

**Park Ordinance 2006-100**

**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 Plan** - The current Comprehensive Plan for the City of League City as approved by City Council. The policies, programs and plans for a wide range of development activities set forth in this document are designed to guide the city towards the achievement of its goals and the management of its future growth.

**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.

**Development** - Defined as the construction of one or more new residential units on an existing lot or the platting of land for the purpose of ultimately constructing one or more residential units; development shall not include the renovation or expansion of existing residential units, the remodeling or reconstruction of damaged or destroyed residential units, or the construction of a secondary dwelling unit as defined in Sec. 125-260.C of the Zoning Ordinance.

**Homeowners Association (HOA) Parks, Facilities, and Sites** - Defined as parks and amenities that are owned, maintained, and used solely by the residents of a particular subdivision and which are therefore not open to the public. Such parks or amenities shall have an area of no less than one quarter (1/4) 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.

**Parks 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

**Parks Board** - A seven (7) member board, appointed by the Mayor and confirmed by City Council which would advise the Planning and Zoning Commission on

matters pertaining to the planning, operations, and recreational programming of park systems or lands for individual parks in the context of the policies set out in an approved Parks and Open Space Master Plan. The Board would also have the function of encouraging the creation and sustainable usage of existing and future parklands as well as educating the public in the nurturing, preservation, and conservation of all the city's natural assets.

**Parkland Dedication / Park Dedication Fee** - A dedication of a specific area of land and/or monetary fee collected from a developer of land for the express purpose of being used to provide or purchase land for parks within the City

**Park or Open Space** - Defined as a tract of land for public or private use within the city limits of League City, Texas or its ETJ for recreational use consistent with the approved Parks and Open Space Master and/or dedicated for such use in an approved plat. A public park is a tract of land for recreational use owned and operated by a public authority, such as the city or county, for the express use of the general public.

**Residential Unit** - 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.

**Trail Development** - Defined as the construction of Hike and Bike trails for the purpose of environmental preservation, recreational use, and/or alternative transportation. Trails must provide connectivity to major destinations, such as parks, schools, places of employment or residence, etc. within the context of the City's larger existing and proposed transportation system as illustrated in the City's Comprehensive Plan. Sidewalks, serving individual properties or buildings and located adjacent to, or within a road Right of Way shall not be considered as trails under this definition or be given credit towards the required monetary Park Dedication Fee as set out in Sec. 102-55 or regulated as defined under Sec. 102-57(e).

**Sec. 102-52. Purpose.**

(a) The purpose of this ordinance is to provide the legal basis for the planning, acquisition, development, operation and maintenance of the parks 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, but not by way of limitation, Texas Local Government Code Chapter 212.

(b) **General.**

(i) A parks and open space system will be planned and established by reviewing the needs of the existing and future population of the city as a whole and providing specific areas dedicated to parks and open space in all planning areas of the city on the basis of standards approved by the City Council through the adoption of the Parks and Open Space Master Plan.

- (ii) The cost of acquisition and development of the land for HOA Parks will be borne by the developers of residential property for the purpose of providing amenities for those owning property in the vicinity of such parks. The ultimate costs of operation and maintenance of such parks will be borne by Homeowners Associations or a permanent caretaker.
- (iii) The primary costs of acquisition, development and operation of all public parks will be borne largely but not entirely by League City, Harris County or Galveston County; the acquisition and development of parks by the City will be funded through a variety of means, including a Park Dedication Fee.

**Sec. 102-53. HOA Park Dedication Requirements**

- (a) Whenever a final plat is filed on record with the clerk at the appropriate county office 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 HOA park land, which area shall be equal to one (1) acre for every ninety (90) proposed residential units to fulfill a portion of park needs within the neighborhood. 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 fewer than 90 residential units, the dedication of an area of land required under this section will be proportional to 1 acre per 90 residential units provided that a minimum of one-quarter ( $\frac{1}{4}$ ) of an acre of HOA Park land is provided. This requirement shall neither be waived nor satisfied through the payment of a monetary fee, except for development on a site less than one (1) acre, where this requirement shall be completely waived.
- (c) The dedication required by this section shall be made by the filing of the final plat. If the actual number of completed residential units exceeds the figure upon which the original dedication was based, such additional land dedication shall be required.
- (d) No housing unit in a subdivision shall be located more than (1/2) half a mile from an HOA park.
- (e) Subsequent to the filing with the County of the final plat identifying the location and area to be dedicated for an HOA Park, the developer will, by leveling and seeding, provide an adequate portion of the site of the HOA Park for playground activities as well as the clearance and landscaping of the remainder of the HOA Park site. The developer will be responsible for the maintenance of such improvements until such time that the permanent caretaker accepts responsibility for the maintenance of the park site.

**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.

**Sec. 102-55. Park Dedication Fees**

- (a) The City shall require payment of a monetary Park Dedication Fee to the City so that it may, from time to time, use such funds to purchase and/or improve land for parks in or near an area of actual or potential development as well as the development of park facilities and improvements on such lands.
- (b) Park Dedication Fees may be used to purchase and or improve land located within the City or its ETJ in accordance with its approved Parks and Open Space Master Plan. The fee shall be \$1,000 per dwelling unit paid by the Developer at the time of the approval of the Final Plat of each section. In the event a Developer elects to pay Park Dedication Fees at the time of the approval of a Master Plan for an 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 park acquisition and development under this ordinance or any preceding ordinance; this fund shall be known as the Park 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 public Park as defined herein. Funds shall be considered to be spent on a first in, first out basis for each park planning area as defined in the Parks and Open Space Master Plan. If not so expended, then on the last day of the 5 year period, the then current owners of the property for which money was paid, shall be entitled to a pro-rata refund of such sum remaining. The owners of such property must request such refund with 90 days of entitlement, in writing, or such right shall be barred. 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 for which such funds were paid. Approval of such plans shall not be unreasonably withheld by the Parks Board.
- (e) A consideration for gifting of land in lieu of paying all or a portion of the entire Park Dedication Fee will be reviewed by the Parks Board and approved by the Mayor and City Council if the following criteria are met:

- (1) The land is located within the city limits or ETJ of the City of League City
  - (2) The land is accessible to the public
  - (3) The land is suitable for public park activities and its location is consistent with the City's future park needs as identified by the Parks and Open Space Master Plan
  - (4) The land has an acreage greater than 5 acres
  - (5) The land will be improved by the donor in a manner consistent with the Parks and Open Space Master Plan and any other standards adopted by the City, or the City has or expects to have the means to improve the land in such a manner; and
  - (6) The land is granted in fee simple title to the City.
- (f) With the meeting of the above criteria, consideration may be given up to a 100% credit toward a required Park Dedication Fee. The credit shall be given based upon the cost of land and any improvements.

The following language shall be included on all plats approved by the City: "No building or other permit, except permits for construction of public improvements, will be issued by the City of League City, Texas for construction within the subdivision until such time as the payment of Park Dedication Fees under Chapter 102 of the Code of Ordinances of The City of League City has been submitted to and accepted by the City."

**Sec. 102-56. Subdivision Master Plans: Considerations for development**

Land shown on a subdivision Master Plan by a developer 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.

**Sec. 102-57. Additional Requirements/Definitions.**

- (a) Any land dedicated to the City must be determined by the City to be suitable for park and recreational uses. Except as provided under § 102-57 (e), land bearing the following characteristics, among others, is considered unsuitable for park and recreational uses.
- (1) Any area primarily located in the 100-year flood plain, which in the opinion of the City Engineer cannot be effectively drained within a reasonable time to allow its regular use for recreational purposes.
  - (2) Any areas of unusual topography or slope which renders same unusable for organized recreational activities and which has no passive recreational value.
  - (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.
- (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 and Zoning Commission and the Parks Board. Any proposal considered by the Planning and Zoning Commission under the ordinance shall have been reviewed by the Parks Board with its recommendation given to the Planning & Zoning commission. The Planning and 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 Parks and Open Space 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. This land may provide a valuable link along the waterway or connect to major arteries for trails usage. 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.

Trails shall be a minimum of six feet in width for pedestrian use and a minimum of (8) eight feet in width if they are intended to be used by cyclists or other modes of recreational transportation. The trails shall generally be constructed of reinforced concrete or, if recommended by the Parks Board and approved by the City Engineer, may be constructed of other appropriate and durable materials in areas of special character or needs.

**Sec. 102-58. Improvements.**

- (a) The developer may, at his or her option, improve the area of an HOA Park. Improvements to the recreational sites cannot be used as credit toward the required land or monetary Park Dedication Fee.

**Sec. 102-59. Permit Review.**

There will be a staff review to verify the dedication of all required land and monies in accordance with this Ordinance prior to issuing building permits for residential units.