

Ordinance amending the Unified Development Code (UDC) to rename the Community Enrichment Fund as Park Development Fund and Park Development Fee as Park Improvement Fee, to increase parkland dedication requirements, to increase Park Improvement Fee, and allowing Park Development fund expenditures within applicable Area Development Plan.

WHEREAS, the Planning Commission has forwarded to the City Council its final report and recommendation regarding this amendment of the City's Unified Development Code ("UDC");

WHEREAS, a public hearing was held during a meeting of the Planning Commission when said Commission recommended approval of the proposed UDC amendments, and with proper notice to the public, an additional public hearing was conducted during a meeting of the City Council, during which all interested persons were allowed to appear and be heard;

WHEREAS, amendments are to promote public safety, enhance quality of life through visual relief and facilitate development and redevelopment; and

WHEREAS, the City Council has determined that this amendment to the UDC would best serve the public's health, necessity, convenience and the general welfare of the City and its citizens.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

SECTION 1. The recitals contained in the preamble of this Ordinance are determined to true and correct and are hereby adopted as a part of this Ordinance.

SECTION 2. UDC Article 8 "SUBDIVISION DESIGN AND IMPROVEMENTS", Section 8.3 "Public Open Space", Subsection 8.3.4 "Community Enrichment Fund", is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

8.3.1. Purpose

- A. The purpose of this Section is to provide City planned recreational areas in the form of public parks as a function of the subdivision of land for residential uses and site development in the City.
- B. Public parks are those public open spaces providing for a variety of outdoor recreational opportunities and located within convenient distances from a majority of the residences to be served. The primary cost of public parks should be borne by the City with the assistance of the ultimate residential property owners who, by reason of the proximity of their property to such parks, shall be the primary beneficiaries of such facilities.

8.3.2. Applicability

Public park dedications shall apply both to land and development costs for such parks for residential subdivisions of any housing type.

8.3.3. Exemptions

- A. The following shall be excluded from the requirements of this Section:
1. Land developed for nonresidential uses;
 2. Replats without vacation of existing platted areas or amending plats which have previously satisfied the requirements of this Section;
 3. Plats of single-family residential subdivisions containing lots of 5 acres or larger, provided a note is placed on the plat indicating that the area encompassed within the plat has not satisfied the requirements of this Section, and that such requirements shall be satisfied upon the subdivision of the property or development of the property for other than one single-family dwelling; or
- B. Property previously owned by Padre Island Investment Corporation (PIIC), as covered by the Water Agreement authorized by Ordinance No. 10169 of September 17, 1971, which incorporated by reference agreements related to the provision of water to PIIC property dated September 30, 1970 and January 5, 1968, other than Cape Summer Unit I, Cape Summer Unit II, and Commodore's Cove Unit II subdivisions, is exempt from the parkland dedication provisions of this Section as having satisfied the provisions of that agreement. Provided that, the area contained in Cape Summer Unit I, Cape Summer Unit II, and Commodore's Cove Unit II subdivisions shall not be exempt from parkland dedication, and the park dedication for such lands shall be in accordance with this Section. The park dedication requirement for Cape Summer Unit I, Cape Summer Unit II and Commodore's Cove Unit II shall remain a total of 45.95 acres for the three units; and not more than 50% credit may be given upon the dedication of not more than 50 acres of habitat area comprised of uplands and flats contained in the Commodore's Cove Unit II area.

8.3.4. ~~Community Enrichment Fund~~ Park Development Fund

- A. A special fund is established for the deposit of all sums paid in lieu of land dedication in accordance with this Section or any preceding regulations. The fund shall be known as the "~~Community Enrichment Fund~~ Park Development Fund."
- B. The City shall account for all sums paid in lieu of land dedication under this Section with reference to the individual plats involved. Any funds paid for such purposes shall be expended by the City within seven years from the date received by the City for acquisition or development of public parks. Such funds shall be considered to be spent on a first-in, first-out basis. If not so expended, the owners of the property on the last day of such period shall be entitled to a pro rata refund of such sum, computed on a square footage of area basis. The owners of such property shall request such refund in writing within 12 months of the last day of the seven-year period, or such refund right shall be terminated.

SECTION 3. UDC Article 8 “SUBDIVISION DESIGN AND IMPROVEMENTS”, Section 8.3 “Public Open Space”, Subsection 8.3.5 “Land Dedication”, is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

8.3.5. Land Dedication

- A. Whenever a final plat is filed of record within the City’s jurisdiction (City limits or ETJ) for development of a residential subdivision, such plat shall contain a clear, fee simple dedication of an area of land within the subdivision to the City for park purposes.
- B. For subdivisions where all lots are for single-family housing types, the dedication requirement shall be determined by the ratio of 1 acre for each ~~100~~ 57 proposed dwelling units. (Example: 1 dwelling unit (du) = ~~0.01~~ 0.0175 acres; 25 du’s = ~~0.25~~ 0.4386 acres; 75 du’s = ~~0.75~~ 1.316 acres; 200 du = ~~2~~ 3.509 acres.)
- C. For subdivisions where all lots are for multifamily housing types, the dedication requirement shall be determined by the ratio of 1 acre for each ~~200~~ 114 proposed dwelling units. (Example: 1 dwelling unit (du) = ~~0.005~~ 0.009 acres; 25 du’s = ~~0.125~~ 0.2193 acres; 75 du’s = ~~0.375~~ 0.658 acres; ~~300~~ 200 du = ~~1.5~~ 1.75 acres.)
- D. For subdivisions with both single-family and multifamily housing types, the appropriate dedication requirement in paragraphs 8.3.5.B and 8.3.5.C shall apply proportionately.
- E. Jurisdictional wetlands and beach recreational areas may be used to satisfy up to one-half of the land dedication requirements.
- F. A preliminary plat shall show the area proposed to be dedicated under this Section. The required land dedication of this subsection may be met by a payment of money in lieu of land when permitted or required by the other provisions of this Section.
- G. In the event that parkland dedication is required due to the change of a subdivision developed for nonresidential use into a residential subdivision and a preliminary or final plat is not required, this dedication shall be met prior to the issuance of a building permit.
- H. The area of the park to be dedicated shall be measured and calculated to the centerline of any street bounding said park within the subdivision.

SECTION 4. UDC Article 8 “SUBDIVISION DESIGN AND IMPROVEMENTS”, Section 8.3 “Public Open Space”, Subsection 8.3.6 “Fee in Lieu of Land”, is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

8.3.6. Fee in Lieu of Land

- A. The City may require a fee in lieu of land dedication. Such payment in lieu of land shall be made at or prior to the time of filing the final plat or prior to the issuance of a building permit where a plat is not required. (Ordinance 029727, 01/22/2013)
- B. The fee in lieu of land dedication requirement shall be met by a payment proportional to the amount of land required to be dedicated and using the fair market value of the land at the time of construction start.
1. The Assistant City Manager of ~~Development Services~~ Parks and Recreation shall determine the amount of the fee in lieu of land dedication based on the following formula: $(A \times V) = M$.
 - a. A = The amount of land required for dedication as determined in Subsection 8.3.5.
 - b. V = The fair market value (per acre) of the property to be subdivided, as established by an approved method.
 - c. M = The number of dollars to be paid in lieu of dedication of land.
 2. For purposes of computing the fair market value of property, variable V in the equation in subparagraph 8.3.6.B.1 above, the developer may select one of the following:
 - a. The fair market value at the time of application of the undeveloped land as determined by a MAI certified real estate appraiser at the developer's expense; or
 - b. The actual purchase price of the property as evidenced by the developer's most recent purchase money contract or closing statement dated within two years of the date of application.
 3. The fair market value, variable V, may not exceed ~~sixty two thousand five hundred dollars (\$62,500.00)~~ per acre. The fair market value cap may be revised annually during the City's budget adoption process beginning with the adoption of the fiscal year 2012 budget. The fair market value cap may be adjusted based on an evaluation of property acquisition costs by the City and trends in local development activity.
- C. If the City accepts the fee in lieu of land, the fees shall be placed in the City's ~~Community Enrichment Fund~~ Park Development Fund and shall be used within the applicable area development plan for the acquisition or improvement of neighborhood, community, and/or regional parks. ~~most likely to serve the residents of the subdivision. The park most likely to serve a subdivision shall in no case be located more than five miles from the subdivision, taking into consideration factors such as the proximity of major barriers to accessibility, including freeways, navigable streams and bodies of water. (Ordinance 029727, 01/22/2013)~~
- D. ~~Community Enrichment Fund~~ Park Development Fund monies shall be used only for parkland acquisition and park development including utility extensions required to serve recreational areas.

SECTION 5. UDC Article 8 “SUBDIVISION DESIGN AND IMPROVEMENTS”, Section 8.3 “Public Open Space”, Subsection 8.3.7 “Park Development Fee”, is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

8.3.7. ~~Park Development Fee~~ Park Improvement Fee

- A. In addition to the land dedication or fee in lieu set forth in Subsections 8.3.5 and 8.3.6, each developer shall pay a ~~Park Development Fee~~ Park Improvement Fee of \$200 per dwelling unit. ~~The fee shall be reviewed by the City Council only once every two years and may be revised as necessary by ordinance. Any increases to the fee should be sufficient to provide for development of the land to meet the standards for a public park to serve the subdivision. After Fiscal Year 21-22, all fees in this section shall be indexed to the August Construction Index published in the Engineering News-Record and adjusted on October 1 of each fiscal year.~~
- B. The fee shall be collected prior to recordation of the final plat. When a nonresidential subdivision is developed later as a single-family, multifamily, assisted living or nursing home development, the fee will be collected prior to issuance of the building permit.
- C. Cash payments may be used only for development of a public recreational area that will serve the subdivision consistent with the Parks, Recreation and Open Space Master Plan.

SECTION 6. UDC Article 8 “SUBDIVISION DESIGN AND IMPROVEMENTS”, Section 8.3 “Public Open Space”, Subsection 8.3.8 “Park Development Improvements”, is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

8.3.8. Park Development Improvements

A developer may propose to construct the public park improvements in lieu of the park development fees described in Subsection 8.3.6 or 8.3.7. Before the City can approve the developer’s proposal, a recommendation is required from the Director of the Parks and Recreation Department. All improvements either shall be financially guaranteed or accepted by the City prior to the filing of a final plat in the case of platted developments or prior to issuance of certificates of occupancy in the event that plat approval is not required. The process of financial guarantee shall be the same as that found in Subsection 8.1.10 and shall be used whether a plat approval is required or not. Once improvements are accepted by the City, the developer shall deed the property and improvements to the City.

SECTION 7. If for any reason, any section, paragraph, subdivision, clause, phrase, word, or provision of this Ordinance is held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it may not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this Ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word, or provision of this Ordinance be given full force and effect for its purpose.

SECTION 8. Publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

SECTION 9. This Ordinance shall become effective upon publication.

That the foregoing Ordinance was read for the first time and passed to its second reading on this day, the _____ day of _____, 2021, by the following vote:

Paulette Guajardo	_____	John Martinez	_____
Roland Barrera	_____	Ben Molina	_____
Gil Hernandez	_____	Mike Pusley	_____
Michael Hunter	_____	Greg Smith	_____
Billy Lerma	_____		

That the foregoing Ordinance was read for the second time and passed finally on this day, the _____ day of _____, 2021, by the following vote:

Paulette Guajardo	_____	John Martinez	_____
Roland Barrera	_____	Ben Molina	_____
Gil Hernandez	_____	Mike Pusley	_____
Michael Hunter	_____	Greg Smith	_____
Billy Lerma	_____		

PASSED AND APPROVED on this day, the _____ day of _____, 2021.

ATTEST:

Rebecca Huerta
City Secretary

Paulette Guajardo
Mayor