

ORDINANCE NO. 2003-56

AN ORDINANCE AMENDING SECTIONS 102.51-102.59, ARTICLE
II, OF THE CITY OF LEAGUE CITY'S CODE OF ORDINANCES
ENTITLED PARKS AND RECREATION AREAS

WHEREAS, the City Council of the City of League City deems it necessary and in the best interests of the citizens to amend Sections 102.51 – 102.59, Article II of the City of League City's Code of Ordinances entitled Parks and Recreation Areas as shown in substantially the same form as Exhibit "A".

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.

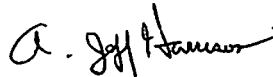
Section 2. City Council of the City of League City hereby amends Sections 102.51 – 102.59, Article II of the City of League City's Code of Ordinances entitled Parks and Recreation Areas as shown in substantially the same form as Exhibit "A".

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 All ordinances and agreements and parts of ordinances and agreements in conflict herewith are hereby repealed to the extent of the conflict only.

PASSED first reading the 23rd day of September, 2003.

PASSED second reading the 4th day of November, 2003.

PASSED AND ADOPTED the 4th day of November, 2003.



A. JEFF HARRISON,
Mayor

ATTEST:



BARBARA NUGENT,
City Secretary

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, city or any other form of business entity, political subdivision 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.

Comprehensive Master Plan - A certain document, being the summary or comprehensive compilation of existing city master plans, to give direction to the City's governing body and staff for future planned management.

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 and the Extraterritorial Jurisdiction (ETJ) of the City of League City, Texas.

Homeowners Parks, Facilities, and Sites - are defined as parks and amenities that are for the private use of that particular subdivision, not a park open to the public. These sites should start at one-quarter (1/4) of an acre.

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 and private parks utilized for a variety of outdoor recreational opportunities located within convenient distances for a majority of the developments to be utilized by the majority of the residents.

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 Dedication Fees- Defined as fees collected and utilized in one of the five regions of the city to purchase parkland.

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

Regional Parks - Defined as having to do with any of the five regions Far West, West, Central, East, and Far East, as defined in the City's Comprehensive Master Plan or any other subsequent plan. These are parks with more than thirty acres of land.

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

Residential Development - Refer to Ordinance 99-07 or any other ordinance pertaining to subdivision development criteria. Fees or dedication must be made prior to final plat approval. Such terms include "no-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. The term shall apply to all developments within the corporate limits and the extraterritorial jurisdiction of the City of League City.

Trail Development- this refers to Hike and Bike trails that are a minimum of 6 ft. wide for the purpose of connectivity, recreation use, or as an alternate mode of moving people throughout the city. These trails must show connectivity to other major trail systems.

Sec. 102-52. Purpose.

(a) The purpose of this ordinance is to provide park and recreational areas in the form of neighborhood parks, recreational parks, regional parks, and connecting trails as a function of residential 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, Texas Local Government Code Chapter 212.

(b) **General.**

(i) Proposed park and recreational areas will be established by reviewing the proposed residential development in its entirety and not necessarily by sections or phases.

(ii) The primary cost of homeowner parks and 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.

(iii) The primary cost of Regional Parks should ultimately be borne by the municipal or governmental agency in League City. The regional park fee

will be utilized for the purpose of purchasing parkland within the area delineated by an approved Comprehensive Master Plan or other subsequent plan.

- (iv) Recreational Parks are parks providing active amenities for the users of the facilities. These facilities may be funded through the Home Owners Associations, City of League City, or County (but not limited to these agencies). 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 Homeowners Association for the purpose of parkland, which area shall be equal to one (1) acre for every ninety (90) proposed dwelling units to fulfill the neighborhood requirements. Any proposed plat submitted to the City for approval shall show the area proposed to be dedicated under this section.
- (b) The City Council declares that all development must have approved parkland. For developments consisting of less than 90 dwelling units, the dedication of an area of land required under this section will be determined based upon the percent (%) utilized to set the standard units at 90 per dwelling unit per one acre of parkland. There will be a minimum requirement of one-quarter (¼) of an acre. Buying out is not an option.
- (c) 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 land dedication shall be required.
- (d) No neighborhood park area, private or public, that is for the use of residents of that subdivision will be further than three-quarter (¾) mile from the furthest point of service or a connecting trail.
- (e) The neighborhood 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 accepts maintenance of the area. The permanent caretaker must be designated on or before 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 the lands. The City Council shall consider the recommendation of the Planning & Zoning Commission and the Parks Board in exercising its discretion under this subsection.

Sec. 102-55. Park Dedication Fees

- (a) The City, from time to time, may decide to purchase land for Regional Parks in or near the area of actual or potential development. If the City does purchase parkland or complete improvements the City will work with the developer to find the most effective use of the greenspace and potential resources in the region.
- (b) Park dedication fees may be used only for acquisition to leverage land for projects containing a regional park located within one of the five regions, as outlined in an approved Comprehensive Master Plan or any other subsequent approved plan. The fee shall be \$1,000 per dwelling unit paid at the time of the approval of the Final Plat of each section. In the event the Developer elects to pay Parks Dedication Fees at the time of the approval of the Development's Master Plan for the entire development, the fee shall be \$800 per dwelling unit.
- (c) There is hereby established a special fund for the deposit of all sums paid for parkland dedication under this ordinance, or any preceding or subsequent ordinance; this fund shall be known as the Park Land Dedication Fund.
- (d) The City shall account for all sums paid under this ordinance with reference to the individual plats involved. The City must expend any funds paid for such purposes within five (5) years from the date received by the City for acquisition or development of a Regional Park as defined herein. If the funds are not expended the owner or his/her successor has sixty days (60), from the date of the expiration of the five-year period, 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.
- (e) A consideration for gifting of land will be considered by the Parks Board and approved by the Mayor and City Council if the following criteria are met.
 - (1) Location falls within a region that is acceptable and is a part of the approved Comprehensive Master Plan or any subsequent plan;
 - (2) Accessible to the Public;
 - (3) Acreage is suitable for Public Parkland;
 - (4) Minimum acreage is 30 acres;
 - (5) Reasonable restrictions; and
 - (6) Reasonable limitations in regards to landscaping etc. that do not exceed the city standards for development.

With the meeting of the above criteria, consideration may be given up to a 50%

credit toward Park Dedication Fees. The credit shall be given based upon the cost of land.

Sec. 102-56. Comprehensive Plan: Considerations for development

Land shown on a Development's Master Plan 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. 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; an exception may be a ball field that is located in a dry detention basin with the approval of the Parks Board and City Council.
 - (2) Any areas of unusual topography or slope which renders same unusable for organized recreational activities.
 - (3) Land subject to an easement or a right-of-way which exceeds 25 percent of the total land dedicated under the provisions of this ordinance and is not contiguous nor in conformity with all other requirements of this ordinance.

The above characteristics of a parkland dedication area will 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 approval of the City Engineer, and if no significant area of the park is cut off from access by such channel. No more than 50% may be comprised of a drainage area and must be usable for recreational purposes.
- (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 & Zoning Commission and the Parks Board. Any proposal considered by the Planning & Zoning Commission, under the ordinance, shall have been reviewed by the Parks Board with its recommendation given to the Planning & Zoning Commission. The Planning & Zoning Commission may make a decision contrary to such recommendations only by a concurring vote of at least five (5) members. Should the Planning and Zoning 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 for up to 50% credit toward the consideration for gifting of land.

- (f) This land may provide a valuable link along the waterway or connecting to major arteries for trails usage. The minimum width for the trail will be six (6) feet and the composition will be concrete with rebar. Upon the review of park plans and subdivision plats, the Parks Board and the Planning and Zoning Commission shall make a recommendation to the City Council on whether a consideration of park areas or recreational sites should be allowed. The City Council shall make the final decision as to whether to give credit in whole or in part towards the dedication of park areas or recreation sites. Not more than 50% of the project may be considered for trails.

Sec. 102-58. Improvements.

- (a) The developer may, at his or her option, improve the park area. Improvements to the recreational sites cannot be used as credit toward the Land Dedication or the Regional Fee.

Sec. 102-59. Permit Review.

There will be a staff review to verify the greenspace dedication after the dedication has been completed. This ordinance is subject to revision every thirty-six (36) months.