

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

DEPARTMENT: Department of the City Manager
AGENDA DATE: March 27, 2007 - Ordinance Introduction
April 10, 2007 - Ordinance Public Hearing
CONTACT PERSON/PHONE: Patricia D. Adauto, Deputy City Manager
Development & Infrastructure Services
(915) 541-4853
DISTRICT(S) AFFECTED: All

CITY CLERK DEPT.
07 MAR 22 PM 5:03

SUBJECT:

An Ordinance amending Title 19 (Subdivisions) of the El Paso City Code by amending Chapter 19.12 (Parkland Dedication), Section 19.12.090 (Bonus Reductions for Recreational Improvements) amending Subsection 19.12.090A. (Bonus Reduction Applicability) in order to allow for up to a one hundred percent bonus reduction for private amenities provided within single-family and two-family development. The penalty being as provided in Section 19.04.190 of the El Paso City Code.

BACKGROUND / DISCUSSION:

The City Plan Commission, at its hearing on March 15, 2007, submitted a recommendation that the Parkland Dedication Chapter of the Subdivision Ordinance be modified to allow an additional bonus reduction for private park amenities. Currently, the Code allows the Commission to approve up to a 50% bonus reduction from the land dedication requirement for private park amenities within a subdivision of single-family development. The recommendation is to increase the bonus reduction opportunity to 100%, but in all cases requiring Commission approval of a reduction and subject to the affirmative recommendation of the Parks & Recreation Director. Additionally, the City staff is recommending that (1) additional language be incorporated to require an inspection of all proposed private amenities prior to City acceptance to insure that the improvements meet minimum Code standards; and (2) that no reduction is given if the improvements are required through a separate legal instrument on the property. Because of a pending application, the Commission has requested an expedited amendment process. The DCC will take comment on the proposed ordinance on March 28th, and the Commission will make its formal recommendation at their public hearing scheduled for April 5th. Upon submission of these recommendations, a supplemental staff report will be provided for your information.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Amendments to the Parkland Dedication Chapter of the Subdivision Ordinance have been presented to the El Paso City Council as follows:

- February 28, 2006, Ordinance No. 16192 – Amended the parkland dedication requirements by increasing the amount of land dedication required and the fees paid in lieu of land dedication, and reducing the minimum park size that would be allowed under certain circumstances.
- August 22, 2006, Ordinance No. – Amended the (1) fees paid in lieu of land dedication requirements by reducing the park fees based upon the actual costs of the improvements as recommended by the Parks and Recreation Department; and (2) amended the bonus reductions allowed for providing other amenities or improvements to the land dedication requirement by adding additional reduction opportunities requiring the approval of the City Plan Commission; including dedication of private parks and the dedication of other recreational amenities within and outside of a subdivision.
- December 27, 2006, Ordinance No. 16532 – Amended the park zones utilized for expenditure of fees paid in lieu of land dedication by substantively reducing the number of zones and expanding new park zone boundaries as recommended in the Parks Master Plan approved by the El Paso City Council.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

City Plan Commission action scheduled for April 5, 2007.

*******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:** _____

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AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS) OF THE EL PASO CITY CODE BY AMENDING CHAPTER 19.12 (PARKLAND DEDICATION), SECTION 19.12.090 (BONUS REDUCTIONS FOR RECREATIONAL IMPROVEMENTS) AMENDING SUBSECTION 19.12.090A. (BONUS REDUCTION APPLICABILITY) IN ORDER TO ALLOW FOR UP TO A ONE HUNDRED PERCENT BONUS REDUCTION FOR PRIVATE AMENITIES PROVIDED WITHIN SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT. THE PENALTY BEING AS PROVIDED IN SECTION 19.04.190 OF THE 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 City is reviewing the Subdivision Ordinance in order to provide improvements and additional flexibility to the development process while at the same time ensuring that the Code requirements for the amount of parkland required to be dedicated as part of new development are in direct proportionality to the development and rapid population growth in the City; and,

WHEREAS, the City desires to amend the Code to provide incentives to property owners to install parkland improvements; and,

WHEREAS, the City Plan Commission (CPC) has reviewed and recommends the adoption of the amendments as herein enumerated; and,

WHEREAS, the El Paso City Council finds that the adoption of these amendments will further protect and provide for the public health, safety, morals and general welfare of the community, and will carry out the purpose and spirit of the policies expressed in *The Plan for El Paso*.

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

Section 1. That Title 19 (Subdivisions), Chapter 19.12 (Parkland Dedication) of the El Paso City Code shall be and hereby is amended by replacing Subsections 19.12.090 A. (Bonus reductions for recreational improvements.) and Subsection 19.12.090 A.3. with the following language:

A. Bonus Reduction Applicability. The city plan commission, upon an affirmative recommendation of the director of the parks and recreation department, may reduce the amount of parkland to be deeded to the city or reduce the fees in lieu of parkland to be paid to the city, which is part of a subdivision application as provided below. The percent reduction proposed by affirmative recommendation of the director of the parks and recreation department, for single-family, two-family or multi-family development, shall depend upon inspection and approval by city personnel and municipal code compliance of existing and new facilities.

3. Up to a one-hundred percent reduction from the initial parkland dedication requirement for the installation and maintenance of private park amenities such as recreational turf and irrigation, playground equipment or other recreational facilities, to include picnic areas, hike/bike trails, playfields, swimming pools and recreation center buildings and facilities by the property owner within a single-family and two-family development, based on the formula in this section. For purposes of this subsection, the private part shall:

- a. Be privately improved to not less than the minimum standards of Sections 19.12.050(A) and 19.12.050(C).

Under no circumstance shall a bonus reduction be approved for required improvements to parkland as provided in Section 19.12.050(C), nor shall a bonus reduction be approved for recreational improvements to parkland which are required to be provided by the subdivider as part of a separate legal instrument, condition, covenant, contract, agreement, sale or ordinance.

Section 2. This ordinance shall be effective upon passage by the El Paso City Council and apply to all applications submitted on or after such date, except as may be provided for by Chapter 245 of the Texas Local Government Code or separate agreement.

Section 3. Except as herein amended, Title 19 (Subdivisions) of the El Paso City Code shall remain in full force and effect.

PASSED AND APPROVED this _____ day of _____, 2007.

CITY CLERK DEPT.
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THE CITY OF EL PASO

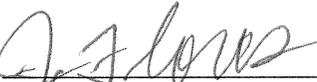
John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Josette Flores
Assistant City Attorney



Patricia D. Adauto, Deputy City Manager
Development & Infrastructure Services

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ORDINANCE NO. _____