

City of Belton Requirements for Parkland Proposed Revisions

Section 517: Requirements for Parkland (Ordinance #2005-04)

517.01 Parkland Required (Amendment #2016-28)

(Add paragraph E below.)

- A. Pursuant to this ordinance, it shall be required that a subdivider of any residential subdivision within the City of Belton, or within the City's extraterritorial jurisdiction, set aside and dedicate to the public sufficient and suitable lands for the purpose of parkland and/or make a financial contribution for the acquisition and development of such parkland, in accordance with the provisions of this Section and these regulations generally.
- B. All plats receiving subdivision approval shall conform to the requirements of this Section. To satisfy the provisions of this Ordinance, conformance with these requirements may be through parkland dedication or payment fees-in-lieu of required Parkland, or a combination of the two, at the exclusive discretion of the City Council.
- C. In the event the subdivider offers to dedicate land for public park classification that is defined in the Comprehensive Plan and/or Parks and Recreation Master Plan which meets the design standards of these regulations, and that is ~~two~~ **three** or more acres in size, the City shall accept the parkland dedication, unless Parkland needs have been previously satisfied in the area, if in the City's best interests.
- D. Where a subdivider proposes to pay an in-lieu fee as provided for below, the Council may accept such payment as satisfying the parkland dedication requirements of this Code, except that the Council reserves the exclusive right to require the dedication of land for public park purposes at its discretion to satisfy the parkland dedication requirements of this Code.
- E. **These requirements for parkland may be waived by city staff for plats or replats in the city limits or ETJ that qualify for administrative approval as defined in Section 304.**

517.02 Formula for Calculating Area of Parkland

The acreage to be contributed in conjunction with final approval by the Council of any residential subdivision plat shall be pro-rated in an amount equal to one acre for each 100 new dwelling units projected to occupy the fully developed subdivision or development.

517.03 Method of Dedicating Parkland

Land accepted for dedication under the requirements of these regulations shall be conveyed by warranty deed in conjunction with Final Plat approval, transferring the property in fee simple to the City of Belton, Texas, and must be free and clear of any mortgages or liens at the time of such conveyance. A copy of the warranty deed shall be provided to the City Manager prior to recordation.

517.04 Alternative Dedication within General Development Plan Areas

- A. Equivalent Acreage – When the residential subdivision is part of an area of land which is required by this ordinance to obtain approval of a subdivision, a subdivider is required to dedicate land in compliance with this Section prior to, or in conjunction with, the recordation of the first record Final Plat for the development. The subdivider shall dedicate land equivalent in acreage to that amount of parkland required for the number of units proposed for the build-out of the Preliminary Plat. The subdivider may request approval of a Development Agreement with the City to dedicate land to the City which may be exchanged by the City in the future for more desirable parkland interior to the subdivision within a defined period of time, not to exceed ten years for new Parkland and five years for existing Parkland. Land dedicated in this manner shall not be used or characterized as parkland until the expiration of the Development Agreement,

in order to facilitate the exchange of the land for the proposed parkland in the future, but will be held by the City in lieu of the proposed future parkland.

- B. Land Not Adjacent to First Record Final Plat – If the proposed parkland for the residential subdivision is not immediately adjacent to the boundary of the first record Final Plat for the development, the subdivider may dedicate the parkland by record Final Plat, provided that fiscal surety is provided to the City, in accordance with this Code for the subdivision improvements, in order to ensure provision of paved street access and utilities to the parkland by the developer.

517.05 Fee Payment In-Lieu of Parkland Dedication

(Change minimum land dedication from two acres to three acres)

When the amount of land required by this Section is less than ~~two~~ **three** acres, the Council may require the subdivider to pay a fee-in-lieu of Parkland dedication. Where the payment of a fee-in-lieu of Parkland dedication is required or acceptable to the Council as provided for in this ordinance, such fee shall be in an amount in the Fee Schedule on file in the City Clerk's office, and may be amended from time to time by the City Council. The subdivider shall tender and pay over to the City said fee prior to recordation of the record Final Plat.

517.06 Design Standards for Parkland

Any land to be dedicated to meet the requirements of these regulations shall be reasonably located and appropriate for use as a park and recreation facility, as reflected in the Parks and Recreation Master Plan. The Planning and Zoning Commission shall make recommendations to the City Council concerning the suitability of proposed Parkland, in conformance with this Subdivision Ordinance requirement. The shape of the parcel or tract of land to be dedicated should be appropriate for public parks and recreation purposes. All such Parkland shall be designed and located so as to satisfy the following general requirements:

(Change minimum land dedication from two acres to three acres)

- A. The dedicated land should form a single parcel or tract of land at least ~~two~~ **three** acres in size, unless it is determined that a smaller tract would be in the public interest, or that additional contiguous land will be reasonably available for dedication to or purchase by the City.
- B. Public access to public Parkland delineated on a Preliminary Plat shall be ensured by providing 200 feet of street frontage, in a manner satisfactory to the City, unless a lesser amount is determined appropriate. Frontage will preferably be a 200 foot by 200 foot corner site at the intersection of two internal subdivision streets. At the time the land abutting the delineated areas is developed, the subdivider of such abutting land shall furnish and pay for paving all abutting street frontage and shall provide water and sewer access to the boundary of one side of the delineated area to meet minimum requirements of these regulations.
- C. The land to be dedicated to meet the requirements of these regulations should be suitable for public parks and recreation activities, specifically:
 - 1. Grade/Slope Requirements: 50 percent of the dedicated land area should not exceed twenty percent grade;
 - 2. Utilities Required: Minimum of 2-inch water service and 6-inch gravity sewer service shall be provided without charge to the city by the developer along at least one property line of the dedicated land; and
 - 3. Permanent Property Boundary Markers Required: Above-ground, grade-level survey markers are required to be permanently installed on all property lines of the dedicated land, according to standards established by the City of Belton.

517.07 Disturbed Parkland

Any disturbed Parkland shall be restored and the soil stabilized by vegetative cover by the developer.

517.08 Flood Plain

Areas within the 100-year flood plain may be dedicated in partial fulfillment of the dedication requirement when the development is adjacent to Nolan Creek. Said dedication shall include the entire 100-year flood plain, or a 200 foot strip measured from the center line of Nolan Creek, whichever is greater. For flood plain areas not adjacent to Nolan Creek, see Section 517.09.

517.09 Additional Flood Plain Standards

- A. The following standards shall also apply to the consideration of Parkland dedication within the 100-year flood plain.
- B. Areas in the 100-year flood plain not located adjacent to Nolan Creek may constitute up to 50 percent of the requirement of land dedication, provided that adjoining land within the 25-year flood plain is also dedicated, but that such land in the 25-year flood plain shall not be credited towards the requirements of land dedication or payment of fees.
- C. Non-Residential development, although not required to dedicate Parkland, shall be given incentives to encourage the dedication of land within the 100-year flood plain when located adjacent to Nolan Creek. Such incentives shall include, but are not be limited to, credit for development intensities that could have occurred in the dedicated portion of the development to other areas within the same development. Said incentives may be considered for approval by the Planning and Zoning Commission and City Council.
- D. Such areas shall meet any additional standards specified in the Parkland design standards pertaining to the dedication of the 100-year flood plain.

517.10 Environmental Features

In the case of areas known to contain sensitive environmental features, the City may, at its discretion, waive these standards subject to the following limitations:

- A. Such areas shall provide recreational or educational opportunities for the surrounding community.
- B. Such areas shall be given a 50 percent credit against the requirement of land dedication or payment of fees.
- C. Such areas shall meet any additional standards specified in the Parkland design standards pertaining to the dedication of areas known to contain sensitive environmental features.

517.11 Location of Parkland

- A. The location of Parkland may be required at the edge of a subdivision so that additional land may be added at such time as adjacent land is subdivided or acquired for public use. Otherwise, a centralized location is generally preferred.
- B. Dedicated Parkland located outside of a subdivision should be located within a one mile radius from the outer edge of the subdivision's boundary.
- C. Funds paid in-lieu of Parkland dedication may be used to purchase and develop new Parkland, or to develop existing public Parkland in the subdivision, or within a one mile radius from the outer edge of the subdivision's boundary.

- D. An owner, subdivider, or applicant for a subdivision may authorize the dedication of Parkland or expenditure of the park dedication fees for that subdivision in an area outside of the standard one mile radius from the outer edge of the subdivision's boundary, with approval of the City Council.

517.12 Other Acceptable Alternatives

Subject to approval by the City Council, the following options represent possible acceptable alternatives which may satisfy the intent of this Ordinance:

- A. Undeveloped Open Space - Open space land area, conveyed by warranty deed to the City, which provides a suitable area for meeting recreational needs of the subdivision.
- B. Any suitable combination of Parkland, cash, park improvements, and/or open space.
- C. Another alternative determined suitable by the City Council.
- D. Private Parkland, as discussed in Section 517.13.

517.13 Private Parkland Development

Subject to approval by the City Council, the following private Parkland provisions may be utilized to satisfy the intent of this Ordinance:

- A. Development and provision of private Parkland by the developer that effectively meets the recreational/open space needs of the subdivision is acceptable.
- B. The private Parkland must meet the design standards established by this Section.
- C. Multiple phases of a subdivision development may be served by a single private park if judged to be suitably sized, located, and developed in conjunction with the Preliminary Plat.
- D. A private park shall be owned and maintained by a Homeowner's Association approved by the City.
 - E. The City Council may consider conversion of a private park to public Parkland at the request of the Homeowner's Association.

Section 518: Park Fund Established

518.01 Separate Fund

The City Finance Department shall establish a separate fund, to be deposited at the highest interest rate permitted by law entitled "Parkland Dedication Fund", and the money paid by owners, subdividers, and applicants at final approval of subdivision plats shall be held in said fund in trust to be used solely and exclusively for the purpose of purchasing and/or equipping public park and recreational land as established by this Section, in conjunction with subdivision plat approval.

518.02 Use and Refund of Monies

At such time as the City Council, based upon the recommendations of the Planning and Zoning Commission, determines that there are sufficient funds derived from a certain area in the Parkland Dedication Fund to purchase usable Parkland, the Council shall cause negotiations to be undertaken to purchase the site by mutual agreement or by condemnation proceedings. In making such determination

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for the purchase of said site, the conditions of Section 517 above shall be taken into consideration. The principal and interest deposited and kept in the Parkland Dedication Fund shall be used solely for the purpose of purchasing and/or equipping land for public park and recreation uses, and shall never be used for maintaining or operating public park facilities, or for any other purpose. Any funds paid in-lieu of the Parkland dedication requirements must be expended by the City within ten years from the date received for new Parkland or five years from the date received for existing Parkland. If not so expended, the original developer of the property on the last day of such period shall be entitled to a pro rata refund, computed on a square footage of area basis. The developer of such property must request such refund within one year of the entitlement, in writing, or such right shall be waived. Said refunds shall be paid within 60 days of the filing of the request with the City Clerk.

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