

CITY OF ANNA, TEXAS ORDINANCE NO. 822-2019

AN ORDINANCE OF THE CITY OF ANNA, TEXAS AMENDING THE ANNA CITY CODE OF ORDINANCES BY AMENDING PART III-A SUBDIVISION REGULATIONS, ARTICLE 4 PUBLIC SITES AND OPEN SPACES, SECTIONS 5.03 (d) AND 5.05; AMENDING PART IV SCHEDULE OF FEES, ARTICLE 4 DEVELOPMENT FEES, SECTION 6 PARKS, SCHOOL SITES, PUBLIC AREAS PERMIT FEES; PROVIDING FOR A PENALTY FOR ANY VIOLATION OF THIS ORDINANCE NOT TO EXCEED \$500; PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

**WHEREAS**, the City of Anna, Texas (the "City") previously adopted ordinances, rules and regulations governing the Subdivision Regulations and Schedule of Fees; and

**WHEREAS**, the City of Anna, Texas City Council has investigated and determined that it would be advantageous and beneficial to the City and its citizens to amend Part III-A Subdivision Regulations, Article 4 Public Sites and Open Spaces, Section 5.03 (d) Dedication of Land and Payment of Park Development Fee, Section 5.05 Park Development Fund, and Part IV Schedule of Fees, Article 4 Development Fees, Section 6 Parks, School Sites, Public Areas Permit Fees of The Anna City Code of Ordinances ("Anna Code") by amending regulations related to park development fees and the park development trust fund;

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

**Section 1. Recitals Incorporated.**

The above-referenced recitals are incorporated herein as if set forth in full for all purposes.

**Section 2. Amendment to Part III-A, Article 4, Section 5.03(d).**

In accordance with The Anna City Code of Ordinances ("Anna Code"), the following amendments are made to Part III-A Subdivision Regulations, Article 4, Public Sites and Open Spaces, Section 5.03 (d):

**5.03 General Requirement: Dedication of Land and Payment of Park Development Fee**

[...]

(d) Park Development Fee. In ~~Addition~~addition to the required dedication of land, as set forth above, there shall also be a park development fee paid to the City of Anna as a condition of Plat approval. Such park development fee shall be set from time to time by ordinance of the City Council and shall be sufficient to provide for

the development of amenities and improvements on the dedicated land to meet the standards for a neighborhood park to serve the area in which the Subdivision is located. Park development fees are found in Part IV (Schedule of Fees) of this Code. Such fee shall be paid at the time of application for a building permit.

### **Section 3. Amendment to Part III-A, Article 4, Section 5.05.**

In accordance with the Anna Code the following amendments are made to Part III-A Subdivision Regulations, Article 4 Public Sites and Open Spaces, Dedication of Land and Payment of Park Development Fee, Section 5.05 Park Development Fund.

#### **5.05 Park Development Fund**

~~Park Development Fund. All funds collected by this dedication process will be deposited in the City of Anna's Park Development Trust Fund and used solely for the purchase and leasing of park land and the development and maintenance of same. All budget appropriations from the said Fund will be reviewed and approved by the City Council as part of the annual budget approval process.~~

#### **5.05 Park Development Fund**

Park Development Fund. All funds collected by this dedication process or collected under Section 5.03(d) will be deposited into the City of Anna's Park Development Trust Fund and used for parks and recreation purposes related to the following:

- 1) Land acquisition;
- 2) Capital improvements;
- 3) Planning, engineering and design of parks and recreation facilities;
- 4) Construction of new parks and recreation facilities;
- 5) Rehabilitation and modernization of existing parks and recreation facilities;
- 6) Maintenance and equipment for new parks and recreation facilities;
- 7) Maintenance and equipment for existing, and recently rehabilitated and modernized parks and recreation facilities;
- 8) Long-range planning for land, facilities, recreation and related programs; or
- 9) Feasibility studies, market studies and economic impact analysis relating to parks and recreation projects and programs.

Amounts deposited into the Parks Development Trust Fund shall not be used for staffing and daily operations. All expenditures from said fund will adhere to the City's procurement policies and practices.

### **Section 4. Amendment to Part IV, Article 4 Development Fees, Section 6 Parks, School Sites, Public Areas Permit Fees.**

In accordance with the Anna Code the following amendments are made to Part IV Schedule of Fees, Article 4 Development Fees, Section 6 Parks, School Sites, Public Areas Permit Fees:

**Part IV Article 4 Development Fees, Section 6**

**Section 6. Parks, School Sites, Public Areas Permit Fees**

A fee in the amount of \$1,500 for each single-family residential unit and \$2,000 for each multifamily unit built in the city shall be paid to the City of Anna at the time of application for a building permit. Said fee shall be retained in a special account to be used for park, recreation, and open-space capital improvements, including purchase of land. The City Council retains the right to negotiate with the subdivider in individual cases in which the subdivider desires to donate property with special features and/or value. In such cases, the amount of the park fee may be reduced.

**Part IV Article 4 Development Fees, Section 6**

**Section 6. Parks, School Sites, Public Areas Permit Fees**

A fee in the amount of \$1,500 for each single-family residential unit and \$2,000 for each multifamily unit built in the city shall be paid to the City of Anna at the time of application for a building permit; said fees shall be deposited into the Park Development Fund.

**Section 5. Penalty.**

Any violation of any of the terms of this ordinance, whether denominated in this ordinance as unlawful or not, shall be deemed a misdemeanor. Any person convicted of any such violation shall be fined in an amount not to exceed \$500 for each incidence of violation. Each violation is considered a separate offense and will be punished separately.

**Section 6. Savings, Severability and Repealing Clauses.**

All ordinances of the City in conflict with the provisions of this ordinance are repealed to the extent of that conflict. If any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof. The City declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

**Section 7. Publication of the Caption Hereof and Effective Date.**

This ordinance shall be in full force and effective from and after its passage and upon the posting and/or publication, if required by law, of its caption and the City Secretary is hereby directed to implement such posting and/or publication.

**PASSED** by the City Council of the City of Anna, Texas this 11<sup>th</sup> day of June 2019.

APPROVED



\_\_\_\_\_  
Mayor Nate Pike



ATTESTED



\_\_\_\_\_  
City Secretary Carrie Smith

DUPLICATE