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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) TO PROHIBIT APPLICABILITY IN UNDERSERVED PARK ZONES, TO ADD A REQUIREMENT CONCERNING NECESSARY IMPROVEMENTS, AND TO ALLOW FOR UP TO A ONE HUNDRED PERCENT BONUS REDUCTION FOR PRIVATE AMENITIES PROVIDED WITHIN SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT AND AMENDING SUBSECTION 19.12.120 (APPLICABILITY) TO ADDRESS THE APPLICABILITY OF THE AMENDMENT, 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, careful consideration to bonus reductions for private park amenities should be given to ensure no detrimental impact to an area that is underserved; and,

WHEREAS, the City Plan Commission (CPC) has reviewed and submitted its recommendations to the El Paso City Council; 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. is amended as follows:

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, two-family and multifamily development, based on the formula in this section. For purposes of this subsection, the private park shall:

- a. Be privately improved to more than twice 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. Further, no bonus reduction shall be approved for private park amenities in an underserved park zone. An underserved park zone is a park zone in which a public park does not exist within one thousand feet of the proposed subdivision.

Section 2. 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.4. is deleted in its entirety.

Section 3. That Title 19 (Subdivisions), Chapter 19.12 (Parkland Dedication) of the El Paso City Code shall be and hereby is amended by replacing Subsections 19.12.120 (Applicability) is amended by adding the following paragraph:

- D. **Bonus Reduction for Recreational Improvements.** Any subdivision application that is still in process and has not been recorded with the County Clerk's office may request a

bonus reduction under the provisions of Section 19.12.090 by filing a subdivision application.

Section 4. 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 5. 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.

THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

CITY CLERK DEPT.
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