

CITY OF LAKEWAY, TEXAS

ORDINANCE NO. 2020-11-16-02

**AN ORDINANCE OF THE CITY OF LAKEWAY, TEXAS
AMENDING TITLE II: BUILDING AND
DEVELOPMENT REGULATIONS; CHAPTER 28:
SUBDIVISIONS AND SITE DEVELOPMENT; ARTICLE
28.05: PUBLIC DEDICATIONS AND IMPROVEMENTS;
SECTION 28.05.003: PARKS; AND PROVIDING FOR
SEVERABILITY, REPEALER, AND AN EFFECTIVE
DATE.**

WHEREAS, the City Council of the City of Lakeway, Texas, (the Council) has, within its police powers, the right to protect the public health, safety, welfare, and the general well-being of its citizens; and

WHEREAS, when property is dedicated to the City for City park purposes, the Council wants to ensure that there are no title problems with the property being dedicated; and

WHEREAS, it would aid City Staff and the Council in analyzing property proposed for dedication to fully understand all easements, restrictions, and conditions potentially limiting use of the property by the City, specifically for use as parkland to be open to the general public; and

WHEREAS, the Council has determined it is necessary to update and amend its ordinance regulating publicly dedicated parkland in subdivisions and other site development to specify the conditions on which it will consider accepting dedications of parkland.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Lakeway, Texas:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. AMENDMENT

Title II (Building and Development Regulations), Chapter 28 (Subdivisions and Site Development), Article 28.05 (Public Dedications and Improvements), Section 28.05.003 (Parks) is hereby amended as follows:

“Sec. 28.05.003 Parks

(a) Dedication.

(1) The development of new residential subdivisions within the city increases the current and future recreational needs of the city. To assist in meeting these needs, the developer of each residential subdivision within the city shall set aside and dedicate public parkland at the rate of three (3) acres for every 100 new dwelling units. For subdivisions with fewer than 100 new dwelling units the city may accept an in-lieu financial contribution.

(2) The developer shall submit to the City (a) a preliminary plan showing the required public parkland and (b) a title commitment issued by a title insurance company authorized to do business in the State of Texas for the public parkland shown on the preliminary plan naming the city as the proposed insured. In conjunction with city approval of the final plat, the developer shall dedicate the public parkland shown on the approved preliminary plan to the city and provide the city with a title policy issued to the city containing only the exceptions to title reasonably approved by the City.

(3) When the city determines that the dedication of public parkland is impractical or undesired, the city council may choose to accept a financial contribution in-lieu of a parkland dedication. The amount of such contribution shall be \$3,000.00 per dwelling unit, subject to approval by the city council.

(4) When the city council chooses to accept an in-lieu financial contribution, the required amount shall be paid to the city prior to city approval of the final plat.

(5) The developer, with approval of the city council, may use a combination of public parkland dedication and/or payment of fees in order to satisfy the provisions of this chapter.

(6) A developer may dedicate more land than is required by this chapter subject to acceptance and approval by city council.

(b) Design standards for parkland.

(1) Land shall be a single parcel or tract of land at least three (3) acres in size.

(2) Land shall be suitable for parks and recreational activities. Fifty (50) percent of the land shall not exceed five (5) percent slope, and none of the land shall exceed fifteen (15) percent slope.

(3) Land to be dedicated may be graded by the developer in order to meet the stated slope limitations, subject to the standards and

specifications established in article 28.09. In such cases, vegetation shall be reestablished prior to dedication of the land.

(4) The shape of the land to be dedicated shall be suited for public parks and recreation development purposes.

(5) The land shall have at least 50 feet of public street frontage.

(6) Any deviation from parkland design standards must be approved by city council.

(c) Improvements.

(1) The developer shall improve all dedicated public parkland with improvements approved by the city manager at the minimum rate of \$1,500.00 per dwelling unit. Costs associated with grading of property to be dedicated as public parkland shall not be considered in the minimum rate of required improvements. Improvements must be complete and accessible to the public prior to city issuing the certificate of acceptance for subdivision improvements for the phase in which parkland improvements are identified on the preliminary plan. The city shall assume maintenance of the improved parkland six (6) months after acceptance of the improvements.

(2) When the city determines that such improvements are impractical or undesired, the funds required for improvements shall be deposited in the city's parkland fund prior to final plat recordation and used to meet the city's future capital needs for recreational facilities.

(d) Design standards for recreation trails. These standards apply to the design, construction and maintenance of trails within the park system and establish certain critical standards which help ensure their sustainability.

(1) All trails shall be designed as multi-user trails, to include walkers, runners, and bicyclists, whenever site conditions allow.

(2) Existing and proposed trails are classified as follows:

(Ordinance 2019-12-16-01 adopted 12/16/19)

(A) Category I. Hard surface trail made of concrete, stone or asphalt and suitable for maintenance and emergency traffic. (Ordinance 2012-04-16-05 adopted 4/16/12)

(B) Category II. A prepared surface trail using decomposed granite, road base, cement stabilized sand, stabilized decomposed granite, gravel or any other material that provides a more maintenance free surface than native soil. Width of trail shall be six (6) feet or greater with a minimum 10 foot clearance. An additional two (2) feet of brush shall be cleared from

either side of the trail for maintenance vehicles. All brush shall be removed.

(C) Category III. A primitive trail constructed of native soil materials. Width of trail shall be four (4) feet or greater with a minimum 10 foot clearance, depending on intended use. An additional two (2) feet of brush shall be cleared from either side of the trail for maintenance vehicles. All brush shall be removed.

(3) Before beginning actual trail clearing operations for new trail construction, the parks and recreation department must approve the location, design and course of the proposed trail, as well as the plan for brush removal when required.

(4) The starting point, interior control points, and the finishing point shall be predetermined before the proposed path of the trail is flagged.

(5) Whenever possible, trails shall not be designed to cross wetlands.

(e) Construction standards for recreation trails.

(1) Category I trails shall be constructed in such a way that cross slopes do not exceed 1:48 (2%).

(2) No category II or III trail shall be constructed in such a way that it follows the fall line of the terrain for any distance further than is needed for the construction of a switch back.

(3) To promote the sustainability of the trail, no portion of a category II or III trail shall exceed a 10% average grade. If soil conditions permit, short runs of trail may be constructed at grades of more than 10%, but the overall average grade shall not exceed 10%.

(4) Wherever possible, grade reversals shall be built into the trail every 20 to 50 feet.

(5) Unless otherwise approved by the city engineer, all sections of the trail shall maintain a 5% side slope to the outside or downhill part of the trail.

(6) The grade of a category II or III trail shall not exceed one-half of the grade of the side slope across which the trail is constructed.

(7) The cleared corridor of a newly constructed trail shall conform to the trail maintenance standards listed below. In the event of excessive clearing of the trail corridor, reforestation shall be undertaken, and all brush shall be hauled away or chipped up on site.

(8) Trails shall not be lined with logs or rocks.

(9) No section of any category of trail shall substantially impede the natural drainage of the area it transverses.

(10) If the trail design includes bridges, those bridges shall be flat and built to applicable city codes.

(11) Trees and brush cleared from a project site shall be mulched or hauled off site within 48 hours of being cut. This must be completed before additional progress on the trail project can continue.

(f) Trail maintenance standards.

(1) Trails shall be routinely inspected and maintenance performed to maintain a safe outdoor recreational facility.

(2) Category I, II and III trails shall maintain a corridor clearance which extends to two (2) feet beyond the edge of the prepared surface of the trail. Overhead clearance shall be a minimum of ten (10) feet above the trail surface.

(3) Category III trails shall maintain a corridor clearance of two (2) feet beyond the edge of the prepared surface of the trail. Overhead clearance shall be a minimum of 10 feet above the trail surface.

(4) Short sections of category II or III trail surfaces that exhibit the inability to stand up to heavy traffic may be armored with well positioned stones or masonry.”

3. SEVERABILITY

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this Ordinance.

4. GENERAL REPEALER

All Ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein.

5. EFFECTIVE DATE


This Ordinance shall be effective immediately upon passage and publication as provided for by law.

6. PROPER NOTICE & MEETING

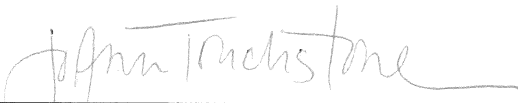
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED & APPROVED this 16th day of November, 2020, by the City Council of Lakeway, Texas.

CITY OF LAKEWAY:

By: 
Sandra L. Cox, Mayor

ATTEST:


Jo Ann Touchstone, City Secretary

