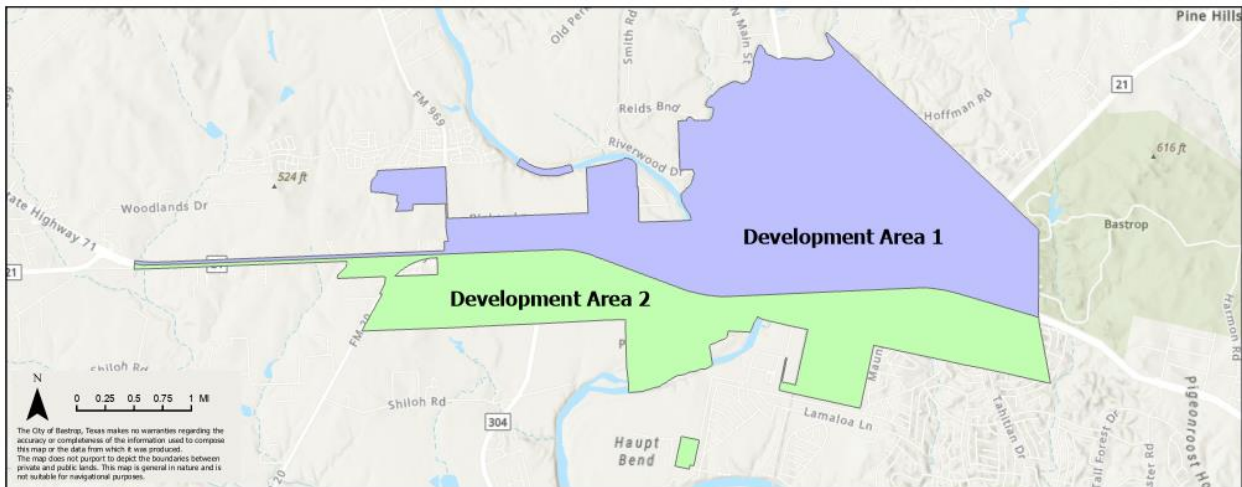
#### **SECTION 10.01.006 LAND DEDICATION.**

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

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

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

- 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.”
- B. The City shall account for all sums paid in lieu of land dedication under this Chapter with reference to the individual plats involved. Any funds paid for such purposes shall be expended by the City within ten (10) years from the date received by the City for the acquisition or development of public parks.
  - 1. Such funds shall 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 refund of such sum, which shall be proportional to the amount of monies that remain unutilized from the funds collected for the fee in lieu of dedication. The owners of such property may request such refund in writing within 12 months of the last day of the ten-year period, or such refund right shall be terminated.
- C. Park Development Funds collected in Development Area 1 may only be expended in Area 1, and fees collected in Development Area 2 may only be expended in Area 2. If at the time of dedication there is a conflict regarding fund allocation to the respective Development Area, the City Manager shall make the final determination for the allocation of fees to the appropriate Development Area.



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

**SECTION 10.01.008 PARK ENRICHMENT FEE.**

- A. The City will require a fee 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
- B. The Park Enrichment Fee shall be assessed at two hundred and fifty dollars (\$250.00) per dwelling unit or multi-family unit, as defined in Section 10.01.014 of this ordinance.
- C. The Park Enrichment Funds shall be used for the acquisition of land for public parks and the development or construction of park improvements, including, but not limited to, necessary utility extensions.

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

A developer may propose constructing public park improvements in lieu of the payment of a Park Enrichment Fee. The City Council may approve proposed improvements after receiving a recommendation from the Director of the Parks and Recreation Department. All improvements shall either 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 the Bastrop Building Block (B3) Code.

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

**SECTION 10.01.010 ADDITIONAL DEDICATION.**

- A. If the actual number of completed dwelling units or multi-family 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 cash in lieu of land or by a conveyance of additional land to the City as required by this ordinance.
- B. Properties who are not vested under Chapter 245 of the Local Government Code shall be required to pay the fee in lieu of dedication at the time of building permit application.

**SECTION 10.01.011 PRIOR DEDICATION.**

- A. 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 10.01.006 of this Section.

**SECTION 10.01.012 ADDITIONAL REQUIREMENTS.**

- A. Any land dedicated to the City under this Chapter 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 shall not exceed 10% of the overall land being dedicated for parkland to the City. If accepted as part of the park, the detention or retention area design shall be as determined by the City and shall meet all park requirements consistent with the Parks, Recreation, and Open Space Master Plan.
- 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 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. Notwithstanding another requirement, 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 enter into an Oversize Agreement with the City in such situations.

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

The City Council shall review the fees set forth in this Section only. 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.

#### **SECTION 10.01.014 DEFINITIONS.**

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

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

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