

Ordinance amending the Unified Development Code (UDC) to rename the Community Enrichment Fund as Park Development Fund, establish a flat fee per dwelling unit for fee in lieu of land dedication, indexing future years' fee in lieu of land dedication to Consumer Price Index, eliminating the Park Development Fee, and authorizing Park Development fund expenditures within the applicable Area Development Plan for park land acquisition or development.

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 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 8.3.1 "Purpose", 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.

SECTION 3. 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:

8.3.4. ~~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 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 of \$462.50 per dwelling unit. The fee in lieu of land dedication will be adjusted each January 1, with the first adjustment January 1, 2024, by the cumulative percentage increase in the Consumer Price Index - All Urban Consumers, U. S. City Average - All Items (1982-84=100) as measured from the previous year.
~~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 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. In the Southside Area Development Plan, fees in lieu of land collected for subdivisions south of Saratoga Boulevard shall be used within areas south of Saratoga Boulevard, and fees in lieu of land collected for subdivisions north of Saratoga Boulevard shall be used within areas north of Saratoga Boulevard. In the Padre Island/Mustang Island Area Development Plan, fees in lieu of land collected for subdivisions on Mustang Island shall be used on Mustang Island, and fees in lieu of land collected for subdivisions on Padre Island shall be used on Padre Island. ~~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 Funds ~~monies~~ shall be used ~~only for parkland acquisition and park development~~ for the acquisition of land for a public park and/or development or construction of improvements for a public park 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

- ~~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 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.~~

~~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. 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 8. 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 _____, 2022, 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 _____, 2022, 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 _____, 2022.

ATTEST:

Rebecca Huerta
City Secretary

Paulette Guajardo
Mayor