

THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. 36-16

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 23, SUBDIVISIONS, ARTICLE 23.04, PUBLIC SITES AND OPEN PLACES, SECTION 23.04.004, "PARK LAND AND PUBLIC FACILITY DEDICATION", TO PROVIDE THAT DEVELOPMENT OF ALL PARK LAND MUST COMPLY ARTICLE 19.10, "STORMWATER PROTECTION," AND 23.03, "SUBDIVISION DESIGN STANDARDS," OF THE SEAGOVILLE CODE OF ORDINANCES; BY INCREASING THE PARK DEVELOPMENT FEE TO \$500 PER DWELLING UNIT; PROVIDING THAT THE REQUIREMENT FOR DEDICATION OF PARK LAND APPLIES TO DEVELOPMENTS OF AT LEAST TWO HUNDRED AND FIFTY DWELLING UNITS; AND REPEALING THE PROVISIONS PROVIDING FOR CASH-IN-LIEU OF LAND; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, upon review of the park land currently located within the City, the City Council has determined that there are nine (9) parks currently located within the City; and

WHEREAS, the City Council has determined that these parks are located throughout the City in a manner which is sufficient to serve the current residents of the City; and

WHEREAS, because of the number of existing parks, the City Council has determined it is prudent to amend the park land dedication provisions to apply only to new developments with two hundred and fifty dwelling units or more; and

WHEREAS, it is the desire of the City Council to increase the park development fee to \$500 per dwelling unit and to allow for the expenditure of such funds to improve currently existing parks;

WHEREAS, the City Council further desires to repeal the provisions allowing for cash-in-lieu of park land dedications and to ensure that development of all park land complies with applicable storm water drainage provisions; and

WHEREAS, based on the foregoing, the City Council of the City of Seagoville, Texas desires to amend the Code of Ordinances by amending Article 23.04, "Public Sites and Open Spaces", as provided herein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS:

SECTION 1. That the Code of Ordinances of the City of Seagoville, Texas be, and the same is, hereby amended by amending CHAPTER 23, SUBDIVISIONS, ARTICLE 23.04, "Public Sites and Open Places", Section 23.04.004, "Park Land and Public Facility Dedication", by amending the provision limiting the expenditure of park land funds, which shall read as follows:

"ARTICLE 23.04 PUBLIC SITES AND OPEN SPACES

....

Sec. 23.04.004 Park land and public facility dedication

(a) Areas for public use.

- (1) The applicant shall provide suitable sites for parks, playgrounds and other areas for public use so as to conform with the recommendations of the city's Parks, Recreation and Open Space Master Plan. Parks and public open space areas shall be indicated on the construction and final plat, and shall be subject to approval by the City's planning and zoning commission upon approval of the construction and final plats.
- (2) No individual, partnership, firm, or corporation shall deepen, widen, fill, reroute or change the course or location of any existing ditch, channel, stream or drainageway, without first obtaining written permission of the city and any other agency having jurisdiction. Any such alterations must be in compliance with the City's storm water and drainage regulations, including but not limited to Article 19.10 and Article 23.03 of the Seagoville Code of Ordinances.

(b)

(c) General requirement: Dedication of land and payment of park development fee.

- (1) Prior to a plat being filed with the county clerk of Dallas or Kaufman (as applicable), Texas for a development of any type of residential development within the city or its extraterritorial jurisdiction, and in accordance with the planning and zoning commission ordinances of the city (as applicable), such plat shall contain clear, fee simple dedication of one (1) area of land for each two hundred and fifty (250) proposed dwelling units. As used in this ordinance, a "dwelling unit" means each individual residence, including individual residences in a multifamily structure, designed and/or intended for inhabitation by a single family. Any proposed plat

submitted to the city for approval shall clearly show the area proposed to be dedicated under this section as a platted lot.

- (2) The city council of the city declares that development of an area of less than five (5) acres for neighborhood park purposes is impractical. Therefore, if fewer than two hundred and fifty (250) dwelling units are proposed by a plat filed for approval, no dedication of park land will be necessary. In such case, the planning and zoning commission shall require the developer to only pay the applicable park development fees, as provided herein.
 - (3) A park development fee shall be paid to the city as a condition of subdivision plat approval for all residential plats. Such park development fee shall be set from time to time by ordinance of the city council of the city sufficient to provide for the development of amenities and improvements on the dedicated land to meet the standards for a neighborhood park to serve the area in which the subdivision is located. Unless and until changed by an ordinance amendment of the city council of the city, the park development fee shall be calculated on the basis of \$500 per dwelling unit.
 - (4) In lieu of payment of the required park development fee, a developer shall have the option to construct the neighborhood park amenities and improvements, subject to city approval. All plans and specifications for the construction of such amenities and improvements must be reviewed and approved by the city, and shall conform with the city's design standards for amenities, equipment and improvements that apply in public city parks. The developer shall financially guarantee the construction of the amenities and improvements, and the city must approve same, prior to the filing of a plat in the case of platted subdivisions. Once the amenities and improvements are constructed, and after the city has accepted such amenities and improvements, the developer shall dedicate by plat such amenities and improvements to the city with a condition or covenant providing for HOA maintenance of the neighborhood park(s), amenities and improvements located within the respective development.
 - (5) The city shall have the right to accept or reject the dedication, if the city determines that sufficient park area is already in the public domain for the area of the proposed development, or if the recreation potential for that area would be better served by expanding or improving existing neighborhood parks. If the city rejects dedication of park land, the developer shall be required only to pay the applicable park development fee.
- (d) Special fund, right to refund

- (1) All funds collected through park development fees will be deposited in the city's Park Development Fund and used solely for the purchase of new park equipment in the city's parks. All expenditures from the said Fund will be reviewed and approved by the city council.
- (2) The city shall account for all sums paid into the Park Development Fund with reference to the individual plats involved. Any monies paid into the said Fund must be expended by the city within ten (10) years from the date received by the city. Such funds shall be considered to be spent on a first in, first out basis in a park located within the particular subdivision, or within five (5) miles thereof. If not so expended within the ten-year period, the owners of the property will, on the last day of such period, be entitled to a refund of the remaining fees plus one-half of the accrued interest. The current owners of the property within the subdivision must request such a refund within one (1) year of entitlement, in writing, or such right is waived.

(e) Additional requirements, definitions

- (1) Any land dedicated as park land under this ordinance must be suitable for park and recreation uses. The following characteristics of a proposed area are generally unsuitable:
 - (A) Any area primarily located in the 100-year floodplain; or
 - (B) Any areas of unusual topography or slope which renders same unusable for organized recreational activities (see subsection (e)(2) below).

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

- (2) Drainage areas may be accepted as part of a park if the channel is to remain predominantly in its natural state or constructed in accordance with city engineering standards, if no significant area of the park is cut off from access by such channel, if not less than five (5) acres of the site is above the 100-year floodplain, or if the dedication is in excess of ten (10) acres, not more than fifty percent (50%) of the site shall lie within the 100-year floodplain unless otherwise approved by the city.
- (3) Each park must have direct, adequate vehicular and pedestrian access to one or more public streets. Street access shall be required to ensure vehicular access to park land.
- (4) Unless provided otherwise herein, an action by the city shall be by the planning and zoning commission.
- (5) Any construction plat approved prior to the effective date of this chapter shall be exempt from these requirements set forth herein; however, when such construction plat approval expires, any resubmission of such plat shall meet all requirements of this chapter.

SECTION 2. If any section, article paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 3. That all provisions of the Ordinances of the City of Seagoville, Texas, in conflict with the provisions of this ordinance be, and the same are hereby amended, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. This Ordinance shall become effective from and after its date of passage in accordance with law.

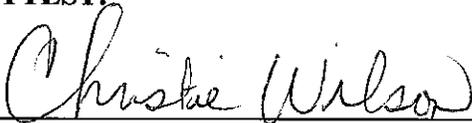
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS THIS 19th day of December, 2016.

APPROVED:



Dennis K. Childress, Mayor

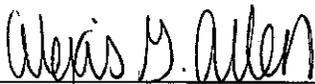
ATTEST:



Christie Wilson, Interim City Secretary



APPROVED AS TO FORM:



Alexis G. Allen, City Attorney