



## AGENDA ITEM SUMMARY FORM

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**MEETING DATE:** 2/3/2022

**PREPARED BY:** Megan Mainer, Director of Parks & Recreation

**AGENDA CONTENT:** Conduct a public hearing, discussion and possible action on an ordinance fully repealing and replacing Chapter 23 – Land Development Code, Article II. – Subdivision and Development Design, Section 23-20. – Park Dedication and Recreation Improvements; providing a penalty; providing for severability; providing for repeal; and providing an effective date.

**AGENDA ITEM SECTION:** Public Hearings

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**BUDGETED AMOUNT:** NA

**FUNDS REQUESTED:** NA

**FUND:** NA

**EXECUTIVE SUMMARY:**

Per Section. 28-22. (f). (2). of the Planning and Zoning Commission, the Planning and Zoning Commission shall make recommendations regarding amendments to zoning and subdivision ordinance amendments.

The City's Strategic Plan notes park development fees will be assessed. Overall, our current Parkland Dedication ordinance outlined in the LDC has errors and omissions that staff recognized needed to be updated. In March 2020, staff was authorized to hire Dr. John Crompton from Texas A&M to assist with revisions of the City of Angleton's Parkland Dedication ordinance. Dr. John Crompton's expertise in parkland dedication ordinance revisions stems from being a member of the 7-person College Station City Council which provides sensitivity to the importance of political context, experience in court cases as an expert witness in parkland dedication ordinance disputes, analyses of the current parkland dedication ordinances that he has collected from all 65 Texas cities who are believed to have such ordinances, and analyses of 41 ordinances collected from the 100 largest U.S. cities that have such ordinances.

The purpose of parkland dedication:

“Parkland dedication is a local government requirement imposed on subdivision developers or builders, mandating that they dedicate land for a park and/or pay a fee to be used by the government entity to acquire and develop park facilities. These dedications are a means of providing park facilities in newly developed areas of a jurisdiction without burdening existing city residents. They may be conceptualized as a type of user fee because the intent is that the

landowner, developer, or new homeowners, who are responsible for creating the demand for the new park facilities, should pay for the cost of new parks” (Crompton, J., 2010. Journal of Park and Recreation Administration. *An Analysis of Parkland Dedication Ordinances in Texas, Volume 28( 1), 70-102*).

“The philosophy is that because new development generates a need for additional park amenities, the people responsible for creating that need should bear the cost of providing the new amenities. Neighborhood and community parks are intended to serve those people in the areas proximate to them. Thus, they make no positive contribution to the quality of life of existing residents, suggesting there is no reason why existing residents should be asked to raise their taxes to pay for them” (Crompton, J., 2010. Journal of Park and Recreation Administration. *An Analysis of Parkland Dedication Ordinances in Texas, Volume 28( 1), 70-102*).

Staff and the Parks & Recreation Board reviewed several iterations of the ordinance from April 2020 through April 2021. On April 12, 2021, the Parks & Recreation Board approved the revisions of the Parkland Dedication ordinance subject to the City Attorney’s review for enforceability. The ordinance has been reviewed and revised for enforceability by Randle Law Office, Walter Reeves, and HDR, the City’s contracted engineers, and Dr. John Crompton.

Over the past year, staff have informed developers during development meetings that the parkland dedication requirements are being revised and adopted revisions will impact parkland dedication requirements, fees in lieu of parkland, and park development fees.

Staff has included an article, *An Analysis of Parkland Dedication Ordinances in Texas*, as background information on parkland dedication ordinances.

#### **RECOMMENDATION:**

Staff recommends approval fully repealing and replacing Chapter 23 – Land Development Code, Article II. – Subdivision and Development Design, Section 23-20. – Park Dedication and Recreation Improvements; providing a penalty; providing for severability; providing for repeal; and providing an effective date

#### **SUGGESTED MOTION:**

I move we recommend approval to fully repealing and replacing Chapter 23 – Land Development Code, Article II. – Subdivision and Development Design, Section 23-20. – Park Dedication and Recreation Improvements; providing a penalty; providing for severability; providing for repeal; and providing an effective date