

ORDINANCE NO. 97-24

AN ORDINANCE AMENDING ORDINANCE NO. 240, ESTABLISHING
MANDATORY PARK LAND REQUIREMENTS WITHIN THE
CORPORATE CITY LIMITS OF THE CITY OF LEAGUE CITY \

WHEREAS, the City Council of the City of League City, Texas realizes that the park areas within the city limits of League City must increase to correspond to increases in the City's population; and

WHEREAS, the City Council is desirous of providing open park and recreational areas for our present citizens as well as future generations; and

WHEREAS, the City Council deems it proper and advisable for the citizens of League City to amend Ordinance No. 240, establishing mandatory park land requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. The facts and opinions in the preamble of this ordinance are true and correct.

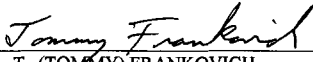
Section 2. That Ordinance No. 240 is hereby amended to read as shown in substantially the same form as Exhibit "A".

Section 3. All ordinances and agreements and parts of ordinances and agreements in conflict herewith are hereby repealed to the extent of the conflict only.

APPROVED first reading the 25th day of March, 1997.

APPROVED second reading the 9th day of September, 1997.

PASSED AND ADOPTED the 9th day of September, 1997.



A. T. (TOMMY) FRANKOVICH,
Mayor

ATTEST:



BARBARA NUGENT,
City Secretary

ORDINANCE NO. 97-24

EXHIBIT "A"

Chapter 102

SUBDIVISIONS

ARTICLE II. PARKS AND RECREATION AREAS

Sec. 102-51. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Caretaker - Defined as a natural person, general partnership, limited partnership, joint venture, association, corporation, or any other form of business entity or association which assumes responsibility for a tract of land to be used as a park or recreation area within the City limits of the City of League City, Texas.

Developer - Defined as any natural person, general partnership, limited partnership, joint venture, association, corporation, or any other form of business entity or association, which is developing any area within the City limits of the City of League City, Texas.

Maintain - Defined as to keep in proper condition as per any law or ordinance of the State of Texas or the City of League City.

Master Parks Plan - Adopted and approved by the Mayor and City Council, January of 1995. It is a strategic outline for the direction of the parks and facilities developed by the Parks Board through citizen surveys.

Neighborhood Parks - Defined as those public parks providing for a variety of outdoor recreational opportunities and located within convenient distances from a majority of the residences to be served. A public park site or park area or a public recreation site or recreation area, as defined in this section, may be a neighborhood park.

Parks Board - Defined as a seven (7) member board appointed by the Mayor and confirmed by City Council to have advisory capabilities toward development, and input planning and park operations.

Park Site or Park Area - Defined as a tract of land for public or private use within the City limits of League City, Texas and designated as such on the proposed plat or dedication. The land on which public sidewalks otherwise required by any other ordinance of the City are located shall not be credited toward the ordinance's requirements.

Recreation Area or Recreation Site - Defined as a tract of land for public or private use within the City limits of League City, Texas, containing recreational amenities such as playground equipment, ball parks, tennis courts, etc.

Regional - Defined as of or having to do with any of the three (3) regions West, Central and East as defined in the Master Parks Plan.

Residential - Defined as any dwelling place, including, but not limited to, a single-family house, a duplex, an apartment, a mobile or manufactured homes, or a townhouses which is occupied or intended for use as human habitation.

Subdivision - Defined as an act by any owner of land who may hereafter divide the same into two (2) or more parts for the purpose of laying out any subdivision or any tract of land or any addition thereto, or for laying out any lots, and may include the laying out of streets, alleys, or parks or other areas intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto. Such term includes "re-subdivision", which includes unrestricted reserves that ultimately are residential. There is excepted from such definition, however, the division of land into two (2) or more tracts or parcels of land comprising two (2) acres of land or more fronting at least 200 feet on any existing public road, and not involving the laying out or dedication of any street, alley or park or other portion intended for public use. The term shall apply to all developments within the corporate limits and the extraterritorial jurisdiction of the City of League City.

Sec. 102-52. Purpose.

- (a) The purpose of this ordinance is to provides park and recreational areas in the form of neighborhood parks as a function of subdivision development in the City of League City. (This section is enacted in accordance with the home rule powers of League City under the Texas Constitution, and the statutes of the State of Texas, including, but not by way of limitation, Tex. Rev. Civ. Stat. Art 974a and Tex. Local Gov't Code Chapter 212.)
- (b) Proposed park and recreational areas will be established by reviewing the proposed subdivision in its entirety and not necessarily by sections or phases.
- (c) The primary cost of neighborhood parks should be borne ultimately by residential property owners who, by reason of the proximity of their property to such parks, shall be the primary beneficiaries of such facilities. Therefore, the following requirements are adopted to effect the purposes stated:

Sec. 102-53. General Requirement to be used for Residential Purpose.

- (a) Whenever a final plat is filed on record with the clerk at the Galveston County Courthouse for development of a residential area in accordance with the planning regulations of the City, such plat shall contain a clear fee simple dedication of an area of land to the City or Homeowners Association for the purpose of park land, which area shall be equal to one (1) acre for each one hundred thirty-three (133) proposed dwelling units. Any proposed plat submitted to the City for approval shall show the area proposed to be dedicated under this section. The dedication of an area of land required under this subsection may be met by a payment of money in lieu of dedication of land when permitted or required by the other provisions of this section.
- (b) The City Council declares that development of an area smaller than one (1) acre for public park or recreation site or area purposes is impractical. Therefore, if fewer than one hundred thirty-three (133) units are proposed by a plat filed for approval, the developer shall either dedicate the minimum

one (1) acre or pay the applicable cash in lieu of land in an amount as provided by §102-55(c) of this article rather than to dedicate any land area. No plat showing a dedication less than one (1) acre shall be approved unless the applicable cash in lieu of land is paid.

(c) In instances when an area of less than five (5) acres is required to be dedicated, the City shall have the right to accept the dedication for approval on the final plat, or refuse same and require a payment in lieu of land, in the amount set forth in §102-55(c), if the City concludes that the recreational potential for that region would be better served by expanding or improving existing parks. In the event that the City Council so refuses a proposed dedication of land, the cash payment in lieu of land shall be used by the City exclusively for the expansion or improvement of existing park sites or area or recreation sites or areas located in or near the area of potential development.

(d) The dedication required by this section shall be made by filing of the final plat. If the actual number of completed dwelling units exceeds 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 in an amount as provided by §102-55(c) of this article, or by the conveyance of an entire dollar figure to the city.

(e) No park area, private or public, that is for the use of residents of that subdivision will be further than three-quarter (3/4) mile from the furthest point of service.

(f) The park area will be leveled and seeded to produce green space, in Phase I of the project, by the developer. The developer will be responsible for the maintenance of the park until such time that the permanent caretaker can take over the maintenance of the area. The permanent caretaker must be designated by the time of final plat approval.

Sec. 102-54. Prior Dedication - Absence of Prior Dedication.

(a) Credit shall be given for land and/or money dedicated pursuant to City Ordinance No. 240, adopted February 18, 1980.

(b) If a dedication requirement arose prior to passage of this ordinance, that dedication requirement shall be controlled by the ordinance in effect at the time such obligation arose, except that additional dedication shall be required if the actual density of structures constructed upon property is greater than the former assumed density and shall be based upon the ratio set forth in §102-53(a) of this article.

(c) At the discretion of the City, any former gift of land to the City may be credited on a per dwelling unit basis toward eventual land dedication requirements imposed on the donor of such lands. The City Council shall consider the recommendation of the Planning Commission and the Parks Board in exercising its discretion under this subsection.

Sec. 102-55. Money in Lieu of Land.

(a) Subject to veto of the City Council, a land developer may elect to meet requirements of §102-53 of this article in whole or in part by a cash payment in lieu of land, in the amount set forth in §102-55(c) of this article. Such payment in lieu of land shall be made at or prior to the time of final plat approval.

(b) The City, from time to time, may decide to purchase land for parks in or near the area of actual or potential development. If the City does purchase park land in a park area, subsequent park land dedications for that area shall be in cash only and calculated to reimburse the City's actual cost of acquisition and development of such land for parks. The cash amount shall be equal to the sum of the average price per dwelling unit of such land, and the actual cost of adjacent streets and on-site utilities, or an estimate of such actual cost provided by the City Engineer. Once the City has been reimbursed entirely for all such park land within a park area, this subsection shall cease to apply, and the other subsections of this ordinance shall be applicable.

(c) To the extent that §102-55(b) article is not applicable, the dedication requirement shall be met by a payment in lieu of land at a per dwelling unit price set from time to time by ordinance by the City Council, sufficient to acquire land and provide for adjacent streets and utilities for a neighborhood park to serve the park area in which such development is located. Unless changed by the City Council, such per dwelling unit price shall be computed on the basis of six hundred dollars (\$600) per dwelling unit. Cash payments may be used only for acquisition or improvement of a neighborhood park located within the same quadrant of the City as the development.

(d) There is hereby established a special fund for the deposit of all sums paid in lieu of land dedication under this ordinance or any preceding ordinance, which fund shall be known as the Park Land Dedication Fund.

(e) The City shall account for all sums paid in lieu of land dedication under this ordinance with reference to the individual plats involved. Any funds paid for such purposes must be expended by the City within five (5) years from the date received by the City for acquisition of development of a regional park as defined herein. If the funds are not expended, the owner has sixty (60) days to petition for those funds. The funds would only be released upon the Parks Board approval of a plan to utilize the funds to build or enhance a park within the subdivision.

Sec. 102-56. Comprehensive Plan Considerations.

Land shown on a comprehensive plan as being suitable for development in the City for a major recreational center, school site, park, or other public use, shall be reserved for a period of one (1) year after the preliminary plat is approved by the City. Within two (2) months after such approval, the City Council has the right to advise the subdivider of its desire to reserve the land at the appraised value at the time of purchase. A failure by the City Council to so notify the subdivider shall constitute a waiver of the right to reserve the land. Any waiver of the right to reserve the land shall no longer be effective if the preliminary plat shall expire without adoption of a final plat.

Sec. 102-57. Additional Requirements/Definitions.

(a) Any land dedicated to the City under this ordinance must be suitable for park and recreational uses. The following characteristics of a proposed area are unsuitable except as listed in §102-57(e):

- (1) Any area primarily located in the 100 year flood plain.

- (2) Any areas of unusual topography or slope which renders same unusable for organized recreational activities.

The above characteristics of a park land dedication area may be grounds for refusal of any preliminary plat.

- (b) Drainage areas may be accepted as part of a park if a channel is constructed in accordance with the City Engineering standards, and if no significant area of the park is cut off from access by such channel.
- (c) Each park must have ready access to public streets.
- (d) Unless provided otherwise herein, an action by the City shall be by the City Council, after consideration of the recommendations of the Planning Commission and the Parks and Recreation Board. Any proposal considered by the Planning Commission under the ordinance shall have been reviewed by the Parks and Recreation Board and its recommendation given to the Commission. The Commission may make a decision contrary to such recommendations only by a concurring vote of at least five (5) members. Should the Commission be unable to get this vote, the matter shall then be referred to the City Council for its decision.
- (e) As stated in the Master Parks Plan, a recreational easement along Clear Creek and Clear Lake may be given consideration.
- (f) This land may provide a valuable link along the waterway for trails. Upon the review of park plans and subdivision plats, the Parks Board and the Planning Commission shall make a recommendation to the City Council on whether a waiver of park areas or recreational sites should be allowed. The City Council shall make the final decision as to whether to waive in whole or in part the dedication of park areas or recreation sites.

Sec. 102-58. Improvements.

- (a) The developer may, at his or her option, improve the park area by the addition of playgrounds, swimming pools, tennis courts or other similar recreational amenities. If the area has fulfilled the commitment for neighborhood park space, the City shall allow one hundred percent (100%) credit of the original cost of the improvements to public parks as money in lieu of land and shall allow a fifty percent (50%) credit of the original cost of the improvements to private parks as money in lieu of land. If fifty percent (50%) credit is given, then a fifty percent (50%) cash payment is assessed at three hundred dollars (\$300) per dwelling unit.

Sec. 102-59. Permit Review.

There will be a building permit review to verify funds spent at the site by staff after the park has been developed. An as built drawing along with expended funds must be supplied to the Parks Board by the developer within thirty (30) days of completion of the project.

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