



### **Section 12.03.016 - Parkland**

(a) Purpose. The city council has decided that recreational areas in the form of public parks are necessary and benefit the well-being of the citizens of the city. The council has further decided that a reasonable procedure for establishing such parks is the integration of a parkland dedication requirement into the procedure for subdividing property within the city limits or extraterritorial jurisdiction of the city. All single-family and multi-family residential subdivisions, therefore, shall be required to comply with this section. It is the intention of this section to provide for quality parkland and improvements to those parklands, through either parkland property dedication or parkland cash contributions in lieu of property dedication. 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 the city and easily maintained by city work forces. The director of parks and recreation 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. Such payments in lieu of parkland property dedication will be based upon the following criteria.

(b) Definitions.

Cash contribution. An equivalent cash value contribution to the city for parkland property acquisition or parkland improvement costs in lieu of dedication of actual parkland property.

Major residential subdivisions. Subdivisions with fifty (50) or more proposed dwelling units.

Minor residential subdivisions. Those subdivisions with fewer than fifty (50) proposed dwelling units.

Parkland contribution. The actual dedication of parkland property to the city by way of plat note and general warranty deed.

Parkland improvements. Those improvements to the city owned parkland that allow the parkland to be utilized as public parks.

Parkland. The actual property on which the public park will be situated. It is also referred to as the property to be dedicated by the property owner to the city pursuant to city parkland dedication requirements.

Public parks. Large tracts of land usually with grass and trees improved for public use and recreation.

Ultimate residents. Residents projected to live in a subdivision at the time of completion.

(c) Criteria for land dedication.

(1) Eligibility of subdivisions for parkland dedication requirements.

(A) Minor subdivisions. The developer of any subdivision classified as a minor subdivision shall not be required to dedicate parkland. The developer of minor subdivisions shall pay cash contribution in lieu of parkland dedication calculated pursuant to subsection (e)(3). 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) Major subdivisions. The developer of any subdivision classified as a major subdivision may be required to dedicate parkland. During the preliminary plat approval process, the developer shall designate a location for the proposed park (see parkland dedication requirements), to meet the intent of the ordinance, one larger park rather than several small ones spread over the subdivision may be required. The planning and zoning commission 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, and then the developer shall pay cash contribution in lieu of parkland dedication calculated pursuant to subsection (e)(3).

(2) Properties not required to dedicate parkland.

(A) All residential properties that are classified as minor subdivisions.

(B) The dedication of land or cash contributions shall not apply to existing lots within a recorded plat. All new lots within a replat or addition to an existing subdivision shall comply with the parkland dedication or cash contribution requirements as outlined in this article.

(d) Parkland dedication requirements. The dedicated land shall follow the guidelines below:

(1) Land treatment. Following preliminary platting of the parkland by the subdivider or developer, the subdivider 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 of the parks and recreation department ("Director"). The subdivider may issue no easements or other dedications. The director may allow the subdivider 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 subdivider or developer prior to the action in question. The property shall be considered and treated as parkland.

(2) 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. Parkland must have a minimum of one hundred (100) feet of frontage on a dedicated public street. The following formula shall be used to determine the amount of parkland to be dedicated:

$$8.0 \times (\text{No Units}) \times (\text{Persons/Units}) = \text{Acres to be dedicated}$$

1000

(3) 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 Land	Persons Per Unit
From 0 to 6 (Single-Family)	3.0
Over 6 to 20 (Multi-family)	2.0

(4) Where a subdivision plat is submitted for a multi-family residential development and information is not provided concerning the number of units, the city shall assume the highest density allowed in the district applied to the property. If a property is not zoned, the city shall assume a density of twenty (20) units per acre, which represents the highest density allowed in the R-2C district. This assumed density might be adjusted to a figure provided by the developer if recorded as a restrictive covenant enforceable by the city and approved by the city attorney.

(5) 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.

(6) No parkland shall be submitted for approval by the city that falls within the one hundred (100) 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 parks and recreation board, 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 percent (50%) of the land area maintained as native floodplain 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.

(7) All land intended for park purposes shall be inspected both on the plat and in the field by the director of parks and recreation who shall report to the chairman of the parks and recreation board, 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.

(8) The developer shall be obligated to place survey corner markers at all corners of the parkland, which have 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 one-half (½) inch iron pipe or rebar and be filled with concrete flush with ground.

(9) 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 public works or designee. The director of public works or designee will be required to approve such location in writing prior to final approval and release of fiscal requirements of said subdivision.

(10) The developer shall be responsible for providing a three-quarter (¾) inch metered water supply located twelve (12) feet behind the curb at a location acceptable to the director of public works or designee. The director of public works or designee will be required to approve such location in writing prior to final approval and release of fiscal requirements of said subdivision.

(11) Parkland to be conveyed as part of a subdivision application shall be designated on both the preliminary and final plats 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 subdivider 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 commission. Any violation of subsection (d)(1) shall result in delay of city acceptance of the subdivision until restoration is made or until a restoration fee calculated at a rate of one and one-half (1½) the total value of the damage is paid to the city. The director of parks and recreation shall make the value of damages.

(12) If the applicant proposes park improvements to fulfill some or all of the requirements of this section, 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. It is the intent of this article that the applicant provides either parkland or a cash contribution instead of park improvements. 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 parks and recreation board, 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 of parks and recreation 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.

(e) Cash contribution in lieu of land dedication.

(1) 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 of donation.

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

(A) All residential properties that have been required to dedicate parkland during the platting process.

(B) The dedication of land or cash contribution shall not apply in the case of a replat of a plat, subdivision or addition or the resubdivision of existing single lots that received approval after the date in which any previous parkland/greenbelt dedication ordinances were in effect in which dedication of land or payment of fees for parkland may have been required.

(3) Payment schedules for cash contributions in lieu of parkland dedication. The director of parks and recreation shall recommend to the planning and zoning commission that developers of all minor subdivisions meet the parkland dedication guidelines with a cash contribution. The rate shall be set at a rate of seven hundred twenty dollars (\$720.00) per dwelling unit for single-family, four hundred eighty dollars (\$480.00) per dwelling unit for two-family, and four hundred eighty dollars (\$480.00) per dwelling unit for multi-family.

The director of parks and recreation may recommend to the planning and zoning commission that developers of all major subdivisions shall meet the parkland dedication guidelines with a cash contribution. The rate shall be set at a rate of seven hundred twenty dollars (\$720.00) per dwelling unit for single-family; four hundred eighty dollars (\$480.00) per dwelling unit for two-family; and four hundred eighty dollars (\$480.00) per dwelling unit for multi-family.

A park plan that consists of a cash contribution in lieu of parkland dedication as provided for in this section may be approved by the director of the parks and recreation department for a residential subdivision of ten (10) dwellings or less.

(f) Time schedules regarding deeding of parkland properties and improvements to the city by the subdivider.

(1) The parkland shall be deeded to the city at the time applicant requests the city to accept the subdivision improvements.

(2) The subdivider shall complete any improvements to parkland by the city prior to acceptance of subdivision improvements as approved with the park plan.

(g) 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 shall be paid at or prior to the time of final plat approval.

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

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