

ORDINANCE NO. 93-10-35

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AMENDING CHAPTER 16, PLANNING AND DEVELOPMENT, OF THE CODE OF ORDINANCES OF THE CITY BY THE ADDITION OF AN ARTICLE TITLED "PLANO PARK AND RECREATION FEE"; PROVIDING FOR A PARK IMPROVEMENTS PROGRAM FOR THE PURPOSE OF MEETING THE PRESENT AND FUTURE PARK AND RECREATION NEEDS OF THE CITY AND ITS CITIZENS; IMPOSITION OF A PARK AND RECREATION FEE FOR RESIDENTIAL DEVELOPMENT AND FOR THE USE AND ACCOUNTING THEREOF; PROVIDING FOR REFUND AND REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR APPEALS, VARIANCES AND EXCEPTIONS; AND PROVIDING A SEVERABILITY CLAUSE, A REPEALER CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, Tex. Const. Art. XI, Section 5, confers broad home rule authority on the City of Plano to regulate the subdivision and development of land to further the public health, safety and welfare; and

WHEREAS, Art. 2 of the City's Charter authorizes the City to undertake such regulation in the public interest; and

WHEREAS, new residential development in the City generates demand for neighborhood and linear park land and facilities to be used by the residents of such new development; and

WHEREAS, the City has adopted and updated a Comprehensive Plan that contains a parks and recreation element; and

WHEREAS, the parks and recreation element of the Comprehensive Plan contains a Master Plan for neighborhood and linear park acquisition and development and establishes standards for such acquisition and development; and

WHEREAS, the Parks Master Plan divides the City into thirteen (13) service areas within which neighborhood and linear parks will be provided to reasonably benefit the residents thereof; and

WHEREAS, the City previously has acquired land and undertaken improvements for neighborhood and linear parks,

with excess capacity remaining in such facilities to serve new development; and

WHEREAS, the City intends to acquire additional land and undertake additional improvements for neighborhood and linear parks facilities pursuant to a Park Improvement Program in order to render equivalent service within each park service area; and

WHEREAS, comprehensive studies have been undertaken to determine appropriate levels of service for neighborhood and linear park facilities and the costs of providing such services to new dwelling units; and

WHEREAS, the city has established a reasonable connection between the demand for neighborhood and linear park facilities generated by each type of dwelling unit and the costs of providing such facilities to serve such dwelling unit; and

WHEREAS, it is reasonable and necessary to the public health, safety and welfare that land to be used for neighborhood and linear parks be reserved and dedicated to the City at the time of subdivision and development of residential land; and

WHEREAS, it is reasonable and necessary to impose a regulatory fee for purposes of acquiring land and providing capital improvements for neighborhood and linear parks on each new dwelling unit proportionate to the demand for such facilities; and

WHEREAS, it is reasonable to compensate subdividers for contributions of land and improvements for neighborhood and linear parks from the proceeds of parks fees in lieu of crediting such contributions against payment of park fees for the subdivision; and

WHEREAS, it is reasonable to transfer park fees collected in service areas within which the City has provided excess capacity for expenditure on neighborhood and

linear park facilities in service areas where additional park land and improvements are needed; and

WHEREAS, upon full review and consideration of the above, the proposed Park and Recreation Fee Program, and all matters attendant and related thereto, the City Council of the City of Plano is of the opinion that Chapter 16 of the Code of Ordinances of the City should be amended by the addition of an article providing for a Park Improvement Program and imposition of a Park and Recreation Fee;

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

Section I. Chapter 16, Planning and Development, of the Code of Ordinances of the City is hereby amended by the addition of an Article titled "Plano Park and Recreation Fee" to read in its entirety as follows:

"ARTICLE I

Section 1.01. Title.

This Article shall be known and cited as the "Plano Park and Recreation Fee Article."

Section 1.02. Purpose and Imposition of Park Fee.

A parks and recreation fee ("park fee") is hereby imposed on residential development for the purpose of assuring that linear and neighborhood park facilities are available and adequate to meet the needs created by such development while maintaining current and proposed park and recreation standards pursuant to the Plano Park and Recreation Master Plan. The park fee is imposed in conjunction with and in addition to subdivision regulations requiring the dedication of neighborhood and linear park land and the construction of neighborhood and linear park improvements for which contributions the property owner shall be reimbursed from proceeds of park fees imposed. The park fee shall be imposed by the City on all residential development, and all fees collected shall be used solely and exclusively for the purpose of acquisition and development of park facilities reasonably attributable to residential dwelling units charged the park fee.

Section 1.03. Definitions.

For purposes of this Article only, the terms that follow shall have the meanings set forth herein. Terms not herein defined shall have those meanings given them by other provisions of the Code of the City of Plano.

1. Applicant: The property owner or duly designated agent of the property owner of land for which approval of a

building permit has been requested for residential development.

2. Building: Any enclosed residential structure designed or intended for the support, enclosure, shelter or protection of persons.

3. Building Permit: The permit required for new residential construction and/or additions to buildings pursuant to the Code of City of Plano.

4. City: The City of Plano, Texas.

5. City Council: The City Council of Plano, Texas

6. Development: Any activity that requires the securing of building permit for residential uses.

7. Director: The Director of the Department of Development Services, his successor or appointee.

8. Dwelling: Any building, or portion thereof, designed exclusively for residential occupancy and containing one (1) or more dwelling units.

9. Dwelling Unit: One (1) or more rooms arranged, designed or used as separate living quarters for an individual family, which contains kitchen facilities (only one (1) per dwelling unit permitted), including at least a stove or cooking device and permanently installed sink, plus bathroom facilities.

10. Linear Park: Public land and associated improvements to be used primarily for passive recreation and connecting residential neighborhoods to one another and to public facilities and services, as specified in the Park Master Plan.

11. Neighborhood Park: Public land, with associated improvements, typically from 7.5 to 10 acres in size, and providing both active and passive recreational opportunities for neighborhood residents, as specified in the Park Master Plan.

12. Park Board: The Park and Recreation and Planning Board or its successor.

13. Park Facilities: Land and/or facilities used or to be used as a neighborhood or linear park, regardless of location, including both the acquisition of such land, the construction of improvements thereon and the expenditure of funds incidental thereto, including but not necessarily limited to planning, engineering and design of the park and improvements, utility relocation, provision of improvements, utility relocation, provision of pedestrian and vehicular access thereto and purchase of equipment, the need for which are attributable to new residential development.

14. Park Improvements Program: The adopted Plan, as may be amended from time to time, which identifies those park facilities and their costs, for a period of at least five (5) years, which are to be financed in whole or in part through the imposition of park fees pursuant to this Article. The Plan shall contain only those facilities which are anticipated to be acquired or developed within the period covered by the Plan.

15. Park Master Plan: The official adopted Parks and Recreation Element of the Comprehensive Plan for the City of Plano and amendments thereto.

16. Property: A legally described parcel of land capable of development pursuant to applicable City ordinances and regulations.

17. Property Owners: Any person, group of persons, firm or firms, corporation or corporations, or any other entity have a proprietary interest in the land on which a building permit has been requested.

18. Residential Development: The development of any property for a dwelling or dwellings, other than motels, hotels, shelter used temporarily for transients and other similar uses, as indicated by an application for a building permit.

19. Zoning Ordinance: The Zoning Ordinance of the City of Plano and including all duly adopted amendments thereto.

#### Section 1.04. Applicability of Park Fee.

A. This Article shall be uniformly applicable to residential development of property in the City which is or will be served by park facilities as herein defined. This Article does not apply to activities involving the replacement, reconstruction, remodeling, rehabilitation or other improvements to an existing residential structure, or to the rebuilding of a damaged structure or to permits required for accessory uses, unless such activity results in a change in the type or increase in the number of dwelling units.

B. For purposes of this Article, property is "served by" park facilities when funds collected for such facilities have been spent for facilities identified in the Park Master Plan and Park Improvements Plan within ten (10) years from the date of collection within the service area in which the property is located.

#### Section 1.05. Authority and Imposition of Park Fee.

A. This Article is enacted pursuant to the City's police powers existing under the City's charter and consistent with the Texas Constitution, Article XI, Section 5, and applies to all property within the City's corporate boundaries.

B. A park fee shall be imposed on all residential development in the City at the time of application for a building permit pursuant to Section 1.07, except as provided in Subsection 1.05C.

C. The park fee shall not be imposed on any residential development for which a completed application for a building permit had been received and accepted by the City on or before the effective date of this Article.

D. Imposition of the park fee does not alter, negate, supersede or otherwise affect any other requirements of City, County, State or Federal legislation or regulations that may be applicable to a development, including City zoning and/or subdivision regulations that may impose open space and park requirements and standards.

E. The provisions of this Article shall not be construed to limit the power of the City to utilize other methods authorized under State law or pursuant to other City powers to accomplish the purposes set forth herein, either in substitution or in conjunction with this Article. Guidelines may be developed by resolution, ordinance or otherwise to implement and administer this Article.

**Section 1.06. Service Areas, Park Improvements Plan and Park Fees.**

A. There are hereby established thirteen (13) service areas for park facilities, each of which is designated on the map attached hereto as Exhibit "A" and incorporated herein by reference. Service Area Boundaries may be amended from time to time by ordinance or resolution.

B. The City shall adopt a Park Improvements Program, which identifies the park facilities and their costs, which are to be financed in whole or in part through the imposition of park fees. Park fees may only be spent for park facilities identified in such Program. The Program shall be reviewed and updated annually following a public hearing before the City Council.

C. The park fee for each service area shall be uniform and shall be determined by dividing the total anticipated costs of all neighborhood and linear park facilities set forth in the Master Plan by the total population to be served by such facilities. Park fees shall be separately calculated for single-family dwelling units and for multi-family dwelling units, by multiplying the per capita costs of neighborhood and linear park facilities by the number of persons expected to reside within each type of dwelling unit. The park fee per dwelling unit herein established has been discounted by an amount equivalent to that portion of future property taxes collected in order to pay debt service related to existing neighborhood and linear parks for each type of dwelling unit.

D. There is hereby established a park fee for single-family dwelling units in the amount of \$467.47, and a park fee for multi-family dwelling units in the amount of \$323.96. The park fees herein established may be amended by ordinance or resolution of the City Council from time to time.

**Section 1.07. Processing and Collection of Park Fee.**

A. Applicants for a building permit for residential development subject to this Article must submit, on a form provided by the City, the proposed number of dwelling units in the development.

B. Upon receipt of an application for a building permit, the City shall calculate the amount of the applicable park fee due, pursuant to Section 1.06 of this Article. The park fee rate in effect at the time of application for the permit shall be used to calculate the park fee, except as provided in Subsection 1.07D.

C. The applicable park fee shall be collected prior to the issuance of a building permit. In the event that the number of dwelling units proposed at such time has changed since the application for the building permit was filed, the City shall recompute the park fee using the method set forth

in Subsection 1.07B., except that the fee for any additional units shall be based on the park fee rate then in effect.

D. If a building permit for which a park fee has been paid has expired and a new application is filed, the park fee due shall be computed on the basis of the park fee rate in effect at the time of the new application, with credit for payment of the old fee being applied against the new rate.

E. In the event that fewer dwelling units are constructed than authorized by a building permit, the property owner may apply for a refund for the difference in the number of dwelling units pursuant to Section 1.10.

**Section 1.08. Use of Park Fee Funds.**

A. Park fees collected for each service area pursuant to this article must be used solely for one of the following purposes:

(1) To repay developers for contributions of land or park improvements pursuant to Section 1.11 hereof;

(2) To acquire and develop neighborhood and linear park facilities for the service area, in accordance with the Park Master Plan and the Park Improvements Plan;

(3) To reimburse the City for prior acquisition and development of such park facilities; or

(4) To make refunds pursuant to Section 1.10.

B. Park fees collected shall not be used to maintain, repair or operate the existing park system, nor to finance park and recreational activities other than park facilities as herein defined.

C. Nothing in this ordinance shall prevent the City from issuing and utilizing general obligation bonds, revenue bonds, revenue certificates or other certificates of indebtedness as are within the authority of the City in such manner and subject to such limitations as may be provided by law in furtherance of the financing and provision of park facilities as set forth in the Park Master Plan. Park fees paid pursuant to this Article, however, shall be used for park facilities acquisition and development as defined herein.

**Section 1.09. Accounting Procedures.**

A. The City shall establish a separate, interest bearing account into which all park fees collected shall be deposited. Funds collected within each service area designated in Exhibit "A" shall be earmarked for expenditure solely for the purposes set forth in Section 1.08A.

B. The City shall establish a separate account known as a "park recoupment fund," into which fees used to reimburse the City for prior expenditures for acquisition and development of park facilities are to be deposited upon transfer from service area park fee accounts. Disbursements from the recoupment fund shall be utilized solely and exclusively either to reimburse developers who have made contributions to neighborhood and linear park facilities pursuant to Section 1.11 of this Article, or for the purpose of acquiring and development such facilities. Disbursements

from the recoupment fund may be used within any park service area.

C. Interest earned on park fees shall be considered funds of the Park Fee Account and shall be used solely for the purposes specified for the funds of such account.

D. The City shall establish adequate financial and accounting controls to ensure that park fees disbursed are utilized solely for the purposes and intent of this Article; provided, however, that funds shall be expended within a reasonable period of time, not to exceed ten (10) years from the date park fees are collected.

E. The City shall maintain and keep financial records for park fees, which shall show the source and disbursement of all fees collected in or expended from each service area.

F. The City may supplement the park service area accounts from any available funds. In the event the City discounts park fees due, it shall cause to be deposited a sum in the amount of the discount in the account for the park service area in which the fee was collected.

#### Section 1.10. Refunds.

A. The current owner of property on which a park fee has been paid may apply for a refund of such fee if:

1. The property on which a park fee has been paid has not been served by park facilities, as provided in Section 1.04B;

2. The building permit for a residential development, pursuant to which a park fee has been paid, has been withdrawn or has expired without substantial completion of the structure, and no application for extension or renewal has been made; or

3. Fewer dwelling units are constructed than authorized by a building permit.

B. Only the current owner of property may petition for a refund. A petition for refund may be filed within one (1) year of the event giving rise to the right to claim a refund.

C. The petition for refund must be submitted to the Director on a form provided by the City for such purpose. The petition must contain: a certified copy of the latest recorded deed for the subject property; current legal description; and a statement of the reasons for which a refund is sought.

D. A refund shall be due under Subsection 1.10A.1. only if the Director determines that the total park fee collected for the service area for a period of ten (10) years from the date of collection of the park fee for the development for which a refund is being sought exceeds the total expenditures from the Park Fee Account for the service area for the same period ("excess amount"). The refund amount shall be the development's pro rata share of the excess of fees collected over expenditures, together with interest earned on such amount for the period. The City may periodically compute the difference between expenditures and fees collected for purposes of reviewing refund requests under this subsection. After the expiration of at least one

(1) year after refunds are due under this subsection, the City Council may, after notice by publication in the section of a local newspaper reserved for legal notices, and after a public hear, vote to apply any unclaimed excess amounts to the acquisition or construction of capital facilities which will benefit the area in which the excess amount was collected. When the City Council votes to apply the excess amounts, the right to refund of the applied excess amounts shall be extinguished.

E. Within one (1) month of the date of receipt of a petition for refund, the Director must provide the petitioner, in writing, with a decision on the refund request. The decision must include the reasons for the decision. If a refund is due petitioner, the Director shall notify the City's Finance Department and request that a refund payment be made to petitioner.

F. Petitioner may appeal the determination of the Director to the City Council.

**Section 1.11. Reimbursement of Developer Contributions.**

A. The City shall reimburse a developer for the reasonable costs of any neighborhood or linear park land which has been dedicated to and accepted by the City for park facilities, or the reasonable costs of park improvements constructed and accepted by the City, pursuant to a reimbursement contract, subject to guidelines established by the City. For multi-family development projects and for complete phases of a single-family subdivision plat, the developer may elect to apply the entire amount to be reimbursed under this section as a credit against park fees due for the development; provided that the application of the credit does not result in a partial fee for any dwelling unit, in accordance with guidelines established by the City.

B. The amount of the reimbursement shall be based upon standards promulgated by the City, which may be adopted as administrative guidelines. The City shall retain sole discretion to determine whether to accept proposed contributions of park land or park improvements, and the timing and extent of park improvements to be accepted by the City.

C. An applicant shall propose dedication of park land or the construction of park improvements in conjunction with approval of a subdivision plat. The City shall determine the amount of reimbursement due in accordance with the standards referenced in subsection B. In the event that the applicant is dissatisfied with the City's determination of the amount of reimbursement, he may at his own expense seek an appraisal to be performed by a qualified appraiser acceptable to the City. The Planning & Zoning Commission shall compare the appraisal with the standards established by the City and shall determine the amount to be the subject of the reimbursement contract in conjunction with its action on the subdivision plat. The applicant or the Director may appeal the determination of the Planning & Zoning Commission to the City Council in the manner provided in Section 1.13.

D. The City may promulgate additional rules for execution of reimbursement contracts pursuant to this section by administrative guidelines.

E. In determining the disbursements to be made from the park fee service area and recoupment funds established in Section 1.09, the city shall give priority, wherever practicable, to outstanding reimbursement contracts. In any event, reimbursement contracts involving contribution to park land together with the costs of minimum park improvements required to be made as a condition of subdivision approval, shall be fully repaid within five years, and reimbursement contracts for all other park improvements shall be fully repaid within ten years, of the date of execution.

**Section 1.12. Procedures for Updating Park Fees.**

A. At least every three (3) years, the Director shall prepare a report to the City Council on park fees. In the preparation of such report, the following information shall be reviewed:

1. A statement summarizing park fees collected and disbursed during the year;

2. A statement summarizing park facilities acquisition and development and the status thereof for the preceding year;

3. A statement summarizing the administration and enforcement of park fees; and

4. A statement and recommendation from the Park Board on any and all aspects of the Park and Recreation Fee and City park needs.

B. The report shall make recommendations, if appropriate, on amendments to the Article, changes in the administration or enforcement of the Article, changes in the park fee rates, changes in the Park Improvements Plan and changes in the Park Master Plan.

C. Based upon the report and such other factors as the City Council deems relevant and applicable, the City Council may amend the Park and Recreation Fee Article, including but not limited to exhibits and fee schedules. If the City Council fails to take such action, the park fee rates then in effect shall remain in effect. Nothing herein precludes the City Council or limits its discretion to amend the Park and Recreation Fee Articles at such other times as may be deemed necessary.

D. In the review process, the City Council may take into consideration, among others, the following factors: inflation as measured by changes in an appropriate land and construction cost index used by the City; improvement cost increases as measured by actual experience during the year; changes in the design, engineering, location or other elements of proposed park facilities; revisions to the Park Master Plan; changes to the Park Improvements Plan; and changes in the projected mix and/or intensity of residential development in the City.

**Section 1.13. Appeals, Variances and Exceptions.**

A. The property owner or applicant may appeal the following decisions of the Director to the City Council:

1. The applicability of the park fee;

2. The amount of the fee due;
3. The amount of refund due, if any; or
4. The amount of a reimbursement contract pursuant to Section 1.11.

The burden of proof is on the appellant to demonstrate that the amount of the fee, the amount of the credit or reimbursement was not calculated according to the applicable schedule of fees or the guidelines established for determining such amounts. The appellant must file a notice of appeal with the City Council within thirty (30) days following the determination by the Director. If the notice of appeal is accompanied by a bond or other sufficient surety satisfactory to the City Attorney in an amount equal to the park fee due as calculated by the Director, the development application shall be processed. The filing of an appeal shall not stay the collection of the fee due, unless a bond or other sufficient surety has been filed.

B. The City Council may grant a variance from any requirements of this Article, upon written request by a property owner subject to the Article, following a public hearing, and only upon a finding that a strict application of such requirement would result in a substantial hardship which is not common to similarly situated property owners.

**Section 1.14. Park Fee as Additional and Supplemental Requirement.**

The park fee is additional and supplemental to and not in substitution of any other requirements imposed by the City on the development of the land. It is intended to be consistent with and to further the objectives and policies of the Park Master Plan and the Comprehensive Plan and to be coordinated with other city Policies, ordinances and resolutions by which the city seeks to ensure the provision of adequate park facilities in conjunction with the development of land. In no event shall a property owner be obligated to pay for park facilities in an amount in excess of the amount calculated pursuant to this Article; but provided that a property owner may be required, pursuant to City zoning and subdivision regulations, to provide open lands, setbacks, buffers and other nonbuildable area on-site in addition to meeting the park fee requirement."

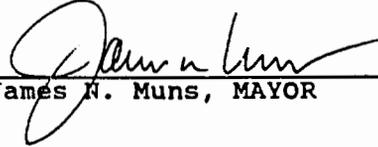
**Section II.** It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

**Section III.** All provisions of the Code of Ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, not in conflict

with the provisions of this Ordinance, shall remain in full force and effect.

Section IV. This Ordinance shall become effective November 1, 1993.

DULY PASSED AND APPROVED this the 25 day of October, 1993.

  
James N. Muns, MAYOR

ATTEST:

*for: Billie Clayton, Asst.*  
Jackie Blakely, CITY SECRETARY

APPROVED AS TO FORM:

  
Gary F. Chatham, CITY ATTORNEY

ORDINANCE NO. 94-9-18

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AMENDING THE "PLANO PARK AND RECREATION FEE ARTICLE" BEING ARTICLE XII OF CHAPTER 16 OF THE CODE OF ORDINANCES OF THE CITY OF PLANO BY AMENDING SECTIONS 16-268 AND 16-269 TO PROVIDE FOR THE USE OF PARK FEES FOR SERVICE AREAS OTHER THAN THE SERVICE AREA IN WHICH THE FEES WERE COLLECTED, SUBJECT TO CERTAIN CONDITIONS; PROVIDING A SEVERABILITY CLAUSE, REPEALER CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to City of Plano Ordinance 93-10-35, the City Council of the City of Plano, Texas, adopted a Park and Recreation Fee to provide for the acquisition of land and construction of improvements for neighborhood and linear parks within the City; and

WHEREAS, the Park and Recreation Fee Ordinance was codified in City of Plano Code of Ordinances Chapter 16, Article XII; and

WHEREAS, the City Council has found it is in the public interest to amend Sections 16-268 and 16-269 of the Code of Ordinances to allow for the collection of park fees in one service area to be used to acquire and develop neighborhood and linear park facilities for other service areas;

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

Section I. Chapter 16 of the Code of Ordinances of the City of Plano, Article XII, the "Plano Park and Recreation Fee Article," Section 16-268 is hereby amended in its entirety to read as follows:

"Section 16-268. Use of park fee funds.

(a) Park fees collected for each service area pursuant to this article must be used solely for one (1) of the following purposes:

- (1) To repay developers for contributions of land or park improvements pursuant to section 16-271 hereof;
- (2) To acquire and develop neighborhood and linear park facilities for the service area, in accordance with the park master plan and the park improvements plan;

- (3) To acquire and develop neighborhood and linear park facilities for service areas other than the service area in which fees are collected, subject to the provisions in section 16-269;
- (4) To reimburse the City for prior acquisition and development of such park facilities; or
- (5) To make refunds pursuant to Section 16-270.

(b) Park fees collected shall not be used to maintain, repair or operate the existing park system, nor to finance park and recreational activities other than park activities as herein defined.

(c) Nothing in this article shall prevent the city from issuing and utilizing general obligation bonds, revenue bonds, revenue certificates or other certificates of indebtedness as are within the authority of the city in such manner and subject to such limitations as may be provided by law in furtherance of the financing and provision of park facilities as set forth in the park master plan. Park fees paid pursuant to this article, however, shall be used for park facilities acquisition and development as defined herein."

Section II. Chapter 16 of the Code of Ordinances of the City of Plano Article VII the "Plano Park and Recreation Fee Article," Section 16-269 is hereby amended by adding paragraph (g) to read as follows:

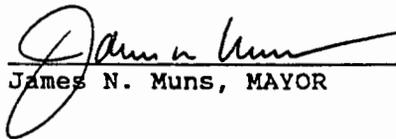
"(g) The City may transfer park fees from the accounts of other service areas for the purpose of acquiring or constructing neighborhood park facilities to serve new development within a given service area, provided that such funds are repaid to such accounts, either from the proceeds of the service area account to which the fees were transferred or from other city park revenues, within a period not to exceed five (5) years; and further provided that the service area(s) from which park fee proceeds were transferred are adequately served by park facilities in the interim."

Section III. It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

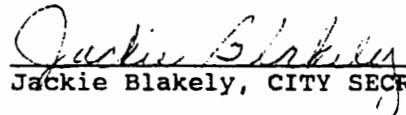
Section IV. All provisions of the Code of Ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section V. This Ordinance shall become effective immediately on and after its passage.

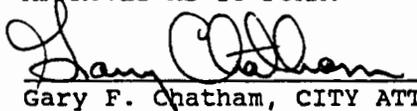
DULY PASSED AND APPROVED this the 12 day of September, 1994.

  
James N. Muns, MAYOR

ATTEST:

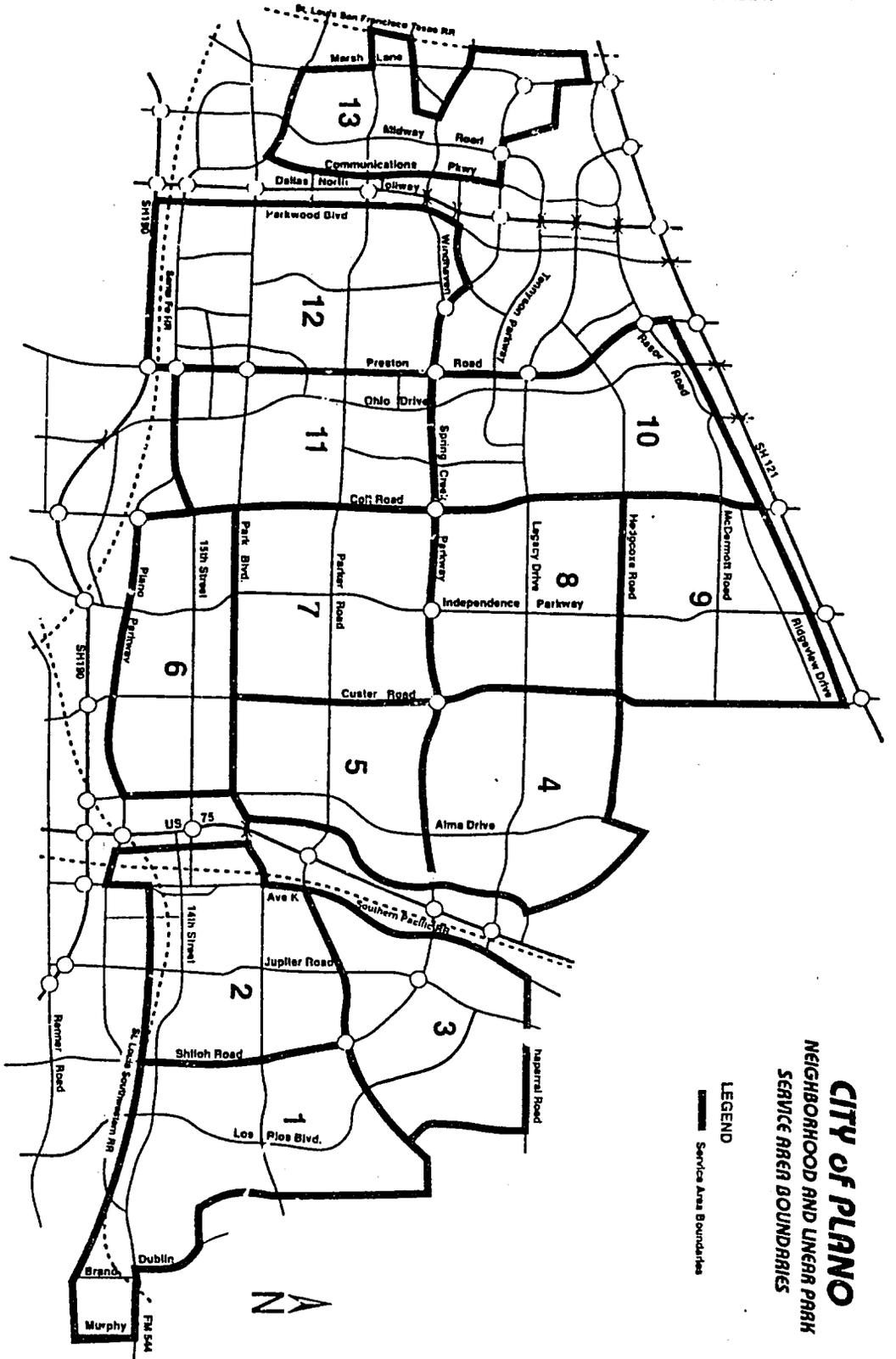
  
Jackie Blakely, CITY SECRETARY

APPROVED AS TO FORM:

  
Gary F. Chatham, CITY ATTORNEY

**CITY OF PLANO**  
**NEIGHBORHOOD AND LINEAR PARK**  
**SERVICE AREA BOUNDARIES**

LEGEND  
 Service Area Boundaries



comprehensive plan  city of plano

ORDINANCE NO. 97-8-29

**AN ORDINANCE OF THE CITY OF PLANO, TEXAS, AMENDING THE "PLANO PARK AND RECREATION FEE ARTICLE" BEING ARTICLE XII OF CHAPTER 16 OF THE CODE OF ORDINANCES OF THE CITY OF PLANO BY AMENDING SECTION 16-271 AND SECTION 16 - "EXHIBIT A", TO PROVIDE FOR THE CITY COUNCIL TO DETERMINE THE AMOUNT TO BE THE SUBJECT OF REIMBURSEMENTS TO DEVELOPMENT APPLICANTS AND REVISING THE NEIGHBORHOOD AND LINEAR PARK SERVICE AREA BOUNDARIES TO REFLECT CURRENT RESIDENTIAL DEVELOPMENT PATTERNS, SUBJECT TO CERTAIN CONDITIONS; PROVIDING A SEVERABILITY CLAUSE, REPEALER CLAUSE, AND AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to City of Plano Ordinance 93-10-35, the City Council of the City of Plano, Texas, adopted a Park and Recreation Fee to provide for the acquisition of land and construction of improvements for neighborhood and linear parks within the city; and

**WHEREAS**, the Park and Recreation Fee Ordinance was codified in City of Plano Code of Ordinances Chapter 16, Article XII; and

**WHEREAS**, the City Council has found it is in the public interest to amend section 16-271 and "Exhibit A" of the Code of Ordinances

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

**Section I.** Chapter 16 of the Code Of Ordinances of the City of Plano, Article XII, the "Plano Parks and Recreation Fee Article, "Section 16-271, paragraph (c) is hereby amended in its entirety to read as follows:

**Section 16-271. Reimbursement of Development Contributions.**

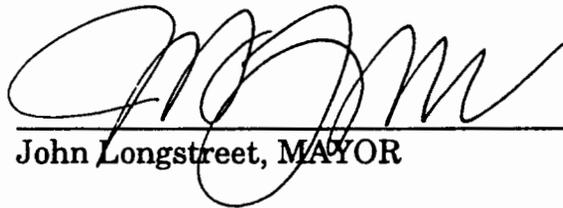
(c) An applicant shall propose dedication of park land or the construction of park improvements in conjunction with the subdivision platting process. The City shall determine the amount of reimbursement due in accordance with the standards referenced in subsection B. In the event that that the applicant is dissatisfied with the City's determination of the amount of reimbursement, he may at his own expense seek an appraisal to be performed by a qualified appraiser acceptable to the City. The City Council shall compare the appraisal with the standards established by the City and shall determine the amount to be the subject of the reimbursement contract.

**Section II.** Chapter 16 of the Code of Ordinances of the City of Plano, Article XII, the "Plano Parks and Recreation Fee Article" Section 16, Exhibit "A" is hereby amended in accordance with the attached Exhibit "A."

**Section III.** It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable and the invalidity or partial invalidity of any section, clause or provisions of this Ordinance shall not affect the validity of any other portion of this Ordinance.

**Section IV.** All provisions of the Code of Ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinance of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**Section V.** This Ordinance shall become effective immediately on and after its passage.



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John Longstreet, MAYOR

ATTEST:



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Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:



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Diane Weatherbee, CITY ATTORNEY

