

**Ordinance amending the Unified Development Code ("UDC") by revising subsections 8.3.6 relating to fee in lieu of land and 8.3.8 relating to park development improvements; and providing for severance, penalties, and publication.**

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

**WHEREAS**, with proper notice to the public, public hearings were held on Wednesday, December 5, 2012, during a meeting of the Planning Commission, and on Tuesday, January 8, 2013, during a meeting of the City Council, during which all interested persons were allowed to appear and be heard; and

**WHEREAS**, the City Council has determined that this amendment to the UDC would best serve the public's health, necessity, and 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.** Article 8, Section 8.3, subsection 8.3.6 of the Unified Development Code ("UDC"), entitled "Fee in Lieu of Land," is amended by revising the text to read as follows:

**"Article 8. Subdivision Design and Improvements**

\* \* \* \* \*

**"8.3. Public Open Space**

\* \* \* \* \*

**"8.3.6. Fee in Lieu of Land**

**"A.** The City may require a fee in lieu of land dedication. ~~Before making this decision, the City shall obtain a recommendation for the cash payment in lieu of land from the Parks and Recreation Advisory Committee.~~ 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.

**"B.** \* \* \*

**"C.** If the City accepts the fee in lieu of land, the fees shall be placed in the City's Community Enrichment Fund and shall be used 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 ~~one and one-half~~ 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.

“D. \* \* \*”

**SECTION 2.** Article 8, Section 8.3, subsection 8.3.8 of the UDC, entitled “Park Development Improvements,” is amended by revising the text to read as follows:

**“Article 8. Subdivision Design and Improvements**

\* \* \* \* \*

**“8.3. Public Open Space**

\* \* \* \* \*

**“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 Parks and Recreation ~~Advisory Committee~~ 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 3.** 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 4.** A violation of this ordinance, or requirements implemented under this ordinance, constitutes an offense punishable as provided in Article 1, Section 1.10.1, and Article 10 of the UDC.

**SECTION 5.** 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.

The foregoing ordinance was read for the first time and passed to its second reading on this the 8<sup>th</sup> day of January, 2013, by the following vote:

Nelda Martinez	<u>Aye</u>	Chad Magill	<u>Aye</u>
Kelley Allen	<u>Aye</u>	Colleen McIntyre	<u>Aye</u>
Rudy Garza	<u>Aye</u>	Lillian Riojas	<u>Absent</u>
Priscilla Leal	<u>Aye</u>	Mark Scott	<u>Aye</u>
David Loeb	<u>Aye</u>		

The foregoing ordinance was read for the second time and passed finally on this the 22<sup>nd</sup> day of January, 2013, by the following vote:

Nelda Martinez	<u>Aye</u>	Chad Magill	<u>Aye</u>
Kelley Allen	<u>Aye</u>	Colleen McIntyre	<u>Aye</u>
Rudy Garza	<u>Aye</u>	Lillian Riojas	<u>Aye</u>
Priscilla Leal	<u>Aye</u>	Mark Scott	<u>Aye</u>
David Loeb	<u>Aye</u>		

PASSED AND APPROVED this the 22<sup>nd</sup> day of January, 2013.

ATTEST:

Armando Chapa  
Armando Chapa  
City Secretary

Nelda Martinez  
Nelda Martinez  
Mayor