

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF KYLE, TEXAS, MODIFYING THE PARK LAND FEE TO BE \$750 AND THE PARK DEVELOPMENT FEE TO BE \$750; AMENDING SECTION 41-147 AND APPENDIX A OF THE CITY OF KYLE CODE OF ORDINANCES TO PROVIDE FOR PARK LAND FEES AND PARK DEVELOPMENT FEES TO BE THE FEES SET FORTH IN THE FEE SCHEDULE OF THE CODE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR RELATED MATTERS**

**WHEREAS**, the City of Kyle, Texas, (herein the “City”), is a home-rule city and has the authority to regulate subdivision and platting in the city limits and the extraterritorial jurisdiction (the “ETJ”); and

**WHEREAS**, the regulations adopted herein promote the health, safety, morals, or general welfare of the City and the ETJ and the safe, orderly, and healthful development of the City and its ETJ;

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

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Park Land Fee.** Section 41-147(b) of the City of Kyle Code of Ordinances (the “Code”) is hereby amended in its entirety to read as follows:

*(b) Park land fee.* The developer of any residential subdivisions or developments within the city and its extraterritorial jurisdiction shall pay a park land fee which shall be paid for each residential lot or dwelling unit within the subdivision or development at or prior to the time the final plat is submitted to the city for final signature approvals and recording in the public records. The park land fee shall be uniform and sufficient to acquire land for parks sufficient to serve the needs of the community as prioritized in the adopted parks, recreation and open space master plan. The park land fee shall be applicable to residential developments and dwelling units and shall be computed on the basis of the fee per dwelling unit set forth in Appendix A of the Code. The park land fee shall not apply to developments of five dwelling units or less, unless such development is a phase, section, or part of a development plan that will include more than five lots when completed.

**Section 3. Park Development Fee.** Section 41-147(d)(1) of the Code is hereby amended in its entirety to read as follows:

(1) In addition to the required payment of park land fee as set forth in subsection (b) of this section or the dedication of land as set forth in subsection (c) of this section, as applicable, the developer or his successor shall pay a park development fee to the city which shall be paid for each residential lot or dwelling unit within the subdivision or development at or prior to the time the final plat is submitted to the city for final signature approvals and recording in the public records. The park development fee shall be set from time to time by city ordinance and shall be sufficient to provide for the development of amenities and improvements on dedicated parks within the city. The park development fee shall be applicable to residential developments and dwelling units and the park development fee shall be computed on the basis of the fee per dwelling unit in the development or subdivision set forth in Appendix A of the Code. The park development fee shall not apply to developments of five dwelling units or less, unless such development is a phase, section, or part of a development plan that will include more than five lots when completed.

**Section 4. Amendment to Appendix A.** The portion of the table entitled “Chapter 41. Subdivisions” set forth in Appendix A to the Code is hereby amended in its entirety to read as follows:

**Chapter 41. Subdivisions**

41-147(b)	PARD	Park land fee per dwelling unit	\$750
41-147(d)(1)	PARD	Park development fee per dwelling unit	\$750

**Section 5. Amendment of Conflicting Ordinances.** Section 41-147 and Appendix A of the Code are hereby amended as provided herein. All parts of ordinances in conflict herewith are hereby amended to the extent of such conflict only. 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 6. Savings Clause.** All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any ordinances affecting park land fees or park development fees within the City or the extraterritorial jurisdiction 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 7. 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 8. Open Meetings.** It is hereby officially found and determined that the meeting at which this 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 First Reading this \_\_\_\_ day of \_\_\_\_\_, 2018.

**FINALLY PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

**CITY OF KYLE, TEXAS**

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Jennifer Vetrano, City Secretary

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Travis Mitchell, Mayor