

ARTICLE VII

PARK AND RECREATION DEDICATION REQUIREMENTS

(As amended by Ord. No. 483-F)

(As amended by Ord. No. 483-I)

Section 7.01 Purpose and Intent:

The requirements for open space, park and recreational areas contained in this section are intended to ensure that there will be sufficient land dedicated or otherwise set aside to meet the demand and need of the future residents for open space and parks. In determining the size, shape and quality of open space and parks areas that should be set aside and reserved in the manner set out in this section, the City has considered the projected growth in population and development within the municipality and the amount of open space and park and recreational facilities needed to accommodate such growth as stated in the Parks, Recreation, and Open Space Master Plan.

Section 7.02 Applicability:

- A. Unplatted Property: This section, as amended, applies to all property for which a final plat has not been formally submitted to the City for approval, unless otherwise noted herein.
- B. Exempt Property: Any tract or lot occupied by an existing residential dwelling unit at the time of adoption of this ordinance shall be exempt from the dedication requirements of this section herein if the residential dwelling remains on the lot. This exemption pertains only to the tract or lot with the existing residential dwelling. Any additional lots created by further subdivision of the property shall be subject to the requirements herein.
- C. Date of Assessment: All requirements contained in this section shall be assessed at the time of approval of the final plat of any applicable property.

Section 7.03 Land Dedication Requirements:

- A. General: Land dedication requirements herein are based on the City's adopted Land Use Plan and the Parks Recreation & Open Space Master Plan. It is within the sole discretion of the City to require a developer to show the anticipated land dedication requirements herein with the development plan, concept plan, preliminary plat or other appropriate development submittal.
 - 1. Residential Developments: Based on the population projected to reside in the City of Southlake and the stated desire in the Parks, Recreation, and Open Space Master Plan adopted by the City Council to provide 21 acres of park land for every 1,000 residents in an ultimate condition, park land meeting the requirements contained within this section shall be dedicated to the City at a ratio of one (1) acre of park land for every forty (40) residential dwelling units or prorated portion thereof.

2. **Non-Residential Developments:** Although non-residential development does not generate residential occupancies per se, it does create environmental impacts which may negatively affect the living environment of the community. These impacts may be ameliorated or eliminated by providing park or open space areas which buffer adjoining land uses, prevent undue concentration of paved areas, allow for the reasonable dissipation of automotive exhaust fumes, provide natural buffers to the spread of fire or explosion, and provide separation of lighting, waste disposal, and noise by-products of non-residential operations and activities from adjacent residential areas. The City has therefore determined that non-residential developments must provide dedicated parks and/or reserved open space at a ratio of one (1) acre of park land for every fifty (50) non-residential gross acres of development or prorated portion thereof.
 3. **Off-site Dedications:** With the consent of the City Council, a developer may dedicate the required park land for a development at another location owned by the same developer within the City, provided that the off-site land dedication is in accordance with this section.
- B. **Transfers and Credits for Prior Dedications, Fees and Gifts:** In considering the amount of land dedication required of a proposed development, the City may, at its discretion, apply former dedications which were in excess of the requirement at that time to current or future dedication requirements of the same owner/applicant. A dedication or cash payment in lieu of dedication made prior to the passage of this Ordinance shall be controlled by the provisions of the ordinance in effect at the time such obligation arose, provided the final plat has been submitted to the City for approval prior to the passage of this Ordinance. At the discretion of the City, any former gift of land to the municipality may be credited under the terms of the current Ordinance toward eventual land dedication requirements imposed on the donor of such lands.

Section 7.04 Characteristics of Parkland:

General: The City Council shall consider the characteristics of proposed dedicated park land as outlined in the Parks, Recreation, and Open Space Master Plan and as recommended by the Park Board. In determining whether to accept or refuse the dedication of park lands, fees, facilities or a combination thereof as outlined in section 7.05 below, the Park Board and City Council shall consider the Parks, Recreation and Open Space Master Plan recommendations and use it as a guideline for such decisions.

Section 7.05 Alternatives to Land Dedication:

In any case where a dedication is required, the City Council shall have the right to accept the dedication as submitted for approval, or in the alternative, to refuse dedication of the same, and in lieu thereof to require payment of cash under the formula contained in this Section or to allow the developer to construct recreation or park improvements. The City

may permit a combination of dedication, improvements and fees to be used to fulfill this requirement.

A. Fee Payment:

1. Approval of Fee Payment: The City Council shall determine the acceptability of a developer's payment of fees in lieu of the land dedication requirement of this section.
2. Calculation of Fees: The City Council shall annually establish an acreage land value cost figure to be used in calculating park fees. This determination shall be based on a reasonable study and investigation performed annually, and may be performed by an independent registered land appraisal firm as to the average fair market value, as opposed to tax value, of acreage in the City. This figure shall be the acreage cost under which all park fees are calculated for the fiscal year.
 - a. Residential Dwelling Unit Fees: Fees paid in lieu of dedication shall be based on the determined cost of one (1) acre of land divided by forty (40), for a resulting fee per residential dwelling unit.
 - b. Non-Residential Development Fees: The fee payment alternative for non-residential development shall be calculated by dividing the determined cost of one (1) acre of land by fifty (50), for a resulting fee per non-residential acre cost, or prorated portion thereof. In the event the non-residential development is less than fifty (50) acres, the total acreage, net of perimeter right-of-way dedications, shall be divided by 50 to determine the prorated fee payment.
3. Collection of Fees: No building permit shall be issued nor shall any construction be allowed to begin until payment of any fees required by this section have been made, as specified in a Developer's Agreement approved by the City, or other city documentation .

B. Physical or Equipment Improvements to Parks

1. Compatibility with Park Master Plan: A developer may have the option of improving existing facilities within municipal parks or improving dedicated park land in lieu of park land dedication or payment of cash, based on recommendations made in the Parks, Recreation, and Open Space Master Plan. Should any of these options be exercised, the municipality and the developer shall, prior to initiation of work on such improvements, enter into a Developers Agreement for credit of expenses for authorized park improvements. In no case shall the municipality be required to reimburse the developer if he chooses to improve parklands at an amount greater than required. Such a proposed agreement to provide facility improvements in lieu of dedication shall be submitted in writing

with the application for any required Concept Plan or Site Plan. In the event that no Concept Plan or Site Plan is required, the agreement shall be submitted with the application for the preliminary plat. Any improvements for which credit is requested must be submitted for approval by the City Council in a Developers Agreement.

Section 7.06 Private Parks:

If a developer desires to incorporate private park, recreation or open space areas or amenities within his development, he may request limited credit for these facilities against his public open space dedication requirements. A developer may request credit for any private park, recreation or open space area, but such private park, recreation or open space amenities may never satisfy more than 50% of the total park and open space dedication requirement of this ordinance.

Section 7.07 Approval Process:

A. Land Dedications:

1. Park Board Recommendation: The Director of Parks and Recreation or the director's designated representative shall report to the Park Board regarding any park land dedication issues arising from a development application submitted to the City which would result in a land dedication of 5 acres or greater, or which is proposed by a developer, or for which a dedication is proposed by staff. The Park Board may then make a formal recommendation to the Planning and Zoning Commission to accept or refuse any proposed dedicated park land prior to the Commission's action on the development.
2. Planning and Zoning Commission Recommendation: The Planning and Zoning Commission shall consider the recommendation of the Park Board in determining the acceptability of any land dedications proposed on any development. The Commission recommendation shall then be forwarded to the City Council, where applicable, for final approval.
3. Final Plat Dedications: Where review of development applications results in the City's desire for land dedication, such land dedication shall be shown on a final plat and shall contain a clear fee simple dedication of that land to the City.

B. Fee Payments in Lieu of Dedication and/or Facilities Improvements:

1. City Council Approval: The City Council shall enter into an agreement with the developer for the provision of dedicated park land, fees in lieu of dedication, facilities construction or improvement, or a combination thereof as outlined below.

- a. Developer's Agreements: Developer's Agreements between the City and the developer shall include the following requirements as applicable:
 - (1) Boundary Corners Established: Each corner of the park land to be dedicated shall be permanently monumented with 3/4" iron pins set in concrete. These shall be located and identified on a recordable plat or land survey completed by a land surveyor registered in the State of Texas and provided to the City by the Owner and/or Developer.
 - (2) Utility Extensions to Park: A minimum size of 6" water main and sanitary sewer, where available, shall be extended to the park, in location(s) specified by the Director of Public Works.
 - (3) Short-term Maintenance: The Owner and/or Developer agree that no construction materials shall be disposed of or deposited within the park by its contractor, subcontractors, employees or agents at any time while the subdivision is being built. If materials are deposited or disposed of within the park, the Owner and/or Developer shall be required to remove these materials within 72 hours of written notice by the City. Before the City accepts this land, the Developer shall remove all trash and dead trees.

Section 7.08 Use of Funds:

- A. Fund Established: Funds received by the City pursuant to this Section will be deposited in a special fund dedicated to the accumulation of monies required by this section.
- B. Permitted Expenditures: Monies placed in this fund may be expended only for the purchase, lease, or other acquisition of park and open space areas by the City of Southlake, the improvement and site preparation of such areas and sites, the extension of utilities to or within such sites, the installation of landscaping, play equipment or recreation improvements on such sites, and/or attendant engineering and planning costs associated with such park development.
- C. Inappropriate Expenditures: Monies placed in this fund may not be utilized for any other general business activity of the City or for maintenance of park facilities.
- D. Authorization for Use of Funds: All expenditures from this fund shall be made in accordance with the City's Parks, Recreation, and Open Space Master Plan and shall be approved by the City Council after a formal recommendation of the Park Board.