

TOWN OF HORIZON CITY

ORDINANCE NO. 0035 AMENDMENT NO. _____

AN ORDINANCE AMENDING THE TOWN OF HORIZON CITY SUBDIVISION ORDINANCE BY REPEALING AND REPLACING CHAPTER 10A SUBDIVISION ORDINANCE; SECTION 2.8 PARKLAND DEDICATION AND FEES IN LIEU; ADOPTING PARKLAND DEDICATION REQUIREMENTS, FEES IN LIEU OF PARKLAND DEDICATION, PARK DEVELOPMENT IMPROVEMENT FEES, PARKLAND CREDITS, PRIVATE PARK CREDITS FOR MULTIFAMILY DEVELOPMENT, PARK FACILITIES STANDARDS AND AMENDING THE SUBDIVISION CONSTRUCTION DESIGN MANUAL TO INCLUDE THE STANDARDS AND REVISE CROSS-SECTIONS; PARK DESIGN; PARKLAND FUND ADMINISTRATION, REFUNDS, APPEALS, EXHIBIT A PARKLAND DEDICATION, FEE IN LIEU AND PARK DEVELOPMENT IMPROVEMENT FEE SCHEDULE AND ESTABLISHING PARKLAND REQUIRED STANDARDS; PROVIDING FOR SEVERABILITY, REPEALER, PROPER NOTICE, AND EFFECTIVE DATE.

WHEREAS, a proposal was brought forward by staff to and considered by Horizon City Planning and Zoning Commission to amend portions of Ordinance No. 0035 relating to parkland dedication, fees in lieu of, multi-family park credits, park facility standards, parkland fund administration, appeals and exhibit A Improvement Fee Schedule; and

WHEREAS, the Planning and Zoning Commission will consider the staff's proposals at its September 21, 2026, regular meetings; and

WHEREAS, public hearings have been held by the Town Council as required by law; and

WHEREAS, all written and oral protests (if any) submitted against the proposed ordinance change have been reviewed and considered; and

WHEREAS, pursuant to Texas Local Government Code section 51.001, the town has general authority to adopt an ordinance that is for the good government, peace or order of the Town and is necessary or proper for carrying out a power granted by law to the Town; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace, and order and that our physical environment has a direct impact on the chances for happy, prosperous lives for the residents of the Town of Horizon City to adopt this Ordinance and technical code; and

WHEREAS, the City Council finds that residential development creates a demand for parks, recreational facilities, trails, open space, and public recreational improvements; and

WHEREAS, the City Council finds that it is necessary and desirable to require new residential development to contribute its proportionate share toward park acquisition and development costs; and

WHEREAS, Texas Local Government Code Chapter 212 authorizes municipalities to require parkland dedication, fees in lieu of dedication, park development fees, or a combination thereof; and

WHEREAS, the Town Council desires to adopt parkland dedication regulations modeled after the City of El Paso Parkland Dedication Ordinance and Park Facilities Standards;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HORIZON CITY, TEXAS:

I. ENACTMENT OF AMENDMENTS

Pursuant to Sections 51.001 and 51.012 of the Texas Local Government Code, the City Council of the Town of Horizon City hereby enacts and adopts this amendment no. 17 to Ordinance no.0035, which regulates subdivisions within the territorial limits of the Town of Horizon City and related matters, to amend parkland dedication, fees in lieu of, multi-family park credits, park facility standards, off-site parkland dedication, parkland fund administration, appeals and Exhibit A Improvement Fee Schedule as follows:

Section 2.8 of the Subdivision Ordinance is hereby repealed and replaced in its entirety.

SECTION 2.8 PARKLAND DEDICATION AND FEES IN LIEU

2.8.1 Purpose

The purpose of this Section is to ensure adequate parkland and recreational facilities are available to serve residents of new residential development and to require development to contribute its proportionate share toward acquisition and development of park facilities necessitated by growth.

2.8.2 Applicability

This Section applies to:

- A. Single-family residential development;
- B. Duplex development;
- C. Townhome development;
- D. Multifamily development;

E. Mixed-use development containing residential dwelling units.

2.8.2.1 Review by the Parks and Recreation Manager.

The Parks and Recreation Manager shall make recommendations based upon the requirements of this chapter to the Planning Department at the appropriate time within the plat review process. Recommendations received pursuant to this chapter shall be noted in the written report prepared by the Planning Director for the subdivision application, and shall be forwarded to the subdivider, Planning and Zoning Commission and City Council, where applicable.

2.8.3 Dedication Requirement

A. As a condition of subdivision approval, the applicant shall dedicate parkland, pay a fee in lieu of parkland dedication, pay a Park Development Improvement Fee, or provide a combination thereof as determined by the City.

B. It is declared by the city council that recreation areas in the form of neighborhood parks, community parks and regional parks that serve several neighborhoods, linear parks, trails, and open space areas 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 procedure for planning and developing property or subdivisions in the city, whether such development consists of new construction on vacant land or the addition of new construction or redevelopment on existing developed lands.

C. Neighborhood parks, community parks, linear parks, trails and open space areas referred to in this chapter are those parks providing for a variety of outdoor recreational opportunities and within convenient distances from the majority of the residences to be served thereby. The primary cost of those parks should be borne by the ultimate property owners who, because of their proximity to such parks, shall be the primary beneficiaries of such facilities.

D. The requirements for parkland are based in part on the standards, needs and objectives set forth in the Town of Horizon City Parks and Recreation Master Plan, routinely amended and adopted by the city council, a copy of which shall be retained in the office of the Parks and Recreation Manager and which shall be incorporated by reference herein for all purposes. Therefore, the requirements in this code and any requirements in the Design Standards for Construction Manual (DSCM) are adopted to affect the purposes stated above and shall apply to any development within the Town of Horizon City, except as noted therein.

E. Dedication Required. All subdivisions located within the corporate limits of the Town of Horizon City and within those areas designated in the city's extra territorial jurisdiction (ETJ), as identified on an official map kept in the office of the planning official.

1. The land conveyed and deeded to the city shall not be subject to reservations of record, encumbrances or easements which will interfere with the use of the land for park purposes.

2. Where a subsurface interest is severed from the surface estate, retention of the subsurface interest may not be considered an encumbrance for the purposes of this chapter.

F. In Residential Subdivisions. A residential subdivision shall provide for the parkland needs of the community pursuant to Section 2.8.5, Parkland Calculation.

1. For purposes of this chapter, a residential subdivision shall include any subdivision application submitted on property where the zoning allows for single-family, two-family or multifamily development (apartments).

2. This provision may be waived by the Planning Director where the city is provided with a copy of deed restrictions or other legal instrument verifying that the property within the subdivision application or portion thereof, is restricted to nonresidential uses as defined in this chapter. The evidence shall be provided to the Planning Director for the filing of the preliminary plat and shall be reviewed by the City Attorney prior to the Planning and Zoning commission action on the preliminary plat. Failure of the subdivider to provide this information with the filing of the preliminary plat shall result in the subdivision application being considered as a residential subdivision.

C. In nonresidential subdivisions. After parkland fees have been calculated, a subdivision, not otherwise classified as a residential subdivision, that changes the use to include dwelling units or increases the density of dwelling units within the subdivision, shall trigger a recalculation of parkland fees or parkland dedication under Section 2.8.3. If additional fees are due or if the recalculation requires parkland to be dedicated, then such fees shall be paid, or dedication provided, prior to the issuance of any building permit.

D. The requirement to provide parkland to the city pursuant to this title shall not be satisfied using land required to be conveyed by the subdivider to the city as part of a separate legal instrument, condition, covenant, contract, agreement, sale or ordinance, except as specifically provided in this Chapter.

2.8.3.1 Off-site parkland dedication.

A. Application. Where a master plan or land study is submitted by a subdivider pursuant to Chapter 10 Subdivision Regulations and Chapter 10A Subdivision Ordinance, the city or the subdivider may request that an off-site dedication of parkland be accepted within the corporate limits or within the areas designated in the city's extra territorial jurisdiction (ETJ), as identified on an official map kept in the office of the planning official. An application for off-site dedication of parkland shall be filed by a subdivider with the Planning Director.

B. Credit Applicability. Parkland to be deeded as part of an off-site dedication shall be entirely within the boundaries of the park service area as the proposed subdivision. Park service areas are designated by the Town of Horizon City Parks and Recreation Master Plan and are published by the Parks Division.

C. An off-site parkland dedication shall be an option available to the subdivider where parkland credits derived are then used to reduce by an equivalent amount any subsequent parkland requirement generated by the submission of phased residential subdivisions. The credit shall be applied to residential subdivisions submitted from within the applicable park service areas. Where a parkland dedication straddles two park service areas, credits shall be allowed within either park service area if approved by the City Council, upon an affirmative recommendation of the parks and recreation division.

D. Formula.

1. For purposes of determining the credit, the following procedure shall be used:

$$a - b = c$$

Where:

"a" is the amount of parkland dedicated or deeded to the city expressed in total acres (credit);

"b" is the amount of subsequent parkland acreage required to be deeded to the city pursuant to Section 2.8.5, Parkland Calculation, for a residential subdivision, based on the parkland calculation rates in effect at the time of the submittal;

"c" is the amount of parkland credit available from the parkland dedicated or deeded. If a reduction exceeds the credit, the difference shall be the amount of required parkland to be dedicated or deeded to the city after reduction.

E. In no instance shall a parkland credit be from the value of the land dedicated or deeded in terms of fees it would have generated, or the market value of the land expressed in dollars. This parkland credit option may be exercised by the subdivider who dedicated or deeded the parkland to the city or may be transferred to a subsequent purchaser of land within the applicable park zone(s). The subsequent purchaser must submit written proof of such a transfer to the Planning Director. The Planning and Zoning Commission shall approve, upon recommendation by the director of the parks and recreation department, the residential subdivision(s) to which the credit shall be applied.

2.8.4 Exemptions from Parkland Dedication Requirement

The following shall be exemptions from the calculation for parkland dedication. In all instances, the burden of proof shall be on the subdivider to demonstrate that the plat meets the requirements of this chapter:

A. A residential replat of an area where the density has not been increased from the original subdivision, as evidenced by the original subdivision and replat. In the case of a replat where parkland was not originally provided, the parkland requirements shall prevail;

B. A replat or an amendment to a subdivision plat where the only change to the original subdivision plat is that easements or rights-of-way are eliminated, added or changed and there is no increase in density.

C. A nonresidential replat which changes the lot location or design, but where the acreage has not been increased, as evidenced by the original subdivision and replat;

D. A replat which changes the use of the original subdivision from residential to nonresidential, and the fees paid (or the equivalent fees which would have been paid based on parkland dedicated) on the original subdivision are more than or equal to the fees required on the replat;

E. A replat which changes the use of the original subdivision from nonresidential to residential, and the fees paid for the original subdivision are more than or equal to the fees required on the replat;

F. Land shown within an amending subdivision where density is not increased, as evidenced by the original and amending subdivisions; or

G. Land shown within a subdivision, whether residential or non-residential, which is designated for use as a public facility.

2.8.5 Parkland Calculation

A. Rate.

1. Where a residential subdivision application is filed, the amount of parkland required to be deeded to the city shall be as follows:

a. Single-Family and Two-Family Units. One acre of parkland for every one hundred dwelling units calculated as follows:

$$"x" = "y"/100$$

Where:

"x" is the amount of acres of parkland required to be deeded, and

"y" is the number of dwelling units in the subdivision.

b. Multifamily. One acre of parkland for every two hundred dwelling units calculated as follows:

$$"x" = \frac{"y" \times "z"}{200}$$

Where:

"x" is the amount of acres of parkland required to be dedicated;

"y" is the gross acres of the proposed multifamily subdivision; and

"z" is the density of the proposed multifamily subdivision.

c. Density Calculated. In calculating the parkland requirement for residential subdivision applications where more than one unit per lot may be allowed, density shall be determined by using the gross density permitted by the zoning classification on the property Chapter 14 Zoning.

d. The Planning Director may waive the gross density used in the parkland calculation rate for subsection (A)(1)c. above when the subdivider verifies by means of deed restrictions or other legal instrument that the density permitted within the subdivision is less than the gross density required by subsection (A)(1)a. or (A)(1)b. of this section. The evidence shall be provided to the Planning Director with the filing of the final plat and shall be reviewed by the city attorney prior to City Council action on the final plat. Failure of the subdivider to provide this information with the filing of the final plat shall result in the gross density rates of this chapter being applied to the parkland calculation.

e. Mixed-Use Developments. Subdivisions that provide a mixture of residential and nonresidential components shall meet the requirements of this chapter in the following fashion.

i. Horizontal Mixed-Use Developments. For mixed-use developments where residential and nonresidential components occur in separate buildings within the same development, the residential components shall meet the requirements established in Section 2.8.5, Parkland Calculation. Nonresidential components shall meet the requirements of Section 2.8.8, Fee in Lieu of Dedication.

ii. Vertical Mixed-Use Developments. For mixed-use developments, where residential developments occur above or besides non-residential development within the same building, the following requirements shall apply.

(A) If the nonresidential component equals or exceeds twenty percent of the gross square footage of the development, parkland fees for the entire development shall be based on the nonresidential fee requirements of Section 2.8.8, Fee in Lieu of Dedication.

(B) If the nonresidential component is less than twenty percent of the entire square footage of the development, parkland fees for the entire development shall be based on the number of residential units as per the requirements of subsection (A)(1)(b) above.

B. Types of Parkland That May Be Dedicated. The following park configurations of land may be proposed by the subdivider to meet the dedication requirements of this chapter. The lands to be dedicated and the type of dedication to be provided shall be based on the affirmative recommendation of the Parks and Recreation Manager and the approval of the Planning and Zoning commission.

If the Parks and Recreation Manager does not provide an affirmative recommendation, the developer may appeal the Parks and Recreation Manager's decision. The Parks and Recreation

Manager shall provide the developer, in writing, with the reasons for the denial. The appeal will require the developer to file an appeal with the Planning Director within fifteen business days of receiving the decision. The appeal shall be accompanied by the following:

(a) A thirty-day waiver of the thirty-day statutory requirement for approval of the subdivision plat.

(b) The reasons for the appeal. Upon receipt of the appeal, the planning director shall place the appeal on the next available Planning and Zoning Commission meeting. The Planning and Zoning Commission may overturn the parks director's decision by a super majority, which shall be three-fourths of the Planning and Zoning Commission present and voting. In determining whether to overturn the parks director's decision, the Planning and Zoning Commission shall consider any evidence presented by the developer and parks director. In no instance can the Planning and Zoning Commission modify or vary any city code requirements.

An alternative type of dedication may be recommended by the Parks and Recreation Manager, based on the specific nature of the subject property. Any dedication that is proposed shall meet the requirements of the Town of Horizon City Standards, except as noted in this chapter.

1. Neighborhood Parks. Lands for parks that serve a neighborhood shall be of the quantity determined by the density of the residential subdivision submitted pursuant to Section 2.8.5, Parkland Calculation. The developer may satisfy Section 2.8.5 by providing multiple park sites that comply with Section 2.8.7, Standards for Dedicated Parkland, for a residential subdivision application.

2. Dual Park-Pond. Parks and drainage retention or detention ponds may be placed side by side or combined to provide for larger and more efficient park and open space lands for neighborhoods.

Conceptual cross-sections for park-pond areas are included in the subdivision standards. These conceptual drawings are intended to serve as a guideline to the designer, and modifications that meet or exceed the intent of this chapter are encouraged. All park-pond designs shall be approved by the director of parks and recreation, and the city engineer or city floodplain administrator.

a. Park-ponds requirements. For purposes of this subsection, the ponding area proposed for use as a park-pond shall require an affirmative approval for park usage by the director of the parks and recreation department, subject to the provisions below being met. Where acceptable, the pond portion of the park may count towards the required parkland dedication amount at ratio of one acre of park-pond for every one acre of required parkland dedication, subject to the following requirements being met.

I. To be considered as a park-pond, the proposed facility must be located no further than one-half mile from all residences that it is intended to serve. The street frontage for the park-pond shall be continuous along one complete side of the park or thirty-five percent of the park perimeter whichever is greater.

- ii. Flat perimeter areas on the rim of the ponding basin shall be provided. These shall be a minimum of ten feet in width from the edge of the pond slope to the nearest property line to allow for a trail, landscaping and pond maintenance requirements. If abutting a seven-foot sidewalk or trail the flat perimeter area shall be a minimum of five feet. Wider and variable width areas are preferred to create a more parklike appearance.
- iii. A park-pond shall include a flat, contiguous park area adjacent to the detention or retention basin that is not subject to periodic inundation during a ten-year storm event. The area shall be at least one-half acre, including the nearest adjacent perimeter flat zone, and shall meet the applicable minimum improvement requirements of Section 2.8.7, Standards for Dedicated Parkland, as determined by the Director of Parks and Recreation. For park-ponds with a pond area greater than two and one-half acres, the upper park area shall be at least twenty percent of the pond area. The area shall be configured to accommodate permanent park structures, such as play features, multi-purpose courts, and shade pavilions.
- iv. Side slopes in park-ponds shall not exceed a maximum three to one horizontal to vertical slope. Flatter side slopes are recommended.
- v. If a two-tier park-pond is designed, then the lower tier flat area shall not be less than twenty percent of the upper tier flat area.
- vi. The maximum depth of the pond portion of a park-pond shall not exceed ten feet for a two-tier park-pond and six feet for a one-tier park-pond.
- vii. Perimeter areas around the pond shall be planted to create an attractive buffer zone around the park-pond. Plant materials and required irrigation system(s) must be installed and operational at the time the city accepts the facility. All irrigation and planting shall meet the park facilities standards referenced in Section 2.8.7, Standards for Dedicated Parkland.
- viii. Signs shall be provided to inform the public of the dual park-pond purpose and to notify them of the potential safety hazard from stormwater detention/retention.
- ix. Percolation tests at the bottom of the park-pond basin shall be performed according to ASTM 5126. Stormwater shall percolate within seventy-two hours or as may be approved by the city engineer or other designee of the Mayor.
- x. A fully accessible route that meets Americans with Disabilities Act (ADA) standards to the lower park area in the basin of the pond shall be provided.
- xi. Grading, irrigation, and turf shall be provided in accordance with Section 2.8.7, Standards for Dedicated Parkland.
- xii. Credit may be provided for that portion of the park-pond that exceeds the amount of parkland required to be deeded to the city pursuant to this title if the credit to be derived is

within the same park service area and upon the affirmative recommendation of the director of parks and recreation.

b. Other ponds not serving as park ponds. This shall meet minimum placement, setback and landscaping requirements as established by the Town of Horizon City Stormwater Drainage Manual.

3. Linear park corridors and trail development. Trail corridors may be dedicated and constructed by the subdivider, and may serve as credit against required parkland, subject to the following conditions being met:

a. Where adjacent to private property lines on either side of the corridor, the trail corridor shall be a minimum of thirty feet in width;

b. Where the trail corridor is adjacent to a permanently preserved corridor such as a drainage channel or natural open space, the additional trail corridor width may be reduced to fifteen feet. A minimum of ten feet from the nearest edge of the trail adjacent to a private property line shall be maintained except where separated from such private property by a wall;

c. If the trail corridor is located adjacent to a street right-of-way, the trail corridor shall be a minimum of fifteen feet in width as measured from the adjacent back of curb. The additional portion of the corridor that is outside of the street right-of-way and that is a minimum of five feet in width shall be credited as lands meeting the parkland dedication requirements of Section 2.8.5, Parkland Calculation. Trails shall be a minimum of eight feet in width. Narrower trails will not count as credit towards parkland requirements. Trail surface material shall follow the requirements of the Town of Horizon City's Park Development Standards. The Town may elect to contribute to the cost of the trail if a width wider than eight feet is deemed appropriate for that specific location;

e. Public access points to the corridor shall be provided at regular intervals. The linear areas adjacent to the corridor shall have open space, street ROW, or other opportunities for immediate and safe ingress/egress along at least seventy-five percent of the corridor length on one side or the other;

f. A zone that is a minimum of five feet wide along each side of the trail shall be improved with a natural non-irrigated landscape treatment, following guidelines contained in the park facilities standards referenced in Section 2.8.7, Standards for Dedicated Parkland.

g. Trails may be built on power lines or other utility corridors, but in cases with corridor lands whose ownership is not fully transferable to the Town, only the lands under built trails and those improved areas meeting the requirements of this subsection will count towards the parkland dedication requirements of this chapter. In such cases, the easement holder or right-of-way owner must provide legal acceptance allowing the trail to be built with free public access provided in perpetuity;

h. Trail standards in this title and in the Design Standards for Construction Manual may be modified by the City Council based upon the recommendation of the Parks and Recreation Manager;

i. Trail corridor lighting is not required for earthen trails or for corridors located within public right-of-way where street lighting is provided. In all other cases, the Parks and Recreation Manager may require lighting in accordance with the Park Facilities Standards, the Design Standards for Construction Manual, and applicable Dark Skies requirements.

4. Open space lands and arroyos—types of land that are noted as areas that should be preserved in the Town of Horizon City Parks and Open Space Master Plan, such as natural arroyos, may be used to meet the land dedication requirements of this chapter:

a. For purposes of this subsection, the area open space to be used in applying for the reduction shall be the acreage that is deemed acceptable for preservation by the Parks and Recreation Manager and approved by the City Council;

b. Open space land will not be required to meet the minimum development standards of Section 2.8.7, Standards for Dedicated Parkland.

c. One acre of open space dedication will count as one-half of an acre of required parkland dedication;

d. Other open space lands, such as arroyos, that exceed the parkland requirements of this chapter, may be accepted by the Town of Horizon City. The Town of Horizon City will assume maintenance of these areas.

2.8.6 Park Service Areas

Parkland obligations shall be administered according to the Park service areas established by the Town Parks Master Plan and Park Facilities Standards.

2.8.7 Standards for Dedicated Parkland

1. Dedicated parkland shall:

A. Be suitable for recreational use;

B. Be accessible by public street;

C. Comply with Town Park Facilities Standards;

D. Be accepted by the Town.

2. Standards for deeded parkland:

A. General Characteristics. Parkland, deeded to the city as provided in this chapter, shall meet the standards set forth below and in the Construction Design Manual:

1. The parkland shall be located in a location near the center of the subdivision or subdivisions that it serves, with the expressed goal that the park is no further than one-quarter mile measured by walking distance from any residence within the subdivision that it serves;

2. Where the subdivision is an initial phase of multiple phases, the park may be located so that it is accessible to the future phases, provided that the park meets the requirements of subsection (A)(1) above;

3. Parklands submitted for dedication shall be located so that users are not required to cross arterial roads to access the park site from within the subdivision, and shall not abut an arterial except in the following circumstances:

a. Parks over twelve acres may abut an arterial on one side; or

b. The arterial has no more than four lanes and has on-street parking; or

c. Parks permitted in subsection (B)(4)(a) (Alternate Park Type Table).

4. If the park is one acre or larger, the entire boundary of the parkland shall abut either a public or private street, dedicated open space or arroyo. Parks of less than one acre shall abut a public or private street, dedicated open space or arroyo on at least two sides. Buildings on lots that have frontage on streets that abut the park shall face the park. Residential lots may abut parkland provided that the subdivider incorporates the following standards:

a. Pedestrian connectivity between the parkland and adjacent lots is provided,

b. That a front build-to line, in accordance with the zoning ordinance, is delineated on the plat so that residential structures face the park, and

c. The park site shall share at least one boundary line with a public or private street;

5. The parkland should, when possible, be located adjacent to school sites, ponding areas, or public open space to facilitate shared facilities;

6. When parkland is deeded to the city as required by this title, the area of the park shall be calculated from the nearest property line or street right-of-way line, and not from the existing or proposed curb line of an adjacent street, unless park features are incorporated into the parkway, subject to an affirmative recommendation by the Parks and Recreation Manager and approval by the Planning and Zoning Commission. Sidewalks and signs shall not count as park features that allow the inclusion of the parkway area as part of the park area calculation; and

7. Where possible, and as approved by the director of the parks and recreation department, parkland shall be designed and located within a subdivision to allow for an extension or connection to a public park or other public recreational facility within an abutting subdivision.

B. Minimum improvements for lands to be dedicated as parkland. Parkland, deeded to the city, shall meet the following minimum improvements described by this subsection.

1. The subdivider shall indicate the proposed parkland improvement(s) within the subdivision improvement plans as required in Section 5 Subdivision Plat Design Standards

2. Construction of the required minimum parkland improvement(s) shall be in accordance with the approved subdivision improvement plans and shall be completely installed and constructed by the subdivider within the time period specified for construction of subdivision improvements in this title.

3. An improved park shall, at a minimum, include the following:

a. Paving frontage, curbing, and gutter for all street frontages abutting the outside perimeter of the parkland;

b. Utility (water, sanitary sewer and electricity) extensions to the perimeter of the park at a location indicated by the Parks and Recreation Manager and that are consistent with published EPWU rules;

c. An accessible route shall be installed per the Texas Accessibility Standards (TAS) on all street frontages abutting the outside perimeter of the parkland of a minimum width and construction to provide accessibility to individuals with disabilities as provided by the Texas Accessibility Standards (TAS). The Parks and Recreation Manager shall approve the sidewalk alignment and width;

d. Grading, automatic irrigation and turf within the parkland boundaries shall be installed prior to the acceptance of the proposed parkland submittal. The Parks and Recreation Manager shall approve the design and installation. The City Council may, upon an affirmative recommendation from the Parks and Recreation Manager and Planning and Zoning Commission, allow parkland to remain undisturbed in its natural state;

e. One age-appropriate play structure unit entirely covered by a metal shade canopy, for either ages two—five years or ages five—twelve years, with a minimum fifty-foot by fifty-foot user zone, from an approved park department list of acceptable alternatives, including an appropriate safety surface that meets industry requirements. If a play structure already exists within a dedicated park within one-fourth mile, other comparable amenities entirely covered by a metal shade canopy of comparable size may be provided such as basketball courts, outdoor exercise stations, splash pads, or picnic tables.

f. A minimum of two accessible shaded picnic tables, or four benches or a combination of benches and tables, per acre on concrete pads;

- g. A minimum of one trash can per acre on a concrete pad;
- h. Pedestrian-oriented perimeter lighting along adjacent public and private street rights-of-way and one light at the playground or focal point of the park;
- i. Where open space lands to be left in an undisturbed state are accepted as required parklands, grading, automatic irrigation and turf establishment requirements shall be waived;
- j. Standards. Park standards required are included in the Park Development Standard Manual.
 - i. Facilities and improvements provided by a subdivider on land dedicated as parkland shall be designed and installed to meet the minimum standards of this chapter, the Construction Design Manual and the parks and recreation division as established in the park's facilities standards, a copy of which is maintained by the parks and recreation division. The parks facilities standards shall be approved by the Planning and Zoning Commission and the City Council. The parks facilities standards may be revised as necessary; however, each change shall be approved by the Planning and Zoning Commission and the City Council.
 - ii. Facilities and improvements of a park developed for and owned by the city, regardless of whether the project is developed through Town of Horizon City Engineering and Capital Construction or the project is developer-generated, shall be designed and installed to meet the minimum standards of the following, or as otherwise approved by the Parks and Recreation Manager, in accordance with related federal, national, state, or local codes, including but not limited to the following:
 - 1. International Play Equipment Manufacturer's Association (IPEMA);
 - 2. Consumer Product Safety Commission (CPSC) Handbook for Public Safety;
 - 3. American Society for Testing and Materials (ASTM);
 - 4. Accessibility Standards for Play Areas through the ADA Accessibility Guidelines (ADAAG);
 - 5. Illuminating Engineering Society of North America (IESNA RP-6-01);
 - 6. Sports Turf Management Association (STMA);
 - 7. American Society for Testing and Materials (ASTM F08).
- k. Street trees shall be provided in the parkway abutting the park at twenty-foot intervals. If the park does not abut street ROW on all sides, in addition to the street trees, shade trees shall be provided at a minimum of ten trees per one-fourth acre.

4. The subdivider shall be required to submit development construction plans that conform to this title, the SDM and the parks and recreation department design, construction and specification standards. The parks and recreation department will review the construction documents for compliance with city park construction requirements. The developer must agree to standard city construction inspections of the park improvements.

C. Exceptions. For purposes of this chapter, off-site dedications accepted pursuant to Section 2.8.3.1 Off-site parkland dedication. Off-site Parkland Dedication shall not be required to satisfy the requirements of subsection (B)(3) of this section at the time of acceptance of the deed by the city. The city shall require the approval of a development agreement as a condition of acceptance of an off-site dedication, requiring such improvements within two years of the recording of the first subdivision plat within the development by the property owner who deeded the parkland, or a subsequent purchaser.

2.8.8 Fee in Lieu of Dedication

The Town may require a fee in lieu of dedication where:

- A. The required parkland is insufficient to create a functional park;
- B. Existing park facilities adequately serve the development;
- C. The needs of the development are better served through acquisition or improvement of parks elsewhere within the Park service area;
- D. The proposed parkland does not comply with adopted standards.
- E. When Applicable.

1. Residential Subdivisions. The city may require a cash payment in lieu of parkland dedication under the following circumstances:

- a. When an area of parkland less than one acre is required to be dedicated, or less than two acres if there is an existing park within one-half mile, and upon the recommendation of the Parks and Recreation Manager and the Planning and Zoning Commission;
- b. Where the Parks and Recreation Manager determines that the park needs of the subdivision would be better served by developing other parks in the same park zone;
- c. In instances where the parkland to be dedicated does not meet the standards set forth in this chapter;
- d. In instances where the required parkland dedication meets or exceeds two acres, the Planning and Zoning Commission, upon the recommendation of the director of parks and recreation, may require a reduction in land dedication of up to twenty-five percent and payment of the balance of the required dedication in improvements to the site or in fees in lieu of land dedication.

e. When the city accepts a combination of the following: parkland dedication, cash payment in lieu of land dedication, or bonus reductions received pursuant to Section 2.8.12, Providing Private Park Facilities to Satisfy Required Parkland Dedication or Fee Requirements.

2. Nonresidential Subdivisions. The subdivider shall be required to pay fees in lieu of the dedication of parkland dedication for all nonresidential subdivision applications. Where the Parks and Recreation Manager recommends that the park needs of that park zone would be better served by preserving existing open space land on the property or by developing other parks in that park zone, the following alternatives may be used.

a. Where open space lands that meet the types noted for preservation in the Town of Horizon City Open Space Master Plan occur in the nonresidential subdivision, the city may accept a dedication of open space lands in lieu of, or in combination with the payment of park fees. The value of the land to be dedicated shall be equivalent to the fee amount required for that subdivision, and the proposed dedication must be at least one acre in size.

b. An amount equal to the fee required for the non-residential subdivision may be used by the subdivider to provide additional park facilities in an existing or proposed park within the existing park zone. The types of facilities to be provided and the proposed location for those facilities shall be subject to approval by the director of parks and recreation.

3. Fee Calculation. Where the city requires or accepts payment of cash in lieu of the dedication of parkland, such payment shall be equivalent to the following:

1. Residential Subdivisions.

a. Single-family and two-family: one thousand four hundred dollars per dwelling unit;

b. Multifamily: eight hundred dollars per dwelling unit.

2. Nonresidential Subdivisions. One thousand dollars per gross acre multiplied by the number of acres rounded to two decimal places, with a minimum of three hundred and thirty-three dollars for a subdivision of less than one-third acre.

4. These fees shall be indexed to any increase in the National Consumer Price Index (CPI) and adjusted no less frequently than every three years.

a. Form Tendered. A cash payment made pursuant to this chapter shall be tendered in the form of a cashier's check, payable to the Town of Horizon City. The cashier's check shall be submitted to the Planning Director and shall accompany the recording plat submission.

b. Refunds. Under no circumstance shall fees received in lieu of parkland dedication required by this chapter be refunded to a subdivider, except as provided in Section 2.8.15, Refunds.

c. In a subdivision where the density calculation for parkland results in a park site of less than one acre and the developer has paid fees in lieu of dedicating parkland, should the developer,

within a period of three years following the recording of the initial subdivision, submit a plat for development of land contiguous to the land in which parkland fees were paid, the city shall have the option of refunding to the developer an amount equivalent to those parkland fees paid for the previous development and calculating the parkland requirements for the new subdivision plat based on the density for both the previously submitted subdivision plat and the new subdivision plat. The calculation shall be based upon the parkland dedication requirements in effect at the time of each subdivision plat submittal. For purposes of this subsection, a refund shall be made from park fees collected and available from within the applicable park zone for each subdivision.

2.8.9 Park Development Improvement Fees

The Town may require Park Development Improvement Fees for acquisition, development, construction, rehabilitation, expansion, or improvement of public park and recreational facilities serving the applicable park service area through a Park Development Participation Agreement subject to City Council approval.

2.8.10 Parkland Credits

Developers shall be entitled to credit for:

- A. Land dedicated and accepted by the Town;
- B. Public park improvements accepted by the Town;
- C. Improvements to existing public parks serving the applicable Park service area.

2.8.11 Private Park Credits for Multifamily Development

A. Multifamily developments may receive parkland dedication credits and fee reductions for private recreational facilities provided within the development.

B. Eligible private recreational facilities may include:

1. Community parks;
2. Recreational open space;
3. Sports courts;
4. Swimming pools;
5. Clubhouses;
6. Playground facilities;
7. Trail systems;
8. Recreational amenities approved by the Town.

C. To qualify for credit:

1. Facilities shall be permanently available to residents of the development;
2. Facilities shall comply with the Town Park Facilities Standards;

3. Facilities shall be privately owned and maintained;
4. Facilities shall be protected through recorded covenants, easements, or maintenance agreements acceptable to the Town.

D. The Planning and Zoning Commission may recommend, and the Town Council may approve fee credits up to one hundred percent (100%) of otherwise required park fees based upon the recreational value of the facilities provided.

2.8.12 Providing Private Park Facilities to Satisfy Required Parkland Dedication or Fee Requirements

A. Private Park Facilities. Where park areas and recreational facilities are to be provided in a proposed single family, duplex, or multifamily development, the required parkland may be satisfied provided that the following criteria are met:

1. Facilities shall be privately owned and maintained by the future residents of the subdivision or by the owner of a rental facility.
2. Private ownership and maintenance of such areas and facilities shall be adequately provided for by recorded written agreement, conveyance, or restrictions;
3. The use of such areas and facilities shall be restricted for park and recreational purposes by a recorded covenant, which runs with the land in favor of the future owners of property and cannot be amended or removed without the consent of the city council;
4. The areas, improvements and facilities wishing to receive credit shall be reasonably similar or comparable to what would be required to meet public park and recreational needs of this chapter.

B. Recreational Facilities. No credit shall be given for recreational facilities other than the land upon which those facilities are located as defined in this chapter.

C. Size of Park Areas. Open turf or play areas and/or park recreational areas may be of any size provided that a total of one quarter ($\frac{1}{4}$) acre total functional park space to meet the recreational needs of residents is provided in conformance to the Park Standards Manual. Functional park space areas may include parks, child play areas, multi-purpose courts, and other similar facilities. However, swimming pools, community, recreational or exercise buildings, and similar facilities shall not be eligible for credit. Any open turf or play area used for parkland dedication credit shall be commonly accessible by all residents and not be used in calculating minimum landscaping requirements in Chapter 3 Building Regulations, any required zoning condition such as a landscaped buffer, be part of any required set back, any yard (front, side, rear) for any single-family home requirement placed as a condition to detailed site plan approval, or any other building code requirement.

D. Credit Calculation.

1. One acre of private parkland shall count as credit for one-half acre of the required parkland dedication. The parkland requirement may be satisfied in its entirety by providing private parkland which meets the criteria in this section.

2. If the required parkland dedication cannot be completely satisfied by providing private parkland, any remaining requirement can be satisfied as follows:

a. Through the dedication of public parkland.

b. Through improvements to existing parkland in the same park service area, provided that if the improvement costs are above \$50,000.00 a developer participation agreement is entered into and comply with the provisions of the state statute that governs developer participation agreements or if below \$50,000.00, a developer's agreement is entered into.

c. Payment of fees.

E. All private parkland dedication and improvements, improvements to existing parkland, or fees in lieu of dedication, or in combination shall require the approval of the Planning and Zoning Commission upon the affirmative recommendation of the director of parks and recreation.

F. The Parks Manager shall report on the amount of private park land accepted for credit by the Planning and Zoning Commission at the time of plat approval.

2.8.13 Exhibit A

Exhibit A, Parkland Dedication, Fee in Lieu, and Park Development Improvement Fee Schedule, attached hereto and incorporated herein by reference, is adopted as the official administrative schedule for implementation of this Section.

2.8.14 Parkland Fund

A. Fund Established. The city shall establish a special fund for the deposit of all sums paid in lieu of parkland dedication pursuant to this chapter. The city shall account for all sums paid in lieu of parkland dedication with reference to the individual subdivisions involved, and all sums received shall be committed by the city within three years from the subdivision recordation. If an extension is granted for the subdivision recordation or subdivision improvements, the same extension shall apply to the time for commitment of park fees.

B. When Funds are Considered to be Committed. For purposes of this chapter, funds shall be considered committed:

1. When funds are encumbered for expenditure on equipment and materials;

2. When funds are set aside under an earnest money agreement for the purchase of parkland;

3. When funds are to be awarded under a bid in process; (or)

4. When funds encumbered are not expended because of delays because of strikes, court action or any similar impediment which renders it impossible or illegal to spend the money.

C. Time Extensions. Where the sums cannot be committed within the initial three-year time period, the director of the parks and recreation department may request time extensions for expenditure of the sums from the Planning and Zoning Commission in one-year intervals; except that no more than two one-year time extensions may be granted by the Planning and Zoning Commission. The extension request(s) shall be submitted in writing to the Planning Director sixty days prior to the expiration period for sums to be committed by the city and shall include a detailed justification for the extension request(s). If an extension is granted for the subdivision recordation or subdivision improvements, the same extension shall apply to the time for commitment of park fees.

2.8.15 Refunds

Refunds shall be administered in accordance with Texas Local Government Code Chapter 212.

If a developer has proof of payment of fees in lieu of park dedication for an approved subdivision, but the developer subsequently abandons development of the property as shown on the approved subdivision and conveys the property to the City for the sole purpose of use as public open space, the developer is entitled to a full refund at the time of the conveyance.

2.8.16 Appeals

Any person aggrieved by a determination under this Section may appeal to the Town Council.

2.8.17 Administrative Authority

The Planning Director shall administer this Section.

SECTION II. FINDINGS OF FACT

The foregoing recitals are incorporated as findings of fact.

SECTION III. REPEALER

All ordinances, resolutions, or portions thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION IV. SEVERABILITY

Should any section, subsection, sentence, clause, phrase, or provision of this Ordinance be determined invalid, such determination shall not affect the validity of the remaining portions.

SECTION V. PROPER NOTICE AND MEETING

It is officially found and determined that the meeting at which this Ordinance was passed was open to the public and proper notice was given in accordance with Texas Government Code Chapter 551.

SECTION VI. EFFECTIVE DATE

This Ordinance shall become effective immediately upon adoption and publication as required by law.

PASSED AND APPROVED this _____ day of _____, 2026, by a vote of _____ (ayes) to _____ (nays) to _____ (abstentions) of the City Council of Horizon City, Texas.

Town of Horizon City

By: _____
Andres Renteria, Mayor

ATTEST:

By: _____
Elvia Schuller, City Clerk

APPROVED AS TO FORM:

Sylvia Borunda Firth
City Attorney

APPROVED AS TO CONTENT:

Arturo Rubio
Planning Director