

ORDINANCE NO. 2018-5-15-31

AN ORDINANCE AMENDING CHAPTER 36, SECTION 36-370 CODE OF ORDINANCES (2013 EDITION), CITY OF ELGIN, TEXAS, REGARDING PARKLAND DEDICATION AND FEES; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS:

I.

That Chapter 36, Section 36-370, Dedication of Park Lands or Payment of Fees in Lieu Thereof, is hereby amended by deleting said Section in its entirety and replacing it with the following:

Sec. 36-370. - Dedication of park lands or payment of fees in lieu thereof.

(a) Prior to approval of a planned development or a final subdivision plat, each subdivider or developer shall dedicate park land, or contribute cash or park improvements in lieu of land dedication, or any combination thereof as determined by the City Manager or designee.

(1) The parkland dedication requirements of this chapter apply to all residential subdivisions, except as provided in subsection (2) of this definition.

(2) The following are exempt from the requirements of this section:

a. A plat with not more than four single-family lots;

b. A re-subdivision of land that does not increase the number of dwelling units.

(b) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning. For the purpose of this subsection, certain words and terms are hereby defined;

terms not defined herein shall be construed in accordance with this subsection and chapter 46, zoning, as amended; other codes and ordinances, or their customary usage and meaning.

Director, when used without a qualifier, means the director of the city's parks, recreation and special services department.

Holding costs means any and all costs incidental to the respective tract of land borne by the respective landowner.

Major subdivision means any residential subdivision or residential portion of a subdivision 50 residential units or greater.

Minor subdivision means any residential subdivision or residential portion of a subdivision less than 50 residential units.

(c) Dedication of parkland required.

(1) A subdivider of a residential subdivision shall provide for the parkland needs of the residents by the dedication of suitable land for park and recreational purposes.

(2) The area to be dedicated must be shown on the preliminary plat and the plat included in the dedication statement. Prior to filing, the subdivider shall dedicate to the City, with appropriate release of liens, all land required by this section when a final plat is approved.

(3) The amount of parkland required to be dedicated by the subdivider to the City is six (6) acres for every 1,000 residents, as determined by the following formula:

$$6 \times (\text{number of units}) \times (\text{residents per unit}) / 1,000 = \text{acres of parkland}$$

(4) In calculating the amount of parkland to be dedicated under this section, the number of residents in each dwelling unit is based on density as follows:

Dwelling Units Per Acre	Residents in Each Dwelling Unit
Not more than 6	2.8
More than 6 and not more than 12	2.2
More than 12	1.7

(5) In calculating the amount of parkland to be dedicated under this section, density for a multifamily subdivision is assumed to be the highest permitted in the zoning district, or if the property is not zoned, 24 dwelling units per acre. The subdivider may reduce the assumed density by restricting density in a restrictive covenant enforceable by the city.

(6) Land not suitable for dedication is defined as follows:

- a. Land located in a floodplain area as shown by FEMA or other,
- b. detention/retention ponds,
- c. buffer zones, or
- d. other protected and or restricted undevelopable property by permanent structures

(d) Criteria for voluntary land dedication.

(1) Eligibility of subdivisions for park land dedication.

- a. Minor subdivisions. The developer of any subdivision classified as a minor subdivision shall be required to pay fees in lieu of dedication, as defined in subsection (e)(1).

b. Major subdivisions. The developer of any major subdivision shall be required to dedicate park land or pay fees in lieu of. Recommendation of a fees in lieu of park land dedication shall be made by the City Manager or designee as defined in subsection (e)(1).

(2) Location. The specification and codes adopted by the City Council shall be used as a guide for location of park sites. All land intended for park purposes shall be inspected on the preliminary plat, plat and in the field by the director of parks, recreation and special services who shall make a recommendation to the parks and recreation advisory board who shall make a recommendation to the City Manager or designee. The final decision on acceptance of parkland shall be made by the City Manager or designee.

(3) Credit for private park land and facilities. Subdividers and developers may be allowed a credit against the park land dedication requirement for private parks or recreational facilities provided for the residents of a particular subdivision or planned development. The parks and recreation advisory board shall recommend to the City Manager or designee the amount of the credit to be allowed, if any.

(e) Criteria for contributions in lieu of park land.

(1) Cash contribution in lieu of park land.

a. \$500 per lot in a subdivision, permits and licenses, upon receipt by the City and approval of the planning and zoning commission prior to recording of the final plat.

(2) Deposit of cash contributions. All cash contributions received by the City shall be received by the director of planning and development and forwarded to the director of finance. The director of finance shall deposit said funds into the park fund, as established by the city council after final plat approval but prior to filing of final plat.

(3) Combinations of contributions in lieu of park land. The parks and recreation advisory board may recommend to the City Manager or designee that a subdivider or developer makes a contribution of park land and cash.

(f) Reservation of additional park land. In the event that the park plan, specification or codes for the City specifies a larger amount of park land in a subdivision or planned development than the subdivider or developer may be required to dedicate, the land needed beyond the respective contribution shall be reserved for subsequent acquisition by the City.

(1) City may elect to hold such land by:

a. Purchasing an option to buy the property for a period and at a price as agreed upon by the city and subdivider or developer.

b. Indemnifying the owner of the land for all holding costs for a period of time, said costs and time period to be agreed upon by the city and subdivider or developer.

c. If the City and subdivider or developer cannot agree on subsections (e)(1)a or b of this section, then the city may elect to prohibit any development or improvement to the proposed park land for a period not to exceed 12 months, during which time the city shall use reasonable and diligent efforts to acquire the necessary funds or financing to purchase the subject tract.

(2) No provision herein shall in any way be construed as a limitation of the City's authority to acquire park land by eminent domain.

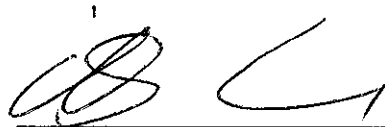
(g) Park improvements fee

sections or provisions thereof.

- D.** The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED, and ADOPTED on this 15th day of May, 2018.



CHRIS CANNON, Mayor
City of Elgin, Texas

ATTEST:


AMELIA SANCHEZ, City Secretary