

CHAPTER 10: SUBDIVISION ORDINANCE

SECTION: 10.05 – CONVEYANCE OF LAND FOR RECREATIONAL AREAS AND FACILITIES

The Subdivision Ordinance of the City of McLendon-Chisholm is hereby amended to add this Section: Parkland Dedication Master Plan and Ordinance as set forth below:

10.05.1 Purpose

This Subchapter is adopted to provide open space and recreational areas in the form of parks as a function of subdivision and site development in the City of McLendon-Chisholm and its extra-territorial jurisdiction (ETJ). This Subchapter is enacted in accordance with the home rule powers of the City of McLendon-Chisholm granted under the Texas Constitution, and the statutes of the State of Texas, including, but not by way of limitation, Texas Local Government Code Chapter 212 as may be amended from time to time.

It is hereby declared by the City Council that public parks, recreational facilities, and open spaces are valuable assets that advance the public's health, safety, and welfare, and improve the overall quality of life of the community's residents. New residential development in the city creates the need for additional parks and recreation resources because of the increased population. Requiring that new residential development dedicate parkland and pay park development fees in proportion to its impacts on the City's parks and recreation resources is recognized as a fair, reasonable and uniform method of financing these assets that does not impose an unfair burden on new or existing development. The parkland dedication and park development fee requirements established in this article aim to create and maintain a level of service in the City consistent with the City's Comprehensive Master Plan (2021), and as it may be amended from time to time. Accordingly, this article requires the dedication of parkland and payment of park development fees to:

- Meet the goals and objectives set forth in the Parks Master Plan.
- Deliver new and/or updated parks, recreation, trails and open space resources to meet the increased demand generated by new development on the parks system.
- Establish proportionate costs that are associated with providing new or updated parks and facilities, so the increased costs are borne by those who are responsible for creating the additional demand.
- Create a variety of recreational opportunities for residents within reasonable proximity to their homes.
- Provide credit for applicable private and semi-public parkland and/or park like amenities that offset the increased demand on the parks system generated by new development.

Parks provide for a variety of indoor and outdoor recreational and healthy living opportunities and are located in various locations throughout the city. The land area of the City of McLendon-Chisholm being less than 15 square miles shall be prima facie evidence that any park located therein is within a convenient distance from any residence located therein. The primary cost of purchasing or acquiring, developing, and improving parks shall be borne by the landowners of residential property or projects who, by reason of the proximity of their property to such parks, are the primary beneficiaries of such facilities.

Due to McLendon-Chisholm's small size, a typical park in McLendon-Chisholm is designed to serve the needs of residents from the entire community no matter where the park is or will be located

in McLendon-Chisholm. Parks shall serve both active and passive leisure and recreation needs of residents and their visitors, in addition to serving the essential purposes of providing open space to maintain the rural character of McLendon-Chisholm as desired by the community. The purchase, acquisition, development, and improvement of the basic infrastructure and facilities for parks in McLendon-Chisholm are based upon the demand from the residents they are intended to serve.

Recognizing that there are different sizes, scales, and types of park facilities, the required level of service contained herein has been designed based on the smallest of park facilities at existing level of service, a neighborhood park of two acres, to meet the "basic" infrastructure and facilities standard. Any fees collected per these requirements can, however, be utilized in the purchase or acquisition of parkland, development, and/or improvement of any size or scale park facility in McLendon-Chisholm as planned for or recommended in the Parks, Recreation, and Trails Master Plan (expressly or via intent), as may be amended from time to time, which is hereby adopted by reference and incorporated herein for all purposes.

Therefore, pursuant to the public input obtained during the preparation of the City of McLendon-Chisholm 2021 Comprehensive Plan and the subsequent guidance and direction from the 2025 citizen led committee for the update of the City's Comprehensive Plan and the newly created 2026 Parks Board guidance and input, the City hereby formerly approves and adopts a Parks Master Plan for the City of McLendon-Chisholm, Texas (Attached herein as Exhibit A). Specifically, during the 2021 Comprehensive Plan preparation a series of community forums were held, including "in-person" community forums and digital community forums (which took place on www.planMCTX.com). Subsequent surveys were conducted and data has been collected from the Parks Board and the Comprehensive Plan committee. The results of this data gathering significantly supported the City's intent to prepare a Master Parks Plan and subsequent Parkland Dedication Ordinance and codify the orderly process for the creation and development of walking trails, bike paths, connectivity of neighborhoods, water features and children's equipment. Furthermore, the 2021 Comprehensive Plan clearly outlines the citizen's intent to focus on smart fiscal spending; requiring commercial development to incorporate green / open spaces; and the establishment of funding mechanisms that can support the development and maintenance expenses of parks.

10.05.2 Authority

Pursuant to the City of McLendon-Chisholm Home Rule Charter adopted January 2025, the City Council hereby creates and appoints a Park Board (Board) that shall be composed of not more than seven (7) members, each of whom shall be a citizen of the City of McLendon-Chisholm.

- Members shall be appointed for two (2) year staggered terms and be reappointed for a maximum of three terms.
- Such appointees shall serve without compensation.
- A vacancy in an unexpired term shall be filled by the City Council for the remainder of the term.
- A majority of the appointed members shall constitute a quorum, and decisions may only be made by the affirmative vote of the majority of those members present and voting.
- The Park Board shall select from any of its members a Chairperson and Vice Chairperson.
- The Park Board shall be charged with responsibility for oversight of all parks and the trail system within the City of McLendon-Chisholm.
- The Park Board shall be charged with annual reviews of the Parks Master Plan

for the first three (3) years.

- The Parks Board shall be charged with preparing a prioritization process, a budgeting process and an implementation process and presenting these to City Council.
- After the annual review process, the Park Board shall be charged with reviewing the Parks Master Plan every five (5) years and to recommend any major policy shifts or adjustments to the prioritization, budgeting or implementation plans.
- The Park Board may sponsor such other activities for the betterment of civic life within the City as it shall be deemed appropriate and shall have such other duties and responsibilities as may be assigned to it by the City Council.
- The Park Board may make recommendations to the City Council for improvements to and expansion of existing parks and locations for future parks.

Unless otherwise specified, the daily administration of the provisions of this section shall be administered by the City Manager or their designee (“Parks Director”). The standards and criteria contained within this article are deemed to be minimum standards. The City Manager or their designee shall process the following items through the Parks Board for consideration and action:

- Amendments to the Parks Master Plan
- Amendments to the Parkland Dedication Ordinance (this ordinance)
- Amendments to the Comprehensive Plan Parks Section
- Amendments to the Parkland Fee methodology or assumptions
- Any appeals to this ordinance by a land owner / applicant / developer

10.05.3 Definitions.

For the purpose of this Subchapter. If there are any conflicts between these definitions and those found in the City’s Code of Ordinance, the stricter shall prevail. An applicant shall have the express right to petition the City for an official interpretation and clarification of any definitions which may be in conflict.

DEVELOPER. Landowner(s) of the subject property containing a proposed development or project.

DWELLING UNIT. Any building, or portion thereof, which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by this code, for not more than one family. Dwelling units include temporary or quasi-dwelling units such as: suites within hotel or motel- type uses, suites within senior care or assisted care-type facilities, accessory dwelling units, and mobile or semi-mobile living facilities since they all house people who will impact the Parks and Recreation System.

PARK. Includes a variety of parks, trails, open spaces, natural preserves, gathering spaces, and recreational opportunities and facilities that are open and accessible to the general public and are located within a convenient distance of the residences to be served thereby.

SINGLE FAMILY RESIDENTIAL. Structure(s) with one dwelling unit on one lot, not to include mixed-use or live-work structures. Any one proposed lot containing only one proposed dwelling unit shall be assessed parkland fees and pay parkland fees of this Subchapter prior to filing an associated plat for record.

RESIDENTIAL USES. Includes single family residential and multi-family residential uses.

10.05.4 General Provisions.

(1) Applicability.

This Subchapter applies to a landowner who subdivides, develops or redevelops land for residential uses located within the city.

a. Exemptions

- i. Non-residential Uses
- ii. Assisted living / Memory Care / Skilled Nursing Uses
- iii. Properties located within the City's Extraterritorial Jurisdiction ("ETJ") at the time development occurs.
- iv. The remodeling, rehabilitation, or other improvements to an existing residential structure, or the rebuilding of a damaged structure that does not increase the number of residential units.
- v. If a parkland dedication requirement was satisfied or a park development fee was paid for residential development on a particular tract prior to the amendment of this article, then subsequent development of the subject tract to which the parkland dedication requirement and/or park development fee applies may be exempt from any increased requirements. However, if there is an increase in the number of dwelling units on such a site, then there shall be a proportional increase in the parkland dedication requirement and the payment of park development fees.
- vi. Residential development on a lot of record, and which development was approved prior to the effective date of the ordinance from which this article derives. However, if there is an increase in the number of dwelling units on such a site, then there shall be a proportional increase in the parkland dedication requirement and the payment of park development fees.
- vii. Residential development constructed or to be constructed in accordance with a building permit issued prior to the effective date of the ordinance from which this article derives provided such building permit has not lapsed or otherwise expired and has not been modified to increase the number of residential units allowed.

(2) Effective Date

- a. The provisions of this article shall take effect on XXXXX.
- b. Notwithstanding subparagraph 1.a. herein, a landowner / developer / applicant may request that all the parkland dedication and park development fee requirements established by this article be applied to a new residential development after its adoption and publication as required by state law and prior to XXXXXX, subject to the approval of the City Council.

(3) Administration.

- a. The City Manager or his designee shall administer this Subchapter with certain review, recommendation and approval authorities being assigned to the Parks Board as may exist or may be created, and/or various City departments as specified herein. Unless provided otherwise herein, final action by the City shall be provided by the City Council.
- b. Until the Parks Board is established, the Planning and Zoning Commission under this Subchapter shall be considered the Parks Board. Upon the formal establishment of a Parks Board and the appointment of Parks Board members the Planning and Zoning Commission shall automatically and immediately cease to have any direct oversight or purview over the Parks Master Plan or this ordinance.
- c. The Parks Board shall review the Parks Master Plan and this Ordinance from time to time, to recommend adjustments or edits to the City Council.
- d. The Parks Board shall consider any petitions or appeals from an applicant / developer.
- e. Generally, the landowner / applicant / developer of property with residential uses must address the following requirements pursuant to this Subchapter:

- i. As a condition of subdivision development, a developer of property for residential uses shall dedicate land for parks or pay a fee in lieu of dedicating land or a combination of both as approved by the Parks Director.
- ii. In addition to the parkland dedication requirement, a developer of residential property shall pay a park development fee. Subject to the approval of the City, a developer may elect to construct required park improvements as identified by the Parks Director on City-owned parkland in lieu of paying the associated park development fee as set forth in this article.

(4) Park Zones.

- a. City Council has established four (4) geographical park zones and one (1) citywide park zone as depicted on Appendix A attached hereto and incorporated herein by reference for all purposes allowed by law. Except as provided below, parkland dedications including any fees paid in lieu of parkland dedication and park development fees from a residential development shall (with certain exceptions identified in this article) be located, conveyed, held, and utilized in the geographical park zone in which the subject development is located or in an adjacent geographical park zone where the subject development occurs near the perimeter of or overlaps geographic park zones subject to the discretion of the Parks Director.
 - i. Up to ten percent (10%) of any fees paid in lieu of parkland dedication and park development fee(s) collected may be applied to the citywide park zone for use anywhere in the City's parks system at the discretion of the Parks Director. No less than ninety percent (90%) of any fees paid in lieu of parkland dedication and park development fee(s) collected shall (with certain exceptions identified in this article) be applied to the applicable geographical park zone.
 - ii. The transfer of fees identified in this article between and among geographical park zones are permitted subject to review and approval by the Parks Board and the repayment of such fees to the originating geographical park zone.
 - iii. Parkland dedication requirements (and/or payment of fees in lieu of parkland dedication) and payment of Park Development Fees shall be satisfied at the time of plat recordation for single family and duplex residential units, and prior to the issuance of any building permits for all other residential development.
 - iv. Requirements herein are based on the actual number of dwelling units for an entire development. Increases or decreases in the final unit count may require an adjustment in park development fees paid or parkland dedicated.
 - v. Requirements herein are based on actual or approved dwelling units on a Final Plat for an entire development or project.
 1. Increases or decreases in final dwelling unit count may require an adjustment in fees paid or land dedicated.
 2. If the actual number of dwelling units exceeds the original estimate, additional parkland and additional park development fees may be required in accordance with the requirements in this Subchapter.
 3. If the actual number of dwelling units is less than the original estimate, the Applicant may request a refund.

(5) Parks Master Plan.

- a. The City of McLendon-Chisholm Comprehensive Plan and the Parks Master Plan, as may be adopted and/or amended by City Council from time to time, shall be the planning basis for this Subchapter.
- b. The City of McLendon-Chisholm shall consider the need to regularly update the Parks, Master Plan to ensure that the Plan remains current and provides an equitable, effective framework from which to pursue the acquisition and development of public parks

throughout the city.

- c. The Parks Master Plan shall address the following:
 - i. Hike-Bike Trails
 - ii. Land Dedication and Fees Required
 - iii. Park types
 - iv. Park locations
 - v. Other implementation requirements as needed
- d. All land and subsequently proposed land development activity within the City Limits of the City of McLendon-Chisholm shall be subject to the criteria set forth herein:
 - i. Hike and Bike Trails:
 - 1. The City of McLendon-Chisholm has adopted a Hike and Bike Trail Plan component as an integral part of the Parks Master Plan which illustrates the general location of all future hike and bike trail locations.
 - 2. Proposed developments adjacent to or including these designated “Hike and Bike” trails shall provide for the dedication of the necessary hike and bike trail and shall construct the aforementioned hike and bike trail consistent with the City’s Parks Master Plan criteria herein.
 - 3. General requirements.
 - a. Land dedication for hike and bike trails on residentially zoned property, in instances where land is required for trail construction in accordance with the Parks, Recreation and Trails Master Plan in the City’s Comprehensive Plan, the City shall:
 - i. Require the land be labeled as a “Hike – Bike Trail” for approval on the Site Plan or refuse the same if the proposed trail improvements are to be located within the public right-of-way.
 - ii. Require the land dedication as a “Pedestrian Access Easement” for approval on the final plat or refuse the same if the proposed trail improvement are to be on private property.
 - iii. In instances where land dedication for trail development is required, the Developer shall construct the trail in accordance with the City's Engineering and Design Guidelines, Comprehensive Master Plan and/or best practices as outlined by either North Central Texas Council of Governments and or the National Recreation and Parks Association best practices.

- iv. Construction of a trail shall be completed in conjunction with all other public improvements/infrastructure and approved by the City prior to release of a building permit or as a part of the building improvement as approved by the City Council. All improvements or construction on or within the dedicated area to be installed by the applicant/developer shall be completed in accordance with the approved construction plans. Finished projects shall be maintainable and acceptable as determined by the City Engineer.
- v. In instances where a sidewalk and trail are in the same location, the trail will replace the sidewalk.
- vi. Hike-Bike Trail construction shall be as follows:
 - 1. Minimum eight feet (8') in width
 - 2. Cross slope and longitudinal slope shall not exceed ADA maximum criteria.
 - 3. Reinforced concrete with a strength of at least 3,000 lbs. per square inch (psi).
 - 4. One (1) bench and one (1) trash receptacle on a four foot (4') deep by six foot (6') wide concrete pad of no less than four inches (4") of reinforced concrete shall be required every one-quarter (1/4) mile. City staff shall calculate the general locations and developer shall be responsible for the installation of such.
 - 5. For every 1,000 linear feet of hike and bike trail responsibility, Developer shall install a pro rata share of landscaping improvements along the hike / bike trail as follows:
 - a. Four (4) canopy trees of no less than two caliper inches (2") and four feet (4') in height
 - b. Four (4) ornamental trees of no less than two caliper inches (2") and four feet (4" in height)
 - c. Twenty (20) bushes from the approved landscaping list
 - d. Two way-finding signs or historical markers of no less than two square feet each consistent (city to provide the layout and type face) and including the City's logo.

- e. Developer may pay a “hike and bike” trail landscaping fee of fifty dollars (\$50.00) per linear foot (or pro rata share) in lieu of installing the improvements.
- 6. A trail head shall be required every two miles. City Staff shall calculate the generalized locations for these trail heads which shall include at least four (4) of the following elements:
 - a. Two (2) water fountains; with dog bowls;
 - b. Free standing architectural shade structure of at least four hundred square feet (400 sq. ft.);
 - c. At least ten (10) canopy trees and ten (10) ornamental trees;
 - d. Picnic area with at least a thirty-six square foot (36 sq. ft.) shade structure, one (1) picnic bench, one (1) dog waste station and two (2) trash receptacles.
 - e. Public Restrooms
 - f. Architectural way finding and trail location structure of at least thirty-six square feet (36 sq. ft.) (staff to provide specific criteria for each structure)
 - g. Four (4) dedicated, striped and clearly marked parking spaces (at least one to be constructed and signed as an ADA parking space)
- b. Land Dedication on non-residentially zoned property, in instances where land is required for trail construction in accordance with the Parks, Recreation and Trails Master Plan in the City’s Comprehensive Plan, the City shall:
 - i. Require the land dedication as a “Pedestrian Access Easement” for approval on the final plat or refuse the same if the proposed trail improvements are to be on private property.
 - ii. Require the land be labeled as a “Hike – Bike Trail” for approval on the Site Plan or refuse the same if the proposed trail improvements are to be located within the public right-of-way.

- iii. Hike and bike trail construction shall not be required in non-residential districts; however, the City may require an oversizing of sidewalks consistent with the dimensions and criteria of the required hike and bike trail construction. In such an event, the City shall be responsible for the cost difference between the developer required sidewalk and the oversized sidewalk as funds may be available from the parkland dedication fee budget. The City shall enter into a Development Agreement with the Developer in this event to specify the City's cost contribution and reimbursement options.

(6) Land Dedication and Fees Required

- a. The schedule of fees and required land dedications, along with the associated methodology, are attached hereto as Appendix I, Appendix II, and Appendix III respectively and are incorporated and made a part of this Subchapter for all purposes.
- b. A quantifiable and reasonable methodology was established to base the parkland dedication requirements, fees-in-lieu of dedication, and parkland development fees contained herein on data and levels of service relevant to McLendon-Chisholm that are based on density, as well as best practices.
 - i. The City of McLendon-Chisholm has not constructed any parks and therefore has relied on constructed related data that is readily available. The City has made every attempt to be conservative in the cost analysis by underrepresenting the costs of construction for a typical park. Future Parks Master Plans shall incorporate actual land acquisition data, construction data, and maintenance and operation data.
 - ii. The park development fee is calculated utilizing empirical details of how much an average neighborhood park.
 - iii. The methodology and fees shall be reviewed annually and updated on a regular basis when warranted and updated in appendices contained herein.
- c. The City has prepared Appendix I, II and III, as directed by the citizen input of the 2021 Comprehensive Plan and the City Council, a parkland dedication fee system and a parkland construction cost fee system that are consistent with neighboring communities as a benchmark.
 - i. The Parkland Dedication requirement is a function of parkland dedication per dwelling units. The Parkland Dedication for the City of McLendon-Chisholm shall be 1 are of land due for every fifty (50) residential dwelling units proposed.
 - ii. The parkland dedication Fee In-Lieu system has been calculated from the variables and formula(s) reflected in Appendix II.
 - iii. The Parkland Dedication Construction Fee has been calculated from readily available construction data in the local market. The City has been conservative in the construction cost analysis by underestimating the cost of construction.
- d. The updated fees and dedication will be presented for adoption by City Council with the City's Fee Schedule.
- e. The Parks Board shall review this methodology annually for the first three (3) years and offer adjustments in the methodology. After which, the Parks Board shall review the methodology every five (5) years.

(7) Land Dedication Process.

- a. Parkland Dedication Procedures.
 - i. Through the City's pre-development meeting process, it may be determined whether parkland shall be conveyed or cash in lieu of parkland dedication shall be paid to the City under this article. Additional meetings between the developer and the City may be needed in order to evaluate the suitability of potential land for parkland dedication.

Additionally, the City may request a site visit to the subject property as a part of its determination. The following information may be required as a part of the process, prior to the City accepting land as a public parks dedication.

1. A narrative outlining the intended use, number of residential units proposed, and description of housing type(s) within the subject property.
 2. Lot dimensions or metes and bounds acreage of parkland to be dedicated.
 3. Total acreage of floodplain as well as the land located outside of the floodplain proposed to be dedicated to the City for parkland.
 4. A tree survey of the proposed parkland.
 5. A slope analysis of the proposed parkland.
 6. An environmental survey identifying critical environmental features such as, but not limited to, protected species, habitat, and water features within and about the proposed parkland.
- ii. The City Council shall have the final authority on the determination of the land dedication, fee in lieu of, or a combination thereof.
- b. Parkland Acceptance Criteria.
- i. General Parkland Dedication Requirements
 1. Must be conveyed in fee simple by general warranty deed.
 2. Must be by lot and block and shown on a recorded plat of record.
 3. For a phased development the entire parkland dedication area shall not be deeded to the City until such time that all necessary roadway, utility and other public improvements are constructed to provide accessibility to the proposed parkland and have been accepted by the City, or at the request of the Parks Director.
 - ii. Guidelines
 1. The City of McLendon-Chisholm generally will not accept dedications of land for parks that are less than 2 acres in area. Maintaining many small parks is inefficient and too costly for the City to sustain over the long-term.
 2. **Encumbrances.** Parkland shall be dedicated to the City free and clear of any and all liens and encumbrances that may interfere with the use of the land for park purposes. The City's representatives must be permitted to make onsite inspections of the proposed parkland for the purposes of determining site suitability and identifying any visual hazards or impediments to park development and use.
 3. **Environmental Assessment.** If the landowner / applicant / developer has any form of environmental assessment on the tract, a copy of that assessment shall be provided to the City. The City may initiate and/or require the developer to initiate specific environmental studies or assessments if the City's visual inspection of the proposed parkland gives rise to the belief that an environmental problem may exist on the site. The City may also require the employment of consultants necessary to evaluate any environmental issues relating to the site. If an environmental hazard is identified, the landowner / applicant / developer must remove or remediate the hazard prior to City's acceptance of the proposed parkland dedication. The City will not accept parkland dedication sites previously or currently encumbered by hazardous and/or waste materials or dump sites.
 4. **Infrastructure.** The developer is responsible for providing, at no cost to City, convenient access by improved streets, sidewalks, and adequate drainage improvements so the proposed parkland is suitable

for the purpose intended. The developer is responsible for providing water, sewer, and electrical utilities to the proposed parkland in accordance with the procedures applicable to other public improvements as specified in the City's subdivision ordinances.

5. If soils have been disturbed, they shall be restored to their pre-disturbance condition, and the soil stabilized by vegetative cover by the developer prior to dedication of the proposed parkland to the City.
 6. Parks should be easy to access and open to public view to benefit area development, enhance the visual character of the City, protect public safety, and minimize conflict with adjacent land uses.
 7. A current title insurance policy acceptable to the City in an amount equal to the fair market value of the proposed parkland dedication must be provided to the City.
 8. The property owner shall pay all taxes or assessments owed on the property up to the date of acceptance of the parkland dedication by the City. A tax certificate from the County Tax Assessor shall be submitted with the parkland dedication.
- iii. Land Requirements.
1. Land parcels that are unsuitable for development are typically unsuitable for neighborhood/ community parks. Hence, parkland dedication sites should be selected by the developer prior to a subdivision being platted and acquired as a part of the development process.
 2. Parkland dedication sites should be adjacent to residential areas in a manner that serves the greatest number of users and should be located to minimize the number of users crossing arterial roadways to access the proposed parkland dedication site.
 3. Where feasible, parkland dedication sites should be located adjacent to schools to encourage shared facilities and joint development of new sites.
 4. Parks should have well-drained and suitable soils and level topography. Parkland dedication sites should not be severely sloping or have unusual topography that would render the land unusable for recreational activities.
 5. Parks must be adjacent to a street for ease of access and pedestrian, bike or parking accommodations.
 6. No more than two (2) sides of a park may be adjacent to the rear lot lines of homes.
 7. Parks must include visible, attractive and suitable means of ingress and egress proportionate to the size and amenities of the parkland dedication site.
 8. The parkland dedication site should not be encumbered by overhead utility lines or above-ground improvements or easements that might create a dangerous condition or limit the opportunity for park development and use. i. Where appropriate, proposed parkland dedication sites with existing trees or other scenic elements are preferred and may be reviewed by the City (or its consultants) to make recommendations.
 9. Rare, unique, endangered, historic or other significant natural areas will be given a high priority for consideration of a parkland dedication site pursuant to this article.
 10. Consideration will be given to a potential parkland dedication site that is in the floodplain or an area which may be considered "floodable" even

though not in a federally regulated floodplain if the proposed parkland site is suitable for park improvements. At the discretion of the City, land in floodplains may be considered as part of a parkland dedication requirement on a three-to-one (3:1) basis. That is, three (3) acres of floodplain will be deemed equal to one (1) acre of parkland, but not more than 20% of any parkland dedication site shall be allowed in a floodplain.

11. Detention/ retention areas may not be used to meet parkland dedication requirements but may be accepted by City in addition to the required parkland dedication. If accepted as part of a park, the detention/ retention area design must meet the City's specifications.
- c. Parkland Due. The amount of land to be dedicated for parkland purposes shall be as set forth in Appendix I. Upon the sole discretion of the City, the required dedication may be met by payment of cash in lieu of land when permitted or required by other provisions of this Subchapter. The total amount of land dedicated for a development or project shall be dedicated to the City in fee simple:
 - i. Prior to the issuance of any building permits for any residential development on an associated plat or via separate instrument;
 - ii. Concurrently with the final plat for a single phase single family residential development, clearly labeled and dedicated as City parkland (or with applicable notes as stipulated in this Section for the ETJ);
 - iii. For a multi-phased single family residential development, the entire park(s) shall be either platted concurrently with the plat of the first phase of the development, clearly labeled and dedicated as City parkland (or with applicable notes as stipulated in this Section for the ETJ); OR
 - iv. The Developer may provide the City with financial security against the future dedication by providing a bond, irrevocable letter of credit, or other alternative financial guarantee such as a cash deposit in the amount equal to the number of acres parkland required and in a form acceptable to the City. The amount of the financial guarantee shall be the amount of Fee-In-Lieu of Land Dedication as set forth in Appendix I. The financial guarantee will be released and returned to the Developer, without interest, upon the filing of the final plat for the phase that dedicates the required parkland.
- d. For residential development located within the ETJ of the city, the dedication requirements of this Subchapter may be met through the creation of private parkland in the same amount required as set forth in Appendix I provided the Developer enters into a written agreement that all such private parkland be dedicated to the City at the time of full purpose annexation into the City and provided that any plat related to such development, is inscribed with a notation regarding same.
- e. The obligation of an applicant/Developer to dedicate parkland or make payments or improvements in lieu thereof shall be in addition to/independent of the requirements of the applicant/Developer to provide open space in accordance with any Planned Development (PD) development criteria.
- f. Floodplain land may be dedicated at a ratio of three (3) acres of floodplain for every one (1) acre of Parkland Dedication due. The City Council shall have the final authority in determining how much, if any, floodplain land shall be allowed to be used to satisfy the Parkland Dedication requirement.
- (8) Fee-In-Lieu of Land.
 - a. In lieu of dedicating parkland for parks, a Developer may request to meet some or all of the parkland dedication requirements through payment of a Fee-In-Lieu thereof in the

amounts set forth in Appendix I. Such fees shall be due prior to filing an associated plat for record for single family residential uses and prior to the issuance of a building permit for multi-family residential uses.

- b. The fee to be paid in lieu of parkland dedication will be the average fair market value per acre of the land which is being subdivided determined at the time of the final plat approval or the issuance of a building permit, as applicable. The fair market value shall be established by the most recent appraisal of all or part of the subject property as adopted by the appropriate Central Appraisal District and in effect on the date the final plat is recorded on which the land for which the payment of fees in lieu of parkland dedication is required. At its discretion, the City may opt to commission an independent appraisal of the subject land by a third party and adjust the amount of assessed value based on any difference between the independent appraisal and the Appraisal District's valuation.
- c. Fees collected in lieu of parkland dedication shall be used for the purpose of acquisition, development and/or improvement of park facilities.

(9) City Approval.

- a. The City Council shall have the final authority in determining how much, if any, land or fee may be accepted in lieu of required land dedication. The City Council may, from time to time, require that a fee be submitted in lieu of land dedication in amounts as set forth in Appendix I. Likewise, the City Council may, from time to time, require that land be dedicated in amounts as set forth in Appendix I and that no Fee-In-Lieu of land will be accepted.

(10) Approval Process for Parkland Dedication.

- a. Land Dedications equal to or exceeding two acres, and Dedications of Floodplains and Greenways:
 - i. For any proposed required parkland dedication equaling to or exceeding two acres of land or equaling to or exceeding payment of a Fee-In-Lieu thereof or for any proposed land dedication containing floodplain or greenway, the Developer must:
 - 1. Obtain a recommendation from the Park Board or Planning and Zoning Commission, and
 - 2. Obtain approval from the City Council.
 - ii. Should a proposed dedication proposal be considered by the Parks Board or Planning and Zoning Commission as part of a required project approval, the Parks Board or Planning and Zoning Commission shall forward their recommendation to the City Council for final consideration.
- b. Criteria for consideration.
 - i. For any proposed required parkland dedication equaling to or exceeding two acres of land or equaling to or exceeding payment of a Fee-In-Lieu thereof or for any proposed land dedication containing floodplain or greenway, the Park Board or Planning and Zoning Commission and City Council shall utilize the following criteria for considering approval of the proposed parkland dedication:
 - 1. The Comprehensive Plan and the Parks Master Plan for the City of McLendon-Chisholm.
 - 2. The useability of the proposed parkland dedication.
 - 3. The proposed plat shall clearly identify the proposed public parkland to be dedicated.
 - 4. The proposed dedication or fee shall provide sufficient parkland in the area of the proposed development for required parkland dedication;
 - 5. Where the proposed dedication is insufficient for a park site under existing park design standards, some or all of the dedication

requirements may be in the form of a fee in amounts as set forth in Appendix I;

6. Determination of acceptability of a proposed parkland dedication is based upon the City of McLendon-Chisholm's Comprehensive Plan and Parks, Recreation, and Trails Master Plan, as may be amended from time to time and the criteria contained herein;
 - a. The proposed development of the park is at a minimum consistent with McLendon-Chisholm's park criteria as set forth in the City of McLendon-Chisholm's Parks, Recreation, and Trails Master Plan, as may be amended from time to time.
 - b. Land is usable and compatible with the Comprehensive Plan, Parks, Recreation, and Trails Master Plan, and other approved public plans.
 - c. There is no nearby existing park that would be served with the funds better or more by expansion or improvement.
 - d. Availability of public access and infrastructure considerations.
- c. Development and maintenance of a park less than two acres in size for public park purposes is impractical and does not allow for appropriate improvements consistent with necessary level of service. Therefore, if fewer than two acres-worth of dwelling units as specified in Appendix I under Land Dedication are proposed by a plat for single family residential, the Developer shall pay the applicable cash in lieu of land dedication. An exception may be considered if the dedication is voluntarily greater than two acres or will increase the size of an existing park adjacent to the proposed parkland dedication or will provide a beneficial trail connection or right- of-way or will provide a synergistic benefit not otherwise listed, at the discretion of the City Council.
- d. Park Development Fee.
 - i. In addition to the land dedication requirements for parks, there is a park development fee established herein sufficient to develop parks in ways that meet the City of McLendon-Chisholm's citizen input as determined in the City of McLendon-Chisholm's Comprehensive Plan and Parks, Recreation, and Trails Master Plan.
 - ii. The park development fees are hereby established and imposed on residential development for the purpose of assuring that park facilities, including neighborhood/ community parks and passive park conservation areas, are available and adequate to meet the needs created by such development while maintaining current and proposed parks and recreation standards that meet the City of McLendon-Chisholm's standards. Park development fees are supplementary to, and not in substitution of, the parkland dedication requirement.
 1. The park development fee assessed to a Developer, subject to this Subchapter, is as shown in Appendix I. The process for the approval and collection of park development fees shall be the same as for the parkland dedication requirements to which the development relates, and shall be processed simultaneously with the parkland dedication requirements.
 2. The City shall have the final authority in determining how much, if any, land or fee may be accepted in lieu of required park development. The City may, from time to time, require that a fee be submitted in lieu of park development in amounts as set forth in Appendix I. Likewise, the City may, from time to time, require that parks be developed to a level of service as reflected in Appendix II and that no Fee-In- Lieu of park development will be accepted.
- e. Construction of Park Improvements in Lieu of Park Development Fee.

- i. Subject to the City's approval, a developer may enter into a development agreement with the City to construct required park improvements in lieu of paying the associated park development fees, in whole or in part, as set forth herein. In such event:
 1. Facilities and improvements provided by a developer shall be constructed on lands dedicated to the City as public parkland, and shall be designed and installed to meet the terms, conditions and requirements under this article, the Parks Master Plan, and as approved by the Parks Director, in accordance with related federal, national, state or local codes including, but not limited to, the following:
 - a. International Play Equipment Manufacturer' s Association (IPEMA);
 - b. Consumer Product Safety Commission (CPSC) Handbook for Public Safety;
 - c. American Society for Testing and Materials (ASTM and ASTM F08);
 - d. Accessibility Standards for Play Areas through the ADA Accessibility Guidelines (ADAAG);
 - e. Illuminating Engineering Society of North American (IESNA RP 6-01); and/or
 - f. Sports Turf Management Association (STMA).
 2. The amount of park development fees that the developer must pay will be reduced by the actual costs paid by the developer for developer's construction of the park improvements required and approved by City on the City's parklands as such costs are demonstrated by and through approved pay applications and invoices submitted to developer by developer' s contractors and materialmen together with documentation demonstrating developer' s payment thereof and such additional information as may be requested by City to confirm compliance with the standards referenced in this section. In no event shall City be responsible for paying developer any amounts in excess of the park development fees that developer must otherwise pay, or any amounts for park improvements not approved in advance by City or park improvements not properly constructed and installed.
- ii. Upon City approval, the developer's election to construct required park improvements in lieu of paying the associated Park Development Fee:
 1. A park site plan, developed in cooperation with the City staff, must be reviewed and approved by the Planning and Zoning Commission or Park Board and City Council upon submission of final plat for single family residential uses.
 2. Detailed plans and specifications for park improvements hereunder shall be due and processed in accordance with the procedures and requirements pertaining to public improvements for final plats and for building permits issuance, whichever is applicable.
 3. Detailed plans and specifications for park improvements shall be prepared by a Registered Landscape Architect (RLA) or a registered Professional Civil Engineer (PE) and shall be sealed and signed by the design professional.
 4. All plans and specifications shall meet or exceed the City's level of service standards and/or scale-specific intent as specified in the City of McLendon-Chisholm's Comprehensive Plan or Parks, Recreation, and

Trails Master Plan, as may be amended from time to time, and the criteria contained herein, in effect at the time of the submission.

5. If the improvements are constructed on land that has already been dedicated to and/or is owned by the City, then the Developer must post payment and performance bonds to guarantee the payment to subcontractors and suppliers and to guarantee the Developer completes the work in accordance with the approved plans, specifications, ordinances, other applicable laws.
 6. The construction of all improvements, including any required trails, must be completed in accordance with the requirements relating to the construction of public improvements for final plats and issuance of building permits, whichever is applicable. This includes providing performance guarantees (cash, bond, irrevocable line of credit or other surety) in lieu of completing the park improvements prior to final plat approval. Notwithstanding any other applicable ordinances, park improvements should be completed within two years from the date of the approval.
 7. Park development will be considered complete and a Certificate of Completion will be issued after the following requirements are met:
 - a. Improvements have been constructed in accordance with the approved plans;
 - b. All parkland upon which the improvements have been constructed has been dedicated as required under this Subchapter; and
 - c. All warranties as specified herein have been provided for any equipment installed in the park as part of these improvements.
 - d. Upon issuance of a Certificate of Completion, the Developer warrants the improvements for a period of two years.
 8. The Developer shall be liable for any costs required to complete park development if:
 - a. Developer fails to complete the improvements in accordance with the approved plans
 - b. Developer fails to complete the improvements within the required timeframe; and/or
 - c. Developer fails to complete any warranty work.
- f. Credits for Private Amenities
- i. Up to fifty percent (50%) of the total park development fee required by this article to be paid by a developer may be eligible for reimbursement if the developer provides private parkland and/or park-like amenities on the site situated within the property being subdivided as determined in the sole discretion of the Parks Director. The remaining 50% of the park development fee is retained for deposit in the City's park development fund for the purpose of defraying the financial burden that new residential units impose on the City's existing public park system within the citywide park zone and the applicable geographical park zone as provided above in this article.
 - ii. Private facilities eligible for credit are those outdoor park-like amenities typically found in public parks that will substitute for the park improvements otherwise funded by a park development fee to meet the outdoor recreation needs of the development' s residents. These park-like amenities might include by way of illustration, and not limitation, parkland minimum size of 1 acre), playground equipment, shade structures, splash pads, "pick-up" basketball courts or volleyball

- courts, tennis courts, walking and jogging trails, and any associated lighting improvements.
- iii. The design of private park amenities must be reviewed and approved by the Parks Director prior to the platting of the first unit within the subdivision.
 - iv. The amount of park development fee credit shall be based on actual out-of pocket dollar costs that the developer incurred in providing the outdoor and/or indoor private park recreation improvements evidenced as follows:
 - 1. The developer is required to submit all invoices and checks paid toward the construction of the private park-like amenities; and
 - 2. The developer must allow PARD staff to conduct a site visit to verify the private park-like improvements.
 - v. Yards, court areas, setbacks and other open areas required to be maintained by the zoning and subdivision rules and regulation ordinances shall not be included in any park development fee credit computation.
 - vi. Private park recreation improvements shall be owned by an incorporated nonprofit homeowners' association comprised of all property owners in the subdivision. The organization should operate under recorded land agreements through which each property unit owner in the subdivision is automatically a member, and each unit is subject to a charge for a proportionate share of expenses for maintaining the private park facilities.
 - vii. Should the homeowners' association fail to maintain the developer- provided private park facilities in a safe and clean condition, then each property owner agrees that the Parks Director may access the provided private park facilities to operate, maintain and repair them. The costs of such maintenance, operations and repairs by the City shall be charged to the homeowners' association.
 - viii. Use of the private parkland and facilities shall be restricted for park and recreation purposes by a recorded covenant that runs with the land in favor of future owners of the property and which cannot be defeated or eliminated without the prior written consent of the City.
 - ix. Private park facilities must be similar or comparable to the facilities that would be required to meet public park standards and recreational needs as required per the City's development regulations and Parks Master Plan and other federal, state and local laws.
 - x. All private park-like amenities must be constructed and accepted prior to the plat recordation of the same phase in which the private park improvements are located.
- g. Reimbursement for City Acquired Parkland
 - i. The City may from time to time acquire land for parks and develop and improve park facilities on such land in advance of actual or potential development. If the City acquires parkland and/or develops and improves park facilities thereon in advance of development, the City may require subsequent parkland dedications to be made in the form of paying a fee in lieu of parkland dedication only.
 - ii. The fees paid in lieu of parkland dedication may, in the discretion of the Parks Director, be used to reimburse the City for the cost(s) of such prior parkland acquisition. In addition, any park development fees collected may, in the discretion of the Parks Director, be used to reimburse the City for the cost(s) of development and improvement of park facilities on such parkland in advance of actual or potential development.
 - h. Standards for Private Parkland.
 - i. A Developer may submit an application to satisfy up to 100 percent of the parkland dedication and construction required for a development or project by providing a Public Access and Recreational Easement rather than deeding the land to the City

in fee simple.

ii. In order to earn credit for private parkland, the park shall:

1. Provide signage visible from a right-of-way frontage to be reviewed and approved through the application and consideration process, and the sign shall state that the area, including any recreational amenities, is open and available for public use, the park hours, and City contact information, and it must be posted at the park entrance or in a location visible to the public; and
2. Provide language in the Public Access and Recreational Easement document or associated plat that specifies maintenance, capital replacement, the right of the City to conduct safety inspections, future construction rights, and penalties and arrangements for lack of compliance, and language that specifies that re-payment of the credits will be required via alternate land or compensation for release of the easement.
3. Provide a design and features consistent with the guidelines and requirements contained herein.

iii. The required dedication and development shall be calculated per the requirements in Appendix I and then the proposal shall be evaluated to determine the amount of parkland dedication and/or development credit to be given using the following factors:

1. The presence of active recreational amenities including, but not limited to, playscapes, sport courts, table game recreation, and climbing or exercise structures or trails.
2. The ability of the public to access and use the land for recreation purposes in perpetuity.
3. The presence of group gathering spaces, such as open lawns, seating, picnic areas, plazas or pavilions.
4. Landscaping that enhances McLendon-Chisholm and the park by providing shade, educational opportunities, trees, and/or wildlife habitat.
5. The ability of the City to provide programming in the space.

iv. If park development fees are credited, recreational amenities and other improvements must be constructed onsite and approved by the City during site plan or subdivision review at a specific time concurrent or prior to residential uses, as stipulated in the associated development agreement. Amenities must be shown on the site plan and/or construction plan as determined by the City.

v. A Developer must post cash escrow, irrevocable line of credit, bond or other financial surety in a form approved by the City for amenities included on private parkland during site plan or subdivision review.

vi. If credited acreage does not satisfy the entire parkland construction requirement, the City will calculate the remaining fee using the same requirements in Appendix I, proportionally assessed.

i. Submitting Fee.

i. Any fees required to be paid pursuant to this Subchapter shall be remitted:

1. Prior to the issuance of any building permits for multi-family use or development; or
2. Prior to filing an associated plat for record for single family residential use or development.

j. Use of Fees.

i. Fees may be used only for the purchase, acquisition, development, and/or

improvement of park facilities in the City of McLendon-Chisholm. Potential parkland in underserved areas within one mile of developments that have paid parkland dedication fees, which have not yet been refunded, shall be a top consideration (but not the only consideration) when evaluating potential land for purchase or acquisition for future parks.

10.05.6 Parkland Guidelines and Requirements.

The following guidelines and requirements shall be used in designing and accepting parks and adjacent development:

Parks should be:

- Easy to access
 - Have readily available utility infrastructure
 - Open to public view to benefit area development
 - Enhance the visual character of the City
 - Be designed in accordance with local, state and federal requirements
 - Protect public safety
 - Minimize conflict with adjacent land uses
- (1) Any land dedicated to the City under this Subchapter must be suitable for park and recreation uses. The dedication shall be free and clear of any and all liens and encumbrances that interfere with its use for park purposes. The City Manager or his designee shall determine whether any encumbrances interfere with park use. Minerals may be reserved from the conveyance provided that there is a complete waiver of the surface use by all mineral owners and lessees. A current title report must be provided with the land dedication. The Developer shall pay all taxes or assessments owed on the property up to the date of acceptance of the dedication by the City. A tax certificate from the Rockwall County Tax Assessor or Kaufman County Tax Assessor, whichever is applicable, shall be submitted with the dedication or plat.
- (2) Land in floodplains or designated greenways is not preferred but can be considered on a thirty-three percent (33%) per acre basis, at the discretion of the City Council (i.e. three (3) acres of floodplain or greenway will be equal to one acres of potential parkland). The following factors shall be considered for potential parkland in the floodplain or in designated greenways:
- a. Sites should not be severely sloping or have unusual topography that would render the land unusable for recreational activities or for improvements. At least 50 percent of a parkland site shall be less than 10% grade, well drained, and suitable for active play, unless the intent of the dedication is to provide a beneficial connection or to preserve an environmental, natural, or cultural resource/asset.
 - b. Placement of recreational or parkland support amenities, including paths or access for maintenance purposes, can be placed in the area in compliance with applicable watershed requirements.
 - c. It is preferred that the floodplain area provide suitable passive recreation, scenic views, wildlife habitat protection, water quality protection, tree protection, and/or trail connectivity to the more intensive uses in non-floodplain areas.
 - i. Park sites shall have access to water and sewer lines prior to or upon dedication. Site plans and subdivision applications must demonstrate sufficient water and wastewater capacity to serve the park.
 - ii. Park sites should be located adjacent to greenways and/or schools, where available, in order to encourage shared facilities and joint development of new sites.
 - iii. Park sites should be adjacent to residential areas in a manner that serves the greatest number of users and should be located to minimize users having to cross

- arterial roadways to access them.
- iv. Where appropriate, sites with existing trees or other scenic elements or natural assets are preferred.
 - v. Detention/retention areas shall not be utilized to meet dedication requirements unless they are designed in an innovative manner so as to provide for suitable recreational purposes, but they may be accepted in addition to the required dedication. If accepted as part of the park, the detention/retention area design must meet the standards as specified in all City of McLendon-Chisholm codes and regulations.
 - vi. Where park sites are adjacent to greenways, schools, or existing or proposed subdivisions, access ways may be required to facilitate public access to provide public access to parks.
 - vii. A minimum of fifty percent (50%) of the perimeter of a park shall abut a public street or public access easement. Public view of the park from a public street is desirable to facilitate community connections and provide for crime prevention through environmental design.
 - viii. Community-scale parks should be accessible from major arterial streets so as to be accessible by large numbers of people.
 - ix. Areas for potential parkland that are encumbered by overhead utility lines or easements of any type which would limit the opportunity for recreational and park development shall not satisfy the Parkland Dedication requirement.
 - x. All rubbish, trash, junk and other offensive materials shall be removed from all dedicated lands and the property returned to its natural condition except as to approved construction and improvement thereon.
 - xi. For dedications of more than two acres of land and upon the request of the City Engineer, a Developer-funded environmental or engineering study, audit, or assessment may be required in some cases demonstrating that the property is: in a condition that would allow the City to utilize the property for public park purposes without expenditures to remove or mitigate environmental or hazardous materials or conditions; suitable and safe for use as a public park; and free from environmental or engineering-related problems.

10.05.7 Warranty Required.

- (1) All materials and equipment dedicated to the City shall be new with existing factory or manufacturing warranties.
- (2) All work will be of good quality, free from faults and defects, and in conformance with the designs, plans, specifications, and drawings, and recognized industry standards. This warranty, any other warranties express or implied, and any other consumer rights, shall inure to the benefit of the City only and are not made for the benefit of any party other than the City.
- (3) All work by the Developer not conforming to these requirements, including, but not limited to, unapproved substitutions, shall be considered defective and the City shall reserve the right to reject the improvements and/or equipment which may or may not repeal any permits or Certificates of Occupancy.
- (4) This warranty is in addition to any rights or warranties expressed or implied by law.
- (5) Where more than a two-year warranty is specified in the applicable plans, specifications, or submittals for individual products, work, or materials, the longer warranty shall govern.
- (6) This warranty obligation may be covered by any maintenance bond tendered in compliance with this Ordinance.
- (7) If any of the work performed by the Developer is found or determined to be either defective, including obvious defects, or otherwise not in accordance with this Ordinance, the designs, plans, drawings or specifications within two years after the date of the issuance of a certificate of Final

Completion of the work or a designated portion thereof, whichever is longer, or within two years after acceptance by the City of designated equipment, or within such longer period of time as may be prescribed by law or by the terms of any applicable special warranty required by this ordinance, Developer shall promptly correct the defective work at no cost to the City.

- (8) The failure, including cracking or other indication of failure, of an improvement shall be deemed conclusive that the workmanship or product is defective.
- (9) During the applicable warranty period and after receipt of written notice from the City to begin corrective work, Developer shall promptly begin the corrective work. The obligation to correct any defective work shall be enforceable under this Code of Ordinances. The guarantee to correct the defective work shall not constitute the exclusive remedy of the City, nor shall other remedies be limited to the terms of either the warranty or the guarantee.
- (10) If within 20 calendar days after the City has notified Developer of a defect, failure, or abnormality in the work, Developer has not started to make, and continuously worked to complete, the necessary corrections or adjustments, the City is hereby authorized to make the corrections or adjustments, or to order the work to be done by a third party. The cost of the work shall be paid by Developer.
- (11) The cost of all materials, parts, labor, transportation, supervision, special instruments, and supplies required for the replacement or repair of parts and for correction of defects shall be paid by Developer, its contractors, or subcontractors or by the surety.
- (12) The guarantee shall be extended to cover all repairs and replacements furnished, and the term of the guarantee for each repair or replacement shall be two years after the installation or completion. The two-year warranty shall cover all work, equipment, and materials that are part of the improvements made under this Subchapter of the ordinance.

10.05.8 Amendment to Fee Schedule.

The City Fee Schedule is amended to add the Park Development fees as set herein.

10.05.9 Appeal Process

Any decision under this article made by the City may be appealed to the City's Zoning Board of Adjustment within thirty (30) days following the Parks Director's decision. Filing an appeal shall not stay the required parkland dedication (and/or payment of fees in lieu of parkland dedication) or the payment and collection of the park development fee due.

10.05.10 Review and Indexing of Fees.

The city shall review the park development fees established and the amount of parkland dedication required in this article at least once every five (5) years. Failure to timely commence or complete review by the City Council shall not invalidate this ordinance. If the City fails to timely review the park development fees any person who has paid a park development fee may present a written request that the City perform the review of the park development fees within 60 days after the date of the request. If the City finds it is late performing such review, the City will cause the review of the park development fees to commence within 60 days after the date of the request and continue until completion. The park development fee shall be updated annually in the interim five-year period as part of City's annual budgeting process.

10.05.11 Right to Refund

The City shall account for all fees paid in lieu of parkland dedication and all park development fees paid under this article with reference to the individual plat(s) involved. Any fees paid for such purposes should be encumbered or expended by the City within fifteen (15) years from the date received by the City for acquisition, development and/or improvement of parks as required herein. Such funds shall be considered to be spent on a first-in, first-out basis. If not so expended, the landowners of the property on the expiration of such period shall be entitled to a prorated share of such sum without interest, computed based on the number of dwelling units in the residential

development for which such unencumbered and unexpended park related fees were paid. The owners of such property must request such refund within one (1) year of entitlement, in writing. Failure to timely submit the required application for refund shall constitute an absolute waiver of any right to the refund.

10.05.12 Penalties, sanctions and redeterminations.

- a) **Requirements to be satisfied prior to development.** It shall be unlawful for any person who is required to convey land or pay money in lieu of dedicating parkland and pay park development fees as required by this article, to begin, or allow any other person or contractor to begin, any construction or improvements on any land within any residential development to which this article applies until the required conveyance of parkland or payment of money in lieu of dedicating parkland and the payment of park development fees is made to the city in accordance with this article.
- b) **Permits and services to be withheld.** No building permits shall be issued for, and no permanent utility services shall be provided to, any land within any residential development to which this article applies until the required conveyance of parkland or payment of money in lieu of dedicating parkland and the payment of park development fees is made to the city in accordance with this article.
- c) **Redetermination of requirements for proposed additional dwelling units.** After the city council has made a determination of the requirements of this article, or after the requirements of this article have been met, based upon the proposed number of residential dwelling units for any land to which this article applies, any person who desires to construct a number of dwelling units in excess of the number of dwelling units for which the requirements of this article were determined or met must submit to the city council a revised zoning proposal for additional dwelling units for the residential development. Once the city council has approved a zoning ordinance increasing the number of dwelling units allowed on a platted lot or within a residential subdivision, the developer shall either convey the additional parkland through a plat or replat or shall pay a fee in lieu of dedicating parkland and pay additional park development fees for the additional dwelling units at the issuance of the building permits. Where a payment of money in lieu of dedicating parkland was originally made to meet the requirements of this article, the person proposing to construct additional dwelling units may be required to convey parkland for all or part of the development. In such case, after the required conveyance is made, the payments, or portion thereof, previously made, which are satisfied by the dedication of parkland shall be returned by the city.

10.05.13 Penalty.

Any person, firm, entity or corporation who violates any provision of this Ordinance or the City's Subdivisions Ordinance Chapter 158, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in accordance with 10.99 of the Code of Ordinances. Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

10.05.14 Cumulative Clause.

This Ordinance shall be cumulative of all provisions of state or federal law and other ordinances of the City of McLendon-Chisholm, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such other ordinances are hereby repealed.

10.05.15 Severability Clause.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

10.05.16 Repealer Clause.

Any provisions of any prior ordinance of the City whether codified or uncoded, which are in conflict with any provision of the Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncoded, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

10.05.17 Effective Date.

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

APPENDIX I.
PARKLAND DEDICATION AND PARK DEVELOPMENT FEES

Dedication Requirements for Parks.

Land Dedication Policy:	One (1) acre per 50 Dwelling Units
Fee-In-Lieu of Land Dedication:	\$1,496 / dwelling unit
Park Development Fee:	\$583 per Dwelling Unit
Total Park Fees:	\$2,079 per unit

Zillow / Realtor / Redfin May 2026 [McLendon-Chisholm Housing Market: House Prices & Trends | Redfin](#)

APPENDIX II. PARKLAND DEDICATION AND PARK DEVELOPMENT METHODOLOGY

Variable	Calculation Factor	Description
Parkland Dedication Inputs		
Existing City Population	6,108	2026 City population estimate (NCTCOG)
Existing City Park Acres	TBD	
City Persons per Household	3.19	2012-2016 Persons per Household per most recently available US Census data

Methodology and Examples:

A. Parkland Dedication Formula:

1 ac / 50 dwelling units

B. Fee In-Lieu of Land Formula:

Calculation: Total Parkland Dedication Due x Market Property Value = Fee In-Lieu of Land
 \$50,000 - \$90,000 / lot
 Average: \$75,000 / lot
 Ex: 125 lot subdivision = 2.5 acres of parkland dedication; OR
 2.5 ac x \$75,000 = \$187,000 Fee In-Lieu
 \$1,496 / dwelling unit

C. Park Development Fee Formula:

STEP 1: Parkland Development Cost Factor/ Population = Park Development Cost Per Person
 \$1,117,852 neighborhood park cost/ 6,108 people per developed park= \$183 per person

STEP 2: City Persons/Household X Park Development Fee Per Person = Parkland Development Fee
 3.19 PPH X \$183 per person= \$583 per unit

D. Total Parkland Fee per Unit:

Fee In-Lieu of Land by Density+ Parkland Development Fee by Density= Total Parkland Fee per Unit
\$1,496 + \$583 = \$2,079 per unit

Value of Lots as reported: Zillow / Realtor / Redfin May 2026 [McLendon-Chisholm Housing Market: House Prices & Trends | Redfin](#)

Appendix III.
PARKLAND DEVELOPMENT:
NEIGHBORHOOD PARK LEVEL OF SERVICE ESTIMATE

Item	Quantity	Unity	Unity Price	Extension
Mobilization	1	LS	\$50,000	\$25,000
Demo	1	LS	\$10,000	\$10,000
Earthwork / Site Preparation	1	LS	\$20,000	\$20,000
Park Sign	1	LS	\$10,000	\$10,000
8' Concrete Sidewalk (1/2 mile)	21,120	SF	\$6	\$126,720
Picnic Unit (Slab, Table, Trash Receptacle, Grill)	3	EA	\$4,500	\$13,500
Shade Pavilion (Slab and Shelter)	1	LS	\$50,000	\$50,000
Benches	5	EA	\$2,500	\$12,500
Bicycle Rack	1	EA	\$1,500	\$1,500
Trash Receptacles	5	EA	\$350	\$1,750
Drinking Fountain w/ dog bowl	1	EA	\$5,000	\$5,000
Playground (Equipment, Surfacing, and Drainage)	1	LS	\$200,000	\$200,000
Fencing / Screening	1	LS	\$75,000	\$75,000
Parking Lot (25 Spaces)	25	EA	\$7,500	\$187,500
BFR	4	EA	\$1,500	\$6,000
Storm drainage	1	% of pavement	45%	\$84,375
Site Utilities (Water Meter, Electrical Service, etc.)	1	LS	\$25,000	\$25,000
Landscaping (Shrubs, Ground Cover, Bed Preparation and Irrigation)	1	LS	\$50,000	\$50,000
Shade Trees (including irrigation)	20	EA	\$500	\$10,000
Finish Sod	1	EA	\$10,000	\$10,000
Sub-Total				\$923,845
Contingency			10%	\$92,385
Construction Total				\$1,016,230
Soft Costs			10%	\$101,623
Typical Neighborhood Park Total:				\$1,117,852