

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

**DEPARTMENT:** Department of the City Manager  
**AGENDA DATE:** May 9, 2006 Ordinance Introduction  
May 23, 2006 Ordinance Public Hearing  
**CONTACT PERSON/PHONE:** Patricia D. Aduato, Deputy City Manager  
Development & Infrastructure Services  
(915) 541-4853

**DISTRICT(S) AFFECTED:** All

**SUBJECT:**

An Ordinance amending Title 19 (Subdivisions) of the El Paso City Code by amending Chapter 19.12 (Parkland Dedication) by adding Subsection 19.12.030A.3 (Parkland Calculation) in order to provide an exception for the dedication of parkland required to be deeded to the City for multi-family developments of ten or less units; amending Section 19.12.090 (Bonus Reductions for Recreational Improvements) in order to allow for up to a one hundred percent bonus reduction for private amenities provided within multi-family development and open space amenities in general; amending Subsection 19.12.090B (Bonus Reductions for Recreational Improvements) to revise the calculation formula; and amending Subsection 19.12.100B.1 (Fee in Lieu of Parkland Dedication) in order to decrease the park fee to be paid to the city in lieu of parkland dedication. The penalty being as provided in Section 19.04.190 of the El Paso City Code.

An Ordinance amending Title 19 (Subdivisions), Chapter 19.04 (General Provisions), of the El Paso City Code by amending Subsection 19.04.170.A (Modifications of Conditions) in order to clarify the authority and scope of the City Plan Commission in granting modifications to the Subdivision Regulations of Title 19; and amending Subsection 19.04.170.C (Modifications of Conditions) in order to allow a request for modification to be submitted at any time prior to the recording of the plat. The penalty being as provided in Section 19.04.190 of the El Paso City Code.

**BACKGROUND / DISCUSSION:**

On February 28, 2006, the El Paso City Council approved Ordinance No. 16192 which amended the parkland dedication requirements contained within the Subdivision Ordinance by increasing the amount of land dedication required (calculation) and the fees paid in lieu of land dedication, and reducing the minimum park size that would be allowed under certain circumstances. Following the Council passage of the regulations, the Parks staff re-evaluated the improvements that would be provided within a park and as a result is recommending an adjustment to the fees. (See attached Parks memorandum). Additionally, proposed textual changes are recommended to allow flexibility on modifications and bonus reductions which may requested as part of the plat consideration. Also attached is a matrix of the proposed changes in a comparison format from the existing text.

**PRIOR COUNCIL ACTION:**

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

N/A

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**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

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**BOARD / COMMISSION ACTION:**

Enter appropriate comments or N/A

N/A \_\_\_\_\_

\*\*\*\*\*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:** \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS) OF THE EL PASO CITY CODE BY AMENDING CHAPTER 19.12 (PARKLAND DEDICATION) BY ADDING SUBSECTION 19.12.030A.3. (PARKLAND CALCULATION) IN ORDER TO PROVIDE AN EXCEPTION FOR THE DEDICATION OF PARKLAND REQUIRED TO BE DEEDED TO THE CITY FOR MULTI-FAMILY DEVELOPMENTS OF TEN OR LESS UNITS; AMENDING SECTION 19.12.090 (BONUS REDUCTIONS FOR RECREATIONAL IMPROVEMENTS) IN ORDER TO ALLOW FOR UP TO A ONE HUNDRED PERCENT BONUS REDUCTION FOR PRIVATE AMENITIES PROVIDED WITHIN MULTI-FAMILY DEVELOPMENT AND OPEN SPACE AMENITIES IN GENERAL; AMENDING SUBSECTION 19.12.090B. (BONUS REDUCTIONS FOR RECREATIONAL IMPROVEMENTS) TO REVISE THE CALCULATION FORMULA; AND AMENDING SUBSECTION 19.12.100B.1. (FEE IN LIEU OF PARKLAND DEDICATION) IN ORDER TO REVISE THE TIME AT WHICH FEES IN LIEU OF PARKLAND DEDICATION ARE CALCULATED FOR CERTAIN APPLICATIONS AND DECREASE THE PARK FEE TO BE PAID TO THE CITY IN LIEU OF PARKLAND DEDICATION. 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 Code provides that fees may be paid in certain circumstances in lieu of parkland being dedicated to the City; and further review of current land prices and development costs has lead to the determination that further revision is needed to the current fee structure in order to provide parkland that provides sufficient amenities for use by the public; and,

**WHEREAS**, the Development Coordinating Committee (DCC) and 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 adding Subsection 19.12.030A.3. (Parkland calculation) with the following language:

A. Rate.

3. Exception. Notwithstanding the foregoing, if ten (10) or less dwelling units are proposed as part of a multi-family development, no parkland fees or parkland dedication is required. Documentation verifying the gross density shall be provided as set forth under 19.12.030B.2.

**Section 2.** That Title 19 (Subdivisions), Chapter 19.12 (Parkland Dedication) of the El Paso City Code shall be and hereby is amended by adding Subsections 19.12.090 A.4. and 5. (Bonus reductions for recreational improvements.) with the following language:

4. Up to a one-hundred percent reduction from the initial parkland dedication requirement for the installation and maintenance of private amenities such as landscaping, 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 multi-family development, based on the formula in this section.

5. Up to a one-hundred percent reduction from the initial parkland dedication requirement for the dedication and development of alternate open space amenities, to include but not limited to landscaping, irrigation, playground equipment or other recreational facilities, picnic areas, hike and bike trails, playfields, swimming pools and recreation center buildings and facilities, located inside or outside the boundaries of the subdivision, and located within the same park zone as the subdivision. The calculation of the reduction shall be based on the formula in this section.

**Section 3.** That Title 19 (Subdivisions), Chapter 19.12 (Parkland Dedication) of the El Paso City Code shall be and hereby is amended by shall be and hereby is amended by

replacing Subsection 19.12.090 B. (Bonus reductions for recreational improvements.) in its entirety with the following language:

B. Bonus Reduction Calculation. A bonus reduction approved under this section shall be determined according to the following procedure:

a/100 = b, for single-family and two-family developments; and,

a/200=b, for multi-family developments.

"a" is the actual cost of the improvement(s);

"b" is the bonus reduction expressed in number of units.

**Section 4.** That Title 19 (Subdivisions), Chapter 19.12 (Parkland Dedication) of the El Paso City Code shall be and hereby is amended by replacing Subsections 19.12.100 B.1. (Parkland calculation) in its entirety with the following language:

B. Fee Calculation. For applications submitted on or after February 28, 2006, through May 23, 2006, and for which the fee is not due and has not been paid on or before May 23, 2006, the calculation of the fee paid in lieu of parkland dedication shall be based on the formula set forth in the ordinance adopted by City Council on May 23, 2006. Thereafter the calculation of the fee paid in lieu of parkland dedication shall be based on the formula set forth in this Chapter in effect at the time of the submission of the application, except as otherwise provided for State law or separate agreement. Where the city requires or accepts payment of cash in lieu of the dedication of parkland, such payment shall be equivalent to the following:

1. Residential Subdivisions.

a. Single-family and two-family: One thousand three hundred seventy dollars (\$1,370.00) per dwelling unit;

b. Multi-family: Six hundred eighty dollars (\$680.00) per dwelling unit.

**Section 5.** 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 6.** 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 \_\_\_\_\_, 2006.

**THE CITY OF EL PASO**

\_\_\_\_\_  
John F. Cook  
Mayor

**ATTEST:**

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Carolyn J. Crosby  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Rodolfo Valdez, Chief Urban Planner  
Development Services Department

**19.12.030 Parkland calculation.**

**A. Rate.**

Where a residential subdivision application is filed, the amount of parkland required to be deeded to the city shall be as follows:

1. Single-Family and Two-Family. One acre of parkland for every two hundred dwelling units calculated as follows:

$$x = y/100$$

x is the density (dwelling units per acre) of the subdivision; and,  
y is the amount of acres of parkland required to be deeded.

2. Multifamily. One acre of parkland for every four-hundred twenty-five dwelling units calculated as follows:

$$x = y/200$$

x is the density (dwelling units per acre) of the subdivision; and,  
y is the amount of acres of parkland required to be deeded.

3. Exception. Notwithstanding the foregoing, if ten (10) or less dwelling units are proposed as part of a multi-family development, no parkland fees or parkland dedication is required. Documentation verifying the gross density shall be provided as set forth under 19.12.030B.2.

**19.12.090 Bonus reductions for recreational improvements.**

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:

1. Up to a twenty-five percent reduction from the initial parkland dedication requirement for recreational improvements to the proposed parkland within the subdivision application that generates the required conveyance;

2. Up to a one-hundred percent reduction from the initial parkland dedication requirement for recreational improvements to parkland within the same park zone as the subdivision application that generates the required conveyance. Such recreational improvements to parkland may include, but are not limited to, the following: children's play apparatus; landscaped areas; family picnic areas; game court areas; playfields; swimming pools; and recreation center buildings and facilities;

3. Up to a fifty percent reduction from the initial parkland dedication requirement where a privately owned and maintained park is provided within the subdivision

application that generates the required conveyance. For purposes of this subsection, the private park shall:

a. Be privately improved to the minimum standards of Sections 19.12.050(A) and 19.12.050(C); and

b. Be within a subdivision designed for single-family dwellings, two-family dwellings, or single-family mobile homes.

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.

4. Up to a one-hundred percent reduction from the initial parkland dedication requirement for the installation and maintenance of private amenities such as landscaping, 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 multi-family development, based on the formula in this section.

5. Up to a one-hundred percent reduction from the initial parkland dedication requirement for the dedication and development of alternate open space amenities, to include but not limited to landscaping, irrigation, playground equipment or other recreational facilities, picnic areas, hike and bike trails, playfields, swimming pools and recreation center buildings and facilities, located inside or outside the boundaries of the subdivision, and located within the same park zone as the subdivision. The calculation of the reduction shall be based on the formula in this section.

B. Bonus Reduction Calculation. A bonus reduction approved under this section shall be determined according to the following procedure:

$a/100 = b$ , for single-family and two-family developments; and,

$a/200 = b$ , for multi-family developments.

"a" is the actual cost of the improvement(s);

"b" is the bonus reduction expressed in number of units.

#### **19.12.100 Fee in lieu of parkland dedication.**

B. Fee Calculation. Where the city requires or accepts payment of cash in lieu of the dedication of parkland, such payment shall be equivalent to the following:

1. Residential Subdivisions.

a. Single-family and two-family: One thousand three hundred seventy dollars (\$1,370.00) per dwelling unit;

b. Multifamily: Six hundred eighty dollars (\$680.00) per dwelling unit.

Deleted: 300

Deleted: three hundred

Deleted: one hundred forty-five