



# COLORADO SPRINGS PLANNING

## Land Use Review

### Unified Development Code Review Criteria

## 7.4.307: Park Land Dedications

### Review Criteria

A. Purpose: It is the policy of the City that whenever land is proposed for residential use, the owner of the land shall provide for land for park needs generated by the proposed residential use through dedication of land, payment of Park Fees in lieu of land dedication, or fulfillment of the dedication requirement by Alternative Park Land Compliance to facilitate adequate provision of park land.

#### B. Applicability:

1. General: This Section 7.4.307 shall apply to residential development in all Subdivision Plats that have not satisfied both of the following conditions prior to August 28, 1974:

a. The Preliminary or Final Plat must have been approved by the City Council or the Board of County Commissioners of the County of El Paso; and

b. The Preliminary or Final Plat must have satisfied all prerequisites of plat approval imposed by this UDC and all provisions and stipulations imposed by the City Council or all prerequisites of plat approval imposed by the Board of County Commissioners of the County of El Paso.

2. Residential Development: The following residential uses are subject to the requirements of this Section 7.4.307 (see Part 7.3.2 (Allowed Use Tables)):

a. All Household Living Uses;

b. Human Services Establishments;

c. Group Cooperative Living; and

d. Long-Term Care Facility.

3. Replatting or Resubdividing: The City will consider the following factors in any replat of land platted prior to September 6, 1973, for which Park Fees were paid or land was dedicated:

a. If the replat is to correct engineering errors (legal descriptions), it is exempt from this Section 7.4.307.

b. If Park Fees have been paid or land dedicated, or both, the land replatted shall be exempt from the provisions of this Section 7.4.307 unless as a result of such replat residential density is increased. If residential density is increased, the owner shall pay the fees or dedicate land, or both, in those amounts set forth in this Section 7.4.307 as applied only to additional residential units shown on the replat. If residential density is decreased in the replat, the provisions of this Section 7.4.307 shall not apply. No credit for land or fees previously dedicated or paid will be granted if a replat results in a decrease of residential density.

#### C. Compliance Required:

1. As a condition of Final Plat approval or Building Permit issuance for each residential development, as applicable, in accordance with the requirements of this Section 7.4.307, every subdivider shall dedicate land for parks in accordance with the dedication requirements in Subsection D below at the time of plat, agree to pay a sum of money sufficient to



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provide for such needs at the time of Building Permit issuance in accordance with Subsection E below, or provide Alternative Park Land Compliance as set forth in Subsection F below.

2. At the time of filing of a Final Plat, the Parks Department shall indicate whether land dedication, Park Fees, or Alternative Park Land Compliance are required. If the City desires land dedication, the Subdivider shall designate the area to be dedicated by the Preliminary and Final Plat.

3. Approval of Accessory Dwelling Units shall pay required fees in lieu of land dedication at the time of Building Permit issuance.

**D. Park Land Dedication Requirement:**

1. The park land dedication requirement for neighborhood parks is set forth in Table 7.4.3-B and for community parks is set forth in Table 7.4.3-C.

Table 7.4.3-B Neighborhood Park Land Dedication Requirement	
Structure Type	Dedication Requirement Per Residential Dwelling Unit
Single family detached residential structure	0.0064 acres or 281 square feet
2-4 units in residential structure	0.0052 acres or 229 square feet
5-19 units in residential structure	0.0047 acres or 204 square feet
20-49 units in residential structure	0.0043 acres or 191 square feet
50 units or more in residential structure	0.0040 acres or 178 square feet

Table 7.4.3-C Community Park Land Dedication Requirement	
Structure Type	Dedication Requirement Per Residential Dwelling Unit
Single family detached residential structure	0.0077 acres or 337 square feet
2-4 units in residential structure	0.00623 acres or 274 square feet
5-19 units in residential structure	0.00568 acres or 244 square feet
20-49 units in residential structure	0.00565 acres or 229 square feet
50 units or more in residential structure	0.00478 acres or 213 square feet

2. Any land to be dedicated for park use shall be adaptable for use as a neighborhood park or community park as determined solely within the discretion of the Park Manager. Factors used to evaluate the adequacy of proposed park areas shall include, but not be limited to, size and shape, topography, geology, flora and fauna, access, location, and conformance with the City's Parks System Master Plan.

3. All required park land dedication shall be accomplished by plat dedication. The subdivider shall be required to convey clear title to the land to be dedicated to the City in accordance with the subdivision requirements of this UDC and the following:



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a. The subdivider shall plat any designated park areas and shall indicate the number of acres proposed for residential uses, the number of lots, number and type of proposed dwelling units, and the number of dwelling units within each structure. The plat shall identify land dedicated to the City and reference any easement, covenant, or deed restrictions applicable to private park land. Dedication or conveyance and acceptance of the land shall state that land is to be used for park purposes.

b. Any easement, covenants, or deed restrictions for private park land shall be submitted to the City prior to approval of the Final Plat and shall be recorded contemporaneously with the Final Plat.

#### E. Park Fees in Lieu of Land Dedication:

1. When the City determines Park Fees are required in lieu of land dedication, the Park Fees due for each lot shall be paid to the City prior to the issuance of any Building Permit for the lot.

2. Park Fees are calculated as set forth in Subsection 7.4.307H (Review Requirements).

#### F. Alternative Park Land Compliance:

##### 1. General Requirements:

a. The City or the subdivider may propose fulfillment of a requirement to dedicate land by Alternative Park Land Compliance. The Parks Manager shall make the final determination of whether the proposed residential development can be adequately served by Alternative Park Land Compliance. The Parks Manager's decisions shall be guided by the Park Land Dedication Ordinance Criteria Manual.

b. Parks Manager approval shall be conditioned on the execution of an Alternative Park Land Compliance Agreement. The Alternative Park Land Compliance Agreement shall be contingent upon all appropriate land use approvals by the City.

c. If the Parks Manager denies the request for Alternative Park Land Compliance, the subdivider shall comply with this Section 7.4.307 in accordance with the requirements of Subsections D or E above. The decision of the Parks Manager of whether to approve Alternative Park Land Compliance is administrative and not subject to appeal.

2. Types of Alternative Park Land Compliance: One (1) or more of the following park types may be used to meet the Alternative Park Land Compliance standards:

a. Neighborhood Park Land Owned by Metropolitan Districts; Special Districts, and Common Interest Community Associations: Non-City-owned land provided and intended to be used and maintained by or for the future residents of the development for park-related purposes may be credited against the requirement of land dedication for neighborhood park purposes up to a maximum of 100 percent of the dedication

requirement depending upon the extent to which the land serves the overall park and recreation needs of the future residents of the development, provided that the following standards are met:

(1) Building and parking setbacks required to be maintained under this UDC are not included in the computation of such land;

(2) Operation and maintenance of the land is adequately provided for by written agreement with the City;

(3) Reasonable rules and regulations are established for the land and the land remains accessible to the general public for park related uses;



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(4) The use of the land is permanently designated for park purposes, by recorded document such as an easement, covenant, or by deed restriction which runs with the land and which cannot be defeated or eliminated without the consent of the City Council;

(5) The proposed land is reasonably adaptable for use for neighborhood park purposes, taking into consideration such factors as size, shape, topography, geology, access and location; and

(6) The City approves a land use Development Plan or park Development Plan.

b. Multiuse Trail Corridors: Land dedicated for trails that are a minimum of fifty (50) feet wide may be credited against the requirement of dedication for neighborhood and community park purposes up to a maximum of one hundred (100) percent of the dedication requirement, provided the following standards are met:

(1) The proposed trail dedication is consistent with the multiuse trail system identified within the City's Park System Master Plan, is within the land use master planned area, and is adjacent to, or within, the developed area.

(2) The portion of any trail dedication that satisfies neighborhood park land dedication requirements must be located within the same Geographic Service Area that serves the subdivider's residential development.

c. Open Space: Land dedicated for Open Space may be credited against the requirements of dedication for neighborhood and community park purposes up to a maximum of fifty (50) percent of the dedication requirement, provided the dedicated land is consistent with the Open Space Candidate Areas identified within the City's Park System Master Plan and exhibits significant natural resources and open space values

d. Mini Parks, Plazas, Industrial Parks, and Other Alternative Forms of Park Lands: Where mini parks, plazas, Industrial parks or other alternative forms of park related lands are appropriate to meet park needs, land dedicated and used for mini parks, plazas, Industrial parks or other alternative forms of park related lands may be credited against the requirement of dedication for neighborhood park purposes up to a maximum of one hundred (100) percent of the dedication requirement. If the land is not City-owned, the requirements of Subsection a above apply.

e. Acceptance of Park Facility Construction or Expansion of Existing Park Facilities: If the Parks Manager determines that park facility construction or expansion of an existing park facility is needed to serve the residential development, construction of park facilities may be credited against the requirement of dedication for neighborhood or community park purposes up to a maximum of one hundred (100) percent of the dedication requirement, provided the following standards are met:

(1) The Subdivider and the City enter into a written agreement that identifies the specific terms and conditions for construction and expansion;

(2) The new park facility construction and expansion is not otherwise required by this UDC or other building;

(3) A Development Plan or Park Master Plan is approved by the City;

(4) The proposed park facility construction or expansion to be substituted for Neighborhood park dedication requirements is located within the same Geographic Service Area serving the subdivider's residential development; and

(5) The proposed park facility construction or expansion is in conformance with and supports the City's Park System Master Plan.



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G. Expenditure of Park Fees: Park Fees collected in accordance with this Section 7.4.307 shall be spent as follows:

1. Neighborhood Park Fees: Neighborhood Parks are intended to serve neighborhoods within a Geographic Service Area. Park Fees collected by the City for Neighborhood park dedication shall be applied within the same Geographic Service Area or an adjacent Geographic Service Area to the development in order to benefit the neighborhood for which the Park Fees were paid.

2. Community Park Fees: Community parks are intended to serve as destination parks for all City residents. Park Fees collected by the City for Community park dedication may be applied anywhere within the City to acquire, develop, or redevelop Community parks.

H. Review of Requirements:

1. The Parks Board and the Planning Commission shall review the park land dedication requirements and household dwelling data and this part and pertinent dwelling density data once every four (4) years and make a recommendation regarding any needed amendments to City Council.

2. City Council shall establish Park Fees, by resolution, once every four (4) years. In addition to applicable Platting Fees, Park Fees shall include a benchmark average value for one acre of unplatted, undeveloped land Citywide. Beginning in the year 2021 and every subsequent four (4) years, the Parks Department shall request that the City's Real Estate Services Manager contract with a certified land appraiser doing business in the City, to conduct a study of the land value for one acre of unplatted, undeveloped land Citywide and in each of the Geographic Service Areas. The Parks Manager shall present the study to the Parks Board and to the Planning Commission. The Parks Board and Planning Commission shall each then make a recommendation for Park Fees to City Council. Park Fees shall be administratively updated to include any Platting Fees that are amended from time to time.

3. By resolution, City Council shall adopt or amend the Geographic Service Areas boundaries as necessary. City Council shall provide for at least eight Geographic Service Areas within the City, which shall be designated in a manner to ensure that park services are located in reasonable proximity to residential development.

I. Park Land Dedication Ordinance Criteria Manual: The City Council shall review and adopt by resolution a Park Land Dedication Ordinance Criteria Manual, which may be amended from time to time, and which provides the Parks, Recreation and Cultural Services Department policies and standard procedures regarding the administration of this Section 7.4.307. (Ord. 23-03)