



3.05.10. Park and Trail Dedications for Residentially Zoned Property

A. General

This section includes parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed Subdivision, together with the purpose, conditions, or limitations of such reservations.

B. Applicability

This section applies to all [Subdivisions](#) of all residentially zoned property

C. Process Overview

Before a [Plat Application](#) may be submitted for review, the [Developer](#) shall gain the City Council's approval of the dedication required by this section. The prerequisite of the City Council's approval of the dedication before the submittal of a [Plat Application](#) is required because the City Council is not a part of the general platting approval process. Therefore, the only opportunity for the City Council to approve a park and trail dedication that best meets the community's vision is before a [Plat Application](#) is submitted. The dedication required by this section may be in one of the following forms:

1. Dedication of land for a park;
2. Dedication of land for a trail;
3. Dedication of money in lieu of the land dedication; or
4. Any combination of the above.

D. Park and Trail Dedication Submittal Application and Approval

1. The [Director of Planning](#) shall establish the Application form and requirements (e.g., the size of map, the information to be shown, etc.) for the park and trail dedication Application to be approved by the City Council. At the City Council's discretion, it may request a recommendation from the [Parks and Recreation Commission](#) regarding the dedication requirement.
2. Proposed land dedications (either parks or trails) shall be presented as part of the Application.
3. The City Council may accept or reject the land offered by the Developer/landowner and require any dedication within Section [3.05.10. E](#) (below). Some issues for consideration by the City may include:
 - a. Land is unusable or not compatible with the Comprehensive Plan.
 - b. Sufficient park area is already dedicated in the development area.
 - c. The area would be better served by expanding or improving existing parks.
 - d. Acquisition of the land is not in the best interest of the City.
4. Once the City Council has approved a dedication, a developer may submit a [Plat Application](#).

E. Land Dedication Requirements

With guidance from the City's planning documents (e.g., Comprehensive Plan, park plans, etc.) the City Council shall have the following options to decide which of the following dedication requirements is appropriate for a given situation:

1. Parks Option: Dedication of land for a park.

The area dedicated shall equal to a rate of one (1) acre for each 50 dwelling units; however, the area dedicated shall be not less than one (1) acre for each 50 dwelling units.



2. Trails Option: Dedication of land for a trail.

The area dedicated shall equal to a rate of one (1) acre for each 50 dwelling units.

3. Money In Lieu Option: Dedication of money in lieu of the land dedication.

In cases where land dedication may be impractical or not in accordance with City planning documents, money in lieu of the land dedication shall be required in accordance with this section.

4. Combination Option: Combining the park, trail, and money in lieu dedications.

The City Council shall be able to determine if a combination of the above requirements is appropriate for a specific Subdivision and the specific characteristics of the combination.

F. Effect of City Council's Approval

The following shall take place after the City Council's approval of the park and/or trail dedication. All subsequently related [Plat Application](#) shall conform to the City Council's approval.

1. Platting Requirement
 - a. [Preliminary Plats](#) and [Final Plats](#) shall show areas proposed for park(s) or trail(s).
 - b. [Construction Plans](#) shall show improvements and development provided by the [Developer](#).
2. Fee Simple Dedication

The [Final Plat](#) shall contain a clear fee simple dedication of the land to the City for park or trail use free of encumbrances.

3. Multi-Family Plats
 - a. Each multi-family development shall indicate the number of dwelling units to be incorporated in the development on the [Preliminary Plat](#) and [Final Plat](#) submissions.
4. Payment of money in lieu of dedication of land is authorized when permitted or required by other provisions of this ordinance.
 - a. Money paid in lieu of dedication of land may be used only for acquisition, development, improvement, or purchase of equipment for any public park or park facilities within the City.
 - b. All City owned parks are hereby declared to be open to and for the benefit of the general public and the development of such parks shall serve to alleviate the impact of public facilities caused by the new development.
 - c. All expenditures made pursuant to this Section for such park and park facilities shall benefit all residents of the City; provided however that the City may choose to develop parks and park facilities which benefit a particular area of the City and apply payments in lieu of dedication made by Subdivisions within the area.

G. Dedication Instrument

The land for park development shall be dedicated in the [Final Plat](#) or simultaneously by separate instrument.

H. Additional Dedication or Payment

If the Developer/landowner exceeds the number of dwelling units/lots upon which the original dedication was based, then additional dedication or payment of money in lieu of dedication shall be required at the discretion of the City Council.

I. Prior Dedication; Absence of Prior Dedication



1. Credit shall be given for land dedicated and/or money paid for public park purposes prior to the enactment of this UDC.
2. Subdivisions in the platting system shall be controlled by the ordinance in effect at the time such Application arose, except additional dedication shall be required only for the increase in density described in Paragraph [3.05.10. H Additional Dedication or Payment](#), above, and may be either land or money in lieu of land as determined by the City Council.

J. Money in Lieu of Land

1. The dedication requirement shall be met by a payment in lieu of dedication of land as prescribed in the City's [Fee Schedule](#).
2. Payment of money in lieu of dedication of land for park purposes shall be made prior to the issuance of the first building permit.

K. Comprehensive Plan Considerations

The Comprehensive Plan will be used for guidance concerning the desired location and type of parks to be developed.

L. Special Fund

1. The City shall establish a special fund for the deposit of all sums paid in lieu of land dedication which shall be known as the [Park and Trails Land Dedication Fund](#).
 - a. Any interest earned by these funds shall remain in this account and be used for the fund's intent.
2. The City shall account for money paid in lieu of land dedication with reference to individual plats.
 - a. Any funds not expended by the City within ten (10) years of the date received by the City for acquisition or development of a park shall be returned to the Developer if requested by the Developer in writing.
 - b. The Developer of the property on the last date of the ten (10) year period shall be entitled to a proportional refund computed on a per dwelling unit basis. The property owner of such property must request a refund in writing within one (1) year of entitlement or such right shall be barred.

M. Additional Requirements

1. Any land dedicated to the City under this ordinance must be suitable, as determined by the [Director of Planning](#) in accordance with City-related plans, for park and recreation uses. The offer of land with the following characteristics may be refused:
 - a. Any areas of unusual topography or slope or other characteristics which render same unusable for reasonable park construction.
 - b. Any area that does not meet the grant requirements of the Texas Parks and Wildlife Department.
2. Drainage areas may be accepted as part of a park if no significant area of the park is cut off by access to such channel and if suitable improvements may be made within the area without unreasonable cost by the City.
3. Each park must have direct access to public streets or other approved public access easement.