

City of Raymore Unified Development Code

Section 445.040 Park Land Dedication

A. Purpose

It is the purpose of this section to:

1. define the obligation of developers to meet the park and open space needs generated by new development;
2. encourage the provision of adequate park and open space in higher density developments through a graduated scale for parkland dedication;
3. encourage the inclusion of neighborhood parks within larger residential developments in an effort to achieve a parkland goal of 100 percent service area coverage of all areas within the City limits of the City of Raymore;
4. encourage the development of larger neighborhood and regional parks by encouraging cash payment in lieu of parkland dedication in smaller residential developments. These cash payments will be applied to the acquisition of larger parks serving multiple neighborhoods within the impact area of the proposed development; and
5. require the development of a linkage system throughout the City of Raymore.

B. Applicability

The provisions of this section apply to all new subdividing and platting activities.

C. Community Open Space Network/Trails System

1. Developments planned for land on which a trail segment is identified on the Growth Management Plan Update Open Space Corridor Plan must provide such trail segment. Trail segments with a minimum width of 10 feet shall be constructed at the time of infrastructure improvement and must be constructed to meet or exceed the standards set forth by the MetroGreen Plan adopted by the Mid-America Regional Council. A public access easement 15 feet in width is required over the entire length of the trail segment. The property owners' association established for the development must maintain the trails along with all other common areas in their development.
2. The trail system is considered integral to the parks and recreation system and all developers required to construct a segment of a required trail will be awarded credit against the land dedication requirement. The developer will be awarded credit both for the property acreage within the public access easement and for the cost of the trail improvement. Trail construction cost credits will be determined by the Director of Public Works using AASHTO standard costs for asphalt installation for the year in which the construction takes place.

D. Form of Dedication

1. It shall be a condition of preliminary plat and final plat approval of a subdivision, PUD (Planned Unit Developments) or other residential property improvement that

each subdivider, developer or owner will be required to make, at the discretion of the Raymore Parks and Recreation Board either:

- a.** a land donation;
 - b.** cash in lieu of land donation; or
 - c.** a combination of both.
- 2.** The method selected will be recommended by the Parks and Recreation Board. The Planning and Zoning Commission shall review the method selected according to this chapter and Unified Development Code as well as the Growth Management Plan in their regular manner of consideration. The final approval shall be by the City Council prior to acceptance of the preliminary plat of the subdivision. All final plats submitted shall incorporate any park land dedication requirement approved as part of the preliminary plat. This provision applies to the development of all lands in the City of Raymore, including all subdivisions, lots, tracts and parcels of land regardless of intended use.

E. Formula for Park Land Dedication

- 1.** If dedication of land is selected, the dedication shall be by plat and deed. The amount of dedication required shall correspond to the density of the subdivision and shall be calculated off of the following formula:

DLR = DU x D x 0.02
DLR = Dedicated land requirement.
DU = Number of dwelling units.
D = Number of people per dwelling unit per the most recent U.S. Census figures for Cass County.
0.02 = Required acres per person based on 20 acres per 1,000 people.

- 2.** The projected population at full development shall be the criteria used to determine the amount of land to be donated. A formula of 20 acres per 1,000 people (projected full development) will be used, which is the standard set forth by the Missouri Statewide Comprehensive Outdoor Recreation Plan.

F. Suitability Criteria (*Amendment 25 – Ordinance 2017-51 8.28.17*)

All designated open space, parks or recreational facilities must be of suitable size, location, dimension, topography and general character and shall have proper road and/or pedestrian access, as may be appropriate, to be usable open space, as follows:

- 1.** The minimum land area for a dedicated parkland tract shall be five acres. Parkland shall be in a single parcel unless there are physical features, such as a railroad or water, separating the proposed tracts provided that neither tract is smaller than five acres. Two or more tracts may be considered for subdivisions including at least 500 dwelling units, provided that neither tract is smaller than eight acres.
- 2.** Retention areas or detention basins which are required as by the Unified Development Code will not qualify as a public open space.

3. Water (including streams, rivers, ponds and lakes), marsh, floodplains and wetland acreages shall not be used to comply with the land requirement of this section, except as provided for required trail improvements listed in this section.
4. At least 50 percent of the gross area of any active open space required to be dedicated pursuant to this section shall have a natural slope of four percent or less and shall not be located in an existing watercourse, drainage easement or water ponding area. In addition, that portion of the land must have a cover of six inches or more of topsoil suitable for the seeding and cultivation of grass. If land proposed to be dedicated has a natural slope in excess of that required by this subsection, but may be engineered to provide for a slope that meet the requirements imposed therein, the developer may, upon the favorable recommendation of the Parks and Recreation Board, permit such land to be dedicated to satisfy the requirements of this subsection.
5. Open space areas located in spillways where the spillway is greater than 25 percent of the land area shall not be used to meet the requirements of this section.
6. Parkland shall be dedicated by the developer in a condition ready for full service with electrical, water and sewer access at the property line.
7. The layout of the park shall maximize street frontage on a public street. Minimum frontage shall be 200 feet.
8. All land to be dedicated to the City for park purposes shall have the prior approval of the Parks and Recreation Board and shall be shown and marked on the plat as “dedicated to the City of Raymore, Missouri, for park purposes”. All land dedicated shall transfer ownership at the time of recording of the first final plat, unless otherwise agreed to as part of the development agreement for the subdivision.

G. Privately Dedicated Recreation Space

The developer may comply with the provisions of this section to furnish land for recreational purposes by privately dedicating recreational open space and/or preserving significant natural, cultural or historic features or landmarks under the following provisions:

1. The developer must provide an area that meets the minimum standards set forth in this section related to size, suitability and location.
2. The developer must provide minimum neighborhood park improvements in a privately dedicated open space tract including, but not limited to:
 - a. Family picnic shelter
 - b. Children’s playground
 - c. Turfed playfields
3. All improvements to privately dedicated open space tracts shall be included in the first phase of infrastructure installation for the development’s first final plat. A public access easement over the entire area is required and must be shown on the final plat of the phase of development which includes the dedicated space.

4. Privately dedicated parkland shall be maintained by the developer or the lot owners in the subdivision under a legal agreement approved by the City as adequate to ensure its continued operation and maintenance.
5. The Parks and Recreation Board shall recommend credit against the requirements of this section for privately dedicated parkland upon a finding that the dedication would advance the goals of the parks and recreation element of the City's most recent comprehensive plan and/or would preserve a significant natural, cultural or historic feature or landmark. All requests shall be submitted to the Parks and Recreation Department two weeks prior to appearance before the Parks and Recreation Board and shall include the following information:
 - a. A site plan showing:
 - (1) scale of the drawing and the boundaries, dimensions and orientation of the site to true north;
 - (2) topography at a minimum two foot contour interval;
 - (3) location and layout of existing physical characteristics (vegetation, natural waterways and drainage ways, rock outcroppings, etc.) indicating any significant features to be removed, improved or preserved;
 - (4) location and layout of proposed improvements including landscaping, irrigation system, pathways and trails, play areas and playground equipment, lighting, fencing, structures, etc.;
 - (5) ingress, egress and internal circulation for the site; and
 - (6) relationship of the proposed site and proposed improvements to adjoining property.
 - b. An itemized list of the proposed improvements including a description, the quantity and estimated per unit cost figure for the individual improvements.
 - c. A statement of the methods and/or provision for ownership, maintenance and use of the site and proposed improvements.
 - d. Any materials and/or information determined by the Parks and Recreation Department to be necessary or appropriate for Parks and Recreation Board review.

H. Cash in Lieu of Land Dedication

1. Formula for Cash in Lieu of Land

The following formula shall be used to determine the minimum cash in-lieu requirement:

CLL	=	DLR x APPA
DLR	=	Dedicated land requirement (subsection (H) above)
CLL	=	Cash in lieu of land
APPA	=	Actual purchase price per acre

- a. The greater of \$10,000.00 or the actual purchase price of the amount of land to be donated shall be paid as the fee in lieu of actual donation. The actual purchase price of the property shall be reported to the City at the time of filing application for each final plat. Such reporting is required on a notarized disclosure form provided by the City.
- b. If the City disputes such report of purchase price, the City may request information from the title company or bank listed on the disclosure form to establish conclusive evidence of the purchase price for the property. Failure to provide correct information on the disclosure form constitutes fraud.

2. Formula for Partial Land Donation

When a portion of land dedication requirement is accepted, the remaining cash fee will be calculated and credited as follows:

- a. (Dedicated land requirement minus number of acres accepted) times actual purchase price per acre; or

$$CLL = (DLR - ALA) \times APPA$$
 ALA = Accepted land acreage
 APPA = Actual purchase price per acre

I. Cash in Lieu Payment

The cash in lieu payment is due to the City at the time of recording of each final plat unless the developer has not purchased the property before plat recording. In the event that the property has not been purchased before plat recording, then the fee-in-lieu shall be paid in full after closing on the property and before any building permits are issued.

J. Park Fee for Commercial and Industrial Development *(Amendment 4 – Ordinance 29137 11.9.2008)*

- 1. A park land donation fee shall be paid as approved by the Governing Body and listed in the Schedule of Fees and Charges maintained in the City Clerk’s office.
- 2. The City of Raymore City Council has the authority to waive a part or all of the commercial development park land donation fee at their discretion.

K. Subdivision of Park and Open Space Prohibited

Land designated as open space shall be maintained as open space and may not be separately sold, subdivided or developed except to the City, an appropriate public agency or a non-profit entity if there is a public or non-profit agency willing to accept the dedication and financially capable of maintaining such open space.

L. Certain Activity Prohibited

Following dedication of lands as provided herein, no person shall remove trees, vegetation or topsoil from the lands, and the lands shall not be used for the purpose of stockpiling of earth or construction material or disposal of construction debris without the written consent of the Department of Parks and Recreation.

M. Platting Requirements (*Amendment 25 – Ordinance 2017-51 8.28.17*)

All land to be dedicated to the City for park purposes shall have the prior approval of the Parks and Recreation Board and shall be shown and marked on the plat as “dedicated to the City of Raymore, Missouri, for park purposes”. All land dedicated shall transfer ownership at the time of recording of the first final plat, unless otherwise agreed to as part of the development agreement for the subdivision.