

**CITY OF HASLET**

**ORDINANCE NO. 026-2016**

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 10, EXHIBIT A, THE SUBDIVISION ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF HASLET, TEXAS, AS AMENDED, TO ADOPT PARK LAND DEDICATION REQUIREMENTS AND FEES IN LIEU OF DEDICATION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Haslet, Texas is a Type A general-law municipality located in Tarrant and Denton Counties, Texas, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the City of Haslet, Texas, previously adopted its subdivision ordinance, which has been codified as Exhibit “A” to Chapter 10 of the Haslet Code of Ordinances; and

**WHEREAS**, the City Council deems it necessary to revise various sections of the subdivision ordinance to adopt park land dedication requirements and fees in lieu of dedication; and

**WHEREAS**, public hearings were held by the Planning and Zoning Commission on August 29, 2016 and the City Council on September 19, 2016, with respect to the proposed changes in the subdivision regulations.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HASLET, TEXAS.**

**SECTION 1.**

That Section 10.04.001 “Definitions” of Article 10.04 “Dedication of Public Facilities” of the Haslet Code of Ordinances is hereby amended to add the following definitions for “park land” and “open space” to read as follows:

...

**Sec. 10.04.001 Definitions**

...

“Open space. Land within or related to a development, not individually owned or dedicated for public use, or under lease or easement by private parties, that is designated and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.”

“Park land. Land dedicated to the City of Haslet for public park and recreational use.”

## **SECTION 2.**

That Section 10.04.034 of Article 10.04 “Dedication of Public Facilities” of the Haslet Code of Ordinances is hereby amended to add a new subsection (e) to read as follows:

### **ARTICLE 10.04 DEDICATION OF PUBLIC FACILITIES**

...

#### **Sec. 10.04.034 Adequacy of specific facilities**

...

(e) Dedication for park land and open space shall be required as set forth in Section 3.18 of the Subdivision Ordinance of the City.”

## **SECTION 3.**

That Section 2.5 “Final Plat – Commission and City Council Approval”, Subsection A “General” of Exhibit “A” to Chapter 10 of the Haslet Code of Ordinances, the Subdivision Ordinance, is hereby amended to add a new subsection (6) to read as follows:

### **2.5 FINAL PLAT – COMMISSION AND CITY COUNCIL APPROVAL**

#### **A. GENERAL**

...

“6. All required park land dedication or payment in lieu of dedication has been made.”

## **SECTION 4.**

That Section 3.18 “Park Fund Land and Improvement Fees” of Exhibit “A” to Chapter 10 of the Haslet Code of Ordinances, the Subdivision Ordinance, is hereby amended to read as follows:

### **“3.18 PARK LAND DEDICATION REQUIREMENTS AND IMPROVEMENTS**

A. PURPOSE

1. This section is adopted to provide parks, open spaces, and recreational areas in accordance with the Haslet Parks, Recreation, and Open Space Master Plan (2012-2022), and the 2016 Haslet Comprehensive Plan, in the form of parks, open spaces, and/or trails as a function of land development in the City of Haslet. The City Council has determined that parks, open spaces, and recreational areas in the form of parks, open spaces, and trails are necessary and in the public welfare, and that the only adequate procedure to provide for same is by integrating such a requirement into the procedures for planning and developing property in the City.

2. Parks include public areas providing for a variety of outdoor recreational opportunities within convenient distances from a majority of the residences to be served thereby. Open spaces include preservation and conservation of land for wildlife habitat or areas of natural significance. Trails include a public Citywide system of off-road hike and bike trails and equestrian trails. Proposed parks, open spaces, and trail systems established by the City Council and shown in the Haslet Parks, Recreation and Open Space Master Plan (2012- 2022) and the 2016 Haslet Comprehensive Plan shall be prima facie proof that any parks and/or trails located therein is within such a convenient distance from any residence location therein.

B. GENERAL REQUIREMENTS

1. These requirements shall apply to all single-family, and multi-family residential developments in the City of Haslet:

a. Whenever a final plat is filed on record with the County Clerk of Tarrant County for development of a residential area in accordance with this Ordinance of the City, such plat shall contain a clear fee simple dedication of an area of land to the City for park and/or open space purposes in accordance with the Haslet Parks, Recreation and Open Space Master Plan (2012-2022) and the 2016 Haslet Comprehensive Plan. Park land shall be dedicated to the City at the ratio of one (1) acre of park land for every thirty (30) residential dwelling units or prorated portion thereof. Any proposed plat submitted to the City for approval shall identify the proposed park land to be dedicated and designate the area with a lot and block number. The required dedication herein may be met by a payment of money in lieu of land as provided in this Section.

b. The obligation of the applicant/developer to dedicate park land or make payments in lieu thereof shall be in addition to and independent of the requirements of the applicant/developer to provide open space with a Planned Development (PD) zoning case. However, if the open space in the Planned Development (PD) exceeds twenty percent (20%) of the project area and is dedicated and accepted by the City as public park land, the

required dedication or payment in lieu of may be reduced by the amount of excess acreage.

c. The City Council has determined that development of an area smaller than five (5) acres for a public park is impractical. Therefore, if fewer than one hundred fifty (150) units are proposed by a plat filed for approval, the developer shall be required to pay the applicable cash in lieu of land provided by this Section. An exception may be made if the dedication will increase the size of an existing park adjacent to the proposed plat or provide a trail location and/or connection.

d. In instances where land is required to be dedicated, the City Council shall have the right to accept the dedication for approval on the final plat, or to refuse same, after consideration of the recommendation of the City Administrator. The City may refuse the land dedication if the City determines that sufficient park area is already in the public domain in the area of the proposed development, if the proposed dedication is subject to frequent flooding or of topography by expanding or improving existing parks. If the City refuses the land dedication, the applicant/developer is required to make a payment of cash in lieu of land as provided in this Section.

e. The dedication required by this Section shall be made by filing of the final plat or contemporaneously by separate instrument unless additional dedication is required subsequent to the filing of the final plat. If the actual number of completed dwelling units exceed the figure upon which the original dedication was based, such additional dedication shall be required, and shall be made by payment of the cash in lieu of land or by the dedication of additional park land to the City.

2. Payments in Lieu of Land Dedication for all single-family, two-family, and multi-family residential developments in the City of Haslet.

The dedication requirement shall be met by a payment in lieu of land at a per dwelling unit price set by the City Council, sufficient to acquire land and provide for adjacent streets and utilities for a park to serve the park zone in which such development is located. The park land development fee in lieu of dedication is established in Section 7.000(e) of Appendix A to the Code of Ordinances, the City Fee Schedule. Cash payments may be used only for park, open space, and/or trail acquisition, development, and/or improvements. Such payment shall be made prior to final plat recording with the County.

## C. SUITABILITY AND DESIGN STANDARDS

1. Any land dedicated to the City under this Section, must be suitable for park and recreation purposes. In instances where land is required to be dedicated, the City Council shall have the right to accept the dedication for approval on the final plat, or to refuse same, after consideration of the recommendation of the City Administrator on the need of either open space or recreational space as established in the Haslet Parks, Recreation and Open Space Master Plan (2012-2022) and the 2016 Haslet Comprehensive Plan.
2. Drainage areas may be accepted as part of a park if the channel is constructed in accordance with City engineering standards, and if no significant area of the park is cut off from access by such channel.
3. Each park shall have ready access to a public street.
4. Unless provided otherwise herein, an action by the City shall be by the City Council, after consideration of the recommendations of the Parks Board and the Planning and Zoning Commission respectively.
5. All park dedication shall be consistent with the standards as set forth in the Haslet Parks, Recreation and Open Space Master Plan (2012-2022) and the 2016 Haslet Comprehensive Plan, or approved exceptions by the City Council.
6. For more than five (5) acres of land, an environmental study (at minimum, a Phase I), audit or assessment may be required demonstrating that the property is in good condition that would allow the City to utilize the property for park purposes without expenditures to remove environmental waste or hazardous materials, that the property is suitable and safe for use as a park and is free from environmentally-related problems. Additionally, the applicant/developer shall permanently mark each corner of the park site with a three-quarter inch (3/4") iron pin set in concrete.
7. All rubbish, trash, junk and other offensive materials shall be removed from all dedicated lands and the property returned to its natural condition except as to approved construction and improvements thereon."

### SECTION 5.

This ordinance shall be cumulative of all provisions of the subdivision ordinance and of the Code of Ordinances of the City of Haslet, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

### SECTION 6.

It is hereby declared to be the intention of the city council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause

sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

#### SECTION 7.

All rights and remedies of the City of Haslet are expressly saved as to any and all violations of the provisions of the subdivision ordinance of the City of Haslet, Texas, as amended, which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

#### SECTION 8.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety, or public health and sanitation, including dumping or refuse, and shall be fined Five Hundred Dollars (\$500.00) for all other violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

#### SECTION 9.

The City Secretary of the City of Haslet is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this ordinance one time in the official newspaper of the City, as authorized by Section 52.011 of the Local Government Code.

#### SECTION 10.

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

**PASSED AND APPROVED ON THIS 19TH DAY OF SEPTEMBER, 2016.**



Bob Golden  
MAYOR, BOB GOLDEN

Dianna Buchanan  
CITY SECRETARY, DIANNA BUCHANAN