

ORDINANCE NO. 2018-45

AN ORDINANCE AMENDING CHAPTER 102 OF THE CODE OF ORDINANCES OF THE CITY OF LEAGUE CITY ENTITLED "SUBDIVISIONS" BY REPEALING ARTICLE II, ENTITLED "PARK AND RECREATION AREAS" AND ADOPTING A NEW ARTICLE II, TO BE ENTITLED "PROVISION OF PARKLAND" TO UPDATE GUIDELINES FOR THE DONATION AND DEDICATION OF PARKLAND BY DEVELOPERS AND SUBDIVIDERS OF RESIDENTIAL PROPERTY; PROVIDING FOR A PENALTY, CODIFICATION, PUBLICATION, AND AN EFFECTIVE DATE.

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

Section 1. That Chapter 102, *Subdivisions*, of the City of League City Code of Ordinances, is hereby amended to REPEAL existing Article II and to ADOPT a new Article II, to be entitled *Provision of Parkland*, to read as follows:

Article II. Provision of Parkland

Sec. 102-51. Purpose.

The purpose of this ordinance is to provide the legal basis for the planning, acquisition, development, operation and maintenance of the parks, trails, and open space system that is necessary to support the health and welfare of the existing and future population of 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 without by way of limitation, Texas Local Government Code Chapter 212.

Sec. 102-52. Definitions.

The following terms shall have the meanings herein assigned to them:

Dwelling unit means any structure or building, or portion thereof, designed or used primarily for habitation by one family.

Family means an individual, any number of persons related by blood or marriage, or not more than four (4) unrelated persons living together as a single housekeeping unit.

Park Development Fund. A special fund for the deposit of all sums paid for park acquisition and development from park dedication fees and fees in lieu of parkland for the specific purpose of funding activities related to the acquisition, design, construction, maintenance, and improvements for existing and future parks in accordance with the Parks, Trails, and Open Space Master Plan.

Parks, Trails, and Open Space Master Plan. A plan, approved by the city council, identifying League City's parks and open space goals and establishing the most effective plans and policies to achieve these goals by providing the City with a strategy to acquire and develop land for use as parks or open space throughout the city.

Sec. 102-53. Donation prerequisite to plat approval.

No plat that creates or allows the development of any new residential lot within the city or its extra-territorial jurisdiction shall be approved unless the owner of the property being platted shall have made a park donation pursuant to this article.

Sec. 102-54. Methods of park donation.

The proper method of park donation shall be based upon the number of dwelling units that the plat will authorize once approved, as follows:

(a) 750 Dwelling Units or more. Prior to plat approval the applicant shall complete a donation to the city of parkland at the rate of one (1) acre per seventy-five (75) dwelling units established by the plat, provided the parkland proposed to be donated is suitable for park and recreational uses, as determined pursuant to Section 102-55.

(b) Fewer than 750 Dwelling Units. The city council declares that development of a park less than ten (10) acres in size is impractical and creates unreasonable and unnecessary maintenance and operating expenditures. Therefore, prior to approval of a plat establishing fewer than seven hundred fifty (750) dwelling units, the plat applicant shall elect and complete one of the two following methods of park donation:

- (1) A donation to the city of at least ten (10) acres of parkland suitable for park and recreational uses, as determined pursuant to Section 102-55; or
- (2) A cash payment into the Park Development Fund in an amount per dwelling unit as set by the city council.

Sec. 102-55. Approval of parkland proposed to be donated.

(a) Land that is proposed to be donated to the city to satisfy the parkland donation requirement must be suitable for development and use as public parks, based upon meeting the following criteria, in the sole judgment of the Parks and Cultural Services Director but subject to appeal to the city council:

- (1) The land's location is consistent with the city's future park needs as identified in the Parks, Trails, and Open Space Master Plan;
 - (2) The land has frontage on an existing public roadway;
 - (3) The land is of a width, depth, topography, elevation, and other natural features to allow its use for organized recreational activities or passive recreation;
 - (4) Potable water, sanitary sewer, and electric power is readily available to the land from an adjacent street right-of-way or utility easement;
 - (5) The land has adequate drainage as determined by the city engineer;
 - (6) The land is free of easements, pipelines, overhead utilities, and other conditions that would inhibit its effective use for organized recreational activities or passive recreation;
 - (7) The land has had a Phase 1 Environmental Site Assessment within the preceding twelve (12) months, a copy of which is provided to the city for review and verification of no significant environmental hazard; and
 - (8) The land has been cleared of all trash, refuse, waste materials, dilapidated structures, abandoned vehicles, and unwanted trees and brush.
- (b) The Parks and Cultural Services Director may accept land that does not meet all of the criteria in Subsection (a) if in his/her judgment the land has substantial utility for public park or related purposes. Land accepted for donation under this subsection may be credited for up to fifty percent (50%) of the acreage being donated.
- (c) The city council may consider and accept the donation of any land which the Parks and Cultural Services Director determines to not be suitable for development and use as a

public park if the council determines that the acceptance of such donation would be in the best interest of the public.

Sec. 102-56. Credit for Clear Creek and Clear Lake connections trail.

Upon request by the plat applicant, the Parks and Cultural Services Director in his sole discretion may grant a credit of up to fifty (50) percent of the park donation requirement for the dedication of a trail easement and construction of a trail along Clear Creek and/or Clear Lake. Such trail shall have a minimum width of eight (8) feet, except at locations where the Parks and Cultural Services Director determines that six (6) feet minimum width is preferable, and constructed of reinforced concrete unless other appropriate and durable materials used in areas of special character or needs are acceptable to the Parks and Cultural Services Director and City Engineer.

Sec. 102-57. Private park dedication requirement.

(a) No residential development within the city or its extra-territorial jurisdiction shall receive final acceptance of public infrastructure serving any new residential lot unless the owner of the property being developed shall have made a private park dedication pursuant to this article.

(b) The private park dedication requirement may be satisfied by one or more of the three following methods:

(1) For a development that creates seventy-five (75) or more dwelling units, suitable land shall be dedicated and developed as a private park to be maintained by the owner of the park, in the amount of one (1) acre for every seventy-five (75) proposed dwelling units. The lot configuration shall be such that no dwelling unit is further than one-half (1/2) mile from a private park within the same development. The Parks and Cultural Services Director shall have sole discretion regarding what proposed amenities shall be adequate to develop the private park, provided the amenities meet the following conditions:

a. The improvements are constructed in accordance with a site plan that includes a proposed grading plan, landscaping and beautification elements, site facilities, recreation facilities, and existing and proposed

utilities, drawn at a scale of one inch (1”) to twenty feet (20’) or other suitable scale; and

b. The improvements are designed in compliance with the EDCM standards applicable to such improvements, and the developer provides the city with details related to materials, equipment, itemized list of direct costs, methods of construction, and warranties.

(2) For a development that creates fewer than seventy-five (75) dwelling units, either a dedication and development of a private park of at least one acre as provided in (1) above, or a cash payment into the Park Development Fund in the same amount per dwelling unit as set by the city council for park donation.

(3) Upon request by the plat applicant, the Parks and Cultural Services Director in his sole discretion may grant a credit of up to twenty-five (25) percent of the private park dedication requirement for the construction of improvements to existing or new detention facilities, located near the development, that would in the Parks and Cultural Services Director’s judgment allow the detention facilities to be utilized for recreation purposes.

Sec. 102-58. Increase in number of dwelling units.

If the number of dwelling units calculated to be established by a plat increases by the time building permits are sought or as a result of the filing of any type of plat covering any portion of the property originally platted, the park donation and private park dedication requirements established by this article shall apply to the additional dwelling units, at the donation and dedication rates in effect at the time of building permit application or new plat application.

Section 2. Penalty. Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be punished by a fine in any sum not exceeding Five Hundred Dollars (\$500.00).

Section 3. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 6. Codification. It is the intent of the City Council of the City of League City, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 7. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of League City, upon passage of such Ordinance. The Ordinance shall become effective immediately upon passage.

PASSED first reading the 11th day of December, 2018.

PASSED second reading the ____ day of _____, 2019.

PASSED AND ADOPTED the ____ day of _____, 2019.

PAT HALLISEY
Mayor

ATTEST:

DIANA M. STAPP
City Secretary

APPROVED AS TO FORM:

NGHIEM V. DOAN
City Attorney