

Chapter 12 Subdivision

ARTICLE 12.20 PARKLAND DEDICATION AND IMPROVEMENTS

Sec. 12.20.001 Purpose

(a) All residential developments shall be required to comply with this Article. It is the intention of this Article to provide for quality parkland and improvements to those parklands through either parkland property dedication or parkland cash contributions in lieu of property dedication and parkland improvement cash contributions.

(b) The City desires to provide sizable, high quality parkland sites for the use and enjoyment of its citizens. It is intended that such sites be easily accessible to all citizens of Cedar Park and easily maintained by City work forces.

(c) The Director of Parks and Recreation ("Director") may recommend to the Planning and Zoning Commission that a proposed parkland site dedication is unacceptable and may require parkland cash contributions in lieu of parkland property dedication.

Sec. 12.20.002 Criteria for land dedication

(a) The developer of any subdivision classified as a minor subdivision or residential developments requiring a site development permit shall not be required to dedicate parkland. The developer of minor subdivisions shall pay cash contribution in lieu of parkland dedication. However, if the developer feels he has parkland area that would be advantageous to the City, he may submit a request for dedicating parkland to the City and the City shall have the option of accepting parkland property dedication or the cash contribution.

(b) The developer of any subdivision classified as a major subdivision, except for those residential developments requiring a site development permit, may be required to dedicate parkland. During the preliminary plan approval process, the developer shall designate a location for the proposed park (see parkland dedication requirements). To meet the intent of this chapter, one larger park rather than several small ones spread over the subdivision may be required. At this time the Director will decide whether or not the proposed property dedication would be consistent with the desires of the City in terms of quality and location of its parklands. Should the City decide that the parkland is not desirable, the developer shall pay cash contribution in lieu of parkland dedication.

(c) When an area of less than five (5) acres is required to be dedicated, the City may elect to accept the land offered for dedication, or refuse the same and require the payment of fees in lieu thereof.

Sec. 12.20.003 Parkland dedication requirements

(a) The amount of land required to be dedicated for parkland will be calculated at a rate of not less than eight (8) acres of parkland per 1,000 ultimate residents or an equivalent ratio thereof. The area of the park to be dedicated shall be measured and calculated to the centerline of any street within the subdivision bounding said park. The following formula shall be used to determine the amount of parkland to be dedicated:

$$8.0 \times ((\text{Number of units} \times \text{Persons per Unit}) / 1000) = \text{Acres to be dedicated}$$

(b) The number of persons per unit shall be based on data compiled by the City and shall be reviewed and adjusted as necessary. The following figures represent the average number of persons per unit by current density categories, and shall be used to calculate parkland dedication:

Gross Density per Residential Development (dwelling units per acre)	Persons per Unit
Under 6	3.0
From 6 to 20	2.5
Over 20	2.0

(c) No parkland shall be submitted for approval by the City that falls within the one-hundred-year floodplain or is a portion of any drainage or detention systems unless the Planning and Zoning Commission determines, after receiving a recommendation from the Director, that the floodplain is desirable for recreation and the floodplain is left in its native condition with the exception of allowing vegetation to be pruned or maintained in a way consistent with the recreational uses and allowing installation of recreational improvements consistent with floodplain uses such as trails, picnic areas, etc. If it is determined that the native floodplain areas are useful for recreational purposes, up to fifty (50%) percent of the land required for dedication based on the parkland dedication calculation may be counted toward the parkland requirements with the condition that the parkland is at least one hundred (100) feet in width and that none of the parkland is utilized for stormwater detention.

(d) All land intended for park purposes shall be inspected both on the plat and in the field by the Director or his/her designee, who shall make a recommendation to the Planning and Zoning Commission as to the desirability of the parkland. The Planning and Zoning Commission shall make the final decision.

(e) Parkland to be conveyed as part of a subdivision application shall be designated on both the preliminary plan and the final plat and shown as "Parkland Dedicated to the City of Cedar Park" with the acreage of the parkland also shown. The applicant shall show the area designated as parkland in the narrative portion of the plat where the applicant or developer dedicates all easements, rights-of-way, etc. to the City and designate it as a lot. At the time the applicant requests the City to accept the subdivision improvements, the applicant shall deliver to the Parks

and Recreation Department the warranty deed conveying fee simple title of all parkland shown on the final plat approved by the Planning and Zoning Commission. Any violation shall result in delay of City acceptance of the subdivision until restoration is made or until a restoration fee calculated at a rate of 1-1/2 the total value of the damage is paid to the City. The Director shall determine the value of damages.

(f) Following preliminary platting of the parkland by the applicant or developer, the applicant or developer shall not cause or allow any fill material or construction debris to be dumped on the land (park site), excavate the soil, grade the site, remove or damage vegetation or otherwise physically disturb the site without written permission from the Director. The applicant may not convey any easements, dedication or property rights to the property proposed for parkland dedication. The Director may allow the applicant or developer to dump fill material and take other respective actions specified in this section when, at the discretion of the Director, such action would be beneficial to the parkland. In all such cases the City shall provide a letter of permission to the respective applicant or developer prior to the action in question. The property shall be considered and treated as parkland.

(g) The developer shall be obligated to place survey corner markers at all corners of the parkland, which has been located by a licensed and professional surveyor. The markers will be four (4) inch diameter PVC pipe recessed twelve (12) inches in the ground. They will contain a 1/2-inch iron pipe or rebar and be filled with concrete flush with ground.

(h) The developer shall be responsible for providing a six (6) inch sewer stub ten (10) feet behind the curb at a location acceptable to the Director of Engineering or his/her designee. The Director of Engineering or his/her designee will be required to approve such location in writing prior to final approval and release of fiscal requirements of said subdivision.

(i) The developer shall be responsible for providing a three-quarter-inch metered water supply located twelve (12) feet behind the curb at a location acceptable to the Director of Engineering or his/her designee. The Director of Engineering or his/her designee will be required to approve such location in writing prior to final approval and release of fiscal requirements of said subdivision.

Sec. 12.20.004 Standards for Parkland Dedication

(a) General requirements. 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:

(1) Where physically feasible, parks should be bounded by streets or by other public uses (e.g. school, library, recreation center, amenity center, detention area).

(2) Where residential lots must directly abut a park, lots should be oriented so as to side and not back to the park. In this instance, cul-de-sac and looped streets should be used to access the lots and park. Residential lots should back to a park only when the site's physical character (e.g. shape, topography, drainage) does not reasonably permit an

alternative design or the layout of the subdivision complements the use of the park (e.g. lots backing to a golf course).

(3) A proposed subdivision adjacent to a park may not be designed to restrict reasonable access to the park from other area subdivisions. Street connections to existing or future adjoining subdivisions may be required to provide reasonable access to parks.

(4) Where a nonresidential use must directly abut a park, the use must be separated by a screening wall or fence and landscaping approved by the Director. Access points to the park may be permitted by the City if a public benefit is established.

(5) Public access to a park shall not be less than twenty (20) feet at the curb and shall not be part of a residential lot.

(b) Streets abutting a park. The City may require any proposed residential street built adjacent to a park to be constructed to collector street width to ensure access and prevent traffic congestion.

(c) Park location. The City shall specify the location of the proposed land requirements, and the land owner shall accommodate the dedication or offer to dedicate an alternative site, which reasonably meets the same needs of the City. The Director shall make the final determination of site location and configuration reserved for future dedication on the approved preliminary plan and/or final plat.

(d) Site criteria. Park sites shall be of a suitable size, dimension, topography, and general character to meet the design criteria specified in the Parks and Open Space Master Plan, as it exists or may be amended.

(e) Minimum park improvements. Unless waived by the Director, neighborhood and linear parks shall be improved by the developer prior to acceptance by the City. Minimum park improvements, as determined by the City, shall include:

- (1) Grading and clearance of unwanted vegetation;
- (2) Installation of drainage and stream erosion controls;
- (3) Establishment of turf and planting of trees;
- (4) Installation of perimeter streets and street lights; and
- (5) Provision of water and sewer service.
- (6) Two (2) acres or more.

(f) Additional improvements. The developer may request permission to construct additional park improvements. The Director may approve additional improvements if the proposed

improvements are consistent with the design criteria and objectives of the Parks and Open Space Master Plan, as it exists or may be amended.

(g) Improvement plan and development agreement. No additional improvements may be made to a proposed park site without prior written approval from the City. The plan shall illustrate all proposed improvements and estimated costs of each improvement (including unit costs where appropriate). Prior to improving the site, the developer and the City must execute a development agreement defining, among other things, the work to be performed, construction schedules, improvement costs, performance surety, the amount to be reimbursed and the timing of such reimbursement.

(h) Completion of land dedication and improvements. Parkland shall be dedicated to the City concurrently with the filing of an approved final plat or replat. All improvements specified in the park improvement plan and development agreement must be completed prior to approval of the final plat, except where future performance is provided for in a development agreement.

(i) The City may accept or reject voluntary dedications of land and/or improvements for public park purposes.

Sec. 12.20.005 Cash contribution in lieu of land dedication

(a) Properties subject to cash contribution in lieu of land dedication. All residential properties that are to be subdivided or platted and that are not required to have parkland dedicated to the City are subject to cash in lieu donation.

(b) Properties not subject to cash contribution in lieu of land dedication.

(1) All residential properties that have dedicated parkland during the platting process.

(2) Plats and replats for single family use within the City limits and extra-territorial jurisdiction (ETJ) with not more than three (3) new lots each with a minimum area of one (1) acre shall not be required to contribute cash in lieu of parkland dedication.

(c) Payment schedules for cash contributions in lieu of parkland dedication.

(1) The rate shall be set at a rate of one thousand two hundred dollars (\$1,200) per dwelling unit for residential developments with a gross density of less than six (6) dwelling units per acre; one thousand dollars (\$1,000) per dwelling unit for residential developments with a gross density of six (6) to twenty (20) dwelling units per acre; and eight hundred dollars (\$800.00) per dwelling unit for residential developments with a gross density of more than twenty (20) dwelling units per acre.

(2) The City's calculation of the required fee in lieu of parkland dedication is based on an acre of land being valued at \$50,000. If the developer or subdivider objects to the City's determination of fee in lieu of parkland, the developer or subdivider, at his own expense, may obtain an appraisal of the property by a state certified real estate appraiser,

mutually agreed upon by the City and the developer or subdivider. The appraisal will be considered by the Director in determining the fee in lieu of parkland dedication.

(d) Time schedules regarding the payment of cash contributions in lieu of parkland dedication and the expenditure of cash contributions by the City toward parkland or parkland improvements.

(1) Cash contributions for single family developments shall be paid at or prior to the time of final plat approval. Cash contributions for residential developments requiring a site development permit shall be paid prior to issuance of the site development permit.

(2) The City shall expend the cash contributions for parkland dedication or parkland improvements within five (5) years after the day any such cash contribution is made.

Sec. 12.20.006 Park Improvement Fee

In addition to the required dedication of land or fees in lieu of land dedication as set forth above, the developer shall also pay a park improvement fee to the City prior to approval of a Final Plat or Short Form Plat, or, in the case of residential developments requiring a site development permit, prior to site development permit approval. Such park improvement fees shall be sufficient to provide for the development of amenities and improvements on the dedicated land to meet the standards for a neighborhood park to serve the area in which the subdivision is located. The park improvement fee shall be calculated at a rate of four hundred fifty dollars (\$450) per dwelling unit for residential developments with a gross density of less than six (6) dwelling units per acre; three hundred seventy-five dollars (\$375) per dwelling unit for residential developments with a gross density of six (6) to 20 dwelling units per acre; and three hundred dollars (\$300) per dwelling unit for residential developments with a gross density of more than 20 dwelling units per acre.

Sec. 12.20.007 Hike and Bike Trail Requirements

When hike and bike trails, as identified in the Hike and Bike Trails Master Plan, are proposed within a private development, the developer shall dedicate a public access easement to accommodate the trail and construct the trail in conjunction with the subdivision improvements or site development.

Sec. 12.20.008 Constructing Improvements in lieu of Parkland Dedication or Fee Requirements

- (a) If an applicant proposes public park improvements to fulfill some or all of the parkland dedication requirements, the applicant shall provide a park plan with the submission of the subdivision plat. The park plan shall consist of a scaled plan drawing showing the entire park site, topographic contours and all proposed improvements including specifications for proposed equipment. Park improvements will be considered for compliance with this Article only if it is the opinion of the Planning and Zoning Commission, after considering a recommendation from the Director, that the park improvements are more desirable than additional parkland dedication. Any playground equipment and all other site improvements are required to be approved by the Director prior to approval of the park plan. All playground equipment and its installation must meet the safety standards set by the U.S. Consumer Product Safety Commission and the National Playground Safety Institute.

- (b) Where private recreation facilities are built for the residents of the subdivision or development, a credit may be granted for the park improvement fee with a recommendation from the Director and approval by the Planning and Zoning Commission. The value of these private recreation facilities shall be determined by the Director, but shall not exceed fifty percent (50%) credit of the park improvement fee.

Chapter 14, Site Development

ARTICLE 14.04 NONRESIDENTIAL AND MULTIFAMILY SITE DEVELOPMENT REQUIREMENTS

Sec. 14.04.001 Approval requirements

- (a) The applicant shall comply with all applicable requirements and regulations.
- (b) Site development plans may not be approved on unplatted property except if the unplatted property meets the definition of a legal lot.
- (c) All improvements shown on an approved set of site development plans must be completed prior to issuance of the certificate of occupancy.
- (d) If site development is proposed to be constructed in phases, the applicant shall clearly identify all phases on the site plan and all other applicable materials that accompany site plan. A certificate of occupancy may be granted for a partial development if the partial development is consistent with the phasing shown on an approved site plan.
- (e) The site development plans must conform to any recorded plat or filed master plan or master preliminary plan for that same property or subdivision of which it is a part.
- (f) Fees for site development applications shall be as set by the City Council by separate resolution hereto. Said resolution is incorporated herein by reference as though reproduced herein verbatim. Fees are due and payable at time of application and are nonrefundable.
- (g) Any person or persons seeking to appeal findings of noncompliance by the development services coordinator and/or the development services committee may be made to the planning and zoning commission. Application for appeal shall be made in writing with the planning department no less than thirty (30) working days after the date the development services committee sends comments to the applicant regarding his/her site.
- (h) All residential developments requiring a site development permit shall pay the fee in lieu of parkland dedication and park improvement fees per Sections 12.20.005 and 12.20.006 of the Subdivision ordinance prior to issuance of the site development permit. The property owner at the time of the issuance of a site development permit shall be the party responsible for the payment of the fee regardless of who subdivided the property.