

**Article Seven – Public Park and Trail Systems Land Dedication  
Requirements and Improvements**

<b>Table of Contents</b>	<b>Page</b>
Section 7.01 - <a href="#">Purpose</a>	7-2
Section 7.02 - <a href="#">General Requirements</a>	7-3
Section 7.03 - <a href="#">Options in Lieu of Land</a>	7-5
Section 7.04 - <a href="#">Suitability and Design Standards</a>	7-6
Section 7.05 - <a href="#">Amendments of Connectivity to the Citywide Trail System Master Plan</a>	7-7

**Section 7.01 - Purpose**

- A. This section is adopted to provide parks, open spaces, and recreational areas in accordance with the Keller Park and Open Space Master Plan and the Citywide Trail System Master Plan in the form of parks, open spaces, and/or trails as a function of land development in the City of Keller. The City Council has determined that parks, open spaces, and recreational areas in the form of parks, open spaces, and trails are necessary and in the public welfare, and that the only adequate procedure to provide for same is by integrating such a requirement into the procedures for planning and developing property in the City.
  
- B. Parks include public areas providing for a variety of outdoor recreational opportunities within convenient distances from a majority of the residences to be served thereby. Open spaces include preservation and conservation of land for wildlife habitat or areas of natural significance. Trails include a public Citywide system of off-road hike and bike trails and equestrian trails. Proposed parks, open spaces, and trail systems established by the City Council and shown in the City of Keller Park and Open Space Master Plan and the Citywide Trail System Master Plan shall be prima facie proof that any parks and/or trails located therein is within such a convenient distance from any residence located therein.

**Section 7.02 - General Requirements**

- A. These requirements shall apply to all single-family, two-family, and multi-family residential developments in the City of Keller.
1. Whenever a final plat is filed on record with the County Clerk of Tarrant County for development of a residential area in accordance with this Ordinance of the City, such plat shall contain a clear fee simple dedication of an area of land to the City for park, open space, and/or trail purposes in accordance with the Parks and Open Space Master Plan and the Citywide Trail System Master Plan. The area shall be determined by City Council in the amount set forth in the City of Keller Code of Ordinances, Chapter 2, Administration, Article 1, In General, Section 2-270, Administrative fees. Any proposed plat submitted to the City for approval shall identify the proposed park land to be dedicated and designate the area with a lot and block number. Trails shall be designated as either hike and bike or equestrian trail right-of-way. A trail easement will be accepted if said land is adjacent to a drainage easement and bisecting a piece of property. The required dedication herein may be met by a payment of money in lieu of land or capital improvements in lieu of land when permitted or required by other provisions of this Code.
  2. The obligation of the applicant/developer to dedicate park land or make payments or improvements in lieu thereof shall be in addition to and independent of the requirements of the applicant/developer to provide open space with a Planned Development (PD) zoning case. However, if the open space in the Planned Development (PD) exceeds twenty percent (20%) of the project area and is dedicated and accepted by the City as public park land, the required dedication or payment in lieu of may be reduced by the amount of excess acreage.
  3. The City Council has determined that development of an area smaller than five (5) acres for a public park is impractical. Therefore, if fewer than one hundred fifty (150) units are proposed by a plat filed for approval, the developer shall be required to pay the applicable cash in lieu of land provided by this Code. An exception will be made if the dedication will increase the size of an existing park adjacent to the proposed plat or provide a trail location and/or connection.
  4. In instances where land is required to be dedicated, the City Council shall have the right to accept the dedication for approval on the final plat, or to refuse same, after consideration of the recommendation of the City Manager based on the Development Review Committee's findings. The City may refuse the land dedication if the City determines that sufficient park and/or trail area is already in the public domain in the area of the proposed development, if the proposed dedication is subject to frequent flooding or of topography that is undesirable, or if the recreation potential for said park zone would be better served by expanding or improving existing parks. If the City refuses the land dedication, the applicant/developer is required to make a payment of cash in lieu of land in the amount provided in Keller Code of Ordinances Chapter 2, Administration, Article 1, In General, Section 2-270, Administrative Fees.
  5. In instances where land dedication for trail development is required, the City Council shall have the right to require construction of the trail in accordance with the Citywide Trail System Master Plan standards for trail construction. In instances where a sidewalk and hike/bike trail are in the same location, the hike/bike trail shall replace the sidewalk. Park Development Fees will be only credited for the difference of the required width and depth (see Open Space Master Plan and [DTCS](#) for trail and sidewalk design specifications). The applicant/developer shall receive a credit of Park Development Fees equal to the cost of construction up to the amount of Park Development Fees required. Reimbursement will not be made to applicant/developer for any amount of construction above the Park Development Fees credited. If the applicant/developer constructs the hike and bike trail, the hike and bike trail layout and construction plans shall be prepared by a Texas Licensed Landscape Architect or Professional Engineer and must be reviewed for approval by the Parks Manager or his/her designee prior to approval and release of the construction documents by the City. The location of the hike and bike trail shall be considered for approval by the Parks Manager or his/her designee prior to construction. Final acceptance

of the hike and bike trail infrastructure shall be considered by the Parks Manager or his/her designee based on the requirements of this UDC and formal action taken by the City Council. All improvements or construction on or within the dedicated land to be installed by the applicant/developer shall be completed in accordance with the approved Construction Plans to be reviewed jointly by both Parks Manager and the City Engineer. Retaining wall three feet (3') or taller shall be designed by a Texas Licensed Professional Structural Engineer and will include drainage designed by a Texas Licensed Professional Engineer or Landscape Architect. Where retaining walls are constructed adjacent to existing or future hike and bike trails and/or hike and bike trail rights-of-way, the developer/builder shall construct the retaining wall with a subdrain system behind the wall and under the trail and/or trail rights-of-way to prevent concentrated weep hole drainage. No concentrated run-off (swales or drainage structure outfalls) will be allowed to cross over the hike and bike trail rights-of-way. Finished project shall be maintainable and acceptable as determined by the City.

6. The dedication required by this Code shall be made by filing of the final plat or contemporaneously by separate instrument unless additional dedication is required subsequent to the filing of the final plat. If the actual number of completed dwelling units exceed the figure upon which the original dedication was based, such additional dedication shall be required, and shall be made by payment of the cash in lieu of land amount provided by Section 7.02 or by the dedication of additional park land to the City. Any dedication and/or cash in lieu of dedication shall be made within six (6) months of the associated development's final plat approval.

- B. Payments in Lieu of Land Dedication for all single-family, two-family, and multi-family residential developments in the City of Keller.

The dedication requirement shall be met by a payment in lieu of land at a per dwelling unit price set by the City Council, sufficient to acquire land and provide for adjacent streets and utilities for a neighborhood park and/or trail to serve the park zone in which such development is located. As adopted by the City Council, the per unit price shall be determined as defined in the City of Keller Code of Ordinances Chapter 2, Administration, Article 1, In General, Section 2-270, Administrative Fees. Cash payments may be used only for park, open space, and/or trail acquisition, development, and/or improvements.

- C. These requirements shall apply to all non-residential developments in the City of Keller:

1. In instances where land is required for trail construction in accordance with the City Wide Trail System Master Plan, the City shall have the right to require the land dedication for approval on the final plat, or to refuse same.
2. The City Council shall have the right to require construction of the trail in accordance with the City Wide Trail System Master Plan standards for trail construction. In instances where a sidewalk and hike/bike trail are in the same location, the hike/bike trail shall replace the sidewalk. If the applicant/developer constructs the hike and bike trail, the hike and bike trail layout and construction plans must be reviewed and approved by the Parks Manager or his/her designee prior to approval and release of the construction documents by the City. The hike and bike trail construction must be accepted by the Parks Manager or his/her designee and be completed in conjunction with all other public improvements/infrastructure approved by the City for release of the Building Permit. All improvements or construction on or within the dedicated land to be installed by the applicant/developer shall be completed in accordance with the approved Construction Plans. Where retaining walls are constructed adjacent to existing or future hike and bike trails and/or hike and bike trail rights-of-way, the developer/builder shall construct the retaining wall with a subdrain system behind the wall and under the trail and/or trail rights-of-way to prevent concentrated weep hole drainage. No concentrated run-off (swales or drainage structure outfalls) will be allowed to cross over the hike and bike trail rights-of-way. Finished project shall be maintainable and acceptable as determined by the City.

**Section 7.03 - Options in Lieu of Land**

- A. Money in Lieu: Subject to approval of the City Council, an applicant/developer responsible for dedication under [Section 7.01](#) may elect to meet the requirements of Section 7.02 in whole or part by a cash payment in lieu of land, in the amount set forth in the City of Keller Code of Ordinances Chapter 2, Administration, Article 1, In General, Section 2-270, Administrative fees. Such payment in lieu of land shall be made prior to plat recording with the County, prior to issuance of a Building Permit, or as specified in the Development Agreement.
  
- B. Capital Improvements in Lieu of Land: Subject to approval of the City Council, an applicant/developer responsible for dedication under [Section 7.01](#) may elect to meet the requirements of [Section 7.02](#) in whole or part by constructing or completing capital improvements in existing City parks or dedicated park land in lieu of land. These improvements should be made in accordance with the Parks and Open Space Master Plan. Should any of these options be exercised, the City and the applicant/developer shall enter into a written agreement for credit of expenses equal to the cost of construction, prior to initiation of work on such improvements. Reimbursement will not be made if the applicant/developer chooses to improve park lands at a greater amount than required. Such agreements for improvements shall be made prior to plat recording with the County or as specified in the Development Agreement.

**Section 7.04 - Suitability and Design Standards**

- A. Any land dedicated to the City under [Section 7.01](#), must be suitable for park and recreation purposes. In instances where land is required to be dedicated, the City Council shall have the right to accept the dedication for approval on the final plat, or to refuse same, after consideration of the recommendation of the City Manager based on the Development Review Committee's findings based on the need of either open space or recreational space as established in the Park and Open Space Master Plan or Citywide Trail System Master Plan.
- B. Drainage areas may be accepted as part of a park and/or trail if the channel is constructed in accordance with City engineering standards, and if no significant area of the park is cut off from access by such channel.
- C. Each park shall have ready access to a public street.
- D. Unless provided otherwise herein, an action by the City shall be by the City Council, after consideration of the recommendations of the Parks and Recreation Board and the Planning and Zoning Commission respectively.
- E. All park and trail land dedication shall be consistent with the standards as set forth in the Park and Open Space Master Plan and Citywide Trail System Master Plan, or approved exceptions by the City Council.
- F. For more than five (5) acres of land, an environmental study (at minimum, a Phase I), audit or assessment may be required demonstrating that the property is in a condition that would allow the City to utilize the property for park purposes without expenditures to remove environmental waste or hazardous materials, that the property is suitable and safe for use as a park and is free from environmentally-related problems. Additionally, the applicant/developer shall permanently mark each corner of the park site with a three-quarter inch (3/4") iron pin set in concrete.
- G. All rubbish, trash, junk and other offensive materials shall be removed from all dedicated lands and the property returned to its natural condition except as to approved construction and improvements thereon.

**Section 7.05 - Amendments of Connectivity to the Citywide Trail System Master Plan**

A. Requests to Amend the Citywide Trail System Master Plan

1. Amendments to the Citywide Trail System Master Plan Initiated by the City of Keller

The City Council may from time to time, after receiving a final recommendation thereon by the Parks and Recreation Board and after public hearings at both the Parks and Recreation Board, Planning & Zoning Commission, and City Council, amend, supplement, or change proposed locations of the trails on the Citywide Trail System Master Plan included in the Park and Open Space Master Plan. Public hearings will be held at the Parks and Recreation Board and City Council and the notification thereof shall be met in accordance with Chapter 551 of the V.T.C.A. Government Code.

2. Amendments to the Citywide Trail System Master Plan Initiated as Part of a Development

Amendments may be requested by the owner of real property, or the authorized representative of an owner of real property affected, during the development process at the time of zoning, platting, site planning or building permit application.

B. General Procedures for Amendments Initiated as Part of a Development

1. Public Hearing and Notice

Prior to making its recommendation to the City Council, the Parks and Recreation Board shall hold a public hearing on each requested amendment, supplement, or change to the trails on the Citywide Trail System Master Plan. Upon receipt of the recommendation from the Parks and Recreation Board, the City Council shall conduct a public hearing. Written notice of all public hearings shall be sent to the owners of real property located within two hundred feet (200') of any proposed amendment, supplement, or change to the trails on the Citywide Trail System Master Plan, which notice shall be deposited in the mail not less than ten (10) days before such public hearing is held. Such notice may be served by using the last known address as listed on the latest approved tax roll and depositing the notice, postage paid, in the United States mail. Further, notice of the public hearing on the proposed amendment, supplement, or change to the trails on the Citywide Trail System Master Plan shall be by one publication not less than fifteen (15) days prior thereto in the official newspaper of the city.

2. Sign Posting for Amendments, Supplements or Changes to the Trails on the Citywide Trail System Master Plan

The City will place at least one (1) sign on the property proposing the amendment, supplement, or change. Such sign shall, if possible, be located adjacent to a public street. Such sign shall be erected not less than fifteen (15) days before the first public hearing. The City will remove the sign(s) immediately after final action by the City Council, or upon withdrawal of the request of the applicant, whichever comes first. The erection or continued maintenance of the sign shall not be deemed a condition precedent to the granting of any proposed amendment of connectivity or the holding of any public hearing.

3. Study of Connectivity

The applicant shall conduct a study of connectivity on the proposed amendment, supplement, or change to the trails on the Citywide Trail System Master Plan. The study shall include how the proposed amendment, supplement, or change to the trails on the Citywide Trail System Master Plan affects connectivity of the trail to major points of interests and the preservation of creek corridors and greenbelts.

4. Failure to Appear

Failure of the applicant or his representative to appear before the Parks and Recreation Board and City Council for more than one (1) hearing without an approved delay by the

Parks Manager shall constitute sufficient grounds for the Parks and Recreation Board to table or deny the proposed amendment, supplement, or change to the trails on the Citywide Trail System Master Plan.

5. Board Consideration

The Parks and Recreation Board, after the public hearing is closed, shall make its recommendations on the proposed amendment, supplement, or change to the trails on the Citywide Trail System Master Plan to the City Council stating, among other things, its findings, its evaluation of the request and of the relationship of the request to the Citywide Trail System Master Plan.

6. City Council Considerations

a. Process for Consideration: Every application or proposal that is recommended for approval or denial by the Parks and Recreation Board shall be automatically forwarded to the City Council for consideration.

b. Resubmission of Applications: A request that has been denied by the City Council may be resubmitted at any time for reconsideration by the City. The City Council may deny any request with prejudice. If a request has been denied with prejudice, the same or similar request may not be resubmitted to the City for six (6) months from the original date of denial.

c. City Council Hearings and Notice for Trail Plan Amendments: Notice of the City Council public hearing and publication thereof shall be made in accordance with [Section 7.05 \(B.1\)](#) and [Section 7.05 \(B.2\)](#).

7. Final Approval and Resolution Adoption

Upon approval of the trail plan amendment, supplement, or change by the City Council, the applicant shall submit a metes and bounds description and an instrument of dedication to the City to be attached to the Resolution approving the amendment, supplement, or change to the trails on the Citywide Trail System Master Plan.