

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: PLANNING AND ECONOMIC DEVELOPMENT

AGENDA DATE: Intro on 3/22/2011 and Public Hearing on 3/29/2011

CONTACT PERSON/PHONE: Kathy Dodson/ (915) 541-4872

DISTRICT(S) AFFECTED: ALL

SUBJECT:

An Ordinance amending Title 19 (Subdivisions), Chapter 19.20 (Parks and Open Space), Section 19.20.030 (Parkland Calculation) and Section 19.20.050 (Standards for Deeded Parkland) , Chapter 19.23 (Lots-Determination and Regulation of Size) and Chapter 19.50 (Definitions) of the El Paso City Code to amend the park size requirements for residential development and parkland characteristics and improvements, to require front build-to lines on plats and to add definitions for build-to line, green, plaza, pocket park, and square. The penalty is as provided in Chapter 19.42 of the City of El Paso City Code.

BACKGROUND / DISCUSSION:

This ordinance contains several amendments to Title 19, as follows:

- An amendment that will allow for parks ¼ acre or greater in size to be dedicated to the City. The current code accepts parks that are 1 acre or greater.
- An amendment that requires street trees in the parkway along parks at 30-foot intervals.
- An amendment that modifies the frontage standards for parks. If parks are approved for alternative design, the park shall be completely bound by right-of-way (except for when abutting residential lots). The developer must provide pedestrian connectivity between park and adjacent lots and the park must share one boundary with a right-of-way. Also, the plat must include a front build-to line. This is a change from the current requirement of 100-ft of street frontage, except where approved by the Parks Director.
- An amendment to add language to the alternative design section designs to include Pocket Parks, Greens, Plazas and Squares. Definitions for each term are also being added to the Definitions section.
- An amendment that requires that all new single family and duplex lots show a front build-to line based the minimum setbacks dictated by the zoning district to provide for uniformity of frontages. Structures must be placed within five feet of the back of the build-to line. A note will also be placed on plats indicating that the garage door be recessed from the front door, meaning that the front of the house will be what is closest to the street. A definition for build-to line is also being added to the Definitions section.

PRIOR COUNCIL ACTION:

On November 30, 2010, the El Paso City Council approved moving forward with a Smart Growth implementation Plan. The items on the implementation plan have been divided into separate timelines and this is the first group of changes. Items can be expected in April, May and then throughout the rest of the calendar year.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee and City Plan Commission both recommended approval.

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____

(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS), CHAPTER 19.20 (PARKS AND OPEN SPACE), SECTION 19.20.030 (PARKLAND CALCULATION) AND SECTION 19.20.050 (STANDARDS FOR DEEDED PARKLAND), CHAPTER 19.23 (LOTS- DETERMINATION AND REGULATION OF SIZE AND CHAPTER 19.50 (DEFINITIONS) OF THE EL PASO CITY CODE TO AMEND THE PARK SIZE REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT AND PARKLAND CHARACTERISTICS AND IMPROVEMENTS, TO REQUIRE FRONT BUILD-TO LINES ON PLATS, AND TO ADD DEFINITIONS FOR BUILD-TO LINE, GREEN, PLAZA, POCKET PARK, AND SQUARE. THE PENALTY IS AS PROVIDED IN CHAPTER 19.42 OF THE CITY OF EL PASO CITY CODE.

WHEREAS, Title 19 (Subdivisions) of the El Paso City Code (the “Code”) was adopted to promote the health, safety, morals and general welfare of the community; and,

WHEREAS, the Subdivision Ordinance helps guide the physical development of the community by promoting orderly and healthful design, and particularly by providing adequate public facilities; and,

WHEREAS, the Subdivision Ordinance establishes the requirements for providing public park facilities in new development and,

WHEREAS, the City Council has determined that in some instances smaller park sites can promote the general welfare of the community and wishes to allow smaller park sites and amend park design criteria; and,

WHEREAS, requiring build-to lines places buildings closer to the street and designates the location of the facade thus better defining the public realm

WHEREAS, the City Plan Commission has recommended approval of the amendments, and the El Paso City Council finds that the amendments proposed herein will further protect and provide for the public health, safety, morals and general welfare of the community, and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. That Title 19, Subdivisions, Chapter 19.20 (Parks and Open Space), of the El Paso City Code is amended as follows:

1. **Section 19.20.030** (Parkland calculation), Subsection B (Types of parkland that may be Dedicated), Paragraph 1, is amended as follows:

B. Types of Parkland that may be Dedicated. The following park configurations of land may be proposed by the subdivider to meet the dedication requirements of this chapter. The lands to be dedicated and the type of dedication to be provided shall be based on the affirmative recommendation of the director of parks and recreation and the approval of the city plan commission. An alternative type of dedication may be recommended by the director of parks and recreation, based on the specific nature of the subject property. Any dedication that is proposed shall meet the requirements of Section 19.20.050, Standards, except as noted in this chapter.

1. Neighborhood Parks. Lands for parks that serve a neighborhood shall meet the following requirements:

a. The quantity of the parkland shall be as determined by the density of the residential subdivision submitted pursuant to Section 19.20.030. The developer may satisfy Section 19.20.030 by providing multiple park sites that comply with Section 19.20.050, for a residential subdivision application provided that under no circumstance shall a park site of less than 1/4 acres be approved by the city plan commission except where the commission finds that:

i. The residential subdivision application is submitted as an infill development,

ii. The subdivider demonstrates a derived public benefit based on usability and feasibility of the smaller park site, and

iii. The director of the parks and recreation department makes an affirmative recommendation on the smaller park site;

2. **Section 19.20.050** (Standards for deeded parkland), Subsection A (General Characteristics), is amended as follows:

General Characteristics. Parkland deeded to the city as provided in this chapter shall meet the standards set forth below and in the DSC:

1. The parkland should be placed in a central location within the subdivision or subdivisions that it serves, with the expressed goal that the park is no further than one-half mile measured by walking distance from any residence within the subdivision that it serves;

2. Where the subdivision is an initial phase of multiple phases, the park may be located so that it is accessible to the future phases, provided that the park meets the goal established in subsection (A)(1) above;

3. Parklands submitted for dedication shall be located so that users are not required to cross arterial roads to access the park site;

4. The entire boundary of the parkland shall abut either a public or private street, except that residential lots may abut parkland provided that the subdivider submits an alternative design, per Section 19.26.040, that incorporates the following standards:

a. Pedestrian connectivity between the parkland and adjacent lots is provided, and

b. That a front build-to line, in accordance with the zoning ordinance, is delineated on the plat so that residential structures face the park, and

c. The park site shall share at least one boundary line with a public or private street;

5. The parkland may be located adjacent to school sites, ponding areas, or public open space to facilitate shared facilities;

6. When parkland is deeded to the city as required by this title, the area of the park shall be calculated from the nearest property line or street right-of-way line, and not from the existing or proposed curb line of an adjacent street, unless park features are incorporated into the parkway, subject to an affirmative recommendation by the director of parks and recreation and approval by

the city plan commission. Sidewalks and signs shall not count as park features that allow the inclusion of the parkway area as part of the park area calculation;

7. Where possible, and as approved by the director of the parks and recreation department, parkland shall be designed and located within a subdivision to allow for an extension or connection to a public park or other public recreational facility within an abutting subdivision.

3. **Section 19.20.050** (Standards for deeded parkland), Subsection B (Minimum Improvements for lands to be Dedicated as Parklands), Paragraph 3 is amended to revise subparagraph g and add subparagraph j as follows:

B. Minimum Improvements for lands to be Dedicated as Parklands

3. An improved park shall, at a minimum, include the following:

- g. Perimeter lighting along adjacent public and private street rights-of-way;
- j. Street trees shall be provided in the parkway at 30-foot intervals.

4. **Section 19.20.050** (Standards for deeded parkland), Subsection B (Minimum Improvements for lands to be Dedicated as Parklands), Paragraph 4 is amended as follows:

4. The subdivider may choose to submit an alternative development proposal for the parkland to be dedicated. The alternative proposal shall create a suitable park-like character and meet the intent of this title and the direction provided by the city's parks and recreation master plan and open space plan. Alternative designs may include Pocket Parks, Greens, Plazas and Squares. The proposal will indicate the proposed alternative park facilities, their locations, and the cost to install such facilities. The proposal shall require an affirmative recommendation by the director of parks and recreation and approval by the city plan commission. The cost of such facilities shall at a minimum be equal to that of the basic park infrastructure listed in items subsection (B)(3)(a) through (B)(3)(i) above. Upon approval of the proposed alternative park development proposal, the subdivider may authorize preparation of construction documents for neighborhood park development.

Section 2. That Title 19, Subdivisions, Chapter 19.23 (Easements, Block and Lot Design and Improvement Standards), Section 19.23.040 (Lots – Determination and regulation of size), of the El Paso City Code is amended to add the following paragraph:

1. **Section 19.23.040** Lots- Determination and regulation of size

L. Building Lines.

1. Build-to lines for property located within the city limits shall comply with the building setback requirements of the appropriate zoning district except as permitted in Section 20.12.040 B. All plats for all single-family and duplex lots shall show front build-to lines. Once the build-to line has been designated on the plat, the dwelling or building must be built so that the dwelling or building is within five feet of the back of the build-to line, except that certain dwelling or building appurtenances, such as porches, carports, and patios, may be built beyond the build-to line as permitted in Section 20.12.040 B. Attached garages shall not project closer to the front line of the build-to line than does any other part of the front façade of the dwelling or building. The following note shall be placed on the plat: “The orientation of single-family and duplex structures shall comply with Section: 19.23.040.L.1 of the El Paso City Code.

2. Build-to lines for property located outside the city limits but within the city's extra territorial jurisdiction may be provided by the developer and shall be as determined by the subdivider.

Section 3. That Title 19, Subdivisions, Chapter 19.50 (Definitions), Section 19.50.030 (Definitions), of the El Paso City Code is amended to add the following definitions:

“Build-to line” means an alignment that establishes a certain distance from the curb line to a line along which the building shall be built. The goal of a build-to line is to establish a uniformity of building frontages.

“Green” means an Open Space, available for unstructured recreation. A Green may be spatially defined by landscaping rather than by building frontages. Its landscape shall consist of lawns and trees, naturalistically disposed. The minimum size shall be 1/2 acre and the maximum shall be 8 acres.

“Plaza” means an Open Space available for civic purposes and commercial activities. A Plaza shall be spatially defined by building frontages. Its landscape shall consist primarily of hard surface, such as pavement, concrete, stamped concrete or brick pavers. Trees are optional. Plazas should be located at the intersection of important streets. The minimum size shall be 1/4 acre and the maximum shall be 2 acres.

“Pocket Park” means an Open Space used for active or passive recreation, usually less than one acre.

“Square” means an Open Space available for unstructured recreation and civic purposes. A Square is spatially defined by building frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be location at the intersection of important thoroughfares. The minimum size shall be 1/2 acre and the maximum shall be 5 acres.

Section 4. Except as herein amended, Title 19, Subdivisions, of the El Paso City Code shall remain in full force and effect.

PASSED AND APPROVED this _____ of _____ 2011

THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

SIGNATURES CONTINUE OF FOLLOWING PAGE

APPROVED AS TO CONTENT:

Mathew McElroy,
Deputy Director
Planning & Economic Development

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney