

ORDINANCE NO. 926

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING THE CITY OF KYLE, TX CODE OF ORDINANCES; AMENDING PART II, CHAPTER 41, ARTICLE V, SECTION 41-147 PARK LAND DEDICATION, TO AMEND THE DEFINITION OF A HIKE AND BIKE TRAIL AND CONSTRUCTION MATERIAL OF TRAIL; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE AND AN OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City Council has established park land dedication requirements for residential development; and,

WHEREAS, the City wishes to amend the definition of a Hike and Bike Trail; and,

WHEREAS, the City wishes to amend the type of material that a Hike and Bike Trail can be constructed with.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, THAT:

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

Section 2. Amendment of Part II, Chapter 41, Article V, Section 41-147 Park Land Dedication. City of Kyle, Texas, Code of Ordinances is hereby amended insofar, and insofar only, as is herein set forth, and in no other respect whatsoever.

Paragraph (a) replaced in its entirety:

Definitions. For the purposes of this section, the following terms, phrases and words shall have the meaning ascribed to them in this subsection.

Hike and bike trail means a strip of land that is dedicated for a trail or pathway for pedestrian circulation, alternative transportation and recreational uses, that is not less than ten feet in width, and that has installed, or is planned to have installed, certain improvements, including but not limited to an all-weather concrete trail or pathway that is not less than eight (8) feet in width, designed and constructed in compliance with standards and specifications adopted and maintained by the city.

Neighborhood park means a public park provided for a variety of outdoor recreational opportunities located within a residential subdivision or within a close proximity or convenient distance of the majority of residences to be served thereby so that the residential subdivision or subdivisions so located shall be the primary beneficiaries of these facilities. These parks are generally smaller in size, being less than 15 acres.

Park means any public park, playground, pool, water-feature, lake, waterway, recreation or open space area, or hike and bike trail including a parking lot within such areas, which is operated,

maintained and controlled by the city, and heretofore platted, dedicated, or designated as a public park within the city and its extraterritorial jurisdiction. These parks are generally larger in size, 15 acres or larger, and regionally located throughout the city. Land dedicated for public school land, which contains a park or park land as defined herein shall be considered a park for the purposes of this section but only to the extent of the actual land dedicated for such a park.

Private park means a recreation area or open space land within a residential area which are not available for public use or which are intended primarily for exclusive use by residents of the residential area, by members of a homeowners association or other organizations. A private park shall be considered a park for purposes of this section but only to the extent necessary for planning purposes. A private park does not meet the cash payment nor park land dedication requirements of this section.

Residential area means any area within a subdivision plat which in whole or in part is platted for the development of dwelling units or residences, whether the same be single- family, multifamily, owner-occupied or rental dwelling units and including townhouses, condominiums and apartments.

Section 3. Amendment of Ordinances. The City of Kyle, Texas Code of Ordinances is hereby amended to the extent of any conflict or inconsistency herewith only and all ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the city, the terms and provisions of this Ordinance shall govern.

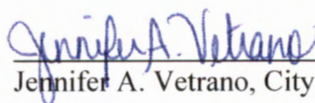
Section 4. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code.

Section 5. Open Meetings. It is hereby officially found and determined that the meeting at which ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

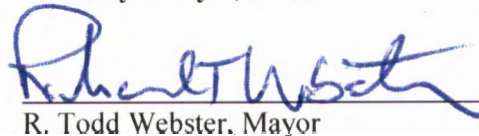
PASSED AND APPROVED on this the 3rd day of January, 2017.

FINALLY PASSED AND APPROVED on this the 3rd day of January, 2017.

ATTEST:


Jennifer A. Vetrano, City Secretary

The City of Kyle, Texas


R. Todd Webster, Mayor