

Sec. 42-1. Definitions.

As used in this chapter, the following terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning:

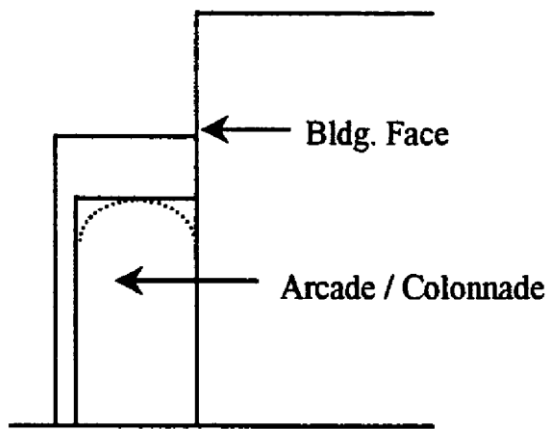
Abutting development means a development located on property not in use for or restricted to single-family residential use or multi-unit residential use that is either directly abutting or within 30 feet of property that is in use for or restricted to single-family residential use or multi-unit residential use.

Alley means a public or private right-of-way that is not used primarily for through traffic and that provides vehicular access to rear or side entrances to buildings or properties.

Amending plat means an amending subdivision plat prepared and approved under the applicable provisions of chapter 212 and this chapter.

Applicant means the owner of property or the owner's authorized agent who applies for approval of a plat or plan as required by this chapter.

Arcade/colonnade means a series of arches or columns with a roof attached to the face of a building creating an unenclosed covered pedestrian space.

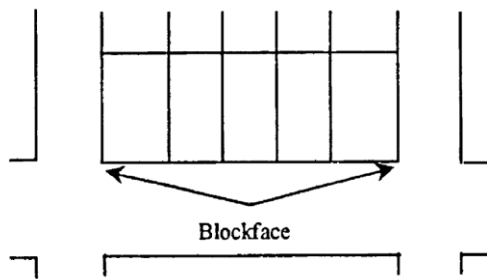


Back-of-curb means the lateral line of a roadway measured from the back of the roadway's curb nearest the property line.

Bicycle space has the meaning ascribed in section 26-472 of this Code.

Block means one or more lots, tracts or parcels of land bounded by streets, easements, rights-of-way or other physical features or a combination thereof.

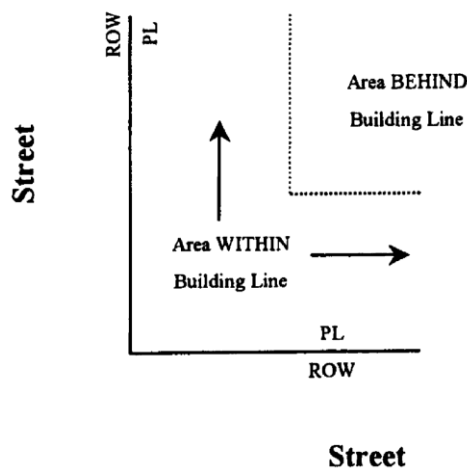
Blockface means that portion of a block that abuts a street between two intersecting streets, or between an intersecting street and the termination of the street. A street shall be considered to terminate at the intersection of a railroad or a drainage channel required by a governmental entity with flood control jurisdiction, except for purposes of the intersection spacing requirements of this chapter.



Buffer area means the area required by division 8 of article III of this chapter, measured from the property line of lots or tracts in use for or restricted to single-family residential use or multi-unit residential use.

Building means any structure used or intended for supporting or sheltering any use or occupancy.

Building line means the line shown on a subdivision plat or development plat establishing the building line requirement. An area is within the building line if it lies between the building line and the property line adjacent to a street or private street and is behind the building line if it lies to the interior of the property from the building line.



Building line requirement means the minimum required distance from an easement or a property line adjacent to a street or private street in which no improvements requiring a building permit can be constructed on the property.

Building permit means an official document or certificate issued by the building official authorizing performance of a specified activity under the Construction Code.

Business day means any day of the week except for Saturday, Sunday, any legal holiday, or any other day on which city offices are closed.

Central business district means the area beginning at the intersection of the centerline of U.S. 59 and the centerline of I.H. 45; thence in a northwesterly and northerly direction along the centerline of I.H. 45 to its intersection with the centerline of I.H. 10; thence in an easterly direction along the centerline of I.H. 10 to its intersection with the centerline of U.S. 59; thence in a southwesterly direction along the centerline of U.S. 59 to its intersection with I.H. 45, the point of beginning.

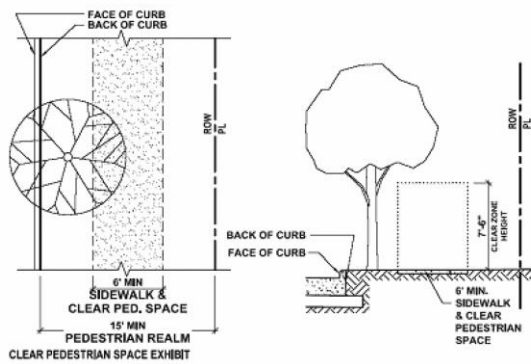
Chapter 212 means Chapter 212 of the Texas Local Government Code, as it may be amended from time to time.

Class I plat means a subdivision plat that meets the applicable requirements of section 42-23 of this Code.

Class II plat means a subdivision plat that meets the applicable requirements of section 42-23 of this Code.

Class III plat means a subdivision plat that is not a Class I plat or a Class II plat.

Clear pedestrian space or *clear space* means that area above a sidewalk that forms a continuous, obstacle free path for a minimum width of six feet and a minimum height of seven and one-half feet.



Collector street means a public street that is not a major thoroughfare or a local street, but that distributes traffic between major thoroughfares and other streets.

Commission means the planning commission of the city.

Compensating open space means one or more areas designated as common open space on a subdivision plat or a development plat that are used to reduce the minimum lot size requirements pursuant to the provisions of article III of this chapter.

Courtyard access drive means a private drive that provides driveway access to lots and parking from the street or alley within Courtyard style development meeting the requirements of section 42-194.

Courtyard style development means a tract of land located within the city boundary, divided into lots, reserves, courtyard and access drives that allow for a unified development.

Courtyard means a space, open and unobstructed to the sky, located at or above grade level on a lot or parcel and bounded on two or more sides by walls of a building.

Cul-de-sac means a street with only one outlet that terminates in a vehicular turnaround appropriate for the safe and convenient reversal of traffic movement.

Department means the department of planning and development of the city.

Design manual means the Houston Public Works Infrastructure Design Manual, as it may be amended from time to time.

Develop/development means any activity for which a development plat is required by this chapter.

Development plat means a site plan prepared and approved pursuant to section 42-22 of this Code.

Director means the director of the department or the director's designees.

Director of solid waste means the director of the department of solid waste management or his designee.

Dwelling unit means a structure, or a portion of a structure, that has independent living facilities including provisions for nontransient sleeping, cooking and sanitation.

Extraterritorial jurisdiction means the unincorporated territory extending beyond the corporate boundaries of the city established pursuant to chapter 42 of the Texas Local Government Code, as may be amended from time to time.

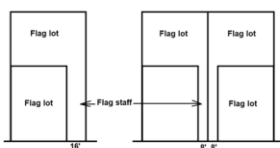
Facade means the exterior wall of any building on a property that faces a public street abutting the property or a courtyard meeting the requirements of section 42-194.

Filing date means the date on which a subdivision plat is formally presented to the commission for its consideration as part of the commission's official meeting agenda, which shall be considered as the initial date of the statutory 30-day time period in which the commission is required to act upon a subdivision plat submitted to it under the provisions of chapter 212.

Fire lane means an access road so marked as to clearly indicate the required lane of unobstructed fire department access to a building, structure or property in event of a fire or other emergency situation.

Final plat means a map or drawing of a proposed subdivision prepared in a manner suitable for recording in the appropriate county map, plat or real property records and prepared in conformity with the requirements of article II of this chapter.

Flag lot means a lot whose frontage on and access to the street right-of-way is provided by a narrow driveway, access easement, or other parcel of land referred to as the "flag staff" where more than one lot abutting the flag staff use it for shared vehicular access.



Front entrance means the primary pedestrian doorway located on the first floor of a building facade along a street. A garage door is not considered a front entrance.

Frontage means that portion of any lot or tract that abuts a street. A lot or tract abutting more than one street shall have frontage on only one street, which shall be deemed to be the side of the lot or tract with the shortest dimension unless otherwise indicated on the subdivision plat or development plat.

General plan means a map illustrating the general design features and street layout of a proposed development of land that is to be subdivided and platted in sections.

Gross floor area or *GFA* has the meaning ascribed in section 26-472 of this Code.

Ground floor facade means the facade of a building along a transit-oriented development street or walkable places street, as applicable, between the finished floor height of the ground floor and a vertical height of eight feet.

Hardscape means a walkable surface made of durable materials, including paving or asphalt.

High-rise means a structure greater than 75 feet in height measured from grade to the finished floor of the highest habitable floor, or to the highest floor of a parking garage.

Local street means a type 1 permanent access easement and a public street that is not a major thoroughfare or collector street.

Lot means: (1) in the context of a subdivision plat, an undivided tract of land intended for single-family residential use contained within a block and designated on a subdivision plat by numerical identification; (2) in the context of a development plat, a parcel intended as an undivided unit for the purpose of development; or (3) in the context of the provisions of this chapter pertaining to special minimum building line blocks, special minimum lot size blocks, and special minimum lot size areas, contiguous land under common ownership, as shown on the most current appraisal district records, that is used or developed for any use, regardless of whether the land consists of a platted lot or a portion of a platted lot or a combination thereof. Two or more platted lots that have been combined in their entireties as a single building site shall not constitute a single lot under item (3) of this definition.

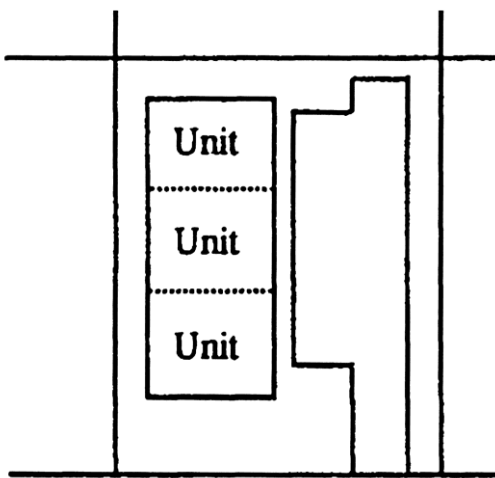
Major Activity Center or MAC means an area so designated by city council pursuant to section 42-273 of this Code.

Major thoroughfare means a public street designated as a principal thoroughfare or thoroughfare on the latest edition of the major thoroughfare and freeway plan.

Major thoroughfare and freeway plan means the latest edition of the major thoroughfare and freeway plan adopted by the commission and approved by the city council.

Mid-rise means a structure 65 feet or greater measured from grade to the top of structure but less than a high-rise as defined in this chapter.

Multi-family residential means the use of property with one or more buildings on a parcel designed for and containing an aggregate of three or more dwelling units. Multi-family residential includes apartments, condominiums, triplexes and quadraplexes. [This includes multi-unit residential for the purposes of Division 7.](#)



Multi-unit residential (MUR) means the use of property located within the city boundary, for one or more buildings on a tract designed for and containing an aggregate of three to eight dwelling units, which may include multiple duplexes, triplexes, quadraplexes, and apartments and condominiums.

Narrow lot means a lot that has less than 44 feet of frontage on a street or type 1 permanent access easement.

Nonresidential means any use that is not multi-family residential or single-family residential.

Occupiable space has the meaning ascribed in the construction code.

Off-street parking means vehicular parking that is provided in a location other than in a public right-of-way.

Open space amenities plan means a plan submitted as part of a subdivision plat application that specifies how each area not otherwise eligible to be used as compensating open space will be improved and maintained with amenities such as parks, nature trails, picnic areas or other similar facilities that render the compensating open space accessible to and useable by the owners of lots in the subdivision.

Parcel means any quantity of land capable of being described with such definiteness that its location and boundaries can be established that is designated by its owner as land to be used or developed as a unit or that has been used or developed as a unit. Parcel includes an easement supporting or related to a primary parcel, and a condominium unit.

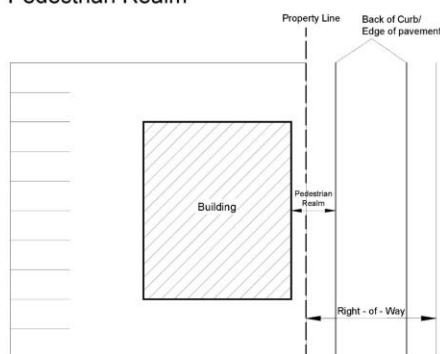
Park means an area owned or to be owned by the city that may be used for passive or active recreational use or otherwise left in an unimproved state, and that, if specifically noted as a type of public park, shall conform to the designations in the City of Houston Parks Master Plan.

Parks board means the board created pursuant to section 33-201 of this Code.

Parks director means the director of the city's parks and recreation department, or the director's designee.

Pedestrian realm means the area from the back-of-curb or the edge of the roadway on a street without curbs, to the front of a building on the lot or tract. This pedestrian realm area may be within either a dedicated public right-of-way or within designated pedestrian areas on private property, for which an easement granting public use has been filed of record in the county real property records. This pedestrian realm area may include hardscape, publicly accessible and unobstructed sidewalks, pedestrian amenities, softscape and utilities, all constructed in accordance with the city infrastructure design manual, this article and other applicable regulations.

Pedestrian Realm



Permanent access easement means a privately maintained and owned street easement approved by the commission that provides for vehicular access to three or more single-family residential units and which shall be either a Type 1 permanent access easement or a Type 2 permanent access easement, each of which is defined in this section.

Permeable means a surface that allows water to pass through it and penetrate into the ground.

Plat restriction means any covenants, restrictions, or plat notations that are contained only on a subdivision plat recorded in the real property records without reference in any dedicatory instrument recorded in the real property records separately from the subdivision plat. Plat restrictions do not include (1) building lines, (2) lot lines, or (3) covenants, restrictions, and notations on a recorded subdivision plat of a multi-family residential development relating to the requirements and standards of division 6 of article III of this chapter.

Preliminary plat means a map or drawing of a proposed subdivision that illustrates the proposed layout and features of the subdivision submitted to the commission for review and approval, but not suitable for recording in the county map, plat or real property records.

Primary street means a street designated as a primary walkable places street on the walkable places plan or a primary transit-oriented development street on the transit-oriented development plan.

Private drive means a privately owned way for vehicular travel that is not a street or private street and that provides an unobstructed connection between one or more streets or private streets or to any portion of a parking lot, shopping center, institution, commercial area, multi-unit residential development, or industrial development. A private drive may provide for access by the general public, but the owner of the private drive shall maintain the right to restrict public access to the private drive.

Private park means a privately owned area that may be used for passive or active recreational use or otherwise left in an undeveloped state and, in a single family residential development, that is subject to restrictive covenants filed of record in the appropriate county providing for the creation and operation of a homeowners association to maintain and improve the private park. Compensating open space as defined by this section can also be private park land to the extent it meets the requirements of section 42-254(b)(2)a of this Code.

Private roadway means a privately owned and maintained vehicular accessway that provides access to a tract of land.

Private street means a privately maintained and owned vehicular accessway that provides access from a public street to one or more multi-family residential buildings.

Public street means a public right-of-way, however designated, dedicated or acquired, that provides access to adjacent property.

Recorded map return agreement means a written agreement authorizing the county clerk of the county in which a subdivision plat is filed to return the original recorded subdivision plat to the department.

Remainder tract means the undivided acreage tract that remains when a portion of a tract that is comprised of all contiguous land under common ownership is subdivided pursuant to a subdivision plat.

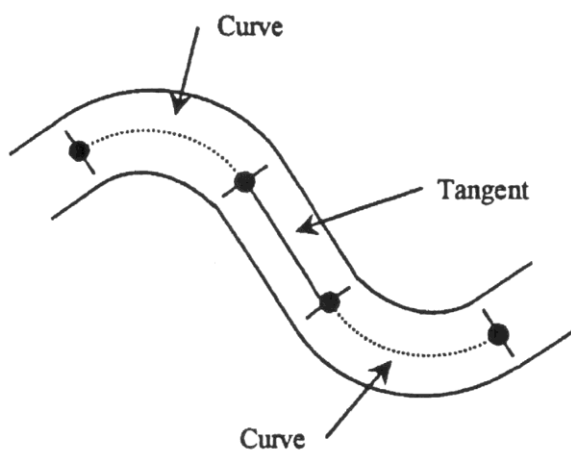
Replat means a subdivision plat prepared, approved, and recorded under the applicable provisions of this chapter that is controlling over the previous plat or a portion of the previous plat without vacation of that plat.

Reserve tract means a parcel of land that is not a lot, but is created within a subdivision plat for other than single-family residential use and is established to accommodate some purpose for which a division into lots is not suitable or appropriate.

Residential means pertaining to the use of land for premises that contain habitable rooms for nontransient occupancy and that are designed primarily for living, sleeping, cooking and eating therein. A premises that is designed primarily for living, sleeping, cooking and eating therein will be deemed to be residential in character unless it is actually occupied and used exclusively for other purposes. Hotels, suites hotels, motels, boarding houses, and day care centers shall not be considered to be residential.

Retail commercial center means one or more commercial establishments contained or to be contained in a building or buildings encompassing a total building area of not more than 100,000 square feet developed as an integrated unit under common ownership or operating as an integrated unit under reciprocal agreements governing all external, nonbuilding space.

Reverse curve means a curve composed of two curves turning in opposite directions.



Roadway means the portion of a public street that is improved for, designed for, or ordinarily used for vehicular use.

Secondary street means a street designated as a secondary walkable places street on the walkable places plan or a secondary transit-oriented development street on the transit-oriented development plan.

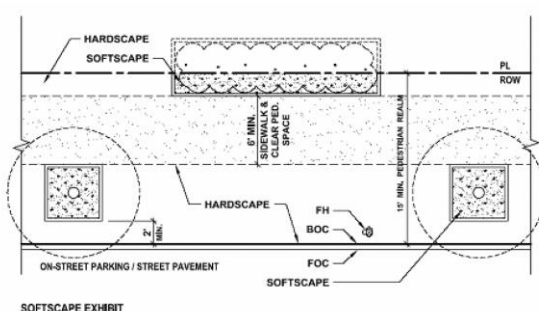
Sector means a geographic area within the city as shown in the City of Houston Parks Master Plan for designation of new park needs or additional park improvements.

Shared driveway shall mean a private roadway that is not an extension of any street or private roadway and provides access to two or more single-family residential lots through appropriate cross-access easements.

Sidewalk has the meaning ascribed in section 40-551 of this Code.

Single-family residential means the use of a lot with one building designed for and containing not more than two separate unit with facilities for living, sleeping, cooking, and eating therein. A lot upon which is located a free-standing building containing one dwelling unit and a detached second dwelling unit of not more than 1500 square feet shall also be considered single-family residential. A building that contains one dwelling unit on one lot that is connected by a party wall to another building containing one dwelling unit on an adjacent lot shall be single-family residential.

Softscape means the horticultural elements of a landscape, including grass, ground cover, hedges, plantings, shrubs, soil, and vines.



Solid waste collection plan means a plan that is filed with a single-family subdivision plat application for property located within the city that includes the following provisions to allow (i) the collection of solid waste without hindrance or obstruction of any adjacent public street, (ii) the frequency of solid waste collection as necessary to avoid a health hazard caused by the accumulation of solid waste, (iii) heavy trash removal, (iv) one or more sites for the placement of trash cans to serve all units within the subdivision without infringing on any required open space or parking areas required by this chapter, and (v) whether the city or another provider is expected to provide service.

Special exception shall mean a commission-approved adjustment to a requirement of article III of this chapter that is issued under section 42-82 of this Code.

Special minimum building line block means the area subject to a minimum building line requirement pursuant to subdivision B of division 3 of article III of this chapter that is composed of not less than one blockface and not more than two opposing blockfaces.

Special minimum lot size area means the area subject to a minimum lot size requirement pursuant to subdivision B of division 4 of article III of this chapter that is composed of not less than five contiguous blockfaces and not more than 500 lots within the same subdivision plat or not more than 400 lots within two or more contiguous subdivision plats.

Special minimum lot size block means the area subject to a minimum lot size requirement pursuant to subdivision B of division 4 of article III of this chapter that is composed of not less than one blockface and not more than two opposing blockfaces.

Street shall mean a public street or a permanent access easement.

Street dedication plat shall mean a plat that illustrates only the location and right-of-way of one or more public streets to be dedicated by the street dedication plat.

Street width exception area shall mean an area so designated by or pursuant to section 42-123 of this Code.

Subdivide shall mean the act or process of creating a subdivision.

Subdivision shall mean the division of a tract of land, including a lot, into two or more parts to lay out a subdivision of the tract, to lay out suburban, building or other lots, or to lay out streets, alleys, squares, parks or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks or other parts, regardless of whether the division is made by a metes and bounds description in a deed of conveyance or in a contract for deed, by using a contract of sale or other executory contract to convey or by using any other method. A subdivision does not include a division of land into parts greater than five acres, where each part has access to a public street and no public improvement is required to be dedicated. A subdivision includes a replat.

Subdivision plat shall mean (1) a map or plan prepared and approved pursuant to the applicable provisions of division II of this chapter showing the proposed subdivision of land or (2) an instrument recorded in the map, plat or real property records of the appropriate county showing the previous subdivision of property. A subdivision plat includes a replat, an amending plat and a vacating plat.

[Suburban area shall mean an area of the city that is not an Urban Area or Central Business District.](#)

Title report shall mean a current report, commitment, opinion or title policy that: (1) is prepared and executed by a title company authorized and in good standing to do business in the State of Texas or by an attorney licensed in the State of Texas; (2) provides a legal description of the property proposed to be subdivided or developed; (3) identifies the owner and lienholder of the property subject to the subdivision plat or development plat and the recording information of each instrument by which each owner or lienholder acquired its respective interest; and (4) describes all encumbrances of record that affect the property and the recording information of each instrument by which each encumbrance was established. A title report shall be current if it certifies that the records were examined not more than 30 days from the date of the application to which it applies. For purposes of a replat, a title report shall also include information regarding any deed restrictions applicable to the property or reflect that no deed restrictions apply.

Tract shall mean a parcel.

Transit corridor street has the meaning ascribed in section 33-351 of this Code.

Transit station means a passenger loading or unloading facility of a route for a guided rapid transit or fixed guideway transit system owned and operated by the Metropolitan Transit Authority of Harris County, Texas (METRO). The term does not include the stations of a public bus system.

Type 1 permanent access easement shall mean a permanent access easement at least 50 feet in width that is designed and constructed like a public street in accordance with the design manual and contains one or more public utilities in an unpaved portion of the easement.

Type 2 permanent access easement shall mean a permanent access easement at least 28 feet in width that is designed and constructed like a private street serving a development that has no public utilities other than a public water line connected only to one or more fire hydrants that provides no domestic water services.

Type A street means a public street that intersects a transit corridor street and that abuts a blockface that is located within 1,320 feet walking distance of the end of an existing or proposed transit station platform.

[Urban area shall mean the area included within and bounded by Interstate Beltway 8 exclusive of the Central Business District.](#)

Utility district shall mean a conservation and reclamation district organized under Article III, Section 52, or Article XVI, Section 59, of the Texas Constitution, the creation or enlargement of which requires the consent of the city.

Vacating plat shall mean a vacating plat prepared and approved under the applicable provisions of chapter 212.

Variance shall mean a commission-approved deviation from the requirements of this chapter issued under section 42-81 of this Code.

(Ord. No. 2013-343, § 3(Exhs. A, B), 4-24-2013; Ord. No. 2015-639, §§ 5, 6, 6-24-2015, eff. 7-24-2015; Ord. No. 2018-11, § 29, 1-10-2018; Ord. No. 2019-1028, § 2, 12-11-2019; Ord. No. 2020-684, § 2(Exh. A), 8-5-2020; Ord. No. 2022-391, § 2, 5-18-2022; Ord. No. 2023-64, § 2, 1-25-2023, eff. 2-25-2023; Ord. No. 2023-801, §§ 2, 3(Exh. A), 9-27-2023, eff. 11-27-2023)

Sec. 42-2. Scope.

This chapter shall apply to all development and subdivision of land within the city and its extraterritorial jurisdiction. This chapter establishes the general rules and regulations governing plats, subdivisions and development of land within the city and its extraterritorial jurisdiction to promote the health, safety, morals and general welfare of the city and the safe, orderly and healthful development of the city.

(Ord. No. 2013-343, § 3(Exh. A), 4-24-2013)

DRAFT FOR DISCUSSION PURPOSES ONLY

DIVISION 7. PARKS AND PRIVATE PARKS

DRAFT FOR DISCUSSION PURPOSES ONLY

Sec. 42-251. Applicability.

(a) The regulations contained in this division shall be applicable to all property within the city limits of the city proposed to be developed in whole or in part for single family residential, ~~multi-unit residential~~ or multifamily residential purposes for which a subdivision plat or development plat is required, unless otherwise noted herein.

(b) These regulations do not apply to replats of land owned by a governmental unit.

(Ord. No. 2013-343, § 3(Exh. A), 4-24-2013; Ord. No. 2023-801, § 3(Exh. A), 9-27-2023, eff. 11-27-2023)

DRAFT FOR DISCUSSION PURPOSES ONLY

Sec. 42-252. Park dedication requirements.

- (a) Each single-family residential subdivision, ~~multi-unit residential development, and/or~~ multifamily residential development shall provide one or a combination of the following for park or open space purposes:
- (1) Fee simple dedication of land suitable in type and location for development of parks within the park sector in which the subdivision or development is located, which land may be, but is not required to be, located within the subdivision or development creating the dedication requirement; or
 - (2) Payment of fees in lieu of the dedication of land for parks in the amount established in section 42-253 of this Code.
- (b) The amount of land required to be dedicated for parks shall be proportionate to the development calculated on the basis of the following formula:

$\frac{10 \text{ ac.} \times \text{The product of the No. of DU and } \times \text{ PDU and Density Factor}}{1000}$

Where:

DU = the number of dwelling units in the development;

PPDU = 1.8, the number of persons per dwelling unit for each dwelling unit; and

~~1000-Density Factor = the number of residents per~~ 10 acres of park land ~~per 1,000 residents (1/100).~~

- (c) Recordation of a subdivision plat subject to the requirements of this section shall require one or a combination of the following necessary to satisfy the requirements of subsection (a) of this section ~~taking into account any credits authorized pursuant to section 42-254 of this Code:~~
- (1) For land dedicated to parks within the subdivision, a fee simple dedication on the subdivision plat of the required park land as approved by the parks director;
 - (2) For land dedicated to parks outside the subdivision, evidence of recording in the appropriate real property records of a deed of the required park land as approved by the parks director;
 - (3) For land established as private park, identification of the required amount of private park as one or more restricted reserves with the following notation on each private park reserve within the subdivision:

'RESERVE RESTRICTED TO PRIVATE PARK PURSUANT TO CHAPTER 42 OF THE CODE OF ORDINANCES, CITY OF HOUSTON, TEXAS. THIS PRIVATE PARK DESIGNATION MAY NOT BE CHANGED WITHOUT APPROVAL OF THE PLANNING COMMISSION OF THE CITY OF HOUSTON, TEXAS.'

Land established as a private park for the purposes of this section may not be replatted to change this designation pursuant to section 212.0146 of Chapter 212 without the approval of the commission. The commission shall not approve a replat that would change the private park designation unless it determines that alternative private park space that satisfies the requirements of this subsection is available within the original subdivision generating the dedication requirement.
 - (4) Confirmation of deposit into the park and recreation dedication fund of the fee in lieu of dedication in the amount established pursuant to section 42-253 of this Code; ~~or.~~
 - (5) A statement on the plat that payment of a required fee in lieu of dedication has been deferred and shall be paid at the then-current fee prior to the issuance of a building permit for each single family dwelling unit within the subdivision.
- (d) Issuance of a building permit for a single family dwelling unit in a subdivision subject to the requirements of this section for which the payment of fees in lieu of dedication has been deferred pursuant to item (5) above shall require confirmation of deposit into the park and recreation dedication fund of the fee in lieu of dedication in the amount per dwelling unit then required by section 42-253 of this Code.
- (e) Issuance of a building permit for a single family dwelling unit in a subdivision that is not subject to the filing of a subdivision plat shall require confirmation of deposit into the park and recreation dedication fund of the fee in lieu of dedication in the amount per dwelling unit required by section 42-253 of this Code.
- ~~(f) Issuance of a building permit for a multi-unit single family residential or multifamily residential development subject to the requirements of this section shall require one or a combination of the following necessary to satisfy the requirements of subsection (a) of this section: taking into account any credits authorized pursuant to section 42-254:~~
- ~~(1) For land dedicated for park purposes, evidence of recording in the appropriate real property records of a general warranty deed of the required park land as approved by the parks director;~~
 - ~~(2) Identification of the required amount of private park on an approved development plat;~~
 - ~~(1) Provide a (3) A sworn statement by the multi-family applicant that they accept the amount of the fee in lieu calculation and will pay the full amount prior to the issuance of a certificate of occupancy; approval of final plat;~~
 - ~~(3) Provide cConfirmation of deposit into the park and recreation dedication fund of the fee in lieu of dedication in the amount established pursuant to section 42-253 of this Code.~~
- ~~and/or~~
- (gf) If the calculation in subsection (b) of this section results in a requirement of less than one-half acre for property located in the area within and bounded by Interstate Highway 610 or one acre for property located in the area outside of Interstate Highway 610, the parks director may require the developer applicant to pay the fee in lieu of land dedication as provided in section 42-253 of this Code. The parks director may approve the dedication of less than one-half acre of property in the area within and bounded by Interstate Highway 610 or one acre of property in the area outside of Interstate Highway 610 if the proposed park is a pocket park the need for which is identified in the Parks Master Plan, is adjacent to an existing park or other public space, provides access to a park, or otherwise presents an opportunity to enhance the city parks system consistent with the Parks Master Plan. This limitation, however, shall not apply to limit the size of compensating open space, which shall be governed by section 42-182 of this Code.
- (hg) Notwithstanding any other provision of this section, the owner of property for which dedication is required may pay a fee in lieu of dedication in the amount determined pursuant to section 42-253 of this Code, and the parks director shall not refuse any payment of a fee in lieu of dedication.

(Ord. No. 2013-343, § 3(Exh. A), 4-24-2013; Ord. No. 2023-801, § 3(Exh. A), 9-27-2023, eff. 11-27-2023)

Sec. 42-253. Fees in lieu of land dedication.

- (a) ~~In some instances, t~~ The parks director shall require the payment of fee in lieu ~~ferom~~ the multi-family applicant and may require the single-family residential ~~developer~~ applicant to pay fees in lieu of dedicating land. In making this determination, the parks director shall consider the following factors:
- (1) Whether sufficient parkland and open space exists in the area of the proposed development; and
 - (2) Whether recreation potential for an area would be better served by expanding or improving existing parks, by adding land or additional recreational amenities.

The parks director shall notify the ~~developer~~applicant in writing of the park director's decision to require a fee in lieu of dedication and the reason for the decision. The ~~developer~~ applicant shall be entitled to appeal the park director's decision to the commission.

- (b) The dedication requirement shall be met by a payment in lieu of land dedication at a specified dollar amount per dwelling unit determined annually pursuant to this section. ~~Cash p~~ayments may be used only for acquisition or improvement of park land and facilities located within the same park sector as the development. Fees may be applied to any type of park site or improvement within the sector in accordance with park department prioritization. ~~At least 70 percent of fees collected pursuant shall be used for acquisition or improvement of park land and facilities located within the same park sector as the development, and in accordance with park department prioritization. Up to 30 percent of fees collected may be used for acquisition or improvement of park land or facilities located in different park sectors, and in accordance with park department prioritization.~~
- (c) The **initial fee in lieu of dedication shall be \$700.00** per dwelling unit. Each year following certification of the city's tax roll, the director and the parks director shall report to the commission on the amount of fees in lieu of dedication received, expended or encumbered during the preceding 12 months. The report shall also include an analysis of changes in the **taxable value of land within the city as certified by each respective county appraisal district**. The director and the parks director may recommend an increase in the fee in lieu of dedication based on increases in appraised value. The commission shall review the report, conduct a public hearing on any recommended increase in the fee in lieu of dedication, and issue a final report. The commission shall file its report, which shall advise of any need to increase the fee in lieu of dedication, with the city council. The fee in lieu of dedication shall thereafter, upon approval by the city council, be the amount stated for this provision in the city fee schedule, ~~but any fee in lieu of dedication charged for multi-family residential developments shall not exceed two percent of the city's median family income, calculated on a per dwelling unit basis.~~

(Ord. No. 2013-343, § 3(Exh. A), 4-24-2013)

Sec. 42-254. Calculations; deductions and credits.

(a) *Initial calculations.* The parks director shall determine the amount of land required to be dedicated or fees in lieu of dedication to be paid in accordance with sections 42-252 and 42-253 of this Code and as further provided in this section.

- (1) The parks director shall first calculate the amount of park dedication required using the formula contained in subsection (b) of section 42-252 of this Code;
- (2) If the [owner applicant](#) of the [single family](#) subdivision or development elects to pay a fee in lieu of dedication, or the parks director requires the payment of a fee in lieu of dedication pursuant to section 42-253 of this Code, the parks director shall calculate the fee by multiplying the number of dwelling units in the subdivision or development by the then-current fee established pursuant to section 42-253 of this Code;
- (3) If the [owner applicant](#) of the [single family](#) subdivision or development elects to satisfy the requirements of this division by a combination of dedication of land and payment of a fee in lieu of dedication, [and the parks director approves](#), the parks director shall:
 - a. First, calculate the total park dedication requirement;
 - b. Second, subtract from the total park dedication requirement the amount of land for parks to be dedicated;
 - c. Third, calculate a percentage as follows: (remaining park dedication requirement (total park dedication requirement) \times 100); and
 - d. Fourth, apply the resulting percentage to the total fee in lieu of dedication to determine the amount of fee in lieu of dedication that has to be paid. This percentage shall be applied to the then-current fee in lieu of dedication per lot when payment of the fee in lieu of dedication is deferred pursuant to subsection (c) of section 52-252 of this Code to determine the fee per dwelling unit.

(b) *Deductions and credits.*

- (1) The number of dwelling units shall be based on an incremental increase in dwelling units. The parks director shall deduct from the initial calculation pursuant to subsection (b) of section 42-252 of this Code the number of dwelling units that the applicant demonstrates to the satisfaction of the parks director existed prior to the application for the subdivision plat or development plat generating the dedication requirement;
- (2) [For single family developments](#), ~~the~~ the parks director shall reduce the dedication requirement of section 42-254(a)(1) or the fee in lieu of dedication of section 42-254(a)(2), as applicable, by one or more of the following credits:
 - a. Up to a maximum of 100 percent of the total requirement credit shall be given for each acre or portion thereof of private park land provided within the subdivision or development generating the dedication requirement that meets the requirement of this part. For example, if the total dedication requirement is 5 acres and the applicant proposes to include 2.1 acres of private park within the subdivision, 2.1 acres will be deducted from the total requirement. Private park land eligible for credit must be centrally located within the development, designed so that it cannot easily be joined into one or more adjacent lots with a fence, legally and practically accessible to all residents of the development, and of a size, shape and configuration so that it is likely to be used by residents of the development as determined in comparison to city park standards. Equipment in a private park shall comply with city standards applicable to the type of equipment.

When private park land is also compensating open space, these requirements prevail over any contrary requirements of section 42-182 of this Code.

- b. ___ Up to a maximum of 100 percent of the total requirement credit shall be given for each acre or portion thereof of private park land provided within the subdivision generating the dedication requirement attributable to lots that are for the provision of low and moderate income single family housing as determined pursuant to section 47-319(2) of this Code. If credit is given on a subdivision plat for low and moderate income single family housing, the ~~property owner~~ applicant shall certify prior to the issuance of a building permit for the house that the initial purchase price does not exceed the latest available 12-month listing for median price single family housing in the city as published by the Real Estate Center at Texas A&M University. In the event the initial purchase price exceeds this amount, the property owner making the certification shall pay to the city the then-current fee in lieu of dedication for a single family dwelling unit. If publication of the median price for single family housing is discontinued by the Real Estate Center at the Texas A&M University, the mayor is authorized to select another publication that lists the median price of single family houses in the city.
- c. ~~___~~ UU Up to a maximum of 100 percent of the total requirement credit shall be given for each acre or portion thereof of park land provided as a greenbelt along a creek bed or around the perimeter of the subdivision or development generating the dedication requirement, including improvements to a hike or bike trail that meet city standards.
- d. ___ Up to a maximum of 100 percent of the total requirement credit shall be given for each acre or portion thereof of park land that links one or more parks.

(c) Credits are cumulative, but in no case ~~other than as provided in subitems b and d above~~ shall credits given under this section exceed 100 percent of the total requirement credit.

(Ord. No. 2013-343, § 3(Exh. A), 4-24-2013)

Sec. 42-255. Park and recreation dedication fund.

- (a) There is hereby established a special fund for the deposit of all sums paid in lieu of land dedication under this division, which fund shall be known as the "Park and Recreation Dedication Fund." Funds shall only be released from the Parks and Recreation Dedication Fund upon approval by the city council of a plan to utilize the funds to build or enhance a park within the park sector from which the funds originated.
- (b) The city shall account for all sums paid in lieu of land dedication under this division with reference to the individual subdivisions or developments that generate the dedication requirement. For single family, any funds paid for such purpose must be obligated by the city within three-five years after the completion of the contributing subdivision or development, or the completion of the final phase or section of the respective subdivision or development. For multi-family, any funds paid for such purpose must be obligated by the city within five years after receiving a certificate of occupancy. If the funds cannot be encumbered obligated within the initial three-five year time period, the parks director may request from the city council a time extension for a period not to exceed an additional one year for the expenditure of the funds. If the extension request is granted and the funds cannot be expended within the one-year extension, the parks director may request from the city council an additional one year extension. Each extension request shall be submitted in writing by the parks director 60 days prior to the expiration period for the funds to be obligated committed by the city, and shall include a detailed justification for the extension request. The owners of the property on the last day of the initial three-five year period, or any extension thereof, shall be entitled to a pro rata refund of the sum, computed on a dwelling unit basis. The city shall give notice to the owner of the property as shown on the most recent certified tax roll of the county in which the property is located of the right to a refund and the procedure to claim a refund. Notice shall be given by letter deposited into the United States Postal Service, postage paid, and shall be deemed given on the date of deposit into the United States Postal Service. The owners of the property must request a refund within one year of notice entitlement. Such request must be made in writing to the parks director, or such right shall be barred.
- (c) Where funds have been paid or a dedication for a phased development has been made in accordance with section 42-254 of this Code, and the original developerapplicant does not complete all phases of the entire development, credit for any prior dedication or payment shall be applied to subsequent subdivision plats or development plats for the same land on a pro-rata basis by dwelling unit. Increased density shall require the dedication of additional parkland or payment of additional fees.
- (d) Moneys in the park dedication fund shall be used for the acquisition and improvement of parks and shall not be used for park maintenance or city staff overhead expenses. Indirect costs reasonably incurred in connection with park acquisition and improvement, such as appraisal fees, environmental assessment costs, legal expenses, engineering and design costs, shall be limited to not more than five percent of total acquisition or improvement cost.
- (e) For purposes of this section only, a park is defined as either of the following: (i) park as defined in section 42-1 of this Code, or (ii) an area open to the public that may be used for passive or active recreational use or otherwise left in an unimproved state, and on which the city may construct or place improvements pursuant to a written agreement.

(Ord. No. 2013-343, § 3(Exh. A), 4-24-2013; Ord. No. 2019-1028, § 3, 12-11-2019)

Sec. 42-256. Park location standards.

A goal of this article is to ensure that parks are easy to access, can be linked with nearby park and recreational facilities, and are generally open to public view or accessible by easement so as to benefit area development, enhance the visual character of the city, protect public safety and minimize conflict with adjacent land uses. Land proposed to be dedicated for parks shall meet the following location standards:

- (1) Where physically feasible, parks should be bound by streets or by other public uses (e.g., school, library, recreation center) to facilitate access and possible joint use.
- (2) Where residential lots directly abut a park, consideration should be given to future owners' access to the facility and protection from future park uses, such as lighting and noise.
- (3) Street or pedestrian connections to existing and future adjoining subdivisions, private parks or park amenities are desirable to provide reasonable access to parks and private parks.
- (4) Where a proposed subdivision would block or limit access to a park, access ways of not less than ten feet in width may be required through the private development to provide public access to the park. Any easement or private park provided for this purpose will be credited toward any land dedication requirement.
- (5) The land must comply with the Parks Master Plan.

(Ord. No. 2013-343, § 3(Exh. A), 4-24-2013)

DRAFT FOR DISCUSSION PURPOSES ONLY

Sec. 42-257. Park land acceptance standards.

- (a) The city council reserves the right to accept or reject an offer of dedication, after consideration of the recommendation of the parks director, and to require the payment of fees in lieu of dedication as provided herein in section 42-254 of this Code.
- (b) Land dedicated for park and recreational areas shall be of such size, dimensions, topography and general character as is reasonably required by the city for the type of use necessary to meet the requirements of park facilities as identified for that geographic sector in the city's most current Parks Master Plan.
- (c) Land proposed to be dedicated for parks generally shall meet the following requirements. The parks director may recommend the acceptance of the dedication of property that does not meet these criteria if the property is adjacent to an existing park or other public space, provides access to a park, or otherwise presents an opportunity to enhance the city parks system consistent with the Parks Master Plan.
 - (1) *Minimum size and configuration standards.*
 - a. Unless determined otherwise by the parks director pursuant to subsection (f) of section 42-252 of this Code, the minimum size of land dedicated for a park in the area within and bounded by Interstate Highway 610 shall be one acre.
 - b. Unless determined otherwise by the parks director pursuant to subsection (f) of section 42-252 of this Code, the minimum size of land dedicated for a park in the area outside of Interstate Highway 610 shall be two acres.
 - c. Land dedicated for a park shall constitute a contiguous piece of property of such dimensions that it can physically accommodate the types of improvements associated with the park type in the Parks Master Plan.
 - (2) *Location and access standards.*
 - a. The land shall meet the applicable location requirements of section 42-256 of this Code.
 - b. The land shall have connectivity to a public street appropriate for the size and use of the park.
 - (3) *Physical characteristics standards.*
 - a. The land shall be vacant and cleared of nonvegetative material and shall contain no conditions that could constitute a violation of chapter 10 of this Code.
 - b. The land shall not have severe slopes or unusual topography that would not allow the park to be used for its intended purpose without recontouring the property.
 - (4) *Minimum environmental conditions standards.* Unless provided otherwise in rules promulgated by the parks director, the land shall be reasonably free of recognized environmental conditions. If land is proposed to be dedicated by subdivision plat, prior to submittal of an application for final subdivision plat approval the applicant shall submit either a phase I environmental assessment that shows no environmental conditions exist on the property or a phase II environmental assessment that shows no remediation is required.
- (d) Land in a federally designated floodplain or floodway may be dedicated as park land if the land otherwise meets the acceptance standards for park land of this section and any rules promulgated by the parks director.

(Ord. No. 2013-343, § 3(Exh. A), 4-24-2013)

Sec. 42-258. Minimum park improvement standards.

Prior to acceptance by the city and prior to the filing of the final subdivision plat, any park land dedicated to the city or developed as a private park for credit against park land dedication under this division shall meet the standards developed by the parks department. Any improvements provided by the [developer applicant](#) to park land shall comply with applicable regulations and codes set forth for such improvements.

(Ord. No. 2013-343, § 3(Exh. A), 4-24-2013)

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Sec. 42-259. Administration.

- (a) This article shall be administered by the planning department as part of the subdivision process within the city limits, in cooperation with the parks department. The ~~park board~~ parks director shall have the authority to manage and expend funds in accordance with the city's adopted parks master plan, the capital improvements plan for parks, and related official documents to the extent authorized by the city council for that purpose.
- (b) The parks director is authorized to promulgate guidelines for the administration of this article that are consistent with the requirements of this article.
- (Ord. No. 2013-343, § 3(Exh. A), 4-24-2013)

Sec. 42-260 . Appeals for multi-family.

- (a) A multi-family applicant may appeal a determination made by the planning department or parks director regarding any element of a parkland dedication requirement, including amount, orientation, or suitability, as that element applies to the applicant's property, to the planning commission. The appeal must include a requested adjudication of the issue in controversy.
- (b) In an appeal under this section, the planning commission may uphold, reverse, or modify a parkland dedication requirement as applied to the ~~landowner~~ applicant making the appeal.
- (c) The planning commission shall uphold, reverse, or modify a parkland dedication requirement that is the subject of an appeal not later than the 60th day after the date the appeal is filed with the commission. If the commission fails to act in accordance with this subsection, the parkland dedication requirement is considered resolved in favor of the ~~landowner~~applicant's requested adjudication.

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