

**AN ORDINANCE OF THE CITY OF VAN ALSTYNE, TEXAS, AMENDING CHAPTER 38 "SUBDIVISIONS AND LAND DEVELOPMENT," ARTICLE X "DESIGN STANDARDS", SECTION 38-268 "PUBLIC SITES AND OPEN SPACES" OF THE CODE OF ORDINANCES OF THE CITY OF VAN ALSTYNE; PROVIDING FOR AN ADJUSTMENT TO THE CITY'S COMMUNITY DEVELOPMENT FEE AND COMMUNITY SERVICES FEE PER LIVING UNIT; PROVIDING REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, in previously enacting Ordinance Nos. 858 and 908, the City Council of the City of Van Alstyne has determined that the provision of adequate neighborhood and community parks are a necessary part of a healthy community and are in the best interest of the City of Van Alstyne and will promote the health safety and welfare of the citizens of the City of Van Alstyne and the general public; and

**WHEREAS**, land development increases demand upon the City's parks and recreation system; and

**WHEREAS**, although the City's Park land dedication ordinance provides for park land, (or fees in lieu of park land dedication), in order to provide for the development and amenities needed to provide quality City parks and public spaces, the City has instituted a Community Development Fee to amenitize, develop, and enhance City parks and public spaces; and

**WHEREAS**, the City has evaluated the previously-imposed Community Development Fee in light of existing and updated park conditions, population increases, and development costs, and is recommending an adjustment to those fees in light of these conditions; and

**WHEREAS**, the City Council has determined that the approval and adoption of the amendments to the Subdivision Regulations and approval and adoption of new community development fees are in the best interest of the public.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VAN ALSTYNE, TEXAS, THAT:**

**SECTION 1: FINDINGS INCORPORATED.** The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2: AMENDMENT OF THE SUBDIVISION REGULATIONS.** Chapter 38, Subdivisions and Land Development, Article X, Design Standards, Section 38-268 Public Sites and Open Spaces, Subsections (e)(1) and (2), and (g) of the Code of Ordinances of the City of Van Alstyne, Texas are hereby amended as follows, with deletions being struck through and additions being underlined, and all other articles, chapters, sections, paragraphs, sentences, phrases, and words not expressly amended hereby are hereby ratified and affirmed:

(e) *Special fund, right to refund.*

- (1) All funds collected pursuant to the payment of cash in lieu of land process described in this chapter will be deposited in a fund specifically dedicated to the purchase, acquisition, construction, leasing, remodeling, maintaining, improvement and/or development of parks, (including, but not limited to, facilities and services provided in each park), hike and bike trails, and public open space. Money in this fund may be used to pay the interest and principal on any bond, certificate of obligation or other debt instrument the city issued for park purposes. ~~Money in this fund may be used to pay the cost of organizing and operating community based events/activities.~~ All expenditures from the fund shall be approved by the city manager.
- (2) All funds collected pursuant to the community development fee process described in this chapter will be deposited in a fund specifically dedicated ~~to the purchase, acquisition, construction, leasing, remodeling, maintaining, improvement and/or development of parks, community facilities, open spaces, community spaces and/or any other public site that is deemed beneficial to the community.~~ Money in this fund ~~may be used to pay the interest and principal on any bond, certificate of obligation or other debt instrument the city issued for community development purposes. Money in this fund may be used to pay the cost of organizing and operating community based events/activities~~ to ensuring that City parks, hike and bike trails, and public open spaces are available and adequate to meet the needs created by residential development, and for the development, enhancement, improvement, amenitization, and remodeling of parks, trails, and public open space in the City. All expenditures from the fund shall be approved by the city manager.

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(g) *Community Development Fee*

- (1) In addition to any other requirements for parks contained in this chapter, a community development fee shall be assessed and collected for each residential unit at the time established in 38-288(f)(1) a. and b. above. The amount of the community development fee shall be set from time to time by the city council and added to the fee schedule. In lieu of a community development fee, a community services fee may be established for an individual development by a development agreement reviewed and approved by the city council.

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SECTION 3: COMMUNITY DEVELOPMENT FEE AND COMMUNITY SERVICES FEE ADJUSTMENT

The City's Master Fee Schedule shall be amended to reflect the new Community Development Fee and a new Community Services Fee, both in the amount of \$1375.00/unit as shown and calculated on Exhibit "A," attached hereto and incorporated herein for all purposes, showing the 2024 Van Alstyne Community Development Fee Calculation Methodology.

#### SECTION 4: SAVINGS/REPEALING CLAUSE.

This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance and such ordinances shall remain intact and are hereby ratified, verified and affirmed.

#### SECTION 5: SEVERABILITY.

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Van Alstyne hereby 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 6: EFFECTIVE DATE.

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

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Van Alstyne, Texas, on this the 5th day of March, 2024.

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Jim Atchison, Mayor

ATTEST:

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Jennifer Gould, City Secretary  
Publication: Herald Democrat, March 12, 2024

## Exhibit A

### COMMUNITY DEVELOPMENT METHODOLOGY

#### 2024 Van Alstyne Community Development Fee Calculation Methodology

Community Development Fee Inputs		
Variables	Calculation Factor	Description
Existing City Population	7,696	2018 City population estimate (US Census Bureau)
Number of Developed City Parks and community spaces	6 <sup>1</sup>	Count of all City-owned, developed parks or community spaces
Facilities Level of Service	1,282 people per developed City park and community space	Population/number of developed City parks or community spaces
Community Development Cost Factor	\$1,500,000	Cost estimate of developing one Neighborhood Park to desired level of service or community spaces
City Persons per Household	3.15	City of Van Alstyne Persons per Household per most recently available US Census data

#### Community Development Fee Formula:

**STEP 1:** Community Development Cost Factor/Facilities Level of Service – Community Development Cost per Person

\$1,500,000 neighborhood park cost/1,282 people per developed City park = \$1,170.05 per person

**STEP 2:** City Persons per Household X Community Development Cost per Person – Community Development Fee by Density

3.15 PPH x \$1,170.05 per person = \$3,685.66 per unit

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<sup>1</sup> Forrest Moore Park  
McKinney Wilson (East) Park  
Dorothy Fielder Park  
North Park  
Central Social District Park  
Eula Umphress and Robert Hynds Park